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IN THE CIRCUIT COURT FOR THE CITY OF ST. LOUIS
STATE OF MISSOURI
TWENTY-SECOND JUDICIAL CIRCUIT

JEFF KOVAR,)
)
Plaintiff,)
)
-vs-) No. 1322-CC01123
)
SCHNEIDER ELECTRIC USA,)
et al.,)
)
Defendants.)

VIDEOTAPED DISCOVERY DEPOSITION OF
MICHELLE REDFIELD
Taken on behalf of the Plaintiff
July 2, 2014

Reported by Allison D. Weber, CSR
Illinois License No. 084-002238

EXHIBITS (Continued)
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No. 9 (Inter-Office memo from ME to DM, January 9, 1980) 78
No. 10 (Internal memo from Rich Niccolis to Jim Dutton, January 22, 1991) 82
No. 11 (Inter-Office from Missouri to Cedar Rapids, October 5, 1979) 86
No. 12 (Use of Asbestos in Square D Company Operations) 89
No. 13 (Results: Asbestos survey) 98
No. 14 (EPA Reporting Commercial and Industrial Uses of Asbestos, signed April 27, 1983) 101
No. 15 (Inter-Office memo from Lexington to See Below, September 16, 1985) 105
No. 16 (Safety Standards, Asbestos: Airborne danger) 130
No. 17 (Report of Investigation) 148
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No. 19 (Airborne Asbestos/Fiberglas) 161
No. 20 (U.S. Department of Labor notice of proposed penalty, June 4, 1973) 169
No. 21 (Schneider Electric USA, Inc.'s, formerly known as Square D Company, Objections to Plaintiff's Notice of Corporate Video Deposition) (marked after dep)

(Whereupon, Mr. Baumstark retained Exhibit No. 5.)

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JEFF KOVAR,)
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Plaintiff,)
)
-vs-) No. 1322-CC01123
)
SCHNEIDER ELECTRIC USA,)
et al.,)
)
Defendants.)

The videotaped discovery deposition of
MICHELLE REDFIELD produced, sworn, and examined on
behalf of the Plaintiff, on July 2, 2014, between
the hours of 10:01 in the morning and 2:53 in the
afternoon on that day at 70 West Madison, Suite 3000,
Chicago, Illinois, before Allison D. Weber, a
Certified Shorthand Reporter, and a Notary Public.

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Appearing on behalf of Rogers Corporation.

ALSO PRESENT:

Scot Ziarko, Videographer

It is hereby stipulated and agreed by and between Counsel for the Plaintiff and Counsel for the Defendants, that this deposition may be taken in shorthand by Allison D. Weber, a Certified Shorthand Reporter, and Notary Public, and afterwards transcribed into typewriting, and the signature of the witness is not waived by agreement of counsel and the witness.

o0o

THE VIDEOGRAPHER: Good morning. We are now on the record. This the videotaped deposition of Michelle Redfield. Today's date is July 2nd, 2014. The time is now 10:01 a.m.

This is the case of Jeff Kovar versus Union Carbide Corporation, et al., Case No. 1322-CC01123. This deposition is being held at 70 West Madison Street, Chicago, Illinois.

My name is Scot Ziarko. I'm the videographer for PohlmanUSA Court Reporting located at 10 South Broadway Suite 1400, St. Louis, Missouri. The court reporter is Allison Weber, also with PohlmanUSA Court Reporting.

Counsel will be reflected in the

written record.

Will the court reporter please swear in the witness?

(Witness sworn.)

THE VIDEOGRAPHER: You may begin. MICHELLE REDFIELD, called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. BAUMSTARK:

Q. Miss Redfield, good morning.

A. Good morning.

Q. My name is Bart Baumstark, and I represent the Kovar family in this lawsuit.

Just state your name for the record and quickly, please.

A. Michelle Redfield.

Q. And you and I just met about five minutes ago; is that right?

A. Yes.

Q. Have you ever been deposed before?

A. I have not.

Q. This is your first time?

A. Yes.

Q. Let me go over just a few ground rules

1 then. If you answer my question, we're going to
2 assume that you understood the question; is that
3 fair?

4 **A. Okay.**

5 Q. If you do not understand the question,
6 please let me know and I'll do my best to rephrase
7 it so that you do understand.

8 **A. Okay.**

9 Q. Do you understand the answers you give
10 today will bind Schneider Electric USA also known
11 as Square D for the purposes of this lawsuit?

12 **A. I do.**

13 **(Whereupon, Plaintiff's Exhibit**
14 **No. 1 was marked for**
15 **Identification, 07/02/2014.)**

16 BY MR. BAUMSTARK:

17 Q. Miss Redfield, I have handed you what's
18 been marked as Exhibit 1. Can you tell me what
19 Exhibit 1 is?

20 **A. It is a Notice of Corporate Video**
21 **Deposition, Defendant Square D Company.**

22 Q. Have you had an opportunity to look at
23 and review that notice prior to this morning?

24 **A. Yes, I have reviewed this before.**

25 Q. Are you prepared to discuss all the

1 topics listed, A through H, on Exhibit 1?

2 **A. Yes.**

3 MR. ZUKOWSKI: Just we filed some
4 objections yesterday. I think they're pretty
5 standard. We'll get a copy of that and make
6 an exhibit if we can.

7 MR. BAUMSTARK: I'll object to your
8 objections.

9 MS. NEWTON: Fair enough.

10 MR. BAUMSTARK: Someone can throw in a
11 third objection.

12 BY MR. BAUMSTARK:

13 Q. Miss Redfield, you are a member of the
14 National Association for Environmental Management;
15 is that right?

16 **A. NAEM?**

17 **Q. Right.**

18 **A. It's the National Association for EHS**
19 **managers.**

20 Q. Do you have a copy of your CV with you
21 today?

22 **A. I do not.**

23 **Q. Do you have a CV?**

24 **A. I have a resume. I'm not sure how**
25 **up-to-date it is.**

1 Q. Tell me about your educational background
2 if you would. Do you have a college degree, I
3 assume?

4 **A. I have a college degree from Northwestern**
5 **University.**

6 Q. What was your degree in?

7 **A. I had a B.S. in environmental**
8 **engineering.**

9 Q. Any postgraduate work?

10 **A. No.**

11 Q. Are you a certified industrial hygienist?

12 **A. I am not.**

13 Q. If someone were to ask you what you do
14 for a living, what would your response be?

15 **A. I'm the Director for Environment and**
16 **Safety for Schneider Electric North America.**

17 Q. How long have you worked for
18 Schneider Electric USA?

19 **A. Four years.**

20 Q. And tell me a little bit about your job
21 responsibilities for Schneider.

22 **A. As the Director for Environment, Health**
23 **and Safety for North America, it's -- my team is**
24 **responsible for all the environmental programs**
25 **primarily associated with the manufacturing**

1 **facilities. I also support a group of about eight**
2 **sites in a particular business unit for environment**
3 **and safety.**

4 Q. Where are those eight units?

5 **A. They're in North America, so there are**
6 **two in Mexico, and the remaining ones are in the**
7 **U.S.**

8 Q. Are one of those units the Cedar Rapids
9 plant?

10 **A. I don't directly support the Cedar Rapids**
11 **plant.**

12 Q. Do you directly support the Columbia,
13 Missouri plant?

14 **A. I do not.**

15 Q. Do you indirectly support either of those
16 plants?

17 **A. Yes, through the oversight of the**
18 **environmental programs.**

19 Q. This is kind of a personal question. I
20 don't usually ask this of witnesses. But can you
21 tell me how old you are?

22 **A. I'm 49.**

23 Q. Would it be right to say that your
24 personal knowledge of the facts in this case are
25 limited to any documents you have reviewed and any

1 interviews with witnesses you may have conducted,
2 anything anyone may have told you about what has
3 happened in this case?

4 **A. That is correct.**

5 Q. You did not work with Mr. Kovar
6 obviously, correct?

7 **A. I did not work with Mr. Kovar.**

8 Q. I have been referring to your employer
9 so far as Schneider Electric USA. The former name
10 of Schneider Electric USA was Square D; is that
11 right?

12 **A. Square D was acquired by**
13 **Schneider Electric. I'm not sure about the legal**
14 **entities.**

15 MR. ZUKOWSKI: If you want, for ease of
16 reference, we can call it Square D.

17 MR. BAUMSTARK: That's what I want to do.

18 MR. ZUKOWSKI: If it makes it easier for
19 everybody, let's just call it Square D.

20 BY MR. BAUMSTARK:

21 Q. So you understand when I refer to
22 Square D, I'm talking about Schneider Electric USA
23 and the former Square D?

24 **A. I do.**

25 Q. Fair enough?

1 **A. I do.**

2 Q. Okay. Thank you.

3 Do you have any idea how many people
4 Square D employs today?

5 **A. I'm sorry, that actual reference does**
6 **confuse me because I'm more familiar with what, you**
7 **know, Schneider Electric North America -- so I**
8 **apologize. We're at approximately 25,000 people in**
9 **the North America region.**

10 Q. Okay. You understand that Mr. Lyle Kovar
11 worked at Square D plants in Cedar Rapids, Iowa; a
12 training facility in the Columbia, Missouri area
13 and the Columbia, Missouri plant, correct?

14 **A. I understand that he worked at the**
15 **Cedar Rapids plant, and I understand that he worked**
16 **in the Missouri plant.**

17 Q. You do not understand he worked at a
18 training facility between 1978 and 1979?

19 **A. I have not heard of that.**

20 Q. That would be news to you this morning?

21 **A. That would be news to me this morning.**

22 Q. Do the plants in Cedar Rapids, Iowa and
23 Columbia, Missouri still operate today?

24 **A. Yes, they do.**

25 Q. Do they both continue to manufacture

1 electrical circuit breakers?

2 **A. No.**

3 Q. Do either of the plants continue to
4 manufacture circuit breakers?

5 **A. Cedar Rapids does not, and I'm not sure**
6 **about Missouri.**

7 Q. What does the plant in Cedar Rapids
8 manufacture?

9 **A. Currently they manufacture contacts that**
10 **go into breakers.**

11 Q. And what's a contact?

12 **A. It's a very small metal thing.**

13 Q. Do you know what the purpose of a contact
14 is?

15 **A. I'm not that familiar with the purpose of**
16 **a contact.**

17 Q. Okay. That's fair.

18 MR. ZUKOWSKI: Beyond the scope. It's
19 not what she's here for.

20 BY MR. BAUMSTARK:

21 Q. And what does the Square D plant in
22 Columbia, Missouri do today? What do they
23 manufacture?

24 **A. Let me think for a minute. They are in a**
25 **cluster that is our -- I can't recall which cluster**

1 **they're in, they're in either in the equipment to**
2 **order cluster or the manufacture to order. I'm not**
3 **sure which cluster they're in.**

4 Q. Okay. Fair enough.

5 What have you brought with you today,
6 if anything?

7 **A. I brought the Supplemental Responses to**
8 **the Plaintiff's Interrogatories, and I brought a**
9 **notebook in case I needed to take some notes or**
10 **write something down.**

11 Q. Do you have any notes in the notebook
12 right now pertaining to this case?

13 **A. Not pertaining to this case. This is**
14 **just a general notebook.**

15 Q. Okay. And the supplemental rogs, did you
16 sign those? Did you verify those?

17 **A. I have not signed this one yet.**

18 Q. Have you reviewed them?

19 **A. I did.**

20 Q. Are those answers complete and correct in
21 your opinion?

22 **A. Yes.**

23 Q. So you would stand by those today?

24 **A. Well, I have to say that because I**
25 **didn't -- I wasn't able to identify these exact**

1 documents that were referenced on here, there were
2 these Bates numbers, but the general responses are
3 correct.

4 Q. You would agree with the general
5 responses in the second supplemental rog answers,
6 correct?

7 A. Yes.

8 Q. You're not sure if the documents are
9 100 percent responsive; is that fair?

10 A. I did not go back and try to find each
11 one of these documents that was referenced in here.

12 Q. Do you know who did that?

13 A. I don't. I think it was some -- someone
14 from the attorneys.

15 MR. BAUMSTARK: Can we go off the record
16 for a second?

17 MR. ZUKOWSKI: Sure.

18 THE VIDEOGRAPHER: The time is 10:11.
19 We're off the record.

20 (Discussion off the record.)

21 THE VIDEOGRAPHER: The time is 10:11.
22 We're back on the record.

23 MR. BAUMSTARK: For the record, the
24 deponent arrived with a notebook. You have --
25 both the deponent and counsel for Square D has

1 A. I was not aware of some of the regulatory
2 history involved in this case, and I took some
3 notes about some regulatory developments on OSHA
4 and EPA about when certain things came into place.

5 Q. What were the notes that you made
6 specifically?

7 A. I noted that in, let's see, June of 1972
8 there was an OSHA standard that came out related to
9 asbestos.

10 I noted that in March of 1971 there
11 was an EPA listing of hazardous air pollutants.

12 And in April of 1973 is when the
13 asbestos NESHAPS were promulgated.

14 And then in 1985 that's when HAZCOM
15 came out, little chronology of regulatory
16 developments.

17 Q. Fair enough. Thank you for that
18 explanation.

19 Do you have any other notes on
20 Plaintiff's Exhibit No. 2?

21 A. It has been -- there have been some
22 things that have been highlighted with a
23 highlighter.

24 Q. Did you highlight those?

25 A. I did.

1 said there's nothing to do with the case in
2 the notebook. I'm accepting that. She's
3 going to put it on the floor and we're gonna
4 forget about it. Fair?

5 MR. ZUKOWSKI: Fair.

6 BY MR. BAUMSTARK:

7 Q. Miss Redfield, can you hand me the
8 answers to the rogs, please?

9 Thank you very much.

10 (Whereupon, Plaintiff's Exhibit

11 No. 2 was marked for

12 Identification, 07/02/2014.)

13 BY MR. BAUMSTARK:

14 Q. And the answers to the rogs that we have
15 been discussing have now been marked as
16 Plaintiff's Exhibit 2, correct?

17 A. Yes.

18 Q. Could you hand that back to me quickly?

19 Thank you, ma'am.

20 There are some notes I notice on the
21 back of the last page. Are those your notes?

22 A. Those are my notes.

23 Q. Can you just tell me briefly why you made
24 those notes and why you believe they're relevant to
25 this case?

1 Q. What was the purpose for your highlights?

2 A. I think it just helps me remember when I
3 highlight.

4 Q. Okay. Could I see Plaintiff's No. 2
5 again?

6 A. Sure.

7 Q. Thank you, ma'am.

8 Let me ask you about the answer to
9 Interrogatory No. 2. You have highlighted the last
10 sentence of that answer, correct?

11 A. The last sentence is highlighted.

12 Q. Could you read to me what you
13 highlighted?

14 A. "It is presently unknown whether
15 Mr. Kovar was exposed to, or otherwise inhaled,
16 respirable asbestos fibers in his various positions
17 at Square D."

18 Q. Do you agree with that answer?

19 A. I do.

20 Q. Have you read any of the depositions
21 taken in this case?

22 A. There were three depositions, and I
23 didn't review them thoroughly. It was a lot of
24 pages, but I did review a few, you know, I kind of
25 did an overview of some of the pages.

1 Q. Why didn't you review them thoroughly?

2 A. **I received them just, I don't know, maybe**
3 **a week ago, and I was travelling at the time, and I**
4 **didn't have the time.**

5 Q. You understand that Mr. Kovar died of
6 mesothelioma, correct?

7 A. **I understand that.**

8 Q. Can I have No. 2 back, please?

9 Do you know whether the three
10 witnesses who were deposed in this case,
11 Mr. Anderson, Mr. Emanuel and Mr. Ogden, described
12 scenarios at both the Square D plant in
13 Cedar Rapids, the Square D plant in Columbia,
14 Missouri and also the training facility in
15 Columbia, Missouri instances where Mr. Kovar was
16 working with and around asbestos-containing molding
17 compounds?

18 MR. ZUKOWSKI: Object to the form.

19 Go ahead.

20 THE WITNESS: Could you maybe shorten
21 that question for me?

22 BY MR. BAUMSTARK:

23 Q. Sure. Did the three witnesses who were
24 deposed in this case talk about Mr. Kovar's
25 exposures at the Square D work sites?

1 A. **I'm not sure.**

2 Q. Is that because you didn't review all the
3 depositions thoroughly?

4 A. **Yes.**

5 Q. Fair enough. I'm going to hold on to
6 No. 2, okay?

7 How much time have you spent
8 preparing for this deposition, if you know?

9 A. **On the order of somewhere between**
10 **20 and 40 hours.**

11 Q. How many times have you met with lawyers
12 for Square D?

13 A. **About this matter?**

14 Q. Correct.

15 A. **Okay. Three, four times.**

16 Q. Do you remember when the first time was?

17 A. **I don't recall the date.**

18 Q. Was it last month?

19 A. **I'm sorry, I would have to look back at**
20 **my calendar. I can't recall.**

21 Q. Did you meet with them yesterday?

22 A. **Yes.**

23 Q. How much time did you spend with them
24 yesterday?

25 A. **Let's see, we started around 10:30 or**

1 **11:00 and finished up around 4:00.**

2 Q. Did you meet with them this morning?

3 A. **Yes.**

4 Q. Did you have any phone conversations with
5 them?

6 A. **Yes.**

7 Q. How many phone conversations did you have
8 with them, if you can recall?

9 MR. ZUKOWSKI: Just to be clear, the
10 substance of the conversations are obviously
11 privileged.

12 MR. BAUMSTARK: Right.

13 THE WITNESS: Relative to the matter?

14 BY MR. BAUMSTARK:

15 Q. Relative to this case.

16 A. **Too. Relative to logistics and things**
17 **like that, you know, perhaps five or ten more.**

18 Q. The first time you received the
19 depositions of Mr. Kovar's co-workers was last
20 week. Was that your testimony?

21 A. **The first time I was able to review them**
22 **was last week.**

23 Q. Okay. Fair enough. Have you spoken with
24 any nonlawyers in preparation for this case?

25 A. **Yes.**

1 Q. Who have you spoken with?

2 A. **Rich Widdowson and Bill Vosdigh.**

3 Q. And who is Rich Widdowson?

4 A. **Rich Widdowson is a current employee of**
5 **Schneider Electric, and he formerly worked at the**
6 **Missouri plant.**

7 Q. What was his position at the Missouri
8 plant, if you know?

9 A. **I'm not sure, but I believe he worked in**
10 **the plating department.**

11 Q. What occurred in the plating department,
12 if you know?

13 A. **I'm not sure of the specific process.**
14 **They did some plating of metal parts.**

15 Q. Did anything he tell you help you form --
16 strike that.

17 Did anything he tell you form the
18 factual basis for any answers you're prepared to
19 give today?

20 A. **Yes.**

21 Q. Did you take notes on your conversation
22 with Mr. Widdowson?

23 A. **Yes.**

24 Q. Where are those notes?

25 A. **They're back in my office.**

1 MR. BAUMSTARK: I'll make a request for
2 those notes.

3 BY MR. BAUMSTARK:

4 Q. Did you meet with him in person?

5 A. Yes.

6 Q. Where did you meet him?

7 A. We were travelling together last week,
8 and we met in our Nashville Airpark office.

9 Q. Now you said you were travelling together
10 last week. Could you tell me exactly why you were
11 travelling together?

12 A. We were attending a staff meeting down in
13 our Nashville Airpark facility.

14 Q. Did that have anything to do with this
15 case?

16 A. No.

17 Q. Mr. Widdowson is someone who you work
18 with currently --

19 A. Yes.

20 Q. -- on matters having nothing to do with
21 this lawsuit?

22 A. Correct.

23 Q. What did Mr. Widdowson tell you that you
24 feel is of relevance to the Kovar matter?

25 A. I was -- I asked -- had two kind of lines

1 of questions for him, one was about when did our
2 safety organization begin and what did it sort of
3 look like generally and at the Missouri plant
4 because he was there.

5 Q. Okay. And what was the second line of
6 questioning?

7 A. It was about Item No. F on the Notice of
8 Deposition.

9 Q. What is that item?

10 A. About warnings, cautions, notifications,
11 guidelines and so on.

12 Q. And what did he tell you about Item F?
13 Let's do it backwards. What did he tell you about
14 Item F?

15 A. He said that the process for doing
16 warnings and communications related to health and
17 safety environmental issues was an informal process
18 at that time, and there weren't necessarily
19 documented training sessions, and that that would
20 have been conducted primarily by the area or
21 department supervisors.

22 Q. And this is during Mr. Widdowson's work
23 with Mr. Kovar at the Columbia, Missouri plant,
24 correct?

25 A. Correct.

1 Q. Did he tell you whether or not the
2 company made any formal or official warnings to its
3 employees about working with asbestos?

4 A. He did not.

5 Q. Did you ask him that question?

6 A. I think my question was more general.

7 Q. You understand that this is a lawsuit
8 about exposure to asbestos, correct?

9 A. Yes.

10 Q. And he did not tell you anything about
11 any warnings that were given to the employees of
12 Square D at the Columbia, Missouri plant during the
13 time he worked with Mr. Kovar?

14 A. He did not.

15 Q. Did he tell you about any warnings about
16 any hazardous materials that were given to Square D
17 employees at the Columbia, Missouri plant?

18 A. He said that those warnings generally
19 were provided by the department supervisors and it
20 was managed at that level.

21 Q. Was there a health or safety manager or
22 supervisor at the Missouri plant during this time
23 with Mr. Kovar?

24 A. There was.

25 Q. Who was that?

1 A. I don't recall her name.

2 Q. It was a female?

3 A. Yes.

4 Q. Was she a certified industrial hygienist,
5 if you know?

6 A. I don't know.

7 Q. Do you know anything about her education?

8 A. I don't.

9 Q. Do you know anything about the training
10 that Square D provided her regarding asbestos?

11 A. I don't.

12 Q. The first line of questioning that you
13 had from Mr. Widdowson, I believe -- correct me if
14 I'm wrong -- was to do with when the safety
15 organization or when the safety program began at
16 Columbia; is that fair?

17 If I butchered it, you tell me again
18 what the first line of questioning was.

19 A. I asked the question generally, but he
20 responded generally and about Columbia.

21 Q. And what did he respond first to
22 generally?

23 A. He said that there was a corporate
24 responsibility for health and safety starting
25 around the late 1960s that was part of loss

1 control.

2 And in the early 1970s the loss
3 control manager hired a safety manager, a corporate
4 safety manager. His name was Tom Cimino.

5 Q. And Mr. Cimino was out of Palatine? Is
6 it Palatine, Illinois?

7 A. Yes.

8 Q. Mr. Cimino did not work at the
9 Cedar Rapids plant, did he?

10 A. I'm not sure. I know he was at
11 corporate.

12 Q. And the corporate offices for Square D
13 at all times relevant to this lawsuit were in
14 Palatine, Illinois; is that fair?

15 A. The corporate offices were in Palatine.

16 Q. Are they still there?

17 A. For North America, yes.

18 Q. Was Mr. Kovar ever a member of the
19 loss control team at Cedar Rapids to your
20 knowledge?

21 A. Not to my knowledge.

22 Q. Was he ever a member of the loss
23 control team at any time?

24 A. Not to my knowledge.

25 Q. Do you know if Mr. Widdowson is going to

1 A. Right.

2 Q. And when did you talk to Mr. Vosdingh?

3 A. Last week.

4 Q. Was that in person or over the phone?

5 A. Over the phone.

6 Q. Where does he live, if you know?

7 A. Somewhere near Cedar Rapids.

8 Q. Okay. And what was the substance of
9 your conversation with Mr. Vosdingh?

10 A. Let me recall. I asked him a little bit
11 about his role. I'm thinking back. I'm sorry.

12 I asked him about -- the same
13 question about notifications and warnings in
14 Cedar Rapids.

15 Q. Did he ever work at the Columbia,
16 Missouri plant if you know?

17 A. I don't think he did.

18 Q. Did he work at the Cedar Rapids plant?

19 A. He did.

20 Q. When did he work there?

21 A. He started in the 50s.

22 Q. Do you know when he -- do you know
23 how long he worked there?

24 A. I'm not sure of his history of
25 employment.

1 appear as a witness in this case?

2 A. I do not know.

3 Q. Did he discuss that with you?

4 A. He did not.

5 Q. He didn't ask you, "Am I going to be
6 called as a witness in the Kovar lawsuit?"

7 A. He did not.

8 Q. And you did not ask him?

9 A. I did not.

10 Q. Fair enough.

11 The second person you spoke with was
12 a Mr. Vosdingh?

13 A. Bill Vosdingh.

14 Q. I think I have seen a few prior
15 depositions of Mr. Vosdingh. Have you seen any
16 prior depositions of Mr. Vosdingh?

17 A. I have not.

18 Q. What does Mr. Vosdingh do today for
19 Square D, if anything?

20 A. He still works for Square D. I'm not
21 sure what his current role is.

22 Q. Is he a consultant? Is he a full-time
23 employee?

24 A. He's a full-time employee.

25 Q. You just don't know what he does?

1 Q. Did you take notes about your
2 conversation with Mr. Vosdingh?

3 A. I did.

4 MR. BAUMSTARK: I'll make a request for
5 those as well.

6 BY MR. BAUMSTARK:

7 Q. What did he tell you about the warnings
8 at the Cedar Rapids plant?

9 A. Well, he's a manufacturing -- plastics
10 manufacturing engineer, and he did not really have
11 familiarity with that at Cedar Rapids from the
12 engineering department. That would have been more
13 a manufacturing thing.

14 Q. Could you tell me exactly what your
15 understanding of that job role was that
16 Mr. Vosdingh did?

17 A. At the time that we were discussing, his
18 role was to research and test molding compounds
19 that were asbestos free, so he had an objective of
20 identifying and replacing molding compounds that
21 had asbestos in them.

22 Q. When did he start that objective?

23 A. I would have to look back in the
24 documents to find the exact date. I don't think
25 the exact date is in the documents, but it was

1 **sometime in the early 70s.**

2 Q. When did Square D, if you know,
3 achieve that objective?

4 **A. The objective was achieved at different**
5 **times at different plants.**

6 Q. When was it achieved at Cedar Rapids?

7 **A. At Cedar Rapids it was about 1980, 1981.**

8 Q. When was it achieved at the Columbia,
9 Missouri plant?

10 **A. The date is unclear, but it's somewhere**
11 **between 1981 and 1985.**

12 Q. Have you seen a document produced by
13 Square D in this case indicating that the Missouri
14 plant was not asbestos free until 1985?

15 MR. ZUKOWSKI: Object to the form.

16 Go ahead and answer.

17 THE WITNESS: Yes, that's -- could you
18 restate that question, please?

19 BY MR. BAUMSTARK:

20 Q. Sure.

21 Square D has produced quite a bit of
22 documentation as to this.

23 **A. Right.**

24 Q. That's fair, correct?

25 **A. Yes.**

1 Q. Have you reviewed some of those
2 documents?

3 **A. I have reviewed some of those documents.**

4 Q. Is there a list anywhere of the documents
5 you have reviewed?

6 **A. No.**

7 Q. How did you choose the documents to
8 review?

9 **A. I looked at documents that seemed**
10 **relevant to these A through H questions.**

11 Q. Were these documents provided to you by
12 the attorneys for Square D?

13 **A. All of the documents were provided to me**
14 **by the attorneys for Square D.**

15 Q. Did they provide you with the sum total
16 of the documents produced, or did they provide you
17 with a subset?

18 **A. Both.**

19 Q. You haven't reviewed all of the documents
20 produced, have you?

21 **A. I actually flipped through every**
22 **document.**

23 Q. How much time did that take you?

24 **A. It was over a day.**

25 Q. Do you remember what documents, smaller

1 subset of documents that were provided to you, do
2 you remember what those documents were?

3 **A. I don't remember each and every document.**

4 Q. How many documents were provided for you
5 with that subset?

6 **A. Something about, what, four inches thick,**
7 **something like that.**

8 Q. Do you have those anywhere that are
9 segregated from the documents in total?

10 **A. I do.**

11 Q. Where are those documents?

12 **A. They're in my office.**

13 MR. BAUMSTARK: I'll make a request just
14 that those be identified. I don't need to see
15 them again. I have got them all. I do want
16 to know which ones were provided to her as a
17 subset.

18 MR. ZUKOWSKI: We'll talk about it after.

19 MR. BAUMSTARK: Okay.

20 BY MR. BAUMSTARK:

21 Q. Getting back to Mr. Vosdigh.

22 Mr. Vosdigh was not able to give you any
23 information about asbestos warnings at
24 Cedar Rapids; is that fair?

25 **A. That is fair.**

1 Q. What information did he give you that you
2 found useful in this case, if any?

3 **A. He talked a little bit about -- oh,**
4 **another topic that we did talk is I wanted to learn**
5 **about what Lyle Kovar's roles were at the facility.**

6 Q. Did Mr. Vosdigh know Mr. Kovar?

7 **A. He did.**

8 Q. What did he tell you about his roles at
9 Cedar Rapids?

10 **A. He said when Mr. Vosdigh started**
11 **Lyle Kovar was an hourly worker who worked in the**
12 **assembly area, and later on he was promoted to**
13 **salary, and he was in a supervisory role, I don't**
14 **remember the exact title, over the fabrication**
15 **area.**

16 Q. What else did he tell you, if anything?

17 **A. He talked a little bit about what his**
18 **role might have been in the fabrication area.**

19 Q. And was he speculating when he gave you
20 that information, or was he speaking due to his own
21 personal knowledge?

22 **A. I didn't ask if he was speculating. He**
23 **presented the answers as facts.**

24 Q. Okay. And what were the answers he
25 presented to you?

1 **A. He said that it would have been his role**
 2 **to oversee the operations in the fabrication area.**
 3 **He would have been a personnel manager. He**
 4 **wouldn't have worked on the lines in the**
 5 **fabrication area.**

6 Q. Why do you find that information
 7 relevant?

8 **A. It was an answer that he provided.**

9 Q. Did Mr. Vosdigh tell you that Mr. Kovar
 10 would on a weekly basis as supervisor of the
 11 fabrication department be in the actual fabrication
 12 department?

13 **A. He didn't state that.**

14 Q. Anything else he told you about
 15 Mr. Kovar?

16 **A. Not specifically about Mr. Kovar.**

17 Q. Of the documents that you reviewed, are
 18 there any that you found particularly or relevant
 19 to the facts in this case?

20 MR. ZUKOWSKI: Object to the form.

21 Go ahead.

22 THE WITNESS: I think there were a lot
 23 of documents that respond to A through H, so I
 24 can't point to one or five. I think there
 25 were many documents that are relevant.

1 BY MR. BAUMSTARK:

2 Q. Let me ask it a different way.

3 **A. Okay.**

4 Q. I'll tell you how I work. If someone
 5 gives me a stack that's 12 inches high, I'm gonna
 6 look through all 12. But if I think a document is
 7 relevant, I'm going to put it to the side, okay?

8 Did you engage in an activity similar
 9 to what I just described?

10 **A. I tabbed -- when I looked at the big set**
 11 **of documents, I put some tabs on them to organize**
 12 **them by Cedar Rapids or Missouri. I tabbed ones**
 13 **that seemed relevant to the facts, and there were a**
 14 **lot of other documents that didn't seem as, to me,**
 15 **as relevant.**

16 Q. There were a lot more documents
 17 regarding Cedar Rapids than Columbia, Missouri; is
 18 that fair?

19 **A. There were more documents for**
 20 **Cedar Rapids than there were for Missouri.**

21 Q. Did that strike you as strange in any way
 22 when you went through the documents?

23 **A. No.**

24 Q. Why not?

25 **A. It didn't strike me as strange.**

1 Q. Did you do any research on your own?

2 **A. I did do some regulatory research.**

3 Q. Right. Other than what we have already
 4 discussed.

5 **A. No.**

6 Q. Miss Redfield, I want to talk to you now
 7 about Square D a little bit then now.

8 Do you know when Square D was first
 9 open for business and where?

10 **A. I'm sorry, I don't.**

11 Q. Are you familiar with their website?

12 **A. External, not very.**

13 Q. Have you ever had occasion to visit it?

14 **A. Yes.**

15 Q. Let me hand you what I'll mark as
 16 Plaintiff's Exhibit 3.

(Whereupon, Plaintiff's Exhibit
 No. 3 was marked for
 Identification, 07/02/2014.)

20 BY MR. BAUMSTARK:

21 Q. Take a minute to review that, if you
 22 would. If you feel you need to --

23 **A. The whole thing?**

24 Q. Do you recognize Plaintiff's 3?

25 **A. I have seen this document before.**

1 Q. And what's your understanding of what
 2 that document is?

3 **A. A general history of the company.**

4 Q. And this is available to the public on
 5 the Schneider -- or the Square D website; is that
 6 fair?

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

8 Q. You're not sure.

9 I'll mark -- there are a few specific
 10 pages that I want to go over with you,
 11 Miss Redfield, rather than the entire document,
 12 okay? Let me mark that as Plaintiff's 4.

13 **A. Thank you.**

(Whereupon, Plaintiff's Exhibit
 No. 4 was marked for
 Identification, 07/02/2014.)

17 MR. ZUKOWSKI: I'm just going to put a
 18 brief objection. She's not here to talk about
 19 the corporate history. That wasn't one of the
 20 topics. She can answer to the extent she
 21 knows, but just so we're clear.

22 This is No. 4?

23 MR. BAUMSTARK: This is No. 4.

24 BY MR. BAUMSTARK:

25 Q. And on Page 14 of Plaintiff's 4, it's

1 entitled Square D key dates, correct?

2 A. Yes.

3 Q. Under 1917, see where the year 1917 is
4 listed?

5 A. Yes.

6 Q. Apparently this is when Square D changed
7 its name to Square D, correct?

8 A. Yes.

9 Q. And in 1919 the company's total sales
10 were already \$1 million.

11 A. Yes, that's what the document says.

12 Q. On the next page, Page 15, by 1948
13 Square D had 7000 employees and 10 plants in
14 North America as well as 43 regional offices that
15 produced half of the circuit breakers used in
16 aviation; is that correct?

17 A. That's what it says.

18 Q. And on the same page, by 1955 Square D
19 had 72 sales offices, several hundred distributors
20 and had European operations in London, Germany,
21 France and Italy, correct?

22 A. That's what it says.

23 Q. When did Mr. Kovar start working for
24 Square D, if you remember?

25 A. I think '56 or '58, something along that

1 time frame.

2 Q. On the same page in 1964, Square D had
3 10,000 employees in 22 plants, correct?

4 A. That's what it says.

5 Q. On the next page, Page 16, by 1972
6 Square D had expanded to South Africa and Ireland,
7 had an international network that included 400
8 distributors in 75 countries and had three plants
9 outside of the United States employing some 3,000
10 people, correct?

11 A. Yes.

12 Q. By 1977 Square D had agencies in
13 Singapore, Bangkok and Manila and their sales
14 exceeded \$500 million, correct?

15 A. Yes.

16 Q. Based upon your review of the documents,
17 as of the end of 1977, Square D was still using
18 millions of pounds of asbestos molding compounds at
19 its Cedar Rapids plant on a yearly basis, correct?

20 A. I can't comment on the quantity. It is
21 my understanding that Cedar Rapids was using
22 asbestos molding powders in 1977.

23 Q. Were they using them extensively in your
24 opinion, or in your understanding?

25 MR. ZUKOWSKI: Object to the form.

1 THE WITNESS: I don't know of the
2 quantity.

3 BY MR. BAUMSTARK:

4 Q. We'll talk about that a little later.

5 Attached at the end of
6 Plaintiff's 4 is a New York Times article that
7 talks about when Schneider Electric or Group
8 Schneider, the French company, purchased Square D.

9 Were you aware that -- when this
10 purchase went through Square D was purchased for
11 over \$2 billion?

12 MR. ZUKOWSKI: Object to the same
13 form.

14 THE WITNESS: That's what the document
15 says.

16 MR. ZUKOWSKI: Beyond the scope.
17 BY MR. BAUMSTARK:

18 Q. You have no reason to dispute the
19 accuracy of that report, do you.

20 A. No.

21 Q. When did Mr. Kovar die?

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

23 Q. Do you know how long he suffered from
24 mesothelioma?

25 A. I don't.

1 Q. Do you know how long he suffered the
2 effects of mesothelioma before his death?

3 A. I don't.

4 Q. What level of education did Mr. Kovar
5 have?

6 A. I don't know.

7 Q. Have you seen his personnel file at
8 Square D?

9 A. It's my understanding that we have not
10 been able to find the personnel file.

11 Q. Does that strike you as strange?

12 A. We have document retention policies, and
13 it's not -- no.

14 Q. How long did he work for Square D?

15 A. He started in '56 or '58, and I think he
16 left in about -- I can't remember. I can't
17 remember when he left. I don't know.

18 Q. Let's talk about the positions that he
19 held within Square D. I think you already
20 discussed that you had talked to Mr. Vosdingh about
21 this issue and possibly Mr. Widdowson; is that
22 fair?

23 A. Yes.

24 Q. Have you seen any documents that discuss
25 the actual job responsibilities of Mr. Kovar?

1 **A. I have seen an org chart that shows his**
2 **name, but I haven't seen any documents that specify**
3 **what that meant.**

4 Q. Fair enough.

5 Can we agree that between 1958
6 and 1960 Mr. Kovar was a move man on the assembly
7 side?

8 **A. I have not heard the term move man. I**
9 **understand he was working on the assembly side in**
10 **Cedar Rapids.**

11 Q. Do you know what he was doing on the
12 assembly side?

13 **A. I do not.**

14 Q. Do you know whether between 1960 and
15 1963 he was a lead man on the assembly side?

16 **A. I have not heard that term. I have not**
17 **seen it in a document that I have reviewed.**

18 Q. At any point did he become the assembly
19 foreman?

20 **A. I haven't heard that either. I haven't**
21 **seen that in a document either.**

22 Q. At some point he did become the general
23 foreman of assembly and fabrication; is that right?

24 **A. It's my understanding that he was a**
25 **foreman over the fabrication department, not over**

1 **the assembly.**

2 Q. Okay. Do you know what his job
3 responsibilities were when he became the general
4 foreman?

5 **A. Not specifically.**

6 Q. When did he leave the Cedar Rapids
7 plant?

8 **A. I think it was about 1978.**

9 Q. And why did he leave?

10 **A. He was transferred to the Missouri plant**
11 **is my understanding.**

12 Q. Did he go directly to the Columbia plant
13 that exists today?

14 **A. That's what I have heard, yeah, from**
15 **interviews.**

16 Q. No one you have talked to has discussed
17 the existence of this temporary training facility
18 that was open before the Columbia, Missouri plant?

19 **A. I have heard of the existence of a**
20 **temporary training facility.**

21 Q. How have you heard of that?

22 **A. I can't recall if it was Rich or Bill.**

23 Q. One of them told you about a training
24 facility prior to the Columbia plant's opening?

25 **A. Yeah.**

1 Q. What did they tell you?

2 **A. Bill Vosdinh -- I asked him the**
3 **question -- the training facility was mentioned in**
4 **one of the depositions, the other depositions, and**
5 **I asked him the question of whether he knew of this**
6 **training facility.**

7 **He did not know specifically of that**
8 **training facility, but said that would have been a**
9 **common practice for Square D to do at the time**
10 **before opening up a new plant, that we would have**
11 **set up a training facility, sent employees there to**
12 **learn at this training facility before the plant**
13 **opened up.**

14 Q. Do you know if Mr. Vosdinh was provided
15 with any deposition testimony in this case?

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

17 Q. Did he tell you he was provided with
18 anything?

19 **A. He did not.**

20 Q. Okay. Did he express any doubt or any
21 criticism about any testimony adduced in this case
22 regarding Mr. Kovar's work responsibilities at this
23 training facility?

24 **A. I'm not sure I understand your question.**

25 Q. At least one of the witnesses in this

1 case has testified that he was present with
2 Mr. Kovar at the training facility. You're aware
3 of that, correct?

4 **A. No.**

5 Q. You're not aware of that.

6 Mr. Vosdinh did not say to you at
7 any time, "I reviewed the testimony of Mr. Kovar's
8 co-worker at the training facility and I disagree
9 with what he said?"

10 **A. No.**

11 Q. What were Mr. Kovar's responsibilities
12 at the Missouri plant based on your understanding?

13 **A. He started off as a plant superintendent,**
14 **and then he was promoted to plant manager.**

15 Q. What's your understanding of the
16 difference between those two jobs?

17 **A. My understanding is the plant manager at**
18 **the time. The plant manager was king of the plant.**
19 **He was responsible for everything, purchasing, you**
20 **know, everything.**

21 **The plant superintendent would have**
22 **had a night foreman and a day foreman who would**
23 **have been reporting to him on the manufacturing**
24 **operations.**

25 Q. What are those understandings based

1 upon?

2 **A. Interviews with Rich Widdowson and**
3 **Bill Vosdingh.**

4 Q. Is that the sole source of your
5 information on the difference between those two
6 jobs?

7 **A. It is.**

8 Q. Do you know when Mr. Kovar became
9 plant manager?

10 **A. I don't know the year.**

11 Q. Previously you discussed the fact that
12 there was a safety officer at the Missouri plant
13 when Mr. Kovar was there.

14 **A. Yes.**

15 Q. It's a female. You just don't remember
16 the name?

17 **A. Correct.**

18 Q. Have you seen any correspondence
19 between that safety personnel individual and
20 Mr. Kovar?

21 **A. I don't think so.**

22 Q. To your knowledge none exist, correct?

23 **A. I have not seen it in the documents**
24 **produced.**

25 Q. Do you know what Mr. Kovar did after he

1 prior to this morning?

2 **A. No.**

3 Q. To your knowledge, was Mr. Kovar a
4 medical doctor?

5 **A. Not to my knowledge.**

6 Q. Was he a scientist?

7 **A. Not to my knowledge.**

8 Q. Did he have a degree in engineering?

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

10 Q. Was he an industrial hygienist?

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

12 Q. Nothing to indicate he was a
13 mineralogist, correct?

14 **A. I have not seen any documents that depict**
15 **him as a mineralogist.**

16 Q. Let's talk about Topic A in the
17 deposition notice.

18 **A. Okay.**

19 Q. That's the use of asbestos at the plants.

20 Based upon your review of materials
21 in this case, would you agree that asbestos molding
22 compounds were used by Square D for decades to
23 manufacture, at a minimum, electrical circuit
24 breakers?

25 **A. That's a general question. I can respond**

1 left the Columbia plant?

2 **A. I do not.**

3 Q. Do you know when he left the Columbia
4 plant?

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

6 Q. Did he ever come back to the Columbia
7 plant in a professional capacity, meaning a job at
8 the Missouri plant?

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

10 Q. You have indicated that you kind of
11 skimmed through the three co-worker depositions in this
12 case, correct?

13 **A. Yes.**

14 Q. Would you agree that these depositions
15 describe Mr. Kovar as a hands-on employee?

16 **A. I did not come to that conclusion myself.**

17 Q. What conclusion did you come to?

18 **A. I didn't see that much in there about**
19 **Mr. Kovar. I saw more in there about other topics.**

20 Q. Did you see any testimony at all
21 describing Mr. Kovar himself taking bags of
22 asbestos molding compounds at the training facility
23 himself and dumping them into hoppers?

24 **A. I did not.**

25 Q. Has anyone told you about that testimony

1 **to Cedar Rapids and Missouri, but I'm not familiar**
2 **with what occurred in other places.**

3 Q. All I want to know about are Cedar Rapids
4 and Missouri. Sorry. I should have made the
5 question clearer.

6 If we limit that question to
7 Cedar Rapids and Missouri, what would your answer
8 be?

9 **A. It's my understanding that Cedar Rapids**
10 **used asbestos molding materials as early as the**
11 **1950s; and we have established that they stopped**
12 **using asbestos materials in about 1980, 1981 time**
13 **frame.**

14 **And Columbia, Missouri, it's a little**
15 **less clear. They started the plant asbestos free.**
16 **At some point in time they introduced asbestos, and**
17 **then it was then phased out between '81 and '85.**

18 Q. Why do you believe that the Missouri
19 plant was started asbestos free?

20 **A. In the documents that I reviewed,**
21 **there -- as they were preparing, setting up the**
22 **plant, it was stated that the plant would be opened**
23 **up as an asbestos free plant; and then there was**
24 **some later documents that said that they needed to**
25 **use an asbestos -- a molding compound that used**

1 **asbestos because the asbestos free one was not**
2 **meeting some technical specifications.**

3 Q. Do the documents you reviewed actually
4 indicate that at one point in the late 1970s,
5 specifically 1979, that the plant actually was
6 asbestos free, or do the documents indicate that
7 the intention was to make the plant asbestos free?

8 **A. The documents clearly state the intention**
9 **was to be asbestos free. And there was a**
10 **subsequent document that said we need to introduce**
11 **asbestos.**

12 Q. Have you seen any documents this morning
13 that would indicate that asbestos molding compounds
14 were delivered to the Square D Columbia, Missouri
15 plant in 1978?

16 **A. I have not.**

17 Q. We'll get to that later.

18 Does Square D agree that asbestos is
19 a recognized carcinogen?

20 **A. Um, I'm sure Square D agrees with**
21 **whatever is in the regulations. I'm not sure how**
22 **it's categorized in the regulations as a**
23 **carcinogen. I'm not sure.**

24 Q. What is a carcinogen?

25 **A. Something that is known or suspected of**

1 **causing cancer, I believe. I'm not a toxicologist.**

2 Q. Okay. Do you feel that asbestos is a
3 recognized cancer-causing agent as a health
4 professional?

5 **A. I am not a medical doctor, and I know**
6 **that it causes certain diseases, and I don't know**
7 **if those are considered cancer.**

8 Q. Is mesothelioma cancer to your
9 knowledge?

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

11 Q. You don't know. Okay.

12 Does Square D agree that all
13 asbestos fiber types are dangerous and can cause
14 cancer, if you know?

15 MR. ZUKOWSKI: Object to the form.

16 Go ahead.

17 THE WITNESS: I'm not sure Square D
18 has taken a stance on that. I'm not sure if
19 Square D knows about all asbestos fibers.

20 BY MR. BAUMSTARK:

21 Q. Do you know what asbestos -- strike that.

22 Have you seen any documents to
23 indicate that the molding compounds used at the
24 Cedar Rapids facility and the facilities in
25 Columbia, Missouri contained different fiber types

1 of asbestos?

2 **A. Can you state that again, please?**

3 **Q. Sure.**

4 Have you seen any documents in your
5 review of this case that indicate that the molding
6 compounds used by Square D at Cedar Rapids and in
7 Missouri contained differing fiber types in the
8 compounds themselves?

9 **A. I'm not sure. I saw references to**
10 **different fiber types, and I did not make the**
11 **comparison.**

12 Q. Do you agree that if a company is asking
13 its employees to work with and around asbestos
14 molding powders and asbestos molding compounds it
15 has a duty to protect its employees from asbestos
16 inhalation to the maximum extent possible?

17 MR. ZUKOWSKI: Object to the form.

18 THE WITNESS: So I agree that as an
19 employer we're required to provide a safe and
20 healthy workplace to the fullest extent
21 possible.

22 BY MR. BAUMSTARK:

23 Q. Thank you.

24 You're an environmental health and
25 safety manager, correct?

1 **A. Correct.**

2 Q. Do you think the duty that we just
3 discussed rises to the level of a moral obligation?

4 MR. ZUKOWSKI: Object to the form.

5 Beyond the scope.

6 THE WITNESS: I'm not sure I can
7 answer.

8 MR. ZUKOWSKI: You go ahead. You can
9 answer.

10 THE WITNESS: I think a moral obligation
11 is not a factual -- I'm not sure what a moral
12 obligation is. Your morals and my morals,
13 other people have different morals, but I
14 agree that as an employer we need to provide
15 our workers with a health and safe -- healthy
16 and safe work environment.

17 BY MR. BAUMSTARK:

18 Q. Do you have an appreciation for the
19 amount by weight of asbestos molding compounds used
20 by Square D at the Cedar Rapids plant from 1958
21 through 1978?

22 **A. I'm not aware of the quantities used.**

23 MR. BAUMSTARK: Mike, I think you already
24 have what I'm going to mark as Exhibit 5 to
25 the depo.

(Whereupon, Plaintiff's Exhibit No. 5 was marked for Identification, 07/02/2014.)

MS. NEWTON: This is Alexa Newton. I'm gonna go ahead and place an objection on the record as to foundation, hearsay, and this is a confidential document sent to plaintiff's counsel and expected to be kept confidential.

MR. BAUMSTARK: And our response for the record is that this is a letter from Plenco's counsel, and it was sent in receipt or in answer to our attempt to resolve letter and our motion to compel; and that Plenco was supposed to have answers to these -- our discovery responses last Friday. They have not done that.

I have got no choice but to use it. It is not a settlement discussion. We're not waiving anything by using it.

MS. NEWTON: The letter speaks for itself with regards to what you say.

Can I have a running objection to the -- or do you want me to object to every question?

MR. BAUMSTARK: Don't object to every

question. I'll give you a running objection.

MS. NEWTON: Thank you.

MR. ZUKOWSKI: I'll throw in an objection that it's not one of our documents to the extent she can answer.

MR. BAUMSTARK: Okay.

MR. ZUKOWSKI: I'm not sure what you're going to use it for. Probably similar foundation objections, but I'll just throw in my objection as well.

BY MR. BAUMSTARK:

Q. Before we talk about Plaintiff's 5, have you seen any documents before looking at Plaintiff's 4 indicating that a molding compound identified as Plenco 509 or Plenco 509 Black were used at Cedar Rapids?

A. I have seen in our documents I have seen references to Plenco 509 products. There is more than one.

Q. Do you recall looking at a document that stood for the proposition that at one point Square D was using in the neighborhood of 190,000 pounds a month of Plenco 509 at Cedar Rapids?

A. I don't recall that document.

Q. Fair enough.

Let me direct your attention to Plaintiff's 5, and the third page, if you could look at the third page?

A. Can I go get my glasses?

Q. Absolutely.

MR. BAUMSTARK: Do you want to take a quick break?

MR. ZUKOWSKI: Take a quick break.

MR. BAUMSTARK: That's fine.

THE VIDEOGRAPHER: The time is 11:03. We're off the record.

(A short break was taken.)

THE VIDEOGRAPHER: The time is approximately 11:11 a.m. We're back on the record.

BY MR. BAUMSTARK:

Q. Miss Redfield, we took a quick break. Let me restate my question.

You have got in front of you what's been marked as Plaintiff's 5; is that right?

A. Yes.

Q. And that is a letter dated June 3rd to me from counsel for Plastics Engineering Company. Is that what it appears to be?

A. Assuming that's who Daniel Donohue is.

Q. Right.

A. Right.

Q. And do you see on the first page of the letter where it says Interrogatories, Letter A, Interrogatory No. 5?

A. Uh-hum. Yes.

Q. Thank you.

It says, "See enclosed sales charts. The enclosed sales charts reflect all Plenco sales to Square D in Cedar Rapids, Iowa from 1958 to 1978;" is that correct?

A. Yes.

Q. And it attaches a chart.

A. Yes.

Q. And that's marked in the bottom, right-hand corner Bates stamped Kovar 1, true?

A. Correct.

Q. And at the top of the chart, there's a listing for the product, and it says asbestos-containing 509 Black.

A. Uh-hum. Yes.

Q. And it goes from 1958 to 1978, fair?

A. It does with a gap in '61.

Q. According to Plenco's records and based upon this chart, no asbestos-containing compounds

1 were delivered or provided to Square D in
2 Cedar Rapids in 1958 or 1961, fair?

3 MR. ZUKOWSKI: Again objection. It
4 calls for her to speculate on what the records
5 are.

6 MR. BAUMSTARK: I'm just asking her
7 what the chart says.

8 THE WITNESS: The chart does not
9 indicate anything in -- from Plenco to
10 Square D Cedar Rapids in '58 or '61.

11 MR. ZUKOWSKI: And just another
12 objection on the foundation. I think -- I'm
13 assuming this chart is summarizing the
14 documents, but I'm not sure what this is
15 summarizing. I realize it's not your chart.

16 MR. BAUMSTARK: It's not.

17 BY MR. BAUMSTARK:

18 Q. Just looking at the chart,
19 Miss Redfield --

20 A. Yes.

21 Q. -- for many of the years between 1964
22 and 1978, according to Plenco, Plenco delivered
23 asbestos-containing 509 Black on a yearly basis in
24 excess of 1 million pounds.

25 A. I'm sorry. I'm an engineer. I don't see

1 units on the chart. Does it indicate it's pounds?
2 I'm a units person.

3 Q. I don't know if it dose.

4 A. It doesn't say the units so -- there are
5 numbers here.

6 Q. Let's assume it's pounds for the purposes
7 of my question.

8 A. Okay.

9 Q. Are you able to do that? I added up the
10 numbers. You don't have a calculator. I'm not
11 expecting you to do that.

12 If my calculator is correct and the
13 sales chart that we're discussing is correct and
14 the unit is pounds, it appears to me that Plenco
15 for this 20-year period delivered just under
16 30 million pounds of asbestos molding compounds to
17 the Square D facility in Cedar Rapids.

18 Does that appear to be what's
19 reflected in this sales chart?

20 A. If the units on this chart are pounds
21 and your addition is correct, then it adds up to
22 30 million.

23 Q. And Plenco is one supplier of
24 asbestos-containing molding compounds that you saw
25 mentioned in the records you reviewed in

1 preparation for this case.

2 A. Correct.

3 Q. If my math is also correct, this means
4 that Plenco delivered in this 20-year period just
5 under 15,000 tons of asbestos-containing molding
6 compounds, correct?

7 MR. ZUKOWSKI: Object to the form to
8 the extent it calls for assumptions and
9 speculations of counsel.

10 MS. NEWTON: I'll join.

11 MR. ZUKOWSKI: You can answer.

12 THE WITNESS: I'm sorry, you said
13 what?

14 BY MR. BAUMSTARK:

15 Q. 29 million pounds, or just under
16 30 million pounds is just under 15,000 tons.

17 A. Okay.

18 Q. Does that sound accurate to you?

19 A. Yes.

20 Q. You don't have a problem with that?

21 A. No.

22 Q. If that's accurate, does that quantity of
23 asbestos-containing molding compounds surprise you?

24 A. No.

25 Q. Have you read any prior depositions in

1 cases other than Mr. Kovar's taken of Square D
2 workers or employees who described the Cedar Rapids
3 plant as the largest asbestos molding compound
4 plant in the nation?

5 A. No.

6 Q. That would be news to you.

7 A. Yes.

8 Q. Miss Redfield, I'm going to mark as
9 Plaintiff's Exhibit 6. For the record, the Bates
10 stamp is Square D Kovar 13069.

11 (Whereupon, Plaintiff's Exhibit

12 No. 6 was marked for

13 Identification, 07/02/2014.)

14 BY MR. BAUMSTARK:

15 Q. Could you identify that document?

16 A. It's a document from -- I get these
17 confused in these memos. I think it's from
18 Hitchcock to Denny about the use of -- about
19 emission standards for pollutants, asbestos,
20 beryllium and Mercury dated March 29, 1973.

21 Q. Have you seen this document before this
22 morning?

23 A. Yes, I have.

24 Q. You recognize it as a Square D document?

25 A. I do.

1 Q. A few questions for you. At the top of
2 the memo it says, "To DM." Do you see that?

3 A. Yes.

4 Q. Do you know what DM stands for?

5 A. I would be speculating.

6 Q. It says, "From WM." Any idea what WM
7 means?

8 A. I don't know what WM means.

9 Q. The memo indicates, "Attention
10 C.W. Denny III."

11 A. Correct.

12 Q. Who was Mr. Denny III, if you know?

13 A. I would have to check the org charts. I
14 think he may have been a plant manager, but I'm not
15 sure.

16 Q. Was he the plant manager at Cedar Rapids
17 at that time if you know?

18 A. That sounds correct.

19 Q. Do you know if Mr. Denny eventually
20 became the CEO of Square D?

21 A. I may have heard that.

22 Q. He did become the CEO of Square D,
23 didn't he?

24 A. Yeah, I think I heard that. I don't -- I
25 don't know when that was.

1 Q. Who was Mr. Hitchcock, if you know?

2 A. I don't know.

3 Q. No idea?

4 A. I don't know.

5 Q. Is it fair to say that Plaintiff's No. 6
6 lists four asbestos-containing molds and their
7 respective use on a pounds-per-month basis,
8 correct?

9 A. Yes.

10 Q. And four are listed.

11 MR. ZUKOWSKI: Is that a question?

12 BY MR. BAUMSTARK:

13 Q. Are four listed in the memo?

14 A. Four are listed.

15 MR. BAUMSTARK: Thank you.

16 BY MR. BAUMSTARK:

17 Q. Durez 23639, correct?

18 A. Yes.

19 Q. At 30,000 pounds a month?

20 A. Yes.

21 Q. Rogers 368 at 22,000 pounds per
22 month?

23 A. Yes.

24 Q. Plenco 509 at 190,000 pounds per
25 month?

1 A. Yes.

2 Q. It's not exact, but would this memo seem
3 to support the sales chart that we discussed in
4 Plaintiff's No. 5?

5 A. Okay.

6 MR. ZUKOWSKI: Object to form.

7 Go ahead.

8 THE WITNESS: Okay. I have not done
9 the math.

10 BY MR. BAUMSTARK:

11 Q. But it looks in the ballpark, doesn't it?

12 MS. NEWTON: Object to form.

13 Speculation. Foundation.

14 THE WITNESS: This is one year.

15 BY MR. BAUMSTARK:

16 Q. Right.

17 A. So, I mean, I would want to do some
18 math to see if it matches up with what -- and this
19 is use versus sales, so there can sometimes be a
20 difference there, but I don't know. I haven't done
21 the math, so I don't know if it supports it or not.
22 I haven't seen anything, you know, converting this
23 to that.

24 Q. 12 months in a year?

25 A. Right.

1 Q. Correct?

2 A. Yes.

3 Q. 12 times 190,000 by my calculator is
4 2,280,000. Does that sound fair?

5 A. That looks about right then.

6 Q. So Plaintiff's 6 does tend to support the
7 accuracy of the sales chart in Plaintiff's 5, at
8 least as to the year 1973?

9 A. Correct.

10 Q. Thank you.

11 The paragraph right after the
12 compound designation of monthly usage by pounds
13 indicates that --

14 A. There's a typo.

15 Q. There is a typo. I wanted to talk to you
16 about that. That's my question. You anticipated
17 my question.

18 It refers to Rogers 468, correct?

19 A. Correct.

20 Q. Do you know if there was a compound
21 Rogers 368?

22 A. I don't know if there was a compound
23 Rogers 368, but that's the only place in the
24 documents that I reviewed that I saw the reference
25 to 368.

1 Q. You have seen several references in the
2 documents to Rogers 468?

3 A. Correct.

4 Q. Looking at this memo, it seems apparent
5 to you that the typo is with Rogers 368.

6 A. It seems like there's a typo.

7 Q. I wanted to know what the company's
8 position is on a comment here. I'm going to read
9 it to you, and tell me, please, if I read it
10 correctly.

11 "The first two of the above
12 materials, Durez 23639 and Rogers 468, are termed
13 long fiber material. The fibers of these are
14 basically not encapsulated. The other two
15 materials contain Bakelite short fibers which are
16 considered to be encapsulated. There is a
17 reasonable degree of certainty that the handling
18 and machining of the long fiber materials will
19 release unencapsulated asbestos fibers into the
20 atmosphere."

21 Did I read that correctly?

22 A. Yes.

23 Q. What is the significance of this phrase
24 long fiber material, if you know?

25 A. I would be making an assumption because

1 in the regulations there was a designation between
2 fibers that were five microns in length and fibers
3 that were shorter than that. That would be my
4 assumption, but I shouldn't be assuming.

5 Q. You're talking about regulations in
6 effect at the time of the memo?

7 A. Correct.

8 Q. And what is your feeling on what those
9 regulations said, if any?

10 A. It's my understanding that when these
11 asbestos regulations first came out there was a
12 focus on fibers that were 5 microns in length or
13 greater.

14 Q. Do you know whether or not Durez 23639
15 contained crocidolite asbestos fibers?

16 A. I don't know what fibers were in the
17 various products.

18 Q. So if I asked you about any of the fiber
19 types in any of these products, you would not want
20 to comment on that?

21 A. I wouldn't. I would have to go back to,
22 you know, documents, if there were any documents.
23 I can't recall specifically what fibers were in
24 what products.

25 Q. That same paragraph goes on to state

1 that, "The compounds containing encapsulated
2 asbestos fibers probably would not release exposed
3 asbestos fibers into the atmosphere during normal
4 handling procedures. But when parts of these
5 materials are machined, filed or abraded in any
6 way, then there is a potential of releasing exposed
7 asbestos fibers into the atmosphere."

8 Did I read that correctly?

9 A. That's what it says.

10 Q. Let me show you what I have -- or I will
11 mark as Plaintiff's 7.

12 (Whereupon, Plaintiff's Exhibit

13 No. 7 was marked for

14 Identification, 07/02/2014.)

15 BY MR. BAUMSTARK:

16 Q. And I'll ask you if you recognize that.

17 A. Okay. Thank you.

18 Q. You're welcome.

19 Do you recognize the document?

20 A. I don't recognize this one, but it
21 appears that it was produced as part of our
22 document production.

23 Q. It has a Bates stamp in the lower,
24 right-hand corner of 9135.

25 A. Correct.

1 Q. And this appears to be a memo dated
2 February 21st, 1991.

3 A. Yes.

4 Q. To a gentleman named John Katzbeck at
5 Square D's office in Columbia, South Carolina.

6 A. Yes.

7 Q. In the middle of the document
8 Durez 23639 is listed, correct?

9 A. Yes.

10 Q. And according to OxyChem, or Durez,
11 that particular compound contains 36 percent
12 crocidolite, 18 percent chrysotile, fair?

13 A. Yes.

14 Q. I may have asked you this question
15 already, but I'm going to ask it again because I
16 can't remember if I did.

17 Does Square D contend or believe
18 that crocidolite is a more potent carcinogen than
19 chrysotile?

20 MR. ZUKOWSKI: Object to the form.
21 Beyond the scope.

22 Go ahead and answer.

23 THE WITNESS: Square D is not
24 knowledgeable as to the various effects of the
25 different types of asbestos fibers.

1 BY MR. BAUMSTARK:

2 Q. They weren't knowledgeable back then,
3 or they weren't -- or they aren't knowledgeable
4 today?

5 MR. ZUKOWSKI: Same objections.

6 THE WITNESS: I can't speculate what
7 they knew.

8 BY MR. BAUMSTARK:

9 Q. I'll show you what I'll mark as
10 Plaintiff's 8.

11 (Whereupon, Plaintiff's Exhibit
12 No. 8 was marked for
13 Identification, 07/02/2014.)

14 MR. ZUKOWSKI: Is this my copy?

15 MR. BAUMSTARK: Yes. I gave Anthony a
16 copy of this earlier.

17 MR. ZUKOWSKI: Can I write on this?

18 MR. BAUMSTARK: You may do anything you
19 wish with that.

20 MR. ZUKOWSKI: Okay.

21 BY MR. BAUMSTARK:

22 Q. Plaintiff's 8, Jeff Kovar versus Rogers
23 Corporation in the upper, left-hand corner,
24 correct?

25 A. Yes.

1 According to this chart, Rogers
2 supplied to the Cedar Rapids facility a compound
3 known as RX-462 between the years 1960 and 1978
4 in the amount of 1,052,050 pounds.

5 MR. ZUKOWSKI: I'm just going to object.
6 I don't see that reference to RX-462.

7 THE WITNESS: Can you state that again?

8 MR. BAUMSTARK: It started in 1971 if
9 you look at the chart. It starts in 1971,
10 '72, '73, '74, '75, '76, '77 and '78 all have
11 RX-462.

12 THE WITNESS: Yes.

13 MR. ZUKOWSKI: Your question was '60.
14 That's what confused me.

15 MR. BAUMSTARK: Okay.

16 BY MR. BAUMSTARK:

17 Q. Again I'll represent to you that I have
18 done the math. And if this chart is accurate,
19 Rogers supplied over a 1 million pounds of RX-462
20 to the Cedar Rapids plant. Would you agree?

21 A. Yes.

22 MR. ZUKOWSKI: Just object to the
23 extent you're asking her to agree with your
24 math.

25 THE WITNESS: Yes, this is the pounds

1 Q. And these are Defendant Rogers
2 Corporation's Answers to Plaintiff's
3 Interrogatories?

4 A. Yes.

5 Q. Could you turn to Page 7 of 17? I think
6 I red tabbed it for you.

7 A. Yes.

8 Q. And then the question is, "Between 1958
9 and 1978, did you or any predecessor entity sell or
10 deliver any material or products to the Square D
11 facility located in Cedar Rapids, Iowa? "

12 Is that the question?

13 A. Question No. 10?

14 Q. Right.

15 A. Yes.

16 Q. And on Page 9 of 17 there is a chart,
17 correct?

18 A. There's a chart on Page 9.

19 Q. Right. Again you don't have a
20 calculator, right?

21 A. Correct. I do not have a calculator.

22 Q. I'll represent to you that I went through
23 the chart with my calculator --

24 A. Okay.

25 Q. -- and did some math.

1 sold. I like it. It has units.

2 BY MR. BAUMSTARK:

3 Q. And if we did the math, that would come
4 out to 526 tons.

5 A. If -- okay.

6 Q. If I'm right with my math --

7 A. Okay.

8 Q. -- it's 526 tons. Does that look in the
9 ballpark to you?

10 A. Um, 1,000 pounds did you say --
11 I mean, a 1 million pounds?

12 Q. Right. It comes out to 526 tons when I
13 use my calculator.

14 A. About 500 tons.

15 Q. Right. Do you know whether or not
16 RX-462 was a crocidolite-containing asbestos of
17 molding compound?

18 A. I do not.

19 Q. And again, at least as far as you're
20 concerned, Square D does not take a position on
21 whether or not crocidolite is more harmful, more
22 dangerous or a more potent carcinogen than
23 chrysotile?

24 MR. ZUKOWSKI: Objection. Beyond the
25 scope.

1 THE WITNESS: I didn't see anything. I
2 didn't see anything in our documents that had
3 descriptions of specific asbestos fibers and
4 whether or not they had different effects on
5 human health or the environment.
6 BY MR. BAUMSTARK:
7 Q. And Rogers' asbestos-containing compound
8 discussed in Plaintiff's 6 is a different number as
9 Rogers 468, correct?

10 A. Correct. Rogers 468. 468.

11 Q. And you don't know whether or not
12 RX-468 contained 54 percent chrysotile fibers?

13 A. I do not know that.

14 Q. Did Square D ever use raw asbestos fiber
15 at the Cedar Rapids plant, the training facility in
16 Missouri or the Columbia, Missouri plant?

17 A. I am not aware of that.

18 Q. Are you aware that Square D at one time
19 or at one or more plants didn't use raw asbestos
20 fiber in its manufacturing process?

21 MR. ZUKOWSKI: Objection, beyond the
22 scope.

23 Go ahead.

24 THE WITNESS: I'm not aware of that.
25

1 A. Yes.

2 Q. We have already talked about the fact
3 that you don't know what DM stands for.

4 A. Correct.

5 Q. What about ME?

6 A. I would be speculating.

7 Q. Who was Mr. Woito, if you know?

8 A. I am not sure.

9 Q. Do you know Mr. or Mrs. Ashley?

10 A. I do not know Ashley or Junttila.

11 Q. Do you know what PS stands for other
12 than post script, which I don't think is the
13 meaning in this memo?

14 A. I would speculate that it stands for
15 plant superintendent.

16 Q. What is that speculation based on?

17 A. These initials seem to be relating to the
18 titles of the individuals involved.

19 Q. Is Plaintiff's 9 your -- strike that.

20 Is Plaintiff's 9 the basis for your
21 opinion or belief that the Cedar Rapids plant went
22 quote-unquote asbestos free in 1980?

23 A. It is.

24 Q. Is it the sole support for that belief or
25 opinion?

1 (Whereupon, Plaintiff's Exhibit
2 No. 9 was marked for
3 Identification, 07/02/2014.)

4 BY MR. BAUMSTARK:

5 Q. I'll show you what I have marked as
6 Plaintiff's Exhibit No. 9.

7 I'll ask you to identify that
8 document.

9 A. Okay. This is a memo from B. Woito to
10 C.W. Denny III from January 9th, 1980; subject,
11 asbestos in molding powder.

12 Q. And it's Bates stamped?

13 A. And it ccd Ashley -- C. Ashley,
14 C. Junttila and B. Vosdigh.

15 Q. We have already talked about the fact
16 that you have talked to Mr. Vosdigh --

17 A. Yes.

18 Q. -- in preparation for this case,
19 correct?

20 A. Yes.

21 Q. This is Bates stamped 12822, right?

22 A. 12822, yes.

23 Q. This is a Square D document?

24 A. It is.

25 Q. It's been produced in this case?

1 A. I think there may be another document
2 in the file that indicates -- I can't remember if
3 this was a Square D document -- I mean, a
4 Cedar Rapids document or a Missouri document, but
5 there might be one in the file that indicates that
6 in 1981 there was no asbestos in Cedar Rapids.

7 Q. So it could have been '80, it could have
8 been '81?

9 A. Correct.

10 Q. What is an inline press?

11 A. I'm not sure.

12 Q. Do you recall a discussion or description
13 of an inline press in any of the depositions taken
14 in this case?

15 A. I don't know what an inline press is.

16 Q. Do you know what a manual press is?

17 A. I'm not sure.

18 Q. Do you know what an automatic press is?

19 A. No.

20 Q. Do you know what a preform -- sorry.

21 Was the answer no?

22 A. Yes, the answer was no.

23 Q. Do you know what a preform machine is or
24 was?

25 A. Not exactly.

1 Q. Do you know if inline presses were used
2 at the Columbia, Missouri plant when it opened?

3 **A. I do not know.**

4 Q. I want you to assume that they were for
5 the purposes of my question.

6 Do you know of any reason why a
7 GE molding powder or molding compound that is
8 asbestos free would work in an inline press in the
9 Cedar Rapids plant but not work in an inline press
10 in that Columbia, Missouri plant?

11 MR. ZUKOWSKI: Object to the form. It
12 assumes facts.

13 Go ahead.

14 THE WITNESS: I do not know why
15 something that worked at Cedar Rapids would
16 not work in Missouri.

17 BY MR. BAUMSTARK:

18 Q. Mr. Vosdingh didn't enlight- -- strike
19 that.

20 Mr. Vosdingh did not tell you
21 anything in his discussions with you that would
22 help you answer that question?

23 **A. He did not.**

24 Q. Mr. Widdowson did not tell you anything
25 in his discussions with you about this case that

1 Lexington?

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

3 Q. Have you seen any documents referring to
4 Mr. Dutton as the product liability person within
5 Square D?

6 **A. I don't recall seeing those.**

7 Q. Paragraph 4 I'm going to read it to you,
8 and let me know if I have misread it or
9 misrepresented it.

10 "There is precious little
11 documentation on when we were asbestos free in our
12 molding compounds. I am sending a lab procedure
13 for Cedar Rapids that has some guidelines for
14 return materials. The Missouri plant reports the
15 elimination program was completed in 1985.
16 Cedar Rapids beat them a few years. Lincoln is
17 still checking as I write."

18 Did I read that correctly?

19 **A. Yes.**

20 Q. Does this document serve as the factual
21 basis for your earlier testimony that the Missouri
22 plant went asbestos free in 1985?

23 **A. This is one of at least two documents
24 that indicate that it was asbestos free in 1985.**

25 Q. Do you have any reason to disagree with

1 would help you answer that question?

2 **A. He did not.**

3 Q. I'm going to mark Plaintiff's Exhibit 10.

4 (Whereupon, Plaintiff's Exhibit

5 No. 10 was marked for

6 Identification, 07/02/2014.)

7 MR. BAUMSTARK: I'll give you a copy.

8 MR. ZUKOWSKI: Thank you.

9 BY MR. BAUMSTARK:

10 Q. I'll ask you to identify that document if
11 you're able.

12 **A. This is an internal Square D memo dated
13 January 22nd, 1991 to Jim Dutton, Lexington from
14 Rich Niccolls, Cedar Rapids ccing three people;
15 subject, asbestos reinforced molding compounds.**

16 Q. Do you know any of the three
17 individuals -- pardon me. Strike that.

18 Do you know any of the five
19 individuals who are referenced in this document at
20 the top of the document?

21 **A. I have seen Rich Niccolls on several
22 other Cedar Rapids documents.**

23 Q. Do you know who he was at Cedar Rapids?

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

25 Q. Do you know who Jim Dutton was at

1 that date as you sit here today?

2 **A. I don't.**

3 Q. You haven't seen anything that makes you
4 think that date is incorrect?

5 **A. I have not.**

6 Q. Are you able to tell us why today based,
7 upon the things you have reviewed in this case, why
8 it took Missouri five years more than it took
9 Cedar Rapids -- or four years if Cedar Rapids did
10 not get rid of asbestos compounds until '81, why
11 did it take Missouri five or four years longer than
12 Cedar Rapids?

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

14 Q. You have no explanation for that?

15 **A. I do not.**

16 Q. Have you seen any documents that
17 discuss or describe the amount of asbestos molding
18 compounds used at the Columbia training facility in
19 1978 or 1979?

20 **A. I have not seen documents that --
21 about that.**

22 Q. Okay. You understand that
23 Mr. Ronald Anderson did testify to that in this
24 case?

25 **A. I was not aware of that.**

1 Q. You haven't reviewed his testimony
2 regarding the training facility in Columbia?

3 A. Correct.

4 Q. Does Square D have any idea how many
5 pounds or tons of asbestos molding powders or
6 compounds were used at the Columbia plant from 1979
7 to 1985?

8 A. I -- there may be some documents in the
9 file similar to the ones that we have produced for
10 Cedar Rapids, but I'm not sure what those numbers
11 are.

12 Q. Okay. You remember Plaintiff's 5, which
13 is the letter from Plenco's attorney?

14 MS. NEWTON: I'll renew my objections.

15 MR. BAUMSTARK: You have got a
16 standing objection.

17 THE WITNESS: The Plenco chart?

18 BY MR. BAUMSTARK:

19 Q. The Plenco chart.

20 A. Yes.

21 Q. I believe the last page of that, or the
22 second -- the page after the chart on Cedar Rapids
23 talks about Columbia, Missouri.

24 A. Correct.

25 Q. And is that -- is the Bates stamp Kovar 2

1 in the lower, right-hand corner?

2 A. Kovar 2, yes.

3 Q. Thank you.

4 According to Plenco, they delivered
5 455,100 pounds, if the measurement listed in the
6 chart is pounds, between the years of 1979 and
7 1980, correct?

8 A. Yes. Correct.

9 Q. Again if my math is correct, that would
10 be 227 tons of Plenco 509 Black?

11 A. That could be 227 tons.

12 MR. BAUMSTARK: Let me mark as
13 Plaintiff's 11 another document and ask you if
14 you're able to identify that for me.

15 (Whereupon, Plaintiff's Exhibit

16 No. 11 was marked for

17 Identification, 07/02/2014.)

18 THE WITNESS: See, this is a Square D
19 interoffice memo from R.D. Boley in Missouri
20 to C.W. Denny in Cedar Rapids dated
21 October 5th, 1979; subject, asbestos-free
22 molding material.

23 BY MR. BAUMSTARK:

24 Q. Do you know who Mr. Boley was at that
25 time?

1 A. I'm not sure who he was.

2 Q. And the Bates stamp of this letter is
3 Square D 705 and 706, fair?

4 A. Yes.

5 Q. Thank you.

6 In Roman Numeral II, Subparagraph 1,
7 it talks about Rogers 468.

8 A. It does.

9 Q. Fair?

10 A. Yes.

11 Q. And the general gist of this memo in
12 Roman Numeral I and Roman Numeral II is that as
13 of October 5th, 1979 the Missouri plant -- the
14 Columbia, Missouri plant is not asbestos free.

15 A. That's correct.

16 Q. Does this memo indicate the problems that
17 the Missouri plant is facing trying to go asbestos
18 free?

19 A. Yes. They're undergoing testing.

20 Q. And again you're not sure why
21 asbestos-free compounds would work in Cedar Rapids
22 and not in Columbia, Missouri?

23 A. I do not know why.

24 MR. ZUKOWSKI: I'll object. The
25 document speaks for itself.

1 BY MR. BAUMSTARK:

2 Q. Do you have any idea how long Rogers
3 Corporation asbestos molding compound RX-468 was
4 used in Missouri?

5 A. 468?

6 Q. Right.

7 A. Is it in here?

8 Q. It's not in the interrogatory response
9 from Rogers, I'll tell you that.

10 A. Okay. No, I'm not sure how long that
11 particular molding material was used.

12 Q. Have you seen any documents in the
13 Square D document production that discussed how
14 long that particular compound was in use in
15 Columbia?

16 A. I'm sorry, can you repeat?

17 Q. Do you recall looking at any documents
18 that indicate how long that particular compound was
19 used in Columbia?

20 A. In Columbia?

21 Q. Right.

22 A. No.

23 Q. I'll hand you what I'm going to mark as
24 Plaintiff's 12.
25

(Whereupon, Plaintiff's Exhibit No. 12 was marked for Identification, 07/02/2014.)

BY MR. BAUMSTARK:

Q. I'll ask you if you're able to identify that document.

A. Yes. This is a single page that is -- at the title of it is called Use of Asbestos in Square D Company Operations.

Q. What's the date on it?

A. May 8th, 1981.

Q. And does that indicate that -- is that a file stamp from corporate risk management, is that what that looks like to you in the upper center --

A. Yes. I don't know if it's -- oh, yeah, risk management. It says Square D Corporation, risk management, correct.

Q. You previously indicated you were aware of who Mr. Cimino was.

A. Yes.

Q. What was his role again?

A. I believe he was the corporate safety officer for Square D.

Q. This document -- and this is Bates

stamped 8628 was prepared by a Jean Gambino.

A. Yes.

Q. Do you know who Mr. or Mrs. Jean Gambino was?

A. So I believe Jean was the safety officer at the plant at Missouri. That name is what I recall from the conversations with Rich Widdowson.

Q. So is that the person who you previously could not remember their name?

A. Yes.

Q. There are -- well, there is a chart on this document.

A. There is a chart.

Q. And it's got 1 through 7A, fair?

A. Correct.

Q. And under 1 the question is, "Has substitute material been considered and investigated," true?

A. Yes.

Q. And the answer was, "Yes?"

A. Yes.

Q. No. 2, "Have levels of airborne concentrations been scientifically measured?"

And what was the answer to that

question?

A. "No."

Q. No. 3, the question was, "In what operations are these materials being used?" And the answer was, "Molding."

A. Yes.

Q. Okay. No. 6 talks about, "Medical surveillance activities carried out regarding these operations."

The answer was, "No."

A. The answer is no.

Q. And No. 7 is, "How are these wastes disposed of?"

And the answer was, "In a local landfill," correct?

A. Yes.

Q. Under the comments section -- I want to read you the comments section, and you can tell me if I have read it correctly.

"I called Mr. Robert R. Lee, manager of environmental engineering with Rogers Corporation. He informed me that EPA did not consider this product as generating hazardous waste, and that because the asbestos fiber is bound airborne concentrations of the fiber is

negligible."

A. That's what it was.

Q. This would be in conflict -- direct conflict with the Square D internal memorandum dated March 29th of 1973, fair?

A. I would have to check back --

MR. ZUKOWSKI: Object to the form.

THE WITNESS: -- and look at that.

BY MR. BAUMSTARK:

Q. Can you find that for me?

A. Which exhibit was it?

Q. Unfortunately I don't remember.

MR. BESHORE: 6, I believe.

THE WITNESS: 6? Thank you.

BY MR. BAUMSTARK:

Q. Do you have 6 in front of you?

A. Yes.

Q. And 6 discusses the fact that Rogers 468 is a long fiber unencapsulated product, true?

A. It does at that time.

Q. Do you know what Ms. Gambino did, or what Mr. Cimino did to investigate the truth of the statement that was apparently made by Mr. Robert Lee?

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

2 Q. As an environmental health and safety
3 professional, do you think it is good practice for
4 a company using a potentially hazardous material to
5 simply rely on the products, manufacturer or
6 product salesman in giving you accurate
7 information?

8 MR. ZUKOWSKI: Objection, assumes
9 facts.

10 Go ahead.

11 THE WITNESS: I think it is very
12 common for us to rely on a supplier of a
13 material to provide us information about that
14 material.

15 BY MR. BAUMSTARK:

16 Q. Now I didn't ask you if it was common. I
17 asked you if you think that that is the best
18 practice considering the fact that the compound
19 contains a known and recognized carcinogen.

20 MR. ZUKOWSKI: Object to the form,
21 assumes facts.

22 Go ahead.

23 THE WITNESS: I think as far as a best
24 practice goes, there are kind of multiple ways
25 to collect information about a compound in our

1 facilities.

2 Sometimes we'll interview suppliers,
3 sometimes we'll collect Material Safety Data
4 Sheets. This is before HAZCOM, so HAZCOM
5 came into place in 1985 when it would have
6 been much more common to have access to
7 Material Safety Data Sheets, so I think this
8 would have probably been pretty close to best
9 practice at the time.

10 BY MR. BAUMSTARK:

11 Q. Do you think it was best practice to
12 simply rely on a Material Safety Data Sheet in
13 determining whether or not this product that you're
14 bringing in to your plant and exposing your
15 workforce to is hazardous or not?

16 MR. ZUKOWSKI: Same objections.

17 THE WITNESS: Can you say the question
18 again? I'm sorry.

19 BY MR. BAUMSTARK:

20 Q. Sure.

21 Do you think it is appropriate or
22 best practice for a company like Square D to rely
23 on a Material Safety Data Sheet --

24 **A. Relying on --**

25 Q. -- without further investigation?

1 **A. Relying on Material Safety Data Sheets is**
2 **a common practice for us to use when we're trying**
3 **to understand what is in a particular compound that**
4 **is being supplied to us by a vendor.**

5 Q. Should the inquiry end there in your
6 opinion?

7 **A. I think that's kind of a judgmental call.**

8 Q. Square D had information indicating
9 previously that this product was not an
10 encapsulated product, correct?

11 **A. There was information from -- what is**
12 **it -- eight years prior that Jean may or may not**
13 **have had access to, I don't know. It could be that**
14 **there were changes in the product in eight years as**
15 **well. You know, I don't -- I can't speculate.**

16 Q. You're not going to offer an opinion or a
17 feeling on whether or not Miss Gambino or
18 Mr. Cimino should have done something further?

19 MR. ZUKOWSKI: Object, assumes facts.

20 Go ahead.

21 THE WITNESS: I can't -- at the time
22 this appears to be appropriate.

23 BY MR. BAUMSTARK:

24 Q. In Item 2, "Have levels of airborne
25 concentrations been scientifically measured?" The

1 answer is, "No."

2 If OSHA at the time of this memo
3 knew that, would that be grounds for an OSHA
4 violation?

5 MR. ZUKOWSKI: Objection. Calls for
6 speculation.

7 Go ahead.

8 THE WITNESS: So let me just look at
9 this. So we're saying that Rogers RX-468 --
10 BY MR. BAUMSTARK:

11 Q. We know it's an asbestos-containing
12 compound --

13 **A. Right.**

14 Q. -- just by virtue of the --

15 **A. Right.**

16 Q. -- of the document, correct?

17 **A. Right. And by putting it on here we're**
18 **saying that it's still in use at the time.**

19 Q. At the Missouri plant?

20 **A. In 1981.**

21 Q. OSHA required levels of airborne
22 concentrations to be measured, true?

23 **A. Yes.**

24 Q. And this memo indicates they were not.

25 **A. It does.**

1 Q. OSHA required in 1981 that medical
2 surveillance activities be carried out regarding
3 these operations, correct?

4 A. That's my understanding.

5 Q. And they were not according to this
6 document?

7 A. According to this document.

8 Q. Do you have any reason to believe that
9 this document is inaccurate as to Items 2 and 7?

10 A. I would want to go back and look more
11 carefully at the documents because I did review a
12 lot of documents that had asbestos sampling
13 conducted, and I can't remember whether or not they
14 were Cedar Rapids or Missouri.

15 Q. Let me represent to you I haven't seen
16 one dust measurement regarding anything occurring
17 in Missouri.

18 Have you, as you sit here today,
19 can you recall one document talking about a dust
20 measurement at the Columbia plant?

21 A. You know, I did review a lot of
22 documents. I had a lot of samples collected, and I
23 can't recall whether or not they were all from one
24 of the plants.

25 Q. As you sit here right now you can't

1 recall?

2 A. Correct.

3 Q. I'll hand you what I have marked -- or
4 what I will mark as Plaintiff's 13 and again I'll
5 ask you if you can identify the document.

6 A. Thank you.

7 (Whereupon, Plaintiff's Exhibit
8 No. 13 was marked for
9 Identification, 07/02/2014.)

10 THE WITNESS: This document is not
11 familiar to me, but it looks like it was
12 produced. It's got one of our Bates numbers
13 on it.

14 BY MR. BAUMSTARK:

15 Q. And the Bates numbers that you see in
16 the upper, right-hand corner in this instance are
17 8655, 8666 and 8667, true?

18 A. Yes.

19 Q. And this document is entitled Results,
20 Asbestos Survey.

21 A. Yes.

22 Q. And the last page of the document in the
23 lower left corner says 8 of 81, does it not?

24 A. It does.

25 Q. Okay. And MAC is the initial?

1 A. And it has -- yeah, it says MAC.

2 Q. Do you have any idea who MAC is?

3 A. I don't.

4 Q. That's fine.

5 And this appears to be -- I guess
6 we can call it a chart of an asbestos survey
7 conducted at 11 Square D plants, fair?

8 A. Yes.

9 Q. Two of the plants are Cedar Rapids and
10 the Missouri plant.

11 A. Yes.

12 Q. Let's turn to Page 2, the top. That's
13 where the Missouri plant asbestos survey results --

14 A. Yes.

15 Q. -- are found, correct?

16 A. Yes.

17 Q. And the description I'm going to read to
18 you -- and you can tell me if I have read it
19 correctly.

20 A. Yes.

21 Q. "Asbestos in molding of breakers.
22 Manufacturer states EPA does not consider hazardous
23 waste as generated. No airborne level check. Yes,
24 PPE and ventilation. Wastes disposed of in local
25 landfill. Unclear as to whether or not it's

1 approved site."

2 Have I read that correctly?

3 A. Yes.

4 Q. Does this seem to generally jell or
5 conform to what we just reviewed in Plaintiff's 12?

6 A. It does. In fact -- yes.

7 Q. The one way it does not is that whoever
8 wrote this asbestos survey results seems to
9 indicate that it is not clear as to whether or not
10 this waste, this asbestos waste, is getting dumped
11 in an approved landfill?

12 A. And the other chart indicates that it is
13 an approved waste disposal site. The first chart
14 indicates that the wastes are disposed of at a
15 local landfill and it is an approved waste disposal
16 site.

17 Q. And Plaintiff's 12 is dated?

18 A. May of '81.

19 Q. And Plaintiff's 13 is dated August of
20 '81?

21 A. Correct.

22 Q. I want to show you what I'm going to
23 mark as Exhibit 14.

24 A. Thank you.

25

(Whereupon, Plaintiff's Exhibit No. 14 was marked for Identification, 07/02/2014.)

BY MR. BAUMSTARK:

Q. You're welcome. Can you identify that document for me?

A. **This is a form, U.S. EPA form titled Reporting Commercial and Industrial Uses of Asbestos, and it appears that it is for the Columbia, Missouri plant completed by Rich Widdowson, signed by Robert Boley on April 27th, 1983.**

Q. And Mr. Widdowson, you had discussions with him in this case, fair?

A. **Yes.**

Q. We have discussed those?

A. **Yes.**

Q. Do you know what a process engineer is or was at Square D at the time?

A. **It's my understanding he worked in the plating department, but I don't know exactly what a process engineer is.**

Q. And in Paragraph 5, which is in Section A 1, Respondent Identification, if I'm reading it correctly, is, "Record the total number

Q. -- in January of 1979, and this document indicates asbestos has been in use for 4 1/2 years --

A. **Right.**

Q. -- that would put us halfway through 1983, true, give or take?

A. **True, but if the plant opened in January of '78 I don't know when it opened.**

Q. I'll represent to you that the testimony in this case is that the plant opened for business at the beginning of 1979, okay? That's based upon the testimony in the case.

If that's true, if my representation is correct, this document would indicate that the Missouri plant was never asbestos free, at least up and until 1983.

A. **This document indicates that they're saying that either manufacturing or processing of asbestos has been in place for 4.5 years.**

Q. And that would take us back to the beginning of 1979, right?

A. **It would.**

Q. Thank you.

MR. BAUMSTARK: We're going to change the tape, take a quick break.

of years during which the manufacturers and/or processing of asbestos has been conducted at the reporting site."

Does that look like I read that correctly?

A. **Yes.**

Q. And the answer is, "4.5 years," true?

A. **Yes.**

Q. So if we look at when this was signed, we look at the number of years that asbestos has been used at the plant --

A. **Uh-hum.**

Q. -- this document would tend to indicate that the Missouri plant, when it opened in 1979, was never asbestos free, fair?

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

MR. ZUKOWSKI: Object to the form.

Go ahead.

THE WITNESS: -- the date that the plant opened. I don't know the date the plant opened.

BY MR. BAUMSTARK:

Q. If the plant opened for business --

A. **Right.**

THE VIDEOGRAPHER: The time is now 12:06 p.m. This is the end of Media 1. We are off the record.

(Whereupon, the deposition in the above-entitled cause was continued to July 2, 2014 at 12:45 o'clock p.m.)

AFTERNOON SESSION

THE VIDEOGRAPHER: The time is now 12:49 p.m. This is the beginning of Media 2. We're back on the record.

MICHELLE REDFIELD, having been previously duly sworn, was examined and testified further as follows:

EXAMINATION (Continued)

BY MR. BAUMSTARK:

Q. Miss Redfield, we took a brief lunch break. We're back.

I'm going to hand you what I'm going to mark as Plaintiff's 15 and ask you if you can identify this document, if you have seen it before.

(Whereupon, Plaintiff's Exhibit

No. 15 was marked for

Identification, 07/02/2014.)

THE WITNESS: Yes, I have seen this document before.

BY MR. BAUMSTARK:

Q. And it's Bates stamped 9035 through 36, correct?

A. Yes.

Q. Okay. And the subject matter is

elimination of asbestos materials?

A. Yes.

Q. And one of the people its to is Mr. Lyle Kovar in Missouri, correct?

A. Yes.

Q. And C.W. Denny in 1985. Do you know what his position with the company was at that time?

A. I'm not sure what his position was in 1985.

Q. You don't know if he was an executive vice president at that time?

A. I don't know what his position was.

Q. And the first page says, "Gentlemen: The attached letter from Charlie Quentel is self explanatory. Please reply to me by October 1st if the proposed policy contained in Charlie's letter will cause you problems."

The next page is the letter from Mr. Quentel, correct?

A. Yes.

MR. ZUKOWSKI: I'm going to object. I'm not sure that's the letter, but...

If this is the order, it's not my understanding of what the next page is.

BY MR. BAUMSTARK:

Q. Okay. Well, again, Miss Redfield, these documents are -- one is 9036 and one is 9035, correct?

A. Yes.

Q. And 9035 refers to an attached letter by Charlie Quentel, correct?

A. I'm sorry, the -- can you say that again?

Q. Yeah, the September 16th, 1985 memo references a letter from Charlie Quentel, correct?

A. Yes.

Q. And 9036 is a letter from Charlie Quentel, correct?

A. It is.

Q. It's dated July 23rd of '85, which is previous to September 16th of '85, correct?

A. It is.

Q. And the subject is elimination of asbestos materials.

A. Yes.

Q. I'm just gonna read the letter.

"Dear Tom --"

This is to Mr. Cimino's attention.

A. Correct.

Q. "Dear Tom: Some of the chief engineers have been asking for clarification of our policy regarding the elimination of asbestos materials. I have reviewed Paul Goudy's files, and I have discussed this with Bob King and the plan to send the following statement to them:

While we prefer that materials containing asbestos not be used, use of asbestos is permissible if the asbestos is contained within a binding material, such as a molding compound, provided no machining, drilling, et cetera need be performed on the part, either by Square D or by the users of the product containing the part.

Bob asked that I check this proposed wording with you to be sure that it is consistent with government agency requirements. Please let me know if this is satisfactory from your standpoint, Tom."

Did I read that correctly?

A. That's what it says.

Q. Okay. Do you know, based upon what you have reviewed and the work you have done to prepare yourself for this deposition in this case, when would an asbestos molding powder or asbestos

1 molding compound before it becomes a circuit
2 breaker be machined or drilled?

3 **A. Um, I think there may have been a**
4 **process in Cedar Rapids based on the conversations**
5 **I had with Bill Vosdingh where the asbestos molding**
6 **powder would be put into like a pellet or a -- and**
7 **then processed or molded that way.**

8 Q. Okay. So is that machining in your mind
9 or...

10 **A. I don't know how the process occurred. I**
11 **don't know what the process was, if it was heating.**
12 **I have no idea.**

13 Q. Let me put it another way. As an
14 environmental, health and safety professional,
15 what's the difference between dust from asbestos
16 molding powders or compounds that is created in the
17 dumping of these bags into hoppers before they
18 become the circuit breaker and dust created by
19 drilling the finished circuit breaker product?

20 MR. ZUKOWSKI: Object to the form.

21 Beyond the scope.

22 Go ahead.

23 THE WITNESS: I really -- I'm not an
24 industrial hygienist, I don't know if there's
25 a difference in those two dusts.

1 BY MR. BAUMSTARK:

2 Q. Okay. If the dust created from drilling
3 a product is potentially harmful, do you have any
4 idea why the dust created from the compound itself
5 would not be harmful?

6 MR. ZUKOWSKI: Objection. Assumes
7 facts.

8 Go ahead.

9 THE WITNESS: Can you restate the
10 question for me?

11 BY MR. BAUMSTARK:

12 Q. Sure.

13 I want you to assume that workers
14 at these plants are taking 50-pound bags of
15 these asbestos molding compounds in powder form
16 or in granular form and they are dumping them
17 into hoppers and this process is creating dust,
18 okay? So that's one kind of asbestos dust.

19 Do you have any reason to believe
20 that that dust is safe whereas the dust created
21 from drilling or machining the finished circuit
22 breaker product would be unsafe?

23 MR. ZUKOWSKI: Object to the form,
24 mischaracterizes the evidence that we have
25 had today and assumes facts.

1 Go ahead.

2 THE WITNESS: So my understanding is
3 that OSHA regulates asbestos fibers, so I
4 don't know if the dust forms are different,
5 but it's the fibers that are regulated.

6 BY MR. BAUMSTARK:

7 Q. Are they the same fibers?

8 **A. I don't know if one is larger or**
9 **smaller. We have gotten this -- you know, this**
10 **fiber question. I'm not sure what the difference**
11 **is between the fibers.**

12 Q. Would anything about a machining or
13 drilling process make a short fiber long?

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

15 Q. What message do you think this memo is
16 sending to the recipients of the September 16th,
17 1985 memo from Mr. Denny?

18 **A. So I'm familiar with both of these**
19 **documents. I looked at them in the file. And**
20 **there were a series of memos that went back and**
21 **forth between some personnel at Square D.**

22 **I actually don't think this July 23rd**
23 **memo was the one that's referenced in the**
24 **September 16th because there was some back and**
25 **forth about the wording.**

1 **The July 23rd memo is from Quentel**
2 **to Tom Cimino saying what do you think about the**
3 **wording, right?**

4 Q. Right.

5 **A. Then there was a final memo that came**
6 **out that had some other wording in it, so this was**
7 **part of a process to say how do we want to, you**
8 **know, how do we want to talk about this and how**
9 **are we going to distribute this to the team?**

10 **My understanding of this is, you**
11 **know, as far as I'm aware, in '85 we had gotten**
12 **the asbestos out, right? And so this was, like,**
13 **hey, guys, we don't want to have asbestos in our**
14 **company any more, let's send out a communication**
15 **to the team that says asbestos is not acceptable,**
16 **we don't want to bring asbestos back into our**
17 **facility, let's stay asbestos free.**

18 **And that kind of is what the final**
19 **memo that was distributed, not only to**
20 **North America, but globally had discussed.**

21 Q. Okay. So you think that 9036 is not what
22 is referenced in 9035.

23 **A. I think it is not.**

24 Q. And it differs from the memo that in your
25 mind should be attached to the September 16th, '85

1 in what material respects?

2 **A. Yes. The distribution list was**
3 **different. There were other countries involved.**
4 **It was a memo that was sent out to a global group**
5 **at Square D that, you know, was about how we want**
6 **to keep asbestos out of our facilities.**

7 Q. Okay. Well, let me ask this then, do
8 you know if the policy contained in 9036 was ever
9 adopted by Square D?

10 **A. It's my understanding that yes, it was.**
11 **Asbestos is a banned substance in our organization.**
12 **We have a list of some banned substances, and that**
13 **is one of them.**

14 **I believe that is -- it was that way**
15 **when I started, and I don't know how long it had**
16 **been in place, but it had been in place for quite**
17 **a number of years.**

18 Q. Okay. But 9036 seems to indicate that
19 as of July 23rd of '85 asbestos was not banned,
20 correct?

21 **A. The wording -- yes, that's what this**
22 **one -- the memo between Quentel and Cimino --**

23 Q. Right.

24 **A. -- is about trying to tweak the**
25 **wording. This is the initial wording that was**

1 **proposed.**

2 Q. Okay. And do we know -- do you have
3 the document that you believe is properly
4 attached to 9035?

5 **A. I do. I don't know the Bates number,**
6 **but it's in the files. I think it's two pages**
7 **long. It wasn't just a paragraph.**

8 Q. So is it your understanding that this
9 policy regarding the elimination of asbestos
10 materials in 9036 was not adopted?

11 **A. This was not a policy. This is a memo**
12 **between two individuals.**

13 Q. Okay. And this was never the policy at
14 Square D?

15 **A. I can't say whether it was ever the**
16 **policy of Square D, but that's what this memo is**
17 **about.**

18 Q. Okay. Okay. Fair enough.

19 I want to turn now to Topics B and E
20 of the deposition notice because I think they're
21 very -- they're somewhat similar, okay, exposures
22 that Mr. Kovar and Square D employees had to
23 asbestos?

24 Have you seen any documents to
25 indicate that Mr. Kovar ever wore a personal air

1 monitor?

2 **A. I have not seen any documents that**
3 **indicated he wore a personal air monitor.**

4 Q. Neither in Cedar Rapids or in Columbia,
5 correct?

6 **A. That's correct.**

7 Q. And if Square D had any records
8 concerning the personal air monitoring on
9 Mr. Kovar, you would have produced them, true?

10 **A. Correct.**

11 Q. Is it Square D's position and belief that
12 it had provided Mr. Kovar and its co-workers with a
13 safe place to work?

14 **A. Yes, it is.**

15 Q. At all three locations discussed in the
16 depositions in this case?

17 **A. I'm familiar with Cedar Rapids and**
18 **Columbia. I'm not familiar with this training**
19 **facility, if that's what you're referring to when**
20 **you said the three facilities.**

21 Q. That is what I'm referring to. Okay.

22 So it's Square D's position that at
23 least at the Cedar Rapids plant and the Columbia,
24 Missouri plant he was provided a safe place to
25 work?

1 **A. That is correct.**

2 Q. Okay. Free of the risk of asbestos
3 inhalation and asbestos disease?

4 MR. ZUKOWSKI: Object to form.

5 Go ahead.

6 THE WITNESS: We -- we did what the
7 regulations required. We did what was
8 commonly done, you know, we provided the
9 ventilation and respiratory protection and
10 dust mitigation techniques that were common
11 at the time.

12 BY MR. BAUMSTARK:

13 Q. Is that a way of saying that the work
14 environments at Cedar Rapids and Missouri were not
15 free of the risk of asbestos inhalation and
16 asbestos disease?

17 MR. ZUKOWSKI: Object to the form.

18 THE WITNESS: There is a potential for
19 risk when you're working with hazardous
20 chemicals.

21 BY MR. BAUMSTARK:

22 Q. And Mr. Kovar was put to that risk, was
23 he not?

24 **A. I do not know that.**

25 Q. Okay. How many of Mr. Kovar's co-workers

1 at Cedar Rapids and Columbia have died from
2 mesothelioma?

3 **A. I do not know that.**

4 Q. Do you know Mr. Ray Atwood?

5 **A. I do not.**

6 Q. Did you know that he died of
7 mesothelioma and worked at the Square D plant in
8 Cedar Rapids?

9 MR. ZUKOWSKI: Objection. Beyond the
10 scope.

11 THE WITNESS: I did not know that.

12 BY MR. BAUMSTARK:

13 Q. Do you know Mr. Wayne Davis?

14 **A. I do not.**

15 Q. Do you know that he died of mesothelioma
16 after working at the Square D plant?

17 MR. ZUKOWSKI: The same objection.

18 THE WITNESS: I did not know that.

19 BY MR. BAUMSTARK:

20 Q. How about Mr. Jamie Tedrow, have you
21 ever heard that name?

22 **A. I have not heard of him.**

23 Q. Did you know that Mr. Tedrow also died of
24 mesothelioma after working at Square D?

25 **A. I did not know that.**

1 MR. ZUKOWSKI: Same objection. Assumes
2 facts.

3 BY MR. BAUMSTARK:

4 Q. What about Mr. Roy Duncan?

5 **A. I do not know that name.**

6 Q. You were not a witness in his lawsuit?

7 **A. I was not a witness.**

8 Q. You did not know that Mr. Duncan worked
9 at Cedar Rapids and Columbia, Missouri, and,
10 likewise, died of mesothelioma?

11 MR. ZUKOWSKI: Same objections.

12 THE WITNESS: I did not know that.

13 BY MR. BAUMSTARK:

14 Q. What about Kathryn Dehnig,
15 D-e-h-n-i-g, have you ever heard of her?

16 **A. I have not heard of Katherine Dehnig.**

17 Q. Do you know that she died of mesothelioma
18 after working at the Cedar Rapids plant from 1968
19 to 1976?

20 MR. ZUKOWSKI: Same objection. Beyond
21 the scope and assumes facts.

22 THE WITNESS: I did not know that.

23 BY MR. BAUMSTARK:

24 Q. What about Mary Lee Evans, had you ever
25 heard of that name?

1 **A. I have not heard that name.**

2 Q. Did you know she worked at the
3 Cedar Rapids plant from 1966 to 1968?

4 **A. I did not know that.**

5 Q. Do you know that she died of
6 mesothelioma?

7 MR. ZUKOWSKI: Same objections.

8 THE WITNESS: I did not know that.

9 BY MR. BAUMSTARK:

10 Q. What about Marilyn Hoyt, H-o-y-t?

11 **A. I have not heard of that name.**

12 Q. You did not know that she worked for
13 Square D, and, likewise, died from mesothelioma?

14 **A. No.**

15 MR. ZUKOWSKI: Same objection.

16 BY MR. BAUMSTARK:

17 Q. What about Mr. Richard H. Long, have you
18 ever heard of that name?

19 **A. I have not heard that name.**

20 Q. You didn't know that he died of
21 mesothelioma after working for Square D?

22 MR. ZUKOWSKI: Same objections.

23 THE WITNESS: I did not.

24 BY MR. BAUMSTARK:

25 Q. What about the name Kathleen Fisher,

1 have you ever heard that name?

2 **A. I don't know that name.**

3 Q. You didn't know that she worked for
4 Square D plants and died of mesothelioma?

5 MR. ZUKOWSKI: Same objections. Beyond
6 the scope. Assumes facts.

7 THE WITNESS: I did not know.

8 BY MR. BAUMSTARK:

9 Q. What about the name Don Stuber,
10 S-t-u-b-e-r, have you ever heard of that name
11 before?

12 **A. I have not heard of that name.**

13 Q. You don't know if he worked for Square D,
14 correct?

15 **A. I do not know who he worked for.**

16 Q. You were not aware that he died of
17 mesothelioma as well?

18 MR. ZUKOWSKI: Same objections.

19 THE WITNESS: No, I do not.

20 BY MR. BAUMSTARK:

21 Q. What about Jim Peresie, P-e-r-e-s-i-e,
22 have you ever heard of that name before?

23 **A. I have not heard that name.**

24 Q. Did you know that he worked for
25 Square D at the plants where Mr. Kovar worked and

1 he died of mesothelioma as well?

2 MR. ZUKOWSKI: Same objections.

3 THE WITNESS: I did not.

4 BY MR. BAUMSTARK:

5 Q. What about Kenneth Copland, is that name
6 familiar to you?

7 **A. It is not.**

8 Q. You didn't know that he died of
9 mesothelioma after working for Square D?

10 MR. ZUKOWSKI: Same objections.

11 THE WITNESS: I did not.

12 BY MR. BAUMSTARK:

13 Q. Are you aware that there have been at
14 least 20 diagnosed mesotheliomas and as many as
15 three dozen diagnosed mesotheliomas in former
16 Square D employees who worked at Cedar Rapids
17 and/or the Columbia, Missouri plants?

18 MR. ZUKOWSKI: Objection. Beyond the
19 scope. Assumes facts. Lacks foundation.

20 Go ahead.

21 THE WITNESS: I did not.

22 BY MR. BAUMSTARK:

23 Q. If those facts are true, do you believe
24 that Square D provided its employees who worked at
25 these two plants with these asbestos molding

1 **A. I have not -- I don't know all those**
2 **facts.**

3 Q. But the facts you do know you do not
4 dispute?

5 **A. The facts that I do know I do not**
6 **dispute.**

7 Q. Let's go to Topic C, "When did Square D
8 first become aware of the hazards associated with
9 exposure to asbestos dust."

10 When did Square D first become
11 aware that asbestos inhalation could cause disease
12 or injury?

13 **A. The first documentation I'm aware of**
14 **indicates that we became aware of upcoming**
15 **regulations related to asbestos in the early**
16 **1970s.**

17 Q. Would that be true for all the diseases,
18 meaning asbestosis, lung cancer and mesothelioma?

19 **A. I can't comment on that. I don't know.**
20 **It was about asbestos. It wasn't specific to**
21 **diseases.**

22 Q. And this is based on your review of the
23 documents?

24 **A. Correct.**

25 Q. And that's all it's based on?

1 compounds a safe place to work?

2 MR. ZUKOWSKI: Object to form. Beyond
3 the scope. Assumes facts.

4 THE WITNESS: I'm sorry, can you
5 repeat that?

6 BY MR. BAUMSTARK:

7 Q. If the facts that I have advised you of
8 are true, do you believe that Square D provided
9 these people, including my client, with a safe
10 place to work?

11 MR. ZUKOWSKI: Same objections.

12 THE WITNESS: I do.

13 BY MR. BAUMSTARK:

14 Q. Thank you.

15 When you skimmed the depositions
16 of Barry Emanuel, Ronald Ogden and Ronald Anderson
17 following your review, do you have any reason to
18 doubt their sincerity?

19 **A. I don't have any reason to doubt their**
20 **testimonies.**

21 Q. Do you have any reason to doubt the
22 accuracy of their testimony?

23 **A. I have no reason one way or another.**

24 Q. You have no reason to doubt the facts
25 that they attest to in those sworn depositions?

1 **A. Correct.**

2 Q. Okay. No conversations with anyone have
3 come into your answer to that question?

4 **A. Correct.**

5 Q. Was Square D a member of the National
6 Safety Council?

7 **A. I'm sorry, what?**

8 MR. ZUKOWSKI: Objection, beyond the
9 scope.

10 I'm sorry. Go ahead.

11 BY MR. BAUMSTARK:

12 Q. Was Square D was a member of the National
13 Safety Council?

14 **A. I didn't hear if you said was or is.**

15 Q. Both. Are they today?

16 **A. We are today.**

17 Q. Okay. How long have they been a
18 member?

19 **A. I am not sure.**

20 Q. The interrogatory response that I saw
21 does not list the date. You're not aware of the
22 date, a beginning date for the National Safety
23 Council?

24 **A. I'm not.**

25 Q. Did the National Safety Council begin

1 to warn its members in the 1930s about the hazards
2 of asbestos exposure to your knowledge?

3 **A. I'm not aware of that.**

4 Q. Specifically did the National Safety
5 Council warn its members in 1931 about asbestosis
6 and its causes?

7 **A. I can't speak to that. I don't know what
8 they were doing.**

9 Q. Did the National Safety Council publish
10 no less than eight -- strike the whole question.
11 Let me start again.

12 Did the National Safety Council
13 publish no less than eight articles in the 1930s
14 alone in the National Safety News on asbestosis and
15 the hazards of asbestos exposure?

16 MR. ZUKOWSKI: Objection. Beyond the
17 scope.

18 Go ahead.

19 THE WITNESS: I can't comment on what
20 the National Safety Council did in that time.

21 BY MR. BAUMSTARK:

22 Q. What responsibility did Square D have to
23 be right at the cutting edge of the state of the
24 art on asbestos disease and hazards by 1964 in
25 your opinion?

1 **regulations, at that time we had to go out to our
2 suppliers and ask them what compounds may or may
3 not contain asbestos.**

4 **So based on that review of those
5 documents, it was not clear to me that we were
6 aware whether there was asbestos in molding
7 compounds we were using.**

8 Q. Square D had no idea what was in these
9 compounds it was asking its employees to work
10 around on a daily basis?

11 **A. The specifications for the molding
12 compounds were not -- did not include, you know,
13 what the content was. It was more technical
14 specifications as far as, you know, what can we
15 make our molds from. That's my understanding based
16 on review of the documents.**

17 Q. Is that based on solely your review of
18 the documents or did someone tell you that?

19 **A. That is based on the review of the
20 documents.**

21 Q. It's not based on --

22 **A. I did not discuss this with Bill or
23 Rich Widdowson.**

24 Q. Do you find it strange that a company
25 that is using so much of a particular compound does

1 MR. ZUKOWSKI: Object to the form.
2 Beyond the scope.

3 THE WITNESS: I'm sorry, could you
4 repeat that?

5 BY MR. BAUMSTARK:

6 Q. Sure. Let me rephrase.

7 Square D, beginning in the late 50s
8 and all through the 60s at the Cedar Rapids plant
9 was using tons and tons of asbestos containing
10 molding compounds, true?

11 MR. ZUKOWSKI: Object. Assumes facts.

12 Go ahead.

13 THE WITNESS: So Square D in the 60s
14 was using tons and tons of molding compounds.
15 Square D did not know at the time whether or
16 not those compounds contained asbestos.

17 BY MR. BAUMSTARK:

18 Q. Are you serious?

19 **A. As far as the documents that I have
20 reviewed, that is correct.**

21 Q. It's your contention today that Square D
22 had no idea that these molding compounds contained
23 asbestos?

24 **A. Based on the documents that I have
25 reviewed when we realized and heard about these**

1 not know that it contains hazardous material?

2 **A. I don't find it strange that at the time
3 we did not -- were not aware of what was in those
4 compounds.**

5 Q. Square D was a company that was
6 completely ignorant of the fact that the molding
7 compounds that he used for years contained
8 asbestos. That's your testimony today?

9 MR. ZUKOWSKI: Object to the form.
10 Mischaracterizes her testimony.

11 THE WITNESS: So based on my review
12 of the documents when we became aware that
13 asbestos was being regulated, we had to go out
14 and identify and work with our suppliers to
15 determine whether or not there was asbestos in
16 these molding compounds.

17 Based on that review, it appears to
18 me that we were not aware whether or not there
19 was asbestos in the molding compounds.

20 BY MR. BAUMSTARK:

21 Q. And they first realized there was
22 asbestos in the molding compounds when?

23 **A. I think it was during a period of time in
24 the 70s.**

25 Q. When in the 70s if you know?

1 **A. Sometime after 1972.**

2 Q. So, accordingly, Square D did nothing
3 to educate itself about the hazards and dangers of
4 asbestos exposure in the 1960s, correct?

5 MR. ZUKOWSKI: Objection. Assumes
6 facts.

7 THE WITNESS: I can't speculate on
8 what occurred in the different departments
9 that I didn't have documents for, but I
10 did not see any documents before that time
11 frame.

12 BY MR. BAUMSTARK:

13 Q. You had over 13,000 pages of documents,
14 true?

15 **A. I don't know the number, but there were
16 a lot of documents.**

17 Q. It was a stack yay high?

18 **A. It was a couple boxes.**

19 Q. And is it your testimony that nowhere in
20 those documents is asbestos discussed at all before
21 1972?

22 **A. It could be somewhere in those documents,
23 but, you know, the ones that I gleaned from, I
24 didn't see something before about the 1970s --
25 before 1972 that indicated that we had an**

1 **understanding of what was in our molding compounds.**

2 Q. So the design engineers or the process
3 engineers who worked for Square D who decided
4 which compounds worked and which circuit breakers
5 had no clue that asbestos was in these molding
6 compounds in the 1960s?

7 **A. I don't know what the design engineers
8 knew.**

9 Q. Okay. Let me show you what I have marked
10 as 16.

11 (Whereupon, Plaintiff's Exhibit

12 No. 16 was marked for

13 Identification, 07/02/2014.)

14 BY MR. BAUMSTARK:

15 Q. Have you seen this document before?

16 **A. It's not familiar to me.**

17 Q. It's got a Square D Bates stamp in this
18 case, correct?

19 **A. It does, yes.**

20 Q. Begins on Page 9069?

21 **A. Correct.**

22 Q. And this is a publication by the United
23 States Department of Labor?

24 **A. Yes.**

25 Q. And it's entitled Asbestos: Airborne

1 Danger.

2 **A. Correct.**

3 Q. On Page 9070 I have highlighted some
4 portions, have I not?

5 **A. Yes, there are some pink highlights on
6 here.**

7 Q. Okay. The first highlighted section
8 says, "The emphasis is on five hazardous workplace
9 substances." The first listed is asbestos, true?

10 **A. Yes.**

11 Q. It says, "Once highly regarded as a
12 mineral with remarkable qualities, asbestos is now
13 widely recognized as one of the most hazardous of
14 air contaminants;" is that correct?

15 **A. That's what it says.**

16 Q. On 9072 is the first page of an article,
17 Asbestos: Airborne Danger, true?

18 **A. Yes.**

19 Q. And first highlighted section says, "No
20 cure now exists for the diseases caused by inhaling
21 asbestos fibers. Once established, these
22 disorders, too, have so far proved to be
23 inextinguishable."

24 Is that what it says?

25 **A. Yes.**

1 Q. "In the last few years, asbestos has
2 been recognized as one of the most hazardous of
3 air contaminants in the workplace," correct?

4 **A. That's what it says.**

5 Q. And it says, "Employees exposed to
6 asbestos include an estimated 100,000 insulation
7 workers and 50,000 workers in manufacturing
8 products," true?

9 **A. That's what it says.**

10 Q. On the right-hand side, the article goes
11 on to state, "What disturbs researchers about
12 diseases linked to asbestos is in that many cases
13 they are presently encountering results from
14 exposures dating back to the 1930s when asbestos
15 was not used as extensively as it is today."

16 Is that what that said?

17 **A. Yes.**

18 Q. And that statement is reflecting the
19 reality that asbestos diseases have a very long
20 latency period, correct?

21 MR. ZUKOWSKI: Object to the form.
22 BY MR. BAUMSTARK:

23 Q. If you know.

24 **A. I'm not sure what this statement --
25 just it says it results from exposures that dated**

1 **back to the 30s.**

2 Q. Are you familiar with this idea of
3 latency when it's related to asbestos disease?

4 **A. Yes, I'm familiar.**

5 Q. What does it mean to you?

6 **A. It means it takes awhile for it to show
7 up.**

8 Q. How long, if you know?

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

10 Q. I don't know. On Page 9073, the next
11 page, the highlighted section indicates that
12 asbestosis was recognized 72 years ago, true?

13 **A. Yes.**

14 Q. It goes on to state that, "Although
15 four varieties of asbestos are used commercially,
16 chrysotile asbestos, mined primarily in Quebec,
17 accounts for 95 percent of world production,"
18 true?

19 **A. That's what it says.**

20 Q. This document also states, "Chrysotile,
21 however, is dangerous medically," true?

22 **A. That's what it says.**

23 Q. Based upon the documents we have looked
24 at today, by 1972 Square D had incorporated more
25 than 18 million pounds of chrysotile containing

1 Plenco 509 Black at a minimum into its circuit
2 breakers, true?

3 **MR. ZUKOWSKI: Assumes facts.**

4 **Objection.**

5 **Go ahead.**

6 **THE WITNESS: I don't know the
7 quantity.**

8 **BY MR. BAUMSTARK:**

9 Q. The quantity was very large, right?

10 **A. There was -- there were many pounds
11 that were used, yes.**

12 Q. On Page 9074, the first highlighted
13 portion, "Recent studies indicate that asbestos
14 also may be a potent carcinogenic or
15 cancer-producing agent. A major stumbling block
16 to researchers in establishing the connection
17 between asbestos and cancer has been the length
18 of time between exposure to the substance and the
19 appearance of cancer symptoms."

20 Is that what that document says?

21 **A. Yes, it says that.**

22 Q. On that same page it talks about the
23 disease mesothelioma, correct?

24 **A. Yes, it...**

25 Q. And that's the disease that Mr. Kovar

1 died of, to your knowledge?

2 **A. Yes.**

3 Q. Okay. This document states that,
4 "Mesothelioma, formerly a rare cancer afflicting
5 only 1 out of 10,000 people is now appearing at an
6 unprecedented rate. Researchers are linking it to
7 asbestos exposure, however slight. This fatal
8 cancer attacks the pleura, the membrane lining the
9 lung and chest cavity, or the peritoneum, the
10 lining of the abdominal cavity," correct?

11 **A. That's what it says.**

12 Q. And, lastly, on Page 9076, the top
13 right-hand column, "Asbestos contamination holds
14 an increasing threat to the general public. Both
15 the dusty manufacturing processes and the spraying
16 of structural steel emit vast amounts of asbestos
17 fibers into the atmosphere, threatening those
18 living near asbestos factories," correct?

19 **A. That's what it says.**

20 Q. That particular passage of this article
21 is concerned about neighbors of plants, not the
22 workers, right?

23 **A. It says that the general public --
24 they're referring to the general public.**

25 Q. Not the people who are actually working

1 in those conditions, but the people outside the
2 plants where those conditions exist?

3 **A. Yes.**

4 Q. Does Square D accept that companies
5 that actually made asbestos products owed it to
6 their employees who worked with or around these
7 products to know all there was to know about
8 asbestos when their employees were working with
9 asbestos at their plants?

10 **MR. ZUKOWSKI: Object to the form.**

11 **THE WITNESS: So you're asking
12 Square D to comment on what other asbestos
13 millers were doing or mine -- what are you
14 asking?**

15 **BY MR. BAUMSTARK:**

16 Q. I'm asking Square D to comment on
17 whether or not it owed it to its employees to know
18 everything there was to know about asbestos given
19 the fact that their employees were working with and
20 around it every day. That's my question.

21 **A. So as an employer, again I'll say, you
22 know, it's our responsibility to provide a safe and
23 healthy workplace for our employees.**

24 Q. And that would include, number one,
25 knowing what's actually in the compounds they're

1 working with, right?

2 **A. It would include -- at the time**
3 **providing, you know, the safe workplace for our**
4 **employees to work in.**

5 Q. Ma'am, how can you provide a safe
6 workplace for your employees when you don't even
7 know what's in the compounds your employees are
8 using?

9 MR. ZUKOWSKI: Object to the form.
10 Assumes facts.

11 MR. BAUMSTARK: It doesn't assume
12 facts. That's what she testified to this
13 afternoon.

14 MR. ZUKOWSKI: You're assuming they
15 weren't providing a safe workplace.

16 THE WITNESS: We had a lot of safety
17 initiatives and concerns in the organization,
18 and things like noise, things like dust in
19 general, you know, hand protection, so we were
20 providing and focusing on, you know, all the
21 different areas of providing safe and healthy
22 working environment for our employees.

23 MR. BAUMSTARK: I'll object to the
24 nonresponsive answer.
25

1 BY MR. BAUMSTARK:

2 Q. It is impossible for a company to provide
3 a safe place to work to its employees if the
4 company does not know what the employees are
5 working with, true?

6 **A. To the best of our abilities, you know,**
7 **we provide a safe and healthy workplace based on**
8 **what we do know.**

9 Q. And part of that would be to know what
10 these people are working with.

11 MR. ZUKOWSKI: Object to form. Again
12 assumes facts.

13 BY MR. BAUMSTARK:

14 Q. Right?

15 **A. I'm sorry, what's the question?**

16 Q. I mean, you have to know what's in
17 these compounds that you are asking your
18 employees to work with every day, don't you?
19 Don't you owe it to them to find out what's in
20 these compounds?

21 MR. ZUKOWSKI: Object.

22 THE WITNESS: And we did.

23 BY MR. BAUMSTARK:

24 Q. When?

25 **A. When we learned that it was a hazard,**

1 **when we learned that it was regulated, we went**
2 **out to our suppliers, we asked an industrial --**
3 **we asked industrial hygienists to come in and**
4 **conduct studies. We conducted monitoring. We**
5 **have people putting masks on. We did what a**
6 **responsible employer should be doing at the time.**

7 Q. 14 years after you started using
8 asbestos-containing molding compounds, according
9 to your testimony today, you first discovered that
10 they contained asbestos, right?

11 **A. I'm sorry, can you --**

12 Q. When did Square D start incorporating
13 asbestos molding compounds into its products?

14 **A. I don't know when we began incorporating**
15 **asbestos molding compounds into our products.**

16 Q. The documents you have seen today tend
17 to indicate that occurred at least by 1958, true?

18 **A. Yes.**

19 Q. Okay. Your testimony earlier today was
20 that Square D did not know that asbestos was in
21 these compounds until 1972, correct?

22 **A. We did not begin learning that until**
23 **1972 based on the documents that I read.**

24 Q. Perhaps you didn't even know it by 1972,
25 it may have taken you a few more years to discover

1 that these products contained asbestos, is that
2 what you're saying now?

3 **A. When we learned about the regulations,**
4 **we started inquiring with our suppliers to**
5 **determine what contained asbestos and what did**
6 **not.**

7 Q. It took you at least 14 years before it
8 dawned on you that the compounds your employees
9 were working with every day contained asbestos?

10 MR. ZUKOWSKI: Object to the form.

11 Argumentative. Assumes facts. Asked and
12 answered.

13 BY MR. BAUMSTARK:

14 Q. Am I right? It took you 14 years,
15 according to your testimony today? Am I right?

16 **A. So the question is --**

17 Q. The question is how long did it take
18 Square D to realize that its molding compounds it
19 was using at the Cedar Rapids plant in Iowa
20 contained asbestos?

21 **A. From when we started the inquiries in**
22 **the early 70s, I don't know, a few years, maybe a**
23 **year or -- I don't know exactly when we made that**
24 **final determination for all of our molding**
25 **compounds. I don't know that date.**

1 Q. You started using molding compounds by
2 1958?

3 **A. We started using molding compounds in**
4 **the 1950s and did not know whether or not they**
5 **contained asbestos at that time.**

6 Q. Okay. Thank you.

7 And if you did not know that your
8 compounds contained asbestos until 1974 or so,
9 there was no possible way you could have advised
10 any of your employees that they were working with
11 asbestos, right?

12 MR. ZUKOWSKI: Object to the form.

13 THE WITNESS: You know, I have not
14 found in the documents any documentation of
15 those types of notifications.

16 BY MR. BAUMSTARK:

17 Q. You can't tell anyone they're working
18 with asbestos if you don't know, correct?

19 **A. Correct.**

20 Q. You can't warn them about the hazards of
21 asbestos exposure, correct?

22 **A. I'm sorry, what's the question?**

23 Q. If you don't know your employees are
24 working with asbestos, you're not going to let them
25 know about the hazards of asbestos, are you?

1 **A. If we're not aware that there is**
2 **asbestos in our factories, we can't provide**
3 **information about that to our employees.**

4 Q. Okay. And you can't provide them any
5 training?

6 **A. We provided training.**

7 Q. Not regarding asbestos.

8 **A. We did provide training about dust in**
9 **general.**

10 Q. But not asbestos dust?

11 **A. Not specifically.**

12 Q. Okay. Let's go to Topic F, which is
13 education and warnings regarding asbestos given to
14 Lyle Kovar and his employees.

15 Did Lyle Kovar have a high school
16 education?

17 **A. I don't know what Lyle Kovar's education**
18 **level was.**

19 Q. Are there any documents to indicate that
20 he received any training at all at Square D
21 regarding asbestos specifically?

22 **A. There are documents in the file that I**
23 **have seen where he has been ccd and he has been in**
24 **the communications around the use of hazardous --**
25 **the use of asbestos in our facilities and about**

1 **trying to get asbestos out and replacements.**

2 **He was at the management level**
3 **in Missouri, and he was privy to that information,**
4 **yes.**

5 Q. Can you point me to the document that
6 is sent or copied to Mr. Kovar that warned that
7 inhalation of asbestos can cause cancer and
8 death?

9 **A. I can't point to that document.**

10 Q. It doesn't exist, does it?

11 **A. I have not seen that document.**

12 Q. And you have reviewed thousands of pages
13 of documents?

14 **A. I have reviewed the documents that were**
15 **provided.**

16 Q. Is asking an employee to wear a paper
17 mask the same as telling them that the product
18 they are working with, if inhaled in sufficient
19 quantity, will cause serious injury and death?

20 MR. ZUKOWSKI: Object to the form.

21 Go ahead.

22 THE WITNESS: Those are two different
23 things.

24 BY MR. BAUMSTARK:

25 Q. Do you agree that instructing an employee

1 to wear a mask without fully explaining why the
2 mask needs to be worn constitutes an infective
3 instruction?

4 **A. I'm sorry, can you say that again?**

5 Q. Sure.

6 Do you agree that instructing an
7 employee to wear a mask without fully explaining
8 why the mask needs to be warn constitutes an
9 infective instruction on behalf of the employer?

10 **A. Yes.**

11 Q. You agree?

12 **A. We would -- when providing a mask, we**
13 **would explain why we're providing the mask.**

14 Q. You would explain it fully?

15 **A. To the best of our abilities.**

16 Q. In order to fully accept or buy into any
17 safety instruction or precaution, the employee
18 needs to know all that it is at stake, correct?

19 **A. I'm sorry, I'm getting tired. Can you**
20 **please repeat that?**

21 Q. Sure.

22 In order to fully accept or buy into
23 any safety instruction or precaution, an employee
24 needs to know what is at stake?

25 **A. I can't comment on what makes an**

1 **employee buy in or accept things. All they can --**
 2 **you know, we can provide information. We can't**
 3 **say how the employee buys in or accepts that.**

4 Q. If I asked you to wear a mask and I
 5 didn't tell you why and I didn't tell you that the
 6 substance you're working around if you breathe it
 7 in will kill you, have I properly advised you and
 8 educated you as to why that mask should be warn?

9 MR. ZUKOWSKI: Object to the form.

10 Go ahead.

11 THE WITNESS: If you tell me to wear
 12 a mask and you don't tell me why, I would ask
 13 the question, "Why am I wearing a mask?"

14 BY MR. BAUMSTARK:

15 Q. And if the answer is it's dusty, is that
 16 an adequate explanation?

17 A. I don't know why you're telling me to
 18 wear a mask, so if it's because -- and this is a
 19 hypothetical you're giving you and me.

20 Q. Have you seen a document anywhere here
 21 that indicates that the employees, when performing
 22 one or two tasks in the molding portions of the
 23 plant, the fabrication side of the plant, are
 24 simply to wear a mask with no further explanation?

25 A. I have not seen a document to that

1 **effect.**

2 Q. Okay. You're not aware that in your
 3 Answers to Interrogatories in this case you have
 4 specifically cited that document and suggested the
 5 plaintiff -- that that constituted a proper warning
 6 regarding the dangers of asbestos.

7 MR. ZUKOWSKI: I'm going to object.

8 You asked -- that's not the question you
 9 asked if there is a document that references
 10 masks. I don't think that's the question you
 11 asked.

12 MR. BAUMSTARK: Well, that's the
 13 question I'll ask right now.

14 BY MR. BAUMSTARK:

15 Q. Have you seen a document, the pages and
 16 pages of documents produced by Square D where
 17 employees are simply told to wear a mask with no
 18 explanation of why they should wear a mask or the
 19 hazards of the product they're working with?

20 MR. ZUKOWSKI: Same objection.

21 Mischaracterizing the document.

22 THE WITNESS: I don't recall seeing
 23 such document.

24 BY MR. BAUMSTARK:

25 Q. Okay. Do you think that simply

1 describing a substance or material as hazardous
 2 gets the job done as far as letting an employee
 3 know what the dangers are of working with that
 4 substance are?

5 A. I'm not sure what you mean by gets
 6 the job done.

7 Q. Is it an effective warning?

8 A. When we are -- when we are instructing
 9 our employees to wear PPE --

10 Q. What's PPE?

11 A. Personal protective equipment.

12 Q. Okay.

13 A. -- a mask would fall under that
 14 category.

15 They're provided a reasonable
 16 explanation as to why. And they would have
 17 demanded that, especially in the unions. Both of
 18 these facilities were unions. They weren't going
 19 to do anything without clear instructions and
 20 guidelines and acceptance.

21 Q. What if the employee wasn't in a union?

22 A. We would have done it the same way.

23 Q. When did Square D first realize it had
 24 an asbestos contamination problem at the
 25 Cedar Rapids plant?

1 MR. ZUKOWSKI: Objection. Assumes
 2 facts.

3 THE WITNESS: An asbestos contamination
 4 problem?

5 BY MR. BAUMSTARK:

6 Q. They're not my words -- they are my
 7 words, but I didn't pick them out of thin air.

8 Have you seen any document that indicates that
 9 there was an asbestos contamination problem at the
 10 Cedar Rapids plant?

11 A. Well, I recognize this document that you
 12 have just pulled out.

13 Q. Okay.

14 A. So shortly after we learned of the
 15 regulations around asbestos, we had an industrial
 16 hygienist come into the Cedar Rapids plant and
 17 conduct a -- I think it was an evaluation.

18 (Whereupon, Plaintiff's Exhibit

19 No. 17 was marked for
 20 Identification, 07/02/2014.)

21 BY MR. BAUMSTARK:

22 Q. Let's talk about it. That's No. 17,
 23 correct, Plaintiff's Exhibit 17?

24 This is a report of an
 25 investigation, Square D Company, Cedar Rapids,

1 Iowa; is it not?

2 **A. Yes, it is.**

3 Q. It's dated January 16th of 1973; is that
4 right? Page 13074 by the Bates stamp.

5 **A. Thank you. That is the date of the air
6 analysis table.**

7 Q. Sometime after that date -- the report,
8 we can assume, sometime after that date, true?

9 **A. Yeah. There's a 6-72 on the front page,
10 I don't know if that's a date or not.**

11 Q. Yeah, I don't think it is. Okay.

12 We're going to look at another
13 document in a few minutes that I think will give
14 us the proper time frame.

15 But I want you to assume that this
16 report was authored sometime between January
17 of '73 and March of '73, okay?

18 The investigator in this report was
19 not asked to look at an asbestos exposure issue,
20 was he?

21 **A. The document states that, "The purpose
22 of the visit was to evaluate the possible causes
23 of reported cases of dermatitis in the plant
24 workers."**

25 Q. So Square D did not bring this

1 investigator in to evaluate asbestos issues at
2 their plant, correct?

3 **A. Not this one.**

4 Q. And under purpose on Page 13071 of
5 the Bates stamp, it says, "However, during the
6 visit another occupational disease exposure
7 (asbestos) was discovered which will also be
8 evaluated," true?

9 **A. That's what it says.**

10 Q. And without going in to who the
11 investigator worked for, he did not work for
12 Square D?

13 **A. It doesn't appear that this was a
14 Square D document.**

15 Q. Well, let me rephrase. This gentleman
16 who is doing this report and doing this
17 investigation was not a Square D employee?

18 **A. I assume not. It says American Mutual
19 Liability Insurance Company.**

20 MR. BAUMSTARK: I'll move to strike
21 that answer.

22 BY MR. BAUMSTARK:

23 Q. Just from the first page, it's very
24 apparent the gentleman did not work for Square D,
25 he worked for another company, right?

1 **A. That's what it looks like.**

2 Q. Okay. And Page 13072 under discussion,
3 he was there to investigate dermatitis, but
4 quote-unquote, "While considering this, the author
5 observed what he considered represented a far more
6 serious potential problem, and that was the use of
7 asbestos fiber," correct?

8 **A. I don't -- does it say that?**

9 Q. Under discussion on Page 13072.

10 **A. Oh, sorry, I was on the wrong page.**

11 Q. That's okay.

12 **A. Yes, that's what it says.**

13 Q. On the page before 13072, his
14 recommendations, as far as asbestos go, is that,
15 "If at all possible, a less toxic substitute should
16 be found for asbestos," correct?

17 **A. That was the recommendation.**

18 Q. Okay. And this is a recommendation
19 made to your company in 1973?

20 **A. Yes.**

21 Q. Okay. Is it your testimony today that
22 if it were not for this investigation to dermatitis
23 that Square D would not have known its compounds
24 contained asbestos?

25 MR. ZUKOWSKI: Object. Mischaracterizes

1 the testimony.

2 THE WITNESS: I'm sorry, there were a
3 couple negatives. Can you restate that for
4 me?

5 BY MR. BAUMSTARK:

6 Q. Did Square D at the time of this report
7 realize that its compounds contained asbestos, if
8 you know?

9 **A. I think that realization process and
10 the inquiry was ongoing at the time of this
11 report.**

12 Q. And what is that based on?

13 **A. The review of the documents where we
14 were talking back and forth with our vendors to
15 learn about whether or not there was asbestos in
16 our molding powders.**

17 Q. The documents that I have seen that I
18 believe you are describing are letters to Plenco,
19 Durez, a few other manufacturers where they are
20 saying, "What sort of asbestos do you have in your
21 compounds?" And, "Is it possible for you to have
22 an asbestos-free compound?"

23 Are those the correspondence
24 you're talking about do you think?

25 **A. I think we're talking about the same**

1 **correspondences, but I might characterize them**
2 **differently.**

3 Q. Okay. You believe those occurred prior
4 to this report?

5 **A. I can't remember the exact date order.**

6 Q. Is it possible that this exhibit -- is
7 it Plaintiff's 18?

8 MR. ZUKOWSKI: 17.

9 MR. SPRINGFIELD: 17.

10 BY MR. BAUMSTARK:

11 Q. That Plaintiff's 17 represents apparently
12 the first time that Square D was aware that its
13 products contained asbestos?

14 **A. I don't know. I'd have to really go back**
15 **and look very carefully at the chronology. I'm not**
16 **sure what the first point in time was.**

17 Q. At the top of 13073, the investigator
18 makes this comment, "Even though the asbestos is
19 mixed with other compounds, apparently significant
20 amounts do become airborne at both these locations
21 as revealed by personal air samples taken at both
22 these locations on a day when asbestos was being
23 used."

24 Is that his finding?

25 **A. That's what it says.**

1 Q. And the air concentration -- or the
2 asbestos concentration levels that are reflected on
3 the last page of this exhibit, they far exceed the
4 threshold limit value, do they not?

5 **A. So this is an air asbestos concentration**
6 **level of 8.9.**

7 Q. And what's the --

8 **A. I think E means it's fibers per**
9 **milliliter. So that's the -- how many fibers were**
10 **in a milliliter of air that was collected. I'm not**
11 **sure that making that comparison directly to this**
12 **TLV is a direct comparison. I think there's a**
13 **calculation that goes into that.**

14 Q. So you don't know whether or not
15 these are excessive asbestos concentration
16 measurements?

17 **A. I don't know whether they exceed the**
18 **regulatory levels.**

19 Q. The investigator certainly felt that
20 way, didn't he?

21 **A. Yes.**

22 Q. Okay. And based upon what we know
23 about the investigator, he would have a vested
24 interest, would he not, in making sure that these
25 levels were not excessive?

1 MR. ZUKOWSKI: Object to the form.

2 THE WITNESS: I can't comment to the
3 investigator's interests.

4 BY MR. BAUMSTARK:

5 Q. He certainly marked them as excessive,
6 according to the --

7 **A. There are asterisks next to the two**
8 **numbers that indicate -- it says excessive. That's**
9 **what the asterisk is.**

10 Q. So despite the fact that Square D had
11 been using asbestos molds since at least 1958, the
12 first time it became aware of an asbestos problem
13 was in 1973?

14 MR. ZUKOWSKI: Objection.
15 Mischaracterizes testimony.

16 THE WITNESS: Again I'm not sure --
17 you know, we answered this before. I'm not
18 sure what the exact date was, if there was
19 some prior -- I'd have to look back at the
20 chronology. I don't know the exact date.

21 This may be the date. I'm not sure if there's
22 a prior knowledge. I don't know.

23 BY MR. BAUMSTARK:

24 Q. But you have had an opportunity to review
25 those documents, true?

1 **A. I have.**

2 Q. And sitting here right now you can't
3 think of an earlier document indicating that
4 Square D was on notice there was an asbestos
5 problem?

6 **A. Was that a question?**

7 Q. It was.

8 MR. BAUMSTARK: Could you read it back?
9 (Whereupon, the record was read.)

10 THE WITNESS: No, not a specific
11 document.

12 (Whereupon, Plaintiff's Exhibit
13 No. 18 was marked for
14 Identification, 07/02/2014.)

15 BY MR. BAUMSTARK:

16 Q. I'm going to hand you what I have marked
17 as Plaintiff's Exhibit 18. Are you able to
18 identify that document for us?

19 **A. This is a Square D interoffice memo**
20 **from F.J. Hitchcock to C.W. Denny dated April 5th,**
21 **1973.**

22 Q. And the subject is molding area
23 atmosphere, correct?

24 **A. Correct.**

25 Q. And it talks about the fact that a

1 Frank Angelos came to look at the molding
2 operation on April 4th.

3 **A. Correct.**

4 **Q. Of 1973.**

5 **A. Correct.**

6 **Q. And this is kind of a summary of his**
7 **recommendations or findings, correct?**

8 **A. It is.**

9 **Q. The second paragraph I think is able to**
10 **give us a more exact idea of when the report, which**
11 **is Plaintiffs 17, was published because he refers**
12 **to that report in the second paragraph, does he**
13 **not, Mr. Angelos -- or, I'm sorry, Mr. Hitchcock**
14 **does?**

15 **A. Mr. Angelos evidently reviewed the**
16 **samples that were provided in Exhibit 17.**

17 **Q. Okay. Do you know why -- well, let me**
18 **strike that.**

19 **Was Mr. Angelos an industrial**
20 **hygienist if you know?**

21 **A. I am not sure. He worked for a company**
22 **that's called Industrial Hygiene Services.**

23 **Q. For Johns Manville Corporation?**

24 **A. Correct.**

25 **Q. Do you know why Square D is bringing in**

1 Is that what that Paragraph 5
2 says?

3 **A. That's what it says.**

4 **Q. If I were a cynical reader after reading**
5 **Paragraph 5, I might think that the industrial**
6 **hygiene services employee of Johns Manville is**
7 **instructing Square D how to avoid dust measurements**
8 **by OSHA. Do you think that's a fair or possible**
9 **reading of that paragraph?**

10 **MR. ZUKOWSKI: Object to the form.**

11 **Calls for speculation.**

12 **Go ahead.**

13 **THE WITNESS: I would not know.**

14 **BY MR. BAUMSTARK:**

15 **Q. That paragraph says if the work area**
16 **looks clean, they're not gonna actually do dust**
17 **measurements, doesn't it?**

18 **MR. ZUKOWSKI: Same objection.**

19 **THE WITNESS: It says if OSHA comes**
20 **in and it looks clean, they will be impressed;**
21 **and if they think there's a problem, they'll**
22 **call in an industrial hygienist.**

23 **So it's important to maintain a clean**
24 **work area.**

25

1 an industrial hygiene services person from, of
2 all companies, Johns Manville to evaluate their
3 plant?

4 **A. I would -- could speculate, but I won't.**
5 **There's no documentation that says specifically**
6 **why they called in Johns Manville.**

7 **Q. At this time was there a certified**
8 **industrial hygienist employed at Cedar Rapids?**

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

10 **Q. Was there a certified industrial**
11 **hygienist employed at Square D anywhere?**

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

13 **Q. Do you know when Square D first**
14 **employed a certified industrial hygienist?**

15 **A. I'm sorry, I don't know.**

16 **Q. Let me read to you Paragraph 5. These**
17 **are regarding Mr. Angelos' recommendations. "He**
18 **commended us on the cleanup action we had taken**
19 **and stated OSHA was impressed by a clean location.**
20 **In examining areas, such as our molding operation,**
21 **OSHA first looks at the cleanliness. If the OSHA**
22 **inspector feels a problem exists, he will then call**
23 **in an industrial hygiene specialist to conduct**
24 **tests. Therefore, it is important for us to**
25 **maintain a clean work area."**

1 **BY MR. BAUMSTARK:**

2 **Q. On the second page, or Bates stamp**
3 **13066, there's a Paragraph 7 at the end of that**
4 **page. I'm going to read it to you.**

5 **"Dumping bags of material into**
6 **hoppers -- there's nothing wrong with this practice**
7 **since the dust settles quite rapidly and it is not**
8 **a continuous operation."**

9 **If that dust contains asbestos**
10 **fibers, where do the fibers go? Do you know?**

11 **MR. ZUKOWSKI: Object to the form.**

12 **Beyond the scope.**

13 **Go ahead.**

14 **THE WITNESS: I don't know where this**
15 **dust would go in this room.**

16 **BY MR. BAUMSTARK:**

17 **Q. Is there anything to suggest that it**
18 **leaves the plant?**

19 **A. I don't know where the dust is going**
20 **from this operation. You know, I wasn't there. I**
21 **don't know what's happening with this dust.**

22 **Q. Do you think that's good advice contained**
23 **in Paragraph 7?**

24 **A. The second sentence talks about putting**
25 **an exhaust hose in. And it's my understanding that**

1 we took these recommendations and did a lot of
2 activities to improve the dust collection and
3 dust mitigation and cleanliness of the area.

4 Q. If there's nothing wrong with the
5 practice, you wouldn't need to change it, would
6 you?

7 A. If there's nothing wrong with the
8 practice, we may not change it, but we also -- I
9 know we did do some additional work in the area.

10 MR. ZUKOWSKI: We have been going
11 another hour. Do you just want to take
12 another quick break?

13 MR. BAUMSTARK: Yeah. I'm getting to
14 the end believe --

15 MR. ZUKOWSKI: Okay.

16 MR. BAUMSTARK: -- it or not.

17 MR. ZUKOWSKI: Fair enough.

18 THE VIDEOGRAPHER: It is 1:55. We're
19 off the record.

20 (Discussion off the record.)

21 THE VIDEOGRAPHER: The time is 2:11.
22 We're back on the record.

23 (Whereupon, Plaintiff's Exhibit

24 No. 19 was marked for

25 Identification, 07/02/2014.)

1 BY MR. BAUMSTARK:

2 Q. Miss Redfield, I'll hand you what I hope
3 is the second-to-last exhibit. Do you recognize
4 this document?

5 A. I do. I don't remember what it was part
6 of. I do recognize this.

7 Q. I have marked that as Exhibit 19 in the
8 upper, right-hand corner, have I not?

9 A. Yes.

10 MR. ZUKOWSKI: Do you just want to get a
11 Bates number real quick too?

12 MR. BAUMSTARK: Yes. The Bates numbers
13 are 12675 and 12677.

14 BY MR. BAUMSTARK:

15 Q. Do I have that right?

16 A. Yes. Are there three pages? Oh, yeah.

17 Q. Do we know who typed this up?

18 A. I don't. This is -- I think there were
19 some pages that preceded these in this document
20 that might give it more context, but I don't
21 recall.

22 Q. And I have highlighted one entry on
23 November 21st of '74, correct?

24 A. Yes.

25 Q. And there's some dust measurements

1 and there's some texts in parentheses, correct?

2 A. Yes.

3 Q. Okay. The material in the parentheses
4 states, "This indicates we have a problem with
5 dust filtering down from overhead due to the
6 extremely heavy accumulation of dust overhead, on
7 the equipment and the walls. Recommend complete
8 area cleaning before next test January of '75."

9 Did I read that correctly?

10 A. Yes.

11 Q. So at least as of November 21st
12 of '74 Square D was experiencing a problem with
13 dust?

14 A. Yes. There was dust in this molding
15 area in 1974. I don't know where this is. I don't
16 know what plant. It's not clear to me the context
17 of this document.

18 Q. Well, we know it wasn't the Missouri
19 plant, right, just based on the year?

20 A. Right.

21 Q. And what would make you think it's a
22 plant other than Cedar Rapids?

23 A. I don't know. I'm just not seeing the
24 context, so it is -- and the document doesn't state
25 somewhere what it is.

1 MR. BAUMSTARK: I'd be shocked if

2 Square D would give me information from other
3 plants, but that's another issue.

4 BY MR. BAUMSTARK:

5 Q. Okay. I think I'm done with that.

6 We know that asbestos molds were
7 used at the Columbia, Missouri plant, correct? We
8 have established that today?

9 A. Asbestos molding materials?

10 Q. Right.

11 A. Yeah.

12 Q. Okay. You have not been able to locate
13 any dust measurements at that plant, correct, you
14 being Square D?

15 A. I don't recall any dust measurements,
16 but there is references to dust measurements being
17 collected in the area in the documents.

18 Q. Where are those references?

19 A. One of them is in one of these documents
20 here. I think on this one.

21 Q. Okay. The EPA form?

22 A. Uh-hum.

23 Q. Which -- what does it say on those
24 measurements, by the way?

25 A. What does it say?

1 Q. Right.

2 A. It says -- it's in a chart, an 8 hour
3 time weighted average chart.

4 Q. Do I have that marked as an exhibit?

5 A. Yeah.

6 MR. ZUKOWSKI: It's No. 14.

7 MR. BAUMSTARK: 14. Thank you.

8 BY MR. BAUMSTARK:

9 Q. Go ahead, ma'am.

10 A. And there is just -- it's under Section H
11 of the form that was completed by Rich Widdowson,
12 if I remember. Section H is about summary of
13 current worker exposures.

14 And there's a Column 8 in there
15 that says number of non-detectable measurements;
16 and down there it's populated with the No. 3,
17 so that indicates to me that there were -- at some
18 point in time there were at least three
19 measurements that were conducted.

20 Q. What is the last column in that indicate
21 to you? Do you see after it starts from left to
22 right 1 through 9, correct?

23 A. Yes.

24 Q. And the last one does not have a number;
25 is that right?

1 say in which molds are used to actually make the
2 circuit breakers? That would be a decision for
3 the design engineers?

4 A. I have not seen that testimony.

5 Q. Okay. Mr. Kovar was not a plastics
6 scientist, was he?

7 A. I don't believe he was.

8 Q. That was not his area of expertise?

9 A. That was not his area of expertise.

10 Q. Decisions on whether or not a product
11 passes the tests, failed the tests, should have
12 asbestos, should not, those were decisions that
13 were made in the testing labs, true?

14 A. I'm sorry, can we go one by one in
15 those?

16 Q. Sure.

17 If a product passes the test that
18 are kind of discussed in these documents, these
19 tests are conducted in a laboratory, are they
20 not?

21 A. Correct.

22 Q. Okay. By scientists?

23 A. By engineers.

24 Q. Okay. By engineers. Mr. Kovar was
25 not an engineer?

1 A. Yes.

2 Q. All right. Does that say confidential?
3 Confidential, mark X.

4 A. It does look like that. It's not very
5 legible, but it might say confidential, mark X.

6 Q. An X is there?

7 A. An X is there.

8 Q. Is that the only document you have that
9 seems to indicate some air measurements were done
10 in Missouri?

11 A. That's the only one that I could
12 specifically point to right now.

13 Q. Would you agree that Lyle Kovar had
14 no say in the decision whether particular circuit
15 breakers would be made of asbestos molds or
16 asbestos-free molds? That wasn't his
17 responsibility for the company?

18 A. You know, I'm not sure. He was in a
19 very senior role in Columbia, so I think he may
20 have been able to have that sort of
21 decision-making, but I'm not sure. I mean, if he
22 was the plant manager...

23 Q. Have you seen testimony from the
24 co-workers in this case indicating that the plant
25 manager or the plant superintendent would have no

1 A. I don't know what he was.

2 Q. Okay. I'll ask you -- well, I'm not
3 going to ask you.

4 These same people in the
5 laboratory, these design engineers were the ones
6 who decided whether or not a particular compound
7 passed Square D's muster for use in a circuit
8 breaker?

9 A. It's my understanding that the engineers
10 would determine whether or not a vendor met
11 specifications.

12 Q. Okay. Let's go to Topic H on medical
13 monitoring.

14 MR. ZUKOWSKI: You said Topic H?

15 MR. BAUMSTARK: Yes.

16 MR. ZUKOWSKI: Is that abatement?

17 MR. BAUMSTARK: Can I see the notice?
18 No, that's not the notice I don't think.

19 MR. ZUKOWSKI: The notice says Corporate
20 Video Deposition, Defendant Square D.

21 THE WITNESS: Are there two different --

22 MR. ZUKOWSKI: This was the first. You
23 changed them, I take it, apparently.

24 MR. BAUMSTARK: I gave Anthony one.

25 I don't remember when I first gave it

1 to you Anthony, but then I served one -- the
2 one that --

3 I gave him one so that he could get
4 me some objections in a timely fashion, which
5 never came until yesterday, so that's the
6 actual notice.

7 MR. ZUKOWSKI: Okay.

8 MR. BAUMSTARK: Can I just see it just
9 real quick? All right. Sorry about that.
10 BY MR. BAUMSTARK:

11 Q. New question. In 1973 Square D was
12 cited by OSHA for failure to medically screen its
13 asbestos exposed employees and provide annual
14 medical exams; is that correct?

15 A. I have seen that citation.

16 Q. Okay. They were also cited for failure
17 to keep medical records for a prescribed amount of
18 time, true?

19 A. I don't recall that citation.

20 Q. I'll hand you what I'm going to mark
21 as 20.

22 (Whereupon, Plaintiff's Exhibit
23 No. 20 was marked for
24 Identification, 07/02/2014.)
25

1 BY MR. BAUMSTARK:

2 Q. And I'll just ask you to turn -- I'll
3 ask you to identify the document first.

4 A. This is a document, U.S. Department of
5 Labor, OSHA notification of proposed penalty dated
6 June 4th, 1973.

7 Q. And, just for the record, these are
8 Bates stamped 12683 through 12704. Do I have that
9 right?

10 A. Yes.

11 Q. Take your time.

12 A. Yes. I'm not counting each page, but
13 that's where it starts and ends.

14 Q. On the last page of Plaintiff's 20,
15 there's a violation description. The employer did
16 not maintain complete and accurate records of all
17 medical exams. These records shall be maintained
18 for at least 20 years, correct?

19 A. Correct.

20 Q. So that's what I was referring to.

21 A. Okay.

22 Q. Square D was also cited for failure
23 to have a written procedure for the selection
24 and use of respirators in the plant and no
25 maintenance of the same; is that fair? Bates

1 stamp 12693.

2 A. 12 what?

3 Q. 12693.

4 A. Thank you. Yes, I think this was related
5 to a different citation. This is a different date
6 that predates the other one.

7 Q. Okay. But it's an OSHA violation
8 nonetheless, true?

9 A. It is.

10 Q. Okay. For no written procedure for
11 the selection and use of respirators?

12 A. It is.

13 Q. Okay. They were also cited for failure
14 to take air samples for asbestos fibers properly
15 for employees in the preform and molding areas. Is
16 that true? 12703.

17 A. Thank you. Yes.

18 Q. Did Square D ever have a medical
19 monitoring file on Mr. Kovar?

20 A. I have not seen one produced.

21 Q. Okay. We have asked for it, right?

22 A. Yes.

23 Q. And Square D cannot produce it, fair?

24 A. We have not been able to identify one.

25 Q. Likewise, Square D does not have

1 Lyle Kovar's employment or personnel file?

2 A. Correct.

3 Q. And we have asked for it.

4 A. I assume.

5 Q. And Square D cannot produce it or you
6 would have?

7 A. Correct.

8 Q. Do you have any documentary evidence
9 indicating that Mr. Kovar was educated about the
10 hazards of asbestos exposure?

11 A. The only documentation I have that
12 relates Mr. Kovar to asbestos and the hazards of
13 asbestos are memos in the file where we're talking
14 about asbestos as it relates to the Missouri
15 facility. That's the documentation that we have.

16 Q. And these are the documents where
17 Mr. Kovar was copied on, correct?

18 A. Correct.

19 Q. We have discussed these documents
20 today?

21 A. Correct.

22 Q. You spoke to Mr. Widdowson?

23 A. I did.

24 Q. Mr. Widdowson was unable to tell you
25 about any training regarding asbestos hazards

1 that Mr. Kovar received?

2 **A. So as Mr. Widdowson described training**
3 **in the area, training in a particular area, whether**
4 **it's the fab area or the assembly area or the**
5 **plating area would have been conducted by the**
6 **supervisor or the area leader, whatever it would**
7 **be called at that time, and that training would be**
8 **all encompassing.**

9 It would be, "Here's how you make
10 your thing." Or, "Here's how you do your thing."
11 And, "Here's the proper, you know, protective
12 equipment or procedures or ventilation," or
13 whatever to be provided.

14 It would have been kind of an
15 integrated training. There wouldn't have been
16 necessarily at that time like a separate training
17 that would say, "Here's the safety training versus
18 here's the operational training."

19 Q. Was there any safety training on
20 asbestos in particular that he described to you?

21 **A. He didn't specifically describe an**
22 **asbestos safety training. At that time we would**
23 **have, you know, training integrated with the**
24 **operations.**

25 So, for instance if you're in the

1 **plating area you're not gonna get any training**
2 **about necessarily something that's not related to**
3 **working in the plating area.**

4 Q. Did he tell you there was any training
5 at all regarding asbestos in Missouri, whether it's
6 general training, specific training, any kind of
7 training?

8 **A. So he worked in the plating area, so,**
9 **you know, he couldn't speak specifically to the**
10 **training that would have been provided in the**
11 **fabrication or the molding area, but that's how**
12 **he described it would be conducted.**

13 Q. And he did not describe asbestos
14 training in the plating area?

15 **A. He did not describe it to me.**

16 Q. Did Mr. Vosdingh describe any asbestos
17 training at Cedar Rapids or Missouri?

18 **A. No. He was not able to describe that.**

19 Q. Some of these rog answers I want to go
20 over and then I'm done.

21 MR. BAUMSTARK: Have I marked the
22 Second Set of Supplemental Responses?

23 BY MR. BAUMSTARK:

24 Q. Do you have No. 2, Miss Redfield, or
25 do I?

1 **A. I have No. 1.**

2 Q. Let me hand you what we previously
3 marked as No. 2, all right?

4 **A. Oh. Okay.**

5 Q. Sorry to go out of order.

6 **A. Yes. This is No. 1 -- No. 2.**

7 Q. And these are Defendant Schneider
8 Electric, USA formerly known as Square D Company,
9 Second Supplemental Responses to Plaintiff's
10 Interrogatories, correct?

11 **A. This is the one more recently provided,**
12 **yes.**

13 Q. And you're okay with the answers that
14 are provided in here; is that correct?

15 **A. I have read these, and I agree with the**
16 **answers.**

17 Q. Interrogatory 2 asks with respect to the
18 employment of Mr. Kovar, identify the work
19 performed --

20 **A. Hang on. I'm still on objections.**

21 Q. Sorry about that.

22 **A. Okay. No. 2.**

23 Q. There's no page number, so I can't --

24 **A. No page numbers.**

25 Q. With respect to your employment of

1 Lyle C. Kovar, identify C, the job titles; and D,
2 the work performed on which Mr. Kovar was expected
3 to perform while at each of the facilities on the
4 dates identified.

5 And we're talking about the
6 Cedar Rapids plant, the training facility and the
7 Columbia plant; is that fair?

8 **A. Well, again just that training facility.**

9 Q. You're right. Okay.

10 So we're talking about, at least
11 in your mind --

12 **A. Cedar Rapids.**

13 Q. -- the Cedar Rapids plant and the
14 Columbia, Missouri plant, right?

15 **A. Yes.**

16 Q. Okay. So part of the answer here at
17 the very bottom of the page where number -- the
18 second interrogatory is posed -- again they're not
19 numbered -- this is the answer, "In his positions
20 in management, Mr. Kovar was responsible for, among
21 other things, supervising employees, identifying
22 potential workplace hazards and ensuring the safety
23 of employees. Mr. Kovar's responsibilities also
24 included the development and implementation of
25 workplace safety practices."

1 **A. My paging is different from your paging.**
 2 **Sorry. Mine actually starts on the other page,**
 3 **so can you do that again?**

4 Q. Sure.

5 **A. I'm at the top of this page. Go ahead.**
 6 **I'm listening.**

7 Q. It starts at the bottom on my copy.

8 **A. On my copy it starts up here.**

9 Q. Okay. But have you read that answer,
 10 or do I need to read it again?

11 **A. I have read it. I can read it again to**
 12 **remind myself.**

13 Q. Okay. Why don't you go ahead and do
 14 that then I'll pose a question.

15 **A. Yes.**

16 Q. If Mr. Kovar is not educated about the
 17 hazards of asbestos exposure, how can he identify
 18 the potential workplace hazards of asbestos
 19 exposure in the plants where he worked?

20 MR. ZUKOWSKI: Object to form.

21 Assumes facts.

22 Go ahead.

23 THE WITNESS: Yeah, so I didn't say he
 24 was not educated. I said we didn't have any
 25 documentation of that.

1 BY MR. BAUMSTARK:

2 Q. You don't have any witness testimony to
 3 support that, do you?

4 **A. I do not. But I wouldn't make the**
 5 **assumption that he is not educated.**

6 Q. Well, again there is no documents to
 7 prove he was educated, correct?

8 **A. There are no documents that were found.**

9 Q. There is no testimony, sworn testimony
 10 to indicated he was educated, correct?

11 **A. That's correct.**

12 Q. You had conversations with Square D
 13 employees, former employees, and they haven't
 14 provided you any information on that, correct?

15 MR. ZUKOWSKI: Object to form.

16 Mischaracterizes.

17 BY MR. BAUMSTARK:

18 Q. Regarding asbestos specifically they
 19 were not able to tell you that Mr. Kovar was
 20 educated about the hazards of asbestos, were
 21 they?

22 **A. I don't know. I didn't review those.**

23 Q. Wait a minute.

24 MR. ZUKOWSKI: You said former. That's
 25 the problem.

1 MR. BAUMSTARK: Oh. I'm sorry about
 2 that. Okay.

3 BY MR. BAUMSTARK:

4 Q. In your discussions with Mr. Vosdingh and
 5 Mr. Widdowson, they did not tell you that Mr. Kovar
 6 was educated about the hazards of asbestos
 7 exposure?

8 **A. They did not know whether or not he was**
 9 **educated or not educated.**

10 Q. Okay. So you have no evidence --

11 **A. One way or the other.**

12 Q. You have no evidence that it occurred,
 13 do you?

14 **A. We have no evidence one way or the other**
 15 **whether or not he would have been specifically**
 16 **educated, however, I mean, he did work his way up**
 17 **through the organization, and he worked in some of**
 18 **these areas and so he would have picked up that**
 19 **training and that education through on-the-job**
 20 **training.**

21 Q. This coming from a company who did not
 22 even know asbestos was in its compounds until 1972
 23 to '74, is that what you're asking us to believe
 24 today?

25 **A. I'm saying that the training that's**

1 **provided to our employees was done at the**
 2 **production level and through working at the**
 3 **production level. And if you work at the Square D**
 4 **organization and you worked up, you take that**
 5 **knowledge with you and you -- you know, there's a**
 6 **significant amount of on-the-job training that**
 7 **occurs in our organization and others.**

8 Q. And you can't point me to one single
 9 document --

10 **A. I cannot point to a document.**

11 Q. -- that would reflect any of that
 12 training regarding asbestos?

13 **A. I cannot point to a document.**

14 Q. That information might be in a personnel
 15 file, wouldn't it?

16 **A. I can't speculate on that.**

17 Q. What documents have you seen indicating
 18 precautions, advisories or warnings regarding
 19 asbestos were provided to Square D employees at
 20 the Cedar Rapids facility?

21 **A. I have not seen any documents**
 22 **specifically to that effect as that type of thing**
 23 **would have been informal, especially prior to 1985**
 24 **when HAZCOM was put into place.**

25 Q. What is HAZCOM?

1 **A. The hazardous communication rule was a**
 2 **rule around -- specifically around requiring**
 3 **employers to inform and provide information**
 4 **related to chemicals that they're working with.**

5 **So in 1985 things became much more**
 6 **formalized and documented. Prior to 1985, things**
 7 **were more informal. That type of training was**
 8 **much more informal.**

9 Q. I'm a little confused here. Are you
 10 saying that -- and if I'm misquoting you, you're
 11 gonna let me know I know.

12 But are you saying that until 1985
 13 an employer was not required to post and give
 14 written warnings regarding asbestos exposure in
 15 the workplace?

16 **A. No, prior to 1985 it's not required to be**
 17 **a documented program, so you're still required to**
 18 **do it, but you're not required to maintain that**
 19 **documentation.**

20 Q. Well, we have seen documents in this case
 21 that go back to the late 50s, haven't we?

22 **A. I don't think I have reviewed documents**
 23 **prior to the 1970s.**

24 Q. You don't remember looking at documents
 25 in the late 50s that discussed the sorts of molding

1 presses that were being purchased for use at the
 2 Cedar Rapids plant?

3 **A. I did not review those in depth. I may**
 4 **have flipped through those, but I did not review**
 5 **those.**

6 Q. Why would Square D keep documents
 7 regarding the purchase of equipment and the sorts
 8 of documents we have seen today and not keep
 9 written warnings about the dangers and hazards
 10 of asbestos that were provided to their
 11 employees?

12 **A. I'm sorry, I can't answer that question.**

13 Q. I think my previous question only
 14 addressed Cedar Rapids, so I want to pose the same
 15 question about Missouri.

16 Again you have seen nothing in
 17 writing indicating that written warnings were
 18 provided to employees of Columbia or that they were
 19 warned about the hazards of asbestos exposure other
 20 than the memos where Mr. Kovar was copied?

21 **A. No. I have not seen any specific**
 22 **documents, and that's, you know...**

23 Q. Okay. You don't know when Square D first
 24 employed a certified industrial hygienist?

25 **A. I'm not sure when that was.**

1 Q. Do you know when they employed a medical
 2 director?

3 **A. I do not know if we did employ a medical**
 4 **director.**

5 Q. Do you have a medical director today?

6 **A. We do not have a medical director today.**

7 Q. Why not?

8 **A. I can't answer that question.**

9 Q. Do you think a company the size that
 10 Square D was in the 70s ought to have employed a
 11 medical director?

12 MR. ZUKOWSKI: Objection, beyond the
 13 scope. Calls for speculation.

14 But go ahead.

15 THE WITNESS: I can't comment on the
 16 appropriateness of a medical director being
 17 part of our organization in the 1970s. I'm
 18 not sure that was common practice.

19 BY MR. BAUMSTARK:

20 Q. One final question, in an answer to
 21 Interrogatory 58, which is -- well, I don't know,
 22 we're dealing with different copies. Could you
 23 turn to -- strike all that.

24 **A. 58. Yep.**

25 Q. Miss Redfield, are you looking at

1 Interrogatory 58 right now?

2 **A. I am.**

3 Q. And the question is did you provide
 4 Lyle Kovar with any warning or caution or like
 5 information concerning any of the following:
 6 Asbestos materials, possible health effects,
 7 hazards, TLVs and recommendations relating to
 8 working around or with asbestos products, right?
 9 That's the question.

10 **A. It is.**

11 Q. Okay. And part of the answer eight
 12 or nine lines down, "As a supervisory employee and
 13 later as a plant manager, Mr. Kovar's knowledge
 14 and awareness regarding these issues was consistent
 15 with Square D's knowledge and awareness," true?

16 **A. That's what it says.**

17 Q. Do you agree with that?

18 **A. I do.**

19 Q. What is your support for that?

20 **A. Knowing how our organization works**
 21 **and --**

22 Q. Today or back then?

23 **A. -- seeing the documents that had his**
 24 **name**
 25 **on them that were discussing asbestos.**

1 Q. So you're -- the only documentary
2 evidence you have in support for this answer are
3 the documents that he was copied on in the late
4 70s?

5 **A. I don't recall the specific dates. I'm**
6 **not good with dates.**

7 Q. These were the documents where it was
8 being -- strike that.

9 These are the documents regarding
10 the efforts to get asbestos out of the molding
11 compound in use at the Missouri plant, right?

12 **A. Right.**

13 Q. That's your only documentary support
14 for this answer?

15 **A. Well, I go back to how we described the**
16 **training that would occur in the manufacturing**
17 **process and having it integrated with the, you**
18 **know, the overall safety and environment training.**

19 As the manager over the fabrication
20 department in Cedar Rapids, he should have been
21 aware of those things. That would have been part
22 of his, you know, his responsibilities in that
23 capacity.

24 Q. Again he can't fulfill any
25 responsibilities he has if he has not been

1 educated, true?

2 **A. I'm sorry, can you state that again?**

3 Q. He cannot fulfill any responsibilities
4 he may or may not have as plant manager, plant
5 superintendent regarding the risks of asbestos
6 exposure if he has not been educated about those
7 risks?

8 MR. ZUKOWSKI: Object to form. It
9 assumes facts.

10 Go ahead.

11 THE WITNESS: He would have had
12 on-the-job training.

13 BY MR. BAUMSTARK:

14 Q. And you base that upon what, the
15 conversations you had with Mr. Vosdingh and
16 Mr. Widdowson?

17 **A. That's correct.**

18 Q. And that's the only thing you base that
19 on?

20 **A. That's correct.**

21 Q. And neither of them told you that they
22 were ever educated about asbestos, right?

23 **A. I don't think we asked -- I don't think**
24 **we discussed that.**

25 Q. Did they tell you they were educated

1 about asbestos?

2 **A. I didn't ask that question.**

3 Q. You didn't ask that question of those
4 two witnesses?

5 **A. I did not.**

6 Q. They didn't tell you that Mr. Kovar was
7 ever educated?

8 **A. They did not.**

9 Q. You understood going in that Mr. Kovar
10 died of an asbestos disease, right?

11 **A. I know that he died of mesothelioma.**

12 Q. And you had an opportunity to talk to two
13 people who either knew Mr. Kovar or worked with him
14 back in the day, right?

15 **A. Yes, I did.**

16 Q. And you did not ask either of them if
17 Square D educated them about the dangers and risks
18 associated with asbestos exposure at the time?

19 **A. I did not ask them. This matter is not**
20 **in relation to them.**

21 Q. That's one way to look at it.

22 Okay. I'm done, guys.

23 MR. ZUKOWSKI: Anybody else? Anybody
24 on the phone?

25 MR. BESHORE: I'm just gonna ask a

1 couple.

2 THE VIDEOGRAPHER: It's 2:43. We're
3 off the record.

4 (Discussion off the record.)

5 THE VIDEOGRAPHER: The time is 2:44.
6 We're back on the record.

7 EXAMINATION

8 BY MR. BESHORE:

9 Q. Hi, Miss Redfield. I'm Steve Beshore. I
10 represent one of the defendants, Cytec Engineered
11 Materials, which if you looked through documents
12 would have been associated with American Cyanamid.

13 And it's your testimony that you only
14 skimmed the three depositions of Mr. Kovar's
15 co-workers, correct?

16 **A. That's correct.**

17 Q. And Mr. Baumstark asked you if you had
18 any reason to doubt the truthfulness of the
19 testimony of those three co-workers, and you
20 replied you had no reason to doubt their
21 truthfulness.

22 **A. I had no reason to doubt them.**

23 Q. Is it your understanding that there were
24 asbestos molding compounds as well as non-asbestos
25 molding compounds used at Square D throughout their

1 history?

2 **A. Yes.**

3 Q. So if a witness testified that he
4 believed all molding compounds used at Square D
5 were asbestos containing, that would be
6 incorrect?

7 **A. I'm sorry, state that again, please.**

8 Q. If a witness testified that he believed
9 all the molding compounds used at Square D were
10 asbestos containing, that would be incorrect?

11 MR. BAUMSTARK: I'll object to the
12 form.

13 THE WITNESS: I would say that is his
14 belief.

15 BY MR. BESHORE:

16 Q. Correct. You have no reason --

17 **A. But that fact I would not agree with.**

18 Q. Okay. And that was my question. That's
19 all I have.

20 MR. BAUMSTARK: Okay.

21 EXAMINATION

22 BY MS. NEWTON:

23 Q. Good morning, ma'am. My name is
24 Alexa Newton, and I am an attorney representing
25 Plastics Engineering Company. I have some

1 **A. I can't comment on that.**

2 Q. When Mr. Kovar became an assembly
3 foreman or the supervisor assembly -- it's been
4 referred to as a couple different ways -- do you
5 know if he had any responsibilities with regard to
6 enforcing corporate policies?

7 MR. BAUMSTARK: Object to the form.
8 Foundation. Based on her testimony it's
9 complete and utter speculation.

10 THE WITNESS: Yeah, I really can't
11 comment on what that position would have been
12 back then. Today certainly.

13 BY MS. NEWTON:

14 Q. And do you know what those
15 responsibilities are today?

16 MR. BAUMSTARK: Same objection.

17 THE WITNESS: So it is an area
18 supervisor's responsibility to fully enforce
19 our safety and environmental procedures and
20 practices in addition to the operational ones,
21 right.

22 BY MS. NEWTON:

23 Q. Does an assembly foreman belong to the
24 union -- did an assembly foreman belong to the
25 union in the 1960s?

1 questions about Mr. Kovar's job duties.

2 Do you know what his job duties
3 are with regard to enforcing corporate policies
4 when he was in the assembly department at
5 Cedar Rapids?

6 **A. At Cedar Rapids in the assembly
7 department he was an hourly employee, so he would
8 have been responsible for complying, not
9 necessarily for enforcing.**

10 Q. Do you know -- and he was a member of
11 the union at that time, correct?

12 **A. He was.**

13 Q. What about when he became a lead man,
14 what were his responsibilities as to enforcing
15 policies of Square D?

16 **A. I'm sorry, I don't know what a lead man
17 would have done.**

18 Q. Do you know if that was a union
19 position?

20 **A. I don't.**

21 Q. Do you know if he had any
22 responsibilities regarding the safety of his
23 co-workers?

24 **A. As a lead man?**

25 Q. Correct.

1 MR. BAUMSTARK: I'll object to the form.
2 Foundation. Calls for speculation.

3 THE WITNESS: It's my understanding
4 that when Lyle Kovar was a foreman in the
5 assembly area at Cedar Rapids, that he was
6 a salaried position and that would have not
7 been a union position.

8 BY MS. NEWTON:

9 Q. And when he became a general foreman
10 then at Cedar Rapids, he would not have been a
11 union person again?

12 **A. He would not have been in the union.**

13 Q. As a general foreman at Cedar Rapids,
14 what were his responsibilities regarding corporate
15 policies?

16 MR. BAUMSTARK: Objection. Form.

17 MR. ZUKOWSKI: Objection. Asked and
18 answered.

19 MR. BAUMSTARK: I object to the form.
20 Foundation. Based on her testimony, calls for
21 speculation.

22 THE WITNESS: All right. Could you
23 repeat that, please?

24 BY MS. NEWTON:

25 Q. I could.

1 Subject to these objections that
2 have just been made, when Mr. Kovar was the general
3 foreman at Cedar Rapids, what were his
4 responsibilities regarding safety policies at the
5 Cedar Rapids plant?

6 **A. The same answer, that I can't really**
7 **comment on exactly what his responsibilities were**
8 **then. I have asked, and I have not been able to**
9 **determine that.**

10 **But today that level of**
11 **responsibility would be expected to enforce all**
12 **the safety and operational procedures in his area.**

13 MS. NEWTON: Those are all my questions.
14 Thank you.

15 MR. ZUKOWSKI: Anybody else?

16 Anybody on the phone?

17 We will read and sign.

18 THE VIDEOGRAPHER: The time is now
19 2:49 p.m. This is the end of Media 2. This
20 concludes this deposition. We're off the
21 record.

22 (Discussion off the record.)

23 (WHEREUPON, the following
24 proceedings were had off the
25 video record:)

1 MR. ZUKOWSKI: We're just going back on
2 the record real quick.

3 We are going to go back on the
4 record. We are going to attach -- Anthony
5 will provide them to you -- Mr. Springfield
6 will provide them to you, the objections
7 that were filed yesterday to the deposition
8 notice. I think they could be the last
9 exhibit, which I think is 21.

10 MR. BAUMSTARK: And, for the record,
11 we'll object to the objections that were
12 filed, I believe, yesterday.

13 Counsel for Square D has had this
14 deposition notice, if not in the exact form it
15 was filed, in substantially the same form for
16 weeks and they waited 'til the last day to
17 file it, so I'll object to the objections,
18 however she did answer the questions. I think
19 it's essentially moot, hopefully.

20 MS. NEWTON: I know you disagree that
21 it's confidential, but can we withdraw it
22 until we talk to the court about it?

23 MR. BAUMSTARK: Okay. That's fine. I'm
24 not conceding that I believe it's confidential
25 because I don't; but if you want to withdraw

1 it, that's all right.

2 MS. NEWTON: Thank you.

3 MR. BAUMSTARK: If you're okay with it.
4 That's up to you.

5 MR. ZUKOWSKI: I'm sorry?

6 MS. NEWTON: Withdraw Exhibit 5 from the
7 official transcript until we talk to the judge
8 about the confidentiality.

9 MR. ZUKOWSKI: Sure.

10 And Further Deponent Saith Not...

1 DEPONENT'S CERTIFICATE

2 IN THE CIRCUIT COURT FOR THE CITY OF ST. LOUIS
3 STATE OF MISSOURI
4 TWENTY-SECOND JUDICIAL CIRCUIT

5 JEFF KOVAR,)
6 Plaintiff,)
-vs-) No. 1322-CC01123
6 SCHNEIDER ELECTRIC USA, et)
al.,)
7 Defendants.)

8 I, MICHELLE REDFIELD, having been first
9 duly sworn, on oath, state that I have read the
10 foregoing transcript of the testimony given by me
11 at my deposition on July 2, 2014, and that said
12 transcript constitutes a true and correct record of
13 the testimony given by me at said deposition except
14 as I have so indicated on the errata sheets
15 provided herein for such.

16 MICHELLE REDFIELD

17 No corrections (please initial): _____
18 Number of errata sheets submitted: _____ pgs.

19 SUBSCRIBED AND SWORN TO
20 before me this _____ day
21 of _____ 2014.

22 Notary Public

NOTARY PUBLIC, COOK COUNTY, ILLINOIS

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