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Craig Mountz

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Condensed Transcript and Concordance
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I (5) represented, that we do not have privileged documents (10) outside of the context of documents exchanged or (11) relating to communications to our clients and between (12) other law firms and Hennessy/Ammco in connection with (13) specific litigation; in other words, documents (14) generated in the context of a specific lawsuit, which (15) would be covered by, of course, the attorney-client and (16) work product privileges. Those documents customarily (17) there is not a privilege log prepared for, and we don't (18) think that those are actually within the scope of the (19) GO 129s. And with that caveat, we would make the (20) representation we do not have any privileged documents (21) responsive.

(22) With respect to the stipulation, I agreed (23) that I would review it. I didn't say I would return (24) it. Review it and, if appropriate, I would sign it and (25) return it.

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(1) MS. SHINING: As a second matter, with (2) regard to the verification of the General Order 129 (3) standard interrogatories, I inquired as to where and (4) whether a verification had been forwarded to our (5) office, as we have not received one.

(6) MR. RIEHLE: I will make the representation, (7) if we have not forwarded a verification, we will do so (8) in the near future.

(9) MS. SHINING: And one further matter. We (10) have marked Exhibit A to the deposition, which is the (11) Notice of Deposition. There have also been Exhibits (12) A-1 and A-2. The Notice of Deposition is actually - I (13) had it right the first time. The Notice of Deposition (14) is Exhibit A. Ammco Tools, Inc. objections to (15) Plaintiff's Notice of Taking Deposition have been (16) marked as Exhibit A-1, and Plaintiff's letter (17) confirming the date and time of this deposition has (18) been marked as Exhibit A-2.

(19) We have also premarked a number of documents (20) that were produced just prior to the deposition this (21) morning as exhibits B through T. These are also Bates (22) stamped H 0001 through H 0128, and we will be (23) discussing those in due course as we proceed.

(24) Q. Sir, could you please tell me where you (25) reside.

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(1) A. 9314 Navajo Drive, Brentwood, Tennessee (2) 37027.

(3) Q. And how long have you lived there?

(4) A. Two and a half years.

(5) Q. And can you tell me, have you been deposed (6) before?

(7) A. Yes.

(8) Q. How many times?

(9) A. Twice.

(10) Q. Were they within the last five years?

(11) A. Yes.

(12) Q. Where was the most recent deposition taken?

(13) A. Texas.

(14) Q. Do you recall the name of the lawsuit or (15) litigation matter in which you were deposed?

(16) A. I believe it was Loomis.

(17) Q. Would that be spelled L-o-o-m-i-s?

(18) A. I believe so.

(19) Q. Who did you testify on behalf of at your (20) deposition?

(21) A. Hennessy Industries.

(22) Q. Do you recall what capacity you were (23) testifying as? As an employee? As a person most (24) knowledgeable?

(25) A. Person most knowledgeable.

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(1) Q. Can you recall the subject matter of that (2) lawsuit?

(3) MR. RIEHLE: Vague.

(4) MS. SHINING: Q. Generally, was it related (5) to asbestos litigation?

(6) A. Yes.

(7) Q. Was it in state or federal court?

(8) A. I don't know that.

(9) Q. Do you recall the name of the law firm that (10) represented Hennessy Industries in that case?

(11) A. Locally?

(12) Q. In Texas.

(13) A. No, I can't remember his name.

(14) Q. Can you recall more specifically when that (15) deposition occurred?

(16) A. It was last year, '99.

(17) Q. Do you know if that lawsuit has been (18) resolved?

(19) A. I think so. I'm not sure.

(20) Q. Has it settled, or has it gone to jury, do (21) you know?

(22) MR. RIEHLE: Calls for speculation.

(23) MS. SHINING: Q. If you know, sir.

(24) A. I think so, but I'm not sure.

(25) Q. The next most recent deposition prior to the

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(1) one in Texas, do you recall when approximately that (2) occurred?

(3) A. '97, I believe.

(4) Q. Were you also representing Hennessy (5) Industries as its person most knowledgeable?

(6) A. Yes.

(7) Q. Where did that deposition occur?

(8) A. It was also in Texas.

(9) Q. Do you recall the court in which the case was (10) filed? Was it in state court or federal court?

(11) A. I don't know.

(12) Q. Do you recall the name of the case?

(13) A. I don't remember that name.

(14) Q. Was it an asbestos-related

case?

(15) A. Yes.

(16) Q. Were either of these cases workers' (17) compensation claims?

(18) A. I don't know.

(19) MR. RIEHLE: I'll represent for the record (20) there has never been a workers' compensation claim (21) filed against Hennessy or Ammco.

(22) MR. DAY: Relating to asbestos.

(23) MR. RIEHLE: Relating to asbestos. Thank (24) you.

(25) MS. SHINING: Q. On any other occasions

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(1) other than these two, have you ever been deposed?

(2) A. No.

(3) Q. Have you ever testified at trial?

(4) A. No.

(5) Q. Why don't I go over a few ground rules, (6) although it may be fresh in your mind, just to make (7) sure that you know. In California it's probably the (8) same as it is in Texas.

(9) You understand that you've been sworn to (10) testify under oath, under penalty of perjury, under the (11) laws of the state of California, just as if you were in (12) a court of law?

(13) A. Yes.

(14) Q. You understand that our court reporter here (15) will be transcribing everything that we say down into (16) written form?

(17) A. Yes.

(18) Q. And you understand that you will receive a (19) copy of the transcript and you will be able to correct (20) it if there are any errors or mistakes or misspellings?

(21) A. Yes.

(22) Q. And you understand that if I ask a question (23) that you don't understand, you have the right to ask me (24) to rephrase it or restate it in a different way?

(25) A. Yes.

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(1) Q. And you understand that at any time, if you (2) need to take a break, just say so, and we can take a (3) short break?

(4) A. Yes.

(5) Q. And have you taken any medication today that (6) would affect your ability to recall facts?

(7) A. No.

(8) Q. Can you think of any other reason why the (9) deposition shouldn't go forward today?

(10) A. No.

(11) Q. I would like to ask you a few questions (12) regarding your educational background. Just (13) generally - or, actually, specifically, where were you (14) born?

(15) A. Kendallville, Indiana.

(16) Q. What year?

(17) A. 1953.

(18) Q. Did you attend school in Kendallville?
 (19) A. Yes.
 (20) Q. And did you go to high school there?
 (21) A. Yes.
 (22) Q. What year, if you recall, did you graduate?
 (23) A. 1971.
 (24) Q. Did you attend a college or university after (25) graduating from high school?

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(1) A. Yes.
 (2) Q. Where was that?
 (3) A. Purdue University, Lafayette, Indiana.
 (4) Q. And what did you study at Purdue?
 (5) A. Mechanical engineering and technology.
 (6) Q. Is that different from mechanical (7) engineering?
 (8) A. Yes.
 (9) Q. Can you explain generally how that's (10) different?
 (11) A. At that time the engineering degree was (12) basically more theoretical and the technology degree (13) was more hands-on.
 (14) Q. Did you obtain a bachelor's of engineering?
 (15) A. Yes.
 (16) Q. A B.S.M.E.?
 (17) A. M.E.T.
 (18) Q. What year was that?
 (19) A. 1975.
 (20) Q. Were you employed during this time in an (21) engineering related field?
 (22) A. During --
 (23) MR. RIEHLE: Vague.
 (24) MS. SHINING: Q. Were you employed during (25) your years at Purdue University for an engineering

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(1) company?
 (2) A. No.
 (3) Q. After graduating from Purdue University, did (4) you attend another institution of higher learning?
 (5) A. No.
 (6) Q. You haven't taken any master's courses?
 (7) A. No.
 (8) Q. After graduating from Purdue University, did (9) you obtain a full-time job?
 (10) A. Yes.
 (11) Q. Where was that?
 (12) A. Ammco Tools.
 (13) Q. Where were they located at that time?
 (14) A. North Chicago, Illinois.
 (15) Q. Do you recall the address?
 (16) A. 2100 Commonwealth Avenue.
 (17) Q. Do you know how long they had been there when (18) you joined them?
 (19) A. Not at that particular site.

(20) Q. Do you recall the name of your immediate (21) supervisor?
 (22) A. Yes. Bob Hampton.
 (23) Q. Did you have a title when you joined Ammco?
 (24) A. Product engineer.
 (25) Q. How long did you have that title?

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(1) A. I'm not sure.
 (2) Q. Was it more than five years?
 (3) A. Probably.
 (4) Q. Can you describe generally your job duties (5) and responsibilities?
 (6) A. It was for total product design. That was (7) basically the drawings, concepts, supervised the (8) prototypes being made, and helping that project get (9) into full production, and then support of the product (10) after that.
 (11) Q. Can you recall how many employees Ammco Tools (12) had at that time?
 (13) A. Probably close to 500.
 (14) Q. Do you know how many of those, approximately, (15) were engineers?
 (16) A. Probably about 15, including tooling (17) engineers.
 (18) Q. Were you employed by an engineering (19) department?
 (20) MR. RIEHLE: Vague.
 (21) MS. SHINING: Q. What was the name of your (22) department?
 (23) A. Okay. Engineering, product engineering.
 (24) Q. Was that a subset of a larger engineering (25) department or research and development department?

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(1) A. No, that was just to distinguish it from (2) process engineering, which was another group.
 (3) Q. Those were the folks in manufacturing?
 (4) A. Right.
 (5) Q. Were you responsible for a particular (6) product, lifts or lathes or tire changers?
 (7) A. At that time it was pretty much whatever (8) project was up. So, no, it was everything.
 (9) Q. Did you work on brake lathe design at that (10) time?
 (11) A. Yes.
 (12) Q. Approximately what percentage of your job (13) responsibilities involved brake lathe design?
 (14) A. Maybe a third.
 (15) Q. When you said you were responsible for (16) customer support -- is that what you said, after the (17) product was --
 (18) A. Product support.
 (19) Q. Product support?
 (20) A. If they would have --
 (21) MR. RIEHLE: There is no question pending.
 (22) MS. SHINING: Q. When you say

"product (23) support," were you responsible for working with the (24) process engineers, or would you be responsible for (25) working with outside customers who had and were using

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(1) the brake lathes?
 (2) A. Mainly inside.
 (3) Q. So sometimes you would work with outside (4) customers?
 (5) MR. RIEHLE: Misstates the testimony.
 (6) THE WITNESS: Sometimes, but rarely.
 (7) MS. SHINING: Q. Do you recall the next (8) title that you had at Ammco after product engineer?
 (9) A. It was project engineer.
 (10) Q. Project engineer. Thank you. I flipped the (11) page.
 (12) A. No, the next title was project --
 (13) MR. RIEHLE: Product, project.
 (14) MS. SHINING: Q. I thought I was just (15) mishearing. Do you recall generally what year you (16) became a project engineer?
 (17) A. Might have been mid '80s, something like (18) that.
 (19) Q. How did your job duties differ?
 (20) A. Not a whole lot, but basically I would head (21) up a project, rather than just doing a piece of the (22) design like before.
 (23) Q. Were you also responsible for a variety of (24) different products?
 (25) A. Yes.

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(1) Q. And did those products include the brake (2) lathes?
 (3) A. It was mostly wheel alignment at that time.
 (4) Q. Do you know who was primarily responsible or (5) which project engineer was primarily responsible for (6) brake lathe project engineering during that time (7) period?
 (8) MR. RIEHLE: Vague as to time. You're going (9) to have to break it down.
 (10) MS. SHINING: Q. How long were you a (11) project engineer?
 (12) A. Until '87.
 (13) Q. From the mid 1980s through 1987, do you know (14) who was primarily responsible for brake lathe project (15) engineering?
 (16) A. Leo Bogaerts.
 (17) Q. Can you spell his last name?
 (18) A. B-o-g-a-e-r-t-s.
 (19) Q. Is he still employed by Ammco?
 (20) A. No.
 (21) Q. Do you know where he is employed?
 (22) A. I believe he is retired.
 (23) Q. Do you know approximately when he would have (24) retired?
 (25) A. About 1988.

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- (1) Q. From 1975 through the mid 1980s, do you know (2) who the project engineer was who was primarily (3) responsible for brake lathe project engineering?
- (4) A. Primarily Leo.
- (5) Q. After 1987 what was your job title?
- (6) A. Engineering manager, wheel alignment (7) equipment.
- (8) Q. Wheel alignment?
- (9) A. Yes.
- (10) Q. You're closer to the court reporter than I (11) am, so I might be asking you to speak up a little bit. (12) How long did you have that title?
- (13) A. About 1994.
- (14) Q. Did you have an immediate supervisor?
- (15) A. During what period?
- (16) Q. From 1987 through 1994, as the engineering (17) manager.
- (18) A. I had many.
- (19) Q. How did the supervision of your job — let me (20) see if I can state this. Were you supervised by (21) officers of the corporation, or was there a further (22) engineer who was your immediate supervisor?
- (23) A. Vice president of engineering.
- (24) Q. Was that the same person throughout the time, (25) '87 through '94?

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- (1) A. No.
- (2) Q. Who was it to begin with, in 1987?
- (3) A. Ron Hicks.
- (4) Q. Is he still employed by Ammco?
- (5) A. No.
- (6) Q. And when I say "Ammco," you understand that I (7) am referring to — oh, you don't. Your counsel is (8) shaking his head.
- (9) MR. RIEHLE: I don't understand that.
- (10) MS. SHINING: Q. I'm saying Ammco because (11) in part that's what you identified as your first (12) employer. But can you just answer simply who Ammco (13) Company was in the 1970s.
- (14) MR. RIEHLE: Let me make — I will put (15) something on the record. It was Ammco Tools, Inc., (16) acquired by Hennessy in or about August 1987. (17) Subsequently, Ammco became a subsidiary of Hennessy.
- (18) MS. SHINING: Now it's called Ammco, Inc.
- (19) MR. RIEHLE: Ammco still is a subsidiary of (20) Hennessy. It's still Ammco Tools, Inc. It's still a (21) subsidiary of Hennessy.
- (22) MS. SHINING: Q. Is Mr. Hicks still an (23) employee of either Ammco or Hennessy?
- (24) A. No.
- (25) Q. Is he retired?

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- (1) A. No.
- (2) Q. So he left the company at some point?
- (3) A. Yes.
- (4) Q. Do you know about when that was?
- (5) A. Around '91.
- (6) Q. Are you still in contact with Mr. Hicks?
- (7) A. No.
- (8) Q. Was he the vice president of engineering from (9) '87 through '91?
- (10) A. I'm not sure about the '91 date, but, yes, (11) from '87 to somewhere in there.
- (12) Q. Who was his immediate successor?
- (13) A. I think, Rob Williams.
- (14) Q. And how long did Mr. Williams hold that (15) position?
- (16) A. Year and a half, two years.
- (17) Q. Was there a third person to hold that after (18) Mr. Williams?
- (19) A. Yes.
- (20) Q. Must be a tough job.
- (21) A. I'm not sure about the order, but there was (22) Lanny Prewitt.
- (23) Q. And was there a further person, again up (24) through 1994?
- (25) A. Oh, through '94, that's all I can remember.

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- (1) Q. Is Mr. Pruitt still employed by either Ammco (2) or Hennessy?
- (3) A. No.
- (4) Q. Is he retired?
- (5) A. No.
- (6) Q. He's left both companies?
- (7) A. Yes.
- (8) Q. Do you recall about when he left?
- (9) A. Probably around '97.
- (10) Q. Are you in contact with either Mr. Williams (11) or Mr. Pruitt?
- (12) A. No.
- (13) Q. Can you describe for me briefly your job (14) responsibilities as the engineering manager.
- (15) A. I was responsible for all wheel alignment (16) products as far as project engineering. That was (17) design, drawings, instruction manuals, product support.
- (18) Q. Were you responsible from 1987 through 1994 (19) for any brake lathe projects?
- (20) A. No.
- (21) Q. During that time period, do you know who was (22) responsible for brake lathe?
- (23) A. Bob Hampton.
- (24) Q. He was an engineering manager also?
- (25) A. Yes.

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- (1) Q. Do you know if he was the engineering manager (2) prior to that time period, from 1971 through 1987, for (3)

brake lathes?

- (4) A. Yes, he was.
- (5) Q. Is Mr. Hampton still with Ammco or Hennessy?
- (6) A. No.
- (7) Q. Is he retired?
- (8) A. No, he's deceased.
- (9) Q. Do you know who was Mr. Hampton's immediate (10) successor?
- (11) Actually, I should go back. After 1994 — (12) which is all we're talking about, just to keep (13) paralleling with your job description and not confuse (14) things. But after 1994 did Mr. Hampton continue to be (15) the engineering manager for brake lathes?
- (16) A. I forget the date that he died, but it was (17) somewhere right around '94.
- (18) Q. He passed away still working on the project?
- (19) A. Yes, he was still head of brake products when (20) he died.
- (21) Q. Do you know the name of the person who (22) succeeded him?
- (23) A. Chuck Cunningham.
- (24) Q. Is he still employed by Ammco?
- (25) A. Yes.

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- (1) Q. Does he still have the title "engineering (2) manager"?
- (3) A. No.
- (4) Q. Who succeeded him after he was either (5) promoted or moved on?
- (6) A. I'm trying to remember.
- (7) Q. We'll keep going, and maybe it will come back (8) to you. Do you know Mr. Cunningham's current title?
- (9) MR. RIEHLE: The witness has already (10) testified he is no longer employed at Ammco.
- (11) MS. SHINING: Cunningham.
- (12) THE WITNESS: He just got a new one. I'm (13) not sure what his new title is.
- (14) MS. SHINING: Q. After 1994 what was your (15) job title at Ammco?
- (16) A. Senior project engineer.
- (17) Q. And how did the job responsibilities differ (18) from before?
- (19) A. From then on I worked only with brake (20) products.
- (21) Q. Is that your current title?
- (22) A. Yes.
- (23) Q. Do you have engineering managers that work (24) underneath you?
- (25) A. No.

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- (1) Q. Was there a change in the way the project (2) engineering department organized itself?
- (3) A. Yes.
- (4) Q. What are the titles of the engineers who work (5) immediately underneath you now?
- (6) A. No one works under me.
- (7) Q. Do you have a staff of technicians?

(48) MR. RIEHLE: Vague.
 (5) THE WITNESS: We have one machining (10) technician.
 (11) MS. SHINING: Q. How long has he been with (12) Ammco?
 (13) A. I'm guessing, ten years.
 (14) Q. Can you recall his name?
 (15) A. Melvin Willis.
 (16) Q. Does he have any engineering degrees?
 (17) A. No.
 (18) Q. Does he have any technical degrees or (19) vocational degrees that you know of?
 (20) A. I don't believe so.
 (21) Q. During the 1970s, do you know approximately (22) how many people were working on brake lathe projects?
 (23) MR. RIEHLE: I'm sorry. What year was that?
 (24) MS. SHINING: The 1970s.
 (25) MR. RIEHLE: Could you repeat the whole

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(1) question.
 (2) MS. SHINING: Certainly.
 (3) Q. Do you know how many people were working on (4) brake lathe projects during the 1970s?
 (5) A. Probably about five.
 (6) Q. And that's in the project engineering (7) department?
 (8) A. Yes.
 (9) Q. Do you have any idea how many people were (10) working on brake lathe projects in the process (11) engineering department?
 (12) A. It varied, but between one and three.
 (13) Q. Is there another department that would be (14) then responsible for the direct manufacture of the (15) product itself?
 (16) A. Yes. It would be manufacturing, or (17) operations.
 (18) Q. Which is it? Is it specifically (19) manufacturing or operations?
 (20) A. The same people, in the same department, just (21) changed title for some reason. Used to be (22) manufacturing. Now it's called operations.
 (23) Q. Updated words?
 (24) A. Right.
 (25) Q. How many people during the 1970s were

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(1) involved in manufacturing in brake lathe products?
 (2) MR. RIEHLE: Overbroad. In any one year? (3) The total number of employees throughout that time (4) period?
 (5) MS. SHINING: Q. Would you be able to (6) break it down by year, or do you have any knowledge (7) that would allow you to break it down by year?
 (8) A. I'm not sure the question that you're asking.

(9) MR. RIEHLE: The question is vague and (10) ambiguous. Are you asking, at any one time, how many (11) employees were working in that capacity? Is that what (12) your question is?
 (13) MS. SHINING: Right. I could break it down (14) by year, but that would take ten questions.
 (15) MR. RIEHLE: I think your question was, at (16) any one time, on average, how many employees were (17) working in the capacity of manufacturing.
 (18) MS. SHINING: Q. We could start with 1971, (19) if you know.
 (20) A. No, I couldn't break it down. You're talking (21) about the people in the shop and everybody?
 (22) Q. People in the manufacturing end. Do you have (23) any knowledge at any time with regard to the numbers of (24) people who were working in manufacturing in brake (25) lathes? And just it's a "yes" or "no," and then I can

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(1) break it down further to what year you started to know, (2) and then we can be specific.
 (3) MR. RIEHLE: Vague.
 (4) MS. SHINING: Q. When you were product (5) engineer, did you know how many people were working in (6) manufacturing in brake lathes?
 (7) A. Not exactly.
 (8) Q. When you became a project engineer, did you (9) have any knowledge as to how many people were working (10) in manufacturing in brake lathes?
 (11) A. Not exactly.
 (12) Q. When you became an engineering manager, did (13) you have any knowledge of how many people were working (14) in manufacturing for brake lathes?
 (15) A. Not exactly.
 (16) Q. And this is because you were working (17) primarily on the wheel alignment products? Is that (18) why?
 (19) MR. RIEHLE: Argumentative.
 (20) THE WITNESS: In the shop people don't work (21) just on one product, they work on many. So that's why (22) I'm having difficulty. It might be 75 or 100 different (23) people might be involved in making parts or assembling (24) from any one year.
 (25) MS. SHINING: Q. So Ammco's manufacturing

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(1) wasn't specifically broken down into number of lines (2) for each project, and people worked on a number of (3) different projects throughout the course of a year?
 (4) A. They were not broken down -- yes, they worked (5) on many things.
 (6) Q. In the 1970s, how many people were employed (7) in the manufacturing department, generally, then?
 (8) MR. RIEHLE: Vague.

(9) THE WITNESS: Around 200.
 (10) MS. SHINING: Q. Did that number increase (11) or decrease in the 1980s?
 (12) MR. RIEHLE: Same objection.
 (13) THE WITNESS: I would say it was probably (14) about the same.
 (15) MS. SHINING: Q. And what is the current (16) number of employees at Ammco involved in manufacturing?
 (17) MR. RIEHLE: Calls for speculation.
 (18) THE WITNESS: By "Ammco" do you mean the (19) total company?
 (20) MS. SHINING: Q. I will try and be (21) specific and refer to Ammco, not Hennessy. So at (22) Ammco?
 (23) A. About 450.
 (24) MR. RIEHLE: Same objection.
 (25) MS. SHINING: Q. And, again, I don't want

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(1) you to speculate. If you think a question does call (2) for speculation, feel free to say so, and I will try (3) and be more specific.
 (4) A. Okay.
 (5) Q. Have you taken any seminars related to your (6) profession -- wait. So you're a senior product manager (7) now; is that correct?
 (8) A. Senior project engineer.
 (9) Q. And who is your immediate supervisor today?
 (10) A. Reggie Jones.
 (11) Q. Has Mr. Jones been -- I assume it's Mr. (12) Jones.
 (13) A. Yes.
 (14) Q. Has he been your supervisor since 1994?
 (15) A. No.
 (16) Q. Who was your supervisor in 1994?
 (17) A. That was Chuck Cunningham.
 (18) Q. Was there another person after Mr. (19) Cunningham, before Mr. Jones?
 (20) A. Yes.
 (21) Q. And that was?
 (22) A. There again, it's been many.
 (23) Q. Could you please list them to the best of (24) your memory.
 (25) A. I have to think a minute. Don Green was

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(1) another one. I think I mentioned Lanny Pruitt before. (2) That's all I can remember.
 (3) Q. What are these individuals' titles? Did they (4) have the same title throughout the time period they (5) supervised you? Were they all vice presidents of (6) engineering?
 (7) MR. RIEHLE: Vague.
 (8) THE WITNESS: No.
 (9) MS. SHINING: Q. Can you recall their (10) various titles?
 (11) A. Don Green was an engineering manager. Chuck (12) Cunningham was an engineering manager. I think the (13) others were

vice presidents.

(14) Q. Before, you were an engineering manager. (15) Then was it a promotion to senior product engineer, (16) but then you were supervised by engineering managers. (17) Can you explain that a little bit?

(18) MR. RIEHLE: Compound.

(19) THE WITNESS: With changes in management, (20) the department that I was over, wheel alignment, was (21) de-emphasized. At the same time, that's when Bob (22) Hampton passed away, and so I then became over brake (23) products, basically taking what Mr. Hampton was doing, (24) except not with a manager title. (25) MS. SHINING: Q. Did your job

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(1) responsibilities assume the same job responsibility (2) that Mr. Hampton had?

(3) A. Except for supervisory.

(4) Q. How many persons did Mr. Hampton supervise?

(5) A. It varied, but normally about six.

(6) Q. Was there a company rationale for the (7) downsizing?

(8) MR. RIEHLE: Calls for speculation, vague (9) and ambiguous. Do you know?

(10) THE WITNESS: It wasn't really a (11) downsizing. It was just a reorganization. Rather than (12) having a manager and people working under him, it was (13) just pretty much fewer managers and everybody in kind (14) of like a pool of engineering.

(15) MS. SHINING: Q. How many persons then (16) would be in the pool?

(17) A. During which time period?

(18) Q. I guess this is since -- this reorganization (19) occurred in 1994; is that correct?

(20) A. Well, we have had lots of them, but at the (21) time it would be about 16 or 18.

(22) Q. And that's in 1994?

(23) A. Yes.

(24) Q. How many is it today?

(25) A. Nine.

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(1) Q. Again, another kind of background question: (2) Did you speak with anyone in preparation for today's (3) deposition?

(4) MR. RIEHLE: You can answer that question (5) and that question alone. It's a "yes" or "no" (6) question.

(7) THE WITNESS: Yes.

(8) MS. SHINING: Q. And can you tell me who (9) you spoke with?

(10) MR. RIEHLE: You can answer who you spoke (11) with. I'm being careful to protect the attorney-client (12) and work product privileges here.

(13) THE WITNESS: Paul Day and Paul Riehle.

(14) MS. SHINING: Q. Did you speak with anyone (15) else?

(16) A. No.

(17) Q. We have marked as Exhibit A a copy of (18) Plaintiff's Notice of Deposition. I would like you to (19) take a look at that and let me know if you have seen (20) that document before.

(21) A. Yes.

(22) Q. And have you in fact actually read the entire (23) document?

(24) A. Yes.

(25) Q. Can you recall the first time you saw what we

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(1) have marked as Exhibit A?

(2) A. Yesterday.

(3) Q. Was yesterday the first time you spoke with (4) anyone with regard to the deposition?

(5) MR. RIEHLE: You can answer that question (6) "yes" or "no." Clearly, the witness spoke to someone (7) in advance of getting to San Francisco.

(8) THE WITNESS: Right. That's what I was (9) thinking. I spoke to Paul Day before about making (10) arrangements to get out here.

(11) MS. SHINING: Q. So that's two days ago?

(12) MR. RIEHLE: No. Misstates the testimony.

(13) THE WITNESS: No.

(14) MS. SHINING: Q. When was the first time (15) you had knowledge that you would be attending this (16) deposition?

(17) A. Probably a month ago.

(18) Q. And you did not have the Notice of Deposition (19) at the time?

(20) A. I don't think so.

(21) Q. Did you review any documents after being (22) notified that you would be attending this deposition?

(23) MR. RIEHLE: We can get into attorney-client (24) privilege and work product information here, but I will (25) make a representation that witness has reviewed the

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(1) documents that Hennessy is producing.

(2) MS. SHINING: Q. Other than the documents (3) that have been produced today, and you can take a look (4) at them if it would assist your memory, have you (5) reviewed any other documents in preparation for today's (6) deposition?

(7) A. Yes.

(8) Q. When do you recall first reviewing documents (9) in preparation for this deposition, what day?

(10) A. Yesterday.

(11) Q. I just want to make clear, you didn't review (12) any documents before yesterday?

(13) A. No.

(14) Q. Approximately how long did you spend (15) reviewing documents?

(16) A. Probably eight hours.

(17) Q. When you took -- can I say you took over for (18) Mr. Hampton? Is that

accurate to say?

(19) A. Yes.

(20) Q. When you took over for Mr. Hampton, did you (21) come into possession of the files that he had created?

(22) A. Yes.

(23) Q. Were those -- actually, let me back up even a (24) little bit more. Is Ammco still located in North (25) Chicago?

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(1) A. No.

(2) Q. Do you know when they moved from the North (3) Chicago location?

(4) A. It moved in pieces. It was probably complete (5) in '95, somewhere around there.

(6) Q. When did the move start?

(7) A. 1987.

(8) Q. What's the current address for Ammco?

(9) A. 1601 J.P. Hennessy Drive.

(10) Q. And the city?

(11) A. La Vergne, Tennessee.

(12) Q. Were Ammco Tools' manufacturing facilities (13) located at the North Chicago location?

(14) MR. RIEHLE: Vague as to time.

(15) MS. SHINING: Q. In 1971?

(16) A. Yes, there were two plants there.

(17) Q. What were the two plants relating to?

(18) MR. RIEHLE: Vague.

(19) MS. SHINING: Q. Did the two plants have a (20) separate function, or were they just two facilities (21) again devoted to a variety of products?

(22) A. The first plant was an old plant in North, (23) Chicago, and they started building a new complex a few (24) miles away. I think it was technically Waukegan, (25) Illinois. But then they eventually moved everything

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(1) out to the new facility.

(2) Q. Do you know the address of the Waukegan site?

(3) A. I think it actually still kept the address, (4) the original address, for mailing purposes.

(5) Q. Do you know the physical address of the (6) plant?

(7) A. Road 137 and 41.

(8) Q. I lived in Chicago for a long time. You get (9) lost up there real easy. Is the Waukegan facility (10) still in operation?

(11) A. No.

(12) Q. And the old plant, 1200 Commonwealth, that's (13) closed also?

(14) A. Yes.

(15) Q. Do you recall how large the old plant was in (16) square feet?

(17) A. I have no idea.

(18) Q. Do you know how large the new facility was in (19) square feet?

(20) A. No.

(21) Q. Do you know how large the

current facility is (22) in La Vergne, Tennessee?

(23) A. Not really.

(24) Q. Can you estimate the percentage in any of (25) these facilities of office space to manufacturing

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(1) space?

(2) MR. RIEHLE: Calls for speculation.

(3) THE WITNESS: Just as a guess.

(4) MS. SHINING: Q. I don't want you to guess.

(5) A. I have no idea.

(6) Q. Again, going back to Mr. Hampton's files, (7) when you, I believe, in 1994, assumed his job (8) responsibilities, can you recall approximately how many (9) files -- and, again, if you can be more specific, I (10) can guess at how the files were organized in a million (11) questions, but can you describe for me approximately (12) how many files of Mr. Hampton's came into your (13) possession?

(14) MR. RIEHLE: Overbroad, vague and (15) ambiguous. Calls for a narrative.

(16) THE WITNESS: I might have ended up with a (17) three- or four-inch stack of items that I kept.

(18) MS. SHINING: Q. How much was there (19) originally before you went -- I assume your answer (20) means you went through his materials and discarded (21) some; is that correct?

(22) MR. RIEHLE: Calls for speculation, vague (23) and ambiguous.

(24) MS. SHINING: I assume he knows what he did (25) when he --

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(1) Q. Did you take over Mr. Hampton's physical (2) office?

(3) A. No.

(4) Q. So you went into his office and looked (5) through his files?

(6) A. Others did that, and I basically just ended (7) up with what was left over.

(8) Q. Do you know who those others were? Were they (9) your supervisors?

(10) A. I'm not sure who all it was.

(11) Q. Do you have any recollection of who it would (12) have been?

(13) MR. RIEHLE: Don't speculate.

(14) MS. SHINING: Q. Do you have any (15) recollection of how much material they went through?

(16) A. No.

(17) MR. RIEHLE: Calls for speculation.

(18) MS. SHINING: Q. I assume, after 25 years (19) of running a department, he would have a lot of things, (20) more than six or seven inches.

(21) MR. RIEHLE: Calls for speculation.

(22) Counsel's assumptions are irrelevant. No question (23) pending.

(24) MS. SHINING: Q. So someone brought to you (25) materials from Mr. Hampton's office; is that correct?

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(1) A. Yes.

(2) Q. Who was that person?

(3) A. I don't remember.

(4) Q. Was it your supervisor?

(5) A. I don't remember where it came from.

(6) Q. Do you remember how much it was?

(7) MR. RIEHLE: Vague.

(8) THE WITNESS: Maybe a box full.

(9) MS. SHINING: Q. And you're indicating (10) approximately what? Two feet? Three feet?

(11) MR. RIEHLE: Are you indicating the size of (12) a box?

(13) THE WITNESS: Yes.

(14) MS. SHINING: Q. About how big was the box (15) in inches or feet?

(16) A. Normal bankers, called bankers boxes.

(17) Q. And when you reviewed that material, what (18) process did you go through to decide what to keep and (19) what to discard?

(20) A. I discarded anything that were just notes or (21) sketches that he had made. I just kept the items that (22) had facts or figures.

(23) Q. Did you discard any specifications?

(24) MR. RIEHLE: Vague, overbroad, not (25) reasonably calculated. Presumably we are going to have

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(1) to tie this topic into something that's related to this (2) lawsuit.

(3) MS. SHINING: The design of brake lathes, I (4) think, is the topic of the lawsuit. So, if there were (5) any specifications that got discarded with regard to (6) older products, I think that's absolutely directly (7) relevant.

(8) MR. RIEHLE: You asked about if he discarded (9) any specifications, without specifying what topic it (10) related to.

(11) We can dispute what the topic of the lawsuit (12) is, but did you discard any specifications with respect (13) to brake lathes or any other -- strike that. I'll let (14) you ask.

(15) MS. SHINING: I think that's a fair (16) restatement of my question. I'm talking about brake (17) lathes because it's about Mr. Hampton's files, and he (18) said previously that Mr. Hampton was primarily (19) responsible for brake lathes. I would be willing to (20) limit my question to that.

(21) THE WITNESS: No, I didn't discard any (22) specifications.

(23) MS. SHINING: Q. Did you discard any (24) catalogs or product -- well, did you discard any (25) catalogs?

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(1) MR. RIEHLE: Overbroad.

(2) THE WITNESS: Yes.

(3) MS. SHINING: Q. Do you recall the

year (4) that those catalogs were dated?

(5) A. They were mainly source catalogs, not our (6) catalogs.

(7) Q. Do you recall the names of any of the vendors (8) whose -- these were vendors, then?

(9) A. Right.

(10) Q. Do you recall any of the names of the vendors (11) whose catalogs --

(12) A. No.

(13) Q. Can you recall any of the other types of (14) documents that you discarded? I believe you mentioned (15) notes, sketches, and now catalogs. Can you think of (16) any of the other kinds of documents you discarded?

(17) MR. RIEHLE: Misstates the witness's (18) testimony, but also overbroad.

(19) THE WITNESS: No.

(20) MS. SHINING: Q. Do you recall discarding (21) any studies?

(22) A. No.

(23) Q. Why don't we turn to the documents that have (24) been produced. Did you, yourself, locate these (25) documents that are marked as Exhibits B through T?

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(1) A. Most.

(2) Q. Did someone assist you in the search for (3) documents?

(4) A. Yes.

(5) Q. Who was that?

(6) A. Bob Chasteen.

(7) Q. What's Mr. Chasteen's title?

(8) A. He's vice president of finance.

(9) Q. Where did you look for these documents?

(10) A. Engineering department.

(11) Q. Did Mr. Chasteen aid you in looking for them (12) in the engineering department?

(13) A. No.

(14) Q. So what did he do?

(15) A. He searched other places for anything (16) additional.

(17) Q. Do you know where he searched?

(18) A. No.

(19) Q. Do you know why he was asked to search for (20) documents?

(21) A. He's in charge of all company documentation.

(22) MR. RIEHLE: Mr. Chasteen is the custodian (23) of records.

(24) MS. SHINING: I would reserve the right to (25) then depose him, because I think the Notice of

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(1) Deposition is a dual one, and by further questioning (2) this witness with regard to the documents he did (3) locate, I am not waiving any right to depose the actual (4) custodian of records, which is the person that our (5) notice calls for.

(6) MR. RIEHLE: This deposition is of a

person (7) most knowledgeable. We reached an agreement, that is (3) my understanding with your office, that we would (9) provide the documents responsive to the request with a (10) custodial declaration, saying these are the documents (11) that we have responsive to the question, these were (12) documents kept in the ordinary course of business, et (13) cetera, and that was our understanding of the (14) agreement. And in the context of that agreement we (15) brought Mr. Mountz here from Tennessee and made him (16) available.

(17) So this was a negotiated understanding and (18) negotiated circumstance whereby we're bringing a (19) witness out from Tennessee at our expense, and you've (20) got your reservation, but that's the agreement.

(21) MS. SHINING: And I understand you may have (22) that with another attorney at my firm, but I have no (23) knowledge of that, so I just want to make sure the (24) record is clear, to the extent that there is another (25) individual, I would reserve those rights accordingly.

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(1) and we can discuss what was agreed upon beforehand (2) afterward, after this deposition is concluded.

(3) Q. Did anyone assist you from the engineering (4) department in searching for these particular records?

(5) A. No.

(6) Q. Were these records all located in the same (7) place in the engineering department, or were there (8) different files that they were kept in? And if they (9) were different, we can go one by one.

(10) A. The record retention policy came from Bob (11) Chasteen.

(12) Q. That's Exhibit B?

(13) A. Yes. Everything else came from engineering (14) files.

(15) Q. Are the engineering files sorted by category (16) or product?

(17) A. By product.

(18) Q. So there are separate files for the brake (19) lathe products?

(20) A. All products.

(21) Q. Does each product, by product number, then, (22) have its own separate filing system?

(23) A. Has its own folder, yes.

(24) Q. Now, Ammco brake products seem to have (25) product numbers, and I have seen them start in the

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(1) hundreds. And just to, again, be clear on the record, (2) does each product, by product number, have its own (3) manila file or a separate larger file?

(4) MR. RIEHLE: Compound, vague.

(5) THE WITNESS: In this case we used -- shoe (6) grinders had a Manila folder.

(7) MS. SHINING: Q. When you say a "shoe (8) grinder," is that the same as an

arc grinder?

(9) A. Yes.

(10) Q. Do you have any other generic names that you (11) use to describe that type of product?

(12) A. No.

(13) Q. Would, then, there be different kinds of (14) brake lathes, or is that a generic name for a shoe (15) grinder also?

(16) A. It's a totally different machine.

(17) Q. Are there any other product lines, generic (18) classes of products, that you oversee currently?

(19) MR. RIEHLE: Vague, asked and answered.

(20) THE WITNESS: I just work on all brake (21) products.

(22) MS. SHINING: Q. Can you break that down (23) for me more specifically, by product line?

(24) A. That I work on?

(25) Q. Right.

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(1) A. I have brake lathes -- actually, everything (2) else is just kind of accessories. We have hand tools. (3) We have brake washers. We have measuring instruments. (4) That's about it.

(5) Q. Would you consider dust systems to be an (6) accessory?

(7) MR. RIEHLE: Vague as to "dust systems."

(8) THE WITNESS: Are you speaking of shoe (9) grinders?

(10) MS. SHINING: Q. Let me back up a little (11) bit. When you discuss brake lathes, can you describe (12) for me the specific products underneath the category

(13) "brake lathes" that you oversee?

(14) MR. RIEHLE: Asked and answered.

(15) THE WITNESS: Brake lathes is an item to its (16) own. We have several versions, but that's the only (17) product under the category.

(18) MS. SHINING: Q. Can you list those (19) versions?

(20) MR. RIEHLE: Vague as to time.

(21) Talking (22) about right now?

(22) MS. SHINING: Q. We can start with the (23) products as they are right now, unless it would be (24) easier to go back in history. I want to try and do (25) this the most simple and painless way possible.

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(1) MR. RIEHLE: Let's start with right now.

(2) THE WITNESS: You want model numbers?

(3) MS. SHINING: Q. Right. Have the model (4) numbers progressed over time, getting larger and (5) larger?

(6) A. Sometimes.

(7) Q. Sometimes, sometimes not. Let's start with (8) right now, then. Right now, what are the brake lathe (9) product lines?

(10) A. Model 4000, 4100, 7500, 3850, 710, 6000. And (11) that's it. There are

voltage variations and colors and (12) that type of thing, but those are the machines.

(13) Q. Does each of these machines, then, have its (14) own separate file?

(15) A. No.

(16) Q. Which of these machines would have a product (17) file? The 4000 series, would that have one file?

(18) A. Yes, they would be grouped together.

(19) Q. And does the 7500 series have its own file?

(20) A. It might have.

(21) Q. And the 3850, does that have its own file?

(22) A. Yes.

(23) Q. How about the 710 and the 6000? Do those (24) have their own files?

(25) A. If they exist, they would be separate.

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(1) Q. So you say, "if they exist." Does that mean (2) these products are no longer -- can you explain that?

(3) A. If there's anything special about that (4) product, anything different from others, like special (5) testing or anything like that, it would have a file to (6) contain those items.

(7) Q. I want to stay focused on the filing system. (8) That's why I'm trying to -- I will have more questions (9) about the products themselves more specifically (10) probably after lunch, as I see counsel's eyebrows are (11) getting raised. We have been going for an hour and a (12) half.

(13) MR. RIEHLE: I think it's appropriate to (14) take a break. At least I would just as soon we take a (15) short break now and then keep plugging away and maybe (16) have lunch brought in and try to keep working through (17) this, because we are not moving very fast.

(18) MS. SHINING: I am just a workhorse. That's (19) fine.

(20) MR. RIEHLE: Let's take a short break, but (21) let's make it a five-minute break, because I do want -- (22) the witness is from across the country, and he intends (23) to go back today.

(24) (Brief recess.)

(25) MS. SHINING: Q. When we left off before

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(1) the break, we were talking about the engineering files (2) as they relate to each particular product. And what (3) I'm trying to talk about is where you looked for (4) documents and finding a framework for that.

(5) When you received the Notice of Deposition, I (6) assume, since you read it, you noted that it had (7) several categories, starting on Page 4, relating to (8) documents to be produced.

(9) And do you have a copy, Counsel, still?

(11) With regard to these categories -- I believe (11) they are Categories 1 through 30 -- did you search for (12) documents responsive to these categories?

(13) A. Yes.

(14) Q. Can you describe for me generally where you (15) looked for documents that would be responsive to the (16) categories 1 through 30?

(17) A. The product files are contained in the (18) engineering department.

(19) Q. Are the brake lathe products segregated in (20) any way from the other engineering files?

(21) A. No.

(22) Q. Are research and development files segregated (23) in any way from the general engineering files?

(24) A. Yes. They are listed as X numbers.

(25) Q. When you say "X numbers," that correlates to

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(1) the document retention policy?

(2) A. Before a product becomes, say, a Model 4000, (3) up until that time we just call it X1, -2, -3, -4, (4) whatever.

(5) Q. Could you be a bit more specific? Do you (6) give it a preliminary number?

(7) A. Right. Some projects may take a year to (8) design, so it's just "X" prototype, or whatever. We (9) call it X, No. 1, and then when it's ready for (10) production, then it usually gets a model number, and (11) then it becomes a saleable model number.

(12) Q. Is there a method by which the preliminary (13) number, the prototype number, is selected?

(14) A. Yes. We have a book and take out the next (15) number in numerical order.

(16) Q. When a product is given a product number, an (17) actual model number, what happens to the files for the (18) prototype?

(19) A. Still retained.

(20) Q. Are they kept in the original folder for the (21) prototype, or are they moved into file for the product?

(22) A. Files right beside. There are two separate (23) files.

(24) Q. Did you look for documents in both prototype (25) files and product files?

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(1) A. Yes.

(2) Q. What about documents relating to safety (3) issues? Are those kept in the engineering department?

(4) A. Yes.

(5) Q. And how are those organized?

(6) A. Those would also be in the product file.

(7) Q. Does your answer refer to, then, safety in (8) the use of the product?

(9) MR. RIEHLE: I'll interpose an

objection, (10) really, to the safety issues line of questions as vague (11) and ambiguous.

(12) THE WITNESS: By "safety issues" I meant for (13) you to ask things as warning labels, instructions, that (14) kind of thing.

That's what we keep in our....

(15) MS. SHINING: Q. Is there a separate (16) department that relates to occupational safety at (17) Ammco?

(18) MR. RIEHLE: Vague and ambiguous.

(19) THE WITNESS: If you mean inside the plant, (20) that we have for our workers?

(21) MS. SHINING: Q. Right.

(22) A. What was the question again? I'm sorry.

(23) Q. Is there a separate department that relates (24) to occupational safety internally at Ammco?

(25) MR. RIEHLE: Same objection.

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(1) THE WITNESS: Not exactly a department, but (2) there are those that are involved with the safety.

(3) MS. SHINING: Q. Is there a special safety (4) committee?

(5) MR. RIEHLE: Vague.

(6) THE WITNESS: Pretty much every supervisor (7) is involved with safety, and they have, I think, weekly (8) meetings with their employees.

(9) MS. SHINING: Q. Outside the supervisors, (10) is there any other organized committee that relates to (11) safety issues at Ammco?

(12) MR. RIEHLE: Same objection.

(13) THE WITNESS: I really don't know that.

(14) MS. SHINING: Q. So the only safety-related (15) documents that you are aware of would be (16) product-specific materials kept in the product files (17) themselves?

(18) MR. RIEHLE: Argumentative, misstates his (19) testimony.

(20) THE WITNESS: For the products themselves, (21) yes.

(22) MS. SHINING: Q. Are there any other (23) documents relating to safety other than what's been (24) produced today in the engineering files as it pertains (25) to brake lathe products?

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(1) A. All brake lathe products?

(2) Q. Right.

(3) A. Yes.

(4) Q. Can you describe some of those documents?

(5) A. Well, just like this is the file for the shoe (6) grinders, there are other products that have outside (7) testing reports that have been done on them also.

(8) Q. What other products would that include, again (9) limited to the brake product line?

(10) A. Brake washers.

(11) MR. RIEHLE: Go ahead and finish your (12) answer.

(13) THE WITNESS: I think that would be all the (14) brake products that have.

(15) MR. RIEHLE: We're getting pretty far afield (16) here. We keep talking about the brake product lines, (17) and this case is not about, nor is your deposition (18) notice with respect to, all brake product lines, and I (19) have some real concerns about whether or not we are (20) going to finish today. The witness has traveled across (21) the country to be here in California for the (22) deposition, the witness resides in Tennessee, and we (23) keep talking about products irrelevant and not even (24) reasonably calculated to lead to the discovery of (25) admissible evidence with respect to other products.

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(1) The reason for this sort of statement and (2) objection is that we need to focus on the products that (3) are at issue in this lawsuit, because if we spend a lot (4) of time on other products, we're not going to be here (5) beyond today.

(6) MS. SHINING: I do note that our deposition (7) in part does seem to be limited to arcing machines, and (8) I think I asked a couple of questions before to get to (9) your understanding of the arcing machine, and clearly a (10) -- I will agree that a brake washer is not an arc (11) machine.

(12) MR. RIEHLE: Neither is a brake lathe.

(13) MS. SHINING: Q. I just want to make sure (14) we're completely clear before with we go too much (15) further. In my understanding, an arc machine would be (16) included as a type of brake lathe. Is that incorrect?

(17) A. That is incorrect.

(18) Q. Are you responsible for arcing machines at (19) Ammco?

(20) A. I was.

(21) Q. What time period were you responsible for in (22) any way with respect to arcing machines?

(23) MR. DAY: At?

(24) MS. SHINING: He's only worked at Ammco, (25) so....

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(1) MR. DAY: Well --

(2) THE WITNESS: Since '87, until '87.

(3) MR. RIEHLE: I'm going to help you out here, (4) in the interest of moving this thing along.

(5) MS. SHINING: Please do.

(6) MR. RIEHLE: Ammco stopped manufacturing (7) arcing machines in 1986.

(8) THE WITNESS: '86.

(9) MR. RIEHLE: 1986. So --

(10) MR. DAY: Hennessy does not manufacture (11) arcing machines.

(12) MR. RIEHLE: Hennessy does not manufacture (13) arcing machines. So we

can talk about this '73 to '86 (14) time frame. That's also when you're going to see these (15) documents stop, because that's when they stopped (16) manufacturing them. That's when Ammco stopped (17) manufacturing arcing machines.

(18) MS. SHINING: Can I ask him to confirm if (19) that's accurate?

(20) MR. RIEHLE: Sure.

(21) MS. SHINING: Q. Is that accurate?

(22) A. Yes.

(23) Q. So your search, then, was limited to arcing (24) machines?

(25) A. Correct.

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(1) Q. So there is no one at Ammco who would be (2) currently responsible — well, strike that. Who would (3) be currently responsible for maintaining these records, (4) the records that you have produced today, Exhibits B (5) through T?

(6) A. It would be Bob Chasteen.

(7) Q. How do you spell that?

(8) A. C-h-a-s-t-e-e-n.

(9) Q. Does he store them in a location outside the (10) engineering department?

(11) A. Yes.

(12) Q. Where are they kept?

(13) A. I don't know.

(14) MS. SHINING: Will counsel stipulate that (15) they are business records kept in the regular —

(16) MR. RIEHLE: We will provide a custodian of (17) records declaration for Mr. Chasteen.

(18) MS. SHINING: I would again reserve my right (19) to depose Mr. Chasteen as to the maintenance of these (20) records and their source.

(21) MR. RIEHLE: I will restate my understanding (22) of our agreement.

(23) MS. SHINING: Q. I guess I just want to (24) make absolutely clear, did you go get these records (25) from Mr. Chasteen, or did he bring these to you?

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(1) MR. RIEHLE: Vague as to time.

(2) MS. SHINING: Q. In the last two days.

(3) When was the first time you saw the document (4) marked as Exhibit B?

(5) A. It was yesterday.

(6) Q. Do you maintain a copy of this document in (7) your own personal files?

(8) A. No.

(9) Q. Do you know who is responsible at Ammco for (10) maintenance of the document retention policy?

(11) A. It would be Bob Chasteen.

(12) Q. Have you ever received a memo from Mr. (13) Chasteen, other than the document retention policy, (14) informing you to discard documents pursuant to the (15) policy?

(16) A. No.

(17) Q. Have you ever personally discarded documents (18) with the intention

of complying with the document (19) retention policy?

(20) MR. RIEHLE: Would you repeat the question.

(21) (Record read.)

(22) MR. RIEHLE: Do you understand the question?

(23) THE WITNESS: Did I ever throw anything away (24) that said after that many years to —

(25) MR. RIEHLE: Repeat the question.

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(1) (Record read.)

(2) THE WITNESS: I would have to say "No."

(3) MS. SHINING: Q. Have you ever instructed (4) anyone underneath you to go through their files and (5) throw things out in compliance with the document (6) retention policy?

(7) A. No.

(8) Q. With regard to Exhibit C, when was the first (9) time you saw this document?

(10) A. This actual piece of paper, or the actual (11) decal?

(12) Q. Did you see the original that this document (13) is a copy of?

(14) MR. RIEHLE: Vague and ambiguous. Do you (15) know what this document relates to?

(16) MS. SHINING: I would actually like him to (17) answer the other question.

(18) MR. RIEHLE: Fine.

(19) MS. SHINING: Q. Did you see the original?

(20) A. And again, I don't understand.

(21) MR. RIEHLE: Vague and ambiguous.

(22) THE WITNESS: The actual decal, or you mean (23) this piece of paper?

(24) MS. SHINING: Q. Is this a copy of a decal?

(25) A. Yes.

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(1) Q. Have you seen the original decal?

(2) A. Yes.

(3) Q. When did you first see the original decal?

(4) A. I believe this has been on the product since (5) somewhere in the '70s. So I saw it in that time frame.

(6) Q. Is this a photocopy of an adhesive decal?

(7) A. Yes.

(8) Q. Do you recall when you first saw the color of (9) the original decal?

(10) A. No.

(11) Q. Do you recall the color of the type on the (12) decal?

(13) A. It's black type.

(14) MR. RIEHLE: Vague and ambiguous. You said (15) "color of the type." You mean the color of the decal (16) or the type on the decal?

(17) MS. SHINING: Q. The type on the decal. (18) That is vague, isn't it? The color of the printing is (19) black?

(20) A. Yes.

(21) Q. Do you recall in 1971 where those decals were (22) being placed on Ammco products?

(23) A. No, I wasn't with the company until '75.

(24) Q. I'm sorry, '75?

(25) A. The question was where they are?

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(1) Q. Do you know where the labels were being (2) placed?

(3) A. Right on the very top of the machine.

(4) Q. Do you know what structure they were placed (5) on, specifically?

(6) MR. RIEHLE: Vague.

(7) THE WITNESS: It's on the cover that covers (8) the actual grinding surface.

(9) MS. SHINING: Q. Is that a removable cover?

(10) A. Yes.

(11) Q. Do you know anything about the adhesive that (12) was used to stick the label, the decal, to the machine (13) itself?

(14) A. No.

(15) Q. Do you know anything about where the labels (16) were manufactured?

(17) A. No.

(18) Q. Do you know if a warning was provided to not (19) have customers remove those labels? You know, like on (20) the mattress it says, "Don't remove me."

(21) MR. RIEHLE: Vague as to time.

(22) MS. SHINING: I'm generally referring to (23) 1975, which is the witness' earliest experience at the (24) company.

(25) MS. SHINING: Just let the record reflect

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(1) that the witness is reviewing Exhibits B through — (2) several of the exhibits that have not been discussed (3) yet.

(4) THE WITNESS: The question one more time.

(5) MS. SHINING: Q. Do you have any knowledge (6) that any warning was given to a purchaser of an arcing (7) machine to not remove what's marked as Exhibit C from (8) the cover where it was adhesively connected?

(9) A. I don't know that.

(10) Q. This particular copy of Exhibit C, do you (11) recall the time when you first saw this particular (12) copy?

(13) A. No.

(14) Q. Would it have been yesterday, from Mr. (15) Chasteen?

(16) MR. RIEHLE: Argumentative.

(17) THE WITNESS: What was the question, again?

(18) MS. SHINING: Q. Do you know if the first (19) time you saw this copy was yesterday?

(20) A. I have seen other copies just like it in the (21) past.

(22) Q. Has the language that's contained in the (23) label, the decal in Exhibit C, changed to your (24) knowledge over the years from 1975?

(25) A. Not that I know of.

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(1) Q. Was the label still in use in 1986?

(2) A. Yes.

(3) Q. And with the cover on the machine, you can't (4) do any actual grinding; is that correct?

(5) A. No.

(6) Q. You have to remove the cover and set it (7) aside, and then you can operate the machine?

(8) A. No. The only time I take this cover off is (9) if you're changing the grinding band, and then you put (10) it right back on. You can't really operate it without (11) that cover being on, on the machine.

(12) Q. So it's the cover that covers the motor?

(13) A. The grinding disk.

(14) Q. I didn't see any -- well, maybe we should (15) keep moving.

(16) MR. RIEHLE: You were on C. You're now out (17) of order.

(18) MS. SHINING: Q. I'm not sure I saw in my (19) review of the exhibits a picture of an arcing machine. (20) And I guess, actually, that -- I was thinking in my (21) other question, do you know if there are any copies of (22) this warning as Exhibit C in the current files of the (23) engineering department?

(24) A. That's where that came from.

(25) Q. It did not come from Mr. Chasteen?

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(1) MR. RIEHLE: Argumentative.

(2) MS. SHINING: I thought he said at one (3) point --

(4) Q. Exhibits B through T came from your (5) department?

(6) A. Yes.

(7) Q. And you found these where, again? In the (8) file in --

(9) A. In the shoe grinder file in the engineering (10) department.

(11) Q. And you use the term "shoe grinder" (12) interchangeably with "arcing machine"?

(13) A. Yes.

(14) Q. I'm getting this figured out. Are these all (15) the documents from the shoe grinder file?

(16) A. Yes.

(17) MR. RIEHLE: I think the witness -- I (18) believe we have some additional documents we are having (19) copied right now. In fact, they may be done already. (20) So we're going to be producing those in a second as (21) well. And those will consist of, I believe, (22) instruction manuals. Were they also in there?

(23) THE WITNESS: Yes.

(24) MR. RIEHLE: When we take our break for (25) lunch, I will get them to you, so you can premark them

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(1) before we start the afternoon session. You can take (2) them with you at lunch, in fact.

(3) MS. SHINING: Oh, joy.

(4) MS. SHINING: I would have preferred to have (5) seen those this morning, of course.

(6) Q. With the addition of the documents that are (7) currently being copied that I haven't seen yet and (8) documents we have here as Exhibits B through T, that (9) comprises the entire contents of the shoe grinder file?

(10) A. Yes.

(11) Q. Does the shoe grinder file have a (12) corresponding model number, or does it include all the (13) various model numbers?

(14) A. It included all of them.

(15) Q. So that file is a compilation of other files, (16) files that do not exist anymore?

(17) MR. RIEHLE: Vague and ambiguous.

(18) THE WITNESS: There's really only been one (19) style of arcing machine. Although they have had (20) different model numbers, they are all in one file.

(21) MS. SHINING: Q. Can you recall the (22) different model numbers?

(23) A. There was an 890, 8000. The other one, I (24) think, was an 880, or something like that.

(25) Q. Do you know which of those was the original

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(1) model number?

(2) A. No, I don't.

(3) Q. Do you know when the first arcing machine was (4) made by Ammco?

(5) A. Early '50s.

(6) Q. Do you have any knowledge of who the original (7) engineers were for Ammco, working on arcing machines?

(8) A. No.

(9) Q. Are there any documents that you're aware of (10) that would relate to who those individuals would be?

(11) A. The part drawings would have initials of (12) those who drew them, but that -- I could not assume (13) that that is who designed them.

(14) Q. Are there part drawings in the instruction (15) manuals?

(16) A. I was referring to the actual production (17) drawings that we use in manufacturing.

(18) Q. So the documents that are being copied, do (19) they have part drawings in them?

(20) A. No, they have -- It's a service part (21) illustration, like you would get with any product.

(22) Q. Do you know if there are any

part drawings (23) for the original models of arc grinders in existence?

(24) A. There should be.

(25) Q. Where would those be kept?

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(1) A. In our engineering obsolete file.

(2) Q. Did you search there for documents that would (3) be responsive to the Notice of Deposition?

(4) A. Yes.

(5) Q. So did you see any part drawings there?

(6) MR. RIEHLE: I'm not sure you asked for (7) those.

(8) MS. SHINING: Q. Were there documents there (9) that -- part drawings that have not been produced?

(10) A. The manufacturing drawings, yes.

(11) MR. RIEHLE: If you would want to send us a (12) request for production of those, we would be willing to (13) produce those pursuant to a protective order, the (14) engineering drawings themselves.

(15) MS. SHINING: I will make a note of that, (16) and I would assert that they are responsive to Category (17) No. 6, which calls for "all writings in your possession (18) pertaining to arcing machines." There are a number of (19) categories that do talk about -- actually, it says (20)

"specifications." And I would think a parts drawing --

(21) MR. RIEHLE: We don't have a problem (22) producing those, and we will. But that's something we (23) would need a protective order for, because they are (24) proprietary.

(25) MS. SHINING: The product hasn't been

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(1) manufactured since 1986.

(2) MR. RIEHLE: Doesn't mean they are not (3) proprietary.

(4) MS. SHINING: I reserve Plaintiff's right to (5) redepose this witness with regard to what those (6) documents mean and particularly his knowledge of the (7) identity of those people who have initiated them, of (8) people who would have been at least in part responsible (9) for the design of the machines.

(10) MR. RIEHLE: That's fine. If you want to (11) shortcut that, we can handle that informally.

(12) MS. SHINING: Q. So do you recall -- and I (13) apologize if I've asked this -- which of the model (14) numbers you believe to have been the original model (15) number? Would it have been the 880?

(16) A. That would be a guess.

(17) Q. So we have the 880, the 890, the 8000. Can (18) you think of any other model numbers for arcing (19) machines made by Ammco?

(20) A. I think there was a 2000.

(21) Q. With regard to Exhibit D, again,

when was the (22) first time you saw this document?

(23) MR. RIEHLE: These are actually two (24) different documents.

(25) MS. SHINING: Q. Is what I've clipped

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(1) together as Exhibit D, are those separate documents? (2) And if so, could you identify each one.

(3) A. There are actually three different things (4) here.

(5) MR. RIEHLE: We can make them D-1, D-2, and (6) D-3.

(7) MS. SHINING: Q. Let me ask you this: Are (8) those documents related in any way, those three (9) documents?

(10) MR. RIEHLE: Vague and ambiguous.

(11) THE WITNESS: Related to each other?

(12) MS. SHINING: Q. Right. Are they?

(13) A. Yes.

(14) Q. How are they related?

(15) A. The first one is the instruction sheet.

(16) MR. RIEHLE: Identify it by the Bates stamp (17) on the bottom.

(18) THE WITNESS: H 0015 is the instructions (19) for the dust control system.

(20) Q. And the next page?

(21) A. Is H 0016. It's the decal that goes on the (22) dust collection system.

(23) Q. And the next page?

(24) A. H 0017. That's the template that goes with (25) the dust collection system of how to mount it to the

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(1) shoe grinder.

(2) Q. Earlier you described products as brake (3) lathes and accessories. Would you consider this dust (4) collection system to be an accessory?

(5) MR. RIEHLE: Overbroad.

(6) THE WITNESS: This became, actually, both. (7) Ammco felt that all brake grinders should have this (8) dust collection system, so it became a permanent part (9) of the shoe grinder. But it was also offered as an (10) accessory to update all those who had purchased shoe (11) grinders in the past.

(12) MS. SHINING: Q. At some point Arco started (13) selling its arcing machines with dust collection (14) systems?

(15) MR. RIEHLE: Ammco.

(16) MR. RIEHLE: Ask the question again.

(17) MS. SHINING: I find one word in every (18) deposition to trip over.

(19) Q. At some point, then, Ammco sold each of its (20) arcing machines with a dust collection system?

(21) MR. RIEHLE: Vague and ambiguous and (22) overbroad, misstates the testimony, and assumes that (23) Ammco did not always have a dust collection system. I (24) think you're referring to this dust collection system.

(25) MS. SHINING: Q. Were there more than one

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(1) dust collection system sold by Ammco for use with (2) arcing machines?

(3) A. This one updated the previous one sold with (4) the machine, standard with the machine.

(5) Q. And I believe Bates No. 0015 is dated 1986 at (6) the bottom?

(7) A. Yes.

(8) Q. Do you have reason to believe that that (9) document was created in 1986?

(10) A. This particular document was printed in '86.

(11) Q. Do you know when the Model 8925 dust (12) collection system first began to be manufactured?

(13) A. The question again, please.

(14) Q. When was the 8925 first manufactured?

(15) A. 1973.

(16) Q. Did you remember that off the top of your (17) head, or did you have to refer to a document to (18) remember that?

(19) A. I wanted to check and make sure.

(20) Q. Which document did you look at to check and (21) make sure?

(22) A. Exhibit H.

(23) Q. What's the title of that one?

(24) A. "Asbestos Study for Ammco Tools, (25) Incorporated."

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(1) Q. Do you recall the model number of the dust (2) collection system that was sold by Ammco prior to the (3) 8925?

(4) A. It was just part of the unit.

(5) Q. When you say it was just part of the unit, (6) was it a separate system that would attach to the unit? (7) You're shaking your head "No." You have to remember to (8) answer "Yes" or "No."

(9) A. I was getting ready to. It came standard (10) with the unit. It wasn't a separate number.

(11) Q. Were you able to locate any pictures, (12) drawings, or other visual representations of that (13) previous system in your search for records?

(14) A. The documents that you are to receive shortly (15) have pictures in them.

(16) MR. RIEHLE: Can we have these Bates stamped (17) pages marked as separate exhibits? I'm a little (18) concerned having them marked as one exhibit when they (19) are actually different documents. Let's have the (20) document that's Bates stamped H 15 marked as D-1, the (21) document Bates stamped H 16 as D-2, and the document (22) Bates stamped H 17 as D-3.

(23) (Plaintiff's Exhibits D-1 - D-3 (24) marked for identification.)

(25) MS. SHINING: Q. I'm comparing D-1 with

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(1) D-2, and there is a photo on — there is a drawing on (2) D-1 of the dust collection system. Or I actually (3) should ask you, is that a drawing of the dust (4) collection system?

(5) A. Yes.

(6) MR. RIEHLE: Vague and ambiguous. Of the (7) 8925 dust collection system?

(8) MS. SHINING: Right.

(9) THE WITNESS: Yes.

(10) MS. SHINING: Q. And D-2 you described as a (11) decal. Do you know how approximately large in size the (12) dust collection system that's in Bates 0015, how large (13) that system is in inches?

(14) A. This metal band right here is just a little (15) bit larger than the decal. The decal goes right here.

(16) (Indicating.)

(17) Q. And you're pointing to an area that's between (18) the numbers marked 12 and 10 on the diagram. So those (19) are approximately eight inches, or eight inches high?

(20) A. This part is probably ten inches.

(21) (Indicating.)

(22) Q. Have you ever seen the actual decal that D-2 (23) is a copy of?

(24) A. Yes.

(25) Q. Do you recall the color of the wording on the

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(1) decal?

(2) MR. RIEHLE: Again, you're referring to the (3) print itself?

(4) MS. SHINING: The printing itself.

(5) THE WITNESS: The print is black.

(6) MS. SHINING: Q. Were there any other (7) colors on the original decal?

(8) A. Yes. In the "Caution" area, as per standards (9) at the time, it was always on a yellow background. And (10) the logo is, Ammco logo, is red and blue.

(11) Q. Which part of the logo was red, and which (12) part of the logo was blue?

(13) A. The two bars above and below are red. The (14) Ammco name is blue.

(15) Q. To your knowledge, has the wording that is on (16) the decal on D-2 changed at any time during your (17) employment at Ammco?

(18) A. Not that I know of.

(19) Q. Is there an actual copy of an actual decal in (20) the files, in the engineering files?

(21) A. By "copy," you mean?

(22) Q. Do you actually have the original decal?

(23) A. Yes.

(24) Q. So you have a color version of the actual (25) decal?

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(1) A. Yes.

(2) MS. SHINING: Could I ask for a color copy (3) to be produced?
 (4) MR. RIEHLE: You can ask.
 (5) MS. SHINING: I'm being way too polite.
 (6) MR. RIEHLE: I don't have a problem with (7) giving you a color copy.
 (8) MR. DAY: While we are on the subject, do (9) you want a color copy of Exhibit C as well?
 (10) MS. SHINING: If you've got one. Do you (11) have those here?
 (12) MR. RIEHLE: We don't have those here.
 (13) MS. SHINING: Q. Do you have any knowledge (14) as to the type of adhesive that was used on the label?
 (15) A. No.
 (16) Q. Do you have any knowledge as to who (17) manufactured the adhesive used on the label?
 (18) A. No.
 (19) Q. Do you know if a warning was ever provided (20) that the label should not be removed at any time?
 (21) A. The question, again, was?
 (22) Q. Did Ammco ever provide instructions that this (23) label should not be removed from the dust assembly (24) system?
 (25) A. I do not know.

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(1) Q. Do you recall the first time that this label (2) was used -- strike that. Was this label in use in (3) 1975?
 (4) A. Yes.
 (5) Q. Do you know when the label was first used?
 (6) A. 1973.
 (7) Q. What do you base that knowledge on?
 (8) A. That's when that product was released for (9) sale and production.
 (10) Q. I will probably come back to this when I have (11) the other instruction manuals as to how this gets (12) attached and questions like that. On D-3 there is (13) another drawing in the lower right-hand corner. Is (14) that substantially the same as the drawing on D-2?
 (15) A. Yes.
 (16) Q. And this drawing refers to several component (17) parts. Do you have any knowledge as to whether these (18) component parts, particularly the seals, ever contained (19) asbestos?
 (20) A. They did not.
 (21) Q. What do you base that knowledge on?
 (22) A. We didn't sell any products with asbestos in (23) them.
 (24) Q. Do you have any knowledge as to the (25) composition of the seals described in D-3?

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(1) A. I believe the one around the bucket is (2) rubber, and then the top

seal is a foam (3) weather-stripping-type seal.

(4) Q. Do you recall the manufacturers of those (5) component parts?
 (6) A. No.
 (7) Q. Are you aware if there are any records as to (8) the vendors who provided those component parts at (9) Ammco?
 (10) A. There may be.
 (11) Q. Where would vendor records be kept? Is it in (12) a separate purchasing department?
 (13) A. It might be contained on the drawings (14) themselves.
 (15) Q. Do you recall, when you were going through (16) Mr. Hampton's old files, whether or not you discarded (17) any vendor information that related to seals and (18) gaskets?
 (19) A. No, I did not.
 (20) Q. Was this 8925 dust collection system mounted (21) on a bench, or was it mounted on the actual arcing (22) machine itself?
 (23) A. The weight of the collection system was (24) carried by the bench, but it was physically attached to (25) the shoe grinder.

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(1) Q. Could you install a system like this if you (2) weren't using an Ammco bench?
 (3) A. Yes.
 (4) Q. Would that require special, custom holes and (5) setup?
 (6) A. What this is is a drilling template with the (7) four holes. You just tape this to whatever your shoe (8) grinder is setting upon, and it would attach to those (9) four holes.
 (10) Q. This appears to be symmetrical. Would it (11) matter whether you were working on the left-hand side (12) of the machine or the right-hand side of the machine (13) with regard to where the dust collection unit was (14) installed?
 (15) A. It would only go on one -- only go in one (16) place.
 (17) Q. Once you put the unit on, say if it's (18) free-standing away from the wall, you could work on it (19) from a variety of angles; is that accurate to say?
 (20) MR. RIEHLE: Vague.
 (21) THE WITNESS: You would really only work on (22) it from one side.
 (23) MS. SHINING: Q. Exhibit E appears to be a (24) letter dated February 7th, 1973 from a David Gioiello, (25) G-i-o-i-e-l-l-o, to a Leonard Morrison. When was the

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(1) first time you saw this document?
 (2) A. I don't have an exact date of when I first (3) saw that.
 (4) Q. Was it prior to yesterday?
 (5) A. Yes.
 (6) Q. Was it more than a year ago?
 (7) A. Yes.

(8) Q. Do you recall the context in which you saw (9) this document first?
 (10) A. I was planning a follow-up test with this (11) company, and this was in the product file, so I looked (12) this up to get the name and address.
 (13) Q. Was that a test on a brake lathe product?
 (14) A. Shoe grinder.
 (15) Q. So the first time you saw this document would (16) have been prior to 1986, when Ammco was still making (17) shoe grinders?
 (18) A. Yes.
 (19) Q. Would it have been, then, in the 1970s?
 (20) A. Yes.
 (21) Q. Did you discuss the contents of this letter (22) with anyone else at Ammco?
 (23) MR. RIEHLE: Don't include counsel in that (24) description, in your answer.
 (25) THE WITNESS: Did I discuss this letter?

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(1) MS. SHINING: Q. Right.
 (2) A. No.
 (3) Q. Were you asked to read this letter by anyone (4) at Ammco?
 (5) MR. RIEHLE: Same cautionary statement.
 (6) MS. SHINING: And I don't think that would (7) -- prior to litigation, I'm not sure that warning would (8) be an applicable one.
 (9) THE WITNESS: I don't know.
 (10) MS. SHINING: Q. When you say you don't (11) know, you don't remember?
 (12) A. I don't remember anybody asking me to read (13) that letter.
 (14) Q. When was the first time you became aware of (15) the asbestos study? Was it when you were a product (16) engineer?
 (17) A. Yes.
 (18) Q. And I did ask you, when you were a product (19) engineer, what percentage of time you spent on brake (20) lathe design, and I hadn't gotten the clarification (21) that I now have. Could I ask you what percentage of (22) time, when you were a product engineer, starting with (23) Ammco, you spent on arcing machines?
 (24) A. Maybe one percent.
 (25) Q. Was one of the -- was part of that one

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(1) percent reviewing these studies, these 1973 studies?
 (2) A. It was doing a follow-up study.
 (3) Q. Do you know if Mr. Morrison is still employed (4) by Ammco?
 (5) A. He's not.
 (6) Q. Do you know when he left Ammco?
 (7) A. In the 1980s sometime.
 (8) Q. Do you know what his title was?

(9) A. I believe he was VP in charge of engineering (10) and manufacturing.

(11) Q. Was this plant that's referred to in the (12) letter, was that the old plant on Commonwealth?

(13) A. Like I said before, even when we moved to the (14) new plant, they retained the old address, Post Office.

(15) Q. Do you have any knowledge as to which (16) facility the study was conducted in?

(17) A. This study was done at the plant in North (18) Chicago.

(19) MR. DAY: Mr. Mountz, what exhibit is that, (20) for the record?

(21) THE WITNESS: That's Exhibit F.

(22) MS. SHINING: I hear everybody squirming, so (23) perhaps this would be a good time, at quarter after, to (24) take a short lunch break.

(25) (At 1:17 p.m., a lunch break was taken.)

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(1) AFTERNOON SESSION 2:04 P.M.

(2) (Ms. Cormier, Mr. Roth, and Mr. Dumont are no (3) longer present.)

(4) EXAMINATION BY MS. SHINING (Resumed)

(5) MS. SHINING: Q. I have pulled apart two (6) sets of copies, so you can use that set, and hopefully (7) that will help us speed up things, we won't have to be (8) handing things back and forth.

(9) MR. RIEHLE: Are we on E?

(10) MS. SHINING: Let's go to F.

(11) Q. When we were talking about Exhibit E, you (12) discussed why you had that document. And could you (13) identify, then, Exhibit F for me?

(14) A. This is a report of a study done by National (15) Loss Control Service for Ammco, involving the 8000 shoe (16) grinder.

(17) Q. And is this the study that's referenced in (18) Exhibit E?

(19) A. Yes.

(20) Q. Do you know if Mr. Morrison requested (21) National Loss Control Service Corporation to conduct (22) this study?

(23) MR. RIEHLE: Calls for speculation.

(24) MS. SHINING: It's a "yes" or "no."

(25) THE WITNESS: Do I know? No I don't know

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(1) that for a fact.

(2) MS. SHINING: Q. Do you know who asked (3) National Loss Control Service to conduct this study?

(4) A. No.

(5) Q. Is there anyone else at Ammco who would know (6) who asked the study to be commissioned?

(7) A. No.

(8) Q. Would Mr. Hopkins have known?

(9) A. Who?

(10) Q. Hampton.

(11) A. He would have known.

(12) Q. Do you know who was in charge of the (13) engineering department from 19 -- the head man in (14) charge from 1971 through 1987?

(15) A. Various people.

(16) Q. Do you know, who was Mr. Hampton's immediate (17) supervisor?

(18) A. There again it varies over the years.

(19) Q. Were they some of the same names we have (20) discussed already?

(21) A. Yes.

(22) Q. Mr. Cunningham, Mr. Pruitt, Mr. Williams?

(23) A. Yes.

(24) Q. Mr. Hicks?

(25) A. Yes.

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(1) Q. Is there anyone else who would have (2) supervised Mr. Hampton other than those individuals?

(3) A. Mr. Morrison. He's on this letter.

(4) Q. Anyone else?

(5) A. We have had so many, but I believe that's (6) about it.

(7) Q. Do you recall who was the head of engineering (8) in 1975?

(9) A. Mr. Morrison was the VP in charge. Bob (10) Hampton was the chief engineer.

(11) Q. Do you have any reason to believe that anyone (12) other than Mr. Hampton would have ordered this study to (13) be commissioned?

(14) A. It could have been any one of several people.

(15) Q. Who else could it have been, without (16) speculating?

(17) A. Since the report is addressed to Mr. (18) Morrison, I would think he would be a good candidate as (19) to being the requester.

(20) Q. Who else would have been responsible for (21) requesting reports like this one to have been created?

(22) A. Actual contact would have been one of those (23) two.

(24) Q. The first page of this study refers to Mr. (25) Bogaerts. Is that the individual that we talked about

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(1) before?

(2) A. Yes.

(3) Q. And do you know who Mr. Bruno Canale, (4) C-a-n-a-l-e, was?

(5) A. Yes. We had a training center to train our (6) customers, and he was in charge of that training center.

(7) Q. Where was that located?

(8) A. North Chicago.

(9) Q. Was it in the old plant facility?

(10) A. From the time I started, it was in the new (11) facility.

(12) Q. Do you know when this training center was (13) first created?

(14) A. No.

(15) Q. It was in operation when you were hired?

(16) A. Yes.

(17) Q. Is it still in operation?

(18) A. No.

(19) Q. Do you know when it was ceased?

(20) A. Not exactly.

(21) Q. Do you know approximately the decade?

(22) A. It was early '90s.

(23) Q. Do you know what would have happened to the (24) documents that related to the training facility?

(25) MR. RIEHLE: Vague.

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(1) THE WITNESS: No.

(2) MS. SHINING: Q. Do you know who was in (3) charge of the training facility when it was ceased?

(4) A. Ken Bullock.

(5) Q. And is he still an employee of Ammco?

(6) A. No.

(7) Q. Is he retired?

(8) A. No.

(9) Q. Do you know if there were any arc grinders or (10) shoe grinders at the training facility starting in (11) 1975?

(12) A. Yes.

(13) Q. How many were there?

(14) A. I don't know.

(15) Q. More than two?

(16) A. I have no idea.

(17) Q. There was at least one?

(18) A. Yes.

(19) Q. Do you know when those shoe grinders, if (20) ever, were removed from the training facility?

(21) A. When we stopped selling them.

(22) Q. Do you have any understanding as to why Ammco (23) stopped selling arcing machines?

(24) A. Yes.

(25) Q. Can you give me one reason? Were there many

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(1) reasons?

(2) A. No, basically one.

(3) Q. And what was that?

(4) A. When the OSHA changed their acceptable level (5) of exposure, we immediately had our units tested and (6) found that it could not meet that new standard that was (7) going to go into effect, so we immediately stopped (8) selling them.

(9) Q. Did you have any arcing machines in inventory (10) at that time?

(11) A. I don't know that.

(12) Q. Who would know the answer to that question?

(13) A. I have no idea.

(14) Q. Do you know who made the decision to stop (15) selling arcing machines, who at Ammco?

(16) A. No, I don't.
 (17) Q. Would it have been someone in an official (18) level, an officer of the company?
 (19) A. I would have to speculate that, but I don't (20) know.
 (21) Q. It wasn't your decision?
 (22) A. No.
 (23) Q. Was it your supervisor's decision?
 (24) MR. RIEHLE: Calls for speculation. The (25) witness has already testified that he would have to

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(1) speculate to make a comment on that subject.
 (2) MS. SHINING: Q. You're not an industrial (3) hygienist; is that correct?
 (4) A. Correct.
 (5) Q. And you have had no special training in the (6) reading of the asbestos fiber test results; is that (7) correct?
 (8) A. Correct.
 (9) Q. Do you have any familiarity with the National (10) Institute of Occupational Safety and Health, NIOSH, (11) regarding regulations regarding asbestos?
 (12) A. What was the first part of the question?
 (13) Q. Do you have any special training regarding (14) NIOSH?
 (15) A. No.
 (16) Q. You don't have any training in how to use a (17) phase contrast microscope or an electron microscope?
 (18) A. No.
 (19) Q. So you don't have any personal knowledge of (20) the source of the contents of the study that's marked (21) as Exhibit F?
 (22) MR. RIEHLE: Overbroad, argumentative.
 (23) MS. SHINING: Q. You weren't employed by (24) Ammco when this was created, correct?
 (25) A. Correct.

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(1) Q. Just move on to Exhibit G. And, again, this (2) is another letter from June -- this is a letter from (3) June 6, 1972, again addressed to Mr. Leonard Morrison, (4) from Raymond B. Stone, and it relates to a second (5) report on June 5th, 1973. Can you identify this letter (6) and the source of this letter?
 (7) A. Well, the source of the letter is once again (8) from National Loss Control.
 (9) Q. When did you first see the letter?
 (10) A. Same time as I saw the other one, when I was (11) looking at the file.
 (12) Q. And is the study that the letter refers to (13) what we have marked as Exhibit H?
 (14) A. Yes.
 (15) Q. And you similarly were not employed at the (16) time by Ammco, in

1973?
 (17) A. Correct.
 (18) Q. There are notes, handwritten notes, attached (19) to the back of Exhibit F and the back of Exhibit H. (20) You wouldn't have any personal knowledge as to who (21) would have written those notes?
 (22) A. Not on F. The other one you mentioned was H?
 (23) Q. Correct.
 (24) MR. RIEHLE: Overbroad. If he could (25) recognize the handwriting, that would be some sort of

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(1) personal knowledge.
 (2) THE WITNESS: So what are you asking?
 (3) MS. SHINING: Q. Do you recognize any of (4) the handwriting in the notes on Exhibit H?
 (5) A. Yes.
 (6) Q. And what page is that Bates numbered?
 (7) A. H 0050.
 (8) Q. And that's an appropriation request on the (9) end of the study?
 (10) A. Yes.
 (11) Q. What is this page? (Indicating.)
 (12) A. Before anyone in the company can spend money (13) of this magnitude, it has to be okayed, and so this was (14) getting the okay, basically, to spend \$2,800 to have (15) the 8925 dust collection system tested by National Loss (16) Control.
 (17) Q. Now, the date of this particular page is (18) 1977. Actually, there appear to be two reports stapled (19) together. Is this how this document was kept in your (20) file?
 (21) A. I think it probably should have been stapled (22) in two pieces.
 (23) Q. So we have a 1973 report, but this 1978 (24) report that starts on Page 40, that's not referred to (25) in the cover letter that we marked as Exhibit G.

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(1) MR. RIEHLE: Why don't we make the 78 report (2) Exhibit -- the '73 H-1 and the '78 H-2.
 (3) (Plaintiff's Exhibit H-1 & H-2 (4) marked for identification.)
 (5) MS. SHINING: Q. Back to Exhibit H-1, (6) there are two pages of handwritten notes, Pages 38 and (7) 39 Bates stamp.
 (8) MR. RIEHLE: Just a second. I'm going to (9) actually segregate the documents so we have two (10) exhibits. Right now they are actually stapled (11) together.
 (12) (Discussion off the record.)
 (13) MS. SHINING: Q. So, looking at the last (14) two pages of Exhibit H, there are some notes. Do you (15) have any knowledge as to who may have written those two (16) pages of notes?
 (17) A. Appears to be the person that

was taking the (18) test, because it says here, "Client needs report by (19) June 7th."
 (20) Q. But you have no personal knowledge of that?
 (21) A. No.
 (22) Q. Now, what we have separated out as H-2, when (23) was this report created?
 (24) A. This was a January 6, 1978 test.
 (25) Q. And was this the test that you worked on

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(1) obtaining?
 (2) A. I don't believe I was involved in that one.
 (3) Q. Do you have any understanding of the (4) differences between the first study from January of (5) 1973 and the study from June of 1973?
 (6) A. The test in January of '73 was due to OSHA (7) coming out with a standard in late '72. And even (8) though our grinder met that OSHA standard, they, we, (9) designed the 8925 to collect even more dust, and so (10) between January and June was when that design was going (11) on. So the test in June was to test the new 8925 (12) collection system.
 (13) Q. When you say the arc machine without the 8925 (14) dust collection system met OSHA standards, you're (15) basing that on the results of the initial January (16) study?
 (17) A. Yes.
 (18) Q. Do you have any other studies, samples, tests (19) that show that the arcing machines met OSHA standards (20) other than the January 1973 study?
 (21) MR. DAY: Before that time? (22) Contemporaneously?
 (23) MR. RIEHLE: It's vague.
 (24) MR. DAY: In other words, all of the (25) documents you have in front of you.

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(1) MS. SHINING: Other than January 1973 study.
 (2) MR. DAY: And ones that came afterwards?
 (3) MS. SHINING: Q. Well, there were two (4) others. Was there any other test done without the 8925 (5) dust collection system?
 (6) A. No.
 (7) Q. So this is the only -- I don't want to repeat (8) myself. But I will. This is the only study?
 (9) MR. RIEHLE: Asked and answered.
 (10) MS. SHINING: Q. This is the only study (11) done without the dust collection system that you're (12) aware of?
 (13) A. Yes.
 (14) Q. That's Exhibit F.
 (15) MR. HUTCHINSON: Enter a belated objection (16) that that misstates his prior

testimony in that I (17) believe he's testified there was always a dust (18) collection system. There was an updated 8925 which was (19) developed and he's testified regarding, and the initial (20) test from January of '73, I believe, was testing the (21) existing dust control system that was on the arc (22) grinder from the beginning.

(23) MR. RIEHLE: I was about to make the exact (24) same objection.

(25) MS. SHINING: Great minds. But I think my

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(1) question included -- I was trying to point out the (2) difference between the test vis-a-vis the 8925 system (3) and without the 8925 system.

(4) Q. Did you understand how my question was (5) phrased?

(6) A. After I had mentioned it, I was thinking the (7) same thing, "Did she mean...."

(8) MR. RIEHLE: I think your question got to (9) the January '73 study was done with the pre-existing (10) dust collection system and the subsequent tests were (11) with the dust collection system, including the 8925.

(12) Was that how you understood her question?

(13) THE WITNESS: Yes.

(14) MS. SHINING: Good enough for me.

(15) Q. In 1978 a third study was conducted. Do you (16) have any understanding of the reason as to why this (17) study was commissioned?

(18) A. The reason for this test was that the OSHA (19) standards were once again updated, which reduced the (20) exposure. So they wanted to retest it under the new (21) OSHA standards, and at the same time they tested the -- (22) another product.

(23) Q. And were the OSHA standards, I think -- do (24) you have any knowledge as to the levels that the OSHA (25) standards were reduced from?

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(1) A. Only by way of previous test.

(2) Q. By referring back to the 1973 tests?

(3) A. Yes.

(4) Q. On Page 45, does it suggest the limits?

(5) MR. RIEHLE: Bates stamped Page 45?

(6) MS. SHINING: Right.

(7) THE WITNESS: Yes, those are the OSHA and (8) NIOSH imposed limits.

(9) MS. SHINING: Q. There are two columns (10) here, "Poorly Maintained Model 880" and "Well (11) Maintained Model 880." Do you have any knowledge as to (12) what criteria each of those categories described?

(13) I can break that down. Do you have any (14) knowledge as to what a "poorly maintained model" would (15) consist of?

(16) MR. RIEHLE: Vague and compound.

(17) MR. HUTCHINSON: I'm going to object that it (18) lacks foundation as to whether or not in his opinion (19) what might constitute a poorly maintained model versus (20) what the author of this report was considering to be a (21) poorly maintained model.

(22) MS. SHINING: And I'm asking if he has any (23) actual knowledge, because he was employed at that time.

(24) MR. HUTCHINSON: Are you asking him his (25) knowledge about what the author of this report

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(1) considered it to be?

(2) MS. SHINING: Yes.

(3) MR. HUTCHINSON: As long as he understood (4) that was the question, because it was vague and (5) ambiguous with respect to that.

(6) So, in other words, sir, she is asking you if (7) you know what the author of this report considered to (8) be or defined as a poorly maintained Model 880.

(9) THE WITNESS: The report, on Page 42 and 43, (10) describe what the author is considering poorly (11) maintained.

(12) MS. SHINING: Q. And that's at the bottom, (13) the bottom of Page 42?

(14) A. Yes.

(15) Q. He says, "several years old." Do you have (16) any knowledge as to how many years that would have (17) been?

(18) A. No.

(19) Q. It says, "used considerably." Do you have (20) any knowledge as to what that phrase means?

(21) A. No.

(22) Q. This refers to an inner plastic collection (23) bag, and do you know when plastic collection bags began (24) to be supplied with the 8925?

(25) A. From its release.

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(1) Q. Do you know who the manufacturer of that (2) plastic bag was?

(3) A. No.

(4) Q. Was it manufactured by Ammco?

(5) A. No, it was outsourced.

(6) Q. A component part?

(7) A. Yes.

(8) Q. Do you know if there are any records at Ammco (9) with regard to who manufactured that plastic bag?

(10) A. I don't know that for a fact.

(11) Q. Do you know the expected life of a plastic (12) collection bag used in this system?

(13) MR. RIEHLE: Vague as to time.

(14) THE WITNESS: These were in shops of all (15) sizes, so a dealership would have a lot more business (16) than a mom-and-pop gas station, so you could not (17) determine how long it would take to fill that up.

(18) MS. SHINING: Q. Did Ammco sell

replacement (19) plastic bags?

(20) A. Yes.

(21) Q. Were they sold through distributors?

(22) MR. RIEHLE: Calls for speculation.

(23) THE WITNESS: I'm not real familiar with the (24) difference in terms of distributors and warehouses and (25) all of that.

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(1) MS. SHINING: Q. Could you buy them from (2) someone other than Ammco?

(3) A. Yes.

(4) Q. Do you know any more specifically how (5) replacement parts such as this plastic bag were resold?

(6) MR. RIEHLE: Overbroad.

(7) MS. SHINING: I'm just asking him if he (8) knows.

(9) THE WITNESS: Such as?

(10) MS. SHINING: Q. So you do?

(11) A. I don't understand the question.

(12) Q. Well, do you have any understanding as to how (13) replacement parts were sold for shoe grinders?

(14) A. No, not really, no.

(15) Q. On Page 43 the author of this study writes (16) that the bag in the poorly maintained Model 880 was (17) oversized. Do you have any understanding of the (18) meaning of the term "oversized"?

(19) MR. RIEHLE: Calls for speculation.

(20) THE WITNESS: Reading the test, it explained (21) that a smaller bag would do a better job, and because (22) of this test, they reduced the size of that bag.

(23) MS. SHINING: Q. Do you have any knowledge (24) as to the difference in size that was concluded to be (25) more -- well, that was decided to be used?

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(1) A. No.

(2) MR. RIEHLE: Vague.

(3) MS. SHINING: Q. Just smaller?

(4) A. Yes.

(5) MR. RIEHLE: Same objection.

(6) MS. SHINING: Q. On Page 43, the second (7) paragraph, it says that the dust collection system had (8) been cleaned. Are you aware of any instructions as to (9) how to properly clean a dust collection system?

(10) A. No.

(11) Q. And further it says that the well maintained (12) grinder was about the same age as the poorly maintained (13) grinder. But you don't have any information as to the (14) exact ages of either of those machines; is that correct?

(15) A. Correct.

(16) MR. RIEHLE: Argumentative.

(17) MS. SHINING: Q. On the last page, on H 50, (18) the appropriation request, there are a lot of other (19) names at the bottom of this page that are typed

names. (20) Do you know who these individuals are, starting with J. (21) Cannistraro?

(22) A. He was in sales. I'm not sure what his title (23) was.

(24) Q. Do you know if he's still with the company, (25) with Ammco?

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(1) A. No, he's not.

(2) Q. Is he retired?

(3) A. He's deceased.

(4) Q. How about J. Hallberg?

(5) A. Not with the company.

(6) Q. Do you know what his title was or the (7) department that he was in?

(8) A. I don't remember.

(9) Q. Do you know if any of these individuals are (10) still with Ammco?

(11) A. No, none of them are.

(12) Q. Do you know any of the departments that any (13) of them were in?

(14) A. Jim McGrath on the bottom was in (15) manufacturing. L. Morrison was in engineering. W. (16) Mitchell was in engineering. R. Hampton was in (17) engineering.

(18) Q. What was the first name of the Mitchell (19) person?

(20) A. Wally.

(21) Q. Was he a product engineer?

(22) A. Yes.

(23) Q. And there is handwriting on this form. Do (24) you know the two names and two phone numbers for Eugene (25) Ziemba and a Geo Krafisin? Do you know whose

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(1) handwriting that is?

(2) A. It's Bob Hampton's writing.

(3) Q. We can move on to the next one. We have (4) marked as Exhibit I a cover letter from National Loss (5) Control Service Corporation, and on this letterhead it (6) shows that this is a subsidiary of Kemper Corporation. (7) Do you know if Ammco Tools had insurance, workers' (8) compensation insurance or general liability insurance, (9) from Kemper Corporation. (10) MR. RIEHLE: Compound, vague and ambiguous, (11) irrelevant.

(12) THE WITNESS: I have no idea.

(13) MS. SHINING: Q. Mr. Chasteen, would he (14) know, do you think?

(15) MR. RIEHLE: Same objections.

(16) THE WITNESS: I would doubt it.

(17) MS. SHINING: Q. Do you know if the studies (18) were commissioned through National Loss Control Service (19) Corporation because Ammco had insurance through Kemper (20) Corporation?

(21) A. I have no idea.

(22) Q. Do you know when you first saw a copy of the (23) two letters that have been marked as Exhibit I? Was it (24) before yesterday?

(25) A. Oh, yes.

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(1) Q. Was it in your review of the file in (2) preparation for requesting a further report?

(3) A. Yes.

(4) Q. Do you know why the second page of Exhibit I (5) is crossed out?

(6) A. It's an exact copy of 51.

(7) MR. RIEHLE: The question calls for a "yes" (8) or "no."

(9) THE WITNESS: Do I know? No.

(10) MS. SHINING: Q. Exhibit J appears to be a (11) copy of the report that we have marked as Exhibit H-2. (12) Do you have any idea why this extra copy was kept? (13) MR. RIEHLE: Calls for speculation.

(14) MS. SHINING: Q. I don't see any difference (15) between the two. Is there something in the original of (16) this copy that's different, if you can recall?

(17) MR. RIEHLE: Looks like there is not the (18) appropriation request attached to the Exhibit J.

(19) THE WITNESS: But that's the only difference.

(20) MS. SHINING: Q. Exhibit K appears to be -- (21) actually, can you identify for me what you believe (22) Exhibit K to be?

(23) A. This is National Loss's analysis request to (24) have the samples analyzed and returned to them.

(25) Q. This is the backup for the 1978 report?

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(1) A. Samples taken January 6, 1978.

(2) Q. Do you have any personal knowledge as to the (3) nature of this data other than that a copy of it was (4) kept in the shoe grinding file?

(5) MR. RIEHLE: Vague.

(6) THE WITNESS: No, I have no idea.

(7) MS. SHINING: Q. Exhibit L and M appear to (8) have been unstapled copies of two pages of a letter (9) from Mr. E. L. Ziemba to Mr. Hampton, dated May 3rd, (10) 1978. M and L are two pages of the same letter. Do (11) you have any personal knowledge of this letter other (12) than that it was kept in the shoe grinding file?

(13) A. No, this is just in answering our (14) authorization to conduct a test.

(15) Q. Is the reference to the Model 800, is that an (16) error and should have been referencing Model 8000?

(17) A. Yes.

(18) Q. And if you would turn to Exhibit N, which is (19) another letter from Mr. Ziemba to Mr. Hampton, he is (20) there again including a report. Now he refers to the (21) Model 8000. Do you have any other personal knowledge (22) as to the content of this letter other than the fact (23) that it was found in the shoe grinding file?

(24) A. No.

(25) Q. Exhibit O is a copy of a July 7th, 1978

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(1) letter. Is this the product safety report that exhibit (2) M refers to?

(3) A. Yes.

(4) Q. Do you know why this study was performed (5) further in addition to the January 1978 study?

(6) I see you're again reviewing the document. (7) Without a review of the entire document, do you have (8) any knowledge as to why this study would have been (9) performed?

(10) A. Not right offhand.

(11) Q. I want to come back to this in a second, but (12) let's keep charging through these documents. What we (13) marked as Exhibit P looks like another appropriation (14) request. Is this the appropriation request for the (15) July 1978 study?

(16) A. No, this is 1986.

(17) Q. Is this the study -- 1986, you mean?

(18) A. 1986.

(19) Q. Is this a study that you were involved in?

(20) A. Yes.

(21) Q. And is the study that correlates to this (22) appropriation request -- well, Exhibit Q, does that (23) identify the parts that were used in the 1986 test?

(24) A. Yes.

(25) Q. And Exhibit R, is that the study that

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(1) resulted from this appropriation request?

(2) A. Yes.

(3) Q. And this is the study that you were involved (4) in, or that you --

(5) A. Yes.

(6) Q. And you stated earlier that the reason for (7) this test was again further reduction in the OSHA (8) limits?

(9) A. Yes.

(10) Q. Between 1975 and 1986, did you, yourself, (11) take any seminars or courses in OSHA regulation?

(12) A. No.

(13) Q. Did you ever obtain what's known as a HAZWOP, (14) or a hazardous waste training program or certificate?

(15) A. No.

(16) Q. Did you, personally, in your job (17) responsibility, study OSHA regulations?

(18) MR. RIEHLE: Overbroad, vague. Just to (19) exemplify how overbroad and vague, in the context of (20) performing this report there must have been some (21) reference to OSHA regulation. Is that studying? (22) That's why I say it's vague.

(23) MS. SHINING: Q. I will withdraw the (24) question. Let's keep moving through the documents, (25) because I do have a number of questions after we get

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(1) through these, and I'll come back to the

studies at (2) that time.

(3) Exhibit S is a letter from Laurie Corsi to (4) Craig Mountz, dated November 5th, 1986. Was Mr. Mountz (5) under your supervision at this time?

(6) A. That's me.

(7) MR. RIEHLE: Argumentative.

(8) MS. SHINING: Just shoot me.

(9) MR. DAY: Means the answer is "yes."

(10) (Discussion off the record.)

(11) MS. SHINING: Q. Is this a true and (12) accurate copy of a letter sent to you?

(13) A. Yes.

(14) Q. Ms. Corsi refers to subscribing to Bureau of (15) National Affairs publications. Do you know if Ammco, (16) after receipt of this letter, subscribed to any of (17) those publications?

(18) A. I don't know.

(19) Q. You didn't recommend that they do?

(20) MR. RIEHLE: Argumentative.

(21) MS. SHINING: Q. Did you recommend that (22) they do?

(23) A. I passed the letter on to my boss.

(24) Q. But, to your knowledge, nothing further was (25) done?

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(1) MR. RIEHLE: Do you know one way or the (2) other?

(3) THE WITNESS: No, I don't know one way or (4) the other.

(5) MS. SHINING: Q. Do you know if Ammco (6) maintains a library of reference materials for (7) engineers to use?

(8) MR. RIEHLE: Vague.

(9) THE WITNESS: Each engineer basically has (10) his own group of handbooks. We do have a few.

(11) MS. SHINING: Q. Is there a central (12) location where some reference materials are kept for (13) everyone to use?

(14) A. Yes.

(15) Q. Is there a librarian who is in charge of (16) maintaining those?

(17) A. Not currently.

(18) Q. At what time was there a librarian?

(19) A. We didn't have a librarian per se, but the (20) department secretary took care of the library.

(21) Q. That's not that person's responsibility (22) anymore?

(23) A. That position does not exist anymore.

(24) Q. The reference materials, they are on their (25) own now?

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(1) MR. RIEHLE: Argumentative, vague and (2) ambiguous.

(3) MS. SHINING: Q. Who takes care of the (4) reference materials now?

(5) A. All of us.

(6) Q. Do you know when that position was phased out?

(7) A. Five or six months ago.

(8) Q. Who was the last person to have that position?

(9) A. That was a temporary position for quite a (10) while, so it was anywhere from one day to two weeks, or (11) whatever.

(12) Q. Who did the department secretary report to (13) directly?

(14) A. Various people. Either the engineering vice (15) president or - I guess it was the engineering vice (16) president.

(17) Q. There are some notes that we have marked as (18) Exhibit T and Bates stamped 127 and 128. Can you (19) identify these notes for me?

(20) A. This just refers to the appropriation request (21) for the brake shoes that were used for the test.

(22) Q. Can you read the notes that are on the second (23) half of the page?

(24) A. "Computer" - "Computer is down. When it's (25) up again they will give us a regular invoice. These

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(1) Items were ordered by us for Engineering."

(2) Q. Do you have any idea who manufactured the (3) rebuilt brake shoes originally that are referred to in (4) Exhibit Q?

(5) A. No, I don't.

(6) Q. It says, "CFG." Would that refer to Carlisle?

(7) MR. HUTCHINSON: Objection, calls for (8) speculation, no foundation.

(9) MR. RIEHLE: Join.

(10) THE WITNESS: I have no idea.

(11) MS. SHINING: Before lunch counsel handed to (12) me several documents that consist of instruction (13) manuals, generally. And it might be too many separate (14) documents to just mark collectively, so why don't we (15) try and go through these in an organized manner. They (16) are clipped together right now. Perhaps the witness (17) could let me know if they are clipped together in any (18) kind of chronological fashion?

(19) THE WITNESS: No, not really.

(20) MS. SHINING: Let's start from the top. (21) We've got one that starts with Bates 129, and that (22) would be marked as Exhibit U.

(23) (Plaintiff's Exhibit U (24) marked for identification.)

(25) MS. SHINING: Q. On the lower left corner

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(1) of this document, it states, "1967 Ammco Tools, Inc." (2) Was this document found in the shoe grinding file (3) that's maintained by the engineering department?

(4) A. Yes.

(5) Q. And do you have any reason to believe that (6) the document wasn't created in 1967?

(7) A. No.

(8) Q. Do you have any personal knowledge of the (9) contents of the document other than what it states, (10) seeing as you were not employed at that time?

(11) A. No.

(12) Q. Do you know who may have created the document?

(13) A. No.

(14) Q. On Page 134, Bates number, actually Page 6A (15) of the document, it refers to, at the very last line, (16) maintenance of a brake shoe grinder, which includes (17) "Empty dust bag frequently to ensure maximum efficiency (18) of vacuum system." Do you see that language?

(19) A. Yes.

(20) Q. Exhibit C showed the label, the decal, which (21) referred to proper cleaning and maintenance. Is there (22) anything else other than the section that I have just (23) read to you in this manual that relates to proper (24) cleaning and maintenance of the dust collection system (25) that existed in the Model 8000?

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(1) MR. RIEHLE: Argumentative, overbroad, vague (2) and ambiguous, lacks foundation. You're comparing (3) apples and oranges.

(4) MR. HUTCHINSON: I would also interpose an (5) objection that this document speaks for itself, and (6) unless you want the witness to read the entire document (7) right now to see whether he observes anything else (8) other than the language you just quoted him, I think (9) it's burdensome and oppressive.

(10) MR. RIEHLE: Join.

(11) MS. SHINING: Q. Are you aware of any other (12) instructions in this operating instructions manual that (13) describe how to properly clean and maintain the dust (14) collection system?

(15) MR. RIEHLE: Same objections.

(16) MR. HUTCHINSON: Join.

(17) THE WITNESS: Not without reading it.

(18) MS. SHINING: It's not that long.

Let's go (19) ahead and take a look at it.

(20) MR. RIEHLE: Document speaks for itself. (21) Document is what the document is.

(22) MS. SHINING: Q. Are you aware, prior to (23) 1975, of any other instructions that relate to proper (24) maintenance of the dust collection system other than (25) the line that's Line 5 on Page 6A of this operating

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(1) instruction manual?

(2) MR. DAY: And the other documents you have (3) been discussing all day?

(4) MS. SHINING: Right.

(5) Q. Is there anything else other than that line (6) that talks about how to properly

'maintain the dust (7) collection system?

(8) MR. DAY: And the other documents you have (9) been talking about all day?

(10) MS. SHINING: Right. Point it to me. Point (11) it out.

(12) MR. DAY: Well, you started off first thing (13) this morning talking about documents created in 1973 (14) that dealt with the dust collection system.

(15) MS. SHINING: Three pages, right. And there (16) was nothing in there about maintenance. I'm trying to (17) figure out where else we talk about maintenance, and we (18) have here an engineer who worked on shoe grinding, and (19) I'm going to ask him his personal knowledge as to how (20) you do proper maintenance on this particular part of (21) this machine.

(22) MR. RIEHLE: And we still have other (23) documents to go through. And I think the question (24) really is overbroad, and I think the answer may be (25) found as we continue to move through the documents. So

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(1) I think it's really an inappropriate question to ask, (2) and it's overbroad, vague and ambiguous, and really (3) argumentative as well.

(4) MS. SHINING: Q. Let's move on, and we'll (5) come back after we have gone through all the documents, (6) then.

(7) Bates stamps 0138 through 0141 is titled "How (8) to Grind a Brake Shoe." Bates stamps 0142 -- well, (9) let's mark this as Exhibit V.

(10) (Plaintiff's Exhibit V (11) marked for identification.)

(12) MS. SHINING: Q. Do you have any knowledge (13) of when this document was created?

(14) A. No, I don't.

(15) Q. Do you have any knowledge of who may have (16) written this document? And it says on the front, (17) "Prepared by the Ammco Training Center." Would this (18) document have been created by Mr. Bullock?

(19) MR. RIEHLE: Compound question. It's vague (20) and ambiguous, calls for speculation.

(21) THE WITNESS: We had many people in the (22) training center, so I wouldn't know who.

(23) MS. SHINING: Bates stamp 142 through 147, (24) this appears -- no, this is different. Do you know --

(25) MR. RIEHLE: Want to have this marked?

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(1) MS. SHINING: Yes. Can we mark this as (2) Exhibit W.

(3) (Plaintiff's Exhibit W (4) marked for identification.)

(5) MS. SHINING: Q. Do you have any knowledge (6) as to who would have created this document?

(7) A. No.

(8) Q. And do you have any personal knowledge -- (9) well, before I ask that, the last page of the document (10) is an addenda, which appears to perhaps have been added (11) to the document. Do you have any knowledge as to when (12) this page was written?

(13) A. No.

(14) Q. Do you have any knowledge as to who may have (15) written that page?

(16) A. No.

(17) Q. Does Ammco have a separate technical writing (18) department outside the engineering department?

(19) MR. RIEHLE: Vague as to time.

(20) MS. SHINING: Q. At present?

(21) A. The service department writes service (22) manuals. Engineering department writes basically the (23) instruction manuals.

(24) Q. From 1975 through 1986, do you know who was (25) in charge of the service department?

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(1) A. I can't think of his name.

(2) Q. Would the service department have copies of (3) manuals in addition to the copies kept by the (4) engineering department?

(5) A. Very recently, not back then.

(6) Q. Did you talk to anyone in the service (7) department in looking through the categories of the (8) Notice of Deposition?

(9) A. Yes.

(10) Q. Who did you speak with?

(11) A. Gunter Seiles.

(12) Q. S-i-l-e-s?

(13) A. S-e-i-l-e-s.

(14) Q. When did you speak with him?

(15) A. A couple years ago, when we did the massive (16) search to find all of these documents.

(17) Q. Was that prior to the Texas litigation?

(18) A. Yes.

(19) Q. Who else did you speak to at that time in (20) searching for documents relating to the -- was this (21) also relating to the arcing machines?

(22) A. Yes.

(23) Q. Who else did you speak to at that time?

(24) A. In the service department?

(25) Q. In general, with regard to searching for

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(1) documents relating to the arcing machines.

(2) A. Pretty much everybody: Engineering (3) department, service department, sales department.

(4) Q. Did you issue a memo to people, or did you (5) speak with them directly?

(6) A. There was another person that was in charge (7) of that, and she did the collecting. I'm not sure (8) whether she

did them by memo or....

(9) Q. Who was that person?

(10) A. She's no longer with the company either.

(11) MR. RIEHLE: You're going to be treading on (12) attorney-client information here.

(13) MS. SHINING: Was she an attorney?

(14) MR. RIEHLE: Was she an attorney? That's a (15) question you can answer "yes" or "no" to.

(16) THE WITNESS: No, she wasn't.

(17) MR. RIEHLE: Do you know if she was acting (18) at the request of an attorney?

(19) THE WITNESS: Yes. I'm sorry, I can't (20) remember her name.

(21) MS. SHINING: Bates Page 148 is entitled (22) "Arbor Plug." Do you know when this document may have (23) been created?

(24) A. This copy was taken from a sheet that was (25) printed in November '77, but that doesn't mean that

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(1) that was the first time it was printed.

(2) Q. It may have been printed for an earlier (3) manual?

(4) A. Yes.

(5) Q. This is a November 1977 version?

(6) A. Yes.

(7) Q. Do you know what material this arbor plug was (8) made out of?

(9) A. It's a type of styrofoam. I don't know any (10) specific.

(11) Q. Do you have any idea as to who the (12) manufacturer of this component part was?

(13) A. No.

(14) Q. Do you know when this component part was (15) first manufactured?

(16) A. I read it in one of these documents. It was (17) in the '70s sometime.

(18) Q. Do you know if any tests were performed to (19) determine the result of using the arbor plug with (20) regard to the release of asbestos fibers?

(21) A. I believe it's talked about in one of the (22) tests.

(23) Q. In the 1986 test?

(24) A. I'm not sure. I saw it in one of them. I (25) don't remember which one.

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(1) Q. This was sold as an accessory, or was this (2) ever sold with the actual arcing machine?

(3) A. Yes.

(4) Q. When was it begun to be sold with the arcing (5) machine?

(6) A. I don't remember that.

(7) Q. Was it prior to 1975?

(8) A. I don't know.

(9) Q. Would this part wear out after

use?

- (10) A. I wouldn't think so.
 (11) Q. Starting with Bates No. 149 is a document (12) entitled "How to Do the Complete Disk and Drum Brake (13) Job." Do you know who may have created this document? (14) Oh, it says on Page 2, "by Walter Alley." Do you know (15) Mr. Alley?
 (16) A. No.
 (17) Q. Was he with Ammco when you started there in (18) 1975?
 (19) MR. RIEHLE: That calls for speculation. He (20) doesn't know who he is, so how can he know if he was (21) there when he started?
 (22) THE WITNESS: He was not there.
 (23) MS. SHINING: Q. Does Ammco still have a (24) director of training?
 (25) A. No.

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- (1) Q. Do you know when they last had a director of (2) training?
 (3) A. I think I said before, it was somewhere in (4) the early '90s.
 (5) Q. So that's the director of the training center?
 (6) A. Yes.
 (7) Q. Do you have any other personal knowledge (8) about the contents of this brochure other than what's (9) stated within the brochure?
 (10) A. No.
 (11) MS. SHINING: And why don't we -- actually, (12) we didn't mark the arbor plug page, 148. Let's mark (13) that as exhibit X, and let's mark what starts at Bates (14) 149 as Exhibit Y.
 (15) (Plaintiff's Exhibits X & Y (16) marked for identification.)
 (17) (Discussion off the record.)
 (18) MS. SHINING: Q. Starting at Bates 167 is (19) another operating and service instructions manual. On (20) the second page, again, there are small numbers that (21) say "11-85." Does that mean this document was also (22) printed in November of 1985?
 (23) A. That means this particular version was (24) printed November '85.
 (25) Q. And do you know who wrote this instruction

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- (1) document?
 (2) A. No.
 (3) Q. And do you have any other personal knowledge (4) of the contents of this document other than what's (5) stated in the document itself?
 (6) A. No.
 (7) Q. It would have been written by the service (8) department?
 (9) A. No.
 (10) MR. RIEHLE: Calls for speculation.
 (11) THE WITNESS: I don't know any particular (12) person who would have written it.
 (13) MS. SHINING: Q. And I think the

- final (14) document that's been produced is a large specification (15) that almost looks like a poster. It's entitled (16) "Instruction Card." Do you know if originals of the (17) instruction card are still in existence in Ammco?
 (18) A. No, not this one.
 (19) Q. The document appears to be dated June 12th, (20) 1958. Do you believe that that is when the document (21) was created?
 (22) MR. RIEHLE: Well, there is a --
 (23) THE WITNESS: Where do you see that?
 (24) MS. SHINING: Q. Tiny, tiny, tiny, right (25) above the Bates stamp.

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- (1) MR. RIEHLE: Well, it says, "Supersedes Same (2) No. Dated."
 (3) MS. SHINING: Q. Is it superseding an (4) instruction card from 1958?
 (5) A. This means this drawing supersedes a 1958 (6) drawing.
 (7) Q. There are initials, it says, "Drawn R.H. (8) 4-12-60." Does that indicate Robert Hampton created (9) this document in 1960?
 (10) A. No.
 (11) Q. Do you have any belief as to the origin of (12) this document?
 (13) A. No.
 (14) MR. RIEHLE: Vague.
 (15) MS. SHINING: Q. Is this document kept in (16) the shoe grinder file at Ammco?
 (17) A. No.
 (18) Q. Where did the copy of this document come from?
 (19) A. It's from the obsolete drawing file.
 (20) Q. Was this the only document found in the (21) obsolete drawing file that related to shoe grinders?
 (22) A. The only one that contained any instructions (23) or anything.
 (24) Q. Are there other documents relating to shoe (25) grinders in the obsolete drawing file?

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- (1) A. We talked before that the actual piece part (2) drawings are in the obsolete file.
 (3) MS. SHINING: And I will repeat my request (4) for those.
 (5) MR. RIEHLE: I repeat my response.
 (6) MS. SHINING: Why don't we take a break.
 (7) MR. HUTCHINSON: Did you mark this?
 (8) (Indicating.)
 (9) MS. SHINING: Z would be starting at Bates (10) number 167, and AA is at Bates No. 179.
 (11) (Plaintiff's Exhibits Z & AA (12) marked for identification.)
 (13) MS. SHINING: Q. Let's see. Where did we (14) leave off?
 (15) MR. RIEHLE: We were just finishing

- (16) MS. SHINING: Q. We were just finishing up (17) with the documents and identifying the things that have (18) been produced today. And just to kind of wrap up, (19) other than the parts drawings that we have discussed, (20) are there any other documents responsive to Categories (21) 1 through 30 that have not been produced today?
 (22) A. No.
 (23) Q. What I would like to do now is ask you some (24) questions that would relate more to -- there is a (25) second section of the Notice of Deposition that calls

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- (1) for information sought and requires a person to be (2) produced as a person most knowledgeable regarding (3) basically the -- actually, the identical categories as (4) the documents requested. And these categories now (5) refer to information, which could be more than (6) documents, that's information that you have as the (7) person who has been produced on behalf of Hennessy (8) Industries.
 (9) So, with that in mind, I have been referring (10) frequently to "Ammco Tools," I think, or "Ammco," that (11) was referred to by your counsel as a fully owned (12) subsidiary of Hennessy Industries, Inc. Is that your (13) understanding?
 (14) A. Yes.
 (15) Q. Do you have any knowledge with regard to who (16) owns Hennessy Industries?
 (17) A. Danaher.
 (18) Q. And does Danaher wholly own Hennessy (19) Industries?
 (20) A. Yes.
 (21) Q. And do you have any knowledge as to when that (22) acquisition occurred?
 (23) A. Which one?
 (24) MR. RIEHLE: I think we're a little out of (25) the area of reasonably calculated to lead to the

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- (1) discovery of admissible evidence.
 (2) MS. SHINING: Category 2 refers to all (3) information pertaining to your corporate history and (4) structure, including all identities of your (5) predecessors and interests.
 (6) MR. RIEHLE: Just because you put it in (7) there doesn't mean it's reasonably calculated. I'm (8) saying it's --
 (9) MS. SHINING: The acquisition of Hennessy by (10) Danaher?
 (11) MR. RIEHLE: Again, let me be more specific (12) as to my objection. Ammco stopped manufacturing the (13) arcing machine before Hennessy acquired it. So how can (14) Hennessy's parent have anything to do with this (15) company, this case? What's your offer of proof?
 (16) MS. SHINING: I don't need to make an offer (17) of proof in a deposition. If you

want to instruct the (18) witness --

(19) MR. RIEHLE: Sure, you do. This is on meet (20) and confer. How is it possibly relevant to this case? (21) Ammco stopped manufacturing the product at issue before (22) Hennessy acquired it. How is Hennessy's parent even (23) remotely relevant to the issues in this litigation?

(24) MS. SHINING: Are you instructing the (25) witness not to answer.

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(1) MR. RIEHLE: I'm asking for an offer of (2) proof.

(3) MS. SHINING: I don't need to make one.

(4) MR. RIEHLE: Then I'm going to tell the (5) witness not to answer without an offer of proof. If (6) you can't tell me how it's relevant, I'm instructing (7) the witness not to answer.

(8) MS. SHINING: I think the identity of the (9) company that has acquired the company that has been (10) served is absolutely relevant and completely (11) discoverable as it may relate to the knowledge of the (12) hazards of asbestos, the awareness of the hazards of (13) asbestos, the location of documents, the identification (14) of documents, who may be responsible for those (15) documents, pension records, payable records, any number (16) of categories that are in the Notice of Deposition.

(17) Who controls Hennessy Industries and how (18) they control it obviously relates to whether or not (19) this individual is the person with the most knowledge, (20) who is required to be produced. So it's in part (21) directly relevant to issues that are at the heart of (22) the case, as well as relevant to whether or not this (23) individual is the person most knowledgeable.

(24) MR. RIEHLE: Has anyone at Danaher ever been (25) involved in any way with any of the documents

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(1) associated with this grinding machine?

(2) THE WITNESS: No.

(3) MS. SHINING: Q. Are there any additional (4) documents in the possession of Danaher with regard to (5) Ammco arcing/grinding machines?

(6) A. No.

(7) Q. Do you know when Ammco Tools, Inc. was (8) founded?

(9) A. 1923.

(10) Q. Do you know when they first manufactured an (11) arcing machine?

(12) A. No, not for sure.

(13) Q. Do you have an approximate understanding of (14) when the first shoe grinder was made?

(15) MR. RIEHLE: Calls for speculation.

(16) THE WITNESS: Per the earliest document that (17) you have, appears to be in the 1950s.

(18) MR. RIEHLE: The earliest document

is 1958.

(19) THE WITNESS: 1958.

(20) MS. SHINING: Q. And you have no knowledge (21) of machines made prior to that time?

(22) A. No.

(23) Q. Do you know whether or not either Hennessy (24) Industries or Ammco have entered into any sales (25) agreements to have any of their grinding machines

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(1) rebranded and sold under another company's name?

(2) A. No.

(3) Q. So they have not had such agreements made?

(4) A. Not as far as I know.

(5) Q. Do you know if Ammco has ever licensed the (6) use of its trademark, "Ammco," to any other company for (7) use with arcing machines?

(8) MR. RIEHLE: Vague and ambiguous, calls for (9) a legal conclusion.

(10) THE WITNESS: I do not know that.

(11) MS. SHINING: Q. Is there an in-house (12) general counsel at Ammco who may have more information (13) on whether or not the name "Ammco" was allowed to be (14) used by another company?

(15) A. No.

(16) Q. Has Ammco ever had an in-house legal (17) department in, let's say, the time that you were (18) employed there from 1975 through the present?

(19) MR. RIEHLE: Vague and ambiguous as to (20) "legal department."

(21) MR. DAY: And, again, you're talking about (22) Ammco?

(23) MS. SHINING: Right.

(24) THE WITNESS: I don't think so.

(25) MS. SHINING: Q. Do you know if Hennessy

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(1) Industries has an in-house legal department that would (2) have more information on the use of its name?

(3) MR. RIEHLE: Vague and ambiguous, "legal (4) department."

(5) THE WITNESS: What do you mean by "legal (6) department"?

(7) MS. SHINING: Q. Does Hennessy Industries (8) have any attorneys who are responsible for maintaining (9) trademark usage?

(10) MR. DAY: In-house?

(11) MS. SHINING: Right.

(12) THE WITNESS: No.

(13) MS. SHINING: Q. Does Hennessy Industries (14) have any paralegals who would be responsible for (15) maintaining sales agreements or licensing agreements, (16) things that would relate to the use of the Ammco name?

(17) A. No.

(18) Q. And that goes back -- well, your

knowledge (19) would be limited to the time that Hennessy owned -- (20) well, forget it. Would your answer relate to the time (21) that Hennessy owned Ammco?

(22) MR. RIEHLE: Vague and ambiguous.

(23) THE WITNESS: Yes.

(24) MS. SHINING: Q. Do you have any knowledge (25) or understanding with regard to patents that would

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(1) relate to arcing machines?

(2) MR. RIEHLE: Overbroad, vague, ambiguous.

(3) THE WITNESS: I don't know of any.

(4) MS. SHINING: Q. Do you know if any patents (5) have ever been applied for that would relate to an (6) arcing machine or one of its components?

(7) MR. DAY: By Ammco?

(8) MS. SHINING: By Ammco, right.

(9) THE WITNESS: I don't know.

(10) MS. SHINING: Q. Have you seen anything in (11) any of the files that you reviewed of Mr. Hampton's (12) that would relate or have related to patent (13) applications?

(14) MR. RIEHLE: Vague and ambiguous, overbroad.

(15) THE WITNESS: No.

(16) MS. SHINING: Q. Would there be anyone else (17) at either Ammco or Hennessy that would have more (18) information with regard to patent applications or (19) patents?

(20) MR. DAY: Currently employed?

(21) MS. SHINING: Currently employed there, (22) right.

(23) THE WITNESS: It would probably again be Bob (24) Chasteen.

(25) MR. DAY: Again, just so I'm clear, are we

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(1) talking about patents with respect to the arcing (2) machine?

(3) MS. SHINING: Yes. I'm sure my question (4) qualified it that way.

(5) Q. Does that help you clarify?

(6) A. If there was, he would have produced it. But (7) he would be the only person that I would think would (8) know that.

(9) Q. Based on your experience with the shoe (10) grinders, is it your understanding that none of the (11) component parts of the shoe grinder itself ever (12) contained asbestos?

(13) A. That is true, none did.

(14) Q. And you base that on your understanding of (15) the component parts while you were a product engineer (16) and an engineering manager?

(17) A. Yes.

(18) Q. Did you ever work on sourcing component parts (19) for the shoe grinders?

(20) MR. RIEHLE: Vague.

(21) THE WITNESS: What do you mean by (22) "sourcing"?
 (23) MS. SHINING: Q. Were you ever assigned the (24) task of finding a manufacturer to provide a component (25) part for a shoe grinder?

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(1) A. I have worked with manufacturers on parts.
 (2) Q. What kinds of parts?
 (3) A. Motors. That's probably about it.
 (4) Q. Who provided the motors for the shoe (5) grinders? Again, let's start with '75.
 (6) MR. RIEHLE: I guess I'm trying to figure (7) out how — I'm trying to speed things along here.
 (8) MS. SHINING: Certain motors are very well (9) known to have asbestos-containing components, (10) capacitors, resistors, leads, harnesses, all kinds of (11) things.
 (12) THE WITNESS: I don't know who it would have (13) been in '75.
 (14) MS. SHINING: Q. Do you recall at any time (15) who manufactured the motors used in the shoe grinders?
 (16) A. Marathon.
 (17) Q. Where are they located?
 (18) A. Wisconsin.
 (19) Q. Are they still in business?
 (20) A. Yes.
 (21) Q. Do you have an address for them?
 (22) A. Not in my head.
 (23) Q. Do you have an address in your possession in (24) your office?
 (25) A. Yes.

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(1) Q. Do you recall anything more specifically (2) about the speed or the voltage of the motor?
 (3) A. It was dual voltage, 110/220.
 (4) Q. Was it the same type of motor, or did the (5) motor vary from either year to year or model to model?
 (6) A. I know of two versions.
 (7) Q. And what are those?
 (8) A. The motor was basically the same. It was (9) just the mounting flange that came with it.
 (10) Q. And was that for large shops and small shops?
 (11) A. No, it was just they changed their design of (12) the motor.
 (13) Q. And when was that, about?
 (14) A. Not too long before we stopped making them.
 (15) Q. Can you recall working on finding a supplier (16) for component part for a shoe grinder other than the (17) motor?
 (18) A. No.
 (19) Q. Can you recall the manufacturer of any of the (20) gaskets used in the shoe grinders?
 (21) A. I don't think we had any gaskets in the shoe (22) grinder.

(23) Q. How about seals?
 (24) A. The question was?
 (25) Q. Can you recall the names of the manufacturer

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(1) of any seals?
 (2) A. No.
 (3) Q. On one of these pages it referred to a (4) thermal protector, on Bates Page 177. Do you have any (5) knowledge as to what that thermal protector consisted (6) of?
 (7) A. It's built into the motor, so that if the (8) motor would reach a certain temperature, it would (9) automatically turn off, rather than destroy itself.
 (10) Q. Do you know what it was composed of?
 (11) A. No. It was internal through the motor, built (12) by the motor company.
 (13) Q. Was it a bi-metal switch, then?
 (14) A. I'm not sure.
 (15) Q. Doesn't that refer to insulation?
 (16) A. It's basically a fuse that when the motor (17) internally got to a certain temperature, it would turn (18) off.
 (19) Q. Were the shoe grinders ever made with any (20) kind of insulation to protect from the heat generated (21) by the spinning of the machine or the belts?
 (22) A. No.
 (23) Q. Did Ammco manufacture any of the parts for (24) the arc grinder itself?
 (25) A. Yes.

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(1) Q. Can you recall which parts it manufactured (2) itself and did not outsource?
 (3) A. Other than the casting, we did pretty much (4) all the parts.
 (5) Q. Well, except for the motor -- and the motor?
 (6) A. Motor, the belt, the sandpaper, and the seal.
 (7) Q. Would any of the component parts used in the (8) shoe grinder be adapted for use in the brake lathe?
 (9) A. I think the V-belt was the only thing that (10) was used on a brake lathe.
 (11) Q. And when you're referring to the V-belt, is (12) there a drawing that would have -- let's see. (13) Referring again, if you want to refer to some of these (14) documents, is the V-belt the actual sanding unit?
 (15) A. No, it's just the drive belt that connects (16) the motor to the sanding disk.
 (17) Q. That's clear enough. From 1975, do you (18) recall any experimental testing -- again, other than (19) the air sampling testing -- of a prototype shoe (20) grinder?
 (21) A. No.
 (22) Q. Do you recall when any of the models -- the (23) Model 8000, the Model 880, or the Model 890 -- were (24) first sold by Ammco?

(25) A. No.

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(1) Q. Was that before your employment there?
 (2) A. 880 and 890 were. I'm not sure about the (3) 8000.
 (4) Q. That may have been introduced after 1975?
 (5) A. That may have been, but I don't think so.
 (6) Q. Do you have any knowledge as to how sales (7) records of the arc grinders were maintained at Ammco?
 (8) A. No.
 (9) Q. Do you know who would have that information?
 (10) A. There is nobody currently at the plant that (11) was with Ammco.
 (12) Q. Is there a sales department separate and (13) apart from manufacturing that would keep track of those (14) records?
 (15) A. Yes.
 (16) Q. And from 1975 through 1986, do you know who (17) was in charge of the sales department?
 (18) A. It was John Dragoni.
 (19) Q. How do you spell that?
 (20) A. D-r-a-g-o-n-i.
 (21) Q. Is he still employed by Ammco?
 (22) A. No.
 (23) Q. Is he still employed by Hennessy?
 (24) A. No.
 (25) Q. Is he retired?

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(1) A. Yes.
 (2) Q. Do you know where he resides?
 (3) A. I believe it's Missouri.
 (4) Q. Have you spoken to him in the last five years?
 (5) A. Yes.
 (6) Q. When was the last time you spoke with him?
 (7) A. Maybe two months ago.
 (8) Q. Was it a social call, or was it related to (9) Ammco?
 (10) A. It was social.
 (11) Q. Did you speak with him when you were (12) searching for documents relating to arc grinding (13) machines, I think we discussed, prior to your first (14) depositions?
 (15) A. Yes.
 (16) Q. At that time did he have any sales records (17) relating to the sales of shoe grinders?
 (18) A. No, I don't believe so.
 (19) Q. At that time did he have any catalogs that (20) would describe shoe grinders?
 (21) A. No. This package was all that we could find.
 (22) Q. Do you know where he looked for his records?
 (23) A. His home, I guess.
 (24) Q. Was he employed by Ammco at

the time of the (25) search for this information?

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- (11) A. No.
 (12) Q. Who was the director of sales at that time?
 (13) A. Ron Newton.
 (14) Q. How do you spell that name?
 (15) A. N-e-w-t-o-n.
 (16) Q. Do you have a current address for Mr. (7) Dragoni?
 (18) A. No.
 (19) Q. Do you have his current phone number?
 (20) A. No.
 (21) Q. Did he call you?
 (22) A. No. He was in the plant. I forget what he (13) was doing there, but he was just visiting, and he (14) stopped by, and we talked for a couple minutes.
 (23) Q. Was he accompanied by anyone else?
 (24) A. No.
 (25) Q. Is that unusual to drop by.
 (26) MR. RIEHLE: Vague, argumentative.
 (27) MS. SHINING: Usually you need a pass to get (20) on the floor of most manufacturing facilities.
 (28) MR. RIEHLE: Calls for speculation, assumes (22) facts not in evidence.
 (29) MS. SHINING: Q. How long was he employed (24) by Ammco? Was he employed there more than 30 years?
 (30) A. Long, long time.

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- (11) Q. More than 25 years?
 (12) A. I would guess so.
 (13) Q. And is Mr. Newton currently the head of sales?
 (14) A. Yes.
 (15) Q. And I take it you would have no information (6) as to whether the sales department follows the document (7) retention policy?
 (16) A. I would have no idea.
 (17) Q. Do you have any knowledge as to the different (10) sales regions that Ammco had — well, strike that. Did (11) Ammco have sales regions for shoe grinders?
 (18) A. I don't know that.
 (19) Q. And the sales department would know more?
 (20) A. Yes.
 (21) Q. Do you know if any shoe grinders were ever (16) re-called from the market?
 (22) A. Not that I know of.
 (23) Q. Do you know if any re-call notices were ever (19) issued for any component part of a shoe grinder?
 (24) A. Not that I know of.
 (25) Q. Other than the service bulletins and the (22) operating instructions that have been produced today, (23) are you aware of any other service bulletins that were (24) produced that related to brake shoe grinders?

(25) A. No.

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- (1) Q. Were all Ammco brake shoe grinders (2) manufactured at the three facilities you have (3) described, at one of the three facilities, throughout (4) that time period?
 (5) A. As far as I know.
 (6) Q. Did Ammco ever purchase shoe grinders from (7) another manufacturer for resale under its name?
 (8) A. Not that I know of.
 (9) Q. Do you have any knowledge as to how many shoe (10) grinders Ammco could keep in inventory, let's say, in (11) the 1970s, on average?
 (12) A. No.
 (13) Q. During the 1980s?
 (14) A. No.
 (15) Q. Well, do you know who would be in charge of (16) maintaining that inventory?
 (17) A. As far as what?
 (18) MR. RIEHLE: Vague and ambiguous.
 (19) MS. SHINING: Q. Were shoe grinders made (20) after they were purchased by a customer, or were they (21) kept in an inventory?
 (22) MR. RIEHLE: Same objection.
 (23) THE WITNESS: I wouldn't know at that (24) particular time.
 (25) MS. SHINING: Q. Would that be something

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- (1) that the manufacturing department would be responsible (2) for, or would it be the sales department?
 (3) MR. RIEHLE: Same objections.
 (4) THE WITNESS: I wouldn't really know.
 (5) MS. SHINING: Q. Did Ammco have a separate (6) warehouse facility?
 (7) MR. RIEHLE: Vague as to time.
 (8) MS. SHINING: Q. At any time?
 (9) A. From '75 on, they did not. And I don't know (10) prior to that.
 (11) Q. Could you say that again.
 (12) A. From when I started, on, I don't know of any (13) separate warehouse. And I don't know, before I got (14) there, whether they did or not.
 (15) Q. Do you know who was the head of the (16) manufacturing department in the late 1970s?
 (17) A. I think we ran across his name earlier (18) today. I mentioned it then. I can't remember it now.
 (19) Q. Do you know who was in charge of process (20) engineering in the late 1970s?
 (21) A. Joe Campolo.
 (22) Q. Was he in charge through the 1980s also?
 (23) A. I believe so.
 (24) Q. Did the head of manufacturing change in the (25) early 1980s?

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- (1) A. There were multiples, but I

don't know what (2) dates.

- (3) Q. Boy, I don't see that. Who can you remember (4) as in charge of manufacturing, let's start with 1980?
 (5) A. It was in one of these letters.
 (6) Q. Was it Jim McGrath?
 (7) A. Yes.
 (8) Q. Do you know who it is now?
 (9) A. Who is in charge of manufacturing?
 (10) Q. Right.
 (11) MR. RIEHLE: Irrelevant, not reasonably (12) calculated to lead to the discovery of admissible (13) evidence.
 (14) MS. SHINING: Well, again, to the extent (15) that there might be other documents that would relate (16) to inventories of arc grinding machines and that would (17) be the person who possessed them, my next question (18) would be: Did he ask that person whether that person (19) searched for those documents? So we've got to start (20) with who it is.
 (21) THE WITNESS: We have a temporary guy just (22) in the last week. His name is Jim Paul.
 (23) MS. SHINING: Q. Did you speak with Mr. (24) Paul with regard to documents?
 (25) MR. RIEHLE: Did Mr. Paul find any documents

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- (1) in the last week?
 (2) MS. SHINING: I think you gave him the (3) Notice of Deposition yesterday, so I —
 (4) THE WITNESS: He was involved when we pulled (5) the original file a couple years ago.
 (6) MS. SHINING: Q. So he was involved in (7) looking for manufacturing documents at that time?
 (8) A. Yes.
 (9) Q. Now I would like to ask you a couple of (10) questions about the appearance of the arc grinding (11) machines. And what color are, were, Ammco brake shoe (12) grinders? Were they more than one color?
 (13) A. They are dark blue.
 (14) Q. Do you know the manufacturer of the paint (15) that was used for the machines?
 (16) A. I know there has been several, but I don't (17) know who.
 (18) Q. Do you know if that information has been kept (19) in the purchasing department?
 (20) A. They might know.
 (21) Q. Has there ever been an attempt to trademark (22) the color of an Ammco machine, like John Deere green?
 (23) A. Not that I know of.
 (24) Q. Do you know if there is a specific number (25) that's associated with the kind of color that you

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(1) describe as dark blue?
 (2) A. Yes, I'm sure there is.
 (3) Q. Do you know if there is a quality control (4) element to make sure that all Ammco machines are the (5) particular shade of dark blue?
 (6) A. We have a paint spec procedure, yes.
 (7) Q. Can you describe that procedure?
 (8) A. It's five or six pages, and it lists all the (9) different specifications.
 (10) Q. Who is responsible for maintaining that (11) procedure, the actual copy of the book itself?
 (12) A. Quality control.
 (13) Q. Is that within the engineering department or (14) the manufacturing department?
 (15) A. I think they are under the control of (16) manufacturing.
 (17) Q. Do you know who was in charge of quality (18) control while arc grinders were being manufactured?
 (19) A. I'm not sure.
 (20) Q. Manufacturing, then, would be responsible for (21) carrying out that protocol; is that correct?
 (22) A. Purchasing for purchasing the paint, and (23) manufacturing for applying it correctly.
 (24) Q. And is the same color used on arc grinding (25) machines that's used on all other Ammco machines?

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(1) A. All of those that are blue. Most. That (2) didn't sound right.
 (3) Q. What Ammco products are not blue? And I (4) presume it's by product line.
 (5) A. Right. Brake washers are red and black.
 (6) MR. RIEHLE: We are again going far afield.
 (7) MS. SHINING: Q. Are only the arc grinders (8) blue? Are there other Ammco products that are the same (9) color blue?
 (10) A. Yes, most all Ammco products are blue.
 (11) Q. On Exhibit U, which is the first of the (12) several instruction manuals, there is a picture of the (13) Model 8000. Is the cover that you referred to earlier (14) that the warning decal is placed on, is that in the (15) center of the unit, on the top, above the label? Is (16) that where?
 (17) A. Yes.
 (18) Q. Do you know when in the manufacturing process (19) that label is applied?
 (20) A. Near the end.
 (21) Q. Do Ammco products come in pallets or crates (22) or boxes that bear the Ammco name?
 (23) A. Yes.
 (24) Q. Has that label that's on the outside box (25) changed, to your knowledge, since 1975?

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(1) MR. RIEHLE: Until 1986?
 (2) MS. SHINING: Q. Through 1986, was there (3) any change in the way the boxes looked?
 (4) A. I don't know that.
 (5) Q. Do you know what the packaging looks like (6) that an Ammco shoe grinder would have been shipped to (7) the customer in?
 (8) A. It was in a cardboard box.
 (9) Q. Do you know if Ammco maintains copies of such (10) cardboard boxes?
 (11) A. Usually.
 (12) Q. And who would maintain that sort of thing?
 (13) A. Engineering.
 (14) Q. And I presume you weren't able to find any (15) samples of boxes that were used with shoe grinders? I (16) shouldn't presume anything. Did you look for such (17) boxes?
 (18) A. I think it just was a plain box and had a (19) label on it.
 (20) Q. Do you have a sample of the wording of the (21) label anywhere at Ammco?
 (22) MR. DAY: The label for the brake shoe?
 (23) MR. RIEHLE: The label for the box?
 (24) MS. SHINING: The wording that was on the (25) box.

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(1) MR. RIEHLE: This is like The Cat in the Hat.
 (2) MS. SHINING: Q. Do you understand what I'm (3) asking?
 (4) A. Yes. If it exists, it will be in the (5) obsolete engineering drawing file.
 (6) Q. Was the language that's on the box similar to (7) the language that's used with the brake lathes?
 (8) A. Usually it's just "Ammco," the part number, (9) and what it is.
 (10) Q. There is no warnings on the outside of the (11) cardboard box that it's shipped in?
 (12) A. No.
 (13) Q. And that's the shoe grinders I'm referring to.
 (14) A. Right.
 (15) Q. Other than the tests that were produced by (16) National Control Labs, do you recall testing any other (17) brake components with regard to their use in the shoe (18) grinding machine at any time from 1975 through 1986?
 (19) MR. RIEHLE: Vague and ambiguous, overbroad.
 (20) THE WITNESS: I do not recall.
 (21) MS. SHINING: Q. You don't remember ever (22) testing brakes to see how the shoe grinders were (23) working?
 (24) A. I thought you asked parts of the shoe grinder.
 (25) Q. I may have. I may have. But that's not what

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(1) I meant. Thank you. Do you recall at any time from (2) 1975 through 1986 actually testing the shoe grinder (3) using an actual brake shoe?
 (4) A. Our training center would do that.
 (5) Q. Do you recall receiving written reports of (6) results of such tests?
 (7) A. No.
 (8) Q. Do you recall having oral reports on how the (9) shoe grinders were working?
 (10) MR. RIEHLE: Vague and ambiguous.
 (11) THE WITNESS: The typical scenario would be: (12) "GM has a new vehicle out. Let's make sure that our (13) equipment will fix that particular car or truck." And (14) so we would try everything that is new.
 (15) MS. SHINING: Q. When you would run a test (16) on how the shoe grinder was working -- I'm sorry. When (17) the training center would test these new parts, what (18) were the form of the results that they would give you?
 (19) MR. RIEHLE: Vague and ambiguous.
 (20) THE WITNESS: Like I say, I don't recall any (21) written reports.
 (22) MS. SHINING: Q. Do you recall any other (23) formal report? For example, was there a meeting held (24) once a week where you would get results back?
 (25) A. No.

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(1) MR. RIEHLE: Vague and ambiguous.
 (2) MS. SHINING: Q. Were there any kind of (3) regular meetings with the training center where they (4) would report to you how the product was working?
 (5) A. No.
 (6) Q. You don't recall any way of getting feedback (7) on how people who were testing the product thought it (8) was working and ways to improve it?
 (9) MR. RIEHLE: Argumentative and misstates the (10) testimony.
 (11) THE WITNESS: I don't recall any feedback.
 (12) MS. SHINING: Q. In Exhibit U, on Bates (13) Page 132, there is a reference to some Wagner Servo (14) compound brakes and some Lockheed brakes used by (15) Chrysler products. Do you see the reference in the (16) middle of the page?
 (17) MR. RIEHLE: Are you referring to the 1967 (18) document?
 (19) MS. SHINING: Right.
 (20) MR. RIEHLE: What's the question?
 (21) MS. SHINING: I'm just letting him look at (22) that.
 (23) Q. Does that document suggest that the shoe (24) grinder should be used differently for particular (25) different kinds of manufacturers' products?

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(1) MR. RIEHLE: Vague and ambiguous.

The (2) document speaks for itself.

(3) MR. HUTCHINSON: Join in that objection.

(4) THE WITNESS: Yes. Not all brakes are (5) alike. There are different designs, and you had to (6) clamp them in there differently.

(7) MS. SHINING: Q. Other than the particular (8) types of brakes, the Wagner and the Lockheed brakes (9) that are described here, can you think of any other (10) differences in brake shoes that required a different (11) use of the shoe grinder?

(12) MR. HUTCHINSON: Object, it lacks (13) foundation, calls for speculation on the part of this (14) witness, it's vague and overbroad.

(15) MR. RIEHLE: I agree and join. I'll rule on (16) that objection.

(17) MS. SHINING: Q. You can go ahead and (18) answer the question.

(19) A. The question is: Are there other styles?

(20) Q. Right, that would require the unit to be used (21) in a different way.

(22) MR. RIEHLE: Same objections.

(23) THE WITNESS: I wouldn't know back at that (24) time.

(25) MS. SHINING: Q. How about in 1975.

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(1) MR. HUTCHINSON: Still object, there is no (2) foundation, calls for speculation on the part of this (3) witness, it's vague and it's overbroad.

(4) MR. RIEHLE: Join.

(5) THE WITNESS: I don't know for a fact.

(6) MS. SHINING: Q. The 8000, 880, and 890 (7) products, those were designed before you were employed (8) at Ammco?

(9) A. Yes.

(10) Q. Do you have any knowledge as to who the (11) designers of these products were?

(12) A. No.

(13) Q. Would there be anyone still employed at (14) either Ammco or Hennessy who would have knowledge as to (15) who designed these products?

(16) A. Nobody at Hennessy.

(17) Q. Would Mr. Dragoni know?

(18) MR. RIEHLE: Calls for speculation.

(19) MS. SHINING: Q. Do you know if Mr. Dragoni (20) knows?

(21) MR. RIEHLE: Calls for speculation.

(22) Actually, that's an okay question. I withdraw my (23) objection.

(24) THE WITNESS: I do not know if John would (25) know.

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(1) MS. SHINING: Q. Do you have any knowledge (2) as to the volume of shoe grinders that were sold from (3) 1975 through 1986?

(4) MR. RIEHLE: Calls for speculation, vague (5) and ambiguous.

(6) MS. SHINING: Q. Would members of the sales (7) department have more information?

(8) MR. RIEHLE: Same objections.

(9) MS. SHINING: Q. Again, my question is not (10) limited to documents. If someone knows of that (11) information, that would be responsive.

(12) MR. RIEHLE: There is no question pending.

(13) Is there a question pending now?

(14) MS. SHINING: Um-hum.

(15) (Record read.)

(16) MR. RIEHLE: Same objections.

(17) MS. SHINING: Q. Do you know if anyone in (18) the sales department has information as to the number (19) of shoe grinders sold?

(20) A. I don't think so.

(21) Q. Do you know if Ammco ever maintained a (22) customer list of people who purchased shoe grinders?

(23) A. I don't know.

(24) Q. Did you ever maintain a list of customers who (25) you know have purchased Ammco shoe grinders?

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(1) A. No.

(2) Q. Can you recall any of those persons, the (3) outside customers that you had spoken to, albeit (4) rarely, with regard to an Ammco shoe grinder?

(5) A. No.

(6) Q. Did you ever conduct any market research on (7) competitors of Ammco in the sale of shoe grinders?

(8) A. No.

(9) MR. RIEHLE: Vague and ambiguous.

(10) MS. SHINING: Q. Do you know who Ammco (11) considered its competitor products to be?

(12) MR. RIEHLE: Are you talking about brake (13) shoe grinders?

(14) MS. SHINING: Right.

(15) MR. RIEHLE: Reask the question just to get (16) a clear record.

(17) MS. SHINING: Q. Do you know who Ammco (18) considered its competitors to be in the brake shoe (19) grinding market?

(20) A. We had several. One was Sheppard Thomason. (21) One was Star. There were several European companies. (22) One was Hunger.

(23) Q. How do you spell that?

(24) A. H-u-n-g-e-r. Raviglioli. I guess that's all (25) I remember.

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(1) Q. Have you ever heard of a company called (2) Accutum?

(3) A. Yes.

(4) Q. Did they make shoe grinders?

(5) A. Not that I know of.

(6) Q. Did they make brake lathes?

(7) A. Yes.

(8) Q. How about Bear, B-e-a-r? Did they make shoe (9) grinders?

(10) A. They may have. I'm not sure.

(11) Q. Do you know where they are located?

(12) A. They have gone through a lot of buyouts. I'm (13) not sure if they still really exist.

(14) Q. How about FMC Corporation? Do you know if (15) they made shoe grinders?

(16) A. I don't know that.

(17) Q. How about a company called Aseco, (18) A-s-e-c-o? I believe they made accessories, but do you (19) know if they made shoe grinders?

(20) A. I have never heard of them.

(21) Q. How do you spell Sheppard Thomason?

(22) A. S-h-e-p-p-a-r-d. Last word is Thomason, (23) T-h-o-m-a-s-o-n.

(24) Q. Do you know if any of these companies still (25) manufacture shoe grinders?

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(1) A. I know Star still does.

(2) Q. Do you know what their shoe grinders look (3) like?

(4) A. Pretty much like ours used to look.

(5) Q. Do you know what color they are?

(6) A. All their equipment is red and white.

(7) Q. When you say they are pretty much the same, (8) are you referring to the size?

(9) A. Pretty much looks like a good copy of ours.

(10) Q. When you say they are red and white, are they (11) primarily red, or are they primarily white?

(12) A. Primarily white, with red trim.

(13) Q. Do you know what Sheppard Thomason's shoe (14) grinders looked like? What color were they?

(15) A. I haven't seen any for a long time. I don't (16) remember.

(17) Q. Do you know what either of the European (18) versions, do you know what color those products were?

(19) A. I think Hunger's is blue. I'm not sure about (20) Raviglioli.

(21) Q. Was the Hunger product completely blue, or (22) was it blue with other trim colors?

(23) A. I think, other than knobs and things like (24) that, it was blue.

(25) Q. Was it a lighter or a darker shade of blue

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(1) than the Ammco blue?

(2) A. I believe it's lighter.

(3) Q. Did it also have the motor to one side, like (4) the Ammco motor?

(5) A. Which one?

(6) Q. The Hunger model.

(7) A. It's a different design.

(8) Q. Where was the motor on that

design?

(9) A. In the middle of its design.

(10) Q. So you would grind the shoe toward one side?

(11) A. It didn't look anything like ours.

(12) Q. Do you have any knowledge as to how many shoe (13) grinders these four companies would have sold compared (14) to Ammco?

(15) MR. RIEHLE: Calls for speculation. To a (16) certain extent, already asked and answered. If he (17) doesn't know how many Ammco sold, how can he know how (18) many these other companies sold in comparison?

(19) MS. SHINING: He might have a proportional (20) understanding.

(21) MR. RIEHLE: Same objections for the record.

(22) THE WITNESS: I have no idea.

(23) MS. SHINING: Q. Have you ever seen any (24) market studies that compared sales of Ammco products to (25) these other products?

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(1) A. No.

(2) Q. Did you ever see any sales figures that (3) compared sales of shoe grinders made by these other (4) companies to Ammco shoe grinders?

(5) A. No.

(6) Q. Weren't ever curious? Didn't ask the sales (7) reps, "How we are doing?"

(8) MR. RIEHLE: Argumentative.

(9) MS. SHINING: Fair enough.

(10) Q. Do you know where Sheppard Thomason is (11) located?

(12) A. I believe it's in California.

(13) Q. Do you know when the two European companies (14) stopped making shoe grinders?

(15) A. I think they still do.

(16) Q. Do you know if the sales department would (17) have maintained comparative records as to how many shoe (18) grinders it sold compared to other companies?

(19) MR. RIEHLE: Calls for speculation, asked (20) and answered.

(21) THE WITNESS: I don't know.

(22) MS. SHINING: Q. Do you know how much a (23) shoe grinder cost in 1975?

(24) A. No.

(25) MR. RIEHLE: Any shoe grinder?

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(1) MS. SHINING: What's that?

(2) MR. RIEHLE: Vague and ambiguous.

(3) MS. SHINING: Q. Do you know how much a (4) dust system collection unit cost in 1975?

(5) MR. RIEHLE: Vague and ambiguous.

(6) THE WITNESS: No, I don't.

(7) MS. SHINING: Q. Do you know how much (8) either of those items cost in 1986?

(9) MR. RIEHLE: Same objections.

(10) THE WITNESS: No.

(11) MS. SHINING: Q. You're just not curious (12) about these things, are you? Not a salesperson at all?

(13) A. No, I'm a designer.

(14) Q. I think I already asked you about the (15) distribution chain. You don't have any knowledge as to (16) how the products were distributed; is that correct?

(17) A. Vaguely. But I don't understand, so, no.

(18) Q. Do you know if Ammco ever sold any shoe (19) grinders to the U.S. government?

(20) A. Not for a fact.

(21) Q. Do you know if Ammco ever sold any shoe (22) grinders to any government agency?

(23) A. I don't know that.

(24) MS. SHINING: Do you want to take a break? (25) I am making good time here.

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(1) MR. RIEHLE: How are you doing?

(2) THE WITNESS: I'm okay.

(3) MR. RIEHLE: Do you want to take a break, or (4) do you want to press ahead.

(5) THE WITNESS: We can keep going.

(6) MR. RIEHLE: I see 5:00 o'clock looming.

(7) MS. SHINING: I'm doing my best.

(8) Q. Regarding all three models that we have (9) talked about, were there different sizes of brake (10) products, friction products, that could be arced in the (11) different models?

(12) A. Yes.

(13) Q. With the 880, what size brake product was (14) designed to be used for that?

(15) A. The different models -- the 880, 890, and (16) 8000 -- are per the type of shoes we were talking about (17) before, not the size.

(18) Q. Could you please be more specific. I'm not (19) sure I asked about the types of shoes, other than --

(20) A. The design.

(21) MR. RIEHLE: Vague and ambiguous.

(22) MS. SHINING: Q. I don't think I asked (23) that, so let me see if I can say it in a different (24) way. Well, just generally, what types of brake shoes (25) were designed to be arced in the 880? Could you have

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(1) arced a truck shoe in the 880?

(2) A. Light truck.

(3) Q. What about standard automotive, standard (4) consumer cars? Would brake shoes for those fit in the (5) 880?

(6) MR. RIEHLE: Vague and ambiguous.

(7) THE WITNESS: Yes.

(8) MS. SHINING: Q. Was the 890 designed for a (9) different size shoe?

(10) A. Different design, different style shoe.

(11) Q. What different style shoe, again?

(12) MR. RIEHLE: Calls for speculation.

(13) THE WITNESS: It's all in the instructions. (14) I would have to find it.

(15) MS. SHINING: Q. How about Exhibit Z?

(16) A. The 880 was basically a high-volume shop. (17) And the only differences between the three is just how (18) you grabbed on the shoe while you were grinding. The (19) rest of the machine was identically the same.

(20) Q. So what is the part that you would -- is it (21) the brake clamp? Is that the part that --

(22) A. Yes, this little part right here is the only (23) difference between the three models. (Indicating.)

(24) Q. And you're referring to the very middle of (25) the design?

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(1) A. Yes.

(2) MR. RIEHLE: The shoe clamp?

(3) THE WITNESS: Yes. It's just a part that (4) held the shoe while you were grinding.

(5) MS. SHINING: Q. Now, with the pre -- well, (6) with the shoe grinder that was not designed to be used (7) with the 8925 dust control system, can you point to (8) where on these diagrams that we have produced today the (9) dust control mechanism is in the older model shoe (10) grinder?

(11) MR. RIEHLE: Vague and ambiguous. Do you (12) understand the question?

(13) MR. DAY: You just want to know where the (14) dust bag was attached?

(15) MS. SHINING: Q. Well, is there a dust bag (16) for the shoe grinder prior to the use of the 8925?

(17) A. You're looking for a picture?

(18) Q. Right.

(19) A. It basically attached to the same place. (20) It's just that it didn't have -- it was a smaller bag (21) and didn't have all this on it. (Indicating.)

(22) Q. What page are you referring to?

(23) MR. RIEHLE: Look at the Bates stamp page (24) you were talking about.

(25) THE WITNESS: In Exhibit O, it would be 110.

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(1) MR. RIEHLE: Bates stamp H 110.

(2) MS. SHINING: Q. So, on Page 110, the shoe (3) grinder is the little unit that's on the right-hand (4) side of this table?

(5) A. Correct.

(6) Q. So the dust bag would hang off to the right (7) of the shoe grinder as it's set up in this (8) configuration?

(9) A. Correct.

(10) Q. How much smaller, if you know, was the (11) original dust bag system?

(12) Would you call it a system?

(13) MR. RIEHLE: Compound.

(14) MS. SHINING: Q. Was it ever referred to at (15) Ammco as a system

prior to the adoption of the 8925 (16) dust collection system?

(17) A. I don't know that.

(18) Q. Do you know what size the dust bag was prior (19) to the adoption of the 8925?

(20) A. No.

(21) Q. Do you know if it was possible to use a bag (22) other than the plastic bag provided by Ammco as part of (23) the dust bag either prior to or after the use of the (24) 8925 system?

(25) MR. RIEHLE: Calls for speculation as to

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(1) what's possible. Anything's possible.

(2) MS. SHINING: Q. Do you have any knowledge (3) of anyone ever using anything other than the Ammco (4) plastic bag as a part of the dust collector?

(5) A. No.

(6) Q. Do you recall on how many occasions you (7) actually spoke to customers outside Ammco with regard (8) to their use of the shoe grinder?

(9) A. No.

(10) Q. Do you know if it was more than five times?

(11) A. Probably not.

(12) Q. Do you have any experience as a professional (13) mechanic?

(14) A. No.

(15) Q. So all your experience is related to (16) engineering experience at Ammco?

(17) MR. RIEHLE: That's argumentative. You said (18) "professional mechanic." He could be an amateur (19) mechanic.

(20) MS. SHINING: Q. Do you do amateur mechanic (21) work?

(22) A. Yes.

(23) Q. And that's for your own cars?

(24) A. Yes.

(25) Q. Do you do your own brake jobs?

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(1) A. Sometimes.

(2) Q. How many times have you performed a brake job?

(3) A. Maybe 40 or 50, I suppose.

(4) Q. Were those on disk brakes or brake shoes?

(5) A. Both.

(6) Q. How many times have you performed a brake job (7) on a brake shoe, again for your own personal vehicles?

(8) A. Oh, personal. A few times.

(9) Q. More than ten?

(10) A. Maybe ten.

(11) Q. Do you recall the names of the brakes that (12) you were working on, the names of the manufacturers of (13) the brakes that you performed those — strike that.

(14) Did you grind those shoes?

(15) A. No.

(16) Q. Did you file them with a file?

(17) A. No.

(18) Q. Did you just replace old with

new?

(19) A. Yes.

(20) Q. In your own personal life, have you ever (21) arced a brake shoe?

(22) MR. RIEHLE: Ever in his whole life?

(23) THE WITNESS: Yes.

(24) MS. SHINING: Q. How many times have you (25) done that, both personal and — can you estimate how

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(1) many times you have done that personally and, again, at (2) Ammco?

(3) MR. RIEHLE: Are those two different, I mean (4) if he's done it at Ammco versus personally?

(5) MS. SHINING: I'm trying to shorten it up.

(6) Q. How many times have you done that personally, (7) can you recall?

(8) A. No. It was a long time ago.

(9) Q. Can you estimate how many times you have done (10) that as an engineer at Ammco?

(11) A. No. Not many.

(12) Q. Less than 50?

(13) A. Yes.

(14) Q. Did you wear a mask while you were doing that?

(15) A. Probably not.

(16) Q. Did you wear a respirator?

(17) A. No.

(18) Q. You can't remember whether you wore a mask or (19) not?

(20) MR. RIEHLE: Misstates the testimony.

(21) THE WITNESS: No, I did not.

(22) MS. SHINING: Q. Were there any warnings (23) posted from 1975 through 1986 at Ammco, where brake (24) shoes would have been arced for testing purposes, with (25) regard to the release of asbestos fibers?

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(1) MR. RIEHLE: Overbroad, vague and ambiguous.

(2) THE WITNESS: All of our machines contained (3) at least the two warning stickers on them.

(4) MS. SHINING: Q. Were there ever any other (5) dust control systems provided to employees at Ammco (6) other than the original dust collection systems and the (7) 8925 dust collection system?

(8) A. To the people at Ammco?

(9) Q. Right.

(10) A. No.

(11) Q. There was never a use of a vacuum system in (12) addition to the old system or the new system?

(13) MR. RIEHLE: Argumentative, vague and (14) ambiguous. Arguably, this is a vacuum system.

(15) MS. SHINING: Q. Any additional system?

(16) A. No.

(17) Q. Do you know if at any time employees at Ammco (18) used

compressed air when preparing for grinding brake (19) shoes?

(20) MR. RIEHLE: Vague and ambiguous.

(21) THE WITNESS: We were always taught not to (22) use compressed air.

(23) MS. SHINING: Q. Was that ever incorporated (24) into a written employee policy?

(25) A. The only people that ever used this machine

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(1) were those in the training center. So that was in -- I (2) guess that question about actual policy, I don't know (3) of any actual policy.

(4) MR. RIEHLE: You don't know one way or the (5) other?

(6) THE WITNESS: I do not know of a policy (7) that said that.

(8) MS. SHINING: Q. Other than the policies (9) that were produced today and the documents we have (10) marked as exhibits, are you aware of any other policies (11) with regard to the maintenance of the dust collection (12) bags for the 8925 system?

(13) MR. RIEHLE: Vague and ambiguous.

(14) THE WITNESS: We have produced everything (15) that we have found. I don't know of any others.

(16) MS. SHINING: Q. Do you have any knowledge (17) of the — jumping back a little, as to where the brake (18) shoes came from that were tested in 1973 and 1978?

(19) MR. RIEHLE: Calls for speculation.

(20) MR. HUTCHINSON: Also object, no foundation.

(21) THE WITNESS: No.

(22) MS. SHINING: Q. Do you know if Ammco has (23) ever been cited by OSHA for violation of asbestos fiber (24) release standards?

(25) A. No.

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(1) Q. You don't know, or they haven't been?

(2) A. They haven't been.

(3) Q. Do you know if Ammco has ever been cited for (4) a state equivalent of OSHA, a state occupational safety (5) agency?

(6) A. Not that I know of.

(7) Q. Were Ammco products ever tested by (8) Underwriters Laboratories?

(9) A. Yes.

(10) Q. Do you know if the shoe grinders were tested (11) by Underwriters Laboratories?

(12) A. Yes, they are.

(13) Q. Do you know approximately when that testing (14) was done?

(15) A. No.

(16) Q. Was it prior to your joining Ammco?

(17) A. I don't know.
 (18) Q. Have you ever seen written results of reports (15) from the Underwriters Laboratory?
 (20) MR. DAY: With respect to the brake shoe (21) grinder?
 (22) THE WITNESS: I can't remember.
 (23) MR. RIEHLE: Are you aware of whether it was (24) UL certified?
 (25) THE WITNESS: Yes, I did find it.

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(1) MR. RIEHLE: So that is, I guess, a test (2) result, isn't it?
 (3) MS. SHINING: Q. Do you know if Ammco ever (4) employed an industrial hygienist directly as an (5) employee?
 (6) A. Not that I know of.
 (7) Q. Do you know if Hennessy Industries ever (8) employed an industrial hygienist?
 (9) A. Not that I know of.
 (10) Q. Do you know if Ammco or Hennessy Industries (11) ever employed a medical doctor on staff as an employee?
 (12) A. Not that I know of.
 (13) Q. Were Ammco employees ever required or offered (14) the opportunity to have annual x-rays as a separate (15) part of the medical program?
 (16) A. Not that I know of.
 (17) Q. And, again, your counsel has made a statement (18) earlier, but are you aware of any workers' compensation (19) claims filed against Ammco with regard to (20) asbestos-related issues?
 (21) A. Not that I know of.
 (22) Q. Is there someone else at Ammco or Hennessy (23) Industries that might have more information, other than (24) your counsel here, about that topic?
 (25) MR. RIEHLE: We have answered discovery on

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(1) that subject. Have stated that there has been no such (2) claim.
 (3) MS. SHINING: Q. Does Ammco have authorized (4) service centers in Ohio?
 (5) A. Yes.
 (6) Q. Do you know where those service centers are?
 (7) A. No.
 (8) Q. The service department, I presume, would have (9) more information.
 (10) A. Yes.
 (11) Q. In your search for documents with regard to (12) this -- well, have you made any inquiries of any Ohio (13) service department for documents responsive to the (14) Notice of Deposition?
 (15) A. Could you repeat the question.
 (16) Q. You didn't call any Ohio service department (17) yesterday to ask about documents?
 (18) A. No.
 (19) Q. At any time have you searched for documents (20) responsive to asbestos litigation from a service (21) department?

(22) MR. RIEHLE: Vague and ambiguous.
 (23) THE WITNESS: From our service department?
 (24) MS. SHINING: Q. Right.
 (25) A. Asked them for what?

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(1) Q. Documents that would be responsive to (2) asbestos litigation.
 (3) MR. RIEHLE: Same objection.
 (4) THE WITNESS: When we did our complete (5) search, the service department was included in that.
 (6) MS. SHINING: Q. On Bates Page 168 of (7) Exhibit Z, there is a three-paragraph warranty. Are (8) you aware of any other warranties provided by Ammco (9) with regard to its shoe grinding machines, written (10) warranties?
 (11) MR. DAY: Other than what may be contained (12) in these other documents?
 (13) MS. SHINING: Well, I didn't see any.
 (14) MR. DAY: That's what I'm asking.
 (15) MS. SHINING: I don't want to confuse the (16) issue, because if you're aware of another warranty that (17) I may have missed --
 (18) MR. DAY: I'm not. I'm just asking if you (19) will except the other documents on this table. Go (20) ahead.
 (21) MS. SHINING: You have read them too. (22) That's the only one I saw.
 (23) Q. Other than this one warranty on this one (24) page, are you aware of any other written warranties (25) provided by Ammco for its shoe grinders?

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(1) A. No.
 (2) Q. Do you have any information as to whether or (3) not this warranty was ever utilized by customers?
 (4) MR. RIEHLE: Vague and ambiguous.
 (5) THE WITNESS: Not factually.
 (6) MS. SHINING: Q. Nobody from the service (7) department ever filled you in, "We're giving warranty (8) repairs on XYZ part. Can't you guys fix it?"
 (9) MR. DAY: With respect to the brake shoe (10) grinder?
 (11) MS. SHINING: Right.
 (12) THE WITNESS: I don't remember any (13) particular instance, but I'm sure we have given (14) warranty for something.
 (15) MS. SHINING: Q. On the next page, on this (16) Exhibit Z, Page 169, it says, "Important Safety (17) Instructions," and the last point in this page says, (18) "Be sure equipment for asbestos dust control is in good (19) working order. Breathing asbestos dust may cause (20) serious bodily harm." Do you know where I might find a (21) further definition of what "good working order" was (22) considered? Could you point me to that in these (23) documents?
 (24) MR. RIEHLE: Vague and ambiguous, compound.
 (25) MR. HUTCHINSON: I'll also object

that the

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(1) document speaks for itself, and as an operating (2) instruction, the entirety of the document could be (3) considered as other references to what defines a (4) machine in good working order. If you want to ask him (5) what he knows separate and apart or if there are other (6) documents, but if you're asking witness to read this (7) document to tell you what his impression is of (8) information in here which defines good working order, I (9) think it's burdensome and oppressive and harassing.
 (10) MR. RIEHLE: Join.
 (11) MS. SHINING: Q. Do you know of any other (12) documents other than what's been produced today that (13) would describe how to keep a machine in good working (14) order in conjunction with these safety instructions?
 (15) MR. RIEHLE: Vague and ambiguous.
 (16) THE WITNESS: No.
 (17) MS. SHINING: Q. On Page 171 it shows again (18) the Model 8925 dust collection system and the grinder (19) and dust collector setup. Is the grinder and dust (20) collector setup that's described here similar to that (21) for the dust collecting unit that preceded the 8925 (22) system?
 (23) A. Was what similar?
 (24) Q. Is this setup procedure -- I looked through (25) the documents again, and I couldn't find a setup

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(1) procedure for what existed before the 8925. And if (2) there is one, please feel free to point it out to me. (3) But I did find this, which relates to the 8925, and I'm (4) just wondering, is this, based on your knowledge, (5) similar to the way that the previous dust collection (6) bag setup was? Is it the same clip? Has it got a (7) similar bag? Was it just a question of size, one (8) bigger, one smaller?
 (9) MR. RIEHLE: Compound and vague and (10) ambiguous.
 (11) MS. SHINING: I'm trying to make -- I do (12) have this final set of questions, and I want to -- we (13) are getting towards the end, so if you will bear with (14) me with a couple of compound questions.
 (15) THE WITNESS: 8925 was designed to go on all (16) shoe grinders ever built. So, yes, it attached the (17) same. 8925 had a larger bag, and it had the plastic (18) bag to catch the dust and all that in. But, yes, the (19) old one attached to the same place, same style.
 (20) MS. SHINING: Q. Are you aware of any (21) instructions ever provided as to how to clean out the (22) plastic bag?
 (23) MR. DAY: From?
 (24) MS. SHINING: At any time.
 (25) MR. DAY: But from the 8925?

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(1) MS. SHINING: Q. Well, is there any difference other than size between the two plastic bags (3) that were used before the 8925 and with the 8925?

(4) A. Prior to the 8925 there was no plastic bag.

(5) Q. What kind of collection unit was there prior (6) to the 8925?

(7) A. It was the bag only.

(8) Q. What was that bag of?

(9) A. Some type of cloth. I'm not sure.

(10) Q. Are you aware of any instructions as to how (11) to clean out that particular cloth bag?

(12) MR. RIEHLE: Other than what's in the (13) materials we have here?

(14) MS. SHINING: Right.

(15) THE WITNESS: Nothing other than what's in (16) the documents.

(17) MS. SHINING: Q. And is the same true, are (18) you aware of any other instructions on how to clean up (19) the plastic bag for the 8925 other than what's been (20) produced today?

(21) A. First of all, you don't clean out the plastic (22) bag. And second of all, no, there is nothing else (23) other than here.

(24) Q. When the people at the training facility were (25) doing their testing of the shoe grinding machine, or

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(1) their trials, if "testing" is a bad word, and they (2) would then go to clean the cloth bag or the plastic (3) bag, are you aware of the procedures that they would (4) have used?

(5) MR. RIEHLE: Calls for speculation.

(6) THE WITNESS: I would have expected them to (7) have followed the written instructions, since they were (8) the training staff.

(9) MS. SHINING: Q. They didn't use any (10) special solvent system?

(11) MR. RIEHLE: Calls for speculation.

(12) THE WITNESS: Not that I know of.

(13) MS. SHINING: Q. And other than the (14) warnings and the documents that are written as provided (15) today, are you aware of any other instructions with (16) regard to the use of compressed air in performing brake (17) shoe jobs?

(18) MR. HUTCHINSON: Objection, vague and (19) ambiguous, overbroad, lacks foundation.

(20) MS. SHINING: Q. Are you aware of any (21) warnings provided with regard to the use of compressed (22) air in connection with Ammco shoe grinder products?

(23) MR. RIEHLE: Same objections.

(24) THE WITNESS: No.

(25) MS. SHINING: Q. Did Ammco ever recommend

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(1) the use of a solvent system with its brake

shoe (2) grinder?

(3) A. No.

(4) Q. Did Ammco ever recommend the use of a (5) separate exhaust system in the vicinity of an Ammco (6) brake shoe grinder?

(7) A. Not that I know of.

(8) Q. Do you know if the employees in the training (9) center were provided respirators to use while they were (10) testing or operating brake shoe grinding machines?

(11) MR. RIEHLE: Calls for speculation.

(12) THE WITNESS: I don't know.

(13) MS. SHINING: Q. Do you know if the (14) employees in the training center ever tested (15) competitive brake shoe grinding machines?

(16) MR. RIEHLE: Calls for speculation.

(17) THE WITNESS: I don't know that.

(18) MS. SHINING: Q. Does Ammco currently (19) maintain Material Safety Data Sheets?

(20) A. Yes.

(21) Q. Who would be responsible for maintaining (22) Material Safety Data Sheets at Ammco?

(23) A. His last name was Creasey, C-r-e-a-s-e-y.

(24) Q. And his first name?

(25) A. I'm not sure.

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(1) Q. What is his title or department?

(2) A. I'm not sure what his title is.

(3) Q. Do you know which department he's in? Is (4) he -

(5) A. Probably part of manufacturing. Tom is his (6) first name.

(7) Q. Again looking at Page 171, with this drawing (8) of how the 8925 is to be set up, do you know what the (9) ring and seal are made of that are listed here in this (10) drawing on the right-hand side of the page?

(11) MR. RIEHLE: Asked and answered.

(12) MS. SHINING: I don't think I asked him what (13) it was comprised of. I asked him if it was comprised (14) of asbestos, and he said no.

(15) MR. RIEHLE: I thought you did. But you can (16) answer it again.

(17) MS. SHINING: Not this one that attaches it (18) to the machine.

(19) THE WITNESS: We had talked about before, (20) it's a form of weather stripping inside a steel ring.

(21) MS. SHINING: Q. And the clip, is that a (22) metal clip?

(23) A. Yes.

(24) Q. And so it holds the unit on with pressure - (25) does it partially hold that together tightly by the

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(1) metallic pressure like a spring?

(2) A. Yes.

(3) Q. And then the guard assembly is screwed onto (4) the sides of whatever bench the unit is on?

(5) A. Yes.

(6) Q. So, to remove the plastic bag in this system, (7) what parts do you need to unassemble?

(8) A. There are clips at the bottom of the guard (9) assembly that tightly hold the bucket up to the guard (10) assembly.

(11) Q. And with the prior system, can you describe (12) how you would go about removing the cloth bag?

(13) A. You would remove it from the unit with that (14) clip.

(15) Q. Did it have a guard assembly like the 8925?

(16) A. No.

(17) Q. Can you describe how the bag was clipped? (18) What was it clipped to?

(19) A. If you disregard the guard assembly, this (20) part of it looked the same (indicating), so it was (21) attached in the same manner?

(22) Q. So it was just a loose bag that hung down (23) from a nozzle?

(24) A. From the exhaust port, yes.

(25) Q. How was the bag connected to the nozzle in

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(1) the older system? Was it by a metal band that would (2) tighten?

(3) A. I believe so.

(4) Q. Is it substantially the same as that (5) illustrated on Exhibit D-1, Parts 4 and 5?

(6) A. Yes.

(7) Q. And, again, was there a gasket at the bottom (8) of the bag, or was this all one bag in the old system?

(9) A. The old system just had a bag. It didn't (10) have this (indicating), didn't have the bucket, didn't (11) have the gasket. It was just a closed bag.

(12) Q. So, with the old system you would remove - (13) you would - was there a screw that you would (14) untighten?

(15) A. There was this stud shown in this picture (16) that released this clip, and you would remove the whole (17) bag and dump in.

(18) Q. So the stud, is that the same as in D-1, Part (19) No. 1?

(20) A. Yes.

(21) Q. Could you remove what's identified as Part 4 (22) and 5? Was it possible to take that apart?

(23) A. I think you would ruin it if you did.

(24) Q. So you would dump out the dust through the (25) nozzle that's Part 4?

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(1) A. Yes.

(2) Q. Did you ever do that process yourself on an (3) older machine?

(4) A. I don't believe so.

(5) Q. And going back to that arbor plug, was the (6) function of the arbor plug to keep dust from getting (7) into the bag, or

was it separate, to keep dust from (8) getting into the grinding part of the unit?

(9) A. It was to increase the efficiency of the flow (10) into the bag.

(11) Q. Do you have an understanding of how it did (12) that?

(13) A. That was a hollow tube, and rather than (14) letting the dust go into that tube and just swirl (15) around, that plug just capped off the top so that the (16) dust didn't go down in the tube, it just went directly (17) into the bag.

(18) Q. I'm trying to visualize how that sticks in (19) there. It's Exhibit X.

(20) A. Here's a better picture. (Indicating.)

(21) Q. And you're referring to Page 174?

(22) A. Of Z. This tube, which the sandpaper is (23) attached to, is spinning, and the dust would come down (24) inside, rather than being ejected down and out the (25) exhaust over here. (Indicating.) So you put that plug

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(1) in the top to cap it off, so that it would go -- rather (2) than coming out that tube, it would go directly down (3) and out into the bag.

(4) Q. So it had a dual function of keeping dust (5) from coming up and making the dust go down; is that (6) accurate?

(7) A. Right. Rather than letting it come up, it (8) forced it down and out into the bag.

(9) Q. And the arbor plug is 32 on this Page 174?

(10) A. Correct.

(11) Q. Do you know approximately, or did Ammco have (12) a time that it recommended brake shoes to be ground?

(13) MR. RIEHLE: Vague and ambiguous.

(14) MS. SHINING: Q. Approximately how long, (15) based on your experience, would it take to arc a brake (16) shoe?

(17) MR. HUTCHINSON: Object, it lacks foundation (18) as to this witness. Within the operating instructions (19) that have been produced, there are various indications (20) regarding time, duration, quantity of operating the (21) machine in a proper manner. The documents speak for (22) themselves.

(23) MS. SHINING: Q. Would you be able to make (24) an estimate?

(25) A. It really depended on the -- on how good the

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(1) shoe was.

(2) Q. Again, other than what's been produced today, (3) are there any other standards that Ammco maintained (4) that you know of with regard to the duration of arcing (5) a particular brake shoe?

(6) A. No.

(7) Q. Did Ammco ever issue such

standards?

(8) MR. RIEHLE: Vague and ambiguous as to (9) "standards."

(10) THE WITNESS: Every case was different. (11) There is no lump standard.

(12) MS. SHINING: Q. Was Ammco at any time a (13) member of the Friction Materials Standards Institute?

(14) A. No.

(15) Q. Was Ammco ever a member of the Asbestos (16) Textile Institute?

(17) A. No.

(18) Q. Was Ammco ever a member of the American (19) Industrial Hygiene Association?

(20) A. No.

(21) Q. Do you know if Hennessy was ever a member of (22) any of those institutions?

(23) A. No.

(24) MR. RIEHLE: Wait, wait. That's vague and (25) ambiguous, "Do you know if they were ever." The answer

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(1) is, they were not?

(2) THE WITNESS: No, they were not.

(3) MS. SHINING: Q. I understand that Hennessy (4) is currently a member of the National Safety Council. (5) Do you have any understanding as to how long they have (6) been a member of that organization?

(7) A. No.

(8) Q. Do you know who would be the representative (9) to the National Safety Council from Hennessy?

(10) A. No.

(11) Q. Is Ammco separately a member of the National (12) Safety Council?

(13) A. Ammco doesn't exist. Ammco has no employees.

(14) MR. RIEHLE: They are a subsidiary of (15) Hennessy.

(16) MS. SHINING: Q. Well, we have been talking (17) about it all day as a division. So it doesn't, as a (18) division, have a separate membership in the National (19) Safety Council?

(20) A. No.

(21) MS. SHINING: Let's take very quick, real (22) five-minute break, go over my questions.

(23) MR. RIEHLE: We're pretty much there?

(24) MS. SHINING: Yes.

(25) (Brief recess.)

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(1) MS. SHINING: A couple more questions.

(2) MR. RIEHLE: Representation on the record (3) duly noted.

(4) MS. SHINING: Q. After the development and (5) implementation of the arbor plug, again, there was no (6) testing of results vis-a-vis the use of the arbor plug (7) and the flow of dust into the 8925 system; is that (8) correct? And I know it's leading, but I hope you'll --

(9) MR. RIEHLE: I think it misstates the (10) evidence, misstates the witness' testimony. But go (11) ahead.

(12) MS. SHINING: Q. Were either of the tests (13) that were performed using the arbor plug?

(14) A. I believe the one states it in there, the one (15) report.

(16) Q. The 1986 report or both the 1978 reports?

(17) A. I think at least the '86 one did.

(18) Q. I do see a copy of the arbor plug as an (19) illustration to the 1978 report. Is it your (20) understanding that that was used in the -- in at (21) least --

(22) A. In the copy it did mention it in one of (23) these, so it must be that one.

(24) Q. And, again, your counsel referred to, and I (25) think one of the exhibits refers to, the dust

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(1) collection system as a vacuum system. And I know (2) "vacuum" is a technical word as well as a common word. (3) Do you have any understanding of what the word "vacuum" (4) means with respect to the Ammco brake shoe grinder?

(5) A. This large fan on the bottom of the unit (6) that's run by the motor. (Indicating.)

(7) Q. Approximately how large is that fan? And (8) you're referring to Page 174, Part No. 16.

(9) A. Probably eight inches in diameter, (10) approximately.

(11) Q. Did you ever conduct studies to quantify the (12) vacuum effect created by the fan?

(13) A. I did not.

(14) Q. Are you aware of any studies that were (15) performed to quantify, again, the blowing effect of (16) Part No. 16?

(17) A. Not that I know of.

(18) Q. Was Part No. 16 ever modified, made smaller (19) or larger, throughout the manufacture of the Ammco shoe (20) grinders?

(21) A. Not that I know of.

(22) Q. On Page 86, which is part of Exhibit O, which (23) is, again, the 1978 study, Page 2 contains several (24) general conclusions, and the fourth paragraph states (25) that it is extremely important that Ammco provide

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(1) adequate instructional material and sufficiently warn (2) the customer of the proper installation, use, and (3) maintenance of their equipment.

(4) After the receipt of this report, are you (5) aware of any actions taken by Ammco to put the (6) recommendations made in this paragraph into effect?

(7) A. I think we have done it several places. I (8) believe this instructional template on how to install (9) is one.

(10) Q. And you're referring to which

exhibit?

(11) A. D-3. And also in the instruction books there (12) is -- the first page, usually we have a safety (13) instruction page all to its own.

(14) Q. Was that the page we looked at earlier with (15) the 21 points?

(16) A. Yes.

(17) MR. RIEHLE: That was one iteration of that (18) document.

(19) MS. SHINING: Q. That's Page 169 of Exhibit (20) Z?

(21) A. Correct.

(22) Q. Are you aware of any other versions of that (23) important safety instructions page as it pertains to (24) shoe grinders?

(25) A. No.

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(1) Q. Can you think of any other actions taken (2) after 1978 to incorporate the recommendations made in (3) that report?

(4) A. Not that I can recall.

(5) Q. Was Ammco at any time a member of the Air (6) Hygiene Foundation?

(7) A. Not that I know of.

(8) Q. How about the Industrial Hygiene Foundation?

(9) A. Not that I know of.

(10) Q. Do you know if Hennessy at any time belonged (11) to either of those two organizations?

(12) A. Not that I know of.

(13) Q. One last question. And on the Hennessy web (14) site I found a safety video that relates to tire (15) changers, and it's a program where you can get a video, (16) and you send it to a mechanic store, to tell you how to (17) use an Ammco tire changer properly. Are you familiar (18) with that system, with that video?

(19) A. I know what the package is.

(20) Q. Has there ever been an effort to make a (21) similar video with regard to the use of brake products (22) at Ammco?

(23) MR. DAY: Any brake products?

(24) MS. SHINING: Q. Well, shoe grinders or (25) brake lathes?

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(1) A. We do have instructional videos on other (2) items.

(3) Q. Was there ever an instructional video made (4) for shoe grinders?

(5) A. Not that I know of.

(6) Q. What department would be responsible? Would (7) it be the training department, for making instructional (8) videos?

(9) A. The request could come from anywhere, really.

(10) Q. Do you know who would make the video itself, (11) though?

(12) MR. DAY: Today?

(13) MS. SHINING: Trying to get out of here.

(14) MR. DAY: Sure. But you're asking the (15) question in the present tense.

(16) MS. SHINING: Q. Do you know when the first (17) instructional video was created at Ammco?

(18) A. It was in the '70s.

(19) Q. Was it created internally at Ammco, or was an (20) outside company used to create the video?

(21) A. Internally.

(22) Q. And what department created that?

(23) A. We had one person that was kind of off on his (24) own, he had an audio-visual.

(25) Q. Who did he report to?

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(1) A. I think, the training center.

(2) Q. Do you recall that person's name?

(3) A. Ben Darda, D-a-r-d-a.

(4) Q. Is he still employed by Ammco or Hennessy?

(5) A. Yes.

(6) Q. Who does he report to today?

(7) A. Ron Newton.

(8) Q. Was he responsible for creating safety videos (9) with regard to brake products?

(10) A. He was in charge of all videos that were made.

(11) Q. So he would know for sure whether or not a (12) shoe grinding safety video was ever created?

(13) A. Yes.

(14) MS. SHINING: I think that's it for today. (15) We do have the issue of the parts drawings that, again, (16) I have requested to be produced, and you're going to go (17) look for them.

(18) MR. RIEHLE: And we will produce them (19) pursuant to protective order. Even though it's a (20) discontinued item, it's still proprietary information.

(21) MS. SHINING: I will talk to my supervising (22) attorneys. I'm sure they will hash that out with you. (23) And, as appropriate, I think we would like to redepose (24) the witness. We're using all kinds of video and (25) telephone technology, and we can probably discuss

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(1) whether that would be appropriate at that time as (2) well.

(3) MR. RIEHLE: We'll jump off that bridge when (4) we get to it.

(5) MS. SHINING: Does anyone else have any (6) further questions today?

(7) MR. HUTCHINSON: I have no questions.

(8) MS. BIHR: No.

(9) MS. SHINING: Thank you, sir. You have been (10) very patient and gotten through a lot of documents, and (11) I do appreciate your time.

(12) THE WITNESS: You're welcome.

(13) MS. SHINING: We will continue this until (14) further notice.

(15) MR. RIEHLE: On the issue of the

engineering (16) drawing.

(17) (At 5:39 p.m., the deposition was adjourned.) (18) (19)

(20)

(21) SIGNATURE OF WITNESS (22)

(23) (24) (25)

***Concordance Report**

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