

ROGER HOBBIE

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1 MR. HAFNER: Anyone else have questions before 2 I ask some more follow ups? 3 BY MR. HAFNER: 4 Q Mr. Hobbie, and Patrick or Harry if you want to help 5 him, there was a document marked during Mr. Urban's deposition 6 on February 7 of 2007, Exhibit 5. It is a letter from A.G. 7 Beier, dated November 22, 1983, Eaton Bates number 144145. 8 Was that marked as an exhibit already? 9 MR. BARTELS: I don't know. 10 MR. QUICK: Not in Roger's deposition. 11 Q Do you have a copy of that with you, Patrick, by any 12 chance? 13 MR. BARTELS: Maybe. 14 MR. QUICK: This is Harry, I don't have a copy 15 of it. 16 MR. BARTELS: Yes, we have it. Urban 5. 17 Q I can either just leave it marked as Urban 5 or do 18 you want to remark it as the next exhibit if you have an extra 19 copy. It is a copy so we can do that. 20 (Exhibit 18, letter-11/22/83, was marked for 21 identification.) 22 Q Take a moment to review that letter. 23 A Harry is looking at it right now. I'm ready. I 24 read it. 25 Q Have you seen that document before today?	1 A Yes. 2 Q Were you aware of problems being encountered with 3 the nonasbestos material being tested for performance in the 4 brakes of these trucks? 5 A No. 6 Q Are you saying there were no problems encountered or 7 you were not aware of any? 8 A I'm not aware of any. 9 Q Were you aware back in the time frame -- let me ask 10 you this, in the November of 1983, was there nonasbestos brake 11 material available for use to your knowledge with a class six, 12 seven or eight vehicle? 13 A Yes, for Mack, that's the one I'm aware of where it 14 was available in production. 15 Q Were you aware of any performance problems being 16 encountered with that material? 17 A No. 18 Q Do you have any knowledge why if that material was 19 available for Mack and its trucks why International would not 20 have used the same type of material in its vehicles? 21 A I would say because of the testing that Mr. Beier 22 refers to, the extensive testing they had to do to qualify it, 23 certify it, to meet Federal Motor Vehicle Safety Standards. 24 In fact, he made a comment he didn't want another 121 debacle 25 so he wanted to be sure it met all the standards required.
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1 A Yeah, probably went through it when I reviewed some 2 of the disclosure stuff. 3 Q Well, when you say that, so we are a clear, do you 4 have a specific recollection of having seen that document now 5 that you're reading it? If you could just tell me who 6 Mr. O'Boyle was? 7 A At this time, he was the marketing manager for the 8 axle brake division. 9 Q Mr. Hoenes? 10 A Mr. Bill Hoenes was the engineering manager for the 11 axle brake division. 12 Q Do you recall being shown or becoming aware of this 13 communication from International when it was sent back in 14 1983? 15 A No. 16 Q Were you at all aware of any testing programs being 17 implemented by International back in this time frame about 18 evaluating nonasbestos brake material to use in its vehicles? 19 A Offhand I would say I was aware of some testing that 20 was done at Snyder National and I don't know what other 21 testing. That is one that I sort of recollect that because 22 that was a major national account of International's at the 23 time and Eaton's. 24 Q Snyder was the operator of a truck fleet that 25 transported commercial goods over the road, correct?	1 Q What is your understanding of the 121 debacle? 2 A The antilock brake, first go-round of the antilock 3 brake systems. I assume that's what he is referring to. 4 Q Did Mack conduct any testing to evaluate the 5 performance of the nonasbestos brake material before putting 6 it into its vehicles it was manufacturing? 7 A I would assume so, but I don't know specifics of any 8 tests that they did conduct, but I assume they probably did or 9 took the suppliers' test results. 10 Q Page two of Mr. Beier's letter, second to last 11 paragraph, where he makes a statement, second to last 12 sentence, the elimination of asbestos from lining materials 13 will occur and we all need to expedite our efforts to make 14 this conversion. 15 Are you aware of any situation where 16 International for some reason in your opinion was not 17 expediting its efforts to try to put nonasbestos brake 18 material into its vehicles? 19 A No, I am not. 20 MR. HAFNER: I'm not sure if this was marked 21 as an exhibit already. I don't recall it being referenced. 22 It is an interoffice correspondence. It was Urban deposition 23 Exhibit 7, Eaton interoffice correspondence dated February 13, 24 1984 to a variety of different people from an L. Barnhart. 25 Does that sound familiar?

23 (Pages 86 to 89)