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IN THE CIRCUIT COURT OF KANAWHA COUNTY
STATE OF WEST VIRGINIA

RE: ASBESTOS

W.V. Civil Action 92-C-8888

DEPOSITION OF RALPH SACKETT
On behalf of Plaintiff
August 31, 1993

WALLER REPORTING, INC.
515 Olive Street, Suite 1506
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IN THE CIRCUIT COURT OF KANAWHA COUNTY
STATE OF WEST VIRGINIA

RE: ASBESTOS

W.V. Civil Action 92-C-8888

DEPOSITION OF RALPH SACKETT, produced, sworn and examined on behalf of the Plaintiff, August 31, 1993, between the hours of eight o'clock in the forenoon and five o'clock in the afternoon of that day, at the offices of Graybar Electric, 34 North Meramec, Clayton, MO, before PEGGY A. DEAN, a Registered Professional Reporter and a Notary Public within and for the State of Missouri.

A P P E A R A N C E S

The Plaintiffs were represented by Mr. David Chervenick of the law firm of Henderson & Goldberg, 1030 Fifth Avenue, Pittsburgh, PA 15219.

The Defendant Graybar was represented by Mr. Robert P. Martin of the law firm of Meyer, Darragh, Buckler, Bebenek l& Eck, 1300 One Valley Square, Charleston, West Virginia 25301.

The Defendants Nico & A & I were represented by Mr. Robert Q. Sayre of the law firm of Goodwin & Goodwin, 1500 One Valley Square, Charleston, West Virginia 25328.

The Defendant General Electric was represented by Ms. Maja C. Eaton of the law firm of Sidley & Austin, One First National Plaza, Chicago, IL 60603.

The Defendant LAQ was represented by Ms. Wendy W. Walsh of the law firm of Coburn & Croft, One Mercantile Center, Suite 2900, St. Louis, MO 63101.

1 The Defendant CCR was represented by
2 Mr. Ollie M. Harton of the law firm of Freeman &
3 Hawkins, 4000 One Peachtree Center, 303 Peachtree St.
4 N.E., Atlanta, GA 30308.
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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between counsel for the plaintiff and counsel for the
3 defendant, that this deposition may be taken in
4 shorthand by PEGGY A. DEAN, a Registered Professional
5 Reporter and Notary Public, and afterwards transcribed
6 into typewriting, and the deposition is to be read and
7 signed by the witness.

8 o-o-o

9 RALPH SACKETT

10 of lawful age, being produced, sworn, and examined on
11 the part of the Plaintiff, deposes and says:

12 DIRECT EXAMINATION

13 QUESTIONS BY MR. CHERVENICK:

14 Q. Mr. Sackett, could you spell your name for
15 us for the record, please?

16 A. It's Ralph Sackett, S-a-c-k-e-t-t.

17 Q. And how old are you?

18 A. Sixty-four.

19 Q. How long have you worked for Graybar
20 Electric?

21 A. I'll have my forty-second anniversary in
22 January.

23 MR. MARTIN: I was just going to tell you,
24 Mr. Sackett, don't anticipate his questions. Let him
25 finish his questions before you start your response. Go

1 ahead.

2 A. I am retiring in February after forty-two
3 years.

4 Q. (By Mr. Chervenick) Can you trace for me
5 the different positions that you have held since
6 starting here?

7 A. I started in Miami as a truckdriver in
8 1952, and I worked on the truck, in the warehouse, at
9 the counter for about two years.

10 Then I moved into the office as an inside
11 sales rep, and did that for a year or two, then moved up
12 to Jacksonville for about a year, as I recall, maybe
13 closer to two years.

14 Then we moved the district headquarters
15 from Jacksonville to Tampa, so I went with the move and
16 I was in Tampa three years.

17 Q. What year did you start in Tampa then?

18 A. About '57. At the time we opened the new
19 building that we are still in in Tampa.

20 Q. What was your position in Tampa?

21 A. Well, I held several positions there. One
22 was as Manager of Promotions and Advertising.

23 And then I had a special assignment in the
24 sale of residential lighting fixtures and tools, which
25 were two products that we were putting together a

1 special program on. I was responsible for developing
2 some of those products.

3 Then I moved to New York and was on the
4 vice-president's staff for three years, during which I
5 did work in training projects and advertising and sales
6 promotion.

7 And then I moved over to our Long Island
8 City office where I was in charge of more or less sales
9 development, calling on banks. This was at the time the
10 World's Fair was being built, so the banks were deeply
11 involved in the building of all those projects. World
12 Trade Center was bid about that time. There was a lot
13 of commercial activity going on.

14 Q. When was this? In about '61?

15 A. Let's see. I went to New York in '59 --
16 '62 to '64, '65.

17 And then I ran an export operation in Long
18 Island City for us. We did some overseas business for
19 about a year.

20 Then I was put in charge of our new
21 construction division in the New York City market. I
22 had thirteen sales reps who called on electrical
23 contractors in the City for two years.

24 The actual title of the position was
25 Manager of Inside Construction, which essentially means

1 some of the electrical products used inside a building
2 as opposed to outside.

3 And then I went from Long Island City to
4 New Haven as branch manager. I was there five and a
5 half to six years as branch manager in New Haven,
6 Connecticut.

7 Then I moved back to Miami in about 1970 as
8 branch manager of the Miami branch, which at that time
9 was the largest branch in the country. And I was branch
10 manager there for two years.

11 And then the company decided to split the
12 Florida district into two districts, and I was appointed
13 district manager for the Southern Florida district, and
14 then --

15 Q. Where was that? In Miami?

16 A. That was in -- actually the district
17 headquarters were in Perrine, which is about twenty-five
18 miles south of Miami, ten miles or so above Homestead.
19 We built a big warehouse down there. We were doing a
20 lot of business with power utilities, and we stocked all
21 those products down there for the whole district.

22 Then I remained district manager in Miami
23 until about five years ago. I went to San Francisco as
24 vice-president for the western region, and I had -- the
25 first year I was in that position I had responsibility

1 for forty branches west of the Mississippi River,
2 extending all the way out to Hong Kong, Anchorage,
3 Honolulu.

4 The second year I was in that position I
5 had ninety branches west. Actually I'm wrong.

6 The first year I had responsibility for
7 forty branches that were all near or west of the
8 Rockies. The second year I had about ninety branches
9 which were west of the Mississippi River and a few that
10 were actually east of the Mississippi.

11 We had two regional managers at that time
12 who divided the whole country, and I was one of the two.

13 The regional manager concept was abandoned
14 about two years and eight months ago, and I came into
15 St. Louis to head up our utility operation, and I've
16 been here in that assignment for about two years and
17 eight months.

18 As I say, I'm going to retire the 1st of
19 February.

20 Q. When you were a regional manager out of San
21 Francisco, you said that in your second year there were
22 ninety branches. Where were those located? Outside --

23 A. I don't know if we got a map in here or
24 not. I can tell you roughly where they were. We had a
25 district office in Seattle I had responsibility for.

1 They had branches in Spokane, Anchorage, Seattle,
2 Portland, Oregon, Boise, Idaho, Bellevue Washington,
3 Tacoma, Washington. I think that's all of them.

4 Then the next district down was San
5 Francisco. They had branches in Honolulu and northern
6 California, San Francisco, Oakland, Martinez,
7 Sacramento, Reno. I think I mentioned Honolulu. That
8 represents most of them.

9 Next district office was in L.A.. We had
10 about fourteen branches down there, all in the southern
11 California area, San Bernardino, Anaheim, L.A., et
12 cetera.

13 The next district east would have been
14 Phoenix, and they have about eight or ten branches going
15 all the way from El Paso onto Las Vegas, and including
16 Denver, Salt Lake City, Tuscon, Phoenix, Albuquerque. I
17 may have missed one or two.

18 Next district east that -- those districts
19 were the ones that I had responsibility for the first
20 year.

21 And then the second year I added to that
22 Minneapolis, which has branches in Minneapolis, Duluth,
23 Sioux Falls, Fargo, Billings, one or two others up in
24 that area.

25 And I also had responsibility for St. Louis

1 which has branches in St. Louis, Springfield, Illinois,
2 Peoria, Illinois, Evansville, Indiana, Jefferson City,
3 Kansas City, Omaha, Wichita, Des Moines, Davenport and
4 Cedar Rapids. I had responsibility for those locations.

5 I had responsibility for the Dallas and
6 Houston district which had between them branches that
7 went as far east as New Orleans, Shreveport, Oklahoma
8 City, Tulsa, and then a significant number of branches
9 in Texas, probably fifteen or eighteen. I believe that
10 was it.

11 Q. Did you also have responsibility for
12 branches overseas?

13 A. Unofficially, until this last year, we
14 haven't had a single individual responsible for all
15 overseas operations.

16 I had, as Miami manager, I opened our first
17 overseas operation in Puerto Rico. Later on, after I
18 moved to San Francisco I was involved in the development
19 of a proposal for a branch in Juarez, Mexico, one in
20 Singapore and a couple of others.

21 I'd say I've been involved in the
22 development of a lot of the overseas operations with the
23 exception of the Canadian operations. I was not
24 involved ever in the Canadian operations.

25 We have twenty-one branches in the eastern

1 provinces and I believe another eight in the Toronto
2 area .

3 So I have been involved unofficially for
4 the most part in some of the export operations up until
5 we appointed a national person responsible for exports.

6 The district that had the branch in their
7 territory -- for example, at that time Phoenix had
8 responsibility for Juarez. When we opened a branch in
9 Juarez, that fell under the district manager in Phoenix.

10 Q. Since you have mentioned Puerto Rico,
11 Juarez, Singapore, Canada, in general what are the other
12 overseas operations of Graybar?

13 A. We have a partnership in Singapore,
14 warehouse and sales operation. I believe it's 50/50. I
15 could be wrong. But I believe it's about 50/50
16 partnership with a local firm. In Singapore we have a
17 wholly owned subsidiary, N-g-u-a-m.

18 We have the operations that I mentioned in
19 Canada. Now, twenty-one of those are operated under the
20 name Harris and Rhooome, which is a times buy-out.

21 I don't know how much we own of that
22 company. Right now probably forty percent. Over the
23 period of the next five, six years it gets up to like
24 sixty, seventy percent.

25 The other operations are operated under

1 Graybar of Canada. That's not a partnership or
2 anything. We own those outright. Juarez is Graybar of
3 Mexico.

4 A. Ken -- we bought a firm in Puerto Rico. At
5 the time we bought it, the name was Ken Electric. Now
6 we call it Graybar Puerto Rico.

7 We have a branch in Panama, in the free
8 trade zone in Colon, and that is a partnership with a
9 Panamanian, -- I mean a partnership with a Panamanian
10 that we have known for twenty years.

11 We have an agent, a stocking agent in Saudi
12 Arabia. We have an agent, I believe, in the United
13 Arab -- Emeritz, E-m-e-r-i-t-z.

14 Frankly, I can give you a brochure that
15 lists all our locations. That's most of them. We don't
16 have anything in Eastern Europe or Europe right now.

17 Honolulu you wouldn't consider to be export
18 or Anchorage. We probably have a total of thirty-five
19 or thirty-eight overseas locations, either partnerships
20 or wholly owned subsidiaries or agencies.

21 We have an agent in Japan, Kamaishi, who
22 represents us in that market.

23 We may or may not have an agent in the
24 Phillipines. I know we have been working on one. I
25 don't know if that's been finalized or not.

1 Q. When you say thirty-five to thirty-eight
2 overseas operations, does that include Canada?

3 A. Yeah.

4 Q. When you were in the Long Island area, I
5 thought you -- were you manager of export sales?

6 A. I was manager of export sales for a year.
7 Our business at that time was all in the Far East.

8 Q. All right. So you were managing exports of
9 Graybar's?

10 A. I was selling to power utilities and other
11 specific customers overseas. Then, of course, while
12 it's considered to be export because the product is
13 shipped out of the country, we did a great deal of
14 business with people like Aramco, who were U.S. based
15 companies but had overseas facilities.

16 We sold them either in New York or Houston.
17 I say that because at one time or another the sales
18 responsibilities for that account had been moved back
19 and forth. So we had a so-called domestic export
20 business. Then we had some where we were selling
21 directly to end users overseas, not a lot.

22 We really got the export business started
23 about twenty years ago in Miami, which we opened a
24 branch and began to travel, six or seven sales reps, to
25 Central America, South America and the Caribbean.

1 I had responsibility for all Central America
2 except Mexico, South America and the Caribbean.

3 Q. When you say branches -- for instance you
4 said that L.A. for example had fourteen branches.

5 A. Right.

6 Q. What's a branch? How are you defining
7 branch?

8 A. Certain functions in our operation can be
9 set up to accommodate more than one location. And for
10 the reasons of economy, we set them up as a district.

11 For example, we have might have an
12 accounting department that would have responsibility for
13 a district office in L.A. because all the branches in
14 that district might have a marketing team, for example,
15 for contractor sales, utility sales, various other
16 markets, who would be responsible for all accounts in
17 all of those branch territories.

18 Q. When you say a branch, the L.A. had
19 fourteen branches, was the L.A. area divided into
20 fourteen --

21 A. Branch territories, but under the overall
22 supervision of a district manager.

23 Q. Who would be in L.A?

24 A. Who would be in the downtown Los Angeles
25 branch.

1 Q. All right. You were in this position for
2 the western --

3 A. -- region --

4 Q. -- region. And I think you said it was, I
5 think, 1989 or late eighties?

6 A. That's about right, about two and a half
7 years.

8 Q. How long had that position been in
9 existence?

10 A. For a long time. The first regional
11 manager I'm going to guess was appointed probably in the
12 1960s or certainly the early 1970s.

13 Q. Was it always divided up, western region
14 and eastern region?

15 A. It was always divided up with four regions
16 until the last year when it was two. We had a western
17 region --

18 Q. Last year, you mean --

19 A. We had a western -- the last year we had
20 regional managers, which was three years ago.

21 We had one in the northeast who was
22 headquartered in Philadelphia, one in Chicago who had
23 the central region. The fellow in Philadelphia had the
24 eastern region, the Boston district, New York district,
25 Philadelphia, Pittsburgh, Cincinnati.

1 Q. Would West Virginia fall under that?

2 A. West Virginia would be under Cincinnati, so
3 that was in the eastern district.

4 Q. West Virginia would be under Cincinnati
5 which would be controlled from the Philadelphia office?

6 A. No -- well, yeah, from the Philadelphia
7 regional office.

8 Q. Right.

9 A. Let me say that the responsibility for
10 day-to-day operations in our company has always been
11 primarily assigned to the district managers.

12 There's no way that a regional manager with
13 forty branches can really be involved in the day-to-day
14 business operations and solicitation of business. It's
15 primarily an administrative responsibility, is primarily
16 guidance training, helping a district manager do his
17 job.

18 That's the reason the job was done away
19 with. It represented an unnecessary duplication. We
20 had --

21 Q. The regional manager job?

22 A. Right. I'm going to volunteer information
23 here, but I can help you understand why we did away with
24 the regional managers or the regional manager
25 assignment.

1 We had regional managers who would go into
2 a district and participate in a branch review. Now, you
3 had the regional vice-president there. You had the
4 district manager who had that responsibility. You had
5 the branch manager and the other members of his team,
6 operations, marketing, et cetera.

7 Now, what does that accomplish? First
8 place, it's a negative, as far as I'm concerned, from
9 the standpoint of the district manager to have somebody
10 else coming in who is really not involved day-to-day.

11 You know, everyone bowed to the regional
12 guy. He was the top guy in those reviews. They jumped
13 when the regional people said something. It didn't
14 help.

15 What we really needed was stronger district
16 managers who could run those operations. I made the
17 decisions when I was a regional vice-president on salary
18 increases for warehousemen. Now that was ridiculous.
19 We had district managers in all the districts who were
20 capable of making these decisions.

21 The company recognized that and did away
22 with the job over a period of a couple years. So today,
23 the district managers largely run their operations.
24 From an administrative standpoint they report to a
25 senior vice-president here, but day-to-day operations

1 the district manager's in charge.

2 Q. For approximately or what years was the
3 system set up so the Philadelphia office was over the
4 Cincinnati office which had West Virginia in its region?

5 A. Well, as I said, I think the regional jobs
6 were established late in the sixties or early in the
7 seventies.

8 Q. Was the district job in existence before
9 that?

10 A. Yes.

11 Q. Let's say in the fifties and sixties, would
12 the West Virginia territory have been controlled by that
13 district office in Cincinnati?

14 A. As far back as I can recall, Charleston,
15 West Virginia has always been part of the Cincinnati
16 district.

17 Q. You say Charleston, West Virginia. Was
18 that --

19 A. I believe the entire state of West
20 Virginia.

21 Q. The Cincinnati region, how was that -- or
22 district, I guess, is the term. How was the Cincinnati
23 district divided up?

24 A. What branches did they have?

25 Q. Right.

1 A. Well, they had a branch in Louisville,
2 Lexington, a branch in Cincinnati, branch in Dayton,
3 branch in Columbus. Akron was in Pittsburgh. They may
4 have had a branch or two in southern Indiana. I'm not
5 sure. I think we only had two in Kentucky, but it was
6 in that general vicinity, Kentucky, southern Indiana.

7 Q. Was the Charleston branch then under that
8 Cincinnati --

9 A. Under the Cincinnati district. It was a
10 separate, free standing branch supervised by the
11 district office, just as San Bernardino would be
12 supervised by the district office in L.A..

13 Q. Okay. Cincinnati then was the district;
14 Charleston was a separate branch in that district. What
15 came under Charleston?

16 A. Certain counties, maybe all of West
17 Virginia, maybe some of Pennsylvania. I don't know
18 exactly what counties. Those things change.

19 You know, as we open new branches from time
20 to time, the territories are reassigned. And so over
21 the years I don't know.

22 But I'd have to say Charleston probably has
23 responsibility for a good bit of West Virginia. That
24 would be my educated guess.

25 Q. Do you know whether the Pittsburgh

1 office -- was Pittsburgh a branch or district?

2 A. The Pittsburgh office is a district.

3 Q. All right.

4 A. They have Cleveland, Akron, Greensburg,
5 Buffalo. I think they have about eight branches all in
6 that general vicinity, western Pennsylvania.

7 We have another district office in
8 Philadelphia that has the eastern part of New Jersey,
9 part of Delaware.

10 Q. Did the Pittsburgh district have any
11 branches that included --

12 A. West Virginia?

13 Q. West Virginia.

14 A. They may have at one point or another. I
15 can't tell you.

16 Q. All right.

17 A. I'm not sure, but they certainly could
18 have.

19 Q. Do you know who the -- what was the head
20 person called in the district?

21 A. District manager.

22 Q. Do you know who the district manager was in
23 the Cincinnati district over the years, let's say
24 beginning 1950?

25 A. There were a number of them dating back as

1 far as I can recollect, which would go back to 19 -- in
2 the early fifties, Herman Cook was district manager
3 there. Ralph Coward was district manager -- I may not
4 be getting all of them cause I wasn't in that district.

5 Q. Whatever you remember.

6 A. Ralph Coward. Larry Gilleo, Dick Pierce.
7 Gilleo is presently the district manger just appointed
8 three or four months ago.

9 Q. What was Mr. Pierce's first name?

10 A. Dick. Richard Pierce. He's retired.
11 Coward and Cook -- I'm not sure about Cook, whether he's
12 still living or not. Coward is deceased.

13 Q. Are you familiar with any of the names of
14 the people who then ran the Charleston branch under that
15 Cincinnati district?

16 A. I knew one branch manger in Charleston, and
17 the reason I knew him was that I had him down to
18 interview for a job in my district. His name was Carl
19 Meador, M-e-a-d-o-r.

20 And he would have been branch manager
21 there, I'm going to guess in the seventies.

22 (Whereupon, an off the record discussion was held.)

23 A. He eventually became the district manager
24 in Atlanta, a very large district.

25 Q. Do you know the names of any other branch

1 managers in Charleston?

2 A. I would not.

3 Q. Do you know how long Meador had been the
4 branch manager by the time you interviewed him in the
5 seventies?

6 A. We opened the, my district in '70, and the
7 man who was sent down to be district operations manager,
8 Al Fagge, came from Cincinnati. And so Meador was the
9 branch manager then -- I'm not quite sure -- I'm going
10 to say from the late sixties to early seventies.

11 Q. How about the branch manager for the
12 Pittsburgh office?

13 A. The district manager for Pittsburg? Well,
14 the present district manager is Steven S-c-o-o-l-e-y.
15 His predecessor was Dick Auffenbacher.

16 And at one time the district manager in
17 Pittsburgh was Merle Sullivan.

18 I think Ed Grimes was a district manager
19 there at one time.

20 Jim Carroll a long time ago, probably
21 thirty years ago was a district manager there. Those
22 are the only ones I can remember offhand.

23 Q. Their titles would have been district
24 managers?

25 A. Right. Well, they may have held the title

1 district sales manager or district marketing manager
2 before they became district manager. They all succeeded
3 to the district manager job.

4 Q. In each of those branches in the Cincinnati
5 district, do you know how many warehouses or outlets
6 Graybar would have had in each of those separate
7 branches, say the Charleston branch?

8 A. One outlet in Charleston.

9 Q. All right.

10 A. In most cities one outlet. In some very
11 large markets like Chicago, New York, Miami -- in Miami,
12 for example, I'm familiar with, we have a Miami branch,
13 export branch, telecommunications branch which is
14 primarily involved in the sale of telecommunications
15 products.

16 Q. This is in what year?

17 A. Miami, we have four branches in Miami, but
18 that's unusual. That's very unusual. We have several
19 branches in New York City, one in Queens Plaza, one in
20 Manhattan.

21 Q. Queens Plaza, is that the Long Island?

22 A. That's Long Island. They have
23 responsibility for most of New Jersey, upstate New York,
24 Syracuse, Rochester, Buffalo. At one time they had
25 southern Connecticut, but not anymore. We had a branch

1 out on Long Island City.

2 Q. How many employees were in the, in that one
3 outlet in Charleston?

4 A. I can't tell you because -- I could give
5 you a guess if I knew the volume of the branch. I
6 don't. I'm going to guess that probably less than
7 twenty and more than ten in Charleston.

8 Q. Is there any way to learn what the sales
9 volume was for any of these branches over the years?

10 A. Well, I don't know how far back our sales
11 records go, because I haven't researched them frankly.
12 Today we keep sales records in terms of transactional
13 copies, not summaries but transactional copies back -- I
14 believe it's six years and the current year.

15 We have done that for some period of time
16 for several reasons, and one is what's required by the
17 government for the tax division.

18 Secondly, at this point we're processing
19 four hundred thousand transactions a day, and we would
20 need a warehouse the size of Busch Stadium to keep all
21 records if we went back fifty years.

22 MR. MARTIN: For the record, we have
23 disclosed the record retention policy in written
24 discovery.

25 According to my investigation, the only

1 documents we have that predate the record retention
2 period of six years plus current year are the documents
3 that have been produced.

4 We cannot tell you what sales there were at
5 any given point prior to the current year and six years
6 back.

7 MR. CHERVENICK: Are there any summaries
8 from prior years?

9 MR. MARTIN: Nothing that I --

10 MR. CHERVENICK: No microfilm?

11 MR. MARTIN: Nothing that I've been aware
12 of, and we have made diligent search for documents.

13 A. I think there may be some people who
14 unofficially have a good knowledge of what the flat
15 sales figures are, but as far as independent branches
16 are concerned, I have no idea.

17 Q. (By Mr. Chervenick) The ten to twenty
18 employees -- I know that's an estimate -- in a branch
19 like Charleston branch, what would those employees do?

20 A. What would their jobs be?

21 Q. Right.

22 A. Typically -- I can't say this is for
23 certain in Charleston -- but typically there would be
24 the branch manager, who would be the counterpart of the
25 district manager in the district. He would report to

1 the district manager.

2 There would be a district operating manager
3 who had responsibility for operations. That would be
4 inventory control, customer service, warehousing,
5 trucking.

6 Then you would have an assigned financial
7 manager who might or might not be located in the
8 territory. Some financial managers operate out of the
9 district office, some are placed in the branch
10 territory. Depends on the geography involved.

11 We always thought it's desirable to have a
12 financial guy in the field at the site if it's possible
13 and economically feasible.

14 We have some territories covered by a
15 financial manager who may be three hundred miles. We
16 have some district financial managers in almost all
17 field operations, so we would have a financial manager.
18 He might or might not be located on the premises. In
19 any event he would be there a certain number of times a
20 month.

21 Then we would have, in an operation of that
22 size, probably four to five sales reps. Now, those
23 would not all be general sales representatives. Some of
24 them might be specialists.

25 We might have a sales rep who sells nothing

1 but telephone and data equipment. We might have a sales
2 rep who sells only contractors. We might have one who
3 sells only to power utilities.

4 Pretty much we divide the territory in a
5 branch up by market, so we could have specialization in
6 terms of product knowledge, et cetera for those people
7 who were calling on that market.

8 Q. And I take it you also had or each branch
9 would have warehousemen or inventoroy people?

10 A. We would have a warehouseman. His title
11 would be different depending on the size. They would
12 have some warehousemen, might or might not have
13 truckdrivers.

14 We had some districts that followed the
15 practice of owning their own trucks and having their own
16 drivers as regular employees. We had some districts
17 that leased trucks and drivers.

18 Q. Do you know what was done in the Charleston
19 branch?

20 A. No. I don't even know what's being done in
21 the Miami district today. I've only been gone five
22 years. It changes.

23 Different administrations come in. They
24 have different ideas about the expense and time
25 involved. There are those who say if you use outside

1 service, you save a lot of the time of your warehouse
2 foremen buying tires and getting engines fixed, all that
3 stuff.

4 But the company that you rent the trucks
5 from obviously has to have a profit in there to cover,
6 and so, you know, that's why I say over the years there
7 have been different administrations that have felt one
8 way or another.

9 I couldn't begin to tell you with
10 Charleston. As I say, I never worked there.

11 We owned our trucks for the most part in
12 Florida during the time I was there. One of the
13 reasons was we had a lot of trucks. We had probably the
14 highest percentage of out of stock business of any
15 district.

16 Q. What's out of stock business?

17 A. That means we shipped it out of our
18 warehouse as opposed to out of the manufacturer's
19 warehouse, so we had -- when I went back to Miami as
20 branch manager in '70, we had eight trucks, I think,
21 eight or nine.

22 Q. Whenever a branch had its own trucks, would
23 the trucks indicate that it was Graybar Electric on
24 them?

25 A. Oh, yeah. Now, the leased trucks might or

1 might not.

2 If we're leasing trucks, for example, on a
3 short-term basis from a Ryder or somebody, it might or
4 might not have our name on it.

5 It would be my guess that on longer term
6 leases where we're leasing trucks for three, four years,
7 we would have our name on there, where only doing it a
8 month, three months, we probably wouldn't.

9 Q. Are you familiar with what the total sales
10 would be of Graybar at this time?

11 A. Today?

12 Q. Today. Say for all regions.

13 A. Approximately a billion nine hundred
14 million to two billion.

15 Q. All right. How does that compare to the
16 sales say fifteen years ago -- let me change that --
17 let's say twenty-five years ago in the mid sixties?

18 MR. MARTIN: If you have any idea.

19 A. I don't have any idea really. I could take
20 a guess if he wants me to guess.

21 MR. MARTIN: Not on that one. I'll let you
22 guess on some, not on that one.

23 A. I don't know what the sales would have been
24 at that point in time.

25 Q. (By Mr. Chervenick) Would that have been

1 smaller than it is now?

2 A. I'll answer that yes, because of inflation
3 if nothing else.

4 Q. Would it have been half as much? Not going
5 to hold you to any figure.

6 A. Could have been. Could have been more than
7 half, could have been a little less. Not sure.

8 Q. Do you know back then -- let's say in the
9 mid 1960s, which -- was any particular region east or
10 west -- or I guess then it was in four regions.

11 A. You mean among the districts?

12 Q. Well, among the bigger geographical areas.
13 I think you said at that time there were four
14 different --

15 A. Regions and eighteen districts.

16 Q. Was there any particular region which
17 produced more in sales than another?

18 A. I'm going to guess if you will let me
19 guess. If not --

20 MR. MARTIN: If there were some trends that,
21 like there was a region that stood out in your mind on
22 regular basis.

23 A. It's quite logical the New York district,
24 the Chicago district, the L.A. district were all big
25 districts, and their sales were historically among the

1 top ones in the company.

2 Now, again, we change territories when we
3 open a new branch. We may change two or three branches
4 from one district to another if that district's not
5 doing well managing it.

6 Over the years with two hundred branches,
7 we have moved them back and forth many times between
8 various districts. The Oklahoma City and Tulsa
9 branches, for example, have been under the St. Louis
10 district, they have been under the Dallas district, may
11 have been under other districts.

12 Q. Nobody can get them under control?

13 A. They're doing better now but --

14 Q. You indicated that when you were in Miami,
15 you did a lot of sales out of stock. You said, I think,
16 you were the biggest office that sold out of stock.

17 What was -- in general at Graybar over the
18 years done? Are more sales out of stock or are more
19 sales from a manufacturer?

20 A. Well, I know the answer to that. I
21 probably should answer it. Roughly speaking over the
22 years it's been forty- sixty, fifty-fifty, sixty-forty,
23 in that range.

24 Q. From out of its own stock versus --

25 A. Versus a manufacturer's warehouse or

1 agent's warehouse. It's been that range for the most
2 part. There may have been districts that fell outside
3 those parameters. That probably would cover ninety-five
4 percent.

5 MR. MARTIN: All -- the entire business of
6 Graybar, you are talking?

7 A. That's right. Not taking about any
8 particular product or market.

9 Q. (By Mr. Chervenick) It's my understanding
10 that Graybar never manufactured any products itself but
11 it sold products manufactured by others. Is that
12 correct?

13 A. That is true. We never manufactured
14 products.

15 Q. When Graybar -- well, let me ask you this
16 first. Are you familiar with the trend in the
17 Charleston area, West Virginia sales? Were more sales
18 out of the Graybar warehouse stock or direct from the
19 manufacturer?

20 A. I don't know.

21 Q. When materials were sold by Graybar out of
22 its own stock, were they packaged in packages that had
23 Graybar's name on it, or would you keep the
24 manufacturer's name on the package?

25 A. Well, that would depend on the size of the

1 product and whether it was a standard package or not.
2 If we were shipping out a product that came from the
3 manufacturer in a standard size and that's what the
4 customer ordered, then we would ship that carton with
5 the manufacturer's name on. It might or might not have
6 our shipping label on it, but it would still have the
7 manufacturer's name on it.

8 Assuming the manufacturer put their name on
9 it. I'm not sure all of them did but as far as I know,
10 most did.

11 Q. Let me ask as you this. Did Graybar ever
12 indulge in a practice that whenever a package came in
13 from the manufacturer, it would cut out the
14 manufacturer's name and put Graybar's own name on the
15 packet so the customer wouldn't know who the
16 manufacturer was, i.e. to prevent that customer going
17 right to the manufacturer?

18 MR. MARTIN: We have already responded in
19 written discovery to that. We have never been engaged
20 in that before that. Whether or not he knows --

21 A. I'm not aware of it. There are products we
22 bought in huge bulk. We bought little wire nuts,
23 thousands in a crate. We've taken those out and put
24 them in smaller quantity. We might have put them in
25 paper sacks a hundred at a time.

1 Can't say for sure. It's reasonable to
2 assume when you buy in bulk you certainly have to sell
3 some in smaller quantities. I'm sure that may have
4 happened, but I don't recall ever when I worked in the
5 warehouse of our taking a manufacturer's label off a box
6 and putting our own label on there.

7 See, if we ship it out of stock, the
8 manufacturer has no way of knowing where it goes. It's
9 only when the manufacturer ships it. If we send them an
10 order, say ship this direct to ABC Electric, then they
11 know where it's going. If it's out of our stock, they
12 don't have any idea where we sell to.

13 Today we might cooperate with them and tell
14 them some of the real good suppliers we have, how much
15 we're selling or something like that.

16 Q. When you say -- I'm confused. If you sell
17 it out of your warehouse, the manufacturer then has no
18 idea where it's going?

19 A. No. It could be a customer who would come
20 to our counter and pick up one box.

21 Q. Right. What -- were there items that were
22 typically sold out of Graybar stock versus items that
23 Graybar wouldn't typically stock and you would order
24 from the manufacturer and tell the manufacturer to ship
25 it to your customer?

1 A. Well, the 80-20 rule probably applies. We
2 probably stocked twenty percent of the items that were
3 the fastest moving and represented eighty percent of
4 sales. We probably stocked a lot fewer of the items
5 that only represented twenty percent of the sales.

6 Q. Do you know in general which items were
7 which?

8 A. Huh?

9 Q. Can you tell me in general which items were
10 sold out of your stock were fast sellers you would
11 stock, versus items where you would let the manufacturer
12 ship them?

13 A. I can answer that this way. If you looked
14 at our general catalog at the time, it probably had a
15 hundred thousand items in it. That's, largely that was
16 specifically a reference catalog only.

17 And in fact in many cases they didn't have
18 prices in that catalog. A typical branch -- and I'm
19 taking in a parameter here -- typical branch would have
20 had five to maybe ten thousand items in stock out of the
21 one hundred thousand.

22 So five percent or ten percent of the items
23 we sold might have been in stock, and generally speaking
24 the very exotic products we never stocked, or rarely.

25 Q. What do you consider to be an exotic item?

1 A. Well, if a customer made switchboard or
2 motor control centers for a large industrial plant. A
3 wire that might be manufactured to a particular
4 customer's specifications or might be a type of product
5 we would normally not sell.

6 Q. How about wire and cable in general? That
7 would be in a catalog? I have some of the catalogs that
8 were produced here.

9 A. Wire and cable in general?

10 Q. Right. I don't want to use any particular
11 wire or cable as an example, but would wire and cable
12 that you would sell to contractors or to power utilities
13 be something that was stocked by Graybar or something
14 that you would order from the manufacturer?

15 A. Both.

16 Q. What would determine what was --

17 A. Items, for example, that would be used in
18 circuit wiring in a home or commercial establishment, we
19 normally would stock. That would be, a contractor comes
20 in, he is wiring a house down the street, he needs a
21 panel and needs some toggle switches and needs some
22 wire. And he would come in and pick that up.

23 I'd say six hundred volt building wire was
24 probably the item that we stocked the most of over the
25 years.

1 The stocks that we would have of 15 K-V,
2 fifteen thousand volt varnished cambric wire, for
3 example, would be -- I can't even begin to tell you. I
4 have no idea how many locations we would have stocked
5 that product in, if we ever stocked it.

6 We never stocked it in the years I was in
7 Miami, in the years I was in New York, but we could
8 have.

9 Q. For an individual branch, would the branch
10 manager or district manager look at a trend in sales and
11 say if eighty percent of the sales were to power house
12 or utility companies, certain types of wires or cable,
13 would that branch or district then tend to stock that
14 wire or cable as opposed to some other wire or cable?

15 Would you tailor what each particular
16 branch inventoried or warehoused to its customers'
17 needs?

18 A. If a customer came to us and asked us to
19 stock a particular product, and they were a very good
20 customer, in all probability we would stock the product
21 for them.

22 Q. Even if they didn't ask you to stock it, if
23 the branch manager looked and said, we're selling some
24 amount of this kind of --

25 A. We're constantly looking for ways to

1 improve customer service. One obvious way is to deliver
2 what they need when they need a hundred percent of the
3 time.

4 We're constantly reviewing what we stock
5 and discontinuing items not selling very well, perhaps
6 adding items very popular by the end users.

7 Q. Was there any difference in the profit to
8 Graybar when a product was sold out of Graybar's
9 inventory versus if Graybar didn't inventory and called
10 the manufacturer and said ship it to X customer?

11 A. I really can't answer that for this reason.

12 It related more to the volume of the
13 product that was sold than whether it came out of our
14 stock. If we got an order for twenty-five thousand feet
15 of five hundred MCTHW, which was a large power cable, we
16 have locations that could have shipped that out of stock
17 and might have, depending on circumstances, depending on
18 how badly they needed the business.

19 Might have sold it at a price that was
20 equal to what the manufacturers would have sold it to us
21 for to ship direct, adding our profit in.

22 In other instances when a customer called
23 up and asked for a three hundred foot piece, we have to
24 cut it off the reel and put it on a reel and deliver to
25 them to their specifications, in all probability the

1 margin on that could have been higher.

2 It should have been. I'll say that,
3 because there was a lot more specialized service
4 involved.

5 Q. What would prevent a customer from a power
6 house utility or contractor from going right to the
7 manufacturer versus going through Graybar? Why would
8 they go through you if they needed something that you
9 didn't have in stock?

10 A. Well, typically the manufacturers are not
11 set up to handle a hundred thousand contracts and a
12 hundred thousand industrial firms and a hundred thousand
13 commercial firms.

14 They're not set up to handle them from a
15 financial standpoint, approving credit, knowing what's
16 going on with all those accounts.

17 They are equipped to know what's going on
18 with the accounts that buy their product and the
19 distributors that buy their product. That's why
20 distributors have survived.

21 We stock a hundred thousand items. The
22 customer can come to our place and pick up a hundred of
23 them. He would have to go to perhaps as many as fifty
24 manufacturers to get all the same products, might have
25 to have them shipped in from Wisconsin.

1 So, you know, it's a great convenience for
2 the customer to be able to go to one place and get as
3 many of his needs as possible.

4 You also have to remember there are two to
5 three thousand other distributors out there other than
6 Graybar that also sold and stocked the same or similar
7 products.

8 Q. Who were your main competitors over the
9 years as far as distributors?

10 A. Well, when you say main competitors, I can
11 answer in terms of most branches. I can't answer in
12 terms of volume, because some of the large competitors
13 we have had over the years do not report their sales by
14 volume.

15 Q. All right.

16 A. I'm not aware that they do. General
17 Electric Supply, which is, of course, a division of
18 General Electric, they don't report their sales by
19 division or by General Electric Supply as far as I know.

20 I'd say that over the years the two largest
21 national competitors we have had have been General
22 Electric Supply and Westinghouse Supply, both owned by
23 parent companies, Westinghouse Corporation and General
24 Electric Corporation.

25 But I have no idea what their volume is in

1 relation to ours.

2 Q. All right. Is Graybar owned by any other
3 entity?

4 A. Graybar is owned, has been owned since 1927
5 or '28 a hundred percent by its employees and
6 pensioners. We have no outside stockholders.

7 We have no stockholder who owns more than
8 one percent of the stock. And we have kept it that way
9 because it made us an independent.

10 We had complete freedom, were not obligated
11 to any manufacturer, complete freedom to choose the
12 products that the customers were asking for or demanding
13 or specifying.

14 MR. MARTIN: Five minutes?

15 (Whereupon, a short break was taken.)

16 Q. (By Mr. Chervenick) The picture on the
17 wall has a picture of a Graybar truck with a map of the
18 United States and Graybar across the middle. Is that
19 the Graybar logo?

20 A. Been used in our catalogs over the years.
21 Over the years a number of different logos have been
22 used. That's not the only one.

23 We standardize like that on as many things
24 as we can.

25 Q. Mr. Sackett, you -- it's my understanding

1 that the items listed in the Graybar catalogs weren't
2 necessarily the items that a customer would receive,
3 that it was a product -- that if another product that
4 was similar to that particular product was in stock, or
5 could be ordered more easily from the manufacturer, then
6 that product would be shipped rather than the one that
7 was in the catalog.

8 Is that understanding correct?

9 A. My understanding and my experience would be
10 that if it's a largely generic product, that would be
11 true. We would ship what we had in stock. If it was a
12 highly specified product we would ship the specified
13 product.

14 Q. What would be an example or examples of a
15 largely generic product?

16 A. Well, a manufacturer is involved. I don't
17 think they're -- but steel conduit would probably be
18 one, maybe PVC conduit.

19 Each manufacturer will tell you their PVC
20 conduit is a little better than the other guy's. And
21 some of them have good reason for saying that.

22 But if they meet UL standards and they meet
23 the approval of the end user or customer who is
24 specifying what they want, yeah, we would ship what we
25 had in stock.

1 And I think I stated in my earlier
2 deposition that, the fact that we had a particular brand
3 listed in our catalog didn't necessarily mean we shipped
4 that brand either.

5 We don't -- didn't buy -- typically in
6 highly specified products we would, that was a reference
7 catalog. We would show the specifications of a
8 particular company, and then there might be five or six
9 who made the same product who we might buy.

10 Q. You did say that in a previous deposition.

11 A. That's correct. In building wire we could
12 have stocked Ancoconda in Cincinnati, Simplex in Boston,
13 Hatfield in New York City and on and on. There's no way
14 to tell you. I can't remember.

15 Even in Miami, where I was manager a long
16 time, we didn't buy the majority of our building wire
17 from the same manufacturer every year.

18 Q. What would dictate?

19 A. Manufacturers got in and out of the
20 business. They would -- you know, I can give an example
21 of a manufacturer who was shipping building wire out of
22 Alabama.

23 They suddenly decided they weren't going to
24 ship anymore than five hundred because of the
25 competition and pricing. All of a sudden, our business

1 went from -- I don't remember what it was -- probably a
2 million and a half dollars to zero.

3 They just decided not to sell that
4 particular market place. Not much we could do about
5 that. Not much we wanted to do about it. That's
6 obviously their prerogative.

7 Q. Who were the different suppliers of wire
8 that Graybar purchased from?

9 A. Over the years --

10 MR. MARTIN: If you know.

11 A. I know who I bought from, who our district
12 bought from, but in terms -- we're talking primarily
13 here about six hundred volt building wire which is a
14 widely used product.

15 MR. MARTIN: In the Miami area?

16 A. In the Miami district while I was there
17 from '70 to '89, we bought at one time from General
18 Cable, from Ancoconda, Phillip Dodge, Hatfield, Cerro,
19 from -- there are others, General Electric.

20 And I'm leaving some out that I just don't
21 remember all the names now. They have come and gone.
22 There are very few wire manufacturers left who were in
23 business twenty years ago.

24 Q. Did other branches purchase from those same
25 wire manufacturers?

1 A. They might have. They might have bought
2 from somebody else that was local, based on what the
3 customer wanted.

4 Q. Would the decision on where to buy wire --
5 from whom to buy wire, would that be based on whether or
6 not that manufacturer was close by a certain branch?

7 A. In my experience, no.

8 Q. Let's take for example the Charleston area.
9 What would dictate who the Charleston branch would buy
10 wire from?

11 MR. HARTON: Generically?

12 MR. MARTIN: Hold on.

13 A. I can't answer that.

14 MR. MARTIN: Hold on.

15 MR. HARTON Or from personal knowledge?

16 A. I can't give you, answer the question on
17 Charleston. I have no idea who they bought wire from.

18 MR. MARTIN: As agent and officer of the
19 entire company, Mr. Sackett, I believe he has
20 characterized those decisions as being market driven
21 decisions and, too, he was in the Miami area.

22 That's why I put those limitations on his
23 last response. I believe that his response taken as a
24 whole, you can deduce from that and take from that that
25 Charleston's decisions on who to buy, what to buy and

1 who to buy from are all market driven and they impact
2 differently. Is that correct, Mr. Sackett?

3 A. That's right.

4 Q. (By Mr. Chervenick) What I'm trying to
5 find -- I'm not asking you who did they buy from. What
6 were those market decisions? Obviously price would have
7 been one factor, I take it.

8 A. Probably price, one thing, particularly on
9 six hundred volt building wire.

10 Q. Any other factors that went into that
11 market decision?

12 A. Yes. The help and support that we got from
13 the factories, sales representative or agent. If that
14 agent went out and got a lot of products specified, got
15 a lot of customers asking for their product, that would
16 certainly, in a lot of instances would have influenced
17 me.

18 I can't speak for anybody else, but having
19 somebody on your team who will help you generate new
20 business certainly is a good reason.

21 Q. In your experience, in the Miami area were
22 there any manufacturers whose wire was specified a good
23 deal so that was a major influence on whose to stock?

24 A. No. It changed. It's changed a lot.

25 Q. All right.

1 A. The manufacturers who today may be getting
2 a lot of the business, in 1970 may not have been getting
3 any or very little.

4 You know, I can't name all the wire
5 companies that were in business then that are gone
6 today, but I mentioned Hatfield, Simplex. I don't think
7 Anacoconda's in the building wire business. I don't
8 believe Phillips Dodge is, but I'm not sure. I could be
9 wrong.

10 But there are probably eight or ten wire
11 manufacturers who were in business in '70 who are gone
12 today. And that void has been filled by other
13 companies, some of whom filled it for awhile and then
14 they got out and are gone, too.

15 Q. Did Graybar purchase from what you would
16 consider to be say the top ten wire manufacturers in the
17 country?

18 A. Well, I wouldn't characterize it with a
19 number. We tried to buy from the suppliers from whom we
20 got the best support.

21 Q. How many different wire companies did
22 Graybar purchase wire from, if you can estimate?

23 A. Tell you frankly, if you are looking at
24 catalogs that go back to '28, I couldn't begin to tell
25 you. I don't have any idea.

1 Q. Did Graybar purchase from a company called
2 Rockbestos?

3 A. I believe that I'm correct in saying there
4 were Rockbestos products that appeared in one or more of
5 our catalogs, and it's very possible that we did.

6 Q. Did Graybar purchase from a company known
7 as Erickson?

8 A. You know, my recollection of our
9 relationship with Erickson, it's largely been on
10 telephone products.

11 I'm not aware we bought wire and cable from
12 them, and if we do, wouldn't it be communications cable,
13 not power cable? So I'm not aware of Erickson products
14 ever being offered with asbestos insulation.

15 Q. All right. Did Graybar have any contracts
16 with any wire manufacturers whereby Graybar would
17 contract --

18 A. To buy a certain amount?

19 Q. Right. Certain amount at a certain price,
20 like futures kind of commodity?

21 A. We might have, or even district by
22 district, but we have never bought those products
23 nationally. In other words, we have never had all two
24 hundred branches send orders in to headquarters and we
25 place one order for the whole company.

1 Never done that. And you say why not. If
2 you -- if you did that and got the requirements of all
3 two hundred locations, you would have a huge -- you
4 might be able to get a better price but what, how would
5 we do that?

6 How could we do it? Let's say brand A
7 comes in with a low price. Brand C, D, E and F are the
8 ones helping us get business. What are we going to do
9 when the brand F sales representative comes in and we
10 have bought elsewhere because they were two percent
11 lower?

12 We always felt there was more than price to
13 our relationship with the suppliers. One of those was
14 the quality of the help they gave us. You disperse that
15 when you start buying solely on price.

16 Q. All right. Did Graybar sell any products
17 manufactured by Westinghouse or General Electric, seeing
18 that they had their own supply houses?

19 A. Yes, yes. We have sold General Electric
20 light bulbs, lamp bulbs, incandescent bulbs,
21 fluorescent, high pressure sodium for many years.

22 Q. How about any wire that may have asbestos
23 in it from Westinghouse or GE?

24 A. As far as I know, from my own personal
25 experience, I'm not aware of ever buying any wire from

1 Westinghouse. GE did have a wiring cable division. We
2 did buy wire from them.

3 During the era that I bought wire from
4 them, it was, cross linked polyethylene was the
5 insulation. That's where they made their name.

6 What they had beyond that, I don't remember
7 whether they ever made a product that had -- but
8 that's -- I don't recall that we ever bought anything
9 from Westinghouse. In fact I'm not even aware that
10 Westinghouse has manufactured wire in the last twenty
11 years.

12 Q. All right. Does Graybar have any
13 subsidiary companies?

14 A. We have Harris and Rhooome in Canada which I
15 mentioned earlier.

16 They're headquartered in Halifax, Nova
17 Scotia. We've only been involved in that for the last
18 three, four years.

19 Q. Does Graybar have any other subsidiaries
20 besides that?

21 A. Outside of overseas operations, I'm only
22 aware of two.

23 One is an independent company that we
24 bought in Mankato, Minnesota called L & C Electric.
25 We're still operating that as an agency. It's a one

1 branch operation today.

2 And then a year ago we bought Square
3 Electric Company in New Jersey. That's being operated
4 under the management of a company, Square Electric
5 Management as a separate subsidiary.

6 Those are the only two I'm aware of .

7 Q. What do L & C and Square Electric do?

8 A. I would characterize them as general line
9 distributors. I've never been in Square Electric. I've
10 read about it. I've heard about it. I have been in L &
11 C. I would characterize them as a typical electric
12 distributor.

13 Q. Both these concerns are distributors who
14 don't manufacture?

15 A. Right. We don't have any subsidiaries that
16 are in the manufacturing business as far as I know.

17 Well, I think I can say this with
18 certainty, but as far as I know we don't have any
19 financial interest in any manufacturing company.

20 Now, you know -- sometimes there are
21 customers we do business with that get into financial
22 trouble. We might take a few shares of stock until they
23 can pay off the debt. That's not with companies that
24 are in the power business. That's just commercial
25 industrial firms.

1 Q. How many employees does Graybar have, if
2 you can give me some kind of rough estimate?

3 A. I can give you an estimate, fairly accurate
4 estimate of about five thousand.

5 Q. That includes the overseas people as well?

6 A. That does not include the subsidiaries
7 overseas. How many more would that add? I don't know.
8 I don't know how many employees each of those operations
9 have. Would be a wild guess for me to tell you.

10 Q. All right. When we say overseas, that
11 includes Canada, Mexico?

12 A. Right.

13 Q. I wanted to ask you some questions about a
14 couple of the products in one of the Graybar catalogs
15 that were provided?

16 MR. MARTIN: Do you know which year you are
17 looking at?

18 Q. (By Mr. Chervenick) I'm looking for it.
19 Yes. It's 1958, and it's page 367.

20 MR. MARTIN: 367?

21 Q. (By Mr. Chervenick) Right.

22 A. Graybar insulating materials.

23 Q. One question I have is, each of these
24 catalogs skips around. For example, in 1958 the first
25 numbered page is 65, then the next numbered page that I

1 have is 67, and it jumps to the hundreds and then goes
2 up to three or whatever, 867.

3 Do you know why there are skips in this?

4 MR. MARTIN: He may not know, but I do.

5 It's because we didn't produce for you a copy of every
6 single page of the catalog that had nothing to do with
7 your request. Your question went to asbestos containing
8 materials.

9 MR. CHERVENICK: The pages produced --

10 MR. MARTIN: That have asbestos containing
11 materials in them.

12 MR. CHERVENICK: So the pages that are
13 absent don't have any reference to asbestos?

14 MR. MARTIN: No.

15 Q. (By Mr. Chervenick) How many pages roughly
16 does each of these catalogs contain?

17 A. They're different. The big general catalog
18 may have had a thousand pages. The small condensed
19 catalog may have had three or four hundred.

20 MR. MARTIN: All of them run in excess of
21 five or six hundred pages.

22 Q. (By Mr. Chervenick) By the numbers on
23 them, they're usually up around --

24 A. That's the number of the catalog you are
25 referring to there.

1 Q. The year? The '58 --

2 MR. MARTIN: 1057

3 A. Okay. This is our big general reference
4 catalog. It's, we got sixty- five thousand items in
5 there, and I'd say there is probably twelve hundred
6 pages or something like that.

7 Q. Did Graybar advertise its products other
8 than through these catalogs? I mean, other than in
9 these Graybar Electric Company catalogs specifically?

10 A. Well, that is a very difficult question to
11 answer, because we did participate with some
12 manufacturers in what I would call cooperative
13 advertising where we together maybe did an ad.

14 We might have taken the initiative in that,
15 or they might have, but we have, for a company our size
16 in terms of dollars are concerned, we have a very, very,
17 very small advertising budget.

18 Q. Who would be the recipients of those
19 Graybar catalogs? I take it the salesmen would leave
20 them with the people they would call on.

21 A. Hopefully. Some were mailed out.

22 Q. Who would the salesmen call on? Maybe
23 contractors?

24 A. Electrical contractors of all types. Not
25 all salesmen, but some salesmen would call on electric

1 contractors, some call on industrial accounts, utility
2 accounts, commercial accounts. Some would call on
3 telephone and data accounts, and some would call on
4 overseas accounts.

5 Q. All right. On page 867 of this catalog, it
6 lists -- I can show you mine. I want to ask you a
7 question about that box on the right-hand side of the
8 page.

9 The title of the box is List of Graybar
10 Insulation. And you said a little bit earlier, I
11 believe, that Graybar never put its -- you weren't aware
12 they put its name on a package.

13 A. Didn't say that. I said we never
14 manufactured anything.

15 Q. Right. But when I asked if -- let me ask
16 you this.

17 Where would Graybar acquire this say
18 Graybar treated asbestos cloth? It's about two thirds
19 of the way down in that box.

20 A. It was made by a manufacturer.

21 Q. Do you know who?

22 A. I have no idea.

23 Q. My question I was going to ask, do you know
24 who supplied the asbestos cloth to Graybar?

25 A. They didn't supply the cloth to us. They

1 didn't supply the tape or whatever this product is.

2 Q. There's one item here called Graybar
3 treated asbestos cloth.

4 A. I have not the foggiest idea.

5 Q. Do you know who would know that?

6 A. Well, this catalog goes back what, forty
7 years almost. There are not very many people -- I'm the
8 senior guy around here --not very many people who were
9 even around when this was in. I doubt it very
10 seriously.

11 Out of five thousand employees, you might
12 find a few, but I would doubt it really. This goes back
13 so far.

14 In order to clarify my answer on your
15 question about whether we manufactured anything, we have
16 over the years on several occasions had our name put on
17 a product that was manufactured for us.

18 Now, the manufacturer generated the
19 specifications, and we did some research on it. In
20 terms of lighting, maybe we had a lighting fixture that
21 had our name on it.

22 Maybe some plastic tape might have had our
23 name on it, but we didn't do any of the manufacturing,
24 and as far as I know, we never owned any of the dies so
25 we could take the dies and send them out to a particular

1 manufacturer and say, make this. Always be just one
2 supplier who made it.

3 Q. I asked at one point whether Graybar put
4 its name on the packaging.

5 A. The box?

6 Q. And you indicated that generally you kept
7 the manufacturer's name on there; you might have your
8 shipping label on there.

9 But how about the product itself? Are you
10 saying that sometimes you would put Graybar on a
11 lighting fixture or some other product so the
12 manufacturer's name would not be on there and it would
13 be Graybar on there?

14 A. The manufacturer's name would also be there
15 as far as I know.

16 Q. Were there any products that Graybar
17 indulged in that practice versus others?

18 MR. MARTIN: I don't understand your
19 question.

20 A. I don't either.

21 Q. (By Mr. Chervenick) Were there certain
22 products Graybar would put its name on, to your
23 recollection, versus products it absolutely would not
24 put its name on?

25 A. Very, very sporadic.

1 Q. What would dictate whether Graybar put its
2 name on a product?

3 MR. MARTIN: Your question, as I understand
4 his testimony, Graybar never put its name on anything.
5 His recollection is that at times a manufacturer may
6 have --

7 A. Manufactured a product for us.

8 MR. MARTIN: That is your recollection?

9 Q. (By Mr. Chervenick) I'll ask it this way.
10 In what circumstances would Graybar's name appear on
11 products? What would dictate that?

12 MR. MARTIN: That is if you know.

13 A. Well, I can say one or two examples that I
14 know of where a manufacturer came to us and and offered
15 to manufacture a fluorescent lighting fixture, for
16 example, with our name on it.

17 This particular thing occurred when
18 lighting was under a lot of scrutiny from a cost
19 standpoint, and this fixture, this model was called a
20 meter miser, didn't use as much electricity.

21 So we had the product made with our name on
22 it, put our name in the distribution of the product to
23 the end user or -- our name is less well-known for the
24 most part than the manufacturer's, because we did a lot
25 less advertising.

1 And we may have stocked eight or ten
2 different products or five. So I don't recall -- I
3 don't even remember this page in the catalog to be
4 honest with you, and I never -- I certainly don't have
5 any idea who manufactured it.

6 Q. Did Graybar's name ever appear on wire?

7 A. Not to my knowledge.

8 Q. Do you know whether Graybar's name appeared
9 on this asbestos cloth?

10 A. I don't know.

11 Q. How about --

12 A. It says Graybar whatever, but I never -- I
13 don't recall seeing the product, so I can't answer your
14 question. I don't know whether our name was there or
15 not.

16 Q. What about Graybar varnished asbestos
17 paper? Know who furnished that to Graybar?

18 A. No.

19 Q. That's the next one down.

20 A. I don't.

21 Q. Same question with respect to -- did
22 Graybar's name appear on that paper?

23 A. Graybar glass asbestos?

24 Q. No, next one under the treated cloth.

25 A. Varnished asbestos paper?

1 Q. Right.

2 A. I don't know. I'm taking a guess when I
3 say there were probably only three, four people who made
4 that product.

5 Q. Do you know who furnished the Graybar
6 varnished glass cloth and asbestos paper under that one?

7 A. I don't know who furnished any of these
8 products.

9 Q. Did you ever see the Graybar silicone
10 asbestos paper or silicone treated asbestos paper that's
11 the third up from the bottom?

12 A. Not to my knowledge.

13 Q. At the top it talks about Graybar varnished
14 cambric, and there are several different types listed
15 there. What was that product? Do you know?

16 A. As far as I know, that was used where there
17 were splices to be made on cable that was, that had
18 varnished cambric insulation.

19 In other words, that wasn't part of the
20 original insulation of the original product shipped. It
21 was used when the product was installed.

22 Typically they would use the same kind of
23 insulation they had on the cable. Not always, but in
24 many cases.

25 Q. Do you recall ever selling or being in

1 charge of people who were selling this asbestos cloth or
2 paper?

3 A. I'm afraid I can't help you on that. I
4 really don't know. Like to be helpful. I don't know.

5 Q. Let me ask one more question on that line.
6 Do you know of any region, district or branch that used,
7 that sold that asbestos cloth and paper? Any particular
8 region or branch or district?

9 A. I can only comment on the branches where I
10 served, and that would have been Miami and the other
11 ones I listed. I don't recall having seen a sales
12 transaction on any of these products personally, and
13 that's not unusual. I mean, I don't remember very many
14 individual sales.

15 Now, if you ask me about ceiling fans --

16 MR. MARTIN: There is no question
17 outstanding.

18 Q. (By Mr. Chervenick) The first page in that
19 1958 catalog has this list.

20 MR. MARTIN: He doesn't know anything about
21 that list.

22 Q. (By Mr. Chervenick) Just want to ask him,
23 do you know what this list represents, what information
24 this is giving somebody reading it?

25 MR. MARTIN: It's an aid to you to identify

1 where the products are and what they're doing on those
2 pages, the manufacturer and use.

3 A. I'm not familiar with it in terms that I
4 can tell you what it is.

5 MR. MARTIN: It's an index.

6 MR. CHERVENICK: Index of the particular
7 catalog?

8 MR. MARTIN: Right.

9 Q. Do you know when Graybar first sold an
10 asbestos containing product -- when Graybar first sold
11 an asbestos containing product?

12 A. Of any type?

13 Q. Right.

14 A. No, I can't answer that. And I can only go
15 back to the first catalog, see if there are any in
16 there. And if there are, it might be somewhere near
17 that date but --

18 Q. In your deposition from last year, you
19 indicated that -- well, you were shown some catalogs at
20 your deposition.

21 MR. MARTIN: With regard to his deposition
22 last year, you should be aware that under the rules of
23 the State of Washington, Plaintiff's counsel was
24 required to submit questions to Mr. Sackett.

25 Mr. Sackett had more readily available to

1 him information to answer those questions when he
2 appeared. The documentary evidence which has been
3 produced demonstrates Graybar offered for sale asbestos
4 containing products from 1926 to '86.

5 Q. (By Mr. Chervenick) My question is, have
6 you seen any catalogs that predate 1926?

7 A. Graybar was not in existence as a separate
8 company prior to '26. It was part of another company.

9 Q. What company was it a part of?

10 A. AT&T.

11 Q. Were any catalogs from AT&T that you
12 have --

13 A. I've never seen one involving electrical
14 products.

15 Q. Are you aware of what the transaction was
16 that caused Graybar to become a separate entity in '26?

17 A. AT&T was involved in the communications
18 business.

19 They manufactured for the Bell operating
20 companies. They were also involved in a more minor way
21 in the electrical business.

22 They simply decided to concentrate their
23 efforts in the telephone and communications business, so
24 they gave the employees of the company opportunity to
25 buy it, and they did. In 1926, I guess.

1 The last of the notes were paid off in
2 1940. So it's been a hundred percent employee owned
3 since about 1940.

4 And with the --

5 MR. MARTIN: There's no question
6 outstanding. You have answered his question.

7 Q. (By Mr. Chervenick) Could you tell me what
8 asbestos carding is?

9 A. I cannot.

10 Q. How about, did Graybar ever sell asbestos
11 gaskets?

12 A. Well, if they appeared in the catalog, we
13 might have. I don't know. My recollection is that
14 asbestos gaskets were provided on certain products at
15 one time.

16 But I can't be specific about it, who the
17 manufacturer was, because I just don't know. But it's
18 possible.

19 Q. Now, a few times you have alluded to the
20 catalog, but am I correct that since Graybar listed
21 products in its catalog but may have provided another
22 similar, generic product -- when I say that, I mean a
23 product manufactured by someone else, other than what
24 was shown in the catalog -- would it be correct that not
25 all of the products sold by Graybar were listed in the

1 catalogs?

2 MR. MARTIN: That's not a correct
3 characterization of prior testimony.

4 Prior testimony was that on occasion
5 specified products were manufactured by other people,
6 but the catalog covered what they had for sale with the
7 exception of very specialized items which would have
8 been manufactured separately, not contained in the
9 catalog.

10 Is that not correct, Mr. Sackett?

11 A. Um hm.

12 MR. MARTIN: It's also my understanding his
13 answers and responses, his knowledge is limited to
14 things he knows about where he was the branch manager,
15 in Miami, New York, et cetera, and that he would, if he
16 had, does not have independent recollection of a
17 product, he would have to resort to the catalog.

18 Q. (By Mr. Chervenick) All right. Were all
19 the products then sold by Graybar listed in some
20 catalog? And by products I mean manufacturers.

21 A. I can't say for certain, but my estimate
22 would be that they were not all listed by brand, because
23 I've already testified that certain products -- this
24 catalog you are looking at is a reference catalog.

25 Q. That's what I was getting at, because you

1 are listing types of product in there rather than brand
2 names.

3 A. At one time it listed brand names.

4 MR. MARTIN: Let him finish.

5 Q. (By Mr. Chervenick) Since you are listing
6 types of product rather than brand names carried by
7 Graybar, you are advertising primarily a type of product
8 to your customer, so that when an order came in, you
9 would provide that type, but the brand may not be
10 represented in a catalog?

11 MR. MARTIN: Object to the question based
12 upon the fact you are saying there was an advertisement.
13 It's been testified to by Mr. Sackett at least ten times
14 it's a reference catalog, but the basic presumption of
15 your question is correct. It was a generic description
16 of product.

17 Q. (By Mr. Chervenick) What I'm trying to get
18 at, if a manufacturer's name is not in a catalog, that
19 doesn't mean you didn't sell that brand of wire. Is
20 that correct?

21 A. That's possible.

22 Q. Are you aware of what fiber types of
23 asbestos were included in the asbestos containing
24 products sold by Graybar?

25 A. No.

1 Q. Did Graybar ever sell any asbestos
2 containing clothing?

3 A. I can only speak for myself. I didn't in
4 the locations where I was.

5 Q. Did Graybar ever sell any clothing, any
6 protective type clothing?

7 A. I think you will find some of those
8 products appear in our catalog, but I believe they're
9 rubberized.

10 MR. MARTIN: I don't believe they're
11 asbestos.

12 A. I didn't see any. Do we have them
13 listed -- no.

14 Q. (By Mr. Chervenick) I didn't see any
15 clothing in the brochures. It's my understanding from
16 what was said about an hour ago, you only provided the
17 asbestos containing products. Is that correct?

18 MR. MARTIN: Right.

19 Q. (By Mr. Chervenick) So maybe Graybar sold
20 clothing that was rubberized. Is that what you are
21 saying? Protective clothing?

22 A. Against rain more than other hazards.

23 Q. When did you become aware that there were
24 alleged health risks related to asbestos?

25 A. Didn't I answer that question in the

1 deposition before?

2 MR. MARTIN: I don't recall.

3 A. I don't recall either. I frankly can't
4 tell you.

5 To this day I haven't seen any
6 documentation from the government, what have you. I
7 don't know.

8 Q. (By Mr. Chervenick) Other than
9 documentation from the government, did you ever become
10 aware that there was a health risk associated with
11 breathing asbestos?

12 A. I'm not aware that we ever took a product
13 off the shelf because of that kind of information being
14 given to us. Now I'm speaking only for myself and only
15 for the locations I am or was at. I'm not aware of any
16 such information, no.

17 MR. MARTIN: I think Mr. Sackett was
18 anticipating one of your further questions. You don't
19 have any recollection as to when you first heard that
20 there were allegations that asbestos exposure could
21 cause health injury. Is that correct?

22 A. I don't have the foggiest idea.

23 Q. (By Mr. Chervenick) Did you ever become
24 aware -- you said the government has never issued
25 anything that you are aware of. Besides that, have you

1 ever become aware there is alleged health risk, namely
2 asbestosis and cancer associated with breathing
3 asbestos?

4 A. I certainly became aware when we got
5 involved in some cases, but I wasn't aware of it prior
6 to that as far as I know.

7 Q. When did you become involved in some cases?

8 A. The first deposition I gave was what?

9 MR. MARTIN: Was there one before the
10 Washington State?

11 A. There may have been one in '91, but the one
12 that's here is '92, I believe.

13 Q. (By Mr. Chervenick) This is '92, the
14 Washington State.

15 Were you deposed in any asbestos related
16 litigation prior to that Washington State one?

17 A. Not that I recall.

18 Q. Have you been deposed in any asbestos
19 related litigation between that Washington State
20 deposition and today?

21 A. No.

22 Q. Has Graybar ever performed any tests on
23 asbestos containing products or had any tests done by an
24 outside concern, to determine the amount of dust or
25 fibers given off by those products?

1 A. Not to my knowledge.

2 Q. Has Graybar ever had a Workmen's
3 Compensation suit filed against it, the basis of which
4 was an asbestos caused disease?

5 A. I can't answer that question. I'm really
6 not in the Legal Department. I just don't know whether
7 we have or not. I will say I'm not aware of any.

8 Q. Have you ever seen information from the
9 manufacturers of asbestos containing products supplied
10 by Graybar, namely the wire and cable manufacturers,
11 putting forth any research or statistics that show that
12 their product did not release asbestos when they were
13 used?

14 MR. MARTIN: Him personally?

15 A. Me personally, no. I don't remember seeing
16 any information from manufacturers on the subject.

17 Q. (By Mr. Chervenick) Are you aware of
18 anyone at Graybar who has?

19 A. No.

20 MR. MARTIN: We have produced some of those
21 documents in written discovery, but I didn't think he
22 had any knowledge of it.

23 MR. CHERVENICK: There are a couple studies
24 done here that were produced.

25 MR. MARTIN: He's never seen them.

1 MR. CHERVENICK: All right.

2 Q. (By Mr. Chervenick) Let me ask you then,
3 do you know who would be aware of that? Who would that
4 information go to at Graybar?

5 A. It hasn't come to me.

6 Q. Since there's a study done by Erickson, I
7 believe it is --

8 MR. HARTON: There are two.

9 Q. (By Mr. Chervenick) Right. There are two
10 in here, but I just want to ask about the first one
11 here. For example, this study prepared for Erickson
12 Radio Systems dated January 10, '92, do you know who or
13 what department in Graybar would --

14 A. I don't know.

15 Q. Receive this, if any?

16 A. I don't know.

17 MR. MARTIN: It's my understanding these
18 documents came into your possession as a result of the
19 litigation, and your interrogatory asked specifically
20 for that. That's all we had, and you got it. It was
21 not received by us in the normal course of our business.

22 A. I've never seen that.

23 MR. CHERVENICK: This answers the question
24 then. It was received in the course of litigation
25 rather than the course of Graybar's business?

1 MR. MARTIN: Right.

2 Q. (By Mr. Chervenick) Did Graybar ever
3 advise its employees that handling asbestos containing
4 products could be hazardous to their health?

5 A. I can't answer. I don't know.

6 MR. MARTIN: You have answered.

7 Q. (By Mr. Chervenick) Have you ever been
8 aware of the term TLV or threshold limit value?

9 A. Have not. Don't even know what it means.

10 Q. Have you ever heard of a report or study
11 called the Flasher Drinker report?

12 A. I have not.

13 Q. To your knowledge, when Graybar first
14 became aware that there were health risks associated
15 with breathing asbestos dust, did Graybar take any
16 measures in response of that information?

17 MR. MARTIN: In the first instance, you are
18 assuming that there was knowledge. You are secondly
19 assuming that that knowledge was something that came to
20 us in the regular course of business and that we acted
21 upon it. Now you can answer the question.

22 MR. HARTON: I also have an objection.
23 Object that this information has nothing to do with the
24 types of product that Graybar was selling as opposed to
25 the other universal asbestos containing products.

1 MR. MARTIN: You can tell him why Graybar
2 stopped selling certain products, if they did.

3 A. Well, in most cases they stopped selling
4 certain products because somebody came along with a
5 better product, one that customers liked better, wanted
6 superior quality, maybe in insulation.

7 That would be my experience. Most of the
8 time that's why we changed what we stocked.

9 Q. (By Mr. Chervenick) Did Graybar ever stop
10 selling asbestos containing products because they
11 contained asbestos?

12 A. I really can't answer that. I don't know.
13 Do asbestos products appear in our latest catalog?

14 MR. MARTIN: You have answered the question.

15 Q. (By Mr. Chervenick) In your last
16 deposition, you indicated that Graybar at that time,
17 1992, was still selling one asbestos containing product,
18 but you were never asked what it was. Do you know what
19 that was?

20 A. I'd have to refer to the deposition. I
21 don't remember that answer.

22 MR. MARTIN: He said you didn't identify it.

23 Q. (By Mr. Chervenick) Right. You didn't
24 identify it.

25 A. 1986 --

1 Q. Now, you indicated the latest catalog that
2 you had seen with asbestos was 1986, but that the --

3 A. That was 1986, heater cord. Do you know
4 what that is?

5 MR. MARTIN: Does that answer your question,
6 David?

7 MR. CHERVENICK: No. Well, it might. Are
8 you saying the heater cord was the last asbestos
9 containing product listed in that '86 catalog?

10 MR. MARTIN: The only one.

11 A. Appears to be the only one.

12 Q. (By Mr. Chervenick) Okay. Do you know
13 whether Graybar has sold any asbestos containing
14 product from '86 until the present time?

15 A. I'm not aware that we have, but I really
16 don't know.

17 Q. Do you know whether Graybar still sells
18 that asbestos containing heating cord?

19 A. I don't.

20 Q. Does Graybar still produce these catalogs?

21 A. The small one, the condensed catalog. We
22 haven't made a big catalog in a long time.

23 Q. On what basis were the catalogs put out
24 over the years? I mean how frequently.

25 A. Well --

1 Q. Yearly?

2 A. The big catalog was never put out yearly.
3 It perhaps was put out every five years. The condensed
4 catalog may be put out on average of every two or three
5 years.

6 Q. All right. In the Answers to
7 Interrogatories that we were provided, it states at the
8 current time there was one asbestos containing product
9 sold by Graybar. I'll find that for you. I think it's
10 question fourteen.

11 MR. MARTIN: Do you have the question with
12 regard to that?

13 Q. (By Mr. Chervenick) Yeah. Do you know
14 what the current product is that Graybar sells which
15 contains asbestos?

16 MR. MARTIN: He told you heating cord.

17 MR. CHERVENICK: No. He said that was the
18 product in '86.

19 Q. (By Mr. Chervenick) Do you know what the
20 answer fourteen refers to?

21 MR. MARTIN: I don't see where he is.

22 MR. CHERVENICK: It's question fourteen.

23 MR. MARTIN: My fourteen is any documents --

24 A. Let's see it.

25 Q. (By Mr. Chervenick) Do you know what the

1 product was you were talking about in 1990?

2 A. I don't recall saying anything about it in
3 '90.

4 MR. MARTIN: He didn't sign the Answers to
5 Interrogatories.

6 MR. CHERVENICK: This is the current set
7 sent out in these cases, so it would be this year. Says
8 Answers on behalf of Defendant Graybar Electric Company
9 to the Interrogatories of Plaintiffs. Question fourteen
10 asks this question --

11 MR. MARTIN: He did not review nor verify
12 those interrogatories. I can tell you, it's based upon
13 the documents, based upon the product which was
14 identified in the '86 catalog.

15 He's already answered your question on
16 that.

17 Q. (By Mr. Chervenick) Okay. This question
18 in '90 that -- he isn't referring to an '86 catalog --
19 it says now in answer to B, Graybar has sold several
20 different asbestos containing products up and until the
21 present time when Graybar sells one product --

22 A. I didn't answer that question, did I?

23 Q. Do you know what that product is?

24 A. No.

25 Q. All I'm trying to find out.

1 MR. MARTIN: Now, for your edification, it
2 was the heating cord which is identified in the '86
3 catalog.

4 MR. CHERVENICK: That's what is being
5 referred to in this?

6 MR. MARTIN: Yes, sir.

7 Q. All right. Those are all the questions I
8 have. Thank you.

9 MR. MARTIN: Nobody wants to ask any
10 questions? What a shame.

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1 STATE OF MISSOURI)
2 COUNTY OF ST. LOUIS) SS

3 I, PEGGY A. DEAN, a Registered Professiona
4 Reporter and a duly commissioned Notary Public within
5 and for the State of Missouri, do hereby certify that
6 pursuant to agreement there came before me at the
7 offices of Graybar Electric, 34 North Meramec, Clayton,
8 MO,

9 RALPH SACKETT,

10 who was by me first duly sworn to testify to the truth
11 and nothing but the truth of all knowledge touching and
12 concerning the matters in controversy in this cause;
13 that the witness was thereupon examined under oath and
14 said examination was reduced to writing by me; that the
15 signature of the witness was not waived by agreement of
16 all parties; and that this deposition is a true and
17 correct record of the testimony given by the witness.

18 I further certify that I am neither
19 attorney nor counsel for nor related nor employed by any
20 of the parties to the action in which this deposition is
21 taken; further, that I am not a relative or employee of
22 any attorney or counsel employed by the parties hereto
23 or financially interested in this action.

24 IN WITNESS WHEREOF, I have hereunto set my
25 hand and seal on September 27, 1993.

My commission expires February 28, 1995.

Peggy A. Dean
Notary Public within and
for the State of MO
St. Louis County

COMES NOW THE WITNESS, RALPH SACKETT, and
having read the foregoing transcript of the deposition
taken on the 3st day of August, 1993, acknowledges by
signature hereto that it is a true and accurate
transcript of the testimony given on the date
hereinabove mentioned.

Ralph Sackett

Subscribed and sworn to me before this
____ day of _____, 1993.

My Commission expires: _____

Notary Public