

1 State of Ohio,)
2 County of Cuyahoga.) SS:

3
4 IN THE COURT OF COMMON PLEAS
5

6 Andrew Antolosky)
7 and Francis Antolosky, et al.,)

8 Plaintiffs,)

9 vs.)

Case No. 1987-1

10 North American Refractories,)
11 et al.,)

12 Defendants.)
13

14 Deposition of George Spahlinger, called by the
15 Plaintiffs for oral examination pursuant to the
16 Pennsylvania Rules of Civil Procedure, taken before
17 Carol Dodrill, Notary Public in and for the State of
18 Ohio, at the offices of North American Refractories,
19 900 Hanna Building, East 14th and Euclid Avenue,
20 Cleveland, Ohio, 44115 on Wednesday, January 27,
21 1988 commencing at 10:00 a.m.
22
23
24

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EXHIBITS

Plaintiffs!:

Mark'd

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PROCEEDINGS

(Plaintiffs'
Exhibits 1 and
marked for
identification.

MR. JENNINGS: For the record,
is the deposition of Mr. George W. Spahlinger
taken pursuant to notice, under the Pennsylv
Rules of Civil Produce. I would like to ask
the Notice of Deposition be marked as Plainti
Deposition Exhibit No. 1, and it has been so
marked.

Mr. Spahlinger, I'll be asking you a
series of questions and, if at any time, any o
questions are confusing, or you don't understa
what I am asking, or they are unclear, please
don't hesitate to ask me to clarify what I am
asking.

During the deposition, you must say ye
or no, or whatever, in response to the question
because the court reporter can't take a nod or a
head shake.

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1 GEORGE W. SPÄHLINGER

2 of lawful age, being first duly sworn, as hereina
3 certified, was examined and testified as follows:

4 CROSS EXAMINATION

5 BY MR. JENNINGS:

6 Q Mr. Spählinger, could you please state your
7 name?

8 A George Walter Spählinger.

9 Q What is your home address?

10 A 601 Dickerson Road. That's Willowick, Ohio

11 Q What is your present employer and your title?

12 A My present employer is North American
13 Refractories. My title is manager of accounts
14 representatives.

15 Q If we could, just for a moment trace your
16 employment history with North American
17 Refractories. When did you first become an
18 employee of NARCO?

19 A October 1, 1961.

20 Q Now, North American Refractories is often referred
21 to as NARCO?

22 A Yes.

23 Q Give us just a rough idea of how long you worked
24 in your different jobs.

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NO REMINDER

1 A I was there about seven years. Prior to that
2 was working in Horizons, Inc., in research
3 development. I was a research associate there
4 and I worked there about three years.

5 Now, you're making me think back.
6 don't remember when that was, to be truthful
7 it.

8 Q Okay. Before 1961, you were plant superintendent
9 for Viking Steel for about seven years?

10 A Right.

11 Q What kind of a plant was this?

12 A It was a warehousing and steel processing plant.

13 Q What type of processing did they do on the steel?

14 A Forming, cutting, slitting, and that type of
15 thing.

16 Q Was there a lot of furnaces involved in this?

17 A No.

18 Q Just fabrication?

19 A Fabrication, that's right.

20 Q Prior to that, you were with Horizons, Inc.,
21 research, as a research associate, for
22 approximately five years?

23 A That's correct.

24 Q What was your job at that time? Basically, what

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1 did it involve?

2 A We were doing research with nuclear materials. It
3 was classified at the time. I don't know whether
4 or not it has been released from classified, to be
5 honest with you.

6 Q What is your educational background?

7 A I had three years of college. I did not graduate.
8 I took supplementary courses in export sales and
9 marketing, took several of those.

10 Q When did you get out of college?

11 A That's a good question. 19 -- let's see. I got
12 married in 1948, so it was probably about 1950.

13 Q Okay. So, if you got out of college in 1950, that
14 was about 11 years before you started with NARCO,
15 and about 10 of those years would have been taken
16 up with Viking Steel and Horizons?

17 A That's correct.

18 Q Have you had any other employment for more than,
19 say, six months?

20 A Oh, yes. I worked for Republic Steel while I was
21 going to school.

22 Q What did you do with them?

23 A I was in their combustion engineering department
24 at that time. That was -- I don't know whether or

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1 not you are familiar with that type of engineering
2 department, but different steel mills have
3 different ways. But, it was primarily inspection
4 of brick work and that type of thing, and also, we
5 monitored the fuel usages and temperatures of
6 different furnaces, and that type of thing.

7 Q How long did you do that for Republic Steel,
8 approximately?

9 A Approximately three years. Might have been a
10 little longer.

11 Q Was this full time, or off and on?

12 A No, I was full time.

13 Q Did you have any specialized training of any kind
14 for that, or was it just on-the-job?

15 A On-the-job.

16 Q These are the gauges that you have to go measure
17 and record periodically, and you did that?

18 A And some repair work.

19 Q What kind of repair work?

20 A On the gauges and the regulators.

21 Q Were you an hourly employee at that time?

22 A Yes.

23 Q And what plant was this?

24 A That was right down -- Corrigan-McKinney works.

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- 1 It is now called LTV, I believe.
- 2 Q That was in the Cleveland area?
- 3 A Yes.
- 4 Q Was your job class as a hourly employee at
- 5 Republic Steel?
- 6 A I have no idea what you mean by that. I have no
- 7 idea what the job class would be.
- 8 Q Did you have a particular title? Was it
- 9 mechanical maintenance, or gauge repairman, or
- 10 what would your title have been?
- 11 A I really don't recall.
- 12 Q Okay. Have you had any contact with the steel
- 13 industry, in an employment setting, before that
- 14 job with Republic Steel?
- 15 A No.
- 16 Q Okay. So, other than your work with Republic
- 17 Steel, Horizons, and Viking Steel, have you had
- 18 any other contact with the steel industry in any
- 19 way, or refractories in any way, before beginning
- 20 with NARCO?
- 21 A No.
- 22 Q Now, in 1961, you started with NARCO?
- 23 A That's correct.
- 24 Q If you could just walk through, briefly, the

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1 various positions you had with NARCO, and I'll ask
2 you a few questions about each of those.

3 A Well, I started as a sales correspondent and moved
4 up to senior sales correspondent, and then I
5 moved into this position.

6 Q Okay. So, your first position was as a sales
7 correspondent?

8 A That's correct.

9 Q For how long did you hold that job?

10 A I really don't know. I would have to estimate. I
11 estimate about four to five years.

12 Q And what were your job responsibilities?

13 A Job responsibilities was that we just handled
14 the -- contacted various accounts. It was set up
15 on the geographical sales territory type thing.
16 And, we would be responsible for receiving
17 quotations and inquiries from the field and from
18 customers, and prepare the quotations, and see
19 that the orders were entered properly, entered
20 them and checked them out, and handled general
21 correspondence with customers.

22 Q Did your sales correspondent job require you to
23 travel a lot, or did you stay in the central
24 office?

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- 1 A No, we were centrally located.
- 2 Q So, if I understand it, you would have had a
3 region of the country that would be your
4 responsibility, and you would take care of --
5 handle all of the paperwork and make sure
6 everything went routinely from the headquarters
7 standpoint.
- 8 A That's correct.
- 9 Q Were you located in Cleveland the whole time?
- 10 A In Cleveland.
- 11 Q What area of the country were you responsible for
12 as a sales correspondent?
- 13 A At that time, we rotated it, so that, actually,
14 over the length of those years, I actually handled
15 the entire country.
- 16 Q Okay. During any period of that time, the four or
17 five years you were sales correspondent, were you
18 responsible for the Johnstown, Pennsylvania, area?
- 19 A Only in a backup capacity.
- 20 Q Okay.
- 21 A And that was related to a specific customer.
22 There were certain major customer that were
23 handled by selected individuals.
- 24 Q Okay. During that four to five year period as a

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1 sales correspondent, were you responsible for any
2 substantial period of time for the Manongahela
3 Valley area; you know, the Manongahela Valley
4 steel mills of different companies?

5 MR. HEINTZMAN: I object to the form
6 as what you mean by "substantial".

7 Q During this four to five year period, were you
8 ever assigned the area of Pittsburgh and its
9 surrounding counties for the different steel mills
10 there, that may have been customers of NARCO?

11 A Yes.

12 Q Now, after that, you became a senior sales
13 correspondent. How long were you a senior sales
14 correspondent?

15 A For most of my career. Let's see; four or five
16 years, and I believe here, I had this job I think
17 about, I would say about 15 years.

18 Q What were your responsibilities, as a senior sales
19 correspondent?

20 A Essentially, the same as a sales correspondent,
21 with a little more responsibilities that's added
22 to it as far as, I was assigned a specific major
23 account. I also developed the export business for
24 NARCO, as well, during that period of time.

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1 Q Who was your specific major account?

2 A Armco, Inc.

3 Q And would that have been all Armco plants?

4 A All Armco plants.

5 Q Did you have any other specific major accounts for
6 any particular period of time, during that job as
7 a senior sales correspondent?

8 A Yeah; Republic Steel.

9 Q Would that be it?

10 A Yes.

11 Q Then, I believe you indicated about seven years
12 ago, you became the manager of accounts?

13 A Right, account representative.

14 Q What did that job involve?

15 A Well, I was directly involved with helping to
16 establish the computerized order entry system that
17 we are now on. I am also involved with the
18 pricing of all products and supervision of the
19 department.

20 Q What is the department that you're supervising?

21 A It's the internal sales department.

22 Q Okay. Your position as manager of account
23 representatives; is that still considered sales,
24 or do you hold several hats in terms of the

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1 organizational charge of the company?

2 A I'm not sure what you mean by several hats.

3 Q I don't understand whether you're still considered
4 primarily working in the sales department or
5 whether you have, say, for example, accounts
6 payables responsibilities, or automatic data
7 processing responsibilities, or how you fit into
8 this system.

9 It's primarily sales, but I do have some
10 accountability as far as maintaining and
11 establishing some of the -- at that time,
12 processing marketing functions.

13 Q Okay. Would it be fair to say that the bulk of
14 your career with NARCO, since 1961, has been
15 primarily in the sales accounts of the
16 Corporation?

17 A That's correct.

18 Q Okay. If we could take a moment or two and
19 basically trace the history of NARCO, so I'll
20 understand any major corporate changes that it may
21 have undergone, it's my understanding that NARCO
22 was originally formed in '29, as a separate
23 organization?

24 A I am not sure whether it was that year or not, but

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1 that's correct.

2 Q It was in the late '20's that NARCO came into
3 existence?

4 A That's right.

5 Q Has NARCO operated as a separate corporation the
6 entire time since it was formed?

7 A No.

8 Q So, there were various times when it may have been
9 operated as a division of somebody else?

10 A That's correct.

11 Q It's my understanding that in 1965, approximately,
12 NARCO was acquired by a corporation named Eltra
13 Corporation; E-l-t-r-a?

14 A That's correct.

15 Q Did NARCO operate as a separate corporation from
16 the late 1920's, all the way until that 1965?

17 MR. HEINTZMAN: I object to the form.
18 What do you mean, "operate as a separate
19 corporation"? Do you mean, was it owned by
20 somebody else?

21 MR. JENNINGS: No, I am asking from
22 the late 1920's up until the purchase by Eltra
23 Corporation, did NARCO operate as a corporation
24 under the name NARCO, or was it operating at some

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1 point in time before 1965, as a business or
2 partnership or structureship of some other
3 company?

4 A No.

5 Q So, NARCO was a corporation? Somebody owned its
6 stock, but it operated as a corporation from the
7 late 1920's up until 1965?

8 A Yes, a privately held corporation.

9 Q Okay. Now, after 1965, did Eltra Corporation
10 merge NARCO into Eltra? Or, did Eltra continue to
11 operate NARCO as a corporation, and Eltra only
12 owned the stock?

13 MR. HEINTZMAN: I am going to object.
14 This is not the right witness to ask these
15 questions of. It gets into legal conclusions that
16 he has to make about what was being done.

17 I believe your interrogatories ask us to
18 give a corporate history, which we will do, but I
19 don't think it is proper to ask this witness these
20 kinds of things.

21 MR. JENNINGS: Anything he can't
22 answer, he can say he can't answer. But, since
23 you haven't answered the interrogatories, I have a
24 right to find out as much as I can regarding the

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1 corporate structure. If he doesn't know, he can
2 say he doesn't know. But, he was an employee,
3 and, as an employee at that time, he can say
4 whether it was a sole proprietorship or a
5 proprietorship, or whether the name changed, or
6 things like that.

7 I am not going into the mechanics of
8 subtle reorganization of the Corporation. I just
9 want to know the basics.

10 A Eltra allowed us to use and operate under our
11 North American Refractories name.

12 MR. HEINTZMAN: Don't assume. I
13 don't want you to guess about what was going on at
14 that level. We are going to provide the
15 information. I think you're entitled to the
16 information. Whether or not you're entitled to
17 get it from this gentlemen, that was not involved
18 in the intricacies of all of that. I am going to
19 object to this whole line of questioning.

20 MR. JENNINGS: Okay.

21 Q After '65, you continued to operate under the name
22 NARCO, North American Refractories Corporation?

23 A Yes.

24 Q Do you know whether it became a part of Eltra, or

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1 was operating as a subsidiary of Eltra?

2 MR. HEINTZMAN: I am going to object.

3 Q You don't know whether it was a division or a
4 subsidiary?

5 A No.

6 Q At any time in your career, have you had an
7 employee stock ownership program, where you would
8 get stock as a benefit, either pension or some
9 other means, by where you could buy the stock of
10 the Corporation.

11 A There was an Esop Plan, I think they called it.
12 We were allowed to participate in that.

13 Q When did that come into being, approximately?

14 A I would say approximately '80.

15 Q Was the stock that was being purchased out of
16 NARCO, or out of Eltra.

17 A I really don't know, to tell you the truth. I
18 think it was Eltra.

19 Q Just so I'm clear, you don't know whether NARCO
20 was ever operated as a division of Eltra or not?

21 A I can't say for certain.

22 Q Now, were there any other major changes in
23 ownership of NARCO before the merger in 1979 with
24 Eltra.

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1 MR. HEINTZMAN: I am going to
2 object. You called that merger. I'm not sure
3 that that's right. I am objecting to the premise
4 that is in the question, I guess.

5 Q Were there any changes in the ownership of NARCO,
6 to your knowledge, between '69 and 1971?
7 In 1979, NARCO merged into the Allied Chemical
8 Corporation?

9 MR. HEINZMAN: This witness cannot
10 give a legal opinion as to whether that was a
11 merger or a purchase. I am going to instruct him
12 not to answer that question. He is not qualified
13 to give that kind of a legal conclusion to you.

14 MR. JENNINGS: You can certainly
15 instruct him not to answer at any time, but I want
16 to put you on notice that that's not the way the
17 Pennsylvania Rules of Civil Procedure operate, and
18 You can object all you want.

19 If you instruct him not to answer, I am
20 preserving the option to get costs and come back
21 here and take his deposition or somebody else's.
22 The rules say that the witness answers all
23 questions, and I can show you the particular rule.
24 if you want to look at it, if you are totally

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1 unfamiliar with it. But, I assume, you do know
2 the rules. So, if you instruct him not to answer,
3 you do it at your peril.

4 MR. HEINTZMAN: I do know the rules,
5 and we will give you the complete history, and I
6 am not going to have him form legal conclusions on
7 that.

8 Q Just so you understand, Mr. Spahlinger, the only
9 reason we are doing that is because my client has
10 not given me that, to date, and you're here today,
11 so I am going to persist until I get answers and
12 the record is clear that he is willing to provide
13 the information.

14 A All right.

15 Q Do you understand that, around 1979, Eltra was
16 acquired by some means by the Allied Chemical
17 Corporation..

18 A Yes.

19 Q At that '79 acquisition, whatever the legal form
20 which it took, did NARCO continue to operate under
21 the name, NARCO?

22 A Yes.

23 Q Was there any change in the ownership of NARCO, to
24 your knowledge, between 1979 and 1986?

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1 A No.

2 Q Now, it's my understanding that in January and
3 February of '86, NARCO was sold to some other
4 company or entity.

5 A Well, yes.

6 Q Who acquired NARCO in January or February of 1986?

7 A It was a leverage buy out by our executives and by
8 a consortium. It was Curtland Capital and Heller
9 Financing.

10 Q Was there any change in the name of NARCO after
11 this leverage buy out in 1986?

12 A No.

13 Q So, from 1986 to the present, you have continued
14 to operate under the name, North American
15 Refractories Corporation?

16 A That's correct.

17 Q Do you know if there were any reincorporations
18 or -- we will just leave it at that -- whether
19 NARCO went through any reincorporations because of
20 any of these corporate transfers we talked about
21 since 1960?

22 A I am not sure what you mean by "reincorporation."

23 Q Okay. Do you know if NARCO is being operated now
24 as a corporation or a division of some other

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1 company?

2 A It's a corporation.

3 Q Do you know if NARCO was ever operated as a
4 division of anybody else?

5 MR. HEINTZMAN: Objection. You
6 can answer, but I am going to object. The
7 question was raised.

8 A I am not sure what you mean. Over any particular
9 period of time? I thought we went through all of
10 that.

11 Q Well, it's not clear to me. I think, at one
12 point, you may have indicated there were some time
13 periods in which NARCO was operated as a division
14 of some other corporation, and whether or not --
15 what time period or what that time period was,
16 that it was a division as opposed to a --

17 MR. HEINTZMAN: I am going to object
18 at this point. The problem is, what you're asking
19 this witness to give you is a distinction between
20 the legal meaning of subdivision, division, or
21 subsidiary and division. And what your
22 understanding is, and what is in his mind; it
23 might be -- we will give you the corporate
24 history, but I am not going to have this witness

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1 give you legal opinions as to what the status was
2 at any particular point in time. I'll instruct
3 him not to answer.

4 MR. JENNINGS: Just for the record,
5 you may think he is confused, but when the
6 gentlemen starts talking about leverage by outs
7 and gives me names of finance companies and who's
8 involved in it, he is a very sophisticated
9 individual. You may be confused. But, if he
10 doesn't understand the question, he may say so.

11 I have a right to know what in the world
12 your corporate structure is, and you have been
13 refusing to answer that question up until this
14 time. And, I want the record clear, that if I am
15 prejudiced one iota by refusing to give me that
16 information, all options are reserved, and the
17 witness says he doesn't understand what a division
18 is or a subsidiary.

19 Q Do you understand what a division is of a company?

20 MR. HEINTZMAN I am going to object.
21 My objection is on the record. You're asking this
22 witness for legal conclusions. I said you're not
23 going to be prejudiced, because we intend to give
24 you the full corporate history. I am not going to

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1 argue all morning on this. You will get the
2 history, but I am not going to have this witness
3 go through this.

4 Q Do you understand what a subsidiary is; namely a
5 company whose stock is owned by some other entity?

6 MR. HEINTZMAN: I object and instruct
7 the witness not to answer.

8 Q Do you understand what a division is? Maintenance
9 has a portion, a division, not --

10 MR. HEINTZMAN: I object and instruct
11 the witness not to answer.

12 Q Do you know if NARCO was ever operated as a
13 division of some other corporation?

14 MR. HEINTZMAN: Objection. Instruct
15 the witness not to answer.

16 MR. JENNINGS: Again, just for the
17 record, I protest. This is contrary to the rules,
18 and I intend to seek the proper motions and the
19 proper costs, and, secondly, because I have a
20 right to what we have gone through here today.

21 Q Okay, Mr. Spahlinger, let's try a new subject. Do
22 you hold any stock in NARCO?

23 A No.

24 Q Do you own any stock, as part an employee benefit

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1 program?

2 A No.

3 Q Have you ever, in your career, received stock as
4 part of a benefit?

5 A Yes.

6 Q And whose stock did you receive.

7 A Allied.

8 Q And when did that first begin? Was this at 1979?

9 A Yes.

10 Q Okay. Beginning with your career in '61, describe
11 for me, in general terms, how the sales operation
12 of NARCO was organized.

13 A Sales. Well, it still is separated. On the
14 outside field it is constructed of segments; the
15 outside sales force and the inside sales force.

16 The outside sales force is broken up, and
17 it continued that way until just recently. It
18 still retains that type of structure, with some
19 modifications, where we have a diversification
20 program that is currently in place to try and
21 extend that or improve our position in the
22 industrial market. So, we have some marketing out
23 there that crosses geographic territorial lines.

24 The inside sales department was

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1 constructed, generally, of the sales force. Now,
2 they are called account representatives. It
3 started out as sales correspondent, senior sales
4 correspondent, and the managers of sales
5 correspondents; and now it is account
6 representatives, senior and junior account
7 representatives, senior account representatives,
8 and the manager of account representatives, and
9 then sales administration.

10 Q What was the jurisdiction of the inside sales
11 force, as compared to the outside sales force?

12 A The outside sales force was primarily responsible
13 for the direct contact with the customers and the
14 mills and the users of our products.

15 The inside sales force was generally
16 responsible for the internal workings of the sales
17 marketing organization within NARCO, primarily.
18 Accounting liason would have been the outside
19 sales force, and the outside customers, and our
20 particular plants and major companies.

21 Q So, if I understand it, the outside sales force,
22 is the one that would have most day-to-day,
23 on-site contact with customers?

24 A That's correct.

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- 1 Q And, the inside sales force would make sure that
2 things went routinely between the plant and the
3 outside sales force?
- 4 A That's correct, and also the customers.
- 5 Q Now, was this basically the organization from the
6 early '70's forward.
- 7 A Yes.
- 8 Q Was this also the organization of the sales force
9 before '70?
- 10 A To the best of my knowledge, yes.
- 11 Q Focusing, for a moment, on the outside sales
12 force, how many geographical regions or areas were
13 set up over time?
- 14 MR. HEINTZMAN: Do you mean how many
15 exist today, or how many have existed?
- 16 Q Well, what was the setup over that time? Are we
17 talking about five regions in the country, or
18 four?
- 19 A Approximately, it would range between eight to
20 nine. I think it's up a little higher than that
21 now.
- 22 Q What was the name of the region that would have
23 encompassed the western half of Pennsylvania?
- 24 A Pittsburgh territory.

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1 Q And, how big of an area was encompassed by the
2 Pittsburgh territory?

3 A Well, really, it was kind of small compared to the
4 rest, but it would, essentially, be the western
5 end of Pennsylvania.

6 Q Would Johnstown, Pennsylvania, come within the
7 Pittsburgh territory?

8 A Yes.

9 Q Would all the steel facilities in the Pittsburgh,
10 Butler, Washington, Pennsylvania, area be
11 encompassed within the Pittsburgh territory; and
12 what territory encompassed the state of West
13 Virginia?

14 A State of West Virginia would be handled by the
15 Cincinnati sales office.

16 Q What was the name of the territory that would have
17 encompassed the State of West Virginia?

18 A Cincinnati, too.

19 Q What area encompassed eastern Ohio?

20 A Eastern Ohio, would be split between -- well,
21 truthfully, we split Ohio north and south,
22 actually, and that would have been either
23 Cincinnati in the South and Cleveland in the
24 North.

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1 Q Which territory had Steubenville?

2 A Steubenville would have been, actually, Cleveland.

3 Q Mr. Spahlinger, how was the Pittsburgh territory
4 set up, in terms of organization within that
5 territory?

6 A This was an inside sales manager, and he would
7 have outside salesmen reporting to him.

8 Q Okay. Who were the district sales managers within
9 the Pittsburgh territory since you; I mean with
10 NARCO.

11 A When I started with North American Refractories,
12 it was a gentlemen by the name of Jim Ammerman,
13 A-m-m-e-r-m-a-n; and following him, this was a
14 gentlemen by the name of Tom Doty.

15 Q How would that be spelled?

16 A D-o-t-y. And, the current sales manager is Mr.
17 Wilson.

18 Q And, during what basic time period was Mr.
19 Ammerman the basic sales manager?

20 A I know he was a longtime employee of NARCO, when
21 he became district sales manager. He was in that
22 position when I started, and he retired. I'm not
23 sure when he retired, but he was the man in that
24 position the longest that I know of, until more

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1 recently, it became Wilson.

2 Q Did Mr. Ammerman retire more than 10 years ago?

3 A Yes, I would think. Yes, it should be just about
4 that time.

5 Q Did he retire in the Pittsburgh area?

6 A Yes.

7 Q And, do you know what town or what area?

8 A No, I don't.

9 Q Do you know if he is still alive?

10 A No, I don't.

11 Q How long did Tom Doty hold a the position of
12 distict sales manager?

13 A A very short time, only a couple of years.

14 Q And where is he today? Do you know whether or not
15 he is still with NARCO?

16 A No.

17 Q When did Mr.. Wilson became district sales manager?

18 A I would say five years ago. We had a gentlemen
19 who was acting district sales manager in the
20 interim.

21 Q And what was his name?

22 A Joe Metzger.

23 Q M-e-s-s-e-r?

24 A M-e-t-z-e-r..

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1 Q How long was he acting district sales manager?

2 A About a year or two years.

3 Q That would be just before 1982? And, Mr. Wilson
4 has been district sales manager from 1982 until
5 the present?

6 A That's correct. *yes people*

7 Q And approximately how many sales managers would
8 the Pittsburgh area have had?

9 A At one time?

10 Q Well, if it varied over time periods, let me know
11 that.

12 A I would say it varied between two to four people.

13 Q Those two to four outside salesmen within the
14 Pittsburgh territory were responsible for all the
15 people within that territory?

16 A And the district salespeople, as well.

17 Q Was it set up so that the sales manager would have
18 been responsible for certain accounts?

19 A Yes.

20 Q How did that happen? Was it always the biggest
21 accounts or the most important, or what decided
22 what the district sales manager got?

23 A That's a good question. Normally, the district
24 sales manager assumed the responsibility for those

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1 accounts he was most familiar with and felt that
2 he could deal with more properly. And, he would
3 then establish which salesmen would call on
4 whichever other territories. He would assign
5 those, primarily.

6 Q So, the district sales manager would have had the
7 opportunity to choose certain accounts for himself
8 or herself, and the other accounts would be
9 assigned to the various outside salespeople?

10 A Correct.

11 Q Who were the outside salesmen in the Pittsburgh
12 territory since you began with NARCO?

13 A That's a lot of them. Dick Wilson was one. Steve
14 Metzger, of course, Tom Doty. I really don't
15 remember the other names.

16 Q Okay. Is Mr. Wilson, Dick Wilson, the same as
17 R.E. Wilson?

18 A Yes.

19 Q So, that's Richard?

20 A That's right.

21 Q Is Mr. Wilson still located in the Pittsburgh
22 area.

23 A Yes.

24 Q Where is NARCO's Pittsburgh office located?

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- 1 A We've moved. Unfortunately, I am not sure of the
2 address. I can get it.
- 3 Q Well, it's in the Pittsburgh area?
- 4 A Yes.
- 5 Q Where is Steve Metzger working?
- 6 A In the Pittsburgh Office.
- 7 Q Is he one of the salespeople now?
- 8 A He is really a product manager now. He works
9 primarily with aluminum companies.
- 10 Q How long has Mr. Metzger been associated with the
11 Pittsburgh office, in one form or another?
- 12 A It's got to be 12 to 15 years.
- 13 Q How long was Mr. Tom Doty associated with the
14 Pittsburgh territory in sales?
- 15 A I would say it was about four years, at the most.
- 16 Q Was there any sort of regular turnover of
17 salespeople in particular territories; like, did
18 the company ever have a policy of changing things
19 every couple of years, or could a salesperson go
20 into a territory and stay there for, 15 or 20
21 years?
- 22 A A salesperson could go there and stay there for 15
23 or 20 years. There is no regular position so as
24 far as rotation is concerned.

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1 Q Do you know which of the Pittsburgh territory
2 salespeople had responsibility for Johnstown, at
3 some point this year?

4 A No, I can't say which one.

5 Q Do you know whether any of the gentlemen that you
6 mentioned ever had any specific responsibilities
7 for Bethlehem Steel, in Johnstown.

8 A Jim Ammerman I know did.

9 Q Okay. Are there any others that you can recall
10 having responsibility for Bethlehem Steel,
11 Johnstown.

12 A Dick Wilson.

13 Q Is there anyone that you know of in NARCO that was
14 close to Mr. Ammerman, on a personal level, that
15 would know where he is today, if we can't find him
16 in a phone book or whatever?

17 A I can't think of anyone who's still with NARCO who
18 was close to Jim. There were a lot of people who
19 knew him, but whether they were really close to
20 him or not, on a friendly basis -- I mean, to the
21 point of exchanging Christmas presents and things
22 like that. Only retirees like Bob Moffett. He was
23 close. They would exchange Christmas cards.

24 Q Where is Mr. Moffett today?

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- 1 A He resides close to Clearfield, Pennsylvania.
- 2 Q Okay. If you could, quickly tell me who the
- 3 district sales managers would have been for the
- 4 Cincinnati territory.
- 5 A Yes, there was a man who's currently there; D.E.
- 6 Sheuumon. Prior to him, M.A. Rafferty.
- 7 Q R-a-f-f-e-r --
- 8 A R-a-f-f-e-r-t-y. Prior to him -- let's see -- he
- 9 is no longer with us, and I can't remember his
- 10 name now. Prior to him was Vern Girard.
- 11 Q G --
- 12 A G-i-r-a-r-d. He is diseased.
- 13 Q How long was Mr. D.E. Sheuuman sales manager?
- 14 A I would say about five years.
- 15 Q Was he in sales in the Cincinnati territory before
- 16 that?
- 17 A For a short period.
- 18 Q And what was the time period that Mr. Rafferty was
- 19 a salesman?
- 20 A Sam Rafferty was there for close to ten years.
- 21 Q Was he in sales, before he became district
- 22 manager?
- 23 A Yes.
- 24 Q In the Cincinnati territory?

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- 1 A Yes.
- 2 Q And, where is Mr. Rafferty today?
- 3 A He's in our western district -- I'm not sure what
4 his title is -- the manager or salesman, I
5 believe.
- 6 Q Was that in Cleveland?
- 7 A No, west coast.
- 8 Q And, he is still with NARCO?
- 9 A Yes. I am saying -- I am trying to think the
10 man's name now. I should know it, because I know
11 it well. And, I just can't think of it. I can't
12 think of his name.
- 13 Q How long was he district sales manager.
- 14 A I would say about four or five years. He's no
15 longer with NARCO, and I don't know where he went.
- 16 Q How long ago did he leave NARCO?
- 17 A Had to be closed to -- had to be close to 15
18 years.
- 19 Q Okay. And Mr. Girard, who's deceased, to your
20 knowledge, what time period would he have been the
21 district sales manager?
- 22 A He was the sales manager when I first came on
23 there. He had been there a number of years. I
24 don't know how long he was district sales manager

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1 there.

2 Q When did he stop being district sales manager?

3 A When he retired. And, you will ask me when he
4 retired, and I really don't remember that.

5 Q Was it less than ten years after you started, or
6 more than ten years?

7 A No, it was less than ten years.

8 Q So, sometime before 1970.

9 A Yes.

10 Q Are there particular salespeople that work in the
11 Cincinnati territory that you can recall, other
12 than these gentlemen?

13 A Just one other one. Well, there is one Neal
14 DeLong. D-e-L-o-n-g. He is no longer with NARCO.
15 He started at the same time I started. That's why
16 I can remember. And Kevin R. Khal, who's a
17 salesman in that territory.

18 Q K-e-v-i-n?

19 A R. K-h-a-l. And Jody A. Persino was also --
20 P-e-r-s-i-n-o.

21 Q How long has Mr. Khal been in sales in the
22 Cincinnati territory?

23 A I would say about five years.

24 Q And for how long has Mr. Persino been in sales in

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1 the Cincinnati territory?

2 A I would say about four or five years.

3 Q Also, do you know if there are particular people
4 in the Cleveland office that had responsibility
5 for Steubenville, Ohio.

6 A Yeah, but the individual that had responsibility
7 for Steubenville would be the -- in the past it
8 was Don Behner.

9 Q I care more about the past than I do about the
10 present.

11 A He was the past one.

12 Q At what time would Mr. Behner have had
13 Steubenville?

14 A He had it at the time I joined the company, and
15 probably up until about 1979 or '80, through
16 there.

17 Q Where is Mr. Behner now?

18 A He left the concern. Now, he was working for his
19 brother, and I really don't remember the name of
20 that company.

21 Q Where was he living?

22 A In Cleveland, local area. I'm not sure which
23 area.

24 Q Do you know if he is still in the Cleveland area?

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- 1 A I believe he is.
- 2 Q Who would have had Steubenville in 1980 or so?
- 3 A I really don't remember.
- 4 Q And, you said that there's someone who has taken
5 over Steubenville more recently?
- 6 A I don't remember where Steubenville is. I'm not
7 sure. I believe we had a change in territory
8 right in that general area, and I don't know if
9 that's located now in the Pittsburgh or Cleveland
10 area. Still, I imagine -- I don't know if anybody
11 was going down there now. If I had to take a shot
12 at it, it would either be Sam Baker -- it had to
13 be Sam Baker. I don't think Chuck Murphey would
14 go.
- 15 Q Okay. Is Mr. Baker still with the Company?
- 16 A Yes.
- 17 Q Out of the Cleveland office?
- 18 A Yes.
- 19 Q Is he an outside salesperson?
- 20 A Yes.
- 21 Q Okay. Thank you very much. Let's take a moment,
22 and could you explain to me how the inside sales
23 force is organized, structurally.
- 24 A Now?

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1 Q Well now, and in the past.

2 A Well, in the past, as I said, it was set up so
3 that certain individuals would have major accounts
4 and for the nonmajor accounts with a geographical
5 sales territory basis, so that the
6 responsibilities were handling one particular
7 sales territory, or one or more would be assigned
8 to different people.

9 Right now, we restructured it so we have
10 a steel group and an industrial group, and we have
11 specific accounts assigned to different
12 individuals.

13 Q When did the restructuring take place.

14 A About two years ago.

15 Q Okay. Well, my questions from here on out will
16 not be focusing on after 1986. I am questioning
17 on the way things functioned in the inside sales
18 department before the restructuring.

19 What were the titles of the people within
20 the inside sales force that would have
21 responsibility for sales areas?

22 A Sales correspondent and senior sales
23 correspondent.

24 Q And, then, there was a manager that headed up the

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1 department?

2 A Yes.

3 Q Let's identify the managers, first.

4 A Well, when I joined the company, it was Otto

5 Stetzel, S-t-e-t-z-e-l and G.A. Miller,

6 M-i-l-l-e-r. and, then, it was R.A. Lund.

7 Q L-u-n-d?

8 A L-u-n-d.

9 Q J.V. Mackin, and then I.

10 Q How is Mr. Mackin's --

11 A M-a-c-k-i-n.

12 Q And then yours?

13 A That's correct.

14 Q And, to your knowledge, what time period were you

15 the manager of the inside sales?

16 A Within the last six years.

17 Q That's about 1980?

18 A Yes.

19 Q Is Mr. Stetzel still alive?

20 A No.

21 Q What time period did he stop as the manager of

22 inside sales?

23 A I would say he was manager for the first ten years

24 of my career. And George Miller was also -- he

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1 was at the same period of time, but he also had --
2 he was a little younger, so he remained in office
3 a little longer. I would say ten years.

4 Q So, Mr. Miller would have been gone up until the
5 mid 1970's?

6 A Yes.

7 Q And where is he today?

8 A He's retired. He lives in -- I believe
9 Willoughby, Ohio.

10 Q What was Mr. Miller's first name?

11 A George.

12 Q And, to your knowledge, what time period was Mr.
13 Lund the manager?

14 A After Mr. Miller retired, Mr. Lund was made the
15 manager.

16 Q So, he would have been the manager from the mid
17 1970's up until the early 1980's?

18 A Correct.

19 Q And where is he today?

20 A He's still with us, and he's the manager of the
21 technical services.

22 Q And he's in Cleveland?

23 A Yes.

24 Q What's his first name?

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1 A Randy, R-a-n-d-y.

2 Q And, Mr. Mackin would have come on the scene in
3 the early '80's?

4 A Yes.

5 Q And where is he?

6 A He's still with us. He's sales administration
7 manager.

8 Q And what is his first name?

9 A Joe; Joseph.

10 Q Now, how many sales correspondents and senior
11 sales correspondents would there have been within
12 inside sales at any point in time?

13 A When I joined, I think I was either the sixth or
14 the seventh person there. And, at that time, I
15 don't think we had a senior sales correspondent
16 position, so it was just plain sales
17 correspondents.

18 And, then, a couple of years after I
19 started in, they instituted the senior sales
20 correspondents, and a couple of men were promoted
21 to senior sales correspondent although more people
22 were added to it. Right now, we have a total of
23 thirteen people.

24 Q So, the number of inside salespeople would range

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1 from five to seven, to as many as thirteen?

2 A Ten to thirteen, in recent years. A few years
3 back, it would be close to seven to nine people,
4 tops.

5 Q You mean -- could you identify who those inside
6 salespeople would be, other than yourself and the
7 gentlemen that you've already mentioned that were
8 managers?

9 A Mr. Miller and Mr. Stetzel did have
10 responsibilities, but they were the only of the
11 managers that really had those responsibilities.
12 Joe Mackin also started as a correspondent -- I
13 apologize for that -- there's Bill Eckhardt;
14 E-c-k-h-a-r-d-t, Tony Reed, R-e-e-d; do you want
15 all of them?

16 Q Yes, please.

17 A There is Jerry Paine, P-a-i-n-e. K.G. Russell,
18 R-u-s-s-e-l-l. There's T. Wayne Vellamori,
19 V-e-l-l-a-m-o-r-i. There's Kris Tesic, T-e-s-i-c.
20 M.C. Breudigam. And Randy, R-a-n-d-y, C. Ferline.
21 There's D.W. L-a-u-t-e-r-b-a-c-h. There was C.R.
22 Hoffman, H-o-f-f-m-a-n. There's E.J. Viancourt.
23 There's M.A. Costa, C-o-s-t-a. There's, M.F.
24 McKinney. There's M.S. Derrick, D-e-r-r-i-c-k,

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1 T.N. Stephanic, S-t-e-p-h-a-n-i-c, M.A. Newman,
2 N-e-w-m-a-n. That's about all I can remember,
3 right offhand.

4 Q I take it that there was some regular turnover in
5 personnel within inside sales?

6 A Yes.

7 Q If we could, just briefly summarize the
8 responsibilities of these different people, people
9 that had responsibilities that aren't -- what I am
10 interested in -- we needn't spend a lot of time
11 with it.

12 A Phil Eckhardt is a senior sales correspondent.
13 He's currently in the steel group, and he handles
14 miscellaneous steel accounts. He has, in the past
15 handled most of the major accounts.

16 MR. HEINTZMAN: Why don't you focuse
17 this on which of these people might have had these
18 responsibilities, and they might have had
19 responsibilities for Chicago or Louisiana.

20 A D.M. Reed.

21 Q Did he handle Bethlehem?

22 A He inherited that from Mr. Stetzel.

23 Q Was Bethlehem Steel Corporation one of the major
24 accounts that someone would be assigned to?

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1 A Yes.

2 Q Who took over Bethlehem at that time?

3 A I'm trying to remember. Mr. Paine, he wasn't
4 really involved. He is no longer with the
5 Company, and he didn't handle any major accounts.

6 Q What was the region?

7 A It could have been a number of regions. We all
8 handled several areas.

9 Q The only areas I have any interest in is western,
10 eastern Ohio, Steubenville and Pennsylvania.

11 A I am pretty sure he would have been on this.

12 MR. HEINTZMAN: Just specify who
13 might have been in the Pittsburgh office at the
14 time.

15 A Was held by Mark Kaufstein. Mary McKinney, and
16 Phil Eckhardt, I am sure would be involved at some
17 point in time with the Pittsburgh office.

18 Q Okay. Mr. Vellamori was not involved in any of
19 the areas that I mentioned or major accounts that
20 would have been covered in those areas?

21 A He wouldn't have handled any major accounts, but
22 he may have handled Pittsburgh, at some point in
23 time. I really can't say.

24 Q What was his basic time period he was in these

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- 1 sales?
- 2 A He was only in for a couple of years, but I can't
- 3 say when it would have been.
- 4 Q Before or after 1970?
- 5 A It would have been after 1970.
- 6 Q Okay. And, Mr. James?
- 7 A He could have handled some Pittsburgh territory,
- 8 at some point in time. He has been involved with
- 9 distributors.
- 10 Q So, his responsibility was mainly with
- 11 distributors of NARCO products?
- 12 A That's correct.
- 13 Q What time period would have been accompanied by
- 14 Mr. James working time span?
- 15 A About 25 years, I think.
- 16 Q And where is he today?
- 17 A Right here.
- 18 Q Mr. Tesic?
- 19 A That's Ms. Tesic. She's a recent employee. She
- 20 has been with us a little over a year.
- 21 Q And Ms. or Mr. Breudigam?
- 22 A Breudigam; he would have handled Pittsburgh area
- 23 in a relatively recent period. He is also
- 24 relatively new. I would say three years.

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1 Q Randy Ferline?

2 A Randy Ferline was a junior account representative.
3 She was only here a short period of time and was
4 never involved with anything.

5 Q Mr. or Mrs. Lauterbach?

6 A Dave Lauterbach is a recent employee and is a
7 junior account representative.

8 Q Mr. Bahr?

9 A Mr. Bahr has been with us now 15 years. He could
10 have handled the Pittsburgh territory at one time.
11 It's part of his responsibilities.

12 Q He is still in NARCO in Cleveland?

13 A Yes.

14 Q What's his first name?

15 A David.

16 Q Mr. Hoffman?

17 A That's Miss, and she's a recent employee; just
18 going on about a year.

19 Q Ms. or Mrs. Viancourt?

20 A Viancourt, he is also a recent employee.

21 Q Ms. or Mrs. Costa?

22 A Mark Costa has been with us five years; would have
23 handled the Pittsburgh territory definitely.

24 Q So, he's still with NARCO?

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- 1 A Yes.
- 2 Q Mr. Willine?
- 3 A Mr. Willine; he has been with us five years. He
- 4 would not have handled Pittsburgh.
- 5 Q Ms. or Mrs. Suhn?
- 6 A Tom Suhm, is a long-time employee. He has been
- 7 with us, I think, 20 years; 15 at least, 15,
- 8 probably closer to 15.
- 9 Q What was his responsibility?
- 10 A He could have handled Pittsburgh at some point in
- 11 time.
- 12 Q Is he still with NARCO in Cleveland?
- 13 A Yes, he is.
- 14 Q Okay. Mr. McKinney?
- 15 A Ms. McKinney is a recent employee. She currently
- 16 handles the Bethlehem --
- 17 Q Okay. Oh, and then Mr. Bruncak?
- 18 A Mrs. Bruncak. I'm sorry, that's Mrs. Bruncak.
- 19 Q You gave me the initials. You didn't tell me
- 20 their first names.
- 21 A She handles U.S. Steel, and, at one time, I am not
- 22 sure, she may have also handled Bethlehem Steel.
- 23 She would have also handled the Pittsburgh area.
- 24 She's a long-time employee, 30 years. She started

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1 in the Pennsylvania plant.

2 Q What is her first name?

3 A Vonda, V-o-n-d-a.

4 Q And she's still with NARCO in Cleveland?

5 A Yes.

6 Q Mr. or Mrs. Derrick?

7 A New employee.

8 Q D.M. Stephanic?

9 A He would have handled the Pittsburgh area. He is

10 no longer with NARCO, and I should know where

11 he -- about a year ago, I think --

12 Q How long had he been in the NARCO inside sales

13 force?

14 A I would say he was in with us about three years,

15 and then, he went to another division as a

16 serviceman.

17 Q M.A. Newman?

18 A M.A. Newman was a short-time employee; wouldn't

19 have had anything to do would it. She's no longer

20 with us.

21 Q Okay, if you could, please explain the paper

22 system that would have been -- strike that.

23 Assume you have a customer who wants to buy

24 something from NARCO. Please explain what pieces

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1 of paper are created as part of the sales process,
2 whereby a customer wants something, NARCO sells it
3 to them, and various paperwork is created. If you
4 could, just walk through the process one step at a
5 time.

6 Q Currently?

7 A No, in the past.

8 Q And, if there were -- if there were different
9 systems at different time periods, if you could,
10 tell me that at the beginning, so we know what
11 time period we are talking about.

12 A There are different systems. The way it
13 originally was set up, when I first joined the
14 company, if we were to receive an order, we would
15 look to see if a quotation had been prepared,
16 compare the order with the quotation. We would
17 then have established, what we called at that
18 time, a "handwritten preliminary order." The
19 handwritten preliminary order would then have been
20 processed by an order typist. That order would
21 then have been returned for checking to the sales
22 correspondent, who would then break up the order
23 parts.

24 It was a seven-part order form. He would

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1 retain those copies that he required for his own
2 particular use. He would mail the customer an
3 acknowledgment form. He would return the front
4 sheet copies to the file clerk for filing. He
5 would place the other portions of the order -- the
6 ones that went to the plant, he would place in the
7 mail to the plant.

8 And, if a copy of the order was retained,
9 it was directed to our operating department. They
10 would look it, and either question it or discard
11 the copy.

12 Q Okay.

13 A Now, that stayed in place until we went up --
14 until recent years where we tried to establish
15 a -- we were hoping to get a customized computer
16 order entry system. And that, essentially, would
17 have been just about the same, with the exception
18 that the order would be -- it would have been then
19 transposed to what is a computer form type thing,
20 which would then have been input into the system
21 by the order typist, and the same would still
22 follow through.

23 Q When did the computerized system begin to be
24 implemented? I assume that the old paperwork

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1 system no longer applied?

2 MR. HEINTZMAN: I object. I am not
3 sure that those things are inclusive.

4 Q When -- let me ask this: When did the computer
5 systems begin to be implemented?

6 A There were computer systems. One currently, which
7 was in '83, and one that we had prior to that, in
8 '81.

9 There was one other change, prior to that
10 time, when we found the mailing of the plant order
11 forms were too slow, so we had the order copies
12 taken and directly input, teletyped it to the
13 plant, and the teletypist -- the form was then
14 changed so it fit the teletype machine, and the
15 teletype machine would give it to the plant that
16 would distribute the order forms.

17 It was the same, except we didn't have to
18 mail the order forms to the plant.

19 Q Before the system, is it my understanding there
20 was an order form that was created by the sales
21 force, and that order form would have been the key
22 document that would have been sent around to the
23 different offices to make sure that the various
24 things happened that had to happen in order to

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- 1 make sure that the product got to the customer?
- 2 A (Nods head.)
- 3 Q Is that order form the same thing as the green
- 4 sheet?
- 5 A The green sheet was part of that order form.
- 6 Every order was a part of that green sheet.
- 7 Q What's the difference between the green sheet and
- 8 the order form?
- 9 A It is just a replica.
- 10 Q Oh, it is a copy?
- 11 A One of the seven copies.
- 12 Q NARCO's counsel has made available to me, just
- 13 before the deposition, a box of about seven or
- 14 eight inches of documents which were represented
- 15 to be green sheets available to NARCO with respect
- 16 to sales to Bethlehem Steel Corporation,
- 17 Johnstown; is that correct?
- 18 A They are copies of the green sheets to Bethlehem
- 19 Steel, Johnstown.
- 20 (Discussion off the record.)
- 21 (Plaintiffs'
- 22 Exhibit 2 marked
- 23 for identification.)
- 24 Q Mr. Spahlinger, I've marked for identification as
- Deposition Exhibit No. 2, a one-page document

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- 1 which was the first sheet among the documents
- 2 produce by your counsel. Can you identify what
- 3 this document is?
- 4 A It's a copy of the green sheet, which is a copy of
- 5 a sales order.
- 6 Q Now, on this document, this sales order would be
- 7 created by someone within the sales force of
- 8 NARCO?
- 9 A That's correct.
- 10 Q The customer may have also sent a purchase order
- 11 to NARCO, in many cases, would they not?
- 12 A Yes.
- 13 Q That would be a document on the customer's stamp
- 14 or letterhead saying, please sell us such and such
- 15 a material at such and such a price, and ship to
- 16 such and such a location?
- 17 A That's correct.
- 18 Q What happens to the purchase orders of customers
- 19 when they come into NARCO?
- 20 A The purchase order of the company would have been
- 21 associated with what we call the goldenrod copy of
- 22 the sales department order.
- 23 Q Where would that have gone?
- 24 A As long as it was active, it would have remained

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1 with the sales correspondent or the senior sales
2 correspondent.

3 Q So, the purchase order generated by the customer
4 would have went to the sales representative, not
5 to some central location in NARCO?

6 A No, the inside sales correspondent, not the field
7 salesperson.

8 Q So, the purchase order from the customer would
9 have gone to someone within inside sales, in the
10 corporate headquarters?

11 A That's correct.

12 Q Were purchase orders from customers retained over
13 long periods of time?

14 A They were retained until the order was complete,
15 and it was filed into what we call our general
16 order file, and then, it was up, really, to the
17 discretion of the sales correspondent. If he
18 wanted to keep it for more than a couple of years,
19 he could. If he didn't, he didn't have to.

20 Q Turning to Plaintiff's Exhibit No. 2, the
21 purchase, the sales order -- strike that. Turning
22 to Plaintiff's Exhibit No. 2, which is the sales
23 order, could you explain what the first column of
24 numbers is on this document?

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1 A Yes. On the upper lefthand corner, where it says
2 "charge", that generally -- well it did mean -- it
3 would indicated to who it would be. There, that
4 meant sold to. That would be the "sold to"
5 address that appears, then, in the upper lefthand
6 quadrant. I believe price -- in this particular
7 case, it says "special," which means there was
8 special distribution of the invoices, either at
9 the customer's request -- and it usually is at the
10 customer's request -- so that it meant that there
11 was special handling to the invoice, really.

12 If it went to the Billing Department, the
13 Billing Department would be aware of what those
14 special instructions were. And, then, the invoice
15 could be disseminated.

16 And they wanted -- Bethlehem Steel wants
17 to make sure that the invoice per payment is sent
18 to the central office of Bethlehem Steel in
19 Bethlehem, Pennsylvania, even though the product
20 is being shipped to Bethlehem Steel in Johnstown.

21 Next space is "invoices not priced."
22 There were invoices with no prices on it. Then
23 something would appear there. Since nothing was
24 there, it wasn't required.

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1 The next space says, "customs invoices,"
2 and that referred to the invoices for the
3 shipments. Since that wasn't required, nothing is
4 there. It says 1, so one copy of the bill of
5 lading was sent to the sold to address.

6 Q Which in this case was --

7 A Notice of shipment, again says, "special." There
8 are special instructions as to how the notice of
9 shipment were to be distributed to Bethlehem
10 Steel.

11 "Territorial Credit"; in this, it says
12 that Cleveland office was getting two-thirds
13 credit for this, and territorial department, which
14 was our office, was getting one-third.

15 Q Why would the Cleveland office have anything to do
16 with a sale to Johnstown, Pennsylvania?

17 A Within the marketing department, it was considered
18 whether any particular accounts would become house
19 accounts. So, this sale, here, is a shipment of
20 seconds, brick seconds. They are not firsts.
21 They are at the cheaper price, for which we would
22 not give full sales credit to a sales department
23 person. Cleveland would keep two-thirds of the
24 credit, and Pittsburgh would keep one-third.

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1 Q Were these territorial allegations that have
2 something to do with compensation of salespeople
3 or something like that?
4 A It -- yes, it was usually used for outside sales;
5 money for outside salespeople.
6 Q If you could continue.
7 A Let me correct that. The only other thing
8 significant would be for our sales records to
9 determine sales for a ticket or total sales for a
10 ticketed territory marketing those.
11 "Minimum carload"; if this has been --
12 well, this was a rail shipment. It should have
13 had a minimum carload figure in there. At that
14 time, it could be a 1,000 pound carload. That
15 really should be indicated in there.
16 "Freight Rate"; that's the freight rate
17 that applied to that system. And in the upper
18 right-hand quadrant, they had a split there
19 between division and plant.
20 What they did was, really, the U.S.
21 indicated the plant, but, so did the 60, so that
22 was really redundant in that area, but that's the
23 way they liked to do it at that time.
24 Q What do you mean, by division and plant?

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1 A The division, I assumed, really, was a different
2 way of stating the plant name. They had assigned
3 like the Mount Union plant was U.S. division.
4 Ironton Plant would be Ironton.

5 Q You're talking about specific plants of NARCO?

6 A Of NARCO plants; that's correct. For some reason
7 they wanted their name up there as part of the
8 division and the plant number, which was a
9 different way of stating the same plant, really.
10 I don't see why they did it. That's all. We
11 filed the form.

12 Q Did the division refer to the particular NARCO
13 plant that would have been employed, had the item
14 being shipped to the customer?

15 A That's correct.

16 Right underneath that there is a block
17 that says "special instructions," and these are
18 instructions that you associate with the plants,
19 so that the plant will understand the copies they
20 are getting.

21 In this, it indicates that a teletype was
22 sent to the company saying this was to be entered.
23 We did not want it to be complicated. At the time
24 it was sent in, there was no statement number. At

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1 that time, it would say it was going to be shipped
2 to such and such a Bethlehem location, please
3 prepare, be on alert to look for the order and
4 ship it. It tells me this brick is to be shipped
5 from stock of kiln furnace to Mr. Kurtz's letter
6 of 6-16-50, I can't find that individual in --
7 since that was 1950, said ship one carload
8 immediately and balance to be shipped as released.

9 One carload would have gone upon receipt
10 of the order, and in accordance with instructions
11 on the order, and the balance would be held until
12 the client said, send me some more. It could be
13 all of it, or a car or two.

14 Q On the top, 9236 is stamped. What does that
15 number mean?

16 A It just represents -- it's a random number,
17 really. That was just the next copy -- sales
18 order copy that was in the sequences of order that
19 were being typed for that particular day.

20 We used to carry them through from No. 1
21 up to 10,000, and once it got to 9,999, the series
22 started over again.

23 Q Was the number, this four-digit number, assigned
24 by the internal sales office of NARCO?

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1 A It wasn't assigned. It was just a random number.
2 Q What office determined what the number would be?
3 A If it was typed from this office, it would come to
4 the Cleveland office.
5 Q And whatever the numbers happened to be, it would
6 appear on that invoice or the sales order?
7 The number had nothing to do with particular
8 customers or particular readings?
9 A It just came up.
10 Q It just came up?
11 A Okay. When it says, "consigned to," it would
12 indicated the customer's name and the shipping
13 address that the shipping was to be made to.
14 Q So, the area where it says, "consigned to," that
15 determines where the particular products are going
16 to be shipped?
17 A That's correct. Then, the next line down is
18 routing, and in this case it was rail routing,
19 which would indicated that it started on the Mount
20 Union side of the Pennsylvania plant and then was
21 delivered to the Bethlehem side in Johnstown.
22 And the "sold to," indicates, really, the
23 company name that give us the purchase order. The
24 date of the shipment says we can ship at once and

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1 will balance as released, and that the order
2 number -- there was a repeat of this particular
3 sales order, and they had it retyped on at that
4 particular spot.

5 So the order number, at the left-hand
6 side of the document, is the same as that in the
7 righthand corner. Then, the date entered has the
8 date that actually, that the order was entered
9 into with North American Refractories Company.

10 Q The Cleveland office typed up the document?

11 A No, that wouldn't have been -- it would have been
12 the date that the Cleveland office received the
13 order, which may be the same day the order was
14 typed.

15 Then, the next space to the right is a
16 customer's purchase order. That would generally,
17 be taken off of the customer's formal purchase
18 order.

19 Q So that's a number created by the customer, by
20 whatever coding system the customer used?

21 A That's correct.

22 Q The same as if that was their initial?

23 A Yes.

24 Q Okay.

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1 A It would also give the date that the customer
2 order number was typed.

3 Q What's the difference between the customer order
4 number and the customer requisition number?

5 A Many customers will order a requisition that might
6 be from the mill, or it might be from the brick
7 shed or the brick main, and they write down an
8 application for a continuing product. He then
9 submits that to his particular purchasing
10 department who then takes that as the basis for
11 issuing the customer order.

12 Below that area, there is a series of
13 boxes beginning with "quantity." This meant if
14 from on board at our particular plant, the
15 customer accepts responsibility from that point on
16 to delivery.

17 The second one says, "include carload."
18 And, the next two boxes, really, meant if freight
19 was included, in the right side, one of these
20 would have been included, and it would go "freight
21 to," and the designation would have been
22 Johnstown, Pennsylvania.

23 But, since it was denied, it did not
24 apply. "FOB" meant the customer is paying the

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1 freight charges; whereas, if you would check the
2 "include carload," too, that means that it would
3 have been continued, the freight shipping to a
4 continuing location.

5 Over to the right of that, underneath the
6 sales department instructions, it says, "prices
7 figured on a rate of." If that had included
8 freight, then a figure would have been typed in
9 there to tell us what that would have been.

10 And, right below that, it says, "freight
11 basic" and that would have been either said
12 carload or truckload. And, there is a quantity, a
13 number of pieces of product that has to be
14 shipped.

15 Q If I can stop you for just a moment. The columns
16 that are beginning to talk about quantity and
17 brand and description, that's referring to the
18 particular order being shipped to the customer.
19 What would be the different units that could
20 appear in the quantity column?

21 A For example, numbers of brick would be in pieces.
22 And, specialty products, it would be in pounds.

23 Q So, if it is was a material that a came in a bag
24 or a carton or something, and it wasn't a brick,

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1 something that you could have counted, the unit
2 would be in terms of pounds?
3 A Pounds.
4 Q So, let's say you're shipping by air, and it's
5 coming in bulk, and there is something there in
6 terms of numbers, but there is no unit right after
7 the number. That should be interpreted as being
8 pounds?
9 A Yes, but there should be an indication of a pound
10 beside there.
11 Q Okay. And the brand column; that would be the
12 NARCO brand?
13 A That would be the NARCO brand of the system being
14 shipped, and the description would be a further
15 description about the particular product.
16 Now, in this particular case, there is an
17 instruction by the customer's item member. That's
18 the customers designation; means that they are not
19 quite up to par, and they are getting under normal
20 value for our product.
21 Q Now, in the description product when you you have
22 something there as a number times a number, you're
23 referring to the dimensions of a particular type
24 of block?

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- 1 A That's correct.
- 2 Q That standard is for our document number. If this
- 3 might be a special shape, we would have had a
- 4 drawing set up for them, and a drawing would have
- 5 appeared in this column.
- 6 Q And the price?
- 7 A The price that the customer is being charged for
- 8 that particular product that we are shipping to
- 9 him.
- 10 Q Does the unit relate to the price?
- 11 A Yes.
- 12 Q So, if there is a number in the price column, and
- 13 a number in the unit column, it's the price per
- 14 that many unit?
- 15 A Normally, that's the case. But, I see in this
- 16 particular case, that, obviously, the NT is in it,
- 17 which means net ton.
- 18 Q So, we are shipping 75,000 pieces of brick. We
- 19 are going to channel them on only the weight of
- 20 that brick, and it's going to be charged at the
- 21 rate of \$13.00, at that time?
- 22 A Yes. That's an unusual situation. Normally, when
- 23 we charge brick, we charge either on a per
- 24 thousand number of pieces, or on a per each basis.

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1 Q What are the columns remaining on the form?

2 A The unit is the price that, computing total price
3 for the order.

4 The -- we only use the net or four bits.

5 We are no longer in that. We shut down one of our
6 cars. It would designate the hardness, the burn
7 of a brick. We would have been soft burn and high
8 burn or medium burn.

9 Q So the burn, you would only refer to bricks, which
10 has been exposed to a certain type of process in
11 regard to manufacturing?

12 A We were never involved with it. It was continued
13 long before I started with it, with the company.
14 I assume that there would have been a particular
15 mix that was ordered.

16 Q The mix number would have been placed in this, in
17 this area. And, in fact, the usage of that column
18 that would have referred to some kind of special
19 batch, for example, that was being made and that
20 batch number would be referred to as?

21 A I really can't tell on it. On the base, would
22 have been the base price of the material. Which,
23 it would have been our job.

24 Since, those are after work, we employ a

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1 shape extra that was used for special shapes.

2 The 90000 gives you the total volume of
3 that, 100 equivalent, which is 20 percent over the
4 normal list.

5 Q And, would that be to do with the weight; it
6 relates to the weight?

7 A If you have the size, so that you have a
8 particular weight factor for a particular weight,
9 you can come up with that particular weight for
10 that date; the total the equated with, really
11 times the quantity factor.

12 Q On this particular, the 90000; what does that
13 refer to? 1.20; is that the weight at the time it
14 is being calculated?

15 A No, the total weight of seven is 90000 equivalent.

16 Q What is the unit that that 90000 is in? Is it in
17 cubic inches, or what?

18 A It's what we call brick equivalency.

19 Q That's now an equivalent?

20 A That's correct.

21 Q And, by knowing that, somebody might know how many
22 boxcars might be needed for the brick, or
23 whatever?

24 A Yes.

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1 Q So, that figure, that 9 inch equivalent would not
2 be something you could immediately convert into a
3 price, somehow?

4 A No.

5 Q I notice by looking at this exhibit, this sales
6 order, the total price that the customer is being
7 charged for this particular order does not appear
8 on the document?

9 A That's correct.

10 Q Why is that?

11 A Total price is never really shown on our
12 sales orders. We have an evaluation that is shown
13 on the computerized system, but more for a reason
14 of just looking at it and knowing where the Hell
15 you have this.

16 The customer could have come up and
17 reduced the items released, or if you got the
18 first shipment and didn't like it. So, the order
19 department didn't -- it wasn't placed on the face
20 of the sales order.

21 Q Just to finish this up, this document that we have
22 marked for identification as Exhibit No. 2, is
23 dated 1950; correct?

24 A That's correct.

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1 Q For how long was this particular document used?
2 A This was used -- was the type of form that was
3 used by NARCO as a sales order. It would have
4 been changed when we went to the teletyping of the
5 orders directly to the plant. And, I really don't
6 recall what that date was.
7 Q Okay. If we can just take a moment, the box that
8 we have here has the sales orders, by year and
9 file. Could you just take a moment and verify
10 what time period the system may have changed in.
11 A You mean --
12 Q Mr. Spahlinger, I have a sales order in front of
13 me that is dated March of 1971; is that correct?
14 A That's correct.
15 Q And that is the same form that we were talking
16 about with respect to Exhibit No. 2, which is
17 dated 1950?
18 A That's correct.
19 Q So, is it fair to say that the form that we have
20 just discussed in detail, that was used in 1950,
21 was the basic ordering system, at least up until
22 March of 1971, and your description of what the
23 different columns mean as to the document in 1950
24 would refer to all other computer generated forms

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- 1 by NARCO, at least, until January of '71?
- 2 A You mean -- that's correct.
- 3 Q Going through the documents that have been
- 4 provided, I have another document dated October of
- 5 1971?
- 6 A That's correct.
- 7 Q And does the October 1971 document reflect the
- 8 revised system that came into being when you
- 9 changed the teletyping situation?
- 10 A Yes, it does.
- 11 (Plaintiff's
12 Exhibit 3
13 marked for
14 identification.)
- 15 (Discussion off the record.)
- 16 (Luncheon Recess)
- 17 MR. JENNINGS: Okay. We are back on
- 18 the record.
- 19 Q Turning to Plaintiff's No. 3, which is the sales
- 20 form that would be in effect up until some time in
- 21 1971; what happens in a situation where the
- 22 customer was ordering more than would fit on one
- 23 page?
- 24 A He would go to page 2.
- Q How would page 2 be recorded to reflect that it

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1 was page 2 of some other sales order?

2 A Well, under this system, things would have been --

3 it would have said continued at page 2 on the

4 bottom of the form, and on the top of the form it

5 would have said "consigned to" and page 2, and

6 then up on the top, the number would be struck out

7 of the completed sales order form, and the next

8 number would have been substituted in it's place.

9 Q Okay. Does that mean that the four-digit number

10 in the upper right-hand column of one of these

11 order forms would be struck out because it was on

12 page 2 and page 3?

13 A Page 4.

14 Q Page 4 of some earlier order?

15 A That's correct, yes.

16 A It was actually the same order, but, since the

17 numbers had no meaning, that's why we crossed them

18 out.

19 Q The four-digit number that went up to 10,000 on

20 the upper right-hand corner; was that stamped on

21 the forms?

22 A Preprinted.

23 Q Preprinted. So, a clerk would have a box of them

24 somewhere, and every time one of the clerks pulled

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1 out one of those seven-part order forms, there
2 would already be a number in the upper right-hand
3 corner?
4 A Correct.
5 Q If we could turn to Plaintiff's Exhibit No. 3
6 which is a one-page document dated approximately
7 October of 1971, could you identify what this is?
8 A This is the type of order that we had instituted
9 to allow us to enter the order directly by
10 teletype with our plants.
11 Q And, this form has a sales order in the upper
12 right-hand corner of the form?
13 A That's correct.
14 Q And did this serve the same function as the
15 earlier form, in that, this would have been
16 prepared by someone with internal sales in
17 Cleveland office, with respect to the order of
18 some material by some customer?
19 A That's correct.
20 Q In the upper left-hand corner, there, there is a
21 logo with NARCO and what appears to be an Indian
22 head and an arrowhead?
23 A Uh-huh.
24 Q You have to say yes or no.

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1 A Yes.
2 Q Is that a logo that NARCO used in connection with
3 its business activities?
4 A That's correct.
5 Q Does that particular logo appear on containers of
6 NARCO products, in one form or another?
7 A If not on all, on most of them, yes.
8 Q Is the logo that appears on the upper left-hand
9 corner of Exhibit 3, a logo that's unique to
10 NARCO?
11 A As far as I know, yes.
12 Q You're not familiar with any other refractory
13 company ever using a logo like that before?
14 A No.
15 Q In the upper left-hand corner of this form,
16 Exhibit 3, the title North American Refractories
17 Company is listed?
18 A That's correct.
19 Q Now, what does it say right below North American
20 Refractories Company?
21 A It says division of Eltra Corporation.
22 Q Does that refresh your memory as to whether or not
23 NARCO was ever operated as a division of some
24 other company?

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1 A Apparently, it was.

2 Q Do you know when NARCO became a division of Eltra
3 Corporation?

4 A Specifically, no.

5 Q Do you know approximately when it happened?

6 A No. I can only assume. I can only make
7 assumptions.

8 MR. HEINTZMAN: Don't assume, only what
9 you know.

10 Q If you could take a moment or two, explain the
11 columns on the order form that has been marked as
12 Plaintiff's No. 3?

13 A Okay.

14 Q And if there's any significant difference from
15 what we've talked about before, if you can,
16 explain it.

17 A I don't know that there are any significant
18 differences. All I know is we tried to design a
19 form to get rid of some of these things we
20 considered extraneous.

21 "Customer No.," each customer was given a
22 number, and that was then entered at the top of
23 the order form. The plant that was to do the
24 preparation and shipping is indicated in the

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1 left-hand corner, and we, again, show whether the
2 order is entered by it WX or mail?

3 Q WX?

4 A Teletype. But, we may have a interruption of
5 teletype services, and, so, if it went out, we
6 still wanted the orders out by mail, and we would
7 send them by mail. So, we left that on there.

8 The "route via," indicates how the route
9 was to be routed. And, in this case, it was a
10 truck shipment and McQuade was the trucker.

11 Again, it shows the bill of lading and
12 how the bill of lading is to be distributed.

13 Notice of shipment, again, "special."
14 That's how the shipment was to be distributed.
15 The code, I don't know what that meant at all. It
16 had nothing to do with us, so it was left blank.

17 Business class; we decided to classify
18 our various customers by business type and that's
19 what that stood for.

20 Q When you say, "business class," are you referring
21 to the box with the "B/C"?

22 A Yes, that's right.

23 Q And, that code would be, like, steel mill or
24 aluminum plant or something like that?

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1 A That's correct. And, then, the territory credit
2 indicates how the territory credit for this
3 particular order was to be distributed and the
4 number of the invoices, and who was to receive the
5 invoice.

6 In this case, copies were to be sent to
7 the "sold to" address shown in the "sold to" space
8 on the order form.

9 Salesman's purchase number; we changed
10 our practice of having sales order numbers there,
11 and what we did there is we insisted that our
12 sales offices send to us a preliminary order with
13 an order number on it, which they maintained the
14 logs of, and they would institute this particular
15 order number.

16 Q So, beginning with this newer form, the sales
17 order number was created by particular offices?

18 A Let me correct that -- that's not correct. We did
19 allow that; for particular offices to do that.

20 This one indicates that this was entered
21 by our Cleveland location, and that's why the "C"
22 is there. We kept of log of orders by numbers and
23 these would be assigned, again, on a random basis,
24 but it would have to be -- the customer's name

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1 would have to be logged beside the customer's
2 order on the log we kept. It was a legal pad of
3 paper, and we put the numbers out and listed them
4 on there. And then the "sold to" is underneath
5 that.

6 And, in the left-hand side, you have
7 "consigned to," and which indicates, again, the
8 consign to and where they're to be shipped to.
9 And, in this case, it is Mechanics Station Truck
10 Stop 173, in Johnstown Pennsylvania, and the date.
11 This meant that it would be shipped any time
12 within that particular month.

13 Q If you will, continue explaining the columns on
14 this form which has been marked as Plaintiffs' 3.

15 A On the date entered, again, is going to be the
16 date that the order was entered by Cleveland, and,
17 then, the customer's purchase order number is to
18 the right of that.

19 Customer Requisition number is
20 immediately to the right of that. Customer order
21 date, and by this one, it indicates that it was by
22 phone on the date preceding our October 4th.

23 Requested routing was the one if they had
24 a special carrier that they wished us to use.

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1 Customer order -- release date -- was if they call
2 up and say, I want you to release such and such
3 material. If they have a release number that they
4 wanted associated with that, that would go on the
5 next line down release.

6 "Terms" is 30 days, Womelsdorf. That's
7 our manufacturing and shipping plant. Three boxes
8 indicated whether or not they included freight.
9 Then, an "x" would have been placed in this box,
10 or in the case of the next two relate to freight
11 terms. In this, it is XX or collect and the "X"
12 indicates it's collect shipment. The space next
13 indicates the minimum weight and also the freight
14 that the customer's charge to the contact.

15 Right underneath that, there's the
16 columns for "quantity ordered," "name,"
17 "description," "size," and our drawing. You
18 understand the description column allows for all
19 of that.

20 The equivalent per piece was in the next
21 column, the total, then next was our published
22 base at that particular time.

23 Q What do you mean, by published base?

24 A We had a published base price list.

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1 Q What does it mean to have them under that base
2 column?
3 A It just indicates the base that was in effect for
4 that time.
5 Q For example, here there is a No. 715, and then a
6 period after it?
7 A That would have meant that that base was 715 per
8 thousand, at that time.
9 Q Was base price normally referred to in terms of
10 thousands?
11 A Yes, or net tons, if it was a specialty product.
12 Q If it were a brick, it would be a price per
13 thousand, per thousand brick?
14 A Per thousand 9-inch equivalent.
15 Q Or, if it was another material that was packed,
16 for example, then the number would be numbers per?
17 A Net ton.
18 Q Net ton?
19 A Then, next is the for percentage extra, and then
20 the pricing that would be charged to the customer,
21 and the unit of measure that was being used for
22 the price.
23 Q Then the bottom: is there any special
24 instructions?

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1 A Right. The bottom is special instructions for the
2 billing department or anyone, if you wanted to
3 give special instructions, too.
4 Q Now, the form that we have in front of us, which
5 has been marked as Exhibit 3 would have come into
6 effect sometime in 1971?
7 A That's correct.
8 Q For how long a time period was this form used to
9 reflect orders of material?
10 A As far as I can recall, it would have been used
11 right up until we tried to get into our
12 computerized order entry.
13 Q That would have been in about 1981?
14 A '81.
15 Q So, any of these sales order forms that we would
16 look at from 1971 until 1981, would be interpreted
17 in the same way that you've explained with respect
18 to Exhibit 3?
19 A Correct.
20 Q Now, what would be the practice if more than one
21 page was necessary to record all of the materials
22 that were being bought by a customer using a form
23 No. 3, that's been marked as Exhibit 3?
24 A Again, we would have had the same sales order

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1 number on the second page. That would continue on
2 all of the numbered pages. Then, you would have
3 been on the "consigned to" -- you would have been
4 on page 2, page 3, page 4.

5 Q You mentioned that in the upper left-hand corner
6 of Exhibit 3 there was a customer number assigned
7 to particular customers?

8 A That's correct.

9 Q When did that -- did that start in 1971, or had
10 that been done in connection with sales prior to
11 1971?

12 A I really don't remember -- I don't remember.

13 Q Prior to 1981, was there any automatic data
14 processing of any kind in connection with sales
15 information?

16 A You mean any computerization?

17 Q Yes.

18 A No.

19 Q Now, the order forms that would be filled out by
20 the sales department; those forms were not going
21 to customers as part of the purchasing process,
22 were they?

23 A This was one set of the order forms. As I
24 indicated, of the seven-part form, that was our

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1 formal order acknowledgment form, which was sent
2 to the customer, unless they sent us specific
3 instructions not to send it.

4 Q So, customers on occasion, would regularly receive
5 copies of these order forms as a way of
6 acknowledging that they had been received and were
7 being processed by NARCO. But, in some cases if
8 they didn't want them, they wouldn't get them?

9 A Unless they specifically instructed us not to mail
10 them, we would mail them.

11 Q Did NARCO have relationships with some customers
12 whereby there would be blanket purchase orders or
13 annual agreements as to sales, whereby the
14 customer would already have a pre-existing
15 arrangement, and all they would have to do is
16 contact NARCO to release a certain quantity of
17 something according to a previously arranged sales
18 arrangement?

19 A Yes, there were some, but relatively few, to be
20 honest. We didn't want it. We would rather
21 manufacture the specific order.

22 Q To the extent that there were these broader
23 purchasing arrangements, how would they be handled
24 differently, if at all, with respect to the order

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1 documents?

2 A Actually, they wouldn't have been handled
3 differently. The blanket order would have been
4 made up on a specific sales order, such as this
5 and marked blanket order, and then it would have
6 been filed away, really. And then any time that
7 they wanted to release against it, we would really
8 enter a new order to actually create manufacturing
9 for that particular product.

10 Q Now, the sales order form would have been the
11 document to get the actual shipment of the
12 material going on its way to the customer?

13 A That's correct.

14 Q What happened to the sales order forms after the
15 material has been shipped to the customer?

16 A Again, it's going to -- I say sales order forms. I
17 am going to have to ask you which part?

18 Q The portion of the form that would have been
19 created in, or received by, the central sales
20 office in Cleveland -- I think you referred to it
21 before as a green sheet.

22 A Green sheets, right. As I said before, we get --
23 the sales correspondent really had three copies of
24 it. The green sheet, itself, would have been

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1 going from the sales correspondent, and it would
2 go into the sales administration or the manager of
3 the inside sales department at that particular
4 time for his review, and he would keep a running
5 tally on a day-to-day basis.

6 And, from that, it would then go back to
7 the file clerk and be filed into our central
8 files, green sheet files.

9 Q Okay. So, the green sheet copy of the sales order
10 form, after it has been reviewed by the
11 appropriate people within the internal sales
12 office, would go to the central files for record
13 keeping?

14 A That's correct.

15 Q Those central files are located in Cleveland?

16 A Yes; that's correct.

17 Q How are those files organized in Cleveland?

18 A They are organized, we have certain -- actually,
19 it is by date, with the customer, alphabetically.

20 We would have special files set up there
21 for the major accounts for any complicated enough,
22 more than one folder could be created.

23 Q So, the the green sheets would have been filed by
24 the customer, and within a customer's file they

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1 would be filed by date?

2 A That's correct.

3 Q For what time period -- strike that. What time

4 period of records are still maintained of these

5 green sheets that were completed by the sales?

6 A Well, from what I can examine in searching the

7 files, we go from sales as early as 1941 up until

8 the present time.

9 Q Are those files of sales records still kept in the

10 Cleveland office?

11 A Yes, they are.

12 Q And where are they located?

13 A In a file room on the 9th floor, adjacent to the

14 sales department, inside the sales department.

15 Q Do you know if any of those records that are

16 maintained in that 9th floor file room have ever

17 been destroyed pursuant to any record destruction

18 policy?

19 A It's not our policy to destroy those records.

20 Those are important to us, and we tend to keep

21 them.

22 Q So, to the best of your knowledge, the records of

23 historical sales of North American Refractories

24 Company are complete and are in existence, as far

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- 1 as you can go back to, 1941?
- 2 A As far as I can see.
- 3 Q You don't have personal knowledge of what the
- 4 record keeping practices were, specifically, as to
- 5 the materials from 1941 to 1951?
- 6 A That's correct.
- 7 Q What leads you to believe that they are complete
- 8 for the time period of 1941 to 1971?
- 9 A Simply because we've never ever had an occasion
- 10 for anyone to say to us we left them out.
- 11 Q Okay. And, in the case of a customer that has,
- 12 for example, more than one steel mill, let's say
- 13 US Steel, for example, that has steel mills all
- 14 over the place; are the sales files organized by
- 15 plant or just by customer?
- 16 A It's going to depend on the customer and the type
- 17 of business we do with him. But, if he is in
- 18 jurisdiction we are going to do it by plant.
- 19 Q Are the sales records for US Steel organized by
- 20 plant or by US Steel?
- 21 A US Steel is organized by plant.
- 22 Q And are there any central files for US Steel that
- 23 aren't organized just by plant?
- 24 A None that I know of.

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1 MR. HEINTZMAN: You're talking just
2 plant only?

3 Q Are the sales records that we have been discussing
4 on the 9th floor file room records that are in
5 your jurisdiction?

6 A Yes, they are.

7 Q You have signed an affidavit indicating that, to
8 the best of your knowledge and belief, there were
9 no sales of anything to the Johnston works at US
10 Steel.

11 Please explain for me, the process you
12 went by to come to that conclusion.

13 A I didn't recall any, from a personal view.
14 Secondly, we went through all of the -- a sheet
15 and could find none.

16 And, then, third of all, I went to a
17 veteran employee of NARCO, and she also worked
18 here, with you, and the Baybury plant, and if
19 anyone would be aware of a sale in to US Steel,
20 she would be one person outside of most who might
21 have knowledge of it. And she could not --

22 Q Is there -- is this any US Steel in Cochocton?

23 A No.

24 Q You obviously didn't find a folder with anything

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1 in it for Johnstown, because you could find no
2 folder: is that correct?

3 A No. I said I went through the entire US Steel
4 file, sheet by sheet, just in case anything got
5 misfiled.

6 Q Now, is it fair to say that most of the purchases
7 by US Steel for plants around Pittsburgh within
8 100 miles of purchase were from the central office
9 down in Pittsburgh. I am sure you meant central
10 purchasers, as opposed to some purchasing agent at
11 some specific plant?

12 A Most. I would say, yes, that's true.

13 Q From your experience with the Pittsburgh
14 purchasing office, when US Steel purchased
15 materials, did they always specify where it was
16 to be kept, or did they later make sure it went to
17 where they wanted it to?

18 A They always refer to a specific location. I never
19 heard of US steel having a -- anything.
20 US Steel, Johnstown had a display for refractory
21 products.

22 Q Did you ever hear of why you never made any sales
23 to Johnstown?

24 MR. HEINTZMAN: To US Steel?

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1 A To US Steel. It is -- only thing I ever heard
2 not specifically related to her, but to Johnstown
3 Q I'm sorry, I'm confused by your answer. It see
4 you started to say something.
5 A To US Steel -- there was a expansion between US
6 Steel and North American Refractories, and for
7 many years we didn't do any business with US
8 Steel.
9 Q So, whatever the reason is, to the best of your
10 knowledge and belief, North American Refractories
11 Company never sent anything of any kind or
12 significance to them, for which records were
13 destroyed?
14 A Yes.
15 Q Maybe you already answered this, and I apologize
16 for it, but if I am, if you wish to make a
17 statement?
18 A It is because we have never had any kind of sear
19 or destroying or throw anything out. The record
20 on the green sheets are just too valuable.
21 There are some shapes, for instance, th
22 are not ordered, too, on a timely basis, and I c
23 think of a real situation where a man called me
24 from New England. And, going back to about the

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1 Q Are you familiar with the green sheets that were
2 brought here, today?

3 A Yes.

4 Q Is there any other record? Earlier, you mentioned
5 that a log was maintained of sales order numbers
6 that would request the customer name after the
7 sales order number.

8 For how long a period of time was a log
9 of that nature maintained?

10 A Well, as I said, it was written on a legal size
11 pad really in pen, and we just kept it on a
12 continuing base.

13 Q Are any of these logs still in existence, for
14 areas, prior to 1961?

15 A So this thing indicated -- there was a running
16 log.

17 Q And is there any log, or compilation of any kind
18 that records -- records is not the best word that
19 relates to sales -- service orders from customers
20 for any time period over '81? So there is no way
21 to -- so, there is no way to
22 what is on the historical fi
23 is some receipt that elimina
24 the hard copy?

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1 A That's correct.

2 Q So, if anyone had a question about the sales, they
3 would actually get to that through the vendor.
4 What time periods are encompassed, based on the
5 documents that have been provided to me today?

6 A I'm sorry. I didn't hear you. I tried to get
7 them all the way up to today.

8 Q From a brief review of the documents, it's clear
9 they begin in 1951? Were there any documents
10 found that applied to any time period before 1950?

11 A For a particular --

12 Q For Bethlehem Steel, Johnstown?

13 A I would say, no, if they aren't working there.

14 Q Have you reviewed these documents at all, or were
15 they done under someone? Who actually did the
16 work of reflecting these?

17 A They just went to work. And, I also had some
18 volunteers helping on that.

19 Q Other than the customer's files with the green
20 sheets in them, do you maintain any other
21 historical files? Are there any kind of documents
22 relative to that; relative to relationships that
23 NARCO may have had with US Steel in '79 that are
24 generated and that relates to current sales?

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1 And, those marketing records; did they
2 encompass -- we are talking about just recently,
3 or are they kept for previous years?

4 A They are kept.

5 Q Are they specific; for particular customers, or
6 are they reports that aren't sent to the
7 customers?

8 A We have some that are titled to some specific
9 customers.

10 Q Did you indicate that sale by plant?

11 A Whether or not --

12 MR. HEINTZMAN: By plant, do you mean
13 a plant to which the product was sent, or the
14 plant that manufactured it?

15 Q I mean the plant to which the material is sent.
16 Just so I'm clear, are there any reports earlier
17 than 1980, that recorded, in some summary fashion,
18 sales of particular products to --

19 A No.

20 Q Did NARCO prepare, on a regular basis, some sort
21 of an annual record of sales to a particular
22 customer? I would like to know what was sent to
23 particular truckers over the year?

24 A Yeah.

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- 1 Q What's that record called?
- 2 A It's a summary report of some kind.
- 3 Q Who generates that?
- 4 A Billing.
- 5 Q What office, then in NARCO deals with billing of a
- 6 customer for material that has been shipped?
- 7 A Our billing department.
- 8 Q Is that located in Cleveland? Presumably, the
- 9 billing department creates invoices that are sent
- 10 to a customer for purchase, has it's own
- 11 recordkeeping process. Have you checked to see
- 12 what the record was with the billing department as
- 13 to invoices?
- 14 A Yes, I have.
- 15 Q And what is their record keeping?
- 16 A '58.
- 17 Q Do you have any historical records to your
- 18 knowledge?
- 19 A No.
- 20 Q Is that something you checked?
- 21 A Yes.
- 22 Q Do they destroy the records?
- 23 A My days are over, but now only with the -- after
- 24 five years.

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1 Q Maybe I'm confused. The billing department; their
2 invoices, after 5 years, are physically destroyed.
3 They are not sent elsewhere for storage. Who was
4 in the billing department that would be
5 knowledgeable about the billing system, and that
6 would be familiar with the particular period of
7 time.
8 A T. J. Walters.
9 Q Do they have a computerized system?
10 A No, since we went on this computer system, it's an
11 order entry driven system.
12 Q Just so I'm clear, records that are maintained
13 under your custody and control of the sales
14 orders, to the best of your knowledge, do those
15 encompass all sales?
16 A Yes.
17 Q So, if a customer ordered, it would be written
18 as -- it would have been -- created a sales order,
19 and a copy of that order will be in the file?
20 A Yes.
21 Q I'm glad.

22 (Plaintiffs'
23 Exhibits 4 and 5
24 marked for
identification.)

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1 Q I have a one-page document dated approximately
2 February 4 of 1970, and it's a one-page document
3 and, also a document which has been marked for
4 identification as Plaintiffs' Exhibit 5. It's a
5 one-page document. And, I would like to show you
6 this, and if you can identify those as typical of
7 invoices that would be sent by NARCO to a
8 customer, in text.

9 A They look typical to me. I would have to say yes.

10 Q I'm not asking you anything about the specific
11 materials that were sold as to those invoices. My
12 question is that the kind of form NARCO used to
13 move by its particular sales, these NARCO forms
14 that we have in front of us, Exhibits 4 and 5?

15 A Yes.

16 Q The one other question I have with respect to
17 Exhibits 4 and 5. The invoices themselves do not
18 appear to record any locations of the order number
19 that was created by NARCO internally.
20 To the best of your knowledge, North American
21 Refractories Company has made sales within the
22 States of Ohio and Pennsylvania, and throughout
23 the course of it's attendance?

24 A Yeah.

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1 Q Since you have been with NARCO in 1961, has NARCO
2 ever acquired any other companies that have been
3 in the business of the manufacturing of
4 refractories or insulation materials of any kind?
5 A Yes, but whether or not -- whether you would say
6 NARCO did it -- I'm trying to think. Can't think
7 of it right now.
8 Q Would this be after '79?
9 A I believe so.
10 Q Before 1979, can you tell the acquisition of the
11 Company?
12 A No. Boy, of all the problems I had today, I can't
13 remember the name of it. I guess I was glad to
14 get rid of it. In any case, sometime after
15 1979 --
16 Q What kind of factories are we talking about?
17 Did they make some special products?
18 Can you remember the name of the company?
19 MR. HEINTZMAN: We will provide that.
20 Q It's not correct, but I was just giving it to you.
21 Anyways, there was one factory or a series of
22 factories, and I think it was three to five years,
23 and then, that factory was sold to someone else?
24 A Yes. Allied had the business then.

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3

- 1 Q Who was it sold to?
- 2 A I'm not sure.
- 3 Q Was it operated as part of NARCO operations?
- 4 A Yes.
- 5 Q Was it it's name changed?
- 6 A No, not at that time. It was changed afterwards.
- 7 Q And where is that located, approximately?
- 8 A I've never been there, so I can't say.
- 9 Q This second acquisition by Allied was the Gladden
- 10 McDearn division?
- 11 A That's right.
- 12 Q When did that take place?
- 13 A It would be around '81, I think. I'm really not
- 14 sure.
- 15 Q What was your acquirement.
- 16 A It acquired some mining property and a sales
- 17 structure on the west coast, and I believe there
- 18 were four manufacturers.
- 19 Q What kind of products, roughly, did they make?
- 20 A They made fire fingers.
- 21 Q Did those assets come to be deliberated on during
- 22 deliberations?
- 23 A Valley Mineral Products.
- 24 Q They are now referred to as Valley Mineral

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1 Products. Do you know the reason they were
2 required to be divested?

3 A The FDA made them. It was part of a -- they had
4 to do with getting rid of mineral products.

5 Q At any time, to your knowledge, did NARCO or any
6 of its parent companies ever set up any substances
7 and just leave them?

8 A No.

9 Q Do you have any knowledge as to whether or not any
10 of North Cost Products ever contained asbestos
11 fiber?

12 A No.

13 Q So, if I were to ask you, can you name one product
14 of NARCO that contained asbestos fiber, you would
15 have no idea?

16 A I wouldn't have the slightest idea.

17 Q Do you know whether NARCO ever got involved in the
18 sale of asbestos fiber?

19 A Not to my knowledge.

20 Q You're not aware of any? As part of NARCO's
21 business operations, have they ever operated sand
22 quarries or sand operations.

23 A You mean, what were the nature of these
24 operations?

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1 Q Yes.

2 A The quarry, I think -- I really don't know the
3 name of it. I know it was located near Mount
4 Union, Pennsylvania.

5 Q Do you know approximately when that quarry would
6 have been in operation?

7 A No, I don't.

8 Q Was this operation something that was early in
9 your career or --

10 A I was never involved with anything to do with the
11 quarry, so I really had no reason to be aware of
12 it, but, that it was being sent to our Mount Union
13 Plant.

14 Q You don't recall various grades of it as being a
15 problem?

16 A No. Silica bricks, yes. But, not Silicon.

17 Q Please identify the manufacturing plants of Ranco.

18 A Current?

19 Q Let's start with when you started, in 1964?

20 A Rogton, Ohio, and there was our Dover Plant,
21 Dover, Ohio. And, there was Curwensville.

22 Q How's that spelled?

23 A C-u-r-w-e-n-s-v-i-l-l-e.

24 Q That's Pennsylvania?

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1 A Pennsylvania.

2 Q Mount Union, Pennsylvania, Womelsdorf,

3 Pennsylvania, Farber, Missouri, and then, we added

4 White Cloud, Michigan. And, then the plants

5 currently at the west coast which would be Renton,

6 Oregon, and Indian Hill, California.

7 Q Are there any other plants that you can recall

8 that NARCO has operated since 1981?

9 A Yes, the Williams Grove Plant products, Williams

10 Grove, plant.

11 Q Where was that located?

12 A Williams Grove, Pennsylvania.

13 Q Do you know if there were any plants that NARCO

14 operated during -- for any significant period of

15 time, say in the 40's or '50's?

16 A There were several. There was Queens Run.

17 Q What state?

18 A That's Pennsylvania.

19 Q And, I think it's Elk, but whether or not -- if

20 there was a second part of that, that was in

21 Pennsylvania. Also, those are the only I can

22 recall, and that was as a matter of hearsay.

23 Q Where was that near? Where was the Elk plant

24 near?

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1 A I have no idea.
2 Q The Ironton, Ohio, plant that was operated pre-
3 1961.
4 A Yes.
5 Q Is that still in operation?
6 A No.
7 Q When did that stop being part of NARCO, or when
8 did it shut down?
9 A We had a fire in there. I think it was 1975 or
10 thereabouts, and it was shut down as an operating
11 plant at that time and became a warehouse. This
12 property has since been sold.
13 Q When was it sold?
14 A Just last year, I think. The Ironton Plant had
15 been a manufacturing facility for at least a
16 couple of decades before the fire.
17 Q And without giving the product names, what was the
18 basic type of products that were made at the
19 Ironton, Ohio plant?
20 A Fireproof.
21 Q Were other things manufactured, other than brick?
22 A Yes, there were specialty parts.
23 Q What do you encompass by the term, "specialty
24 products?"

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1 A Mortars, refractories, plastic materials, and
2 gunnite granite mixes.

3 Q When you use the term gunnite mix, are you
4 referring to any material that's used for a
5 refractory purpose that's shot through a gun or
6 are you using it in a more narrow purpose?
7 I am asking you what do you mean, by using the
8 term gunnite mix?

9 A It's just the material that's shot through a gun.

10 Q So you're not limiting it to any subset of
11 materials. You're just using the term gunnite mix
12 as a term to apply to something that is shot
13 through a gun and shot for refractory purposes.

14 The reason I asked that is because this
15 is a product that some companies make that uses a
16 tar base that's gunnite sold under the name of
17 gunnite and you're not using the term in that same
18 sense; you're using it to mean any refractory
19 product shot through a gun?

20 What was the time period of the Dover,
21 Ohio, plant?

22 A That was closed down. I'll have to guess now,
23 about 1965. Maybe it was '66. And it was sold at
24 that time.

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1 Q Was it sold to some other refractory company?
2 A No. It was closed as an operating unit and the
3 land was sold off.
4 Q Had that Dover, Ohio plant been manufacturing
5 refractory parts for at least 20 years before it
6 was closed down?
7 A Yes.
8 Q What was the basic product line made at the Dover,
9 Ohio plant?
10 A Fire brick.
11 Q Did the Dover plant also make some specialty
12 materials?
13 A Not that many of them.
14 Q Okay. So, did Dover, Ohio just make brick?
15 A Just brick.
16 Q What time period was the Curwensville,
17 Pennsylvania plant in operation?
18 A It's still in operation on a limited basis. And
19 whether or not -- how it started, that's long
20 before I went in.
21 Q What was the basic product line of that plant?
22 A Fire, plain.
23 Q Did it just make bricks, or other things?
24 A Brick and specialties.

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1 Q What was the time period of the Mount Union
2 Pennsylvania, plant?
3 A It was in operation when I joined the company.
4 Again, I don't know when it started up,
5 and it is still in Pennsylvania.
6 Q Was it in operation at least a decade or two
7 before 1961?
8 A Yes.
9 Q What was its product line?
10 A Fire brick, Silica brick.
11 Q Did they also make specialties?
12 A Only they had two brands of cements, I think.
13 Q What was the time period of this?
14 A They started in operation again before I joined
15 North American, and they are still in operation.
16 Q Did that plant begin long before 1961?
17 A No. I don't think it was long before 1961. I
18 don't know, but it was relatively new, as I
19 understand it.
20 A What was its product line?
21 A Basic brick, using the technical refractory term.
22 Q Did that plant make any specialty products?
23 A Very few.
24 Q What was the time period of the Farber, Missouri

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1 plant?

2 A Again, that was in operation before I started, and
3 it's still in operation.

4 Q What was its product line?

5 A That plant manufactured products that wouldn't be
6 shipped to Western Pennsylvania.

7 Q Was the Farber plant in existence long before
8 1961?

9 A Yes. As to the White Cloud, Michigan, this is a
10 new thing for any of us -- 10 years old, and I
11 looking -- I am looking now -- basic.

12 Q Have they made specialties?

13 A No.

14 Q So, they are just brick, to the best of your
15 knowledge?

16 A They are just brick.

17 Q The -- when did the West Coast plants that you
18 mentioned come into part of the operation?

19 A Again, I would have to guess. I don't know,
20 either. Well, he has called you three or four
21 times this week and he is in Indian Hill,
22 California. The Williams Grove clay products
23 plant was acquired sometime around 1961, or '62.
24 It was later than that.

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1 Q Do you know, was it shut down or sold?
2 A It was shut down. I don't know if they ever sold
3 the property.
4 Q And, before 1961, there was a plant in Queens Run,
5 California?
6 A Yes. We had a plant in Ashland.
7 Q A plant in Ashland?
8 A Ashland, Kentucky.
9 Q When did that plant become part of the concoction?
10 A I don't know.
11 Q What's on it?
12 A I don't know.
13 Q So, the Ashland, Kentucky plant would have been
14 stopped sometime around the early 1960's. So,
15 were there any other manufacturing plants that you
16 can think of, other than what we have talked
17 about?
18 A The only one I can think of is the one on a
19 limited basis in Canada; Caladon, Ontario, Canada.
20 Q Did NARCO or any of its parent manufacturing
21 plants or the different manufacturing plants that
22 you've identified -- were any of those plants
23 organized plants as far as organized by the
24 steelworkers?

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1 A I don't know.

2 Q Were any of them steelworker plants?

3 A Yes. I know there are at least one or two of

4 them.

5 Q Do you know if any other union, other than the

6 steelworkers ever represented any of them?

7 A No.

8 Q So, the steelworkers, is the only one.

9 Other than the manufacturing plants, I'm assuming

10 that NARCO had various -- is the purchasing

11 department located in Cleveland?

12 A Yes.

13 Q And has it been in Cleveland ever since you

14 started with the company?

15 A Yes.

16 Q Who is up in Pennsylvania?

17 A A fellow by the name of Joe Lewis.

18 Q What is his title?

19 A I believe it's purchasing manager.

20 Q How long has he been with the company?

21 A I have to guess. I am not sure, maybe 15 years or

22 better.

23 Q Does the billings department maintain the accounts

24 payables records, or do you have a separate

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- 1 accounts payables?
- 2 A We have a separate accounts payables.
- 3 Q The billing department sends out the bill, and the
- 4 accounts payables makes sure that this,
- 5 essentially gets paid?
- 6 A (Shakes head.) Accounts payable pays the bills
- 7 which are billed.
- 8 Q So, I'm sorry -- the billing department sends out
- 9 the bills to the customers. The accounts payables
- 10 makes sure that when somebody who works at NARCO
- 11 that-- that's who we need to go see; Konopsky.
- 12 Q How long had he been the top manager in that
- 13 department? He is going to move?
- 14 A Yes. I would say only 10 years.
- 15 Q With respect to the records that are kept on the
- 16 green sheet, the green sheet -- has any document
- 17 of any kind ever been prepared with respect to all
- 18 the customers that you have or all the records
- 19 that you have on them?
- 20 A No.
- 21 Q So, you can't pull a folder out that will deduct
- 22 those that are via Pennsylvania. How many filing
- 23 cabinets of records are covered?
- 24 A To what extent?

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1 Q Earlier, you mentioned an individual that was in
2 inside sales and dealt with the distributors of
3 Airco Products?

4 A Yes.

5 Q To what extent has NARCO sold it's products
6 through distributors as opposed to selling it
7 directly to customers?

8 A That's a very minor part of our business.

9 Q Can you give me some estimate as to volume of
10 sales, 10 percent of sales or 5 percentage of
11 sales?

12 A I would say at the present it is about probably 4
13 percent of sales, or less.

14 Q Four percent, now?

15 MR. HEINTZMAN: He said 4 percent
16 when he left.

17 A I have to say that when I started with the company
18 it had to be less than that. And it probably has
19 gone up since then. Really, on a per annum basis
20 it is hard for me to estimate.

21 Q In any case for all purposes that you're aware of,
22 distributors probably have sold less than 5
23 percent of the total amount of sales?

24 A Yes.

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1 Q Were there any distributors in NARCO products
2 located in the west Pennsylvania area?
3 A There were a couple. The only one that I'm really
4 aware of is the HR Curry Company.
5 Q And where are they located?
6 A In the Pittsburgh area, but I don't know the exact
7 time.
8 Q For what time period, roughly, has HR Curry
9 distributed your products?
10 A I would say about '65 or '66; somewhere around
11 there.
12 Q So, when NARCO sold something to HR Curry Company,
13 generally, it would have been shipped, and you
14 would have had no knowledge as to whether -- did
15 HR Curry have the exclusive rights to sell Airco
16 products?
17 A Not as far as I am aware.
18 Q So, to the best of your knowledge H.R. Curry
19 Company can sell whatever they sold.
20 MR. HEINTZMAN: Objection. That's not
21 what he said.
22 Q Were there any limitations in your department?
23 A The limitations that would have been placed would
24 have been that during the negotiations, and it

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1 would have been expressed.

2 Q Was US Steel considered a major consumer of NARCO?

3 A HR Curry would not let me sell, correct. You

4 always have your input, and they will make a whole

5 drink of nothing, but then give it to you.

6 Q Would this understanding or limitation be put in

7 writing, as part of some distributor agreement?

8 A I have no idea.

9 Q You don't know whether it would have been --

10 A Generally, it would be put in a written agreement

11 or have just been a gentleman's understanding.

12 Q Were there any other distributors of NARCO

13 products in western Pennsylvania area?

14 A Not that I know of.

15 Q What about the state of West Virginia?

16 A None of West Virginia, sir.

17 Eastern, Ohio, Steubenville, -- no, the only

18 one -- there is nothing in that area at all.

19 Q Were there any distributors of NARCO products that

20 weren't located in West Pennsylvania.

21 I am saying the same question with respect to --

22 A Allen Refractories.

23 Q So, Allen Refractories Company, in Columbus, Ohio

24 was a distributor of NARCO Products. And, if they

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1 would have had the opportunity to sell, for
2 instance, in eastern Ohio, or, West Virginia --

3 MR. HEINTZMAN: I am going to object
4 to this.

5 Q But in any case, Allen Refractories may have had
6 products. Do you remember what time period was
7 Allen Refractories?

8 A I would have to say from probably about '66 or
9 '67.

10 Q Was there a situation where Allen Refractories
11 wanted to use --

12 A Allen wanted to be a line.

13 Q So, NARCO would not have any knowledge of
14 alternate destination as the products would be
15 shipped? What organizational unit of NARCO would
16 be most familiar with the composition of its
17 articles? Is that located in Curwensville,
18 Pennsylvania?

19 A No. It's located at State College.

20 Q Has State College been at its location for a good
21 number of years?

22 A It's relatively recent. Prior to that time it was
23 located at Curwensville Hospital.

24 Q For how long has a medical school been out --

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- 1 A Seven years.
- 2 Q Who was the head of the technical center?
- 3 A Now, it would be Dr. Landy.
- 4 Q What is Dr. Landy's first name?
- 5 A Rich.
- 6 Q How long has he been involved in this type of
- 7 work?
- 8 A Predates me so, I would say it's -- I don't know.
- 9 Q Would he be in a position to know the composition
- 10 of products made since 1961?
- 11 A Yes.
- 12 Q What is his degree in?
- 13 A Ceramics Engineering.
- 14 Q Is there anyone else at the technical center that
- 15 is a long-term employee?
- 16 A I know he is a long termer, but I can't tell you
- 17 how long he has been there. He has been there a
- 18 long time.
- 19 Q What is his technical background?
- 20 A I really don't know.
- 21 Q Do you have any knowledge of from whom NARCO may
- 22 have obtained asbestos fibers over the years?
- 23 A No, I don't.
- 24 Q You're not aware of any business relationship with

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- 1 any asbestos company that you know ever in terms
2 of supplying raw materials?
- 3 A No.
- 4 Q Did NARCO ever sell any type of refractory product
5 that was, itself, so clear?
- 6 A Yes, we have.
- 7 Q What types of products would this have
8 encompassed?
- 9 A We had a insulation product. It had great
10 circulation, as well as insulation.
- 11 Q I want to ask you some questions about the resale
12 but also any insulation. Okay. Block insulation;
13 let's see, that was called NARCO block insulation.
- 14 A That was not made by NARCO.
- 15 Q Who made that material?
- 16 A Crane Manufacturing.
- 17 Q To your knowledge, what time period did NARCO sell
18 this block insulation material? To your
19 knowledge, what portion of that time period was
20 the block insulation supplied by Eagle-Picher?
- 21 A I don't know.
- 22 Q And before that time period, the only supplier of
23 that block insulation would have been
24 Eagle-Picher?

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1 A That's right.

2 Q Was the material -- strike that. Was this block
3 insulation shipped by Eagle-Picher or Crane to
4 NARCO's customers, or did the block insulation
5 come to NARCO for packaging in NARCO box?

6 A We -- it was shipped. It was shipped by
7 Eagle-Picher under our name direct or to the
8 customer direct or sometimes to Kernsville, by
9 warehousing.

10 Q Would sales of the NARCO box, etc, have an order
11 number or order form like the other sales that
12 we've talked about, or would they treat it
13 differently in any way?

14 A No. They would generally be on the same as this
15 one here.

16 Q Other than the NARCO block insulation, to your
17 knowledge did NARCO ever sell any refractory or
18 insulation material to customers that was made by
19 somebody else?

20 A Yes. There would be times when we would be short
21 of bricks and we would go to a competitor to see
22 if he could help me.

23 Q Were there particular competitors that would help
24 you out on an as-needed basis? Or did you simply

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1 shop around until you found one that could do it?

2 MR. HEINTZMAN: Do you remember the names
3 of any of the companies that supplied materials to
4 NARCO on occasion?

5 A Yes.

6 Q What names can you remember?

7 A Louisville, Wellsville, AP Green-- really that's
8 about all I can remember, specifically.

9 Q Was this just as to particular types of bricks or
10 did it sometimes apply to other materials?

11 A No, only brick.

12 Q You didn't, for example, sell other peoples'
13 casts?

14 A No, I never bought a specialty from anyone.

15 Q Other than the NARCO block insulation and the
16 sales of brick on an as-needed basis from someone
17 else, did NARCO sell any other types of products
18 to customers that may have been made by somebody
19 else?

20 A Metal hanger and hangers. Insulated fire brick.

21 Q Limiting myself to the insulating fire brick,
22 under what circumstances would NARCO sell someone
23 else's insulating fire brick?

24 A To accommodate the customer, when he wants to

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1 place an order for all of his needs, sometimes
2 that might include insulating the fire brick, with
3 our knowledge, and have it shipped to them.
4 Q Did NARCO not make insulating fire bricks?
5 A We have a type, but it's not radiant, no.
6 Q From whom did NARCO purchase insulating fire brick
7 for retail to other customers?
8 A We've placed it through --
9 Q In a situation where NARCO purchased insulating
10 fire brick from someone else for sale to a
11 customer, would that type of situation be
12 reflected on the customary order form that we
13 discussed earlier?
14 A Yes, it would.
15 Q Would it be an omdocatopm on the order form that
16 this was someone else's insulating fire brick?
17 A It could. It may not.
18 Q If it wasn't a NARCO manufactured product, how
19 would it be recorded on the order form?
20 A When it comes to material and description, as it
21 is above shown, a brand called NA -- something.
22 Q And what would that something --
23 A It would be North American -- 23 or 14 or
24 something of that nature.

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1 Q Would the NA-something mean that it was a product
2 not made by North American?

3 A Yeah. Really, that's the only time it was ever
4 used.

5 Q So, all NARCO products had a name of some kind and
6 if it's reordered on an order form as NA-some
7 number that signifies that it is not a NARCO
8 manufacturing product?

9 A That's correct. But, there are two products that
10 don't fall into that category NA-32 and NA-33, and
11 those are NARCO manufactured, and those are the
12 only ones.

13 Q Was there a particular code that was used for the
14 insulating fire brick made by somebody else?

15 A No, just that.

16 Q So, it could be NA- any of a variety of numbers?

17 A That's correct.

18 Q Is there any way to take that and figure out whose
19 material it was?

20 A No.

21 Q What would decide what number was used after the
22 NA-?

23 A The insulating fire brick -- that would give you
24 about 16. So, NA-16 would be a 61 degree

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1 insulating brick. The only way that can be
2 determined is if somebody made a notation of it.
3 And other manufacture's insulating fiberglass was
4 warehoused somewhere to be shipped out when
5 ordered to be ready for one.

6 Q On the order form, in one of these situations,
7 would it indicate that insulated fire brick was
8 being purchased, or would it just say 5000 NA-15,
9 and not say insulating fire brick?

10 A It would say insulating fire brick, but that would
11 be about the extent of it.

12 Q Other than what we've talked about so far, were
13 there any other refractory or insulating materials
14 sold by NARCO that were made by somebody else?

15 A The only one I can recall is, I said NARCO block
16 insulation. There was a cement that was used with
17 the NARCO block insulation, and I can't recall
18 what that name was right now. It was sold very
19 rarely. We preferred selling our own.

20 Q Was this an insulating cement?

21 A It would have been. I really don't know. Like I
22 said, there is very little. We preferred using
23 our own cement.

24 Q From whom did NARCO get this cement?

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1 A I don't know, I believe it was early.
2 Q Would this be at the same time that this was sold
3 by NARCO?
4 A Yes, but we kept stock of it.
5 Q Some were manufactured for people for use in
6 conjunction. What were the names of those sets?
7 A Narcoset.
8 Q Is that the product sold for that purpose, or are
9 there others used?
10 A That's -- it is only one I ever saw.
11 Q Was Narcoset sold as an insulating cement?
12 A How was it referred to?
13 Q Well, was NARCO set sold for purposes other than
14 simply being used in conjunction with the block
15 insulation?
16 A Yeah. For laying brick.
17 Q Are you aware of whether or not NARCO set ever
18 contained asbestos at any time?
19 A I am not.
20 Q Are you aware of whether or not the block ever
21 contained asbestos at any time?
22 A No.
23 Q Are there any other refractory or insulating
24 materials that NARCO sold that may have been

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- 1 made by someone else?
- 2 A None that I can think of.
- 3 Q Did NARCO ever sell any spray material, gunnite
- 4 spray material that was made by someone else?
- 5 A No.
- 6 Q Okay. So, all the gunnite sprays that NARCO sold
- 7 during your tenure, to the best of your knowledge,
- 8 were made by NARCO. Did NARCO manufacture any
- 9 product that was sold to another manufacturer of
- 10 refractory or insulation materials for sale to
- 11 their customers.
- 12 A Only on a reciprocal basis, where people were
- 13 covered with brick supply, and we could help them
- 14 out. That would be the only one.
- 15 Q So, these are sort of spot sales on an emergency
- 16 basis?
- 17 A Right.
- 18 Q To the best of your knowledge, NARCO never made a
- 19 particular product or products that other
- 20 manufacturers wanted to sell, such that it was
- 21 regularly supplied to that other manufacturer for
- 22 sale and rebranded with that other manufacturer's
- 23 name.
- 24 A I'm sorry?

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- 1 Q Do you know if NARCO ever entered into any kind of
2 a licensing agreement with another manufacturer
3 whereby another manufacturer was allowed to
4 license and sell a --
- 5 A I don't think. Yes, I do, but that was an Indian
6 doctor. We got into it with a licensee in India,
7 but, it was strictly for brick.
- 8 Q So, NARCO manufactured for sale to a concern in
9 the Country of India?
- 10 A Yes.
- 11 Q Was it a brick product?
- 12 A It was a pain in the ass, when I came home.
13 (Discussion off the record.)
- 14 Q Did NARCO ever have an occupational medicine
15 director, either full time or part time,
16 consultant basis, that you know of?
- 17 A I really don't know.
- 18 Q Are you aware of any controversy that ever arose
19 within the company about a NARCO product possibly
20 containing asbestos, and by that I mean before
21 1985?
- 22 A I am not aware of any.
- 23 Q Are you aware of whether NARCO was ever sued by
24 someone claiming they were exposed to an asbestos

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1 product before the litigation I am involved in.
2 beginning in 1985?

3 A No.

4 Q That's not something that you have any knowledge,
5 hearsay, or otherwise. During the tenure that you
6 had with the sales department, have there ever
7 been any inquiries by customers about the possible
8 use of asbestos in NARCO products?

9 A None that I am aware of.

10 Q Do you know if any time during your tenure the
11 sales department or any of the employees in the
12 sales department ever provided any information to
13 people in the store about asbestos being in your
14 department. Do you know if NARCO has ever been
15 involved in any research activities of any kind
16 involving either asbestos or silicon?

17 A No.

18 Q So, you don't know if he was ever involved with
19 dating employees relating to or having to go to
20 the doctor. Have you ever seen any documents as
21 an employee of NARCO in any way dealing with
22 asbestos and health?

23 A No.

24 Q Or in any way dealing with asbestos? Have you

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1 ever seen any written material of any kind where
2 the description containing any kind of warning
3 information about potential hazards associate with
4 any NARCO products? As part of the marketing did
5 NARCO prepare a product catalogue that could be
6 provided to a customer?

7 A General catalogues, yes they did.

8 Q Was there a title for this catalogue?

9 A "NARCO Refractories Guide" and the "NARCO
10 Refractories Handbook" are one in the same.

11 Q So, one document was called the "NARCO Refractories
12 Guide", and the second was called the "NARCO
13 Refractories Handbook", and these books and
14 manuals are standing besides me, and who used to
15 be able to take these things?

16 A Sales General Brochure indicated these things.

17 Q So, what's the difference between the handbook and
18 the guide?

19 A The guide is sort of a little pack that's given
20 out with kits. It just indicates the products
21 that we have available. The handbook is a little
22 more detailed with some things in it, like brick,
23 fireproof.

24 Q Does your officer have dozens of Refractories

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1 Guides and Refractories Handbooks that would have
2 been given to customers over time?
3 A Just the more recent ones. We generally pass all
4 of them out, and then reorder.
5 Q Do you know if you have any guides or handbooks
6 that would have been available for customers in
7 prior years?
8 A We would not.
9 Q All right.
10 Q And, who printed this literature?
11 A Some were printed by an outside printing company.
12 Q Was that done by somebody in the city in
13 Cleveland?
14 A I don't know.
15 Q Who would know who the printer was?
16 A E.L. Starky. He made the arrangements for that.
17 Q Is he in the Cleveland area?
18 A Yes.
19 Q How long has he been in the Cleveland office?
20 A I would say, he started the year before or the
21 year after I did, one or the other. So, it is
22 either '60 or -- '60.
23 Q What's his first name?
24 A Elman.

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- 1 Q And what all --
- 2 A He's right upstairs here on the 10th floor. He is
- 3 the services director, and I am not sure if he
- 4 still holds that title.
- 5 Q Did NARCO prepare or offer promotional literature
- 6 with respect to its literature other than the
- 7 Guide and the Handbook?
- 8 A You mean literature?
- 9 Q Literature that would be given to customers as to
- 10 particular products or --
- 11 A There would be some specialty products that would
- 12 have been.
- 13 Q Would Mr. Starky also be familiar with who printed
- 14 up those brochures?
- 15 A Yes.
- 16 Q Were all NARCO products included in the guide and
- 17 the handbook?
- 18 A I don't think all were included. I think it was
- 19 just a general listing of times of products and
- 20 kinds of products with prices.
- 21 Q If a customer wanted information about a
- 22 particular product, wanted technical data as to
- 23 what their product was, then, a sheet or a
- 24 brochure of some kind that was developed for

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1 specific products that would be sent to a
2 customer?

3 A We would have had a general brochure that we would
4 send, as I indicated today. If a specific
5 product -- if they need a test on a specific
6 product that could be done through our technical
7 services department.

8 Q A sheet of information was regularly kept there
9 for such matters?

10 A That's correct.

11 Q So, for purposes of knowing the basic literature
12 that NARCO sent out to its customers, the
13 Refractories Guide and the Refractories Handbook,
14 there were brochures on specialties?

15 A Let me see, anything; displays, reprints of ads.

16 Q What magazines did NARCO regularly advertise in?

17 A I don't know.

18 Q What department in the headquarters deals with
19 NARCO's insurance?

20 A Entire finance department.

21 Q Finance. So, the finance department is
22 responsible for getting liability insurance and
23 dealing with the insurance carriers for the other
24 people, like me. Why me, I am asking this because

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1 some people have loss casualty insurance, and some
2 people want to know who is responsible.

3 A That, I don't know.

4 Q Who heads up the finance department?

5 A The Vice President of it would be Richard
6 Ainsworth, presently here.

7 Q Did NARCO ever employ individuals who would go in
8 to a customers steel mill for the purpose of
9 applying or installing a NARCO product.

10 A Yes.

11 Q What were these people called?

12 A They were called servicemen.

13 Q Explain the circumstances under which a serviceman
14 would be involved in installing a NARCO product?

15 A As far as the circumstances?

16 Q If that's not a sign on your arrow?

17 A Yes, it's not mine to tell you how they serve
18 everyone at any time. A serviceman in a sales
19 office is made available to the individual outside
20 salesperson.

21 Q Would the serviceman be kind of a technical person
22 that could go in to troubleshoot a problem, or was
23 the serviceman the one that was there for the
24 purpose of installing it and give them the yellow

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1 card?

2 A If you are asking me if he is technically
3 competent, only on the brick layer basis.

4 Q Okay. But, the servicemen were assigned too
5 particular sales offices?

6 A Yes.

7 Q Were they considered a portion of the sales force?

8 A Yes; hourly basis.

9 Q Have you ever been active in any trade association
10 dealing with any asbestos or silicon related
11 question?

12 A No.

13 Q Do you know if anybody has been? Is there a
14 particular person in the central office that would
15 come to your mind as that's the person to go to if
16 your complaint potential hazards of a health
17 problem?

18 A No.

19 Q So, if a customer went to a NARCO salesperson and
20 said, "Hey, I'm worried about the potential health
21 hazards of this NARCO product," and that
22 salesperson called you in the sales office and
23 says, "Who do I get get?" Who would do this? I
24 would ask for the health and safety to the product.

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1 would be forwarded to the -- Is there a person in
2 this respect that I would get?

3 A I would really tell them to contact Dick Landy,
4 and, if necessary, have return them to whoever was
5 there.

6 (Discussion off the record.)

7 Q Have you ever had a deposition taken before, like
8 this, in connection with any litigation?

9 A No.

10 Q Are you aware of anybody in this room? I will
11 pose it like that.

12 A No, not that I am aware of.

13 Q NARCO has manufactured over the years a number of
14 products that are listed in the refractories
15 directories as castables insulating aggregates. My
16 question is can you describe what a castable,
17 insulating aggregate is?

18 A I have no idea what it is.

19 Q For what purposes would Narcocrete be used?

20 A It's a castable. It is used for lining units of
21 some type.

22 Q Is it sometimes used as a spray material or is it
23 always applied in some temporary type fashion?

24 MR. HEINTZMAN: Why don't you -- I'm

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not sure those two are mutually exclusive.

Q Is Narcocrete ever applied in a spray?

A I have never heard it being use in a gun.

Q Is it a dry material that's mixed with water for applications? Same question with regard to Nargolite.

A Again, I've never heard of it being applied by gun. And, yes, it's mixed with water.

Q Same questions with respect to arrow cast?

A As far as I know, that's cast aluminum, but I've never heard of arrow cast going through a gun?

I never ever heard of this, and yes, it is dry and mixed with water.

Q Thank you very, very much, Mr. Spahlinger.

MR. JENNINGS: Just for the record, this is an establishing of 9 or 10 inches of documents that we've referred to and presumably, you're going to transmit them informally, and we can work out an index. From looking at them during the breaks, there are a lot of pages that are to some extent illegible because of the quality of the original document. I assume that we can work out some way to, if need be, somebody can refer to the copies and see if they are as

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1 accurate as the originals.

2 MR. HEINTZMAN: If a particular one
3 or several are poor we can pull the original
4 sheet.

5 MR. JENNINGS: Once we get a product
6 list that will simplify things, because a lot of
7 the names will be obvious.

8 (Deposition concluded at 4:35 p.m.)
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1 State of Ohio,)
 2 County of Cuyahoga.) SS: CERTIFICATE

3 I, Carol Dodrill, Notary Public in
 4 and for the State of Ohio, duly commissioned and
 5 qualified, do hereby certify that the within named
 6 witness, George Spahlinger, was by me first duly sworn
 7 to testify the truth, the whole truth, and nothing but
 8 the truth in the cause aforesaid; that the testimony
 9 then given by him was by me reduced to
 10 stenotypy/computer in the presence of said witness,
 11 afterward transcribed, and that the foregoing is a true
 12 and correct transcript of the testimony so given by
 13 him as aforesaid.

14 I do further certify that this deposition was
 15 taken at the time and place in the foregoing caption
 16 specified, and was completed without adjournment.

17 I do further certify that I am not a relative,
 18 counsel, or attorney of either party, or otherwise
 19 interested in the event of this action.

20 IN WITNESS WHEREOF, I have hereunto set my hand
 21 and affixed my seal of office at Cleveland, Ohio, on
 22 this 10th day of March, 1988.

23 Carol Dodrill
 24 Carol Dodrill, Notary Public
 in and for the State of Ohio.
 My commission expires 3-17-92.

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IN THE COURT OF COMMON PLEAS OF CAMBRIA COUNTY, PENNSYLVANIA

IN RE:

ASBESTOSIS AND SILICOSIS
PRODUCT LIABILITY CASES

CIVIL DIVISION

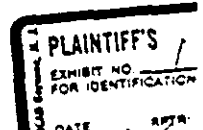
Administrative Docket
No. 1987-71

NOTICE OF DEPOSITION

TO: ALL COUNSEL OF RECORD

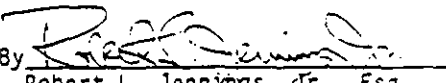
PLEASE TAKE NOTICE that Plaintiffs shall take the deposition pursuant to the Pennsylvania Rules of Civil Procedure of MR. GEORGE W. SPAHLINGER on WEDNESDAY, JANUARY 27, 1988, commencing at 10:00 a.m., and continuing from day to day until completed, to take place at the corporate offices of North American Refractories Company, located at 900 Hanna Building, East 14th and Euclid Avenue, Cleveland, Ohio 44115, (216) 621-5200.

Mr. Spahlinger is an official of NARCO and will be questioned concerning sales of various products from NARCO to Johnstown, as well as other matters relevant to this litigation. Mr. Spahlinger is requested to produce and have with him for purposes of the deposition records previously requested in Plaintiffs' Request for Production of Documents and Interrogatory Answers relating to sales records so that the records can be discussed and attached as



exhibited to the deposition. Counsel are invited to attend and participate as they may see fit.

HENDERSON & GOLOBERG, P.C.

By 
Robert L. Jennings, Jr., Esq.
1030 Fifth Avenue
Pittsburgh, PA 15219
(412) 471-3980

and

Gary L. Costlow, Esquire
Third Floor, Central Park Commons
430 Main Street
Johnstown, PA 15901
(814) 539-5884

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing NOTICE OF DEPOSITION were forwarded to all counsel of record by first class U.S. mail, postage prepaid, on this 22nd day of January, 1988.


Robert L. Jennings, Jr.

9235

SALES DEPT. COPY

SPECIAL INSTRUCTIONS:

(a)

CONFIRMING ITV. DO NOT DUPLICATE.
TO BE SHIPPED FROM STOCK OF KILN FOR
NATURE PER MR KURTZ'S LTR 4/16/70
& SUBSEQUENT CORRESPONDENCE.
SHIP ONE C/L IMMEDIATELY, BAL TO BE
SHIPPED AS REQUIRED.

CONSIDERED TO
BE A MEMBER OF THE
FEDERAL BUREAU OF INVESTIGATION

ROUTES VIA

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

SOLD TO

DATE OF SHIPMENT

ORDER NO.	DATE ENTERED	CUST. ORDER NO.	CUST. REQ. NO.	CUST. ORDER
8836	10/25/39	P-1018-10-41	AM-0113	10/18/30

[illegible]

1992

TERMS: NET 15 DAYS

[illegible]

100-100000

1.10	90700
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PLAINTIFF'S 2
EXHIBIT NO. 2



NORTH AMERICAN REFRACTORIES CO.
DIVISION OF ELTRA CORPORATION
CLEVELAND, OHIO 44114

SALES ORDER

PLANT WOMELSDORF

BY T.W.X. TWX

BY MAIL

CUSTOMER NO.	ROUTE VIA	BILL OF LADING	NOTICE OF SHIPMENT	CODE	SIC	TERRITORY CREDIT	VOICES PAID	SALES ORDER NO.
127	MC GUAIDE	S	SPEC	10	212	2/3	835 1/3	25 C-4006
1202								

SOLD TO SUBSIDIARY CO. OF BETHLEHEM STEEL CORP. BETHLEHEM STEEL CO.
BETHLEHEM, PA. 18016 MECH. DEPT., TRUCK STOP #173
JOHNSTOWN, PA.

CONSIGNEE TO SAME AS SELLER UNLESS OTHERWISE SPECIFIED

SHIPPING DATES: OCTOBER 1971

DATE ORDERED	CUSTOMER ORDER NO.	CLEARING NO.	CUSTOMER ORDER DATES	ORDERED ROUTING	RELEASED
10/5/71	600-105-H9387-P3	410-54465	PHONE 10/4		
TERMS	PRICES ARE FOR	INCLUDES	PPD	COL	WEIGHT
NET 30 DAYS	WOMELSDORF, PA.		XX		32M 6.70MT

QUANTITY ORDERED	NAME	DESCRIPTION	SIZE	ONE DWG. NO.	QUANTITY	UNIT PRICE	TOTAL PRICE	BASE	- Extra	PRICE
10,000	NARMAG JOB	9X4-1/2X3 STS			1.20	12000	715.			.858 EA
608		9X4-1/2X2-1/2 STS			1.00	608	DO			.715 E
1,184		9X4-1/2X1-1/4 #1 SPLIT			.50	559	DO	\$265		.49 E
736		9X4-1/2X2 #2 SPLIT			.80	589	DO	\$70		.625 E
					T/EQ	13756				

SPECIAL INSTRUCTIONS

TRKS WILL BE ACCEPTED ONLY BETWEEN HRS OF 7AM & 2PM, MON. THRU FRI.
INCLUSIVE HOLIDAYS EXCEPTED AND B/L SHOULD BE SONOTED,
TYPE C-1 PROT. DWG P-235.

DMR

... TWX 10/5 ...

PLAINTIFFS
EXHIBIT NO. 3
FOR IDENTIFICATION
DATE: OCT 10 1971

DIVISION OF ELTRA CORPORATION
NATIONAL CITY - E. 6TH BUILDING
CLEVELAND, OHIO 44114

[illegible]

MOUNT UNION, PA.

FEB. 24, 1970

60-1551

SUBSIDIARY COMPANIES OF
BETHLEHEM STEEL CORPORATION
BETHLEHEM, PENNSYLVANIA 18016

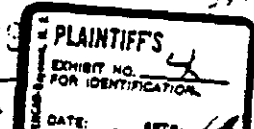
BETHLEHEM STEEL COMPANY
MECH. DEPARTMENT
TRUCK STOP #242, JOHNSTOWN, PA.

44

2.0.E CUB WORKS

CAR NO.

CUSTOMER ORDER NO	DESCRIPTION	QUANTITY SHIPPED	XEROX EQUIV.	PRICE	AMOUNT
	SHIPPED 2-24-70 B/L 60-2-86 C.A.SMETROM, INC. - PREPAID				
100-105- 100-107-20 100-110- 50472	LC-SF ITEM #200 9x4½x3 STS. PACKED ON 13 PALLETS	5224	6989	194.30M	1,131.
	PLUS PREPAID FREIGHT CHARGES AS PER BILL ATTACHED			#7177# @ 3.30NT	77.
	SHIPPED 2-24-70 B/L 60-2-87 C.A.SMETROM, INC. - PREPAID				
	LC-SF ITEM #223 9x4½x3 STS. PACKED ON 15 PALLETS	2743	6583	.7052M	1,335.
	PLUS PREPAID FREIGHT CHARGES AS PER BILL ATTACHED			#4199# @ 3.30NT	72.
	SHIPPED 2-25-70 B/L 60-2-93 C.A.SMETROM, INC. - PREPAID				
	LC-SF ITEM #200 9x4½x3 STS. ITEM #223 9x4½x3 STS. PACKED ON 13 PALLETS	LC32 544	6836 2026	194.30M .5052M	783 420
	PLUS PREPAID FREIGHT CHARGES AS PER BILL ATTACHED			#6261# @ 3.30NT	76.
	SHIPPED 2-25-70 B/L 60-2-95 C.A.SMETROM, INC. - PREPAID				
	LC-SF ITEM #200 9x4½x3 STS. PACKED ON 13 PALLETS	5224	6989	194.30M	1,131.
	PLUS PREPAID FREIGHT CHARGES AS PER BILL ATTACHED			#7177# @ 3.30NT	77.

[illegible]

NEURO

FILE NO.	REPORT FROM	REPORT DATE	REPORT NO.
	CURWENSVILLE, PA.	FEB. 27, 1970	50-49

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SUBSIDIARY COMPANIES OF
BETHLEHEM STEEL CORPORATION:
BETHLEHEM, PENNSYLVANIA 18016

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BETHLEHEM STEEL CORPORATION
MECH. DEPARTMENT, TRUCK STOP #2.
JOHNSTOWN, PA.

V: 2

F.O.B. OUR WORKS

CAR NO.

CUSTOMER ORDER NO	DESCRIPTION	QUANTITY SHIPPED	WEIGHT XGROSS NET	PRICE	AMT
	SHIPPED 3-27-70 B/L 50-2-315 McQUAIDE TRUCKING Co. - COLLECT				
C-210+	NARCOLINE PLASTIC IN 100# CARTONS	360	36000	99.90NT	1,777.20

0-210-
1-1-1-
1-1-1-
1-1-1-
1-1-1-

PACKED ON 12 PALLETS

100632

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PLAINTIFF'S
EXHIBIT NO. 5
FOR IDENTIFICATION
DATE _____