STATE OF MINNESOTA

COUNTY OF HENNEPIN

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

CASE TYPE: PERSONAL INJURY AND PROPERTY DAMAGE

CHAD REIS and THOMAS LAMB,

Plaintiffs,

And

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Intervenor,

v.

POLARIS INDUSTRIES INC., a Minnesota corporation; and JOHN DOES I-X,

Defendants.

Case No. 27-CV-19-13677
Judge Susan M. Robiner

DEPOSITION DESIGNATIONS AND OBJECTIONS FOR RUPAK PAUL

The parties in the above-captioned matter jointly submit their respective deposition designations and objections for the deposition of Rupak Paul. Attached as Exhibit A is a color-coded transcript showing Plaintiffs' deposition designations (highlighted in orange) and Polaris's objections (in blue). Attached as Exhibit B is a chart showing the basis for Polaris's objections. Plaintiffs do not object to Polaris's counter-designations (highlighted in purple in Exhibit A). The parties reserve the right to amend or withdraw their respective designations and objections. The parties also agree that attorney objections and attorney colloquy will be excluded from the designations that are presented to the jury.

Polaris maintains its previously stated objections to any exhibits Plaintiffs seek to introduce based on Mr. Paul's testimony.

Dated: June 2, 2023

Respectfully submitted,

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Exhibit A

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

MELINDA RICHMOND, Successor in Interest to ESTATE OF PAIGE RICHMOND and in her Personal Capacity, et al.,

Plaintiffs,

-vs-

Case No. RIC 1804451 (Consolidated with RIC 18008621)

POLARIS INDUSTRIES INC., et al.,

Defendants.

RYAN HELLING, et al.,

Plaintiffs,

-vs-

POLARIS INDUSTRIES, INC., et al.,

VIDEO examination of RUPAK KUMAR PAUL, taken at the instance of the Helling and Riedo Plaintiffs, under and pursuant to the California Code Of Civil Procedure, before KATHLEEN E. CARTER, a Certified Realtime Reporter, Registered Merit Reporter and Notary Public in and for the State of Wisconsin, at Seymour, Kremer, Koch, Lochowicz & Duquette, LLP, 11 1/2 North Wisconsin Street, Elkhorn, Wisconsin, on Friday, June 26, 2020, commencing at 12:06 p.m. and concluding at 4:29 p.m.

A P P E A R A N C E S

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A L S O P R E S E N T

MR. JON HANSEN, Videographer.

* * * * *

I N D E X

Disposition Of Original Exhibit/s:
Attached To Original Transcript

TRANSCRIPT OF PROCEEDINGS

VIDEOGRAPHER: Good afternoon. We are going on the record. My name is Jon Hansen, CLVS. The court reporter is Kathy Carter. The time indicated is 12:07.

In the matter of Ryan Helling, et al., versus, Polaris Industries, Inc.

If counsel could please state their appearances and their location for the record, after which our court reporter will swear in the witness and we can proceed.

MR. OLSON: Eric Olson representing Plaintiffs Helling and Reido here in Salt Lake City.

MR. BALE: Robert Bale representing the Richmond plaintiffs. I'm in Sacramento, California.

MR. COLLIER: Paul Collier, Kirkland & Ellis, LLP, on behalf of Polaris, Inc., in Chicago, Illinois.

MS. DUBOIS: Jackie DuBois on behalf of the Madigan defendants in San Diego, California.

MR. WOJTALEWITZ: Brian Wojtalewitz on behalf of the plaintiff as well from

Minnesota.

MR. REIDER: Stephen Reider with Lester & Cantrell on behalf of Defendants Epic Motorsports, Incorporated, Riverside, California.

MR. IKART: Sam Ikart, Kirkland & Ellis in Chicago, on behalf of Polaris.

RUPAK KUMAR PAUL, called as a witness herein, having been first duly sworn on oath, was examined and testified as follows:

EXAMINATION

BY MR. OLSON:

Q Good morning. My name is Eric Olson, and I am representing, in this case filed in California as well as other cases filed in Minnesota, several individuals who have been burned and, at least in one case, killed by a Polaris RZR fire. Thank you very much for being here today.

Could you please state your full name, just so we have that for the record?

A My name is Rupak Kumar Paul.

Q Very good. And have you ever given a deposition before? Most people haven't.

A I never have.

Q Okay. No worries. Let me give you a couple of the ground rules. No. 1, if I ask a question that you don't understand or doesn't make sense, could you just ask me to clarify?
A Sure.
Q Great. Another one is you need to give an audible answer rather than a nod of the head or a shake or an um-hum or uhn-uhn. Okay?
A I understand.
Q And you may from time to time hear another lawyer object, and that will just -- it just happens in these depositions. And those are done for the record, so the court reporter can have them, and then later on, if needed, a judge can rule on them.

Those objections, whether it's by me to someone else's question or someone else to my question -- those are not intended to confuse you or criticize you or, you know, get you off task or off mind or something like that.

In fact, you can ignore all objections made by anyone unless Mr. McHugh specifically chimes in and says, "Mr. Paul, do not answer that question."

A Okay.
Q I don't anticipate that will happen, but that is the one circumstances where you should pay attention to the objection. Otherwise you can try and just focus on whoever it is asking you questions and just do your best to answer. Okay?
A Okay. I understand. Thanks.
Q All right. Very good. Now, you -- you were served with a subpoena to come and give testimony today; is that your understanding?
A That is, yes, my understanding.
Q Okay. And do you have the basic understanding that a subpoena means you need to show up and just tell the truth no matter what, basically?
A Yes, I understand.
Q Okay. Great. I would like to get a little bit more background on you, just to kind of get -- get to know you a little bit better. You are a former employee of Polaris; is that correct?
A That is correct, yes.
Q And when did you stop working there?
A I stopped working there in August of 2016.
Q Very good. And where have you worked since then?

A I work at Snap-on -- Snap-on, Inc.
Q All right. And are you -- do you work and live in Wisconsin currently?
A I work in Wisconsin, yes.
Q Very good. All right. When did you start working for Polaris?
A I started working for Polaris in 2013, and it was May. May of 2013.
Q All right. And a little bit more background. I understand that you're an engineer. Could you tell us your -- your highest level of completed education, please.
A Sure. I'm an engineer, and I have a master's, as my highest level, in automotive engineering.
Q And when did you complete that and where did you complete that?
A I did my undergraduate at Warwick University in the UK, and I did my master's in automotive engineering at Leeds University in the UK in 1997.Here
Q Great. And then, you know, to try and shorten things a little bit, I did look up your LinkedIn page to get a little bit more background. It sounds like prior to working at Polaris you worked at various other companies

in the automotive field; is that accurate?

A Yes. I have a -- a strong OEM automotive background. I started my career at Jaguar Cars, as it was known then, under Ford's stewardship. I was there for nine years -- just under ten years.

From there I went to Hyundai/Kia in Germany to work in their R&D center.

And then from there I was at various places in the U.S., a start-up company in California, Navistar, which is a big truck company, and then I went to Polaris.

Q Okay. All right. Very good. I think everybody's familiar with -- with Hyundai and Jaguar. Those are automotive manufacturers, right?

A They are.

Q Okay. And then, as you said, Navistar makes trucks, buses, military vehicles, and engines?

A That's correct, yes.

Q And then I saw on there that you worked for a company called -- am I pronouncing it right? -- Achates?

A Achates Power. Yeah.

Q Not even close. Okay. Achates?

A Yeah.
Q All right. Very good.
A Yeah.
Q And they design engines; am I getting that right?
A They're a -- they're a -- a technology company, and this is a good segue into some of my technical background. They're a diesel concept company. I have a strong background in gasoline or petrol engines and diesel engines. I'm a mechanical engineer but also combustion. Combustion and -- and engine breathing --
Q All right.
A -- if that makes sense. That's my technical background. I've now become a lead -- lead -- at Polaris I was in leadership and -- you know.
Q Great. And let's -- let's talk about Polaris, then. What -- what position were you hired in as?
A I was hired in as engineering manager over powertrain.
Q And did you maintain that same job title throughout your time at Polaris?
A I did, yes.
Q And as engineering manager over powertrain,

could you give me approx- -- an approximation of the number of engineers that fell under your umbrella of responsibility at Polaris?

A So if you include contractors and then the UK office, which was also dotted line to me, 60 -- 60-plus people. And it would -- it would fluctuate but 60 maximum.

Q Okay. And included under your umbrella was -- well, strike that.

Let me just ask it this way. One of the things you did as engineering manager for powertrain is you managed some other engineering managers --

A I did.

Q -- under you?

A Yes, I did.

(Discussion off the stenographic record.)

MR. OLSON: Everyone makes that mistake who's ever given a deposition, so you're right on track. No worries. And I should have explained that to you earlier. My apologies.

BY MR. OLSON:

Q While you were at Polaris, did you work in

various locations?

A My -- I worked out of Wyoming, which is one location; however, I had to -- I was over -- people reported to me in Osceola and Roseau, so I would travel a lot, but my main office was in Wyoming.

Q Got it. And then I saw on your LinkedIn page that there was some discussion of you doing a leadership program for Polaris at the University of Minnesota; does that ring a bell?

A Yeah, that's absolutely correct. I was -- I think I was -- I was being groomed for a leadership role at Carlson.

I did two -- two there. One was PPAP. I think Polaris -- it's been a long time. It's a Polaris leadership program, and there was a second management course, too, to try and groom me more towards managing people and -- and big organizations.

Q Okay. And when you say you -- you think you were being groomed, do you have an idea of -- of kind of where they intended or hoped you might go within the company?

A My understanding -- I mean, it was never said. I mean, you don't infer, you know -- it was

never said, but my understanding is -- because I got asked a few questions of whether -- where I want to go next and do I want to become a director over -- over develop- -- powertrain development and design, and, at the time, I wasn't sure because I was really enjoying the role.

But my understanding is the roles -- the -- the leadership course at Carlson is not something they think about lightly. They -- they -- they specifically select people for that.

Q Okay. As opposed to just sending anyone who wants to go?

A Exactly.

Q Got it. Okay. And do you know -- every once in a while someone will be hired, you know, specifically to fill some missing niche or need at a company. Do you know if you were hired, you know, for some specific reason or because of some specific niche you fill?

MR. COLLIER: For Polaris. Objection. Form.

BY MR. OLSON:

Q You can go ahead.

A Okay. So my understanding is it took them a long time to fill this role. And I have a combination of being very technical but also a leader. And I'm not sure exactly how long it took them to fill the role, but it was quite a grueling interview process.

I was interviewed by Swissauto, which is Polaris-owned. I was interviewed by various -- many people in -- in a panel interview. So it was -- it was quite extensive. And it may be because of my technical background and because I'm a -- I'm a -- I'm a leader.

Q Okay. And since there was an objection, I'll just ask, you know, how was it that you gleaned or learned that understanding?

A When my boss -- my future boss at the time -- interviewed me, later on -- because there was subsequent discussions, there was a lunch with me and my wife at the time -- he -- he said it's one of the most important roles because of -- because of the breadth of -- of -- of -- the scope of the role, it was actually said to me.

Q Okay. Thank you. And that objection is

probably just a good example of -- of how, you know, these objections come up, and you -- you did just great.

One thing, a witness sometimes doesn't know do I wait to answer after the objection, do I wait for the lawyer to say go ahead. Again, unless Mr. McHugh pipes up and says, "Do not answer," if anyone makes an objection, let them finish the objection and then go ahead. That way I don't have to tell you, "Go ahead, go ahead" each time. Does that make sense?

A Yes. Yes.

MR. McHUGH: That's correct, Mr. Paul.

THE WITNESS: Yes, it does. I'm sorry.

MR. OLSON: Excellent. Thank you, Kevin.

BY MR. OLSON:

Q All right. And I'd like to get a little bit more detail about your engineering manager over powertrain, to see what that entailed. Under your umbrella were there some projects that involved the Polaris RZR?

A There were several projects that involved the Polaris RZR, yes.
Q And could you just give me some examples?
A So the engine code -- the two-cylinder engine -- it was called the Gemini -- that was one. There was a turbocharged version, which is released now, posted version. That was under -- under my stewardship, if you like. Yeah, that's -- yeah, that's it.
Q Okay. All right. And when you hired on to Polaris -- I don't know if you know this, but there was a recall of the 2011 RZR 900 that occurred in 2013. Did anyone at Polaris ever tell you about that when you were hired on in 2013?
A It wasn't mentioned when I was hired on in 2013. It wasn't mentioned when I was getting interviewed, if that's -- if I understood correctly.
Q Okay. Did you, at some point, learn after you were hired that Polaris had recalled a -- a 2011 RZR 900?
A Yes, I did.
Q Okay. And how was it that you learned that?
A So we have update meetings in -- at Polaris we

have update meetings, and then there's also what you call water chiller talks, like talks with other employees.

Q Okay. And did you learn that the recall of that 2011 RZR 900 was because of some fires that were happening and melting that were happening near the exhaust header?

A I don't --

MR. COLLIER: Objection. Form.

THE WITNESS: I don't recall the specifics of -- of the cases or the -- you know, of -- of -- what they were exactly.

BY MR. OLSON:

Q Okay. While you were there at Polaris -- after you arrived, did you later learn that there were some additional recalls that were done by Polaris for RZRs related to thermal issues or the potential for them to start on fire?

A Yes, I did.

Q And in what sort of context did you learn about those recalls while you were there?

A So there's a quality -- my peer was head of quality. We would all be called into a quality meeting, and it was brought up.

The other thing I should mention is

part -- one of my duties was to try and mitigate risk. So I -- I've got -- I've got a strong OEM background. The big companies are very fastidious about their mitigating risk. They use DFMEAs, which stands for design failure mode effect analysis. You identify risks, and then you come up with plans to mitigate it.

So a lot of my role was to -- or part of my role was to mitigate risk and change the organization -- refocus the organization to mitigate risk.

Q Okay. And so because that was part of your role, did you have some involvement, then, in discussing and -- some of the issues that were potentially leading to the fires that were being reported?

A So I -- I was involved in discussions. I -- I was involved in discussions, and I knew team members that were involved, but I -- I wasn't directly involved, if that makes sense.

Q Okay. All right. Yeah, I think I understand that. Did you ever have any discussions with anyone Polaris -- at Polaris about some of the causes of RZRs starting on fire, or potential

causes?
A So there were -- there's discussions. In my mind a discussion -- a discussion is something -- often conjecture and an educated guess. Sometimes -- I mean, educated guess is a good -- is not a bad thing. To get to the root cause is a whole different thing, but, yes, there were discussions.
Q Okay. Did you ever have any involvement in more root cause analysis or -- or oversight over that?
A I didn't, no.
Q Okay.
A Oh, sorry. Sorry. Sorry. Let -- I'm sorry. I'll -- I'll reclarify. I didn't have direct involvement. There were people on my team and -- teams that we're working closely with helping to get to the root cause.
Q Okay.
A Yeah.
Q Did you learn about some of those attempts -- attempts from your team members?
A The discussion -- the -- the -- when -- when those projects were happening, it was kept pretty tight-lipped. I did learn anyway from

updates but not the direct involvement.

Q Okay.

A If that.

Q Thank you. You know, after you arrived in May, 2013, when do you think you first learned from, you know, people at Polaris that some RZRs would start on fire?

A I'm trying to remember. I'm sorry.

Q Okay.

A Now, this is going to be a guess because I don't remember. I want to say 2015-ish, but I'm not exactly sure. So --

Q Okay. And -- and thank you for -- for clarifying and qualifying that, and let me just talk a little bit about that. We don't want you to guess --

A Okay.

Q -- but we do want you to give us an estimate, if you can, based on memory. So, for example, if I was to ask you how long is my desk, that would be a complete guess because you've never seen it, you have no basis.

A Okay.

Q But if I were to ask you how long was your desk at Polaris, you may not know exactly, you may

not have measured it, but if you have some memory of it, you could probably give me an estimate. Does that make sense?

A Yes.

Q And so if I ask you, you know, when did something happen, if it's a true guess and you have no clue, and it could have been the day you started or the day you ended, or any other day, you know, that would be a guess.

But if you do have an estimate based on your best memory of when something happened, then I would appreciate you telling us that, and you can qualify it as an estimate.

A Okay. I'm -- I'm going to give an estimate, and I'll give you a range. It --

Q Okay.

A -- would have been 2014 to 2015. I'm -- I'm -- I know it's a wider range, but that's my estimate.

Q And let me give you a little more context that might help you narrow that range. Do you remember learning of a fuel vent line recall that occurred in October of 2015 for the 2015 RZR 900s or 1000s?

A I don't recall. I'm sorry.

Q That's okay. And then let me give you another time frame. Do you remember a large recall that occurred in April of 2016 that involved multiple alleged fixes, over a hundred thousand vehicles from 2013 to Model 2016 of RZR 900 and 1000s?

A I do recall that because I was worried.

Q Okay. What were you worried about?

A I was worried about Polaris. I was worried about Polaris and what would happen and -- I was -- I was worried about -- it's never a good thing to have a product that's not what you expect.

Q Okay. And so using that as a time frame, do you believe that it was sometime prior to -- to April, 2016, that you first learned that there were reports that some of the RZRs in the field were starting on fire?

A I -- I believe it was before that, yes.

Q And -- and what was -- how was it that you first learned? What was the context in which this came up and you learned some vehicles are starting on fire?

A Okay. I'm -- I'm going to quantify. In 2016, the April thing, that was -- that was -- that

was very -- what's the word I'm looking for? -- escalated. Before that it was more discussions and -- it was more discussions and less escalated, if that makes sense.

Q Okay. Yeah, I -- I think I understand what you're saying. I'm just wondering, you know, when you first learned that there were some reports that some RZRs started on fire, was that a significant thing for you to learn about?

A If I can clarify, do you mean significant for me personally or Polaris or --

Q For the company and for users?

A I --

MR. COLLIER: Let me just object to form on behalf of Polaris.

THE WITNESS: Should I answer?

MR. OLSON: Yes.

MR. COLLIER: Yes.

THE WITNESS: I -- I think it's significant, yes.

BY MR. OLSON:

Q And why did you think it was significant?

A Because I come from an OEM background. I've been trained, like at Jaguar, and -- and

because of my background, it's a -- it's a -- it's a safety implication. It's -- it's -- it's not a good thing. It's not a good thing, obviously. It's a safety implication.

Q Okay. And did you feel a sense of surprise or alarm? Or what sort of sense did you have when you first learned that this was happening?

A I was disappointed. I wanted -- I wanted -- I wanted to make it better. I wanted to -- I wanted to improve things. I want to -- I want to -- I want to change things.

Q And did you try to do some things in order to, you know, change things or improve things?

A So I mentioned the DFMEAs, which is a risk-mitigation tool, and it's -- it's -- it's identifying potential risks, and I was pushing this. I was trying to -- I was trained in the company cultured. In fact, I made big strides.

It wasn't just powertrain because obviously there's the -- there's the -- there's the vehicle side. So powertrain is like a supplier within Polaris to the vehicle sides.

So I was doing the best I could. I was -- I was influencing using -- with other people key -- key stakeholders and -- and

changing engineering process.

Q Okay. And so when you say you started to push DFMEA, could you explain more, please, on what you tried to do there?

A Sure. DFMEA is a process where, when you design something or think about, you know, a product, you think -- you identify potential risks, and you -- you categorize them as whether they're critical or not -- or -- or whether they're critical -- how critical they are.

And once you categorize these, you -- actually the engineering team would -- would think of tests to try and mitigate -- mitigate those risks. And that's what I -- I basically pushed out.

Q And when you say you pushed that out, I mean, who did you talk to? What did you do specifically to try and have that done?

A So the -- the manager of quality and me were very, very close. I -- we worked together, and then I have various leads.

So I have a lead over the RZR engine. I have a lead over the Indian engine. I would -- I have weekly meetings and push the

importance and have them show me how the progress was.

We also got an external supplier in to -- to sit in and work through this DFMEA process.

Q And what was the quality manager name -- what was the quality manager's name whom you were close to?

A His name was Kevin Ness.

Q And you mentioned that there was a lead or an engineer over the RZR engine. Who was that?

A Dan Nugteren.

Q And when you say you were trying to push, you know, the -- doing DFMEAs, are you talking about doing them on the existing vehicles that you're learning are starting on fire, or are you talking about doing them on future vehicles that are in development, or both?

A So this is the challenge. It does mean the new products but nothing is -- there's things that are clean-sheet and there are things that have legacy. So if the design is out there --

I'll give an example. The RZR had been out for a while, and then they were turbocharging it. A lot of the architecture

was carryover.

So a lot of it was stuff like that; it was carryover. A lot of it was brand-new, like the Indian -- Indian Scout, which is a brand-new, you know, vehicle at the time.

Q Okay. And so when you were talking about you -- you pushing DFMEA, what vehicles were you wanting that done on?

A Everything.

Q And -- and do you remember if you started pushing that in 2013 or '14 or '15 or '16?

A We started pushing 2014, end -- end of.

Q And so during 2014 would the 2017 RZR and 2016 RZR have been in development?

A Yes, they would.

Q And so you were wanting Polaris to do DFMEAs on the 2016 RZRs as well as the 2017 RZRs; is that accurate?

A Yes.

Q And what sort of response did you get when you tried to push the DF -- DFMEAs on those vehicles?

A So the response from my team was amazing. They were the best team ever. The people I mentioned, Dan Nugteren.

The response from leadership, be it from the RZR team themselves and my -- my direct manager, was challenging.

Q And could you please give me the names of -- of those who you say were challenging when it came to a response on DFMEAs?

A Sure. So this is interesting. Steve Cohoon was the -- the big guy over everything. He would say he was over DFMEAs, but it cost resource. It takes time. It takes people. And -- so this is -- this is how I'm qualifying it.

If he -- if one were to ask Steve Cohoon, he'd say, "Yes, I'm totally for DFMEAs."

When I would come back -- we'd come back and say, "This is how much resource it would take" --

"Why is it taking so long? We don't have the time for this."

So that's why I'm quantifying it. Him and Andreas -- Andreas Bilek, B-I-L-E-K. He was -- he was very challenging, I think is the best -- the best expression to -- made it very hard. He was -- the best expression,

again, with -- with Andreas -- Andreas Bilek was he -- he wasn't helpful -- I don't -- I don't mean that in a negative way -- and it was challenging.

Q And what was Mr. Bilek's job title?

A So he came later on. He came as director of powertrain at the time.

Q All right. And what about Mr. Cohoon during the 2014 time period when you say you were -- you were trying to push the DFMEAs? What was his job title at that time?

A So at the time Mr. Cohoon was director of powertrain, but then he got promoted to -- I believe it was vice president or president, and -- and Andreas was brought in between me and -- and Steve Cohoon.

Q Got it. Okay. All right. And from time to time I'll ask a question, and you'll probably feel like "I already explained that." And that's my fault, not your fault. I just want to make sure I'm understanding things because -- you know, just for your information, I don't have, like, a pile of documents that -- regarding you.

A Okay.

Q So a lot of this is just kind of raw new stuff to me, and so I may try to make sure I understand things correctly and please just bear with me.

And so am I understanding it correctly that in about 2014 you learned -- because of you learning some RZRs were starting on fire in the field, you started pushing the doing of DFMEAs on RZRs that were in development?

A So the way that question was phrased, it wasn't -- the DFMEA process wasn't pushed only because of the RZRs. It was a process that was being pushed anyway. I was pushing it because it was the right thing to do, and then the RZR thing is -- actually emphasized the need.

Q Got it. Okay. And the reason you were pushing it anyway is that DFMEAs were not being done at Polaris?

A That is correct.

Q And, you know, you've been in the industry for a long time. You know, when did you first learn of DFMEAs and the importance of doing them?

A I learned it from Jaguar. And I -- I realize

now -- at Jaguar, when I was there for my first job, I -- I didn't always think Jaguar was that organized, but since then I realized Jaguar was a paragon of being very organized.

Q Okay. Jaguar did DFMEAs?

A Yes.

Q Hyundai did?

A Yes.

Q What about Navistar?

A Navistar did as well.

Q Okay. Would you -- would it be accurate that DFMEAs are a -- not only an important but a pretty basic tool to use when designing a motorized vehicle?

A Yes, that's accurate.

Q And --

MR. COLLIER: Objection. Form.

BY MR. OLSON:

Q -- is it true that when designing a vehicle with a combustion engine, one of the things that should be looked at when doing a basic DF -- DFMEA is thermal problems or the potential for, you know, a fire to break out?

A Yes, I -- I -- I would look at -- to -- to clarify more, look at the combustion of the

engine, and you'd look at the exhaust temperatures and -- and -- and associated thermal problems, yes.

Q With the goal of not having a vehicle, for example, that could get so hot that it starts a fire?

A That -- that is one example, yes.

Q Okay. And so you're pushing these DFMEAs, and then you learn about the RZR starting on fire, and that kind of increases your -- in your view the need to be doing these?

A Yes. Agreed.

Q And what can you tell me specifically about, you know, why Mr. Bilek or Mr. Cohoon, or any other supervisor above you, pushed back or challenged you on doing those?

A I can -- I can only -- this is a -- I'm -- I'm not Mr. Cohoon, and I'm not Andreas. I can only conject it was resource -- a resource thing. And in terms of Andreas, I -- I don't know. He -- he -- he's eager to please upwards, so he'll do what's -- what's told.

Q Okay.

MR. COLLIER: Let me just object -- let me object to form.

BY MR. OLSON:

Q And if you could, please, give me as much detail as you can remember in anything that Mr. Cohoon or Mr. Bilek, or any other supervisor, told you, in response to your efforts to push DFMEA, about what you were proposing?

A So I just want to clarify. Steve Cohoon and Andreas Bilek were not against DFMEAs. It wasn't -- it wasn't verbally -- they weren't verbally against. It was -- it was more the resource that was needed.

When I would go for the resource, and I'd make it clear, there was -- there was -- we could have had a lot more resource, and it was not -- it was -- it was -- what's the word I'm looking for? -- frowned upon. It was -- it was refused, some of the resources.

Q And when you state it was refused, did they tell you no? Did they just ignore the request? Or what?

A It was more -- I would come -- it would take me a long time -- a lot of my personal resource was -- "this is how much resource it will take," because it -- time is money. "I'm going

to divert these people to do this work."

And it was -- it was indirect. It was more, "Why" -- "why is this needed? Why do you need to do this? Why do you need to do" -- not, "Why do you need to do DFMEAs?" "Why do you need so much resource? Why can't we" -- "it be done with less?"

So it wasn't directly. It was -- it was indirectly by -- you know.

Q Got it. All right. And so thank you for all that clarification.

A Yeah.

Q Basically -- so it sounds like you felt like you needed more resources to properly do the DFMEAs, and you requested that?

A Exactly.

Q And they did not give you the resources you felt you needed to do a proper DFMEA?

A That's correct. And I should clarify or quantify that. If you look at my past history and where I've worked, that's where my experience of how we resource comes from.

Q And could you just expand a little bit more on that, when you say, you know, "how we resource" and "where it comes from"?

A So in quality, there's quality -- quality doctrines or quality texts. It's been shown in the industry that if you put some more effort up front, if you put more resource up front, then later on you don't have to spend so much resource troubleshooting. If you do the work up front.

Q Or fixing problems, if you've made one?

A Exactly.

Q Now, you mentioned that there was some carryover in the RZR.

A Yes.

Q I wanted to talk a little bit more about that, and I wanted to be, you know, specific with, you know, the engine.

And, by the way, are you familiar with the term, you know, "engine architecture"?

A I am.

Q Okay. And are you familiar generally with the engine architecture in the RZRs that you had some involvement with while you were at Polaris?

A Yes, I am.

Q Okay. And so I want to try and pinpoint, you know, when it was that you were pushing the

DFMEA on RZRs and other products. Was -- was that from the get-go or was that in 2014, which was a little bit after you arrived?

A It was after I arrived. So, again, around 2014-ish, I guess.

Q Okay. And so during 2014, obviously, the 2014s were already out in the field. Were the 2015s not being sold yet when you started pushing DFMEA?

A I don't know.

Q Okay. But is it accurate that the 2016s and 2017s were not yet out in the market by the time you started pushing DFMEA?

A That's fair.

Q Now, even in 2014, when you say there was carryover, are you saying that the aspects of the 2014 RZR were just being carried over for the 2015, '16 and '17?

A The basic engine architecture, as you put it, yes, they were being carried over.

Q Okay. And so as you saw it, the basic engine architecture for the exhaust for the 2015 was carried over in the RZRs being sold at least until the time you left?

A Yes.

MR. COLLIER: Objection. Form.
BY MR. OLSON:
Q And you -- you mentioned that you left in 2016, in August, but by that time the engine architecture was already decided upon for the 2017s --
A Yes.
Q -- is that correct?
A That is correct.
Q And was that engine architecture that you mentioned being carried over from 2014 through 2017 essentially the same architecture in the 900, the 1000 and the turbo?
A It was except the turbo. Because the turbo has a turbocharger in the exhaust system, so, obviously, the architecture's a bit different.
Q Okay. But -- and I -- I understand that, and people have explained that to me, although I don't, you know, claim to understand a lot about turbos. But other than the addition of the turbo in the turbo model, it had the same basic architecture as the 900s and the 1000s?
A The layout -- layout architecture was the same, yes.
Q Okay.

MR. COLLIER: Objection. Form.

BY MR. OLSON:

Q And then let's talk about just the -- what we -- what we mean in terms of the architecture. The exhaust routing, was that essentially carried over in the RZRs, 900s, 1000s and turbos, from 2014 to 2017?

A That is correct.

Q And so what did you do with regard to your desire to push DFMEAs when you were questioned and not given the resources you were requesting? What was -- I mean, did you keep trying or what did you do?

A I -- I've always kept trying. I think I -- I didn't make myself very popular.

Q And why do you say you didn't make yourself very -- very popular?

A Because I could see the facial expressions, and I was coming -- coming all the time with -- I would -- I would try and quantify why I needed the resource and how I needed the resource, and I was thinking of different ways of expressing the same thing.

Q And when you say the facial expressions of -- just give me some examples of the facial

expressions you got from supervisors when you were trying to push again DFMEA?

A I did a very big presentation about -- and it wasn't specifically DFMEAs -- DFMEAs, but it was more resource, which is the same thing, and it took me a long time to do the presentation, and it was dismissed. It was like it was -- I was almost cut off.

Q And when you say it was resources in general, what sort of things were you pitching that you needed the resources for?

A So -- so -- okay. So when you look at exhaust temperatures, there's the routine architecture that you talked about, but there's also combustion. So when an engine has slow combustion, the exhaust temperatures are hotter.

An engine needs to have fast combustion. I know this from the automotive industry because the emissions they meet demand fast combustion.

Now, emissions are different to exhaust temperatures, but they have an effect. So fast combustion I pushed -- I did get some -- I got a person in because combustion of

the engine wasn't -- wasn't a high priority. It was what it was. I got someone to -- a very specific person who is very technically gifted for this role. So combustion is one aspect.

Q Okay. That you wanted resources for?

A Exactly.

Q And, again, forgive me for some very elementary questions. How did that combustion that you wanted more resources for relate to, you know, heat generated by the vehicle or a potential fire?

A So there's many -- I'm conjecting there's many factors, I would say, for a fire, and combustion is probably a smaller one, but it's something within powertrain's control.

The other aspect could be the architecture, where the exhaust is, but everything -- you know, you do as best as you can, and combustion was an important one, so I -- I built up a team, and we pushed to try and get faster combustion, and the faster -- and the faster combustion should lead to -- to lower temperatures of the exhaust.

Q Okay. And did you want faster combustion specifically to lower temperatures? Was that

the sole reason? Part of the reason? Or none of the reason?

A It was only part of the reason. I'll be honest, it was more -- it was more about other aspects, the thermodynamics, emissions, but it's also a fortunate side effect.

Q Okay. And did you have that -- when you were pitching that, did you have, you know, in your mind the RZR fires at least in part?

A I did.

Q And did you talk about that in this meeting when you were essentially dismissed?

A In that particular meeting I didn't, but I -- I would have one-on-ones all the time.

Q And in the one-on-ones would you explain that, you know, "If we could slow the combustion, you know, that could help with" -- "decrease the heat and help with the fire problem"?

A I did, but I'm not sure if it was understood because it takes a certain technical level of competency.

Q Okay. All right. Now, back to the -- the DFMEAs. At the time you were pushing DFMEAs, was there still time to do that on the 2016 and the 2017 RZRs that were in development as of

2014?
A Yes.
Q And with any supervisor at any point, I mean, you were pushing DFMEA, using the term generally. Did you bring up RZR fire or RZR thermal issues as, you know, one of the reasons or benefits to do DFMEA?
A So when you say "supervisor," can you clarify? You mean my supervisors or people who worked for me?
Q Anyone above you.
A I did.
Q And tell me, if you could, as specifically as you can, you know, what did you tell the people above you about DFMEA and how that could help with the RZR fire issue?
A Well, this is interesting because on -- verbally my bosses were total, "We have to do DFMEAs. We have to push this out." They were telling me to do it.

But when I asked for resource, it was, like, "Well, why do you need so much resource?" So it was actions don't support the words.

Q Okay. And eventually you left Polaris. Why

did you leave Polaris?

A I got this opportunity. There was a lot of stress in -- in the position. I really loved working there. I loved the team. I loved being part of the great -- some of the great products, but there was -- there was some -- there was some relationship issues with -- with -- with the -- with one of my bosses, and then this other opportunity came up. So --

Q And who was the boss that there was a relationship issue with?

A Andreas.

Q And I may know the answer, but you -- you have to tell us, you know, what were the reasons for the relationship problems from your perspective?

A At this -- this -- at this level and the level above, at my level and the ones above, it's -- you don't micromanage. If you're a good leader, you don't micromanage. You have to be technically savvy, but the role is more about people and resource and looking at the flow of stuff.

In my opinion, he was not capable of that. He was -- he was not pushing for the

resource I needed. He wasn't fighting for me and the stuff we needed for the group.

Q Okay. Thank you. Did your leaving have anything to do with frustrations you felt about not being given resources you felt you needed?

A I would have to say yes.

Q And does that include not being given resources that you felt were needed to do DFMEA?

A Yes.

Q And when you would get pushback on doing DFMEA, like, they would say, "Well, do it, but do it with less resource," you know, how did that hit you?

A Well, it -- it actually caused me so much stress I had hypertension.

Q I'm sorry about that. Did it make you wonder whether they under- -- did not understand the importance of DFMEA or, you know, what did that make you think?

MR. COLLIER: Objection. Form.

THE WITNESS: I -- apart from the stress, I -- I don't know. I can't -- I was just stressed and frustrated.

BY MR. OLSON:

Q And part of what I'm getting at is -- you know,

what you've told us is, you know, there's a -- a higher level manager like yourself who's pushing DFMEA, it wasn't being done, and even though you're pushing it, they're not doing it. Do you have an understanding or a belief or an explanation for why?

A Well, it was --

MR. COLLIER: On behalf of Polaris, same objection.

THE WITNESS: It was being done, but it wasn't being done as -- I -- I would have liked more resource -- resource. It was -- the root cause was re- -- a lack of resource to get it done properly.

BY MR. OLSON:

Q Okay. Thank you for clarifying that.

When you say it wasn't being done properly or it was being done but not the way it should have, what do you mean by that --

A So at Polaris the primary thing is time, get the thing out on time. If -- if -- if -- if -- if milestones are going to be moved, that's -- that's not acceptable. We -- we need to meet those milestones. That's the key thing.

So -- and so resource means time and

people. If -- if there's -- if there's only so much time and people, you get -- you -- you have to meet the milestones, and you have to do things -- you have to skip over things. The DFMEAs would probably identify things, and then -- and that's part of it, and then the next part is actually answering those risks with specific tests, and often there -- there wasn't time to do that.

Q Okay. And -- and so when you were saying, you know, they were doing them, but they weren't -- weren't doing them thoroughly, were they just not finishing them or -- help me understand that.

A The DFMEAs were finished. It's -- it's the -- it's the arm -- it's -- they -- the DFMEAs drive DVP&Rs, which actually miti- -- which actually do tests -- specific tests. I don't know, but I don't -- I don't think -- and this is an estimate of how much those were done.

Q Okay. And I'm -- I'm sorry again. This is probably just me not having ever worked for a company like you have.

A Yeah.

Q You know, when I hear, you know, they were

doing it, but you were pushing it, they were resisting it, that makes me think, okay, well, either they weren't doing it completely or they weren't doing it at all, and I'm -- I'm wondering from you, would you say they weren't doing it completely or what?

MR. COLLIER: Objection. Form. On behalf of Polaris.

THE WITNESS: One second.

BY MR. OLSON:

Q No worries.

A I think they could have been done more thoroughly.

Q Okay. And it sounds like it's your belief they weren't done more thoroughly. Is that those who could provide the resources did not want to provide sufficient resources?

A So -- so that -- that is part of it, yes. And -- and then -- and then bear in mind powertrain and exhaust temps have some effect, but the big effect is the architecture. The architecture actually is more the RZR team, if that makes sense, and that -- that -- that, in my estimation, would have a bigger effect.

Q Doing something to the architecture?

A Yes. Yes.
Q Okay. And did you ever have any discussions with anyone at Polaris about architecture issues or packaging issues related to thermal issues in the RZR?
A Yes. And what happens every -- I can't remember what time of year, but products -- proposals come from various teams outside of powertrain. We're a supplier, so there's -- outside of powertrain there's various teams. So there's RZR -- the RZR team. There's the -- the on-road team, which is the motorcycles. There's the ATV team. And they would throw requests of, "We need this. We need this."
And one of the projects that came up was flipping the engine 'round so the exhaust was on the back, not -- not near the -- not -- not near the seat.
Q All right. And what did you think about that option?
A I thought that that was absolutely the -- the -- the way to go.
Q And roughly, approximately, when was it that that proposal was made by someone, that you're

aware of?

A This is an estimation. I would say 2015 around -- I can't narrow it down more than that. I'd say probably 2015.

Q Thank you. And who was it that made the proposal or the suggestion?

A So the request would come from -- from the RZR team, the vehicle, the -- the supplier. Their -- you know, their request would come to powertrain, and all these requests would come through, and we'd be wading through it, saying, "What can we handle," you know, "Which project can we handle?"

Q Okay. And so, again, forgive me. I'm just learning how the company works.

And so there was a RZR team at Polaris who made a request to flip the engine around so the exhaust would go out the back?

A Yes.

Q And that request came to you?

A It came to my -- yes, it came to -- it probably came to my boss, actually. So --

Q And help me understand just the way things work. Why would that come to you or your boss?

A Because if you flip the engine 'round, there's

a lot of work that needs to be done to the engine itself. You don't just flip it 'round. You have to look at the cylinder head design and a lot of aspects. The cylinder head design, for instance.

Q All right. And how did you or your supervisors respond to that request from the RZR team?

A So I -- what we do is we say, "This is how much resource it would take." So you have a list of these projects. One was that. And you say, "This is how much resource it would take." And there's only -- my -- my team is only so big, so this is how much -- what we can do. So --

Q All right. And so you yourself thought it was a great idea; did I hear that right?

A Absolutely.

Q And did you say, "Okay, let's" -- in essence, "Okay, let's do it," or, "I'm sorry. I don't have enough resources"?

A I was totally on board with doing it.

Q And so why didn't that happen?

A I -- I'm not sure why it fell off the table, but a decision was probably made above me.

Q Okay. And did you express your view that it should be done?

A Yes.
Q Who did -- who did you express that to?
A My direct boss and my -- the boss above, Steve Cohoon.
Q So Mr. Cohoon or Mr. Bilek?
A Yes.
Q Did you ever by chance give your opinion or your view about that option in an email or a memo or any sort of document that I would love to see?
A No, I didn't.
Q Okay. So it was verbally?
A Yes.
Q And was this in a meeting of a group of people or just an individual discussion you had with them?
A It would have been an individual.
Q Okay. But with each, Mr. Bilek and Mr. Cohoon, you told them that you believed -- or you agreed that the engine should be flipped around so the exhaust would go out the back?
A I'll -- I'll -- I can't remember which -- which one I told, if it was -- I think it would have been Steve rather than Mr. Bilek. I can't remember. One of them I told. It was more

likely Steve Cohoon. I can't remember if I did it to both.

Q And -- and when you told that to Mr. Cohoon or maybe both, was there a discussion about all that would be required to do that?

A He delegated it to the product. There's a project group. He delegated that to the product -- to the product group.

Q And who would have been the decision maker for the product group?

A It was -- what's his name? -- Dave Schneider.

Q And so when you mentioned that to Mr. Cohoon, you know, what was his response in essence to you, that you can recall?

A It was more, "We'll talk to Dave Schneider and see" -- "see what we can do," and that was, you know, that.

Q And did you ever hear anything else from them or the RZR group about actually doing that or not?

A No. Basically, the new projects that we accepted were decided, and we went forward with them, and that wasn't one of them.

Q Okay. The proposal to flip the engine around, was that -- for which model year of RZR was

that?
A I don't remember.
Q You said that you estimated that it was -- it happened in 2015. Can you give me -- you can't give me any sort of range of which vehicles you think it might have been for?
A So I can guess. I can guess on -- on the timing and the resource typical at Polaris because we worked very quickly. So if it was around 2015, I would guess, and this is a guess, probably would have been done for 2017.
Q Okay.
MR. COLLIER: On behalf of Polaris, let me just object to form.
BY MR. OLSON:
Q And who at the RZR group made that request?
A I don't know.
Q And when you say the request was made, did that come to you in an email or a PowerPoint or how did that -- was that request received by you?
A It was received in a -- and there's this -- there was a sheet -- there was a -- a spreadsheet with a list of, "These are the programs that we have," from the project guys, who probably received it -- who very likely

received it from the -- from the RZR group or the product groups I mentioned before.

Q Okay. And, you know, I'd love to see that document. Can you give me a -- as much detail as you can recall as to how it was phrased in the document, that is, this proposal to flip the engine around?

A It was -- it was just -- there was no specifics. It was just given -- it was just given a name. Usually Polaris gives a name. I can't remember what. They usually give them, like, Gemini or something. I can't remember what the name was. It -- and it doesn't really go into any depth. I know the depth because, you know, I'm technical.

Q Right. Okay. And although you thought that was a good idea, that would have required a significant amount of resource to rotate the engine?

A It would.

Q And that would be a -- more or less a -- a redesign of the engine?

A It wouldn't have been a whole redesign, but there would be -- there would be some casting changes of the cylinder head and various other

components.

Q And so once that had been accepted, would have it -- would have it required a significant amount of additional resources in terms of, you know, employee time and testing to make that change at that time?

MR. COLLIER: On behalf of Polaris, let me just object to form.

THE WITNESS: I -- I don't know what "significant" means. It's -- it's hard to quantify. It -- I'll say yes, and the reason I say yes is because it would -- it would involve a change across the platform of RZR and RANGER. So I'll say yes.

BY MR. OLSON:

Q Okay. And is that -- is that expensive to do for a company who's making various models in the platform?

A Yes.

Q Did you ever hear of any reason why that was not done at that time?

A No.

Q And other than cost, can you think of a reason, a good reason, there might have been to not do that?

MR. COLLIER: On behalf of Polaris, I object to form.

THE WITNESS: I don't know.

BY MR. OLSON:

Q All right. And when you say you thought that was a good idea, I think you used -- you used the word "absolutely." Explain, if you would, why you thought that.

A Because I was aware of -- of -- of what was happening in the field. It seemed -- I hadn't done any testing, but it seemed logical that if the exhaust is out the back and not in proximity to the seats -- it just seemed logical.

Q And I agree it seems logical to me, who is not an engineer. Why did it seem logical to you, who has much more experience than I do?

A Mainly because it's not in proximity to the seats.

Q And what -- what's -- again, some of these questions I think I know the answer to, but what's the problem or the issue with having it in close proximity to the seats?

A It's an issue of -- of thermal -- of -- of getting rid of the heat, and -- and -- and

it depends on the seat material really, but it's an issue of -- of -- of -- of -- of -- of heat.

Q And is air flow an issue with having it directly behind the seat as opposed to out the back?

A You know, I don't know.

Q Okay. Did you -- did you have some concerns or was part of your concern not only the location of the exhaust and its orientation but its proximity to fuel-sensitive components like fuel lines and the fuel tank?

A You know, I hadn't thought about that.

MR. OLSON: Okay. All right. Well, we've been going for a little bit, a little over an hour. I'd like to give you an option to have a break and go to the restroom or clear your head or whatever. Is that okay?

THE WITNESS: Yeah. That will be great. Thanks.

MR. OLSON: Okay. Let's do that. Let's, you know, take five minutes.

THE WITNESS: Okay.

VIDEOGRAPHER: Going off the record at 1:11.

(Recess had.)

VIDEOGRAPHER: And we're back on the record at 1:19.

BY MR. OLSON:

Q Okay, Mr. Paul. Who else at Polaris that you know of also felt like the architecture of the RZR should be flipped or the exhaust should be moved to the back?

MR. COLLIER: On behalf of Polaris, let me object to form.

THE WITNESS: I -- I don't -- I don't know of one. Yeah, I don't know. I'm sorry.

BY MR. OLSON:

Q That's okay. And did you ever try to get -- you mentioned that, you know, once the recall in 2016 happened, the idea of RZRs starting on fire became more escalated, and prior to that it was less so. Did you ever try to get more information about the issue prior to the big recall in April, 2016?

A I went online, and I checked on Google and stuff like that. Within the company, there was some offic- -- I can't remember specifics, but there was official talks about it. I can't remember specifics. It didn't go into

specifics. I think it was -- yeah.
Q Okay. Did you ever try to learn more from within the company as opposed to going online?
A I -- I would ask questions to -- to my supervisors and --
Q About?
A About what was going on. And, also, the RZR team, I took -- I had a contact there, and I -- we'd have regular meetings once a month. So --
Q And was -- was the RZR team under your umbrella or was it under somebody else's umbrella?
A No. So the -- so the RZR team -- so I'll clarify this. Powertrain was under my umbrella, and power- -- powertrain was the engine that goes in the RZR or the engine that goes in the Victory.
The RZR team was a whole different group. They -- they -- they -- the vehicle itself, the suspension, panels, fuel system, that was the RZR team. That was a whole different group, just like motorcycle was, you know. That wasn't under me, my umbrella, no.
Q Okay. And so prior to April of 2016, when -- when the -- the recall came out that you do recall, do you remember making some inquiries

during meetings about the status of the issue with RZRs starting on fire?

A It wasn't -- it didn't come up during the meeting. So I'm not trying to mitigate it -- because I care -- I'm not trying to minimize it but -- the engine has some effect, obviously, and I care, but the primary responsibility is the RZR team themselves.

So I -- my point is I wouldn't be bringing it up in a meeting -- in a -- in a powertrain meeting. I would -- I would do it word of mouth to people, and I still care, obviously wanted the right thing to be done, but the main -- the main custodians of that information would be the RZR team, which is a -- which we supply to. We're not -- they're not under my jurisdiction.

Q Understood. I'm just trying to make sure I understand.

You made some inquiries of them about the status of the issue with RZRs starting on fire --

A Yes.

Q -- is that accurate?

A Yes.

Q And what would they tell you?
A Very little.
Q And what do you mean by "very little"?
A We would -- it would be dismissed or we'd talk about other things, the tape -- subject would get changed. It was usually a one-on-one informal-type meeting, and I don't know if it was intentional, but it would be dismissed or -- you know.
Q When you made inquiries, you weren't given very much information about it; is that accurate?
A Yes.
Q Other than the RZR team -- and, again, the RZR team that's not under your umbrella -- did you ask some of your supervisors at any point about the issue with RZRs starting on fire?
A I don't remember specifics. I probably did.
Q All right. And do you remember getting any information from your supervisors -- supervisors about the issue with RZRs starting on fire before the April, 2016, recall?
A No, I didn't.
Q And then -- so you mentioned there was a change in how escalated it was.
A Yeah.

Q How did things change at Polaris, being on the inside, before and after the recall in terms of talking about the fact that "we have some vehicles that start on fire"?

A So there was more emphasis on DFMEAs, which I'd been pushing, and there was another -- a team that was outside the powertrain, not under my control, that was trying to dig into this and coordinate with the DFMEAs on my -- me and my team have already done.

Q Was -- was the problem talked about more freely after the April, 2016, recall or no?

A No.

Q And did you feel like it was simply an issue that never came up or it was an issue that people didn't like to talk about within the company?

A I -- I think it was an issue that people didn't -- this is conjecture -- didn't want to talk about in the company.

Q And why do you say that?

A Because when I would be asking and stuff, it was -- and subjects were changed, it was too much of a coincidence. It -- it -- it happened a lot, and I -- I -- I -- that's why.

Q Okay.

MR. COLLIER: On behalf of Polaris, let me just object to form.

BY MR. OLSON:

Q You used the word "conjecture." Would it be accurate to say that that's the way you felt it was, based on your experience there?

MR. COLLIER: Same objection.

THE WITNESS: I'm -- I'm not sure what you're asking.

BY MR. OLSON:

Q Sure. Based on your experience there and -- did you feel like it was an issue that people did not want to talk about?

MR. COLLIER: Same objection.

THE WITNESS: I don't know whether it was an issue people didn't want to talk about or whether they were told not to. I don't know.

BY MR. OLSON:

Q Okay. Thank you. Based on your experience there, did you feel like either people didn't want to talk about it or they were told not to talk about it, and so it wasn't discussed?

A Yeah.

MR. COLLIER: Same objection.

BY MR. OLSON:

Q Did you know -- get to know Ramesh Goyal at all while you were there?

A I don't know who that is.

Q And while you were at Polaris, what did you feel about the company culture for product safety?

MR. COLLIER: On behalf of Polaris, let me object to form.

THE WITNESS: I guess it depends what you mean by "safety," in terms of crash -- there's so many aspects to safety.

BY MR. OLSON:

Q Fair point. You know, some of my questions are broad because I want to get whatever information you have that's pertinent to these issues, and so if I ask a very narrow question, I may -- you know, I should have worded it differently. So I'll -- but I can try and rephrase. I'm happy to.

You know, what -- what views did you have about the company culture related to the RZR fire issue?

A I -- I think I indicated this before. I think

I -- I was -- I was disappointed that this was happening -- I wanted to change things -- and I felt with the changes I made with DFMEAs, that we were at least heading in the right direction. Just generally.

In terms of the fires themselves, that was something I was trying to push and work on. It was disappointing, and that's what caused some of my stress.

Q Okay. By the time you left, as you saw it, had there been a change to company culture or not yet?

A There was certainly a change. There -- whether -- I mean, there's probably some more way -- and I said "probably" -- probably some way to go, but there was definitely a change.

Q Okay. Forgive me for the delay. I'm going through notes, and that's a good thing. It means that I'm -- I'm going through questions without having to ask them because I already did.

All right. I'd like to show you a document that I will mark as Exhibit A to your deposition.

(Exhibit A was marked.)

BY MR. OLSON:

Q Okay. Are you able to see this up on the screen?

A Yes.

Q You can see the -- a document in front of you, Mr. Paul, entitled, "Gemini Low Cost Engine Options & Details." Do you see that?

A Yes.

Q Okay. And, for the record, the first page of this document is Thompson, Colby-Polaris 086742. And you can see the date down here is June 14th of 2012. Do you see that?

A Yes.

Q Mr. Paul, do you ever remember -- and I can show you more slides -- do you ever remember seeing this document while you were there? I understand that it was -- it looks like it was created before you got there.

A I don't remember seeing that engine -- sorry -- that document.

Q Okay. Fair enough. The Gemini was the -- the name of the engine in the RZR, correct?

A Correct.

Q And do you have -- did you learn some information about when it was that Polaris

first started making that engine?
A You know, I can't remember exactly when.
Q Okay. That's -- that's fine. Did you gain an understanding that that was the first off-road vehicle engine that Polaris had designed itself in-house?
A That's my understanding, too.
Q And how did you get that understanding?
A Just from being there and working on -- actually, wait. I'm going to go back on that because Polaris includes Victory engines, and, you know, not just ATV stuff, Victory engines and the snowmobile stuff. I don't want to answer wrong.

Because we did our own snowmobile engine, too. And the Victory engine was our own, too. So I don't know -- and that's all Polaris. I don't -- I -- yeah, I'm not sure I'm going to answer that. I don't know. I mean -- I don't mean -- I don't know.

Q Fair enough. Was it your understanding that the Gemini engine was the first engine designed by Polaris in-house for RANGER and RZR?
A I -- I believe so. Yeah, I believe so. Because the one before, I believe, was a Fuji

engine, but I'm not sure.
Q Okay. And the information that you have on that, you got that from your work at Polaris --
A Yes.
Q -- is that accurate?
A Yes.
Q Okay. Let me scroll down to a particular page. Okay. And you can see that the Page 10 slide, which is Thompson, Colby-Polaris 086751 -- you can see that it says, "Rotate Head Detail," and it talks about moving "exhaust away from passenger compartment." Do you see that?
A Yes.
Q Go ahead and, you know, just read this page to yourself --
A Sure.
Q -- and I'll ask you questions about it.
A So the chassis -- do you want me to read it out loud or just read it --
Q Oh, to yourself.
A Oh, I'm sorry. Okay.
Yep. Okay.
Q And then let me see if there's another page there for you to look at. Okay. Back to that same Page 10. Sorry. Page 10 up here.

The idea of rotating the head in the RZR, is that -- does that sound similar to what you thought should be done in around 2015 when you received a proposal to rotate the engine so the exhaust was in the back?

A Yes, it does.

MR. COLLIER: For Polaris, let me object to form.

BY MR. OLSON:

Q And while you were at Polaris, before you saw that request and supported it, did you know through any discussion with anyone that they had already considered that, you know, back in 2012, or something similar to that back in 2012, and hadn't done it?

A No. In fact, I'm quite surprised.

MR. COLLIER: Same objection.

BY MR. OLSON:

Q Why are you surprised?

A Because this -- I'm -- I'm actually forming thoughts in my head now because it -- when it came up to me -- I can't remember, was it 2014, whatever -- I'm -- I'm wondering why it was -- why it's 2012, you know. Obviously infers it came up before.

MR. COLLIER: Let me just object to form.

BY MR. OLSON:

Q Okay. You would agree that around the time of that document, 2012, that would have allowed plenty of time to redesign the engine so the exhaust is out the back before the 2017 model ever came into production?

A Yes.

MR. COLLIER: Objection. Form. For Polaris.

BY MR. OLSON:

Q I think -- did you ever feel pressure because of the production schedules or the design deadlines you were given by Polaris with respect to new vehicles?

A All the time.

Q And was that pressure you felt more than at other engineering jobs you've had for other manufacturers?

A Way more, yes.

Q And --

MR. COLLIER: Objection. Form.

BY MR. OLSON:

Q -- would you explain for me why you believe it

was way more at Polaris?

A Just from experience. I mean, at Polaris the -- the main thing, as I indicated, was time. Time -- "we need to get this. We need to meet the milestones. Get it done. Get it done." It was a high-pressure culture. And -- and other companies, like Jaguar, was less so.

Q And -- and what were the reasons that were conveyed to you by Polaris for these tight deadlines?

A So I would often ask this, and I'd get asked this by my team. My team were the best. I'd get asked this all the time. And I had to try and guess my own answers and -- and also some discussions with my -- Steve Cohoon.

My understanding was that getting it out on time makes you competitive against the competitors. If you do things quicker, it gets you -- now, whether that's true or not, I don't know, but that was -- you know.

Q That's the explanation you would give to people under you who would ask you why such tight deadlines?

A Yeah. And it was -- it was -- it was the -- when I was asking questions and -- and talking

to the project guys, it was the usual answer, and that's the answer I would give as well, that we have to do this because it makes us quicker than our competitors to market.

Q And did you ever while you were at Polaris -- were you ever involved in discussions about specific competitors that Polaris had some concern over with respect to a side-by-side, like Can-Am or anyone else specific?

A At different times there were different competitors that we talk about. Depends on what. So Honda had a very impressive transmission. BRP had other aspects.

In fact, Andreas Bilek was from BRP, the guy that was -- you know, I mentioned.

So there's different -- there's different competitors that you would talk about for different reasons, aspects.

Q Okay. Do you -- do you remember, with respect to side-by-side or in general or RZR and RANGER -- do you remember anyone at Polaris expressing concern specifically about Can-Am as a competitor in that market?

A I'm -- I'm sure it was said. I'm not sure -- I mean, I can't comment specifically what, and

regarding this case, I'm not exactly sure, but, yes, I'm sure it was mentioned, yes.

Q All right. And did you ever express concern to your supervisors about the tight deadlines that were applied to, you know, RZRs, for example, for getting new vehicles out to market?

A So in terms of the RZR engine, Gemini, Tomahawk, and that, you know, so on, yes, a lot.

Q Did you say "a lot"?

A Yes, all the time.

Q And what -- and what problems was that causing you, these tight deadlines?

A It was -- personally it was causing me hypertension and stress. It was -- I care about my team, so I had to protect my team and think about them because it was causing them stress, too. So it was mostly stress and -- that's it.

Q You mentioned earlier that the lack of resources was one issue with not being able to do the DFMEAs as thoroughly. Was the lack of time and the deadlines imposed also a contributor to that?

A Yes, it was.

MR. COLLIER: For Polaris. Just let me object to form.

BY MR. OLSON:

Q In other words, do you feel like, because of the tight deadlines that were imposed on you, there were certain things related to safety that --

THE REPORTER: I'm sorry. You broke up there.

MR. OLSON: No problem, I'll restate it. Although I forgot --

(Above-pending question read.)

BY MR. OLSON:

Q Okay. Did you feel like, because of the tight deadlines that were imposed on you, that there were certain things related to safety that either could not be done or could not be done as well because of the time constraints?

A So this is a general answer because -- because specifics, you know, if I knew specifics -- you know, generally, yes, you know, if -- if you'd spend more time doing things up front, you're mitigating risk.

Q And you feel that, for example, with respect to RZR?

MR. COLLIER: Objection. Form. For Polaris.

THE WITNESS: With -- so with -- with RZR -- I mean, now that we know about the engine flipping -- sorry -- I should say cylinder head flipping 'round, that would have been a much -- at powertrain there's only so much we can do. Combustion -- combustion will only affect it so much, but flipping the engine 'round would have -- and this is, again, a conjecture based on my education and experience -- would have had a massive effect.

BY MR. OLSON:

Q Okay. And that's a good example. So with respect to the request in around 2015 --

A Yeah.

Q -- to flip the exhaust around, the deadlines that Polaris had imposed on -- with respect to the 2017 RZR and 2016 would have been a problem in order to -- if you were going to try and do that?

A I -- I actually -- I -- I don't know if it was deadlines in this case because I see that that document's in 2012, and I wasn't aware of it.

What I think happened, and I'm -- and

I'm -- and I'm conjecting again, is -- what would happen is these projects would come, and then they'd get -- they'd go off the table again because we'd -- we'd accept only so many projects, and then maybe, I guess, they'd come back again because -- I didn't see it with this, but there were other projects that would come, and they'd get thrown off the table and then come back again. So that's what I think happened here.

Q Okay.

MR. COLLIER: Let me just object to form.

BY MR. OLSON:

Q And let me try and ask a better question. And this would be regardless of the 2012 document I showed you.

A Yeah.

Q With regard to what you said about remembering the proposal coming up in 2015 --

A Yeah.

Q -- would it have -- would it have been difficult to go forward with that and switch the proposal -- and switch the exhaust with the deadlines that were imposed on you guys?

MR. COLLIER: Objection. Form.
THE WITNESS: So I'm going to ask --
MR. COLLIER: For Polaris.
THE WITNESS: I'm going to ask for clarification. When you say "difficult," do you mean in terms of time or in terms of --
BY MR. OLSON:
Q Yes.
A No, it wouldn't have been difficult. Two years is enough, yes.
Q Okay. And so you're saying -- you're saying that there would have been sufficient time if there -- if --
A So --
Q Strike that.
A So given -- given the resource -- if I was given the resource and the time and the people, yes, it would have been -- the time -- time wouldn't have been -- sorry. Forget "time."
Given the resource and the people, yes, it would have been enough time. We designed engines, whole engines, quicker than that.
Q Okay. All right. So --
MR. COLLIER: Let me object to form.

BY MR. OLSON:

Q -- when that request came along, you think if they'd have dedicated the resources, you could have met the deadlines?

A Yes.

MR. COLLIER: Same objection.

BY MR. OLSON:

Q Other than what you've told me about, do you remember any other discussions with anyone at Polaris about the idea of changing the architecture in the RZR or rotating the exhaust with the RZR?

A Just really -- only really what I just said -- what I said, and then that document actually goes into more depth. So -- yeah.

Q Okay. Did you ever have any discussions or were involved in any discussions about using flame-retardant panels on RZRs to help them burn so slowly or allow passengers to get out quicker?

A I wasn't involved in the discussions, and I wasn't aware that there was those discussions.

Q Did anyone at Polaris ever give you any suggestion or instruction about how to mention or not to mention safety issues in the

documents or email or anything like that?

MR. COLLIER: Objection. Form. For Polaris.

THE WITNESS: It wasn't a Polaris thing. At places I've worked before, Jaguar, Hyundai, it's -- there's wording that you use -- it's well-known that you use certain words, and you don't -- you don't exaggerate things.

So it wasn't -- this isn't leveled at Polaris. It's -- from corporate America, you don't use certain words, and you don't -- you don't exaggerate things. That's the main thing. You know.

BY MR. OLSON:

Q Okay. Specific to Polaris, do you remember getting any -- any type of instructions or suggestion related to that?

A To be honest, it was something I would always say. I would always say, "You don't" -- because you have people that exaggerate things. You say, "You have to be careful and choose your words carefully."

And it wasn't really -- it wasn't -- it's not with deceit. We're not trying to hide

anything. It's just you don't want to cause panic when there isn't something, you know.

Q Understood. Thank you for clarifying that. And I'm not -- and I understand what you're saying about exaggerating. I'm not -- I'm not asking whether Polaris ever told or suggested that you shouldn't exaggerate.

I'm asking whether you ever recall Polaris maybe going a step further and suggesting or instructing you not to mention certain safety issues in documentation at all but to discuss them verbally only?

A No, I don't recall.

Q All right. Were you ever involved in any discussions at Polaris about, you know, the dealings Polaris was having with the CPSC related to RZR fires?

A No.

Q You mentioned earlier that, you know, some of the things you tried to push maybe didn't make you very popular. Do you remember mentioning that?

A Yes.

Q You know, what specific things were you referring to when you say there were things

that you mentioned or did that you think maybe didn't make you that popular?

A So the root -- the root thing is always -- maybe always comes back to resource. So I did manage to get a team that would look at combustion, for instance, and -- Polaris has got a culture that is "get things done," and it's very -- it's very exhilarating. You get things done, and you achieve.

Some things, like combustion, take time. They take time. You need someone of a scientific mindset. It's not like a -- a race team, as an analogy. You have to -- you know, I -- I got someone in this team, built up, and the guy was more of a -- a thinker. He was analytical. It takes time.

And I would have to -- there was always, "Where are the results? Why" -- "why aren't we" -- "why aren't we working faster?" And so that would cause frustration because I would be defending him all the time, and I wasn't used to that.

So I came from that company in California, that combustion technology-type company. You don't ever do that in a -- for

combustion. For combustion and certain scientific things it takes time. You know. So that could be frustrating for me.

Q Do you feel like there were certain risks at Polaris that were ignored or downplayed related to RZR fires?

MR. COLLIER: Objection. Form.

THE WITNESS: I don't know because you asked if I feel -- I don't know. I mean, I think I've indicated already with some solid points -- yeah, I -- yeah, I'm not sure.

BY MR. OLSON:

Q Okay. Back to what you mentioned earlier about how in 2017 there was a request to move the exhaust to the back. You know, in that circumstances, if there -- if that's a safety issue, you know, what should a responsible manufacturer do in that circumstance?

A I --

Q If vehicles start on fire, and a proposal that might be costly comes up to help mitigate it, you know, what do you think should have been done?

A I -- personally I think it -- we should have taken on that project and done everything to

flip it 'round and make sure it was safe -- safer.

MR. COLLIER: Polaris. Let me just object to form.

BY MR. OLSON:

Q And what about with respect to the products that are out -- already out there in the field?

A I -- I don't know.

Q Do you -- did you ever get a -- feel like at Polaris that there was a -- maybe a culture of -- of speed over quality or speed over safety in some circumstances?

MR. COLLIER: Objection. Form. For Polaris.

THE WITNESS: Yes.

BY MR. OLSON:

Q And expound on that, if you would, please.

A I -- I think -- and this goes back to the resource thing -- I think things could have been done more fastidiously and -- and methodically, and I think everything in terms of training was there. It was the resource again.

I think the people were outstanding. My team was outstanding. The engineers

were outstanding -- outstanding, and everyone at the working level wanted to do the right thing.

Q Would you agree that, you know, lack of resources combined with a compressed time schedule can lead to important things falling through the cracks and not getting done?

A Yes.

Q And that can lead to safety problems?

A Yes.

MR. COLLIER: Same objection.

BY MR. OLSON:

Q Do you feel like that's what happened at least with some models of the RZR?

A I mean --

MR. COLLIER: Objection. Form.

THE WITNESS: I don't know for sure, but I would -- I would -- I would guess so, yes.

BY MR. OLSON:

Q And because you used the word "guess," I need to ask a follow-up question. Why do you -- why do you think so or guess so?

A So -- so for me to know -- because I'm an engineer, for me to know for sure, I -- you

know, I'd have to know specifically what -- you know, I know what's going on now, but I'd have to have then known about the fires explicitly, and you do a -- you do a -- you do a test, a cause-and-effect test and stuff, and that -- that's why I'm -- I'm saying I guess. I'm conjecting, yes.

Q Okay. Well, we'll -- based on what you saw with respect to the RZR and the problems and the things that were done or could have been done, do you feel like there was probably some speed put over quality that led to some safety concerns?

A I do, and I'll quantify --

MR. COLLIER: Objection.

THE WITNESS: -- I quantify if we had had faster combustion and the engine -- and the head was flipped around, and maybe there's some kind of a shield, this -- this -- I can't say for sure, but it's a good foundation for a safe product.

BY MR. OLSON:

Q And do you feel like you're the only person who knew this or did you feel like, based on conversations with others, that there were

others who knew the same thing essentially that you just said?

A I think most of my team and peers wanted to do the right thing. I really do.

Q And based on your experience, why didn't that right thing happen?

A Because -- I mean, they were -- some of them were below me, so they didn't -- it wasn't their role, so it was basically me trying to fight.

I was hoping Andreas would fight with me, but he -- he was not that kind of a guy. He would just -- you know.

Q And when you say that he was concerned about pleasing those above him, or something to that effect, expound on that a little more, if you would, please.

A He was a technical guy in a position that's high up, and at these kind of levels, it's very -- it's a political -- it's a political -- there's lots of politics. It's -- it's influencing, it's going to the -- going to the RZR team, using your influence, talking to people.

It's -- leadership is about -- is

about people as well as technical. That's why it's such a hard role to fill because you need to have both.

He was a dictator. He didn't understand the politics, and my understanding now is he's had his people stripped from him. So --

MR. COLLIER: Polaris. Let me -- let me object to form.

BY MR. OLSON:

Q All right. So after the -- the big recall came out in April, 2016, did you, you know, read the recall to see some of the potential fixes that were part of the recall?

A No, I didn't.

Q Did you ever have any discussion with anyone about, you know, what actually that recall entailed?

A Not specifically.

Q Did you learn after that recall that there were some vehicles that received the recall and still started on fire?

A I didn't know that.

Q Did you become aware that there were 2017 vehicles that were, you know, sold after the

recalls had been implemented in 2016 that started on fire?

A I -- I didn't know that.

Q At the time you left, you understood that they had not decreased the combustion yet or rotated the engine yet, correct?

A Yes.

Q And did you believe, unfortunately, at the time you left that some fires would probably continue to happen?

A Yes.

MR. COLLIER: Objection. Form.

BY MR. OLSON:

Q And how did you feel about that?

A Terrible.

MR. COLLIER: Same objection.

BY MR. OLSON:

Q And I appreciate very much your professionalism and candor about this. Did you express that feeling with anybody at Polaris?

A When I was there, yes.

Q Yeah. And give me some examples of, you know, what you said about, you know, feeling terrible.

A I -- I mean, I can't recall specific

conversations, so it's just going to be like a -- a feeling or a whatever, but it would be conversations at -- water chiller conversations you call them, and it was basically like I'm telling you now, this is dreadful, what's happening.

There's one guy, who's now left, he was a calibrator. He was head of calibration. Really good guy. Ex- -- like me, ex-GM. So it was good because we're both OEM guys. I'm ex-Ford, ex-GM. So we had a lot in common.

And he was -- he was close to this kind of stuff, too. Because when you calibrate the vehicle, you set the ignition timing, you set the -- you set various parameters of the engine, and he could see what was happening, too. And so to him I would talk about it a lot, too.

Q And what was his name?

A Chris -- Chris Giles.

Q So after the proposal to rotate the engine was not done, and you see this recall happen, you know, what did you think about that, having, you know, been behind a proposal that -- that could potentially have fixed the problem or

mitigated it?

A It causes a lot of frustration. It causes a lot of frustration, and it was upsetting. Because I'm -- I'm -- I'm -- I'm proud I was involved at Polaris. I'm proud of some of the products, but it -- it is a conflict going on because of this.

MR. COLLIER: Objection. Form.

BY MR. OLSON:

Q And, Mr. Paul, do you feel like you yourself, you know, put safety first while you were at Polaris?

A I -- I did, and -- and my team did, because my team followed me, and people like the Chris guy I mentioned did. Yeah.

Q You feel like there were others who didn't, though?

A Quite -- yes. Possibly, yes. Yes.

MR. COLLIER: Objection. Form.

BY MR. OLSON:

Q And so after you saw the recall happen, I mean, did you think to yourself, "Hell, why didn't they do what I suggested"?

A Yes.

Q Were there others who, as far as you know, have

the same feeling as you about what happened?
A Well, the most outspoken was the guy I mentioned, Chris. So --
Q Anybody else? Any other names you can give us?
A Not specifically. I mean, people did, but it wasn't -- no one said -- no one came to my cubicle and said, you know, but they -- we had conversations regularly, you know, different people. So -- yeah.
Q When you left Polaris, was that your decision, or was it a mutual decision, or how would you describe it?
A So I was -- I was looking to leave. I was perhaps too open to my -- to my -- to human resources, and that was perhaps naivete of me.

In the end, when they got wind of it, they offered me a severance, and I thought, well, that's good, if I get severance, because then I can -- I got a job lined up and I get severance, too.

So the official line was it was mutual even though there was a severance, but I was looking to leave.
Q Okay. All right. But -- but prior to you looking to leave, no one -- no one had come to

you and suggested you leave or resign or anything like that?

A No, not at all.

Q And then, you know, after you left Polaris, did you ever see that recalls have continued to happen related to RZR fires?

A Yes.

Q And how -- how has that hit you?

A So I'm going to give a bit of a story now. I've been involved in various products, Aston Martin engine, Jaguar, and there's little things I don't like, you know, little things like the intake manifold in the Jag was not to my -- doesn't matter -- doesn't care about -- about safety, and that doesn't sit well with me, you know, on the old X-Type.

This is a whole different -- this is a whole different deal. I mean, intake manifold not optimized -- the -- you know, I feel some of the stuff I was involved in are like my children. They were stuff I was involved in, and some of the stuff I was involved in in the past, like some of the Jaguars, I might be nitpicky and say, "I wish that was done better," but in the real world it

doesn't matter.

This on the other hand -- this is a big deal. So, yeah, this upsets me a lot.

MR. COLLIER: Let me just object to form.

BY MR. OLSON:

Q And why do you say this is a bigger deal than -- than nitpicking something that you would have liked to have done differently?

A Because, I mean --

MR. COLLIER: Same objection.

THE WITNESS: -- when you see on -- you know, when you see these fires happening, it's -- it's dreadful. Whereas, the things I think about on the things I was involved before, the Jaguar X-Type, the Aston Martin -- the Vantage, there were little things that, when I'm driving them, I know about, but it doesn't really matter in the real world. It's only because I know that some part of the design wasn't as smooth as it should have been.

This is a quantifiable safety risk.

BY MR. OLSON:

Q Okay. And you and I never spoke prior to today; is that correct?

A Yes.
Q At some point, it's my understanding that you came in contact with another lawyer working on the project, Brian Wojtalewicz with -- with my firm. Would -- would you be -- would you tell us about that?
A Someone who used to work at Polaris, who I don't want to mention, I think they were in contact with him, and then they told me I should give him a -- give him a call.
Q And so you reached out to Wojtalewicz?
A Yeah.
Q And why did you do that, candidly?
A Some of the stuff happening that we've talked about doesn't sit well with me.
Q You wanted to speak up?
A I -- I wanted to understand more, and my friend said I should call, and I wanted to understand a bit more what exactly was happening and -- you know.
Q Did you feel like there were some things that, you know, you experienced or that you saw that, you know, you wanted to get off your chest or you wanted to share?
MR. COLLIER: Objection. Form.

THE WITNESS: I wanted to do the -- I wanted to do the right thing, but I also wanted to understand what was happening. Because I didn't know the ins and outs of all that was -- has been happening.

MR. OLSON: Understood. Thank you. I don't have any other questions.

BY MR. OLSON:

Q Well, let me just ask you one more question. Is there anything else related to these RZR fire issues, any other memories that you have that you haven't already expressed? I know I've asked a lot of questions, but, again, since I don't have a stack of documents about everything you ever did, I don't want to miss something.

A So -- so the major thing is, for instance -- I know combustion is small fry compared to flipping the engine 'round, but built up a team, and basically they made me fire -- they made me get rid of this guy and -- and laid him off.

And -- and -- and my thing is you start asking how important is combustion when you just have someone and then they just get

rid of him. And they made him move and they made -- and you think, quite apart from the fact of getting rid of the guy who worked for me, how important was combustion to them when they got rid of this guy, for instance.

Q Okay. Thank you. Anything else?

A No. I don't think so.

MR. OLSON: Okay. Well, somebody else might -- may have more questions that jog your memory and so that's okay.

THE WITNESS: Okay.

MR. OLSON: Thank you very much, Mr. Paul.

THE WITNESS: Sure. Thank you.

EXAMINATION

BY MR. BALE:

Q Mr. Paul --

A Yes.

Q -- my name is Bob Bale. I'm in Sacramento, California, right now. Thank you so much for joining us and especially thank you for your candor today.

I'd like to -- I'm going to be -- because of Mr. Olson covered a lot of ground with you -- first of all, let me tell you who I

represent. I represent the parents of Paige Richmond. Paige Richmond is a 24-year-old woman who burned to death, died of burn injuries, when she was a passenger in a XP 1000, 2017 model, RZR that caught on fire.

She wasn't able to get out before she sustained serious burn injuries, and she died about six week later, after suffering massive medical treatment and harm. So that's why I'm here today.

I'm going to be jumping around a little bit because Mr. Olson covered a lot of ground with you. So forgive me if it seems like I'm just hopscotching because I am. Okay?

Again, as with Mr. Olson, if I ask you a question that you don't understand, doesn't make any sense to you, please tell me. Okay?

A Yes.

Q You -- you need to say yeah --

A Yes.

Q Thank you. All right. Now, earlier in your test- -- early in your testimony you said that you supervised around 60 people, including contractors and folks in the UK office. Did I

get that right?

A At peak I did, yes.

Q Okay. At peak. And you also managed other engineering managers. And I just wondered what other areas those engineering managers you managed were responsible for, if you recall.

A Yeah. So how the structure was, was my managers who worked for me, or supervisors they were called, they would be over a product line. That's -- that's how I arranged it. So they would be over the Victory engine or the Indian engine or the RZR engine.

They were code named, as you know, Gemini, Tomahawk, whatever, so they were resolved like that.

Q And were most of the folks you supervised in their areas for the specific engine types focused on these issues of controlling heat and combustion? Were those the -- the primary topics of interest?

A No.

Q Okay. What -- what did your folks focus on? Was it a broad range of things or was it focused on one narrow slice of the pie?

A So it was a broad range of things, but it was

design. It was -- it was design of, for instance, a cylinder head. The team would do -- the whole team would do a cylinder head, the -- the crankshaft, the various components of the engine. It wasn't the effects, you know.

Q Okay. And if I understand you correctly listening to your testimony today, one of the things that has always driven you is a commitment to trying to make the product as efficient but also as safe as possible --

A Yes.

Q -- is that a fair --

A It's -- it's -- it's --

Q You've got to wait for me to finish my question before you answer. And it's hard to do remotely like this. We all get it.

MR. BALE: So, Madam Court Reporter, could you just read my question back, please.

(Record read as follows:

"Q Okay. And if I understand you correctly listening to your testimony today, one of the things that has always driven you is a commitment to trying to make the product as efficient but also as safe as possible --

A Yes.

Q -- is that a fair --")

BY MR. BALE:

Q So -- so your answer to my question, sir, was "yes"?

A Yes.

Q Okay. Now, again, I'm hopscotching here. During the three years you worked at Polaris, did anyone from Polaris, any department, ever provide any information to you regarding the history of RZR recalls?

A No.

Q All right. As someone who is designing these vehicles and designing components of these vehicles, would it be helpful to you to know the history that particular RZR products had had of recall events?

MR. COLLIER: Objection. Form. For Polaris.

THE WITNESS: I -- I think it would be good for the DFMEA. I talked about the DFMEAs earlier. I think it would be good to classify for the DFMEAs the criticality.

BY MR. BALE:

Q For example, if you're working on RZR products,

and one of the things you're working on there is thermal issues related to the RZR products, and the RZR line had a long prior history of fires related to thermal events, is that information that would have been helpful to you to know with respect to your job?

A Yes.

Q All right. But you never got that kind of --

MR. COLLIER: Let me just -- sorry, Bob. For Polaris, object to form.

MR. BALE: I'm going to just -- let me just object on the record, Mr. Collier. I'm going to object every time you make an objection after the question's asked and answered. If you're going to object, you need to object. And if you're not, it's waived as far as I'm concerned. We're almost --

MR. COLLIER: Well, Mr. Bale --

MR. BALE: Let me finish. Almost every objection you made has come after the witness has answered the question. So for me, in California, that's a belated objection, and it doesn't have any merit. So I guess I should keep my mouth shut and let you keep doing it.

But I'd ask that you please object

before the witness answers the question so we don't have this interruption, please.

MR. COLLIER: Well, to be honest, Mr. Bale, given the artificiality of this issue, I would assume that this would be something that a lot of latitude would be given by the court as far as objections.

And so if -- if that is going to be the objection you raise, I would appreciate the opportunity to allow me the opportunity to object prior to the witness beginning to answer the question.

But given this artificiality with respect to the Zoom video conference, this is the situation we have.

MR. BALE: So, Mr. Paul, it is an artificial situation. I have a feeling counsel for Polaris is not going to like some of the questions I ask you. So anticipating that, would you give it just a beat before you start to answer, so he has time to make his objection, and then you and I can move forward without the interruptions after the fact. Okay?

THE WITNESS: I didn't hear that.

Sorry.

MR. BALE: Okay. That's all right. I'm saying to you I think Mr. Collier's going to object to many of my questions because I don't think Polaris will like them. Give it a beat before you answer my question so he can make his objection before you answer. Okay?

THE WITNESS: Understood.

MR. BALE: Thank you very much, sir. Appreciate it.

BY MR. BALE:

Q Now, you talked a lot about DFMEA, and I got to tell you, I'm familiar with FEMA, but I haven't heard that "D" put in front of it before, and I missed when you first said it. What is the "D" in DFMEA?

A Design.

Q Okay. Because my understanding of DFMEA -- this is one of my -- my favorite books -- a short guide -- is that it stands for failure mode and effect analysis. Is that your understanding?

A That is correct.

Q So from a design point -- standpoint, you put a "design" in front of that to capture FMEA

analysis done within the context of the design as opposed to some other point in the production process?

A Right. So starting with a new engine, say -- this wasn't -- this case, it wasn't a new engine, but imagine you're starting with a new engine, you're starting clean sheet, you need to anticipate what could happen, potential risks, and you need to think of ways of -- of -- of mitigating them, and that's why it's design -- in this case, it's design failure mode effect analysis, and then you do certain tests -- focus tests, and then you go back and -- you know.

Q Yeah. It's -- it's actually a pleasure to talk to an engineer who has real understanding of FMEA. Many do, and especially folks I depose from auto manufacturers --

A Right.

Q -- and similar. But just for clarification, because a jury may never meet you, I want to get a little understanding of the DFMEA so that folks can understand, when you say that, what you're talking about. Okay?

A Understood.

Q So my understanding is that for -- and you said this -- that -- that a DFMEA approach is essentially team-based, correct?
A It is --
Q It's a team --
A It is --
Q -- team-based approach to analytics -- to analytics?
A It is team-based, and the challenge with the DFMEA is it's only as good as the people -- the minds in that room.
Q And in addition to the minds in that room, another thing that's critical to the DFMEA is adequate resources, correct?
A Absolutely.
Q So the analytic process for DMEA (sic) is it takes some time because the process requires forward-thinking people to anticipate risks or problems that might occur; is that correct?
A It is correct.
Q And then to take formalized steps to first identify whether those risks actually could occur, and if they could occur, how to design them out of the final product; is that correct?
A It is.

Q And when you talk about resources, you don't mean extra pieces of pie at the lunch counter, you're talking about people, hours, correct?
A I'm talking about people and time.
Q People and time. Because formulating these thoughts takes human man-hours --
A Yes.
Q -- correct?
A Yes.
Q You have to devote the time in those human hours to get the arms around the project, understand the interaction between all of the components and identify potential risks, correct?
A That is correct.
Q And there's no way to -- there -- it's really difficult in an analytic process to shorten that time, correct?
A Yes.
Q I mean, you can't -- it just -- it's not a random thing where you can say -- the manager can come -- your boss can come and say, "Hey, look, you're spending about a hundred hours a week right now on this project, and we want you to cut it down to 50"?

And you say, "Well, yeah, but, Boss, we're identifying all these problems."

"Yeah. I get it. But I want you to cut it down to 50. That's all you got."

That's a very difficult situation for someone like you who is following a DFMEA approach to -- to get behind --

A I would agree.

Q -- fair?

A I would agree.

Q All right. Because the time to identify risks is the time it takes, whatever it is, correct?

A That's correct.

Q Now, if you have a risk, if you have a problem in a component or an engine or a product that is already known, then the DFMEA process in design can help to focus on that particular problem because it's a known problem? "We know we have a fire problem. It happened somewhere in this general area." So that narrows the field; is that fair?

A That is fair.

Q All right. And in terms of -- of the -- of a company's use of DMEA (sic), it really has to be a top -- for it to be effective -- let me

back up a second.

I love that you worked for Jag, okay? I love that you worked on the Aston Martin, one of my favorite cars ever, of course, from, you know, James Bond, 007. Give me a break. I -- I feel like I should get your autograph at some point.

That aside, this has to be, to be successful, in your experience, a top-down approach; is that fair?

A Absolutely.

Q If it's just some guy in some department down in the basement, it's not going to help solve systemic problems or identify systemic risks throughout the company?

A So company culture comes from top down -- it comes from top down.

Q So, in your experience, you have to have a DFMEA committed culture -- I'm sorry, let me strike that question -- you have to have an FMEA committed culture in order for it to be effective throughout the organization?

A Right. And I believe my team was that way, but I -- I didn't have the support in terms of resources.

Q All right. And --

MR. COLLIER: Object. Object to form.

BY MR. BALE:

Q -- when you worked for Jaguar, there was a top-down approach to FMEA, correct?

A Yes. And it came from Ford. Yes. I'm giving too much information, but, yes, the stuff from Jaguar we were thank- -- we were thankful to Ford. Ford -- thanks to Ford, all those really good processes came.

Q And same thing for GM, top-down approach?

A Yes.

Q Okay. In fact, for every other company you've worked for, is it fair to say that all of those companies, those manufacturing companies that you've worked for so far, except Polaris, have had a top-down approach to FMEA?

A Yes.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q And from a design standpoint, a design engineer standpoint -- strike that.

A Could you repeat the question?

Q I struck the question.

Okay. Now, I'm skipping around a little bit here. We're -- we're going to come back to the DFMEA question here, but I'm going through my notes, so forgive me. Again, I'm jumping around a little bit.

You're helping me lay what's called a foundation, sir, so my questions later will go faster. Okay?

A Yes.

Q Did you ever learn while you were at Polaris, as part of your fire risk mitigation duties, about what conclusion Polaris reached regarding the thermal events that were happening in the RZR line?

A I did --

MR. COLLIER: Objection. Form.

THE WITNESS: I did not.

BY MR. BALE:

Q Okay. If I understood you correctly, looking at your background, you have pretty heavy experience in understanding thermal events, thermal combustion. I mean, heat. That's kind of one of the things that you have expertise in, isn't it?

A I have expertise in -- in combustion, in diesel

combustion, petrol combustion, and then engine breathing mainly, and emissions.

Q And part of your job, if I understood it correctly, was to address some of these issues related to, you know, thermal happenings in the -- in the Polaris products --

A Well --

Q -- did I understand that correctly?

MR. COLLIER: Objection. Form.

THE WITNESS: I'm going to clarify that because that wasn't my job exactly.

BY MR. BALE:

Q Okay.

A My job is to design the engines with -- with -- with minimal risk at the right time, and then if there's issues, whether they're, you know -- whether it's thermal or whatever, during the development period you go back and you redesign aspects of it. Yeah.

Q So it would be within your job -- your job responsibilities that if -- that if you identified a risk of a thermal event, meaning a fire in an engine of a Polaris RZR, that's something that you and your team would certainly want to address, correct?

A I'm going to clarify. I'm not being pedantic.
Q Sure.
A But if the engine was standing in the dyno with nothing around it, it's -- I'm not -- it's not going to catch fire. So --
Q Right.
A -- it -- it has to be in concert with what it's mounted in. So --
Q Right. So, at any rate, I guess what I'm asking is if there was a history of fires in the RZR engines, and you're working on the RZR engines from a design standpoint to help develop new products, you would want to try and eliminate any potential for those engines catching on fire in production line models that were being sold to the public?
A Absolutely.
Q All right. I mean, if you weren't doing that, you would feel like you weren't doing your job, right?
A Right.
Q Okay. And all the time you're at Polaris, it sounds like you're -- you're concerned about these issues, you're raising these issues, you're talking about these thermal-event issues

with Polaris; did I understand that correctly?

A So --

MR. COLLIER: Objection. Form.

THE WITNESS: I didn't talk about the thermal events specifically and the fires. I would talk about the engine and the high -- the combustion temperature affecting it.

So that same engine could be mounted in something else theoretically, you know, but I -- when I found out about -- there weren't specifics -- I found out about the fires and stuff, I wasn't happy, you know.

BY MR. BALE:

Q So the more concerned you were about the fires -- I'm sorry -- the more you learned about the fires, the more concerned you were about the fires?

A Yes. The more I learned about the fires, the more concerned and the more I thought what can I do in my own little world, which was combustion -- combustion of the engine, you know.

Q All right. So as an engineer, would it be fair to -- and especially an engineer with a strong OEM background, would it be fair to say

that you would not expect a product manufactured by a top American manufacturer to periodically catch on fire during foreseeable operations by a user of that vehicle? Is that fair?

A I think it's unacceptable.

MR. COLLIER: Object.

BY MR. BALE:

Q And when you say "unacceptable," you mean that vehicle should not be put into the mainstream, into -- into distribution to the public?

A I -- I think that vehicle --

MR. COLLIER: Objection. Form.

THE WITNESS: I think that vehicle should be developed so it doesn't have those issues.

BY MR. BALE:

Q All right. Now, I'm a little confused about the DFMEA at -- at -- at Polaris. It -- it -- it sounds like Polaris gave lip service to a DFMEA approach, but they did not devote the necessary researches to back up that lip service. Is that a fair assessment?

A I think it's fair.

MR. COLLIER: Objection. Form.

BY MR. BALE:
Q You can answer, sir.
A I think it's fair.
Q Is that how you felt about it, that they were talking the talk but they weren't walking the walk?
A I don't think it was premeditated, and I think they wanted to do -- the leadership wanted to do the right thing, but then when it came to actually the time it takes and the resource, it was a different story.
Q So from an -- I -- have you -- have you ever heard of a -- of a man named Neil Hannemann by any chance?
A No.
Q He's a longtime designer for Ford and then for -- and for Ferrari.
A Okay.
Q And he talked -- he said a long time ago -- he said, "In engineering actions speak louder than words." Does that strike a familiar with you?
A Absolutely.
Q With Polaris, did they exhibit the actions necessary to back up their expressions that they wanted to commit to DFMEA?

A The leadership didn't.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q I'm sorry. Can you say it again, sir?

A The -- the leadership above me didn't.

Q And isn't -- isn't Polaris a top-down company? Everything that happens comes from the top down?

A Yes.

Q All right. So if the leadership doesn't adopt -- if the leadership does not commit the resources necessary to support a comprehensive DFMEA approach, it's not really possible for the folks who were supposed to implement that DFMEA to do so, correct?

A Yes. In fact, I'm --

MR. COLLIER: Objection. Form.

THE WITNESS: -- I'm going to clarify -- going to clarify a bit more. Everything -- every activity at Polaris had to have a project code. There wasn't -- everything had to be -- everything was so focused on in terms of how much time and money it will take, any activity had to be accounted for in this system, and you were not -- there

wasn't a slush fund where you did stuff independent of that. So that -- and that -- so we're saying the same thing. I'm just giving you some more -- some more resolution.

BY MR. BALE:

Q Right. Was that -- was that frustrating for you as an engineer committed to doing the right thing?

A Yes, because companies I worked for subsequently and before, there wasn't this kind of -- as much pressure.

Q When you were working for these other companies, they didn't give you the pushback when you said, "Look, I need more resources to flesh out this potential problem"?

A They would either -- they would either give me the resources or they'd say, "We're going to relax the time, and we're going to" -- "we're going to do it over a longer time."

Q But Polaris didn't give you the resources, and they compressed the time; is that correct?

A Yes, it's correct.

MR. COLLIER: Objection. Form.

MR. BALE: I'm just looking at my notes, sir. Thank you very much for your

patience.

BY MR. BALE:

Q You said something earlier -- in earlier questioning, sir, that I thought was really interesting. You said you -- you aren't sure that your message about faster combustion as a potential solution to heat was not -- you weren't sure your message about that was understood because it requires a certain level of technical expertise. Did I understand that testimony correctly?

A Yes.

Q Was it your impression that your superiors at Polaris who were responsible for allocating resources for vehicle development did not understand the advantages of faster combustion in reducing a risk of potential thermal events? Did you just feel like they just didn't get it?

A I -- I think -- I think that's fair. However, I'll give a cri- -- I'll give a -- I'll qualify that.

If you were to look at the things that affect these fires, combustion is probably a smaller effect than other things, like flipping the cylinder head 'round. I just

wanted to do the -- everything best.
Q Sure. But in terms of trying to -- but in terms of trying to communicate this information, did you feel you kind of hit the -- the ceiling in -- in terms of the ability of the folks you were talking to to understand what you were talking about?
A Yes.
MR. COLLIER: Objection. Form.
BY MR. BALE:
Q I'm sorry. Could you say it again, sir?
A Yes.
MR. BALE: All right. Let's try and give counsel a little bit more time -- okay? -- before you answer just so we -- we -- you're not talking over each other when he makes his objections. Okay?
BY MR. BALE:
Q Now, did anyone -- any of your superiors ever come to you after you were trying to convey this information about faster combustion and ask you to explain it to them, help educate them about it so they could get their arms around it? Any of your superiors ever come to you like that?

A No.
Q I think I know the answer to this question, but I'm going to ask anyway just to confirm. Was there -- for lack of a better word, was there an FMEA department at Polaris?
A No.
Q Anyone in charge of implementing FMEA analysis or protocols from the top down at Polaris during any of the time you were there?
A So when you say "top down," if you mean above me, no, but there was a quality guy that we got that was -- with his other duties as well, he was pushing these as well.
Q All right. And I appreciate he's pushing it, but quality or quality assurance is kind of an after-the-fact thing as opposed to design and development, fair?
A I don't agree.
Q All right. Well -- so let me -- let me put it this way. Quality takes place during the design process to make sure that components going into the engine or the -- or the product -- or the product itself complies with the technical specifications for that product?
A I understand. I just -- the reason I disagree

is because he was involved with my team. He's a design guy, and design is upstream, and he was -- he was instrumental with me pushing the DFMEA culture.

Q Was this corporatewide, was this companywide, or was just in -- just in your department?

A Actually, it was only in powertrain, but the RZR team and other teams started to learn -- you know, started to try and -- try and do the same thing from us because we're more organized.

Q But never adopted by Polaris as an overarching company policy, correct?

A I -- I don't know.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q I just mean during the time you were there, sir.

A I -- I -- I can only talk about powertrain. I honestly -- honestly, I don't know the different departments and if they did adopt it properly. I don't know the extent or if they did.

Q All right. This engine flip, I mean, I think we all instinctively say, "Okay, that sounds

like a good idea." Why is that a good idea to make sure that the exhaust heat isn't going into the middle of the vehicle instead of venting out the back of the vehicle?

A Where the people -- the occupants are, I think it makes sense not to have the heat going there. It's just -- it just --

Q And I'm -- I'm asking what sounds like a dumb question because I just want to make sure we understand why. Because that just seems to me that's sort of like instinctive. But why is that, from an engineering standpoint, that you don't want to put the most amount of heat generated by the engine right where the passengers are sitting?

A So I'm -- I'm -- the safety issues that you talked about and stuff are terrible, are dreadful. Even if you -- even if you don't have those safety issues, there's the factor of comfort because the heat, you've got to dissipate it. But the safety issues are an obvious thing. I mean, that's just unacceptable.

Q Well, it -- so just to make sure I understand it, focusing that exhaust into the center, it

risks melting any components near it that might be susceptible of melting due to high heat, correct?

A I think --

MR. COLLIER: Objection. Form.

THE WITNESS: I think that's fair.

BY MR. BALE:

Q It -- it -- if there -- it risks exposing engine fluids that might leak to ignition due to the heat of the exhaust itself, correct?

A I don't --

Q If they're combustible?

MR. COLLIER: Objection.

THE WITNESS: I don't know.

BY MR. BALE:

Q Okay. Well, if fuel leaked from -- from midpoint in the engine compartment, and that's where the exhaust is -- that's where the engine heat is exhausting --

A Okay.

Q -- that is ignition?

A I -- I didn't know that. Okay.

Q Okay. That's not something you'd consider -- you would consider as an engineer in the placement of that exhaust vent?

A So the -- the fuel -- the fuel aspect, I -- I -- I got indication of this -- of this thing. It -- it sounds terrible. I didn't know about that.

Q Okay. And -- and in terms --

MR. BALE: So I wanted -- I was going to ask Eric if he would help me here. I wanted to go back to that exhibit that he showed. I think it was Page 10 of a PowerPoint. I think I've got the Bates here, Eric, if you give me a second. Sorry. I got too many pages here.

Eric, is it -- is it possible -- are you around? Mr. Olson?

MR. OLSON: Yes. Sorry. I've got it up. Do you want me to share screen?

MR. BALE: Yeah, share screen, please. And it's Page -- I sthink it's Page 10.

MR. OLSON: Okay. Sorry. I forgot I was on mute.

MR. BALE: That's all right.

It's that part, Eric, where it talked about rotating the head. Right there.

BY MR. BALE:

Q Sir, can you see this page? I think it's

Bates 86751.

A Yes, I can.

MR. BALE: And, Eric, could we scroll -- right there, "Rotate Head Detail."

BY MR. BALE:

Q I'm looking at the line that says, "BOM Cost Opportunity," and then it has a dollar there, "minus PT," and then, comma, "$39, Chassis." What did -- what does that mean to you?

MR. COLLIER: Objection. Form.

THE WITNESS: The "39" I -- the "$39" sounds too cheap. I -- I -- I'm -- I'm -- I'm -- I'm wondering if it means 39 or 30 -- sometimes at Polaris they'd multiply it, so 30 -- it wasn't -- you know, I'm just trying to understand is it $39 or does that mean 39,000.

BY MR. BALE:

Q I don't know.

A Okay.

Q If you look down -- if you look down below to the next under "Estimated Program Cost" --

A Yes.

Q -- you can see when they go to three digits --

A Ahh.

Q -- "450K, 617K." This is just "39" without a

"K" in -- in back of it.

A That basically -- if I'm reading this correctly, there's a $39 BOM, which is bill of material, cost -- cost saving. It's a cost opportunity.

Q Okay.

A Yeah.

Q If you go to "PT," the first line, it says, "No inherent savings or benefits to engine cost." Can you -- I don't want you to guess, but can you interpret that based on your background, training and experience --

A So --

Q -- at Polaris?

A I'm thinking "PT" --

MR. COLLIER: Objection. Form.

THE WITNESS: -- "PT" probably means powertrain and --

BY MR. BALE:

Q Correct.

A "No inherent savings or benefit to engine cost." There was no -- there's -- with this -- this rotation of the head, there's no savings involved. There's no cost saving.

Q Okay. But it also doesn't reflect that there's

any significant cost to rotating the head, correct?

MR. COLLIER: Objection. Form.

THE WITNESS: Okay. I'm going to clarify something. There's -- there's BOM cost and then there's the tooling and labor and other stuff.

BY MR. BALE:

Q Right.

A If I to understand this correctly -- "No inherent savings or benefit to engine cost." This -- this document is saying that there's no BOM cost savings.

Q What does BOM --

A BOM is -- so -- so -- okay. If you think of an engine and every single component, you see you have a cylinder head -- you have every single component of the engine. The cost associated with each of those parts is the BOM, or bill of material, cost.

Then there's the program cost, which has to do with the tooling. Because when you design a new cylinder head, you're going to -- you're going to have -- you have to invest in tooling.

And then there's labor. Labor is what I need to get my team paid. And overheads.

Q Okay. I got it. And then if we drop down here to "Chassis," it describes what happens, which is to "move the exhaust away from passenger compartment. Able to remove significant heat shielding but would need to add heat shielding to underside of box." Did I read that correctly?

A I'm -- I'm trying to read where you're reading. Maybe I'm being a bit slow.

Q Where it says, "Chassis," right under "BOM." The second line under "BOM" --

A Oh.

Q -- it says, "Chassis."

A Yes.

Q I'll read it again, just so you and I can be on the same page. "Chassis. Moves exhaust away from passenger compartment. Able to remove significant heat shielding but would need to add heat shielding to underside of box."

A Yeah.

Q Hear me?

A You did, yes.

Q What does that -- what does that mean to you as an engineer?
A So that's basically saying --
MR. COLLIER: For Polaris, objection. Form.
THE WITNESS: -- you're saying you removed the heat -- that basically means you -- you move the heat -- you move the exhaust away in proximity from -- from the passenger compartment, and -- and then there's an opportunity to remove heat shielding. I didn't know about the heat shielding but --
MR. BALE: Okay. And, Mr. Collier, I'll give you a standing objection to the end of my questioning for form. Okay?
MR. COLLIER: That's fine. Yeah, that's -- through this document, that's fine, Counsel, as far as having a standing objection to form through this document because I think there's a lack of foundation.
So once you're done with this document, then -- then that's fine.
MR. BALE: Okay. Thanks.
BY MR. BALE:
Q Skipping down to the next -- well, let's lay a

little foundation. Sir, in your tenure there as an engineer, did you ever see these kind of documents before, talking about the sort of -- this sort of information related to design components that you were dealing with?

A Similar ones, yes.

Q Okay. And this is expressing sort of the -- the -- the -- the things that need to be done to either effect change in an engine or design an engine or design the components or whatever? This is just sort of standard operating procedure, information that's circulated at Polaris between various individuals; is that accurate?

A Between certain technical people, yes. Between certain individuals, yes.

Q All right. The -- the next bullet point here, "Estimated Program Cost," it shows a number of factors here, "Tooling, Labor, Special Expense," and then something called "PPV." Do you see that?

A Yes.

Q Do you know what PPV is?

A Purchase part variation, I think.

Q All right. And what does that mean? Do you --

do you have any idea?
A I think -- because I'm not a -- you know, a cost guy -- I think it's basically the variation -- because over time various materials and various things fluctuate in price because they -- they may come from other parts of the world. It's --
Q Okay.
A Yeah.
Q So you might see the cost for a particular component go up or might see it go down over time?
A Yes.
Q All right. And then it shows a "Total Cost" of 2.69 million. Did I read that correctly?
A Yes.
Q Is your takeaway from this that the cost of making -- of changing this -- adopting this design -- design change in this particular model line for 2012 would have been $2.69 million?
A Yes.
Q All right. And this was done back -- I think we've said it -- I just said it -- this was done back in 2012, correct?

A I -- I wasn't there, but, yes, I think -- my understanding is that.

Q Just looking at -- if we go back and look at the front page of the document --

MR. BALE: Eric, would you mind scrolling back? Yeah.

BY MR. BALE:

Q This is "June 14th, 2012," for the "Gemini Low Cost Engine," correct?

A Understood. Yes.

Q All right. Now, once that change is made, after they absorb the 2.69 million and they've made that change, it could then be adopted in all future iterations of the RZR that kept that kind of engine and general design characteristic, correct?

A Yes.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q All right. So the -- the cost they're reflecting here is for one model line without it -- seeing it projected over the next 5 or 10 or 15 iterations of the vehicle?

A I'm -- I'm going to go back on what I just said because the Gemini was only mounted in one

vehicle. I don't know whether there's extra -- because this -- there's various -- there's variations of this engine, the Tomahawk, in other platforms. I don't know if those would also incur extra cost.

Q All right. Is the -- well, just -- right now I'm just focused on the Gemini.

A Yeah.

Q I think you earlier testified that the Gemini was the engine that was being installed in the RZR line?

A Yes.

Q And was that Gemini engine installed in all of the RANGER lines you were involved with while you were there at Polaris?

A I'm trying to remember because there was a Tomahawk, but I can't remember what that was in, but we can call it the Gemini family.

Q Okay. And with respect to just this idea of rotating the engine, if they completely threw out the Gemini engine and started with a brand-new engine in a different platform, they still could orient it from -- from Jump Street so that it -- it -- it -- it exhausts out of the back of the engine instead of into the

center compartment, correct?

A Yes.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q So if Polaris decided in 2016 to make a completely new engine and mount it in a completely redesigned RZR, it wouldn't have cost them necessarily anything to say, "We're going to have this engine. Whatever we design is going to exit out of the back of the vehicle," correct?

A I disagree. I'll explain why. My understanding from the document is the cylinder head is being rotated. The other components keep -- are being kept the same, the crankshaft, pistons, and so forth -- the crankshaft, the pistons, the connecting rods are staying the same.

And what you asked, if I understand you -- understood you correctly, was a whole new engine design, the cost being the same. It wouldn't because everything else would be redesigned.

Q Sure. And if that happened, it would be -- if that happened, it would be a systemic design of

the whole product itself, correct?
A Correct.
Q All right. Okay. And that's all of the costs that go into doing that no matter what, correct?
A Yes.
Q Okay. I'm with you.
MR. BALE: Eric, could we please go back to Page -- Page 10 just one more time? Thank you.
BY MR. BALE:
Q Now, from an engineering standpoint, can you think of any reason, based on your background, training and experience, to orient the engine so that the exhaust system exhausts into the engine compartment as opposed to out the back of the vehicle? Is there a valid engineering reason for doing that?
MR. COLLIER: Objection. Form.
BY MR. BALE:
Q And I'm talking about in this vehicle, not a hypothetical vehicle. I just mean this kind of a vehicle.
A I can't think of one.
Q Thank you.

MR. BALE: Thanks very much. I don't need that anymore.

BY MR. BALE:

Q So do you know if, at any time while you were working there, Polaris adopted this engine flip that we've been talking about in any of the RZR lines?

A They did not.

Q Okay. And do you know whether they've adopted it since you left?

A I don't think so.

Q Other than cost, is there anything about the way Polaris functions as a manufacturing entity that would have prevented it from making that switch if it wanted to do it? And let me --

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q -- be clear. Let me be clear.

Is there any regulation by the government that you're aware of that required Polaris to orient that exhaust into the center of the component? Is there any mandate from any authority at all that requires that kind of orientation? Is there any rule of heaven or earth that you're aware of that requires

Polaris to manufacture that vehicle with the exhaust into the center of the vehicle instead of out the back?

MR. COLLIER: Same objection.

THE WITNESS: I don't know.

BY MR. BALE:

Q You're not aware of any, correct?

A I don't know. The reason I don't know is a lot of these regulations are going to be vehicle -- vehicle-focused, like the RZR vehicle. I -- I didn't work for the RZR vehicle. I worked for the powertrain, you know.

Q Got it. Were -- did -- were you ever educated about -- I'm just curious. Did Polaris ever adopt, to your knowledge, any FMVSS standards into the design of their vehicles?

A I don't know.

Q Okay. Sir, did -- did you feel that -- strike that.

There's a phrase that's come up in this case, "culture of safety." I want you to kind of keep that in the back of your mind here. I'm just going to ask you a couple of questions.

During your tenure there, did you

feel that Polaris encouraged engineers to speak up about potential defects in the RZR product?

A I can only speak about powertrain. Because of the DFMEA culture I was pushing, we would talk about potential risks.

Q Yeah, I know you would talk about it. I appreciate that. Were you encouraged to do so?

A When you --

MR. COLLIER: Objection. Form.

THE WITNESS: When you say "encouraged," do you mean -- do you mean water chiller talking or do you mean within --

BY MR. BALE:

Q I mean the kind of talking that makes things happen. I mean upper management. Did upper management implement a policy that encouraged engineers to actively advise, raise, address potential defects in the RZR products?

A So, like, I guess what I'm not understanding is my understanding is that the DFMEA structure and then D -- DVP&Rs is -- is -- is that -- is mechanism and process that does that.

Q Right. I -- I appreciate that. But you've also said that -- that in terms of actual actions, Polaris talked more about it than they

actually did about it. So I'm just trying to reconcile those two things.

Let me ask it a different way. Were engineers rewarded when they brought up something that was a problem in the Polaris vehicles to be addressed by upper management?

MR. COLLIER: Objection. Form.

THE WITNESS: So when you talk about the Polaris vehicle, I -- I was actually powertrain, so I -- I don't want to --

BY MR. BALE:

Q Sure.

A -- talk -- I -- I don't think I'm qualified to talk about --

Q Yeah.

A -- the vehicle and what happened at RZR.

Q I asked a bad question. I'm sorry.

In your area of -- of practice there, just in the powertrain, just listening to your testimony, it doesn't sound like you were actually rewarded when you raised these issues about wanting more resources just to devote to the things you thought were important.

A If -- if I was asked -- for more resource or my peers, it was not rewarded, no.

Q You testified, sir, that Polaris was constantly pushing to be quicker to market. Did I get that right?
A That is correct.
Q Okay. I -- I read that as Polaris was communicating to its engineering staff, in at least your department, there was a need for speed.
A Correct.
Q And in your experience, sir -- and that was to -- I think the word you said, I quote you on it, was to "beat the competition to market"?
A That's right.
Q All right. In your experience, background, training, sir, is that kind of need for speed -- is that the kind of thing that happens -- that when that happens, when that's the attitude, that's when mistakes can happen, that's when they can be amplified?
MR. COLLIER: Objection. Form.
THE WITNESS: It's most likely, yes.
BY MR. BALE:
Q And is that -- in your -- in your perspective on Polaris, is that an example of Polaris putting dollars, profit, over safety?

MR. COLLIER: Objection. Form.

THE WITNESS: So I don't know, and I'm going to qualify that because the man-months or time could be money but also could it -- I'm asking a question -- could it also be to be at market quicker than the competition. I don't -- I don't know. There's those possibilities.

BY MR. BALE:

Q From a safety standpoint, as a design engineer --

A Yeah.

Q From a safety standpoint, as a design engineer, if you put a product on the market that's inherently unsafe, that puts people at risk of a thermal event that could cause injury or death by fire, when you could have taken time to solve that problem, in your opinion is that elevating profit over safety?

MR. COLLIER: Objection. Form.

THE WITNESS: I -- I don't know. It's possible.

BY MR. BALE:

Q The point of resources, as you've described it to us, is to take sufficient time to make sure

that any of those kind of risks are eliminated, correct?

A Yes.

Q And you want to do that as a person, as a human being, sir, and an engineer, so that people like Paige Richmond's parents don't have to experience that kind of event, correct?

A Correct.

Q And if Polaris is not making changes that, from an engineering standpoint, would eliminate the risk of fire, from your viewpoint is that sound business practice for Polaris?

MR. COLLIER: Objection. Form.

THE WITNESS: I don't think it's sound practice; however, the reason I was hesitant to answer is this. Having a quicker time, having shortened the timeline, it's a possibility it's the cost, but it's also a possibility that it's for -- it's to -- to beat the competition.

Now, I -- that -- I mean, that's -- I guess -- from those two things, I guess you can conject. I don't know want to talk -- I don't want to talk out of turn, if that makes sense.

BY MR. BALE:

Q No, listen. You're the guy who was there. I wasn't. I'm just trying to understand how you felt about this.

Maybe I'm wrong. I listened to you testify for about three hours today, and it sounded to me like you were disappointed in Polaris, the approach they took to identifying risks with their vehicles. Is that wrong?

A No, that's correct. That's correct.

Q Okay. And -- and so I'm just trying to understand that perspective. It sounds like you wish that Polaris had taken more time, and continued to take more time, to try and identify what's causing fires in these vehicles so that that risk can be eliminated?

A That's fair.

Q All right.

MR. COLLIER: Objection.

BY MR. BALE:

Q And to the extent that Polaris hasn't done that yet, and didn't do it while you were there, are you critical of Polaris?

MR. COLLIER: Objection. Form.

THE WITNESS: I am, and it upsets me.

BY MR. BALE:

Q It upsets you because it's needlessly exposing users of those vehicles to risk of death by fire --

A That's -- that's correct.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q Sir, during your tenure did you have -- ever have occasion to inspect a RZR that had experienced one of these thermal events and -- and burned?

A I did not.

Q You used a -- a term a couple times I really like. I'm going to ask you what you mean by it. I know what the definition is, I think. You said -- I think maybe you're being diplomatic. You said that some of the things Polaris did with respect to their approach to FMEA was not fastidious. That term "fastidious" --

A Yes.

Q -- do you remember using that term?

A Yes.

Q And you talked about that Jaguar was very fastidious. Remember?

A Yes.

Q And you also said GM, very fastidious. Do you recall?
A Yes.
Q What does "fastidious" mean?
A Another word for it would be meticulous. It would be meticulous. It would be -- it would be going -- spending the time and digging in deep into -- into cause and effect and various things.
Q It would mean not cutting corners?
A That's fair.
Q Sir, I'm about done with you. I'm sure you're excited.
When an engine in a machine continually catches on fire, that is an engineering problem, isn't it?
A Yes, it is.
MR. COLLIER: Objection. Form.
BY MR. BALE:
Q And -- and let me be more specific. When a particular model line produced by a manufacturer has a higher -- a -- has an appreciable number of fires in that model line, that is then repeated in subsequent model lines, that is an engineering problem, correct?

A Agreed.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q And engineering problems can be solved, correct?

A Yes.

Q And they can be solved, but it requires devotion of the appropriate time, energy, and resources and analysis to solve that problem, correct?

A Agreed.

Q And you've told us there's some really terrific people that work at Polaris, correct?

A Yes.

Q Your team was great, correct?

A The best.

Q Do you believe in your heart, sir, and based on your background, training and experience, that if Polaris truly wanted to solve this problem of fires in the RZR line, they had the ability to do so if they devote sufficient resources to it?

A I have no doubt.

MR. COLLIER: Objection. Form.

THE WITNESS: I have no doubt.

BY MR. BALE:

Q You mentioned -- or it was mentioned -- I can't remember whether you did or someone else -- the Honda Can-Am product. Do you remember that conversation?

A Yes.

Q Are you familiar with the Can-Am, by any chance?

A Superficially. Because, I mean, I -- I focused on the engine. Superficially I am.

Q Did you -- are you aware at all -- I'm only asking if you know -- what the instance of fire is in similar Can-Am vehicles to the RZR vehicle? Any idea at all?

A I don't know.

Q Okay. Sir, it sounds to me as though you are a -- an engineer who is highly trained, who tried to change things at Polaris to effect more comprehensive DFMEAs and was unable to do so.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q Is that correct?

A I think -- it's a bit harsh because I think I made changes where -- if -- if you were to ask

were the -- were the changes where I think they should have been -- because things take time -- no, but I did make changes.

Q You made changes in your department that you thought were positive changes?

A Yeah. Yes.

Q All right. But you were disappointed because you didn't see those changes being expanded into other parts of Polaris that you would have liked to have seen them expand into?

A That is --

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q I'm sorry. Is that -- is that correct?

A That is fair, yes.

Q And is part of the reason that you left the company because you just didn't want to continue to work in that kind of environment where you were pushing for more comprehensive F -- DFMEA throughout the company and were kind of just being frustrated in that effort?

A I -- I loved working there, great team and everything. There was a -- it was high stress, and -- and part of the stress was this. So those were some of the challenges. Yeah.

Q All right. Would you say -- would you say that your parting was amicable?
A Yes.
Q All right. No harsh -- no hard feelings on either side?
A No. In fact, I still have many friends there, and they text me, and they, you know, ask -- they say they miss me and --
Q Do you like what you're doing now?
A I do, yes.
Q And -- and the place you're at now, are they -- are they -- have they -- are they engaged in a comprehensive approach to FMEA?
A Where I work now is totally different. It's -- it's not focused on -- everything doesn't have a project code. I'm -- I'm -- I'm over R&D. R&D, research and development, is upstream. It's not tied to a particular product line. It's -- it's -- it's looking at the future. It's looking at how we can make things better.
Where I work now is a totally different kind of company. It's very much about -- focused on quality, making the best tools, very much "built in America." It's very different.

Q That's a very interesting concept, to put R&D upstream. That allows you a lot of time to really think about the safety of the product as well, fair?

A Totally.

MR. BALE: All right. Sir, I appreciate so much your time today and letting me talk to you. Thank you so much. I don't have any other questions at this moment.

THE WITNESS: You're welcome.

MR. COLLIER: Thank you. This is Paul Collier. Do you mind if we take a five-minute break?

THE WITNESS: Yeah. Yeah. Fine.

MR. COLLIER: Thank you. Appreciate it.

THE WITNESS: Sure.

VIDEOGRAPHER: Going off the record at 2:59.

(Recess had.)

VIDEOGRAPHER: We're back on the record at 3:04.

EXAMINATION

BY MR. COLLIER:

Q Good afternoon, Mr. Paul.

A Hi.
Q My name is Paul Collier. I'll be asking you questions today on behalf of Polaris.

First, thank you for your time today. Greatly appreciate it. I have a little bit of funny accent, but I think you can probably deal with it better than most. So just to put that out there at the start.

So I want to talk a little bit about the timing of your departure from Polaris to start. I think you mentioned earlier that you left Polaris in August of 2016; is that right?
A Yes.
Q And so it's been approximately four years since you left Polaris, correct?
A Correct.
Q What over those last four years have you done to stay informed about changes or developments that Polaris has made at the company as far as how it goes about its engineering and designing its vehicles?
A Only going to -- when I go to shows and see vehicles on -- on displays, what's being released, and then -- and -- and going on the Internet.

Q Are you aware of any of the changes that Polaris has made to -- to its engineering protocols, procedures, or the way it goes about designing its vehicles since you left in August of 2016?

A Not specifically.

Q Now, I'd like to talk about the time that you left in August of 2016. At that point in time, had Polaris released the model year '17 RZR vehicles?

A I don't believe so.

Q Were you at all involved in the validation and safety assessment with respect to the model year '17 RZR vehicles?

A I'm going to ask for clarification. When you say "safety," do you mean the vehicle itself?

Q Correct.

A No, I was not.

Q Are you aware of any of the tests or procedures that Polaris applied to the model year '17 RZR vehicles to assess safety prior to production release of those vehicles?

A No.

Q Now, I'd like to talk a little bit about the -- the powertrain division in which you worked,

Mr. Paul. Can you explain to me, again, generally what was the purpose of the powertrain division of Polaris?

A So the powertrain division was -- they -- they almost acted like an internal supplier, like a -- we would design -- design and build and supply engines, and we'd supply to various -- various departments within Polaris.

So the side-by-side team is one of them. There's the on-road Victory time at the time. Indian. There's various -- you know, snowmobile team. So we were a supplier.

Q So the powertrain division would supply the engines to all of the Polaris product groups?

A That is correct.

Q Did the powertrain division have any responsibility for the -- the RZR vehicles that would be released outside of the engine?

A No.

Q And what -- that was the case during the time that you worked at Polaris, correct?

A Correct.

Q During your time with Polaris, did you always work within the powertrain division?

A Yes.

Q Now, you talked earlier that you were a manager within the powertrain division, correct?
A That's correct.
Q Were there other managers within the powertrain division at your level as well?
A Yes, there were.
Q And approximately how many other managers were there in the powertrain division at your level?
A Three.
Q And you had a supervisor over you; is that correct?
A Correct.
Q And that was the director of powertrain; is that right?
A At the end it was. Early on it was -- I reported directly to Steve Cohoon.
Q And when you first started with Polaris, was Steve Cohoon's title VP of powertrain?
A I think it was director when I first started. Yeah, I think -- yeah, fair enough.
Q Okay. So during your tenure with Polaris, when you were an engineering manager, you reported to the director of powertrain; is that right?
A Correct.
Q Now, can you explain in a little bit more

detail what is the interaction between the powertrain group and the various product teams as far as how they interact in supplying an engine to those product groups?

A So at some time of the year -- I can't remember exactly which month -- projects would come in. So there'd be requests. There'd be the RZR team asking for a certain variant or the RZR team asking -- the, you know, on-road motorcycle team asking for this.

All of these projects would come up, and they'd be classified in terms of cost and man-months and the scope of work, and then it would be a case of deciding what we do -- and that wasn't my decision alone -- and then how -- how we assigned resource.

Q Is it correct that the product -- sorry. Is it correct that the Polaris product team would provide to powertrain the specifications for the engine that they were looking for their products?

A It -- it's probably wrong to say "specifications." They should put specs up, so -- so certain requirements.

"Specifications" to me is very

technical. It'd be engine size and the pack- -- you know, the -- I don't know, the -- the con rod diameter, length, and, you know, it would be more requirements, I think.

Q Okay. Now, with respect to the integration of the engine into the -- the Polaris vehicle, whose responsibility at Polaris would it be to -- to design the -- the vehicle to be able to allow for that integration?

A That would fall under the vehicle team, like I said, the RZR team, the side-by-side team.

Q But that would fall outside the responsibilities that you had within the powertrain group; is that right?

A That's fair.

Q At any point in time in your tenure with Polaris did you ever work for or report into the Polaris RZR team?

A I did not.

Q Now, you mentioned that there were other engineering managers within the powertrain division. What was the nature of your roles and responsibilities as an engineering manager within the powertrain division that were different from those other managers?

A I was over design and later thermodynamics. The other -- other manager was calibration. I mentioned calibration is setting the vehicle up so it behaves correctly, meets emissions.

And then there's development, which is -- which is getting the designs, testing them, and then feeding back to design to make the -- make the changes, a second iterative loop.

Q Could you provide a little bit more detail about what you mean by the design as far as your responsibilities in powertrain?

A So anything that we designed, like a Gemini or Tomahawk or a -- would come out of my group. It would come -- it would be the prints going to supply -- suppliers, if we get the components elsewhere, and then delivering different levels of prototype for testing and then ultimately the engine itself.

Q Okay. Now, you mentioned earlier that there were people that reported to you that had responsibility for certain different engines; is that right?

A Correct.

Q And who on your team had responsibility for the

engine that we used in RZR vehicles?
A You're asking for a name?
Q Correct.
A Dan Nugteren.
Q And was Dan Nugteren someone that you worked with extensively during your time at Polaris?
A Very -- very closely.
Q Was he a competent engineer?
A He was -- he was outstanding.
Q And was he an engineer that cared about safety of the engines that he was developing for use in the RZR vehicle?
A Yes.
Q Now, with respect to your responsibilities and role in powertrain, did you have any responsibility for conducting safety testing or validation of RZR vehicles?
A No.
Q Do you have, in your role in powertrain, any responsibility for conducting thermal risk assessments of the vehicle itself?
A No.
Q Do you have any responsibility, in your position in powertrain, for assessing heat management associated with RZR vehicles?

A No, I did not.
Q In your role in powertrain did you have any role or responsibility for conducting FMEAs or DFMEAs that -- that related to thermal risk associated with RZR vehicles?
A No.
Q Who would have had that responsibility for conducting risk assessments associated with thermal or fire issues associated with the RZR vehicles?
A So I'm -- I'm going to -- I'm going to go back on that. I didn't have responsibility, no. Because the engine is part of the vehicle, they would have -- there was a line -- when -- when the RZR team started to -- to kick off DFMEAs, they needed our input.
And then you said who was it -- who was RZR. It was a Tony -- I can't remember his last name.
Q Was it Tony Kinsman?
A Yes. Yes.
Q Got it. Now, did you have any personal involvement in the design and development of the Gemini engine that was used in the RZR Apex and RZR Next vehicles?

A Can you repeat the question, please.
Q Sure. Of course. Did you have any personal involvement in design and development of the Gemini engine that was used in the RZR Next and Apex vehicles?
A I'm going to show my ignorance now because some of the names of the engines, I can't remember what -- the product line they were in. And then often the name that was -- when they're released is different to the code name. So I don't know.
Q Okay. Are you familiar with the engine that was used in the model year '14 through '16 RZR 900?
A Yes.
Q And was that an engine that you had personal involvement with the design and development of it?
A So when you say personally, it was under my stewardship. Often the team would call me in because of my experience, and then I'd help execute, yes.
Q Was there someone on your team, though, that was working directly with the RZR team to design and develop the engine that would be

used in the model year '14 RZR 900s?
A Yes.
Q And was that Dan Nugteren?
A It would have been Dan Nugteren, yes.
Q And do you remember any issues or concerns that were raised to you during the design and development of the -- of the engine that was used in the model year '14 RZR 900 at that time?
A So from an engine perspective, and we're not talking about fires on RZR's engine, the exhaust temps were always a PI -- pain in the ass, and then the combustion, the stability of the combustion. So --
Q Now, just -- just to talk about combustion issues momentarily in combustion engine vehicles. All combustion engine vehicles generate heat, correct?
A They do.
Q And all combustion engine vehicle manufacturers have to implement heat management systems to address that heat, correct?
A Yes.
Q And as far as managing heat in the RZR vehicles, that would be the responsibility of

the RZR product team, correct?
A That's fair.
Q And that would fall outside your area of responsibility, correct?
A Yes.
Q Were you aware of any of the risk assessments that the RZR product team was doing to evaluate heat management of the RZR vehicle?
A Only superficially.
Q Do you recall any specific risk assessments or FMEAs that the RZR product team was doing as it related to heat management of the RZR vehicle?
A No.
Q As far as the exhaust layouts for the RZR vehicles, was that within the responsibility of the powertrain team?
A Technically it falls under the vehicle in -- in this organization.
Q So for the exhaust layout of the RZR vehicle, that would fall within the responsibility of the RZR team, correct?
A Yes.
Q Was the responsibility of designing and developing the fuel system within the powertrain division?

A I believe it was. I think.
Q Was that something that you had personal responsibility for?
A It would fall under my umbrella, yes.
Q And who within your team would have had responsibility for the fuel system related to the RZR vehicle?
A It would have come -- come under Dan Nugteren.
Q During design and development of the engines for the model year '14 RZR 900, do you recall any issues being raised from a thermal perspective related to the fuel system?
A Not at that time.
Q Do you recall there being any safety issues being raised with the fuel system or the engine that were used on the model year '14 RZR 900 when you were there?
A No.
Q Did you have any concerns about the way that your team was assessing the safety of the fuel system or the engine that was used in the model year '14 RZR 900 and then subsequent vehicles?
A So -- so the -- I did have concerns, and that was why I was driving this DFMEA structure -- DFMEA and DVP&R structure.

Q Now, would your team -- would your team release or approve the engine before the RZR product team would be able to use that engine in their vehicle?
A No.
Q Now, you talked earlier about operating temperatures of the RZR engine. During any of the design and development that you were involved with with respect to the RZR vehicle or RZR engines, do you recall raising any concerns or safety issues with those operating temperatures?
A It wasn't explicit, but I did raise concerns. It wasn't explicitly on that. It was -- it was more the combustion, and this has effect on exhaust temperatures, and it has an effect on this.
Q Do you recall conducting any analyses to evaluate what the operating temperatures were for any of the RZR vehicles?
A I don't recall, but when -- when testing is done, everything is measured. Temperatures are measured.
Q Okay. And do you recall any of the specific temperatures that were identified for -- for

any of the RZR vehicles in which you were involved with design development?

A I know what good -- I know what a good engine should be. It shouldn't be more than 750 to 850 C. I'm having trouble remembering what that was exactly, the -- the RZRs. So --

Q Do you remember any concerns that you had with respect to the operating temperatures of the engines that were used in RZR vehicles during the design and development process?

A So -- so I'm -- I'm going to go back here. The -- the engine alone on the dyno, with no vehicle, the exhaust temps don't -- I don't want to say they're meaningless, but they have limited meaning. It's when -- when you have it in context of the vehicle itself.

When I -- and -- and initially we test them on an engine dyno. So initially you may have some concerns about longevity of the whatever -- of the engine and stuff, you know, and then the temperatures are higher than what I'm used to but -- you know.

Q Based on the dyno testing that was performed of the engine itself, do you remember there being any issues in your view with the temperatures

that were reached with respect to RZR engines?
A So, again, just the engine itself, the exhaust temps, they're higher, but you could say so what.

In a vehicle, that's a whole different deal. They were higher -- a bit higher than what I'm used to, and I can't remember exactly how much. And I -- I pushed and pushed -- and it wasn't -- I'll be honest. It wasn't just the exhaust temp thing because that was -- that's a small knob. It was more combustion in terms of emissions and other stuff I was trying to push, and that's why I built this separate group.
Q Got it. With respect to the -- the dyno testing that was performed on the RZR engine during design development, had you raised any concerns from a safety perspective as far as the -- the temperatures that you'd identified during that testing?
A So what I did was from the DFMEAs, which -- which drive -- which the temperature -- the temperatures were -- were identified, and -- and -- and then I -- I escalated it that way. I used -- I used this process.

Q Got it. And then would you -- your team then did the risk assessments on the temperatures that were achieved with respect to those RZR engines to identify any risks or concerns; is that right?

A Yeah, so we did a -- various risk assessments, and they're -- and they're -- and they're -- they're listed in terms of criticality, in terms of how -- how important they are and stuff.

And then, again, it's like -- it's -- a higher temperature per se for combustion alone doesn't mean much, but in the vehicle there's a different context, and that's where the --

Q Right --

A -- vehicle -- yeah.

Q Okay. Now, with respect to the testing that was done on the vehicle itself as far as operating temperatures, were you involved in any of those analyses or evaluations?

A No.

Q That would have been the responsibility of the RZR product team; is that right?

A I believe so.

Q Prior to release of any RZR vehicle, would you have been in a position to evaluate or assess any of those operating temperatures of the vehicle?
A No.
Q Again, that would have been the role of the -- the RZR product team; is that right?
A Yes.
Q And they would have been the team, then, to assess whether there were any risks or issues with respect to those vehicle operating temperatures from a thermal or fire perspective; is that right?
A That makes sense.
Q During your tenure with Polaris in the powertrain division, do you recall anyone coming to you during design and development with concerns about the vehicle operating temperatures for RZR?
A It -- it wasn't specific. It was -- it was conversations that were coming up, and it -- and it became more heated when -- when it was escalated, but there were conversations. I can't recall specific conversations, but there were conversations.

Q And when you say "escalated," you're talking about the time when Polaris was conducting an investigation into RZR fires --
A Yeah.
Q -- that resulted in the April, 2016, recall?
A I believe so, yes.
Q Okay. Prior to that, do you recall there being -- do you recall being involved or being asked to evaluate vehicle operating temperatures for RZR?
A No.
Q Now, I think you talked earlier about the fact that -- you said at some point in time prior to the April, 2016, RZR recall you became aware of RZR fire incidents; is that right?
A Yes.
Q So you couldn't recall exactly when that was; is that right?
A I -- yeah, I can't -- I couldn't remember exactly when it was, and then, again, it wasn't like a formal whatever. It was, like, conversations with peers and then the water chiller conversation. You know.
Q At that time that you became aware of fire incidents involving RZR vehicles, was it your

understanding that Polaris was already investigating those RZR fires?
A I don't know.
Q Were you at all involved in any of the investigations associated with RZR fires?
A No.
Q Were you involved in any kind of root cause assessment with respect to any of the RZR fires?
A So when you say "root cause," there's contributory things, and -- and -- and I don't know how much of an impact the engine has, but the engine is part of the DFMEA which was being driven -- which was being fed into a bigger DFMEA, was my understanding.
Q Were you asked personally to be involved in any of the root cause assessments for the RZR fires that Polaris had investigated?
A No.
Q Are you aware of any of the root causes that Polaris identified and addressed in the April, 2016, RZR recall?
A I don't remember, no.
Q Were you at all involved with any of the validations and assessments of the remedies

that Polaris provided in that April, 2016, recall to address thermal and fire issues?

A No.

Q Do you know -- do you know what team was responsible for that?

A I'm not sure.

Q But that was not within your area of responsibility, correct?

A The reason I'm hesitant to answer is if -- if it had engine input, then -- then Dan and some of the other guys would have been involved. That's what I'm -- I'm, you know, thinking.

Q So if powertrain had -- had a role with those investigations, it would have been Dan Nugteren or someone else on the team beneath you that would have provided that support?

A Yeah. I -- I don't micromanage, so -- and they work incredibly well, so they would -- they would -- they would work autonomously with the other teams, and then if they have any roadblocks, they'd come to me.

Q Okay. Now, based on the root cause assessment that Polaris conducted for the RZR fire incidents that resulted in that April, 2016, recall, were you aware of any engine-specific

issues that were directed to your team?
A I mean, not formally.
Q Well, when you say "not formally," what do you mean by that?
A I mean, I've talked about exhaust temps could have been cooler. I can't quantify how much of an impact that would have on fires, you know. Directionally you would, you know -- but there was no formal request to lower the exhaust temps.
Q Were you aware of the -- the testing and assessment that Polaris conducted as it related to that April, 2016, recall to understand whether or not the remedies and fixes addressed the -- the root causes for the fires that were identified?
A No.
Q Are you familiar with a company called Exponent?
A No.
Q And so you're not aware of the work that Exponent may have done as it related to investigating and conducting root cause analysis toward the RZR fire issue?
A Yeah, I didn't know.

Q Now, you've talked on a couple of occasions today about combustion rates with respect to performance of the engine, correct?
A Correct.
Q And I think you testified earlier that combustion rates can result in -- in the temperatures that the engine will perform, correct?
A To clarify, the combustion burn rates can contribute to slight -- to high exhaust temperatures.
Q Now, with respect to the fire investigation that Polaris conducted that resulted in the April, 2016, recall, are you aware of any findings that the cause of those fires was related to the combustion burn rate?
A No.
Q Now, we've talked earlier about DFMA -- DFMEAs; is that correct?
A Correct.
Q Are you aware of the -- of DFMEAs or FMEAs or other risk assessment tools that the RZR product team was using in order to assess its vehicles at the time that you were there?
A So my understanding is powertrain spearheaded

this, and then the RZR team started to learn and try and pick up some of this DFMEA structure. I don't know specifics, exactly how much they did, but I -- I -- I kept a dial-up with Tony Kinsman regularly.

Q Do you have the opportunity to ever evaluate or assess what FMEAs the RZR product team was doing or ever review any of their FMEAs?

A No.

Q With respect to the April, 2016, recall that Polaris implemented to address thermal issues with the RZR vehicles, do you recall any connection between those root cause issues that were identified and any DFMEAs that -- or DFMEA issues relating to the company?

A No.

Q Were you ever asked to evaluate whether any DFMEA issues resulted in root causes that contributed to the RZR fire issues that were addressed in the April, 2016, recall?

A No.

Q In your role at Polaris, did you have any responsibility for assessing field actions that the company should take with respect to RZR vehicles?

A No.
Q Did you have any responsibility at Polaris for evaluating and monitoring field performance data for RZR vehicles?
A No.
Q Were you aware that there were departments and divisions at Polaris that had responsibility for assessing and monitoring field performance data?
A Vaguely.
Q But that was outside your area of responsibility, correct?
A That's correct.
Q Now, I think you said this earlier, but do you have any understanding of any RZR fires that occurred after you left Polaris's employment in August of 2016?
A Only what I read online.
Q But you've not been -- you've not conducted any analysis --
A Oh.
Q -- or evaluation of the nature of those?
A No. No.
Q So you're not aware today whether any of those fires were caused by anything related to DFMEA

issues or combustion burn rate, correct?
A Correct.
Q Now, I think you talked earlier about tight deadlines that you felt were in place in -- during your tenure at Polaris, correct?
A Correct.
Q And your experience was based on what you had seen within the powertrain division, correct?
A Yes.
Q Did you have any insight as to how the RZR product team or any Polaris product team was handling the ability to meet the deadlines that were set for their products and responsibilities?
A The only insight was when they asked for an engine, we had -- we had to design the engine so it fit into their schedule.
Q Got it. With respect to the deadlines of the RZR product team, you -- you would only have insight as it related to providing the engine to them on a schedule that would meet their needs; is that right?
A That's fair.
Q So you would not have insight into the other development schedule deadlines that they would

have in order to meet their production deadline for the RZR vehicles; is that right?
A Correct.
Q So when you talk about the tight deadlines, you're speaking on -- based on your experience with respect to the powertrain division; is that right?
A Yes. Yes.
Q Prior to hearing about the -- the RZR fire issues, before the April, 2016, recall, had you identified any specific safety concerns from a thermal perspective related to the RZR vehicles?
A Not -- not related to the RZR vehicles, no.
Q Now, I think you mentioned earlier that you had -- you had a conversation with Brian Wojtalewicz, who is plaintiff's counsel; is that right?
A Correct.
Q And I think you mentioned someone had suggested to you to talk with Mr. Wojtalewicz; is that right?
A Correct.
Q And if I remember correctly, you identified that was a former Polaris employee that made

that recommendation?
A I'd rather not say who it was. It's someone that works there.
Q Okay. And is it someone that's still with the -- the company?
A Yes. Yes.
Q But just so I understand, you don't feel comfortable identifying who that person is; is that right?
A Correct.
Q And approximately for how long did you talk with Mr. Wojtalewicz in that conversation?
A I can't remember.
Q Was it more than an hour?
A I -- I don't think so.
Q And was that the only conversation you had with Mr. Wojtalewicz?
A Yes.
Q Have you had any other conversations with any plaintiff's counsel beyond Mr. Wojtalewicz?
A No.
Q Bear with me, Mr. Paul. I'm just going through my notes real quick, and hopefully I can wrap this up quickly.
Oh, you mentioned earlier about a --

a project in 2015 about flipping the orientation of the engine. Do you recall that?

A Yes.

Q And can you describe what if any role that you had as it related to that project?

A So I'm -- I -- I had responsibility for the design of the powertrain itself, so anything -- any project that is brought and accepted has to go through me and my -- and my team to decide -- to decide if we could do it. Before we could, it didn't come to us. It basically went away. It was decided above me.

Q Okay. And did you have any direct conversations with anyone from the RZR product team as it related to that project?

A You know, I think I did. It was informal, though.

Q And do you recall who that conversation was with?

A It was probably Tony or -- I can't remember the other guy's name. He -- he works out of Indiana. I can't remember his name now.

Q Oh, Aaron Deckard?

A Yes. Jesus.

Q Deckard, D-E-C-K-A-R-D.

Did you receive any information as to why the RZR product team was looking at flipping the engine in that time frame?

A Not specifically.

Q Did anyone from the powertrain division explain to you why this request was made to look into flipping the engine?

A Not at the time, no.

Q And do you -- I don't recall now what your testimony was, but what was the timing of that, if you remember?

A So I -- if you --

Q Receiving that?

A I wasn't sure, and I gave a range. And I want to say it was 2014, 2015 time frame, as an estimation.

Q And -- and that's about as specific as you can get on --

A I'm -- I'm afraid --

Q -- the timing of it?

A I'm afraid so, yeah.

Q With respect to that -- that request that was made, was it directed towards any particular RZR engine?

A I don't recall.

Q I think you identified earlier that Dave Schneider may have done some work on that project; is that right?
A He -- he's a resourcing guy, so he would work to decide, you know, man-months with me and -- you know.
Q And do you recall anything specific that Dave Schneider did related to that request of evaluating flipping the engine?
A He was not always -- he was a good guy. He was not always the most open. He would work kind of above and just -- he wasn't the most -- how can I put this? -- transparent. Yeah.
Q Did you see any work product that Mr. Schneider generated related to this request of flipping the engine?
A Any what?
Q Work product? Any design evaluation documents or anything of that nature?
A Well, he -- he wouldn't have the knowledge. He'd have to come to us.
Q Okay. Do you remember -- do you remember seeing any engineering analysis documentation related to this request of flipping the -- the engine?

A No, I don't.
Q Do you recall if any engineering analysis was conducted to assess the feasibility of flipping the engine?
A So I don't think -- I don't know if that was done. What sometimes happens, to give insight, is we're bombarded with lots and lots of projects, a whole list, coming from various -- and then it's decided -- sometimes it's decided above -- above me, or someone else, sometimes it's decided by us, that this will take this much resource, and there's no way.
I know that in this case it was decided not by our -- not by my particular team. It was decided either by my boss or Dave Schneider. I don't know. Dave Schneider was a cost -- more of a cost guy.
Q Got it. You don't recall there -- you personally don't recall any kind of engineering analysis that had been conducted to evaluate the flipping of the engine; is that right?
A That's correct. I don't remember.
Q Okay. Now, you agree that if you flip the engine, there are a number of issues that need to be worked out, correct?

A Correct.
Q There are a number of components that would be impacted by making that change, correct?
A Yes.
Q And there would be an extensive engineering analysis that would need to be conducted to assess any risks that could be created by flipping the engine?
A At that time, I don't know if we went into such depths. I'm conjecting. I don't know if we went into that much depth, into -- into -- because when that work comes to my team, I'm aware of it, and I remember it coming -- being mentioned and then it falling off the radar, and usually when that happens, it's been decided, you know.
Q Got it. And you don't know the reasons why it came off the project list, correct?
A I don't. I'm going to conject again. I don't think it was engineering related because then my -- my team and me, we would have been involved in the decision.
Q Okay. You don't recall it ever getting to the point of doing a full engineering evaluation; is that right?

A Correct.
Q Are you aware of any assessments that Polaris made that the RZR fire issues were caused or -- or related to the engine orientation of the RZR vehicles?
A I'm not aware of that.
Q You talked -- you talked earlier, Mr. Paul, about the fact that there are different RZR models, correct?
A Yes.
Q And one RZR model, it was the RZR 900 Apex platform vehicle, correct?
A Correct.
Q And another one was the RZR 1000 Next platform vehicle, right?
A So clarification. I -- because I -- often I didn't know the connection of the engine name to the product. Is it the turbocharged one or --
Q There's actually another one. There's a RZR turbo as well. Does that ring a bell?
A It's been a long time. I -- the "Next" name sounds familiar, but I can't remember.
Q That's okay. No worries. Were you aware of differences between those various RZR models as

far as the -- the exhaust layout or, you know, the -- the layout of the fuel system and other things that may have made -- relate to heat management or thermal management within those vehicles?

A Not specifically.

Q Are you aware that there would be differences between those vehicles, those various RZR models, that would impact the thermal management or heat management related to those vehicles?

A I'll take your word for it, I guess, yes.

Q But that would -- that would be something that would fall outside your area; is that fair to say?

A So -- so the fuel system, and where it's mounted and stuff, and the intake manifold would be in my group's area, but, again, I don't micro- -- one, it's been a long time, and I don't micromanage because I had a very competent team. So --

Q Got it. Okay. No, that's fair. Thank you, Mr. Paul. I appreciate that.

Now, I think you mentioned earlier that Kevin Ness was someone that you worked

with in powertrain; is that right?
A Yes.
Q Okay. And I think you identified Mr. Ness as being a -- a competent engineer?
A Okay. Yes.
Q Are you aware that Mr. Ness replaced you in your role after you left?
A We're really close friends, yes.
Q Are there any issues or concerns in -- with Mr. Ness being in that position after you left Polaris?
A We all have different gifts. He's different to me. He's got -- he excels in areas I don't, and he's -- you know. Yeah. He's good.
Q Yeah. Would -- was he qualified to be able to handle the responsibilities of the role that you had at Polaris?
A Yes.
Q Mr. Paul, I hate to go back to it, but I -- you know, with respect to this current Polaris engineer that you talked with who recommended that you -- you speak with plaintiff's counsel, I just want to confirm that if I'd asked you the question of who that is, that you're unwilling to identify that person; is that

fair?
A Yes.
Q Have you talked with any other Polaris employees, whether former or current, since you got notice of the fact that you would be sitting for deposition?
A No one knows about this from Polaris.
Q And I -- I think you've answered this already, but just to be clear, with respect to RZR fires that have occurred since you left Polaris, you don't have any insight as to what the causes of those fires are and whether or not they relate to engine -- any engine issues; is that fair?
A That is fair.
MR. COLLIER: Thank you, Mr. Paul. I don't have any further questions at this time.
THE WITNESS: Thank you.
MR. OLSON: I've got some follow-up questions, Mr. Paul. I'm sorry. Is there any other defense counsel who wanted to ask questions?
MR. BALE: Eric --
MR. OLSON: Yeah.
MR. BALE: -- this is Bob. I've got another Zoom depo starting in nine -- six

minutes. I'm going to be late for it. But I only have a few questions. Could I go before you, and then I'll be out of here?

MR. OLSON: Sure.

MR. BALE: Is that okay?

Okay. Thank you. I'm sorry. I appreciate the courtesy.

MR. OLSON: Yeah.

EXAMINATION

BY MR. BALE:

Q Mr. Paul, I'm back again. You were asked here about the release of the 2017, was that released by August, '16 -- August of '16, before you left, and you said you weren't really sure, you didn't think so. Do you recall that?

A I think -- yes, I think so.

Q Okay. Didn't -- didn't Polaris release their vehicles for the next model year in the previous year? Like, don't they release the 2017 models sometime in 2016 and then the 2018 sometime in 2017?

A They -- they do.

Q Okay. I just looked on the Polaris website, and they have a bunch of marketing about this

vehicle being released in August of 2016, which is about when you were leaving. Are you aware of anything to suggest that isn't correct?

A I'm not aware, no.

Q Okay. All right. Now, I want to see if I can do this. I don't know if I can from my computer. I'm going to try here. Give me just a second. See if I can share a document. This is the one I want to share. Shoot.

Okay. Let's see if I can -- let's see if I can -- it's not -- I don't know if I'm going to be able to do this, but I'm going to try and share this document, see if it's the one I -- no, it's not. God dang. Let me try this one more time. I'm sorry.

What I want to show you, sir, is the actual recall document. Because you were asked a lot of questions -- you were asked some questions about it, and I thought, since you haven't seen it, maybe we could get it in here. Yeah, it's not going to let me do it. I'm sorry.

I've got it in front of me, and I'm just going to read a couple things. I wanted to mark it as an exhibit. But what I'm reading

from is the United States Consumer Product Safety Commission. This is a document entitled, "Joint Statement of CPSC and Polaris on Polaris RZR 900 and 1000 Recreational Off-Highway Vehicles."

And this was -- and this is available to anybody on -- on the web. You just go to the CPSC website.

You're familiar with the Consumer Product Safety Commission, sir?

A Not really. Vaguely.

Q Okay. You -- you understand it's a U.S. regulatory agency?

A Yes.

Q Okay. This was issued on December 19th of 2017, and I'm just going to read what it says here. Because I want to ask if you know this, if you've ever heard this before.

"The U.S. Consumer Product Safety Commission and Polaris are informing the public about fires on model year 2013 through 2017 Polaris RZR 900 and 1000 recreational off-highway vehicles, ROVs. These fires have caused death, serious injuries, and property damage."

Sir, did you know in December of 2017 Polaris and CPSC issued a joint statement about that -- those model years' Polaris related to deaths and serious injuries caused by fire?

A Not specifically like that, no.

Q Okay. You didn't know it covered 2013 through 2017, correct?

A Correct.

Q And 2017 were the models that Mr. Collier was asking you about, you know, were you involved in the design of and things like that, correct?

A Right. Yes.

Q Right. And then going on in this recall -- I'm sorry -- this joint statement, it says, "Most of these vehicles were voluntarily recalled by Polaris in April, 2016, to address fire hazards. However, users of the vehicles that were repaired as part of the April, 2016, recall continue to report fires, including total-loss fires."

Were you aware of that, sir?

A You alluded to it earlier on, if my memory is -- but before this, I didn't -- I wasn't aware.

Q These are 2016 models. Those were out when you

were working there, correct?
A Yes.
Q You -- but you didn't know from Polaris that people were having problems with those things, reporting total-loss fires --
A Not --
Q -- right?
A Not specifically like that, no.
Q Okay. And then it goes on to say, "The 2017 RZRs were not included in the April, 2016, recall but these models have also experienced fires."
You've never been aware of that till -- well, were you ever aware of that before today, when you got in that chair?
A Not specifically like this, no.
Q Okay. Now, keep that in mind. Hang on a second here.
You were asked a lot of questions by Mr. Collier, "Were you on this" -- "were you on this team, were you on that team, did you" -- "were you responsible for heat management," and you said, "No, I didn't do that. That wasn't my job." Let me ask you some questions.
When you worked for Jaguar, did

Jaguar vehicles regularly catch fire during typical foreseeable operations?

A No.

Q Did Aston Martin vehicles typically catch fire during normal foreseeable operations?

A They -- they can't. They couldn't, no.

MR. COLLIER: Object.

BY MR. BALE:

Q How about GMC vehicles? Those things catch on fire --

A No.

Q -- all the time because -- just because someone's driving them?

A No.

MR. COLLIER: Objection.

BY MR. BALE:

Q And if they did -- if the Jaguar caught on fire or the -- or the Aston Martin caught on fire or the GMC caught on fire, would those companies continue to sell those vehicles without fixing that problem, based on your background, training and experience with them?

MR. COLLIER: Objection. Form.

THE WITNESS: There would probably be a campaign, and there'd be a -- there'd be a --

there'd be a stopping of sales, and there'd be a recall and -- yeah.

BY MR. BALE:

Q And the companies would want to do that, right?

A Yes.

Q I mean, those people you're working for, they wouldn't want to keep those vehicles out on the road if they're hurting people --

A Correct.

Q -- correct?

A Right.

Q Okay. Now, whatever Polaris is doing, and whatever team's responsible for addressing heat management at Polaris, if RZRs keep catching fire, whatever they're doing isn't enough; isn't that fair, as an engineer, sir?

MR. COLLIER: Objection. Form.

THE WITNESS: Something needs to be -- something would need to be done to address it, yes.

BY MR. BALE:

Q Sure. And if it keeps -- if it keeps catching on fire in 2016 and -- well, 2013, '14, '15, '16, '17 -- even after repairs to the 2016 they're still scratching on fire, whatever

Polaris is doing, it's not solving the problem, fair?

A Right.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q Sir, you don't have to work in the heat management department to know that as an engineer, correct?

A That -- that's fair.

MR. COLLIER: Objection. Form.

BY MR. BALE:

Q Dyno tests. You said the dyno test -- a dyno test, you're talking about a dynamometer?

A Yes.

Q Okay. The dyno tests that reflect engine temperatures -- I wrote this down. Dyno tests that reflect engine temperatures are not meant to replicate operating temperatures in the finished product; is that correct?

A I want to clarify. It's not the engine temperature. It's the exhaust temperatures.

Q Okay. Exhaust temperatures. I'm sorry. Because that term, operating temps, exhaust temps, they were kind of used interchangeably there. So your dyno tests were on exhaust

temperatures?
A The dyno test was done for -- for -- for whatever reason, for testing relation, and then the engine is instrumented up, and exhaust temperature's one of the things that we did take.
Q But -- but -- but those temperatures there -- once you put that engine in the actual vehicle, those temperatures are -- are different --
A They will be --
Q -- right?
A -- yes.
Q And -- and the purpose of the dyno test that you're doing wasn't to replicate or determine what the ultimate temperatures would be once it's installed with the vehicle, correct?
A Correct.
Q That's a different testing process?
A Yes.
Q Okay. Now, again, Mr. Collier asked about were you responsible for finding out why these were catching on fire or the root causes, or all that, and you said, no, you weren't. Based on your background, training and experience, sir, if the fire issues with these Polaris RZRs had

been assigned to you and your team, and you had been given the necessary time and resources by Polaris to determine the root cause of those thermal events, is there any question in your mind that given adequate time and resources, you would have been able to find that root cause?

A I would not allow -- if it was under my responsibility and I -- and I had a free rein of resources, I wouldn't allow this to happen. I wouldn't allow this to continue.

Q You'd keep working on it until you figured out what was going on --

A Yes.

Q -- correct?

A Yes.

MR. COLLIER: Objection.

BY MR. BALE:

Q Because, as we discussed, fires in engines are -- are an engineering problem, correct, sir?

A They are, and also it's integrity. It's my own personal integrity.

Q So --

MR. COLLIER: Objection.

BY MR. BALE:

Q -- let -- let me just ask you an assumption question. Let's just say that the Polaris RZR -- it's just not possible to build a RZR that isn't going to catch on fire and risk killing or injuring someone as a result. Let's just say that the greatest engineering minds in the universe can't solve that problem. What is the engineering solution at that point in time? If you can't make a vehicle that --

MR. COLLIER: Objection.

BY MR. BALE:

Q -- won't hurt people, what do you do? If you can't make a vehicle that doesn't catch on fire?

A In -- in this hypothetical situation, I wouldn't sell the vehicle.

MR. BALE: Thank you, sir. That's all I got for you.

Thanks very much, Eric, for letting me step in. I really appreciate it.

MR. OLSON: Yeah, you bet.

EXAMINATION

BY MR. OLSON:

Q Mr. Paul, a couple of follow-up questions. Do

you believe that a properly done design FME -- FMEA would reveal the heat risks that you have seen RZRs ended up having?

A So this is --

MR. COLLIER: Objection. Form.

THE WITNESS: -- this is the thing. A DFMEA relies on the people in the room and then prior knowledge, lessons learned, feedback.

There's a structure at Polaris, or there was, called the peer teams. The peer teams were meant to be getting knowledge from -- from -- like, tribal knowledge of -- and then documenting it.

So what you would do in theory was to get the DFMEAs, go to the peer teams, which have lessons learned, and then have the right people, and then do this DFMEA. Does that make sense?

BY MR. OLSON:

Q Okay.

A Yeah.

Q You know, you -- you have indicated that you believe the location of the exhaust is -- was an issue, correct?

A I -- I think, yeah, the location of the exhaust could be contributory -- contributory -- contributing, whatever, to issues, yeah.

Q And you didn't need to do a design FMEA in order to reach that conclusion, correct?

MR. COLLIER: Objection. Form.

THE WITNESS: So -- so I'm going to -- I'm going to be careful what I say here. The reason -- because it came up before, and I was -- I was peripherally aware of what was happening, not specifics. It was escalated. If -- if -- if the fires hadn't happened, it -- because I was so busy, it probably wouldn't have -- but, yeah, because of I knew what was happening out there, you know.

BY MR. OLSON:

Q Okay. And here is where I'm going with this. You understand how to do a proper DFMEA, correct?

A Yes.

Q And you have seen that Polaris RZRs have started on fire for a number of years, correct?

A Yes.

Q And that indicates there's a problem, correct?

A Yes.

Q You believe that a properly done DFMEA at the outset of the initial Gemini engine and putting the exhaust the way it was -- do you believe that that would have revealed the risks that you have seen manifest themselves in these RZR fires?

A If -- if the process was done correct --

MR. COLLIER: Objection. Form.

THE WITNESS: If the process was done correctly, it should be caught. So imagine, you know, it's a plain-sheet design, there's no knowledge, you know, there's no fires happening. When you do the testing properly, you'll find out, and then you feed back and say, "Right, this is not right. We're going to have to make some changes." That's how you would do it at Jaguar. You --

BY MR. OLSON:

Q And so you believe that -- is your answer to my question essentially yes? And I can have the court reporter read it back if you'd like.

A Yes, that's fine. Yes.

MR. COLLIER: Objection. Form.

BY MR. OLSON:

Q You would like it read back?

A Read back, yeah.

Q Okay.

(Record read as follows:

"Q And so you believe that -- is your answer to my question essentially yes? And I can have the court reporter read it back if you'd like.")

THE REPORTER: You want the one prior to that. I'm sorry. My apologies. I just looked for the question. I didn't look for the content.

(Record read as follows:

"Q You believe that a properly done DFMEA at the outset of the initial Gemini engine and putting the exhaust the way it was -- do you believe that that would have revealed the risks that you have seen manifest themselves in these RZR fires?")

THE WITNESS: That's fair.

BY MR. OLSON:

Q Okay. Thank you.

Is it also true that making changes to a design that are called for by a DFMEA are much easier to make during the initial design phase of a new platform?

A Yes. Absolutely.

MR. COLLIER: Objection.

BY MR. OLSON:

Q It's harder to make changes to the core architecture of an engine in a vehicle if you've been -- if you're trying to now make those changes to a carryover version?

MR. COLLIER: Objection. Form.

THE WITNESS: Could you repeat the question, please.

BY MR. OLSON:

Q Yeah, I'll -- I'll repeat the question.

It would be harder to make design changes to the exhaust architecture, for example, in the RZR after the initial architecture has already been chosen and you're now dealing with a carryover model?

A Absolutely.

Q And is it true that companies will use a carryover design because it takes fewer resources to reinvent the wheel?

A It -- it takes fewer resources, but I should also say it -- it minimizes risk as well. Now --

Q Because you -- of learning?

A Yeah. Yes.
Q Okay. Very good. Thank you.
But it's because of the difficulties of changing the design later that the DFMEA should be done at the outset, in the initial design phase of the platform, correct?
A That's fair.
Q And a bad design should never be used as a carryover, correct?
A Agreed.
Q Do you agree that Polaris should have done a thorough DFMEA when they first designed the Gemini engine and put it into the 2011 RZR 900?
A Yes.
MR. COLLIER: Object to form.
BY MR. OLSON:
Q And the recall that they did in 2013 for thermal issues that you learned about after you arrived at Polaris should have been a good reminder to do that if it had not already been done?
A Agreed. I mean --
MR. COLLIER: Objection. Form.
THE WITNESS: -- the recall was very vague. I didn't even know -- I didn't know

specifically about the recall. It's not spread as common knowledge. But, yes.

BY MR. OLSON:

Q And do you know if Polaris ever did a proper and thorough DFMEA on the exhaust system of the RZR prior to you leaving?

A I don't know --

MR. COLLIER: Objection.

THE WITNESS: -- because it -- because it really -- it does fall under the RZR vehicle team.

BY MR. OLSON:

Q Now, the DFMEAs you were pushing were for DFMEAs on all issues on all vehicles?

A No. I was pushing the ones related to powertrain, the engine and transmission.

Q Okay. I think earlier you mentioned that it started with powertrain and then it filtered down to the RZR team, or something like that.

A Yeah.

Q What do you mean by that?

A Yeah. Because the engine is so critical, we -- we -- we spearheaded this DFMEA culture. Because the engine is so critical, we -- we spearheaded this -- the DFMEA culture because

it's so critical, and then other groups realized that this is actually quite an important way of doing -- it's quite a good way of doing things, so they -- they consulted with us.

Q Okay. Now, can a DFMEA be done on an existing carryover -- carryover design?

MR. COLLIER: Objection. Form.

THE WITNESS: I guess it would be called an FMEA then, but you can do a -- you can do a -- what you call a fishbone diagram, which is -- you do it in the field. You look at root cause and faults, and then you -- you do a cause-and-effect analysis.

So it's not called a DFMEA anymore because you have the data.

BY MR. OLSON:

Q Is it called the -- like a fault tree analysis?

A It -- fault tree analysis is one -- one way of terming it, yes.

Q Okay. And did you ever see one of those that was done for the Polaris RZR?

A Not for the RZR.

MR. COLLIER: Objection.

BY MR. OLSON:

Q In -- in your work, and those who are under your umbrella working on powertrain, you consider thermal and heat management issues, do you not?
A Yes.
Q And you have input in your powertrain group on the layout of the exhaust, for example, correct?
MR. COLLIER: Objection. Form.
THE WITNESS: Actually, it's a tough one because the vehicle dictates where the exhaust is, and it's -- it's a -- yeah, input, yes. It's a dialogue between us and the vehicle guys.
BY MR. OLSON:
Q Thank you. And so while you were at Polaris, after Polaris came out with the April, 2016, recall, did they ever give you a -- a list of supposed fixes just for information purposes to keep in mind as you're designing powertrain for RZRs?
A No. And -- and I had some issue with that. So --
Q Yeah, why did you have an issue with that?
A So -- so -- so the peer teams -- I talked about

peer teams. There's always this thing where we have knowledge management. And, again, it wasn't funded. It wasn't funded. It's, "Get it done. When?"

Because everything at Polaris has to have a cost center. Everything's associated with a project, and the peer teams were not. And every time I managed to get funding for the peer teams independent -- because that's what you do -- it was taken away.

Q Okay. And so help me understand. What would have a peer team done with respect to what I asked about, which was the specific alleged fixes for the RZR fires and a learning for, you know, design engineers?

A So -- so -- so when you have peer teams, you -- you get lessons learned. I can't speak specifically about the RZR team, but you have lessons learned of what's -- what's been happening, and that's what we would feed in, and that could include fault tree analysis, whatever, and that should feed into a DFMEA.

We would have the peer teams, but, again, they were never funded. They were -- it was, like, "Well, we don't have time for that."

There was no time for us to release normal product, never mind do the peer team stuff. So that was -- that was really challenging.

Q Okay. Peer teams don't directly make money for the company, do they?

A No, they don't.

MR. COLLIER: Objection.

BY MR. OLSON:

Q And did you raise concerns at any point while you were at Polaris about the lack of a peer team?

A All the -- all the time. Well, no, the peer teams existed -- they existed, but they were almost -- I don't want to say voluntary but -- say engineers were assigned to various things. There's an engineer assigned to the RZR, whatever, the RZR cylinder head, this. They have their normal duties, but they're expected to also do peer teams, but they weren't funded, so that would eat into their regular duties, and it wasn't an activity that was funded, you know.

Q Okay. You didn't have people who their job and their salary was paid so that they do peer team work --

A Correct.
Q -- is that accurate?
A Very accurate.
Q They would have these -- and is that, again, this -- this idea of lip service to a peer team but lack of research -- resources for it?
A Right. And I'll give an example --
MR. COLLIER: Objection.
THE WITNESS: -- example where I'm working now. I'm head of R&D, and it's not like that at all. It's -- R&D is -- doesn't directly make money, but in the longer term it will because it feeds into products, and it's -- it makes the company less reactive, more proactive. And that -- I would have liked to have seen Polaris go towards that.
BY MR. OLSON:
Q And so give me some examples, if you would, please, when it was and in what context it was that you requested funding for peer teams specifically.
A So this is absolutely definite. I was always -- so I can -- every year, every -- every few months I was pushing towards peer team knowledge capture, and my director above

me, Andreas, was not really interested. He was just -- he wouldn't help at all. It was a real struggle. And -- yeah.

Q And the wanted -- wanted peer team is to improve the overall safety of the products Polaris was producing?

A Safety would be one aspect, emissions, everything. It's like tribal -- it's knowledge. It's tribal knowledge that you need and you need to confer with when you're designing something. That's -- you know. But some of it was not populated. It was almost done -- yeah, because someone wasn't responsible for that, no one was paid to do that, it was just, "Do it when you can," you know.

Q And so one of the things you would have liked to see is a peer team, for example, who would have communicated to the people designing later RZRs about what was learned and discovered with the 2013 RZR --

A So what you would do --

Q -- recall?

A So -- yeah, so --

MR. COLLIER: Objection. Form.

THE WITNESS: -- so what you would -- what would you do in an ideal situation is you would -- you'd have the vehicle, the RZR -- RZR vehicle people and their peer teams talk to us, because they interact, and say, "These are some of the lessons learned. What is the implication of powertrain on this?"

And then that should feed back to our DFMEAs. That's how it would work in an ideal -- that's how it would -- it works at Jaguar and Aston Martin.

BY MR. OLSON:

Q And is part of the reason you wanted peer teams was because of the issues you were seeing and learning about with the RZR fires?

A That was one of the things, yes.

Q And so with a big -- you know, a massive recall like was done in -- in 2016 of over 130,000 units spanning between, you know, 2013 and 2016, you think there should have been some peer team learning passed on to design engineers who were designing later vehicles?

A Yes.

Q Now, I want to -- I understand your concern about giving out the name of the individual who

referred you to Mr. Wojtalewicz. Can you tell me, does he have similar concerns? Without giving me his name, has he expressed similar concerns to some of those you've expressed today?

A Yes, I think nearly everyone --

MR. COLLIER: Objection. Form.

THE WITNESS: -- within my team had that.

MR. OLSON: Ma'am, did you get my question and, most importantly, Mr. Paul's answer?

THE REPORTER: Yes, I did.

BY MR. OLSON:

Q And why do you say that you think everybody had those concerns in your team?

A Just -- sorry. Just -- just conversations. I was very close to my team. I would have daily dialogue.

Q Okay. And do you know -- I'm a little curious. Do you know how it was that this individual got Mr. Wojtalewicz's contact information?

A I don't know.

Q You did have a chance to speak with Mr. Collier prior to today, correct?

A I did.
Q At one point you said that, you know, your responsibility was design for powertrain. Could you just, you know, describe what is included in powertrain? Because my understanding, it's a lot.
A So this is going to be interesting. It is in term -- it's -- it's engine, transmission, intake, and, in this case, the rate -- the side-by-side team. It's -- it's not the exhaust, but when it comes to on-road, which is motorcycles, it is the exhaust. So it -- it does vary a bit.

When it comes to two-stroke, their two-stroke snowmobiles, it does include the exhaust. So it's basically intake or zip tube to transmission and -- and then exhaust system depends. I think in the RZR example it doesn't include -- it's not -- it's not powertrain's responsibility.

Q And do you know why that was?
A I -- I -- I can only guess it was just legacy. It's just legacy.
Q All right. And so did I hear you correctly that -- that you remember having an informal

conversation with Aaron Deckard about the proposal to move the exhaust to the rear of the RZR in about 2014 or 2015?

A I can't remember specifics. I talked a lot to him and also to Tony Kinsman. I can't remember specifics.

Q Okay. I -- all right. Fair enough. And, you know, have you ever talked to Mr. Deckard about issues related to heat management or melting or fires or any of these problems we've been talking about with regard to RZRs today?

A Maybe not specifics, like melting and fires, but thermal stuff would have come up in conversation. I can't remember specifics, but, yes.

Q Do you remember him ever expressing concerns or agreeing with concerns raised by you or others related to thermal issues and RZRs?

A People -- people I talked to --

MR. COLLIER: Objection. Form.

THE WITNESS: Everyone I talked to, Tony, whoever, not in my team, everyone was concerned. No one -- no one was, like, complacent about it in my teams. In -- not my teams. In -- in my -- in my -- the people I

interacted with.

BY MR. OLSON:

Q Okay. But including Mr. Deckard?

A Yeah.

Q And -- and did he express those concerns as far back, as you can recall, when you started working with him?

MR. COLLIER: Objection. Form.

THE WITNESS: I don't know. I -- I had just joined. I was being pulled in every direction. I can't even remember when I first talked to him, so I can't -- I don't know.

BY MR. OLSON:

Q All right. Could you give me an approximation of when it was that you would start communicating frequently or regularly with Mr. Deckard?

A Wow. 2014 onwards, I guess.

Q Okay. Was there ever a time where, you know, he was not -- he maybe didn't express concern about it, and then, you know, suddenly he did?

A I don't know because I wasn't seeing him every day. It would be -- it would be -- I can't remember if it was every month or every two, three months, you know. So --

Q Okay. But just so I understand, you mentioned that that request that you move the exhaust to the back came from the RZR team. Is Mr. Deckard on that team?
A My understanding is yes.
Q And what was his job -- job position or rank on that team, if you know?
A I can't remember. Was it staff engineer? I -- I can't remember.
Q All right. But you're telling me regardless of whether you remember you talking about it with Mr. Deckard, the proposal to move the exhaust -- the proposal to do it did come from his team?
A It came from his team, yes.
Q And do you remember any details about the informal conversation you had with Mr. Deckard or Mr. Kinsman about moving the exhaust?
A I -- I don't. It -- it's kind of a blur.
Q And in terms of that proposal, did I hear you say you don't remember it being, you know, limited for one specific RZR model, do you?
A I can't remember which model it would have been for -- been -- it would have been applied to, but, I mean, if it -- you'd imagine if it

happened, you'd apply it and cascade it down to -- through the whole -- whole family.

Q Okay. And my question was, is do you know whether it was for a specific model or -- or not? You may not know. That's okay. I wanted to ask.

A I don't know.

Q Fair enough. You mentioned Dave Schneider is a cost guy, or something like that. I didn't hear you correctly --

A He --

Q -- when you --

A He --

Q -- said that.

A His background is purchasing. He was almost pushed out, and then the previous -- a previous leader brought him in as a project guy.

Q Okay. And then did I hear you correctly that the decision to not move the exhaust to the rear was not engineering related?

A That's fair.

MR. COLLIER: Object to form.

BY MR. OLSON:

Q Because otherwise you would have been involved?

A I would have been involved, yes.

Q And so if it's -- if it's not engineering related, does that mean it's business related, or can it be some -- some other reason that occurs at times?
A Most likely --
MR. COLLIER: Objection.
THE WITNESS: And I'm conjecting. Most likely business, yes.
BY MR. OLSON:
Q And why do you say "most likely business"?
A Because that's -- that's how companies operate. If it's not engineering and technical.
Q It's business or engineering?
A Yeah.
Q All right. And then you were asked about the different RZRs, the orientation and architecture of the engine exhaust from 2014 to 2017. How is it that you know that those were essentially carryover designs used during those models?
A Can you repeat the question?
Q Sure. Sure. You know, you were asked by Mr. Collier about, you know, you not being responsible for the specific details of, you know, how to route the -- the engine of a RZR,

but earlier you talked to me about the fact that the engine architecture from the 2014 to 2017 RZRs were, you know, similar or carryover. How was it that you know that?

A So I know that just by looking at them and seeing them around. Mr. Collier asked specifics about detailed component locations, which I wasn't aware of, I'm not -- I'm not familiar with.

Q Okay. I just wanted to clarify that.

A Sure.

MR. OLSON: And then I had one last question. You know, it slipped my mind. It's probably getting late in the day. It might come to me if Mr. Collier asks more questions, but, if not, I have no -- nothing further for you for now.

THE WITNESS: Okay.

MR. COLLIER: Well, I'm going to greatly disappoint Eric because I'm not going to ask any questions. Thank you, Mr. Paul.

THE WITNESS: Thank you.

MR. OLSON: Thank you very much, Mr. Paul. I appreciate all your time today.

THE WITNESS: You're welcome.

MR. COLLIER: Thank you, Mr. Paul. Appreciate it.

MR. OLSON: See everybody.

THE REPORTER: We're still on the video record. Do you still want to be on the video record?

MR. OLSON: Yeah, I'd like to be on -- on -- on both records. Ms. DuBois, are you there?

MS. DUBOIS: I am.

MR. OLSON: Is there a California read-in or stipulation we need to put on the record?

MS. DUBOIS: In California now it's all done pursuant to the code, and it's now -- from what I understand -- it's changed in the past year -- the court reporter doesn't do that.

MR. OLSON: Okay. And what is it?

MS. DUBOIS: It's basically we now all stipulate to relieve the court reporter of her duties, including holding the original transcript. Within 30 days from the date that the transcript is received, Mr. Paul will review the transcript and make any and all

changes that he deems necessary. If he doesn't make those changes, then the transcript is executed.

And I'm trying to think if there's anything else. Sorry, everyone.

MR. OLSON: That sounds correct.

MS. DUBOIS: I believe that it is.

MR. OLSON: Okay. Do we have a stipulation to that effect, Counsel? Plaintiffs stipulate.

MS. DUBOIS: Guys, one more thing. In the event that the original transcript is lost or stolen, we all agree that a certified copy can be used in lieu of the original transcript. Now I've got it all. Thank you.

MR. OLSON: Okay. Stipulated. Polaris?

MR. COLLIER: Yes for Polaris.

MR. OLSON: All right. Very good. Thank you.

VIDEOGRAPHER: One quick question. This is -- this is the videographer. Is there copies of the video being requested by any counsel on the remote?

MR. OLSON: Yeah, plaintiff counsel,

Eric Olson, will request a copy of the video.

MR. COLLIER: Yeah, this is Paul Collier. Polaris requests a copy.

VIDEOGRAPHER: Any other counsel?

MR. REIDER: Just a regular transcript, not the video. Stephen Reider for Defendant Epic Motorsports. No video, but we'll request a transcript.

VIDEOGRAPHER: With that, then we'll conclude the deposition. Going off the record at 4:30. End of deposition.

(Proceedings concluded at 4:29 p.m.)

STATE OF WISCONSIN)
) SS:
COUNTY OF MILWAUKEE)

I, KATHLEEN E. CARTER, a Certified Realtime Reporter, Registered Merit Reporter and Notary Public in and for the State of Wisconsin, do hereby certify that the above deposition of RUPAK KUMAR PAUL was recorded by me on Friday, June 26, 2020, and reduced to writing under my personal direction.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof I have hereunder set my hand and affixed my seal of office at Milwaukee, Wisconsin, this 6th day of July, 2020.

Kathleen E. Carter
Notary Public
In and for the State of Wisconsin

My Commission Expires: March 12, 2021.

STATE OF WISCONSIN)
) SS:
COUNTY OF_____)

I, RUPAK KUMAR PAUL, do hereby certify that I have read the foregoing transcript of proceedings, taken on June 26, 2020, at Seymour, Kremer, Koch, Lochowicz & Duquette, LLP, 11 1/2 North Wisconsin Street, Elkhorn, Wisconsin, and the same is true and correct except for the list of corrections noted on the annexed page.

Dated at_____

this_____day of_____, 2020.

_____
RUPAK KUMAR PAUL

Subscribed and sworn to before me

this_____day of_____, 2020.

_____
Notary Public

My commission expires:

CORRECTIONS

PAGE NO.	LINE NO.	DESCRIPTION

Exhibit B

DEPOSITION OF RUPAK PAUL, TAKEN ON JUNE 26, 2020

POLARIS'S OBJECTIONS TO PLAINTIFFS' DESIGNATIONS

Plaintiffs' Designations (Orange)					Polaris's Objections to Plaintiffs' Designations (Blue)
FROM		TO			
Page	Line	Page	Line	Notes	Objection
41	7	41	23		Foundation/Calls for Speculation (602)
64	21	64	25		Foundation/Calls for Speculation (602); Prejudice (403)
71	4	71	9		Foundation/Calls for Speculation (602)
71	18	71	21		Foundation/Calls for Speculation (602); Relevance (401/402); Prejudice (403)
75	14	75	23		Foundation/Calls for Speculation (602); Relevance (401/402); Prejudice (403)
75	24	76	12		Foundation/Calls for Speculation (602)
77	19	78	10		Foundation/Calls for Speculation (602)
78	16	78	23		Foundation/Calls for Speculation (602); Other Objection – No Question Pending
78	24	79	5		Foundation/Calls for Speculation (602)
83	20	84	2		Foundation/Calls for Speculation (602); Prejudice (403); Improper Expert Opinion (702)
84	9	84	15		Foundation/Calls for Speculation (602); Relevance (401/402); Prejudice (403); Vague/Ambiguous
85	4	85	10		Foundation/Calls for Speculation (602); Prejudice (403); Improper Expert Opinion (702)
86	8	86	21		Foundation/Calls for Speculation (602); Prejudice (403); Improper Expert Opinion (702)
86	23	87	10		Foundation/Calls for Speculation (602); Prejudice (403)

Plaintiffs' Designations (Orange)					Polaris's Objections to Plaintiffs' Designations (Blue)
FROM		TO			
Page	Line	Page	Line	Notes	Objection
89	4	89	21		Foundation/Calls for Speculation (602); Relevance (401/402); Prejudice (403); Attorney Colloquy
91	16	91	18		Foundation/Calls for Speculation (602)
93	8	94	3		Relevance (401/402); Prejudice (403)
94	7	94	22		Relevance (401/402); Prejudice (403)
101	25	102	7		Foundation/Calls for Speculation (602); Leading
107	20	108	10		Foundation/Calls for Speculation (602)
114	23	115	16		Foundation/Calls for Speculation (602); Prejudice (403)
115	18	116	3		Prejudice (403); Mischaracterizes Prior Testimony
123	8	123	23		Foundation/Calls for Speculation (602); Confusing/Misleading (403); Cumulative (403); Improper Expert Opinion (702)
132	14	132	22		Foundation/Calls for Speculation (602)
133	8	133	17		Foundation/Calls for Speculation (602)
141	14	141	21		Foundation/Calls for Speculation (602); Prejudice (403)
144	4	144	16		Relevance (401/402); Prejudice (403) g
144	20	145	4		Argumentative
146	14	146	17		Prejudice (403); Vague/Ambiguous
146	20	147	1		Foundation/Calls for Speculation (602); Prejudice (403); Vague/Ambiguous; Leading
147	17	147	23		Foundation/Calls for Speculation (602); Prejudice (403)

Plaintiffs' Designations (Orange)					Polaris's Objections to Plaintiffs' Designations (Blue)
FROM		TO			
Page	Line	Page	Line	Notes	Objection
195	12	196	9		Foundation/Calls for Speculation (602); Prejudice (403); Cumulative (403); Argumentative
197	20	198	16		Foundation/Calls for Speculation (602); Prejudice (403); Leading
198	19	198	23		Prejudice (403); Vague/Ambiguous; Leading
198	24	199	17		Foundation/Calls for Speculation (602); Prejudice (403); Confusing/Misleading (403); Improper Expert Opinion (702); Vague/Ambiguous; Leading; Argumentative
201	24	202	17		Foundation/Calls for Speculation (602); Improper Expert Opinion (702)
203	13	203	19		Foundation/Calls for Speculation (602); Improper Expert Opinion (702)
205	8	205	14		Foundation/Calls for Speculation (602); Prejudice (403); Confusing/Misleading (403) Cumulative (403) Leading