

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CASE NO. BC 368842

MICHAEL BRADFORD and TERRY	)	
BRADFORD,	)	
Plaintiffs,	)	
	)	
-vs-	)	DEPOSITION OF:
	)	
A.W. CHESTERTON COMPANY, et	)	BRUCE KETCHAM
al.,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

TRANSCRIPT of the stenographic notes of
the proceedings in the above-entitled matter, as
taken by and before LINDA M. HOFFMANN, a Certified
Court Reporter and Notary Public, held at the
WORLDWIDE BUSINESS CENTER, 575 Madison Avenue, Suite
10, New York, New York, on Tuesday, April 29, 2008,
commencing at 9:30 a.m.

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1 (The proceedings began at 9:30 a.m.)
 2 BRUCE KETCHAM, business address at 39100 Country Club
 3 Lane, Farmington Hills, Michigan, having been duly
 4 sworn by the Notary Public, testified as follows:
 5 DIRECT EXAMINATION BY MR. KELLER:
 6 Q. Good morning, Mr. Ketcham. My name is
 7 Dan Keller. I represent the plaintiffs in this case.
 8 How are you this morning?
 9 A. Good morning, Mr. Keller.
 10 Q. Mr. Ketcham, do you understand that
 11 you're appearing here today as the person most
 12 knowledgeable on behalf of Arvinmeritor?
 13 A. Yes.
 14 Q. You've been deposed before. Correct?
 15 A. Yes, I have.
 16 Q. Okay. Would it be okay with you if I
 17 dispose of the normal admonitions concerning the
 18 conduct of a deposition, or would you like to hear
 19 them?
 20 A. It would be fine to dispose of them.
 21 Q. Very good. Mr. Ketcham, I'm going to
 22 show you a few documents that were, and I'll
 23 represent to you that they were copied from a set of
 24 13 boxes that were produced at the Kassowitz firm
 25 yesterday and copied by them and provided to me by

1 Q. Okay. And can you tell me what they
 2 are?
 3 A. Not beyond being what is the description
 4 as a cost record.
 5 Q. Okay. And do you know what a cost
 6 record is?
 7 A. I believe it is a record that shows the
 8 purchase price for the particular part number at
 9 various points in time.
 10 Q. Okay. Mr. Ketcham, I described to you
 11 this box that I found within the Arvinmeritor
 12 documents of green cards that Plaintiff's 1 were
 13 pulled from. Have you ever seen those cards?
 14 A. I don't recall that I have, no.
 15 Q. Okay. Have you ever seen cards that are
 16 similar to Plaintiff's 1?
 17 A. In some way, yes.
 18 Q. Okay. And what is that way?
 19 A. I used to be a purchasing manager within
 20 Rockwell, and we kept records such as this in the
 21 Purchasing Department similar to this. Not exactly
 22 like this.
 23 Q. And how would you use the cost records
 24 in the Purchasing Department when you worked for
 25 Rockwell?

1 e-mail last night.
 2 First I would like mark Plaintiff's
 3 Exhibit 1.
 4 (Exhibit P-1, Cost Records, 3 pages was
 5 received and marked for identification.)
 6 MR. WYLES: Could you extend me the
 7 courtesy of describing the documents to the best you
 8 can, given we're in the situation I am at of
 9 defending on the phone, and I don't have to discover
 10 them by him reading it, I would appreciate that.
 11 MR. KELLER: Okay. Can we go off the
 12 record for a second.
 13 (A discussion takes place off the
 14 record.)
 15 Q. Mr. Ketcham, I'm showing you, again,
 16 documents, a three-page document marked Plaintiff's
 17 Exhibit 1 which were copied from the 13 boxes
 18 provided by Arvinmeritor's counsel yesterday. These
 19 are copies of three cards entitled "Cost Record."
 20 And I'll represent to you that they came from two
 21 boxes filled with green-colored cards and organized
 22 in some sort of code fashion.
 23 Do you recognize these documents,
 24 Mr. Ketcham?
 25 A. I've seen them before, yes.

1 A. Again, I did not use something that was
 2 called a cost record. I used other purchasing cards,
 3 what I would call a card.
 4 Q. And could you describe that card for me,
 5 the one that you used?
 6 A. It's -- not really. It's, you know,
 7 sort of 25 years removed from where we are right now.
 8 I believe it most likely included information on the
 9 vendor, the part number, the quantity that was to be
 10 ordered, and the purchase price, in general.
 11 Q. Was the purpose of the card to track the
 12 purchase of materials from certain vendors that were
 13 used in making Rockwell products?
 14 A. Correct.
 15 Q. Okay. Can you look at the first page of
 16 Plaintiff's 1. The top left-hand corner
 17 reads "Vendor code M830A." Did I read that
 18 correctly?
 19 A. You did.
 20 Q. Okay. Can you tell me what the vendor
 21 code is?
 22 A. Vendor code is a code that's set up
 23 within Rockwell's system that identifies a particular
 24 vendor for a part.
 25 Q. Okay. Further down the card,

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1 underneath, again, the name "Vendor," reads "M/M
2 (Carlisle)." Did I read that correctly?
3 A. Yes, you did.
4 Q. Okay. My question is does the vendor
5 code M830A correspond to the vendor that's listed,
6 M/M (Carlisle)?
7 A. I can't tell exactly, but my presumption
8 is is that it would.
9 Q. And that's based on your experience in
10 having worked for Rockwell?
11 A. That's correct.
12 Q. Okay. Would, in your experience, M/M
13 (Carlisle) have had more than one vendor code?
14 A. They may have.
15 Q. Okay. And what would have been the
16 purpose of having more than one vendor code, if you
17 know?
18 A. The material for M/M (Carlisle), they
19 could be multiple plants that it could be ordered
20 from. So if, you know, Plant A would have one code,
21 Plant B would have another code where the purchase
22 order was directed to.
23 Q. Did vendor code on the first page of
24 Plaintiff's 1 that reads "M830A, is there any way to
25 dissect that alphanumeric code to give us more

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1 information about the vendor, or is that simply a
2 randomly assigned alphanumeric code, to the extent
3 you know?
4 A. It's a quasi random alphanumeric code.
5 Q. Okay. What part of it is not random?
6 A. Typically, the first alpha in there is
7 the leading alpha of the vendor's name, followed by a
8 three-digit numeric random number. And then
9 typically the final alpha down there is for a
10 particular location for that vendor.
11 Q. On the left-hand side, it reads, "Date,"
12 and then I see "10-76," and then just "77," "78," and
13 "79." Does that reflect the date, as far as you
14 know, when the purchase reflected by this card was
15 made?
16 A. There's not a purchase reflected in this
17 card.
18 Q. What does this card reflect, then?
19 A. It's a -- appears to reflect a cost
20 record, as described.
21 Q. What does that mean, a cost record?
22 A. It's, to me, it's showing the material
23 cost for that part at various points in time.
24 Q. Whether it was ordered or not. Right?
25 A. That's correct.

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1 Q. This is --
2 A. This does not show that, in fact, it was
3 ordered.
4 Q. This shows simply that in these years or
5 within this date range, this would have been the cost
6 of whatever product is referenced here. Is that
7 correct?
8 A. That's correct.
9 Q. Okay. And again, at the top of the page
10 here, it reads, "Lining." Does that indicate what
11 the type of product is, the price of which is
12 reflected in this cost record?
13 A. Yes, that's the generic name of the
14 product.
15 Q. Okay. And what type of product is that?
16 A. It's a lining.
17 Q. Would that have been a brake lining or
18 some other type of lining?
19 A. This would have been a brake lining.
20 Q. Okay. Did you work for Rockwell in
21 1976, '77, '78, and '79?
22 A. For some of those years, yes.
23 Q. Okay. Which years?
24 A. I started there in '78.
25 Q. Did you work there in '79, as well?

Page 13

1 A. Yes.
2 Q. Do you remember if Rockwell purchased
3 brake linings from Carlisle in 1978 and '79?
4 A. I don't have a total memory recall of
5 that, no.
6 Q. You don't know one way or the other?
7 A. No.
8 Q. Do you recall whether they ever supplied
9 brake linings to Rockwell?
10 A. Yes, Carlisle was a brake lining vendor
11 to Rockwell.
12 Q. Page two is --
13 MR. WYLES: I just want to interpose my
14 objection or lodge a statement. I discussed the
15 scope of this deposition with Mr. Fishback, with
16 Steven Fishback. And while we may disagree as to the
17 scope, I let him know where we stood. We sent a
18 letter on Friday. I don't know whether you've seen a
19 copy of that letter.
20 As you know, the products at issue,
21 based upon Mr. Bradford's testimony in 1983, 1984, I
22 let Steven know, as is clear from the letter, that
23 would allow you some leeway and we will allow
24 Mr. Ketcham to testify as to his personal knowledge
25 from his work at Arvinmeritor, and he was employed

4 (Pages 10 to 13)

1 from 1978 through 1997, so we're going to give you
2 some leeway. But to the extent you start getting
3 into materials that predate his period of employment,
4 and spend an undue amount of time on those materials,
5 then I'm going to object to the scope and instruct
6 him not to answer.

7 So I'm not instructing him now. I just
8 want to let you know where we stand and where we're
9 coming from, and we think we're being reasonable as
10 to the scope of his testimony that we're allowing
11 today.

12 MR. KELLER: And just to briefly respond
13 to that. As you're likely aware, our position is
14 that the scope is dictated by the deposition notice.

15 But with that being said, I also
16 understand and appreciate that we're talking about a
17 wide swath of time, and that there's likely or may
18 not be more than one witness who would be your person
19 most knowledgeable, and that -- and we don't expect
20 that Mr. Ketcham will have sufficient knowledge about
21 the company to respond to all the categories in our
22 notice. We'll ask our questions. If Mr. Ketcham
23 doesn't know, as I've read before, he'll simply just
24 tell us that he doesn't know.

25 Q. With that being said, on page two of

1 Rockwell?

2 A. That's correct.

3 Q. Okay. And then on page three, which,
4 let the record reflect is even more difficult to read
5 than the prior two pages of Plaintiff's 1, the vendor
6 is listed as Abex. Do you recognize that vendor?

7 A. Yes, I do.

8 Q. Do you recall if Abex supplied brake
9 linings to Rockwell during your period of employment
10 with Rockwell?

11 A. Yes, I do.

12 Q. And did they?

13 A. Yes.

14 MR. WYLES: Same objection as before.

15 MR. KELLER: I would like the next
16 document marked Plaintiff's 2. And let the record
17 reflect that Plaintiff's 2 is a document in the top
18 left-hand corner it reads "Abex." And then in
19 handwriting it reads "Florence." And this document
20 came from the Arvinmeritor document production
21 yesterday. There's also a title on the page which
22 reads "Inspection Characteristics."

23 (Exhibit P-2, Abex Florence, Inspection
24 Characteristics, 2 pages was received and marked for
25 identification.)

1 Plaintiff's Exhibit 1 is another cost record which
2 was taken from the same place, from the Arvinmeritor
3 documents. Let the record reflect it is very
4 difficult to read, but it does appear to have on the
5 line titled "Name," the word "lining," and underneath
6 the word "Vendor," "R-M."

7 And my question, Mr. Ketcham, is are you
8 familiar with a Rockwell lining vendor that's
9 reflected in this card with the initials R-M? Do you
10 know the full name of that vendor?

11 A. I believe so.

12 Q. And what does "R-M" stand for?

13 A. To me, it would stand for
14 "Raybestos-Manhattan."

15 Q. And in your experience at Rockwell, do
16 you recall whether Raybestos-Manhattan was a supplier
17 of brake linings to Rockwell?

18 MR. WYLES: Objection, overbroad as to
19 time, vague.

20 A. At some point in time in the past they
21 were, yes.

22 Q. During your employment with Rockwell?

23 A. I'm not certain about that.

24 Q. You just recall that, at some point in
25 time, they were a supplier of brake linings to

1 Q. Mr. Ketcham, do you recognize that
2 document?

3 A. I've seen it before, yes.

4 Q. And what is it?

5 A. It is an inspection record.

6 Q. And do you -- strike that.

7 MR. WYLES: I'm sorry to interrupt. But
8 can you just give me a date when you identify these
9 documents? Your e-mail came through, but I haven't
10 been able to open it yet.

11 MR. KELLER: Okay. Could we go off the
12 record for a second?

13 (A discussion takes place off the
14 record.)

15 Q. Let the record reflect that Plaintiff's
16 2 has a set of dates on it. It is two pages, and the
17 first date is the production date of 4-26-95/7-20-95,
18 and a revision date of 8-3-88.

19 Mr. Ketcham, you stated that you've seen
20 a document like this before. Is that correct?

21 A. Correct.

22 Q. And what was the purpose of this
23 document, to the extent that you recall?

24 A. It is an inspection document, incoming
25 inspection document.

1 Q. Would Rockwell and/or -- strike that.
2 Would Rockwell inspect documents, or would they
3 require their vendors to inspect documents that they
4 purchase from them?

5 MR. WYLES: Objection, vague.

6 A. I'm sure that they did both.

7 Q. Does this document reflect an inspection
8 done by Abex on products that were provided to
9 Rockwell?

10 A. I'm uncertain.

11 Q. Okay. What is -- do you know the
12 purpose of this document?

13 A. From just reviewing it, it appears to be
14 an incoming inspection document.

15 Q. Okay. And was this document something
16 that would have been required by Rockwell of its
17 vendors?

18 A. Possibly, yes.

19 Q. Do you know one way or the other?

20 A. No, I don't.

21 Q. Did you work with these types of
22 documents when you worked at Rockwell?

23 A. Some of my people did, these types of
24 documents. I don't know. Obviously, this one was
25 created after -- after I had left Florence.

1 Q. And how do you know that? How do you
2 know it was created after you left Florence?

3 A. Because it's dated 1995.

4 Q. Is that the date that this document was
5 created, or is the revision date of 1988 the date
6 that this document was created?

7 A. I believe this document -- well, are you
8 talking about the printed document or are you talking
9 about the handwritten items that are on here?

10 Q. Just to cut to the chase, Mr. Ketcham,
11 do you believe that this form is a form that was
12 revised in 1988, if you know?

13 A. I do not know.

14 Q. Okay. Do you believe that the
15 inspections, and I would refer you to the column
16 "Date," in the bottom left-hand corner, that the
17 inspections referenced in this document occurred in
18 1995?

19 A. That's correct.

20 Q. Okay. I really just -- I have one
21 question about this document in particular, and that
22 is this column entitled "Edge Code A.O. Spec No.
23 M-78," do you know what that column means?

24 A. I believe so.

25 Q. And what is it?

1 A. I believe it refers to the edge code
2 marking that would have been on this particular
3 lining.

4 Q. And where would that edge code appear on
5 the lining? I mean, on the edge, itself, on the edge
6 of the lining, itself?

7 A. That's correct.

8 Q. Okay. And were edge codes -- do you
9 recall whether the lining suppliers to Rockwell
10 during your employment put edge codes on each of
11 their linings?

12 MR. WYLES: Objection, vague and
13 overbroad.

14 MS. GALFAYAN: Arpi Galfayan on the
15 phone, I join.

16 And before we go on, Mr. Keller, do you
17 agree that an objection by one is an objection by
18 all.

19 MR. KELLER: Who's talking?

20 MS. GALFAYAN: Arpi Galfayan, from
21 Prindle, Decker, Amaro.

22 MR. KELLER: Have you made an
23 appearance?

24 MS. GALFAYAN: I'm going to have to make
25 a late appearance. I got on late.

1 MR. KELLER: All right. I will
2 stipulate that an objection by one defendant
3 constitutes an objection by all defendants who have
4 appeared today.

5 MS. GALFAYAN: I would like to go ahead
6 and make an appearance, a belated appearance at this
7 point.

8 MR. KELLER: Well, okay. We're waiting.

9 MS. GALFAYAN: Madam Court Reporter,
10 this is Arpi Galfayan, and I'll spell that for you.
11 It's A-R-P-I, last name G-A-L-F-A-Y-A-N, appearing on
12 behalf of Pneumo Abex, LLC.

13 MR. KELLER: We'll get the rest from you
14 later, Counsel.

15 MS. GALFAYAN: Thank you.

16 MR. KELLER: Could you read my question
17 back, please.

18 (Whereupon, the court reporter reads as
19 requested.)

20 A. They did on some of them, yes.

21 Q. And what was the purpose of, if you
22 know, putting the edge code on the lining, itself?

23 MR. WYLES: Speculation, lack of
24 foundation.

25 A. To identify it.

1 Q. And why would Rockwell want to identify
2 the brake lining as opposed to just having the brake
3 lining sent in an Abex box, taking the lining out and
4 putting it on a brake, if you know?

5 A. Because you want to know what that part
6 is.

7 Q. Okay. And you want to know what that
8 part is when you're either -- when you're assembling
9 your brakes?

10 A. Among other reasons, yes.

11 Q. Any other reasons?

12 A. When you're shipping it, when you're
13 installing it. Many reasons, for identification
14 purposes.

15 Q. Does the edge code tell you what type of
16 lining it is?

17 A. What do you mean by "type"?

18 Q. In other words, well, are there
19 different types of brake linings?

20 MR. WYLES: Vague.

21 A. What do you mean by "type"?

22 Q. Are there different sizes of brake
23 linings?

24 A. Yes, there are.

25 Q. Are brake linings made up of different

1 ingredients or components?

2 A. Yes, they are.

3 Q. Okay. And that's what I refer to when I
4 refer to "type."

5 So my question is are there different
6 types of brake linings?

7 A. Yes, there are.

8 MR. WYLES: Vague.

9 Q. And does the edge code reflect what type
10 of brake lining is supplied by a vendor?

11 MR. WYLES: Vague, compound.

12 A. In some ways, yes.

13 Q. And how does, for example, this edge
14 code which appears to be M-78 tell me what type of
15 brake lining is reflected in this document?

16 A. It would reflect the mix of that
17 particular brake lining.

18 Q. If one were to dissect M-78, does it
19 tell you what type of mix is in this particular
20 lining that's referenced in Plaintiff's 2?

21 A. It references the mix, yes.

22 Q. Do you know by seeing the number M-78
23 what the mix is?

24 A. No.

25 Q. And when you say "mix," what do you mean

1 by "mix"?

2 A. "Mix" is what I refer to as -- or what
3 the industry refers to as the materials that go into
4 the manufacture of the brake lining.

5 Q. Does it refer to a formula?

6 A. Probably ultimately it does.

7 Q. Is this spec a Rockwell spec or an Abex
8 spec?

9 MS. GALFAYAN: Speculation.

10 A. The spec shown there, M-78, is a
11 Rockwell spec.

12 Q. Can you tell by looking at this spec,
13 M-78, whether that brake lining that's referenced
14 there contained asbestos?

15 A. If I knew what M-78 was, yes.

16 Q. Does M-78 -- strike that. Was there a
17 document that you recall from Rockwell or a catalog
18 or some reference manual where I could take M-78 and
19 flip to M-78 in the book and it would tell me what
20 the mix of that brake lining was?

21 MR. WYLES: Objection; vague, overbroad.

22 A. It would tell you the manufacturer's
23 mix, yes, specification.

24 Q. And what was the name -- okay. So the
25 "M-78" refers to the specification, in other words,

1 how the brake lining was -- the ingredients that made
2 up the brake lining. Is that correct or is that
3 incorrect?

4 A. That's really incorrect.

5 Q. Okay. And how is it incorrect?

6 A. The "M-78" would refer to the, in this
7 particular case here, the Abex specification.

8 Q. Okay.

9 A. Which is another identifier. It
10 doesn't -- that Abex specification does not tell you
11 what materials went into that particular
12 specification.

13 Q. What does it tell you, if you know?

14 A. It tells you the Abex identifier.

15 Q. So "M-78" is an Abex number, or is it a
16 Rockwell number?

17 A. That's a Rockwell number.

18 Q. Okay. And if I wanted to find out the
19 mix of this particular lining, where would I go at
20 Rockwell, if it still existed, to find that mix
21 number, and what corresponds to that mix number?

22 A. To the material specification, that M-78
23 material specification.

24 Q. And where were the material
25 specifications kept?

1 A. I don't recall at this particular point
2 in time.
3 Q. Was there a name for whatever
4 compilation there was of material specifications?
5 A. Yes.
6 Q. And what was that?
7 A. Material specifications.
8 Q. Was it the material specifications book?
9 A. It was really just material
10 specifications.
11 MR. WYLES: Vague.
12 Q. Okay. And was it a book or a binder, or
13 what did it look like?
14 A. Pages.
15 Q. Just loose pages stacked up on a shelf,
16 or were they in a binder, or how were they kept?
17 A. Each material specification would be a
18 page or a series of pages.
19 Q. In a binder?
20 A. At one point in time they would have
21 been in a binder.
22 Q. Okay. How else were they kept?
23 A. In later years, they were kept online.
24 Q. Okay.
25 (Exhibit P-3, Rockwell International

1 Aftermarket Parts & Services, 1993 Brake Quantum
2 Program was received and marked for identification.)
3 Q. Mr. Ketcham, I'm showing you the next
4 document in order entitled "Rockwell International
5 Aftermarket Parts & Services, 1993 Brake Quantum
6 Program."
7 Do you recognize this document?
8 A. I've seen it before, yes.
9 Q. And what is it?
10 A. I don't know anything more about it
11 other than what you described as far as the title of
12 the document.
13 Q. What is a Brake Quantum Program, if you
14 know?
15 A. It would appear to be a sales program;
16 but beyond that, I really don't know.
17 Q. And what would have been the purpose of
18 this document?
19 A. To convey information to customers.
20 Q. So Plaintiff's 3 would have been a
21 document that would have been provided to Rockwell's
22 customers?
23 MR. WYLES: Objection, lack of
24 foundation, calls for speculation.
25 A. I believe so, yes.

1 Q. On page two of Plaintiff's 3, there are
2 several titles, one of which reads, "Lined brake
3 shoes."
4 Did I read that correctly?
5 A. Yes, you did.
6 Q. And one of the column headings reads
7 "Lining." Does that refer to brake linings?
8 A. Yes, they do.
9 Q. Okay. And would those be the brake
10 linings that were put into the brake shoes sold by
11 Rockwell?
12 A. That were assembled to the brake shoes
13 sold by Rockwell, correct.
14 Q. Okay. And the lined brake shoes in this
15 document, you can flip through it and see, appear on
16 pages 2 and 3. Correct?
17 A. Correct.
18 Q. And in each row underneath in the column
19 entitled "Lining," it reads, among other things,
20 either Carlisle or Abex.
21 Do you see that?
22 A. On page one are you referring to?
23 Q. I'm referring to Plaintiff's Exhibit 3,
24 pages 2 and 3.
25 A. I'm sorry. Page 2.

1 Q. Yes.
2 A. Yes, you're correct.
3 Q. Okay. Is it your understanding that
4 Carlisle and Abex were the vendors who supplied the
5 linings for the lined brake shoes that are listed on
6 pages 2 and 3?
7 A. Yeah.
8 MR. WYLES: Objection; vague, calls for
9 speculation.
10 A. Yes, that would be my interpretation.
11 Q. Are you aware of whether, in 1993,
12 Rockwell purchased brake linings from any other
13 vendors other than Carlisle or Abex?
14 A. I am not aware, although it is certainly
15 possible.
16 Q. Mr. Ketcham, it's my understanding that
17 Rockwell sold brakes in different ways to its
18 customers. It's my understanding that they sold
19 individual brake linings, they sold brakes and
20 assembled brakes, and they sold brakes in overhaul
21 kits. Is that correct?
22 MR. WYLES: Objection, vague, overbroad.
23 Q. And let me limit the question to your
24 period of employment with Rockwell.
25 A. Could you read back the question,

1 please.
 2 (Whereupon, the court reporter reads as
 3 requested.)
 4 MR. WYLES: Still overbroad, but go
 5 ahead.
 6 A. By "assembled brakes," are you talking
 7 about lined brake shoes?
 8 Q. Yes.
 9 A. Yes, you're correct.
 10 Q. Okay. Is there any other way that
 11 Rockwell sold brakes to its customers other than the
 12 three ways in which I described?
 13 A. Yes.
 14 Q. And how was that?
 15 A. Some were assembled to axles that
 16 Rockwell manufactured and shipped, assembled to the
 17 axle. And brake assemblies which included other
 18 brake parts were also sold to customers.
 19 (Exhibit P-4, Trailer Axle Assemblies,
 20 Specify Rockwell was received and marked for
 21 identification.)
 22 Q. Mr. Ketcham, I'm showing you Plaintiff's
 23 Exhibit 4 which appears to be a catalog
 24 entitled "Trailer Axle Assemblies." In the top
 25 right-hand corner, it reads, "PB-9314, Issued 12-92."

1 Did I read that correctly?
 2 A. Yes, you did.
 3 Q. And what is this document?
 4 A. It's generically a parts book.
 5 Q. And who would have received this
 6 document or purchased this document?
 7 A. Rockwell customers.
 8 Q. You just described that Rockwell would
 9 sell brakes to its customers with axles. Is that
 10 correct?
 11 A. I had mentioned that. Correct.
 12 Q. Okay. And if you flip to page eight,
 13 It's not marked eight, but...
 14 A. Where is it?
 15 Q. On the top of the page, it reads "TN
 16 Series Axles With Brakes."
 17 MR. CANONI: Page six in the lower left.
 18 A. Okay.
 19 Q. Okay. Underneath the column titled
 20 "Brake size and lining mix," there are a series of
 21 numbers and letters. Do you see that?
 22 A. Yes, I do.
 23 Q. And in the first row underneath "Brake
 24 size and lining mix," it reads on the second line,
 25 "ABB 931-162."

1 Did I read that correctly?
 2 A. Did -- which line is that now? That
 3 one?
 4 Q. Yes.
 5 A. Yes.
 6 Q. What does "ABB" mean, if you know?
 7 A. Abex.
 8 Q. And does that indicate that the supplier
 9 for the lining included in that part was an Abex
 10 lining?
 11 A. That is correct.
 12 Q. If you remain in that column and go down
 13 to the third row, there's a series of numbers and
 14 letters, as well. And the lower row of numbers and
 15 letters reads "MM-E145A."
 16 Did I read that correctly?
 17 A. Yes, you did.
 18 Q. What does the "MM" reflect?
 19 A. "Molded Material."
 20 Q. Okay. And was Molded Material, was that
 21 a company or a supplier or a type of brake lining?
 22 What was it?
 23 A. It's a vendor supplier.
 24 Q. And the vendor was named what, Molded
 25 Material?

1 A. Molded Material, or Carlisle.
 2 Q. Did Carlisle supply the lining that was
 3 included in the part reflected in this row, the third
 4 row?
 5 A. That's correct.
 6 Q. By way of example, the TN series axles
 7 with brakes appear in this document on pages numbered
 8 6 and 7. Do you see that? Next page.
 9 A. What was the question again, or can you
 10 read it back?
 11 Q. The TN series axles with brakes appear
 12 on pages 6 and 7 in this document. Correct?
 13 A. Correct.
 14 Q. And if you look at each of the brake
 15 linings that are indicated in the second column on
 16 pages 6 and 7, the alphanumeric portion reads, the
 17 prefix reads either "MM" or "ABB." Is that correct?
 18 A. That is correct.
 19 Q. And does that indicate that the brake
 20 linings that were included in the parts for the TN
 21 series axles with brakes were either Carlisle or Abex
 22 brake linings?
 23 A. For the axles that are shown on these
 24 two pages, that's correct.
 25 (Exhibit P-5, Trailer OEM Bulletin

1 92TA-9, dated October 1, 1992, 4 pages was received
 2 and marked for identification.)
 3 Q. Mr. Ketcham, I'm showing you next in
 4 order Plaintiff's 5. It is entitled "Rockwell
 5 Aftermarket Parts & Services," dated October 1st,
 6 1992, Bulletin No. 92TA-9.
 7 Did I read that correctly?
 8 A. Yes, you did.
 9 Q. On the third page, it reads, "Product
 10 Information Letter." And in the second full
 11 paragraph, it reads: "With the discontinuance of
 12 Abex 551-D asbestos-based lining material, which was
 13 utilized as original equipment brake lining material
 14 for fire truck and crash trucks, the nonasbestos
 15 Carlisle, MM-G210 lining material has been in use to
 16 replace Abex 551-D for high energy braking."
 17 Did I read that correctly?
 18 A. Yes, you did.
 19 Q. Do you know one way or the other why
 20 Abex 551-D was discontinued?
 21 MS. Galfayan: Objection, calls for
 22 speculation.
 23 MR. Wyles: Vague, overbroad.
 24 A. Because Abex discontinued manufacturing
 25 it.

1 Q. Do you know why they discontinued
 2 manufacturing it?
 3 MR. Wyles: Still speculation, lack of
 4 foundation.
 5 A. It was discontinued when they changed
 6 from asbestos to nonasbestos lining manufacture.
 7 Q. Do you know when that was done?
 8 A. For Rockwell, it was in -- I believe it
 9 was December of 1987.
 10 Q. Plaintiff's Exhibit 5 is --
 11 MR. Holmberg: Excuse me. I didn't get
 12 the last answer was cut out. Could I get the last
 13 answer read back, please?
 14 (Whereupon, the court reporter reads as
 15 requested.)
 16 Q. This document is dated June, 1992. If
 17 asbestos was phased out of brake linings in '87, why
 18 would Rockwell be advising their customers in 1992
 19 that they're discontinuing asbestos-based lining
 20 material?
 21 MR. Wyles: Objection to the extent it
 22 misstates the document, argumentative.
 23 Q. If you know.
 24 MR. Wyles: Assumes facts.
 25 A. Yeah, I don't believe that's what it's

1 saying.
 2 Q. What do you believe it's saying?
 3 MR. Wyles: Objection, the document
 4 speaks for itself.
 5 A. The document speaks for itself.
 6 Q. Well, I want to know, aside from the
 7 document, what you interpret this to mean.
 8 MR. Wyles: I object to the extent that
 9 it calls for speculation, lack of foundation. If he
 10 doesn't know, he doesn't know.
 11 A. Based on the words in the document, it's
 12 saying that the Abex 551-D was replaced by the
 13 Carlisle MM-G210. So that is not necessarily saying
 14 that that occurred in June of 1992.
 15 Q. Let me just ask you, and this is not
 16 intended to be argumentative in any way, shape or
 17 form. Let me just ask you, do you know why this
 18 Product Information Letter 150 was circulated in
 19 1992, if, by your account, asbestos was removed from
 20 Rockwell's brakes in 1987? If you know.
 21 A. This was announced to announce the
 22 availability of the NAB-456.
 23 Q. Okay. Is it your position that the Abex
 24 550-D asbestos-based lining was discontinued in 1987?
 25 MR. Canon: You said 550-D.

1 MR. Keller: 551-D.
 2 MS. Galfayan: Objection; lack of
 3 foundation, vague, calls for speculation.
 4 Q. If you know.
 5 A. During that time frame in there, Abex
 6 discontinued the manufacture of the 551-D.
 7 Q. During that time frame of 1987?
 8 A. 1987, early 1988.
 9 Q. Was there a brake lining that was used
 10 between the '87/'88 time frame when the 551-D was
 11 discontinued, and 1992 when the MM-G210 was released?
 12 MR. Wyles: I'm just going to object
 13 that we're going well beyond the scope, particularly
 14 given that Mr. Bradford's exposure to, by his own
 15 account, to Rockwell brakes was in the early 1980s,
 16 so there's no relevance, whatsoever, of the brakes
 17 post-1983.
 18 Q. If you know.
 19 A. Could you read back the question, again?
 20 Excuse me.
 21 (Whereupon, the court reporter reads as
 22 requested.)
 23 A. I don't believe that's what the document
 24 says.
 25 Q. Okay. Let me ask it differently and

1 I'll move on.
 2 When the Abex 551-D was discontinued in
 3 the '87/'88 time frame by your account, do you
 4 believe that it was replaced around that same time
 5 frame by the MM-G210? If you know.
 6 A. At some point in time it was, yes.
 7 Q. Do you know what point in time?
 8 A. No, I don't.
 9 (Exhibit P-6, General Parts Bulletin, GP
 10 556, March 4, 1993, 2 pages was received and marked
 11 for identification.)
 12 Q. Mr. Ketcham, what I'm showing you next
 13 as Plaintiff's 6 is a two-page document
 14 entitled "Rockwell Aftermarket Parts & Services,
 15 Bulletin No. GP 556," dated March 4th, 1993.
 16 Have you ever seen this document before?
 17 A. Yes, I have.
 18 Q. And what is it?
 19 A. It's a General Parts Bulletin issued by
 20 Aftermarket Parts & Services.
 21 Q. What's a General Parts Bulletin?
 22 A. It's an announcement that goes out to
 23 the customers.
 24 Q. And what does it tell the customers?
 25 A. It tells them, in this particular

1 instance here, of certain parts that were available,
 2 a description of those parts, and the list price of
 3 those parts.
 4 Q. And is this a bulletin that went to
 5 Penske Truck Leasing?
 6 MR. WYLES: Objection, calls for
 7 speculation, lack of foundation. The document speaks
 8 for itself.
 9 A. It may have.
 10 Q. Did Rockwell sell its -- sell brakes and
 11 axles with brakes to manufacturers of trucks
 12 during --
 13 A. Yeah.
 14 Q. -- during your tenure at Rockwell?
 15 A. Yes.
 16 Q. And what manufacturers do you recall
 17 Rockwell selling brakes, brake linings, and axles
 18 with brakes to?
 19 A. I can think of the major heavy-duty
 20 truck manufacturers that were in business in that
 21 period of time, from Ford, to Freightliner, to Volvo,
 22 International, Mack, Western Star. Those were
 23 probably the primary major heavy truck manufacturers
 24 in North America.
 25 Q. Caterpillar?

1 A. Caterpillar did not build trucks.
 2 Q. They built heavy equipment. Correct?
 3 A. That's correct.
 4 Q. Did Rockwell supply parts to heavy
 5 equipment manufacturers?
 6 A. Yes, they did.
 7 Q. And which ones that you recall?
 8 MR. WYLES: Once again, we're going well
 9 beyond the scope. Mr. Bradford did not testify to
 10 doing any work on or around any heavy equipment. The
 11 only heavy equipment he worked on were trucks, so
 12 here I think we're straying again for the second
 13 time -- well, beyond the second time, this is the
 14 second time I've mentioned it; and if we continue to,
 15 then I'm going to interpose some limiting objections.
 16 A. Certainly Caterpillar, Hyster. And
 17 there were -- I'm sure that there were other ones,
 18 although I was not that familiar with the off-highway
 19 market.
 20 Q. Other than truck manufacturers and heavy
 21 equipment manufacturers, what other types of
 22 companies did Rockwell supply brakes and brake
 23 assemblies and axles with brakes to?
 24 A. Trailer manufacturers.
 25 Q. Any other industries?

1 A. And Rockwell distributors.
 2 Q. Any other industries that you can think
 3 of?
 4 A. Those are the major ones that come to
 5 mind right now.
 6 Q. Do you recall the names of the trailer
 7 manufacturers that Rockwell distributed to?
 8 MR. WYLES: Objection, vague as to time.
 9 Q. During your employment at Rockwell.
 10 A. The names escape me right now.
 11 Q. You can't think of one?
 12 A. Monon, Kentucky, Strick. And I'm sure
 13 there were other ones.
 14 Q. But those are all you can recall at this
 15 time?
 16 A. After 25 years, yes.
 17 MR. HOLMBERG: Could I have the answer
 18 read back. The answer cut out on the phone.
 19 (Whereupon, the court reporter reads as
 20 requested.)
 21 Q. On page two of Plaintiff's 6, there is,
 22 one of the columns is titled "OEM lining." What does
 23 that mean?
 24 A. What's shown in those columns is the
 25 lining manufacturer, lining mix designation.

1 Q. This is the -- well, strike that. Can
2 you tell by looking at the numbers in these columns
3 who the vendor for these linings was?

4 A. Not without -- I don't recognize all of
5 the number nomenclature that's here. Obviously, it
6 would have been preceded by the manufacturer's
7 identification. Some of those may be shown on some
8 of the prior documents that we looked at, or perhaps
9 not.

10 Q. If you look at Plaintiff's Exhibit 3 on
11 page two, in the column titled "Lining," the second
12 row reads, "Abex, EXL, Supreme, 685, 931-62."

13 MR. CANONI: 162.

14 Q. Dash, 162. Thank you. 931-162 is the
15 same number that's listed on Plaintiff's Exhibit 6 on
16 the second page in the first row underneath "OEM
17 lining." Is that correct?

18 A. That's correct.

19 Q. Having made that comparison, does
20 "931-162" reference an Abex --

21 MS. Galfayan: Objection, calls for
22 speculation.

23 MR. KELLER: I wasn't done with my
24 question, but so noted.

25 Q. -- an Abex mix?

1 A. I believe so.

2 Q. Can you explain to me -- and if you've
3 already done this, I apologize -- but can you explain
4 to me why it says "OEM lining" on page two of
5 Plaintiff's 6?

6 MR. WYLES: Objection, calls for
7 speculation, lacks foundation.

8 Q. To the extent you know.

9 A. "OEM lining" is referring to that as the
10 original equipment manufacturer lining. There are
11 various aftermarket linings that are manufactured by
12 various manufacturers. This is just reflecting that
13 it is the original OEM lining mix that is used in
14 this particular one.

15 Q. Is there a difference between -- strike
16 that. During your tenure at Rockwell, Rockwell
17 purchased brake linings from, among other vendors,
18 Abex. Correct?

19 A. Correct.

20 Q. And we saw in Plaintiff's -- Plaintiff's
21 Exhibit 3 on page two that lined brake shoes made by
22 Rockwell contained, some of them contained Abex brake
23 linings. Correct?

24 A. Correct.

25 Q. And in Plaintiff's Exhibit 6, on page

1 two, we also see, at least the codes seem to indicate
2 that there is also included an Abex brake lining in
3 the major brake overhaul kits. Correct?

4 A. Yes in the first one that we referenced,
5 yes, the 931-162.

6 Q. Is the reason that it states "OEM
7 lining" in Plaintiff's 6, and just "lining" in
8 Plaintiff's 1, because the lining was included in the
9 major brake overhaul kits without Rockwell having
10 done anything to it?

11 MR. WYLES: Objection; vague, lacks
12 foundation, calls for speculation.

13 MS. Galfayan: Objection.

14 MR. KELLER: Withdrawn. I'll ask it
15 differently.

16 Q. In your experience at Rockwell, would
17 there have been any difference between the lined
18 brake shoe referenced in Plaintiff's Exhibit 3 on
19 page two, and the OEM lining in the major brake
20 overhaul kit on page two of Plaintiff's 6?

21 MR. WYLES: Same objection.

22 Q. If you know.

23 A. I think you're mixing apples and
24 oranges. I can't answer that question.

25 Q. How am I mixing apples and oranges?

1 A. Over here you're dealing with a lining
2 which was on a shoe that was assembled to a trailer
3 axle; over here you're talking about lined shoes with
4 a return spring.

5 Q. Okay. And how are they different?

6 A. I thought I just explained that.

7 Over in the first instance, in Exhibit
8 3, you're talking about a trailer axle that has lined
9 shoes that are assembled to a trailer axle, and it is
10 sold as a trailer axle with lined shoes.

11 In Exhibit 6, you're talking about the
12 sale of a kit, and that kit contains two lined shoes
13 with one return spring. They're different products.

14 Q. Okay. When Rockwell assembled its major
15 brake overhaul kits during your tenure at Rockwell,
16 what was the process employed by Rockwell to
17 incorporate the brake lining, the unattached brake
18 lining into the major brake overhaul kit, if you
19 know?

20 MR. WYLES: Objection, vague as to
21 "process."

22 A. The linings would be received. They
23 would be riveted onto an unlined shoe to become a
24 lined shoes -- shoe. And two of those shoes with, in
25 this particular instance here that we're talking

1 about, Kit No. 8292 AFF, two shoes, and a return
2 spring would have been placed into a box, and that
3 would have been sold as that kit.

4 Q. Okay. And how would Rockwell
5 incorporate a brake lining into its lined brake shoes
6 during your tenure there?

7 A. The lining, in these particular
8 instances here, would have been riveted to the table
9 of the brake shoe to create a lined shoe.

10 Q. Did they have to do anything else to the
11 lining in order to finish the product before it was
12 sold?

13 MR. WYLES: Vague.

14 A. During -- as these were sold here in
15 1993?

16 Q. Let me ask it differently.

17 During your tenure at Rockwell, did the
18 brake linings ever have to be ground before they were
19 sold?

20 A. Are you talking about the Q-brake
21 linings here?

22 Q. I'm talking about any brake linings.

23 A. Some did.

24 Q. Okay. And why would they have to be
25 ground?

1 A. Because they were not manufactured to
2 size.

3 Q. So to fit the -- to fit the lining onto
4 the brake shoe, they would have to be ground. Is
5 that correct?

6 A. No, that's incorrect.

7 Q. Okay. Why would they have to be ground
8 then?

9 MR. WYLES: Objection, vague and
10 overbroad.

11 A. They would be ground in order to match
12 the clearance profile of the brake drum.

13 Q. Other than riveting the lining and
14 grinding the lining, was there anything else that had
15 to be done at Rockwell before a product that
16 incorporated a brake lining was sold to the end
17 customer?

18 MR. WYLES: Objection to the extent it
19 misstates testimony.

20 A. I think you're mixing some apples and
21 oranges again and combining too many things into --

22 Q. Let me break down --

23 A. -- into the question.

24 Q. Let me break it down.

25 When Rockwell was manufacturing its

1 lined brake shoes, and during that process, as I
2 understand your testimony, it incorporated a brake
3 lining into the lined brake shoe. Other than
4 riveting and grinding the brake lining, did anything
5 else have to happen to that brake lining in order to
6 incorporate it into the lined brake shoe? And the
7 time period I'm talking about is during your tenure
8 at Rockwell.

9 MR. WYLES: Objection to the extent it
10 misstates testimony.

11 A. The -- during my tenure at Rockwell,
12 most shoes were purchased already to size and did not
13 require grinding. So the majority of the brake shoes
14 that were, in fact, lined, just took a lining which,
15 for over-the-highway trucks got riveted onto the
16 brake shoes.

17 Very early in my tenure, there were some
18 linings that did require grinding -- not all, but
19 some -- and for the linings that required grinding,
20 those linings were riveted to the brake shoes and
21 ground. And that constituted creating the lined
22 brake shoe.

23 Q. And that -- did the process that you've
24 just described constitute the totality of work that
25 would have to be done on a brake lining in order to

1 incorporate it into a finished brake product during
2 your tenure?

3 MR. WYLES: Objection, vague.

4 A. Correct.

5 (Exhibit P-7, Photocopy of Handwritten
6 document was received and marked for identification.)

7 Q. Mr. Ketcham, I'm showing you a one-page
8 document which has been marked Plaintiff's Exhibit 7.
9 It is a fair but difficult-to-read copy of a
10 handwritten letter that contains a date of May 10th,
11 1982.

12 Do you recognize this document?

13 A. I've seen it before, yes.

14 Q. Okay. What is it?

15 A. It's a handwritten letter.

16 Q. Do you know what it's referring to?

17 A. Not beyond what's referred to in the
18 letter, itself.

19 Q. Do you recognize any of the names in the
20 top left-hand corner?

21 A. Yes.

22 Q. And who are those people, if you know?

23 A. I recognize one of the names there.

24 Q. And who's that?

25 A. Buzz Rankin.

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1 Q. And who is that? 2 A. He was an individual, at this point in 3 time, I believe he worked in the Ashtabula plant. 4 Q. In what capacity, if you know? 5 A. I don't recall right now. 6 Q. Do you know why he would have received 7 this handwritten letter? 8 MR. WYLES: Objection; calls for 9 speculation, lacks foundation. 10 A. No, I don't. 11 Q. Okay. I'm going to attempt to read the 12 first sentence here. "The result of an asbestos test 13 conducted on May 10th, 1982, show us to be above the 14 OSHA standard on the 662 riveter in Department 36 15 while running the A1-3222-1609 shoes drilling -- 16 MR. CANONI: Rivet. 17 Q. -- "rivet holes as needed." 18 Did I read that correctly? 19 A. That's correct. 20 Q. Do you recall during your tenure at 21 Rockwell any monitoring for asbestos in any of the 22 Rockwell facilities? 23 A. Yes. 24 Q. What's the earliest that you recall 25 monitoring for asbestos at any Rockwell facilities	1 recall -- do you know, as a person most knowledgeable 2 for Arvinmeritor to respond to questions about 3 Rockwell, when Rockwell started monitoring for 4 asbestos in its facilities? 5 A. My belief is that it would be in the 6 early 1970s. 7 Q. And what is the basis for that belief? 8 A. Based upon discovery responses that have 9 been provided in the past. 10 Q. And are you referring to discovery 11 responses that you verified? 12 A. That's correct. 13 Q. Have you done anything to confirm 14 whether, by talking to people or review of documents, 15 when Rockwell started monitoring for asbestos in its 16 facilities? 17 A. I've seen some documents over time. 18 Q. Okay. Documents aside from just 19 discovery responses. Correct? 20 A. Yes. 21 Q. Okay. Can you -- well, strike that. 22 Did you testify earlier that Rockwell 23 discontinued its use of asbestos-containing brake 24 linings in and around the '87/'88 time frame? 25 MR. WYLES: Objection, misstates
Page 51	Page 53
1 during your tenure there? 2 A. I can't put an earliest date from 3 recollection. 4 Q. You started in 1978, '79. Is that 5 correct? 6 A. 1978. 7 Q. Thank you, '78. Do you recall in 8 1978 -- well, strike that. What facility did you 9 first start working in for Rockwell? 10 A. At the Florence, Kentucky, facility. 11 Q. And do you recall monitoring at the 12 Florence, Kentucky, facility for asbestos? 13 A. I recall it was done, yes. 14 Q. Okay. And how long were you at the 15 Florence, Kentucky, facility? 16 A. Until sometime in 1984. 17 Q. Do you recall whether the monitoring for 18 asbestos at the Florence, Kentucky, facility was 19 conducted while you were there between 1978 and 1984? 20 A. I'm sure it was. 21 Q. And what makes you sure that it was? 22 A. Because testing was done on a routine 23 type of basis. Do I recall a particular year or time 24 or details? No. 25 Q. Let me just ask it this way: Do you	1 testimony. 2 A. No. 3 Q. Okay. Was there a period of time when 4 Rockwell discontinued using asbestos-containing brake 5 linings? 6 A. Yes. 7 Q. And when was that? 8 A. After that point in time, after 1987. 9 Q. After 1987? 10 A. Yes. It was not a sharp discontinuance. 11 Q. Okay. Was it a -- was there a phase-out 12 of asbestos-containing brakes that took place at 13 Rockwell to the extent you recall? 14 A. Yes. 15 Q. Okay. And did that start in December, 16 1987? 17 A. No. 18 Q. When did it start? 19 A. Earlier. 20 Q. When? 21 A. Sometime in the, I want to say mid-'80s. 22 Q. Okay. And do you know if that phase-out 23 was ever completed such that Rockwell reached a point 24 that it was selling no asbestos-containing -- no 25 brakes containing asbestos?

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1 A. Yes.
 2 Q. And when was that?
 3 A. In totality, 2000.
 4 Q. Do you know why Rockwell began to phase
 5 out asbestos-containing brakes from its products?
 6 A. The lining manufacturers developed
 7 nonasbestos mixes. Beyond that, no.
 8 Q. Why -- do you know why Rockwell chose to
 9 purchase non-asbestos-containing brake linings for
 10 its products starting in somewhere in the '80s, as
 11 you testified to?
 12 A. No.
 13 Q. Do you know who made the decision to
 14 begin purchasing non-asbestos-containing brake
 15 linings during the phase-out of asbestos-containing
 16 brake linings?
 17 A. No.
 18 MR. WYLES: Are you still there?
 19 (A discussion takes place off the
 20 record.)
 21 MR. WYLES: I was wondering whether now
 22 would be a good time for a break.
 23 MR. KELLER: Let's take a break and go
 24 off the record.
 25 (A recess is taken.)

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1 Q. Okay. Back on the record.
 2 Mr. Ketcham, you testified about a
 3 series of truck trailer and heavy equipment
 4 manufacturers that Rockwell supplied to. Do you
 5 recall that testimony?
 6 A. Yes.
 7 Q. Okay. Do you know one way or the other
 8 whether Rockwell supplied to those entities
 9 throughout the entirety of your tenure there?
 10 A. I don't know that as I sit here.
 11 Q. Okay. So for example, you listed as
 12 truck manufacturers Ford, Freightliner, Volvo,
 13 International, Mack, and Western Star. Do you recall
 14 one way or the other whether Rockwell supplied to
 15 those manufacturers during the entirety of your
 16 tenure at Rockwell?
 17 MR. WYLES: Objection to the extent it's
 18 compound.
 19 A. We supplied to them and I recognize them
 20 as customers. Do I know for a fact that we supplied
 21 to them every single year? I don't know that as I
 22 sit here.
 23 Q. And would your answer be the same with
 24 regard to the heavy equipment manufacturers and
 25 trailer manufacturers that you identified?

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1 A. Yes.
 2 Q. I show you Plaintiff's next in order
 3 marked Plaintiff's Exhibit 8.
 4 (Exhibit P-8, Internal Letter dated June
 5 21, 1974 was received and marked for identification.)
 6 Q. And it is a one-page document
 7 entitled "Rockwell International Internal
 8 Letter," and dated June 21st, 1974.
 9 Do you recognize this document?
 10 A. I've seen it before, yes.
 11 Q. The date of this document, 1974,
 12 predates your time at Rockwell. Correct?
 13 A. That's correct.
 14 Q. Okay. Do you recall an effort, or do
 15 you know anything about an effort to comply with the
 16 1976 standard of two fibers per cc that's referenced
 17 in this letter?
 18 MR. WYLES: Objection; vague, overbroad.
 19 A. No, I don't.
 20 Q. Do you have any knowledge about a 1976
 21 standard concerning two fibers per cc of asbestos?
 22 A. No, I do not.
 23 (Exhibit P-9, Internal Letter dated May
 24 3, 1974 was received and marked for identification.)
 25 Q. Mr. Ketcham, I'm showing you a document

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1 which has been marked Plaintiff's Exhibit 9. It's a
 2 one-page document dated 1974 entitled "Internal
 3 Letter, Rockwell International."
 4 Do you recognize this letter?
 5 A. I've seen it before, yes.
 6 Q. And what is it?
 7 A. It's an internal letter.
 8 Q. Okay. And are you familiar with the
 9 substance of the letter?
 10 A. Not beyond what the letter, itself,
 11 states.
 12 Q. And 1974 predates your time at Rockwell.
 13 Is that correct?
 14 A. That is correct.
 15 Q. Do you know one way or the other whether
 16 workers at the Ashtabula Brake facility wore masks in
 17 1974?
 18 A. Nothing beyond what's stated in the
 19 letter.
 20 Q. Okay. In 1978 -- strike that.
 21 Was the Florence, Kentucky, facility a
 22 distribution facility or a manufacturing facility, or
 23 something else?
 24 A. It started as a distribution facility,
 25 and over time progressed into some remanufacturing.

1 Q. When you started in 1978, was any
2 remanufacturing being conducted at the Florence,
3 Kentucky, facility?
4 A. No.
5 Q. When did that start?
6 A. I want to say in the mid-'80s.
7 Q. Did any of the riveters, for example,
8 who worked with brake linings wear masks at the
9 Florence, Kentucky, facility in the mid-'80s?
10 A. There were no riveters at the Florence,
11 Kentucky, facility in the mid-'80s.
12 Q. Did any of the workers who worked in
13 remanufacturing in the Florence, Kentucky, facility
14 in the mid-'80s wear masks?
15 A. Not that I recall.
16 MS. O'GARA: Excuse me for interrupting,
17 Mr. Keller, this is Sheila O'Gara. We're having a
18 little trouble hearing you. Your voice is kind of
19 falling off.
20 MR. KELLER: Very good. I'll move a
21 little closer to the phone.
22 A. Are you assuming that the
23 remanufacturing --
24 MR. CANONI: No, no, let him ask the
25 question.

1 Q. I'll get there.
2 In 1978, did you visit any other
3 facilities owned by Rockwell other than the Florence,
4 Kentucky, facility?
5 A. I may have.
6 Q. Okay. Do you recall visiting any other
7 facilities in 1978?
8 A. No.
9 Q. Okay. In 1979, did you visit any other
10 facilities outside the Florence, Kentucky, Rockwell
11 plant?
12 A. I may have.
13 Q. Okay. Do you recall visiting them?
14 A. In that particular year?
15 Q. Yes.
16 A. It's too long ago to recall a particular
17 year.
18 Q. Well, let me ask it differently.
19 Do you recall visiting any facilities
20 other than the Florence, Kentucky, facility, in the
21 1970's?
22 A. I don't recall.
23 Q. Okay. Do you recall visiting any
24 facilities other than the Florence, Kentucky,
25 facility, between 1980 and 1984?

1 A. Most likely, yes.
2 Q. Okay. And what facilities would those
3 have been?
4 A. Various facilities, Rockwell facilities.
5 Q. Did you visit the Ashtabula Brake
6 facility?
7 A. I have been to Ashtabula.
8 Q. Did you visit the Ashtabula Brake
9 facility in the early '80s?
10 A. Quite possibly, yes.
11 Q. Do you remember one way or the other?
12 A. You're splitting my tenure between
13 the '70s and the '80s. I can't recall that
14 precisely.
15 Q. Do you recall a time frame when you
16 visited the Ashtabula Brake facility?
17 A. Yes.
18 Q. And what would the time frame be?
19 A. During my time frame, during my tenure
20 at Florence.
21 Q. Do you remember what period of time you
22 were -- well, strike that. You were at Florence
23 between '78 and '84. Is that correct?
24 A. That's correct.
25 Q. Okay. And while you were there, you

1 have a recollection of going to the Ashtabula Brake
2 facility?
3 A. That is correct.
4 Q. When you were there, do you recall
5 seeing anybody wearing a mask?
6 A. Not that I recall.
7 Q. Okay. Did you visit any area of the
8 facility while you were there during your tenure at
9 the Florence facility -- let me rephrase that.
10 Between 1978 and 1984, while you were at
11 the Florence facility, and you visited the Ashtabula
12 Brake facility, did you have the occasion to enter
13 any of the areas of the Ashtabula facility where
14 brake linings were being incorporated into Rockwell
15 products?
16 A. Most likely.
17 Q. Okay.
18 A. But I don't recall specifics of that.
19 Q. Do you recall seeing anybody wearing
20 masks while performing those procedures?
21 A. I don't know that specifically that I
22 saw those procedures; but I, again, did not recall
23 seeing anybody wear masks.
24 Q. As the person most knowledgeable for
25 Rockwell, do you know one way or the other whether

1 workers who worked for Rockwell and used brake
2 linings were provided masks by Rockwell?

3 MR. WYLES: Objection, vague as to time.
4 Overbroad.

5 A. I certainly have seen documents such as
6 Plaintiff's Exhibit 9 that talk about masks. Beyond
7 that, no, I have no personal recollection.

8 Q. Let me ask it this way, then: Based on
9 your review of Rockwell documents, do you have an
10 understanding about whether workers that worked for
11 Rockwell were provided masks?

12 A. At some point in time, I believe they
13 were.

14 Q. Okay. And do you know what point in
15 time that would be?

16 A. No, I do not.

17 Q. Okay. Do you know what types of workers
18 were given masks?

19 A. No, I do not.

20 Q. Okay. Based on your experience at
21 Rockwell and your review of documents, do you have an
22 understanding about what types of workers would have
23 been given masks?

24 A. Nothing beyond what is stated in some of
25 the documents, such as Plaintiff's Exhibit 9.

1 Q. And what have you seen in the documents
2 that identifies different types of workers who would
3 have worn masks at Rockwell facilities?

4 A. I mean, similar to what's stated in the
5 document, in Plaintiff's 9, in the second paragraph.

6 Q. And what is that?

7 A. Where it says masks will no longer be
8 necessary, which obviously implies that at some point
9 in time they were being used for workers exposed to
10 asbestos dust.

11 MR. WYLES: I will object to the extent
12 the document speaks for itself, and it calls for
13 speculation, lack of foundation.

14 Q. Is it your understanding based on your
15 review of documents, including Plaintiff's Exhibit 9,
16 that there was a period of time at Rockwell when
17 workers were given masks and then the masks were
18 discontinued?

19 A. I really don't know. I have no personal
20 knowledge of that.

21 Q. Well, aside from your personal
22 knowledge, I'm asking just about based on your review
23 of different documents.

24 MR. WYLES: Objection, calls for
25 speculation.

1 A. Beyond what's stated in the documents
2 such as this, I have no recollection.

3 Q. And you don't know one way or the other
4 based on your review of other company documents, as
5 well. Is that correct?

6 A. I don't recall the specifics of other
7 company documents as I sit here.

8 Q. Okay. With regard to this issue.

9 A. Correct.

10 Q. Okay.

11 (Exhibit P-10, Four letters dated May
12 19, 1975 were received and marked for
13 identification.)

14 Q. Mr. Ketcham, I'm providing you with a
15 document marked Plaintiff's Exhibit 10. It is four
16 pages, and four separate letters dated May 19th,
17 1975. And the substance of the letter is the same.
18 In other words, the body of the letter, as I read it,
19 and correct me if I'm wrong, is identical. The
20 difference is the addressee is different. This is a
21 letter from Mr. or Ms. Pilkington, the Purchasing
22 Agent.

23 MR. WYLES: I'm going to object to the
24 extent the documents speak for themselves.

25 Q. Mr. Ketcham, do you recognize these

1 letters?

2 A. I've seen them before.

3 Q. And what are they?

4 A. They are external letters that were
5 written by somebody at -- a purchasing agent at
6 Rockwell, addressed to various vendors mentioned in
7 the letters.

8 Q. You worked at Purchasing. Correct?

9 A. Yes, I did.

10 Q. At a later date, though. Correct?

11 A. That's correct.

12 Q. Did you know Mr. or Ms. Pilkington?

13 A. I don't believe so.

14 Q. Did you know -- do you recognize any of
15 the names at the top of the letter? There are three
16 names listed there.

17 A. I do not.

18 Q. Okay. These letters, the first letter
19 is written to Molded Materials Division. Is that
20 correct?

21 A. That's correct.

22 Q. And it's your understanding that's a
23 Carlisle division?

24 A. That's correct.

25 Q. Is it your understanding that they

1 supplied brake linings to Rockwell?
 2 A. Yes, it is.
 3 Q. The second letter is to the Bendix
 4 Corporation. Did I read that correctly?
 5 A. Correct.
 6 MR. HOLMBERG: Excuse me. This is Hank
 7 Holmberg. Could I have that letter e-mailed to me at
 8 this time?
 9 MR. KELLER: Yeah. I mean, Kelvin Wyles
 10 can do that to you. I can't parse out the --
 11 MR. HOLMBERG: I want to have that
 12 letter e-mailed to me prior to any questions being
 13 asked about it. My e-mail address is
 14 HHolmberg@perkinscoie.com.
 15 MR. KELLER: I don't have the ability to
 16 e-mail it to you, sir.
 17 MR. HOLMBERG: Mr. Wyles, can you do
 18 that?
 19 MR. WYLES: I am experiencing e-mail
 20 problems. I am not trying to be --
 21 MR. KELLER: Sir, you know what, the
 22 letter is very short. Perhaps I should read it into
 23 the record.
 24 MR. HOLMBERG: Well, let's go off the
 25 record and you can read it to me. Is that okay?

1 (A discussion takes place off the
 2 record.)
 3 MR. KELLER: Madam Court Reporter, was
 4 there a question pending?
 5 (Whereupon, the court reporter reads as
 6 requested.)
 7 Q. Mr. Ketcham, do you recall that the
 8 Bendix Corporation provided brake linings to
 9 Rockwell?
 10 MR. HOLMBERG: Assumes facts, lacks
 11 foundation, vague, ambiguous, overbroad, calls for
 12 speculation, calls for information not within the
 13 personal knowledge of this witness.
 14 A. Yes.
 15 Q. And do you recall that Bendix
 16 Corporation sold brake linings to Rockwell during
 17 your tenure at Rockwell?
 18 MR. HOLMBERG: Same objections.
 19 A. I don't know that.
 20 Q. Okay. But based on -- as the person
 21 most knowledgeable for Rockwell, based on your review
 22 of company documents, including Plaintiff's Exhibit
 23 10, it's your understanding that the Bendix
 24 Corporation, at least in 1975, was providing brake
 25 linings to Rockwell. Correct?

1 MR. KELLER: Why does it have to be off
 2 the record?
 3 MR. HOLMBERG: Because I may or may not
 4 have objections to it.
 5 MR. KELLER: Well, what's the basis for
 6 me reading it off the record and you objecting to it?
 7 MR. HOLMBERG: Well, because we're
 8 entitled to see any document prior to your
 9 questioning a witness about it.
 10 MR. KELLER: Well --
 11 MR. HOLMBERG: If you read it to me,
 12 over the phone, off the record, then I may or may not
 13 have objections to it.
 14 MR. KELLER: Can't you just object on
 15 the record?
 16 MR. HOLMBERG: No. Well, what's wrong
 17 with going off the record and reading it?
 18 MR. KELLER: The document is going to be
 19 attached to the deposition, whether you object or
 20 not.
 21 MR. HOLMBERG: Well, I want to know
 22 what's in it before you read it on the record and
 23 before you question him.
 24 MR. KELLER: Oh, okay. All right. Fair
 25 enough. We'll go off the record for a second.

1 MR. HOLMBERG: Same objections.
 2 MR. WYLES: The document speaks for
 3 itself.
 4 A. Based on the document, it says that,
 5 yes.
 6 Q. Do you have any reason to doubt that
 7 Bendix was a supplier to Rockwell of brake linings?
 8 MR. HOLMBERG: Same objections.
 9 A. No.
 10 Q. Okay. The third page is, again, the
 11 same letter, different addressee, to Raybestos
 12 Manhattan, Inc. Correct?
 13 A. That is correct.
 14 Q. Is it your understanding that Raybestos
 15 Manhattan, Inc., supplied brake linings to Rockwell?
 16 A. At some point in time.
 17 MR. HOLMBERG: This is Hank Holmberg.
 18 I'm going to make a belated objections restating all
 19 the same objections to the Bendix letter; and also
 20 moving to strike the testimony in deposition and to
 21 exclude at trial on the grounds that we were not
 22 provided a copy of that document prior to this
 23 deposition.
 24 Q. Is it your understanding as the person
 25 most knowledgeable for Rockwell that Raybestos

1 Manhattan, Inc., was supplying brake linings to
 2 Rockwell as of the date of this letter?
 3 A. I don't know anything more than what's
 4 stated in the letter as far as dates.
 5 Q. Do you have any reason to doubt that,
 6 based on your reading of this letter,
 7 Raybestos-Manhattan Inc., was supplying brake linings
 8 as identified in this letter as a lining vendor to
 9 Rockwell as of the date of this letter?
 10 A. No, I don't doubt that.
 11 Q. And the fourth and final letter is,
 12 again, the body of the letter is the same. The
 13 addressee is different. The addressee here is Abex
 14 Corporation, American Brakeblok Division. Did I read
 15 that correctly?
 16 A. You did.
 17 Q. Do you recognize Abex Corporation,
 18 American Brakeblok Division, as a supplier or vendor
 19 of brake linings to Rockwell?
 20 MS. GALFAYAN: Objection; lack of
 21 foundation, vague, calls for speculation.
 22 A. Yes.
 23 Q. And do you have -- based on your review
 24 of page four of Plaintiff's Exhibit 10, is it your
 25 understanding that Abex Corporation, American

1 Brakeblok Division, was supplying brake linings as of
 2 the date of this letter?
 3 MS. GALFAYAN: Same objection.
 4 A. Again, I have no personal knowledge
 5 beyond what's stated in the letter, but that's what
 6 the letter appears to say.
 7 Q. Okay. I'll represent to you,
 8 Mr. Ketcham, that in the Arvinmeritor documents
 9 produced to me, these were the only four letters that
 10 were dated May 19th, 1975, in the area of the
 11 documents where I found them. And based on that, let
 12 me ask you, are you aware one way or the other, of
 13 any other suppliers of brake linings as of 1975 other
 14 than the four entities that are identified as
 15 addressees in these letters? And I ask based on your
 16 review of prior company documents as the person most
 17 knowledgeable for Arvinmeritor, and your personal
 18 experience, as well.
 19 MR. WYLES: Objection, vague as to time,
 20 overbroad.
 21 A. I do not know of others at this
 22 particular point in time. There may have been.
 23 Q. Okay. But you don't know of any?
 24 A. I don't know of any at this particular
 25 point in time.

1 Q. Okay.
 2 A. But there may have been.
 3 Q. Do you recall -- I can see that 1975
 4 predates your time at Rockwell, but just as the
 5 person most knowledgeable, do you recall a problem
 6 with asbestos dust in rivet holes and lining dust in
 7 boxes as received from any vendors while you were
 8 there?
 9 MR. WYLES: Objection; vague, overbroad.
 10 MR. HOLMBERG: Lacks foundation, calls
 11 for speculation. Holmberg.
 12 A. I don't recall, no.
 13 Q. Okay. You don't recall ever hearing
 14 about or discussing with anyone or reviewing any
 15 documents other than Plaintiff's Exhibit 10 that
 16 referenced a problem with lining dust in rivet holes
 17 from vendors?
 18 MR. HOLMBERG: Same objection.
 19 MR. WYLES: Objection.
 20 A. I don't recall whether I've seen any
 21 other documents that may have discussed that.
 22 Possibly, possibly not; but I have no personal
 23 recollection of the issue.
 24 (Exhibit P-11, Four letters dated
 25 January 12, 1973, and attached Grievance Form was

1 received and marked for identification.)
 2 Q. Mr. Ketcham, I'm showing you a document
 3 marked next in order Plaintiff's Exhibit 11. There
 4 are four letters and a fifth page entitled "Grievance
 5 Form." The letters are dated January 12th, 1973.
 6 Do you recognize these letters and the
 7 grievance form that follows?
 8 A. I've seen them before.
 9 Q. Okay. And what are they?
 10 A. They are external letters from Rockwell
 11 to four lining suppliers.
 12 Q. And --
 13 MR. CANONI: Hold on a second. Are you
 14 representing that this is the way you want the
 15 document to be marked? It's not the way the document
 16 was provided to you.
 17 MR. KELLER: Let's go off the record.
 18 (A discussion takes place off the
 19 record.)
 20 Q. Mr. Ketcham, do you know why these
 21 letters were sent to Abex Corporation, the Bendix --
 22 MR. CANONI: Can you hold on, please?
 23 MR. KELLER: We were just off the
 24 record. I went back on. You want me to go off?
 25 MR. CANONI: You still haven't answered

1 the question.
 2 MR. HOLMBERG: Excuse me. Are we on or
 3 off the record?
 4 MR. KELLER: We're on the record.
 5 MR. HOLMBERG: Okay. Well, I'm going to
 6 ask again that the letter involving Bendix be read
 7 off the record prior to any questions about it.
 8 MR. KELLER: Well, you're once again
 9 interrupting, so we're going to take care of the
 10 first problem first and then we'll take care of you.
 11 MR. HOLMBERG: Okay.
 12 MR. KELLER: To answer your question,
 13 yes.
 14 MR. CANONI: Okay.
 15 Q. Mr. Ketcham, do you know why the letters
 16 in Plaintiff's Exhibit 11 were sent to the entities
 17 to whom they are addressed?
 18 MR. HOLMBERG: Holmberg. Leading,
 19 assumes facts, lacks foundation, calls for
 20 speculation, calls for information not based on
 21 personal knowledge, calls for hearsay.
 22 A. Not beyond what's stated in the letter,
 23 itself.
 24 Q. And based on your review of the letter,
 25 what is your understanding of the purpose and intent

1 of the letter?
 2 MR. HOLMBERG: Same objections.
 3 MR. WYLES: Objection, the document
 4 speaks for itself, calls for speculation.
 5 A. Assuming that page five of the exhibit
 6 is what's referred to in the letters on pages one
 7 through four, there was a grievance from the union
 8 talking about dust in rivet and bolt holes.
 9 Q. And do you know what the time frame is
 10 we're talking about here?
 11 MR. HOLMBERG: Same objections.
 12 A. The dates shown on the letter and on the
 13 grievance form are from January, 1973.
 14 Q. And can you tell me to whom the letters
 15 referencing this grievance were sent --
 16 MR. WYLES: Objection, the document
 17 speaks for itself.
 18 MR. HOLMBERG: Same objections.
 19 Q. -- in Plaintiff's 11?
 20 A. They're shown on the letters, for Abex
 21 Corporation, the Bendix Corporation, Molded Materials
 22 Division, and Raybestos-Manhattan, Inc.
 23 Q. And do you recall that those entities at
 24 some point in time --
 25 MR. HOLMBERG: Move to strike,

1 speculation, not based on the witness' personal
 2 knowledge?
 3 Q. Do you recall that at some point in time
 4 those different entities supplied brake linings to
 5 Rockwell?
 6 MR. HOLMBERG: Holmberg. Leading,
 7 assumes facts, lacks foundation, calls for
 8 speculation, vague, ambiguous, overbroad, calls for
 9 testimony not within the personal knowledge of the
 10 witness, calls for hearsay.
 11 MR. KELLER: Mr. Holmberg, I think that
 12 is the totality of all objections available under the
 13 Code, and I'm willing to give you a running objection
 14 for this document.
 15 MR. HOLMBERG: Okay. Thank you.
 16 Q. Do you remember the question?
 17 A. Could you read it back, please.
 18 (Whereupon, the court reporter reads as
 19 requested.)
 20 A. Yes.
 21 MR. HOLMBERG: Holmberg. I will add one
 22 objection, and that is that these questions and this
 23 line of questions calls for opinion testimony from a
 24 lay witness. So we'll just add that to my other
 25 stated objections.

1 MR. KELLER: So added.
 2 MR. HOLMBERG: Thank you.
 3 Q. These letters, the first sentence of
 4 each of the letters reads "This letter is being
 5 directed" -- strike that.
 6 The first line, the first two lines
 7 reads, of these letters, "This letter is being
 8 directed to all of our lining suppliers." And then
 9 the sentence continues on.
 10 Do you have any reason to doubt that the
 11 addressees, the entities listed in the addressees
 12 were suppliers of brake linings in 1973 when this
 13 letter was sent based on your position as the person
 14 most knowledgeable for Arvinmeritor?
 15 A. The letter speaks for itself, and that's
 16 what the letter states.
 17 Q. Well, do you have any reason to doubt
 18 that that was the case, based on your position as the
 19 person most knowledgeable?
 20 A. No.
 21 Q. And let me ask that a little bit
 22 differently.
 23 MR. WYLES: Object to the extent they
 24 lack foundation, calls for speculation.
 25 Q. As the person most knowledgeable, are

1 you aware of any other suppliers of brake linings as
 2 of January 12th, 1973, other than Abex, Bendix,
 3 Carlisle, and Raybestos?
 4 A. There may be, but as I sit here, I do
 5 not know.
 6 Q. Mr. Ketcham, one of the documents that I
 7 reviewed yesterday of the Arvinmeritor documents, but
 8 was not provided to me, and I'm paraphrasing, stated
 9 that at some point in time -- this was in the 1980's,
 10 I don't remember the exact year, and we'll give
 11 everybody a chance to object after I finish my
 12 question -- that Abex was a major supplier of brake
 13 linings to Rockwell.
 14 MS. GALFAYAN: Objection, lacks
 15 foundation.
 16 MR. KELLER: Hold on. Not done with my
 17 question. I will give you a chance. I promise.
 18 MS. GALFAYAN: I'm sorry.
 19 MR. KELLER: That's okay.
 20 Q. Based on your personal knowledge and
 21 your position as the person most knowledgeable, do
 22 you agree with the statement that Abex was a major
 23 supplier of brake linings to Rockwell in the 1980s?
 24 MS. GALFAYAN: Objection; lacks
 25 foundation, calls for speculation, overbroad, assumes

1 facts.
 2 MR. WYLES: I'll join. That's
 3 overbroad, vague as to time.
 4 A. Abex was certainly a supplier. I
 5 recognize the name. I don't know anything as far as
 6 specific volumes during specific periods of time.
 7 Q. Would you categorize Abex as a major
 8 supplier of brake linings to Rockwell?
 9 MS. GALFAYAN: I have the same
 10 objections.
 11 A. I don't know if they were a major
 12 supplier. They were a significant supplier. They
 13 were a supplier.
 14 (Exhibit P-12, Memo dated 23 December
 15 1975, 6 pages was received and marked for
 16 identification.)
 17 Q. Mr. Ketcham, I am showing you a document
 18 that's been marked Plaintiff's Exhibit 12. The
 19 addressor is Asbestos Information Association, and
 20 it's dated December 23rd, 1975, and the subject is
 21 "Proposed OSHA Regulation, Occupational Exposure to
 22 Asbestos, 29 CFR Part 1910 (Copy enclosed)."
 23 Did I read that correctly?
 24 A. Yes.
 25 Q. Do you recognize this document?

1 A. I've seen it before.
 2 Q. And I'll acknowledge that 1975 predates
 3 your tenure with Rockwell, but let me ask: Do you
 4 know what this document is?
 5 MR. WYLES: Object; the document speaks
 6 for itself, vague, overbroad, beyond the scope of his
 7 testimony on his personal knowledge.
 8 A. Not beyond what is written in the
 9 document.
 10 Q. Do you recall if Rockwell did anything
 11 in response to receiving this document?
 12 MR. WYLES: Objection, calls for
 13 speculation, lacks foundation.
 14 A. I have no knowledge.
 15 (Exhibit P-13, Material Safety Data
 16 Sheet, 2 pages was received and marked for
 17 identification.)
 18 Q. Okay.
 19 Mr. Ketcham, I am giving you a document
 20 marked Plaintiff's Exhibit 13.
 21 At the top it reads, "Material Safety
 22 Data Sheet." The top right-hand corner reads "Motion
 23 Control" -- I believe that's "Industry," in Carlisle.
 24 Do you recognize this document?
 25 A. I've seen it before.

1 Q. And what is it?
 2 A. It's an MSDS sheet, or Material Safety
 3 Data Sheet.
 4 Q. Can you tell by looking at it when it
 5 was prepared?
 6 A. The date in the document says November
 7 18th, 1985.
 8 Q. And you were employed by Rockwell at
 9 that time. Correct?
 10 A. Yes, I was.
 11 Q. Okay. Of the hazardous components,
 12 asbestos (chrysotile) is listed amongst several
 13 hazardous components. Correct?
 14 A. That is correct.
 15 Q. Okay. About halfway down the first
 16 page, it says, "Identity (As used on label and
 17 list)."
 18 Correct?
 19 MR. WYLES: Objection to the extent the
 20 document speaks for itself.
 21 A. Yes, that's what it says.
 22 Q. And then followed -- and thereafter,
 23 there are a series of alphanumeric, what I presume to
 24 be codes. Correct?
 25 MR. WYLES: Same objection.

1 A. That is correct.
 2 Q. And do you know what those codes
 3 reflect?
 4 A. I believe those are lining mixes.
 5 Q. Are those, if you know, Rockwell codes
 6 or Carlisle codes?
 7 A. Carlisle codes.
 8 Q. Do you know one way or the other --
 9 strike that.
 10 Do you know one way or the other whether
 11 Rockwell used any of the Carlisle brake linings that
 12 are referenced in this MSDS under "Identity"?
 13 A. Yes.
 14 Q. And did they?
 15 A. Some of them, yes, I recognize.
 16 Q. Which ones do you recognize?
 17 A. 8C5. That's the only one that I can
 18 speak of for certain.
 19 Q. How do you recognize it?
 20 A. It's only been 25 years.
 21 Q. In other words, in what capacity would
 22 you have learned that 8C5 was a Carlisle mix code for
 23 a Carlisle brake lining that was used in Rockwell
 24 products, if you know?
 25 A. I really don't recall. I just recall

1 the number. I don't recall how I learned of that
 2 particular number.
 3 Q. Just based -- so it was just based on
 4 your general knowledge and background with Rockwell?
 5 A. At some point in time I latched onto
 6 that and I remembered it.
 7 Q. Very good.
 8 (Exhibit P-14, Internal Letter dated
 9 September 8, 1987, 4 pages was received and marked
 10 for identification.)
 11 Q. Mr. Ketcham, I'm showing you a document
 12 marked Plaintiff's Exhibit 14 dated September 8th,
 13 1987, entitled "Internal Letter, Rockwell
 14 International, Subject: Asbestos Labeling Program."
 15 Do you recognize this document?
 16 A. I have seen it before.
 17 Q. And what is it?
 18 A. It is an internal letter dealing with an
 19 asbestos labeling program, as it states.
 20 Q. Do you recall an asbestos labeling
 21 program while you were at Rockwell?
 22 A. I recall asbestos labels. Don't know
 23 about a program. But I recall asbestos labels.
 24 Q. Okay. The first sentence of this letter
 25 reads: "During the later part of 1986, an asbestos

1 labeling program was implemented for Automotive
 2 Operations."
 3 Did I read that correctly?
 4 A. Yes, you did.
 5 Q. Do you have a recollection one way or
 6 the other of whether Rockwell started adding warnings
 7 to asbestos-containing products in 1986?
 8 MR. WYLES: I'm just going to object to
 9 the extent that the question is misleading. That's a
 10 different question than what's stated in the
 11 document.
 12 MR. KELLER: And if I'm incorrect in the
 13 way I'm asking my questions, or I'm assuming
 14 something, I know Mr. Ketcham will tell me.
 15 A. Could you please read the question back.
 16 (Whereupon, the court reporter reads as
 17 requested.)
 18 A. Yes, I have a recollection.
 19 Q. And what is that recollection?
 20 A. That the asbestos warning labels were on
 21 some products prior to 1986.
 22 Q. Do you know when Rockwell started adding
 23 warnings to its asbestos-containing products?
 24 A. It's probably more -- best stated in the
 25 responses to interrogatories that were provided in

1 the case. As I recall, there were some warnings in
 2 field service manuals in the mid-'70s. There were
 3 labels on boxes of replacement parts, I believe,
 4 beginning either the late '70s or early '80s. And
 5 there are also labels that were put on product
 6 sometime, perhaps, in the early '80s. But that's
 7 from my recollection as I'm sitting here right now.
 8 Q. Okay. Do you know what manuals in
 9 the '70s included warnings about asbestos?
 10 A. I know some of the field service manuals
 11 did. Which ones in particular, I can't recall as I
 12 sit here.
 13 Q. Do you recall whether they dealt with a
 14 certain industry over another or a certain product
 15 over another?
 16 MR. WYLES: Objection; vague, compound.
 17 A. I would imagine that they would have
 18 appeared into the brake field maintenance manuals.
 19 Q. And do you know what those warnings
 20 said?
 21 A. Not as I sit here.
 22 Q. You just recall that there was some type
 23 of warning in the '70s in the field service manuals
 24 concerning asbestos?
 25 A. Field maintenance manuals. That is

1 correct.

2 MR. WYLES: Daniel, on this point I
3 would refer you to the responses to interrogatories
4 that Mr. Ketcham referred to. There are a
5 number where this is dealt with in detail.

6 MR. KELLER: Very well. And you know,
7 I'm just asking Mr. Ketcham about his knowledge.

8 MR. WYLES: I understand.

9 Q. With regard to boxes that you referenced
10 that carried warnings in the late '70s, were those --
11 do you know what was in those boxes, what types of
12 products?

13 A. I believe I said it was the late '70s,
14 early '80s. I can't recall specifically on that.

15 Q. Okay.

16 A. The products that would have been in
17 those boxes would have been asbestos-containing
18 linings, or lined brake shoes.

19 Q. Anything else?

20 A. Those are the items that I can recall.

21 Q. And then with regard --

22 A. And could also -- excuse me, could also
23 fall over to any of the major overhaul kits that
24 contained lined brake shoes together with other
25 parts.

1 Q. Well, let me ask you about that. The
2 kits, themselves, would it be a situation where you
3 would have a big box that contained the kit, and then
4 you would have a smaller box containing the brake
5 inside the big box?

6 MR. WYLES: Objection; vague, overbroad.

7 Q. If you remember or recall.

8 A. Typically, the other way around.

9 Q. Okay. And where would the warning
10 appear?

11 A. On the outside of the box on the label.
12 Also, at some point in time, there were TSAs or
13 Technical Service Aids that got packaged in the
14 boxes, also.

15 Q. And then you stated, you testified about
16 products that also contained, asbestos-containing
17 products that also contained warnings in the
18 early '80s. Correct? Is that separate and apart
19 from the boxes?

20 MR. WYLES: Objection to the extent it
21 misstates testimony.

22 A. I believe in the early '80, there were
23 also labels that appeared on lined shoes.

24 Q. Okay. And with regard to the labels
25 that appeared on lined shoes, is that the program

1 that's referenced -- or are those the labels that are
2 referenced in Plaintiff's Exhibit 14, with the
3 subject "Asbestos Labeling Program"?

4 A. Some of them are, yes.

5 Q. Plaintiff's Exhibit 14 references
6 Automotive Operations. Correct?

7 A. That's correct.

8 Q. Do you understand the Rockwell
9 Automotive Operations to be separate and apart from
10 the other industries served by Rockwell, which
11 included, according to your testimony, trailer
12 manufacturers, heavy equipment manufacturers, and
13 truck manufacturers?

14 MR. WYLES: Objection; vague, overbroad.

15 A. Automotive Operations was the division
16 or operation for which the plant entities that
17 provided product to heavy truck manufacturers were --
18 were in within the firm, within the company.

19 Q. Did Rockwell make any products that
20 could be used on an automobile?

21 A. Yes.

22 Q. And what were those products?

23 MR. WYLES: Objection; vague as to time,
24 overbroad.

25 A. The ones that I can recall as I sit here

1 would be door latches, window regulators, sunroofs,
2 some plastic components, suspension components. And
3 there may be other ones.

4 Q. Did Rockwell make any products for
5 automobiles during your tenure that contained brake
6 linings?

7 A. No.

8 Q. So the Automobile Operations that are
9 referenced in Plaintiff's Exhibit 14 concern what
10 Rockwell operations?

11 MR. WYLES: Objection, vague.

12 Q. Do you want me to restate the question?

13 A. Yeah, if you could, yeah.

14 Q. Okay. Sure.

15 You just testified that Rockwell never
16 made any products, that you're aware of, containing
17 brake linings for automobiles; and this 1987 letter
18 references a labeling program for, among other
19 things, brake shoes that contain asbestos linings for
20 Rockwell's Automobile Operations.

21 And so my question is why does this
22 letter reference Automotive Operations, and in
23 particular, warnings about asbestos in brake shoes
24 that contain asbestos linings --

25 MR. WYLES: I object to the extent the

1 document speaks for itself, to the extent it
2 misstates the document, and is misleading and
3 argumentative.

4 Q. Why does it reference Automobile
5 Operations if Rockwell didn't make any
6 asbestos-containing brakes for automobiles?

7 MR. WYLES: Same objections.

8 A. Automotive Operations is the label, to
9 call it that, of the division that made automotive
10 products. That Automotive Operations made products
11 for passenger cars, as well as heavy trucks, as well
12 as off-highway equipment. They made different
13 products for different manufacturers. So that, you
14 know, although products were made for passenger cars,
15 they were not brake products. Brake products were
16 made for heavy trucks and trailers, off-highway
17 equipment.

18 (Exhibit P-15, Industrial Hygiene
19 Survey, Rockwell-Standard Company, Ashtabula, Ohio,
20 July 21, 1971 was received and marked for
21 identification.)

22 Q. Mr. Ketcham, I'm showing you what's been
23 marked Plaintiff's Exhibit 15. The cover page
24 says "Industrial Hygiene Survey.
25 Rockwell-Standard --

1 MR. HOLMBERG: What exhibit is this?

2 MR. KELLER: Fifteen.

3 Q. Rockwell-Standard Company, Ashtabula,
4 Ohio, July 21st, 1971.

5 Do you recognize this document?

6 A. I have seen it before.

7 Q. Do you know what it is?

8 A. The document sort of speaks for itself,
9 but it's a document from George D. Clayton &
10 Associates to Rockwell-Standard Company.

11 Q. You say that the document speaks for
12 itself. I mean this in the most positive light, my
13 question is, do you believe that the document, what's
14 stated in it is accurate?

15 A. I do not know.

16 Q. Do you have --

17 A. I don't have a personal opinion on that.

18 Q. Okay. As the person most knowledgeable,
19 do you have any reason to doubt the contents of the
20 document?

21 MR. CANONI: Can we go off the record,
22 please?

23 MR. KELLER: Hold on. There's a
24 question pending. Are you instructing the witness --
25 I mean, you've got counsel here from California.

1 They're not objecting. Is the document -- it was
2 produced. It says something. I'll ask the question
3 differently. I'll ask the question differently.

4 Q. Do you have any reason to doubt the
5 substance of this letter, this document, Plaintiff's
6 Exhibit 15?

7 A. I'm not quite sure what you mean "doubt
8 the substance of it." Again, I'll go back to the
9 letter speaks for itself.

10 Q. Okay. Do you know, as the person most
11 knowledgeable -- well, strike that.

12 On page two, the third full paragraph,
13 second sentence, reads: "The potential health hazard
14 associated with asbestos" --

15 A. Hold on, hold on.

16 Q. Keep going. Right there.

17 A. Okay.

18 Q. "The potential health hazard associated
19 with exposure to asbestos is that of inhalation of
20 airborne fibers resulting in a type of
21 pneumocosis" --

22 MR. CANONI: Pneumoconiosis.

23 Q. -- "pneumoconiosis referred to as
24 asbestosis."

25 Did I read that correctly?

1 A. Yes, you did.

2 Q. As the person most knowledgeable, do you
3 know one way or the other whether this was the first
4 period in time when Rockwell learned that asbestos
5 exposure was associated with the term "asbestosis"?

6 MR. WYLES: Objection; calls for
7 speculation, lacks foundation, beyond his personal
8 knowledge.

9 A. No, I do not know.

10 Q. Okay. On page three at the top, it
11 reads, "Many recent studies have indicated an
12 association between exposure to asbestos in both
13 industrial and urban atmospheres and an increase in a
14 relatively rare type of lung cancer known as
15 mesothelioma."

16 Did I read that correctly?

17 A. Yes, you did.

18 Q. Do you know one way or the other whether
19 this was the first instance when Rockwell was advised
20 that there was an association between asbestos
21 exposure and mesothelioma?

22 MR. WYLES: Objection, the document
23 speaks for itself. Again, you're interpreting the
24 document, misstating the document. Calls for
25 speculation. Lacks foundation.

1 A. No.
 2 Q. No, you don't know?
 3 A. No, that's correct.
 4 Q. And then at the end of this first full
 5 paragraph on page three, it reads: "However, this
 6 new hazard has received much public attention because
 7 it has been suggested that very minimal
 8 nonoccupational exposure can be sufficient to produce
 9 the disease in some individuals."
 10 I withdraw that.
 11 On page four, underneath the first full
 12 paragraph, underneath the title "Presentation of
 13 results," a sentence therein reads: "Concentrations."
 14 Do you see the sentence starting with
 15 "concentrations"?
 16 A. Yes.
 17 Q. "Concentrations as high as 7.8 fibers
 18 per milliliter were measured during shakedown of the
 19 bag filters located inside the building; whereas, the
 20 highest concentration of fibers encountered by
 21 workers at routine operations was 1.3 fibers per
 22 millimeter (sample 9392 AA), measured at numbers
 23 438-G riveter."
 24 Did I read that correctly?
 25 A. I believe so.

1 Q. Do you have any knowledge based on your
 2 review of documents or as the person most
 3 knowledgeable about the concentration levels at any
 4 Rockwell facilities that are referenced in the
 5 language I just read?
 6 MR. WYLES: Objection, the document
 7 speaks for itself, and misleading to the extent
 8 you're interpreting the document or asking him to
 9 interpret the document. It goes beyond his personal
 10 knowledge and it calls for speculation, lacks
 11 foundation, beyond the scope.
 12 A. No, I don't recall any.
 13 Q. Okay. The second page of Plaintiff's
 14 Exhibit 15 is what appears to be a cover letter to
 15 Mr. F.J. Griffith of the Rockwell-Standard Company
 16 from Clayton.
 17 Do you know who Mr. F.J. Griffith is or
 18 was?
 19 A. I believe so.
 20 MR. WYLES: Object to the extent of the
 21 description, the document speaks for itself.
 22 Q. And who was he?
 23 A. I believe that, at that point in time,
 24 he was the plant manager at Ashtabula.
 25 Q. Okay. Do you know how long he remained

1 the plant manager at Ashtabula?
 2 A. No, I don't.
 3 Q. Was he the plant manager when you came
 4 on board with Rockwell in 1978?
 5 A. I can't recall.
 6 Q. How do you know he was the plant manager
 7 of Ashtabula?
 8 A. Again, one of those facts that you
 9 recall.
 10 Q. You just remember from your general
 11 knowledge?
 12 A. That's correct.
 13 Q. Okay.
 14 (Exhibit P-16, National Safety council,
 15 Automotive, Tooling, Metalworking and Associated
 16 Industries Newsletter, 4 pages was received and
 17 marked for identification.)
 18 Q. Mr. Ketcham, I'm going to show you a
 19 document marked Plaintiff's Exhibit 16. It is, reads
 20 at the top, "National Safety Council, Automotive
 21 Tooling, Metalworking and Associated Industries
 22 Newsletter."
 23 Did I read that correctly?
 24 A. Yes, you did.
 25 Q. And the date is February, 1980. And

1 then there's another title, "Minimizing Asbestos
 2 Exposures and Hazards in the Workplace."
 3 Did I read that correctly?
 4 A. Yes.
 5 Q. Now, there's a stamp at the top here.
 6 It says, "Received April 1st, 1980, Personnel."
 7 Do you recognize -- withdrawn.
 8 There's a stamp here that says,
 9 "Received March 27th, 1980, Safety Department."
 10 Do you recall one way or the other
 11 whether Rockwell had a Safety Department?
 12 MR. WYLES: Objection, vague as to time.
 13 Q. Withdrawn.
 14 Do you recall whether Rockwell had a
 15 Safety Department as of March 27th, 1980, the date of
 16 the received stamp on Plaintiff's Exhibit 16?
 17 A. No, I don't.
 18 Q. Okay. Do you recall whether Rockwell
 19 had a Safety Department at any time during your
 20 tenure there?
 21 A. They had people that had the title
 22 Regional Health and Safety Managers.
 23 Q. And where did they sit?
 24 A. As I recall them, they were in the Troy
 25 headquarters.

1 Q. Troy, Michigan?
 2 A. That's correct.
 3 Q. Okay. And do you know what their
 4 function was?
 5 MR. WYLES: Objection; lack of
 6 foundation, calls for speculation.
 7 A. Basically, plant health and safety.
 8 Q. All right. Do you know if Rockwell
 9 maintained a library?
 10 MR. WYLES: Objection, vague.
 11 A. Rockwell had a library at some points in
 12 time.
 13 Q. Where was it -- more than one or just
 14 one that you're aware of?
 15 A. The one that I know of was one.
 16 Q. Okay. And where was that located?
 17 A. In Troy, Michigan.
 18 (Exhibit P-17, Material Safety Data
 19 Sheet for Asbestos-Containing Brake Linings, 7 pages
 20 was received and marked for identification.)
 21 Q. Mr. Ketcham, I'm showing you what's been
 22 marked Plaintiff's Exhibit 17. It's entitled
 23 "Material Safety Data Sheet for Asbestos-Containing
 24 Brake Linings."
 25 Did I read that correctly?

1 A. Yes, you did.
 2 Q. And what is it?
 3 A. It is an MSDS.
 4 MR. WYLES: Objection, the document
 5 speaks for itself.
 6 A. It's an MSDS sheet.
 7 MR. WYLES: Do you have a date on that,
 8 Daniel?
 9 Q. Yes. Mr. Ketcham, if you turn to the
 10 very last page, on the bottom left-hand corner it
 11 says July 24th, 1989.
 12 Did I read that correctly?
 13 A. Yes, you did.
 14 Q. And what does that date indicate, if you
 15 know?
 16 A. I would believe that it would be the
 17 date that the document was finally put together in
 18 final form.
 19 Q. Okay. In Section I, next to the words
 20 "Product Name," it reads, "Brake linings containing
 21 asbestos on Rockwell brakes. Rockwell parts having
 22 such linings may be identified by the asbestos
 23 warning label either on the part, itself, or on the
 24 shipping container."
 25 My question is: Is that how one would

1 go about determining whether or not a brake contained
 2 asbestos by an asbestos warning label either on the
 3 part, itself, or on the shipping container?
 4 MR. WYLES: Objection; vague and
 5 overbroad.
 6 A. That's certainly one way of doing it.
 7 Q. Okay. How would, if you know, how would
 8 Rockwell make the determination about which brakes
 9 required a warning about asbestos and which didn't?
 10 MR. WYLES: Objection, argumentative,
 11 vague.
 12 A. Once the decision was made to put labels
 13 on asbestos-containing brakes, that was, to the best
 14 of my knowledge, done across the board. It was not a
 15 question of picking some asbestos-containing brake
 16 shoes to put the label on and some not to put it on.
 17 Q. Okay. At what point in the
 18 manufacturing process was the warning put on the
 19 brakes that contained asbestos?
 20 A. On the brake shoes, itself.
 21 MR. WYLES: Objection, vague.
 22 MR. KELLER: Was that "vague"?
 23 MR. WYLES: Yeah.
 24 A. On the brake shoes, itself, that would
 25 be done in one of the final operations.

1 Q. During the final operations when the
 2 warning was applied to the brake shoes, themselves,
 3 how would -- how would Rockwell know whether to apply
 4 a warning to that brake -- withdrawn. Strike that.
 5 How would Rockwell know that the brake it was
 6 applying the asbestos warning to contained asbestos?
 7 A. I'm not familiar with the specific
 8 procedures in the brake manufacturing plants that
 9 would have identified it as such.
 10 Q. Did Rockwell maintain a list of mix
 11 codes that identified whether brakes contained
 12 asbestos or not?
 13 MR. WYLES: Objection; vague as to time,
 14 overbroad.
 15 A. Not that I'm aware of.
 16 Q. Are you aware of how one could determine
 17 whether a brake contained asbestos by reading the
 18 edge code on the brake lining?
 19 A. Yes.
 20 Q. And how is that?
 21 A. Going to the material specifications.
 22 Q. And the material specifications are --
 23 are the material specifications the same thing as you
 24 discussed -- are they the same thing as the mixes
 25 that are identified with the mix codes?

1 MR. WYLES: Objection, vague.
 2 A. Yes, we talked about it earlier in the
 3 deposition.
 4 Q. Okay. So if I wanted to know whether a
 5 Rockwell brake contained asbestos, could I look at
 6 the edge code on the brake lining and refer to the
 7 specifications to determine whether it contained
 8 asbestos?
 9 A. I believe so, yes.
 10 (Exhibit P-18, Letter dated February 5,
 11 1986, with attachment, 14 pages was received and
 12 marked for identification.)
 13 Q. Mr. Ketcham, I'm showing you what's been
 14 marked next in order Plaintiff's Exhibit 13 --
 15 MR. CANONI: Eighteen.
 16 Q. -- 18, and it is a 14-page document.
 17 The first page is a letter from Rockwell
 18 International of Canada Limited, dated February 5th,
 19 1986, to Rockwell International in Newark, Ohio.
 20 Do you recognize this document?
 21 A. I have seen it before.
 22 Q. And what is it?
 23 A. It's --
 24 MR. WYLES: The document speaks for
 25 itself.

1 A. It's a letter to Tilbury Plant customers
 2 enclosing certain pieces of information, MSDS sheets,
 3 to be exact.
 4 Q. The first sentence of the letter reads:
 5 "To comply with the above" -- strike that.
 6 The subject of the letter reads: "OSHA
 7 Hazard Communication Standard CFR 1910.1200."
 8 Did I read that correctly?
 9 A. Yes, you did.
 10 Q. And the letter starts with: "Dear
 11 Material Manager: To comply with the above-mentioned
 12 OSHA regulation, Rockwell International Tilbury Plant
 13 is sending to all of our customers new Material Data
 14 Sheets (from our asbestos vendors)."
 15 The next paragraph reads: "These
 16 Material Safety Data Sheets have been updated and
 17 include the products you currently purchase as well
 18 as products you may purchase from Rockwell in the
 19 future."
 20 Did I read that correctly?
 21 A. Yes, you did.
 22 Q. And then thereafter, page two is
 23 titled "Product Fact Sheet," from Allied Corporation.
 24 Correct?
 25 A. That's correct.

1 MR. WYLES: Object. The document speaks
 2 for itself.
 3 Q. The second page is a Material Safety
 4 Data Sheet from Carlisle. Is that correct?
 5 A. Correct. Carlisle Motion Control
 6 Industries.
 7 Q. And the fifth page is an MSDS from Abex
 8 Corporation. Correct?
 9 A. Correct.
 10 Q. And the remaining pages are additional
 11 pages of MSDS's from Abex. Correct?
 12 MR. WYLES: Objection to the extent the
 13 document speaks for itself.
 14 A. Correct.
 15 Q. Were you working for Rockwell in 1986?
 16 A. Yes, I was.
 17 Q. Are you aware of any additional asbestos
 18 vendors other than Allied Corporation, Carlisle, and
 19 Abex, whose MSDS's are attached to the cover letter
 20 in Plaintiff's 18?
 21 A. I do not know.
 22 MR. WYLES: Objection, vague as to time.
 23 MR. HOLMBERG: Yeah. Holmberg. Assumes
 24 facts, lacks foundation, vague as to time, ambiguous,
 25 overbroad, calls for speculation, calls for testimony

1 not within the personal knowledge of the witness,
 2 calls for hearsay.
 3 MR. KELLER: Off the record.
 4 (A recess is taken.)
 5 Q. Mr. Ketcham, what did you do to prepare
 6 for your deposition today, if anything?
 7 A. I reviewed the discovery responses in
 8 the case, and I reviewed some documents that
 9 Mr. Canoni provided to me.
 10 Q. Did you review the deposition notice?
 11 A. I have not seen that, no.
 12 Q. Did you do, other than talking to
 13 Arvinmeritor's counsel and reviewing the documents
 14 that you've just identified, did you do anything
 15 further to prepare for your deposition today?
 16 A. No.
 17 Q. About how long did it take you to
 18 prepare?
 19 A. Probably about, oh, two-and-a-half
 20 hours.
 21 Q. Can you briefly describe for me your
 22 educational background.
 23 A. I have bachelor's degrees in electrical
 24 engineering and industrial economics from Union
 25 College. I have a master's in business

1 administration from Xavier University, and I have a
 2 law degree from the University of Detroit.
 3 Q. Have you ever practiced law?
 4 A. No, I have not.
 5 Q. Smart.
 6 You're currently working for Exponent.
 7 Is that correct?
 8 A. That is correct.
 9 Q. You are not an employee of Arvinmeritor.
 10 Correct?
 11 A. That's correct, I am not.
 12 Q. How long have you been with Exponent?
 13 A. Since 2000.
 14 Q. What's your position there?
 15 A. Title is Senior Managing Engineer.
 16 Q. And other than providing -- strike that.
 17 Do you serve as a litigation consultant to
 18 Arvinmeritor?
 19 A. In this type of matter, yes.
 20 Q. Okay. Other than serving as a
 21 litigation consultant to Arvinmeritor, what other
 22 type of work do you perform for Exponent?
 23 A. As a consulting engineer.
 24 Q. For other companies?
 25 A. For other companies, yes.

1 Q. Okay. Before you worked for Exponent in
 2 the year 2000, when you started working for Exponent
 3 in the year 2000, where did you work?
 4 A. Meritor Automotive.
 5 Q. What was your position?
 6 A. I was a Manager of Product Analysis.
 7 Q. And how long did you hold that position?
 8 A. Since 1997.
 9 Q. And what were your duties in that
 10 position?
 11 A. To provide technical support to in-house
 12 and outside counsel in defense of product litigation.
 13 Q. Like asbestos litigation?
 14 A. Asbestos, as well as, you know, other
 15 product issues.
 16 Q. Did you have any --
 17 MR. WYLES: Daniel, you're cutting in
 18 and out again. The witness is fine.
 19 Q. Did you have any other duties in that
 20 position?
 21 A. Yes. I also had some responsibility
 22 for, at that point in time, government products.
 23 Q. And what were those responsibilities?
 24 A. Primarily in the contract areas.
 25 Q. And what did you do in the contract

1 areas for government products?
 2 A. Reviewed the contracts dealing with
 3 government products with the prime contractors.
 4 Q. Other than your duties in government
 5 products and technical support in defense of product
 6 liability litigation, do you have any other duties in
 7 your position in Product Analysis between '97 and
 8 2000?
 9 A. Those are the ones that I can recall.
 10 Q. Prior to your position in Product
 11 Analysis, where did you work?
 12 A. Rockwell International.
 13 Q. And what was your position?
 14 A. Manager, Product Analysis.
 15 Q. And how long -- when did you begin that
 16 position?
 17 A. 1993.
 18 Q. What were your duties in that position?
 19 A. Same duties as in the other position.
 20 Q. Anything additional?
 21 A. No.
 22 Q. And when you say the other position,
 23 you're talking about your position in Product
 24 Analysis for Meritor Automotive?
 25 A. Right. Meritor Automotive was a

1 spin-off from Rockwell.
 2 Q. Do you have any knowledge about the
 3 spin-off of Meritor Automotive from Rockwell
 4 International?
 5 MR. WYLES: Objection, vague.
 6 A. Such as?
 7 MR. KELLER: Withdrawn.
 8 Q. Did -- was Meritor Automotive a spin-off
 9 of Rockwell International in 1997?
 10 A. Yes, it was.
 11 Q. Okay. And did the entity Rockwell
 12 International, to the extent you know, continue as a
 13 going concern?
 14 A. There were various entity name changes
 15 and spin-offs, and things of that type of nature,
 16 during the mid 1990s.
 17 Q. Okay. And do you know what prompted the
 18 name change and various spin-offs that you described?
 19 MR. WYLES: Objection; lack of
 20 foundation, calls for speculation.
 21 Q. If you know.
 22 A. Rockwell International was a
 23 multinational conglomerate, and the decision was made
 24 to spin off the various business entities of the
 25 conglomerate to stand-alone corporations or for sale

1 or mergers with other corporations.
 2 Q. Do you know whether Rockwell's brake
 3 manufacturing component, for lack of a better word,
 4 that we've been discussing today was spun off to
 5 Meritor Automotive?
 6 A. That was -- that business operation was
 7 included in the business entities that moved to
 8 Meritor Automotive.
 9 Q. Do you know one way or the other whether
 10 Meritor Automotive purchased or absorbed a division
 11 of the Carlisle group in 1997?
 12 MR. WYLES: Objection, calls for
 13 speculation.
 14 A. Don't believe --
 15 MR. WYLES: Lack of foundation, beyond
 16 knowledge in his employment with Rockwell, beyond the
 17 scope.
 18 A. I don't believe so, not that I recall.
 19 Q. Prior to 1993, what was your position?
 20 A. Manager, Product Compliance.
 21 Q. And was that with Rockwell
 22 International?
 23 A. Yes, it was.
 24 Q. And how long did you hold that
 25 position -- when did you start in that position?

1 Excuse me.
 2 A. 1988.
 3 Q. And what were your duties in that
 4 position?
 5 A. Primarily potential product safety
 6 investigations.
 7 Q. Anything else?
 8 A. And dealing with certain government
 9 entities.
 10 Q. And what did that entail, dealing with
 11 certain government entities?
 12 A. Notification of potential recalls of
 13 products related to the potential product safety
 14 investigations.
 15 Q. Any other duties in that position?
 16 A. Those are the primary duties.
 17 Q. Did you ever conduct product safety
 18 investigations?
 19 A. Yes.
 20 Q. Did you ever investigate the potential
 21 hazards of asbestos in any of the Rockwell products?
 22 A. No.
 23 Q. Are you aware of any investigation
 24 concerning asbestos in any Rockwell products?
 25 MR. WYLES: Objection; vague, overbroad.

1 A. Not that I can recall.
 2 Q. Are you aware of any government
 3 investigation concerning asbestos in any of
 4 Rockwell's products?
 5 MR. WYLES: Same objections.
 6 A. Not that I'm aware of.
 7 Q. Prior to 1988, were you employed by
 8 Rockwell International?
 9 A. Yes, I was.
 10 Q. Okay. And in what capacity?
 11 A. Division Materials Manager.
 12 Q. And when did you begin in that position?
 13 A. 1984.
 14 Q. And what were your duties in that
 15 position?
 16 A. Responsible for materials management and
 17 coordination with the axle manufacturing plants.
 18 Q. Anything else?
 19 A. In a nutshell, that was it.
 20 Q. Did you deal with brake linings?
 21 A. Only tangentially.
 22 Q. And how was that?
 23 A. During that period of time was when the
 24 major change from asbestos to nonasbestos linings
 25 occurred, and the axle plants that I had

1 responsibility for, obviously, on some of their axle
 2 assembled brake linings to them, or brake shoes to
 3 the axles, so I was involved in making sure that I
 4 was aware of the status with the changeover that was
 5 occurring.
 6 Q. Do you know why they made the changeover
 7 from asbestos to nonasbestos-containing brake
 8 linings?
 9 MR. WYLES: Objection, asked and
 10 answered.
 11 A. I don't know why the lining
 12 manufacturers made that decision, no.
 13 Q. Do you believe, based on your position
 14 as the person most knowledgeable, that the lining
 15 manufacturers were the ones that made that decision?
 16 MR. WYLES: Objection; vague, lacks
 17 foundation.
 18 MS. Galfayan: And calls for
 19 speculation. Galfayan.
 20 Q. To the extent you know.
 21 A. To the best of my knowledge, yes.
 22 Q. Are you aware of any decision within
 23 Rockwell International to move from
 24 asbestos-containing brakes to nonasbestos-containing
 25 brakes?

1 MR. WYLES: Objection; vague, asked and
2 answered.
3 Q. To the extent you know.
4 A. I'm not aware of any decision to do
5 that. It's obviously something that occurred during
6 the 1980s.
7 Q. Okay. And when you participated in the
8 changeover with regard to the axles, do you know if
9 that happened closer to 1984, when you first took
10 that position, or closer to 1988, when you ended that
11 position, or was it during the whole period?
12 MR. WYLES: Objection to the extent it
13 misstates testimony.
14 A. Change occurred over a period of time.
15 The most pronounced change was in December of 1987.
16 Q. What did you personally do to assist in
17 the changeover?
18 A. Made sure that the purchasing
19 organization, central purchasing organization at that
20 point in time was communicating with the materials
21 management at the plants to make sure that a supply
22 of linings or lined shoes was available for their use
23 during this transition period.
24 Q. Anything else?
25 A. That's the primary responsibility.

1 Q. That's all you can remember as far as
2 how you participated in the process personally?
3 A. That's correct.
4 MR. WYLES: Asked and answered.
5 Q. Prior to 1984, you were in Florence?
6 A. That's correct.
7 Q. Okay. And what was your position in
8 Florence?
9 A. Production Control Manager.
10 Q. And that was for Rockwell. Correct?
11 A. Correct.
12 Q. And did you start in that position
13 in '78?
14 A. No.
15 Q. Okay. When did you start in that
16 position?
17 A. '82.
18 Q. And what were your duties?
19 A. I supervised some various departments
20 within the -- within the plant.
21 Q. What departments?
22 A. Quality, Purchasing, Specifications,
23 Shipping, Receiving.
24 Q. And what did you do --
25 A. At various points in time.

1 Q. Any other departments?
2 A. Those are the ones that I can recall at
3 this point in time.
4 Q. Okay. In your capacity as supervisor of
5 Quality, what were your duties?
6 A. Basically to make certain that the, you
7 know, staffing in the organization was meeting the
8 goals that we had set for them, supervising the
9 Quality Control Manager.
10 Q. What quality goals were set for the
11 Quality Department?
12 A. Incoming receipt of materials,
13 inspection of that when necessary, making sure that
14 the outgoing product was shipped properly and
15 correctly, and that the proper materials were shipped
16 to customers. And there are probably a host of other
17 things that I don't recall right now.
18 Q. Do you recall whether the Quality
19 Department that you supervised at Florence inspected
20 the brake linings when they came from the suppliers?
21 A. I can't recall.
22 Q. Okay. With regard to your supervision
23 of the Specs Department, what was involved in your
24 supervision of that department?
25 A. Specifications basically dealt with

1 customer questions, as far as, I have this, this is
2 what's broken, what parts do I need to order in order
3 to get this item fixed. It was basically dealing
4 with customer inquiries of that type of nature.
5 Q. And what were your duties as a
6 supervisor for the Specs Department -- strike that.
7 What did you do in your capacity as a supervisor of
8 the Specs Department to assist in their efforts of
9 identifying parts for customers?
10 A. Making sure that they have the systems
11 and the personnel in order to allow them to do the
12 job.
13 MR. WYLES: Daniel, you're cutting out
14 again. Sorry.
15 Q. To the extent that you know, if a
16 customer called in and was referred to the Specs
17 Department for a part that they needed, how would the
18 personnel in the Specs Department identify whatever
19 part was being requested by the customer?
20 MR. WYLES: Objection; vague, overbroad,
21 incomplete hypothetical.
22 A. They had access to various bills of
23 materials, and drawings, and things like that, that
24 they could walk through and determine what was
25 necessary.

1 Q. So if I needed a new brake lining for my
2 brake, and I called the Specs Department in Florence
3 between 1982 and 1984, what would the personnel that
4 I would be speaking with in the Specs Department do
5 in order to find out what brake lining I needed?
6 MR. WYLES: Objection; lack of
7 foundation, calls for speculation.
8 A. You're asking much too specific a
9 question after 25 years.
10 Q. You don't know?
11 A. No.
12 Q. Prior to 1982, where did you work?
13 A. At Florence.
14 Q. And in what capacity?
15 A. As Purchasing Manager.
16 Q. And when did you start in that position?
17 A. 1978.
18 Q. Was that your first position?
19 A. No.
20 Q. All right. And that was for Rockwell?
21 A. That's correct.
22 Q. Okay. What were your duties in that
23 position?
24 A. Procurement of, or supervising the staff
25 that worked for me in procurement of what we'd call

1 purchased complete items or PC items, as well as
2 expendables, boxes, labels, things like that; as well
3 as contracts related to the operation of the
4 facility.
5 Q. What's a purchase complete item?
6 A. It would be like a nut or a bolt type of
7 item, as opposed to something that was purchased from
8 an inter-plant source, from a Rockwell plant where
9 they assembled something and shipped them in to us.
10 Q. Did you have any other duties in that
11 position?
12 A. Those were the primary responsibilities.
13 Q. And prior to that position, what
14 position did you hold?
15 A. Sales Order Manager.
16 Q. And when did you start in that position?
17 A. '78.
18 Q. And what were your duties in that
19 position?
20 A. Supervised the staff of inside sales
21 personnel.
22 Q. Anything else?
23 A. In a nutshell, that was it.
24 Q. Prior to that position, did you hold any
25 other positions with Rockwell?

1 A. No.
2 Q. Where did you work prior to working for
3 Rockwell?
4 A. General Electric Company.
5 Q. Anyplace else?
6 A. After college, no, other than a stint
7 that I did in the Army Reserve.
8 Q. And what did you do for GE?
9 A. During what period of time?
10 Q. Prior to 1978.
11 A. I held a couple positions in a
12 commercial appliance manufacturing plant; and prior
13 to that I was on their manufacturing management
14 training program.
15 Q. How long did you work for GE?
16 A. About six years.
17 Q. '72 to '78?
18 A. Correct.
19 Q. Did Rockwell, to the extent you know,
20 use gaskets in its manufacture of any of its
21 products?
22 A. Yes.
23 Q. Do you know if any of those gaskets
24 contained asbestos?
25 A. Yes.

1 Q. Did they?
2 A. Some of them did, yes.
3 Q. And who, if you know, were the vendors
4 that supplied those gaskets?
5 A. I don't recall as I sit here.
6 MR. WYLES: Objection; vague as to time,
7 overbroad, beyond the scope.
8 Q. And do you know what products or how
9 those gaskets were incorporated into Rockwell
10 products?
11 MR. WYLES: Same objections. Daniel,
12 unless you frame it with some regard to relevance in
13 this case, then I'm going to instruct him not to
14 answer.
15 MR. KELLER: All right. Well, you go
16 ahead and instruct him. I encourage you to look at
17 the deposition notice. It's not limited to any sort
18 of product. I have limited the time frame to
19 Mr. Ketcham's employment and personal knowledge to
20 the period of time he was employed there. It's just
21 general background knowledge.
22 Are you instructing the witness not to
23 answer?
24 MR. WYLES: You ask the question and
25 I'll think about it.

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1 MR. KELLER: All right.
 2 MR. WYLES: You haven't limited it to
 3 his period of employment when you framed that
 4 question originally, so I just want to hear it with
 5 that frame, and I'll give it some consideration.
 6 MR. KELLER: Very well.
 7 Q. During your period of employment at
 8 Rockwell, how were asbestos-containing gaskets
 9 incorporated into Rockwell's products? And I'll give
 10 counsel a running objection to this question.
 11 A. They were used as gaskets primarily in
 12 axle components that I can recall.
 13 Q. Any other components that you can
 14 recall?
 15 A. Those are the ones that I recall.
 16 Q. Do you recall during your tenure at
 17 Rockwell whether Rockwell manufactured clutches?
 18 A. Yes, they did.
 19 Q. Okay. And do you recall whether those
 20 clutches incorporated asbestos-containing components?
 21 A. Yes, I do recall.
 22 Q. And do you know -- and did they?
 23 A. No.
 24 Q. Okay. And how do you know that?
 25 A. Because I was there. The question has

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1 been asked before.
 2 Q. I understand. How do you know that the
 3 materials that were incorporated into Rockwell's
 4 clutches did not contain asbestos?
 5 MR. WYLES: Objection; argumentative,
 6 asked and answered.
 7 A. Because -- because that's what I was
 8 told when I investigated the matter.
 9 Q. Okay. And just so I have some
 10 background, what did you do to investigate the matter
 11 other than talking to Arvinmeritor's counsel?
 12 A. I'm sure at that point in time I spoke
 13 with the people in the clutch business.
 14 Q. Rockwell's clutch business?
 15 A. Yes.
 16 Q. Did you do anything else?
 17 A. That was probably 20 years ago, so I
 18 don't recall.
 19 Q. So as of 20 years ago -- let's see, that
 20 puts us in 1988. Right?
 21 A. '87, '88.
 22 Q. '87, '88, you recall consulting with
 23 Rockwell's clutch people and them telling you that
 24 the clutches didn't contain asbestos. Is that
 25 correct?

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1 A. That's correct.
 2 Q. One last question on the subject.
 3 Do you ever recall seeing a warning
 4 about asbestos on any clutch that was manufactured,
 5 clutch product that was manufactured by Rockwell?
 6 MR. WYLES: Object. This is way beyond
 7 the scope. Rockwell clutches aren't an issue, truck
 8 clutches aren't an issue.
 9 Q. And I'm only asking with regard to your
 10 personal knowledge during your tenure at Rockwell.
 11 MR. WYLES: I will let him answer based
 12 on the fact that you represented this will be the
 13 last question you have for him on the subject.
 14 A. No.
 15 Q. Have you ever served as a litigation
 16 consultant for any other companies or persons?
 17 MR. WYLES: Sorry. You cut out, for any
 18 what?
 19 Q. For any other companies or individuals.
 20 MR. WYLES: I'm just going to object as
 21 beyond the scope, irrelevant.
 22 A. No.
 23 Q. How did Arvinmeritor get its name?
 24 MR. WYLES: Objection; lacks foundation,
 25 calls for speculation.

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1 Q. I assume "Meritor" comes from Meritor
 2 Automotive. Where does "Arvin" come from? Correc
 3 me if I'm wrong.
 4 A. You're correct on the first part. The
 5 second part is Arvin Industries.
 6 Q. And what did they do, if you know?
 7 A. I really don't know. They manufactured
 8 automotive components; but beyond that, I don't
 9 have --
 10 Q. And did they at some point in time merge
 11 with Meritor Automotive, as far as you know?
 12 A. Yes, that's correct.
 13 Q. Okay. Do you remember when that was?
 14 A. In 2000.
 15 Q. Okay. Other than -- withdrawn.
 16 We talked about earlier that Rockwell
 17 manufactured automotive products -- manufactured
 18 products for trucks, trailers, and heavy equipment.
 19 Correct?
 20 A. I think that's what we talked about,
 21 yes.
 22 Q. Okay. Are you aware of Rockwell
 23 International manufacturing any products that
 24 contained brake linings for any other industries
 25 during your tenure at Rockwell?

1 A. Industrial equipment.
 2 Q. What type of industrial equipment?
 3 A. Such as forklifts.
 4 Q. Okay. Other than industrial equipment,
 5 are you aware of any other industries?
 6 A. None that come to mind. Well, you know,
 7 buses, but obviously buses is an offshoot of heavy
 8 trucks.
 9 Q. Anything else?
 10 A. That's what comes to my mind.
 11 Q. And for those industries other than
 12 asbestos-containing brakes and perhaps an
 13 asbestos-containing gasket, are you aware of any
 14 other components or parts that were incorporated into
 15 Rockwell's products for those industries that may
 16 have contained asbestos? And this is during your
 17 tenure at Rockwell and based on your personal
 18 knowledge.
 19 MR. WYLES: At this point I'm going to
 20 instruct him not to answer. I think it's beyond,
 21 well, beyond the scope and well beyond the relevance
 22 of this case, Daniel.
 23 MR. KELLER: And your instruction is
 24 noted. I would instruct you to look at the
 25 deposition notice which does not limit the scope of

1 this deposition to --
 2 MR. WYLES: No, I'm aware of that, and
 3 you know, we filed an objection to it. I also tried
 4 to meet with Steven where obviously we disagree about
 5 where we stand as to the scope. And so I have given
 6 a long latitude, but now you're going well beyond
 7 areas which are in this litigation.
 8 And so for that reason, you're getting
 9 into other industries now and other products in other
 10 industries. I'm going to instruct him.
 11 MR. KELLER: Very well.
 12 Q. During your tenure at Rockwell, where
 13 were their manufacturing facilities located? And I'm
 14 specifically asking where were their manufacturing
 15 facilities located that used asbestos-containing
 16 brake linings, if you know?
 17 A. During a portion of the period of time
 18 that I was there, those facilities would have been
 19 Tilbury, Ashtabula, Winchester, Newark, Kenton,
 20 Oshkosh, Battle Creek, New Castle, Marysville,
 21 Florence.
 22 Q. Marysville. Which state?
 23 A. Ohio. Those are the ones that come to
 24 mind. As I sit here, some of those facilities were
 25 in operation for only a portion of the time that I

1 worked there.
 2 MR. HOLMBERG: Excuse me. Could I have
 3 the court reporter read that answer back, please.
 4 (Whereupon, the court reporter reads as
 5 requested.)
 6 Q. During your tenure at Rockwell, did
 7 Rockwell manufacture any brake linings?
 8 A. Yes.
 9 Q. Okay. And was that in Ashtabula?
 10 A. No.
 11 Q. Where was that?
 12 A. York.
 13 Q. Okay. Anyplace else?
 14 A. Actually, we should add York to the
 15 list.
 16 Q. Okay.
 17 A. No.
 18 Q. And those linings, the brake linings
 19 that were manufactured at York by Rockwell did not
 20 contain asbestos. Correct?
 21 A. That is correct.
 22 Q. To the extent you know, what was the
 23 relationship between Maremont and Rockwell and/or
 24 Meritor Automotive?
 25 MR. WYLES: Objection. Vague as to

1 time. Lack of foundation, calls for speculation,
 2 beyond the scope.
 3 Q. If you know.
 4 A. I believe that Maremont was at some
 5 point in time an entity within Arvin Industries.
 6 That's the extent of my knowledge.
 7 Q. Did you ever work with Maremont when you
 8 worked at Rockwell?
 9 A. No.
 10 Q. Do you know one way or the other whether
 11 Arvinmeritor continues to sell any
 12 asbestos-containing products?
 13 A. To the best of my knowledge, they do
 14 not.
 15 Q. Do you know if they ever did? And I ask
 16 that question assuming that Arvinmeritor came into
 17 existence in, I believe you said 2000?
 18 A. 2000.
 19 MR. WYLES: And I'm going to object.
 20 Beyond the scope. Beyond the scope of his
 21 employment, beyond the scope of his deposition,
 22 beyond all relevance to Mr. Bradford's claim.
 23 A. To the best of my knowledge, they did
 24 not.
 25 Q. When you were at Rockwell, did Rockwell

1 have a master catalog for its products that it
2 provided to its customers, or did it have separate
3 catalogs depending on the type of customer that would
4 be receiving it?

5 MR. WYLES: Objection; vague, overbroad,
6 compound.

7 A. As far as parts catalogs are you talking
8 about?

9 Q. Yes.

10 A. Parts catalogs, to the extent that they
11 existed, were published by product line.

12 Q. And can you tell me the different
13 product lines that you recall during your tenure at
14 Rockwell?

15 A. There are a whole different variety of
16 product lines, ones that I can remember that had
17 parts manuals would have been axle, trailer axle,
18 brake. I'm sure that there were other ones, but
19 those are the ones that come to mind right now.

20 Q. And so there would be a catalog for
21 parts for those -- for a separate catalog for axles
22 and a separate one for brakes. Is that correct?

23 A. That's what I remember from my tenure
24 there, yes.

25 Q. Were those catalogs released annually?

1 MR. WYLES: Objection, lack of
2 foundation.

3 Q. During your tenure, to the extent you
4 recall.

5 A. Periodically. I don't know that they
6 were annual.

7 Q. Okay.

8 MR. WYLES: Daniel, let me ask, it's one
9 o'clock. Do you think that we will be able to push
10 on to finish this rather than take a lunch?

11 (A discussion takes place off the record
12 and a recess is taken.)

13 (Exhibit P-19, Notice of Taking
14 Deposition and Request for Production of Documents
15 was received and marked for identification.)

16 Q. Mr. Ketcham, I've provided you a
17 document marked Plaintiff's Exhibit 19, which is
18 Plaintiff's Notice of Taking Deposition and Request
19 For Production of Documents for a custodian of
20 records and person most knowledgeable.

21 Do you have that document in front of
22 you?

23 A. Yes, I do.

24 Q. Okay. And it's your understanding that
25 you're appearing today as the person most

1 knowledgeable for Arvinmeritor. Correct?

2 A. That is correct.

3 Q. I would ask you to turn to page ten, and
4 on page ten, there's a title which reads,
5 "Information Sought," and thereunder it reads,
6 "Person most knowledgeable."

7 Do you see that?

8 A. Yes, I do.

9 Q. And under that there's a series of
10 categories. The first one reads, "All information
11 pertaining to your document retention policy."

12 Do you have any information pertaining
13 to Arvinmeritor's document retention policy?

14 A. It's rather broad.

15 Q. What is it?

16 A. Arvinmeritor did have or does have a
17 record retention policy.

18 Q. Let me ask you: Do you have any
19 information concerning Rockwell's record retention
20 policy during your tenure there?

21 A. It's still a broad question, but yes.

22 Q. Okay. And do you recall what the
23 document retention policy was concerning Rockwell
24 documents --

25 MR. WYLES: Objection, vague and

1 overbroad.

2 Q. -- that concern asbestos-containing
3 brake linings?

4 A. I don't think that there was any part of
5 the retention policy that was categorized in that
6 particular manner.

7 Q. How was the document retention policy
8 categorized?

9 A. It was categorized, based upon my
10 recollection, based upon the type of document that it
11 was.

12 Q. And what were the different types of
13 documents?

14 A. There are a multitude of different
15 categories.

16 Q. Which are the ones that you recall as
17 you sit here today?

18 A. For instance, letters, drawings,
19 specifications, various categories of documents of
20 that type.

21 Q. And what was the policy as to the
22 retention of those types of documents at Rockwell
23 during your tenure, to the extent that you recall?

24 A. Various document categories were
25 retained for -- by policy, for various lengths of

1 time.
 2 Q. Okay. One of the types of documents
 3 that you identified were letters. Correct?
 4 A. Um-hum.
 5 Q. And how long were those retained?
 6 A. I can't recall.
 7 Q. Okay. Do you recall any of the lengths
 8 of time certain types of documents at Rockwell were
 9 retained during your tenure there?
 10 A. No.
 11 Q. Okay.
 12 MR. WYLES: Objection; lack of
 13 foundation, calls for speculation.
 14 Q. You were employed by Meritor Automotive
 15 as well. Correct?
 16 A. That's correct.
 17 Q. Okay. Do you have any knowledge about
 18 Meritor Automotive's document retention policy?
 19 MR. WYLES: Objection; lack of
 20 foundation, calls for speculation, beyond the scope.
 21 A. Yes.
 22 Q. And does the -- did the Meritor document
 23 retention policy mirror the document retention policy
 24 at Rockwell, to the extent that you recall?
 25 A. To the extent that I recall.

1 MR. WYLES: Lack of foundation.
 2 A. To the extent that I recall, yes, it was
 3 a carryover.
 4 Q. Were you ever employed by Arvinmeritor
 5 other than in your capacity as litigation consultant?
 6 A. No, I was not.
 7 Q. Do you have any knowledge about
 8 Arvinmeritor's document retention policy?
 9 MR. WYLES: Objection, beyond the scope.
 10 A. No, I do not.
 11 Q. The second category reads: "All
 12 information pertaining to your corporate history and
 13 structure, including but not limited to the
 14 identities of all of your predecessors-in-interest
 15 and successors-in-interest."
 16 Other than your testimony today in
 17 response to my questions, including but not limited
 18 to your responses to my questions about Maremont,
 19 Carlisle, Rockwell, Meritor Automotive and
 20 Arvinmeritor, do you have any other knowledge
 21 concerning this category?
 22 MR. WYLES: Vague and overbroad. But go
 23 ahead.
 24 A. Yes.
 25 Q. Okay. And what is that knowledge?

1 A. I recall some of the corporate history
 2 for Rockwell International.
 3 Q. Okay. And the corporate history that
 4 you recall, does that concern predecessors to
 5 Rockwell International?
 6 A. That's correct.
 7 Q. Okay. Was one of those predecessors an
 8 axle company?
 9 MR. WYLES: Objection, vague.
 10 A. Do you have a name?
 11 Q. It starts with a T. Timken. Is that
 12 it?
 13 A. Timken-Detroit Axle?
 14 Q. Yes.
 15 A. Yes.
 16 Q. Was that a predecessor-in-interest to
 17 Rockwell?
 18 A. Yes.
 19 Q. Did Timken become a part of Rockwell at
 20 some point in time?
 21 A. Timken-Detroit Axle?
 22 Q. Yes.
 23 A. Yes.
 24 Q. And do you know when that was?
 25 A. Well, there were various entities in

1 between.
 2 Q. Let me just ask one more question on
 3 this topic, and that is, when did the Rockwell
 4 International, to the extent that you know, that you
 5 worked for, come into existence?
 6 A. It was in either 1972 or '73.
 7 Q. And do you know who their
 8 predecessor-in-interest was in 1972, '73?
 9 A. I believe it was North American
 10 Rockwell.
 11 Q. Other than your testimony today and
 12 knowledge concerning that testimony with regard to
 13 Rockwell products that contained asbestos, do you
 14 have any knowledge about any asbestos-containing
 15 products that were manufactured and/or sold by any of
 16 Rockwell's predecessors-in-interest or
 17 successors-in-interest?
 18 MR. WYLES: I'm going to object, that's
 19 beyond the scope, and instruct him not to answer.
 20 Mr. Ketcham has given extensive testimony on the
 21 different industries the products are made for, the
 22 different types of products, the different
 23 asbestos-containing products that go well beyond
 24 Mr. Bradford's alleged exposure to any Rockwell
 25 products. On that basis, I think this line of

1 questioning is irrelevant and harassing; and
 2 therefore, I'm instructing him not to answer.
 3 Q. Other than the entities that we
 4 discussed today from which Rockwell, during your
 5 tenure there, purchased asbestos-containing brake
 6 linings, are you aware of any other entities during
 7 your tenure there from which Rockwell purchased
 8 asbestos-containing products?
 9 MR. WYLES: I'm going to just object.
 10 This question has been asked several times in
 11 different forms about vendors, suppliers.
 12 A. No.
 13 Q. Category 13 reads: "All information
 14 pertaining to Material Safety Data Sheets pertaining
 15 to your asbestos-containing products and/or their
 16 component parts, as created from 1955 to 1995."
 17 Do you see that?
 18 A. Yes, I do.
 19 Q. All right. And we've reviewed some
 20 Material Safety Data Sheets today concerning not only
 21 Rockwell products, but some of the brake linings
 22 manufactured by some of Rockwell's brake lining
 23 suppliers. Correct?
 24 A. Correct.
 25 Q. Okay. Who was responsible during your

1 tenure at Rockwell for drafting the Material Safety
 2 Data Sheets to the extent that you recall? In other
 3 words, was it a department or a person?
 4 A. I believe it was drafted by a person or
 5 a group of people.
 6 Q. Okay. Do you know the names of any of
 7 those people?
 8 A. Yes, I do.
 9 Q. And what are those names?
 10 A. Barbara Boroughf.
 11 Q. Anybody else?
 12 A. And I believe that she most likely
 13 worked with counsel at that point in time.
 14 Q. With who? Oh, with attorneys?
 15 A. Yes.
 16 Q. Where did she sit, what facility?
 17 A. Troy.
 18 Q. Do you recall what period?
 19 A. They were first drafted in the mid-'80s,
 20 I believe.
 21 Q. Do you know if she was responsible for
 22 maintaining and updating them thereafter?
 23 MR. WYLES: Objection, lack of
 24 foundation.
 25 A. No, she was not.

1 Q. Do you know who was?
 2 A. Yes.
 3 Q. Who?
 4 A. Me.
 5 Q. And when did you assume responsibility
 6 for maintaining the Material Safety Data Sheets?
 7 A. They were revised, I believe it was in
 8 the late 1990s.
 9 Q. And you participated in that process?
 10 A. Yes.
 11 Q. Was that in your position in product
 12 analysis for Rockwell International between '93
 13 and '97?
 14 A. I can't recall whether it was '97 or
 15 earlier, or '97 and later.
 16 Q. Do you recall whether you were
 17 responsible for revision to Material Safety Data
 18 Sheets in your position at Rockwell, or in your
 19 position at Meritor?
 20 A. That's what I can't recall.
 21 Q. Okay. It could be one; it could be the
 22 other?
 23 A. Yeah, it was in that period of time.
 24 Q. Between 1982 and 1984, you were a
 25 Product Control Manager. Correct?

1 A. Production Control Manager.
 2 Q. Production Control Manager. And one of
 3 the departments you supervised was Purchasing. Is
 4 that correct?
 5 A. That's correct.
 6 Q. Was the Purchasing Department
 7 responsible for purchasing brake linings from
 8 vendors?
 9 A. I can't recall.
 10 Q. Okay. Do you remember any of the names
 11 of the people in the Purchasing Department that you
 12 supervised?
 13 A. Yes.
 14 Q. And what are those names?
 15 A. Annie Shaw, Jake Jones. I can't recall
 16 the other ones at this point in time.
 17 Q. And what facility was that?
 18 A. Florence.
 19 Q. Florence. Okay.
 20 Category number 14 reads: "All
 21 information pertaining to when you first became aware
 22 of the hazards associated with asbestos exposure."
 23 I will note for the record that there
 24 are general order interrogatory responses which
 25 address this, and which you verified, and I believe

Ketcham - direct

Page 142 1 they are dated June 23rd, 2006. 2 Do you have an understanding about if 3 and/or when Rockwell became first aware of a hazard 4 associated with asbestos exposure? 5 A. Not beyond what's stated in the 6 discovery responses. 7 Q. Category number 15 reads: "All 8 information, including but not limited to warnings, 9 directives, instructions and/or similar statements 10 issued by you to your employees, customers, or 11 members of the general public pertaining to your 12 asbestos-containing products from 1955 to 1995." 13 And again, I will acknowledge that this 14 subject in some capacity is addressed in the 15 interrogatory responses that I've just identified. 16 And I believe counsel for Arvinmeritor has also 17 indicated as such today on the record. 18 Aside from what is in the interrogatory 19 responses that you verified, do you have any 20 additional information -- and aside from your 21 testimony today, do you have any additional 22 information concerning this category? 23 A. I don't believe so. 24 Q. Okay. Specifically with regard to this 25 case, do you know Mr. Bradford?	Page 144 1 A. Could you read the question back, 2 please. 3 (Whereupon, the court reporter reads as 4 requested.) 5 A. Okay. And you're referring to 6 knowledge. This is knowledge that I acquired when I 7 was at Rockwell? 8 Q. Yes. 9 A. No. 10 Q. Do you have any knowledge in your 11 capacity as a person most knowledgeable concerning 12 the sale of any Rockwell products to National 13 Automotive Parts? 14 MR. WYLES: I'm going to object. It's 15 beyond the scope. It's vague as to "products." 16 Overbroad. 17 A. Yes. 18 Q. Okay. And what is that knowledge? 19 A. That National Automotive Products or 20 NAPA, at certain locations, warehouse locations, were 21 in Rockwell's name and address master as a customer. 22 Q. Okay. And does that indicate to you 23 that Rockwell sold some of its products to NAPA? 24 MS. KUO: This is Kuo. I object based 25 on speculation.
Page 143 1 A. Do I know him? No. 2 Q. Okay. You never talked to him? 3 A. No. 4 Q. On page 17, there's a list of sites that 5 are allegedly relevant in this litigation. Have you 6 ever been to any of those sites? 7 A. No. 8 Q. Do you have any knowledge about the sale 9 of any Rockwell products during your tenure at 10 Rockwell to any of those locations or entities that 11 are listed on Exhibit A, page 17? 12 A. Knowledge during my tenure? 13 Q. Yes. 14 A. No. 15 Q. Do you have any knowledge about the sale 16 of Rockwell parts or Rockwell products during your 17 tenure at Rockwell to National Automotive Parts 18 Association, Dow and Tractor, Dow and Hammon? 19 MR. WYLES: Objection to the extent it's 20 compound. But listen, for expediency sake, he can 21 answer. 22 MR. CANONI: You want him to look at any 23 particular category? 24 Q. And I am referencing by way of 25 background, categories 26 through 30.	Page 145 1 MR. WYLES: Vague, overbroad, calls for 2 speculation, lacks foundation, beyond the scope. 3 A. They may have, I do not know. 4 Q. Is it your understanding as the person 5 most knowledgeable that Rockwell distributed some 6 parts to NAPA, NAPA stores? 7 MS. KAO: Objection, asked and answered; 8 same objection as before concerning vagueness. 9 MR. WYLES: And calls for speculation, 10 beyond the scope. 11 A. I do not know. 12 Q. Do you know if in the early '80s, which 13 we've agreed is within the scope of this deposition, 14 Rockwell distributed any products containing break 15 lining to NAPA and any of its stores, or any of its 16 stores? 17 A. I do not know. 18 MS. KAO: Kao. Same objections. 19 Q. Do you know, you said that NAPA was 20 listed in the customer directory for Rockwell. Is 21 that correct? 22 A. Name and address master. 23 Q. Okay. What is the name and address 24 master? 25 A. It's a listing of customers from

1 basically the late 1960s through 1995.
 2 Q. Okay. And if a customer is listed in
 3 that directory, what does it mean?
 4 MR. WYLES: Objection, calls for
 5 speculation.
 6 Q. If anything.
 7 MR. WYLES: Lack of foundation.
 8 A. It means that they were set up as a
 9 customer.
 10 Q. Okay. Is it your understanding that if
 11 a customer is listed in a customer directory, that
 12 they at one point in time purchased products from
 13 Rockwell?
 14 MR. WYLES: Calls for speculation, lacks
 15 foundation.
 16 A. I do not know.
 17 Q. As you sit here today, do you know one
 18 way or the other whether NAPA ever purchased any
 19 products from Rockwell?
 20 MR. WYLES: Asked and answered,
 21 argumentative.
 22 MS. KAO: Join.
 23 A. I do not know.
 24 Q. As you sit here today, do you know one
 25 way or the other whether Dow and Tractor or Dow and

1 Hammon purchased any products from Rockwell?
 2 A. During what period of time?
 3 Q. Ever.
 4 A. Yes.
 5 Q. And did they?
 6 A. Yes.
 7 Q. When?
 8 A. 2002.
 9 Q. Other than in 2002, do you know one way
 10 or the other whether Dow and Tractor or Dow and
 11 Hammon purchased any products from Rockwell?
 12 MR. WYLES: Objection; vague, overbroad,
 13 beyond the scope.
 14 A. No.
 15 Q. Referring to category number 34, are you
 16 aware of any studies, surveys, or reports performed
 17 by or on behalf of Rockwell for the purpose of
 18 determining a substitute for asbestos in any of
 19 Rockwell's asbestos-containing products?
 20 A. No, I am not.
 21 MR. WYLES: I object, vague and
 22 overbroad.
 23 Q. There's a description in the general
 24 order interrogatory responses that were verified by
 25 you concerning trade organizations, and Rockwell's

1 membership in the trade organizations.
 2 Other than what's set forth therein, do
 3 you have any additional knowledge concerning
 4 Rockwell's membership in any trade organizations?
 5 A. No.
 6 Q. Again, in the general order
 7 interrogatory responses, there is a list of prior
 8 depositions, and this is as of 2006, again concerning
 9 Rockwell. Are you aware of, other than this
 10 deposition, any other depositions taking place
 11 concerning Rockwell and/or Arvinmeritor as the
 12 successor-in-interest to Rockwell?
 13 A. Possibly.
 14 Q. And when did those take place?
 15 A. After that point in time.
 16 Q. How many were there?
 17 A. I don't recall.
 18 Q. Did you testify?
 19 A. I may --
 20 Q. Did you sit for your deposition?
 21 A. I may have.
 22 Q. Okay. Do you know how many times?
 23 A. Not as I sit here and without looking at
 24 documents.
 25 Q. Do you want to look at this?

1 A. No.
 2 Q. I'll show it to you anyway.
 3 MR. CANONI: Can we go off the record?
 4 MR. KELLER: Yes.
 5 (A discussion takes place off the
 6 record.)
 7 Q. During your tenure at Rockwell, did they
 8 ever sell exhaust systems and/or catalytic
 9 converters?
 10 A. No.
 11 MR. WYLES: Just for the record, I
 12 object to that as being beyond the scope; but given
 13 the answer, okay.
 14 Q. Do you have an understanding one way or
 15 the other of whether Arvinmeritor and/or Rockwell was
 16 ever a member or participated in the Center For
 17 Claims Resolution?
 18 A. I have no knowledge of that.
 19 Q. Do you know one way or the other whether
 20 Rockwell ever formed a belief that asbestos could
 21 lead to either lung cancer or mesothelioma?
 22 MR. WYLES: Objection; vague, overbroad,
 23 vague as to time, lacks foundation, and calls for
 24 speculation.
 25 A. I have no knowledge beyond what's in the

1 discovery responses.
 2 Q. Okay. And there's also a question in
 3 the discovery responses about when Rockwell and/or
 4 its predecessors or successor-in-interest first
 5 became aware of the hazards of asbestos. Other than
 6 what's in the interrogatory responses, do you have
 7 any additional knowledge?

8 A. No, I do not.

9 MR. WYLES: Asked and answered.

10 MR. KELLER: Okay. Mr. Ketcham, thank
 11 you. That's all I have for today.

12 (The proceedings concluded at 1:47 p.m.)
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1 STATE OF NEW YORK)
 2 COUNTY OF NEW YORK)
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4 I wish to make the following changes, for
 5 the following reasons:
 6 PAGE LINE:

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1 J U R A T
 2

3 I, BRUCE KETCHAM, the witness herein,
 4 the foregoing testimony of the pages of this
 5 deposition, do hereby certify it to be a true and
 6 correct transcript, subject to the corrections, if
 7 any, shown on the attached page.
 8
 9

10 BRUCE KETCHAM
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16 Subscribed and sworn to before me
 17 this ____ day of _____ 2008
 18

19 NOTARY PUBLIC
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1 STATE OF NEW YORK :
 2 NEW YORK COUNTY :

3 I, LINDA M. HOFFMANN, a Notary Public of the State of
 4 New York, do hereby certify that prior to the
 5 commencement of the examination BRUCE KETCHAM
 6 was duly sworn by me to testify the truth, the whole
 7 truth and nothing but the truth. I FURTHER CERTIFY
 8 that the foregoing is a true and accurate transcript
 9 of the testimony as taken stenographically by and
 10 before me at the time, place and on the date
 11 hereinbefore set forth.
 12

13 I FURTHER CERTIFY that I am neither a relative nor
 14 employee nor attorney nor counsel of any of the
 15 parties to this action, and that I am neither a
 16 relative nor employee of such attorney or counsel,
 17 and that I am not financially interested in the
 18 action.
 19

20
 21 Notary Public, State of New York
 22 Commission Expires 12/14/08
 23

24 Dated: May 9, 2008
 25

May 9, 2008

Kelvin Wyles, Esq.
McKenna Long & Aldridge, LLP
444 South Flower Street, 8th Floor
Los Angeles, California 90071-2901

RE: Bradford v. A.W. Chesterton Company, et al.

Dear Mr. Wyles:

Enclosed please find the deposition transcript of Bruce Ketcham's testimony taken on Tuesday, April 29, 2008, in the above-captioned matter.

Kindly have Mr. Ketcham review his deposition testimony, making any changes or corrections on a separate errata sheet. After doing so, please have him sign the original Jurat Certification before a Notary Public.

Thank you for your cooperation.

Sincerely,

LINDA M. HOFFMANN, C.C.R.