Case Clip(s) Detailed Report

Jimmy Toole

Wednesday, January 13, 2010, 7:10:51 PM

Jimmy Toole

Taylor, Mark K. (Vol. 01) - 12/15/2009

1 CLIP (RUNNING 01:42:46.583)

Good morning, Mr. Taylor. My name is Christian ...

MT-1215-0000604 203 SEGMENTS (RUNNING 01:42:46.583)

1. PAGE 6:04 TO 7:17 (RUNNING 00:01:16.047)

Q. Good morning, Mr. Taylor. My name is Christian Hartley. We met before one time, didn't we?
A. Yes, we did. I believe it was in Minnesota.
Q. Okay. And could you just tell us your full name, please.
A. Mark middle initial K, Taylor.
Q. Okay. And where do you work, Mr. Taylor?
A. Ford Motor Company.
Q. Okay. How long have you worked for Ford Motor Company?
A. Twenty-one years.
DEPOSITION EXHIBIT 1
First Amended Notice of taking 30(b)(6)
deposition and notice to produce
WAS MARKED BY COUNSEL
FOR IDENTIFICATION.
Q. Okay. We are here today pursuant to a -- the First Amended Notice to Take Rule 30(b)(6) Video Deposition of Mark Taylor and Notice to Produce to Ford Motor Company which I have marked as Exhibit 1.
Have you seen that the before?
A. Yes, I have.
00007:01 Q. Okay. And do you understand that today you are being deposed as the representative of Ford Motor Company?
A. I do.
Q. And that means that you are speaking for Ford Motor Company when you give your answers?
A. Correct.
Q. And unless I make otherwise clear, will you answer as Ford Motor Company rather than as Mark Taylor and his -- with his own experience?
A. If I'm able to, I will.
Q. Okay. Thank you.
Now, you have given depositions in the past; right?
A. I have.
Q. How many times?
MR. ZIC: Objection, vague.
A. Over 75 depositions.

2. PAGE 11:11 TO 15:02 (RUNNING 00:04:50.000)

You have a background in doing automotive work. True?
A. Correct.
Q. Okay. How did you come to have that background?
A. The school I went to, the high school I went to had a vocational wing and there was a 2-hour block afforded to students for auto mechanics for two years, and I started in that program my junior year of high school. So I have a 690-hour certificate from Sault Area High School and Skill Center, that's S-A-U-L-T for Sault St. Marie.
Q. Okay. For those of us who aren't from Michigan.
A. Correct.
Q. Now, I hate to ask, but you look very young. What

year was it that you -- that you started the automotive program in high school?
A. 1974.
Q. Okay. And you graduated in 1976 from high school?
A. From high school, correct.
Q. And what was your first job after high school?
A. My first job after high school was -- I worked for an auto -- automotive dealership.
Q. Okay.
A. And it was George Linger Dodge-Chrysler, in Warrensburg, Missouri. Excuse me. You know, I always get those two -- that's correct. George Linger. Yeah, George Roush, excuse me, it was many years ago, George Roush Chrysler.
Q. Okay. You were what you have described as an automotive technician in the past; right?
A. Correct.
Q. And that's a -- that's an official term for someone who did auto mechanic work?
A. Right, I was a mechanic.
Q. Okay. And how long were you there?
A. Just a few months.
Q. And then you changed jobs to another dealership. True?
A. Correct, in that town of Warrensburg, Missouri.
Q. And you went to work at a Chevrolet Cadillac dealership, if I remember?
A. That is correct, yes.
Q. How long did you work at the Chevrolet Cadillac dealership?
A. It was a few months at that dealership.
Q. And you did also automotive mechanic work?
A. Correct. There was an ad in the Kansas Star Newspaper and they were looking for a person that had automatic transmission technician capabilities, and I fit that bill. And I worked as an automatic transmission technician, but I also did all faucets of automotive repair at that dealership.
Q. And as an automotive technician or mechanic, what -- when you first started doing your -- well, let me go backwards.
Did you ever do any brake jobs when you were in high school?
A. Yes, I did.
Q. Did you do any drum brake jobs?
A. Yes. In that time frame, most vehicles that I was working on had drums, both in the fronts and rears.
Q. Okay. Could you explain to the jury what a drum brake job entails?
A. It's -- well, a drum -- well, a drum brake job, it's -- basically what you have to do is you remove the wheel off the vehicle. You remove the drum from the vehicle. There are different methods of getting the drums off depending on whether it's a front or a rear axle. You remove the drum by releasing the brake shoes, and there's a star adjustor on the brakes that has to be released -- reduced -- twisted, because as brake shoes wear, they actually wear into the drum and create a ridge on the brake drums, so unless you release the brake shoes, you're not going to get the drum off.
Q. Okay.
A. So then you remove the drum, and from there you can see the brake shoes and the associated hardware. You remove all the hardware from those brake shoes and then you're able to pull the brake shoes off from the backing plate of the vehicle. And then you clean the components,

customarily with solvent, and then you get new brake shoes from your parts department and then reverse the procedure. At the same time you usually take the drum and you measure the drum to ensure that it has not exceeded its maximum diameter, and if it has not, you resurface the drum on a brake lathe and then reassemble.
Q. Okay.
A. For the front wheels, you customarily repack the front wheel bearings.
Q. Now, I have got a -- some selections from a catalogue and I thought maybe we could use those to sort of -- because there is like I guess I'll call it an exploded diagram of a drum brake so you could see the parts.

3. PAGE 15:19 TO 16:04 (RUNNING 00:00:45.810)

Q. I am marking as Exhibit 3 to this deposition a 1971 edition, and it's -- I will tell you it's excerpts of the whole thing, specifically dealing with brake materials of a Parts and Accessories Ready Reference Catalog, Autolite Ford, and it lists the various vehicles. And for now -- did I properly describe it as you can -- as you can see?
A. Correct. It's a 1971 edition of the Parts and Accessory Ready Reference Catalog.
Q. And generally who is the target audience for -- for a publication like that from Ford?

4. PAGE 16:06 TO 16:07 (RUNNING 00:00:12.434)

A. Well, the target -- well, the targeted audience would be automotive technicians or repair facilities.

5. PAGE 16:16 TO 18:14 (RUNNING 00:02:45.674)

Q. Okay. Now, Autolite was -- was a brand name that Ford used for its replacement parts for a period of time. True?
A. That's correct, yes.
Q. Okay. Now, if -- could you just turn -- look through it until you find a good spot to -- with a drum brake exploded diagram so that we can just sort of put in context what you were just telling the jury about how you do a drum brake change?

003-08 - 003-08



A. It's page 8 of this catalogue of Exhibit 3.
Q. Okay. There may be even a better one I'll represent to you just because those --

003-09 - 003-09



A. Page 9 might even be a little bit better.
Q. Keep going. See if you find one better. I'm going to give you the chance to pick the best one, because I think there's probably an overall best. And I appreciate your humoring me with doing that, but I think it's just kind of be good to explain.
A. Actually, page 9 is the best for automotive or light truck --
Q. Okay.
A. -- brake.
Q. Okay. And could you just pull that up and sort of -- it helps me, too, as well. Now, that -- that shows the interior assembly pieces; correct?

A. That's correct.
Q. And -- but it doesn't show what's called the drum; right?
A. That's correct. The previous page actually showed the drum.
Q. Okay. Perfect.
A. Showed the drum. And here's the drum in this depiction where my index finger is.
00018:01 Q. The drum is kind of like -- almost like a bowl, isn't it?
A. Yes.
Q. Okay.
A. I've never heard it explained as that, but it may -- kind of looks like a bowl.
Q. It's a bowl with holes in it for bolts and an axle to come through it; how about that?
A. On the rear, that's correct, yes.
Q. All right. And you also -- when you were in -- when you were in high school did you get a chance to learn about how those things were -- those drum brakes were taken apart and adjusted and shoes were replaced and the like?
A. Yes, I did.

6. PAGE 18:15 TO 18:20 (RUNNING 00:00:18.031)

Q. Okay. And did you also get the chance to turn -- I think you said turn a drum which you put it on a brake lathe and spin it around to make the drum the right shape again?
A. Right. A brake lathe is actually a machining tool and you machine a surface on the drum, a new surface.

7. PAGE 19:21 TO 19:22 (RUNNING 00:00:04.742)

Q. Okay. Now, I'm going to show you what I'm marking as Exhibit 5 after I show your counsel.

8. PAGE 20:12 TO 20:25 (RUNNING 00:00:56.299)

Q. Okay. Do you know what Exhibit 5 is?
A. Exhibit 5 appears to be a Rotunda branded brake grinder.
Q. Okay. Rotunda was a Ford brand; right?
A. Correct. It was sold through the Ford Parts & Service Division.
Q. Did you ever see a Rotunda brake grinder in your experience in the field?
A. I have not.
Q. Okay. Is that the first time you've seen one?
A. I've seen pictures of them, but I have not seen one that I -- I don't have an independent recollection of seeing one. I probably have seen one in the shop and just didn't recognize it.

9. PAGE 21:03 TO 22:03 (RUNNING 00:01:04.319)

You -- did you continue after you -- I think we've only been through your first two jobs as an auto mechanic. Did you continue to do that kind of work?
A. Yes, I did.
Q. Okay. Where did you -- where did you transition to after the Cadillac/Chevrolet dealership?
A. I went to a Chrysler and Dodge dealer that -- in Sault St. Marie, Michigan and I worked for them for almost four years.
Q. So you made it home?
A. Well, what I considered home, yes.
Q. Okay.

A. Where I graduated from high school, anyway.
Q. Sure. And then you continued -- did you continue to do things like brake work, transmission work, clutch work?
A. Yes, I did all those type items at that dealership. It was a very small dealership, and I was a master auto and heavy-duty mechanic licensed by the State of Michigan and performed any types of services that came into the dealership.
Q. And you had -- I think you told me before that you had two bays up in Sault St. Marie?
00022:01 A. Correct, I had multiple bays up there.
Q. More than two?
A. Yes.

10. PAGE 22:09 TO 22:19 (RUNNING 00:00:31.483)

Q. Now, some of the things that an auto mechanic does other than actually doing the work of taking off and putting back on parts and the like is -- is clean up the shop?
A. Correct.
Q. You yourself routinely in doing your work would sweep up after yourself. True?
A. I did often, yes, sir.
Q. You were around others who did the same thing?
A. Yes.
Q. And the reason that -- you did that was because auto mechanic work can be quite messy?

11. PAGE 22:21 TO 22:24 (RUNNING 00:00:12.581)

A. Well, you know, there's lots of debris, especially dealing in northern Michigan with snow and ice and gravel roads and thing such as that. Lots of debris comes off cars when you're working on them.

12. PAGE 23:07 TO 23:10 (RUNNING 00:00:13.675)

Q. One of the things about drum brakes that's different than disk brakes is that the drum brake, the braking surfaces are enclosed inside that drum; right?
A. They may be.

13. PAGE 23:11 TO 23:19 (RUNNING 00:00:25.264)

Q. When you say they may be, what do you mean by that?
A. There may be some instances on certain vehicles where the backing plate is open.
Q. Okay. Would that --
A. Or partially open.
Q. Would that be true on -- on light trucks and cars?
A. Not so much light trucks and cars as other heavier style of vehicles.

14. PAGE 23:20 TO 23:22 (RUNNING 00:00:11.649)

Q. Sure. And when we're talking about Ford light trucks and cars, the -- in a drum brake the braking area was enclosed by the drum. True?

15. PAGE 23:24 TO 24:19 (RUNNING 00:00:56.916)

A. It is somewhat enclosed. There is -- there is an opening between the backing plate and the drum, but it's
00024:01 relatively enclosed.
BY MR. HARTLEY:
Q. In your experiences one thing that you learned is that when you would go to do a brake job, you wouldn't know

how worn the brake material was in a drum brake until you took off the drum. True?
A. That's correct. You need to remove the drum to inspect the brakes.
Q. There's no way to -- for a mechanic to know exactly what's -- what the situation is inside a drum brake until that drum is removed; right?
A. That's -- that's correct. You don't know if there's pieces falling around or what may be the case.
Q. And -- and typically when you would remove -- in your experience when you would remove the drum after a car had been used for a period of time, there would be some brake wear debris in there; right?
A. Well, there would be some dirt and grime and some material in there, yes.

16. PAGE 25:01 TO 25:03 (RUNNING 00:00:11.621)

Q. And Ford Motor Company knows that some of that -- that dust inside the material was from the friction material that had worn down through the braking process; right?

17. PAGE 25:05 TO 25:14 (RUNNING 00:00:39.454)

A. That's -- that's correct. It was wear-out debris from brake shoes and the brake drum.
BY MR. HARTLEY:
Q. When it came to -- when it came to the time frame when there -- when there started to be disk brakes and drum brakes used, you would find -- you would typically have less brake dust brought -- if you brought a vehicle into the -- into the shop, you would typically have less brake dust associated with the disk brakes than you would with the drum brakes. True?

18. PAGE 25:16 TO 25:18 (RUNNING 00:00:13.727)

A. Well, they both are wear-out items, but -- and they both would create some, you know, some wear material. But it wouldn't be captured in the drum.

19. PAGE 25:20 TO 25:23 (RUNNING 00:00:13.780)

Q. Okay. And in that sense, in terms of the -- when you're doing work in the shop, you would tend to get more brake wear dust in the shop from the drum than you would from the front disk brakes. True?

20. PAGE 25:25 TO 26:05 (RUNNING 00:00:12.510)

A. There would be more debris on drum brakes than disks, yes.
BY MR. HARTLEY:
Q. And there would be more brake wear debris in the drum brakes than from the front disks; true?
A. In the -- in the shop, that's correct.

21. PAGE 26:17 TO 26:19 (RUNNING 00:00:05.525)

Q. Now, how long did you continue at the dealership in Sault St. Marie?
A. Until 1981.

22. PAGE 26:25 TO 27:08 (RUNNING 00:00:23.817)

engineering at Lake Superior State University. And then in 1981 I started school more full time and then left the dealership and went to work for a gentleman by the name of Ed Jacques, and his company was called Jacques Construction. That's J-A-C-Q-U-E-S.

05 Q. Okay. And did you do mechanic work there?
06 A. Yes, I did.
07 Q. Tell us what you did.
08 A. He had a small fleet of vehicles. Mainly his boys

23. PAGE 27:10 TO 27:12 (RUNNING 00:00:10.607)

10 equipment, everything from dump trucks to backhoes to pickup
11 trucks, and even some of his personal automobiles, and I was
12 his mechanic for those -- his fleet of vehicles.

24. PAGE 27:13 TO 27:15 (RUNNING 00:00:10.448)

13 Q. Now, by that time in your experience as a -- doing
14 mechanic work, had you seen any kind of warnings relating to
15 asbestos?

25. PAGE 27:25 TO 28:02 (RUNNING 00:00:16.341)

25 A. I had seen warnings on asbestos, either when I was
00028:01 in trade school or at the dealership or potentially both,
02 dealerships or trade school seen warnings.

26. PAGE 31:06 TO 31:15 (RUNNING 00:00:28.000)

06 Q. Did -- does Ford Motor Company today recommend
07 routine servicing of vehicles?
08 A. There is a recommended maintenance schedule that
09 comes with each and every vehicle that Ford sells.
10 Q. And as long as -- did Ford have a recommended
11 servicing schedule in the 1960s for its vehicles?
12 A. I believe they did, yes.
13 Q. Okay. Did they have a recommended servicing
14 schedule for their vehicles in the 1970s?
15 A. Yes.

27. PAGE 32:02 TO 32:12 (RUNNING 00:00:32.495)

02 Q. Okay. Post-World War II did Ford always have a
03 recommended service schedule for its vehicles?
04 A. From everything I've reviewed I believe that to be
05 correct.
06 Q. And as part of the recommended service schedule
07 since World War II, one of the things that was to be done
08 was to check the brakes. True?
09 A. That's correct, yes.
10 Q. And that's because brakes were known over time to
11 wear out?
12 A. That's correct. Brakes are a wear-out item.

28. PAGE 33:03 TO 33:09 (RUNNING 00:00:24.821)

03 Q. From your own experience as a mechanic, making
04 clear, you know that -- that when you take off a drum brake,
05 some of the material that you find in there is dust from
06 what once had been the brake shoes. True?
07 A. Well, it's dust and debris from the braking
08 process, whether it's the shoe or part of the drum or a
09 combination of all.

29. PAGE 33:18 TO 34:15 (RUNNING 00:00:49.857)

006-01 - 006-01

18 And I'll mark as the next exhibit, which
19 is Exhibit 6, a not so great copy, but at least legible of
20 the Motorcraft brand or box.
21 DEPOSITION EXHIBIT 6
22 Photograph of Motorcraft logo

WAS MARKED BY COUNSEL
FOR IDENTIFICATION.
BY MR. HARTLEY:
Q. Is that what that is?
A. I'm not sure if this is a box or a -- it's just the Motorcraft -- Motorcraft --
Q. Logo?
A. Yeah, with the Ford logo.
Q. Okay.
A. Ford oval. And this is a depiction of an automobile down in this area here moving forward (indicating).
Q. And that depiction down there as poor though it is is one that was associated with the Motorcraft packaging. True?
A. Yes.
Q. Okay. When did the Motorcraft parts name come about?

30. PAGE 34:18 TO 35:01 (RUNNING 00:00:30.993)

A. I'm not sure when the name came about, because the name might have been registered earlier on, but Ford started using the Motorcraft brand in 1972.
BY MR. HARTLEY:
Q. Okay. And one thing that we can see from -- from Exhibit 3, although it's a little small at the bottom, is is that the -- and you can see right there that the Motorcraft name basically just replaced the Autolite name on boxes, didn't it?

31. PAGE 35:04 TO 35:04 (RUNNING 00:00:02.799)

A. Yes, it appears that it did.

32. PAGE 35:06 TO 35:15 (RUNNING 00:00:23.851)

Q. Okay. And --
A. It looks like they might have shifted the Ford oval over because it's a few more letters.
Q. Okay. And, so, the packaging for Autolite looks -- looks very similar to the example of the Motorcraft packaging that I've marked as Exhibit 6. True?
MR. ZIC: Objection; vague, lacks foundation.
A. It does look similar, except, you know, Autolite versus Motorcraft.

33. PAGE 35:17 TO 35:21 (RUNNING 00:00:21.065)

Q. Okay. And the race car or the sort of blurred car below the Motorcraft that you pointed out on Exhibit 6, it appears to be on the -- on the packaging that's -- that was Autolite, which is Exhibit 3 in 1970 -- from 1971; right?
A. I do see that, yes.

34. PAGE 35:22 TO 36:07 (RUNNING 00:00:25.289)

MR. ZIC: Let me see that.
BY MR. HARTLEY:
Q. Before --
MR. ZIC: Just when you asked the question and he gave his answers, the way I understood the exchange was that the word Motorcraft actually appeared on this Autolite catalogue and it does not. I want the record to be clear about that.
MR. HARTLEY: Well, the catalogue is in the record and I think -- I think he understood that. We did -- I understand what you're saying.

35. PAGE 36:11 TO 36:21 (RUNNING 00:00:30.612)

Could you hold up and point out to the jury, I know it's a little small, but the two boxes there in the middle. That's what we were talking about; right?
A. This box with the Autolite right here.
Q. Okay. And then right below that there is that same sort of blurred automobile drawing?
A. In this area right here (indicating).
Q. Okay. And that was on -- and there was one similar to that the in 6; right?
A. Correct. Exhibit -- Exhibit 6 is in black and white.

36. PAGE 36:25 TO 37:09 (RUNNING 00:00:32.601)

Q. Is that -- isn't that a -- what is the car there, is that a depiction of the famous Ford race car? I'm trying to remember the name of it now.
A. I'm not sure.
Q. You know which car I'm talking about, the --
A. I don't.
Q. Okay. GT40, is that what it was?
A. Potentially could be a GT40, yes.
Q. That's a famous Ford race car, isn't it?
A. That's exactly what that appears to be.

37. PAGE 37:15 TO 37:24 (RUNNING 00:00:43.304)

Q. When Ford is designing a new automobile, it takes -- an automobile is a finished product; right?
A. Correct.
Q. Okay. Ford is in the business of making and selling automobiles. True?
A. One of their businesses, yes.
Q. Okay. To make an automobile they take various systems, the braking system, drivetrain system, a suspension system, and put them all together into a finished automobile?

38. PAGE 38:03 TO 38:04 (RUNNING 00:00:07.707)

A. That's very simplistic, but that's approximately how the 15,000 parts come to be an automobile.

39. PAGE 38:06 TO 38:15 (RUNNING 00:00:38.348)

Q. Okay. Ford is the -- Ford is the entity that assembles all those 15,000 odd parts into a finished automobile. True?
A. For Ford automobiles that's relatively true. There might be a couple of exceptions where Ford uses like Auto Alliance to build cars --
Q. Okay.
A. -- for Ford. Current day I'm talking.
Q. Right. In the 1950s, '60s and '70s, Ford built its own automobiles; right?

40. PAGE 38:17 TO 38:17 (RUNNING 00:00:04.456)

A. Yes. There may be an exception or two, but ....

41. PAGE 38:19 TO 39:07 (RUNNING 00:00:27.374)

Q. Okay. For the -- so for passenger vehicles, Ford built its own vehicles?
A. The only thing I'm thinking of is like the Pantera -- there's always an exception, like the Pantera.
Q. Okay.
A. Or the -- you know, there's always a small

exception.
00039:01 Q. Okay.
A. But for the most part that's generally correct.
Q. Can you think of any other exceptions other than the Pantera?
A. I'm thinking the GT40 might not have been built by Ford. It might have been built by a racing facility in Southeastern Michigan.

42. PAGE 39:16 TO 39:19 (RUNNING 00:00:10.702)

Q. Did Ford manufacture friction materials?
A. No.
Q. Did Ford manufacture braking systems?
A. No.

43. PAGE 39:20 TO 40:01 (RUNNING 00:00:20.910)

Q. Okay. How did it -- how did Ford come to have braking systems in its vehicles if it didn't manufacture the friction materials or the systems?
A. Well, Ford would buy from suppliers different components that made up the braking system.
Q. Okay. Did Ford design its cars around the braking
00040:01 systems, or did it go the other way?

44. PAGE 40:03 TO 41:07 (RUNNING 00:01:54.434)

A. Well, when you're -- when you're designing a braking system or you're designing an automobile, you have a group of assumptions, and those assumptions are based on basically what you know from the past and what's afforded to you to use. And for a mid-size automobile in the '70s, most of them had 15-inch wheels on them, and approximately 12-inch brakes. And, so, this is something that we would, we Ford Motor Company, would know. And to appropriately stop that vehicle, this is, you know, in the 4,000-pound range, this is the style of brakes you would require for that vehicle.
Q. Okay.
A. And we would go to our supplier and put out for bids different -- you know, basically we would ask for bids on a braking system for a specific vehicle. And that supplier would be brought in and they would actually work with Ford Motor Company and develop a braking system for our vehicles.
Q. If I remember correctly, Ford issued performance specifications for braking systems rather than designing them themselves?
A. That's correct, Ford has performance specifications, and the supplier meets or exceeds those
00041:01 performance characteristics or specifications.
Q. Now, once the -- once the -- Ford had decided on a braking system for its vehicles after meeting with and cooperating with suppliers, did Ford actually install the braking systems into its own vehicles?
A. They would be assembled at a Ford assembly plant, yes.

45. PAGE 41:08 TO 41:18 (RUNNING 00:00:37.126)

MR. ZIC: I'm going to object as to vague as to braking system.
BY MR. HARTLEY:
Q. Okay. Do you know what a braking system is?
A. Well, what I consider a braking system is everything from the pedal that the operator pushes on to the end -- to your wheel ends, and all the hardware and

componentry to make up that system - power brake booster, linkages, master cylinder, your brake lines, your proportioning valves, your wheel cylinders, your brake shoes, all the associated hardware, brake drums.

46. PAGE 43:23 TO 44:01 (RUNNING 00:00:13.000)

Q. When it came to Ford replacement parts for friction materials Ford did not manufacture any of the friction materials?
A. Correct.

47. PAGE 44:02 TO 44:07 (RUNNING 00:00:34.581)

Q. As a new vehicle comes off the assembly line brand new, it's a new issue, let's say, for instance the new Ford Taurus has just come off the assembly line. Ford understood that at some point after any new vehicle comes off its assembly line that aftermarket companies are going to try to make parts to fit that vehicle. True?

48. PAGE 44:10 TO 44:11 (RUNNING 00:00:04.463)

A. Ford is aware that there are aftermarket suppliers for different components on vehicles.

49. PAGE 44:13 TO 44:24 (RUNNING 00:00:40.181)

Q. And in the 1950s through the 1980s there were companies that were making aftermarket parts for Ford vehicles; right?
A. Yes.
Q. And Ford knew that one of the aftermarket parts that were -- that were being made -- one type of aftermarket parts that were being made from the 1950s through the 1980s -- well, through the -- let me start again.
Ford knew from, let's say, since World War II until the year 2000 that there was -- there were companies making aftermarket friction materials for Ford vehicles. True?

50. PAGE 45:03 TO 45:05 (RUNNING 00:00:08.491)

A. Yeah. Ford -- you know, we were aware during that time frame that there were companies that made aftermarket components that would fit on Ford vehicles.

51. PAGE 45:07 TO 45:12 (RUNNING 00:00:35.963)

Q. Sure. And when it came -- when it comes to brakes, there's a lag time typically between the creation of a new vehicle and when aftermarket parts become available for that vehicle because of needs to test to make sure that the brakes meet the characteristics such as safety and marketability. True?

52. PAGE 45:15 TO 45:23 (RUNNING 00:00:25.051)

A. I don't really know what the aftermarket does.
BY MR. HARTLEY:
Q. Okay.
A. You know, Ford doesn't know what the aftermarket does. I mean, we -- you know, we sell the vehicle and we hope that they'll come back to an authorized independent dealership and put the original equipment parts that were originally on their vehicle because it performs best with those parts.

53. PAGE 47:08 TO 47:21 (RUNNING 00:00:52.737)

Q. Okay. The first model year vehicle for which Ford had designed a system that included a braking system that did not contain asbestos friction materials was 1983. True?
A. The first year for non-chrysotile asbestos brake shoes front and rear on a Ford automobile was the 1983 model year Ranger.
Q. Which came out in 1982?
A. Correct.
Q. And it wasn't until the year 2001 when Ford last sold an asbestos-containing friction material as a replacement part. True?
A. That's correct. Through our Ford Parts and Service Division there were some chrysotile asbestos brake components that were being sold.

54. PAGE 49:14 TO 51:19 (RUNNING 00:02:57.430)

Q. All right. In terms of -- in terms of your history with Ford, you did come to work at some time, which we hadn't gotten to in your -- in your life experience, you did come to work for Ford?
A. In 1988 I started.
Q. And that was -- you had done some -- prior to that you had done some work with J.I. Case; right?
A. Yes, Case International Harvester, yes, sir.
Q. Okay. And that company you worked in their Tractor Division?
A. Right. Construction/tractor/agricultural.
Q. Okay. And you were working on automatic transmission design there. True?
A. That's correct, yes. Friction material is what I basically was working on, clutches for a big automatic transmission.
Q. Okay. At that time did you -- you were working with automatic transmissions at J.I. Case you said; right?
A. Yes.
Q. And were those friction materials that you were working with at J.I. Case -- I think it's from 1986 to 1988?
A. Correct.
Q. Okay. Were those asbestos-containing friction materials at that time?
A. They were not.
Q. They were not.
Then you came to work for Ford and you came to work for Ford also in the Tractor Division?
A. Correct.
Q. Okay. And you did that for a period of time until you changed to a new job?
A. That's correct.
Q. When was the new job?
A. 1989.
Q. Short period of time with the Tractor Division and --
A. The tractor -- yeah. The Tractor Division was sold off. And the facilities used to be in Southeastern Michigan and they moved to Pennsylvania, and it was sold to Fiat eventually. It's part of now Case New Holland.
Q. Okay. And you decided to stay with Ford?
A. I did.
Q. Okay. And what were -- what were your duties as you stayed with Ford over time?
A. I was a design engineer in the Light Truck Division. And I had that design job in Light Truck until 1992, and then I became the administrator or facilitator -- secretary for the Critical Product Problem Review Group.

Q. Okay.
A. And I held that job until 1995, and then I became a design analysis engineer, and that's the job I currently hold today.
Q. Okay. Through your work with Ford, you have had several jobs that deal with post -- post-sale engineering; is that fair?
A. I'm aware of -- yes. I'm aware of that, yes.

55. PAGE 51:23 TO 52:22 (RUNNING 00:01:58.545)

Q. Okay. What do you understand me to mean when I say post sale?
A. Post-sale -- post-sale engineer, we don't really
00052:01 call a job post. It's after the product is in the field and there might be an issue with that product to resolve that issue, either through a design change or some type of warranty action or something along those lines.
Q. Recalls?
A. A safety recall might be one, yes.
Q. Okay. Explain to the jury each of the jobs that you have that fit this concept of once -- once -- I called it post-sale engineering, but whatever you want to call it.
A. Well, actually, almost every job I've had at Ford Motor Company since I was a design engineer, you're responsible for the product from cradle to grave, so if there was ever an issue with the product once it got out in the field, because you designed the product, you know if all of a sudden in real life experience you find something that needs to be done, you're probably the best person equipped to make a design change to that product to fit in that environmental condition.
Q. Okay. You talked about the concept of being responsible for the vehicle from cradle to grave. Ford Motor Company is responsible for every system in the vehicles it sells, isn't it?

56. PAGE 53:04 TO 53:13 (RUNNING 00:00:36.965)

A. As a -- as an engineer, an individual is responsible for their specific components or their specific subsystems.
Ford Motor Company does give a warranty on the Ford automobile or light truck that they sell. However, there are certain items that are wear-out items on automobiles and light trucks that are not warrantable.
Q. Would you agree with me that as long as there's no modification to a system in Ford's vehicles that Ford is responsible for the safety of those systems?

57. PAGE 53:17 TO 53:21 (RUNNING 00:00:26.000)

A. If there is an issue with the Ford automobile and it does not meet or the Federal Motor Vehicle Safety Standards say the vehicle does not stop in the distance that it was designed to, Ford may have to go out and perform a recall on that vehicle.

58. PAGE 53:23 TO 53:24 (RUNNING 00:00:08.749)

Q. Isn't it true that you believe that Ford is responsible for the safety of the whole system?

59. PAGE 54:04 TO 54:05 (RUNNING 00:00:06.869)

A. Ford is responsible for the vehicle that it is a reasonably safe vehicle for its intended use.

60. PAGE 54:07 TO 54:20 (RUNNING 00:00:55.972)

Q. Okay. Would you -- does Ford agree -- you understand that you're someone who's here to talk about the warnings that Ford put on its products; right?
A. I'm not sure if I'm going to be speaking on warnings -- warnings that are on the product or not. I don't profess to be a warnings expert.
Q. Not about the effectiveness of them but whether they were there or not; right?
A. I can basically speak on those, yes, on the different placards and warnings that are on vehicles.
Q. Okay. When you were a design engineer at Ford, did you understand that it was Ford's job to make sure that people didn't get hurt due to the design of the Ford products that you were putting out?

61. PAGE 54:23 TO 54:25 (RUNNING 00:00:10.732)

A. As an engineer you try to design out any -- any issues whatsoever that a customer -- that you can reasonably anticipate that a customer may have with their vehicle.

62. PAGE 55:12 TO 56:05 (RUNNING 00:01:00.730)

Q. Take a moment and look at that testimony that I've highlighted there from your testimony in St. Paul, Minnesota.
A. I've read it, yes.
Q. Okay. Had you read it prior to coming here today in preparation?
A. I have not seen my trial testimony from this -- from our previous altercation.
Q. Did you -- I thought it was very civil?
A. It was, it was.
Q. Okay. Now, does that refresh your recollection as to what you had testified previously?
A. Right. And I think I'm testifying the same way today. I mean, I don't understand what you don't understand about my answer.
Q. Okay. Well -- so, today your testimony, just as it was in St. Paul, Minnesota in 2008, is that Ford is responsible for the safety of the whole system as long as there was no modification done to it; right?

63. PAGE 56:07 TO 56:10 (RUNNING 00:00:12.961)

A. Well, for -- Ford's response -- has responsibility for the vehicle to give the customer a reasonably safe vehicle for its intended use. And I think that's basically what I testified to there.

64. PAGE 56:12 TO 57:01 (RUNNING 00:00:43.326)

Q. Okay. The testimony at page 31, Line 23 through 25, would you read that out loud for the jury.
A. Okay. The question -- Line 21?
Q. I'm sorry, the highlighted ones.
A. Okay.
Q. That's my question; right?
A. Okay. Your question is: "They're also responsible for the safety of the whole system, aren't they?
"Yes --" my answer: "Yes, they are, unless there is a modification done to it after it leaves Ford's control, that's absolutely correct."
Q. Okay.
A. "Question: It's Ford's job to make sure people don't get hurt with their vehicles. True?
"Answer: That's correct."

65. PAGE 57:08 TO 57:09 (RUNNING 00:00:07.775)

Q. Do you still believe that it's Ford's job to make sure people don't get hurt by the design of their vehicles?

66. PAGE 57:12 TO 57:12 (RUNNING 00:00:02.546)

A. Yes.

67. PAGE 71:06 TO 71:08 (RUNNING 00:00:03.929)

when was that? I'm sorry. Let me ask you that first. When did Ford stop putting asbestos-containing friction materials in vehicles?

68. PAGE 71:10 TO 71:12 (RUNNING 00:00:10.369)

A. It varies by vehicle, but the very last production vehicle was a Lincoln Town Car limousine, and it was the '97 model believe. I believe in '96.

69. PAGE 71:15 TO 71:22 (RUNNING 00:00:32.827)

A. Those were rear drum brakes only.
Q. Okay. And the Mustang was the next prior car; right?
A. That's -- that's correct. The 19 -- model year 1995 Mustang came out, followed '94, no longer had any chrysotile asbestos in the rear brakes, rear drum brakes. So the '94 model year for Mustang had chrysotile asbestos in the rear brakes.

70. PAGE 72:04 TO 72:08 (RUNNING 00:00:09.485)

Q. Okay. In terms of -- I mean, Ford didn't give away the asbestos-containing friction materials from the depot, did it?
A. No.
Q. Okay. It sold them to someone?

71. PAGE 72:10 TO 72:14 (RUNNING 00:00:25.004)

A. Right. If someone -- say we'll take the year 1977. They went in -- the dealership went to order brake shoes for a Mustang, rear wheel on a Mustang. And they would -- the dealer -- the dealership would request parts and they would be shipped from the depot to the dealership.

72. PAGE 72:21 TO 72:23 (RUNNING 00:00:09.915)

Q. When it comes to warning Ford's customers about the potential hazards of Ford's products, Ford is in the best position to do that; right?

73. PAGE 73:01 TO 73:03 (RUNNING 00:00:14.767)

A. Ford does have a method that it can, you know, using outside sources contact customers for specific time frames.

74. PAGE 73:05 TO 73:07 (RUNNING 00:00:06.218)

Q. Well -- and that hasn't always been your testimony, though, has it?
A. I'm not sure --

75. PAGE 73:12 TO 74:08 (RUNNING 00:01:25.561)

Q. Would you -- would it help to read what you said when we were in trial in St. Paul? Here, I'll hand it over to you.
A. Sure.

Q. Do you understand I've underlined there on page --
A. Page 32, Line 5. I see that.
Q. Okay. And your testimony -- my question at that time was: "Ford is in the best position to let people who -- who were exposed to their vehicles know about the hazards of them. True?" And your answer was?
A. My answer at that time was correct. I'm not sure what -- which people who were exposed to their vehicles. I assumed at that point operators. And Ford through its -- using R.L. Polk, which is an independent source, with a
00074:01 series of VIN numbers can get the most recent owner of specific vehicles.
Q. Okay.
A. And I think I just answered the same way, it's just maybe a little more long-winded.
Q. Okay. Is there someone else who's in a better position to warn the purchasers of Ford's vehicles about the hazards that they may present in Ford?

76. PAGE 74:12 TO 74:13 (RUNNING 00:00:08.840)

A. Yeah. If -- well, Ford -- I don't know of anybody who might be better.

77. PAGE 74:16 TO 74:22 (RUNNING 00:00:30.518)

A. You know, what happens is Ford, whenever there is a safety recall on a vehicle, they always have a press release and it's usually carried by the UP and API and carried in our local papers. Usually there's a little blurb on the news. And, so, Ford lots of times doesn't contact the customer instantaneously. They let the news media and others help with that avenue of advising.

78. PAGE 74:23 TO 75:15 (RUNNING 00:00:58.933)

Q. Okay. From your review of the materials that the -- the corporate materials that we've talked about that were on the DVD, you've seen that Ford undertook under certain
00075:01 circumstances to issue warnings about potential hazards of asbestos. True?
A. There were different -- there were different warnings at different periods of time that were given by Ford Motor Company to service personnel and other individuals.
Q. And Ford was in control of the warnings that went on its products; right?
A. Correct.
MR. ZIC: Objection; vague.
A. Ford would -- Ford does have warning engineers in the company, or engineers that work with warning labels and different labels and their effectiveness. And they put labels on vehicles or labels may or may not go on different products that are being sold.

79. PAGE 75:17 TO 75:24 (RUNNING 00:00:26.762)

Q. You've seen in your work as a corporate representative for Ford that Ford had internal documents discussing where it was going to put warnings. True?
A. I have seen documents such as that, yes.
Q. Okay. And in -- both in your review of the materials and in your own experience, you know some places that Ford did put warnings and other places where they didn't. True?

80. PAGE 76:02 TO 76:13 (RUNNING 00:00:39.299)

A. Correct. I'm aware that some warnings were put in

some areas and some warnings were not put in other areas.
BY MR. HARTLEY:
Q. You know, for instance, that in your own experience that in working on Ford vehicles drum brakes that you never saw a warning where the drum brake is that indicated that there might be asbestos exposure through doing that work. True?
A. That's correct. I'm not aware of a warning on a drum, on a Ford vehicle or any other vehicle.
Q. And -- and you understand that you're here to tell me what Ford knows about that today; right?

81. PAGE 76:15 TO 76:15 (RUNNING 00:00:01.497)

A. Yes.

82. PAGE 76:19 TO 76:22 (RUNNING 00:00:10.314)

Q. And in all the materials you reviewed, you've never seen any indication that Ford put a warning in the area of where the asbestos was collected inside the drum; right?

83. PAGE 76:25 TO 77:02 (RUNNING 00:00:08.589)

A. The -- I'm not aware of a warning on the drum where wear-out debris from the brake and drum would accumulate or may accumulate.

84. PAGE 77:04 TO 77:15 (RUNNING 00:00:38.740)

Q. Ford to your knowledge as the corporate representative never put a warning on the actual brake shoe that said this contains asbestos; right?
A. I'm not aware of a warning on any brake shoe.
Q. However, in your experience you have seen writing on the actual friction material of a brake shoe indicating the name of the company, things like that. True?
A. On a new brake shoe. Once a shoe is in service it's worn off almost instantaneously.
Q. Okay. You've also seen writing on the sides of the friction material where it would stay on there longer until the brake was worn out. True?

85. PAGE 77:18 TO 77:19 (RUNNING 00:00:07.184)

A. There are edge code lining markings on brake shoes.

86. PAGE 77:21 TO 77:24 (RUNNING 00:00:08.813)

Q. And sometimes if the shoe hasn't been worn out too much, you would be able to read those after -- when checking a brake inside the drum. True?
A. No.

87. PAGE 78:01 TO 78:07 (RUNNING 00:00:16.844)

A. You would actually have to wipe it off because debris is on the side. For you to read any edge code on a brake shoe, you have to wipe the surface.
BY MR. HARTLEY:
Q. So, once it was wiped off you would then be able to read, sometimes, not every time, but sometimes you would be able to read what was written there?

88. PAGE 78:09 TO 78:10 (RUNNING 00:00:03.985)

A. Potentially you could read it, yes. Depending on how clean you could get it.

89. PAGE 78:12 TO 78:18 (RUNNING 00:00:36.850)

Q. Okay. Until January of 1982 a customer of Ford going into a Ford dealership could not get a vehicle that did not contain asbestos-containing friction materials; right?
A. There were some limited production police interceptors in the early '70s that the front brakes were a semi-metallic material.

90. PAGE 78:21 TO 79:01 (RUNNING 00:00:19.294)

A. But other than that I'm not, as I sit here, I can't think of another vehicle as sold by Ford Motor Company that did not contain chrysotile asbestos in the brakes.
BY MR. HARTLEY:
Q. The police vehicles had just -- had some asbestos at that time, right, just not both axles?

91. PAGE 79:03 TO 79:04 (RUNNING 00:00:04.929)

A. The rear drum brakes would have contained chrysotile asbestos.

92. PAGE 79:20 TO 79:24 (RUNNING 00:00:14.833)

Q. It's your understanding as a design engineer at Ford that when Ford had designed a brake system that was put in its car to go out into the public using asbestos-containing brakes that the replacement brakes would also be asbestos-containing?

93. PAGE 80:02 TO 80:07 (RUNNING 00:00:20.468)

A. If the customer went back to a Ford dealership and got original equipment brakes and put it on, they would contain chrysotile asbestos. If they went to a aftermarket shop somewhere and got some kind of aftermarket brake, I don't know what they would get. Ford doesn't know what they would get.

94. PAGE 80:09 TO 81:08 (RUNNING 00:01:49.840)

Q. Now, in terms -- switching gears on you again, an apt metaphor I suppose here for the -- for the day, the -- what did you do to look into the information that you put into the affidavit about Motorcraft that you submitted in this case?
A. The Motorcraft data, I went and I pulled the original release for Motorcraft components at Ford Motor Company, and the release is a sheet of paper that basically instructs these components to be manufactured. I went through all the names on that list, called and spoke to the individuals that were left on -- within the company that were still on the list of names that approved it, and I spoke to them to ensure that the documentation that I had and showed that this was July I believe or June of 1999 was the first time that Motorcraft brakes were ever released in the company. And just to confirm that with them, with these individuals. And it was the first time that Motorcraft brakes were released for Ford products.
Q. What year was that?
A. '99.
Q. Prior to that --
A. Calendar year '99.
Q. Prior to that what were -- were Ford brakes called?
A. Original equipment, OE.

95. PAGE 82:10 TO 82:17 (RUNNING 00:00:33.920)

Is it true that Motorcraft was what was sort of known as a second line product?
A. That's correct. It was a more affordable product for the final user of the vehicle. So, if you brought your car into the dealership, Motorcraft were a more affordable brake shoe to be more competitive with other products that were afforded to dealerships. Because dealerships could use any product they chose, and Motorcraft parts are less.

96. PAGE 84:04 TO 84:07 (RUNNING 00:00:13.802)

Q. Have you ever noticed people thinking that Motorcraft was the -- outside of litigation now I'm talking about -- that Motorcraft is the name for Ford's replacement parts in general?

97. PAGE 84:10 TO 84:14 (RUNNING 00:00:23.822)

A. I've never spoken to anyone who thought that all Ford parts were Motorcraft parts. The people that I -- I've gone to many dealerships over the years, and individuals in these Ford dealerships were aware of Motorcraft and then original equipment, the individuals that I spoke to. But

98. PAGE 84:18 TO 85:02 (RUNNING 00:00:32.400)

Q. Okay. Motorcraft parts were available at Ford dealerships; right? Still are?
A. Yes. Certain -- certain parts are sold under the Motorcraft name. Not all parts for all automobiles.
Q. Motorcraft did make some asbestos-containing friction materials, that name there were asbestos-containing friction materials with the Motorcraft name on them during the time that they were avail -- that friction materials were available?
A. No.

99. PAGE 85:05 TO 85:15 (RUNNING 00:00:36.202)

I'm sorry.
A. No.
BY MR. HARTLEY:
Q. And how do you know that?
A. The only -- the only friction materials that were available were OE, original equipment, for our components -- for our -- for our braking systems. There -- Motorcraft, the first Motorcraft brake did not come into existence until 1999, and clutches have never been -- clutches for automatic transmissions -- excuse me, for manual transmissions have never been sold under the Motorcraft name.

100. PAGE 85:23 TO 85:25 (RUNNING 00:00:11.820)

A. Yeah. Since 1999 all the friction material under the Motorcraft name is non-asbestos material, whether it's brake shoe or a disk pad. It's all non-asbestos material.

101. PAGE 86:05 TO 86:05 (RUNNING 00:00:02.563)

We never sold clutches under the Motorcraft name, and, so,

102. PAGE 87:05 TO 87:07 (RUNNING 00:00:17.443)

Q. Now, Ford vehicles contained asbestos in more places than just in brakes, clutches and transmission bands. True?

103. PAGE 87:09 TO 87:09 (RUNNING 00:00:04.000)

A. Potentially.

104. PAGE 89:01 TO 89:03 (RUNNING 00:00:11.092)

Q. Okay. Have you made any efforts to find out about the uses of asbestos other than in friction materials in Ford vehicles?

105. PAGE 89:07 TO 89:20 (RUNNING 00:00:34.300)

A. I have.
BY MR. HARTLEY:
Q. Okay. What have you done?
A. I believe that there was a request in this case for a, if my memory is correct, on an affidavit I saw for gasket material -- specific gasket material on a '79 F-Series pickup truck --
Q. Okay.
A. -- for valve cover gaskets.
Q. Okay. Was there asbestos in those valve cover gaskets?
A. No, there was not. Those valve cover gaskets on all the different engine combinations afforded to the customers at that point in time had cork gaskets.

106. PAGE 89:21 TO 89:22 (RUNNING 00:00:09.872)

Q. Okay. Did any vehicles that Ford sold in the 1960s have asbestos-containing gaskets?

107. PAGE 94:19 TO 94:24 (RUNNING 00:00:24.685)

A. Correct.
Q. It never put an asbestos warning anywhere else in the car like on a visor or anything like that?
A. No.
Q. Ford vehicles from time to time do contain warnings inside the vehicle about other hazards, though.

108. PAGE 95:03 TO 95:04 (RUNNING 00:00:05.331)

A. It has warning labels inside the vehicle on different attributes of the vehicle.

109. PAGE 95:06 TO 95:11 (RUNNING 00:00:09.596)

Q. Sure.
For instance, nowadays a Ford car if you go to the dealership will have a little piece of plastic sticking out of it warning about the airbag and the dangers of an airbag; right?
A. There are --

110. PAGE 95:13 TO 95:19 (RUNNING 00:00:19.734)

A. There is an airbag tag that comes on the vehicle, and then there is a sticker on the visor also, or a label on the visor.
BY MR. HARTLEY:
Q. Ford is not aware of any -- any reason it couldn't have put an asbestos warning in its manuals that went with the car, is it?

111. PAGE 95:23 TO 95:24 (RUNNING 00:00:07.000)

A. I don't know one way or the other, but, you know, as a person, anything is possible.

112. PAGE 96:01 TO 96:05 (RUNNING 00:00:14.549)

00096:01 Q. Okay. But speaking as the -- as the party to this
02 case, Ford Motor Company, is Ford aware of any reason why it
03 couldn't have put a warning in the owner's manual of any
04 vehicle regarding the hazards of asbestos -- potential
05 hazards of asbestos?

113. PAGE 96:09 TO 96:17 (RUNNING 00:01:02.854)

09 A. A warning could -- could have been inserted.
10 BY MR. HARTLEY:
11 Q. Is it true that one of the reasons that Ford
12 delayed the inclusion of non-asbestos friction materials in
13 its vehicles was cost?
14 A. No.
15 Q. Okay. Are you familiar with some discussions of
16 the costs of asbestos versus non-asbestos materials in Ford
17 vehicles?

114. PAGE 96:19 TO 96:19 (RUNNING 00:00:01.893)

19 A. Yes.

115. PAGE 96:21 TO 96:21 (RUNNING 00:00:01.535)

21 Q. Okay. What do you remember about that?

116. PAGE 96:24 TO 97:01 (RUNNING 00:00:13.714)

24 A. There is a document in the collection that speaks
25 to a alleged cost penalty of a $1.25 per axle, if my memory
00097:01 is correctly --

117. PAGE 97:02 TO 97:05 (RUNNING 00:00:09.444)

02 Q. Okay.
03 A. -- correct. Excuse me.
04 Q. Okay. And why -- why didn't that cost penalty
05 figure into the analysis as far as you understand it?

118. PAGE 97:07 TO 97:11 (RUNNING 00:00:16.050)

07 A. I'm not sure I understand your question.
08 BY MR. HARTLEY:
09 Q. Okay. Well, how do you know what criteria Ford
10 used to decide whether or not to use asbestos versus
11 non-asbestos in its vehicles?

119. PAGE 97:13 TO 97:15 (RUNNING 00:00:15.000)

13 A. Basically you're -- the document that I'm speaking
14 of is semi-metallic material, and that document which I
15 believe you have in front of you here is a --

120. PAGE 97:18 TO 97:22 (RUNNING 00:00:28.696)

18 A. Yeah, speaks of that $1.25 -- that there's an
19 additional $1.25 cost for those parts. But that material
20 cannot be used on brake shoes. It can only be used on disk
21 pads. So the person that wrote that was wrong, or not --
22 not exactly correct.

121. PAGE 97:25 TO 98:08 (RUNNING 00:01:05.000)

25 I am going to mark as Exhibit 9 I think
00098:01 the document that we were talking about, which is a

009-01 - 009-01

02 November 19, 1971, memo from J.S. Ninomiya -- Ninomiya?
03 A. Ninomiya.

Q. Ninomiya. And it's a 2-pager. And I think at the bottom -- it's hard to read because of the way it was copied, but it talks about the cost penalty is severe at $1.25 just for front end brakes; right? And I'll give it to you so you can see it, but ...

122. PAGE 98:11 TO 98:23 (RUNNING 00:00:31.549)

Q. The 1971 memorandum is one that you've seen before; correct?
A. I have seen it, yes.
Q. It's one that you recognize was created in the ordinary course of business at Ford. True?
A. Correct.
Q. It came from the files of Ford?
A. Yes, it came from somewhere within Ford Motor Company.
Q. Okay. And the context of this memo is that the State of Illinois had -- had -- was considering banning asbestos in brakes; right?
A. That's correct.

123. PAGE 99:05 TO 99:10 (RUNNING 00:00:19.785)

Q. Okay. My apologies to him if I mispronounced his name more than once.
He indicates that he did some research and he came up with some information to a group of people relating to that ban, potential ban; right?
A. Yes.

124. PAGE 99:17 TO 99:21 (RUNNING 00:00:18.400)

Q. Okay. And he identified that the -- in the health effects paragraph on the first page that "Inhalation of fibrous asbestos has been considered a source of asbestosis and mesothelioma (a rare form of cancer frequently observed in asbestos workers)." Right?

125. PAGE 99:23 TO 99:23 (RUNNING 00:00:01.470)

A. That's what's written here, yes.

126. PAGE 99:25 TO 100:02 (RUNNING 00:00:08.001)

Q. That was something that Ford was aware of that there had been an association between asbestos and mesothelioma at that time?

127. PAGE 100:05 TO 100:07 (RUNNING 00:00:08.606)

A. I'm not sure, but it just says inhalation of fibrous asbestos has been considered the source of asbestosis and mesothelia.

128. PAGE 100:15 TO 100:16 (RUNNING 00:00:07.000)

Q. And having reread it, does it appear that you -- that you maybe didn't recall it quite right?

129. PAGE 100:21 TO 101:03 (RUNNING 00:00:28.228)

Q. Let me explain why. Maybe that will help.
A. Okay. Thank you.
Q. Okay. They're talking about -- the $1.25 per car cost penalty is just for the front end brakes; right?
A. That's -- yes.
Q. Okay. So what that means is that replacing asbestos-containing disk brake pads with the semi-metallic was going to cost $1.25 more for front brakes; right?

130. PAGE 101:06 TO 101:11 (RUNNING 00:00:12.499)

A. It says here on looks like about line 7 but the cost penalty is severe.
BY MR. HARTLEY:
Q. Just for front end brakes?
A. Yeah. Something 20 -- it looks like $1.25 per car just for front end brakes.

131. PAGE 101:19 TO 101:24 (RUNNING 00:00:26.000)

Q. We know at this time that these linings that they're talking about, though, are disk brakes; right?
A. Yes.
Q. Okay. And the $1.25 has nothing to do with the rear wheels yet. That's true?
A. Correct.

132. PAGE 102:01 TO 102:02 (RUNNING 00:00:06.646)

A. In this Exhibit Number 9 it's talking only of front end brakes.

133. PAGE 102:04 TO 102:06 (RUNNING 00:00:09.745)

Q. And explain to me how it is that you know that this cost penalty didn't figure into the decision as to whether or not to use asbestos?

134. PAGE 102:09 TO 102:11 (RUNNING 00:00:08.223)

A. Well, because at this point in time on the 1971 model year vehicle they were already being used on police cruisers.

135. PAGE 105:23 TO 105:25 (RUNNING 00:00:30.213)

Q. Now, I am marking a May 10, 1977 memo to file, Subject: Asbestos substitute materials meeting as -- ask you -- you've seen that one, too, haven't you?

136. PAGE 106:13 TO 106:18 (RUNNING 00:00:29.009)

Q. So, in order to clarify this problem that came up earlier, what I have marked as Exhibit 10 appears to be the first page of the 2-page document dated May 10, 1977 which we marked as Exhibit -- I think it was Exhibit 6?
A. 7.
Q. 7. 7. Thank you, sir. Exhibit 7.

137. PAGE 107:07 TO 108:03 (RUNNING 00:01:14.218)

Q. Have you read the memo, have you had a chance to read it?
A. I have seen this memo. And I read the highlighted portions.
Q. Okay. Up at the top, the first thing it indicates is that OSHA may be reducing the exposure level to 0. fibers -- .5 fibers per cc; right?
A. In the workplace, yes.
Q. Okay.
A. .5 fibers per cc.
Q. Okay. And one of the things if you go down to the first highlighted portion, the J. D. Wells Chassis Engineering and Clutch paragraph?
A. Yes.
Q. Okay. At that point in 1977 at this meeting relating to asbestos substitute materials, it was reported apparently that the company does not have an alternative to asbestos clutch facing material and that it would probably

25 be three to five years before viable substitute for asbestos
00108:01 could be developed; right?
02 A. You read that correctly, yes.
03 Q. Okay. Was that the case at Ford?

138. PAGE 108:06 TO 108:10 (RUNNING 00:00:24.162)

06 A. The -- the development of clutches -- this is
07 approximately correct. That time frame starting in '82 and
08 '83, clutch facings were going from chrysotile asbestos to a
09 non-chrysotile asbestos facing, and by 1985 there was no
10 chrysotile asbestos in the clutch facings.

139. PAGE 108:20 TO 109:01 (RUNNING 00:00:23.965)

20 Q. Well, E. F. -- I'll call him Clough -- E. F.
21 Clough in Brake Engineering stated that almost no
22 development work on non-asbestos brake linings is in
23 progress; right? That's what it says?
24 A. Correct, yes.
25 Q. And that was true in 1977, Ford wasn't -- had done
00109:01 almost nothing to replace asbestos brake linings?

140. PAGE 109:04 TO 109:05 (RUNNING 00:00:11.960)

04 A. In 1977 there was -- I'm not aware of any 1978
05 program that had new brakes in the -- for the 1978 program.

141. PAGE 109:07 TO 109:08 (RUNNING 00:00:07.696)

07 Q. What are you aware of that Ford had done at all
08 to -- to replace asbestos in brake materials at that time?

142. PAGE 109:10 TO 109:12 (RUNNING 00:00:03.604)

10 A. In that time frame?
11 BY MR. HARTLEY:
12 Q. Yes.

143. PAGE 109:14 TO 109:15 (RUNNING 00:00:07.905)

14 A. Well, in this document it states that Ford is
15 relying on its brake suppliers to develop new products.

144. PAGE 109:17 TO 109:19 (RUNNING 00:00:04.219)

17 Q. Does that mean to you -- does that mean that Ford
18 hadn't done anything itself?
19 A. Well --

145. PAGE 109:22 TO 110:05 (RUNNING 00:00:33.228)

22 A. That -- that doesn't mean that to me because Ford
23 has always relied on its brake suppliers to supply friction
24 materials to Ford, and Ford specifies a performance
25 characteristics -- performance characteristic for its
00110:01 friction material that it receives from suppliers.
02 BY MR. HARTLEY:
03 Q. What did Ford do affirmatively on its own as of
04 May 1977 to develop non-asbestos brake linings?
05 A. Well --

146. PAGE 110:07 TO 110:17 (RUNNING 00:00:42.135)

07 A. Ford didn't develop brake linings. Ford relied on
08 its suppliers to develop brake linings, the different
09 suppliers that supplied them to Ford Motor Company.
10 BY MR. HARTLEY:
11 Q. And as you say, Ford -- Ford was relying heavily
12 on others to do -- to find replacements for asbestos in
13 brakes; right?

A. Ford has always relied on the brake supplier to supply brake friction material from Day One.
Q. And it was true as of 1977 that Ford had budgeted little or no funds for non-asbestos brake evaluation. True?

147. PAGE 110:20 TO 111:03 (RUNNING 00:00:29.019)

A. That's exactly what the -- Ford budget -- budgeted little or no funds for non-asbestos brake evaluation. He would appreciate budget support for non-asbestos evaluation is what is written in that paragraph.
BY MR. HARTLEY:
Q. Right. The engineer who worked in Brake Engineering wanted some funding to evaluate non-asbestos brakes, but Ford hadn't given him any?
A. Well --

148. PAGE 111:06 TO 111:13 (RUNNING 00:00:38.264)

A. -- you know, I don't know what little or no funds means. I don't know what this guy's -- a little money to Warren Buffet is not probably a little money to Mark Taylor.
BY MR. HARTLEY:
Q. Okay. Is there any evidence whatsoever that Ford had given any budget as of 1977 to test or evaluate non-asbestos substitutes for its asbestos-containing friction materials in these vehicles?

149. PAGE 111:15 TO 111:15 (RUNNING 00:00:01.635)

A. I don't know one way or the other.

150. PAGE 111:23 TO 112:01 (RUNNING 00:00:14.214)

Q. What about -- I'm talking about from calendar year 1977 and beforehand, was there any budget whatsoever that you're aware of as the corporate representative for Ford for evaluating non-asbestos brakes?

151. PAGE 112:03 TO 112:07 (RUNNING 00:00:22.706)

A. Well, there had to have been, because you see the Ninomiya Exhibit Number 9 where semi-metallic brakes are being put into a 1971 police interceptor vehicle. So development work had to be done on a non-asbestos brake for that specific vehicle.

152. PAGE 112:17 TO 112:18 (RUNNING 00:00:09.749)

A. Work had to have been done to put those brakes in that vehicle, so there was some work prior to 1977.

153. PAGE 113:25 TO 114:23 (RUNNING 00:01:47.303)

Q. Okay. I'm marking as Exhibit 11 a --
MR. HARTLEY: Give you a copy of it.
BY MR. HARTLEY:
Q. -- memo from May 13, 1980, on the letterhead of Abex. Its Subject: OE priorities from J.J. Brown to J.J. Lucas, and I'm just going to see if -- give you a chance to read it.
DEPOSITION EXHIBIT 11
May 13, 1980 Memorandum
WAS MARKED BY COUNSEL
FOR IDENTIFICATION.
BY MR. HARTLEY:
Q. Have you had a chance to read it?
A. I have read it, yes. I didn't read the marginalia.
Q. Okay. And I don't want to ask you about that,

anyway.
Have you seen that document before?
A. I don't believe I have.
Q. Okay. And in about 1980 there was -- Ford still hadn't found any non-asbestos -- or let me rephrase.
As of 1980, none of Ford's suppliers had provided Ford with any satisfactory non-asbestos friction materials. True?

154. PAGE 115:01 TO 115:06 (RUNNING 00:00:11.743)

A. I don't know the answer to that. I don't know if anyone knows the answer to it.
BY MR. HARTLEY:
Q. Well, okay. We know that Ford wasn't using any non-asbestos-containing friction materials as of 1980. True?

155. PAGE 115:09 TO 115:16 (RUNNING 00:00:18.101)

A. We had used some in the past. Exhibit Number 9 shows we had used it in the past, non-asbestos friction material.
BY MR. HARTLEY:
Q. Okay.
A. In the 1980 model year I'm not familiar with any vehicles that were -- did not have chrysotile asbestos in the brakes.

156. PAGE 120:20 TO 120:25 (RUNNING 00:00:26.004)

Q. And I understand that you're none of those things and that you're the -- speaking as the voice of Ford Motor Company today. I want -- did Ford Motor Company make the decision to, at any time, to remove asbestos-containing friction materials from its product line because of the potential health risks of asbestos?

157. PAGE 121:06 TO 121:18 (RUNNING 00:00:55.339)

A. I'm not aware of any documentation that states that in the collection.
BY MR. HARTLEY:
Q. Okay. Did -- was the reason that -- well, why did asbestos -- why did Ford discontinue selling asbestos-containing friction materials?
A. It's my understanding it was a supply issue.
Q. It was hard to get asbestos; is that what you mean?
A. The suppliers were supplying us with a formulation compound that met our performance characteristics, and because of that we were able to use those new formulation compounds on our vehicles starting with the 1983 Ranger.

158. PAGE 130:13 TO 130:16 (RUNNING 00:00:15.677)

Is it true that Ford did not want as of 1977 to spend the time and money to redevelop/redesign their braking systems to accommodate non-asbestos friction materials?

159. PAGE 130:18 TO 131:01 (RUNNING 00:00:27.223)

speculation.
A. I don't -- I don't know the answer to that. You would anticipate no. Because in 1982 the Ranger came out with non-asbestos friction material for the '83 model year.
BY MR. HARTLEY:
Q. Okay. Five years later there was -- there was a

model of -- you're saying of an asbestos -- non-asbestos vehicle. True?
A. True. Less than five.

160. PAGE 131:02 TO 132:01 (RUNNING 00:01:19.178)

Q. Okay. Are you familiar with a training course called Brake Systems, General Brakes Theory and Operation?
A. I believe I have a copy of that book.
Q. Okay. When did you get a copy of that book?
A. I don't know.
Q. Was it since -- since we got together in St. Paul?
A. No. It was before that point in time.
Q. Did you get it when you -- before you were involved in asbestos litigation?
A. No.
Q. Okay. Where -- where did you get it?
A. I got it from the Ford Customer Service Division. It helps us with training with Ford technicians.
Q. Okay. I'm going to mark my copy of this -- this is the original one that I got from Ford Customer Service -- well, actually, I got it from Helm.
Is that where you actually got yours, Helm?
A. Actually I think I got mine internally, but we customarily order from Helm.
Q. Okay.
A. In fact, we order all of our service manuals from Helm.
Q. Okay. And just to help with this, I'm going to include in there my order form for this.

161. PAGE 137:15 TO 138:01 (RUNNING 00:00:52.843)

Q. As the corporate representative for Ford, you -- you understand that it's important to put out accurate information about the hazards of Ford's products; right?
MR. ZIC: Objection; calls for speculation with regard to the language that's in the book.
A. Accurate information about the hazards of a vehicle.
This is information on how to appropriately repair a vehicle and the proper technique to use in repairing that vehicle using the Rotunda vacuum, not using air or compressed air to blow anything off of our brushes.

162. PAGE 138:05 TO 138:10 (RUNNING 00:00:23.891)

Q. Ford could have put that -- could have put any warning it wanted in that book; correct?
MR. ZIC: Objection; vague, calls for speculation.
A. Well, Ford -- Ford put warnings -- Ford can -- could publish a book with multiple warnings if it chose to.

163. PAGE 178:16 TO 178:24 (RUNNING 00:00:34.588)

Q. When Ford was using asbestos-containing brake lining materials, what was the percentage of asbestos in those materials by weight?
A. 40 to 60 percent.
Q. Same question with respect to clutches, when Ford was using asbestos-containing clutch materials, what percentage by weight was asbestos?
A. It's my understanding it was the same as brakes, 40 to 60 percent by weight.

164. PAGE 180:23 TO 181:03 (RUNNING 00:00:18.689)

A. Yeah, I don't know what float free means.
BY MR. HARTLEY:
Q. Okay. The document there says: "During brake and clutch servicing asbestos fibers are worn to sizes so small that they can easily float in the air."
Does Ford agree with that statement?

165. PAGE 181:07 TO 181:17 (RUNNING 00:00:35.333)

A. I'm not -- I'm not familiar with any air sampling or air tests that have been done at Ford Motor Company. I know there are some on the DVD, but I am not qualified to answer those questions.
BY MR. HARTLEY:
Q. And it says: "If you see a dust cloud during brake work with asbestos, you are seeing clumps containing thousands of asbestos fibers. Wiping with a wet rag or brush does little to prevent the scattering of asbestos. When the rag dries out, the fibers become free to float into the air again."

166. PAGE 181:22 TO 181:22 (RUNNING 00:00:02.172)

A. You did read that correctly.

167. PAGE 182:08 TO 182:14 (RUNNING 00:00:24.000)

Q. One of the things that you mentioned earlier in your experience as a brake mechanic is that you would use solvent to clean -- clean up the brake drum when you would be routinely servicing them. True?
A. True.
Q. That's something that now is recommended against because it spreads asbestos into the air. True?

168. PAGE 182:17 TO 182:19 (RUNNING 00:00:09.000)

A. In this particular document it says wiping with a wet rag or brush does little to prevent the scattering of asbestos.

169. PAGE 184:13 TO 184:25 (RUNNING 00:00:35.298)

Q. That's what it says?
A. You read that correctly.
Q. And sometimes you have to actually hit a brake drum with a hammer to get it off; right?
A. Sometimes a brake drum will actually seize to the axle; rear brakes especially.
Q. And then you hit with a hammer to loosen it up?
A. You hit it with a -- after you've released the brakes you hit it with a hammer and it will free itself from the axle.
Q. Now, I understand that you haven't done it, but the fact is is that sometimes brakes were ground in the past?

170. PAGE 185:03 TO 185:10 (RUNNING 00:00:36.383)

A. In the past, ancient past, Ford Motor Company brakes have not required any bevelling, grinding or arcing since the '40s. The 1940s, that is.
BY MR. HARTLEY:
Q. But you're aware that there are -- there are -- what are these things called again? -- shop manuals -- car shop manuals that recommend beveling, arcing and grinding since -- after the 1940s, true?

171. PAGE 185:12 TO 185:16 (RUNNING 00:00:09.246)

A. No, I can't think of one shop manual that states that after 1949.
BY MR. HARTLEY:
Q. 1949?
A. Correct.

172. PAGE 198:02 TO 198:05 (RUNNING 00:00:16.681)

dealers. Are Ford dealers independent businesses?
A. Yes, they are.
Q. Okay. What kinds of -- are Ford dealers free to stock non-Ford parts in their businesses?

173. PAGE 198:08 TO 198:19 (RUNNING 00:00:28.776)

A. Ford dealers, independent dealers can use virtually any product they wish to --
BY MR. ZIC:
Q. Okay.
A. -- when repairing vehicles.
Q. How do you know that?
A. I know that from my experience as a former technician and working around dealerships. Even though I didn't specifically work in a Ford dealership, I'm aware of dealership practices.
Q. Okay. Do you also rely upon your 20-plus years as a Ford Motor Company employee for that information?

174. PAGE 198:21 TO 198:21 (RUNNING 00:00:00.851)

A. I do.

175. PAGE 200:12 TO 200:16 (RUNNING 00:00:16.489)

Q. And just to be clear, have you reviewed any Ford Motor Company shop manuals starting from the 1949-50-51 manual and then subsequent manuals regarding the issue of grinding?
A. I have.

176. PAGE 200:19 TO 200:20 (RUNNING 00:00:08.822)

Q. And what do those shop manuals state with regard to whether or not grinding is necessary?

177. PAGE 200:22 TO 201:04 (RUNNING 00:00:24.801)

A. In each and every manual there's -- for many years there's a reference that grinding is not required on any Ford brake, that they come pre-arced and pre-ground and I believe pre-beveled from --
BY MR. ZIC:
Q. Go ahead.
A. -- from Ford Motor Company Parts and Service. And it's not necessary.

178. PAGE 211:09 TO 211:21 (RUNNING 00:00:27.815)

Q. Now, earlier in your deposition you discussed Motorcraft. Do you recall that?
A. I do.
Q. Okay. And is Motorcraft a second line brake?
A. Yes, it is. Motorcraft is a second line brake. It's a more affordable brake for vehicles out of warranty at Ford Motor Company.
Q. Okay. When was the first time that Ford Motor Company introduced the second line brake?
A. It would be calendar year 1999.

Q. And was that the Motorcraft brand that you were referring to earlier?
A. Yes, that's the Motorcraft brand.

179. PAGE 212:03 TO 213:14 (RUNNING 00:02:03.002)

Q. Mr. Taylor, would you please reviewed Exhibit Number 20 to your deposition.
Can you identify what that is for me, please?
A. This is -- this is two pages out of a magazine called Ford Times from 1971.
Q. And what is the general subject matter of that article?
A. Motorcraft, The Newest Name in Car Parts.
Q. Okay. Does that help you to recall when the Motorcraft brand was actually launched with products for sale?
A. Yes, it does.
Q. Okay. And could you read for me, please, sir, the first few -- the first -- let's see, this paragraph up through this here (indicating).
A. "Motorcraft, a new brand name that appears on many parts of the 1972 model cars and trucks at your local Ford dealership, is now showing up in its parts department as well.
"And like Autolite, the name --" " -- the name it replaces, Motorcraft is backed by the Ford Motor Company and its reputation for quality products.
"Walter S. Walla, General Manager of the Autolite Ford Parts Division, says the new name will be used for all parts formerly branded Autolite, except for spark plugs which retain the Autolite --" designated "-- designation.
"Parts identified as Motorcraft include such key components as batteries, alternators, shock absorbers, carburetors, oil, air and fuel filters, PCV valves, and various other rubber goods and electrical items."
Q. Are brakes mentioned anywhere in this article, sir?
A. They are not.
Q. Thank you.

180. PAGE 214:21 TO 215:09 (RUNNING 00:00:50.496)

Q. Mr. Taylor, if you would review what's been marked

021-01 - 021-01

as Exhibit 21 to your deposition and when you have an opportunity, identify that document for me.
A. Exhibit Number 21 is the front and rear page of a Motorcraft catalogue dated August of 1974 and the index page both in French and English for that catalogue.
Q. Okay. And is that a publication that is created by Ford Motor Company in the normal course of business?
A. Yes.
Q. Is it maintained in Ford Motor Company's files in the normal course of business?
A. Yes.
Q. Authentic copy of a Ford Motor Company document?
A. It is.

181. PAGE 215:16 TO 217:12 (RUNNING 00:03:33.373)

Q. Does the index list brakes for sale anywhere in there?

18 A. It does not.

022-01 - 022-01

19 Q. Thank you.
20 MR. ZIC: 22.
21 DEPOSITION EXHIBIT 22
22 1974 Motorcraft All Products Catalog
23 WAS MARKED BY THE REPORTER
24 FOR IDENTIFICATION.
25 BY MR. ZIC:
00216:01 Q. Okay. Mr. Taylor, would you please identify
02 what's been marked as Exhibit 22 to your deposition, sir?
03 A. Exhibit 22 is a 1974 Motorcraft All Products
04 Catalog, and it has a number of AP205J and it's dated 3 of
05 '74.
06 Q. Okay. And is that a document catalogue that is
07 created by Ford Motor Company in the normal course of
08 business?
09 A. Yes.
10 Q. Is it an authentic copy of an original Ford Motor
11 Company document?
12 A. It appears that all the pages are there, yes.
13 Q. Not to restate the obvious, but what does the
14 title indicate as listed in the document?
15 A. It -- it -- the title indicates that it's all
16 products that Motorcraft sells. Other catalogues that have
17 just been specific sections like for tune-up parts or oil
18 filters or air filters, this has all inclusive.
19 Q. Have you had an opportunity to review the table of
20 context -- the table of contents of that catalogue?
21 A. I have.
22 Q. And have you had the opportunity to review the
23 rest of that catalogue?
24 A. I have -- I have perused this catalogue.
25 Q. Okay. And does that catalogue list any Motorcraft
00217:01 brand brakes for sale in 1974?
02 A. It does not.

023-01 - 023-01

03 Q. Thank you.
04 DEPOSITION EXHIBIT 23
05 Release documentation for Motorcraft
06 preferred value brake linings
07 WAS MARKED BY THE REPORTER
08 FOR IDENTIFICATION.
09 BY MR. ZIC:
10 Q. Mr. Taylor, you've been handed what's been marked
11 as Exhibit Number 23 to your deposition. Do you recognize
12 that document, sir?

182. PAGE 218:01 TO 218:23 (RUNNING 00:01:39.919)

00218:01 Q. What is this document, please?
02 A. This is the initial release for Motorcraft
03 preferred value brake linings.
04 Q. And --
05 A. Which is a second line of friction material.
06 Q. Okay. So, would you please explain what initial
07 release means?
08 A. Initial release is before a component can be
09 released or sold or installed on a part -- on a vehicle,
10 there's a certain amount of paper that has to occur
11 upstream, and an engineer writes a notice -- and that's what
12 we're looking at, Exhibit 23, the first multiple pages are
13 what we call a notice. And this -- the engineer puts as

much information in this notice as possible about different components that will go on specific vehicles. And in this notice the engineer is releasing -- excuse me -- 33 sets of brakes for vehicles that are out of warranty, and it's basically a less expensive friction material for Ford products.
Q. Okay. And just to be clear, although I believe you said it earlier, what brand name of brake product is being released?
A. Motorcraft.

183. PAGE 219:07 TO 219:23 (RUNNING 00:01:16.696)

Q. Did you have an opportunity to contact any of the engineers who are listed as the releasing engineers in these documents?
A. Yes, I did.
Q. Okay. And which engineers were those, please?

023-10 - 023-10

A. On page 10 of Exhibit 23 for notice NUUO E 10971177 000, there are a list of about exactly eight individuals. Well, actually, one is listed three times. The initial release engineer was Marcus Liskey, and I looked up each and every one of these individuals to see if they're still within the company, and only the first individual and the last individual were still with the company. That's Marcus Liskey, and the last individual was Garrett VanCamp.
Q. Okay. What did Mr. Liskey communicate to you regarding Motorcraft brand brakes?
MR. HARTLEY: Objection. It's --
A. I called Mr. Liskey --

184. PAGE 220:20 TO 221:06 (RUNNING 00:00:48.187)

A. I inquired of Mr. Liskey if, indeed, this was the first time that Motorcraft brakes had ever been released or, you know, used -- first application use, and his answer was yes. And basically he confirmed what the document says.
Q. Did you have any conversation with Mr. VanCamp that you mentioned earlier?
A. I did. I not only called Mr. VanCamp, but I also read a previous deposition -- excuse me, a previous affidavit of his, and his telephone conversation stated that -- with me that that was the first time that Motorcraft brakes were used, and an affidavit of his also stated the same fact.

185. PAGE 221:09 TO 221:24 (RUNNING 00:00:48.372)

A. The other individuals that are between VanCamp and Liskey on this list are no longer with the company.
BY MR. ZIC:
Q. Okay. Did you have an opportunity to speak to anyone else who is currently with the company regarding Motorcraft brand brakes?
A. Yes, I did. I spoke with a supervisor in the Ford Customer Service Division in the Motorcraft area.
Q. And who was that person?
A. Noel -- I'm sorry that I continually massacre her last name. It escapes me right at this point at this time.
Q. Does Hindhohl ring a bell?
A. It sure does. Hindhohl, I'm not sure if there's no D the second time.
Q. Well, what did -- what did Miss Hindhohl tell you about Motorcraft brand brakes?

186. PAGE 222:01 TO 222:23 (RUNNING 00:01:15.784)

00222:01 A. I inquired with her about the first use of
02 Motorcraft brakes, and she confirmed that the first time
03 that they were used was 19 -- calendar year 1999.
04 BY MR. ZIC:
05 Q. And did you have an opportunity to speak to any
06 retired Ford employees regarding Motorcraft brand brakes?
07 A. I did.
08 Q. And who did you speak with, sir?
09 A. I talked to I believe Mr. Fred Capdeville.
10 Q. And did you inquiry from Mr. Capdeville how long
11 he had been with the company?
12 A. He had worked for the company from 1964 to 1994.
13 Q. Okay. In general what were his responsibilities
14 at Ford Motor Company?
15 A. His entire career was spent in the Ford Customer
16 Service Division or Ford Parts and Service Division, and at
17 one point in time he was the brand manager for Motorcraft.
18 Q. Okay. Did Mr. Capdeville indicate to you whether
19 or not Motorcraft or Autolite brand brakes were sold by Ford
20 Motor Company during his tenure with Ford?
21 A. In the time he was with Ford between 1964 and 1994
22 they were not.
23 Q. Thank you.

187. PAGE 223:24 TO 224:10 (RUNNING 00:00:24.355)

24 Q. Mr. Taylor, do you recall being asked some
25 questions about warnings during your deposition?
00224:01 A. I do.
02 Q. Okay. Are you an expert on warnings?
03 A. I am not.
04 Q. Are you an expert on the placement of warnings?
05 A. I am not.
06 Q. Are you an expert on why warnings are made?
07 A. I am not.
08 Q. Are you an expert on warnings -- on the language
09 that should be contained on warnings?
10 A. No.

188. PAGE 235:06 TO 235:09 (RUNNING 00:00:22.615)

06 Q. Did you make any effort to look to see -- to do
07 that, that onerous search that you described to make sure
08 that between 1959 and 1971 that Ford was not selling
09 Motorcraft replacement parts for brake systems?

189. PAGE 235:11 TO 235:14 (RUNNING 00:00:13.292)

11 A. I think I've answered that and I think Mr. -- I've
12 answered that and I can find no reference to any Motorcraft
13 brakes being sold before 1999, and Exhibit Number 23
14 confirms that.

190. PAGE 235:17 TO 235:23 (RUNNING 00:00:23.024)

17 A. And also -- excuse me. And the Motorcraft
18 catalogues we have from the early '70s also show that. And
19 then we have a Autolite catalogue from '71 which kind of all
20 neatly ties in that Motorcraft started in '72. We didn't
21 start selling Motorcraft brakes until 1999, calendar year,
22 and there aren't any before that. There aren't any,
23 Counselor.

191. PAGE 236:03 TO 236:19 (RUNNING 00:01:01.086)

03 Q. It's a simple, it's a simple -- I don't want to
04 lead up to it. Let me just say. I -- I'm just asking if

you -- if you made a search -- okay? -- so did you make a search to see if there were any documents anywhere at Ford in the archives between 1959 and 1971 that referenced sales of parts under the Motorcraft name at all? Did you look. That's all I want to know.
A. On the -- in the disk there are many documents. There's not one reference to Motorcraft brakes in any of that collection of 22,000 documents.
Q. Okay.
A. From -- and that goes back to there's some documents and they're from the '30s, I believe. And there are no -- I don't -- I didn't see any reference whatsoever in the documents that I reviewed on the disk that show Motorcraft. Plus all these others documents tied up nice, neat, bow tie done.

192. PAGE 237:08 TO 237:15 (RUNNING 00:00:31.757)

Q. Okay. Did you make any effort to go outside of the document list to look at that window between 1959 and 1971 that I'm asking you about?
A. I have looked in the past for other documents -- at drawings in that time frame, and I've never seen anything ever, ever before 1999 on Motorcraft and I don't understand what part of that you don't understand. '99's our year. There's nothing before that.

193. PAGE 237:19 TO 238:02 (RUNNING 00:00:29.071)

Q. I don't -- and I'm not trying to be difficult. I'm asking simple -- if you looked, you looked. I don't -- I'm just asking.
A. Well, I didn't look specifically for this case. But it's -- it doesn't exist. There are no Motorcraft brakes prior to 1999. There are none. I've looked at lots of different brakes for lots of different vehicles for specific requests, and have never found any part print or anything that shows Motorcraft. It all shows Ford OE. And

194. PAGE 238:06 TO 238:19 (RUNNING 00:00:41.949)

Q. Okay. You referenced on direct some shop manuals saying don't grind Ford brakes because they don't need it; right?
A. Correct.
Q. Now, those same shop manuals did indicate that other -- that when other brands of brakes were used they might need to be ground; correct?
A. I don't -- you'd have to show me. I don't recall any reference to anybody -- any of our shop manuals stating that. Maybe an aftermarket shop manual might have stated that but not a Ford that I'm aware of.

024-01 - 024-01

Q. Okay. Let me show you one from 1962.
Do you see this document -- we'll make it the next exhibit which I don't know the number of.

195. PAGE 238:20 TO 239:22 (RUNNING 00:00:58.939)

A. No, I really can't see that very well. It says Service Handbook. I don't see where it says Ford on it.
Q. Well, we're going to get to that. It's blown up so you can see it. You see that, it says, Brakes, Car, Econoline, 100-400 Series Trucks?
A. I see that, yeah.
Q. Econoline is a Ford name, isn't it?

024-02 - 024-02

A. Yes, it is.
Q. Okay. And then the table of contents on the next page talks about general repair, hydraulic brake systems. Can you see that?
A. I can.
Q. Okay. And there at the bottom of the page it says Service Department, Ford Division, Ford Motor Company; right?
A. I see that.
Q. And it says April 1962?
A. I see that.
Q. Okay.
A. It almost looks like that's superimposed on that page. It's totally different writing.
Q. It's highlighted. That's why. Are you suggesting that I'm fabricating this document, sir?
A. I'm just telling you what my initial impression was.
MR. ZIC: Objection; argumentative.
A. I mean, it does, to the layperson it looks like it.

196. PAGE 239:21 TO 239:22 (RUNNING 00:00:03.232)

A. I mean, it does, to the layperson it looks like it.

197. PAGE 240:03 TO 240:19 (RUNNING 00:00:41.285)

Q. But -- under -- see if we can't do this. It's on

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page 21 of this document and you can see that there aren't -- it isn't the whole document, the whole manual, because that would be quite voluminous, but it says under Cleaning and Inspection -- do you see that that's highlighted?
A. I see that now, yeah.
Q. Okay. And that's very similar to the way that looks, right, it's --
A. It does look, yeah.
Q. Okay. So it says: "Wash all the parts except the brake shoes with solvent and dry with compressed air." Right?
A. I see that, yes.
Q. Okay. So you take all the brake parts other than the shoes themselves and wash them with solvent and then blast them with a compressed airgun?

198. PAGE 240:22 TO 240:22 (RUNNING 00:00:01.907)

Q. Is what they're recommending right there?

199. PAGE 241:05 TO 241:11 (RUNNING 00:00:39.829)

Q. Sir, that's what it says; right?
A. That's what it says.

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Q. Okay. Then here on page 22 it says: "Clean the ledges on the carrier plate with sandpaper, brush all dust from the carry plates and from interior of the brake drums." That's something that Ford was recommending?

200. PAGE 241:13 TO 241:15 (RUNNING 00:00:08.799)

A. That's what it says as step 9, clean the ledges on the carrier plate, which is the backing plate. It's a raised boss.

201. PAGE 242:07 TO 242:12 (RUNNING 00:00:14.041)

Q. Then they go on to say: "If other than Ford replacement linings are used, it may be necessary to grind them to size." Right?
A. It does state that.
Q. Grinding them to sizes would release some asbestos from that material in 1962, wouldn't it?

202. PAGE 242:15 TO 242:23 (RUNNING 00:00:24.785)

A. I don't know what the material is. I don't know what any aftermarket material is.
BY MR. HARTLEY:
Q. You know in 1962 all brake linings were asbestos-containing, don't you?
MR. ZIC: Objection; lacks foundation, mischaracterizes his prior testimony, asked and answered.
A. I don't know. You never know what something might be. I can't say.

203. PAGE 223:24 TO 224:10 (RUNNING 00:00:27.000)

Q. Mr. Taylor, do you recall being asked some questions about warnings during your deposition?
00224:01 A. I do.
Q. Okay. Are you an expert on warnings?
A. I am not.
Q. Are you an expert on the placement of warnings?
A. I am not.
Q. Are you an expert on why warnings are made?
A. I am not.
Q. Are you an expert on warnings -- on the language that should be contained on warnings?
A. No.

TOTAL: 1 CLIP FROM 1 DEPOSITION (RUNNING 01:42:46.583)