

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
STATE OF MARYLAND

IN RE: BALTIMORE CITY
ASBESTOS LITIGATION

GEORGE HICKS, et al.,

Plaintiffs,

vs.

ACandS, INC., et al.,

Defendants.

CASE NUMBER:

24X00000197

CASES AFFECTED:

GABRIEL NOVO

CASE NUMBER:

24-X-00-000003

The deposition of PAUL L. LECOUR, taken
on behalf of the Plaintiffs, pursuant to Notice
of Deposition of Genuine Parts, in accordance
with Rule 2-412 of the Maryland Rules, before
Nancy L. Holloway, Certified Court Reporter
Notary Public, at 1201 West Peachtree Street,
Atlanta, Georgia, on the 1st day of June, 2001,
commencing at the hour of 10:03 a.m.

WHEELER REPORTING COMPANY, INC.
1600 Northside Drive, N.W.
Atlanta, Georgia 30318
(404) 351-4577

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1 Plaintiffs' Exhibit LeCour 24....133	23		1 COURT REPORTER: Pursuant to the		
2 (American Brakeblok Ad			2 disclosure law, I was retained for this		
3 NOVO30370-375)			3 deposition by Plaintiffs. I have no contracts		
4 Plaintiffs' Exhibit LeCour 25....137	3		4 with anyone, and everyone is being charged our		
5 (Memo dated 9/7/88			5 usual and customary rates for this deposition.		
6 NOVO110407)			6		
7 Plaintiffs' Exhibit LeCour 26....137	3		7 PAUL L. LECOUR,		
8 (Memo dated 9/7/88			8 being first duly sworn, was examined and deposed		
9 NOVO110409)			9 as follows:		
10 Plaintiffs' Exhibit LeCour 27....139	19		10 CROSS-EXAMINATION		
11 (Photocopies, Rayloc			11 BY COUNSEL FOR THE PLAINTIFFS		
12 Remanufactured Brake Shoes			12 BY MR. DUMLER:		
13 Labels			13 Q. Would you state your full name, please.		
14 NOVO110410)			14 A. Paul Louis LeCour.		
15 Plaintiffs' Exhibit LeCour 28....140	12		15 Q. Mr. LeCour, my name is Mark Dumler. We met		
16 (Photocopies, NAPA Labeling			16 just moments ago. You understand you're here as		
17 NOVO900001-021)			17 a corporate designee of Genuine Parts Company?		
18 Plaintiffs' Exhibit LeCour 29....141	16		18 A. Yes.		
19 (Photocopies, Raybestos Labeling			19 Q. I'm going to have the court reporter mark		
20 NOVO20049-051)			20 this as Exhibit 1, which is the Notice of Deposition for		
21 Plaintiffs' Exhibit LeCour 30....142	17		21 today, and ask you if you have had a chance to look at		
22 (Letter dated 10/26/71			22 that document before today?		
23 NOVO51103-104)			23 A. Yes.		
24 Plaintiffs' Exhibit LeCour 31....143	5		24 (Plaintiffs' Exhibit LeCour 1 was marked.)		
25 (Engineering Report,			25 Q. (By Mr. Dumler) Have you also had a chance		
1 The Travelers, By					
2 Joseph E. David, III					
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6 NOVO20052-073)					
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1 to look at Exhibit A, to that deposition, which are the
2 areas of inquiry for today's deposition?
3 A. Yes.
4 Q. Were there any areas on that Notice of
5 Deposition, Exhibit A, that you are unable to testify
6 to today?
7 A. No.
8 Q. Is there anyone at Genuine Parts who is more
9 knowledgeable about any particular area on Exhibit 1?
10 A. No.
11 Q. Is there anybody at Genuine Parts who is
12 equally as knowledgeable as you are about any topic
13 that's listed in the Notice of Deposition for today?
14 A. No.
15 Q. Is there anyone with whom you have consulted
16 prior to today's deposition to obtain information for
17 today's deposition?
18 MR. RILEY: Objection as to it inquires
19 into attorney-client privilege. With the
20 exception of counsel, he can answer.
21 THE WITNESS: No.
22 Q. (By Mr. Dumler) Are there any documents that
23 you have reviewed in preparation for today's deposition?
24 A. Yes.
25 Q. What document have you reviewed?

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1 yesterday.
2 Q. (By Mr. Dumler) I'm sorry. That's the file
3 you reviewed in connection with today's deposition?
4 A. Yes.
5 Q. When did you review the document?
6 A. Several months ago.
7 Q. And you started that file when you began
8 working in Atlanta?
9 A. Yes.
10 Q. What was the reason that you started keeping
11 that particular file?
12 A. Because I wanted to know what had transpired
13 over the years.
14 Q. So is this a file that's related specifically
15 to Genuine Parts?
16 A. It's related to my business with Genuine
17 Parts.
18 Q. When you say you wanted to know what
19 transpired over the years, with respect to what issue?
20 A. All product lines.
21 Q. So anything that was related to a product line
22 or an issue which you were dealing with, you would put
23 in this particular file?
24 A. Yes.
25 Q. I'm going to also ask the court report to mark

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1 A. My personal.
2 Q. I'm sorry. Your personal file?
3 A. Uh-huh.
4 Q. Where do you keep your personal file?
5 A. In my office.
6 Q. What is contained in your personal file?
7 A. Correspondence.
8 Q. What -
9 MR. RILEY: If I can interrupt, were those
10 documents produced?
11 THE WITNESS: Yes, all documents were
12 turned over to legal.
13 Q. (By Mr. Dumler) Is the personal file that you
14 maintain a file dealing with issues related to asbestos
15 litigation? Is that why you maintained the file?
16 A. No. It's just a general file.
17 Q. When did you start keeping your personal file?
18 A. Ever since I worked at the company - well,
19 ever since I've been in Atlanta.
20 Q. What year was that?
21 A. 1976.
22 Q. So the documents that were produced, I did see
23 a notation that says "Paul LeCour's File." That's the
24 file you reviewed yesterday; is that correct?
25 MR. RILEY: No. The file you reviewed

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1 this Exhibit No. 2, which is Genuine Parts Company's
2 Answers to the Plaintiff's Case-Specific
3 Interrogatories.
4 (Plaintiffs' Exhibit LeCour 2 was marked.)
5 Q. (By Mr. Dumler) Mr. LeCour, if I could turn
6 you to the back of this document, there's an exhibit
7 which lists the deposition transcripts. And your name
8 appears on there a couple of times.
9 My question is: Are there any depositions
10 that you have given that do not appear on Attachment B
11 to the Case-Specific Interrogatory Answers?
12 A. Yes.
13 Q. What other depositions have you given that are
14 not on that Attachment B?
15 A. It was personal business.
16 Q. No other depositions related to Genuine Parts?
17 A. No.
18 Q. And the personal business did not relate to
19 asbestos?
20 A. It did.
21 Q. How did it relate to asbestos?
22 A. It was a company-owned business. And we were
23 called because there was a - they wanted to know if our
24 company business ever used the products.
25 MR. RILEY: Clarify what company you're

4 (Pages 10 to 13)

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1 talking about.
 2 THE WITNESS: LeCour Corporation.
 3 Q. (By Mr. Dumler) What does LeCour Corporation
 4 do?
 5 A. They did. They're no longer in existence.
 6 They rebuilt clutches, brakes, water pumps, generator
 7 starters, and alternators.
 8 Q. What year did you give the deposition?
 9 A. I don't recall.
 10 Q. Was that a lawsuit filed against LeCour
 11 Corporation?
 12 A. No, it was not.
 13 Q. Was it a lawsuit filed against a purchaser
 14 from LeCour Corporation?
 15 A. No, it was not.
 16 Q. How was LeCour Corporation involved in that
 17 litigation, if at all?
 18 A. It was an employee.
 19 Q. What was the nature of the lawsuit? Was it
 20 an asbestos lawsuit?
 21 A. It was an asbestos lawsuit.
 22 Q. Was there an allegation in that lawsuit that
 23 an individual had suffered from some type of asbestos
 24 disease as a result of clutch or brake manufacturing?
 25 A. I don't recall that.

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1 Q. What was your course of study?
 2 A. Industrial engineering.
 3 Q. What years did you attend the University?
 4 A. That had to be around, let's say, '64, '65.
 5 Q. Would you relate for me, please, your work
 6 background after 1965.
 7 A. Of course, I was working in the family
 8 business. Then I was drafted into the Army. I served
 9 in the Persian Missile System. I became honor graduate
 10 of the class. So then I was asked to go to instructors
 11 training school if I wanted to go and didn't have to go
 12 to Germany. So I took that. So I was an instructor in
 13 the Persian Missile System.
 14 After I got out of the Service, I went to work
 15 for Genuine Parts Company in New Orleans.
 16 I was in New Orleans from 19 — for Genuine
 17 Parts Company, 1971. And they moved to Atlanta in 1976.
 18 And I've been here ever since.
 19 Q. Would you walk me through your positions with
 20 the Genuine Parts Company?
 21 A. I first started out in New Orleans as
 22 a district sales manager; calling on the distribution
 23 center itself on Shrewsbury Road; NAPA jobbers; and the
 24 NAPA jobber customers, which are dealers, which could
 25 have been independent garages or car dealerships.

Page 15

1 Q. What was the reason for the inquiry about
 2 whether or not your products contained asbestos?
 3 A. Well, the inquiry was did we use from — from
 4 Bendix, we did use from Raybestos, did you use their
 5 products in our plant, Johns-Manville.
 6 Q. Where was the lawsuit filed; do you know?
 7 A. In New Orleans.
 8 Q. I'm sorry. What year did you give your
 9 deposition?
 10 A. I don't recall the exact year.
 11 Q. Can you give me some general time frame?
 12 A. Between — I'll say the '70s and '80s.
 13 Q. So sometime prior to 1980?
 14 A. I said I don't know exactly when, so I told
 15 you it's between the '70s and '80s, in that time frame.
 16 Q. Earlier than '85? I'm trying to get at
 17 least — that's a pretty big gulf that we still have,
 18 the '70s and '80s.
 19 A. You asked me. I gave you a time frame.
 20 Q. Could you relate for me, sir, your educational
 21 background.
 22 A. High school graduate. Attended University of
 23 Southern Louisiana, Southwestern. That's my education.
 24 Q. Did you receive a degree?
 25 A. No, I did not.

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1 I conducted electrical clinics, brake clinics,
 2 and clutch clinics. These clinics were designed to
 3 inform the installers on the proper functions of our
 4 products and what our products would do for them.
 5 Q. Where did you go after that position?
 6 A. I came to Atlanta. And I came in as a product
 7 manager in Atlanta. And then I went from product
 8 manager to product engineer. And then from product
 9 engineer, I went to division director of product
 10 engineering. And then from division director of product
 11 engineering, I went to plant production manager. And
 12 from plant production manager, I went to new product
 13 development. And then from new product development,
 14 I went to division director of quality assurance, which
 15 I hold that position today.
 16 Q. What year did you go from being a product
 17 manager to a product engineer?
 18 A. Basically, my responsibility didn't change.
 19 The title did, to give a raise. We were on a freeze at
 20 the time.
 21 So actually, the reason why I came to Atlanta
 22 was to form the engineering group, which the group was
 23 myself and another person in cataloging, because I was
 24 over in cataloging, how to catalog a product. So all
 25 the positions changed, but the responsibilities were

5 (Pages 14 to 17)

Page 18

1 the same.
 2 Q. So basically you stayed in the engineering
 3 group from 1976 until today?
 4 A. No. From -- well, okay. Up until I went into
 5 being production manager, that changed the position.
 6 Then I was over manufacturing in the plant.
 7 Q. That's when you started as a plant production
 8 manager?
 9 A. That's correct.
 10 Q. What year was that?
 11 A. I'm going to say that had to be around 1991 or
 12 '92.
 13 Q. So from '76 to '91, '92, you were in the
 14 engineering department?
 15 A. Yes.
 16 Q. What were your duties and responsibilities,
 17 although your title may have changed, from '76 to '91?
 18 A. The duties were to buy the new part, see if
 19 that current -- or the new part coming out for that
 20 particular application was the same as the previous year
 21 physically and functional wise.
 22 If it was new, then we had to develop a new
 23 part number. We had to develop a bill of materials.
 24 If it was the same as, then we just brought
 25 that -- consolidated that new OEM number into our

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1 parties -- for negotiating with the parties that
 2 Genuine Parts bought friction materials from?
 3 A. No, I didn't get into pricing at all. I was
 4 strictly on the performance end of it. And purchasing
 5 could not buy it unless we said that it was a safe
 6 product.
 7 Q. That was my next question. You were
 8 responsible for the safety of the friction material
 9 that was purchased?
 10 A. Absolutely.
 11 Q. Did you engage in any testing or oversee any
 12 testing between '76 and '91 on the friction material?
 13 A. Anytime that we had a new formula, we put it
 14 on our personal cars, my own car, my wife's car. And we
 15 would test it to make sure that it was a safe product,
 16 that it would stop under all conditions that we could
 17 simulate -- not simulate -- well, actually try to
 18 duplicate.
 19 And we did this in addition to receiving test
 20 results from the supplier, the manufacturer of the
 21 friction material.
 22 They did what they call an LA traffic test on
 23 the friction material. And they would come in and say,
 24 well, this is what it will do, this is great, you're
 25 going to have all these features and benefits. We said,

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1 current part number.
 2 We also would approve the product, as far as
 3 functionality is concerned. If you said you had
 4 a better starter drive than what we currently were
 5 buying, then you would submit it, and we would just run
 6 tests on it.
 7 Q. What specifically were your duties or
 8 responsibilities with respect to brakes or brake parts?
 9 A. The responsibility was the processing of the
 10 brake shoes, that is, from delining them, cleaning them,
 11 reattaching either through bonding or riveting.
 12 I was responsible for the friction material
 13 that we used on the brake shoes and disc pads. I was
 14 responsible for the rivets that we used to attach the
 15 riveted segments. I was responsible for the packaging.
 16 That's it.
 17 Q. When you say you were responsible for the
 18 packaging, were you also responsible for the design of
 19 the packaging?
 20 A. As far as the container is concerned, yes.
 21 I was responsible for the container itself. None of the
 22 written information as to the labeling or any artwork.
 23 That was done by sales and marketing.
 24 Q. You indicated you were responsible for the
 25 friction materials. Were you responsible for the

Page 21

1 fine, thank you, send us some sets.
 2 We would use those sets on, like I said, our
 3 personal cars and our salesmen's cars.
 4 Normally, if it was a new formula, there were
 5 maybe 100 segments made. And when they ran their tests,
 6 it all looked good. But we were going to buy production
 7 batches. So we would use production batch samples, not
 8 laboratory batch samples. And that was the job.
 9 Q. Now, you were in the Atlanta factory or
 10 Atlanta plant?
 11 A. I was in Atlanta plant.
 12 Q. Was there someone in your position in each
 13 of the plants that were -- each of the Rayloc plants?
 14 A. Atlanta was home office to all the satellite
 15 plants. And we did all the approving for the other
 16 plants. So they could not purchase anything unless it
 17 was approved by Atlanta.
 18 Q. So if something came out of the Hancock plant,
 19 for example, you would have been responsible for
 20 approving that particular product as well?
 21 A. Yes.
 22 Q. Was there, nonetheless, a product manager at
 23 each of the plants?
 24 A. No.
 25 Q. Who held your position in the engineering

6 (Pages 18 to 21)

Page 22

1 department prior to 1976?
 2 A. There was no position as mine prior to 1976,
 3 as far as the job title and position.
 4 Q. Who performed the duties and responsibilities
 5 prior to 1976 that you performed from '76 to '91?
 6 A. It would have been Joe Huff.
 7 Q. Where did Mr. Huff go after 1976?
 8 A. He went to Hancock, Maryland.
 9 Q. What was his position?
 10 A. General manager.
 11 Q. You indicated that you were not responsible
 12 for what went on the packaging?
 13 A. (Nods head affirmatively.)
 14 Q. Who was the person or department at either
 15 Genuine Parts or Rayloc that was responsible for the
 16 design of the packaging?
 17 A. During what time frame?
 18 Q. Well, let's start with '71 to '76. Do you
 19 know who was responsible during that period of time?
 20 A. That would have been marketing and sales.
 21 Q. How about prior to 1971?
 22 A. They really had sales department, they didn't
 23 have marketing.
 24 Q. And how about after 1976?
 25 A. Marketing.

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1 depositions. So in order to save time, I don't want to
 2 reinvent the wheel here.
 3 But am I correct that in the 1920s, there were
 4 a number of NAPA members?
 5 A. Yes.
 6 Q. Has Genuine Parts purchased most of those
 7 members as of this time?
 8 A. Yes.
 9 Q. How many members of NAPA are there today?
 10 A. Three.
 11 Q. How many NAPA members were there in the 1920s?
 12 A. I can only recall when it first started, about
 13 28.
 14 Q. Has NAPA purchased 24 of those original
 15 members?
 16 A. I don't know if they purchased 24 or not.
 17 I don't have that number.
 18 Q. When the original 28 were -- with the original
 19 28 members, were they members from different areas of
 20 the country?
 21 A. Yes.
 22 Q. And has NAPA -- I'm sorry -- has Genuine
 23 Parts' expansion throughout the country coincided with
 24 its purchasing of different NAPA members?
 25 A. Yes.

Page 23

1 Q. In your position between 1971 and 1976, were
 2 you responsible for ensuring compliance with any Federal
 3 regulations?
 4 A. Between '71 and prior to '76, I was not
 5 responsible for that.
 6 Q. Who was responsible during that period of time
 7 for ensuring compliance with any Federal regulations?
 8 A. That would have been the general managers of
 9 the plant.
 10 Q. What were your duties and responsibilities
 11 after 1991 when you became a plant production manager?
 12 A. What my duties?
 13 Q. Yes.
 14 A. Responsibility for production, what was going
 15 out of that plant, and the product, the end product
 16 itself.
 17 Q. It's my understanding that Genuine Parts was
 18 incorporated sometime in the 1920s; is that correct?
 19 A. Yes.
 20 Q. And at that time, it was part of the
 21 association that's referred to as NAPA; is that correct?
 22 A. It was what now?
 23 Q. It was a member of NAPA; is that correct?
 24 A. It was a member of NAPA, yes.
 25 Q. I don't want to have to go through the other

Page 25

1 Q. So in other words, if Genuine Parts wanted to
 2 expand into a particular state, it may purchase a NAPA
 3 member in that state?
 4 A. Yes.
 5 Q. When did Genuine Parts purchase -- I'm
 6 sorry -- when did Genuine Parts move into the state of
 7 New Jersey?
 8 A. I don't recall.
 9 Q. I have seen in your Answers to Interrogatories
 10 that Genuine Parts opened a distribution center in 1966.
 11 Do you have any recollection of it in South
 12 Plainfield --
 13 A. South Plainfield? Yes.
 14 Q. -- opening in 1976?
 15 A. To the '60s. I don't recall the exact date.
 16 Q. So sometime in the '60s, Genuine Parts began
 17 to do business in the state of New Jersey; is that
 18 correct?
 19 A. Yes.
 20 Q. Did it purchase an existing NAPA member?
 21 A. I do not know.
 22 Q. Can you tell me what is the relationship
 23 between Genuine Parts and Rayloc?
 24 A. We are a division of the Genuine Parts
 25 Company.

7 (Pages 22 to 25)

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1 Q. How long has Rayloc been a division of Genuine
2 Parts?
3 A. I would say ever since we bought Collier.
4 And that's where the name Rayloc came from.
5 Q. What year was that?
6 A. That had to be back in the '60s. I don't know
7 exactly the year.
8 Q. What other divisions or departments does the
9 Genuine Parts Company have?
10 A. We have Balkamp that we are a partner in.
11 We're not the sole owner of it.
12 We have a subsidiary, which is EIS, which is
13 Electrical Insulator Electronic Supplies, nothing to do
14 with automotive.
15 We have S.P. Richards, which is office
16 supplies, pens and pencils.
17 We also have Motion Industries, which are
18 bearings and hydraulic drive systems, nothing to do with
19 automotive.
20 MR. RILEY: To the extent that the
21 question asked divisions versus subsidiaries,
22 he's not qualified to give you what the
23 legal --
24 MR. DUMLER: I understand.
25 Q. (By Mr. Dumler) Other than automotive parts,

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1 A. I do not know.
2 Q. Do you know who would know that?
3 A. I don't know. No, I would not know the
4 individual at Balkamp that would have been responsible
5 for that because it was so long ago.
6 Q. Now, you mentioned that Genuine Parts had
7 a marketing division or a marketing and sales
8 department?
9 A. Well, no, not Genuine Parts. Rayloc.
10 Q. Okay. That's my question. Are there separate
11 departments or divisions for Rayloc and Genuine Parts?
12 A. Yes.
13 Q. What departments or divisions does Genuine
14 Parts have?
15 A. Okay. As far as divisions, we are the Rayloc
16 division. And within the Rayloc division, we have
17 a sales force, and we have a marketing force.
18 Q. Does Rayloc have any other departments?
19 They have a safety department, for example?
20 A. Yeah, we have a safety department.
21 Q. What other departments does Rayloc have?
22 A. Human resources, maintenance. That's it.
23 Q. Does Genuine Parts have its own departments,
24 aside from Rayloc?
25 A. Yes.

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1 Genuine Parts is involved in other lines of business?
2 A. Yes.
3 Q. Do any of those other lines of business
4 incorporate asbestos or did they incorporate asbestos
5 into any of their products?
6 A. Balkamp.
7 Q. What asbestos-containing products did Balkamp
8 deal with?
9 A. They sold an asbestos tape.
10 Q. What years did Balkamp sell an asbestos tape?
11 A. I don't recall.
12 Q. Is it still manufactured?
13 A. No.
14 Q. What year was it discontinued?
15 A. I don't know that.
16 Q. Do you recall whether it was manufactured in
17 the '60s and '70s?
18 MR. RILEY: Okay. For the record, he said
19 they sold. He did not say they manufactured.
20 Q. (By Mr. Dumler) Do you recall whether Balkamp
21 sold asbestos tape in the '60s and '70s?
22 A. It would have been in the -- I cannot speak
23 for the '60s. I can speak for the '70s. Yes.
24 Q. Who manufactured the asbestos tape that
25 Balkamp sold?

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1 Q. For example, does Genuine Parts have its own
2 human resources department?
3 A. Yes.
4 Q. Which one of the departments in Rayloc would
5 the issue of workers' safety from exposure to asbestos
6 fall under?
7 A. At what time period?
8 Q. It's changed?
9 A. At what time period?
10 Q. Okay. Let's start with 1960 forward. In
11 1960, who had responsibility for it?
12 A. I cannot speak on 1960. I can only speak
13 from 1976.
14 Q. 1976, which department had primary
15 responsibility for it?
16 A. Well, it wasn't a department. It was the
17 general manager.
18 Q. At Genuine Parts, was there a corresponding
19 person or department that would have primary
20 responsibility for safety of workers at Rayloc for
21 exposure to asbestos?
22 A. At what time period?
23 Q. Do you have any knowledge prior to 1976?
24 A. No, as far as -- prior to 1976, no.
25 Q. What knowledge do you have after 1976?

S (Pages 26 to 29)

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1 A. They did not have anyone responsible at
2 Genuine Parts.

3 Q. What department at Rayloc would you consider
4 to be primarily responsible for any dangers or hazards
5 posed to the purchasers of Rayloc products due to
6 asbestos?

7 A. Repeat that, please.

8 Q. Sure. What department at Rayloc do you
9 believe had the primary responsibility for issues
10 related to the hazards posed by asbestos to anyone who
11 purchased a Rayloc product?

12 A. With our product, there were no hazards of
13 exposure to asbestos. In our plant is where the hazards
14 were.

15 Q. I'm asking you what department you considered
16 to have primary responsibility for determining whether
17 or not there were hazards?

18 A. That would have been the general manager.

19 Q. Of each plant?

20 A. Of each plant.

21 Q. So there would be no one at Rayloc who would
22 oversee generally the decision of whether or not your
23 products had potential hazards to users from asbestos?

24 A. When I arrived in 1976, they were performing
25 industrial hygiene tests, monitors, with vacuum pumps on

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1 went out in the box. It now came back to us. He had to
2 open the box up, take the shoes out, look at them.
3 making sure that they're all good, there's nothing wrong
4 with them, put them back in the box. That person has
5 been monitored. And we did not have down-draft tables
6 in that area.

7 Q. We're going to get to all that. I'm just
8 looking for -- is the answer to my question: After
9 1976 --

10 A. Yes.

11 Q. -- you were the person who would have been
12 responsible for and made the determination that the
13 products you were selling, brake shoes, brake pads,
14 were safe for the users of those products?

15 A. No, I was not the person.

16 Q. Who was the person or department responsible
17 for making that determination after 1976?

18 A. The general manager.

19 Q. Of each plant?

20 A. Yes.

21 Q. Prior to 1976, what person or department was
22 responsible for making the determination that the
23 products, brake shoes, brake pads sold by Rayloc were
24 not hazardous to the users of those products?

25 A. The general managers.

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1 all workers that were exposed to asbestos. That was an
2 ongoing thing. It was in place when I got there in '76,
3 and it's still going on today.

4 That function was done by the insurance
5 company. And the insurance company would work with our
6 maintenance people. And our maintenance people would be
7 the ones to calibrate the vacuum units and go out and
8 work in conjunction with the insurance people.

9 Q. You indicated that your products were not
10 hazardous to the individuals who used the products.

11 My question is: Who at Rayloc would be the
12 person who would have ultimate authority for agreeing
13 or disagreeing with you on that issue?

14 A. Well, I myself, being responsible for the
15 processing of the product, knew that we were in
16 compliance with OSHA and EPA. We in fact had it down
17 to the level that we did not have to have annual chest
18 x-rays, because we put in vacuum equipment, down-draft
19 tables, to ensure that our employees were safe.

20 The product, when it went into the box, was
21 considered good, as far as being safe and not having
22 excessive dust in it.

23 The way I know that this product was safe is
24 we had a classification return department and our re-box
25 department. That department took the same product that

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1 Q. Then after 1976, in your position in the
2 engineering department, you would have had some
3 interaction with the general managers with respect to
4 that decision whether or not the products being sold
5 by Genuine Parts were hazardous to the users?

6 A. That discussion never came up.

7 Q. But with respect to your job title, you would
8 have had the ability to override their decision if you
9 believed there was a hazard posed by the sale of your
10 brake shoes or brake pads to the users?

11 A. Oh, I could have expressed that, but that was
12 never an issue.

13 Q. Now, if you can turn to Exhibit 2, there's
14 a list, Attachment A, on the Answers to Interrogatories.

15 Do you see that Attachment A to the
16 Case-Specific Answers to Interrogatories?

17 A. Uh-huh.

18 Q. Can you tell me what that attachment
19 signifies?

20 A. This is with the distribution center in South
21 Plainfield, New Jersey. It has the jobber listing. And
22 it's dated December 1st, 1972.

23 Q. What is the relationship between Genuine Parts
24 and the jobbers that are listed on that schedule?

25 A. They are customers of the distribution center.

9 (Pages 30 to 33)

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1 Q. So if I understand the hierarchy here, Genuine
2 Parts is a member of NAPA; is that correct?
3 A. Yes.
4 Q. Genuine Parts owns the South Plainfield,
5 New Jersey, distribution center; is that correct?
6 A. Yes.
7 Q. Genuine Parts sells Rayloc products from the
8 South Plainfield Distribution Center to jobbers?
9 A. Yes.
10 Q. And it would sell those -- Genuine Parts would
11 sell those Rayloc products to the jobbers listed on
12 Exhibit B there?
13 A. They might not.
14 Q. They might not be willing to purchase?
15 A. Because they could be buying from someone
16 else.
17 Q. Okay. Are there written agreements with the
18 jobbers that are listed on Schedule B there?
19 A. No.
20 Q. Is there a written agreement between the
21 jobbers listed on Exhibit B and NAPA?
22 A. No, there's not.
23 Q. So if a jobber in the area of South
24 Plainfield, New Jersey, has a NAPA sign on its door,
25 how does it get permission to use that NAPA sign?

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1 there, then they would not sell them.
2 Q. Does Genuine Parts own any of the companies
3 that are listed on Schedule B?
4 A. Just these two sheets (indicating)?
5 Q. Correct.
6 A. No.
7 Q. Now, you indicated that the jobber could
8 purchase from another supplier; is that correct?
9 A. Yes.
10 Q. But the jobber would not purchase from another
11 Rayloc supplier; is that correct?
12 A. Yes.
13 Q. In other words, if the jobber that's listed on
14 Exhibit B wanted a Rayloc product, it would have to go
15 to Genuine Parts in the South Plainfield Distribution
16 Center?
17 A. Yes.
18 Q. And if it didn't, the sanction would be --
19 it wouldn't be a NAPA jobber anymore? In other words,
20 that's where it had to get its parts?
21 A. Oh, yes.
22 Q. And to the --
23 MR. RILEY: Hold it.
24 MR. DUMLER: I'll withdraw the question.
25 Q. (By Mr. Dumler) And to the extent that

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1 A. It was established over a handshake. And once
2 you committed to buy from the distribution center, they,
3 in turn, would give you a protected territory.
4 Q. I'm sorry?
5 A. They wouldn't sell to anyone else in a 3-mile
6 radius or 3-mile radius, whatever you choose to do to
7 service an area. They did it based on all car
8 registration.
9 Q. Was there a formula that was established for
10 a territory that a jobber would get if it agreed to
11 become a NAPA jobber?
12 A. I'm not aware of it.
13 Q. For example, in Metuchen, New Jersey, that
14 jobber would go to a distribution center or the
15 distribution center would go to that jobber and say
16 what?
17 A. Well, either way, normally they would go and
18 say, hey, we want to sell some NAPA parts.
19 If it was within that territory, they would go
20 to the current NAPA jobber and say, someone wants to
21 start selling some parts here, are you servicing this
22 particular area. The jobber says no. He says, would
23 you want to put a branch store over there to service
24 that area? No. Then they would sell them. If the
25 jobber says, no, I'm servicing, I have accounts over

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1 the NAPA jobbers were not purchasing parts from the
2 distribution center, there was no real reason to have
3 that store as a NAPA jobber, correct?
4 A. He could be a NAPA jobber and not buy Rayloc
5 parts.
6 Q. Could he purchase parts from the distribution
7 center that were not Rayloc parts?
8 A. Yes.
9 Q. All right. Could a NAPA jobber purchase
10 brake pads or brake shoes from the South Plainfield
11 Distribution Center that were not Rayloc parts?
12 A. Yes.
13 Q. Would they have the NAPA logo or insignia on
14 the box?
15 A. No. Let me get that clarified.
16 Q. Sure.
17 A. We're -- Rayloc was the only one that supplied
18 brake parts and clutch parts to NAPA distribution
19 centers. There was a time during the '70s when they had
20 an import line. And in that import line, it was
21 supplied to NAPA from World Auto Parts. And they had
22 brake shoes, clutches, and discs, starters, wiper blades
23 for imports.
24 So it would have been -- and I don't remember
25 what the -- you know, what it would have been sold

10 (Pages 34 to 37)

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1 under, other than NAPA Imports.
 2 Balkamp sold motorcycle brake shoes and disc
 3 pads under the Balkamp name. But that was for, like I
 4 say, a short period of time. Then they discontinued it.
 5 They also sold Dana clutches. They had a new
 6 clutch line. They sold Dana, Dana Spicer. We bought
 7 out the Dana Spicer. We bought the imports, "we" being
 8 Rayloc. And so basically Rayloc was it.
 9 But they didn't handle Bendix or Raybestos
 10 lined brake shoes in conjunction with Rayloc.
 11 Q. I'm sorry. Who?
 12 A. The distribution center.
 13 Q. So to the extent that a customer was to go to
 14 a NAPA jobber in the South Plainfield, New Jersey, area
 15 and purchase a brake shoe, it's your testimony that if
 16 that brake shoe came from Genuine Parts, it had to be
 17 a Rayloc brake shoe?
 18 A. Yes.
 19 Q. Now, I've seen reference to other brake shoes
 20 with American BrakeBlok or Abex. Did the distribution
 21 centers ever sell any box brake linings or brake pads
 22 that were not remanufactured?
 23 A. Rayloc offered a new brake shoe, okay. All
 24 of our disc pads are new.
 25 Abex supplied linings only in thick block.

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1 shoes and disc pads or remanufactured?
 2 A. Rayloc sold new brake shoes, which did not
 3 have Abex lining on them. They sold relined brake
 4 shoes, which did have Abex on them.
 5 They sold new disc pads only, which had Abex
 6 on them.
 7 Q. Did Rayloc also package and sell brake linings
 8 that someone could buy to put on new brake shoes
 9 themselves?
 10 A. No.
 11 Q. So if I'm a customer and I go to a NAPA jobber
 12 between 1971 and 1980, I can purchase new brake shoes
 13 that have no lining in them; is that correct?
 14 A. No, that's not correct.
 15 Q. All right. I can purchase new brake shoes
 16 that are relined -- I'm sorry -- I can purchase --
 17 walk me through it again.
 18 MR. RILEY: Let me interrupt. Okay. He
 19 answered as to what Rayloc sold. Your question
 20 is asking about a jobber.
 21 Q. (By Mr. Dumler) Okay. My question has to
 22 do with what Rayloc products I can purchase.
 23 I can purchase brake shoes from a NAPA
 24 jobber --
 25 A. Yes.

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1 That would be 18-wheeler trucks. And they supplied some
 2 segments, which was for the smaller truck, but no lined
 3 shoe. And that's all they had from Apex, as far as
 4 their friction is concerned.
 5 Q. Okay. You lost me.
 6 MR. RILEY: I think he lost your question.
 7 Try again.
 8 Q. (By Mr. Dumler) All right. Let's back up
 9 then.
 10 What brake products did Rayloc sell?
 11 A. What brake products? We sold brake shoes and
 12 disc pads. That's our brake products.
 13 Q. Were the brake shoes asbestos-containing lined
 14 brake shoes?
 15 A. During what time period?
 16 Q. 1960 through 1980.
 17 A. Well, I can't speak prior to 1971. But from
 18 '71 up, they were asbestos, not 100 percent.
 19 Q. And the disc pads, were they
 20 asbestos-containing?
 21 A. Some.
 22 Q. Where did Rayloc get the linings or the pads
 23 to sell?
 24 A. The primary supplier was Abex.
 25 Q. Was Rayloc distributing or selling new brake

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1 Q. -- that are Rayloc brake shoes --
 2 A. Yes.
 3 Q. -- Rayloc manufactures those brake shoes?
 4 A. Yes.
 5 Q. They contain asbestos?
 6 A. Well, let me go back again. We don't
 7 remanufacturer -- we don't manufacture anything. We
 8 remanufacturer, we recycle.
 9 Q. Let me have you explain then. What did you
 10 mean by the term "new brake shoes"?
 11 A. Okay. In the new brake shoe, you have a core,
 12 the old core. If I take the old core and remove the old
 13 friction material off of it and I put new friction
 14 material on it, that's called a rebuilt brake shoe.
 15 When we say we have the new shoe, we go and
 16 purchase the new metal, and we put the friction material
 17 on new metal. So we just assemble, we don't
 18 manufacture.
 19 Q. So the only difference between a new brake
 20 shoe and a remanufactured brake shoe, the
 21 remanufactured, you're using the old core?
 22 A. Yes.
 23 Q. So the things that I can purchase from Rayloc
 24 from a NAPA jobber in New Jersey are new brake shoes
 25 that are lined with asbestos, correct --

11 (Pages 38 to 41)

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1 A. Yes.
 2 Q. -- remanufactured brake shoes that have the
 3 old core and new lining with asbestos --
 4 A. Yes.
 5 Q. -- and new disc pads?
 6 A. Yes.
 7 Q. The disc pads that I'm purchasing from a NAPA
 8 jobber that are from Rayloc are not remanufactured?
 9 A. Correct. No.
 10 Q. Is there any manufacturing process that Rayloc
 11 does to those disc pads?
 12 MR. RILEY: Okay. We're talking
 13 historical, correct?
 14 MR. DUMLER: Right now we're talking '71.
 15 THE WITNESS: Time frame in the '70s.
 16 MR. RILEY: I just wanted to make sure the
 17 records clear.
 18 THE WITNESS: Repeat your question,
 19 please.
 20 Q. (By Mr. Dumler) Sure. Is Rayloc involved in
 21 any of the process, I'll call it manufacturing process,
 22 with respect to those disc pads?
 23 A. We assemble the friction material to the new
 24 metal. In some cases, we don't do anything but package
 25 them, because they are integrally molded instead of

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1 manufacturer, used integrally molded disc pads, that's
 2 what we would offer. If it was riveted, then we would
 3 do the riveting.
 4 Q. In the new brake shoes that you sold that are
 5 not remanufactured but new, what are you doing to the
 6 brake lining to put it onto the --
 7 A. We rivet it on, or we could bond it on.
 8 Q. Is there any grinding that's done in
 9 connection with that process?
 10 A. Yes, there is.
 11 Q. Is the process that you use for new brake
 12 shoes the same process you use for remanufactured brake
 13 shoes?
 14 A. Yes.
 15 Q. What about with respect to disc brakes? Is
 16 there any grinding or sanding that's done in connection
 17 with the disc brakes at Rayloc?
 18 A. No.
 19 Q. Why not?
 20 A. It's not required. It's a flat surface.
 21 They do it at the factory. It never has been.
 22 Q. So any disc -- any disc brakes -- I'm sorry --
 23 any disc pads that Rayloc sells are not pre-ground?
 24 A. Yes, they are.
 25 Q. Okay. Where are they grounded? At the

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1 riveted.
 2 Q. What products do you assemble?
 3 A. Riveted brake shoes, bonded brake shoes,
 4 riveted disc pads.
 5 Q. Which products, disc pads, do you simply
 6 package and do not assemble?
 7 A. Integrally molded disc pads.
 8 Q. What would be an example of integrally molded?
 9 A. It has to be done at the manufacturer, let's
 10 say Abex, where they take the steel backing plate, put
 11 it down in the mold. Then they put the friction
 12 material on top of it and put heat and pressure on it.
 13 And it comes out as an assembly.
 14 And there are large holes in there that
 15 integrally join the two together. So there are no
 16 rivets to attach the friction material to it.
 17 Q. Is that a particular line or model number that
 18 you're talking about?
 19 A. It depends on the application, yes.
 20 Q. Give me an example. Can you tell me what
 21 model numbers or lines would be integrally molded as
 22 opposed to those you would have to assemble?
 23 A. It depended on the year and make and model of
 24 the vehicle. It varied. And that's what we followed.
 25 If the original equipment, original equipment

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1 factory?
 2 A. At the manufacturer, correct.
 3 Q. But with respect to Rayloc, any disc pads that
 4 it sells, Rayloc does not do any grinding or sanding?
 5 A. No, we do not.
 6 Q. I want to see if you can clarify for me the
 7 remanufacturing process that Rayloc goes through.
 8 Where does it get the cores?
 9 A. The cores? From two sources, one from the
 10 NAPA jobber; two, from core brokers; three is new
 11 manufacturers of brake shoes.
 12 Q. Now, so NAPA gets the cores. Then what's the
 13 next step -- I'm sorry -- Genuine Parts gets the cores.
 14 Then what's the next step? Walk me through the process
 15 from the old cores through putting a new product in the
 16 box.
 17 A. The old core is brought back from the garage
 18 to the NAPA store. Our truck goes and picks up the old
 19 brake shoe from the NAPA store. We bring it back to our
 20 plant. It is checked in in our plant by part number, by
 21 jobber.
 22 It then is -- either the lining is chopped
 23 off, or it's debonded through a debonding oven.
 24 Q. Is there a chopping or debonding department --
 25 A. Uh-huh.

12 (Pages 42 to 45)

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1 Q. -- or section of the factory?
 2 A. It's a section, sure.
 3 Q. All right.
 4 A. We call it tear-down.
 5 Q. Tear-down. Okay. That removes the old lining
 6 from the core?
 7 A. That's correct, yes.
 8 Q. All right. What's the next step after the
 9 removal of the old lining?
 10 A. Okay. The lining itself is properly bagged
 11 and done away with. And the shoe itself, the core, goes
 12 to a steel shot machine, called basically -- better
 13 known as a wheelabrator. That is a brand name, but
 14 everybody calls them wheelabrator since they were king.
 15 And the metal is cleaned.
 16 From there, it goes into a dip. It's called
 17 a shoe prep. And it's like priming. If you want to
 18 paint a car and you put primer on it before you put the
 19 paint because you want a good adhesion, well, this is
 20 a primer.
 21 Q. Let me stop you there. When you say "clean,"
 22 is that to make sure that all the friction material is
 23 off or just to clean it up?
 24 A. No. It's spotless.
 25 Q. When it comes out of tear-down?

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1 at 435 degrees Fahrenheit for 21 minutes. It then comes
 2 out. And it goes up to the grinders, the precision art
 3 grinders. A riveted brake shoe is riveted on. Then it
 4 also goes up to the same grinders.
 5 Q. So they separate. One goes to bonding, one
 6 goes to riveting; but they both end up at the grinders?
 7 A. At the grinders, correct.
 8 Q. All right. What happens at the grinders?
 9 A. At the grinders, we use the specification
 10 sheet supplied by the manufacture of the friction
 11 material. That would be Abex. And we precision-grind
 12 that lining to properly fit the application it's
 13 intended to fit on.
 14 Q. What do you mean by "application"? You mean
 15 a particular car?
 16 A. Particular car, particular drum diameter,
 17 uh-huh. And so there's no requirement for the installer
 18 to make any modification to that shoe whatsoever.
 19 That's the whole intent and purpose of Rayloc,
 20 is to take that type of task out of the hands of the
 21 installer.
 22 Q. When you say "particular drum diameter," is
 23 that the same as saying a particular car?
 24 A. It's by application, yes. It's by brake shoe.
 25 So if this part number fits a Toyota and this part

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1 A. When it comes out of the wheelabrator.
 2 Q. So there's still friction material when it
 3 leaves tear-down and goes into the wheelabrator?
 4 A. No. There's no friction material on there
 5 at all. All the friction material is off of it.
 6 Q. And that's at tear-down?
 7 A. That's at tear-down.
 8 Q. Okay. And with the other?
 9 A. It's rusty. We have to get the rust off. So
 10 it goes to the wheelabrator, and it comes out. It's
 11 clean metal. It's shiny. Then it's dipped. This is
 12 a hard dip. It's a mixture of alcohol and adhesive,
 13 shoe adhesive.
 14 Then once it's dried, it either goes over to
 15 the riveting department, or it would go over to the
 16 bonding department.
 17 Q. All right. And what happens at each of those?
 18 A. At each of those? In the bonding department,
 19 the friction material is applied to the table of the
 20 brake shoe by using a band and what we call a spreader
 21 table.
 22 And we want to apply 100 to 125 pounds per
 23 square inch of pressure to the lining and the adhesive
 24 and the shoe, because there is adhesive that's on the
 25 back side of that brake lining. It goes through an oven

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1 number fits a Cadillac, we will have specifications
 2 on what the grinding arc does to fit those.
 3 Q. Do the specifications indicate not only the
 4 make of car but also the model, in other words, your
 5 particular brake shoe would be made for a 1977 Ford
 6 Mustang?
 7 A. Yes. Our catalog says that. Our
 8 specification sheet specifies the brake shoe part number
 9 set itself.
 10 Q. So if a customer goes into a NAPA jobber,
 11 they have to order for a specific -- they want to buy,
 12 a Rayloc remanufactured brake shoe, they buy that for
 13 a specific car?
 14 A. Yes.
 15 Q. I'm sorry. We were back at the grinding.
 16 Okay?
 17 A. Uh-huh.
 18 Q. Now, is there some particular reason that
 19 Rayloc needs to grind -- in other words, could you have
 20 purchased the friction material for that particular car
 21 application rather than Rayloc itself grinding?
 22 A. Because of the process and because of the
 23 recycled shoes, the only proper way to get the correct
 24 precision finish is after the material is on that brake
 25 shoe.

13 (Pages 46 to 49)

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1 That was the reason for grinding. That was
2 one of our selling points, that we precision ground
3 all of our brake shoes to properly fit the application
4 without you, Mr. Installer or Ms. Installer, having to
5 modify anything. It goes right on. And you can get
6 another job in there.

7 Q. Your selling point as to your product versus
8 other products?

9 A. Sure, yes.

10 Q. So it was Rayloc's sales strategy to say, if
11 you use our product versus another product, you don't
12 have to grind?

13 A. Well, that would be one.

14 And the other is that you don't need to be
15 doing that, because there were people out there selling
16 equipment to grind brake shoes. That took a lot of
17 time. And it was actually cost-effective for the garage
18 to get a pre-ground set so that they didn't have to take
19 the time to perform all those tasks.

20 Q. I guess my question is: You answered the
21 reason that you couldn't purchase lining that was
22 already pre-ground is because that would not be an
23 effective way to manufacture or remanufacture a brake
24 shoe?

25 A. That wouldn't have been the Rayloc way, no.

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1 A. I kept it because this is exactly what we were
2 saying the customer didn't have to do. And we wanted to
3 know what was out there of what people were trying to
4 convince these installers of what they needed to do to
5 do the job correctly.

6 Our price — excuse me — our product was
7 always at a premium price. So we went the extra step to
8 ensure that they didn't have to do any modification.
9 And to this, something had to be done after you received
10 it.

11 Q. This came across your desk or you discovered
12 this. And you knew that this was basically what was out
13 there in the market. Your competitors were saying —
14 your competitors' products, people were selling and
15 explaining they had to grind those brake shoes?

16 A. I wouldn't say all.

17 Normally the people that were out there
18 selling it were people that were selling a system
19 for you doing the complete relining, such as Star
20 Manufacturing, Star Riveting. They had the chopper.
21 They had linings that you would have to countersink and
22 drill holes in it and then rivet the lining to it.

23 And then, of course, after that, you're going
24 to grind it. That's what we were saying was not
25 necessary.

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1 Q. What would have prevented Rayloc from
2 purchasing a pre-ground friction material to put on its
3 brake shoes?

4 A. What would have prevented us from doing so?

5 Q. Yes.

6 A. Well, in the bonding process itself, I mean
7 you just can't have a product with non-machine surfaces
8 going together and then expect it to fit a machine drum
9 surface. So you just can't put the cart before the
10 horse.

11 MR. DUMLER: Let me have this (indicating)
12 marked as Exhibit 3.

13 (Plaintiffs' Exhibit LeCour 3 was marked.)

14 Q. (By Mr. Dumler) Mr. LeCour, I hand you
15 a document marked Exhibit 3, which is an AMMCO pamphlet
16 on how to grind a brake shoe. Have you ever seen that
17 document before?

18 A. Yes, I have.

19 Q. When is the first time that you saw that
20 document; do you remember?

21 A. I don't remember.

22 Q. Is this part of your personal file?

23 A. Yes, it is.

24 Q. What was the reason that you kept this
25 particular document?

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1 Q. Can you give me a time frame of what year you
2 first maintained a copy of this document?

3 A. That had to be in the '70s.

4 Q. In the early or middle or later '70s?

5 A. The '70s.

6 Q. Does this pamphlet have any relationship to
7 the grinding that's actually taking place in the Rayloc
8 facility?

9 A. Any relationship to it?

10 Q. Yes. Is Rayloc basically doing the same thing
11 in its facility?

12 A. We don't fixed-anchor grind. We can grind.

13 Q. What's the difference?

14 A. The difference is the way in which we grind
15 the contour of the shoe, that we can fit a drum that is
16 a standard diameter or up to its maximum limit, which is
17 normally 60,000 over standard.

18 In this type of application, doing
19 a fixed-anchor grind, you have to fit it specifically
20 to that one drum.

21 Q. You lost me.

22 A. You asked me.

23 Q. In this application that's described in
24 Exhibit 3 is what you understood to be going on in
25 garages with auto mechanics; is that correct?

14 (Pages 50 to 53)

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- 1 A. Yes.
- 2 Q. And the particular auto mechanics are grinding
- 3 the lining to make sure that it's in sync with the drum?
- 4 A. Yes.
- 5 Q. Is it true that each drum -- you have four
- 6 wheels. There may be variances due to wear and tear on
- 7 each drum?
- 8 A. Yes.
- 9 Q. So in this application that's described as
- 10 Exhibit 3, the mechanic is essentially using the drum as
- 11 a guide to make sure there's a proper fit in the braking
- 12 operation?
- 13 A. Well, you don't turn drums on the same axle
- 14 more than .015 difference. So if you had one drum and
- 15 you turned it .045 to clean it up and you have the other
- 16 drum that cleaned up at 15, you wouldn't do that. You
- 17 would have to turn this one up to be within fifteenths
- 18 of the 45.
- 19 Q. Now, how does Rayloc know, when it grinds its
- 20 brake shoes, how that brake shoe is going to fit on
- 21 a particular drum? By specifications?
- 22 A. By specifications and also gauges.
- 23 Q. I'm sorry. Gauges?
- 24 A. Yeah, gauges.
- 25 Q. What do you mean by that?

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- 1 talking about?
- 2 A. Yes.
- 3 Q. These are American Brakeblok or Bendix
- 4 specifications that you match when you do the grinding;
- 5 is that correct?
- 6 A. These are American Brakeblok.
- 7 Q. Okay. Now, show me on here where you would
- 8 actually see where you're supposed to grind to.
- 9 A. Read that (indicating).
- 10 Q. "Finished lining thickness."
- 11 A. That's it.
- 12 Q. All right.
- 13 A. And you see this center thickness. This is
- 14 a grinding specification. So when you're finished
- 15 grinding, you've already set your compound up here for
- 16 what the diameter is going to be. You're going to set
- 17 your compound at 10, what, 960?
- 18 Q. Right.
- 19 A. All right. That is the drum diameter you set
- 20 it for. Add that is .040 under the standard drum
- 21 diameter. You give heel-and-toe clearance on the shoe
- 22 itself -- the lining -- between the lining and the drum.
- 23 When you finish making that arc sweep, then you measure
- 24 the center thickness. And that's the variances you're
- 25 supposed to have in there.

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- 1 A. Well, the gauge is you can have a grinder and
- 2 you grind it. We want to make sure that it does fit it
- 3 properly. And so you have gauges to check. Once you
- 4 finish grinding, okay, I just got finished grinding,
- 5 I check it, it's there.
- 6 Q. Is there a variance? Is there some way to
- 7 accommodate for the variance in each drum through wear
- 8 and tear?
- 9 A. Well, if I understand your question, our shoe
- 10 can fit a standard diameter drum or all the way up to
- 11 .060 over standard. Anywhere in between there, our shoe
- 12 works perfect.
- 13 Q. Well, let me ask you this question then: So
- 14 there is a variance over which or a range over which
- 15 your brake shoe is designed to fit with the standard
- 16 drum?
- 17 A. Well, not -- okay. With a drum, I'm not going
- 18 to say standard, because standard to me is standard
- 19 diameter, okay. But in a brake drum, our brake shoe
- 20 fits over a variance of diameter.
- 21 MR. DUMLER: Let's have this marked as the
- 22 next Exhibit 4.
- 23 (Plaintiff's Exhibit LeCour 4 was marked.)
- 24 Q. (By Mr. Dumler) Again, what's been marked
- 25 as Exhibit 4, is this the specification that you're

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- 1 Q. What's the difference? When it says "primary"
- 2 and "secondary?" What --
- 3 A. Well, in a Duo-Servo brake, you have a primary
- 4 and a secondary. The primary shoe is the leading shoe
- 5 which wedges the secondary shoe.
- 6 And in the majority of the applications, you
- 7 have a longer segment on the secondary shoe. And it is
- 8 normally thicker than the primary shoe.
- 9 Q. Now, what particular vehicle is this
- 10 specification for?
- 11 A. I don't know. This (indicating) is telling me
- 12 what it is. It would be a B-291. And you would look it
- 13 up in our application catalog, which the jobber goes
- 14 back on his shelf and pulls a B-291 for an application
- 15 for what it specifically goes on. This (indicating)
- 16 tells you what it goes on.
- 17 Q. So the B-291 would correspond to a specific
- 18 vehicle?
- 19 A. Year, make, model.
- 20 Q. Now, this is much different than your average
- 21 mechanic who's grinding shoes, the process they would go
- 22 through. They would not use these specific
- 23 specifications, is that correct, to your understanding?
- 24 A. I don't know what they would use.
- 25 Q. Did you have any knowledge of what your

15 (Pages 54 to 57)

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1 average mechanic, how they would go about grinding shoes
2 in their garage?

3 A. No. I've not seen grinding taking place in
4 a garage, in a repair garage.

5 See, jobbing stores -- the majority of your
6 jobbing operations had the grinding mechanisms, because
7 they turned the drums for the garage.

8 Q. You've never been to a garage to see
9 a mechanic do a brake job?

10 A. Oh, yes, absolutely.

11 Q. You've never seen a mechanic grind the brake?

12 A. No.

13 Q. What is your understanding of whether or not
14 your average mechanic would have these specific
15 specifications when they're grinding?

16 A. Give me that question again, please.

17 Q. Sure. Your average mechanic goes and buys
18 brake lining that they're going to grind. Is it your
19 understanding that they grind them to specific
20 specifications or that they grind them based upon their
21 view of what needs to be done to put them to properly
22 fit them with the drum?

23 MR. RILEY: Objection. Object to the form
24 of the question.

25 MR. ERRANTE: Objection.

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1 in the garages or not. I understand grinding, okay.

2 But I don't know what they did in the garages.

3 Q. Well, let me ask you this question: Do you
4 have an understanding of the difference between how you
5 put your product on an automobile and how you put some
6 of your competitors' products on an automobile with
7 respect to the grinding that needs to be done?

8 A. Well, ours is precision ground to fit. And
9 if they use someone else's brand that is not precision
10 ground -- because they had other people that are also
11 precision ground -- but if they do not, then they
12 couldn't get the drum back on. They could mount them,
13 but they'd never get the drum back on.

14 Q. What did they have to do to get the drum back on?

15 A. I don't know.

16 Q. Do you have any knowledge of how or why they
17 would go about grinding to apply a competitor's product?

18 A. The only way I can say it is, with the exhibit
19 that we just looked at from AMMCO, this company would
20 come in, and they would sell a garage this equipment.
21 And they would have to have the instructions of how to
22 use the equipment. So that's all I would know, follow
23 the instructions.

24 Q. Have you ever installed your own Rayloc brake
25 shoes?

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1 MR. DUMLER: Go ahead.

2 MR. RILEY: Those are not the only two
3 alternatives to what he may have in mind.

4 Q. (By Mr. Dumler) Are either of those
5 alternatives within your realm of understanding?

6 A. Repeat the question.

7 Q. What did you understand your average mechanic
8 was doing in order to get the brake linings to properly
9 fit?

10 MR. ERRANTE: Object to the form.

11 THE WITNESS: Using our product, they did
12 nothing other than install them.

13 Q. (By Mr. Dumler) Other than with respect to
14 your product, in those instances in which a mechanic at
15 a garage would grind brake shoes and lining, what was
16 your understanding of how they were going about doing
17 that and what they were doing?

18 MR. RILEY: Well, he's testified that he's
19 not seen it, so I don't know that he has an
20 understanding. Why don't you ask him if he has
21 an understanding.

22 Q. (By Mr. Dumler) Well, that is my question:
23 Do you have any idea what they're doing in the garages
24 when they're grinding brake shoes?

25 A. Well, I don't know if they are grinding them

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1 A. Absolutely, yes.

2 Q. Have you ever installed a competitor's brake
3 shoes?

4 A. Yes.

5 Q. Have you ever ground any linings? Have you
6 yourself ever ground brake linings?

7 A. Ground them in the plant before I took them
8 home and put them on the car.

9 Q. Have you ever ground them, not in the plant --
10 I'm sorry -- before you took them home for the car. So
11 the competitors' you've ground to go home, put them on
12 your car, and what, tested them?

13 A. Well, yes, if it required it.

14 Q. And what did you grind them to, specifications
15 or --

16 A. Yes.

17 Q. Where did you get the specifications?

18 A. American Brakeblok.

19 MR. DUMLER: Let me have that (indicating)
20 marked as the next exhibit.

21 (Plaintiffs' Exhibit LeCour 5 was marked.)
22 Q. (By Mr. Dumler) I've handed you what's been
23 marked as Exhibit 5, which appears to be an AMMCO
24 products catalog. Can you identify that for me?

25 A. It's tools and equipment for professionals,

16 (Pages 58 to 61)

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1 brake service, wheel alignment, tire changing, engine
2 repair made by AMMCO, A-M-M-C-O.
3 Q. Is this document also contained in your
4 personal file?
5 A. I think I do have a copy, or this might have
6 been the one that I furnished. But, yes, I've seen this
7 one before.
8 Q. When did you first get a copy of that
9 document?
10 A. I do not recall.
11 Q. What is the reason that you decided to hang on
12 to that document?
13 A. Again, that's my business to know what is
14 going on in our industry and what different suppliers
15 come out with, as far as equipment.
16 Q. Do you have any recollection of when you got
17 that document?
18 A. No.
19 Q. There are specific grinding tables or grinding
20 products that are contained in that document. Do they
21 have any relationship to the equipment that is in the
22 Rayloc plants and used in the remanufacturing process?
23 A. No.
24 Q. Is the grinding equipment that you had at the
25 Rayloc plants custom equipment?

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1 marked as the next exhibit.
2 (Plaintiffs' Exhibit LeCour 6 was marked.)
3 Q. (By Mr. Dumler) Go ahead and take a look
4 through Exhibit No. 6, and tell me what's pictured
5 there.
6 A. It's brake shoes and the box in which they're
7 packaged in.
8 Q. There's an "RS-263." That's a specific model
9 number?
10 A. That's a Ford.
11 Q. Is there any way to tell what year we're
12 talking about?
13 A. No, other than application catalog. Are you
14 talking about on the box?
15 Q. Right.
16 A. On the label? No.
17 Q. Okay. Now we're looking at the Bates number
18 at the bottom, NOVO41225.
19 Is this a riveted brake shoe?
20 A. Yes, it is.
21 Q. How do you know that? By the designation?
22 A. "RS."
23 Q. Is this an asbestos-containing product?
24 A. Well, it depends on when it was manufactured,
25 but I'd say yes.

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1 A. No.
2 Q. It's purchased from someone?
3 A. Yes.
4 Q. Who's it purchased from?
5 A. Conklin would be one. And Shepherd Thompson
6 would be the other.
7 Q. Are these products you can purchase on the
8 open market, or were they built by those manufacturers
9 specifically for Rayloc?
10 A. You can buy them on the open market.
11 Q. So a mechanic can purchase the same type of
12 equipment that you have in your Rayloc facilities?
13 A. If you had enough money.
14 Q. Now, we got off on this tangent. We were
15 talking about the process. We stopped at the grinding.
16 We were at the grinding process at the Rayloc plant.
17 After the grinding is complete, what is the
18 next step?
19 A. Well, the next step, the shoe drops down on
20 a conveyor belt, which has a vacuum tunnel around it.
21 And then it goes up to the packaging area. And the shoe
22 then is taken off the belt and put on a down-draft
23 table. And then it is boxed into the finished product.
24 or into the finished box rather.
25 MR. DUMLER: Let me have this (indicating)

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1 Q. What makes you say that?
2 A. Because of the type of label that's on there
3 and having the Rayloc on the side, see, with the logo
4 here (indicating). That was old.
5 Q. What year did that change?
6 A. I don't remember the year that they changed.
7 Q. So this -- I don't know if it's a hexagon?
8 A. Sixagon (sic).
9 Q. Sixagon with a check is an old Rayloc logo?
10 A. Yes.
11 Q. All right.
12 MR. RILEY: What else can you tell him
13 about that (indicating)?
14 THE WITNESS: Well, there's stuff missing
15 up in here (indicating). It had "American
16 Brakeblok" on it. I can't make that out, if
17 that says "NAPA" or not.
18 Q. (By Mr. Dumler) Okay. You're referring to
19 the --
20 A. Label.
21 Q. -- black lines above the "RS"?
22 A. Right.
23 Q. So the copying has blotted something out?
24 A. Well, it didn't take because of the ink.
25 It was a dark color, and it was black ink.

17 (Pages 62 to 65)

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1 Q. Now, we've got a black-and-white copy.
 2 What does this box look like?
 3 A. The box?
 4 Q. Yes. What color was it?
 5 A. White -- excuse me -- oyster white.
 6 Q. I'm sorry. Oyster white?
 7 A. Oyster white, bone white.
 8 Q. What about the lettering? Let's start with
 9 the lettering and the logo. What color were they,
 10 typically?
 11 A. Black.
 12 Q. What about on the front of the box here
 13 (indicating) with the RS-263?
 14 A. Black.
 15 Q. And this, the black bar here (indicating),
 16 would be black with some writing?
 17 A. I don't recall exactly, because -- but
 18 normally that was not black. That would have been like
 19 red.
 20 Q. Okay. 41226 is a picture of the same product,
 21 correct? I think it's just a duplicate.
 22 A. Duplicate, yes.
 23 Q. All right. What does NOVO41227 indicate?
 24 Is that the same product?
 25 A. Uh-huh.

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1 Q. So this is a different label that was put on
 2 the box?
 3 A. Uh-huh.
 4 Q. Do you have any recollection of when there was
 5 a shift?
 6 A. No, I do not. Let's see. This (indicating)
 7 would tell you the date.
 8 Q. You're referring to NOVO30229, which is --
 9 it says "APS-1049"?
 10 A. Yes.
 11 Q. That tells me nothing.
 12 A. Well, that was made by Abex, so that was their
 13 designation of it.
 14 With ours, it's a Julian date.
 15 Q. So the ABS (sic) refers to -- is it the ABS
 16 that signifies it's Abex, or is it the American
 17 Brakeblok?
 18 A. Same. Well, I consider them one and the same.
 19 Q. Okay. So before we go up to there
 20 (indicating), what's the ABS? Is that APS?
 21 MR. RILEY: APS.
 22 Q. (By Mr. Dumler) Does that signify who the
 23 company is?
 24 A. I don't know what that means.
 25 MR. RILEY: I think the words "a product

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1 Q. Same product (indicating)?
 2 A. Yes.
 3 Q. (Indicating.)
 4 A. Same product.
 5 MR. DUMLER: Let's have this (indicating)
 6 marked as Exhibit No. 7.
 7 (Plaintiffs' Exhibit LeCour 7 was marked.)
 8 Q. (By Mr. Dumler) And if you could take a look
 9 at Exhibit No. 7, and tell me what those pages are.
 10 A. These are labels for master cartons and
 11 individual products for both brake shoe and disc pad
 12 and also clutch discs.
 13 Q. Now, the labeling looks different here
 14 (indicating). Is this a more recent product --
 15 A. Uh-huh.
 16 Q. -- than Exhibit 6?
 17 A. Yes.
 18 Q. When did this design come out?
 19 A. I do not know.
 20 MR. RILEY: You're referring to page 7?
 21 MR. DUMLER: Correct, or NOVO30228.
 22 Q. (By Mr. Dumler) Is this a newer design box?
 23 A. Not -- well, the box could have changed, but
 24 the label could have changed, and the box could have
 25 still been the same.

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1 of American Brakeblok" might --
 2 MR. DUMLER: That would help me, right.
 3 Q. (By Mr. Dumler) All right. Now, we saw on
 4 Exhibit 6 that there was the Rayloc with the sixagon
 5 but with a check. And this has the NAPA logo.
 6 My question is: Was there a shift in the
 7 packaging at some point in time --
 8 A. Yes.
 9 Q. -- that changed the design?
 10 A. Yes.
 11 Q. So the design went from what appears on
 12 Exhibit 6 to what we have here on Exhibit 7?
 13 A. Yes.
 14 Q. And you don't know when that was?
 15 A. No, I don't.
 16 Q. What was the reason for the change in design
 17 of the package?
 18 A. I don't know.
 19 Q. Now, on 30228, there's three different types:
 20 Economy quality, standard quality, and professional
 21 quality. Those are the three grades that Rayloc sold?
 22 A. Yes.
 23 Q. Now, the next page, 30229, is this another
 24 part of the box? What are we looking at here?
 25 A. You're looking at labels again. You're

18 (Pages 66 to 69)

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1 looking at labels.
 2 Q. My question is: Are these labels on the
 3 second page in the same box as the ones on the front
 4 page?
 5 A. You mean — repeat your question:
 6 Q. Sure.
 7 MR. RILEY: Well, you have put together
 8 a collection of labels. They are all separate
 9 labels.
 10 MR. DUMLER: Okay. They all go in
 11 different boxes?
 12 MR. RILEY: Different boxes.
 13 Q. (By Mr. Dumler) Well, let's look at the first
 14 page —
 15 MR. RILEY: And probably different time
 16 periods.
 17 Q. (By Mr. Dumler) 30228, what else would be on
 18 the box that contains this label?
 19 A. I don't recall, because for a long period of
 20 time, we did not have what we called the Gucci box.
 21 It was just a plain oyster white, bone white, box.
 22 Then we went and put a band around — a gray
 23 band around the box that had the different product lines
 24 that we sold. And we let the label speak for what's
 25 inside the box.

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1 Q. Okay.
 2 MR. RILEY: And that's a third label.
 3 Q. (By Mr. Dumler) Then 30230 would be the disc
 4 brake pad label?
 5 A. Yeah. This is the master cart, because
 6 there's 12 sets in the box. And this is what, let's
 7 say, is in that box.
 8 Q. Up above that?
 9 A. Yeah. It would have had to have the same part
 10 number.
 11 Q. These numbers (indicating), 8503 and 8502,
 12 that are underneath them, what do they correspond to?
 13 A. That should be a Julian date.
 14 Q. What does that mean?
 15 A. Day of the year and the year.
 16 Q. How do we know what date we're talking about
 17 on 8502?
 18 A. Well, again, on this one, I cannot answer
 19 that, because they were printed by American Brakeblok.
 20 We did not print these labels.
 21 Q. All right. When did Genuine Parts start
 22 printing their own labels?
 23 A. I don't recall the exact time. I do not
 24 recall.
 25 Q. All right. Now, the boxes that those labels

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1 MR. RILEY: If I can help you out.
 2 THE WITNESS: I didn't see it.
 3 MR. RILEY: I don't either. Okay.
 4 THE WITNESS: I didn't see it. But it was
 5 printed directly onto the box.
 6 Q. (By Mr. Dumler) Okay.
 7 A. But the label, for instance, here (indicating)
 8 on No. 7 —
 9 Q. Yes.
 10 A. — economy, that would be a certain color,
 11 professional quality would be a certain color; and
 12 standard quality would be another color. But that's
 13 what you knew was in the box.
 14 Q. When was that change made?
 15 A. That wasn't mine. I don't recall.
 16 Q. Okay. Now, the next page, which is 30229,
 17 indicates Rayloc relined brake shoes. Okay?
 18 A. Uh-huh.
 19 Q. This top up here (indicating) is different
 20 than what's down here, "Rayloc stopper." These are
 21 different boxes?
 22 MR. RILEY: Labels.
 23 Q. (By Mr. Dumler) Labels?
 24 A. This is a label, that's a label. Yes, they're
 25 two different labels.

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1 would be put on, when you went out and bought either
 2 a brake shoe or disc brake pads, did they have inserts
 3 in them?
 4 A. Some.
 5 Q. How do you distinguish between which ones did
 6 and which ones did not?
 7 A. If it was a particular problem on the
 8 functionality of a brake, we would bring it to the
 9 attention of the installer. So that they made sure, if
 10 the car had been updated, it should have been updated.
 11 And then who — go ahead.
 12 Q. I'm sorry. Go ahead.
 13 A. And that's basically it.
 14 Q. Who made the decision of what particular
 15 products required inserts and what products did not?
 16 A. I was responsible for the inserts from
 17 a mechanical point of view.
 18 Q. All right. So if you were aware of any
 19 particular performance or installation issue, you would
 20 say, we need an insert to go in this particular box?
 21 A. Yes.
 22 Q. Can you give me an example of an insert or
 23 a situation that you decided required an insert?
 24 A. Yes. It's on a 3/4-ton, 1-ton GM application,
 25 where it's a very heavy caliper. And through normal

19 (Pages 70 to 73)

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1 service, it wears on the fixed-anchor assembly.
 2 So there are oversized shims that you use to
 3 compensate for this problem. And the reason being that
 4 GM had a problem with it. And the problem was they were
 5 pulling linings off of the backing plate.
 6 So we took extra measures to use a special
 7 annealed rivet for attachment of the friction material.
 8 But at the same time, even doing all that, if the
 9 installer did not check the clearance between the
 10 caliper and the fixed-anchor assembly, then he would
 11 have the same problem all over again. So we put that
 12 in there.
 13 And United offered the shims. So we put the
 14 United part numbers in there so they could purchase
 15 those from the NAPA jobber.
 16 Q. Did you have any involvement in designing the
 17 insert?
 18 A. Yes.
 19 Q. What did it look like? Was it a piece of
 20 paper that was put in the actual package?
 21 A. Yes.
 22 Q. What did it say at the top?
 23 A. I don't recall. "Notice."
 24 Q. Did you make any particular effort to make
 25 sure that someone opened the package, actually looked

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1 Abex regarding the thickness of the lining in particular
 2 products and the difficulty in grinding. Do you have
 3 any recollection of that?
 4 A. Yes.
 5 Q. Can you tell me what the problem was?
 6 A. Can I see them?
 7 Q. Do you want to see the documents?
 8 A. Absolutely.
 9 MR. DUMLER: All right. Let's have them
 10 marked.
 11 (Plaintiffs' Exhibit LeCour 8 was marked.)
 12 Q. (By Mr. Dumler) This is a collection of
 13 letters. Take your time.
 14 A. You want me to just read one, or do you want
 15 me to read them all?
 16 Q. You can take your time and take a look at
 17 them. I'm just trying to see whether you have any
 18 recollection of what the problem was.
 19 MR. RILEY: While he's reading, can we
 20 take a five-minute break?
 21 MR. DUMLER: Sure.
 22 (Recess was taken.)
 23 Q. (By Mr. Dumler) Have you had a chance
 24 to review those documents?
 25 A. Yes.

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1 and read the insert, rather than simply discarding it?
 2 A. We always tried to do that by placing it on
 3 top of the product. It's the last thing that went in
 4 the box.
 5 Q. So, in other words, you had to take it off to
 6 get to the product?
 7 A. Right.
 8 Q. Did you think about or make any conscious
 9 decision, how am I going to make sure that people read
 10 this insert?
 11 A. No. I mean how they're going to read it, if
 12 they can read, I'm sure...
 13 Q. In other words, you put the word "Notice" on
 14 it?
 15 A. Yes.
 16 Q. Did you make any effort to highlight that word
 17 or place it bolder or larger?
 18 A. Oh, the word "Notice" would have been larger.
 19 Q. So you made some conscious effort to design
 20 the insert to make sure that people noticed it and read
 21 it; is that fair to say?
 22 A. Yes.
 23 Q. Mr. LeCour, I've got some exhibits, but maybe
 24 I don't have to mark them.
 25 There was a time when you had a dispute with

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1 Q. Mr. LeCour, what can you recall about the
 2 problem you were experiencing with Abex brake linings?
 3 A. Abex wanted to make a consolidation on
 4 segments. And in this consolidation, they chose to make
 5 the centerline thickness of the linings anywhere from
 6 .15- to .025 over what we were currently using. Well, we
 7 would not release that to all of our customers. We
 8 checked on some ourselves with our vehicles, and they
 9 worked.
 10 Where the mistake was made was on the
 11 non-servo imports.
 12 Well, we had two DCs that we used. We used
 13 Atlanta — there were three. We used Atlanta, we used
 14 Birmingham, and we used New Orleans.
 15 And we released the new spec thickness to
 16 those three DCs. We had our salesmen assigned to each
 17 DC.
 18 We got complaints that when they put a new
 19 drum — if they had to go buy a new drum and put the new
 20 drum on, they could not get the drum on. If they turned
 21 the drum, which that's the normal procedure to do in
 22 a brake job, it goes on fine with no problem.
 23 Q. What was preventing it from going on?
 24 A. The lining was too thick.
 25 Q. Too thick?

20 (Pages 74 to 77)

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1 A. Too thick. So we said that, no, it has to fit
2 a new drum.
3 Well, there were arguments back and forth, the
4 majority of the drums out there are all turned, da, da,
5 da. I said, look, we're tired of arguing, this is it,
6 we're not going to use your specifications any longer,
7 we will drop back to FMSI standard thickness on servo --
8 excuse me -- non-servo. So we did so.
9 Q. The letters that I see are dated 1981. How
10 long had the problem been going on prior to that?
11 A. As far as the problem is concerned, that I can
12 recall, it would have been no longer than 60 days that
13 we would have found out, because we picked popular
14 numbers and pulled the current inventory out and put
15 new inventory in.
16 Q. So when the mechanic went to put a new -- to
17 basically do a brake job, why is the lining still too
18 thick if it's been pre-ground at the factory?
19 A. Because we raised the centerline thickness.
20 I still can have the right precision arc, but
21 it can be too thick. So the new drum wouldn't go on.
22 Q. Okay. So the grinding that's done is for the
23 arc. It doesn't have anything to do with the thickness
24 of the lining?
25 A. That's correct.

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1 Q. So when the mechanic got the lining that's
2 too thick, what did they have to do to accommodate?
3 A. They picked up the phone and said, your
4 linings don't fit, what's wrong.
5 Q. And what's the solution for that? Turn the --
6 A. We turned the drum. A lot of them said, hey,
7 I had to turn this new drum, and I don't think I need
8 to turn the new drum. That's what the jobber did to
9 salvage the business.
10 MR. DUMLER: Let's have this (indicating)
11 marked as the next exhibit.
12 (Plaintiffs' Exhibit LeCour 9 was marked.)
13 Q. (By Mr. Dumler) All right. I'm going to give
14 you Exhibit No. 9, which is a November 16, 1990, letter
15 that appears to be from you. I ask you to take a look
16 at it.
17 A. Yes.
18 Q. This is an instance where you're having people
19 in your company test new products?
20 A. Yes.
21 Q. Is this a non-asbestos metallic pad? What is
22 this?
23 A. It's metallic and non-metallic, non-asbestos,
24 a strip lining, strip lining on the shoe. On the disc
25 pad, it was metallic.

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1 Q. You send these out and have them install them
2 themselves on their own cars?
3 A. Yes.
4 Q. There's a reference in here that you may sand
5 the rubbing surface to remove the glazed finish. What
6 does that refer to, the first paragraph?
7 A. Let's see. We're talking about the rotor
8 surface. You don't have to turn your rotors. If your
9 rotors are good, we want you to knock the glaze off of
10 your rotors.
11 Q. Okay. How often did Rayloc or Genuine Parts
12 send out products to have them tested by their own
13 employees?
14 A. I cannot recall. But it would be -- when
15 formulations were being considered as a change, we
16 would do so.
17 Q. Did Genuine Parts make any effort prior to
18 1990 to test any non-asbestos products with their
19 employees?
20 A. Prior to when?
21 Q. Prior to this letter in 1990.
22 A. Yes.
23 Q. All right. When's the earliest you can
24 recall getting a potential product or test product,
25 non-asbestos, and having somebody at Rayloc test it out?

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1 A. Mid-'80s.
2 Q. What was the product; do you remember?
3 A. Brake shoes.
4 Q. Who manufactured them?
5 A. Abex.
6 Q. Was this in connection with Abex's efforts to
7 shift over to non-asbestos products?
8 A. Yes.
9 MR. ERRANTE: Object to the form.
10 Q. (By Mr. Dumler) Did you have any discussions
11 with Abex about testing or designing non-asbestos brake
12 shoes or pads prior to the mid-'80s?
13 A. Restate your question.
14 Q. Prior to the mid-'80s, did Genuine Parts test
15 any non-asbestos brake products?
16 A. Yes.
17 Q. When was the first time you tested
18 non-asbestos brake products?
19 A. That would have been mid-'70s, early '70s,
20 mid-'70s.
21 Q. What was the product that you tested?
22 A. Semi-metallic.
23 Q. Who manufactured it?
24 A. At that time, Bendix.
25 Q. What was the reason that Genuine Parts was

21 (Pages 78 to 81)

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1 testing semi-metallic product at that time?
 2 A. Because the original manufacturers were
 3 switching over to semi-metallic friction material on the
 4 disc pads.
 5 Q. Are there any documents that are produced in
 6 connection with your testing of those products?
 7 A. No.
 8 Q. Your people who drive the cars don't fill out
 9 forms or don't have surveys about what they liked or
 10 didn't like about the products?
 11 A. No. That was done by Abex themselves in their
 12 testing.
 13 Q. I'm sorry. They did it themselves?
 14 MR. RILEY: You said Bendix.
 15 THE WITNESS: Excuse me. Well, I cannot
 16 speak for Bendix.
 17 Q. (By Mr. Dumler) Okay. I'm asking about
 18 Genuine Parts. When it tested a brake product, did it
 19 have its people fill out any forms or do any surveys
 20 or any other documents related to the testing of that
 21 product?
 22 A. No.
 23 Q. So were you involved at all in the testing of
 24 the semi-metallic products?
 25 A. Yes.

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1 A. Yes. It wouldn't have taken that long to run
 2 the test.
 3 Q. And are you the person that was responsible
 4 for approving Genuine Parts' sale of semi-metallic in
 5 the '70s?
 6 A. Yes.
 7 Q. What was the advantage of semi-metallic over
 8 your asbestos-containing products that you were selling
 9 at the time?
 10 A. Strictly heat. They could take higher
 11 temperatures without breaking down.
 12 Q. Were there any disadvantages to the
 13 semi-metallic versus the asbestos-containing brake
 14 products you were selling in the early '70s?
 15 A. Yes.
 16 Q. What were they?
 17 A. It would eat up your rotors and, in some
 18 cases, would require additional pedal pressure to get
 19 the car to stop.
 20 Q. Were there any other disadvantages?
 21 A. Noise, morning sickness.
 22 MR. RILEY: What?
 23 THE WITNESS: Morning sickness. That's --
 24 see, semi-mets work better at elevated
 25 temperatures.

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1 Q. Were you the person responsible for whether
 2 or not semi-metallic products would be sold by Genuine
 3 Parts?
 4 A. Yes.
 5 Q. And were you the person responsible for having
 6 the employees at Genuine Parts test the semi-metallic
 7 products?
 8 A. Yes.
 9 Q. All right. So this work, basically you sent
 10 them out and then spoke to the people who drove the
 11 cars --
 12 A. Yes.
 13 Q. -- and got feedback from them about whether or
 14 not they were good, bad, or otherwise?
 15 A. Yes, and personally had them on cars.
 16 Q. When did you make the determination that the
 17 semi-metallic product was a product that Genuine Parts
 18 wanted to start selling?
 19 A. When?
 20 Q. Correct.
 21 A. Like year?
 22 Q. Correct.
 23 A. I don't recall the exact year, but it would
 24 have been in the '70s.
 25 Q. Early '70s?

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1 At normal temperatures, the coefficient of
 2 friction is lower, whereas an asbestos product
 3 has its coefficient of friction stable
 4 basically through all ranges of temperature
 5 before you reach primary fade.
 6 So you would have to press -- you're
 7 backing out of your driveway in the morning,
 8 and you hit your brakes. And if you had
 9 asbestos on there, you know, you would stop.
 10 And now you put the semi-mets on there and
 11 say, wait, it's not going to stop. And you
 12 pressed harder to get it to, and it would stop.
 13 Q. (By Mr. Dumler) So semi-metallics were not
 14 as attractive to the consumer as the asbestos products?
 15 A. It really wasn't being -- I couldn't speak
 16 from the consumer. I'm speaking from a point of a
 17 functionality and a required material to be a safe
 18 material.
 19 So disregarding the morning sickness problems
 20 or the squealing and noise, we wanted to produce a safe
 21 product.
 22 And that's what original equipment says
 23 belongs on the car. That's what we're going to put back
 24 on there.
 25 Q. What was the reason that Rayloc did not go to

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1 semi-metallic on all of its brake products?

2 A. Because actually all brake systems were not
3 designed to run with semi-metallic.

4 Q. You said in the beginning of this deposition
5 or near the beginning of this deposition that Mr. Huff
6 was the person that had your job before you; is that
7 correct?

8 A. Uh-huh.

9 Q. Have you ever read Mr. Huff's deposition that
10 he gave on February 26th of 1988?

11 A. No.

12 Q. I want to ask you about something that's
13 stated in that deposition, whether you agree with it.

14 On page 44 and 45 of the deposition, Mr. Huff
15 indicates that Rayloc had procedures in its plants in
16 the 1940s for taking precautions with respect to
17 asbestos. Are you familiar with those precautions?

18 A. I can only speak from the point of view that
19 when I came into the plant in '76, it was already in
20 place, monitoring and industrial hygiene testing going
21 on. I can't go back to the '40s.

22 Q. As the corporate designee of Genuine Parts,
23 are you familiar with any precautions for containing
24 or containerizing asbestos that go back to the 1940s?

25 A. I'm not familiar with that.

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1 you on page 47: What precautions were taken back in the
2 '40s or, you know, the '50s, when you first began the
3 Atlanta plant, with reference to grinding asbestos brake
4 linings?"

5 The answer Mr. Huff gave was: "Well, it
6 was accumulated on the early grinders. They were
7 hand-operated grinders. We have automated over a period
8 of time. The early grinders were hand-operated grinders
9 and had bags on them, very much like a vacuum cleaner.
10 And the material was collected in those bags and then
11 transformed to a larger container."

12 Are you familiar with that process?

13 A. I'm familiar with that process.

14 Q. Do you have any knowledge of how far back that
15 process goes?

16 A. With Rayloc?

17 Q. Correct.

18 A. No, I do not.

19 Q. What is your understanding for that process,
20 the reason for that process?

21 A. The reason for it is you don't want dust all
22 over the place. So these machines he's speaking of were
23 hand grinders. And they did have a vacuum unit attached
24 to them, just like a vacuum cleaner. And then you would
25 take that and transfer it over to a larger container.

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1 Q. Okay. Are you familiar one way or another
2 whether or not in the 1950s, as testified by Mr. Huff,
3 the company had concern about the dust that was
4 emanating from its grinding operations?

5 MR. RILEY: I object to the form of the
6 question. Do you have a specific quote that
7 you want to refer him to?

8 Q. (By Mr. Dumler) Here's the question:

9 Page 47: "So even back in the 1950s, your
10 company was concerned with the dust that was
11 emanating from the brake linings?"

12 Answer: "Oh, yes."

13 Do you have any knowledge of that one way
14 or the other?

15 A. I can't speak for the '50s.

16 Q. You have no knowledge one way or the other
17 whether in the 1950s the company was concerned about the
18 dust that was coming from the brake lining grinding
19 operations?

20 A. I do know that Genuine Parts' Company has
21 always been concerned about good housekeeping.

22 And it was dust. What type of dust, I don't
23 know. But I do know they are very sticklers on
24 cleanliness.

25 Q. On page 40 -- let me read the full quote to

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1 But it was to prevent getting dust all over the place.

2 Q. Are you familiar with the vacuuming procedures
3 that the company put in place in the 1960s?

4 A. Yes.

5 Q. Tell me about those. What procedures were put
6 in place?

7 A. These were central vac units that had big dust
8 collectors. They were driven by like 25-horsepower
9 motors. And they had vacuum suction areas wherever
10 there was processing of asbestos.

11 Q. Who was the person responsible for deciding
12 that these vacuum procedures were going to be put in
13 place?

14 A. General manager.

15 Q. Who was that at the time?

16 A. What time?

17 Q. Well, when the procedures were first
18 initiated, who was the person that did it?

19 A. Oh, I can't -- I don't know that.

20 Q. But it's fair to say that the vacuum
21 procedures were put in place because of a recognition
22 that you did not want asbestos dust that wasn't taken
23 out by a vacuum process?

24 A. That wasn't taken out by a vacuum process?

25 Q. Correct.

23 (Pages 86 to 89)

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1 A. Well, it was the efficiency — at that time,
2 OSHA did not regulate the vacuuming systems. So they
3 just figured a shop vac would be suitable enough. It
4 would suck up everything, but then it had an exhaust.
5 So we got the dust collectors out of the building with
6 the proper filtration system.
7 Q. My question is this: Was there a recognition
8 between some health hazard associated with asbestos and
9 the use of the vacuuming system?
10 A. Yes, there was a recognition of the health
11 hazards of asbestos.
12 Q. And the company took steps to attempt to avoid
13 that health hazard by installing a vacuuming system?
14 A. Absolutely, to protect our employees, sure.
15 Q. How far back did the company make efforts to
16 avoid the hazards associated with asbestos through the
17 use of a vacuuming system or otherwise?
18 A. I can't speak, other than from, when I arrived
19 in 1976, knowing that these systems are already in
20 place. But I don't know the year that they were in
21 place.
22 Q. What was in place when you arrived in 1976?
23 A. Down-draft tables and central vacuuming and —
24 yeah, that was it.
25 Q. What do you mean by "down-draft tables"?

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1 A. It's a flat table, where you would be working
2 on something like right here (indicating) with a bunch
3 of holes on it. And the vacuum unit is sucking down,
4 so that any particles that would be thrown off would go
5 down and not go up toward the worker.
6 Q. How long had the company had down-draft tables
7 prior to 1976?
8 A. I don't know. I know they were in place.
9 That's all I can tell you.
10 Q. What was the central vacuuming system that was
11 used?
12 A. A dust collector.
13 Q. Describe that to me.
14 A. A huge, huge vacuum cleaner. Dust collectors
15 were units like used on wheelabrators. And they're used
16 in all industries. But they're the most efficient way.
17 Like your central vac at home, you know how they sell
18 that? Same type of principle.
19 Q. Where was the central vacuum system used?
20 What part of the operation?
21 A. All parts, from removing of the old asbestos
22 parts, from wheelabrating of the part, from riveting the
23 part back on, from grinding the part, from transporting
24 the part to the packaging table, and at the packaging
25 table.

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1 Q. When you arrived in 1976, how long had that
2 central vacuuming system been in place?
3 A. I don't recall. I don't recall.
4 Q. Did Genuine Parts, when you arrived in 1976,
5 use respirators, have its employees use respirators?
6 A. Only if they were emptying the dust
7 collectors.
8 Q. Who was responsible for implementing that
9 procedure?
10 A. For using the —
11 Q. Respirators.
12 A. — respirators? Again, the general manager.
13 Q. So at some point prior to your arrival,
14 Mr. Huff, or otherwise, or somebody else, decided that
15 when a person empties the vacuuming bags, they ought to
16 use a respirator?
17 A. Yes.
18 Q. Were respirators made available in any other
19 function in the Rayloc facilities?
20 A. Yes.
21 Q. What functions?
22 A. If an employee wanted one, they could have
23 one.
24 Q. Were there any signs, when you arrived in
25 1976, warning about the dangers of asbestos?

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1 A. I cannot recall.
2 Q. Were there any signs there after 1976 warning
3 about the dangers of asbestos?
4 A. Yes.
5 Q. And that was something that you would have
6 been involved in in your position after 1976?
7 A. No.
8 Q. No? What were the signs that were installed
9 after 1976?
10 A. Well, we had asbestos waste trash cans. So if
11 anything — if it was a piece of material that broke or
12 what-have-you, you didn't throw it in the normal trash.
13 They also had a safety manual and, you know,
14 worker's right to know. And everyone was educated on
15 what hazards they were being exposed to within their
16 particular area of responsibility, their job function.
17 We only had one person, to my knowledge, that
18 ever asked for a respirator.
19 Q. I'm sorry. I missed something here.
20 Were there specific signs posted around the
21 plant about the dangers?
22 A. I can't recall specific signs.
23 Q. Were there written documents related to
24 procedures for those people who were, safety procedures
25 for those people who were around or using asbestos?

24 (Pages 90 to 93)

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1 A. I can't recall that.
 2 Q. Were there specific training sessions that
 3 were offered or information sessions that were offered
 4 to workers who were either around or working with
 5 asbestos products?
 6 A. What time frame?
 7 Q. Well, at any time were you familiar with
 8 any --
 9 A. Yes.
 10 Q. When were they implemented?
 11 A. Late '80s, early '90s.
 12 Q. Is there a written document regarding the use
 13 of the vacuuming system or any other system for reducing
 14 the exposure to asbestos at the Rayloc facilities?
 15 A. Not to my knowledge.
 16 Q. Now, before you arrived in Atlanta at 1976,
 17 had you ever been to the plant before?
 18 A. Yes.
 19 Q. When's the earliest that you visited there?
 20 A. '71.
 21 Q. Okay. When you visited in 1971, was the
 22 central vacuuming system in place?
 23 A. I don't recall. I cannot recall that.
 24 Q. Did you ever visit after '71? Do recall the
 25 central vacuuming system being in place?

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1 Q. Sometime prior to 1971, though, is it fair to
 2 say?
 3 A. I don't recall.
 4 Q. Other than the insurance company, what source
 5 of information Genuine Parts had that alerted it to any
 6 dangers associated with asbestos?
 7 A. During what time period?
 8 Q. Well, at any point in time.
 9 A. They could have had notification from APRA.
 10 Q. Anybody else?
 11 A. That's all that I know.
 12 Q. What is APRA?
 13 A. Automotive Parts Rebuilders Association.
 14 Q. Are you familiar with any information that
 15 APRA disseminated to its members about asbestos?
 16 A. About asbestos? It was when -- what I'm
 17 familiar with has nothing to do with asbestos dust, but
 18 it did concern asbestos.
 19 Q. What did it concern?
 20 A. It's when the EPA was not going to allow
 21 a rebuilder to recycle the old brake shoe on the old
 22 clutch disc. We were not, "we" being APRA or Rayloc,
 23 was not against the ban on asbestos. We were against
 24 the fact that we could not recycle and save the ecology,
 25 environment.

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1 A. No. I just noted the down-draft tables.
 2 Q. When do you recall the down-draft tables being
 3 in place?
 4 A. In '71.
 5 Q. Did you have an understanding in 1971 as to
 6 why Rayloc was using the down-draft tables?
 7 A. No.
 8 Q. You just knew that they were down-draft
 9 tables?
 10 A. Yes.
 11 Q. When did you first gain any recognition about
 12 the hazards associated with asbestos, you personally?
 13 A. In '76.
 14 Q. What was it about 1976 that caused you to have
 15 that knowledge?
 16 A. Because being in the plant and the industrial
 17 hygiene testing that was going on.
 18 Q. All right. Where did Genuine Parts or Rayloc
 19 learn about the need for such things as down-draft
 20 tables?
 21 A. I'm sure from the insurance company.
 22 Q. As the corporate designee of Genuine Parts,
 23 when did Genuine Parts first learn about any hazards
 24 associated with asbestos?
 25 A. I don't recall the exact date.

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1 Q. Just so I'm clear, is it your testimony that
 2 the reason that Genuine Parts put in down-draft tables
 3 and the central vacuuming system has some relationship
 4 to information that came from its insurance company?
 5 A. Yes.
 6 Q. Is it your understanding that any procedures
 7 prior to that regarding the handling of asbestos,
 8 containerizing it, or segregating it, was as a result
 9 of information the company received from its insurance
 10 company?
 11 A. Yes.
 12 Q. What specific information did Genuine Parts
 13 or Rayloc receive from its insurance company about the
 14 hazards of asbestos?
 15 A. I did not see the document. I only knew at
 16 the time that I arrived in '76 that they were involved
 17 in the monitoring of asbestos and the proper disposal of
 18 asbestos product.
 19 Q. After Genuine Parts was advised by its
 20 insurance company with respect to the dangers or hazards
 21 of asbestos, did the company appoint anyone to act as
 22 a point person with respect to finding out the
 23 particular dangers or hazards of asbestos?
 24 A. No, there was no one person. Again, general
 25 managers were responsible for his plant.

25 (Pages 94 to 97)

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1 Q. Was there any shift in your duties and
2 responsibilities of personnel at Genuine Parts or Rayloc
3 from before the insurance company notified you about the
4 hazards of asbestos to after the company notified you
5 about the hazards of asbestos?
6 A. No.
7 Q. Was there any department that assumed
8 responsibility, any greater responsibility with respect
9 to the dangers or hazards associated with asbestos after
10 you were notified by your insurance company, as compared
11 to before you were notified?
12 A. No.
13 Q. Did the company employ any consultants, other
14 than through its insurance company, with respect to the
15 dangers or hazards of asbestos after it was first
16 notified by its insurance company?
17 A. No.
18 Q. Did Genuine Parts attempt to investigate any
19 of the hazards or dangers of asbestos after it was
20 notified by its insurance company, other than the work
21 it did in connection with its insurance company at the
22 plant?
23 A. Well, when they were made aware that it was
24 a potential hazard to a person's health, they took
25 corrective action immediately to prevent any exposure

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1 received any medical literature about the dangers or
2 hazards of asbestos?
3 A. I do not recall that, no.
4 Q. Does Rayloc have an industrial hygienist or
5 medical doctor on staff?
6 A. No, they do not.
7 Q. After you were notified about the dangers or
8 hazards of asbestos from your insurance company, was
9 there any decision or discussion about whether or not
10 you should hire an industrial hygienist or a medical
11 doctor at any of the Rayloc facilities?
12 A. Not that I can recall.
13 Q. Has Genuine Parts or Rayloc ever employed the
14 services of any outside industrial hygienist or medical
15 doctor with respect to the asbestos in its plants?
16 A. With respect to asbestos in its plants or the
17 exposure to the employee?
18 Q. Either/or.
19 A. You have to rephrase your question, please.
20 Q. Okay. Has Rayloc or has Genuine Parts ever
21 gone out and hired an industrial hygienist or medical
22 doctor as a consultant in any way related to asbestos?
23 A. No.
24 Q. I've seen in the documents that were produced
25 to me yesterday Material Safety Data Sheets.

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1 to excessive dust.
2 Q. That was at the plant?
3 A. At the plant.
4 Q. Can you tell me who the person was at Genuine
5 Parts who was responsible for investigating whether or
6 not Genuine Parts products were producing dust when
7 mechanics used them in the normal course of their work?
8 A. That were producing dust or were not producing
9 dust?
10 Q. Were or were not.
11 A. Were not -- was anyone appointed?
12 Q. Let me ask you -- let me rephrase the
13 question.
14 Was anyone appointed or did anyone have the
15 specific responsibility of saying, we should ensure that
16 mechanics who are using our products are not producing
17 dust when they use our product, after you learned about
18 the hazards from your insurance company?
19 A. Our product did not have dust in it, so we had
20 no reason to appoint someone.
21 Q. So the answer is there was no one appointed to
22 ensure what you already knew, I guess?
23 A. Well, we ensured it by making sure we kept it
24 in the plant.
25 Q. Are you aware of anyone at Genuine Parts who

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1 A. (Nods head affirmatively.)
2 Q. You have to say "yes."
3 A. Yes.
4 MR. RILEY: You're asking him to agree
5 that you saw them yesterday.
6 MR. DUMLER: You can't shake your head.
7 MR. RILEY: You have to ask a question.
8 Q. (By Mr. Dumler) Are you familiar with
9 Material Safety Data Sheets?
10 A. From whom?
11 Q. Are you familiar with them in general?
12 A. Yes.
13 Q. When is the first time that you have any
14 recollection of receiving a Material Safety Data Sheet
15 from any manufacturer?
16 A. I don't recall the exact time.
17 Q. Can you give me a general time frame?
18 A. '80s, late '80s.
19 (Plaintiffs' Exhibits LeCour 10, 11, and 12
20 were marked.)
21 Q. (By Mr. Dumler) I'll give you 10, 11, and 12.
22 First take a look at Exhibit No. 10, and tell
23 me what that is.
24 A. It's an Abex Material Safety Data Sheet.
25 Q. When did you first begin to receive Material

26 (Pages 98 to 101)

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1 Safety Data Sheets from Abex? At the same time frame,
 2 late '80s?
 3 A. Yes.
 4 Q. Nos. 11 and 12, what are those documents?
 5 A. Material Safety Data Sheets, Abex lining.
 6 That's it.
 7 Q. These are prepared by Rayloc; is that correct?
 8 A. This Item 11 would have been prepared by
 9 Rayloc.
 10 Q. Did you have any involvement in preparing that
 11 document?
 12 A. No, I did not.
 13 Q. Do you know where the information that was
 14 placed on that document came from? It looks like
 15 a computer-generated document.
 16 A. It would have come from Abex, because it
 17 designates Abex lining.
 18 Q. So the information is provided by Abex. And
 19 then it's just simply put on the sheet by Rayloc;
 20 is that correct?
 21 A. Yes.
 22 Q. All right. Prior to getting the Material
 23 Safety Data Sheet, was there ever any other data or
 24 product information that was sent to you by any of the
 25 manufactures along the same lines as this, warning of

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1 A. Yes.
 2 Q. Did Genuine Parts use this document in
 3 connection with its Rayloc operation?
 4 A. No.
 5 Q. What's the reason that you or someone else
 6 at Genuine Parts would get a copy of this document?
 7 A. FMSI itself is supported by the manufacturers
 8 of friction material. We would get this document here
 9 to look at, for cataloging purposes, to make sure as
 10 a comparison of what we are cataloging versus what
 11 they're saying to, catalog.
 12 We also wanted to do it on thickness, because
 13 they do supply the thickness of the material in the
 14 back. And then how is it attached, it tells you whether
 15 it's integrally molded or whether it's riveted. I'm
 16 speaking of a disc pad. That's the reason why we would
 17 use it.
 18 It also gives specifications of the drum
 19 diameter, the width. So we would use it for really
 20 brake shoe and disc pad identification purposes.
 21 Q. So when the catalog, the FMSI catalog, came
 22 out, would you compare that catalog to the catalog you
 23 were producing?
 24 A. Well, it wouldn't be 100 percent. But, yes,
 25 if they came out with any new information, we always

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1 any particular dangers or health hazards?
 2 A. Not that I can recall.
 3 (Plaintiffs' Exhibit LeCour 13 was marked.)
 4 Q. (By Mr. Dumler) I've given you Exhibit
 5 No. 13, an FMSI Brake Shoe Identification Catalog.
 6 And other than the name, can you tell me what this is?
 7 A. Friction Material Standard Institute.
 8 Q. What is the catalog used for?
 9 A. Well, the catalog is used to specify by
 10 application what strip lining or what friction material
 11 you'll use on that particular application.
 12 Q. All right. Is this a document that came from
 13 your personal file?
 14 A. It could have. I have copies like this.
 15 Q. How long have you been getting copies of this
 16 particular catalog from FMSI?
 17 A. Well, it doesn't come out all the -- or
 18 regularly. So I would say it would have been started in
 19 the late '70s, early '80s.
 20 Q. The date on this is '73. Do you have any
 21 recollection of receiving this document prior to 1978
 22 or another catalog from a prior year?
 23 A. I've seen some in prior years.
 24 Q. All right. So what's the earliest, early
 25 '70s, that you --

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1 looked at the new information from a dimensional point
 2 of view. And that's what we used it for, to make sure
 3 we had the applications covered.
 4 Q. Who would be responsible for going through the
 5 catalog and comparing it to your particular catalogs?
 6 A. What time frame?
 7 Q. Well, let's say the 1970s.
 8 A. I would.
 9 Q. So did you receive each of the catalogs that
 10 came out from FMSI --
 11 A. Uh-huh.
 12 Q. -- in the 1970s?
 13 A. Uh-huh.
 14 Q. At the back of this catalog, Bates No. 120535
 15 there's recommended procedures for reducing asbestos
 16 dust during brake servicing.
 17 Are you familiar with that document?
 18 A. Yes, I am.
 19 Q. When did you first learn about those
 20 recommended procedures from FMSI?
 21 A. I can't recall the exact time, but these
 22 procedures we used internally every day at Rayloc.
 23 Q. Do you remember taking those procedures and
 24 matching them against the procedures you were using
 25 in-house?

27 (Pages 102 to 105)

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1 A. Well, just the controlling of dust, that's
2 basically what we did.
3 Q. I'm asking whether you got a copy of those
4 FMSI procedures and someone at Genuine Parts or Rayloc
5 made a conscious decision or effort to ensure that the
6 procedures at Rayloc or Genuine Parts were consistent
7 with those procedures from FMSI?
8 A. No.
9 Q. Did you at any time go through those
10 procedures and generally see whether or not your
11 internal operations at Rayloc matched up with those
12 procedures?
13 A. No.
14 Q. Okay. Did you read those procedures to see
15 whether or not your procedures that you had already put
16 in place were sound procedures when compared to what
17 FMSI was doing?
18 A. No.
19 Q. What did you do with the information that
20 you read from FMSI about recommended procedures?
21 A. What I did was I recognized the dangers of
22 asbestos. And I knew that we were monitoring that in
23 our plants, and we were controlling it, and we were
24 being within the law. And that's what I was concerned
25 about.

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1 A. Yes.
2 Q. Did you ever go out and buy a box of brake
3 shoes and find out they contained a warning with respect
4 to asbestos?
5 A. No.
6 Q. Did you ever receive any information from
7 Abex or Bendix in the '70s related to the dangers of
8 asbestos?
9 A. Not that I can recall.
10 Q. Did Genuine Parts or Rayloc, to your
11 knowledge, as the corporate designee, ever receive any
12 warnings from any of its suppliers about regarding the
13 dangers of asbestos?
14 A. Not that I can recall.
15 Q. Did Abex, Bendix, or any of your other
16 suppliers ever say to you — strike that. Let me go
17 back.
18 What discussions or information did you convey
19 to Bendix and Abex about your particular operations?
20 A. We wanted a safe piece of friction material.
21 Q. I'm sorry?
22 A. We wanted a safe piece of friction material to
23 stop a vehicle.
24 Q. Let's start with Abex. Did Abex come and
25 visit any of your plants?

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1 Q. You don't have any recollection of the first
2 time or the earliest time you saw that document?
3 A. No. It would have to be '76, you know, in
4 that time frame, the mid- to late '70s.
5 Q. How did you get a copy of the document? Was
6 it through the catalog, or was it through some other
7 avenue?
8 A. From the manufacturer. These catalogs were
9 sent to us by the manufacturer, either an Abex or
10 whoever, Tbiokol; it could be any of them.
11 Q. My question is: The first time you saw this
12 recommended procedures, was that in the catalog, or did
13 you see it somewhere else?
14 A. In the catalog.
15 Q. At what point in time were you aware that
16 your competitors, any of your competitors, were placing
17 warnings on their products about the dangers of
18 asbestos?
19 A. I can't recall.
20 Q. You indicated during the course of this
21 deposition that you may test competitors' products;
22 is that correct?
23 A. Oh, yes.
24 Q. You would actually go out and buy a box of
25 brake shoes?

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1 A. Yes.
2 Q. When did that occur?
3 A. They were visiting our plants before I got
4 there.
5 Q. Would it be fair to say that Genuine Parts
6 conveyed to Abex and made Abex knowledgeable about its
7 operations and manufacturing facilities, including the
8 fact that Rayloc was grinding the brake linings and the
9 brake shoes?
10 A. Well, Abex knew we were grinding, because they
11 furnished the specifications to do so.
12 Q. At any time did Abex ever advise you about the
13 dangers associated with asbestos in connection with your
14 grinding activities?
15 A. Not to my knowledge, no.
16 Q. Did Abex ever make any inquiry from you about
17 what steps you were taking in your manufacturing
18 facilities to reduce the exposure of asbestos in
19 connection with the grinding operation?
20 A. No.
21 Q. Did you ever share with Abex any of the
22 procedures that you had in place to reduce the exposure
23 to asbestos from your manufacturing operations?
24 A. No.
25 Q. So basically, between you and Abex, there

28 (Pages 106 to 109)

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1 were, fair to say, no discussions whatsoever about the
 2 dangers associated with your grinding operations or
 3 manufacturing operations at Rayloc from asbestos?
 4 A. Yes.
 5 Q. How about with respect to Bendix? Was Bendix
 6 made aware of your operations, including the fact that
 7 you were grinding its products?
 8 A. Well, they would know that we would be
 9 grinding the product.
 10 Q. Is that because Bendix also provided you with
 11 specifications?
 12 A. No. We used Abex specifications.
 13 Q. You used Abex specifications on Bendix
 14 material?
 15 A. Yes.
 16 Q. How did you make Bendix aware of the fact
 17 that you were grinding Bendix friction products?
 18 A. Because when you order the segment, you order
 19 it in a certain thickness. And then you know from that
 20 thickness, you're going to get it to a finished center
 21 thickness.
 22 Q. Did you have any discussions at all with
 23 Bendix about the dangers associated with your
 24 manufacturing operations and grinding of their asbestos
 25 friction product?

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1 A. Well, when I was reviewing the documents.
 2 Q. All right. Do you know where the document
 3 came from?
 4 A. Well, it came from Thiokol, according to this.
 5 It says, "Courtesy of Thiokol."
 6 Q. No, I mean internally, where was the document
 7 located at Genuine Parts?
 8 A. Oh, it would have been at Rayloc with Tom
 9 Daniel's name on it.
 10 Q. Was it in Mr. Daniel's file? Was it in
 11 a drawer?
 12 A. Oh, I don't know where he would have kept it.
 13 Q. What was the reason or -
 14 A. I don't know why.
 15 I see "Friction Material Standard Institute"
 16 on here (indicating). The only thing that is strange
 17 about it is it was supplied by a manufacturer who does
 18 disc brake pucks only, not brake lining. So why he got
 19 it, I don't know. Why he sent it to him, I don't know.
 20 Q. Mr. Daniel didn't come to you in 1978 and say,
 21 I've got this information?
 22 A. No, because, actually, if Mr. Daniel got this,
 23 it would be internal. And he already knew internally we
 24 were doing the proper procedure, as outlined in this
 25 document, for the controlling of dust, because he was

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1 A. No.
 2 (Plaintiffs' Exhibit LeCour 14 was marked.)
 3 Q. (By Mr. Dumler) I'm going to give you what's
 4 been marked as Exhibit 14. Can you tell me what that
 5 document is?
 6 A. I can tell you that it is courtesy of Thiokol
 7 disc brake pads, "Friction Material Work Practice
 8 Guide."
 9 Q. Have you ever seen that document before?
 10 A. Yes, I have.
 11 Q. Is this document contained in your personal
 12 folder?
 13 A. No.
 14 Q. There's a name on the top, Tom Daniel. Who
 15 was that?
 16 A. He was plant production manager in Atlanta.
 17 Q. Do you have any knowledge of why Mr. Daniel
 18 would have received this document or why his name is
 19 on the top of it?
 20 A. No, I do not.
 21 Q. When is the first time that you saw that
 22 document?
 23 A. Three weeks ago, four weeks ago, when I was
 24 reviewing.
 25 Q. You were getting ready for this deposition?

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1 only involved in production.
 2 Q. Mr. LeCour, when were you first advised about
 3 any requirements, internal requirements of OSHA, with
 4 respect to your operations in the Rayloc facilities?
 5 A. 1976.
 6 Q. Who was the person before you who was
 7 responsible for ensuring compliance with any OSHA
 8 regulations?
 9 A. Well, again, the general manager was before
 10 I arrived and after I arrived.
 11 Q. Is that Mr. Huff, or is that somebody else?
 12 A. No, someone else.
 13 Q. Who is that?
 14 A. Whoever the general manager - you mean in
 15 Atlanta?
 16 Q. Correct.
 17 A. That would have been Ed Kipling.
 18 Q. You are then familiar with the regulations
 19 that OSHA issued with respect to asbestos in the early
 20 1970s?
 21 A. I'd have to see what you're referring to.
 22 You'd have to show me a document.
 23 Q. Well, then let me ask you: What specific OSHA
 24 regulations are you familiar with that had an effect in
 25 the 1970s on your plant operations at Rayloc?

29 (Pages 110 to 113)

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1 A. It would be the amount of exposure over
2 a period of time that an employee would be exposed to
3 asbestos dust.

4 Q. Who made you aware of those OSHA requirements?

5 A. It would have been the general manager.

6 Q. Did you have a meeting when you got there or
7 just developed that knowledge over time?

8 A. Just developed that knowledge over time.

9 Q. At any point in time during your employment
10 with Genuine Parts, have you ever attended a meeting in
11 which there was a discussion regarding compliance with
12 the OSHA regulations?

13 A. No.

14 Q. In Response to Interrogatories in this case,
15 Mr. LeCour, Answer to Interrogatory No. 74, which I'll
16 read part of to you, talks about the reason that there
17 was not a warning on particular boxes of products. I'm
18 going to read this to you and ask you a question about
19 it.

20 The response is: "With respect to aftermarket
21 brake shoes sold by GPC/Automotive, OSHA exempted such
22 products from its warning label requirement promulgated
23 in 1972 for asbestos-containing products because the
24 asbestos contained in the friction material was
25 encapsulated in binders and resins and thus not

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1 any appreciable amounts.

2 Q. Okay. That's my question, sir. Did you go
3 through that process and say -- and ask the question, do
4 we have to warn and come to the conclusion, no, that you
5 did not; or did you simply not even know about OSHA's
6 warning requirements to third parties?

7 A. Right. I was not aware about -- when you say
8 "third parties," that being the end-user?

9 Q. Correct.

10 A. No, we were not -- I was not aware of that.
11 We were concerned internally in our plant.

12 Q. All right. So the fact that there were no
13 warnings on the boxes that you sold to jobbers didn't
14 have anything to do with any OSHA exemption?

15 A. I'm not aware of that.

16 Q. Okay. Now, you indicated that your thinking
17 was that the end-user or the mechanic would not be
18 exposed to any dust.

19 When is the first time you remember having
20 that actual conscious thought about whether your boxes
21 should contain a warning or not?

22 A. It was in 1988.

23 Q. Prior to 1988, did you give any thought
24 whatsoever to whether or not your product should contain
25 a warning related to asbestos?

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1 generally respirable."

2 Okay. Are you familiar with that response?

3 A. I'm familiar with what you just said, yes.

4 Q. At any point in time while you were employed
5 by Genuine Parts, did you ever have any discussions with
6 anybody, other than your counsel, about whether or not
7 you were required to have a warning on your products in
8 compliance with the OSHA regulations?

9 A. No.

10 Q. So with respect to the fact that there were no
11 warnings on your boxes, it wasn't a conscious decision
12 that, we've read OSHA, and we are exempted, correct?

13 A. I wasn't involved in that. I would not know.
14 I'd say no to that.

15 Q. Can you tell me, if you weren't involved, who
16 would have been involved in that conscious decision?

17 A. General manager.

18 Q. Are you aware, as the corporate designee, of
19 any conscious analysis that was done about whether or
20 not a label needed to be done in compliance with OSHA?

21 A. Yes. Our thinking and our testing internally
22 in the plants met all requirements. And as stated there
23 (indicating), because of the way in which the product
24 was presented to the end-user and no modification
25 necessary to install, that they would not be exposed to

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1 A. No, because we didn't feel it applied to the
2 way our product was presented to our customer.

3 Q. That's my question, sir.

4 MR. RILEY: Yes. He's answering. And try
5 and straighten it out.

6 MR. DUMLER: I'm trying.

7 MR. RILEY: Okay.

8 Q. (By Mr. Dumler) At some point in time, sir,
9 did you make a conscious decision that, I'm aware of the
10 dangers of asbestos, but there's no need for us to warn,
11 because people, mechanics, aren't going to grind our
12 brake shoes?

13 A. Yes.

14 Q. What year are we talking about?

15 A. 1988.

16 Q. All right. So prior to 1988, you made no
17 conscious analysis as to whether or not you should put
18 a warning on your boxes?

19 A. We didn't feel it was applicable to do so.

20 Q. All right. From what date did you feel that
21 it was not required that you put a warning on your
22 boxes?

23 A. Not until 1988 did we feel that it was
24 necessary to put a warning on our finished product going
25 to our customer.

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1 Q. At any point prior to 1988, did you have any
2 discussions with anybody at Genuine Parts, other than
3 your attorneys, about whether or not you needed
4 a warning on your boxes?

5 A. No.

6 MR. RILEY: Okay. That's where you're
7 getting tripped up.

8 Did somebody else at Genuine Parts make
9 a conscious decision before '88 that the
10 product was made in such a way that they
11 did not have to put a warning on it?

12 THE WITNESS: Yes.

13 MR. RILEY: And who was that?

14 THE WITNESS: That would have been the
15 general manager.

16 MR. RILEY: Do you know when that decision
17 was made?

18 THE WITNESS: No.

19 MR. RILEY: Okay.

20 Q. (By Mr. Dumler) Who was the general manager
21 who made that decision?

22 A. It would have been Ed Kipling.

23 Q. Ed Kipling?

24 A. Uh-huh.

25 Q. Did you ever have any discussions with

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1 A. No, I do not recall that date.

2 Q. You don't have any recollection of the
3 first --

4 A. No.

5 Q. Did you make any effort, in connection with
6 preparing for today's deposition, to find out when the
7 first lawsuit was filed against Genuine Parts for an
8 asbestos matter?

9 A. No.

10 Q. Do you know who you would go see to get that
11 information?

12 A. Yes.

13 Q. Who?

14 A. Scott Smith.

15 Q. What's Mr. Smith's position?

16 A. He's legal counsel for Genuine Parts Company.
17 (Plaintiffs' Exhibit LeCour 15 was marked.)

18 Q. (By Mr. Dumler) I hand you what's been
19 marked as Exhibit No. 15, which I'll ask you if you can
20 identify that document for me?

21 A. It's headed "Raybestos Manhattan Corporate
22 Headquarters, Product Liability." And it's Jim Arnold
23 at Balkamp, Inc., Indianapolis, Indiana.

24 Q. What else was Mr. Arnold's connection to
25 Genuine Parts?

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1 Mr. Kipling as to why he came to the conclusion that
2 no warning was required?

3 A. No.

4 Q. Did you ever go to Mr. Kipling and say, why
5 don't our boxes have a warning or are we warning or
6 I heard we're not warning?

7 A. Our understanding was, if you were processing
8 a product that is either making it from scratch, being
9 the friction material manufacturer, or rebuilding it by
10 removing the old friction material and putting on new
11 friction material, you are concerned about asbestos
12 dust, and you need to take precautionary measures.

13 But when we finished doing our process and
14 we shipped it out, there was no other need to do any
15 grinding, chipping, shifting, or anything to the
16 friction material. So it was not necessary to warn.

17 Q. When is the first time, sir, that Genuine
18 Parts was sued in connection with any asbestos claim?

19 A. I can't recall the first time.

20 Q. I've seen a reference in other material dated
21 1980. Do you have any recollection of that date?

22 MR. RILEY: I'll object to that well.

23 All right. Go ahead.

24 Q. (By Mr. Dumler) I'm just trying to help
25 things along here.

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1 A. I'm not aware. I don't know.

2 Q. Have you ever seen this document before?

3 A. No, I have not.

4 Q. Do you know why this would be in the files of
5 Genuine Parts?

6 A. Let me look...

7 MR. RILEY: Well, let me state for the
8 record, while he's reading it, that that
9 document was provided to counsel by Balkamp in
10 an effort to answer your interrogatories,
11 or interrogatories in another jurisdiction,
12 concerning the asbestos tape that was
13 previously tested by two in the deposition.

14 Q. (By Mr. Dumler) Do you have any knowledge
15 about the circumstances surrounding that request and
16 response from Raybestos?

17 A. No, I do not.

18 Q. Do you have any idea who would have, other
19 than Mr. Arnold?

20 A. No, I do not.

21 Q. Has Genuine Parts made any effort after 1980
22 to be added as an additional insured under any products
23 liability policy or purchase any products liability
24 policy itself in connection with any asbestos matter?

25 A. I'm not familiar with that, no.

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1 Q. Do you know whether or not there's any
2 relationship between Genuine Parts' efforts to be added
3 as an additional insured under product liability
4 coverage and any lawsuits that were filed in 1980
5 against Genuine Parts for an asbestos matter?
6 A. I'm not aware.
7 Q. You don't know one way or the other?
8 A. I'm not aware.
9 Q. Now, between --
10 MR. RILEY: Well, for the record, that
11 exhibit, which speaks for itself, relates to
12 Ballkamp's request, not Genuine Parts'.
13 MR. DUMLER: Okay.
14 Q. (By Mr. Dumler) Now, between 1960 and 1980,
15 who was the primary supplier of friction materials to
16 Rayloc?
17 A. Abex.
18 Q. How long after 1980 did Abex continue to be
19 the primary supplier to Genuine Parts?
20 MR. RILEY: Of --
21 Q. (By Mr. Dumler) Of friction material.
22 A. Until the '90s.
23 Q. When in the '90s did Abex stop being the
24 primary supplier of friction material to Genuine Parts
25 for brakes?

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1 A. It would have been the early '90s.
2 Q. '91, '90/91?
3 A. Between '90 and '95.
4 Q. Who became the primary supplier after Abex
5 stopped being the primary supplier?
6 A. BPI.
7 Q. I'm sorry. BPI?
8 A. Uh-huh.
9 Q. Who is BPI?
10 A. Brake Parts, Incorporated, which at that time
11 was owned by Echlin.
12 Q. Was there a written agreement between Abex
13 and Genuine Parts for the supply of brake products?
14 A. No.
15 Q. Am I correct that Bendix was the next most
16 frequent supplier between 1960 and 1980?
17 A. Yes.
18 Q. What was the reason that Genuine Parts
19 preferred to use Abex over Bendix between 1960 and 1980?
20 A. Because of the long working relationship.
21 (Plaintiffs' Exhibit LeCour 16 was marked.)
22 Q. (By Mr. Dumler) I've given you what's been
23 marked as Exhibit No. 16. And it appears to be a letter
24 from Abex. Are you familiar with that document? Can
25 you identify it for me?

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1 A. Its letterhead is Abex, IC Industries.
2 It's to Joseph White with Rayloc.
3 MR. RILEY: What's the date?
4 THE WITNESS: The date is December 7th,
5 1987.
6 Q. (By Mr. Dumler) The letter references
7 a decision by Abex to stop the production of
8 asbestos-containing brake parts; is that correct?
9 A. Yes, it does.
10 Q. When were you initially informed that Abex was
11 going to discontinue selling asbestos-containing brake
12 products?
13 A. I personally don't remember.
14 Q. This indicates it's the official notification.
15 My question is whether you had heard before
16 this that they were --
17 A. Oh, yes.
18 Q. -- heading in this direction?
19 A. Yes.
20 Q. How long before the official notification did
21 you learn that --
22 A. They had a lot of -- well, it had to be two to
23 three years prior, let's say two years prior to the '87
24 date.
25 Q. I'm sorry. Two years prior?

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1 A. Uh-huh.
2 Q. And is it correct that in the two years before
3 this December 7th, 1987, you started to get shipments of
4 non-asbestos brake linings from Abex?
5 A. We got some shipments, yes.
6 MR. DUMLER: Let's have this marked as the
7 next exhibit.
8 (Plaintiffs' Exhibit LeCour 17 was marked.)
9 Q. (By Mr. Dumler) Can you identify Exhibit
10 No. 17 for me?
11 A. It's a handwritten note from Joe Benator to
12 Paul LeCour. And it's dated 1/28/87. Okay.
13 Q. That note references that you were starting
14 to get non-asbestos brake linings from Abex; is that
15 correct?
16 A. Yes.
17 Q. All right. This would be consistent with
18 what you understood about Abex was going to be phasing
19 out asbestos-containing products; is that right?
20 A. Yes.
21 Q. Now, there's a reference in there with respect
22 to using up all the old friction material, the
23 asbestos-containing friction material?
24 A. Yes.
25 Q. So was there a conscious decision made, before

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1 using the new Abex material, to get rid of or use up
 2 your supplies of old asbestos material?
 3 A. Well, sure. We didn't want to throw away
 4 good money. And we had no problem with getting out
 5 of asbestos, nor did we make the decision to pursue to
 6 get out of asbestos, because, again, we were doing
 7 everything internally to control that problem.
 8 Abex made this conscious decision and was not
 9 prepared for it.
 10 Q. What do you mean they were not prepared for
 11 it?
 12 A. The product didn't work properly, safely.
 13 And we're very concerned about safety.
 14 But what they offered us at the beginning did
 15 not work satisfactorily to us, so we refused to use it.
 16 Q. When you were notified that Abex was going to
 17 start ultimately discontinuing its use of asbestos, did
 18 you start to look for alternative suppliers at that
 19 time?
 20 A. Yes, we did.
 21 Q. Was Allied-Signal/Bendix one of the companies
 22 you turned to?
 23 A. Yes, it was.
 24 (Plaintiffs' Exhibit LeCour 18 was marked.)
 25 Q. (By Mr. Dumler) I show you what's been marked

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1 A. So --
 2 Q. I'm sorry. Professional?
 3 A. Professional quality.
 4 Q. What's the middle grade?
 5 A. Okay. The middle grade -- well, standard
 6 quality, okay, and then economy.
 7 Q. Which of those three grades are you talking
 8 about you were going to continue asbestos?
 9 A. Standard and economy.
 10 Q. So professional would be you would phase out
 11 asbestos and use the non-asbestos products; standard and
 12 economy, as of '91, you wanted to continue using
 13 asbestos?
 14 A. Well, in the professional quality line, we
 15 were also looking at a replacement, because we still did
 16 not have a suitable non-asbestos material. They didn't
 17 have all part numbers covered, so we would have to find
 18 another source in our first line, professional quality
 19 line.
 20 Then there were the questions of the formulas
 21 themselves. They were not performing correctly, so we
 22 might have had to stay with the asbestos in first
 23 professional quality as well.
 24 Q. At what point in time did you ever have a --
 25 did you ever implement a plan to say, by a certain date,

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1 as Exhibit No. 18. Let me ask you if you can identify
 2 that document for me?
 3 A. It's titled "Bendix/Allied-Signal, Bendix
 4 Friction Material Division, July 25th, 1991. It's
 5 addressed to Jack Hughes.
 6 Q. Who's Mr. Hughes?
 7 A. Mr. Hughes was the division purchasing
 8 inventory control manager.
 9 Q. Does this document have any connection to
 10 Abex's decision to phase out asbestos products?
 11 A. Yes.
 12 Q. What's the connection?
 13 A. The connection is that Abex said, we're not
 14 going to have asbestos products available. We were
 15 using them both in our first and second line. So we
 16 were pursuing the replacement, because we were not going
 17 to sever our relationships with Abex. But in our second
 18 line, we wanted to keep asbestos.
 19 Q. What do you mean your "second line"?
 20 A. Well, you had three grades. You had the
 21 professional quality, you had what we call stopper,
 22 okay. It depends on what time frame you're talking
 23 about. We initially had two grades, then we had three
 24 grades.
 25 Q. Okay.

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1 we're going to be out of the sale of asbestos-containing
 2 brake products?
 3 A. We were concerned on the ban of asbestos, so
 4 we were pushing for that date that was set by the EPA
 5 to ban asbestos, to be prepared to offer a non-asbestos
 6 product across the line.
 7 Q. So when did you first implement that plan to
 8 be prepared for the ban on asbestos?
 9 A. I can't recall the exact date, but it would
 10 have been during this time frame of the mid- to late
 11 '80s.
 12 (Plaintiffs' Exhibits LeCour 19 - 21 were marked.)
 13 Q. (By Mr. Dumler) Let me see if you can
 14 identify 19.
 15 A. 19 is a memorandum, Bendix Allied-Signal,
 16 Bendix Friction Material Division, February the 18th,
 17 1991, Sharon Parvana, P-A-R-V-A-N-A, Parvana, from
 18 Jim McCool.
 19 Q. And 20, that's also connected? Am I correct
 20 that these are simply more purchases from Bendix?
 21 A. Let me read and see.
 22 Q. All right. Take your time.
 23 A. Item 19, yes, I agree that it looks like
 24 purchasing of the product.
 25 Q. Okay. Is that a situation which Bendix had

33 (Pages 126 to 129)

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1 extra or surplus product and was selling it to Rayloc?
 2 A. That's what it implies.
 3 Q. All right. Now let me show you what's been
 4 marked as Exhibit No. 21 and ask you if you can identify
 5 that document for me?
 6 A. Bendix/Allied-Signal, Bendix Friction Material
 7 Division, January 31st, 1992, Mr. Cary Winsett, Rayloc
 8 Division, Stephenville, Texas.
 9 Q. Who's Mr. Winsett?
 10 A. He's a purchasing agent in Stephenville.
 11 Q. And is this notification to you about Bendix
 12 getting out of the sale of asbestos-containing brake
 13 products?
 14 A. Yes.
 15 Q. How long prior to 1992 were you aware that
 16 Bendix was going to be getting out of the sale of
 17 asbestos-containing products?
 18 A. I cannot recall that.
 19 Q. Did at some point in time Bendix stop selling
 20 your asbestos-containing brake products?
 21 A. They did stop; and then they started up again.
 22 Q. When did they stop, and when did they start up
 23 again?
 24 A. I don't recall those dates.
 25 Q. When they stopped, did Rayloc, Genuine Parts,

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1 A. No, I do not think so. I do not recall.
 2 Q. There's a statement in there -- I don't have
 3 the document in front of me -- about the availability
 4 of asbestos-free brake products for more than a decade.
 5 Do you see that?
 6 A. Let's see. Yes, I do.
 7 Q. Do you agree with that statement?
 8 A. No.
 9 Q. What part of it don't you agree with, that
 10 they were available or that they were effective?
 11 A. Well, it was available, but they were not
 12 effective in all applications.
 13 And also, I guess a play on words here, they
 14 have semi-metallic disc pucks which were non-asbestos,
 15 but you didn't fit them on all applications either.
 16 But what they were offering during that period
 17 of time was not acceptable from a safety point of view.
 18 It had to be -- so it wasn't a ten-year period that they
 19 all worked.
 20 (Interruption.)
 21 Q. (By Mr. Dumler) I'm going to give you what's
 22 been marked as Exhibit No. 23, which was produced to me
 23 yesterday, and ask you if you can tell me what that
 24 document is?
 25 A. Asbestos-Free Bonded Segments. It's

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1 find another supplier to take their place?
 2 A. No.
 3 Q. All right. Who did Rayloc begin to purchase
 4 from once Bendix stopped selling asbestos-containing
 5 products to you?
 6 A. Oh, on this particular line, they could have
 7 bought from several suppliers.
 8 Q. When Abex and Bendix stopped selling
 9 asbestos-containing products, was there any conscious
 10 decision made as to whether or not Genuine Parts should
 11 also stop or phase out asbestos products?
 12 A. No.
 13 Q. Do you understand my question? In other
 14 words, did anyone sit down and say, they're not selling
 15 it anymore, maybe we shouldn't be selling it either?
 16 A. No, that never...
 17 (Plaintiffs' Exhibits LeCour 22 and 23
 18 were marked.)
 19 Q. (By Mr. Dumler) I give you Exhibits No. 22
 20 and 23.
 21 Let me ask you: Is 22 an advertisement from
 22 Abex? Do you recognize that document?
 23 A. It says, Wall Street Journal, Wednesday,
 24 July 19th, 1989.
 25 Q. Does this come from your personal file?

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1 a statement that says, "During World War II Germany was
 2 cut off from the major sources of asbestos" --
 3 Q. Rather than reading it, are you familiar with
 4 this document?
 5 A. Yes.
 6 Q. What is it?
 7 A. It's a document created by Abex. And this was
 8 their first shot at us to offer us NA-27. They claimed
 9 they had this back, and it was the original equipment
 10 formula on Volkswagen.
 11 Q. What do you mean offer you NA-27? As an
 12 asbestos alternative?
 13 A. As an asbestos alternative, yes.
 14 Q. When did you receive this document, Exhibit
 15 No. 23?
 16 A. I don't know if I ever received this
 17 particular document here (indicating). There's no date
 18 on it. But I had conversations with them on the
 19 subject.
 20 Q. Starting when?
 21 A. Mid-'80s.
 22 Q. Okay.
 23 (Plaintiffs' Exhibit LeCour 24 was marked.)
 24 Q. (By Mr. Dumler) I give you Exhibit No. 24
 25 and ask you if you can tell me what that document is?

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1 A. This is a NAPA Rayloc American Brakeblok ad.
 2 It's titled, "We want to stop you every time."
 3 Q. Are you familiar with that ad campaign?
 4 A. No, I am not familiar with the ad campaign.
 5 Q. Do you know when this particular document was
 6 produced?
 7 A. No, I do not.
 8 Q. Do you know who would know?
 9 A. Let me read it here first, and I'll see.
 10 Q. Sure. Take your time.
 11 A. Again, that would be marketing and sales and
 12 also, at that time, people that were in sales at Abex.
 13 That was a document that looked like it was put together
 14 by Abex.
 15 Q. There's a reference in there to -- I don't
 16 want to misquote it, so let me have the document back
 17 if I can. It says, "Asbestos free is a better brake."
 18 Are you familiar with that statement in that
 19 paragraph (indicating)?
 20 A. Uh-huh.
 21 Q. Can you tell me at what point in time did that
 22 statement become true?
 23 A. Today it's not true.
 24 Q. So from your perspective, as of now, the brake
 25 systems are not as effective or good as the asbestos

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1 1990s, did Rayloc ever advise any of its manufacturers
 2 of friction products that it would only accept
 3 non-asbestos products by a certain date?
 4 A. Repeat your question.
 5 Q. Sure. At any time, did Rayloc ever advise any
 6 of its suppliers of friction material that they would
 7 only purchase non-asbestos products by a certain date?
 8 A. Not to my knowledge, no.
 9 Q. Am I correct that the only reason that Rayloc
 10 stopped selling asbestos-containing products was the ban
 11 on asbestos?
 12 A. We were preparing for that, that's correct.
 13 Q. I understand that. But my question is: The
 14 only reason that you stopped selling asbestos-containing
 15 products was that there was a ban placed or you believed
 16 there would be a ban placed on the sale of those
 17 products?
 18 MR. RILEY: Now, he's not testified to
 19 that.
 20 Q. (By Mr. Dunler) That's my question.
 21 A. Repeat it again.
 22 Q. Sure. The only reason that Rayloc stopped
 23 manufacturing asbestos-containing products is the
 24 company believed that there would ultimately be a ban
 25 placed on the manufacturer of those products?

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1 brake systems that you produced back in the '70s?
 2 A. I'm saying that they're not better than. They
 3 can be equal to. But that's a bunch of hype and sales
 4 pitch.
 5 Q. At what point in time, from your opinion,
 6 did the asbestos-free brakes become equal to the
 7 asbestos-containing brakes?
 8 A. It would have been -- to our satisfaction to
 9 perform, it would have been in the '90s.
 10 Q. Can you tell me what efforts Rayloc made to
 11 investigate or engineer or assist in the development of
 12 an asbestos-free brake prior to the 1990s?
 13 A. We never did anything to develop, to compound,
 14 any type of formula.
 15 The only thing we did was say, give us a piece
 16 of friction material that works equally as well as what
 17 we currently have and is as safe as what we have and
 18 will stop that car under all conditions.
 19 Q. Am I correct the answer is nothing?
 20 A. Nothing, no.
 21 MR. RILEY: The answer is they don't make
 22 friction products.
 23 THE WITNESS: We don't make friction
 24 products.
 25 Q. (By Mr. Dunler) At any time prior to the

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1 A. Yes.
 2 Q. Now, what number are we on?
 3 (Plaintiffs' Exhibits LeCour 25 and 26
 4 were marked.)
 5 Q. (By Mr. Dunler) I'm going to give you what's
 6 been marked as Exhibit 25 and 26, which appear to be the
 7 same document but addressed to different people.
 8 Do you see that document?
 9 A. Yes.
 10 Q. Are you familiar with those documents, 25
 11 and 26?
 12 A. Yes.
 13 Q. All right. And you are the author of that
 14 document?
 15 A. Yes.
 16 Q. Okay. One says, "From: Engineering" and the
 17 other says, "From: Paul LeCour." But both are from
 18 you, I take it?
 19 A. Yes.
 20 Q. And this document is your notification to
 21 everyone internally at Rayloc that you've got to start
 22 putting markings on your packages that your product
 23 contains asbestos?
 24 A. Yes.
 25 Q. All right. Now I'm going to take one of them

35 (Pages 134 to 137)

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1 back from you since they both -- the first sentence
 2 says, "Well, the time has come that we must start
 3 identifying all products that contain asbestos fibers."
 4 What was the reason that the time had come?
 5 What was prompting this?
 6 A. It was California. I think it was
 7 Proposition 65, where if you want to sell any product
 8 in that state, you had to identify the product if it
 9 contained asbestos.
 10 So there was discussion, were we willing to
 11 only do it for California or were we going to do it for
 12 the whole United States. And it was a toss-up because
 13 of just internal processing and in doing that.
 14 Well, the decision came down, we're not going
 15 to have two separate inventories, and we're not going to
 16 slow down, so we'll just start marking it for everybody.
 17 So that's why I use the phrase, well, it's come the
 18 time, because it was a debate on does every customer
 19 get it or only California customers.
 20 Q. How long prior to September of 1988 had there
 21 been any consideration about whether or not you were
 22 going to be forced to put warning labels or
 23 notifications on your packages?
 24 MR. RILEY: Object to the form of the
 25 question.

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1 that you used?
 2 A. No.
 3 Q. All right. So there's an earlier version
 4 of this somewhere, an earlier warning version?
 5 MR. RILEY: No, that's not what he said.
 6 He means there was a stamp as opposed to the
 7 printed form.
 8 Q. (By Mr. Dumler) This is a printed box;
 9 and first you had a stamp?
 10 A. We stamped the warning on when we first
 11 started.
 12 (Plaintiffs' Exhibit LeCour 28 was marked.)
 13 Q. (By Mr. Dumler) I've marked this as 28.
 14 Go through there and see if you can see if any of the
 15 stamps are there.
 16 A. They're not in here.
 17 Q. They're not in there. All right. Where do
 18 those warnings fit in the warning history? They're
 19 after Exhibit 27?
 20 A. Let me see Exhibit 27. As far as the warnings
 21 on these?
 22 Q. Correct.
 23 A. They came after.
 24 MR. RILEY: So for the record, 28 came
 25 after 27?

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1 Q. (By Mr. Dumler) You can answer.
 2 A. Only in this issue of California did that
 3 discussion come up.
 4 Q. What are you referring to when you say, "Well,
 5 the time has come"? Had there been discussions before
 6 this about whether or not one day you're going to have
 7 to label your products?
 8 A. No. As I said earlier, that statement was
 9 referring to were you going to put it on all products
 10 going to all customers or only those going specifically
 11 to California.
 12 Q. It's correct, is it not, that the only reason
 13 that Rayloc put a warning on its packages is because it
 14 was mandated by the state of California --
 15 A. Yes.
 16 Q. -- and that absent legislation, Rayloc would
 17 have not placed any warning on its products?
 18 A. Yes.
 19 (Plaintiffs' Exhibit LeCour 27 was marked.)
 20 Q. (By Mr. Dumler) All right. Let me give you
 21 what's been marked as Exhibit 27. And I'll ask: Does
 22 this show the warning that was placed on the product
 23 in 1988?
 24 A. Yes.
 25 Q. All right. Is this the first type of warning

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1 THE WITNESS: Yes.
 2 MR. DUMLER: Thank you.
 3 Q. (By Mr. Dumler) Did you have any involvement
 4 in the design of the labeling or warning that appears
 5 on Exhibit 27?
 6 A. No, I did not.
 7 Q. Who was responsible for that?
 8 A. Joe White.
 9 Q. What was his position? Why was he responsible
 10 for the labeling?
 11 A. He was president and general manager of the
 12 division.
 13 Q. Did you have any involvement in the labeling
 14 on 28, Exhibit 28?
 15 A. No, I did not.
 16 (Plaintiffs' Exhibit LeCour 29 was marked.)
 17 Q. (By Mr. Dumler) Let me show you what's been
 18 marked as Exhibit 29 and ask you how does this document
 19 fit into the warning history, if at all?
 20 A. In referring to what?
 21 Q. Is this a Rayloc product?
 22 A. No, it is not.
 23 Q. Okay. This document was produced to me
 24 yesterday. Do you know why this document is contained
 25 in the documents that Genuine Parts has?

36 (Pages 138 to 141)

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1 A. In referring to Document 28, the verbiage that
2 was being used here was taken off of this (indicating),
3 because BPI owned Raybestos Manhattan.
4 And so BPI sold — BPI makes the friction
5 material. They sell to Rayloc, and they sell to
6 Raybestos Manhattan, who they own.
7 Q. Just so I'm clear, you went out and duplicated
8 or used theirs as a guide?
9 A. I would say as a guide, because I don't think
10 it's verbatim on everything.
11 Q. And who's responsible for the decision of
12 what to include and what not to include?
13 A. That would have been the product manager at
14 Rayloc and the sales manager, marketing — sales and
15 marketing manager, and our president of our division.
16 And I'm sure it went to headquarters.
17 (Plaintiffs' Exhibit LeCour 30 was marked.)
18 Q. (By Mr. Dumler) I'm going to give you what's
19 marked as Exhibit 30 and ask you if you can identify
20 this document from Century Insurance?
21 A. Century Insurance, October 26th, 1971. It's
22 to Mr. David Childress, who was the general manager of
23 the Memphis plant at that time.
24 Q. This is in connection with your insurance
25 company's efforts to regulate what's happening at the

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1 Were you notified of that at the time?
2 A. I knew we took corrective action in those
3 departments.
4 Q. The burn room, what is the — the burn room
5 is when the old lining is taken off?
6 A. Uh-huh.
7 Q. Is that segregated away from the other
8 operations?
9 A. Uh-huh.
10 MR. RILEY: Use a word.
11 Q. (By Mr. Dumler) Is that a "yes"?
12 A. Yes.
13 Q. So the burn room is segregated away from the
14 other operations in the plant?
15 A. Yes.
16 Q. And the burn room is where the old lining is
17 taken off of the core?
18 A. Yes.
19 Q. Is that particular area — is that a dusty
20 operation?
21 A. Is it?
22 Q. Yes.
23 A. At what time?
24 Q. In 1989, when they were doing the air sampling
25 by Travelers.

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1 plant or investigate what's happening at the plant?
2 A. This would indicate their involvement.
3 Q. Was air sampling done each year at the plant?
4 A. Yes.
5 (Plaintiffs' Exhibit LeCour 31 was marked.)
6 Q. (By Mr. Dumler) The next document I'm going
7 to give you is 31, which is a Travelers Engineering
8 Report dated February 28, 1989. Are you familiar with
9 this document?
10 A. No, I'm not.
11 Q. Are you familiar with Travelers performing
12 air sampling at the Rayloc plant?
13 A. I'm familiar with them being there and
14 performing the tests, yes.
15 Q. Were you involved at all in their notification
16 that in certain areas, the samples were above
17 recommended levels?
18 A. Was I notified officially by Travelers?
19 Q. Were you notified by anybody, officially or
20 unofficially?
21 A. No.
22 Q. The report indicates that the eight-hour
23 TWA exposure to asbestos fibers for the clutch disc
24 drilling, the burn room, and the disc brake riveting
25 operators exceeded the permissible exposure level.

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1 A. To answer that, it was a dusty application
2 that had vacuum equipment in place, but we added
3 additional procedure to get back within compliance.
4 Q. So after this air sample was taken in 1989,
5 there were additional procedures put in place to reduce
6 the level of asbestos exposure?
7 A. Yes.
8 Q. And the exposure or the asbestos that was
9 monitored there would have been the material that
10 existed after the brake came back, after it had already
11 been used essentially, correct?
12 A. Well, actually, no. The dust would have
13 been created after it had gone through 800 degrees
14 Fahrenheit — excuse me — 1800 degrees Fahrenheit for
15 five minutes, which takes and extracts all the res —
16 not all of it, but burns out some of the resins that
17 hold the fibers together. So that's where it created
18 the dust.
19 When it came back to us from the jobber and on
20 our receiving belt, where we also monitored, no problem.
21 because it was still in solid form and had grease on it,
22 had brake fluid on it. So had no problem there. It's
23 after one of our procedures.
24 Q. Okay. The asbestos that's being produced and
25 exceeding permissible levels is coming from the lining

37 (Pages 142 to 145)

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1 after it's being taken off the vehicle and been used?
 2 A. No.
 3 MR. RILEY: He answered that. He gave you
 4 the answer.
 5 Q. (By Mr. Dumler) I'm not talking about the
 6 interim steps. I'm talking about --
 7 MR. RILEY: He's telling you where the
 8 dust is created.
 9 Q. (By Mr. Dumler) Just so we're clear, the
 10 asbestos content or the time period where the burn
 11 occurs is after the product and the core is coming back
 12 after being used, correct?
 13 A. Yes.
 14 Q. Then it goes through whatever machinations it
 15 goes through and is put into the burner room, correct?
 16 A. No. It's in the burner room already.
 17 Q. Okay.
 18 MR. RILEY: All right. Describe for him,
 19 when the truck backs up to Rayloc and the
 20 barrels come off, how does it get from there
 21 to the point where this measurement occurred?
 22 THE WITNESS: All right. It is checked in
 23 on a receiving belt. After the receiving belt,
 24 it's put onto a cart. It is taken into the
 25 storage area. Then the orders are pulled, as

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1 this document for me, if you can, Exhibit No. 32.
 2 A. Okay. This is Travelers, Travelers Company,
 3 May 30th, 1989, Mr. Art Catlin, who is general manager
 4 of our Payson, Utah, facility.
 5 Q. This is a different facility; is that correct?
 6 A. Yes, it is.
 7 Q. Are you familiar with this report?
 8 A. Not this particular report.
 9 Q. Was it ever brought to your attention that the
 10 testing done on that facility exceeded recommended
 11 levels of asbestos exposure?
 12 A. No, not to my knowledge.
 13 (Plaintiffs' Exhibit LeCour 33 was marked.)
 14 Q. (By Mr. Dumler) Next I'm going to hand you
 15 Exhibit No. 33 -- it's a report done in 1991 by
 16 Travelers -- and ask you if you can identify that
 17 document for me?
 18 A. This is an engineering report. It says,
 19 Genuine Parts Company, Rayloc Division, Hancock,
 20 Maryland, Industrial Hygiene Evaluation. It's prepared
 21 by Travelers, or The Travelers. It is to a David W.
 22 Glassman, Control Engineering. It looked like they
 23 performed it. Environmental Service Unit, they worked
 24 for Travelers.
 25 Q. Did you receive notification of this report

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1 far as going now to the storage area and
 2 saying, I need this barrel of brake shoes.
 3 Those brake shoes are pulled.
 4 They are brought to the burn area. They
 5 are then processed in this burner with the
 6 1800 degrees Fahrenheit.
 7 And when they come out of the burner, then
 8 the friction material is removed off of the
 9 lining -- excuse me -- off of the table of the
 10 brake shoe. That is where the problem was,
 11 because the resins had been baked out of the
 12 lining.
 13 Q. (By Mr. Dumler) So after it went through the
 14 baking process --
 15 A. Burning.
 16 Q. -- burning process, there were still asbestos
 17 fibers left that were exceeding permissible levels;
 18 is that correct?
 19 MR. RILEY: Object to the form of the
 20 question. After the resins were baked out,
 21 that's why there were fibers.
 22 THE WITNESS: Yes.
 23 MR. DUMLER: Okay.
 24 (Plaintiffs' Exhibit LeCour 32 was marked.)
 25 Q. (By Mr. Dumler) Let me have you identify

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1 when it occurred?
 2 A. No, I did not.
 3 Q. The report indicates that the exposure to
 4 asbestos fibers for the chopper operator exceeded
 5 50 percent of the action level. What exactly is the
 6 chopper operator doing?
 7 A. That is to remove riveted brake lining from
 8 the brake shoe, which would be similar to the one I just
 9 told you about on the debonding of.
 10 Q. How is the chopper's position different than
 11 the burner?
 12 A. It's located basically in the same area, but
 13 it's a different procedure done to a riveted shoe than
 14 it was done to the bonded shoe to remove the friction
 15 material.
 16 Q. So explain to me what the chopper does as
 17 opposed to the burner.
 18 A. Okay. The burner basically burns the linings.
 19 Everything goes through there to remove the grease,
 20 okay.
 21 Then when the shoe comes off, if it's bonded,
 22 then it removes. You pick it up, and you separate the
 23 two, the shoe and the table.
 24 The riveted has to go over to the chopping
 25 area. And it actually is a blade that goes in and

38 (Pages 146 to 149)

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1 shears off the lining.
 2 Q. Those brake shoes that go to the chopper do
 3 not go to the burner?
 4 A. Do not go to the burner.
 5 Q. So the chopper, again, is after the brake shoe
 6 has been used and is coming back to the plant for
 7 remanufacturing?
 8 A. Yes.
 9 Q. Why would the asbestos levels be in excess of
 10 recommended amounts in the chopper area?
 11 A. Because the way in which the lining is
 12 removed, it breaks it up, chops it up. Again, we made
 13 improvements in that area. We had vacuuming units there
 14 to begin with.
 15 To correct both areas, we started wetting them
 16 down, and that solved the problem, because the way in
 17 which the lining was coming off of the shoe, removing
 18 it, you were actually fracturing it.
 19 Q. So this is a process. When you say you made
 20 improvements, this is a process that started with
 21 feedback from your insurance company as early as 1971
 22 and was continuing on through 1991?
 23 A. Yes.
 24 Q. And each year or each report, there would be
 25 some changes or efforts made to address problems that

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1 the levels changed dramatically over the
 2 20 years.
 3 Q. (By Mr. Dumler) You can answer.
 4 MR. RILEY: I object to the form of the
 5 question. You can rephrase the question.
 6 Q. (By Mr. Dumler) Well, I'm going to let my
 7 question stand. If you can answer it, you can answer
 8 it.
 9 A. We made changes. But where we made the
 10 changes was not on the output, it was on the input. So
 11 it was basically the beginning of the process. It had
 12 nothing to do -- where we made changes had nothing to do
 13 with the end product being boxed going back out to the
 14 customer. Where we made the changes was at the
 15 beginning of removing of the product or removing of
 16 the friction material.
 17 (Plaintiffs' Exhibit LeCour 34 was marked.)
 18 Q. (By Mr. Dumler) I'll give you what's been
 19 marked as Exhibit 34 and ask you if you can identify
 20 that for me?
 21 A. It's an Engineering Report --
 22 MR. RILEY: Wait a minute.
 23 A. (Continued) -- Genuine Parts Company, Rayloc
 24 Division, Hancock, Maryland, January 21st, 1992,
 25 prepared by Travelers and David W. Glassman, who was

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1 came up --
 2 MR. RILEY: Maybe.
 3 Q. (By Mr. Dumler) -- if there was a problem
 4 that came up.
 5 To the extent that there was a problem in
 6 these documents, we -- at Rayloc, you at Rayloc, made
 7 some efforts to change the procedures that you were
 8 using?
 9 A. Absolutely, yes.
 10 Q. Okay. So by 1991, you had 20 years of having
 11 your insurance company provide you feedback and make
 12 changes to various products, but still there were levels
 13 in excess of recommended amounts; is that correct?
 14 MR. RILEY: Objection to the form of the
 15 question. You said "products" instead of
 16 "processes."
 17 Can you read it back for him so he could
 18 hear it?
 19 MR. DUMLER: I'll rephrase it.
 20 Q. (By Mr. Dumler) Are you saying that 20 years
 21 after your first insurance company sent air sampling,
 22 it was still necessary for you to make changes in your
 23 processes to ensure that there were not exposures to
 24 asbestos in excess of recommended levels?
 25 MR. RILEY: I'll object to that, because

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1 with the Environmental Service Unit.
 2 Q. Are you familiar with that document?
 3 A. No, I'm not.
 4 Q. You did not receive a copy of that document
 5 when it came?
 6 A. No, I did not.
 7 Q. Did anyone advise you of the results of that
 8 study?
 9 A. No, they did not.
 10 Q. Do you have an understanding of why a variety
 11 of studies done by Travelers at your manufacturing
 12 operation showed impermissible levels of exposure to
 13 asbestos?
 14 A. No, I do not.
 15 Q. Do you have any idea as to whether or not it
 16 was the particular equipment that was being used, as
 17 opposed to other problems? Do you have any reason or
 18 understanding of why, over time, various air sampling
 19 came back showing that there was an impermissible
 20 exposure level?
 21 A. If the laws changed, that could be one
 22 incident, where prior to the change in law, what we had
 23 in place was sufficient. In other cases, it was the
 24 equipment itself.
 25 Q. At any time during your employment at Genuine

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1 Parts, have you gone out to the field to see whether or
 2 not mechanics were in fact grinding your brake shoes?
 3 A. Oh, yes.
 4 Q. When have you done that?
 5 A. I did that from 1971 through '75. And I did
 6 it periodically, not specifically just to go see if
 7 they're grinding or not, but going in and calling on
 8 garages that do brake workup, until this year.
 9 Q. From 1971 through 1975, what were you doing
 10 that required you to see whether or not your products
 11 were being ground?
 12 A. I was conducting the brake clinics and the
 13 clutch clinics and the electrical clinics. And I was
 14 also selling the product to our jobber customers.
 15 We would go along with the jobber salesman and
 16 tell him why should you buy Rayloc and not Raybestos.
 17 Q. I've seen the documents of a slide
 18 presentation. Were you involved in that slide
 19 presentation?
 20 A. Well, there were several series of that.
 21 But, yes, I had a slide presentation that I used.
 22 Q. When did you prepare those slide
 23 presentations?
 24 A. That was given to me when I came to work for
 25 the company.

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1 My question is: Was one of your angles, in an
 2 effort to sell Rayloc, that you told garage mechanics
 3 that you do not have to grind our shoes?
 4 A. Yes.
 5 Q. At any time, did you tell them any of the
 6 dangers associated with actually grinding shoes related
 7 to creating asbestos dust --
 8 A. No.
 9 Q. -- now, other than 1971 to '74, I think you
 10 said?
 11 A. '71 to '75.
 12 Q. '75, what else were you doing to actually go
 13 to particular garages? Just go on sales calls?
 14 MR. RILEY: Time period?
 15 MR. SMITH: When?
 16 Q. (By Mr. Dumler) After 1975?
 17 A. No.
 18 MR. RILEY: No. He said '71 to '75.
 19 Q. (By Mr. Dumler) No. I said other than '71
 20 to '75. After '75, what else were you doing to go visit
 21 specific mechanics?
 22 A. I would be going for problem calls where they
 23 were having a problem with our product, not just
 24 specific brake product, but any product. We had
 25 19 product lines.

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1 Q. So you would go out to various garages and
 2 give them presentations about how or why they should use
 3 your particular products?
 4 A. Yes.
 5 Q. During the course of any of those
 6 presentations, did you warn any or advise any mechanics
 7 about the dangers associated with asbestos dust from
 8 grinding?
 9 A. No, I did not.
 10 Q. In any of those slide presentations, was there
 11 ever any indication or warning about the dangers
 12 associated with creating asbestos dust?
 13 A. No, there was not.
 14 Q. In connection with selling Raybestos products,
 15 one of your angles was that you did not have to grind
 16 your brake shoes or pads; is that correct?
 17 A. No. You said Raybestos.
 18 Q. I'm sorry, Rayloc.
 19 A. And I would inject this: that that is the
 20 main problem out there, a lot of people -- Raybestos was
 21 king in selling brake shoes. And a lot of people
 22 thought we, Rayloc, were Raybestos. So when you ask
 23 them, whose brakes did you use, we used the Rayloc; but
 24 actually it was Raybestos.
 25 Q. Thank you.

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1 Q. How often would you do that?
 2 A. Maybe a dozen times a year.
 3 Q. In those instances in which you attempted to
 4 distinguish your product from other products that needed
 5 to be ground, who were the competitors that you singled
 6 out as companies producing products that you had to
 7 grind?
 8 A. We always used the practice that you never
 9 knock your competition. So we never talked about our
 10 competition, we only talked about the benefits of our
 11 products.
 12 Q. One of the benefits, you testified, was that
 13 you didn't have to grind your product?
 14 A. That's correct.
 15 Q. What would you do in comparing your product to
 16 other products? Would you say the other products you
 17 have to grind?
 18 A. No. We would just say that you don't have to
 19 do anything to modify our shoes to install them.
 20 Q. Did you ever visit Mr. Novo's gas stations in
 21 New Jersey?
 22 A. No, I did not.
 23 Q. Did you ever visit any of the jobbers in
 24 New Jersey?
 25 A. I cannot recall.

40 (Pages 154 to 157)

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1 Q. Have you visited the South Plainfield
2 Distribution Center?
3 A. I cannot recall.
4 Q. Are you aware of any documents related to the
5 sales from the South Plainfield Distribution Center to
6 any of the jobbers in that area?
7 A. No, I'm not.
8 Q. Have you made any efforts to look for any?
9 A. No, I have not.
10 Q. Do you know where they would be located if
11 they did exist?
12 A. Well, if they exist, they would be at the
13 distribution center. What time frame are you talking
14 about?
15 Q. 1960 through 1980.
16 A. With our retention policy, I don't think that
17 you will find anything going back to that time period.
18 Q. At what point --
19 MR. RILEY: For the record, while he did
20 not, a search was made; and there were no
21 records.
22 Q. (By Mr. Dumler) At what point in time did the
23 distribution centers begin to computerize their sales to
24 local jobbers?
25 A. I can't recall the exact -- well, actually,

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1 A. I don't know when marketing conferences
2 started. It had to be prior to 1971 when I started with
3 the company, because I heard, you know, they had other
4 ones.
5 Q. All right. So from '71 through the '80s,
6 there was an annual NAPA marketing convention?
7 A. Yes.
8 Q. How many days did they span?
9 A. Normally that's one day.
10 Q. Were there presentations, or is it like
11 a fair, where you go and there are booths?
12 A. All the above. It was -- we had display
13 tables for the manufacturers. And then, of course,
14 they had presentations that were put on by NAPA.
15 Q. At any of these national marketing
16 conventions, was there any presentation or discussion
17 aimed at alerting any of the jobbers to the dangers of
18 asbestos?
19 A. No, there was not.
20 Q. At any of the national marketing conventions,
21 was there any presentation or any effort to alert
22 jobbers that there should not -- that mechanics should
23 not be grinding brake shoes or brake pads?
24 A. For what reason?
25 Q. At all. Was there any effort to say --

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1 TEMS was the system. And that had to be in the '80s.
2 MR. DUMLER: All right. Let's take
3 a two-minute break so I can look at my notes
4 here.
5 (Recess was taken.)
6 Q. (By Mr. Dumler) Mr. LeCour, am I correct that
7 Genuine Parts -- strike that -- that NAPA held annual or
8 national meetings, convention-type meetings? I'm not
9 correct in the way you're looking at me?
10 A. Yes.
11 Q. I am correct?
12 A. Yes.
13 Q. What was the purpose of those? Were they
14 conventions? What were they?
15 A. They were called marketing conferences. And
16 they were to display what's coming up for the next year,
17 what our motto was going to be, and any new products
18 available. And it was, you know, a get-together with
19 our customers, the NAPA jobbers.
20 Q. And were they in fact held annually?
21 A. Annually.
22 Q. How many days? Was it a multi-day event?
23 MR. RILEY: Can we put a time frame on it
24 as to when they started?
25 Q. (By Mr. Dumler) When did they start?

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1 A. Well, our sales materials said it is not
2 necessary to grind our product, just go ahead and
3 install it, and you can get more cars into your garage
4 a day and make more money. That was from a performance
5 reason only. It had nothing to do with any other
6 reason.
7 Q. There was never any indication that there
8 might be a safety reason not to grind the shoes or pads?
9 A. Safety. If they were ground and you ground
10 them incorrectly, you could create a locked-up wheel,
11 creating a safety hazard by causing the car to go out
12 of control.
13 So that would have been part of the issue.
14 Q. Was there a publication that was sent to NAPA
15 jobbers by NAPA?
16 A. Many publications. What are you referring to?
17 Q. Well, how many publications are there?
18 There's something called NAPA Outlook?
19 A. NAPA Outlook is not that old.
20 Q. When was that started?
21 A. I can't recall, but it was not in the '70s,
22 to my recollection.
23 Q. Well, maybe I can help you.
24 MR. RILEY: Okay. He's not being offered
25 as a witness on behalf of NAPA.

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1 MR. DUMLER: I understand.
 2 (Plaintiffs' Exhibit LeCour 35 was marked.)
 3 Q. (By Mr. Dumler) I'm going to show you
 4 a document, Exhibit No. 35. It indicates NAPA through
 5 1975. Have you ever seen this document before?
 6 A. No.
 7 Q. Okay. This document refers to a publication
 8 called NAPA Outlook. Your recollection is you don't
 9 have any recollection of seeing that document back in
 10 '75, NAPA Outlook?
 11 A. No.
 12 Q. Do you have any recollection of whether or not
 13 any of the hazards of asbestos were ever published in
 14 any of the NAPA Outlook?
 15 A. When I was aware of it, no.
 16 Q. What other publications do you get from NAPA?
 17 MR. RILEY: Does he get from NAPA?
 18 Q. (By Mr. Dumler) Well, what other NAPA
 19 publications are you aware of?
 20 A. That's it. That's the only thing that I know
 21 of.
 22 Q. Are you familiar with something called the
 23 NAPA Report?
 24 A. No.
 25 Q. Does Genuine Parts publish any newsletters or

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1 to their customers. And basically it was a joke book.
 2 There were jokes in it. It had some advertising in it.
 3 Q. Anything else? Any other publications that
 4 were done by Genuine Parts disseminated to the jobbers
 5 or others customers?
 6 A. Not to my knowledge.
 7 Q. Mr. LeCour, in your Genuine Parts Answers to
 8 Interrogatories, No. 167, it indicates that "Genuine
 9 Parts may have received warnings from various suppliers
 10 or vendors of friction product materials but cannot
 11 state the approximate date or content of the warnings."
 12 Do you have any knowledge of any of the
 13 warnings that Genuine Parts got from any supplier or
 14 vendor of friction products?
 15 A. No, I'm not aware of any.
 16 Q. You indicated earlier that there were three
 17 grades: professional, standard, and economy. Is that
 18 generally correct?
 19 A. Yes.
 20 Q. Was that the three grades that were available
 21 between 1960 and 1980?
 22 A. No.
 23 Q. What was available between '60 and '80?
 24 A. We had basically two. We had what we called
 25 our B and RS with basically no name. Then we had our

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1 brochures or flyers or anything else that go out to its
 2 customers?
 3 A. What time period?
 4 Q. Well, does it do it today?
 5 A. Well, in an official magazine format or paper,
 6 book format? They send out promotional materials all
 7 the time.
 8 Q. But it doesn't have a newsletter or anything
 9 like that it sends out to its customers?
 10 A. To my knowledge, no.
 11 Q. Has it ever -- between '60 and '80 -- between
 12 '60 and today, is there a newsletter?
 13 MR. RILEY: Well, I'll allow him to answer
 14 the question, but I'm going to object that this
 15 is beyond the scope of your list on your
 16 Deposition Notice. So he can answer as to his
 17 personal knowledge, but his answer is not as
 18 a person who's knowledgeable of the company.
 19 THE WITNESS: Parts Pick-Up.
 20 Q. (By Mr. Dumler) I'm sorry?
 21 A. Parts Pick-Up.
 22 Q. What's the Parts Pick-Up?
 23 A. That was a little magazine that paid tribute
 24 to a good dealer, jobber, operation. And this was
 25 offered to all jobbers, that they could in turn give it

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1 AB, called Stopper.
 2 Then during that time frame, we called it
 3 professional quality for the B and the RS. And Stopper
 4 was always AB.
 5 Q. What does the A and the B stand for in AB?
 6 A. AB is American Brakeblok.
 7 Q. Between 1960 and 1980, were all of the AB
 8 brake shoes asbestos-containing?
 9 A. Yes.
 10 Q. What does the B stand for?
 11 A. Just the B only?
 12 Q. Correct.
 13 A. Bonded.
 14 Q. Between 1960 and 1980, were all the bonded
 15 brake shoes asbestos-containing?
 16 A. Yes. Well --
 17 Q. Go ahead.
 18 A. Your question, all of the B's?
 19 Q. Yes.
 20 A. Yes.
 21 Q. Is there a distinction? Is there some
 22 B out there I'm not thinking about?
 23 A. Well, there was an M.
 24 Q. Okay.
 25 A. And that was metallic.

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1 Q. All right. Were all of the B's brake shoes?
 2 A. Yes.
 3 Q. Can a B also be a brake pad, disc brake pad?
 4 A. No.
 5 Q. What does RS stand for?
 6 A. Riveted.
 7 Q. Were all of the RS brake shoes?
 8 A. Yes.
 9 Q. Were all of the RS between 1960 and 1980
 10 asbestos-containing?
 11 A. Yes.
 12 Q. And the M, metallic, no asbestos?
 13 A. Correct. Yes.
 14 Q. When was the M introduced?
 15 A. The M was there when I started with the
 16 company in '71. It was a limited part numbers. It was
 17 primarily used for race cars, emergency vehicles. It
 18 had its own set of circumstances, as far as its
 19 performance. The normal person would not want to put
 20 it on their car.
 21 Q. The disc brake pads, what do they correspond
 22 to?
 23 A. S would be either an asbestos or an NAO,
 24 non-asbestos. We have to go with the time frame.
 25 Q. When was S introduced?

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1 A. That corresponds to asbestos.
 2 Q. Was that true 1960 to 1980, all AS were
 3 asbestos-containing?
 4 A. Yes.
 5 Q. What do the A and the S stand for?
 6 A. I don't know.
 7 Q. Okay. What other disc brake pads are there?
 8 A. MAS.
 9 Q. And what does that signify?
 10 A. Semi-metallic.
 11 Q. When were they introduced?
 12 A. Again, in the '70s.
 13 Q. What does the E -- does that have any --
 14 what does that correspond to?
 15 A. E?
 16 Q. Yes.
 17 A. We're not there yet.
 18 Q. Okay.
 19 A. We have ES.
 20 Q. ES. Okay?
 21 A. Okay. ES is asbestos.
 22 Q. And that would be true between '60 and '80?
 23 A. Yes.
 24 Q. What does the ES stand for?
 25 A. Let me go back. We might not have had ES back

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1 A. S was there when I started in '71.
 2 Q. And so in '71, were they all
 3 asbestos-containing, S's?
 4 A. S's? Yes.
 5 Q. At what point in time was there a non-asbestos
 6 option on the S?
 7 A. We'd go with MS, and it wasn't an option. If
 8 OEM came out with a semi-metallic puck pad, we plugged
 9 in MS. And you wouldn't have an S, it would only be
 10 available in MS.
 11 Q. So any time there's an S, that's an
 12 asbestos-containing product, as opposed to an MS?
 13 A. What time frame?
 14 Q. 1960 to 1980.
 15 A. Yes.
 16 Q. All right. And MS is what, semi-metallic?
 17 A. Yes.
 18 Q. When was the semi-metallic first introduced?
 19 A. In the '70s.
 20 Q. Are there any other disc brake pads, other
 21 than S and MS?
 22 A. Yes.
 23 Q. What are they?
 24 A. There's ES -- no -- there's AS.
 25 Q. What does that correspond to?

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1 in the '60s. But you gave me the time frame from the
 2 '60s through '80s. But it's still in that area. It's
 3 ES.
 4 Q. When was the ES introduced?
 5 A. That had to be in the '70s, late '70s.
 6 Q. And what does the ES stand for?
 7 A. I don't know.
 8 Then we had an MES that was semi-metallic
 9 for that line.
 10 Q. Okay. Any others that were out there?
 11 A. Any others what?
 12 Q. Any other disc brake pads?
 13 A. During what time frame?
 14 Q. '60 to '80.
 15 A. No.
 16 Q. I'm a little confused. The AB, I think you
 17 indicated, was American Brakeblok?
 18 A. Yes.
 19 Q. Why is there a specific manufacturer
 20 designation on one and not on the others?
 21 A. Well, because that was AB Stopper; and that's
 22 why they called it Stopper. That was the flagship at
 23 one time, before we came out with the B and the RS,
 24 the premium. So it just stayed that way.
 25 Q. Okay. Now, is it possible to put these

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1 letters into the professional standard and economy
2 class?
3 A. You mean as a chain?
4 Q. Yes.
5 A. Yes, yes, there is.
6 Q. All right. What would fall under the
7 professional designation?
8 A. Would be the MS and the S.
9 Q. Both semi-metallic or just the MS?
10 A. Wait a minute.
11 Q. Is MS and S -- MS is semi-metallic?
12 A. Yes.
13 Q. And the S is not?
14 A. That's correct, yes.
15 MR. RILEY: Depending on the time period.
16 MR. DUMLER: Depending upon the time
17 frame.
18 Q. (By Mr. Dumler) Does the S ultimately become
19 semi-metallic?
20 A. No.
21 Q. And what fits in the standard category?
22 A. That would be the AB. And that would be the
23 MAS and AS.
24 Q. What about the economy?
25 A. The economy? Actually, the economy was known

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1 line?
2 A. Yes.
3 Q. What about the ES during 1960 to 1980, was
4 American Brakeblok/Abex the exclusive supplier for that
5 line?
6 A. No.
7 Q. Who else? Was American Brakeblok/Abex the
8 major supplier for the ES line?
9 MR. RILEY: If I can interrupt, you
10 previously testified and said "ES"?
11 MR. DUMLER: Yes.
12 MR. RILEY: ES started in the late '70s.
13 Q. (By Mr. Dumler) From the time it was
14 manufactured through 1980, the ES line was American
15 Brakeblok/Abex, the exclusive supplier for that line?
16 A. No.
17 Q. Was it the major supplier or the predominant
18 supplier for that line, the ES line?
19 A. No.
20 Q. Who supplied that line?
21 A. Allied-Signal, Hemisphere, FDP, Cann Parts,
22 Certified Brake, DiscTex. That's all I can recall.
23 Q. All right. What was the reason that you
24 turned to other suppliers for that particular line as
25 opposed to the other line?

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1 as Stopper 2 before it became economy. It was under the
2 AB flag.
3 Q. I apologize if I asked you this, all right;
4 I think I have: When was the professional, standard,
5 and economy designations first put out there?
6 A. That had to be in the late '70s, early '80s.
7 Q. All right. Now, with respect to the AB, we
8 know that was American Brakeblok/Bendix -- I'm sorry --
9 Abex, that was the main supplier of that?
10 MR. RILEY: Start over again, because you
11 sure messed it up.
12 MR. DUMLER: Sure.
13 Q. (By Mr. Dumler) The AB, American Brakeblok
14 Abex, were they the exclusive supplier for the AB line?
15 A. AB line and S line and MAS.
16 Q. But there was no written agreement that made
17 them the exclusive supplier or any joint venture
18 agreement with respect to the production of those?
19 A. No.
20 Q. All right. What about the B between 1960 and
21 1980, American Brakeblok/Abex? Were they the exclusive
22 supplier for that line?
23 A. Yes.
24 Q. What about the AS between 1960 and 1980? Was
25 American Brakeblok/Abex the exclusive supplier for that

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1 A. Economy.
2 Q. They were cheaper?
3 A. They were price competitive.
4 Q. What about the AS line? Who was the supplier?
5 Was there an exclusive supplier for that line?
6 A. What line?
7 Q. AS.
8 A. AS? Yes.
9 Q. Who was that?
10 A. What time period?
11 Q. 1960 to 1980?
12 A. Abex.
13 (Witness conferred with counsel.)
14 THE WITNESS: I want to make a statement.
15 Q. (By Mr. Dumler) Go ahead. You've conferred
16 with your counsel, and you need to make a statement?
17 A. Right.
18 Q. Go ahead.
19 A. When MS's first came out, Abex did not have
20 a good semi-metallic friction material for the disc
21 pads. So we used what was known as Friction King 2,
22 which was manufactured and made by Bendix initially.
23 And then when they did get their formula correct, we
24 switched over to Abex.
25 Q. Thank you.

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1 If I could take you then to the professional,
 2 standard, and economy lines, the Stopper 2, was Abex the
 3 exclusive manufacturer of the friction material in the
 4 Stopper 2?
 5 A. No.
 6 Q. Who else supplied? Was Abex the major or
 7 predominant supplier for the friction material in the
 8 Stopper 2?
 9 A. No.
 10 Q. Who supplied that material?
 11 A. I just told you. That's the ones that we took
 12 and turned into economy.
 13 Q. Okay. So ES, you just continued on with
 14 Allied. And the others you mentioned under the name
 15 economy?
 16 A. Yes.
 17 Q. The standard line, was there a particular
 18 manufacturer that was the exclusive manufacturer for
 19 that line?
 20 A. Yes.
 21 Q. Who was that?
 22 A. Abex.
 23 Q. And the professional line, was there
 24 a manufacturer that was the exclusive manufacturer
 25 for that line?

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1 A. Abex.
 2 Q. So am I correct that when you got into
 3 professional standard and economy designations, Abex
 4 was your exclusive supplier, except for the economy
 5 designations; and that's because other manufacturers
 6 were more price competitive?
 7 A. Yes.
 8 MR. DUMLER: That's all the questions
 9 I have. Thank you for your time.
 10 MR. RILEY: Anybody on the phone have
 11 questions?
 12 MR. ERRANTE: No questions.
 13 MR. LIPSHULTZ: No questions.
 14 MR. RILEY: I just have a couple of
 15 points.
 16 DIRECT EXAMINATION
 17 BY COUNSEL FOR THE DEFENDANT
 18 GENUINE PARTS COMPANY
 19 BY MR. RILEY:
 20 Q. Paul, you were asked a series of questions
 21 about the insurance company inspections and whether
 22 or not you received notification of those.
 23 In your job capacity, would you normally
 24 receive notification of those kind of reports?
 25 A. No, I will not.

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1 Q. Who would the notification go to?
 2 A. General manager.
 3 Q. To your knowledge, did the general managers
 4 receive those notifications?
 5 A. Yes.
 6 Q. And to your knowledge, if corrective action
 7 was required, was it taken?
 8 A. Yes, it was.
 9 Q. With respect to whether or not a particular
 10 application was metallic or organic, asbestos,
 11 non-asbestos, would Rayline make the decision as to what
 12 to use, or would you rely upon what the original
 13 equipment manufacturer was supplying?
 14 A. We would rely on our friction material
 15 supplier to tell us what they recommended for that
 16 application.
 17 And we, in turn, would buy a sample set from
 18 a car dealership to make sure that we agreed with what
 19 they told us, that it was semi-met versus not metallic,
 20 you know, non-metallic versus metallic. But we relied
 21 on our supplier to say so.
 22 Let's say it was a semi-met. We would then
 23 say -- if it was a semi-met and they said, well,
 24 organics will work on that application, we say it's
 25 semi-met, we want to put semi-met on it; and we would

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1 not accept the non-metallic.
 2 MR. RILEY: Okay. That's all I have.
 3 MR. DUMLER: Read and sign?
 4 MR. RILEY: Read and sign.
 5 (Signature reserved.)
 6 (Whereupon, at 2:16 p.m., the taking of the
 7 instant deposition was concluded.)
 8
 9
 10 (Signature of the Witness)
 11
 12 SUBSCRIBED and SWORN TO before me this _____
 13 day of _____
 14
 15
 16 NOTARY PUBLIC
 17 My Commission Expires: _____
 18
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ERRATA SHEET

RE: Hicks, et al., vs. ACandS, Inc., et al.
 DEPOSITION OF: PAUL L. LECOUR

Please read this original deposition with care; and if you find any corrections or changes you wish made, list them by page and line number below.

DO NOT WRITE IN THE DEPOSITION ITSELF. Return the deposition to this office after it is signed. We would appreciate your prompt attention to this matter.

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STATE OF GEORGIA DEPONENT: PAUL L. LECOUR
 COUNTY OF FULTON

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PAUL L. LECOUR NLH

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CERTIFICATE

GEORGIA:
 FULTON COUNTY:

I hereby certify that the foregoing deposition was taken down, as stated in the caption, and the colloquies, questions, and answers were reduced to typewriting under my direction; that the foregoing transcript is a true and correct record of the evidence given.

The above certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of Wheeler Reporting Company, Inc., Certified Court Reporters, and the signature and original seal is attached thereto.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of the action.

This, the 20th day of June, 2001.

Nancy L. Holloway
 Certified Court Reporter
 CCR-B-1049

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