

1 IN THE SUPERIOR COURT OF MILLER COUNTY

2 STATE OF GEORGIA

3 JIMMY L. TOOLE,

4 Plaintiff,

5 vs.

Civil Action

6 File No. 2009-V-113

7 GEORGIA-PACIFIC, LLC, individually and

8 as successor in interest to GEORGIA-

9 PACIFIC CORPORATION and BESTWALL

10 GYPSUM COMPANY, et al.,

11 Defendants,

12 _____/

13 PAGE 1 TO 249

14
15 The Videotaped Deposition of MARK K. TAYLOR,

16 Taken at Town Centre Drive, Suite 400,

17 Dearborn, Michigan,

18 Commencing at 9:18 a.m.,

19 Tuesday, December 15, 2009,

20 Before Cynthia Ann Chyla, RPR, CSR 0092.

21

22

23

24

25

1 APPEARANCES:

2 CHRISTIAN HARTLEY, ESQ.

3 Hartley Law, LLC

4 Post Office Box 2492

5 Mount Pleasant, South Carolina 29465-2492

6 843-647-2431

7 Appearing on behalf of the Plaintiff.

8
9 ANDREW G. PHILLIPS, ESQ., Via Telephone

10 McGuire Woods LLP

11 1170 Peachtree Street, NE, Suite 2100

12 Atlanta, Georgia 30309

13 404-443-5724

14 and

15 TERRENCE M.R. ZIC, ESQ.

16 LeClairRyan

17 2318 Mill Road, Suite 1100

18 Alexandria, Virginia 22314

19 703-647-5923

20 Appearing on behalf of the Defendant

21 Ford Motor Company and the Witness.

22
23
24
25 (Appearances continued on page 3)

1 APPEARANCES (CONTINUED):

2 LEE ANN ANAND, ESQ.

3 Nelson Mullins Riley & Scarborough LLP

4 Atlanta Station

5 201 17th Street NW, Suite 1700

6 Atlanta, Georgia 30363

7 404-322-6595

8 Appearing, via telephone, on behalf of the

9 Defendants Chevron U.S.A., Inc. and Deere & Company.

10
11 JOHAN D. FLYNN, ESQ.

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13 36 South Charles Street, Suite 1300

14 Baltimore, Maryland 21201

15 410-783-7225

16 Appearing, via telephone, on behalf of the

17 Defendant Pneumo Abex, LLC.

18
19
20
21
22
23
24
25 (Appearances continued on page 4)

1 APPEARANCES (CONTINUED):

2 ELISABETH M. CHEATHAM, ESQ.

3 Hawkins & Parnell LLP

4 4000 SunTrust Plaza

5 303 Peachtree Street NE

6 Atlanta, Georgia 30308-3243

7 404-614-7400

8 Appearing, via telephone, on behalf of the Defendants

9 Union Carbide, Western Auto, Exxon Mobil, and National

10 Service Industries.

11
12 ALSO PRESENT:

13 Steve Alfonsi, Videographer

1 Dearborn, Michigan

2 Tuesday, December 15, 2009

3 About 9:18 a.m.

4 THE VIDEOGRAPHER: On the record.

5 This is the videotaped deposition of
6 Mark Taylor being taken in Dearborn, Michigan. Today is
7 December 15th, 2009. The time is 9:18 and 18 seconds a.m.

8 Will the attorneys please introduce
9 themselves and the court reporter please swear in witness.

10 MR. HARTLEY: Christian Hartley for the
11 Plaintiff.

12 MR. ZIC: Terrence Zic for Ford Motor
13 Company.

14 MR. HARTLEY: On the phone would you all
15 introduce yourself for the record.

16 MR. PHILLIPS: Andrew Phillips for Ford
17 Motor Company.

18 MR. WOLFF: Brad Wolff for Hennessy
19 industries.

20 MS. ANAND: Lee Ann Anand for Chevron
21 USA and Deere & Company.

22 MS. CHEATHAM: Elisabeth Cheatham for
23 Union Carbide, Western Auto, Exxon, Mobile and National
24 Service Industries.

25 MARK K. TAYLOR,

1 having first been duly sworn, was examined and testified on
2 his oath as follows:

3 EXAMINATION BY MR. HARTLEY:

4 Q. Good morning, Mr. Taylor. My name is Christian
5 Hartley. We met before one time, didn't we?

6 A. Yes, we did. I believe it was in Minnesota.

7 Q. Okay. And could you just tell us your full name,
8 please.

9 A. Mark middle initial K, Taylor.

10 Q. Okay. And where do you work, Mr. Taylor?

11 A. Ford Motor Company.

12 Q. Okay. How long have you worked for Ford Motor
13 Company?

14 A. Twenty-one years.

15 DEPOSITION EXHIBIT 1

16 First Amended Notice of taking 30(b)(6)

17 deposition and notice to produce

18 WAS MARKED BY COUNSEL

19 FOR IDENTIFICATION.

20 Q. Okay. We are here today pursuant to a -- the
21 First Amended Notice to Take Rule 30(b)(6) Video Deposition
22 of Mark Taylor and Notice to Produce to Ford Motor Company
23 which I have marked as Exhibit 1.

24 Have you seen that the before?

25 A. Yes, I have.

1 Q. Okay. And do you understand that today you are
2 being deposed as the representative of Ford Motor Company?

3 A. I do.

4 Q. And that means that you are speaking for Ford
5 Motor Company when you give your answers?

6 A. Correct.

7 Q. And unless I make otherwise clear, will you answer
8 as Ford Motor Company rather than as Mark Taylor and his --
9 with his own experience?

10 A. If I'm able to, I will.

11 Q. Okay. Thank you.

12 Now, you have given depositions in the
13 past; right?

14 A. I have.

15 Q. How many times?

16 MR. ZIC: Objection, vague.

17 A. Over 75 depositions.

18 BY MR. HARTLEY:

19 Q. Okay. And do you know how many times you've given
20 depositions in asbestos-related matters?

21 A. Approximately 30.

22 Q. Okay. And you have testified in some trials
23 relating to asbestos?

24 A. I have.

25 Q. How many times?

1 A. I believe three, three or four.

2 Q. Okay. I know you've testified in California. How
3 many times there in trials?

4 A. In trial, I believe -- well, in asbestos
5 matters --

6 Q. Yes.

7 A. -- I believe twice.

8 Q. Okay. And you testified in that trial where we
9 met in the courtroom --

10 A. That's correct.

11 Q. -- in Minnesota?

12 A. Right. In St. Paul, yes, sir.

13 Q. Okay. And anywhere else that you remember?

14 A. I think it's -- not that I recall, so I guess it's
15 three times.

16 Q. Okay. Great.

17 Now, essentially although what --

18 Exhibit 1 has several topics for which we have asked Ford to

19 produce a representative, we have narrowed some of them down

20 for which you are going to speak to today and I want to ask

21 you if you understand that -- that you are the voice of Ford

22 Motor Company on these topics.

23 MR. HARTLEY: And I'm marking as Exhibit
24 2 a copy of an e-mail that I received from Ford's counsel.

25 Showing it to Ford's other counsel now.

1 DEPOSITION EXHIBIT 2

2 12/9/2009 e-mail

3 WAS MARKED BY COUNSEL

4 FOR IDENTIFICATION.

5 MR. ZIC: Okay. With regard to the
6 sentence in here where it says we'll stipulate to the
7 authenticity of any Ford documents produced by Ford, I can't
8 agree to a general broad stipulation like that. That's
9 usually done on a document-by-document basis. We're more
10 than happy to work with you on that. I just didn't want
11 there to be some impression that everything on the DVD was a
12 Ford document, because it's not.

13 So, I can't -- you know, it's kind of a
14 document-by-document thing, but in general, yeah, I've --
15 I've seen that e-mail.

16 BY MR. HARTLEY:

17 Q. Okay. And with respect to the -- and the only
18 purpose I'm marking this for, in the deposition, anyway, is
19 to go over the topics for which it's been indicated that you
20 will testify, Mr. Taylor.

21 You recently gave an affidavit that was
22 submitted in the Toole case; is that true?

23 A. That's true.

24 Q. Okay. And you are capable of talking about and
25 explaining the bases for your affidavit?

1 A. Correct.

2 Q. Okay. You also have been -- it's been indicated
3 that you will be able to discuss the asbestos content of
4 Ford's brakes and clutches.

5 Are you able to do that?

6 A. By weight, yes.

7 Q. Okay. And you understand that you have been
8 designated to do that for Ford Motor Company today?

9 A. Correct.

10 Q. Okay. You also have been designated to -- by Ford
11 Motor Company to discuss the asbestos content of Ford's
12 replacement brakes and clutches.

13 Are you able to do that?

14 A. Yes.

15 Q. Okay. And you have been designated by Ford Motor
16 Company to speak on their behalf on the issue of Motorcraft
17 as it relates to brakes and clutches and the timing of the
18 various warnings used by Ford on its friction products.
19 That's actually probably two topics; isn't it?

20 A. Correct.

21 Q. One is the issue of Motorcraft as it relates to
22 brakes and clutches. Okay?

23 A. Yes.

24 Q. Okay. And you're prepared to speak on behalf of
25 Ford on that topic?

1 A. Yes, I am.

2 Q. Okay. And you are also prepared to speak on
3 behalf of Ford on the issue of the timing of the various
4 warnings used by Ford on its friction products; right?

5 A. Yes.

6 Q. Okay. And you can also testify in general about
7 the suppliers of Ford's brake and clutch products. True?

8 A. Generally, yes.

9 Q. Okay. Before we go any deeper into that, I want
10 to do a little bit of your background, if that's okay.

11 You have a background in doing
12 automotive work. True?

13 A. Correct.

14 Q. Okay. How did you come to have that background?

15 A. The school I went to, the high school I went to
16 had a vocational wing and there was a 2-hour block afforded
17 to students for auto mechanics for two years, and I started
18 in that program my junior year of high school. So I have a
19 690-hour certificate from Sault Area High School and Skill
20 Center, that's S-A-U-L-T for Sault St. Marie.

21 Q. Okay. For those of us who aren't from Michigan.

22 A. Correct.

23 Q. Now, I hate to ask, but you look very young. What
24 year was it that you -- that you started the automotive
25 program in high school?

1 A. 1974.

2 Q. Okay. And you graduated in 1976 from high school?

3 A. From high school, correct.

4 Q. And what was your first job after high school?

5 A. My first job after high school was -- I worked for
6 an auto -- automotive dealership.

7 Q. Okay.

8 A. And it was George Linger Dodge-Chrysler, in
9 Warrensburg, Missouri. Excuse me. You know, I always get
10 those two -- that's correct. George Linger. Yeah, George
11 Roush, excuse me, it was many years ago, George Roush
12 Chrysler.

13 Q. Okay. You were what you have described as an
14 automotive technician in the past; right?

15 A. Correct.

16 Q. And that's a -- that's an official term for
17 someone who did auto mechanic work?

18 A. Right, I was a mechanic.

19 Q. Okay. And how long were you there?

20 A. Just a few months.

21 Q. And then you changed jobs to another dealership.
22 True?

23 A. Correct, in that town of Warrensburg, Missouri.

24 Q. And you went to work at a Chevrolet Cadillac
25 dealership, if I remember?

1 A. That is correct, yes.

2 Q. How long did you work at the Chevrolet Cadillac
3 dealership?

4 A. It was a few months at that dealership.

5 Q. And you did also automotive mechanic work?

6 A. Correct. There was an ad in the Kansas Star
7 Newspaper and they were looking for a person that had
8 automatic transmission technician capabilities, and I fit
9 that bill. And I worked as an automatic transmission
10 technician, but I also did all faucets of automotive repair
11 at that dealership.

12 Q. And as an automotive technician or mechanic, what
13 -- when you first started doing your -- well, let me go
14 backwards.

15 Did you ever do any brake jobs when you
16 were in high school?

17 A. Yes, I did.

18 Q. Did you do any drum brake jobs?

19 A. Yes. In that time frame, most vehicles that I was
20 working on had drums, both in the fronts and rears.

21 Q. Okay. Could you explain to the jury what a drum
22 brake job entails?

23 A. It's -- well, a drum -- well, a drum brake job,
24 it's -- basically what you have to do is you remove the
25 wheel off the vehicle. You remove the drum from the

1 vehicle. There are different methods of getting the drums
2 off depending on whether it's a front or a rear axle. You
3 remove the drum by releasing the brake shoes, and there's a
4 star adjustor on the brakes that has to be released --
5 reduced -- twisted, because as brake shoes wear, they
6 actually wear into the drum and create a ridge on the brake
7 drums, so unless you release the brake shoes, you're not
8 going to get the drum off.

9 Q. Okay.

10 A. So then you remove the drum, and from there you
11 can see the brake shoes and the associated hardware. You
12 remove all the hardware from those brake shoes and then
13 you're able to pull the brake shoes off from the backing
14 plate of the vehicle. And then you clean the components,
15 customarily with solvent, and then you get new brake shoes
16 from your parts department and then reverse the procedure.

17 At the same time you usually take the
18 drum and you measure the drum to ensure that it has not
19 exceeded its maximum diameter, and if it has not, you
20 resurface the drum on a brake lathe and then reassemble.

21 Q. Okay.

22 A. For the front wheels, you customarily repack the
23 front wheel bearings.

24 Q. Now, I have got a -- some selections from a
25 catalogue and I thought maybe we could use those to sort of

1 -- because there is like I guess I'll call it an exploded
2 diagram of a drum brake so you could see the parts.

3 MR. ZIC: Is this all one exhibit --

4 MR. HARTLEY: Yeah. I'm going to make
5 it all one --

6 MR. ZIC: -- because it came to me in a
7 couple parts, so I wondered.

8 MR. HARTLEY: Yeah, it's all one.

9 MR. ZIC: It's all one.

10 MR. HARTLEY: It will be one exhibit.
11 I'm just going to mark it right now.

12 MR. ZIC: Okay.

13 DEPOSITION EXHIBIT 3

14 1971 Parts and Accessories

15 Ready Reference Catalog

16 WAS MARKED BY COUNSEL

17 FOR IDENTIFICATION.

18 BY MR. HARTLEY:

19 Q. I am marking as Exhibit 3 to this deposition a
20 1971 edition, and it's -- I will tell you it's excerpts of
21 the whole thing, specifically dealing with brake materials
22 of a Parts and Accessories Ready Reference Catalog, Autolite
23 Ford, and it lists the various vehicles.

24 And for now -- did I properly describe
25 it as you can -- as you can see?

1 A. Correct. It's a 1971 edition of the Parts and
2 Accessory Ready Reference Catalog.

3 Q. And generally who is the target audience for --
4 for a publication like that from Ford?

5 MR. ZIC: Objection; vague.

6 A. Well, the target -- well, the targeted audience
7 would be automotive technicians or repair facilities.

8 BY MR. HARTLEY:

9 Q. Let me -- just because there was an objection let
10 me ask it in a more -- why did Ford create parts and
11 accessories ready reference catalogues like the one that you
12 have that is Exhibit 3?

13 A. It would be a catalogue so that parts departments
14 of dealerships or independent garages could buy parts from
15 Ford.

16 Q. Okay. Now, Autolite was -- was a brand name that
17 Ford used for its replacement parts for a period of time.
18 True?

19 A. That's correct, yes.

20 Q. Okay. Now, if -- could you just turn -- look
21 through it until you find a good spot to -- with a drum
22 brake exploded diagram so that we can just sort of put in
23 context what you were just telling the jury about how you do
24 a drum brake change?

25 A. It's page 8 of this catalogue of Exhibit 3.

1 Q. Okay. There may be even a better one I'll
2 represent to you just because those --

3 A. Page 9 might even be a little bit better.

4 Q. Keep going. See if you find one better. I'm
5 going to give you the chance to pick the best one, because I
6 think there's probably an overall best.

7 And I appreciate your humoring me with
8 doing that, but I think it's just kind of be good to
9 explain.

10 A. Actually, page 9 is the best for automotive or
11 light truck --

12 Q. Okay.

13 A. -- brake.

14 Q. Okay. And could you just pull that up and sort of
15 -- it helps me, too, as well.

16 Now, that -- that shows the interior
17 assembly pieces; correct?

18 A. That's correct.

19 Q. And -- but it doesn't show what's called the drum;
20 right?

21 A. That's correct. The previous page actually showed
22 the drum.

23 Q. Okay. Perfect.

24 A. Showed the drum. And here's the drum in this
25 depiction where my index finger is.

1 Q. The drum is kind of like -- almost like a bowl,
2 isn't it?

3 A. Yes.

4 Q. Okay.

5 A. I've never heard it explained as that, but it
6 may -- kind of looks like a bowl.

7 Q. It's a bowl with holes in it for bolts and an axle
8 to come through it; how about that?

9 A. On the rear, that's correct, yes.

10 Q. All right. And you also -- when you were in --
11 when you were in high school did you get a chance to learn
12 about how those things were -- those drum brakes were taken
13 apart and adjusted and shoes were replaced and the like?

14 A. Yes, I did.

15 Q. Okay. And did you also get the chance to turn --
16 I think you said turn a drum which you put it on a brake
17 lathe and spin it around to make the drum the right shape
18 again?

19 A. Right. A brake lathe is actually a machining tool
20 and you machine a surface on the drum, a new surface.

21 Q. Okay.

22 DEPOSITION EXHIBIT 4

23 Photographs of brake lathe

24 WAS MARKED BY COUNSEL

25 FOR IDENTIFICATION.

1 BY MR. HARTLEY:

2 Q. Let me show you what I have marked as Exhibit 4
3 which is a series of photographs of a -- of something I
4 think might be a brake lathe and ask you if that appears to
5 be what it is?

6 A. Yes, it is.

7 Q. Okay. Did you have a similar brake lathe in your
8 high school when you -- when you attended?

9 MR. ZIC: Objection; vague.

10 A. Yes, we did.

11 BY MR. HARTLEY:

12 Q. Do you know if you had that -- did you ever use an
13 Ammco brake lathe?

14 A. I have used an Ammco brake lathe, but I don't
15 recall the brake lathe in high school being an Ammco.

16 Q. Okay. Did you ever see an Ammco sort of setup
17 like that where there was a bench with a brake lathe and a
18 brake arc grinder?

19 A. I have not seen one with the arc grinder actually
20 mounted to it also.

21 Q. Okay. Now, I'm going to show you what I'm marking
22 as Exhibit 5 after I show your counsel.

23 MR. HARTLEY: That's probably part of
24 Exhibit --

25 MR. ZIC: So the last page you gave me

1 needs to go with the prior exhibit?

2 MR. HARTLEY: Yes.

3 MR. ZIC: And Exhibit 5 should be three
4 pages?

5 MR. HARTLEY: Yes, sir.

6 MR. ZIC: Okay.

7 DEPOSITION EXHIBIT 5

8 Photographs of a Rotunda brake grinder

9 WAS MARKED BY COUNSEL

10 FOR IDENTIFICATION.

11 BY MR. HARTLEY:

12 Q. Okay. Do you know what Exhibit 5 is?

13 A. Exhibit 5 appears to be a Rotunda branded brake
14 grinder.

15 Q. Okay. Rotunda was a Ford brand; right?

16 A. Correct. It was sold through the Ford Parts &
17 Service Division.

18 Q. Did you ever see a Rotunda brake grinder in your
19 experience in the field?

20 A. I have not.

21 Q. Okay. Is that the first time you've seen one?

22 A. I've seen pictures of them, but I have not seen
23 one that I -- I don't have an independent recollection of
24 seeing one. I probably have seen one in the shop and just
25 didn't recognize it.

1 Q. Let's go back to -- let's go back a little bit in
2 -- into your career again.

3 You -- did you continue after you -- I
4 think we've only been through your first two jobs as an auto
5 mechanic. Did you continue to do that kind of work?

6 A. Yes, I did.

7 Q. Okay. Where did you -- where did you transition
8 to after the Cadillac/Chevrolet dealership?

9 A. I went to a Chrysler and Dodge dealer that -- in
10 Sault St. Marie, Michigan and I worked for them for almost
11 four years.

12 Q. So you made it home?

13 A. Well, what I considered home, yes.

14 Q. Okay.

15 A. Where I graduated from high school, anyway.

16 Q. Sure. And then you continued -- did you continue
17 to do things like brake work, transmission work, clutch
18 work?

19 A. Yes, I did all those type items at that
20 dealership. It was a very small dealership, and I was a
21 master auto and heavy-duty mechanic licensed by the State of
22 Michigan and performed any types of services that came into
23 the dealership.

24 Q. And you had -- I think you told me before that you
25 had two bays up in Sault St. Marie?

1 A. Correct, I had multiple bays up there.

2 Q. More than two?

3 A. Yes.

4 Q. Okay.

5 A. Depending on -- the period of time, sometimes as
6 work slowed down, we went down to one person and that was
7 me, and then other times there were as many as three
8 mechanics and a wash boy, porter.

9 Q. Now, some of the things that an auto mechanic does
10 other than actually doing the work of taking off and putting
11 back on parts and the like is -- is clean up the shop?

12 A. Correct.

13 Q. You yourself routinely in doing your work would
14 sweep up after yourself. True?

15 A. I did often, yes, sir.

16 Q. You were around others who did the same thing?

17 A. Yes.

18 Q. And the reason that -- you did that was because
19 auto mechanic work can be quite messy?

20 MR. ZIC: Objection; vague.

21 A. Well, you know, there's lots of debris, especially
22 dealing in northern Michigan with snow and ice and gravel
23 roads and thing such as that. Lots of debris comes off cars
24 when you're working on them.

25 BY MR. HARTLEY:

1 Q. Okay. If I could -- have you ever seen a
2 videotape called Don't Blow It?

3 A. I have not.

4 Q. Okay. Have you heard about it?

5 A. I'm not sure if I've -- I'm not sure if I have or
6 not.

7 Q. One of the things about drum brakes that's
8 different than disk brakes is that the drum brake, the
9 braking surfaces are enclosed inside that drum; right?

10 A. They may be.

11 Q. When you say they may be, what do you mean by
12 that?

13 A. There may be some instances on certain vehicles
14 where the backing plate is open.

15 Q. Okay. Would that --

16 A. Or partially open.

17 Q. Would that be true on -- on light trucks and cars?

18 A. Not so much light trucks and cars as other heavier
19 style of vehicles.

20 Q. Sure. And when we're talking about Ford light
21 trucks and cars, the -- in a drum brake the braking area was
22 enclosed by the drum. True?

23 MR. ZIC: Objection; vague.

24 A. It is somewhat enclosed. There is -- there is an
25 opening between the backing plate and the drum, but it's

1 relatively enclosed.

2 BY MR. HARTLEY:

3 Q. In your experiences one thing that you learned is
4 that when you would go to do a brake job, you wouldn't know
5 how worn the brake material was in a drum brake until you
6 took off the drum. True?

7 A. That's correct. You need to remove the drum to
8 inspect the brakes.

9 Q. There's no way to -- for a mechanic to know
10 exactly what's -- what the situation is inside a drum brake
11 until that drum is removed; right?

12 A. That's -- that's correct. You don't know if
13 there's pieces falling around or what may be the case.

14 Q. And -- and typically when you would remove -- in
15 your experience when you would remove the drum after a car
16 had been used for a period of time, there would be some
17 brake wear debris in there; right?

18 A. Well, there would be some dirt and grime and some
19 material in there, yes.

20 Q. You know from your own experience that some of
21 that material is from the friction materials itself rubbing
22 on the -- on the drum; right?

23 MR. ZIC: Objection; vague.

24 A. It appeared to be, yes.

25 BY MR. HARTLEY:

1 Q. And Ford Motor Company knows that some of that --
2 that dust inside the material was from the friction material
3 that had worn down through the braking process; right?

4 MR. ZIC: Objection; vague.

5 A. That's -- that's correct. It was wear-out debris
6 from brake shoes and the brake drum.

7 BY MR. HARTLEY:

8 Q. When it came to -- when it came to the time frame
9 when there -- when there started to be disk brakes and drum
10 brakes used, you would find -- you would typically have less
11 brake dust brought -- if you brought a vehicle into the --
12 into the shop, you would typically have less brake dust
13 associated with the disk brakes than you would with the drum
14 brakes. True?

15 MR. ZIC: Objection; vague.

16 A. Well, they both are wear-out items, but -- and
17 they both would create some, you know, some wear material.
18 But it wouldn't be captured in the drum.

19 BY MR. HARTLEY:

20 Q. Okay. And in that sense, in terms of the -- when
21 you're doing work in the shop, you would tend to get more
22 brake wear dust in the shop from the drum than you would
23 from the front disk brakes. True?

24 MR. ZIC: Objection; vague.

25 A. There would be more debris on drum brakes than

1 disks, yes.

2 BY MR. HARTLEY:

3 Q. And there would be more brake wear debris in the
4 drum brakes than from the front disks; true?

5 A. In the -- in the shop, that's correct.

6 Q. Okay.

7 MR. ZIC: Same objection.

8 BY MR. HARTLEY:

9 Q. Now --

10 MR. ZIC: May I ask to see that exhibit
11 for one moment, please.

12 MR. HARTLEY: Sure.

13 MR. ZIC: Sorry.

14 MR. HARTLEY: Not at all.

15 MR. ZIC: Thanks.

16 BY MR. HARTLEY:

17 Q. Now, how long did you continue at the dealership
18 in Sault St. Marie?

19 A. Until 1981.

20 Q. Okay. And then what did you do next?

21 A. I started school full time. In 1980 I had gotten
22 married, and my wife's brother and her dad were both
23 engineers and their lifestyle was considerably better than
24 mine as a mechanic, and so I started night school for
25 engineering at Lake Superior State University. And then in

1 1981 I started school more full time and then left the
2 dealership and went to work for a gentleman by the name of
3 Ed Jacques, and his company was called Jacques Construction.
4 That's J-A-C-Q-U-E-S.

5 Q. Okay. And did you do mechanic work there?

6 A. Yes, I did.

7 Q. Tell us what you did.

8 A. He had a small fleet of vehicles. Mainly his boys
9 were lots of his workers and they were relatively hard on
10 equipment, everything from dump trucks to backhoes to pickup
11 trucks, and even some of his personal automobiles, and I was
12 his mechanic for those -- his fleet of vehicles.

13 Q. Now, by that time in your experience as a -- doing
14 mechanic work, had you seen any kind of warnings relating to
15 asbestos?

16 MR. ZIC: Can I say what you're doing
17 here, Christian, is you're kind of mixing Ford Motor Company
18 --

19 MR. HARTLEY: I'm asking this question

20 --

21 MR. ZIC: This is with regard to his
22 background, so I'm not going to object to it. I just wanted
23 to point that out.

24 MR. HARTLEY: Absolutely, yes.

25 A. I had seen warnings on asbestos, either when I was

1 in trade school or at the dealership or potentially both,
2 dealerships or trade school seen warnings.

3 BY MR. HARTLEY:

4 Q. Okay. When you say trade school, are you talking
5 about high school?

6 A. High school, correct, yes. Well, it was -- it was
7 the skill center, that's what I should call it.

8 Q. Okay. All right. Now --

9 A. Let me just add one thing. Also intermixed in
10 there, I went to Northern Michigan University Skill Center
11 for automatic transmissions for a 6-month course after high
12 school and before I started to work for the first
13 dealership.

14 Q. Okay. Automatic transmissions contain friction
15 materials?

16 A. They do.

17 Q. And at times those automatic transmission friction
18 materials were made from asbestos?

19 A. It's my understanding that there is a chrysotile
20 asbestos content in the friction materials and bands --
21 bands and clutches in automatic transmissions.

22 MR. ZIC: Okay. I'm going to object as
23 to vague.

24 BY MR. HARTLEY:

25 Q. Okay. Is Ford Motor Company aware of whether any

1 of the automatic transmission bands that were used in Ford
2 Motor Company vehicles contained asbestos?

3 MR. ZIC: Objection; vague.

4 A. Yes.

5 BY MR. HARTLEY:

6 Q. Okay. And what does Ford Motor Company know about
7 that?

8 MR. ZIC: Objection; overly broad.

9 A. Well, Ford used many different automatic
10 transmissions, and up until approximately 1980 the automatic
11 transmissions used by Ford Motor Company, the bands and
12 clutches contained chrysotile asbestos; however, they're
13 embedded -- not embedded, they're a wet friction material so
14 they run into your automatic transmission fluid.

15 BY MR. HARTLEY:

16 Q. Okay. So when it comes to the wearing out of
17 automatic transmission bands, that occurred in some -- in
18 fluid?

19 A. In automatic transmission fluid, yes. It's that
20 red fluid that goes in your car. Ford at that time used a
21 type F fluid.

22 Q. Okay. And, so -- I'm sorry.

23 The fluid in the transmissions would --
24 would contain the -- when the transmission bands in an
25 automatic transmission rub together, some of the -- some of

1 the material would -- would come off as dust in this liquid;
2 right?

3 MR. ZIC: Objection; vague.

4 BY MR. HARTLEY:

5 Q. Debris in the liquid?

6 A. There would be some wear of the bands and
7 clutches. It would be carried away in the liquid, and then
8 there's a filter in automatic transmissions and the fines
9 would be collected on the automatic transmission filter.

10 Q. And then you would, as a mechanic, you would
11 change the filter, put in a new one when it -- on a periodic
12 basis; right?

13 A. At that point in time there was a regular
14 maintenance schedule on automatic transmissions, yes.

15 Q. How often would they have to be changed at that
16 point in time?

17 A. It varies, depending on the duty cycle of the
18 vehicle.

19 Q. Is there a range?

20 A. From 12,000 miles to 60,000 miles. Automatic
21 transmissions now require very little maintenance, if any.

22 Q. Okay. As early as when you were in trade school,
23 you learned that it was important to routinely service a --
24 trade school being high school -- routinely service a
25 vehicle. True?

1 MR. ZIC: Objection; vague.

2 A. It's advisable to routinely maintain your vehicle
3 - oil, filters, you know, make sure that everything is
4 working appropriately in the vehicle.

5 BY MR. HARTLEY:

6 Q. Did -- does Ford Motor Company today recommend
7 routine servicing of vehicles?

8 A. There is a recommended maintenance schedule that
9 comes with each and every vehicle that Ford sells.

10 Q. And as long as -- did Ford have a recommended
11 servicing schedule in the 1960s for its vehicles?

12 A. I believe they did, yes.

13 Q. Okay. Did they have a recommended servicing
14 schedule for their vehicles in the 1970s?

15 A. Yes.

16 Q. Has Ford always had a recommended, as long as --
17 well, let me -- always is too long.

18 MR. ZIC: Thank you.

19 BY MR. HARTLEY:

20 Q. Are you aware of any time when Ford did not have a
21 recommended service schedule for its vehicles?

22 MR. ZIC: Objection; overly broad,
23 vague.

24 A. Yeah. I'm -- I'm not aware of a service schedule
25 pre-World War II.

1 BY MR. HARTLEY:

2 Q. Okay. Post-World War II did Ford always have a
3 recommended service schedule for its vehicles?

4 A. From everything I've reviewed I believe that to be
5 correct.

6 Q. And as part of the recommended service schedule
7 since World War II, one of the things that was to be done
8 was to check the brakes. True?

9 A. That's correct, yes.

10 Q. And that's because brakes were known over time to
11 wear out?

12 A. That's correct. Brakes are a wear-out item.

13 Q. And when friction materials like brakes and
14 clutches wear out, that means that the asbestos that was in
15 that friction material had been ultimately worn out of the
16 solid material into a dust. True?

17 MR. ZIC: Objection; vague, lacks
18 foundation.

19 A. If, indeed, the brakes or the clutches did have
20 chrysotile asbestos in them, there would be wear-out of
21 those components, and there -- there -- how the brakes alter
22 when they wear out, it's -- I believe there is some
23 information on the disk.

24 BY MR. HARTLEY:

25 Q. And you're speaking of the disk of the documents

1 that have been produced by Ford in the asbestos litigation?

2 A. That's correct, yes.

3 Q. From your own experience as a mechanic, making
4 clear, you know that -- that when you take off a drum brake,
5 some of the material that you find in there is dust from
6 what once had been the brake shoes. True?

7 A. Well, it's dust and debris from the braking
8 process, whether it's the shoe or part of the drum or a
9 combination of all.

10 Q. Got it. I want to shift gears a little bit with
11 you here.

12 We marked as Exhibit 3 a catalogue from
13 Autolite from 1971. You have given an affidavit in this
14 case discussing the issue of the Motorcraft trademark;
15 right?

16 A. Or the Motorcraft brand, yes.

17 Q. Brand. Okay.

18 And I'll mark as the next exhibit, which
19 is Exhibit 6, a not so great copy, but at least legible of
20 the Motorcraft brand or box.

21 DEPOSITION EXHIBIT 6

22 Photograph of Motorcraft logo

23 WAS MARKED BY COUNSEL

24 FOR IDENTIFICATION.

25 BY MR. HARTLEY:

1 Q. Is that what that is?

2 A. I'm not sure if this is a box or a -- it's just
3 the Motorcraft -- Motorcraft --

4 Q. Logo?

5 A. Yeah, with the Ford logo.

6 Q. Okay.

7 A. Ford oval. And this is a depiction of an
8 automobile down in this area here moving forward
9 (indicating).

10 Q. And that depiction down there as poor though it is
11 is one that was associated with the Motorcraft packaging.
12 True?

13 A. Yes.

14 Q. Okay. When did the Motorcraft parts name come
15 about?

16 MR. ZIC: I'm going to object to that as
17 being vague.

18 A. I'm not sure when the name came about, because the
19 name might have been registered earlier on, but Ford started
20 using the Motorcraft brand in 1972.

21 BY MR. HARTLEY:

22 Q. Okay. And one thing that we can see from -- from
23 Exhibit 3, although it's a little small at the bottom, is is
24 that the -- and you can see right there that the Motorcraft
25 name basically just replaced the Autolite name on boxes,

1 didn't it?

2 MR. ZIC: Objection; vague, lacks
3 foundation.

4 A. Yes, it appears that it did.

5 BY MR. HARTLEY:

6 Q. Okay. And --

7 A. It looks like they might have shifted the Ford
8 oval over because it's a few more letters.

9 Q. Okay. And, so, the packaging for Autolite
10 looks -- looks very similar to the example of the Motorcraft
11 packaging that I've marked as Exhibit 6. True?

12 MR. ZIC: Objection; vague, lacks
13 foundation.

14 A. It does look similar, except, you know, Autolite
15 versus Motorcraft.

16 BY MR. HARTLEY:

17 Q. Okay. And the race car or the sort of blurred car
18 below the Motorcraft that you pointed out on Exhibit 6, it
19 appears to be on the -- on the packaging that's -- that was
20 Autolite, which is Exhibit 3 in 1970 -- from 1971; right?

21 A. I do see that, yes.

22 MR. ZIC: Let me see that.

23 BY MR. HARTLEY:

24 Q. Before --

25 MR. ZIC: Just when you asked the

1 question and he gave his answers, the way I understood the
2 exchange was that the word Motorcraft actually appeared on
3 this Autolite catalogue and it does not. I want the record
4 to be clear about that.

5 MR. HARTLEY: Well, the catalogue is in
6 the record and I think -- I think he understood that. We
7 did -- I understand what you're saying.

8 MR. ZIC: Okay.

9 BY MR. HARTLEY:

10 Q. Let's just clarify for everybody's sake.

11 Could you hold up and point out to the
12 jury, I know it's a little small, but the two boxes there in
13 the middle. That's what we were talking about; right?

14 A. This box with the Autolite right here.

15 Q. Okay. And then right below that there is that
16 same sort of blurred automobile drawing?

17 A. In this area right here (indicating).

18 Q. Okay. And that was on -- and there was one
19 similar to that the in 6; right?

20 A. Correct. Exhibit -- Exhibit 6 is in black and
21 white.

22 MR. ZIC: Okay. I'm going to object as
23 vague.

24 BY MR. HARTLEY:

25 Q. Is that -- isn't that a -- what is the car there,

1 is that a depiction of the famous Ford race car? I'm trying
2 to remember the name of it now.

3 A. I'm not sure.

4 Q. You know which car I'm talking about, the --

5 A. I don't.

6 Q. Okay. GT40, is that what it was?

7 A. Potentially could be a GT40, yes.

8 Q. That's a famous Ford race car, isn't it?

9 A. That's exactly what that appears to be.

10 Q. Okay. Thank you.

11 I want to talk to you a little bit about
12 how braking systems come into original equipment vehicles.

13 Okay?

14 A. Yes.

15 Q. When Ford is designing a new automobile, it takes
16 -- an automobile is a finished product; right?

17 A. Correct.

18 Q. Okay. Ford is in the business of making and
19 selling automobiles. True?

20 A. One of their businesses, yes.

21 Q. Okay. To make an automobile they take various
22 systems, the braking system, drivetrain system, a suspension
23 system, and put them all together into a finished
24 automobile?

25 MR. ZIC: I'll object to that as being

1 overly broad and vague.

2 But go ahead.

3 A. That's very simplistic, but that's approximately
4 how the 15,000 parts come to be an automobile.

5 BY MR. HARTLEY:

6 Q. Okay. Ford is the -- Ford is the entity that
7 assembles all those 15,000 odd parts into a finished
8 automobile. True?

9 A. For Ford automobiles that's relatively true.
10 There might be a couple of exceptions where Ford uses like
11 Auto Alliance to build cars --

12 Q. Okay.

13 A. -- for Ford. Current day I'm talking.

14 Q. Right. In the 1950s, '60s and '70s, Ford built
15 its own automobiles; right?

16 MR. ZIC: Objection; vague.

17 A. Yes. There may be an exception or two, but

18 BY MR. HARTLEY:

19 Q. Okay. For the -- so for passenger vehicles, Ford
20 built its own vehicles?

21 A. The only thing I'm thinking of is like the Pantera
22 -- there's always an exception, like the Pantera.

23 Q. Okay.

24 A. Or the -- you know, there's always a small
25 exception.

1 Q. Okay.

2 A. But for the most part that's generally correct.

3 Q. Can you think of any other exceptions other than
4 the Pantera?

5 A. I'm thinking the GT40 might not have been built by
6 Ford. It might have been built by a racing facility in
7 Southeastern Michigan.

8 Q. Okay. Anything else you can think of that would
9 be an exception to Ford building its own automobiles in the
10 1950s, '60s, '70s?

11 A. It would be only unique very small limited
12 production vehicles --

13 Q. Okay.

14 A. -- that were not built by Ford that I can think of
15 as I sit here.

16 Q. Did Ford manufacture friction materials?

17 A. No.

18 Q. Did Ford manufacture braking systems?

19 A. No.

20 Q. Okay. How did it -- how did Ford come to have
21 braking systems in its vehicles if it didn't manufacture the
22 friction materials or the systems?

23 A. Well, Ford would buy from suppliers different
24 components that made up the braking system.

25 Q. Okay. Did Ford design its cars around the braking

1 systems, or did it go the other way?

2 MR. ZIC: Objection; lacks foundation.

3 A. Well, when you're -- when you're designing a
4 braking system or you're designing an automobile, you have a
5 group of assumptions, and those assumptions are based on
6 basically what you know from the past and what's afforded to
7 you to use. And for a mid-size automobile in the '70s, most
8 of them had 15-inch wheels on them, and approximately
9 12-inch brakes. And, so, this is something that we would,
10 we Ford Motor Company, would know. And to appropriately
11 stop that vehicle, this is, you know, in the 4,000-pound
12 range, this is the style of brakes you would require for
13 that vehicle.

14 Q. Okay.

15 A. And we would go to our supplier and put out for
16 bids different -- you know, basically we would ask for bids
17 on a braking system for a specific vehicle. And that
18 supplier would be brought in and they would actually work
19 with Ford Motor Company and develop a braking system for our
20 vehicles.

21 Q. If I remember correctly, Ford issued performance
22 specifications for braking systems rather than designing
23 them themselves?

24 A. That's correct, Ford has performance
25 specifications, and the supplier meets or exceeds those

1 performance characteristics or specifications.

2 Q. Now, once the -- once the -- Ford had decided on a
3 braking system for its vehicles after meeting with and
4 cooperating with suppliers, did Ford actually install the
5 braking systems into its own vehicles?

6 A. They would be assembled at a Ford assembly plant,
7 yes.

8 MR. ZIC: I'm going to object as to
9 vague as to braking system.

10 BY MR. HARTLEY:

11 Q. Okay. Do you know what a braking system is?

12 A. Well, what I consider a braking system is
13 everything from the pedal that the operator pushes on to the
14 end -- to your wheel ends, and all the hardware and
15 componentry to make up that system - power brake booster,
16 linkages, master cylinder, your brake lines, your
17 proportioning valves, your wheel cylinders, your brake
18 shoes, all the associated hardware, brake drums.

19 Q. Okay. And the actual in the wheel area part of a
20 braking system, what do you call that?

21 A. Well, like your --

22 Q. Your drum brake, what is your drum brake?

23 A. I call it like a drum brake assembly.

24 Q. Assembly. There we go.

25 Am I correct in understanding, then,

1 that suppliers would supply Ford with the drum brake
2 assembly and that Ford would then incorporate the drum brake
3 assembly in the automobile on the assembly line so that
4 ultimately the finished automobile would come off the
5 assembly line with a braking system including those brake
6 assemblies?

7 A. Relatively correct. Front brakes, they would be
8 assembled at the -- at the assembly plant. Rear brakes came
9 on the rear axles, and depending on who manufactured the
10 rear axle -- for cars it was usually Ford. And we have an
11 axle plant. And they would actually assemble the brakes
12 including the drums onto the rear axles, and that's the way
13 they would be shipped to the assembly plant.

14 Q. Okay. So at least in the usual circumstance that
15 you've just posited, if we're talking about drum brake, they
16 would go -- the drum brake assemblies would go to the Ford
17 facility that manufactured the axles?

18 A. Right.

19 Q. Rear axles?

20 A. Rear axle, yes.

21 Q. Rear axles. And where -- where the drum brake
22 assemblies would be put onto the rear axles and then the rear
23 axles with the drum brake assembly would then go to the --
24 to the next facility where the car -- where they would be
25 installed into a car?

1 A. Correct. The final assembly plant, yes.

2 Q. And that would be -- the final assembly plant
3 would also be a Ford location except for those rare
4 exceptions like the Pantera or other specialty vehicles?

5 A. Correct.

6 Q. Okay. And that was true for the 1950s, the 1960s,
7 the 1970s and the 1980s?

8 A. That's true on cars. There's -- light trucks we
9 did use some outside suppliers for some of our axles. Dana
10 was one.

11 Q. Okay. Then -- now, one of the products that Ford
12 sold was finished automobiles; right?

13 A. Yes.

14 Q. They also -- Ford also sold other kinds of
15 products, such as replacement parts?

16 A. Correct.

17 Q. Some of the replacement parts that Ford sold it
18 manufactured?

19 A. Yes.

20 Q. And other replacement parts that Ford sold were
21 manufactured by others but sold under the Ford name?

22 A. Yes.

23 Q. When it came to Ford replacement parts for
24 friction materials Ford did not manufacture any of the
25 friction materials?

1 A. Correct.

2 Q. As a new vehicle comes off the assembly line brand
3 new, it's a new issue, let's say, for instance the new Ford
4 Taurus has just come off the assembly line. Ford understood
5 that at some point after any new vehicle comes off its
6 assembly line that aftermarket companies are going to try to
7 make parts to fit that vehicle. True?

8 MR. ZIC: Objection; vague, lacks
9 foundation.

10 A. Ford is aware that there are aftermarket suppliers
11 for different components on vehicles.

12 BY MR. HARTLEY:

13 Q. And in the 1950s through the 1980s there were
14 companies that were making aftermarket parts for Ford
15 vehicles; right?

16 A. Yes.

17 Q. And Ford knew that one of the aftermarket parts
18 that were -- that were being made -- one type of aftermarket
19 parts that were being made from the 1950s through the 1980s
20 -- well, through the -- let me start again.

21 Ford knew from, let's say, since World
22 War II until the year 2000 that there was -- there were
23 companies making aftermarket friction materials for Ford
24 vehicles. True?

25 MR. ZIC: Objection; overly broad as to

1 time frame.

2 Go ahead.

3 A. Yeah. Ford -- you know, we were aware during that
4 time frame that there were companies that made aftermarket
5 components that would fit on Ford vehicles.

6 BY MR. HARTLEY:

7 Q. Sure. And when it came -- when it comes to
8 brakes, there's a lag time typically between the creation of
9 a new vehicle and when aftermarket parts become available
10 for that vehicle because of needs to test to make sure that
11 the brakes meet the characteristics such as safety and
12 marketability. True?

13 MR. ZIC: Objection; lacks foundation,
14 vague.

15 A. I don't really know what the aftermarket does.

16 BY MR. HARTLEY:

17 Q. Okay.

18 A. You know, Ford doesn't know what the aftermarket
19 does. I mean, we -- you know, we sell the vehicle and we
20 hope that they'll come back to an authorized independent
21 dealership and put the original equipment parts that were
22 originally on their vehicle because it performs best with
23 those parts.

24 Q. Okay. You as a person know that -- that it's
25 unusual for -- to go buy like brake pads, brake shoes at a

1 Ford dealership for a vehicle that's not new; right?

2 MR. ZIC: Objection; vague and outside
3 the scope.

4 A. Well, I'm aware that some people don't; they go to
5 the local, you know, Auto Zone or Pep Boys and buy
6 aftermarket components for the vehicle, or for their brakes.

7 BY MR. HARTLEY:

8 Q. And that's been your experience; right?

9 A. That has been my experience, yes.

10 Q. Many times when you were in the dealership you --
11 when a vehicle came in you saw aftermarket brake shoes in
12 vehicles that you inspected. True?

13 A. I believe them to be aftermarket, yes.

14 Q. And what I'm -- what I'm trying to figure out is
15 if -- well, let me ask you this way. There are -- before
16 brake -- brake shoes can be used on a vehicle, they have to
17 be -- they have to pass some tests, don't they?

18 MR. ZIC: Objection; lacks foundation,
19 vague.

20 A. At Ford Motor Company we have a certain criteria
21 that we use to make -- ensure that the vehicle meets our
22 internal specifications. And then there's also, after a
23 certain point in time, Federal Motor Vehicle Safety Standard
24 105 and it's basically stopping performance, it's part of
25 the Code of Federal Registry.

1 BY MR. HARTLEY:

2 Q. And aftermarket parts have to meet that same
3 government requirement; right?

4 A. Not that I'm aware of.

5 Q. You don't --

6 A. I don't believe -- I don't believe they have any
7 requirements whatsoever.

8 Q. Okay. The first model year vehicle for which Ford
9 had designed a system that included a braking system that
10 did not contain asbestos friction materials was 1983. True?

11 A. The first year for non-chrysotile asbestos brake
12 shoes front and rear on a Ford automobile was the 1983 model
13 year Ranger.

14 Q. Which came out in 1982?

15 A. Correct.

16 Q. And it wasn't until the year 2001 when Ford last
17 sold an asbestos-containing friction material as a
18 replacement part. True?

19 A. That's correct. Through our Ford Parts and
20 Service Division there were some chrysotile asbestos brake
21 components that were being sold.

22 Q. Okay. For what vehicles were the -- were
23 chrysotile-containing friction materials available from Ford
24 in 2001?

25 A. I don't know that each and every vehicle the parts

1 were still available.

2 Q. Do you know any?

3 A. No.

4 Q. Okay. How would we find out?

5 A. I don't know. I don't know if anybody knows.

6 Q. How is it that you know that there were -- that
7 there were asbestos-containing parts being sold by Ford in
8 2001?

9 A. Our interrogatory answers tell -- state that.

10 Q. Okay.

11 A. And I was made aware that there were some, in the
12 depot, parts depot that there were still older parts that
13 contained chrysotile asbestos that were still being sold,
14 but I don't know which ones they are.

15 Q. When did -- when did Ford last purchase from a
16 supplier asbestos-containing friction materials for
17 distribution as Ford replacement parts?

18 A. I don't know the answer to that.

19 Q. Why not?

20 MR. ZIC: Objection to form.

21 A. Well, you either know or you don't know, and I
22 don't know.

23 BY MR. HARTLEY:

24 Q. Okay. You haven't made any efforts to find out
25 the answer to that, I take it?

1 A. I have not.

2 Q. Okay.

3 A. Same -- it might be -- it might be -- there might
4 be some reference to that in the collection, the collection
5 being the DVD that you have with all the documents on it.
6 There's some reference in there that suppliers were not able
7 to sell -- were not selling any brake shoes with chrysotile
8 asbestos after a certain time frame in the documents,
9 because they're dated different times, '93 to '94, then I
10 believe some in '95. That's the last one I recall seeing.

11 Q. Okay.

12 A. I couldn't give you the Bates number, though.
13 Sorry.

14 Q. All right. In terms of -- in terms of your
15 history with Ford, you did come to work at some time, which
16 we hadn't gotten to in your -- in your life experience, you
17 did come to work for Ford?

18 A. In 1988 I started.

19 Q. And that was -- you had done some -- prior to that
20 you had done some work with J.I. Case; right?

21 A. Yes, Case International Harvester, yes, sir.

22 Q. Okay. And that company you worked in their
23 Tractor Division?

24 A. Right. Construction/tractor/agricultural.

25 Q. Okay. And you were working on automatic

1 transmission design there. True?

2 A. That's correct, yes. Friction material is what I
3 basically was working on, clutches for a big automatic
4 transmission.

5 Q. Okay. At that time did you -- you were working
6 with automatic transmissions at J.I. Case you said; right?

7 A. Yes.

8 Q. And were those friction materials that you were
9 working with at J.I. Case -- I think it's from 1986 to 1988?

10 A. Correct.

11 Q. Okay. Were those asbestos-containing friction
12 materials at that time?

13 A. They were not.

14 Q. They were not.

15 Then you came to work for Ford and you
16 came to work for Ford also in the Tractor Division?

17 A. Correct.

18 Q. Okay. And you did that for a period of time until
19 you changed to a new job?

20 A. That's correct.

21 Q. When was the new job?

22 A. 1989.

23 Q. Short period of time with the Tractor Division
24 and --

25 A. The tractor -- yeah. The Tractor Division was

1 sold off. And the facilities used to be in Southeastern
2 Michigan and they moved to Pennsylvania, and it was sold to
3 Fiat eventually. It's part of now Case New Holland.

4 Q. Okay. And you decided to stay with Ford?

5 A. I did.

6 Q. Okay. And what were -- what were your duties as
7 you stayed with Ford over time?

8 A. I was a design engineer in the Light Truck
9 Division. And I had that design job in Light Truck until
10 1992, and then I became the administrator or facilitator --
11 secretary for the Critical Product Problem Review Group.

12 Q. Okay.

13 A. And I held that job until 1995, and then I became
14 a design analysis engineer, and that's the job I currently
15 hold today.

16 Q. Okay. Through your work with Ford, you have had
17 several jobs that deal with post -- post-sale engineering;
18 is that fair?

19 A. I'm aware of -- yes. I'm aware of that, yes.

20 MR. ZIC: I'm going to object because I
21 don't know what that means.

22 BY MR. HARTLEY:

23 Q. Okay. What do you understand me to mean when I
24 say post sale?

25 A. Post-sale -- post-sale engineer, we don't really

1 call a job post. It's after the product is in the field and
2 there might be an issue with that product to resolve that
3 issue, either through a design change or some type of
4 warranty action or something along those lines.

5 Q. Recalls?

6 A. A safety recall might be one, yes.

7 Q. Okay. Explain to the jury each of the jobs that
8 you have that fit this concept of once -- once -- I called
9 it post-sale engineering, but whatever you want to call it.

10 A. Well, actually, almost every job I've had at Ford
11 Motor Company since I was a design engineer, you're
12 responsible for the product from cradle to grave, so if
13 there was ever an issue with the product once it got out in
14 the field, because you designed the product, you know if all
15 of a sudden in real life experience you find something that
16 needs to be done, you're probably the best person equipped
17 to make a design change to that product to fit in that
18 environmental condition.

19 Q. Okay. You talked about the concept of being
20 responsible for the vehicle from cradle to grave. Ford
21 Motor Company is responsible for every system in the
22 vehicles it sells, isn't it?

23 MR. ZIC: Okay. I'm going to object it
24 calls for a legal conclusion, and I think it
25 mischaracterizes his prior testimony. He talked about

1 design aspects, not entire vehicles.

2 You may answer to the extent you can,
3 Mr. Taylor.

4 A. As a -- as an engineer, an individual is
5 responsible for their specific components or their specific
6 subsystems.

7 Ford Motor Company does give a warranty
8 on the Ford automobile or light truck that they sell.
9 However, there are certain items that are wear-out items on
10 automobiles and light trucks that are not warrantable.

11 Q. Would you agree with me that as long as there's no
12 modification to a system in Ford's vehicles that Ford is
13 responsible for the safety of those systems?

14 MR. ZIC: Objection; vague, calls for a
15 legal conclusion, calls for an expert opinion. It's beyond
16 the scope of the notice.

17 A. If there is an issue with the Ford automobile and
18 it does not meet or the Federal Motor Vehicle Safety
19 Standards say the vehicle does not stop in the distance that
20 it was designed to, Ford may have to go out and perform a
21 recall on that vehicle.

22 BY MR. HARTLEY:

23 Q. Isn't it true that you believe that Ford is
24 responsible for the safety of the whole system?

25 MR. ZIC: Objection; vague, calls for an

1 expert opinion, calls for a legal conclusion, it's beyond
2 the scope of the notice, and now you're asking him what he
3 personally believes.

4 A. Ford is responsible for the vehicle that it is a
5 reasonably safe vehicle for its intended use.

6 BY MR. HARTLEY:

7 Q. Okay. Would you -- does Ford agree -- you
8 understand that you're someone who's here to talk about the
9 warnings that Ford put on its products; right?

10 A. I'm not sure if I'm going to be speaking on
11 warnings -- warnings that are on the product or not. I
12 don't profess to be a warnings expert.

13 Q. Not about the effectiveness of them but whether
14 they were there or not; right?

15 A. I can basically speak on those, yes, on the
16 different placards and warnings that are on vehicles.

17 Q. Okay. When you were a design engineer at Ford,
18 did you understand that it was Ford's job to make sure that
19 people didn't get hurt due to the design of the Ford
20 products that you were putting out?

21 MR. ZIC: Objection; vague, beyond the
22 scope of the notice.

23 A. As an engineer you try to design out any -- any
24 issues whatsoever that a customer -- that you can reasonably
25 anticipate that a customer may have with their vehicle.

1 MR. ZIC: A belated objection as vague.

2 BY MR. HARTLEY:

3 Q. Okay. When you were a design engineer, did you
4 believe -- and I -- I just -- maybe -- I want to -- let me
5 try again, because I think you've testified differently in
6 the past. Maybe it will help you to look at your prior
7 testimony and see if it will refresh your recollection as to
8 what you --

9 MR. HARTLEY: I got a copy for you here.
10 I got an extra copy.

11 BY MR. HARTLEY:

12 Q. Take a moment and look at that testimony that I've
13 highlighted there from your testimony in St. Paul,
14 Minnesota.

15 A. I've read it, yes.

16 Q. Okay. Had you read it prior to coming here today
17 in preparation?

18 A. I have not seen my trial testimony from this --
19 from our previous altercation.

20 Q. Did you -- I thought it was very civil?

21 A. It was, it was.

22 Q. Okay. Now, does that refresh your recollection as
23 to what you had testified previously?

24 A. Right. And I think I'm testifying the same way
25 today. I mean, I don't understand what you don't understand

1 about my answer.

2 Q. Okay. Well -- so, today your testimony, just as
3 it was in St. Paul, Minnesota in 2008, is that Ford is
4 responsible for the safety of the whole system as long as
5 there was no modification done to it; right?

6 MR. ZIC: I'm going to object as vague.

7 A. Well, for -- Ford's response -- has responsibility
8 for the vehicle to give the customer a reasonably safe
9 vehicle for its intended use. And I think that's basically
10 what I testified to there.

11 BY MR. HARTLEY:

12 Q. Okay. The testimony at page 31, Line 23
13 through 25, would you read that out loud for the jury.

14 A. Okay. The question -- Line 21?

15 Q. I'm sorry, the highlighted ones.

16 A. Okay.

17 Q. That's my question; right?

18 A. Okay. Your question is: "They're also
19 responsible for the safety of the whole system, aren't they?

20 "Yes --" my answer: "Yes, they are,
21 unless there is a modification done to it after it leaves
22 Ford's control, that's absolutely correct."

23 Q. Okay.

24 A. "Question: It's Ford's job to make sure people
25 don't get hurt with their vehicles. True?

1 "Answer: That's correct."

2 MR. ZIC: And I'm going to object even
3 though you seem to be impeaching him, but he's reading
4 something into the record and I'm going to object to all of
5 that now as vague and calling for a legal conclusion and
6 calling for an expert opinion.

7 BY MR. HARTLEY:

8 Q. Do you still believe that it's Ford's job to make
9 sure people don't get hurt by the design of their vehicles?

10 MR. ZIC: And I'm going to -- same
11 objections.

12 A. Yes.

13 BY MR. HARTLEY:

14 Q. And that was your understanding -- that was the
15 understanding that you had as a design engineer at Ford.
16 True?

17 A. As a design engineer, you want to -- you want to
18 anticipate each and every utility of that vehicle and ensure
19 that as you designed that vehicle that you design any
20 potential pitfall from the customer, you know, such as in
21 the shift system, in certain areas you want to make sure
22 that the shift lever always achieves park as easy as
23 possible for the customer.

24 Q. And that's the reason why even after the vehicles
25 were sold that Ford had you and other people like you

1 looking at the designs to make sure that the designs that
2 Ford had sent out into the marketplace, if they weren't
3 perfect, got better to protect people; right?

4 MR. ZIC: I'm going to object as vague,
5 perfect. This is calling for a legal conclusion and it
6 lacks foundation and it's argumentative.

7 A. As with all products, they evolve over time, and
8 you want to ensure that you're constantly moving your
9 product with the current technology of today. You know, a
10 vehicle of the '70s, not too many people drive around in
11 those today. They're dealing with vehicles of -- you know,
12 2010 vehicles and they're considerably different and more
13 refined than they were some 30 or 40 years ago.

14 BY MR. HARTLEY:

15 Q. Right. But I just -- your understanding as an
16 engineer was -- as a design engineer for Ford who was
17 looking at issues after the car had gone out of the factory,
18 if there needed to be changes was you were doing that
19 because Ford felt a responsibility to make sure that if
20 there were problems with the design that they got fixed;
21 right?

22 MR. ZIC: Objection; vague, overly
23 broad, asked and answered, argumentative, calls for a legal
24 conclusion.

25 A. That's -- that's why there's a basic warranty on a

1 vehicle and even after warranties are expired, sometimes
2 warranty extension programs are given on certain systems of
3 vehicles.

4 MR. HARTLEY: Why don't we take a break.
5 We've been going for a little while.

6 MR. ZIC: Sure.

7 THE VIDEOGRAPHER: We're going off the
8 record. This is the end of tape 1. The time is 10:30 and
9 49 seconds a.m.

10 (A short recess was taken)

11 THE VIDEOGRAPHER: We're back on the
12 record. This is the beginning of tape 2. The time is 10:46
13 and 24 seconds a.m.

14 DEPOSITION EXHIBIT 7

15 May 10, 1977 Memo to File

16 WAS MARKED BY COUNSEL

17 FOR IDENTIFICATION.

18 BY MR. HARTLEY:

19 Q. Okay. Sir, after a break we've come back. I have
20 marked Exhibit 7 to your deposition, which is a May 10, 1977
21 memo to the file. It appears to be written by somebody
22 named D. P. Cratty.

23 I believe you've seen that before,
24 haven't you?

25 A. I believe I've seen this, yes.

1 MR. ZIC: Okay. And I'm going to object
2 that it appears to be a partial document because it has a
3 page 2 on the top.

4 MR. HARTLEY: Okay. It does have a page
5 2 at the top.

6 We've -- there's been some reference in
7 the deposition to a DVD, and I think the witness indicated
8 that he believed I had it. Off the record we had some
9 discussion that I would be able to get a copy, but we don't
10 have one here for me to have today. Is that fair?

11 MR. ZIC: That's fair.

12 MR. HARTLEY: Okay.

13 MR. ZIC: We provide it, and I think the
14 reason why Mr. Taylor says that is because we customarily
15 produce it.

16 MR. HARTLEY: Of course, understood.

17 MR. ZIC: And as I understand from our
18 prior conversation, it was produced to your prior firm. All
19 of our interrog -- all of our discovery responses reference
20 it and it's available. We just normally require -- we
21 normally request that it's requested and then we produce it
22 as opposed to just spontaneously producing it with each set,
23 because frequently we provide many sets of responses to the
24 same firm and it's not cost-effective or efficient for any
25 for us to do that every time.

1 MR. HARTLEY: Understood. The only
2 reason I raised that is because you say I have only a
3 partial copy of a document.

4 MR. ZIC: Right.

5 MR. HARTLEY: To the extent that there
6 is a -- there is a complete copy of this on your, on your --
7 the DVD that you have, could we make it available to him to
8 look at so that we can cure this objection. I don't want to
9 --

10 MR. ZIC: Well, Christian, the problem
11 is is that the copy that you've shown him doesn't have the
12 current document numbering system on it, so I wouldn't be
13 able to find it, you know, without taking a lot of time. I
14 can bring up a sample to show you. I don't want there to be
15 any confusion on your part.

16 MR. HARTLEY: You've indicated that you
17 thought you could search them. Can you search for
18 Mr. Cratty to see if this deposition --

19 MR. ZIC: It's not word searchable. The
20 index is searchable.

21 So, Mr. Taylor, may I have that back for
22 a second, please.

23 MR. HARTLEY: I can give you the
24 original, or the other one.

25 MR. ZIC: Yeah. Now, the problem is is

1 that even if I were to search the subject, if I were to
2 search for asbestos or substitute, I think I would probably
3 come up with a tremendous number of documents.

4 MR. HARTLEY: Here. I'll tell you --

5 MR. ZIC: Do you want to go off the
6 record --

7 MR. HARTLEY: Sure --

8 MR. ZIC: -- or stay on the record?

9 MR. HARTLEY: -- let's go off the record
10 for a second.

11 MR. ZIC: I'm happy to demonstrate this
12 to you because I don't want there to be any sort of --

13 MR. HARTLEY: Sure. Let's go off the
14 record.

15 MR. ZIC: All right.

16 THE VIDEOGRAPHER: We're going off the
17 record. The time is 10:49 and 22 seconds a.m.

18 (An off the record discussion was held)

19 THE VIDEOGRAPHER: We're back on the
20 record. The time is 10:53 and 42 seconds a.m.

21 BY MR. HARTLEY:

22 Q. We took a little break, and have you had a chance
23 to read Exhibit 7?

24 A. Yes, I have.

25 Q. Okay. And that's a document that you've seen

1 before, isn't it?

2 A. I believe I've seen this, yes.

3 Q. Okay. And that document sets forth the -- some
4 notes on a meeting -- Asbestos Substitute Materials Meeting.
5 True?

6 A. It's a Memo to file from -- apparently from a
7 meeting.

8 Q. Okay. And Mr. Cratty was a Ford employee; right?

9 A. I don't know one way or the other, but I believe
10 so. I would assume so. It's making an assumption, but I
11 don't know for a fact.

12 Q. That document indicates that as of 1977 the
13 F.H. Abar --

14 A. Yes.

15 Q. -- Transmission and Axle Engineering knew of no
16 substitutes for asbestos in transmissions; right?

17 A. In automatic transmissions.

18 Q. In automatic transmissions. Right. Okay.

19 And there were -- apparently at least
20 the feeling was that it would take three years or more to
21 develop substitutes.

22 A. Acceptable substitutes is what's written here,
23 yes.

24 Q. All right. And the -- it says that there were as
25 many as 15 compositions in use; right?

1 A. Asbestos compositions in transmissions that would
2 require recertified replacements if they were available.

3 Q. Does Ford -- does Ford know whether there was
4 chrysotile asbestos in some transmissions?

5 A. It's my understanding the asbestos used in
6 automatic transmission friction material was chrysotile
7 asbestos.

8 Q. Okay. And what's the basis for your
9 understanding?

10 A. My basis is different documents that are in the
11 collection that point to friction material having chrysotile
12 asbestos only.

13 Q. Okay. Would the supplier share their formulations
14 with Ford in Ford's experience?

15 A. No.

16 Q. So --

17 MR. ZIC: And I'm going to object as
18 vague with regard to the word formulation.

19 A. Their exact cocktail mix or their exact
20 formulation, they were not shared.

21 BY MR. HARTLEY:

22 Q. Did -- did Ford require the manufacturers of
23 asbestos-containing friction materials to disclose what type
24 of asbestos was being used?

25 A. I don't know.

1 Q. Who were the suppliers of friction materials for
2 Ford's automatic transmissions?

3 MR. ZIC: I'm going to object as overly
4 broad.

5 A. I believe there were multiple suppliers, but
6 Raymark, Raymark-Raybestos was one supplier.

7 BY MR. HARTLEY:

8 Q. Raymark-Raybestos?

9 A. Yes.

10 Q. Okay. Any others that you're aware of as the
11 corporate representative for Ford?

12 MR. ZIC: I'm going to object as overly
13 broad and it's -- you're asking regarding a huge time frame,
14 and this is the kind of thing that documents require.
15 Mr. Taylor is an extremely knowledgeable individual, but
16 that's a very broad subject matter.

17 A. You know, as I sit here I just can't think of
18 any -- any other suppliers. In this time frame there were
19 customarily two or three clutch packs and two bands in a
20 transmission, and they may come from different suppliers,
21 but it usually requires extensive research. It's all paper
22 documentation to go back and find out who an individual
23 supplier for a specific component or a specific transmission
24 was. We were buying transmissions from the outside also at
25 that point in time.

1 BY MR. HARTLEY:

2 Q. And as of --

3 A. At that point in time being May 10th, 1977.

4 Q. And as the -- as someone who's been -- served as a
5 corporate representative for Ford on -- on several
6 occasions, have you ever endeavored to go back and research
7 the use of asbestos at Ford?

8 A. I have, but not in automatic transmissions. And
9 the reason being is the automatic transmission bands and
10 clutches would come in pre-oiled from the supplier.

11 Q. Okay.

12 A. And the -- the reason you pre-oil a band or a
13 friction disk is that the friction clutch packs are actually
14 measured for specific clearances to ensure that a specified
15 clearance, if they're too tight they'll burn up the clutches
16 and you have a transmission failure. And this way as they
17 come presoaked, it aids in the assembly process.

18 Q. Okay.

19 A. Soaked in automatic transmission fluid.

20 Q. When automatic transmissions that contained
21 asbestos, when the fluid was changed, was that done in a
22 closed system?

23 A. A closed system.

24 MR. ZIC: Objection; vague.

25 BY MR. HARTLEY:

1 Q. How did you drain the transmission fluid from a --
2 from a vehicle that had asbestos-containing transmission
3 friction materials?

4 A. Well, unfortunately, most automatic transmissions
5 don't have drain plugs, so you take the transmission pan off
6 and you lower -- usually don't take all the bolts out at
7 once or you'll get four or five quarts of automatic
8 transmission fluid on you. And you lower -- you leave a
9 couple of bolts in and lower one side and then drop it, the
10 used oil into a receptacle. You take the pan off, wash out
11 the inside of the pan. There's also a magnet in the pan to
12 collect any big fines, steel components.

13 Prior to about 1975 there was a drain
14 plug in the torque converter so you'd remove the inspection
15 plate on the transmission torque converter and then take the
16 plug out of the torque converter and drain approximately
17 another four quarts of fluid or five quarts of fluid out
18 there.

19 Q. Did you ever have the misfortune of having that
20 pan drop out and cover the floor with five quarts of fluid?

21 A. Maybe not five quarts, but I've dropped a pan
22 before and it can make a big mess, big mess.

23 Q. Now, in your experience with Ford, personal
24 experience now I'm talking about, it was your understanding
25 that -- that Ford recommended its own replacement parts for

1 its vehicles. True?

2 A. Yes. Ford recommends that you use general -- use
3 original equipment components when repairing your vehicle.

4 Q. Okay. And you did that as a -- as a -- as a
5 mechanic at -- did you ever work for Ford as a mechanic?

6 A. I did not work for Ford, but all the manufacturers
7 recommend their products over anyone else's.

8 Q. Okay. And Ford certainly hoped that when it sent
9 out its vehicles from the -- from the factory that people
10 would buy all Ford replacement parts including friction
11 materials. True?

12 A. That was -- that was recommended by Ford Motor
13 Company.

14 Q. And, so, if a Ford vehicle left the assembly line
15 with Ford's -- Ford's brake shoes on it that contained
16 asbestos, it was recommending that you replace the brake
17 shoes on that vehicle with the same asbestos brake pads.
18 True?

19 MR. ZIC: Objection; vague.

20 BY MR. HARTLEY:

21 Q. Shoes?

22 A. Yes. The recommendation by Ford Motor Company was
23 to replace any component on the vehicle, whether it be a
24 brake shoe or a brake pad, with the original equipment brake
25 shoe or pad.

1 Q. Okay. And that's one reason why even after Ford
2 stopped making new vehicles with asbestos-containing
3 materials -- friction materials it still sold replacement
4 parts that contained asbestos for vehicles that were in
5 service; right?

6 A. That would be making a leap of faith to assume
7 that.

8 MR. ZIC: Yeah.

9 A. And I don't know that exact reason.

10 MR. ZIC: And objection; calls for
11 speculation.

12 BY MR. HARTLEY:

13 Q. Well, do you know why Ford continued to sell
14 asbestos-containing friction materials after it no longer
15 put them in new vehicles?

16 A. I don't know the answer to that.

17 Q. Do you know why Ford didn't simply discard those
18 asbestos-containing friction materials after it no longer
19 put asbestos-containing friction materials into new
20 vehicles?

21 MR. ZIC: Objection; asked and answered.

22 A. I don't know the answer to that.

23 BY MR. HARTLEY:

24 Q. Ford continued to sell asbestos-containing
25 friction materials in order to earn money from them. True?

1 MR. ZIC: Objection.

2 A. I don't know the answer -- I don't know that. I
3 don't know if they sold them or not. I know that they were
4 in the depot and they were taken out of the depot. So
5 evidently they weren't sold if they were still in the parts
6 depot.

7 BY MR. HARTLEY:

8 Q. They were -- they were ultimately sold, weren't
9 they?

10 A. No, they were removed from -- from the parts
11 depot.

12 Q. In 2001?

13 A. Correct.

14 Q. Prior to 2001, if the parts left the depot, they
15 were going to be used in vehicles. True?

16 MR. ZIC: Objection; calls for
17 speculation.

18 A. They may or may not have been. The dealership may
19 have ordered them to keep them as a stock component on the
20 shelf at the dealership.

21 BY MR. HARTLEY:

22 Q. In terms of the asbestos-containing friction
23 materials that were -- that we've talked about that were in
24 the depot -- I guess that's where Ford kept its parts that
25 it hadn't sent out to dealerships and the like?

1 A. Correct.

2 Q. Okay. Those asbestos-containing friction
3 materials that were in the depot as of the time when Ford
4 became -- no longer put asbestos-containing friction
5 materials in new vehicles that left between that time --
6 when was that? I'm sorry. Let me ask you that first. When
7 did Ford stop putting asbestos-containing friction materials
8 in vehicles?

9 MR. ZIC: Objection, overly broad.

10 A. It varies by vehicle, but the very last production
11 vehicle was a Lincoln Town Car limousine, and it was the '97
12 model believe. I believe in '96.

13 BY MR. HARTLEY:

14 Q. Okay.

15 A. Those were rear drum brakes only.

16 Q. Okay. And the Mustang was the next prior car;
17 right?

18 A. That's -- that's correct. The 19 -- model year
19 1995 Mustang came out, followed '94, no longer had any
20 chrysotile asbestos in the rear brakes, rear drum brakes.
21 So the '94 model year for Mustang had chrysotile asbestos in
22 the rear brakes.

23 Excuse me.

24 MR. ZIC: Do you want some water?

25 THE WITNESS: No.

1 BY MR. HARTLEY:

2 Q. Do you want to take a break?

3 A. No, I'm fine.

4 Q. Okay. In terms of -- I mean, Ford didn't give
5 away the asbestos-containing friction materials from the
6 depot, did it?

7 A. No.

8 Q. Okay. It sold them to someone?

9 MR. ZIC: Objection; asked and answered.

10 A. Right. If someone -- say we'll take the year
11 1977. They went in -- the dealership went to order brake
12 shoes for a Mustang, rear wheel on a Mustang. And they
13 would -- the dealer -- the dealership would request parts
14 and they would be shipped from the depot to the dealership.

15 Q. Okay. Have you read the Plaintiff's depositions
16 in this case?

17 A. I have not.

18 Q. Do you know anything about the Plaintiff in this
19 case?

20 A. I do not.

21 Q. When it comes to warning Ford's customers about
22 the potential hazards of Ford's products, Ford is in the
23 best position to do that; right?

24 MR. ZIC: Objection; vague, calls for a
25 legal conclusion, calls for an expert opinion.

1 A. Ford does have a method that it can, you know,
2 using outside sources contact customers for specific time
3 frames.

4 BY MR. HARTLEY:

5 Q. Well -- and that hasn't always been your
6 testimony, though, has it?

7 A. I'm not sure --

8 MR. ZIC: Objection to the form. This
9 isn't a game of got you.

10 A. I don't know.

11 BY MR. HARTLEY:

12 Q. Would you -- would it help to read what you said
13 when we were in trial in St. Paul? Here, I'll hand it over
14 to you.

15 A. Sure.

16 Q. Do you understand I've underlined there on page --

17 A. Page 32, Line 5. I see that.

18 Q. Okay. And your testimony -- my question at that
19 time was: "Ford is in the best position to let people
20 who -- who were exposed to their vehicles know about the
21 hazards of them. True?" And your answer was?

22 A. My answer at that time was correct. I'm not sure
23 what -- which people who were exposed to their vehicles. I
24 assumed at that point operators. And Ford through its --
25 using R.L. Polk, which is an independent source, with a

1 series of VIN numbers can get the most recent owner of
2 specific vehicles.

3 Q. Okay.

4 A. And I think I just answered the same way, it's
5 just maybe a little more long-winded.

6 Q. Okay. Is there someone else who's in a better
7 position to warn the purchasers of Ford's vehicles about the
8 hazards that they may present in Ford?

9 MR. ZIC: Objection; lacks foundation,
10 calls for speculation, calls for an expert opinion, calls
11 for a legal conclusion.

12 A. Yeah. If -- well, Ford -- I don't know of anybody
13 who might be better.

14 BY MR. HARTLEY:

15 Q. Fair enough.

16 A. You know, what happens is Ford, whenever there is
17 a safety recall on a vehicle, they always have a press
18 release and it's usually carried by the UP and API and
19 carried in our local papers. Usually there's a little blurb
20 on the news. And, so, Ford lots of times doesn't contact
21 the customer instantaneously. They let the news media and
22 others help with that avenue of advising.

23 Q. Okay. From your review of the materials that the
24 -- the corporate materials that we've talked about that were
25 on the DVD, you've seen that Ford undertook under certain

1 circumstances to issue warnings about potential hazards of
2 asbestos. True?

3 A. There were different -- there were different
4 warnings at different periods of time that were given by
5 Ford Motor Company to service personnel and other
6 individuals.

7 Q. And Ford was in control of the warnings that went
8 on its products; right?

9 A. Correct.

10 MR. ZIC: Objection; vague.

11 A. Ford would -- Ford does have warning engineers in
12 the company, or engineers that work with warning labels and
13 different labels and their effectiveness. And they put
14 labels on vehicles or labels may or may not go on different
15 products that are being sold.

16 BY MR. HARTLEY:

17 Q. You've seen in your work as a corporate
18 representative for Ford that Ford had internal documents
19 discussing where it was going to put warnings. True?

20 A. I have seen documents such as that, yes.

21 Q. Okay. And in -- both in your review of the
22 materials and in your own experience, you know some places
23 that Ford did put warnings and other places where they
24 didn't. True?

25 MR. ZIC: Objection; vague, overly

1 broad.

2 A. Correct. I'm aware that some warnings were put in
3 some areas and some warnings were not put in other areas.

4 BY MR. HARTLEY:

5 Q. You know, for instance, that in your own
6 experience that in working on Ford vehicles drum brakes that
7 you never saw a warning where the drum brake is that
8 indicated that there might be asbestos exposure through
9 doing that work. True?

10 A. That's correct. I'm not aware of a warning on a
11 drum, on a Ford vehicle or any other vehicle.

12 Q. And -- and you understand that you're here to tell
13 me what Ford knows about that today; right?

14 MR. ZIC: Objection; vague.

15 A. Yes.

16 BY MR. HARTLEY:

17 Q. Okay?

18 A. To the best of my ability.

19 Q. And in all the materials you reviewed, you've
20 never seen any indication that Ford put a warning in the
21 area of where the asbestos was collected inside the drum;
22 right?

23 MR. ZIC: Objection; lacks foundation,
24 assumes facts not in evidence, vague, overly broad.

25 A. The -- I'm not aware of a warning on the drum

1 where wear-out debris from the brake and drum would
2 accumulate or may accumulate.

3 BY MR. HARTLEY:

4 Q. Ford to your knowledge as the corporate
5 representative never put a warning on the actual brake shoe
6 that said this contains asbestos; right?

7 A. I'm not aware of a warning on any brake shoe.

8 Q. However, in your experience you have seen writing
9 on the actual friction material of a brake shoe indicating
10 the name of the company, things like that. True?

11 A. On a new brake shoe. Once a shoe is in service
12 it's worn off almost instantaneously.

13 Q. Okay. You've also seen writing on the sides of
14 the friction material where it would stay on there longer
15 until the brake was worn out. True?

16 MR. ZIC: Objection; vague, lacks
17 foundation, assumes facts not in evidence.

18 A. There are edge code lining markings on brake
19 shoes.

20 BY MR. HARTLEY:

21 Q. And sometimes if the shoe hasn't been worn out too
22 much, you would be able to read those after -- when checking
23 a brake inside the drum. True?

24 A. No.

25 MR. ZIC: Objection, vague.

1 A. You would actually have to wipe it off because
2 debris is on the side. For you to read any edge code on a
3 brake shoe, you have to wipe the surface.

4 BY MR. HARTLEY:

5 Q. So, once it was wiped off you would then be able
6 to read, sometimes, not every time, but sometimes you would
7 be able to read what was written there?

8 MR. ZIC: Objection; vague.

9 A. Potentially you could read it, yes. Depending on
10 how clean you could get it.

11 BY MR. HARTLEY:

12 Q. Okay. Until January of 1982 a customer of Ford
13 going into a Ford dealership could not get a vehicle that
14 did not contain asbestos-containing friction materials;
15 right?

16 A. There were some limited production police
17 interceptors in the early '70s that the front brakes were a
18 semi-metallic material.

19 MR. ZIC: I'm sorry, were you finished,
20 Mr. Taylor?

21 A. But other than that I'm not, as I sit here, I
22 can't think of another vehicle as sold by Ford Motor Company
23 that did not contain chrysotile asbestos in the brakes.

24 BY MR. HARTLEY:

25 Q. The police vehicles had just -- had some asbestos

1 at that time, right, just not both axles?

2 MR. ZIC: Objection; vague.

3 A. The rear drum brakes would have contained
4 chrysotile asbestos.

5 BY MR. HARTLEY:

6 Q. It's your understanding, and I'm going to switch
7 to you as a design engineer for a second and then go back to
8 asking you about Ford, it was your understanding as a design
9 engineer at Ford that when Ford designed a brake system that
10 was put in its cars to go out into the public using
11 asbestos-containing brakes, it understood that the
12 asbestos-containing brakes would also be -- I mean the
13 replacement brakes would also be asbestos-containing -- I'll
14 ask it again.

15 MR. HARTLEY: You don't have to object.

16 MR. ZIC: All right.

17 MR. HARTLEY: I'll withdraw that
18 question and I'll read it just as I have it written here.

19 BY MR. HARTLEY:

20 Q. It's your understanding as a design engineer at
21 Ford that when Ford had designed a brake system that was put
22 in its car to go out into the public using asbestos-
23 containing brakes that the replacement brakes would also be
24 asbestos-containing?

25 MR. ZIC: Okay. I'm going to object

1 vague as to replacement and lacks foundation.

2 A. If the customer went back to a Ford dealership and
3 got original equipment brakes and put it on, they would
4 contain chrysotile asbestos. If they went to a aftermarket
5 shop somewhere and got some kind of aftermarket brake, I
6 don't know what they would get. Ford doesn't know what they
7 would get.

8 BY MR. HARTLEY:

9 Q. Now, in terms -- switching gears on you again, an
10 apt metaphor I suppose here for the -- for the day, the --
11 what did you do to look into the information that you put
12 into the affidavit about Motorcraft that you submitted in
13 this case?

14 A. The Motorcraft data, I went and I pulled the
15 original release for Motorcraft components at Ford Motor
16 Company, and the release is a sheet of paper that basically
17 instructs these components to be manufactured. I went
18 through all the names on that list, called and spoke to the
19 individuals that were left on -- within the company that
20 were still on the list of names that approved it, and I
21 spoke to them to ensure that the documentation that I had
22 and showed that this was July I believe or June of 1999 was
23 the first time that Motorcraft brakes were ever released in
24 the company. And just to confirm that with them, with these
25 individuals. And it was the first time that Motorcraft

1 brakes were released for Ford products.

2 Q. What year was that?

3 A. '99.

4 Q. Prior to that --

5 A. Calendar year '99.

6 Q. Prior to that what were -- were Ford brakes
7 called?

8 A. Original equipment, OE.

9 MR. ZIC: I'm going to object as vague.

10 I think you guys are talking about separate things.

11 BY MR. HARTLEY:

12 Q. He thinks we're talking about separate things.

13 What are you talking about?

14 A. I'm talking -- if you went to the -- to your local
15 dealership and asked for a pair of brakes for, say, year
16 1966 and 19 -- you're asking for a set of brake shoes for
17 your 1965 Mustang, the dealership would get you original
18 equipment brakes. That was the exact same brakes and
19 formulation compound that was on the vehicle when it left
20 the factory.

21 MR. ZIC: That doesn't cure my
22 objection, but I'll take care of it later on direct unless
23 you want to go off the record and have a discussion to save
24 time.

25 MR. HARTLEY: Let's go off the record.

1 May as well.

2 THE VIDEOGRAPHER: We're going off the
3 record. The time is 11:21 and 40 seconds a.m.

4 (An off the record discussion was held)

5 THE VIDEOGRAPHER: We're back on the
6 record. The time is 11:23 a.m.

7 BY MR. HARTLEY:

8 Q. I wanted to clarify something with you about the
9 discussion we were just having.

10 Is it true that Motorcraft was what was
11 sort of known as a second line product?

12 A. That's correct. It was a more affordable product
13 for the final user of the vehicle. So, if you brought your
14 car into the dealership, Motorcraft were a more affordable
15 brake shoe to be more competitive with other products that
16 were afforded to dealerships. Because dealerships could use
17 any product they chose, and Motorcraft parts are less.

18 Let me give you an example of a --

19 Q. Sure.

20 A. -- 2004 Mercury Mountaineer. Pretty common
21 vehicle, there are a lot of them out there. The retail
22 price of a front pair -- front set of brake pads for that
23 vehicle, disk brake pads is almost \$100, just shy, a few
24 pennies shy of \$100. The Motorcraft parts are \$75.

25 Q. Okay. Are they the same part?

1 A. No, they're not.

2 Q. Okay. The --

3 A. That's the retail price.

4 Q. Now, the Motorcraft -- you did become aware that
5 the Motorcraft name was associated with Ford well prior to
6 1999. True?

7 A. Correct.

8 Q. 1972 the Autolite name was replaced with the
9 Motorcraft name, wasn't it?

10 A. I believe so, yes.

11 MR. ZIC: Objection; vague.

12 A. Autolite was no longer used except for spark plugs
13 and potentially some other maybe electrical components, but
14 the Motorcraft name was used after Ford Motor Company.

15 BY MR. HARTLEY:

16 Q. And in terms of what you did to go back and find
17 out if there were asbestos-containing brakes that used the
18 Motorcraft name, you spoke to some people who -- who were
19 still working for Ford; right?

20 A. Yes. And I also spoke to a retiree also that was
21 the Motorcraft brand manager at one point in time.

22 Q. Okay. Was he the Motorcraft brand manager in
23 1972?

24 A. No, but his work at Ford started in '64 and ended
25 in '94, and he was in the Ford customer service or Ford

1 parts and service division that entire time. It changed
2 from Ford parts and service to Ford Customer Division
3 sometime in the early '90s.

4 Q. Have you ever noticed people thinking that
5 Motorcraft was the -- outside of litigation now I'm talking
6 about -- that Motorcraft is the name for Ford's replacement
7 parts in general?

8 MR. ZIC: Objection; calls for
9 speculation, beyond the scope of the notice.

10 A. I've never spoken to anyone who thought that all
11 Ford parts were Motorcraft parts. The people that I -- I've
12 gone to many dealerships over the years, and individuals in
13 these Ford dealerships were aware of Motorcraft and then
14 original equipment, the individuals that I spoke to. But
15 I'm not sure what the general public thinks one way or the
16 other.

17 BY MR. HARTLEY:

18 Q. Okay. Motorcraft parts were available at Ford
19 dealerships; right? Still are?

20 A. Yes. Certain -- certain parts are sold under the
21 Motorcraft name. Not all parts for all automobiles.

22 Q. Motorcraft did make some asbestos-containing
23 friction materials, that name there were asbestos-containing
24 friction materials with the Motorcraft name on them during
25 the time that they were avail -- that friction materials

1 were available?

2 A. No.

3 MR. ZIC: Objection; vague, lacks
4 foundation.

5 I'm sorry.

6 A. No.

7 BY MR. HARTLEY:

8 Q. And how do you know that?

9 A. The only -- the only friction materials that were
10 available were OE, original equipment, for our components --
11 for our -- for our braking systems. There -- Motorcraft,
12 the first Motorcraft brake did not come into existence until
13 1999, and clutches have never been -- clutches for automatic
14 transmissions -- excuse me, for manual transmissions have
15 never been sold under the Motorcraft name.

16 Q. So, maybe I misunderstood you, so I want to make
17 sure. Are you telling me that -- that -- that Motorcraft
18 friction like brake shoes are also original equipment, they
19 are one in the same?

20 A. No. Well --

21 MR. ZIC: That's my prior objection and
22 wanting to clear it up.

23 A. Yeah. Since 1999 all the friction material under
24 the Motorcraft name is non-asbestos material, whether it's
25 brake shoe or a disk pad. It's all non-asbestos material.

1 BY MR. HARTLEY:

2 Q. Okay. Is there more? It sounded like there was
3 more?

4 A. No. I mean, that's -- that's it for Motorcraft.
5 We never sold clutches under the Motorcraft name, and, so,
6 they were always OE, original equipment, clutches for manual
7 transmission vehicles.

8 Q. Now, changing gears again, double clutch here --

9 MR. ZIC: Okay.

10 BY MR. HARTLEY:

11 Q. -- one of the places that Ford put warnings about
12 asbestos was in things called shop manuals; right?

13 A. There may be warnings in some shop manuals, yes.

14 Q. Okay. Well, you're speaking for Ford Motor
15 Company today about where warnings were placed and -- right?

16 A. Yes.

17 Q. It's not true that there may have been, there were
18 warnings in shop manuals. True?

19 A. There are warnings in shop manuals, yes, and there
20 were.

21 Q. Okay.

22 A. But I don't think that was your previous question
23 to me.

24 Q. All right. Other places that warnings relating to
25 asbestos-containing friction materials were found was in

1 what were known as technical service bulletins?

2 A. Right. A technical service bulletin is a
3 supplement to the shop manual. So it's really part and
4 parcel of the shop manual, or workshop manual.

5 Q. Now, Ford vehicles contained asbestos in more
6 places than just in brakes, clutches and transmission bands.
7 True?

8 MR. ZIC: Objection; overly broad.

9 A. Potentially.

10 BY MR. HARTLEY:

11 Q. Okay. Where -- where are the other potential
12 locations that over time one might have found asbestos?

13 MR. ZIC: Okay. Okay. I'm going to
14 object to the extent it calls for speculation and it's
15 overly broad.

16 A. Potentially in the differential. If it was a
17 posi-traction vehicle, the clutch friction material in the
18 dif, or differential, may have contained chrysotile
19 asbestos. And also the -- some engine gaskets may have
20 chrysotile asbestos.

21 Q. Okay. What about coatings?

22 MR. ZIC: Objection; vague.

23 A. I'm not intimately familiar with all coatings and
24 bondings, but there may have been some, some asbestos in
25 some fillers and bonding agents.

1 BY MR. HARTLEY:

2 Q. Plastics, did plastics in Ford vehicles ever
3 contain asbestos?

4 MR. ZIC: Objection; overly broad and
5 vague.

6 A. At one -- some point in time there may have been
7 some asbestos in some plastics.

8 BY MR. HARTLEY:

9 Q. Okay. At what point in time?

10 A. I believe in some radio knobs in the '30s there
11 may have been some asbestos in some radio knobs. I'm aware
12 of that.

13 BY MR. HARTLEY:

14 Q. Okay. So that -- as the corporate representative
15 for Ford you are aware that there was asbestos used in radio
16 knobs in the 1930s?

17 A. But Ford actually bought those radios from another
18 entity.

19 Q. Okay. Were there any other instances other than
20 the 1930s where -- in radio knobs where asbestos in plastics
21 were incorporated into Ford vehicles?

22 MR. ZIC: Objection; overly broad.

23 A. As I sit here that's the only application that I
24 can readily recall.

25 BY MR. HARTLEY:

1 Q. Okay. Have you made any efforts to find out about
2 the uses of asbestos other than in friction materials in
3 Ford vehicles?

4 MR. ZIC: I'm going to object as overly
5 broad and not reasonably calculated to lead to the discovery
6 of admissible evidence in this case.

7 A. I have.

8 BY MR. HARTLEY:

9 Q. Okay. What have you done?

10 A. I believe that there was a request in this case
11 for a, if my memory is correct, on an affidavit I saw for
12 gasket material -- specific gasket material on a '79
13 F-Series pickup truck --

14 Q. Okay.

15 A. -- for valve cover gaskets.

16 Q. Okay. Was there asbestos in those valve cover
17 gaskets?

18 A. No, there was not. Those valve cover gaskets on
19 all the different engine combinations afforded to the
20 customers at that point in time had cork gaskets.

21 Q. Okay. Did any vehicles that Ford sold in the
22 1960s have asbestos-containing gaskets?

23 MR. ZIC: Objection; way overly broad,
24 unduly burdensome. We've been over this again and again.

25 A. Depending on the engine and the application for a

1 gasket, there may be chrysotile asbestos on certain gaskets,
2 but an individual would have to go and actually research
3 each and every gasket and make that determination if,
4 indeed, a determination could be made.

5 MR. ZIC: Can we take a quick
6 conference -- just --

7 MR. HARTLEY: Sure.

8 MR. ZIC: -- go off the record for a
9 second.

10 THE VIDEOGRAPHER: Going off the record.
11 The time is 11:35 and 12 seconds a.m.

12 (An off the record discussion was held)

13 THE VIDEOGRAPHER: We're back on the
14 record. The time is 11:36 and 12 seconds a.m.

15 BY MR. HARTLEY:

16 Q. I have various excerpts of things that appear to
17 be partial parts of shop manuals and technical service
18 bulletins, and I'm going to mark those as the next -- as a
19 composite exhibit.

20 MR. HARTLEY: Show them to you but I'm
21 not going to ask too many specific questions about them.

22 Actually, I have an extra set, I think.

23 MR. ZIC: Are we off the record?

24 MR. HARTLEY: We can go off the record,
25 sure.

1 THE VIDEOGRAPHER: We're going off the
2 record. The time is 11:37 and 5 seconds a.m.

3 (An off the record discussion was held)

4 THE VIDEOGRAPHER: We're back on the
5 record. The time is 11:38 and 55 seconds a.m.

6 DEPOSITION EXHIBIT 8

7 Excerpts of shop manuals and
8 technical service bulletins

9 WAS MARKED BY COUNSEL

10 FOR IDENTIFICATION.

11 BY MR. HARTLEY:

12 Q. I've given you Exhibit 8, which is various car
13 shop manuals -- excerpts from various car shop manuals and
14 also some service bulletins -- is that what those are
15 called?

16 A. Technical service bulletins.

17 Q. Technical service bulletins.

18 I just want to ask you first: Is --
19 what are -- what are car shop manuals?

20 A. Car shop manuals are the manual that the
21 technician or a mechanic would use to assist in repairing an
22 automobile.

23 Q. Okay.

24 A. It's basically a cookbook and it gives you clear,
25 concise directions on how to appropriately repair and

1 diagnose different issues within automobiles.

2 Q. Who authors Ford car shop manuals?

3 A. They're authored by the engineers.

4 Q. Ford engineers?

5 A. Ford engineers. Different -- there are many, many
6 different authors.

7 Q. Sure.

8 A. And little aspects are done by different people.
9 They review to ensure that the -- that the service procedure
10 is correct. Then they're all combined together and then
11 published by an outside entity called Helm, H-E-L-M.

12 Q. Okay. And those -- one of the target audiences
13 for technical -- or for car shop manuals is the dealership
14 mechanic?

15 A. That's one, correct, yes.

16 Q. And -- but those were available if you wanted to
17 buy them from Helm as an outsider?

18 A. That's correct. In the back of the little book
19 that comes in your glove box, if you flip to the very back
20 there, there was a and still is an order guide for shop
21 manuals in there.

22 Q. Okay. And regardless of whether you were a person
23 on the street, a customer of Ford or a mechanic in the
24 dealership, in order to get a car shop manual, you had to
25 pay for it; right?

1 A. Correct, unless it was at your local library.

2 Q. Okay. Have you ever seen one in the local
3 library?

4 A. I have, yes.

5 Q. Really? Where?

6 A. I've seen it at the Livonia library, in Livonia,
7 Michigan, which is a second tier suburb of Detroit.

8 Q. I won't tell them that you said it's a second tier
9 suburb.

10 Now, the other kind of document in here
11 is the technical service bulletin which I think you
12 explained to me was sort of an addendum to the car shop
13 manuals, is that fair?

14 A. That's correct. It's a bulletin that's sent out
15 so that it can give a technician clear, concise directions
16 on how to appropriately repair a vehicle the first time.

17 Q. Okay. And that's because there may have been
18 something missing from the car shop manual that someone
19 should know about the vehicle?

20 MR. ZIC: Objection; vague, lacks
21 foundation.

22 A. It may be missing or just may be more explicit
23 directions on a better way to appropriately repair
24 something.

25 BY MR. HARTLEY:

1 Q. In order to get a Technical Service Bulletin one
2 had to subscribe to that service. True?

3 A. That's correct, yes.

4 Q. In other words, you didn't get the follow-up
5 addendum to the car shop manual unless you paid for it?

6 A. Yes. There was a fee. It's a subscription fee.

7 Q. Ford never put an asbestos warning in any of its
8 manual that went into an owner's manual of the car, did it?

9 A. I'm not aware of any that went in any owner manual
10 in the vehicle.

11 Q. Okay. And you're speaking for Ford on that;
12 right?

13 A. Correct.

14 Q. Okay.

15 A. Yes.

16 Q. So, just so we're clear, Ford is not aware of ever
17 putting an asbestos warning of any kind in an owner's manual
18 that went in a car?

19 A. Correct.

20 Q. It never put an asbestos warning anywhere else in
21 the car like on a visor or anything like that?

22 A. No.

23 Q. Ford vehicles from time to time do contain
24 warnings inside the vehicle about other hazards, though.
25 True?

1 MR. ZIC: Objection; lacks foundation,
2 vague with regard to the word hazards.

3 A. It has warning labels inside the vehicle on
4 different attributes of the vehicle.

5 BY MR. HARTLEY:

6 Q. Sure.

7 For instance, nowadays a Ford car if you
8 go to the dealership will have a little piece of plastic
9 sticking out of it warning about the airbag and the dangers
10 of an airbag; right?

11 A. There are --

12 MR. ZIC: Objection; relevance.

13 A. There is an airbag tag that comes on the vehicle,
14 and then there is a sticker on the visor also, or a label on
15 the visor.

16 BY MR. HARTLEY:

17 Q. Ford is not aware of any -- any reason it couldn't
18 have put an asbestos warning in its manuals that went with
19 the car, is it?

20 MR. ZIC: Objection; calls for
21 speculation, calls for an expert opinion, calls for a legal
22 conclusion.

23 A. I don't know one way or the other, but, you know,
24 as a person, anything is possible.

25 BY MR. HARTLEY:

1 Q. Okay. But speaking as the -- as the party to this
2 case, Ford Motor Company, is Ford aware of any reason why it
3 couldn't have put a warning in the owner's manual of any
4 vehicle regarding the hazards of asbestos -- potential
5 hazards of asbestos?

6 MR. ZIC: Objection; lacks foundation,
7 calls for speculation, calls for an expert opinion, calls
8 for a legal conclusion.

9 A. A warning could -- could have been inserted.

10 BY MR. HARTLEY:

11 Q. Is it true that one of the reasons that Ford
12 delayed the inclusion of non-asbestos friction materials in
13 its vehicles was cost?

14 A. No.

15 Q. Okay. Are you familiar with some discussions of
16 the costs of asbestos versus non-asbestos materials in Ford
17 vehicles?

18 MR. ZIC: Objection; vague.

19 A. Yes.

20 BY MR. HARTLEY:

21 Q. Okay. What do you remember about that?

22 MR. ZIC: Objection; overly broad,
23 vague.

24 A. There is a document in the collection that speaks
25 to a alleged cost penalty of a \$1.25 per axle, if my memory

1 is correctly --

2 Q. Okay.

3 A. -- correct. Excuse me.

4 Q. Okay. And why -- why didn't that cost penalty
5 figure into the analysis as far as you understand it?

6 MR. ZIC: Objection; lacks foundation.

7 A. I'm not sure I understand your question.

8 BY MR. HARTLEY:

9 Q. Okay. Well, how do you know what criteria Ford
10 used to decide whether or not to use asbestos versus
11 non-asbestos in its vehicles?

12 MR. ZIC: Objection; vague.

13 A. Basically you're -- the document that I'm speaking
14 of is semi-metallic material, and that document which I
15 believe you have in front of you here is a --

16 BY MR. HARTLEY:

17 Q. Okay. I do.

18 A. Yeah, speaks of that \$1.25 -- that there's an
19 additional \$1.25 cost for those parts. But that material
20 cannot be used on brake shoes. It can only be used on disk
21 pads. So the person that wrote that was wrong, or not --
22 not exactly correct.

23 Q. Okay. All right. I have already marked -- let's
24 peel it off.

25 I am going to mark as Exhibit 9 I think

1 the document that we were talking about, which is a
2 November 19, 1971, memo from J.S. Ninomiya -- Ninomiya?

3 A. Ninomiya.

4 Q. Ninomiya. And it's a 2-pager. And I think at the
5 bottom -- it's hard to read because of the way it was
6 copied, but it talks about the cost penalty is severe at
7 \$1.25 just for front end brakes; right? And I'll give it to
8 you so you can see it, but ...

9 (Document handed to and reviewed by the witness)

10 BY MR. HARTLEY:

11 Q. The 1971 memorandum is one that you've seen
12 before; correct?

13 A. I have seen it, yes.

14 Q. It's one that you recognize was created in the
15 ordinary course of business at Ford. True?

16 A. Correct.

17 Q. It came from the files of Ford?

18 A. Yes, it came from somewhere within Ford Motor
19 Company.

20 Q. Okay. And the context of this memo is that the
21 State of Illinois had -- had -- was considering banning
22 asbestos in brakes; right?

23 A. That's correct.

24 Q. And the author, Mr. Ninomiya -- Ninomiya?

25 A. Ninomiya, I believe.

1 Q. Have you met him?

2 A. No, I have not.

3 Q. Spoken to him?

4 A. No, I have not.

5 Q. Okay. My apologies to him if I mispronounced his
6 name more than once.

7 He indicates that he did some research
8 and he came up with some information to a group of people
9 relating to that ban, potential ban; right?

10 A. Yes.

11 Q. Okay. Have you found out what his background is
12 in your -- in your work in this area?

13 A. No. The only thing I know is that he worked in
14 the Engineering and Manufacturing Staff.

15 Q. Which is what it says at the top of the memo?

16 A. On his letterhead, yes.

17 Q. Okay. And he identified that the -- in the health
18 effects paragraph on the first page that "Inhalation of
19 fibrous asbestos has been considered a source of asbestosis
20 and mesothelioma (a rare form of cancer frequently observed
21 in asbestos workers)." Right?

22 MR. ZIC: Objection to form.

23 A. That's what's written here, yes.

24 BY MR. HARTLEY:

25 Q. That was something that Ford was aware of that

1 there had been an association between asbestos and
2 mesothelioma at that time?

3 MR. ZIC: Objection; overly broad,
4 vague, beyond the scope of the document.

5 A. I'm not sure, but it just says inhalation of
6 fibrous asbestos has been considered the source of
7 asbestosis and mesothelia.

8 Q. Okay. Then if you -- the part that we were
9 talking about before we actually marked the document is in
10 Paragraph 5; correct?

11 A. Yes, on page 2, yes.

12 Q. Paragraph Number 5 where they're talking about
13 brake lining alternate materials?

14 A. Yes.

15 Q. And having reread it, does it appear that you --
16 that you maybe didn't recall it quite right?

17 MR. ZIC: Objection; vague,
18 argumentative.

19 A. Well --

20 BY MR. HARTLEY:

21 Q. Let me explain why. Maybe that will help.

22 A. Okay. Thank you.

23 Q. Okay. They're talking about -- the \$1.25 per car
24 cost penalty is just for the front end brakes; right?

25 A. That's -- yes.

1 Q. Okay. So what that means is that replacing
2 asbestos-containing disk brake pads with the semi-metallic
3 was going to cost \$1.25 more for front brakes; right?

4 MR. ZIC: Objection; lacks foundation,
5 vague.

6 A. It says here on looks like about line 7 but the
7 cost penalty is severe.

8 BY MR. HARTLEY:

9 Q. Just for front end brakes?

10 A. Yeah. Something 20 -- it looks like \$1.25 per car
11 just for front end brakes.

12 Q. And brake linings are things that are -- that are
13 associated with disk brakes, not drum brakes. True?

14 A. No. Brake linings are anything. Brake -- your
15 lining is your friction material, both on the disk and the
16 drum.

17 Q. Okay.

18 A. You have linings.

19 Q. We know at this time that these linings that
20 they're talking about, though, are disk brakes; right?

21 A. Yes.

22 Q. Okay. And the \$1.25 has nothing to do with the
23 rear wheels yet. That's true?

24 A. Correct.

25 MR. ZIC: Objection; lacks foundation.

1 A. In this Exhibit Number 9 it's talking only of
2 front end brakes.

3 BY MR. HARTLEY:

4 Q. And explain to me how it is that you know that
5 this cost penalty didn't figure into the decision as to
6 whether or not to use asbestos?

7 MR. ZIC: Objection; lacks foundation,
8 vague.

9 A. Well, because at this point in time on the 1971
10 model year vehicle they were already being used on police
11 cruisers.

12 BY MR. HARTLEY:

13 Q. If somebody paid for them?

14 A. On --

15 MR. ZIC: Objection; lacks foundation.

16 A. On police vehicles, and they were the pad that was
17 put on that vehicle.

18 BY MR. HARTLEY:

19 Q. Well, it says optional semi-metallic front brakes
20 for police fleets; right? Which means you had to pay for
21 them to get them?

22 MR. ZIC: Objection, lacks foundation,
23 vague.

24 A. I'm not sure. I don't see where you're reading
25 optional. I don't see that.

1 BY MR. HARTLEY:

2 Q. In the prior -- it says: "Beginning with the 1971
3 model year Ford has been supplying optional semi-metallic
4 front end brakes for police car fleets."

5 Right?

6 A. I see that, yes.

7 Q. And optional in Ford's lingo means you don't get
8 it unless you pay for it?

9 MR. ZIC: Objection; lacks foundation,
10 vague.

11 A. I'm not sure if it was an optional or not. It was
12 my understanding they were on police vehicles. I didn't --
13 I didn't realize it was an option. The police -- the police
14 package is an option. A police cruiser is not the same
15 vehicle that an independent individual would order, and it's
16 an optional package, and many things come on that option.

17 BY MR. HARTLEY:

18 Q. That's your understanding -- your general
19 understanding, but you didn't research it to give like a
20 factual context to this memo; right?

21 A. Correct.

22 Q. Okay. And what the -- what the Ford engineering
23 and manufacturing staff said is that that was an option at
24 that time in 1971?

25 A. The optional semi-met front end brakes for police

1 cars.

2 Q. And it's actually -- your current experience is
3 even though there is a police cruiser option at Ford, they
4 can get other things as well that would not be included in
5 the police cruiser option, like there are options beyond the
6 -- there are other options available for police cars?

7 MR. ZIC: Objection. Objection; vague.

8 A. You know, I'm not really -- I guess I don't
9 understand your question.

10 BY MR. HARTLEY:

11 Q. Right. You can get different -- you can get the
12 police cruiser option and add things to that car so that not
13 all police cruisers are exactly the same?

14 A. Correct.

15 MR. ZIC: Objection; vague, overly
16 broad.

17 A. Current day.

18 BY MR. HARTLEY:

19 Q. And you have no actual factual basis for knowing
20 what was being done in 1971. True?

21 A. Well --

22 Q. With respect to police cruiser option to be
23 specific?

24 A. I have not done any independent research to see
25 all the optional equipment that a police cruiser would have

1 in 1971.

2 Q. Okay. And, in fact, all you know about the
3 braking systems for the police cruiser -- for police
4 cruisers in 1971 comes from this memo; right?

5 A. I believe that there are some other documents also
6 that speak of this that relate to this \$1.25 in the
7 collection on the disk.

8 Q. Now, there is discussion here of efforts in 1971
9 to try using the same semi-metallic material for rear brakes
10 as well. True?

11 A. Yes.

12 Q. And that effort -- did that come about?

13 MR. ZIC: Objection; vague.

14 A. It did not come about. That material has a
15 propensity to fracture when molded in an arc such as you'd
16 have on rear brakes.

17 Q. Okay.

18 DEPOSITION EXHIBIT 10

19 May 10, 1977 Memo to File

20 WAS MARKED BY COUNSEL

21 FOR IDENTIFICATION.

22 BY MR. HARTLEY:

23 Q. Now, I am marking a May 10, 1977 memo to file,
24 Subject: Asbestos substitute materials meeting as -- ask
25 you -- you've seen that one, too, haven't you?

1 A. I believe I have.

2 MR. HARTLEY: Oh, you know what, this is
3 the -- that's the prior page to this.

4 MR. ZIC: There you go. Do you know
5 what the reference is on the 105506 on the bottom left of
6 the exhibit you just marked?

7 MR. HARTLEY: No idea. But they are --
8 but the old Bates stamp numbers are sequential.

9 MR. ZIC: They are. Okay.

10 MR. HARTLEY: I see 003152 and 003153.

11 MR. ZIC: Okay. Good. Thank you.

12 BY MR. HARTLEY:

13 Q. So, in order to clarify this problem that came up
14 earlier, what I have marked as Exhibit 10 appears to be the
15 first page of the 2-page document dated May 10, 1977 which
16 we marked as Exhibit -- I think it was Exhibit 6?

17 A. 7.

18 Q. 7. 7. Thank you, sir. Exhibit 7.

19 I'm going to hand that back over to you.
20 Now you can -- let's mark -- let's use -- for completeness
21 sake, we'll make Exhibit 10 the two pages so then you have a
22 complete copy there.

23 This memo, you'll recall, gives a --
24 reports progress that's being made in replacing asbestos in
25 friction materials; right?

1 MR. ZIC: Objection; vague, overly
2 broad.

3 A. I believe it's -- just speaks of the --

4 BY MR. HARTLEY:

5 Q. Let me rephrase it.

6 A. Yeah.

7 Q. Have you read the memo, have you had a chance to
8 read it?

9 A. I have seen this memo. And I read the highlighted
10 portions.

11 Q. Okay. Up at the top, the first thing it indicates
12 is that OSHA may be reducing the exposure level to 0.
13 fibers -- .5 fibers per cc; right?

14 A. In the workplace, yes.

15 Q. Okay.

16 A. .5 fibers per cc.

17 Q. Okay. And one of the things if you go down to the
18 first highlighted portion, the J. D. Wells Chassis
19 Engineering and Clutch paragraph?

20 A. Yes.

21 Q. Okay. At that point in 1977 at this meeting
22 relating to asbestos substitute materials, it was reported
23 apparently that the company does not have an alternative to
24 asbestos clutch facing material and that it would probably
25 be three to five years before viable substitute for asbestos

1 could be developed; right?

2 A. You read that correctly, yes.

3 Q. Okay. Was that the case at Ford?

4 MR. ZIC: Objection; calls for
5 speculation.

6 A. The -- the development of clutches -- this is
7 approximately correct. That time frame starting in '82 and
8 '83, clutch facings were going from chrysotile asbestos to a
9 non-chrysotile asbestos facing, and by 1985 there was no
10 chrysotile asbestos in the clutch facings.

11 BY MR. HARTLEY:

12 Q. And this -- this is a Ford document, isn't it?

13 A. I believe it to be.

14 Q. Okay. And it was reporting a -- the outcome of a
15 meeting at Ford. True?

16 A. It's a memo to file, yes, so a person can remember
17 what happened.

18 Q. Okay. And Mr. -- is it Clough or Clough?

19 A. I don't know.

20 Q. Well, E. F. -- I'll call him Clough -- E. F.
21 Clough in Brake Engineering stated that almost no
22 development work on non-asbestos brake linings is in
23 progress; right? That's what it says?

24 A. Correct, yes.

25 Q. And that was true in 1977, Ford wasn't -- had done

1 almost nothing to replace asbestos brake linings?

2 MR. ZIC: Objection. The document
3 speaks for itself, it calls for speculation.

4 A. In 1977 there was -- I'm not aware of any 1978
5 program that had new brakes in the -- for the 1978 program.

6 BY MR. HARTLEY:

7 Q. What are you aware of that Ford had done at all
8 to -- to replace asbestos in brake materials at that time?

9 MR. ZIC: Objection; overly broad.

10 A. In that time frame?

11 BY MR. HARTLEY:

12 Q. Yes.

13 MR. ZIC: And vague.

14 A. Well, in this document it states that Ford is
15 relying on its brake suppliers to develop new products.

16 BY MR. HARTLEY:

17 Q. Does that mean to you -- does that mean that Ford
18 hadn't done anything itself?

19 A. Well --

20 MR. ZIC: Objection; lacks foundation,
21 vague.

22 A. That -- that doesn't mean that to me because Ford
23 has always relied on its brake suppliers to supply friction
24 materials to Ford, and Ford specifies a performance
25 characteristics -- performance characteristic for its

1 friction material that it receives from suppliers.

2 BY MR. HARTLEY:

3 Q. What did Ford do affirmatively on its own as of
4 May 1977 to develop non-asbestos brake linings?

5 A. Well --

6 MR. ZIC: Objection; overly broad.

7 A. Ford didn't develop brake linings. Ford relied on
8 its suppliers to develop brake linings, the different
9 suppliers that supplied them to Ford Motor Company.

10 BY MR. HARTLEY:

11 Q. And as you say, Ford -- Ford was relying heavily
12 on others to do -- to find replacements for asbestos in
13 brakes; right?

14 A. Ford has always relied on the brake supplier to
15 supply brake friction material from Day One.

16 Q. And it was true as of 1977 that Ford had budgeted
17 little or no funds for non-asbestos brake evaluation. True?

18 MR. ZIC: Objection; the document speaks
19 for itself, calls for speculation.

20 A. That's exactly what the -- Ford budget -- budgeted
21 little or no funds for non-asbestos brake evaluation. He
22 would appreciate budget support for non-asbestos evaluation
23 is what is written in that paragraph.

24 BY MR. HARTLEY:

25 Q. Right. The engineer who worked in Brake

1 Engineering wanted some funding to evaluate non-asbestos
2 brakes, but Ford hadn't given him any?

3 A. Well --

4 MR. ZIC: Objection; lacks foundation,
5 calls for speculation, the document speaks for itself.

6 A. -- you know, I don't know what little or no funds
7 means. I don't know what this guy's -- a little money to
8 Warren Buffet is not probably a little money to Mark Taylor.

9 BY MR. HARTLEY:

10 Q. Okay. Is there any evidence whatsoever that Ford
11 had given any budget as of 1977 to test or evaluate
12 non-asbestos substitutes for its asbestos-containing
13 friction materials in these vehicles?

14 MR. ZIC: Objection; overly broad.

15 A. I don't know one way or the other.

16 BY MR. HARTLEY:

17 Q. You've seen nothing in all of your review of the
18 Ford documents on that DVD. True?

19 MR. ZIC: Objection; overly broad.

20 A. I have -- I don't know one way or the other for
21 19 -- calendar year 1977.

22 BY MR. HARTLEY:

23 Q. What about -- I'm talking about from calendar year
24 1977 and beforehand, was there any budget whatsoever that
25 you're aware of as the corporate representative for Ford for

1 evaluating non-asbestos brakes?

2 MR. ZIC: Objection; overly broad.

3 A. Well, there had to have been, because you see the
4 Ninomiya Exhibit Number 9 where semi-metallic brakes are
5 being put into a 1971 police interceptor vehicle.

6 So development work had to be done on a
7 non-asbestos brake for that specific vehicle.

8 BY MR. HARTLEY:

9 Q. Well, that's not what the -- that's not what
10 Exhibit -- what number is that one?

11 A. 9.

12 Q. -- 9 says, though. It just says that they are
13 being used but it doesn't say who was doing the evaluation;
14 right?

15 MR. ZIC: Objection; argumentative, the
16 document speaks for itself, calls for speculation.

17 A. Work had to have been done to put those brakes in
18 that vehicle, so there was some work prior to 1977.

19 BY MR. HARTLEY:

20 Q. I think at the -- I think at the beginning of this
21 deposition you -- you told me that what Ford did was give
22 specifications and then others were the ones who came and
23 proved the specifications were met. True?

24 A. The friction material itself, but final tuning of
25 the vehicle would be done with the supplier's help and Ford

1 Motor Company to ensure that the vehicle stopped
2 appropriately and performed appropriately as a total
3 vehicle.

4 Q. So they brought you the semi-metallic -- you,
5 Ford, the semi-metallic materials and Ford tried them out on
6 the -- for performance?

7 A. There would be performance standards or checks
8 that would be done by the supplier, and then once they had a
9 formulation compound that met the performance
10 characteristics, then they would be put into a vehicle,
11 potentially put into a vehicle.

12 Q. Okay.

13 MR. HARTLEY: Let's change the tape,
14 please.

15 THE VIDEOGRAPHER: Going off the record.
16 This is the end of tape 2. The time is 12:11 and 32 seconds
17 p.m.

18 (An off the record discussion was held)

19 (Lunch recess was taken from

20 12:11 p.m. to 12:51 p.m.)

21 THE VIDEOGRAPHER: We're back on the
22 record. This is the beginning of tape 3. The time is 12:51
23 p.m.

24 BY MR. HARTLEY:

25 Q. Okay. I'm marking as Exhibit 11 a --

1 MR. HARTLEY: Give you a copy of it.

2 BY MR. HARTLEY:

3 Q. -- memo from May 13, 1980, on the letterhead of
4 Abex. Its Subject: OE priorities from J.J. Brown to J.J.
5 Lucas, and I'm just going to see if -- give you a chance to
6 read it.

7 DEPOSITION EXHIBIT 11

8 May 13, 1980 Memorandum

9 WAS MARKED BY COUNSEL

10 FOR IDENTIFICATION.

11 BY MR. HARTLEY:

12 Q. Have you had a chance to read it?

13 A. I have read it, yes. I didn't read the
14 marginalia.

15 Q. Okay. And I don't want to ask you about that,
16 anyway.

17 Have you seen that document before?

18 A. I don't believe I have.

19 Q. Okay. And in about 1980 there was -- Ford still
20 hadn't found any non-asbestos -- or let me rephrase.

21 As of 1980, none of Ford's suppliers had
22 provided Ford with any satisfactory non-asbestos friction
23 materials. True?

24 MR. ZIC: Objection; overly broad,
25 vague.

1 A. I don't know the answer to that. I don't know if
2 anyone knows the answer to it.

3 BY MR. HARTLEY:

4 Q. Well, okay. We know that Ford wasn't using any
5 non-asbestos-containing friction materials as of 1980.
6 True?

7 MR. ZIC: Objection, overly broad, lacks
8 foundation.

9 A. We had used some in the past. Exhibit Number 9
10 shows we had used it in the past, non-asbestos friction
11 material.

12 BY MR. HARTLEY:

13 Q. Okay.

14 A. In the 1980 model year I'm not familiar with any
15 vehicles that were -- did not have chrysotile asbestos in
16 the brakes.

17 Q. Okay. Other than the ones with the special --
18 special heavy wear semi-metallic brake systems for things
19 like taxi cabs and police cars; right?

20 MR. ZIC: Objection; lacks foundation,
21 mischaracterizes his testimony.

22 A. I think that they were -- they had been removed
23 from production.

24 BY MR. HARTLEY:

25 Q. Okay. Fair enough.

1 Now --

2 MR. ZIC: Oh, are you done with the
3 exhibit?

4 MR. HARTLEY: No, I'm going to ask some
5 more.

6 MR. ZIC: Okay. I'm just going to
7 object on the grounds that it's not a Ford document.

8 MR. HARTLEY: Sure.

9 BY MR. HARTLEY:

10 Q. In the third -- well, first, the OE priorities,
11 does that seem to mean original equipment priorities to you,
12 based on the context of what you're reading?

13 MR. ZIC: Objection; calls for
14 speculation.

15 BY MR. HARTLEY:

16 Q. The subject of the memo?

17 A. OE usually means original equipment.

18 Q. Okay. And from the context of the -- of the memo,
19 we see that there is discussion of at least some original
20 equipment manufacturers including White and Ford; right?

21 MR. ZIC: Objection, lacks foundation,
22 the document speaks for itself, it's not a Ford document.

23 MR. FLYNN: Join in that objection.

24 A. I'm sorry, can you reask your question.

25 MR. HARTLEY: Can you read it back. I

1 can't remember what it was.

2 (Record repeated as requested)

3 A. There is a reference to White and Ford Motor
4 Company in this memo.

5 BY MR. HARTLEY:

6 Q. Okay. And White was a company that made trucks;
7 right?

8 A. The White Truck Company, yes.

9 Q. Okay. And Ford Motor Company was also an original
10 equipment manufacturer of automobiles. True?

11 A. They are a manufacturer of automobiles, yes.

12 Q. And you began there in 1980. True?

13 A. Correct.

14 Q. And the -- J.J. Brown, John J. Brown at Abex
15 writes: "OEMs such as White and Ford Motor Company will not
16 buy non-asbestos materials on the moral issue of
17 non-asbestos versus asbestos, but only if the government
18 mandated them to do or if the 30 percent premium could be
19 justified based on longer lining life, drum life,
20 et cetera."

21 MR. ZIC: Objection.

22 BY MR. HARTLEY:

23 Q. Did I read that right, first?

24 A. No. You actually left off an if, I think between
25 or and the on the second to the last full line.

1 Q. Okay. Would you read it for us.

2 MR. ZIC: Okay. I'm going to object.

3 It's not a Ford document, lacks foundation.

4 A. "OEMs such as White and Ford Motor Company will
5 not buy non-asbestos materials on the moral issue of
6 non-asbestos versus asbestos, but only if the government
7 mandated them to do so or if the 30 percent premium could be
8 justified based on longer lining life, drum life,
9 et cetera."

10 MR. ZIC: I'm going to renew my
11 objection. I think it's improper for a Ford witness to be
12 reading another company's document. It lacks foundation.

13 BY MR. HARTLEY:

14 Q. First, is that your understanding of how Ford made
15 the decision whether or not to switch from asbestos-
16 containing friction materials to non-asbestos-containing
17 friction materials?

18 MR. ZIC: Objection; lacks foundation.

19 A. My understanding of what you mean?

20 BY MR. HARTLEY:

21 Q. Did they do it because they had to, or why did
22 Ford do it? I guess -- let me rephrase it. I'm going to
23 withdraw the question.

24 Do you understand -- was there a moral
25 issue as Ford saw it about -- when looking at asbestos

1 versus non-asbestos brakes --

2 MR. ZIC: Objection.

3 BY MR. HARTLEY:

4 Q. -- back in the 1980s?

5 MR. ZIC: Objection; vague, calls for
6 speculation.

7 A. I don't know.

8 BY MR. HARTLEY:

9 Q. You don't have any idea from reading this in the
10 context of all the documents that you've seen what moral
11 issue may be being discussed?

12 MR. ZIC: Objection; vague, asked and
13 answered.

14 A. I don't know.

15 BY MR. HARTLEY:

16 Q. Do you think it's possible that they're talking
17 about the health risks to consumers and such?

18 MR. ZIC: Objection; asked and answered,
19 lacks foundation, calls for speculation. It's somebody
20 else's document.

21 A. I don't know.

22 BY MR. HARTLEY:

23 Q. You don't have any thoughts about it yourself?

24 MR. ZIC: Objection; he's here for Ford
25 and you're now -- this is a tricky game that's being played,

1 as you're asking him what he personally thinks. He's here
2 for Ford Motor Company and anything that comes out of his
3 mouth is going to be on behalf of Ford Motor Company.

4 That was bad terminology. Anything that
5 Mr. Taylor testifies to will be on behalf of Ford Motor
6 Company. Excuse my colloquialisms.

7 A. I don't know.

8 BY MR. HARTLEY:

9 Q. Okay. Did -- in terms of the issue of the
10 replacement of asbestos-containing materials with
11 non-asbestos-containing materials, was there any concern at
12 Ford about the potential health hazards posed by
13 asbestos-containing materials?

14 MR. ZIC: Objection; vague, calls for
15 speculation, lacks foundation.

16 A. I think that's more of an expert style of
17 question. And I'm not an epidemiologist, I'm not a
18 toxicologist, and I don't know the answer to that.

19 BY MR. HARTLEY:

20 Q. And I understand that you're none of those things
21 and that you're the -- speaking as the voice of Ford Motor
22 Company today. I want -- did Ford Motor Company make the
23 decision to, at any time, to remove asbestos-containing
24 friction materials from its product line because of the
25 potential health risks of asbestos?

1 MR. ZIC: Are you finished?

2 MR. HARTLEY: Yes.

3 MR. ZIC: Okay. Sorry.

4 Objection; calls for speculation, lacks
5 foundation.

6 A. I'm not aware of any documentation that states
7 that in the collection.

8 BY MR. HARTLEY:

9 Q. Okay. Did -- was the reason that -- well, why did
10 asbestos -- why did Ford discontinue selling asbestos-
11 containing friction materials?

12 A. It's my understanding it was a supply issue.

13 Q. It was hard to get asbestos; is that what you
14 mean?

15 A. The suppliers were supplying us with a formulation
16 compound that met our performance characteristics, and
17 because of that we were able to use those new formulation
18 compounds on our vehicles starting with the 1983 Ranger.

19 Q. Now, was there a -- the difference in cost between
20 asbestos and non-asbestos, was there a 30 percent premium on
21 non-asbestos materials as of 1980?

22 A. I don't know the answer to that.

23 Q. Do you believe that there are documents in the
24 collection that speak to that issue?

25 A. I'm not aware of any cost documents that speak of

1 a percentage difference between one material and another.

2 Q. Okay. Other than the Exhibit 9, is that what that
3 one is?

4 A. Correct. It's Exhibit 9.

5 Q. Other than Exhibit 9?

6 A. Exhibit 9 does talk about \$1.25 increase.

7 Q. Per axle?

8 A. Per axle.

9 Q. Okay.

10 MR. HARTLEY: Now, I only have one copy
11 of this so I'll let you see it first.

12 MR. ZIC: Okay.

13 MR. FLYNN: Christian, can I ask you one
14 clarifying question. Was that Abex document marked as an
15 exhibit.

16 MR. HARTLEY: It was, Exhibit 11.

17 MR. FLYNN: Okay. Thank you.

18 MR. HARTLEY: I'm going to mark as
19 Exhibit 12 a memorandum on Johns-Manville letterhead
20 Internal Correspondence to M. Harris from D.M. Kelleher with
21 copies to several folks, dated July 11, 1977, and the
22 subject is Asbestos and health meetings major customers (GE,
23 GM, Ford, et cetera).

24 DEPOSITION EXHIBIT 12

25 July 11, 1977 Johns-Manville

1 Internal Correspondence

2 WAS MARKED BY COUNSEL

3 FOR IDENTIFICATION.

4 BY MR. HARTLEY:

5 Q. Give you a chance to read it and then I'm going to
6 talk to you a little bit about the general substance of it
7 first.

8 (Document reviewed by the witness)

9 Q. Okay. Have you had a chance to read it?

10 A. Yes, I have.

11 Q. Okay. That document isn't a Ford document, is it?

12 A. No, it's not.

13 Q. Okay. Have you ever seen it?

14 A. No, I have not.

15 Q. Okay. I'm going to ask you about some of the
16 statements in there, recognizing up front that that's not a
17 Ford document.

18 MR. ZIC: Okay. As a formality, I'm
19 going to object it's not a Ford document.

20 MR. HARTLEY: Of course.

21 MR. ZIC: This is going to call for the
22 witness to speculate as to what's in someone else's
23 document.

24 MR. HARTLEY: Okay. Well, not
25 speculating on what's in the document because it's in front

1 of him, but he may be speculating as to what it means.

2 MR. ZIC: Right, right.

3 MR. HARTLEY: We'll find out. Let me
4 ask the question.

5 BY MR. HARTLEY:

6 Q. First, does that document as you read it indicate
7 that folks from Johns-Manville were meeting with their
8 customers about asbestos?

9 MR. ZIC: Objection; the document speaks
10 for itself. It's not a Ford document.

11 A. Yes.

12 BY MR. HARTLEY:

13 Q. Johns-Manville was a supplier of asbestos-
14 containing materials to Ford. True?

15 MR. PHILLIPS: Objection; calls for
16 speculation and vague.

17 A. I'm not sure if Johns-Manville was a direct
18 supplier to Ford Motor Company for brake parts or not. I
19 don't recall ever seeing Johns-Manville's name on any
20 drawings or any of our information.

21 BY MR. HARTLEY:

22 Q. Okay. That document suggests that they were,
23 true, regardless of whether it's your document or not?

24 MR. ZIC: Same prior objections: not a
25 Ford document, calls for speculation, and the document

1 speaks for itself.

2 A. As I sit here today I don't have an independent
3 recollection of Johns-Manville being a friction supplier to
4 Ford Motor Company.

5 BY MR. HARTLEY:

6 Q. Okay. That's one of the topics for which you're
7 designated to talk about, though, isn't it?

8 A. That's correct.

9 Q. And you -- I mean, you didn't actually do any
10 research to prepare for today, did you?

11 A. Any specific -- any specific research I did not
12 look to see if Johns-Manville was a supplier, but in the
13 collection there is a list of suppliers to Ford Motor
14 Company, and I just don't recall Johns-Manville as being a
15 supplier to Ford Motor Company.

16 Q. Okay. I apologize for doing it this way, but
17 since you've got the copy, would you read the first sentence
18 of the highlighted portion out loud so we can --

19 MR. ZIC: Okay. I'm going to object to
20 this because the reading is an implicit adoption of what's
21 in the document. I'm going to make a belated objection to
22 the prior reading of the non-Ford document. I don't think
23 it's appropriate to have the witness read someone else's
24 document implicitly adopting it as a Ford statement.

25 That having been said, then I'll allow

1 the witness to answer Mr. Hartley's question.

2 A. "The meeting at Ford was with an executive
3 engineer and a group drawn together to determine if Ford
4 should develop an asbestos-free automobile."

5 BY MR. HARTLEY:

6 Q. Okay. In 1977 was Ford considering developing an
7 asbestos-free automobile?

8 A. I don't know the answer to that.

9 Q. Do the documents that you have seen suggest that?

10 MR. ZIC: Objection; overly broad.

11 A. No.

12 BY MR. HARTLEY:

13 Q. Okay. What's the next sentence?

14 A. "After the presentation and question-and-answer
15 period, we were asked if we could make a presentation
16 jointly with Bendix and Boling's Group to a group of senior
17 managers in September."

18 Q. Do you know if -- does your review of the
19 materials from Ford indicate that Johns-Manville ever came
20 and made presentations to folks at Ford?

21 MR. ZIC: Objection; overly broad. Just
22 for the record, there are over 21,000 pages of documents on
23 the DVD, and I think it's unfair to ask this witness what
24 his recollection is of his review of thousands of pages of
25 records.

1 A. I'm sorry, if you could restate your question.

2 BY MR. HARTLEY:

3 Q. Do you recall as the person who's -- who's the
4 corporate representative about who supplied asbestos-
5 containing materials to Ford whether Johns-Manville ever
6 came to make presentations to Ford?

7 A. From this -- from this document, if I were to read
8 this, this document at face value and take it at face value,
9 it states that a presentation was made at Ford.

10 Q. And my follow-up to that is is: Do you have any
11 recollection in your view as the corporate representative --
12 and you've been the corporate representative in many cases.
13 True?

14 A. Yes.

15 Q. You've reviewed all of the documents on that DVD,
16 haven't you?

17 A. I don't know if I reviewed all the documents.
18 There are 22 -- almost 22,000 documents on that DVD.

19 Q. Okay. What part of them have you reviewed?

20 MR. ZIC: Objection; overly broad.

21 A. I can't answer that. I mean, basically I review
22 documents necessary for a specific case where there's
23 specific allegations on certain items. The medical journals
24 and things such as that that are on the DVD I do not review.

25 BY MR. HARTLEY:

1 Q. Okay. How do you segregate when you're -- when
2 you're asked to review documents to prepare for a
3 deposition, how do you choose which ones you do or don't
4 review if you don't look at them all?

5 MR. ZIC: I'm going to object. That's
6 overly broad. I'm also going to object on grounds and
7 instruct Mr. Taylor not to answer to the extent that it
8 would require him to disclose any attorney-client
9 communications to answer the question.

10 A. I may do a specific search for a title on a
11 document to look for specific styles of documents, or if I'm
12 looking to try to determine if a certain vehicle had a
13 certain style of friction material or who the supplier was,
14 then I use other document -- other documents within Ford
15 Motor Company.

16 BY MR. HARTLEY:

17 Q. Do you have the same -- same DVD that -- that you
18 thought I had when we started here?

19 A. Yes.

20 Q. Okay. And that's where you do your searches?

21 A. Correct. That's where I do some of my searches
22 for documents such as these.

23 Q. Okay. Now --

24 A. Except for, you know, these two, the Abex and the
25 Johns-Manville document, Exhibit 11 and 12.

1 Q. Let me just make sure now that I've kind of gotten
2 an understanding as to -- as to how you approach this. Do
3 you -- asking you right now do you remember having seen any
4 memoranda to the file or other documents that indicated that
5 Johns-Manville actually came at any time to Ford to give a
6 presentation about asbestos? That's all I'm asking.

7 MR. ZIC: Objection, overly broad;
8 objection to scope.

9 A. I don't have an independent recollection of that.

10 BY MR. HARTLEY:

11 Q. Okay.

12 A. There are a lot of documents in there.

13 Q. Okay. Now, if you wanted to find out if
14 Johns-Manville had done that, how would you do your search?

15 A. Well, in all likelihood I would search for
16 Johns-Manville on the document. I would look at -- there is
17 a -- it's called out on our discovery of responses also, a
18 list of the suppliers, and I would go to that. It has an
19 FAFD number on it, and I'd go to the disk and pull up those
20 and see if Johns-Manville was a supplier. There are many
21 suppliers to Ford Motor Company. I just don't recall
22 Johns-Manville as being one of them.

23 Q. May I just see Exhibit 12 for a moment.

24 A. Certainly.

25 Q. The next sentence reads, and this is as of 1977:

1 "Ford wants to continue using asbestos-containing products."

2 Do you know if Ford wanted to continue
3 using asbestos-containing products in 1977?

4 MR. ZIC: Objection; calls for
5 speculation.

6 A. I don't know.

7 BY MR. HARTLEY:

8 Q. Then it says -- again, it says: "Ford wants to
9 continue using asbestos-containing products. They don't
10 believe semi-metallics are necessarily the answer and do not
11 want to spend the time and money to redesign their braking
12 system."

13 Is it true that Ford did not want as of
14 1977 to spend the time and money to redevelop/redesign their
15 braking systems to accommodate non-asbestos friction
16 materials?

17 MR. ZIC: Objection; calls for
18 speculation.

19 A. I don't -- I don't know the answer to that. You
20 would anticipate no. Because in 1982 the Ranger came out
21 with non-asbestos friction material for the '83 model year.

22 BY MR. HARTLEY:

23 Q. Okay. Five years later there was -- there was a
24 model of -- you're saying of an asbestos -- non-asbestos
25 vehicle. True?

1 A. True. Less than five.

2 Q. Okay. Are you familiar with a training course
3 called Brake Systems, General Brakes Theory and Operation?

4 A. I believe I have a copy of that book.

5 Q. Okay. When did you get a copy of that book?

6 A. I don't know.

7 Q. Was it since -- since we got together in St. Paul?

8 A. No. It was before that point in time.

9 Q. Did you get it when you -- before you were
10 involved in asbestos litigation?

11 A. No.

12 Q. Okay. Where -- where did you get it?

13 A. I got it from the Ford Customer Service Division.
14 It helps us with training with Ford technicians.

15 Q. Okay. I'm going to mark my copy of this -- this
16 is the original one that I got from Ford Customer Service --
17 well, actually, I got it from Helm.

18 Is that where you actually got yours,
19 Helm?

20 A. Actually I think I got mine internally, but we
21 customarily order from Helm.

22 Q. Okay.

23 A. In fact, we order all of our service manuals from
24 Helm.

25 Q. Okay. And just to help with this, I'm going to

1 include in there my order form for this.

2 DEPOSITION EXHIBIT 13

3 Reference book - Brake Systems, General

4 Brakes Theory and Operation

5 WAS MARKED BY COUNSEL

6 FOR IDENTIFICATION.

7 BY MR. HARTLEY:

8 Q. Now, did your copy of Exhibit 13 come with this
9 DVD?

10 A. I don't recall getting a DVD.

11 Q. It's -- the DVD is General Brakes Theory and
12 Operation, and then it has the numbers 38S01S0, and then a
13 new set of numbers, FCS-12457-DVD?

14 A. I see that, yes.

15 Q. Okay.

16 A. It's the same as on the book. Except for one is
17 DVD and the other is paper, I believe.

18 Q. Okay. Have you seen this even though you didn't
19 get a copy of it?

20 A. No. The only copy I believe is -- that I have is
21 this right here (indicating).

22 Q. Okay. And when I say this, I was talking about
23 the DVD. I guess the folks on TV can't see that I'm holding
24 up the DVD for you to look at.

25 Have you seen the video that goes

1 along -- that has the Donut Thief theme in it?

2 A. I have not.

3 Q. Okay. Now, the -- the book portion of Exhibit 13
4 contains -- it's essentially a self-study course, isn't it,
5 to teach people how to do a brake job right and how to
6 service brakes correctly?

7 A. Right. It's one in a series of documents or
8 training courses. If an individual would want to be
9 certified through the STAR, I think it's called STAR System,
10 which I believe is in the front portion of that book,
11 describe it, potentially.

12 Q. Okay. Now, the -- in the front page of the -- or
13 the inside cover of the book there is -- there is a
14 important safety notice; right?

15 A. That's the title on the first page, correct.

16 Q. Okay. And you recall from that that it talks
17 about how to use this book and the safety issues in the
18 book; right? I'll be glad to pass it over to you.

19 You see in the upper part I have
20 highlighted where -- a sentence; correct?

21 A. That's correct, yes.

22 Q. And that's a -- that book was actually authored by
23 Ford, wasn't it?

24 MR. ZIC: Objection; calls for
25 speculation.

1 A. Well, I'm not sure it's authored by Ford but it's
2 from our Ford Customer Service Division and it's produced
3 and coordinated by Ford, or by a division of Ford.

4 BY MR. HARTLEY:

5 Q. Okay. Now, the first sentence, the top sentence
6 that I've highlighted, could you read that for us?

7 A. It says warnings -- excuse me. "Warnings remind
8 you to be especially careful in those areas when
9 carelessness can cause personal injury."

10 Q. Okay. And what they're doing there is they're
11 setting forth that there are different kinds of
12 notifications in their cautions and warnings, right, in that
13 portion, explaining how to use the book; right?

14 A. Right. Notes, cautions and warnings.

15 Q. Okay. The cautions are things that you --
16 cautions are things that the book says, if you -- if there
17 might be property damage to the vehicle, that's a caution.
18 So, like, if you put the wrong oil into a vehicle, it may
19 damage the engine or something like that; right?

20 MR. ZIC: Objection to the extent it
21 recharacterizes what's in the book.

22 A. Yeah. You know, I'm not exactly sure of the
23 definition they give for caution in here, but --

24 BY MR. HARTLEY:

25 Q. Well, okay. Let's see what's in the book.

1 Let me read it to you: "As you read
2 through the procedures, you will come across --" and these
3 are capitalized, notes is capitalized, cautions is
4 capitalized, and warnings is capitalized. "Each one is
5 there for a specific purpose. Notes give you added
6 information that will help you to complete a particular
7 procedure. Cautions are given to prevent you from making an
8 error that could damage the vehicle. Warnings remind you to
9 be especially careful in those areas when carelessness can
10 cause personal injury."

11 I just want to make sure that I put that
12 in the right context.

13 A. It appears you read it correctly.

14 Q. Okay. So, where there is a caution, that's a
15 place where carelessness can cause personal injury. True?

16 MR. ZIC: Objection; mischaracterizes
17 what you just read.

18 A. Yeah. Cautions are given to prevent you from
19 making an error that could cause damage to the vehicle.

20 BY MR. HARTLEY:

21 Q. Oh, sorry. Warnings. What are warnings?

22 A. "Warnings remind you to be especially careful in
23 those areas when carelessness can cause personal injury."

24 Q. Okay. Now, at the bottom of the page there is a
25 warning. True?

1 A. Yes.

2 Q. And that warning is about asbestos. True?

3 A. Yes. It starts out warning many brake linings
4 contain asbestos fibers.

5 Q. Okay. This book was published as of 1994; right?

6 A. That's correct.

7 Q. And it was true and accurate as of 1994?

8 MR. ZIC: Objection; asks for him to
9 comment on the correctness of the content of the book. The
10 book speaks for itself. It calls for speculation.

11 A. You know, I haven't gone through here, but I would
12 have to guess there's probably at least one typing error or
13 punctuation error or maybe some content error in here.

14 BY MR. HARTLEY:

15 Q. Okay. The book repeatedly warns that asbestos
16 exposure can cause cancer; right?

17 MR. ZIC: Objection. The document
18 speaks for itself. It's a multi-page document. It's
19 improper to ask him to summarize the document.

20 A. At least on the backside of the front cover it has
21 that warning.

22 BY MR. HARTLEY:

23 Q. And -- may I?

24 Again, on page 3. -- 3-5 under Brake
25 System Testing and Diagnosis, it says: "Do not inhale dust

1 from brakes, clutches or associated components. Inhalation
2 of dust containing asbestos fibers could cause cancer or
3 asbestosis."

4 Is that correct?

5 MR. ZIC: Objection; vague. If you're
6 asking him if you read the document correctly, I'll let him
7 answer that. If you're asking him to comment on the
8 scientific accuracy of what is in the statement, I believe
9 that's improper.

10 BY MR. HARTLEY:

11 Q. Did I read it right?

12 A. You did read it correctly.

13 Q. Okay.

14 A. That portion that you read.

15 Q. As the corporate representative for Ford, you --
16 you understand that it's important to put out accurate
17 information about the hazards of Ford's products; right?

18 MR. ZIC: Objection; calls for
19 speculation with regard to the language that's in the book.

20 A. Accurate information about the hazards of a
21 vehicle.

22 This is information on how to
23 appropriately repair a vehicle and the proper technique to
24 use in repairing that vehicle using the Rotunda vacuum, not
25 using air or compressed air to blow anything off of our

1 brushes.

2 MR. HARTLEY: I guess I'll object
3 because I don't think it was responsive.

4 BY MR. HARTLEY:

5 Q. Ford could have put that -- could have put any
6 warning it wanted in that book; correct?

7 MR. ZIC: Objection; vague, calls for
8 speculation.

9 A. Well, Ford -- Ford put warnings -- Ford can --
10 could publish a book with multiple warnings if it chose to.

11 BY MR. HARTLEY:

12 Q. Ford chose to -- what would go in its training
13 manual in 1994, didn't it?

14 A. Yes.

15 Q. Okay. And what it wrote was that asbestos
16 exposure -- what does it say? -- inhalation of dust
17 containing asbestos fibers could cause cancer. True?

18 MR. ZIC: Objection; asked and answered.
19 To the extent that you're asking him to verify that's what's
20 written, I'll allow him to answer it. To the extent that
21 you're asking him to verify the scientific accuracy of any
22 statement, I believe that's improper and calls for
23 speculation and is beyond his expertise.

24 A. That is a portion of the warning and you read it
25 correctly.

1 BY MR. HARTLEY:

2 Q. Okay. Ford believed that to be true when it wrote
3 it in there, didn't it?

4 MR. ZIC: Same objection, same prior
5 objections, it calls for speculation, calls for expert
6 opinion, it's beyond his expertise.

7 A. I don't know the answer to that.

8 BY MR. HARTLEY:

9 Q. And I think that -- you saw me take the video and
10 put it into the computer here, didn't you?

11 A. I did.

12 Q. Okay. I'm going to -- we're going to go through a
13 little bit of the video which is going to be included -- a
14 copy of which is going to be included with the book that we
15 have marked as Exhibits 13. See if we can't watch it
16 together a little bit.

17 And if at any time when you're watching
18 this if it becomes apparent to you that you do remember
19 seeing this, let me know. Okay?

20 (Questions asked and answers given
21 during the viewing of video were as follows:)

22 Q. Okay. On the screen right now I have paused it.
23 Do you say that it says "This program is for Ford and
24 Mercury dealership technicians' use only and is not intended
25 for public viewing"?

1 A. I see that.

2 Q. Okay. And I have marked -- I have printed out a
3 still copy of that photograph, have I not?

4 A. You have.

5 Q. Now we're going to continue viewing it.

6 Okay. And it says -- I have frozen it
7 again and it says: "The information provided herein was
8 correct when approved for release." Right?

9 A. Yes.

10 Q. Okay. "Consult your technical service bulletins
11 or oasis for changes in components or procedures."

12 That's what it says?

13 A. You read that correctly, yes.

14 Q. And I have printed that out as well, have I not,
15 and made it into a piece of paper that we're going to mark
16 as an exhibit?

17 A. Yes.

18 Q. Okay. And as we go through these -- I'm going to
19 just do it now, I'm going to mark as Exhibit 14 the various
20 screen shots that I have -- I go over with you.

21 DEPOSITION EXHIBIT 14

22 Collection of screen shots

23 WAS MARKED BY COUNSEL

24 FOR IDENTIFICATION.

25 BY MR. HARTLEY:

1 Q. So starting with the first one, which reads "this
2 program is for Ford and Mercury dealership technician use
3 only and is not intended for public viewing," and then the
4 second one, and we're going to do some more.

5 Okay. And then it says: "Ford Motor
6 Company --" the next one I have frozen again, it says:
7 "Ford Motor Company reserves the right to change vehicle
8 designs or specification without notice or obligations," and
9 then it says: "Copyright Ford Motor Company, all rights
10 reserved." Right?

11 A. You read that correctly.

12 Q. Okay. And there's another screen shot of that,
13 too; right?

14 A. Yes.

15 Q. That's part of Exhibit 14.

16 Okay. And I don't know if I got that
17 one or not. Let's see if I do.

18 I have stopped it again and there is a
19 Ford -- on a screen shot and there's a Ford logo and it says
20 FCSD Technical Training; right?

21 A. Yes.

22 Q. And that's incorporated also into Exhibit 14.

23 So far does this seem like something
24 you've seen before?

25 A. I have not seen this video before.

1 Q. Okay. Great.

2 Okay. Now, there's general -- General
3 Brakes Theory & Operation. This is another screen shot that
4 I have preserved from this video. True?

5 A. You captured it.

6 Q. I did. Okay. And, then, just before we go
7 forward, it says -- I've got another one that says: "This
8 video is part of a self-study course on General Brakes
9 Theory & Operation," didn't I? It's the same as on the
10 screen?

11 A. Yes, it's the same as on the screen.

12 Q. And it says: It should be used with the brakes --
13 General Brakes Theory & Operation Training Reference Book,
14 which is Exhibit 13, 13.

15 A. Correct.

16 Q. Okay. Let's carry on.

17 MR. ZIC: For the record, something on
18 the screen of Mr. Hartley's computer says skipping over
19 damaged area.

20 MR. HARTLEY: Yeah. We'll use the other
21 one then.

22 MR. ZIC: Can we take a quicky while you
23 do that?

24 MR. HARTLEY: Yeah.

25 THE VIDEOGRAPHER: We're going off the

1 record. The time is 1:32 and 25 seconds p.m.

2 (A short recess was taken)

3 THE VIDEOGRAPHER: We're back on the

4 record. The time is 1:39 and 44 seconds p.m.

5 BY MR. HARTLEY:

6 Q. Okay. After the break we got the video back up
7 and everything has been taken care of. I'm going to keep
8 going.

9 We've already established that this
10 where it's starting here is a screen shot that I've included
11 in Exhibit 16, I think it is -- 14, 14.

12 I've saved the screen shot that says:
13 "To achieve maximum learning from this self-study course
14 follow these directions." Right?

15 A. Correct, you read that correctly.

16 Q. And that was also on the screen?

17 A. Correct.

18 Q. Okay. Now, then the next -- I've stopped it again
19 at the next screen shot, which is -- which says at the end
20 of each of the four parts, pause the video and answer the
21 review questions; right?

22 A. You read that correctly, yes.

23 Q. And I captured it on a screen shot, which is
24 Exhibit 14?

25 A. You did.

1 Q. Okay.

2 And I also captured from the screen the
3 screen shot that says: "Then read the appropriate sections
4 of the General Brakes Theory & Operations Training reference
5 book." True?

6 A. Correct.

7 Q. And that's again Exhibit 13?

8 A. Yes.

9 Q. Okay. Carrying on.

10 Okay. This is the felonious donut
11 theory I told you about. Do you see that?

12 A. I see that.

13 Q. Okay. And there the guy is eating a donut; right?

14 A. It appears he's eating some kind of bakery good.

15 Q. Okay. Let me go back here for a second just
16 because I missed a screen shot.

17 So then I have caught from part 1 the --
18 the screen shot that says Brake Principles & Physics;
19 correct?

20 A. You have.

21 Q. And that's part of Exhibit 14.

22 Now, just for context so you can see.

23 So what you see we have a little police
24 drama here in the Ford training video. Okay? And I'm going
25 to skip through the drama of it and go to the -- cut to the

1 chase, if you will, another pun with the video. As you can
2 see, there's a car chase and whatnot, but I'll just skip
3 through it to get to the good parts.

4 Okay. Now, see if she can't -- while
5 she's getting --

6 And basically what this is is like
7 background and you know from the context from the book that
8 there's a background of physics and brake principles. True?

9 A. Correct.

10 Q. Okay. I don't want to spend any time with all
11 that background stuff. So I'm fast forwarding through the
12 thing -- through the --

13 Okay. There's a -- that's a disk brake,
14 a good example of a nice, clean disk brake assembly; right?

15 A. Yes.

16 Q. Okay.

17 MR. ZIC: Objection to the style of
18 questioning with regard to what's on the screen and what's
19 being shown in the video, et cetera.

20 BY MR. HARTLEY:

21 Q. The video contains a good view of a disk brake
22 assembly, right, what you saw?

23 A. It did.

24 Q. Okay. Now, what we just saw there when you heard
25 that video, it showed a -- it showed a drum brake system

1 where the drum was on and then it was removed; right?

2 A. Correct.

3 Q. It was a very clean one, wasn't it?

4 A. It appeared to be.

5 Q. Okay. Now we'll just continue.

6 Let's go over how the systems operate a
7 little bit.

8 Skip that, too.

9 Okay. I have captured also -- like in
10 this video, I have captured -- well, I'm showing you on the
11 screen in this video the picture of someone who's at a work
12 bench working on some brake assemblies; right?

13 A. Well, he appears to be doing something with the
14 brake drum.

15 Q. Okay. A brake drum.

16 And there's also a brake rotor next to
17 him as well?

18 A. Correct.

19 Q. And he is wearing a respirator. True?

20 A. It appears that he is, yes.

21 Q. And that's what's actually recommended by Ford in
22 Exhibit 13, that a respirator be used when working with
23 brakes -- brake materials?

24 A. If you could refer me to that.

25 Q. I sure could.

1 It says -- I'll let you read it. It
2 will be easier. It's the second to last full paragraph
3 which begins if the vacuum bag. Would you read that aloud.

4 MR. ZIC: I object to the form of the
5 question.

6 A. If a vacuum -- "If a vacuum bag suitable for
7 asbestos is not available, cleaning should be done wet. If
8 dust generation is still possible, technicians should wear
9 government-approved toxic dust purification respirators."

10 BY MR. HARTLEY:

11 Q. Okay. So, the book recommends respirators be worn
12 and on the video someone who is working with what appears to
13 be dry asbestos -- dry brake drums and rotors is wearing a
14 respirator. True?

15 MR. ZIC: Objection; the document -- the
16 manual and the video speak for themselves, and the remainder
17 of the question calls for speculation.

18 A. Yeah. I don't know if it's wet or if it has been
19 washed out prior to this or anything such as that, so I'd
20 only be speculating. But it appears that he's wearing a
21 respirator.

22 BY MR. HARTLEY:

23 Q. Okay. And that's what's recommended in the -- in
24 the book that goes along with the video?

25 MR. ZIC: Same objection; the document

1 speaks for itself.

2 A. On page 1, if -- if the vacuum is not available,
3 then technician should wear government-approved toxic dust
4 purification respirators.

5 MR. ZIC: And a belated objection as to
6 foundation.

7 BY MR. HARTLEY:

8 Q. Okay. And I have taken a screen shot of a warning
9 sign that is on the wall of the garage, have I not? Here's
10 the screen shot.

11 A. From the video it appears that that's the same
12 screen shot as your paper.

13 Q. And what does the sign on the wall in the video
14 say?

15 A. It says --

16 MR. ZIC: Objection to form.

17 Go ahead.

18 A. It says: "Warning: Restricted area. This area
19 used for brake and clutch service. Brakes and clutches may
20 contain asbestos fibers which may pose a health hazard.

21 "All personnel in this area must wear
22 appropriate --" protection "-- protective equipment."

23 BY MR. HARTLEY:

24 Q. Okay.

25 The announcer says that while asbestos

1 may work well with brake shoes it does not work well with
2 the human body. True?

3 A. That's what he said.

4 Q. Okay. And, then, the next thing that came up is a
5 screen shot with a sign that says what?

6 A. "Always wear an approved respirator and safety
7 glasses when servicing brakes."

8 MR. ZIC: Belated objection to form.

9 BY MR. HARTLEY:

10 Q. And I captured that screen shot in Exhibit 14,
11 didn't I?

12 A. You did.

13 Q. Okay.

14 The service manual and the video both
15 say don't use compressed air to clean brake assemblies.
16 True?

17 MR. ZIC: Objection to form; the
18 documents speak for themselves.

19 A. This manual you say? I'm sure it does say in
20 there not to use compressed air.

21 BY MR. HARTLEY:

22 Q. Okay.

23 A. And it says so in the video also.

24 Q. All right. See if i can't find this here.

25 Now we'll go to the question-and-answer

1 period.

2 That's another answer to the post --
3 post section questions that I captured in the screen shot.
4 True?

5 MR. ZIC: Objection to form.

6 A. You did capture that off the video.

7 BY MR. HARTLEY:

8 Q. Okay. So on the video in answer to one of the
9 questions at the end of the section, the answer that I've
10 put up on the screen and captured in here says: "Whenever
11 performing brake service you must wear an approved
12 respirator and safety glasses." Right?

13 A. That's what -- well, I didn't hear the question,
14 but --

15 Q. We can go back and listen to the question.

16 A. I'm assuming that you're not mischaracterizing it.

17 Q. No. I won't do that, but we'll take the time to
18 go back and make sure that everybody is comfortable with
19 that. See what we can do here.

20 The question that preceded this screen
21 shot of the answer that we just read is what?

22 A. What two safety items must always be worn when
23 servicing brakes.

24 Q. Okay. And we paused the tape now as if this were
25 a videotape. And, then, hopefully the answer.

1 Okay. Were you able to see as I fast
2 forwarded through that that they have the car up on a lift
3 and they were inspecting underneath it?

4 A. I saw that, yes.

5 Q. Okay. And I want to talk to you a little bit
6 about this next part.

7 So it was mandatory at Ford's dealer --
8 Ford believed it was mandatory to wear respirators in 1994
9 when doing brake inspection work. True?

10 MR. ZIC: Objection; calls for
11 speculation, lacks foundation, the video speaks for itself.

12 A. You know, I don't know. That's what this
13 individual suggests.

14 BY MR. HARTLEY:

15 Q. Well, this individual is an individual who's doing
16 a video that goes in conjunction with a training system that
17 Ford created for its employees and dealerships. True?

18 MR. ZIC: Objection; argumentative.

19 A. I don't know if it's created for employees. For
20 dealerships it is created.

21 BY MR. HARTLEY:

22 Q. Ford was advising people outside of Ford,
23 independent dealership employees how to do brake jobs
24 safely. True?

25 MR. ZIC: Objection; calls for

1 speculation, the video speaks for itself, lacks foundation.

2 A. Well, in this video they're advising whenever
3 doing a brake repair to wear a mask.

4 BY MR. HARTLEY:

5 Q. Ford was advising that; true?

6 A. Well, this video was advising it, whoever made the
7 video.

8 Q. Which we --

9 A. You know, we went -- we went through this before
10 and it says produced and coordinated by the Technical
11 Training Department of Ford Customer Service Division.

12 Q. Right. It also says in the screen shots we saw
13 that the video was copyrighted by the Ford Motor Company;
14 right?

15 A. Well, it says all rights reserved, Ford Motor
16 Company, 1994.

17 Q. The little thing -- the little thing there is a
18 copyright symbol, the little C in the circle; right?

19 A. It appears to be, yes.

20 Q. Okay. And it says in the screen shot in
21 Exhibit 14, "Ford Motor Company reserves the right to change
22 vehicle designs or specifications without notice or
23 obligations." Right?

24 A. It does say that, yes.

25 Q. That indicates to you as the spokesman for Ford

1 that this is actually a Ford video. True?

2 A. I believe this to be a Ford training video.

3 Q. And it was approved by Ford, wasn't it?

4 MR. ZIC: Objection; calls for
5 speculation.

6 A. I don't know if it was -- who, who approved it, or
7 if there was any approval process.

8 BY MR. HARTLEY:

9 Q. Okay. All right. And what we see here is that
10 going back to the video is that the two employees are, or
11 the two people in the video are suiting up into two
12 respirators, one each, two to look at the brakes; right?

13 A. Well --

14 MR. ZIC: Objection; the video speaks
15 for itself, calls for speculation.

16 A. These two actors, yes.

17 BY MR. HARTLEY:

18 Q. Okay. So throughout all that they are wearing
19 respirators; right?

20 MR. ZIC: Objection to the form.

21 A. It appears that they're wearing respirators
22 through the portions you showed me here.

23 BY MR. HARTLEY:

24 Q. Okay. And I captured them in front of a brake
25 assembly on a vehicle that was up on a lift, both wearing

1 respirators. True?

2 A. You did.

3 Q. Okay. And included that, once again, in
4 Exhibit 14?

5 A. You did.

6 Q. Okay. Now -- oh, and I think I've even got
7 another -- pretty close to this area there's another picture
8 of them with respirators. So there's two pictures of them
9 with respirators; right?

10 A. You've captured two pictures on Exhibit 14.

11 Q. And they're wearing respirators in the vicinity of
12 a -- of a Ford vehicle up on a lift with the brake assembly
13 right next to them?

14 MR. ZIC: Objection to the form; vague.

15 A. Yes.

16 MR. HARTLEY: Almost done with this one.

17 BY MR. HARTLEY:

18 Q. I just want to ask you a question. Does that
19 appear to be the rear drum brake that they're working on on
20 a Ford Taurus?

21 A. That appears to be a disk brake.

22 Q. It does? Okay.

23 A. A front disk brake.

24 Q. You're right. I'm sorry.

25 Well, okay.

1 A. It's a left-front brake.

2 Q. Okay. And, again, at the end of the -- at the end
3 of the video here the Ford logo comes up and it says Ford
4 Motor Company and then there's the copyright symbol 1994;
5 right?

6 A. Yes.

7 Q. Okay. I think that takes care of the -- of the
8 video.

9 (Viewing of the DVD completed)

10 MR. HARTLEY: We will -- I guess for
11 clarity sake, why don't we mark -- I'll mark this video, the
12 DVD as an exhibit itself so that anybody who might want to
13 see this sucker can do it.

14 So to the extent there's any lack of
15 clarity to my earlier -- to my previously claiming that I
16 would mark this with Exhibit 13, I will make clear that this
17 is -- this video --

18 MR. ZIC: How about you don't put the
19 sticker right on top of the disk -- there you go, on top of
20 the case.

21 DEPOSITION EXHIBIT 15

22 DVD General Brakes Theory & Operations

23 WAS MARKED BY COUNSEL

24 FOR IDENTIFICATION.

25 MR. HARTLEY: Okay.

1 MR. ZIC: And if you don't mind I'll
2 have -- in the interim can i have someone make a copy of
3 this?

4 MR. HARTLEY: Yeah, sure.

5 MR. ZIC: This is 15.

6 BY MR. HARTLEY:

7 Q. Now, are you familiar with a program called S/P2
8 or Safety and Pollution Prevention?

9 A. No.

10 Q. Okay. Let me see -- you understand that Ford from
11 time to time turns to outside consultants to help train
12 people. True?

13 MR. ZIC: Objection.

14 A. Well, from time to time Ford has used outside
15 entities to train Ford employees.

16 DEPOSITION EXHIBIT 16

17 Press Release re S/P2 Safety

18 and Pollution Prevention

19 WAS MARKED BY COUNSEL

20 FOR IDENTIFICATION.

21 BY MR. HARTLEY:

22 Q. Okay. Now, I'm showing you what's marked as
23 Exhibit 16. At the top it says S/P2 Safety and Pollution
24 Prevention, it says -- it appears to be a press release for
25 immediate release February 2005.

1 Do you see that?

2 A. I do.

3 Q. The heading at the top of the press release is
4 "Ford Motor Company advocates CCARs 'S/P2' Training to Ford
5 and Lincoln Mercury dealers."

6 Did I read that right?

7 A. You did.

8 Q. Okay.

9 MR. ZIC: Again, I'm going to interpose
10 the objection these are not Ford documents.

11 BY MR. HARTLEY:

12 Q. Okay. Then it goes on in there to say Overland
13 Park, Kansas, and then it says: "Ford Motor Company has
14 advocated the Coordinating Committee for Automotive Repairs
15 (CCAR) 'S/P2' on-line training in safety and pollution
16 prevention to Ford and Lincoln-Mercury dealers throughout
17 the United States."

18 Did I read it right?

19 A. You did.

20 Q. Okay. Do you know what the CCAR is?

21 A. No, I don't.

22 Q. Okay.

23 A. Well, it's Coordinating Committee for Automotive
24 Repair, but I don't know what it is.

25 Q. Okay. Now, it then quotes someone and it says:

1 "'S/P2 is industry recognized and recommended for dealership
2 use as part of an overall environmental awareness plan,'
3 said Al Rocker, Field Operations/Technical Services
4 Operations, Ford Customer Service Division."

5 That's what it says; right?

6 A. It does.

7 Q. Do you know who Mr. Rocker is?

8 A. No, I don't.

9 Q. Then: "Ford and Lincoln-Mercury dealers are
10 encouraged to participate in the S/P2 training which can
11 play a valuable role in the important task of safety and
12 environmental stewardship in both collision repair and
13 service repair departments."

14 Did I read that right?

15 A. You did.

16 MR. ZIC: Same continuing objections,
17 it's not a Ford document.

18 BY MR. HARTLEY:

19 Q. Okay. Now, if you turn to the last page there's a
20 photograph, isn't there?

21 A. Yes, there is.

22 Q. Okay. And it says: "A joint press conference by
23 Ford Motor Company and the Coordinating Committee for
24 Automotive Repair was held at the recent National Automobile
25 Dealers Association convention and exposition in New Orleans

1 to announce Ford advocacy of the CCAR 'S/P2' on-line
2 training in Safety and Pollution Prevention to its dealers
3 across the U.S. Present at the announcement were left to
4 right" and then it lists a bunch of people; right?

5 A. Yes, it does.

6 Q. Okay. That's what I would call a run-on sentence.

7 Now, one of the people that was there
8 was Lee Cork, Manager, Technical Career Entry Programs,
9 Technical Support Operations, SEO, Ford Customer Service
10 Division. That's what it says?

11 A. That's what it says.

12 Q. Do you know him?

13 MR. ZIC: Same objections.

14 A. No.

15 BY MR. HARTLEY:

16 Q. Okay. Another person listed is David McLean,
17 Manager, Field Operations, Technical Support Operations, SEO
18 Ford Customer Service Division; right?

19 A. Correct.

20 MR. ZIC: Same objection.

21 BY MR. HARTLEY:

22 Q. Do you know him?

23 A. No, I don't.

24 Q. Okay. All right.

25 Mark as Exhibit 17 --

1 MR. ZIC: Well, you didn't --

2 MR. HARTLEY: Oh, 16.

3 MR. ZIC: That's marked.

4 MR. HARTLEY: That is. 16 was the press
5 release. 17 is the copies of --

6 MR. ZIC: You know what, can we --

7 MR. HARTLEY: We can mark that one.

8 MR. ZIC: -- mark the one-sided one so
9 that in the event it gets copied, we don't have it missing
10 every other page?

11 MR. HARTLEY: Yes.

12 We are making Exhibit 17 to this
13 deposition the Printout from the On-Line S/P2 Mechanical
14 Pollution Prevention Introduction asbestos chapter.

15 DEPOSITION EXHIBIT 17

16 Printout from the On-Line S/P2 Mechanical
17 Prevention and Introduction asbestos chapter
18 WAS MARKED BY COUNSEL
19 FOR IDENTIFICATION.

20 MR. ZIC: I'm going to also make a
21 belated --

22 Mr. Taylor, this is going to be your
23 copy. That's -- that's the official exhibit.

24 MR. HARTLEY: Cross it out on that one
25 just so it's clear.

1 MR. ZIC: I have a preliminary
2 objection, of course, this is not a Ford Motor Company
3 document. My other objection is this document is not dated.
4 It may be on the bottom but it's cut off.

5 MR. HARTLEY: Okay.

6 BY MR. HARTLEY:

7 Q. Okay. You haven't -- you haven't read the
8 deposition of Ford employee Al Rucker, have you?

9 A. No.

10 Q. Okay. Have you ever heard of Mr. Rucker?

11 A. I have.

12 Q. Okay. You've heard he has given a deposition
13 relating to this program, haven't you?

14 A. I'm not aware of that.

15 Q. How do you know Mr. Rucker?

16 A. I've heard his name before.

17 Q. How?

18 A. I don't know. I just don't know. I don't know in
19 what context I heard it.

20 Q. One way that you've heard it is in the context of
21 him, at least according to Exhibit 16, advocating this S/P2
22 training program; right?

23 A. His name is on the press release. I'm -- I'm not
24 sure of his entire involvement.

25 Q. Okay. One of the things that's discussed in the

1 -- in Exhibit 17 is the asbestos; right?

2 MR. ZIC: Excuse me. Objection, the
3 document speaks for itself.

4 A. It appears there is a reference to asbestos in
5 this document.

6 BY MR. HARTLEY:

7 Q. Okay. On the very first page of it it identifies
8 the learning objectives; right?

9 A. That's the first title, correct.

10 Q. The first bullet point on Exhibit 17 is Identify
11 the top ten environmental challenges in mechanical repair?

12 A. Correct, you read that correctly.

13 Q. Okay. And if you turn the page to go to the top
14 Environmental Challenges page looks like this?

15 A. Page 7 of 11?

16 Q. Right there. You've got it right there in front
17 of you now.

18 A. It seems like we're missing a few pages here.

19 Q. Right. Because if you look along -- if you look
20 along the side of the printout from this web-based training
21 program, there are a whole bunch of things that don't deal
22 with friction materials and the like, right, like for
23 instance, oil and similar fluids, antifreeze, floor drains,
24 things like that?

25 A. Correct.

1 Q. Okay. The -- in the Facts and Stats section of
2 the S/P2 program page that you've got in front of you, The
3 Top 10 Environmental Challenges in Mechanical Repair, Number
4 7 listed there is asbestos.

5 MR. ZIC: I'll object. It's not a Ford
6 document. It's appropriate -- I don't think it's
7 appropriate to ask him questions about the document because
8 it implies some sort of adoption of the document which I
9 think is improper.

10 Mr. Taylor, you may answer.

11 A. That's what this page 7 of 11 Facts and Stats has
12 as asbestos as bullet point Number 7.

13 BY MR. HARTLEY:

14 Q. Okay. And if you keep going, if you go to the
15 module that's entitled Asbestos right there at the top of
16 the page. Keep turning to page 1 of 17 in the asbestos
17 section.

18 You've got to it? You've gotten to it?

19 A. Yes.

20 Q. "The learning objectives there include recognize
21 the danger related to asbestos"?

22 A. You read that correctly.

23 Q. "Understand how to properly work with any
24 components that may have asbestos"?

25 MR. ZIC: Same prior objections.

1 A. You read that correctly.

2 BY MR. HARTLEY:

3 Q. And then if you turn the page it says -- there's a
4 section dealing with brake lines and friction -- brake and
5 friction -- I'm sorry, let me start again. The section says
6 Brakes and Clutches - Friction Materials. True?

7 MR. ZIC: Same objections.

8 A. Correct, at the very tip-top, yes.

9 BY MR. HARTLEY:

10 Q. In the Did you know light bulb section down below,
11 it says in a later sentence -- do you see the sentence that
12 begins When used?

13 A. Yes.

14 Q. It says: "When used in brake linings, pads and
15 clutches, asbestos slowly wears away and the result of that
16 wear appears in the form of a black or gray dust which
17 collects in and around brake drums, rotors and on the
18 outside of the wheels."

19 Did I read that right?

20 A. You did.

21 MR. ZIC: Objection; it's not a Ford
22 document.

23 BY MR. HARTLEY:

24 Q. And that's true, isn't it, from your experience?

25 MR. ZIC: Objection; it's not a Ford

1 document.

2 A. From my own experience, I don't know. I mean,
3 there's debris there. I don't know what's in the debris,
4 and from what I understand it's just debris.

5 BY MR. HARTLEY:

6 Q. Okay. Ford understands, though, that that debris
7 is the breakdown of asbestos material from its own studies
8 in-house, doesn't it?

9 MR. ZIC: Objection; calls for
10 speculation and lacks foundation, vague.

11 A. There are -- there is a paper and studies within
12 the collection that you don't have that I thought you did
13 have that shows that 99.97 or 98 percent of the chrysotile
14 asbestos in friction material is consumed in the braking
15 process.

16 BY MR. HARTLEY:

17 Q. You're thinking of Hickish & Knight?

18 A. No. I'm thinking of the Arnie Anderson SAE paper.

19 MR. HARTLEY: We need to take a short
20 break to change the tape.

21 THE VIDEOGRAPHER: Going off the record.
22 This is the end of tape 3. The time is 2:15 and 49 seconds
23 p.m.

24 (A short recess was taken)

25 THE VIDEOGRAPHER: We're back on the

1 record. This is the beginning of tape 4. The time is 2:22
2 and 56 seconds p.m.

3 BY MR. HARTLEY:

4 Q. Okay. Before we continue on with Exhibit 17, I
5 want to show you some excerpts of the deposition of Al
6 Rocker, Albert Rocker. I'm just going to -- I only have it
7 on my computer so I'm going to show it to you.

8 We're going to come back to page 55-56
9 in a second, but I'm going to take you up to the top.

10 Okay. Do you see that I have a PDF of a
11 deposition that took place in the Supreme Court of the State
12 of New York in re New York City Asbestos Litigation, all
13 Weitz and Luxenberg cases v. Ford Motor Company, and then
14 also in the Circuit Court of the 17th Judicial District in
15 and for Broward County, Florida, Asbestos Division, in the
16 name of James C. Parsons v. Ford Motor Company, et al?

17 A. I see it.

18 MR. ZIC: Objection to form. This is
19 someone else's deposition. I don't think this is a proper
20 examination. It lacks foundation.

21 BY MR. HARTLEY:

22 Q. Okay. And you see as I scroll down that the
23 deposition is of Albert Rocker?

24 A. I see that.

25 MR. ZIC: Same objections.

1 BY MR. HARTLEY:

2 Q. Okay. And carrying on to the next page, we'll see
3 that there were some people there including Mr. Terrence
4 Zic?

5 MR. ZIC: Same objections.

6 A. I see that, yes.

7 BY MR. HARTLEY:

8 Q. That's the lawyer who's sitting next to you for
9 Ford today?

10 A. Yes.

11 Q. Okay. And as the person who is designated to
12 speak about warnings that were given by Ford about asbestos,
13 you weren't aware of this deposition of Mr. Rucker?

14 A. No.

15 Q. Okay. And just like today, you can see here in
16 this portion of the deposition that he's asked if he
17 understands -- I'll read it. It says -- and this question
18 is posed to Mr. Rucker. It says: "Do you understand that
19 you are here today having been designated by Ford as the
20 person most knowledgeable in several categories relating to
21 training and technical entry programs and what is being said
22 to technicians and technicians in training regarding
23 asbestos and the hazards of asbestos from brakes and clutch
24 work? Do you understand that?"

25 And then his answer is yes.

1 MR. ZIC: Same prior objections.

2 A. You read that correctly.

3 BY MR. HARTLEY:

4 Q. And the part that I want to talk to you about is
5 this part that's on page 55 and goes on to page 56. The
6 question -- well, take a minute, if you would. I can unplug
7 it and pass it over so you can see it if it makes it easier.

8 A. I can see it fine.

9 Q. Okay.

10 (Transcript reviewed by the witness)

11 BY MR. HARTLEY:

12 Q. Okay? Have you had a chance to read that?

13 A. I have.

14 Q. That indicates to you that -- that the corporate
15 representative for Ford, Mr. Al Rocker, was, in fact,
16 recommending on behalf of Ford this S/P2 system to people at
17 Ford's dealerships; right?

18 MR. ZIC: Objection. It lacks
19 foundation. The deposition speaks for itself. He's asking
20 the witness -- you're asking the witness to interpret and
21 comment on somebody else's testimony. I don't think it's
22 proper. It calls for speculation.

23 A. Well, on Line 11 he says: We recommended as part
24 of an environmental -- environmental awareness program
25 training for their dealership employees.

1 Q. Right. Their because -- using the word their
2 because dealerships aren't actually part of Ford Motor
3 Company, they're separate companies?

4 A. Correct, they're independent franchisees.

5 Q. Ford is recommending that people working on Ford
6 vehicles study this S/P2 program so that they can know about
7 what's in it. True?

8 MR. ZIC: Objection to the time frame
9 and to the scope.

10 A. I don't know one way or the other. All I know --
11 you know, all I know is just this one page that you showed
12 me of Mr. Rocker's testimony.

13 BY MR. HARTLEY:

14 Q. Okay. And I'm the first person to show you
15 Mr. Rocker's testimony. True?

16 A. I have not seen Mr. Rocker's testimony before.

17 MR. ZIC: Objection to the form.

18 BY MR. HARTLEY:

19 Q. And he says that Ford recommended it as part of an
20 environmental -- environmental awareness program training
21 for their dealership employees; right?

22 MR. ZIC: Objection to the scope;
23 objection to the time frame; objection, it lacks foundation,
24 calls for speculation, someone else's testimony, improper
25 forum to comment on it.

1 A. I believe you read that line correctly -- those
2 lines from his deposition correctly.

3 BY MR. HARTLEY:

4 Q. Now, going on there, I think you'll see here later
5 on in the deposition he talks about their being some
6 publicity generated from Ford's endorsement of the S/P2
7 system.

8 Do you see that?

9 MR. ZIC: Same prior objections.
10 Improper for him to comment on someone else's testimony.

11 A. There is -- that question was posed of him and he
12 said I don't know.

13 BY MR. HARTLEY:

14 Q. Okay. And then he is shown the press release from
15 the CCAR that is dated February 8th, 2005, which is the same
16 date as Exhibit 16. True?

17 MR. ZIC: Objection to the form; lacks
18 foundation.

19 A. Without seeing the actual dep -- I'll make the
20 leap of faith. Without having the exact exhibit there I
21 can't say definitely it is. It may have been a different
22 exhibit. I don't know.

23 BY MR. HARTLEY:

24 Q. So far I've only asked you if the date on
25 Exhibit 16 --

1 A. No, you didn't, but that's okay.

2 Q. That is what I asked.

3 A. Okay.

4 MR. ZIC: Objection; argumentative.

5 BY MR. HARTLEY:

6 Q. Let me do it again to be crystal-clear.

7 A. Okay.

8 Q. February 8th is the date on Exhibit 16; correct?

9 A. Yes.

10 Q. And that is also the date of the press release
11 that is asked about in the Rocker deposition. That's all
12 I'm asking.

13 MR. ZIC: Objection. Objection to the
14 form of the question.

15 A. Yes.

16 BY MR. HARTLEY:

17 Q. Okay. And then he says -- he says, yes, the press
18 release -- this is the question: "Yes, the press release
19 from CCAR, you're familiar with that, are you not? It's
20 dated February 8th, 2005?"

21 And he answers: "Yes, I'm familiar
22 with --" or he answers yes. True?

23 A. He answers yes. I don't know what yes means.
24 Maybe he reviewed it and now he is familiar with it.

25 Q. And then in the press release that was entitled

1 Ford Motor Company Advocates -- it's the same title. You
2 can see that, that they're talking about the same title
3 press release as Exhibit 16?

4 MR. ZIC: Same prior objections.

5 A. Yes.

6 BY MR. HARTLEY:

7 Q. And then he's asked -- Mr. Rocker is asked if he's
8 quoted in the press release and he says: "Yes, I am"?

9 MR. ZIC: Objection to the form of the
10 question.

11 A. In the second paragraph, yes.

12 BY MR. HARTLEY:

13 Q. And then he is -- the question is asked in the
14 Rocker deposition: "And you wrote or you stated 'Ford and
15 Lincoln-Mercury dealers are encouraged to participate in the
16 S/P2 training --" program "-- training which can play a
17 valuable role in the important task of safety and
18 environmental stewardship in both collision repair and
19 service repair departments.'" And he answers correct?

20 A. He did.

21 MR. ZIC: Same prior objections, the
22 deposition speaks for itself.

23 BY MR. HARTLEY:

24 Q. In other words, this deposition of a Ford
25 corporate representative indicates that the Ford corporate

1 representative said what exactly he is quoted as saying in
2 Exhibit 16?

3 A. No, the question --

4 MR. ZIC: Wait a minute. Hold on.

5 Objection; lacks foundation. The deposition speaks for
6 itself. It calls for interpretation of someone else's
7 deposition. Objection to the form.

8 Go ahead.

9 A. The question is and you were quoted or you stated,
10 quote, and then he read that. He goes yes.

11 BY MR. HARTLEY:

12 Q. He said correct?

13 A. Or correct. I'm sorry, correct. I mean, I don't
14 know what that means. I mean, I think he's saying correct,
15 you read it correct. I don't know how to interpretate this.

16 Q. One way to interpret this is that he used correct
17 -- that he said what's in Exhibit 16. True?

18 MR. ZIC: Objection; vague, ambiguous,
19 calls for speculation, argumentative.

20 A. I guess you should probably ask Mr. Rocker that,
21 you know.

22 BY MR. HARTLEY:

23 Q. Well, I'm trying -- you're the designee to talk
24 about warnings that Ford gave people. I think that that's a
25 warning that Ford gave people. And I want to know: Is that

1 a warning that Ford gave to people, this S/P2 program?

2 A. No. Ford and Ford and Mercury dealers are
3 encouraged to participate in S/P2 training. I don't think
4 that's a warning.

5 Q. Okay.

6 A. I mean, this line here?

7 Q. Okay. Going on further, the question is asked:
8 The S/P2 -- of Mr. Rocker, let's be careful here, Mr. Rocker
9 is asked: "The S/P2 training program you said in part
10 places a valuable role in the important task of safety, did
11 you not?"

12 And his answer is yes.

13 MR. ZIC: Same prior objections.

14 A. His answer is yes.

15 BY MR. HARTLEY:

16 Q. And that's unambiguous, that's -- he's agreeing
17 that he said that. True?

18 MR. ZIC: Objection; calls for
19 interpretation. The document speaks for itself, lacks
20 foundation, argumentative.

21 FEMALE VOICE: Hello.

22 MR. HARTLEY: Yeah, you're here on a
23 deposition.

24 MR. ZIC: Unless you shouldn't be.

25 BY MR. HARTLEY:

1 Q. You need me to try again?

2 A. Yeah. Well, you know, line 9, page 54, the
3 question: "The S/P2 training program you said in part
4 places a valuable role in the important tasks of safety, did
5 you not?" And his answer was yes. And you read it
6 correctly. I just read the same thing. I'm not going to
7 interpret it to mean one thing or another. I mean, it is --
8 he said it -- it's a valuable role in the important task of
9 safety.

10 Q. And that -- that happens to be exactly what he --
11 what is written in this press release?

12 A. That's what he wrote -- I mean, that's when asked
13 he said yes.

14 Q. All right. Good enough.

15 Let's go back to Exhibit 17 now.

16 Do you have it there?

17 A. Yes.

18 Q. Turn to page, it says at the top of it, Asbestos
19 Dust and Fibers are Dangerous?

20 A. Page 3 of 17?

21 Q. Yes.

22 MR. ZIC: I made objection it's not a
23 Ford Motor Company document, lacks foundation, calls for
24 speculation.

25 BY MR. HARTLEY:

1 Q. Speaking for Ford, would you agree with me that
2 if, in fact, Mr. Rocker on behalf of Ford was encouraging
3 Ford and Lincoln-Mercury dealers to participate in this S/P2
4 training program that they were endorsing it?

5 MR. ZIC: Objection; calls for
6 speculation. Mr. Rocker's entire deposition has not been
7 reviewed by the witness. He's been given information
8 piecemeal. He has -- lack of foundation and calls for
9 interpretation and opinion testimony.

10 A. I don't know. All I can do is read the Exhibit 16
11 at face value.

12 BY MR. HARTLEY:

13 Q. Okay. It says in the text: "Although asbestos is
14 a very useful material and inexpensive to produce, there is
15 a dangerous downside. If asbestos, and particularly the
16 fine dust from wear, is not handled correctly during repair,
17 the tiny asbestos fibers can become airborne and can be
18 inhaled. Inhalation of too much dust and fibers can cause a
19 disease called asbestosis. This diseases can lead to other
20 lung diseases including mesothelioma and cancer."

21 Did I read all that right?

22 A. You did.

23 MR. ZIC: Same objection, not a Ford
24 document.

25 BY MR. HARTLEY:

1 Q. Does Ford agree with that statement? Is that a
2 warning that it gives -- it gives its people?

3 MR. ZIC: Objection to the form; calls
4 for speculation with regard to the non-Ford document. It
5 calls for expert testimony.

6 A. I'm not sure that I would -- I don't think that
7 this is a warning.

8 BY MR. HARTLEY:

9 Q. Okay. Because why?

10 A. Why? I think it's a paragraph is what it is.
11 Usually a warning is a warning, usually starts out with
12 warning and some sort of, you know, like some sort of box
13 warning, as we spoke about in the brake system where you had
14 warnings and cautions and

15 Q. Okay. Turn to the next page, if you would.

16 Do you have the one that says Brakes and
17 Clutches Have Changed, but Not Enough?

18 A. Yes.

19 Q. Okay. It says: "Laws have been passed to
20 eliminate or at least greatly reduce the amount of asbestos
21 content in clutches and brakes. Improved metallic linings
22 are being used without asbestos in many cases. You may -- "
23 have "-- you may service or be exposed, however, to older
24 brake and clutch products with heaviest asbestos content or
25 to new products with reduced asbestos content."

1 Did I read that right?

2 A. You did.

3 Q. When --

4 MR. ZIC: Same objection, it's not a
5 Ford Motor Company document, lacks foundation.

6 BY MR. HARTLEY:

7 Q. When you have looked at the issue of asbestos
8 content in Ford's friction materials over the years, when it
9 came to brake linings, what percentage of asbestos -- of
10 brake linings was asbestos? What was the percentage in
11 asbestos-containing brake linings to be clear?

12 MR. ZIC: I'll object as vague
13 because -- I think you clarified it, but I'm not --

14 MR. HARTLEY: Let me redo it.

15 BY MR. HARTLEY:

16 Q. When Ford was using asbestos-containing brake
17 lining materials, what was the percentage of asbestos in
18 those materials by weight?

19 A. 40 to 60 percent.

20 Q. Same question with respect to clutches, when Ford
21 was using asbestos-containing clutch materials, what
22 percentage by weight was asbestos?

23 A. It's my understanding it was the same as brakes,
24 40 to 60 percent by weight.

25 Q. In those situations where Ford used

1 asbestos-containing engine gaskets, what percentage of the
2 -- what percentage of the gasket material by weight was
3 asbestos?

4 A. I don't know the answer to that.

5 Q. Were there any -- any sorts of sound-deadening
6 material that you're aware that Ford used as insulation?

7 A. There were different sound deadeners or hush
8 panels that were used or dash panel insulators used on Ford
9 vehicles.

10 Q. And did they ever contain asbestos?

11 A. I looked into some in the '50s and '60s and was
12 not able to find any that had any chrysotile asbestos.

13 Q. What about other kinds of asbestos, did you find
14 any with other kinds of asbestos?

15 A. I did not.

16 Q. Okay. What -- how did you come to be looking for
17 that?

18 MR. ZIC: Okay, Mr. Taylor. To the
19 extent that that would require you to disclose an attorney-
20 client communication I'm going to instruct you not to answer
21 the question.

22 MR. HARTLEY: Let me rephrase it in a
23 way that's better to --

24 MR. ZIC: All right.

25 BY MR. HARTLEY:

1 Q. How did you look for that?

2 A. It's kind of a laborious methodology. Lots of --
3 the way I customarily do this on such old products is start
4 with an old parts book, and from the parts book I find what
5 the service part is and then go to another book and
6 translate that service engineering part to an engineering
7 part number and then see if I can locate a drawing somewhere
8 at Ford Motor Company.

9 And if, indeed, I can locate a drawing,
10 which sometimes you can, sometimes you can't, then I
11 continually dive through that drawing to see if there's any
12 meaningful information or subdrawings off that drawing that
13 might give a materials specification. And then from that
14 material specification, I might in some instances be able to
15 find out what the material is.

16 Q. Okay. Let's switch to the next page. Do you have
17 the one that says Servicing Allows Asbestos to Float Free?

18 A. Yes.

19 Q. Okay. That's a true statement, isn't it,
20 according -- as far as Ford Motor Company understands?

21 MR. ZIC: Objection; calls for expert
22 testimony. This is not a Ford Motor Company document.

23 A. Yeah, I don't know what float free means.

24 BY MR. HARTLEY:

25 Q. Okay. The document there says: "During brake and

1 clutch servicing asbestos fibers are worn to sizes so small
2 that they can easily float in the air."

3 Does Ford agree with that statement?

4 MR. ZIC: Same prior objection, this is
5 not a Ford Motor Company documents, calls for
6 interpretation, expert testimony.

7 A. I'm not -- I'm not familiar with any air sampling
8 or air tests that have been done at Ford Motor Company. I
9 know there are some on the DVD, but I am not qualified to
10 answer those questions.

11 BY MR. HARTLEY:

12 Q. And it says: "If you see a dust cloud during
13 brake work with asbestos, you are seeing clumps containing
14 thousands of asbestos fibers. Wiping with a wet rag or
15 brush does little to prevent the scattering of asbestos.
16 When the rag dries out, the fibers become free to float into
17 the air again."

18 Did I read that right?

19 MR. ZIC: Same prior objections; not a
20 Ford document, calls for speculation, lacks foundation,
21 calls for expert testimony.

22 A. You did read that correctly.

23 BY MR. HARTLEY:

24 Q. When you were a mechanic, did you ever get a
25 chance to see the gold book?

1 A. I don't think I've seen the gold book. I'm not
2 sure what the gold book is.

3 Q. Have you ever seen a document from the United
4 States EPA that talked about asbestos -- potential asbestos
5 exposure from brakes?

6 A. I may have seen a pamphlet of some sort when I was
7 a technician at one of the dealerships.

8 Q. One of the things that you mentioned earlier in
9 your experience as a brake mechanic is that you would use
10 solvent to clean -- clean up the brake drum when you would
11 be routinely servicing them. True?

12 A. True.

13 Q. That's something that now is recommended against
14 because it spreads asbestos into the air. True?

15 MR. ZIC: Objection; calls for
16 speculation, lacks foundation.

17 A. In this particular document it says wiping with a
18 wet rag or brush does little to prevent the scattering of
19 asbestos.

20 BY MR. HARTLEY:

21 Q. Okay. And then we haven't read it yet, but I just
22 -- I mean, you know that in this book it recommends against
23 using solvents, anything else like that; right?

24 A. I believe it does, yes.

25 Q. Okay.

1 A. This book being Exhibit Number 13.

2 Q. Thank you.

3 And then going back to Exhibit 17, under
4 the Servicing Allows Asbestos to Float Free section, the
5 next paragraph reads: "The same thing --" and it's
6 referring to airborne asbestos from cleaning "-- happens
7 with liquid squirt bottles or aerosol cans of solvent which
8 scatters much of the asbestos."

9 Did I read that right?

10 A. You did.

11 MR. ZIC: Same prior objection, not a
12 Ford document.

13 BY MR. HARTLEY:

14 Q. That's what Exhibit 13 says, too, correct,
15 essentially?

16 MR. ZIC: Objection; lacks foundation,
17 referring to an exhibit to which the witness is now not
18 referring.

19 A. Yeah. I'm not exactly sure that exact same
20 verbiage is in there, but --

21 BY MR. HARTLEY:

22 Q. The idea is the same?

23 A. I think the recommended practice is a vacuum with
24 a HEPA filter.

25 Q. HEPA stands for high efficiency particulate air?

1 A. I'm not sure what the A is, high efficiency
2 particulate --

3 Q. Okay.

4 A. -- something.

5 Q. It says: Again, when the solvent dries asbestos
6 dust is still all over the surrounding work surfaces and is
7 free -- free to be picked up by any movement of air. The
8 mere act of banging a brake drum with a hammer can release
9 quantities of asbestos dust floating into the air. Right?

10 MR. ZIC: Same prior objections; not a
11 Ford document, lacks foundation.

12 BY MR. HARTLEY:

13 Q. That's what it says?

14 A. You read that correctly.

15 Q. And sometimes you have to actually hit a brake
16 drum with a hammer to get it off; right?

17 A. Sometimes a brake drum will actually seize to the
18 axle; rear brakes especially.

19 Q. And then you hit with a hammer to loosen it up?

20 A. You hit it with a -- after you've released the
21 brakes you hit it with a hammer and it will free itself from
22 the axle.

23 Q. Now, I understand that you haven't done it, but
24 the fact is is that sometimes brakes were ground in the
25 past?

1 MR. ZIC: Objection; vague, overly
2 broad, lacks foundation.

3 A. In the past, ancient past, Ford Motor Company
4 brakes have not required any bevelling, grinding or arcing
5 since the '40s. The 1940s, that is.

6 BY MR. HARTLEY:

7 Q. But you're aware that there are -- there are --
8 what are these things called again? -- shop manuals -- car
9 shop manuals that recommend beveling, arcing and grinding
10 since -- after the 1940s, true?

11 MR. ZIC: Objection; lacks foundation.

12 A. No, I can't think of one shop manual that states
13 that after 1949.

14 BY MR. HARTLEY:

15 Q. 1949?

16 A. Correct.

17 Q. Okay. Now, what this S/P2 program says about
18 asbestos is that servicing may sometimes include turning,
19 grinding and beveling friction products on a machine; right?

20 MR. ZIC: Same objection; not a Ford
21 document, lacks foundation.

22 A. That's what this document states.

23 BY MR. HARTLEY:

24 Q. Okay. Now, Ford made a brake grinder that we saw
25 earlier on in this deposition. True?

1 A. We didn't see it earlier -- yes, we did. We saw a
2 Motorcraft -- no, Rotunda brake. Excuse me.

3 MR. ZIC: I'm sorry, I'm going to object
4 that it lacks foundation.

5 Go ahead.

6 A. We saw a Rotunda brake grinder earlier.

7 BY MR. HARTLEY:

8 Q. Okay.

9 A. And Ammco brake grinder.

10 Q. Now, there were also Motorcraft brake grinders?

11 A. No.

12 Q. Okay.

13 A. Not that I'm aware of. I misspoke. I'm sorry
14 about that.

15 Q. It's easy to confuse Motorcraft with other Ford
16 products. True?

17 MR. ZIC: Objection; assumes facts,
18 argumentative.

19 A. No.

20 BY MR. HARTLEY:

21 Q. In here in turning -- when it's talking about
22 turning, grinding and beveling, it goes on to say surfacing
23 parts improperly can -- without containment or proper
24 precautions may cause even higher exposures; right?

25 MR. ZIC: Same prior objections.

1 A. That's what this document states.

2 BY MR. HARTLEY:

3 Q. Going on: "If friction materials must be arced, a
4 process by which the brake shoes are ground to the proper
5 curvature for the drums they are to be used with, this
6 should be done by a lathe turning at low speed rather than
7 by grinding." Right?

8 MR. ZIC: Same prior objections; not a
9 Ford document, lacks foundation.

10 A. That's what this document states.

11 BY MR. HARTLEY:

12 Q. Okay. So, rather than use the Ford Rotunda
13 grinder to -- to grind the brakes or to arc the brakes,
14 they're -- this is -- they're recommending here to do it on
15 a slow turning lathe?

16 A. I'm not exactly how you would ever set that up on
17 a brake shoe.

18 Q. Okay.

19 A. I think it's impossible.

20 Q. Okay. Nonetheless, this appears to be -- this is
21 the program that Mr. Rocker was recommending; right?

22 MR. ZIC: Objection; lacks foundation.

23 A. I think it's a program that Mr. Rocker was in the
24 photo shoot of and gave a deposition on.

25 BY MR. HARTLEY:

1 Q. Okay.

2 MR. ZIC: Objection; lacks foundation.

3 Renew my prior observation that the document that counsel is
4 referring to and the witness is reviewing are not dated.

5 MR. HARTLEY: Except for the -- except
6 for the --

7 MR. ZIC: Yeah, that exhibit.

8 MR. HARTLEY: Exhibit 16 is dated.

9 MR. ZIC: Yes.

10 MR. HARTLEY: Yeah.

11 BY MR. HARTLEY:

12 Q. Are you aware of Ford -- clearly Ford is now as of
13 the time of this -- of Mr. Rocker's deposition has been made
14 aware that Mr. Rocker was endorsing or was -- at least
15 claimed to have been recommending S/P2 to Ford dealerships
16 and -- and to students in the automotive area; right?

17 MR. ZIC: Objection; compound, vague.
18 Calls for speculation, document speaks for itself.

19 A. Mr. Rocker is quoted in this document. We've
20 already gone through a series of questions on that.

21 BY MR. HARTLEY:

22 Q. Okay. And Mr. Rocker was -- is also quoted in the
23 deposition transcript where a lawyer for Ford was present.
24 True?

25 A. I believe he was represented by counsel, yes.

1 Q. Okay. And Ford is aware, is it not, that
2 Mr. Rucker was quoted as saying Ford SP/2 -- Ford recommends
3 S/P2, you can tell that from the context of the deposition.
4 True?

5 MR. ZIC: Objection; the deposition
6 speaks for itself, asked and answered, argumentative.

7 A. I haven't read the whole deposition; I've only
8 read little snippets.

9 BY MR. HARTLEY:

10 Q. Okay. It goes on in here: Modern brake shoes are
11 pre-arc'd; right? Something you said?

12 A. Well, I wouldn't call it modern. 1949 to me is
13 not modern, but I guess maybe in this program it is
14 considered that.

15 Q. Okay.

16 MR. ZIC: It's the same prior objections
17 with regard to the document not a Ford document, calls for
18 speculation, lacks foundation.

19 BY MR. HARTLEY:

20 Q. In the next paragraph: "In some instances
21 asbestos fibers are small enough to be invisible and easily
22 accumulated in the lungs, so during arcing and riveting
23 operations an approved respirator must be worn." Right?

24 MR. ZIC: Same prior objections, the
25 question is vague.

1 A. You've read that correctly.

2 BY MR. HARTLEY:

3 Q. Okay. And, lastly, in that sentence it says:
4 Fortunately manufacturers are producing the kinds of
5 personal protective equipment for use around asbestos
6 products that work quite well"?

7 MR. ZIC: Same prior objections.

8 A. You read that correctly.

9 BY MR. HARTLEY:

10 Q. Okay. Just turn if you would to the Wearing
11 Protective Equipment page.

12 You've already made it there.

13 You see that there are several bullet
14 points there?

15 A. I do.

16 Q. It says: "In addition to the respirator, there
17 are other measures you will need to take to ensure your
18 safety such as," point 1, "wearing clothing with long
19 sleeves"?

20 MR. ZIC: Same prior objections.

21 BY MR. HARTLEY:

22 Q. "Removing clothing for safe handling" is the
23 second one; "Bagging clothes in plastic bags, segregating
24 clothing for laundering at special wash facilities as soon
25 as possible to prevent the release of airborne fibers of

1 asbestos; you must also inform anyone laundering clothing
2 which may have asbestos fibers of this possibility so they
3 may take precautions in washing hands, face and hair well
4 and changing clothes before going home." Right?

5 MR. ZIC: Same prior objections, not a
6 Ford document, lacks foundation.

7 A. You read those five bullet points correctly.

8 BY MR. HARTLEY:

9 Q. And then on that page, do not take either wearing
10 appropriate PPE -- which is personal protective something?

11 A. Equipment.

12 Q. Equipment. Thank you.

13 "Do not take either wearing appropriate
14 PPE or the handling of asbestos-contaminated clothing
15 lightly. The damage you --" do "-- you might do to your
16 lungs is irreversible and wearing work clothes home would
17 put not only you but those you live with at risk as well."

18 Did I read that right?

19 MR. ZIC: Same prior objections.

20 A. You did.

21 BY MR. HARTLEY:

22 Q. Okay. All right. I think this is a good time for
23 me to stop.

24 So you've answered a lot of my questions
25 today, and when you thought you didn't understand, you've

1 asked me to rephrase, haven't you?

2 A. I believe I have.

3 Q. Okay. Is there anything you think that needs to
4 be clarified that thinking back you may have left something
5 out that you should have included or included something you
6 shouldn't have?

7 MR. ZIC: Objection; overly broad.

8 A. You know, we've been going about 5 hours and
9 50 minutes since we started this, and a lot of words have
10 come and gone, and I just -- when I go back and read this,
11 I'll have wished I said things differently, I'm sure.

12 BY MR. HARTLEY:

13 Q. Okay.

14 A. As I sit here I can't substantively think of
15 anything that -- it's been a long deposition, and I just
16 don't -- don't know as I sit here.

17 MR. HARTLEY: Okay. Understood. All
18 right. I have no further questions at this time.

19 MR. ZIC: Okay. I'm going to have some
20 of my own. I need to go and collect my notes.

21 Counsel on the phone, I'd like to take
22 five to ten minutes, so I apologize I can't be more specific
23 than that. I hope I'm five minutes, but it might be ten. I
24 have to collect some documents.

25 THE VIDEOGRAPHER: Going off the record.

1 The time is 2:59 and 14 seconds p.m.

2 (A short recess was taken)

3 THE VIDEOGRAPHER: We're back on the
4 record. The time is 3:13 and 46 seconds p.m.

5 EXAMINATION BY MR. ZIC:

6 Q. Mr. Taylor, earlier in the deposition you gave
7 some testimony regarding the comparative cost of original
8 equipment brakes, Motorcraft brand brakes and other
9 aftermarket brand brakes.

10 Do you recall that testimony, sir?

11 A. I do. On a 2004 Mountaineer?

12 Q. Yes. To clarify things, with regard to the -- and
13 I take it you were talking about Ford/Mercury original
14 equipment aftermarket brakes earlier. What was the cost of
15 those?

16 A. The original --

17 MR. HARTLEY: Objection to form.

18 A. The original equipment brakes for the 2004 Mercury
19 Mountaineer, the OE, original equipment manufactured brakes
20 were just a few pennies less than \$100.

21 BY MR. ZIC:

22 Q. And what was the cost of the Motorcraft brand
23 brakes for that vehicle?

24 A. The Motorcraft brakes, which is a second line
25 brake for that specific vehicle, was \$75.

1 Q. Did you have an opportunity to price -- first,
2 let's go back for a moment.

3 How did you look up that information?

4 A. As part of my job duties, I actually have access
5 to the same site that Ford dealers use for searching parts
6 and part numbers on automobiles and light trucks, and from
7 that it gives you the exact part number and the retail price
8 for that part at the dealership.

9 Q. Thank you. Did you also have an opportunity to
10 price a non-Ford OE/non-Motorcraft aftermarket set of pads
11 or linings -- and I take it we're talking about the price
12 for a single axle; is that right?

13 MR. HARTLEY: Objection; form.

14 A. For the front axle, correct, for the front disk
15 brakes.

16 BY MR. ZIC:

17 Q. Thank you.

18 Did you also have an opportunity to
19 price a non-Ford OE/non-Motorcraft aftermarket brand for a
20 front axle?

21 A. I did.

22 Q. And what was the price of those?

23 A. The price of those at O'Reilly Auto Parts was \$20.

24 Q. Thank you.

25 Have you also had the opportunity to

1 look up historical information regarding the price of
2 original equipment replacement linings for one axle of a
3 1965 Ford Mustang?

4 A. I have.

5 Q. Which axle did you look up?

6 A. I looked up the front axle on that, the front drum
7 brakes on a 1965 Mustang.

8 Q. What was the source of that information?

9 A. The source of that is Ford has some old
10 microfiche, where you put that in a machine, it kind of
11 looks like a computer monitor, but it's really not. You
12 drive around with this handle until you hit a part number,
13 and it will actually give you a price at a specific time --
14 period in time.

15 Q. And what was the price for Ford OE replacement
16 brakes, original equipment brakes, just to be clear, for a
17 1965 Mustang?

18 A. It was just over \$5.15.

19 Q. The original equipment brakes?

20 A. The original equipment brakes \$5 -- excuse me,
21 \$15.15. I might have said five. Excuse me. Fifteen.

22 Q. Thank you.

23 A. Approximately 15.15.

24 Q. And what -- did you also have an opportunity to
25 research the cost of non-Ford aftermarket replacement brakes

1 for a 1965 Mustang -- that would fit a 1965 Mustang?

2 A. I did.

3 MR. HARTLEY: Objection; vague as to
4 time.

5 MR. ZIC: What's vague as to the time of
6 the question so I can cure it?

7 MR. HARTLEY: Well, what year are these
8 prices for?

9 MR. ZIC: Okay. Thank you.

10 BY MR. ZIC:

11 Q. Can you -- with regard to the \$15 and change price
12 for a 1965 Mustang replacement Ford OEA -- OE brakes, what
13 was the time frame during which the price was just over \$15?

14 A. 1969.

15 Q. Thank you.

16 And did you also have an opportunity to
17 look up the 1969 price for non-Ford aftermarket replacement
18 brakes that would fit a 1965 Mustang?

19 A. I did.

20 Q. And what was the price of those?

21 A. After you returned your shoe -- shoes, the price
22 was \$7.50.

23 Q. Thank you.

24 And what was the source of that
25 information?

1 A. Motors Manual.

2 Q. And where did you get the Motors Manual?

3 A. It was located in the basement at World
4 Headquarters at Ford Motor Company.

5 Q. Okay. What is a Motors Manual?

6 A. Motors Manual is a manual that a service
7 technician would use to determine the amount of time it
8 takes to do a specific job on a vehicle. It's basically a
9 time study manual, and in that also motor -- Motors
10 publishes many manuals, but they also have prices of parts
11 in there so that you have a reliable source for how much a
12 job will cost when you're estimating to a customer.

13 Q. Thank you. And what is -- what was or who was
14 Motors?

15 A. Motors is an independent entity. Motors and
16 Chilton's both do time studies on vehicles and pricing
17 vehicle components so that you can appropriately estimate
18 repairs for vehicles.

19 Q. Earlier in your deposition you discussed Ford
20 Motor Company dealers.

21 Do you recall that testimony? I'm
22 sorry, strike that. Bad question.

23 Earlier in your testimony you discussed
24 Ford dealers; is that correct?

25 A. Ford dealers. Maybe you can refresh my memory.

1 Q. Okay. I apologize. There was reference to Ford
2 dealers. Are Ford dealers independent businesses?

3 A. Yes, they are.

4 Q. Okay. What kinds of -- are Ford dealers free to
5 stock non-Ford parts in their businesses?

6 MR. HARTLEY: Objection; calls for
7 speculation.

8 A. Ford dealers, independent dealers can use
9 virtually any product they wish to --

10 BY MR. ZIC:

11 Q. Okay.

12 A. -- when repairing vehicles.

13 Q. How do you know that?

14 A. I know that from my experience as a former
15 technician and working around dealerships. Even though I
16 didn't specifically work in a Ford dealership, I'm aware of
17 dealership practices.

18 Q. Okay. Do you also rely upon your 20-plus years as
19 a Ford Motor Company employee for that information?

20 MR. HARTLEY: Objection; form, leading.

21 A. I do.

22 BY MR. ZIC:

23 Q. Thank you.

24 Are Ford dealers required to use Ford
25 Motor Company original equipment parts when repairing brakes

1 historically prior to, say, the year 2000?

2 MR. HARTLEY: Objection; form and
3 leading, calls for speculation.

4 A. They are -- they are not required. When at all
5 possible it's recommended that they use Ford components.
6 But many times because time is of the essence, you want to
7 get the customer's vehicle back on the road, so you might
8 use either existing stock that's on your shelf -- it might
9 not be Ford -- or go to your local jobber to get components
10 necessary to repair the vehicle.

11 BY MR. ZIC:

12 Q. What, if any, type of work are Ford dealers
13 required to use Ford original equipment parts for?

14 MR. HARTLEY: Objection; calls for
15 speculation.

16 A. Ford Motor -- Ford dealers are required to use it
17 for warranty work, Ford original equipment components.

18 BY MR. ZIC:

19 Q. Okay. During the 1950s, 1960s, 1970s, 1980s, even
20 into the 1990s, were -- was the wear-out of brakes a
21 warranty -- a warranted item by Ford Motor Company?

22 A. The wear-out of brakes was not in that time period
23 warranted by Ford Motor Company.

24 MR. ZIC: What exhibit number are we on?

25 MR. HARTLEY: 18 would be the next one,

1 I think.

2 DEPOSITION EXHIBIT 18

3 Document Bates numbered FAFD004677-80

4 WAS MARKED BY THE REPORTER

5 FOR IDENTIFICATION.

6 BY MR. ZIC:

7 Q. Before Exhibit 18, Mr. Taylor, you were shown a
8 photograph of a -- strike that.

9 Earlier in your deposition do you recall
10 giving some testimony regarding grinding of brakes?

11 A. Yes.

12 Q. And just to be clear, have you reviewed any Ford
13 Motor Company shop manuals starting from the 1949-50-51
14 manual and then subsequent manuals regarding the issue of
15 grinding?

16 A. I have.

17 MR. HARTLEY: Objection; form.

18 BY MR. ZIC:

19 Q. And what do those shop manuals state with regard
20 to whether or not grinding is necessary?

21 MR. HARTLEY: Objection; form.

22 A. In each and every manual there's -- for many years
23 there's a reference that grinding is not required on any
24 Ford brake, that they come pre-arc'd and pre-ground and I
25 believe pre-beveled from --

1 BY MR. ZIC:

2 Q. Go ahead.

3 A. -- from Ford Motor Company Parts and Service. And
4 it's not necessary.

5 Q. Would you please describe what beveling is?

6 A. Beveling is the edge surface of the shoe, it's a
7 slight chamfer on it so that it aids when slipping the drum
8 over the brakes.

9 Q. Okay. Now that you've used the word chamfer, I
10 have to ask you to explain that, please.

11 A. It's -- it's a small basically grinding off or
12 machining of a square corner.

13 Q. Thank you. Thank you, sir.

14 Now I'm going to show you what has been
15 marked Exhibit 18 after I give Mr. Hartley a chance to read
16 it.

17 MR. ZIC: I'm going to ask him about
18 this paragraph (indicating) right here.

19 MR. HARTLEY: Okay.

20 (Document handed to and reviewed by Mr. Hartley)

21 MR. HARTLEY: Okay. Just as you have
22 previously objected, it's not a complete document. It
23 starts as -- the marked page is page 3. Now it may, indeed,
24 be that way in the Ford files, but as you've pointed out
25

1 MR. ZIC: Objection noted, Counsel.

2 BY MR. ZIC:

3 Q. Mr. Taylor, I'm handing you what's been marked as
4 Exhibit 18 to your deposition.

5 If you could turn to the second page of
6 that exhibit, which, indeed, is page 4, which is marked down
7 in the bottom right-hand column as FAFD0004678, and if you
8 could read into the record the single paragraph that begins
9 with the word Bendix.

10 A. "Bendix has modified their rear drum brake linings
11 increasing the wheel cylinder size and eliminating the
12 proportioning valve to achieve a system which passes the
13 docket with the Lincoln. The front disk brakes use a
14 semi-metallic inboard and a high performance organic
15 asbestos outboard lining. While Bendix is enthusiastic
16 about this system, the use of present semi-metallic linings
17 for customer service does not appear justified. Many police
18 vehicles have experienced problems with semi-metallic
19 linings such as poor lining life and high rotor wear rates."

20 Q. I apologize for doing this somewhat backwards,
21 Mr. Taylor, but would you please tell us what the date of
22 that document is?

23 A. February 28th, 1973.

24 Q. And does that appear to be a Ford Motor Company
25 document?

1 MR. HARTLEY: Objection; form, it calls
2 for speculation. It's not a complete document.

3 A. It appears to be a portion of a Ford document.

4 BY MR. ZIC:

5 Q. Okay. Is that document created in the normal
6 course of business at Ford Motor Company?

7 A. Yes.

8 MR. HARTLEY: Same objection.

9 BY MR. ZIC:

10 Q. And is it maintained in the files in the regular
11 course of business of Ford Motor Company?

12 MR. HARTLEY: Same objection.

13 A. Yes.

14 BY MR. ZIC:

15 Q. All right. Mr. Taylor, just keep that exhibit to
16 the side, and I'm going to hand you back what's been marked
17 as Exhibit Number 9. This is the exhibit regarding the
18 \$1.25 issue.

19 Do you recall testifying about that
20 earlier?

21 A. I do.

22 Q. Okay. Do you recall -- well, first of all, what
23 does Exhibit 18 tell you about the issues regarding
24 semi-metallic brakes that was raised in Exhibit 9?

25 A. That the semi-metallic brakes referenced in

1 Exhibit Number 9 produced some customer complaints of high
2 rotor wear, poor lining life and -- well, those were two --
3 two problems listed here.

4 Q. Okay. Would you hand me back Exhibit Number 9,
5 please.

6 Now, Exhibit Number 9 here, am I correct
7 -- am I reading this correctly that it says: "Semi-met
8 linings are superior in performance to conventional brake
9 linings about equivalent in terms of cold wear and noise."

10 Did I read that correctly?

11 A. You did.

12 Q. Okay. Have you had any discussions with any
13 current or former Ford Motor Company employees about the
14 issue regarding whether or not the semi-met linings that are
15 referenced in this November 19th, 1971, memorandum, whether
16 this statement is accurate?

17 A. I have.

18 Q. Okay. And with whom did you speak, sir?

19 A. I spoke to former chief engineer for brakes,
20 Leonard Brown.

21 Q. And what was Mr. Brown's comment about the
22 statement in this letter that the semi-met linings are
23 superior?

24 MR. HARTLEY: Objection; calls for
25 speculation. It's hearsay, assumes facts not in evidence.

1 MR. ZIC: Okay.

2 A. Mr. Brown said that that paragraph written by
3 Mr. Ninomiya in Exhibit 9 is incorrect.

4 BY MR. ZIC:

5 Q. Okay. Taking Mr. Brown -- the information you
6 received from Mr. Brown in consideration with the
7 information that you have there in Exhibit 18, were there
8 problems with the semi-met linings?

9 A. There were problems with the semi-met linings.

10 Q. And what were they?

11 A. The problems from these two exhibits and from
12 Mr. Brown's conversation, the semi-metallic linings wore out
13 the rotors; they wore out the brake shoes too fast. They
14 were extremely noisy. Mr. Brown told me that police
15 couldn't go on stakeouts with these vehicles because if they
16 moved the vehicle, it would make squeaking noise and alert
17 people to them. And there were many complaints from many
18 law enforcement agencies, and because of that the
19 semi-metallic linings were removed from those vehicles after
20 a couple years.

21 Q. Thank you.

22 Do you have any other information as to
23 whether or not the \$1.25 per car cost figure here is
24 accurate?

25 A. Mr. Brown conveyed to me that that was incorrect,

1 that there was not a \$1.25 cost penalty.

2 MR. HARTLEY: Objection; same objection
3 as before.

4 BY MR. ZIC:

5 Q. Based on the problems that are discussed with the
6 semi-met linings in Exhibit 18 and the conversation that you
7 had with Mr. Brown if, assuming without correct -- assuming
8 that it's correct without conceding that it's correct that
9 this \$1.25 per axle figure would work, could Ford Motor
10 Company have replaced all of the semi -- all of the
11 asbestos-containing linings in its cars with these semi-met
12 linings and have the vehicles work properly?

13 MR. HARTLEY: Objection; form, leading,
14 beyond the scope of his designations and calls for
15 speculation.

16 BY MR. ZIC:

17 Q. You may answer.

18 A. You can't -- you can't just take one -- one lining
19 and put it across all vehicles. There -- there's a great
20 deal of testing and development that goes into each lining
21 for each and every vehicle. If it were that easy, they
22 wouldn't need brake engineers. They being we, Ford Motor
23 Company.

24 Q. These semi-met linings that were on the police
25 interceptors for a short period of time as you indicated,

1 what axle were they on?

2 A. They were only on the front axle.

3 Q. Okay. What was the material on the rear axle of
4 those police interceptors?

5 A. It had chrysotile asbestos friction material on
6 the rears.

7 Q. Thank you.

8 Mr. Taylor, I'm going to hand you what
9 I'll ask the court reporter to mark as Deposition Exhibit
10 Number 19 to your deposition, please.

11 DEPOSITION EXHIBIT Type 19

12 Technical Report No. EM-7-08

13 WAS MARKED BY THE REPORTER

14 FOR IDENTIFICATION.

15 BY MR. ZIC:

16 Q. Mr. Taylor, I'm handing you what's been marked as
17 Exhibit Number 19 to your deposition.

18 Would you identify that document for me,
19 please.

20 A. This is a status report on non-asbestos brake
21 linings by Mr. Arnie Anderson at Ford Motor Company.

22 Q. Okay. What is the department that that's being
23 reported out of at the Ford Motor Company?

24 A. Engineering and Manufacturing Staff.

25 Q. Okay. And is this Mr. Anderson the same

1 Mr. Anderson who was one of the authors of the SAE paper
2 that you referenced earlier in your deposition?

3 A. Yes, he is one of the coauthors.

4 Q. Okay. And what, if you recall, what specific
5 function did Mr. Anderson have at Ford Motor Company based
6 on your review of the prior documents?

7 A. Mr. Anderson worked in the Scientific Research
8 Lab. His primary focus was on friction linings in vehicles.

9 Q. And is that a Ford Motor Company document?

10 A. Yes, it is.

11 Q. And was it created by a Ford Motor Company
12 employee in the normal course of business?

13 A. Yes, it was.

14 Q. And was it maintained in Ford Motor Company's
15 files in the normal course of business?

16 A. Yes, it was.

17 Q. Thank you, sir.

18 Mr. Taylor, I am handing you what was
19 previously marked as Exhibit Number 3 to your deposition.
20 Would you tell us again what that document is, please?

21 A. It's a 1971 edition of Parts and Accessories Ready
22 Reference Catalogue for Autolite for a series of vehicles:
23 Ford Torino, Mustang, Pinto, Thunderbird, Bronco, Maverick,
24 truck, Comet, Capri, Mercury, a Montego, Cougar, Lincoln and
25 the Mark III.

1 Q. Does the right-hand column of the front page list
2 brakes?

3 A. Yes, it does.

4 Q. Okay. Have you had an opportunity to review that
5 document during your deposition regarding brakes and the
6 brake part numbers?

7 A. I have looked at this document, yes, sir.

8 Q. And would you please reference -- you've been
9 turning to a page regarding brakes. Would you please find
10 the page regarding brakes or the pages regarding brakes and
11 identify those pages for me.

12 MR. HARTLEY: The whole thing regards
13 brakes.

14 MR. ZIC: It does?

15 MR. HARTLEY: Yeah.

16 MR. ZIC: Now, is that -- is there more
17 to that document or you only got the brakes --

18 MR. HARTLEY: Yeah, that's what I said
19 on the -- that's what I said on the record as well, is that
20 it's excerpts of the complete thing which is much bigger.

21 MR. ZIC: Okay.

22 A. It's in excess of 392 pages, and we only have a
23 handful of pages here.

24 BY MR. ZIC:

25 Q. All right. Have you had an opportunity to review

1 the part -- the brake part numbers on the pages in that
2 catalogue?

3 A. I have.

4 Q. Based upon your experience and training as a Ford
5 Motor Company design analysis engineer, what can you tell us
6 about those brake part numbers?

7 A. Reviewing the part numbers --

8 MR. HARTLEY: Object to form; calls for
9 speculation, vague.

10 Go ahead.

11 A. Yeah. Reviewing the part numbers that are on --
12 that's in this reference guide, it basically is an aid to
13 the -- to a dealership technician or the person at the parts
14 counter what part fits what vehicle.

15 For instance, on page 29 of Exhibit 3,
16 at the very top, it's 1966 Bronco, and for the 2780-pound
17 front axle it gives you the brake size, which is 11 x 2, and
18 it tells you what the -- what the service part number for
19 the shoe and lining is. And then it also gives you for
20 their -- it also gives you rear axle and the lining for
21 that, a service part number for it.

22 BY MR. ZIC:

23 Q. Are the types of brakes that are being referenced
24 in that document in that exhibit original equipment brakes
25 or a second line brake?

1 A. These part numbers are original equipment brakes.
2 These would be the same part numbers that we use in
3 Engineering.

4 Q. Thank you.

5 Did you see any reference in Exhibit 3
6 to second line brakes?

7 A. I saw no reference whatsoever to second line
8 brakes.

9 Q. Now, earlier in your deposition you discussed
10 Motorcraft. Do you recall that?

11 A. I do.

12 Q. Okay. And is Motorcraft a second line brake?

13 A. Yes, it is. Motorcraft is a second line brake.
14 It's a more affordable brake for vehicles out of warranty at
15 Ford Motor Company.

16 Q. Okay. When was the first time that Ford Motor
17 Company introduced the second line brake?

18 A. It would be calendar year 1999.

19 Q. And was that the Motorcraft brand that you were
20 referring to earlier?

21 A. Yes, that's the Motorcraft brand.

22 MR. ZIC: 20.

23 DEPOSITION EXHIBIT 20

24 Excerpt of 12/71 edition of Ford Times

25 WAS MARKED BY COUNSEL

1 FOR IDENTIFICATION.

2 BY MR. ZIC:

3 Q. Mr. Taylor, would you please reviewed Exhibit
4 Number 20 to your deposition.

5 Can you identify what that is for me,
6 please?

7 A. This is -- this is two pages out of a magazine
8 called Ford Times from 1971.

9 Q. And what is the general subject matter of that
10 article?

11 A. Motorcraft, The Newest Name in Car Parts.

12 Q. Okay. Does that help you to recall when the
13 Motorcraft brand was actually launched with products for
14 sale?

15 A. Yes, it does.

16 Q. Okay. And could you read for me, please, sir, the
17 first few -- the first -- let's see, this paragraph up
18 through this here (indicating).

19 A. "Motorcraft, a new brand name that appears on many
20 parts of the 1972 model cars and trucks at your local Ford
21 dealership, is now showing up in its parts department as
22 well.

23 "And like Autolite, the name --" " --
24 the name it replaces, Motorcraft is backed by the Ford Motor
25 Company and its reputation for quality products.

1 "Walter S. Walla, General Manager of the
2 Autolite Ford Parts Division, says the new name will be used
3 for all parts formerly branded Autolite, except for spark
4 plugs which retain the Autolite --" designated "--
5 designation.

6 "Parts identified as Motorcraft include
7 such key components as batteries, alternators, shock
8 absorbers, carburetors, oil, air and fuel filters, PCV
9 valves, and various other rubber goods and electrical
10 items."

11 Q. Are brakes mentioned anywhere in this article,
12 sir?

13 A. They are not.

14 Q. Thank you.

15 MR. HARTLEY: Just as a question, do we
16 have -- do you have an original copy of this so that we
17 could make out what's in the pictures and the like of the
18 products?

19 MR. ZIC: I personally don't but I'll
20 make an inquiry.

21 MR. HARTLEY: Yeah. I would like to --
22 I would like to try to get that if possible. And I guess,
23 just because I'm already asking, making a request, there
24 were two -- there was one document that was referenced as
25 the basis for his parts price inquiry. I'd like to get a

1 complete copy of that document. We'll make it the last
2 exhibit to the deposition. And any of the shop manuals that
3 he was quoting, I'd like to get copies of those as well so
4 that we can have a complete record. I don't know if you
5 have any objection to that but I'm asking for them.

6 MR. ZIC: I will -- I don't have an
7 objection at this point. I'll make an inquiry for it. The
8 shop manual request may be a little much, but we'll do our
9 best -- I will be able to provide you with the '49, '50,
10 '51, because I know where it is.

11 MR. HARTLEY: Whatever -- whichever ones
12 he was quoting, those are the ones I want. That's all.

13 MR. ZIC: Okay. All right. Well, I'll
14 have to figure all that out.

15 21 I guess.

16 DEPOSITION EXHIBIT 21

17 Excerpt of the August 1974 Motorcraft catalogue

18 WAS MARKED BY THE REPORTER

19 FOR IDENTIFICATION.

20 BY MR. ZIC:

21 Q. Mr. Taylor, if you would review what's been marked
22 as Exhibit 21 to your deposition and when you have an
23 opportunity, identify that document for me.

24 A. Exhibit Number 21 is the front and rear page of a
25 Motorcraft catalogue dated August of 1974 and the index page

1 both in French and English for that catalogue.

2 Q. Okay. And is that a publication that is created
3 by Ford Motor Company in the normal course of business?

4 A. Yes.

5 Q. Is it maintained in Ford Motor Company's files in
6 the normal course of business?

7 A. Yes.

8 Q. Authentic copy of a Ford Motor Company document?

9 A. It is.

10 MR. HARTLEY: Objection to the extent it
11 is an authentic copy of part of a voluminous Ford company
12 document.

13 MR. ZIC: Understood. You'll be getting
14 one of those very shortly.

15 BY MR. ZIC:

16 Q. Does the index list brakes for sale anywhere in
17 there?

18 A. It does not.

19 Q. Thank you.

20 MR. ZIC: 22.

21 DEPOSITION EXHIBIT 22

22 1974 Motorcraft All Products Catalog

23 WAS MARKED BY THE REPORTER

24 FOR IDENTIFICATION.

25 BY MR. ZIC:

1 Q. Okay. Mr. Taylor, would you please identify
2 what's been marked as Exhibit 22 to your deposition, sir?

3 A. Exhibit 22 is a 1974 Motorcraft All Products
4 Catalog, and it has a number of AP205J and it's dated 3 of
5 '74.

6 Q. Okay. And is that a document catalogue that is
7 created by Ford Motor Company in the normal course of
8 business?

9 A. Yes.

10 Q. Is it an authentic copy of an original Ford Motor
11 Company document?

12 A. It appears that all the pages are there, yes.

13 Q. Not to restate the obvious, but what does the
14 title indicate as listed in the document?

15 A. It -- it -- the title indicates that it's all
16 products that Motorcraft sells. Other catalogues that have
17 just been specific sections like for tune-up parts or oil
18 filters or air filters, this has all inclusive.

19 Q. Have you had an opportunity to review the table of
20 context -- the table of contents of that catalogue?

21 A. I have.

22 Q. And have you had the opportunity to review the
23 rest of that catalogue?

24 A. I have -- I have perused this catalogue.

25 Q. Okay. And does that catalogue list any Motorcraft

1 brand brakes for sale in 1974?

2 A. It does not.

3 Q. Thank you.

4 DEPOSITION EXHIBIT 23

5 Release documentation for Motorcraft

6 preferred value brake linings

7 WAS MARKED BY THE REPORTER

8 FOR IDENTIFICATION.

9 BY MR. ZIC:

10 Q. Mr. Taylor, you've been handed what's been marked
11 as Exhibit Number 23 to your deposition. Do you recognize
12 that document, sir?

13 A. I do.

14 Q. Is this the kind of document that any layperson
15 can look at and understand, or does it take a Ford Motor
16 Company engineer to interpret this document?

17 MR. HARTLEY: Objection; form, calls for
18 speculation.

19 BY MR. ZIC:

20 Q. Well, let's put it this way. Do you think a
21 lawyer could understanding that document, Mr. Taylor?

22 MR. HARTLEY: Objection; form.

23 A. I think with the proper explanation they probably
24 could. It would make perfect sense, I believe.

25 BY MR. ZIC:

1 Q. What is this document, please?

2 A. This is the initial release for Motorcraft
3 preferred value brake linings.

4 Q. And --

5 A. Which is a second line of friction material.

6 Q. Okay. So, would you please explain what initial
7 release means?

8 A. Initial release is before a component can be
9 released or sold or installed on a part -- on a vehicle,
10 there's a certain amount of paper that has to occur
11 upstream, and an engineer writes a notice -- and that's what
12 we're looking at, Exhibit 23, the first multiple pages are
13 what we call a notice. And this -- the engineer puts as
14 much information in this notice as possible about different
15 components that will go on specific vehicles. And in this
16 notice the engineer is releasing -- excuse me -- 33 sets of
17 brakes for vehicles that are out of warranty, and it's
18 basically a less expensive friction material for Ford
19 products.

20 Q. Okay. And just to be clear, although I believe
21 you said it earlier, what brand name of brake product is
22 being released?

23 A. Motorcraft.

24 Q. And is released another -- could be interpreted as
25 the word approval?

1 A. That's correct. This is part of the approval
2 process.

3 Q. Okay.

4 MR. HARTLEY: Objection; leading.

5 MR. ZIC: Thank you.

6 BY MR. ZIC:

7 Q. Did you have an opportunity to contact any of the
8 engineers who are listed as the releasing engineers in these
9 documents?

10 A. Yes, I did.

11 Q. Okay. And which engineers were those, please?

12 A. On page 10 of Exhibit 23 for notice
13 NUUO E 10971177 000, there are a list of about exactly eight
14 individuals. Well, actually, one is listed three times.
15 The initial release engineer was Marcus Liskey, and I looked
16 up each and every one of these individuals to see if they're
17 still within the company, and only the first individual and
18 the last individual were still with the company. That's
19 Marcus Liskey, and the last individual was Garrett VanCamp.

20 Q. Okay. What did Mr. Liskey communicate to you
21 regarding Motorcraft brand brakes?

22 MR. HARTLEY: Objection. It's --

23 A. I called Mr. Liskey --

24 MR. ZIC: Hold on. He is making an
25 objection.

1 MR. HARTLEY: I don't know if this is
2 the right time to make the objection to this sort of
3 hearsay, but I will make it just in case. And, again, it
4 calls for hearsay, it assumes facts not in evidence, calls
5 for speculation, and I guess also I would object that it's
6 -- he was -- the witness was not disclosed for this sort of
7 testimony.

8 MR. ZIC: Okay. Well, I don't know if
9 this is the right time to make the counter to the objection,
10 frankly, but I will note that under items 10 and 11 the
11 Motorcraft trade name with regard to brakes is listed. He's
12 been produced today, and a corporate representative is
13 entitled to rely on in investigation with regard to speaking
14 for the company on various issues, and that's something that
15 can be taken up with the judge when necessary.

16 BY MR. ZIC:

17 Q. But all those objections have been made,
18 Mr. Taylor, you're still entitled to tell us what Mr. Liskey
19 told you about Motorcraft brand brakes.

20 A. I inquired of Mr. Liskey if, indeed, this was the
21 first time that Motorcraft brakes had ever been released or,
22 you know, used -- first application use, and his answer was
23 yes. And basically he confirmed what the document says.

24 Q. Did you have any conversation with Mr. VanCamp
25 that you mentioned earlier?

1 A. I did. I not only called Mr. VanCamp, but I also
2 read a previous deposition -- excuse me, a previous
3 affidavit of his, and his telephone conversation stated
4 that -- with me that that was the first time that Motorcraft
5 brakes were used, and an affidavit of his also stated the
6 same fact.

7 MR. HARTLEY: Same objection to the --

8 MR. ZIC: Sure.

9 A. The other individuals that are between VanCamp and
10 Liskey on this list are no longer with the company.

11 BY MR. ZIC:

12 Q. Okay. Did you have an opportunity to speak to
13 anyone else who is currently with the company regarding
14 Motorcraft brand brakes?

15 A. Yes, I did. I spoke with a supervisor in the Ford
16 Customer Service Division in the Motorcraft area.

17 Q. And who was that person?

18 A. Noel -- I'm sorry that I continually massacre her
19 last name. It escapes me right at this point at this time.

20 Q. Does Hindhohl ring a bell?

21 A. It sure does. Hindhohl, I'm not sure if there's
22 no D the second time.

23 Q. Well, what did -- what did Miss Hindhohl tell you
24 about Motorcraft brand brakes?

25 MR. HARTLEY: Same objection.

1 A. I inquired with her about the first use of
2 Motorcraft brakes, and she confirmed that the first time
3 that they were used was 19 -- calendar year 1999.

4 BY MR. ZIC:

5 Q. And did you have an opportunity to speak to any
6 retired Ford employees regarding Motorcraft brand brakes?

7 A. I did.

8 Q. And who did you speak with, sir?

9 A. I talked to I believe Mr. Fred Capdeville.

10 Q. And did you inquiry from Mr. Capdeville how long
11 he had been with the company?

12 A. He had worked for the company from 1964 to 1994.

13 Q. Okay. In general what were his responsibilities
14 at Ford Motor Company?

15 A. His entire career was spent in the Ford Customer
16 Service Division or Ford Parts and Service Division, and at
17 one point in time he was the brand manager for Motorcraft.

18 Q. Okay. Did Mr. Capdeville indicate to you whether
19 or not Motorcraft or Autolite brand brakes were sold by Ford
20 Motor Company during his tenure with Ford?

21 A. In the time he was with Ford between 1964 and 1994
22 they were not.

23 Q. Thank you.

24 Mr. Taylor --

25 MR. HARTLEY: I don't want to keep

1 objecting to these things.

2 MR. ZIC: Sure.

3 MR. HARTLEY: When other people were
4 telling him things, do you mind if I just have a standing
5 objection to the hearsay aspects of it?

6 MR. ZIC: Not at all. And my reply
7 would be the same.

8 MR. HARTLEY: I understand. Sure. That
9 makes it easier.

10 MR. ZIC: Sure.

11 BY MR. ZIC:

12 Q. Mr. Taylor, you were asked some questions --

13 MR. HARTLEY: You have three minutes.

14 MR. ZIC: Let's go off the record for a
15 second.

16 THE VIDEOGRAPHER: We're going off the
17 record -- we're going off the record. This is the end of
18 tape 4. The time is 3:57 and 10 seconds p.m.

19 (A short recess was taken)

20 THE VIDEOGRAPHER: We're back on the
21 record. This is the beginning of tape 5. The time is 3:58
22 and 32 seconds p.m.

23 BY MR. ZIC:

24 Q. Mr. Taylor, do you recall being asked some
25 questions about warnings during your deposition?

1 A. I do.

2 Q. Okay. Are you an expert on warnings?

3 A. I am not.

4 Q. Are you an expert on the placement of warnings?

5 A. I am not.

6 Q. Are you an expert on why warnings are made?

7 A. I am not.

8 Q. Are you an expert on warnings -- on the language
9 that should be contained on warnings?

10 A. No.

11 Q. You were also asked extensive questions regarding
12 the training manual called General Brake Theory and the
13 video that purportedly accompanies that manual.

14 Do you recall that?

15 A. I do.

16 Q. Okay. Did you have anything to do with the
17 publication of either the manual or the video?

18 A. I did not.

19 Q. Okay. Did you have any knowledge of that training
20 manual or that video prior to your deposition today --
21 strike that -- with regard to the video?

22 A. I had not seen the video prior to today.

23 Q. Okay. Thank you.

24 And did you -- were you involved in any
25 way in the publication of either the video or the manual?

1 A. I was not.

2 Q. Okay. Thank you.

3 Do you have any knowledge regarding the
4 S/P2 or CCAR programs that you were asked about this
5 afternoon?

6 A. No.

7 MR. ZIC: Thank you. I have nothing
8 else at this point.

9 MR. HARTLEY: Anyone on the phone going
10 to have anything else?

11 FEMALE VOICE: No.

12 MR. FLYNN: I've got nothing, Christian.

13 MR. ZIC: Drew, do you and I need to
14 talk about anything?

15 MR. PHI8LLIPS: I don't believe, Terry.

16 MR. ZIC: Thank you.

17 RE-EXAMINATION BY MR. HARTLEY:

18 Q. Okay. Let's start -- start and we'll work
19 backwards.

20 What was the name of the person that you
21 spoke to about the \$1.25 cost penalty for non-asbestos
22 brakes?

23 A. Len Brown, Leonard Brown.

24 Q. Leonard Brown is still alive today. True?

25 A. Yes. I spoke to him about a week ago. And I

1 haven't heard anything since then, but I anticipate he's
2 still alive today.

3 Q. Okay. Leonard Brown is somebody who could -- who
4 as of the time you spoke to him could have given a
5 deposition to explain his positions. True?

6 MR. ZIC: Objection; calls for
7 speculation.

8 A. He could.

9 BY MR. HARTLEY:

10 Q. You didn't get an affidavit from him about what
11 the meaning of the -- what he believed the meaning or the
12 truth or falsity of Exhibit 9 was -- is, was?

13 A. No, I did not.

14 Q. Okay. Did you record your conversation with him?

15 A. No.

16 Q. Did you take notes?

17 A. No.

18 Q. Okay. So what we have is just -- what we're going
19 to rely on for what he said is what you remember?

20 A. Yes.

21 Q. Okay. And there's no way for me to -- to
22 cross-examine him through you, is there?

23 MR. ZIC: Objection. That's a legal
24 conclusion, Counsel.

25 A. You know, I'm not sure how you would, but

1 BY MR. HARTLEY:

2 Q. Were you -- were you free to ask Mr. Brown
3 questions?

4 A. Was I free to?

5 Q. Yes.

6 A. Yes.

7 Q. Given that he's not here, I can't ask him
8 questions. True?

9 MR. ZIC: Objection; argumentative.

10 A. Well, I'm not sure if you can ask him questions in
11 the future or not, but right now I don't think you can.

12 BY MR. HARTLEY:

13 Q. Okay. Fair enough.

14 Now, Arnie Anderson is another person
15 that you have spoken to?

16 A. I have not spoken to Arnie Anderson.

17 Q. You haven't?

18 A. No.

19 Q. Never?

20 A. I have not spoken to Arnie Anderson.

21 Q. Do you know if he's still alive?

22 A. I understand he's still alive.

23 Q. He's the person who was -- who was one of Ford's
24 experts on friction materials; right?

25 A. He was at one point in time. He's a very senior

1 gentleman.

2 Q. Okay. Have you read any of his testimony in the
3 past?

4 A. I have.

5 Q. Okay. You -- turning to Exhibit 13, this
6 Exhibit 13 is the Ford Motor Company copyrighted General
7 Brakes Theory and Operation Self-Study Reference Book;
8 right?

9 A. Yes.

10 Q. And this reference book you understand was
11 designed to go with -- the video and the book were designed
12 to go hand in hand; right?

13 A. I understand that the video does go with the book,
14 yes.

15 Q. Even though you weren't aware of it, the video,
16 the video is also a Ford training tool that explains some of
17 the potential hazards of working with asbestos friction
18 materials?

19 MR. ZIC: Objection; lacks foundation,
20 calls for speculation.

21 A. You know, I think the video is a -- part and
22 parcel of this training program.

23 BY MR. HARTLEY:

24 Q. Okay. Now, did you go through each and every
25 Motorcraft catalogue to make sure that there were no

1 references to brake materials prior to 1999?

2 A. I have not seen each and every Motorcraft
3 catalogue.

4 Q. You've only seen the ones that were given to you
5 by lawyers?

6 A. Actually, I've seen ones that were not given to me
7 by lawyers.

8 Q. Okay. Can you tell -- can you tell us which ones
9 you've seen and which ones -- or just which ones you've seen
10 other than the ones that we've marked?

11 A. Well, there are some newer catalogues out that are
12 more readily accessible. Older catalogues are not so easy
13 to find.

14 Q. Have you seen 1972?

15 A. I have -- I have not seen a 1972 Motorcraft
16 catalogue.

17 Q. Have you seen 1973?

18 A. I have not.

19 Q. 1975?

20 A. No.

21 Q. 1976?

22 A. Not that I recall.

23 Q. 1977?

24 A. It doesn't matter if I've seen those or not
25 because I have the documentation right in front of you

1 Exhibit 23 that shows the first time Motorcraft brakes were
2 afforded to anyone was calendar year 1999.

3 Q. The only Motorcraft catalogues that you have seen
4 or that have been brought to this deposition are from 1974;
5 right?

6 A. That's correct.

7 Q. Now, the Motorcraft name was actually used in the
8 1960s, wasn't it?

9 A. I don't know if it was used in the 1960s or not.

10 MR. ZIC: Objection; vague as to used.

11 BY MR. ZIC:

12 Q. I got on that well-known tool called the Internet
13 and found that there is -- there is reference to Motorcraft
14 in the 1960s. You didn't know that?

15 A. I'm aware that Ford may have grasped or trade
16 marked the name in the late '50ss.

17 Q. Okay. And you don't know what products Ford tried
18 to sell under the Motorcraft name from the 1950s to 1972;
19 right?

20 MR. ZIC: Objection; lacks foundation.

21 A. It's my understanding that the Motorcraft brand
22 started in 1972.

23 BY MR. HARTLEY:

24 Q. And what have you done to systematically go back
25 and determine when -- what was done with the Motorcraft name

1 between 19 -- the 1950s when you believe it may have been
2 trade marked and 1972?

3 MR. ZIC: Objection; vague.

4 A. Well, the information I have from Ford Times in
5 front of you, Exhibit whatever number that is shows that
6 this is a new brand by Ford.

7 BY MR. HARTLEY:

8 Q. But what we know is is that's inaccurate, because
9 the Ford -- the Motorcraft brand name was created in the
10 1950s; right?

11 MR. ZIC: Objection; lack of foundation,
12 argumentative.

13 A. I don't know if it's inaccurate or not. I mean,
14 lots of time people grasp a name in advance of using it just
15 to ensure that they have it for a later purpose.

16 BY MR. HARTLEY:

17 Q. Okay. But you haven't done anything to
18 investigate whether this -- this un -- this article by an
19 unnamed author in the Ford Times is accurate; correct?

20 MR. ZIC: Objection to the
21 characterization; lacks foundation.

22 A. Other than that information, I think that's a
23 document that ties everything together along with the
24 document Exhibit 3 where we're still using Autolite in 1971.

25 BY MR. HARTLEY:

1 Q. Okay. Tell the jury what you've done to determine
2 whether the Motorcraft name was used prior to '71 for parts
3 by Ford.

4 A. Well, I know from documents that I've reviewed --
5 this document right in front of you says it's a new brand in
6 1972. I'm not sure what more -- and you have a '71 Autolite
7 catalogue here. Ford had the Autolite name, and I
8 understand there was some litigation and they had to get rid
9 of the Autolite brand, except for spark plugs, and then in
10 '72 started the Motorcraft.

11 Q. Okay. What did you do -- well, first, let's take
12 that what you just said.

13 When -- when the Autolite brand was
14 replaced by the Motorcraft brand as set forth in
15 Exhibit 20 -- in fact Ford sold both Motorcraft and Autolite
16 products; right?

17 A. Well, they sold Autolite spark plugs.

18 Q. Right.

19 A. In fact, if you look at Exhibit -- the 1974 All
20 Products Catalogue, you flip three pages in there and they
21 show Autolite spark plugs in a Motorcraft box.

22 Q. Okay. Now I want to go back to my question. What
23 did you do to find out if Ford had sold any products with
24 the Motorcraft name between when it -- when it got the
25 trademark for Motorcraft in the 1950s as you've stated and

1 when Exhibit 20 was put out, which is the article in the
2 Ford Times?

3 MR. ZIC: Objection; asked and answered.

4 A. I think that that information ties it all
5 together. And I don't understand -- I mean, I'm not sure
6 what other -- what other research I should do to
7 substantiate this, other than this information here to show
8 --

9 BY MR. HARTLEY:

10 Q. Are you finished?

11 A. Yeah.

12 Q. Okay. I don't know what you should do, either.
13 I'm asking you what you did do. What did you do to see --
14 to determine whether between 1955 or I think -- that's the
15 year you used; right?

16 A. No, I did not.

17 Q. What year did you -- what year was the Motorcraft
18 name created by Ford?

19 A. I believe it was '59.

20 Q. Okay.

21 A. You know, many, many years ago.

22 Q. You are the corporate representative on this
23 topic. When did Ford get the Motorcraft name?

24 A. I've answered that three times, counselor.

25 Q. 1959?

1 A. Correct.

2 Q. That's Ford's answer under oath?

3 MR. ZIC: Objection; argumentative,
4 asked and answered.

5 A. Yeah. Yeah, yeah, yeah. I don't understand what
6 part of my 1959 you don't understand.

7 Q. Okay. I just want to make sure that we're clear.

8 So in -- what did you -- what documents
9 did you look at at Ford Motor Company in the -- in the
10 company to ensure that Ford did not sell any replacement
11 parts under the Motorcraft name between 1959 and 1971?

12 A. I don't believe I've seen any documents to show
13 the negative.

14 Q. Did you look --

15 A. I have not seen any documents to show that Ford
16 sold any parts under the Motorcraft name prior to 1972.
17 It's hard to, it's hard to prove the negative. So I would
18 have to go back and look at everything that Ford ever did in
19 that time frame. But this document right in front of you,
20 Exhibit whatever exhibit it is, it shows that 1972 is the
21 year that Ford started selling Motorcraft.

22 This -- this confirms with what
23 Mr. Capdeville told me.

24 Q. Okay.

25 A. And, so, you know, that's part of it also. But

1 I'm not -- and your Exhibit Number 3 that still shows in '71
2 we had the Autolite brand.

3 MR. HARTLEY: Objection; nonresponsive.
4 Move to strike.

5 BY MR. HARTLEY:

6 Q. Did you make any effort to look to see -- to do
7 that, that onerous search that you described to make sure
8 that between 1959 and 1971 that Ford was not selling
9 Motorcraft replacement parts for brake systems?

10 MR. ZIC: Objection; asked and answered.

11 A. I think I've answered that and I think Mr. -- I've
12 answered that and I can find no reference to any Motorcraft
13 brakes being sold before 1999, and Exhibit Number 23
14 confirms that.

15 BY MR. HARTLEY: 0

16 Q. Did you look?

17 A. And also -- excuse me. And the Motorcraft
18 catalogues we have from the early '70s also show that. And
19 then we have a Autolite catalogue from '71 which kind of all
20 neatly ties in that Motorcraft started in '72. We didn't
21 start selling Motorcraft brakes until 1999, calendar year,
22 and there aren't any before that. There aren't any,
23 Counselor.

24 Q. Okay.

25 MR. HARTLEY: Let me object as

1 nonresponsive.

2 BY MR. HARTLEY:

3 Q. It's a simple, it's a simple -- I don't want to
4 lead up to it. Let me just say. I -- I'm just asking if
5 you -- if you made a search -- okay? -- so did you make a
6 search to see if there were any documents anywhere at Ford
7 in the archives between 1959 and 1971 that referenced sales
8 of parts under the Motorcraft name at all? Did you look.
9 That's all I want to know.

10 A. On the -- in the disk there are many documents.
11 There's not one reference to Motorcraft brakes in any of
12 that collection of 22,000 documents.

13 Q. Okay.

14 A. From -- and that goes back to there's some
15 documents and they're from the '30s, I believe. And there
16 are no -- I don't -- I didn't see any reference whatsoever
17 in the documents that I reviewed on the disk that show
18 Motorcraft. Plus all these others documents tied up nice,
19 neat, bow tie done.

20 Q. Okay.

21 A. So there's nothing else out there.

22 Q. It's true that earlier today you told me you
23 hadn't reviewed -- you're not sure that you reviewed all the
24 documents on the disk; right?

25 A. That's right, and I told you the style of

1 documents that I have not reviewed on that disk. I've been
2 working in this venue for many years.

3 Q. All right. And you didn't make -- some of the
4 information that you testified to on direct today when
5 Mr. Zic was asking you questions came from your
6 investigations outside of that disk of documents. True?

7 A. That's correct, yes.

8 Q. Okay. Did you make any effort to go outside of
9 the document list to look at that window between 1959 and
10 1971 that I'm asking you about?

11 A. I have looked in the past for other documents --
12 at drawings in that time frame, and I've never seen anything
13 ever, ever before 1999 on Motorcraft and I don't understand
14 what part of that you don't understand. '99's our year.
15 There's nothing before that.

16 MR. HARTLEY: Object to the
17 nonresponsive portion.

18 BY MR. HARTLEY:

19 Q. I don't -- and I'm not trying to be difficult.
20 I'm asking simple -- if you looked, you looked. I don't --
21 I'm just asking.

22 A. Well, I didn't look specifically for this case.
23 But it's -- it doesn't exist. There are no Motorcraft
24 brakes prior to 1999. There are none. I've looked at lots
25 of different brakes for lots of different vehicles for

1 specific requests, and have never found any part print or
2 anything that shows Motorcraft. It all shows Ford OE. And
3 on the disk there are many references to Ford documents on
4 that -- many references in the disk and none of them refer
5 to Motorcraft.

6 Q. Okay. You referenced on direct some shop manuals
7 saying don't grind Ford brakes because they don't need it;
8 right?

9 A. Correct.

10 Q. Now, those same shop manuals did indicate that
11 other -- that when other brands of brakes were used they
12 might need to be ground; correct?

13 A. I don't -- you'd have to show me. I don't recall
14 any reference to anybody -- any of our shop manuals stating
15 that. Maybe an aftermarket shop manual might have stated
16 that but not a Ford that I'm aware of.

17 Q. Okay. Let me show you one from 1962.

18 Do you see this document -- we'll make
19 it the next exhibit which I don't know the number of.

20 A. No, I really can't see that very well. It says
21 Service Handbook. I don't see where it says Ford on it.

22 Q. Well, we're going to get to that. It's blown up
23 so you can see it. You see that, it says, Brakes, Car,
24 Econoline, 100-400 Series Trucks?

25 A. I see that, yeah.

1 Q. Econoline is a Ford name, isn't it?

2 A. Yes, it is.

3 Q. Okay. And then the table of contents on the next
4 page talks about general repair, hydraulic brake systems.

5 Can you see that?

6 A. I can.

7 Q. Okay. And there at the bottom of the page it says
8 Service Department, Ford Division, Ford Motor Company;
9 right?

10 A. I see that.

11 Q. And it says April 1962?

12 A. I see that.

13 Q. Okay.

14 A. It almost looks like that's superimposed on that
15 page. It's totally different writing.

16 Q. It's highlighted. That's why. Are you suggesting
17 that I'm fabricating this document, sir?

18 A. I'm just telling you what my initial impression
19 was.

20 MR. ZIC: Objection; argumentative.

21 A. I mean, it does, to the layperson it looks like
22 it.

23 MR. ZIC: If you're going to use that,
24 I'd ask you e-mail it to me so I can print it.

25 MR. HARTLEY: I'll print it. I'll

1 e-mail it to you so you can print it.

2 BY MR. HARTLEY:

3 Q. But -- under -- see if we can't do this. It's on
4 page 21 of this document and you can see that there
5 aren't -- it isn't the whole document, the whole manual,
6 because that would be quite voluminous, but it says under
7 Cleaning and Inspection -- do you see that that's
8 highlighted?

9 A. I see that now, yeah.

10 Q. Okay. And that's very similar to the way that
11 looks, right, it's --

12 A. It does look, yeah.

13 Q. Okay. So it says: "Wash all the parts except the
14 brake shoes with solvent and dry with compressed air."
15 Right?

16 A. I see that, yes.

17 Q. Okay. So you take all the brake parts other than
18 the shoes themselves and wash them with solvent and then
19 blast them with a compressed airgun?

20 MR. ZIC: Objection.

21 BY MR. HARTLEY:

22 Q. Is what they're recommending right there?

23 MR. ZIC: Objection to form and lacks
24 foundation. There is no evidence that this is a Ford
25 document.

1 MR. HARTLEY: Other than the name on it.

2 MR. ZIC: Well, I can't -- we can't

3 authenticate this.

4 BY MR. HARTLEY:

5 Q. Sir, that's what it says; right?

6 A. That's what it says.

7 Q. Okay. Then here on page 22 it says: "Clean the
8 ledges on the carrier plate with sandpaper, brush all dust
9 from the carry plates and from interior of the brake drums."

10 That's something that Ford was
11 recommending?

12 MR. ZIC: Objection; lacks foundation.

13 A. That's what it says as step 9, clean the ledges on
14 the carrier plate, which is the backing plate. It's a
15 raised boss.

16 BY MR. HARTLEY:

17 Q. Okay. I'm going to skip some of these because I
18 want to get done today.

19 Then it says here under -- under the
20 topics of brake shoe linings, it says Number 1: "Wash the
21 brake shoes thoroughly in a clean solvent and remove all
22 burrs and rough spots from the shoes."

23 A. From shoes, yes. That's a steel shoe.

24 Q. Okay. Then: "Position the new lining on the
25 brake shoe. Starting in the center insert and secure the

1 rivets working alternately toward each end. Install all
2 parts supplied in the kit." Then it says: "Ford
3 replacement linings are ground and no further grinding is
4 required."

5 That's what you remember; right?

6 A. That's correct, yes.

7 Q. Then they go on to say: "If other than Ford
8 replacement linings are used, it may be necessary to grind
9 them to size." Right?

10 A. It does state that.

11 Q. Grinding them to sizes would release some asbestos
12 from that material in 1962, wouldn't it?

13 MR. ZIC: Objection; calls for
14 speculation, expert opinion.

15 A. I don't know what the material is. I don't know
16 what any aftermarket material is.

17 BY MR. HARTLEY:

18 Q. You know in 1962 all brake linings were
19 asbestos-containing, don't you?

20 MR. ZIC: Objection; lacks foundation,
21 mischaracterizes his prior testimony, asked and answered.

22 A. I don't know. You never know what something might
23 be. I can't say.

24 Q. Okay. All right.

25 MR. HARTLEY: I don't have any further

1 questions, and I will -- we'll make this the next exhibit,
2 which is 24, and I will e-mail it to you.

3 MR. ZIC: I just have one follow-up.

4 RE-EXAMINATION BY MR. ZIC:

5 Q. Mr. Taylor, I should have asked you this earlier.
6 The last page on Exhibit 23, would you identify what the
7 last page is on Exhibit 23?

8 A. The last page is what we call a tabulated drawing,
9 and basically it's a series of different -- different part
10 numbers and it tells you what the friction -- part numbers
11 for brake shoes or brake pads, and it tells you who the
12 supplier part number and what the friction material is, and
13 then it actually tells what the, you know, friction material
14 from an edge code, and it also tells you the description of
15 the material.

16 Q. Okay. I'm sorry. Does this correspond with the
17 initial release of Motorcraft brakes in 1999?

18 A. Yes, it does.

19 Q. And what does that tabulated drawing tell you was
20 the material -- what the friction material was made of?

21 A. All the -- all the friction material is either a
22 semi-metallic material or an organic material.

23 Q. Okay. Does it mean it's asbestos or non-asbestos?

24 A. It means it's non-asbestos.

25 MR. ZIC: Thank you. That's all I have.

1 MR. HARTLEY: Thanks.
2 MR. ZIC: We're done.
3 MR. HARTLEY: Okay.
4 MR. ZIC: We will read and sign.
5 THE VIDEOGRAPHER: This concludes the
6 deposition. The time is 4:25 p.m.
7 DEPOSITION EXHIBIT 24
8 Excerpt of Service Handbook, Brakes, Car,
9 Econoline, 100-400 Series Trucks
10 WAS MARKED BY COUNSEL
11 FOR IDENTIFICATION.

12 (The Deposition concluded at 4:25 p.m.)
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25

1 I have reviewed the above transcript and
2 have listed corrections, if any, on the attached errata
3 sheet,

4
5 this ____ day of _____, 20 ____.

6
7
8
9 _____
10 SIGNATURE OF THE WITNESS

11
12 SUBSCRIBED AND SWORN to before me this ____ day of
13 _____, 20 ____.

14
15
16 _____
17 NOTARY PUBLIC

18 My Commission expires: ____.

1 CERTIFICATE OF NOTARY

2
3 STATE OF MICHIGAN)

4) SS

5 COUNTY OF OAKLAND)

6 I, Cynthia Ann Chyla, Certified Shorthand Reporter, a
7 Notary Public in and for the above county and state, do
8 hereby certify that the above deposition was taken before me
9 at the time and place hereinbefore set forth; that the
10 witness was by me first duly sworn to testify to the truth,
11 and nothing but the truth, that the foregoing questions
12 asked and answers made by the witness were duly recorded by
13 me stenographically and reduced to computer transcription;
14 that this is a true, full and correct transcript of my
15 stenographic notes so taken; and that I am not related to,
16 nor of counsel to either party nor interested in the event
17 of this cause.

18
19
20 _____
21 Cynthia Ann Chyla, CSR-0092

22 Notary Public,

23 Oakland County, Michigan

24 My Commission expires: 05-12-2011

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