NO. 35116-02-03

CHRISTOPHER STOECKLER and WENDY STOECKLER, Plaintiffs,	)	IN THE DISTRICT COURT
VS.	)	159th JUDICIAL DISTRICT
AMERICAN OIL COMPANY, (sued individually and as successor-in-interest to AMOCO OIL COMPANY and AMOCO, INC.), et al. Defendants.	)	ANGELINA COUNTY, TEXAS

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TELEPHONIC ORAL DEPOSITION OF
THOMAS G. DICKSON
OCTOBER 22, 2003
ORIGINAL

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TELEPHONIC ORAL DEPOSITION OF THOMAS G. DICKSON, produced as a witness at the instance of the Plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on the 22nd of October, 2003, from 11:57 a.m. to 1:52 p.m., before Rebecca L. Stonerock, RPR, reported by machine shorthand, at 900 Adams Street, Toledo, Ohio, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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ALSO PRESENT:
MR. THOMAS G. DICKSON,
The Witness; and
MS. REBECCA L. STONEROCK,
The Court Reporter.

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PROCEEDINGS

THOMAS G. DICKSON

Having been first duly sworn, was examined and testified as follows:

EXAMINATION OF THOMAS G. DICKSON

BY MR. SMITH-GEORGE:

Q. Good afternoon, Mr. Dickson.
A. Good afternoon.
Q. It may be "good morning" where you are. Could you identify yourself for the record, please?
A. Thomas G. Dickson, D-I-C-K-S-O-N.
Q. And are you currently employed?
A. No, I'm retired.
Q. Okay. When did you retire?
A. About three years ago.
Q. And where did you retire from?
A. I retired from Dana Corporation out of Toledo.
Q. At the time you retired, what was your job category?
A. I was a project engineer assigned to the transmission division.
Q. And how long had you worked for Dana?
A. About 36 years, 37 years.
Q. Were you always employed by Dana Corporation

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during that 36 years?
A. Yes.
Q. And you understand that you're appearing today pursuant to a request for the most knowledgeable person at Dana Corporation regarding friction products?
MR. RADCLIFFE: Well, this is Tom Radcliffe, and I'm not sure that that's accurate because the deposition notice that we have simply states "Tom Dickson." It doesn't give us any categories. We were never served with a deposition notice under Texas Rules that required us to come forward with a corporate spokesperson, a corporate representative.
We are producing Mr. Dickson to testify about his work experience and knowledge about the clutches that Dana manufactured and sold, but we don't -- this has not been noticed as a corporate rep deposition.
MR. SMITH-GEORGE: I appreciate that.
Q. I don't have a CV for you, so I'd like to kind of walk through your background. Can you tell me first how far did you go in school?
A. I graduated with a BS in engineering, and then during my work experience with Dana I received a

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master's out of Bowling Green.
Q. And where was your BA received from?
A. It was a BS out of Ohio University.
Q. Okay. When did you -- when did you get that degree?
A. Sixty-four.
Q. And after you got your degree, where were you employed?
A. Dana Corporation, transmission division.
Q. And in the transmission division -- was that in 1964?
A. Yes, it was.
Q. In that division, what was your job duties?
A. I was a hired -- hired initially as an engineer in training for approximately a two-year program they had.
Q. And where did you go after that?
A. I worked in the transmission divisional offices as a draftsman for a short period of time, and then went to the standard parts division in the service parts area.
Q. And when did that occur?
A. Approximately '67.
Q. What was -- when you were an engineer in training, what type of training did you receive?

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A. It ranged from project engineering to process engineering. Had to do with time study. Almost all of the aspects of the engineering portion of the manufacturing area.
Q. At the point in time where you began with Dana in 1964, were they manufacturing any asbestos-containing friction products?
A. Not to my knowledge. I don't recall Dana manufacturing any asbestos-containing friction product material.
Q. Did they manufacture any during the 36 years that you worked there -- or 30 years?
A. Not to my knowledge.
Q. Are you familiar with their acquisition of Victor gaskets?
A. Only at arm's length. I knew they did it.
Q. Do you know when that occurred?
A. I can't recall exactly.
Q. Can you give me a decade?
A. I would guess it was in the 80's --
MR. RADCLIFFE: Don't guess.
THE WITNESS: All right. I --
MR. RADCLIFFE: If you know, say so. But if you don't know --
A. I really don't know for sure.

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Q. Now, did -- at any point in time during your career at Dana, did they manufacture transmissions?
A. Yes.
Q. And when did that begin?
A. When I started in 1964, they were in the process of manufacturing transmissions. And I basically left Dana when the transmission division was sold to an affiliate in Mexico.
Q. And that was in what year?
A. It was about three years ago. So it was about '99, 2000. Someplace in there.
Q. Were they manufacturing both manual and automatic transmissions?
A. To the best of my knowledge, they only manufactured manual transmissions.
Q. What type of cars -- in what makes or model cars could the transmissions manufactured by Dana be installed?
MR. RADCLIFFE: Object to the form. Go ahead.
A. They did not manufacture transmissions for cars that I knew of.
Q. What did they -- what type of motorized equipment was the transmission manufactured for?
A. Transmission manufacturing was for trucks.

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Q. What type of trucks?
A. Medium and heavy-duty. The smallest transmission I recall them manufacturing was for the deuce-and-a-half size military vehicle.
Q. And the largest?
A. The largest would go in the 18-wheelers.
Q. Would Dana sell these transmissions to entities that would incorporate them into vehicles that were sold in the commercial market?
MR. RADCLIFFE: Object to form. Go ahead.
A. Could you repeat that question?
Q. Were these transmissions sold directly to the manufacturers of the trucks?
A. Yes.
Q. And whom did they sell their transmissions to?
A. I could not give you all of the manufacturers, but the major ones would be Mack Truck -- or -- yeah, Mack Truck, Ford, Peterbilt, Kenworth, Freightliner, International Harvester or Navistar, White Motor, GM. I think that's it.
Q. Do you know if they were the exclusive supplier of transmissions for those entities?
A. No, they were not.
MR. RADCLIFFE: When you say -- when you

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say "they," you are talking -- Mr. Smith-George, you are talking Dana, right?
MR. SMITH-GEORGE: Correct.
MR. RADCLIFFE: Okay.
Q. When the transmissions -- the manual transmissions were manufactured, did they incorporate asbestos-containing clutch discs?
MR. RADCLIFFE: Object to the form.
DEFENSE COUNSEL: Object to form.
MR. RADCLIFFE: Go ahead.
A. They did not contain clutch discs that I knew of.
Q. Did any of the parts of the transmission contain asbestos that were manufactured by Dana?
A. Not to my knowledge.
MR. RADCLIFFE: I don't want you to be confused here, Mr. Smith-George. Do you understand that a clutch is a completely different piece of equipment than a transmission?
MR. SMITH-GEORGE: I do and I don't.
MR. RADCLIFFE: Okay.
MR. SMITH-GEORGE: Why don't -- I see what you're saying.
Q. Did the transmission have any gaskets?
A. Yes.

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Q. And what type of material were the gaskets made out of?
A. I don't know.
Q. Do you have any knowledge of Dana Corporation, during the time that you worked for them, selling asbestos-containing gaskets?
A. Not to my knowledge.
Q. Did any of your job duties during the course of your employment at Dana Corporation involve asbestos-containing gaskets?
A. Not to my knowledge.
Q. Do you have any knowledge of what parts Dana manufactured under the Victor trade name?
A. I know they manufactured gaskets, but that's about the extent of it.
Q. And are you aware that they manufactured manifold gaskets and head gaskets?
A. Yes.
Q. And were you aware that those gaskets were made with a blend of elastomers and long asbestos fibers --
MR. RADCLIFFE: Object to the form.
Q. -- combined in a patented process to make a gasket that gives you total sealing under the toughest racing conditions?

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MR. RADCLIFFE: Object to the form.
A. No.
Q. Are you aware of whether Dana Corporation or any of the entities under their control ever manufactured brakes?
A. No, not to my knowledge.
Q. Are you aware of whether Dana Corporation or any of the entities under their control sold brakes?
MR. RADCLIFFE: Object to the form. Go ahead.
A. I believe they sold some attached to axle products.
Q. Okay. And did they manufacture the axle products, "they" meaning Dana?
A. They manufactured the -- the axle components, but the brake components were purchased and attached.
Q. And do you know whom the brake components were purchased from?
A. No, I don't.
Q. Do you know anybody in the corporation who would have that knowledge?
A. No, I don't.
Q. Do you know how long Dana Corporation manufactured axle components?
A. No, I couldn't give you the exact time frame.

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Q. Do you know under what trade name those axle components were manufactured under?
A. The axle assemblies were sold under Spicer Axle or Spicer Heavy-Duty Axle.
Q. And what type of vehicles were those axle components incorporated into?
A. The axle components ranged from light truck up through heavy truck.
Q. Would it be the same type of vehicles that the transmissions were manufactured for?
A. They went into a smaller vehicle than some of the transmissions would go into.
Q. What -- were these axle components sold directly from Dana to the manufacturers of the vehicles?
A. Yes.
Q. And can you tell me what entities purchased those axle components?
A. Again, I can't name all of them. I would say Ford and GM, Chrysler were the major supply -- customers.
Q. How about the truck manufacturers that you mentioned earlier, International Harvester, Mack and the like?
A. Most of the same ones, yes. I don't believe

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they sold to the West Coast, the Freightliner/ Kenworth/Peterbilt group, but they sold some to Navistar, Mack, Ford.
Q. Is there anybody in the corporation who has more knowledge about the sale of the axle components than you?
A. I'm sure there is. However, I don't have a name.
Q. When -- did Dana Corp. assemble the axle components into a completed product?
A. "Completed" you mean an axle or "completed" you mean a vehicle?
Q. I mean an axle.
A. Yes, they sold completed axles.
Q. And they included brake assemblies?
A. In some cases, I believe.
Q. Which cases would it include brake assemblies and which cases would it not?
A. I'm not knowledgeable of that. It depended on how the customer would specify the purchase.
Q. Were these -- what type of brakes were attached to these axle components, disc or drum?
A. Again, I'm not knowledgeable of that.
Q. Do you know how long Dana manufactured this product, when it began and when it ended?

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A. What is "this product"?
Q. The axle components we've been talking about.
A. Dana's manufactured axles at least since World War I, and I'm not sure if it was before that or not.
Q. Are they currently manufacturing them today?
A. Yes.
Q. And am I correct that you don't have any personal knowledge of the composition of the friction materials that are attached to the brake assemblies in those cases where brake assemblies were incorporated into the axles that were sold by Dana?
A. I do not have any knowledge of the composition of the brake assemblies attached to the axle.
Q. Do you -- when did -- if you know, when did Dana acquire Spicer?
MR. RADCLIFFE: Object to the form. Spicer -- Spicer what?
MR. SMITH-GEORGE: Spicer division.
MR. RADCLIFFE: Object to the form.
Q. Let me strike that and ask you a different question.
A. Good.
Q. Was the Spicer division of Dana a separate

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entity that was -- was ultimately acquired by Dana, or was it an entity created by Dana?
A. Spicer was an engineer that developed a universal joint about 1903. Dana was a financial person that bought him out. From there they built Dana Corporation, which consisted of a number of divisions. Four of them sold under the Spicer trademark: Axle, clutch, transmission and universal joint.
Q. When did the Spicer division begin selling clutches?
A. In the late 40's.
Q. And do they continue to do that today?
A. Yes -- well, no. They were sold to Eaton. Clutch division was sold to Eaton Corporation.
Q. And when was that?
A. I can't give you an exact time. It was in the late 90's.
Q. Was Eaton one of the entities, if you know, that sold brake assemblies to Dana for incorporation into their axle components?
A. I don't know what Eaton sold to Dana or what Dana sold to Eaton.
Q. During the manufacture -- what type of clutches did Dana manufacture?

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A. Various clutches, primarily for the heavy truck market.
Q. And were these clutches that were incorporated into manual transmissions?
A. Yes.
Q. Did Dana ever manufacture clutches that were incorporated into automatic transmissions?
MR. RADCLIFFE: Object to the form. Go ahead.
A. No. In the late 90's there were some people that were automating a manual transmission and clutch with electronics and hydraulics, but it was not an automatic transmission as an Allison or a passenger car automatic transmission.
Q. Did the clutches that were manufactured by Dana for the use with manual transmissions contain an asbestos disc with a flywheel?
DEFENSE COUNSEL: Object to form.
MR. RADCLIFFE: I'm sorry, we had a siren interfere with that question. Would you mind repeating it, please?
MR. SMITH-GEORGE: Sure.
Q. Did the clutches that Dana manufactured for manual transmissions contain an asbestos disc for the flywheel?

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DEFENSE COUNSEL: Objection, form.
MR. RADCLIFFE: Objection, form. Go ahead.
A. Spicer manufactured clutches that contained a nonasbestos material and an asbestos material depending on which assembly you purchased.
Q. How -- when did they first begin manufacturing a clutch with a nonasbestos-containing disc for the flywheel?
A. I believe they were manufacturing that when Dana purchased the clutch division.
Q. In the 19 -- when?
A. In the late 40's, yeah.
Q. What type of application would permit the use of a nonasbestos-containing disc for the flywheel as opposed to using asbestos-containing?
MR. RADCLIFFE: Object to the form.
A. Any -- any application that you could use an asbestos-faced material in you could use a nonasbestos-faced material, as far as I can picture. There are some cases you could use a nonasbestos material or a ceramic material that you could not use an asbestos-faced material.
Q. If the materials were interchangeable, why did -- why was an asbestos clutch face used?

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MR. RADCLIFFE: Object to the form.
A. The asbestos material was liked in some cases by the customer because of its engagement characteristics. When the driver engaged the clutch, it was somewhat smoother than the ceramic material at that time.
Q. Do you know who supplied the asbestos-containing clutch facing?
A. H.K. Porter and Raybestos were our two main sources.
Q. How long did Dana manufacture clutches for manual transmissions that contained an asbestos-containing flywheel?
MR. RADCLIFFE: Object to the form.
A. Asbestos-containing material was in some of the clutches when the -- when Dana Corporation purchased the clutch division, and it was eliminated from clutches in 1984.
Q. Do you know why they made the decision to no longer use clutch facings that contained asbestos in 1984?
A. There were a number of reasons, but the engagement characteristics of the ceramic material had been improved drastically, the engine characteristics developing higher torques had required a higher

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coefficient of friction than the asbestos material contained, and the general feeling of the public against asbestos had required us to look elsewhere for a facing material.
Q. When you looked elsewhere for a facing material, what steps did you take to replace the asbestos?
A. Again, there were a number of steps. We started in 19 -- well, in the mid 70's, let's say, and requested our suppliers to look at alternative materials that would give us the same characteristics as the asbestos material.
Q. Why didn't you simply use the ceramic materials that you were using in your nonasbestos-containing clutch flywheels?
A. Again, because the general feeling -- or not the general feeling, but the feeling by many customers that there was a smoother engagement with the asbestos material than the ceramic material.
Q. On overall performance, other than the smooth engagement, was there any significant difference between the performance of the asbestos-containing flywheels and the nonasbestos-containing flywheels?
A. Again, if you're referring to nonasbestos as the ceramic, the ceramic material would -- was capable

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of higher torque capacities, it would wear at a much lower rate so that you could obtain approximately twice the life of the clutch. The negatives to it were it was slightly more aggressive in engagement and it had the potential to machine or cut the mating surfaces such as the flywheel.
Q. What other materials did you use besides ceramic?
A. When we moved away from asbestos lining, we moved into a glass type of fiber lining.
Q. So up from the beginning in the 1940's until 1985, the only two uses of materials you had was either asbestos-containing or ceramic for the flywheels --
MR. RADCLIFFE: Object to the form.
Q. -- is that correct?
A. In 1983 we offered the asbestos -- the nonasbestos fiberglass type material.
Q. And how well did that perform?
A. It performed very nearly the same as the asbestos material. That's what we eventually superseded the asbestos material with, and it was a matter of convincing our customers that it was capable of doing the same type of job as the asbestos material was.

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Q. So in 1983 when you introduced the fiberglass substance, you actually had three alternatives: A customer could purchase either the ceramic, the fiberglass or the asbestos-containing; is that correct?
A. That's correct.
Q. And then by 1985 you had phased out the asbestos-containing?
MR. RADCLIFFE: Object to the form. Go ahead.
A. 1984 -- January 1, 1984 we stopped providing asbestos-faced material.
Q. Did you -- did Dana take any steps to recall or retrieve the asbestos-containing flywheels that had been marketed prior to January 1 of 1984?
A. No. The -- we did not feel there was any problem with the asbestos-containing driven discs. It was a matter of moving to another type of material that was not as -- as objectionable to some of the public.
Q. Could the fiberglass-containing flywheels be used as replacement parts for those vehicles that had been originally manufactured with the asbestos-containing flywheels?
MR. RADCLIFFE: I don't mean to interrupt,

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but you keep on saying "flywheel," and I think that Mr. Dickson has indicated that it's actually the driven disc that may be asbestos-containing and not the flywheel, just to be technically correct.
Q. Well, why don't we be really technically correct and have you explain for me on the record, Mr. Dickson, what is the part of the manual transmission that contained asbestos.
MR. RADCLIFFE: Object to the form.
A. The manual transmission doesn't contain asbestos that I know of.
Q. All right. What is the part of the clutch that's incorporated into the manual transmission that contains asbestos?
A. The clutch is a separate component in the power train. There's an engine, a clutch, a transmission, a drive line and an axle. A clutch is bolted to the flywheel and the clutch contains -- typical clutch contains, in a heavy truck, two driven discs, an intermediate plate and what we call a flywheel ring or clutch cover. And that's what's bolted to the flywheel.
Q. What do you mean by a "driven disc"?
A. Driven discs are the discs that are driven -- that -- that basically drive the input shaft of the

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transmission. The clutch is bolted to the flywheel. When the pedal is down in the cab, the clutch is released, which means the plate load, or spring load of the clutch, is taken -- is taken off of it so that the driven disc is free to turn separately from the flywheel. As the driver engages the clutch, it squeezes the driven disc, the intermediate plate and the flywheel together to lock them up.
Q. So in that transmission -- in that clutch there are two -- two discs, one for each driven --
A. In a -- in a typical 14-inch clutch, which was the major seller at that time for heavy truck, there were two driven discs, an intermediate plate, a clutch cover assembly, yes.
Q. Did each of the driven discs contain a -- in those trucks where you used asbestos as a material on a disc, did each of those discs contain that material?
MR. RADCLIFFE: Object to the form.
A. Yes, the disc would -- would contain the same material on both discs.
Q. And back to my original question, which is if you were repairing a truck that had originally been equipped with a clutch that had the asbestos material on those two driven discs, could you use your fiberglass material as a replacement when a repair was

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necessary?
A. You could use the ceramic or the fiberglass material. The clutches were changed as a complete component, meaning that you changed the driven disc, the intermediate plate and the cover all at the same time.
Q. And there wouldn't be any problems associated with replacing those driven discs with discs that contained either ceramic or fiberglass --
MR. RADCLIFFE: Object to the form.
Q. -- any --
A. Providing there wasn't any excess wear on the flywheel, that's correct.
Q. And if there was wear on the flywheel?
A. Then you would need to resurface the flywheel before you did it.
Q. Okay. But you could still use either material?
A. Correct.
Q. When, if ever, during the course of your career at Dana did you become aware of any information that exposure to asbestos could cause potential health problems?
MR. RADCLIFFE: Object to the form. Go ahead.

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A. I don't know that I can give you a date. I would say sometime in the 70's, mid 70's.
Q. Can you tell me how you gained that information?
A. Magazines, newspapers, general discussion, concerns of -- of people.
Q. Was there -- did you ever receive any written information from your employer that exposure to asbestos had the potential of causing health problems?
A. Not that I can recall, no.
Q. When a mechanic replaces or repairs a manual transmission in a truck, what, if anything, would he have to do to the faces or the material to the driven discs?
MR. RADCLIFFE: Object to the form.
A. Replacing the transmission has -- you would not even touch the clutch facing material.
Q. Is there any occasion where you would repair the clutch without replacing the transmission?
MR. RADCLIFFE: Object to the form.
A. If you mean repair the clutch by changing the clutch, yes, the clutch could be changed without changing the transmission.
Q. And when you -- I'm just trying to see if I understand this. When you are changing the clutch,

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you would simply -- "simply" is probably not the proper term, but you would replace the driven discs in toto?
MR. RADCLIFFE: Object to the form.
A. Yes, normally you would replace the whole clutch. You would unbolt it from the flywheel and bolt a new clutch with driven discs to the flywheel.
Q. And during that process, it's your opinion that you would never have to manipulate the faces of the driven discs?
MR. RADCLIFFE: Object to the form.
A. No, you wouldn't -- normally they -- you didn't do anything to the faces. You picked the products up and put them aside, but that was it.
Q. Do you know the percentage of asbestos that was present in the asbestos discs that were used with the manual transmissions that Dana sold to the various manufacturers of light- and heavy-duty trucks?
A. No, I have no idea the percent of asbestos.
Q. Other than what we've talked about with regard to the clutches, are you aware of any other products that were sold by Dana that incorporated in any form asbestos?
MR. RADCLIFFE: Object to the form. Go ahead.

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A. No, not that I could specifically say. I have thoughts of some, but I -- I can't say for sure that there was asbestos in them or not.
Q. What are the products that you suspect may contain asbestos?
MR. RADCLIFFE: Well, I object to the form. If you know, say so. But don't guess.
A. That's what I said, I don't know for sure what was in other products.
Q. And during your career at Dana, would you agree with me that the contact that you had would have been to transmissions and clutch parts?
MR. RADCLIFFE: Object to the form. Go ahead.
A. Axle, transmissions, clutches and universal joints.
Q. And in your capacity with axles, you simply are not familiar with the types of materials that were incorporated in the brake assemblies that were attached to those axles?
A. That's correct.
Q. You indicated earlier that at a certain period of time during your employment at Dana you went to the service parts department?
A. Correct.

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Q. And what was your job duty there?
A. To sell service parts to the OEM's, the original equipment manufacturers.
Q. And what type of service parts were you selling?
A. Transmission, clutch, universal joint and axle.
Q. Was there another individual that would be selling gasket materials?
A. I'm sure there was. I -- I don't even know at that time whether we sold gasket materials.
Q. So you simply don't have any knowledge of when Dana began selling gasket materials?
A. Correct.
Q. Nor do you have any knowledge as to when they sold gasket materials whether asbestos was incorporated as a component of those gaskets?
A. That's correct.
Q. Did you, when you were in the service parts department, sell any parts to domestic automobile manufacturers for passenger cars?
A. I'm sure some of the parts that we sold to the Chrysler, Ford and GM's went into light truck. As far as passenger car, I have no idea if any of those parts went into passenger cars.

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Q. During the time that you were with the service department, did you sell any parts to foreign car manufacturers or foreign truck manufacturers?
A. No, I didn't.
Q. Was that because of a limitation of your job or is it because, to your knowledge, Dana didn't make such sales?
A. In 1967 I don't think we made many sales to foreign products -- or foreign car manufacturers or truck manufacturers.
Q. How long were you in that job?
A. About three, four years.
Q. By the time you left in late 1960's/early 1970's, is your statement regarding the foreign manufacturers still accurate?
A. Yes.
Q. Where did you go after you left the service department?
A. I went with the clutch division as an eastern region sales representative -- sales and service representative.
Q. And who were you selling to?
A. I was selling to the East Coast original equipment manufacturers.
Q. And did those original equipment

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manufacturers include any foreign companies? And by "foreign companies," I don't necessarily mean that they're located outside the United States. They may have distributors within the United States.
A. No, at that time Mack Trucks wasn't a foreign-owned company, so -- Mack, Brockway, Diamond Rio were the main OEM's. We put on presentations to their dealer organizations, but none of those sales were to foreign manufacturers that I knew of.
Q. Was there an individual in your division that sold to West Coast?
A. Yes.
Q. And in that capacity would he be selling to those West Coast entities that you talked about earlier: Kenworth, Peterbilt, et cetera?
A. Yes.
Q. And who are, to the best of your knowledge, the West Coast manufacturers that bought Dana's clutches?
A. The ones I named: The Peterbilt, Kenworth, Freightliner.
Q. How about International Harvester?
A. International Harvester I consider Midwest, and they were located in Fort Wayne at the time. We sold to them.

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Q. GMC? Is that East Coast, West Coast --
A. GMC we sold some to, but GMC got out of the heavy truck business and I can't give you the date. So the sales to GM -- GMC was not a major clutch customer.
Q. When did the West Coast sales begin, if you know?
A. Ever since the West Coast started making heavy trucks, I think they had Spicer-type clutch in them.
Q. Do you know whether any of those clutches were sold to Mercedes-Benz for their trucks?
A. Mercedes-Benz I don't believe was even making vehicles in the United States at that time, and they hadn't purchased Freightliner by then either.
Q. What about Marmon?
A. We supplied clutches to Marmon at some time. I don't consider Marmon a foreign clutch manufacturer, but --
Q. No, I was just wondering if you had sold to them.
A. Yes. Any of the heavy-duty -- any of the 18-wheeler-type truck builders we probably supplied some sort of clutch to.
Q. Is there any way of determining which trucks

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the nonasbestos clutches were incorporated into and which trucks the asbestos clutches were incorporated into?
A. No, not without having a VIN number on the vehicle where we could go back to the build sheet and find out what the clutch number was that was supplied.
Q. In the same model year and make of truck, could either the ceramic be used or the asbestos, or were they designated by model or model year?
A. The nonasbestos or asbestos clutch, if it was a 14-inch clutch, let's say, could go in anyplace a 14-inch clutch would go. And it was specified either by the end user or by the OEM.
Q. Were there any trucks that only contained asbestos-containing clutches that Dana sold to?
A. Not to my knowledge.
Q. What types of trucks would a 14-inch clutch be incorporated in?
A. Anything that had a 200-, 250-horsepower diesel engine and up.
Q. Are there other size clutches for trucks other than the 14-inch?
MR. RADCLIFFE: Object to the form.
A. Yes.
Q. And what are the other sizes?

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A. For heavy truck, there's a 15-and-a-half-inch clutch.
Q. And what type of material did the 15-and-a-half-inch clutch have on the driven discs?
A. The same type of material that was used on the 14-inch clutch: Either ceramic, nonasbestos or asbestos.
Q. So is it true for any size clutch the asbestos wasn't specified for any particular model year or make?
A. The small clutches, if sold in a highway vehicle-type application, would probably be asbestos material back when we purchased the division in 40 -- the late 40's. We did not have much of that business. The main sales at Dana were for the heavy truck. And in the heavy truck it could be asbestos or nonasbestos or ceramic.
Q. When you talk about small trucks, are you talking about pickups or some other type of vehicle?
A. Pickup -- yeah, pickup size truck. The -- we supplied a clutch for the Scout. It happened to be a ceramic clutch, but that size vehicle could be -- could have been an asbestos-type product.
Q. Do you recall any entities where you sold an asbestos clutch for small trucks?

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A. Not that I can remember. I know there were -- back in the -- you know, before my time back in the early -- or the late 40's when the division was purchased there were some smaller clutches sold for the lighter vehicles, but during my period of time the majority of the sales by far were the heavy trucks for on highway. There were some light clutches sold in ag and industrial, and those were all ceramic-faced materials.
Q. During your course of employment in the service department and as a sales representative, did you sell any of the clutches for the light-duty trucks?
A. I'm sure I did, but I can't specifically say I sold ceramic or an asbestos product at that time.
Q. Does Dana still sell clutches for small trucks?
A. No.
Q. When did they cease?
A. They sold the clutch division to Eaton in the late 90's.
Q. Up until the late 90's, were they continuing to sell clutches for light-duty trucks like pickups?
A. They didn't sell many clutches for light-duty-type product at all from the -- from when I

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started with Dana in '64. The one exception I named was the Scout. We did sell that, but it was a ceramic product. Most of that business was with our competitors.
Q. Did any of the clutch products that Dana manufactured, did they sell in the aftermarkets?
A. We tried, yes.
Q. When did you begin that attempt?
A. I think ever since I've been with Dana they tried to promote aftermarket sales.
Q. And would they sell that under the Spicer name?
A. Yes.
Q. And how successful was that program?
A. Not very successful.
Q. Can you give me any estimation in volume of sales percentagewise how much was aftermarket versus OEM?
A. Are you referring to the light-duty product now?
Q. No, I'm referring to any of the manual clutches that contained asbestos.
A. I don't have a very good percentage. I can't really pull out a number for sure on that. It was not very high. In the heavy truck market there were a

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number of local remanufacturers out there that were undercutting our pricing considerably.
Q. Were any aftermarket sales made by Dana made exclusively through Dana, or did they have distributors?
A. Dana sold part of their products through the OEM and their aftermarket distribution system, and they sold to some independent warehouse distributors.
Q. Now, when you say they sold to OEM and their aftermarket distributors, would their aftermarket distributors put their name on the product or would it be sold as a Spicer product?
A. In most cases, the sales through the OEM would have the Spicer name on the product. In some cases we were calling -- we were putting on a label like a Ford label so that the box would be a white box with a Ford label on it.
Q. And Spicer's name wouldn't appear at all?
A. "Spicer" would appear on the clutch, but not on the box.
Q. And who were the OEM entities that you sold through their aftermarkets besides Ford?
MR. RADCLIFFE: Object to the form.
A. We sold all of the major heavy truck manufacturers aftermarket or parts sales. Most of

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those were sold in a Spicer box. Ford, I believe, was the only one that used what we call a "white box concept" and their label.
Q. Would it say "Ford" or would it say "Motorcraft"?
A. I believe it said "Ford," but I can't say specifically which one it sold under. I believe it was "Ford," "Ford Heavy Truck."
Q. Do you know how Dana sold their gasket materials?
A. No.
Q. Do you know how Dana sold their axle components?
A. No.
Q. So you don't know if they sold their axle components in the aftermarket?
A. I believe their axle components in -- at least in the light-duty, and I believe in the heavy-duty, were sold through the OEM's only. They were not sold through the independent warehouse distributor organization.
Q. Have you ever testified at trial?
A. Yes.
Q. And in what type of case?
A. An asbestos case.

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Q. And do you recall when that occurred?
A. 1983 maybe, '4. Someplace in there.
Q. Do you recall where the trial took place?
A. Cincinnati, Ohio.
Q. Do you recall the name of the plaintiff?
A. Milford.
Q. Do you recall the name of the plaintiff's attorney?
A. No.
Q. Have you been deposed before?
A. Yes.
Q. How many times would you say you've been deposed?
A. Twice.
Q. And when was the last occasion?
A. 1985.
Q. And do you recall where the case was pending that you were deposed in?
A. No.
Q. Were you deposed in Ohio?
A. Yes.
Q. Do you recall the names of any of the attorneys involved?
A. No.
Q. And when was the first time you were deposed?

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Was it in 1983 in the Milford case?
A. Correct.
Q. What was the issue in Milford?
A. It was an asbestos case.
Q. For a mechanic?
A. For a mechanic.
Q. Did he work on trucks?
A. I believe he did.
Q. Is that the same for the case in 1985?
A. I don't recall exactly what the 1985 case was.
Q. Was the substance of the opinions you offered similar to what you've testified to today?
MR. RADCLIFFE: Object to the form.
A. I believe so.
Q. Are you on a retainer from Dana?
A. I'm not on a retainer. I'm being -- I'm a consultant that is being paid for the time that I do depositions.
Q. Now, at the time that you did the two prior depositions and the trial testimony, you were actually employed by Dana, correct?
A. Correct.
Q. Is this the first deposition that you've conducted since your retirement?

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A. Yes.
Q. Have you reviewed any documents prior to today's deposition?
A. Yes, some.
Q. What did you look at?
A. I looked at a letter to Ford Motor Company.
Q. Do you have that with you?
A. Yes.
Q. What is the date of that letter?
A. June 30, 1983.
Q. And what is the substance of the correspondence?
A. It basically confirms that we were -- plan on using nonasbestos facings in our reman clutches.
MR. SMITH-GEORGE: Okay. Can we have that marked as the first exhibit?
(EXHIBIT NO. 1 MARKED.)
Q. Have you brought any other documents with you?
A. Yes. I have four other documents.
Q. Okay. Let's go through them serially. What's the next one?
A. I have one to Sperry New Holland.
Q. What's the date of it?
A. April 28, 1986.

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Q. And what is the substance of the document?
A. Basically confirms that we were totally asbestos free January 1, 1984.
Q. What did y'all do with -- let me ask it this way: How would you order the component parts to the manual clutches? In other words, when you -- if you had to get the asbestos discs for the driven discs from either HK Porter or Raybestos, would you order them in bulk or would you do it as the clutches were being manufactured?
A. I'm assuming you're talking about the clutch division now.
Q. Correct.
A. The clutch division had standing orders with Raybestos and H.K. Porter for hundreds of clutch facings to be shipped a month.
Q. And at the time that you went asbestos free, did you have any inventory of material that was sent by H.K. Porter and Raybestos?
A. Yes.
Q. What did you do with that inventory?
A. We used it.
Q. After January 1 of 1984?
MR. RADCLIFFE: Object to the form.
A. No, not to my knowledge. January 1, 1981 --

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'84 was when we had made the complete change to the nonasbestos.
Q. When was the decision to make the change? When did that occur?
A. Well, as I said before -- and I have another -- what would be an announcement to the field that we were offering nonasbestos materials in 1981, August 13 of 1981.
Q. So between August of '81 and January of '84, during the process of convincing your customers to buy the fiberglass clutch, you were selling the remainder of your asbestos clutches?
MR. RADCLIFFE: Object to the form.
Q. Would that be accurate?
A. That's correct. I have -- also have with me an internal memo to the sales manager that states we were in the process of superseding all asbestos driven disc assemblies to the nonasbestos, and that was dated 11/4/83.
MR. SMITH-GEORGE: Why don't we mark the '86 document as Exhibit 2.
(EXHIBIT NO. 2 MARKED.)
Q. And as Exhibit Number 3 -- what's the next document you had?
A. I had the press release of August 13, 1981 --

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MR. SMITH-GEORGE: All right. We'll mark that as 3.
A. -- stating it was available.
(EXHIBIT NO. 3 MARKED.)
A. And I had the memo to the sales manager.
MR. RADCLIFFE: Hold on. Are you caught up?
THE REPORTER: Thank you.
MR. RADCLIFFE: Okay. Go ahead.
MR. SMITH-GEORGE: We'll mark the memo to the sales manager as Exhibit 4.
MS. HALES: What's the date on that?
THE WITNESS: Eighty-three. 11/4/83.
(EXHIBIT NO. 4 MARKED.)
Q. Did you bring any other documents with you?
A. One more.
Q. Okay.
A. It's a memo to -- or it's a letter to one of our field customers, Consolidated Freightways, stating that we were switching all our current facing materials from asbestos to a nonasbestos material.
Q. And what's the date of that?
A. July 6, 1983.
MR. SMITH-GEORGE: Okay. We'll mark that as Exhibit 5.

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(EXHIBIT NO. 5 MARKED.)
Q. Did you review any documents that you haven't brought with you today?
A. I glanced through some parts catalogues and some material that was on file at the lawyer's office here in Toledo.
Q. And what material was that?
A. It was copies of material that had been taken from the clutch division.
Q. And what did it consist of?
A. Basically of the clutch catalogues.
Q. What did you find in reviewing those catalogues?
A. Not a lot. Just refreshed my memory on the products and that a little bit.
Q. Did the catalogues indicate which clutches were asbestos-containing and which were not?
A. In some cases, yes.
Q. And is that indication by part number?
A. Yes.
Q. Were there any warnings in any of those catalogues regarding the asbestos-containing clutch products?
A. Not that I noticed.
Q. Do you know whether any warnings were ever

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placed on any of the shipments of asbestos-containing clutches?
A. To the best of my knowledge, there weren't. As I said before, we really didn't consider the product hazardous.
Q. When -- did you have the opportunity to observe the materials that were sent by H.K. Porter and Raybestos?
A. No, I didn't.
Q. So you don't know whether any of those contained warnings at the time that you received them, "you" being Dana?
A. I can't say I saw it, but I felt that towards the early 80's -- and I may have seen a document, but I felt they were warning on their boxes, their bulk boxes to the plant.
Q. Do you know whether that document that you saw is in the possession of your attorneys in the Ohio office that you reviewed?
A. No --
MR. RADCLIFFE: Object to form. Go ahead.
A. I don't believe it is.
Q. Do you know where you saw that document?
A. No, I don't.
Q. Do you have access to that document in

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your -- well, do you have access to that document?
A. No, I don't. I just -- I feel that -- that Porter did put warnings on their material coming into the plant towards the end of the 70's or the early 80's.
Q. Did Dana ever send to the United States Government a material safety data sheet for the clutch parts that they were selling?
A. Not to my knowledge.
Q. And just so I have a clear record, do you also -- you would not have had access to wherever Dana acquired the friction products that were incorporated in the brake assemblies that they used on their axle components; is that accurate?
MR. RADCLIFFE: Object to the form.
A. That's correct.
Q. And you also have no knowledge of whether Dana ever sent a material safety data sheet regarding any gasket materials that they sold?
A. Restate that again.
Q. You also would not have any knowledge of whether Dana ever submitted any material safety data sheets for any gasket material that they sold?
A. That's correct.
Q. How much do you get paid for testifying?

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MR. RADCLIFFE: Object to the form.
A. Two hundred and fifty dollars a half day if I sign my form.
Q. How -- how much time have you spent preparing for this deposition?
A. What did I say, five -- I don't -- I don't know because I haven't -- we haven't gone through all that. I've been over to the Toledo lawyer's office five times, I believe, prior to this.
Q. And how much time did you spend on those occasions?
A. Maybe two, three hours a time in the office.
Q. Besides reviewing the parts catalogues, what other activities did you engage in at those office -- at that office?
A. General discussion on depositions, on what was happening in -- with Dana in the -- in this field.
Q. Have you reviewed the testimony of Mr. Stoeckler?
A. No, I haven't.
Q. Who did you meet with when you went to the law office?
A. When I went to the firm?
Q. Yes.
A. Tom Radcliffe and --

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Q. On each of those five occasions?
A. No, I think one -- one of the occasions was a phone conversation with Tom, one of them he wasn't here. So that would leave, what, three? Three, I think.
Q. And how long did those discussions last?
A. As I said, about three hours maybe.
Q. How much time was spent reviewing the documents versus having discussions with the attorneys?
A. I spent about three hours going through the documents. One of the trips was to go through the documents and see what was there.
Q. And other than the five documents that you produced today, did you obtain copies of any other documents from your view at the law office?
A. I retained a copy of a parts catalogue.
Q. And what year was that catalogue?
A. I don't recall right now. I believe it would be in the mid 70's.
Q. And did you review that parts catalogue to see what type of gasket material that Dana was selling?
MR. RADCLIFFE: Object to the form.
A. No, I didn't.

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Q. Would that type of material be contained within the catalogue?
A. No, it wouldn't.
Q. Is this a catalogue specifically for clutches?
A. Yes.
Q. This case is, at this point in time, set for trial on November 17. Do you have any conflicts that would prevent you from coming to Dallas -- I mean, coming to Texas to testify?
A. I don't have a calendar in front of me, but I don't believe I do.
Q. Other than reviewing documents in preparation for this deposition, have you done any other activity since 1985 regarding Dana Corp. and any issues dealing with asbestos?
A. No, I haven't.
Q. What conversations did you have with the attorney at the Ohio office?
MR. RADCLIFFE: I'm going to object. Mr. Dickson is a consultant for Dana Corporation and the conversations are covered by the attorney-client privilege.
MR. SMITH-GEORGE: Are you going to instruct him not to answer?

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MR. RADCLIFFE: Yes, I am.
Q. Do you know if anybody at -- any employee of Dana ever filed a workers' compensation claim for an asbestos-related disorder?
MR. RADCLIFFE: Object to the form.
A. No, I don't.
Q. Did any of the records that you reviewed at the law firm contain any workers' compensation records?
A. Not that I recall.
Q. Besides parts catalogues, what other type of documents were contained within the area where you spent three hours reviewing?
A. Service manuals.
Q. Were the -- who -- where were the service manuals -- whom were they from?
A. The clutch division.
Q. So Victor put out a -- I'm sorry, Dana Corporation put out a service manual for how to install and repair their clutches?
A. Spicer clutch division of Dana put it out.
Q. And what was the earliest service manual that you were able to review?
A. I believe there was one in the 60's, but that -- like, '65 or '64, but I can't be sure of the

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exact date.
Q. And how many manuals were there, if you can estimate?
A. Maybe five or six. There --
Q. And what was the latest one?
A. I believe there was one in the late 80's.
Q. Was there any indication in those service manuals to use compressed air to blow out dust when replacing a clutch?
A. No, there wasn't.
Q. Do you recall seeing any warning language or cautionary language in any of those service manuals regarding clutch repair or installation?
MR. RADCLIFFE: Object to the form. Go ahead.
A. There were warnings in the manuals concerning how to measure things and how to do things.
Q. Was there any warnings or cautionary language directed towards exposure to asbestos?
MR. RADCLIFFE: Object to the form. Go ahead.
A. No, not that I could find.
Q. Other than service manuals and the parts catalogues, what other type of documents, if any, were contained within those documents that you reviewed?

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A. There were some various internal clutch division documents.
Q. What was the general substance of those?
A. Some of them are -- are kind of what we pulled out which you've tagged. There were some plant reports of OSHA or insurance inspections.
Q. And did any of those plant reports deal with the issue of dust from -- the dust that may contain asbestos?
MR. RADCLIFFE: Object to the form.
A. Yes. I believe they -- they had some shop readings of asbestos in the air.
Q. What type of shops were they?
A. It was a manufacturing shop.
Q. And do you recall what levels, if any, of asbestos dust they checked in the air?
MR. RADCLIFFE: Object to the form.
A. No, I don't recall exactly what the levels were.
Q. Was it a measurable quantity?
MR. RADCLIFFE: Object to the form.
A. It was measurable, but I believe they were all below OSHA standards.
Q. Do you know the dates of those documents to determine what the OSHA standard was at the time?

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A. I can't give you an exact date. I believe it was in the late 70's, early 80's.
Q. And this was a shop that was devoted to clutch building?
A. It was the area of the shop that the facings were applied to -- to the driven disc, to the steel driven disc.
Q. How were they applied?
A. Riveted.
Q. Were they predrilled?
A. Yes. They were molded in.
Q. Were there any measurements of the unloading operation of the facings before they were attached?
A. That was all done right in that area. I believe whatever testing was done was all done in the same area.
Q. Did those employees wear respirators?
A. No, not that I know of.
Q. Was there exhaust ventilation present?
A. I believe exhaust ventilation was installed around, again, the late 70's, early 80's.
Q. Was the exhaust ventilation installed as a result of the dust measurements or was it installed sometime prior to that?
MR. RADCLIFFE: Object to the form.

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A. I can't say why it was installed. I'm sure the dust measurements had something to do with it.
Q. In your view of the documents, did you find any documents that indicated that Dana had at any time been cited for a violation of OSHA with regard to exposures to asbestos?
A. No, I did not see anything that Dana was violating any OSHA.
Q. Other than the service manuals, the parts catalogue and those dust studies and correspondence similar to what we attached as exhibits, what other documents, if any, did you review?
A. That basically covers it.
Q. And have you -- for those documents that mention the replacement of asbestos, did you -- are the five that we have marked as exhibits all of the documents that contain that content from those that you reviewed?
MR. RADCLIFFE: Object to the form.
A. Could you repeat that question again?
Q. Sure. That's kind of convoluted. The five documents that we have marked as exhibits all involve Dana's approach -- execution of removing the asbestos from some of their discs. Are those all of the documents that mention that from that depository that

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you reviewed?
MR. RADCLIFFE: Object to the form.
A. I can't say they're all of them. I think they represent all of them.
Q. Do you have a specific recollection of coming across one that had that subject matter that you didn't get a copy of?
MR. RADCLIFFE: Object to the form.
A. No, I can't say -- I can't pick out a document that isn't included in this group, but --
Q. Can you tell me the approximate volume of documents that you reviewed by -- do you know what a banker's box is?
A. Yep.
Q. How many did you review?
A. One and a half small banker boxes.
Q. Do you know whether Dana has retained the sales records for various part numbers for -- for the clutches they sold to the various manufacturers?
A. There weren't any sales records in those boxes. There were some forecasts, but no sales records. There might have been a few sales order copies from Mack Trucks, but that was all that was in there.
Q. Do you recall what the dates of those were?

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A. Those were the early 70's -- late 60's, early 70's Dana acquired the Mack Truck clutch business.
Q. In those documents that had sales projections, was it broken down by ceramic and asbestos-containing clutches?
A. No, it was broken down by ceramic versus organic.
Q. And organic would include just asbestos or other products in addition to asbestos?
A. It would include asbestos or the fiberglass -- fiber -- glass-lined driven discs, although most of the forecast sheets that I saw were during the time that it was -- that we had only offered asbestos.
Q. Prior to 1984?
A. Prior to 1984, right.
Q. And do you have any figures that you recall of what the projected sales were for the organic?
A. Not off the top of my head except that the -- since about 19 -- I'm going to say '73, '74, the ceramic had been increasing in volume to where I would estimate by 1980 about 50 percent of the sales were ceramic in original equipment.
Q. So prior to that time Dana sold more organic than ceramic?

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A. Correct. And when we took the Mack clutch business over at the beginning of 1970 -- or the -- 1970's, I should say, we developed a specific product that would handle the higher torque engine that Mack had. It was called a "super-duty 14-inch clutch." And that -- the 14-inch two-plate clutch was the standard of the industry at that time. And the sales on that -- because it could offer so much longer life than the asbestos product, the sales continued to grow through the 70's and on into the 80's. So there were more and more people using the super-duty or ceramic-type material every year.
Q. Was that offered only for Mack Trucks?
A. No, that was offered for Mack Trucks for one year, kind of exclusive, and it was also our test period. And then it was offered to the rest of the industry after that.
Q. So 1970 was the test period?
A. I'm going to say '70 is probably the test period. I'd have to look to get the exact dates, but from '69 to '71, someplace in there.
Q. Prior to the development of that product, what was the percentage of organic versus ceramics?
A. Ten percent maybe.
Q. Ten percent ceramic, ninety percent organic?

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A. Correct.
MR. SMITH-GEORGE: Well, I want to thank you for your time. I don't have any more questions.
THE WITNESS: All right. Thank you.
MR. RADCLIFFE: Anybody else on the phone with questions?
MR. GRIMALDO: Yes. Arthur Grimaldo with Ford Motor Company. I have a few questions for Mr. Dickson.
THE WITNESS: Yes, sir.
EXAMINATION OF THOMAS G. DICKSON
BY MR. GRIMALDO:
Q. Earlier you were talking about Spicer brakes were sold to Ford in a boxed marked as "Ford." Do you remember that testimony?
MR. RADCLIFFE: I don't believe that's what he said. He was talking about clutches, I believe.
Q. I'm sorry, that's what I'm -- clutches, sir. You were talking about Spicer clutches being sold to Ford?
A. I believe they were sold to Ford in a white box with a Ford label.
Q. Do you recall what year the first time that occurred?

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A. I can't. It would be, I would guess, in the late 60's, early 70's.
Q. You said they were sold for their heavy trucks. What trucks do you consider heavy trucks?
A. Anything over a 200-horsepower diesel engine.
Q. Do you know if this was true for all the models of the Ford diesel trucks that were over 200-horsepower diesel engines?
A. I can't say it was true for all of them, but it was certainly the majority.
Q. Do you recall any specific models that would have been true for?
A. Seven thousand, eight thousand series.
Q. During that time period up until 1983, do you recall how many -- do you know the percentage of clutches that were being sold to Ford from the 60's that were nonorganic clutches?
MR. RADCLIFFE: Object to the form.
A. I didn't understand the question too well.
Q. Okay. In the 1960's when Spicer was selling clutches to Ford, do you know what percent of those would have been nonorganic clutches?
A. No, I can't tell you that for sure. It would be -- again, you know, I'd have to go by my recollection of the industry, which would be probably

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90 percent would be asbestos and 10 percent ceramic.
MR. SMITH-GEORGE: Objection, nonresponsive.
Q. And you also have attached a letter as an exhibit dated June 1983 that -- to Ford that confirms using nonasbestos clutches from that date forward; is that correct?
A. Let me find it.
The letter is specifically directed towards remanufactured clutches, but it's also true -- I mean, the January 19 -- 1, 1984 date was good for production as well.
MR. GRIMALDO: Sir, that's all the questions I have for you. Thank you.
THE WITNESS: Thank you.
MR. RADCLIFFE: Anybody else on the phone with questions?
MR. SMITH-GEORGE: I've got one follow-up if nobody else has questions.
MR. RADCLIFFE: I've got a couple. You might want to withhold your follow-up.
MR. SMITH-GEORGE: Okay.
MR. KATZ: Yeah, I've got a couple questions, too.
MS. HENDRICKSON: So do I.

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MR. RADCLIFFE: Go ahead. People on the phone, go ahead.
EXAMINATION OF THOMAS G. DICKSON
BY MR. KATZ:
Q. Hi, Mr. Dickson. This is Jason Katz. I represent Paccar. I just have a few questions for you.
You don't have any personal knowledge of what products were sent to Peterbilt or Kenworth, do you?
A. I don't have personal knowledge of all the products that were sent to Peterbilt or Kenworth, but I know that we sent ceramic and nonceramic product to Peterbilt and Kenworth.
Q. But you -- you can't testify that you know whether the clutches sent to Peterbilt or Kenworth were asbestos-containing or not?
MR. SMITH-GEORGE: Object to form.
A. I can testify that we had sent asbestos-containing product to Peterbilt and Kenworth prior to 1984.
Q. Okay.
A. I will say Peterbilt -- or Kenworth, I believe it was, was one of the truck manufacturers that changed to a ceramic-type facing very early in the game.

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Q. And do you remember what year that was?
A. I can't put a year on it, but I believe it would be in the late 70's --
Q. Okay.
A. -- as their standard product.
MR. KATZ: I believe those are all the questions I have for you. Thanks for your time, Mr. Dickson.
EXAMINATION OF THOMAS G. DICKSON
BY MS. HENDRICKSON:
Q. This is Cathy Hendrickson representing Borg Warner. I have a few questions for you. Have you ever spoken with any -- with anyone from Borg Warner or any of its divisions?
A. I have. I can't tell you who or when, but I have.
Q. Okay. Can you -- can you tell me what was said?
A. No. It would probably be at trade shows, just general conversation.
Q. Do you remember any discussion whatsoever regarding asbestos?
A. No, I don't.
Q. Okay. How about any asbestos products contained in any clutch assemblies? Do you recall

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ever discussing that with any Borg Warner representative?
A. No, I don't.
Q. Okay. Would you agree that there's no need to sand or grind the surface of a new clutch lining prior to installing it on a vehicle?
MR. SMITH-GEORGE: Object to form.
A. Correct.
Q. Okay. Other than in this suit, have you ever heard of any mechanics engaging in this practice of grinding or sanding?
MR. SMITH-GEORGE: Object to form.
A. No, I haven't.
Q. Okay. What impact would sanding or grinding the surface of a new clutch lining have on the clutch's performance, if you know?
A. It would probably throw the driven disc out of balance.
Q. Would that be a practice that Dana would recommend for its new clutches?
MR. SMITH-GEORGE: Object to form.
A. No, Dana did not recommend doing anything but installing the product as it came to them in the box.
Q. Okay. Thank you. And I apologize if you

said this earlier. Can you give me the largest diameter of clutch disc that Dana made during the years 1970 to 1990?
A. I believe it was the 15-and-a-half-inch driven disc.
Q. And how about the smallest disc, smallest diameter?
A. We -- the smallest one that they made since Dana acquired the company was a 6-and-a-half-inch or 6-and-a-quarter-inch driven disc.
Q. Okay. I think just one more question. Did Dana manufacture more passenger vehicle or more large truck clutches?
A. From the time I --
MR. RADCLIFFE: Object to the form.
A. -- was with Dana, they were large clutch, heavy truck clutch vehicles.
MS. HENDRICKSON: Okay. Thank you very much. That's all the questions I have at this time.
MR. RADCLIFFE: Anybody else on the phone?
MR. SMITH-GEORGE: Just mine, but go ahead. Anybody else going?
MR. RADCLIFFE: Yeah, let me ask mine, and then you can go.
EXAMINATION OF THOMAS G. DICKSON

BY MR. RADCLIFFE:
Q. Mr. Dickson, were the ceramic clutches and the organic clutches interchangeable?
MR. SMITH-GEORGE: Object to form.
A. Yes.
Q. And so the -- was there any difference in the cost of a ceramic clutch versus an asbestos clutch?
A. The ceramic clutch was more expensive.
Q. Who made the determination of whether or not to include a ceramic clutch or an asbestos clutch?
MR. SMITH-GEORGE: Object to form.
A. The clutches were specified by two people: Either the end user in the case of a fleet like Consolidated Freightways, or the OEM in the case of Ford or International Harvester or whoever.
Q. Did there come a time in your career when you were in the field and able to witness clutch installation, removal and I'll call it generally repair work?
A. Yes.
Q. Did you have any training in clutch installation, removal and repair work?
A. Yes.
Q. Did there come a time during your career when you were in the field where you actually taught

mechanics the proper methods of clutch installation, removal and repair work?
A. Yes.
Q. Let me ask you a couple questions about clutch installation. Strike that.
For a -- for a Spicer clutch in the field, what type of work was done at most truck facilities?
MR. SMITH-GEORGE: Object to form.
A. Well, there are two major things done to the clutch. One was to adjust it and one was to remove it and replace, R&R.
Q. For an adjustment, a clutch adjustment, would there be -- well, let me ask you this: For a clutch adjustment, was that a -- was that a dirty job?
A. Anything under the truck was a dirty job.
Q. You were asked questions earlier about dust from clutches. In your experience, did you ever see dust coming from clutches?
A. No, I -- I believe the discussion was -- before was dust in the shop.
Q. Okay. In the field, did you ever see dust coming from clutches?
MR. SMITH-GEORGE: Object to form.
A. No, I did not see dust coming from the clutches. There's a lot of dirt and grease and grime,

but it isn't dust like you see dust in the air.
MR. SMITH-GEORGE: Objection, nonresponsive.
Q. Could there have been -- could there have been some particulate matter -- if you opened up a clutch, could you -- might there be some particulate matter in the clutch?
MR. SMITH-GEORGE: Object to form.
A. If you mean particulate matter by dirt and grime and grease, yes.
Q. Okay. For a clutch adjustment, did that require a person to take the clutch apart?
A. No.
Q. For a removal and replacement, can you take me through the steps required to do that?
A. You'd remove the transmission, unbolt the clutch from the flywheel, lay it aside, bolt a new clutch into its place or a reman clutch and put the transmission back together and adjust it.
Q. A "reman clutch," is that remanufactured?
A. Remanufactured.
Q. When the old clutch was taken off and put aside, in your average repair shop what was done with that old clutch?
MR. SMITH-GEORGE: Object to form.

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A. Thrown in a big drum.
Q. Was it thrown away? Was it sent back to be remanufactured?
A. It was --
MR. SMITH-GEORGE: Object to form.
A. Depending on what shop you were in, it was sent to a local remanufacturer or sent back to the Spicer remanufacturer or it was scrapped.
Q. When you say "Spicer remanufacturer," what do you mean?
A. We had a remanufacturing operation for a period of time that basically rebuilt clutches.
Q. When did that remanufacturing operation start?
A. Mid 70's.
MR. RADCLIFFE: No other questions. Back to you, Mr. Smith-George.
MR. SMITH-GEORGE: Oh, okay. I thought you said "another question."
MR. RADCLIFFE: No. No, I'm sorry. No other questions.
MR. SMITH-GEORGE: Okay.
EXAMINATION OF THOMAS G. DICKSON
BY MR. SMITH-GEORGE:
Q. Let me ask you this: When you remove the

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transmission to replace the clutch, do you have to take off the bell housing?
A. You take -- the transmission and the transmission bell housing on a heavy truck all come out together.
Q. Is the clutch mechanism within the bell housing?
A. The clutch is attached to the flywheel and it's housed inside the transmission bell housing.
Q. So you have to remove the bell housing to get access to the clutch?
A. When you take the transmission down -- when you pull a transmission in a heavy truck, the bell housing comes with it. You unbolt it from the flywheel housing -- you unbolt the bell housing from the flywheel housing and the transmission and transmission bell housing come out at one piece.
Q. And in the -- when you unbolt the bell housing, if you had a clutch that had been used to the extent that it needed to be replaced, would there be the presence of dust?
MR. RADCLIFFE: Object to the form.
A. Again, I refer -- you referred to dust. I refer to dust as something that floats in the air, and no, there wouldn't be. It would be dirt and grime and

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grease that you're into. It's a very dirty job, but there isn't anything floating around in the air to speak of.
Q. Where does the wear debris from the clutch facing go as the car -- as the truck is being used?
A. It falls down into the bottom of the flywheel housing, bell housing, flywheel, falls out the inspection cover hole where the inspection cover wasn't put back on.
Q. Do you have to remove the flywheel housing to replace a clutch?
A. No.
Q. Do you replace the whole component, and that includes the flywheel housing?
A. No, the flywheel housing is attached to the engine, and it stays there. The engine -- it's actually mounted into the truck frame by the flywheel housing. The engine's mounted into the truck frame by the flywheel housing. The flywheel is inside the housing, and sometimes you needed to remove the flywheel to have it worked on, but you never removed the flywheel housing without removing the engine.
Q. Now, you indicated that you had an opportunity to observe clutch -- clutch repairs on trucks. When did that occur?

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A. When I went to the eastern region, 1970, '71, part of my duties was to train the dealers and fleets in that area as well as call on the OEM's.
Q. And what were you training them to do?
A. Training them to adjust the product or to R&R the product, remove and replace.
Q. And where did you learn how to R&R the product?
A. At the clutch division in Auburn, Indiana.
Q. And when did you get that instruction?
A. Prior to going out to -- physically moving out to the East Coast.
Q. What did that instruction entail?
A. Basically removing and replacing clutches.
Q. How long was the instruction?
A. Two weeks.
Q. How often did you train individuals to do that?
A. Probably put on 4 or 500 clutch schools during my tenure in the eastern region.
Q. And how long would those schools last?
A. Could last anyplace from an hour to a couple hours.
Q. How often did you have an opportunity to observe mechanics in garages performing R&R on a

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transmission of a truck?
MR. RADCLIFFE: Object to the form.
A. Excuse me. Could you repeat that question?
Q. Sure. How often did you have an opportunity to observe mechanics in the shop doing an R&R on a clutch on a truck?
A. I don't know. Maybe 3, 400 times. Most of the time when we put on a clutch school we'd have the mechanic -- one of the mechanics or a couple of the mechanics do a clutch removal and replacement.
Q. Now, was that in their facility?
A. In most cases, yes.
Q. And you said this practice started in 1979?
A. No, '71 about, '70, '71 when I first went out to the eastern region, from then until about '76, '77, someplace in there, when I went back to Auburn.
Q. And during any of those R&R's, did you ever see the mechanics using compressed air to clean out the bell housing?
A. No. We took the air hose away from them when I was there.
Q. And why did you do that?
A. Because part of our presentation was that you didn't use an air hose on a truck. It did create road dirt/dust in the air if you blew it. Our instructions

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were to wipe the flywheels and any component parts down with a solvent and a rag.
Q. Was there -- was any -- was there any concern for the entrainment of asbestos dust by using an air hose on the bell housing or was it all just for general dirt and grime?
MR. RADCLIFFE: Object to the form.
A. The reason for not using the air hose was because you blew things out and got them in your eyes and that sort of thing. There was no concern about asbestos at the time that I knew of, anyway.
Q. Were you aware at this point in time, '70, '71, of any health hazards associated with the inhalation of asbestos dust or fibers?
MR. RADCLIFFE: Object to the form.
A. Not with friction product asbestos. I can't say that I didn't know that there was insulation things being written or going on at that time.
Q. When did you first become aware of allegations of health hazards associated with the inhalation of asbestos dust and fibers?
MR. RADCLIFFE: Object to the form.
A. I haven't become aware that there's a health hazard with friction product asbestos.
Q. That wasn't my question.

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MR. SMITH-GEORGE: I respectfully object to responsiveness.
Q. I'm asking you when did you first become aware of any health hazards associated with the inhalation of asbestos dust and fibers, regardless of the source.
MR. RADCLIFFE: Object to the form.
A. I can't put a time on it. I would say in the early 70's.
Q. And your opportunity to -- well, let me ask you this: What would happen if you got grease on the asbestos surface of the discs? How would that affect the operation of the discs?
A. The grease would probably be gone within the first engagement.
Q. Are you saying it would have no effect at all?
A. I don't think you'd notice it unless you really smeared the disc with grease. But a little bit of grease wouldn't even be noticed.
Q. And from your review of mechanics doing truck installation, have you ever observed them lightly sanding the surface to remove grease spots?
A. No.
Q. When you were participating in these schools,

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did you ever instruct anyone to wear a respirator or a dust mask?
A. No.
Q. When's the last time you performed one of these schools?
A. Probably in the mid 80's, '85, '86.
Q. And when's the last time that you had the opportunity to observe a mechanic performing an R&R on a manual clutch?
A. Probably about that same time.
Q. And at any point in time during those observations, did you yourself wear a dust mask?
A. No.
Q. Now, you said you conducted these schools, you believe, about four or five times; is that accurate?
MR. RADCLIFFE: Object to the form. Four or 500.
Q. Oh, did you say 4 or 500? That's why I asked.
A. Right. I'd say 4 or 500 over that period of time.
Q. So this is -- this is something -- you were in -- how long were you in the eastern region?
A. From about '71 to '76, '77. Someplace in

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there.
Q. So you would do about a hundred of these schools per year?
A. That's a rough estimate, yes.
Q. You had indicated that Kenworth was the first to adopt the ceramic lining. Are you aware of whether they purchased organic materials after that point in time in the late 70's?
DEFENSE COUNSEL: Objection, form.
A. Because of the way the clutch is specified, the OEM's had to produce whatever the end user would specify. And I would -- I can't say for sure once Kenworth made the change to ceramic whether they ever produced other product, but I would guess they did simply because of the customer base.
Q. Do you have any documentation that would contain the date upon which Kenworth made the decision to go with the ceramics as their primary product?
A. No, I don't.
Q. And do you know the individual in Dana Corp. who would have the West Coast sales that would know that information?
A. I would have to think about that a while only because I don't -- my memory doesn't remember names very well.

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Q. How did you -- what are you basing your statement on that Kenworth at some point in time made a decision to use ceramics as their primary transmission material?
A. Well, when we -- when we started the Mack business on the East Coast with that super-duty clutch I talked about, that rapidly became a premium product and a standard of the industry. And Kenworth was always somewhat a leader in new products coming into the industry that were being accepted well by fleets. And Mack was using probably 70 percent ceramic with that clutch, and sometime not too long after that people started changing to it and I just recall that Kenworth was one of the ones that changed in the earlier part of that swing.
Q. Now, Mack, even though they had the super-duty clutch, still used about 30 percent organics on their trucks?
A. I would say they probably used about 20 percent maybe. They used some standard ceramic, we call it, which was -- didn't have as many ceramic buttons on the disc as the super-duty did.
Q. When -- you had indicated earlier that from those sales records that you reviewed there was a point in time where the sales were about 50 percent

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ceramics, 50 percent organics. Did there come a period in time prior to 1983 when that ratio changed?
A. I think what I said was from the 70's -- the early 70's to 1980 the ceramic product grew from a very low percentage to around 50 percent of the business, around 1980.
Q. Okay.
A. Those were forecasted figures. I didn't see actual sales figures on them, but I feel they were pretty close.
Q. And then the ceramics grew as the asbestos was removed. If you compared the ceramics to fiberglass, would it be true that the ceramics are more in use today than the fiberglass ones, discs?
A. Yes. I think ceramics continued to grow, but at a slower pace from 1980 to the present.
MR. SMITH-GEORGE: All right. That's all the questions I have. Thank you.
MR. RADCLIFFE: Anybody else on the phone?
MR. KATZ: I have one quick follow-up question. This is Mr. Katz.
EXAMINATION OF THOMAS G. DICKSON
BY MR. KATZ:
Q. Can you testify whether Dana Corp. sold any brake products to Peterbilt or Kenworth?

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MR. RADCLIFFE: Object to the form.
MR. SMITH-GEORGE: Object to form.
A. I can't testify to that, no. I don't believe they did, but I can't -- I can't say for sure.
Q. Okay. Who would have that information? Would the West Coast representative have that information?
A. No. At that time -- at the time that we were selling heavy truck product -- axles to the industry, it was all being done out of the home offices. And basically the heavy truck product was the old International Harvester axle that Dana purchased, and most of it was sold to International Harvester. It would have been sales in the late 80's or 90's that it would even be possible for Kenworth to put one of the axles in, and I really doubt whether they ever engineered a Spicer axle into that vehicle prior to the late 90's, if they did at all.
MR. KATZ: Okay. Thank you, Mr. Dickson.
THE WITNESS: Uh-huh.
MR. SMITH-GEORGE: Just for a point of clarification, was that question regarding brakes?
MR. KATZ: Yes.
MR. RADCLIFFE: That's what the question was.

MR. SMITH-GEORGE: Okay. I kind of missed that. I don't have any more.

(Deposition concluded, 3:52 p.m.)

CHANGES AND SIGNATURE

PAGE	LINE	CHANGE	REASON

I, THOMAS G. DICKSON, have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

_____
THOMAS G. DICKSON

THE STATE OF _____)
COUNTY OF _____)

Before me _____, on this day personally appeared THOMAS G. DICKSON, known to me (or proved to me under oath or through _____), (description of identity card or other document), to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this the _____ of _____, _____.

_____
NOTARY PUBLIC IN AND FOR
THE STATE OF _____

NO. 35116-02-03

CHRISTOPHER STOECKLER and WENDY STOECKLER, Plaintiffs,) IN THE DISTRICT COURT

VS.) 159th JUDICIAL DISTRICT

AMERICAN OIL COMPANY, (sued individually and as successor-in-interest to AMOCO OIL COMPANY and AMOCO, INC.), et al. Defendants.) ANGELINA COUNTY, TEXAS

REPORTER'S CERTIFICATION
DEPOSITION OF THOMAS G. DICKSON
TAKEN ON OCTOBER 22, 2003

I, Rebecca L. Stonerock, Registered Professional Reporter, hereby certify to the following:

That the witness, THOMAS G. DICKSON, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on _____ to the witness or the attorney for the witness for examination, signature, and return to me by _____;

That the amount of time used by each party at the deposition is as follows:

Mr. Smith-George, 01:23
Mr. Grimaldo, 00:04
Mr. Katz, 00:02
Ms. Hendrickson, 00:02

Mr. Radcliffe, 00:06
Mr. Smith-George, 00:14
Mr. Katz, 00:02
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I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys to the action in which this testimony was taken; and further, that I am not financially or otherwise interested in the outcome of this action.

Further certification requirements pursuant to Rule 203 of TRCP will be certified to after they have occurred.

CERTIFIED to by me this the _____ day of _____, 2003.

_____
REBECCA L. STONEROCK,
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FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was/was not returned to the deposition officer on _____;

If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to _____, Custodial Attorney;

That $_____ is the deposition officer's charges to Plaintiffs for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on _____ and filed with the Clerk.

Certified to by me this _____ day of _____, 2003.

_____
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