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June 3, 2003

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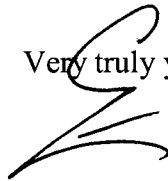
RE: Robert F. Adams and Naomi Adams, his wife vs. General Motors
Corporation, et al. No. 7870 of 2002 (Westmoreland County)

Dear Jason:

Enclosed please find the transcripts of Maremont's representative, Carl Liggett, taken on 9/26/01, 12/12/01, 3/29/02, and 8/15/02.

After reviewing these transcripts, please advise as to whether you still believe it will be necessary to proceed with the deposition of the Maremont representative. If so, I will have to make arrangements for the deposition to take place at a time and place other than June 24 at your office.

Very truly yours,



Eric K. Falk

EKF/sla
Enclosures

cc: Defense Counsel of Record (w/o enc.)

1 IN THE STATE COURT OF FULTON COUNTY
2 STATE OF GEORGIA
3 ADDIE TUCK, Individually and)
4 for the Estate of JOHN R. TUCK,)
5 Plaintiff,) Civil Action
6 vs.) No. 00VS010679D
7 AC & S, INC., et al.,)
8 Defendant.)

9 The discovery deposition of CARL LIGGETT, taken
10 in the above-entitled cause, before Janet M.
11 Stanton, a Notary Public of DuPage County,
12 Illinois, on the 12th day of December, 2001 at 8000
13 Joliet Road, McCook, Illinois, pursuant to Notice.

14
15 Reported by: Janet M. Stanton, CSR
16 License No.: 084-001905

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19 CONDENSED
20 TRANSCRIPT
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Page 2 1 APPEARANCES: 2 NESS, MOTLEY, LOADHOLT, RICHARDSON & POOLE 3 BY: MS. ANNE MCGINNESS KEARSE 4 28 Bridgeside Boulevard, P. O. Box 1792 5 Mount Pleasant, SC 29465 6 (843) 216-9140 7 On behalf of the Plaintiff; 8 KASOWITZ, BENSON, TORRES & 9 FRIEDMAN, L.L.P. 10 BY: MR. JOHN C CANONI 11 MR. MARK K. HSU 12 1633 Broadway 13 New York, NY 10019-6799 14 (212) 506-1700 15 On behalf of Maremont Corporation. 16 17 18 19 20 21 22 23 24 25	Page 4 1 (Witness duly sworn.) 2 MS. KEARSE: Good afternoon, Mr. Liggett. Is 3 that how you pronounce it? 4 THE WITNESS: Correct. 5 MS. KEARSE: Okay. We just introduced. I'm 6 Anne Kearse. I represent Mr. Tuck in this matter 7 and his estate. Have you given a deposition 8 before? 9 THE WITNESS: Yes, I have. 10 MS. KEARSE: Okay. How many times? 11 THE WITNESS: In this particular instance, or 12 any deposition? 13 MS. KEARSE: Let's start with any. 14 THE WITNESS: Five or six. 15 MS. KEARSE: And just for some ground rules, 16 since you have been deposed before, you know some 17 of the formalities. 18 I'm going to ask you questions. I'm going 19 to ask you to listen very carefully. If there's 20 something you don't understand, please ask me to 21 repeat the question. If you answer my questions, 22 I'm going to assume that you understood the 23 question. 24 Is that agreeable with you? 25 THE WITNESS: Fair enough.
Page 3 1 INDEX 2 WITNESS EXAMINATION 3 CARL LIGGETT 4 By Ms. Kearse 5 5 6 7 8 9 10 EXHIBITS 11 NUMBER MARKED FOR ID 12 Liggett Deposition Exhibit 13 No. 1 26 14 No. 2 147 15 16 17 18 19 20 21 22 23 24 25	Page 5 1 MS. KEARSE: And if you need a break at any 2 time, feel free to do so. 3 CARL LIGGETT, 4 called as a witness herein, having been first duly 5 sworn, was examined and testified as follows: 6 EXAMINATION 7 BY MS. KEARSE: 8 Q. First, let's go over the five or six times 9 you've been deposed. 10 What type of cases have they been in? 11 A. Mostly material supply related to 12 businesses I was working for. 13 Q. And, for the record, let's go ahead and 14 just get some of your background. 15 Can you please state your name and 16 address? 17 A. Carl Liggett, L-i-g-g-e-t-t, 2182 18 University Drive, Naperville, N-a-p-e-r-v-i-l-l-e, 19 Illinois, 60565. 20 Q. And where are you currently employed? 21 A. Accurate Partitions. 22 Q. Are you personally being represented today 23 by counsel? 24 MR. CANONI: You mean in his personal 25 capacity?

Page 6 1 MS. KEARSE: Yes. 2 MR. CANONI: He's being represented in his 3 capacity as a former Maremont employee. 4 MS. KEARSE: In his capacity as a company 5 representative. 6 BY MS. KEARSE: 7 Q. You're being counseled by counsel here? 8 A. I can't -- 9 Q. Do you understand the question? 10 MR. CANONI: Yeah, I don't understand the 11 question. 12 BY MS. KEARSE: 13 Q. Okay. My question is: 14 Are you personally, as Carl Liggett, 15 sitting here today, being personally represented by 16 the lawyers? 17 A. I don't know. 18 Q. Do you know whether or not you're being 19 represented today as a corporate representative to 20 speak on behalf of Maremont? 21 MR. CANONI: I'll object as to the form. 22 A. I don't know. 23 BY MS. KEARSE: 24 Q. Okay. What have you been asked to come 25 here today to do?	Page 8 1 part of the 30(b)(6) notice. You may then decide 2 that you want a 30(b)(6) representative at the end. 3 MS. KEARSE: Yes, and my question is -- 4 MR. CANONI: Today it's the former. 5 BY MS. KEARSE: 6 Q. I don't know what 30(b)(6) is, but to 7 your knowledge, do you know whether or not you've 8 been designated before as a 30(b)(6) 9 representative? 10 And if you don't understand that, 11 that's fine. 12 A. I do not know. 13 MS. KEARSE: Okay. And can you, Counsel -- 14 MR. CANONI: I don't believe that he -- again, 15 we haven't been representing the company for -- 16 until the beginning of this year, but we have not 17 designated Mr. Liggett as a 30(b)(6) witness 18 formally in any litigation, and in this particular 19 litigation, I don't know that the decision has been 20 made because we don't know if one is possible. 21 MS. KEARSE: Right. 22 BY MS. KEARSE: 23 Q. How many times have you given a deposition 24 on behalf of Maremont? 25 A. In any related matter?
Page 7 1 MR. CANONI: Generally? 2 A. Answer questions relating to things that 3 occurred while I was employed by Maremont 4 Corporation. 5 BY MS. KEARSE: 6 Q. Is it your belief that you're here today 7 on behalf of Maremont Corporation? 8 A. Yes. 9 MR. CANONI: Yeah, I -- I don't know if there's 10 anything -- I mean, he's here as a fact -- a 11 potential fact witness. 12 MS. KEARSE: That's what I'm asking. 13 MR. CANONI: Okay. 14 BY MS. KEARSE: 15 Q. Have you been designated before as what I 16 call a corporate representative to speak on behalf 17 of Maremont in a court of law? 18 A. Not to my knowledge. 19 Q. And, for the record, I think counsel said 20 you're here as a fact witness? 21 MR. CANONI: Right. 22 I know that there's an issue regarding 23 whether or not a 30(b)(6) witness is something that 24 you want, and what we thought we would do is give 25 you people that had knowledge of facts that were	Page 9 1 Q. Yes. 2 A. Would that include Workers' Comp. 3 hearings? 4 Q. Yes, sir. Any time you have given 5 testimony on behalf of Maremont. 6 A. I'm going to guess five or six. 7 Q. Okay. I'd like to walk through those with 8 you a little bit. 9 Can you tell me when -- and I'm going to 10 ask you -- I'll kind of frame it. We'll go one by 11 one. 12 I'd like to know when you gave the 13 testimony, and what was the gist of the testimony, 14 was it -- what type of case it was in, a Workers' 15 Comp., whether there was, you know, a dispute 16 between a contract, anything like that. You know, 17 just give us some generalities. 18 Can you remember the first time you were 19 deposed in a Maremont matter? 20 A. I can't necessarily rank them from first 21 to last. I could try and recall. 22 Q. Let's do that, okay,? 23 A. There was a union organizing attempt at 24 the national facility that ended up with some NLRB 25 charges and I testified in that matter.

Page 10 1 Q. Do you recall when that was? 2 A. It would have been around 1975, plus or 3 minus a year. 4 Q. And what did you testify to? 5 A. Issues that related to the union campaign. 6 Q. Was it a deposition? 7 A. It was more a hearing. 8 Q. And can you just explain to me a little 9 bit what you meant by "NLRB charges"? 10 A. I meant National Labor Relations Board. 11 Q. And what type of charges did they -- was 12 involved? 13 A. The company won the vote on the organizing 14 campaign, the union filed some unfair labor 15 practice charges, and the company was defending 16 itself against those charges. 17 Q. What was the result of that? 18 A. We won all the allegations. 19 Q. Are you aware of your testimony existing 20 in written form that you gave in that matter? 21 A. No, I'm not. 22 Q. Was that pending in Tennessee? 23 A. Yes, it was. 24 Q. Okay. That's one. 25 A. There must have been three or four people	Page 12 1 MS. KEARSE: I'm going to come back to that. I 2 figured you forgot, I was going to make sure that 3 wasn't on behalf of Nuturn, it was on behalf of 4 Maremont, but -- 5 MR. CANONI: Okay. Sorry. 6 A. There were a couple with Alliance Wall in 7 Oklahoma. 8 BY MS. KEARSE: 9 Q. What were those about? 10 A. One related to a union organizing 11 campaign, and another related to the quality of 12 work on a parking lot addition. 13 Q. Any others? 14 A. There have been some here at Alliance Wall 15 -- or, excuse me, Accurate Partition. That was 16 Alliance Wall in Oklahoma. 17 Unemployment compensation hearings here, 18 and a lawsuit involving a truckload of material 19 that was not delivered. 20 Q. Okay. Does that about cover it? 21 A. Well, there was a deposition relating to 22 Maremont Corporation. 23 Q. Okay. That's what we'll come back to. 24 You have testified before in addition to 25 the union and the three or four terminations in a
Page 11 1 who were terminated for cause who then filed for 2 unemployment, and we would protest the filing for 3 unemployment compensation. I would give testimony 4 as to the facts surrounding the discharge and why 5 we felt they should not receive unemployment. 6 Q. And where were those matters? 7 Where did they pend? 8 A. Nashville, Tennessee. 9 Q. With the first one, with the unfair labor 10 allegations there, was there anything that dealt 11 with health matters at the plant? 12 A. No, there were not. 13 Q. Okay. Anything at all asbestos-related? 14 A. No, there were -- they were not. 15 Q. So other than union organization, the 16 three or four terminations, what other type of 17 testimony have you given? 18 A. That's all I can recollect for Maremont 19 Corporation. 20 Q. Okay. Now outside of Maremont, what other 21 type of testimony have you -- sworn testimony have 22 you given? 23 MR. CANONI: Well, there's a deposition that I 24 think you have that Mr. Liggett gave recently. I 25 don't know that he --	Page 13 1 matter regarding asbestos litigation? 2 A. That's correct. 3 Q. All right. When was that testimony? 4 A. I don't recall the exact date. 5 Q. Was it this year, earlier this year? 6 A. Yes, it was. 7 Q. Okay. Is that the only -- and for the 8 record, was that September 26th, 2001? 9 A. That would sound about the right time. 10 Q. Okay. Is that the only testimony you have 11 given to date on behalf of Maremont regarding 12 asbestos matters? 13 A. To the best of my knowledge. 14 Q. Is there some reason, to the best of your 15 knowledge -- would there be some period of time 16 that you may not remember that you gave some 17 testimony regarding asbestos matters? 18 MR. CANONI: Objection as to form. 19 You may answer. 20 A. I worked for Maremont about thirty years 21 ago, so without refreshing my memory, there could 22 be something that I had forgotten, but nothing that 23 I can recollect right now. 24 BY MS. KEARSE: 25 Q. Do you recall ever testifying on any

Page 14 1 Workers' Comp. hearings when you were with Maremont 2 going back some years? 3 A. No, I can't. 4 Q. And we'll talk a little bit more about 5 your testimony in that case, and just to update it, 6 I have that, so I think we'll be okay with some of 7 those things. 8 Tell me what your current position is here 9 at Accurate Partitions? 10 A. I'm the general manager. 11 Q. What is the nature of this business? 12 A. We manufacture and distribute restroom 13 partitions, toilet compartments. 14 Q. As general manager, what do your duties 15 entail? 16 A. I'm responsible for the entire operation 17 of the company. 18 Q. How many employees do you have? 19 A. About eighty. 20 Q. Do you manufacture here? 21 A. Yes, we do. 22 Q. And sell? 23 A. Correct. 24 Q. Okay. Do you do your marketing from here 25 as well?	Page 16 1 Corporation in Muskogee, Oklahoma, 2 M-u-s-k-o-g-e-e. 3 Q. And how long were you in that position? 4 A. Five years. 5 Q. Just so I know where we are in the time 6 frame, what period of time was that? 7 A. Oh, I would have to stop and figure. I 8 don't remember the dates well. 9 MR. CANONI: Is that '87 to '92? 10 A. Approximately. 11 BY MS. KEARSE: 12 Q. And tell me what type of work was involved 13 in Union Metal Corp. 14 A. We made light poles for streetlights and 15 traffic lights. 16 Q. Okay. And how about before that? 17 A. I was the plant manager for Alliance Wall 18 Corporation in Okmulgee, O-k-m-u-l-g-e-e, 19 Oklahoma. 20 Q. And what was the nature of that business? 21 A. They put porcelain coatings on light gauge 22 steel for write-on wipe-off boards, chalkboards and 23 architectural wall panels. 24 Q. Okay. And how long were you there? 25 A. About six years.
Page 15 1 A. Yes, we do. 2 Q. How long have you been in this position? 3 A. Seven years. 4 Q. Have you held other positions within the 5 company? 6 A. I was hired as general manager. 7 Q. Okay. Where were you before that? 8 A. I was in Tullahoma, Tennessee. 9 Q. And what were you doing there? 10 A. I was the general manager of Custom Frames 11 and manufactured boat trailers. 12 Q. About how long were you in that position? 13 A. Three years. 14 Q. Going backwards in time here, what about 15 before that, before you went to Custom Frames? 16 A. I was the operations manager for 17 Prestolite Corporation at their Decatur, Alabama 18 facility. 19 Q. Okay. What type of facility was that? 20 A. They manufactured DC electric motors and 21 contactors. 22 Q. And how long were you in that position? 23 A. Two years. 24 Q. And how about before that? 25 A. I was the general manager of Union Metal	Page 17 1 Q. Okay. And how about before that? 2 A. I was with Maremont Nuturn. 3 Q. Okay. And where were you located? 4 A. Nashville, Tennessee. Some responsibility 5 for the Paulding, Ohio facility, and Smithville, 6 Tennessee. 7 Q. Okay. We're going to come back to that 8 one, but let's go even before this. Let's keep 9 going back. 10 A. Before that was Proctor & Gamble, Charmin 11 Paper Products Division, in Mehoopany, 12 Pennsylvania, M-e-h-o-o-p-a-n-y, and Modesto, 13 M-o-d-e-s-t-o, California. 14 Q. What were your job responsibilities there? 15 A. Foreman and department manager. 16 Q. And did you reside -- you talked about 17 Pennsylvania, and did you say California? 18 A. That's correct. 19 Q. All right. Did you live -- work a period 20 of time in each? 21 A. That's correct. 22 Q. How long were you in Pennsylvania? 23 A. About one year. 24 Q. Okay. And how about California? 25 A. Two years.

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1 Q. I'm going to get back to school sometime
2 now.
3 What about before that?
4 A. The U.S. Air Force.
5 Q. Okay. And how long were you in the
6 Air Force?
7 A. Four years.
8 Q. Were you stationed somewhere?
9 A. At McGuire Air Force Base and Langley Air
10 Force Base.
11 Q. Okay. And before the Air Force -- or did
12 you -- was the Air Force --
13 A. Ford Motor Company.
14 Q. Okay.
15 A. Lorain, Ohio.
16 Q. And what did you do for them?
17 A. Foreman.
18 Q. Foreman.
19 What type of operation was that?
20 A. It was an automotive assembly plant.
21 Q. And where were you located?
22 A. Lorain, Ohio.
23 Q. How long were you there?
24 A. Less than a year.
25 Q. Okay. Do you know roughly what time we're

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1 different types of companies; is that correct?
2 A. Correct.
3 Q. What allows you to go from the various
4 companies?
5 What skills and backgrounds do you have
6 that you bring to each one of these, since they're
7 all very different in the nature of what they
8 manufacture or produce?
9 Does that make sense?
10 A. They all involve bringing people together
11 to focus on getting a product made.
12 Q. So it doesn't really mean that you need to
13 know the nature of what the product being made is,
14 so much as you work with the people in order to get
15 them to produce?
16 A. That's correct.
17 Q. All right. When you go to these various
18 jobs, is it important in your position to know the
19 manufacturing process?
20 A. Yes, it is.
21 Q. And how do you obtain information on that,
22 going into a new area?
23 A. You spend time on the shop floor observing
24 and talking to people.
25 Q. When you go into new positions such as the

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1 in right now when you were at Ford Motor Company?
2 A. 1966.
3 Q. Okay. Any other work history there before
4 Ford Motor Company?
5 A. No.
6 Q. Was the Ford Motor Company your first job?
7 A. Out of college.
8 Q. Out of college.
9 And where did you go to college?
10 A. University of Tennessee.
11 Q. The question I always say, what was your
12 major?
13 A. Industrial management.
14 Q. What type of degree did you obtain?
15 A. A BS degree in business.
16 Q. Do you have any additional education after
17 the BS degree?
18 A. I completed about half the requirements
19 for an MBA.
20 Q. Where did you do that?
21 A. University of Tennessee, Nashville,
22 evening courses.
23 Q. You've gotten to see the world. Tell me
24 this, just with the -- see if I can ask this:
25 You've obviously been in a lot of

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1 general manager and things, are you able to review
2 files, existing files?
3 A. As the need would permit.
4 Q. Is that a normal practice of yours to know
5 what you need to review regarding various issues of
6 the plant?
7 A. I've not found it necessary very often to
8 review files.
9 Q. Do you do it more by word of mouth, by
10 talking to the people out on the floor?
11 A. Correct.
12 Q. I do want to spend some time on Maremont.
13 Are you currently serving as a consultant
14 to Maremont?
15 A. Not to my knowledge.
16 Q. Are you being paid today for your
17 testimony?
18 A. Yes, I am.
19 Q. Okay. What are you being paid today?
20 A. \$175 per hour.
21 Q. All right. How did you come to that rate?
22 A. That's the rate that was offered.
23 Q. Okay. And who offered you that?
24 A. Kasowitz, Benson.
25 Q. Okay. Does that include time preparing

Page 22 1 for testimony? 2 A. Yes, it would. 3 Q. Would that include time reviewing 4 documents if, in fact, you did review documents? 5 A. Yes, it would. 6 Q. Do you bill the law firm for your time? 7 A. Yes, I do. 8 Q. And when you bill the law firm, do you 9 bill them by the case name, or just for general 10 consulting matters? 11 A. I just send a notice with my name and the 12 time, date, and issue at hand. 13 Q. How are you paid where you are today at 14 Accurate? 15 Are you on salary? 16 A. Semi-monthly, by check. 17 MR. CANONI: I think she means salary or 18 hourly. 19 THE WITNESS: Salary. 20 BY MS. KEARSE: 21 Q. Can you tell me, sir, what your salary is? 22 A. I would prefer not to. 23 Q. I need to ask that, if you can. 24 A. I have a base salary of \$100,000 and a 25 bonus of 3 percent of all profits.	Page 24 1 A. Discussed in general how to respond in a 2 deposition. 3 Q. How's it going? 4 MR. CANONI: You gave him the ground rules. I 5 was thankful that my ground rules were the same as 6 yours. 7 A. And to not offer information that I was 8 not sure of and to speak as honestly and completely 9 as I could. 10 BY MS. KEARSE: 11 Q. Did you review any documents to prepare 12 for your deposition today? 13 A. One document. 14 Q. What was that? 15 A. It was a letter authored by Frank Skelton. 16 Q. Do you recall the date? 17 A. I think it was 1996. 18 MR. CANONI: '76? 19 THE WITNESS: '76, excuse me. 20 BY MS. KEARSE: 21 Q. Do you have that document with you here 22 today? 23 A. No, I do not. 24 MS. KEARSE: Okay. I'm going to request that 25 Counsel.
Page 23 1 Q. Can you tell me, sir, how much time you've 2 billed the Kasowitz firm for your work relating to 3 Maremont? 4 A. I could estimate it for you. 5 Q. That's fine. 6 A. Ten to twelve hours. 7 Q. And the ten to -- excuse me, the ten to 8 twelve hours that you estimate, is that during your 9 workday hours, or do you do some of this at home 10 after work? 11 A. It has all been during the normal business 12 day. 13 Q. Okay. With relation to this deposition 14 today, have you spent time preparing for this 15 deposition? 16 A. Yes, I have. 17 Q. All right. Can you tell me what you've 18 done in order to prepare for your testimony today? 19 A. I have spoken with these two gentlemen for 20 perhaps an hour-and-a-half. 21 Q. And when was that? 22 A. This morning. 23 Q. And without going into if there's going to 24 be any privileges raised, just tell me generally 25 what you discussed?	Page 25 1 MR. CANONI: It's part of the production that 2 you have. 3 MS. KEARSE: I need -- if you can specifically 4 identify it, that will be fine, but I want to know 5 exactly what document he reviewed. 6 MR. CANONI: Yeah, we have it. We'll -- do you 7 want it right now? 8 MS. KEARSE: I wouldn't mind having it right 9 now if you have it. 10 MR. CANONI: Do you want a copy of it or -- 11 MS. KEARSE: Copy of it, or just to ask him 12 about it, and we can come back to it, but I do want 13 to see it. 14 Well, we can go ahead and mark it so we 15 know what he looked at. 16 MR. CANONI: Why don't we make a copy of it? 17 (Discussion had off the record.) 18 BY MS. KEARSE: 19 Q. Just for the record, I've been handed by 20 counsel a document dated April 26th, 1976 to 21 Mr. Sealy from Frank Skelton. 22 Is that the document you reviewed this 23 morning? 24 A. Yes, it is. 25 MR. CANONI: Want to mark it as an exhibit?

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1 MS. KEARSE: Yes.
2 (Whereupon, Liggett Deposition
3 Exhibit No. 1 was marked for
4 identification.)
5 BY MS. KEARSE:
6 Q. Were you supplied this document by
7 counsel?
8 A. Yes, I was.
9 Q. Okay. And what was the nature of your
10 being asked to review that document?
11 MR. CANONI: Well, I'm going to object to the
12 question.
13 If you want to ask him what he did when he
14 got it, I don't want to go into a conversation or
15 that instruction that I gave him at the time.
16 Maybe you want to rephrase.
17 BY MS. KEARSE:
18 Q. What do you get out of that document?
19 A. That Frank Skelton was addressing the
20 Maremont salesperson responsible for all sales to
21 Sears as to whether or not he had a nonasbestos
22 product offering that he could make available to
23 Sears.
24 Q. Do you have any personal knowledge about
25 the information contained in this document?

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1 A. I know some of the people involved.
2 Q. Do you know the -- about the subject
3 matter that's raised in this document?
4 Do you have personal knowledge to that?
5 A. Yes, I do.
6 Q. We'll come back to this one.
7 Other than the document that we just
8 labeled as Liggett Number 1, did you review any
9 other documents today in preparation for your
10 deposition?
11 A. No, I did not.
12 Q. What about documents aside from today,
13 just in your work regarding asbestos-related
14 matters in litigation? You gave -- let me clarify
15 that.
16 You gave a deposition about a couple
17 months ago.
18 Have you reviewed other documents in order
19 to prepare for other testimony regarding
20 asbestos-related matters on behalf of Maremont?
21 A. Not really.
22 Q. Okay. And when you say "not really," I
23 need to know, yes or no, have there been other
24 documents you have reviewed?
25 A. To the best of my knowledge, I have not

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1 reviewed any other documents in preparation for the
2 deposition.
3 Q. Okay. What about any other documents to
4 review in any consulting role you may take of
5 answering questions on behalf of defense counsel?
6 A. I have not reviewed any other documents
7 relating to any of the matters pertaining to
8 Maremont, to the best of my knowledge.
9 Q. For any reason?
10 A. Right.
11 Q. Okay. What about any testimony; have you
12 reviewed any depositions in order to prepare for
13 any of your testimony?
14 A. No, I have not.
15 Q. Okay. Have you talked to anyone other
16 than defense counsel in order to prepare for your
17 testimony?
18 A. No, I have not.
19 Q. Okay. You have not been in contact with
20 any other former employees of Maremont?
21 A. I have been in contact with other
22 employees. It was primarily to arrange a meeting
23 for dinner or "Hello, how are you?" I have not
24 discussed any of these matters relating to
25 Maremont.

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1 Q. Okay.
2 A. This is just introduced people that I
3 haven't spoken to for many years.
4 Q. Introduced them to who?
5 A. To me. I mean, it's brought back old
6 memories.
7 MR. CANONI: Reintroduced, I guess.
8 BY MS. KEARSE:
9 Q. All right. Okay.
10 Who is still around -- I don't mean that,
11 but who that you used to work with have you
12 reacquainted yourself with?
13 A. Bob Steinmetz, Rita Grisham. I think
14 that's all.
15 Q. And just to clarify, you have not
16 discussed any matters regarding these
17 asbestos-related issues with these -- Ms. Grisham
18 and Mr. Steinmetz?
19 A. That's correct, I have not.
20 Q. Have you, yourself, put any documents
21 together regarding factual issues that you're here
22 to testify about today in writing for defense
23 counsel?
24 A. No, I have not.
25 Q. Have you ever put an affidavit together

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1 regarding your work at Maremont?
 2 A. Unless there was an affidavit related to
 3 the last deposition, I don't think there was.
 4 MR. CANONI: There actually was a brief
 5 affidavit in that case.
 6 MS. KEARSE: Okay. I don't have a copy of that
 7 affidavit, but I would like to request it. I think
 8 it was an exhibit to the deposition. I've asked
 9 Elaine for copies of the exhibits. I don't have
 10 that.
 11 MR. CANONI: No, it wasn't a --
 12 MS. KEARSE: It wasn't an exhibit, okay.
 13 MR. CANONI: Probably should have been but --
 14 BY MS. KEARSE:
 15 Q. Okay. Do you recall what that affidavit
 16 -- what the gist of that affidavit was?
 17 A. No, I don't.
 18 Q. Was it regarding asbestos-related matters?
 19 A. I'm sure if it had anything to do with
 20 Maremont and lawsuits, it had something to do with
 21 asbestos-related matters, but I don't recall the
 22 exact -- I do think I remember I signed a -- like a
 23 one-paragraph document or something.
 24 Q. Did you write that document, or you just
 25 signed it?

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1 A. I just signed it.
 2 MS. KEARSE: I'd like to formally request a
 3 copy of that document.
 4 MR. CANONI: Okay.
 5 MS. KEARSE: With that the affidavit.
 6 MR. CANONI: Just -- why don't you follow up in
 7 writing. You may have some additional requests
 8 over the next day.
 9 BY MS. KEARSE:
 10 Q. Are you currently scheduled to appear for
 11 deposition in any other Maremont matters,
 12 asbestos-related Maremont matters?
 13 A. Not to my knowledge.
 14 Q. Have you been asked to testify at trial on
 15 behalf of Maremont in regards to any
 16 asbestos-related matters?
 17 A. Not to my knowledge.
 18 Q. Has counsel informed you of a trial date
 19 in regards to this case, the Tuck case?
 20 A. No.
 21 Q. Pending in Atlanta?
 22 A. They have not.
 23 Q. Would anything prevent you from coming to
 24 Atlanta, Georgia in mid-January of 2002 in order to
 25 give testimony before the jury?

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1 A. Unless there's some conflict with my
 2 current work. I can't think of anything.
 3 Q. Okay. Mr. Liggett, have you, yourself
 4 provided documents to Maremont or to counsel for
 5 Maremont?
 6 A. No, I have not.
 7 MR. CANONI: Other than the bills.
 8 A. Well, excuse me.
 9 BY MS. KEARSE:
 10 Q. Do you, yourself maintain any documents
 11 from your work with Maremont?
 12 A. I'm sure that I have some old personnel
 13 manuals or records that I might have maintained
 14 from that time period.
 15 Q. Has counsel for Maremont asked you for
 16 those documents?
 17 A. No, they have not.
 18 Q. What is it you think you have?
 19 A. Personnel manual, employment agreement,
 20 maybe some old expense reports. I haven't looked
 21 in many years, so I don't know.
 22 Q. So you don't know, okay.
 23 MS. KEARSE: Counsel, I'm going to ask that if
 24 Mr. Liggett does have documents pertaining to
 25 Maremont or any of the products, constituents of

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1 products there, that we be produced those and
 2 review those.
 3 MR. CANONI: Okay. Again, if you follow it up
 4 with a written request, we'll take it under
 5 advisement.
 6 BY MS. KEARSE:
 7 Q. Do you know where those documents are
 8 kept?
 9 A. Yes, I do.
 10 Q. Where is that?
 11 A. In the basement of my house.
 12 Q. Okay. Do you recall if you have any
 13 brochures from that time period?
 14 A. I do not.
 15 MS. KEARSE: And if you don't mind, I'm going
 16 to ask you to take a look at those, and I'll let
 17 you go through defense counsel, your counsel here,
 18 to get them to us, but we have outstanding -- off
 19 the record a second.
 20 (Discussion had off the record.)
 21 MS. KEARSE: Okay. You can go back on the
 22 record.
 23 BY MS. KEARSE:
 24 Q. When were you first contacted to kind of
 25 relive your days in Paulding, Ohio and Nashville,

Page 34 1 Tennessee in relation to your work at Maremont? 2 A. Approximately six months ago. 3 Q. Have you been involved in any time period 4 since you've left Maremont in drafting any Answers 5 to Interrogatories? 6 MR. CANONI: For Maremont? 7 MS. KEARSE: Yes. 8 A. I don't think so. 9 BY MS. KEARSE: 10 Q. And when you say you don't think so, just 11 you don't recall right now? 12 A. I had one meeting with Kasowitz, Benson 13 where we discussed what my background and what my 14 role with Maremont was. I wouldn't know if any of 15 that information was used in an interrogatory or 16 not. 17 Q. But you, yourself have never been asked -- 18 been sent some Interrogatories for you to review 19 and answer -- 20 A. No, I have not. 21 Q. -- on behalf of the company? 22 MR. CANONI: Let her finish the question. The 23 court reporter can't hear you both. 24 BY MS. KEARSE: 25 Q. Before six months ago, and I guess between	Page 36 1 BY MS. KEARSE: 2 Q. Okay. Was that in regards to something 3 I've seen referenced as Asbestos Hill? 4 A. Probably. 5 Q. And what is Asbestos Hill? 6 A. It is where the waste was deposited and 7 covered with dirt. 8 Q. That was in Paulding? 9 A. Yes, it was. 10 Q. Sir, are you familiar with the allegations 11 in this particular lawsuit? 12 A. In general. 13 Q. Have you read the Complaint? 14 A. No, I have not. 15 Q. Other than the two people you just told me 16 about, is there anyone else you still stay in touch 17 with that you worked with at Maremont? 18 A. Yes. 19 Q. Okay. Who are those people? 20 A. Ken Cornelius, Cindy Hayes, Tommy Mullens, 21 and David Rex. 22 Q. Okay. I just want to touch on these. 23 With Mr. Cornelius -- 24 A. Excuse me, let me add one more. 25 Q. Okay.
Page 35 1 the time period you left and six months ago, had 2 there been any other discussions with anyone else 3 regarding your work at Maremont in relation to 4 asbestos-related matters? 5 A. Can you explain that question? 6 Q. Okay. I'll be more specific. 7 You said about six months ago you were 8 contacted by members of the Kasowitz firm to 9 discuss issues relating to your work at Maremont. 10 Prior to that, in the time period you've 11 left Maremont until that time, had you been 12 contacted by anyone else, including any government 13 officials or any representatives from Nutum or 14 other people, to discuss anything -- it's a very 15 general question -- anything regarding 16 asbestos-related issues at Maremont? 17 MR. CANONI: Do you mean litigation related? 18 MS. KEARSE: Anything. Any asbestos-related 19 matters. 20 MR. CANONI: Object to the form of that. You 21 can answer if you understand. 22 A. I was asked some questions about 23 EPA-related matters for the closedown of the 24 facility a long time ago. I don't remember the 25 time or necessarily the nature of the questions.	Page 37 1 A. Rita Grisham. 2 MR. CANONI: You already mentioned her. 3 THE WITNESS: Oh, I'm sorry. 4 MR. CANONI: That's okay. 5 BY MS. KEARSE: 6 Q. Have you had any discussions with any of 7 these people about asbestos-related matters over 8 the course since you've left Maremont? 9 A. No, I have not. 10 Q. And is it fair to say, then, you have not 11 had any discussions with them about current pending 12 litigation against Maremont in relation to 13 asbestos-related matters? 14 A. That would be fair. 15 Q. Where does Mr. Cornelius reside? 16 A. Ann Arbor, Michigan. 17 Q. And what was his background at the plant, 18 or with Maremont? 19 A. He was a financial officer. 20 Q. Where was he located when he worked with 21 Maremont? 22 A. Both Nashville, Tennessee and Chicago. 23 Q. Do you know what period of time he worked 24 for Maremont? 25 A. No, I don't.

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1 Q. Who is Cindy Hayes?

2 A. Cindy Hayes worked in personnel at both

3 Paulding and Smithville.

4 MR. CANONI: But I just want to make sure the

5 record is clear. Smithville is a Nuturn-only

6 facility.

7 MS. KEARSE: Was it ever a Maremont? No.

8 BY MS. KEARSE:

9 Q. Let me ask for clarification.

10 Did you ever work in Smithville for

11 Maremont?

12 A. No.

13 Q. When you -- did you ever work in Tennessee

14 for Maremont?

15 A. Yes, I did.

16 Q. Okay. And where was that?

17 A. Nashville.

18 Q. Okay. And Cindy Hayes, I'm sorry, you've

19 told me she was in personnel at Paulding.

20 What time period did she work in

21 Paulding?

22 MR. CANONI: For Maremont, or just in

23 Paulding?

24 MS. KEARSE: For Maremont.

25 A. She was there when I joined the company in

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1 1973. I don't know when she started. And she

2 transferred from Maremont to Nuturn and was

3 employed when I left in 1979.

4 BY MS. KEARSE:

5 Q. Do you know whether or not she had been

6 there for a long period of time before you got

7 there or --

8 A. I don't know.

9 Q. Okay. And where is she today?

10 A. Somewhere in Ohio.

11 Q. Do you know the town?

12 A. No, I don't.

13 Q. Okay. Tommy Mullens, who is he?

14 A. Tommy was a maintenance supervisor, and

15 then plant manager.

16 Q. What -- okay. For what part of Maremont?

17 Was that in Paulding?

18 A. That was in Nashville, and then he

19 transferred to Nuturn.

20 Q. And where is he today?

21 A. Somewhere in Ohio.

22 Q. When is the last time you spoke to Tommy

23 Mullens?

24 A. It was over a year ago.

25 Q. Okay. David Rex; who is David Rex?

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1 A. David Rex was a purchasing manager for

2 Maremont.

3 Q. And where was he located while he worked

4 for Maremont?

5 A. Chicago and Nashville.

6 Q. Okay. Do you know what period of time he

7 worked for Maremont?

8 A. No, I do not.

9 Q. Was he there when you got there?

10 A. He was there when I got there, and he was

11 there when I left.

12 Q. Okay. And going back to Tommy Mullens, do

13 you know when he started with Maremont?

14 A. 1974.

15 Q. And Rita, I think we've got her -- tell me

16 what her position was at Maremont?

17 A. Secretary to the president, and personnel

18 manager.

19 Q. When is the last time you spoke to

20 Mr. Rex?

21 A. Six months ago.

22 Q. Where is he located today?

23 A. Virginia.

24 Q. What part of Virginia?

25 A. Smithfield.

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1 MR. CANONI: Is that right? It's ironic.

2 THE WITNESS: Smithfield, not Smithville.

3 MR. CANONI: Smithfield.

4 MS. KEARSE: I asked that, too, that it sounded

5 like Smithville.

6 BY MS. KEARSE:

7 Q. Is he today in any way associated with --

8 or let me ask it this way:

9 Do you know what he does today?

10 A. He's the president of Vihar.

11 Q. I'd like to just discuss a little bit

12 about the corporate structure of Maremont, if you

13 can help me out with that, okay.

14 I know your time period, from my

15 understanding, is '73 to '79; is that correct?

16 A. I don't remember if it was '79 or '80 that

17 I left, but --

18 MR. CANONI: But that's Nuturn.

19 MS. KEARSE: Nuturn, yes, but at least for

20 issues in this.

21 BY MS. KEARSE:

22 Q. Can you tell me the corporate history of

23 Maremont prior to your arrival in '73?

24 A. No, I can't.

25 Q. Do you know when the Grizzly Manufacturing

Page 42 1 Plant was first purchased by Maremont? 2 A. No, I don't. 3 Q. Have you ever seen in your work there at 4 Maremont when you came there any publication 5 discussing the fifty years of Maremont, or 6 something to that effect, that would give a 7 corporate background history as to -- 8 A. No, I don't recall seeing anything of that 9 nature. 10 Q. When did you first come to Maremont? 11 A. I believe it was late 1973. 12 Q. And I'm asking you, I'm phrasing the 13 questions as that you came Maremont. 14 Did you actually call -- say -- strike 15 that. 16 When you came to work, did you come to 17 work for Maremont Corporation, or was it a division 18 of Maremont? 19 A. I came to work for a division of Maremont. 20 Q. Okay. And what division was that? 21 A. The Brake Systems Division. 22 Q. And where was that located? 23 A. Allied Drive in Nashville, Tennessee. 24 Q. And was that the Brake System Division of 25 Maremont?	Page 44 1 buses, et cetera. 2 Q. And was that the Heavy Duty Division of 3 Maremont? 4 A. To the best of my knowledge, yes. 5 Q. Was it ever -- to your knowledge, was it 6 ever referred to as the Grizzly Manufacturing Plant 7 there in Paulding? 8 A. Yes, it was. 9 Q. Okay. What time period was that? 10 A. If you're asking if it was referred to, or 11 was it officially titled, I know it was referred to 12 as the Grizzly Manufacturing Plant. 13 Q. Okay. 14 A. I don't know what its official title was. 15 Q. When you were -- when you would be in 16 Nashville, talking about the Paulding plant, and 17 I'm calling it the Paulding plant. We called it 18 the Grizzly plant. 19 What did you call it? 20 A. Paulding plant. 21 Q. Paulding plant. 22 What were your duties when you first came 23 to Maremont, the Brake System Division? 24 A. I was responsible for all manufacturing 25 operations.
Page 43 1 A. That's correct. 2 Q. Did the name Grizzly Manufacturing ever 3 appear on any of buildings or logos when you were 4 there? 5 MR. CANONI: In Tennessee? 6 A. No, they did not. 7 BY MS. KEARSE: 8 Q. What was the relationship between the 9 Brake System Division in Nashville and the Paulding 10 plant in Paulding, Ohio? 11 A. The plant in Paulding manufactured brake 12 linings and disk pads. The facility in Nashville 13 assembled drum brakes and disk brakes. The plant 14 in Ohio provided the friction material that we 15 assembled to the steel plates or shoes. 16 Q. And what did you refer to with the 17 Paulding plant; was that another Brake System 18 Division, or was that a separate division? 19 A. That was a separate division. 20 Q. And what was that called? 21 A. Heavy Duty Division. 22 Q. And what did that mean, Heavy Duty 23 Division? 24 A. It meant that one of their significant 25 products was friction materials for large trucks,	Page 45 1 Q. And for all manufacturing operations, 2 where were those operations located? 3 A. All at Allied Drive. 4 Q. Okay. 5 MR. CANONI: Well -- all right. The operations 6 of that Brake Systems Division? 7 THE WITNESS: Which is all I had responsibility 8 for. 9 MR. CANONI: Right. 10 BY MS. KEARSE: 11 Q. That's why I asked specifically of the 12 Brake System Division. 13 You were in charge of all manufacturing 14 operations and they were all -- 15 A. In Nashville, Tennessee. 16 Q. Yes. 17 And that was your only responsibility when 18 you first came to Maremont? 19 A. That's correct. 20 Q. It all centered out of Tennessee? 21 A. That's correct. 22 Q. Okay. What type of interaction did you 23 have with anyone in Chicago? 24 A. That was some of our finance, some of our 25 sales and marketing, and was the ultimate chain of

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1 command.
 2 Q. So Maremont is headquartered in Chicago?
 3 A. It was at that time.
 4 Q. Did you have to go to Chicago for
 5 meetings?
 6 A. Occasionally.
 7 Q. Were you hired by someone out of Chicago?
 8 A. No.
 9 Q. Who did you mainly deal with out of the --
 10 I'll call it the corporate home office there in
 11 Chicago?
 12 A. My immediate boss was Bob Rogers, who was
 13 also in Nashville.
 14 Q. So he was in Nashville.
 15 Anyone in Chicago that you had normal
 16 dealings with?
 17 A. No.
 18 Q. Did representatives from the corporate
 19 home office in Chicago come visit you in Nashville?
 20 A. Yes.
 21 Q. How often would that be?
 22 A. Quarterly.
 23 Q. How did you --did you have to report to
 24 management in Chicago?
 25 A. I reported to my boss in Nashville.

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1 Q. In Nashville, okay.
 2 What else was -- we talked about the
 3 corporate home office in Chicago, finance, sales,
 4 and marketing, and the ultimate chain of command.
 5 What -- any other functions arising out of
 6 the Chicago office?
 7 MR. CANONI: In connection with the Brake
 8 Systems Division?
 9 MS. KEARSE: At Maremont in general.
 10 MR. CANONI: Object as to form.
 11 A. Not really.
 12 MR. CANONI: I mean, there are a whole host of
 13 other non-brake divisions that Maremont had. Did
 14 you want an answer to that?
 15 MS. KEARSE: That's fair.
 16 BY MS. KEARSE:
 17 Q. Are you familiar with just what Maremont
 18 does as a whole?
 19 A. Yes, I am.
 20 Q. Okay. Can you give me that background?
 21 MR. CANONI: What time frame?
 22 BY MS. KEARSE:
 23 Q. For whatever time frame you know.
 24 We can start, if you know, before '73, the
 25 history of it, we can do it, go there. If it's

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1 just '73 to your time period right now, that's --
 2 '79, that's fine, or '77.
 3 A. All I can really respond to is starting in
 4 1973.
 5 Q. Okay.
 6 A. To the best of my recollection, they had
 7 three major product groups; shock absorbers,
 8 exhaust systems, and brake systems.
 9 Q. Did they have different plants for their
 10 shock absorber systems?
 11 A. Yes, they did.
 12 Q. Okay. Where were they?
 13 A. Pulaski, Tennessee, Loudon, Tennessee,
 14 Saco, Maine.
 15 Q. I'm sorry, what was the other division
 16 after shock absorber?
 17 A. Exhaust products.
 18 Q. Okay. And did they have separate plants
 19 for their exhaust products?
 20 A. Yes, they did.
 21 Q. And where were they?
 22 A. Loudon, Tennessee, Ripley, Tennessee.
 23 That's all I can remember.
 24 Q. Any of the Brake Products Divisions --
 25 let's just make sure we know.

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1 Where were those plants?
 2 A. Allied Drive in Nashville, and Paulding,
 3 Ohio.
 4 Q. Do you know whether or not, in all these
 5 plants that we talked about, whether asbestos would
 6 be used as a constituent in the manufacturing
 7 process?
 8 A. Yes, I do.
 9 Q. Okay. What -- can you identify for me
 10 where asbestos was used?
 11 A. Asbestos was used in brake linings, truck
 12 block, disk brake, and clutch facings.
 13 MR. CANONI: She wanted to know where.
 14 BY MS. KEARSE:
 15 Q. Yes. So --
 16 A. The asbestos was used in Paulding, Ohio to
 17 make those four products.
 18 Q. So as far as you know, the only plant, the
 19 only Maremont plant that used asbestos as a
 20 constituent in the manufacturing process would have
 21 been in Paulding, Ohio?
 22 A. That's correct.
 23 Q. And do you know the time period from where
 24 in Paulding, Ohio the asbestos was used?
 25 MR. CANONI: For Maremont?

Page 50 1 MS. KEARSE: For Maremont. 2 A. No, I don't. 3 BY MS. KEARSE: 4 Q. Was asbestos being used as a constituent 5 in Maremont brakes during the time period you were 6 there? 7 A. Yes, it was. 8 Q. Did the Tennessee Allied Drive do any 9 manufacturing at all? 10 A. It just did assembly. 11 Q. What was involved in assembly? 12 A. You took brake linings or disk pads and 13 you either bonded or riveted those to a steel disk 14 plate or a steel shoe. 15 Q. Did you have to use certain precautions in 16 your Allied Drive plant during these procedures? 17 MR. CANONI: Objection as to form. 18 A. Can you help me understand what you mean? 19 BY MS. KEARSE: 20 Q. Okay. In the assembly part in Allied 21 Drive, when you're -- when the men or women were 22 assembling the products, did you require any 23 precautions relating to health matters be taken on 24 behalf of any of the employees? 25 A. When we would grind the brake shoes, we	Page 52 1 knowledge, understand there would be additional 2 work done to the product? 3 A. Nothing other than the drum brake shoes I 4 just told you about. 5 Q. Okay. What were the drum brake shoes used 6 for? 7 A. Stopping a car. 8 Q. I mean, is it -- I'm clarifying. 9 Was it cars, trucks, vehicles? 10 Do you know what was the ultimate 11 purchaser? 12 A. It was on all passenger car applications. 13 Q. In addition to the dust extraction for 14 nuisance dust, were there any other precautionary 15 measures taken at that plant? 16 A. If an employee wanted a paper disposable 17 mask, they were provided. 18 Q. And I'm sorry if I asked you this before, 19 but what was your position at Allied, the Allied 20 Drive plant? 21 A. I was the operations manager responsible 22 for all production operations. 23 Q. Okay. Was it your responsibility to 24 notify any of your employees of any potential 25 hazards associated with their work?
Page 51 1 had a dust extraction system on the grinders to 2 remove any nuisance dust. 3 Q. And what time period was that? 4 A. Well, I was there from 1973 until that 5 plant was closed sometime in 1977 or '78. 6 Q. What was -- what were people having to 7 grind in order to assemble the brake lining 8 materials? 9 A. After the brake lining was assembled to 10 the shoe, it would be ground to the correct radius 11 to fit a brake drum. 12 Q. Did any materials go out of the Allied 13 Drive plant that would require further grinding? 14 A. Yes, there were. 15 Q. Okay. What were those? 16 A. Those were drum brake shoes. 17 Q. Is that the only product that you're aware 18 of that would require further grinding? 19 A. Yes. 20 Q. What about any other subsequent alteration 21 of the products separate from grinding? 22 MR. CANONI: Objection as to form. 23 BY MS. KEARSE: 24 Q. What products would go out from the Allied 25 Drive plant that you would, to the best of your	Page 53 1 MR. CANONI: Objection as to form. 2 A. Say that again, please. 3 BY MS. KEARSE: 4 Q. As operations manager, one of the things 5 you told me you were responsible for was all 6 manufacturing areas there. 7 Did it also come under your umbrella to 8 inform the employees of any health hazards 9 associated with their work? 10 MR. CANONI: Objection as to form. 11 BY MS. KEARSE: 12 Q. Regardless of the hazard? 13 A. If we became of any -- aware of any 14 government notices saying that we needed to notify 15 the employees, then that would be my 16 responsibility. 17 Q. Did you ever give information to your 18 employees regarding the hazards of asbestos? 19 MR. CANONI: Objection as to form. 20 A. When OSHA became -- or started making us 21 aware of their rules and regulations, we complied 22 with all of their rules and regulations as far as 23 education, training, notices. 24 BY MS. KEARSE: 25 Q. Do you feel, as an operations manager, if

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1 you had information prior to OSHA regarding the
 2 hazards of a constituent that the workers were
 3 using, that you should tell the worker about those
 4 hazards?
 5 MR. CANONI: Objection as to form.
 6 A. I'm not sure I understand what you're
 7 asking me.
 8 BY MS. KEARSE:
 9 Q. Okay. Let's take it -- you said when OSHA
 10 started making you aware, you complied with what
 11 they were asking you to do.
 12 Aside from OSHA, did you have any -- did
 13 you have any knowledge about asbestos?
 14 A. I had some knowledge of asbestos, yes.
 15 Q. How about the knowledge about
 16 asbestos-related hazards?
 17 MR. CANONI: Objection as to form.
 18 A. I was aware there was controversy
 19 surrounding asbestos.
 20 BY MS. KEARSE:
 21 Q. Why don't you -- tell me what you were --
 22 what you knew about asbestos?
 23 MR. CANONI: At any time?
 24 BY MS. KEARSE:
 25 Q. We can start the earliest known time you

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1 knew anything about asbestos.
 2 A. I'm not sure I can remember exactly where
 3 I became aware of the controversy surrounding
 4 asbestos.
 5 I know that tempering any of the
 6 controversy I heard was the fact that many of the
 7 employees at Paulding had worked there for thirty
 8 or forty years and there had never been any
 9 asbestos-related sickness among the employees that
 10 worked there.
 11 Q. I'm going to strike that as nonresponsive
 12 to my question.
 13 I'm going to ask:
 14 When did you first -- you gave me -- you
 15 answered me in the negative, so I want to know what
 16 you knew about the hazards of asbestos.
 17 MR. CANONI: Other than what you've already
 18 testified to.
 19 A. I guess I didn't know what the hazards
 20 were. I just knew that there was a lot of
 21 discussion surrounding whether or not it could be
 22 hazardous.
 23 BY MS. KEARSE:
 24 Q. Okay. And who was the controversy
 25 between?

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1 A. I don't recall.
 2 Q. You just recall it as a controversy.
 3 Why do you call it a controversy?
 4 A. I guess because there seemed to be
 5 differences of opinion.
 6 Q. Did you ever err on the side of the worker
 7 when there was any controversy?
 8 MR. CANONI: Objection as to form.
 9 A. I will say that as I worked in that plant
 10 and spent considerable time on the shop floor, I
 11 would not have asked any worker to do anything I
 12 wouldn't do, and I was not aware of ever feeling
 13 that I was putting anybody at any risk whatsoever.
 14 BY MS. KEARSE:
 15 Q. Let's go back to my question.
 16 What did you know about asbestos?
 17 A. That breathing asbestos fibers might cause
 18 asbestosis.
 19 Q. Do you know when you obtained that
 20 knowledge?
 21 A. I don't recall.
 22 Q. We talked a little bit about before, and
 23 we can come back to the time period, but if -- it
 24 sounded like you may have had some information
 25 before OSHA started making you aware of some

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1 things.
 2 Did you feel, as an operations manager,
 3 that you had a duty to your employees to tell them
 4 about things you learned about asbestos prior to
 5 any government agency coming in?
 6 MR. CANONI: Objection as to form.
 7 You know he started after OSHA came into
 8 effect, right?
 9 MS. KEARSE: But he's been -- I just want to
 10 know what he thinks about that.
 11 MR. CANONI: But you said as operations
 12 manager. I didn't know whether you were
 13 restricting it. You mean before he came to work
 14 for the company?
 15 MS. KEARSE: Yes.
 16 MR. CANONI: Okay.
 17 Do you understand the question?
 18 THE WITNESS: No, I don't.
 19 BY MS. KEARSE:
 20 Q. Okay. Let me ask it this way:
 21 Do you feel any obligation, as part of
 22 management, in any time period, if you have
 23 information about certain constituents that the
 24 employees are using that may be, in fact,
 25 hazardous, regardless of the controversy there, do

Page 58 1 you feel an obligation to tell those workers about 2 those hazards? 3 A. Yes, I do. 4 Q. And you, personally, wouldn't wait until 5 the government came in to make you do it before 6 advising your employees of such? 7 MR. CANONI: Objection as to form. 8 A. Not if I thought there was a reasonable 9 hazard. 10 BY MS. KEARSE: 11 Q. Do you believe that there were any 12 reasonable hazards at the Allied Drive plant? 13 A. No, I don't. 14 Q. And that's in relation to working with -- 15 around any of the products that were assembled at 16 that plant? 17 A. The products as we got them would have had 18 any asbestos fiber encapsulated in resins and 19 friction modifiers. 20 Q. And how would you know that? 21 A. Well, it did not come as a bag of loose 22 asbestos. It came as a hard piece of friction 23 material that was bound together as one solid 24 piece. 25 Q. Was there anything done in the	Page 60 1 A. At some point early on in my employment we 2 had our insurance company come in and do testing. 3 BY MS. KEARSE: 4 Q. Who was that? 5 A. I don't recall the carrier. 6 And very early on we had Tennessee OSHA 7 come in and do testing of our facility. 8 Q. And did they tell you that your asbestos 9 fibers remained encapsulated in your products? 10 A. They told us we did not have any 11 significant hazards. 12 Q. I'm just curious about the term 13 "encapsulation." 14 When -- was that a term that you used 15 during your work in Nashville? 16 A. Yes. 17 Q. And what would -- have you discussed 18 whether or not -- or strike that. 19 Did you actually discuss while you worked 20 there that the asbestos fibers remained 21 encapsulated within the products utilized in the 22 assembly plant? 23 MR. CANONI: Asked and answered. 24 You can answer. 25 A. Yes, we did.
Page 59 1 manufacturing -- or the assembly process that 2 would, to the best of your knowledge, release 3 asbestos fibers? 4 A. Not to the best of my knowledge. 5 Q. Then how can you be so sure that they 6 stayed encapsulated during any manufacturing 7 process? 8 MR. CANONI: Objection as to form. 9 A. It was the best of our knowledge that they 10 stayed encapsulated. 11 BY MS. KEARSE: 12 Q. What did you do in order to confirm that 13 belief? 14 MR. CANONI: Objection. 15 As to the manufacturing process or the 16 assembly? 17 MS. KEARSE: That the asbestos fibers were 18 encapsulated. 19 MR. CANONI: But as to the manufacturing or the 20 assembly? 21 MS. KEARSE: We can do both. I'm talking about 22 the assembly plant right now. 23 MR. CANONI: Okay. 'Cause you used 24 manufacturing before, but that's all right. 25 MS. KEARSE: Okay.	Page 61 1 BY MS. KEARSE: 2 Q. Okay. And first just tell me, generally, 3 what were the discussions regarding the 4 encapsulation of asbestos? 5 A. Would handling the brake linings expose 6 anyone to a hazard, would packaging them expose 7 anyone to a hazard, and we felt that it would not. 8 Q. Okay. And who -- who is the "we"? 9 A. My supervisors, my boss, the insurance 10 carrier. 11 Q. Can you tell me -- can you tell me who 12 they are? 13 MR. CANONI: Did you finish your answer? 14 A. Supervisor, boss, state, OSHA, insurance 15 company, is all I can think of. 16 You're asking who my boss was? 17 BY MS. KEARSE: 18 Q. Yes, of the -- that was Rogers? 19 A. Bob Rogers. 20 Q. Okay. And who was your supervisor? 21 A. Wow. Sandra Winslet would have been one. 22 There was a Dickie, and I can't remember his last 23 name. 24 That's all I can remember. 25 Q. Do you recall any memorandum,

Page 62 1 correspondence regarding these encapsulation 2 issues? 3 A. No, I don't. 4 Q. Do you know whether or not any ever 5 existed? 6 A. No, I don't. 7 Q. Did Maremont test their products? 8 MR. CANONI: Objection as to form. 9 A. How do you mean? 10 BY MS. KEARSE: 11 Q. Okay. What, in general -- did you have a 12 testing facility to test your products or 13 anything? Very general. 14 A. The plant in Paulding, Ohio had the 15 facility to -- or the ability to road test vehicles 16 with the brakes installed. 17 Q. So you didn't do any testing out of 18 Nashville? 19 A. No, we did not. 20 Q. All right. When you had your discussions 21 that you said you had between your supervisors and 22 the boss and insurance carrier and state OSHAs 23 about the encapsulation issues, did that involve 24 grinding of brake -- asbestos-containing brakes? 25 A. Yes, it did.	Page 64 1 know. But, again, if you put it in writing, we'll 2 take it under advisement. 3 BY MS. KEARSE: 4 Q. As a normal course of business, would you 5 be provided the results of those tests? 6 A. Yes, we would. 7 Q. Can you recall some of the testing 8 documents that you have seen in the past? 9 A. Yes, I can. 10 Q. Okay. Can you tell me about those? 11 A. There would be an OSHA report giving the 12 results of the tests, there would be insurance 13 company reports, and there would be internal 14 company reports. 15 Q. Okay. And you said you can't remember the 16 insurance carrier. 17 Do you remember who the representative 18 was? 19 A. No. 20 Q. Would it be a -- would someone from 21 Chicago have sent down this insurance company 22 representative? 23 A. Probably. 24 Q. And let me -- another ground rule we 25 have here is, if you remember all of a sudden the
Page 63 1 Q. And what were your conclusions there? 2 MR. CANONI: Objection as to form. 3 A. We concluded that you were grinding off 4 little bits of the compound, and your testing did 5 not reveal loose fibers. 6 BY MS. KEARSE: 7 Q. Okay. And what testing is that? 8 A. That's an air sampling pump. 9 Q. And when was that done? 10 A. During the production day. 11 Q. And this is -- this is from '73, just so 12 we're clear, '73 to '77 time period? 13 A. I don't remember when that started. 14 That may have been in effect when I got 15 there, it may have started a year or two later. 16 Q. Who did those tests? 17 A. The insurance company, state OSHA, and we 18 conducted some of our own. 19 Q. And were these tests conducted at the 20 Nashville plant? 21 A. Yes, they were. 22 MS. KEARSE: Counsel, I don't think we've seen 23 all of those testing documents, so I'm going to 24 request that we get those. 25 MR. CANONI: They don't exist, as far as I	Page 65 1 name, you know, Travelers pops in your head down 2 the road or something, whoever it is there, Aetna, 3 whatever -- 4 A. I'll provide that. 5 Q. Would you provide that for me? Okay. 6 Who would be provided copies of these 7 reports? 8 A. Bob Rogers and myself. 9 Q. Did reports of this nature -- were they 10 sent to Chicago? 11 A. I don't think so. 12 MR. CANONI: You mean sent from Nashville to 13 Chicago? As they could have come the other way, 14 too. 15 MS. KEARSE: Um-hum. 16 MR. CANONI: But -- I just wanted to be clear. 17 BY MS. KEARSE: 18 Q. Okay. And, vice-versa, did, at any time, 19 reports originate in Chicago that came to you 20 regarding dust studies? 21 A. Not that I recall. 22 Q. Is there someone you dealt with at 23 corporate headquarters regarding health and safety 24 matters? 25 A. No.

Page 66 1 Q. They left it all to you down there in 2 Nashville? 3 A. That's correct. 4 Q. How did you obtain your information on 5 health and safety issues? 6 A. OSHA would send us mailings, our insurance 7 carrier would discuss it when they made their 8 annual visits, read the newspaper. 9 Q. Okay. Can you recall how many times this 10 testing occurred during your time period with 11 Maremont? 12 MR. CANONI: By anyone? 13 MS. KEARSE: Um-hum. 14 A. No, I can't recall. 15 BY MS. KEARSE: 16 Q. Okay. Can you give me a general idea; 17 twice a year, once a year, five times a year? 18 A. I would say once a year. 19 Q. As far as you know, did this happen every 20 year while you were there? 21 A. I think so. 22 Q. Okay. Do you have any information to know 23 -- to the best -- do you know whether or not 24 testing had already occurred prior to you arriving 25 in Nashville?	Page 68 1 A. Safety meetings, plant inspections, 2 accident investigations. 3 Q. And in connection with that, were you 4 supplied what the existing -- if there was any 5 existing materials that related to health and 6 safety matters within the plant? 7 A. Ask the question again. 8 Q. As part of your coming in to, you know, 9 assess the situation you had there, were you 10 provided with documents that would -- or files that 11 would show you what was going on prior to your 12 arrival? 13 A. No. 14 Q. If there were health and safety files 15 there, would that be something that would interest 16 you as a plant manager to know what's been going on 17 at the plant? 18 A. Yes, it would. 19 Q. And would you have asked to see such 20 documents if such documents existed? 21 A. If I thought they had been generated by 22 someone that was knowledgeable. 23 Q. Do you know whether or not when this 24 testing took place, during the time period you were 25 there in Nashville, were precautionary measures
Page 67 1 MR. CANONI: Asked and answered. 2 You can answer. 3 A. Not to my knowledge. I don't recall. 4 BY MS. KEARSE: 5 Q. When you came to Nashville and assumed 6 your responsibilities as operations manager, we've 7 discussed a little bit -- we discussed some 8 generalities very early on in the deposition. 9 When you came to Nashville as operations 10 manager, what did you first do? 11 A. Got to know the people, learned the 12 manufacturing process, became familiar with our 13 major customer, and set about trying to improve 14 manufacturing, increase quality, implement a safety 15 program, improve the lighting in the facility, 16 purchase more wisely, hire new supervisors, start a 17 maintenance department. 18 Q. Had the Nashville plant been in existence 19 before your arriving there? 20 A. Yes, it had. 21 Q. Okay. So you came in there to shake some 22 things up? 23 A. Hopefully to make some improvements. 24 Q. All right. What type of safety system did 25 you implement?	Page 69 1 already in place for the production workers or the 2 assembly workers? 3 A. Are you talking about, like, safety 4 glasses and safety shoes? 5 Q. Yes, and dust collectors and such and -- 6 A. There were some dust collectors, yes. 7 Q. Do you know what type of dust collectors 8 were used there? 9 A. Bag houses. 10 Q. Did you ever have to go take any courses 11 on asbestos-related issues? 12 A. No, I did not have to take any courses. 13 Q. Okay. Did you ever take any? 14 A. At some point we joined the Asbestos 15 Information Association. 16 Q. And you used that as a source of your 17 information on what to do with asbestos? 18 A. That's correct. 19 Q. Do you know when you joined the Asbestos 20 Information Association? 21 A. No, I don't. 22 Q. Who was your major customer that you 23 supplied from the Allied facility? 24 A. Sears. 25 Q. And you told me one of the first things

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1 you did when you came, you got to know the major
2 customer.
3 Who did you deal with at Sears?
4 A. Whomever was the buyer for brake products
5 at that time.
6 Q. Do you remember who that was?
7 A. No, I don't.
8 Q. Did you ever visit any Sears locations in
9 regard to the brake products?
10 A. Only Sears headquarters in the Sears
11 Tower.
12 Q. Okay. And what did you meet with Sears
13 headquarters about?
14 A. To plan production schedules.
15 Q. And do you know what time period this was?
16 A. Every year.
17 Q. Every year since you were there.
18 Did any -- did you have any other major
19 customers out of the Nashville plant?
20 A. No, we did not.
21 Q. Was the Nashville plant solely there for
22 Sears?
23 A. We attempted to get other customers, but
24 Sears was the vast majority of our business.
25 Q. I want to know just a little bit, just the

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1 magnitude, how big the plant was.
2 How many employees did you have in these
3 -- let's first go all together in Nashville.
4 A. I would guess seventy-five.
5 Q. And what did management consist of there?
6 A. A division manager, operations manager,
7 purchasing, scheduling, quality control, and
8 supervisors and a comptroller.
9 Q. What would you be purchasing at this
10 plant?
11 A. Brake shoes, paint, cartons, and friction
12 material from the Paulding plant.
13 Q. Okay. Where would you be getting brake
14 shoes from?
15 A. Aimco, A-i-m-c-o. That was --
16 Q. Were they asbestos-containing brake shoes?
17 A. No, they were steel shoes, stamped and
18 welded.
19 Q. And would you apply asbestos to the --
20 A. We would apply the brake lining to the
21 shoe.
22 Q. The lining.
23 What came from the Paulding plant?
24 A. The friction material.
25 Q. And that would be part of the -- what you

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1 would apply to the brake shoes?
2 A. Well, the friction material is
3 approximately a quarter-inch thick piece of
4 asbestos resin friction modifier material. It gets
5 put on to a brake shoe or a disk pad.
6 Q. Was there any other purchasing, other than
7 the Paulding plant, that you would get anything
8 that -- that you know of had contained asbestos in
9 it?
10 A. I don't think so.
11 Q. Do you know whether or not anything went
12 directly from the Paulding plant to Sears?
13 A. Not to my knowledge.
14 MR. CANONI: You mean during the time he was
15 there?
16 MS. KEARSE: Yes.
17 BY MS. KEARSE:
18 Q. And when you say not to your knowledge,
19 you mean you don't know?
20 A. I don't think it did.
21 Q. Or you don't -- it didn't, okay.
22 Were you involved in any of the packaging
23 of the products that went from Nashville to Sears?
24 A. Yes, I was.
25 Q. Okay. What was your role in any -- in

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1 general, with packaging?
2 A. I was responsible for the people that put
3 the package in the carton.
4 Q. And can you recall what the cartons looked
5 like?
6 A. Vaguely.
7 Q. Okay. What did they look like?
8 A. Some were plain oyster white, rectangular
9 blocks that we'd put a red and white label on, and
10 others were red and black with a picture of people
11 doing a brake job on a car in their driveway.
12 Q. Do you remember what products went into
13 what carton?
14 A. Yes, I do.
15 Q. Okay. Why don't you tell me that?
16 A. There was --
17 Q. You're doing well with just answering
18 exactly what I ask.
19 A. There was an all-in-one product that went
20 into the white box, and there was an
21 over-the-counter product that went into the red and
22 black box.
23 Q. And within the cartons, you said the
24 packages went in there.
25 What was put into the cartons?

Page 74 1 A. In the over-the-counter, you got brake 2 shoes or disk pads only. 3 In the all-in-one box, you got the brake 4 shoe or the disk pad, the parts to rebuild the 5 wheel cylinder, and the hardware, the springs and 6 clips that would install a brake shoe. 7 Q. Now were they in separate packages? 8 A. Little plastic bags. 9 Q. What appeared on those little plastic 10 bags? 11 Any writing? 12 A. Maybe a part number. 13 Q. Was there ever any instructions on those 14 packages? 15 A. Yes, there were. 16 Q. And did those instructions mainly deal 17 with how to use the product? 18 A. How to install brakes. 19 Q. Was there any cautions provided on those 20 instructions? 21 A. I don't recall. 22 Q. Was there anything about asbestos at all 23 on those packages? 24 A. I don't specifically recall. 25 Q. And when you say you don't recall, you	Page 76 1 who would I ask? 2 A. Sears would probably dictate what would go 3 on the installation instructions for their 4 products. 5 Q. And why is that? 6 A. Because they were selling it and we were 7 producing it for them. 8 Q. But you were selling it to them; is that 9 correct? 10 A. That's correct. 11 Q. Did you give anything outside the package 12 or warning to Sears regarding installation and 13 instructions? 14 MR. CANONI: Objection as to form. 15 A. I don't recall. 16 BY MS. KEARSE: 17 Q. Do you recall Sears ever putting something 18 on their instructions or packages that you 19 disagreed with? 20 A. No, I don't. 21 Q. Do you at any time -- did you at any time 22 advise Sears to put additional wording of any kind 23 on a package or instruction? 24 A. I did not. 25 MR. CANONI: Anne, let me make -- let me know
Page 75 1 don't know today or -- 2 MR. CANONI: You don't recall one way or the 3 other? 4 THE WITNESS: Yeah, I don't recall one way or 5 the other. I would be speculating. 6 BY MS. KEARSE: 7 Q. But as you sit here today, you do not 8 recall anything regarding asbestos on the packages? 9 MR. CANONI: Objection, asked and answered. 10 A. I'm hesitant to answer because my memory 11 is not specific, so I would hate to guess. 12 BY MS. KEARSE: 13 Q. And I didn't ask you to guess. I'm just 14 saying, as you sit here today, you do not recall 15 whether or not -- 16 MR. CANONI: And he's saying -- 17 BY MS. KEARSE: 18 Q. -- there were any asbestos-related 19 warnings or anything about asbestos on the 20 packages? 21 A. You're right. I can't recall. 22 Q. What about on the -- well, let me ask you 23 this: 24 Who was in charge of packaging? 25 If I needed to find out that information,	Page 77 1 when you get to a break in the line of questioning. 2 MS. KEARSE: Okay, I'm -- I mean, if you want 3 to take a break, we can at any time. 4 MR. CANONI: I need to take a brake. 5 MS. KEARSE: I mean, it's just all in general. 6 (Recess taken.) 7 BY MS. KEARSE: 8 Q. Okay. I just want to follow up on one 9 thing we touched on. 10 You mentioned that on the testing, you 11 mentioned Maremont does its own testing regarding 12 the air sampling in the assembly plant. 13 Who at Maremont would have done that 14 testing? 15 A. We would have borrowed a pump from the 16 Paulding plant, had different employees wear it 17 with different filters, and then return that to 18 Paulding for their analysis, or perhaps sent it to 19 a testing laboratory to count. 20 Q. Did Paulding have a laboratory? 21 A. Not a laboratory. 22 Q. Did they have a place they can do such 23 analysis? 24 A. They did. 25 Q. Okay. So who would be -- who at Maremont

Page 78 1 would be conducting these tests? 2 A. Help me understand. Who would put the 3 pump on the person? 4 Q. I want some names. 5 MR. CANONI: Hold on. 6 BY MS. KEARSE: 7 Q. Yes, you said you would borrow a pump and 8 you'd put them on workers. 9 Was that your responsibility? 10 A. Primarily. 11 Q. Okay. What training did you have in 12 taking air samples? 13 MR. CANONI: Objection as to form. 14 A. I guess from our insurance carrier. 15 BY MS. KEARSE: 16 Q. And do you recall who this person was that 17 trained you? 18 A. No. 19 Q. Would you be the person that personally 20 placed the pumps on the workers? 21 A. I did some of it, and I'm trying to recall 22 who else assisted me. 23 I can't right now. 24 Q. Would it have been another part of your 25 management team there?	Page 80 1 A. I think so. 2 Q. How did they get that understanding? 3 A. From plant meetings. 4 Q. What did you tell them at plant meetings? 5 A. That there was concern about exposure to 6 asbestos fibers, and we wanted to learn what our 7 exposure was. 8 Q. Do you know when this -- when these 9 meetings started? 10 A. No, I don't. 11 Q. And again, this is during your time period 12 when you were there, right? 13 A. That is correct. 14 Q. Do you recall during this time period if 15 any of the men that were doing the air samples wore 16 protective equipment? 17 A. I don't recall that they did. 18 Q. And I get confused when you term it that 19 way. 20 Does that mean you don't recall, or you 21 don't think they did? 22 A. I don't think they did. 23 Q. When -- you mentioned that Sears -- you 24 mentioned about Sears dictating some information. 25 Do you know whether or not you told Sears
Page 79 1 A. Yes, it would. 2 Q. Again, if you recall, please let me know. 3 A. Okay. 4 Q. Do you recall what workers you placed 5 these pumps on? 6 A. No, I don't. 7 MR. CANONI: You mean their personal name, or 8 their job function? 9 MS. KEARSE: Their personal name. 10 THE WITNESS: No. 11 BY MS. KEARSE: 12 Q. How did you select who got to wear a 13 personal pump or air sample? 14 A. We would select different operations, and 15 whomever was performing that operation that day, we 16 would ask to wear the pump. 17 Q. Did this include workers from the grinding 18 section? 19 A. Yes, it did. 20 Q. What would you tell your workers during 21 this time when you were doing the testing? 22 A. That we were sampling for exposure to 23 asbestos fibers. 24 Q. Did they have an understanding why that 25 was important?	Page 81 1 what the ingredients of your products were? 2 MR. CANONI: Objection as to form. 3 A. We would not give a specific formula to 4 any customer. 5 BY MS. KEARSE: 6 Q. What would you give them? 7 If I wanted to say "What's in your 8 product" -- 9 A. We would say that there were asbestos 10 resins and friction modifiers. 11 Q. And if I said "Well, how much asbestos"? 12 A. We would tell you roughly the percentage 13 of asbestos. 14 Q. And what was roughly the percentage of 15 asbestos? 16 A. I'm going to be guessing on my part that 17 it was roughly 30, 40 percent. 18 Q. And what do you base that guess on? 19 A. My weak memory of the formulas that we had 20 at that time. 21 Q. Okay. What would your involvement be with 22 batch formulas at the Nashville plant? 23 MR. CANONI: Objection as to form. 24 A. Awareness only? 25

Page 82 1 BY MS. KEARSE: 2 Q. Go ahead. 3 'Cause you all -- you weren't making the 4 actual formulas there, correct? 5 A. That's correct. 6 Q. At the Nashville plant, were you in 7 possession of the batch formulas? 8 A. No, we were not. 9 Q. Did you become familiar with batch 10 formulas while you worked at Paulding? 11 A. Yes, I did. 12 Q. And do you recall seeing documents with 13 the batch formulas on them? 14 A. Yes, I do. 15 Q. Do you recall where you got your asbestos 16 for those batch formulas during your time period? 17 MR. CANONI: You mean who was the raw material 18 supplier? 19 MS. KEARSE: Um-hum. 20 MR. CANONI: Okay. 21 A. I don't recall. 22 If you could give me a list of names, I 23 can probably pick the two or three that were our 24 significant providers. 25	Page 84 1 we talked about the packaging, then we didn't get 2 back to the cartons that were shipped from the 3 Nashville plant. You talked about generally what 4 they looked like and some pictures on there. 5 What words, if any, do you recall on the 6 cartons? 7 A. There was a part number and a date code. 8 Q. And is that all you remember going on the 9 cartons when they left Nashville? 10 MR. CANONI: Other than what you've already 11 testified to? 12 MS. KEARSE: Other than the pictures. 13 MR. CANONI: And what he's already testified to 14 otherwise? 15 A. Ask the question again, please. 16 BY MS. KEARSE: 17 Q. Okay. Let me just ask you in general, 18 then, since you may think he's testified to 19 something else already: 20 On the cartons, you told me there was some 21 different pictures -- 22 A. Right. 23 Q. -- okay, and the product name on there? 24 A. Right. 25 Q. That's all I remember you testifying to.
Page 83 1 BY MS. KEARSE: 2 Q. Do you know whether or not you've ever 3 claimed trade secret to anyone that's asked you for 4 your formulations? 5 MR. CANONI: Objection as to form. 6 A. I'm certain we did. 7 BY MS. KEARSE: 8 Q. Have you ever had any government officials 9 come into your plant and ask you for your 10 formulations? 11 A. I don't recall. 12 Q. And, again, you don't recall -- you don't 13 remember, or you don't think so? 14 A. I don't remember having a government 15 official come in and ask for our formula. 16 Q. Do you have any recollection of anyone 17 else ever coming in and asking you for any formula 18 information? 19 MR. CANONI: Outside the company? 20 MS. KEARSE: Yes. 21 A. I don't recall anyone else. I don't 22 remember anyone else asking for that. 23 BY MS. KEARSE: 24 Q. What wording appeared on the cartons that 25 we just talked about a little while ago that we --	Page 85 1 Did you testify to some other things that 2 were on the cartons? 3 Or just tell me what else was on the 4 cartons? 5 A. Sears Brake in a Box, Sears 6 Over-the-Counter. 7 Q. And that's the product name? 8 A. Right. 9 Q. Okay. Any instructions on the actual 10 carton? 11 A. And -- no, that would be inside. 12 Q. Okay. And that would be inside the 13 package? 14 A. Well, it would be inside the carton. You 15 open the carton and there is everything. 16 Q. Okay. Let me just clarify. 17 You made it sound like it's a package 18 within the carton? 19 A. Little plastic packages for the rubber 20 parts or the small springs and clips that would 21 slip out of the box. 22 Q. Was a carton for one -- I get -- this is 23 my confusion: 24 When you talk about a carton, are you 25 talking about one unit of a brake product in there,

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1 or sometimes you get it where you may sell five or
 2 six different parts from there?
 3 A. Each carton would have enough parts to
 4 perform a complete brake job on one axle of a
 5 vehicle, the front or the rear.
 6 Q. Okay.
 7 MR. CANONI: And that was the all-in-one kit?
 8 THE WITNESS: That was the all-in-one. The
 9 over-the-counter had enough brake shoes or disk
 10 pads to do a brake job.
 11 MS. KEARSE: All right.
 12 THE WITNESS: And then oftentimes four or six
 13 of those would go into an over-pack.
 14 BY MS. KEARSE:
 15 Q. Okay. That's what I -- okay. So that's
 16 -- okay.
 17 So a carton is -- tell me how big a carton
 18 was?
 19 A. Size of a shoe box.
 20 Q. Okay. Then the shoe boxes, were they then
 21 put into something?
 22 A. Sometimes, four or six of those would be
 23 put into just a plain brown corrugated box with
 24 nothing but a part number on it.
 25 Q. Okay. And that's -- I apologize. I knew

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1 -- I didn't know there were three sections there.
 2 I was thinking the carton was that box there.
 3 So you have the package that goes in there
 4 and you have the carton with what you told me and
 5 then you have the box.
 6 And the box itself would only have, you
 7 said, a part number on it?
 8 A. Correct.
 9 Q. Okay. Do you recall any warnings on any
 10 of these -- the carton, the package, or the box?
 11 MR. CANONI: Asked and answered.
 12 A. I think I said earlier I don't recall, and
 13 I don't.
 14 BY MS. KEARSE:
 15 Q. You don't recall seeing it, or you don't
 16 recall --
 17 A. I don't recall what was on the package.
 18 Q. And what about on the carton?
 19 A. I don't recall what was on the carton.
 20 Q. Okay. And on the box?
 21 A. And I don't recall what was on the
 22 over-pack box.
 23 Q. What is the Maremont Marketing, Inc.?
 24 A. Ask the question again, please.
 25 Q. Maremont Marketing, Inc.

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1 A. I'm not familiar with that.
 2 Q. Okay. Who at Paulding would you deal with
 3 when you were getting the air pump, when you said
 4 you would borrow an air pump from Paulding?
 5 A. Cindy Hayes.
 6 Q. And who would you send -- if the analysis
 7 was actually done at Paulding, who would that go
 8 back to?
 9 A. Cindy Hayes.
 10 Q. And Cindy Hayes, you told me before, what
 11 was her position?
 12 A. Personnel.
 13 Q. Okay. And who would analyze it at
 14 Paulding?
 15 A. They had a plant nurse.
 16 Q. Do you recall who that was?
 17 A. No, I don't.
 18 Q. And the plant nurse would take the filters
 19 and do the analysis?
 20 A. Yes.
 21 Q. Did she have any special training in
 22 asbestos-related matters?
 23 A. I'm not sure what training she had.
 24 Q. Do you know how long the plant nurse was
 25 at that -- the Paulding plant?

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1 A. No, I don't.
 2 Q. And you just can't remember her name?
 3 A. I cannot remember her name.
 4 Q. Did the Paulding plant ever employ an
 5 industrial hygienist?
 6 A. Not a certified industrial -- well, they
 7 did later, a lady who had the title of industrial
 8 hygienist. I'm not sure what her credentials were.
 9 Q. And who was that?
 10 A. I don't remember her name, either.
 11 Q. Do you remember where she came from?
 12 A. No.
 13 Q. Was she employed full time at the plant?
 14 A. Yes, she was.
 15 Q. Under the title "industrial hygienist"?
 16 A. Yes, she was.
 17 Q. And what did she do there?
 18 A. Her primary duty was full-time air
 19 sampler.
 20 Q. And what time period was this?
 21 A. I'm going to speculate that that was in
 22 the -- 1966-1977 onward.
 23 MR. CANONI: 1976-'77?
 24 THE WITNESS: '76-'77, excuse me.
 25

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1 BY MS. KEARSE:
2 Q. Did you hire her?
3 A. Indirectly, yes.
4 Q. And what does that mean, indirectly?
5 A. Well, Cindy Hayes worked for me at that
6 time, and Cindy Hayes hired her.
7 Q. Okay. And did you --what instruction did
8 you give Cindy Hayes?
9 A. That we wanted someone who was certified
10 to do asbestos testing so that we could save the
11 expense of an outside laboratory.
12 Q. Let me go on to one more question about
13 Nashville.
14 Are you aware of any OSHA violations while
15 you were there at the Nashville plant?
16 And I'll limit it in relation to asbestos
17 matters.
18 A. Oh, no, I'm not aware of any related to
19 asbestos.
20 Q. You paused. Were there other OSHA
21 violations regarding other matters at the Nashville
22 plant?
23 A. I'd like to just answer by saying that in
24 my entire management career, I've never seen an
25 OSHA inspection that did not produce some

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1 you came into Nashville, you went up to Paulding to
2 shake some things up?
3 MR. CANONI: Objection as to form.
4 A. I was the manager of Nashville for a
5 period of time. My boss gained responsibility for
6 that plant and asked me to go up in an operational
7 capacity. My boss then left Maremont, and that
8 left me the top man in charge of both facilities.
9 BY MS. KEARSE:
10 Q. And we talked earlier, when you came into
11 Nashville, you kind of assessed the situation and
12 made some new recommendations.
13 Did you do the same when you went up to
14 Paulding?
15 A. Much less so.
16 Q. Okay. Well, one of the things you told me
17 you did, you hired the industrial hygienist,
18 correct?
19 A. That's correct.
20 Q. All right. What other changes did you
21 think were necessary when you went up to Paulding
22 to be the top manager?
23 A. OSHA standards were changing, so we put a
24 significant improvement in the dust collection
25 system, approximately a million dollars.

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1 violation.
2 Q. So the answer to my question is "yes"?
3 A. Yes. Excuse me, yes.
4 Q. And you can expand on any of my questions
5 that I want you to expand on, too. You can do
6 that. All right.
7 Anything -- but, generally, nothing
8 regarding asbestos-related matters at Nashville --
9 A. No.
10 Q. -- correct? Okay.
11 And what about any other environmental --
12 EPA or any other governmental -- any entity that
13 has the ability to do any violating codes and issue
14 citations, anything else regarding asbestos?
15 A. I don't recall any.
16 Q. What was your involvement with the
17 Paulding plant?
18 A. For a period of time I was the top manager
19 at that plant.
20 Q. What time period was that?
21 A. From about 1976 until its close.
22 Q. Who did you replace when you became the
23 top manager there?
24 A. Wayne Knight.
25 Q. And would it be fair to say, kind of when

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1 We started an active campaign of safety
2 programs, but none of those were directly related
3 to asbestos.
4 Q. Have you been in contact with Wayne Knight
5 at all?
6 A. No, I have not.
7 Q. Do you know where he is located today?
8 A. No, I do not.
9 Q. As top manager in Paulding, did you move
10 to Paulding in '76?
11 A. No, I did not.
12 Q. Did you maintain your office in Nashville?
13 A. Yes, I did.
14 Q. How did you keep in touch with what was
15 going on in Paulding?
16 A. I commuted every week.
17 Q. What type of commute was that?
18 A. Airplane.
19 Q. Oh, okay. That was --
20 A. Arduous. Yucky.
21 Q. And how many days would you be in
22 Nashville, how many days in Paulding?
23 A. About three days in one and two days the
24 other, and it would alternate.
25 Q. Was that a company plane?

Page 94 1 A. No, that was Delta Airlines. 2 Q. What was the interaction between Chicago 3 and Paulding? 4 MR. CANONI: During his time as plant manager? 5 MS. KEARSE: Yes. 6 BY MS. KEARSE: 7 Q. You know, any communication flow, anything 8 with that? 9 A. Yes. At that point I reported to someone 10 in Chicago. 11 Q. Okay. And who did you report to there? 12 A. Byron Pond. 13 Q. Okay. And have you had any conversations 14 since leaving Maremont with Byron Pond? 15 A. No, I have not. 16 Q. Okay. Do you know if he's still with 17 Maremont? 18 A. I'm pretty sure he is not. 19 Q. Do you know where he is? 20 A. He became president of Maremont, and then 21 president of Arvin when they acquired Maremont, and 22 I believe he has retired. 23 Q. What did your communications entail 24 between Byron Pond and yourself? 25 A. Occasional phone calls, any requests for	Page 96 1 A. Okay. 2 Q. Would it be fair to say at the Paulding 3 plant it was basically a blue collar group of 4 people working there? 5 A. Yes, it would. 6 Q. What type of training did you do for your 7 employees before they came into the plant? 8 A. We would do an orientation on company 9 policies. 10 Later on, as the OSHA regulations began to 11 be promulgated and implemented, we would make them 12 aware of those. Basic safety training, and 13 everything else would be on the job. 14 Q. When you went up there as the manager, did 15 you do any historical research about the plant? 16 A. No, I did not. 17 Q. Did you have any interest in prior 18 conditions of the plant? 19 A. I'm trying to think how to answer your 20 question. 21 I was much more concerned with the daily 22 operations and going forward, so I don't recall 23 doing any historical research. 24 Q. Ever any conversations about the 25 historical conditions of the plant?
Page 95 1 capital expenditures, general overview of 2 operations. 3 Q. Did Byron Pond come to Paulding? 4 A. Only rarely. 5 Q. And what's rare? 6 A. I only remember two visits. 7 Q. Okay. Would you go to Chicago? 8 A. Once every two to three months. 9 Q. How many employees were at the plant in 10 Paulding? 11 A. I'm going to guess that there were about 12 two hundred. 13 Q. And where did your work force come from? 14 A. The immediate surrounding area. 15 Q. And just so I'm correct on my time frame, 16 you went up there in '76, but did you -- from 17 working in Nashville, did you have information 18 about the Paulding plant that you could testify to 19 today between '73 and '76? 20 A. Well, I had some knowledge. It depends on 21 the question. 22 Q. Okay. At any of these -- if you're just 23 very specific, if it's -- I'm going to be asking 24 generally. It's from the '73 to the '77 time 25 period.	Page 97 1 A. I don't recall doing that. 2 Q. When you came to the Paulding plant in 3 1976, were you shown any prior testing done at the 4 plant? 5 A. No, I was not. 6 Q. Are you aware of dust studies being taken 7 at the plant before your arrival there? 8 A. I'm sure that the plant nurse was doing 9 some sampling before I got there. I never did look 10 at those records. 11 Q. Were you involved in the hiring and firing 12 of employees in Paulding? 13 A. Yes, I was. 14 Q. Did anyone else have that ability to do 15 that, or did it all have to flow through you? 16 A. During the time that I was responsible for 17 the plant, I would have to personally approve all 18 hiring and firing. 19 Q. If you can just briefly describe for me 20 what was done at the Paulding plant, I just don't 21 think we've gone -- just tell me generally what 22 type of manufacturing processes took place there? 23 A. They brought in raw materials, they would 24 mix those, and then either extrude them or form 25 them in molds and presses into truck block, brake

1 linings, disk pads, or clutch facings.
 2 Q. Who was responsible for purchasing raw
 3 materials that -- you know, during your time period
 4 at the Paulding plant?
 5 A. David Sinn, S-i-n-n.
 6 Q. All right. And do you know where David
 7 Sinn is today?
 8 A. No, I do not.
 9 Q. Would he have been responsible for
 10 purchasing raw asbestos fiber?
 11 A. Yes, he would.
 12 Q. Do you recall how raw asbestos fiber was
 13 delivered to the plant?
 14 A. Yes, I do.
 15 Q. And how was that?
 16 A. It would be in plastic pressure-packed
 17 bales that weighed approximately seventy-five,
 18 eighty pounds each.
 19 Q. Then again, do you have any recollection
 20 of who you were purchasing asbestos from?
 21 A. I think Bell Asbestos Mines was one
 22 principal supplier, and, again, if you showed me a
 23 list of people, I think it would refresh my memory
 24 and I could pick the ones we bought from.
 25 Q. Did you have any interaction with the

1 Nashville plant.
 2 Did they manufacture products that went to
 3 other customers from the Paulding plant?
 4 A. Yes, they did.
 5 Q. Okay. What other customers did they go
 6 to?
 7 A. They went to a group of people called
 8 remanufacturers.
 9 Q. And did the Paulding plant also maintain
 10 an area where they would do the packaging and ship
 11 from the plant?
 12 A. Yes, they did.
 13 Q. Okay. So you would have the packaging and
 14 the cartons and everything also in Paulding?
 15 A. Yes, you would.
 16 Q. Do you have any recollection as to the
 17 Paulding plant, the products that were shipped out
 18 of there, of any warnings on any of those cartons?
 19 A. I know at some point OSHA began to require
 20 a warning label on all packages containing asbestos
 21 products, and at that time we complied with their
 22 rules and regulations.
 23 Q. Where did you put the warning?
 24 A. I beg your pardon?
 25 Q. Where did you place the warning?

1 sales department?
 2 A. Yes, I did.
 3 Q. What type -- what was your interaction
 4 there?
 5 A. Well, we were supplying the product, so we
 6 worked on forecasts, we would plan volumes, we
 7 would resolve problems, expedite orders, set
 8 prices.
 9 Q. What about anything with marketing?
 10 A. That was one and the same.
 11 Q. Anything -- any involvement in any
 12 promotional activities or anything with the
 13 marketing departments?
 14 A. There were no significant promotional
 15 activities.
 16 Q. Okay. What about brochures or things that
 17 went out regarding your products?
 18 A. I don't recall us doing much of that at
 19 all during the time I was in charge.
 20 Q. Where was the marketing -- where were the
 21 marketing people located?
 22 A. Most of the time I was in charge they were
 23 located in Nashville, Tennessee.
 24 Q. Okay. Now we talked about Paulding
 25 manufactured products that were sent down to the

1 A. I don't recall.
 2 Q. Did you, yourself attend any of the AIA
 3 meetings?
 4 A. Yes, I did.
 5 Q. When was that?
 6 A. '75 to '80.
 7 Q. Are you aware of anyone prior to 1975,
 8 anyone at Maremont attending AIA meetings?
 9 A. No, I am not.
 10 Q. I think I asked, but do you know when you
 11 became a member of AIA?
 12 A. No, I don't.
 13 Q. Were you the corporate representative for
 14 AIA on behalf of Maremont?
 15 A. Yes, I was.
 16 Q. Did anyone else from Maremont attend AIA
 17 meetings?
 18 A. Yes.
 19 Q. And who was that?
 20 A. Cindy Hayes and Nancy Judd.
 21 MR. CANONI: Is this Maremont or Nuturn?
 22 THE WITNESS: Excuse me. Maremont would be me
 23 alone.
 24 BY MS. KEARSE:
 25 Q. Did you ever attend any of the FMSI

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1 meetings, the Friction Manufacturers Standards
 2 Institute?
 3 A. No, I did not.
 4 MR. CANONI: I think it's Friction Materials.
 5 MS. KEARSE: I'm sorry.
 6 MR. CANONI: That's all right.
 7 BY MS. KEARSE:
 8 Q. Do you know whether or not Maremont was a
 9 member of that?
 10 A. I think they were.
 11 Q. Do you know who, on behalf of Maremont,
 12 attended those meetings?
 13 A. Frank Skelton, S-k-e-l-t-o-n.
 14 Q. And do you know where Frank Skelton is
 15 today?
 16 A. He's deceased.
 17 Q. Okay. When did he die, do you know?
 18 A. Four or five years ago.
 19 Q. Did you maintain minutes of the AIA
 20 meetings?
 21 A. No, I did not.
 22 Q. Did you get minutes of AIA meetings as
 23 part of your membership?
 24 A. I don't think so.
 25 Q. What about any of the brochures or

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1 anything that were circulated by AIA?
 2 A. Yes.
 3 Q. What type of brochures did you receive
 4 from them?
 5 A. Newsletters, notice of meetings.
 6 Q. Did you ever participate in any regulatory
 7 hearings regarding asbestos?
 8 A. No, I did not.
 9 Q. Are you aware of anyone at Maremont ever
 10 participating in hearings regarding regulatory
 11 matters?
 12 A. I don't think anyone ever did.
 13 Q. When did you cease your employment with
 14 Maremont?
 15 A. I don't remember the exact date. It was
 16 either '79 or '80.
 17 MR. CANONI: No, Maremont, not Nuturn.
 18 THE WITNESS: I'm sorry. That would have been
 19 about 1977.
 20 BY MS. KEARSE:
 21 Q. Okay. Do you remember when in 1976 you
 22 went to Paulding?
 23 A. No, I do not.
 24 Q. What occurred in 1977 that -- the reason
 25 you ceased working at Maremont?

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1 A. Phoroto Corporation purchased the friction
 2 and brake operations of Maremont Corporation.
 3 Q. Did Maremont remain a supplier of the
 4 brake material at that time?
 5 MR. CANONI: Objection as to form.
 6 A. I don't understand the question.
 7 BY MS. KEARSE:
 8 Q. Did Maremont remain in the manufacturing
 9 business of asbestos-containing products after
 10 1977?
 11 A. My understanding and knowledge is that
 12 Phoroto bought Paulding on Allied Drive, and that
 13 would have been all the asbestos-related operations
 14 that Maremont had, and folded both of those into a
 15 new plant in Smithville, Tennessee.
 16 Q. Did Maremont remain involved in any of the
 17 sales or marketing of the products coming out of
 18 Paulding or Nashville?
 19 MR. CANONI: Objection as to form.
 20 A. We still coordinated with Maremont on our
 21 sales to Sears.
 22 BY MS. KEARSE:
 23 Q. What did that entail?
 24 Or just tell me what the relationship was
 25 there?

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1 A. Maremont had a computer system that helped
 2 track inventory at Sears that we made use of.
 3 MR. CANONI: When you say "we" --
 4 THE WITNESS: We at Nuturn.
 5 MR. CANONI: Okay.
 6 THE WITNESS: We also shared trucks in the
 7 distribution of our product.
 8 BY MS. KEARSE:
 9 Q. So you had Nuturn, you had Maremont, and
 10 you had Sears?
 11 A. Correct.
 12 Q. Okay. And the manufacturing was going on
 13 at Nuturn at this point? This is after '77.
 14 A. That's correct.
 15 Q. All right. Still at the Paulding
 16 facility, but a new owner?
 17 A. Correct.
 18 Q. And would Maremont call up Nuturn to
 19 figure out what Sears needed?
 20 I mean, how did that work? There's
 21 apparently a chain there --
 22 A. No.
 23 Q. -- of how it eventually got to Sears.
 24 A. Nuturn dealt directly with Sears.
 25 Q. All right. And what was Maremont's role

Page 106 1 in that, in the sale of the brake materials to 2 Sears after '77? 3 A. Nuturn had not established the ability to 4 visit every Sears store as often as Maremont to 5 distribute our products, and we did not have an 6 independent computer system to track inventory 7 levels at each store. 8 Q. What were the financial arrangements, 9 then, on how this all worked? 10 A. That would not be something I would know. 11 Q. Would that be out of Chicago? 12 A. That would just -- might have been Bob 13 Rogers, who was president, knew that. 14 Q. Okay. 15 A. I didn't involve myself in that. 16 Q. But somehow you still utilized Maremont's 17 facilities and abilities to sell the brake lining 18 products to Sears, correct? 19 MR. CANONI: Objection as to form. 20 A. We sold directly to Sears. We just used 21 Maremont to help us get it there. 22 BY MS. KEARSE: 23 Q. Did Maremont do that for free? 24 A. I don't think so. 25 Q. Okay. On the packaging that came out of	Page 108 1 Q. So how did you all get business? 2 A. Grizzly would sell to the rebuilders and 3 they would contact Grizzly. 4 Q. And Grizzly being -- who is Grizzly? 5 MR. CANONI: I think he's -- you said 6 "people." I don't know if he understood that. 7 Do you mean like the person who drives the 8 cars? 9 MS. KEARSE: Customers. 10 MR. CANONI: Or their customers? 'Cause 11 there's a difference. 12 MS. KEARSE: Customers, customers. 13 MR. CANONI: Okay. 14 A. Our customers, meaning the rebuilders who 15 bought our product? 16 BY MS. KEARSE: 17 Q. Whoever you sold your product to, yeah. 18 A. Well, there had been a Grizzly way before 19 Maremont bought it, so they still did business with 20 Grizzly. They didn't care who owned it. 21 Q. Okay. Did things that would go out from 22 the Paulding plant, and I'll clarify things, any 23 correspondence, purchasing information, did it have 24 the Grizzly name on it? 25 A. Hm.
Page 107 1 the Maremont -- when we were -- let's go back to 2 Maremont, out of the Paulding plant, that went 3 directly to customers, was the Maremont name on 4 those packages? 5 A. Say that again. 6 Q. The products that were sold directly from 7 Paulding -- 8 A. Right. 9 Q. -- they never went through Nashville. You 10 had a packaging department. 11 What -- did the Maremont name appear on 12 those packages and cartons? 13 A. It did not while I was there. 14 Q. Okay. What was the name? 15 A. Grizzly. 16 Q. Would that be Grizzly Manufacturing? 17 A. I just remember Grizzly. 18 Q. Okay. So from the Paulding, Ohio plant, 19 when they did their direct sales through that 20 plant, the box itself had Grizzly on it and not 21 Maremont's name? 22 A. That's correct. 23 Q. How would people know to contact Maremont 24 for their brakes, brake products? 25 A. I don't think they would.	Page 109 1 MR. CANONI: You mean like letterhead? 2 MS. KEARSE: Um-hum. 3 MR. CANONI: Okay. 4 A. I apologize for not being able to give you 5 an answer on that. I don't recall. 6 MR. CANONI: You don't have to apologize. 7 BY MS. KEARSE: 8 Q. Who did this industrial hygienist report 9 to at Paulding? 10 A. Cindy Hayes. 11 Q. Were you involved in evaluating her work 12 at all? 13 A. Yes, I was. 14 Q. How were you able to evaluate the work 15 that this industrial hygienist did? 16 A. The number of samples per week that she 17 would process, when we sent her samples off to be 18 tested by a test lab to maintain her certification, 19 general observations. 20 Q. All right. Did Maremont at the Paulding 21 plant employ a doctor? 22 A. No. 23 Q. Did you have any contract with any medical 24 professionals, other than the company nurse that 25 you had there, for medical services?

Page 110 1 A. No. 2 MR. CANONI: Did you mean contract, like formal 3 relationship? 4 MS. KEARSE: Um-hum. Um-hum. 5 MR. CANONI: Okay. 6 BY MS. KEARSE: 7 Q. Were you involved in any of the -- well, 8 let me ask you this: 9 Did the plant implement any screening 10 programs for asbestos-related disease? 11 A. Yes, we did. 12 Q. Okay. What type of program did you 13 implement? 14 A. Every employee had an annual physical that 15 included a chest X-ray and a lung function test. 16 Q. And when did that start? 17 A. I don't recall exactly when it started. I 18 would guess that it was in 1975 or '76. 19 Q. Do you recall who came in to do the chest 20 X-rays? 21 Or did they go out to do the chest X-ray? 22 Where was that? 23 A. We would send them to the local clinic, 24 Paulding. 25 Q. Was there a particular doctor there who	Page 112 1 A. Bill Shunk. 2 Q. And prior to that, was there a reason why 3 there wasn't a full-time plant manager at Paulding 4 that -- why Maremont didn't put one there? 5 A. When a business is up for sale, you often 6 don't know what you're going to do, so you postpone 7 any decision and leave one guy commuting back and 8 forth every week. 9 Q. When did the company go up for sale? 10 A. I think it was for sale the whole time I 11 worked for it. 12 Q. When you came there in '76, did you ever 13 have any discussions with anyone with Maremont 14 regarding past violations the plant had had? 15 A. Do you mean when I went to Paulding in 16 '76? 17 Q. Yes. 18 A. I'm sure I must have, but I don't recall 19 those conversations. 20 Q. Well, how about even from your whole time 21 at Maremont, from '73 on; do you know of prior 22 violations pre-'73 at the Paulding plant? 23 A. Are you referring to asbestos? 24 Q. Yes. 25 A. I don't recall of any.
Page 111 1 specialized in giving chest X-rays? 2 A. Not to my knowledge. 3 Q. Who did they go see? 4 What -- do you recall who the doctor was? 5 A. Oh, no, I don't. 6 Q. All right. Do you recall what the clinic 7 was? 8 A. It's the only medical facility in 9 Paulding. 10 Q. Okay. And same thing for the pulmonary 11 function tests? 12 A. Yes. 13 Excuse me, I believe the industrial 14 hygienist, when she came on board, did most of the 15 lung function tests. 16 Q. Okay. When the company in Paulding -- 17 when the change occurred with Nuturn, was there a 18 change in management at Paulding? 19 A. Yes. 20 Q. What changed? 21 A. I hired a full-time plant manager. 22 Q. Did this allow you to stay in Tennessee 23 more? 24 A. Yes, it did. 25 Q. Okay. Who was the plant manager?	Page 113 1 Q. Were there ever any concerns from members 2 of the community about the plant -- 3 MR. CANONI: What time frame? 4 BY MS. KEARSE: 5 Q. -- the Paulding plant? 6 MR. CANONI: I'm sorry, what -- 7 MS. KEARSE: Any time frame that he's aware 8 of. 9 A. Did you say for the community, or from the 10 community? 11 BY MS. KEARSE: 12 Q. From the community. 13 A. None that I'm aware of. 14 You're talking about in Paulding? 15 Q. In Paulding, yes. 16 I don't know if there's any community -- 17 any groups of people that had any concerns at all 18 at the Paulding plant that would raise them with 19 management there? 20 A. None that I'm aware of. 21 Q. Did any union have any concerns with 22 anything going on at the Paulding plant? 23 A. Absolutely. 24 Q. Okay. 25 MR. CANONI: Do you mean asbestos-related?

Page 114 1 MS. KEARSE: Anything. 2 A. Oh, yeah. 3 BY MS. KEARSE: 4 Q. Okay. What type of problems did you have 5 with the union that -- I assume you just said from 6 your answer? 7 A. Wages, hours, discipline. 8 Q. What about anything associated with any 9 hazards? 10 A. I'm not aware of any asbestos-related 11 hazards from the union at all. 12 Q. And just briefly tell me, what were your 13 dealings with the union? 14 A. Whenever we had contract negotiations, the 15 union representative would come in. 16 Whenever we were going to discharge anyone 17 for cause, they would come in about once a 18 quarter. They would come in and just meet with us 19 over general plant issues. 20 I mean, they get involved in all phases of 21 discipline, so anything you're doing to anyone, 22 they would stick their nose in. 23 Q. What unions were out there at Paulding? 24 A. The United Auto Workers, and I think there 25 was a second union dealing with maintenance	Page 116 1 with Brazilian companies? 2 A. No, I'm not. 3 MR. CANONI: Should have been in charge of that 4 plant. 5 THE WITNESS: Yeah. 6 BY MS. KEARSE: 7 Q. Are you aware of Maremont having 8 manufacturing plants outside the United States? 9 MR. CANONI: The company in general? 10 MS. KEARSE: Um-hum. 11 A. I think I'm aware they had some. None 12 related to friction or brakes, and I can't recall 13 where they were. 14 BY MS. KEARSE: 15 Q. Since leaving Maremont, have you seen 16 actual documentation of any batch formulas? 17 A. No. 18 MR. CANONI: Of Maremont products? 19 MS. KEARSE: Right. 20 MR. CANONI: Okay. 21 BY MS. KEARSE: 22 Q. Were you involved in the closing down of 23 the Paulding plant? 24 A. Yes, I was. 25 Q. Why did that plant close down?
Page 115 1 employees, and I don't remember who that was. 2 Q. Was there any requirement that workers at 3 the plant be a member of one of those unions? 4 A. Yes, there was. 5 Q. And who required that? 6 A. The union did. 7 Q. Did Maremont ever attempt to have the 8 union not have that type of control? 9 MR. CANONI: Objection as to form. 10 A. There were no decertification attempts 11 that I'm aware of. 12 BY MS. KEARSE: 13 Q. Are you aware of Maremont ever purchasing 14 the brake products that were sold to Sears other 15 than from Paulding -- strike that. 16 Are you aware of any rebranding of other 17 manufacturers of brake lining materials to Sears? 18 A. I don't remember us doing that. 19 Q. Okay. Did you have any dealings with a 20 company called Leer Siegler Inc.? 21 A. I don't recall of having any. 22 Q. Did you ever have any dealings with any 23 Brazilian companies? 24 A. I, personally, did not. 25 Q. Are you aware of Maremont having dealings	Page 117 1 A. Because we built a plant in Smithville, 2 Tennessee where we could consolidate the 3 manufacture and assembly of the products in one 4 location and create a new modern facility to 5 replace a very old, very rundown facility in 6 Paulding. 7 Q. What was the -- what process did you go 8 through to close down the plant? 9 A. We negotiated the effects of the close 10 with the union, we moved the material out, we 11 solicited how many employees were interested in 12 moving, and after moving the equipment out, we 13 winterized the plant and we set about 14 environmentally closing up the waste disposal 15 areas. 16 Q. Did you attempt to sell the facility? 17 A. I did not. 18 Q. Did Nuturn attempt to sell the facility? 19 A. Not that I can recall. 20 Q. And Nuturn purchased this in '77? 21 A. That's right. 22 Q. And in seventy-- when did it close down 23 officially? 24 A. '79. 25 Q. Is the building -- is the plant still

Page 118 1 standing today? 2 A. I don't know. 3 Q. Are you aware of any involvement -- let's 4 -- strike that. 5 When the plant shut down in roughly -- you 6 said 1979? 7 A. '79. 8 Q. Was there an environmental assessment done 9 of the area? 10 A. I think so. 11 Q. Do you know what the results of that were? 12 A. I'd have to refresh my memory. 13 Q. When you were with Nutum, was there ever 14 any litigation regarding -- first of all, on 15 environmental issues at the Paulding site? 16 A. No litigation I can recall. 17 Q. Okay. Ever any government violations or 18 action taken by any government entity regarding the 19 environmental conditions at the plant? 20 A. In Smithville? 21 Q. No, we're talking about Paulding. 22 A. I'm not aware of any. 23 Q. Are you familiar with a company called, 24 I'll spell it, U-r-a-l? 25 A. No, I'm not.	Page 120 1 Q. I just want to know, if you had resin, 2 talc, whatever it is there, if you're in a plant 3 and you're putting all these things into whatever 4 you're doing, did you ever do any work on your 5 major constituents of your products? 6 A. We did perform certain receiving quality 7 control inspections on the material. 8 Q. Okay. And what did that entail? 9 A. Particle size, melting point of resins, 10 viscosities, specific gravities. 11 Q. What did Maremont do to educate itself 12 about any hazards regarding any of those various 13 constituents? 14 MR. CANONI: Objection as to form. 15 A. I don't recall. 16 BY MS. KEARSE: 17 Q. Do you know whether Maremont ever 18 conducted any scientific or medical studies 19 determining the health hazards to asbestos? 20 MR. CANONI: Objection as to form. 21 A. No, we did not. 22 BY MS. KEARSE: 23 Q. Would you agree with me that your products 24 contained a significant amount of asbestos? 25 MR. CANONI: Objection as to form.
Page 119 1 Q. Would you have any reason to disagree if 2 Maremont stated in 1984 that they bought fiber from 3 Ural Asbestos? 4 A. That would be an area that I'm not 5 familiar with. 6 Q. Okay. Can you just briefly tell me if 7 there's anything in addition to what you've said 8 what Maremont did in order to educate itself about 9 the constituents of its products? 10 MR. CANONI: Objection as form. 11 A. I'm not sure I understand what you're 12 asking. 13 BY MS. KEARSE: 14 Q. Well, let me ask it: 15 What did Maremont do in order to learn 16 about the constituents of its products? 17 MR. CANONI: Same objection. 18 A. It certainly did testing of its products 19 to see if it met the quality specifications for 20 each product. 21 BY MS. KEARSE: 22 Q. What about anything -- any testing of the 23 constituents that went into a product? 24 A. Are you referring to, like, testing the 25 melting point of a resin or the particle size?	Page 121 1 A. They did contain asbestos. What does 2 "significant" mean? 3 BY MS. KEARSE: 4 Q. In relation to the other constituents in 5 your product. 6 A. I've said I thought they were roughly 30 7 percent. 8 Q. And what do you base that opinion on? 9 A. On my recollection of what the formulas 10 were. 11 Q. How many different formulas were there? 12 A. Twenty or thirty. 13 Q. Were they all roughly the same or 14 different or how -- what -- 15 MR. CANONI: Objection as to form. 16 BY MS. KEARSE: 17 Q. Well, tell me this: 18 You generalized 30 percent. If there's 19 that many different variations, what would be the 20 main varying factors in the various formulations? 21 A. Some were primarily resin-based formulas, 22 some were basically oil-based formulas. A clutch 23 facing had a brass wire with an asbestos thread 24 around it. Others contained loose asbestos. 25 Q. Do you know where the asbestos thread was

Page 122 1 purchased from? 2 A. Amatex. 3 Q. If someone from Maremont were to call you 4 and say "Where is the best place for us to go find 5 those batch formulations today," would you have an 6 answer? 7 A. No, I sure wouldn't. 8 Q. Okay. Do you recall, in the chain of 9 events that happened with the selling of Paulding 10 and the moving down to Tennessee, where various 11 documents went? 12 A. No, I don't. 13 Q. Do you remember ever destroying documents? 14 A. No, I do not. 15 MR. CANONI: Objection as to form. 16 BY MS. KEARSE: 17 Q. Do you remember ever discarding documents? 18 MR. CANONI: Objection as to form. 19 A. No, I do not. 20 BY MS. KEARSE: 21 Q. Was there any document retention program 22 at any of the facilities? 23 A. I do know there was one at Allied Drive. 24 Q. And what was that? 25 A. Rita Grisham researched what the retention	Page 124 1 the finished products that Maremont sold were safe 2 for use and not hazardous? 3 A. Yes, I do. 4 Q. Was there any intended use of the product 5 that you think would create a hazard? 6 MR. CANONI: Objection as to form. Asked and 7 answered. 8 A. I'm not sure I understand. 9 BY MS. KEARSE: 10 Q. Is there any way in which any of the 11 products Maremont sold could be used that, in your 12 mind, would create a hazard? 13 MR. CANONI: Objection as to form. 14 A. I guess if you use linings formulated for 15 passenger cars on a race car, that might not be 16 wise. 17 BY MS. KEARSE: 18 Q. And that's not so much on the asbestos 19 hazard, is it, or is it? 20 Or is that for another reason? 21 A. Yeah, I'm just saying -- 22 Q. Okay. 23 A. -- for the friction coefficients and wear 24 it shows. 25 Q. As you sit here today, can you envision
Page 123 1 regulations were for different items and we 2 implemented that policy. 3 Q. And who was in charge of that? 4 A. Rita Grisham and her boss, Bob Rogers. 5 Q. When you were involved in the closing down 6 of the Paulding plant, what do you recall happened 7 to any files that were in the plant? 8 A. My focus at that time was so heavy on 9 getting the Smithville plant built, staffed, 10 started up, that I just spent an incredible amount 11 of time there, and Paulding was an afterthought. 12 Q. Would there be someone else more 13 knowledgeable at Paulding during the closedown of 14 what would have happened to any documents that were 15 in Paulding? 16 A. Yes. 17 Q. Who would that be? 18 A. Bill Shunk. 19 Q. Okay. 20 A. Or Cindy Hayes. 21 MR. CANONI: What about Rita? 22 THE WITNESS: She would be another good 23 source. 24 BY MS. KEARSE: 25 Q. As you sit here today, do you believe that	Page 125 1 any ways Maremont products were used that could 2 create an asbestos hazard? 3 MR. CANONI: Objection as to form. 4 A. Not that I can think of. 5 BY MS. KEARSE: 6 Q. Did Maremont conduct research on the 7 availability of substitutes for asbestos? 8 A. Very limited. 9 Q. What was that limited research? 10 A. The head of development tried to become 11 aware of what other materials were being used and 12 tried to become aware of other formulations that he 13 could experiment with. 14 Q. And who was the head of development? 15 A. Frank Skelton. 16 Q. And when was that? 17 A. Certainly the entire time period I was 18 there. 19 Q. So is it your testimony from at least 1973 20 that Maremont was involved in looking into 21 substitutes for asbestos in its products? 22 MR. CANONI: Did you mean '73 or '76? 23 THE WITNESS: Well, I mean '73. 24 MR. CANONI: Okay. 25 A. That they were at least looking, but they

Page 126 1 had very limited capabilities in terms of technical 2 expertise of the people involved. 3 BY MS. KEARSE: 4 Q. And that's the people involved in 5 Maremont? 6 A. That's right. 7 Q. Where would someone in Maremont turn if 8 they needed to gather the information on 9 substitutes? 10 A. They could try to go to various suppliers 11 of alternative materials, but they would really 12 need to find someone else in the friction business 13 that had Ph.D.s and lab technicians and 14 full-fledged testing facilities, which Maremont, 15 not selling to original equipment people, had never 16 made that investment. 17 Q. Did you have a procedure where you would 18 learn about complaints of products? 19 A. Yes, we did. 20 Q. Okay. What was that? 21 A. Sears would notify us of brakes wearing 22 out too early or not performing correctly, and a 23 quality report would be initiated and we would 24 investigate and respond back to them. 25 Q. Did you keep an office on, you know,	Page 128 1 from Paulding to Smithville or to Nashville, did 2 you have a right-hand man, so to say, in Paulding 3 when you were in there that could make sure 4 everything was going okay? 5 A. Prior to hiring Bill Shunk? 6 Q. Um-hum. During the time -- it's my 7 understanding Bill Shunk was hired when you finally 8 did have to go back and forth? 9 A. Yeah, I think Bill Shunk might have been 10 hired by Nuturn. 11 Probably Cindy Hayes. 12 Q. Did you have regular communications with 13 Cindy Hayes when you were in Nashville and she was 14 in Paulding? 15 A. Yes. 16 Q. If there was equipment breakdowns or 17 anything with that, who -- would Cindy Hayes be in 18 charge of those issues there? 19 A. No, the operations manager was Paul -- I 20 don't remember Paul's last name. If it comes to 21 me, I'll tell you. 22 Q. I think we're getting close. Make sure 23 we've got everything here. 24 MR. CANONI: That saves time for my three hours 25 of questioning.
Page 127 1 consumer questions or consumer responses at all? 2 A. No, we did not. We were a very small 3 company. 4 Q. If customers had any questions or concerns 5 about asbestos or constituents of the products, who 6 would they turn to at Maremont? 7 A. Well, we only had one major customer, and 8 that was Sears. 9 If you're talking about Allied Drive or 10 the rebuilders, they just didn't have many 11 questions. 12 Q. If they had questions, who would they -- 13 who in the corporation would they be directed to? 14 MR. CANONI: Objection as to form. 15 A. Probably to me. 16 BY MS. KEARSE: 17 Q. Are you aware of any claims resulting from 18 asbestos disease as a result of people working in 19 the plant? 20 A. No, I'm not. 21 Q. Are you aware of any complaints that were 22 made while you were working at Maremont about dust 23 in the plants? 24 A. No, I'm not. 25 Q. When you were commuting back and forth	Page 129 1 MS. KEARSE: You can take all the time you 2 want. I have nowhere to go. 3 BY MS. KEARSE: 4 Q. Are you aware of the Paulding plant ever 5 having problems meeting the OSHA requirements? 6 A. No, I'm not. 7 Q. Are you aware of any OSHA violations at 8 the Paulding plant? 9 A. Are you talking about related to 10 asbestos? 11 Q. Yes. 12 A. No, I'm not. 13 Q. Who would be the person that any health 14 inspectors would deal with at the Paulding plant 15 during the time you were there? 16 A. Cindy Hayes or myself. 17 Q. If there were any such violations, would 18 such violations be reported back to Chicago? 19 A. Yes. 20 Q. And how would they be reported back? 21 A. A copy of the citation would be sent. A 22 report would be sent with it. 23 Q. And that would be normal practice to send 24 that directly on to management in Chicago? 25 A. Yes.

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1 Q. Do you, yourself, ever recall sending any
2 OSHA citations to Chicago for asbestos-related
3 matters?
4 A. None related to asbestos.
5 Q. Okay. Are you aware of Maremont ever
6 having to pay any fines for any OSHA citations?
7 A. Yes, they did.
8 Q. Okay. What type of fines for anything
9 asbestos-related?
10 A. I don't recall anything related to
11 asbestos.
12 Q. Okay. Has Maremont been cited for any EPA
13 violations?
14 A. None that I recall.
15 Q. And had there been violations of OSHA
16 regarding asbestos matters before 1970 -- before
17 your taking over as top manager there, would you
18 have been aware of those?
19 MR. CANONI: Asked and answered.
20 A. I probably would have.
21 BY MS. KEARSE:
22 Q. Okay. Would you agree with me it wouldn't
23 be prudent for a manufacturing plant to allow its
24 workers who are actually handling asbestos to work
25 without respirators?

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1 MR. CANONI: Objection as the form.
2 A. I would say that OSHA required you to have
3 respirators as a secondary means only, and that we
4 had the responsibility to design ducting and
5 hooding so that all operations could be operated
6 without masks being required.
7 BY MS. KEARSE:
8 Q. Did Maremont ever do anything more than
9 what OSHA required in order to protect its workers?
10 MR. CANONI: Objection as to form.
11 A. I'm not sure I understand.
12 BY MS. KEARSE:
13 Q. Did -- would you agree with me that the
14 OSHA standards set a minimum standard of what the
15 company needs to comply with --
16 MR. CANONI: Objection as to form.
17 BY MS. KEARSE:
18 Q. -- in regards to health and safety
19 matters?
20 MR. CANONI: You just want his personal
21 opinion?
22 MS. KEARSE: Um-hum.
23 A. I think OSHA standards are often extremely
24 stringent, not minimums.
25

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1 BY MS. KEARSE:
2 Q. Did Maremont ever go above and beyond what
3 it was required to do under OSHA in order to
4 protect its workers?
5 MR. CANONI: Objection as to form.
6 A. In regard to asbestos exposure?
7 BY MS. KEARSE:
8 Q. Um-hum.
9 A. We went for the best control we could
10 achieve, and that almost always exceeded OSHA
11 standards.
12 Q. So in answer to my question, would it be
13 prudent to say, in 1976, for a manufacturer to
14 allow workers, for instance, shoveling asbestos
15 shavings, to do that without proper equipment?
16 MR. CANONI: Objection as to form. Asked and
17 answered.
18 A. You would not let people shovel asbestos.
19 You would pick it up with a vacuum system.
20 BY MS. KEARSE:
21 Q. And would that include also anything that
22 were, just say, for the manufacturing process?
23 If there's asbestos shavings, it would be
24 a mixture of asbestos and other products there,
25 would that be your same answer? Not pure asbestos,

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1 is what I'm saying.
2 MR. CANONI: Objection as to form.
3 A. If you did not think you could control the
4 environment, you would certainly require an
5 operator to wear a mask, but you would make every
6 attempt to control the environment.
7 Excuse me. Let me amend my statement to
8 say that a mask means a respirator certified to
9 trap asbestos fibers.
10 BY MS. KEARSE:
11 Q. Would you agree with me that it's prudent
12 for a manufacturer to advise its workers of any of
13 the hazards associated with the manufacturing
14 process they're involved in?
15 A. Absolutely.
16 MR. CANONI: Objection as to form. Sorry.
17 BY MS. KEARSE:
18 Q. Would you believe it's prudent for a
19 manufacturer to also advise of the same potential
20 hazards that may exist to the people they know will
21 eventually be using the products?
22 MR. CANONI: Objection as to form.
23 You may answer.
24 A. Yes, I think it would be prudent to make
25 your customers aware of any potential hazards.

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1 BY MS. KEARSE:
2 Q. And when you define "customers," do they
3 include your end users or the people who are
4 actually out there working with the products?
5 MR. CANONI: Objection as to form.
6 A. Yes.
7 BY MS. KEARSE:
8 Q. Do you know whether or not any subsequent
9 purchaser of the Paulding facility was cited for
10 any environmental citations --
11 MR. CANONI: Objection as to form.
12 BY MS. KEARSE:
13 Q. -- or violations?
14 A. I can only speak to Nuturn in the time
15 that I was there.
16 I can't think of any.
17 MS. KEARSE: I'm just about done. If we can
18 take a break, just make sure, there's other issues
19 there, but I think we can wind it up in a minute.
20 BY MS. KEARSE:
21 Q. Have you gone out and done any independent
22 research of what Maremont did to inform the end
23 users about any hazards associated with their
24 products?
25 MR. CANONI: I'm sorry --

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1 (Interruption.)
2 THE WITNESS: Thank you.
3 MR. CANONI: Do you need the question read
4 back?
5 THE WITNESS: Excuse me just a minute.
6 MS. KEARSE: Why don't you read back the
7 question?
8 (Whereupon, the record was read.)
9 MR. CANONI: Objection as to form.
10 A. I don't understand the question.
11 BY MS. KEARSE:
12 Q. Have you, in addition to your time period
13 with Maremont, have you -- in your own personal
14 knowledge, have you ever inquired as to what
15 information they may have gotten out to end users,
16 people actually using the products in the field?
17 A. I still don't understand. What have I
18 done personally?
19 Q. Have you ever just inquired -- no, I want
20 to know if you've ever, aside from your own
21 personal knowledge, ever inquired as to what
22 Maremont did in order to get the word out to end
23 users of any associated hazards with its products?
24 MR. CANONI: Objection as to form.
25 A. I'm not trying to be dense, but I really

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1 don't understand what you're asking.
2 BY MS. KEARSE:
3 Q. You've never inquired -- you've got your
4 own personal knowledge of getting information out
5 to end users.
6 A. Right.
7 Q. Okay. And let's back up.
8 What is your belief that Maremont did in
9 order to get the word out to end users of any
10 hazards associated with its products?
11 MR. CANONI: Objection as to form.
12 A. I don't know how to answer that.
13 BY MS. KEARSE:
14 Q. Did Maremont ever attempt to --
15 MR. CANONI: Do you want to define "end
16 users"? I don't know that --
17 MS. KEARSE: I said the people actually using
18 the products. It's the end of the line. It's the
19 last person who is actually going to use the
20 product there.
21 A. I don't think I know what Maremont did.
22 MR. CANONI: There's differences, though.
23 I mean, I don't want to prolong the
24 deposition. Take that answer.
25

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1 BY MS. KEARSE:
2 Q. Well, let me ask it, just to make sure
3 we're clear.
4 Are you aware of anything that Maremont
5 did in order to get information to persons working
6 in brake shops of any hazards associated with the
7 Maremont products that they would be using?
8 MR. CANONI: Objection as to form.
9 A. I know that at some point warnings were
10 put on the box and warnings were put on the
11 installation instructions on how to avoid exposure
12 to asbestos fibers, or potential exposure.
13 BY MS. KEARSE:
14 Q. And what were those installation
15 instructions?
16 A. They were instructions that went in the
17 box that told people how to do a brake job.
18 Q. And when did those start going out?
19 A. I don't remember.
20 Q. And have you seen copies of the
21 installation manuals, or whatever it was with those
22 warnings on that?
23 MR. CANONI: Objection as to form.
24 A. I have seen copies of the installation
25 sheets. I don't recall the content of those

Page 138 1 sheets. 2 BY MS. KEARSE: 3 Q. Is your testimony today that any of the 4 air sampling you did while in the Nashville plants 5 never violated any standard set for exposure to 6 asbestos? 7 MR. CANONI: Objection as to form. 8 A. My recollection would be that we never had 9 a serious asbestos exposure problem there. 10 If we did exceed anything, we were able to 11 make improvements in the operation, where 12 subsequent testing showed that it was now within 13 limits. 14 BY MS. KEARSE: 15 Q. And how about at the Paulding plant? 16 A. There were some areas that did not come 17 into full compliance where people wore respirators 18 and protective suits. 19 Q. What type of information did you give 20 those persons who were wearing the respirators as 21 to the potential hazards of asbestos? 22 A. We gave them the best information we had 23 from the Asbestos Information Association, 24 asbestos-related sickness and causative factors, 25 such as smoking, and we had strong no smoking	Page 140 1 MR. CANONI: No, I don't want him to reveal any 2 privilege. 3 BY MS. KEARSE: 4 Q. What was the Block Department at the 5 Paulding plant? 6 A. It made the large brake linings called 7 truck block. 8 Q. And what would be the shavings that would 9 result from that area? 10 Would there be some type of procedure 11 where you cut the block? 12 A. Yes, there would be. 13 Q. What was involved in that procedure? 14 A. There would be sawing, drilling, grinding 15 that would be done with machines that had hoods and 16 dust extraction connections. 17 Q. What was done with all the waste material 18 from these procedures, I guess all the excess that 19 came off? 20 A. Initially the waste was sucked into large 21 ducts, transferred to a wet collection system, 22 pumped out to a pond. 23 They had two ponds. They would use one 24 and let the other settle. 25 After it had settled for about a year,
Page 139 1 programs. 2 Q. When were they implemented? 3 A. I don't recall the exact date. 4 Q. Were they implemented because of the work 5 -- the combination of asbestos exposure and 6 smoking was of concern? 7 A. That's correct. 8 MS. KEARSE: Why don't we just take a break and 9 I'll try and finish this up. 10 (Recess taken.) 11 MS. KEARSE: Okay. We can go on the record. 12 BY MS. KEARSE: 13 Q. I'm going to show you Liggett Number 1. 14 Are you aware of other documents that 15 Maremont -- Maremont has in its -- has or had in 16 its possession regarding asbestos substitutes? 17 A. I'm sure there are some. I don't know 18 what, where, or of what nature. 19 Q. Have you, yourself asked counsel to review 20 any documents? 21 A. No, I have not. 22 MR. CANONI: It's a "yes" or "no" question -- 23 answer, I mean. 24 MS. KEARSE: No coaching the witness. 25 A. No, I have not.	Page 141 1 they would dredge the waste material out and take 2 it to the Asbestos Hill, and then they would cover 3 that with dirt. 4 Q. Did you have to have people handle the 5 asbestos waste? 6 A. Yes, we did. 7 Q. Were they informed of what they were 8 handling, that it was asbestos-containing? 9 A. Yes, they were. 10 Q. And were they provided any equipment or 11 protection when working with the waste? 12 MR. CANONI: Objection as to form. 13 A. We did not provide them with any 14 equipment. 15 BY MS. KEARSE: 16 Q. And why was that? 17 A. We did not feel they were exposed, 18 handling a wet sludge, that any fibers could be 19 released. 20 Q. What about, was there ever any work 21 involved in using it still in a dry state before it 22 got to the sludge of the waste material? 23 A. No. 24 Q. You wouldn't have any men shoveling any 25 asbestos waste from the facilities?

Page 142 1 A. That's possible. 2 If they were doing that, they would be 3 required to wear a respirator and a disposable pair 4 of cover-ups. 5 Q. And just so I'm correct on the 6 definitions, like what I call shavings or things, 7 is that the same thing as waste, any left-over 8 product there? 9 A. Right. 10 Q. And it's your testimony today that 11 Maremont -- Maremont -- strike that. I'll ask the 12 question again. 13 It's your testimony today that Maremont 14 would require any worker who was in contact with 15 the waste material in a dry state to wear 16 protective equipment? 17 MR. CANONI: Objection as to form. 18 A. If they were in an uncontrolled 19 environment, meaning no dust extraction where they 20 could be exposed, then we would require a 21 respirator and a jumpsuit. 22 BY MS. KEARSE: 23 Q. And where would those dust-extracting 24 equipment be within the plant? 25 A. It was external to the plant, and as I	Page 144 1 Q. Are you familiar with any of the testing 2 done at any Sears plants? 3 A. No, I'm not. 4 Q. Did you have a place in the Paulding plant 5 where you collected all these dust samples that you 6 did throughout the years? 7 A. You would collect them on a small filter 8 element. 9 MR. CANONI: I think she means the results. 10 MS. KEARSE: I'm going to ask for that, and 11 then I'm going to talk about the actual samples. 12 BY MS. KEARSE: 13 Q. But the results, did you keep notebooks, 14 or was there -- did the company nurse -- 15 A. Yes. 16 Q. -- have everything in her possession 17 there? 18 A. Yes, she did. 19 Q. Okay. Did you tell me her name? 20 Or you couldn't remember her name. Do you 21 remember her name? 22 A. No, I do not. 23 Q. Did Cindy Hayes have more interaction with 24 her? 25 A. Quite a bit.
Page 143 1 stated, there were large ducts that would convey it 2 back to the wet collection system. 3 Q. And so if a -- I'm just trying to 4 understand. 5 The dust -- describe to me what the dust 6 collection system was there? 7 A. There was a large fan that created a 8 suction that discharged into a waterfall, and that 9 waterfall would take all the solid material out of 10 the air stream into a sump, and there would be a 11 large pump that would circulate that water out to 12 the pond, and then there was floating on the 13 surface of the pond a return line that would suck 14 relatively clean water back into the sump. 15 Q. And where would the dust collection within 16 the plant be in relation to the workers? 17 A. There would be trunk lines coming into the 18 plant, smaller lines branching off down to small 19 lines that went to each hood on a given drill, 20 grinder, saw area that you were opening bags of 21 asbestos or doing anything where you thought 22 individual fibers could be in there. 23 Q. Were you involved in any of the testing 24 done at any Sears plants? 25 A. No, I was not.	Page 145 1 Q. How big an area was it where you actually 2 could perform the analysis? 3 A. It was an office. 4 Q. Okay. Do you recall meeting and having 5 discussions with OSHA personnel while you were at 6 the Paulding plant? 7 MR. CANONI: Asked and answered. 8 A. Yes. 9 BY MS. KEARSE: 10 Q. Who did you -- did you have anyone you 11 normally dealt with at OSHA? 12 A. No. 13 Q. I think I'm just going to have you 14 identify someone for me if you can. 15 I'll make this for the record, but just -- 16 did you have interaction with the workers at 17 Paulding? 18 A. Yes, I did. 19 Q. Okay. And I'll make this for the record. 20 We can copy it. 21 But can you tell me who that is? 22 A. No, I cannot. 23 Q. Okay. Do you recognize -- I'll just show 24 you the picture for right now. 25 Do you recognize that photograph?

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1 A. No, I do not.
2 Q. Okay. You've never seen that before?
3 A. No.
4 Q. Okay.
5 MR. CANONI: Did we produce that? Is that
6 another of your digging?
7 MS. KEARSE: Make us dig.
8 MR. CANONI: So we didn't produce that?
9 MS. KEARSE: I gave it to you all yesterday.
10 MR. CANONI: So we didn't produce it?
11 MS. KEARSE: You didn't produce it.
12 MR. CANONI: Okay.
13 MS. KEARSE: Not yet. You haven't filed it
14 yet.
15 BY MS. KEARSE:
16 Q. Anything I didn't ask you that you want to
17 tell me?
18 MR. CANONI: Objection as to form.
19 BY MS. KEARSE:
20 Q. This is the time.
21 A. It's been quite a pleasure.
22 MS. KEARSE: I think I'm done for today.
23 MR. CANONI: I have no questions for the
24 witness at this time.
25 MS. KEARSE: There's always plenty more I can

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1 ask, but I think we're done. Got a couple more
2 days.
3 MR. CANONI: I'm sorry, what?
4 MS. KEARSE: I said, there was always more I
5 could ask him.
6 MR. CANONI: Oh, but this deposition is
7 closed with Mr. Liggett.
8 MS. KEARSE: Yeah, I'm sure we'll have another
9 day, though.
10 MR. CANONI: We'll have him sign the original.
11 (Whereupon, Liggett Deposition
12 Exhibit No. 2 was marked for
13 identification.)
14 (FURTHER DEPONENT SAITH NOT.)
15
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23
24
25

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1 IN THE STATE COURT OF FULTON COUNTY
2 STATE OF GEORGIA
3 ADDIE TUCK, Individually and)
4 for the Estate of JOHN R. TUCK,)
5 Plaintiff,) Civil Action
6 vs.) No. 00VS010679D
7 AC & S, INC., et al.,)
8 Defendant.)
9 This is to certify that I have read the
10 transcript of my deposition taken in the
11 above-entitled cause by Janet M. Stanton, Certified
12 Shorthand Reporter, on the 12th day of December,
13 2000, and that the foregoing transcript accurately
14 states the questions asked and the answers given by
15 me as they now appear.
16
17 _____
18 CARL LIGGETT
19
20 SUBSCRIBED AND SWORN TO
21 before me this _____ day
22 of _____ 2001.
23
24
25 _____
Notary Public

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF DU PAGE)
4 I, Janet M. Stanton, a notary public within and
5 for the County of DuPage and State of Illinois, do
6 hereby certify that heretofore, to-wit, on the 12th
7 day of December, 2001, personally appeared before
8 me, at 8000 Joliet Road, McCook, Illinois, CARL
9 LIGGETT, in a cause now pending and undetermined in
10 the State Court of Fulton County, State of Georgia,
11 wherein Addie Tuck, Individually and for the Estate
12 of John R. Tuck, is the Plaintiff and AC & S, Inc.,
13 et al., are the Defendants.
14 I further certify that the said witness was
15 first duly sworn to testify the truth, the whole
16 truth and nothing but the truth in the cause
17 aforesaid; that the testimony then given by said
18 witness was reported stenographically by me in the
19 presence of the said witness, and afterwards
20 reduced to typewriting by Computer-Aided
21 Transcription, and the foregoing is a true and
22 correct transcript of the testimony so given by
23 said witness as aforesaid.
24 I further certify that the signature to the
25 foregoing deposition was reserved by counsel for

Page 150 1 the respective parties. 2 I further certify that the taking of this 3 deposition was pursuant to Notice, and that there 4 were present at the deposition the attorneys 5 hereinbefore mentioned. 6 I further certify that I am not counsel for nor 7 in any way related to the parties to this suit, nor 8 am I in any way interested in the outcome thereof. 9 IN TESTIMONY WHEREOF: I have hereunto set my 10 hand and affixed my notarial seal this ____ day 11 of _____, 2001. 12 13 14 15 16 17 _____ 18 NOTARY PUBLIC, DU PAGE COUNTY, ILLINOIS 19 20 21 22 23 24 25	Page 152 1 COMPLETED JOB LASER STORAGE 2 3 1. REPORTER: Janet Stanton 4 2. DATE TAKEN: 12/12/01 5 3. JOB NUMBER: 249584 6 4. WITNESS: Carl Liggett 7 5. CASE NAME: Tuck v. AC & S 8 6. FILE NAME: 121201 9 7. COMPUTER TYPE: POWER 10 8. FORMAT: McBox 11 12 ADDITIONAL INFORMATION 13 14 15 LASER DISK: 16 DATE STORED: 17 18 19 20 21 22 23 24 25
Page 151 1 CIRCLE ONE: 2 A. WILLIAM ROBERTS, JR. & ASSOCIATES 3 (See instructions for this out-of-state 4 court reporting agency.) 5 JOB NO. 249584 BILLABLE PAGES: 150 6 REPORTER: J. Stanton CUT OFF DATE: 12/25 7 (MONTH AND DAY) 8 DELIVERY: SAME DAY ___ NEXT DAY ___ 2-DAY ___ 3-5 9 DAY ___ REGX 10 CASENAME: Tuck v. AC & S 11 CASE NO.: 00VS010679D DATE TAKEN: 12/12/01 12 ORIGINAL TO: DISK: MIN-U-SCRIPT: 13 Kears (ASCII disk ordered) 14 COPY TO: DISK: MIN-U-SCRIPT: 15 Canoni 16 COPY TO: DISK: MIN-U-SCRIPT: 17 _____ 18 EXHIBIT INSTRUCTIONS: Attach 1 and 2 (find in mail, 19 along with instructions) 20 SPECIAL INSTRUCTIONS: Attorney requested transcript 21 in one week, regular delivery. Send out ASAP to 22 reporting agency above. 23 ATTENDANCE: 5 hrs. 24 TRANSCRIPTION INFORMATION: (CIRCLE ONE) 25 PAPER ONLY X NO CHARGE	

