

SUPERIOR COURT OF THE STATE OF NEW JERSEY

LAW DIVISION: MIDDLESEX COUNTY

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DEBBIE ACCETURO, individually and as
Administratrix and Administratrix ad
Prosequendum of the Estate of Vincent
Acceturo,

Plaintiff,

-against-

Index No.
L-6601-99

ABEX CORPORATION, et al,

Defendants.
-----x

DEPOSITION OF BRUCE KETCHAM

New York, New York

Tuesday, February 20, 2007

BRODY DEPOSITION SERVICES

Certified Shorthand Reporters and Videographers

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Page 2

1 Ketcham

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6 February 20, 2007

7 10:05 a.m.

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10 Deposition of BRUCE KETCHAM, held at the

11 offices of Kasowitz Benson Torres & Friedman, 1633

12 Broadway, New York, New York, pursuant to notice,

13 before Judith A. Frost, a Shorthand Reporter and

14 Notary Public of the State of New York.

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Page 3

1 Ketcham

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Page 4

1 Ketcham

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Page 5

1 Ketcham

2

3 I N D E X

4 WITNESS EXAMINATION BY PAGE

5 Bruce Ketcham Mr. Bartels 6

6

7 E X H I B I T S

8 NUMBER DESCRIPTION PAGE

9 Exhibit 1 Flow charts 51

10 Exhibit 2 Memo re asbestos labeling 68

11 Exhibit 3 International engineering report 75

12 Exhibit 4 Memo re asbestos labeling 76

13 Exhibit 5 Service parts book 95

14 Exhibit 6 Slide presentation 101

15 Exhibit 7 One page document 115

16 Exhibits 8-11 Technical service aids 121

17

18

19

20

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Ketcham

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein, that filing and sealing be the same and are hereby waived.

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form are reserved until the time of the trial.

IT IS FURTHER STIPULATED AND AGREED that the within deposition may be sworn to and signed before any officer authorized to administer as oath, with the same force and effect as it signed and sworn to before the Court.

Ketcham

Q When was that?

A It was last November, I believe.

Q Do you know what state it was in?

A Where the suit was filed?

Q Yes.

A Kentucky.

Q I'm going to give you some preliminary instructions. You have had your deposition taken before, and if you have any questions further you can ask me, but obviously you know that you are under oath now.

Do you understand that?

A Yes.

Q You understand that the court reporter is taking down everything we say?

A Yes, I do.

Q I'm going to ask you a series of questions and I would ask you to listen to the following instructions. Number one, it is listen carefully to my questions. If you don't understand my question it's okay for you to say I don't understand the question and I will repeat it until you do understand.

Do you understand that instruction?

Ketcham

BRUCE KETCHAM, called as a witness, having been duly sworn by a Notary Public, was examined and testified as follows:

EXAMINATION BY

MR. BARTELS:

Q Would you state your full name for the record.

A Bruce Ketcham.

Q Mr. Ketcham, have you ever had your deposition taken before?

A Yes, I have.

Q Can you give me an approximation of how many times?

A Approximately 20 times.

Q I don't want the specifics, but can you kind of estimate for me how many of those 20 times had anything to do with an asbestos case?

A Perhaps five. I think there may be some information in the discovery response.

Q Do you remember the last time you appeared for a deposition relating to an asbestos case, a personal injury asbestos case?

A Yes.

Ketcham

A Yes.

Q Once you do understand the question answer as accurately as you can.

Do you understand that?

A Yes.

Q If I ask you a question and you answer I'm going to presume that you understood the question and you answered it to the best of your ability.

Do you understand that?

A Yes.

Q If you need any time for a break, it's okay to ask for a break. My only instruction is under the rules you are not supposed to ask for a break while a question is pending.

Do you understand that?

A Yes.

Q Are you presently employed?

A Yes, I am.

Q How are you employed?

A By whom you mean?

Q By whom are you employed?

A I am employed by Exponent, Incorporated.

1 Ketcham
 2 Q How long have been employed by
 3 Exponent?
 4 A Since 2000.
 5 Q What is your business with Exponent?
 6 A I'm a senior managing engineer.
 7 Q Where is Exponent located?
 8 A My office is located in Farmington
 9 Hills, Michigan.
 10 Q What is the business of Exponent?
 11 A Exponent is an engineering and
 12 scientific consulting firm.
 13 Q What kinds of things do you do?
 14 A Most of my work is involved in
 15 investigating heavy truck accidents and fires, and
 16 occasionally dealing with product safety
 17 investigations and the litigation consulting that I
 18 do.
 19 Q Is that the capacity you are appearing
 20 in here today as a litigation consultant for Arvin
 21 Meritor?
 22 A That is correct.
 23 Q Prior to working for Exponent what was
 24 your job just prior to that?
 25 A I worked for Meritor Automotive.

1 Ketcham
 2 Q How long did you work for Meritor
 3 Automotive prior to joining Exponent?
 4 A Approximately three years.
 5 Q Where was your office located while
 6 you were working for Meritor?
 7 A In Troy, Michigan.
 8 Q What was your job with Meritor during
 9 those three years?
 10 A I was the manager in product analysis.
 11 Q So I can get the dates right, when did
 12 you first start working for Meritor at that
 13 location?
 14 A It was in October 1997.
 15 Q So then you worked until about 2000;
 16 is that right?
 17 A Correct.
 18 Q What was your job with Meritor while
 19 you were there for that period of time?
 20 A When I was with Meritor Automotive?
 21 Q Yes, I'm sorry.
 22 A I was the manager of product analysis
 23 and I had responsibilities for assisting inside and
 24 outside local counsel in product litigation claims.
 25 Q What kinds of product claims were you

1 Ketcham
 2 assisting in?
 3 A It could range from accident crashes
 4 investigations to asbestos claims. Those types of
 5 matters.
 6 Q Prior to starting with the automotive
 7 section in 1997, where were you employed?
 8 A Prior to working for Meritor
 9 Automotive?
 10 Q Yes.
 11 A I was employed by Rockwell
 12 International.
 13 Q How long were you employed by Rockwell
 14 International?
 15 A For approximately 19 years.
 16 Q When did you first start working for
 17 Rockwell?
 18 A In 1978.
 19 Q Then again how long did you work with
 20 Rockwell?
 21 A Until the automotive business became
 22 Meritor Automotive, so up to September of 1997.
 23 Q Prior to beginning your work with
 24 Rockwell in 1997, were you employed?
 25 A Yes, I was.

1 Ketcham
 2 Q Who were you employed with?
 3 A I was employed by the General Electric
 4 Company.
 5 Q For how long?
 6 A Approximately six years.
 7 Q So that would mean you started in
 8 approximately 1972?
 9 A That is correct.
 10 Q During the time that you worked for GE
 11 what was your job with them?
 12 A I had multiple jobs.
 13 Q Can you just generally tell me, were
 14 they all the same type of jobs with just different
 15 job titles, or were they different job titles in
 16 different locations?
 17 A Prior to 1997?
 18 Q When you were employed in any
 19 capacity.
 20 A I was a full-time student.
 21 Q Where were you a full-time student?
 22 A At Union College.
 23 Q I assume you graduated from Union
 24 College?
 25 A Yes, I did.

1 Ketcham
 2 Q What kind of degree did you graduate
 3 with?
 4 A I had an undergraduate degree in
 5 electrical engineering and industrial economics.
 6 Q When you first started working with
 7 the GE company what was your job title?
 8 A I was in their manufacturing,
 9 management training program which consisted of four
 10 different jobs in two different company locations.
 11 Q Were you training for any particular
 12 area within GE, any particular product?
 13 A It was a manufacturing manager.
 14 Q What other positions did you have with
 15 GE after you went through the training program?
 16 A After the training program I came off
 17 the program and was, I believe it was a systems
 18 analyst or a manufacturing systems analyst I believe
 19 the title was. It's a ways back.
 20 Q Can you tell me each of the jobs you
 21 had with GE during the six years you were there?
 22 A Certainly. My first job was a methods
 23 specialist in Schenectady, New York in the utilities
 24 operation, which was basically the department that
 25 took care of all of the common utilities that were

1 Ketcham
 2 being used at the factory site which was fairly
 3 large.
 4 My second job there was as a
 5 production control specialist.
 6 Q What did you do as a production
 7 control specialist?
 8 A I scheduled valve production in large
 9 steam turbines.
 10 Q What was your next position?
 11 A I think I took a break, if my
 12 recollection is correct, and I was in active duty in
 13 the U.S. Army reserves for six months.
 14 Q When you came back what did you do?
 15 A Let me correct one thing. I believe
 16 the production, I had the methods specialist job and
 17 then went into the Army for six months and then came
 18 back to Schenectady as a production control
 19 specialist.
 20 Q What were you doing? Did you already
 21 describe that?
 22 A I already described that.
 23 Q What was your next position?
 24 A My next position was in Louisville,
 25 Kentucky where I was a foreman in the range assembly

1 Ketcham
 2 line.
 3 Q What was being made there?
 4 A Electrical ranges.
 5 Q Then what was your next position?
 6 A Then I was in advanced purchasing in
 7 refrigeration products.
 8 Q Again did you have another position
 9 after that?
 10 A I came off the program then and went
 11 to Chicago and I was the systems analyst that I
 12 described before.
 13 Q Was that your last position with GE?
 14 A No.
 15 Q What was your next position?
 16 A It was inventory control manager in
 17 that particular business.
 18 Q What did you do as an inventory
 19 control manager?
 20 A The people that worked for me ordered
 21 material into the factory.
 22 Q What kinds of material?
 23 A Material that was used to manufacture
 24 commercial cooking equipment.
 25 Q Did you have another position after

1 Ketcham
 2 that?
 3 A No.
 4 Q That was your last position?
 5 A The last position with General
 6 Electric, that's correct.
 7 Q Do you recall the reason for your
 8 moving from General Electric to Rockwell?
 9 A Better opportunity.
 10 Q Prior to moving to Rockwell, had you
 11 ever had any experience working in the automotive
 12 industry?
 13 A No.
 14 Q Prior to moving to Rockwell, did you
 15 ever have any experience in the truck industry?
 16 A No.
 17 Q Your first position with Rockwell, can
 18 you describe what it was?
 19 A Sales order manager.
 20 Q Where was your office at that time?
 21 A In Florence, Kentucky.
 22 Q How long did you remain as a sales
 23 order manager?
 24 A Approximately six months.
 25 Q What was your next position after

1 Ketcham
 2 sales order manager?
 3 A Purchasing manager.
 4 Q Again where were you located as a
 5 purchasing manager?
 6 A In Florence, Kentucky.
 7 Q How long did you stay as a purchasing
 8 manager?
 9 A Approximately three to four years.
 10 Q After you completed your time as a
 11 purchasing manager what was your next position?
 12 A Production control manager.
 13 Q Again where was your office located
 14 when you were a production control manager?
 15 A Florence, Kentucky.
 16 Q How long did you remain as a
 17 production control manager?
 18 A For approximately two to three years.
 19 I left that position at the end of 1984.
 20 Q What happened in 1984 approximately?
 21 A I transferred to the automotive
 22 headquarters in Troy, Michigan and changed job
 23 assignments.
 24 Q What was the name of your title at
 25 that point, what was your title when you moved?

1 Ketcham
 2 A The last job in Florence?
 3 Q No, the first job in Troy.
 4 A The first job I was the division
 5 materials manager for the on-highway axle division.
 6 Q You were in Troy, Michigan?
 7 A That's correct.
 8 Q How long did you stay in the highway
 9 axle division?
 10 A The division materials manager?
 11 Q Yes. How long were you in that
 12 position?
 13 A Approximately three plus years I
 14 believe.
 15 Q So approximately in 1987?
 16 A I believe it was 1988.
 17 Q What was your next position with
 18 Rockwell after that?
 19 A I was the manager of production
 20 compliance.
 21 Q By the way, do you happen to have a CV
 22 with you?
 23 A No, I don't.
 24 Q When production compliance began where
 25 was your office located when you were in that

1 Ketcham
 2 position?
 3 A In Troy, Michigan.
 4 Q How long did you stay as a manager of
 5 product compliance?
 6 A To 1993.
 7 Q What was your next position with
 8 Rockwell?
 9 A I was a manager of product analysis.
 10 Q Again, in Troy, Michigan?
 11 A That's correct.
 12 Q For how long did you remain in that
 13 position?
 14 A Until 1997.
 15 Q So what was the time frame again, it
 16 was about 1983 to 1997 in that position?
 17 A That's correct.
 18 Q What happened in 1997?
 19 A Rockwell International spun off the
 20 automotive business of Rockwell and it became a
 21 separate company which was called Meritor
 22 Automotive.
 23 Q Did you go with Meritor Automotive?
 24 A Yes, I mentioned that earlier.
 25 Q In automotive did that include heavy

1 Ketcham
 2 trucks?
 3 A That included the manufacture of
 4 components that were used in heavy trucks, that's
 5 correct.
 6 Q What I want to do is go back now and
 7 discuss starting with your time as a purchasing
 8 sales order manager at Florence, but before I do
 9 that can you describe what facilities were at
 10 Florence during the time that you worked there?
 11 A Florence was an after-market
 12 distribution center.
 13 Q Describe what that is.
 14 A It distributes after-market parts,
 15 replacement parts and service parts to the various
 16 original equipment manufacturers that Rockwell sold,
 17 heavy vehicle and medium truck and off-highway
 18 vehicle components, as well as the after-market
 19 distributors of Rockwell's products.
 20 Q Is that a factory or merely a supplier
 21 where these products were being shipped out across
 22 the country?
 23 A It was primarily a distribution center
 24 in which products came in and were packaged and in
 25 some instances boxed and shipped.

Ketcham

There were limited assembly operations and that changed a little bit over time.

Q You were there in this position for approximately six months in 1978?

A That is correct.

Q Did you have any sales responsibilities? Did you have any customers while you were in the six month period or, in other words, describe what you did.

A I managed the sales order function at Florence which basically was handling the customer calls, inquiries and orders for services parts for the various customers that we had.

Q Were you assigned to any particular customers?

A No, my people had responsibility for all the customers.

Q Do you recall who the customers were when you were working as a sales order manager?

A There were literally hundreds of them.

Q Let me ask you this. This after-market distribution center, did it also include the distribution of truck brakes?

A Truck brake products, yes.

Ketcham

Q When you say truck brake products, what do you mean?

A It could be anything from the completed foundation brake assembly to individual components that were used on the medium and heavy truck brakes. It could include the shoes. It could include linings and aligned shoes and it could include kits and individual parts that were used in the foundation brake assemblies. So a diverse group of components.

Q Do you recall the names of any of the OEM truck companies that you serviced as a customer when you were in that six month period or the whole session during that six month period?

A I can recall the major ones, yes.

Q Who were the major ones?

A Basically all of the major heavy truck manufacturers that were in business at that point in time, such as Freightliner, White, General Motors, Ford, Kenworth, Peterbilt and MACK.

Did I mention Ford?

Q You did.

How about International?

A International, yes, I would see it in

Ketcham

the early days and in that period of time when I was the sales order manager.

Q How did the after-market division differ from Rockwell at that time when you first started a division that was solely responsible for off the OEM's?

A They had multiple divisions for OEM production.

Q Specifically brakes assemblies and kits and things like that?

A Brake assemblies, that's correct.

Q Describe what a brake assembly is.

A Brake assembly, it varies by the particular type of brake that it is, but if I can generalize and just talk about an Ascram brake, certainly there are a bunch of different brake assemblies from disk brakes and things of that nature.

From the Ascram brake, the brake assembly would typically consist of the shoes, the line shoes, the springs the mounting plates that it was attached to, brake speeders, rollers, springs, camshafts, slack adjusters. Sometimes it included brake chambers.

Ketcham

Q Prior to your deposition today, did you review any written documents to help prepare for the deposition?

A Yes, I did.

Q Can you describe for me what you looked at?

A I looked at some of our matters, past discovery depositions in the case. I scanned through a few depositions from the cases.

I looked at a few new maintenance manuals and other documents.

Q Do you remember what kinds of documents they were?

A I believe they were primarily documents that were produced as part of the discovery.

Q So, in other words, are you familiar with the fact that Rockwell has approximately 10 to 12 boxes of documents that they produced in discovery in these type of cases.

Did you know that?

A I have no idea how many boxes were produced. I saw some documents that were shown to me.

1 Ketcham
 2 Q Have you had an opportunity to look at
 3 the Rockwell documents that I just described?
 4 To my understanding there are about 10
 5 to 12 or maybe 13 documents that Rockwell has
 6 produced to me in this case for review.
 7 Have you had a chance, have you ever
 8 reviewed documents like that prior to today?
 9 A I have looked at some documents out of
 10 that category, yes.
 11 Q Do you recall, did you keep any notes
 12 when you were looking at the documents in
 13 preparation for today's testimony?
 14 A No, I did not.
 15 Q Do you recall if any of those
 16 documents were technical bulletins that were
 17 published by Rockwell?
 18 A Yes, maintenance manuals and that type
 19 of item.
 20 Q At any time while you worked for
 21 Rockwell did you have any input at all into any
 22 caution or warning statements that were ultimately
 23 placed?
 24 A On asbestos-containing products placed
 25 on the products?

1 Ketcham
 2 Q Yes.
 3 A I do not believe so.
 4 Q Is there a distinction in your mind
 5 when I say placed on?
 6 Have you ever been consulted at all
 7 whether it was placed on a product regarding
 8 warnings or caution statements Rockwell was
 9 considering for use regarding its asbestos products?
 10 A Yes.
 11 Q What position were you in when you
 12 were consulted for that?
 13 A Product manager analysis and perhaps
 14 as a manager of product compliance.
 15 Q Products analysis, and what was the
 16 other position?
 17 A Perhaps the position prior to that.
 18 The manager of product compliance perhaps.
 19 Q At the time you were the manager of
 20 product compliance did Rockwell still utilize in
 21 some of its products asbestos-containing brake
 22 linings?
 23 A Yes.
 24 Q During what time frame were you the
 25 products manager?

1 Ketcham
 2 A Product compliance manager?
 3 Q Yes.
 4 A From 1988 through or into 1993.
 5 Q How did you come to be involved in the
 6 warning/caution statement process that Rockwell was
 7 considering during that time frame?
 8 A In a couple of ways. One was in the
 9 review of the maintenance manuals that Rockwell
 10 published once they had been written. I typically
 11 reviewed for consistency and accuracy of the manual,
 12 as well as a comparison of that manual against other
 13 manuals.
 14 I was also involved in, I believe it
 15 was in 1996, in the mid-nineties let's call it, in
 16 the rewrite of the full-page warning and caution
 17 that appears in the front of the maintenance
 18 manuals.
 19 Q That was approximately in the
 20 mid-1990's?
 21 A The mid-1990's.
 22 Q When you were the products compliance
 23 manager during that time frame did you have any
 24 input into the language that was ultimately picked
 25 to appear in the caution/warning statements used by

1 Ketcham
 2 Rockwell regarding asbestos products?
 3 A What I said as a product compliance
 4 manager?
 5 Q Yes.
 6 A No, only to ensure what was being
 7 presented in the manual complied and was the latest
 8 warnings and cautions for the company.
 9 Q Were you the only person doing that or
 10 were there other people in Rockwell that were doing
 11 the same kinds of things that you were doing that
 12 you just described?
 13 A I was one of the final reviewers, and
 14 obviously other people had input into the manuals.
 15 Other people drafted the manuals.
 16 Q Do you recall who the final reviewers
 17 were like yourself during that time frame 1988 to
 18 1993?
 19 A Assuming that I reviewed those during
 20 that period of time, I believe that it also would
 21 have been passed by legal counsel, inside legal
 22 counsel.
 23 Q I guess what I am looking for is were
 24 there any other employee, other than legal counsel,
 25 that you were aware of during that time that you

Ketcham

were the product compliance manager that did what you just described which is review manuals to make sure that the language was accurate?

A Legal counsel was an employee of the firm, but as far as what I was doing, no, I was the last one to read that.

Q When you were reviewing the information within these manuals to make sure, I assume one of the things you were looking for was to make sure it accurately reflected Rockwell's belief at that time regarding the use of asbestos products?

MR. CANONI: Objection as to form.

A It was to ensure that they were consistent with the current warnings and cautions that were to be published in manuals.

Q What information were you relying upon when you were judging or checking the language to make sure the information was being accurately portrayed in the manuals or the bullets?

In other words, what was it that you were using to make sure when you read the warning that it was accurate?

A My best recollection at this point in time is there was standard language that was

Ketcham

supposed to be used as far as warnings and cautions in the manuals basically dealing with asbestos.

Basically I was just checking to make certain the writer, in fact, used the proper ones, and if the manual was going to be reprinted or updated that the latest warnings and cautions were included in that manual.

Q When did you first become aware that breathing asbestos dust might be hazardous to your health?

A I really don't know when I first became aware of that.

Q Do you know if you had any opinions about that prior to working for Rockwell?

A I really don't know.

Q When you were working with GE, did your job ever require you to become knowledgeable regarding the use of asbestos products with respect to GE products?

A No.

Q Did you ever have any work on GE turbines while you were there?

A Yes.

Q During the time that you worked for GE

Ketcham

turbines did you become aware whether or not GE used asbestos products in conjunction with the GE turbines?

A Not that I recall.

Q Is it fair to say that your first working knowledge of asbestos came when you were working with Rockwell?

A It may have been.

Q You just don't have a recollection at this point?

A I don't recall if it was with Rockwell and I don't recall if it was with General Electric. I don't recall when my first recollection was.

Q Do you recall being present during a meeting at Rockwell where the hazards of asbestos were actually discussed?

A Certainly as I put together some of the warnings particularly in the mid-90's those types of items were discussed.

Q Prior to your position as products compliance officer that you had from 1980 to 1993, did you have any role at all or any participation in reviewing proposed language to be used by Rockwell regarding the hazards of asbestos?

Ketcham

A I don't believe so.

Q So based on your recollection today, the first position you had where you had any responsibility for reviewing the accuracy of warnings/caution as it related to asbestos is when you were the project compliance officer beginning in 1998?

A As the product compliance manager I may have had the responsibility for reviewing the language that was included in the maintenance manuals for consistency.

Q That position you began in 1988?

A That is the position I began in 1988.

Q Is it your recollection that prior to that you never had that kind of responsibility?

A I did not.

Q Did you recall prior to 1988 while you were working for Rockwell reviewing, did Rockwell prior to 1998 to your knowledge require any type of warning label on any product it manufactured and/or distributed that contained asbestos?

A Yes.

Q What is your understanding of what that label was?

Page 34

1 Ketcham

2 A It is probably better disclosed in

3 some of the discovery responses that we provided to

4 you as opposed to what I recollect as I sit here

5 with no documents in front of me.

6 Q Do you recall how the caution labels

7 or the warning labels were being used by Rockwell

8 prior to 1988?

9 A They were used in a variety of

10 manners.

11 Q Can you describe what they were.

12 A Again it is probably better described

13 in the discovery responses that we provided to you.

14 However, I will mention a few as I can recall them

15 off my memory, and I will certainly defer to the

16 responses in discovery as far as perhaps being more

17 accurate than my memory as I sit here.

18 Q Okay.

19 A There were certainly warnings and

20 cautions that appeared in product maintenance

21 manuals back into the mid-70's. In the later

22 seventies I believe there were labels that were

23 attached to boxes of asbestos-containing service

24 parts.

25 There were also developed some

Page 35

1 Ketcham

2 technical service aids that provided warnings and

3 instructions that were included as package inserts

4 in some of the after market asbestos containing

5 products that were described.

6 In the mid-80's there was the

7 development of safety data sheets for dissemination

8 to customers that requested them, and there was also

9 a labeling program for lined shoes, and labels were

10 placed on the shoes as well as labels that appeared

11 on pallets of brake assemblies.

12 Then there were also the full page

13 warnings and cautions that were included in the

14 maintenance manuals besides just the small

15 individual warnings and cautions.

16 Again that is what I can recall as I

17 sit across from you today. As I said, there is

18 probably more precise information in the discovery

19 documents.

20 MR. QUICK: Off the record.

21 (Discussion off the record.)

22 MR. STANZILA: We did not have any

23 notice of this deposition until this morning

24 and we would like to reserve our right to

25 redepose the witness because we haven't

Page 36

1 Ketcham

2 prepared for this deposition and we don't

3 have counsel present who are prepared to

4 take this deposition.

5 MS. MANISCULCO: Let me join in that.

6 We were unaware of this deposition until two

7 minutes ago.

8 Who is the witness?

9 MR. BARTELS: Bruce Ketcham.

10 MR. SANDERS: I just got cut off for a

11 second and I join in the objection.

12 MR. MCGUIRE: I also join in the

13 objection.

14 (Discussion off the record.)

15 MR. BARTELS: Mr. Ketcham, you

16 graduated from Union College in 1972?

17 THE WITNESS: I had two degrees, and

18 can I correct that?

19 MR. BARTELS: Yes.

20 THE WITNESS: My undergraduate degrees

21 are in electrical engineering and industrial

22 economics.

23 MR. BARTELS: His first job after

24 college was working with General Electric

25 from about 1972 until 1978. He had no

Page 37

1 Ketcham

2 contact with automotive products during the

3 time he worked for GE.

4 He then began working for Rockwell

5 from 1978 until 1997. He then worked for

6 Meritor Automotive, which was a spinoff from

7 Rockwell at that time, and he worked there

8 until 2000.

9 MR. BARTELS: Then in 2000 he began

10 working for his present company Exponent as

11 a consultant, and he has consulted in

12 various capacities both for litigation and

13 otherwise.

14 He is appearing today as a consultant

15 for Arvin Meritor, and we went through some

16 of his background with Rockwell, and I'll

17 have him do that briefly one more time

18 because I am sure I will mess up and he will

19 have to jump in.

20 He began talking about some of his

21 knowledge regarding some of the warnings and

22 that is where we stopped. We started at

23 about 10:05 and stopped at about 10:40 to

24 get everybody in on the call.

25 Q Just with respect to Rockwell, again

1 Ketcham
2 for the benefit of counsel who have just joined us,
3 can you walk us through each position you had with
4 Rockwell and the approximate time frames that you
5 held each position?

6 A Certainly. I started with Rockwell in
7 1978. My first job was as a station auto manager at
8 the Florence, Kentucky facility which was an
9 after-market distribution center. I held that job
10 for approximately six months. I then became the
11 purchasing manager at that facility. I held that
12 job for approximately three or four years.

13 I then became the product control
14 manager at that facility and I had that job for
15 approximately two or three years.

16 I left that location in 1984 and I
17 transferred to Rockwell's automotive vehicle
18 headquarters in Troy, Michigan, and my first
19 position there was as a division materials manager
20 for the on-highway axle division and I held that
21 position to 1988.

22 From 1988 I changed positions and
23 became the manager of product compliance. I held
24 that position until 1993 when I became the manager
25 of product analysis which I held up until the end of

1 Ketcham
2 September of 1997, which is the date when Rockwell
3 International spun off the automotive business which
4 became Meritor Automotive on October 1st, 1995.

5 I remained in the position as the
6 manager of product analysis up until the time that I
7 departed Meritor Automotive in 2000.

8 Q Thank you, sir.

9 I'm going to go back to your first
10 position at Rockwell as a sales order manager.

11 Can you describe just generally again
12 what the after-market distribution was at that
13 facility? Describe what you mean by after-market
14 distribution.

15 A Out of Florence, Kentucky, the
16 facility distributed after-market parts for the
17 medium and heavy truck business, as well as the
18 off-highway equipment business to the various OEMs
19 and Rockwell authorized distributors.

20 Q With respect to truck brake
21 assemblies, which would include in that definition
22 the brake linings, are you familiar with during the
23 time that you were the sales order manager at
24 Florence, Kentucky the suppliers of the brake lines
25 used in the after-market brake assemblies sold by

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2 Rockwell?

3 A I don't believe so.

4 Q Did there come a time while you were
5 working for Rockwell where you became familiar with
6 who supplied the brake linings that were used in
7 Rockwell brake assemblies at any time while you were
8 working for Rockwell?

9 A Yes, I know some of them but I don't
10 necessarily know all of them.

11 Q What position did you hold when you
12 first became familiar with the suppliers of the
13 brake linings used by Rockwell?

14 A Probably as the purchasing manager.

15 Q That was while you were at Florence,
16 Kentucky?

17 A That's correct.

18 Q That would be approximately the time
19 frame 1978 through 1984?

20 A No, I was the purchasing manager from
21 late '73 to either 1981 or 1982.

22 Q How did you become aware of who the
23 suppliers of the brake linings were to Rockwell?

24 A From the receipt into the Florence,
25 Kentucky facility of those products I cannot recall

1 Ketcham

2 offhand if the buyers who worked for me were, in
3 fact, buying them from some of the linings
4 manufacturers or if those parts came in through
5 inter-plant sources.

6 Q What does that mean, inter-plant
7 sources?

8 A For instance, the brake manufacturing
9 plant would ship a product to Florence for use in
10 after-market sales, and I can't recall as I sit here
11 whether they may have shipped lining to us from the
12 brake plant for redistribution in the after market.

13 Q When you were acting as the purchasing
14 manager did Rockwell manufacture brake linings?

15 A When I was sales order manager or
16 purchasing manager?

17 Q Yes.

18 A Rockwell did not manufacture brake
19 linings.

20 Q So you would agree any brake linings
21 used in a Rockwell brake assembly was purchased from
22 another source?

23 A During the period of time that we
24 specifically discussed, yes, so from 1978 up until
25 1981 or 1982 Rockwell did not manufacture brake

1 Ketcham
 2 linings.
 3 Q During that time frame do you know
 4 whether or not the brake linings that were purchased
 5 by Rockwell for use in its brake assemblies for
 6 medium and heavy trucks contained asbestos?
 7 A Some of them did, yes.
 8 Q When you say some of them, do you know
 9 what percent?
 10 A No, I don't know what percentage.
 11 Q Do you recall the sources from which
 12 Rockwell obtained its brake linings?
 13 A At what period of time?
 14 Q During the period of time that you
 15 were the sales order manager and a purchasing
 16 manager.
 17 A The names that I can recall, and I am
 18 sure there are other ones that I cannot recall, as I
 19 recall sitting here today, were Carlisle, Abex and I
 20 believe also Bendix, and I am sure as I said there
 21 were others also.
 22 Q Of the three you can recall, Carlisle
 23 Abex and Bendix, can you recall if Rockwell
 24 purchased more from one than the other during the
 25 time frame from 1978 to 1981 or 1982?

1 Ketcham
 2 A I don't recall the percentage of a
 3 particular vendor we might have had.
 4 Q Did you have any specific
 5 responsibilities as either a sales order manager or
 6 the purchasing manager with respect to the sale of
 7 brake assemblies which would use brake linings?
 8 A Well, as I said, as a sales manager my
 9 people were responsible for taking orders from OEM's
 10 and distributors and entering their orders into the
 11 shipment of products to the OEM's or distributors.
 12 Q Between 1978 and 1982, which is about
 13 the time you were the sales order manager and the
 14 purchasing manager of Florence, did Rockwell have a
 15 manufacturing facility where axles were
 16 manufactured?
 17 A They had multiple manufacturing
 18 facilities where axles were manufactured.
 19 Q Do you recall the locations during
 20 that time frame?
 21 A I recall some of the locations.
 22 Q What were some of the locations that
 23 you recall?
 24 A The ones that I can recall were
 25 Newark, Ohio. Osh Kosh, Wisconsin. New Castle,

1 Ketcham
 2 Pennsylvania. Kenton, Ohio and Marysville, Ohio.
 3 Those are the ones that I recall off
 4 the top of my head. There may have been other ones.
 5 I am sorry, Winchester, Kentucky.
 6 Q Can you describe generally what the
 7 business of Rockwell was when you started working
 8 for them in 1978?
 9 A Rockwell International or the
 10 automotive business of Rockwell International?
 11 Q I want to focus on the truck industry
 12 and the truck business.
 13 What was the business of Rockwell as
 14 it related to the heavy truck industry?
 15 A Okay. Rockwell manufactured axles,
 16 front axles, rear driver axles and trailer axles,
 17 and Rockwell manufactured foundation brake
 18 components in assemblies that were used in front
 19 axles, rear driver axles and trailer axles.
 20 Rockwell manufactured driver brake
 21 line components and Rockwell manufactured plastic
 22 components, such as hoods, et cetera. Those are the
 23 primary ones that I can recall.
 24 Q During this first period that you were
 25 working for Rockwell, between 1978 and 1981 or 1992,

1 Ketcham
 2 who were Rockwell's competitors in the axle business
 3 with respect to heavy duty trucks?
 4 A I recall Eaton and Dana. There may
 5 have been other minor players.
 6 Q How about the foundation brake
 7 business, who were Rockwell's competitors in the
 8 truck foundation brake business?
 9 A Eaton, Dana, and I believe that Mack
 10 may have made some of their own brake assemblies for
 11 their own product. There may have been other ones,
 12 as well.
 13 Q As I understand it, and correct me if
 14 I am wrong, with respect to for instance the
 15 manufacture of truck axles, whether they are rear or
 16 front, it's my understanding that a company such as
 17 International would actually enter into a contract
 18 with Rockwell to produce axles for specific types of
 19 trucks; is that correct?
 20 A There may be contracts and/or
 21 agreements to supply axles. I don't know if they
 22 were written specifically for specific trucks.
 23 Q Describe what you mean by that.
 24 A Well, I am thinking that there may
 25 have been an agreement that either talked about axle

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2 models or groups of axles or some other manner of
3 describing that product. I don't think that it
4 described that we are selling you this axle for this
5 truck or this truck model.

6 Q But your understanding was they would
7 purchase axles manufactured by Rockwell for use in
8 their trucks?

9 A Yes, if they so desired, that's
10 correct.

11 Q It's also my understanding with
12 respect to the brake assemblies Rockwell would work
13 with the truck company to make sure that the needs
14 of the truck company were met with respect to brake
15 performance?

16 A The responsibilities that Rockwell had
17 was a shared responsibility between Rockwell or any
18 component manufacturer and the truck OEM's who had
19 the ultimate responsibility for certifying the
20 vehicle.

21 Q In other words, what you are saying is
22 the truck company would say I need to have certain
23 performance levels met on my trucks and my braking
24 performance, and Rockwell would work with the truck
25 company as well as the brake lining supplier to make

1 Ketcham
2 sure those requirements were met?

3 A That is correct, in general terms.

4 Q Now, during the time that you were
5 there between 1978 and 1981 or 1982 did Rockwell
6 have any OEM agreements with any particular
7 companies to supply truck axles?

8 A We may have.

9 Q Do you know for a fact whether or not
10 they did?

11 A I don't know as I sit here today.

12 Q Did anything that you did while you
13 were in Florence between 1978 and 1981 or 1982 have
14 anything to do with the contracts with trucking
15 companies for purchase of axles and brake assemblies
16 specifically?

17 Do you understand the question?

18 A Only in the general sense that we had
19 purchase orders from OEM's and shipped product
20 against purchase orders.

21 Q The average markets, as I understand
22 it, would be a situation where a company already has
23 purchased or already has a truck with a Rockwell
24 axle and needs to order replacement parts for that
25 particular truck; is that accurate?

1 Ketcham

2 MR. CANONI: Objection as to the form.

3 Q Do you understand the question?

4 A I think it's a little more complex
5 than what you were describing.

6 Q In other words, if I'm International
7 truck and I have a Rockwell axle on there and I need
8 to replace a brake assembly or the axle, I could
9 call Rockwell and that's where you would come in as
10 the after-market salesman and you could sell
11 directly the pieces that were needed to replace the
12 part on the truck?

13 A Rockwell, as far as dealing with OEM's
14 was to ship and sell to OEM replacement parts. So
15 if they needed a replacement brake assembly or if
16 they needed a replacement camshaft or a replacement
17 spring, whatever component or assembly that they
18 needed for a truck that had Rockwell components on,
19 it could be sold to an OEM.

20 Q Describe just for the record your
21 definition of an OEM.

22 A It's an original equipment
23 manufacturer. They are the manufacturers of things
24 that we are talking about here, the medium and heavy
25 trucks.

1 Ketcham

2 Q Do you know if at any time while you
3 worked for Rockwell did Rockwell enter into
4 contracts with OEMs for the supply of truck axles
5 and brake assemblies?

6 A I believe they did.

7 Q Was there a particular section or
8 division within the company that was responsible for
9 negotiating those deals?

10 A To the best of my knowledge, that
11 would have been the sales department.

12 Q At any time while you worked for
13 Rockwell, did you have any responsibilities for
14 negotiating any of these OEM contracts involving the
15 purchase of the axles or the sale of axles and brake
16 assemblies to any particular OEM?

17 A No.

18 Q During the time that you were there,
19 do you know who was in charge of that sales division
20 that would enter into those deals?

21 A You are going back so many years now.
22 I don't think that I can answer that.

23 Q I will come back to that.
24 If I showed you an organizational
25 chart from 1985, might that refresh your

Page 50

1 Ketcham
2 recollection?
3 A It may.
4 Q So again just so I understand the
5 process, Rockwell would sell axles and brake
6 assemblies which were attached to the axles to
7 OEM's, correct?
8 A Sometimes.
9 Q What else? When you say sometimes,
10 when would they not do that?
11 A Sometimes they would sell axle
12 assemblies and brake assemblies that were not
13 attached to axles. Sometimes they would sell axles
14 assemblies without brake assemblies, et cetera.
15 Q The after-market division was
16 responsible for supplying the OEM's with replacement
17 parts?
18 A That was part of its function, that's
19 correct.
20 Q What else was their function?
21 A They also supplied Rockwell authorized
22 distributors with certain Rockwell components.
23 Q Did Rockwell between 1978 and 1981
24 have any nationally authorized distributors that it
25 would sell its products to?

Page 51

1 Ketcham
2 A What dates?
3 Q 1978 to 1981 or 1982?
4 A Rockwell authorized distributors that
5 they sold product to, correct.
6 Q Do you recall generally the names and
7 any national distribution chains that you sold to or
8 were they regional or can you describe how that
9 worked?
10 A To the best of my recollection they
11 were local concerns and ranged anywhere from one
12 shop to multiple shops to a local shop or to a state
13 or several states.
14 Q Do you recall having any customers
15 that were considered authorized local dealers during
16 the time that you were there?
17 A Do I recall them?
18 Q Yes.
19 A No.
20 Q Did you have any specific
21 responsibility for any such distributors, regional
22 or local distributors?
23 A My people when I was in this job, the
24 people that worked for me were responsible for
25 taking orders from those distributors and for

Page 52

1 Ketcham
2 processing those orders into the system.
3 Q Do you recall the names of any of
4 those dealers or distributors?
5 A No, not as I sit here.
6 Q Sir, in 1985 what was your position
7 with Rockwell?
8 A I was the division sales manager for
9 the on-highway axle division.
10 Q Was that located in Troy, Michigan?
11 A Out of Troy, Michigan.
12 Q Just for the record, how do you spell
13 your last name?
14 A K-e-t-c-h-a-m.
15 (Ketcham Exhibit 1, flow charts,
16 marked for identification, as of this date.)
17 MR. BARTELS: For the record, I'll
18 describe it. It's a document that I will
19 tell you I got from reviewing documents that
20 were made available by Rockwell.
21 It is an eight page document and it
22 purports to be flow charts in various plants
23 and you might be able to tell me better.
24 I'm going to show this to you and I'm going
25 to ask you questions.

Page 53

1 Ketcham
2 MR. QUICK: Are there Bate stamps?
3 MR. BARTELS: No, they are not yet
4 Bate stamped.
5 Q Have you had a chance to look at the
6 exhibit?
7 A I glanced at it, yes.
8 Q Have you seen it before today?
9 A No.
10 Q Can you describe generally what we are
11 looking at in Exhibit 1?
12 A It's an organizational chart for the
13 Winchester, Kentucky plant.
14 Q Only the Winchester plant?
15 A That's correct.
16 Q You said there were other plants, as
17 well?
18 A That is correct.
19 Q I guess my question is did each plant
20 have its own sales division regarding the monitoring
21 of the sales of its products?
22 MR. CANONI: Don't look at the
23 document unless you need to.
24 A I do not believe so.
25 Q Do you know what a sales order

1 Ketcham
 2 expeditor is?
 3 A Somebody that would expedite material
 4 for shipment to the customer.
 5 Q Do you know what the role of the
 6 purchasing supervisor was in a plant, in a
 7 particular plant?
 8 A In general?
 9 Q In general.
 10 A In general responsible for purchasing
 11 of the materials.
 12 Q Within Rockwell do you know if the
 13 specific individual plants had the authority to make
 14 sales directly on the OEM's?
 15 A Material was shipped from that plant
 16 to the OEM plant, that is correct.
 17 Q To your knowledge, were there
 18 individuals at each individual plant that would
 19 negotiate directly with an OEM for the purchase of
 20 materials?
 21 A Negotiate?
 22 Q Yes.
 23 A Typically not.
 24 Q Where within Rockwell, if you know, or
 25 who within Rockwell during the time that you were

1 Ketcham
 2 there was responsible for negotiating directly with
 3 the OEM's for the purchase of materials such as
 4 axles and brake assemblies?
 5 A That was in response to the prior
 6 question that you asked that I could not recall the
 7 names of the individuals.
 8 Q Do you recall the names of any of
 9 them?
 10 A I am drawing a blank right now.
 11 Q Those individuals that were
 12 responsible for negotiating on behalf of Rockwell,
 13 do you know where their offices were located?
 14 A Those people as best I know would be
 15 located in the Troy offices.
 16 Q Do you know what that title was for
 17 that department?
 18 A It would change over time and that's
 19 part of the issue that I'm trying to understand who
 20 might have been where and when at a particular point
 21 in time. It would have been within the sales
 22 function, the centralized sales function or the
 23 divisional sales function in Troy.
 24 Q As the purchasing manager while you
 25 were in Florence, Kentucky, describe generally what

1 Ketcham
 2 your responsibilities were.
 3 A My responsibilities were to supervise
 4 the buyers and expeditors who were procuring
 5 complete components for redistribution out of the
 6 Florence, Kentucky distribution center, as well as
 7 the purchase of nonproductive suppliers such as
 8 packaging and labels as well as for contracts for
 9 the construction and maintenance sold in general.
 10 Q At any time while you were the
 11 purchasing manager, did you ever recall seeing on
 12 any product leaving the plant with either a caution
 13 label or a warning regarding asbestos?
 14 A Yes.
 15 Q Can you describe on what product you
 16 recall seeing such labels?
 17 A As I was at Florence I recall seeing
 18 it on boxes of asbestos-containing products that
 19 were being shipped from the Florence distribution
 20 center.
 21 Q Other than boxes, do you recall seeing
 22 it on any other labels leaving the plant?
 23 A I believe they also may have been on
 24 the outside of pallets and any shrink made pallets
 25 that were shipped from the facility.

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 2 Q At Rockwell while you were the
 3 purchasing manager did it ever place its own warning
 4 label or caution label on any product that is
 5 shipped out from the plant?
 6 MR. CANONI: You mean the product
 7 itself?
 8 Q The product itself.
 9 In other words, did Rockwell at the
 10 Florence facility before an item was shipped out
 11 ever itself place on the product any caution or
 12 warning label?
 13 A I have described where it was on boxes
 14 and pallets.
 15 Q That's right.
 16 A Are you differentiating or can you
 17 clarify that?
 18 Q Let me ask you this.
 19 The labels, the caution/warning
 20 statements that you saw on the boxes, who put those
 21 on the boxes?
 22 A The packaging personnel of Florence.
 23 Q Do you know if when those boxes or
 24 packages came in whether or not they already had
 25 such warning statements or caution statements?

1 Ketcham
 2 A On the boxes they were receiving from
 3 the supplier?
 4 Q Yes.
 5 A I don't recall.
 6 Q It's your recollection that while you
 7 were the purchasing manager at the Florence facility
 8 Rockwell employees would take boxes of in this case
 9 asbestos-containing brake linings and place on the
 10 outside of the box a warning or a caution statement?
 11 A That was done as part of the packaging
 12 process at Florence, that is correct.
 13 Q During the time frame 1978 through
 14 1982?
 15 A During some portion of the time frame.
 16 I don't know that it was a full time frame.
 17 Q Do you know what these caution or
 18 warning labels were made of? Were they labels that
 19 you stuck on or were they stamped on or do you
 20 recall?
 21 A Yes.
 22 Q What were they?
 23 A They were labels that were adhesive
 24 labels that were affixed to the boxes.
 25 Q Where did Rockwell obtain these

1 Ketcham
 2 labels, if you know?
 3 A From their labels' supplier.
 4 Q Do you know who the label supplier was
 5 at that time?
 6 A Not as I sit here.
 7 Q Do you recall the language of these
 8 label that was being used during the time frame 1978
 9 to 1982 by Rockwell employees at the Rockwell plant?
 10 A What were the dates you mentioned? I
 11 am sorry.
 12 Q I'm specifically talking about the
 13 time that you worked as a sales order manager and
 14 then the purchasing manager between 1978 and 1981 or
 15 1982 I guess.
 16 A During a portion of that time when
 17 labels were applied I don't recall the specific
 18 language that was on them. It may be disclosed in
 19 some of the discovery responses that we provided to
 20 you.
 21 Q I'm asking you do you specifically
 22 have a memory in those two positions of seeing
 23 labels being placed by Rockwell employees on for
 24 instance boxes of brake shoes that had asbestos
 25 lining attached to them?

1 Ketcham
 2 A During a portion of that period of
 3 time, yes.
 4 Q Do you have a recollection of when
 5 Rockwell started doing that, placing labels on boxes
 6 of products supplied by other companies?
 7 MR. CANONI: Objection as to form.
 8 Q Do you understand the question?
 9 A No. Could you either repeat it or
 10 clarify it?
 11 Q Do you know when Rockwell first
 12 started placing those types of labels on the
 13 products of other companies?
 14 A We placed those labels on boxes where
 15 we packaged the asbestos-containing components and
 16 that time period would have been sometime during
 17 that period of time. I don't recall specifically.
 18 Q With respect to your last statement,
 19 did Rockwell ship these asbestos-containing products
 20 in the boxes that they originally came in?
 21 For instance, I am going to use an
 22 example. They have a brake assembly with asbestos
 23 lining purchased from Abex and Abex sends it to the
 24 plant. Does Rockwell as it comes in simply send it
 25 off with a label on it or do they do their own

1 Ketcham
 2 packaging?
 3 Do you understand the question?
 4 A I understand your question but I don't
 5 think your description is correct as I understood
 6 your question.
 7 Q What is wrong with the question?
 8 A I think you said Rockwell received
 9 brake assemblies from Abex. Rockwell did not
 10 receive break assemblies from Abex.
 11 Q What did they receive from Abex?
 12 A The products that they would have
 13 received from Abex would have been brake linings.
 14 Q Let me ask you this. You don't deal
 15 with any manufacturing facility?
 16 A I am getting confused here. Typically
 17 we do not do manufacturing. Typically it was a
 18 distribution center that was in manufacturing or
 19 remanufacturing later on.
 20 Q How did the after-market brake
 21 assemblies at the Florence facility move?
 22 A The brake assemblies?
 23 Q Yes.
 24 A By truck.
 25 Q How were they packaged?

1 Ketcham
 2 A The assemblies?
 3 Q Yes.
 4 A Assemblies for ones that were required
 5 were typically in most cases shrink-wrapped.
 6 Q The brake assemblies, I assume the
 7 brake assemblies had as a component part an asbestos
 8 brake lining when it came to your distribution
 9 center.
 10 Was there any label on it at that
 11 point regarding asbestos?
 12 A At what point in time?
 13 Q When it arrives at your Florence
 14 facility.
 15 MR. BARTELS: What years?
 16 Q During the time you were sales order
 17 manufacturer and purchasing manager at Florence,
 18 Kentucky.
 19 A I don't believe so.
 20 Q Once it gets there and now an order is
 21 placed and you are shrinking it, does a Rockwell
 22 employee add to it a label regarding asbestos during
 23 that time frame?
 24 A During a portion of that time frame
 25 the material would have been boxed and placed into a

1 Ketcham
 2 box with a label on the box, and that label would
 3 contain an asbestos warning for the assembly.
 4 Q The box itself would say what, if
 5 anything?
 6 A The box would say Rockwell and it
 7 would have a Rockwell logo on the side and it would
 8 have a label, and on that label would be the
 9 Rockwell part number and the quantity of that
 10 component contained within that box, and for
 11 asbestos-containing components on the lower portion
 12 of that label would have been the warning or caution
 13 on it.
 14 Q Your testimony is that label is
 15 already on the box or is it placed on the box like a
 16 sticky?
 17 A It's an adhesive label that is placed
 18 on the box by the employees or by mechanized
 19 equipment that we had.
 20 Q How long did that process continue at
 21 Florence during the time that you were there?
 22 A For asbestos-containing product it
 23 continued up until the time of my departure.
 24 Q When was that again?
 25 A I left in 1984.

1 Ketcham
 2 Q Now --
 3 A And obviously after I departed.
 4 Q At the distribution center in
 5 Florence, did you ever receive brake linings?
 6 A Yes.
 7 Q When the brake linings were received
 8 at the facility, how did they come packaged?
 9 A I believe that they came in cardboard
 10 boxes.
 11 Q Could you tell from looking at the
 12 cardboard boxes from what source the brake linings
 13 came from?
 14 A I may have been able to. I don't
 15 recall as I sit here.
 16 Q Do you recall the names of any of the
 17 brake linings manufacturers that you recall?
 18 A Well, as I stated earlier I recalled
 19 Abex, Carlisle and Bendix, and like I said I am sure
 20 there were others.
 21 Q The packages which Rockwell received
 22 these brake linings in during the time that you were
 23 there, did the packaging have any statements
 24 regarding asbestos on those boxes?
 25 A It may have. I don't recall.

1 Ketcham
 2 Q What would you then do once you
 3 received the brake linings at the Florence facility
 4 during that time that you were there, if you know?
 5 A We would repackage them in multiple
 6 different ways.
 7 Q Can you describe how you would
 8 generally repackage them?
 9 A They could be repackaged into kits
 10 which would be just the number of linings required
 11 to line the brakes on the axle. It could be lining
 12 kits together with rivets that would attach linings
 13 to a shoe.
 14 It could be linings with rivets with
 15 springs and with rollers as an overhaul kit. It
 16 could be aligned shoes. It could be lined shoes
 17 with some of those components that I just described
 18 such as springs and rollers and such as a major
 19 overhaul kit.
 20 There may be other ones that I don't
 21 recall offhand but those are typically sold in
 22 multiple different types of configurations.
 23 Q Those items would have been boxed at
 24 the Florence facility?
 25 A That is correct.

Ketcham

Q Describe generally the boxes that you are now putting these linings in whatever form you just described.

What did those boxes look like?

A The boxes are sized to the particular kit and they are white outside typically. They have the Rockwell logo and Rockwell name on the side of the box that is in blue.

Then there were the adhesive labels that were affixed to the box, as I described earlier, that had the part number and quantity or the kit number that was inside the box together with the warning, and at some point in time we were also inserting technical service aids that further described some of the warnings and cautions for asbestos-containing product.

Q Do you recall if there was any particular place on these boxes that these adhesive warnings were supposed to be placed?

A The warning was part of the part number label so it would go on what was considered the front of the box.

Q In other words, this warning included not just a warning regarding the contents of the

Ketcham

sit here. It was not something that was really apparent to me.

Q Do you recall at any time while you were at Florence whether or not Rockwell conducted asbestos studies to determine whether or not OSHA regulations were being complied with in the handling of the asbestos materials?

A They may have. It was something that was done in our plants. I don't recall if it was done during my tenure at Florence, though, I was not specifically involved in that.

Q Do you know if, in fact, the Florence facility had a program in effect during the time that you were there that dealt with safety concerns and the handling of asbestos by its employees?

A They may have but I don't know.

Q Do you recall seeing any signs posted in any of the places within the facility where asbestos was being handled regarding the possible hazards of breathing asbestos dust?

A They may have but I don't recall.

Q Did they have a plant safety manager at the time that you were there?

A Not titled as such, no.

Ketcham

product but also part numbers and other information; is that correct?

A That's correct.

Q In other words, you didn't have a separate warning that was put on these boxes at the Florence plant which contained other information as well?

A The label was a single piece label that contained other information together with the warning.

Q Did you ever have any input into the language of the warnings that were on these adhesive labels that were being used at the Florence plant during the time that you were the sales order manager and the purchasing manager?

A The language of the label?

Q Yes.

A No.

Q Did the plant at Florence, not the plant but the facility at Florence have any precautions in place for the handling of asbestos materials that were coming into the plant and being shipped out of the plant to your knowledge?

A They may have but I don't recall as I

Ketcham

Q During the time that you were at Florence, at any time and not limiting it to the sales or the purchasing manufacturer, did you ever become aware that breathing asbestos dust may be hazardous to your health?

A Yes. In general, yes.

Q Do you know what kinds of diseases were associated with asbestos at that time?

A I don't recall from 20 years ago what my recollection was.

Q Do you know if at that time you were aware that asbestos was considered a cancer hazard?

A I really can't recall.

MR. BARTELS: I am going to take a five minute breather here.

(Recess taken.)

(Ketcham Exhibit 2, memo, marked for identification, as of this date.)

Q Mr. Ketcham, I am going to show you what I marked as Exhibit 2 for identification and ask you to look at it and then I'll describe it for the record once you have had a chance to look at it.

MR. SANDER: First I want to place an objection on the record.

1 Ketcham

2 Other counsel were objecting earlier,
3 and I had dropped off the call as I
4 explained, and I wanted to object to the
5 timeliness of the notice.

6 I understand sometimes technical
7 things go awry that we think were sent. In
8 an asbestos litigation we tend to get
9 noticed late, but the witness is being shown
10 documents that none of us can see, and I
11 understand that counsel may want to
12 represent they do not implicate the
13 defendants and therefore we shouldn't worry
14 about them or whatever, but I think with
15 respect to documents, as I indicated before
16 we got on the record, we should be given an
17 opportunity to look at them.

18 I don't know how extensive they are or
19 what they concern, but in order to
20 accommodate everyone's interest here I think
21 we ought to investigate that possibility.

22 MR. CANONI: Obviously it can be done.

23 MR. BARTELS: I don't have any
24 objection. It is going to fall on your
25 shoulders.

1 Ketcham

2 What we can do, I am guessing we are
3 going to take a brief intermission for lunch
4 and maybe we can put them out for everybody
5 then so we will have them available.

6 There are not going to be too many.

7 Q Sir, have you had a chance to look at
8 Exhibit 2?

9 A Yes, I have.

10 MR. BARTELS: For the record, I am
11 going to describe it.

12 MR. SANDER: We are going to ask if the
13 witness is going to be asked questions about
14 the documents that we have a chance to see
15 them.

16 MR. BARTELS: Your objection is noted.

17 MR. SANDER: I am going to pick up my
18 cellphone and call Agatha.

19 MR. BARTELS: You have the right to do
20 that.

21 MR. SANDER: I think this deposition
22 ought to be adjourned until we resolve this.

23 MR. BARTELS: I'm going to continue
24 with this and if you get Agatha on the phone
25 we will stop and deal with it at that point.

1 Ketcham

2 Q Have you had a chance to look at the
3 document?

4 A I have glanced at it.

5 Q It's titled "Rockwell International
6 dated September 8, 1987" and the subject is the
7 asbestos labeling program, and it consists of three
8 pages. The final two pages are copies of various
9 warnings.

10 Are you familiar with Ms. Barbara
11 Boroughf, the author of this particular memo?

12 A Yes, I am.

13 Q Who was Mr. Boroughf?

14 A She was a regional safety manager.

15 Q Where was her office located?

16 A In Troy, Michigan.

17 Q Did you work with her when you moved
18 to Troy, work in the same facility?

19 A We were in the same facility, yes.

20 Q Are you familiar with the form of this
21 particular document?

22 In other words, it's entitled
23 International, and are you familiar with such
24 documents while you were at Rockwell?

25 A Yes, it's an internal Rockwell

1 Ketcham

2 International letterhead.

3 Q It appears to be a document that you
4 saw when you were working at Rockwell?

5 A The form of the letter, yes.

6 Q Does it appear to be genuine?

7 A Yes.

8 Q Do you recognize any of the
9 individuals who were copied on this document?

10 A Yes, I do.

11 Q Which names are you familiar with?

12 A I am familiar with the names perhaps
13 but I would not recognize them if I saw them today,
14 the people that are noted on the distributions list,
15 as well as the two people that are under the
16 component plant.

17 Q Do you recall seeing this particular
18 memo while you were working at Rockwell?

19 A I don't know. I don't recall that I
20 did.

21 Q Earlier you testified that while you
22 were working at Florence between the time frame 1978
23 and 1984, you recall labels, warning labels being
24 placed on products that were leaving the Florence
25 facility; is that correct?

1 Ketcham
 2 A Right, being placed on the boxes.
 3 Q You would agree with me that this
 4 particular document seems to be discussing the
 5 asbestos labeling program that took place in the
 6 latter part of 1986?
 7 A That is what the first sentence says.
 8 Q In other words it says, and I will
 9 read it into the record "During the latter part of
 10 1986, an asbestos label program was implemented for
 11 Automotive Operations."
 12 Did I read that correctly?
 13 A Yes.
 14 Q Is it fair to say that based on the
 15 language of that letter that this was the first such
 16 labeling program in effect in the automotive
 17 division?
 18 MR. CANONI: Objection as to form.
 19 Q Do you understand the question?
 20 A Yes, I do.
 21 Q Do you agree with that?
 22 A No.
 23 Q Why not?
 24 A Because I know for a fact that there
 25 were asbestos labels being put on boxes at Florence

1 Ketcham
 2 prior to this date.
 3 Q So this does not refresh your memory
 4 as to when the asbestos labeling program went into
 5 effect at Rockwell?
 6 A It is talking about the program that
 7 was instituted in 1986. It does not state that
 8 there was no program prior to that point in time.
 9 Q Do you recall ever seeing any
 10 documentation in your review of the depositions
 11 regarding asbestos litigation that actually
 12 discussed an asbestos labeling program that was in
 13 effect during the time frame 1978 to 1982?
 14 MR. CANONI: I object to the form of
 15 the question.
 16 A As I sit here today I don't recall. I
 17 may have.
 18 Q Do you know if, in fact, prior to the
 19 asbestos labels being placed on any of these
 20 products whether or not Rockwell instituted a
 21 testing program to determine whether the labels
 22 would stay on the surfaces that they were being
 23 affixed to?
 24 MR. CANONI: At any point in time?
 25 MR. BARTELS: Yes.

1 Ketcham
 2 A I understand the question. They may
 3 have, I'm uncertain.
 4 Q Do you know if such a program took
 5 place during the time frame 1978 to 1982?
 6 A I do not know as I sit here.
 7 Q Do you recall ever seeing any
 8 documents at any time from Rockwell documenting a
 9 testing program prior to 1982, a program testing of
 10 a proposed warning label?
 11 MR. CANONI: You mean affixing them?
 12 MR. BARTELS: Yes.
 13 A Affixing them? Not that I recall.
 14 (Ketcham Exhibit 3, International
 15 engineering report, marked for
 16 identification, as of this date.)
 17 Q I'm going to show you what has been
 18 marked as Exhibit 3, which is a Rockwell
 19 International engineering report dated 10/10/86, and
 20 ask you to look at that.
 21 MR. BARTELS: Just for the record,
 22 this is a four page document. It's entitled
 23 "Asbestos Label Warning Testing" and it
 24 describes a test set up for the testing of a
 25 particular type of label and its strength.

1 Ketcham
 2 Q Have you ever seen this document
 3 before, Exhibit 3?
 4 A I may have, I really don't recall.
 5 Q Does this refresh your recollection at
 6 all regarding whether or not Rockwell ever
 7 instituted an asbestos warning testing program?
 8 MR. CANONI: Objection as to form.
 9 A They ran a test on asbestos labels.
 10 That is what that document is telling me.
 11 Q Do you know if prior to these tests
 12 whether or not Rockwell ever did similar tests?
 13 This is 1986.
 14 Are you familiar with whether or not
 15 they ran a similar test regarding asbestos labeling
 16 warnings prior to 1986?
 17 A I don't know as I sit here.
 18 Q Do you recall ever seeing any document
 19 prior to 1986 that described this type of testing
 20 for an asbestos label?
 21 A Not that I recall.
 22 MR. BARTELS: I have another document
 23 and this will be Exhibit 4.
 24 (Ketcham Exhibit 4, memo re asbestos
 25 labels, marked for identification, as of

1 Ketcham
 2 this date.)
 3 Q Sir, I am going to show you what has
 4 been marked as Exhibit 4 and it is dated
 5 December 3rd, 1986. The subject is asbestos labels.
 6 Would you look at that?
 7 A Okay.
 8 Q Do you recognize that document?
 9 A As far as the document itself?
 10 Q Yes.
 11 A No.
 12 Q Have you ever seen it before today?
 13 A Not that I recall.
 14 Q Does it appear to be an internal
 15 letter from Rockwell International?
 16 A Yes, it does.
 17 Q Does it appear to be genuine?
 18 A It does.
 19 Q Are you familiar with the name of the
 20 person who wrote the letter?
 21 A Yes, I am.
 22 Q Again, who is it for the record?
 23 A Barbara Borroughf.
 24 Q I'll read the first paragraph and then
 25 I'll have a question for you.

1 Ketcham
 2 It says "To insure consistency
 3 throughout Rockwell Automotive Operations, the
 4 enclosed asbestos warning labeling is to be used by
 5 all plants for labeling."
 6 It lists out different containers,
 7 asbestos containers, laundry bags containing
 8 protective work clothing used in regulated areas,
 9 palletized assemblies and boxes of bulk linings?
 10 A Yes.
 11 Q Again does this information refresh
 12 your recollection as to when Rockwell Automotive
 13 Operations began using asbestos warning labels?
 14 MR. CANONI: Objection as to form.
 15 A No.
 16 Q Why not?
 17 A Because I know that they were used
 18 prior to this date.
 19 Q With respect to, I am going to read
 20 off some of the names of the people who appear in
 21 the distribution list.
 22 The CC for this particular document is
 23 a gentleman named W. Long? Do you know who that is?
 24 A Yes.
 25 Q Who is that?

1 Ketcham
 2 A Safety manager.
 3 Q The safety manager?
 4 A Yes.
 5 Q How long had he been the safety
 6 manager during the time you were there?
 7 A At the time I was at working at
 8 Rockwell. I believe he predated my joining the
 9 company.
 10 Q How long after you joined the company
 11 did he continue as the safety director if you know?
 12 A If I were to estimate I would say
 13 about 1990.
 14 Q What happened in 1990?
 15 A I believe that he retired
 16 approximately in that area.
 17 Q Do you know if Mr. Long is still
 18 alive?
 19 A Yes, I do.
 20 Q Do you know where he is?
 21 A Yes.
 22 Q Where is he?
 23 A Unfortunately, he is no longer alive.
 24 Q My first question was do you know if
 25 he was still alive?

1 Ketcham
 2 A Yes, I do know.
 3 Q When did he pass away?
 4 A I'm uncertain.
 5 Q There is a gentleman out of the Troy
 6 facility named S. Jeffries.
 7 Do you know who S. Jefferies is?
 8 A Not as I sit here.
 9 Q Barbara Borroughf, how much longer
 10 after 1986, if you know, did she continue to work
 11 for Rockwell International as the regional safety
 12 manager?
 13 A Up until sometime in the nineties.
 14 Q What happened at that time?
 15 A She left Rockwell.
 16 Q Do you know where Ms. Borroughf is
 17 today?
 18 A I knew where he was the last time I
 19 knew where she was.
 20 Q Where was that?
 21 A Lear Corporation.
 22 Q When was that?
 23 A Probably in the early 2000's.
 24 Q Have you had any contact with her
 25 since that time?

1 Ketcham
 2 A No.
 3 Q Attached to this particular document
 4 four, the second page is a copy of a warning label.
 5 Do you recognize that warning label?
 6 A No.
 7 Q Do you recall ever seeing that warning
 8 label at any time while you were working at
 9 Rockwell?
 10 A Not that I recall.
 11 Q Apparently this warning label at least
 12 as of the date of this letter was being used which
 13 would be sometime in 1986.
 14 Did you ever hold a position after
 15 1986 that would have allowed you to examine products
 16 being shipped from Rockwell with this label on it?
 17 A It's possible.
 18 Q You don't have any specific
 19 recollection as you sit here today?
 20 A No, I don't. Again I want to make a
 21 point here. It's the label used on asbestos waste
 22 containers and laundry bags.
 23 Q Are you able to tell from anything in
 24 the photocopy of the warning how that was affixed to
 25 the product?

1 Ketcham
 2 Was it adhesive, can you tell me?
 3 MR. QUICK: Objection to the
 4 characterization.
 5 A I cannot tell from looking at this.
 6 Let me see. No.
 7 Q Ms. Borroughf, just to clarify for the
 8 record, was she the person from Rockwell responsible
 9 for implementing this kind of program to your
 10 knowledge?
 11 A Yes.
 12 Q Was she the regional safety manager
 13 during the time frame 1978 to 1982?
 14 A She may have been. I don't know
 15 exactly when she started that job.
 16 Q I want to talk a little bit about your
 17 job when you first moved to Troy.
 18 I understand that you were in the
 19 automotive division and you were the manager of the
 20 highway axle division; is that correct?
 21 A No.
 22 Q What was your position?
 23 A I was the division materials manager
 24 for the on highway axle division.
 25 Q Can you describe what your job

1 Ketcham
 2 responsibilities were in that position?
 3 A My job was to coordinate activities
 4 between the various on-highway axle division plants,
 5 and primarily purchasing.
 6 This was during a period of
 7 consolidation and centralization of the purchasing
 8 function in Troy as well as after that I undertook
 9 special projects.
 10 Q What kinds of special projects?
 11 A Projects for various customers. There
 12 were probably other ones in there but I don't
 13 recall.
 14 Q It's my understanding that you were in
 15 the position until about 1997?
 16 A 1998.
 17 Q All right.
 18 Your office was located in Troy,
 19 Michigan?
 20 A Yes, it was.
 21 Q During this time that you were in this
 22 position, did you become familiar with the suppliers
 23 of the brake linings used in the axles manufactured
 24 by Rockwell?
 25 A I am familiar with some of them.

1 Ketcham
 2 Q During this time frame who did
 3 Rockwell purchase brake linings from? When I say
 4 brake linings I am going to specify by saying
 5 asbestos.
 6 Are you familiar with who Rockwell
 7 purchased its asbestos brake linings from during the
 8 time frame of 1984 to 2000?
 9 A I'm familiar with some of them.
 10 Q Are you familiar with the suppliers of
 11 the brake linings used in Rockwell products?
 12 A The ones I recall were Abex and
 13 Carlisle during this period of time.
 14 Q Between the two companies, do you
 15 recall whether or not one company was a bigger
 16 customer than the other?
 17 MR. CANONI: Objection to form.
 18 Q Do you understand the question?
 19 A They were a big customer.
 20 Q Between the two companies, Abex and
 21 Carlisle, was one company a bigger client than the
 22 other?
 23 MR. CANONI: You mean a supplier?
 24 MR. BARTELS: A supplier, yes.
 25 A They may have been, I don't know.

1 Ketcham
 2 Q How was it that you became familiar
 3 with Abex and Carlisle as suppliers of asbestos
 4 containing brake linings?
 5 A During this period of time?
 6 Q During this period of time.
 7 A During this period of time is when the
 8 major transition from asbestos-containing brake
 9 linings to non-asbestos-containing brake linings
 10 occurred.
 11 Q That's how you became familiar?
 12 A That's how I became aware of who they
 13 were and what the issues were, that's correct.
 14 Obviously I knew of those companies as I have
 15 testified to from my prior job.
 16 Q During this time between 1978 and 1984
 17 when you were in the on-highway axle division, who
 18 were Rockwell's major competitors in that field?
 19 A As far as axles?
 20 Q Yes.
 21 A Eaton and Dana.
 22 Q How about --
 23 A And there were probably other smaller
 24 ones that I don't recall.
 25 Q How about brake assemblies?

1 Ketcham
 2 A The same.
 3 Q Are you familiar at all during this
 4 time frame with the market share and how the market
 5 share fell together? Strike that.
 6 Are you familiar with what the market
 7 share of Rockwell was in the brake assembly area
 8 during the time 1984 to 1998?
 9 MR. CANONI: Objection to form.
 10 A No.
 11 Q How about Eaton?
 12 A No.
 13 Q How about Dana?
 14 A No.
 15 Q Were you ever present during any of
 16 presentations within Rockwell where Rockwell
 17 employees described the various market shares
 18 between Rockwell, Eaton and Dana?
 19 A It is conceivable that I may have
 20 been. However, I don't recall at this juncture.
 21 Q To your knowledge, was Rockwell
 22 stronger in any particular field within the axle
 23 business?
 24 I understand there are different
 25 variations based on the weight of the trucks and so

1 Ketcham
 2 on, but did Rockwell have a greater market share to
 3 your knowledge of any particular truck line as
 4 opposed to any other company during this time frame?
 5 A Are you talking about axles?
 6 Q Yes.
 7 A In the on highway segment Rockwell
 8 made axles for medium and heavy trucks.
 9 Q I am talking about the truck business.
 10 A Rockwell did not make axles for light
 11 duty trucks within the segment that Rockwell made
 12 axles for medium and heavy duty. I don't know the
 13 particular market shares that Rockwell had.
 14 Q During the time frame 1984 through
 15 1998, who were the OEM's that did business with
 16 Rockwell in the axle business?
 17 A There were a significant number of
 18 that were major OEM's and there were minor ones.
 19 Q Who were the major OEM's during the
 20 time frame of 1984 through 1998?
 21 A The major OEM's I am referring to are
 22 the OEM's in the truck market and not necessarily
 23 major to Rockwell, or are you looking at major to
 24 Rockwell?
 25 Q Yes, from 1984 to 1998.

1 Ketcham
 2 A The significant customers at that
 3 point in time were Ford, Freightliner and GMC.
 4 Those were probably the most significant ones.
 5 Q When you say significant, can you
 6 describe what you mean by that?
 7 A The ones where we sold significant
 8 portions of axles. Again I can't give you the
 9 percentage or a market share or anything of that
 10 type or nature.
 11 Q Did you ever get involved in the
 12 testing of brake systems for the customers of
 13 Rockwell?
 14 A No, I did not.
 15 Q Which division was responsible for
 16 testing of the brakes for customers?
 17 A The primary responsibility, and again
 18 this varied over time, but the primary
 19 responsibility would be the brake business or the
 20 brake division.
 21 Q Where were they located?
 22 A In Troy, Michigan. The division was
 23 located in Troy, Michigan.
 24 Obviously the plant and manufacturing
 25 facilities were elsewhere.

1 Ketcham
 2 Q I may have asked you this earlier but
 3 I want to ask it in a different way to jog your
 4 memory.
 5 Between 1984 and 1998, which
 6 department within Rockwell was responsible for
 7 negotiating the contracts between the major OEM's
 8 with regard to the supply of brake assemblies and
 9 axles?
 10 A To the extent there may have been
 11 contracts it would have been the sales department.
 12 Q During that time frame between 1984
 13 and 1998 who, if you can recall, was in charge of
 14 the sales department at Rockwell in the Troy,
 15 Michigan facility?
 16 A I can't recall as I sit here today.
 17 Q Do you recall how big the sales
 18 department was?
 19 A No.
 20 Q Do you recall the names of any of the
 21 individuals in sales during that time frame out of
 22 the Troy, Michigan facility?
 23 A Yes.
 24 Q Can you give me some names that you
 25 can recall?

1 Ketcham
 2 A Jim Price, Bob Settler and Larry
 3 Dowers. There were others, but I don't recall.
 4 Q Do you know if any of those
 5 individuals still work for Rockwell today, or work
 6 for what was Rockwell prior to today?
 7 A Larry Dowers.
 8 Q Have you been in touch with him at all
 9 over the last six years or so?
 10 A Yes.
 11 Q When was the last time you spoke to
 12 him, if you can remember?
 13 A I don't recall.
 14 Q Do you recall what his position was at
 15 this time you spoke with him?
 16 A No, I don't.
 17 Q Do you know if he was employed by
 18 either Rockwell or Arvin Meritor?
 19 A When I last spoke with him, yes.
 20 Q Which one?
 21 A Arvin Meritor.
 22 Q Do you recall where his office was
 23 located at the time you spoke with him?
 24 A In Troy, Michigan.
 25 Q Do you recall what his position was at

1 Ketcham
 2 that time?
 3 A No, I don't.
 4 MR. BARTELS: Let's do this. I do
 5 have probably another hour or so at least.
 6 Let's take a half hour and come back
 7 at one o'clock and I'll finish, try to
 8 finish this by three at least.
 9 MR. CANONI: I would hope so.
 10 MR. BARTELS: I think I can do that,
 11 but I'm going to need time to organize. I
 12 can give you the exhibits and we can scan
 13 them and circulate them to counsel.
 14 MR. CANONI: I did try to reach Agatha
 15 and she had left for lunch before I called
 16 and, in fact, I just now finished composing
 17 an e-mail to her to flesh this out, and if
 18 you represent to me that you are going to do
 19 that now during the break the e-mail will be
 20 withdrawn and I will tell her it's not our
 21 intention that she respond.
 22 MR. BARTELS: If counsel does not
 23 object, where do you want us to send this?
 24 MR. CANONI: Hold on one second.
 25 Whoever wants a copy of that documentation

1 Ketcham
 2 send your e-mail information to me.
 3 (Discussion off the record.)
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AFTERNOON SESSION

1 Ketcham
 2 AFTERNOON SESSION
 3 (Time noted: 12:45 p.m.)
 4 BRUCE KETCHAM,
 5 resumed and testified as follows:
 6 CONTINUED EXAMINATION BY
 7 MR. BARTELS:
 8 Q During the time that you were at
 9 Rockwell, were you aware that Rockwell had a
 10 warranty program offered to its customers in
 11 general?
 12 A That they offered a warranty, yes.
 13 Q What is your knowledge regarding the
 14 warranty or warranties offered by Rockwell to its
 15 customers during the time that you were there? I
 16 mean the entire time.
 17 You would agree there was a warranty
 18 program the entire time you were there at Rockwell?
 19 A Yes.
 20 Q That warranty program included the
 21 replacement brakes?
 22 MR. CANONI: Was there a warranty
 23 offered on replacement brake products?
 24 MR. BARTELS: Yes.
 25 A The warranty, yes, I believe that's

1 Ketcham
 2 correct yes.
 3 Q Warranty program on the original
 4 brakes?
 5 In other words, on the OEM brakes that
 6 were out sold to the customers there was a warranty
 7 offered on those products, as well?
 8 A That's correct.
 9 Q Can you describe your understanding of
 10 what that warranty program was generally, if you
 11 know?
 12 A The warranty program over the years
 13 that I was there changed as one might expect.
 14 If I recall correctly, originally
 15 there was a one year warranty on the product as far
 16 as replacement due to -- I forget what terminology
 17 they used. That changed in about 1985 to an
 18 extended warranty which ran up to like five years
 19 and 500,000 miles. Later on I think that got
 20 extended beyond five years and to 750,000 miles on
 21 the products.
 22 Obviously that is just the nutshell of
 23 the language in the warranty and the warranty
 24 statement obviously speaks for itself.
 25 MR. BARTELS: What I want to do is

1 Ketcham
 2 mark, we are not going to talk about the
 3 whole thing but the next exhibit I think is
 4 Exhibit 5.
 5 (Ketcham Exhibit 5, service parts
 6 book, marked for identification, as of this
 7 date.)
 8 MR. BARTELS: Just for the record, it
 9 is a brochure titled "P" and "T" Series
 10 Cam-Master Brakes Service Parts Book" issued
 11 February of 1980, and it's multiple pages,
 12 approximately 61 or 62. I am going to ask
 13 about one page of questions and I would like
 14 the witness to look at it now. It's a
 15 brochure.
 16 THE WITNESS: If I could correct that,
 17 it's a service parts book. That's the
 18 proper terminology.
 19 MR. CANONI: You want him to look at
 20 specific pages?
 21 MR. BARTELS: I will, but I want him
 22 to look generally at it and then I will have
 23 a question.
 24 A I have looked at it pretty briefly,
 25 yes.

1 Ketcham
 2 Q You just looked at it, and do you
 3 recognize it?
 4 A I have seen that type of publication
 5 before.
 6 Q Does it appear to be a Rockwell
 7 publication?
 8 A Yes, it does.
 9 Q The date at the top says issued
 10 February of 1980. Do you mean it was issued in
 11 February of 1980?
 12 A Right, issued February of 1980.
 13 Q What is a service parts book?
 14 A A service parts book is a book that
 15 people could look at to determine what part numbers
 16 that they needed to order.
 17 Q Who published this book?
 18 A Rockwell.
 19 Q Just for the record, on the front page
 20 of the description it says "Front and rear
 21 applications for trucks, tractors and buses," and it
 22 shows two designs.
 23 One says P series and one says T
 24 series; is that correct?
 25 A That's correct.

1 Ketcham
 2 Q Are you familiar with the P series
 3 that is on the document?
 4 A In general, yes.
 5 Q What is that?
 6 A It's an old foundation brake typically
 7 used on rear driver axles on trucks or tractors and
 8 possibly buses.
 9 Q How about the T series?
 10 A The T series is an older front brake,
 11 foundation brake.
 12 Q The front page, the first full page,
 13 what I want to do is I am going to read some of this
 14 to you and I am going to ask you if you are able to
 15 comment one way or another on it.
 16 The first page, actually page number
 17 two starts out with "Genuine Rockwell replacement
 18 parts are manufactured under the same exacting
 19 standards as original equipment brake components".
 20 Did I read that correctly?
 21 A As best I can tell.
 22 Q I will come to you and read that
 23 again.
 24 "Genuine Rockwell replacement parts
 25 are manufactured under the same exact standards as

1 Ketcham
 2 original equipment brake components."
 3 Did I read that correctly?
 4 A Yes, you did.
 5 Q Do you have any reason to disagree
 6 with that statement based on your knowledge of
 7 Rockwell?
 8 A No.
 9 Q Down to the second full paragraph.
 10 I says "When you buy genuine Rockwell
 11 parts you get parts made by the world's largest
 12 independent supplier of brake components for heavy
 13 trucks and commercial vehicles."
 14 Did I read that correctly?
 15 A Yes, you did.
 16 Q Do you have any reason to dispute what
 17 is written there?
 18 A I don't know one way or the other, but
 19 I don't really dispute it.
 20 Q The last sentence says "Approximately
 21 75 percent of all highway tractors have Rockwell
 22 brakes."
 23 Did I read that correctly?
 24 A Yes, you did.
 25 Q Do you have any reason to dispute that

1 Ketcham
 2 that was the case as of the date of this publication
 3 in February of 1980?
 4 A That's what it says. Beyond that I
 5 really don't know.
 6 Q Then at the bottom here it says the
 7 following: "All brake linings contain asbestos
 8 fiber. Avoid creating dust. Breathing dust causes
 9 serious bodily injury."
 10 With respect to this --
 11 A Excuse me, it says may cause serious
 12 bodily harm.
 13 Q I'm sorry, I will read it again to
 14 make the record clear.
 15 "All brake linings contain asbestos
 16 fibers. Avoid creating dust. Breathing asbestos
 17 dust may cause serious boldly harm."
 18 Did I read that correctly?
 19 A Yes, you did.
 20 Q With respect to the first statement
 21 all brake linings contain asbestos fibers, do you
 22 have any reason to dispute that as of the date of
 23 this publication February of 1980?
 24 A As far as Rockwell no, I don't.
 25 Q The labels that you recall being used

1 Ketcham
 2 at Florence during the time you were there between
 3 1978 and 1982, you were actually there longer but
 4 during that time frame, does it compare at all to
 5 what is in this particular brochure?
 6 A I don't recall.
 7 Q Do you recall if those labels used the
 8 words caution or warning or anything like that?
 9 A I don't recall as I sit here. I
 10 believe some of it is covered in our discovery
 11 response.
 12 Q When you say that, are you talking
 13 about the answers to the interrogatories?
 14 A I believe so.
 15 Q Did you help in putting those answers
 16 together?
 17 A I reviewed them.
 18 Q When they were first put them together
 19 were you asked to help provide information that
 20 would be but into the interrogatories?
 21 A Clarify.
 22 Q When Rockwell was first or at any time
 23 in any cases where Rockwell was named as a defendant
 24 in asbestos cases, were you asked by Rockwell or
 25 attorneys for Rockwell to help put together any

1 Ketcham
 2 response to any of those questions as opposed to
 3 just reviewing them after the fact?
 4 A Yes.
 5 Q With respect to just reviewing them
 6 after the fact or did you actually help provide
 7 information?
 8 A Yes to both.
 9 Q Yes to both, okay. I wanted to
 10 clarify.
 11 The next exhibit, again it's a large
 12 exhibit but I don't intend to ask a lot of questions
 13 on it.
 14 MR. BARTELS: Exhibit 6.
 15 (Ketcham Exhibit 6, slide
 16 presentation, marked for identification, as
 17 of this date.)
 18 Q I'm going to show you what I marked as
 19 6 for identification. Again you could just look at
 20 it.
 21 Before I do that, there's probably
 22 between 50 or 60 pages to this document. It's
 23 entitled "Slide presentation AV-91109, Rockwell
 24 International, Q and Q Plus brakes, 15 Inch and 16.5
 25 Inch Series Brakes," and I am handing it to you and

1 Ketcham
 2 I would ask you to review it.
 3 Have you had a chance to review that
 4 quickly?
 5 A I glanced at it.
 6 Q Prior to today, have you ever seen
 7 this document before?
 8 A Yes, I have.
 9 Q You have?
 10 A Yes.
 11 Q Under what circumstances?
 12 A I saw it yesterday and I may have seen
 13 it sometime before that.
 14 Q What is your understanding of what
 15 this is, this Exhibit 6?
 16 A I know nothing more than what is
 17 described on the cover sheet there.
 18 Q It appears to be a presentation to
 19 someone prepared by Rockwell, do you agree?
 20 A Yes.
 21 Q Slide presentation on the first page?
 22 A That is correct.
 23 Q Did you ever sit through a slide
 24 presentation while you were at Rockwell?
 25 MR. CANONI: About anything?

1 Ketcham
 2 MR. BARTELS: About anything.
 3 A Yes.
 4 Q Did you ever sit through a slide
 5 presentation regarding the Q plus Q plus brake?
 6 A This is presentation?
 7 Q Generally Q and Q plus brakes? Not
 8 necessarily this one.
 9 A Not that I recall.
 10 Q What I want to do is there's
 11 information contained here that I want to ask you
 12 about and see if you agree with me. I can tell you
 13 that we got this document from Rockwell. That's all
 14 I can say about it.
 15 I'm going to read to you on page two
 16 titled background the following.
 17 "Rockwell is a major truck/trailer
 18 industry in North America. Brakes. Automatic
 19 adjusters, clutches, transmissions, anti-lock
 20 systems (Rockwell WABCO) hubs, trucks, drums and
 21 other components.
 22 Rockwell offers a complete line of
 23 foundation air brakes, cam brakes (Cam-Master) air
 24 disk brakes(Dura-Master) and wedge
 25 brakes(Shopmaster)."

1 Ketcham
 2 Did I read that correctly?
 3 A Yes, you did.
 4 Q Do you agree during your time with
 5 Rockwell that Rockwell is a major truck industry
 6 supplier of brakes?
 7 A Yes.
 8 MR. CANONI: Objection.
 9 Q And clutches?
 10 MR. CANONI: Objection to form.
 11 A No.
 12 Q Just brakes?
 13 A No, you asked me two questions so far.
 14 Q Do you agree that Rockwell is a major
 15 truck/trailer industry supplier of brakes?
 16 MR. CANONI: Objection as to form.
 17 Q While you were there?
 18 A Yes.
 19 Q Do you agree that Rockwell was a major
 20 truck tractor and trailer supplier of North America
 21 of clutches during the time at Rockwell while you
 22 were there?
 23 A No.
 24 Q Why do you say that?
 25 A Because they weren't.

Page 106

1 Ketcham

2 Q What basis do you have to state that

3 they were not?

4 A I was there. Clutches were made by

5 the Rockwell clutch company which was a joint

6 venture. Clutches did not enter the marketplace

7 until approximately 1987, and when they did enter

8 the marketplace there were no asbestos-containing

9 components on them. The market share was extremely

10 small.

11 Q I'm going to turn to the next page,

12 the very next page. At the top it says Rockwell

13 International Q and Q Plus Series Brakes, and then

14 in parens CONT.

15 It reads as follows. "Rockwell is the

16 leading foundation air brake supplier. Three out of

17 four vehicles stop with Rockwell brakes.

18 "Rockwell's strength lies at both the

19 end-users and the OEM levels.

20 "End-user pull-through efforts by

21 Rockwell field sales and service organization.

22 Standard databook position at all OEMs but one in

23 the truck/tractor."

24 Did I read that correctly?

25 A Yes.

Page 107

1 Ketcham

2 Q Do you agree that Rockwell was the

3 leading supplier of air brakes prior at this time?

4 MR. CANONI: Objection to form.

5 A That's what it says.

6 Q Do you agree with that?

7 A I really don't know.

8 Q Do you agree with the statement that

9 three out of four vehicles stop with Rockwell

10 brakes?

11 A Again I don't know the basis for

12 saying that. I will say that this particular visual

13 right here is discussing air brakes and that

14 statement applies to air brake vehicles.

15 Q Having said that, do you agree with

16 that statement?

17 A I don't agree or disagree. I have no

18 basis for either.

19 Q The next statement reads "Rockwell's

20 strength lies both at the end-user and the OEM

21 level."

22 Do you know what that means?

23 A Yes.

24 Q Can you describe what that means?

25 A Rockwell through its course at least

Page 108

1 Ketcham

2 when I was there attempted to maintain good working

3 relationships with the original equipment

4 manufacturer who manufactured the trucks and

5 trailers, and they also attempted to maintain a very

6 good relationship with the end-users, the fleets

7 that were purchasing the trucks, tractors and

8 trailers from the OEM's.

9 Q During the time that you were with

10 Rockwell do you recall whether or not Hertz was a

11 fleet customer?

12 A I don't recall Hertz. They may have

13 been.

14 Q How about Hertz Penske?

15 A I don't know about Hertz Penske. They

16 may have been.

17 Q Finally just Penske?

18 A I have heard the name Penske.

19 Q The next statement is "End-user

20 pull-through efforts by Rockwell field sales and

21 service organization."

22 Do you know what that is referring to?

23 A Yes, I do.

24 Q What is that?

25 A OEM's typically do not specify

Page 109

1 Ketcham

2 acceptable product that can be used on their

3 vehicles whether it be Rockwell or a competitor's

4 product. The OEM's, or rather, I'm sorry, the

5 end-user has the ability to specify what type of

6 product they want on the truck or trailer that they

7 are buying in most cases, especially when you get

8 into the medium and heavy duty trucks, and

9 therefore, an end user can specify I want Rockwell

10 axles or Rockwell brakes or the end-user can

11 typically specify that I want brand X axles or brand

12 X brakes on a vehicle.

13 Q Now, if the end-user wanted to use

14 asbestos brakes, would Rockwell make an effort to

15 satisfy the end-user?

16 MR. CANONI: Objection as to form.

17 Q Do you understand the question?

18 A Could you repeat it again.

19 Q If the end-user specified the use of

20 asbestos brakes on its trucks, did Rockwell attempt

21 to comply with that request?

22 MR. CANONI: Objection to the form.

23 Q During the time that asbestos brakes

24 were available?

25 MR. CANONI: Same objection.

Ketcham

A I don't know that I can answer that.
I don't think an end-user would specify asbestos brakes.

Q Why not?

A In the form that you are asking for.

Q How would it be that the end user would indicate to Rockwell they preferred a brake that met certain specifications and that brake that met those specifications had to be an asbestos brake?

MR. CANONI: Objection to form.

A The end-user would not specify to Rockwell what they wanted. The end-user would go to the OEM for what they wanted on a particular truck and they would make the choice based upon what the OEM has set up as being available, typically available on that truck.

Occasionally if they have some special request they can make internal requests to the OEM which the OEM can investigate and determine if they want to put it on to a particular truck which may be a dealer special order situation.

Q Then I guess my next question is if the OEM went to Rockwell and said we need an

Ketcham

that if the end-user does not choose something other than Rockwell that it will be a Rockwell component that is put on to a Rockwell brake.

In this particular case, since it's dealing with a brake presentation, that would be put on to that vehicle. The fleet could choose to put a different manufacturer's brake on to that vehicle if they so choose and if it was offered that way by the OEM.

Q This is considered a good thing?

MR. CANONI: What is?

MR. BARTELS: Standard databook position at all of the OEM's but one.

A Standard databook position is a good thing, yes.

Q Can you explain why that is?

A I think I just did. Do you want me to restate it?

Q Yes.

A Maybe it could be read back, but I will try to restate it. There is the databook, and in that databook it lists what manufacturers' components go on to a particular model truck. If the end-user does not specify something different,

Ketcham

asbestos brake on this truck, would Rockwell under those circumstances comply assuming that one was available?

MR. CANONI: Objection as to form.

A I don't know that the OEM would come to Rockwell and state anything in the manner in which you have just stated here.

Q You don't know of any instance where that happened?

A It is not what I'm familiar with and I don't know of an instance where that would have happened.

Q The final standard databook position at all OEM's but one, do you know what that is referring to? What is the standard databook position at all OEM's but one?

A Standard databook position refers to the OEM databook.

Q What is that?

A That is their configuration of particular vehicles. So for a particular model you would have these types of axles available and these types of brakes available and these type of engines that are on that. Standard databook position means

Ketcham

it will be in this particular case here a Rockwell brake.

If the end-user specifies something different, if they have brand X available and they want brand Y and brand X is set up for that truck, the OEM will put that brake on that particular truck or trucks for that particular fleet.

Q As I understand it, unless a request was made otherwise, it would be a Rockwell product that went on to that truck under this idea of standard databook position of all OEM's but one?

MR. CANONI: Objection to form.

Q What you are describing with respect to the standard databook is with respect to all OEM's but one, we don't know which one it is unless the end-user specified a different brake and a Rockwell brake would go on to that truck.

MR. CANONI: Objection to form.

A At this particular point in time that was talked about here.

Q Do you know or do you have any information to suggest how long Rockwell was in this position as described here, that they were in a standard databook position at all OEM's but one?

1 Ketcham
 2 A It varied substantially. I cannot say
 3 when this happened or when it did not happen.
 4 Through the course of 2000 when I was employed there
 5 were various points in time where we were standard
 6 databook position on OEM vehicles and other there
 7 were times when we were not.
 8 Q Do you know typically once you got
 9 into this position that it stayed that way
 10 generally?
 11 A I wouldn't be able to hazard a guess.
 12 That's a better question for the OEM.
 13 Q The next page of this Exhibit as
 14 Rockwell international Q and Q Plus series brakes
 15 Rockwell airbrake market positions truck/tractors,
 16 and then it reads as follows.
 17 "Rockwell has standard databook
 18 release position with all the OEM's but one and
 19 there's a chart. In the left-hand side it says
 20 Ford, actually I will read across. Ford, STD and it
 21 says here STD.
 22 I assume that stands for standards?
 23 A I would presume so.
 24 Q Next page says "Ford Std and Std. GMC
 25 Std. and Std. Freightline Std. and Std. Navistar

1 Ketcham
 2 Std. and Std. Mack Std. and Std. Volvo Std. and
 3 Std. Kenworth Option and Option and Peterbilt is
 4 Option and Option."
 5 Did I read that chart correctly?
 6 A You read it correctly.
 7 Q Does that refresh your recollection as
 8 to when this was in effect with Rockwell? In other
 9 words, where they were the standard book release
 10 position with all of these OEM's as they described
 11 on this particular chart?
 12 A What you just read doesn't refresh my
 13 recollection. However, I believe the front page of
 14 the chart is dated so my presumption is that it
 15 would be something in 1991.
 16 Q When you say 1991, what are you
 17 referring to?
 18 A The AV9111.
 19 Q Does it give a more specific date
 20 other than '91? Do the other numbers have a date?
 21 A No.
 22 Q You don't recall prior to 1991 if
 23 Rockwell had the standard databook release position
 24 with all the OEM's listed?
 25 A Some of it doesn't have the standard

1 Ketcham
 2 databook position, but for the ones that are listed
 3 as standard alongside of those names, no, I do not.
 4 Q You mentioned earlier during the time
 5 frame of 1984 to 1988, you recalled three
 6 significant customers. Three significant OEM's.
 7 During the time frame of 1984 to 1998 you recalled
 8 Ford, Freightliner and GMC.
 9 Does this list refresh your
 10 recollection as to any other major OEM's that may
 11 have been in existence during that same time frame
 12 1984 to 1998?
 13 MR. CANONI: Objection as to form.
 14 A Those certainly are the major OEM's
 15 that were in existence at various points in time or
 16 their predecessor's name, but I believe my response
 17 I gave you earlier was different from the one you
 18 just asked.
 19 MR. BARTELS: Let's mark this as
 20 Exhibit 7.
 21 (Ketcham Exhibit 7, one page document,
 22 marked for identification, as of this date.)
 23 Q Mr. Ketcham, I am going to show you
 24 what is marked as Exhibit 7 for identification.
 25 It's a one page document, and I would ask you to

1 Ketcham
 2 look at that.
 3 A Okay.
 4 Q Do you recognize that document?
 5 A I don't know that I have seen it
 6 before but I'm generally familiar with the document
 7 type.
 8 Q Can you describe the document type?
 9 A It's a technical publication. It is
 10 in the form of a chart with various steps. It talks
 11 about the preventive maintenance guide for the P
 12 series Cam-Master brakes.
 13 Q Can you tell the date of that
 14 particular document anywhere on the document? What
 15 date appears on the document?
 16 A September 1985.
 17 Q Who would get something like this?
 18 A Somebody that was concerned or
 19 involved with the maintenance of the P series
 20 Cam-Master brakes.
 21 Q Would that be a mechanic, for
 22 instance, possibly?
 23 A It could be a technician, yes.
 24 Q How would they get such a document?
 25 A Documents like this could be

1 Ketcham
2 distributed by our field service organization. They
3 could be typically ordered from Rockwell through our
4 publication distribution. They could be provided
5 through OEM's. There are various ways at this
6 particular date and time.

7 Q Would Rockwell send those documents
8 out without having a request pending? Do you
9 understand what I mean by that?

10 In other words, would this be
11 something they would send out or would someone
12 request it before they would send it out?

13 A At this particular point in time the
14 answer to that is yes to both questions.

15 Q Do you recall under what circumstances
16 they would simply send this document out as opposed
17 to waiting for someone to request it?

18 A I believe at this particular point in
19 time there were distribution lists for publications,
20 and when new publications were issued that documents
21 such as this would be sent to the person on the
22 distribution list.

23 Q Who would that be generally?

24 A That would be to people requesting it
25 or that the field organization handed out.

1 Ketcham
2 Q Would OEM's be on the distribution
3 list?

4 A They could be, yes.

5 Q How about end-users?

6 A They could be.

7 Q Do you have a recollection of an OEM
8 or an end-user being on such a distribution list as
9 the document like you are holding?

10 A I have a recollection, yes.

11 Q At the top of this document in a
12 square the following is presented.

13 It says "Important. Brake lining
14 contains asbestos fibers. Caution should be
15 exercised in handling and maintenance in described
16 OSHA regulation," and in parens between CFR part
17 1910 1001.

18 That particular language in that box,
19 does that refresh your recollection as to what may
20 have been placed on boxes of products going out of
21 the plant in Florence during the time that you were
22 there?

23 A No, this is what this is on this chart
24 and it's not necessarily what is on the boxes.

25 Q At that time did you have any input

1 Ketcham
2 into the language that appears in that particular
3 box on this document?

4 MR. CANONI: When he was in Florence?

5 MR. BARTELS: This appears to be 1985.

6 A In 1985, no, I would not.

7 Q Do you know if at this time in 1985
8 Rockwell was publishing any other warnings that were
9 worded differently than what appears on this
10 particular document?

11 A Perhaps. As I said stated earlier, I
12 think some of the our discovery responses probably
13 responded to that better than I can as I sit here.

14 Q You agree with me that the wording
15 doesn't appear anywhere in that box?

16 A The warning does not appear within the
17 box.

18 Q Do you have any reason why Rockwell
19 chose to put this language on this document as
20 opposed to something else that may have had the word
21 warning in it?

22 MR. CANONI: Objection as to form.

23 A I was not involved in it at that point
24 in time so I don't know.

25 MR. QUICK: May I see it, please.

1 Ketcham

2 MR. BARTELS: Yes.

3 Q Can you describe what a technical
4 service TSA is?

5 A TSA is a type of publication that goes
6 out to provide specific information, and I guess I
7 would distinguish technical service from say a
8 maintenance manual which would include general and
9 complete information on the maintenance of a
10 particular product.

11 Q Who would receive a technical service
12 aid from Rockwell?

13 A Technical service aids could go to
14 OEM's or could go to fleets. They could go with
15 other end-users.

16 Q Was there any policy in place during
17 the time that you worked at Rockwell regarding the
18 submission of a technical service aid to any
19 end-user?

20 Let me try again. Was there any
21 policy in place about distributing technical service
22 aids during the time that you were at Rockwell?

23 A Again, to my recollection, the
24 technical service aids could be generally
25 distributed off of a distribution list or handed out

1 Ketcham
2 by the field service representatives or requested by
3 parties.

4 Q What I want to do now is there's a
5 series of technical services aids that I'm going to
6 show you.

7 First I'll have them marked as
8 Exhibits 8, 9, 10 and 11.

9 (Ketcham Exhibits 8,9,10 and 11,
10 technical service aids, marked for
11 identification, as of this date.)

12 A If I could say just before we continue
13 with this, technical service aids could also be
14 distributed with product.

15 Q I am going to show you Exhibit 8 for
16 identification and have you look at that.

17 A Okay.

18 Q What are you looking at, can you
19 describe it for the record?

20 A This is actually two documents here.
21 They are both technical service aids. They both
22 carry the subject heading "Recommended Procedures
23 for Reducing Asbestos Dust, Cancer and Lung Disease
24 Hazard," and "Models All Rockwell Brake Linings With
25 Asbestos."

1 Ketcham

2 Q This is prepared by Rockwell?

3 A Yes.

4 Q Had you seen these documents while you
5 were working for Rockwell?

6 A Yes.

7 MR. CANONI: I'm sorry, these types of
8 documents or these particular documents?

9 MR. BARTELS: Generally the technical
10 service aids.

11 A Yes.

12 Q Exhibit 8 appears to be a genuine
13 Rockwell technical service aid?

14 A Yes.

15 Q Do you recall ever seeing that
16 particular one prior to today?

17 A I don't know but I may have.

18 Q You would agree that it begins in
19 paragraph one, and I'll read this into the record,
20 "Because most brake linings contain asbestos, it is
21 important that people who handle brake linings know
22 the potential hazards of asbestos and the
23 precautions to be taken."

24 Did I read that correctly?

25 A Yes.

1 Ketcham

2 Q "Exposure to airborne asbestos dust can
3 cause serious and possibly fatal diseases, namely:
4 asbestosis, a chronic lung disease, cancer,
5 principally lung cancer and mesothelioma in parens,
6 cancer of the lining of the chest or abdominal
7 cavity."

8 Did I read that correctly.

9 A Yes.

10 Q The risk of lung cancers of asbestos
11 workers is much greater than nonsmokers?

12 A Yes.

13 Q "Symptoms of these diseases are not
14 usually seen until 15 to 20 or more years after the
15 first exposure of asbestos."

16 Did I read that correctly?

17 A Yes.

18 Q What is the date of this particular
19 technical service aid?

20 A The date when it was first published
21 or the date it was printed?

22 Q The date it was first published if you
23 can tell.

24 A 1984.

25 Q What is the date 8/86?

1 Ketcham

2 A That would have been the date it would
3 have been printed.

4 Q If any changes had been made between
5 1984 and 1986, would you be able to tell what
6 changes, if any, were made there?

7 A Assuming that changes were made you
8 would not know. However, typically as I would look
9 at the publication here I would say that there were
10 no changes.

11 Q So your testimony is that the original
12 technical service aid, as we see it in Exhibit 8,
13 was first published in 1984?

14 A That's correct.

15 MR. CANONI: Objection as to form.
16 This version, this is TSA that we are
17 looking at?

18 MR. BARTELS: Yes.

19 Q What would be the reason for
20 publishing it in August of 1986?

21 A You had run out of your printings and
22 it needed to be preprinted.

23 Q I am going to show you Exhibit 9 for
24 identification and ask you to look at that.

25 A Okay.

1 Ketcham
 2 Q Do you recall this document?
 3 A As a technical service aid, yes.
 4 Q Again does it appear to be a genuine
 5 Rockwell technical service aid?
 6 A Yes, it does.
 7 Q Do you recall ever seeing that Exhibit
 8 9 for identification before today?
 9 A I may very well have.
 10 Q Do you have a recollection of that?
 11 A I don't recall specifically but it's
 12 something that I may very well have seen before.
 13 Q What is the date of this particular
 14 publication?
 15 A This was printed on 11/19/98.
 16 Q When was it published?
 17 A It was published in 1988.
 18 Q I will read it into the record.
 19 The subject is "Recommended Brake
 20 Service Procedures to Reduce Exposure to
 21 Non-asbestos Fiber Dust, Cancer and Lung Disease
 22 Hazard. Model: All Rockwell Non-asbestos Brake
 23 Linings."
 24 Did I read that correctly?
 25 A Yes, you did.

1 Ketcham
 2 Q The first paragraph it starts by
 3 reading "Most brake linings no longer contain
 4 asbestos fibers."
 5 Did I read that correctly?
 6 A Yes, you did.
 7 Q That was a statement on this technical
 8 service aid as of November of 1998, correct?
 9 A That is correct.
 10 Q Are you aware of the non-asbestos
 11 brake linings program by Rockwell?
 12 A Certain areas of it, yes.
 13 Q What familiarity do you have with the
 14 Rockwell non-asbestos brake lining program as
 15 described by this technical service aid?
 16 A Well, if I can just clarify, this
 17 technical service aid doesn't describe the
 18 changeover from asbestos to non-asbestos linings.
 19 It does not discuss the program, so to speak.
 20 Q Tell me what your familiarity with the
 21 warnings regarding the Rockwell non-asbestos brake
 22 linings is, if you have any.
 23 A Can you clarify or rephrase?
 24 Q Sure.
 25 Were you aware that Rockwell

1 Ketcham
 2 implemented a warning program for labeling of
 3 non-asbestos brake linings?
 4 A Yes.
 5 Q What information or knowledge do you
 6 recall about that particular program?
 7 A That the decision was reached to
 8 create a warning for non-asbestos brake linings.
 9 Q Do you know what was the basis for
 10 implementing that kind of program?
 11 A It was something that was proposed by
 12 our legal counsel I believe.
 13 Q What was your understanding as of
 14 November of 1998 about the percentage of brake
 15 linings that were still being manufactured with
 16 asbestos, do you know?
 17 MR. CANONI: Objection to form.
 18 A As far as what linings Rockwell was
 19 purchasing from its suppliers, it was substantially
 20 non-asbestos linings.
 21 Q How do you know that?
 22 A There was a significant changeover
 23 between asbestos and non-asbestos linings at
 24 Rockwell.
 25 Q I am going to show you Exhibit 10 for

1 Ketcham
 2 identification and ask you to describe what this is.
 3 A Okay.
 4 Q Do you recognize that document?
 5 A I recognize it as a technical
 6 bulletin.
 7 Q Can you describe what a technical
 8 bulletin is?
 9 A A technical bulletin is very similar
 10 to a technical service aid.
 11 Q How is it different, if at all?
 12 A I don't know that it is different.
 13 Q Again who would have access to the
 14 technical bulletin?
 15 A Again I am not quite sure. The title
 16 of the document may have changed from time to time.
 17 I'm sorry, your last question is?
 18 Q Who would have access to this
 19 technical bulletin?
 20 A The same type of folks that had the
 21 technical service aid. It could be OEM's or off of
 22 mailing lists or distributed by a field personnel or
 23 could be included in the product.
 24 Q Again do you know, does this appear to
 25 be a genuine Rockwell technical bulletin?

1 Ketcham
 2 A Yes, it does.
 3 Q What is the date of this particular
 4 bulletin?
 5 A It has a revision date of March 1991
 6 or 3/91.
 7 Q When was it published?
 8 A It was published in 1991.
 9 Q At the bottom of the right-hand corner
 10 there's some language about superseding.
 11 Does that indicate which technical
 12 bulletin was superseded by this particular bulletin?
 13 A Yes, it supersedes TSA8712.
 14 Q I notice on the side here there are
 15 two areas where there is an arrow pointing, and it
 16 says denotes changes.
 17 Do you see that?
 18 A Yes.
 19 Q What does that mean based on your
 20 experience with these bulletins?
 21 A That denotes a change from the prior
 22 bulletin.
 23 Q So, in other words, somebody has
 24 reviewed this, added language and showed which
 25 language was added by the little arrows?

1 Ketcham
 2 MR. CANONI: Objection as to form.
 3 A Which language was changed, yes.
 4 Q You will see at the top of paragraph
 5 one, again I'm going to read along, it begins
 6 "Because most brake linings contain asbestos it's
 7 important that people who handle brake linings note
 8 the potential hazards of asbestos and the
 9 precautions to be taken."
 10 Did I read that correctly?
 11 A You read it correctly. It is
 12 incorrect, but you read it incorrectly.
 13 Q Now, Exhibit 11 for identification.
 14 MR. SANDER: I would interject that I
 15 have received from one of the other defense
 16 counsel the e-mails that were forwarded
 17 earlier with exhibits, and in terms of
 18 numbering or the type of documents that have
 19 been marked I am wondering whether
 20 everything has been scanned.
 21 MR. BARTELS: No, not everything has
 22 been scanned.
 23 MR. SANDER: Silly question. Why not?
 24 MR. BARTELS: Bill, I haven't got to
 25 tell you.

1 Ketcham
 2 Make your objection. I understand you
 3 are preserving the record but I'm trying to
 4 move this along.
 5 MR. SANDER: We can't deal with it as
 6 you move along if you go piecemeal.
 7 I'm not trying to be obstreperous, I'm
 8 trying to preserve my client's rights.
 9 I can't tell if you are reading them
 10 correctly because I can't see the documents.
 11 MR. BARTELS: I understand.
 12 MR. SANDER: I have e-mailed Agatha a
 13 couple of times and I have got the addresses
 14 that I knew, and I advised her as I said on
 15 the record earlier that we were told that
 16 the documents would be sent to us and that
 17 seems for the moment to resolve the problem.
 18 Now I'm going to have to get back to
 19 her and say we don't have all the documents
 20 here. This is perhaps much ado about
 21 nothing but we don't know that.
 22 We are sitting here in ignorance, and
 23 we have been courteous to allow the
 24 deposition to proceed by telephone with no
 25 notice, and now we are being whipsawed

1 Ketcham
 2 between these documents, some of which we
 3 get and some we don't.
 4 If you going to proceed, I'm going to
 5 keep notifying the court.
 6 MR. BARTELS: I understand.
 7 Q Exhibit 11, do you recognize that?
 8 A The format is a technical bulletin,
 9 yes.
 10 Q Again do you recognize that as a
 11 genuine Rockwell technical bulletin?
 12 A Yes, it appears to be.
 13 Q Again, who would have access to this
 14 Rockwell technical bulletin?
 15 A The same categories of people that we
 16 talked about before from the OEM's to the end-user
 17 and it could be distributed by the distribution list
 18 or it could be distributed by the field organization
 19 and it could appear with product that this
 20 particular bulletin could apply to.
 21 Q It's titled "Recommended Brake Service
 22 Procedures to Reduce Exposure to Non-asbestos Fiber
 23 Dust, a Cancer and Lung Disease Hazard. For All
 24 Rockwell Non-Asbestos Brake Linings."
 25 It says "Riveting Linings on "P" and

1 Ketcham
 2 "Q: Series Cam Brake Shoes."
 3 Is that correct?
 4 A Correct.
 5 Q Again the first paragraph I am going
 6 to read.
 7 Is says: "Most recently manufactured
 8 brake linings no longer contain asbestos fibers. In
 9 place of asbestos, these linings contain a variety
 10 of ingredients."
 11 Did I read that correctly?
 12 A Yes, you did.
 13 MR. QUICK: Is there a date on Exhibit
 14 11?
 15 Q If you can tell the date of that
 16 particular document?
 17 A This document was printed in
 18 January 1992 and it supersedes TSA 6-83.
 19 Q Thank you.
 20 Did you ever have any responsibilities
 21 for preparing any of these technical service aids or
 22 technical service bulletins?
 23 MR. CANONI: The ones you just showed
 24 him or any one?
 25 MR. BARTELS: Any one.

1 Ketcham
 2 A I may have reviewed them. I did not
 3 prepare them.
 4 Q Any of the ones you just saw, did you
 5 have anything to do with the actual preparation of
 6 those actual either technical aids or technical
 7 bulletins?
 8 A I really don't recall. It's possible
 9 I may have.
 10 Q At any time while you were at
 11 Rockwell, do you know whether or not Rockwell ever
 12 actually placed a warning on the actual housing
 13 itself, or the brake housing itself on an axle
 14 regarding potential hazards of asbestos?
 15 A I don't know what you mean by brake
 16 housing.
 17 Q In other words, on the actual product
 18 itself, the actual axle, at any time while you were
 19 at Rockwell did Rockwell take and place a warning on
 20 that particular axle, any particular axle regarding
 21 the warnings of exposure to asbestos?
 22 A Rockwell would have placed a warning
 23 label on brake shoes that contained asbestos
 24 containing-brake lining.
 25 Q Where would they place it?

1 Ketcham
 2 A Typically on the width of the shoe.
 3 Q What is the width of the shoe?
 4 A The width of the shoe is the metal
 5 component that is attached to the shoe.
 6 Q How do you know that?
 7 MR. CANONI: How does he know where
 8 the label was affixed or how does he know
 9 what the width is?
 10 Q How do you know there was such a
 11 warning based on the width of the assembly?
 12 A Because I have seen it.
 13 Q For what time frame did Rockwell do
 14 that?
 15 A From at least 1986 and perhaps
 16 earlier.
 17 Q When you say perhaps earlier, how
 18 earlier?
 19 A I don't recall offhand. There may be
 20 some information in some discovery responses.
 21 Q So, in other words, your recollection
 22 is that at least as of 1986 Rockwell placed warnings
 23 on Rockwell brake assemblies?
 24 A Yes, on Rockwell brake shoes that had
 25 asbestos lining on them.

1 Ketcham
 2 Q A brake shoe is actually the metal
 3 part of the brake that the lining is attached to?
 4 A That is correct. The lined brake shoe
 5 would be the metal portion with the lining attached
 6 to it.
 7 Q How would this have been attached to
 8 the brake shoe?
 9 A It was an adhesive label.
 10 MR. CANONI: I think we already saw it
 11 in one of these documents.
 12 Q The adhesive label was supposed to
 13 last how long, if you know?
 14 A I don't know.
 15 Q As counsel pointed out, there may have
 16 been a document that you looked at that describes
 17 this labeling process; is that correct?
 18 A Yes.
 19 Q Have I showed that to you?
 20 A Oh, yes.
 21 Q Do you know which exhibit it was?
 22 A Not off the top of my head.
 23 MR. CANONI: It might have been number
 24 3.
 25 MR. BARTELS: I'm looking at 2, and

1 Ketcham
 2 this is 3, okay.
 3 Q I am going to show you Exhibit 3.
 4 That's what you are referring to as a
 5 description of where the warnings would be placed on
 6 the brake shoe?
 7 A No, this is a description of the
 8 testing that was done with the label attached to the
 9 brake shoe.
 10 Q How about Exhibit 2? Let me show you
 11 that. Maybe that describes it a little.
 12 A Yes.
 13 Q So, in other words, what you are
 14 saying is those labels were actually being placed on
 15 the brake shoe of a brake that contained asbestos?
 16 A No, any label that is shown on here
 17 was of the type that was placed on the brake.
 18 Q Do you recall the language of the
 19 label that was placed on the brake?
 20 A I believe, based upon my recollection,
 21 that it would have been either label one or label
 22 two of Exhibit 2.
 23 Q What position did you have with the
 24 company in 1986, in September of 1986?
 25 A What business did I have?

1 Ketcham
 2 Q Yes, with the company.
 3 A I was the division materials manager
 4 for the on-highway axle division.
 5 Q Did you ever take part at all in the
 6 asbestos-labeling program as defined in Exhibit 2?
 7 A No, obviously in some of the plants
 8 that I was involved were named in here.
 9 MR. CANONI: He wants to know you
 10 personally.
 11 Q You described before that during the
 12 time frame 1984 to 1988 Rockwell began to implement
 13 a changeover from asbestos to non-asbestos; is that
 14 correct?
 15 A There was a significant changeover
 16 during that period of time.
 17 Q Can you describe for me what that
 18 significant change was?
 19 A Two of the major lining suppliers that
 20 manufactured asbestos lining changed to the
 21 production of non-asbestos lining.
 22 Q Can you recall who those manufacturers
 23 were?
 24 A Carlisle and Abex.
 25 Q Do you recall when they announced they

1 Ketcham
 2 were going to stop the production of asbestos
 3 linings?
 4 A No, I don't.
 5 Q As a result of that announcement what,
 6 if anything, did Rockwell do with respect to the
 7 changeover?
 8 A It planned for the changeover as best
 9 it could. The lining manufacturers had to shut
 10 their plants down for a period of time to permit the
 11 change within their plants, and Rockwell had to do
 12 some advanced planning and by lining in advance so
 13 that Rockwell could continue production of brake
 14 shoes and assemblies during the period of time in
 15 which the lining manufacturer were not manufacturing
 16 at all.
 17 Rockwell had to continue its testing
 18 and development of non-asbestos linings for products
 19 when there was not a suitable non-asbestos lining
 20 available and identified previously.
 21 Q So as I understand your answer, when
 22 the announcement came from the two major suppliers
 23 Rockwell in anticipation of the changeover purchased
 24 asbestos linings in advance to continue to be used
 25 while the changeover was taking place?

1 Ketcham
 2 A In general that is what I said.
 3 Q They also had to then again do testing
 4 on none asbestos brakes for use going forward on the
 5 trucks that they serviced?
 6 A For linings and brakes that had not
 7 been previously tested and approved for use.
 8 Q In fact, isn't it true there were some
 9 difficulties early on with the non-asbestos linings
 10 that were available in regards to performance?
 11 A There may have been. I don't have any
 12 specific recollection of them.
 13 Q Prior to the announcement, prior to
 14 the announcement of these two brake linings
 15 suppliers that they were no longer going to be
 16 manufacturing asbestos-containing brakes, would you
 17 agree that trucks that used asbestos brakes were
 18 actually told to use asbestos brakes because of the
 19 performance of the asbestos brakes?
 20 MR. CANONI: Objection to the form.
 21 A Obviously when you inspect a brake the
 22 brake is inspected in order to meet certain specific
 23 performance criteria, whether that lining material
 24 was asbestos or whether it was non-asbestos or
 25 whether it was some other type of formula.

Ketcham

Q You would agree up to a certain point the majority, if not at all, product brake linings were asbestos?

A To a point, yes.

Q The performance requirements of the braking systems on those trucks were met for asbestos and not non-asbestos?

MR. CANONI: Objection to form.

A I disagree with that.

Q Why?

A The performance that was required was there in order to meet the federal government regulations pertaining to either distance and/or the holding capacity if you are dealing with brakes.

Q Up to that point asbestos was meeting those requirements because that's all they would use, whatever that point was?

MR. CANONI: Objection do form.

A I don't know if I understand your question. Maybe you can clarify it.

Q In other words, up to a certain point in time the trucks were reaching those federal requirements by using asbestos brakes that had previously been tested and passed?

Ketcham

development and testing.

Q When these two brake linings suppliers made the announcement they were not going to make any more asbestos linings, did Rockwell have to begin the process of testing the new non-asbestos linings with the changeover going into the future?

MR. CANONI: Objection.

A On some of them yes and on some of them no. Certain linings had already been through the development and testing process by Rockwell. The lining manufacturer and my presumption is also the vehicle OEM's and others had not been.

Q Prior to the announcement what percentage of brakes used by Rockwell contained asbestos versus non-asbestos, if you know?

A Prior to the announcement?

Q Do you know when brake lining suppliers would no longer be manufacturing asbestos brake linings?

A I don't recall specifically when that announcement was and if I did I would not know the percentage that was asbestos versus non-asbestos.

Q Do you know how many asbestos linings Rockwell purchased in advance to meet demands during

Ketcham

MR. CANONI: Objection as to form.

A Of course, otherwise it would not have been specified by the truck manufacturer and by Rockwell as being a suitable brake for a certain performance characteristics.

Q In order to change to non-asbestos brakes you had to do testing to ensure the non-asbestos brake complied with the very same federal standards?

A Those standards as well any other internal standards, yes.

Q Rockwell began the process of doing that at/or near the time that these brake lining suppliers announced they would no longer be working with asbestos brakes or making asbestos linings?

MR. CANONI: Objection to form.

A I don't believe so.

Q Why not?

A Because I believe it started earlier than that.

Q Do you know how much earlier?

A If my recollection is correct, I believe it was perhaps in the early eighties that some initial non-asbestos brake linings were in

Ketcham

the time that these two brake lining suppliers were not going to their plant?

A It varied.

Q Can you give me an estimate?

A I can give you some general criteria. I can't give an estimate. I can give you some general criteria.

If a suitable non-asbestos brake lining formula had been developed, approved and tested, a minimal amount of lining would have been ordered and stocked to provide for the transition from asbestos to non-asbestos linings because when the lining manufacturers would start back on up they would have the capability of manufacturing suitable approved tested lining materials on particular linings for which there was no approved and tested non-asbestos lining substitute.

Greater quantities of those linings would have been, greater quantities of those asbestos linings would have been procured and stocked in order to allow not only for the changeover of the lining manufacturer but also for development, testing and approval of a suitable non-asbestos lining substitute.

Ketcham

Q It's my understanding that the problem with the non-asbestos linings concerned the heavier trucks versus the lighter trucks; is that correct?

MR. SANDER: Objection to form.

A In general it related to heavier linings which are typically used in heavier vehicles.

Q Do you recall the general weight of the vehicles in question and whether there was concern about an adequate non-asbestos lining replacement?

A I cannot as I sit here today. I don't know that.

Q But in any event the trucks that had suitable non-asbestos linings available were the lighter duty trucks at that time.

Do you agree with that?

MR. CANONI: Objection to form.

A It all depends on what you mean by lighter duty. They were still heavy trucks, but the lining requirements were in general for the lower co-efficient of friction linings as opposed to higher co-efficient linings.

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such a brake was approved by Rockwell, the approximate date that it was suitable for a non-asbestos lining brake for high co-efficient trucks that we are talking about?

MR. CANONI: Objection as to form.

A I don't know specifically. It certainly took beyond three months, and I don't know where it was in the continuum of the time after that it was that suitable linings were available.

Q Do you know when Rockwell last sold, or supplied a brake lining that contained asbestos?

A In any market?

Q In any market.

A The late nineties.

Q When you say any market, are you talking about International as well?

A No, I am talking about on highway versus off highway.

Q Let's talk about on highway. When was the last time offered in the United States there was an on-highway asbestos brake lining?

A I can give an estimate. It would be probably in the early nineties.

Q Do you recall under what circumstances

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Q So at that time during this changeover the higher co-efficient replacement brakes had to undergo additional testing before an approved non-asbestos lining? Let me start again.

How long, if you recall, how long was this period where the plants were being retooled? Do you remember how long this period was before they started manufacturing solely non-asbestos linings?

A I can give an estimate which is approximately three months.

Q Do you recall specifically any customers of Rockwell that tended to use the asbestos linings beyond this three month period that you just described?

A Do I know of any specifically, no.

Q Do you know how long before?

A But obviously they would have.

Q Do you know how long before Rockwell approved a high co-efficient non-asbestos brake for use in the high co-efficient trucks? I am going to call them trucks.

MR. CANONI: Objection as to form.

A I do not.

Q Do you have a recollection of when

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they were offering that lining?

A That was part of the carry-over production of brake using the asbestos brake linings that had been set aside as part of the conversion program.

Q Who were the customers at that time who were actual purchasers using these asbestos linings?

A Again to my recollection those most likely were some of the brakes that were used in vehicles that had a need for the high co-efficient of friction.

Q Do you recall who the customers were? Was it International or Mack?

A I really can't recall.

Q Have you seen documents describing the uses of asbestos linings with a specific customer that went into the nineties?

A Not that I recall.

Q How do you remember that was the case?

A From talking with various people over time.

Q Do you know who the manufacturers of the brake linings were that were still being used in

1 Ketcham
 2 the nineties that were being sold to these
 3 customers?
 4 A I do not.
 5 Q When Rockwell made the purchase of
 6 asbestos linings after hiring an expert to go to
 7 non-asbestos, who did they purchase these asbestos
 8 linings from if you know?
 9 A The ones that I recall were Abex and
 10 Carlisle.
 11 Q Have you ever seen documents, Rockwell
 12 documents describing the purchase of these advanced
 13 purchases of asbestos brake linings?
 14 A I may have.
 15 Q Do you know if these were documents
 16 that you saw while you were working there or when
 17 you were working as a consultant?
 18 A It would have been when I was working
 19 there.
 20 Q Was there somebody in charge of the
 21 program? By program, was someone in charge of
 22 actually making these advanced purchases of asbestos
 23 linings?
 24 A I am sure there was.
 25 Q You just don't know who it was?

1 Ketcham
 2 A I don't recall who it was at this
 3 time.
 4 Q What department would have been
 5 responsible for that?
 6 A It probably would have been, as far as
 7 the purchases themselves it would have been
 8 purchasing.
 9 Q You mentioned an off-highway, and what
 10 do you mean by off-highway?
 11 A For vehicles that are used off
 12 highways, such as front-end loaders and large lift
 13 trucks and scrapers and those types of vehicles, as
 14 opposed to tractors or tractor-trailers that would
 15 be used to transport on the highway. Basically
 16 construction type or industrial type of equipment.
 17 Q Do you know who was in charge of the
 18 testing undertaken by Rockwell to come up with
 19 suitable non-asbestos linings for use by its OEM's?
 20 MR. CANONI: Objection to form.
 21 A Testing would have been done by a
 22 lining manufacturer and testing the development
 23 would have been done by the brake engineering within
 24 Rockwell and then testing undoubtedly was also done
 25 by truck and trailer OEM's.

1 Ketcham
 2 Q Let's go back to the warranty program
 3 that is being offered by Rockwell.
 4 A Could we take a three minute break?
 5 Q Absolutely.
 6 (Recess taken.)
 7 Q Back on the record.
 8 Sir, I want to talk again about the
 9 Rockwell warranty program as it related to brakes
 10 during the time that you worked for Rockwell.
 11 Can you describe generally how the
 12 warranty program worked, if you know?
 13 A Probably not. It would be best if I
 14 didn't.
 15 Q Do you know if there was somebody
 16 within Rockwell during the time that you worked
 17 there that actually was in charge of the warranty
 18 program?
 19 A Yes.
 20 Q Do you recall who that person or
 21 persons were?
 22 A During what period of time?
 23 Q From 1978 through the time that you
 24 left. I am actually more interested in 1978 to
 25 1988.

1 Ketcham
 2 A I believe his name was John Marshall
 3 for a portion of those years, and I want to say that
 4 that would be between like '85 and '95 but those
 5 dates may not be correct.
 6 Q Do you know if Mr. Marshall still
 7 works for Rockwell and Arvin Meritor?
 8 A He does not.
 9 Q Do you know where he is?
 10 A No, I don't.
 11 MR. BARTELS: Let me check real quick,
 12 I may be done.
 13 Thank you, sir. That's all the
 14 questions I have at this time.
 15 Does anybody have any questions? I am
 16 taking that as a no and we will end this.
 17 MR. CANONI: Thank you very much.
 18 MR. McGUIRE: This is Joe McGuire. Is
 19 the court reporter there? I want a
 20 transcript sent to us and we would also like
 21 the transcript exhibits.
 22 (Time noted: 2:38 p.m.)
 23
 24
 25

Ketcham

CERTIFICATE

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

I, JUDITH A. FROST, a Shorthand Reporter
and Notary Public within and for the State of New
York, do hereby certify:

That BRUCE KETCHAM, the witness whose
deposition is hereinbefore set forth, was duly sworn
by me, and that this transcript of such deposition
is a true record of the testimony given by the
witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage, and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 5th day of March, 2007.

A				
ABBOTT 4:9 abdominal 124:6 Abex 1:11 42:19,23 60:23,23 61:9,10,11 61:13 64:19 85:12,20 86:3 139:24 150:9 ability 9:10 109:5 able 52:23 64:14 82:23 98:14 114:11 125:5 Absolutely 152:5 acceptable 109:2 access 129:13,18 133:13 Acceturo 1:5,8 accident 12:3 accidents 10:15 accommodate 70:20 accuracy 28:11 33:5 accurate 30:4,23 34:17 47:25 accurately 9:4 30:11 30:19 acting 41:13 action 156:15 active 15:12 activities 84:3 actual 135:5,6,12,17,18 149:8 ad 1:6 add 62:22 added 130:24,25 additional 147:4 addresses 132:13 adequate 146:12 adhesive 58:23 63:17 66:10,19 67:13 83:2 137:9,12 adjourned 71:22 adjusters 24:24 104:19 administer 6:12 Administratrix 1:6,6 ado 132:20 advance 140:12,24 144:25 advanced 16:6 140:12 150:12,22 advised 132:14 affixed 58:24 66:11 75:23 82:24 136:8 affixing 76:11,13 AFTERNOON 94:2 after-market 21:11,14 21:18 22:23 24:4 38:9 39:12,13,16,25 41:10 48:10 50:15 61:20 Agatha 71:18,24 92:14	132:12 ago 36:7 69:10 agree 41:20 74:3,21 94:17 103:19 104:12 105:4,14,19 107:2,6 107:8,15,17 120:14 123:18 141:17 142:2 146:19 AGREED 6:2,6,9 agreement 45:25 agreements 45:21 47:6 aid 121:12,18 123:13 124:19 125:12 126:3 126:5 127:8,15,17 129:10,21 aids 5:16 35:2 66:15 121:13,22,24 122:5 122:10,13,21 123:10 134:21 135:6 air 104:23,23 106:16 107:3,13,14 airborn 124:2 airbrake 114:15 al 1:11 aligned 23:8 65:16 alive 80:18,23,25 allow 132:23 145:22 allowed 82:15 alongside 116:3 America 104:18 105:20 amount 145:11 analysis 11:10,22 20:9 27:13,15 38:25 39:6 analyst 14:18,18 16:11 and/or 33:21 45:20 142:14 announced 139:25 143:15 announcement 140:5 140:22 141:13,14 144:4,14,17,22 answer 9:4,7 49:22 110:2 118:14 140:21 answered 9:9 answers 101:13,15 anticipation 140:23 anti-lock 104:19 anybody 153:15 apparent 68:3 Apparently 82:11 appear 28:25 73:6 78:14,17 79:20 97:6 120:15,16 126:4 129:24 133:19 appeared 7:23 34:20 35:10 appearing 10:19 37:14 appears 28:17 73:3	103:18 117:15 120:2 120:5,9 123:12 133:12 applications 97:21 applied 59:17 applies 107:14 apply 133:20 approval 145:24 approved 141:7 145:10 145:16,17 147:4,20 148:2 approximate 38:4 148:3 approximately 7:16 11:4 12:15 13:6,8 17:24 18:9,18,20 19:13,15 22:5 25:19 28:19 38:10,12,15 40:18 80:16 96:12 99:20 106:7 147:11 approximation 7:14 area 14:12 80:16 87:7 areas 79:8 127:12 130:15 Army 15:13,17 arrives 62:13 arrow 130:15 arrows 130:25 Arvin 10:20 37:15 91:18,21 153:7 asbestos 5:10,12 7:19 7:23,24 12:4 27:9 29:2 30:12 31:3,10 31:19 32:3,7,16,25 33:6,22 35:4 42:6 56:13 59:24 60:22 62:7,11,22 63:3 64:24 67:22 68:6,8 68:16,20,21 69:5,9 69:13 70:8 72:7 74:5 74:10,25 75:4,11,12 75:19 76:23 77:7,9 77:15,20,24 78:5 79:4,7,13 82:21 85:5 85:7 86:3 100:7,15 100:16,21 101:24 109:14,20,23 110:3 110:10 111:2 119:14 122:23,25 123:20,22 124:2,10,15 127:4,18 128:16,23 131:6,8 134:8,9 135:14,21,23 136:25 138:15 139:13,20 140:2,24 141:4,17,18,19,24 142:4,8,16,24 143:16 143:16 144:5,16,19 144:23,24 145:13,21	147:14 148:12,22 149:4,8,18 150:6,7 150:13,22 asbestosis 124:4 asbestos-containing 26:24 27:21 34:23 56:18 58:9 60:15,19 63:11,22 66:17 86:8 106:8 141:16 asbestos-labeling 139:6 Ascam 24:16,20 aside 149:5 asked 55:6 71:13 90:2 101:19,24 105:13 116:18 asking 59:21 110:6 assembles 40:7 assemblies 23:10 24:10 24:12,18 35:11 39:21 39:25 42:5 43:7 44:18 45:10 46:12 47:15 49:5,16 50:6 50:12,12,14,14 55:4 61:9,10,21,22 62:2,4 62:6,7 79:9 86:25 90:8 136:23 140:14 assembly 15:25 22:2 23:5 24:13,14,21 41:21 48:8,15,17 60:22 63:3 87:7 136:11 assigned 22:15 assignments 18:23 assisting 11:23 12:2 associated 69:9 assume 13:23 30:10 62:6 114:22 assuming 29:19 111:3 125:7 attach 65:12 attached 24:23 34:23 50:6,13 59:25 82:3 136:5 137:3,5,7 138:8 attempt 109:20 attempted 108:2,5 attorneys 3:6,12,18 4:4 4:10,15,21 6:3 101:25 at/or 143:14 August 125:20 author 72:11 authority 54:13 authorized 6:11 39:19 50:21,24 51:4,15 auto 4:4 38:7 Automatic 104:18 automotive 4:15 10:25	11:3,20 12:6,9,21,22 17:11 18:21 20:20,22 20:23,25 37:2,6 38:17 39:3,4,7 44:10 74:11,16 79:3,12 83:19 available 52:20 71:5 109:24 110:17,18 111:4,23,24 113:5 140:20 141:10 146:17 148:10 Avenue 4:5 average 47:21 Avoid 100:8,16 AV-91109 102:23 AV9111 115:18 aware 29:25 31:9,13 32:2 40:22 69:5,13 86:12 94:9 127:10,25 awry 70:7 axle 19:5,9 38:20 45:2 45:25 46:4 47:24 48:7,8 50:11 52:9 65:11 83:20,24 84:4 86:17 87:22 88:16 135:13,18,20,20 139:4 axles 43:15,18 44:15,16 44:16,16,19,19,19 45:15,18,21 46:2,7 47:7,15 49:4,15,15 50:5,6,13,13 55:4 84:23 86:19 88:5,8 88:10,12 89:8 90:9 98:7 109:10,11 111:23 a.m 2:7
				B
				B 5:6 7:2 94:4 back 14:19 15:14,18 21:6 34:21 39:9 49:21,23 92:6 112:21 132:18 145:14 152:2 152:7 background 37:16 104:16 bags 79:7 82:22 Barbara 72:10 78:23 81:9 Bartels 3:5,9 5:5 7:7 36:9,15,19,23 37:9 52:17 53:3 62:15 69:15 70:23 71:10,16 71:19,23 75:25 76:12 76:21 77:22 85:24 92:4,10,22 94:7,24 95:25 96:8,21 102:14

104:2 112:13 116:19 120:5 121:2 123:9 125:18 131:21,24 132:11 133:6 134:25 137:25 153:11 based 33:3 74:14 87:25 99:6 110:16 130:19 136:11 138:20 basically 14:24 22:12 23:18 31:3,4 151:15 basis 106:2 107:11,18 128:9 Bate 53:2,4 began 19:24 33:13,14 37:4,9,20 79:13 139:12 143:13 beginning 12:23 33:7 begins 123:18 131:5 behalf 55:12 belief 30:11 believe 8:3 14:17,18 15:15 19:14,16 25:15 27:3 28:14 29:20 33:2 34:22 40:3 42:20 45:9 49:6 53:24 56:23 62:19 64:9 80:8,15 94:25 101:10,14 115:13 116:16 118:18 128:12 138:20 143:18,20,24 153:2 Bendix 42:20,23 64:19 benefit 38:2 Benson 2:11 3:11 best 9:9 30:24 49:10 51:10 55:14 98:21 140:8 152:13 better 17:9 34:2,12 52:23 114:12 120:13 beyond 95:20 100:4 147:14 148:8 big 85:19 90:17 bigger 85:15,21 Bill 131:24 bit 22:3 83:16 blank 55:10 blood 156:15 blue 66:9 Bob 91:2 bodily 100:9,12 boldly 100:17 book 5:13 96:6,10,17 97:13,14,14,17 115:9 Boroughf 72:11,13 Borroughf 78:23 81:9 81:16 83:7 bottom 100:6 130:9 box 58:10 63:2,2,4,6,10	63:15,15,18 66:9,11 66:13,23 119:18 120:3,15,17 boxed 21:25 62:25 65:23 boxes 25:20,23 34:23 56:18,21 57:13,20,21 57:23 58:2,8,24 59:24 60:5,14,20 64:10,12,24 66:2,5,6 66:19 67:6 74:2,25 79:9 119:20,24 brake 22:25 23:2,5,10 24:12,13,14,15,16,17 24:20,20,23,25 27:21 35:11 39:20,22,24,25 40:6,7,13,23 41:8,12 41:14,18,20,21,25 42:4,5,12 43:7,7 44:17,20 45:6,8,10 46:12,14,25 47:15 48:8,15 49:5,15 50:5 50:12,14 55:4 58:9 59:24 60:22 61:9,13 61:20,22 62:6,7,8 64:5,7,12,17,22 65:3 84:23 85:3,4,7,11 86:4,8,9,25 87:7 89:12,19,20 90:8 94:23 98:6,10,11,19 99:2,12 100:7,15,21 104:5 106:16 107:14 110:8,9,11 111:2 112:4,6,8 113:3,7,17 113:18 119:13 122:24 123:20,21 126:19,22 127:3,11 127:14,21 128:3,8,14 131:6,7 133:21,24 134:2,8 135:13,15,23 136:23,24 137:2,3,4 137:8 138:6,9,15,15 138:17,19 140:13 141:14,21,22 142:3 143:5,9,14,25 144:3 144:18,20 145:2,9 147:20 148:2,4,12,22 149:4,4,25 150:13 151:23 brakes 22:24 23:7 24:10,18 65:11 89:16 94:21 95:4,5 96:10 99:22 102:24,25 104:7,18,23,23 105:6 105:12,15 106:13,17 107:3,10,13 109:10 109:12,14,20,23 110:4 111:24 114:14	117:12,20 141:4,6,16 141:17,18,19 142:15 142:24 143:8,16 144:15 147:3 149:11 152:9 brakes(Dura-Master) 104:24 brakes(Shopmaster) 104:25 braking 46:23 142:7 brand 109:11,11 113:5 113:6,6 break 9:13,14,16 15:11 61:10 92:19 152:4 breather 69:16 breathing 31:10 68:21 69:5 100:8,16 brief 71:3 briefly 37:17 96:24 Broad 3:7 Broadway 2:12 3:13 4:11 brochure 96:9,15 101:5 BRODY 1:21 Bruce 1:16 2:10 5:5 7:10 36:9 156:9 BRZYTWA 3:17 bulk 79:9 bulletin 129:6,8,9,14 129:19,25 130:4,12 130:12,22 133:8,11 133:14,20 bulletins 26:16 130:20 134:22 135:7 bullets 30:20 bunch 24:17 buses 97:21 98:8 business 10:5,10 12:21 16:17 20:20 23:19 39:3,17,18 44:7,10 44:12,13 45:2,7,8 87:23 88:9,15,16 89:19 138:25 buy 99:10 buyers 41:2 56:4 buying 41:3 109:7 C C 3:3,15 4:2 7:2,2 94:4 94:4 156:3,3 call 28:15 37:24 48:9 70:3 71:18 147:22 called 7:2 20:21 92:15 calls 22:13 cam 104:23 134:2 Cambria 4:15 camshaft 48:16	camshafts 24:24 Cam-Master 96:10 104:23 117:12,20 cancer 69:13 122:23 124:4,5,6 126:21 133:23 cancers 124:10 CANONI 3:15 30:13 48:2 53:22 57:6 60:7 70:22 74:18 75:14,24 76:11 77:8 79:14 85:17,23 87:9 92:9 92:14,24 94:22 96:19 103:25 105:8,10,16 107:4 109:16,22,25 110:12 111:5 112:12 113:13,19 116:13 120:4,22 123:7 125:15 128:17 131:2 134:23 136:7 137:10 137:23 139:9 141:20 142:9,19 143:2,17 144:8 146:20 147:23 148:6 151:20 153:17 capability 145:15 capacities 37:12 capacity 10:19 13:19 142:15 cardboard 64:9,12 care 14:25 carefully 8:21 Carlisle 42:19,22 64:19 85:13,21 86:3 139:24 150:10 Carlyle 4:21 carry 122:22 carry-over 149:3 CARUSO 4:3 case 7:19,24,24 25:9 26:6 58:8 100:2 112:5 113:2 149:21 cases 25:10,21 62:5 101:23,24 109:7 Castle 43:25 categories 133:15 category 26:10 cause 100:11,17 124:3 causes 100:8 caution 26:22 27:8 28:16 34:6 56:12 57:4,11,25 58:10,17 63:12 101:8 119:14 cautions 29:8 30:15 31:2,7 34:20 35:13 35:15 66:16 caution/warning 28:25 57:19 cavity 124:7	CC 79:22 cellphone 71:18 center 1:22 21:12,23 22:23 38:9 56:6,20 61:18 62:9 64:4 centralization 84:7 centralized 55:22 certain 31:5 46:22 50:22 110:9 127:12 141:22 142:2,22 143:5 144:10 certainly 14:22 24:17 32:18 34:15,19 38:6 116:14 148:8 Certified 1:21 certify 156:8,14 certifying 46:19 cetera 44:22 50:14 CFR 119:16 chains 51:7 chambers 24:25 chance 26:7 53:5 69:23 71:7,14 72:2 103:3 change 55:18 130:21 139:18 140:11 143:7 changed 18:22 22:3 38:22 95:13,17 129:16 131:3 139:20 changeover 127:18 128:22 139:13,15 140:7,8,23,25 144:7 145:23 147:2 changes 125:4,6,7,10 130:16 characteristics 143:6 characterization 83:4 charge 49:19 90:13 150:20,21 151:17 152:17 chart 49:25 53:12 114:19 115:5,11,14 117:10 119:23 charts 5:9 52:15,22 check 153:11 checking 30:18 31:4 chest 124:6 Chicago 16:11 choice 110:16 choose 112:2,7,9 chose 120:19 chronic 124:4 circulate 92:13 circumstances 103:11 111:3 118:15 148:25 claims 11:24,25 12:4 clarify 57:17 60:10 83:7 101:21 102:10 127:16,23 142:21
---	---	---	---	--

CLAUDIO 4:7 clear 100:14 Cleveland 3:20 client 85:21 client's 132:8 clothing 79:8 clutch 106:5 clutches 104:19 105:9 105:21 106:4,6 college 13:22,24 36:16 36:24 come 28:5 40:4 48:9 49:23 64:8 92:6 98:22 111:6 151:18 comes 60:24 coming 67:23 comment 98:15 commercial 16:24 99:13 common 14:25 companies 23:13 47:7 47:15 60:6,13 85:14 85:20 86:14 company 13:4 14:7,10 20:21 29:8 37:10 45:16 46:13,14,22,25 47:22 49:8 80:9,10 85:15,21 88:4 106:5 138:24 139:2 compare 101:4 comparison 28:12 competitors 45:2,7 86:18 competitor's 109:3 complete 56:5 104:22 121:9 completed 18:10 23:5 complex 48:4 compliance 19:20,24 20:5 27:14,18,20 28:2,22 29:3 30:2 32:22 33:7,9 38:23 complied 29:7 68:7 143:9 comply 109:21 111:3 component 46:18 48:17 62:7 63:10 73:16 112:3 136:5 components 21:4,18 23:6,11 44:18,21,22 48:18 50:22 56:5 60:15 63:11 65:17 98:19 99:2,12 104:21 106:9 112:24 composing 92:16 conceivable 87:19 concern 70:19 146:12 concerned 117:18	146:3 concerns 51:11 68:15 conducted 68:5 configuration 111:21 configurations 65:22 confused 61:16 conjunction 32:3 considered 51:15 66:22 69:13 112:11 considering 27:9 28:7 consist 24:21 consisted 14:9 consistency 28:11 33:12 79:2 consistent 30:15 consists 72:7 consolidation 84:7 construction 56:9 151:16 consultant 10:20 37:11 37:14 150:17 consulted 27:6,12 37:11 consulting 10:12,17 CONT 106:14 contact 37:2 81:24 contain 63:3 100:7,15 100:21 123:20 127:3 131:6 134:8,9 contained 33:22 42:6 63:10 67:7,10 104:11 135:23 138:15 144:15 148:12 containers 79:6,7 82:22 containing 35:4 79:7 86:4 containing-brake 135:24 contains 119:14 contents 66:25 continue 63:20 71:23 80:11 81:10 122:12 140:13,17,24 continued 63:23 94:6 continuum 148:9 contract 45:17 contracts 45:20 47:14 49:4,14 56:8 90:7,11 control 15:5,7,18 16:16 16:19 18:12,14,17 38:13 conversion 149:5 cooking 16:24 coordinate 84:3 copied 73:9 copies 72:8 copy 82:4 92:25	corner 130:9 Corporation 1:11 3:18 4:21 81:21 correct 10:22 11:17 13:9 15:12,15 17:6 19:7 20:11,17 21:5 22:6 24:12 36:18 40:17 45:13,19 46:10 47:3 50:7,19 51:5 53:15,18 54:16 58:12 61:5 65:25 67:3,4 73:25 83:20 86:13 95:2,8 96:16 97:24 97:25 103:22 125:14 127:8,9 134:3,4 137:4,17 139:14 143:23 146:5 153:5 correctly 74:12 95:14 98:20 99:3,14,23 100:18 105:2 106:24 115:5,6 123:24 124:8 124:16 126:24 127:5 131:10,11 132:10 134:11 counsel 11:24 29:21,22 29:24 30:5 36:3 38:2 70:2,11 92:13,22 128:12 131:16 137:15 country 21:22 COUNTY 1:3 156:5 couple 28:8 132:13 course 107:25 114:4 143:3 court 1:2 6:14 8:15 133:5 153:19 courteous 132:23 cover 103:17 covered 101:10 co-efficient 146:24,25 147:3,20,21 148:4 149:12 crashes 12:3 create 128:8 creating 100:8,16 criteria 141:23 145:6,8 current 30:15 customer 22:12 23:13 54:4 85:16,19 108:11 149:18 customers 22:8,14,16 22:18,19 35:8 51:14 84:11 89:2,12,16 94:10,15 95:6 116:6 147:13 149:7,14 150:3 cut 36:10 CV 19:21	D D 5:3 Dana 45:4,9 86:21 87:13,18 data 35:7 databook 106:22 111:14,16,18,19,25 112:13,15,22,23 113:12,15,25 114:6 114:17 115:23 116:2 date 39:2 52:16 69:19 75:2 76:16 78:2 79:18 82:12 96:7 97:9 100:2,22 102:17 115:19,20 116:22 117:13,15 118:6 122:11 124:18,20,21 124:22,25 125:2 126:13 130:3,5 134:13,15 148:3 dated 72:6 76:19 78:4 115:14 dates 11:11 51:2 59:10 153:5 day 156:19 days 24:2 deal 61:14 71:25 132:5 dealer 110:23 dealers 51:15 52:4 dealing 10:16 31:3 48:13 112:6 142:15 deals 49:9,20 dealt 68:15 DEBBIE 1:5 December 78:5 decision 128:7 defendant 3:18 101:23 defendants 1:12 70:13 defense 131:15 defer 34:15 defined 139:6 definition 39:21 48:21 degree 14:2,4 degrees 36:17,20 demands 144:25 denotes 130:16,21 departed 39:7 64:3 department 14:24 49:11 55:17 90:6,11 90:14,18 151:4 departure 63:23 depends 146:21 deposition 1:16,21 2:10 6:10 7:12,23 8:9 25:2 25:4 35:23 36:2,4,6 71:21 132:24 156:10 156:11 depositions 25:9,10	75:10 describe 15:21 17:18 21:9,13 22:10 24:13 25:6 34:11 39:11,13 44:6 45:23 48:20 51:8 52:18 53:10 55:25 56:15 65:7 66:2 69:22 71:11 83:25 89:6 95:9 107:24 117:8 121:3 122:19 127:17 129:2 129:7 139:17 152:11 described 15:22 16:12 26:3 29:12 30:3 34:12 35:5 46:4 57:13 65:17 66:4,11 66:16 77:19 87:17 103:17 113:24 115:10 119:15 127:15 139:11 147:15 describes 76:24 137:16 138:11 describing 46:3 48:5 113:14 149:17 150:12 description 5:8 61:5 97:20 138:5,7 designs 97:22 desired 46:9 determine 68:6 75:21 97:15 110:21 developed 34:25 145:10 development 35:7 140:18 144:2,11 145:24 151:22 differ 24:5 different 13:14,15,16 14:10,10 24:17 65:6 65:22 79:6 87:24 90:3 112:8,25 113:5 113:17 116:17 129:11,12 differentiating 57:16 differently 120:9 difficulties 141:9 directly 48:11 54:14,19 55:2 director 80:11 disagree 99:5 107:17 142:10 disclosed 34:2 59:18 discovery 7:21 25:9,17 25:21 34:3,13,16 35:18 59:19 101:10 120:12 136:20 discuss 21:7 127:19
---	--	---	---	---

discussed 32:17,20 41:24 75:12	25:16,20,24 26:3,5,8 26:9,12,16 34:5	12:24 13:2,3,18 91:17 114:4	78:4 96:3,4,5 102:11 102:12,14,15 103:15	84:22,25 85:6,9,10 86:2,11 87:3,6 98:2
discussing 74:4 107:13	35:19 52:19 70:10,15	employee 29:24 30:5	114:13 116:20,21,24	111:11 117:6
Discussion 35:21 36:14	71:14 72:24 76:8	62:22	122:15 123:12	familiarity 127:13,20
93:3	117:25 118:7,20	employees 58:8 59:9,23	125:12,23 126:7	far 30:6 31:2 34:16
disease 122:23 124:4	122:20 123:4,8,8	63:18 68:16 87:17	128:25 131:13 133:7	48:13 78:9 86:19
126:21 133:23	131:18 132:10,16,19	enclosed 79:4	134:13 137:21 138:3	95:15 100:24 105:13
diseases 69:8 124:3,13	133:2 137:11 149:17	end-user 106:20	138:10,22 139:6	128:18 151:6
disk 24:18 104:24	150:11,12,15	107:20 108:19 109:5	exhibits 5:16 92:12	Farmington 10:8
dispute 99:16,19,25	doing 15:20 29:9,10,11	109:10,13,15,19	122:8,9 131:17	fatal 124:3
100:22	30:6 60:5 143:13	110:3,13,14 112:2,25	153:21	February 1:18 2:6
dissemination 35:7	Dowers 91:3,7	113:4,17 119:8	existence 116:11,15	96:11 97:10,11,12
distance 142:14	drafted 29:15	121:19 133:16	expect 95:13	100:3,23
distinction 27:4	drawing 55:10	end-users 106:19 108:6	expedite 54:3	federal 142:13,23
distinguish 121:7	Drive 1:22	119:5 121:15	expeditor 54:2	143:10
distributed 33:22	driver 44:16,19,20 98:7	engineer 10:6	expeditors 56:4	fell 87:5
39:16 118:2 121:25	dropped 70:3	engineering 5:11 10:11	experience 17:11,15	fiber 100:8 126:21
122:14 129:22	drums 104:20	14:5 36:21 76:15,19	130:20	133:22
133:17,18	due 95:16	151:23	expert 150:6	fibers 100:16,21
distributors 52:4	duly 7:3 156:10	engines 111:24	explain 112:17	119:14 127:4 134:8
distributes 21:14	dust 31:10 68:21 69:5	ensure 29:6 30:14	explained 70:4	field 86:18 87:22
distributing 121:21	100:8,8,16,17 122:23	143:8	Exponent 9:24 10:3,5,7	106:21 108:20 118:2
distribution 21:12,23	124:2 126:21 133:23	enter 45:17 49:3,20	10:10,11,23 11:3	118:25 122:2 129:22
22:23,24 38:9 39:12	duty 15:12 45:3 88:11	106:6,7	37:10	133:18
39:14 51:7 56:6,19	88:12 109:8 146:18	entering 43:10	exposure 124:2,15	filed 8:5
61:18 62:8 64:4	146:22	entire 94:16,18	126:20 133:22	filing 6:4
79:21 118:4,19,22		entitled 72:22 76:22	135:21	final 29:13,16 72:8
119:2,8 121:25		102:23	extended 95:18,20	111:14
133:17		equipment 16:24 21:16	extensive 70:18	Finally 108:17
distributions 73:14		39:18 48:22 63:19	extent 90:10	finish 92:7,8
distributors 21:19		98:19 99:2 108:3	extremely 106:9	finished 92:16
39:19 43:10,11 50:22		151:16	e-mail 92:17,19 93:2	fires 10:15
50:24 51:4,21,22,25		especially 109:7	e-mailed 132:12	firm 10:12 30:6
diverse 23:10		ESQ 3:9,15,21 4:7,13	e-mails 131:16	first 11:12 12:16 14:6
division 1:3 19:4,5,9,10		4:18,25		14:22 17:17 19:3,4
24:4,6 38:19,20 49:8		ESQS 3:5,17 4:3		24:5 31:9,12 32:6,14
49:19 50:15 52:8,9		Estate 1:7		33:4 36:23 38:7,18
53:20 74:17 83:19,20		estimate 7:18 80:12		39:9 40:12 44:24
83:23,24 84:4 86:17		145:5,7 147:10		60:11 69:24 74:7,15
89:15,20,22 139:3,4		148:23		78:24 80:24 83:17
divisional 55:23		et 1:11 44:22 50:14		98:12,16 100:20
divisions 24:8		event 146:16		101:18,22 103:21
document 5:15 52:18		everybody 37:24 71:4		122:7 124:15,20,22
52:21 53:23 72:3,21		everyone's 70:20		125:13 127:2 134:5
73:3,9 74:4 76:22		exact 98:25		five 7:20 69:16 95:18
77:2,10,18,22 78:8,9		exacting 98:18		95:20
79:22 82:3 98:3		exactly 83:15		fleet 108:11 112:7
102:22 103:7 104:13		EXAMINATION 5:4		113:8
116:21,25 117:4,6,8		7:6 94:6		fleets 108:6 121:14
117:14,14,15,24		examine 82:15		flesh 92:17
118:16 119:9,11		examined 7:4		Florence 17:21 18:6,15
120:3,10,19 126:2		example 60:22		19:2 21:8,10,11
129:4,16 134:16,17		Excuse 100:11		22:12 38:8 39:15,24
137:16		exercised 119:15		40:15,24 41:9 43:14
documentation 75:10		exhibit 5:9,10,11,12,13		47:13 55:25 56:6,17
92:25		5:14,15 52:15 53:6		56:19 57:10,22 58:7
documenting 76:8		53:11 69:18,21 71:8		58:12 61:21 62:13,17
documents 25:3,12,14		76:14,18 77:3,23,24		63:21 64:5 65:3,24

67:7,14,20,21 68:5 68:11,13 69:3 73:22 73:24 74:25 101:2 119:21 120:4 Florham 4:17 flow 5:9 52:15,22 focus 44:11 folks 129:20 following 8:20 100:7 104:16 119:12 follows 7:5 94:5 106:15 114:16 force 6:12 Ford 23:21,22 89:3 114:20,20,24 116:8 foreman 15:25 forget 95:16 form 6:7 30:13 48:2 60:7 66:3 72:20 73:5 74:18 75:14 77:8 79:14 85:17 87:9 105:10,16 107:4 109:16,22 110:6,12 111:5 113:13,19 116:13 117:10 120:22 125:15 128:17 131:2 141:20 142:9,19 143:2,17 146:6,20 147:23 148:6 151:20 format 133:8 formula 141:25 145:10 forth 156:10 forward 141:4 forwarded 131:16 foundation 23:5,10 44:17 45:6,8 98:6,11 104:23 106:16 four 14:9 18:9 38:12 76:22 82:4 106:17 107:9 frame 20:15 27:24 28:7 28:23 29:17 40:19 42:3,25 43:20 58:13 58:15,16 59:8 62:23 62:24 73:22 75:13 76:5 83:13 85:2,8 87:4 88:4,14,20 90:12,21 101:4 116:5 116:7,11 136:13 139:12 frames 38:4 Franklin 4:5 Freightline 114:25 Freightliner 23:20 89:3 116:8 friction 146:24 149:13 Friedman 2:11 3:11	front 28:17 34:5 44:16 44:18 45:16 66:23 97:19,20 98:10,12 115:13 front-end 151:12 Frost 2:13 156:6 full 7:8 35:12 58:16 98:12 99:9 full-page 28:16 full-time 13:20,21 function 22:11 50:18 50:20 55:22,22,23 84:8 further 6:6,9 8:10 66:15 156:14 future 144:7 G GE 13:10 14:7,12,15 14:21 16:13 31:17,20 31:22,25 32:2,3 37:3 general 13:3 17:5,8 23:20 32:13 36:24 47:3,18 54:8,9,10 56:9 69:7 94:11 98:4 121:8 141:2 145:6,8 146:7,10,23 generalize 24:16 generally 13:13 39:11 44:6 51:6 53:10 55:25 65:8 66:2 95:10 96:22 104:7 114:10 117:6 118:23 121:24 123:9 152:11 gentleman 79:23 81:5 genuine 73:6 78:17 98:17,24 99:10 123:12 126:4 129:25 133:11 getting 61:16 give 7:14 8:8 89:8 90:24 92:12 115:19 145:5,6,7,7 147:10 148:23 given 70:16 156:12 glanced 53:7 72:4 103:5 GMC 89:3 114:24 116:8 go 20:23 21:6 39:9 66:22 70:7 110:14 112:24 113:18 121:13,14,14 132:6 150:6 152:2 goes 121:5 going 8:8,18 9:8 31:6 39:9 49:21 52:24,24 60:21 69:15,20 70:24	71:3,6,11,12,13,17 71:23 76:17 78:3 79:19 85:4 92:11,18 96:2,12 98:13,14 102:18 104:15 106:11 116:23 119:20 122:5,15 125:23 128:25 131:5 132:18 133:4,4 134:5 138:3 140:2 141:4,15 144:4,7 145:3 147:21 good 108:2,6 112:11,15 government 142:13 graduate 14:2 graduated 13:23 36:16 greater 88:2 124:11 145:19,20 group 23:10 groups 46:2 guess 29:23 53:19 59:15 110:24 114:11 121:6 guessing 71:2 guide 117:11 H H 5:6 7:2 94:4 half 92:6 hand 156:19 handed 118:25 121:25 handing 102:25 handle 123:21 131:7 handled 68:20 handling 22:12 67:22 68:7,16 119:15 HANNA 4:20 happen 19:21 114:3 happened 18:20 20:18 80:14 81:14 111:10 111:13 114:3 harm 100:12,17 HARRY 3:21 hazard 69:13 114:11 122:24 126:22 133:23 hazardous 31:10 69:6 hazards 32:16,25 68:21 123:22 131:8 135:14 head 44:4 137:22 heading 122:22 headquarters 18:22 38:18 health 31:11 69:6 heard 108:18 heavier 146:3,7,8 heavy 10:15 20:25 21:4 21:17 23:6,18 39:17 42:6 44:14 45:3	48:24 88:8,12 99:12 109:8 146:22 held 2:10 38:5,9,11,20 38:23,25 help 25:3 101:15,19,25 102:6 hereinbefore 156:10 hereunto 156:18 Hertz 108:10,12,14,15 high 147:20,21 148:4 149:12 higher 146:25 147:3 highway 19:8 83:20,24 88:7 99:21 148:18,19 148:20 151:15 highways 151:12 Hills 10:9 hiring 150:6 hold 40:11 82:14 92:24 holding 119:9 142:15 hoods 44:22 hope 92:9 hour 92:5,6 housing 135:12,13,16 hubs 104:20 hundreds 22:21 I idea 25:23 113:11 identification 52:16 69:19,21 76:16 77:25 96:6 102:16,19 116:22,24 122:11,16 125:24 126:8 129:2 131:13 identified 140:20 ignorance 132:22 ILEA 4:13 implement 139:12 implemented 74:10 128:2 implementing 83:9 128:10 implicate 70:12 important 119:13 123:21 131:7 Inch 102:24,25 include 20:25 22:24 23:7,8,9 39:21 121:8 included 21:3 24:24 31:8 33:11 35:3,13 66:24 94:20 129:23 Incorporated 9:25 incorrect 131:12 incorrectly 131:12 independent 99:12 Index 1:9 indicate 110:8 130:11	indicated 70:15 individual 23:5,9 35:15 54:13,18 individually 1:5 individuals 54:18 55:7 55:11 73:9 90:21 91:5 industrial 14:5 36:21 151:16 industry 17:12,15 44:11,14 104:18 105:5,15 information 7:21 30:9 30:17,19 35:18 67:2 67:7,10 79:11 93:2 101:19 102:7 104:11 113:23 121:6,9 128:5 136:20 ingredients 134:10 initial 143:25 injury 7:24 100:9 input 26:21 28:24 29:14 67:12 119:25 inquiries 22:13 inserting 66:15 inserts 35:3 inside 11:23 29:21 66:13 inspect 141:21 inspected 141:22 instance 41:8 45:14 59:24 60:21 111:9,12 117:22 instances 21:25 instituted 75:7,20 77:7 instruction 8:25 9:14 instructions 8:9,20 35:3 insure 79:2 intend 102:12 intention 92:21 interest 70:20 interested 152:24 156:16 interject 131:14 intermission 71:3 internal 72:25 78:14 110:20 143:12 international 5:11 12:12,14 20:19 23:24 23:25 39:3 44:9,10 45:17 48:6 72:5,23 73:2 76:14,19 78:15 81:11 102:24 106:13 114:14 148:17 149:15 interrogatories 101:13 101:20
--	---	--	---	---

inter-plant 41:5,6 inventory 16:16,18 investigate 70:21 110:21 investigating 10:15 investigations 10:17 12:4 involved 10:14 28:5,14 68:12 89:11 117:19 120:23 139:8 involving 49:14 issue 55:19 issued 96:10 97:9,10,12 118:20 issues 86:13 item 26:19 57:10 items 32:20 65:23	56:6 62:18 Kenworth 23:21 115:3 Ketcham 1:16 2:1,10 3:1 4:1 5:1,5 6:1 7:1 7:10,11 8:1 9:1 10:1 11:1 12:1 13:1 14:1 15:1 16:1 17:1 18:1 19:1 20:1 21:1 22:1 23:1 24:1 25:1 26:1 27:1 28:1 29:1 30:1 31:1 32:1 33:1 34:1 35:1 36:1,9,15 37:1 38:1 39:1 40:1 41:1 42:1 43:1 44:1 45:1 46:1 47:1 48:1 49:1 50:1 51:1 52:1,15 53:1 54:1 55:1 56:1 57:1 58:1 59:1 60:1 61:1 62:1 63:1 64:1 65:1 66:1 67:1 68:1 69:1,18,20 70:1 71:1 72:1 73:1 74:1 75:1 76:1,14 77:1,24 78:1 79:1 80:1 81:1 82:1 83:1 84:1 85:1 86:1 87:1 88:1 89:1 90:1 91:1 92:1 93:1 94:1 95:1 96:1,5 97:1 98:1 99:1 100:1 101:1 102:1,15 103:1 104:1 105:1 106:1 107:1 108:1 109:1 110:1 111:1 112:1 113:1 114:1 115:1 116:1,21 116:23 117:1 118:1 119:1 120:1 121:1 122:1,9 123:1 124:1 125:1 126:1 127:1 128:1 129:1 130:1 131:1 132:1 133:1 134:1 135:1 136:1 137:1 138:1 139:1 140:1 141:1 142:1 143:1 144:1 145:1 146:1 147:1 148:1 149:1 150:1 151:1 152:1 153:1 156:1,9 kind 7:18 14:2 33:16 83:9 128:10 kinds 10:13 11:25 16:22 25:13 29:11 69:8 84:10 kit 65:15,19 66:7,13 kits 23:9 24:11 65:9,12 KLUGER 4:14 knew 81:18,19 86:14 132:14 know 8:4,11 25:22	31:12,14,16 40:9,10 42:3,8,10 45:21 47:9 47:11 49:2,19 53:25 54:5,12,24 55:13,14 55:16 57:23 58:16,17 59:2,4 60:11 65:4 68:13,17 69:8,12 70:18 73:19 74:24 75:18 76:4,6 77:11 77:17 79:17,23 80:11 80:17,20,24 81:2,7 81:10,16 83:14 85:25 88:12 91:4,17 95:11 99:18 100:5 103:16 107:7,11,22 108:15 108:22 110:2 111:6,9 111:12,15 113:16,22 114:8 117:5 120:7,24 123:17,21 125:8 128:9,16,21 129:12 129:24 132:21 135:11,15 136:6,7,8 136:10 137:13,14,21 139:9 142:20 143:22 144:16,18,22,24 146:15 147:16,17,19 148:7,8,11 149:24 150:8,15,25 151:17 152:12,15 153:6,9 knowledge 32:7 33:20 37:21 49:10 54:17 67:24 83:10 87:21 88:3 94:13 99:6 128:5 knowledgeable 31:18 Kosh 43:25 K-e-t-c-h-a-m 52:14	73:23,23 74:25 75:19 75:21 77:9,25 78:5 79:13 100:25 101:7 138:14 language 28:24 30:4,18 30:25 32:24 33:11 59:7,18 67:13,17 74:15 95:23 119:18 120:2,19 130:10,24 130:25 131:3 138:18 large 15:3,8 102:11 151:12 largest 99:11 Larry 91:2,7 late 40:21 70:9 148:15 latest 29:7 31:7 laundry 79:7 82:22 LAW 1:3 leading 106:16 107:3 Lear 81:21 leaving 56:12,22 73:24 left 18:19 38:16 63:25 81:15 92:15 152:24 left-hand 114:19 legal 29:21,21,24 30:5 128:12 letter 73:5 74:15 78:15 78:20 82:12 letterhead 73:2 let's 28:15 92:4,6 116:19 148:20 152:2 level 107:21 levels 46:23 106:19 Liberty 4:23 lies 106:18 107:20 lift 151:12 light 88:10 lighter 146:4,18,22 limited 22:2 limiting 69:3 line 16:2 24:22 44:21 65:11 88:3 104:22 lined 35:9 65:16 137:4 lines 39:24 lining 41:11 46:25 59:25 60:23 62:8 65:11 119:13 124:6 127:14 135:24 136:25 137:3,5 139:19,20,21 140:9 140:12,15,19 141:23 143:14 144:12,18 145:2,10,11,14,16,18 145:23,25 146:12,23 147:5 148:4,12,22 149:2 151:22 linings 23:8 27:22 39:22 40:6,13,23	41:3,14,19,20 42:2,4 42:12 43:7 58:9 61:13 64:5,7,12,17 64:22 65:3,10,12,14 66:3 79:9 84:23 85:3 85:4,7,11 86:4,9,9 100:7,15,21 122:24 123:20,21 126:23 127:3,11,18,22 128:3 128:8,15,18,20,23 131:6,7 133:24,25 134:8,9 140:3,18,24 141:6,9,14 142:3 143:16,25 144:3,5,7 144:10,20,24 145:13 145:17,19,21 146:3,8 146:17,24,25 147:9 147:14 148:10 149:4 149:9 148,25 150:6,8 150:13,23 151:19 list 73:14 79:21 116:9 118:22 119:3,8 121:25 133:17 listed 115:24 116:2 listen 8:19,20 lists 79:6 112:23 118:19 129:22 literally 22:21 litigation 10:17,20 11:24 37:12 70:8 75:11 little 22:3 48:4 83:16 130:25 138:11 LLC 4:10 LLP 3:11 4:9,20 loaders 151:12 local 11:24 51:11,12,15 51:22 located 10:7,8 11:5 18:4,13 19:25 52:10 55:13,15 72:15 84:18 89:21,23 91:23 location 11:13 38:16 locations 13:16 14:10 43:19,21,22 logo 63:7 66:8 long 10:2 11:2 12:13,19 13:5 17:22 18:7,16 19:8,11 20:4,12 63:20 79:23 80:5,10 80:17 113:23 137:13 147:6,6,8,17,19 longer 80:23 81:9 101:3 127:3 134:8 141:15 143:15 144:19 look 26:2 53:5,22 66:5 69:22,23 70:17 71:7
J J 3:9 January 134:18 JASONS 4:20 Jefferies 81:7 Jeffries 81:6 Jersey 1:2,22 3:8 4:17 Jim 91:2 job 10:24 11:8,18 13:11,15,15 14:7,22 15:4,16 18:22 19:2,3 19:4 31:18 36:23 38:7,9,12,14 51:23 83:15,17,25 84:3 86:15 jobs 13:12,14 14:10,20 Joe 153:18 jog 90:3 John 3:15 153:2 join 36:5,11,12 joined 38:2 80:10 joining 11:3 80:8 joint 106:5 JOSEPH 4:25 judging 30:18 Judith 2:13 156:6 jump 37:19 juncture 87:20	K K 7:2 94:4 Kasowitz 2:11 3:11 KEEFE 3:5 keep 26:11 133:5 KELLEY 4:20 Kenton 44:2 Kentucky 8:7 15:25 17:21 18:6,15 38:8 39:15,24 40:16,25 44:5 53:13 55:25	L label 33:21,25 56:13 57:4,4,12 59:4,8 60:25 62:10,22 63:2 63:2,8,8,12,14,17 66:22 67:9,9,17 74:10 76:10,23,25 77:20 82:4,5,8,11,16 82:21 135:23 136:8 137:9,12 138:8,16,19 138:21,21 labeling 5:10,12 35:9 72:7 74:5,16 75:4,12 77:15 79:4,5 128:2 137:17 labels 34:6,7,22 35:9 35:10 56:8,16,22 57:19 58:18,18,23,24 59:2,3,17,23 60:5,12 60:14 66:10 67:14	L 73:23,23 74:25 75:19 75:21 77:9,25 78:5 79:13 100:25 101:7 138:14 language 28:24 30:4,18 30:25 32:24 33:11 59:7,18 67:13,17 74:15 95:23 119:18 120:2,19 130:10,24 130:25 131:3 138:18 large 15:3,8 102:11 151:12 largest 99:11 Larry 91:2,7 late 40:21 70:9 148:15 latest 29:7 31:7 laundry 79:7 82:22 LAW 1:3 leading 106:16 107:3 Lear 81:21 leaving 56:12,22 73:24 left 18:19 38:16 63:25 81:15 92:15 152:24 left-hand 114:19 legal 29:21,21,24 30:5 128:12 letter 73:5 74:15 78:15 78:20 82:12 letterhead 73:2 let's 28:15 92:4,6 116:19 148:20 152:2 level 107:21 levels 46:23 106:19 Liberty 4:23 lies 106:18 107:20 lift 151:12 light 88:10 lighter 146:4,18,22 limited 22:2 limiting 69:3 line 16:2 24:22 44:21 65:11 88:3 104:22 lined 35:9 65:16 137:4 lines 39:24 lining 41:11 46:25 59:25 60:23 62:8 65:11 119:13 124:6 127:14 135:24 136:25 137:3,5 139:19,20,21 140:9 140:12,15,19 141:23 143:14 144:12,18 145:2,10,11,14,16,18 145:23,25 146:12,23 147:5 148:4,12,22 149:2 151:22 linings 23:8 27:22 39:22 40:6,13,23	L 41:3,14,19,20 42:2,4 42:12 43:7 58:9 61:13 64:5,7,12,17 64:22 65:3,10,12,14 66:3 79:9 84:23 85:3 85:4,7,11 86:4,9,9 100:7,15,21 122:24 123:20,21 126:23 127:3,11,18,22 128:3 128:8,15,18,20,23 131:6,7 133:24,25 134:8,9 140:3,18,24 141:6,9,14 142:3 143:16,25 144:3,5,7 144:10,20,24 145:13 145:17,19,21 146:3,8 146:17,24,25 147:9 147:14 148:10 149:4 149:9 148,25 150:6,8 150:13,23 151:19 list 73:14 79:21 116:9 118:22 119:3,8 121:25 133:17 listed 115:24 116:2 listen 8:19,20 lists 79:6 112:23 118:19 129:22 literally 22:21 litigation 10:17,20 11:24 37:12 70:8 75:11 little 22:3 48:4 83:16 130:25 138:11 LLC 4:10 LLP 3:11 4:9,20 loaders 151:12 local 11:24 51:11,12,15 51:22 located 10:7,8 11:5 18:4,13 19:25 52:10 55:13,15 72:15 84:18 89:21,23 91:23 location 11:13 38:16 locations 13:16 14:10 43:19,21,22 logo 63:7 66:8 long 10:2 11:2 12:13,19 13:5 17:22 18:7,16 19:8,11 20:4,12 63:20 79:23 80:5,10 80:17 113:23 137:13 147:6,6,8,17,19 longer 80:23 81:9 101:3 127:3 134:8 141:15 143:15 144:19 look 26:2 53:5,22 66:5 69:22,23 70:17 71:7

72:2 76:20 78:6 96:14,19,22 97:15 102:19 117:2 122:16 125:8,24 looked 25:7,8,11 26:9 96:24 97:2 137:16 looking 26:12 29:23 30:10 53:11 64:11 83:5 88:23 122:18 125:17 137:25 lot 102:12 Louisville 15:24 lower 63:11 146:23 lunch 71:3 92:15 lung 122:23 124:4,5,10 126:21 133:23 L-6601-99 1:10	36:5 manner 46:2 111:7 manners 34:10 manual 28:11,12 29:7 31:6,8 121:8 manuals 25:12 26:18 28:9,13,18 29:14,15 30:3,9,16,20 31:3 33:12 34:21 35:14 manufacture 16:23 21:3 41:14,18,25 45:15 manufactured 33:21 43:16,18 44:15,17,20 44:21 46:7 84:23 98:18,25 108:4 128:15 134:7 139:20 manufacturer 46:18 48:23 62:17 69:4 108:4 140:15 143:4 144:12 145:23 151:22 manufacturers 21:16 23:19 41:4 48:23 64:17 112:23 139:22 140:9 145:14 149:24 manufacturer's 112:8 manufacturing 14:8,13 14:18 41:8 43:15,17 61:15,17,18 89:24 140:15 141:16 144:19 145:15 147:9 March 130:5 156:19 mark 96:2 116:19 marked 52:16 69:18,21 76:15,18 77:25 78:4 96:6 102:16,18 116:22,24 122:7,10 131:19 market 35:4 41:12 87:4 87:4,6,17 88:2,13,22 89:9 106:9 114:15 148:13,14,16 marketplace 106:6,8 markets 47:21 marriage 156:16 Marshall 153:2,6 Marysville 44:2 material 16:21,22,23 54:3,15 62:25 141:23 materials 19:5,10 38:19 54:11,20 55:3 67:23 68:8 83:23 139:3 145:16 matter 156:17 matters 12:5 25:8 McCRYSTAL 3:17 McGIVNEY 4:14	McGOWAN 4:20 McGUIRE 4:25 36:12 153:18,18 mean 9:22 13:7 23:3 39:13 41:6 45:23 57:6 76:11 85:23 89:6 94:16 97:10 118:9 130:19 135:15 146:21 151:10 means 107:22,24 111:25 mechanic 117:21 mechanized 63:18 medium 21:17 23:6 39:17 42:6 48:24 88:8,12 109:8 meet 141:22 142:13 144:25 meeting 32:16 142:16 memo 5:10,12 69:18 72:11 73:18 77:24 memory 34:15,17 59:22 75:3 90:4 mention 23:22 34:14 mentioned 20:24 59:10 116:4 151:9 merely 21:20 Meritor 10:21,25 11:2 11:6,8,12,18,20 12:8 12:22 20:21,23 37:6 37:15 39:4,7 91:18 91:21 153:7 mesothelioma 124:5 mess 37:18 met 46:14,23 47:2 110:9,10 142:7 metal 136:4 137:2,5 methods 14:22 15:16 Michigan 10:9 11:7 18:22 19:6 20:3,10 38:18 52:10,11 72:16 84:19 89:22,23 90:15 90:22 91:24 MIDDLESEX 1:3 mid-nineties 28:15 mid-1990's 28:20,21 mid-70's 34:21 mid-80's 35:6 mid-90's 32:19 miles 95:19,20 mind 27:4 minimal 145:11 minor 45:5 88:18 minute 69:16 152:4 minutes 36:7 model 46:5 111:22 112:24 126:22 models 46:2 122:24	moment 132:17 monitoring 53:20 month 22:9 23:14,15 147:14 months 15:13,17 17:24 22:5 38:10 147:11 148:8 morning 35:23 Motors 23:20 mounting 24:22 move 61:21 132:4,6 moved 18:25 72:17 83:17 moving 17:8,10,14 multiple 13:12 24:8 43:17 51:12 65:5,22 96:11	127:10,14,18,21 128:3,8,20,23 133:22 133:24 139:13,21 140:18,19 141:9,24 142:8 143:7,9,25 144:6,16,23 145:9,13 145:18,25 146:3,12 146:17 147:5,9,20 148:4 150:7 151:19 non-asbestos-contain.. 86:9 North 104:18 105:20 Notary 2:14 7:4 156:7 note 131:7 noted 71:16 73:14 94:3 153:22 notes 26:11 notice 2:12 35:23 70:5 130:14 132:25 noticed 70:9 notifying 133:5 November 8:3 127:8 128:14 number 5:8 8:20 63:9 65:10 66:12,13,22 88:17 98:16 137:23 numbering 131:18 numbers 67:2 97:15 115:20 Nutley 4:6 nutshell 95:22 N.J 4:6
M M 7:2 94:4 Mack 23:21 45:9 115:2 149:15 mailing 129:22 maintain 108:2,5 maintenance 25:11 26:18 28:9,17 33:11 34:20 35:14 56:9 117:11,19 119:15 121:8,9 major 23:16,17,18 65:18 86:8,18 88:18 88:19,21,23,23 90:7 104:17 105:5,14,19 116:10,14 139:19 140:22 majority 142:3 making 143:16 150:22 managed 22:11 management 14:9 manager 11:10,22 14:13 16:16,19 17:19 17:23 18:2,3,5,8,11 18:12,14,17 19:5,10 19:19 20:4,9 21:8 22:20 24:3 27:13,14 27:18,19,25 28:2,23 29:4 30:2 33:9 38:7 38:11,14,19,23,24 39:6,10,23 40:14,20 41:14,15,16 42:15,16 43:5,6,8,13,14 52:8 55:24 56:11 57:3 58:7 59:13,14 62:17 67:16,16 68:23 72:14 80:2,3,6 81:12 83:12 83:19,23 139:3 managing 10:6 MANISCULCO 4:13	N N 3:3 4:2 5:3 93:25,25 93:25 name 7:8 18:24 52:13 66:8 78:19 108:18 116:16 153:2 named 79:23 81:6 101:23 139:8 names 23:12 42:17 51:6 52:3 55:7,8 64:16 73:11,12 79:20 90:20,24 116:3 national 51:7 nationally 50:24 nature 24:19 89:10 Navistar 114:25 near 143:14 necessarily 40:10 88:22 104:8 119:24 need 9:13 46:22 48:7 53:23 92:11 110:25 149:12 needed 48:11,15,16,18 97:16 125:22 needs 46:13 47:24 negotiate 54:19,21 negotiating 49:9,14 55:2,12 90:7 never 33:16 new 1:2,17,17,22 2:12 2:12,14 3:8,14,14 4:12,12,17 14:23 25:11 43:25 118:20 144:6 156:4,5,7 Newark 43:25 nineties 81:13 148:15 148:24 149:19 150:2 nonproductive 56:7 nonsmokers 124:11 non-asbestos 126:21,22	O O 93:25,25,25 oath 6:12 8:12 object 70:4 75:14 92:23 objecting 70:2 objection 30:13 36:11 36:13 48:2 60:7 69:25 70:24 71:16 74:18 77:8 79:14 83:3 85:17 87:9 105:8,10,16 107:4 109:16,22,25 110:12 111:5 113:13,19 116:13 120:22 125:15 128:17 131:2 132:2 141:20 142:9 142:19 143:2,17 144:8 146:6,20 147:23 148:6 151:20 objections 6:7 obstreperous 132:7 obtain 58:25 obtained 42:12 obviously 8:11 29:14 64:3 70:22 86:14		

89:24 95:22,24 139:7 141:21 147:18 occasionally 10:16 110:19 occurred 86:10 October 11:14 39:4 OEM 23:13 24:8 47:6 48:14,19,21 49:14,16 54:16,19 95:5 106:19 107:20 110:15,17,20 110:21,25 111:6,19 112:10 113:7 114:6 114:12 119:7 OEMs 39:18 49:4 106:22 OEM's 24:7 43:9,11 46:18 47:19 48:13 50:7,16 54:14 55:3 88:15,18,19,21,22 90:7 108:8,25 109:4 111:15,17 112:14 113:12,16,25 114:18 115:10,24 116:6,10 116:14 118:5 119:2 121:14 129:21 133:16 144:13 151:19,25 offered 94:10,12,14,23 95:7 112:9 148:21 152:3 offering 149:2 offers 104:22 offhand 41:2 65:21 136:19 office 10:8 11:5 17:20 18:13 19:25 72:15 84:18 91:22 officer 6:11 32:22 33:7 offices 2:11 55:13,15 off-highway 21:17 39:18 151:9,10 Oh 137:20 Ohio 3:20 43:25 44:2,2 okay 8:22 9:14 34:18 44:15 78:7 102:9 117:3 122:17 125:25 129:3 138:2 old 98:6 older 98:10 once 9:3 28:10 62:20 65:2 69:23 114:8 ones 23:16,17 31:5 42:18 43:24 44:3,4 44:23 45:11 62:4 65:20 84:12 85:12 86:24 88:18 89:4,7 116:2 134:23 135:4 150:9	on-highway 19:5 38:20 52:9 84:4 86:17 139:4 148:22 operation 14:24 operations 22:2 74:11 79:3,13 opinions 31:14 opportunity 17:9 26:2 70:17 opposed 34:4 88:4 102:2 118:16 120:20 146:24 151:14 Option 115:3,3,4,4 order 17:19,23 18:2 21:8 22:11,20 24:3 39:10,23 41:15 42:15 43:5,13 47:24 53:25 59:13 62:16,20 67:15 70:19 97:16 110:23 141:22 142:13 143:7 145:22 ordered 16:20 118:3 145:12 orders 22:13 43:9,10 47:19,20 51:25 52:2 organization 106:21 108:21 118:2,25 133:18 organizational 49:24 53:12 organize 92:11 original 21:16 48:22 95:3 98:19 99:2 108:3 125:11 originally 60:20 95:14 Osh 43:25 OSHA 68:6 119:16 ought 70:21 71:22 outcome 156:17 outside 11:24 56:24 58:10 66:7 overhaul 65:15,19 o'clock 92:7 O'TOOLE 4:3 P P 3:3,3 4:2,2 96:9 97:23 98:2 117:11,19 133:25 PA 4:24 package 35:3 packaged 21:24 60:15 61:25 64:8 packages 57:24 64:21 packaging 56:8 57:22 58:11 61:2 64:23 page 5:4,8,15 35:12 52:21 76:22 82:4	96:13 97:19 98:12,12 98:16,16 103:21 104:15 106:11,12 114:13,24 115:13 116:21,25 pages 72:8,8 96:11,20 102:22 palletized 79:9 pallets 35:11 56:24,24 57:14 paragraph 78:24 99:9 123:19 127:2 131:4 134:5 parens 106:14 119:16 124:5 Park 4:17 part 25:16 48:12 50:18 55:19 58:11 62:7 63:9 66:12,21,21 67:2 74:6,9 97:15 119:16 137:3 139:5 149:3,5 participation 32:23 particular 14:11,12 16:17 22:15 24:15 43:3 47:6,25 49:7,16 54:7 55:20 66:6,19 72:11,21 73:17 74:4 76:25 79:22 82:3 87:22 88:3,13 101:5 107:12 110:15,22 111:22,22 112:5,24 113:2,7,8,20 115:11 117:14 118:6,13,18 119:18 120:2,10 121:10 123:8,16 124:18 126:13 128:6 130:3,12 133:20 134:16 135:20,20 145:16 particularly 32:19 parties 6:4 122:3 156:15 parts 5:13 21:14,15,15 22:13 23:9 34:24 39:16 41:4 47:24 48:14 50:17 96:5,10 96:17 97:13,14 98:18 98:24 99:11,11 pass 81:3 passed 29:21 142:25 PATRICK 3:9 Paul 4:4 PC 4:14 pending 9:16 118:8 Pennsylvania 44:2 Penske 108:14,15,17 108:18	people 16:20 22:17 29:10,14,15 43:9 51:23,24 55:14 73:14 73:15 79:20 97:15 118:24 123:21 131:7 133:15 149:22 percent 42:9 99:21 percentage 42:10 43:2 89:9 128:14 144:15 144:23 performance 46:15,23 46:24 141:10,19,23 142:6,12 143:6 period 11:19 22:9 23:14,15 24:2 29:20 41:23 42:13,14 44:24 60:2,16,17 84:6 85:13 86:5,6,7 139:16 140:10,14 147:7,8,14 152:22 permit 140:10 person 29:9 78:20 83:8 118:21 152:20 personal 7:24 personally 139:10 personnel 57:22 129:22 persons 152:21 pertaining 142:14 Peter 4:4 Peterbilt 23:21 115:3 Philadelphia 4:24 phone 71:24 photocopy 82:24 PICILLO 4:3 pick 71:17 picked 28:24 piece 67:9 piecemeal 132:6 pieces 48:11 place 4:23 57:3,11 58:9 66:19 67:22 69:24 74:5 76:5 121:16,21 134:9 135:19,25 140:25 placed 26:23,24 27:5,7 35:10 59:23 60:14 62:21,25 63:15,17 66:20 73:24 74:2 75:19 119:20 135:12 135:22 136:22 138:5 138:14,17,19 places 68:19 placing 60:5,12 Plaintiff 1:9 3:6 planned 140:8 planning 140:12 plant 41:9,12 53:13,14 53:19 54:6,7,15,16	54:18 56:12,22 57:5 59:9 60:24 67:7,14 67:20,21,23,24 68:23 73:16 89:24 119:21 145:3 plants 52:22 53:16 54:13 68:10 79:5 84:4 139:7 140:10,11 147:7 plastic 44:21 plates 24:22 players 45:5 please 120:25 plus 19:13 102:24 104:5,5,7 106:13 114:14 Pneumo-Abex 4:10 point 18:25 23:19 30:24 32:11 55:20 62:11,12 66:14 71:25 75:8,24 82:21 89:3 113:20 118:13,18 120:23 142:2,5,16,18 142:22 pointed 137:15 pointing 130:15 points 114:5 116:15 policy 121:16,21 portion 58:15 59:16 60:2 62:24 63:11 137:5 153:3 portions 89:8 portrayed 30:20 position 15:10,23,24 16:5,8,13,15,25 17:4 17:5,17,25 18:11,19 19:12,17 20:2,7,13 20:16 22:4 27:11,16 27:17 32:21 33:4,13 33:14 38:3,5,19,21 38:24 39:5,10 40:11 52:6 82:14 83:22 84:2,15,22 91:14,25 106:22 111:14,17,18 111:25 112:14,15 113:12,24,25 114:6,9 114:18 115:10,23 116:2 138:23 positions 14:14 38:22 59:22 114:15 possibility 70:21 possible 68:20 82:17 135:8 possibly 98:8 117:22 124:3 posted 68:18 potential 123:22 131:8 135:14
---	--	--	--	--

126:20 133:22
proceed 132:24 133:4
process 28:6 50:5
 58:12 63:20 137:17
 143:13 144:6,11
processing 52:2
procured 145:21
procuring 56:4
produce 45:18
produced 25:16,20,24
 26:6
product 10:16 11:10,22
 11:24,25 14:12 20:5
 20:9 27:7,13,14,18
 27:20 28:2 29:3 30:2
 33:9,21 34:20 38:13
 38:23,25 39:6 41:9
 45:11 46:3 47:19
 51:5 56:12,15 57:4,6
 57:8,11 63:22 66:17
 67:2 82:25 95:15
 109:2,4,6 113:10
 121:10 122:14
 129:23 133:19
 135:17 142:3
production 15:5,6,8,16
 15:18 18:12,14,17
 19:19,24 24:9 139:21
 140:2,13 149:4
products 16:7 21:19,21
 21:24 22:25 23:2
 26:24,25 27:9,15,21
 27:25 28:22 29:2
 30:12 31:19,20 32:3
 32:21 35:5 37:2
 40:25 43:11 50:25
 53:21 56:18 60:6,13
 60:19 61:12 73:24
 75:20 82:15 85:11
 94:23 95:7,21 119:20
 140:18
program 14:9,15,16,17
 16:10 35:9 68:14
 72:7 74:5,10,16 75:4
 75:6,8,12,21 76:4,9,9
 77:7 83:9 94:10,18
 94:20 95:3,10,12
 127:11,14,19 128:2,6
 128:10 139:6 149:6
 150:21,21 152:2,9,12
 152:18
project 33:7
projects 84:9,10,11
proper 31:5 96:18
proposed 32:24 76:10
 128:11
Prosequendum 1:7
protective 79:8

provide 101:19 102:6
121:6 145:12
provided 34:3,13 35:2
59:19 118:4
Public 2:14 7:4 156:7
publication 97:4,7
100:2,23 117:9 118:4
121:5 125:9 126:14
publications 118:19,20
published 26:17 28:10
30:16 97:17 124:20
124:22 125:13
126:16,17 130:7,8
publishing 120:8
125:20
pull-through 106:20
108:20
purchase 46:7 47:15,19
47:20 49:15 54:19
55:3 56:7 85:3 150:5
150:7,12
purchased 41:21 42:4
42:24 47:23 60:23
85:7 140:23 144:25
purchasers 149:8
purchases 150:13,22
151:7
purchasing 16:6 18:3,5
18:7,11 21:7 38:11
40:14,20 41:13,16
42:15 43:6,14 54:6
54:10 55:24 56:11
57:3 58:7 59:14
62:17 67:16 69:4
84:5,7 108:7 128:19
151:8
purports 52:22
pursuant 2:12
put 32:18 57:20 67:6
71:4 74:25 101:18,25
110:22 112:4,6,7
113:7 120:19
putting 66:3 101:15
p.m 94:3 153:22

Q

quantities 145:19,20
quantity 63:9 66:12
question 8:22,23 9:3,7
9:9,16 47:17 48:3
53:19 55:6 60:8 61:3
61:4,6,7 74:19 75:15
76:2 78:25 80:24
85:18 96:23 109:17
110:24 114:12
129:17 131:23
142:21 146:11
questions 8:10,19,21

52:25 71:13 96:13
102:2,12 105:13
118:14 153:14,15
quick 3:17,21 35:20
53:2 83:3 120:25
134:13 153:11
quickly 103:4
quite 129:15

R

R 3:3 4:2 7:2 93:25
94:4 156:3
ran 77:9,15 95:18
range 12:3 15:25
ranged 51:11
ranges 16:4
reach 92:14
reached 128:7
reaching 142:23
read 30:7,22 74:9,12
78:24 79:19 98:13,20
98:22 99:3,14,23
100:13,18 104:15
105:2 106:24 112:21
114:20 115:5,6,12
123:19,24 124:8,16
126:18,24 127:5
131:5,10,11,12 134:6
134:11
reading 127:3 132:9
reads 106:15 107:19
114:16
real 153:11
really 31:12,16 68:2
69:14 77:4 99:19
100:5 107:7 135:8
149:16
rear 44:16,19 45:15
97:20 98:7
reason 17:7 99:5,16,25
100:22 120:18
125:19
recall 17:7 22:19 23:12
23:16 26:11,15 29:16
32:5,12,13,14,15
33:18 34:6,14 35:16
40:25 41:10 42:11,17
42:18,19,22,23 43:2
43:19,21,23,24 44:3
44:23 45:4 51:6,14
51:17 52:3 55:6,8
56:11,16,17,21 58:5
58:20 59:7,17 60:17
64:15,16,17,25 65:21
66:18 67:25 68:4,10
68:18,22 69:10,14
73:17,19,23 75:9,16
76:7,13 77:4,18,21

78:13 82:7,10 84:13
85:12,15 86:24 87:20
90:13,16,17,20,25
91:3,13,14,22,25
95:14 100:25 101:6,7
101:9 104:9 108:10
108:12 115:22
118:15 123:15 126:2
126:7,11 128:6 135:8
136:19 138:18
139:22,25 144:21
146:10 147:6,12
148:25 149:14,16,20
150:9 151:2 152:20
recalled 64:18 116:5,7
receipt 40:24
receive 61:10,11 64:5
121:11
received 61:8,13 64:7
64:21 65:3 131:15
receiving 58:2
Recess 69:17 152:6
recognize 73:8,13 78:8
82:5 97:3 117:4
129:4,5 133:7,10
recollect 34:4
recollection 15:12
30:24 32:10,14 33:3
33:15 50:2 51:10
58:6 60:4 69:11 77:5
79:12 82:19 115:7,13
116:10 119:7,10,19
121:23 126:10
136:21 138:20
141:12 143:23
147:25 149:10
Recommended 122:22
126:19 133:21
record 7:9 35:20,21
36:14 48:20 52:12,17
69:23,25 70:16 71:10
74:9 76:21 78:22
83:8 93:3 96:8 97:19
100:14 122:19
123:19 126:18 132:3
132:15 152:7 156:12
redepose 35:25
redistribution 41:12
56:5
Reduce 126:20 133:22
Reducing 122:23
referring 88:21 108:22
111:16 115:17 138:4
refers 111:18
reflected 30:11
refresh 49:25 75:3 77:5
79:11 115:7,12 116:9
119:19

refrigeration 16:7	142:6,17,24 146:23	17:17 19:18 20:8,19	152:3,9,10,16 153:7	125:12 130:17 131:4
regard 90:8	reserve 35:24	20:20 21:16 24:5	Rockwell's 21:19 30:11	132:10
regarding 27:7,9 29:2	reserved 6:8	25:19 26:3,5,17,21	38:17 45:2,7 86:18	seeing 56:11,16,17,21
30:12 31:19 32:25	reserves 15:13	27:8,20 28:6,9 29:2	106:18	59:22 68:18 73:17
37:21 53:20 56:13	resolve 71:22 132:17	29:10 31:15 32:8,12	role 32:23 54:5	75:9 76:7 77:18 82:7
62:11,22 64:24 66:25	respect 31:19 37:25	32:16,24 33:19,19	rollers 24:23 65:15,18	123:15 126:7
68:20 75:11 77:6,15	39:20 43:6 45:3,14	34:7 37:4,7,16,25	rules 9:15	seen 53:8 77:2 78:12
94:13 104:5 121:17	46:12,14 60:18 70:15	38:4,6 39:2,10,19	run 125:21	97:4 103:6,12 117:5
127:21 135:14,20	79:19 100:10,20	40:2,5,7,8,13,23		123:4 124:14 126:12
regards 141:10	102:5 113:14,15	41:14,18,21,25 42:5	S	136:12 149:17
regional 51:8,21 72:14	140:6	42:12,23 43:14 44:7	S 3:3 4:2 5:6 81:6,7	150:11
81:11 83:12	respective 6:4	44:9,10,13,15,17,20	93:25,25,25	segment 88:7,11
regulated 79:8	respond 92:21	44:21,25 45:18 46:7	safety 10:16 35:7 68:15	sell 48:10,14 50:5,11,13
regulation 119:16	responded 120:13	46:12,16,17,24 47:5	68:23 72:14 80:2,3,5	50:25
regulations 68:7	response 7:21 55:5	47:23 48:7,9,13,18	80:11 81:11 83:12	selling 46:4
142:14	101:11 102:2 116:16	49:3,3,13 50:5,21,22	sale 43:6 49:15	send 60:24 92:23 93:2
related 33:6 44:14	responses 34:3,13,16	50:23 51:4 52:7,20	sales 17:19,22 18:2	118:7,11,12,16
146:7 152:9 156:14	59:19 120:12 136:20	54:12,24,25 55:12	21:8 22:7,11,20 24:3	sends 60:23
relating 7:23	responsibilities 11:23	57:2,9 58:8,25 59:9,9	39:10,23 41:10,15	senior 10:6
relationship 108:6	22:8 43:5 46:16	59:23 60:5,11,19,24	42:15 43:5,8,13	sense 47:18
relationships 108:3	49:13 56:2,3 84:2	61:8,9 62:21 63:6,7,9	49:11,19 52:8 53:20	sent 70:7 118:21
release 114:18 115:9	134:20	64:21 66:8,8 68:5	53:21,25 54:14 55:21	132:16 153:20
115:23	responsibility 22:17	72:5,24,25 73:4,18	55:22,23 59:13 62:16	sentence 74:7 99:20
relying 30:17	33:5,10,16 46:17,19	75:5,20 76:8,18 77:6	67:15 69:4 90:11,14	separate 20:21 67:6
remain 17:22 18:16	51:21 89:17,19	77:12 78:15 79:3,12	90:17,21 106:21	September 12:22 39:2
20:12	responsible 24:6 43:9	80:8 81:11,15 82:9	108:20	72:6 117:16 138:24
remained 39:5	49:8 50:16 51:24	82:16 83:8 84:24	salesman 48:10	series 8:18 96:9 97:23
remanufacturing	54:10 55:2,12 83:8	85:3,6,11 87:7,16,16	SANDER 4:18 69:24	97:24 98:2,9,10
61:19	89:15 90:6 151:5	87:18,21 88:2,7,10	71:12,17,21 131:14	102:25 106:13
remember 7:22 25:13	restate 112:19,22	88:11,13,16,23,24	131:23 132:5,12	114:14 117:12,19
91:12 147:8 149:21	result 140:5	89:13 90:6,14 91:5,6	146:6	122:5 134:2
repackage 65:5,8	resumed 94:5	91:18 94:9,9,14,18	SANDERS 36:10	serious 100:9,11,17
repackaged 65:9	retired 80:15	97:6,18 98:17,24	satisfy 109:15	124:3
repeat 8:23 60:9	retooled 147:7	99:7,10,21 100:24	saw 25:24 57:20 73:4	service 5:13,16 21:15
109:18	review 25:3 26:6 28:9	101:22,23,24,25	73:13 103:12 135:4	34:23 35:2 66:15
rephrase 127:23	30:3 75:10 103:2,3	102:23 103:19,24	137:10 150:16	96:5,10,17 97:13,14
replace 48:8,11	reviewed 26:8 28:11	104:13,17,20,22	saying 46:21 85:4	106:21 108:21 118:2
replacement 21:15	29:19 101:17 130:24	105:5,5,14,19,21	107:12 138:14	121:4,7,11,13,18,21
47:24 48:14,15,16,16	135:2	106:5,12,15,17,21	says 74:7,8 79:2 97:9	121:24 122:2,10,13
50:16 94:21,23 95:16	reviewers 29:13,16	107:2,9,25 108:10,20	97:20,23,23 99:10,20	122:21 123:10,13
98:17,24 146:13	reviewing 30:8 32:24	109:3,9,10,14,20	100:4,6,11 106:12	124:19 125:12 126:3
147:3	33:5,10,19 52:19	110:8,14,25 111:2,7	107:5 114:19,21,24	126:5,20 127:8,15,17
report 5:11 76:15,19	102:3,5	112:3,3,4 113:2,10	119:13 130:16	129:10,21 133:21
reporter 2:13 8:15	revision 130:5	113:18,23 114:14,15	133:25 134:7	134:21,22
153:19 156:6	rewrite 28:16	114:17 115:8,23	scan 92:12	served 23:13 141:5
Reporters 1:21	right 11:11,16 35:24	118:3,7 120:8,18	scanned 25:9 131:20	services 1:21 22:13
represent 70:12 92:18	55:10 57:15 71:19	121:12,17,22 122:24	131:22	122:5
representatives 122:2	74:2 84:17 97:12	123:2,5,13 126:5,22	scheduled 15:8	session 23:15 94:2
reprinted 31:6	107:13	127:11,14,21,25	Schenectady 14:23	set 76:24 110:17 113:6
request 109:21 110:20	rights 132:8	128:18,24 129:25	15:18	149:5 156:10,18
113:9 118:8,12,17	right-hand 130:9	133:11,14,24 135:11	scientific 10:12	Settler 91:2
requested 35:8 122:2	risk 124:10	135:11,19,19,22	scrapers 151:13	seventies 34:22
requesting 118:24	Riveting 133:25	136:13,22,23,24	sealing 6:5	share 87:4,5,7 88:2
requests 110:20	rivets 65:12,14	139:12 140:6,11,13	second 15:4 36:11 82:4	89:9 106:9
require 31:18 33:20	Road 4:16	140:17,23 143:5,13	92:24 99:9	shared 46:17
required 62:4 65:10	Rockwell's 107:19	144:5,11,15,25	section 12:7 49:7	shares 87:17 88:13
142:12	Rockwell 12:11,13,17	147:13,19 148:2,11	see 23:25 70:10 71:14	sheet 103:17
requirements 47:2	12:20,24 17:8,10,14	150:5,11 151:18,24	83:6 104:12 120:25	sheets 35:7

ship 41:9 48:14 60:19 shipment 43:11 54:4 shipped 21:21,25 41:11 47:19 54:15 56:19,25 57:5,10 67:24 82:16 shoe 65:13 136:2,3,4,5 137:2,4,8 138:6,9,15 shoes 23:7,8 24:21,22 35:9,10 59:24 65:16 65:16 134:2 135:23 136:24 140:14 shop 51:12,12 shops 51:12 Shorthand 1:21 2:13 156:6 shoulders 70:25 show 52:24 69:20 76:17 78:3 102:18 116:23 122:6,15 125:23 128:25 138:3 138:10 showed 49:24 130:24 134:23 137:19 shown 25:24 70:9 138:16 shows 97:22 Shrewsbury 3:8 shrink 56:24 shrinking 62:21 shrink-wrapped 62:5 shut 140:9 side 63:7 66:8 114:19 130:14 signed 6:11,13 significant 88:17 89:2 89:4,5,7 116:6,6 128:22 139:15,18 signs 68:18 Silly 131:23 similar 77:12,15 129:9 simply 60:24 118:16 single 67:9 sir 39:8 52:6 71:7 78:3 152:8 153:13 sit 34:4,17 35:17 41:10 47:11 52:5 59:6 64:15 68:2 75:16 76:6 77:17 81:8 82:19 90:16 101:9 103:23 104:4 120:13 146:14 site 15:2 sitting 42:19 132:22 situation 47:22 110:23 six 13:6 14:21 15:13,17 17:24 22:5,9 23:14 23:15 38:10 91:9 sized 66:6	slack 24:24 slide 5:14 102:15,23 103:21,23 104:4 small 35:14 106:10 smaller 86:23 SMITH 4:9 sold 21:16 39:25 48:19 51:5,7 56:9 65:21 89:7 95:6 148:11 150:2 solely 24:6 147:9 somebody 54:3 117:18 130:23 150:20 152:15 sorry 11:21 44:5 59:11 100:13 109:4 123:7 129:17 source 41:22 64:12 sources 41:5,7 42:11 South 4:22 speak 127:19 speaks 95:24 special 84:9,10 110:19 110:23 specialist 14:23 15:5,7 15:16,19 specific 43:4 45:18,22 51:20 54:13 59:17 82:18 96:20 115:19 121:6 141:12,22 149:18 specifically 24:10 41:24 45:22 47:16 59:12,21 60:17 68:12 126:11 144:21 147:12,16 148:7 specifications 110:9,10 specifics 7:17 specified 109:19 113:17 143:4 specifies 113:4 specify 85:4 108:25 109:5,9,11 110:3,13 112:25 speeders 24:23 spell 52:12 SPINELLI 4:20 spinoff 37:6 spoke 91:11,15,19,23 spring 48:17 springs 24:22,23 65:15 65:18 spun 20:19 39:3 square 119:12 ss 156:4 stamped 53:4 58:19 stamps 53:2 standard 30:25 106:22	111:14,16,18,25 112:13,15 113:12,15 113:25 114:5,17 115:9,23,25 116:3 standards 98:19,25 114:22 143:10,11,12 stands 114:22 STANZILA 4:7 35:22 start 11:12 12:16 145:14 147:5 started 13:7 14:6 24:6 37:22 38:6 44:7 60:5 60:12 83:15 143:20 147:9 starting 12:6 21:7 starts 98:17 127:2 state 1:2 2:14 7:8 8:4 51:12 75:7 106:2 111:7 156:4,7 stated 64:18 111:8 120:11 statement 28:6 58:10 60:18 95:24 99:6 100:20 107:8,14,16 107:19 108:19 127:7 statements 26:22 27:8 28:25 57:20,25,25 64:23 states 51:13 148:21 station 38:7 stay 18:7 19:8 20:4 75:22 stayed 114:9 Std 114:20,21,24,24,25 114:25,25,25 115:2,2 115:2,2,2,3 steam 15:9 steps 117:10 sticky 63:16 STIPULATED 6:2,6,9 stocked 145:12,22 stop 71:25 106:17 107:9 140:2 stopped 37:22,23 Street 3:7,19 4:22 strength 76:25 106:18 107:20 Strike 87:5 stronger 87:22 stuck 58:19 student 13:20,21 studies 68:6 subject 72:6 78:5 122:22 126:19 submission 121:18 substantially 114:2 128:19 substitute 145:18,25	suggest 113:23 suit 8:5 suitable 140:19 143:5 145:9,15,24 146:17 148:3,10 151:19 Suite 1:22 SUPERIOR 1:2 superseded 130:12 supersedes 130:13 134:18 superseding 130:10 supervise 56:3 supervisor 54:6 supplied 40:6 50:21 60:6 148:12 supplier 21:20 46:25 58:3 59:3,4 85:23,24 99:12 105:6,15,20 106:16 107:3 suppliers 39:24 40:12 40:23 56:7 84:22 85:10 86:3 128:19 139:19 140:22 141:15 143:15 144:3 144:19 145:2 supply 45:21 47:7 49:4 90:8 supplying 50:16 supposed 9:15 31:2 66:20 137:12 sure 30:4,9,11,19,22 37:18 42:18,20 46:13 47:2 64:19 127:24 129:15 150:24 surfaces 75:22 sworn 6:10,13 7:3 156:10 Symptoms 124:13 system 52:2 systems 14:17,18 16:11 89:12 104:20 142:7	149:22 talks 117:10 technical 5:16 26:16 35:2 66:15 70:6 117:9 121:3,7,11,13 121:18,21,24 122:5 122:10,13,21 123:9 123:13 124:19 125:12 126:3,5 127:7 127:15,17 129:5,7,9 129:10,14,19,21,25 130:11 133:8,11,14 134:21,22 135:6,6 technician 117:23 telephone 4:7,13,18,25 132:24 tell 13:13 14:20 52:19 52:23 64:11 82:23 83:2,5 92:20 98:21 104:12 117:13 124:23 125:5 127:20 131:25 132:9 134:15 telling 77:10 tend 70:8 tended 147:13 tenure 68:11 terminology 95:16 96:18 terms 47:3 131:17 test 76:24 77:9,15 tested 141:7 142:25 145:11,16,17 testified 7:4 73:21 86:15 94:5 testimony 26:13 63:14 125:11 156:12 testing 75:21 76:9,9,23 76:24 77:7,19 89:12 89:16 138:8 140:17 141:3 143:8 144:2,6 144:11 145:24 147:4 151:18,21,22,24 tests 77:11,12 Thank 39:8 134:19 153:13,17 thing 15:15 96:3 112:11,16 things 10:13 24:11,18 29:11 30:10 48:23 70:7 think 7:20 15:11 46:3 48:4 49:22 61:5,8 70:7,14,20 71:21 92:10 95:19 96:3 110:3 112:18 120:12 137:10 thinking 45:24 three 11:4,9 18:9,18
--	--	--	---	--

19:13 38:12,15 42:22 72:7 92:8 106:16 107:9 116:5,6 147:11 147:14 148:8 152:4 time 6:8 7:22 9:13 11:19 13:10 17:20 18:10 20:15 21:7,10 22:3 23:20 24:2,5 26:20 27:19,24 28:7 28:23 29:17,20,25 30:12,25 31:25 37:3 37:7,17 38:4 39:6,23 40:4,7,18 41:23 42:3 42:13,14,25 43:13,20 47:4 49:2,12,18 51:16 54:25 55:18,21 56:10 58:13,15,16 59:5,8,13,16 60:3,16 60:17 62:12,16,23,24 63:21,23 64:22 65:4 66:14 67:15 68:4,14 68:24 69:2,3,9,12 73:22 75:8,13,24 76:5,8 80:6,7 81:14 81:18,25 82:8 83:13 84:21 85:2,8,13 86:5 86:6,7,16 87:4,8 88:4 88:14,20 89:3,18 90:12,21 91:11,15,23 92:2,11 94:3,8,15,16 94:18 101:2,4,22 105:4,21 107:3 108:9 109:23 113:20 114:5 116:4,7,11,15 118:6 118:13,19 119:21,25 120:7,24 121:17,22 129:16,16 135:10,18 136:13 139:12,16 140:10,14 142:23 143:14 145:2 146:18 147:2 148:9,21 149:7 149:23 151:3 152:10 152:16,22,23 153:14 153:22 timeliness 70:5 times 7:15,16,19 114:7 132:13 title 14:7,19 18:24,25 55:16 129:15 titled 68:25 72:5 96:9 104:16 133:21 titles 13:15,15 today 10:20 25:2 26:8 33:3 35:17 37:14 42:19 47:11 53:8 73:13 75:16 78:12 81:17 82:19 90:16 91:5,6 103:6 123:16	126:8 146:14 today's 26:13 told 132:15 141:18 top 44:4 97:9 106:12 119:11 131:4 137:22 Torres 2:11 3:11 touch 91:8 tractor 105:20 tractors 97:21 98:7 99:21 108:7 151:14 tractor-trailers 151:14 trailer 44:16,19 105:20 109:6 151:25 trailers 108:5,8 training 14:9,11,15,16 transcript 153:20,21 156:11 transferred 18:21 38:17 transition 86:8 145:12 transmissions 104:19 transport 151:15 trial 6:8 Troy 11:7 18:22 19:3,6 20:3,10 38:18 52:10 52:11 55:15,23 72:16 72:18 81:5 83:17 84:8,18 89:22,23 90:14,22 91:24 truck 10:15 17:15 21:17 22:24,25 23:2 23:7,13,18 39:17,20 44:11,12,14 45:8,15 46:5,5,13,14,18,22 46:24 47:7,23,25 48:7,12,18 49:4 61:24 88:3,9,22 105:5,20 109:6 110:15,18,22 111:2 112:24 113:6,7,11,18 143:4 151:25 trucking 47:14 trucks 21:2,4 42:6 45:3 45:19,22 46:8,23 48:25 87:25 88:8,11 97:21 98:7 99:13 104:20 108:4,7 109:8 109:20 113:8 141:5 141:17 142:7,23 146:4,4,16,18,22 147:21,22 148:5 151:13 truck/tractor 106:23 truck/tractors 114:15 truck/trailer 104:17 105:15 true 141:8 156:12 try 92:7,14 112:22	121:20 trying 55:19 132:3,7,8 TSA 121:4,5 125:16 134:18 TSA8712 130:13 Tuesday 1:18 turbines 15:9 31:23 32:2,4 turn 106:11 two 4:23 14:10 18:18 36:6,17 38:15 59:22 72:8 73:15 85:14,20 97:22 98:17 104:15 105:13 122:20 130:15 138:22 139:19 140:22 141:14 144:3 145:2 type 13:14 24:15 25:21 26:18 33:20 76:25 77:19 89:10 97:4 109:5 111:24 117:7,8 121:5 129:20 131:18 138:17 141:25 151:16,16 types 12:4 32:20 45:18 60:12 65:22 111:23 111:24 123:7 151:13 typically 24:21 28:10 54:23 61:16,17 62:5 65:21 66:7 98:6 108:25 109:11 110:17 114:8 118:3 125:8 136:2 146:8 U U 7:2 94:4 ultimate 46:19 ultimately 26:22 28:24 unaware 36:6 uncertain 76:3 81:4 undergo 147:4 undergraduate 14:4 36:20 understand 8:13,15,21 8:23,24,25 9:3,5,11 9:17 45:13 47:17,21 48:3 50:4 55:19 60:8 61:3,4 70:6,11 74:19 76:2 83:18 85:18 87:24 109:17 113:9 118:9 132:2,11 133:6 140:21 142:20 understanding 26:4 33:24 45:16 46:6,11 84:14 95:9 103:14 128:13 146:2 understood 9:8 61:5 undertaken 151:18	undertook 84:8 undoubtedly 151:24 Unfortunately 80:23 Union 13:22,23 36:16 United 148:21 updated 31:7 use 27:9 30:12 31:19 41:9 42:5 43:7 46:7 60:21 109:13,19 141:4,7,18 142:18 147:13,21 151:19 user 109:9 110:7 uses 149:18 usually 124:14 utilities 14:23,25 utilize 27:20 U.S 15:13 V valve 15:8 variations 87:25 varied 89:18 114:2 145:4 varies 24:14 variety 34:9 134:9 various 21:15 22:14 37:12 39:18 52:22 72:8 84:4,11 87:17 114:5 116:15 117:10 118:5 149:22 vehicle 21:17,18 38:17 46:20 109:12 112:7,8 144:13 vehicles 99:13 106:17 107:9,14 109:3 111:22 114:6 146:9 146:11 149:12 151:11,13 vendor 43:3 venture 106:6 version 125:16 versus 144:16,23 146:4 148:19 Videographers 1:21 Vincent 1:7 visual 107:12 Volvo 115:2 Vreeland 4:16 W W 3:19 4:25 79:23 WABCO 104:20 waiting 118:17 waived 6:5 walk 38:3 want 7:17 21:6 44:11 69:24 70:11 82:20 83:16 90:3 92:23	95:25 96:19,21 98:13 104:10,11 109:6,9,11 110:22 112:18 113:6 122:4 152:8 153:3,19 wanted 70:4 102:9 109:13 110:14,15 wants 92:25 139:9 warning 26:22 28:16 30:22 33:21 34:7 56:13 57:3,12,25 58:10,18 63:3,12 66:14,21,24,25 67:6 67:11 73:23 76:10,23 77:7 79:4,13 82:4,5,7 82:11,24 101:8 120:16,21 128:2,8 135:12,19,22 136:11 warnings 27:8 29:8 30:15 31:2,7 32:19 34:19 35:2,13,15 37:21 66:16,20 67:13 72:9 77:16 120:8 127:21 135:21 136:22 138:5 warnings/caution 33:6 warning/caution 28:6 warranties 94:14 warranty 94:10,12,14 94:17,20,22,25 95:3 95:6,10,12,15,18,23 95:23 152:2,9,12,17 waste 82:21 way 19:21 90:3 98:15 99:18 112:9 114:9 156:16 ways 14:19 28:8 65:6 118:5 wedge 104:24 weight 87:25 146:10 went 14:15 15:17 16:10 37:15 75:4 110:25 113:11 149:19 weren't 105:25 WHEREOF 156:18 whipsworded 132:25 white 23:20 66:7 width 136:2,3,4,9,11 WILLIAM 4:18 Winchester 44:5 53:13 53:14 Wisconsin 43:25 withdrawn 92:20 witness 3:12 5:4 7:3 35:25 36:8,17,20 70:9 71:13 96:14,16 156:9,13,18 wondering 131:19 Woodbridge 1:22,22
--	---	---	--	---

word 120:20	07095 1:22	117:16 120:5,6,7	50 4:22 102:22
worded 120:9	07110 4:6	1986 74:6,10 75:7	500,000 95:19
wording 120:14	07702 3:8,14	77:13,16,19 78:5	51 5:9
words 22:9 25:18 30:21	07932 4:17	81:10 82:13,15 125:5	
46:21 48:6 57:9		125:20 136:15,22	6
66:24 67:5 72:22	1	138:24,24	6 5:5,14 102:14,15,19
74:8 95:5 101:8	1 5:9 52:15 53:11	1987 19:15 72:6 106:7	103:15
115:9 118:10 130:23	1st 39:4	1988 19:16 28:4 29:17	6-83 134:18
135:17 136:21	10 25:19 26:4 122:8	33:13,14,18 34:8	60 102:22
138:13 142:22	128:25	38:21,22 116:5	61 96:12
work 10:14 11:2 12:19	10/10/86 76:19	126:17 139:12	62 96:12
12:23 31:22 46:12,24	10:05 2:7 37:23	152:25	68 5:10
72:17,18 79:8 81:10	10:40 37:23	1990 80:13,14	
91:5,5	10006 4:12	1991 115:15,16,22	7
worked 10:25 11:15	1001 119:17	130:5,8	7 5:15 116:20,21,24
13:10 16:20 21:10	101 5:14	1992 44:25 134:18	73 40:21
26:20 31:25 37:3,5,7	11 122:8,9 131:13	1993 20:6 28:4 29:18	732 1:23
41:2 49:3,12 51:9,24	133:7 134:14	32:22 38:24	75 5:11 99:21
59:13 121:17 152:10	11/19/98 126:15	1995 39:4	750,000 95:20
152:12,16	115 4:11 5:15	1996 28:15	76 5:12
workers 124:11	12 25:20 26:5	1997 11:14 12:7,22,24	
working 10:23 11:6,12	12:45 94:3	13:17 20:14,16,18	8
12:8,16 14:6 17:11	121 5:16	37:5 39:2 84:15	8 72:6 122:8,15 123:12
22:20 31:15,17 32:7	13 26:5	1998 33:8,20 84:16	125:12
32:8 33:19 36:24	15 102:24 124:14	87:8 88:15,20,25	8,9,10 122:9
37:4,10 40:5,8 44:7	16.5 102:24	90:5,13 116:7,12	8-11 5:16
44:25 73:4,18,22	1633 2:11 3:13	127:8 128:14	8/86 124:25
80:7 82:8 108:2	1660 3:19		830 3:7
123:5 143:15 150:16	19 12:15	2	85 153:4
150:17,18	19th 4:22	2 5:10 69:18,21 71:8	
works 153:7	1910 119:17	137:25 138:10,22	9
world's 99:11	19102 4:24	139:6	9 122:8 125:23 126:8
worry 70:13	1972 13:8 36:16,25	2nd 3:19	90 1:22
wouldn't 114:11	1978 12:18 22:5 36:25	2:38 153:22	91 115:20
writer 31:5	37:5 38:7 40:19	20 1:18 2:6 7:16,18	95 5:13 153:4
written 25:3 28:10	41:24 42:25 43:12	69:10 124:14	
45:22 99:17	44:8,25 47:5,13	2000 10:4 11:15 37:8,9	
wrong 45:14 61:7	50:23 51:3 58:13	39:7 85:8 114:4	
wrote 78:20	59:8,14 73:22 75:13	2000's 81:23	
	76:5 83:13 86:16	2007 1:18 2:6 156:19	
X	101:3 152:23,24	220 1:22	
x 1:4,13 5:3,6 109:11	1980 32:22 96:11 97:10	23B 4:16	
109:12 113:5,6	97:11,12 100:3,23	283-5737 1:23	
	1981 40:21 41:25 42:25		
Y	44:25 47:5,13 50:23	3	
Y 113:6	51:3 59:14	3 5:11 76:14,18 77:3	
year 95:15	1982 40:21 41:25 42:25	137:24 138:2,3	
years 11:4,9 12:15 13:6	43:12 47:5,13 51:3	3rd 78:5	
14:21 18:9,18 19:13	58:14 59:9,15 75:13	3/91 130:6	
38:12,15 49:21 62:15	76:5,9 83:13 101:3	371 4:5	
69:10 91:9 95:12,18	1983 20:16		
95:20 124:14 153:3	1984 18:19,20 38:16	4	
yesterday 103:12	40:19 63:25 73:23	4 5:12 77:23,24 78:4	
York 1:17,17 2:12,12	85:8 86:16 87:8	44113 3:20	
2:14 3:14,14 4:12,12	88:14,20,25 90:5,12		
14:23 156:4,5,8	116:5,7,12 124:24	5	
	125:5,13 139:12	5 5:13 96:4,5	
0	1985 49:25 52:6 95:17	5th 156:19	