

1 MR. GALLUCCI: We are going to go on  
2 the record. You can swear in the witness.

3 - - -

4 PAUL LeCOUR

5 Called as a witness by the Plaintiffs,  
6 having been first duly sworn, as hereinafter  
7 certified, was deposed and said as follows:

8 EXAMINATION

9 BY MR. GALLUCCI:

Q Mr. LeCour, my name is Mike Gallucci.  
I represent the estate of Fred Dalbo and ImoGene  
Dalbo in a lawsuit that is currently filed here  
in Pennsylvania pending in Indiana County where  
Genuine Parts Company is a named defendant, and I  
understand that you are being produced here today  
as a representative from Genuine Parts Company?

A Yes.

Q Okay. Sir, since we are doing this  
over a video conference, I am here in Pittsburgh  
and you are there in Atlanta. Could you please  
keep your voice up so everybody could be able to  
hear you. We have the court reporter here in  
Pittsburgh with us.

A Yes.

MR. GALLUCCI: Before we go any

■007

1 further, I would like to have counsel that  
2 is present there in Atlanta identify  
3 themselves and who they represent.

4 MR. RILEY: Patrick Riley from Riley  
5 Hewitt Witte & Romano representing Genuine  
6 Parts Company.

7 MS. SHOFNER: Elaine Shofner from  
8 Hawkins Parnell representing Sears Roebuck.

9 MR. ABDULALEEN: Rahmah Abdulaleem  
from King & Spalding representing  
Honeywell.

MR. BURCH: Tom Burch, DeHay & Ellison  
representing Pneumo-Abex, LLC.

MR. NEAL: I'm Kennard Neal from  
Alston & Bird and I'm also here for GPC.

MR. GALLUCCI: And for the record,  
before we continue, I'd like to have counsel  
here in Pittsburgh identify themselves for  
the record and who they represent.

MS. WATSON: Jennifer Watson on behalf

of Kelsey-Hayes.  
MS. WILCOX: Anne Wilcox on behalf of  
Pneumo-Abex.  
MR. BARNARD: Tim Barnard on behalf of  
Borg-Warner.

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1 MR. HORNE: Eric Horne on behalf of  
2 Ford Motor Company General Motors  
3 Corporation.

4 MR. ROBERTS: Jeff Roberts on behalf  
5 of Caterpillar.

6 MR. FITZPATRICK: Greg Fitzpatrick on  
7 behalf of Garlock Sealing Technologies.

8 MR. BARRY: Patrick Barry on behalf of  
9 Parker-Hannifan Corporaton.

MR. CHIOTO: Ed Chioto on behalf of  
Gould Pumps.

BY MR. GALLUCCI:

Q Mr. LeCour, could you please state  
your full name for the record.

A Paul Louis LeCour.

Q Sir, I understand from counsel from  
Genuine Parts Company that you have been deposed  
before in the past?

A Yes.

Q Okay. How many times have you been  
deposed before?

A Three times.

Q How many of those occasions were in  
asbestos litigation?

A Three times.

■009

1 Q Okay. Sir, I know you have been  
2 deposed before, but I just want to go over some  
3 ground rules. Hopefully we can make this move a  
4 little quicker.

5 I would ask that all of your answers  
6 be verbal. Obviously, the court reporter can't  
7 take down a shoulder shrug or a head nod; fair  
8 enough?

9 A Yes.

Q And since we are doing this video  
conference, if at any time you don't hear my

question or you don't understand it, just say, "Hey, Mike, can you repeat the question," and I'll be happy to; fair enough?

A Yes.

Q Okay. And if at any time today you want to take a break or you want to just take a break to speak to counsel for Genuine Parts, just let me know and I'll be happy to accommodate that. All I ask is that if there is a question pending, you would answer that question prior to taking a break; fair enough?

A Yes.

Q Sir, you told me you have been deposed before three times in asbestos litigation. Have

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1 you ever given any testimony at trial in an  
2 asbestos case?

3 A No.

4 Q Have you ever given any testimony in a  
5 workers' compensation case regarding asbestos?

6 A With Genuine Parts Company?

7 Q Correct.

8 A No.

9 Q Sir, can you tell us your date of  
birth and your age today.

A January 26, 1944, 62 years old.

Q Sir, can you tell me what you did to  
prepare for today's deposition?

A I talked with Pat Riley and Kennard  
Neal and looked over some of my past depositions.

Q You talked to Mr. Riley and who else?

A Kennard Neal.

MR. RILEY: Mr. Neal who is also here.

Q You said you reviewed your prior  
deposition transcripts?

A One.

Q Okay.

A This one.

Q Do you know which deposition  
transcript you reviewed?

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1 A California?

2 MR. RILEY: No, Baltimore.

3 A Baltimore.  
4 Q Baltimore. Besides reviewing your  
5 prior depositions, did you review any other  
6 documents?  
7 A No.  
8 Q So you didn't review any Genuine Parts  
9 Company or NAPA catalogs or brochures?  
A No.  
Q Okay. Did you read any of the  
depositions of any of the witnesses in this case,  
in the Dalbo case?  
A No.  
Q Did you speak with any current or  
former employees of Genuine Parts Company or NAPA  
or Rayloc in preparing for today's deposition?  
A No.  
Q Sir, do you remember when you were  
first contacted about this deposition?  
A No.  
Q Okay. Do you know if you have ever  
seen the deposition notice in this case?  
A Yes.  
Q Okay.

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1 MR. GALLUCCI: For the record, I have  
2 marked plaintiff's notice of deposition of a  
3 corporate representative from NAPA/Genuine  
4 Parts Company as Exhibit 1.  
5 (Thereupon, Deposition Exhibit No. 1  
6 was marked for identification.)  
7 Q Sir, I'm going to display it on the  
8 screen so we can go through it.  
9 MR. RILEY: Okay. We have it on the  
screen, Mike. And just for the record, we  
-- Genuine Parts did file a response to it  
with regard to Mr. LeCour's, the scope of  
his anticipated testimony, and that document  
is of record, but go ahead.  
Q Okay. Can you see it on the screen?  
Do you have it in front of you?  
A I have it in front of me.  
Q Okay. Sir, if you would be so kind as  
to look at capital letter A there, it says  
"Outline defendant's corporate history" referring  
to "NAPA/Genuine Parts Company"; would you be the  
most knowledgeable person to address that topic?

A Yes.

Q Sir, capital letter B --

MR. RILEY: With the exception, Mike,

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1 as we noted, that he is not here on behalf  
2 of NAPA, he is here on behalf of Genuine  
3 Parts Company.

4 MR. GALLUCCI: Fair enough, Pat, I  
5 understand.

6 Q Sir, if you would look at letter B, it  
7 says "When defendant," referring to Genuine Parts  
8 Company, "became aware of the health hazards of  
9 asbestos," would you be the most knowledgeable  
person to discuss that?

A Yes.

Q Sir, if you would look at letter C  
would you be the most knowledgeable person to  
discuss that?

A Yes.

Q And how about letter D?

A No.

Q Sir, who would be the most  
knowledgeable person, current or former employee,  
of Genuine Parts Company that could discuss  
Genuine Parts Company's advertising?

A I do not know.

Q How about letter E, sir?

A Yes.

Q Letter F?

■014

1 A Yes.

2 Q Letter G?

3 A No.

4 Q Sir, do you know who the most  
5 knowledgeable person from Genuine Parts Company,  
6 current or former employee, would be that could  
7 discuss topic G?

8 A No.

9 Q Just for the record, topic G states  
"The operation of the NAPA/Standard Auto Store in  
Canonsburg, PA."

And sir, if you would look at letter  
H.

MR. RILEY: The answer to H would depend upon the document.

Q Fair enough. Are you able to see me now that the document is off the screen?

A Yes.

Q Sir, could you tell me a little bit about your education background.

A High school graduate, I attended the University of Southern Louisiana for a year, that is basically all the formal education, other than I was an instructor in the Persian missile system in the Army and that's it.

■015

1 Q Sir, what year did you graduate high  
2 school?

3 A 1963.

4 Q And what years did you attend USL?

5 A It had to be '66, '65 or '66.

6 Q Sir, do you know what years you were  
7 in the Army?

8 A '69 through '71.

9 Q Other than your high school education and your one year of education at USL, have you had any other formal education?

A No.

Q Sir, have you ever had any formal training or education on asbestos?

A No.

Q Sir, could you tell me what your first job for pay was?

A The LeCour Corporation.

Q And what year were you involved in LeCour Corporation?

A Could you repeat the question, please?

Q Sure, what year were you involved in the LeCour Corporation?

A Around '67, 1967.

Q Right after you got out of the USL?

■016

1 A Yes.

2 Q Sir, I take it from the name, from the  
3 LeCour corporation name, that that was your  
4 corporation?

5 A That was my father's.  
6 Q What was the business of that  
7 corporation?  
8 A Remanufacturing of automotive parts.  
9 Q What type of parts did that  
corporation remanufacture?  
A Brake shoes, clutches, water pumps,  
power brake boosters, alternators, starters,  
generators, and relined industrial brake bands.  
Q Sir, when you say "industrial brake  
bands," what are you talking about?  
A These are bands that go on gantry  
cranes. It is basically a rebuild and return.  
It was not on an exchange basis.  
Q Would this industrial brakes include  
farm tractors?  
A No.  
Q Would it include heavy construction  
equipment aside from cranes?  
A Yes.  
Q Things like a backhoe or a front

■017

1 loader?  
2 A No, like a dragline.  
3 Q Fair enough. Sir, how long were you  
4 involved with the LeCour Corporation?  
5 A Up until when I was drafted in 1969.  
6 Q Sir, how long did the LeCour  
7 Corporation operate?  
8 A 25 years.  
9 Q And when was the last date of  
operation?  
A I don't recall.  
Q And sir, what was your next job for  
pay after the LeCour Corporation?  
A U.S. Army.  
Q Okay. And after the U.S. Army?  
A Genuine Parts Company.  
Q Sir, I understand from Genuine Parts  
Company's answers to interrogatories in this  
Dalbo case that I have marked, and it is attached  
as Exhibit 2 to this deposition, that your first  
employment with Genuine Parts Company was as a  
district sales manager from 1971 to 1976?  
A Yes.  
(Thereupon, Deposition Exhibit Nos. 2

and 3 were marked for identification.)

■018

1 Q Okay. Sir, what were your job duties  
2 at that time?

3 A Call on the NAPA jobber, the NAPA  
4 jobber's customer to sell our product, also to  
5 educate them on our product, conducted brake  
6 clinics, clutch clinics, and electrical clinics,  
7 both to the store personnel, as well as their  
8 customers and anyone they wanted to invite to  
9 these meetings.

Q At any time when you held this  
position from '71 to '76, did your job duties  
ever change?

A No.

Q Where was this position located?

A New Orleans, Louisiana.

Q Sir, I understand from the answers to  
interrogatories the following, that job, you  
became product and engineering manager from '76  
to '87?

A Yes.

Q Okay. And what were your job duties  
in that capacity?

A I was in charge of buying the new  
product that just came out from the OEM's, what  
products we were offering for those applications,

■019

1 comparing the fit function of our product to the  
2 new product, and then determining whether we  
3 needed to create a new part number or not.

4 In some cases we did not have to do  
5 that, we just brought forward our part into the  
6 later model vehicle, also it was over cataloging.

7 Q Sir, where was this job located?

8 A Atlanta, Georgia.

9 Q So you were transferred in 1976 from  
New Orleans to Atlanta?

A Yes.

Q Okay. And at any time when you held  
this position of product and engineering manager,  
did your job duties ever change?

A No.



Q Sir, the next job I have here is you were the director of engineering from approximately 1987 to 1992?

A Yes.

Q And what were your job duties in that capacity?

A I took on the responsibility for all plants.

Q In your previous job capacity, did you only have responsibility for the Atlanta plant?

■020

1 A In the context of analyzing the  
2 component part, yes. What I did in the division  
3 director, I took on making tooling for the  
4 division, whereas before they would make their  
5 own tooling, so we assumed that responsibility in  
6 Atlanta, so if there was a fixture that needed to  
7 be made or designed, that was my responsibility  
8 to have that done, and then we distributed it to  
9 the plants.

Q Fair enough. And you held that job to approximately 1992?

A Yes.

Q And at that point I understand you became a production manager?

A Yes.

Q And held that position until about 1995?

A Yes.

Q Sir, what were your job duties as production manager?

A I was responsible for all product produced in the Atlanta plant.

Q Sir, I understand, then, in 1995 you became the director of quality?

A Yes.

■021

1 Q Okay. And you held that position  
2 until approximately '98?

3 A Yes.

4 Q And what were your job duties in that  
5 capacity?

6 A Enforcing the specifications at all

7 plants.

8 Q Are you referring to the  
9 specifications for the actual products being  
made?

A Being remanufactured, yes.

Q And that job was in Atlanta?

A Yes.

Q Okay. Sir, next I understand you  
became the operations quality assurance manager  
in 1998?

A Yes.

Q Okay. And what were your job duties  
in that position?

A Strictly Atlanta alone, quality over  
Atlanta because of our expansion.

Q Quality over the product being  
remanufactured or quality control in the facility  
there in Atlanta?

A Actually, one in the same. It was

■022

1 quality assurance for the product being produced  
2 and shipped out from Atlanta facility.

3 Q Did you have, at that time, have any  
4 control over the quality of the work environment?

5 A No.

6 Q And sir, I understand that from 2003  
7 up to the present you were employed by Genuine  
8 Parts Company as a senior technical advisor?

9 A Yes.

Q Okay. And what are your job duties  
today in this position?

A I counsel not only on tech service  
people, I counsel our engineering staff as well  
as each individual plant that has particular  
process problems, that's my responsibility.

Q Okay. Sir, I apologize, I forgot to  
ask you this question in the beginning. Can you  
state your address and your business address for  
the record?

A Home address is 3102 Sycamore Lane,  
S-y-c-a-m-o-r-e, North East, Marietta, Georgia,  
30066.

Q Okay.

A Business address is Rayloc, 600 Rayloc  
Drive, Southwest Atlanta, Georgia, 30336.

■023

1 Q Sir, for the record, I understand that  
2 Rayloc is spelled R-a-y-l-o-c?

3 A Yes.

4 Q Okay. Sir, I'm just asking about you  
5 personally now. Have you personally ever been a  
6 member of any trade organizations?

7 A Where I would pay the fees or where I  
8 would participate?

9 Q Correct, where you personally would  
participate in --

A But that means representing myself or  
the company?

Q Just yourself at this point.

A No.

Q Okay. Sir, I have read your prior  
deposition transcript that counsel has provided  
me and I have reviewed the answers to  
interrogatories that Genuine Parts Company has  
provided me in this case, and I just have some  
general questions about the structure of NAPA,  
Genuine Parts Company, and Rayloc.

I understand from your previous  
deposition that NAPA is an association?

A Yes.

Q Okay. And for the record, what does

■024

1 NAPA stand for?

2 A National Automotive Parts Association.

3 Q Okay. As an association, do you know  
4 if NAPA has ever been incorporated or registered  
5 to do business?

6 A No.

7 Q Okay. Sir, do you know when NAPA  
8 began to operate?

9 A Yes.

Q And when was that?

A 1925.

Q And where did it begin --

MR. RILEY: Mike, for the record, for  
the record, NAPA is incorporated, it is  
incorporated in Michigan in 1925.

MR. GALLUCCI: Thanks, Pat.

Q Sir, do you know the number of members

of NAPA?

MR. RILEY: At what point in time?

MR. GALLUCCI: I'm asking presently right now.

A Presently, two.

Q And who are those members?

A Genuine Parts Company and Quaker City Motor Group.

■025

1 Q Sir, at any point since 1925, if you  
2 know, have there been any other members of the  
3 NAPA association?

4 A Yes.

5 Q And who were those members?

6 A I do not know.

7 Q Sir, do you know when Genuine Parts  
8 Company became a member of NAPA?

9 A 1928.

Q Sir, do you know if that's the same year that Genuine Parts Company was incorporated?

A Yes.

Q Do you know where Genuine Parts Company is incorporated?

A No.

Q Sir, do you know if Genuine Parts Company operated prior to becoming incorporated in 1928?

A No.

Q No, you don't know, or no, it did not?

A No, I don't know.

Q Fair enough. Sir, in answers to interrogatories in this case Genuine Parts Company indicated that it is registered to do business in the Commonwealth of Pennsylvania. Do

■026

1 you have any knowledge of that?

2 A I have read that.

3 Q Sir, do you know when Genuine Parts  
4 Company became registered to do business in the  
5 Commonwealth of Pennsylvania?

6 A No.

7 Q And sir, I understand from your  
8 previous transcripts and from answers to

9 interrogatories that there is a company called Rayloc that is a division of Genuine Parts Company; is that accurate?

A No.

Q Okay.

A It is not a company.

Q It is --

A It is a division of the Genuine Parts Company only.

Q Is Rayloc incorporated by itself?

A No.

Q Okay. So Rayloc is a division of Genuine Parts Company?

A Yes.

Q Do you know when Rayloc became a division of Genuine Parts Company?

A 1939.

■027

1 MR. RILEY: Is that a guess?

2 THE WITNESS: Yes.

3 MR. RILEY: Tell him it is a guess.

4 A It is a guess.

5 MR. GALLUCCI: Thanks, Pat.

6 Q Sir, can you tell me if Genuine Parts  
7 Company has any other divisions, other than  
8 Rayloc?

9 A No.

Q Sir, in response to interrogatory No. 4 in this case, Genuine Parts Company has indicated that in different states it has done business under different names, for example, it was called Genuine Parts Company of Michigan, Inc.; do you know if Genuine Parts Company ever had any other names here in Pennsylvania?

MR. RILEY: I can tell you, Mike, based upon our investigation, it did not.

MR. GALLUCCI: Thanks, Pat.

Q Sir, do you know if at any time whether Genuine Parts Company has ever acquired any other entities?

A In what field?

Q In any field.

A Yes.

■028

1 Q Do you know the names of those  
2 companies?

3 A Some of them.

4 Q Okay. And which ones do you know,  
5 sir?

6 A Motion Industries, EIS, S.P. Richards.

7 Q The first one was Motion?

8 A Motion Industries.

9 Q And what was the business --

MR. RILEY: None of those have  
anything to do with automotive parts, Mike.  
They distribute other product lines.

MR. GALLUCCI: I'm sure he will tell  
me that, Pat.

MR. RILEY: Just trying to save us  
time.

MR. GALLUCCI: I understand.

Q Sir, what was the business of Motion  
Industries?

A They distributed bearings and  
hydraulic parts.

Q Sir, how about EIS, I think is how you  
pronounced it, how do you spell that?

A E-I-S; they supply electrical circuit  
boards, printed circuit boards, and also wire and

■029

1 cable.

2 Q Sir, did you ever know this EIS entity  
3 to sell brakes?

4 A No, I do know they did not sell  
5 brakes.

6 Q And the last one you mentioned was  
7 S. P. Richards, what was their business?

8 A Yes, pencils, erasers, paper clips,  
9 paper, coffee.

Q Sir, in response to answers to  
interrogatories in this case, Genuine Parts  
Company has told me that they have acquired a  
company called Colyear Motor Sales.

A Repeat, that please.

Q A company called Colyear,  
C-O-L-Y-E-A-R.

A Oh, yes.

Q Do you know what Colyear Motor Sales  
did?

A Yes.  
Q Okay. And what did they do?  
A They sold automotive parts to jobbers.  
Q Did they sell brake shoes?  
A Yes.  
Q How about brake pads?

■030

1 A Yes.  
2 Q Clutches?  
3 A Yes.  
4 Q Did you know if they ever sold any  
5 gaskets?  
6 A Yes.  
7 Q How about any packings?  
8 A Do not know.  
9 Q Do you know where this entity  
operated?  
A Yes.  
Q Okay. And where was that?  
A Portland, Oregon.  
MR. RILEY: Mike, he is answering with  
regard to the Rayloc counterpart.  
If I can streamline it for you,  
Genuine Parts Company has acquired various  
NAPA distribution centers across the country  
over the years and they were owned by  
different entities.  
All of those distribution centers sold  
the same product lines you just asked about.  
Colyear had numerous operations  
encompassing the west coast, north to  
southwest of the Rockies, so it was much

■031

1 larger than just Portland.  
2 Portland was a remanufacturing  
3 facility and a distribution center. There  
4 were several other distribution centers in  
5 the Colyear company.  
6 Q Okay. Sir, based on what Mr. Riley  
7 just told me, do you know if Genuine Parts  
8 Company or Rayloc ever acquired any of the  
9 remanufacturing facilities operated by Colyear?  
A Yes.

Q Okay. Was that the Portland facility?

A Yes.

Q Okay. Does NAPA -- or strike that. Does Genuine Parts Company or Rayloc still operate that facility today?

A No.

Q When did that cease?

A Around 1971, in that time frame.

MR. RILEY: No, '81.

A '81.

Q Sir, I also understand from reading the interrogatories that Genuine Parts Company acquired General Automotive Parts Corporation and Standard Unit Parts Corporation?

A Yes.

■032

1 Q Okay. Do you know the business  
2 operations of those two companies?

3 A Yes.

4 Q Okay. And were they the same as  
5 Colyear's?

6 A The same as what?

7 Q Colyear's?

8 A Colyear, yes.

9 Q Did General -- strike that.

Did Genuine Parts Company or Rayloc acquire any remanufacturing facilities of General Automotive Parts Corporation?

MR. RILEY: Just for an objection to the form of the question. Rayloc is a division and doesn't acquire anything. Genuine Parts Company would do the acquiring and then they might reorganize and did.

Q You can answer the question, sir.

A Repeat it, please.

Q Did Genuine Parts Company ever acquire any remanufacturing facilities of General Automotive Parts?

A Yes.

Q And where were those facilities located?

■033

1 A Stevensville, Texas; Morganfield,



2 Kentucky.  
3 Q Does Genuine Parts Company operate  
4 those facilities today?  
5 A Yes.  
6 Q Both of them?  
7 A Yes.  
8 Q Same question as to Standard Unit  
9 Parts Corporation.  
A No.  
Q Sir, I understand that General  
Automotive Parts Corporation distributed brake  
products under the name Genaut?  
A Yes.  
Q Do you know if after Genuine Parts  
Company acquired that entity, did it continue to  
use that name?  
A No.  
Q Sir, can you tell me sitting here  
today approximately how many employees Genuine  
Parts Company had in the 1960's?  
A No.  
Q Could you tell me that for the 1970's?  
A No.  
Q Could you tell me that for any time

■034

1 period?  
2 A No.  
3 Q Okay. Could you tell me the number of  
4 employees that Rayloc had in the 1960's?  
5 A No.  
6 Q Could you tell me that for any time  
7 period?  
8 A Yes.  
9 Q Okay. And what time period is that?  
A Let me rephrase that. I can only tell  
you for the Rayloc in Atlanta.  
Q Okay. And how many employees and in  
what time frame?  
A This would be the early '80's, 500.  
Q Presently has that number increased or  
decreased?  
A Decreased.  
Q Sir, I want to change topics now and I  
want to talk about the business operations of  
NAPA Genuine Parts Company and Rayloc. Can you  
tell me generally what NAPA does as a business,

as an association?

A It approves suppliers for the NAPA system. Many manufacturers are approved by them. They also do marketing in conjunction with those

■035

1 suppliers' marketing people.

2 Q Sir, does NAPA actually sell products?

3 A No.

4 Q Does Genuine Parts Company actually  
5 sell the products?

6 A Yes.

7 Q Okay. Sir, can you tell me generally  
8 what Genuine Parts Company sells?

9 A All -- related items to automotive  
applications.

Q Would that include brake shoes?

A Yes.

Q Brake pads?

A Yes.

Q Clutches?

A Yes.

Q Gaskets?

A Yes.

Q How about just a piece of brake  
lining?

A Yes.

Q How about a clutch facing itself?

A Yes.

Q Okay. How about packing?

A Do not know.

■036

1 Q Sir, I understand from reading your  
2 prior depositions that Genuine Parts Company did  
3 not manufacture products; is that accurate?

4 A Yes.

5 Q What did Genuine Parts Company do?

6 A They bought their products from  
7 manufacturers and sold it to their customers, to  
8 NAPA jobbers.

9 Q Sir, are you able to tell me the  
locations -- strike that.

Genuine Parts Company remanufacturers  
brake shoes?

A No.  
Q Rayloc remanufactures brake shoes?  
A Yes.  
Q Where are the Rayloc plants located that remanufacture brake shoes?  
A What time period?  
Q The 1960's, if you know.  
A Memphis, Tennessee; Atlanta, Georgia.  
Q How about in the 1970's?  
A Memphis, Tennessee; Atlanta, Georgia.  
Q How about in the '80's -- what's that?  
A Add Portland to that.  
Q For the 1970's?

■037

1 A Yes.  
2 Q Sir, do you know if the Rayloc  
3 facility in Hancock, Maryland remanufactured  
4 brake shoes in the '70's?  
5 A Yes.  
6 Q Sir, do you know if the Rayloc  
7 facility in Utah remanufactured brake shoes  
8 beginning in the late '70's, 1979?  
9 A Yes.  
Q Okay. Sir, I understand that Rayloc  
has two more facilities, one in Morganfield,  
Kentucky and one in Stevensville, Texas?  
A Yes.  
Q Do you know when those plants began  
remanufacturing brake shoes?  
A They were manufacturing brake shoes  
when we purchased them.  
Q And that would have been in the '80's?  
A Yes.  
Q Sir, for the Atlanta facility, the  
Atlanta Rayloc facility, could you tell me the  
different departments inside that facility?  
A Yes.  
Q Okay. And what are those?  
A You want all the departments or are

■038

1 you asking for manufacturing plants?  
2 Q Let me clarify it. The departments  
3 that would be involved in the remanufacture of

4 brake shoes, brake pads and clutches?

5 A There is three departments and you

6 just mentioned them, there is a brake shoe

7 department, there is a disc brake department,

8 there was a clutch disc department.

9 Q Sir, inside the brake shoe department,  
were there areas inside that department?

A Yes.

Q Okay. And what were the areas --

A No, when I said "brake shoe  
department," that's the department that processed  
the brake shoe.

Q Okay.

A There is no other departments  
involved.

Q Okay. My question is inside the brake  
shoe department itself, are there different areas  
where this part of the remanufacturing is done  
and then the next part of the remanufacturing is  
done?

A Yes.

Q Okay. And what are those areas?

■039

1 A You want to know the process?

2 Q You can give me the process for  
3 remanufacturing a brake shoe, sure.

4 A Okay. The clean metal is dipped in a  
5 rust inhibitor or a primer for bonding of the  
6 brake lining, and if it is being riveted, that  
7 same coating is suitable for both. It then goes  
8 to a bonding oven. The lining is put on the shoe  
9 under pressure, then it is baked for a period of  
time, then it is browned, and after it is arc  
browned, then it is boxed and sent to finished  
goods inventory.

MR. RILEY: And if it is riveted?

A If it is just riveted, it has all the  
other processes done to it as the bonded did.

Q So if it is riveted, it wouldn't go  
through the baking process?

A That is correct.

Q Would it still go through the process  
of being browned?

A Yes.

Q Sir, you started that explanation with  
a clean piece of metal?

A Yes.

Q It is my understanding that Rayloc or

■040

1 Genuine Parts Company would get the old brake

2 shoes that were taken off of a vehicle?

3 A Yes.

4 Q With the lining still attached?

5 A Yes.

6 Q Okay. What area of the facility -- or

7 where were these linings removed?

8 A In the delining department for

9 riveting and in the debonding department for  
bonding.

Q Sir, can you take me through the  
process for a disc brake pad?

A Yes.

Q Okay.

A We only riveted disc brake pads. We  
took new metal and attached the friction material  
to it, then we boxed the product and we, of  
course, if it required additional hardware to be  
on the disc brake, we attached that hardware as  
well, then it was just put into a box.

Q And sir, could you take me through the  
process of remanufacturing the clutches?

A Again, we will start back where you  
said about the old core. We call that the  
cleaning department where they remove the clutch

■041

1 facing and then that disc went and was shot

2 blasted, then it was sent to the department after

3 it was dipped in a rust inhibitor. We put new

4 facings on that disc, then we boxed the disc.

5 Q Sir, was that riveted did you say?

6 A Yes.

7 Q So the only one that was baked on were

8 the brake shoes?

9 A Well, the brake shoe was bonded on and  
the disc brake was an intricately-molded piece, we  
did nothing to it.

Q Sir, after these products -- you said  
they would be boxed up and sent to the finishing  
area or finished inventory?

A Finished inventory.

Q Okay.

That was my next question. Did

Genuine Parts Company or Rayloc keep a stock of these parts in their remanufacturing facilities?

A Yes.

Q Sir, the processes that you just described for me for the brake shoes, the disc brakes and the clutch discs, was that the same for all Rayloc rebuilding plants?

A Yes.

■042

1 Q And you told me that these plants had  
2 stock, would that be the same for all the plants?

3 A Repeat that, please.

4 Q You told me that the Atlanta facility  
5 would keep some of these products, would keep a  
6 stock of these products?

7 A Yes.

8 Q Would that be the same for all the  
9 other facilities?

A Yes.

Q Sir, do you know if inventory was done regularly on the stock?

A No, it was not done regularly.

Q Do you know if it was ever done?

A Oh, yes.

Q How would that inventory be documented?

A With production tickets that were sent back and then we took an annual inventory.

Q Was this done in the 1960's?

A Yes.

Q Do you know if any of those inventory documents exist today?

A No, they do not.

Q Do you know if any of the inventory

■043

1 documents for any years exist today?

2 A Time frame, give me a time frame.

3 Q From the 1970's?

4 A No.

5 Q From the '80's?

6 A No.

7 Q And from the '90's?

8 A No.

9 Q Fair enough.

Sir, did Genuine Parts Company ever sell any friction products, and when I say "friction products," I'm talking about brake shoes, brake pads, clutches, or brake bands that could be used on farm equipment?

A Yes.

Q Sir, and what products were those?

A Clutches, brakes, it is a disc brake.

Q Sir, do you know if Genuine Parts Company ever sold any gaskets that could be used on farm equipment?

A No.

Q You don't know or no they did not?

A No, I do not know.

Q Sir, what types of farm equipment could you use the clutches on?

■044

1 A I don't know.

2 Q Same question for the brakes.

3 A I don't know.

4 Q These clutches and brakes that could  
5 be used on farm equipment, did they have a  
6 different remanufacturing process than what you  
7 have already described to me?

8 A We did not do those.

9 Q These products, then, are products that Genuine Parts Company sold but did not remanufacture?

A Yes.

Q Okay. Do you know when Genuine Parts Company began selling clutches that could be used on farm equipment?

A No.

Q Do you know if they were being sold in the 1960's?

A No.

Q Do you know if they were being sold in the 1970's?

A Yes.

Q Do you know how long Genuine Parts Company sold these clutches?

A No.

■045

1 Q Are they still being sold today?

2 A I do not know.

3 Q Fair enough. Same question with the  
4 brakes. Do you know when Genuine Parts Company  
5 began selling the brakes?

6 A No.

7 Q Do you know if they were offered for  
8 sale by Genuine Parts Company in the '70's?

9 A No.

Q Is Genuine Parts Company still selling  
them today?

A I don't know.

Q Sir, do you know who Genuine Parts  
Company bought the clutches from that could be  
used on farm equipment?

A Dana Spicer.

Q Is Dana the only company that you  
recall Genuine Parts Company purchasing these  
type of clutches from?

A Yes.

Q Same question for the brakes, sir.

A Dana Spicer.

Q Other than Dana Spicer, do you recall  
Genuine Parts Company buying brakes for farm  
equipment from anyone else?

■046

1 A No.

2 Q Did Genuine Parts Company ever resell  
3 any brakes or clutches from original equipment  
4 manufacturers?

5 A No. I need to correct that.

6 Q Sure.

7 A Dana Spicer clutches.

8 Q Sir, do you know if Genuine Parts  
9 Company ever sold any International Harvester  
brakes?

A From whom?

Q From --

A Who is the manufacturer?

Q From International Harvester.

A No.

Q Sir, do you know if at any time



Genuine Parts Company ever sold any friction materials that could be used on heavy construction equipment?

A No.

Q Do you know if Genuine Parts Company ever sold any friction products that could be used on a lawn and garden tractor, a riding lawn mower?

A What part?

■047

1 Q Do you know if, for example, if  
2 Genuine Parts Company ever sold any brakes that  
3 could be used on a riding lawn mower?

4 A No.

5 Q Do you know if Genuine Parts Company  
6 ever sold any clutch or clutch facings that could  
7 be used on a riding lawn mower?

8 A No.

9 Q Do you know if Genuine Parts Company  
ever sold any gaskets that could be used on heavy  
construction equipment?

A No.

Q Same question with regard to riding  
lawn mowers.

A No.

Q Sir, do you know if any of the  
clutches that Genuine Parts Company sold for farm  
equipment, if they ever contained any asbestos?

A No.

Q You don't know?

A I don't. From whom? No, I do not  
know. I do not know.

Q Sir, do you know if any of the brakes,  
the Dana Spicer brakes that Genuine Parts Company  
sold for farm tractors, if they ever contained

■048

1 any asbestos?

2 A No.

3 Q You don't know?

4 A I don't know.

5 Q Sir, would there be some current or  
6 former employee from Genuine Parts Company that  
7 would have more knowledge than you of the

8 specific area of clutches and brakes in regards

9 to farm equipment?

A No.

Q Do you know if NAPA or Genuine Parts Company or Rayloc has any documents regarding the clutches and brakes that could be used on farm equipment?

A Repeat that again, please.

Q Sure, do you know if NAPA or Genuine Parts Company or Rayloc have any documents that discuss these friction products that could be used on farm equipment?

A No.

Q Sir, these products that could be used on farm equipment, were they sold by Genuine Parts Company in all areas of the United States?

A I don't know.

Q Is there someone that would have more

■049

1 knowledge about that than yourself?

2 A No.

3 Q Okay. Sir, now I just want to talk

4 specifically about the brakes that were

5 remanufactured by Rayloc. You have already taken

6 me through the process of the remanufacturing

7 rebuilding of the brakes.

8 My first question is, what did Rayloc

9 or Genuine Parts Company do with the old brake linings that were removed?

A We bagged it according to regulations by OSHA and we had it shipped to an authorized landfill.

Q Sir, how about prior to the existence of OSHA, what did Genuine Parts Company do with the old brake linings?

A I don't know.

Q Sir, who would have knowledge to answer that question?

A I don't know.

Q Sir, I want to go through the different grades of brakes that were remanufactured by Rayloc.

I understand from reading your prior deposition in that Baltimore asbestos case that

■050

1 between 1960 and 1980 Genuine Parts Company had  
2 two grades of brakes, professional and stopper?

3 A Stopper, mm-hmm, yes.

4 Q Okay. Sir, and I understand from your  
5 previous testimony that the professional grade  
6 brakes were designated by the letters B as in  
7 boy, RS, MS, and S; is that accurate?

8 A Yes, it is.

9 Q Between that time frame, 1960 to 1980,  
were there any other brakes that would fit into  
that professional category?

A No.

Q And I understand that from 1960 to  
1980 included in the stopper category would be  
AB, MAS, and AS; is that accurate?

A Yes.

Q Would there be anymore --

A Yes.

Q Would there be anymore brakes that  
would be included in that stopper designation?

A No.

Q Sir, and all these brakes that we are  
talking about now are automobile brakes?

A Yes.

Q Okay. I want to start with the

■051

1 professional grade brakes that go by the  
2 designation B. Can you tell me what the B stands  
3 for?

4 A Bonded brake shoe.

5 Q Brake shoe?

6 A Yes.

7 Q Are any of the designations that I  
8 just read to you brake pads?

9 A Any of them, yes.

Q Okay. Which ones were the brake pads?

A The S and the MS.

Q Okay. The rest were brake shoes?

A No, the other -- the MAS and the AS.

Q Okay. You told us that B was a brake  
shoe and stood for bonded?

A Yes.

Q Okay. I understand from your previous  
testimony that all of the brakes that were

designated B contained asbestos from 1960 to 1980?

A Yes.

Q And I also understand from your previous testimony that all of those brake linings were supplied to Genuine Parts Company by Abex?

■052

1 A Yes.

2 Q Sir, I want to move on to the  
3 designation RS. What does RS stand for?

4 A That is a riveted brake shoe that  
5 falls under professional quality.

6 Q And I understand from your previous  
7 testimony that all brakes designated RS contained  
8 asbestos from 1960 to 1980?

9 A Yes.

Q And I also understand that all of those brake linings were supplied to Genuine Parts Company from Abex?

A Yes.

Q Sir, my next question is with regard to the designation MS, what does that stand for?

A Metallic disc pad.

Q Sir, can you tell me whether the MS brakes contained asbestos?

A They did not.

Q Do you know when Genuine Parts Company and Rayloc started remanufacturing the MS brakes?

A 1972.

Q And how long -- is that process still going on today?

■053

1 A Yes.

2 Q Sir, I want to talk about the  
3 professional category brake that is designated by  
4 the letter S. What does that stand for?

5 A Repeat the question, please.

6 Q The professional brake that is  
7 designated by the letter S as in Sam, what does  
8 that stand for?

9 A Disc pad, disc pad organic.

Q Sir, I understand from your previous testimony in that Baltimore case that all brakes designated S from 1960 to 1980 contained asbestos?

A Yes.

Q And I also understand that the supplier of those brake linings from 1960 to 1980 was Abex?

A Yes.

Q Okay. Sir, I want to go to the stopper grades of brakes now. The first one I have is AB. Can you tell me what that stands for?

A That stands for a brake shoe.

Q Does that signify or represent American Brakeblok?

■054

1 A No.

2 Q Sir, I understand from your previous  
3 testimony that all of the brakes designated AB  
4 from 1960 to 1980 contained asbestos?

5 A Yes.

6 Q And I also understand that all of  
7 those brake linings that were supplied between  
8 1960 to 1980 for the AB brake were supplied by  
9 Abex?

A Yes.

Q Sir, the next one is MAS, what does that stand for?

A Metallic disc pad.

Q Sir, did the MAS brake contain asbestos?

A No.

Q When did Rayloc begin remanufacturing the MAS?

A I don't know exactly, the exact date.

Q Do you know if it was in the 1970's or the 1980's?

A It was mid 1970's.

Q Sir, the next one I have here is designated AS; what does that stand for?

A Disc brake organic.

■055

1 Q I understand from your previous  
2 testimony that all of the brakes designated AS  
3 from 1960 to 1980 contained asbestos?  
4 A Yes.  
5 Q And I also understand that during that  
6 time period, 1960 to 1980, all of the brake  
7 linings for the AS brake were supplied by Abex?  
8 A Yes.  
9 Q Sir, the next one I have goes by the  
designation ES; can you tell me what that is?  
A That's a disc brake pad, organic.  
Q Sir, would that be the professional or  
the stopper grade?  
A That would be the Economy grade,  
that's what the E stands for.  
Q Let me backup. Between 1960 and 1980  
there were two grades, the professional and the  
stopper?  
A Yes.  
Q Okay. At some point after 1980 did it  
increase to three grades?  
A Yes.  
Q And when was that?  
A I don't recall.  
Q And what were those grades?

■056

1 A ES; and MES, MES was the metallic disc  
2 brake; and then we had a EB, which is a brake  
3 shoe.  
4 Q Was the ES professional quality? That  
5 was economy quality; correct?  
6 A Economy quality, yes.  
7 Q When it switched over to three grades,  
8 what was the professional quality brake?  
9 A It was the same designations that we  
had that you just mentioned.  
Q Fair enough. Sir, I understand from  
your previous testimony that from 1960 to 1980  
the ES brake contained asbestos?  
A What time frame?  
Q '60 to '80.  
A ES wasn't out then.  
Q When did ES come out?  
A I said earlier I don't recall the  
exact date, but it had to be in the mid to late  
'70's, excuse me, mid to late '80's.

Q When the ES brake came out, did it contain asbestos?

A Yes.

Q Do you know how long the ES brake contained asbestos?

■057

1 A No.

2 Q Did it contain asbestos into the  
3 '90's?

4 A Yes.

5 Q Sir, who was the supplier of the brake  
6 linings for the ES brakes from the date it came  
7 out up into the '90's?

8 A I don't know. There were numerous  
9 suppliers.

Q Who were the suppliers for the ES brake lining?

A I don't know who were the suppliers.

Q Do you know if Abex ever supplied any lining for the ES brake?

A I do not know.

Q Sir, have you ever heard of a company Bendix or Allied Signal?

A Yes.

Q Do you know if Bendix ever supplied any linings for the ES brake?

A I do not know.

Q Sir, the brake you gave me that goes by the designation EB, what does that stand for?

A That's economy brake shoe.

Q And when did Rayloc begin

■058

1 manufacturing the EB brake shoe?

2 A At the same time frame as the ES.

3 Q Do you know if from the time Rayloc  
4 began remanufacturing the EB brake shoe whether  
5 or not it contained asbestos?

6 A Yes.

7 Q And would it have contained asbestos  
8 about the same time period as the ES brake shoe?

9 A You mean the ES disc pad?

Q Correct.

A Yes.

Q Sir, do you know the supplier of the brake lining that was used on the EB brake shoe?

A Numerous suppliers, no.

Q Do you know if Abex ever supplied any lining for use on the EB brake shoe?

A No, I do not know.

Q Do you know if Bendix ever supplied any linings for use on the EB brake shoe?

A I do not know.

Q Sir, you mentioned another brake, I think MES?

A Yes.

Q Okay. And was that a metallic brake shoe?

■059

1 A No.

2 Q Okay.

3 A It was a metallic disc pad.

4 Q Okay. Did the MES disc pad ever  
5 contain asbestos?

6 A No.

7 Q Do you know when Rayloc began  
8 remanufacturing the MES brake pad?

9 A At the same time frame that the other two were introduced.

Q Sir, I have here from your previous testimony a brake that went by the designation M?

A Yes.

Q Okay. And what was that brake?

A That was a metallic brake shoe.

Q Okay. Do you know if the metallic brake shoe ever contained asbestos?

A It did not.

Q Okay. What was the use of that M brake shoe?

A Special service, stop and go starting, high speed deceleration requirements.

Q Race cars?

A Race cars could use it, as well, but it was approved to be on the street.

■060

1 Q Emergency vehicles?

2 A Yes.



3 Q Sir, you mentioned a little bit  
4 earlier the brake shoe that was designated MS,  
5 was that also a metallic brake shoe?  
6 A It was a metallic disc pad.  
7 Q Okay. Okay. Are you okay to  
8 continue, sir?  
9 A I'm doing fine. Thank you.  
Q Sure. Sir, we have already talked  
about the brake shoe that has been designated by  
the letter B and you have told me it contained  
asbestos from '60 to '80. Do you know if it  
contained asbestos after 1980?  
A In the early part of 1980, '81, '82.  
Q And then so it is your testimony that  
the asbestos was removed from the B brake shoe  
some time in the early '80's?  
A Yes.  
Q Same question as to the RS brake shoe?  
A Same answer.  
Q How about the S designation?  
A Yes.  
Q And would it have contained asbestos  
-- how long did that brake shoe contain asbestos

■061

1 after 1980?  
2 A The same time. I thought you already  
3 mentioned the S disc pad. The S disc pad, the B  
4 brake shoe, the RS brake shoe, all those were  
5 switched over to a non-asbestos material and the  
6 designation of an organic piece of material.  
7 The disc pads were first, the brake  
8 shoes came second, which they lagged a couple of  
9 years behind the disc pad, which would be about  
the mid to early '80's for the brake shoe.  
Q The mid to late '80's?  
A No, it would be -- it was right at the  
mid, about two years after the disc pads.  
Q Sir, after the mid '80's, did Rayloc  
remanufacture any brakes that contained asbestos?  
A Yes.  
Q Okay. And what brakes were those?  
A AB, the AB line or stopper line, and  
the EB, economy line.  
Q How long did the AB line contain  
asbestos?  
A Up until the '90's, early '90's.

Q How about the EB line?

A Up until 2001.

Q Sir, as we sit here today, does

■062

1 Genuine Parts Company or -- strike that.

2 As we sit here today, does Rayloc

3 remanufacture or rebuild any brakes that contain

4 asbestos?

5 A No, they do not.

6 Q Sir, do you know if at any time period

7 whether or not Bendix ever supplied any asbestos

8 brake linings to Genuine Parts Company or Rayloc?

9 A It was Rayloc, yes. I don't know  
about Genuine Parts Company.

Q Do you know what those asbestos Bendix  
brakes were used on?

A They were used on the AB line.

MR. RILEY: Mike, do you want to take  
a five-minute break?

MR. GALLUCCI: Sure, that's fine.

MR. RILEY: Okay. It is an hour and a  
half.

(Recess taken.)

BY MR. GALLUCCI:

Q Okay. Sir, we are back on the record  
and you told me off the record that you needed to  
clarify something. Could you tell me what that  
is.

A Yes, it is on the EB line of brakes,

■063

1 that we only had eight part numbers that were

2 left, this would have been in the late '80's on

3 till 2001, the rest were switched to

4 non-asbestos.

5 I didn't mean to give the impression

6 that the whole line was still asbestos.

7 Q If I understand this clarification,

8 then, in the EB brake line, eight part numbers

9 contained asbestos until 2001?

A Yes.

Q Okay. Fair enough. Okay. Sir, my  
next question is basically, have we talked about  
all of the brake shoes and brake pads that were

remanufactured by Rayloc?

A What time frame?

Q From 1960 until 1980.

A Yes.

Q Okay. Have we talked about all of the asbestos-containing brake shoes or brake pads remanufactured by Rayloc from 1960 to 2001?

A Yes.

Q Okay. Sir, do you have any knowledge as to any asbestos-containing brake shoes or brake pads that were remanufactured by Rayloc prior to 1960?

■064

1 A I don't have knowledge of that.

2 Q Okay. Sir, do you know sitting here  
3 today the different fiber types of asbestos?

4 A I only know one.

5 Q And which one is that?

6 A Chrysotile.

7 Q Have you ever heard the term  
8 amphibole?

9 A No.

Q Have you ever heard the term amosite?

A No.

Q How about the term crocidolite?

A No.

Q And lastly, tremolite?

A No.

Q Okay. Sir, are you able to tell me sitting here today what types of fiber were in the different asbestos-containing brakes remanufactured by Rayloc?

A Chrysotile.

Q So is it your understanding that every asbestos brake lining remanufactured by Rayloc contained chrysotile asbestos?

A Yes.

Q Sir, I want to show you a document

■065

1 which I will mark as Exhibit 4. Let me see if I  
2 can get it up on the screen for you.

3 (Thereupon, Deposition Exhibit No. 4  
4 was marked for identification.)

5 Q You let me know when you can see it.  
6 A I can see it.  
7 MR. GALLUCCI: For the record, Pat, I  
8 don't believe this has a Bate Stamp number  
9 and I don't believe it was produced in the  
Novo case.

MR. RILEY: Okay.

Q Sir, have you ever seen a document  
like this before?

A No.

Q Okay. Sir, if you can read there  
around the NAPA logo it says "NAPA Institute of  
Automotive Technology," have you ever heard of  
that?

A Yes.

Q Let's see if I can make it a little  
bit bigger for you. What is the NAPA Institute  
of Automotive Technology?

A That is a training program put  
together by NAPA for NAPA customers.

Q Okay. Sir, did you ever participate

■066

1 or teach any of these clinics?

2 A No.

3 Q Okay. Were these all taught by --

4 MR. RILEY: I will object to the  
5 phrase, Mike, in terms of what he talked  
6 about "clinics" is different than the course  
7 that you are talking about right now.

8 MR. GALLUCCI: Fair enough.

9 Q You never taught any of these courses?

A No.

Q Were these taught by employees of  
NAPA?

A I don't know.

MR. RILEY: They are self  
instructional if you open the box.

Q Sir, I have scrolled to the second  
page, do you see the copyright date of 1994 there  
at the bottom?

A Yes.

Q Okay. Let me make it a little bit  
bigger. Sir, I'm going to go to, I believe it is  
page 74 in this document. Do you see the heading  
"asbestos"?

A Not yet. Yes.

Q Okay. The first paragraph begins with

■067

1 the word "since"; do you see that?

2 A We can't make it out. It is blurred,  
3 but I see "asbestos," that's all I can make out.

4 MR. RILEY: Mike, I want to put an  
5 objection on the record that since he said  
6 he had not seeing seen this before and  
7 didn't participate in it, I object to the  
8 use of the document. Go ahead and make your  
9 record.

Q Sure. I made it a little bit bigger.  
Does that help?

A Yes.

Q Okay. If you look at the last  
sentence, sir, in that paragraph, and you see it  
starts with the word "the"?

A Yes.

Q Okay. It says, "The fibers come from  
the minerals chrysotile and amphibole which are  
mostly found in and supplied from Canada," do you  
see that?

A I do.

Q Okay. After reading that and seeing  
that, do you ever remember hearing the term  
"amphibole" being used at a Rayloc plant?

A No.

■068

1 Q Okay. I'm going to take the document  
2 down now. Has the document come down?

3 A No.

4 Q Okay. It doesn't want to switch back  
5 to the camera that's on me. Let me try it again.  
6 Did that work?

7 A No.

8 MR. GALLUCCI: Let me take a break so  
9 we can get someone to switch this back for  
us and then we will come back on the record.

Fair enough?

THE WITNESS: Yes.

(Recess taken.)

MR. GALLUCCI: We are back on the  
record again.

BY MR. GALLUCCI:

Q All right. Mr. LeCour, sorry about that. I think we have got our technical difficulties resolved, hopefully. I want to move on and talk a little bit about the packaging of these brake shoes and brake pads. Fair enough?

A Yes.

Q Okay. First, can you tell me how many brake shoes came in a box?

■069

1 A Four.

2 Q Would that answer apply to all the  
3 different designations of brake shoes, B, RS, AB?

4 A Yes.

5 Q Can you tell me how many brake pads  
6 came in a box?

7 A Four.

8 Q And would that apply to all of the  
9 designations of pads, including S, MS, MAS?

A Yes.

Q Okay. And was that standard from 1960 forward?

A Yes.

Q Sir, if I had a box of the S brake pads, would the letter designation "S" appear on the box?

A It appears on the label.

Q On the label of the box?

A Yes.

Q Okay. Would that be true with the other designations as far as, you know, "AB" or "RS"?

A Yes.

Q Did that designation begin appearing on the labels in the 1960's, do you know?

■070

1 A Yes.

2 Q Okay. Sir, what else would appear  
3 either on the box or on the label of these boxes?

4 A Designated part number. In some cases  
5 it had our name up at the top and "American  
6 Brakeblok" at the bottom, and in some cases it

7 was reversed where American Brakeblok was shown  
8 at the top.

9 Q Sir, I'm going to mark as an exhibit  
to this deposition --

MR. GALLUCCI: And Pat, if you could  
pull these up instead of me trying to switch  
so we don't have the same technical  
problems, they are Bate Stamped Novo 30233.

MR. RILEY: Okay.

MR. GALLUCCI: And Novo 30230.

MR. RILEY: He has them.

Q Okay. Sir, if you could look at the  
one that is marked 32 -- strike that -- 30233?

A Yes.

Q Are we looking at a picture of an  
actual box of brakes or are we looking at a  
label; can you tell?

A You are looking at a label.

Q Okay. Both the top and bottom

■071

1 pictures are labels?

2 A Yes.

3 Q And this label, then, would be applied  
4 to a box?

5 A Yes.

6 Q Okay. What was the appearance of the  
7 box? Was it a certain color?

8 A It was oyster white.

9 Q And is that beginning in the 1960's?

A It was craft in the 1960's.

Q Sir, if you look at the top label of  
this document it says "NAPA Rayloc," do you see  
that?

A Yes.

Q Would there ever be anything on the  
label or the box itself identifying Genuine Parts  
Company?

A No.

Q Okay. Sir, if you'd look at the next  
document, that is numbered 30230.

A Yes.

Q The top right-hand corner, it has a  
designation "S7124A"; do you see that?

A Yes.

Q We talked about what the "S" stands

■072

1 for, can you tell me what the rest of the numbers  
2 and letters stand for?

3 A Yes. The "7124" is the friction  
4 designation assigned by FMSI, and the "A" would  
5 be a situation where you would have the same  
6 friction, it could be a plain "7124," but with  
7 different steel backing plate or with different  
8 hardware, so it would get a designation of an  
9 "A."

Q Okay. What other designations could  
appear at the end, other than an "A"?

A It could be a "B".

Q And what would that mean?

A Same thing; again, difference in just  
the hardware attachment to that particular set of  
pads.

Q Okay. Does the number "7124," you  
told me it came from the FMSI, does that in any  
way reflect any part numbers of Genuine Parts  
Company or Rayloc?

A Repeat the question again, please.

Q Sure. The number "7124," you told me  
it came from the FMSI?

A Yes.

Q Does that number in any way reflect a

■073

1 Rayloc part number?

2 A Yes.

3 Q Okay. Did Rayloc part numbers  
4 correspond to the FMSI part numbers?

5 A Not a hundred percent.

6 Q Sir, if you would look at the bottom  
7 picture on that page, it has the designation  
8 "S781A"?

9 A Yes.

Q That number "781A," again, would be an  
FMSI number?

A Yes.

Q And underneath that it has the NAPA  
logo and says "American Brakeblok"?

A Yes.

Q Do you know if the name "American  
Brakeblok" appeared on every box of brakes that



was sold or remanufactured by Rayloc from '60 to '80?

A On the professional quality.

Q So if I had a box of NAPA Rayloc brakes and the name "American Brakeblok" appeared on it, that would be a professional quality brake?

A Yes.

■074

1 Q Okay. Sir, do you know if the name  
2 "Rayloc" or the name "NAPA" ever appeared on the  
3 actual brake lining itself?

4 A What time frame?

5 Q From any time from 1960 to 1980.

6 A No, it did not.

7 Q Okay. Sir, do you know if at any time  
8 frame from 1960 to 1980 whether the name "Abex"  
9 or "American Brakeblok" appeared on the lining  
itself?

A Yes.

Q And do you know what time frame that was?

A Up until the late '80's.

Q Would it say "Abex" or would it say "American Brakeblok"?

A It would say "AB261," which is a formula, that is a formula number on the side, on the edge of the lining. Sometimes it said "Abex" on the segment itself.

Q On the what part?

A On the segment, the friction material.

Q Sir, I'm going to attempt to show you another picture that wasn't involved in the Novo document production so I'm going to attempt to

■075

1 put it on the screen and I'll mark it as Exhibit  
2 5.

3 (Thereupon, Deposition Exhibit No. 5  
4 was marked for identification.)

5 Q You let me know when you can see it.

6 A I can see it.

7 Q Okay. Sir, that box there, is that  
8 the oyster color white that you were describing

9 to me earlier?

A No.

Q Can you tell me from looking at the design of this box what year the box is from?

A No.

Q Do you know if it was approximately the '60's, the '70's?

A In the '70's.

Q Okay. And sir, the box says "NAPA American Brakeblok," do you see that?

A Yes.

Q So based on your prior, excuse me, your prior testimony, that brake inside that box would be a professional quality brake?

A No.

MR. RILEY: Objection, assumes facts not in evidence. You are saying there is a

■076

1 brake in that box. Ask him if he knows what  
2 would be in that box.

3 Q Sir, do you see the box there?

4 A Yes.

5 Q Okay. Would that be a brake box?

6 A Would it be a brake box?

7 Q Correct.

8 A It has brake lining in it.

9 Q Okay.

A Do you see the lining to the right?  
Do you see the four pieces of lining to the right?

Q Sure.

A It has the name "American Brakeblok."

Q Correct.

A That is what would be in the box.

Q So your testimony is that the only thing that would appear in that box is the lining?

A Yes.

Q Okay. Fair enough. And the lining itself actually says "American Brakeblok"?

A Yes.

Q Is the document gone now?

A No.

■077

1 MR. GALLUCCI: Can you let me know  
2 when it disappears, Pat?

3 MR. RILEY: Okay. You might want to  
4 get some help.

5 MR. GALLUCCI: Yeah, I'm thinking  
6 that.

7 (Recess taken.)

8 MR. GALLUCCI: We will go back on the  
9 record.

BY MR. GALLUCCI:

Q Sir, let me ask you this question  
before we continue: Are there any other  
divisions of Genuine Parts Company other than  
Rayloc that rebuilt remanufactured brakes?

A No.

Q Are there any members of NAPA that  
rebuilt or remanufactured brakes?

A Yes.

Q And who was that?

A NAPA United.

MR. RILEY: No.

THE WITNESS: Yeah.

MR. RILEY: He is asking about NAPA  
members.

A No.

■078

1 MR. RILEY: Colyear.

2 THE WITNESS: No.

3 MR. RILEY: Mike, you already asked  
4 about Colyear and GAP.

5 MR. GALLUCCI: Right.

6 MR. RILEY: And Genaut.

7 MR. GALLUCCI: My understanding from  
8 his testimony is that they were acquired by  
9 Genuine Parts Company.

MR. RILEY: Yeah, but they were  
members of NAPA before being acquired and  
they remanufactured.

MR. GALLUCCI: Okay.

BY MR. GALLUCCI:

Q Sir, you just mentioned an entity  
called NAPA United, can you tell me what that is?

A I misunderstood your question, but  
NAPA United was the hydraulic side and they are  
the supplier of hydraulic parts to Genuine Parts

Company. It was a division of Echlin.

Q Did NAPA United in any way remanufacture or rebuild brake shoes?

A No.

Q Did NAPA United in any way remanufacture or rebuild clutches?

■079

1 A No.

2 Q Sir, I want to go to another document,  
3 but I'm not going to put it on the screen, it is  
4 from the Novo case, and it goes by the Bate Stamp  
5 No. 5011.

6 MR. RILEY: What was the Exhibit  
7 number in Novo?

8 MR. GALLUCCI: In his depo it was  
9 Exhibit No. 4.

MR. RILEY: Is that the American  
Brakeblok specifications?

MR. GALLUCCI: Correct.

MR. RILEY: 50111?

MR. GALLUCCI: Correct.

MR. RILEY: It is actually a multiple  
page exhibit and I'm handing the whole group  
to him.

MR. GALLUCCI: To 50116?

MR. RILEY: Correct.

MR. GALLUCCI: And we will attach this  
to this deposition as Exhibit No. 6.  
(Thereupon, Deposition Exhibit No. 6  
was marked for identification.)

Q Sir, can you tell me what this  
document here is?

■080

1 A Yes, it is a specification document on  
2 the positioning of the brake lining on the table  
3 of the brake shoe. Also, it tells us what the  
4 center thickness is after we grind it. It also  
5 tells us what radius to set our compounds on so  
6 that we will get a canned browned piece of lining  
7 when we are finished supplied by American  
8 Brakeblok.

9 Q So am I correct in stating that this  
specification document was something that was

provided to Rayloc by American Brakeblok or Abex?

A Yes.

Q And in lay terms it is basically telling Rayloc how far to grind down a brake lining for specific use?

A Yes.

Q Okay. Do you know when American Brakeblok started supplying these specifications to Rayloc?

A They were there before I arrived.

Q Okay. And this grinding that was done pursuant to this specification was done at the Rayloc facility in the process you have already described to me?

A Yes.

■081

1 Q Sir, do you know if Rayloc ever  
2 received any of these specifications from Bendix?

3 A No.

4 Q You don't know or, no, they never did?

5 A No, they never supplied them.

6 Q Okay. Sir, did every brake that was  
7 rebuilt or remanufactured by Rayloc have to be  
8 ground?

9 A Yes.

Q That would include both the brake shoes and the brake pads?

A No.

MR. RILEY: Ground by whom?

MR. GALLUCCI: Right now we are talking about the rebuilding process done by Rayloc.

MR. RILEY: Okay, yeah. It just wasn't clear on your question as to whether somebody else would grind it after Rayloc made it, or you are asking if Rayloc ground every brake?

MR. GALLUCCI: Yeah, we will get to the other distinction in a little bit, but I am still talking about Rayloc now.

MR. RILEY: Thank you.

■082

1 A The brake shoe, yes; the disc pad, no.

2 Q Okay. Sir, what was the reason for  
3 grinding these by Rayloc?  
4 A This was one of our selling points,  
5 that when we finished processing the product, you  
6 as an installer would not have to do any  
7 modifications whatsoever to the product, you  
8 would put it on, you will have a good sound  
9 brake, you will not have noise, and we said that  
if you had to grind this material in your  
facility, you couldn't get as many brake jobs  
through an eight-hour period that you could get  
if you used our finished product.  
Q Sir, let me ask you this: You have  
never been trained as a mechanic; correct?  
A No, I have.  
Q You have been trained as a mechanic?  
A Yes.  
Q Okay. And when was that?  
A Since I was 15 years old.  
Q What type of training did you have?  
A I did home study. I did it because we  
were in the remanufacturing business. I attended  
classes at night just for different phases, like  
engine rebuilding, transmission rebuilding, and

■083

1 reading, self taught on basically everything.  
2 Q Am I correct in stating that you have  
3 never been employed as a mechanic?  
4 A No.  
5 Q Okay. Where have you been employed as  
6 a mechanic?  
7 A In New Orleans.  
8 Q At a garage?  
9 A At a filling station, I did mechanical  
work.  
Q In what year was that?  
A 1960, '61.  
Q And how long did you work at that job?  
A Two and a half years.  
Q Did you perform brake changes as a  
mechanic at that time?  
A Yes.  
Q Can you tell me how many brake changes  
you have performed while working at that job?  
A No, I would have no idea.  
Q Did you personally while working at

that job ever sand a new brake shoe prior to putting it on?

A No.

Q Did you while working at that job ever

■084

1 personally sand a new brake pad prior to putting  
2 it on?

3 A No.

4 Q Sir, do you know what I mean if I say,  
5 if I ask you whether you have ever seen any brake  
6 linings that have a glaze on them?

7 A Yes.

8 Q Okay. Did any of the  
9 asbestos-containing brakes, shoes, or brake pads  
rebuilt by Rayloc ever have a glaze on them?

A Yes.

Q Did they all have glazes on them?

A No.

Q Okay. Can you tell me which ones had  
glazes on them?

A I cannot be specific. The glazing is  
not when you initially put it on the vehicle, but  
if they are bringing the vehicle back in for some  
reason, let's say a noise issue, it is glaze.  
Our recommendation is you change the brakes.  
The reason is the glazing is caused by  
excessive heat generated in a small area, which  
in turn takes the resins, and that's what you are  
looking at, is the resins come to the surface and  
glaze over.

■085

1 MR. GALLUCCI: I will move to strike  
2 that as non responsive, sir.

3 Q Maybe you didn't understand my  
4 question. My question is did any of the brakes  
5 that were remanufactured by Rayloc have a glaze  
6 on them?

7 A No.

8 Q Okay. Sir, in reading Genuine Parts  
9 Company's interrogatories in this case,  
specifically irog answer No. 8, they identify  
different names of what I'm assuming are brakes  
that were remanufactured by Rayloc, one being

Tru-Stop, T-R-U dash Stop?

A Yes.

Q What is Tru-Stop?

A Tru-Stop is an off-shoot from the stopper; just a change in the name, same product.

Q Do you know when that changeover occurred?

A No.

Q And the next one they have identified there is Safety Stop?

A Yes, that is, again, a change in the EB line, Economy line, marking the change.

Q Do you know when that occurred?

■086

1 A No.

2 Q Sir, we have a document that was  
3 produced in the Novo case that I'd like to ask  
4 you about, and it is Exhibit No. 9.

5 MR. GALLUCCI: It is Exhibit No. 9.  
6 Pat, and it is Bate Stamped 121385.

7 MR. RILEY: Okay.

8 Q Sir, if you could take a look at that  
9 document for me.

A Yes.

Q Sir, can you still see me?

A Yes.

Q Okay. Sir, I have marked this as  
Exhibit 7 to our deposition here.

(Thereupon, Deposition Exhibit No. 7  
was marked for identification.)

Q Can you tell me what this document is?

A Yes, it is what we do when a supplier  
comes and offers a new formula for us to use in  
our product line. In this particular case it was  
a noise issue that we were addressing, and the  
supplier, Tenneco, said that they had that  
solution to that problem so we asked our sales  
force to put it on their vehicle.

Q So we are looking here at a letter

■087

1 from yourself to six individuals asking them to  
2 put these new brakes on their personal vehicles?

3 A Company car.



4 Q That they drive?  
5 A Yes.  
6 Q Okay. And it is dated November 16th,  
7 1990?  
8 A Yes.  
9 Q Did this process occur prior to 1990?  
A No.  
Q Maybe I was --  
MR. RILEY: You might want to rephrase  
the question, Mike.  
MR. GALLUCCI: Yeah.  
Q Maybe I was unclear. Did the process  
of sending new formulas of brakes to put on, you  
know, company cars, did that occur prior to 1990?  
A You mean in other cases?  
Q Correct.  
A Or in this particular case, yes. We  
have done that in particular cases.  
Q Do you know if it has been done for  
asbestos-containing brakes?  
A Yes.  
Q Can you tell me when those occasions

■088

1 were?  
2 A Numerous occasions. I don't have any  
3 specifics.  
4 Q Do you remember what the change in  
5 formula was at the time of the asbestos brakes  
6 that this was done?  
7 A No, they said that's proprietary  
8 information.  
9 Q Do you know the supplier of those  
brake linings?  
A Yes.  
Q And who would that have been?  
A Bendix, American Brakeblok, and in  
this case Tenneco.  
Q Sir, do you know if any letters like  
the ones you have in front of you exist that  
would discuss the occurrences where this happened  
with asbestos-containing brakes?  
A No, there is not.  
Q Do you know what happened to those  
letters?  
A They were discarded.  
Q And do you know when?

A No.

MR. RILEY: To the extent that any

■089

1 might exist, they would be in the document  
2 repository, which counsel in the Hicks case  
3 reviewed.

4 MR. GALLUCCI: I'm going to ask him  
5 about the document repository a little later  
6 on today.

7 Q Sir, from the time period -- strike  
8 that.

9 In the 1960's, are you aware of any  
asbestos substitutes for automobile brakes?

A No.

Q Sir, from 1970 -- strike that.

In the early 1970's, are you aware of  
substitutes for asbestos brakes, non-asbestos  
substitutes?

A Let me back up and clarify. When you  
say in the '60's, the '60's, the M material that  
we spoke of before, that was not a full line but  
--

Q The court reporter asked what  
material.

A Oh, M series, that was a metallic from  
American Brakeblok. Again, that was used as a  
substitution for an asbestos-type material, but  
it wasn't a full line.

■090

1 Q Sir, let me ask you this: Are you  
2 aware at any time in the late '50's or 1960's of  
3 any patents for non-asbestos brakes?

4 A '50's to '60's?

5 Q Correct.

6 A I don't know of patents, but I know  
7 that they were available.

8 Q Were those non-asbestos brakes  
9 available in the United States?

A Yes. I'd like to clarify it.

Q Sure.

A Again, it was specific markets, it was  
not stuff that would be substituting for the  
general public. It was severe duty type stuff

made by Velvet Touch and that's what they specialized in, mining equipment, tractor-trailer type stuff, but it was not to be used on passenger cars or a light truck.

Q Let me ask you this, and if I misstate your testimony, please let me know, is it your testimony that in the 1960's there was not a suitable non-asbestos brake lining for passenger and light trucks?

A Correct.

Q Fair enough. Sir, I now want to

■091

1 change topics and I now want to start discussing  
2 the clutches that were rebuilt and remanufactured  
3 by Rayloc. Are you okay to continue?

4 A Yes, sir.

5 Q Good. You have already described for  
6 us earlier the process of rebuilding these  
7 clutches; correct?

8 A Yes.

9 Q And when did the process of rebuilding  
clutches by Rayloc begin?

A Early '60's.

Q Sir, you described that with a clutch,  
the old clutches would come in, I think you  
called them cores maybe, and the old facing would  
have to be removed?

A Yes.

Q What was done with the old clutch  
facing that was removed?

A What time period?

Q In the 1960's.

A I don't know.

Q How about at any time prior to the  
institution of OSHA?

A Prior to that, I don't know.

Q Okay. With the brakes we went through

■092

1 the different grades and the different  
2 designations, did those -- did any grades or  
3 designations exist for clutches?

4 A No.

5 Q Did Rayloc only remanufacture, then,

6 one type of clutch?

7 A As far as the product line is

8 concerned, it was one product line, obviously,

9 yes.

Q Did that have --

A We didn't have the three flavors like  
brakes do.

Q Did it have a designation?

A Yes, as far as the -- what's on the  
box?

Q Sure.

A Yes.

Q And what was that?

A "CA" for the cover assembly, "R" for  
the clutch disc.

Q Sir, am I correct in stating that  
different types of vehicles would take a  
different type and different size of clutch?

A Yes.

Q How did Rayloc or Genuine Parts

■093

1 Company differentiate their products?

2 A From whom?

3 Q From all their products, you know, for  
4 example, a clutch that would fit X car as opposed  
5 to a clutch that would fit Y car?

6 A Assigned a part number to that  
7 particular manufacturer of the clutch.

8 Q Sir, I believe in answers to  
9 interrogatories in this case, more specifically  
No. 8, Genuine Parts Company lists the name  
"Partex," P-A-R-T-E-X?

A Yes.

Q Have you ever heard that name?

A Yes, yes.

Q And what is Partex?

A Partex was another manufacturer that  
supplied certain distribution centers out west in  
the mountains. I know them as supplying  
electrical product, starters and alternators and  
generators.

Q So Partex was not a trade name used by  
Rayloc or NAPA or Genuine Parts Company?

A No, no.

Q Were any trade names given to the  
clutches that were remanufactured by Rayloc?

■094

1 A No, just Rayloc clutch.

2 Q So if I had -- strike that.

3 Did these Rayloc clutches come in a  
4 box?

5 A Yes.

6 Q If I had a box of these clutches, what  
7 would appear on the outside of that box?

8 A A label, the label would designate it,  
9 that it was a Rayloc clutch disc or a Rayloc  
clutch cover, and the part number would be on  
there.

Q Sir, we went through earlier the  
rebuilding locations of Rayloc; do you remember  
that?

A Yes.

Q Did all of those, to your knowledge,  
also rebuild clutches?

A Yes.

Q Do you know who the supplier of the  
clutch facings that were used by Rayloc say in  
the 1960's, do you know that supplier?

A Yes.

Q And who was that?

A Raybestos Manhattan.

Q How about the 1970's?

■095

1 A Raybestos Manhattan and H.K. Porter.

2 Q How about the 1980's?

3 A The same.

4 Q Same as the '70's?

5 A Yes.

6 Q How about the '90's?

7 MR. RILEY: You are asking asbestos in  
8 the '90's or just the supplier?

9 MR. GALLUCCI: I'm just asking general  
supplier right now.

A Raybestos Manhattan.

Q Sir, do you know at any time from the  
time Rayloc began remanufacturing clutches until  
the present any suppliers of clutch facings other  
than Raybestos and H.K. Porter?

A Yes.

Q Okay. And who would those be?  
A Velvet Touch.  
Q Is that all?  
A That's it.  
Q Do you know when Velvet Touch supplied clutch facings?  
A From the '60's through the '90's.  
That was a non-asbestos or special service, as I said earlier.

■096

1 Q That was my next question. These  
2 weren't for use on passenger vehicles or trucks?  
3 A Correct, light truck, no.  
4 Q Sir, do you know in the 1960's whether  
5 the clutch facings supplied by Raybestos  
6 contained asbestos?  
7 A Yes, they did.  
8 Q Sir, do you know in the 1970's whether  
9 the clutch facings supplied by H.K. Porter and  
Raybestos contained asbestos?  
A Yes, they did.  
Q Same question with the 1980's?  
A No, they did not.  
Q Do you know if there was any asbestos  
in the clutch facing supplied by Raybestos in the  
'90's?  
A No, they did not -- I want to rephrase  
that. We didn't purchase anything and they said  
they didn't make anything, so I'm just saying  
what we purchased, is that what you are asking?  
Q Correct.  
A Yes, no, they did not have asbestos in  
them.  
Q Sir, let me ask this: How would --  
strike that.

■097

1 Do you know if -- did you ever hear of  
2 the name Borg-Warner?  
3 A Yes.  
4 Q Do you know if Borg-Warner ever  
5 supplied any clutches to Rayloc?  
6 A Yes, they did.  
7 Q And do you know what time frame that

8 was?

9 A Late '70's.

Q Do you have any knowledge sitting here today whether those clutches contained asbestos?

A Yes, they did.

Q And how long did -- strike that.

Were these clutches that were remanufactured by Rayloc in a Borg-Warner lining put on?

A These were -- we bought both ways, we bought the bare clutch disc and put our facing on it, we bought lined clutch discs, and we bought cover assemblies, but we marketed under our trade name, not their's, it was never sold as a Borg-Warner clutch.

Q Sir, the only one at this time that I'm interested in is the one you bought from Borg-Warner that was the lined clutch disc,

■098

1 already came with the Borg-Warner lining on it?

2 A Yes.

3 Q Okay. And you believe that was in the  
4 1970's?

5 A Late '70's, late '70's, yes.

6 Q And you believe that contained  
7 asbestos?

8 A Yes.

9 Q This particular -- these particular lined clutch discs, how long did Borg-Warner supply those to Rayloc?

A I don't recall.

Q If I understand your testimony, Rayloc or Genuine Parts Company would put them in a NAPA box?

A No, they put them in a Rayloc box.

Q Okay. Would there be anything on the box itself that would designate that lined clutch disc coming from Borg-Warner?

A No.

Q Would there be anything on the clutch or the clutch facing itself that would identify Borg-Warner?

A No.

Q Were -- these Borg-Warner lined

■099

1 clutches, did they have special applications, or  
2 were they used on passenger and light trucks?

3 A Passenger and light truck.

4 Q How were these clutches different than  
5 the ones that Rayloc was rebuilding or  
6 remanufacturing?

7 A We had to buy -- we bought the  
8 clutches from Borg-Warner to supplement our cores  
9 because normally we only can salvage 80 percent  
of what comes back in our back door, so we have  
to make up 20 percent of that, so we buy new  
clutches and new discs.

Q I understand. Were any clutches and  
new discs purchased from any entities other than  
Borg-Warner?

A Yes.

Q And who were those?

A I don't recall.

Q Do you know if Dana or Spicer ever  
supplied any clutches?

MR. RILEY: To Rayloc?

MR. GALLUCCI: Correct.

A Yes.

Q Were these for use on passenger and  
light trucks?

■100

1 A No.

2 Q Do you know the names of any other  
3 suppliers of the clutches that would have been  
4 used on passenger and light trucks?

5 A No.

6 Q Sir, in the 1960's do you know if the  
7 name "Raybestos" appeared on the clutch facings  
8 that were being used by Rayloc?

9 A No, I do not know.

Q Do you know if the name "H.K. Porter"  
was -- you could see it on the clutch facing  
material itself in the 1970's?

A No, it did not, late '70's.

Q It did not appear in the late '70's?

A No.

Q Sir, you told us earlier, for example,  
with the Abex brakes on the side of the brake  
there would be maybe the word "Abex" and a part



designation?

A Formulation, yes.

Q Did any of that information ever appear on any of these clutches or clutch facings?

A Yes.

Q And what did that designation or

■101

1 formulation look like?

2 A It would be a number to identify what  
3 the facing is, which that number was supplied  
4 by -- or they used FMSI and it was on the back  
5 side of the facing.

6 Q Would that number also appear on the  
7 outside of the box or correspond to the number on  
8 the outside of the box?

9 A No.

Q Okay. So the CA number or the R number that would have been on the front of the box would be different?

A Yes.

Q Okay.

Sir, do you know or did the rebuilding process of these clutches, did the clutches, clutch facings, have to be ground like the brakes did?

A No.

Q So Rayloc would have never reground or never ground any clutch facings?

A No.

Q Sir, do you know the type of asbestos fiber that was used in the asbestos-containing clutches in the 1960's and the 1970's?

■102

1 A Chrysotile.

2 Q Do you know the fiber type of asbestos  
3 that was used in the Borg-Warner asbestos  
4 clutches?

5 A I don't know.

6 Q Sir, is it your testimony that in 1980  
7 Rayloc no longer relined or rebuilt clutches with  
8 an asbestos-containing clutch facing?

9 A Yes.

Q Sir, are there any other divisions of Genuine Parts Company, other than Rayloc, that would have rebuilt or remanufactured clutches?

A What time frame?

Q In the 1960's.

A No.

Q How about in the 1970's?

A No.

Q How about the 1980's?

A No.

Q All right. Sir, I want to change gears now and start talking about gaskets that would have been supplied by Genuine Parts Company; fair enough?

A Yes.

Q Are you okay to continue?

■103

1 A Yes.

2 Q Okay. Do you know what types of  
3 gaskets Genuine Parts Company offered for sale?

4 A Yes.

5 Q And what types are those?

6 A Engine kits, transmission gaskets,  
7 differential gaskets, water pump gaskets.

8 Q Do you know, sir, at what -- in what  
9 time frame did Genuine Parts Company begin offering gaskets for sale?

A I do not know.

Q Sir, am I correct in stating that there is no rebuilding or remanufacturing process involved with a gasket?

A No, there is not.

Q Okay. So these would have been gaskets that Genuine Parts Company purchased from somebody else and then resold?

A Yes.

Q Okay. The first type you mentioned was an engine kit, what types of gaskets were in the engine kit?

A Intake manifold, exhaust manifold if required, head gaskets, water pump gasket.

Q I don't think -- I don't think I have

■104

1 asked you this. Do you know what time frame  
2 Genuine Parts began selling these engine kit  
3 gaskets?  
4 A No.  
5 Q Do you know if they were offered for  
6 sale in the '60's?  
7 A I don't know.  
8 Q Do you know if they were offered for  
9 sale in the '70's?  
A Yes.  
Q How about the '80's?  
A Yes.  
Q Sir, do you know the name of the  
company that Genuine Parts Company got the intake  
manifold gaskets from in the 1970's?  
A Dana.  
Q Same question with regard to the  
exhaust manifold gasket it required?  
A Dana.  
Q Same question as to the head gasket?  
A Dana.  
Q And same question as to the water pump  
gasket?  
A Dana.  
Q In the 1970's were there other

■105

1 suppliers other than Dana of the intake manifold  
2 gasket?  
3 A I do not know.  
4 Q Same question as to the exhaust  
5 manifold gasket.  
6 A Tenneco could have supplied an exhaust  
7 gasket.  
8 Q How about as to the head gaskets?  
9 A No other, do not know any other.  
Q And how about lastly as to the water  
pump gaskets?  
A Do not know any other.  
Q Sir, can you tell me the suppliers of  
the intake manifold gaskets in the 1980's?  
A Dana.  
Q Same question as to the exhaust  
manifold gaskets in the '80's?  
A Dana.  
Q Same question as to the head gaskets  
in the 1980's?

A Dana.

Q And lastly, the same question as to the water pump gaskets in the 1980's?

A Dana.

Q Sir, sitting here today, do you know

■106

1 whether the intake manifold gaskets contained  
2 asbestos in the 1970's?

3 A I do not know that.

4 Q Do you know if the intake manifold  
5 gaskets in the 1980's contained asbestos?

6 A I do not know.

7 Q Do you know if the exhaust manifold  
8 gaskets in the '70's and '80's contained  
9 asbestos?

A I do not know.

Q Same question as to the head gaskets?

A I do not know.

Q Same question as to the water pump  
gaskets?

A I do not know.

Q Sir, out of those four gaskets, do you  
know if at any time if any of those four gaskets  
ever contained asbestos that Genuine Parts  
Company sold?

A No, I did not know.

Q Sir, would there be someone at Genuine  
Parts Company or NAPA that would have more  
knowledge about the gaskets that were sold by  
Genuine Parts Company other than yourself?

A No.

■107

1 Q Sir, the next set of gaskets you  
2 mentioned were the transmission gaskets?

3 A Yes.

4 Q Okay. Do you know who the supplier of  
5 the transmission gaskets was in the 1970's?

6 A Balkamp.

7 Q Can you spell that, please.

8 A B-a-l-k-a-m-p.

9 Q Sir, at any time was -- Balkamp  
Corporation, is that what it is called?

A I don't know if they are incorporated

or not.

Q Okay. Did Genuine Parts Company ever acquire Balkamp, Incorporated or Balkamp?

A They are a large stockholder in it.

Q In Genuine Parts Company?

A Genuine Parts Company is a stockholder -- Balkamp is --

MR. RILEY: The answer to interrogatories on No. 6 says "GPC states that it holds a majority interest in Balkamp, Inc., a distributor of various automotive accessories."

Q Sir, is that your understanding?

A Yes.

■108

1 Q Back on the transmission gaskets, do  
2 you know if they were offered for sale in the  
3 1960's?

4 A I do not know.

5 Q Were there any suppliers other than  
6 Balkamp of the transmission gaskets in the '70's?

7 A No.

8 Q Do you know who supplied the  
9 transmission gaskets in the '80's?

A Balkamp.

Q Do you know if the transmission gaskets sold in the 1970's or the 1980's contained asbestos?

A No, I do not know.

Q The next one you mentioned were the water pump gaskets. I think we already discussed those; correct?

A Yes.

Q And the last one you mentioned was the differential gaskets?

A Yes.

Q Do you know when -- if those were offered for sale in the 1960's?

A I do not know.

Q How about the 1970's?

■109

1 A Yes, they were.

2 Q Do you know the supplier of the

3 differential gaskets in the 1970's?  
4 A Yes.  
5 Q And who was that?  
6 A Dana.  
7 Q How about in the 1980's?  
8 A Dana.  
9 Q Do you recall any other suppliers of  
the differential gaskets in the '70's and '80's,  
other than Dana?

A No, no.

Q Sir, do you have any knowledge sitting  
here today whether the differential gaskets  
contained any asbestos?

A No.

Q Sir, have we talked about all the  
different types of gaskets that were offered by  
sale -- by Genuine Parts Company in the 1970's?

A Yes.

Q And in the 1980's?

A Yes.

Q Sir, do you know if a company called  
Garlock ever supplied any gaskets to Genuine  
Parts Company?

■110

1 A No.

2 Q You don't know?

3 A I don't know.

4 Q Fair enough. Sir, I want to talk  
5 about the packaging of these gaskets.

6 I understand, obviously, from your  
7 testimony that Genuine Parts Company got them  
8 from another manufacturer?

9 A Yes.

Q Would they then be put in a NAPA or a  
Genuine Parts or a Rayloc box?

A No.

Q Okay. How would these gaskets be  
sold?

A Under the trade name Victor.

Q Would they be packaged in a box?

A Some.

Q How else would they come packaged?

A Plastic bag.

Q And would it be Rayloc that would put  
these gaskets in the box or in the bag?

A No, they came boxed already from the

supplier of the manufacturer.

Q Sir, let's take an example of the head gaskets say in the 1970's. Is it your testimony

■111

1 that they would come packaged from Dana already  
2 in a box that said "NAPA"?

3 A I can't recall that they would say  
4 "NAPA." There was a transition, I do not  
5 remember the time period, but they would say  
6 "Victor," but I don't know when the name "NAPA"  
7 ever entered into it.

8 Q Do you know if at any point the name  
9 "NAPA" ever appeared on the box or on a label on  
the bag of any gaskets sold by Genuine Parts  
Company?

A No, I do not know.

Q Same question as to the word "Rayloc"?

A Repeat the question again.

Q Sure. Did the name "Rayloc" ever  
appear on any of those boxes that would come from  
Dana as far as the head gaskets?

A No.

Q Would there be anything on the box or  
the bag that a customer would see that would  
identify NAPA, Rayloc, or Genuine Parts Company?

A By those names you have just  
mentioned?

Q Correct.

A No. But by a trade name of Victor

■112

1 they know that that is a NAPA product.

2 Q Do you know if Victor is a registered  
3 trade name?

4 A Go back. "Victor" was the only thing  
5 that I recall being on the box. Victor could  
6 have also sold to other people besides us. That  
7 was not our trade name.

8 Q So am I correct in stating that there  
9 would be nothing on the box or the bag that would  
identify NAPA, Rayloc, or Genuine Parts Company?

A Correct.

Q Is that true for the whole time period  
that gaskets have been offered for sale by

Genuine Parts Company?

A You are breaking up.

Q Would that be true for the entire time that gaskets were offered for sale by Genuine Parts Company?

A I don't know.

Q Sir, do you know if the name Dana ever appeared on the gasket material itself?

A No.

Q Do you know if the name "Victor" ever appeared on the gasket material itself?

A Yes.

■113

1 Q And when do you recall seeing the name  
2 Victor on a gasket material?

3 A '70's.

4 Q Would that continue into the '80's?

5 A Yes.

6 Q Sir, do you know if the name "Tenneco"  
7 ever appeared on a gasket itself, on one of those  
8 exhaust manifold gaskets?

9 A No, I do not.

Q Sir, do you know if the name "Balkamp" ever appeared on the transmission gaskets?

A No, I do not.

Q Would the transmission gaskets, would those come already packaged from Balkamp?

A Yes. From Balkamp to the distribution center?

Q Correct.

A Or the supplier of the gasket to Balkamp?

Q I'm talking from Balkamp to NAPA or Genuine Parts Company.

A It would be packaged already.

Q What would appear on that box or those bags if they came in bags?

A Microtest.

■114

1 Q Can you spell that, please.

2 A M-I-C-R-O-T-E-S-T.

3 Q Would the names "NAPA,

4 "Rayloc" or "Genuine Parts Company" appear on the



5 boxes of the Balkamp gaskets?

6 A No.

7 Q Do you know if the term "Microtest" is  
8 the trademark of Balkamp?

9 A I don't know.

Q Is it a trade name of NAPA, Genuine  
Parts Company, or Rayloc?

A I don't know.

Q Sir, when you first mentioned these  
gaskets to me, you mentioned them as an engine  
kit?

A Yes.

Q Okay. When I envision a kit like  
this, I would envision getting a kit that would  
contain the four gaskets, the intake manifold,  
exhaust manifold, head gasket, and the water  
pump?

A Yes.

Q Would those kits be assembled by the  
supplier by Dana?

A Yes.

■115

1 Q Rayloc or Genuine Parts Company didn't  
2 assemble engine kits?

3 A No.

4 Q And is that true for the whole time  
5 that engine kits were offered for sale by Genuine  
6 Parts Company?

7 A Yes.

8 Q Sir, do you know if Genuine Parts  
9 Company ever sold any packings?

A No, I do not.

Q Sir, I have an ad here from NAPA that  
identifies Victor gaskets, oil seals, and  
packings, and I can attempt to put it up on the  
screen, but we might lose our picture again.

A I know what you are referring to.

Q Can you see it?

A I can see it, yes.

Q Okay.

A He is looking at the rear seal. I did  
not refer to it as a packing, but that is a crank  
shaft seal and, yes, it looks like a piece of  
rope and it wraps around the main, rear main  
journal, and also the front main journal to  
prevent oil from leaking out.

Q Do you know in what time frame Genuine

■116

1 Parts Company began offering these packings for  
2 sale?

3 A No.

4 Q Do you know if they were offered for  
5 sale in the 1970's?

6 A Yes.

7 Q Do you know if they were offered for  
8 sale in the 1980's?

9 A Yes.

Q Do you know the supplier of those  
packings to Genuine Parts Company in the 1970's?

A Dana.

Q And how about in the 1980's?

A Dana.

Q Do you know during that time frame any  
other suppliers of the packings to Genuine Parts  
Company?

A No.

Q Do you know if there were others?

A No.

Q Sitting here today do you know whether  
or not those packings contained asbestos?

A No.

Q Would those packings come packaged in  
a box from Dana?

■117

1 A Yes.

2 Q Would the name "NAPA" or "Genuine  
3 Parts Company" or "Rayloc" appear anywhere on  
4 those boxes?

5 A On the boxes, what time frame?

6 Q In the 1970's.

7 A Yes, it would have NAPA on it.

8 Q And would that be true for the 1980's?

9 A Yes.

MR. RILEY: We got you back by the  
way.

MR. GALLUCCI: Thanks, Pat. I was  
sort of hoping on that.

Just for the record, I will mark that  
picture that I put on the screen at Exhibit

8.

MR. RILEY: Do you have a date for it?

MR. GALLUCCI: I do not. I don't believe there is a date on it.

(Thereupon, Deposition Exhibit No. 8 was marked for identification.)

THE WITNESS: I need to take a break if you don't mind.

MR. GALLUCCI: Do you want to take 15

■118

1 minutes? We have been going for a while.

2 It is up to you.

3 THE WITNESS: Ten minutes is good  
4 enough.

5 MR. GALLUCCI: Sounds good. Thanks.

6 - - -

7 (Thereupon, a luncheon recess was  
8 taken from 12:40 p.m. to 1:20 p.m.)

9 - - -

119

1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 MR. GALLUCCI: Back on the record.

3 BY MR. GALLUCCI:

4 Q Mr. LeCour, we will go back on the  
5 record. We took a short break for lunch.

6 Before we took the break, sir, we were  
7 just finishing up talking about the gaskets that  
8 were supplied and sold by Genuine Parts Company.  
9 I just have a few general questions following up  
on the brakes and clutches and gaskets.

Do you know if Genuine Parts Company  
or Rayloc or NAPA ever supplied any of these  
rebuilt brakes to any OEM's?

A We did not, no.

Q Do you know the clutches and the  
brakes that we talked about earlier that were  
for -- specifically for use on farm equipment, do  
you know if NAPA or Rayloc or Genuine Parts  
Company ever supplied those to OEM's of farm  
equipment?

A No, they did not.

Q And I'm to understand that none of  
these rebuilt brakes or clutches were ever  
supplied to car manufacturer OEM's such as Ford  
or General Motors?

■120

1 A That is correct, no, we did not supply  
2 them.

3 Q Sir, do you know if talc, T-A-L-C, was  
4 ever used on any of the brakes or clutches that  
5 were remanufactured by Rayloc?

6 A No, they were not.

7 Q Sir, at any point, to your knowledge,  
8 since Rayloc began remanufacturing brakes, has  
9 any suppliers of the brake linings ever visited  
any of the Rayloc rebuilding plants?

A Yes.

Q Okay. Can you tell me which suppliers  
of brake linings visited the Rayloc plants?

A Bendix, Allied Signal, Abex, Raybestos  
Manhattan, oh, and Thiokal.

Q Who was the last one?

A Thiokal, that was H.K. Porter.

Q Mr. LeCour, can you attempt to keep  
your voice up. I'm going to turn the volume up  
on my end so the court reporter can hear you.

A Okay.

Q Sir, do you recall when Abex would  
visit the Rayloc plants?

A They did it on a routine basis. It  
would be a salesman that would be visiting the

■121

1 plant.

2 Q Was that every month, every week?

3 A At least once a quarter.

4 Q Do you recall them visiting in the  
5 '60's?

6 A I do not know.

7 Q Do you recall them visiting in the  
8 '70's?

9 A Yes.

Q Do you know the name of the salesman  
from Abex that would visit the Rayloc plants?

A No, I do not.

Q Do you know the name of any salesman  
or any representatives from Abex?

A No, I do not.

Q Same question as to Bendix. Do you

know the name of any representatives from Bendix Allied Signal?

A No, I do not.

Q Do you know why the Abex rep would visit the Rayloc plants?

A To get an order, visit with purchasing.

Q Were there ever any meetings between Rayloc or Genuine Parts Company employees and

■122

1 this representative from Abex?

2 A Yes.

3 Q Do you recall those meetings? Do you  
4 know if they took place in the '60's?

5 A No, I do not.

6 Q Do you know if they took place in the  
7 '70's?

8 A Yes.

9 Q Do you know the purpose of those meetings?

A Yes.

Q And what was that?

A Processing problems with their product in the plant.

Q Sir, did you personally ever go and visit the manufacturing facilities of Abex?

A Yes.

Q And when was that?

A In the '70's and '80's.

Q And what was the purpose of your visits to Abex?

A To look at their quality assurance, their engineering, basically, as an audit for their quality assurance department.

Q Did you observe the manufacturer of

■123

1 Abex brake linings when you were there?

2 A Yes.

3 Q Can you estimate approximately how  
4 many occasions you have been to Abex since you  
5 started at Genuine Parts Company?

6 A Four, at least four.

7 Q Did you ever visit Bendix or Allied

8 Signal?

9 A Yes.

Q And what was the purpose of those visits?

A Again, to look at their quality assurance, their processes; basically, it was just to get familiar with who they are.

Q Did you actually observe the Bendix brake linings being manufactured?

A Yes.

Q On how many occasions did you visit Bendix?

A Once.

Q I forgot to ask you, sir, do you recall which Abex facilities you visited?

A Winchester, Virginia.

Q Was that the only one?

A That's the only one.

■124

1 Q Fair enough. Sir, I want to ask about  
2 the brakes that were rebuilt.  
3 Any of the brakes that were rebuilt  
4 and then sold by Genuine Parts Company and  
5 Rayloc, did they come with instructions on how to  
6 install them?

7 A No.

8 Q In the 1960's, if you know, were any  
9 documents, any papers actually in the box with  
the brake shoes or the brake pads?

A Pertaining to what?

Q That would tell you anything about the product or that would tell you how to install it or what to put it on or what to use it on?

A No, it did not.

Q Was anything included with the brakes in the '70's?

A No.

Q How about in the 1980's?

A No.

Q So at no point did Genuine Parts Company or Rayloc ever put instructions in a box of brakes?

A On how to install the brake, is that what you are referring to?

■125

1 Q Correct.

2 A No, we did not.

3 Q Were there ever any documents from '60  
4 to '80 that would be in the box of brakes?

5 A A lifetime warranty on the  
6 professional quality, that's it.

7 Q Okay. Sir, sitting here today, do you  
8 know if any of the asbestos-containing brakes  
9 that were rebuilt by Rayloc, if any of them exist  
today?

A I do not know.

Q Same question as to the clutches?

A I do not know.

Q Sir, sitting here today, do you know  
if any of the packaging, the boxes of the  
asbestos brakes that were rebuilt by Rayloc, if  
any of that exists today?

A I do not know.

Q Same question as to the clutches.

A I do not know.

Q Okay. Sir, I want to change topics  
now and talk to you about the structure of NAPA  
and Genuine Parts Company as far as NAPA jobbers  
and distribution centers.

My first question, as I understand

■126

1 from reading your prior testimony, that NAPA --  
2 or strike that, Genuine Parts Company has  
3 distribution centers?

4 A Yes.

5 Q What -- is that run by NAPA or is that  
6 run by Genuine Parts Company?

7 A Genuine Parts Company.

8 Q And what are these distribution  
9 centers?

A It is the same thing as what you would  
refer to as a warehouse, that's where the bulk of  
the inventory is stored to distribute to the NAPA  
jobber only when he needs it.

So basically, they use our inventory  
as opposed to them having to have excessive  
inventory, strictly the parts distribution.

Q Could me being a customer walk off the  
street into the distribution center and buy a

Rayloc brake?

A Some of them you can.

Q Do you recall when NAPA or Genuine Parts Company first began using distribution centers?

A I don't know when they first used them, no. They were in existence when I came to

■127

1 work for them and I knew that where I was  
2 stationed in New Orleans that distribution center  
3 was there from the '60's.

4 Q Now, I don't know if I understand your  
5 testimony, did the distribution center actually  
6 have stock and inventory there?

7 A Yes.

8 Q Okay. And do you know if periodically  
9 the inventory at the distribution centers, if  
there was an actual inventory done of what was  
there?

A Yes.

Q Do you know if that process was done  
in the '60's?

A No, I do not know.

Q Do you know if it was done in the  
'70's?

A Yes.

Q And how about the '80's?

A Yes.

Q And how was that inventory documented?

A I don't know.

Q Would you have any knowledge sitting  
here today whether any of the documentation, if  
there is any, would exist today?

■128

1 A No, I'm not aware of any of it.

2 During the time frame of the '60's to '80's?

3 Q Correct.

4 A No.

5 Q Were there any written agreements  
6 between a distribution center and NAPA?

7 A I don't know.

8 Q Do you know if there were any written  
9 agreements between a distribution center and



Genuine Parts Company?

A That's their warehouse, that's their distribution center, so there would be no reason to have a written agreement with yourself.

Q Do you know if there is any written agreements between the distribution center and Rayloc?

A Again, no, they own us.

Q I would be correct in stating that a distribution center would only stock NAPA Genuine Parts Company and Rayloc parts?

A They only stock under the trade name of NAPA, not under Genuine Parts, and they would also stock it under Rayloc.

Q Am I correct -- or strike that.

Would a distribution center stock

■129

1 someone else's brand of brakes?

2 A No.

3 Q How about the gaskets that we talked

4 about earlier, would distribution centers stock

5 those?

6 A Yes.

7 Q And those would be under the name of a

8 supplier, Dana or Victor or Spicer?

9 A Yes.

Q How about the clutches, you told me there was a period of time that Rayloc got some clutches from Borg-Warner that were already lined, would the distribution center stock those?

A No.

Q I'm assuming that a distribution center would only cover a certain geographic area?

A Yes.

Q Can you tell me sitting here today the distribution centers that would cover Western Pennsylvania?

A No.

Q Do you know sitting here today whether or not there is a distribution center in Pennsylvania?

■130

1 A Yes.

2 Q Okay. And where is that distribution  
3 center located?

4 A I don't know the address. It was in  
5 Pittsburgh.

6 MR. RILEY: No.

7 A No, then I don't know.

8 Q Okay. Sir, I will represent to you  
9 that in answer to interrogatory No. 58 Genuine  
Parts Company admits that there is a distribution  
center in Duncansville, Pennsylvania?

A Yes.

Q Do you know when that distribution  
center came into existence?

A No.

Q Do you have any knowledge as to  
whether it was a distribution center in the '60's  
or '70's?

A In the '70's, yes; '60's I don't know.

MR. RILEY: Hey, Mike, in the interest  
of time, can I give you some information and  
you can use it however you want?

MR. GALLUCCI: Sure.

MR. RILEY: Okay. Genuine Parts  
Company acquired a company called Davis and

■131

1 Wilmire in 1993. Davis and Wilmire was the  
2 NAPA distributor for Western Pennsylvania.  
3 Historically they had a distribution  
4 center in Pittsburgh and one in Altoona.

5 The one in Altoona or Duncansville is still  
6 in existence. The one in Pittsburgh was  
7 closed and Pittsburgh is now serviced out of  
8 Carlton, Ohio.

9 MR. GALLUCCI: Okay. I was going to  
get to the Carlton, Ohio one in a little  
bit.

Pat, is there any chance I can get  
this information in a verified irog  
response?

MR. RILEY: Sure.

BY MR. GALLUCCI:

Q Sir, with that representation, then I  
will ask you, do you know if there is a  
distribution center in Cleveland?

A Yes.

Q Do you know if that --

MR. RILEY: Not anymore. There was.

Q Do you know if that distribution center in Cleveland ever supplied products to Western Pennsylvania?

■132

1 A What time frame?

2 Q In the '60's.

3 A I don't know.

4 Q How about the '70's?

5 A Yes.

6 Q How about the '80's?

7 A Don't know.

8 Q And sir, Mr. Riley mentioned a  
9 distribution center in Carlton, or Carlton, Ohio?

A Yes.

Q Do you have knowledge of that distribution center?

A I'm familiar with the name.

Q Do you know if that distribution center ever supplied any products to Western Pennsylvania?

A I don't know.

Q Sir, do you know a gentleman by the name of David Stanfield?

A No.

Q You have no knowledge of whether he is the manager of the distribution center in Carlton, Ohio?

A I don't know.

Q Sir, other than those three

■133

1 distribution centers we mentioned, do you know  
2 any other distribution centers that would supply  
3 products to Western Pennsylvania?

4 A I do not know.

5 Q Sir, would there be someone at Genuine  
6 Parts Company that has more knowledge about  
7 distribution centers than yourself?

8 A Yes.

9 Q And who would that be?

A I don't know.

Q But somebody would know more about

this topic than you?

A Distribution centers, yes.

Q Are you able to tell me sitting here today the names of any of the managers or people who worked in the Duncansville distribution center?

A No.

Q Same question as to the Cleveland distribution centers?

A No.

Q Sir, how would parts, specifically the brakes, the clutches, and the gaskets, get from Rayloc or Genuine Parts Company to the actual distribution center?

■134

1 A What time frame?

2 Q The '60's.

3 A Common carrier.

4 Q How about the '70's?

5 A Late, early '70's, common carrier,  
6 late '70's we had our own trucking division.

7 Q And would the same be true for the  
8 '80's, your own trucking division?

9 A Yes.

Q Sir, you told me that some of the distribution centers, I just being a consumer could walk in and buy products, do you know if that's true as to the Cleveland distribution center?

A No.

Q Do you know if that's true as to the Carlton, Ohio or the Duncansville, PA distribution center?

A No.

Q Okay. Sir, now I want to talk about somebody you mentioned earlier, NAPA jobbers. Can you tell me what a NAPA jobber is?

A An individual that wants to sell parts in a geographical area, so they go and talk with the distribution center and see what territories

■135

1 would be open. You or I could become a NAPA  
2 jobber.

3 Q So if I wanted to become a NAPA  
4 jobber, would I contact Genuine Parts Company?  
5 A You would contact -- the normal way  
6 would be contact the distribution center that  
7 services that area.  
8 Q Do you know if Genuine -- strike that.  
9 Was that procedure in effect in the  
'60's and '70's?  
A I can't speak for the '60's, but the  
'70's, yes.  
Q And same for the '80's?  
A Yes.  
Q Do you know if there was ever a time  
when NAPA or Genuine Parts Company would go to a  
small auto parts facility in a neighborhood and  
say, "Do you want to be a NAPA jobber?"  
A Yes, the distribution center would do  
that, not Genuine Parts.  
Q Do you know if that procedure was in  
place in the '60's?  
A I don't know.  
Q How about the '70's?  
A Yes.

■136

1 Q In the '80's?  
2 A Yes.  
3 Q Would there be a written agreement  
4 between the NAPA jobber and the distribution  
5 center or NAPA or Genuine Parts Company?  
6 A No.  
7 Q Were there ever any agreements?  
8 A No.  
9 Q Was this something that was always  
done verbally over a hand shake?  
A Yes.  
Q What assurances did a NAPA jobber have  
from the distribution center or from Genuine  
Parts Company?  
A A hand shake.  
Q Would NAPA be free to open a jobber  
right next to a current NAPA jobber?  
A He could, or the distribution could do  
that, but they never have.  
They have always gone to that person  
that is a NAPA store at that time and asked if  
they -- if someone is interested in putting a

store, but they wouldn't put it right next store,  
it might be across town, so if it is across town,  
they will ask them, "Do you want to put a branch

■137

1 store over there?" If your answer is "no," then  
2 they will go in and they will let someone put a  
3 parts store across town. If the answer is "yes,"  
4 we would not sell to anyone else but him.

5 Q Has that procedure been -- was that in  
6 place in the '60's?

7 A I don't know.

8 Q Do you know if that procedure was in  
9 existence in the '70's?

A Yes.

Q And how about the '80's?

A Yes.

Q Would NAPA or Genuine Parts Company  
get a percentage of sales from that jobber?

A No.

Q Do you know if these NAPA jobbers,  
would they keep a stock of NAPA or Rayloc or  
Genuine Parts Company products?

A NAPA or Rayloc.

Q And generally, what did a jobber, a  
NAPA jobber sell?

A Automotive replacement parts, some  
installation.

Q And that would include --

A Automotive replacement parts.

■138

1 Q That would include --

2 MR. RILEY: He said "automotive  
3 replacement parts."

4 Q Which would include Rayloc relined  
5 brakes?

6 A It could be or it could be someone  
7 else's brakes.

8 Q My question is, was the NAPA jobber,  
9 they were, obviously, entitled to sell Rayloc  
relined brakes?

A Yes, and others as well.

Q Same question as to clutches?

A Yes, others as well.

Q They would also be entitled to sell the gaskets that we spoke of earlier?

A Yes, and others as well.

Q Do you know if any NAPA jobbers ever had or offered for sale the specific products we talked about earlier that could be used on farm equipment?

A Repeat the question, please.

Q Sure. Do you know if any of the NAPA jobbers that we are talking about, if they would ever or if they were entitled to sell the specific Rayloc products that could be used on

■139

1 farm equipment?

2 A We didn't have any to fit tractors.

3 Rayloc did not have anything that fits tractors.

4 We did not catalog it for tractors.

5 MR. RILEY: His testimony was the  
6 distribution center had products they got  
7 from Dana that were suitable for a farm  
8 market.

9 MR. GALLUCCI: Right. I guess it was a poorly-worded question.

Q Do you know if the distribution centers would supply NAPA jobbers with the specific equipment that could be used on farm machinery?

A Yes.

Q Do you know if NAPA jobbers would have a stock of that type of equipment?

A Yes.

Q Would all the NAPA and Rayloc parts at a NAPA jobber come from the distribution center?

A Yes.

Q Would one of Rayloc's rebuilding factories ever sell directly to a jobber?

A No.

Q Okay. Sir, you have mentioned a

■140

1 couple times that in addition to Rayloc and NAPA

2 parts, a NAPA jobber could sell other

3 manufacturers of automotive parts?

4 A Yes.

5 Q Were there any manufacturers of  
6 automotive parts that a NAPA jobber could not  
7 sell?

8 A No.

9 Q Could a NAPA jobber sell Bendix  
brakes?

A Yes.

Q Could a NAPA jobber sell Kelsey-Hayes  
brakes?

A Yes.

Q Could a NAPA jobber sell Borg-Warner  
clutches?

A Yes.

Q Would a NAPA jobber offer for sale  
brake linings?

A Yes.

Q Without the actual brake shoe or the  
disc brake?

A Yes.

Q And those brake linings would be  
supplied from the distribution center to the NAPA

■141

1 jobber?

2 A And others.

3 Q Who else would supply the brake  
4 linings to a NAPA jobber?

5 A Manufacturers of competitors of let's  
6 say Abex, American Brakeblok, it could be H.K.  
7 Porter, back in the '50's and '60's there was a  
8 company called Russco, they could also sell the  
9 segments.

Q Would the distribution center have a  
stock of just brake linings?

A Yes.

Q Would these brake linings be universal  
or would they be already ground to fit a specific  
vehicle?

A Both.

Q So me being a customer, I could walk  
into a NAPA jobber and buy a universal piece of  
brake lining?

A Well, it is not a universal brake  
lining, it is part number specific. It would  
only be linings that were riveted on, but it has  
to be part number specific because of the drill  
pattern in the friction material itself.



Q What if it were to be for a bonded

■142

1 brake?

2 A No.

3 Q Sir, do you know if NAPA or Genuine

4 Parts Company provided its jobbers with invoices

5 to use?

6 A Invoices for what they have purchased?

7 Q No.

8 A Used in their store?

9 Q Correct, to give to a customer.

A I do not know.

Q Sir, in the Hicks case in Baltimore that we have been talking about, Genuine Parts Company answered interrogatories in that case and they provided in that case a NAPA jobber list, could NAPA provide me a jobber list for jobbers in Western Pennsylvania?

A What time frame?

Q For the 1960's?

A No.

Q How about for the '70's?

A No.

Q How about for the '80's?

A No.

Q Do you know if any jobber lists for those time periods are in existence?

■143

1 A No.

2 Q To your knowledge, does Genuine Parts

3 Company or NAPA have any documents that would

4 show who their jobbers were in 1960?

5 A No.

6 Q How about 1970?

7 MR. RILEY: In Western Pennsylvania?

8 MR. GALLUCCI: Correct.

9 MR. RILEY: Are you restricting your questions to Western Pennsylvania? Thank you.

A No.

Q How about in the '80's?

A No.

Q Sir, do you know if NAPA jobbers

delivered to their customers?

A Some do.

Q Were they free to deliver if they chose?

A Yes.

Q Did any NAPA jobbers ever do any installations?

A I don't know.

Q Do you know if NAPA jobbers were free to offer lines of credit to customers?

■144

1 A I don't know.

2 Q Did you ever visit any NAPA jobbers in  
3 Western Pennsylvania?

4 A I do not recall.

5 Q Have you visited other NAPA jobbers?

6 A Yes.

7 Q Just so I understand your testimony,  
8 if I walked into a NAPA jobber, I could see a box  
9 of Rayloc brakes sitting next to a box of Bendix  
or Kelsey-Hayes brakes?

A Yes.

Q Okay. Sir, I want to talk  
specifically about a NAPA jobber that is involved  
in this current litigation. It goes by the name  
of Standard Auto. It was located on 27 South  
Central Street in Canonsburg.

MR. RILEY: You can ask him questions,  
but we point out that in our restriction we  
indicate that he is not offered as a person  
knowledgeable with respect to that store.

A Fair enough.

Q Sir, I have marked as an exhibit to  
this deposition, actually as Exhibit 3, they're  
Genuine Parts Company's answers to plaintiff's  
second set of interrogatories.

■145

1 MR. GALLUCCI: Pat, do you have those  
2 or do you need me to put them on the screen?

3 MR. RILEY: You better put them on the  
4 screen. Do you have them up? We have the  
5 cover letter.

6 Q Sir, I have put up on the screen,

7 hopefully you can see it, Genuine Parts Company's

8 answers to interrogatory No. 1A.

9 A I don't see the 1A.

MR. RILEY: Yeah, that's it. That's  
the answer.

A Yeah, I can because -- it is blurred.

Yes, the small A on the left-hand side?

Q Sure.

A Okay.

Q Sir, if you look there in Genuine  
Parts Company's answer, about halfway through it  
says, "Genuine Parts Company purchased the assets  
of Standard Auto Parts Company's store located at  
27 South Central Canonsburg, PA on or about  
6-30-92," do you see that?

A Yes.

Q Do you have any knowledge of that  
acquisition of Standard Auto Parts by Genuine  
Parts Company?

■146

1 A No.

2 Q Sir, who at Genuine Parts Company  
3 would have knowledge to answer my question?

4 A I don't know.

5 Q Sir, the next sentence says that "Upon  
6 information and belief, GPC believes that  
7 Standard Auto Parts Company prior to said time  
8 sold, among other part lines, some products  
9 displaying the NAPA logo," do you see that?

A Yes.

Q Do you have any knowledge sitting here  
today whether or not Standard Auto Parts was a  
NAPA jobber?

A No.

Q Do you have any knowledge sitting here  
today whether or not -- strike that.

Do you know sitting here today whether  
there is any agreements between the Standard Auto  
Parts and Genuine Parts Company?

A No.

Q Sir, sitting here today, could you  
tell me the types of NAPA or Rayloc products that  
Standard Auto Parts offered for sale?

A I do not know.

Q Could you sit here today and tell me

■147

1 the other manufacturers of brakes and clutches  
2 and gaskets that Standard Auto Parts offered for  
3 sale?

4 A No.

5 Q Sir, out of the three distribution  
6 centers we talked about earlier, Duncansville,  
7 Cleveland, and Carlton, can you tell me if any of  
8 those three, one or all, ever sold or supplied  
9 products to Standard Auto Parts?

A No.

Q Sir, did you ever hear a gentleman by  
the name of Tom DeJohn, D-E-J-O-H-N?

A No.

Q Am I correct in stating that you never  
visited Standard Auto Parts?

A I don't recall.

Q Do you know if NAPA or Genuine Parts  
Company has any records, documents, referring to  
Standard Auto Parts?

A No.

Q Is the document back off the screen?

A No.

Q I took it off, so if the video doesn't  
come back up, let me know and we will get someone  
to fix it.

■148

1 Sir, I understand from those answers  
2 to interrogatories that NAPA no longer operates  
3 that store, it ceased operation in June of '06;  
4 do you have any knowledge about that?

5 A No.

6 Q Sir, who at Genuine Parts Company  
7 would have knowledge about the NAPA jobber  
8 Standard Auto Parts?

9 A I don't know.

Q Do you know if the manager of the  
distribution center that supplied Standard Auto  
Parts with NAPA and Rayloc products, if that  
person would have any more knowledge than  
yourself about Standard Auto products?

A I do not know.

Q Sir, did any of the Rayloc rebuilding  
facilities ever sell directly to any automobile

car dealerships or any repair garages?

A No.

Q Did any Genuine Parts Company distribution centers ever sell directly to a repair garage?

A No.

Q Sir, I have some questions about how Rayloc or Genuine Parts Company actually went

■149

1 about purchasing the brake linings they used in  
2 rebuilding brakes. Do you know how that process  
3 was done in the '60's?

4 A No.

5 Q Do you know how that process was done  
6 in the '70's?

7 A Yes.

8 Q And how was that?

9 A They'd place an order with the supplier, the supplier would ship.

Q How was that order physically documented?

A You would have a packing slip that came with the product itself and then they would invoice you on a statement.

Q How would the order to the supplier be documented?

A It would just be a written order that they either faxed or mailed in.

Q Do you know if any of those written orders or packing slips exist today?

A What time frame?

Q For the 1960's.

A No.

Q For the 1970's?

■150

1 A No, they do not exist.

2 Q How about for the '80's?

3 A No, they do not exist.

4 Q And how about the '90's?

5 A No, they do not exist.

6 Q Same question as to the process of  
7 purchasing clutch facings?

8 A Same procedures done by the brakes,

9 brake lining supplier.

Q How would Genuine Parts Company go about obtaining the gaskets that we talked about earlier from the suppliers?

A They would place orders with the supplier.

Q Do you know if any of that documentation exists today from the 1960's?

A It does not.

Q How about the '70's?

A It does not.

Q How about the '80's?

A It does not.

Q Did Rayloc or Genuine Parts Company have a purchasing division that would, you know, send these orders?

A A purchasing department?

■151

1 Q Correct.

2 A What time frame?

3 Q In the '60's.

4 A I do not know.

5 Q How about the '70's?

6 A Yes.

7 Q And the '80's?

8 A Yes.

9 Q Do you know if Genuine Parts Company or Rayloc had a regular contract with any of its suppliers of brake linings?

A No, we did not have contracts with our suppliers for brake lining.

Q Do you know, I guess my question is, do you know if, you know, once a month Abex, for example, would deliver brake linings?

A No, they would not, not once a month, they would come around for orders about once a month or at least a quarter. They were delivering to us weekly.

Q Sir, I forgot to ask you, is the document off the screen?

A No.

Q We'll see if that worked.

Sir, Mr. Riley mentioned a little bit

■152

1 ago, and it is actually in irog answer No. 54 in  
2 this case, referring to a document repository, do  
3 you have any knowledge about that?

4 A Just a four-year period of time, yes.

5 Q Okay. And what is your understanding  
6 of this document repository?

7 A That corporate-wise we are only  
8 required to keep records for four years.

9 MR. RILEY: That's the document  
retention policy. Do you know what the  
document repository is?

THE WITNESS: No.

MR. RILEY: Also referring to  
documents being compiled to litigation.

THE WITNESS: Yes.

MR. RILEY: That's what the repository  
is.

THE WITNESS: Okay.

A I do know what it is.

Q Okay. Sir, was is it?

MR. RILEY: He is confused.

A It is the documents that --

MR. RILEY: Let him read the answer to  
interrogatory No. 54 and see if he can give  
you an answer. He was telling you about the

■153

1 document retention policy.

2 Q Sure. Did the picture come back up?

3 A No.

4 Q Okay. While he is reading that, I'll  
5 see if I can get someone to fix it.

6 A Okay.

7 (Recess taken.)

8 MR. GALLUCCI: Back on the record.

9 MR. RILEY: I see it. It says down  
here, "To the extent that any marketing  
information was located, it has been in a  
document repository available in Atlanta."  
Okay?

THE WITNESS: Yes.

MR. RILEY: Do you know anything about  
that? Maybe I should answer the question.

MR. GALLUCCI: Well --

A Yes, this is information that is at  
Alston and Bird.

MR. RILEY: A-L-S-T-O-N and B-I-R-D, a law firm in Atlanta.

Q Sir, is it your understanding that the document repository is actually in an attorney's office?

A Yes.

■154

1 Q Sir, if you would be so kind as to in  
2 that document you have, flip to page 10. It is  
3 actually a response to interrogatory 19.

4 A Page 10, yes, 17 is on mine. Yes, I'm  
5 there.

6 Q Okay. The very last paragraph of  
7 Genuine Parts Company's answers.

8 A The last paragraph?

9 Q It starts "to the extent that this  
interrogatory."

Sir, if you would go halfway through  
that paragraph to a sentence that starts with the  
word "accordingly."

A Yes.

Q Those documents that are referenced in  
that sentence, is it your understanding that  
those documents are in the document repository  
that we just spoke of?

A Yes.

Q Aside from this document repository  
that is in the attorney's office, are you aware  
of any other facility that stores NAPA or Genuine  
Parts Company or Rayloc documents?

A No.

Q Sir, does Rayloc have a list of its

■155

1 former employees who worked in the Rayloc  
2 rebuilding plants?

3 A What period of time?

4 Q For the '60's.

5 A No.

6 Q For the '70's?

7 A No.

8 Q How about the '80's?

9 A No.

Q Sir, do you know if a pension list



exists for Rayloc employees who worked in Rayloc rebuilding manufacturing plants?

A I'm not aware, no.

Q Sir, on some of the photos that I showed you earlier of the brake labels that -- labels that went on brake boxes, we saw what I call a NAPA logo?

A Yes.

Q Can you describe the NAPA logo for me from its inception to now?

A It hasn't really changed. That was their logo set years ago and not all suppliers were granted to use that logo. We were one of the last to use it.

Q When you say "we," you are referring

■156

1 to Genuine Parts Company?

2 A Rayloc.

3 Q Sir --

4 MR. RILEY: Mike, to the extent that I  
5 can supplement his answer, I can provide you  
6 with copies of the five logos in the history  
7 of NAPA.

8 MR. GALLUCCI: Yeah, Pat.

9 MR. RILEY: The hexagon that you are referring to came into existence in the mid '60's.

MR. GALLUCCI: Yeah, my question was if there were any changes, but if you want to supplement an irog answer, I don't have a problem with that.

MR. RILEY: All right.

Q Sir, if -- strike that.

Would NAPA jobbers be entitled to use the NAPA logo?

A Yes.

Q So, for example, if I walked down the street and I see it says "John Smith Auto Parts" and it has a NAPA logo by its name, would that signify that it is a NAPA jobber?

A Yes.

■157

1 Q Could any garage or auto parts store

2 display a NAPA logo by its name and not be a NAPA  
3 jobber?

4 A What time period?

5 Q The '60's.

6 A No.

7 Q How about the '70's?

8 A No.

9 Q Fair enough.

Sir, when we first started this deposition I let you look at the deposition notice and asked you if you were the most knowledgeable person. One of the areas you told me you were not were in regard to NAPA or Genuine Parts Company's advertising?

A Yes.

Q If I asked you questions about when Genuine Parts Company or NAPA began advertising and how they advertised, would you be able to answer those?

A No.

Q Do you have any knowledge whether or not NAPA or Genuine Parts Company or NAPA jobbers put out a sale brochure or a flier?

A Yes.

■158

1 Q And would Rayloc do that?

2 A Yes.

3 Q Would Genuine Parts Company do that?

4 A I don't know.

5 Q Do you know if NAPA jobbers would do  
6 that?

7 A Yes.

8 Q Do you know if any of these old  
9 advertisements or sales brochures are in  
existence today?

A Only what is in the repository at Alston and Bird.

Q So, for example, if a college student say wanted to do a project on the history of advertising of NAPA, the only place they could go would be to the document repository at the attorney's office?

A Of NAPA.

Q Strike that, of Genuine Parts Company or Rayloc?

A Yes.

Q Okay. Sir, I want to talk about catalogs now that would be produced or used by Genuine Parts Company or NAPA or Rayloc. Would Rayloc or the distribution center supply its

■159

1 jobbers with a catalog?

2 A Rayloc.

3 Q And what would be contained in this  
4 catalog?

5 A We produced the catalogs, but they  
6 would distribute it through the distribution  
7 center to the jobber. We did not send them  
8 directly to the jobber.

9 Q What would be in this catalog?

A Year, make and model and our part number of the product in question.

Q Would there be instructions on how to change a brake?

A No.

Q Sir, I have in front of me a NAPA catalog, and I don't know, I will hold it this way, but I will see if I can put it up on the camera so you can view it. Are you able to see it?

A Yes.

Q Do you see it says "NAPA United Brake System Parts"?

A Yes.

Q Is this the type of catalog you are referring to that would be produced, that would

■160

1 be sent from the distribution center to the  
2 jobber?

3 A No.

4 Q From looking at the cover of this  
5 catalog, can you tell me what it is?

6 A Yes. It is a service manual, a  
7 general service manual for doing brake jobs.

8 Q And would Genuine Parts Company or  
9 Rayloc produce these catalogs?

A We did not produce it. That was produced by United in their Raybestos division.

Q Do you know the catalogs that I just

had up on the screen, I took it down here, I don't know if it's come down on your end, do you know when they began being used?

A In the '70's.

Q And how about the catalogs we discussed prior to that that would go from the distribution center to the jobbers, do you know when they began being used?

A When the company was in existence and started selling auto parts.

Q Sir, do you know if any of those catalogs exist today from the 1960's?

A No, they do not.

■161

1 Q How about from the 1970's?

2 A No, they do not.

3 Q Sir, do you know if NAPA or Genuine  
4 Parts Company or Rayloc has in its possession any  
5 of the service manuals like I have shown you?

6 A I do not know. That manual there was  
7 discontinued.

8 Q Fair enough. Sir, I want to get to my  
9 last topic, hopefully, for today, and talk to you  
about the specific topic of asbestos and I want  
to get an understanding of what your personal  
understanding is of the hazards of asbestos.

THE WITNESS: All right. May I take a  
break? Five minutes.

Q Can you see me or is the document  
still on the screen?

A Five minutes. Five minutes.

MR. RILEY: He said five minutes.

(Recess taken.)

MR. GALLUCCI: Back on the record.

BY MR. GALLUCCI:

Q Sir, before we took a break I asked  
you of what your personal understanding of the  
hazards of asbestos was.

A Yes.

■162

1 Q Can you tell me what your  
2 understanding --

3 A Specific hazards?

4 Q Sure.  
5 A You could develop lung cancer.  
6 Q Sir, is it your understanding that  
7 exposure to asbestos could cause lung cancer?  
8 A Yes.  
9 Q Sir, have you ever heard of a disease  
called mesothelioma?  
A Yes.  
Q And what is your understanding of that  
disease?  
A That's what I was thinking was the  
cancer, lung cancer.  
Q Sir, have you ever heard of a disease  
called asbestosis?  
A No.  
Q Sir, did there come a point when --  
strike that.  
I understand from your previous  
testimony that there came a point when Rayloc  
stopped selling asbestos products; correct?  
A Yes.  
Q And I believe with your clarification

■163

1 that the EB brake lining contained asbestos until  
2 2001, at least eight part numbers?  
3 A Yes.  
4 Q And would that be the last  
5 asbestos-containing relined brake that Rayloc  
6 relined?  
7 A With asbestos?  
8 Q Correct.  
9 A Yes, that was it.  
Q Sir, do you know when Rayloc stopped  
relining clutches with asbestos-containing clutch  
facings?  
A The early '80's, late '70's early  
'80's.  
Q Did there come a point when the brake  
linings that were being used to remanufacture  
these brakes by Rayloc, when there was a switch  
over from asbestos to non-asbestos?  
A Yes.  
Q And do you recall when that switch  
over took place?  
A It was over a wide period of time. I  
don't know specifically by dates.

Q Sir --  
MR. GALLUCCI: And Pat, for the

■164

1 record, I want to use the Exhibit No. 17  
2 from the Novo deposition. It is Bate  
3 Stamped 40839.

4 A Yes.

5 Q Sir, can you tell me what that  
6 document is?

7 A It is informing me that we are  
8 starting to receive certain part numbers from  
9 Abex in non-asbestos.

Q This is -- it is actually a  
handwritten letter from someone to yourself?

A Yes.

Q Do you know who that letter is from?

A Joe Bentaor.

Q And who was that?

A He was the purchasing manager.

Q Do you know what time he was the  
purchasing manager?

A I don't recall.

Q And you said that the letter is  
informing you that Abex was beginning to produce  
non-asbestos brake linings?

A Only in certain numbers. The product  
itself would not work on all numbers and the  
reason that he let us know about this was that we

■165

1 had problems in assembling or attaching  
2 non-asbestos material furnished by Abex when they  
3 wanted to get out of asbestos.

4 Q Sir, and this letter is dated, I  
5 believe, January 28, '87?

6 A Yes.

7 MR. GALLUCCI: And for the record, I  
8 will mark this as Exhibit 9.

9 (Thereupon, Deposition Exhibit No. 9  
was marked for identification.)

MR. GALLUCCI: Pat, if you could pull  
out Exhibit 16 from the Novo deposition. It  
is Bate Stamped 30868.

(Thereupon, Deposition Exhibit No. 10

was marked for identification.)

A Yes.

Q Sir, you have had a chance to look at that. Can you tell me what that document is?

A This is when Abex set their date to get out of asbestos the second time.

Q And it is actually a letter from a John Shepard?

A Yes.

Q Okay. And it is directed to Joseph White from Rayloc?

■166

1 A Yes.

2 Q Who was Mr. White?

3 A He was president of the division.

4 Q He was president of Rayloc?

5 A The division, yes.

6 Q Sir, if you would look at the second  
7 paragraph of that letter, it says, "The only  
8 exception to this will be the Economy Brake shoes  
9 supplied by direct shipment to Brake Pro division  
of Tenneco," spelled T-E-N-N-E-C-O, "Automotive."

A Yes.

Q Do you know what the brake division of Tenneco Automotive was?

A That was another plant that was involved with Abex, like they had many plants on manufacturing.

Q Did that Tenneco Automotive have anything to do with the Rayloc plants?

A I don't recall.

Q Fair enough. Sir, in your deposition in the Novo case, I believe you testified, and I just want to make sure I have it accurate, that the only reason Rayloc stopped selling asbestos was because of an upcoming EPA ban on asbestos; is that accurate?

■167

1 A Repeat the question, please.

2 Q Sir, from reviewing your prior  
3 transcript testimony in the Novo case, I believe  
4 you have testified that the only reason that  
5 Rayloc stopped selling, using asbestos-containing

6 brake linings was because of the upcoming EPA ban  
7 on asbestos?

8 A Yes.

9 Q Sir, were there ever any notification  
within Rayloc, a memo to all its employees or a  
meeting saying, "Okay. We are no longer going to  
use asbestos brake linings"?

A No.

Q Do you know if there were ever any  
meetings regarding the employees of Rayloc or  
Genuine Parts Company about the hazards of  
asbestos?

A Yes, for Rayloc only.

Q And when do you recall the first such  
meeting?

A It wasn't an official meeting, it was  
what we were doing in the process to keep the  
dust within the regulations of OSHA.

Q And obviously, if that had to deal  
with OSHA, it was after 1972?

■168

1 A Yes.

2 Q How about prior to that, do you know  
3 if there were any such meetings?

4 A I do not know.

5 Q Sir, at any point in time did Rayloc  
6 or Genuine Parts Company ever put a warning on  
7 any of its brakes?

8 A What time period?

9 Q At any time period.

A Yes.

Q Okay. When was the first warning  
placed on Rayloc brakes?

A 1988.

Q Sir, if you would, Mr. Riley has  
Genuine Parts Company's answers to  
interrogatories in this case, and sir, if you  
could be so kind as to flip to the response to  
question 19.

A Yes.

Q Okay. If you go over to -- it is  
actually the first full page of the response,  
halfway down it says "in 1988"?

A Yes.

Q Okay. It says, "In 1988 in response  
to California's proposition 65" it continues to



■169

1 say "GPC began placing a caution on its packaging  
2 using the language listed below," do you see  
3 that?

4 A Yes.

5 Q Is that the warning that you were  
6 referring to that was put on in '88?

7 A Yes.

8 Q Sir, could you read that warning for  
9 me?

A "Caution contains asbestos fibers,  
avoid creating dust, breathing asbestos dust may  
cause serious bodily harm."

Q Sir, would you agree with me that that  
warning that is contained there and that was put  
on in 1988 does not warn that exposure to  
asbestos can cause mesothelioma?

MR. RILEY: I will object. The  
document states for itself what it says.  
You are getting argumentative.

Q Sir, you can answer my question.

MR. RILEY: We will stipulate it  
doesn't use the word "mesothelioma."

Q Sir, would you agree with me that that  
warning does not warn that an exposure to  
asbestos can cause lung cancer?

■170

1 MR. RILEY: Same objection.

2 MR. GALLUCCI: You can answer the  
3 question, sir.

4 A It just says "serious bodily harm,"  
5 which would include the lungs.

6 Q Sir, would you agree with me that that  
7 warning never uses the word "asbestosis"?

8 MR. RILEY: Can I have a continuing  
9 objection?

MR. GALLUCCI: Yes, sir.

MR. RILEY: Do you want me to  
interrupt each time? I'll be happy to  
interrupt.

MR. GALLUCCI: You can have a  
continuing objection, Pat.

MR. RILEY: Thank you.

A The question again, please?

Q Would you agree with me that the warning does not use the word "asbestosis"?

A Yes.

Q Sir, would you agree with me that the warning does not ask that a user or consumer wear a breathing respiration -- or respirator?

A It states that you shouldn't breath in dust.

■171

1 Q Correct. But the warning doesn't say  
2 "wear a respirator when working with this  
3 product"; correct?

4 A Yes.

5 Q Sir, if you look below that warning  
6 there is a sentence that says, "GPC subsequently  
7 began placing a caution on its limited products  
8 that contained asbestos"; do you see that?

9 A Yes.

Q Sir, do you know what year this new warning went into effect?

A No.

Q Do you know if it was in the '90's?

A No.

Q Sir, would you agree with me that this warning in no way states that exposure to asbestos could cause lung cancer, mesothelioma, or asbestosis?

MR. RILEY: The same objection.

Q You can answer it, sir.

A It says "don't breath excessive dust."

Q Sir, you would agree with me -- strike that.

Sir, did you ever personally see a warning on any of the brake linings that were

■172

1 supplied to Rayloc by Abex?

2 A No, I did not.

3 Q Do you know if there was ever a  
4 warning on the brake linings that Abex supplied  
5 to Rayloc?

6 A No, I do not.

7 Q Sir, do you know or did you ever

8 personally see a warning on any of the brake  
9 linings that were supplied to Rayloc by Bendix?

A No, I did not.

Q Do you know if such a warning existed?

A No, I do not.

Q Sir, did you ever see -- strike that.

These two cautions or warnings that we  
just went over, do you know if those were placed  
on any clutches that were sold by Rayloc?

A The first one was.

Q Sir, did you ever see any warnings on  
any of the clutch facings or clutches that were  
supplied to Rayloc?

A No.

Q Do you know if any such warning was  
ever there?

A No.

Q Sir, do you know if Abex ever gave

■173

1 Rayloc any oral warnings about the hazards of  
2 asbestos?

3 A No, I do not know that.

4 Q Same question as to Bendix?

5 A No, I do not know that.

6 Q And same question as to the suppliers  
7 of the clutch material?

8 A No, I do not know that.

9 Q Sir, I asked you at the beginning of  
this deposition if you personally were ever the  
member of any trade organizations. What I would  
like to know now is if Genuine Parts Company or  
Rayloc was ever a member of any trade  
organization, the first one being --

A Genuine Parts.

Q The first one being the Industrial  
Hygiene Foundation?

A No.

Q How about the National Safety Council?

A No.

Q How about the American Society of  
Mechanical Engineers?

A No.

Q Sir, how about the Automotive Parts  
Rebuilders Association?

■174

1 A Yes, Rayloc only.

2 Q Do you know when Rayloc became a  
3 member of the APRA?

4 A No, I do not.

5 Q Do you know if they were a member in  
6 the '60's?

7 A Yes.

8 Q Are they currently a member?

9 A Yes.

Q How about the FMSI?

A What time period?

Q The '60's.

A No.

Q How about the '70's?

A No.

Q How about the '80's?

A No.

Q Was Rayloc ever a member of the FMSI  
at any time?

A We are not a member, we are a  
licensee.

Q When did Rayloc become a licensee of  
the FMSI?

A 2003.

Q Prior to 2003, did Rayloc or Genuine

■175

1 Parts Company receive any publications from the  
2 FMSI?

3 A No.

4 Q They never received a newsletter from  
5 the FMSI?

6 A No.

7 Q But am I correct in understanding your  
8 prior testimony that they would get documents  
9 from the FMSI regarding part numbers?

A Yes, but that was supplied to us by  
our supplier who actually makes the friction  
material.

Q So the FMSI standards I will call them  
were given to NAPA or Genuine Parts Company or  
Rayloc from the suppliers of the brake lining?

A Yes.

Q Sir, during any time that Rayloc was a  
member of the APRA, did Rayloc receive regular

publications from that organization?

A Yes.

Q What kinds of publications did Rayloc receive?

A General things that are going on in the industry, how to rebuild a late model clutch, how to rebuild a late model water pump,

■176

1 advertisements from all suppliers that supplied  
2 those component parts.

3 Q Do you know if any of those  
4 publications ever discussed asbestos or the  
5 health hazards linked with asbestos?

6 A No, I do not.

7 Q Sir, did Rayloc or Genuine Parts  
8 Company have a library of medical articles?

9 A I'm not aware.

Q Do you know if at any time Rayloc ever employed a medical director or an industrial hygienist?

A I'm not aware.

Q Same question as to Genuine Parts Company?

A I'm not aware.

Q Sir, are you able to tell me at what point Genuine Parts Company learned of the hazards of asbestos?

A Back in the '70's, late '60's.

Q Do you know how Genuine Parts Company acquired that knowledge?

A No, I do not.

MR. GALLUCCI: Pat, I'd like to use the exhibit from Novo No. 30, it is Bate

■177

1 Stamped 51103.

2 MR. RILEY: Yes.

3 MR. GALLUCCI: Okay. For the record,  
4 I will mark this as Exhibit 11 to this  
5 deposition.

6 (Thereupon, Deposition Exhibit No. 11  
7 was marked for identification.)

8 Q Sir, can you tell me what this  
9 document is that we are looking at here? It is

two pages.

A I only have one. Now, I have the second one.

Yeah, this was a test that was performed by our insurance company.

Q And, sir, the date on it is October 26, 1971?

A Yes.

Q It is a letter to a Mr. David Childress, manager, Rayloc, Inc.?

A We are not Inc.

Q So that's a typo on the letter?

A Yes.

Q Okay. Sir, if you would look at the first sentence of that letter, it says, "A survey of your plant was made on October 13th, 1971 in

■178

1 order to evaluate your employees' exposure to  
2 asbestos dust," do you see that?

3 A Yes.

4 Q Do you know why this particular survey  
5 was being done?

6 A They did that on a regular basis.

7 Q Do you know when those types of  
8 surveys began?

9 A No.

Q Do you know if they were being done in the '60's?

A Yes. Well, no, I do not know.

Q Okay. Fair enough. Sir, if you would look halfway down there is the word "important" and it is underlined.

A Yes.

Q Could you read what No. 1 says there.

A "Provide annual chest x-ray examinations for all regular operators of the brake lining grinding machines."

Q Do you know why that was being recommended?

A I have not read the reports, so no, I don't know why.

Q Do you know the purpose of the chest

■179

1 x-rays being performed?  
2 A Yes.  
3 Q And what was that?  
4 A Asbestos related to lungs,  
5 mesothelioma.  
6 Q Sir, if you would flip to the second  
7 page of that document, at the top it says "Report  
8 of Survey," and if you look down at No. 2 it says  
9 "results"?  
A Yes.  
Q The first part of the first sentence  
says there, "The grinder operator is almost  
continuously exposed to dust generated by the  
brake shoe grinding machine"; do you see that?  
A Yes.  
Q Would that be the gentleman, the  
operator that we spoke of earlier that would  
actually be grinding the friction material  
itself?  
A Yes.  
Q Okay. Sir, I understand from reading  
your prior deposition you made a mention of  
something called a downdraft table?  
A Yes.  
Q Can you tell me what that is?

■180

1 A A downdraft table is a vacuum that  
2 draws any dust particles away from the person  
3 performing a job in the packaging area.  
4 Q Okay. Would that be -- I'm just  
5 trying to envision it. Would that be a table  
6 with holes in it that would have a vacuum under  
7 it?  
8 A Yes, multiple holes.  
9 Q Sir, do you know what the purpose of  
using the downdraft table was?  
A Yes, to prevent the dust from getting  
up into the air, free born particles.  
Q Do you know when Rayloc began using  
downdraft tables?  
A No.  
Q Do you know if they were in use in the  
1960's?  
A I don't know.  
Q Do you know if they were in use in the  
1970's?

A Yes.

Q Sir, at any point was there ever a dust collection system being used other than the downdraft table at any of the Rayloc plants?

A Yes.

■181

1 Q And do you know what that was being  
2 used for?

3 A Yes.

4 Q And what was that?

5 A It was mounted on the grinder, it was  
6 mounted on any of the delining equipment, and,  
7 again, it served the same purpose of the  
8 downdraft table.

9 Q Do you know when that began being used  
at Rayloc?

A In the '70's.

Q Sir, do you know sitting here today whether any employees of Rayloc have ever filed a workers' compensation claim for an asbestos-related disease?

A No.

Q You don't know?

A I don't know.

Q Sir, did there come a time when Rayloc provided its employees with a dust mask or a respirator?

A No. I will clarify that, they had a dust mask but not a respirator.

Q Do you know when the dust mask was first issued to Rayloc employees?

■182

1 A No.

2 Q Do you know if they were being used in  
3 the '60's?

4 A I don't know.

5 Q Do you know if they were being used in  
6 the '70's?

7 A Yes.

8 Q Other than that, the letter we just  
9 looked at from the insurance company, do you know if Rayloc ever provided its employees with an annual chest x-ray?



A They did not -- I do not know. What period of time?

Q In the '60's.

A I do not know.

Q And in the '70's?

A Do not know.

Q Sir, do you know if at any time Rayloc had its employees undergo regular physicals every year?

A No, I do not know.

Q Do you know if Rayloc ever performed any pulmonary function tests or breathing studies on any of its employees?

A No. We ran, we ran tests of breathing

■183

1 in the working area themselves doing the same  
2 type of job the travelers did.

3 Q You are talking about air sampling?

4 A Air sampling, yes.

5 Q And is that the air sampling we talked  
6 about -- strike that.

7 Did Rayloc do air sampling independent  
8 of the insurance company?

9 A Yes.

Q Do you recall when Rayloc began doing that?

A No.

Q Do you know if that was being done in the '60's?

A No.

Q Do you know if it was --

A No, I do not know.

Q Do you know if it was being done in the '70's?

A Yes.

Q And it was being done for asbestos?

A For dust particles, any area that generated dust.

Q Sir, do you know if any tests have ever been done on a Rayloc relined brake to

■184

1 determine the amount of asbestos fibers released  
2 from that brake?

3 A No.

4 Q Do you know if any such studies were  
5 ever done on a Rayloc remanufactured clutch?

6 A No.

7 Q Do you know if any such studies were  
8 ever done on any of the gaskets that were  
9 supplied and sold by Genuine Parts Company?

A No.

Q Sir, at the beginning of this  
deposition and actually in answer to  
interrogatory 19 in this case, you referred to  
teaching some brake clinics?

A Yes.

Q What exactly are those brake clinics?

A Those are clinics to tell the  
installers on how to properly install the  
brake shoes and how to make sure that, of  
course we were putting the pitch to use our  
product because it was preground, we told them  
they did not have to touch or modify the friction  
material in any way, shape, or form, and we  
demonstrated to them by having drums of different  
diameters and show them how our shoe fit them all

■185

1 properly.

2 Q Do you know when these clinics began?

3 A '70's.

4 Q Do you know who, other than yourself,  
5 would conduct these clinics?

6 A All of our representatives would do  
7 that.

8 Q And who would attend these brake  
9 clinics?

A The jobber, the jobber personnel, the  
garages, the repair shops, dealerships, and  
anyone else the jobber would like to attend.

Q Where were these clinics typically  
held? Were they held at the jobber's store?

A Typically, yes.

Q Sir, do you recall if you personally  
ever taught any of these clinics in Western  
Pennsylvania?

A I don't recall.

Q Do you know if any of these clinics  
were ever taught in Western Pennsylvania?

A I do not know.

Q So you would have no knowledge as to if any of these clinics were ever done at Standard Auto Parts in Canonsburg?

■186

1 A Correct.

2 Q Sir, at any of these clinics did the  
3 topic of asbestos ever come up?

4 A No.

5 Q How long did you continue to teach  
6 these clinics?

7 A From '71 to '76.

8 Q How long did the program of having  
9 these clinics go on?

A It is going on today.

Q Okay. Sir, do you know if at any point Rayloc has ever got any OSHA violations for asbestos?

A Repeat that again, please.

Q Sure. Do you know if at any time Rayloc ever received any violations from OSHA regarding asbestos?

A No, I do not know.

Q Sir, I'm going to put up on the screen some documents I got from OSHA discussing violations at Rayloc. You let me know when you can see it on the screen.

A It is a little blurry, but we can see it.

Q I'm going to attach all of these, I

■187

1 believe it is six pages, I will attach them to  
2 this deposition as Exhibit 12.

3 (Thereupon, Deposition Exhibit No. 12  
4 was marked for identification.)

5 Q I have attempted to zoom in on it for  
6 you, sir.

7 A Okay.

8 Q It says on the left-hand side  
9 "violation Rayloc company."

A Oh, yeah, I see that, yes.

Q Sir, I will represent -- I will represent to you that when I pulled this document off the Internet it was for the Rayloc

plant located at 600 Rayloc Drive in Atlanta, Georgia.

A Yes.

Q Sir, if you would look there in the middle, the top middle, it says "standard cited," and then it has some numbers and it says the word "asbestos"?

A I don't see the word "asbestos."

MR. RILEY: We don't have the whole document. There it is.

A Okay. Yes.

MR. RILEY: Got it.

■188

1 Q And sir, underneath of that it says  
2 "violation items" and directly below that it has  
3 an issuance date; do you see that?

4 A Yes.

5 Q And that date is 11/07 1983?

6 A Yes.

7 Q Do you recall after looking at this  
8 whether or not there was an OSHA violation in  
9 1983?

A No, I do not.

Q Fair enough. Sir, I'm going to move to the next page.

(Recess taken.)

BY MR. GALLUCCI:

Q Sir, before we lost our signal, I was showing you some documents from OSHA which I have attached to the deposition. Sir, I will represent that I have five more of these documents from Rayloc facilities in Maryland, Memphis, Tennessee, and Kentucky with the most recent violation in 2001.

If I were to show you each of these documents, would that help trigger your memory as to whether there was an OSHA violation?

A No.

■189

1 Q Then I won't put us through that.

2 MR. GALLUCCI: sir, at this point, I  
3 don't believe that I have any further  
4 questions. I will review my notes. But I

5 do believe maybe some other attorneys will  
6 have questions. We will start here.  
7 Does anyone here in Pittsburgh have  
8 questions?  
9 THE WITNESS: I'd like to take a  
break, please.  
(Recess taken.)  
MR. GALLUCCI: Pat, after looking at  
my notes, I just have one more question.  
BY MR. GALLUCCI:  
Q Sir, if I walked into a NAPA jobber in  
1970 and I purchased a box of Rayloc brakes and  
on the outside it says "American Brakeblok,"  
would that mean that the linings on those brakes  
were supplied by Abex?  
A Yes.  
Q Okay.  
MR. GALLUCCI: I don't have any  
further questions.  
MR. RILEY: Does anybody in Pittsburgh  
have any questions?

■190

1 MR. GALLUCCI: At this time, Pat, I  
2 don't think anyone here has questions.  
3 MS. ABDULALEEN: This is Rahmah  
4 Abdulaleen with King & Spalding, R-A-H-M-A-H  
5 last name A-B-D-U-L-A-L-E-E-M, with King &  
6 Spalding for Honeywell.  
7 I just have a couple questions for  
8 you, Mr. LeCour.  
9 EXAMINATION  
BY MS. ABDULALEEN:  
Q What entity, Rayloc, NAPA, or Genuine  
Parts Company, purchased Bendix products?  
A Rayloc.  
Q What time frame did Rayloc purchase  
Bendix products, was it the '60's?  
A I can't speak for the '60's, but the  
'70's up.  
Q '70's to current day or --  
A Yes.  
Q What records does Rayloc have in its  
possession that evidence that Rayloc purchased  
Bendix products?  
A If it was within the last four years,  
but prior to that they wouldn't have any.

Q Okay. So only in the last four years

■191

1 would you guys have evidence of purchasing  
2 products from Bendix?

3 A Oh, no, we would have product on the  
4 shelf that has your lining on it.

5 Q Okay. What was the volume of Bendix  
6 products that Rayloc purchased?

7 A I don't know.

8 Q Were the Bendix products shipped to  
9 Rayloc in bulk or in individual boxes?

A Bulk.

Q What records does Rayloc have in its  
possession to evidence whether the Bendix  
products that were purchased were non-asbestos  
containing versus asbestos containing?

A What evidence do we have for that?

Q Yes.

A We have none.

MR. RILEY: No, there are documents in  
the repository that make reference to the  
suppliers' correspondence, that kind of  
stuff.

Q Okay. Do you know the volume of  
non-asbestos containing materials versus the  
asbestos-containing products?

A No.

■192

1 Q What were the actual products, Bendix  
2 products that were purchased?

3 A We purchased disc brake pucks and we  
4 purchased strip lining for brake shoes. The  
5 pucks were known as Friction King Two, which was  
6 a semimetallic material.

7 Q Did Rayloc rebrand or repackage the  
8 Bendix products?

9 A Yes.

Q You say they rebranded them, did they  
put their logo on them?

A No, not on the product itself.

Q Okay.

A You still had your edge coats unless  
it was 2000 and up. We just put it in the box

and we would label it "Rayloc." It would be a Rayloc premium.

Q Okay. So the outside of the box would have "Rayloc" on it, but the actual product would still say "Bendix" on it?

A Yes.

Q And you guys would do your own labeling of the box, that wouldn't be done by Bendix?

A Yes, we did it. I know there was

■193

1 a period of time where they were doing some  
2 boxing for us, but I can't recall when or how  
3 much.

4 Q Okay. Do you have any idea when the  
5 time frame was for that?

6 A No, I do not.

7 Q Okay. Can Rayloc trace what Bendix  
8 products went to which stores?

9 A No.

MS. ABDULALEEN: That's all I have.

MR. RILEY: Mike, I have a couple follow-up questions.

MR. GALLUCCI: Okay.

EXAMINATION

BY MR. RILEY:

Q Paul, in the direct testimony you were asked some questions regarding products that the distribution center sold to jobbers that were aimed at farm equipment; do you recall that testimony?

A Yes.

Q Did the distribution center send every jobber farm equipment or would that be limited to jobbers who requested that type of material?

■194

1 A Only the ones that requested it.

2 Q Now, with respect to catalogs, you  
3 mentioned that manufacturers supplied catalogs to  
4 the distribution centers?

5 A Yes.

6 Q Did the distribution centers supply

7 those catalogs to the jobbers?

8 A Yes.

9 Q And such as the NAPA United document that was shown, is that the type of material that might be supplied by the distribution center to the jobber?

A Type of material, yes, except there was a catalog.

Q With respect to the discontinuation of asbestos from the 8 parts numbers on brakes in 2001, as I understand your testimony here today, did you say that that discontinuation occurred because of an EPA band on asbestos?

A I said that, but I misunderstood the question.

Q All right. Can you explain why the product line was discontinued in 2001?

A Because we only had 8 parts numbers left with the asbestos on it and there were

■195

1 suitable products that we could substitute the  
2 asbestos with, so it was a corporate decision to  
3 do away with those numbers, to have a totally  
4 hundred percent non-asbestos line.

5 Q You were also asked questions  
6 regarding the different industrial hygiene  
7 surveys that were done at the various plants over  
8 the years, and do you know with respect to  
9 wearing dust masks, when employees wore dust  
masks, was it everybody in the plant wearing a  
dust mask?

A No, they were not. It was only in an area that required that and that was requested by the employee, and we, we knew that we were generating the dust because this is what we were doing, we were grinding it, we were aware of the hazards of asbestos and we wanted to take every precaution we could to protect our employees.

Once we finished the process in our plant and it is put into a box, it is instructed to the installers by the jobber, jobber personnel, by our salesmen, by our clinics, do not grind this material, any modification to the material would void the warranty.



■196

1           We felt that that was -- in the form  
2 in which that asbestos was contained in, which  
3 was it was encapsulated in resin, it was a solid  
4 piece, that was safe.

5           MR. GALLUCCI: Pat, before you go on,  
6 I just want to place an objection as to the  
7 non-responsive answer and I move to strike  
8 his narrative testimony that was  
9 non-responsive.

Q With respect to inside the plant, if  
the industrial hygienist for the insurance  
company or consultant suggested wearing a dust  
mask, Rayloc would provide a dust mask in that  
area; is that correct?

A Absolutely, yes.

Q Okay. If there was an OSHA citation,  
are you the person who would normally receive  
that citation?

A No.

Q All right. Is that why you'd have no  
familiarity with the citations that he was  
referring to today?

A Yes.

Q Okay.

MR. RILEY: That's all I have.

■197

1           EXAMINATION

2 BY MR. GALLUCCI:

3       Q Mr. LeCour, I have some follow-up  
4 based on some questions that were asked of you by  
5 Mr. Riley.

6           I asked you, and I will ask you again,  
7 you told me today in this deposition, and you  
8 testified in the Hanks deposition, that the only  
9 reason Rayloc stopped selling and using asbestos  
product is because of an upcoming ban on  
asbestos; do you remember giving that testimony  
today?

A I remember giving the testimony, but  
this way of which you just read it back to me,  
that was not how it was.

Q That's now how it was as to the 8 part  
numbers in the EB line?

A That is correct.

Q How about as to the other lines, would that statement be correct?

A Well, I will restate it if I may.

Q Sure.

A When there was a chance of asbestos being banned, we were in the brake business, we had no choice but to look and start experimenting

■198

1 with different types of non-asbestos materials.  
2 No one had that technology, Abex claims they had  
3 it, but their technology did not work on domestic  
4 cars, so we were doing that to save our business  
5 and to be able to supply a product, but then, as  
6 you, I'm sure, are aware, asbestos has never been  
7 banned.

8 Q Sir, I wouldn't agree with that  
9 statement, but we don't need to get into that  
today.

In response to Mr. Riley's questions,  
you have testified that regarding the farm  
equipment, that could be used on farm equipment,  
that would only be sent to a jobber that  
requested it; is that correct?

A Yes.

Q Sitting here today, would you agree  
with me that you have no knowledge as to whether  
Standard Auto Parts in Canonsburg ever requested  
such farm equipment?

A No, I have no knowledge.

Q Fair enough.

Lastly, sir, you testified, and I  
don't understand your testimony, did you say  
there was an instruction with the Rayloc brake

■199

1 which said to not sand it?  
2 A No. It was included in the product  
3 itself, I said with our product knowledge  
4 clinics, as well as our brake clinics, that was  
5 the verbiage used to express that to our  
6 customers and to train the employees of the  
7 jobber, and that was one of the features that  
8 made us different from someone else, trying to

9 sell that installer brakes.

Q So sir, if I walked into a NAPA jobber in 1970 and I bought a box of Rayloc brakes that had the term "American Brakeblok" on it, and I opened that box up, you would agree with me that there would be no instruction in there telling me to not sand that brake?

A Yes, I would agree with you.

MR. GALLUCCI: I don't have any other questions, sir.

MR. RILEY: Okay, are we done.

MR. GALLUCCI: Yeah, anyone else here in Pittsburgh have questions?

Nobody there, Pat?

MR. RILEY: We are done.

MR. GALLUCCI: Do you want to instruct him on signature?

■200

1 MR. RILEY: We do not waive.  
2 Send it to me and I will get it to  
3 him.

4 - - -

5 (Thereupon, at 3:37 p.m., the  
6 deposition was concluded.)

7 - - -

8

9

201

1 CERTIFICATE

2 COMMONWEALTH OF PENNSYLVANIA, )  
 ) SS:

3 COUNTY OF ALLEGHENY. )

4 I, Terri J. Urbash, do hereby certify that  
before me, a Notary Public in and for the  
5 Commonwealth aforesaid, personally appeared PAUL  
LeCOUR, who then was by me first duly cautioned  
6 and sworn to testify the truth, the whole truth,  
and nothing but the truth in the taking of his  
7 oral deposition in the cause aforesaid; that the  
testimony then given by him as above set forth  
8 was by me reduced to stenotypy in the presence of  
said witness, and afterwards transcribed by means  
9 of computer-aided transcription.

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

adjournment.

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

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my seal of office at Pittsburgh,  
Pennsylvania, on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

---

Terri J. Urbash, Notary Public

In and for the Commonwealth of Pennsylvania

My commission expires June 7, 2008

- - -

202

1 COMMONWEALTH OF PENNSYLVANIA ) E R R A T A  
COUNTY OF ALLEGHENY ) S H E E T

2

3 I, PAUL LeCOUR, have read the foregoing pages of  
my deposition given on Tuesday, August 29, 2006,  
4 and wish to make the following, if any,  
amendments, additions, deletions or corrections:

5

Page/Line	Should Read	Reason for Change
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6

7

8

9

In all other respects, the transcript is true and  
correct.

---

Paul LeCour

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2006.

---

Notary Public

203

1 September 10, 2006

2

3 Riley, Hewitt, Witte & Romano  
Suite 300, 650 Washington Road

4 Pittsburgh, Pennsylvania 15228

5 ATTN: Patrick Riley, Esquire

6 NOTICE OF NON-WAIVER OF SIGNATURE

7

8 Please have the deponent read his deposition  
transcript. All corrections are to be noted on  
the preceding Errata Sheet.

9

Upon completion of the above, the deponent must

affix his signature on the Errata Sheet, and it  
is to then be notarized.

Please forward the signed original of the Errata  
Sheet to Michael Gallucci, Esq., for attachment  
to the original transcript, which is in his  
possession, copying all other counsel and myself.  
As per the rules, if the witness does not sign  
the signature page within 30 days after receipt  
of the transcript, signature is deemed waived.

Terri J. Urbash, RPR  
Court Reporter