UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LEWIS A. SEYMOUR,)
)
Plaintiff,)
)
VS.) No. CO5-2145JCC
)
SABERHAGEN HOLDINGS, INC.,)
ET AL.,)
)
Defendants.)

* * *

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRISCILLA ALIX, as Personal)
Representative of the Estate)
of ALFREDO GREGORIO,)
SEYMOUR,)
) No. CO5-2144JLR
Plaintiffs,)
)
VS.)
)
SABERHAGEN HOLDINGS, INC.,)
ET AL.,)
)
Defendants.)

VIDEOTAPED DEPOSITION OF ROSS HACKEL
VIA VIDEOCONFERENCE,

A witness herein, taken in accordance with Pennsylvania Rules of Civil Procedure No. 4007.1, by and before Dutcheen O. Cameron, Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the offices of ACBA Services, Inc., 129 North Pennsylvania Aveue, Greensburg, Pennsylvania, on Wednesday, January 25, 2006, at 12:10 p.m.

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COMMENCING -- 12:10 P.M.

THE VIDEO OPERATOR: My name is Sean Fox, employed by ACBA Media and Reporting Services, located at 436 Seventh Avenue, the Koppers Building, Third Floor, Pittsburgh, Pennsylvania. The name of the witness -- the name of the attorney whose witness will be deposed is David Frockt. The name of the witness to be deposed is Ross Hackel. This deposition is being recorded at the facilities of ACBA Services in Greensburg, Pennsylvania at 129 North Pennsylvania Avenue. The time is indicated on the videotape and the court reporter may administer the oath.

ROSS HACKEL, having been
first duly sworn, was examined
and testified as follows:

MR. FORSBERG: Just for clarification, I think he may have just misspoke. The name of the attorney representing the individual being deposed is Carl Forsberg for Elliott Company.

THE VIDEO OPERATOR: You may continue.

MR. METCALF: Before I start speaking with Mr. Hackel, I would propose that we stipulate that an objection by one counsel will serve

as an objection to all? Anybody have any problems with making that stipulation?

MR. FORSBERG: That's fine with me, Conard.

MR. METCALF: Great. Good deal. Okay.

EXAMINATION

BY MR. METCALF:

Q. Mr. Hackel, my name is Conard Metcalf, and we'll be talking for a while today about various and sundry matters. Could you tell us your address, please.

A. My address -- home address or work address? I'm with -- I'm with Elliott Company.

Q. Give us your work address.

A. My work address is Elliott Company, North Fourth Street, Jeannette Pennsylvania.

Q. And your name is?

A. My name is Ross Arthur Hackel.

Q. Approximately how many times before today, Mr. Hackel, have you given depositions?

A. I don't remember the exact number but it's more than a dozen.

Q. Do you remember approximately when you gave, first gave a deposition in connection with any

matter having to do with asbestos?

A. I believe it was 1995.

Q. Do you consider yourself at this point to be an employee of Elliott Company?

A. No, I don't.

Q. What -- as of what date did you -- would you have considered yourself to be an employee of Elliott Company?

A. The last date that I considered myself to be an employee of Elliott was January 31, 2000.

Q. You still have an office at the Elliott Company's facilities?

A. I have a place that I use as an office when I'm there.

Q. In what building is your office at Elliott located?

A. Building 62 -- no, 65.

Q. How long have you had an office at building 65 at Elliott?

MR. FORSBERG: Object. Mischaracterizes his testimony.

A. I think I've moved in the building 65, I think it was in the late eighties. I'm not sure of the exact date.

BY MR. METCALF:

Q. Did you use -- did you -- do you use the same office now that you used when you first moved in to building 65?

A. No, I don't.

Q. What generally is housed within building 65?

A. That depends on what year you're talking about.

Q. Let's talk about now.

A. Now it's basically where you come into the building so it has the reception area. It has the human resources department. It has the cafeteria. It has accounting. It has some executive offices. It has some engineering and it has some legal. I think that's all of it.

Q. What is the proximity of your office in building 65 at Elliott to the legal offices involving 65 at Elliott?

MR. FORSBERG: Canard, I'm going to object at this point to the relevance, No. 1, and also to the scope of this. My understanding was that you guys on speaking with Matt, was that you guys wanted to talk to him about his declaration and that it was going to be limited to that. Nothing about --

MR. METCALF: I promise you we'll get there pretty quick like.

MR. FORSBERG: Well, I have no idea what relevance location where he works at to the legal department is.

MR. METCALF: Well, that's why we're taking a discovery deposition.

MR. FORSBERG: Okay. Is this the only time you're going to be deposing this gentleman? My understanding was you wanted to limit it to the Declaration but if this is -- if you're going to agree that this is the only time you're going to have him in these two cases that just got filed, that's okay with me.

MR. METCALF: Well, I don't think that could possibly agree to that.

MR. FORSBERG: Well, if you're double dipping then I don't understand what we're doing here. If you're going to talk about the Declaration, let's move on.

MR. METCALF: Well, you know, if you want to instruct Mr. Hackel not to answer the question, obviously I'll have to ask something else.

MR. FORSBERG: I don't want to instruct him not to answer it at this point but if you

go outside the scope I may take the position later that you guys aren't going to be able to take his deposition again but go ahead and ask your questions.

MR. METCALF: Thank you. Thank you very much.

BY MR. METCALF:

Q. Mr. Hackel, do you have that last question in mind or did it jump out of your head like it did mine?

A. My office is in the legal department? Now, at the present time?

Q. Now.

A. The office that I use when I'm there is in the legal department.

Q. Did you bring any papers to the deposition with you today, Mr. Hackel?

A. I brought my original Declaration, yes.

Q. Is that the Declaration that refers to somebody by the name of McAboy?

A. Yes, it is.

Q. Did you bring a copy of your CV with you today?

A. No, I didn't. I think there's one attached to it. Yes, there's one attached to it.

Q. Okay. Could you just describe briefly for

me, Mr. Hackel, if you would please, what items are attached to the copy of your McAboy Declaration?

A. Exhibit A is my CV. Exhibit B is a government General Specifications For Ships of the United States Navy and at the top it has one -- A1-0. Exhibit C is also from the Department of Navy and it's listed as S1-slash-4, Section S39-2. Exhibit D is a Special Engineering Instruction Bill of Material from Elliott Company for 138 deaerating feed tanks. Exhibit E is a purchase, purchasing company requisition. It's actually a requisition to the purchasing department for Elliott Company for a -- some gage glasses. And Exhibit F is an Order Record for those 138 deaerating heaters.

Q. Thank you very much.

MR. METCALF: I would just like the court reporter to mark that stack of papers you've got there as Exhibit 1.

(Whereupon, Deposition Exhibit No. 1 was marked for identification.)

THE COURT REPORTER: It's marked.

MR. METCALF: Thank you very much.

BY MR. METCALF:

Q. Looking at the, I think it was the second page of your Declaration, paragraph 2.

A. Okay.

Q. And -- about two-thirds of the way through the paragraph it says; I have acted as a 30(b)6) deponent or, quote, the person most knowledgeable, close quote, regarding Elliott equipment and Elliot's historical operations.

Are you still in the case serving in the capacity as the person most knowledgeable as referred to in that sentence I just read?

A. I have and sometimes -- I'm trying to retire more permanently.

MR. FORSBERG: Conard, he's not the 30(b)6) deponent today. That's at four o'clock.

BY MR. METCALF:

Q. And, Mr. Hackel, I take it at the time this McAboy Declaration was signed by you July 14, 2005, it was correct that you have acted at least in the past as the person most knowledgeable regarding Elliott equipment and Elliot's historical operations?

A. That's correct.

Q. Do you know anybody currently employed by Elliott who would have more knowledge about you --

A. About me?

Q. -- regarding Elliott Company and Elliott's historical operations?

A. About me?

MR. FORSBERG: Calls for speculation.

BY MR. METCALF:

Q. Do you know if there is anybody employed by Elliott now who has more knowledge than you regarding Elliott equipment and Elliot's historical operations?

MR. FORSBERG: Same objection.

A. I don't know.

BY MR. METCALF:

Q. Mr. Hackel, what is a hypothesis?

A. A hypothesis is something that you believe is possibly true and you go about trying to prove that it is true one way or another.

Q. Do you have knowledge, Mr. Hackel, of any instance where Elliott Company ever asked the navy for permission to put a caution or warning label on its equipment that was being sold to the navy?

A. I'm not aware of any.

Q. Do you have knowledge of any instance where any other equipment manufacturer or supplier to the navy of equipment requested permission to place a caution or warning on the equipment that was being sold to the navy?

A. Relative to asbestos or just general?
Q. Well, let's talk first with regard to asbestos.
A. Not that I'm aware of as far as asbestos goes.
Q. It is your opinion that had Elliott requested permission to put a caution or warning on equipment it was selling to the navy with regard to asbestos, that the navy would have not granted permission; is that your opinion?
A. I think that that would be the case probably. It's a guess.
Q. Basically would it be a hypothesis?
A. It could be, yes.
Q. What are the ways that a person might going about testing this hypothesis that had Elliott requested permission from the navy to place a warning or caution concerning asbestos on its equipment, that the navy would have refused permission?
A. Well, when they had a piece of equipment that they were building for the navy, they had to submit drawings and instruction books that would be approved by the navy and if they put something in there or had put something in there and it left -- was left in there, then it would be, you know, it would

pass, but if it was submitted to the navy and they said cross that out, then it would be crossed out, and you wouldn't put it in there.

Q. And your hypothesis is that had Elliott put something, for example, in its manual that it supplied to the navy with, for example, deaerators, that the navy would have told Elliott to take that out?

A. I don't know that they tried or didn't. That's before my time.

Q. My question basically would be, and you may have answered it and if you did, I just -- I may not have understood so I apologize for that --

A. Okay.

Q. -- is that this hypothesis about what the navy might or might not have done in the situation where Elliott was requesting permission to put a caution or warning label in its manual or on the actual equipment, that the navy would have said no, how would you go about testing that hypothesis?

A. I think that that would be very difficult today because that occurred 60 years ago and I don't know how you would create a good test for something that happened 60 years ago.

Q. Would one way to test that hypothesis be

to look back say into the 1960's and see whether or not manufacturers of materials supplied to the navy, in fact, placed asbestos caution labels on their products and the navy accepted it without objection or rejected it?

A. I don't know that Elliott did or didn't do that at the time.

Q. Right. And I understand that and my question is a little different which is, would one of the ways of testing this hypothesis about what the navy's reaction would have been to an asbestos caution to look back in time and see what the navy actually did when manufacturers placed an asbestos caution on products that were sold to the navy?

A. That would be a good idea, if one could do that. And I have not attempted to do that. I'm not even sure how I would go about doing it.

Q. Understood. But in any event, that would be one way of testing the hypothesis to see what actually happened say back in the 1960's?

A. Yeah, if somebody could find a case where they tried it, that would be ideal.

Q. Okay. And if there was a case where somebody had tried it, meaning to label it, put a caution or warning label on a product with regard to

asbestos and the navy accepted it, then that would tend to disprove your hypothesis about what the navy's reaction would be, is that correct?

MR. FORSBERG: Incomplete hypothetical.

A. The difficulty is you'd have to know the circumstances that go along with that because of the fact that it might be that they could get away with shipping something to the navy and it be taken off before say it was put on a ship or something like that so then you'd have to have the whole story put together.

Q. Did or conversely if we could go back in time and find an instance where a manufacturer put an asbestos caution label on a product, shipped it to the navy and the navy said, that's not part of the specs, we don't want it on there, take it off, that would tend to prove your hypothesis --

A. That's correct.

Q. -- correctly?

MR. FORSBERG: Same objection.

BY MR. METCALF:

Q. I take it that -- let me ask this, sir; based on your review, research, information, what equipment did Elliott manufacture that was sold to the

U.S. Navy?

MR. FORSBERG: Object to the form. Time, what time period are you talking about, Conard?

MR. METCALF: Yeah, I'll narrow it. Not a lot but I'll narrow it.

BY MR. METCALF:

Q. From 1940 through let's say 1975, what equipment did Elliott manufacture that was sold to the navy to your knowledge?

MR. FORSBERG: Object to the form.

A. The equipment that I can recall that Elliott sold to the navy in that time frame would have been deaerators, steam turbines, blowers, strainers, motors, generators, tube tools. Tube tools. That's all I can think of off the top of my head right at the moment. There may be some others. Oh, some turbochargers perhaps.

Q. And your source for that information about this equipment list you just gave us, what is your source for that information?

A. I worked in the service department for a number of years and I've -- basically was an application engineer with Elliott. So I had pretty good knowledge of all the equipment that they sold.

Q. With regard to you -- so you started with

Elliott in 1960?

A. Correct.

Q. With regard to what Elliott manufactured and sold to the navy prior to the time you started with Elliott, did you have any documents to review to help inform you concerning the equipment sold to the navy?

A. I've researched a lot of Elliott documents over the years, yes.

Q. What are -- where are those documents located?

A. The ones that I -- most of them that I've researched are in Jeannette, Pennsylvania at the factory.

Q. And that would be Elliott's factory in --

A. Yes, in Jeannette, Pennsylvania.

Q. Can you give me an estimate, Mr. Hackel, in whatever way makes sense to you to do it, weight, volume, distance, the number of -- the quantity of documents that you have reviewed to inform yourself about equipment that Elliott sold to the navy?

MR. FORSBERG: Object to the form.

A. What time frame are we talking about?

BY MR. METCALF:

Q. Well, let's just look first of all between

1940 and 1960.

A. I don't think I really looked at any documents. You're talking about when I was in that time frame myself or are we talking about documents in that time frame?

Q. Yeah, I'm trying to find out what you reviewed, whether you looked at it yesterday or last year or the year before, any time, to help inform and educate yourself about what equipment Elliott manufactured and sold to the navy between 1940 and 1960?

MR. FORSBERG: Object to the form. It also mischaracterizes his testimony.

A. I'm not sure that I can because I came with Elliott and I'm sure that in 1960 when I came with them, I probably found out some of the things that they were doing prior to 1960. So I'm not quite sure how to answer your question.

MR. FORSBERG: Conard, while we're taking a break here, can you do me a favor and close those blinds behind you? It's not going to be on the videotape but it's a little distracting for us here. Thanks very much.

A. There's a person jumping around back there.

MR. METCALF: Glad to oblige.

MR. FORSBERG: Thanks very much.

MR. METCALF: Did you notice I did that without moving my hands?

MR. FORSBERG: I did notice that. You can't see it but there's a gentleman behind you that's working and he's moving back and forth in the window.

BY MR. METCALF:

Q. Mr. Hackel, referring to what we've marked as Exhibit 1, Exhibit D to -- that's attached to Exhibit 1 --

A. Okay. I have that.

Q. -- is that to your knowledge an Elliott document?

A. I'm not positive but I think it may have come from something out of the Elliott documents. It depends on what time you're talking about. It came out of Elliott documents at the time it was produced.

Q. Okay. Thank you. In which Elliott documents did this Exhibit D to Exhibit 1 come from?

A. At the time that I found it or at the time I produced it?

Q. Yeah, where -- are you the one who found this document at some point?

A. I believe I did probably.

Q. Okay. What's your recollection about where you found it?

A. Well, Elliott has some archives and I found a number of navy documents in those archives and I can't remember exactly which drawer or which spot it came out of without doing -- going back and researching using that document. Right now I can't tell you exactly where it came from.

Q. Are the -- these archives that you've just mentioned, when you originally located this document that we're referring to, Exhibit D to your Declaration, where were those archives located physically?

A. There's several archives in Elliott Company that I looked for documents in. Some of them are in service parts department and some of them are where engineering files, a lot of their records.

Q. Are those located in those archives located in a particular building that's owned by Elliott?

A. Yes. It's in a building owned by Elliott. They're different buildings. The engineering stuff, most of it seems to be in a building that's -- building 6 in Jeannette.

Q. Are these archives that we're talking about where you found this document that's Exhibit D to your Declaration, are they kept in file cabinets?

A. Yes. The only thing I'd like to correct is I'm not exactly sure which area that I found it in. But it was probably some of them, at least the ones I think this came from, was in a file cabinet.

Q. Are these three drawer, standard sort of three drawer file cabinets?

A. Most of them are four and five drawer file cabinets.

Q. About how many of those file cabinets are there which contain these archived documents?

A. This type of document is -- there's a whole, at least a whole drawer full of mill specs and navy documents that's nothing more than just what you see here.

Q. And what we see here is, when you say here this is Exhibit D to your Declaration and at the top it says Special Engineering Instruction Bill of Material?

A. We're looking at different things. This is general specifications for ships for the United States Navy.

Q. The copy of your Declaration that was

filed in the Gregorio and Seymour cases has marked as Exhibit D something called a Special Engineering Instruction Bill of Material.

MR. FORSBERG: Conard, he's looking at Exhibit B, boy, and you're talking about Exhibit D, dog. We'll have him change to D now.

MR. METCALF: Okay. Great.

A. Okay.

MR. METCALF: Sorry for the confusion, sir.

MR. FORSBERG: That's all right. He's on Exhibit D now.

A. No problem. Okay. Okay. Exhibit D. I'm sorry. Special Engineering Instruction Bill of Material. Okay.

BY MR. METCALF:

Q. I guess I better ask, was this found in the same kind of navy archived documents at Elliott in building 6 there that we've been talking about?

A. No, I think I was on the wrong page.

Q. All right. Well, great, I won't ask about B now.

A. Okay.

Q. With regard to Exhibit D, is this an Elliott document?

A. Yes, it is.

Q. Okay. And did you locate this document in Elliot's files or archives?

A. Yes.

Q. What was the physical location of the Elliott archives in which you located this Exhibit D as in dog?

A. I actually took the stuff that this came from from our archive -- archive area and took it to my office and this document was located in -- with other documents in my office that I'm using.

Q. About -- what is the quantity of documents that you took out of the archives and moved to your office?

A. I'm going to say thousands because this one is actually on two pieces of microfilm or part of pages off of the microfilm.

Q. Did the microfilm, was it in rolls?

A. No, in this particular case it's in I'm going to say three by five cards.

Q. Do you have a microfilm reader there in your office?

A. Yes, I do.

Q. Do you have -- is there somebody at Elliott who helps you locate and review documents?

A. Not really.

Q. Are there any paralegals at Elliott who help you locate or review documents?

MR. FORSBERG: I'm going to object at this point and ask you not to answer that, talk about the legal department there. He's answered your question as to whether or not there's anybody that helps him in locating those documents.

BY MR. METCALF:

Q. Sir, do you know a person by the name of George Gojkovich, G-O-J-K-O-V-I-C-H?

A. Gojkovich?

Q. Gojkovich. Great. Thank you.

A. Yes.

Q. Who is Mr. Gojkovich?

MR. FORSBERG: Again, I'm going to tell you not to answer these questions if he works in the legal department there.

MR. METCALF: Well, I'm just -- first of all, why don't we let him answer the question and maybe we'll find out.

MR. FORSBERG: Well, no, if he answers it then you'll find that out. You should have figured that one out already. I just told him if he works in the legal department I don't want him to

answer that question. A plus B equals C, Conard.

MR. METCALF: I'm not very smart so I have to, you know, just sort of muck along as best I can.

MR. FORSBERG: Yeah.

BY MR. METCALF:

Q. Have you ever answered questions in other depositions, Mr. Hackel, about George Gojkovich and who he is and what he does?

MR. FORSBERG: Again, I'm going to tell you at this point if he's got anything to do with the legal department, he or anybody else, that we're not going to get into that here.

MR. METCALF: Okay. Well, just -- I think I need to find out, for example, if, in fact, there is any privilege to where somebody works and what their job is, whether that's been waived by prior disclosure.

MR. FORSBERG: It sounds to me like you've got a copy of a transcript in front of you and that transcript probably says who George is and where he works. You probably might want to move on at this point because we're not going to get into the legal department.

MR. METCALF: Okay. Well, just so I

understand, Mr. Hackel, are you going to not answer any questions about Mr. George Gojkovich today?

MR. FORSBERG: To the -- well, I'm not telling him not to answer any questions about George Gojkovich. I'm telling him not to answer any questions about the legal department at Elliott.

BY MR. METCALF:

Q. Well, who is George Gojkovich, Mr. Hackel?

A. He's a man.

Q. Do you know where this man, Mr. George Gojkovich, works?

A. Yes.

Q. Does Mr. George Gojkovich have an office at Elliott that's near yours?

MR. FORSBERG: Again, to the extent that it's in the legal department, I'm going to instruct you not to answer.

BY MR. METCALF:

Q. Will you answer that question about where -- whether or not Mr. Gojkovich has an office near yours?

A. Well, my legal counsel has suggested I don't say anything.

Q. How long have you known Mr. George Gojkovich?

A. Approximately two years.
Q. Do you know if Mr. George Gojkovich has ever given a deposition?
A. I don't know that.
Q. Do you know whether or not Mr. George Gojkovich has any familiarity with Elliott's historical archives?
A. Probably some.
Q. Do you know if there's anybody beside -- is there anybody who you know of whether they're employed by Elliott or not who is more knowledgeable concerning the location and content of Elliot's historical archives than you, Mr. Hackel?
A. I don't know. I don't know the answer to that.
Q. When you've been -- strike that. Let me ask this question. With regard to Exhibit D as in dog to your Declaration, Mr. Hackel, Special Engineering Instruction Bill of Material, did you locate that in Elliott archives that were in building 6?
A. They were originally in building 6 before I took them out of building 6.
Q. And why did you take these archives out of building 6 and remove them to your office?
A. Because they were scattered in a box.

Q. What kind of box was it were they in when you found them in the archives?

A. What I would call is a storage box that's probably about 18 inches long and 12 inches wide and 12 inches high, I guess.

Q. If you remember that storage box in which you found these microfilms such as the one from which Exhibit D of your Declaration is reproduced had any label or name on it?

A. I believe it had a label on it at that time, yes.

Q. Do you still have that labeled box?

A. No. I think I've gotten rid of that.

Q. Are the archives that you've taken out of building 6 and removed to your office maintained in the order in which you originally found them in the archives?

A. No.

Q. Have they been -- these archives that you removed from building 6 to your office been reorganized in some other manner?

A. They have been reorganized so I can find things.

Q. In what way were these archives reorganized so that you could find things?

A. By number sequence.
Q. Does the number sequence relate in any way to the subject matter of the material?
A. Yes.
Q. In what way does the number sequence relate to the subject matter of material as you now maintain it?
A. It's the order record.
Q. Order record is what?
A. The material that was supplied on that particular order at that time.
Q. What dates did these archive records that you removed up to your office, order records, what dates do those encompass?
A. I don't remember the beginning date but it's probably back in the twenties up to sometime in the fifties. I don't think they're all there because I have some of them in my office and some of them are -- have been put back in the service parts group.
Q. Does Elliott maintain or have that's archives, design drawings for deaerators that were sold to the navy?
A. Not really.
Q. Does Elliott have in its archives or other records any kind of drawings with regard to deaerators

that were sold to the navy?

A. A few.

Q. What to your knowledge does Elliott have in its records concerning deaerators that were sold to the navy in terms of drawings?

A. There's a few drawings, particularly a couple from instruction manuals that I have. Other than that, not very much.

Q. With regard to instruction manuals does Elliott have instruction manuals that accompany deaerators that were sold to the navy?

A. A couple, yes.

Q. From what years -- what was the approximate date of the manuals that Elliott has regarding the instruction manuals for deaerators that were sold to the navy?

A. I'm going to say the early 40's or the Second World War time frame.

Q. Have you searched for instruction manuals for Elliott deaerators that were sold to the navy for any other time period?

A. Yes.

Q. And have you found any such instruction manuals for deaerators for any time period other than the early forties?

A. No.

Q. Okay. Did Elliott sell deaerators to entities that installed them on commercial ships as opposed to navy ships?

A. I'm not sure exactly what you mean by commercial but I believe the answer is yes.

Q. What I mean by commercial is merchant ships, ships that were not navy ships.

A. Yes, some.

Q. Have you ever located any design drawings for deaerators that were sold for installation on merchant or commercial ships?

A. I don't know exactly how -- do you consider the U.S. maritime commission as a merchant or commercial?

Q. Sure.

A. Well, then the answer is yes, we have some -- I have some on those ships, yes.

Q. From what date do the deaerator manuals -- what's the date on the deaerator manuals to the best of your knowledge that were for deaerators that were sold for use on commercial or merchant ships?

A. I believe from the late thirties to 1946 I'm going to say. Approximately that time frame. Again, though, generally right before the Second World

War and during the Second World War. There might be a few others but I don't recall.

Q. Did Elliott sell deaerators to entities who used them in land based operations?

A. Yes.

Q. Do you know if Elliott has any design drawings for deaerators that were sold for use in land based operations?

A. I haven't really looked for any but I doubt it.

Q. And you doubt it because?

A. You asking -- I'm supposed to answer at this point?

MR. FORSBERG: He's asking you whether or not there's a question mark.

BY MR. METCALF:

Q. You doubt it because of what reason?

A. I doubt it because we just don't have very many drawings on the deaerators in general.

Q. Do you know if there are -- do you have knowledge about whether there is in existence any manuals for deaerators that were sold to entities that used them in land based operations?

A. I don't believe there is. There might be pieces of them but I don't think that there's a manual

with a name on it necessarily. I've not ever found one.

Q. Have you looked?

A. In a way I've looked, yes.

Q. In what way have you looked?

A. I've looked where I could find deaerator stuff that I did find and I didn't find any with that stuff, so.

Q. Where did you find deaerator stuff?

A. In the service parts department.

Q. If a person wanted to compare the contents of a manual supplied with a deaerator to the navy with a manual supplied with a deaerator to a commercial or merchant vessel, would it be possible to do this -- to do that at this date?

A. Yes.

MR. FORSBERG: Object to the form. Calls for speculation.

BY MR. METCALF:

Q. How would you do that?

A. I have a manual that was sent to the U.S. Maritime Commission and I have a manual that was sent to the navy for a deaerator that would go on a navy ship so I could compare those two.

Q. Could you compare the manual that was sent

with an Elliott deaerator to the navy with a manual that was sent to a -- with an Elliott deaerator to a land based installation?

A. No, I don't think I can do that.

Q. I think you said your copy of your CV is attached as an exhibit to your Declaration?

A. To the McAboy Declaration, yes.

Q. Is that Exhibit A as in apple to the Declaration?

A. Yes, it is.

Q. When I looked through that, your resume, Mr. Hackel, the only place I saw the word navy appear was at the top of page 2 of your resume referring to your basic training from November 1958 to February 1959.

A. Yeah, that's when -- that's when I was in the service, yes.

Q. Right. Does the word navy appear anywhere else in your CV?

A. I don't believe it does.

Q. During the time that you were employed by Elliott, did you ever have responsibility for sales of Elliott equipment to the navy?

A. Not that I can recall at this point.

Q. During the time that you're employed by

Elliott did you ever have responsibility for servicing equipment that had been installed on navy vessels?

A. Yes, I didn't personally do it but I had people that worked for me did it.

Q. What year to the best of your recollection, sir, did you first have supervisory responsibility in some way for the servicing of Elliott equipment that was on naval vessels?

A. Probably about 1972.

Q. And from 1972 until when did you have some supervisory responsibility for the servicing of Elliott equipment on navy vessels?

A. Probably sometime in the late eighties.

Q. During your -- as part of your review of Elliott records and archives, did you come across any archival records with regard to Elliot's servicing of equipment on naval vessels?

A. I'm not quite sure I understand that, what you mean by servicing.

Q. Okay. Let me just sort of say what I mean by that. I mean by that Elliott or people acting at Elliott's request or direction going actually onto naval vessels after equipment had been installed and working on or maintaining that equipment in some manner?

A. I can't recall any at this point.
Q. Do you know that it was a service that Elliott provided to go onto naval vessels and service previously installed equipment?
A. If they requested it, yes.
Q. And you're aware that that did happen from time to time in the forties, fifties and sixties?
A. Yes, I'm aware of that.
Q. With regard to the equipment that you've described earlier that Elliott sold to the navy and that was installed on navy vessels, first one that I think that you mentioned was deaerators. Did deaerators as manufactured and sold by Elliott have asbestos containing components?
MR. FORSBERG: Object to the form.
A. They had some asbestos containing components, yes.
BY MR. METCALF:
Q. Did the deaerators that contained asbestos contain gaskets?
A. Yes.
Q. The deaerators had asbestos containing packing?
A. Yes.
Q. Did the deaerators have asbestos

containing materials other than gaskets or packing?

A. Not that I'm aware of.

Q. The steam turbines, did those as they were manufactured and sold by Elliott have asbestos containing components?

MR. FORSBERG: Object to the form.

A. Sometimes some of them did, yes.

BY MR. METCALF:

Q. Which ones had asbestos, which steam turbines had asbestos containing components, if you can remember?

A. Well, I think that you really have to -- Elliott basically is a maker of custom equipment and you really need to talk about a particular unit for me to answer. I hate to answer in a global manner, you know. I say some. I don't know how to classify it otherwise.

Q. Let me ask you about that, what you just said, Mr. Hackel. When you said Elliott's basically a manufacturer of custom equipment, what does that mean?

A. It means most every piece of equipment is tailor made for that service.

Q. How does Elliott know how to tailor make a piece of equipment and what the customer needs?

A. Customer specs out a piece of equipment

and Elliott designs that piece of equipment to satisfy those specs.

Q. So if, for example, Excel Energy wanted a steam turbine from Elliott to put in a power plant, Elliott would get specs from Excel Energy and manufacture the turbine to those specs?

A. Generally what happens is that they would get the specs from Excel Energy and they would figure out what they needed to do that particular job and then they would quote that machine and if it met the customer's desires, Elliott might get an order.

Q. And Elliott would get the specs from the, for example, the customer like Excel Energy?

A. That or a contractor that was providing that -- them the service for design of that particular plan or project.

Q. Would that also be true, for example, if Excel Energy wanted to buy a deaerator, that the same process would happen, that Excel would provide the specs to Elliott and Elliott would then work up a bid?

A. Correct.

Q. Would that happen with equipment that Elliott sold to the navy? The navy would give the specs, Elliott would work up a bid based on those specs and the navy might or might not accept it?

A. Well, I think it could happen that way. It probably would be more complicated than that.

Q. Did Elliott just sort of have any kind of standard off-the-shelf equipment or was virtually all of it built to spec provided by the customer?

A. They had some equipment that you could possibly buy. Tube tools was one that you could buy a tube tool off the shelf. They had some others that along the way over the years that you could pretty much buy off the shelf but by and large, most everything they make is tailor made.

Q. So that would apply that the deaerators would be tailor made to spec?

A. Yes. In the case of the deaerators, they would be. But some of them that we're talking about like the 138 that are listed there were essentially all duplicates because that's the way the navy purchased them and it was war time and, you know, that was sort of the exception than the rule.

Q. So I understand, the deaerator feed tanks listed on Exhibit D as in dog to your Declaration, those deaerators were just like sort of cookie cutter products?

A. They were a big cookie.

MR. FORSBERG: Object to the form.

A. They were big cookies.
BY MR. METCALF:
Q. But you said somehow these were an exception to the usual tailor made process by which Elliott operated. I'm trying to understand in what way they were an exception.
MR. FORSBERG: Object to the form. Mischaracterizes his testimony.
A. Because they were all very similar and they all were to the same set of specifications, and they were all going to go in essentially the same class of ships.
BY MR. METCALF:
Q. But at some point there was a specification for these deaerators but then there were numerous deaerators made to that specification?
A. Correct.
Q. The steam turbines you mentioned, were those virtually always tailor made to spec equipment items?
A. I would say yes, they were all tailor made. There were some duplicates in that particular case also.
MR. FORSBERG: Object to the form.

BY MR. METCALF:

Q. Where somebody would -- where Elliott would make more than one steam turbine to a particular spec?

A. Correct.

Q. How about blowers, were those again basically made to -- custom made to specification?

MR. FORSBERG: Object to the form.

A. Yes.

BY MR. METCALF:

Q. And the how about the strainers, were they pretty much all made by Elliott, tailor made to specification?

MR. FORSBERG: Same objection.

A. I'm not really that familiar with the strainers that we would have supplied to the navy.

BY MR. METCALF:

Q. How about the -- and when I'm asking this I'm not just limiting it to the navy, I'm, you know, including merchant vessels and land based operations as well. Okay.

A. Okay.

MR. FORSBERG: Object to the form.

A. They would have been pretty much tailor made to the -- for the specifications.

BY MR. METCALF:

Q. How about the motors that Elliott made, would those have been, and again regardless of who the customer was, mostly been made to, tailor made to specification?

MR. FORSBERG: Object to the form.

A. I think motors fell into a combination. There was some standard motors and there were a lot of tailor made motors.

Q. How about the generators that Elliott made for whatever customer, were those mostly also tailor made to specification?

MR. FORSBERG: Same objection.

A. I think that most of the generators probably were made to specifications. I'm not saying it was a hundred percent but it would probably be a large percentage of them.

BY MR. METCALF:

Q. You've already talked about the tube tools. How about the turbo chargers, would those have -- the large percentage of those have been made to, tailor made to specification?

MR. FORSBERG: Same objection.

A. Yes. I think they would be, yes. There was some duplicates again in that particular category

but they were -- would be made and ordered to a set of specifications.

BY MR. METCALF:

Q. Do you know if the Elliott archives contain any specifications that were received by Elliott for deaerators that were going to be put into land based installations?

MR. FORSBERG: Asked and answered.

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

BY MR. METCALF:

Q. Have you ever looked for specifications? Have you ever looked in Elliott's records for specifications for deaerators that were going to be put into land based operations?

A. I really haven't looked for the records in that area.

Q. Do you believe Elliott would have in its records any specifications for deaerators that were going to be used in land based operations?

MR. FORSBERG: Asked and answered.

A. It's possible.

BY MR. METCALF:

Q. Where would you look if you wanted to find specifications -- where would you look in Elliott's records for, if you wanted to find specifications for

deaerators that were going to be used in land based operations?

A. I'd probably look in those microfilm. That's where I'd start probably.

Q. The ones you have in your office?

A. And the ones that are in service parts, yes.

Q. Do the blowers that Elliott made have asbestos containing components?

MR. FORSBERG: Object to the form.

A. You're talking about navy blowers?

BY MR. METCALF:

Q. Sure, I'll start with navy blowers.

A. The navy blowers I think had some asbestos components, yes.

Q. And would the navy blowers have asbestos gaskets and asbestos packing?

A. Some of them did, yes.

Q. How about -- did Elliott manufacture blowers that were sold for use on merchant or commercial ships?

A. Not that I'm aware of.

Q. Did Elliott manufacture blowers that were used in land based installations?

A. Not in the form that I think of a blower

for a Navy service.

Q. What is the difference in the form of a blower, an Elliott blower for a land based installation as opposed to a navy installation?

A. If you took a compressor and a turbine each as separate components and used them in a land based boiler, then it could be considered a blower unit. Whereas on the navy, they were combined units and it was melded together, if you may, the turbine and the blower into a unit that you really couldn't separate.

Q. Did the strainers that Elliott made have any asbestos components?

MR. FORSBERG: Object to the form.

A. It's possible, yeah, some.

BY MR. METCALF:

Q. What asbestos components would Elliott strainers have?

MR. FORSBERG: Object to the form.

A. A gasket, possibly packing.

BY MR. METCALF:

Q. And did Elliott manufacture and sell strainers to the merchant or commercial ships?

A. I believe they did.

Q. Would those strainers used on commercial

or merchant ships also have -- potentially had asbestos packing gaskets?

MR. FORSBERG: Object to the form.

A. Potentially, yes.

BY MR. METCALF:

Q. Did Elliott manufacture and sell strainers for land based applications?

MR. FORSBERG: Object to the form.

A. Yes.

BY MR. METCALF:

Q. And would the strainers manufactured and sold by land based applications also potentially have asbestos gaskets and packing?

A. Potentially.

MR. FORSBERG: Same objection.

BY MR. METCALF:

Q. With regard to the Elliott manufactured deaerators, to the extent they contained asbestos material, packing, and gaskets, would the same asbestos materials, gasket and packing materials been used on deaerators sold to the navy as opposed to those sold for land based operations?

MR. FORSBERG: Object to the form.

A. I'm not sure what you mean by that. Is it --

BY MR. METCALF:

Q. Let me try this. Was the -- when Elliott made deaerators, it apparently had a stock of gaskets and packing that would be put into the deaerators during the manufacturing process?

MR. FORSBERG: Objection. Mischaracterized his previous testimony. Lacks foundation.

A. I don't really think that they stocked very much of that stuff. It depends on the time frame that you're talking about. I'm sure when they were building 138 deaerators for the navy that some of that stuff was put in stock. But in the normal course of things I don't think that they did.

BY MR. METCALF:

Q. Well, in the normal of course of things if Elliott -- Elliott's needing to put gaskets and packing in a deaerator that's going to be sold for use in a power plant, for example, land based power plant, where would the gaskets and packing come from?

A. They could -- some of them possibly could come from stock. If it was a small gasket that was used in several areas or if it was a, sort of a special gasket for that piece of equipment was probably purchased for that piece of equipment.

Q. Do you know if the composition of the gaskets and packing used in navy deaerators was any different during a given time period from the composition of asbestos gaskets or packing used in land based Elliott deaerators?

MR. FORSBERG: Object to the form.

A. Are you talking about all the gaskets that would be in a given deaerator?

BY MR. METCALF:

Q. Correct.

A. I don't think all of them would be necessarily the same.

Q. How would you go about finding out if the asbestos gaskets and packing in a navy deaerator, the composition of them would be different at all from the asbestos gaskets and packing in an Elliott land based deaerator?

A. Look -- look at the bills of material for that particular unit.

Q. And what information would be on the bills of material with regard to the unit that would give us that information about the composition of the asbestos gaskets and packing in the unit?

A. The bill of material would generally list every item that went in that particular unit and if it

required a gasket, the gasket would have a number or a size or something that would identify it.

Q. Where would you look for these bills of material in Elliott's records?

A. We're talking about deaerators now?

Q. Correct.

A. And for the navy?

Q. Navy and land based operations.

A. I guess I would start by looking in the microfilm.

Q. Do you believe that the microfilm you have in your office would have bills of material for both navy deaerators and deaerators used in land based installations?

A. It's possible.

MR. FORSBERG: Conard, are you at a breaking spot? I don't know how much more you have.

MR. METCALF: You want to take a break?

MR. FORSBERG: We've been going for a little more than an hour.

MR. METCALF: Why don't we take a, say a five minute break. Be back at, I don't know, it would be what -- I don't know. How about 25 after the hour, whatever hour it is there.

MR. FORSBERG: We'll take a five minute break. We'll see you on the picture.

MR. METCALF: Okay.

THE VIDEO OPERATOR: The time is on the screen. We are now off the Record.

(Whereupon, a brief recess was taken.)

THE VIDEO OPERATOR: Current time appears on the screen. We're now back on the record.

BY MR. METCALF:

Q. Did Elliott put name plates on the equipment it manufactured?

A. Essentially all of the stuff except for probably the tube tools did not have name plates on them.

Q. What information would go onto the name plates on the equipment that Elliott manufactured.

A. It depends on the piece of equipment.

Q. How about on a deaerator, what information would go onto the name plate on a deaerator?

MR. FORSBERG: Just object to the form.

A. Obviously Elliott's name would go on and it was -- it would probably I think list the navy

order number or purchase order number that related to that piece of equipment. It would have a maximum either design pressure or operating pressure for the piece of equipment. It might have a few other things. It depended probably on the unit.

BY MR. METCALF:

Q. What on a Elliott deaerator manufactured for use in a land based installation, what information would the name plate have on it?

A. Probably the same information. And one thing I did forget, it probably would have an Elliott identification number, shop order number and a serial order number. I forgot that. And that would --

Q. Does -- go ahead, I'm sorry.

A. That would go on both the navy and on the land based.

Q. Does -- have you ever seen any photographs in Elliott's archives of name plates on -- that were used on Elliott deaerators?

A. At least one, yes.

Q. Can you describe for me what you've seen by way of a photograph on a Elliott deaerator?

A. I'll take that back. I'm not sure it was an Elliott deaerator. I seen one that was purported to be an Elliott deaerator but I'm not sure about

that.

Q. Could you tell from looking at it what kind of equipment this name plate was on that you saw a photograph of?

A. In most cases probably, yeah.

Q. Have you seen -- could you tell from the photograph you saw whether the name plate was from a deaerator for a navel deaerator or a land based deaerator?

A. It was a navel deaerator.

Q. Do you know if Elliott has in its archives or records any art work, for example, mockups as opposed to photographs of name plates used on its deaerators?

A. I don't think so but it's possible. I haven't really looked.

Q. Other than this one photograph of what could be a name plate on a Elliott deaerator, have you seen any other photographs of name plates on Elliott equipment?

A. Other than the deaerators?

Q. Correct.

A. Probably, I just can't recall.

Q. Do you know if Elliott has in its records or archives photographs of name plates for any of

Elliott equipment?

A. I don't know that.

Q. Do you know if Elliott has in its reports or archives for any equipment art work or mockups for name plates to go on the equipment?

A. I'm not quite sure what you mean by mockups but Elliott had a spec book over the years that showed what a name plate, a standard name plate would look like.

Q. Do you know if Elliott still has those spec books that would show what the name plate looks like?

A. I haven't looked for one for a number of years.

Q. Elliott might or might not have such a book now?

MR. FORSBERG: Calls for speculation.

A. I can't answer that question. They may have.

BY MR. METCALF:

Q. Mr. Hackel, have you ever seen the government specifications for paper clips?

A. No, I haven't. Not that I can recall anyhow.

Q. Wouldn't surprise you that the government has detailed specifications for paper clips?

A. It wouldn't surprise me, no.

Q. Okay. Looking at your Declaration page on page 3 of your Declaration, Mr. Hackel, paragraph 6, it says that all equipment constructed and delivered to the U.S. Navy for installation onboard ship would have undergone final inspection by U.S. Navy personnel. My question is; have you ever seen any records or reports or any documentation with regard to any such inspection that the U.S. Navy -- go ahead, I'm sorry.

A. There's one in the Declaration. I think it's Exhibit F, Carl?

BY MR. METCALF:

Q. Exhibit F that I have, sir, to your Declaration is called Order Record.

A. That's right. And that's what I'm referring to. If you look down towards the bottom of the page, there's a blank spot in the page. Right below that it has a line and then the next line after requirements it says none but then it says testing, U.S. Navy -- or it says navy inspection.

Q. Right. Okay. Other than what we have here as Exhibit F, have you seen any report of what an

actual navy -- that a navy inspection was actually done and what it consisted of?

A. In some cases, yes. I can't say that I've seen them all but I've seen some, yes.

Q. Does Elliott have records of what that inspection would consist of?

A. If you give me a particular piece of equipment, I can look and see if there was a record for that particular machine.

Q. When you say a particular machine you're not talking about, for example, a general class of equipment, you're talking about a specific serial number?

A. Yes.

Q. So you have the ability with the records you have at Elliott to search equipment by serial number?

A. Pretty much, yes.

Q. So if there was a -- if you did that search on a particular piece of equipment by serial number, what information would you normally expect to find associated with that serial number in Elliott's records?

A. In general I would expect to find the engineering specifications, the special engineering

instructions, the bill of material, possibly some record of what testing was done and what inspection was done. Not necessarily every inspection but some of it.

Q. If you had the name of a particular ship, say a USS Kitty Hawk or something like that, would you be able from the name of that ship with the records you have at Elliott determine which -- what Elliott equipment, if any, was on that ship?

A. Sometimes, yes. Sometimes.

Q. How would that search be done if you had the name of a ship and then you were looking to see what Elliott equipment might have been on the ship?

A. I have made up some cross-references or have access to some cross-reference material on some things.

Q. You mentioned that you were thinking about trying to do more retiring than you managed to do successfully so far. Do you have a time line on that at all?

A. Yesterday.

Q. Yesterday. All right. Sorry. Have you told anybody at Elliott that you are not interested in participating in these forensic matters any more?

MR. FORSBERG: Object to the form.

A. The answer is generally yes.
BY MR. METCALF:
Q. Daily?
A. Not quite that bad.
Q. All right. But, you know, a year from now or so, for example, if you were asked to prepare a Declaration along the lines of what you did in the McAboy case, you might say, you know, I just am not doing that any more?
MR. FORSBERG: Object to the form. I --
A. I don't know the answer to that but the answer could be yes.
MR. METCALF: All right. Just trying to get us some sense about whether you'd be available down the road.
MR. FORSBERG: Are you going to be pulling your Complaints and waiting a year?
BY MR. METCALF:
Q. Mr. Hackel, have you ever seen the process of Elliott equipment being installed on any vessel?
A. No, I haven't.
Q. Have you observed any Elliott equipment being installed in any land based operations?
A. Yes.

Q. Can you give me any examples -- well, I guess your CV lists a number of those. Have you ever watched Elliott equipment be -- having thermal insulation being applied to any Elliott equipment?

MR. FORSBERG: Object to the form.

A. I probably have seen that happening. I've not paid a lot of attention to it.

BY MR. METCALF:

Q. Are you able to remember any particular location where you believe you observed thermal insulation being applied to Elliott equipment?

A. I can't recall any right at the moment, no.

Q. With regard to the different -- basically eight different kinds of Elliot equipment that you described earlier, which ones of those would you expect to ordinarily have thermal insulation applied to them as part of their standard setup?

MR. FORSBERG: Could you read the question back. I'm sorry, I was --

(Whereupon, reporter read back pending question.)

MR. FORSBERG: Thank you very much. Object to the form.

A. The hot portion, anything that probably was over 165 degrees or something like that would have

a tendency to be insulated. It also depends on the time frame that we're talking about but steam turbines, the hot end of the steam turbine would probably be insulated in many cases. The deaerators probably would be insulated because of the location where they would be normally, particularly on a ship which is very confining. I can't think of any others. I'm trying to think of the list.

Q. Blowers was on the list.

A. Pardon?

Q. Blowers, blowers, you mentioned blowers.

A. Well, that would be on the steam turbine portion of the blower, probably not on the compressor portion of the blower.

Q. Strainers?

A. Probably not.

Q. What part of the equipment would the strainers be located on?

A. Strainers can be located in water service, oil service, probably in any kind of service that you would want to strain something. They could be on the, you know, on the condensate side. They could be -- they could be other places. I can't think of all the different things that the strainers would strain.

Q. Motors?

MR. FORSBERG: Object to the form.

A. Motors normally you want to get rid of the heat so they would not be insulated.

BY MR. METCALF:

Q. Generators?

MR. FORSBERG: Same objection.

A. Same thing. You'd want to get rid of the heat so you would not insulate them. They would be insulated electrically but not thermally and the same with motors.

BY MR. METCALF:

Q. Right. Turbo chargers?

MR. FORSBERG: Same objection.

A. They may or may not be insulated. Probably the hot end might be insulated.

BY MR. METCALF:

Q. And with regard to the motors or generators and the electrical insulation on the motors, generators made by Elliott, would that electrical insulation have been asbestos containing?

MR. FORSBERG: Object to the form.

A. It may be.

BY MR. METCALF:

Q. Sometimes it would be and sometimes it would not be?

A. That's probably true. I can't really speak to that very well. I'm not that familiar with the insulation process of the Elliott motors and generators.

Q. I take it, Mr. Hackel, that you are not aware of the existence of any navy or other government specification that says specifically that no caution or warning labels shall be used on Elliott equipment with regard to asbestos?

MR. FORSBERG: Object to the form.

A. I'm not aware -- I'm not aware of any.

MR. METCALF: That's all I have, sir. Thank you very much.

A. Okay.

MR. FORSBERG: Why don't we take about a -- I'm sorry, Conard, there may be others with questions.

MR. METCALF: Right. I just thought we'd wait and see if anybody else had any questions and then what, take a 20 minute break and start the next one.

MR. FORSBERG: That would be perfect, Conard. Thanks.

MR. METCALF: Great. Give everybody just enough time not to have lunch.

Okay. Well, apparently there's no other questions. We can conclude as far as I'm concerned.

MR. FORSBERG: Thanks, Conard.

THE WITNESS: Okay. Thank you.

MR. METCALF: Thank you very much, Mr. Hackel. Have a good day.

THE WITNESS: You're welcome.

MR. METCALF: Wax up your skis.

THE VIDEO OPERATOR: Current time is on the screen. This deposition is ended.

Videotaped deposition concluded at 1:45 p.m.

MR. METCALF: I would like the hard copy with a -- just regular copy with the exhibits attached, and if you -- can you send me an E transcript?

THE COURT REPORTER: I think I can.

MR. METCALF: That would be great.

(Whereupon, an off-the-record discussion was held.)

CONCLUDED -- 1:46 P.M.

SIGNATURE NOT WAIVED

CERTIFICATE

COMMONWEALTH OF PENNSYLVANIA)
) SS.
COUNTY OF WESTMORELAND)

I, Dutcheen O. Cameron, a Notary Public within and for the Commonwealth of Pennsylvania, do hereby certify that the witness; ROSS HACKEL, was by me first duly sworn to tell the truth, the whole truth, and nothing but the truth, and that the foregoing deposition was recorded in stenotype by me and reduced to typewriting under my direction.

I further certify that the said deposition constitutes a true record of the testimony given by said witness; that the foregoing deposition was taken at the time and place stated herein.

I further certify that I am not a relative, employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 14th day of February, 2006.

COMMONWEALTH OF PENNSYLVANIA)
) ERRATA SHEET
COUNTY OF WESTMORELAND)

I hereby make the following changes in my deposition testimony:

PAGE NO. LINE NO. REASON FOR CHANGE:

CERTIFICATE OF READING

I, ROSS HACKEL, hereby acknowledge that I have read the foregoing transcript of my testimony on this day of _____, 2006, taken by Dutcheen O. Cameron, Court Reporter. I further certify that the answers are true and correct as transcribed unless otherwise as noted on the Errata Sheet.

Ross Hackel

Subscribed and sworn to before me
this _____ of _____, 2006.

Notary Public