

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

- - -

Paul Leek and Patty Leek, :
:
Plaintiffs, :
:
vs. : Case Nos.
: JCCP4674 & BC533164
Beazer East, Inc., f/k/a :
Koppers Company, et al., :
:
Defendants. :

- - -

VIDEOTAPED DEPOSITION OF PAUL LEEK
VOLUME V

- - -

Wednesday, May 6, 2014
9:07 O'clock a.m.
Days Inn
52601 Holiday Drive
St. Clairsville, Ohio 43950

- - -

SUSAN L. COOTS, RPR
REGISTERED PROFESSIONAL REPORTER

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10 ALSO PRESENT:
11 Joe Hagan, Videographer

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1 P R O C E E D I N G S

2 - - -

3 THE VIDEOGRAPHER: Good morning, this is
4 the videographer. Today's date is May 7th, 2014. The
5 time indicated on the screen is 9:07 a.m.

6 This is the beginning of Disc 9.

7 You may proceed.

8 - - -

9 PAUL LEEK,
10 being previously duly sworn, as prescribed by law, was
11 examined and testified as follows:

12 CROSS-EXAMINATION

13 BY MS. ILETO:

14 Q. Good morning, Mr. Leek. This is Rochelle
15 Ilete. Can you hear me okay?

16 A. Yes, ma'am.

17 Q. Great. After we broke yesterday, did you
18 speak with anyone, besides your attorney, regarding
19 your deposition?

20 A. No.

21 Q. Okay. And did you review any documents in
22 preparation for your deposition?

23 A. No.

24 Q. Okay. And are you able to give your best
25 testimony today?

1 **A. Yes.**

2 Q. Okay. I represent Link Belt Crane. Have
3 you heard of that name?

4 **A. Yes, ma'am.**

5 Q. Okay. And what do you associate with that
6 name?

7 **A. Repairs, and -- that's it about it. I**
8 **never operated them.**

9 Q. Okay. Where did you work with Link Belt?
10 Did you work with Link Belt cranes?

11 **A. I worked with a number of cranes at Kaiser**
12 **Steel. I'm sure there was Link Belt in there in the**
13 **cranes. I can't remember.**

14 Q. (Inaudible.)

15 THE REPORTER: I'm sorry. You broke up.

16 MS. ILETO: I said move to strike based on
17 speculation. And can I get his answer read back to
18 me?

19 (Record read.)

20 MR. BARROW: Okay. I'm -- "I'm sure," and
21 "I don't remember" don't really go together really
22 well; so just give her your best recollection, and you
23 don't need to -- you don't need to worry about
24 qualifying it or anything like that. Just tell her
25 the best you can what you remember.

1 **A.** Well, I don't remember the names of all the
2 cranes we worked on; but I'm sure there was Link Belts
3 in there because I -- it does ring a bell.

4 Q. Okay. As you sit here today, are you able
5 to tell me that you performed any work on a Link Belt
6 crane at Kaiser Steel?

7 **A.** Just repairing brakes and the cables.

8 Q. Okay. Do you know on how many Link Belt
9 cranes you worked on at Kaiser Steel?

10 **A.** No. Like I said, there was a number of
11 cranes, and I can't remember the names of all of them.

12 Q. Okay. Do you know the age of any of those
13 cranes?

14 **A.** No, I don't.

15 Q. Okay. Do you have any information or
16 knowledge that any of the cranes that you worked on
17 were brand new?

18 **A.** I can't remember any new one.

19 Q. Do you know the maint -- do you know the
20 maintenance history of any of the Link Belt cranes?

21 **A.** No.

22 Q. And you said that you performed brake work
23 on the cranes; is that correct?

24 **A.** Correct.

25 Q. Do you know the brand name or manufacturer

1 of the brakes -- well, what kind of work did you
2 perform on the brakes?

3 **A. Inspection and replace brake lining.**

4 Q. Okay. Do you know the brand name man -- or
5 manufacturer of the brakes that you removed?

6 **A. No, I don't.**

7 Q. Okay. And all of my questions are just
8 specific to Link Belt. Okay?

9 **A. Okay.**

10 Q. Okay. Do you know the supplier of any of
11 the brakes that you removed?

12 **A. No, I wouldn't know that.**

13 Q. Do you know the brand name or manufacturer
14 of any of the new brakes that you put into the Link
15 Belt cranes?

16 **A. Excuse me. Some of the boxes had "Link
17 Belt" on them.**

18 MS. ILETO: I'm sorry. Can I have the
19 answer read back?

20 (Record read.)

21 Q. Okay. Do you know who supplied any of the
22 new brakes that you put into Link Belt cranes?

23 **A. No, I don't.**

24 Q. Okay. For the boxes where you saw Link
25 Belt, can you describe those boxes for me?

1 **A.** **I'm sorry. I didn't --**

2 Q. In terms of size.

3 THE REPORTER: I'm sorry. We didn't hear
4 your first question.

5 Q. Sure. For the boxes that said "Link Belt,"
6 can you tell me how big those boxes were?

7 **A.** **I can't recall how big they were. No.**

8 Q. Do you recall anything written on the boxes
9 except Link -- besides "Link Belt"?

10 **A.** **I don't recall anything.**

11 Q. And do you know how "Link Belt" was written
12 on the boxes?

13 **A.** **It was stenciled on them.**

14 Q. What color was it written in?

15 **A.** **I can't be sure of that.**

16 Q. What color was the box?

17 **A.** **I'm not sure of that either.**

18 Q. Did you see any logos on the box?

19 **A.** **I'm sorry. I didn't hear.**

20 Q. Did you see any logos on the box?

21 **A.** **No.**

22 Q. Okay. And what was contained in the boxes
23 that said "Link Belt"?

24 **A.** **Brake shoes.**

25 Q. Do you have any information or knowledge

1 that those brake shoes contained asbestos?

2 **A. No.**

3 Q. Okay. And when you got -- where did you
4 get the boxes from that said "Link Belt"?

5 **A. They was usually already on our truck when**
6 **we got to work to go do the brake job.**

7 Q. Do you know where Kaiser Steel got those
8 boxes from?

9 **A. I have no idea.**

10 Q. Can you give me an estimate of how many
11 times you replaced brakes on a Link Belt crane at
12 Kaiser?

13 **A. Many times. I can't give you a number.**

14 Q. And do you have any information or
15 knowledge on any of the brakes that you removed from a
16 Link Belt crane had asbestos?

17 **A. I'm sorry. I didn't get that.**

18 MS. ILETO: Can I have the court reporter
19 read back my question, please?

20 (Record read.)

21 **A. No, I didn't.**

22 Q. Okay. And where were the brakes located on
23 a Link Belt crane that you -- sorry. Let me withdraw
24 that.

25 Where were the brakes located on Link Belt

1 cranes that you replaced?

2 **A. They were on the -- there's a brake system**
3 **set up for when the -- the motor that stops it.**

4 MR. BARROW: Was the question "Where were
5 the brakes on Link Belt cranes"?

6 MS. ILETO: Yes.

7 MR. BARROW: Okay. She's asking you where
8 the breaks were on the Link Belt cranes.

9 **A. Oh, okay. There was one on each wheel.**
10 **Four wheels.**

11 Q. Okay. And how did you know that the cranes
12 that you worked on were made by Link Belt?

13 **A. Normally, they had Link Belt on them**
14 **some -- someplace or another.**

15 Q. Okay. Specific to Link Belt cranes, do you
16 know where it said "Link Belt" on the cranes?

17 **A. I'm not sure, but I think it was, like,**
18 **right in the middle of the bridge.**

19 Q. What color were the Link Belt cranes?

20 **A. I can't recall that.**

21 Q. How was "Link Belt" written on the crane?

22 **A. It was metal. Looked like it had been**
23 **welded on.**

24 Q. And did you see any logos on the Link Belt
25 cranes?

1 **A. None that I can recall.**

2 Q. Can you give me the dimensions of the Link
3 Belt cranes that you saw at Kaiser?

4 **A. I'm sorry. I didn't get -- get that**
5 **question.**

6 MR. BARROW: She's asking you how big they
7 were. Is that right, counsel? It's -- it's kind of
8 hard talking by phone, I understand. You're asking
9 the size of the cranes?

10 MS. ILETO: Yes. I'm sorry. I can repeat
11 it.

12 BY MS. ILETO:

13 Q. Sir, can you give me the dimensions of the
14 Link Belt cranes at Kaiser?

15 **A. No, not really because they -- they run**
16 **from one side of the building to the other. I don't**
17 **know exact -- the dimensions of it.**

18 Q. Okay. And you also worked on cables, is
19 that correct, for the Link Belt cranes?

20 **A. Yes, ma'am.**

21 Q. What did you do with the cables?

22 **A. Replaced.**

23 Q. What were the cables made out of?

24 **A. Steel.**

25 Q. Okay. And do you know the brand name,

1 manufacturer, supplier of any of the cables that you
2 removed?

3 **A. No, I can't recall that.**

4 Q. And do you know the brand name,
5 manufacturer, supplier of any of the cables that you
6 installed?

7 **A. No, I can't recall brand names.**

8 Q. Okay. And did you work with or around Link
9 Belt cranes at any other site besides Kaiser Steel?

10 **A. None that I can recall.**

11 MS. ILETO: Okay. And, counsel, I believe
12 there is a stipulation for FMC Corporation and
13 Construction Equipment Group?

14 MR. BARROW: Yeah. The Scheiding questions
15 are deemed to have been answered in the negative.

16 MS. ILETO: Okay. I think that's all I
17 have for right now, then.

18 Thank you, sir, for your time.

19 THE WITNESS: Yes, ma'am.

20 THE VIDEOGRAPHER: Go off the record?

21 MR. BARROW: Yeah. Let's go off the
22 record.

23 THE VIDEOGRAPHER: Going off the record.
24 Time indicated is 9:24 a.m.

25 (Recess taken.)

1 THE VIDEOGRAPHER: Back on the video record
2 at 9:29 a.m.

3 You may proceed

4 - - -

5 CROSS-EXAMINATION

6 BY MS. LaFEVERS:

7 Q. Okay. Good Morning, Mr. Leek. Can you
8 hear me well enough to respond to some questions I'll
9 ask of you?

10 A. Yes, ma'am.

11 Q. Okay. I am going to turn your focus,
12 again, to your time at Kaiser Steel. Do you have that
13 in mind?

14 A. Yeah. Yes, ma'am.

15 Q. Okay. When you first started working there
16 as a scrap burner in 1967, what areas -- I know you
17 mentioned before that you occasionally went into the
18 blast furnace area.

19 Did you ever have occasion to go in any
20 other areas of the Kaiser Steel facility besides that
21 area as a scrap burner?

22 A. I can't think of any other areas. No.

23 Q. So, mainly, your duties were all out in the
24 yard in the scrap burning area, correct?

25 A. Correct.

1 Q. Okay. And, now, when you became a crane
2 repairman in 1968, spring of 1968, was there a
3 particular area of Kaiser Steel that you were assigned
4 to report every day?

5 A. Yes.

6 Q. What area was that?

7 A. We had a foreman's office. I can't tell
8 you exactly where it was located, but we met there
9 every morning or every shift, whatever.

10 Q. Was this office a completely separate
11 building, or was it a building inside another
12 building; the foreman's office?

13 A. It was inside another building.

14 Q. And do you know what that other building
15 was?

16 A. I can't recall.

17 Q. Can you give me any description of where on
18 the Kaiser Steel facility that building was located?

19 A. I don't think it was too far from the blast
20 furnace area; but I can't tell you exactly how far
21 away.

22 Q. Now, this building that the foreman's
23 office is located in, was this an administrative
24 building or was there actually work going on in that
25 building?

1 **A. As best I can remember, it was just**
2 **administrative.**

3 Q. Okay. And, so, is it fair to say that you
4 would report to the foreman's office in the morning,
5 and, then, he would give you your assignments or
6 duties for that day?

7 **A. Yes, ma'am.**

8 Q. Okay. And, after you checked in with your
9 foreman, generally, was there an area that you would
10 go after you got your work assignment?

11 **A. Yes, ma'am.**

12 Q. Well, was there a particular area that you
13 were assigned to do your work as a crane repairman
14 from 1968 to 1970?

15 **A. No particular area. No.**

16 Q. Okay. All right. As a crane repairman,
17 from spring '68 to spring '70, can you list for me
18 what areas of the Kaiser facil -- Kaiser Steel
19 facility that you had to go to either inspect or
20 repair a crane?

21 **A. Well, there's cranes all over the plant so**
22 **I can't pin down a specific area. No.**

23 Q. Are there any areas that you can recall
24 that you went to either perform your work as a crane
25 repairman?

1 **A. We spent a lot of time in the blast furnace**
2 **area.**

3 Q. During the times that you were doing your
4 work as a crane repairman, would you say that the
5 majority of your time was spent in the blast furnace
6 area?

7 **A. Yes, ma'am.**

8 Q. Okay. Other than the blast furnace area,
9 can you recall, as you sit here today, any other areas
10 of Kaiser Steel that you went in order to perform your
11 duties as the crane repairman from '68 to 1970?

12 **A. Yes. Like I said, it was several cranes,**
13 **so I can't remember the names of all the buildings**
14 **they were in; but just about every building had a**
15 **crane or two in it.**

16 Q. You told me that you spent most of your
17 time in the blast furnace.

18 MS. VO: Counsel. Excuse me, counsel. But
19 somebody is typing or doing something, and, so it's
20 really difficult to either hear your questions or hear
21 the answer.

22 MS. ILETO: That might have been me typing.
23 I'll try to type --

24 MS. VO: Well, it's making a bunch of
25 racket. Thank you.

1 MS. LaFEVERS: Can I please have my first
2 part of my question read back?

3 (Record read.)

4 BY MS. LaFEVERS:

5 Q. Okay. Mr. Leek, you told me previously
6 that you spent most of your time in the blast furnace
7 area. Is there any way for you to give me an
8 estimation of what percentage of your time as a crane
9 repairman is spent in the blast furnace area?

10 MR. BARROW: Calls for speculation. You
11 can answer, if you can.

12 **A. No, I can't give you a percentage on it.**

13 Q. Well, if it was most of your time, you
14 would say -- you would agree with me that it's more
15 than 50 percent, true?

16 **A. True.**

17 Q. Would you say it was more than 60 percent
18 of your time you spent in the blast furnace area?

19 MR. BARROW: Calls for speculation, lacks
20 foundation, assumes facts.

21 If you know, or if you're able to answer or
22 have a basis for making that estimate, you can answer.

23 **A. Probably, yes. More than 60 percent.**

24 Q. Okay. But, beyond that, you just can't
25 narrow it down more; is that fair?

1 **A. Yes.**

2 Q. So, it sounds like, from your testimony,
3 that this wasn't the situation that you were
4 responsible for a particular set of cranes; rather,
5 than you would get your assignments from your foreman,
6 and you could be working on any number of cranes; is
7 that a fair statement?

8 **A. Yes, ma'am.**

9 Q. Okay. But, generally, the cranes that you
10 were responsible for inspecting or doing repair work
11 on, those cranes were mostly located in the blast
12 furnace area, true?

13 **A. True. They were the busiest cranes.**
14 **That's the reason.**

15 Q. Did you say, "the busiest cranes"?

16 **A. Yes. They were busy.**

17 Q. Okay. So they needed to be worked on the
18 most?

19 **A. Right.**

20 Q. Okay. Now, when your attorney was asking
21 questions, back on the first day of your deposition,
22 you mentioned a product called a hot top. Do you have
23 that in mind?

24 **A. Yes, ma'am.**

25 Q. What area of the Kaiser Steel facility do

1 you recall seeing any hot tops?

2 **A. In the blast furnace area.**

3 Q. And you mentioned before, this was
4 something that you observed when you'd be going to and
5 from the shanty when you were doing the standby work;
6 is that correct?

7 **A. Yes. And going out for inspections, so on.**

8 Q. So this is something you observed only in
9 passing, true?

10 **A. True.**

11 Q. And is it true that, as a scrap burner,
12 when you first started at Kaiser Steel, from 1967 to
13 1968, you wouldn't have ever been in that area,
14 correct?

15 **A. We -- they sent us over there a few times**
16 **to clean out overflow from underneath the furnace from**
17 **the scrapyard.**

18 Q. And on those -- okay. And on those few
19 times that you went over there, when you were working
20 as a scrap burner, from 1967 to 1968, do you recall
21 seeing hot tops specifically during that time?

22 **A. No.**

23 Q. The only time you saw hot tops was when you
24 were working as a crane repairman, correct?

25 **A. As best I can remember. Yeah.**

1 Q. Now, in the area, can you describe for me
2 any more about what area in the blast furnace building
3 it was that you saw the hot tops?

4 MR. BARROW: Can I have the question read
5 back?

6 (Record read.)

7 MR. BARROW: Kind of assumes facts as to
8 the geography. But you can answer, if it makes sense
9 to you. The -- the question I have is the hot -- the
10 blast furnace building. It assumes that the hot
11 tops were in --

12 MS. LaFEVERS: Let me reask -- let me --
13 let me strike that and clarify.

14 BY MS. LaFEVERS:

15 Q. Mr. Leek --

16 A. Yes, ma'am.

17 Q. -- how far was the area that you saw hot
18 tops in the blast furnace area from the shanty that
19 you were assigned?

20 A. I can't remember how far the shanty was;
21 but we walked by them going to the restrooms and
22 the -- the rooms where we -- candy bars and Coke and
23 stuff. I can't remember what -- what you call it.
24 Mind went blank.

25 Q. Did you have break periods where you could

1 clock out and take a break when you were at Kaiser
2 Steel?

3 **A. We never clocked out, but we had breaks.**

4 Q. Were there set break times?

5 **A. Yes.**

6 Q. Okay. How many of those a day did you get?

7 **A. At least three.**

8 Q. How long would those break periods last?

9 **A. They were usually 15 minutes.**

10 Q. Did you get -- also get a lunch break on
11 top of that?

12 **A. Yes. A half-hour lunch period.**

13 Q. Generally speaking, if you needed to go to
14 the restroom or get a Coke from the concession area,
15 would you do that during one of your break periods?

16 **A. Yes, ma'am.**

17 Q. So if you were doing standby work, you
18 would spend your whole day in the shanty, except for
19 possibly going out to the restroom or getting a drink
20 during one of your break periods, true?

21 MR. BARROW: Assumes facts as to "during
22 one of these break periods." You can answer. I mean,
23 actually, the -- the question is worded in such way as
24 to --

25 **A. Yeah.**

1 MR. BARROW: -- mislead the jury as to the
2 notion that he only took one break a day.

3 A. On standby, there wasn't really any break
4 periods. You just went where -- you know, when you
5 had to go, or whatever. Go to the rest --

6 Q. Okay. Generally -- generally, when you
7 were doing the standby work in the shanties, how many
8 times per day would you leave that area to either go
9 grab a drink or go to the restroom, something like
10 that?

11 A. At least three or four times.

12 Q. So, in this blast furnace area, was this
13 the only area at Kaiser Steel where you recall seeing
14 any hot tops?

15 A. Yes, ma'am.

16 Q. Did you see people working with the hot
17 tops?

18 A. Yes, ma'am.

19 Q. Describe for me what you saw others doing
20 with hot tops in the blast furnace area?

21 A. Well, they were cleaning them up for reuse,
22 knocking out the old lining, blowing them out, getting
23 them ready for replacing the new lining to reuse
24 again.

25 Q. Did you see them doing any replacement

1 of -- with new lining or just cleaning out the old
2 lining?

3 **A. I seen them replacing new lining, too.**

4 Q. Okay. Did they do both of those
5 activities; both the removing and cleaning out, and
6 the relining with the new in the same area?

7 **A. Yes, ma'am.**

8 Q. Was there any equipment located in that
9 area where you saw these other individuals performing
10 work with hot tops?

11 **A. By "equipment," what do you mean?**
12 **Forklifts or overhead cranes or what -- what's -- of**
13 **course --**

14 Q. I'm trying to get a sense from you,
15 Mr. Leek, about, you know, was there a section of the
16 blast furnace area that was just dedicated to working
17 with hot tops, or was this generally, you know, an
18 open plan where it was just going on, you know, all
19 over, or was there a particular area that the hot top
20 work was being done?

21 **A. There's -- there was a particular area.**
22 **Yeah. There was a particular -- excuse me -- there**
23 **was a particular area they redone hot tops. Yes.**

24 Q. Okay. How many times can you estimate you
25 saw -- well, strike that.

1 What were the individuals who were cleaning
2 out the old linings? What were they cleaning that off
3 of?

4 **A. The hot tops. Scraping --**

5 Q. And so what -- what were the hot tops on?

6 **A. They were on, like, a table. Like, they**
7 **set them on to -- they were lined up on tables, and**
8 **they just went from one to the other cleaning them,**
9 **blowing them out, relining them.**

10 Q. Okay. So were these the sort of metal
11 castings --

12 **A. Yes, ma'am.**

13 Q. -- that would go on top of an ingot?

14 **A. Yes, ma'am.**

15 Q. Okay. So, in your mind, a hot top is this
16 metal thing that had some sort of liner inside of it,
17 true?

18 **A. True.**

19 Q. Okay. Can you describe for me what size or
20 sizes these metal casting hot tops were that you
21 observed others cleaning the lining from the inside
22 of?

23 **A. No, I couldn't give you measurements.**

24 Q. Can you give me a general estimate of about
25 how big they were? You know, were they 10 feet tall,

1 or were they 1 foot tall, something like that, to your
2 best estimate?

3 **A. They wasn't -- they wasn't real tall**
4 **because they sat on top of a mold. But I'm not sure**
5 **how tall they were. No.**

6 Q. Were they different sizes or were they all
7 the same size?

8 **A. They were normally the same size.**

9 Q. Do you recall if the hot top casting had a
10 color? Like, were they painted any particular color
11 that you can recall?

12 **A. No.**

13 Q. So you don't recall what color they were?

14 **A. No.**

15 Q. Did you see any writings, markings or logos
16 on this hot top casting, any of them?

17 **A. Foseco, I seen them.**

18 Q. Any other names you recall on -- seeing on
19 any hot top casting at Kaiser Steel?

20 **A. No.**

21 Q. Now, when you saw others removing old liner
22 material from hot top castings, describe for me what
23 you saw them doing.

24 **A. Chiseling it out with air hammers and --**
25 **excuse me -- blowing the dust out, getting them**

1 **cleaned up for the new lining.**

2 Q. Did you ever observe what those workers did
3 with the hot top castings once they were cleaned up?

4 A. **They were reused and sit them on top of an**
5 **ingot where they poured the hot metal in, or the mold.**

6 Q. Did you observe that, or is that just
7 something you know that happened?

8 A. **No, I observed it. I observed them pouring**
9 **the hot metal in the mold.**

10 Q. Was that in the blast furnace area?

11 A. **Yes, ma'am.**

12 Q. Is there any way for you to estimate for me
13 how many times you saw others cleaning or removing old
14 liner from inside hot top castings?

15 A. **Many times. I can't put a number on them.**
16 **Many times.**

17 Q. And, in the times that you saw others
18 removing liner from inside hot top castings, when you
19 were going to and from your shanty in passing, can you
20 estimate for me how much time you would have spent in
21 the area that they were performing that work?

22 A. **Ten minutes or so, I guess.**

23 MS. LaFEVERS: Could I have that answer
24 read back?

25 (Record read.)

1 MS. LaFEVERS: A few minutes. What was
2 that?

3 (Record read.)

4 Q. So, Mr. Leek, are you telling me that you
5 would spend ten minutes in the area that they were
6 working with hot tops?

7 A. Yeah. Stop and watch for a while, you
8 know.

9 Q. Would you speak to anybody when you would
10 stop and watch?

11 A. No.

12 Q. And you didn't stop and watch them every
13 time you passed by, true?

14 A. True.

15 Q. So how many times can you estimate for me
16 you spent about 10 minutes watching individuals
17 working with hot tops?

18 MR. BARROW: Calls for speculation. If you
19 have a way to figure out a number, you can answer it.

20 A. I can't answer then.

21 Q. And you also saw these people installing
22 new liners on these hot top castings, correct?

23 A. Correct.

24 Q. How many times did you observe others
25 installing new liners on hot top castings?

1 MR. BARROW: Counsel, I'm going to have to
2 object to the use of the term "liners" as ambiguous,
3 because he's talked about two different products that
4 went inside the hot tops. And, so, with liners, we
5 don't know what -- have any basis to know what you're
6 talking about.

7 MS. LaFEVERS: Mr. Barrow, you know, I
8 appreciate that. I -- I feel like this is borderline
9 coaching of your witness. I'm using the word that
10 Mr. Leek used on my previous questions. He called it
11 a liner; so that is what I'm asking him about.

12 MR. BARROW: Well --

13 MS. LaFEVERS: And if I could just have my
14 last question read back.

15 MR. BARROW: Hold -- hold up a minute.

16 MS. LaFEVERS: And if you have a legal
17 objection, Mr. Barrow, I will have my question subject
18 to objection.

19 MR. BARROW: Weil and Brown says that in
20 lieu of making an objection, which I do have an
21 objection, you can also ask for a clarification; so
22 I'm asking for a clarification of the term "liner."

23 MS. LaFEVERS: Well, then you should just
24 ask that, instead of going on a speech about different
25 types and coaching your witness. And you and I both

1 know that Weil and Brown also says that, you know, you
2 can't coach your witness, either, by asking these
3 clarifying questions. So if I can just get my
4 question read back --

5 MR. BARROW: Yeah. But if you -- if you've
6 asked only -- if you've only asked one or two
7 clarifying questions in four days of testimony, it's
8 hardly being over used.

9 MS. LaFEVERES: Well, perhaps we can have my
10 question read back, and, then, I will listen to my
11 question and I'll see if I can rephrase it.

12 MR. BARROW: Fine.

13 (Record read.)

14 MS. LaFEVERES: I think that's a pretty
15 clear question; so I'll have my question stand, and
16 Mr. Leek can answer it, if he has it in mind.

17 MR. BARROW: I'm still going to ask for a
18 clarification of "liners."

19 Q. Mr. Leek --

20 **A. Yes.**

21 Q. -- how many times did you see people
22 putting any kind of new material inside a hot top
23 casting?

24 MR. BARROW: That's okay.

25 **A. I'd have to say many times.**

1 Q. You can't give me any better estimate, can
2 you?

3 A. No.

4 Q. Now, the times you observed these other
5 people working with hot tops, how many people were
6 working in that area, generally, during the times you
7 saw them?

8 A. I can only remember maybe two or three.

9 Q. And when you saw those two and -- two to
10 three individuals working with hot tops, would they be
11 removing old lining material and installing new lining
12 material at the same time, or would it be a situation
13 where, today, they're moving material and the next day
14 they might be installing material?

15 MR. BARROW: That's the logical fallacy of
16 the false alternative. There's other possibilities
17 that there's separate folks that are doing one process
18 and others doing another. So it is -- the legal
19 objection, I guess, would be assume facts and lacks
20 foundation. And the logical objection would be false
21 alternative.

22 MS. LaFEVERES: Well, I'm asking Mr. Leek
23 what he observed, so I don't know how that can lack
24 foundation.

25 MR. BARROW: Well, it's just the form of

1 the question. You can rephrase it or break it up.

2 BY MS. LaFEVERS:

3 Q. Mr. Leek, do you recall, on the instances
4 where you observed others working with hot tops, if
5 they were removing and installing liners at the same
6 time, or whether that was a process that they did:
7 One day they'd be cleaning out old castings, and the
8 next day they might be installing new materials, or
9 was both --

10 MR. BARROW: It -- it assumes --

11 Q. -- of those activities going on at the same
12 time --

13 MR. BARROW: Hold up.

14 Q. -- in your observation?

15 MR. BARROW: Hold up. Don't answer yet.

16 It assumes facts, counsel. It assumes that
17 the same folks in the same area are doing both
18 procedures. You haven't established that that's the
19 way it went.

20 MS. LaFEVERS: That's exactly what I'm
21 asking him, and he said the hot top work was all done
22 in one area. So ...

23 MR. BARROW: Well, the area -- we haven't
24 defined how big an area is and whether the work was
25 done -- whether there was a place to do the relining

1 and a separate place to do the cleanout or -- or the
2 same people did that. That's not -- hadn't been
3 established. Could be in the same area, but not
4 necessarily the same people. And by "area" --

5 MS. LaFEVERS: Well, if that's what you
6 want to establish on your questioning, go ahead; but
7 my -- my question stands. I'm asking Mr. Leek what he
8 observed.

9 **A. They would clean one day and reline the**
10 **next day.**

11 Q. Okay. You never personally worked with any
12 of these hot tops, correct?

13 **A. Correct.**

14 Q. Now, for the materials you saw others
15 installing in hot top castings, can you describe for
16 me what you observed them doing?

17 **A. On just using the -- excuse me -- air**
18 **hammers -- air hammers and torque -- or hoses, they'd**
19 **clean them out and blow them out and put in a new**
20 **lining.**

21 Q. What did the new lining look like?

22 **A. It was a square lining they lined the top**
23 **of the hot top with. It was just --**

24 Q. It was a pre-formed lining that looked like
25 the shape of the casting?

1 **A.** **Yes, ma'am.**

2 Q. Okay. So they would just slide it in
3 there?

4 **A.** **Yes.**

5 Q. Do you recall what color these new
6 pre-shaped linings were?

7 **A.** **Grayish-white, to the best of my knowledge.**

8 Q. I'm sorry. Mr. Leek, your answer cut out,
9 so I'm just going to request the court reporter to
10 read it back for me.

11 (Record read.)

12 Q. And these pre-shaped linings -- linings
13 that you saw others install on the hot top castings,
14 did you see any writings or markings or logos on those
15 linings?

16 **A.** **Not on the linings. I seen the name Fresco**
17 **(sic) on the pallets they were coming off of.**

18 Q. Were these wooden-type pallets?

19 **A.** **Yes, ma'am.**

20 Q. And where did you see the name Foseco on
21 the pallet?

22 **A.** **It was written on a tag hanging on it.**

23 **Excuse me.**

24 Q. Do you recall what the tag said?

25 **A.** **Just Fresco, is all I can remember seeing.**

1 Q. Okay. Do you know who put that tag there?

2 A. No, I don't.

3 Q. And I think you already testified that you
4 weren't involved in purchasing or ordering any
5 materials for Kaiser Steel; so would it be fair to say
6 you would have no information as to when any of those
7 liner materials were purchased?

8 A. Yes, ma'am.

9 Q. Other than these pre-formed linings, did
10 you ever see any other type of lining material for hot
11 tops?

12 A. I -- yes. I seen the linings that -- used
13 in the furnace. They were also on a pallet.

14 MR. BARROW: She's just talking about hot
15 top.

16 A. Oh, hot top. No. Well, yes. There's bags
17 of -- 50-pound bags of -- I guess it's blow-in type of
18 stuff they used on the hot tops.

19 Q. Okay. Now, you were shown some photos of
20 Foseco -- before your deposition -- Foseco hot tops,
21 correct?

22 A. Correct.

23 Q. Were you shown any other brands of hot tops
24 prior to your deposition?

25 A. The bags, yes.

1 Q. Okay. So other than what we already
2 discussed when we attached those -- those photos as
3 exhibits to your deposition, those are the only photos
4 you were shown?

5 **A. Yes, ma'am.**

6 Q. Okay. Do you think you would have
7 remembered the name Foseco, if you hadn't been shown a
8 photo of it?

9 **A. Yes, ma'am. I remember the name.**

10 Q. Do you know if there were other brands of
11 hot top or hot top liners used at Kaiser Steel, other
12 than Foseco?

13 **A. I never seen any of them.**

14 Q. Is that something, if you were shown a
15 photo of another brand, you might remember it, if you
16 had seen it before?

17 **A. I might. Yes, ma'am.**

18 Q. Now, when you saw others installing
19 pre-formed liners -- hot top liners, those would be --
20 would not have to be cut or sanded or anything in
21 order to be installed, correct?

22 **A. Correct.**

23 Q. And I think you said, when your attorney
24 was asking you questions, that sometimes you saw some
25 liners broken. Is that -- is my memory correct that

1 you saw that?

2 **A. Yeah, I've seen them broken. They just**
3 **throw them aside and get another one.**

4 Q. How many times -- how many times do you
5 recall seeing one of these hot top liners being
6 broken?

7 MR. BARROW: Calls for speculation. If you
8 have a basis to figure out an estimate, you can answer
9 it.

10 **A. I don't know. I can't remember how many**
11 **times. Can't put a number on it.**

12 Q. Can you -- can you remember if you saw that
13 more than one time?

14 **A. Yes. More than once.**

15 Q. Can you say whether you saw that more than
16 five times?

17 **A. More than five. Yes.**

18 Q. Can you say you saw that more than ten
19 times?

20 **A. Yes, ma'am.**

21 Q. Okay. How about more than 20 times?

22 **A. Yes, ma'am. Probably more than 20.**

23 Q. Okay. We could keep going, but, you know,
24 I would like to know, in your estimation, in the
25 interest of time, if you could estimate for me how

1 many times you -- you recall seeing any hot top liner
2 being broken?

3 MR. BARROW: Miss -- pardon me. Calls for
4 speculation.

5 **A. I couldn't put a number on that. No.**

6 Q. This wasn't something you saw every day,
7 was it?

8 **A. No, it wasn't every day. Like --**

9 Q. If those liners got broken, they wouldn't
10 be able to be used, right?

11 **A. Right. Correct.**

12 Q. So the -- the desire would be not to break
13 these liners, correct?

14 **A. I'm sorry. I didn't get the --**

15 Q. So the -- would you imagine that these
16 workers would get in trouble, if they were braking
17 these liners all the time?

18 MR. BARROW: Calls for -- totally calls for
19 speculation. "Would you imagine." Lacks foundation.

20 Q. Does -- so the people who were installing
21 these liners in the hot tops, they wouldn't want to
22 break them, true?

23 **A. True.**

24 Q. Okay. Now, other than the tag that you saw
25 on the pallet that had the hot top liners, did you see

1 any other type of packaging or anything like that
2 associated with the hot top liners?

3 **A. Only the bags of blow-on.**

4 Q. The bags, that was that other material you
5 talked about that had to be mixed?

6 **A. Yes.**

7 Q. Correct?

8 **A. Yes, ma'am.**

9 Q. Okay. So my question is just about these
10 pre-formed hot top liners. Did you see any kind of
11 other packaging, other than the tag that said "Foseco"
12 on the pallet?

13 **A. No, ma'am.**

14 Q. Okay. And I can't recall if I asked you,
15 so if I did, I apologize: Do you remember what color
16 the pre-formed hot top liners were?

17 MR. BARROW: It is asked and answered,
18 counsel; but he can answer it again.

19 Q. Okay.

20 **A. I believe I said grayish-white.**

21 Q. Okay. And do you have -- did you ever get
22 up close and up to these things to tell me or estimate
23 what the thickness of them would be?

24 **A. No, I can't remember the thickness of them.**

25 Q. And that brings up a good point. How close

1 were you to the individuals when they were either
2 removing -- or strike that. Cleaning out the hot top
3 castings or installing the new liners?

4 MR. BARROW: If -- are you asking for a
5 range, counsel, because he's moving? Are you asking
6 how close at the closest, or what?

7 Q. Yeah. Give me a range. The closest --
8 what is the closest that you were to these people
9 doing the work?

10 A. At certain points, we were probably within
11 5, 6 feet from them.

12 Q. Would that be on those occasions when you
13 actually stopped and watched what -- what they were
14 doing?

15 A. Yes, ma'am.

16 Q. Okay. And, then, the other times where,
17 maybe, you decided you didn't want to pay attention to
18 what they were doing, just walked by, would you be
19 further away?

20 A. No. Be about the same.

21 Q. Okay. Do you associate any name with hot
22 top or hot top liners other than Foseco?

23 A. No.

24 Q. Do you know what an ingot is?

25 A. Yes, ma'am.

1 Q. Can you describe for me what that is?

2 A. That is the -- they put the hot metal in
3 molds and it forms an ingot. After they pour the mold
4 off, the -- there's an ingot there. Steel ingot.

5 Q. Do you know if Kaiser Steel, during the
6 time you were there observing work, if the ingot and
7 molds were big end up or big end down?

8 A. Big end up or big end down. I'm sure they
9 were the same size.

10 Q. Do you think they --

11 A. I'm sure they were the same size on both
12 ends.

13 MS. LaFEVERS: Could I have Mr. Leek's
14 answer read back. I apologize, Mr. Leek, for talking
15 over. It's hard to see whether you've finished your
16 answer or not.

17 (Record read.)

18 A. Unless you're talking about the --

19 Q. Did you --

20 A. Go ahead.

21 MR. BARROW: You're -- you're fine. Let
22 her ask questions.

23 A. Uh-huh.

24 Q. Did you ever observe anyone installing any
25 kind of brick or lining inside the ingot mold at

1 Kaiser Steel?

2 **A. The ingot mold? Not --**

3 Q. Yeah. Did you ever observe others
4 installing any material inside the mold?

5 **A. Not that I can recall.**

6 Q. Now, you talked about a hot topping
7 compound a few days back on your deposition. Can you
8 tell me what you saw being done with this hot topping
9 compound, if anything?

10 **A. Yes. It was mixed and blown into the hot**
11 **tops.**

12 Q. Okay. Were these the -- the -- the metal
13 castings of the hot tops that it was blown into?

14 **A. Yes, ma'am.**

15 Q. Would that have been something that was
16 done before the pre-formed liner was put in?

17 **A. No, it was after.**

18 Q. Okay. So they would -- they would pop the
19 liner in there, and, then, they'd spray the hot
20 topping compound mixture?

21 **A. Yes, ma'am.**

22 Q. All right. I think another counsel will
23 probably ask you more questions about that. But I
24 just would like to reserve my right to go back and ask
25 additional questions about that, if it's not covered.

1 I just want to defer to co-counsel on that.

2 Mr. Leek, does the name Pro Fax sound
3 familiar to you?

4 **A. Pro what?**

5 **Q. Fax. P-R-O, F-A-X.**

6 **A. Yeah, it's familiar. Yes.**

7 **Q. Do you associate any products or materials**
8 **with that name?**

9 **A. I can't associate it with anything. No.**

10 **Q. Okay. Do you have any information at all,**
11 **have you worked with or around anything called**
12 **Pro Fax?**

13 **A. I've seen the name. That's all I -- I**
14 **don't know if I worked around it. Or, evidently, I**
15 **did because I seen the name someplace.**

16 **Q. Okay. Can you -- do you associate a**
17 **particular job site or employment with the name?**

18 **A. No.**

19 **Q. How about the name Pro Flex, P-R-O,**
20 **F-L-E-X; does that sound familiar to you?**

21 **A. It sounds familiar. Yeah.**

22 **Q. Okay. Do you associate any product with**
23 **that name?**

24 **A. I can't at the time. No.**

25 **Q. Do you associate any job sites or**

1 employment with that name?

2 **A. No.**

3 Q. Do you have any information or knowledge
4 you ever worked with or around any product or material
5 called Pro Flex?

6 **A. I can't recall any. I've seen the name on**
7 **something.**

8 Q. How about the name -- okay. You've seen
9 the name somewhere?

10 **A. I've seen the name, but I can't associate**
11 **it with where I was or what I was doing.**

12 Q. So you can't say, as you sit here today,
13 whether or not you worked with or around any Pro Flex
14 product or material, true?

15 **A. True.**

16 Q. And, another name, Kalminex,
17 K-A-L-M-I-N-E-X; is that familiar to you?

18 **A. Not really, no.**

19 Q. Okay. Do you have any information or
20 knowledge that you ever worked with or around any
21 Kalminex product or material?

22 **A. I can't think of any.**

23 Q. Do you know of any witnesses or documents
24 that could provide any information about whether you
25 worked with or around any Pro Fax, Pro Flex, or

1 Kalminex products or materials?

2 **A. No.**

3 Q. Do you associate anything with Foseco,
4 other than the hot top castings and pre-formed hot top
5 liners you've previously described?

6 **A. No.**

7 Q. Have you ever spoke to a representative of
8 or read any documents from Foseco?

9 **A. No, ma'am.**

10 Q. Have we now talked about all you can recall
11 about Foseco and any product or material you associate
12 with that company?

13 **A. Yes, ma'am.**

14 MS. LaFEVERS: And, just briefly, how are
15 we doing on time? Do we need a break or can I keep
16 going on a little longer?

17 MR. BARROW: Yeah. It's past time to take
18 a break. But if you're -- if you're --

19 MS. LaFEVERS: It's just a few minutes.
20 Maybe five more minutes.

21 MR. BARROW: Let's take a break.

22 THE VIDEOGRAPHER: Going off the record.

23 MS. LaFEVERS: OKAY.

24 THE VIDEOGRAPHER: The time indicated is
25 10:21 a.m.

1 Stand by.

2 (Recess taken.)

3 THE VIDEOGRAPHER: Back on the video
4 record. The time indicated is 10:30 a.m.

5 You may proceed.

6 BY MS. LaFEVERS:

7 Q. Mr. Leek, are you feeling well enough to go
8 forward with your deposition some more?

9 A. Yes, ma'am.

10 Q. Okay. I just have a few brief more
11 questions, and I apologize for jumping around. But it
12 looks like you told us previously that you went on
13 inactive duty in the Reserves in the Army, correct?

14 A. Correct.

15 Q. Okay. And that was -- so you were in the
16 Reserves from 1963 to approximately 1966?

17 A. Yes, ma'am.

18 Q. Okay. And during your time when you were
19 in the Reserves, what did you have to do; did you have
20 to report once a month? Or can you describe for me
21 generally what your duties in the Reserves were?

22 A. I was inactive. I didn't have to report.

23 Q. Okay. So you didn't -- you basically had
24 no duties in the Reserves?

25 A. True.

1 Q. So it was a situation where you were on
2 standby in the event you'd be called up --

3 A. Yes, ma'am.

4 Q. -- to active duty?

5 A. Yes, ma'am.

6 Q. Okay. So you did -- you did no training
7 periods or anything like that during your time at the
8 Reserves?

9 A. Right.

10 Q. Okay. And going, briefly, to your work
11 with Ahl Brothers in your first stint, 1964 to 1966.
12 Do you have that in mind?

13 A. Yes, ma'am.

14 Q. Okay. And you discussed that at some
15 length that you were working laying and cutting --
16 cutting pipes for that employer, right?

17 A. Yes, ma'am.

18 Q. Okay. And was that asbestos-containing
19 pipe?

20 A. Yes, it was. I learned later it was. I
21 didn't know at the time.

22 Q. Okay. And does the name Johns Manville
23 sound familiar to you?

24 A. Yes, ma'am.

25 Q. Was Johns Manville a manufacturer of that

1 asbestos cement pipe you were working with for Ahl
2 Brothers back in the '60's?

3 **A. Yes, ma'am.**

4 Q. And how did you know that Johns Manville
5 was the manufacturer of that pipe?

6 **A. It was stenciled, John Mansville, on -- on**
7 **the pipe.**

8 MR. BARROW: This is cumulative, counsel.
9 But that's fine. Go ahead.

10 MS. LaFEVERS: Yeah. I just have one more
11 question.

12 Q. Is there any way for you to estimate for
13 me, Mr. Leek, how many miles of that asbestos cement
14 pipe you and your crew laid during your time with Ahl
15 Brothers?

16 **A. I can't put a figure on it.**

17 Q. Was it more than a mile?

18 **A. Yes, ma'am.**

19 Q. So it was multiple miles of this pipe?

20 **A. Multiple, yes.**

21 Q. Okay. And I know we -- we haven't covered
22 your later work where you were in trucking, so I just
23 want to ask one big, general, overall question, that:
24 Any time when you were doing your work as a trucker if
25 you ever performed any maintenance or repair work to

1 any trucks or vehicles that you were operating?

2 **A. No, ma'am.**

3 Q. Did you -- were you around anybody else
4 that did that kind of work?

5 **A. Briefly maybe.**

6 Q. Okay. Are you able to recall, with
7 specifics, so that, if I asked you questions, you
8 could give me details about that work?

9 **A. Yes.**

10 Q. Okay. Can you -- what work did you see
11 others doing?

12 **A. Engine work. Brake work.**

13 Q. Can you give me a time frame on when you
14 saw this?

15 **A. Just walking by. I couldn't give you a --**

16 Q. Okay. Can you give me a decade of when you
17 saw this work?

18 **A. A decade?**

19 Q. Yeah. A time frame, so what year or years
20 this would have been.

21 **A. I was in trucking 20 years. I couldn't
22 tell you how many times it happened. No.**

23 Q. Okay. Can you estimate for me how many
24 times during your career as a -- in trucking that you
25 were around somebody doing engine or brake work?

1 **A.** **No. I can't give you a number on that**
2 **either.**

3 Q. Are you able to tell me the brand name or
4 manufacturer of any components that might have been
5 removed or installed in your presence in connection
6 with this engine and brake work?

7 **A.** **Not really, no. I have no idea what brakes**
8 **they used on it.**

9 Q. Okay. This just would have been something
10 that you were around in passing, occasionally,
11 correct?

12 **A.** **Correct.**

13 MS. LaFEVERS: Okay. All right. Sir, I
14 don't think I have any more questions about that work,
15 and I'll pass you to other counsel who want to ask you
16 questions.

17 And thank you very much, sir.

18 THE WITNESS: Thank you.

19 MS. SIMMONS: It's going to be me next.

20 - - -

21 CROSS-EXAMINATION

22 BY MS. VO:

23 Q. Good morning, Mr. Leek. My name is Tina
24 Vo. Can you hear me okay?

25 **A.** **Yes, ma'am.**

1 Q. Sir, are you familiar with the name Joy
2 Global Surface Mining, Inc.?

3 A. Yes.

4 Q. Do you associate the name Joy Global
5 Surface Mining, Inc. with any products or services?

6 A. Construction machinery, I guess.

7 Q. What type of construction machinery?

8 A. The -- what do they call them? Sky lifts,
9 stuff like that is what I associate them with.

10 Q. Any other type of machinery, sir?

11 A. I can't think of anything right now.

12 Q. And did you ever, in your career, work with
13 or around a sky-lift machine -- type of machinery that
14 you associate with Joy Global Surface Mining, Inc.?

15 A. I've been around one -- around them. I
16 never worked actually with one of their pieces of
17 equipment.

18 Q. And do you recall what job sites or
19 locations where you were around Joy Global Surface
20 Mining, Inc. sky lifts?

21 A. Well, the plants had them to re -- place
22 stuff in higher -- you know, instead of ladders,
23 they'd use those, like Kaiser and several other plants
24 I've seen them in.

25 Q. Do you recall any other plants where you've

1 seen them, besides Kaiser?

2 **A. Wheeling-Pitt, Weirton Steel. All those.**

3 MS. VO: I'm sorry. Could I have that
4 answer read back?

5 (Record read.)

6 MR. BARROW: Wheeling-Pitt.

7 THE REPORTER: Wheeling-Pitt.

8 THE WITNESS: They're no longer in
9 business.

10 BY MS. VO:

11 Q. And do you recall seeing other people doing
12 any type of work on these Joy Global Surface Mining,
13 Inc. sky lifts?

14 **A. I never seen anyone --**

15 Q. Or was it you that done -- in -- instead
16 of -- I'm sorry, sir.

17 **A. I never seen anyone working on them. I**
18 **just seen them in use, you know.**

19 Q. And, sir, do you have any information or
20 knowledge that you were ever exposed to asbestos from
21 any product, such as a sky lift, that was
22 manufactured, supplied and/or distributed by Joy
23 Global Surface Mining, Inc.?

24 **A. None that I can think of right now.**

25 Q. Have you ever received any documents from

1 anyone at Joy Global Surface Mining, Inc.?

2 **A. No.**

3 Q. Have you ever spoken to anyone from Joy
4 Global Surface Mining, Inc.?

5 **A. Not that I recall.**

6 Q. Did anyone from Joy Global Surface Mining,
7 Inc. ever make any representations to you?

8 **A. No.**

9 Q. Do you have information or knowledge of any
10 documents that may help you in refreshing your
11 recollection as to any products manufactured,
12 distributed or supplied by Joy Global Surface Mining,
13 Inc.?

14 **A. No.**

15 Q. Do you have information or knowledge of any
16 witnesses who may help you in refreshing your
17 recollection as to any products manufactured,
18 distributed and/or supplied by Joy Global Surface
19 Mining, Inc.?

20 **A. No.**

21 Q. And you have no personal knowledge that
22 anyone from Joy Global Surface Mining, Inc. ever
23 intended you any harm; is that correct?

24 **A. Correct.**

25 Q. I'm sorry, sir. Did you say that was

1 correct?

2 **A. Yes, ma'am.**

3 Q. Sir, are you familiar with the name
4 P&H Mining Equipment, Inc.?

5 **A. Yes, ma'am.**

6 Q. Do you associate the name, P&H Mining
7 Equipment, Inc., with any products or services?

8 **A. With cranes.**

9 Q. Would that be overhead cranes, sir?

10 **A. Yes, ma'am.**

11 Q. Do you associate the name P&H Mining
12 Equipment, Inc. with any other type of cranes besides
13 overhead cranes?

14 **A. I can't recall any others.**

15 Q. Have you ever worked with a P&H overhead
16 crane, sir?

17 **A. Yes, ma'am.**

18 Q. Where did you work with a P&H overhead
19 crane?

20 MR. BARROW: I'm going to object to the use
21 of the singular "a P&H overhead crane" as misleading
22 under 352, suggesting to the jury that there was only
23 one P&H crane that he worked with. Lacking in
24 foundation and assuming facts.

25 Q. Okay. Sir, let me withdraw that question

1 for now.

2 Do you recall how many P&H cranes --
3 overhead cranes you've worked on in your lifetime?

4 **A. Many of them, I guess. They had lots of**
5 **cranes at Kaiser Steel. I have no idea how many were**
6 **P&H.**

7 Q. Did you work with any P&H cranes at Kaiser
8 Steel?

9 **A. Yes, ma'am.**

10 Q. Do you recall how many P&H cranes you
11 worked on at Kaiser Steel?

12 **A. I can't put a number on that.**

13 Q. Do you recall whether you worked on just
14 one P&H crane at Kaiser Steel or more than one?

15 **A. More than one.**

16 Q. Do you recall whether you worked on more
17 than five P&H cranes at Kaiser Steel?

18 **A. Yes. Be more than five.**

19 Q. More than 10?

20 **A. More than 10.**

21 Q. Do you recall whether you worked with more
22 than 20 P&H cranes at Kaiser Steel?

23 MR. BARROW: Counsel, are -- just for
24 clarification, are you talking about separate P&H
25 cranes? Twenty different cranes? Or are you talking

1 about occasions of work with P&H cranes?

2 MS. VO: Twenty different cranes. Separate
3 cranes.

4 MR. BARROW: Okay. You can answer, if you
5 have some basis or can figure that number out. I
6 would say it's cumulative. He's told you he didn't
7 know how many P&H cranes there were at Kaiser Steel.
8 You can answer, though.

9 **A. That's -- I don't know how many were**
10 **P&H, but it might have been more than 20.**

11 Q. Okay. Do you recall whether you worked on
12 more than 20 P&H cranes at Kaiser Steel?

13 **A. Yes.**

14 Q. Sir, other than at Kaiser Steel, did you
15 ever work at P&H -- with P&H overhead cranes at any
16 other job sites or locations?

17 **A. I can't think of any at this time.**

18 Q. Now, as to the P&H overhead cranes at
19 Kaiser Steel, how do you know they were P&H cranes?

20 **A. They had P&H on them.**

21 Q. It had the words "P&H" on the cranes, sir?

22 **A. Yes, ma'am.**

23 Q. And where were the -- where was the word
24 "P&H" on the crane?

25 **A. It was normally on the bridge. I can't**

1 **pinpoint exactly where it was, but it was on the**
2 **bridge someplace.**

3 Q. Was the word "P&H" on a sign or placard
4 that was posted on the bridge of the crane?

5 **A. Yes.**

6 Q. Did that the sign or placard say anything
7 else besides "P&H"?

8 **A. Not that I know of.**

9 Q. Was there only one sign or placard on each
10 crane that said "P&H," or were there more than one?

11 **A. I'm not sure of that.**

12 Q. Do you know the size of any of the
13 overhead -- any of the P&H overhead cranes at Kaiser
14 Steel?

15 **A. You mean the length of them?**

16 Q. Yes. The dimensions: The length or the
17 width.

18 **A. They run from one wall to the other. I**
19 **have no idea how far that was, though.**

20 Q. So you have no knowledge as -- of the
21 length or the width of the -- any of the P&H overhead
22 cranes at Kaiser Steel; is that correct?

23 **A. Correct.**

24 Q. Do you know the load capacities of any of
25 the P&H overhead cranes at Kaiser Steel?

1 **A. No, I don't.**

2 Q. Other than the sign or placard that said
3 "P&H" that was posted on these bridges of the P&H
4 overhead cranes, were there any other writings,
5 markings or logos on any P&H cranes?

6 **A. None that I can recall.**

7 Q. Do you recall any model or serial numbers
8 of any of the overhead P&H cranes?

9 **A. No.**

10 Q. Do you recall what colors -- color or
11 colors the P&H overhead cranes at Kaiser Steel were?

12 **A. Yellow, I believe.**

13 Q. Were they all yellow?

14 **A. Yes, ma'am.**

15 Q. And, specifically, as to the sign or the
16 placard that said "P&H," which was posted on the
17 bridge of the P&H cranes, what color was the sign,
18 sir?

19 **A. I can't remember that.**

20 Q. Do you recall the color of the word "P&H"
21 on that sign?

22 **A. No.**

23 Q. You worked with P&H overhead cranes while
24 you were a crane repairman at Kaiser Steel; is that
25 correct?

1 **A. Correct.**

2 Q. And the work that you did on P&H overhead
3 cranes was the same work that you described yesterday
4 and last week, which included brake inspections, brake
5 pad or brake liner replacement, crane wheel
6 replacement and cable replacement; is that correct?

7 **A. Correct.**

8 Q. Is there any other kind of work that you
9 did on P&H cranes?

10 **A. No.**

11 Q. Were you ever around others while they
12 worked on a P&H overhead crane in your presence at
13 Kaiser Steel?

14 **A. Yes, ma'am.**

15 Q. Were you ever around others while they
16 Worked on a P&H overhead crane in your presence at any
17 other job site or location?

18 **A. None that I can recall right now.**

19 Q. Do you recall how many P&H overhead cranes
20 that others did work on around you?

21 **A. I couldn't put a number on it.**

22 Q. Do you recall whether others worked on more
23 than one P&H crane around you at Kaiser Steel?

24 MR. BARROW: Counsel, just for the sake
25 of -- of maybe shortening the depo -- deposition, he's

1 testified that they had a five-man crew, and there'd
2 be two or three of them on a -- together on each
3 occasion.

4 MS. VO: I understand. I'm just trying to
5 see if we can, sort of, get an estimate of how many
6 other -- how many cranes others worked on.

7 MR. BARROW: Well, every one that he was
8 on, there would be somebody else on, is what I'm
9 saying. He's already testified to that.

10 MS. VO: I understand that.

11 MR. BARROW: Okay.

12 MS. VO: May I have my question read back,
13 please?

14 (Record read.)

15 MR. BARROW: You can answer it.

16 **A. Oh, other than my crew, I couldn't say how**
17 **many.**

18 MR. BARROW: Could I have the answer read
19 back.

20 (Record read.)

21 MR. BARROW: Okay.

22 Q. Sir, do you recall whether other members of
23 your crew at Kaiser Steel worked on more than 20
24 P&H cranes around you?

25 **A. Yes. More than 20.**

1 Q. And you were around others working on
2 P&H cranes when you were working in crane repair at
3 Kaiser Steel; is that correct?

4 A. Correct.

5 Q. People working on P&H cranes around you
6 were other crane repairmen; is that correct?

7 A. Correct.

8 Q. They were doing the same type of work that
9 you did as a crane repairman; is that correct?

10 A. Correct.

11 Q. Do you recall the names of any of the other
12 people who worked on overhead cranes around you at
13 Kaiser Steel?

14 A. No.

15 Q. Sir, I understand from your testimony
16 yesterday that you were in a five-man crew, so that
17 was you, plus four other people; is that correct?

18 A. Yes, ma'am.

19 Q. Other than the four other people in your
20 crew when you were a crane repairman, do you know how
21 many other people worked on overhead cranes around you
22 at Kaiser Steel?

23 A. No, not -- I can't put a number on it. No.

24 Q. I believe you told us last week that you
25 don't remember the names of anyone you worked with at

1 Kaiser Steel; is that correct?

2 **A. Correct.**

3 Q. While you were working as a scrap burner at
4 Kaiser Steel, did you ever do any work on overhead
5 cranes?

6 **A. No.**

7 Q. While you were working as a scrap burner at
8 Kaiser Steel, were you around others while they did
9 work on overhead cranes?

10 **A. No.**

11 Q. Aside from working as a scrap burner and a
12 crane repairman at Kaiser Steel, you did not work in
13 any other positions there; is that correct?

14 **A. Correct.**

15 Q. As a crane repairman at Kaiser Steel, did
16 you work on any other type of crane, other than
17 overhead cranes?

18 **A. No. Excuse me. Just overhead crane.**

19 Q. Were there overhead cranes manufactured by
20 other entities or companies, other than P&H at Kaiser
21 Steel?

22 **A. Yes.**

23 Q. Do you recall the brand name or
24 manufacturer of overhead cranes at Kaiser Steel, other
25 than P&H?

1 **A. I can't think of any at this minute.**

2 MS. VO: I'm sorry. Could I get his answer
3 read back, please?

4 (Record read.)

5 **Q. Did you do crane inspection work on any**
6 overhead cranes that were not manufactured by P&H at
7 Kaiser Steel?

8 **A. Yes, ma'am.**

9 **Q. Were you around others while they did crane**
10 inspection work on any overhead cranes that were not
11 manufactured by P&H at Kaiser Steel?

12 **A. Yes, ma'am.**

13 **Q. Are you able to estimate for me a**
14 percentage of time that you spent doing crane
15 inspection work on a P&H crane versus an overhead
16 crane that was not manufactured by P&H at Kaiser
17 Steel?

18 **A. I can't put a number on that because I**
19 **can't remember crane names. I -- I know there's**
20 **different brands, but I can't think of all the names.**

21 **Q. Do you recall whether you spent more than**
22 50 percent of your time, as a crane repairman at
23 Kaiser Steel, working on a P&H crane versus a crane
24 that was not manufactured by P&H?

25 **A. Yes.**

1 Q. Did you work on P&H cranes more frequently
2 than you did cranes manufactured by another brand or
3 manufacturer at Kaiser Steel?

4 A. I can't really pinpoint how many, you know.
5 I can't put a number on them because I can't -- can't
6 remember how -- you know, the different cranes and
7 stuff, the names.

8 Q. Did you do crane brake replacement work on
9 any overhead cranes that were not manufactured by
10 P&H at Kaiser Steel?

11 A. Yes, ma'am.

12 Q. And were you around others while they did
13 crane brake replacement work on any overhead cranes
14 that were not manufactured by P&H at Kaiser Steel?

15 A. Yes, ma'am.

16 Q. Sir, you don't recall how many overhead
17 cranes you worked on at Kaiser Steel; is that correct?

18 A. Yes. Because, like I say, with two or
19 three in every building, and there was a lot of
20 buildings, so I figured it was 100 cranes out of --
21 you know.

22 Q. Did you work on every crane in every
23 building during your career as a crane repairman at
24 Kaiser Steel, sir?

25 A. Yes, probably.

1 Q. Do you recall how many overhead cranes
2 others worked on around you at Kaiser Steel, sir?

3 A. I can't recall, no.

4 Q. Do you recall whether others worked on
5 overhead cranes in your presence at Kaiser Steel --
6 strike that.

7 Do you recall whether others worked on
8 every crane in every building at Kaiser Steel in your
9 presence?

10 A. Yes.

11 MS. LaFEVERS: LaFevers. Move to strike.
12 Speculation.

13 Q. Were all of the overhead cranes you worked
14 on at Kaiser Steel located --

15 MR. BARROW: Excuse me, counsel. I'm
16 sorry. I'm sorry to interrupt. I just wanted to
17 respond to the motion to strike.

18 His testimony was that there was always
19 somebody else working with him, so it -- it doesn't
20 call for speculation; it's testimony to personal
21 knowledge. I'm sorry to interrupt. Go ahead and do
22 your next question.

23 BY MS. VO:

24 Q. Were all of the overhead cranes you worked
25 on at Kaiser Steel located indoors?

1 **A.** **Yes.**

2 Q. You never worked on any outdoor overhead
3 cranes at Kaiser Steel; is that correct?

4 **A.** **I can't recall any outside.**

5 Q. Were all of the overhead cranes that others
6 worked on around you at Kaiser Steel located indoors?

7 **A.** **Yes, ma'am.**

8 Q. Sir, you previously told us that there were
9 three overhead cranes in the blast furnace area at
10 Kaiser Steel; is that correct?

11 **A.** **Correct.**

12 Q. Did you conduct inspections on any of those
13 three overhead cranes in the blast furnace area?

14 **A.** **All of them.**

15 Q. Did you do any crane brake replacement work
16 on any of those three cranes in the blast furnace
17 area?

18 **A.** **All of them.**

19 Q. Did other -- did others around you ever
20 conduct inspections on any of those three cranes in
21 the blast furnace area?

22 **A.** **Yes.**

23 Q. All three?

24 **A.** **Yes, ma'am.**

25 Q. Did others around you ever do crane brake

1 replacement work on any of those three cranes in the
2 blast furnace area?

3 **A. Yes.**

4 Q. All three?

5 **A. All three.**

6 Q. Do you recall whether any of those three
7 cranes in the blast furnace area were P&H cranes?

8 **A. I can't recall that.**

9 Q. And you worked on overhead cranes in areas
10 other than the blast furnace area; is that correct?

11 **A. Correct.**

12 Q. Aside from the blast furnace area, are you
13 able to tell me where the other overhead cranes that
14 you worked on were located at the Kaiser Steel
15 facility?

16 MR. BARROW: Asked answered, counsel.

17 MS. LaFEVERS: LaFevers. Asked and
18 answered.

19 MR. BARROW: Yeah. I'll -- I'll join the
20 asked and answered.

21 He -- he testified that there were two or
22 three cranes in every building, and he worked on
23 all of them.

24 BY MS. VO:

25 Q. Were you able to tell me what any of those

1 buildings were, sir, or what -- what kind of
2 steelmaking processes they housed?

3 MS. LaFEVERS: Same objection. LaFevers.

4 MR. BARROW: Yeah, join.

5 Q. You can answer, sir.

6 A. The tin mill. Hot mill. That's a couple
7 of them. I can't remember the names of all of them.

8 Q. Can you remember any others specifically,
9 other than tin mill and hot mill?

10 A. Not offhand right now.

11 Q. Do you recall how many overhead cranes were
12 in the tin mill area?

13 A. Normally, there were three in each
14 building. I'd say three, yes.

15 Q. Would that be the same for the hot mill
16 area?

17 A. Yes, ma'am.

18 Q. Do you recall whether any of the overhead
19 cranes in the tin mill area were P&H cranes?

20 A. I can't recall.

21 Q. Do you recall whether any of the overhead
22 cranes in the hot mill area were P&H cranes?

23 A. I can't recall.

24 Q. And you were around others working on
25 overhead cranes in the tin mill area; is that correct?

1 **A. Correct.**

2 Q. And you were around others working on
3 overhead cranes in the hot mill area; is that correct?

4 **A. Correct.**

5 Q. Do you recall any other specific area of
6 the Kaiser Steel facility where you were around others
7 working on overhead cranes?

8 **A. Well, any building that had a crane in it,
9 I would have been around others. Yeah.**

10 Q. Did any of the overhead cranes you worked
11 on at Kaiser Steel have a name or designation of some
12 sort?

13 **A. What do you mean by "name"? Did they have
14 a brand name on the crane or -- is that what you want?**

15 Q. No. I just mean the -- did the workers at
16 Kaiser Steel refer to any of the cranes with any type
17 of name or designation?

18 **A. Just usually the building they were in.**

19 Q. So, for example, the cranes in the tin mill
20 area were referred to as tin mill cranes?

21 **A. Yes, ma'am.**

22 Q. And did they have any other more specific
23 names for each of the cranes in the tin mill?

24 **A. They'd be numbered, I guess: 1, 2 and 3.
25 But, other than that, I can't think of anything else.**

1 Q. And would that be the same for the overhead
2 cranes in the hot mill?

3 A. Yes, ma'am.

4 Q. Would that be the same for the overhead
5 cranes in the blast furnace area?

6 A. Yes, ma'am.

7 Q. Would that be the same for any of the
8 overhead cranes in any of the other areas that you
9 worked at at Kaiser Steel?

10 A. Yes, ma'am.

11 Q. Do you recall the name or designation,
12 specifically, of any of the overhead cranes that you
13 worked on at Kaiser Steel?

14 A. Not specifically, no.

15 Q. Do you recall the names or designation,
16 specifically, of any of the overhead cranes that
17 others worked on around you at Kaiser Steel?

18 A. No.

19 Q. Do you recall the name or designation,
20 specifically, of any of the P&H overhead cranes at
21 Kaiser Steel?

22 A. No.

23 Q. Other than the brand of overhead crane
24 brakes that we've already gone -- discussed in your
25 deposition, do you recall any other brand names or

1 manufacturer of any overhead crane brake that you
2 worked on at Kaiser Steel?

3 **A. No.**

4 Q. And, other than the brand names that have
5 already been discussed in your deposition, do you
6 recall the brand name or manufacturer of any of the
7 overhead crane brakes that others worked on around you
8 at Kaiser Steel?

9 **A. No.**

10 Q. Specifically, as to any of the P&H overhead
11 cranes at Kaiser Steel, do you recall the brand name,
12 manufacturer, supplier of any of the brakes that you
13 inspected on a P&H crane at Kaiser Steel?

14 **A. They normally made their own brakes. Other**
15 **than that, I can't think of any of them.**

16 Q. So, you're saying, sir, that the P&H
17 overhead cranes at Kaiser Steel had P&H brand brakes
18 on them?

19 **A. Yes, ma'am.**

20 Q. Did the P&H cranes at Kaiser Steel have any
21 other brand or manufacturer's brakes on them?

22 **A. Not to my knowledge.**

23 Q. Specifically as to P&H cranes that others
24 worked on around you at Kaiser Steel, do you recall
25 the brand name or manufacturer of any of the brakes

1 that others inspected on a P&H crane at Kaiser Steel?

2 **A. No, ma'am.**

3 Q. Do you recall the brand name or
4 manufacturer of any of the brake pads, brake linings
5 that you removed on any of the P&H cranes at Kaiser
6 Steel?

7 **A. No, ma'am.**

8 Q. Do you recall the brand name or
9 manufacturer of any of the brake pads or brake linings
10 others removed on a P&H crane at Kaiser Steel around
11 you?

12 **A. No, ma'am.**

13 Q. Do you recall the brand name or
14 manufacturer of any of the new replacement brake pads
15 or brake linings that you installed on any of the
16 P&H cranes at Kaiser Steel?

17 **A. P&H is the only thing I can remember on any**
18 **of the boxes.**

19 Q. Do you recall the brand name or
20 manufacturer of any of the new replacement brake pads
21 or brake linings that others installed on a P&H crane
22 around you at Kaiser Steel?

23 **A. No, ma'am.**

24 Q. Sir, as to the boxes with the new
25 replacement brake pads or linings that said "P&H" on

1 them, were the words "P&H" on the box?

2 **A. Yes, ma'am.**

3 Q. What color was the box or the boxes?

4 **A. I can't recall the color.**

5 Q. What color was the word "P&H" on the box?

6 **A. I can't recall that either.**

7 Q. Other than the word "P&H," were there any
8 writings, markings or logos on any of those boxes?

9 **A. None that I can recall.**

10 Q. As to the brake assembly itself on the
11 P&H -- on any of the P&H overhead cranes at Kaiser
12 Steel, were there any writings, markings or logos on
13 those brake assemblies?

14 **A. On the P&H crane; is that what you're**
15 **asking?**

16 Q. Yes, sir.

17 **A. No. P&H is all I seen on them.**

18 MR. BARROW: Can I have the answer read
19 back?

20 (Record read.)

21 Q. You saw the word "P&H" on the brake
22 assemblies themselves, sir?

23 MR. BARROW: Asked and answered. That's
24 what he said, but you can answer it.

25 **A. Yes.**

1 Q. And where exactly on the brake assembly did
2 you see the word "P&H"?

3 A. On the assembly itself.

4 Q. Do you recall seeing any P&H brand crane
5 brakes on any overhead cranes at Kaiser Steel that
6 were not manufactured by P&H?

7 A. On different cranes? Yes.

8 Q. On cranes -- on other cranes that were not
9 manufactured by P&H?

10 A. Are you -- are you asking me if I seen P&H
11 brakes on those or --

12 Q. Yes, sir. If you saw P&H brakes on any
13 cranes that were not manufactured by P&H at Kaiser
14 Steel.

15 A. Not that I can recall.

16 Q. Now, sir, you recall conducting inspections
17 on P&H crane brakes at Kaiser Steel; is that correct?

18 A. Correct.

19 Q. And when you conducted those inspections,
20 that was the same type of work that you described at
21 your deposition yesterday and last week; is that
22 correct?

23 A. Correct.

24 THE VIDEOGRAPHER: Counselor, I'm sorry.
25 This is the videographer. I need about five minutes

1 to change a disc. Okay?

2 MS. VO: Sure.

3 THE VIDEOGRAPHER: Okay. Thank you.

4 Stand by.

5 MR. BARROW: It's a good time -- I'm sorry.

6 THE VIDEOGRAPHER: We're going off the
7 record. Time indicated on the screen is 11:21 a.m.

8 This is the end of Disc 9.

9 (Recess taken.)

10 THE VIDEOGRAPHER: Stand by for just one
11 second.

12 We're back on the video record. Time
13 indicated is 11:31 a.m. This is the beginning of Disc
14 10.

15 You may proceed.

16 BY MS. VO:

17 Q. Mr. Leek, can you hear me okay?

18 **A. Yes, ma'am.**

19 Q. During the break, did you speak to anyone,
20 other than your attorney, about this deposition?

21 **A. No, ma'am.**

22 Q. During the break, did you review any
23 documents in preparation for this deposition?

24 **A. No, ma'am.**

25 Q. We may have gone through this right before

1 the break, Mr. Leek. Did you conduct inspections on
2 any P&H brand brakes at Kaiser Steel?

3 MR. BARROW: You did, counsel.

4 Q. Sir, can I have an answer to my question?

5 A. Yes.

6 Q. And that was the same type of work that you
7 described in your testimony yesterday; is that
8 correct?

9 A. Correct.

10 Q. Do you recall how many times you conducted
11 inspections on P&H brand brakes at Kaiser Steel?

12 A. I can't put a number on it. No.

13 Q. Do you recall whether you conducted
14 inspections of P&H brand brakes more than 20 times at
15 Kaiser Steel?

16 A. I'd say more than 20.

17 Q. The P&H brand brakes that you inspected
18 were all on P&H cranes; is that correct?

19 A. Correct.

20 Q. Do you recall where any of those P&H cranes
21 were located at the Kaiser Steel facility?

22 A. I can't recall.

23 Q. Do you recall whether others around you
24 ever conducted inspections on P&H brand brakes?

25 A. Yes, they did.

1 Q. Do you recall how many times?

2 A. All I can say is several.

3 Q. More than 20 times?

4 A. More than 20.

5 Q. And all of these P&H brand brakes that
6 others conducted inspections on around you were on P&H
7 overhead cranes; is that correct?

8 A. Correct.

9 Q. Do you recall where any of those P&H cranes
10 were located?

11 A. I can't pinpoint a building. No.

12 Q. You did brake replacement work on P&H brand
13 brakes at Kaiser Steel; is that correct?

14 A. Correct.

15 Q. Is that the same type of work that you
16 described yesterday in your deposition?

17 A. Yes, ma'am.

18 Q. Do you recall the color of any of the new
19 replacement P&H brake pads or brake linings that you
20 installed?

21 A. I can't recall offhand.

22 Q. And before you installed any new P&H brake
23 pads and brake linings, you roughed them up with
24 sandpaper; is that correct?

25 A. Correct.

1 Q. And, other than that work; roughing them up
2 with sandpaper, did you drill, cut, sand, abrade or
3 otherwise disturb any non-metal part of a P&H brand
4 crane brake?

5 **A. No.**

6 MR. BARROW: Counsel, the -- the -- the
7 sanding was in that second compound question. I think
8 it's okay, given the fact that you excluded it; but it
9 might be better, clarity-wise, just to reask the
10 question without the sanding.

11 Q. Sir, did you drill, cut, abrade or
12 otherwise disturb any non-metal part on any P&H brand
13 crane brake at Kaiser Steel?

14 **A. No.**

15 Q. Sir, you worked on P&H brand brakes that
16 were located on the bridge of P&H overhead cranes at
17 Kaiser Steel?

18 **A. Yes.**

19 Q. And were there four bridge brakes --

20 **A. Yes, ma'am.**

21 Q. -- for each overhead crane?

22 **A. Yes, ma'am.**

23 Q. Did you work on P&H crane brakes that were
24 part of the trolley on P&H overhead cranes at Kaiser
25 Steel?

1 **A.** **Yes, ma'am.**

2 Q. How many trolley brakes --

3 THE REPORTER: I'm sorry. You -- you faded
4 out. How many trolley brakes.

5 **A.** **Four.**

6 Q. How many trolley breaks were on each
7 overhead crane --

8 **A.** **Four.**

9 Q. -- on each P&H overhead crane at Kaiser
10 Steel?

11 **A.** **Four.**

12 Q. Sir, did you work on any P&H crane brakes
13 that were part of the cable or the hoist on any of the
14 P&H overhead cranes at Kaiser Steel?

15 **A.** **Yes. Hoist brakes.**

16 Q. How many hoist brakes were on each P&H
17 overhead crane at Kaiser Steel?

18 **A.** **There'd be a break for each hoist, if**
19 **there's more than one hoist.**

20 Q. If there was more than one hoist on an
21 overhead P&H crane at Kaiser Steel, how many -- what
22 is the maximum of that hoist that you saw on a
23 P&H overhead crane?

24 **A.** **The maximum what?**

25 Q. Number of hoists that you saw on a P&H

1 overhead crane.

2 **A. Three at the most.**

3 Q. Do you recall how many P&H overhead cranes
4 had three hoists?

5 **A. I can't recall.**

6 Q. Do you recall how many P&H overhead cranes
7 had two hoists?

8 **A. No. I can't recall that either.**

9 Q. Do you recall how many P&H overhead cranes
10 had only one hoist?

11 **A. I don't know how many, but there was**
12 **several with just one.**

13 Q. As to the P&H brand crane brakes, was there
14 any type of cover over the brake itself?

15 **A. None that I can recall.**

16 Q. The P&H brakes were open to the elements,
17 sir?

18 **A. Yes, ma'am.**

19 Q. Do you recall the model or serial number of
20 any of the crane -- P&H crane brake assemblies?

21 **A. No, I can't.**

22 Q. Do you recall the model or serial number of
23 any of the P&H brake pad or brake lining --

24 THE REPORTER: You're -- I can't hear the
25 last part of your question. Do you recall the model

1 or serial.

2 Q. The model of serial number of any of the
3 P&H brake pads or brake linings that you've either
4 removed or installed?

5 **A. No, I don't recall.**

6 Q. Do you recall the color of the P&H brake
7 assembly itself?

8 **A. No, I can't recall.**

9 Q. Do you recall the color of the P&H brake
10 pad or brake lining that you removed from any of the
11 P&H overhead cranes?

12 **A. Gray, I believe, but I can't really --**
13 **really recall that either.**

14 Q. Do you recall the color of any of the new
15 replacement P&H brake pads or brake linings that you
16 installed?

17 MR. BARROW: I think that's what he just
18 answered.

19 MS. VO: No. I asked about the ones he
20 removed; now I'm asking about the ones he installed.

21 MR. BARROW: I think you asked him both.
22 I'll let him answer it.

23 **A. Yes. Gray.**

24 Q. Sir, do you know who specified which brand
25 or manufacturer of overhead crane brakes that were

1 used on the overhead cranes at Kaiser Steel?

2 **A. No, I don't.**

3 Q. Do you know who specified which brand or
4 manufacturer of the new replacement brake linings or
5 brake pads that were installed on the overhead cranes
6 at Kaiser Steel?

7 **A. No.**

8 Q. So you have no knowledge whether Kaiser
9 Steel specified which brand or manufacturer of
10 overhead cranes were to be used -- I'm sorry. Of the
11 overhead crane brakes that were to be used on the
12 overhead cranes at Kaiser Steel, true?

13 **A. True.**

14 Q. And you have no knowledge whether P&H
15 specified which brand or manufacturer of crane brakes
16 were to be used on P&H overhead cranes at Kaiser
17 Steel; is that true?

18 **A. I think P&H used their own brakes.**

19 Q. Do you have any knowledge whether P&H
20 specified that the use of P&H brand brakes were to be
21 used on overhead cranes at Kaiser Steel?

22 **A. No, I have no knowledge of that.**

23 Q. You have no knowledge whether Kaiser Steel
24 specified which brand or manufacturer of new
25 replacement crane brake pads or brake linings were to

1 be used on the overhead cranes at Kaiser Steel; is
2 that true?

3 **A. True.**

4 Q. You have no knowledge whether P&H specified
5 which brand or manufacturer of new replacement brake
6 pads or brake linings had to be used on P&H overhead
7 cranes at Kaiser Steel; is that true?

8 **A. True.**

9 Q. You have no knowledge whether Kaiser Steel
10 ever specified that any asbestos-containing components
11 were to be used on any of the overhead cranes at
12 Kaiser Steel, including the crane brakes; is that
13 correct?

14 **A. Correct.**

15 Q. You have no knowledge whether P&H ever
16 specified that any asbestos-containing components were
17 to be used on any of the P&H overhead cranes at Kaiser
18 Steel, including the crane brake; is that correct?

19 **A. Correct.**

20 Q. You don't know who supplied any of the new
21 replacement parts for any of the overhead cranes at
22 Kaiser Steel to Kaiser Steel; is that correct?

23 **A. Correct.**

24 Q. You don't know whether P&H ever supplied
25 any of the new replacement parts for any of the

1 overhead cranes to Kaiser Steel; is that correct?

2 **A. Correct.**

3 MR. BARROW: Well, hold up. Let me hear
4 the question back again.

5 (Record read.)

6 MR. BARROW: That -- that's really
7 overbroad as to the chain of commerce, and ambiguous
8 as to the term "supplied," whether they were the
9 direct supplier, downstream supplier, an upstream
10 supplier. Are -- are you -- are you asking him if he
11 knows, ultimately, where the brakes came from?

12 MS. VO: I'll reask the question.

13 Q. Sir, you don't know whether Kaiser Steel
14 ever purchased any new replacement parts for any of
15 the overhead cranes at Kaiser Steel directly from P&H;
16 is that correct?

17 MR. BARROW: You can answer, if you know.

18 **A. Correct.**

19 Q. You don't know whether Kaiser Steel ever
20 purchased any of the new replacement parts for any of
21 the P&H overhead cranes directly from P&H; is that
22 correct?

23 MR. BARROW: Hold up. What's the
24 difference between that and the last question? I need
25 to hear the last two questions to determine if that's

1 asked and answered.

2 (record read.)

3 MR. BARROW: Asked and answered.

4 Q. Can I have an answer to my question,
5 please, sir?

6 **A. No.**

7 Q. No, that is not correct; or, no, you don't
8 know?

9 **A. I don't know.**

10 Q. You don't know whether Kaiser Steel ever
11 purchased any new P&H brand replacement parts for
12 overhead cranes from a middleman; is that correct?

13 **A. Correct.**

14 Q. Specifically, you don't know whether Kaiser
15 Steel ever purchased any of the new replacement
16 P&H brand brake pads or brake -- brake linings for the
17 overhead cranes; is that correct?

18 MR. BARROW: Whoa, whoa, whoa. Let's hear
19 that back.

20 (Record read.)

21 MR. BARROW: You don't know whether Kaiser
22 ever purchased them; is that what you're asking him?

23 MS. VO: Whether -- oh, I'm sorry. Let me
24 reask that question.

25 Q. You don't know whether Kaiser Steel ever

1 purchased any of the new replacement P&H brake pads or
2 brake linings for the overhead cranes from P&H
3 directly; is that correct?

4 **A. Correct.**

5 Q. And you don't know whether Kaiser Steel
6 ever purchased any of the new replacement P&H brand
7 brake pads or brake linings for overhead cranes from
8 any type of middleman; is that correct?

9 **A. Correct.**

10 Q. We may have touched upon it yesterday, and
11 I apologize, sir, because I couldn't hear very well.
12 You don't know the repair or maintenance history of
13 any of the crane brakes that you worked with or around
14 at Kaiser Steel when you started doing crane repair
15 work there in the spring of 1968; is that correct?

16 **A. Correct.**

17 Q. You don't know whether you were the first
18 person to replace the brakes of any of the cranes that
19 you worked on at Kaiser Steel; is that correct?

20 **A. Correct.**

21 MR. BARROW: Whoa, whoa, whoa, whoa.

22 Q. And you don't know whether any other people
23 --

24 MR. BARROW: Back up. Back up. Hold up a
25 minute. Hold up a minute. Let me hear that last

1 question.

2 (Record read.)

3 MR. BARROW: Plant was built in 1941, but I
4 guess -- I guess we'll leave it alone.

5 Q. You don't know whether any of the other
6 people doing crane -- replacing crane brakes around
7 you were ever the first people to replace cranes on
8 any of those -- or strike that.

9 You don't know whether any of the other
10 people replacing crane brakes around you were ever the
11 first people to replace the brakes on any of those
12 cranes at Kaiser Steel; is that correct?

13 **A. Correct.**

14 Q. You have no knowledge that any of the
15 brakes that you removed on any of the overhead cranes
16 at Kaiser Steel were the original brakes on those
17 cranes when they were installed; is that correct?

18 **A. Correct.**

19 MS. VO: I'm sorry. Could I have the
20 answer read back, please?

21 (Record read.)

22 Q. You have no knowledge that any of the
23 brakes that others removed on any of the overhead
24 cranes around you at Kaiser Steel were the original
25 brakes on those cranes when they were installed; is

1 that correct?

2 **A. Correct.**

3 Q. On any -- strike that.

4 Do you know how long any P&H overhead crane
5 at Kaiser Steel was in operation before you first
6 worked with or around others working on it?

7 **A. No.**

8 Q. Specifically as to P&H overhead cranes, you
9 don't know the repair and maintenance history of any
10 of the P&H cranes you worked with or around at Kaiser
11 Steel before you started doing crane repair work there
12 in the spring of 1968, true?

13 MR. BARROW: That's what he already said,
14 counsel. This is getting -- this is cumulative.
15 You've asked and answered.

16 MS. VO: I asked him about brakes
17 specifically before. I'm just asking him, generally,
18 about cranes, the coal cranes.

19 **A. True.**

20 Q. Do you know what year any of the P&H
21 overhead cranes at Kaiser Steel were installed?

22 **A. No.**

23 Q. Sir, you told us yesterday, and last week,
24 that when you inspected overhead crane brakes, you
25 used an air hose to blow out dust from the brakes; is

1 that correct?

2 **A. Correct.**

3 Q. Was visible dust released during this work?

4 **A. Yes, ma'am.**

5 Q. Do you recall the color of that dust?

6 **A. No, I can't recall the color.**

7 Q. Did you inhale that dust?

8 **A. Yes.**

9 Q. When others inspected overhead crane brakes
10 around you at Kaiser Steel, they blew out the dust
11 from the brakes as well; is that correct?

12 **A. Correct.**

13 Q. Was visible dust released during that work?

14 **A. Yes, ma'am.**

15 Q. Do you recall the color of that dust?

16 **A. No.**

17 Q. Did you inhale that dust, sir?

18 MS. TORRES: I'm going to object to this
19 line of questioning as lack of foundation and calls
20 for a medical opinion.

21 THE REPORTER: Was that Ms. LaFevers? Who
22 objected? I'm sorry. Who objected?

23 MS. LaFEVERS: That was not LaFevers.

24 THE REPORTER: Who was it?

25 BY MS. VO:

1 Q. Sir, may I have an answer to my question,
2 please?

3 A. What was the question, please?

4 (Record read.)

5 A. Yes, ma'am.

6 Q. You also mentioned that you used a hammer,
7 and sometimes a chisel, to remove the dust from the
8 crane brakes; is that correct?

9 A. Correct.

10 Q. Did it create visible dust, sir?

11 A. Yes, ma'am.

12 MS. TORRES: Same objection.

13 THE REPORTER: And who is objecting,
14 please?

15 MS. LaFEVERS: This is LaFevers. I want to
16 opt out of that objection and the last one, please.

17 MS. VO: May I have his answer read back,
18 please?

19 (Record read.)

20 BY MS. VO:

21 Q. Did you inhale that dust, sir?

22 A. Yes, ma'am.

23 Q. Did others use a hammer or a chisel to
24 remove dust from the crane brakes around you?

25 A. Yes, ma'am.

1 Q. Did that create visible dust?

2 A. Yes, ma'am.

3 Q. Did you inhale that dust?

4 A. Yes, ma'am.

5 MS. TORRES: Same objections. I'll --

6 I'll -- I'll agree to a continuing objection on any
7 question asking this witness whether he inhaled dust
8 as to any product.

9 Q. And I believe you told us there were
10 occasions when you used a rag or cloth to wipe away
11 some of the dust from a crane brake; is that correct?

12 A. Yes, ma'am.

13 Q. Did this create visible dust, sir?

14 A. Yes, it did.

15 Q. Did you inhale that dust, sir?

16 A. Yes, ma'am.

17 Q. Were there occasions when others working
18 around you used a rag or a cloth to wipe away dust
19 from crane brakes?

20 A. Yes, ma'am.

21 Q. Did this create visible dust?

22 A. Yes, ma'am.

23 Q. Did you inhale that dust, sir?

24 A. Yes, ma'am.

25 Q. When you removed the brake pads or brake

1 linings from a crane brake assembly, did this create
2 visible dust?

3 **A. Yes, ma'am.**

4 Q. Do you recall the color of that dust?

5 **A. No.**

6 Q. Did you inhale that dust, sir?

7 **A. Yes, ma'am.**

8 Q. And when others removed the brake pads or
9 brake linings from the crane brake assembly, did this
10 create visible dust?

11 **A. Yes, ma'am.**

12 Q. Did you inhale that dust, sir?

13 **A. Yes, ma'am.**

14 Q. When you sanded the new replacement brake
15 pads or brake linings, before installing them on the
16 overhead crane, did this create visible dust, sir?

17 **A. Yes, ma'am.**

18 Q. Did you inhale that dust, sir?

19 **A. Yes, ma'am.**

20 Q. When others around you sanded the new
21 replacement brake pads or brake linings, before
22 installing them in the overhead crane, did this create
23 visible dust?

24 **A. Yes, ma'am.**

25 Q. Did you inhale that dust, sir?

1 **A. Yes, ma'am.**

2 Q. Do you recall whether anyone else ever
3 drilled, cut, sanded, abraded, or other otherwise
4 disturbed any non-metal part of any P&H crane in your
5 presence at Kaiser Steel?

6 MR. BARROW: You know, this is cumulative,
7 but -- can I hear the question back?

8 MS. VO: I'm asking specifically for P&H
9 cranes.

10 MR. BARROW: You already asked specifically
11 as to P&H cranes, but I'm going to listen to the
12 question. Go ahead.

13 (Record read.)

14 MR. BARROW: You can answer it.

15 **A. Not to my knowledge.**

16 MR. BARROW: Well, back up. Let's hear it
17 one more time because she's ask -- she's including
18 sanding.

19 (Record read.)

20 MR. BARROW: Now, wait a minute. Any --

21 THE REPORTER: P&H crane is what I have.

22 MR. BARROW: -- man these lawyerese
23 questions you need to wade through.

24 Vague and ambiguous as to "non-metal part,"
25 but that part is okay. As to sanding, it's asked and

1 answered. Cumulative. But it's already been
2 answered, so let's move on.

3 Q. Sir, have you ever read any P&H crane
4 manuals or instruction booklets?

5 **A. No.**

6 Q. Have you ever seen any P&H crane manuals
7 or --

8 THE REPORTER: I'm sorry. Could you
9 repeat? We can't hear you.

10 Q. Did you ever see any P&H crane manuals or
11 instruction booklets at Kaiser Steel?

12 **A. None that I recall.**

13 MS. VO: I'd like to go to Exhibit E. Bob,
14 is that available there in front of you?

15 MR. BARROW: Yeah. Wait a minute. Exhibit
16 E. We're looking. Got it. Okay.

17 MS. VO: Let's turn to what's been marked
18 as pages 2 and 3 of Exhibit E.

19 MR. BARROW: Okay. Let's do that.

20 BY MS. VO:

21 Q. Sir, will you please take a look at pages 2
22 and 3, and let me know when you're finished.

23 **A. Okay.**

24 Q. The first time you ever saw the documents
25 on pages 2 and 3 of Exhibit E was when your counsel

1 showed them to you sometime within the last month; is
2 that correct?

3 **A. Correct.**

4 Q. The documents on pages 2 and 3 were not
5 documents that you ever had in your possession; is
6 that correct?

7 **A. Correct.**

8 Q. Do you know where the documents that make
9 up pages and 2 and 3 of Exhibit E came from?

10 **A. No.**

11 Q. Aside from these two pages, have you ever
12 seen any other documents related to P&H overhead
13 cranes in your lifetime?

14 **A. No.**

15 Q. Sir, have we now talked about everything
16 you can recall regarding any products or equipment
17 that you associate with P&H Mining Equipment, Inc?

18 **A. Yes, ma'am.**

19 Q. Sir, are you familiar with the name
20 Harnischfeger Corporation?

21 **A. I've heard the name. I'm not that familiar**
22 **with it.**

23 Q. Do you associate the name Harnischfeger
24 Corporation with any products or services?

25 **A. No.**

1 Q. Do you associate Harnischfeger Corporation
2 with any job sites or locations where you've worked in
3 your lifetime?

4 A. None that I can recall.

5 Q. Sir, let me go back to P&H Mining Equipment
6 for a second. Do you have any information or
7 knowledge that you were ever exposed to asbestos from
8 any products manufactured by P&H Mining Equipment,
9 Inc.?

10 A. Not other than the brake shoe.

11 Q. Sir, what is the basis for your knowledge
12 that you were exposed to asbestos-containing --

13 THE REPORTER: I'm sorry. Could you
14 repeat, please?

15 Q. What is the basis for your knowledge that
16 you were exposed to asbestos from P&H brand brakes?

17 A. Because they were made with abses --
18 asbestos at that time, I guess.

19 Q. How do you know that, sir?

20 A. I have learned through the years that they
21 were made with asbestos.

22 Q. Did someone tell you that, sir?

23 A. Probably. Not at the time I was using
24 them, but I've heard it later on.

25 Q. Do you recall how many people told you

1 this?

2 **A. No.**

3 Q. Do you recall the names of any of the
4 people who told you this?

5 **A. No.**

6 Q. Do you recall when you were told this?

7 **A. Not really.**

8 Q. Did you ever get any of this information
9 from anything that you've read?

10 **A. I might have. I can't remember.**

11 Q. Did you ever do any type of Internet or
12 Google search on this, sir?

13 **A. No.**

14 Q. Have you ever received any documents from
15 anyone at P&H Mining Equipment, Inc.?

16 **A. No.**

17 Q. Have you ever spoken to anyone from P&H
18 Mining Equipment, Inc.?

19 **A. No.**

20 Q. Did anyone from P&H Mining Equipment, Inc.,
21 ever make any representations to you?

22 **A. No.**

23 Q. Do you have information or knowledge of any
24 documents that may help you in refreshing your
25 recollection as to any of the products manufactured by

1 P&H Mining Equipment, Inc.?

2 **A. No.**

3 Q. Do you have information or knowledge of any
4 witnesses who may help you in refreshing your
5 recollection as to any of the products manufactured by
6 P&H Mining Equipment, Inc.?

7 **A. No.**

8 Q. And you have no personal knowledge that
9 anyone from P&H Mining Equipment ever intended you any
10 harm; is that correct?

11 **A. Correct.**

12 Q. Sir, do you have any information or
13 knowledge that you were ever exposed to asbestos from
14 any product manufactured, supplied and/or distributed
15 by Harnischfeger Corporation?

16 **A. None that I can recall.**

17 MR. BARROW: That's fine.

18 Q. Have you ever received any documents from
19 anyone at Harnischfeger Corporation?

20 **A. No.**

21 Q. Have you ever spoken to anyone from
22 Harnischfeger Corporation?

23 **A. No.**

24 Q. Has anyone from Harnischfeger Corporation
25 ever made any representations to you?

1 **A.** **No.**

2 Q. Do you have any information or knowledge of
3 any documents that may help you refresh your
4 recollection as to any products or services by
5 Harnischfeger Corporation?

6 **A.** **No.**

7 Q. Do you have information or knowledge of any
8 witnesses who may help you in refreshing your
9 recollection as to any products or services by
10 Harnischfeger Corporation?

11 **A.** **No.**

12 Q. And you have no personal knowledge that
13 anyone from Harnischfeger Corporation ever intended
14 you any harm; is that correct?

15 **A.** **Correct.**

16 Q. Sir, for any of the products that you
17 associate with the name Foseco at Kaiser Steel,
18 including hot tops and hot top liners, do you believe
19 that any of those products contained asbestos?

20 **A.** **Yes.**

21 MS. LaFEVERS: Move to strike. Lacks
22 foundation.

23 MS. VO: May I have his answer read back,
24 please?

25 (Record read.)

1 BY MS. VO:

2 Q. And, sir, what's the basis for that belief?

3 **A. Because of the -- the liner boards was made**
4 **from asbestos.**

5 MS. LaFEVERS: Move to strike. Lacks
6 foundation. Calls for speculation.

7 (Mr. Weiner left the deposition and
8 Mr. Baronian joined by telephone.)

9 BY MS. VO:

10 Q. How do you know that, sir?

11 **A. I learned that through -- from -- through**
12 **the years that they were asbestos.**

13 Q. Did you read --

14 MS. LaFEVERS: Move to strike.
15 Speculation.

16 MS. VO: Could I have that question read
17 back, please?

18 THE REPORTER: All I have is: Did you
19 read.

20 Q. Did you read that information somewhere,
21 sir?

22 **A. I can't remember if I read it or heard it.**

23 Q. Do you remember when you learned that
24 information, sir?

25 **A. No.**

1 Q. Do you have any knowledge as to the origin
2 of the asbestos fibers, if any, in any of the Foseco
3 products that you saw others working on at any time at
4 Kaiser Steel?

5 MS. LaFEVERS: Objection. Lacks foundation
6 and calls for speculation.

7 Q. You can answer, sir.

8 **A. I didn't hear the question that well.**

9 MS. VO: Can I have my question read back,
10 please?

11 MS. LaFEVERS: Can it be subject to my
12 objections, please? Counsel?

13 MS. VO: Yes, of course.

14 (Record read.)

15 **A. No, I didn't.**

16 MS. VO: Sorry. Let me strike that. Let
17 me -- that was not my question. That was not my
18 question. Let's strike that.

19 Q. Do you have any knowledge as to the origin
20 of the asbestos fibers, if any, in any of the Foseco
21 products you saw others working on at any time at
22 Kaiser Steel?

23 MS. LaFEVERS: My objections --

24 **A. No.**

25 MS. LaFEVERS: -- are that the question

1 lacks foundation, calls for speculation.

2 Q. You can answer, sir.

3 **A. No.**

4 Q. Have you ever heard of a company called
5 Donald McKay Smith, Inc.?

6 **A. No.**

7 Q. Do you associate any products, services or
8 equipment with the name Donald McKay Smith, Inc.?

9 **A. No.**

10 Q. Do you have any knowledge that you ever
11 worked with or around any products or equipment sold,
12 manufactured or distribution by Donald McKay Smith,
13 Inc.?

14 **A. Not to my knowledge.**

15 Q. Do you have any knowledge that you worked
16 with or around -- strike that.

17 Do you have any knowledge that you were
18 ever exposed to asbestos from any products or
19 equipment sold, manufactured or distributed by Donald
20 McKay Smith, Inc.?

21 **A. Not to my knowledge.**

22 Q. Do you have -- do you have any knowledge
23 that you ever worked with or around any employees of
24 Donald McKay Smith, Inc.?

25 **A. No.**

1 Q. Did you ever communicate with any employee
2 or representative of Donald McKay Smith, Inc.?

3 A. Not to my knowledge.

4 Q. Do you have information or knowledge of any
5 documents that would help refresh your recollection
6 about whether you ever worked with or around Donald
7 McKay Smith, Inc. products or equipment?

8 A. No.

9 Q. Do you have any information or knowledge of
10 any witnesses who could help you refresh your
11 recollection about whether you ever worked with or
12 around any Donald McKay Smith, Inc.'s products or
13 equipment?

14 A. No.

15 Q. Did anyone from Donald McKay Smith, Inc.
16 ever make any representations to you?

17 A. No.

18 Q. You have no knowledge whether anyone from
19 Donald McKay Smith, Inc. ever intended you any harm;
20 is that correct?

21 A. Correct.

22 MS. VO: Sir, that's all I have for now.

23 Thank you.

24 THE WITNESS: Thank you.

25 MR. BARROW: Let's take a break.

1 THE VIDEOGRAPHER: Going off the record.

2 The time indicated is 12:17 p.m.

3 Stand by.

4 (Recess taken.)

5 THE VIDEOGRAPHER: Back on the video

6 record. Time indicated is 12:27 p.m.

7 You may proceed.

8 - - -

9 CROSS-EXAMINATION

10 BY MR. ZELI:

11 Q. Good morning, sir.

12 **A. Good morning.**

13 Q. My name is Ryan Zeli, and I, hopefully,
14 just have one or two questions for you. Are you okay
15 to continue?

16 **A. Yes, sir.**

17 Q. Okay. Are you familiar with the company
18 called Insul Company, Inc.?

19 **A. No.**

20 MR. BARROW: Counsel, we'll deem the
21 Scheiding questions to have been answered in the
22 negative.

23 MR. ZELI: Thank you, counsel.

24 That's all I have, sir.

25 THE VIDEOGRAPHER: Stand by. I'll just

1 give you the mic.

2 - - -

3 CROSS-EXAMINATION

4 BY MS. SIMMONS:

5 Q. Good afternoon, Mr. Leek. My name is Jana
6 Simmons; and I'm going to redirect you back to hot top
7 compounds. Okay.

8 A. Okay.

9 Q. And I'm hoping that your attorney is
10 showing you your Plaintiff Exhibit F, page 7.

11 A. Yes.

12 Q. Do you have that in front of you?

13 A. Yes.

14 Q. Okay. Let's start there. Your previous
15 testimony was that this photo depicts hot top
16 compounds that you saw at Kaiser Steel while you were
17 working on crane repair from spring 1968 to spring
18 1970; is that correct?

19 A. Correct.

20 Q. Okay. And this hot top compound that's
21 shown on Exhibit F, page 7 --

22 THE VIDEOGRAPHER: I'm sorry. I have to
23 stop.

24 We're going off the record. Time indicated
25 is 12:29.

1 Stand by.

2 (Recess taken.)

3 THE VIDEOGRAPHER: Back on the video
4 record. Time indicated is 12:31.

5 You may proceed.

6 BY MS. SIMMONS:

7 Q. Okay. Mr. Leek, we're back on Exhibit F,
8 page 7. And my question to you is: This is a hot top
9 compound that you remember seeing in the blast furnace
10 area only; is that correct?

11 **A. Correct.**

12 Q. Now, the hot top compound that you see in
13 Exhibit F, page 7, I don't know if you can take a real
14 close look at that, but it appears to me, if I read,
15 at least the side of the bag, it says, "Ready Mix Hot
16 Top." Some of them say, "Ferro," "The Ferro
17 Engineering," maybe something along the side. Do you
18 see those words, too?

19 **A. Yes.**

20 Q. Do you see anything else on -- oh, here's
21 one. On the far lower left corner, there's a bag that
22 says, "C&D Ready-Mix Hot Top Compound." Do you see
23 that?

24 **A. Yes.**

25 Q. Okay. Were -- did you ever see any other

1 types of hot compound -- hot top compounds other than
2 the hot top compound that's depicted in the photo that
3 we're looking at?

4 **A. Not that I recall.**

5 Q. Okay. Okay. So let's put aside that photo
6 for a moment, and I'm just going to ask you about your
7 recollection aside from that.

8 Do you remember seeing any other writings
9 on the hot top compound bags, other than the Ready Mix
10 or the C&D, as -- as described in that photo?

11 **A. No.**

12 Q. Okay. Other than writing, any other logos
13 on any of the hot top compound bags?

14 **A. Any what?**

15 Q. Logos.

16 **A. Logo. No.**

17 Q. What color did "Ready Mix," the words, as
18 you recall, appear on those bags?

19 MR. BARROW: You know, counsel, I don't
20 think it's been established that he recalled Ready
21 Mix. He recalled hot top compound. And I don't know
22 that it's been asked whether he recalls Ready Mix.

23 MS. SIMMONS: Well, we just looked at the
24 picture, and he said these words are what he saw on
25 bags on -- on hot top compound at Kaiser Steel. We

1 just verified all the words on these bags; this is
2 what he saw.

3 Q. Isn't that true?

4 **A. Yes.**

5 Q. Okay. So what color was "Ready Mix" on the
6 bags?

7 **A. I can't recall.**

8 Q. Okay. What color were the bags of the
9 Ready Mix that you saw at Kaiser Steel?

10 **A. I don't recall that.**

11 Q. Do you know what the bags were made of?
12 And when I -- I -- I -- I understand you might not
13 know the composition. But from your observation, I'm
14 asking, like, paper, plastic? What do you remember?

15 **A. Paper.**

16 Q. And they were always paper, as far as you
17 can remember?

18 **A. Right.**

19 Q. And, in your previous testimony, you said
20 that the bags of the hot top compound was -- they were
21 big. And I need you to describe that a little bit
22 better; so I'm wondering if you could tell me the
23 dimensions of the bags of hot top compound, if you
24 can.

25 **A. I can't.**

1 Q. Do you know how many pounds of product
2 those bags held?

3 A. I believe there was 50.

4 Q. Did the bags always come on pallets, at
5 least that you saw?

6 A. Yes.

7 Q. How many bags came on a pallet?

8 A. I have no idea.

9 Q. It was never your job to load or unload any
10 pallets of hot top compound; is that true?

11 A. True.

12 Q. And you never assisted anyone doing that;
13 is that true?

14 A. True.

15 Q. You never had to open a bag of hot top
16 compound, did you?

17 A. No.

18 Q. Could you tell me what the color of the
19 product inside the hot top compound bags was?

20 A. No.

21 Q. You never felt the product in the bag, did
22 you?

23 A. No.

24 Q. With your hands? I'm gesturing. Feel it
25 with your hand?

1 **A.** **No.**

2 Q. So you wouldn't be able to tell me what its
3 consistency was?

4 **A.** **Right.**

5 Q. Now, you previously testified that you saw
6 workers using this ready mix -- could I just call it
7 ready mix? Or do you prefer hot top compound?

8 MR. BARROW: I prefer compound.

9 MS. SIMMONS: Okay. I just -- I'm trying
10 to go fast --

11 MR. BARROW: I understand.

12 MS. SIMMONS: -- and I keep tripping over
13 hot top compound. Can I just call it compound?

14 MR. BARROW: Sure

15 Q. Okay. Is that -- is that fair enough,
16 Mr. Leek?

17 **A.** **That's fine.**

18 Q. Okay. Now, you testified that you saw hot
19 top workers using this compound with regard to hot
20 tops. Is it your recollection that they would use
21 this compound after a square lining was put into the
22 hot top?

23 **A.** **Right.**

24 Q. Is that the only way you saw this compound
25 used?

1 **A.** **It was blown on. That's -- yeah.**

2 Q. Okay. But that was the sequence of events
3 that you remember; they would put a lining into the
4 hot top and then spray this ready mix compound onto
5 that lining; is that true?

6 **A.** **True.**

7 Q. Okay. Is it true that you never worked
8 with or assisted any of the hot tops work -- hot top
9 workers with installing this compound?

10 **A.** **True.**

11 Q. And you just mentioned that this product
12 was blown or installed into hot tops. I'm going to
13 ask you a couple questions about the process of
14 blowing it. And you also testified that you saw this
15 product mixed, right?

16 **A.** **Right.**

17 Q. So I'm going to ask you between mixing and
18 applying this product. Okay?

19 **A.** **Okay.**

20 Q. First of all, you never -- it was never
21 your job to mix or assist anybody else with mixing
22 this compound, true?

23 **A.** **True.**

24 Q. Do you have any personal knowledge of the
25 process that workers used to mix the compound?

1 **A. Not personal, no.**

2 Q. Okay. I understand from your previous
3 testimony that you say you saw the product being
4 mixed; but my question is -- is: I just want to make
5 sure that we're on the same page. You don't have
6 personal knowledge of what they did in terms of using
7 this -- this compound with water or whatever else they
8 had to do to mix it, true?

9 **A. True.**

10 Q. Where did the mixing process take place
11 within the blast furnace area?

12 **A. Wherever they had the hot tops set up to**
13 **spray.**

14 Q. Okay. Was there some type of equipment
15 that they used to mix the product, or they just put it
16 in buckets and mix it, or how -- what did you see?

17 **A. They put it in buckets, mix it.**

18 Q. How large were those buckets?

19 **A. Five gallon.**

20 Q. Did you see them just do one bucket at a
21 time, or how did that work?

22 **A. Yeah. They did one bucket, pour it into**
23 **the blower, or whatever they call; blow it in.**

24 Q. What color were the buckets?

25 **A. White, I'm assuming.**

1 Q. Okay. Well, I don't want you to assume.

2 If you don't know, you can say, "I don't know."

3 **A. I don't know.**

4 Q. What -- were there any logos or writings on
5 the buckets?

6 **A. None that I can recall.**

7 Q. Do you remember how many times you were
8 able to observe this mixing process occur with the
9 compound?

10 **A. I can't put a number on it. Several times.**

11 Q. I believe, from your previous testimony,
12 that you described this mixing process as kind of a
13 dusty, dirty process; is that -- is that correct?

14 **A. Correct.**

15 Q. Being that you were walking by, possibly
16 passing by, whether it's, you know, to go to another
17 job or to go to the bathroom, or whatever, assuming
18 that this was a dusty and dirty process, you wouldn't
19 make a point of hanging around there when they were
20 doing this work, true?

21 **A. True.**

22 Q. In fact, you'd probably want to get by
23 there as quickly as possible?

24 **A. Quickest -- right.**

25 Q. Is that correct?

1 **A. Correct.**

2 Q. Were you ever able to observe this product,
3 compound after it was mixed?

4 **A. Just from seeing them blow -- blow it on**
5 **the hot top.**

6 Q. Okay. When -- when they were blowing it on
7 the hot tops, was the compound now wet?

8 **A. Yes.**

9 Q. Okay. So there wouldn't be any dust
10 created when they're blowing or spraying it on the hot
11 tops, true?

12 **A. I don't know.**

13 Q. Well, it was a wet product you're telling
14 me.

15 **A. That's right.**

16 Q. And you don't recall seeing any dust when
17 they were spraying the wet product in the -- on the
18 hot tops, true?

19 **A. True.**

20 Q. Do you recall how many times you saw
21 workers spraying this wet compound on the hot tops?

22 **A. I just have to say several. I don't --**

23 Q. Okay. And let me just back up to clarify
24 quickly: I think you did, with some of your previous
25 testimony, but I want to make sure, with regard to hot

1 top compounds, you associate your time around any hot
2 top compounds with the time that you were in crane
3 repair --

4 **A. True.**

5 Q. -- true?

6 **A. True.**

7 Q. Not in the scrap -- not as a scrap burner,
8 right?

9 **A. Right.**

10 Q. Okay. What were they using to apply the
11 wet compound to the hot tops?

12 **A. A spray gun. Spray gun, like.**

13 Q. Okay. You don't know who manufactured the
14 spray gun, do you -- or the spray guns?

15 **A. No, I don't.**

16 Q. Was there any other equipment that you
17 recall that you would associate with applying this
18 compound to the hot tops, other than the spray guns?

19 **A. No.**

20 Q. Bear with me while I try to go through my
21 discombobulated notes. I am going as quickly as I
22 can.

23 MR. BARROW: While you're doing that, let's
24 go off the record for a minute. I need to ask the
25 witness something.

1 THE VIDEOGRAPHER: We're going off the
2 record. Time indicated is 12:44 p.m.

3 Stand by.

4 (Recess taken.)

5 (Signature waived.)

6 - - -

7 And, thereupon, the deposition was
8 concluded at approximately 12:44 o'clock p.m. to be
9 continued at 10:00 o'clock a.m. on Thursday, May 8,
10 2014.

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CERTIFICATE

State of Ohio :
SS:
County of Franklin:

I, Susan L. Coots, Notary Public in and for
the State of Ohio, duly commissioned and qualified,
certify that the within named witness was by me duly
sworn to testify to the whole truth in the cause
aforesaid; that the testimony was taken down by me in
stenotypy in the presence of said witness, afterwards
transcribed upon a computer; that the foregoing is a
true and correct transcript of the testimony given by
said witness taken at the time and place in the
foregoing caption specified.

I certify that I am not a relative,
employee, or attorney of any of the parties hereto, or
of any attorney or counsel employed by the parties, or
financially interested in the action.

IN WITNESS WHEREOF, I have set my hand and
affixed my seal of office at Columbus, Ohio, on this
_____ day of _____, _____.

SUSAN L. COOTS, Notary Public
in and for the State of Ohio
and Registered Professional
Reporter.

My Commission expires January 10, 2015.

- - -

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