

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

MICHAEL THERIAULT,)
Individually, and as)
Special Administrator of the)
Estate of ROBERT THERIAULT,)
Deceased,)
Plaintiff,)
vs.) Cause No. 10-L-436
A.W. CHESTERTON, INC., et al.,)
Defendants.)

VIDEOTAPE
DEPOSITION OF: Pat Murphy
DATE: January 20, 2011
TIME: 9:14 a.m. to 3:50 p.m.
LOCATION: Best Western Airport Inn
8955 Daniels Parkway
Fort Myers, FL 33912
TAKEN BY: Plaintiff
REPORTER: Michele Benza, RPR
VIDEOGRAPHER: Tony Wright

APPEARANCES:

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12 On behalf of Defendants, Ametek,
13 Hercules, Meadwestvaco, Sulzer Pumps;
14 JAMES L. MCCRYSTAL, JR., ESQ.
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19 On behalf of Defendant, Eaton;
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On behalf of Defendant,
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On behalf of Defendant, Mount
Vernon Mills;

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(No exhibits marked.)

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On behalf of Defendants, Trane
U.S., Inc., f/k/a American Standard,
Inc.; Ingersoll-Rand Company, Velan
Valve Corp.;



1 THE WITNESS: Absolutely.
 2 BY MR. MCCRYSTAL:
 3 Q. Okay. Did you ever repair a Fawick clutch that
 4 burned out within a week?
 5 A. No, I did not.
 6 Q. You don't specifically know of any Fawick clutch
 7 that burned out in a week?
 8 A. Yes, I do.
 9 Q. Okay. Which clutch was that?
 10 A. Probably No. 1.
 11 Q. Okay. What machine?
 12 A. Paper machine maybe in the long section.
 13 Q. What year?
 14 A. Oh, God. I don't know.
 15 Q. When you were a millwright or when you were a
 16 supervisor?
 17 A. When I was supervisor.
 18 Q. And who installed it?
 19 A. Bob. Bob T and a couple of other guys.
 20 Q. Did you determine the cause of its failure?
 21 A. Sure. It was easy to determine. He had a big
 22 plug in the dryers.
 23 Q. Something unrelated to the clutch, in other
 24 words?

1 MR. KERNS: Object to the form.
 2 THE WITNESS: That's correct.
 3 BY MR. MCCRYSTAL:
 4 Q. Okay.
 5 A. If it was related to the clutch that would be one
 6 thing. But if you jam it all up and some knucklehead just
 7 keeps the clutch in place, sure it's going to burn it up.
 8 Q. Okay.
 9 A. Can't turn anything.
 10 Q. I take it that the paper mill, when you're
 11 producing paper, as it dries can become a dusty area?
 12 A. Yeah, but you have hoods over it.
 13 Q. What's creating the dust in those areas?
 14 A. You do have paper dust.
 15 Q. Okay.
 16 A. I admit to that. But a lot of it, I'm going to
 17 say 90 percent of it, goes up the hood and out.
 18 Q. Okay. But in the process of making paper, paper
 19 dust is a byproduct?
 20 A. I would think so, yeah.
 21 Q. Okay. With regard to the Fawick clutches you
 22 worked on, do you recall what type of clutch they were?
 23 A. Wow.
 24 MR. KERNS: Object to form.

1 THE WITNESS: Send me pictures --
 2 MR. MCCRYSTAL: No.
 3 THE WITNESS: -- I'll point them out to you.
 4 MR. KERNS: What do you mean by type, I guess?
 5 THE WITNESS: I don't understand.
 6 MR. MCCRYSTAL: Okay.
 7 THE WITNESS: I hear the question but I don't
 8 understand it.
 9 MR. MCCRYSTAL: Sure.
 10 BY MR. MCCRYSTAL:
 11 Q. Was it an expanding clutch or a contracting
 12 clutch? Do you know the difference between the two?
 13 A. Expanding.
 14 Yes, I know what expanding is.
 15 Q. Okay. But you don't know the part or model
 16 number --
 17 A. No, I do not.
 18 Q. -- for any of the clutches you worked with?
 19 A. No.
 20 Q. How would you go about finding that information
 21 out if you needed it?
 22 A. Now?
 23 Q. Well, then.
 24 A. Then? You go up -- first of all, it's right on

1 the clutch. There was a little name tag on it. And also,
 2 you just go down to the storehouse. This stuff is in bins
 3 for No. 1 paper machine, and all of the -- all of the
 4 clutches were in one spot.
 5 Q. Okay.
 6 A. It's marked with a tag on it, No. 1 long section.
 7 Q. Okay. And were there records kept, then, showing
 8 when the clutches were repaired or replaced?
 9 A. Yes.
 10 Q. Okay. And where --
 11 A. Most of them went back to Fawick.
 12 Q. Where were the records for the replacement of
 13 clutches kept?
 14 A. In the storeroom and in the maintenance office.
 15 Q. And were those records kept by a machine?
 16 A. At the end, from, I'm going to say, '82 to '84,
 17 they were kept in a computer.
 18 Q. And prior to that they were in paper?
 19 A. Yeah, at best.
 20 Q. Okay. Were the clutches ventilated clutches?
 21 A. Yes.
 22 Q. They were all ventilated clutches?
 23 A. Not all of them, no.
 24 Q. Which ones do you recall being ventilated?

1 Q. And as a maintenance supervisor, you would not be
2 standing there hovering over people doing packing changes
3 or gasket changes, that type of thing?

4 MR. KERNS: Object to form.

5 THE WITNESS: In and out of the area.

6 THE COURT REPORTER: I'm sorry, what? I didn't
7 hear you.

8 THE WITNESS: I said he'd be in and out of the
9 area.

10 BY MR. PISANI:

11 Q. When OSHA -- you were talking before about when
12 OSHA came in there. Did OSHA personnel talk to you and
13 the other workers about the conditions there?

14 A. They talked to everybody, yes.

15 Q. Was there like a big meeting, or was it
16 individual, or what?

17 A. Well, I'm not sure because I was not in the
18 boss's job at that point. I was one of the crew, and when
19 OSHA came in I just know that a whole lot of things
20 changed rapidly.

21 Q. I think those are the questions I have right now.
22 I may come back for a couple more later. Thank you for
23 your time.

24 A. You're welcome.

1 MR. KERNS: Thanks, Bob.

2 Anybody else in the room?

3 MR. MCCRYSTAL: Just a second.

4 MR. KERNS: Let's go.

5 CROSS EXAMINATION

6 BY MR. MCCRYSTAL:

7 Q. Mr. Murphy, my name is Jim McCrystal and I
8 represent a company called Eaton Corporation. Are you
9 familiar with that name?

10 A. Uh-huh.

11 MR. KERNS: Yes? No?

12 THE WITNESS: Yes. Sorry, lost my head again.

13 BY MR. MCCRYSTAL:

14 Q. What's your birth date?

15 A. Pardon me?

16 Q. What's your birth date?

17 A. 7/28/38.

18 What's yours?

19 Q. 11/6/48. So you got me beat by ten. Probably
20 the only answer you're going to get out of me.

21 A. It might be the only one you get out of me.

22 Q. We'll see.

23 Let's go back to when you began to work at Brown.
24 What role did the plaintiff have when you first started

1 there?

2 MR. KERNS: Objection, asked and answered.

3 THE WITNESS: We already answered that, but he
4 was a shift millwright at that time.

5 BY MR. MCCRYSTAL:

6 Q. Okay. He never had supervisory responsibility
7 over you, correct?

8 A. That's correct.

9 Q. You at one point had supervisory capacity over
10 him, however?

11 A. That's correct.

12 Q. During that period of time which facility were
13 you and he working at?

14 A. Cascade.

15 MR. KERNS: Objection, asked and answered.

16 BY MR. MCCRYSTAL:

17 Q. Cascade?

18 A. That's correct.

19 Q. Okay. In the Cascade facility were there any
20 Fawick clutches that you worked on?

21 A. Yes.

22 MR. KERNS: Objection, asked and answered.

23 THE WITNESS: Yes, all kinds of them.

24 BY MR. MCCRYSTAL:

1 Q. Okay. Were all of the clutches of Fawick that
2 you described in your testimony this morning for the
3 plaintiff's lawyer in the Cascade facility?

4 A. Yes.

5 Q. Okay. When you worked in the Cascade facility
6 with responsibility for the plaintiff, did you and he work
7 together on any particular Fawick clutch that you can
8 recall?

9 A. Not as a supervisor, I did not.

10 Q. Okay. Your work with Fawick clutches directly,
11 working on them, not supervising them --

12 A. Hands-on, yeah.

13 Q. -- hands-on work --

14 A. Yeah.

15 Q. -- occurred on your part before you became a
16 supervisor?

17 A. That's correct.

18 Q. Okay. Was all that work, then, on the Fawick
19 clutches was before you were a supervisor done in the
20 Cascade facility?

21 A. Run that by me again.

22 Q. Sure.

23 MR. MCCRYSTAL: Would you read it back to him.
24 (The question was read as requested.)