

**IN RE: PERSONAL INJURY AND
WRONGFUL DEATH
ASBESTOS LITIGATION
BALTIMORE CITY**

*** IN THE
* CIRCUIT COURT
* FOR**

*** * * * ***

KEITH K. GREWE, et al.,

*** April 1996 Group**

Plaintiffs

*** Cluster #96112702**

vs.

*** JUDGE EDWARD J.
ANGELETTI**

ACandS., INC., et al.,

Defendants

*** * * * ***

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May 23, 1996

4 **WITNESS: Dr. Arnold R. Brody**
EXAMINATION: D VD C RD RC
5 By Mr. Shellenberger 698/713 806
By Mr. Williams 710 796 815
6 By Mr. McGowan 781 812

7 **WITNESS: Richard E. Cunningham**
EXAMINATION: D C RD RC
8 By Mr. Shellenberger 832 906
By Mr. McGowan 864
9 By Ms. Tostanoski 890

Plaintiffs'
11 EXHIBITS MARKED RECEIVED
Brody 1 709 710
12 12 819
15 and 20 823
13 188 826
189 827
14 27 828
1054, 1055 and OCF 353 909
15 O-I 41 911
O-I 30 912
16 26 914
42 916
17 44 920
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18 1017 924
813 927

May 28, 1996

4 **WITNESS: Dr. John Edward Steers**
EXAMINATION: DIRECT CROSS REDIRECT RECROSS
5 By Mr. Shellenberger 935 1007
By Mr. McGowan 983 1009
6 By Ms. Tostanoski 1002

7 **DEPOSITION READ: John D. McAllister 1019**

8 **DEPOSITION READ: John Henry Thomas, II** 1055

9 **WITNESS: Joseph F. Farrell**

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10 By Mr. Shellenberger 1150

By Mr. McGowan 1162

11 By Mr. Burns 1169

12 **DEPOSITION READ: John S.M. Waters, Sr.** 1174

13 Plaintiff's Vandergucht

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14 VA 34 942

15 Plaintiffs'

EXHIBITS MARKED RECEIVED

16 OI-26 1042

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17 OI-1065 1047

OI-1085 1049

18 OCF 319 1201

OCF 659 1203

19 OCF 52 1204

OCF 57 1205

20 OCF 58 1207

OCF 341 1211

21

May 29, 1996

4 **VIDEOTAPED DEPOSITION PLAYED:**

Keith Kenneth Grewe, Sr. 1222

DEPOSITION READ: Keith Kenneth Grewe, Sr. 1258

WITNESS: Dr. Jerome Paige

7 EXAMINATION: DIRECT CROSS REDIRECT RECROSS

By Mr. Smith 1279 1325

8 By Mr. Williams 1319

9 **WITNESS: Charles L. Carter**

EXAMINATION: DIRECT CROSS REDIRECT RECROSS

10 By Ms. Hines 1327 1368

By Mr. Williams 1357 1369

WITNESS: Elgia Butler

12 EXAMINATION: DIRECT CROSS REDIRECT RECROSS

By Ms. Hines 1392 1422

13 By Mr. Williams 1411 1425

14 **WITNESS: Nollie P. Wood, Jr.**

EXAMINATION: DIRECT CROSS REDIRECT RECROSS

15 By Ms. Hines 1427

Defendant's Owens-Illinois

17 EXHIBIT MARKED RECEIVED
 McAllister 1 1390

May 30, 1996

4 **WITNESS: Nollie P. Wood, Jr.**
 EXAMINATION: DIRECT CROSS REDIRECT RECROSS
5 By Ms. Hines 1479

6 **WITNESS: Rosanna Goldman Wood**
 EXAMINATION: DIRECT CROSS REDIRECT RECROSS
7 By Ms. Hines 1480
 By Mr. Williams 1505

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 WITNESS: Joseph Grossblat
9 EXAMINATION: DIRECT CROSS REDIRECT RECROSS
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11 **WITNESS: Nancy Lou Grewe**
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 By Mr. Williams 1637

13
 WITNESS: Gulla Vandergucht
14 EXAMINATION: DIRECT CROSS
 By Mr. Shellenberger 1640
15 By Ms. Tostanoski 1675

16 Plaintiffs'
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17 NSC-24 1554
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 18 33, 34, 37, 41, 45, 46, 48,
 49, 50, 51, 72, 87, 98, 99,
 19 100, 107, 108, 117 and 186 1564
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20 Ford 95 1572
 Ford 97 1573
21 Ford 100 and Ford 47 1576

2 Plaintiffs'
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3 FMSI 65 1585
 Dartez 30 1594
4 Dartez 32 1595
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5 Ford 82 1603
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6 OCF 137 1683
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7

8 Plaintiff's Vandergucht
EXHIBITS MARKED RECEIVED
9 VA-32 1656
VA-29 1670
10 VA-35 1674

June 3, 1996

DEPOSITION READ: Milton Samuel Greenwood 1977
5 **WITNESS: Dr. Samuel P. Hammar**
EXAMINATION: DIRECT CROSS REDIRECT RECROSS
6 Mr. Ignatowski 1695 1832
Mr. Williams 1810
7 Mr. McGowan
Ms. Tostanoski
8 Mr. Doub

WITNESS: Dr. Marshall A. Levine
10 EXAMINATION: DIRECT CROSS REDIRECT RECROSS
Ms. Hines 1849 1905
11 Mr. Williams 1892

12
WITNESS: Joseph Urps
13 EXAMINATION: DIRECT CROSS REDIRECT RECROSS
Mr. Shellenberger 1918 1970
14 Mr. McGowan 1929 1973
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15 Mr. Doub 1961

17 Plaintiff's Grewe
EXHIBITS MARKED RECEIVED
18 23-H 1716
24-A 1846
19 24-B 1846
24-C 1846

June 4, 1996

4 **WITNESS: Dr. John McCray Dement**
EXAMINATION: DIRECT VD CROSS REDIRECT RECROSS
5 By Mr. Ignatowski 1991/2017 2280
By Mr. McGowan 2013 2154 2285
6 By Mr. Williams 2016 2212
By Ms. Tostanoski 2248

7

8 **DEPOSITION READ: James Howard Neary 2290, 2360**

9

	Plaintiffs'		
10	EXHIBITS	MARKED RECEIVED	
	Dement 1	2011	2012
11	Ford 69		2141
	Ford 78		2148
12	O-336		2307
	OCF-1300		2310
13	OCF-749		2312
	OCF-90		2312
14	OCF-125		2314
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15	OCF-495		2318
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16	OCF-766		2320
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17	OCF-133		2324
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18	OCF-499		2328
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19	OCF-507		2331
	OCF-152		2334

June 5, 1996

4 **WITNESS: Dr. Douglas Fowler**
EXAMINATION: DIRECT CROSS REDIRECT RECROSS
5 By Mr. Hoffman 2345 2417
By Mr. Williams 2399

6 **WITNESS: Dr. Lewis J. Rubin**
7 EXAMINATION: DIRECT CROSS REDIRECT RECROSS
By Mr. Ignatowski 2444 2583
8 By Mr. McGowan 2533 2584
By Mr. Williams 2575

10 Plaintiff's Wood
EXHIBIT MARKED RECEIVED
11 20 2348 2349

12 Plaintiff's Vandergucht
EXHIBITS MARKED RECEIVED
13 VA 29-D and VA 29-E 2476

14 Plaintiff's Grewe
EXHIBITS MARKED RECEIVED
15 24-D 2493 2533
24-E and 24-F 2498

16 Plaintiffs'
17 EXHIBITS MARKED RECEIVED
Ford 100 2423

18	OCF-402	2424
	Ford 7	2425
19	Ford 10	2425
	386	2428
20	Ford 12	2429
	Ford 185	2431
21	Ford 18	2432
2	Plaintiffs'	
	EXHIBITS	MARKED RECEIVED
3	Rubin 1	2447
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4		

June 6, 1996

4	WITNESS: Dr. James R. Millette	
	EXAMINATION: DIRECT VD CROSS REDIRECT RECROSS	
5	By Mr. Smith 2595/2618	2721
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6		
	WITNESS: Dr. Russell R. DeLucca	
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12	Plaintiffs'	
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14	Millette 17	2666
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15	Ford 197 and Ford 198	2725
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16	Wood 01 through 07, 09, 10,	
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17	Wood Miscellaneous 03	2757
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19	Plaintiff's Grewe	
	EXHIBITS	MARKED RECEIVED
20	1 through 13	2730 2730
	15	2743
21	17	2743

June 11, 1996

4 **WITNESS: Arnold Anderson**
EXAMINATION: DIRECT CROSS REDIRECT
5 By Mr. Williams 2848 3023
By Mr. Smith 2942
6 By Ms. Hines 2997

7 **DEPOSITION READ: Robert Silwick** 3029

Plaintiff's Wood Miscellaneous
9 EXHIBIT MARKED RECEIVED
13 3006
10 14 and 15 3014
16 3017

11 Defendant's OCF
12 EXHIBITS MARKED RECEIVED
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13 OCF-84 2826
OCF-116 2828
14 OCF-118 2830
OCF-121 2831
15 OCF-164 2831
OCF-226 2836
16 OCF-229 2838
OCF-230 2840
17 OCF-231 2841
OCF-233 2841
18 OCF-235 2842
OCF-252 2842
19 OCF-270 2844
OCF-285 2846

2 Defendant's Ford
EXHIBIT MARKED RECEIVED
3 61 2855 2872
8, 13 and 34 2937

June 12, 1996

4 **DEPOSITION READ: Robert Silwick** 3057

5 **WITNESS: Dr. Francis W. Weir**
EXAMINATION: DIRECT CROSS REDIRECT RECROSS
6 By Mr. Williams 3063 3250
By Mr. Shellenberger 3156
7 By Mr. Hoffman 3214

8 **WITNESS: Jerry Lee Helser**
EXAMINATION: DIRECT CROSS REDIRECT RECROSS
9 By Mr. McGowan 3264 3338

By Mr. Shellenberger 3305

11	Plaintiff's Wood Miscellaneous	
	EXHIBIT	MARKED RECEIVED
12	18	3231
13	Defendant's Ford	
	EXHIBITS	MARKED RECEIVED
14	52.1	3342
	64	3090
15	Defendant's OCF	
16	EXHIBITS	MARKED RECEIVED
	OCF-433.1, OCF-433.2,	
17	OCF-433.3 and OCF-433.4	3285
	OCF 432-A, OCF 432-B and	
18	OCF 432-C	3288
	OCF 433.5 and OCF 433.6	3288
19	OCF 435-C	3291
	OCF 435-D	3289
20	OCF 425 and OCF 426	3293
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June 13, 1996

4	WITNESS: Dr. Gerald R. Kerby	
	EXAMINATION: DIRECT	VD CROSS REDIRECT
5	By Mr. McGowan 3352/3365	3442
	By Mr. Ignatowski 3361	3402

6	WITNESS: Dr. Otto Wong	
7	EXAMINATION: DIRECT	VD CROSS REDIRECT
	By Mr. Williams 3450/3472	3617
8	By Mr. Hoffman 3469	3559
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10	Defendant's Ford	
	EXHIBIT	MARKED RECEIVED
11	65	3468

June 17, 1996

5	WITNESS: Dr. Gary Hill	
	EXAMINATION: DIRECT	VD CROSS REDIRECT RECROSS
6	By Mr. Hoffman 3632/3647	3736
	By Mr. Williams 3646	3698 3740

7

8	Plaintiff's Wood	
	EXHIBIT	MARKED RECEIVED
9	18	3632 3632

10	Plaintiffs' Ford EXHIBITS	MARKED RECEIVED
11	199	3717
	3, 20, 27, 30, 32 and 33,	
12	55, 57, 60, 61, 64, 68, 73,	
	81, 82, 94, 96, 98, 106, 108,	
13	110 through 112, 151, 163, 169,	
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14	Plaintiffs' General/Dartez EXHIBITS	MARKED RECEIVED
15	1, 3, 7, 8, 14, 17, 19,	
16	33, 39, 54, 73, 99, 111,	
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18	Plaintiffs' IHF EXHIBITS	MARKED RECEIVED
19	6 through 9, 52 and 58	3772

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5	CLOSING ARGUMENTS:	PAGE
	By Ms. Hines	3875
6	By Mr. Ignatowski	3913
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7	REBUTTAL ARGUMENTS:	PAGE
8	By Ms. Hines	4015
	By Mr. Ignatowski	4019
9		
10	Plaintiff's Wood Miscellaneous	
11	EXHIBIT	MARKED RECEIVED
	18	3954

June 19, 1996

Jury Verdict

Opening remarks re: Ford knowledge:

Schellenberger:

17 Do you remember I told you earlier that Ford
18 Motor Company -- that Owens-Illinois, excuse me, was a
19 member of the Industrial Hygiene Foundation? Guess
20 who else was a member? Guess who else was a member?
21 '48 Ford receives an issue of the National
1 Safety News containing an article entitled,
2 Recognition and Control of Fume and Dust Exposure.
3 They had sections on asbestos, and it
4 stated, asbestos used in the formulation of brake
5 lining is a potentially harmful compound.
6 When you are a member of an organization, we
7 all know, you get the publications. They got them.
8 They got them. 1948. We are nine years before Mr.
9 Grewe walks into Foreign Motors.
10 1949 to 1974 they remained a member of the
11 Industrial Hygiene Foundation and early on they would
12 receive an editorial that says asbestos and cancer of
13 the lung. They get those articles early on.
14 In the 1970s, Ford had an industrial
15 hygienist working for them. They are a big company.
16 An industrial hygienist is somebody who is supposed to
17 make sure that the workplace is safe, right?
18 What does Ford's industrial hygienist do?
19 Recommends not blowing asbestos dust with compressed
20 air hose at its brake research center to reduce
21 exposure.
1 Their own people are recommending that. Do
2 you know what is going on in 1970? Mr. Grewe is
3 getting exposed. Mr. Grewe is breathing that dust.
4 March of '70 industrial hygiene supervisor
5 described the dust containing 25 percent asbestos as
6 toxic.
7 Mr. Grewe is getting exposed.
8 1971 industrial hygiene recommends that
9 compressed air not be used. Mr. Grewe is getting
10 exposed.
11 Do they tell him? Do you know when Ford
12 first puts a warning on their box? 1980, ladies and
13 gentlemen, 1980.
14 Look at all of this time that Mr. Grewe is
15 breathing that dust. The medical evidence will show
16 each and every occupational exposure. Each and every
17 occupational exposure is a substantial contributing
18 factor.
19 1975, Ford receives NIOSH letters stating
20 that scientific literature has reported four
21 mesotheliomas in brake service mechanics.
1 All these studies, ladies and gentlemen.
2 Mr. Grewe gets exposed.

3 This case is about knowledge. That is what
4 it comes down to.

First, with respect to Mr. Wood, it is

18 undisputed that Ford Motor Company manufactured
19 trucks, that Ford knew that those trucks that it
20 manufactured, that Mr. Wood worked around, contained
21 asbestos brakes, both at the time that it left the
1 factory originally and also during any replacement by
2 Ford Motor Company of any brakes.

3 Ford also knew that any replacement brakes
4 would contain asbestos, and that is so throughout the
5 1920s, the 1930s, the 1940s, the 1950s, the 1960s,
6 any replacement brakes whether they were Ford or any
7 other brakes contained asbestos.

8 Ford also knew from their -- Ford also had
9 what is called an instruction book -- and this is
10 blown up and it is in evidence for you -- that was
11 with the Model A cars and trucks.

12 And this case is only applicable to the
13 model trucks because that is the truck Mr. Wood worked
14 around, and this is a 1931 instruction booklet.

15 And in that booklet, we know that Ford Motor
16 Company recommended that when repairs or replacements
17 were necessary, it was important that you get, and
18 they recommended that you get, genuine Ford parts to
19 replace them, and that would include the Ford asbestos
20 parts that would go in this truck.

21 There were also -- if I can get Mr.
1 Hoffman's help with the overhead -- there was also
2 another instruction book that is in evidence, and that
3 is from a 1928 Model A instruction book, and within
4 that it also virtually says the same thing, that Ford
5 recommended that with respect to the Model A trucks
6 and cars that you use Ford replacement parts.

7 In the foreword of that instruction book, it
8 basically says the same thing, that Ford recommended
9 that when repairs are necessary, that you use genuine
10 Ford replacement parts.

11 The evidence also showed us not only did
12 Ford use and have instruction books, but they also had
13 what was called technical service manuals.

14 And those technical service manuals are put
15 out basically monthly, I believe Mr. Anderson told us,
16 and within that monthly service manual, Ford also
17 recommended that grinding be done, all linings should
18 be ground after assembling to show -- so as to secure
19 a uniform braking surface.

20 We know grinding was expected to be done
21 because they had a special grinder for Ford shoes.

1 This is the exhibit Mr. Anderson identified

2 when I talked to him about it on cross-examination,
3 but in addition to the Ford owner's manual, the Ford
4 technical service manual, Ford also had what is called
5 a service manual, and we have that for 1946 cars and
6 trucks.

7 Within that, there is a section pertaining
8 to servicing brakes which basically deals with
9 removal, removing the wheel and drum assembly.

10 And there is a note. When removing rear
11 brake shoes, it will be necessary to remove the
12 retainers and washers with hold and hand brake linkage
13 and remove the linkage, nothing further or any
14 warnings of any type.

15 Ford Motor Company knew that on the
16 installation of brakes as well as when removal of
17 brakes, that they would create dust and as a result of
18 that they had a duty to warn about the dangers of
19 asbestos.

20 What I would like to do is also on the
21 overhead and also as a board in case it is easier to
1 read on the board, is what the Judge has given you in
2 his instruction verbatim, should be verbatim to what
3 he has given you with respect to the duty of a
4 manufacturer to warn.

5 What this basically says is if despite
6 exercising reasonable care in the design,
7 manufacturing, testing, and inspection of the product,
8 and in this case the asbestos-containing truck, the
9 product still cannot be made safe for its reasonably
10 foreseeable use, and the manufacturer knows or through
11 the use of reasonable care should know that the
12 dangerous condition is not obvious to the user of the
13 product, is not obvious to Mr. Grewe or to Mr. Wood,
14 the user of the product, then that manufacturer Ford
15 Motor Company has a duty to give an adequate warning
16 of the danger. And a failure to fulfill that duty is
17 what the law calls negligence.

18 And we know that in the technical bulletin
19 by Ford that I showed Mr. Anderson that they did have
20 some warnings in there.

21 These are the warnings that they had in the
1 technical bulletin.

2 I have highlighted it. Before washing the
3 car, pull the hand brake lever all the way back. This
4 prevents water getting between the brake lining and
5 drum.

6 The second warning was when greasing the
7 chassis, do not overlook the lubricator fitting on
8 both rear brake camshafts. It is located at the rear
9 of the brake camshaft bracket just above the radius
10 rod.

11 That is what they thought a warning should
12 be. There was nothing within the technical service
13 manual or the owner's manual of any warning as to
14 asbestos brakes.

15 The Ford trucks at the post office where Mr.
16 Wood worked were all asbestos-containing products.

17 Just like if you have a loaf of bread and it
18 is made with yeast, that is a yeast product.

19 It has ingredients in it that make up that
20 particular product, and at all times when Ford first
21 manufactured their trucks and during the entire life
1 of the truck, all the brakes contained asbestos,
2 whether they were Ford or any replacement brakes
3 therein, and Ford should have -- excuse me, they all
4 contained asbestos, and they all should have been used
5 on the truck.

6 Basically, Ford had the duty as the
7 manufacturer to warn individuals such as Mr. Wood and
8 Mr. Grewe of the hazards of asbestos.

9 Indeed Ford recommended, as you have seen on
10 the overhead, that grinding be done.