

FILE NAME: Warren Pumps (WAR)

DATE: 2012 Oct 12

DOC#: WAR010

DOCUMENT DESCRIPTION: Legal – Deposition of Roland Doktor

1 VOLUME 2

PAGES 109 - 228

2

EXHS. 22, 29 - 31

3

4

UNITED STATES DISTRICT COURT

5

WESTERN DISTRICT OF WASHINGTON

6

AT TACOMA

7

8

* * * * *

Roland L. Stevens and *

9

Shirley J. Stevens *

* Civil Action

10

v. *

No. 3:11-CV-06073

*

11

CBS Corporation, et al. *

*

12

* * * * *

13

14

15

Rule 30(b)(6) Notice to Warren Pumps, LLC

16

Video Deposition of Roland R. Doktor

Friday, October 12, 2012

17

Offices of Eppley Court Reporting, LLC

9 Hammond Street

18

Worcester, Massachusetts 01610

19

20

21

----- J. Edward Varallo, RMR, CRR -----

22

Registered Professional Reporter

EPPLEY COURT REPORTING, LLC

23

P.O. Box 382, Hopedale, Mass. 01747

508.478.9795 ~ Fax 508.478.0595

24

www.eppleycourtreporting.com

Page 110

1 Present via videoconference for Plaintiffs:
 2 Anna D. Knudson, Esq.
 3 Bergman Draper Ladenburg, PLLC
 4 614 First Avenue - 4th Floor
 5 Seattle, Washington 98104
 6 206.957.9510 ~ Fax 888.647.6007
 7 annak@bergmanlegal.com

8 Present via telephone for Defendant Cleaver Brooks,
 9 Inc.:
 10 Jackie K. Unger, Esq.
 11 Carney Badley Spellman, P.S.
 12 701 Fifth Avenue - Suite 3600
 13 Seattle, Washington 98104
 14 206.622.8020 ~ Fax 206.467.8215
 15 unger@carneylaw.com

16 Present via videoconference for Defendant
 17 Imo Industries:
 18 Michael E. Ricketts, Esq.
 19 Gordon Thomas Honeywell
 20 600 University Street - Suite 2100
 21 Seattle, Washington 98101
 22 206.676.7500 ~ Fax 206.676.7575
 23 mricketts@gth-law.com

24 Present for Defendant Warren Pumps LLC:
 Judith A. Perritano, Esq.
 Pierce Davis & Perritano, LLP
 90 Canal Street - 4th Floor
 Boston, Massachusetts 02114
 617.350.0950 ~ Fax 617.350.7760
 jperritano@piercedavis.com

Present via telephone for Defendant Warren Pumps
 LLC:
 J. Michael Mattingly, Esq.
 Rizzo Mattingly Bosworth, P.C.
 411 SW 2nd Avenue - Suite 200
 Portland, Oregon 97204
 503.229.1819 ~ Fx 503.229.0630
 mmattingly@rizzopc.com

Page 111

1 Videographers:
 2 Steven Garcia, Legal Video Specialist
 3 Michael Lolurio, Legal Video Specialist
 4 National Video Reporters, Inc.
 5 7 Cedar Drive
 6 Woburn, Massachusetts 01801
 7 781.937.9900
 8 info@legalvideo.net

9 INDEX

DEPONENT	PAGE
Roland R. Doktor	
by Ms. Knudson	116, 220
by Ms. Perritano.....	197

DOKTOR EXHIBITS	FOR IDENTIFICATION	PAGE
22-A	Memo dated June 25, 1981, from R.J. Flanigan at Houdaille, Subject: Parts orders (Bates WP 0464689)	132
22-B	Memo dated March 22, 1982, from F. Standish to members of the Product Liability Committee, Subject: Product liability (Bates WP 0464649 - 4650)	141
22-C	Memo dated April 12, 1982, from C. Nordhausen to members of the Product Liability Committee, Subject: Product liability (Bates WP 0464663 - 4664)	148

Page 112

DOKTOR EXHIBITS	FOR IDENTIFICATION	PAGE
22-D	Memo dated March 24, 1983, from C. Nordhausen to members of the Product Liability Committee, Subject: Product liability (Bates WP 0443677)	156
22-E	Memo dated March 24, 1983, from C. Nordhausen, Subject: Product Liability Subcommittee, Tags and Plates (Bates WP 0464618 - 4619)	158
22-F	Memo dated April 13, 1983, from C. Nordhausen to members of the Product Liability Committee, Subject: Product liability (Bates WP 0443672 - 3673)	163
22-G	Memo dated April 20, 1983, from C. Nordhausen to E. Baldyga and J. Kesler, Subject: Braided Asbestos Packing (Bates WP 0443665)	169
22-H	Letter dated May 24, 1983, on letterhead of Warren Pumps Houdaille, from C.W. Nordhausen to Matthew J. Allen of Liberty Mutual, Subject: Products Safety and Reliability (Bates WP 0443634, 0443635 and 0443633)	172
22-I	Letter dated June 3, 1983, on letterhead of Liberty Mutual, from Matthew J. Allen to Frank Bugbee of Warren Pumps (Bates WP 0443627 - 3632)	177

Page 113

DOKTOR EXHIBITS	FOR IDENTIFICATION	PAGE
22-J	Letter dated June 9, 1983, on letterhead of Liberty Mutual, from Matthew J. Allen to Mr. C.W. Nordhausen of Warren Pumps Division, Re: Products Safety & Reliability, with attached environmental health memo (Bates WP 0443617 - 3626)	180
22-K	Memo dated June 15, 1983, from C.W. Nordhausen to members of the Product Liability Committee, Subject: Product liability, with attached letters (Bates WP 0443616, 0443615, 0443614, 0443627 - 3632, 0443617 - 3626)	183
22-L	Memo dated June 22, 1983, from R. Flanigan of Houdaille to C. Nordhausen, Subject: Manuals for Pumps (Bates WP 0443571 - 3572)	192
22-M	Memo dated July 20, 1983, from R. Flanigan to C. Nordhausen, Subject: Asbestos Packing & Gaskets (Bates WP 0443511, 0443510, 0443507 and 0443508)	185
22-N	Letter dated May 11, 1987, from J.J. Paugh, P.E. of Warren Pumps, Inc. to Naval Sea Systems Command, Department of the Navy, Subject: Proper Disposition of Original Equipment, Manufacturer's Drawing Revisions and Applicability of MIL-STD-480/481, with attachments (Bates WP 0447159 - 7166)	196
28	Warren Pumps headsheet dated March 6, 1971, for 12 vertical two-stage single-suction enclosed impellers (Bates WA-RS-00187 - 00199)	119

2 (Pages 110 to 113)

Page 114 1 ----- 2 DOKTOR EXHIBITS FOR IDENTIFICATION PAGE 3 ----- 4 29 Letter dated May 24, 1983, on 209 5 letterhead of Warren Pumps/Houdaille from 6 C.W. Nordhausen to Robert Ecker, Hydraulic 7 Institute 8 30 Document headed HI Bulletin No. 116-83 210 9 from Hydraulic Institute, dated July 5, 1983, 10 from Allen P. Wherry to Executive Committee, 11 Subject: Product Liability (three pages) 12 31-A Drawing BS-1195 headed Assembly, List 225 13 of Spares and Material 6 by 9 by 12 Vertical 14 Single Fire and Bilge Pump (Bates WA-RS-00456) 15 31-B Posterboard blowup of schematic on 225 16 drawing Assembly, List of Spares and Material 17 6 by 9 by 12 Vertical Single Fire and Bilge 18 Pump 19 ORIGINAL EXHIBITS RETURNED TO 20 BERGMAN DRAPER LADENBURG, PLLC, 21 EXCEPT EXHIBIT 31-B WHICH WAS 22 RETAINED BY ATTORNEY PERRITANO 23 24	Page 116 1 the court reporter will administer the oath. 2 MS. KNUDSON: This is Anna Knudson 3 representing Mr. and Mrs. Stevens in this matter. 4 I am with the law firm of Bergman Draper Ladenburg 5 in Seattle. 6 MR. RICKETTS: Michael Ricketts, Gordon 7 Thomas Honeywell, representing Imo Industries, Inc. 8 MS. PERRITANO: This is Judy Perritano 9 from Pierce Davis & Perritano in Boston representing 10 Warren Pumps, LLC. 11 MR. MATTINGLY: This is Michael Mattingly 12 with Rizzo Mattingly Bosworth P.C., also 13 representing Warren Pumps PC. 14 MS. UNGER: This is Jackie Unger with 15 Carney Badley Spellman representing Cleaver Brooks, 16 in Seattle. 17 ROLAND R. DOKTOR, 18 having been previously sworn on oath, was 19 examined and testified further as follows: 20 EXAMINATION, resumed 21 BY MS. KNUDSON: 22 Q. Good afternoon, Mr. Doktor. 23 A. Well, almost there, but good morning and 24 then good afternoon.
Page 115 1 ----- 2 MORNING SESSION 3 11:25 a.m. 4 ----- 5 (Doktor Deposition Exhibits 22-A through 6 22-N and 28 were pre-marked for identification.) 7 THE VIDEOGRAPHER: We are now recording 8 and on the record. My name is Steven Garcia. I am 9 a Legal Video Specialist for National Video 10 Reporters, Inc. Our business address is 7 Cedar 11 Drive, Woburn, Massachusetts 01801. 12 Today is October 12, 2012, and the time is 13 11:26 a.m. 14 This is the deposition of Roland Doktor in 15 the matter of Roland L. Stevens and Shirley J. 16 Stevens, plaintiffs, versus CBS Corporation, et al., 17 defendants, in the United States District Court, 18 Western District of Washington at Tacoma, 19 3:11-CV-06073. 20 This deposition is being taken at 21 9 Hammond Street, Worcester, Massachusetts on behalf 22 of the plaintiffs. The court reporter is J. Edward 23 Varallo of Eppley Court Reporting. 24 Counsel will state their appearances and	Page 117 1 Q. Okay, good morning/good afternoon/good 2 day. 3 A. Yeah, we're pretty close. 4 Q. All right. Well, I'm sure we'll get there 5 soon enough. 6 Are you aware that you are still under 7 oath and that this is a continuation of the 8 deposition that we started on September 27? 9 A. Yes, I am. 10 Q. And are you still the witness that Warren 11 has designated to testify under 30(b)(6) of the 12 Federal Rules of Civil Procedure? 13 A. Yes, I am. 14 Q. And are you prepared today to answer 15 questions regarding topic 5 of the notice of 16 deposition in this case? 17 MS. PERRITANO: Why don't we get the 18 notice out, Anna, just so he can look at it. 19 MS. KNUDSON: Sure. 20 MS. PERRITANO: Here you go. 21 A. Yes. 22 Q. Would you take a look at the notice of 23 deposition? On the second page you see topic number 24 5 there?

Page 118 1 A. Yes. 2 Q. And it reads "Warren Pumps' actions, if 3 any, taken in response to knowledge of asbestos 4 hazards, including but not limited to warnings, 5 experimentation with non-asbestos-containing 6 products, medical screening for its employees and 7 consultation with physicians and/or industrial 8 hygienists"? 9 A. Yes. 10 Q. When did Warren learn of the hazards of 11 asbestos? 12 MS. PERRITANO: Objection, overbroad. 13 A. A specific date? I can't give you that 14 right now. 15 Q. Can you give me a decade or a time frame? 16 MS. PERRITANO: Same objection. 17 A. No, I can't. 18 Q. Was Warren aware of the hazards of 19 asbestos in 1970? 20 A. I don't know. 21 Q. Do you have any information about when 22 Warren first learned of the hazards of asbestos? 23 A. Some of the documents that I've reviewed 24 for this particular case shows that there were some	Page 120 1 Q. Sure. Looking at the first page of 2 Exhibit 28, do you know what this first page is? 3 A. This is -- Well, the document looks like 4 it's what we would call the headsheets or a synopsis 5 of the customer's order to build twelve pumps for 6 Litton Systems, Incorporated. 7 Q. And what kind of pump? 8 A. These were main condenser condensate 9 pumps. 10 Q. Can you identify which vessel in this case 11 is listed on this headsheets? 12 A. Excuse me. It appears that it's LHA-1, 13 LHA-2 and LHA-3. 14 Q. And is one of those the BELLEAU WOOD? 15 A. I believe LHA-3 is the BELLEAU WOOD, yes. 16 Q. And does the headsheets confirm in your 17 mind that Warren provided four pumps for the BELLEAU 18 WOOD? 19 A. Yes, there would have been four pumps on 20 each of the ships that were listed on the order. 21 Q. And what kind of packing is specified here 22 on the headsheets? 23 A. The packing is identified as Anchor number 24 317 and SS number 1.
Page 119 1 discussions starting in the early '80s. 2 Q. So is it your testimony that Warren was 3 not aware of the hazards of asbestos until the early 4 '80s? 5 MS. PERRITANO: Objection, misstates his 6 testimony. 7 A. No, I just don't know a specific date when 8 they might have had that information. 9 Q. Do you know if they knew in the 1950s at 10 all about the hazards of asbestos? 11 MS. PERRITANO: Objection, overbroad. 12 A. I do not, no. 13 Q. What about in the 1960s? 14 MS. PERRITANO: Same objection. 15 A. Again, I don't know. 16 Q. If you could please take a look at Exhibit 17 28. 18 A. Yes, I have Exhibit 28. 19 Q. Take a moment to look through it, if you 20 don't mind. (Pause) Mr. Doktor, are you about 21 through the document? 22 A. Almost, yes. 23 Q. Okay. 24 A. (Pause) Yes. Thank you.	Page 121 1 Q. Is that asbestos-containing? 2 A. I think the discussions we had previously 3 indicate that that Anchor 317 on the drawings 4 indicated that it was asbestos-containing. 5 Q. There's a name written up at the top of 6 this page. Whose name is that? 7 A. Are you talking about the one that's 8 handwritten at the top of the page? 9 Q. Yes. 10 A. That's C. Nordhausen. 11 Q. Do you know who he was? 12 A. That was Charlie Nordhausen, yes. 13 Q. Who was he in terms of his position at 14 Warren? 15 A. I don't know what his position was back in 16 1971, but I knew Charlie when he was an application 17 engineer when I joined the company. 18 Q. What is an application engineer? 19 A. He would basically be responsible for 20 reading through the customer's requirements and 21 coming up with the proper product that would be 22 designed for that particular application. 23 Q. Can you walk us through the different 24 pages and documents within Exhibit 28 and describe

Page 122 1 for us what each one or section is? 2 A. It looks like the first five pages, Bates 3 numbers 00187 through 191, again is just a synopsis 4 or an outline of those things that needed to be done 5 to complete the order, including the customer's 6 requirements and special procedures and tests that 7 would have to be completed prior to the shipment of 8 the pumps. The -- 9 Q. And then -- 10 A. I'm sorry. 11 Q. No, you go ahead. 12 A. The second section, starting with Bates 13 number WA-RS-00192 through 195 appears to be the 14 shock test procedure, which is a special test that 15 had to be run at an independent lab on one of the 16 pumps to ensure that it passed the military 17 specification, MIL-S-901C, that's part of the order. 18 And the last section -- oops, excuse me -- Bates 19 pages 196 and 197 again are just some, it's an order 20 data sheet or some preliminary notes taken from the 21 customer order. 22 And the last two pages, Bates number 198 23 and 199, are supplements that were provided during 24 the course of the order that would make any changes,	Page 124 1 Q. Yes. 2 A. Yes, yes, I have. 3 Q. And do you recall when you first saw a 4 warning plate like this? 5 A. No, I do not. 6 Q. Why did Warren require this warning plate? 7 MS. PERRITANO: Objection, assumes facts, 8 calls for speculation. 9 A. I don't know if it was a requirement from 10 Warren, don't know if it was a requirement by this 11 order or don't know if it was a requirement by the 12 specification, but it is noted on here that it was 13 to be used. 14 Q. So you have no more specific information 15 about why this warning plate was required for the 16 four pumps on the BELLEAU WOOD? 17 MS. PERRITANO: Same objections. 18 A. No, I do not. 19 Q. Where on the pump would this warning plate 20 have been located or was it located? 21 A. It's not specifically noted here. I can't 22 tell just from this information. 23 Q. Do you agree that the warning plate 24 directs users to consult Warren's instruction manual
Page 123 1 indicate any changes that the customer might relay 2 to Warren as far as special instructions that might 3 have to be completed. 4 Q. Thank you. Turning to the first section 5 that you described, look at the last page, which is 6 191. 7 A. Yes. 8 Q. Do you see where it says "Add warning 9 plate: Do not use for purposes other than shown in 10 original order acknowledgment or in instruction 11 manual. Copy available at Warren Pumps, Inc., 12 Warren, Mass." Did I read that correctly? 13 A. Yes, you did. 14 Q. And so do I understand that there was a 15 warning plate for each of the pumps on the BELLEAU 16 WOOD that are shown in Exhibit 28? 17 A. That's what the order indicated, that that 18 should take place. 19 Q. Do you know when Warren first started 20 putting warning plates like this on its pumps? 21 MS. PERRITANO: Objection, overbroad. 22 A. No, I do not. 23 Q. Have you seen a warning plate like this? 24 A. Have I seen a warning plate like this?	Page 125 1 about how to safely use the Warren pump? 2 MS. PERRITANO: Objection, assumes facts, 3 misstates the statement. 4 A. It basically says that it's not to be used 5 for other purposes other than the original order, 6 which would be the actual customer order, not just 7 the instruction manuals. So they would have to go 8 more than one place to get that information. 9 Q. Well, but doesn't it "Say do not use for 10 purposes other than shown in original order or in 11 instruction manual"? So isn't it one or the other? 12 A. It is "or." But, like I said, I'm not 13 sure how much information might be in the order 14 acknowledgment or the instruction manual. 15 Q. Does Warren still have the instruction 16 manual for these main condenser condensate pumps on 17 the BELLEAU WOOD? 18 A. Let me see. I'm just looking to see if 19 somewhere in the order instructions if it was 20 required by the order or if the customer completed 21 the manual. It appears that Warren would have to 22 provide a manual to the customer. I'm not quite 23 sure what the requirements might be because it 24 looked like there was a spec or something that went

Page 126 1 along with that. But we may or may not have the 2 manual. I'm not quite sure what the history of this 3 particular pump is. 4 Q. Turning to the next section, which is 5 Bates-stamped 00192, this is the shock test 6 procedure. Right? 7 A. Yes. 8 Q. Can you please read the cautionary 9 statement that is about three-quarters of the way 10 down on that first page? 11 A. "No mercury-containing instruments." 12 Q. Before that it says "Caution - Use no 13 mercury-containing instruments." Did I read that 14 correctly? 15 A. Yes. 16 Q. Do you know why that statement was 17 included in this particular document outlining the 18 shock test procedure? 19 MS. PERRITANO: Objection, beyond the 20 scope. 21 A. I'm assuming it was part of the original 22 order requirements from the customer that would have 23 to be flowed down to the particular lab or 24 laboratory that was doing the shock test.	Page 128 1 test procedure 18472" dash, looks like "MM-03 of 2 July 10, 1970," which is the document that we're 3 looking at. 4 Q. So is the warning in this document 5 directed at -- Well, let me strike that. Who is 6 this warning directed to? 7 MS. PERRITANO: Objection, assumes facts, 8 calls for speculation. 9 A. This would be directed toward Lockheed 10 Electronics, who's the person or the company that 11 was performing the high-impact shock test. 12 Q. And Warren created the shock test 13 procedure document. Right? 14 MS. PERRITANO: Objection, assumes facts, 15 misstates testimony. 16 A. The document was based on the customer's 17 order, the pump specification, and the test 18 specification. 19 Q. But Warren created it. Right? 20 MS. PERRITANO: Same objections. 21 A. Warren wrote the document, yes. 22 Q. And in that, they included a caution 23 statement with regard to a potential hazard from 24 using a mercury-containing instrument while testing
Page 127 1 Q. Your testimony is that that cautionary 2 statement was in there because the customer 3 instructed Warren to include it? 4 A. I'm assuming that's the case, or 5 potentially that one of the military specifications 6 above required it. I know today it's a requirement 7 of contracts directly from the customer. I'm 8 assuming it was the same during that time period. 9 Q. Let me back up for a minute here. This 10 document, the shock test procedure, is that an 11 internal Warren document? 12 A. This is a document that we would have 13 written, submitted for approval to the Navy or to 14 Ingalls Shipbuilding, and again would outline a 15 special test that was required to be performed on 16 one of the pumps. 17 Q. And who then would perform that test? 18 A. Let me look and see. I'm not sure it's 19 specified in here, a specific laboratory. Let me 20 just look here. 21 On Bates page 189, about the one, two, 22 three, fourth line down from the top of the page, it 23 indicates "Shock test one unit at Lockheed 24 Electronics, Inc. as required by Warren high shock	Page 129 1 the Warren pump. Right? 2 MS. PERRITANO: Objection, assumes facts. 3 A. It doesn't say -- doesn't warn against 4 that. It just says "Caution - Use no mercury- 5 containing instruments." 6 Q. So Warren was including in its shock test 7 document a cautionary statement about a potential 8 hazard from using or testing the pump with a 9 hazardous substance or instrument that was not part 10 of the pump. Am I right? 11 MS. PERRITANO: Objection, assumes facts, 12 calls for speculation, beyond the scope. 13 A. They're telling the customer not to use 14 mercury-containing instruments. That's all they're 15 telling them. 16 Q. They are telling Lockheed not to use 17 instruments, mercury-containing instruments because 18 mercury is hazardous. Is that correct? 19 MS. PERRITANO: Same objections. 20 A. The statement doesn't go any further than 21 what we've already stated. 22 Q. Do you know whether mercury can be 23 hazardous or not? 24 MS. PERRITANO: Objection, beyond the

Page 130 1 scope. 2 A. Are you asking my personal opinion? 3 MS. PERRITANO: He is not here to give 4 his -- 5 Q. You on behalf of Warren. 6 MS. PERRITANO: He is not here to give his 7 personal opinion. 8 Q. You on behalf of Warren. 9 MS. PERRITANO: No, no, no no. He is 10 not -- Whether a particular substance is or is not 11 hazardous is beyond the scope of this deposition. 12 He is not here to give his personal opinions and he 13 has not been designated to offer opinions as to the 14 hazards of substances such as mercury on behalf of 15 the company. 16 MS. KNUDSON: Well, I disagree with your 17 representation of the scope of the witness because 18 the notice went to the issue of knowledge and 19 warnings. 20 MS. PERRITANO: It went to the issue of 21 knowledge and warnings as it relates to asbestos. 22 It doesn't say a thing, a thing, in fact it says 23 knowledge of asbestos hazards. Asbestos hazards. 24 It doesn't say anything about other hazards.	Page 132 1 Q. Were there any documents included in 2 Exhibit 22 that you had not seen prior to today? 3 A. I can't say one way or the other if I've 4 seen all these prior to that or not. 5 Q. Have you seen some of them? 6 A. Yes, I have. 7 Q. And how much time did you spend looking at 8 Exhibit 22? 9 A. Oh, probably four to six hours. 10 Q. Let's look at Exhibit 22-A. 11 MS. PERRITANO: Got them in order? 12 Reverse order. 13 BY MS. KNUDSON: 14 Q. Have you seen this particular document 15 before? 16 MS. PERRITANO: We had them in reverse 17 order. Can you just wait a second, please? 18 MS. KNUDSON: Oh, sure. 19 A. I can't say one way or the other whether 20 I did or not. 21 Q. Is this in your opinion a Warren document? 22 A. This is a document addressed from our 23 corporate entity, Houdaille, to somebody at Warren 24 Pumps and along with a lot of other people that
Page 131 1 (Pause) 2 MS. KNUDSON: I am just taking a moment to 3 look at Exhibit 28 and seeing if I have any more 4 questions to ask before we move on to Exhibit 22. 5 (Pause) 6 BY MS. KNUDSON: 7 Q. A moment ago you indicated you were not 8 sure whether or not Warren had any of the manuals 9 that it created for these particular pumps. Is that 10 something you could find out? 11 A. Yes. 12 Q. I will ask that you do that then, please. 13 MS. PERRITANO: Why don't you put your 14 request in writing to Mike and we will respond to 15 your request through Mike, please. 16 MS. KNUDSON: Sure. I will just remind 17 you that that request was already included in our 18 request for production, but I will do it again. 19 BY MS. KNUDSON: 20 Q. Let's move on to Exhibit Number 22. 21 A. Yes. 22 Q. And did you review Exhibit 22 prior to 23 today's deposition and since September 27? 24 A. Yes, I have.	Page 133 1 aren't at our facility. 2 Q. Who among the names listed at the top of 3 22-A was at Warren? 4 A. The only name that I recognize in that 5 list I know specifically being at Warren at the time 6 was C. Nordhausen. 7 Q. And that's the gentleman we talked about 8 earlier? 9 A. Yes. 10 Q. Is this a document that was from Warren's 11 file? 12 A. Yes, it would have been. 13 Q. And whose initials are in the upper left- 14 hand corner? 15 A. It appears to be CN. 16 Q. Please read the first sentence of the 17 document. 18 A. "It is suggested that a review be made of 19 practices relative to parts orders to ensure that 20 any safety or instruction decals, signs or tags go 21 out to the parts customer that are the same as would 22 be supplied on a new part assembly or finished 23 product." 24 Q. What is an instruction decal?

Page 134

1 A. I don't know what they were talking about
 2 specifically there. Again, this went to --
 3 Q. Do you know what --
 4 A. It looks like it also went to other people
 5 that might have been in other divisions within the
 6 corporate realm. I just -- I just don't know what
 7 they might call different things.
 8 Q. Did you ever see instruction decals on
 9 Warren pumps?
 10 A. Not that I recall, no.
 11 Q. What about tags? What are tags?
 12 A. Again, I'm not sure what specifically they
 13 are relating to.
 14 Q. Have you ever seen tags used on Warren
 15 pumps?
 16 A. I can't say that I have.
 17 Q. What about signs on Warren pumps?
 18 A. Not that I would say would be a sign, no.
 19 Q. But what about, for example, the warning
 20 plate that we talked about with regard to Exhibit
 21 28?
 22 A. I have seen --
 23 Q. Would you consider that to be a sign?
 24 A. A sign? No.

Page 135

1 Q. So you distinguish between signs and
 2 warning plates?
 3 A. Yes.
 4 Q. Do you agree that warning plates include
 5 safety information?
 6 MS. PERRITANO: Objection, overbroad,
 7 beyond the scope.
 8 A. They would include information that would
 9 be relevant to the particular person receiving the
 10 product.
 11 Q. And to that particular person's safety.
 12 Right?
 13 MS. PERRITANO: Same objections.
 14 A. Could be safety, could be operation, could
 15 be several other things.
 16 Q. Read the next sentence on Exhibit 22-A.
 17 A. "Parts order business can be considered a
 18 fertile area for updating old machines to current
 19 practices in the areas of improved design, better
 20 manuals, safety or standard improvements, and new
 21 decals, signs or tags."
 22 Q. And what did that mean, in your opinion?
 23 MS. PERRITANO: Objection. He is not here
 24 to give his opinion. It's beyond the scope.

Page 136

1 MS. KNUDSON: Then I will strike that part
 2 of the question.
 3 BY MS. KNUDSON:
 4 Q. Sitting here as Warren's representative
 5 today, what is your understanding of what that
 6 second sentence meant?
 7 MS. PERRITANO: Objection, beyond the
 8 scope.
 9 A. It's talking about putting potentially new
 10 design information, new parts, updated parts into
 11 existing designs that might improve their
 12 performance or longevity, things like that.
 13 Q. And would you agree that that new practice
 14 or information also included safety information?
 15 MS. PERRITANO: Same objection.
 16 A. It was being suggested here.
 17 Q. And so would you agree that coming from
 18 the parent company of Warren, that there was a
 19 recommendation that the parts order business could
 20 be an avenue for communicating safety-related
 21 information to Warren's customers?
 22 MS. PERRITANO: Objection, assumes facts.
 23 A. That's only one of the things that's
 24 talked about here. It talks about other

Page 137

1 improvements, updated designs. Again, it was
 2 several things that they want us to explore as part
 3 of this particular memo.
 4 Q. That included safety? That included
 5 safety as potentially one topic that could be
 6 communicated to customers through the Warren parts
 7 or replacement parts business. Is that correct?
 8 A. One of the elements they discussed was
 9 safety.
 10 Q. And in fact if you read the last
 11 sentence -- Well, why don't you go ahead and read
 12 the last sentence.
 13 A. "This area should be explored to ensure
 14 each division is doing what it can to improve and
 15 promote the safe use of its products in the field."
 16 Q. Do you agree that the last sentence
 17 emphasizes safety in particular as an important
 18 topic that can be addressed through Warren's
 19 replacement parts business?
 20 MS. PERRITANO: Objection, beyond the
 21 scope.
 22 A. That's what the paragraph indicates.
 23 Q. So in fact Warren was encouraged to
 24 provide updated safety information through its spare

Page 138 1 parts and replacement parts business? 2 MS. PERRITANO: Objection, assumes facts, 3 misstates testimony, beyond the scope. 4 A. It's encouraging them to do that, to 5 explore what they're doing. Doesn't give any 6 specific direction to that enterprise. 7 Q. And you don't think that the statement 8 "This area should be explored," you don't believe 9 that that's a recommendation? 10 MS. PERRITANO: Same objections. 11 A. Again, it's something to be looked at. 12 But, again, what the actual meaning of this document 13 is, I mean, it's just up to the person who wrote it. 14 It does indicate that it should be looked at. I 15 know that they had ongoing safety committees and 16 product liability committees to look at issues, so 17 they were doing that as well. 18 Q. Basically the recommendation was that 19 Warren essentially use its spare parts business to 20 improve and promote the safe use of its products in 21 the field. Right? 22 MS. PERRITANO: Same objection. 23 A. Again, it's something that should be 24 investigated and it should be looked at. Again,	Page 140 1 Q. Houdaille, okay. 2 My question is: Did Warren take 3 Houdaille's recommendation to essentially use its 4 replacement parts business to improve and promote 5 the safe use of its pumps in the field? 6 MS. PERRITANO: Objection, assumes facts, 7 beyond the scope. 8 A. Again, from the documents I've reviewed in 9 this case, they didn't specifically talk to that 10 item. They talked about other safety and liability 11 issues concerning asbestos materials. But I'm sure 12 the committees did talk about safety. And, again, 13 we did have safety committees and product liability 14 committees that would talk about various items 15 related to pumps. 16 Q. Was your answer yes, that Warren did 17 follow Houdaille's recommendations in this letter? 18 MS. PERRITANO: Objection. 19 A. Whether it was specifically for repair 20 parts or pumps, we always would look for any 21 improvements to safety and the operation of the 22 machinery itself or the pumps themselves. 23 Q. So is your answer yes? 24 MS. PERRITANO: Same objections.
Page 139 1 there was ongoing things to do, things just like 2 that, you know, talked about in some of the other 3 documents that that's what they were doing. And, 4 again, it's a recommendation from Houdaille to each 5 of its divisions. 6 Q. And at the time that this memo was written 7 in 1981, Warren was still supplying asbestos- 8 containing parts, wasn't it? 9 MS. PERRITANO: Objection, assumes facts. 10 A. During this period of time we were. We 11 were also looking for substitutes. There were a lot 12 of other things going on as well. 13 Q. What asbestos-containing spare parts was 14 Warren selling and supplying in 1981? 15 MS. PERRITANO: Objection, assumes facts. 16 A. At that time, depending on the customer 17 requirements or what the customer would ask for, 18 we'd probably have some packing and gasket material. 19 Q. That was asbestos-containing? 20 A. Yes. 21 Q. At this time did Warren follow Houdaille 22 -- I'm mispronouncing it, I know. But can you tell 23 me again how to pronounce the parent company? 24 A. Houdaille.	Page 141 1 A. Yes. 2 Q. Let's look at Exhibit 22-B. 3 A. Yes. 4 Q. What is this document? 5 A. This is a document talking about the 6 minutes of a meeting of the product liability 7 committee that was held on April 5th of 1982. 8 Q. Are we looking at 22-B? 9 A. Oops, no, I'm sorry, that's 22-C. 10 A little out of order. I'm sorry. 11 MS. PERRITANO: 22-B I have as March 22, 12 1982. 13 THE WITNESS: That's correct, yes. 14 A. I'm sorry. This is a notice of product 15 liability committee meeting to be held April 6th. 16 Q. And is this a Warren document? 17 A. Yes, it would be. 18 Q. Does it look to you like it's an agenda 19 for the meeting on April 6th? 20 A. Yes. These would be items for discussion 21 at the next meeting. 22 Q. And were agendas regularly created in 23 advance of the product liability committee meetings? 24 A. From the information that I've reviewed,

Page 142 1 yes, they were. 2 Q. It was the regular practice of the 3 committee to create an agenda like this before their 4 meetings? 5 MS. PERRITANO: Objection, beyond the 6 scope, assumes facts. 7 A. Again, from what I've reviewed for Warren 8 documents, yes. 9 Q. Do you know when the product liability 10 committee was created? 11 A. No, I do not. 12 Q. Do you know what the purpose of the 13 product liability committee was? 14 A. A specific charter, if you're looking for 15 that? No, I do not. 16 Q. Do you know what it did? 17 A. Again, based on the documents I've seen, 18 to review issues that come up with the products and 19 potential issues that might come up in the plant as 20 well. 21 Q. So when you say potential issues, what 22 kind of issue are you talking about? 23 MS. PERRITANO: In the plant? In the 24 plant, Anna?	Page 144 1 that were part of the Balthazar deposition that you 2 did not include in your packet. 3 MS. KNUDSON: Okay. 4 BY MS. KNUDSON: 5 Q. Is there anything else? 6 MS. PERRITANO: If you know. 7 A. Again, I've reviewed many, many documents. 8 I can't say one way or the other whether I have seen 9 any other documents for the product liability 10 committee or the safety committee or whatever other 11 than these, but I just don't know. 12 Q. But sitting here right now, no other 13 documents related to the product liability committee 14 come to mind? 15 MS. PERRITANO: Objection, assumes facts, 16 misstates testimony. 17 A. Again, other than ones I might have seen 18 in other depositions I've done, I can't think of 19 any. 20 Q. Okay. 21 Do you know how long the product liability 22 committee was in existence? 23 MS. PERRITANO: Asked and answered. 24 A. I do not, no.
Page 143 1 MS. KNUDSON: Well, I just want him to 2 explain his answer. He just said potential issues. 3 MS. PERRITANO: He said potential issues 4 in the plant. That's why I was asking. 5 MS. KNUDSON: Well, I would like him to 6 answer both parts of the question -- I mean his 7 response. 8 A. They were looking at design information, 9 design limits for the products, certain actions 10 relating to materials to be used, things like 11 performance parameters, things like that. 12 Q. Let's step back for one moment. In 13 considering in entirety all of Exhibit 22, have you 14 seen any documents related to the product liability 15 committee that are not included in this set of 16 exhibits? 17 MS. PERRITANO: Well, you selected the set 18 of exhibits, not him. 19 MS. KNUDSON: I know. And I'm wondering 20 if there's more about the product liability 21 committee than what we have here in this particular 22 stack. 23 MS. PERRITANO: Well, he hasn't 24 reviewed -- I have a couple of documents with me	Page 145 1 Q. Do you agree that on the agenda for the 2 April 6 meeting, the committee planned to consider 3 tagging repair parts for product liability? 4 A. That was one of the agenda items. 5 Q. And then also another agenda item was 6 consideration of eliminating the use of asbestos 7 packing and gaskets? 8 A. That -- Yes, that action item was also on 9 the agenda. 10 Q. Why was Warren considering eliminating the 11 use of asbestos packing and gaskets at this time? 12 A. Again, this is the first time I've seen 13 that particular statement being used that way. I 14 know we were also substituting where we could before 15 this. I don't know one way or the other why that 16 was actually part of the minutes of the committee. 17 Q. Or the agenda? You're not sure why it was 18 part of the agenda? 19 A. Not at this time, no. 20 Q. Is it possible that it was because Warren 21 knew that asbestos packing and gaskets could be 22 hazardous to users of its pumps? 23 MS. PERRITANO: Objection, assumes facts. 24 A. Well, it was being used in the pumps. But

Page 146

1 looking at all these documents, the committee time
2 and again has concluded that they didn't think there
3 was a hazard with the use of the packing or gaskets
4 in our pumps.

5 Q. So your testimony is that even though
6 Warren was considering eliminating the use of
7 asbestos packing and gaskets, it wasn't because
8 Warren thought that the use of asbestos packing and
9 gaskets was hazardous?

10 A. As used in our pumps, that's correct.

11 MS. PERRITANO: Anna? Your paper-
12 shuffling is coming through loud on the microphone.

13 MS. KNUDSON: Sorry.

14 MS. PERRITANO: Thank you.

15 BY MS. KNUDSON:

16 Q. So you don't know for sure why Warren was
17 considering eliminating the use of asbestos packing
18 and gaskets at this time?

19 MS. PERRITANO: Objection.

20 BY MS. KNUDSON:

21 Q. I just want to be sure I'm clear on your
22 answer, your prior answer.

23 A. There is nothing that I have seen to
24 indicate that there was anything before this as

Page 147

1 discussion as far as why this agenda note might have
2 been put on this particular meeting agenda.

3 Q. At this time did Warren know that asbestos
4 was hazardous?

5 MS. PERRITANO: Objection, asked and
6 answered.

7 A. Again, the committee has looked at a lot
8 of -- Based on the documents that I've reviewed
9 here, it looks like the committee has looked at a
10 lot of information and has asked people for
11 information and they concluded as used in our pumps
12 that it was not a hazard.

13 Q. Well, I'm just asking about at this point
14 in time, on March 22, 1982, when this agenda was put
15 together. Is it your testimony that Warren did not
16 believe that asbestos was hazardous at that time?

17 A. I don't believe -- Based on these
18 documents, no, I don't believe that they thought
19 there was a hazard as gaskets and packing were used
20 in our pumps.

21 Q. Did Warren know generally that asbestos
22 was hazardous at the time that this agenda was put
23 together on March 22, 1982?

24 A. Again, specifically I don't know. I know

Page 148

1 based on some meeting notes and discussions from the
2 product liability committee, they did ask some
3 questions of Liberty Mutual and they did get some
4 information back concerning asbestos. But that was
5 post this. I don't know and haven't seen anything
6 before this in these documents to know whether they
7 specifically knew one way or the other.

8 Q. Looking back at the first page and item
9 number 9 regarding the tagging of repair parts for
10 product liability, did that happen?

11 A. Again, I'd have to look at the actual
12 notes from the meeting. I don't know if that
13 actually took place or not. I don't recall seeing
14 anything in the minutes of the meeting.

15 Q. Let's turn to Exhibit 22-C. What is this
16 document?

17 A. This is the minutes of the meeting of the
18 product liability committee that was held on April
19 5th of 1982.

20 Q. Is this a Warren document?

21 A. Yes, it is.

22 Q. And was it a regular practice of this
23 committee to keep minutes?

24 A. Yes.

Page 149

1 Q. Did this come from Warren's files?

2 A. Yes, it did.

3 Q. And was it kept in the regular course of
4 business?

5 A. Yes, it would have been.

6 Q. Do you know what Mr. Nordhausen's position
7 was at this time?

8 A. He was still an application engineer.

9 Q. What was the subcommittee on warning and
10 informational plates and tags?

11 A. Again, it was just a -- looked like an
12 offshoot of the product liability committee that
13 would look at specific areas that may have been
14 discussed during the regular meetings.

15 Q. Could Warren have included information or
16 warnings about asbestos on its warning nameplates?

17 A. I'm sorry. Could you repeat that?

18 MS. PERRITANO: You dropped out.

19 THE WITNESS: Yes.

20 BY MS. KNUDSON:

21 Q. Could Warren have included warnings about
22 asbestos on its warning nameplates?

23 MS. PERRITANO: Objection, assumes facts,
24 assumes a hazard, calls for speculation, beyond the

Page 150 1 scope. 2 A. Again, depending on what product and 3 specification the product might have carried, that 4 could have been up to the Navy and what 5 specifications they might require and whether it was 6 something they wanted on there or not. 7 Q. Assuming there was no prohibition on the 8 Navy or from the Navy with regard to Warren placing 9 asbestos warnings on its warning nameplates, could 10 Warren have done so? 11 MS. PERRITANO: Objection, assumes a 12 hazard, assumes facts. 13 A. Again, it would have to be approved by 14 them and any language that would have to be on that 15 particular tag would have to go through them for 16 inclusion. 17 Q. But Warren could have done it. Right? 18 MS. PERRITANO: Assumes facts, assumes a 19 hazard. 20 A. Yes. 21 Q. Do you know if Warren ever included any 22 information related to asbestos hazards on its 23 warning nameplates for pumps? 24 MS. PERRITANO: Objection, assumes a	Page 152 1 to the subcommittee on warnings and informational 2 plates and tags." 3 Q. Would you agree that what is reflected in 4 the paragraph you just read is the notion that 5 Warren should warn of hazards from using its pumps 6 not only when Warren was supplying the entire pump 7 but also when supplying replacement parts? 8 MS. PERRITANO: Objection, assumes facts, 9 calls for speculation. 10 A. It talks about the possibility of tagging 11 those parts. It doesn't talk about doing it. And 12 it does also talk about the use of those tags and 13 plates, but no decision was reached based on this 14 particular meeting whether to do that or not. 15 Q. Was a decision ever reached whether to do 16 that or not? 17 MS. PERRITANO: Asked and answered. 18 A. I didn't see anything one way or the other 19 whether it was or not. 20 Q. So this is just something Warren was 21 considering at the time? 22 MS. PERRITANO: Asked and answered. 23 A. The paragraph indicates that they were 24 going to investigate it and it was put as part of
Page 151 1 hazard, assumes a duty, beyond the scope. 2 A. Not that I have seen. 3 Q. Would you agree that this memo, Exhibit 4 22-C, is discussing at the same time tagging repair 5 parts for product liability and the possibility of 6 eliminating asbestos packing and gaskets from Warren 7 pumps? 8 MS. PERRITANO: Objection, assumes a 9 hazard, assumes a duty. 10 A. Those were different topics that were 11 discussed at the same meeting at the same time. 12 Q. Looking at -- Actually, will you go ahead 13 and read into the record paragraph number three, 14 which starts with "The possibility of tagging...." 15 MS. PERRITANO: You mean on page 2? 16 THE WITNESS: Is this page 2? 17 MS. KNUDSON: Yes. 18 THE WITNESS: Okay. 19 A. "The possibility of tagging repair parts 20 for product liability was discussed. It was 21 suggested that any part that had a warning tag or 22 plate attached as part of an assembled pump should 23 also have the tag or plate when it is furnished as 24 an individual part. This matter was also referred	Page 153 1 the subcommittee to go look at that. 2 Q. Would you read the fifth paragraph that 3 starts "A brief discussion was held...." 4 A. "A brief discussion was held on the 5 possibility of eliminating asbestos packing and 6 gaskets in our products. It was agreed that 7 engineering would furnish the sales department with 8 information including cost on acceptable non- 9 asbestos materials to determine the impact on 10 product cost so that a decision could be made. 11 Since C. Pybas had done some previous work on this, 12 he will head up that project" -- or "this project." 13 Q. Do you agree that when Warren was deciding 14 whether or not to eliminate asbestos packing and 15 gaskets from Warren's pumps, Warren was considering 16 the cost consequences for Warren as part of that 17 decision? 18 MS. PERRITANO: Objection, assumes facts. 19 A. It doesn't say that that was the primary 20 driver of that. It was just part of the explanation 21 on what engineering was to furnish to sales to give 22 them all the information that might be needed for 23 that decision to be made. 24 Q. There is no other information request

Page 154 1 specified in the second sentence there, it's just 2 cost? 3 A. It says that engineering will provide the 4 sales department with information, including cost, 5 on acceptable non-asbestos materials. So it talks 6 about -- 7 Q. And then the rest of the sentence -- I'm 8 sorry. 9 A. To determine the impact on product cost so 10 a decision can be made. But it also asks for 11 information. What information are they talking 12 about? Limits, surface speed, limits for 13 temperature and pressure, loading, what might be 14 acceptable/what not might be acceptable? There's a 15 lot of things that could be included in that 16 information that engineering was to get. Cost was 17 one of the items that was part of that. 18 Q. What is the basis for your understanding 19 that the information included those other types of 20 information you just listed? 21 A. Well, all it says is information including 22 cost. What information? What information is 23 necessary to make a decision whether it's acceptable 24 or not?	Page 156 1 and we are back on the record. 2 BY MS. KNUDSON: 3 Q. Good afternoon, Mr. Doktor. 4 A. Good afternoon. We're actually there 5 finally. 6 Q. Yes, we are finally there. 7 I would like you to go ahead, please, and 8 take a look at Exhibit 22-D. 9 A. Yes. 10 Q. Do you recognize this document? 11 A. Yes. This is again a list of action items 12 or agenda items for an upcoming product liability 13 committee meeting. 14 Q. And I think we had just seen the agenda 15 for that as Exhibit 22-C. 16 A. No, Exhibit 22-C was the minutes of the 17 meeting from April 5, 1982. This is a meeting of 18 the committee on April 6th of 1983. 19 Q. Thank you for that correction. You know? 20 I had made that mistake when I was reviewing these 21 and then I obviously just made it again. This is a 22 full year later? 23 A. Pretty near a year, yes. 24 Q. Do you know whether or not you've ever
Page 155 1 Q. Right. But the end of the sentence says 2 that engineering will furnish the sales department 3 with information, including cost, on acceptable 4 non-asbestos materials to determine the impact on 5 product cost so a decision could be made. It 6 doesn't say anything other than cost. You don't 7 agree that that sentence seems to indicate that the 8 primary decision point in deciding whether to 9 eliminate asbestos packing and gaskets from Warren 10 pumps was the cost consideration? 11 MS. PERRITANO: Objection, misstates his 12 testimony. 13 A. No, I do not. There's -- I mean, the 14 first thing it says is furnish department with 15 information, including the cost. Cost was only one 16 element of what they were asking for and what was to 17 be brought forth to the sales department. 18 MS. KNUDSON: I have it that we've been 19 going for about an hour. Can we take five minutes? 20 MS. PERRITANO: That would be great, yes. 21 THE VIDEOGRAPHER: The time is 12:30 p.m. 22 and we are going off the record. 23 (Short recess taken.) 24 THE VIDEOGRAPHER: The time is 12:38 p.m.	Page 157 1 seen any interim product liability committee notes 2 or minutes between the April 6th meeting minutes and 3 then this document dated March 24, 1983? 4 A. I don't know one way or the other, no. 5 Q. It looks like that almost a year later the 6 product liability committee was still considering 7 whether or not to eliminate asbestos packing and 8 gaskets from Warren pumps. Is that correct? 9 A. Along with other things, yes. 10 Q. So Warren was still considering it, but 11 Warren still had not made a final decision? 12 MS. PERRITANO: Objection, assumes facts. 13 A. Again, prior to this I know they had been 14 substituting where they could. This was still an 15 ongoing discussion with the product liability 16 committee. 17 Q. So Warren was still manufacturing some 18 pumps with asbestos-containing gaskets and packing 19 at this time. Right? 20 A. Yes. 21 Q. And Warren was still supplying asbestos- 22 containing replacement packing and gaskets in some 23 cases. Right? 24 MS. PERRITANO: Objection, overbroad,

Page 158 1 assumes facts. 2 A. In some cases, yes, if it was asked by the 3 customer or, again, if it wasn't already 4 substituted. 5 Q. Let's take a look at Exhibit 22-E. 6 A. Yes. 7 Q. Do you recognize this document, which is 8 dated March 24, 1983? 9 A. This is some information provided by the 10 subcommittee on tags and plates that we talked about 11 a little earlier. 12 Q. And this is a Warren document also as 13 well? 14 A. Yes, it is. 15 Q. And it was kept in the course of regular 16 business? 17 A. Yes. 18 Q. What was the purpose of this subcommittee? 19 A. It was to review the tags, plates, labels 20 for use on particular Warren products. 21 Q. Do you know what the tags that are 22 contemplated in this memo were made of? 23 A. There's no indication here. No, I don't. 24 Q. Have you ever seen a tag like this?	Page 160 1 A. Again, based on what I've seen from the 2 information or the committee, they didn't think 3 there was a hazard as those particular parts were 4 used in our pumps and I haven't seen any discussions 5 to indicate that that was one of the things that 6 they had considered. 7 Q. At a later point Liberty Mutual came back 8 to Warren and said we recommend that you eliminate 9 all asbestos-containing products from your pumps. 10 Right? 11 A. That was -- 12 MS. PERRITANO: Objection, misstates the 13 documents. 14 A. Again, Liberty did make suggestions as far 15 as what to do with asbestos in -- asbestos in 16 general and didn't specifically target packing and 17 gaskets. And basically other information that we 18 had and the committee reviewed suggested that as 19 those particular items were not, as they were used 20 in our pumps, were not hazardous. So, again, I 21 haven't seen anything to suggest that the committee 22 decided that there was a hazard. 23 MS. KNUDSON: Mr. Court Reporter, can you 24 please read back my question.
Page 159 1 A. Like I said, I've seen the warning 2 nameplate. I can't say that I have seen the other 3 tags that they're talking about here. 4 Q. So it looks like as of March 24, 1983, 5 Warren was also still considering whether to tag 6 repair parts with warnings. Is that right? 7 A. That's correct, yes. 8 Q. And so Warren still hadn't decided whether 9 or not to do that? 10 MS. PERRITANO: Objection, assumes facts. 11 A. According to this, that's correct. 12 Q. Do you know if there was any consideration 13 of tagging asbestos-containing repair parts with 14 asbestos-related warnings? 15 A. No, I don't. Based on the information 16 I've seen that the committee didn't think there was 17 a hazard as those products were used in our pumps, 18 I haven't seen any tags. 19 Q. Well, so is your answer that you don't 20 think Warren ever considered tagging asbestos- 21 containing repair parts with asbestos-related 22 warnings? 23 MS. PERRITANO: Objection, misstates his 24 testimony.	Page 161 1 (The reporter read the last question.) 2 MS. PERRITANO: Same objection. 3 BY MS. KNUDSON: 4 Q. Mr. Doktor, will you please answer the 5 question that was just read back? 6 MS. PERRITANO: He did. 7 MS. KNUDSON: I don't believe you've 8 answered it. 9 MS. PERRITANO: He did. 10 MS. KNUDSON: He didn't answer the 11 question. 12 MS. PERRITANO: Yes, he did. Why don't 13 you read his answer, too? 14 (The reporter read the answer.) 15 MS. KNUDSON: Judy, are you instructing 16 him not to answer the question? 17 MS. PERRITANO: No, I'm not instructing 18 him not to answer the question. I'm telling you he 19 answered the question. If you want to waste the two 20 hours that you have asking the same question again 21 and again, go ahead, but he did answer your 22 question. I don't think it is fair to say that he 23 didn't answer the question, so that's why I had the 24 answer read back.

Page 162 1 You want to ask him the same question 2 again? Go ahead. 3 BY MS. KNUDSON: 4 Q. Looking at Exhibit 22-E, do you see the 5 list of documents that were attached to Exhibit 6 22-E? 7 A. There is a list of attachments that would 8 have been part of this notice, yes. 9 Q. Can you tell me which if any of these 10 documents listed in numbers 1 through 15 you've 11 seen? 12 A. The specific document? I cannot tell you 13 whether I have seen -- I don't -- I can't say I've 14 seen anything except probably item 14 and 15. And 15 then without looking at the specific drawing itself, 16 whether I've actually seen that one before, I don't 17 know. 18 Q. So you don't know whether or not you have 19 seen items number 1 through 13? 20 A. I can't say I've ever seen any of those 21 documents. 22 Q. Okay. So you don't know whether or not 23 Warren has those currently? 24 A. Well, if they weren't attached here,	Page 164 1 he had developed data on possible substitutes but 2 pointed out that many of these substitutes were not 3 considered as good as asbestos. However, it was the 4 overwhelming feeling of the committee that asbestos 5 as used in our pumps should not be considered a 6 hazard. The chairman was requested to contact our 7 insurance company, Liberty Mutual, and the Hydraulic 8 Institute for their comments on the subject. The 9 chairman was also requested to issue instructions to 10 have all loose asbestos packing put in heat-sealed 11 plastic bags prior to shipping." 12 Q. And did the chairman contact Liberty 13 Mutual? 14 MS. PERRITANO: Anna, I just want to 15 interpose an objection on the record to the extent 16 that the existence of Liberty Mutual suggests that 17 there is insurance in the sense that if the case 18 were to go in front of a jury, I would be objecting 19 to any references to the actual existence of 20 insurance. 21 MS. KNUDSON: He can go ahead and answer. 22 MS. PERRITANO: And can I just have a 23 running objection to that so I don't have to 24 interrupt you on that technical point?
Page 163 1 I doubt that we would have them because they would 2 have been part of this original document. 3 Q. Do you know what happened to them? 4 A. I have no idea what might have happened to 5 them. 6 Q. Okay, let's move on to Exhibit 22-F. 7 A. Yes. 8 Q. What is this document? 9 A. These were the meeting notes from the 10 product liability committee meeting that was held on 11 April 6, 1983. 12 Q. And is this a Warren document? 13 A. Yes. 14 Q. Was it kept in the regular course of 15 business? 16 A. Yes, it would have been. 17 Q. And was it the regular practice of this 18 committee to keep notes like reflected in Exhibit 19 22-F? 20 A. Yes, it would have been. 21 Q. Can you read on the second page of this 22 exhibit the paragraph at the top? 23 A. "On the subject of possible elimination of 24 asbestos packing and gaskets, C. Pybas reported that	Page 165 1 MS. KNUDSON: You may. 2 MS. PERRITANO: Thank you. 3 A. Yes, there was indication that the 4 committee did contact Liberty Mutual as well as 5 Hydraulic Institute as this particular meeting note 6 said. 7 Q. Was Mr. Nordhausen the chairman at that 8 point? 9 A. It appeared that he was. 10 Q. Do you know, was his position the same as 11 you have represented earlier today? 12 A. Yes. 13 MS. PERRITANO: His position with the 14 company as opposed to on the committee? 15 MS. KNUDSON: Yes, with the company. 16 MS. PERRITANO: Okay. 17 THE WITNESS: Yes. That's how I 18 understood your question. 19 BY MS. KNUDSON: 20 Q. And the last sentence, it says "The 21 chairman," and that would be Mr. Nordhausen, "was 22 requested to issue instructions to have all loose 23 asbestos packing put in a heat-sealed plastic bag 24 prior to shipping." Do you know why he was asked to

Page 166 1 do that? 2 A. No, I don't. 3 Q. And who asked him to do that? 4 A. There's no indication here whether it was 5 the committee, whether it was one individual, or 6 what it was. 7 Q. Is it possible that the person or entity 8 directing Mr. Nordhausen to take this action was 9 concerned that loose asbestos packing could pose a 10 health hazard? 11 MS. PERRITANO: Objection, assumes facts, 12 calls for speculation. 13 A. I don't know. Again, the only note, the 14 only thing I know is what's here in the minutes, and 15 it doesn't talk to that specific item. 16 Q. So you speaking on behalf of the 17 corporation Warren, the company Warren doesn't know 18 whether this recommendation was made out of concern 19 for health hazards caused by asbestos packing? 20 MS. PERRITANO: Objection. And it 21 actually takes the sentence out of context. If you 22 look at the paragraph, the paragraph itself talks 23 about the fact that they didn't think there was a 24 hazard.	Page 168 1 strike that. Let me just make sure I understand 2 clearly. Is it your understanding that it was the 3 committee that asked the chairman to issue 4 instructions to have all loose asbestos packing put 5 in a heat-sealed plastic bag prior to shipping? 6 MS. PERRITANO: Objection, calls for 7 speculation. 8 A. Again, it doesn't say whether it was the 9 committee or whether it was an individual on the 10 committee. It was just, it was also requested. The 11 chairman was also requested to issue instructions to 12 do that, so I don't know one way or the other 13 whether it was the committee or an individual on the 14 committee that asked him to do that. 15 Q. And you testifying today on behalf of 16 Warren have no information about why the chairman 17 was requested to instruct that all loose asbestos 18 packing be put in heat-sealed plastic bags prior to 19 shipping? 20 A. No, I do not, because again it's 21 specifically stated that the members of the 22 committee specifically did not think there was a 23 hazard as those particular items were used in our 24 pumps.
Page 167 1 MS. KNUDSON: You can go ahead and answer. 2 A. Yes. The beginning of that paragraph 3 stated that "However, it was the overwhelming 4 feeling of the committee that asbestos as used in 5 our pumps should not be considered a hazard." So 6 why they moved to then put it in a plastic bag I do 7 not know, or a heat-sealed bag I don't know. 8 Q. Would you agree -- 9 A. I'm sorry. 10 Q. Would you agree that it is not entirely 11 clear from this paragraph whether it was the 12 committee that requested that packing be put into 13 plastic bags prior to shipping? It's not clear 14 whether it was the committee that requested that or 15 Warren who requested it. What is your 16 understanding? 17 MS. PERRITANO: Objection, assumes facts, 18 calls for speculation, compound. 19 A. The committee is Warren. I mean, it's all 20 members from Warren who are on the committee. So 21 again I don't know -- There's no explanation as to 22 why that last item was put in there or why it was 23 decided to do that. 24 Q. Would you agree that -- Well, let me	Page 169 1 Q. Would you look at 22-G. 2 A. Yes. 3 Q. Is this a Warren document? 4 A. Yes, it is. 5 Q. Is this in fact the directive that we were 6 just discussing that was issued by the chairman of 7 the committee with regard to shipment of asbestos 8 packing by Warren? 9 A. Yes. He's carrying out what the committee 10 asked him to do or the suggestion of that particular 11 paragraph asked him to do and directed it toward the 12 people in the shop who would be responsible for 13 ensuring that it was done. And all packing, not 14 just asbestos packing, was to be sealed in 15 heat-sealed bags. 16 Q. Was this a safety precaution? 17 MS. PERRITANO: Objection, assumes facts, 18 calls for speculation. 19 A. Again, the committee didn't think there 20 was a hazard, so I can't say one way or the other 21 whether it was or not. 22 Q. This document confirms that Warren was 23 still shipping asbestos-containing packing to its 24 customers as a replacement part. Right?

Page 170 1 MS. PERRITANO: Overbroad, assumes facts. 2 A. There would be loose packing as 3 replacement parts if the customer requested it and 4 it also might be part of the original pump shipment 5 when it was sent to the customer. 6 Q. Did this happen after Mr. Nordhausen 7 issued this directive about sealing asbestos packing 8 in plastic bags on April 20, 1983? 9 A. The directive told the people responsible 10 to do it to do it. I'm assuming that it did take 11 place. 12 Q. Who are the two gentlemen listed at the 13 top of the memo above Mr. Nordhausen's name? 14 A. One of the gentlemen was responsible for 15 production and the other gentleman was responsible 16 for manufacturing. 17 Q. Which was which? 18 A. Mr. Baldyga was responsible for production 19 and Mr. Kesler was responsible for manufacturing. 20 Q. Did Mr. Kesler's responsibilities include 21 any safety-related responsibilities? 22 MS. PERRITANO: Objection. If you know. 23 A. I don't know. I believe he was -- Let's 24 see. He was a member of the committee, so I don't	Page 172 1 liability committee as to why that was decided. And 2 the committee didn't think there was a hazard, so 3 why it was actually done I do not know. 4 Q. Let's look at Exhibit 22-H. 5 A. Yes. 6 Q. What is this document? 7 A. This is the letter to Liberty Mutual from 8 Charlie Nordhausen that he was asked to put together 9 based on the minutes of the product liability 10 committee meeting that was held in early April and 11 includes some of the asbestos-containing components 12 that Warren had used or was using at the time in the 13 pumps. 14 Q. Do you agree that the product liability 15 committee wanted to get Liberty Mutual's perspective 16 on whether or not asbestos in Warren pumps should be 17 considered a health hazard? 18 MS. PERRITANO: Objection, assumes facts. 19 A. They were seeking information from Liberty 20 Mutual concerning asbestos materials as it was used 21 in our pumps as well as information from Hydraulic 22 Institute. This was just one of the inquiries that 23 they were making during this time period. 24 Q. Would you agree that the product liability
Page 171 1 know what other responsibilities he might have had. 2 Q. What about the other gentleman? 3 A. Mr. Baldyga was also a member of the 4 product liability committee. And again -- 5 Q. Did he have safety-related 6 responsibilities within Warren? 7 A. I do not know. 8 Q. When Warren decided to place its asbestos- 9 containing replacement packing in plastic bags, did 10 Warren also include any warning? 11 MS. PERRITANO: Objection, assumes facts, 12 assumes a duty and assumes a hazard. 13 A. As the committee didn't think there was a 14 hazard and I don't see any indication here that 15 instructed them to put a tag or a sticker or 16 anything on it, no, we didn't. 17 Q. Why would Warren suddenly make the change 18 from shipping all loose asbestos packing without 19 being in a sealed bag to shipping it in a sealed bag 20 if there was not some concern about safety? 21 MS. PERRITANO: Objection, assumes a 22 hazard, calls for speculation, assumes a duty. 23 A. Again, I don't know why that decision was 24 made. The notes aren't clear from the product	Page 173 1 committee and Warren thought that there was the 2 potential that asbestos in Warren pumps could be 3 dangerous; they wanted to find out Liberty Mutual's 4 perspective? 5 MS. PERRITANO: Objection, misstates his 6 testimony, assumes facts. 7 A. Again, the product liability committee did 8 not think there was a hazard based on their minutes 9 from the previous meeting as the products were used 10 in our pumps. They were just seeking other 11 information from other sources to make a better- 12 informed decision. 13 Q. To find out if they were right or not? 14 MS. PERRITANO: Objection, assumes facts. 15 A. Well, again, they didn't think there was a 16 hazard at that time. 17 Q. But they wanted to make sure that they 18 were right and so they wrote to Liberty Mutual? 19 MS. PERRITANO: Objection, assumes facts, 20 misstates his testimony. 21 A. Again, Liberty Mutual was just one of the 22 people they asked for further information about 23 asbestos packing and gaskets. It didn't say whether 24 they were concerned about safety, it just asks for

Page 174 1 more information. 2 Q. Why do you think that the product 3 liability committee then sent samples of the 4 asbestos-containing packing and gasket material that 5 Warren used in its pumps to Liberty Mutual? 6 A. As these were the products we were using, 7 the best way to find out if there was any issues 8 with them would be to provide that particular item 9 to the people you were asking. 10 Q. Would you agree that on this list there is 11 some material described as being South African blue 12 asbestos fiber having been used in some of Warren's 13 pumps? 14 A. The Anchor 4250 gasket material that he 15 references does indicate that it was made from South 16 African blue asbestos fiber. However, the sheet 17 gasket that he did send to Liberty Mutual is 18 identified as unidentified, didn't know what it was, 19 and then assumed that it was possibly Anchor 4250 20 but was not sure. I don't know if that was 21 something that he just found information on and 22 included it, but it didn't look like that was 23 exactly what he might have sent to Liberty Mutual at 24 the time.	Page 176 1 substitutes. 2 Q. Was it to get better information about 3 whether or not asbestos packing and gaskets in pumps 4 was actually hazardous? 5 MS. PERRITANO: Objection, misstates the 6 testimony. 7 A. Again, the committee doesn't think there's 8 a hazard. Certain information has been provided 9 that states that certain types of asbestos products 10 might be hazardous, so they're just looking to see, 11 these are the products that we use and what's the 12 best course of action. 13 Q. And along with that, Warren was trying to 14 find out whether or not the asbestos gaskets and 15 packing in its pumps were hazardous? 16 MS. PERRITANO: Asked and answered. 17 A. Again, they didn't think there was a 18 hazard. They didn't make the products. 19 Q. But Warren didn't know one way or the 20 other. Is that your testimony? 21 MS. PERRITANO: That's not his testimony. 22 A. No. 23 MS. PERRITANO: You've asked the question 24 like ten times now and he's told you ten times.
Page 175 1 Q. But he stated that it was probably 4250, 2 Anchor 4250, which does contain blue asbestos fiber. 3 Right? 4 A. That's what he says. But, again, it 5 wasn't identified as being that on the gasket 6 material that he sent, so I don't know if that's 7 actually what he sent or not. 8 Q. This document also confirms that the 9 Anchor 317 is an asbestos-containing packing, and 10 that is the packing that we have discussed already 11 in this case. Right? 12 A. Yes, that's correct. 13 Q. Do you agree that in this document there 14 is an acknowledgment by Warren that asbestos is 15 hazardous? 16 A. Well, it talks about asbestos in certain 17 forms; and again it reiterates that the overwhelming 18 feeling of the committee is that asbestos as used in 19 our pumps is not considered to be a health hazard. 20 Q. What was the purpose of this letter to 21 Liberty Mutual? 22 A. To get more information about packing and 23 gaskets that we were using so that the committee 24 could make a better-informed decision concerning	Page 177 1 A. The committee didn't feel there was -- 2 MS. KNUDSON: Please go ahead and answer. 3 A. The committee didn't feel there was a 4 hazard as these particular products were used in our 5 pumps. 6 Q. Did the committee suspect that they were a 7 hazard? 8 MS. PERRITANO: Objection, asked and 9 answered. 10 A. Again, I don't know. It doesn't say that 11 we suspect there was; they just felt that there was 12 no hazard. 13 Q. Let's look at Exhibit 22-I. Do you 14 recognize this document? 15 A. Yes. 16 Q. What is this document? 17 A. This is a letter from Liberty Mutual to 18 Mr. Frank Bugbee. It addresses some of the previous 19 discussions that Liberty Mutual has had with 20 Mr. Bugbee concerning different instruments, 21 different issues on the plant floor including the 22 tightening of chucks or parts of machine tools on 23 the shop floor. And it also addresses the letter 24 that Mr. Nordhausen sent from the product liability

Page 178 1 committee concerning asbestos packing and gasket 2 material. 3 Q. And what did Liberty Mutual recommend to 4 Warren with regard to the asbestos-containing 5 packing and gaskets? 6 A. There were several things. They basically 7 came out and asked, basically suggested and based on 8 their review from their industrial hygiene and 9 product liability staff, made some results as the 10 note would state. 11 Q. Will you please read into the record the 12 last recommendation that starts out "In using 13 asbestos gaskets...." 14 A. "In using asbestos gaskets, Warren Pumps 15 is placing these pumps in the chain of commerce and 16 may be included in asbestos claims based on the use 17 of this substance in the packing and gasket 18 materials. This type exposure is specifically -- 19 especially prevalent in confined space hazards in 20 shipyards and related industries, especially where 21 maintenance personnel must change gaskets or other 22 items while in limited workspace areas." 23 Q. Do you agree that in this case the 24 testimony in this case is that Mr. Stevens worked in	Page 180 1 MS. PERRITANO: Okay, thank you. 2 A. Yes, they provided an environmental health 3 memo number 11 along with this letter which was 4 referenced as an attachment to the documents that 5 did talk about asbestos in general, not specifically 6 in pump packing or gaskets, and it did list that as 7 one of the hazards or one of the ailments that could 8 be caused. 9 Q. And at the time that Warren received this 10 letter, June 3, 1983, was Warren already shipping 11 asbestos-containing replacement packing in sealed 12 plastic bags? 13 MS. PERRITANO: Objection, assumes facts. 14 A. Our instructions had gone to -- Or the 15 instructions from the committee had gone to the shop 16 floor on April 20, so that was prior to receiving 17 this letter. 18 Q. Is the answer yes? 19 A. Yes, we were. 20 Q. But after receiving -- Well, never mind. 21 Let's move on to 22-J. 22 A. Okay, yes. 23 Q. This letter is dated June 9, 1983. Do you 24 recognize this document?
Page 179 1 confined spaces with asbestos-containing Warren 2 pumps? 3 MS. PERRITANO: Objection. That's beyond 4 the scope. He is not being offered to talk about 5 Mr. Stevens' work and he actually has not reviewed 6 Mr. Stevens' deposition testimony, so he's not here 7 to answer those questions. 8 BY MS. KNUDSON: 9 Q. Did this letter from Liberty Mutual result 10 in any specific actions by Warren with regard to 11 asbestos-containing materials in its pumps? 12 A. Based on the review of the documents, no. 13 Again, the committee still didn't think there was a 14 hazard as used in our specific pumps. It also was 15 making substitutions where they could. That's been 16 reviewed before. So I didn't see anything based on 17 this letter. 18 Q. Would you agree that this letter from 19 Liberty Mutual also included general information 20 about the hazards of asbestos including that 21 asbestos exposure can cause mesothelioma? 22 MS. PERRITANO: Is that Bates 629 that's 23 part of that? I'm sorry, Anna. 24 MS. KNUDSON: Yes.	Page 181 1 A. Yes. 2 (Pause) 3 THE REPORTER: If you asked a question, we 4 didn't hear anything. 5 MS. KNUDSON: Oh, I'm sorry. I said "What 6 is it?" 7 MS. PERRITANO: We didn't hear you. 8 THE WITNESS: I missed that as well. I'm 9 sorry. 10 A. It is a letter from Liberty Mutual to 11 Mr. Nordhausen. It is a follow-up from his, 12 I believe it was June 3rd letter with some 13 additional information about asbestos in general. 14 Q. And does the letter contain any specific 15 recommendations to Warren? 16 A. It basically just talks about the two 17 memos that are attached and that Liberty Mutual is 18 not an approval authority; they just function as a 19 consultant in certain matters and they just felt 20 that eliminating the use of asbestos in any form 21 would be a good course of action. 22 Q. For Warren? 23 A. For Warren Pumps, yes. 24 Q. And that this recommendation was based on

Page 182 1 the latest health-and-safety-related information 2 from NCI and the American Conference of Governmental 3 Industrial Hygienists and the National Safety 4 Council? 5 A. Again, it was based on the information 6 that was attached in that particular article. And, 7 again, that article primarily dealt with general 8 asbestos exposure in the workplace, not specific 9 packing and gaskets or pumps themselves. 10 Q. Is the answer yes? 11 A. Again, the letter basically says that they 12 suggested Warren to remove it from their pumps. 13 Q. And did Warren do that? 14 A. Again, at that point in time we were 15 substituting where we could. Some of the 16 substitutes weren't as good, so we could sometimes 17 and not others; and depending on customer 18 requirements or Navy specifications, we were not 19 able to. 20 Q. So at this time in 1983, after receiving 21 this letter from Liberty Mutual, Warren continued to 22 use asbestos-containing gaskets and packing in its 23 pumps? 24 MS. PERRITANO: Objection, misstates his	Page 184 1 documents? 2 A. Yes. 3 Q. And the first one for the record is dated 4 June 15, 1983; the next one is June 17, 1983; and 5 then the third one is June 27, 1983. 6 A. Yes. We missed the date of the middle 7 one. It's June 17, 1983? 8 Q. Yes. I'm sorry. 9 A. Okay, yes. Thank you. 10 Q. So this exhibit, this letter dated June 11 15, 1983, confirms that Warren did receive a letter 12 from Liberty Mutual recommending that Warren no 13 longer use asbestos-containing materials in its 14 pumps. Is that right? 15 A. It does attach the two letters from 16 Liberty Mutual that we just discussed. It also 17 indicates that Mr. Nordhausen has sent a letter to 18 Hydraulic Institute on the same subject but has not 19 received a response as of yet. 20 Q. And it looks like on the third page of 21 this exhibit in the letter dated June 27, 1983, the 22 product liability committee decided to I guess bump 23 up the decision on whether or not to eliminate 24 asbestos to Houdaille. Is that right?
Page 183 1 testimony. 2 A. Yes, where we were required to, we did, 3 and where there was not a substitute we would have. 4 Q. But Warren never issued any warnings 5 relating to asbestos with its products. Right? 6 MS. PERRITANO: Objection, assumes a 7 hazard, assumes facts, assumes a duty. 8 A. That's correct. Again, the committee 9 didn't feel there was a hazard as used. 10 Q. Go ahead and take a look at Exhibit 22-K. 11 A. Yes. 12 Q. It's a long one, but I can tell you that 13 other than the first three pages of this exhibit, 14 the documents are just duplicate copies of the June 15 3, 1983 letter and the June 9, 1983 letter. So 16 would you just take a quick look at the first three 17 pages. 18 MS. PERRITANO: Can I see your exhibit for 19 just one second? I'm sorry. 20 THE WITNESS: Oh, sure, yes. 21 MS. PERRITANO: Okay, thank you. 22 THE WITNESS: Yes. I'm sorry. 23 BY MS. KNUDSON: 24 Q. Are these first three letters Warren	Page 185 1 A. Yes, they've asked Mr. Flanigan to further 2 investigate the information that was provided by 3 Liberty and others to include a corporatwide 4 decision as far as it was concerned. 5 Q. Take a look at Exhibit 22 -- Actually, 6 let's look at 22-M instead of 22-L. 7 A. 22-M? Yes. 8 Q. And this first one is July 20, 1983? 9 A. Yes. 10 Q. And is this a Warren document? 11 A. Yes, it is. 12 Q. And are all four pages Warren documents? 13 A. Yes. 14 Q. And were these documents kept in the 15 regular course of business by Warren? 16 A. Yes, they would have been. 17 Q. Can you please tell me what page 1 is? 18 A. It's a letter from Mr. Flanigan based on 19 it looks like maybe some information that 20 Mr. Nordhausen might have sent to Mr. Flanigan 21 concerning some of the questions that the committee 22 might have had based on the Liberty Mutual and other 23 letters that we had received concerning packing and 24 gaskets.

Page 186 1 Q. Who was Mr. Flanigan? 2 A. Mr. Flanigan was, it looks like he was the 3 focal point for product liability within Houdaille. 4 Q. And the subject of the memo was asbestos 5 packing and gaskets. Right? 6 A. Yes. 7 Q. Who was J. Latona? 8 A. I don't recognize that name. 9 Q. And do you see where it says "You did not 10 include Warren specification pages" and then it 11 lists a bunch of numbers? 12 A. Yes. 13 Q. And then the rest of the sentence is 14 "which might help me know the form of your 15 asbestos." What are those Warren specification 16 pages? 17 A. Those would be information for a 18 particular item that Warren would have purchased 19 from a sub-vendor. 20 Q. So are those the Warren specification 21 numbers for the asbestos-containing packing and 22 gaskets that it purchased from other companies? 23 A. That's what this indicates, yes. 24 Q. Does Warren still have any of those Warren	Page 188 1 question number 2 and you can see the written note. 2 Q. And what was his answer? 3 A. "It is our understanding that engineering 4 has made a change recently, so I'm not sure what we 5 are selling but I would guess the answer would be 6 yes." 7 Q. So the response to the question is that in 8 fact Warren was still selling replacement packing, 9 gaskets and gasket and packing materials as of July 10 28, 1983? 11 MS. PERRITANO: Objection, overbroad. 12 A. Yes, as the customer would request or the 13 Navy specifications hadn't changed, we'd still be 14 required to furnish that packing. 15 Q. Do you know what engineering change this 16 gentleman is referring to? 17 A. The engineering change would be at that 18 time, again because we were substituting, whether 19 they had found substitutes for everything or not. 20 I don't think Mr. Holley was quite aware of that or 21 not. That's why he answered in that particular 22 format. 23 Q. And you've said throughout your testimony 24 today that Warren was starting to substitute
Page 187 1 specification pages? 2 A. I don't know if we still have these pages 3 or not. 4 Q. Have you seen any? 5 A. Have I seen any material specification 6 pages or -- ? 7 Q. Well, these particular ones that are 8 listed here starting with, is that a zero, R004A? 9 A. Yes. Have I -- ? I don't know if I have 10 seen these specific ones or not. 11 Q. And what are the different questions that 12 Mr. Flanigan asked Mr. Nordhausen? 13 A. It appears that he was looking for how we 14 might treat the particular asbestos packing and 15 gaskets within our manufacturing facility and what 16 we might do to them once they're received. 17 Q. Do you see that number 2 is the question, 18 "Do you sell replacement asbestos packing, gaskets 19 and gasket and packing materials?" 20 A. Yes. 21 Q. And looking at this exhibit, was that 22 question answered anywhere throughout this exhibit? 23 A. Yes, it was, on the next page, identified 24 as WP 0443510. It appears that Mr. Holley answered	Page 189 1 non-asbestos materials for the asbestos packing and 2 gaskets. Do you have any idea as of 1983 the extent 3 to which Warren had been successful in substituting? 4 A. I don't know the total extent. I know 5 that substitutes were being used. I know we had 6 tried certain materials for gaskets and packing 7 materials that when we actually did do the testing 8 at our facility, they were not a suitable 9 replacement. So it was an ongoing process during 10 this time period. 11 Q. So you have no I guess specific estimate 12 or anything in terms of companywide how successful 13 the substitution effort was? 14 MS. PERRITANO: Objection, compound. 15 A. No, I do not. 16 Q. And after Warren's correspondence and 17 communication with Liberty Mutual, did Warren ever 18 go back and warn its existing customers of the 19 dangers and hazards of asbestos from asbestos 20 packing and gaskets that Warren had already shipped 21 or supplied? 22 MS. PERRITANO: Objection, assumes facts, 23 calls for speculation, assumes a hazard, assumes a 24 duty.

Page 190 1 A. Again, I haven't seen anything prior to 2 this. Again, the committee didn't think there was a 3 hazard. I haven't seen anything post this that 4 suggested that they thought any differently. 5 Q. Then looking at question number 3 on 6 Exhibit Number 22-M, "If you do sell replacement 7 materials, to whom do you sell it and how do they 8 process it?" And it looks like Mr. Holley answered 9 that question as well. Would you agree? 10 A. Yes, he did. 11 Q. And what was his answer? 12 A. "We sell direct to distributor stock or 13 ship direct to customer. Consult shipping for 14 answer to how we process it." 15 Q. And what does that mean, "We sell direct 16 to distributor stock"? 17 A. For a short period of time Warren did have 18 some stocking distributors for certain products, so 19 he was talking about those distributors that would 20 have our products within their facility. 21 Q. You said for a short period of time. Do 22 you know the time frame? 23 A. It was mid '70s to about mid '80s. 24 Q. Can you provide the names of any of the	Page 192 1 asbestos." 2 Q. So essentially it would cost more for the 3 company to have made a complete switch over to non- 4 asbestos-containing packing at this time. Is that 5 right? 6 MS. PERRITANO: Objection, assumes facts, 7 calls for speculation. 8 A. No, the manufacturers of the packing and 9 gasket material told him it cost more and I'm sure 10 that same information from the packing and gasket 11 manufacturers relayed to Mr. Paugh told him that we 12 might have been the only ones that are doing it 13 because it costs more and nobody else was doing it. 14 So if we're going to do it, it's going to erode our 15 competition even though we might be doing it. 16 Q. Were any of the other questions answered 17 that are on the front of Exhibit 22-M? 18 A. I didn't see any of the other questions 19 answered. 20 Q. So speaking on behalf of Warren, you don't 21 know the answer to questions number 1, 5 or 6? 22 A. At this time, no, I don't. 23 Q. Let's go ahead and take a look at Exhibit 24 22-L.
Page 191 1 distributors that are referenced in this letter? 2 A. Not right off the top of my head. 3 Q. But is that information that Warren could 4 find? 5 A. If the distributor still exists, we would 6 be able to. 7 MS. KNUDSON: I would ask that that be 8 produced. 9 MS. PERRITANO: Put it in writing to Mike 10 and we'll respond. 11 BY MS. KNUDSON: 12 Q. And then in terms of question number 4, 13 "Are there acceptable substitutes, both function and 14 price, for each type of asbestos material now being 15 used?" Is it your understanding that that question 16 was answered? 17 A. Yes, it appears that Mr. Paugh answered 18 that question on exhibit -- 19 Q. What was his response? 20 A. His response was "Yes. According to the 21 packing and gasket manufacturers, it is more 22 expensive particularly in the form of packing, 23 Kevlar, and would further weaken our competitive 24 situation unless competitors also eliminated	Page 193 1 A. Yes. 2 Q. And this is dated June 22, 1983; the 3 subject is manuals for pumps. Do you see that? 4 A. Yes. 5 Q. Have you seen this document before? 6 A. Other than for this particular case, 7 I don't recall seeing it. 8 Q. And is this a Warren document? 9 A. Yes. 10 Q. And how do you know that? 11 A. It's addressed to Mr. Nordhausen and also 12 indicated that it's intercompany correspondence from 13 Houdaille corporate. 14 Q. Is this the type of document that was kept 15 in the regular course of business? 16 A. Yes. 17 Q. And is it your understanding that it came 18 from Warren's file? 19 A. Yes. 20 Q. What is this document? 21 A. It's a letter to Mr. Nordhausen from 22 Mr. Flanigan, talking about some of the technical 23 manuals that Warren has for some of its products. 24 Q. And does this document indicate that not

Page 194 1 all Warren manuals had a safety precautions section 2 as of the date of this document in 1983? 3 A. Yes. I'm not sure what documents were 4 actually sent to Mr. Flanigan for review, so I'm not 5 sure if they were old documents or newer documents. 6 Q. Would you agree that this is a memo from 7 Houdaille to Warren with specific recommendations 8 for making improvements to its Warren pump manuals? 9 A. Yes. It talks about moving sections and 10 some of the things that they should include. 11 Q. So would you agree that the content of 12 Warren Pumps pump manuals was dictated at least in 13 part by Houdaille? 14 MS. PERRITANO: Objection, assumes facts. 15 A. They're making some suggestions here about 16 what to do and how to do it. I don't know if 17 they're making specific suggestions on how to do it 18 or whether they want to comply with everything 19 across the board for all the divisions within 20 Houdaille. Again, there's other things that they 21 could be talking about. 22 Q. Do you see anywhere on this exhibit any 23 mention to military specifications? 24 A. On this particular one? No, I don't.	Page 196 1 Q. Let's take a look Exhibit 22-N. 2 MS. PERRITANO: Ed, how long have we been 3 on the record? 4 THE VIDEOGRAPHER: Over two hours. 5 MS. PERRITANO: We have been on the record 6 over two hours, Anna. 7 MS. KNUDSON: I only have a couple more 8 minutes. 9 MS. PERRITANO: And I'm fine with that. 10 I just don't want it to be two more hours. 11 MS. KNUDSON: Sure. 12 THE WITNESS: 22-N, yes. 13 BY MS. KNUDSON: 14 Q. Is this a Warren document? 15 A. Yes, it is. 16 Q. And is it a document that was kept in the 17 regular course of business? 18 A. Yes. 19 Q. Have you seen this document before? 20 A. Just when I was reviewing for this case, 21 that's the only time I've seen this document. 22 Q. We do agree that this document confirms 23 that Warren as of 1987 was still routinely supplying 24 repair parts for its pumps to the SPCC?
Page 195 1 Q. Do you see any reference to Navy 2 specifications? 3 A. No. 4 Q. Do you know whether Warren implemented the 5 changes that were recommended by Houdaille as a 6 result of this memo? 7 A. Specifically, I do not. 8 Q. Do you know how often Warren updates and 9 revises its manuals for its pumps? 10 A. No, I don't. 11 Q. Does Warren have any process for updating 12 its manuals to include more recent safety 13 information? 14 MS. PERRITANO: Objection, overbroad, 15 beyond the scope. 16 A. I do not know. 17 Q. Did you ever see any process for that, for 18 improving -- well, other than what's reflected in 19 this memo, any process for making improvements in 20 terms of safety recommendations and warnings in 21 Warren's manuals? 22 MS. PERRITANO: Objection, beyond the 23 scope, assumes facts. 24 A. No, I have not.	Page 197 1 A. Yes. The parts that he's talking about 2 and the drawings that he's talking about are those 3 parts that Warren manufactures at our facility which 4 would normally include like impeller shafts, rings, 5 bushings, again things that we would manufacture 6 directly. 7 MS. KNUDSON: At this point I have no 8 further questions. Thank you. Appreciate your 9 time. 10 MS. PERRITANO: Thank you. Anna, I'm 11 going to have a couple of follow-up questions. Can 12 we take like a five-minute break? I want to run to 13 the ladies' room. 14 MS. KNUDSON: Sure. 15 THE VIDEOGRAPHER: The time is 1:40 p.m. 16 and we are going off the record. 17 (Short recess taken.) 18 THE VIDEOGRAPHER: The time is 1:49 p.m. 19 and we are back on the record. 20 EXAMINATION 21 BY MS. PERRITANO: 22 Q. Good afternoon, Mr. Doktor. 23 A. Good afternoon. 24 Q. My name is Judy Perritano and I just have

Page 198 1 a couple of questions for you. 2 Can you just tell us what it is that 3 Warren manufactured? 4 A. Pumps. 5 Q. Did Warren manufacture gaskets? 6 A. No. 7 Q. Did Warren manufacture packing? 8 A. No, we didn't. 9 Q. Did Warren manufacture insulation? 10 A. No. 11 Q. From where did Warren purchase the gaskets 12 and packings that it incorporated into its pumps? 13 A. From third-party manufacturers. 14 Q. And we talked a little bit on the first 15 day of your deposition about some of the pumps that 16 were sold for installation on some of the ships at 17 issue in this case. Do you recall that? 18 A. Yes. 19 Q. And in some of those pumps, were there 20 some asbestos-containing components? 21 A. Yes. 22 Q. And why were those asbestos-containing 23 components incorporated into those pumps? 24 A. For the particular Navy pumps, the	Page 200 1 part of your deposition about some drawings. Do you 2 recall that? 3 A. Quite a few drawings. 4 Q. Right. And I think we marked a number of 5 them as exhibits in the case. The drawings included 6 a list of components in the pumps, did they not? 7 A. Yes. 8 Q. And why were those components listed on 9 the drawings? 10 A. They made up all the parts for the pump to 11 operate. 12 Q. And did the Navy require that those 13 components be listed? 14 A. Yes. The drawings specifically called out 15 each individual component and usually the materials 16 of construction and any specifications for those 17 particular materials. 18 Q. And were the materials of construction 19 materials that were specified by the Navy in the 20 Navy specifications? 21 A. Yes, they would be. 22 Q. Is there a process for the approval of the 23 drawings that are associated with the pumps? 24 A. Yes, the drawings would have to be
Page 199 1 specifications would require use of certain 2 components in certain areas. And I think we also 3 saw that the components themselves carried Navy 4 Department or military specifications as well. 5 Q. Did Warren or the Navy specify the use of 6 asbestos in those pumps? 7 A. The Navy -- 8 MS. KNUDSON: Object to the form. Can you 9 hear me? I just need to object to that question. 10 MS. PERRITANO: Yes, we can hear you, 11 Anna. 12 MS. KNUDSON: Thanks. 13 A. The Navy mil spec or Navy documents would 14 specify materials to be used in those particular 15 products. 16 Q. And what is a Navy mil spec? 17 A. It's a specification that talks about 18 design of the products, talks about materials to be 19 used, testing that will be done to the products, 20 inspections that might be done, outside testing that 21 would have to be performed. 22 Q. And who prepared those specifications? 23 A. The Navy would have. 24 Q. We talked a little bit during the first	Page 201 1 submitted for approval to the Navy or the Naval 2 shipyard who was building the particular ship. 3 Q. And could Warren manufacture the pump 4 before the drawings were approved? 5 A. No. 6 Q. Were the pumps also inspected before they 7 were shipped to the Navy? 8 A. Yes, either by the Navy directly, their 9 associate like SupShips or the shipyard themselves. 10 Q. You were asked a lot of questions about 11 repair parts. 12 A. Yes. 13 Q. And I think we interchanged the terms 14 between repair and replacement parts throughout the 15 deposition. What I would like to talk about are 16 parts that are sold at some point after the original 17 sale of the pump. Okay? 18 A. Yes. 19 Q. So when I use the term repair or 20 replacement, I'm talking about those types of parts. 21 Okay? 22 A. Yes. 23 Q. Can you describe for the jury the types of 24 repair or replacement parts that Warren sold?

Page 202 1 A. They would typically be metal parts that 2 we would manufacture at our facility, impellers, 3 shafts, case rings, pistons, piston rings, 4 crossheads, bushings. Those types of items is what 5 we would normally supply to the Navy for aftermarket 6 parts. 7 Q. And you were asked some questions about 8 gaskets and packing as repair and replacement parts. 9 Do you recall that? 10 A. Yes. 11 Q. Under what circumstances would Warren 12 provide gaskets and packing as repair and 13 replacement parts? 14 A. If it was requested by the customer. 15 Q. And was that typically requested by the 16 customer? 17 A. No. 18 MS. KNUDSON: Object to the form of the 19 question as overly broad and vague. 20 BY MS. PERRITANO: 21 Q. You were shown a document during your 22 first day of deposition that included some Navy 23 requests for requisition of moneys for repair and 24 replacement parts. Do you recall that?	Page 204 1 Q. So those related to industrial products? 2 A. Yes. 3 Q. And what types of repair or replacement 4 parts were typically provided through the 5 distributor stock program? 6 A. It was usually power frames, cases, 7 impellers, replacement shafts, bearings, things like 8 that. 9 Q. Metal parts? 10 A. Yes. 11 Q. You were also asked some questions today 12 about the product liability committee. You recall 13 that? 14 A. Yes. 15 Q. And you mentioned a couple of times a 16 safety committee? 17 A. Yes. 18 Q. Was the safety committee separate and 19 apart from the product liability committee, as far 20 as you know? 21 A. Yes. 22 Q. And in looking through the various 23 correspondence relating to the product liability 24 committee notes, did you see discussions where the
Page 203 1 A. Yes, I do. 2 Q. And I think it was marked as Exhibit 3 Number 21. There you go. 4 A. Yes. 5 Q. Is that a Warren document? 6 A. No. 7 Q. In looking over that document, is there 8 any indication or suggestion in that document that 9 the repair or replacement parts that the Navy is 10 purchasing or seeking to purchase included any 11 gaskets or packing? 12 A. No. It just talks about repair parts for 13 centrifugal, reciprocating, or rotary pumps. 14 Q. And those repair parts would have included 15 things like the metal parts that you described 16 before? 17 A. Yes. 18 Q. You also mentioned the distribution stock 19 process in response to a question in today's 20 deposition. Do you recall that? 21 A. Distributor stock, yes. 22 Q. And was there a program with the Navy? 23 A. We did not have distributors for the Navy 24 product, no.	Page 205 1 safety committee was considering hazards related to 2 pumps? 3 A. Yes. 4 Q. And what types of hazards was the product 5 liability committee considering? 6 A. They're looking at things like electrical 7 shock hazards, guards so people wouldn't get caught 8 in the rotating machinery, things like that. 9 Q. And was the committee looking to provide 10 warnings about those types of hazards? 11 A. Yes. 12 Q. And did you also see some discussion in 13 the notes about asbestos-containing components that 14 may have been used in some of the Warren pumps? 15 A. Yes. 16 Q. And what components would those have been? 17 A. Packing and gasket material. 18 Q. And throughout the documents that you 19 reviewed, did you see indications as to the 20 committee's position or consideration of whether 21 there was a hazard? 22 A. The committee didn't think there was a 23 hazard for those particular items as they were used 24 in our pumps.

Page 206 1 Q. And the committee looked to a number of 2 other entities to help it evaluate that issue, did 3 it not? 4 A. Yes. 5 Q. And one of them that we spoke about today 6 was Liberty Mutual? 7 A. Yes. 8 Q. Now, attached to one of the Liberty Mutual 9 letters there was some information about asbestos. 10 Is that correct? 11 A. There was two separate letters. One was a 12 health memo, I think -- hold on a minute -- 13 environmental health memo. There was also an 14 article talking about substitute gasket material. 15 And then there was a National Cancer Institute 16 asbestos exposure memo as well. 17 Q. And take a look for me, sir, at the 18 National Cancer Institute asbestos exposure memo. 19 A. Yes. 20 Q. And just for the record, I think that it 21 is Bates-stamped 443619? 22 A. Yes. 23 Q. And could you just identify which exhibit 24 it is part of?	Page 208 1 A. Yes. It was requested for Mr. Nordhausen 2 to do that. 3 Q. And what is the Hydraulic Institute? 4 A. Hydraulic Institute is the organization 5 who provides information to the pumping industry or 6 pump manufacturers. It also lays down specific test 7 requirements, some general information as to 8 drawings, testing, those types of issues. 9 Q. And did the Hydraulic Institute provide 10 Warren with any information concerning any potential 11 hazards associated with gaskets and packing as used 12 in Warren's products? 13 A. Yes. They had some information from one 14 of, I think it was a gasket manufacturer. 15 Q. And what did the Hydraulic Institute 16 advise Warren? 17 A. Because the asbestos was encapsulated as 18 part of the process in making the gaskets, there 19 should not be a hazard. 20 Q. And when approximately did Warren receive 21 the information from the Hydraulic Institute? 22 A. It was part of this same time frame, in 23 1983, and as part of Mr. Nordhausen's request that 24 he respond.
Page 207 1 A. I think it was part of two exhibits. 2 Looks like it was part of Exhibit 22-J and 22-K. 3 Q. Is there a discussion in this document 4 about the different forms of asbestos? 5 A. Different forms of asbestos, different 6 types of issues relating to some of the physical 7 side effects or potential side effects from asbestos 8 as well. 9 Q. And does the document also on Bates 443622 10 refer to asbestos bonded in finished products? 11 A. Yes, it does. 12 Q. And could you read that into the record, 13 please? 14 A. "Asbestos bonded in finished products is 15 not a risk to health as long as the product is not 16 damaged or disturbed in such a way as to free fibers 17 into the air." 18 Q. And was the asbestos that was included in 19 the gaskets and packing in a bonded form? 20 A. Yes. 21 Q. And in your review of the product 22 liability committee information, did you see that 23 the product liability committee also sought the 24 input of the Hydraulic Institute?	Page 209 1 Q. I am going to show you a document and ask 2 if this is a copy of the letter sent to the 3 Hydraulic Institute. 4 A. Yes. 5 Q. And what is the date on that, sir? 6 A. This is May 24, 1983. 7 MS. PERRITANO: Let's mark that as the 8 next exhibit, please. 9 (Doktor Deposition Exhibit 29 marked for 10 identification.) 11 BY MS. PERRITANO: 12 Q. And let me show you another document, sir, 13 and ask you if you can identify that for the record, 14 please. 15 A. It appears that it's a response to the 16 executive committee, Subject: Product liability, 17 and it talks about a response with a material safety 18 data sheet where they talk about the information 19 from Durabla that talks about the encapsulated form 20 of the gasket material. 21 Q. And is there a conclusion in there about 22 the hazard, sir? 23 A. "Please note that it would seem that since 24 the asbestos is in encapsulated form, there is no

Page 210 1 problem in using this material." 2 Q. And that relates to the gaskets and 3 packing that were in your pumps? 4 A. Yes. 5 Q. And is this a copy of the material safety 6 data sheet that was included with the letter? 7 A. Yes, it was. 8 Q. And that is from who, sir? 9 A. The Durabla Manufacturing Company. 10 MS. PERRITANO: Let's mark that group, the 11 letter and -- is it a two-page document? 12 THE WITNESS: Yes. 13 MS. PERRITANO: -- and the two-page 14 material safety data sheet as the next exhibit, 15 please. 16 (Doktor Deposition Exhibit 30 marked for 17 identification.) 18 BY MS. PERRITANO: 19 Q. In addition to seeking the input of the 20 Hydraulic Institute, did Warren also separately seek 21 out information from the gasket and packing 22 manufacturers? 23 A. Yes. 24 Q. And what information did Warren receive	Page 212 1 A. Yes. 2 Q. And you said that Warren did not -- Strike 3 that. Why didn't Warren put a warning on the pump? 4 A. If we're talking about -- 5 MS. KNUDSON: Object to the form of the 6 question. It's very vague. 7 A. If we're talking about asbestos packing 8 and gaskets, again, they concluded there was no 9 hazard. If it was some other kind of warning, it 10 would be for operation of the pump as we saw earlier 11 with the warning label. 12 Q. So to the extent that Warren concluded 13 there was a hazard associated with a particular use 14 of the pump, what would Warren do? 15 A. They would put a warning label or identify 16 it in some way. 17 Q. You talked during the first day of your 18 deposition about a couple of different types of 19 pumps. I think we talked about a reciprocating pump 20 and a centrifugal pump. Do you recall that? 21 A. Yes. 22 Q. And can you just briefly tell the jury 23 what the difference is between a reciprocating and a 24 centrifugal pump?
Page 211 1 from the gasket and packing manufacturers? 2 A. It was similar to this, that in 3 encapsulated form, that gasket material was not a 4 hazard; and even at the level that the gasket 5 material was manufactured, there was no hazard. 6 Q. And when you say gasket material, does 7 that include packing also? 8 A. Yes. 9 Q. Now, following the information that Warren 10 received including the information from Liberty 11 Mutual, the Hydraulic Institute and the gasket and 12 packing manufacturers, did the committee again 13 discuss the use of asbestos-containing gaskets and 14 packing in pumps? 15 A. Yes. 16 Q. And did the committee reach any conclusion 17 concerning whether it thought there was a hazard 18 associated with the gaskets and packing after it had 19 received all this information? 20 A. It was the same conclusion: that as used 21 in our pumps, there would be no hazard. 22 Q. You were asked a question earlier today 23 about whether Warren could have put a warning on a 24 pump. Do you recall that?	Page 213 1 A. Well, the easiest way to explain a 2 reciprocating pump is people can think of watching 3 Little House on the Prairie where they used to go 4 out to the wellhead and actually, you know, move a 5 handle up and down to get water out of the well. 6 Well, that handle was connected to a plunger that 7 pulled water up from the well, and that was really a 8 hand-operated reciprocating pump. The ones that we 9 talked about the other day were steam reciprocating 10 pumps where instead of you actually moving the 11 piston up and down, there's a steam piston that gets 12 actuated and moves that water piston up and down to 13 pump the fluid. 14 A centrifugal pump, the easiest way to 15 think about that is when you were a little kid, you 16 had a little pinwheel on a stick that when the wind 17 blew, it would turn the pinwheel. Well, if you kind 18 of take that same pinwheel and let a motor or a 19 turbine turn it and let water flow in where the wind 20 would actually flow in, the centrifugal force of 21 that motor spinning that pinwheel causes centrifugal 22 force and we can force the fluid down the pipe. So 23 that's a centrifugal pump, something that's rotating 24 very fast.

Page 214 1 Q. Both centrifugal and reciprocating pumps 2 were sold for installation on some of the ships that 3 we were discussing during the first day of your 4 deposition. Correct? 5 A. Yes. 6 Q. And I would like to focus for a minute, 7 sir, on the reciprocating pumps. 8 A. Yes. 9 Q. And what I would like to do is show you a 10 document Bates-numbered WA-RS-00456 and ask you if 11 you can identify that for the record, please. 12 A. It's identified as Warren Pumps drawing 13 BS-1195, assembly, list of spares and material, 6 by 14 9 by 12 vertical single fire and bilge pump. 15 Q. And was that a reciprocating pump? 16 A. Yes. 17 Q. And was the fire and bilge pump one of the 18 pumps that was sold for installation on some of the 19 ships at issue in this case? 20 A. Yes. 21 Q. Now I would like to show you what is a -- 22 Well, let me back up for a minute. Towards the 23 bottom of that drawing there is a schematic. Do you 24 see that?	Page 216 1 where the steam end of that pump is? 2 A. This area up in here. 3 Q. So that's up at the top of the pump? 4 A. Yes. 5 Q. It's a vertical pump? 6 A. Yes. 7 Q. And the pump end of the pump is where, 8 sir? 9 A. It's down this area here. 10 Q. Now, during the first day of your 11 deposition you were asked some questions about some 12 insulation that was associated with that particular 13 pump. Do you recall that? 14 A. Yes. 15 Q. Can you show the jury where the insulation 16 was located? 17 A. It would be up in this area here. 18 Q. So up at the top end of the pump? 19 A. Yes. 20 Q. And was there any insulation on the pump 21 or bottom end of the pump? 22 A. Not down here, no. 23 Q. Can you show the jury where the pump 24 piston is located?
Page 215 1 A. Yes. 2 Q. And what does that schematic depict? 3 A. It's basically a cutaway of the pump, like 4 somebody sliced the pump right down the middle. 5 Q. And I would like to show you a blowup of 6 that schematic and ask you if that is the same 7 thing, only blown up on a cardboard board. 8 A. Yes. It's that lower portion of the 9 drawing. 10 Q. Okay. Could you hold that up for the 11 jury, please? 12 A. Sure. (Witness complied.) 13 Q. And that is the cutaway of a steam 14 reciprocating pump? 15 A. Yes. 16 Q. Does that cutaway indicate where the steam 17 end and the pump end of the steam reciprocating pump 18 are located? 19 A. Yes, it does. 20 MS. PERRITANO: Could I ask the 21 videographer to just make sure that we zoom in on 22 that. 23 BY MS. PERRITANO: 24 Q. Could you point out for the jury, please,	Page 217 1 A. It's down here. 2 Q. Is that inside the pump end of the pump? 3 A. Yes. 4 Q. And where is the pump piston packing 5 located? 6 A. That is these little X boxes marked down 7 here. 8 Q. Why don't I give you a pink highlighter 9 and you can highlight for us on the diagram where 10 that is located. 11 A. (Witness complied.) 12 MS. KNUDSON: Judy, how much more time are 13 you anticipating going? 14 MS. PERRITANO: About three minutes. 15 A. It's this little pink area down here. 16 Q. Okay. In order to remove the pump piston 17 packing, do you have to remove the insulation on the 18 steam end of the pump? 19 A. No. 20 Q. Can you just -- 21 MS. KNUDSON: Object to the form of the 22 question. Object to the form of the question. 23 BY MS. PERRITANO: 24 Q. Can you describe for the jury how you

Page 218 1 would remove the pump piston packing from the pump 2 end of the pump? 3 MS. KNUDSON: Object to the form of the 4 question. 5 A. What you would do is, you would disconnect 6 the linkage in this area here. There's a couple 7 bolts that hold what we call the crosshead together, 8 which links the steam rod and the pump piston rod. 9 If you take that apart, this pump piston rod and the 10 pump just in itself will drop to the bottom of the 11 pump. You can remove this lower cylinder cover, 12 drop that whole assembly out the bottom. Then you 13 can easily take these nuts off, get to the packing 14 on a bench or on the deckplate. 15 Q. And do you have to disturb any insulation 16 to do that? 17 A. No. You've worked -- 18 MS. KNUDSON: Object to the form of the 19 question. Mr. Doktor, please wait for me to get my 20 objection in. 21 THE WITNESS: Oh, I'm sorry, yes. 22 A. No, you'd just be working on the pump end 23 of this pump. 24 Q. And what if you can't get the piston out	Page 220 1 Q. Thank you. I just want to circle back -- 2 I'm done with that, sir. I just want to circle back 3 for one minute to a question that I forgot to ask. 4 You looked for aftermarket parts for the 5 pumps that were sold to the various ships at issue 6 in this case. Correct? 7 A. Yes. 8 Q. And did you find any record showing any 9 sales of any asbestos-containing components for any 10 of the pumps on any of the ships at issue in this 11 case? 12 A. No. 13 Q. And so that's aftermarket. Correct? 14 A. Yes. 15 MS. PERRITANO: Thank you, sir. I have no 16 further questions. 17 MS. KNUDSON: Judy, I have a couple of 18 follow-ups in light of the visual aids that were 19 just used. 20 FURTHER EXAMINATION 21 BY MS. KNUDSON: 22 Q. Mr. Doktor, when you -- 23 MS. PERRITANO: Do you want him to pull it 24 up? Do you want him to show it?
Page 219 1 the bottom end of the pump? 2 MS. KNUDSON: Object to the form of the 3 question, calls for speculation, lacks foundation. 4 A. An alternate way to get to this packing is 5 to move the pistons to their full height or to the 6 top of their stroke and then you can actually remove 7 this top cylinder head, slide it up as far as it'll 8 go, and that will bring the piston somewhere toward 9 the top of the cylinder but not quite to the top, 10 and then you'd have to work from the top in to take 11 this bolt off and the top plate to get to the 12 packing and reinstall it. 13 Q. And the top that you're referring to is 14 the top of which portion of the pump? 15 MS. KNUDSON: Object to the form. 16 BY MS. PERRITANO: 17 Q. The pump end or the steam end? 18 MS. KNUDSON: Same objection. 19 A. It would be this top pump cylinder plate 20 right here. 21 Q. And which end of the pump is that located 22 on? 23 MS. KNUDSON: Object to the form. 24 A. That's on the pump end.	Page 221 1 MS. KNUDSON: No, that's okay. I just 2 want to ask him: 3 BY MS. KNUDSON: 4 Q. Ms. Perritano asked you a few questions 5 about the drawing of the fire and bilge pumps, with 6 you providing a factual testimony description about 7 how you personally would go about accessing some of 8 the parts in the pump end of the pump or the water 9 end of the pump? 10 A. It was based on my experience as a field 11 service engineer and how it would be done in the 12 field. 13 Q. And that's a question of fact. Right? 14 A. I'm not sure I understand what you mean by 15 that. 16 Q. Well, you were providing factual testimony 17 from your perspective about how that pump would be 18 worked on. Right? 19 A. Yes. 20 Q. Do you recall some of Ms. Perritano's 21 questions about the recommendations that Warren 22 received from the Hydraulic Institute? 23 A. Yes. 24 Q. I have a question, which is: Why did

Page 222 1 asbestos packing and gaskets in Warren's pumps need 2 to be replaced over time? 3 A. Packing was a replaceable part. The place 4 that it's located runs in very close proximity and 5 up against the rotating shaft or the reciprocating 6 shaft and it will wear over time depending on how 7 it's installed and how it's maintained. So, again, 8 it does need replacement. Gaskets would probably 9 only be replaced if you did something internal to 10 the pump at some major overhaul cycle or period of 11 years after the pump was installed because it wasn't 12 performing properly. 13 Q. So packing needed to be replaced, 14 including asbestos packing, because it would wear 15 out. Right? 16 A. It was considered a wearing part. 17 Q. And it would wear out in part because it 18 would break down. Right? 19 MS. PERRITANO: Objection, assumes facts, 20 calls for speculation. 21 A. It may break down if it wasn't tightened 22 properly. But a lot of times it just would get 23 overcompressed and just couldn't be used any longer. 24 Q. Have you ever seen asbestos packing from a	Page 224 1 MS. PERRITANO: Objection, calls for 2 speculation, beyond the scope. 3 A. It would deform it a little bit, not that 4 much. Again, it wasn't necessarily a catastrophic 5 or major degradation of the piece of equipment. 6 MS. KNUDSON: That's all I have. 7 MS. PERRITANO: I think we're done, Anna. 8 MS. KNUDSON: Okay. Well, thank you very 9 much. Appreciate the -- 10 THE WITNESS: Did we want to mark -- ? 11 MS. PERRITANO: Oh, wait, yes, we have to 12 mark something. Go ahead. I'm sorry. What are you 13 going to say? 14 MS. KNUDSON: Judy, are we off the record? 15 MS. PERRITANO: No, I have to mark 16 something on the record first. So do you want me to 17 do that? 18 MS. KNUDSON: Okay. 19 MS. PERRITANO: Anna, do you want to mark 20 the board? 21 THE WITNESS: Put both of these in as an 22 exhibit? 23 MS. PERRITANO: Well, yeah. I mean, I 24 could have a piece-of-paper copy made of this and we
Page 223 1 Warren pump that needed to be replaced, have you 2 ever seen that kind of packing fall apart? 3 A. I've replaced packing in various Warren 4 pumps. I don't know if it was asbestos or not, but 5 I have never seen it fall apart. I've pulled it out 6 as complete rings when I did the changeout. 7 Q. Were those rings damaged at all? 8 MS. PERRITANO: Objection. 9 A. Other than the packing hook or the removal 10 tool that I used to take it out, they were pretty 11 much intact. I didn't really see any degradation to 12 it. 13 Q. What about the part that you used with the 14 tool to pull it out, what kind of degradation would 15 take place? 16 MS. PERRITANO: Objection, calls for 17 speculation, beyond the scope. 18 A. It would just be deformed because it was 19 basically like a corkscrew where you'd twist it in 20 to make sure it'd bite into the packing before you 21 pulled it out. 22 Q. And so the process of removing packing 23 that you needed to replace actually resulted in 24 altering the shape and form of the packing. Right?	Page 225 1 could just substitute that, if that's okay with you, 2 or we can mark the board. But if we mark the board, 3 what do you want to do with the board? Because we 4 can't give it to poor Ed, because he doesn't want 5 it. 6 MS. KNUDSON: I'm fine with you marking 7 the board and if you just want to send it to us, 8 we'll keep everything. 9 MS. PERRITANO: That's fine. Okay. 10 So, just so the record is clear, Ed 11 Varallo, who is our stenographer, will send you the 12 transcript and all of the original exhibits, less 13 the board, and I will send you the board. Is that 14 okay? 15 MS. KNUDSON: That's fine. 16 MS. PERRITANO: Okay. So let's mark as 17 the next exhibit, we will mark as Exhibit 31-A the 18 drawing with Bates number -- 19 THE WITNESS: WA-RS-00456. 20 MS. PERRITANO: And then as 31-B the 21 blowup board of the schematic on the drawing. Is 22 that okay? 23 MS. KNUDSON: That's fine. 24 MS. PERRITANO: Okay, cool. And with

Page 226 1 that, I think we are off the record. 2 MS. KNUDSON: Okay, great. 3 THE VIDEOGRAPHER: The time is 2:21 p.m. 4 and we are off the record. 5 (Deposition concluded at 2:21 p.m.) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	Page 228 1 WITNESS: Roland R. Doktor [Volume 2] 2 DATE: October 12, 2012 3 CASE: Roland L. Stevens and Shirley J. Stevens 4 v. CBS Corporation, et al. 5 6 7 DISTRIBUTION TO COUNSEL The original signature 8 page/errata sheet was sent to Judith A. Perritano, 9 Esq., to obtain signature from the deponent. When 10 signed, please forward same to Anna D. Knudson, Esq. 11 for inclusion with the original of the deposition 12 transcript. 13 14 15 WITNESS INSTRUCTIONS After reading the transcript 16 of your deposition, please note any change or 17 correction and the reason for it on the errata 18 sheet. DO NOT make any notations on the transcript 19 itself. Use additional sheets if necessary. 20 21 22 SIGN AND DATE THE ERRATA SHEET and return it, along 23 with the transcript, to your counsel. 24
Page 227 1 2 COURT REPORTER'S CERTIFICATION 3 4 I, J. Edward Varallo, RMR, CRR, Registered 5 Professional Reporter and Notary Public in the 6 Commonwealth of Massachusetts (my commission expires 7 12/24/2015), hereby certify that the deposition of 8 Roland R. Doktor taken on October 12, 2012, in the 9 matter of Roland L. Stevens and Shirley J. Stevens 10 v. CBS Corporation, et al. was stenographically 11 recorded by me and transcribed; and that the oath of 12 the deponent continued from a previous date. 13 I certify that the deposition transcript 14 produced by me is true and accurate to the best of 15 my ability. 16 I certify further that I am not counsel, 17 attorney, or relative of any party litigant, and 18 have no interest, financial or otherwise, in the 19 outcome of this suit. 20 21 22 23 24 DATED: 10/22/2012 J. Edward Varallo	