

PUNTA GORDA, FLORIDA; TUESDAY, OCTOBER 12, 2010;

:46

10:19 a.m.

THE VIDEOGRAPHER: We're now on the record.

My name is Beth MacDonald, I'm the videographer and

I represent Atkinson Baker, Inc., of Glendale,

:18

California. I'm not financially interested in this

action nor am I relative or employee of any

attorney of any of the parties.

Today's date is October 12th, 2010. The time

is approximately 10:19 a.m. This deposition is

:19

taking place at 33 Tamiami Trail, Punta Gorda,

Florida. This is Case No. RG10502243, entitled

Bankhead versus Allied Packing. The deponent is

Ludlow Earle Bretz. This deposition is being taken

on behalf of the plaintiff. And the court

:19

reporter's name is Mike Brentano.

Will counsel please identify themselves for

the record.

MR. SATTERLEY: Yes. My name is Joe Satterley

and I represent Emily and Gordon Bankhead.

:19

MR. RADCLIFFE: Tom Radcliffe for Pneumo Abex,  
LLC.

MR. MILLER: Anthony Miller for Arvin Meritor  
and Kelsey Hayes.

MR. SATTERLEY: And I think by stipulation the  
:19

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other folks participating by telephone will  
:19

identify themselves during the first break.

THE VIDEOGRAPHER: Would the court reporter  
please swear the witness.

LUDLOW EARLE BRETZ, JR.,  
:20

having been first duly sworn, was examined and testified  
as follows:

EXAMINATION

BY MR. SATTERLEY:

Q Good morning.  
:20

A Good morning.

Q Please state your full name.

A Ludlow Earle Bretz, Jr.

Q Mr. Bretz, my name is Joe Satterley and we

just met earlier this morning. Have you given a

:20

deposition in the past?

A Yes, sir.

Q On how many occasions?

A I believe two.

Q Very briefly I'm going to tell you a little

:20

bit about the deposition process. I'm sure because

you've been through depositions in the past, you're a

little bit familiar with it. But the purpose of my

deposition here today is to find out what information

you may have that may be relevant to this case. None of

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■12110:20 my questions are meant to trick you or confuse you in 2 any fashion. So I'm going

to respond to all the questions as opposed to nodding the

:21

head. Folks on the telephone are listening in, the

court reporter, it makes it a lot easier for the court

reporter to take down the information, okay?

A Okay.

:21

Q All right. Where do you currently reside?

A 26 Windward Court, Cape Haze, Florida.

Q And how long have you been here in Florida?

A April of 1992.

Q And have you been here since your retirement?

:22

A Other than a year, yes.

Q And what company did you retire from?

A I retired from Pneumo Abex Corporation.

Q And how long did you work for Pneumo Abex or its predecessor companies?

:22

A Thirty-eight years.

Q And during those 38 years with the company, it started out one name and it switched names over the --

A Several times, yes.

Q Several times. At one point in time it was

:22

called American Brake Shoe Company?

A That's correct.

Q Another point in time it was called Abex.

A Correct.

Q And then it became Pneumo Abex at some point

:22

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in time?

:22

A Mm-hmm.

Q You got to --

A Yes.

Q Okay. During the 38 years that you spent with

:22

that company, were you in management?

A Yes.

Q How many of these 38 years were you in

management?

A 1971 to '92, so that would be about 19 years,

:23

20 years.

Q Now, I'm going to ask you some questions here

today about your work with -- I'm going to call Abex,

just so that -- is that okay with you?

A That's fine, sure.

:23

Q Okay. And first, it's my understanding that

you -- did you leave the company in 1992?

A I was retired in January '91.

Q Okay, January of '91. And you started with

the company in --

:23

A July 19 -- July 1953.

Q Okay. When you first went with the company,

what was your job?

A I was a trainee, sales engineer trainee.

Q And then what was the next position you had?

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A After I finished my training --

:24

Q Yes.

A -- with the company, I was a sales engineer.

Q And how long did you stay as a sales engineer?

A Several years, a few years.

:24

Q And then what position did you take after  
sales engineer?

A Then I was a district manager.

Q As a district manager, was that from 1963 to  
'71?

:24

A Yes.

Q And was -- because earlier you said you were  
in management from '71 to '92, or '91, thereabouts. Was  
the district manager role, was that not management?

A Not specifically, no.

:24

Q Okay. And if you could just explain that to me.

A Well, I didn't have anybody working for me. I was responsible for various accounts and after a -- after someone was with the company for so long, it was a :24

way of getting a people a raise, they changed titles. If you reached your maximum within a pay grade, they changed titles so that they could put you in another pay grade to get a raise.

Q So your job title as district manager, you had :25

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to call on folks with regards to selling the Abex :25

materials to them?

A That's correct.

Q It sounds like through most of your career you were in the sales component of the company. :25

A Correct.

Q I've premarked a number of exhibits and I've given them to the other -- the attorney representing Pneumo Abex just a few minutes ago. They're over to your left-hand side. Can you grab those exhibits?

:25

The first one we've marked is the notice to  
take your deposition as Exhibit 1. Do you see that?

A Yes, sir.

Q And did you receive a subpoena that had this  
notice to take deposition with it?

:26

A Yes.

Q And how long ago did you receive the subpoena?

A Two and-a-half weeks, the first one.

Q After you received the subpoena for this  
deposition and in between today, what, if anything, have

:26

you done to prepare yourself for this deposition?

A Well, I tried to determine whether any of my  
limited files had any information about the Bankhead  
case.

Q Okay.

:26

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A I found nothing. I contacted Mr. Radcliffe

:26

and advised him that I had received a deposition. And I  
sent a copy of it to him.



Q The subpoena?

A The subpoena, yes. I'm sorry.

:26

Q When you say you checked your limited files, you're talking about files that you maintain at your house?

A Yes.

Q Okay.

:26

A The cases that I might have been involved with over the last few years.

Q And how many cases have you been involved with over the last few years?

A Several. No more than ten.

:27

Q And your involvement in these cases has been as a fact witness, correct?

A Yes, sir.

Q You've never been a hired expert to develop some certain expertise or anything like that?

:27

A No.

Q And we talk about these several cases, no more than ten you said, right?

A Correct.

Q Who contacted you about these cases?

:27

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A Mr. Radcliffe.

:27

Q Okay.

A Or an attorney by the name of Mr. Edward  
Abbott.

Q Is it your understanding that both of these

:27

attorneys are attorneys for the Abex Corporation or  
their successor?

A Yes, sir.

Q If you could describe for me very briefly,  
when you say your limited files, what's in your limited

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files?

A Notices, copies of affidavits which I signed  
for cases, a deposition if I received one, maybe a copy  
of the transcript if I gave one.

Q You don't maintain and possess historical

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documents of what Abex did back in the '50s or '60s or  
'70s yourself?

A No, sir.

Q After you contacted Mr. Radcliffe to let him  
know you received a subpoena, have you reviewed any  
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documents or has he provided you any documents to  
review?

A A copy of the Bankhead deposition from the  
gentleman from Rockwell.

Q The -- Bruce Ketcham?  
:28

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A Bruce Ketcham, yes, sir.  
:28

Q Any other depositions that you've reviewed in  
this case?

A No, sir.

Q And how long ago did you get a copy of  
:29

Mr. Ketcham's deposition?

A Last week.

Q Did you read it?

A Yes, sir.

Q And how long did you spend reading that  
:29

deposition?

A Oh, it was 260 pages; about three hours, three and-a-half hours.

Q Now, do you -- do you charge Abex for your -- Pneumo Abex or the law firm for your time?

:29

A I'm on a retainer and I charge them time.

Q And what is your retainer?

A Per month?

Q Sure.

A 1500 per month.

:29

Q And what is your hourly rate for other work you do for them?

A \$150.

Q And how long have you had this retainer agreement with -- is it with Mr. Radcliffe's law firm?

:30

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A Yes, sir.

:30

Q How long has that occurred?

A I think 2004, 2003.

Q I may come back to that later. But you haven't reviewed anything else case specific about this

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case other than Mr. Ketcham's deposition?

A No, I have not.

Q If you could, turn Exhibit 1 over to the --

and we're going to start going through some of these exhibits.

:30

But before we go through Exhibit 2, I briefly looked at some of your other sworn testimony and I understand that you learned about asbestos, some potential hazards to asbestos sometime in the '60s, correct?

:30

A Yes.

Q And how did you learn about the hazards of asbestos in the 1960s?

A There was considerable discussion back then in organizations such as Society of Automotive Engineers,

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we held monthly meetings with our salespeople and the manufacturing people and it was discussed at that point.

There were a lot of articles back then in trade magazines, et cetera.

Q Other than the Society of Automotive

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Engineers, can you think of any other trade magazines

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that you recall specifically discussing hazards of  
asbestos?

A No, I can't.

Q Did anyone from the Abex Corporation -- back

:31

at this time, it was called Abex, right, in the '60s?

A Yes.

Q Anybody, any of your managers or anybody from  
another department of Abex call you in and give you a  
training or classroom instructions on the hazards of

:31

asbestos?

A No.

Q Did there come a point in time later, either  
in the later '60s or early '70s, where Abex, the Abex  
Corporation had a classroom training to train sales

:32

personnel like yourself about asbestos hazards?

A No.

Q When you've learned in the '60s -- by the way,  
can you, other than saying the '60s, can you narrow it

down any when you learned about the hazards of asbestos?

:32

A It was probably -- it was discussed during the early '60s. Time frame, '62-3, in that time frame.

Q In that time frame when you first learned of the hazards of asbestos, did you specifically recall learning about cancer?

:32

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A I can't recall.

:33

Q Did you learn in the 1960s about a disease called -- process called mesothelioma?

A Yes.

Q And how did you first learn about that disease

:33

process, mesothelioma?

A Specifically, I don't remember.

Q I marked as Exhibit 2 a memorandum from D. K.

Rennie to Dr. Charles Blackwell, the medical director of American Brake Shoe Company, dated October 8th, 1964.

:33

And I first wanted to ask you, did you know who D. K. Rennie was?

A Yes. Don K. Rennie, yes.

Q What was his job with the company back in that time frame?

:33

A He was vice president of manufacturing.

Q And Dr. Charles Blackwell, did you ever have the opportunity to meet him?

A Yes, I did.

Q And was it your understanding he was the

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medical director for the company?

A Yes.

Q In this 1964 memo, it attaches an article from the Pontiac Press dated October of 1964 and it says "Suspect Asbestos as Medical Specialists as a Cause of

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Cancer," do you see that?

:34

A Yes, sir, I do.

MR. RADCLIFFE: Objection, lack of foundation.

MR. MILLER: Join.

Q (MR. SATTERLEY) My question to you is, first

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of all, is this the type of article that you were



referring to earlier that you read back in the 1960s  
about asbestos?

MR. RADCLIFFE: Objection, vague, ambiguous.

MR. MILLER: Leading, join.

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THE WITNESS: Might have been.

MR. MILLER: Move to strike, speculation.

Q (MR. SATTERLEY) In 1960 was D. K. Rannie --  
you said he was a manager with the corporation, right?

A Vice president of manufacturing.

:34

Q And was Dr. Blackwell also in management with  
the corporation?

A Medical director? I don't know what -- I  
don't know what that -- the corporate lineup looked like  
and where he fit in. He reported to the president of

:35

Abex, or American Brake Shoe.

Q Did -- in 1964, did Mr. Rennie or  
Dr. Blackwell share this information with you?

A I don't remember.

Q It says in here, the second paragraph, "Does

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this call for any special action on our part at our

:35

plants in Winchester, Lindsay, Mexico, France? Should we bring it to the attention of our licensees abroad?"

Do you see that?

A I see that.

:35

Q First my question is, were you familiar with these plants that they're referring to?

A Yes.

Q Winchester, is that in Virginia?

A Yes, sir.

:35

Q And where is the Lindsay plant at?

A Lindsay, Ontario. North of Toronto.

Q And Mexico, where in Mexico?

A Mexico City.

Q Okay. And France?

:36

A Gif, France, outside of Paris. That's G-I-F, outside of Paris.

Q Were those in that time frame the only locations where there were manufacturing plants within the Abex Corporation?

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A No.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) Are you -- tell us all --  
some of the other locations where Abex had manufacturing  
facilities.

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MR. RADCLIFFE: Objection, vague, ambiguous.

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THE WITNESS: Friction material facilities?

Q (MR. SATTERLEY) Sure.

MR. RADCLIFFE: Same objection.

THE WITNESS: '64, Cleveland, Ohio. But we

:36

manufactured sintered metallic in Cleveland, Ohio.

The Milburn, New York --

Q (MR. SATTERLEY) Let me stop you there. I  
apologize, sir. In Cleveland, Ohio, it was semi  
metallic?

:36

A Sintered metallic.

Q Sintered metallic. That's not --

A S-I-N-T-E-R-E-D, sintered.

Q Does that have asbestos in it?

A No.

:36

Q Okay. Continue.

MR. RADCLIFFE: Mr. Bretz, you are speaking at the same time Mr. Satterley is speaking. You need to let him finish and then you can begin to speak.

THE WITNESS: Okay. I'll work on that.

:37

MR. RADCLIFFE: Do you remember the question?

THE WITNESS: Repeat the question.

Q (MR. SATTERLEY) Sure. We were talking about Cleveland, the Cleveland plant, and you were going to tell me about another plant, manufacturing plant.

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A Milburn, New York, sintered metallic. I

:37

believe it was closed by then.

Q Okay. Any other manufacturing plants of the Abex Corporation that you're aware of in this time frame?

:37

A Friction material?

Q Yes.

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: No, I'm not.

Q (MR. SATTERLEY) And I appreciate your  
:37

clarification. Did Abex have other manufacturing  
facilities other than friction materials?

A Yes, sir.

MR. RADCLIFFE: Objection.

Q (MR. SATTERLEY) What types?  
:37

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: Well, as I used to say, we made  
everything from soup to nuts. We had 25 plants  
manufacturing cast iron, we had cast steel plants,  
we had cast aluminum plants, we manufactured --  
:38

back then, manufactured railroad brake shoes, steel  
wheels. There were five or six divisions in  
manufacturing. A number of items which  
specifically I don't remember all of them.

Q (MR. SATTERLEY) Was it your understanding,  
:38

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was Abex -- at this point in time you called it American  
:38

Brake Shoe or Abex, in '64?

A It was American Brake Shoe Company.

Q Okay. At that time frame in 1964, you were  
with the company, correct?

:38

A Yes.

Q Was it your understanding, was this an  
international corporation --

A Yes.

Q -- offices around the world?

:38

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) Go ahead.

A Yes.

Q And you already mentioned the Canada, United  
States, Mexico, France, where were some of the other

:38

locations American Brake Shoe Company had offices?

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: Friction material?

Q (MR. SATTERLEY) Let's do more broadly then.

A During this time frame specifically, I

:39

can't -- I don't remember.

Q Let's break it -- let's make it easier. Just

in the '60s generally, are you aware of where Abex had offices around the world?

MR. RADCLIFFE: Same objection.

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THE WITNESS: I don't remember.

:39

Q (MR. SATTERLEY) Okay. In the 1970s, moving forward into the 1970s, did Abex or American Brake Shoe Company have offices around the world?

A Yes.

:39

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) Did that continue in the '80s?

MR. RADCLIFFE: Same objection.

THE WITNESS: Yes.

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Q (MR. SATTERLEY) Let's move forward to Exhibit 3. Exhibit 3 is an October 13th, 1964 memorandum from the medical department from a C. C. Blackwell, do you see that?

A Yes.

:40

Q And it is addressed to Mr. William F. -- is it

Veenstra? Veenstra?

A I don't know. That's the way I pronounce it.

Q Okay. It's got his title listed as the  
assistant general purchasing agent for the New York

:40

office, do you see that?

A Yes.

Q And at the top, it's got D. K. Rennie, B-B  
Troy. Do you know what that means?

A Brakeblok Troy.

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Q And is that Troy, Michigan?

:40

A That's Troy, Michigan.

Q And did you ever work in Troy, Michigan?

A Yes, sir.

Q Did you ever work under -- I guess down the

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chain of command from Mr. Rennie?

A No.

Q It says in this 1964 memorandum, "Thank you  
for your notice of 10-7-64 and the clippings concerning  
asbestosis." My first question to you, by this point in



:41

time, 1964, were you already familiar with the disease called asbestosis?

MR. RADCLIFFE: Objection, vague, ambiguous, I object to the leading statement which is not part of the question, and lack of foundation.

:41

MR. MILLER: Join.

Q (MR. SATTERLEY) Go ahead.

A I believe I was.

Q Did Dr. Blackwell share this memorandum with you when you were in sales in 1964?

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A I haven't -- this is the first time I've seen this.

Q So the answer to my question would be no?

A No.

Q Okay. The next sentence says, "The problem of

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mesotheliomas in individuals exposed to asbestos is

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pretty well known in industry." Do you see that sentence?

MR. RADCLIFFE: Objection, foundation.

Q (MR. SATTERLEY) Do you see that?

:41

A Yes.

Q By this point in time in 1964, based upon your involvement with the corporation in sales, would you agree that the problem of mesothelioma and exposure to asbestos was well known in industry?

:42

MR. RADCLIFFE: Objection, foundation, vague, ambiguous.

MR. MILLER: Argumentative. Join.

THE WITNESS: I can't speak to that.

Q (MR. SATTERLEY) Well, did you know in 1964

:42

that mesothelioma was caused by exposure to asbestos?

MR. RADCLIFFE: Objection, vague, ambiguous.

MR. MILLER: Same, join.

MR. McGUIRE: Join.

THE WITNESS: I don't remember.

:42

Q (MR. SATTERLEY) You can set that exhibit to the side. I think that what I'm trying to figure out is, when you learned about the hazards of asbestos, as you said, in the early '60s, '62, '63, was mesothelioma

one of the things that was discussed?

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A I don't remember.

:42

MR. MILLER: Assumes facts.

Q (MR. SATTERLEY) Okay. Are you able to tell us all the circumstances in which you learned about mesothelioma?

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MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: Specifically I can't.

Q (MR. SATTERLEY) All right. In the 1960s, you were involved in sales, right?

A Yes.

:43

Q And in your involvement in sales in the 1960s, did the management of the corporation tell you that you should be passing on to customers information about the hazards of asbestos?

A No.

:43

Q In the 1960s when you were in the -- I think you said you were district manager from '63 to '71, correct?

A Yes.

Q And your responsibility as district manager

:44

would be to deal with major vehicle manufacturers, car  
and truck companies?

A Yes, sir.

Q And aircraft brake companies?

A Yes, sir.

:44

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Q And you were there trying to sell the friction

:44

products?

A Correct.

Q And included in the friction products at this

point in time would be an asbestos-containing product,

:44

correct?

A Yes.

Q The asbestos -- the Abex -- or, I guess,

American Brake friction product in '63 to '71 time

period, do you know what percentage of the product was

:44

asbestos?

MR. RADCLIFFE: Objection, vague, ambiguous,  
calls for speculation.

MR. MILLER: Join.

THE WITNESS: Depended on the formulation, 50

:44

to 60 percent.

Q (MR. SATTERLEY) And in that time frame,  
1963-1971, I take it as a salesperson, you made major  
inroads into the getting new accounts to these  
manufacturers?

:45

A Correct.

Q And was there a major plant expansion made as a  
result of your inroads, the inroads you made with  
regards to the sales of these products?

A Yes.

:45

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Q And where was that major plant expansion?

:45

A Winchester, Virginia.

Q And if you could just tell me a little bit  
about that. What -- how did the plant expand?

MR. RADCLIFFE: Objection, vague, ambiguous.

:45

THE WITNESS: Based on a four- or five-year test period with General Motors Corporation, we received approval for all of their half-ton truck and three-quarter-ton truck business, brake business, front and rear.

:45

Q (MR. SATTERLEY) And because of that business, the plant had to be -- was there another building built or couple of buildings built?

A Just an expansion of the existing building.

Q In your role as district manager in that time

:46

frame, '63 to '71, did you have occasion to go to the Winchester facility?

A Yes, sir.

Q And during that time frame from 1963 to 1971, did you ever observe any folks at that Winchester plant

:46

wearing respirators?

A Specifically, no.

Q In that time frame, 1963 to 1971, did you ever see any postings of any warning signs or caution statements in the Winchester facility?

:46

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A Yes.

:46

Q And what's the earliest you recall there being some type of warning sign at the Winchester facility?

A Memory serves me, it was the late '60s.

Q And did it specifically warn about asbestos?

:47

A No.

Q What did it warn about?

A Dust.

Q And what did it say in the plant about the dust?

:47

A I don't remember what the label -- the postings would say. Don't remember -- I don't remember.

Q But you just recall it said something about dust?

A Yes.

:47

Q Okay. Did they also have in the Winchester facility an exhaust hood to suck the dust away from the workers?

A Yes.

Q And was that designed to capture potentially

:47

toxic dust?

MR. RADCLIFFE: Objection, vague, ambiguous, argumentative.

MR. MILLER: Join. Foundation.

THE WITNESS: Set up to capture the dust.

:48

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Q (MR. SATTERLEY) Did you know a

:48

Mr. Borchherding?

A Spelling?

Q B-O-R-C-H-E-R-D-I-N-G?

A No, sir.

:48

Q I take it it wasn't part of your job in sales to evaluate the exhaust dust -- ducts that were at the Winchester plant?

A No.

Q But you did know that they had them there,

:48

right?

A Oh, yes.

Q Did there come a point in time later where you



observed folks in the Winchester facility wearing respirators?

:48

A Yes.

Q And when did that occur?

A Late '60s, early '70s.

Q And what was your understanding of why they were wearing respirators?

:49

A We were very protective of our employees and it was part of the process. Depending upon where their job was within the plant, some people didn't, some people did.

MR. RADCLIFFE: Objection, calls for

:49

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speculation.

:49

Q (MR. SATTERLEY) And was it the respirators -- do you know whether those were to eliminate exposure to the asbestos dust?

MR. RADCLIFFE: Objection, calls for

:49

speculation.

MR. MILLER: Join. Foundation.

THE WITNESS: That's out of the realm of my expertise.

Q (MR. SATTERLEY) Nobody from the company ever :49

share with you why certain workers in the plant were given respirators?

A Not that I remember.

Q And you, I take it, as a salesperson in sales, never conveyed to any of your customers that people back :49

in the plant were wearing respirators?

A I don't believe so.

Q You never saw any product brochures that said, hey, our workers back in the plant, we're protecting them by having them wear respirators?

:50

A No.

MR. RADCLIFFE: Objection, argumentative.

Q (MR. SATTERLEY) Now, Exhibit 4 there is a 1968 interoffice Abex Corporation correspondence dated March 25th, 1968. Did you know G. M. Theodore?

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A No.

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Q Did you know J. D. Henderson?

A No.

Q Did you know F. D. Hunter?

A No.

:50

Q In this memorandum, it's talking about product liability was discussed at this meeting in relation to large lawsuits for improper warning against hazards on products, do you see that?

A I see?

:50

MR. RADCLIFFE: Objection, foundation.

Q (MR. SATTERLEY) In 1960s, in this time frame, did anybody from the corporation, whether it be the medical department, upper management, talk with you at all about proper -- what is a proper labeling on a

:50

product?

A No.

Q Did there come a point in time in the '70s or '80s when somebody from the corporation sat down with you in sales and said, this is a proper label and this

:51

is an improper label?

A Early '70s, yes.

Q Okay. And who was it from the corporation that sat down with you and taught you what a proper label was and what was an improper label?

:51

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MR. RADCLIFFE: Objection, vague, ambiguous,

:51

argumentative, misstates prior testimony.

MR. MILLER: Join.

THE WITNESS: I don't remember any distinction between a proper and an improper label. I don't

:51

remember anybody specifically sitting down with us to discuss labels.

Q (MR. SATTERLEY) Okay. Please set Exhibit 4 to the side.

We'll go on to Exhibit 5. This is a

:51

memorandum from the American Brakeblok Division, Troy office. Did you work out of the Troy office?

A Yes.

MR. RADCLIFFE: Asked and answered.

Q (MR. SATTERLEY) At this time frame.

:52

A Yes.

Q Okay. E. M. Green, did you know who that was?

A Yes.

Q Who was he?

A He was a plant manager of the Winchester

:52

facility.

Q And what about P. H. Grim?

A Phil Grim was in the sales office.

Q And then there's some names at the bottom,  
Nelson, Jones, and Hoff, do you see those names?

:52

■1

A Yes.

:52

Q And do you know who those folks are?

A Yes.

Q Who are those?

A Bob Nelson was our manager of technical

:52

services, Harry Jones was a vice president of  
replacement sales or sales manager replacement sales,  
and Eric Hoff was district manager west coast  
aftermarket.

Q It says Service Tip Information on the subject

:53

line, do you see that?

A Yes.

Q It says, "Attached is a copy of a letter from

Charles E. Christensen, automotive instructor, San --"

how you do say that?

:53

MR. MILLER: Mateo.

Q (MR. SATTERLEY) Mateo. "-- San Mateo High

School, California," do you see that?

A Yes.

MR. RADCLIFFE: Objection, foundation.

:53

Q (MR. SATTERLEY) And it says, "Please place

this school on our mailing list and send copies of all

our passenger car tips 1 to 35 inclusive," do you see

that?

A Yes.

:53

■1

MR. RADCLIFFE: Objection, foundation.

:53

Q (MR. SATTERLEY) My question is, do you know

what they're referring to, car tips 1 to 35?

MR. RADCLIFFE: Objection, foundation.

THE WITNESS: Yes.

:53

Q (MR. SATTERLEY) And what is that?

A We publish periodically a tip for the brake industry, the aftermarket industry, tips for the --

Q What type of tips?

A The how to, how to make a brake job, how to do

:53

a brake job, how to eliminate noise, how to improve this, improve that, just general information.

Q And this time frame in October of 1972, do you know whether the American Brakeblok Corporation was sending -- was including in its tips anything about

:54

asbestos causing disease?

MR. RADCLIFFE: Objection, calls for speculation.

THE WITNESS: I do not remember specifically, no.

:54

Q (MR. SATTERLEY) Let's go to the next exhibit.

This is a Abex Friction Products Group memorandum dated February 13th, 1975, from Harry R. Jones.

A Mm-hmm.

Q Do you know who Harry Jones is?

:54

■1

A Yes. He was a vice president of aftermarket

:54

sales.

Q And this is sent to all district managers.

And by 1975, you were already above a district manager,  
right?

:55

A Yes. But this would not have been sent to me.

Q Why not?

A Mr. Jones was involved with the aftermarket.

I was specifically in the original equipment end of  
things. His district managers are all selling

:55

aftermarket linings to distributors.

Q In '75, where was your office at?

A '75, I believe it was still in Troy.

Q So if we look at the bottom we got Mr. S. S.

Conway, Jr.?

:55

A Yes, he was president.



Q President of what?

A President of Abex Corporation Friction  
Products.

Q Okay.

:55

A Or American Breakblok.

Q Regional managers?

A Yes. We had four regions in the aftermarket.

Q Troy sales personnel?

A Troy sales personnel.

:55

■42

Q And Winchester sales personnel?

:55

A Yes. They were specifically office people.

Q Okay. And this is -- relates to Carlisle

Corporation motor materials division, do you see that?

A Yes.

:56

Q And you -- in your involvement in sales with  
Abex, I take it you became familiar with the company  
called Carlisle?

A Yes.

Q How so?

:56

A We competed with Carlisle. I competed with Carlisle in the selling of original equipment and materials.

Q And in the process of competing with them, I take it you probably did some research about them?

:56

A Yes.

Q Did there come a point in time where -- we're in '75 right now, but did there come a point later in the 1970s that Abex became involved with a company called Freuhauf?

:56

MR. RADCLIFFE: Objection, vague, ambiguous.

MR. MILLER: Join.

THE WITNESS: Yes.

Q (MR. SATTERLEY) Tell me about that.

MR. MILLER: Vague, ambiguous.

:57

■43

MR. RADCLIFFE: Same objections.

:57

THE WITNESS: In 1977, after several years of development of friction materials, we received contracts for 50 percent of their production

business, production axle business.

:57

Q (MR. SATTERLEY) And were you involved in helping get that business?

A Oh, yes.

Q And prior to Abex getting 50 percent of that business, based upon the research you did at the time,

:57

did you know who had the business?

A Carlisle Corporation.

MR. McGUIRE: Objection, lack of foundation.

MR. MILLER: Join.

MR. RADCLIFFE: Can we have an stipulation

:57

that an objection by one defendant is good for all defendants?

MR. SATTERLEY: Sure, sure.

MR. RADCLIFFE: Thank you.

MR. SATTERLEY: Yeah.

:57

Q (MR. SATTERLEY) I'm sorry, the question was who had the business before Abex got 50 percent of it?

A Carlisle.

MR. McGUIRE: Objection, lack of foundation, hearsay.

:58

■1

Q (MR. SATTERLEY) And how did you know that?

:58

MR. McGUIRE: Same objection.

THE WITNESS: I visited the production facility of the Freuhauf brakes and axles.

Q (MR. SATTERLEY) Personally saw it?

:58

A Personally saw, yes.

MR. RADCLIFFE: Mr. Bretz, I think he's done with that document for now.

MR. SATTERLEY: No, no, no.

MR. RADCLIFFE: Oh, you're not? Okay.

:58

MR. SATTERLEY: I'm going to talk about it.

MR. RADCLIFFE: Okay.

Q (MR. SATTERLEY) In the document itself, Harry Jones, was he a manager you -- you said he was a manager for the corporation?

:58

MR. RADCLIFFE: Objection, vague, ambiguous, asked and answered.

THE WITNESS: Harry Jones back then --

MR. MILLER: Misstates testimony.

Q (MR. SATTERLEY) Was Harry Jones a manager?

:58

A Harry Jones was vice president of aftermarket sales.

Q Thank you, sir. Let's read what he wrote in 1975. "We have seen some increased activity in some marketing areas by Carlisle Corporation. For your

:58

■1

comparison, I'm attaching copies of the Carlisle product

:58

brochure and the Freuhauf brochure which, in effect, are one and the same." Do you see that?

MR. RADCLIFFE: Objection, foundation.

THE WITNESS: Yes.

:59

Q (MR. SATTERLEY) And back at the time, and I think attached here, are those brochures. But my question to you is, back at the time, do you recall you actually saw those brochures yourself?

MR. MILLER: Vague, ambiguous, assumes facts.

:59

MR. RADCLIFFE: Also leading, argumentative.

THE WITNESS: I may have, I don't remember.

Q (MR. SATTERLEY) The next paragraph says, "As you know, our private brand program has never been designed to compete with our Abex distributors." Do you

:59

see that?

A Correct.

Q What is the -- a private brand program?

A We had an aftermarket program with all -- basically all of the vehicle manufacturers and we

:59

manufactured the same lining for the aftermarket in the private brand program for their trucks and trailers, tractors, as we did for original equipment. We supplied labels and the product was boxed in axle sets, labeled Freuhauf or labeled Trailmobile, labeled Peterbilt,

:00

■1

Kenworth, et cetera. That was our private brand

:00

program, about 25 different private brands.

Q And as far as the label that Abex provided, the -- I guess the wording or whatever, design of the label, would that be made by Abex or would the design be

:00

made by the customer that's going to receive the product?

MR. McGUIRE: Speculation.

THE WITNESS: We would make the label. We would design the label, they would approve the :00

whatever, or they would provide us information, what they wanted on the label. We're just talking labels with their name on it, labels with the part number on it that was in the box.

Q (MR. SATTERLEY) Okay. We're not talking :00

about any type of warning labels?

A Negative.

Q Okay. It says, "However, it would appear this is not the case with the Carlisle program. It would seem that Freuhauf has all the advantages over the :01

Carlisle distributor." Do you see that?

A I see that.

Q Do you know what that means?

A Can't speak to it.

MR. McGUIRE: Objection, lacks foundation, :01

hearsay.

:01

Q (MR. SATTERLEY) Let's flip over to the  
Carlisle Heavy Duty Brake Block. Do you see that?

A Yes, sir.

MR. MILLER: I'm sorry, is this still the same

:01

exhibit?

MR. SATTERLEY: Same exhibit.

Q (MR. SATTERLEY) First of all, it says  
Carlisle Corporation, do you see that at the bottom?

A Yes.

:01

Q It's got a -- is it that an Indian head?

A Yes.

Q Is that a -- is it your understanding that's a  
logo of Carlisle?

A Logo.

:01

Q Yeah. Is that correct?

A Yes.

Q Okay. It says heavy duty brake lining set.

A Yes.

Q And it's got the size, 16 and-a-half by 7?



:02

A Yes.

Q And was that a size that Abex made?

A Yes.

Q And then it's got an FMS number.

A Yes.

:02

■1

Q Does that stand for friction material

:02

standards?

A FMS stands for friction material standards.

Q And it's got a number behind it, right?

A Correct.

:02

Q Do you guys at Abex have a number like that?

A Absolutely.

Q Would Carlisle -- for this just taking this example, the 16 and-a-half times 7, would the friction material number be the same whether it would be a

:02

Carlisle versus an Abex?

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: Not the friction material

number. The friction material number on this label

is MMD 39. That's the friction material.

:02

Q (MR. SATTERLEY) I thought the friction material number was 4515.

A That's the size designation. That designates the size per the FMSI --

Q Spec?

:03

A -- specs.

Q Would the size, the 4515, be the same for -- explain it to me. I'm just not very familiar with that.

A In answer to your question, yes, it would be the same size regardless of the manufacturer of the

:03

■49

friction material. We, we, the industry, all made 16

:03

and-a-half by 7s. That was the most popular brake size for heavy duty tractors, trucks, and trailers. FMSI set up standard numbering system for all of the brake size out of the industry.

:03

Q I see. And at this point in time in 1975, is it your testimony Abex had -- did they have any business

with Freuhauf at that time?

A Yes.

Q What type of business did they have with

:04

Freuhauf.

A Vehicle spec business, customer spec, fleet

spec.

Q Explain that to me.

A Well, there's several hundred fleets in the

:04

country and we had people -- our salespeople were responsible for contacting those fleets and getting them to specify our material on new units which they would order from Freuhauf. And we were successful in many cases and Freuhauf would accept the request of their

:04

customers to provide Abex on a certain number of axles for trailers which they had ordered from Freuhauf.

Q Let's move on to the next exhibit, Exhibit 7.

Before I get into Exhibit 7, I want to ask you, were you in sales -- was a part of your responsibility to

:05

■1

determine what type of label, caution label should go on

:05

a product?

A No.

Q Whose -- where did that fall within the corporation, if you know?

:05

MR. RADCLIFFE: Objection, vague, ambiguous, calls for speculation.

THE WITNESS: Specifically, I do not know.

Q (MR. SATTERLEY) So it was never part of your function to design any type of caution or warning labels

:05

at any point in your career?

A No, sir.

Q Now, was it your understanding at some point in time in the '70s, Abex decided to put some type of label, caution label on some pallets of the brake

:05

material?

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: Yes.

Q (MR. SATTERLEY) And how did you -- tell me when you first recall seeing a caution label on the

:05

pallets of the brake materials? Is that '72, '73,

earlier, later?

A I believe it was '72.

Q And where did you first -- I'm sorry, go ahead.

:06

■1

A Memory serves me, we were advised by OSHA in

:06

'71, and I think the requirement for labeling or caution labels came in in '72, and we complied with it.

Q My question --

MR. SATTERLEY: Move to strike, nonresponsive.

:06

Q (MR. SATTERLEY) My question to you was -- or the question is, where do you recall seeing the pallet of friction products with that caution label the first time you saw it?

MR. RADCLIFFE: Where in the plant or where on

:06

the pallet?

Q (MR. SATTERLEY) Where in the world?

A In 1972?

MR. RADCLIFFE: Okay, where. He's asking where.

:06

Q (MR. SATTERLEY) Where? Was it in --

A In Winchester.

Q In Winchester, okay.

A Yes.

Q And so describe for me the size of the pallet

:07

at this time frame.

A 4 by 4 by 4.

Q 4 foot by 4 foot by 4 foot?

A Yeah. Yes.

Q And how many friction products would be on a

:07

■52

pallet 4 by 4 by 4?

:07

A Depending upon the size of the product, the smaller the product, the greater number of pieces in the box or in the pallet.

Q Give me the range, if you could.

:07

A Several hundred to a hundred.

Q And were the friction products in boxes on the pallet?

A Some were, some weren't.

Q Some were loose?

:07

A Some were stacked.

Q Stacked?

A Stacked in the pallets or in the boxes on the pallets.

Q Were the pallets then wrapped with like

:07

plastic?

A Yes.

Q And then the caution statement, the notice or the label on the pallet itself, did it go on the plastic?

:08

MR. RADCLIFFE: Objection, vague, ambiguous --

THE WITNESS: No, sir.

MR. RADCLIFFE: -- calls for speculation.

Q (MR. SATTERLEY) Where did it go?

A It went on the box the parts were in,

:08

■1

regardless of the size of the box.

:08

Q So it's your testimony that in 1972 Abex put labels on every single box?

A Yes, sir.

MR. RADCLIFFE: Objection, argumentative.

:08

Q (MR. SATTERLEY) We'll explore that in a little bit. Do you have any memorandums that verify that?

A Not that I remember.

Q Over the last six or seven years that you've

:08

been consulting with Mr. Radcliffe's law firm on this retainer situation, have they showed you any memorandums that discuss putting labels on every single box in 1972?

A No.

Q Have you --

:08

MR. RADCLIFFE: Can I -- I don't mean to interrupt, but can I offer some information that may or may not help you?

MR. SATTERLEY: Do you want to go off the record? I mean, I don't want you just coaching him

:09

on what to say.

MR. RADCLIFFE: I'll just step aside with you and tell you right now so he doesn't hear.



MR. SATTERLEY: Okay. Let's go off the record.

:09

■1

THE VIDEOGRAPHER: Time is now 11:09. We're off the record.

MR. SATTERLEY: Let's take a five-minute break.

(Recess from 11:09 to 11:17 a.m.)

:13

THE VIDEOGRAPHER: Time now is 11:17 we're back on the record.

Q (MR. SATTERLEY) We were talking about labels, potential caution labels, and I want to ask you, on the pallets that we're talking about, what were the size of the boxes? Is it one box or a hundred boxes or how did that work?

A On the pallets?

Q Mm-hmm.

A If we're shipping individual boxes, there might be 25 boxes; if we're shipping bulk, there might be 100 pieces on the pallet, the heavy stuff, the big

:17

stuff. Again, the largest carton I think we used was 4 feet by 4 feet by 4 feet, give or take an inch or two.

Q And that carton, that 4 foot by 4 foot by 4

:17

foot, how big was the label?

A The label was standard regardless, pretty much. Let me say 4 and-a-half by 6, something in that range.

Q Centimeters?

:18

■1

A No, sir, I'm an inch man.

:18

Q Okay. Have you gotten any memos or labels that outline the dimensions of the caution label?

A No.

Q In that time frame, '72, it's your testimony

:18

that every box that had an asbestos-containing friction material from -- that Abex made had a label on it?

MR. RADCLIFFE: Objection, calls for speculation, argumentative.

Q (MR. SATTERLEY) Is it?

:18

A Yes.

Q That's your testimony, correct?

A That's my testimony.

Q Now, let's look at Exhibit No. 7. It's dated

August 22nd, 1975, correct?

:18

A Yes.

Q And who is it from?

A C. C. Blackwell, M.D., medical director of

Abex.

Q Same fellow we were talking about earlier?

:19

A Yes.

Q And who is it addressed to?

A D. K. Rennie, vice president New York office.

Q It says, "Dear Don: In the most recent

Occupational Safety and Health Reporter, this is a brief

:19

■1

comment quoting Dr. Selikoff regarding mesotheliomas."

:19

Do you see that?

A Yes.

MR. RADCLIFFE: Objection to foundation.

Q (MR. SATTERLEY) First of all, did you ever in

:19

your role in sales receive the Occupational Safety and Health Reporter?

A Not that I remember.

Q Did you -- did folks from the Abex Corporation share with you information about a Dr. Irving Selikoff?

:19

A The name is only familiar in the name.

Q It says in the second paragraph, "Additionally, in thinking of product liability, do we need to look upon the friction products brakes as requiring any label regarding potential hazard?" Do you

:20

see that?

A I see that.

Q So my question to you is, if Dr. Blackwell and Mr. Rennie as they're discussing this, if there's already labels on the product in 1972, do you know why

:20

they're discussing this in 1975?

A No.

MR. RADCLIFFE: Speculation, argumentative, foundation.

Q (MR. SATTERLEY) Now, with regards to the

:20

■1

statement, the -- I take it you've never seen this 1975

:20

memo?

A No, sir.

Q And the last six years in consulting with  
these attorneys for Abex, have you ever reviewed this?

:20

MR. RADCLIFFE: Objection, argumentative.

THE WITNESS: I don't believe so. I don't  
believe I've ever seen it before.

Q (MR. SATTERLEY) Okay. You can set it aside.

The -- without -- we're not going to the next exhibit

:20

just yet. Before we do that, I want to talk about this  
label. Did the 1972 label that you saw on the box --  
boxes, I should say, at the Winchester plant, did it  
discuss cancer?

A I can't say yes or no.

:21

Q What did this label say to its -- the  
customers?

MR. MILLER: Assumes facts.

THE WITNESS: It was along the same lines as a

cigarette label. This product contains asbestos --

:21

this is not a quote. This product contains  
asbestos, may -- it may be hazardous, something  
along those lines.

Q (MR. SATTERLEY) Did you in sales communicate  
with any of your customers anything about the dangers of

:21

■58

asbestos orally through meetings?

:21

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: We discussed the label and their  
need for it, the requirement of it, that -- we  
discussed that with the purchasing department and

:22

receiving inspection because they were getting  
cartons in or pallets in with this label on it. We  
alerted them to the fact that they were on their  
way.

Q (MR. SATTERLEY) That there was labels coming?

:22

A Yes, sir.

Q Did the label have the word danger with the

exclamation point after it?

A I don't remember.

Q Did the label have the word warning with the

:22

exclamation point after it?

A I don't remember that specifically either.

You know, we're going back 40 years, sir.

Q I understand. And that's why I'm going to

some of these memos to help refresh your recollection on

:22

things. And my question to you is, are you aware of any

internal Abex memorandum that discusses this alleged

label in 1972?

A No.

Q Let's go to the next document, I think we're

:23

■1

up to Exhibit 8, 1977. And this is Friction Products

:23

Group Troy, you were part of that, right?

A Yes.

Q And this is from an A. F. Schmaltz?

A Schmaltz, yes.

:23

Q And who was he?

A Al Schmaltz, he was our office manager, sales office manager in Troy.

Q And he's writing this memorandum to I think I've got five individuals at the top?

:23

A Right.

Q And then a whole bunch more down at the bottom?

A Yes.

Q And your name's included on this memorandum?

:23

A Yes.

Q And it would be fair to say this would have been a memorandum you would have received in the ordinary course of business of Abex?

A Yes.

:23

Q And in April 14th, 1977, he says, "We recently decided that the caution," he puts caution in quotes, "information required by OSHA would be imprinted on all of our boxes and cartons." Do you see that?

A I see that.

:24

■1



Q And so would this indicate to you prior to

:24

this time frame that not all of the Abex boxes or  
cartons had the caution information on it?

MR. RADCLIFFE: Objection, vague, ambiguous,  
argumentative, calls for speculation.

:24

THE WITNESS: Yes.

Q (MR. SATTERLEY) "Our box and carton vendors  
have been so advised and this will become a running  
change." Do you know what that means?

A Yes.

:24

Q What does that mean?

A We order boxes from our vendors, and in some  
instances -- we make this running change. We use up the  
inventory that we had, and as new material came in, it  
would have an appropriate marking on it.

:24

Q Says, "The only remaining boxes and cartons  
not so imprinted are those made and printed to customer  
specification." Do you see that?

A Yes.

Q And was it your understanding -- or was it the

:25

practice that, if a customer for Abex wanted a carton or package that didn't have a label on it, they could tell Abex how they wanted their packaging?

A I can't respond to that. I have no knowledge.

Q You don't know one way or the other?

:25

■1

A I don't know one way or the other.

:25

Q It says, "Attached is a list of those involved. We would appreciate your approaching these customers with the fact that 'caution' information is required by law and whether or not they elect to abide  
:25

by it is their decision." Do you see that?

A Yes.

Q And was that Abex's -- your understanding of Abex's policy as of 1977, it was the customer's decision on whether or not to have the warning caution label on  
:25

the package?

MR. MILLER: Speculation, foundation.

THE WITNESS: As I read this memo, that would be my understanding.

Q (MR. SATTERLEY) It says, "If they do not want

:26

this data on boxes, we would request that they send us a written statement to that effect." Do you see that?

A Yes.

Q And do you recall back in this time frame in the late '70s if customers, in fact, wrote letters to

:26

Abex saying we don't want that caution statement on the boxes?

A I never saw one.

Q Never saw one?

A (Witness shakes head negatively.)

:26

■1

Q Okay. "The wording which we propose --" do

:26

you see that sentence that says, "The wording which we propose"?

A Yes.

Q "-- appear on the boxes and cartons is as

:26

follows: Caution, contains asbestos fibers, avoid creating dust, breathing asbestos dust may cause serious bodily harm." Do you see that?

A Yes.

Q Does that refresh your recollection as to the

:26

type of information that appeared on boxes and cartons  
of Abex product?

A Yes.

Q And after this time frame, after 1977, would

it be fair to say that customers such as Freuhauf would

:27

have received this caution information?

MR. MILLER: Speculation.

THE WITNESS: Yes.

Q (MR. SATTERLEY) Okay. And the reason why --

I mean, do you have knowledge that, in fact, Freuhauf

:27

received caution information like this?

MR. MILLER: Speculation.

THE WITNESS: Yes.

Q (MR. SATTERLEY) Okay. Did Abex have any

policy after the product left its possession and went to

:27

■1

a customer, for example, from Abex to Freuhauf --

:27

MR. MILLER: Vague. I'm sorry. I didn't mean

to cut you off, I apologize.

MR. SATTERLEY: Okay.

Q (MR. SATTERLEY) Did they have any policy by

:27

which, once the product left Abex and went to the customer, that they sort of monitored to see if those customers passed along those caution statements to the end users?

A No, sir.

:27

Q The last sentence in this 1977 memorandum says, "Please review this with each of your customers and then give us a report advising what we should do."

Do you see that?

A Yes.

:28

Q Did you review this information with your customers at this time frame?

A Yes.

Q And did you issue a report back to Mr. Schmaltz about what your customers wanted Abex to

:28

do?

A Yes.

Q And do you know where that report is?

A No.

Q These other folks on this memorandum, were

:28

■1

they likewise in a similar position to you that would be

:28

out talking to their customers and issuing reports?

MR. RADCLIFFE: Objection, calls for

speculation.

THE WITNESS: The five gentlemen -- or the

:28

five people on the "To" or the other people that

were copied?

Q (MR. SATTERLEY) Well, let's go at -- the five

at the top, were those people that would be expected to

give a report advising what -- give Mr. Schmaltz a

:28

report advising Abex what to do with regard to this?

A Yes. Yes.

Q And why is that? What were these folks'

positions?

A They were all district managers, four of

:29

them -- all but Mr. Luts were district managers in the  
in the original equipment sales department.

Q And the folks at the bottom, you already told  
me that your -- you know, your name's on there and you  
issued a report. The other folks on the bottom, would  
:29

have they likewise issued a report?

MR. RADCLIFFE: Objection, calls for  
speculation.

THE WITNESS: These were basically management  
people. They would not have issued a report, no.  
:29

■1

Q (MR. SATTERLEY) But you issued a report?  
:29

A Yes.

Q Okay. And do you recall what your report  
included with regards to your customers?

A No.  
:29

Q At this time in 1977, was Freuhauf one of your  
customers?

A Yes.

Q Who were some of your other customers in the  
'77, '78 time period that you recall specifically

:29

talking about this caution label issue on -- with  
regards to asbestos?

A General Motors.

Q Okay.

A Chrysler.

:30

Q Okay.

A Trailmobile, Freuhauf, Great Dane trailers,  
Strick, Eaton Manufacturing, Eaton Axle, Rockwell Axle.

Q Any others you can think of?

A There were others.

:30

Q Now, we can set this exhibit to the side. I  
take it you -- you haven't seen any reports or letters  
or anything like that in response to this 1977 memo?

A No, I don't remember.

Q Okay. Before we get to the next exhibit, I

:30

■66

want to talk with you a little bit about asbestos. You

:30

told us earlier, depending on the formula  
specifications, friction materials contained between 50



to 60 percent asbestos?

A Yes.

:31

Q And that -- do you know where Abex acquired their asbestos from?

A Back in those days, we acquired some from Johns Manville -- this was out of my realm, all right? But Asbestos Corporation of Canada, Canadian Asbestos.

:31

No. We got a lot from Canada and I'm not sure what the name of the company was, I don't remember.

Q That's fine. The information that you got regarding Johns Manville or Canada Asbestos, would have that been information you got from other managers of the

:31

Abex Corporation?

A It was observed.

Q Okay. And did you ever see a tradesman use a drill on a friction product?

MR. RADCLIFFE: Objection, vague, ambiguous.

:32

THE WITNESS: Define tradesman.

Q (MR. SATTERLEY) Well, you told me earlier that you gave a deposition testimony -- two depositions, correct?

Q I believe so.

:32

■1

Q Okay. And I went back and read and on page

:32

38 -- well, let me show your testimony to you. This is

L. Earle Bretz dated September 27, 2000.

MR. RADCLIFFE: I object to this process. You  
can't impeach a witness unless he says something

:32

different. He hasn't said anything different than  
what he said in the past, he simply asked you to  
define what you mean by tradesman.

MR. SATTERLEY: I understand your objection.

Q (MR. SATTERLEY) Turn to page 38 here.

:33

MR. RADCLIFFE: Can I have a continuing  
objection?

MR. SATTERLEY: Sure.

Q (MR. SATTERLEY) Do you see the questions  
asked of you verbatim --

:33

A Yes.

Q -- about a tradesman?

A Yes.

Q Okay. And what was your answer -- well, read the question.

:33

A "And, sir, during your career for Abex, at any time did you ever have an occasion to see any tradesmen working on friction materials?"

Q And what was your answer?

A My answer was, "Oh, yes."

:33

■1

Q Okay. And if I can borrow that back from you.

:33

Tell me what you recall -- first of all, does that refresh your recollection about tradesmen at all?

MR. RADCLIFFE: Same objection.

THE WITNESS: Yeah.

:33

Q (MR. SATTERLEY) What type of workers did you see drilling on asbestos-containing friction products?

A Type of workers. Somebody in a brake shop relining shoes, taking undrilled part and drilling holes in it and putting it on a shoe, assembling it to shoes.

:34

Q And when you observed that process, what were

the atmospheric conditions with regard to that person  
drilling that friction facing?

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: I believe there was some dust

:34

around.

Q (MR. SATTERLEY) How much?

MR. MILLER: Same objections, foundation.

THE WITNESS: Some.

Q (MR. SATTERLEY) In the early days, was it

:34

more dusty than in the later time period?

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: Early days?

Q (MR. SATTERLEY) Sure.

A How far back do you want to go?

:35

■1

Q Well, you tell me. Was it dustier in the

:35

earlier time period?

MR. MILLER: Same objection.

MR. RADCLIFFE: Same objections.

Q (MR. SATTERLEY) Let me show you your sworn

:35

testimony from 2000, page 39. You were asked that question I've highlighted there for you.

MR. RADCLIFFE: Same objection as to the procedure.

Q (MR. SATTERLEY) Do you see where it says,

:35

"What were the atmospheric conditions as a result of the tradesmen drilling the friction facing material?"

A Mm-hmm. Yes.

MR. RADCLIFFE: Same objection.

Q (MR. SATTERLEY) And what did you say?

:35

MR. RADCLIFFE: Same objection.

THE WITNESS: "It was dusty." That's where you got the early days. "Back in the early days, we didn't have the equipment, they didn't have equipment that dealt with it. Shops, brake shops

:36

didn't have the equipment to deal with the dust which was formed from the drilling out of the holes and/or the grinding of the brake shoe after it was assembled."

Q (MR. SATTERLEY) Does that refresh your

:36

■1

recollection about the early days --

:36

A Yes.

Q -- as being more dusty?

A I agree with my statement back then.

MR. RADCLIFFE: Same objection.

:36

Q (MR. SATTERLEY) And would you agree that you had -- your memory was better ten years ago than it was today?

A Yes, sir.

MR. RADCLIFFE: Objection, calls for

:36

speculation.

Q (MR. SATTERLEY) And back in the 1970s, from '71 to 1980, did you have occasion to see tradesmen blowing out brake lines?

MR. RADCLIFFE: Objection, vague, ambiguous.

:36

THE WITNESS: Not that I remember, I don't believe so. That was not my realm.

Q (MR. SATTERLEY) Let me show you on page 42, I've highlighted your sworn testimony.

Question: "During your career, did you

:37

observe from 1971 to 1980 any tradesman blowing out  
brake lines?" And what was your answer?

A "Well, you've got dust. You have considerable  
amount of dust in the air in which he was working."

Q Well, before you talk about dust, did you say,

:38

■71

"Sure"?

:38

A Got it. Sure. I did say sure.

Q Sure. Sure, okay. Does that refresh your  
recollection about what you observed back in the '70s,  
'71 to 1980, about blowing out brake lines?

:38

A Yes.

Q And do you describe -- or does this refresh  
your recollection about whether there was a considerable  
amount of dust in the area in which the worker was  
working?

:38

MR. RADCLIFFE: Objection, vague, ambiguous,  
argumentative, calls for speculation.

Q (MR. SATTERLEY) Is this your sworn testimony,

sir?

A Yes.

:38

Q Okay. And --

A And in response to your question, the answer is yes.

Q Okay.

MR. RADCLIFFE: Same objection.

:38

Q (MR. SATTERLEY) And does that refresh your recollection about what occurred back in that time frame?

A Yes.

Q If I can borrow that back again.

:38

■72

A On what I observed.

:38

Q Now, in that same time frame, 1971 to 1980, do you recall whether the caution notice or the label that Abex put out, did it say anything about not to use air hose to blow?

:39

MR. RADCLIFFE: Objection, vague, ambiguous.



THE WITNESS: No.

Q (MR. SATTERLEY) And when you were in sales, you saw people -- or did you see people using air hose to blow out the dust?

:39

A No.

Q The very next question on page 42, sir, let me highlight it for your convenience, line 17, "What type of device would be used to blow out the dust?" And your answer, "Could be an air hose."

:39

A Could be.

Q Okay. Does that refresh your recollection in fact in that time frame, from '71 to 1980, you did see people using air hose to blow out the dust?

A No.

:40

Q Doesn't refresh your recollection at all?

A Well, it refreshes my recollection, but that's -- in my normal course of selling friction material, the people that I sold material to did not use air hoses in their operation. Their operation was set

:40

■73

up basically like our plants were.

:40

Q Do you know why it was 10 years ago when you were under oath and asked questions from -- by Mr. Comerford, when asked the question about what type of device, why you volunteered an air hose?

:40

MR. RADCLIFFE: Objection, argumentative.

THE WITNESS: I heard it from people in the aftermarket.

Q (MR. SATTERLEY) Okay. Did you ever in sales during your tenure with Abex Corporation go up to

:41

someone, a customer and orally tell them they should not use an air hose to blow out the brake dust?

A Not in my normal activity, because they didn't.

Q Okay. So let me just -- and I don't want to

:41

spend too much time on this. So you when you testified under oath 10 years ago that the type of device that would be used to blow out the dust was an air hose, were you telling the truth?

MR. RADCLIFFE: Objection, argumentative.

:41

MR. MILLER: Misstates the testimony.

THE WITNESS: Secondhand.

Q (MR. SATTERLEY) Okay. And when you say --

A Yes, I was telling the truth, but the

information came secondhand.

:41

■1

Q From?

:42

A Our aftermarket people.

Q Other people working within the Abex Corporation?

A Yes.

:42

Q Okay. And if you can give me some names of some of the folks in the Abex aftermarket that would have told you that people are using air hose to blow out the brake dust.

A Bob Nelson would have, Harry Jones would have,

:42

Eric Hoff would have, Bob Lindsley would have. These are people that were strictly dealt -- or basically dealt with the aftermarket people.

Q And were these folks in management?

A No.

:42

Q They were in sales?

A Yeah. Well, bob Nelson was a technical service director, so he -- you can consider him management.

Q Did Abex, to your knowledge, after these

:42

folks, the names that you just told me about, shared with you people using air hose to blow out a brake dust, did Abex revise the caution label at all?

MR. RADCLIFFE: Objection, argumentative, calls for speculation.

:43

■75

THE WITNESS: Not that I know of.

:43

Q (MR. SATTERLEY) During your tenure with the corporation, did you ever see a label, an Abex label, that used the word cancer?

A Not that I remember.

:43

Q Were you a part of the Friction Materials Standards Institute?

A Yes.

Q Did you attend meetings?

A No. My company was part of the institute. I

:43

was not personally part of the institute, my company was.

Q Did anybody from the company share with you discussions that were had within the various members of the Friction Materials Standards Institute, the actual

:43

people that attended meetings?

A Not that I remember.

Q Let's continue on. I think we're up to

Exhibit 9. This is a May 2nd, 1977 memorandum. Do you see that?

:44

A Yes, mm-hmm.

Q And your name is on that memorandum?

A Mm-hmm.

Q Be fair to say this was a memorandum prepared at or about the time, May 2nd, 1977?

:44

■1

A Yes.

:44

Q And it's entitled a quarterback meeting.

What's a quarterback meeting?

A These are monthly meetings that we had with various personnel within the corporation, management,

:44

production, aftermarket, OE.

Q And there was reference in this meeting to

George McFadden from Canada. Do you know who that was?

A Yes.

Q And who was that?

:44

A He was plant manager of our Canadian operation in Lindsay.

Q The -- in the second paragraph there's a

discussion about, "The March margin for

Winchester-Salisbury was 35.2, with a goal of a 40

:45

percent margin." Do you see that?

A Yes.

Q What are they referring to, is that profit margin?

A That's a margin before profit's taken out,

:45

yes.

Q The next paragraph down, the second sentence

says, "We've had six consecutive years of good sales and earnings and to continue we must have maximum earnings, maximum sales, and reduced cost and personnel, and all

:45

■1

the fringe benefits associated therewith." Do you see

:45

that?

A Are you reading the same thing I'm reading?

Q Yeah. The next paragraph down. "We've had six consecutive years of good sales --"

:45

A Okay, that -- all right.

Q Do you see that?

A Yes.

Q And was that your understanding back in the 1970s, the corporation by 1977 had six -- at least six

:45

good years of good sales and earnings?

A Yes.

Q And did you during this time period, 1977, did anybody from the Abex management talk to you at all about what would happen to sales if -- or the cost of a

:46

product if a non-asbestos substitute was used?

MR. RADCLIFFE: Objection, argumentative.

THE WITNESS: Not that I remember.

Q (MR. SATTERLEY) Was there any ever -- in the 1970s at all, any discussions about alternatives to

:46

asbestos being used in the Abex products?

A Yes.

Q What's the earliest discussion you recall there being alternatives to asbestos?

A I don't recall.

:46

■1

Q Can you tell me what decade?

:46

A It would have been late '70s, I believe.

Q Do you recall the names of anybody from the Abex Corporation that would have shared with you information about the alternatives to asbestos?

:47

A Not that at that point in time.

Q Let's go to the next exhibit. And we are up to Exhibit No. 10.

A Yes.

Q And this is a -- this may be the first time



:47

we've seen this. Is this a report you prepared?

A Yes.

Q And is it dated November 4th, 1977?

A Yes.

Q And what -- what type of report is this? Is

:47

this a customer report, call report?

A It's a sales report, call report.

Q Okay. And what customer did this relate to?

A Freuhauf Corporation.

Q And there's individuals identified under

:47

officials interviewed, do you see that?

A Yep.

Q First of all, would have this been a report  
that you would have created in the ordinary course of  
business as a sales representative of Abex Corporation?

:48

■1

A Yes.

:48

Q The folks that are identified there, are those  
all Freuhauf people?

A Yes.

Q Did you recall, I guess, having discussions

:48

with these folks back in the 1970s?

A Yes. Not this specific one, but yes.

Q I mean, do you remember these people, any of these people by name?

A Sure.

:48

Q And who do you remember?

A Alan Schaible, Arnie Przepiora, Andy Szymanski, and Sharad Sheth, I remember them all.

Q In -- would it be fair to -- would you have back in this time frame in the 1970 -- late 1977 time

:48

frame had discussions with these individuals about the hazards of asbestos?

MR. MILLER: Speculation.

THE WITNESS: Yes.

Q (MR. SATTERLEY) It says on this report on the

:49

second paragraph, "Obtained the latest drawings along with sheet 14 of 14 of the FES74 specification." Do you see that?

A Yes.

Q Who prepared these drawings?

:49

■1

A Freuhauf Corporation.

:49

Q And did Abex follow the Freuhauf Corporation specifications?

A Yes.

Q If they called for something to be in a

:49

certain matter -- manner, would Abex try to comply with what they wanted?

A Yes.

Q Because I guess the question is, if you didn't comply with what Freuhauf wanted as a customer, would

:50

that be a disadvantage to you in selling them your product?

A Yes.

Q The next paragraph says, "The --" is it Delphos?

:50

A Delphos, Ohio.

Q "The plant had not been able by this time to put together the numbers for our January shipments,

however, these are being done with Mr. Schaible and  
Mr. Schaible promised to get them to us early part of  
:50

the week of November 7." Do you see that?

A Yes.

Q Did you visit that plant?

A Oh, yes.

Q Many occasions?

:50

■81

A Many occasions.

:50

Q And at that plant, did you ever see any  
warning signs posted regarding the dangers of asbestos?

MR. MILLER: Vague, ambiguous.

THE WITNESS: No.

:50

Q (MR. SATTERLEY) Did you ever see anybody  
wearing respirators in that plant?

A No.

Q Did you ever see any of that dust exhaust  
system that would suck the dust away from the workers

:51

like you described over in Winchester?

MR. MILLER: Vague, ambiguous.

THE WITNESS: Not that I remember.

Q (MR. SATTERLEY) Okay. We can set that --  
well, before we this exhibit, the next paragraph down,

:51

second sentence says, "As a result of their insistence  
that their branches sell original equipment approved  
materials on service for 121 axles --"

A No, that's --

Q I'm sorry?

:51

A That's 121, that was a governmental regulation  
that all heavy duty air brakes -- or heavy duty friction  
materials had to comply with. That's a test.

Q Okay. "-- for 121 axles, their bulletin will  
state as follows:" and then it's got information about,

:52

■1

I guess, this regulation?

:52

A Yes.

Q Okay. It says the next paragraph, "They are  
going to allow into the aftermarket system the materials  
AB-80 and 693-539 and 562-5."

:52

A Yes.

Q Do you know what that means?

A Yes, I do.

Q What was that mean?

A ABB-80 is a bus material, because they were

:52

going to sell linings through their aftermarket branches

for buses; the 539 is a heavy duty material for wedge

brakes, for the Rockwell wedge brake; and the 562-5 was

an aftermarket material, little less expensive, made

them more cost competitive in certain areas.

:53

Q The 693-551D, was that an asbestos-containing product?

A Yes.

Q The 693-551C, was that an asbestos-containing product?

:53

A Yes.

Q The 693-551G, was that an asbestos-containing product?

A Yes.

Q And the 639-539, was that an

:53

■1

asbestos-containing product?

:53

A Yes.

Q Let's move on to the next exhibit. We're moving to, I think -- is that Exhibit 11?

A 11.

:53

Q And this is dated November 11th, 1977?

A Yes.

Q And this is, once again, a call report prepared by you?

A Yes.

:53

Q And this would have been prepared in the ordinary course of business when you worked for the Abex Corporation?

A Yes.

MR. RADCLIFFE: Do you have the same document?

:53

Yours is one page and his is two pages.

MR. SATTERLEY: No, I probably don't.

Q (MR. SATTERLEY) Is yours -- is this --

A November 14th, '77.

Q 14th. I've got the wrong page, I'm sorry.

:54

A 7493 is the report number.

Q Okay. We'll come back to the one page, which

is Exhibit 12. That's okay, we'll come back to that.

That's just three days beforehand.

MR. McGUIRE: Well, so which date are we

:54

■84

talking about?

:54

MR. SATTERLEY: The 14th.

MR. RADCLIFFE: Are you now on this document

that he has?

MR. SATTERLEY: Yes. They just got switched

:54

around, they're out of order by three days. I

apologize.

MR. RADCLIFFE: No problem.

MR. SATTERLEY: I tried to get them in

chronological order.

:54

MR. RADCLIFFE: No problem.

MR. MILLER: Is this 11?

MR. SATTERLEY: This is November 14th, 1977.



THE WITNESS: 11.

MR. RADCLIFFE: Exhibit 11.

:54

MR. SATTERLEY: Exhibit 11. And I apologize  
for the confusion.

Q (MR. SATTERLEY) Are we now on the same page?

A Yep. Yes, sir.

Q All right. This is -- once again, is this

:54

related to the Freuhauf Corporation?

A Yes.

Q And are there a number of individuals that you  
interviewed?

A Yes.

:54

■1

Q And there was another -- there's another

:54

interview, a company by Walt Thomas, do you see that?

A Yes.

Q And who was that?

A Walt Thomas is from our engineering department

:54

in Winchester, Virginia.

Q And so were you -- this is an instance where

both you and Mr. Thomas would have been at this plant in Ohio?

A No, no. This is at Freuhauf headquarters in

:55

Detroit.

Q Okay. So --

A This is not the axle plant?

Q Okay. So this is in the headquarters in

Detroit?

:55

A Correct.

Q And aside from this memorandum, do you recall these visits?

A Not specifically.

Q Okay. The second page of this memorandum, is

:55

that your signature?

A Yes.

Q Going back to the first page, the last

paragraph at the bottom, you say, "I would like to

caution all members of our manufacturing group that this

:56

■1

is a new customer. We are supplying him volumes of

:56

parts on a monthly basis for the first time in history.

This change from a single source Carlisle material to a dual source utilizing Abex linings was not met with enthusiasm by all members of the Freuhauf family." Do

:56

you see that?

A Yes.

MR. McGUIRE: Objection, move to strike.

Q (MR. SATTERLEY) And did you write that back at the time in 1977?

:56

A Yes.

MR. McGUIRE: Objection.

Q (MR. SATTERLEY) Was that based upon information you gathered through your visit at the Freuhauf Corporation?

:56

A Yes.

MR. McGUIRE: Objection, lack of foundation.

Q (MR. SATTERLEY) And do you recall specifically what you learned from the Freuhauf -- members of the Freuhauf family about them not all being

:56

enthusiastic about this change?

MR. McGUIRE: Objection, hearsay.

THE WITNESS: I don't remember specific discussions with, name somebody, I don't remember that.

:57

■1

Q (MR. SATTERLEY) But these folks that you were

:57

talking to at the time were Freuhauf managers, correct?

MR. MILLER: Assumes facts.

THE WITNESS: Yes.

Q (MR. SATTERLEY) I mean, it's got -- in your

:57

report, does it not describe them as --

A Yes.

Q -- managers?

A Yes.

Q Okay. These people are people you dealt with

:57

on a regular basis, correct?

A Correct.

Q And you don't have to speculate on whether they were in management, do you? You knew they were in management of Freuhauf?

:57

A Oh, absolutely.

Q Okay. It says, "There continues to be disbelievers and people who feel that Freuhauf has made a mistake." Do you recall what led you to write that?

A I knew a lot of people at Freuhauf, more than

:57

these people here. They had been long-time friends with not only Carlisle contact people but also Carlisle management. You take an organization that's been a close supplier for years, and I'm talking probably 10, 15 years, and all of a sudden somebody comes in and

:58

■1

takes a little bit of their business away, some

:58

friendships can be strained. It's just like any other -- just like any other take-away.

MR. McGUIRE: Objection, move to strike.

Q (MR. SATTERLEY) Go ahead. You were --

:58

A I'm done.

Q Are you sure? Did you have something else you wanted to add?

A No.

Q The next page over -- well, let's just start

:58

with the last sentence -- the last two words or so. It says, "There will, there will continue to be people who look for any reason or excuse to report, quote, I told you so, if we stumble and/or fall down on our quality, delivery, and product performance." Do you see that?

:59

A Yes.

Q "We've got a considerable number of people on our side who have pushed very hard for this program over the last three or four or five years."

A Correct.

:59

Q So you were working on this -- Abex was working on getting this business for three or four, five years?

A That's the way the original equipment business operates, yes.

:59

■1

Q "Their necks are out."

:59

A Yes.

Q What did you mean by that?

A The people who made the decision to approve the use of our material, they were on the hot seat.

:59

Q And why was that?

A Well, they made the decision to take away business from old-time friends, old-time supplier.

Q "We can do ourselves and them a considerable service by making absolutely and totally sure that every

:59

part we ship from either our Winchester facility or our Salisbury plant meets the agreed-to dimensions and drawings all the time and every time."

A Yes.

Q You wrote that?

:00

A Yes, I certainly did.

Q And just so I understand the way it worked, the agreed-to dimensions, when you say agreed-to, was that an agreement between Freuhauf and Abex?

A Yes.

:00

Q Is it because you had to work together, the two corporations work together to come to an agreement on the dimensions of the product?

MR. MILLER: Vague, ambiguous.

THE WITNESS: Yes.

:00

■1

Q (MR. SATTERLEY) And the drawings of the

:00

product?

A Yes.

Q "I do not want to give anyone in Freuhauf  
purchasing, engineering, sales, or manufacturing an

:00

opportunity to discredit this program." You wanted it  
to succeed, correct?

A Absolutely.

Q And then it says, "We got an excellent  
opportunity to manufacture an awful lot of parts and to

:01

make considerable quantity of money. This was the  
largest account available to us to get business from and  
now that we have it, we must make absolutely sure that  
we do all in our power to keep it."

A Yes.

:01

Q It was a big accomplishment, was it not?



A Major.

Q And you copied a number of other Abex people at the bottom?

A Yes.

:01

Q These are other folks in the sales and manufacturing?

A We've got a vice president of sales, we have a president, we have a vice president of manufacturing, we have a plant manager, we've got a head of quality

:01

■91

control, we've got a head of engineering, we've got a

:01

head of sales department -- or the sales office

department, we've got our technical director, technical services director, and we have a -- one of the managers out of the engineering department who Walter Thomas

:02

would have reported to.

Q Thank you, sir. You can set that exhibit to the side.

And we're going to go to the Exhibit 12 and we may be going back three days in this -- we were on

:02

November 14, 1977.

A Right.

Q And now we're going back three days.

MR. SATTERLEY: And let me just tell everybody that this appears to be a one-page document.

:02

There's actually should be -- looks like there should be another page to this document, I don't have it. And I would request it if anybody has it.

MR. RADCLIFFE: Can you hand me Exhibit 11?

Thank you.

:02

Q (MR. SATTERLEY) This document is dated November 11, 1977, correct, sir?

A Yes.

Q And it appears to be a call report that you prepared?

:03

■1

A Yes.

:03

Q And who was the customer?

A Freuhauf.

Q And did you go to Detroit again and interview

some folks, officials of the corporation there?

:03

A Yes.

Q And who did you talk to?

A Charlie Mitasik, the plant manager of the Delphos -- Freuhauf Delphos axle plant, where we shipped our product, one of the locations; Don Grothouse, who

:03

was the director of purchasing material control for the Delphos axle plant; and Al Schaible, who was manager aftermarket purchases and accessories.

Q Have you spoken to any of these individuals in the last, say, 10 to 15 years?

:03

A No.

Q Mr. Grothouse would have -- you said he was director of purchasing and material controls for the plant there in Ohio?

A Yes.

:04

Q And at or about this time in 1977, did you talk with him as the director of purchasing about the caution statement on asbestos on your all's product?

MR. MILLER: Speculation.

THE WITNESS: Yes. He was going to receive

:04

■1

boxes, cartons, pallets with a label on it. I just

:04

wanted to alert him to the fact.

Q (MR. SATTERLEY) When you alerted him to this fact, did he have any questions about what type of injuries or diseases might occur from these products?

:04

A I don't remember that being brought up.

Q Do you recall having any discussions with Mr. Grothouse about cancer or people with mesothelioma?

A I don't recall.

Q Do you recall having any discussions with

:04

Mr. Grothouse about ways in which the to prevent a dusty operation?

A I don't remember that.

Q Now, on this memorandum, it says, "Via company plane, a plant trip was made to Winchester, Virginia

:05

facility this date."

A Yes.

Q Was this a situation where Abex brought -- was

this the Abex company plane?

A Yes.

:05

Q -- brought these people from Freuhauf over to

Virginia to see the facility?

A Yes.

Q And at this point in time in '77, would have

they -- did you take them through a walk-through through

:05

■1

the facility?

:05

A Yes.

Q And they saw the manufacturing process

occurring?

A Yes.

:05

Q Would have they at this time frame in 1977

been taken through the plant in the areas where people

were wearing respirators?

MR. MILLER: Speculation.

THE WITNESS: Don't remember.

:05

Q (MR. SATTERLEY) Would have they because -- at

this point in time in '77, there was warning labels

hanging in the plant about asbestos?

A Yes.

Q And so would have they had opportunity to see

:06

those labels?

MR. MILLER: Speculation.

THE WITNESS: Yes.

Q (MR. SATTERLEY) Now, the third paragraph down  
talks about the volumes of materials that are going to

:06

be sold to Freuhauf on -- a couple of months of January,  
February, do you see that?

A Yes.

Q And when it says calls for 17,000 pair of 16  
and-a-half by 7, is that a -- in your mind as a

:06

■1

salesperson, is that a large order?

:06

A That is a large order.

Q And that was for the month of January, right?

A Correct.

Q A couple more paragraphs down it says,

:07

"Mr. Schaible will request of engineering sufficient information so that the marketing people can answer our letter to them regarding the field test program." Do you see that?

A Yes.

:07

Q Do you remember what the field test program was?

A Not specifically.

Q I says Mr. -- go ahead, I'm sorry.

A No, I don't remember specifically that field

:07

test.

Q Do you remember generally in this time frame there being field test -- a field test program?

A Yes.

Q And what was your understanding of the field

:07

test program?

A They would install this material on to a fleet of tractors -- or a fleet of trailers and they would monitor them as far as mileage, as far as technical concerns, how they operated, et cetera, whether there

:08

■1

were any field problems with them.

:08

Q Would it be fair to say that the field test program, based upon your understanding, had nothing to do with monitoring the level of asbestos dust in the air?

:08

A It did not.

Q Did you in the 1970s time period ever see any of the customers monitoring the level of asbestos dust that was emitted from an Abex product?

MR. RADCLIFFE: Objection, vague, ambiguous,

:08

argumentative, calls for speculation.

THE WITNESS: No.

Q (MR. SATTERLEY) It says in the next sentence, "Mr. Schaible will also get back to us on the necessary labeling of the private brand parts." Do you see that?

:08

A What paragraph are you talking about?

Q Well, the same paragraph we left off -- right after field test, "Mr. Schaible will also get back to us on the necessary labeling of private brand parts."

A Yes.



:09

Q And was this the situation where Freuhauf was directing Abex on what the labeling should be?

MR. MILLER: Misstates prior testimony.

THE WITNESS: Define what you refer to as labeling. We're talking two different labelings

:09

■1

here. So define which one you want an answer.

:09

Q (MR. SATTERLEY) Well, what labeling are we talking about here? Tell me --

A We're talking about parts. Freuhauf Corporation aftermarket part FMS -- FMS4515, Abex

:09

693-551G, that would be basically on the label.

Manufactured by Abex Corporation for Freuhauf. That's basically that label. And that would be on the aftermarket parts that we would ship and we would ship them in axle sets, four cams and four anchors in a box.

:09

And that's the labeling on that box. They would then -- that was shipped to Westerville, Ohio, they, in turn, would ship it to their distributors and/or dealers or service dealers.

Q In the -- on the -- would this labeling that

:10

you're referring to, would it be on the part itself or

just on the box?

A On the box.

Q Okay. Was there any labeling done on the part

itself?

:10

A Our formulation number or a designation

therefor and a friction code and a Freuhauf part number.

Q Would that be on the edge?

A Be on the edge. And a -- a batch number would

be on the part, on the edge also. That would be an

:10

■1

impression stamp.

:10

Q And who made the decision as to what type of

edge coding, the edge coding words that would go on

there? Would that be an Abex decision, a Freuhauf

decision?

:11

A A joint.

Q At any point in time in the 1970s or 1980s,

did you ever witness on an Abex asbestos-containing friction product the word warning on the edge of the product?

:11

A No.

Q Let's go to the next exhibit, Exhibit 13.

A Are we missing page 1?

Q Let me see what it is. Well, you -- tell me what you recognize -- do you recognize that Exhibit 13?

:11

MR. RADCLIFFE: Can I see it for a minute?

Q (MR. SATTERLEY) What do you -- do you recognize that to be a --

A I don't remember seeing this specific piece.

But this would be in conjunction between the two

:12

organizations.

Q And what's -- what was this -- what does this represent to you?

MR. MILLER: Speculation.

THE WITNESS: The edge code.

:12

■99

Q (MR. SATTERLEY) The edge code.

:12

A The edge code on the anchor and cam blocks.

Q And does it indicate what's going to be on the edge code?

A Yes, it does.

:12

Q And what does it indicate would be on the edge code?

A The Abex New York state code --

MR. RADCLIFFE: Can I have a continuing objection to the foundation on this incomplete

:12

document?

MR. SATTERLEY: Sure. I'm sure that when you finish the court ordered inspection, you'll produce the other parts of this document, right?

MR. RADCLIFFE: Assuming that it exists

:13

anywhere and it was requested.

Q (MR. SATTERLEY) Okay. Well, anyway, this verifies, does it not, that the edge code -- some of the words that would be on the edge code?

A Yes.

:13

Q Was there ever a discussion at all within the

corporation -- with you, I'm talking about within the corporation, about an effective way to warn about the dangers of the asbestos friction product was put a warning on the edge code?

:13

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MR. RADCLIFFE: Objection, argumentative.

:13

THE WITNESS: Do not remember any of that.

Q (MR. SATTERLEY) No discussion about that at all?

A No, sir, not to my recollection.

:13

Q Okay. We can set that exhibit to the side.

We are up to Exhibit 14. What's the date of that document?

A March 20th, '78.

Q Is this another customer call report?

:13

A Yes.

Q And does this relate to Freuhauf Corporation?

A Yes.

Q And did you -- on this case, did you actually go to the Ohio plant?

:14

A Yes.

Q And who did you see at the Ohio plant on this occasion?

A Don Grothouse, manager material control; Jack Armstrong, material control; Stan Lyle, and that's --  
:14

there's no position; Fred Busche, the manager of quality control.

Q And do you in this memorandum discuss the quantities of -- some of the quantities of the friction materials that Freuhauf was purchasing from Abex?

:14

■1

A Yes.

:14

Q And it says in this memorandum, does it not, as it relates to the June requirement, I'm looking in the third paragraph, there will be approximately 16,000 to 17,000 pair, do you see that?

:14

A Yes.

Q And would you agree that's a substantial amount of friction material sold to that company?

MR. MILLER: Vague, ambiguous.

THE WITNESS: That's substantial.

:15

Q (MR. SATTERLEY) And based upon your being a salesperson for Abex, was there -- in the late '70s and the '80s, was that a consistent situation, that Freuhauf was a good customer?

MR. MILLER: Same objection.

:15

THE WITNESS: Very good customer.

Q (MR. SATTERLEY) Let's set this exhibit to the side and go to the next exhibit.

What's the date of this document?

A August 21st, 1978.

:15

Q Is this another customer call report?

A Yes, it is.

Q And this is -- is this another example of you visiting the Freuhauf plant in Ohio?

A No. Mr. Mitasik was from the plant. We took

:16

■1

him to our Salisbury, North Carolina plant where the

:16

Freuhauf product was being manufactured.

Q Okay. If you could, explain that to me. When

you say the Freuhauf product was being manufactured in  
Salisbury --

:16

A Yes.

Q -- why was that? Why was it not Winchester?

A Salis -- Winchester made everything size-wise  
from small to large to whatever, to over size, blah,  
blah, blah. Salisbury was set up specifically to

:16

manufacture 16 and-a-half by 7 inch blocks, regardless  
of whether they were for a Rockwell axle, an Eaton axle,  
Dana axle, or Freuhauf axles. They manufactured 16  
and-a-half by 7s there and ultimately 16 and-a-half by 8  
and five-eighths. They also manufactured 15 by 7 wedge

:16

brake materials, wedge brake being manufactured by  
Rockwell Corporation.

Q The friction materials that were being  
manufactured in the Salisbury plant, did they contain  
asbestos?

:17

A Yes.

Q The Freuhauf products, the products that were  
being manufactured for Freuhauf, do you know what



quantity of the product was asbestos?

A My previous answer.

:17

■1

Q 50 to 60 percent?

:17

A 50 to 60 percent.

Q When -- in the Salisbury plant, were there warning signs about asbestos hanging in the plant like there was in Winchester?

:17

MR. MILLER: Speculation.

THE WITNESS: Yes.

Q (MR. SATTERLEY) And did you see those?

A Yes.

Q And were those in a vicinity wherein someone

:17

coming in the plant could see?

MR. MILLER: Speculation.

THE WITNESS: Yes.

Q (MR. SATTERLEY) And did the plant manager -- Freuhauf's plant manager, did you give him a tour of the

:17

plant?

A Yes.

Q Were there also exhaust ventilation duct --  
sucking the dust away from the workers in the Salisbury  
plant?

:18

A Yes.

Q And were there also folks in the Salisbury  
plant that were wearing respirators?

A Specifically, I can't speak to that.

Q There is a -- on this -- is that your

:18

■1

signature on this document?

:18

A Yes.

Q It would be fair to say --

A No, no, that's not my signature. That's -- my  
secretary signed that after she typed it.

:18

Q You gave her authority to sign your name?

A Yes.

Q Okay. It would be fair to say this is a  
document created in the ordinary course of business?

A Absolutely.

:18

Q There's a reference to Ralph Combs, Bill Chasteen, and Rick McGill. Who are those folks?

A Combs was a plant manager, Iwarsson was president of Abex, Combs was plant manager, Chasteen and McGill, two people involved in -- whether it was quality :18

control or manufacturing or what have you, I do not remember specifically.

Q Let's move forward in time and go to Exhibit 16.

(A discussion was held off the record.) :19

MR. SATTERLEY: Well, we'll try to finish up this exhibit in five minutes and then switch tapes. Or do you want to switch tapes now? It's up to you. Let's switch, let's switch tapes. Take a five-minute break.

:19

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THE VIDEOGRAPHER: Time now is 12:19. This is :19

the end of tape number 1.

(Recess from 12:19 to 12:28 p.m.)

THE VIDEOGRAPHER: Time now is 12:28, this is tape number two of the continuation of Mr. Bretz'

:28

deposition.

Q (MR. SATTERLEY) Mr. Bretz, next exhibit is this a -- once again one of your call reports?

A Yes, sir.

Q Exhibit 16?

:28

A Yes, sir.

Q Is it dated 10-11-78?

A Yes, it is.

Q Does it relate to the Freuhauf Corporation as well?

:28

A Yes.

Q And does it once again indicate the number of -- a number of names there that you interviewed?

A Yes.

Q And I'm not going to go through all the

:28

information in this, but fair to say the information that you wrote in this memorandum was information you gathered at or about the time in 1978?

A Yes.

Q If we could flip over to the second page, is

:28

■106

that your signature there?

:28

A No, it's my secretary's.

Q Secretary's, but you gave her the authority to sign your name?

A Yes.

:29

Q Okay. One thing I did want to ask you about is the number one item. It says, "Carlisle is building a new plant, location unknown, with the express purpose of manufacturing non-asbestos blocks." Do you see that?

A Yes, mm-hmm.

:29

Q "They feel confident --"

A Yes, I'm sorry.

Q And this is 1978, right?

A Fall of '78, yes.

Q "They feel confident the industry and the

:29

governments will push the non-asbestos programs hard and very shortly."

A Yes.

Q Do you remember that being a topic of

discussion frequently in the 1970s, that industry and

:29

government was going to have to go to non-asbestos?

MR. RADCLIFFE: Objection, vague, ambiguous,  
argumentative.

THE WITNESS: In the late '70s, that was the  
topic.

:29

■1

Q (MR. SATTERLEY) Let's continue on to the next

:29

exhibit. Exhibit 17, is this a letter you wrote at or  
about June 26, 1979?

A Yes.

Q And does this indicate a summary of shipments

:29

to the Freuhauf Corporation regarding Abex products?

A Yes.

Q And does it indicate 137,100 pieces of  
original equipment?

A Yes.

:30

Q And when we're talking about that, is that --  
are we talking about 137,000 pieces of friction

products?

A Yes.

Q And at this time in 1979, were the Freuhauf

:30

products -- all 137,100 would have been asbestos  
containing, correct?

A Yes.

Q And then you also set out the replacement  
products as well, correct?

:30

A Correct.

Q Okay. Let's continue on. The next exhibit is  
number 18. Is this once again another letter that you  
prepared at or about September 28th, 1979?

A Yes.

:30

■1

Q And does it outline a summary of shipments to

:30

Freuhauf regarding the asbestos-containing friction  
products?

A Yes.

Q And would have this been prepared during the

:31

ordinary course of business in your job as senior

account manager?

A Yes.

Q Let's continue to the next exhibit, Exhibit

19. Is this another letter dated January 4th, 1980,

:31

regarding sales to Freuhauf division?

A Yes.

Q And if you could very briefly -- well, first

of all, is this a letter you created at or about the

time, 1980?

:31

A Yes.

Q And if you could very briefly explain the --

it says the immediate problem and then it's got some

codes, Abex codes and formulation. Do you know what

that refers to?

:31

A As I read this, apparently we had a material

identification problem on some of our invoices and this

clarified it with what our codes were and what they

represented as far as the formulations that we supplied

to Freuhauf on various parts.

:32

■1



Q Is it your understanding that all the

:32

formulations on this exhibit were asbestos containing?

A Yes.

Q Let's move to the next exhibit. Is this

January 7th, 1980?

:32

A Yes.

Q And is this a letter sent to Freuhauf

Corporation regarding a summary of sales of asbestos products to the Freuhauf Corporation?

A Yes.

:32

Q And was this created at or about the time,

January 7, 1980?

A Yes.

Q In the ordinary course of business?

A Yes.

:32

Q Moving forward to the next exhibit, we're up to Exhibit 21, right?

A Yes.

Q And is this a letter dated January 21st, 1980?

A Yes.

:32

Q And is this -- we talked about Mr. Schmaltz earlier. Is he identified as a Abex sales administrator?

A Yes.

Q And who is he writing this letter to?

:33

■1

A Alan Schaible, who was manager of aftermarket

:33

purchases at Freuhauf.

Q And were you copied on the letter?

A Yes.

Q Was this letter created at or about the time

:33

of January 21st, 1980?

A Yes.

Q And in the ordinary course of business of company?

A Yes.

:33

Q And does it indicate on here that there is a bulk discount of 25 cents per set being made available to the Freuhauf Corporation?

A Yes.

Q Is that something from time to time that Abex

:33

did, gave a discount to its customers for -- if they  
bought more of the products?

A Yes.

Q And then attached to this letter, does it  
indicate the various pricing for the box material?

:33

A Yes.

Q Let's continue on. The next document, is that  
dated January 25th, 1980, a letter from you?

A Yes.

Q And would have -- was this a document created

:34

■1

in the ordinary course of business of the Abex company?

:34

A Yes.

Q And who are you writing this to?

A Alan Schaible, manager aftermarket and  
accessories purchasing Freuhauf.

:34

Q Now, in the third paragraph it's discussing  
the program, "Our program is a set up around the use, if  
at all possible, of four regional warehouses." Do you

see that?

A Yes.

:34

Q Tell me about that. Did -- who owned those warehouses?

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) Were those warehouses Abex?

A These were Abex warehouses.

:34

Q Okay. And what was the purpose of these warehouses?

A They were a central location for service of our distributors and also our original equipment service customers.

:34

Q So would the material, the friction -- asbestos-containing friction materials be shipped from the plants in either North Carolina and Virginia to these warehouses?

A Yes.

:35

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Q It says in here on that paragraph, the third

:35

paragraph, "Freuhauf labeled and identified material will be supplied in the program."

A Yes.

Q And when you -- when we talk about Freuhauf

:35

labeled, are we talking on the box itself?

A Yes.

Q It says, "Freuhauf will handle their own catalogs, price sheets, sales flyers, and information sheets."

:35

A Yes.

Q Was that your understanding of the way it worked?

A Yes.

Q Did you ever see any sales flyers or

:35

information sheets from the Freuhauf Corporation that talked about the hazards of asbestos?

MR. MILLER: Vague, ambiguous, overbroad.

THE WITNESS: No.

Q (MR. SATTERLEY) It says, "We will work with

:35

your promotional people to put these together if required." Do you see that sentence?

A Yes.

Q Do you ever remember Freuhauf requiring Abex to work together with them with regards to flyers, sales

:36

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flyers, or information sheets?

:36

A Yes, we did.

Q Okay. And I guess what I'm trying to figure out is, the caution statement that we talked about earlier in '77, '78 time frame, do you know whether or

:36

not Freuhauf included that language in their sales information, sales flyers, or information sheets?

MR. MILLER: Vague, ambiguous.

THE WITNESS: Do not know.

Q (MR. SATTERLEY) On the next page it talks

:36

about, "They will help train your people on the fine points of our program."

A Yes.

Q That's referring, Abex is going to help Freuhauf, right?

:37

A Yes.

Q Says, "We will handle field problems and complaints on a personal and individual basis." Do you see that?

A Yes.

:37

Q Do you know whether Abex sent representatives out into the field to discuss with the end user, Freuhauf's customer, problems or issues about asbestos?

A Don't know.

Q We're talking in this case about a fellow

:37

■114

named Gordon Bankhead over in California. Abex -- did

:37

Abex sell products to California?

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: Of course.

Q (MR. SATTERLEY) Okay. And was it your

:37

understanding that friction products, the brake products that Abex sold to Freuhauf were for national distribution of its tractor-trailers?

A Yes.

Q And I guess the point I'm getting at or the

:38

question I'm trying to get is that, did Abex send field representative, say, for example, out to Oakland, California, to educate the end user, the people that would be being encountering the brakes, about asbestos issues?

:38

A Not that I'm aware of.

Q Let's continue on with the next document. Is this Exhibit 23?

A Yes.

Q And is this a memo from Norm Walker?

:38

A Yes.

Q And did you know Norm?

A Yes, I did.

Q Was Norm a friend of yours?

A Yes.

:38

■1

Q Business associate.

:38

A A business associate.

Q Okay. You guys didn't socialize together, I



take it.

A On occasion we might have.

:39

Q Okay. And it says -- this is dated January 29th, 1980, do you see that?

A Yes.

Q And it's carbon copied to Roger Cain, do you know who that is?

:39

A He was in our sales office in Winchester.

Q And it says, "Confirming our telephone conversation on January 29, 1980," and it's got 90 sets and it's got some numbers after that, do you see that?

A Yes, mm-hmm.

:39

Q And then it's got, "Material to be the Freuhauf edge code," and it's got some numbers?

A Yes.

Q And an Abex formula, right?

A Yes.

:39

Q And this would -- these would be asbestos formula, correct?

A Those formulas are asbestos, yes.

Q Okay, let's continue on. The next memorandum

actually is another call report that you prepared on

:39

■116

February 1st, 1980, correct?

:39

A Yes.

Q And does it relate to the Freuhauf division?

A Yes.

Q And is this a document you prepared in the

:40

normal course of business while you were working at

Abex?

A Correct.

Q And does this indicate that you're evaluating

the price, the cost of the product, and the profit?

:40

A Cost increases, that's all.

Q Cost increases.

A Nothing in there about profit. We wouldn't

advise them of that.

Q On the second page it says, "We have been

:40

specifically requested to contact the Freuhauf branches

at Dayton, Cincinnati, Louisville, and Indianapolis."

Do you see that?

A Yes.

Q And then the last two sentences, "It is

:40

anticipated that our aftermarket with Freuhauf will  
exceed a million dollars in 1980."

A Yes.

Q And it exceeded 400,000 in 1979.

A Correct.

:41

■1

Q And now that -- that's the aftermarket, right?

:41

A Correct.

Q Was the original equipment sales higher or  
lower than aftermarket?

A Original equipment was lower.

:41

Q Was lower?

A Yes. More pieces, lower price.

Q I thought earlier we saw memos that indicate  
the original equipment was -- business was stronger than  
the aftermarket?

:41

A Well, it was in the earlier part of the

program.

Q Okay. And --

A Took us -- it took several years to develop the aftermarket. We got a lot of people to convince,

:41

lot of branch managers that wanted to do it this way instead of following corporate edicts. So it took us a long time to get into the aftermarket program with our product.

Q Okay. Let's continue on then. We're now in

:41

March of 1980. Is this a letter addressed to you?

A Yes.

Q And what's the date of this letter?

A March 31st, 1980.

Q And who is it from?

:42

■118

A From Alan Schaible, manager aftermarket and

:42

accessories purchasing at Freuhauf.

Q And does it indicate whether they visited the Winchester facility, production facility again?

A Yes, it does.

:42

Q And there's a reference in here to backing material.

A Yes.

Q What is the -- what is backing material?

A If a thick block were three-quarters of an

:42

inch thick, makes no sense to put friction material -- the expensive friction material below the bolt on or below the rivet head. You might as well use a cheaper material as long as you had a mechanical means that assured proper attachment of these two items to make up

:42

this three-quarters of an inch.

So the last -- all the material under the bolt head or under the rivet head was a material, a less expensive material than the friction material.

Q It says in this question that Freuhauf's

:43

managers is asking you, is it says, "Does Abex consider brake block of the type used by Freuhauf manufactured with a backing material to be superior or inferior to the one which is not?" Do you see that?

A Yes.

:43

Q And do you recall this occurring?

:43

A Specifically, no, I do not. Although it was written to me, I don't remember. That's 30 years ago.

Q If you could read -- read the next paragraph.

A "Mr. Indelicato indicated that the use of

:43

backing stock provides a cost savings in the more costly types of materials. What economic impact would it have on the present cost of brake block purchased from Abex?"

That's a question on his part. I'm not in a position to answer what we determined. "We acknowledged --" want me

:44

to continue?

Q Well, first I want to ask you, that Indelicato, was he an Abex person?

A He was an Abex person. I believe at that point in time, he was manager of quality control at

:44

Abex.

Q Yeah, continue on the next paragraph.

A "We acknowledge the production of non-asbestos material will influence the continued use of backing

material; however, since we undoubtedly will continue to

:44

utilize asbestos brake block within the foreseeable future, our interest must relate to the contemporary product."

Q At this point in time in 1980, was there a non-asbestos material that was available as opposed to

:44

■120

as an asbestos material with regards to brake block?

:44

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: You're still -- no. Answer to your question, you're still in the development stages of non-asbestos material.

:45

Q (MR. SATTERLEY) Well, let me ask you this question, just explore that with you for a minute. Have you ever reviewed the various patents for non-asbestos brake products?

A No.

:45

Q You're not a technical man that knows what type of materials can be utilized in place of asbestos, are you?

A No.

Q Do you know what types of materials were

:45

developed to use in place of asbestos later in the '80s?

A Yes.

Q And what was that?

A Number one, there is no replacement for

asbestos. Number two --

:45

MR. SATTERLEY: Well, objection, move to

strike as nonresponsive.

THE WITNESS: Okay.

Q (MR. SATTERLEY) My question, sir --

A What was your question?

:45

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Q My question is, what was utilized when

:45

asbestos was eliminated from the Abex product?

MR. RADCLIFFE: Objection, vague, ambiguous.

Go ahead.

THE WITNESS: It depended upon the

:45

manufacturer. Abex determined to use, after all of



our exhaustive testing, a fiberglass as our fiber.

Carlisle Corporation utilized Kevlar. Other corporations, I do not know.

Q (MR. SATTERLEY) Let me -- you weren't

:46

involved in this testing process yourself, were you?

You're sales.

A Sales.

Q You're not in R&D.

A No.

:46

Q Let's move on then.

MR. MILLER: What exhibit was that or is this?

MR. McGUIRE: 25.

THE WITNESS: We're at 26 right now.

MR. SATTERLEY: 26.

:46

MR. McGUIRE: The one you just talked about --

MR. SATTERLEY: Was 26.

THE WITNESS: 25.

MR. SATTERLEY: Oh, was that 25?

THE WITNESS: No, I just turned 25 over. The

:46

■1

letter from Alan Schaible was 25, dated March 31st,

:46

'80.

Q (MR. SATTERLEY) Okay. Let's go to 26 then.

Is this 26 a letter from Norm Walker to Roger Cain?

A Yes.

:47

Q And Roger Cain's with Abex Corporation, right?

A Yes, sales office.

Q And you received a copy of this?

A Yes.

Q As did Al Schaible?

:47

A Yes.

Q And this relates to the Freuhauf parts number,  
correct?

MR. McGUIRE: Got a date?

Q (MR. SATTERLEY) April 3rd, 1980. Right?

:47

A It refers to an FMSI number which would go on  
a Freuhauf axle or brake, yes.

Q So what I want to do with this -- well,  
there's attachments that has the various Abex formula,  
the Freuhauf edge code, the type of packaging, the parts

:47

number, correct?

A Correct.

Q And the cost?

A Yes.

Q Okay. And so if we go down the Abex formula

:47

■1

from -- that entire sheet, are those all

:47

asbestos-containing brake product?

A Yes, on that sheet.

Q Let's go over to the next sheet. All the Abex

formulas on the --

:48

A Yes, yes.

Q -- next sheet, those are all asbestos?

A Yes.

Q And the edge code numbers relate to the

various formulas, right?

:48

A Correct.

Q Okay. So if we're trying to figure out if a

product contains asbestos or not, if we just simply take

the Abex formula numbers right there or the Freuhauf

edge code, we would know each of these products are

:48

asbestos-containing product?

MR. RADCLIFFE: Objection, vague, ambiguous,  
calls for speculation.

Q (MR. SATTERLEY) Right? Isn't that true?

A Yes, yes.

:48

Q Okay. And they would have each had between 50  
and 60 percent asbestos, right?

A Yes.

Q Let's move that to the -- set that to the  
side.

:48

■1

April 3rd, 1980. Is this a letter from to you

:48

Mr. Schaible?

A Yes.

Q And there's once again set forth the amount of  
materials, the summary of materials shipped the first

:49

three months -- or actually the first two and-a-half  
months of 1980?

A Yes.

Q And it indicates the original equipment is  
126,534 pieces?

:49

A Yes.

Q And then a couple of thousand replacement  
pieces?

A Yes.

Q And this was prepared by you in the ordinary  
:49

course of business?

A Yes, sir.

Q Okay. Let's set that to the side.

Now, the next exhibit, 28, is a letter  
addressed to you, correct?

:49

A Yes.

Q And this letter is prepared by the Freuhauf  
division -- Freuhauf Corporation?

A Yes.

Q And it's prepared by Mr. -- is it Schaible?

:49

■125

A Schaible.

:49

Q Schaible?

A He would not have prepared it, he was just the transmitter.

Q He was transmitting to you drawings, correct?

:49

A Yes.

Q And are these drawings prepared by the Freuhauf Corporation?

A Yes.

Q And would these be drawings that Abex would

:50

utilize in the manufacture of the asbestos-containing friction products?

A Yes.

Q And would it be fair to say that you would have received this on or about April 11, 1980?

:50

A Yes.

Q And when it relates to the -- these drawings, it says both for the -- well, both original equipment and service materials.

A Yes.

:50

Q Does that mean the aftermarket materials?

A Yes.

Q Okay. And it says, "are revised by adding thickness dimensions at the rivet hole locations to assure a true radial contour on the brake blocks." Do  
:50

■1

you see that?

:50

A Yes, sir.

Q And just so I understand, first of all, who is the folks that are drilling the rivet -- the holes into this? Is that done by Abex or by Freuhauf?

:51

MR. MILLER: Speculation.

THE WITNESS: Done by Abex.

Q (MR. SATTERLEY) Okay. We can set that exhibit to the side and we can go to the next exhibit.

Are we up to 29?

:51

A Yes, sir.

Q And does this -- is this a memorandum written by you?

A Yes.

Q And does it -- well, what's it relating to?

:51

A A true radial contour grind of the Freuhauf

parts. This --

Q Dated April 14th, 1980?

A Yes.

Q And what is it we're talking about here? What

:51

is the grind, a true radial contour grind?

A That refers to the radius of the part, the arc of the part, and that there's -- that is ground in so that it has a better chance of meeting the drum dimensions, that we get full contact once the part is

:52

■1

put into the -- assembled to a shoe and put in a drum.

:52

Q We can set that exhibit to the side. Of the -- just -- I may have already asked this question, I apologize. In April of 1980, were you still in sales?

A Yes.

:52

Q And sales manager?

A Yes.

Q Okay. Let's go to the next exhibit. Is that Exhibit 30? Is this a memorandum -- a letter, actually, prepared by you dated May the 23rd, 1981 -- excuse me,



:53

1980?

A Yes.

Q And is this written to the Freuhauf Corporation?

A Yes, it is.

:53

Q And is reference to another visit to the manufacturing facility at the Winchester, Virginia location?

A Yes.

Q And at that time, was there a discussion on

:53

the potential use of a false backing material on the blocks?

A Yes.

Q Do you know whether that false backing material that's referenced in there in 1980, whether

:53

■1

that was an asbestos-containing product?

:53

A Yes.

Q It was?

A Yes. Was it? I can't speak to that. I'm

sorry, I spoke out of turn.

:54

Q Okay. You just don't know one way or the other?

A I don't know one way or the other.

Q It says on the third paragraph, "Specifically in the case of Freuhauf parts manufactured by Abex, we

:54

do not see an improvement in integrity being developed by the use of a false backing when compared to the formulation 693-551G and 693-551D." Do you see that?

A Yes.

Q And then it refers to, "Cost studies have been

:54

run on specific blocks and indicate that no savings can be achieved by the use of a backing material." Do you see that?

A Yes.

Q Was -- when a product -- change in a product

:54

was going to occur like this, was it generally Abex's policy to do a cost analysis?

A Yes, sir.

Q Do you know whether Abex in the 1970s did any

cost analysis in switching over from an asbestos to a

:55

■1

non-asbestos friction product?

:55

A I can't speak to that.

Q What type of -- or what department within the Abex Corporation would do a cost analysis for a substitute material, if you know?

:55

A It was certainly -- it wasn't the sales department. I don't know.

Q Did other folks in Abex -- the management of Abex indicate to you whether it -- switching to a non-asbestos material, would that be more expensive?

:55

A I'm sorry, I missed the first part.

Q Did other folks within the Abex Corporation, managers that were actually involved in the discussion of replacing asbestos, did they ever communicate to you that it would be more expensive to have a non-asbestos

:55

substitute?

A Yes.

MR. RADCLIFFE: Vague, ambiguous, calls for

speculation.

Q (MR. SATTERLEY) Go ahead, sir.

:56

A Yes.

Q And do you recall how much more expensive it would be to have a non-asbestos substitute?

MR. RADCLIFFE: Same.

THE WITNESS: No, not off the top.

:56

■1

Q (MR. SATTERLEY) The next -- you can set that

:56

exhibit to the side and we'll go to the next exhibit.

Exhibit 31, is this another letter you prepared May 28th, 1980?

A Yes.

:56

Q And does it once again -- is it addressed to the Freuhauf Corporation?

A Yes, it is.

Q And does it once again relate to the technical specifications for the asbestos brake blocks?

:56

A Yes.

Q Let's continue on. The next exhibit moving forward in time, June of 1980. Is this once again a summary of the next, I guess, few months of shipments to Freuhauf that you prepared?

:56

A Yes.

Q And on June 27th, you reported that from April through June of 1980, 89,748 pieces of asbestos-containing friction materials were sent to Freuhauf, correct?

:57

A Correct.

Q For the original equipment.

A Yes correct.

Q And then another 3,224 for the replacement?

A Correct.

:57

■131

Q Okay. Let's continue on to August of 1980.

:57

Is this a memorandum from the Abex Corporation prepared by Mr. Grim?

A No. It was prepared by Jerry Lukas to Grim.

Q Oh, I apologize. To Mr. Grim?

:57

A Yes.

Q And does it relate -- what's the subject of this memorandum?

A "Cost study to determine the effects of substitution of the impression stamp on the edge, which  
:57

calls for the batch code and New York state code with the same information printed on it. Elimination of fully painting the edge opposite identification stripe and other markings. Substitution of the impression stamp on the ID of the Freuhauf part number, the FMSI  
:58

part number, and the anchor or cam designation, and replacement of it with printed information done at the same time we mark the edge."

Q And you're copied on this memorandum, correct?

A Yes.  
:58

Q And so what's occurring in August of 1980 is Abex is doing a cost study to figure out what to put on the edge of the friction product?

A Yes.

Q And do you recall why there was a cost study?  
:58

■1

A We were trying to provide the customer with a  
:58

lower price for the product that we sold to him, and  
this is one of the ways we could deal with it.

Q By eliminating part of the edge painting or  
edge coding, that would potentially reduce the cost of  
:58

the product?

A Yes. And also eliminating the impression  
stamping.

Q And what is an impression stamp?

A We would impression stamp the edge of the  
:59

block with our batch number. 121 required us to be able  
to go out to the field and get a problem set aligning  
and come back with that number that's impression stamped  
on the edge of the lining, come back to the plant and  
determine when and what batch that was made out of.

:59

We're talking about, what 700 pound batch did those  
linings come from. It would have limited the number of  
pieces that we would have to look for.

Q This type of cost study that was done, do you  
remember this occurring?

:59

A No.

Q Do you recall whether Abex ever did a cost study to determine how much it would cost to put the word cancer or warning on the edge of its brake?

A Not aware.

:00

■133

Q As you sit here today, is it fair to say that

:00

you're not aware of anybody at the Abex Corporation doing any type of evaluation in terms of how much more it would cost to stamp on those words?

MR. RADCLIFFE: Objection, speculation, calls

:00

for -- calls for speculation, argumentative.

THE WITNESS: That's a fair statement because

I don't know.

Q (MR. SATTERLEY) You don't know?

A I don't.

:00

Q Okay. We can set this exhibit to the side.

August 26th, 1980, is this a memorandum you prepared during the normal course of business?



A Yes.

Q And is this once again addressed to the

:00

Freuhauf Corporation?

A Yes.

Q And is this a discussion that you were having  
as it relates to revising the identification numbers on  
the product?

:00

A Yes.

Q And is there a discussion with regards to the  
various types of stamping, impression stamping to  
include on the product?

A Yes.

:01

■1

Q On the second page of this document, does it

:01

indicate that Abex manufactures brake --  
asbestos-containing brake products for Rockwell  
International?

A Yes.

:01

Q And it provides them to their plants there in  
Ohio and Florence, Kentucky, and up in Canada?

A Yes.

Q And then does it also indicate that Abex  
provided asbestos-containing products to the Eaton

:01

Corporation in their locations in Tennessee and  
Louisville, Kentucky?

A That's true.

Q They were customers of yours as well?

A Yes, sir.

:01

Q Let's set that exhibit to the side.

The next exhibit we'll move forward in time to

September of 19 -- September '80, 1980?

MR. MILLER: I'm sorry, is that 34?

MR. SATTERLEY: Are we up to 35?

:02

THE WITNESS: 5.

MR. SATTERLEY: 35 now.

MR. MILLER: What date is it?

MR. SATTERLEY: September 22nd, 1980.

Q (MR. SATTERLEY) Does it indicate -- well, it

:02

■1

says OES accounts, do you see that?

:02

A Yes.

Q That's prepared by the second page says J. J. Lukas?

A Yes.

:02

Q And he was an Abex manager, right?

A He was manager original equipment sales.

Q And it's -- on the first page, right below his name, it says B. Iwarsson.

A I'm sorry, B. J. Iwersson, he was our

:02

president.

Q Okay. And he is -- he says, "Relative to a meeting we had on July 31st, we discussed our concern over making sure we are properly covering our OES accounts."

:03

A Yes.

Q What does that relate to?

(A discussion was held off the record.)

Q (MR. SATTERLEY) It says first paragraph

"Relative to a meeting we had on July 31st, we discussed

:03

our concern over making sure we are properly covering

our OES accounts."

THE VIDEOGRAPHER: It's going off again.

MR. SATTERLEY: Still going?

THE VIDEOGRAPHER: No, it stopped.

:03

■1

MR. SATTERLEY: Is it off now?

:04

THE VIDEOGRAPHER: Yes.

Q (MR. SATTERLEY) One more time. "Relative to a meeting we had on July 31st, we discussed our concern over making sure we are properly covering our OES

:04

accounts."

A Yes.

Q And what is OES account?

A Original equipment service.

Q "Particularly with the move to non-asbestos

:04

materials. This is especially applicable to the west coast an trailer accounts." Do you recall that being the situation in September of 1980, moving to a non-asbestos containing material?

A Within that time frame, yes, I remember that.

:04

Q Says, "Al Schmaltz has supplied the attached as to who is presently assigned to what account." I don't see an attached either. You're looking for the same thing I'm looking for, the attachment.

A Yes, sir.

:04

Q But, "Since we are mainly concerned with west coast and trailers, we split those up. On the west coast, Freightliner in Portland, Oregon; Kenworth in Kirkland, Washington; and Peterbilt in Newark, California, are worth calling on." Do you know what

:05

■1

this is referring to?

:05

A Yes. They were OES customers, original equipment service customers. We manufactured blocks for them for their aftermarket operation, so that they could service their tractors and trailers through their

:05

branches with the same material that they were getting on their original equipment units.

Q Says, "Mack Western in Hayward, California; White Western Star in --" is it Calona?

A Calona, British Colombia.

:05

Q "-- and Kenworth Canada in Burnaby."

A Yes.

Q These are all customers?

A Yes.

Q Okay. And then, "Utilizing the 1979 numbers

:05

for new commercial trailers in the United States, nine  
trailers manufacturers have 69 percent of the business."

Do you see that?

A Yes, sir.

Q And then below that, is an outline of the

:06

various trailer manufacturers, right?

A Correct.

Q And who is the company that has the largest  
number of trailers?

A Freuhauf Corporation.

:06

■1

Q And according to this memorandum, what is the

:06

percentage of business?

A 16 and-a-half percent.

Q And does it indicate in handwriting who has that account?

:06

A Yes.

Q Who is that?

A Mr. Bretz.

Q That's you?

A Yes, sir.

:06

Q Okay. And then some of the other folks -- well, right underneath that, there's a line does that indicate you have those other accounts as well?

A Yes.

Q Trailmobile?

:06

A Yes.

Q Great Dane?

A Yes.

Q Strick?

A Yes.

:06

Q Let me ask you, was Strick a customer of Abex?

A On occasion they could have been, by their customer specification.

Q Trailmobile was?

A Yes.

:06

■1

Q Were they -- did you get the business from --

:06

like Trailmobile like you did with Freuhauf, I mean, in that type of situation?

A Pretty much so, yes.

Q That was another good account.

:07

A Yes, sir.

Q That's all the questions I'm going to have on that document, let me set that to the side.

The next document is dated December 12th, 1980, and this is from the Freuhauf Corporation to you,

:07

correct?

A Yes.

Q And do you know what this letter is referring to?

A It's referring to a utilization -- let me see.

:07

"Brake block service thickness and tolerance for



original equipment use... Inasmuch as this material is thinner, we are interested in determining the percentage reduction in cost the change will provide."

Q Was there an effort or a suggestion that if

:07

the friction material is thinner, it should be a lower cost?

A That's the way I read this letter, but I do not remember this letter coming in.

Q Okay.

:08

■1

A Or any discussion that we had.

:08

Q It would be fair to say, though, that even though you don't remember it as you sit here today, the information, the names on the document, it's more likely than not this would have been a document you would have

:08

received in the normal course of business?

A Yes, sir.

Q We'll set that exhibit to the side then.

The next document we are up to, is that --

A 37.

:08

Q 37. Is this a -- once again a call report you prepared.

A Yes, sir.

Q And is it dated December 18th, 1980?

A Right.

:08

Q And does it relate to your customer Freuhauf?

A Yes.

Q And did you go up to the Detroit offices?

A Yes.

Q And was this once again to evaluate the sales

:09

of the asbestos-containing blocks to Freuhauf?

A Yes.

Q It says in here that, "They gave us a 5 percent increase in July because Silk --" is that the vice president of Freuhauf?

:09

■1

A Yeah.

:09

Q "-- felt some responsibility that --"

A Joe Silk, yes.

Q He felt some responsibility that the

aftermarket had not gotten off the ground in the three

:09

years as well as they had anticipated?

A Yes.

Q So you got more business, correct?

A We got more dollar business, yeah.

Q Okay. We can set this exhibit to the side.

:09

And moving forward into 1981. In 1981 is this

another memorandum you prepared at or about January

12th, 1981?

A Yes, sir.

Q And does this relate to the Freuhauf

:10

Corporation?

A Yes, it does.

Q Does it indicate that you once again traveled

up to Detroit, Michigan, and met with several Freuhauf

people?

:10

A Yes.

Q It says at the bottom -- or, no, let's go to

the middle first. It says, "It is -- it was noted that

engineering has agreed to let both Carlisle and Abex

materials go into a plant, however, sales needs to be

:10

■1

convinced. Silk will work on that." Do you see that?

:10

A Yes.

Q And do you know what that's referring to?

A I'm sorry, I don't.

Q The previous paragraph, and I shouldn't

:11

have -- maybe shouldn't have just jumped right into that one, talks about a backing material, says, "We will quote in two weeks with pricing and timing for a backing material to be utilized on their blocks. Carlisle utilizes backing material on all of their parts for

:11

Freuhauf. And also, we will provide them a quote and timing on a mix change." Do you see that?

A Yes.

Q Does that refresh your recollection of what that's about?

:11

A Yes, it does. But I don't remember it.

Q Okay. Let's set that exhibit to the side then.

Moving forward in January 1981. Is this a  
memorandum from Abex sales administration, J. W. McCool  
:11

to Freuhauf aftermarket manager?

A Yes.

Q And does it once again relate to products that  
are being sold, asbestos products that are being sold to  
Freuhauf?

:12

■143

A Yes.

:12

Q And you received a copy of this memorandum?

A Yes.

Q And on the second page, it has the price of  
the various asbestos-containing products?

:12

A Correct.

Q Both in boxed material and in bulk material?

A Correct.

Q If it's shipped in boxed -- excuse me, if it's  
shipped in bulk, is it inside of a box?

:12

A It's inside of a carton --

Q Okay.

A -- as opposed to a box.

Q Okay. And the carton -- what's -- in bulk, is that the 4 by 4 box --

:12

A Yes, sir.

Q -- you're talking about? Okay. We can set that exhibit to the side.

Continuing on in January of 1981, is this once again another report, call report for your customer

:12

Freuhauf?

A Yes.

Q And it says -- well, first of all, is this a memorandum prepared at or about that time, January of 1981?

:13

■1

A Yes.

:13

Q And does it indicate the names of the folks you interviewed? Pam Lauf, did you know her?

A Yes. Yes.

Q And she was a Freuhauf material control

:13

person?

A That's correct.

Q And Don Grothouse?

A Yes.

Q And Charles -- is it --

:13

A Mitasik.

Q Mitasik --

A Yes.

Q -- and Stan Lyle.

A Yes.

:13

Q All Freuhauf people?

A Correct.

Q Says, "Freuhauf is going to a no-grind shoe and lining program." What is a no-grind shoe and lining?

:13

A They accept the lining that is attached -- or that is in the boxed sets and they would attach it to a shoe without grinding it.

Q And do you know why they went to a no-grind shoe and lining program in January of '81?

:13

A Back there, trailer business was so poor,

:13

everybody was looking to ways to save money. And this was a way for them to save money if they could eliminate that operation in their plant and if things worked out well.

:14

Q "If at all possible, this will be accomplished in 1981. Necessary machining equipment is on order to accomplish this. The disposal of asbestos grinding particles is becoming more and more difficult. Their present bagged asbestos dust is being transported to

:14

southern Ohio." Do you see that?

A Yes.

Q And then it's got -- well, you remember going to their facility and seeing them having a bagging operation in the plant there?

:14

A No, I don't.

Q Before they went to this no-grind shoe and lining program, how -- I guess what I'm trying to figure out is what type of grinding occurred with regards to the brake shoes?



:15

MR. MILLER: Foundation.

THE WITNESS: They would assemble the lining to a shoe, steel shoe, and then they would grind it to an arc that would -- a drum would be more receptive of it. The grinding made sure they got a

:15

■146

proper radius.

:15

Q (MR. SATTERLEY) By the way, did you -- I may have asked you this earlier, were you -- one of your customers was Rockwell?

A Yes.

:15

Q Did you ever visit the Rockwell Winchester, Kentucky facility?

A No, I did not.

Q Do you know -- did you know they had a facility in Winchester?

:15

A Yes.

Q Would -- was it your understanding that the Winchester facility utilized Abex brake -- asbestos brakes?

A Yes.

:16

MR. McGUIRE: Foundation.

THE WITNESS: I'm sorry.

Q (MR. SATTERLEY) And I'm talking about  
Rockwell now.

A Yes, I understand.

:16

Q We can set this exhibit to the side.  
And the next document -- oh, by the way, was  
attached to that, is there a -- maybe it shouldn't be  
stapled, but --

A This is an item that we had previously where

:16

■1

there was no -- there was no sheet number one. This is  
:16  
what goes to it.

Q Okay. And it's dated -- it says revised  
2-2-81 at the top?

A Where are we here?

:16

Q Up at the top.

A Here?

Q Maybe you got a different one.

A It didn't come out.

Q Okay.

:16

A It didn't copy.

Q Oh, I see.

MR. MILLER: Is this 41, by the way?

MR. SATTERLEY: 40.

THE WITNESS: 40.

:17

Q (MR. SATTERLEY) Okay. But we're talking --  
we're talking the edge code?

A Yep.

Q Okay. That's fine. Why don't we -- what  
we'll do is we'll mark that as 41-A and -- or is that a

:17

document -- do those documents go together?

A These two copies?

Q Yeah.

A I got to believe they went together.

Q Okay, that's good. Then we'll leave them as

:17

■1

Exhibit 40.

:17

MR. RADCLIFFE: May I see that for just a minute?

THE WITNESS: Yes.

Q (MR. SATTERLEY) We'll leave that as 40.

:17

Let's move on to 41. Is this a 1981 memorandum that you prepared?

A Yes.

Q And that was prepared on or about February 18th, 1981?

:17

A Yes, sir.

Q And this is -- it's where you went back up to Freuhauf in the Detroit facility?

A Yes, sir.

Q And called upon, looks like there's about five

:17

individuals there, right?

A Correct.

Q At this point in time, I know it's been three or four years since we talked about that 1977 memorandum where the word caution is going to appear, was there

:18

still discussions ongoing with Freuhauf individuals some

three or four years later about the hazards of asbestos?

MR. MILLER: Vague.

THE WITNESS: Not that I remember.

Q (MR. SATTERLEY) Okay. And just so that I'm

:18

■1

clear in the way I understand it occurred, when the

:18

label first came out, whenever that was, there was some  
initial discussions about it, right?

A Yes.

Q After the initial discussions about it, there

:18

was no follow ups weeks or months or years later about  
it?

MR. RADCLIFFE: Objection, argumentative,  
calls for speculation.

THE WITNESS: Not on my part.

:19

Q (MR. SATTERLEY) All right. Now, on this

1981 -- February 1981 three-quarters of the way down,  
there's a paragraph that says, "Our non-asbestos data,"  
do you see that?

A Yes.

:19

Q "Our non-asbestos data provided to Freuhauf last fall is being closely scrutinized and reviewed. To date the comments are very favorable."

Q Yes. At that point in time, in 1981, the winter of '81, you -- your Abex Corporation provided to :19

Freuhauf some information about non-asbestos brakes, right?

A Yes.

Q And Freuhauf was evaluating it?

A Yes.

:19

■1

Q And only if Freuhauf approved the change could :19

Abex switch to that non-asbestos?

MR. MILLER: Speculation.

Q (MR. SATTERLEY) Or how did it work?

A Well, it was mutual. It was mutual. If all :19

the engineering data equated to the engineering data that they had with asbestos materials, then with additional testing on their part, not only dynamometer, but also the field, they could, would, and they

ultimately did approve its use.

:20

Q Okay. So we're in '81. When you say they eventually did approve the use, do you know how many years later before it went to non-asbestos?

A I don't remember a specific date.

Q I think we're going to get to it in some of

:20

these memos.

A You have to find something in here that --

Q Okay. Hopefully we'll get to that. But this 1981 memo where it discussed the non-asbestos data, that was prepared at the normal course of business of Abex?

:20

A Correct.

Q Okay. Set that to the side.

Now we're going to the next, there's March of 1981, and this is an Abex memorandum prepared by Indelicato?

:20

■1

A Indelicato, yes.

:21

Q And they carbon copied you a copy of this?

A Yes.

Q And it says that -- well, first of all, this  
would have been a document you received in the normal  
:21

course of business of the Abex company, right?

A Yeah.

Q And it said, "I have had an opportunity to  
meet with Dave --" is it Kizyma?

A Well, that's good. Kizyma is close.  
:21

Q Well --

A That's fine.

Q Okay. "-- of Freuhauf at a luncheon during  
the SAE expo." First of all, were you at this expo back  
in the early '80s?  
:21

A Could have been. I attended all the expos, I  
should say. January, coldest day of month in Detroit.  
We always had an SAE expo then.

Q Every January of every year?

A Yes, sir.  
:21

Q Okay.

A They picked the coldest week, too. I never  
could figure out how they could do that. They did.



Q Maybe it's because the Detroit Lions were so good and they wanted you to go see them.

:21

■1

A Negative. Well, they might have been back

:22

then.

Q "Dave informed me that he is working on Freuhauf's non-asbestos program and quite interested in 931-162."

:22

A Yes, sir.

Q That number 931-162, is that the program or the number assigned to non-asbestos?

A That is the formulation assigned, formulation number for that -- for that formula. The project number

:22

is 931, the 162 is the number of evaluations that we made for various changes in that product to get what we wanted and what the industry wanted. And so we ended up with 162 -- kind of like Edison, how many things did he run before he come up with the light bulb?

:22

MR. SATTERLEY: Objection, move to strike, nonresponsive.

THE WITNESS: I'm sorry.

Q (MR. SATTERLEY) I need to put that on the record so later on down the road we can know to try to

:22

get that cut out.

A Okay. I'm sorry.

Q That's all right. Was it your job in sales to do the evaluations of these various numbers 160, 161, 162, or anything like that?

:23

■1

A No.

:23

Q Let's continue on with this memo. "Dave has reviewed the data we supplied Freuhauf but would like more detailed information." Do you remember this occurring?

:23

A I remember the data being supplied to them, but I don't remember what he's referring to here.

Q Let's set this exhibit to the side and move forward in time.

We're next -- going to the next memorandum,

:23

which is 43. Is this a May 15th, 1981 memorandum you prepared?

A Yes, sir.

Q And does it relate to the Freuhauf axle plant?

A Yes, sir.

:23

Q And does it relate to the no-grind, the shoe and lining assembly no-grind program?

A Well, I've got to read it all and -- the second paragraph?

Q Yes, sir.

:24

A Yes, it does. "They continue to work towards a shoe and lining assembly no-grind program and are very interested in our development of the grinding technique which will allow us to meet their drawings."

Q And do you recall whether Abex provided

:24

■154

Freuhauf the ground -- the grinding technique?

:24

A I don't remember.

Q Regardless, this is a memorandum you prepared back at the time frame in the normal course of business?

A Yes.

:24

Q Let's set that to the side.

And July 1981, you summarized March through June shipments of asbestos-containing original equipment and replacement products to Freuhauf, correct?

A Yes.

:24

Q And we're up to, just for that three-month time period, roughly \$400,000 worth of asbestos linings?

A Correct.

Q And you prepared this in the normal course of business, correct?

:25

A Correct, yes, sir.

Q The next memorandum, we're up to now Exhibit

4 --

A 45.

Q -- 45 is yet another memorandum you prepared

:25

dated July 7, 1981?

A Yes.

Q And was this created in the normal course of business of the Abex company?

A It was.

:25

■1

Q And was it relating to the axle plant, the

:25

Freuhauf axle plant in Ohio?

A Yes.

Q The third paragraph says, "Abex will obtain 50 percent or better of the lining requirements for these

:25

axles." Do you see that?

A Yes.

Q And what does that mean?

A Well, we have 50 percent of their production business.

:25

Q Okay.

A They build 50,000 axles, we'd have 25,000 axles worth, times eight.

Q And at this time frame, do you know who had the other 50 percent?

:26

A Yes, sir. Carlisle Corporation.

MR. McGUIRE: Objection, lack of foundation, hearsay.

Q (MR. SATTERLEY) And was that based on your

evaluation in the plant when you went up to Ohio?

:26

A Not specifically.

Q What's your basis for saying that Carlisle had 50 percent and Abex had 50 percent?

A Our discussions with purchasing for the three or four years prior to 1981.

:26

■1

MR. McGUIRE: Motion to strike, hearsay.

:26

Q (MR. SATTERLEY) The managers of the Freuhauf Corporation?

A Yes.

MR. McGUIRE: Same objection, same motion.

:26

Q (MR. SATTERLEY) And the -- do you remember the managers of the Freuhauf people that specifically informed you that Carlisle had 50 percent of the business?

MR. McGUIRE: Objection, leading.

:26

MR. SATTERLEY: I said do you remember, is that a leading question?

MR. McGUIRE: Yes, sir.

MR. SATTERLEY: Do you remember is a leading question?

:26

MR. MILLER: That part isn't. It's the rest of it that's leading.

MR. SATTERLEY: Well, let me ask the question again so I can try to satisfy your objection to form even though I disagree with the objection.

:27

Q (MR. SATTERLEY) Do you remember the names of the managers that shared the information with you that you just told the folks on the jury about?

A Yes.

MR. McGUIRE: Same objection.

:27

■157

Q (MR. SATTERLEY) And who is the names -- or

:27

what were the names?

A Don Grothouse, Charlie Mitasik, engineering personnel which are not listed here out of their Detroit office, aftermarket people, a whole host of names.

:27

MR. McGUIRE: Same objection, motion to

strike, hearsay, lack of foundation.

Q (MR. SATTERLEY) Let's set that exhibit to the side and we'll go on to the next exhibit.

Now, was it Norm Walker, was Norm a Freuhauf

:27

individual?

A Yes, he was.

Q Was he a regional sales manager?

A Yes, sir.

Q And this exhibit, is this Exhibit 46?

:27

A Yes.

Q And Exhibit 46, is this a memorandum that you created at or about August 3rd, 1981?

A I did.

Q And did you sign off on that?

:28

A Yes, I did.

Q And does it indicate that the name of the customer you're talking about?

A Yes, it does.

Q And who is that?

:28

■1



A Freuhauf Corporation.

:28

Q And does it indicate that -- officials you interviewed with the Freuhauf company?

A Yes.

Q And who were those?

:28

A Well, Al Schaible, the manager of aftermarket accessories purchasing, and Norm Walker, regional sales manager, and Charlie Tedesco, who was service truck equipment accessory sales manager.

Q And does this on the first paragraph indicate

:28

that this memorandum relates to establishing cost guidelines for 1982?

A Yes, sir.

Q And does it specifically relate to the --

well, let me withdraw that and ask you, do you see the

:29

paragraph that begins "Walker"?

A Yes.

Q Read that paragraph out loud.

A "Walker states there is no desire for

non-asbestos linings in the marketplace due to costs and

:29

the original equipment people at Freuhauf state that they are not going to be able to afford it either at this point. If it is required by government edict, that is another thing and then everyone will have to raise their prices accordingly. What is the latest pricing on

:29

■1

non-asbestos material? This will be forwarded to Norm

:29

Walker."

Q And was this -- these statements that you reported statements made to you by Norm Walker?

A Yes.

:29

Q And was this your understanding that Norm Walker, as the regional sales manager for Freuhauf, was not going to -- that corporation was not going switch over to non-asbestos?

MR. MILLER: Misstates testimony.

:30

Q (MR. SATTERLEY) Well, let me ask the question this way: Did Mr. Walker tell you that they had -- Freuhauf had no desire for non-asbestos linings?

A Yes, he did.

MR. MILLER: Misstates testimony in part.

:30

Q (MR. SATTERLEY) And did he tell you the reason why they had no desire for these non-asbestos linings was because cost?

A Yes.

Q And did he also tell you that the only way in

:30

which the non-asbestos linings were going to be put in place is if the government required it?

MR. MILLER: Vague, ambiguous, misstates testimony.

THE WITNESS: I have to go along with what I

:30

■160

stated back then.

:30

Q (MR. SATTERLEY) Okay. And then the question, what is the latest price on non-asbestos material, question mark. Do you see where you wrote that?

A Yes.

:31

Q Were you expecting to get a response from somebody? Were you asking that question of somebody at Abex?

A Yes.

Q Do you know whether you ever got a response on  
:31

the pricing of the non-asbestos?

A I don't remember at this point.

Q It says in the last paragraph, "Walker  
questioned the writer as to the latest status of our bus  
block program and whether we made any decisions to get  
:31

into this marketplace with a competitive block." Do you  
see that?

A I see that.

Q Was Abex a supplier of friction materials for  
buses?  
:31

A Yes.

Q Specifically Freuhauf buses?

A Freuhauf didn't make buses.

Q Okay. Well, why was it that Walker was asking  
about the bus block program?

:31

■161

MR. MILLER: Foundation, speculation.

:31

THE WITNESS: Walker was involved with the aftermarkets. This would be part of their branch program of being -- having all materials available for sale to cover any customer who might come in or

:32

might -- they might contact.

Q (MR. SATTERLEY) We can set that exhibit to the side.

And we are going to -- next memorandum is

October 6th, 1981. Do you report the amount of

:32

asbestos-containing products sold to Freuhauf June 23rd through September 23rd, 1981?

A Yes.

Q Was this document created in the normal course of business of Abex?

:32

A Yes, it was.

Q And does it indicate some \$318,000 worth of friction products during that time period?

A Yes.

Q Set that exhibit to the side.

:32

Moving forward to the next month, to November

1981. Are we up to Exhibit 48 now?

A Yes.

Q And is this once again another memorandum call report that you prepared at or about November 3rd, 1981?

:33

■1

A Yes.

:33

Q And does it relate the to the Freuhauf axle plant?

A Yes, it does.

Q And did you sign off on this memorandum?

:33

A My representative did.

Q Okay. Now, I want to ask you about the last paragraph. It says, "South Africa is about to submit orders to them covering some 3,000 axles per year." Do you see that?

:33

A Yes.

Q What -- do you remember what you were referring to, South Africa?

A Freuhauf sold trailers to -- into South Africa, that's what we were referring to. And they've

:33

determined a need for or a requirement of 3,000 axles a year. I don't know whether they had a manufacturing facility in South Africa.

Q I see. "At this point, since U.S. materials are not approved by the EEC, they are apparently :34

specifying Mintex linings."

A Yes.

Q First of all, what is the EEC?

A That's the European Economic Commission or whatever, the governing -- governmental body of -- in :34

■1

Europe.

:34

Q And do you know why the U.S. materials were not approved by the EEC?

MR. MILLER: Speculation.

THE WITNESS: I cannot.

:34

Q (MR. SATTERLEY) Well, when you wrote this in 1981, do you know how you learned that the U.S. materials were not approved by the EEC?

A I'm sorry.

Q When you wrote this, you said -- you obviously

:34

at the time knew that the U.S. materials, the materials  
you're referring to as brake materials, right?

A Mm-hmm, yes.

Q You knew at that time that U.S. brake product  
materials were not approved by the EEC, right, because

:34

you wrote that?

A Yes.

Q And my question is, do you know how you gained  
that knowledge back at the time?

A I probably checked with -- no, specifically I

:35

don't remember. I would have checked with somebody who  
might be familiar with it.

Q Do you know what Mintex linings are?

A No.

Q Do you know whether Mintex linings contain

:35

■1

asbestos?

:35

A No.

Q Don't know one way or the other?



A I don't know one way or the other. I can make an assumption, but I don't know.

:35

Q And when you say you can make an assumption, what do you mean? You can assume that they're non-asbestos, right?

A No. I assume they're asbestos.

Q Why is that?

:35

A Well, because the time frame didn't indicate the industry -- the industry going non-asbestos in Europe.

MR. RADCLIFFE: Objection, move to strike as speculative.

:35

MR. MILLER: Join.

Q (MR. SATTERLEY) Did you -- do you know who Honeywell is? Honeywell International Corporation?

A I know Honeywell Corporation.

Q Do you know who Bendix is?

:36

A Yes.

Q Do you know when Bendix first developed asbestos-free brake material?

A No.

Q It says, "Carlisle is behind in this game and

:36

■1

do not have a material approved for EEC work, however,

:36

Abex does." Do you see that?

A Yes.

Q Do you know what type of material you're  
referring to?

:36

MR. McGUIRE: Objection, foundation, hearsay.

THE WITNESS: That we had approved? We have  
approved of a material manufactured in Europe in  
one of our plants that would meet the requirements  
for the Freuhauf axles.

:36

Q (MR. SATTERLEY) And so what you're telling me  
at this time in the early '80s, asbestos-containing  
products that Abex was making could be sold in Europe,  
right?

A Yes.

:37

Q Could be sold around the world, right?

A Yes.

Q Let's set that exhibit to the side.

Moving forward to Exhibit 40 -- are we at 48?

A I'm 49.

:37

Q 49, okay. Is this a November 5th, 1981 memorandum that you prepared?

A I'm sorry, yes.

Q Okay.

A I was trying to read and I missed --

:37

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Q That's okay.

:37

A Yes, I did prepare this on November 5th, 1981.

Q And this relates to the Freuhauf Corporation as well?

A Yes, sir.

:37

Q You're meeting with some of the same folks, Norm Walker and some of these other fellows?

A Yes, sir.

Q And in the first -- well, actually second paragraph it says, "It was noted that Mr. Robert

:37

Kickel --"

A Kickel.

Q Do you know who that is?

A Yes, I do.

Q Did you meet him?

:37

A Oh, yes.

Q And how did you meet him? I mean, where did you meet him?

A I met him in various sales lobby, I met him in the industrial meetings, SAE meetings, TTMA meetings, et

:38

cetera.

Q And did you have conversations with him about Carlisle's sales of their products from time to time?

A Could have from time to time.

Q I mean, did you ever have conversations about

:38

■1

the fact that they were providing 50 percent of the

:38

friction products to Freuhauf?

A Don't remember.

Q Okay.

MR. McGUIRE: Objection, move to strike.

:38

Q (MR. SATTERLEY) But you knew that he was a vice president of sales at Carlisle Corporation?

A Yes.

Q And did he present at this time on the on their 1982 economics?

:38

A I have to agree with what I wrote at the time.

Q You indicate in this time frame, in the November of 1981, that Abex aftermarket is growing with Freuhauf?

A Yes.

:39

Q And you say, "as such, he," who are you referring to as the he?

A Schaible, since he was responsible for buying the aftermarket stuff.

Q Schaible was paying more attention to what --

:39

what's going on with regards to his company and the competition?

A Yes.

Q Okay. We'll set that exhibit to the side.

The next document is dated August 20th, 1982.

:39

■1

It's an Abex Friction Products Division document,

:39

correct?

A Yes, it is.

Q And it's approved by Marjorie Beaver?

A Yes.

:39

Q And who is she?

A She worked out of our sales office in  
Winchester.

Q And what is this document?

A Well, it's processing instructions.

:40

Q And this is Exhibit 50, correct?

A It's Exhibit 50, yes. And this refers to  
aftermarket lining formula 562-5B.

Q And does it relate to the type of  
identification for edge marking?

:40

A Yes, it does.

Q And does it indicate the packaging that would  
be -- that would be used?

A Yes.

Q And does it give an example of the packaging?

:40

A Yes.

Q And does it indicate that this would be a packaging for the Freuhauf Corporation?

A Yes.

Q And the Pro-Par name, is that a Pro-Par that

:40

■1

was specifically for Freuhauf?

:40

A That is correct.

Q So if you sold product brake lining sets to Rockwell or Eaton or somebody else, it wouldn't be called Pro-Par?

:40

A That is true, it would not.

Q Anywhere on Exhibit 50 is there any warning label or caution statement referred to?

A Not that I see, sir.

Q Let's set Exhibit 50 to the side.

:41

Exhibit 51, what is Exhibit 51?

A Processing instructions -- special processing instructions for replacement bulk kits, Pro-Par.

Q And is this an Abex document?

A Yes, it is.

:41

Q Once again prepared by Marjorie Beaver in sales?

A Yes, sir.

Q And does it indicate some various places for parts numbers on it, Freuhauf parts numbers?

:41

A Yes.

Q And does it have places for identifications for markings and so forth?

A Yes.

Q Does it have indications for the packaging?

:41

■1

A Yes.

:41

Q Does it indicate anywhere on this processing packaging instruction anything about caution or warning labels?

A No, sir.

:41

Q Let's set that exhibit to the side, let's go



to Exhibit 52.

Is this a letter to you from Freuhauf's  
manager of aftermarket and accessory purchasing?

A Yes.

:42

Q H. O. Binder?

A Yes.

Q Do you know him?

A Yes. He took Schaible's place because  
Mr. Schaible passed away.

:42

Q And in this time frame in September of 1982,  
did he indicate to you a confirmation of an Abex  
agreement to produce backup inventory of 4,000 sets of  
the Pro-Par brake block?

A Yes.

:42

Q And also 440 sets of the drill pattern C?

A Yes.

Q And 3,360 sets of the drill pattern D?

A Yes.

Q And this was to support Freuhauf's national --

:42

■1

nationwide brake reline program?

:43

A Correct.

Q And these products, all these products in 1982 that Abex is providing to Freuhauf are asbestos-containing products, correct?

:43

A Yes.

Q Let's set that exhibit to the side.

Moving forward to -- are we up to 1983?

A 53. June 22nd, '83, yes.

Q And is this a memorandum you prepared, a call

:43

report sheet relating to Freuhauf Corporation?

A Yes, sir.

Q And is -- do you outline Mr. -- several names, H. O. Binder, Doug Belcher, and Tom Short there?

A Yes.

:43

Q And are these managers of folks that you met with in Ohio?

A Yes.

Q And it says, does it not, in the fourth paragraph, "A considerable discussion was held on

:44

non-asbestos materials." Do you see that?

A Specifically where are you looking?

Q Right here.

A Mine's not outlined. Okay.

Q Mine's not --

:44

■172

A Okay. Yes, I do see that.

:44

Q Okay. It says, "A considerable discussion was held on non-asbestos materials. They are seeing some activity in this area and feel that some changes must be made in our pricing to make this go." Do you know what

:44

he was referring to there? Or do you know what you were referring to there?

A They continued to be concerned about the costs of the non-asbestos materials. We had warned them early on that there was going to be a major cost increase.

:44

They were concerned about the competitive situation and they continued to be.

Q It says, "Our price for 50 sets is \$6.81 higher than Carlisle's price for 100 sets."

A Yes.

:45

Q "Our price for 300 sets is \$1.30 higher and our price for 900 sets is 81 cents higher than the Carlisle price for 1200 sets."

A Yes.

Q At this time, are you reporting that there was

:45

non-asbestos brakes available already but they were just going to cost more money?

MR. MILLER: Speculation.

THE WITNESS: We began shipping -- we began shipping non-asbestos materials in that time frame.

:45

■1

We're talking June '83.

:45

Q (MR. SATTERLEY) And so what you're reporting back to the other folks at Abex that would receive this call report is that Freuhauf Corporation was reluctant to pay more money for non-asbestos brakes, right?

:46

MR. MILLER: Misstates testimony, argumentative, speculate.

Q (MR. SATTERLEY) Isn't that true?

MR. MILLER: Speculation, same objection.

THE WITNESS: Yes, sir, that's true.

:46

Q (MR. SATTERLEY) And it says, "The bulk of this product will move in 50 to 100 set area. Something must be done to resolve this price differential." Do you see that?

A Yes.

:46

Q "It is only the writer's understanding that repricing of the non-asbestos line is presently going on in our aftermarket group." Do you see that?

A Yes.

Q What do you mean by that?

:46

A Yes.

Q What do you mean by that?

A All of the aftermarket lining programs were interrelated and involved with each other, whether it was OES, Abex distributors, et cetera, et cetera. And

:47

■1

the whole industry was meeting pricing resistance to

:47

non-asbestos materials. And so we were trying to see

where it was going to shake out, we were also evaluating the potential and what may or may not be an appropriate price. We knew what we had to get in order to make

:47

money at it. So the whole program was being reviewed and it was being reviewed quite often.

Q So from a -- from a business standpoint, what was going on, if Freuhauf would have said, we'll pay that extra dollar thirty or whatever it was --

:47

A Yeah.

Q -- Abex was prepared to sell non-asbestos products, right?

MR. MILLER: Argumentative, speculation, foundation.

:48

Q (MR. SATTERLEY) Is that not true?

MR. MILLER: Same objection.

THE WITNESS: We would have sold non-asbestos material at that price, yeah.

Q (MR. SATTERLEY) Yeah. It says, "They", "They

:48

feel they could handle the 300 set differential if they are allowed to mix and match asbestos and non-asbestos

parts." Do you see that?

A Yes.

Q So Freuhauf was telling you as the salesperson

:48

■1

of Abex that they were going to try to meet this cost

:48

issue by mixing and matching some asbestos parts with  
some non-asbestos parts.

MR. MILLER: Same objections.

THE WITNESS: Within the orders. Half 4515s

:48

would be asbestos, half 4515s would be non-asbestos  
with an order. So that would halve the  
differential and the cost that we were trying to  
get.

Q (MR. SATTERLEY) And if -- sort of walk me

:48

through this or clarify this for me. Because how was  
it, if you -- how was it the cost problem was going to  
be addressed by mixing and matching asbestos brakes and  
non-asbestos brakes?

MR. MILLER: Foundation, speculation.

:49

THE WITNESS: I really can't.

Q (MR. SATTERLEY) Okay.

A I really can't. And I don't remember.

Q But at the time in 1983, you wrote, "They,"  
referring to Freuhauf, right?

:49

A Right, right.

Q "-- feel they can handle the 300 set  
differential if they're allowed to mix and match  
asbestos and non-asbestos parts," right?

A Mm-hmm.

:49

■1

Q You got say yes or no.

:49

A Yes. Excuse me.

Q "The writer confirmed that they may do this  
and have alerted them to this fact." Right?

A Yes.

:49

Q "We need a friction code covering 3027-73  
non-asbestos material for wedge brake." Right?

A Yes.

Q "This is in the works. Freuhauf edge code FRU  
924GG has already been applied to this mix."



:50

A Yes.

Q So both Abex and Freuhauf had edge code numbers and labels for non-asbestos products, right?

A We had edge code numbers, I don't know that we had any labels at that point. Again, I -- whatever I

:50

wrote back then is what was going on.

Q And this was prepared at or about the time in June 22nd, 1983?

A Yes.

Q We can set that exhibit to the side.

:50

MR. RADCLIFFE: It's 1:50.

MR. SATTERLEY: I'm at Exhibit 54, and how many exhibits total do we have, 58?

MR. RADCLIFFE: But I have to take a break at 2 o'clock.

:51

■1

MR. SATTERLEY: Okay. For how long?

:51

MR. RADCLIFFE: 30 minutes, 40 minutes.

MR. SATTERLEY: Let's go off the video for a minute.

THE VIDEOGRAPHER: We're off the record at

:51

1:51.

(A discussion was held off the record.)

THE VIDEOGRAPHER: We're back on record at

1:52.

Q (MR. SATTERLEY) The next document is dated

:51

November 15, 1983, it's a document prepared by you --

A February.

Q Excuse me?

A Mine says February.

Q Maybe I got the wrong -- let's see. Oh,

:51

February 15th, I'm sorry.

MR. MILLER: Are you on 54, Counsel?

MR. RADCLIFFE: What's the exhibit number  
right there?

THE WITNESS: 54. Freuhauf visit.

:52

Q (MR. SATTERLEY) And is this a visit you  
made -- excuse me, is this a letter you prepared at or  
about February 15, 1983?

A Yes.

Q And did you make a visit to the plant there in

:52

■178

Ohio?

:52

A No. We made a -- we made a visit to our plant  
in Salisbury.

Q Okay. Thank you. And was it the purpose of  
that to familiarize Mr. Binder with the facility?

:52

A Excuse me, I spoke incorrectly. This visit  
was to Winchester.

Q Okay.

A We did make visits to Salisbury, but this  
specific one was Winchester.

:52

Q Okay. And was this to take Mr. Binder, the  
Freuhauf representative, the manager of Freuhauf on a  
tour of the plant?

A Yes.

Q Do you report in the fourth paragraph that

:53

there was in-depth discussion on non-asbestos product  
line?

A Yes. We wanted to cover it, yes.

Q And then there's a discussion of, "They have approved for production," and there's Abex 931-162, :53

Carlisle and then a number there, and a Raybestos and a number there?

A Yes.

Q Was it your understanding that those three different products were non-asbestos?

:53

■1

A Yes.

:53

Q Then you report that you arrived at the plant in the morning and went to the plant conference room?

A Yes.

Q And then you took him to lunch at the club?

:53

A Mm-hmm.

Q And then --

A Yes.

Q -- left Winchester back -- on a flight back to Detroit at 3:30?

:54

A Correct.

Q And do you recall anything specific about this meeting, about this in-depth discussion of the non-asbestos product lines?

A I don't recall.

:54

Q Set that exhibit to the side.

The next exhibit is this November 15th, 1983 discussion -- excuse me, call report?

A Yes.

Q And does it relate to Freuhauf's axle plant?

:54

A Yes, it does.

Q And do you once again outline the various people that you interviewed?

A Yes, I did.

Q At the bottom of the first page, third

:54

■1

sentence, it says, "A few releases are coming through

:54

requesting non-asbestos lining, much of it is unspecified by the fleet customer and whose lining they get --"

A I'm sorry, where are you?

:55

Q Right here at the bottom.

A Okay.

Q "A few releases are coming through --"

A Yes, yes.

Q First of all, what is a release?

:55

A It's a production release for X number of pieces as --

Q So at this point in time, were the folks requesting non-asbestos lining?

A Yes. This is being generated by their fleet

:55

customers.

Q And did you prepare -- well, the last sentence on the second page, going over to the second page, it says, "As noted above, Abex gets 100 percent of this business." Was that the trailer division, the Hobbs

:55

trailer division?

A That was the Hobbs trailer division.

Q Okay. We'll set that exhibit to the side.

57?

A 6.

:56

■1

Q 56? Okay. 56 is a -- is it a form, Abex form

:56

prepared by A. D. Indelicato?

A Yes.

Q And can you -- is this a form that describes  
the various product type, whether it's got asbestos in

:56

it --

A Yes, it is.

Q And was it prepared on or about February 25th,  
1984?

A Yes, sir.

:56

Q And does it indicate on the type which  
products had asbestos and which products were, for  
example, semi-metallic?

A Yes, it does.

Q Or FGR, do you know what FGR is?

:56

A No, I do not.

Q As of 19 --

A I recognize the numbers.

Q As of February 25th, 1984, if we go down to  
number 13, ranked number 13, is that an asbestos

:57

product?

A Yes.

Q And does -- if we go over to the key accounts,  
does it identify who has that key account?

A No. Freuhauf, I'm sorry. Yes.

:57

■1

Q Freuhauf trailer axle, cam, brakes --

:57

A Yes.

Q -- to 20,000 pounds?

A Yes.

Q If we go down to item 16, does it indicate

:57

whether that item 16 is asbestos product?

A Yes, it is.

Q Does it indicate who's the key account for  
that product?

A Freuhauf.

:57

Q Is that the OES trailer axle, the 20,000  
pound?

A Yes.



Q Let's set that exhibit to the side. By the way, this is an Abex document, correct?

:57

A Yes.

Q Let's go to the next document. Is this 57?

A 7.

Q And is this a letter from Ronald Bagley, Bagley, Abex executive vice president?

:57

A Yes.

Q And is this dated August 27, 1986?

A Correct.

Q And does it indicate that this is a letter to all Abex heavy duty distributors?

:58

■183

A Yes, sir.

:58

Q And would -- heavy duty distributor, would Freuhauf be a heavy duty distributor.

A No. Freuhauf would be an OES account. This would be -- these would be Abex heavy duty distributors,

:58

set up by Abex, an independent businessman in the parts business for tractors, trailers, trucks, buses.

Q Did they have heavy duty distributors all over the country?

A Yes, we did.

:58

Q Including California?

A Yes, sir.

Q The Bay area?

A Yes.

Q And at this time, was Abex announcing to its

:58

distributors that they're going to substitute non-asbestos product at the -- that they're going to get out of the asbestos business?

A If that's what your copy says, yeah. I haven't read it all yet. Yes.

:58

Q It indicates they're going to get out of --

A Indicates they're getting out of asbestos, yes, sir.

Q And with regards to Abex's policy at this time, they will substitute non-asbestos products for the

:59

■1

asbestos product price, do you see that? Third

:59

paragraph.

A Yeah, yeah. Hang on. Mm-hmm. I see that and that is correct.

Q And then on the fourth paragraph, "Effective

:59

September of 1986, Abex will not accept the return of asbestos product for credit."

A Yes.

Q Prior to September 1st, 1986, did Abex, if a customer wanted -- said, hey this is asbestos, we want

:59

to send it back, did Abex give them a refund?

A I can't speak to that. That was out of my realm.

Q Okay. It says, "Any information or assistance that you may require in completing your will be readily

:59

provided." Do you see that?

A Where are we?

Q This is the fourth paragraph, the last sentence.

A The fourth paragraph.

:00

Q "However, any information or assistance you

may require in depleting your inventories will be readily provided."

A Yes, I see that.

Q Okay. And do you recall when this occurred?

:00

■1

A No, I do not.

:00

Q But this -- there's no doubt in your mind this is an Abex memorandum?

A No, none. No doubt.

Q Let's set that to the side.

:00

And Exhibit 50 --

A 8.

Q -- 58, is this an Abex memorandum from J. J. Brown to B. T. Santilli?

A Yes.

:00

Q And are these folks Abex employees?

A Yes, they are.

Q And this is dated --

A November 12th, 1987.

Q That's my 20th birthday, November 12th, 1987.

:00

Anyway --

A We were wondering.

Q On November 12th, 1987, was -- do you know what Mr. Brown was conveying to Mr. Santilli?

A I haven't read it, sir.

:01

Q Okay. Well, I'll tell you what, the lawyer that's retained your services -- or I guess retained -- or has got you on a retainer agreement needs to take a break. So we're going to go off the video so we can accommodate his schedule.

:01

■1

A Okay, sir.

:01

MR. SATTERLEY: All right. Let's go off and we'll come back to this after the break.

THE VIDEOGRAPHER: Time now is 2:01, we're off the record.

:01

(Recess from 2:01 to 2:38 p.m.)

THE VIDEOGRAPHER: Time now is 2:38, we're back on the record.

Q (MR. SATTERLEY) Mr. Bretz, are you ready to

continue on?

:38

A Yes, sir.

Q We left off on Exhibit 58, which is the 1987 report. And I want to ask you, it says, "Method of obtaining and maintaining OE business." Do you see that at the top?

:38

A Yes.

Q And it's my understanding that your -- spent many years in manager as relates to heavy duty customers, correct?

A Yes.

:38

Q And what I want to go over to the last page of this, methods of obtaining and maintaining OE business, and it's got major customers heavy duty?

A Yes.

Q And does it -- each of those companies major

:39

■1

customers of Abex for the heavy duty line?

:39

A Yes.

Q Rockwell?

A Yes.

Q Eaton?

:39

A Yes.

Q Bendix?

A Yes.

Q Lucas Industries?

A Yes.

:39

Q Dana?

A Yes.

Q And Freuhauf?

A Yes.

Q And if you could, just so that I understand,

:39

when you say heavy duty, what does that mean in the  
industry you worked in?

A Tractors, trucks, trailers.

Q And did you call upon all of these companies  
as a salesperson for Abex?

:39

A I called on all of them except Bendix.

Q And who called on Bendix?

A Fellow by the name of Charlie Hubbard.

Q And are you able to tell me which of these companies were your biggest or best customers?

:39

■1

MR. RADCLIFFE: Objection, vague, ambiguous.

:39

THE WITNESS: Yes, I can.

MR. MILLER: Speculation, over broad.

Q (MR. SATTERLEY) Go ahead, tell me.

MR. RADCLIFFE: Same objection.

:40

THE WITNESS: Rockwell Corporation was the largest.

Q (MR. SATTERLEY) Okay.

A Eaton Corporation was the second.

Q Okay.

:40

A Freuhauf third.

Q Yes.

A Dana, four. Lucas -- this was back in the '80s -- Lucas back in '87 was just getting, quote, involved. And I have to say Bendix last.

:40

Q And why was Bendix last, if you know?



A I don't really know. I'm not that familiar with their heavy duty brake and axle business. Light axles and light vehicles, et cetera, I am, but not heavy duty.

:40

Q But the top three was clearly Rockwell, Eaton, and Freuhauf?

A That is correct.

Q We can set that exhibit to the side.

I'm going to hand you a few additional

:40

■1

exhibits at the break. 59 there, Exhibit 59 appears to

:40

be an Abex quotation for a company called Bonded Brakes and --

A Yes.

Q -- your name's on there?

:41

A Yes.

Q And this is dated 1987, do you see that?

A Yes, I do.

Q And it is indicated that the formula numbers are 551C.

:41

A Yes, sir.

Q And it's signed off on the bottom by Robert Bagley, do you see him?

A That's correct.

Q And he's the fellow earlier that we saw the :41

memo said switching over to asbestos free, right?

A Mm-hmm.

Q Is the 551C asbestos containing?

A Yes, sir.

Q And it says, this is for -- this is pursuant :41

to Dana Spicer trailer axle plan?

A Correct.

Q To Bonded Brake?

A Yes.

Q And was Dana Spicer one of your all's :41

■1

customers?

:41

A Yes.

Q And was Bonded Brake one of the customers?

A One of our customers, yes.

Q And it says for SeaLand container chassis

:41

only, do you see that?

A Yes, I do.

Q Do you know who SeaLand is?

A Yes.

Q Were they a customer?

:42

A Not directly.

Q Indirectly?

A Indirectly such as this.

Q Yeah. And so this would --

MR. MILLER: Move to strike, speculation, lack

:42

of foundation.

Q (MR. SATTERLEY) This is an Abex quotation,  
right?

A That is correct.

Q And this would be a document that was created

:42

in the normal course of business at or about July 1987,  
right?

A September '87.

Q Excuse me, September. I'm wrong on the date.

September. Thanks for -- all right. So let's set that

:42

■1

document to the side and go to the next document. I

:42

think we've marked it as 60.

And once again this is an Abex quotation to

Bonded Brake, right?

A Yes, sir.

:42

Q And once again, it's for the formula numbers

551C.

A Yes.

Q And it says use Dana OE edge code?

A Yes.

:42

Q That's Dana Spicer trailer axle?

A Yes.

Q Okay. And this is for -- it says for SeaLand

container chassis?

A Yes.

:43

Q And this would be a document that would have

been created in the normal course of business of Abex,

right?

A That is correct.

Q And let's set that to the side.

:43

And let's go the next document, it's Exhibit

61. This is a letter -- excuse me, a memo -- a call memorandum by L. E. Bretz. That's you, right?

A Yes, sir.

Q And what does this relate to? Who is the

:43

■192

customer?

:43

A Problem has arisen here with credit policies towards this company.

Q The customer at the top, is it indicated Bonded Brakes?

:43

A Bonded Brakes. "Our credit limit of \$40,000 was based on their main business of being a replacement house and receiving a few thousand pieces a month, which was well within their limits and capacities to pay upon delivery."

:43

Q On the next paragraph, does it indicate that the 551C will be bonded to shoes and shipped to Dana

Corporation for installation on the axles ordered for  
SeaLand Corporation specifying Abex?

A That is correct.

:44

Q Okay. And once again, the 551 referred to in  
this memorandum would be an asbestos-containing product?

A Yes, sir.

Q Let's set that -- and this memorandum was  
prepared and -- on or about October of 1987, correct?

:44

A Yes.

Q Set that exhibit to the side. And go on to  
the next. We're up to 62, is that correct?

A Yep.

Q And this is dated November the 2nd, 1987,

:44

■193

correct?

:44

A Yes, sir.

Q And it's a memorandum call report prepared by  
you regarding your customer?

A Yes.

:44

Q And the customer reference is Dana Spicer

Trailer Products?

A That's correct.

Q And it -- you interviewed the sales manager  
and the purchasing manager of that customer, correct?

:45

A Yes.

Q And this relates to not being paid for the  
products, for the Abex products that you shipped, right?

A Right.

Q And this specifically -- if you look in the

:45

last paragraph, specifically Dana and Bonded Brakes was  
not paying for the products for the SeaLand order,  
right?

A Bonded Brakes wasn't paying us. I have no  
idea whether Dana was paying Bonded Brake.

:45

Q Regardless, this dealt with SeaLand?

A This dealt with a SeaLand order, yes.

Q Okay. And this was a document you created  
during the normal course of your job at Abex, right?

A Yes.

:45

■1

Q We'll set that exhibit to the side.

:45

The next memorandum is dated November 3rd, 1987, the next day. And we've marked this as 63?

A Yes, sir.

Q And this -- you are -- your name is on the

:46

bottom of this memorandum as receiving a copy, correct?

A Correct.

Q And it's addressed to Jim Dukes at the Abex Corporation.

A Yes, sir.

:46

Q And it's referring to -- oh, this is a Bonded Brakes letter to Abex, right?

A Yes. Steve Harris, yes.

Q Steve Harris is the name that's on your other memorandum, says he's the president --

:46

A Yeah. He's the president, yes.

Q And so this would indicate that there's 24,000 blocks of 551C that was received by them, correct?

A Yes.

Q And this was the product, the Abex products



:46

that were at issue for the failure to pay by them,  
correct?

A Yes.

Q Now, if we go to the last -- and by the way,  
this would have been a document you received in the

:47

■1

normal course of business, true?

:47

A Correct. Yes, sir.

Q And then the next document, which I've marked  
as 64 --

A 64.

:47

Q -- is an Abex Friction Products Division  
memorandum from a J. N. Eberhart to an A. D. Indelicato.

A Yes.

Q And this one's dated November 19th, 1987,  
correct?

:47

A Yes, it is.

Q And this relates to the heavy duty aftermarket  
sales involvement with regards to the technical  
assistance at SeaLand, right?

A Correct.

:47

Q And it says in the third paragraph, "The aftermarket sales again became involved with the material that was shipped to Bonded Brakes. At this time, Jim Duke contacted me with information that Bonded Brake was past due and all shipments to Bonded Brake are

:47

on hold." Did I read that correctly?

A You read it correctly.

Q It goes on in the next paragraph, "We contacted Troy to see what could be done -- what they could do to resolve the problem. Earle Bretz contacted

:48

■1

both Bonded Brakes and Dana (call report attached). Jim

:48

Duke was in contact with Steve Harris of Bonded Brake and Steve gave Jim new release dates (copy of letter attached). In the meantime, the data material, 551C, is on the dock at Bonded Brake." Did I read that

:48

correctly?

A Yes, you did.

Q And the Dana material that they're referring to, the 551C, still at this time is asbestos, right?

A Correct.

:48

Q "The material is asbestos," I'm reading from letter now. "The material is asbestos and we certainly do not want this material back in Winchester." Do you see that?

A I don't see that line. Oh, okay.

:48

Q The last --

A Last sentence of the -- that paragraph, yes.

I see it.

Q "The material is asbestos and we certainly do not want this material back in Winchester."

:49

A Correct.

Q Do you know why it was that Abex Corporation did not want their product to come back to the Winchester plant in 19 -- November 1987?

A We were shortly going out of the asbestos

:49

■1

manufacturing business and switching everything over to

:49

non-asbestos.

Q And so why didn't they want to -- these particular products back in the Winchester plant?

A It was a Bonded Brake for an order from Dana,

:49

ordered asbestos material from us, we filled the order, we made it, we shipped it, you have it, you owe us.

Q But did they not want it back in the Winchester because -- the plant because it was asbestos?

MR. RADCLIFFE: Objection, calls for

:49

speculation.

THE WITNESS: I can't answer that.

Q (MR. SATTERLEY) Well, let's analyze this sentence in detail. It says, the material is asbestos, correct?

:50

A Yes.

Q And we certainly do not want this material back in Winchester.

A Correct. Because we were getting rid of asbestos product.

:50

Q There's no other reason listed why they

wouldn't want it back in Winchester, Abex would not want it back in Winchester other than the fact it was asbestos, right?

A Correct.

:50

■1

Q Okay. So it's fair to say the reason why Abex

:50

didn't want the material to be shipped back to Winchester because it had asbestos in it?

MR. RADCLIFFE: Objection, foundation, calls for speculation.

:50

Q (MR. SATTERLEY) Isn't that true?

MR. RADCLIFFE: Foundation, calls for speculation.

Q (MR. SATTERLEY) Go ahead.

A I'm sorry. No, we did not want it back

:50

because it was asbestos.

Q We can set that exhibit to the side. And the next --

A And you order it, you pay for it.

Q The next exhibit is Exhibit 65, and that says

:50

the Dana order form for the material, correct?

A Yes.

Q And that's the same material we've been talking about, right?

A Yes.

:51

Q Let's just mark -- we marked 65 and let's set that to the side. Getting close to --

A That's a brake shoe and lining assembly order. That's not a brake lining order, that's a brake lining and assembly with a shoe --

:51

■1

Q And what's the --

:51

A -- shoe and assembly.

Q It's both of them?

A Shoe and lining together.

Q The lining also?

:51

A Right.

Q Okay. I only have one copy of that. There is a photograph of some individuals that's referenced.

Mr. Rennie, I think, is there?

A Rennie is here, yes.

:51

Q And who else is there?

A Vic Persbacker, Abex vice president of administration; George L. Romine, Abex vice president, and he was at that time -- what's the date on this, we know? He was a president of the Abex friction materials

:52

group. Ernst Schreyger, don't know him. And don't know George Geiser, director of finance for Abex International.

Q The folks that you knew on that photograph --

A Yes.

:52

Q -- did any of those folks talk to you individually about the hazards of asbestos?

A No.

Q You can set that exhibit to the side. Did you know Eric, and I'm going to mispronounce this --

:52

■1

A Feierabend.

:52

Q Feierabend?

A I don't mean to jump in, but --

Q That's okay. I appreciate the help.

A Feierabend.

:52

Q What was his job with Abex?

A He was at the -- his last job was vice president of manufacturing at the Winchester facility.

Q And did he ever talk with you about the levels of asbestos that he found at the Winchester facility?

:52

A Not that I remember.

Q And did you know an M. David Gidley?

A Spelling?

Q G-I-D-L-E-Y.

A No, sir.

:53

Q I want to show you Exhibit 67, this is a July 1978 memorandum from -- does it say Winchester at the top?

A Yes.

Q Is that the Friction Products --

:53

A Friction Products Group.

Q Is that a part of Abex?

A Yes.



Q And who is the memorandum from?

A C. B. Mallory.

:53

■1

Q Do you know who that is?

:53

A He was the plant manager at Winchester.

Q And who is it addressed to?

A E. F. Potts.

Q Do you know who that is?

:54

A I know who it is, I'm not sure at that point in time what his specific job was. He was probably in charge of manufacturing or something.

Q Fair to say, given the information in the memorandum, the names on the memorandum, this is a

:54

document that was prepared part of Abex Corporation?

A Yes.

Q And does it indicate what the subject matter of this memorandum is?

A Yes, it does.

:54

Q And what is it?

A It's a cautionary label which we were going

hand stamp on all boxes and cartons not now printed.

Q Go ahead and read so the folks in the room and folks listening on the phone can understand, what's the

:54

first paragraph say?

A First paragraph?

Q Yes.

A "Until all of our boxes and cartons come through with the asbestos caution information preprinted

:54

■1

by the supplier, it will be necessary that we hand stamp

:54

the information on those boxes and cartons not now printed."

Q And what is the date of this memorandum again?

A July 3rd, 1978.

:55

Q Did you -- were you involved in any of the hand stamping?

A No, sir.

Q Do you know who -- anybody by name in 1978 was involved in any of the hand stamping of any of the

:55

caution labels?

A No.

Q What's it say in the next paragraph?

A "Please determine the sizes and the number of hand stamps required to read as follows:"

:55

Q And --

A Want me to continue reading?

Q Sure.

A "Caution, contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause

:55

serious bodily harm. An alternative to hand stamping would be the use of printed labels."

Q On the label language, I want to ask you about the part of the label that says "Avoid creating dust."

Was there ever a discussion at Abex on what type of

:55

■1

suggestions should be given to customers to assist in

:56

avoiding that creation of dust?

A Not that I'm aware of and not that I was involved in.

Q Did you ever see any -- strike that. Did you

:56

ever hear or have any conversations with customers of any type of engineering controls that the customer should utilize to avoid creating dust?

A No.

Q The next sentence, I think it's the final

:56

sentence after the -- something about bodily harm.

A "An alternative to hand stamping would be the use of printed labels."

Q No, no, above that.

A "Breathing asbestos dust may cause serious

:56

bodily harm."

Q Okay. The -- are you aware of whether Abex elaborated on that label at all by saying what type of bodily harm it would create?

A Not aware of that at all.

:57

Q So from this time, 1978, until '86, '87, whenever Abex got out of the asbestos business, there was never, to your knowledge, a change in this label?

A To my knowledge, no.

MR. RADCLIFFE: Objection, calls for

:57

■1

speculation.

:57

Q (MR. SATTERLEY) Did you ever see on any boxes any other labels that was more pronounced or more severe with regards to warning customers?

A Not that I remember.

:57

Q And so the -- for example, when you read this the first time about the serious bodily harm, did you already know what Abex was meaning by serious bodily harm?

A I can't speculate.

:58

Q Okay. So you were -- in '78, were you already, I guess, pretty high up in sales, right?

A Yes.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) How high were you in sales?

:58

A I don't remember.

Q But even by that point in time, 1978, you as a manager in the sales department didn't really know what type of harm this product could potentially cause?

MR. RADCLIFFE: Objection, argumentative.

:58

Q (MR. SATTERLEY) That's fair, right?

MR. RADCLIFFE: Argumentative.

THE WITNESS: And I'd say that's correct. We were salespeople. We were provided information from, quote, experts. And what they wanted us to

:58

■1

discuss and talk about and show people, et cetera,

:58

that's what we did.

Q (MR. SATTERLEY) Would you agree that your customers relied upon the salespeople to be the front line people for the corporation with regards to

:58

technical assistance?

MR. RADCLIFFE: Objection, calls for speculation, argumentative.

Q (MR. SATTERLEY) Go ahead.

A If a -- I'd say yes. If a customer requested

:59

technical assistance, he would have it from someone else other than the sales guys.

Q I apologize, I didn't catch that. Repeat.

A If a customer asked for additional technical assistance from other than a salesperson, we would get :59

it for him.

Q But the way it worked is that the salesperson -- the salesmen or the sales manager, they're the front line with regards to customers with regards to providing technical information?

:59

MR. RADCLIFFE: Objection --

THE WITNESS: Yes.

MR. RADCLIFFE: -- argumentative.

Q (MR. SATTERLEY) I'm sorry, what was your answer?

:59

■1

A I said yes.

:59

THE VIDEOGRAPHER: We have five minutes.

Q (MR. SATTERLEY) I'm going to wrap it up here, Mr. Bretz, with a couple of other things.

Do you know whether Freuhauf was -- we talked

:00

about earlier when they were removing the asbestos from

Delphos plant to the dump. Do you know whether they were removing it there because it was dangerous?

MR. MILLER: Speculation, foundation.

THE WITNESS: Do not know.

:00

Q (MR. SATTERLEY) Do not know one way or the other?

Prior to 1978, were all the Freuhauf brakes, to your knowledge, Carlisle asbestos?

MR. McGUIRE: Objection, lack of foundation,

:00

hearsay.

THE WITNESS: Not all.

Q (MR. SATTERLEY) Who -- who else?

A Abex might have supplied some, again customer specification; Raybestos supplied some, customer

:01

specification; Thermoid might have supplied some, customer specification. The volume was not large, but the honest answer to your question is yes, we all supplied material to Freuhauf.

Q But as far as the overwhelming volume, the

:01

■1



quantity, Abex was by far and away the most prior to

:01

'78?

MR. RADCLIFFE: Objection, argumentative.

THE WITNESS: No.

Q (MR. SATTERLEY) No, Freuhauf.

:01

A Freuhauf. No, Carlisle was the major supplier  
to Freuhauf prior to 1977.

Q Okay.

A '77-78.

MR. McGUIRE: Move to strike, lack of

:01

foundation, hearsay.

Q (MR. SATTERLEY) Did you ever see any  
warnings, the word warnings on any box of any friction  
products relative to asbestos?

A I don't remember --

:01

Q And --

A -- whether I did or not.

Q And with regards to your evaluation of your  
competitors, I mean, from time to time occasionally you  
would see Carlisle boxes, would you not?

:02

A Yes.

Q And did you ever see any warning cancer,  
danger cancer, anything like that on Carlisle boxes?

A I can't speak to that. I don't remember.

Q But at least it wasn't something that stuck

:02

■1

out, hey, I remember -- it wasn't prominent enough to

:02

make it stick in your mind that there was a warning on  
Carlisle's boxes, was it?

A No.

MR. McGUIRE: Objection, move to strike, lack

:02

of foundation.

THE VIDEOGRAPHER: We have one minute.

MR. SATTERLEY: Thank you, Mr. Bretz. Those  
are all the questions I'm going to have for you  
right now. After these attorneys ask you some more

:02

questions, I may follow back up a little bit, but  
it's been a pleasure meeting you.

THE WITNESS: Thank you, Mr. Satterley.

MR. SATTERLEY: Thank you. Let's go off the

video and switch tapes.

:03

THE VIDEOGRAPHER: Time now is 3:03. This is the end of tape number 2.

(A discussion was held off the record.)

THE VIDEOGRAPHER: The time now is 3:06, this is tape number 3 in the continuation of Mr. Bretz'

:06

deposition.

EXAMINATION

BY MR. McGUIRE:

Q Good afternoon, Mr. Bretz.

A Good afternoon, sir.

:06

■1

Q My name is Joe McGuire, and I represent

:06

Carlisle.

A Yes, sir, Mr. McGuire.

Q Can you hear me okay?

A I can hear you, sir.

:06

Q Just I want to ask you a few questions about the things that you've told us about. First of all, did you ever have an understanding of where Carlisle had its

manufacturing operations for brake linings?

A Yes, sir, I did.

:07

Q And where was that?

A Just a moment here, I have to think. It's in northern Pennsylvania, north of Pittsburgh.

Q Can I help you out? Ridgeway, Pennsylvania, does that sound familiar?

:07

A Ridgeway is very good. Yes, sir, I agree with that.

Q Have you ever visited the Ridgeway plant?

A No, sir, I was never privileged.

Q You wouldn't expect to have visited any of the

:07

Carlisle facilities, would you, as an Abex salesperson?

A We had people visiting our Winchester facility, our competitors. If we had a meeting through SAE or something like that and they would visit, yes.

Q Okay. But you, yourself, never had occasion

:07

■210

to visit that plant in Ridgeway?

:07

A No, sir, I didn't.

Q And you mentioned that somewhere in reviewing this small ocean of documents --

MR. SATTERLEY: Objection.

:07

Q (MR. McGUIRE) -- that Mr. Satterley provided, something about Carlisle was building a new plant for asbestos-free materials. Do you remember that testimony?

A Yes, I remember that.

:08

Q I'd like to direct your attention to that.

MR. SATTERLEY: Let me place an objection to the form of the question. Go ahead.

Q (MR. McGUIRE) Let me rephrase the question.

I want to direct your attention to testimony you gave

:08

earlier in examining a lot of these documents to your understanding that Carlisle was building a plant for the purpose of manufacturing asbestos-free brake linings.

A Yes.

Q Do you have that testimony in mind?

:08

A Yes, I believe --

Q Okay, that's what I want to ask you about.

A -- I stated that in something that I wrote.

Q Yeah. That's what I'm trying to direct your attention to.

:08

■211

A Mm-hmm.

:08

Q Because then I have few questions about that.

Did you ever come to know where that plant was located?

A No.

Q Did you have an understanding one way or the

:08

other as to whether it was exclusively manufacturing asbestos-free brake linings or friction material?

A I can only relate to what I wrote at the time, and I guess it would -- I guess --

Q That was your understanding.

:09

A That was my understanding as it was stated to me, that we're building an asbestos-free plant.

Q And in the course of your --

A That was in Virginia. Excuse me.

Q I'm sorry. I didn't mean to interrupt you.

:09

A No, that new plant went into Virginia.

Q Somewhere in Virginia?

A Down the road from Winchester.

Q Okay.

A Yes, sir.

:09

Q In your years of work after that particular document you wrote which mentioned that plant, did you ever have any occasion to change your understanding as to whether that plant remained devoted to the manufacture of asbestos-free brake materials?

:09

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MR. SATTERLEY: Objection.

:09

THE WITNESS: I don't -- I don't remember changing my -- I don't even remember whether it came about.

Q (MR. McGUIRE) Now, you mentioned that in the

:10

course of your work over the years you had occasion to meet some of the people from Carlisle.

A Yes.

Q And you mentioned even just a few minutes ago

SAE meetings or other meetings.

:10

A Yes.

Q Would those meetings with Carlisle people have been in the course of some other event, like SAE meetings or other associations?

A Yes.

:10

Q Give us some examples of what those associations might have been, as you recall them.

A Well, besides Society of Automotive Engineers, who had a monthly meeting, at which most of the people in our small fraternity -- friction material industry

:10

was rather a small fraternity, we knew most of our competitors, they knew us. We'd attend these meetings and have an opportunity to chat.

We'd -- TTMA, I was heavily involved with

TTMA, Truck Trailer Manufacturers Association, for 17

:11

■213

years and was vice chairman and associate's chairman of

:11

that organization. We'd meet there. These -- those meetings were generally four- or five-day committee



meetings and then five to seven days worth of convention involving 7- or 800 people.

:11

Q Now, the people that you met from Carlisle, were these people who did the same type of work that you did, namely sales?

A Yes.

Q Okay. Was there ever any occasion where the

:11

Carlisle salespeople revealed to you their actual sales data according to their various customers, like how much they were selling in any given period of time to any customers, such as Freuhauf?

A No, I don't believe so we got that information

:12

from them. We got that information from, quote, our contacts at those organizations.

Q You would not expect -- you would consider sales data in your relationship with customers to be proprietary information, would you not?

:12

A Yeah.

Q Confidential?

A Correct.

Q And you would expect the Carlisle people to

treat that information the same way?

:12

■1

A Yep.

:12

Q Okay. So whatever perceptions that you have about Carlisle and what they were selling and how much of it to any of their customers I assume did not come from people at Carlisle?

:12

A That is true.

Q Okay. And I -- was there any type of trade reference material that actually contained that sort of information about which manufacturers were selling what type of products to which customers and in what volumes?

:13

A Not in trade journals, not that I'm aware of.

Q Okay.

A We knew who had the production requirements, who provided materials, we knew the vehicle volumes, number of axles, et cetera. We knew that and we could

:13

multiply numbers as well as anybody else to figure out what their sales volumes were.

Q Sure. Now, let me change the subject and ask you about something else. Early on in your testimony you were asked, I believe, if you had seen anybody :13

drilling, and I believe these were Abex brake linings for heavy trucks. Let me first ask you, do you recall being asked a question to that effect?

A I believe as -- yes, but I believe that was also involved with tradesmen.

:14

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Q I didn't actually say who was doing it, or if :14

I did, I --

A And I wasn't -- my answer was not -- was not directed at heavy duty only.

Q Okay. Well, let me ask you the same question, :14

but this time in -- we'll leave the tradesmen out because I'm not entirely sure what that means. But when it came to the heavy truck brake linings, do you recall seeing people engaged in the servicing or repair of brake systems actually drilling the brake blocks that :14

you believe may have come from Abex, or frankly from

anyone else?

MR. SATTERLEY: Object to the form of the question.

THE WITNESS: Not in the heavy duty field, no.

:15

Q (MR. McGUIRE) Okay. Would there be any reason -- well, let me back up. I would assume that, as a successful salesperson, you had to have some familiarity with the ways that brake linings, brake blocks, and the other associated parts were actually

:15

going to be used?

A Yes.

Q That didn't mean you were a mechanic, but you at least had to know how these things were being applied, the types of applications, the way they might

:15

■1

actually be installed, would I be correct?

:15

A You'd be correct, yeah.

MR. SATTERLEY: Object to the form of the question.

Q (MR. McGUIRE) Okay. You referred to FMSI

:15

numbers before.

A Yes, sir.

Q Now, the -- you said the FMSI number describes a size for a brake lining.

A Yes.

:16

Q Okay. Did the FMSI number actually refer to more aspects of the brake lining or block than merely its size; that is, say 16 -- what did you say, 16 and-a-half by 7?

A 16 and-a-half by 7.

:16

Q Was other -- have you ever used the term geometry when it came to brake blocks or brake linings?

A Could, yes.

Q I mean, is that term that you recall using in your work?

:16

A Yeah, but not too frequently.

Q Okay. When we talk about the entire shape of a heavy duty -- a heavy brake block, say a 4515 --

A Mm-hmm.

Q That's a heavy truck brake block, is it not?

:16

■1

A Yep.

:16

Q Can also be used on trailers?

A Yep.

Q Okay. Now, did the FMSI number, as far as you understood, also specify, for example, the arc of the

:17

brake lining?

A Not the number.

Q It didn't.

A The number was -- we knew 4515 was a 16 and-a-half by 7. You go one step further into column 2

:17

and it would -- it would give you the -- it would give you maybe some dimensions of it, as it would the dimensions of the brake shoe.

Q Did the number assigned by the FMSI, the Friction Materials Standards Institute, also specify,

:17

for example, the location and pattern of the drill holes?

A That number was indicated, yes.

Q Okay. Well, that's why I was --

A By letter --

:17

Q Sorry.

A By letter designation.

Q Okay. You mentioned 4515C, D, and other letters?

A Yeah. Yes, sir.

:18

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Q And those indicate drill patterns?

:18

A If memory serves me, that is correct.

Q And that's all we're interested in is what you can recall.

A Yeah, right.

:18

Q Okay. Now, when we talk about heavy duty or heavy truck brake linings, would it be your understanding that in most cases there would be a pair of linings or blocks attached to the heavy truck brake shoe?

:18

A Yes, sir.

Q And would that be typical say of a 4515?

A Yes, sir.

Q Okay. And what do you recall was the thickness of the typical 4515 brake lining?

:18

A On a brake shoe, it consisted of a cam, block, and an anchor block. Cam block was up against the cam, the S-shaped device that was used to spread the brake shoes against the drum, that would have been the thinner of the two materials, about maybe at the thickest end

:19

about three-quarters of an inch, give or take a few thousandths, and the thinner end maybe three-eighths, something along those lines.

Q That's your recollection.

A And the anchor block was thicker on both ends.

:19

■219

Q Okay.

:19

A It wasn't concentric but it was thicker on the -- in the center of the shoe and narrower on the end of the lining, but not the same dimensions as the cam block.

:19

Q Okay. So 4515 was a typical brake lining that



you would expect on, for example, semi trailers.

A Yes.

Q Okay. Now, you told us about the brake shoe  
and you referred to a cam, an S-shaped cam that spreads

:20

them apart during the braking action.

A Yes.

Q Now, from your work in sales with the company  
over the years, you were familiar with these parts such  
as the cam, the spider, and other parts of the S cam

:20

brake system?

A Yes.

Q Okay. In a typical heavy truck brake system  
such as the one where a 4515 might be used, how are the  
brake shoes attached to the -- what are they attached

:20

to, if anything?

A They're attached to a steel brake shoe.

Q What's the shoe attached to?

A One end of the shoe is attached to the anchor  
end of the brake and the other -- not attached to, but

:21

■1

in the vicinity of the cam. They're not attached,

:21

they're there leaning on each other, I guess you would say.

Q They're held together by springs.

A They're held together by springs, yes.

:21

Q And what is that pair of brake shoes actually attached to that keeps it from just falling off the vehicle?

A It's attached to the axle.

Q Okay. Did you ever hear of the term spider?

:21

A Spider, yeah.

Q What's a spider?

A I'm not -- you're out of my realm. I have heard of it, yes, but I'm not a brake expert, per se.

Q Did you ever have occasion to look at

:21

assembled axles that you believe may have had Abex brake linings in them that were made by Freuhauf, Freuhauf axles?

A Yes, sir.

Q Okay. I assume this would have been at the

:22

Delphos plant?

A Yes.

Q Okay. And those axles would have -- would they have had the brake assemblies attached to them on each end?

:22

■221

A Yes.

:22

Q And would you -- is it your recollection they would have had a drum enclosing the brakes?

A Yes.

Q Okay. Now, that layout of axle, brake system

:22

on each end, and drums, that would be typical for a semi trailer axle, would it not?

A Correct.

Q In fact, that would be typical for any heavy truck axle?

:22

A Yes.

Q Okay. As you look at any one of those heavy truck or heavy trailer axles, can you actually see inside the drum where the brake shoes are actually coming up against the drum?

:22

A Yes, you can.

Q Okay. Are they -- would you expect these axles, either on trucks or semi trailers to be open to the atmosphere so that you could see them?

MR. SATTERLEY: Objection.

:23

THE WITNESS: Yes.

Q (MR. McGUIRE) And as the truck went down the road, would it be exposed to whatever the passing air would do?

MR. SATTERLEY: Objection.

:23

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THE WITNESS: Yes.

:23

MR. McGUIRE: Okay. That's all the questions I have. Thank you very much, sir.

THE WITNESS: Thank you.

EXAMINATION

:23

BY MR. MILLER:

Q Afternoon, Mr. Bretz.

A Excuse me, sir. Good afternoon.

Q Once again, I'm Tony Miller with McKenna Long

& Aldridge. Can you hear me okay?

:23

A Yes, Mr. Miller.

Q I represent in the Bankhead case Arvin Meritor  
and Kelsey Hayes. Before I ask any questions, are you  
familiar with Arvin Meritor?

A Yes, I am.

:24

Q Are you familiar with Kelsey Hayes?

A Yes, I am.

Q How are you familiar with Arvin Meritor?

A That's the -- I believe that's the present  
designation of the old Rockwell International.

:24

Q When you were working at Abex, did you have  
any dealings with a company known as Arvin Meritor, if  
you recall?

A No, I was retired after -- or before that all  
occurred.

:24

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Q Okay. And how are you familiar with Kelsey

:24

Hayes?

A We manufactured friction material for Kelsey Hayes, light duty PC, passenger cars, excuse me, light truck.

:24

Q Do you know --

A Disk brake.

Q I'm sorry?

A Disk brake. As I jog my memory.

Q Time frame would be what? What time frame are

:24

you talking about where you manufactured disk brakes for Kelsey Hayes?

A Disk brakes?

Q I'm sorry.

A Friction material for Kelsey Hayes?

:24

Q Yes, I'm sorry.

A Probably back as far as I go, 1953.

Q Up until when, do you know?

A Until I retired, I believe we were still --

which was January '91, we were still manufacturing

:25

materials for Kelsey Hayes; specifically which ones, don't remember.

Q Okay. And you wouldn't know if any of those Kelsey Hayes products made their way out to Oakland, California, would you?

:25

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A No, sir, I would not specifically.

:25

Q Do you know if any of the Rockwell products that you spoke of earlier in this deposition ever made their way to SeaLand in Oakland, California?

A I would not know that specifically.

:25

Conjecture is good but I would not know that specifically.

Q Do you know who -- while you worked for Abex, do you know who any of Freuhauf's customers were?

A I'm sorry?

:25

Q Do you know who Freuhauf's customers were, who they sold to? Without guessing.

A It's a little tough to go back to all those fleets that were involved with Freuhauf.

Q Do you have any information or knowledge that

:26

Freuhauf had any products out at SeaLand in Oakland,

California?

A I do not have any specific information other than what is -- no, I can't answer that.

Q Okay.

:26

A What am I talking about?

Q You think that was -- are you talking about --

A I don't think they made -- strike that.

Q Let me just ask you, I think the documents you are referring to were referring to another company

:26

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outside of Freuhauf.

:26

A Yes.

Q So let me re-ask the question. Do you know if any Freuhauf product made its way to SeaLand in Oakland, California?

:26

A Specifically, no, I do not.

Q Okay. You gave some testimony today that on occasion as part of your job, you would take your customers on tours of manufacturing facility, do you recall that?



:27

A Yes, I do.

Q Okay. Can you give me or can you provide an estimate as to the size of the Winchester manufacturing facility post expansion?

A Wow. 300 times -- 300 feet long, I guess

:27

maybe 200 feet wide. I think it probably ended up around 300, 300 or somewhere around there. No, I never paced it off and I didn't see any drawings of the facility, but it was a big plant.

Q Understood. How high was it?

:27

A We had two decks. Some of the manufacturing -- some of the processing, excuse me, was done on the second floor and it was found -- the material found its way to the first floor for further processing.

:27

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Q Just so I understand your testimony correctly,

:28

pre-expansion you estimate to be about 300 by 200, is that right?

A Yeah. What does that compute?

Q Well, the reason I'm asking is that you went

:28

300 by 300. I just wasn't sure if that --

A I'm just trying to visualize in my mind a

football field. I mean, how long --

Q That's, yeah, 300 feet.

A -- this plant was. And what's 300 -- come on,

:28

girls, what's 300 by 200, 600,000 feet?

MR. RADCLIFFE: No, 60,000.

THE WITNESS: 60,000. No, it was bigger than

that.

Q (MR. MILLER) Do you have an estimate as to

:28

the square footage of the facility?

A Had to be 100,000 anyway.

Q Okay. How often in the '60s and '70s did you

take customers to Winchester for tours?

A Personally or the company?

:29

Q You personally.

A Me personally?

Q Yeah.

A Probably three times a year.

Q Okay.

:29

■227

A Maybe two to three, three to four.

:29

Q Okay. Do you have an estimate as to the size of the Salisbury plant?

A All I can say is considerably smaller. They were a block manufacturing facility and redesigned with

:29

all that we found out and established with the larger facility, so that we could develop more product out of a smaller space. That one might have been -- well, I can't conjecture.

Q Let me ask you this, was it about half the

:29

size of Winchester?

A It was half the size of Winchester, yeah.

Q And how often in the '60s and '70 -- or when did the Salisbury plant come into existence?

A I don't remember.

:30

Q Let me ask you this way: How often would you take customers to Salisbury?

A Depending upon their product or the product

that we were attempting to sell to them, we would take them -- our normal two-day tour was Mahwah in New Jersey

:30

for our research facility, our test facility, then to Winchester, which was headquarters, and a tour there in the a.m. and then at noon, we'd grab a bite and/or catch our boxes of lunch on the plane, going to Salisbury in the afternoon. And then we would leave Salisbury 6

:30

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o'clock, 7 o'clock at night and fly back to Detroit.

:30

The bulk of these trips that I was involved with were all involved out of Detroit as home base.

MR. MILLER: That's all I have, thanks.

MR. RADCLIFFE: Anybody on the phone with

:31

questions?

No one on the phone has any questions?

EXAMINATION

BY MR. RADCLIFFE:

Q Mr. Bretz --

:31

A Yes, sir.

Q -- are you ready to continue?

A I'm ready to continue.

Q As you know, my name is Tom Radcliffe.

A Mr. Radcliffe, it's a pleasure.

:31

Q You say that, but we've met before, right?

A Yes, we have.

Q I don't want to embarrass you, but how old are you?

A 79. I'm a 10-10-10 boy.

:31

Q All right. That was my next question. So happy birthday. Your birthday was two days ago.

A Thank you, sir. Sunday.

Q Sunday?

A Yes.

:31

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Q All right. And when did you last work?

:31

Remind me when you last worked --

MR. SATTERLEY: Excuse me, wait a second.

10-10-10?

THE WITNESS: Yeah.

:32

MR. SATTERLEY: 1910 you were born?

THE WITNESS: 10 October --

MR. RADCLIFFE: You're saying this year.

THE WITNESS: -- 2010.

MR. SATTERLEY: Okay. Oh, I'm sorry. I

:32

thought you were -- Mr. Bretz, come on.

MR. RADCLIFFE: He was renewed two days ago.

MR. SATTERLEY: I thought he was saying he was  
born on 10-10-10. Go ahead, I'm teasing.

Q (MR. RADCLIFFE) And remind me when you last

:32

worked for Abex?

A January of 1991.

Q All right. So have you -- it's been 19 years  
since you were working for Abex?

A Yes, sir.

:32

Q And some of these questions today were about  
events that happened in the '60s and '70s, right?

A They certainly were, sir.

Q Have you done your best to remember things  
that happened 30 and 40 and 50 years ago?

:32

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A I certainly tried. Yes, I did my best.

:32

Q You did your best. You're not going to tell anybody that your memory's perfect, are you?

A I wouldn't dare.

Q Okay.

:32

A I'm corrected all the time.

Q All right. But you think --

MR. SATTERLEY: Can I have a continuing objection to leading?

MR. RADCLIFFE: No.

:33

MR. SATTERLEY: Okay. So you want me to object every time you lead?

MR. RADCLIFFE: If you're going to object to it, sure.

MR. SATTERLEY: Okay. I will object to each

:33

leading question then. Because you do pay him money, right? I mean, he's your consultant.

MR. RADCLIFFE: Well, I don't think that that matters. You called him as a witness.

MR. SATTERLEY: Okay. We'll let the judge

:33

decide that.

Q (MR. RADCLIFFE) Incidentally, Exhibit No. 1 was the notice of deposition. Do you remember that?

A Yes.

Q Okay. And did you get served with a subpoena

:33

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in this case?

:33

A Yes, I did?

Q And was it a subpoena served on behalf of the plaintiffs?

A Yes, it was.

:33

Q Getting back to your memory, do you think your memory is good?

A I believe it is good, yes.

Q Okay. Now, in your job at Abex, I know that we've talked about this, but your job was in sales,

:33

right?

A Correct.

Q And you mentioned that at times you went to



the Winchester plant and the Salisbury plant, right?

A Yes.

:34

Q How many times did you -- over the course of your career at Abex, how many times a month or a year did you go to Winchester or Salisbury?

A Eight times.

Q A year?

:34

A Maybe a eight times a year, yes, sir. With not only not only Abex meetings, but also bringing customers there.

Q Sure.

A And I think it probably averaged out to seven

:34

■1

or eight.

:34

Q And would you spend a day there, a couple days there?

A Sometimes a day, sometimes a couple of days, depending upon who we were taking and what their time

:34

limitations were.

Q Now, this may be obvious, but Mr. Satterley

asked you if you saw a caution label on every box at Winchester in 1972. Do you remember that question?

A I believe I do, yeah.

:34

Q Okay. Now, when you answered that, were you talking about every single box at Winchester or were you talking about every box that you saw?

A No, I was talking about every box I saw. I can't speak for the ones I didn't see.

:35

Q You talked a little bit about the Winchester plant. Can you tell me how many people worked at the Winchester plant?

A Three shifts of 4- to 500 in my day.

Q In your day. And what was -- just so we're

:35

clear, what was being made at the Winchester plant?

A Friction material.

Q Did Abex make brakes?

A Abex did not make brakes.

Q And friction material is what?

:36

■233

A Is brake lining. Friction --

:36

Q Go ahead.

A Friction material is a combination of ingredients, 12 to 15 ingredients which was comprised of a formulation and they would be molded into a particular

:36

size per specification.

Q Were these friction materials -- strike that.

Who were the friction materials sold to generally?

A Friction materials were sold -- generally were sold to the brake manufacturers. Now, I'm speaking of

:36

the original equipment end of things, okay, which was my area of expertise. I'm not speaking of the aftermarket.

Q Understood. In this manufacturing facility at Winchester where several hundred people were working, how many pieces of friction material would be made in a

:37

day?

A Pieces?

Q Sure, if you can estimate.

MR. SATTERLEY: Objection, foundation.

THE WITNESS: I don't know.

:37

Q (MR. RADCLIFFE) Let me ask you first, are you

able to estimate how many pieces would be made in a day,  
friction material pieces?

A Depending upon the size. I know we rolled,  
one of our processes was rolling, and we rolled material  
:37

■1

into coils, they were cured that way, and then sawed to  
:37

length. We manufactured five to seven miles of coils a  
day in the Winchester plant, but that was for PC --  
passenger car and light truck. Thick blocks, I got to  
believe if it wasn't -- it had to be 10-20,000 a day,  
:37

pieces.

MR. SATTERLEY: Objection --

Q (MR. RADCLIFFE) Now, the --

MR. SATTERLEY: -- calls for speculation.

Q (MR. RADCLIFFE) Now, the operations, you  
:38

mentioned that the coils had to be cut to length, just a  
minute ago did you say that?

A Yes.

Q Other than cutting the coils to length, what  
other kinds of operations were done to the friction

:38

material at the plant?

A After the friction -- after the piece of lining was manufactured, regardless of size, if it -- if the drawing or the customer required drilling, we drilled holes in it, and then we would grind it to the

:38

appropriate thickness per the spec. And the material then went through a labeling operation, whether it was impression stamped or whether it was ink stamped and/or painted.

Q And just to be clear, Mr. Satterley asked you

:38

■1

about the suppliers of asbestos. Was raw asbestos fiber

:38

used at the Winchester facility?

A Raw asbestos fiber was used at the Winchester facility, yes.

Q Is -- based on all of your experience in this

:39

area, was the environment at the plant different than the environment that you might find in a brake shop?

MR. SATTERLEY: Objection, calls for speculation, no foundation.

Q (MR. RADCLIFFE) You can answer.

:39

A Yes.

Q Have you been to brake shops?

A Well, very, very few.

Q Okay. So for the few times that you were in  
brake shops, did the environment look the same as it did

:39

in the plant?

MR. SATTERLEY: Objection.

THE WITNESS: I don't believe so.

Q (MR. RADCLIFFE) Incidentally, the -- we've  
talked about the fact that there was a caution label on

:39

the friction material that was sold by Abex. Do you  
think that the friction material sold by Abex was  
hazardous?

MR. SATTERLEY: Objection, calls for  
speculation, foundation, no --

:39

■236

THE WITNESS: No.

:40

MR. SATTERLEY: -- no expertise to give such

an opinion. He's a fact witness.

MR. RADCLIFFE: Is that a stipulation you're willing to enter into, that no fact witness can

:40

offer an opinion about whether or not --

MR. SATTERLEY: I'm not here to answer your question, Mr. Radcliffe. Continue on.

MR. RADCLIFFE: It's a stipulation, it's not a question.

:40

MR. SATTERLEY: I'm here to object to the improper question that you've given to Mr. Bretz.

Q (MR. RADCLIFFE) All right. Just a couple documents for you.

MR. RADCLIFFE: Can you tell me what exhibit

:40

number --

Q (MR. RADCLIFFE) Before we get to that, I'm going to show you Exhibit 13 and Exhibit 40. Can you take a look at those? I'm looking at -- look at the second page of Exhibit 40.

:40

A Second page?

Q Yes. And then compare that to Exhibit 13.

Are they exactly the same?

A Negative. No, they're not.

Q Okay. Thank you. Now, Exhibit 40, turn back

:41

■1

to the first page. First of all, this was an exhibit

:41

that Mr. Satterley gave to you today, right?

A Yes, sir.

Q Now -- and we're not accusing Mr. Satterley of anything, this was what was given to him, but is there

:41

anything on page 1 that indicates to you that page 2 is part of that document?

MR. SATTERLEY: Are you suggesting it shouldn't be stapled together, is that what you're saying, Tom?

:41

MR. RADCLIFFE: I don't think it should, but I don't know.

MR. SATTERLEY: If it shouldn't, it shouldn't, I don't know.

THE WITNESS: There is -- as I read the body

:41

of the report, there's nothing in there that



indicates any discussion regarding identification

requirements on the blocks.

Q (MR. RADCLIFFE) Okay. Thank you.

MR. SATTERLEY: What number was that so I can

:42

come back to it?

THE WITNESS: 40.

MR. RADCLIFFE: 40 and 13.

Q (MR. RADCLIFFE) Okay, we're done with that.

There's Exhibit No. 68.

:42

■1

A Are we done with 13?

:42

Q We are.

A Yes. I'm sorry. 68?

Q Right.

A Asbestos study.

:42

Q And can you tell me the letterhead for that particular document?

A Medical department.

Q And who is it written by?

A I can't tell you.

:42

Q Next page.

A Oh, I'm sorry. Charlie Blackwell.

Q Dr. Blackwell?

A Excuse me, Dr. Blackwell.

Q Same Dr. Blackwell that you talked about

:42

earlier today?

A Yes, sir.

Q And who is it written to?

MR. SATTERLEY: Objection.

Q (MR. RADCLIFFE) To whom is it addressed?

:43

MR. SATTERLEY: Objection.

THE WITNESS: Don K. Rennie.

MR. SATTERLEY: Let me put an objection to

foundation.

Q (MR. SATTERLEY) Same doctor -- or same

:43

■1

Mr. Rennie that you talked about earlier today?

:43

A Yes, sir.

Q In paragraph 1, does it indicate that

Dr. Blackwell was in communication with the United

States Public Health Service and the medical and hygiene

:43

departments and that the Public Health Service visited  
the medical and hygiene departments in 1965?

MR. SATTERLEY: Objection, foundation,  
leading.

THE WITNESS: Yes.

:43

Q (MR. RADCLIFFE) Would you read the first  
sentence of this first paragraph, please?

MR. SATTERLEY: Same objection.

THE WITNESS: "As I mentioned to you on the  
telephone today, the U.S. Public Health Service

:43

visited with the medical and hygiene departments on  
5-24-65." This is dated 5-25-65. "Their  
representatives --"

Q (MR. RADCLIFFE) Just that first sentence.

A Oh, I'm sorry.

:43

Q We'll get to it. You weren't at that meeting,  
were you?

A No, sir.

Q Do you know if this inspection ever took  
place?

:43

■1

A I do not.

:43

Q Okay. Would you read the first sentence of the second paragraph?

A "They have --"

MR. SATTERLEY: Objection, foundation.

:44

THE WITNESS: "-- expressed a desire to study our Brakeblok operation with a detailed in-plant environmental or industrial hygiene survey."

Q (MR. RADCLIFFE) Okay. Are you aware of whether or not that survey ever went forward?

:44

A That specific one, no.

Q Do you know if the United States Public Health Service ever conducted surveys at Abex?

A I do not know that they did.

Q Second page -- actually that's all I have for

:44

that document. So we're done with that.

Next I'm going to show you Exhibit 69. And to whom is that addressed?

A Donald K. Rennie, vice president, Brakeblok

Troy office.

:45

Q And who wrote that?

MR. SATTERLEY: Objection.

THE WITNESS: Dr. Blackwell.

Q (MR. RADCLIFFE) And does this indicate --

what's the date, I'm sorry?

:45

■1

A May 27th, 1966.

:45

Q And if you'd look at this -- if you look at

this document -- let me just make sure I have the right

one.

If you look at this document in the third

:45

paragraph --

MR. SATTERLEY: Objection, foundation.

Q (MR. RADCLIFFE) Can you read that?

A "This group will be," that one?

Q Yes.

:45

A "This group will be returning to Mahwah on

June 16th and 17th to test lesser grade brakes to see if

the same results or different ones will be obtained."

MR. SATTERLEY: Objection, move to strike.

THE WITNESS: "The series evaluated last

:45

November was a relatively high grade of brake material."

Q (MR. RADCLIFFE) All right, first -- and what's the reference in this letter?

MR. SATTERLEY: Objection --

:46

THE WITNESS: U.S. Public Health Service.

MR. SATTERLEY: -- foundation.

Q (MR. RADCLIFFE) Is it your understanding that "this group" refers to the U.S. Public Health Service?

MR. SATTERLEY: Objection, leading.

:46

■1

THE WITNESS: This letter? Yes.

:46

MR. SATTERLEY: Foundation, lack of foundation.

Q (MR. RADCLIFFE) Were you -- what's Mahwah, first? I don't think the jury's heard that.

:46

A Mahwah was our research facility for friction material.

Q Do you know if the United States Public Health Service ever visited Mahwah?

A I do not know.

:46

MR. SATTERLEY: Objection.

Q (MR. RADCLIFFE) So the information in this letter is new to you, is that right?

A Yes, sir.

Q (MR. RADCLIFFE) Okay, we're done with that.

:46

Next I'm going to give you Exhibit 70. And what's the date of this letter?

A November 19th, 1968.

Q And who wrote this letter?

A Howard E. Ayer.

:47

Q And what's the letterhead for this particular letter?

A Department of Health, Education and Welfare, Public Health Service.

Q To whom is this letter addressed?

:47

A Charles B. Mallory, works manager.

:47

Q And the first -- would you read the first paragraph?

MR. SATTERLEY: Objection, foundation, hearsay.

:47

THE WITNESS: "We have discussed with Dr. Blackwell an environmental survey of your plant similar to that done in 1965. This will be less comprehensive than the initial survey, with two men in the plant for one week."

:47

Q (MR. RADCLIFFE) So you already told us you weren't aware of whether or not the survey in '65 ever went forward, right?

A Correct.

Q This is 1968, is that right?

:47

A Correct.

Q Do you know if there was a survey of the Winchester plant by the United States Public Health Service in 1968?

MR. SATTERLEY: Objection, foundation.



:48

THE WITNESS: No. I don't know whether this was done.

MR. RADCLIFFE: Okay. All right. That's all I have for you.

THE WITNESS: Okay.

:48

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MR. SATTERLEY: Finished for the day?

:48

Anybody else have any questions before I follow up with a few?

RE-EXAMINATION

BY MR. SATTERLEY:

:48

Q Mr. Bretz, these last three documents, you've never seen them before in your life, right?

A I don't know. The last three that were showed to me?

Q Sure.

:48

A No, sir, I had never seen them.

Q And counsel asked you some questions about whether you personally considered asbestos brakes to be hazardous or not. You're not an expert on that, are

you?

:48

MR. RADCLIFFE: Objection, form, vague.

THE WITNESS: No, I'm not an expert.

Q (MR. SATTERLEY) You've never studied the intricacies of asbestos and the resulting disease that occurs in that regard?

:48

A No, sir.

Q Early in the examination by Mr. Radcliffe, he asked you some personal questions. He asked you about how old you are and you said 79?

A Yes, sir.

:48

■1

Q And he also indicated that you've been retired

:48

from the company for 19 years, correct?

A Correct.

Q And you've been -- other than the consulting where he pays you money, him and his law partner pay you

:49

money, are you pretty much retired and not doing any work at all?

MR. RADCLIFFE: Objection, argumentative.

THE WITNESS: Yeah, that's -- that's basically true, yes.

:49

Q (MR. SATTERLEY) You moved down here to Florida from Detroit or --

A From the Detroit area, yes.

Q So for the last 18, 19 years, you've been down here in Florida?

:49

A Yes.

Q And you haven't been doing any work in the brake industry other than the retainer agreement situation you have with Mr. Radcliffe and his friend Abbott?

:49

A That's correct.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) And the money that I think you told me about, I didn't try to figure it out, you said it was \$1500 a month?

:49

■1

A Correct.

:50

Q And is that every month?

A Yes.

Q Has that been the case since 2003, 2004 time frame?

:50

A Yes, sir.

Q And does that -- is that a retainer you get regardless of whether or not you review any cases?

A Correct.

Q Okay. Has -- have you ever sought out any

:50

independent legal advice regarding the situation you have with Abex's lawyers?

A No, I have not.

Q But you -- your -- and your involvement in this litigation has only been to serve as a fact

:50

witness, right?

A Yes.

Q Has anybody ever advised you as to the legality of being compensated, being a paid fact witness?

:50

A No.

Q Did any -- has any -- nobody's told you whether it's a violation of either state or federal law to be a paid fact witness?

A Nobody's -- no.

:51

■1

Q And Mr. Radcliffe or Mr. -- is it Abbott, the other fellow?

A Yes, sir.

Q They've not talked to you about that at all?

A No.

:51

Q Okay. They didn't go over with you Florida law regarding paying fact witnesses money to testify?

A No.

Q But you have not agreed to serve as a hired expert witness, right?

:51

A I'm sorry?

Q You've not agreed to serve as a hired expert witness for Abex?

A No, I have not.

Q Now, with regards to -- he asked you several

:51

questions about the plant in Winchester. Do you know what the current situation is with that plant?

A I do not.

Q Okay. Has anybody advised you that that's an EPA -- what's it called, a CERCLA?

:52

MR. SATTERLEY: Is it a CERCLA property?

MR. RADCLIFFE: I don't know what it is.

Q (MR. SATTERLEY) Nobody's ever talked to you about the current state of that plant?

A No.

:52

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MR. RADCLIFFE: Objection, assumes facts not

:52

in evidence, calls for speculation, argumentative.

Q (MR. SATTERLEY) Has Mr. Radcliffe gone over with you the number of workers that have developed asbestos diseases?

:52

A No, sir.

Q So when you gave that personal opinion about whether brake products are hazardous or -- that wasn't based upon any evaluation of how many people have

suffered from disease from brake products?

:52

MR. RADCLIFFE: Objection, calls for speculation, assumes facts not in evidence.

THE WITNESS: No, it was not.

Q (MR. SATTERLEY) He asked you some questions about the evaluation of the environment. Have you ever

:52

done any evaluation -- environmental monitoring yourself?

A No, sir. No I have not.

Q You haven't participated in measuring the levels of asbestos in a brake facility where people are

:53

changing out brakes or anything like that?

A No.

Q And you haven't taken the time to measure the levels of asbestos in the plant either, have you?

A No.

:53

■249

Q Okay. So when he was asking you questions

:53

about the environment, other than they physically look different, you can't make any comments about the levels

of asbestos in the environment, either in a brake  
facility where people are changing out brakes or opening  
:53

up boxes of brakes and what's going on in the plant?

A Probably not.

Q With regards to these -- couple of these --  
the memos, Howard Ayer was referenced. Do you know who  
Howard Ayer is?

:54

A No, sir.

Q Charles Mallory, do you know Charles?

A Yes.

Q Have you spoken to him about the -- how many  
of the work force at the Winchester plant has become

:54

sick?

A No.

MR. RADCLIFFE: Objection, argumentative,  
assumes facts not in evidence.

Q (MR. SATTERLEY) This William Lainhart, do you  
:54

know who that is?

A No.

Q Lewis Cralley, you don't know who that is



either?

A No, sir.

:54

■1

Q Okay. Abex, you did say, had some medical

:54

directors. Did you know Lloyd Hamlin, Dr. Lloyd Hamlin?

A No. It's not a name that's --

Q Dr. Charles Blackwell, you did know him?

A Yes.

:54

Q Frederick -- is it Knoch, K-N-O-C-H?

A No, I don't know him either.

Q Dr. William Redmond?

A No, sir.

Q What about Dennis E-G-N-A-T-Z?

:55

A No.

Q But no one from the medical department at Abex Corporation ever talked to you about how much asbestos it takes to cause people to get sick and die?

A No.

:55

Q Finally with regards to -- the Carlisle attorney asked you some questions and I want to just

follow up on one or two little things. He asked you about some -- whether or not Carlisle thought its sales data was confidential. The volume of business and where

:55

Freuhauf got its brake products, did you get that from Freuhauf?

A Yeah.

Q From Freuhauf?

A Sure. I knew how much business I was going

:56

■1

after. That was the amount of business that they said

:56

is available.

Q And did you --

MR. McGUIRE: Objection, move to strike,

hearsay.

:56

Q (MR. SATTERLEY) And did you think Freuhauf was -- based upon the information, that they knew where they were getting their asbestos brakes from, the brake linings from?

MR. MILLER: Argumentative.

:56

Q (MR. SATTERLEY) Did Freuhauf, based upon everything you observed over the years, know where they were purchasing their brake lining materials from?

A Yes.

MR. McGUIRE: Objection, move to strike, lack

:56

of foundation, and hearsay.

Q (MR. SATTERLEY) And did -- has anybody here today presented you any memorandums, letters that would indicate that Carlisle warned the public about the dangers of their asbestos products?

:57

MR. McGUIRE: Objection, lack of foundation.

THE WITNESS: I haven't seen anything that would indicate that. I was not given anything like that.

MR. SATTERLEY: I don't think I have any

:57

■1

further questions at the current time.

:57

MR. McGUIRE: Sir, just one follow-up question.

RE-EXAMINATION

BY MR. McGUIRE:

:57

Q Did I show you any documents?

A No, sir.

MR. McGUIRE: Okay. Thank you.

MR. RADCLIFFE: Anybody on the phone? Going  
once, going twice, we're done.

:57

THE VIDEOGRAPHER: Time now is 3:57, this  
deposition is concluded.

(Deposition concluded at 3:57 p.m.)

253

STATE OF FLORIDA )

COUNTY OF CHARLOTTE )

I, the undersigned authority, certify that

LUDLOW EARLE BRETZ, JR. personally appeared before me  
and was duly sworn.

WITNESS my hand and official seal this 13th  
day of October, 2010.

---

Michael R. Brentano, RPR

Notary Public, State of Florida

Commission Expires: 5-4-12

Commission Number: DD316343

254

STATE OF FLORIDA    )

COUNTY OF CHARLOTTE )

I, Michael R. Brentano, do hereby certify that

I was authorized to and did stenographically report the foregoing deposition of LUDLOW EARLE BRETZ, JR.; that a review of the transcript was requested; and that the transcript is a true record of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in this action.

Dated this 13th day of October, 2010.

---

Michael R. Brentano

Registered Professional Reporter

255

STATE OF FLORIDA

COUNTY OF CHARLOTTE

I, the undersigned authority, certify that

LUDLOW EARLE BRETZ, JR. personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 13th day of October, 2010.

= W : Commtss1on # DD777548

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R. Brentano Michael R. Brentano, RPR

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MAY04,2012 Notary Public, State of Florida

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Commission Expires: 5-4-12  
Commission Number: DD316343

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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

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GORDON BANKHEAD and EMILY  
- BANKHEAD,

Plaintiffs, .

v.

ALLIED PACKING &

WC.; etal., .

Defendants.

.. . . 20

Case No. RG 105.02243

NOTICE OF DEPOSITION AND.  
viDEOTAPING OF LUDLOW EARLE .  
BRETZ, JR..  
DATE: . . . October  
TIME:  
. LOCA-TION:

:00 a.m.

by Sheraton

Tamiami Trail  
Punta Gorda, FL 33950

KAZAN, McCuJN. 25  
ABRM4S, LYONS,  
GREENWOOD&  
: HARLEY  
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OMI.AHD, CA 94607  
. (510)"302-1000 .  
"(510)465-7728

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TO ALL PARTIES AND TBEffiAITORNEYS OF RECORD HEREIN:

-PLEASE TAKE NOTICE that in accordance with the attache4 subpoena,  
through their counsel, will take the deposition of Ludlow Earle Bretz, Jr. in the above..entitled  
action at-10:00 a.m. on October 12,2010 at the Fo'!!! Points by Sheraton, 33 T!Ulr!ami Tfai!,:Ptint  
Gorda, Florida 33950. The deposition will be taken before a Notary Public duly authorized to

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of Taking Deposition and Videotaping <?f LI.Idlovi Earle Bretz, Jr.

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■. . '1 holidays excepted, until completed.-

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Said deposition is to be videotaped and

recorded with instant visual

display, pursuant to Code of Civil Procedure§§ 2025.220(a)(5) and 2025.330(a). Plaintiff reserves the right to use said videotape deposition at trial pursuant to provisions of Code of Civil Procedure§§ 2025.220(a)(6) and 2025.620.

-

A list of all parties or attorneyS for parties on whom this Notice of Deposition is being

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- 7. served is shoWii on the service list attached to the accompanying proof of service .

. :8 -DATED: Septembec2fl\_, 2010

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KAZAN, McClAIN,.LYo;NS,  
GREENWOOD & HARLEY  
A Professional Law Corporation

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. KAZAN. McClAIN.

. ABRAMS, LYONS, 25  
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CMICIAND. CA 84607  
.(510) 302-1000

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(510) 46S-7728

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Attorneys for Plaintiffs

--NoUse of Taking Deposition and VJdeo!aplng of Ludlow

Bretz; Jr.

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■AITORNEY OR PARIY WITHOUT AITORNEY:

Justin A. Bosl, Esq.

KAZAN, MCCLAIN, LYONS, GREENWOOD & HARLEY

Jack London Market

Harrison Street, Suite 400

Oakland, CA 94607

TELEPHONE NO.: (510) 465-7728

AITORNEY FOR:

SUPERIOR COURT OF CAUFORNIA, COUNTY OF ALAMEDA

PLAINTIFF: GORDON BANKHEAD AND EMILY BANKHEAD

DEFENDANT: ALLIED PACKING & SUPPLY, INC. I ET AL

PROOF OF SERVICE

FOR COURT USE ONLY

CASE NUMBER:

RG10502243

Ref. No. or Ale No.:

BANKHEAD

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I am over 18 years of age and not a party to this action.

. Received by THE ATLAS AGENCY on 9/14/2010 at 9:00am to be served on LUDLOW EARL

WINDWARD COURT, PLACIDA, FL 33946.

.

INDIVIDUALLY/PERSONALLY served by defivering a true copy of the DEPOSmON SUBPOENA

APPEARANCE, COMMISSION and A WITNESS FEE CHECK IN THE AMOUNT OF \$8.30 with  
endorsed thereon by me, to: LUDLOW EARLE BRETZ. JR. at the address ot 26 WINDWARD CO  
and infonned said person of the contents therein, In compliance with state statutes.

. Date and Time of service: 9/15/2010 at 5:00 pm

. Description of Person Served: Age: 70, Sex: M, RacefSkin Color: caucasian, Height 5' 10", We

Glasses:Y

. Military Status: Based upon inquiry of party served, Defendant is not in the miltary service of t

. My name, address, telephone number, and, if applicable, county of registration and number are

Name: Sean Spoonts

Finn: THE ATLAS AGENCY

Address: 25295 Cayce Court, Punta Gorda, FL 33983

Telephone number: (941} 628-1510

Registration Number: Cert. Process Server !157595

County: 20th Judicial Circuit

The fee for the service was: So..oo

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I declare under penalty of perjury under the laws of the State of Cafifomia that the foregoing Is tru

Date:

Sean Spoonts

{TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

(SIGNATURE Of PERSON WHO SERVED THE PAPERS)

PROOF OF SERVICE

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Page 1 of1

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DATE.

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ATTORNEYORPARIYWITHOIFT ATTORNEY {N;lme, stal!!SArnU.nt-, tJtJd addr=s):  
A. Bosl, Esq. (C.S.B. #241117)  
Kazan, McClain, Lyons, Greenwood & .Harley  
A Professional Law Corporation  
Twelfth Street, Third Floor  
Oakland, california 94607

.

-465-7728

FAX NO. (CJplbnaI): 510-835-4913

E-MAIL ADDRESS (Optional}: •  
ATTORNEY FOR (Namo):  
SUPERIOR COURT OF CAUFORNIA, COUNTY OF Alameda

Fallon Street

MAILING ADORESS:  
clIYANDZJPcooe: Oakland, CA 94612

BRANCH NAME: Rene C. Davidson Alameda

County Courtho

PLAINTIFF/ PE11TI.ONER: Gordon Bankhead and Emily Bankhead

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DEFENDANT/ RESPONDENT: Allied Packing & Supply, Inc., et

DEPOSITION SUBPOENA  
FOR PERSONAL APPEARANCE

CASE NUMBER:  
.RG10502243

THE PEOPLE OF THE STATE OF CALIFORNIA. TO (name, address, and telephone number of c  
. Ludlow Earle Bretz Jr. 1 26 Windward Court, Placida, FL m

. 1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action

Date: October 12, 2010

Time: 10:00 a.m. Address: 33 Tamiami Trail,

Pimta Gorda,

. As a deponent who is not a natural person, you are  
to the matters described in item 2. (Code Civ. Proc., § 2025.230.)

to designate one or more persons to testify on your behalf as  
and by

. .. b. W This deposition will be recorded stenographically  
[1L] audiotape  
[1X] videotape.

c. W This videotape deposition is intended for possible use at trial under Code of Civil Procedure  
.. :2 .. D If the witness is a representative of a business or other entity, the matters upon which

. [i] Through the instant visual display of testimony

"

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. . follows:

.

. At the deposition, you will be asked questions under oath. Questions and answers are recorded  
later they are transcribed for possible use at trial. You may read the written record and change a  
. sign the deposition. You are entitled to receive witness fees and  
. actually traveled both ways. The money must be paid, at

the option of the party giving notice of the deposition, either with service of this subpoena or at the court orders or you agree otherwise, If you are being deposed as an Individual, the deposition must be taken at your residence or within 150 miles of your residence!! the deposition will be taken within the county of pending. The location of the deposition for all deponents is governed by Code of Civil Procedure.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS: CONTEMPT BY THIS COURT FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

10/10

Date

Justin A. Bosl, Esq. (C.S.B. #241117)

{TYPE OR PRINT NAME}

{Plaintiff or Defendant}

DEPOSITION SUBPOENA  
FOR PERSONAL APPEARANCE

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Coded CMI Processed: §§ 2020.310,  
.220, 2025.230, 2025.250, 2025.620  
Government Code. s 68097.1

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J, Leigh A. Kirmsse, Esq. (C.S.B. #161929)

Justin A. Bosl, Esq. (C.S.B. #241117)

KAZAN, McCLAIN, LYONS, GREENWOOD & HARLEY, PLC

Jack London Market

55 Harrison Street, Suite 400  
Oakland, California 94607  
Telephone: (510) 302-1000

Attorneys for Plaintiffs

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

JN ANI) FOR THE COUNTY OF ALAMEDA

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GORDON and E.MJLY BANKHEAD,

vs.

.ALLIED PACKJNG & SUPPLY, Th[C.,

Defendants. .

No. RG10502243

COMMISSION

=[C.C.P. § 2026.010}

. .16 . TO THE PEOPLE OF THE STATE OF CALIFORNIA: .

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WHEREAS, it appearsto the Superior Court of the St;Jte ofailifoi:nla f<?rAianieda Go.unt

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: that non-party witness LUDLOW EAJU;E BRETZ JR.,, z:esiding at 26

.19: Florida 33946 has information relevant to this

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Court; l>la,cida,



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and that

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attendance of said witness cannot be procured at deposition in California,

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: .21 authority of C.C.P. § 2026.016(c) and(f),

deposition of LUDLOW EARLE BRETZ JR. in Charlotte County, Florida to 'compel LUDLOW EARLE BRETZ JR., a necessary witness, to appear for oral testimony as specified in

to b.e

issued subpoena.

LYONS,

GREENWOOD & 26  
HAALEY, PIC

WIRISON STREET,

Stm<40Cf. 27

( ) NCIMD. CA. 94607

(510)302-1000  
(510)465-77211

-4913

The deposition shall be governed and proceed under the laws of the

of California, and

a representative of Kazan, McClain, Lyons, Greenwood & Harley, PLC will take the deposition of  
the witness at 10:00 a.m. on October 12, 20.10, at the Four Points, 33 Tamiami Trail, -Punta

Gorda, FL 33950.

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. KAZAN, McOAIN, 25

LYONS.

GAI:ENWOOD & 26  
HAALEY.PLC  
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sstWIR"ISON Smer,  
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ONciNI). CA. 94607  
(510)302-1000

(510)OC65-7728

FAX(510) il3s-c913 28

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Said deposition will be recorded stenographically, through instant visual display, and

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videotaped pursuant to C.C.P. § 2025.220(a)(5) and plaintiffs reserve the right to use :the  
videotaped deposition at trial under C.C.P. § 2025.620.

Clerk of the Superior Court" for Alameda County

..

■1

## PROOF OF SERVICE

Re:

Gordon Bankhead a11d Emily Ba11khead v. Allied Pacldttg & Supply, Inc., et aL  
Alameda County. Superior Court Case No. RG10502243

I am employed in the County of Alameda, State of California. I am over the age of 18  
years and not a party to the within action. My business address is 171 Twelfth Street, Third Floor

Oakland, California 94607. On September 20, 2010, I served the following document(s):

-6

OF DEPOSITION AND VIDEOTAPING OF LUDLOW EARLE BRETZ,

Jlt;  
SUBPOENA DUCES TECUM W/A'ITACHMENTS

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by transmitting a

copy to:

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: .KAZAN. McCLAIN. 25  
LYONS,

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SUIE.COO  
Oot.lo..IHD, Cot. 94607  
(510)302-1000

HARRISON 5STREET27

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. FAX (51 D) 1135-4913

X

(By e-mail or  
thereof via email.

transmission) By personally transmitting a true copy

.

(By Facsimile Machine [FAX]) By personally transmitting a true copy thereof via an electronic facSimile machine between the hours of 9:00 a.m. and 5:00p.m.

(By Mail) I am readily familiar with this office's business practice for collection and processing of correspondence for mailing with the United States Postal Service. This document, which is in an envelope addressed as stated above, will be sealed with postage fully prepaid and will be deposited with the United States Postal Service this date in the ordinary course of business.

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(By Personal Service) By causing to be personally delivered.

.

.

I

under penalty of perjury

September 20, 2010 at Oakland, California.

the foregoing is true and correct Executed on

.

:1

■ LauraP@BerryandBerry.com; JayK@BerryAndBerry.com;  
CalendarDept@berryandberry.com;  
ExpertDepoDept@BerryAndBerry.com;

jhuie@behblaw.com;

dmaul@bhplaw.com; sfouad@bhplaw.com; mbermudez@bhplaw.com;  
rbernard@bhpaw.com; grosse@bhpaw.com; mmaciver@bhpaw.com;

wrundin@burnhambrown.com; upajala@BurnhamBrown.com;

mfb@butycurliano.com; rjl@butycurliano.com;

jjudin@dehay.com; awu@dehay.com; sgore@dehay.com;

jmw@filicebrown.com;

ttarkoff@foleymansfield.com; ndille@foleymansfield.com;  
kkrey@foleymansfield.com; chawkins@foleymansfield.com;  
dgustafson@foleymansfield.com; ayee@foleymansfield.com;  
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dburch@wfbm.com; smartini@wfbm.com:

■ACfiON #: RGI0502243

September 20, 2010 11:33 AM

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#### SERVICE LIST

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FOR: DANA CO, LLC flea DANA CORP & SPICER MFG CORP sii/pae/et of SPICER MFG; DA  
COMPANIES, LLC flea DANA CORP & SPICER MFG CORP ... siilpac MIDLAND; DANA COMP  
tka DANA CORPORATION & SPICER MFG CORPORATION; MIDLAND BRAKE, INC.; PNEUM  
CORP/SIUABEX CORP

BURNHAMBROWN

.

Harrison Street, lith Floor, Oakland, CA 94612

FOR: BORG WARNER CORPORATION; BORG WARNER CORPORATION by its sii BORG W  
MORSE TEC INC.; BORGWARNER, INC.; . BORGWARNER, INC. sii/pae/ct of BORG-WARNE  
AUTOMOTIVE, INC.; BORGWARNER, INC. sii/pae!etofBORG-WARNER CORPORATION; BU  
INTERNATIONAL SERVICES

fka J30RG-WARNER CORPORATION

COUNSEL UNKNOWN

FOR: CALIFORNIA BRAKE & CLUTCH PARTS, INC.; JD- BERTOLINI INDUSTRIES, LTD.;  
TRAILMOBILE TRAILER LLC

DcHA Y & ELLISTON, LLP

CLAY STREET, SUITE 840, Oakland, CA  
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- FILICE, BROWN, EASSA& McLEOD

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FOR: CARGOTEC USA, INC.; CARGOTEC USA, INC. sii/pae!et of KALMAR INDUSTRIES AB  
USA, INC. sii/pae/etofOITAWA TRUCK; CARGOTEC USA, INC. sii/pae!etofOTTAWA-KALMAR

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FOR: GRANADA SALES, INC.; IUPI1ER CONSTRUCTION, INC.; STRICK TRAILER LLC; ST  
TRAILER LLC pae/sii/et to STRICK CORPORATION; STRICK TRAILER LLC pae/sii/et to STRIC  
- CORP (California DBA); SUNSET DEVELOPMENT COMPANY

PH: 510-285-0750

FAX: 510-285-0740

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FAX: (510) 839-7940

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HERR & ZAP ALA  
North 3rd  
FOR: ALLIED PACKING & SUPPLY, INC.

Suite 500, San Jose, CA 95112

HOWARD, ROME, MARTIN & RIDLEY

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FOR: DAP, INC.

LANIER LAW FIRM

FM 1960 West, , Houston, TX 77069  
FOR: LANIER LAW FIRM

—

Montgomery Street, 18th Floor, San Francisco, CA 94104  
FOR: DAIMLER TRUCKS

LLC

.-

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PH: (415) 982-3600  
FAX:

PH: 281-397-0763

PH: 415-391-7111  
FAX: 415-391-8766

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SERVICE LIST  
Page Two

CASE: Bankhead, Gordon [NE 1433)

ACf10N#: RG10502243

September 20,2010 11:33 AM

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McKENNA, LONG&ALDRIDGE

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FOR: ARVINMERITOR, INC.; ARVINMERITOR, INCJsiilpaeletiROCKWELL INTERNATIONAL,  
KELSEY-HAYES COMPANY; KELSEY-HAYES COMPANY siilpadet ofDA YfON WALTER COR  
KELSEY-HAYES COMPANY siilpae/et of FRUEHAUF CORPORATION; KELSEY-HAYES COM  
siilpae/et of FRUEHAUF TRAILER CORP.; MAREMONT CORPORATION

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ONGARO BURTT & LOUDERBACK, LLP

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FOR: HONEYWELL INTERNATIONAL INC. fka ALLIED SIGNAL, INCJsiUBENDIX CORP

PERKINS COIE LLP

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FOR: GEORGIA-PACIFIC LLC

POND NORTH

South Grand Avenue, Suite 3300, Los Angeles, CA 90071  
FOR: CBS CORPORATION, a Del Corp flea VIACOM, INCJsbmIto CBS CORP, a Penn

REINHART BOERNER VAN DEUREN S.C.

North Water Street, Suite 1700, Milwaukee, WI 53202  
FOR: CARGOTEC USA, INC.; CARGOTEC USA, INC. siVpae/et of KALMAR INDUSTRIES AB  
USA, INC. siilpae/etofOTTA\VA TRUCK; CARGOTEC USA, INC. siilpae/et ofOTTAWA-KALMAR

PH: (415) 984-8200  
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FAX: (415) 344-7288

PH: (213) 617-6170  
FAX: (213) 623-3594

PH: 415-298-1000  
FAX: 414-298-8097

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FOR: CATERPILLAR INDUSTRIAL INC. flea TOWNMOTOR CORPORATION

SEMPER LAW GROUP, LLP

South Hope Street, Suite 3950, Los Angeles, CA 90071  
FOR: PARKER-HANNIFIN CORPORATION

,

THE RASMUSSEN LAW FIRM, LLP

West Century Blvd., Suite 375, Los Angeles, CA 90045  
FOR: CARLISLE CO!q'ORATION

TUCKER ELLIS & WEST

Main Street, Suite 700, San Francisco, CA 94105  
FOR: CARRIER CORPORATION

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FAX: (415) 781-2635

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FAX: 213-596-1466

PH: 310-641-1400  
FAX: 310-641-2947

PH: (415) 617-2400  
FAX: (415) 617-2409

VESTEVICH, MALLENDER, DuBOIS & DRITSAS

Telegraph Road, Suite 300, Bloomfield Hills, MI 48301-3160  
FOR: UNI-BOND BRAKE, LLC; UNI-BOND BRAKE, LLC siilpac/et to UNI-BOND BRAKE, INC.;  
BRAKE, LLC siilpae/et to UNI-BOND, INC.

PH: (248) 642-1920  
FAX: (248) 642-2095

UNI-BOND

WALSWOR1H, FRANKLIN, BEVINS & McCALL· RPM

Montgomery Street, 9th Floor, San Francisco, CA 94111  
.FOR: RPM INTERNATIONAL, INC. flea RPM, INC.; RPM INTERNATIONAL, INC. flea RPM, IN  
BONDF,X INT'L, INC.

.

WALSWORTH, FRANKLIN, BEVINS & McCALL -1HOMAS DEE  
Montgomery Street, 9th Floor, San Francisco, CA 94111  
FOR: 1HOMAS DEE ENGINEERING C()MPANY

End of Service List

PH: (415) 781-7072  
FAX: (415) 391-6258

PH: (415) 781-7072  
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Dr. c. c. BlaclaleU  
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Best regaxiss.

c. C. Blaakwll, Jr., M.D.

Medical Director

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EXHIBIT

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INTER-OFFICE

ABEX CORPORATION  
Denison Division

Be. ndersoo

FROM:

G, M. Theodore

APR

DATE:

March 25, 1968

REFERENCE:

SUBJECT:

Liberty Mutual Safety Management Institute

Although I did not attend the entire session, it was well worth

The most interesting fact presented was the trend of labor to  
take over in safety. The movement started on the  
side moving  
is willing to take over.

cost and  
If proper programs are not in effect, labor

Product Liability was also discussed in relation to the large  
law suits for improper warnings against hazards on products  
produced.

Two of those attending were directly in safety and had various  
titles, such as Safety Supervisor, Safety Coordinator, Safety  
Engineer. etc.

The best part of the program was conducted by a gentleman by  
the name of Paul Colson. His presentation of human behavior  
and safety in conjunction  
the most out-  
standing



communication

I have ever heard.

It would be my feeling that our needs are different than most of those in attendance at these sessions. Should it be possible to have sessions directed more to our particular needs, I would feel we should not

send more people;

send anyone else to Boston to this type of session.

Glr:jllm

cc: F. D. Hunter

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SPNY 005544

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AMERICAN BRAKEIJLOK DIVISION

TROY OFFICE

October 31, 1972

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EXHIBIT

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!olr. P. H.

SubJect: Serv'ce Tic Information.

I

is copy of a letter from Charles E. Christensen,  
Instructor, San Mateo High School, San Mateo,

Cal:Lfornia .

Please place this school on our mailing list and send copies of all our passenger car tips 1 to 35, inclusive. You might

also send a copy , if available, of our disc brake service procedures and our booklet "Traffic Accidents Mount". Any further information I'll leave to Rick Hoff's good judgment.

EMG:nm

cc: 1-'..essrs. RENelson

ERJones  
EPEoff

E. M. Green

SPNY 001012

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"THE YEAR. GF-  
ABEX FRICTION PRODUCTS GROUP

February 13, 1975

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:J--; 1-7-7

To:

DISTRICT MANAGERS

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Bullet\_in No.: S-75-22 AB

.subject:

CARLISLE CORPORATION - MOLDED MATERIAL DMSION

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.We have seen so.me Incre{!sed activity iri some marketing areas . by Carlisle Corporation. . . For your comp!lrison,• I am attaching product brochwe and the.- Fruehauf

of the Carlisle

which in effect are one and the same.

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As you know, our Private Brand Program has never been designed to compete with our

Distributors. However, it would appear that this is not the case with the Carlisle Program as it would seem that Fruehauf has all the advantages over the Carlisle Distributor.

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/inc

Attachs.

cc: Mr. S. S.

Jr.

Regional Managers

Troy Sales

Winchester Sales Personnel

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- EXHIBIT

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... :Carlisle Heavy Duty Brake BlockS

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A Complete Family of Quality Brake Blocks  
Engineered to Deliver Peak all Around  
Performance and Reduce the Cost per Mile

**Abstract**

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you ore about specifying the brakes on your vehicles, consider that they eire no  
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. berter than the lining with which they are equipped.

All Carlisle mixes offer a high safety foetor with stable braking, even in high temperature rang  
is usually encountered. When a lining fades, it is not braking and not wearing. Users should con  
forma nee and safety are prime considerations. Life without performance is no bargain. Since b  
develops heat and heal causes broke lining wear, thought should be given to means of controlling  
duty drums absorb more heat than light weight drums, and act as a heat sink. They reduce lining  
and thereby increase the life of any firing .

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PREMIUM QUAL.,  
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MM 016

NOTE:

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All linings on this chart are  
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NOTE:

All linings on this chart  
have approval of New York  
and all states having brake  
lining laws.

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M-1. Maximum wear under all conditions. Semi-metallic linings recommended particularly for  
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drum temperatures may exceed 700° F. Offer approximately 25% greater life than any organic linings.

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where drum temperatures may exceed 700° F.

M -2. "Carlisle Chief." Longest wearing, most stable premium quality organic lining. Recommended.

A. "Carlisle 141." A full molded, standard organic lining equivalent in quality to most competitive products.  
I  
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r

- "These premium organic linings have been proved by billions of miles of service over oil types covered. They are not specified for all applications. In that under certain conditions, greater economy can be realized specifically for the application.

much more than average life.

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- • Combination sets (all organic or  
and semi-metallic) are available

special order if desired.

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S-CAM AI R BRAKES

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W EDGE BRAKES

FRICTION  
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TRUCKS  
TRACTORS &  
TRAILERS  
" brakes or  
larger equipped  
w ith 30 sq. In.  
chambers  
or larger

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TRUCKS  
TRACTORS &  
TRAILERS  
" brakes  
or smaller  
equipped with  
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Heavy-Duty  
Mountain  
& Level  
Highway

Heavy-Duty  
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BEST ALL PURPOSE LININGS ••

TRUCKS  
EARTH MOVERS,

ETC.

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Severe Duty  
Both on and  
Off-Highway

Severe Duty  
Both on and  
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FRUEHAUF  
CODE

'Super Chler  
Semi-Motalllc  
SM 12

Premium Ouality  
Organic ' Chief'  
M M 0 18

Std. Organic  
'Bravo' MM 215M



"Super Chlar  
Semi-Met allic  
SM 12

Premium Quality  
Organic 'Chier  
MM 01 6

St d. Organic  
'Brave' MM 21 5M

M M 016

'Super Chlof'  
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FRICTION  
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FRUEHAUF  
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' Super Chief'  
Semi-Metallic  
SM 14

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Organic 'Chief'  
MM 039

Std. Organic  
'Brave' MM 243

' Super Chief'  
Semi-Metallic  
SM 12

Comb, Set'''

Premium Quality  
Organic 'Chief'  
M M D16

Std. Organic  
'B rave' MM 243

Comb. Set .. •

MM 039

'Super Chief'  
Somi-Metalllc  
SM 14

Comb. Sot•••

Premium Quality  
Organic ' Chief' ·  
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Comb. Set●●●

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SM 14

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MM 862- 6  
Vacuum or olr  
actuated  
hydraulic brakes

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Heavy· Duty

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M EDIUM &

MEDIUM-HEAVY  
TRUCKS &  
TRACTORS

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& Highway

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NOTE 1.

All linings on this ch11rt /lffl  
compstib/11 with 11/1 typ11 btlkl  
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NOTE 2.

All linings on this ch11rt MVB  
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EXHIBIT

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AB-III.P

August 22, 1975

Mr. D. It.. Rennie  
Vlee President  
New :York Office

Dear Don:

In the moat recent OCcupational Safety & Health Reporter.  
there i.e a brief CGaiDeS1t quofLii Dr. Selikoff regarding  
JileeotbeUomas. Apparently •everal caaes have been noded  
n automabUe repair workers.  
I: don't know whether you

would like to bring this to the attention of the Midas management.

Additionally, in thinking of product liability do we to look upon the Friction Products brake as requiring any label regarding potential blood? You will recall in the dynamometer testing of the brakes in Milwah some years ago that the highest levels of asbestos were found in the cheapest brakes, the best quality delivering the least asbestos pollution.

CCB:np  
Enc •

c. c. Blackwell, Jr., M.D.  
Medical Director

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• c.-Ma-11:ory• and?. Milner

O.S.H.A. EXCERPTS - June 18, 1975

OCCUPATIONAL SAFETY & HEALTH REPORTER

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• p. 123).

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tC U.S. Cocrl of Appeals for the Thlrdr Circ:uil Ob  
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Jr. Inc. OSAHJtC au

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of the Atbllb, Ga. law firm Of SIDI:es,

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'!be Government's defense  
Mkbad B. Stein. :attorney.  
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• hazards was filed in the U.S. Dislrld. Court for tJ:e Di.strid

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The plainfilfs include 163 former emp1oyeu of

The sui l dlar:es

R.:aybeslos-Manhattan. Inc., who,

N.J .. Jaw firm ol Gelman .at>d Gelman. .:an .seekin.c \$1 miruoc

each lor c:ompens3lory d.:ama.:es and \$1 miJTJOD eaeh ia

Most of these workers have ffltd workers•

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ColJl01'3-

J-)d as well

tlon ol Americ:a. Garwood, N..J .. and lbree C..nadioa c:oo-

eerns. Be)l's Asbeslo.s Ltd., .A.sbeste:s CorporalJon. aad

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evidence that sboa'ld have prompted them to b\e lJ)OJ"e

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Sunshine ..,.....,11 Suit

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the May 2. 1972. underpovnd fire that tJl)ed 91

The suit names Mille Safety .AppJl.:anc:u Comp:aay the

Caller:J Olemic::al CllmpanJ, all4 PPC Indvsbies. 1ni\_ ;as

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-: A former "employee ol Colwnbcs Coated

ed suit ill Ohio's Franlclin Counl}' Common Pleas Court lor

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The slilil claims the defendants should lave known

to which the workers were expOsed ill lhe Jllaztl.

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Some 5S former employees filed suit bsl September 4, aJl45

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five others ffied suit Janu.:aJ7 2(.

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TO DEVELOP ACCREDITATION PROGRAM • : • '

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da1lars awarded by the National Institute for Occupational

Safety and Health were voiced by the Congressional Committee

Standard (R-11) series of letters. =d meeUacs wJtb

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NJOSH officials. ; • - • . "

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FRICTION PRODUCTS GROUP

Troy

April 14, 1977

APR 18 1977

Hessrs. Brian Challinor

c. B. Hubbard  
w.. Francis  
a. M. Luts  
M. M. O'Meara

ge recently decided that the "Caution" information required  
by OSHA would  
imprinted on nll of our boxes and cartons.  
Our box and carton  
have been so advised and this  
will become a running change.

.  
The only remaining boxes ar1d cartons not so imprinted are  
thosa made and printed to customer specification. Attached  
is a list of those involved. We would  
approaching these customers with the fact that 11Caution"  
information is required by law and whether or not they elect  
to abide by it is their decision. If they do not want this  
data on the boxes, we would request that they  
written statement to that effect.  
The wording which we propose appear on  
. is as follows:

boxes and cartons

us a

CAUTION  
CONTAINS hSBESTOS FIBERS  
AVOID CREATING DUST

BREATHING ASBESTOS DUST MAY CAUSE SERIOUS

Please review this with each  
us a report advising what we

AFS/bd  
cc: RLCutler  
ssconway  
PHGr.i.m  
CBMallory  
LEBretz  
GHPaullin  
BJiwarsson

File

HARM

of your customers and then give  
should do.

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A. F. Schmaltz

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FRICION PRODUCTS GROUP  
Troy

Winchester Conference Room

May 2, 1977

Attendees:

.Messrs.

C. P. Biswas  
L. E. Bretz, Jr.  
B. Challinor  
\_D. P. Conlon  
G. D. Connolly  
S . s. Conway, Jr. ,  
R. L. Cutler  
H. E. Day .  
G. R. Graham  
A. D. Indelicato, Jr.



F. B. Herlihy  
B. Iwarsson  
B. M. Luts  
G. E. McFadden  
R. E.  
G. Nicholson  
G. H. Paullin  
E. F. Potts  
A. F. Schmaltz  
P. Weber, Jr.

Mr. Cutler welcomed George McFadden, from Canada, who was attending his first Quarterback Meeting.

Mr. Conway discussed the new Cost-Price Index chart more information could be shown. The red line shows the sales and the blue the costs. We are trying to get the red above the blue but costs have sky-rocketed. The March margin for Winchester-Salisbury was 35.2%, with a goal of 40% margin. There is a spread of six percent between cost and price. We either have to reduce the cost or increase prices. Overall, January and February were disastrous, shipments were down and there were energy problems. March shipments were better; we made budget. Winchester-Salisbury is the real anchor. All other units are above budget.

has been made so

We have a real challenge now to make this a better year than last. We've had six consecutive years of good sales and earnings and to continue we must have maximum earnings, maximum sales, and reduced costs and personnel, and all the fringe benefits associated therewith. Do not replace an employee when they leave unless necessary, hold the line on travel, entertainment, eliminate costs, decide whether we should go at all, could one do it rather than two. "cannot make budget now, we have to better earnings if we cannot control costs. Everyone look at his own department to see where they can reduce costs.

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## BUSES

AM General & Flexible - Picked up extra business at AMG. Received a contract from Egypt, specified Abex 693-SSID and 80 mix. Work on Rockwell, change from "D" to "C". We have 50% of AM business and Carlisle has the other 50%.

## EXHIBIT

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SALES REPRESENTATIVE'S REPORT

## FRICITION I'HODL'CTS GROUP

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Purchases

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.. A. : H. Przepiorn- Director .Puoduct Development  
Andrew, Szyma-nski - Chief Engineer Components  
Sharad Sheth - Project Engineer

CONNI:NTS

.Received from  
materials 693-5 51G and 693-5510.  
Original  
order covering the Replacement materials is also being typed.  
Obtained the latest drawings along with sheet 14 of H of the R-711 specification.

the four orders covering the Original Equipment

.Two additional orders covering the

presently being

Service

.

and another

The Delphos Plant had not been notified by this  
fax; our January shipments however, these are being done and Mr. Schaible  
promised to get them to us the early part of the week of November 7.  
review of

to put together the numbers

and the programs were

made.

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a result of their insistence that  
approved  
as follows: 121  
.. D for 231000 lb.

on service for 121  
require

be

branches sell Original

their D111111 with

for 20,000 lb. and

able for higher loadings and wedge

G93-551G be used on 20 1 000 lb. axles and

On p.ce-12-1 a::les i .t is +ecmm:nenclec1

be availa-

!hey are also going to allow into their  
iili-UO and 693-539 and 562-5.

The foilol.,ring dynamometer testa to complete our portion of engineering work  
are :.eqq.ir0.d:

l. .Another compl0te f'ES7 4 test schedule. . 2. Fi.Ve 121 com-  
pliance tests from various batches of prqduction m".teri,al are also . required.

\.121 test: run on 693-SS-IG .as bonded by

system, the materials

. While discussing

they regues ted a hi story on our backgrounQ.. of tl1e  
bonded shoes, with a 121 test that \.le have availnble for their perusal on  
Abex 693-SSlc, SSID and/or .S51G .

Some additional information in that on the OES orders,  
should note they

addc:ld .the FE!' and alsq they have noted a minimum order quanti t:y. of .25 sets.

It was also mentioned that ca-rlisle has, once ayenr, .,t Branch inventory <1nd .

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direct: opposition to our prqsen t ob!>olcscncnce policy\_

or obsolete materials. This is in

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. SALES REPRESENTATIVE'S REPORT  
FRUITION PRODUCTS GROUP

CUSTOMER  
FROEHAUF CORPORATION  
ADDRESS .  
DETROIT, .. MI.

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L. E. BRETZ, JR.

CITY

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OFFICIP,.LS IN"fERVIEWEO  
Pinald Przepiora - Director Product Development  
·sz¥Wan.ski - Chief Engineer - Components  
Engineer

A. e;·. Scp?-ible .. Manager · Aftermarket & Accessory Purchasing

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(Accompanied by Walt Thomas)

COMMENTS

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required if they change their off-set ·dimension·. We cannot give  
also a request, on our part, to change the thickness specifications

Per previous arrangements, a meeting was held with the above gentlemen and our Mr. Walt Thomas of Winchester Engineering.

A review of their drawings and where the discrepancies are was made. We supplied

with all of our

our calculations, etc.,

for their review, in an attempt to convince them that their dimensioning on their drawings was not proper.

As noted previously, we can provide them with the proper off-set if they change their thickness dimensions and/or can provide them with the proper them both nor can anyone else in the industry.

There

of hole - hole.

We also noted a discrepancy in their hole diameter and counterbore diameter from our standard. We noted that

could provide them, if necessary, with

the dimensions on these holes if they wanted.

On Tuesday, November 15, 1977, Mr. Sheth contacted Walt Thomas and the writer they agreed with our position. They are forwarding to us, a memo which allows us

deviate from their drawings, until such time as they can get their drawings changed.

memo also states that the original equipment parts

can have a thickness tolerance of .020 however, the aftermarket parts (replacement and OES) will have to have a thickness tolerance of .010. This memo

also states that we must comply with their hole diameter and counterbore

It appears

with confidence, go ahead and manufacture parts per our agreement.

noting that we were correct in our calculations and thesis and

of in this regard and we can,

everything has been taken

requests.

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There will

BP011345

EXHIBIT

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■L- E. Br.etz, Jr.  
fi7493

- Page 2

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continue to be people who will look for any reason .or excuse to report  
"I told you so" if we stumble and/or fall down on our quality, delivery  
and product per-formance. we- have got a cons-iderable  
of people on

our side who

pushed very hard for this program.over the last three.or  
four .or five years. Their necks are out. We can do o-urselves and- them a  
considerable serv.ice by making absolutely and totally sure that every part  
we shi.p from either our Winchester facility or our

Plant meets

the agreed-to d5me nsions and drawings a1-1 . the time an"d every time-.

We have got an I L.

riot want to give anyone in Fruehauf

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!-1anufacturing, .an opportunity to discredit this

exceilent opportunity to manufacture an awful lot of part-s and to make a  
consicfeJ:'able quantity of: money. This was the largest account

to u-s to get business from and now that we have it, we must make absolutely  
. sure that .we do a:ll in our power to keep it. This can only be accomplished  
by total coopera!7ion of eveFyone concerned with it. I am certainly looking  
for\rrard to that

Engineering, Sales or

--

L. .Earle Bretz, Jr.

jd

cc RLCutler/AFSchnaltz/File

.. ..

DJI'\':arsson-

EF}?otts .

/

AD:+ndelicato-

GNichols on

-PHGrim  
RENeI.son  
CLBroadstreet

BP011346

■SA'LES RnPRfSENT A TIVE 'S H EPORT  
FRICTIbN PHODUCTS GROUP

-- ....--==. =='---'" .--= = ..

: u s TOMEA  
'RUEHAUF CORPORATION  
AtQDAESS

Da

Typed: 11/17/77 - 11/17/77

RESPONSE REOUESTCO Q

TYPE OF CALL

'{. (....

DATE 11/11/77

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fiEPRESENTI\TIVE

L. E. BRETZ, JR.

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AEPOHT No .  
.. - .+ \_-ST.....A\_;.T.....;.\_E.t.ziP. ---

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- - - - -

:harles Mitasik - Plant Manager (Delphos Axle Plant}  
>on Grothouse - Director Purchasing and Material Control (Delphos Axle Plant}  
\, G. Schaible - Manager Aftermarket Purchases and Accessories



## COMMENTS

On the Company plane, a Plant trip was made to Winchester, Va. facility, this late. The trip proved to be very successful and will be invaluable to our relationship with these people in the future. They were very complimentary about, not only the day, but also the people that they met and our operation. They did request the possibility of a Salisbury visit once our program gets

and we have had sufficient time to get production quantities of parts

to them.

At this meeting, Mr. Schaible

also discussed materials and also the purchase orders for the Aftermarket materials covered under the FMSI system.

He discussed with the purchase orders for the

January calls for 17,000 pair of the

7fi. We were also provided an idea of what the volumes will be for January and February.

January calls for 17,000 pair of the 7fi and again, another 2,000 pair of the 8 5/8. They are presently running about 12,000 axles per month with possibly 10,000 of these equipped with brakes. Some 10%-15% are sold as axles only.

for 7 and possibly 2,000

Also, replacement numbers will be coming to us soon and also the replacement numbers.

Mr. Schaible will request of Engineering sufficient information so that the marketing people can answer our letter to them regarding the field test program. Mr. Schaible will also get back to us on the necessary labeling of the private brand parts.

Later, discussions with the above three gentlemen regarding the

differences between their parts and ours. It is our contention that the parts cannot be manufactured per the Fruehauf drawing, not just by Abex, but by anybody who makes them. The numbers do not come out. Mr. Mitasik is a Graduate Engineer and he agreed to try with our calculations and our thesis, however, there was nothing he could do about changing it. We must get together with the Engineering Department in Detroit for a review. This meeting was set up for Monday, November 14, 1977, at which time Mr. Mitasik will be in attendance.

---

On behalf of our Fruehauf visitors and the writer, I want to express my

complete  
of our Manufacturing and Engineering staff during our visit. As. always,  
and satisfaction for a job well done by the members  
t Thomas will

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EXHIBIT

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/o · IZ -/o ,i{/3

BP011336

■·B. Abex Identification Requirements:

a) One edge

'the lining to be

coded with  
a two inch wide band adjacent to the printing  
with blue (for FRU913GG) and white · (for FRU912GG)  
paint.

.

b) The following information is to be printed with

ink ·a minimum of .125 inch high on the edge of the  
. lining on the same side as (a) above.\*\*

(1) Abex New York State Code

(2) Abex Mix Number

(3) Fruehauf Part No. CE62XX

(4) ' ANC. or CAH

(S)

FMSI Number

If size of lettering does not allow number to be stamped on.  
edge , stamping on underface is allowable .

above

that looks like this:

if followed, will provide an edge.

ABEX614GG 693-SSIG CE6Z85-5 ANC 4515.  
(blank spaces and letters)

EXHIBIT

BP011353

■-

SALES RE!'RESENTATIVE'!IIIF.PORT  
. . FRICTION PRODUCTS GROUP

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CO RPORJ\i'!

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\_.1\obn-EGs .  
ORT.'PHOS OHIO

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CITY

fRESI'ON!IE REQUESTED

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DATE 3/20/78

REPORT Nu.

STATE/ZIP

PHONE

## OFFICIALS IN TERNI EWEO

Don

Jack

Stan Lyle :....

Fred Busche - Manager Quality Control

- Material Control

- Manager Material Control

.

## COMMENTS

are keeping in contact with Mr. Roger Cain on the

In addition to the Quality Control checks they will also

The first trailer load of material which meets their drawing and which was picked up on March 16, at our Salisbury plant, has arrived at Delphos. It is presently being checked by Quality Control this afternoon.

The second load is ready for pick up and will be as soon as the first trailer load is approved.

rivet. the number of shoes to assure themselves that we have the problem straightened

shipment of these parts.

On the 7 11 parts, an outstanding release for 16,150, which had been due February 6, is still outstanding. Release for 2907, which called for 1,000 pair due for March 17, which is the Replacement release of the original bad material shipped. is also due. This would be a

of

the

standard 693-SSIG blocks. It is the writer's understanding that

1s 1000 pair are ready for Shipment, which would include the 7200 pair which were just shipped and the ones which are about to be shipped. The remaining

will begin to be produced March 27. These quantities will take

them through their April and May requirements. An additional

will

be coming in to us in approximately the weeks to cover a shipment the last week

This will be for approximately

16,000 - 17,000 pair.

for their June requirements.

of

in

Volumes for the first half are extremely good -showing some increases over . They are beginning to look at releases for the latter half on trailer sales and within a short period of time; they will be able to confirm that -97.8 will be a good trailer year. They have noted no downturn or hesitancy on the part of the trailer purchaser to hold back in light of the proposed moratorium on 121.

.

.

Received some information on the XEM brake which stands for "e-Xtra Easy Maintenance". This data is attached to the various copies of this report for information purposes. The lining configuration, etc., was not changed for this brake. Changes which did occur are in the web, anchor pin, rail, spring and drive pin. Production of this brake begins April 1, 1978. This

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- EXHIBIT

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l to..

t-(P

BP011340

■ L. E. Bretz, Jr.

{!7598

- Page 2

/20/78

.the Fruehauf answer to the Rockwell Q brake and the Eaton (screwdriver) maintained brake.

L. E. Bretz, Jr.

jd

attach.

cc RLCutler/AFSchnaltz/File

RENelson

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AOindelicatov'

PHGrim

RCombs  
CBMallory

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BP011341

■.

nt:rP.'E!\cNTAIIVE"S R.EPOnI

FRITION .PRODUCTS GROII I'

Typed: 8/28/78 - 6/28/78  
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L. E. DRETZ ,

CITY

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O\Tr 8/21/70

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I' HONE

OFFICIIN.S INTcr.VIII!WEO  
Charles Mitasek - Plant ManGger

## COMMENTS

Accompanied by Mr. Mitasek, this date, a trip was made to our Salisbury, North Carolina Plant.

This was the first opportunity Mr. Mitasek had to view the Salisbury operation and to compare directly with the Winchester facilities which he viewed earlier.

We had previously arranged that Mr. Milt Stoughton, Plant Manager of Fruehauf Charlotte prevented his attendance at this visit. Mr. Mitasek

Plant, would accompany, however, personal business

on. He made complimentary comments regarding the cleanliness

of our facilities and expressed the

Engineering and Manufacturing opinion that we have, what appears to be a strong base to

business of the operation and the sincere appearance and attitude of the people that he chatted with.

He felt that the time which he gave to us will more firmly cement our relationships in the future and will make for better communication between our two plants here, had an opportunity to be with Mr. Ralph Combs, Mr. Bill Chasteen and Mr. Rick McGill.

organizations.

very

L. Earle Dretz, Jr.  
..jd

cc

Blunsson  
RCombs

RMcGill v

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EXHIBIT  
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BP011339

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GilCJUI'

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OAT!: 10/11/78

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A. G. Schaible - Manayer Aftermarket & Accessorie s !?ul.-chas ing  
W. P. Conn0rs -  
A. Jiulversori

COMMENTS

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Reviewed. with the - above, several loose ends which have come up over the last couple of months.

Three letters were

to Mr. Schaible, covering each of these

1. He accepted the fact that the catalyst, at this time, economically

manufacture Pagid formulation 416 in our Lincoln plant for shipment to Fruehauf International. His only complaint was that the request was generated by letter dated July 20, 1978, and it certainly seems a long

time to him, to get a negative response.

2. Regarding the Abex policy on direct sales of lining to fleets, etc.

This,

A question was prompted by Mr. Joseph Silk, on behalf of the Sales

Manager answered by a

which was:

to him.

- Department -

- The chief topic of conversation was our pricing with Fruehauf

- Fruehauf

covering -

Scanned by

Fruehauf International

at this time, -

on

into effect:

since December 1, 1970.

Increases on

the same as on our other

, 1978.

-

will be in the future.

G. and 55IP on 1611 x .7 and

of these parts are being purchased

We agreed to a price increase  
where the increase went  
Increase on these parts will be effect-

>: a 5/S

was alerted to the fact that additional

"ould be made effective January 1, 1979.

Also discussed the fact that our bulk and/or trailer lot discounts previously  
quoted have been eliminated from our OES programs, He states that: this puts  
us into a  
purchase of parts for  
He states that  
14 pallet quantity

operation.  
of their program is developed around the trailer load -

position and could seriously jeopardize the

brakes through their

.

.

Engineering and Purchasing requested notification of the State approvals on  
the various code letters that we have  
for materials which we will  
sell to Fuchs in the aftermarket.  
of official notification from the States.

I promised to handle this at the time

information or decision on the letter 1 s request to change the Fuchs  
of .020 tolerance rather.

on Service parts to retain a

.0 tolerance .

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' EXHIBIT

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BP01-13J7

■ L. E. Bretz, Jr •

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/11/70 -

bnck and forth bcb1ecn th<= t';o organizations, expresses

No ued.sion on the matter of impr.C!ssion

the Abex costs required to do this

our objection to it.

A couple af rumors of \_some note \<Jhich require cont:i1:mation:

I. Carlisle i.s building n net:r plant -

loc<'ttion unknown -

\.lith the

expressed purpose .of manufacturing non-asbestos blocks.

!'hey

feel c9nfident that industty arid the yovernments will push the  
non-asbestos programs hard and very sJ)ortly .

blocks - previous

. Substantial price increases in the neighborhood of -10% -

be Inqde by Carlisle, effecth-e January 1, 1979. The low P':icing  
of

.....,\_\_\_

x -7 blocks has got to be straightened out and resolved .

will

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L. Ear.le Bretz, Jr:

jd

cc RLCutler/AFSchmaltz/File

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ADindelicat,o..;

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BP011338

■June 26, 1979

.Mr. A. G. Schalble  
Manager, Aftermarket &  
Accessories

Division

Fruehauf corporation  
Harper Avenue  
P.O. Box 238  
Detroit, MI 48232

Dear Mr. Schaible:

A

following :

recap summaryof our shipments to Fruehauf from  
tnroqgh .June 20, 19?9 indicates the

.

. ' -

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. ..

.

Units (Pieces) . Dollars  
,100

\$269,284

Replacement

Units (Sets)

68?

Dollars

\$100,940

All of the above were shipped in  
We are pleased to forward this information to you on a  
regular quarterly basis.

first

materials.

L.

Senior Account Manager

Bretz, Jr.

LEB/lb

Re: RCutler/AFSchmaltz/file

PH Grim

RCa in

\* EXHIBIT

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10-1-10 (Q

KAZ 2 089472

■September 28, 1979

A.

Scha1b1e

Manager, Aftermarket &  
Purchasing

Division

. Fruehauf corporation  
Harper Avenue  
P.O. Box 230  
Detroit, MI 48232

Dear Mr. Schaible:  
Enclosed recap summary of our shipments to Fruehauf from  
June 21, 1979 through September 21, 1979 indicates the  
following:

Original Equipment  
Units (Pieces) Dollars

Replacement

Units (Sets)

Dollars

,047

\$87,630

All of the above were shipped in Abex first line materials.  
We are pleased to forward this information to you on a  
regular quarterly basis.

Very truly yours,

L. Earle Bretz, Jr.  
Senior Account Manager

LEB/lb

cc: RLCutler/AFSchmaltz/file

PH Grim  
-1 -

-....•

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DEPOSITION  
EXHIBIT

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KAZ 2 089506

■January 4, - 1980

Mr. A. G. Schaible  
Manager Aftermarket Purchases  
Fruehauf Division  
Fruehauf Corporation  
10900 Harper Avenue  
P.O. Box: 238  
Detroit, MI 48232  
Dear Mr. Schaible:

Reference your letter of December 19th on invoices to Westerville.

eliminate the problem of poor material identification on our invoices. We will provide additional information until such time as a part is established.

For your information to solve the immediate problem, the following is

I agree that a part

system will

Abex Co

Formulation

-3  
'07299  
-5  
;5-SSIC  
-SSIG  
- SSIC  
-SSID  
-551

..

These pertain to the copies of invoices you sent  
this resolves the present  
consideration.

I hope  
Thank you for your

Vcrr,. truly yours,

I

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. ' . : ..

..

' ( \.

L. Earle Breti, Jr.

Senior Account t-lanager

...;\_."-.

LEB/lb.

cc: R. Liggett - Fruehauf, Westerville

bee : RLCutler/AFSchmaltz/file & Attach .

PHGri m

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DEPOSITION

EXHIBIT

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KAZ 2 089617

■January 7, 1980

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A. G. Schaible

Manager, Aftermarket &

Accessories Purchasing

frtieh•uf

Corporation

-Harpcr Avenue

P.O . Box 218

MI 48232

Dear Mr. Schaible :



A sales recap  
September 22, 1979 through December 21, 1979 indicates the  
to Fruehauf from  
of our

Units (Pieces)

,600

Dollar5

\$54,252

Replacement

Units (Sets) Dollars

. \$84,222

All of the above

. We are pleased to forward this information to you on a regular  
quarterly

shipped in Abex first line materials •

Very truly yours,

--S--r--

.. - ..... '

. ?./

L. Earle Bretz , Jr.

Senior Account Manager

-LF.B/lb

. bee : RLCutler/AFSchmaltt/file

PHGriR

Rea b.

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EXHIBIT

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KAZ 2 089471

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January 21, 19r.O

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Gil nar;;er -l.vcr.uc

l'.O. nox 238

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Dear Z<lr.

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conversations

F.arlc

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Reference is

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ProgrA!! O:Jtlinec!. in your Purcha.;;c

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q1.1otation of !lovcr:d.lcr 21, li79 cffcctivo  
Than!: you for your consi;!cration in thi:>

to serving you in your Aftcrmarket

<l"s outlin::-d in our

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Yours very truly,

A. F. Schealt::  
Sales

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DEPOSITION  
EXHIBIT

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KHALL06225

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·No.

DESCRIPTION

NET PRICE PER AXLE SE'  
. (EIGHT pIECES)

PURCHASE ORDER

A-CE6287-6 (A)

and

A-CE6288-6 (C)

A-CE6287-B (A}

and

A-CE6288-8 (C)

-551-G

X 8-5/8 Brake

- 

- 

-551-D

- 

J.s X 8-5/8 Brake

- 

Boxed \$ 35.07/Set

Bulk

.82/Set

Boxed

.07/Set

Bulk

.82/Set

Boxed Pallet Quantity - 72 Sets

Bulk

Quantity -

.84 Sets

PURCUJI.SE ORDER :20827

A-CE6285-6 (A)

and

A-CE6286-6 (C)

A-CE6285-8 (A)

and

A-CE628G:-8 (C)

-551-G

f!

J.s X 7 Brake

- 

..551-D

I.s X 7 Brake

- 

- 

Boxed

.84/Set

Bulk

.59/Set

Be" xed

.84/Set

Bulk

.59/set

Boxed Pallet Quantity - 100 Sets -- Bulk Pallet Quantity - 105 Sets

Freight Prepaid on Orders of 35 Sets or more.

KHALL06227

KAZ

. (

, 1980

Mr. A. G. Schaible  
Manager Aftermarket &  
Purchasing  
Fruehauf Division  
Corporation -  
10900 Harper Avenue  
P.O. Box 238  
Detroit, MI 48232

Dear Mr. Schaible:

During the past few visits, we have discussed our After-  
Equipment Service Program.

Many items were reviewed and covered during these meetings.  
It may be best at this point to put some of these down for  
our mutual review.

is set up around the use, if at all possible,  
of our four regional warehouses.

Trevese, Pennsylvania (Philadelphia); Wood Dale, Illinois  
in

(Chicago); Atlanta, Georgia; and Foster City, California  
(San Francisco). Material will also be shipped from our  
plants in Salisbury - North Carolina and  
Fruehauf labeled and identified material will be supplied  
in the program.

Fruehauf will handle their own catalogs, price sheets, sales  
flyers and information sheets, etc.

We will work with your

promotional people to put these together if required.

Our replacement sales personnel will contact your branches

on a regular basis once these locations are outlined to us.  
They are technically \_ trained -brake  
and I'll be  
pleased to  
share this knowledge on to your branch personnel.

are

Virginia.

Continued ....

KAZ 2 089447

m DEPOSITION  
EXHIBIT  
Z

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;IA.P

■A. G. Schaible  
FruGhauf Corporation  
January 25, 1980  
Page 2

your people on the fine points of

· They will help  
our program.  
The offices of our technical Service Department are  
on a  
field problems  
complaints on a personal and individual  
basis. As is our policy, we will not  
missionary sales  
work nor direct sales contacts on behalf of your branches.  
Requests for this type of field work will be reviewed and  
handled on an individual basis.  
I believe this covers  
I hope you find it satisfactory.

points of our discussions.

basis. We will handle

Very truly yours,

L. Earle  
Senior Account Manager

Jr.

LEB/lb

cc: AFSchmaltz/file  
.

·RLII/ard

PHGrim  
RCa in

KAZ 2 089448

■Ruth Starr

Norm Walker

CORP.  
WER314146

westerville

Detroit Sales

January 29,

Confirming our

riA  
. 4. fJVI A

J

on January 29, 1980.

on both the 4515· and 43 1 ·bl·ock.

t;:6': ,p'e F.ruehau Edgecode -FRU919EF, Abex . Formula 551

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os StTf.a-A f.Jit; /

/an



Norm Walker

cc: Roger Cain - Abex Corp. v /

Lawrence r-1urphy

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DEPOSITION  
EXHIBIT  
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KAZ. 2 087284

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REflfIESENTATIVE'S REI'ORT

frtiCTION PRODUCTS GROUP

CUSTOM f. A .

Fruehauf Division, Detroit

AOOAESS

TYPE OF CINI.L

flJ:Pf1ESENTA TIVE

L. E. Bretz

CITY

RESPONSE nEQUESI(O 0

OATE

/1/80

REPORT No.  
STATE/ZIP

PHONE

\*

OFFICIALS INTERVIEWED

Mr. A. G. Schaible - Mgr. Aftermarket & Accessories Purchasing

### COMMENTS

Pricing negotiations on original equipment material were successfully completed this date. Fruehauf and Abex agreed on an 8.4% price increase effective January 1, 1980 with an end clause that if unusual circumstances occurred regarding material costs, we would be able to reopen the pricing. No guarantees were given.

The invoices which

invoices and a request is now made to cover the difference in cost with a credit memo to

had submitted since January 1 at the 10.4% will be paid

Fruehauf.

the

.

'

parts covering the Fruehauf/Fruehauf program and Original Equipment Service

...

were previously settled at a 5.5% increase.

Schaible requested that distributor price sheets,

December 28, 1979, be forwarded

to him and Mr. R. Liggett at Fruehauf Westerville. It was the writer's understanding that they were on our distribution list for these however apparently this is not correct. It would be appreciated if, as new price sheets are printed, that they be automatically forwarded to Fruehauf Detroit and Fruehauf Westerville.

the

It was learned that

rebuilder operation has gone out of business as a result of

.

death of a

owner. The new company is K.D.B. Industries run by Mr. Dan Sullivan in Piscataway. The re line program will be handled out of the Kaarny branch as it had been before with the work now performed by K. D. B.

Westerville is initiating a new shoe program to build up a bank of old shoes so they can get into a relined program.

Fruehauf is awaiting a firm answer from us on the .010 thickness of service parts and a price for parts that will meet their drawing.

Mr. Schaible stated that he will advise the writer shortly regarding the plant trip dates.

These are scheduled for the week of March 11. As soon as the two dates are confirmed, requests will be made of Mahwah and Winchester.

.

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cc: AFSchmidt/File

PGrlm

Bl:warsson

Continued . . . .

KAZ 2 118246

DEPOSITION  
EXHIBIT

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Continuation of LEBretz report 8288

Fruehauf Division

/1/80

We have been specifically requested to contact the Fruehauf branches at Dayton, Cincinnati, Louisville, and Indianapolis. The writer will obtain appropriate addresses and branch managers for our field people to work with. Joe Silk, President Materiel,

continues to feel this program is still open and that something can be done with them on boxed sets, etc. If we contact them now, this will relieve Mr. Silk's mind that we are

really interested in his aftermarket business. It is anticipated that our aftermarket with Fruehauf

exceed a million dollars in 1980. - It exceeded \$400,000 in 1979.

/la

KAZ 2 118247

■9/r/1-

FR11EHAUF DIVISION I

TIL ( IY-'i I F ...A.

FRUEHAUF  
CORPORATION  
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March 31, 1980

Mr. L. Farle Bretz, Jr . .  
Abex Corporation  
Friction Products Division  
Suite 710  
West Big Beaver Rd.  
Troy, MI 48084

Dear Yr. Bretz:

During our recent visit to your Winchester, Virginia production facility the use of backing material in the production of brake block was discussed.

\Ve are interested in learning what structural or other advB.Dtage this material might provide if it were specified. It is for instance, understood the shear strength of the block is improved by its use. Does Abex consider brake block, of the type used by Fruehauf, manufactured with a backing material to be superior or inferior to one which is not?

Yr. A. Indelicato indicated that the use of backing stock provides a -cost savings in the more costly types of materials.- What eco-

conomic impact muld it have on the present costs of brake block  
pur:cbased from Abe.x?

We acknowledge the Production of non-a.sbesto.s material will influ-  
continued use of backing material, however, since we tm-  
to utilize asbestos brake block within the  
foreseeable future our interest must relate to the contemporary product.  
Your promptness in respondf?g on tbfs matter will be appreciated.

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- . Aftermarket and  
Purchasing

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cc: A.

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Harper Avenue-Detroit. Mich. (At86 Code 313) 267-1000- Msiffng Address: P.- 0. Box 238. Detro

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CORPORATION

Roger Cain  
Abex Corp.-  
P.O. Box 3250 -  
Winchesteri VA

April 3, 19 80

Dear Roger,

Enclosed is a  
product.

-22601..

of Fruehauf part numbers covering your

.-q4 515091 9BO

EXample:

The first two digits "MX" tells us it's Abex. The second  
five digits 4 5150 is the F.M.S.I. number.

Fruehauf edgecode, and the last two letters, "BO", design-  
ates bulk packaging.

Please disregard the letters PO. It has .been changed to  
bo and designates shipments in

Should you have any questions, please call me.

quantities.

is the

Norm Walker

/sn

cc: Al Schaible Purchasing  
Earle Bretz - Abex Corp.

DEPOSITION  
EXHIBIT

Harper Avenue· Detroit. Mich.. (Area Code 313) 267·1000. Mailing Address: P. O. Box 238. Detr

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r-or special price structure, please refer to ACE part numbers outlined under purchase or  
n208l6 and U20827 .

prepajd on order of 35 sets or more.

Note - The i?o q.esignations have been changed to 00 designations.

KHALL062JO

KAZ

April 3, 1980

Hr. -A. G. Schaible  
.t.(anager, Af-termarket &  
Accessories -Purchasing  
-Fruehauf Division  
Fruehauf Corporation  
Harper Avenue  
P.O. Box 238  
.Detroit, MI 48232

Dear Mr. Schaible:

A sales recap summary of .our. shipzaents to Fruehauf from  
January 1, 1980

March 21, 1980 indicates the

Original Equipm.ont  
.Units

Dollars

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\$283,535

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Units (Sets) .  
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\$67,751

All of tho above were shipped in Abex first line materials.  
We are pleased to for:ward this information to you on . a  
regular quarterly

Very truly yours,

L. Earle Bretz, Jr.  
Senior Account :-ianager

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■FRUEHAUF DIVISION I

FRUEHAUF  
CORPORATION

April 11, 1980

Yr. L. E. Bretz, Jr.  
,Abex Corporation  
Friction Products Division  
Suite 710  
JOOl West Big Beaver Road  
Troy, MI 48084

Dear Mr. -aretz:

Fruehauf Engineering drawings (copies enclosed) for brake block part numbers A-CEC285 1 A-CE6286, A-CE6287, and A-CE6288, have been revised with Engineering Release number 43812, dated to incorporate the thickness measure niscussed with Abex personnel; reference -y equipment and service materials, are revised by adding thickness signs at rivet hole locations to brake blocks: - - - -  
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Letter of 11-27-79. The various components, both original

contour on the

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These changes have been made on the basis their incorporation, as indicated by Abex Corporation, will not affect existing costs of the respective materials. It is requested you this change and advise the writer of the date on which it will be initiated and incorporated in production parts. Existing blanket purchase orders will be revised upon your notification of an effective date. Your promptness in responding on this matter will be appreciated. Should you have any questions, please contact the writer.

Q.; Schaible,  
- er - Aftermarket and  
Leasories Purchasing

cc: A. Przepiora

D. Grothouse - DLP  
E •. Pearsall  
G. Ibbo

;Enclosure

DEPOSITION  
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Hsrpe\_r Avenue • Detroit, Mich. (Area Code 313) 267-1000- Mailing Address: P. O. Box 238. Detroit

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Date:

April 14, 1980

Subject: True Radial Contour Grind--Fruehauf

' from:

To:

E. Bretz

F. Schmaltz

Attached are the revisions of Fruehauf drawings covered under Engineering Release No. 43812 on the above subject.

As they requested, w.e must acknowledge this change and

date on which the change will be initiated

parts. As noted, the existing

and incorporated

blanket purchase orders will be revised upon our notification of an effective date.

Thank you for handling this matter.

L. Earle Bretz, Jr.

LEB/lb

At tachs-

cc: JJKukas/file

CLBroadstreet

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J.lay 23, 1980

Mr. .A. G-. Schaible  
Manager Aftermarket &  
Accessories Purchasing  
Fruehauf Division  
Fruehauf Corporation  
Harper Avenue  
P.O. Box 238  
Detroit, MI 48232

Dear Hr. Schaible:

Reference is mad-e to your letter dated March 31, 1930  
which \-las -prompted. as- a result of your visit to our  
manufacturing fa.cili tty at 1\inchester, Virginia. The topic  
of discussion in yout letter was the potential usc of a  
false backing ma.t-erial on. t\_he blocks whic-h we provide to  
. you.

It was noted that in so6e instances, depending upon the  
friction material

that the block is used in-, we have -determined that a  
stronger part can be made with

Specifically, in the case of the Fruehauf parts manufactured  
by Abcx,\_ we do not see an improvement .in -integrity bci-ng  
developed by 'the -use of a fals-e- backing when COL'\pared to the  
formulation 693-SSIG and 693..., 551D. Thes.e nat.erials are  
relatively strong in their matrix and strength would not be  
improved by the use of a backing

Cos.t studies have-been run on your specific blocks and . .

indicate that no savings can be achieved by  
use of a  
backing material.  
absorbed with additional processing and handling costs of the  
extra backing material with these relatively inexpensive  
friction formulas.

application

backing.

and the

material cost savings are almost immediately

I DEPOSITION

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Continued ...

KAZ 2 - 089444

■Mr. A. G. Schaible  
Fruehauf Corporation  
May 23, 1980  
Page 2 of 2

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We appreciate your  
in the program and are sorry  
that

savings which you had anticipated cannot be  
realized. We will continue to work on viable cost reduction  
programs within our manufacturing operation as we have in  
the past.

has already derived many benefits from  
these programs and we are committed to continuing this type  
of development.

..

.

truly yours,

.

LEB/lb

L. Earle Bretz, Jr.

Account Manager

bee: JJKukas/AFSchmaltz/file

R.ENelson  
AD Indelicato  
CLBroadstreet  
PHGrim

KAZ 2 089445

■1980

Mr. A. G. Schaible  
Manager Aftermarket &  
Accessories Purchasing  
Fruehauf Division  
Fruehauf Corporation  
Harper Avenue  
P.O. Box 238  
Detroit, MI 4823Z

Dear Mr. Schaible:

Reference your letter dated April 11th and May 20th on  
a true radial

to you. These are covered under your Engineering  
Release No. 43812.

The matter of a true radial contour grind on blocks  
has been part of our specifications for some time. Our  
grinding equipment; setups are on this basis and the  
notification of your latest engineering release does  
not affect our plant operations. To be technical, however,  
if you desire us to give you a specific date for implement-  
ation of your latest

let us use January 1, 1980  
as the

grind of brake blocks we ship

date.

.

Please note that the  
incorporated thickness tolerances specifically on the  
service blocks which are being covered under another  
engineering study at Abcx. A response to that study will.

be forthcoming shortly.  
Thank you  
both of these projects.

much for your consideration and patience in  
that accompanied this change

Very truly yours.

L. Earle Bretz. Jr.  
Senior Account Mariager

LEB/lb

bee: JJKukas/AFSchmaltz/file

RENelson  
ADindelicato

CLBroadstreet  
PHGrim ---  
CBMallory

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KAZ 2 089443

DEPOSITION  
EXHIBIT  
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: -----

. June 27, 1980

Mr. · A••.. G. Schaible  
Manager,  
&  
Accessories PurchaJing  
Division · .  
Fruehauf .Corporation  
Harper Avenue  
P .0. Box  
Detroit, MI 48232  
Dear Mr.

A sales recap summary of .our :shipments to Fruehauf froo  
tal lowing-:

through June 18, 1980 indicates the

.

.

.

Eq"Qipllent

(Pieces.) Dollars

Replacem,ent

Units (Sets)

Dollars

All of the above were shipped in Abex first line materials.

we are

regular quarterly basis.

to forward this information to you on a

., 22 ..

\$99,997

Very truly yours,

—

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c 'LL. t:6-

L. Earle Brctx, Jr.

Senior Account Manager

. . . . .

i:EB/lb

bee: JJKukas/AFSchmaltz/filc

PHGrim

R.C.aiu

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DEPOSITION

EXHIBIT

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KAZ 2 089455

. . . . - . . . : . . . . .

■Memorandum

Date:

August 12, 1980

Subject:

Fruehauf Blocks

From:

J. J. Lukas

To: .

P. H. Grim

of.:

Confirming our conversation of yesterday, please initiate a cost study to determine the

. Substitution of the impression stamp on the edge which calls for the batch code and New York State code with the same information printed on.

. Elimination of fully painting the edge opposite identification

. Substitution of the impression stamp on the 1.0. of the Fruehauf part number, the FMSI part number, and the ANC or CAM and replacement of it with printed information done at the same time we mark the edge.

stripe and other markings.

-5 and

-5 at 200,000 per year each.

For the cost study, use the two high volume blocks, part numbers This information is needed immediately and will be used for internal purposes only. Because of the extremely poor economic situation in the trailer industry, Fruehauf has refused our request for any July 1 price increase. We will attempt to use that refusal as a lever to get approval on some cost savings to us without passing any of that savings along to them.

AFSchmaltz

LHBoyd

JHBarbazette

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DEPOSITION  
EXHIBIT

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/ ?J-(Z:-/D 1.-{[5

KAZ 2 Q89422

■-August 26, 1980

DiVision

G. Schaible

. Mr.  
Manager Aft.ennarket &  
Accessories Purchasing  
Fruehauf Corporation  
Har.per Avenue  
P.O. Box i3B  
Detroit, MI 48232

Dear Mr.

Over the past months, we have discussed the possibility  
-of

revising the friction material identification  
and marking section of FES- 74 to agree more closely with  
our other original equipment - accou.nts. This would also  
allow us to eliminate  
steps in our block-process-  
ing which Hould help us in achieving some minor profi.tability  
on the parts we supply to you.

According to Sheet 22 of 23, Section"22-Paragraph B. Abex  
. Coat the edge of the lining with a blue and/or

requirements, we are required to:

.

.

white paint.

. On the other edge, .apply a 2" wide band of



corresponding joint.

.

.

.

stamp one side with the batch code.  
New York State

Impression stamp on one side  
code.

Impression stamp the underface of the lining  
with the Fruehauf part number.

- Impression stamp the underface of the lining

.

with the FJISI number.

Impression stamp the underface of the lining  
with anchor or cam.

.

-

'''

DEPOSITION

EXHIBIT

tf

/IJ-12-ro

Continued ..

KAZ 2 069418

... .. .. .. ..

■G. Schaible

Mr.

Fruehauf Corporation

August 26, 1980

Page 2 of 2

Abex manufactures for Rockwell International friction  
blocks and supplies them to their  
Ohio; Florence, Kentucky and Tilbury, Ontario locations.  
The identification requirements for the blocks we ship  
to Rockwell are:

Ohio; Kenton,

. New York State code, part. number, anchor or

Abex formulation and Rockwell logo are to be ink stamped on one edge only.

supply parts for original equipment use . to Eaton require-

We

Corporation and their locations in Gallatin, and Louisville, Kentucky. Their ments are:

. New York State code, Eaton part

formulation and batch number to be ink stamped only on one edge.

Abex

. ABB part number and batch code in ink Only on

the underfacc.

The additional steps required to produce your .block are obvious. We respectfully request that a review be made to if we cart eliminate some of the identification requirements required by your FES 74.

truly yours, .

L. Earle Bretz, Jr.  
Senior Account Manager

LEB/lb

cc: J. McMaster  
A. Szymanski

bee: JJJLukas/AFSchmaltz/file

.

JJBrown  
DTSedlock oC/  
PHGrim

KAZ 2 089419

■-september 22,

O.E.S. Accounts

=====

JJLtikas/P.Uiard

B, htarsson

had on July 31,

discl!ssed our concern

are properly covering our GES accounts, . par-

Relative to a P!Cet1n!)

ovar r.1aki ng sure

ticularlly with the move to non-asbestos materials. This fs  
especially applicchlc to the Hcst Coast and trailer accounts.

Al Schmaltz has

the attached ns to \-tho is presently

assigned to \-lhat account.

Since \-te are r.1ainly concerned \ttth tha \-!es.t Coast and trailers,

Jl9 split those -up. On the \-!est Coast, Frei.ght11ner in Portland,

Oregon; Kcnworth in Kirl:land, Hashington; and Pete:t-bilt in

Na.ck 1!estern in Hi!}"tmrd,

California; - \-:hite Hcstr.rn Star in Calona. D.C.; and KcnHorth Canada

in Ournaby, B.C

direction- fror.i- t!tei'r home offices; therefore,

\-tc feel planned regular visits are not necessary.

Utlfl {zing 1979 nllflbers for ne\1 -com.crcial trailers fn the U.S., nine

trailer r.1anufacturer:s f:iavc

ra-nkings of 3 t!ttrough 9 havo chan!jed for l!>t!Q and the vo.lUiile has

been dras.t1ca-ll.Y rcd!lced, those nine still have G9% of the

He feel they should be called on \-tfth regularity. They arc {according

to the 1930 nur:bcrs tht'(lugh June)':

of -the business. Although the

are Horth --calling

.

CQMP,\TIY

Uo. of .Trailers

% of Business

Fruehauf - Pctroit

- Chicago

Great Dane -

Strick - P.hiladclph1a \_

Utility Cfty of Industry, CA

Iludd - Phoenixville, PA

No non - f1onon. W

Dorsey.-. Clba, Al

Hobbs - Ok 1 ahor..a C1 ty, OK

t 147-

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,5'14-

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DEPOSITION

EXHIBIT

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KAZ 3

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. 0. 1\osarsson

Page .2

/22/80

Fruehauf, and Dorsey) , an OE Account

By regular calls \1/2 mean that \:hcrever there is em account \:hich  
s not on the 1--cgulu.r run of a ']ro:!--basml OE J\ccount :.!.a.n;J!jer (like  
\-tould be :.::ssigned

to call on .tflat account \-tith the r.ftcrr:iarkct f!cgiona1  
least every six f:!.Onths.

In bct'.-tccn times (at least quarterly), the  
giving t!1c customer a telephone nur.lbcr to call closer

at

Rcgi on a 1 l-l:magcr \-ti 11 raake a ca 11 - and act as a 1 oca 1

to his -office providi.ng general liaison.

\-le so11c1t your approval before \-te implement thfs plan.

/la

cc: FJ\Cappucc1

Jli:kCool

AFSchmaltz

KAZ 3

FRUEHAUF  
CORPORATION

December 12, 1980

Mr. L. Earle Bretz, 'Jr.

Abex

JOOL W. Big Beaver Rd.

Suite ?10 .

Troy 1 MI

.

Dear Mr. Bretz:

Consideration is being given to the future use of brake block or service  
thickness and tolerance, as reflected on Fruehauf dravnngs, for original  
equiptent application.

Inasmuch as this material is thi.:nner, we are  
interested in determining the perc-entage reduction in cost the change

will provide.

has recently indicated it cannot provide the  
require-  
ment on service materials, reconsideration must be given the production  
of brake block to this tolerance, as all Fruehauf requirements could  
potentially specify the tolerance. - =

'l) .  
• JG• a• • Schaible  
/Ma9( er - Afterward and

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Purchasing

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EXHIBIT

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Ht1rpor Avcnu{!- Dt;troic. Mich. (Area Code 313) 267-1000- Mailing Address: P. O. Box 238. DeU

BP011372

• J. -• ... • .....

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## ■REPORT

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/ ----- .

## RESPONSE

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-12/18/SoaOL\_\_  
REPORT N.o.

/I

## OFFICIALS INTERVIEWED

!'HONE

co•M:?m:anid by J. J.

ruehauf. Our request for o:1.g1nal equ1pment\_

dated November 21,  
indicating that no cost increases l\OUld be accepted. A meeting was\_ then  
held with Schaible and it was ascertained that a 6% increase was more  
realistic from Fruehauf. A firm review of Abex original equlpmerit nrImbers

Tins \vas ansvrcred v1a .a let tcr from

.-was made and discussions held

that

bottom line from us -an

original equipment materials was required. They indicate that 12% is more than they receive from Carlisle and Ruybestos-Nanhattan (they have an engineering approved lining) and -as such -we outfit.

not competitive with

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)

'11letter

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-Based on our non-competitive position, they must do something to -assure

.

that all of their assembly plants are receiving competitive prices:

the reduction will be from 50% of the

which in no way

manufacturing 40,000 blocks per month, approximately \$1,100,000/per

year, zero percent. They will take our inventory and materials in process

will be coordinated (reference Lukas 1 letter 9.12.1981)

-and

th to Schaible):---

.. -----

the word is that our January 12, 1981 increase

On the

makes us

-July because Silk felt some responsibility that the

gotten off the ground in the years as well as anticipated when we agreed it should.

business is also gone. Discussions will be held with Ward,



Lukas to determine what will happen here.

by that amount. They gave us a 5% increase in  
not

If we must resolve this situation or our \$350,000 worth of OES

and

.

They are somewhat in awe of our decisions in these very difficult

times and don't understand why if they are

prices that other customers can. They feel we are out of step  
with the industry.

to accept these

Our outlook at fivehauf I would say is poor due to the fact that as a  
result of this, they would always have the feeling that the effort might  
go for "not" because we would back out on our long term commitments for

term gains." - We stated years ago we would agree to be competitive

with our industry and at the present time we aren't and as such, we are  
leaving them to go their own way. We should not expect to get back in for  
several years.  
years of effort

offer Silk to Sallm because of the

the appropriate ground work with the management

this is a

EXHIBIT

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BP011356

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Harper Avenue P.O. Box 238

CITY

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L . E. B.

Detroit, t-II

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COMMENTS

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held

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leaves 7%.

Accompanied by 1-ir. Don Grinter and Mr. Jerry  
with the above to again . reveal the 1981 pricing  
original equipment parts reduced to 12%.

Carlisle completed their negotiations. Friday, January 9th, and Silk stated  
that they settled for less than their request of 8!! and some\lha t more  
than the request from Fruehauf of

Now that Silk appreciates the severity of our request and our poor  
. financial position on the linings, he will push for an answer on the block  
marking. He

that sal'ings ldth these operations "Hl not be  
returned to him in lm'lcr prices- -Ne \li 11 keep this money •

•

We Will quote . in t1110 \leeks Hith pricing and tir.ling for a .backing material  
. to be utilized on their blocks --Carlisle. utilizes backing material on

all of their parts to  
and also we will provide them a quote and  
timing on a mix change.  
feels no problem in the mix change  
as long as we will  
hear and performance to our present 693-SSIG.  
It was noted that Engineering has agreed to let both Carlisle and Abex  
will mark on that.  
We proposed a potential step-pricing based  
the various alternatives  
if we are able to agree on the amount that our 12% request can be reduced.  
The steps might take place on April 1st and then again on September 1st,  
if the markings cannot be taken care of, if the backing cannot be taken  
care of and if the new material cannot be accommodated.  
we would continue to supply SSIG, but at the stepped up pricing.  
In these events,  
It becomes rather basic and that it is that Fruehauf wants Abex as a  
supplier and to maintain the relationship, they have got to help  
profitable by making some of these proposed changes for our benefit.  
It was learned that Fruehauf is forking with Kelser-Hayes and B. F. Goodrich  
on disc brakes, however, they do not like the obvious  
for these parts. They  
be a long time before they are standard. The Rockwell disc brake has  
not designed to fit the Pro-Par axle, although Rockwell has made a proposal

go into a plant. However, Sales needs to be

some will be utilized!

and provides

required

that it

it will

Silk

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be

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EXHIBIT  
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BP011354

■:L\_. E. Bretz, Jr.  
Report U8606

Page 2

/12/81

and a presentation. They figured two years to design a unit to fit the Pro-Par axle. Rochrell is programming 1,000 units in the field with . air disc brakes, specifically trailers, on a basis to generate field test data.

Silk • s conversation with Steve  
his subsequent conversation with representatives of the Auto  
-

This meeting was held as \_a rcsul t of  
Conway  
Products Group .

Walker stated that the Semta bid has been shoved off for one week and is .. on the 19th.

come up for

.

L. Earle Bretz, Jr.

LEB/lb

cc: JjLukas/JWCcCool/file

DWGrinter

BP011355

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January 12, 1981 .

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r.

!...:\_ . ' t

G. Schaible, Manager p...:.....\_

Mr.

Aftermarket &

' Fruehauf Corporati9n

Harper Avenue

Detroit, Michigan -48232

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Purchasing

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I r .,

Dear Mr. Schaible:

increases in raw materials, labor, utilities,

, 1981 our prices must be increased.

Please be advised that effective with all shipments made  
on and after

The

taxes etc. make this increase necessary.

Attached is a list of your part numbers for which we show  
sales during

If you need prices on parts not shown, please let us know  
the part numbers and we will send you

Our terms remain Net 30 Days after delivery and shipments  
are F.O.B. our plants.

twelve months and the adjusted prices.

new prices.

.

..

would appreciate your sending us your change notice

the new prices.

Thank you for your past business and we look forward to  
serving you in the future.

Sincerely,

J. W. I1qCool  
Manager-sales Administration

JhTJ:l/bd  
Enc

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EXHIBIT

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KAZ

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January 1, 1981 Prices

r \.U.Cn.t\Ut". · CUKI'ORATION

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FRUEHAUF

NUMBER

FORMULA

DESCRIPTION

NET PRICE PER AXLE SET  
(EIGHT PIECES)

.

Purchase Order i20826

·A\_:CE6ia7:....6

and

(A}

A-CE6288-6 · (C)

.A-CE6287-8 (A}

and

A-CE6288-8 (C)

Js X 8-5/8 -Brake

n

n

-SSI-D

l6Js X ·8-5/B Brake

"

n

Boxed \$ 39.88/Set  
Bulk

.59/Set

Boxed

.88/Set

Bulk

.59/Set

Boxed Pallet Quantity - 72 Sets

Bulk Pallet Quantity - 84 Sets

Purchase· order

A-CE.6285-6 (A)

and



A-CE-6286-:-6 (C) ""  
. A-CE!)285-8 (A)

and

A-CE6286-8 . (C)

-551-G

"

-551-D

.,

X 7 Brake

n

..

..

Boxed \$ 33.93)Set  
.Bulk

.65/Set

Boxed

Bulk

.93/Set

-. 65/Set

Boxed Pallet

- 100 Sets -- Bulk Pallet Quantity - 105 Sets

Freight Prepaid oh orders of 35 .sets or more.

Above prices include federal excise tax.

· ·; .

KAZ

FRICION PRODUCTS GROUP

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=C;=V===S==.r

Typed 1/22/81 · TYPE Of CALL

-A(f•fill!.UNTATIVE

AOORE:SS

rRUEHAUP CORPOR.\TION/ AXLE PLANT  
Spencerville Road

CI1Y

I.. F.. B.

Delphos, OH

OFFICIALS INTEAVIr.WEO

Pam Lauf - Material Control  
Charles Nitasik - Plant Manager  
Don Grothousc - Director Purchasing & Material Control  
Stan Lyle - f.laterial Control Supervisor

COMMENTS

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/15./81

.0/I.TE

/13/81

REPORT No.  
STAT£/liP---  
5833

PHONE

/692-6015

lqhat · this means is that they l·ill purchase the -6 and -8 numbers service  
block thickness and  
.010 thickness tolerance for production and eliminate  
the -5 and -7, .020. thickness tolerance original equipment numbers.  
Whatever must be done on the part of Abex to achieve the shipment of blocks  
that are within the .010 tolet'ancc must be done if "e are to retain the  
business (with appropriate pricing success). It is suggested that an

immediate investigative program be set up to accomplish this manufacturing fact.

x 7"

The axle build and sales are running at 51 000 per month from the reported 4,000 per month. On schedule for our standard -SS1G parts are January and February requirements of 7,200 pair each. January usage will be 9,272 pair, February usage 5,787 pair, March usage , 035 and April usage 6, 619. and April are not on order until we get our pricing straightened out with Detroit. They are very supportive of making changes and even

. possibility of printing on the edge in blue with large letters and/or lines, etc., to make easy identification possible. They are also supportive of the elimination of paint from one edge--they feel they can get along without it due to the controls at their riveting operation. Mr. Mitasik will report to Joe Silk his position in these matters, which is that will help our suppliers at this point should be done i.e., eliminate one of the edge paintings, eliminate the impression stamping edge and back and go to some form of combining the coloring with the printed edge marking.

the

J. [B/lb

= - -

cc;

nttr ... ..,

Jr.

BP011369

file

LBoy-d

, , TJ .... , ... . 1 , ... -

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JHBarbazet:te

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## EXHIBIT

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B.

Abex

Requirements:

a) The edge of the lining without the ink stamp to be

coded with a. miAIIII).ID. of 2" wide band, blue (for 693-551-G)  
and white. (for 693-551-D) paint.

b) The following information is to be

stamped :a minimtlil.

high on the opposite edge of the lining by Abex\*\*.

.....

.

;

(1) NYS Code:

(2) Mix No. 693-551G or 693-5.51D

(3) FruehaUf part no . . CE 62xx -5,

(4) ANC. or CAM\_

(5) FMSI No. -1-:..:

GG

.. 7 or -8\*

..

\*-5

Denotes original equipment

-551-G

-6

Denotes service equipment

-7

-551.-G

: Denotes original equipment

--a

-551--D

Denotes  
equipment

:...ss1:...n

\*\* Refer to Page 2:3 of 23 for location of these ink  
lining edge, stamping on under face is allowable.

of lettering \_does not allow number to be stamped on

.. .

. \*\*\*.lf

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## ■ SALES REPRESENTATIVE'S REPORT

PRODUCTS GROUP

Typed 1.125/81

//l ':-r-r-

TYPE of CALL

Received 2/19/81 A 2/18/81

TE

REQU ESTED 0

FRUEHAUF CORPORATION

ADDRESS

Harper Avenue P.O. Box 238

## REPRESENTATIVE

L. E. B.

## CITY

Detroit, MI

## OFFICIALS INTERVIEWED

HEI'ORT No.  
-1000

A. Szymanski - Chief Engineer 1 .Components  
.A. G. Schaible - Nanar.er Aftermarket & Accessories  
. A. H. Przepiora - Uirector Product Development  
H. MacMaster - Director Product Engineering

or Project Engineer

## · COMMENTS

Purchasing

Department agreed to

have eliminated the requirement of a butch code.

At this meeting on February 18th, .. the  
the wording required for the identification and marking section of  
FES 74, Sheet 22 of 23. Reference the \<triter's letter dated January 30th  
regarding our edge.'marking proposal.

·The agreement is in principle to the writer's letter with number and  
positioning changes only.

It reads per the attached sheet.. Also note the edge example provided.

Also note

The changes are being typed and they will be in the hunds of P6rchasing  
by the end of this week.. We should be receiving a letter the later part  
of the \leek of February 23rd Hith the changes that both Carlisle and .

Abex have .agreed to. Carl is

lettering

considerably sr,taller than

Abex, being il'). the 125-ISO: range.

All purchase orders covering Pt:icing have been amended and are being  
forwarded to us.

As of now, the Raba axle provided by Eatori. has not had an impa-ct on the  
Pro-Par axle business, however, they at Inst noticed that it 4s out there.

pur non-asbestos data provided .to Fruehauf last fall is bcitig closely

·scrutinized and

Now that we have the identification requirements out  
next project is to obtain approval of the use of a false back in  
should propose even less difficulty. We will review  
Engineering that is generated by  
samples. This method has been chosen because it has adequately  
General Motors and Terex parts. As soon as this is accomplished, we  
should be in reasonably good shape on Fruehauf production parts •

to date the comments are very favorable .

four\_square 1inch

- the way our

estimate

TJ:is'

for

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./ 6.. ....

L. Earle Bretz, Jr.

LEB/lb

Attachments

cc:

RA Pearce

EXHIBIT

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/r; -tt -1 to IAP

RENelson

PHGrint

.. THBp. rbazette ADindelicato

BP011352

■ \_\_\_\_\_ "" \_.. .. :...2../u .. u...J /J...(d-----

Mema"ndum

..

·r

An tC Industries Company

Date:

Harch 2, 1981

Subject:

F REUHAUF CORP.

From:

A.D. Indelicato

To:

R.E. Nelson  
Troy Office

·.

·r have had the opportunity to meet Dave Kizyma of .Fruehauf at a luncheon during SAE Expo. Dave informed me that he is working on Fruehauf's non-asbestos program and is quite interested in 931-162.

Dave has reviewed the .data we supplied Fruehauf but would like more detailed information. nfter talking to Dave, I think he wants the computer outp.u ts.

I promised Dave that srimeone.would be in contact with him regarding his request..

Of interest, Dave claimed that Abex is the only supplier that has supplied Fruehauf with ·FES-74 data and therefore, felt that we had a . considerable · jump on our competitors.



Please contact Dave at (313)-262-1481 as soon as possible.

til

A.D. Indelicato

cc: L.E. Bretz

G. K. Manghi

FILE: Fruehauf

EXHIBIT

BP011365

SALES REPRESENTATIVE.SREPORT  
FRICTION PRODUCTS GROUP

CUSTO.IER

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Typed 5/21/81

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ADLIRESS.

FRUEHAUF CORPORATION/ (I.XLE  
Spencer Mill Road

F-

TYPE OF CALL . . . -

.. Received

... \*

REPRESENTATIVE

S/O/OI

{.. E. B.

. CITY

Delphos, OH

## OFFICIAL..S INTERVIEWED

- Manager Quality Control  
Grothouse - Director Purchasing & Material

Fred  
Stan Lyle - Material Control Supervisor  
Pam Lauf - Material Control

## COMMENTS

REFERENCE 1\<OUESIEO 0

## DATE

/15/81  
AEP DnT No.  
STATE/ZIP

## PHONE

692-6015

The most recent schedules received from the location indicate standard parts 6285-S and 6286-5 are scheduled at 19,400 for June, 10,000 each for July, 14,000 each for August due to a two week shutdown at Delphos and 17,000 programmed for September. On the standard parts heavy duty lining, 600 each due for June and July and 720 each due for August and September. The standard 8-5/8" parts, 6287-S and 6288-S call for 600 each due on June 1st and then 300 each month for July, August and September.

They continue to work towards a shoe and lining assembly no-grind program and are very interested in our development of the grinding technique which will allow us to meet their

The machine changes on the blocks went into their system with no problems experienced.

are also interested in our false backing program and are anxious to

rectify these parts and get this program under way.

No problems were experienced in the  
incent in the Material Control  
order.

Inspection Department. No problems  
Department  
is in

-

..  
L. Earle Bretz, Jr..  
LEB/lb

cc: J\IMcCool/filc  
PHGrim

.  
ADindelicato

EXHIBIT

ji) - IZ-f;) JI1[/

BP011359

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.. . . . .

■.. }

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, 1981

-tr. A. G. Scialblc  
&  
Manager  
Accessories Purchasing  
Fruehauf Division  
Fruehauf Corporation  
Harper Avenue  
P.O. Box 236  
Detroit,

Dear t.l.r. Sc:h niblc:

A sales recap  
}.far.ch 23, 1981 through  
fo.llouing:

.

of our shipiaent;s to. Frueh-auf from  
, 1981 indi c-at-es the

•Orig-inal .

.. (ipment:

.Uni t.:s (Pieces)

Dollars

Uni t.:s (Sets) Dollars

,200.

,562

All of. tbe above uerc shipped in Abcx first line materials.

We are pleased to forward .this in.format:ion "to you on a regular

. truly yot.irs,

L.

Senior Account :.tanager

•..

LEB/lb

bee: . JWMcCool/file

. PflGrim.

VSmith

..

EXHIBIT

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IE /o- rt.. .lv fi-l"C?

KAZ

SALES REPRESENTATIVE"S REPORT  
FRICTION PRODUCTS GROUP

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-.....\_

Typed 7/13/ Bi.

A

KFRUEHAUF;OQRPORATION/AXLE PLANT  
Spencerville Road

TYPE OF CALL

Received 7/9/81

REPRESENTATIVE

L. E. B.

CITY

Delphos, OH

OFFICIALS INTERVIEWED

Don Grothouse - Director  
Charles Mitasik - Plant Manager  
Stan Lyle - Material Control Supervisor  
Pam Lauf -

Control

& Material Corttrril

-

DATIO

RESPONSE REQUESTED 0

.

/7/SI  
REPORT No.  
STATE/ZIP

PHONE

/692-6015

COMMENTS

New forecast numbers have been sent to Detroit today--no specific lining numbers back from them as yet.  
Scheduled axle production for July based on 21 days is 8,778, for August based on 11 days is 4,598, September based on 21 days is 8,948 axles and the schedule for October is 9,661 based on 22 days.

Abex will obtain 50% or better of the lining requirements for these axles.

new shipping

format of one, two or three times per month  
will go into effect after their Delphos shutdown

per their  
the weeks of

The no-grind program is progressing in that a broach is on order and  
that a coining machine cost request is

This is not on  
order as yet.

.

rd and August

.

.

complaints we're registered in the Material Control Department and/or  
the Inspection Department. All is in good shape at this location •.

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Bretz, Jr.:

LEB/lb

cc:

JW McCool/CAMartin/file  
PHGrim \_ .rlj-

m

EXHIBIT

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/D- It-1 D \_Mt

KHALL05934

KAZ.

-6

■ SALES REPRESENTATIVE'S REPORT

FRITION PRODUCTS GHOU'

Typed 8/14/81

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CUSTOMER

FRUEHAUF CORPORATION

ADDRI!!!S

Harper A':':nuc P.O. Box 238

\_,JONSEREOUESTE O 0

CALI:- ..... -- .....

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Received 8/10/81

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RI:I'H t!SE NTAT IV lo

J.. E. B.

CITY

Detroit, NJ

/3/81

AEI'OAT No.

STATI!/ZII'

- - - - -I.P=-:H-:-::O,,-,N='E-----

OFFICIALS INTERV I !!WEL> ; - - - - - .1 ' - - - - -

A. G. Schaible - Hanager Aftermarket & Accessories Purcha s ing

N. E. nlker - Re ,ional Sales Manager

C. M. Tedesco - Service

Equipment & Accessories Sales

-100 0

## COMMENTS

, /

Purchasing Department is attempting to establish some cost guidelines

for 1982--without anything to go on, they stated they would probably be in the 10-12% range. Explained we were reviewing our figures at this point and also contacting our suppliers.

The Delphos Axle plant no-grind program continues in a priority position and I answered affirmatively when we were queried as to our status and

we would be ready January 1, 1982.

Also reviewed our

program with them. 693-SSIG.

When we are ready to propose 693-SSIC for their production of 20,000 pound axles based on dynamometer testing, Schaible requested that it go through his office.

--

Walker states there is no desire for non-asbestos linings in the market-place due to costs and the original equipment people at Fruehauf state they are not going to be able to afford it either at this point.

If it is required by Government edict, that is another thing and then everyone will

to raise their prices accordingly. What is the latest pricing on non-asbestos material? This will be forwarded to Norm Walker. Wal

p

with a "competitive block."

questioned the writer as to the latest status of our bus block and whether we had made any decisions to

into this marketplace

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L. Earle Bretz, J r.

LEB/lb

cc: CAMartin/BADybalski./file

RENelson  
ADindelicato

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EXHIBIT  
b  
/f)-/Z-/OJI-{b

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BP011350

■October 6, 1981

· Mr. A • .G. Schaible  
Manager Aftermarket G  
Accessories l'urc!lasing  
Fruehauf Division.  
· Fruehauf Co.rporat:ion  
.10900 Harper Avenue  
P.O. Dox 238

MI 48232

Dear l-h:: •. Schaible.: .  
A snles rccan

of our shipr.tents ·to Fruehauf from  
, l!JB! through September 23, 1981 indicates th.'e

following .:

•.

.Original. Equipment

Units

Dollars

'90,258 .

,769

All of the above \.,rere shipped

We

regular quarterly basis •.

Replacempnt

Units (Sets)

Dollars

-2,92\_3

,677

Abcx first line

to fonmrd this information to you on a

L. Earle Bretz, -Jr.

Sales

Heavy Duty

LEB/lb

bee: BADybalski/filc

LDavidson

EXHIBIT

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KAZ

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FRICION PRODUCTS GROUP T

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ypc 11/6/81

TYPE CF CALI.,.

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. KeCeIVe 11/S/a1

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CUSTOMER

. . . . FRU.f:HAUF CORPORATION/ AXLE PLANT

. ADDRESS

∴ 911 Spence rville Ro.ad .

AEi'AESENTATIVE

L. E. B.

CITY

Delphos, OJi

PfFICIALS INTERVIEWED

. F. B1,1sche - . f.fanager; Quality Control

-C. ni"tasik. - PlaJ:tt .Manager

Grrithciuse - Directot Putchasing & Material Control

: .P. Lauf -

neauesieD 0

D.A.TE

.11/3/81

REPORT No.

.8812

STATE/ZIP

5833

Pt10NE

. 419/692-6015

!=OMMENTS

Due to a fall in requirements for trailer axles, their pioduction has

been cut

to 10 lines to one and a half lines effective November 1st.

Each production line is capable of manufacturing 4,000 axles per month.

As a

they are running 6,000 axles per month as appraised to the  
6,000 previously run.

problem is that they have 38,902 linings on hand

which were shipped from Abex

linings. Their present schedules call for:

in November; 6,684 to be utilized in

and 12; 176 pair in February. This would be a total of 39,800 pair. At

this scheduled usage, they will have on hand at the end of February

294 pair. As a result, their schedule calls for zero parts required

in December and zero parts required in January. At the present

they

to order in some 8-9,000 pair for February. Only time will

giving them 46,102 pair of

pair to be utilized

another 7,200

pair

.

.

They are still working towards an effective date for underground lining  
program with material at a .010 thickness tolerance for January 1, 1982.

Once this program is instituted it is their plan to purchase service  
thickness linings with this tolerance as opposed to original

linings with this tolerance. Their schedules will reflect a quantity  
by number change.

No complaints were registered by the Material Control and/or Inspection  
Departments. Quality control has been excellent of late. A small  
accumulation of parts is here

is being written up for our disposal.

We will be given an opportunity to have them return them to us and/or  
to determine that they should scrap them here.

South Africa is about to submit orders to them covering some 3,000 axles  
per year. At this point, since U.S. materials are not approved by the

they are apparently specifying Mintex linings. Carlisle is

in this game and do not have a material approved for EEC. I work, however;  
Abex docs.

Fruehauf would like to use Abex as a source as

- getting a - new Mintex material on . line. The  
installation on shoes and then axles and shipped to  
to  
would be shipped  
\te should be hearing from Purchasing shortly  
operation.

to -ne lphos

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.

on a request . for quotation.

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/' (.,\_..l.!)

L. a:Hc Bretz, Jr.

LEB/lb

cc: CAHnrt in/DADybalski/file

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RENelson

PHGrirn

. KAZ

EXHIBIT

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I D- (l.-li) J,<t;

■SAIES REPRESENTATIVE'S REPORT  
FRICTION PRODUCTS GROUP

Typed 11/17/81

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CUSTOMER

. FRUEHAUF CORPORATION

. . 10900 Harper Avenue P.O. Box 238

ADDRESS

TYPE OF CALL

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RESPONSEREQUESTEO

.f. Glt.. ,fr -.

[J

Received

/16/SI

DATE

/5/81

AEI'RESENTATIVE

CITY

L. E. -R.

. Detroit, IH

REPORT No.

o

STATE/ZIP.

PttONE

OFFICIALS INTERV.fEVVEO

N. - E-. l'lalke.r

·J:.. -G. Schaible - Hanager Aftermarket & Accessories Purchasing

(). G • . Bobo - - Director Parts & Accessories Sales

..; Regional Sales Nan?ger-Parts & Accessories (not available)

Buyer

.. E.

-1000

ROUTING

COMMENTS

NOV 18.1J81

,,,:-

... General discussion held with the above.

economics. No

Dktfi

It was noted that Mr. Robert Kickel, Vice President of Carlisle Corporation was in Purchasing this date and presented their as to what

In response to Schaible's query regarding our plans, I told him this notification

be coming to him shortly and that we were looking in the area of 8% economics. Based on his comments and reaction, I would suggest his settlement area is 6%.

At the same time, that we provide him with the original equipment request,

that was.

asked for

aftermarket portion. Our aftermarket is growing and as such he is now paying more attention to that side of which will have an effect on not only his company, but

he  
with

•

a so his competition.

. CL;LL 4,

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L . .

Jr.

LEB/lb

cc: CAMartin/BADybalski/file

PH.Grim

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/D-/l.-lf> fl0

EXHIBIT

KAz.

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k• IC Industries(;;, ... : .

CUSTO;!:SR:

SUEJSC'!':

.Fruehauf .  
Stamp\_ing & Pacl:aging

?ROC=:SSI:IG

I. Product line: {pro-par)

Corporation  
Friclaon Products Oiviscon

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!!o.  
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i:o. 5:-tee":::s : \_\_\_\_ 1\_

All Fruehauf replacement sets in fo.rmula· 562-SB  
Specifications :  
All parts to be  
indicated on our shop prints, ·  
Identification:  
For - edge markings, see Chart CH44A.  
Print



to specifications as

part number and date code.

.

.

Packaging:

set in a plain carton. Apply pro-par H.P.Q. Label flo.

APS-1006. Print label with F.H.S.I. Number; Type (Customer Identification and j>\_r\_J!\!Lil Class).

Sbf' and Rat'ino (Friction

.. -

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See Example:

HIGH-

BRA\ElrJING SET

QUALITY

FMS NO.

tvPE \_\_\_\_

SIZE

RATINc;i

APPF.OV!:' 9Y: Marjorie Beaver

KHALL04180

KAZ

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. . . . .

.. --- --' .

■F rue ha u f

Processing

Packaging

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For i :

•. .

•. t.n ::, •

PnOC!::SSIIG

No.

:\_1\_

:\_1\_.

. Product : Replacement Bull: Kits (pro-par)  
. Fruehauf Part

MX4 515092 109

The

twri digits "MX" specifies Abex

rna te ria 1 • .

The -second fi.ve digits 45-150 is the FHSI

is- the Fruehauf edge code and the letter

designates bulk

The 9 is for. Frue hauf's information.

. Specifications: All sets to be manufactured io specifications

indicated on

Identification: . For -Markings,

.

•.

chart CH44A.

• . P a c k . a g i n . g :

5 1 5 0 , 4 5 1 5 C 0 & 4 5 1 5 E . O - 1 0 5 b u 1 1 : s e t s p e r p a l l e t .  
They are to be packed three axle sets per  
{24

in a 36" .. x 48" pallet .

boxes -w; -th -quantity of kits, part numbers,

and appropriate edge code.

Example.:

kits

MX4 5-15092 lag-

p r c i - p a r 9 2 1 F . F

DATE a= ISSUc:August 20, 198-2 .

Y: Harjorie Beaver

KAZ

' .....

.

■FRUEHAUF DIVISION I FRUEHAUF

CORPORATION

C'iA I

.

September 22, 1982

Hr. L. Earle Bretz Jr.

Abex Corp.

Friction Products Group

W. Big Beaver Rd., Suite 710

.Troy, HI 48084

Dear Mr. Bretz:

This is to confirm Abex agreement to produce a  
ventory of 4000. s-ets .Qf FHSI 4515 -Pro -Par. H'. P..Q. t1r4ke

..

o-f drill pattern "C"

SI,Jpporc Frueh!!uf 1 s Nationwide  
material tQ be complete and ·ready for shipment the  
\_of October 11 , 1982.

of dr-i:q\_ !il,tt\_«;;P,l.' "t:" ':

of drill pattern "D" to  
P.Jiogram. · This

in-

Yours veq•

•

.0. Binder .  
Mgr. Aftermarket &  
Accessories Purchasing

/sdb

cc: R\_ •. Bagley

t. Pearsall

Harper Avenue: Detroit, Mtchtgan 48213-3389 (313}267-tOOQ

P.O. Box 238, Detroit. MI 48232

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Kf:{ALL06877

KAZ

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.t/1G

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. SALES REPRESENTATIVE'S REPORT  
FRICTION PRODUCTS GROUP

CUSTOMER

Typed 6/30/83

FR1JEHINJF OJRPORATION

ADDRESS

. P.O. Box 164

TYPE OF CALL

REP 1\

CITY .

Reeeived 6/27/83

A TIVE

L. E. B.

Westerville, OH

OFFICIALS INTERVIEWED

.a. O. Binder -- Manager Aftermarket & Accessories .Purchasllig (Det;roit)  
DOug BelQ\er - General f.tanager  
.Tom Short - Manager Teclni.cal Operations

COMMENTS

. RESPONSE REQUESTED 0

OA.TE

REPORT No.  
STATE/ZIP

PHONE

/882-1500

.

throughout their branch

A general review was made of the OES and aftct,market program with the above. Hr. Bin and the writer made this a joint trip.

They are extremely pleased with the program and what it has done for their overall parts operation. They state that part sales in system have doubled since the inception of the HPQ special lining program. Related and unrelated part sales have increased fantastically.

All concerned are very pleased that is being forwarded to the branches announcing this fact. A copy of this will be sent to the writer when available.

A considerable discussion held on non-asbestos materials. They are seeing some and

activity in this

that some change must be made

this goes. Our price for 50 sets is \$6.81 higher than Carlisle's price for 100 sets, our pricing to make

our

for 300 sets is \$1.30 higher and Qlik price for 900 sets is \$.81 higher than the Carlisle price for 1,209

The bulk of the

will move in the 50-J-00

area, something must be done to resolve this price differential. (It is the

writer's understanding

line is presently going

on in out.

the 300

they are

.. s. parts. The writer confirmed

that

program is being continued. A new publication

differential is

con-

tribution to this effect.

of the.

,ftd

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on

the

for we9-ge

part to allow them to market  
transit 3032-7. A number of  
business with transit operations in allied parts

. We need a fiction  
-is in the works.

They are also  
operations the Abex recently released lower  
their." branches do a  
such as batteries, tires, ...meels,  
The branches specifically are  
Pittsburgh and  
and we  
quoted ABB 80 in the past only to get beaten  
out by Carlisle bidding direct rather  
I explained that the  
as  
material was going on.  
of this new

With the HPQ lining, very few problems have been reported--Pittsburgh and New Orleans  
some drilling problems which were taken care of right at the beginning of  
the program. Scranton reported a problem and an investigation indicated with 100%  
certainty that the material they were  
about was not manufactured by Abex.  
The Minneapolis branch complained  
they did not think it was any better than in the  
Carlisle Brave material; "so what." 40,000 plus sets have been provided into the  
marketplace Which is a sure indication of the success of the program since its inception

transit operators would be handled in

-through the branch.

transit .

how

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KHALL06899

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KAZ

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I ./.'

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' L. E. Bretr., Jr.

Report 19216

/ZZ/83

Page 2 of 2

October, 1982.

Louie Lapos who had been  
successor is Mr. Norm Davison.

'Purchasing. Agent at Westerville is retiring and his  
contact will be maintained.

CCtA\_-LL

L. Earle Bretz, Jr.

,

,.

LEB/lb

cc: OO!artin/BADrbalski/file

RLI\ard

J..!Beaver

KHALL06900

KAZ

An tC industries Comoany

Memorandum

Date:



February 15, 1983

Subject:

Fruehauf Visit

From:

L. E. Bretz

To:

I. H. Boyd

On Wednesday, February 23, 1983, I will be bringing to the plant Mr. H. O. (Hap) Birkner. Hap is the Manager Attendant and Accessories and has been responsible for all brake lining purchases for both original equipment and replacement;

-Binder) of Fruehauf Corporation.

The purpose of his visit is to familiarize himself with a brake lining plant and file his first time in the SO% of the factory, during .. (\$259,000) of their annual requirements ;

Just after of 19.82; over

for.

them

We would

a tour of the plant concentrating on the block area.

also buys heavy truck strips from us for his branches so we do not want to skip that. Actually, this trip will afford us an opportunity to show him we are a full line manufacturer and we should play it all up.

We also want to cover in  
that may be their future dilemma; They have approved for production  
use Abex 931-162, Carlisle AA(9i) aild Raytiestos 2oto-  
we will want to spend some time with Phil Grim and  
Fruehauf deals with on a day to day basis . .

product lines since

.

people that

We plan to arrive at the plant by 8:30-8:45 a.m. and will go to the  
plant conference room. Lunch is scheduled at the club and we will  
leave Winchester at 3:39 p.m. for our flight back to Detroit.

If you

or someone else would like to join us for lunch; please do. "Hap would  
appreciate that". Room reservations have been taken care of.

for your help.

.

{,iJ-J.\_t\_;

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L. Earle Bretz, Jr.  
LE8/1b  
cc: CAMartin/fi 1 e  
llAdams  
AOI nde 1 ica"to

ARHurtmel  
EFPotts  
PHGri!J

/11 /.- /b.J

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EXHIBIT  
S4

KHALL06904

KAZ

-35

■ REPRESENTATIVE'S REPORT

FRICION PRODUCTS GROUP

CUSTOMER

Typed 11/22/83  
FRUEHAUF CORPORATION/AXLE PLANT  
Spencerville Road

AOORES,S

TYPE OF CALL

Received 11/17/83

OATE

REPRESENTATIVE

CITY

L. E. B.

Delphos, OH

i: -L .. :( .. - Y/...\_

RESPONSE fiEOU£STEO 0  
/15/83  
AEfORT No.  
STATE/ZIP

•4 5833

PHONE

/692-6015

OFFICIALS INTERVIEWED

Don GrDthouse - Director Purchasing & Material Control  
Pam lauf - Material Control

Busche - Manager Quality Control  
Lyle

Control Supervisor

COMMfNTS

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.  
.  
.

lining

It is their

They continue to wrestle with the problem of more equitably distributing the production business here at Delphos. Based on the manner in which the assembly plant orders axles, the Abex share has moved to about 1/40 on the short years to get it to IO/Sd and to At the present time, Carlisle. Madison

Delphos some control.

per our agreement of

.. plants, at. Charlotte. Fort

Me. mpti fs; Wes ferve 11 e, ' Waverly and Pro-Par •  
s. lipped to 11. manufacturing plants at Fort Wayne, Fresno,

At present, axles ordered  
get the Carlisle lining and  
plants ordering  
numbers get Carlisle and -43 and -44 numbers get

Hobbs Trail-er, Omaha, Uniontown, Dixie c)ri9 Expqrt.

A review is being made of the  
and the recommendation of Delphos  
be to shift one or  
plants

then to monitor very closely. Grothouse' promised to get his recommendation to the Abex lining and  
tion to

Manufacturing this

and -2 numbers for the 96"

-15 and -16 get the Abex lining. On the 102"

the -29 and

the Abex.

November and December axle production numbers call for 13,000 axles

per month . Our schedule's for November and December on standard lining  
call for  
pair; in January this goes to 28,800 pair. February  
schedule is  
Only one pair of numbers is in short supply, this being 87-5 and 88-5  
when 900 pair  
in the  
"J:hes.e are the . 8,-5/8" wide material  
in 55lb; i. They have 425 pair on  
and are hopeful that this will  
out until we make our shipment.  
Showed the Abex EXL  
film strip. They were appreciative of the  
opportunity to see this. A few releases are coming through requesting  
non-asbestos lining, much of it is  
by the fleet  
whose, 1 in 10 they get is.  
materials and this is by which plant places the axle order.  
the asbestos

in the same manner

being worked on.

November

and

..

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J  
EXHIBIT

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C-- --

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! /D- tt-/D JA.O

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Continued ••••

KHALL06901

KAZ

L. E. Bretz, Jr.

- Report 19324

/15/63

Page 2 of 2

An indication of how well things are going in the trailer industry is  
-that . Hobbs Trailer Division of Fruehauf  
and is oow

Astted above, Abex gets 100% of this business .

for the first quarter of -1985 delivery.

sold out in capacity for

.

L1t:' .

I. Earle Bretz, Jr .

IEB/lb

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cc:

MBeaver,

'.-5- .

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KHALL069Q2

KAZ

FiIRIIULH

FORMT

FORIII

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August 27, 1986

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Feny Rd.

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To All Abex Heavy Duty Distributors,  
As you are aware, the use of asbestos material.s bas come tmder  
increased scrutiny within government, commercial enterprise,  
and consumer groups. The resulting publicity and. leslatioo  
have made the use of thi:S material in our products much more  
difficult and costly.

These events have led Abcx Corporation to make the decision to  
e=xit the asbestos friction materials business.

However, Abex will continue to fill. orders for part numbers in  
asbestos material untU such inventory is depleted.

that certain asbestos part ntlIlIbers on an order cannot be filled  
completely, Abex will substitute

asbestos product price, one time only, to ease your transition  
into the new friction material.

Effective September 1, 1986, Abex will not accept

asbestos product for credit. However,  
assistance that you may require in depleting your inventories.  
will be readily provided.

Your continued  
transition to non-asbestos products.

Very truly yours,

is appreciated as Abex completes the

product at the

information or

return of

In the event

Executive Vice President  
Aftermarket Sales

SPNY 000768,

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## TELECOPIER INFORMATION SHEET

DATE:

FROH:

Noveinber 12, 1987

J. J. Brown

TO:

B. T. Sant1111

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B.3 Return on investment.

by calling on

and Brake

i.e. oompot1t1on etc.

with Production, Research and Hanutaoturing  
candidate materials

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c. Salea

determine  
application.

D. Abex supports:

tests, bench tests and vehicle testing.

material by performing dynamometer

give results to Brake Manufacturer & OE

E. Abex

if OEK & Brake Manufacturer retest on actual vehicle and/or  
break to confirm Abex results.

retest includes Legal Vehicle and Dynamometer Tests, include

G.

Tests and

Integrity

H. After OEK & Brake Manufacturer concur on materials:

Abex quotes

H.1

H.2 Abex provides product specification

Manufacturer - provide end tooling

Manufacturer.

Manufacturer.

to OEK & Brake

H.3 Abex provides initial sample inspection Report to Brake

H.4 Abex

product life is the life of the vehicle

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Car/Light Truck- 5 years +.

introduced in 1982 - Still going

is in 10th year of life.

into production.

... Rcare

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I.2 Heavy Duty ... Life or Axle usually longer than Passenger

Car.

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- O.E.

pay for Tooling and freight 1s F.O.B. Plant Dook.

SPNY002798

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Method or Obtaining & Maintaining O.t.

Page Two

J.

- Abex is sub vendor to OEH although OEH is a deciding factor in friction material selection.

J.1 OEM

buys complete brake assembly from Brake Manufacturer (including friction).

J.2 Brake Manufacturer 18 by all records then Abex customer.

O.E. Sulea Result§

Automotive -

Heavy Duty -

Other- (Industrial Applications, Misc.)

(Passenger Car/Light Truck)

(Trucks On & Off-Highway)

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Total

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Malers Sale= for 1986 (i.e. Customers & Applications)

## APPLICATIONS

Passenger Car/Light Truck

Illustrated -

Ford Ranger

Ford Bronco II

Ford Aerostar

Ford F150

Ford Bronco

Chrysler -

Voyager/Caravan H1n1 Van

Shelby Hi Performance

Jetta

Golf

Cadillac

Escort - program  
completed to start  
production '87.

Tempo -

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Topaz - Production '89

Mustang 5 Liter

T-Bird

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Method of Obtaining & Maintaining U.S. Business

Page Three

Heavy Duty

& Off-Highway

Ford

Freightliner

G.H.

Haviatur IHC

Kenworth

Haale

Peterbilt

Volvo White

Trailera -

(Various)

Clark

BFG

Kelsey Ferguson

A. K. General

Fht Allia

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MAJOR CUSIP.HEGs

P8aacnger Car/Light Truck -

Rooklell

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Friction Products Divlllon  
Pow.ra FtrY Rd., Bfdg. 20  
Marietta, GA 300&7  
(4;1)4) 1153-2045

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QUOTATION

To:

Bonded Brakes  
Howard Street  
Madison Heights, HI 48071

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c.c.!  
Date; a· />1ai(t;::;...

/15/87 .

Attention Steve Harris

We hove your inquiry

,dated

,and are pleased to quote as follows:

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OR OESCRIPTION

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QUANTITY

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\$2.7051

\$2.5483

Per Dana Spicer Trailer Axle Part P.O. H60353 ( o Bonded Brake)  
For Sealand Container Chassis ONLY.

as date per Attachment and Attachment for Bonded Brake

Order approved through  
P.O. #6063 ONLY.

This order is non cancellable; material is non-returnable.

Completed delivery, to Bonded Brakes NEEDED BY 0/30/87.

>ascription of Tooling:

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>roposed Shipping Date:

•erms: Ne1 30 Days After Delivery, F.O.B. Our Plant,

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CORPORATION  
I C Indu•triQ COftiP'Ily  
Friction Products Division  
Z7 Powers Ferry Road  
ui1d1ng 20  
Marietta, Georgia 30067

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We 'have your Inquiry  
PART NUM R  
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to quote as foilows:

OUR FORMULA  
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HOWARD  
MADISON HEIGHTS, MI o&8071  
(3J3) !89.{)6J7

, 1987

Hr. Jim Dukes  
Abex Corporation  
P.O. Box 3260  
Wentzville, MO 64085

Our Jim:

.

To confirm our conversation this A.M., you were unable to delay delivery of the 24,000 blocks of 1151-C which we received this afternoon. You are also that this material is to be used on our Dana purchase order IK-603SI with release dates as follows:

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/9 • 2000/pCS,

/7 • 2000/pcs .

/15 • 1000/pcs.

/4 • 2000/pcs.

/1 • 2000/pC\$.

/15 • 656/pcs.

As we discussed, our intent

to have this lining delivered in

December and January so we could ship it, bill it, and PAY you for it in a timely manner.

Our situation now is to start shipping and billing against this P.O.

about the burden of storage ourselves at no cost to you,

in December, and we will be able to start paying you for the lining in January. We

that you in turn will help us in the area of credit status.

and we

We

still very active on the behalf of Abex, both in Michigan and in

California with our efforts in the  
that Paefffc Truek Parts has a separate \$20,000.00 credft limft and they  
wfl1 remain separate from Bonded Brakes Inc •• Michigan.

Jn that . regard. I understand

Th.anks for your help.

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cc

cc: Mr. Earl Bretz • Abex Corp.

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■ FRICTION PRODUCTS DIVISION

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IIATE:

NOVEMBBR 19, 1987

SUBJECT:

BONDED BRAKB/UANA

FROM :

TO:

J, N, EBERHART

A. D. IN.OELICATO

The  
was limited to technical assistance at Sealand.

Aftermarket sales involvement on the above subject

The Troy office put into motion the part numbers, Purchase Orders and quantities with Dana's edJe code.

Aftermarket Sales again became involved after the material was shipped to Bonded Brakes, At this time Jim Duke contacted me with the information that Bonded Brake was past due and all shipments to Bonded Brakes are on hold. However, the Dana

were shipped without Jim Duke's knowledge.

to see what they could do to resolve the

We then contacted  
problem. Earle Bretz contacted both Bonded Brakes and Dana (call report attached).  
Bonded Brake and Steve gave Jim new release dates (copy of letter attached),  
dock at Bonded Brake. They are unable to pay Abex until such time as Dana pays them. The material is asbestos and we certainly do not want this material back in Winchester.

In the meantime, the Dana material (551C) is on the

Jim Duke was in contact with Steve Harris of

Bonded Brake is on hold, which means they are unable to order for Aftermarket Transit customers, due to this problem we have on OE

for Dana.

J. N. Eberhart.

JNE:df  
attachment

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MEDICAL DEPARTMENT

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May 25, 1965

ASBESTCS STUDY

Mr. Donald K. Remie  
Vice President  
Brakeblok - Trqy Office

Dear Dons

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As I mentioned to you on the telephone today, the U.S. Public Health Service ruled with the Medical Hygiene Departments on 5-24-65.

Their representatives, Williams, Lainhart, M.D. and Lewis J. Cralley, Ph.D., presented their problem, namely, the study of asbestos among the major users of it. They have already studied the textile industry in some detail and are now pursuing the realm of the friction materials group.

They have expressed a desire to study our Brakeblok operation with a detailed in-plant environmental or industrial hygiene survey. They indicate that they would like to cooperate with the Hygiene Department of Brake Shoe so that they could double check each other's results. After a thorough investigation including study of the chest x-rays of 29 employees, they would formulate their own conclusions and hope to determine whether or not there is any increased causal relationship between those exposed to asbestos in their normal work and those subsequently developing cancer of the lung. The results of the survey will be published in scientific journals but these articles will not identify the company or the plant. The results of their investigation will be disclosed known to local management and our industrial hygiene group, but will not be divulged to the individual.

I explained to Drs. Cralley and Lainhart that I would approach the American Brakeblok Division regarding this. They indicated that if the Brakeblok Division management had any questions, they would be happy to consult and see you. I believe that they are truly dedicated to their work and that they are pursuing this in a proper fashion in an attempt to solve a rather

his lawyer or

problem.

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MEDICAL DEPARTMENT

Page 2  
lof.ay 2 5, 1965'  
Mr. D. K. Rennie  
Res

## Study

I shall write to Dr. Lainhart and indicate that we have discussed the subject  
alid request him to find a mutually conTenient time for you to become acquainted  
and explore the problem further and to your complete utisfaction. I hope  
that we will be able to cooperate fully and I !eel there may be benefits  
to be had not only by such cooperation and irx:rea:sed liaison, but by furthering  
scientific knowledge.

They will require a questionnaire be completed on each employee. A lot of the  
data is undoubtedly present in the nedical file at the plant and this would  
most certainly be better than the employee 1 s recall of such events in his  
past. This could be completed on Conpany time or orr the job. They indicated  
to ne that approximately 20 minutes would be constllll9d in the  
their Bureau of Budget #68...6402•

I am also encloeing, in addition to the above mentioned !arm, a resUliiS or the  
proposed asbestos stuqy.

Studies," that this would perhaps be an ideal way to conduct such a study but  
this is not necessarily nor by any means what will be required or performd  
insofar as such extensive testing.

I shall be interested in any further comnerrts which you might like to make  
and developmnts that may occur.

I would like to add that on page 4, "In-plant Medical

of

c. c. Blackwell, Jr., M.D.  
Medical Director  
En c.  
CCBsnp  
ecs Mr. K. B. Terry

Mr. 1l. B. Parker - NYO

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Dorald r.. Rennie

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
PUBLIC HEALTH SERVICE

NATIONAL CENTER FOR  
URBAN AND INDUSTRIAL HEALTH  
EAST CENTRAL PARKWAY  
CINCINNATI, OHIO 45202

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· Mr. Charles B. Mallory  
Works Manager  
American Brakeblock Division  
ABIX Corporation  
P. o. Box 607  
Winchester, Virginia 22601

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We have discussed with Dr. Blackwell. an environmental survey of your plant similar to that comprehensive than the initial survey, with two men in the plant for one week.

in 1965. This will be less

We discussed with Dr. Blackwell the week of December 9, 1963 and, with your concurrence, plan on starting the survey on the morning of Mr. J. J. Healey will be in charge of the survey.

We appreciate the cooperation of the ABEX Corporation in our study of the potential health effects of asbestos.

Sincerely, yours.

Howard

Ayer

Chief, Environmental Activities  
Field Studies

Occupational Health Program

Charles B. Blackwell - ABEX Corp., Chicago, Ill.

Sr.T.



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NOV 2 11968

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ABEX CORPORATION  
MEDICAL DEPT.

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■ SUPERIOR COURT IN THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

GORDON BANKHEAD and )

EMILY BANKHEAD, )

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Plaintiff, ) CASE NO: RG10502243

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vs. )

)

ALLIED PACKING & SUPPLY, INC.,)

et al., )

)

Defendant. )

\_\_\_\_\_)

VIDEO DEPOSITION OF

LUDLOW EARLE BRETZ, JR.

PUNTA GORDA, FLORIDA

OCTOBER 12, 2010

ATKINSON-BAKER, INC.

COURT REPORTERS

(800)288-3376

www.depo.com

REPORTED BY: MICHAEL R. BRENTANO, RPR

FILE NO.: A408ECF

■1 SUPERIOR COURT IN THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

GORDON BANKHEAD and )  
EMILY BANKHEAD, )

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)

vs. )

)

ALLIED PACKING & SUPPLY, INC.,)

et al., )

)

Defendant. )

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- - -

Video deposition of LUDLOW EARLE BRETZ, JR., taken  
on behalf of Plaintiff, at Four Points by Sheraton, 33  
Tamiami Trail, Punta Gorda, Florida, commencing at 10:19  
A.M., Tuesday, October 12, 2010, before Michael R.  
Brentano, Registered Professional Reporter.

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## I N D E X

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10

(Pages 10 to 13)

PUNTA GORDA, FLORIDA; TUESDAY, OCTOBER 12, 2010;

:46

my questions are meant to trick you or confuse you in

:20

10:19 a.m.

any fashion. So I'm going to ask you, Mr. Bretz, if you

THE VIDEOGRAPHER: We're now on the record.

don't understand any of my questions you let me know so

My name is Beth MacDonald, I'm the videographer and

I can re-ask that question, okay?

I represent Atkinson Baker, Inc., of Glendale,

:18

A Yes, sir.

:20

California. I'm not financially interested in this

Q It's real important so that we know you

action nor am I relative or employee of any

understand what I'm talking about and asking about and

attorney of any of the parties.

so that we get an accurate, truthful answer, okay?



Today's date is October 12th, 2010. The time

A   Yep.

is approximately 10:19 a.m. This deposition is

:19

taking place at 33 Tamiami Trail, Punta Gorda,  
Florida. This is Case No. RG10502243, entitled  
Bankhead versus Allied Packing. The deponent is  
Ludlow Earle Bretz. This deposition is being taken  
on behalf of the plaintiff. And the court

:19

reporter's name is Mike Brentano.

Will counsel please identify themselves for  
the record.

MR. SATTERLEY: Yes. My name is Joe Satterley  
and I represent Emily and Gordon Bankhead.

:19

MR. RADCLIFFE: Tom Radcliffe for Pneumo Abex,  
LLC.

MR. MILLER: Anthony Miller for Arvin Meritor  
and Kelsey Hayes.

MR. SATTERLEY: And I think by stipulation the

:19

Q   Also, you've been sworn to tell the truth.

:20

You understand that you're giving testimony, sworn

testimony just as if you were in a court -- in a courtroom before a jury, correct?

A I do.

Q Okay. Also, if you need to take a break for :21

any reason, you let me know, we'll take a break, okay?

I will try to wait until you're finished answering the question; if you can wait until I finish asking the question, it makes it a lot easier so we don't talk over one another. A lot of times you may

:21

think you know where I'm going but -- and I may think I know where you're going, but let's try to let each other finish our discussion, okay?

A That's fine by me.

Q And then finally, if you could verbally :21

other folks participating by telephone will

:19

respond to all the questions as opposed to nodding the

:21

identify themselves during the first break.

head. Folks on the telephone are listening in, the

THE VIDEOGRAPHER: Would the court reporter

court reporter, it makes it a lot easier for the court

please swear the witness.

reporter to take down the information, okay?

LUDLOW EARLE BRETZ, JR.,

:20

A Okay.

:21

having been first duly sworn, was examined and testified

Q All right. Where do you currently reside?

as follows:

EXAMINATION

BY MR. SATTERLEY:

A 26 Windward Court, Cape Haze, Florida.

Q And how long have you been here in Florida?

A April of 1992.

Q Good morning.

:20

Q And have you been here since your retirement?

:22

A Good morning.

Q Please state your full name.

A Ludlow Earle Bretz, Jr.

A Other than a year, yes.

Q And what company did you retire from?

A I retired from Pneumo Abex Corporation.

Q Mr. Bretz, my name is Joe Satterley and we

Q And how long did you work for Pneumo Abex or  
just met earlier this morning. Have you given a

:20

its predecessor companies?

:22

deposition in the past?

A Yes, sir.

Q On how many occasions?

A I believe two.

A Thirty-eight years.

Q And during those 38 years with the company, it  
started out one name and it switched names over the --

A Several times, yes.

Q Very briefly I'm going to tell you a little

:20

Q Several times. At one point in time it was

:22

bit about the deposition process. I'm sure because  
called American Brake Shoe Company?

you've been through depositions in the past, you're a

A That's correct.

little bit familiar with it. But the purpose of my

Q Another point in time it was called Abex.

deposition here today is to find out what information

A Correct.

you may have that may be relevant to this case. None of

:20

Q And then it became Pneumo Abex at some point

:22

■14

(Pages 14 to 17)

in time?

:22

to call on folks with regards to selling the Abex

:25

A Mm-hmm.

Q You got to --

A Yes.

materials to them?

A That's correct.

Q It sounds like through most of your career you

Q Okay. During the 38 years that you spent with

:22

were in the sales component of the company.

:25

that company, were you in management?

A Correct.

A Yes.

Q I've premarked a number of exhibits and I've

Q How many of these 38 years were you in  
given them to the other -- the attorney representing  
management?

Pneumo Abex just a few minutes ago. They're over to

A 1971 to '92, so that would be about 19 years,

:23

your left-hand side. Can you grab those exhibits?

:25

20 years.

The first one we've marked is the notice to

Q Now, I'm going to ask you some questions here  
take your deposition as Exhibit 1. Do you see that?  
today about your work with -- I'm going to call Abex,

A Yes, sir.

just so that -- is that okay with you?

Q And did you receive a subpoena that had this

A That's fine, sure.

:23

notice to take deposition with it?

:26

Q Okay. And first, it's my understanding that

A Yes.

you -- did you leave the company in 1992?

Q And how long ago did you receive the subpoena?

A I was retired in January '91.

A Two and-a-half weeks, the first one.

Q Okay, January of '91. And you started with

Q After you received the subpoena for this  
the company in --

:23

deposition and in between today, what, if anything, have

:26

A July 19 -- July 1953.

you done to prepare yourself for this deposition?

Q Okay. When you first went with the company,

A Well, I tried to determine whether any of my  
what was your job?

limited files had any information about the Bankhead

A I was a trainee, sales engineer trainee.

case.

Q And then what was the next position you had?

:24

Q Okay.

:26

A After I finished my training --

:24

A I found nothing. I contacted Mr. Radcliffe

:26

Q Yes.

and advised him that I had received a deposition. And I

A -- with the company, I was a sales engineer.

sent a copy of it to him.

Q And how long did you stay as a sales engineer?

Q The subpoena?

A Several years, a few years.

:24

A The subpoena, yes. I'm sorry.

:26

Q And then what position did you take after

Q When you say you checked your limited files,  
sales engineer?

A Then I was a district manager.

Q As a district manager, was that from 1963 to  
'71?

:24

A Yes.

Q And was -- because earlier you said you were  
in management from '71 to '92, or '91, thereabouts. Was  
the district manager role, was that not management?

A Not specifically, no.

:24

Q Okay. And if you could just explain that to



me.

A Well, I didn't have anybody working for me. I was responsible for various accounts and after a -- after someone was with the company for so long, it was a

:24

way of getting a people a raise, they changed titles.

If you reached your maximum within a pay grade, they changed titles so that they could put you in another pay grade to get a raise.

Q So your job title as district manager, you had

:25

you're talking about files that you maintain at your house?

A Yes.

Q Okay.

:26

A The cases that I might have been involved with over the last few years.

Q And how many cases have you been involved with over the last few years?

A Several. No more than ten.

:27

Q And your involvement in these cases has been as a fact witness, correct?

A Yes, sir.

Q You've never been a hired expert to develop  
some certain expertise or anything like that?

:27

A No.

Q And we talk about these several cases, no more  
than ten you said, right?

A Correct.

Q Who contacted you about these cases?

:27

■6 (Pages 18 to 21)

A Mr. Radcliffe.

:27

A Yes, sir.

Q Okay.

Q How long has that occurred?

A Or an attorney by the name of Mr. Edward

A I think 2004, 2003.

Abbott.

Q I may come back to that later. But you

:30

Q Is it your understanding that both of these

:27

haven't reviewed anything else case specific about this

:30

attorneys are attorneys for the Abex Corporation or  
case other than Mr. Ketcham's deposition?  
their successor?

A Yes, sir.

A No, I have not.

Q If you could, turn Exhibit 1 over to the --

Q If you could describe for me very briefly,  
and we're going to start going through some of these  
when you say your limited files, what's in your limited  
:27

exhibits.

:30

files?

But before we go through Exhibit 2, I briefly

A Notices, copies of affidavits which I signed  
looked at some of your other sworn testimony and I  
for cases, a deposition if I received one, maybe a copy  
understand that you learned about asbestos, some  
of the transcript if I gave one.

potential hazards to asbestos sometime in the '60s,

Q You don't maintain and possess historical

:28

correct?

:30

documents of what Abex did back in the '50s or '60s or

A Yes.

'70s yourself?

A No, sir.

Q And how did you learn about the hazards of asbestos in the 1960s?

Q After you contacted Mr. Radcliffe to let him

A There was considerable discussion back then in know you received a subpoena, have you reviewed any :28

organizations such as Society of Automotive Engineers, :31

documents or has he provided you any documents to we held monthly meetings with our salespeople and the review?

manufacturing people and it was discussed at that point.

A A copy of the Bankhead deposition from the

There were a lot of articles back then in trade gentleman from Rockwell.

magazines, et cetera.

Q The -- Bruce Ketcham?

:28

Q Other than the Society of Automotive

:31

A Bruce Ketcham, yes, sir.

:28

Engineers, can you think of any other trade magazines

:31

Q Any other depositions that you've reviewed in that you recall specifically discussing hazards of this case?

A No, sir.

asbestos?

A No, I can't.

Q And how long ago did you get a copy of

:29

Q Did anyone from the Abex Corporation -- back

:31

Mr. Ketcham's deposition?

A Last week.

Q Did you read it?

A Yes, sir.

at this time, it was called Abex, right, in the '60s?

A Yes.

Q Anybody, any of your managers or anybody from another department of Abex call you in and give you a

Q And how long did you spend reading that

:29

deposition?

A Oh, it was 260 pages; about three hours, three

and-a-half hours.

Q Now, do you -- do you charge Abex for your --  
Pneumo Abex or the law firm for your time?

:29

A I'm on a retainer and I charge them time.

Q And what is your retainer?

A Per month?

Q Sure.

A 1500 per month.

:29

Q And what is your hourly rate for other work  
you do for them?

A \$150.

Q And how long have you had this retainer  
agreement with -- is it with Mr. Radcliffe's law firm?

:30

training or classroom instructions on the hazards of

:31

asbestos?

A No.

Q Did there come a point in time later, either  
in the later '60s or early '70s, where Abex, the Abex  
Corporation had a classroom training to train sales

:32

personnel like yourself about asbestos hazards?

A No.

Q When you've learned in the '60s -- by the way, can you, other than saying the '60s, can you narrow it down any when you learned about the hazards of asbestos?

:32

A It was probably -- it was discussed during the early '60s. Time frame, '62-3, in that time frame.

Q In that time frame when you first learned of the hazards of asbestos, did you specifically recall learning about cancer?

:32

■22

(Pages 22 to 25)

A I can't recall.

:33

this call for any special action on our part at our

:35

Q Did you learn in the 1960s about a disease plants in Winchester, Lindsay, Mexico, France? Should called -- process called mesothelioma? we bring it to the attention of our licensees abroad?"

A Yes.

Do you see that?

Q And how did you first learn about that disease

:33

A I see that.

:35

process, mesothelioma?

Q First my question is, were you familiar with

A Specifically, I don't remember.

these plants that they're referring to?

Q I marked as Exhibit 2 a memorandum from D. K.

A Yes.

Rennie to Dr. Charles Blackwell, the medical director of

Q Winchester, is that in Virginia?

American Brake Shoe Company, dated October 8th, 1964.

:33

And I first wanted to ask you, did you know who D. K.

Rennie was?

A Yes. Don K. Rennie, yes.

Q What was his job with the company back in that  
time frame?

:33

A He was vice president of manufacturing.

Q And Dr. Charles Blackwell, did you ever have  
the opportunity to meet him?

A Yes, I did.

Q And was it your understanding he was the



:33

medical director for the company?

A Yes.

Q In this 1964 memo, it attaches an article from the Pontiac Press dated October of 1964 and it says "Suspect Asbestos as Medical Specialists as a Cause of

:34

A Yes, sir.

:35

Q And where is the Lindsay plant at?

A Lindsay, Ontario. North of Toronto.

Q And Mexico, where in Mexico?

A Mexico City.

Q Okay. And France?

:36

A Gif, France, outside of Paris. That's G-I-F, outside of Paris.

Q Were those in that time frame the only locations where there were manufacturing plants within the Abex Corporation?

:36

A No.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) Are you -- tell us all -- some of the other locations where Abex had manufacturing

facilities.

:36

Cancer," do you see that?

:34

MR. RADCLIFFE: Objection, vague, ambiguous.

:36

A Yes, sir, I do.

THE WITNESS: Friction material facilities?

MR. RADCLIFFE: Objection, lack of foundation.

Q (MR. SATTERLEY) Sure.

MR. MILLER: Join.

MR. RADCLIFFE: Same objection.

Q (MR. SATTERLEY) My question to you is, first

:34

THE WITNESS: '64, Cleveland, Ohio. But we

:36

of all, is this the type of article that you were

manufactured sintered metallic in Cleveland, Ohio.

referring to earlier that you read back in the 1960s

The Milburn, New York --

about asbestos?

Q (MR. SATTERLEY) Let me stop you there. I

MR. RADCLIFFE: Objection, vague, ambiguous.

apologize, sir. In Cleveland, Ohio, it was semi

MR. MILLER: Leading, join.

:34

metallic?

:36

THE WITNESS: Might have been.

A Sintered metallic.

MR. MILLER: Move to strike, speculation.

Q Sintered metallic. That's not --

Q (MR. SATTERLEY) In 1960 was D. K. Rannie --

A S-I-N-T-E-R-E-D, sintered.

you said he was a manager with the corporation, right?

Q Does that have asbestos in it?

A Vice president of manufacturing.

:34

A No.

:36

Q And was Dr. Blackwell also in management with

Q Okay. Continue.

the corporation?

MR. RADCLIFFE: Mr. Bretz, you are speaking at

A Medical director? I don't know what -- I

the same time Mr. Satterley is speaking. You need

don't know what that -- the corporate lineup looked like

to let him finish and then you can begin to speak.

and where he fit in. He reported to the president of

:35

THE WITNESS: Okay. I'll work on that.

:37

Abex, or American Brake Shoe.

MR. RADCLIFFE: Do you remember the question?

Q Did -- in 1964, did Mr. Rennie or

THE WITNESS: Repeat the question.

Dr. Blackwell share this information with you?

Q (MR. SATTERLEY) Sure. We were talking about

A I don't remember.

Cleveland, the Cleveland plant, and you were going to

Q It says in here, the second paragraph, "Does

:35

tell me about another plant, manufacturing plant.

:37

■26

(Pages 26 to 29)

A Milburn, New York, sintered metallic. I

:37

THE WITNESS: I don't remember.

:39

believe it was closed by then.

Q (MR. SATTERLEY) Okay. In the 1970s, moving

Q Okay. Any other manufacturing plants of the

forward into the 1970s, did Abex or American Brake Shoe

Abex Corporation that you're aware of in this time

Company have offices around the world?

frame?

:37

A Yes.

:39

A Friction material?

Q Yes.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) Did that continue in the

MR. RADCLIFFE: Objection, vague, ambiguous.

'80s?

THE WITNESS: No, I'm not.

MR. RADCLIFFE: Same objection.

Q (MR. SATTERLEY) And I appreciate your

:37

THE WITNESS: Yes.

:39

clarification. Did Abex have other manufacturing

Q (MR. SATTERLEY) Let's move forward to Exhibit

facilities other than friction materials?

3. Exhibit 3 is an October 13th, 1964 memorandum from

A Yes, sir.

the medical department from a C. C. Blackwell, do you

MR. RADCLIFFE: Objection.

see that?

Q (MR. SATTERLEY) What types?

:37

A Yes.

:40

MR. RADCLIFFE: Objection, vague, ambiguous.

Q And it is addressed to Mr. William F. -- is it

THE WITNESS: Well, as I used to say, we made

Veenstra? Veenstra?

everything from soup to nuts. We had 25 plants

A I don't know. That's the way I pronounce it.

manufacturing cast iron, we had cast steel plants,

Q Okay. It's got his title listed as the

we had cast aluminum plants, we manufactured --

:38

assistant general purchasing agent for the New York

:40

back then, manufactured railroad brake shoes, steel

office, do you see that?

wheels. There were five or six divisions in

A Yes.

manufacturing. A number of items which

Q And at the top, it's got D. K. Rennie, B-B

specifically I don't remember all of them.

Troy. Do you know what that means?

Q (MR. SATTERLEY) Was it your understanding,

:38

A Brakeblok Troy.

:40

was Abex -- at this point in time you called it American

:38

Q And is that Troy, Michigan?

:40

Brake Shoe or Abex, in '64?

A That's Troy, Michigan.

A It was American Brake Shoe Company.

Q And did you ever work in Troy, Michigan?

Q Okay. At that time frame in 1964, you were

A Yes, sir.

with the company, correct?

:38

Q Did you ever work under -- I guess down the

:40

A Yes.

chain of command from Mr. Rennie?

Q Was it your understanding, was this an

A No.

international corporation --

A Yes.

Q It says in this 1964 memorandum, "Thank you for your notice of 10-7-64 and the clippings concerning

Q -- offices around the world?

:38

asbestosis." My first question to you, by this point in

:41

MR. RADCLIFFE: Objection, vague, ambiguous.

time, 1964, were you already familiar with the disease

Q (MR. SATTERLEY) Go ahead.

called asbestosis?

A Yes.

MR. RADCLIFFE: Objection, vague, ambiguous, I

Q And you already mentioned the Canada, United

object to the leading statement which is not part

States, Mexico, France, where were some of the other

:38

of the question, and lack of foundation.

:41

locations American Brake Shoe Company had offices?

MR. MILLER: Join.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) Go ahead.

THE WITNESS: Friction material?



A I believe I was.

Q (MR. SATTERLEY) Let's do more broadly then.

Q Did Dr. Blackwell share this memorandum with

A During this time frame specifically, I

:39

you when you were in sales in 1964?

:41

can't -- I don't remember.

A I haven't -- this is the first time I've seen

Q Let's break it -- let's make it easier. Just

this.

in the '60s generally, are you aware of where Abex had

Q So the answer to my question would be no?

offices around the world?

A No.

MR. RADCLIFFE: Same objection.

:39

Q Okay. The next sentence says, "The problem of

:41

■30

(Pages 30 to 33)

mesotheliomas in individuals exposed to asbestos is

:41

Q And you were there trying to sell the friction

:44

pretty well known in industry." Do you see that sentence?

products?

A Correct.

MR. RADCLIFFE: Objection, foundation.

Q And included in the friction products at this

Q (MR. SATTERLEY) Do you see that?

:41

point in time would be an asbestos-containing product,

:44

A Yes.

Q By this point in time in 1964, based upon your correct?

A Yes.

involvement with the corporation in sales, would you

Q The asbestos -- the Abex -- or, I guess, agree that the problem of mesothelioma and exposure to American Brake friction product in '63 to '71 time asbestos was well known in industry?

:42

period, do you know what percentage of the product was

:44

MR. RADCLIFFE: Objection, foundation, vague, asbestos?

ambiguous.

MR. RADCLIFFE: Objection, vague, ambiguous,

MR. MILLER: Argumentative. Join.

THE WITNESS: I can't speak to that.

calls for speculation.

MR. MILLER: Join.

Q (MR. SATTERLEY) Well, did you know in 1964

:42

THE WITNESS: Depended on the formulation, 50

:44

that mesothelioma was caused by exposure to asbestos?

to 60 percent.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) And in that time frame,

MR. MILLER: Same, join.

MR. McGUIRE: Join.

1963-1971, I take it as a salesperson, you made major

inroads into the getting new accounts to these

THE WITNESS: I don't remember.

:42

manufacturers?

:45

Q (MR. SATTERLEY) You can set that exhibit to

A Correct.

the side. I think that what I'm trying to figure out

Q And was there a major plant expansion made as a result of your inroads, the inroads you made with you said, in the early '60s, '62, '63, was mesothelioma regards to the sales of these products?  
one of the things that was discussed?

:42

A Yes.

:45

A I don't remember.

:42

Q And where was that major plant expansion?

:45

MR. MILLER: Assumes facts.

A Winchester, Virginia.

Q (MR. SATTERLEY) Okay. Are you able to tell

Q And if you could just tell me a little bit  
us all the circumstances in which you learned about  
about that. What -- how did the plant expand?  
mesothelioma?

:43

MR. RADCLIFFE: Objection, vague, ambiguous.

:45

MR. RADCLIFFE: Objection, vague, ambiguous.

THE WITNESS: Based on a four- or five-year

THE WITNESS: Specifically I can't.

test period with General Motors Corporation, we

Q (MR. SATTERLEY) All right. In the 1960s, you

received approval for all of their half-ton truck

were involved in sales, right?

and three-quarter-ton truck business, brake

A Yes.

:43

business, front and rear.

:45

Q And in your involvement in sales in the 1960s,

Q (MR. SATTERLEY) And because of that business,

did the management of the corporation tell you that you

the plant had to be -- was there another building built

should be passing on to customers information about the

or couple of buildings built?

hazards of asbestos?

A Just an expansion of the existing building.

A No.

:43

Q In your role as district manager in that time

:46

Q In the 1960s when you were in the -- I think

frame, '63 to '71, did you have occasion to go to the

you said you were district manager from '63 to '71,  
correct?

A Yes.

Winchester facility?

A Yes, sir.

Q And during that time frame from 1963 to 1971,

Q And your responsibility as district manager

:44

did you ever observe any folks at that Winchester plant

:46

would be to deal with major vehicle manufacturers, car  
wearing respirators?

and truck companies?

A Yes, sir.

A Specifically, no.

Q In that time frame, 1963 to 1971, did you ever

Q And aircraft brake companies?

see any postings of any warning signs or caution

A Yes, sir.

:44

statements in the Winchester facility?

:46

■10 (Pages 34 to 37)

A Yes.

:46

speculation.

Q And what's the earliest you recall there being

Q (MR. SATTERLEY) And was it the respirators --

some type of warning sign at the Winchester facility?

do you know whether those were to eliminate exposure to

A Memory serves me, it was the late '60s.

the asbestos dust?

:49

Q And did it specifically warn about asbestos?

:47

MR. RADCLIFFE: Objection, calls for

:49

A No.

speculation.

Q What did it warn about?

MR. MILLER: Join. Foundation.

A Dust.

THE WITNESS: That's out of the realm of my

Q And what did it say in the plant about the

expertise.

dust?

:47

A I don't remember what the label -- the

postings would say. Don't remember -- I don't remember.

Q But you just recall it said something about dust?

A Yes.

:47

Q Okay. Did they also have in the Winchester facility an exhaust hood to suck the dust away from the workers?

A Yes.

Q And was that designed to capture potentially

:47

toxic dust?

MR. RADCLIFFE: Objection, vague, ambiguous, argumentative.

MR. MILLER: Join. Foundation.

THE WITNESS: Set up to capture the dust.

:48

Q (MR. SATTERLEY) Nobody from the company ever

:49

share with you why certain workers in the plant were given respirators?

A Not that I remember.

Q And you, I take it, as a salesperson in sales, never conveyed to any of your customers that people back

:49



in the plant were wearing respirators?

A I don't believe so.

Q You never saw any product brochures that said, hey, our workers back in the plant, we're protecting them by having them wear respirators?

:50

A No.

MR. RADCLIFFE: Objection, argumentative.

Q (MR. SATTERLEY) Now, Exhibit 4 there is a 1968 interoffice Abex Corporation correspondence dated March 25th, 1968. Did you know G. M. Theodore?

:50

Q (MR. SATTERLEY) Did you know a

:48

A No.

Mr. Borchherding?

A Spelling?

Q Did you know J. D. Henderson?

A No.

Q B-O-R-C-H-E-R-D-I-N-G?

Q Did you know F. D. Hunter?

A No, sir.

:48

A No.

:50

Q I take it it wasn't part of your job in sales

Q In this memorandum, it's talking about product to evaluate the exhaust dust -- ducts that were at the liability was discussed at this meeting in relation to Winchester plant?

A No.

large lawsuits for improper warning against hazards on products, do you see that?

Q But you did know that they had them there,

:48

A I see?

:50

right?

A Oh, yes.

MR. RADCLIFFE: Objection, foundation.

Q (MR. SATTERLEY) In 1960s, in this time frame,

Q Did there come a point in time later where you did anybody from the corporation, whether it be the observed folks in the Winchester facility wearing medical department, upper management, talk with you at respirators?

:48

all about proper -- what is a proper labeling on a

:50

A Yes.

Q And when did that occur?

A Late '60s, early '70s.

product?

A No.

Q Did there come a point in time in the '70s or

Q And what was your understanding of why they  
'80s when somebody from the corporation sat down with  
were wearing respirators?

:49

you in sales and said, this is a proper label and this

:51

A We were very protective of our employees and  
is an improper label?

it was part of the process. Depending upon where their

A Early '70s, yes.

job was within the plant, some people didn't, some

Q Okay. And who was it from the corporation  
people did.

that sat down with you and taught you what a proper

MR. RADCLIFFE: Objection, calls for

:49

label was and what was an improper label?

:51

:50

(Pages 38 to 41)

MR. RADCLIFFE: Objection, vague, ambiguous,

:51

MR. RADCLIFFE: Objection, foundation.

:53

argumentative, misstates prior testimony.

Q (MR. SATTERLEY) My question is, do you know

MR. MILLER: Join.

what they're referring to, car tips 1 to 35?

THE WITNESS: I don't remember any distinction

MR. RADCLIFFE: Objection, foundation.

between a proper and an improper label. I don't

:51

THE WITNESS: Yes.

:53

remember anybody specifically sitting down with us

Q (MR. SATTERLEY) And what is that?

to discuss labels.

A We publish periodically a tip for the brake

Q (MR. SATTERLEY) Okay. Please set Exhibit 4

industry, the aftermarket industry, tips for the --

to the side.

Q What type of tips?

We'll go on to Exhibit 5. This is a

:51

memorandum from the American Brakeblok Division, Troy office. Did you work out of the Troy office?

A Yes.

MR. RADCLIFFE: Asked and answered.

Q (MR. SATTERLEY) At this time frame.

:52

A Yes.

Q Okay. E. M. Green, did you know who that was?

A Yes.

Q Who was he?

A He was a plant manager of the Winchester

:52

facility.

Q And what about P. H. Grim?

A Phil Grim was in the sales office.

Q And then there's some names at the bottom, Nelson, Jones, and Hoff, do you see those names?

:52

A The how to, how to make a brake job, how to do

:53

a brake job, how to eliminate noise, how to improve this, improve that, just general information.

Q And this time frame in October of 1972, do you

know whether the American Brakeblok Corporation was  
sending -- was including in its tips anything about

:54

asbestos causing disease?

MR. RADCLIFFE: Objection, calls for  
speculation.

THE WITNESS: I do not remember specifically,  
no.

:54

Q (MR. SATTERLEY) Let's go to the next exhibit.

This is a Abex Friction Products Group memorandum dated  
February 13th, 1975, from Harry R. Jones.

A Mm-hmm.

Q Do you know who Harry Jones is?

:54

A Yes.

:52

A Yes. He was a vice president of aftermarket

:54

Q And do you know who those folks are?  
sales.

A Yes.

Q Who are those?

Q And this is sent to all district managers.

And by 1975, you were already above a district manager,

A Bob Nelson was our manager of technical

:52

right?

:55

services, Harry Jones was a vice president of

A Yes. But this would not have been sent to me.

replacement sales or sales manager replacement sales,

Q Why not?

and Eric Hoff was district manager west coast

A Mr. Jones was involved with the aftermarket.

aftermarket.

I was specifically in the original equipment end of

Q It says Service Tip Information on the subject

:53

things. His district managers are all selling

:55

line, do you see that?

A Yes.

aftermarket linings to distributors.

Q In '75, where was your office at?

Q It says, "Attached is a copy of a letter from

A '75, I believe it was still in Troy.

Charles E. Christensen, automotive instructor, San --"

Q So if we look at the bottom we got Mr. S. S.

how you do say that?

:53

Conway, Jr.?

:55

MR. MILLER: Mateo.

A Yes, he was president.

Q (MR. SATTERLEY) Mateo. "-- San Mateo High

Q President of what?

School, California," do you see that?

A President of Abex Corporation Friction

A Yes.

Products.

MR. RADCLIFFE: Objection, foundation.

:53

Q Okay.

:55

Q (MR. SATTERLEY) And it says, "Please place

A Or American Breakblok.

this school on our mailing list and send copies of all

Q Regional managers?

our passenger car tips 1 to 35 inclusive," do you see

A Yes. We had four regions in the aftermarket.

that?

Q Troy sales personnel?



A Yes.

:53

A Troy sales personnel.

:55

■42

(Pages 42 to 45)

Q And Winchester sales personnel?

:55

Q (MR. SATTERLEY) And how did you know that?

:58

A Yes. They were specifically office people.

MR. McGUIRE: Same objection.

Q Okay. And this is -- relates to Carlisle

THE WITNESS: I visited the production

Corporation motor materials division, do you see that?

facility of the Freuhauf brakes and axles.

A Yes.

:56

Q (MR. SATTERLEY) Personally saw it?

:58

Q And you -- in your involvement in sales with

A Personally saw, yes.

Abex, I take it you became familiar with the company

MR. RADCLIFFE: Mr. Bretz, I think he's done

called Carlisle?

A Yes.

Q How so?

:56

A We competed with Carlisle. I competed with Carlisle in the selling of original equipment and materials.

Q And in the process of competing with them, I take it you probably did some research about them?

:56

A Yes.

Q Did there come a point in time where -- we're in '75 right now, but did there come a point later in the 1970s that Abex became involved with a company called Freuhauf?

:56

MR. RADCLIFFE: Objection, vague, ambiguous.

MR. MILLER: Join.

THE WITNESS: Yes.

Q (MR. SATTERLEY) Tell me about that.

MR. MILLER: Vague, ambiguous.

:57

with that document for now.

MR. SATTERLEY: No, no, no.

MR. RADCLIFFE: Oh, you're not? Okay.

:58

MR. SATTERLEY: I'm going to talk about it.

MR. RADCLIFFE: Okay.

Q (MR. SATTERLEY) In the document itself, Harry Jones, was he a manager you -- you said he was a manager for the corporation?

:58

MR. RADCLIFFE: Objection, vague, ambiguous, asked and answered.

THE WITNESS: Harry Jones back then --

MR. MILLER: Misstates testimony.

Q (MR. SATTERLEY) Was Harry Jones a manager?

:58

A Harry Jones was vice president of aftermarket sales.

Q Thank you, sir. Let's read what he wrote in 1975. "We have seen some increased activity in some marketing areas by Carlisle Corporation. For your

:58

MR. RADCLIFFE: Same objections.

:57

comparison, I'm attaching copies of the Carlisle product

:58

THE WITNESS: In 1977, after several years of brochure and the Freuhauf brochure which, in effect, are

development of friction materials, we received

one and the same." Do you see that?

contracts for 50 percent of their production

MR. RADCLIFFE: Objection, foundation.

business, production axle business.

:57

THE WITNESS: Yes.

:59

Q (MR. SATTERLEY) And were you involved in

Q (MR. SATTERLEY) And back at the time, and I

helping get that business?

A Oh, yes.

think attached here, are those brochures. But my

question to you is, back at the time, do you recall you

Q And prior to Abex getting 50 percent of that

actually saw those brochures yourself?

business, based upon the research you did at the time,

:57

MR. MILLER: Vague, ambiguous, assumes facts.

:59

did you know who had the business?

A Carlisle Corporation.

MR. RADCLIFFE: Also leading, argumentative.

THE WITNESS: I may have, I don't remember.

MR. McGUIRE: Objection, lack of foundation.

Q (MR. SATTERLEY) The next paragraph says, "As

MR. MILLER: Join.

you know, our private brand program has never been

MR. RADCLIFFE: Can we have an stipulation

:57

designed to compete with our Abex distributors." Do you

:59

that an objection by one defendant is good for all

see that?

defendants?

MR. SATTERLEY: Sure, sure.

MR. RADCLIFFE: Thank you.

A Correct.

Q What is the -- a private brand program?

A We had an aftermarket program with all --

MR. SATTERLEY: Yeah.

:57

basically all of the vehicle manufacturers and we

:59

Q (MR. SATTERLEY) I'm sorry, the question was

manufactured the same lining for the aftermarket in the

who had the business before Abex got 50 percent of it?

private brand program for their trucks and trailers,

A Carlisle.

tractors, as we did for original equipment. We supplied

MR. McGUIRE: Objection, lack of foundation,

labels and the product was boxed in axle sets, labeled

hearsay.

:58

Freuhauf or labeled Trailmobile, labeled Peterbilt,

:00

■46

(Pages 46 to 49)

Kenworth, et cetera. That was our private brand

:00

Q Does that stand for friction material

:02

program, about 25 different private brands.

standards?

Q And as far as the label that Abex provided,

A FMS stands for friction material standards.

the -- I guess the wording or whatever, design of the

Q And it's got a number behind it, right?

label, would that be made by Abex or would the design be

:00

A Correct.

:02

made by the customer that's going to receive the

Q Do you guys at Abex have a number like that?  
product?

A Absolutely.

MR. McGUIRE: Speculation.

Q Would Carlisle -- for this just taking this

THE WITNESS: We would make the label. We  
example, the 16 and-a-half times 7, would the friction  
would design the label, they would approve the  
:00

material number be the same whether it would be a  
:02

whatever, or they would provide us information,  
Carlisle versus an Abex?

what they wanted on the label. We're just talking

MR. RADCLIFFE: Objection, vague, ambiguous.

labels with their name on it, labels with the part

THE WITNESS: Not the friction material  
number on it that was in the box.

number. The friction material number on this label

Q (MR. SATTERLEY) Okay. We're not talking  
:00

is MMD 39. That's the friction material.  
:02

about any type of warning labels?

A Negative.

Q (MR. SATTERLEY) I thought the friction material number was 4515.

Q Okay. It says, "However, it would appear this

A That's the size designation. That designates

is not the case with the Carlisle program. It would the size per the FMSI --

seem that Freuhauf has all the advantages over the

:01

Q Spec?

:03

Carlisle distributor." Do you see that?

A -- specs.

A I see that.

Q Do you know what that means?

A Can't speak to it.

Q Would the size, the 4515, be the same for --

explain it to me. I'm just not very familiar with that.

A In answer to your question, yes, it would be

MR. McGUIRE: Objection, lacks foundation,

:01

the same size regardless of the manufacturer of the

:03

hearsay.

Q (MR. SATTERLEY) Let's flip over to the Carlisle Heavy Duty Brake Block. Do you see that?

A Yes, sir.



exhibit?

MR. SATTERLEY: Same exhibit.

Q (MR. SATTERLEY) First of all, it says Carlisle Corporation, do you see that at the bottom?

MR. MILLER: I'm sorry, is this still the same

A Yes.

A Logo.

Q It's got a -- is it that an Indian head?

A Yes.

Q Is that a -- is it your understanding that's a logo of Carlisle?

Q Yeah. Is that correct?

A Yes.

Q Okay. It says heavy duty brake lining set.

A Yes.

A Yes.

Q And was that a size that Abex made?

A Yes.

Q And then it's got an FMS number.

A Yes.

Q And it's got the size, 16 and-a-half by 7?

:01

friction material. We, we, the industry, all made 16

:03

:01

and-a-half by 7s. That was the most popular brake size for heavy duty tractors, trucks, and trailers. FMSI set up standard numbering system for all of the brake size out of the industry.

:03

Q I see. And at this point in time in 1975, is

it your testimony Abex had -- did they have any business

with Freuhauf at that time?

A Yes.

:01

Q What type of business did they have with

:04

Freuhauf.

A Vehicle spec business, customer spec, fleet

spec.

Q Explain that to me.

:01

A Well, there's several hundred fleets in the

:04

:02

country and we had people -- our salespeople were responsible for contacting those fleets and getting them to specify our material on new units which they would order from Freuhauf. And we were successful in many cases and Freuhauf would accept the request of their

:04

customers to provide Abex on a certain number of axles for trailers which they had ordered from Freuhauf.

Q Let's move on to the next exhibit, Exhibit 7.

Before I get into Exhibit 7, I want to ask you, were you

:02

in sales -- was a part of your responsibility to

:05

■50

(Pages 50 to 53)

determine what type of label, caution label should go on

:05

pallet 4 by 4 by 4?

:07

a product?

A No.

A Depending upon the size of the product, the  
smaller the product, the greater number of pieces in the

Q Whose -- where did that fall within the  
box or in the pallet.

corporation, if you know?

:05

Q Give me the range, if you could.

:07

MR. RADCLIFFE: Objection, vague, ambiguous,

A Several hundred to a hundred.

calls for speculation.

Q And were the friction products in boxes on the

THE WITNESS: Specifically, I do not know.

pallet?

Q (MR. SATTERLEY) So it was never part of your

A Some were, some weren't.

function to design any type of caution or warning labels

:05

Q Some were loose?

:07

at any point in your career?

A No, sir.

A Some were stacked.

Q Stacked?

Q Now, was it your understanding at some point

A Stacked in the pallets or in the boxes on the  
in time in the '70s, Abex decided to put some type of  
pallets.

label, caution label on some pallets of the brake

:05

Q Were the pallets then wrapped with like

:07

material?

plastic?

MR. RADCLIFFE: Objection, vague, ambiguous.

A Yes.

THE WITNESS: Yes.

Q And then the caution statement, the notice or

Q (MR. SATTERLEY) And how did you -- tell me  
the label on the pallet itself, did it go on the

when you first recall seeing a caution label on the

:05

plastic?

:08

pallets of the brake materials? Is that '72, '73,

MR. RADCLIFFE: Objection, vague, ambiguous --

earlier, later?

A I believe it was '72.

THE WITNESS: No, sir.

MR. RADCLIFFE: -- calls for speculation.

Q And where did you first -- I'm sorry, go

Q (MR. SATTERLEY) Where did it go?

ahead.

:06

A It went on the box the parts were in,

:08

A Memory serves me, we were advised by OSHA in

:06

regardless of the size of the box.

:08

'71, and I think the requirement for labeling or caution

Q So it's your testimony that in 1972 Abex put

labels came in in '72, and we complied with it.

labels on every single box?

Q My question --

A Yes, sir.

MR. SATTERLEY: Move to strike, nonresponsive.

:06

MR. RADCLIFFE: Objection, argumentative.

:08

Q (MR. SATTERLEY) My question to you was -- or

Q (MR. SATTERLEY) We'll explore that in a

the question is, where do you recall seeing the pallet

little bit. Do you have any memorandums that verify

of friction products with that caution label the first

that?

time you saw it?

A Not that I remember.

MR. RADCLIFFE: Where in the plant or where on

:06

the pallet?

Q (MR. SATTERLEY) Where in the world?

A In 1972?

MR. RADCLIFFE: Okay, where. He's asking

where.

:06

Q (MR. SATTERLEY) Where? Was it in --

A In Winchester.

Q In Winchester, okay.

A Yes.

Q And so describe for me the size of the pallet

:07

at this time frame.

A 4 by 4 by 4.

Q 4 foot by 4 foot by 4 foot?

A Yeah. Yes.

Q And how many friction products would be on a

:07

Q Over the last six or seven years that you've

:08

been consulting with Mr. Radcliffe's law firm on this  
retainer situation, have they showed you any memorandums  
that discuss putting labels on every single box in 1972?

A No.

Q Have you --

:08

MR. RADCLIFFE: Can I -- I don't mean to  
interrupt, but can I offer some information that  
may or may not help you?

MR. SATTERLEY: Do you want to go off the  
record? I mean, I don't want you just coaching him

:09

on what to say.

MR. RADCLIFFE: I'll just step aside with you  
and tell you right now so he doesn't hear.

MR. SATTERLEY: Okay. Let's go off the  
record.

:09

■54

(Pages 54 to 57)

THE VIDEOGRAPHER: Time is now 11:09. We're

:09

comment quoting Dr. Selikoff regarding mesotheliomas."

:19

off the record.

MR. SATTERLEY: Let's take a five-minute

Do you see that?

A Yes.

break.

MR. RADCLIFFE: Objection to foundation.

(Recess from 11:09 to 11:17 a.m.)

:13

Q (MR. SATTERLEY) First of all, did you ever in

:19

THE VIDEOGRAPHER: Time now is 11:17 we're

your role in sales receive the Occupational Safety and  
back on the record.

Health Reporter?



Q (MR. SATTERLEY) We were talking about labels,

A Not that I remember.

potential caution labels, and I want to ask you, on the

Q Did you -- did folks from the Abex Corporation  
pallets that we're talking about, what were the size of

:17

share with you information about a Dr. Irving Selikoff?

:19

the boxes? Is it one box or a hundred boxes or how did

A The name is only familiar in the name.

that work?

A On the pallets?

Q Mm-hmm.

Q It says in the second paragraph,

"Additionally, in thinking of product liability, do we  
need to look upon the friction products brakes as

A If we're shipping individual boxes, there

:17

requiring any label regarding potential hazard?" Do you

:20

might be 25 boxes; if we're shipping bulk, there might  
see that?

be 100 pieces on the pallet, the heavy stuff, the big

A I see that.

stuff. Again, the largest carton I think we used was 4

Q So my question to you is, if Dr. Blackwell and  
feet by 4 feet by 4 feet, give or take an inch or two.

Mr. Rennie as they're discussing this, if there's

Q And that carton, that 4 foot by 4 foot by 4

:17

already labels on the product in 1972, do you know why

:20

foot, how big was the label?

they're discussing this in 1975?

A The label was standard regardless, pretty

A No.

much. Let me say 4 and-a-half by 6, something in that

MR. RADCLIFFE: Speculation, argumentative,

range.

foundation.

Q Centimeters?

:18

Q (MR. SATTERLEY) Now, with regards to the

:20

A No, sir, I'm an inch man.

:18

statement, the -- I take it you've never seen this 1975

:20

Q Okay. Have you gotten any memos or labels

memo?

that outline the dimensions of the caution label?

A No, sir.

A No.

Q And the last six years in consulting with

Q In that time frame, '72, it's your testimony

:18

these attorneys for Abex, have you ever reviewed this?

:20

that every box that had an asbestos-containing friction

MR. RADCLIFFE: Objection, argumentative.

material from -- that Abex made had a label on it?

THE WITNESS: I don't believe so. I don't

MR. RADCLIFFE: Objection, calls for

believe I've ever seen it before.

speculation, argumentative.

Q (MR. SATTERLEY) Okay. You can set it aside.

Q (MR. SATTERLEY) Is it?

:18

A Yes.

Q That's your testimony, correct?

A That's my testimony.

Q Now, let's look at Exhibit No. 7. It's dated

August 22nd, 1975, correct?

:18

A Yes.

Q And who is it from?

A C. C. Blackwell, M.D., medical director of  
Abex.

Q Same fellow we were talking about earlier?

:19

A Yes.

Q And who is it addressed to?

A D. K. Rennie, vice president New York office.

Q It says, "Dear Don: In the most recent  
Occupational Safety and Health Reporter, this is a brief

:19

The -- without -- we're not going to the next exhibit

:20

just yet. Before we do that, I want to talk about this  
label. Did the 1972 label that you saw on the box --  
boxes, I should say, at the Winchester plant, did it  
discuss cancer?

A I can't say yes or no.

:21

Q What did this label say to its -- the  
customers?

MR. MILLER: Assumes facts.

THE WITNESS: It was along the same lines as a

cigarette label. This product contains asbestos --

:21

this is not a quote. This product contains  
asbestos, may -- it may be hazardous, something  
along those lines.

Q (MR. SATTERLEY) Did you in sales communicate  
with any of your customers anything about the dangers of

:21

■58

(Pages 58 to 61)

asbestos orally through meetings?

:21

Q And so would this indicate to you prior to

:24

MR. RADCLIFFE: Objection, vague, ambiguous.

this time frame that not all of the Abex boxes or

THE WITNESS: We discussed the label and their  
cartons had the caution information on it?

need for it, the requirement of it, that -- we

MR. RADCLIFFE: Objection, vague, ambiguous,  
discussed that with the purchasing department and

:22

argumentative, calls for speculation.

:24

receiving inspection because they were getting

THE WITNESS: Yes.

cartons in or pallets in with this label on it. We

Q (MR. SATTERLEY) "Our box and carton vendors alerted them to the fact that they were on their have been so advised and this will become a running way.

change." Do you know what that means?

Q (MR. SATTERLEY) That there was labels coming?  
:22

A Yes, sir.

Q Did the label have the word danger with the exclamation point after it?

A I don't remember.

Q Did the label have the word warning with the  
:22

exclamation point after it?

A I don't remember that specifically either.

You know, we're going back 40 years, sir.

Q I understand. And that's why I'm going to some of these memos to help refresh your recollection on  
:22

things. And my question to you is, are you aware of any internal Abex memorandum that discusses this alleged label in 1972?

A No.

Q Let's go to the next document, I think we're

:23

A Yes.

:24

Q What does that mean?

A We order boxes from our vendors, and in some instances -- we make this running change. We use up the inventory that we had, and as new material came in, it would have an appropriate marking on it.

:24

Q Says, "The only remaining boxes and cartons not so imprinted are those made and printed to customer specification." Do you see that?

A Yes.

Q And was it your understanding -- or was it the

:25

practice that, if a customer for Abex wanted a carton or package that didn't have a label on it, they could tell Abex how they wanted their packaging?

A I can't respond to that. I have no knowledge.

Q You don't know one way or the other?

:25

up to Exhibit 8, 1977. And this is Friction Products

:23

A I don't know one way or the other.

:25

Group Troy, you were part of that, right?

Q It says, "Attached is a list of those

A Yes.

involved. We would appreciate your approaching these

Q And this is from an A. F. Schmaltz?

customers with the fact that 'caution' information is

A Schmaltz, yes.

:23

required by law and whether or not they elect to abide

:25

Q And who was he?

by it is their decision." Do you see that?

A Al Schmaltz, he was our office manager, sales

A Yes.

office manager in Troy.

Q And was that Abex's -- your understanding of

Q And he's writing this memorandum to I think

Abex's policy as of 1977, it was the customer's decision

I've got five individuals at the top?

:23

on whether or not to have the warning caution label on

:25



A Right.

the package?

Q And then a whole bunch more down at the

MR. MILLER: Speculation, foundation.

bottom?

A Yes.

THE WITNESS: As I read this memo, that would

be my understanding.

Q And your name's included on this memorandum?

:23

Q (MR. SATTERLEY) It says, "If they do not want

:26

A Yes.

this data on boxes, we would request that they send us a

Q And it would be fair to say this would have

written statement to that effect." Do you see that?

been a memorandum you would have received in the

A Yes.

ordinary course of business of Abex?

Q And do you recall back in this time frame in

A Yes.

:23

the late '70s if customers, in fact, wrote letters to

:26

Q And in April 14th, 1977, he says, "We recently  
Abex saying we don't want that caution statement on the  
decided that the caution," he puts caution in quotes,  
boxes?

"information required by OSHA would be imprinted on all

A I never saw one.

of our boxes and cartons." Do you see that?

Q Never saw one?

A I see that.

:24

A (Witness shakes head negatively.)

:26

■62

(Pages 62 to 65)

Q Okay. "The wording which we propose --" do

:26

they likewise in a similar position to you that would be

:28

you see that sentence that says, "The wording which we  
out talking to their customers and issuing reports?  
propose"?

A Yes.

MR. RADCLIFFE: Objection, calls for  
speculation.

Q "-- appear on the boxes and cartons is as

:26

THE WITNESS: The five gentlemen -- or the

:28

follows: Caution, contains asbestos fibers, avoid  
five people on the "To" or the other people that  
creating dust, breathing asbestos dust may cause serious  
were copied?

bodily harm." Do you see that?

A Yes.

Q (MR. SATTERLEY) Well, let's go at -- the five  
at the top, were those people that would be expected to

Q Does that refresh your recollection as to the

:26

type of information that appeared on boxes and cartons  
of Abex product?

A Yes.

Q And after this time frame, after 1977, would  
it be fair to say that customers such as Freuhauf would

:27

have received this caution information?

MR. MILLER: Speculation.

THE WITNESS: Yes.

Q (MR. SATTERLEY) Okay. And the reason why --  
I mean, do you have knowledge that, in fact, Freuhauf

:27

received caution information like this?

MR. MILLER: Speculation.

THE WITNESS: Yes.

Q (MR. SATTERLEY) Okay. Did Abex have any policy after the product left its possession and went to

:27

give a report advising what -- give Mr. Schmaltz a

:28

report advising Abex what to do with regard to this?

A Yes. Yes.

Q And why is that? What were these folks' positions?

A They were all district managers, four of

:29

them -- all but Mr. Luts were district managers in the in the original equipment sales department.

Q And the folks at the bottom, you already told me that your -- you know, your name's on there and you issued a report. The other folks on the bottom, would

:29

have they likewise issued a report?

MR. RADCLIFFE: Objection, calls for speculation.

THE WITNESS: These were basically management

people. They would not have issued a report, no.

:29

a customer, for example, from Abex to Freuhauf --

:27

Q (MR. SATTERLEY) But you issued a report?

:29

MR. MILLER: Vague. I'm sorry. I didn't mean

A Yes.

to cut you off, I apologize.

MR. SATTERLEY: Okay.

Q Okay. And do you recall what your report included with regards to your customers?

Q (MR. SATTERLEY) Did they have any policy by  
:27

A No.

:29

which, once the product left Abex and went to the

Q At this time in 1977, was Freuhauf one of your customer, that they sort of monitored to see if those customers passed along those caution statements to the customers?

A Yes.

end users?

Q Who were some of your other customers in the

A No, sir.

:27

'77, '78 time period that you recall specifically

:29

Q The last sentence in this 1977 memorandum  
talking about this caution label issue on -- with  
says, "Please review this with each of your customers  
regards to asbestos?  
and then give us a report advising what we should do."

A General Motors.

Do you see that?

Q Okay.

A Yes.

:28

A Chrysler.

:30

Q Did you review this information with your

Q Okay.

customers at this time frame?

A Yes.

A Trailmobile, Freuhauf, Great Dane trailers,  
Strick, Eaton Manufacturing, Eaton Axle, Rockwell Axle.

Q And did you issue a report back to

Q Any others you can think of?

Mr. Schmaltz about what your customers wanted Abex to

:28

A There were others.

:30

do?

A Yes.

Q Now, we can set this exhibit to the side. I

take it you -- you haven't seen any reports or letters

Q And do you know where that report is?

or anything like that in response to this 1977 memo?

A No.

A No, I don't remember.

Q These other folks on this memorandum, were

:28

Q Okay. Before we get to the next exhibit, I

:30

■66

(Pages 66 to 69)

want to talk with you a little bit about asbestos. You

:30

Q Okay. And if I can borrow that back from you.

:33

told us earlier, depending on the formula

Tell me what you recall -- first of all, does that

specifications, friction materials contained between 50

refresh your recollection about tradesmen at all?

to 60 percent asbestos?

MR. RADCLIFFE: Same objection.

A Yes.

:31

THE WITNESS: Yeah.

:33

Q And that -- do you know where Abex acquired

Q (MR. SATTERLEY) What type of workers did you  
their asbestos from?

see drilling on asbestos-containing friction products?

A Back in those days, we acquired some from

A Type of workers. Somebody in a brake shop

Johns Manville -- this was out of my realm, all right?

relining shoes, taking undrilled part and drilling holes

But Asbestos Corporation of Canada, Canadian Asbestos.

:31

in it and putting it on a shoe, assembling it to shoes.

:34

No. We got a lot from Canada and I'm not sure what the

Q And when you observed that process, what were  
name of the company was, I don't remember.

the atmospheric conditions with regard to that person

Q That's fine. The information that you got  
drilling that friction facing?



regarding Johns Manville or Canada Asbestos, would have

MR. RADCLIFFE: Objection, vague, ambiguous.

that been information you got from other managers of the

:31

THE WITNESS: I believe there was some dust

:34

Abex Corporation?

A It was observed.

around.

Q (MR. SATTERLEY) How much?

Q Okay. And did you ever see a tradesman use a

MR. MILLER: Same objections, foundation.

drill on a friction product?

THE WITNESS: Some.

MR. RADCLIFFE: Objection, vague, ambiguous.

:32

Q (MR. SATTERLEY) In the early days, was it

:34

THE WITNESS: Define tradesman.

more dusty than in the later time period?

Q (MR. SATTERLEY) Well, you told me earlier

MR. RADCLIFFE: Objection, vague, ambiguous.

that you gave a deposition testimony -- two depositions,

THE WITNESS: Early days?

correct?

Q (MR. SATTERLEY) Sure.

Q I believe so.

:32

A How far back do you want to go?

:35

Q Okay. And I went back and read and on page

:32

Q Well, you tell me. Was it dustier in the

:35

38 -- well, let me show your testimony to you. This is  
earlier time period?

L. Earle Bretz dated September 27, 2000.

MR. MILLER: Same objection.

MR. RADCLIFFE: I object to this process. You

MR. RADCLIFFE: Same objections.

can't impeach a witness unless he says something

:32

Q (MR. SATTERLEY) Let me show you your sworn

:35

different. He hasn't said anything different than  
testimony from 2000, page 39. You were asked that  
what he said in the past, he simply asked you to  
question I've highlighted there for you.  
define what you mean by tradesman.

MR. RADCLIFFE: Same objection as to the

MR. SATTERLEY: I understand your objection.  
procedure.

Q (MR. SATTERLEY) Turn to page 38 here.

:33

Q (MR. SATTERLEY) Do you see where it says,

:35

MR. RADCLIFFE: Can I have a continuing

"What were the atmospheric conditions as a result of the  
objection?

MR. SATTERLEY: Sure.

tradesmen drilling the friction facing material?"

A Mm-hmm. Yes.

Q (MR. SATTERLEY) Do you see the questions

MR. RADCLIFFE: Same objection.

asked of you verbatim --

:33

Q (MR. SATTERLEY) And what did you say?

:35

A Yes.

Q -- about a tradesman?

A Yes.

MR. RADCLIFFE: Same objection.

THE WITNESS: "It was dusty." That's where

you got the early days. "Back in the early days,

Q Okay. And what was your answer -- well, read  
we didn't have the equipment, they didn't have  
the question.

:33

equipment that dealt with it. Shops, brake shops

:36

A "And, sir, during your career for Abex, at any  
didn't have the equipment to deal with the dust  
time did you ever have an occasion to see any tradesmen  
which was formed from the drilling out of the holes  
working on friction materials?"

Q And what was your answer?  
and/or the grinding of the brake shoe after it was  
assembled."

A My answer was, "Oh, yes."

:33

Q (MR. SATTERLEY) Does that refresh your

:36

■70

(Pages 70 to 73)

recollection about the early days --

:36

A On what I observed.

:38

A Yes.

Q Now, in that same time frame, 1971 to 1980, do

Q -- as being more dusty?

you recall whether the caution notice or the label that

A I agree with my statement back then.

Abex put out, did it say anything about not to use air

MR. RADCLIFFE: Same objection.

:36

hose to blow?

:39

Q (MR. SATTERLEY) And would you agree that you

MR. RADCLIFFE: Objection, vague, ambiguous.

had -- your memory was better ten years ago than it was

THE WITNESS: No.

today?

A Yes, sir.

Q (MR. SATTERLEY) And when you were in sales,

you saw people -- or did you see people using air hose

MR. RADCLIFFE: Objection, calls for

:36

to blow out the dust?

:39

speculation.

A No.

Q (MR. SATTERLEY) And back in the 1970s, from

Q The very next question on page 42, sir, let me

'71 to 1980, did you have occasion to see tradesmen

highlight it for your convenience, line 17, "What type

blowing out brake lines?

of device would be used to blow out the dust?" And your

MR. RADCLIFFE: Objection, vague, ambiguous.

:36

answer, "Could be an air hose."

:39

THE WITNESS: Not that I remember, I don't

A Could be.

believe so. That was not my realm.

Q Okay. Does that refresh your recollection in

Q (MR. SATTERLEY) Let me show you on page 42,

fact in that time frame, from '71 to 1980, you did see

I've highlighted your sworn testimony.

people using air hose to blow out the dust?

Question: "During your career, did you

:37

A No.

:40

observe from 1971 to 1980 any tradesman blowing out

Q Doesn't refresh your recollection at all?

brake lines?" And what was your answer?

A Well, it refreshes my recollection, but

A "Well, you've got dust. You have considerable that's -- in my normal course of selling friction amount of dust in the air in which he was working." material, the people that I sold material to did not use

Q Well, before you talk about dust, did you say,

:38

air hoses in their operation. Their operation was set

:40

"Sure"?

:38

up basically like our plants were.

:40

A Got it. Sure. I did say sure.

Q Do you know why it was 10 years ago when you

Q Sure. Sure, okay. Does that refresh your

were under oath and asked questions from -- by

recollection about what you observed back in the '70s,

Mr. Comerford, when asked the question about what type

'71 to 1980, about blowing out brake lines?

:38

of device, why you volunteered an air hose?

:40

A Yes.

MR. RADCLIFFE: Objection, argumentative.

Q And do you describe -- or does this refresh

THE WITNESS: I heard it from people in the  
your recollection about whether there was a considerable  
aftermarket.

amount of dust in the area in which the worker was

Q (MR. SATTERLEY) Okay. Did you ever in sales  
working?

:38

MR. RADCLIFFE: Objection, vague, ambiguous,  
argumentative, calls for speculation.

Q (MR. SATTERLEY) Is this your sworn testimony,  
sir?

A Yes.

:38

Q Okay. And --

A And in response to your question, the answer  
is yes.

Q Okay.

MR. RADCLIFFE: Same objection.

:38

Q (MR. SATTERLEY) And does that refresh your  
recollection about what occurred back in that time  
frame?

A Yes.



Q If I can borrow that back again.

:38

during your tenure with Abex Corporation go up to

:41

someone, a customer and orally tell them they should not use an air hose to blow out the brake dust?

A Not in my normal activity, because they didn't.

Q Okay. So let me just -- and I don't want to

:41

spend too much time on this. So you when you testified under oath 10 years ago that the type of device that would be used to blow out the dust was an air hose, were you telling the truth?

MR. RADCLIFFE: Objection, argumentative.

:41

MR. MILLER: Misstates the testimony.

THE WITNESS: Secondhand.

Q (MR. SATTERLEY) Okay. And when you say --

A Yes, I was telling the truth, but the information came secondhand.

:41

■20 (Pages 74 to 77)

Q From?

:42

A Our aftermarket people.

Q Other people working within the Abex Corporation?

A Yes.

:42

Q Okay. And if you can give me some names of some of the folks in the Abex aftermarket that would have told you that people are using air hose to blow out the brake dust.

A Bob Nelson would have, Harry Jones would have,

:42

Eric Hoff would have, Bob Lindsley would have. These are people that were strictly dealt -- or basically dealt with the aftermarket people.

Q And were these folks in management?

A No.

:42

Q They were in sales?

A Yeah. Well, bob Nelson was a technical service director, so he -- you can consider him management.

Q Did Abex, to your knowledge, after these

:42

folks, the names that you just told me about, shared

with you people using air hose to blow out a brake dust,  
did Abex revise the caution label at all?

MR. RADCLIFFE: Objection, argumentative,  
calls for speculation.

:43

A Yes.

Q And it's entitled a quarterback meeting.

What's a quarterback meeting?

:44

A These are monthly meetings that we had with  
various personnel within the corporation, management,

:44

production, aftermarket, OE.

Q And there was reference in this meeting to  
George McFadden from Canada. Do you know who that was?

A Yes.

Q And who was that?

:44

A He was plant manager of our Canadian operation  
in Lindsay.

Q The -- in the second paragraph there's a  
discussion about, "The March margin for  
Winchester-Salisbury was 35.2, with a goal of a 40

:45

percent margin." Do you see that?

A Yes.

Q What are they referring to, is that profit margin?

A That's a margin before profit's taken out,  
:45  
yes.

Q The next paragraph down, the second sentence says, "We've had six consecutive years of good sales and earnings and to continue we must have maximum earnings, maximum sales, and reduced cost and personnel, and all  
:45

THE WITNESS: Not that I know of.

:43

the fringe benefits associated therewith." Do you see  
:45

Q (MR. SATTERLEY) During your tenure with the  
that?

corporation, did you ever see a label, an Abex label,

A Are you reading the same thing I'm reading?  
that used the word cancer?

Q Yeah. The next paragraph down. "We've had

A Not that I remember.

:43

six consecutive years of good sales --"

:45

Q Were you a part of the Friction Materials Standards Institute?

A Yes.

A Okay, that -- all right.

Q Do you see that?

A Yes.

Q Did you attend meetings?

Q And was that your understanding back in the

A No. My company was part of the institute. I

:43

1970s, the corporation by 1977 had six -- at least six

:45

was not personally part of the institute, my company good years of good sales and earnings?

was.

A Yes.

Q Did anybody from the company share with you

Q And did you during this time period, 1977, did

discussions that were had within the various members of anybody from the Abex management talk to you at all the Friction Materials Standards Institute, the actual

:43

about what would happen to sales if -- or the cost of a

:46

people that attended meetings?

A Not that I remember.

product if a non-asbestos substitute was used?

MR. RADCLIFFE: Objection, argumentative.

Q Let's continue on. I think we're up to

THE WITNESS: Not that I remember.

Exhibit 9. This is a May 2nd, 1977 memorandum. Do you

Q (MR. SATTERLEY) Was there any ever -- in the  
see that?

:44

1970s at all, any discussions about alternatives to

:46

A Yes, mm-hmm.

asbestos being used in the Abex products?

Q And your name is on that memorandum?

A Yes.

A Mm-hmm.

Q What's the earliest discussion you recall

Q Be fair to say this was a memorandum prepared  
there being alternatives to asbestos?

at or about the time, May 2nd, 1977?

:44

A I don't recall.

:46

(Pages 78 to 81)

Q Can you tell me what decade?

:46

A Freuhauf Corporation.

:49

A It would have been late '70s, I believe.

Q And did Abex follow the Freuhauf Corporation

Q Do you recall the names of anybody from the  
Abex Corporation that would have shared with you  
specifications?

A Yes.

information about the alternatives to asbestos?

:47

Q If they called for something to be in a

:49

A Not that at that point in time.

certain matter -- manner, would Abex try to comply with

Q Let's go to the next exhibit. And we are up  
what they wanted?

to Exhibit No. 10.

A Yes.

A Yes.

Q Because I guess the question is, if you didn't

Q And this is a -- this may be the first time

:47

comply with what Freuhauf wanted as a customer, would

:50

we've seen this. Is this a report you prepared?

that be a disadvantage to you in selling them your

A Yes.

Q And is it dated November 4th, 1977?

product?

A Yes.

A Yes.

Q The next paragraph says, "The --" is it

Q And what -- what type of report is this? Is

:47

Delphos?

:50

this a customer report, call report?

A It's a sales report, call report.

A Delphos, Ohio.

Q "The plant had not been able by this time to

Q Okay. And what customer did this relate to?

put together the numbers for our January shipments,

A Freuhauf Corporation.

however, these are being done with Mr. Schaible and

Q And there's individuals identified under



:47

Mr. Schaible promised to get them to us early part of

:50

officials interviewed, do you see that?

the week of November 7." Do you see that?

A Yep.

A Yes.

Q First of all, would have this been a report

Q Did you visit that plant?

that you would have created in the ordinary course of

A Oh, yes.

business as a sales representative of Abex Corporation?

:48

Q Many occasions?

:50

A Yes.

:48

A Many occasions.

:50

Q The folks that are identified there, are those

Q And at that plant, did you ever see any

all Freuhauf people?

A Yes.

warning signs posted regarding the dangers of asbestos?

MR. MILLER: Vague, ambiguous.

Q Did you recall, I guess, having discussions

:48

THE WITNESS: No.

:50

with these folks back in the 1970s?

Q (MR. SATTERLEY) Did you ever see anybody

A Yes. Not this specific one, but yes.

wearing respirators in that plant?

Q I mean, do you remember these people, any of

A No.

these people by name?

Q Did you ever see any of that dust exhaust

A Sure.

:48

system that would suck the dust away from the workers

:51

Q And who do you remember?

like you described over in Winchester?

A Alan Schaible, Arnie Przepiora, Andy

MR. MILLER: Vague, ambiguous.

Szymanski, and Sharad Sheth, I remember them all.

THE WITNESS: Not that I remember.

Q In -- would it be fair to -- would you have

Q (MR. SATTERLEY) Okay. We can set that --

back in this time frame in the 1970 -- late 1977 time

:48

well, before we this exhibit, the next paragraph down,

:51

frame had discussions with these individuals about the second sentence says, "As a result of their insistence hazards of asbestos?

MR. MILLER: Speculation.

THE WITNESS: Yes.

that their branches sell original equipment approved materials on service for 121 axles --"

A No, that's --

Q (MR. SATTERLEY) It says on this report on the

:49

Q I'm sorry?

:51

second paragraph, "Obtained the latest drawings along

A That's 121, that was a governmental regulation with sheet 14 of 14 of the FES74 specification." Do you that all heavy duty air brakes -- or heavy duty friction see that?

A Yes.

materials had to comply with. That's a test.

Q Okay. "-- for 121 axles, their bulletin will

Q Who prepared these drawings?

:49

state as follows:" and then it's got information about,

:52

■22 (Pages 82 to 85)

I guess, this regulation?

:52

talking about?

A Yes.

MR. SATTERLEY: The 14th.

Q Okay. It says the next paragraph, "They are

MR. RADCLIFFE: Are you now on this document

going to allow into the aftermarket system the materials

that he has?

:54

AB-80 and 693-539 and 562-5."

:52

MR. SATTERLEY: Yes. They just got switched

:54

A Yes.

around, they're out of order by three days. I

Q Do you know what that means?

apologize.

A Yes, I do.

Q What was that mean?

MR. RADCLIFFE: No problem.

MR. SATTERLEY: I tried to get them in

A ABB-80 is a bus material, because they were

:52

going to sell linings through their aftermarket branches

for buses; the 539 is a heavy duty material for wedge

brakes, for the Rockwell wedge brake; and the 562-5 was

an aftermarket material, little less expensive, made

them more cost competitive in certain areas.

:53

Q The 693-551D, was that an asbestos-containing product?

A Yes.

Q The 693-551C, was that an asbestos-containing product?

:53

A Yes.

Q The 693-551G, was that an asbestos-containing product?

A Yes.

Q And the 639-539, was that an

:53

chronological order.

:54

MR. RADCLIFFE: No problem.

MR. MILLER: Is this 11?

MR. SATTERLEY: This is November 14th, 1977.

THE WITNESS: 11.

MR. RADCLIFFE: Exhibit 11.

:54

MR. SATTERLEY: Exhibit 11. And I apologize  
for the confusion.

Q (MR. SATTERLEY) Are we now on the same page?

A Yep. Yes, sir.

Q All right. This is -- once again, is this

:54

related to the Freuhauf Corporation?

A Yes.

Q And are there a number of individuals that you  
interviewed?

A Yes.

:54

asbestos-containing product?

:53

Q And there was another -- there's another

:54

A Yes.

interview, a company by Walt Thomas, do you see that?

Q Let's move on to the next exhibit. We're

A Yes.

moving to, I think -- is that Exhibit 11?

Q And who was that?

A 11.

:53

A Walt Thomas is from our engineering department

:54

Q And this is dated November 11th, 1977?

in Winchester, Virginia.

A Yes.

Q And so were you -- this is an instance where

Q And this is, once again, a call report

both you and Mr. Thomas would have been at this plant in  
prepared by you?

Ohio?

A Yes.

:53

Q And this would have been prepared in the  
ordinary course of business when you worked for the Abex  
Corporation?

A Yes.

MR. RADCLIFFE: Do you have the same document?

:53

Yours is one page and his is two pages.

MR. SATTERLEY: No, I probably don't.

Q (MR. SATTERLEY) Is yours -- is this --

A November 14th, '77.

Q 14th. I've got the wrong page, I'm sorry.

:54

A 7493 is the report number.

Q Okay. We'll come back to the one page, which  
is Exhibit 12. That's okay, we'll come back to that.  
That's just three days beforehand.

MR. McGUIRE: Well, so which date are we

:54

A No, no. This is at Freuhauf headquarters in

:55

Detroit.

Q Okay. So --

A This is not the axle plant?

Q Okay. So this is in the headquarters in  
Detroit?

:55

A Correct.

Q And aside from this memorandum, do you recall  
these visits?

A Not specifically.

Q Okay. The second page of this memorandum, is

:55



that your signature?

A Yes.

Q Going back to the first page, the last paragraph at the bottom, you say, "I would like to caution all members of our manufacturing group that this

:56

■86

(Pages 86 to 89)

is a new customer. We are supplying him volumes of

:56

takes a little bit of their business away, some

:58

parts on a monthly basis for the first time in history.

friendships can be strained. It's just like any

This change from a single source Carlisle material to a

other -- just like any other take-away.

dual source utilizing Abex linings was not met with

MR. McGUIRE: Objection, move to strike.

enthusiasm by all members of the Freuhauf family." Do

:56

Q (MR. SATTERLEY) Go ahead. You were --

:58

you see that?

A Yes.

A I'm done.

Q Are you sure? Did you have something else you

MR. McGUIRE: Objection, move to strike.

Q (MR. SATTERLEY) And did you write that back  
wanted to add?

A No.

at the time in 1977?

:56

A Yes.

MR. McGUIRE: Objection.

Q (MR. SATTERLEY) Was that based upon  
information you gathered through your visit at the  
Freuhauf Corporation?

:56

A Yes.

MR. McGUIRE: Objection, lack of foundation.

Q (MR. SATTERLEY) And do you recall  
specifically what you learned from the Freuhauf --  
members of the Freuhauf family about them not all being

:56

enthusiastic about this change?

MR. McGUIRE: Objection, hearsay.

THE WITNESS: I don't remember specific  
discussions with, name somebody, I don't remember  
that.

:57

Q The next page over -- well, let's just start

:58

with the last sentence -- the last two words or so. It says, "There will, there will continue to be people who look for any reason or excuse to report, quote, I told you so, if we stumble and/or fall down on our quality, delivery, and product performance." Do you see that?

:59

A Yes.

Q "We've got a considerable number of people on our side who have pushed very hard for this program over the last three or four or five years."

A Correct.

:59

Q So you were working on this -- Abex was working on getting this business for three or four, five years?

A That's the way the original equipment business operates, yes.

:59

Q (MR. SATTERLEY) But these folks that you were

:57

Q "Their necks are out."

:59

talking to at the time were Freuhauf managers, correct?

A Yes.

MR. MILLER: Assumes facts.

THE WITNESS: Yes.

Q What did you mean by that?

A The people who made the decision to approve

Q (MR. SATTERLEY) I mean, it's got -- in your

:57

the use of our material, they were on the hot seat.

:59

report, does it not describe them as --

Q And why was that?

A Yes.

Q -- managers?

A Yes.

A Well, they made the decision to take away

business from old-time friends, old-time supplier.

Q "We can do ourselves and them a considerable

Q Okay. These people are people you dealt with

:57

service by making absolutely and totally sure that every

:59

on a regular basis, correct?

A Correct.

part we ship from either our Winchester facility or our Salisbury plant meets the agreed-to dimensions and

Q And you don't have to speculate on whether drawings all the time and every time."

they were in management, do you? You knew they were in

A Yes.

management of Freuhauf?

:57

Q You wrote that?

:00

A Oh, absolutely.

A Yes, I certainly did.

Q Okay. It says, "There continues to be

Q And just so I understand the way it worked, disbelievers and people who feel that Freuhauf has made the agreed-to dimensions, when you say agreed-to, was a mistake." Do you recall what led you to write that? that an agreement between Freuhauf and Abex?

A I knew a lot of people at Freuhauf, more than

:57

A Yes.

:00

these people here. They had been long-time friends with

Q Is it because you had to work together, the

not only Carlisle contact people but also Carlisle  
two corporations work together to come to an agreement  
management. You take an organization that's been a  
on the dimensions of the product?

close supplier for years, and I'm talking probably 10,  
MR. MILLER: Vague, ambiguous.

15 years, and all of a sudden somebody comes in and  
:58

THE WITNESS: Yes.

:00

■24 (Pages 90 to 93)

Q (MR. SATTERLEY) And the drawings of the

:00

A Yes.

product?

A Yes.

Q And who was the customer?

A Freuhauf.

:03

Q "I do not want to give anyone in Freuhauf

Q And did you go to Detroit again and interview  
purchasing, engineering, sales, or manufacturing an

:00

some folks, officials of the corporation there?

:03

opportunity to discredit this program." You wanted it

A Yes.

to succeed, correct?

A Absolutely.

Q And who did you talk to?

A Charlie Mitasik, the plant manager of the

Q And then it says, "We got an excellent

Delphos -- Freuhauf Delphos axle plant, where we shipped

opportunity to manufacture an awful lot of parts and to

:01

make considerable quantity of money. This was the

largest account available to us to get business from and

now that we have it, we must make absolutely sure that

we do all in our power to keep it."

A Yes.

:01

Q It was a big accomplishment, was it not?

A Major.

Q And you copied a number of other Abex people

at the bottom?

A Yes.

:01

Q These are other folks in the sales and

manufacturing?

A We've got a vice president of sales, we have a president, we have a vice president of manufacturing, we have a plant manager, we've got a head of quality :01

our product, one of the locations; Don Grothouse, who :03

was the director of purchasing material control for the Delphos axle plant; and Al Schaible, who was manager aftermarket purchases and accessories.

Q Have you spoken to any of these individuals in the last, say, 10 to 15 years? :03

A No.

Q Mr. Grothouse would have -- you said he was director of purchasing and material controls for the plant there in Ohio?

A Yes.

:04

Q And at or about this time in 1977, did you talk with him as the director of purchasing about the caution statement on asbestos on your all's product?

MR. MILLER: Speculation.

THE WITNESS: Yes. He was going to receive :04

control, we've got a head of engineering, we've got a



:01

boxes, cartons, pallets with a label on it. I just

:04

head of sales department -- or the sales office

wanted to alert him to the fact.

department, we've got our technical director, technical

Q (MR. SATTERLEY) When you alerted him to this  
services director, and we have a -- one of the managers  
fact, did he have any questions about what type of  
out of the engineering department who Walter Thomas

:02

injuries or diseases might occur from these products?

:04

would have reported to.

A I don't remember that being brought up.

Q Thank you, sir. You can set that exhibit to

Q Do you recall having any discussions with  
the side.

Mr. Grothouse about cancer or people with mesothelioma?

And we're going to go to the Exhibit 12 and we

A I don't recall.

may be going back three days in this -- we were on

:02

November 14, 1977.

A Right.

Q And now we're going back three days.

MR. SATTERLEY: And let me just tell everybody that this appears to be a one-page document.

:02

There's actually should be -- looks like there should be another page to this document, I don't have it. And I would request it if anybody has it.

MR. RADCLIFFE: Can you hand me Exhibit 11?  
Thank you.

:02

Q (MR. SATTERLEY) This document is dated November 11, 1977, correct, sir?

A Yes.

Q And it appears to be a call report that you prepared?

:03

Q Do you recall having any discussions with

:04

Mr. Grothouse about ways in which the to prevent a dusty operation?

A I don't remember that.

Q Now, on this memorandum, it says, "Via company plane, a plant trip was made to Winchester, Virginia

:05

facility this date."

A Yes.

Q Was this a situation where Abex brought -- was this the Abex company plane?

A Yes.

:05

Q -- brought these people from Freuhauf over to Virginia to see the facility?

A Yes.

Q And at this point in time in '77, would have they -- did you take them through a walk-through through

:05

■94

(Pages 94 to 97)

the facility?

:05

were any field problems with them.

:08

A Yes.

Q Would it be fair to say that the field test

Q And they saw the manufacturing process program, based upon your understanding, had nothing to occurring?

do with monitoring the level of asbestos dust in the

A Yes.

:05

air?

:08

Q Would have they at this time frame in 1977

A It did not.

been taken through the plant in the areas where people

Q Did you in the 1970s time period ever see any  
were wearing respirators?

MR. MILLER: Speculation.

of the customers monitoring the level of asbestos dust  
that was emitted from an Abex product?

THE WITNESS: Don't remember.

:05

MR. RADCLIFFE: Objection, vague, ambiguous,

:08

Q (MR. SATTERLEY) Would have they because -- at  
argumentative, calls for speculation.

this point in time in '77, there was warning labels

THE WITNESS: No.

hanging in the plant about asbestos?

Q (MR. SATTERLEY) It says in the next sentence,

A Yes.

"Mr. Schaible will also get back to us on the necessary

Q And so would have they had opportunity to see

:06

labeling of the private brand parts." Do you see that?

:08

those labels?

MR. MILLER: Speculation.

THE WITNESS: Yes.

A What paragraph are you talking about?

Q Well, the same paragraph we left off -- right

after field test, "Mr. Schaible will also get back to us

Q (MR. SATTERLEY) Now, the third paragraph down  
on the necessary labeling of private brand parts."

talks about the volumes of materials that are going to

:06

A Yes.

:09

be sold to Freuhauf on -- a couple of months of January,

Q And was this the situation where Freuhauf was

February, do you see that?

A Yes.

directing Abex on what the labeling should be?

MR. MILLER: Misstates prior testimony.

Q And when it says calls for 17,000 pair of 16

THE WITNESS: Define what you refer to as

and-a-half by 7, is that a -- in your mind as a

:06

labeling. We're talking two different labelings

:09

salesperson, is that a large order?

:06

here. So define which one you want an answer.

:09

A That is a large order.

Q (MR. SATTERLEY) Well, what labeling are we

Q And that was for the month of January, right?

talking about here? Tell me --

A Correct.

A We're talking about parts. Freuhauf

Q A couple more paragraphs down it says,

:07

Corporation aftermarket part FMS -- FMS4515, Abex

:09

"Mr. Schaible will request of engineering sufficient

693-551G, that would be basically on the label.

information so that the marketing people can answer our

Manufactured by Abex Corporation for Freuhauf. That's

letter to them regarding the field test program." Do

basically that label. And that would be on the

you see that?

aftermarket parts that we would ship and we would ship

A Yes.

:07

them in axle sets, four cams and four anchors in a box.

:09

Q Do you remember what the field test program

And that's the labeling on that box. They would then --  
was?

A Not specifically.

that was shipped to Westerville, Ohio, they, in turn,  
would ship it to their distributors and/or dealers or

Q I says Mr. -- go ahead, I'm sorry.

service dealers.

A No, I don't remember specifically that field

:07

Q In the -- on the -- would this labeling that

:10

test.

you're referring to, would it be on the part itself or

Q Do you remember generally in this time frame  
just on the box?

there being field test -- a field test program?

A On the box.

A Yes.

Q Okay. Was there any labeling done on the part

Q And what was your understanding of the field

:07

itself?

:10

test program?

A Our formulation number or a designation

A They would install this material on to a fleet

therefor and a friction code and a Freuhauf part number.

of tractors -- or a fleet of trailers and they would

Q Would that be on the edge?

monitor them as far as mileage, as far as technical

A Be on the edge. And a -- a batch number would

concerns, how they operated, et cetera, whether there

:08

be on the part, on the edge also. That would be an

:10

■98

(Pages 98 to 101)

impression stamp.

:10

MR. RADCLIFFE: Objection, argumentative.

:13

Q And who made the decision as to what type of

THE WITNESS: Do not remember any of that.

edge coding, the edge coding words that would go on



Q (MR. SATTERLEY) No discussion about that at there? Would that be an Abex decision, a Freuhauf all?

decision?

:11

A No, sir, not to my recollection.

:13

A A joint.

Q Okay. We can set that exhibit to the side.

Q At any point in time in the 1970s or 1980s, We are up to Exhibit 14. What's the date of did you ever witness on an Abex asbestos-containing that document?

friction product the word warning on the edge of the

A March 20th, '78.

product?

:11

Q Is this another customer call report?

:13

A No.

A Yes.

Q Let's go to the next exhibit, Exhibit 13.

Q And does this relate to Freuhauf Corporation?

A Are we missing page 1?

A Yes.

Q Let me see what it is. Well, you -- tell me

Q And did you -- on this case, did you actually  
what you recognize -- do you recognize that Exhibit 13?

:11

go to the Ohio plant?

:14

MR. RADCLIFFE: Can I see it for a minute?

A Yes.

Q (MR. SATTERLEY) What do you -- do you

Q And who did you see at the Ohio plant on this  
recognize that to be a --

occasion?

A I don't remember seeing this specific piece.

A Don Grothouse, manager material control; Jack

But this would be in conjunction between the two

:12

Armstrong, material control; Stan Lyle, and that's --

:14

organizations.

there's no position; Fred Busche, the manager of quality

Q And what's -- what was this -- what does this  
control.

represent to you?

MR. MILLER: Speculation.

Q And do you in this memorandum discuss the quantities of -- some of the quantities of the friction

THE WITNESS: The edge code.

:12

materials that Freuhauf was purchasing from Abex?

:14

Q (MR. SATTERLEY) The edge code.

:12

A Yes.

A The edge code on the anchor and cam blocks.

Q And it says in this memorandum, does it not,

Q And does it indicate what's going to be on the as it relates to the June requirement, I'm looking in edge code?

the third paragraph, there will be approximately 16,000

:14

A Yes, it does.

:12

to 17,000 pair, do you see that?

:14

Q And what does it indicate would be on the edge

A Yes.

code?

Q And would you agree that's a substantial

A The Abex New York state code --

amount of friction material sold to that company?

MR. RADCLIFFE: Can I have a continuing

MR. MILLER: Vague, ambiguous.

objection to the foundation on this incomplete

:12

THE WITNESS: That's substantial.

:15

document?

Q (MR. SATTERLEY) And based upon your being a

MR. SATTERLEY: Sure. I'm sure that when you

salesperson for Abex, was there -- in the late '70s and

finish the court ordered inspection, you'll produce

the '80s, was that a consistent situation, that Freuhauf

the other parts of this document, right?

was a good customer?

MR. RADCLIFFE: Assuming that it exists

:13

MR. MILLER: Same objection.

:15

anywhere and it was requested.

THE WITNESS: Very good customer.

Q (MR. SATTERLEY) Okay. Well, anyway, this

Q (MR. SATTERLEY) Let's set this exhibit to the

verifies, does it not, that the edge code -- some of the

side and go to the next exhibit.

words that would be on the edge code?

What's the date of this document?

A Yes.

:13

A August 21st, 1978.

:15

Q Was there ever a discussion at all within the

Q Is this another customer call report?

corporation -- with you, I'm talking about within the

A Yes, it is.

corporation, about an effective way to warn about the

Q And this is -- is this another example of you

dangers of the asbestos friction product was put a

visiting the Freuhauf plant in Ohio?

warning on the edge code?

:13

A No. Mr. Mitasik was from the plant. We took

:16

■27 (Pages 102 to 105)

him to our Salisbury, North Carolina plant where the

:16

signature on this document?

Freuhauf product was being manufactured.

A Yes.

Q Okay. If you could, explain that to me. When

Q It would be fair to say --

:18

you say the Freuhauf product was being manufactured in

A No, no, that's not my signature. That's -- my

Salisbury --

:16

secretary signed that after she typed it.

:18

A Yes.

Q You gave her authority to sign your name?

Q -- why was that? Why was it not Winchester?

A Yes.

A Salis -- Winchester made everything size-wise

Q Okay. It would be fair to say this is a

from small to large to whatever, to over size, blah,

document created in the ordinary course of business?

blah, blah. Salisbury was set up specifically to

:16

manufacture 16 and-a-half by 7 inch blocks, regardless

of whether they were for a Rockwell axle, an Eaton axle,

Dana axle, or Freuhauf axles. They manufactured 16

and-a-half by 7s there and ultimately 16 and-a-half by 8

and five-eighths. They also manufactured 15 by 7 wedge

:16

brake materials, wedge brake being manufactured by Rockwell Corporation.

Q The friction materials that were being manufactured in the Salisbury plant, did they contain asbestos?

:17

A Yes.

Q The Freuhauf products, the products that were being manufactured for Freuhauf, do you know what quantity of the product was asbestos?

A My previous answer.

:17

A Absolutely.

:18

Q There's a reference to Ralph Combs, Bill Chasteen, and Rick McGill. Who are those folks?

A Combs was a plant manager, Iwarsson was president of Abex, Combs was plant manager, Chasteen and McGill, two people involved in -- whether it was quality

:18

control or manufacturing or what have you, I do not remember specifically.

Q Let's move forward in time and go to Exhibit

16.

(A discussion was held off the record.)

:19

MR. SATTERLEY: Well, we'll try to finish up this exhibit in five minutes and then switch tapes. Or do you want to switch tapes now? It's up to you. Let's switch, let's switch tapes. Take a five-minute break.

:19

Q 50 to 60 percent?

:17

THE VIDEOGRAPHER: Time now is 12:19. This is

:19

A 50 to 60 percent.

the end of tape number 1.

Q When -- in the Salisbury plant, were there

(Recess from 12:19 to 12:28 p.m.)

warning signs about asbestos hanging in the plant like

THE VIDEOGRAPHER: Time now is 12:28, this is

there was in Winchester?

:17

tape number two of the continuation of Mr. Bretz'

:28

MR. MILLER: Speculation.

THE WITNESS: Yes.



deposition.

Q (MR. SATTERLEY) Mr. Bretz, next exhibit is

Q (MR. SATTERLEY) And did you see those?

this a -- once again one of your call reports?

A Yes.

A Yes, sir.

Q And were those in a vicinity wherein someone

:17

Q Exhibit 16?

:28

coming in the plant could see?

MR. MILLER: Speculation.

THE WITNESS: Yes.

A Yes, sir.

Q Is it dated 10-11-78?

A Yes, it is.

Q (MR. SATTERLEY) And did the plant manager --

Q Does it relate to the Freuhauf Corporation as

Freuhauf's plant manager, did you give him a tour of the

:17

well?

:28

plant?

A Yes.

A Yes.

Q And does it once again indicate the number

Q Were there also exhaust ventilation duct --

of -- a number of names there that you interviewed?

sucking the dust away from the workers in the Salisbury

A Yes.

plant?

:18

Q And I'm not going to go through all the

:28

A Yes.

information in this, but fair to say the information

Q And were there also folks in the Salisbury

that you wrote in this memorandum was information you

plant that were wearing respirators?

gathered at or about the time in 1978?

A Specifically, I can't speak to that.

A Yes.

Q There is a -- on this -- is that your

:18

Q If we could flip over to the second page, is

:28

■106

(Pages 106 to 109)

that your signature there?

:28

Q And does it outline a summary of shipments to

:30

A No, it's my secretary's.

Freuhauf regarding the asbestos-containing friction

Q Secretary's, but you gave her the authority to

sign your name?

products?

A Yes.

A Yes.

:29

Q And would have this been prepared during the

:31

Q Okay. One thing I did want to ask you about

ordinary course of business in your job as senior

is the number one item. It says, "Carlisle is building

account manager?

a new plant, location unknown, with the express purpose

A Yes.

of manufacturing non-asbestos blocks." Do you see that?

Q Let's continue to the next exhibit, Exhibit

A Yes, mm-hmm.

:29

19. Is this another letter dated January 4th, 1980,

:31

Q "They feel confident --"

A Yes, I'm sorry.

Q And this is 1978, right?

A Fall of '78, yes.

regarding sales to Freuhauf division?

A Yes.

Q And if you could very briefly -- well, first  
of all, is this a letter you created at or about the

Q "They feel confident the industry and the

:29

time, 1980?

:31

governments will push the non-asbestos programs hard and

A Yes.

very shortly."

A Yes.

Q And if you could very briefly explain the --  
it says the immediate problem and then it's got some

Q Do you remember that being a topic of  
codes, Abex codes and formulation. Do you know what

discussion frequently in the 1970s, that industry and

:29

that refers to?

:31

government was going to have to go to non-asbestos?

A As I read this, apparently we had a material

MR. RADCLIFFE: Objection, vague, ambiguous, identification problem on some of our invoices and this argumentative.

clarified it with what our codes were and what they

THE WITNESS: In the late '70s, that was the represented as far as the formulations that we supplied topic.

:29

to Freuhauf on various parts.

:32

Q (MR. SATTERLEY) Let's continue on to the next

:29

Q Is it your understanding that all the

:32

exhibit. Exhibit 17, is this a letter you wrote at or formulations on this exhibit were asbestos containing? about June 26, 1979?

A Yes.

A Yes.

Q Let's move to the next exhibit. Is this

Q And does this indicate a summary of shipments

:29

January 7th, 1980?

:32

to the Freuhauf Corporation regarding Abex products?

A Yes.

A Yes.

Q And is this a letter sent to Freuhauf

Q And does it indicate 137,100 pieces of

Corporation regarding a summary of sales of asbestos  
original equipment?

products to the Freuhauf Corporation?

A Yes.

:30

A Yes.

:32

Q And when we're talking about that, is that --

Q And was this created at or about the time,  
are we talking about 137,000 pieces of friction  
products?

A Yes.

January 7, 1980?

A Yes.

Q In the ordinary course of business?

Q And at this time in 1979, were the Freuhauf

:30

A Yes.

:32

products -- all 137,100 would have been asbestos

Q Moving forward to the next exhibit, we're up  
containing, correct?

A Yes.

to Exhibit 21, right?

A Yes.

Q And then you also set out the replacement

Q And is this a letter dated January 21st, 1980?  
products as well, correct?

:30

A Yes.

:32

A Correct.

Q And is this -- we talked about Mr. Schmaltz

Q Okay. Let's continue on. The next exhibit is  
earlier. Is he identified as a Abex sales  
number 18. Is this once again another letter that you  
prepared at or about September 28th, 1979?  
administrator?

A Yes.

A Yes.

:30

Q And who is he writing this letter to?

:33

■110

(Pages 110 to 113)

A Alan Schaible, who was manager of aftermarket

:33

Q It says in here on that paragraph, the third

:35

purchases at Freuhauf.

paragraph, "Freuhauf labeled and identified material

Q And were you copied on the letter?

will be supplied in the program."

A Yes.

A Yes.

Q Was this letter created at or about the time

:33

Q And when you -- when we talk about Freuhauf

:35

of January 21st, 1980?

A Yes.

labeled, are we talking on the box itself?

A Yes.

Q And in the ordinary course of business of

Q It says, "Freuhauf will handle their own

company?

catalogs, price sheets, sales flyers, and information



A Yes.

:33

sheets."

:35

Q And does it indicate on here that there is a

A Yes.

bulk discount of 25 cents per set being made available

Q Was that your understanding of the way it  
to the Freuhauf Corporation?

A Yes.

worked?

A Yes.

Q Is that something from time to time that Abex

:33

Q Did you ever see any sales flyers or

:35

did, gave a discount to its customers for -- if they  
information sheets from the Freuhauf Corporation that  
bought more of the products?

A Yes.

talked about the hazards of asbestos?

MR. MILLER: Vague, ambiguous, overbroad.

Q And then attached to this letter, does it

THE WITNESS: No.

indicate the various pricing for the box material?

:33

Q (MR. SATTERLEY) It says, "We will work with

:35

A Yes.

your promotional people to put these together if

Q Let's continue on. The next document, is that

required." Do you see that sentence?

dated January 25th, 1980, a letter from you?

A Yes.

A Yes.

Q Do you ever remember Freuhauf requiring Abex

Q And would have -- was this a document created

:34

to work together with them with regards to flyers, sales

:36

in the ordinary course of business of the Abex company?

:34

flyers, or information sheets?

:36

A Yes.

A Yes, we did.

Q And who are you writing this to?

Q Okay. And I guess what I'm trying to figure

A Alan Schaible, manager aftermarket and

out is, the caution statement that we talked about  
accessories purchasing Freuhauf.

:34

earlier in '77, '78 time frame, do you know whether or

:36

Q Now, in the third paragraph it's discussing  
not Freuhauf included that language in their sales  
the program, "Our program is a set up around the use, if  
information, sales flyers, or information sheets?

at all possible, of four regional warehouses." Do you

MR. MILLER: Vague, ambiguous.

see that?

THE WITNESS: Do not know.

A Yes.

:34

Q (MR. SATTERLEY) On the next page it talks

:36

Q Tell me about that. Did -- who owned those  
about, "They will help train your people on the fine  
warehouses?

points of our program."

MR. RADCLIFFE: Objection, vague, ambiguous.

A Yes.

Q (MR. SATTERLEY) Were those warehouses Abex?

Q That's referring, Abex is going to help

A These were Abex warehouses.

:34

Freuhauf, right?

:37

Q Okay. And what was the purpose of these

A Yes.

warehouses?

Q Says, "We will handle field problems and

A They were a central location for service of complaints on a personal and individual basis." Do you our distributors and also our original equipment service see that?

customers.

:34

A Yes.

:37

Q So would the material, the friction --

Q Do you know whether Abex sent representatives asbestos-containing friction materials be shipped from out into the field to discuss with the end user, the plants in either North Carolina and Virginia to Freuhauf's customer, problems or issues about asbestos? these warehouses?

A Don't know.

A Yes.

:35

Q We're talking in this case about a fellow

:37

■114

(Pages 114 to 117)

named Gordon Bankhead over in California. Abex -- did

:37

February 1st, 1980, correct?

:39

Abex sell products to California?

A Yes.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q And does it relate to the Freuhauf division?

THE WITNESS: Of course.

A Yes.

Q (MR. SATTERLEY) Okay. And was it your

:37

Q And is this a document you prepared in the

:40

understanding that friction products, the brake products

normal course of business while you were working at

that Abex sold to Freuhauf were for national

distribution of its tractor-trailers?

A Yes.

Abex?

A Correct.

Q And does this indicate that you're evaluating

Q And I guess the point I'm getting at or the

:38

the price, the cost of the product, and the profit?

:40

question I'm trying to get is that, did Abex send field

A Cost increases, that's all.

representative, say, for example, out to Oakland,

Q Cost increases.

California, to educate the end user, the people that

A Nothing in there about profit. We wouldn't

would be being encountering the brakes, about asbestos

advise them of that.

issues?

:38

Q On the second page it says, "We have been

:40

A Not that I'm aware of.

specifically requested to contact the Freuhauf branches

Q Let's continue on with the next document. Is

at Dayton, Cincinnati, Louisville, and Indianapolis."

this Exhibit 23?

A Yes.

Do you see that?

A Yes.

Q And is this a memo from Norm Walker?

:38

Q And then the last two sentences, "It is

:40

A Yes.

Q And did you know Norm?

A Yes, I did.

anticipated that our aftermarket with Freuhauf will  
exceed a million dollars in 1980."

A Yes.

Q Was Norm a friend of yours?

Q And it exceeded 400,000 in 1979.

A Yes.

:38

A Correct.

:41

Q Business associate.

:38

Q And now that -- that's the aftermarket, right?

:41

A A business associate.

A Correct.

Q Okay. You guys didn't socialize together, I

Q Was the original equipment sales higher or  
take it.

lower than aftermarket?

A On occasion we might have.

:39

A Original equipment was lower.

:41

Q Okay. And it says -- this is dated January

Q Was lower?

29th, 1980, do you see that?

A Yes.

A Yes. More pieces, lower price.

Q I thought earlier we saw memos that indicate

Q And it's carbon copied to Roger Cain, do you  
the original equipment was -- business was stronger than  
know who that is?

:39

the aftermarket?

:41

A He was in our sales office in Winchester.

A Well, it was in the earlier part of the

Q And it says, "Confirming our telephone  
program.



conversation on January 29, 1980," and it's got 90 sets

Q Okay. And --

and it's got some numbers after that, do you see that?

A Took us -- it took several years to develop

A Yes, mm-hmm.

:39

the aftermarket. We got a lot of people to convince,

:41

Q And then it's got, "Material to be the

lot of branch managers that wanted to do it this way

Freuhauf edge code," and it's got some numbers?

instead of following corporate edicts. So it took us a

A Yes.

long time to get into the aftermarket program with our

Q And an Abex formula, right?

product.

A Yes.

:39

Q Okay. Let's continue on then. We're now in

:41

Q And this would -- these would be asbestos

March of 1980. Is this a letter addressed to you?

formula, correct?

A Yes.

A Those formulas are asbestos, yes.

Q And what's the date of this letter?

Q Okay, let's continue on. The next memorandum

A March 31st, 1980.

actually is another call report that you prepared on

:39

Q And who is it from?

:42

■118

(Pages 118 to 121)

A From Alan Schaible, manager aftermarket and

:42

as an asbestos material with regards to brake block?

:44

accessories purchasing at Freuhauf.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q And does it indicate whether they visited the

THE WITNESS: You're still -- no. Answer to

Winchester facility, production facility again?

your question, you're still in the development

A Yes, it does.

:42

stages of non-asbestos material.

:45

Q And there's a reference in here to backing

Q (MR. SATTERLEY) Well, let me ask you this material.

A Yes.

question, just explore that with you for a minute. Have you ever reviewed the various patents for non-asbestos

Q What is the -- what is backing material? brake products?

A If a thick block were three-quarters of an :42

A No. :45

inch thick, makes no sense to put friction material --

Q You're not a technical man that knows what the expensive friction material below the bolt on or type of materials can be utilized in place of asbestos, below the rivet head. You might as well use a cheaper material as long as you had a mechanical means that are you?

A No.

assured proper attachment of these two items to make up :42

Q Do you know what types of materials were :45

this three-quarters of an inch.

developed to use in place of asbestos later in the '80s?

So the last -- all the material under the bolt

A Yes.

head or under the rivet head was a material, a less

Q And what was that?

expensive material than the friction material.

A Number one, there is no replacement for

Q It says in this question that Freuhauf's

:43

asbestos. Number two --

:45

managers is asking you, is it says, "Does Abex consider

MR. SATTERLEY: Well, objection, move to

brake block of the type used by Freuhauf manufactured  
strike as nonresponsive.

with a backing material to be superior or inferior to

THE WITNESS: Okay.

the one which is not?" Do you see that?

Q (MR. SATTERLEY) My question, sir --

A Yes.

:43

A What was your question?

:45

Q And do you recall this occurring?

:43

Q My question is, what was utilized when

:45

A Specifically, no, I do not. Although it was  
asbestos was eliminated from the Abex product?

written to me, I don't remember. That's 30 years ago.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q If you could read -- read the next paragraph.

Go ahead.

A "Mr. Indelicato indicated that the use of

:43

THE WITNESS: It depended upon the

:45

backing stock provides a cost savings in the more costly  
manufacturer. Abex determined to use, after all of  
types of materials. What economic impact would it have  
our exhaustive testing, a fiberglass as our fiber.

on the present cost of brake block purchased from Abex?"

Carlisle Corporation utilized Kevlar. Other

That's a question on his part. I'm not in a position to  
corporations, I do not know.

answer what we determined. "We acknowledged --" want me

:44

Q (MR. SATTERLEY) Let me -- you weren't

:46

to continue?

Q Well, first I want to ask you, that

Indelicato, was he an Abex person?

involved in this testing process yourself, were you?

You're sales.

A Sales.

A He was an Abex person. I believe at that

Q You're not in R&D.

point in time, he was manager of quality control at

:44

A No.

:46

Abex.

Q Let's move on then.

Q Yeah, continue on the next paragraph.

MR. MILLER: What exhibit was that or is this?

A "We acknowledge the production of non-asbestos

MR. McGUIRE: 25.

material will influence the continued use of backing

THE WITNESS: We're at 26 right now.

material; however, since we undoubtedly will continue to

:44

MR. SATTERLEY: 26.

:46

utilize asbestos brake block within the foreseeable

MR. McGUIRE: The one you just talked about --

future, our interest must relate to the contemporary

MR. SATTERLEY: Was 26.

product."

THE WITNESS: 25.

Q At this point in time in 1980, was there a

MR. SATTERLEY: Oh, was that 25?

non-asbestos material that was available as opposed to

:44

THE WITNESS: No, I just turned 25 over. The

:46

■122

(Pages 122 to 125)

letter from Alan Schaible was 25, dated March 31st,

:46

April 3rd, 1980. Is this a letter from to you

:48

'80.

Q (MR. SATTERLEY) Okay. Let's go to 26 then.

Mr. Schaible?

A Yes.

Is this 26 a letter from Norm Walker to Roger Cain?

Q And there's once again set forth the amount of

A Yes.

:47

materials, the summary of materials shipped the first

:49

Q And Roger Cain's with Abex Corporation, right?

three months -- or actually the first two and-a-half

A Yes, sales office.

Q And you received a copy of this?

A Yes.

months of 1980?

A Yes.

Q And it indicates the original equipment is

Q As did Al Schaible?

:47

126,534 pieces?

:49

A Yes.

A Yes.

Q And this relates to the Freuhauf parts number,

Q And then a couple of thousand replacement

correct?

MR. McGUIRE: Got a date?

pieces?

A Yes.

Q (MR. SATTERLEY) April 3rd, 1980. Right?

:47



Q And this was prepared by you in the ordinary

:49

A It refers to an FMSI number which would go on  
course of business?

a Freuhauf axle or brake, yes.

A Yes, sir.

Q So what I want to do with this -- well,

Q Okay. Let's set that to the side.

there's attachments that has the various Abex formula,

Now, the next exhibit, 28, is a letter

the Freuhauf edge code, the type of packaging, the parts

:47

addressed to you, correct?

:49

number, correct?

A Correct.

Q And the cost?

A Yes.

A Yes.

Q And this letter is prepared by the Freuhauf  
division -- Freuhauf Corporation?

A Yes.

Q Okay. And so if we go down the Abex formula

:47

Q And it's prepared by Mr. -- is it Schaible?

:49

from -- that entire sheet, are those all

:47

A Schaible.

asbestos-containing brake product?

A Yes, on that sheet.

Q Schaible?

A He would not have prepared it, he was just the

Q Let's go over to the next sheet. All the Abex  
transmitter.

:49

formulas on the --

:48

Q He was transmitting to you drawings, correct?

:49

A Yes, yes.

A Yes.

Q -- next sheet, those are all asbestos?

Q And are these drawings prepared by the

A Yes.

Q And the edge code numbers relate to the  
Freuhauf Corporation?

A Yes.

various formulas, right?

:48

Q And would these be drawings that Abex would

:50

A Correct.

utilize in the manufacture of the asbestos-containing

Q Okay. So if we're trying to figure out if a  
product contains asbestos or not, if we just simply take  
friction products?

A Yes.

the Abex formula numbers right there or the Freuhauf

Q And would it be fair to say that you would  
edge code, we would know each of these products are

:48

have received this on or about April 11, 1980?

:50

asbestos-containing product?

A Yes.

MR. RADCLIFFE: Objection, vague, ambiguous,

Q And when it relates to the -- these drawings,  
calls for speculation.

it says both for the -- well, both original equipment

Q (MR. SATTERLEY) Right? Isn't that true?  
and service materials.

A Yes, yes.

:48

A Yes.

:50

Q Okay. And they would have each had between 50

Q Does that mean the aftermarket materials?

and 60 percent asbestos, right?

A Yes.

A Yes.

Q Okay. And it says, "are revised by adding

Q Let's move that to the -- set that to the  
thickness dimensions at the rivet hole locations to  
side.

:48

assure a true radial contour on the brake blocks." Do

:50

■126

(Pages 126 to 129)

you see that?

:50

that was an asbestos-containing product?

:53

A Yes, sir.

Q And just so I understand, first of all, who is

A Yes.

Q It was?

the folks that are drilling the rivet -- the holes into

A Yes. Was it? I can't speak to that. I'm  
this? Is that done by Abex or by Freuhauf?

:51

sorry, I spoke out of turn.

:54

MR. MILLER: Speculation.

THE WITNESS: Done by Abex.

Q Okay. You just don't know one way or the  
other?

Q (MR. SATTERLEY) Okay. We can set that

A I don't know one way or the other.

exhibit to the side and we can go to the next exhibit.

Q It says on the third paragraph, "Specifically  
Are we up to 29?

:51

in the case of Freuhauf parts manufactured by Abex, we

:54

A Yes, sir.

do not see an improvement in integrity being developed

Q And does this -- is this a memorandum written  
by the use of a false backing when compared to the  
by you?

A Yes.

formulation 693-551G and 693-551D." Do you see that?

A Yes.

Q And does it -- well, what's it relating to?

:51

Q And then it refers to, "Cost studies have been

:54

A A true radial contour grind of the Freuhauf  
run on specific blocks and indicate that no savings can  
parts. This --

Q Dated April 14th, 1980?

A Yes.

be achieved by the use of a backing material." Do you  
see that?

A Yes.

Q And what is it we're talking about here? What

:51

Q Was -- when a product -- change in a product

:54

is the grind, a true radial contour grind?

was going to occur like this, was it generally Abex's

A That refers to the radius of the part, the arc  
policy to do a cost analysis?

of the part, and that there's -- that is ground in so

A Yes, sir.

that it has a better chance of meeting the drum

Q Do you know whether Abex in the 1970s did any dimensions, that we get full contact once the part is :52

cost analysis in switching over from an asbestos to a :55

put into the -- assembled to a shoe and put in a drum. :52

non-asbestos friction product? :55

Q We can set that exhibit to the side. Of

A I can't speak to that.

the -- just -- I may have already asked this question, I

Q What type of -- or what department within the apologize. In April of 1980, were you still in sales?

Abex Corporation would do a cost analysis for a

A Yes.

:52

substitute material, if you know?

:55

Q And sales manager?

A Yes.

A It was certainly -- it wasn't the sales department. I don't know.

Q Okay. Let's go to the next exhibit. Is that

Q Did other folks in Abex -- the management of Exhibit 30? Is this a memorandum -- a letter, actually, Abex indicate to you whether it -- switching to a prepared by you dated May the 23rd, 1981 -- excuse me,

:53

non-asbestos material, would that be more expensive?

:55

1980?

A Yes.

A I'm sorry, I missed the first part.

Q Did other folks within the Abex Corporation,

Q And is this written to the Freuhauf managers that were actually involved in the discussion Corporation?

of replacing asbestos, did they ever communicate to you

A Yes, it is.

:53

that it would be more expensive to have a non-asbestos

:55

Q And is reference to another visit to the manufacturing facility at the Winchester, Virginia substitute?

A Yes.

location?

A Yes.



MR. RADCLIFFE: Vague, ambiguous, calls for speculation.

Q And at that time, was there a discussion on

:53

Q (MR. SATTERLEY) Go ahead, sir.

:56

the potential use of a false backing material on the

A Yes.

blocks?

A Yes.

Q And do you recall how much more expensive it would be to have a non-asbestos substitute?

Q Do you know whether that false backing

MR. RADCLIFFE: Same.

material that's referenced in there in 1980, whether

:53

THE WITNESS: No, not off the top.

:56

■130

(Pages 130 to 133)

Q (MR. SATTERLEY) The next -- you can set that

:56

A We were trying to provide the customer with a

:58

exhibit to the side and we'll go to the next exhibit.

lower price for the product that we sold to him, and

Exhibit 31, is this another letter you

this is one of the ways we could deal with it.

prepared May 28th, 1980?

Q By eliminating part of the edge painting or

A Yes.

:56

edge coding, that would potentially reduce the cost of

:58

Q And does it once again -- is it addressed to

the product?

the Freuhauf Corporation?

A Yes, it is.

A Yes. And also eliminating the impression

stamping.

Q And does it once again relate to the technical

Q And what is an impression stamp?

specifications for the asbestos brake blocks?

:56

A Yes.

Q Let's continue on. The next exhibit moving

forward in time, June of 1980. Is this once again a

summary of the next, I guess, few months of shipments to

Freuhauf that you prepared?

:56

A Yes.

Q And on June 27th, you reported that from April through June of 1980, 89,748 pieces of asbestos-containing friction materials were sent to Freuhauf, correct?

:57

A Correct.

Q For the original equipment.

A Yes correct.

Q And then another 3,224 for the replacement?

A Correct.

:57

A We would impression stamp the edge of the

:59

block with our batch number. 121 required us to be able to go out to the field and get a problem set aligning and come back with that number that's impression stamped on the edge of the lining, come back to the plant and determine when and what batch that was made out of.

:59

We're talking about, what 700 pound batch did those linings come from. It would have limited the number of pieces that we would have to look for.

Q This type of cost study that was done, do you remember this occurring?

:59

A No.

Q Do you recall whether Abex ever did a cost study to determine how much it would cost to put the word cancer or warning on the edge of its brake?

A Not aware.

:00

Q Okay. Let's continue on to August of 1980.

:57

Q As you sit here today, is it fair to say that

:00

Is this a memorandum from the Abex Corporation prepared you're not aware of anybody at the Abex Corporation by Mr. Grim?

doing any type of evaluation in terms of how much more

A No. It was prepared by Jerry Lukas to Grim.

it would cost to stamp on those words?

Q Oh, I apologize. To Mr. Grim?

:57

MR. RADCLIFFE: Objection, speculation, calls

:00

A Yes.

for -- calls for speculation, argumentative.

Q And does it relate -- what's the subject of

THE WITNESS: That's a fair statement because  
this memorandum?

I don't know.

A "Cost study to determine the effects of

Q (MR. SATTERLEY) You don't know?

substitution of the impression stamp on the edge, which  
:57

A I don't.

:00

calls for the batch code and New York state code with

Q Okay. We can set this exhibit to the side.

the same information printed on it. Elimination of

August 26th, 1980, is this a memorandum you

fully painting the edge opposite identification stripe  
prepared during the normal course of business?

and other markings. Substitution of the impression

A Yes.

stamp on the ID of the Freuhauf part number, the FMSI

:58

Q And is this once again addressed to the

:00

part number, and the anchor or cam designation, and

Freuhauf Corporation?

replacement of it with printed information done at the

A Yes.

same time we mark the edge."

Q And is this a discussion that you were having

Q And you're copied on this memorandum, correct?

as it relates to revising the identification numbers on

A Yes.

:58

the product?

:00

Q And so what's occurring in August of 1980 is

A Yes.

Abex is doing a cost study to figure out what to put on

Q And is there a discussion with regards to the

the edge of the friction product?

A Yes.

various types of stamping, impression stamping to

include on the product?

Q And do you recall why there was a cost study?

:58

A Yes.

:01

■35 (Pages 134 to 137)

Q On the second page of this document, does it

:01

MR. SATTERLEY: Is it off now?

indicate that Abex manufactures brake --

THE VIDEOGRAPHER: Yes.

asbestos-containing brake products for Rockwell

Q (MR. SATTERLEY) One more time. "Relative to International?

a meeting we had on July 31st, we discussed our concern

:04

A Yes.

:01

over making sure we are properly covering our OES

:04

Q And it provides them to their plants there in Ohio and Florence, Kentucky, and up in Canada? accounts."

A Yes.

A Yes.

Q And then does it also indicate that Abex

Q And what is OES account?

A Original equipment service.

provided asbestos-containing products to the Eaton

:01

Q "Particularly with the move to non-asbestos

:04

Corporation in their locations in Tennessee and materials. This is especially applicable to the west Louisville, Kentucky?

A That's true.

coast an trailer accounts." Do you recall that being the situation in September of 1980, moving to a

Q They were customers of yours as well?

non-asbestos containing material?

A Yes, sir.

:01

A Within that time frame, yes, I remember that.

:04

Q Let's set that exhibit to the side.

Q Says, "Al Schmaltz has supplied the attached

The next exhibit we'll move forward in time to

as to who is presently assigned to what account." I

September of 19 -- September '80, 1980?

MR. MILLER: I'm sorry, is that 34?

don't see an attached either. You're looking for the same thing I'm looking for, the attachment.

MR. SATTERLEY: Are we up to 35?

:02

A Yes, sir.

:04

THE WITNESS: 5.



MR. SATTERLEY: 35 now.

MR. MILLER: What date is it?

Q But, "Since we are mainly concerned with west coast and trailers, we split those up. On the west coast, Freightliner in Portland, Oregon; Kenworth in

MR. SATTERLEY: September 22nd, 1980.

Kirkland, Washington; and Peterbilt in Newark,

Q (MR. SATTERLEY) Does it indicate -- well, it

:02

California, are worth calling on." Do you know what

:05

says OES accounts, do you see that?

:02

this is referring to?

A Yes.

A Yes. They were OES customers, original

:05

Q That's prepared by the second page says J. J.

equipment service customers. We manufactured blocks for Lukas?

them for their aftermarket operation, so that they could

A Yes.

:02

service their tractors and trailers through their

:05

Q And he was an Abex manager, right?

branches with the same material that they were getting

A He was manager original equipment sales.

on their original equipment units.

Q And it's -- on the first page, right below his

Q Says, "Mack Western in Hayward, California;

name, it says B. Iwarsson.

White Western Star in --" is it Calona?

A I'm sorry, B. J. Iwersson, he was our

:02

president.

Q Okay. And he is -- he says, "Relative to a

meeting we had on July 31st, we discussed our concern

over making sure we are properly covering our OES

accounts."

:03

A Yes.

Q What does that relate to?

(A discussion was held off the record.)

Q (MR. SATTERLEY) It says first paragraph

"Relative to a meeting we had on July 31st, we discussed

:03

our concern over making sure we are properly covering

our OES accounts."

THE VIDEOGRAPHER: It's going off again.

MR. SATTERLEY: Still going?

THE VIDEOGRAPHER: No, it stopped.

:03

A Calona, British Colombia.

:05

Q "-- and Kenworth Canada in Burnaby."

A Yes.

Q These are all customers?

A Yes.

Q Okay. And then, "Utilizing the 1979 numbers

:05

for new commercial trailers in the United States, nine  
trailers manufacturers have 69 percent of the business."

Do you see that?

A Yes, sir.

Q And then below that, is an outline of the

:06

various trailer manufacturers, right?

A Correct.

Q And who is the company that has the largest  
number of trailers?

A Freuhauf Corporation.

:06

■1

Q And according to this memorandum, what is the  
:06

A Or any discussion that we had.  
percentage of business?

A 16 and-a-half percent.

Q It would be fair to say, though, that even  
though you don't remember it as you sit here today, the  
:08

Q And does it indicate in handwriting who has  
information, the names on the document, it's more likely  
that account?

:06  
than not this would have been a document you would have  
:08

(Pages 138 to 141)

A Yes.

Q Who is that?

A Mr. Bretz.

Q That's you?  
received in the normal course of business?

A Yes, sir.

Q We'll set that exhibit to the side then.  
The next document we are up to, is that --

A Yes, sir.

:06

Q Okay. And then some of the other folks --  
well, right underneath that, there's a line does that  
indicate you have those other accounts as well?

A Yes.

Q Trailmobile?

:06

A Yes.

Q Great Dane?

A Yes.

Q Strick?

A Yes.

:06

Q Let me ask you, was Strick a customer of Abex?

A On occasion they could have been, by their  
customer specification.

Q Trailmobile was?

A Yes.

:06

A 37.

:08

Q 37. Is this a -- once again a call report you  
prepared.

A Yes, sir.

Q And is it dated December 18th, 1980?

A Right.

:08

Q And does it relate to your customer Freuhauf?

A Yes.

Q And did you go up to the Detroit offices?

A Yes.

Q And was this once again to evaluate the sales

:09

of the asbestos-containing blocks to Freuhauf?

A Yes.

Q It says in here that, "They gave us a 5 percent increase in July because Silk --" is that the vice president of Freuhauf?

Q Were they -- did you get the business from --

:06

A Yeah.

like Trailmobile like you did with Freuhauf, I mean, in

Q "-- felt some responsibility that --"

that type of situation?

A Pretty much so, yes.

A Joe Silk, yes.

Q He felt some responsibility that the

Q That was another good account.

:07

aftermarket had not gotten off the ground in the three

:09

A Yes, sir.

years as well as they had anticipated?

Q That's all the questions I'm going to have on

A Yes.

that document, let me set that to the side.

Q So you got more business, correct?

The next document is dated December 12th,

A We got more dollar business, yeah.

1980, and this is from the Freuhauf Corporation to you,

:07

Q Okay. We can set this exhibit to the side.

:09

correct?

A Yes.

And moving forward into 1981. In 1981 is this

another memorandum you prepared at or about January

Q And do you know what this letter is referring

to?

12th, 1981?

A Yes, sir.

A It's referring to a utilization -- let me see.

:07

Q And does this relate to the Freuhauf

:10

"Brake block service thickness and tolerance for

Corporation?

original equipment use... Inasmuch as this material is

A Yes, it does.

thinner, we are interested in determining the percentage

Q Does it indicate that you once again traveled

reduction in cost the change will provide."

up to Detroit, Michigan, and met with several Freuhauf

Q Was there an effort or a suggestion that if

:07

people?

:10

the friction material is thinner, it should be a lower

A Yes.

cost?

Q It says at the bottom -- or, no, let's go to

A That's the way I read this letter, but I do

the middle first. It says, "It is -- it was noted that

not remember this letter coming in.

engineering has agreed to let both Carlisle and Abex

Q Okay.

:08

materials go into a plant, however, sales needs to be



:10

:09

:09

■1

convinced. Silk will work on that." Do you see that?

:10

A Yes.

A Yes.

Q And does it indicate the names of the folks

Q And do you know what that's referring to?

you interviewed? Pam Lauf, did you know her?

A I'm sorry, I don't.

A Yes. Yes.

:13

Q The previous paragraph, and I shouldn't

:11

Q And she was a Freuhauf material control

:13

(Pages 142 to 145)

have -- maybe shouldn't have just jumped right into that person?

one, talks about a backing material, says, "We will

A That's correct.

quote in two weeks with pricing and timing for a backing

Q And Don Grothouse?

material to be utilized on their blocks. Carlisle

A Yes.

utilizes backing material on all of their parts for

:11

Q And Charles -- is it --

:13

Freuhauf. And also, we will provide them a quote and

timing on a mix change." Do you see that?

A Yes.

A Mitasik.

Q Mitasik --

A Yes.

Q Does that refresh your recollection of what

Q -- and Stan Lyle.

that's about?

:11

A Yes.

:13

A Yes, it does. But I don't remember it.

Q All Freuhauf people?

Q Okay. Let's set that exhibit to the side

A Correct.

then.

Q Says, "Freuhauf is going to a no-grind shoe

Moving forward in January 1981. Is this a  
and lining program." What is a no-grind shoe and  
memorandum from Abex sales administration, J. W. McCool

:11

lining?

:13

to Freuhauf aftermarket manager?

A Yes.

A They accept the lining that is attached -- or  
that is in the boxed sets and they would attach it to a

Q And does it once again relate to products that  
shoe without grinding it.

are being sold, asbestos products that are being sold to

Q And do you know why they went to a no-grind  
Freuhauf?

:12

shoe and lining program in January of '81?

:13

A Yes.

:12

A Back there, trailer business was so poor,

:13

Q And you received a copy of this memorandum?

everybody was looking to ways to save money. And this

A Yes.

was a way for them to save money if they could eliminate

Q And on the second page, it has the price of  
that operation in their plant and if things worked out  
the various asbestos-containing products?

:12

well.

:14

A Correct.

Q "If at all possible, this will be accomplished

Q Both in boxed material and in bulk material?

in 1981. Necessary machining equipment is on order to

A Correct.

accomplish this. The disposal of asbestos grinding

Q If it's shipped in boxed -- excuse me, if it's  
particles is becoming more and more difficult. Their  
shipped in bulk, is it inside of a box?

:12

present bagged asbestos dust is being transported to

:14

A It's inside of a carton --

Q Okay.

A -- as opposed to a box.

southern Ohio." Do you see that?

A Yes.

Q And then it's got -- well, you remember going

Q Okay. And the carton -- what's -- in bulk, is  
to their facility and seeing them having a bagging  
that the 4 by 4 box --

:12

operation in the plant there?

:14

A Yes, sir.

A No, I don't.

Q -- you're talking about? Okay. We can set

Q Before they went to this no-grind shoe and  
that exhibit to the side.

lining program, how -- I guess what I'm trying to figure  
Continuing on in January of 1981, is this once

out is what type of grinding occurred with regards to  
again another report, call report for your customer

:12

the brake shoes?

:15

Freuhauf?

A Yes.

MR. MILLER: Foundation.

THE WITNESS: They would assemble the lining

Q And it says -- well, first of all, is this a

to a shoe, steel shoe, and then they would grind it  
memorandum prepared at or about that time, January of  
to an arc that would -- a drum would be more  
1981?

:13

receptive of it. The grinding made sure they got a

:15

■1

proper radius.

:15

Exhibit 40.

:17

(Pages 146 to 149)

Q (MR. SATTERLEY) By the way, did you -- I may

MR. RADCLIFFE: May I see that for just a

have asked you this earlier, were you -- one of your  
minute?

customers was Rockwell?

THE WITNESS: Yes.

A Yes.

:15

Q (MR. SATTERLEY) We'll leave that as 40.

:17

Q Did you ever visit the Rockwell Winchester,

Let's move on to 41. Is this a 1981 memorandum that you

Kentucky facility?

A No, I did not.

prepared?

A Yes.

Q Do you know -- did you know they had a

Q And that was prepared on or about February  
facility in Winchester?

:15

A Yes.

Q Would -- was it your understanding that the  
Winchester facility utilized Abex brake -- asbestos  
brakes?

A Yes.

:16

MR. McGUIRE: Foundation.

THE WITNESS: I'm sorry.

Q (MR. SATTERLEY) And I'm talking about  
Rockwell now.

A Yes, I understand.

:16

Q We can set this exhibit to the side.

And the next document -- oh, by the way, was  
attached to that, is there a -- maybe it shouldn't be  
stapled, but --

A This is an item that we had previously where

:16

18th, 1981?

:17

A Yes, sir.

Q And this is -- it's where you went back up to  
Freuhauf in the Detroit facility?

A Yes, sir.

Q And called upon, looks like there's about five  
:17

individuals there, right?

A Correct.

Q At this point in time, I know it's been three  
or four years since we talked about that 1977 memorandum  
where the word caution is going to appear, was there

:18

still discussions ongoing with Freuhauf individuals some  
three or four years later about the hazards of asbestos?

MR. MILLER: Vague.

THE WITNESS: Not that I remember.

Q (MR. SATTERLEY) Okay. And just so that I'm  
:18

there was no -- there was no sheet number one. This is

:16

clear in the way I understand it occurred, when the



:18

what goes to it.

label first came out, whenever that was, there was some

Q Okay. And it's dated -- it says revised

initial discussions about it, right?

2-2-81 at the top?

A Yes.

A Where are we here?

:16

Q After the initial discussions about it, there

:18

Q Up at the top.

A Here?

was no follow ups weeks or months or years later about  
it?

Q Maybe you got a different one.

MR. RADCLIFFE: Objection, argumentative,

A It didn't come out.

calls for speculation.

Q Okay.

:16

THE WITNESS: Not on my part.

:19

A It didn't copy.

Q Oh, I see.

Q (MR. SATTERLEY) All right. Now, on this  
1981 -- February 1981 three-quarters of the way down,

MR. MILLER: Is this 41, by the way?

there's a paragraph that says, "Our non-asbestos data,"

MR. SATTERLEY: 40.

do you see that?

THE WITNESS: 40.

:17

A Yes.

:19

Q (MR. SATTERLEY) Okay. But we're talking --

Q "Our non-asbestos data provided to Freuhauf  
we're talking the edge code?

A Yep.

last fall is being closely scrutinized and reviewed. To  
date the comments are very favorable."

Q Okay. That's fine. Why don't we -- what

Q Yes. At that point in time, in 1981, the  
we'll do is we'll mark that as 41-A and -- or is that a

:17

winter of '81, you -- your Abex Corporation provided to

:19

document -- do those documents go together?

Freuhauf some information about non-asbestos brakes,

A These two copies?

Q Yeah.

right?

A Yes.

A I got to believe they went together.

Q And Freuhauf was evaluating it?

Q Okay, that's good. Then we'll leave them as

:17

A Yes.

:19

■150

(Pages 150 to 153)

Q And only if Freuhauf approved the change could

:19

A Negative. Well, they might have been back

:22

Abex switch to that non-asbestos?

MR. MILLER: Speculation.

then.

Q "Dave informed me that he is working on

Q (MR. SATTERLEY) Or how did it work?

Freuhauf's non-asbestos program and quite interested in

A Well, it was mutual. It was mutual. If all

:19

931-162."

:22

the engineering data equated to the engineering data

A Yes, sir.

that they had with asbestos materials, then with

Q That number 931-162, is that the program or  
additional testing on their part, not only dynamometer,  
the number assigned to non-asbestos?

but also the field, they could, would, and they

A That is the formulation assigned, formulation  
ultimately did approve its use.

:20

Q Okay. So we're in '81. When you say they  
eventually did approve the use, do you know how many  
years later before it went to non-asbestos?

A I don't remember a specific date.

Q I think we're going to get to it in some of

:20

these memos.

A You have to find something in here that --

Q Okay. Hopefully we'll get to that. But this  
1981 memo where it discussed the non-asbestos data, that  
was prepared at the normal course of business of Abex?

:20

A Correct.

Q Okay. Set that to the side.

Now we're going to the next, there's March of 1981, and this is an Abex memorandum prepared by Indelicato?

number for that -- for that formula. The project number :22

is 931, the 162 is the number of evaluations that we made for various changes in that product to get what we wanted and what the industry wanted. And so we ended up with 162 -- kind of like Edison, how many things did he run before he come up with the light bulb?

:22

MR. SATTERLEY: Objection, move to strike, nonresponsive.

THE WITNESS: I'm sorry.

Q (MR. SATTERLEY) I need to put that on the record so later on down the road we can know to try to :22

get that cut out.

A Okay. I'm sorry.

Q That's all right. Was it your job in sales to do the evaluations of these various numbers 160, 161, 162, or anything like that?

:20

:21

:23

:23

A Indelicato, yes.

A No.

Q And they carbon copied you a copy of this?

Q Let's continue on with this memo. "Dave has

A Yes.

reviewed the data we supplied Freuhauf but would like

Q And it says that -- well, first of all, this  
more detailed information." Do you remember this  
would have been a document you received in the normal

:21

occurring?

:23

course of business of the Abex company, right?

A I remember the data being supplied to them,

A Yeah.

but I don't remember what he's referring to here.

Q And it said, "I have had an opportunity to

Q Let's set this exhibit to the side and move  
meet with Dave --" is it Kizyma?  
forward in time.

A Well, that's good. Kizyma is close.

:21

Q Well --

A That's fine.

Q Okay. "-- of Freuhauf at a luncheon during the SAE expo." First of all, were you at this expo back in the early '80s?

:21

A Could have been. I attended all the expos, I should say. January, coldest day of month in Detroit. We always had an SAE expo then.

Q Every January of every year?

A Yes, sir.

:21

Q Okay.

A They picked the coldest week, too. I never could figure out how they could do that. They did.

Q Maybe it's because the Detroit Lions were so good and they wanted you to go see them.

:21

We're next -- going to the next memorandum,

:23

which is 43. Is this a May 15th, 1981 memorandum you prepared?

A Yes, sir.

Q And does it relate to the Freuhauf axle plant?

A Yes, sir.

:23

Q And does it relate to the no-grind, the shoe and lining assembly no-grind program?

A Well, I've got to read it all and -- the second paragraph?

Q Yes, sir.

:24

A Yes, it does. "They continue to work towards a shoe and lining assembly no-grind program and are very interested in our development of the grinding technique which will allow us to meet their drawings."

Q And do you recall whether Abex provided

:24

■154

(Pages 154 to 157)

Freuhauf the ground -- the grinding technique?

:24

MR. McGUIRE: Motion to strike, hearsay.

:26

A I don't remember.

Q (MR. SATTERLEY) The managers of the Freuhauf

Q Regardless, this is a memorandum you prepared back at the time frame in the normal course of business? Corporation?



A Yes.

A Yes.

:24

MR. McGUIRE: Same objection, same motion.

:26

Q Let's set that to the side.

Q (MR. SATTERLEY) And the -- do you remember  
And July 1981, you summarized March through  
the managers of the Freuhauf people that specifically  
June shipments of asbestos-containing original equipment  
informed you that Carlisle had 50 percent of the  
and replacement products to Freuhauf, correct?  
business?

A Yes.

:24

Q And we're up to, just for that three-month  
time period, roughly \$400,000 worth of asbestos linings?

A Correct.

Q And you prepared this in the normal course of  
business, correct?

:25

A Correct, yes, sir.

Q The next memorandum, we're up to now Exhibit

4 --

A 45.

Q -- 45 is yet another memorandum you prepared

:25

dated July 7, 1981?

A Yes.

Q And was this created in the normal course of  
business of the Abex company?

A It was.

:25

MR. McGUIRE: Objection, leading.

:26

MR. SATTERLEY: I said do you remember, is  
that a leading question?

MR. McGUIRE: Yes, sir.

MR. SATTERLEY: Do you remember is a leading  
question?

:26

MR. MILLER: That part isn't. It's the rest  
of it that's leading.

MR. SATTERLEY: Well, let me ask the question  
again so I can try to satisfy your objection to  
form even though I disagree with the objection.

:27

Q (MR. SATTERLEY) Do you remember the names of  
the managers that shared the information with you that

you just told the folks on the jury about?

A Yes.

MR. McGUIRE: Same objection.

:27

Q And was it relating to the axle plant, the

:25

Q (MR. SATTERLEY) And who is the names -- or

:27

Freuhauf axle plant in Ohio?

A Yes.

what were the names?

A Don Grothouse, Charlie Mitasik, engineering

Q The third paragraph says, "Abex will obtain 50  
personnel which are not listed here out of their Detroit  
percent or better of the lining requirements for these

:25

office, aftermarket people, a whole host of names.

:27

axles." Do you see that?

A Yes.

MR. McGUIRE: Same objection, motion to  
strike, hearsay, lack of foundation.

Q And what does that mean?

Q (MR. SATTERLEY) Let's set that exhibit to the

A Well, we have 50 percent of their production side and we'll go on to the next exhibit. business.

:25

Now, was it Norm Walker, was Norm a Freuhauf

:27

Q Okay.

individual?

A They build 50,000 axles, we'd have 25,000

A Yes, he was.

axles worth, times eight.

Q Was he a regional sales manager?

Q And at this time frame, do you know who had

A Yes, sir.

the other 50 percent?

:26

Q And this exhibit, is this Exhibit 46?

:27

A Yes, sir. Carlisle Corporation.

A Yes.

MR. McGUIRE: Objection, lack of foundation,

Q And Exhibit 46, is this a memorandum that you hearsay.

created at or about August 3rd, 1981?

Q (MR. SATTERLEY) And was that based on your

A I did.

evaluation in the plant when you went up to Ohio?

:26

Q And did you sign off on that?

:28

A Not specifically.

A Yes, I did.

Q What's your basis for saying that Carlisle had

Q And does it indicate that the name of the

50 percent and Abex had 50 percent?

customer you're talking about?

A Our discussions with purchasing for the three

A Yes, it does.

or four years prior to 1981.

:26

Q And who is that?

:28

■1

A Freuhauf Corporation.

:28

stated back then.

:30

(Pages 158 to 161)

Q And does it indicate that -- officials you

Q (MR. SATTERLEY) Okay. And then the question,  
interviewed with the Freuhauf company?

what is the latest price on non-asbestos material,

A Yes.

question mark. Do you see where you wrote that?

Q And who were those?

:28

A Yes.

:31

A Well, Al Schaible, the manager of aftermarket

Q Were you expecting to get a response from  
accessories purchasing, and Norm Walker, regional sales  
somebody? Were you asking that question of somebody at  
manager, and Charlie Tedesco, who was service truck  
equipment accessory sales manager.

Abex?

A Yes.

Q And does this on the first paragraph indicate

:28

that this memorandum relates to establishing cost  
guidelines for 1982?

A Yes, sir.

Q And does it specifically relate to the --

well, let me withdraw that and ask you, do you see the

:29

paragraph that begins "Walker"?

A Yes.

Q Read that paragraph out loud.

A "Walker states there is no desire for  
non-asbestos linings in the marketplace due to costs and  
:29

the original equipment people at Freuhauf state that  
they are not going to be able to afford it either at  
this point. If it is required by government edict, that  
is another thing and then everyone will have to raise  
their prices accordingly. What is the latest pricing on  
:29

Q Do you know whether you ever got a response on  
:31

the pricing of the non-asbestos?

A I don't remember at this point.

Q It says in the last paragraph, "Walker  
questioned the writer as to the latest status of our bus  
block program and whether we made any decisions to get  
:31

into this marketplace with a competitive block." Do you  
see that?

A I see that.

Q Was Abex a supplier of friction materials for

buses?

:31

A Yes.

Q Specifically Freuhauf buses?

A Freuhauf didn't make buses.

Q Okay. Well, why was it that Walker was asking about the bus block program?

:31

non-asbestos material? This will be forwarded to Norm

:29

MR. MILLER: Foundation, speculation.

:31

Walker."

THE WITNESS: Walker was involved with the

Q And was this -- these statements that you aftermarkets. This would be part of their branch reported statements made to you by Norm Walker? program of being -- having all materials available

A Yes.

:29

for sale to cover any customer who might come in or

:32

Q And was this your understanding that Norm might -- they might contact.

Walker, as the regional sales manager for Freuhauf, was



Q (MR. SATTERLEY) We can set that exhibit to not going to -- that corporation was not going switch the side.

over to non-asbestos?

And we are going to -- next memorandum is

MR. MILLER: Misstates testimony.

:30

Q (MR. SATTERLEY) Well, let me ask the question this way: Did Mr. Walker tell you that they had -- Freuhauf had no desire for non-asbestos linings?

A Yes, he did.

MR. MILLER: Misstates testimony in part.

:30

Q (MR. SATTERLEY) And did he tell you the reason why they had no desire for these non-asbestos linings was because cost?

A Yes.

Q And did he also tell you that the only way in

:30

which the non-asbestos linings were going to be put in place is if the government required it?

MR. MILLER: Vague, ambiguous, misstates testimony.

THE WITNESS: I have to go along with what I

:30

October 6th, 1981. Do you report the amount of

:32

asbestos-containing products sold to Freuhauf June 23rd through September 23rd, 1981?

A Yes.

Q Was this document created in the normal course of business of Abex?

:32

A Yes, it was.

Q And does it indicate some \$318,000 worth of friction products during that time period?

A Yes.

Q Set that exhibit to the side.

:32

Moving forward to the next month, to November 1981. Are we up to Exhibit 48 now?

A Yes.

Q And is this once again another memorandum call report that you prepared at or about November 3rd, 1981?

:33

■42 (Pages 162 to 165)

A Yes.

:33

asbestos?

Q And does it relate the to the Freuhauf axle

A No.

plant?

A Yes, it does.

Q Don't know one way or the other?

A I don't know one way or the other. I can make

:35

Q And did you sign off on this memorandum?

:33

an assumption, but I don't know.

:35

A My representative did.

Q And when you say you can make an assumption,

Q Okay. Now, I want to ask you about the last

what do you mean? You can assume that they're

paragraph. It says, "South Africa is about to submit

non-asbestos, right?

orders to them covering some 3,000 axles per year." Do

A No. I assume they're asbestos.

you see that?

:33

Q Why is that?

:35

A Yes.

A Well, because the time frame didn't indicate

Q What -- do you remember what you were  
the industry -- the industry going non-asbestos in  
referring to, South Africa?

Europe.

A Freuhauf sold trailers to -- into South

MR. RADCLIFFE: Objection, move to strike as  
Africa, that's what we were referring to. And they've

:33

speculative.

:35

determined a need for or a requirement of 3,000 axles a

MR. MILLER: Join.

year. I don't know whether they had a manufacturing

Q (MR. SATTERLEY) Did you -- do you know who  
facility in South Africa.

Honeywell is? Honeywell International Corporation?

Q I see. "At this point, since U.S. materials

A I know Honeywell Corporation.

are not approved by the EEC, they are apparently

:34

Q Do you know who Bendix is?

:36

specifying Mintex linings."

A Yes.

A Yes.

Q Do you know when Bendix first developed

Q First of all, what is the EEC?

asbestos-free brake material?

A That's the European Economic Commission or

A No.

whatever, the governing -- governmental body of -- in

:34

Q It says, "Carlisle is behind in this game and

:36

Europe.

:34

do not have a material approved for EEC work, however,

:36

Q And do you know why the U.S. materials were

Abex does." Do you see that?

not approved by the EEC?

MR. MILLER: Speculation.

A Yes.

Q Do you know what type of material you're

THE WITNESS: I cannot.

:34

referring to?

:36

Q (MR. SATTERLEY) Well, when you wrote this in

MR. McGUIRE: Objection, foundation, hearsay.

1981, do you know how you learned that the U.S.

THE WITNESS: That we had approved? We have

materials were not approved by the EEC?

approved of a material manufactured in Europe in

A I'm sorry.

one of our plants that would meet the requirements

Q When you wrote this, you said -- you obviously

:34

for the Freuhauf axles.

:36

at the time knew that the U.S. materials, the materials

Q (MR. SATTERLEY) And so what you're telling me

you're referring to as brake materials, right?

at this time in the early '80s, asbestos-containing

A Mm-hmm, yes.

products that Abex was making could be sold in Europe,

Q You knew at that time that U.S. brake product

right?

materials were not approved by the EEC, right, because

:34

A Yes.

:37

you wrote that?

A Yes.

Q Could be sold around the world, right?

A Yes.

Q And my question is, do you know how you gained

Q Let's set that exhibit to the side.

that knowledge back at the time?

Moving forward to Exhibit 40 -- are we at 48?

A I probably checked with -- no, specifically I

:35

A I'm 49.

:37

don't remember. I would have checked with somebody who

Q 49, okay. Is this a November 5th, 1981

might be familiar with it.

memorandum that you prepared?

Q Do you know what Mintex linings are?

A No.

A I'm sorry, yes.

Q Okay.

Q Do you know whether Mintex linings contain

:35

A I was trying to read and I missed --

:37

■1

Q That's okay.

:37

(Pages 166 to 169)

It's an Abex Friction Products Division document,

:39

A Yes, I did prepare this on November 5th, 1981.

correct?

Q And this relates to the Freuhauf Corporation

A Yes, it is.

as well?

Q And it's approved by Marjorie Beaver?

A Yes, sir.

:37

A Yes.

:39

Q You're meeting with some of the same folks,

Q And who is she?

Norm Walker and some of these other fellows?

A She worked out of our sales office in

A Yes, sir.

Winchester.

Q And in the first -- well, actually second

Q And what is this document?

paragraph it says, "It was noted that Mr. Robert

:37



A Well, it's processing instructions.

:40

Kickel --"

A Kickel.

Q Do you know who that is?

A Yes, I do.

Q And this is Exhibit 50, correct?

A It's Exhibit 50, yes. And this refers to  
aftermarket lining formula 562-5B.

Q And does it relate to the type of

Q Did you meet him?

:37

identification for edge marking?

:40

A Oh, yes.

A Yes, it does.

Q And how did you meet him? I mean, where did

Q And does it indicate the packaging that would  
you meet him?

be -- that would be used?

A I met him in various sales lobby, I met him in

A Yes.

the industrial meetings, SAE meetings, TTMA meetings, et

:38

Q And does it give an example of the packaging?

:40

cetera.

A Yes.

Q And did you have conversations with him about

Q And does it indicate that this would be a

Carlisle's sales of their products from time to time?

packaging for the Freuhauf Corporation?

A Could have from time to time.

A Yes.

Q I mean, did you ever have conversations about

:38

Q And the Pro-Par name, is that a Pro-Par that

:40

the fact that they were providing 50 percent of the

:38

friction products to Freuhauf?

A Don't remember.

Q Okay.

MR. McGUIRE: Objection, move to strike.

:38

Q (MR. SATTERLEY) But you knew that he was a  
vice president of sales at Carlisle Corporation?

A Yes.

Q And did he present at this time on the on

their 1982 economics?

:38

A I have to agree with what I wrote at the time.

Q You indicate in this time frame, in the

November of 1981, that Abex aftermarket is growing with

Freuhauf?

A Yes.

:39

Q And you say, "as such, he," who are you

referring to as the he?

A Schaible, since he was responsible for buying

the aftermarket stuff.

Q Schaible was paying more attention to what --

:39

what's going on with regards to his company and the

competition?

A Yes.

Q Okay. We'll set that exhibit to the side.

The next document is dated August 20th, 1982.

:39

:40

:40

:41

:41

was specifically for Freuhauf?

A That is correct.

Q So if you sold product brake lining sets to Rockwell or Eaton or somebody else, it wouldn't be

A That is true, it would not.

Q Anywhere on Exhibit 50 is there any warning label or caution statement referred to?

A Not that I see, sir.

called Pro-Par?

Q Let's set Exhibit 50 to the side.

Exhibit 51, what is Exhibit 51?

A Processing instructions -- special processing instructions for replacement bulk kits, Pro-Par.

Q And is this an Abex document?

A Yes, it is.

Q Once again prepared by Marjorie Beaver in sales?

A Yes, sir.

Q And does it indicate some various places for

A Yes.

Q And does it have places for identifications for markings and so forth?

A Yes.

Q Does it have indications for the packaging?

:41

parts numbers on it, Freuhauf parts numbers?

:41

■1

A Yes.

:41

A Okay. Yes, I do see that.

:44

(Pages 170 to 173)

Q Does it indicate anywhere on this processing

Q Okay. It says, "A considerable discussion was packaging instruction anything about caution or warning held on non-asbestos materials. They are seeing some labels?

activity in this area and feel that some changes must be

A No, sir.

:41

made in our pricing to make this go." Do you know what

:44

Q Let's set that exhibit to the side, let's go

he was referring to there? Or do you know what you were to Exhibit 52.

referring to there?

Is this a letter to you from Freuhauf's

A They continued to be concerned about the costs

manager of aftermarket and accessory purchasing?

of the non-asbestos materials. We had warned them early

A Yes.

:42

Q H. O. Binder?

A Yes.

Q Do you know him?

A Yes. He took Schaible's place because

Mr. Schaible passed away.

:42

Q And in this time frame in September of 1982, did he indicate to you a confirmation of an Abex agreement to produce backup inventory of 4,000 sets of the Pro-Par brake block?

A Yes.

:42

Q And also 440 sets of the drill pattern C?

A Yes.

Q And 3,360 sets of the drill pattern D?

A Yes.

Q And this was to support Freuhauf's national --

:42

on that there was going to be a major cost increase.

:44

They were concerned about the competitive situation and they continued to be.

Q It says, "Our price for 50 sets is \$6.81 higher than Carlisle's price for 100 sets."

A Yes.

:45

Q "Our price for 300 sets is \$1.30 higher and our price for 900 sets is 81 cents higher than the Carlisle price for 1200 sets."

A Yes.

Q At this time, are you reporting that there was  
:45

non-asbestos brakes available already but they were just  
going to cost more money?

MR. MILLER: Speculation.

THE WITNESS: We began shipping -- we began  
shipping non-asbestos materials in that time frame.

:45  
nationwide brake reline program?

:43  
We're talking June '83.

A Correct.

Q (MR. SATTERLEY) And so what you're reporting

Q And these products, all these products in 1982  
back to the other folks at Abex that would receive this  
that Abex is providing to Freuhauf are  
call report is that Freuhauf Corporation was reluctant  
asbestos-containing products, correct?

:43  
to pay more money for non-asbestos brakes, right?

:46

A Yes.

MR. MILLER: Misstates testimony,

Q Let's set that exhibit to the side.  
argumentative, speculate.

Moving forward to -- are we up to 1983?

Q (MR. SATTERLEY) Isn't that true?

A 53. June 22nd, '83, yes.

MR. MILLER: Speculation, same objection.

Q And is this a memorandum you prepared, a call  
:43

THE WITNESS: Yes, sir, that's true.

:46

report sheet relating to Freuhauf Corporation?

Q (MR. SATTERLEY) And it says, "The bulk of

A Yes, sir.

this product will move in 50 to 100 set area. Something

Q And is -- do you outline Mr. -- several names,  
must be done to resolve this price differential." Do  
H. O. Binder, Doug Belcher, and Tom Short there?  
you see that?

A Yes.

:43

A Yes.

:46

Q And are these managers of folks that you met

Q "It is only the writer's understanding that  
with in Ohio?

A Yes.



repricing of the non-asbestos line is presently going on in our aftermarket group." Do you see that?

Q And it says, does it not, in the fourth

A Yes.

paragraph, "A considerable discussion was held on :44

Q What do you mean by that?

:46

non-asbestos materials." Do you see that?

A Yes.

A Specifically where are you looking?

Q What do you mean by that?

Q Right here.

A Mine's not outlined. Okay.

A All of the aftermarket lining programs were interrelated and involved with each other, whether it

Q Mine's not --

:44

was OES, Abex distributors, et cetera, et cetera. And

:47

:45

■45 (Pages 174 to 177)

the whole industry was meeting pricing resistance to :47

Q You got say yes or no.

non-asbestos materials. And so we were trying to see

A Yes. Excuse me.

where it was going to shake out, we were also evaluating

Q "The writer confirmed that they may do this

the potential and what may or may not be an appropriate

and have alerted them to this fact." Right?

:49

price. We knew what we had to get in order to make

:47

A Yes.

:49

money at it. So the whole program was being reviewed

Q "We need a friction code covering 3027-73

and it was being reviewed quite often.

non-asbestos material for wedge brake." Right?

Q So from a -- from a business standpoint, what

A Yes.

was going on, if Freuhauf would have said, we'll pay

Q "This is in the works. Freuhauf edge code FRU

that extra dollar thirty or whatever it was --

:47

A Yeah.

Q -- Abex was prepared to sell non-asbestos

products, right?

MR. MILLER: Argumentative, speculation,  
foundation.

:48

Q (MR. SATTERLEY) Is that not true?

MR. MILLER: Same objection.

THE WITNESS: We would have sold non-asbestos  
material at that price, yeah.

Q (MR. SATTERLEY) Yeah. It says, "They", "They

:48

feel they could handle the 300 set differential if they  
are allowed to mix and match asbestos and non-asbestos  
parts." Do you see that?

A Yes.

Q So Freuhauf was telling you as the salesperson

:48

924GG has already been applied to this mix."

:50

A Yes.

Q So both Abex and Freuhauf had edge code  
numbers and labels for non-asbestos products, right?

A We had edge code numbers, I don't know that we  
had any labels at that point. Again, I -- whatever I

:50

wrote back then is what was going on.

Q And this was prepared at or about the time in

June 22nd, 1983?

A Yes.

Q We can set that exhibit to the side.

:50

MR. RADCLIFFE: It's 1:50.

MR. SATTERLEY: I'm at Exhibit 54, and how many exhibits total do we have, 58?

MR. RADCLIFFE: But I have to take a break at 2 o'clock.

:51

of Abex that they were going to try to meet this cost

:48

MR. SATTERLEY: Okay. For how long?

:51

issue by mixing and matching some asbestos parts with

MR. RADCLIFFE: 30 minutes, 40 minutes.

some non-asbestos parts.

MR. SATTERLEY: Let's go off the video for a

MR. MILLER: Same objections.

minute.

THE WITNESS: Within the orders. Half 4515s

:48

THE VIDEOGRAPHER: We're off the record at

:51

would be asbestos, half 4515s would be non-asbestos

1:51.

with an order. So that would halve the

(A discussion was held off the record.)

differential and the cost that we were trying to

THE VIDEOGRAPHER: We're back on record at

get.

1:52.

Q (MR. SATTERLEY) And if -- sort of walk me

:48

Q (MR. SATTERLEY) The next document is dated

:51

through this or clarify this for me. Because how was  
November 15, 1983, it's a document prepared by you --

it, if you -- how was it the cost problem was going to  
be addressed by mixing and matching asbestos brakes and  
non-asbestos brakes?

A February.

Q Excuse me?

A Mine says February.

MR. MILLER: Foundation, speculation.

:49

Q Maybe I got the wrong -- let's see. Oh,

:51

THE WITNESS: I really can't.

Q (MR. SATTERLEY) Okay.

February 15th, I'm sorry.

MR. MILLER: Are you on 54, Counsel?

A I really can't. And I don't remember.

MR. RADCLIFFE: What's the exhibit number

Q But at the time in 1983, you wrote, "They,"  
right there?

referring to Freuhauf, right?

:49

THE WITNESS: 54. Freuhauf visit.

:52

A Right, right.

Q (MR. SATTERLEY) And is this a visit you

Q "-- feel they can handle the 300 set  
made -- excuse me, is this a letter you prepared at or  
differential if they're allowed to mix and match  
about February 15, 1983?

asbestos and non-asbestos parts," right?

A Yes.

A Mm-hmm.

:49

Q And did you make a visit to the plant there in

:52

(Pages 178 to 181)

Ohio?

:52

sentence, it says, "A few releases are coming through

:54

A No. We made a -- we made a visit to our plant

requesting non-asbestos lining, much of it is

in Salisbury.

unspecified by the fleet customer and whose lining they

Q Okay. Thank you. And was it the purpose of

get --"

that to familiarize Mr. Binder with the facility?

:52

A I'm sorry, where are you?

:55

A Excuse me, I spoke incorrectly. This visit

Q Right here at the bottom.

was to Winchester.

Q Okay.

A Okay.

Q "A few releases are coming through --"

A We did make visits to Salisbury, but this

A Yes, yes.

specific one was Winchester.

:52

Q First of all, what is a release?

:55

Q Okay. And was this to take Mr. Binder, the

A It's a production release for X number of

Freuhauf representative, the manager of Freuhauf on a  
pieces as --

tour of the plant?

A Yes.

Q So at this point in time, were the folks  
requesting non-asbestos lining?

Q Do you report in the fourth paragraph that

:53

A Yes. This is being generated by their fleet

:55

there was in-depth discussion on non-asbestos product  
customers.

line?

Q And did you prepare -- well, the last sentence

A Yes. We wanted to cover it, yes.

on the second page, going over to the second page, it

Q And then there's a discussion of, "They have  
says, "As noted above, Abex gets 100 percent of this  
approved for production," and there's Abex 931-162,

:53



business." Was that the trailer division, the Hobbs

:55

Carlisle and then a number there, and a Raybestos and a trailer division?

number there?

A Yes.

A That was the Hobbs trailer division.

Q Okay. We'll set that exhibit to the side.

Q Was it your understanding that those three  
57?

different products were non-asbestos?

:53

A 6.

A Yes.

:53

Q 56? Okay. 56 is a -- is it a form, Abex form

:56

Q Then you report that you arrived at the plant  
prepared by A. D. Indelicato?

in the morning and went to the plant conference room?

A Yes.

A Yes.

Q And can you -- is this a form that describes

Q And then you took him to lunch at the club?

:53

the various product type, whether it's got asbestos in

:56

A Mm-hmm.

Q And then --

A Yes.

it --

A Yes, it is.

Q And was it prepared on or about February 25th,

Q -- left Winchester back -- on a flight back to

1984?

Detroit at 3:30?

:54

A Yes, sir.

:56

A Correct.

Q And does it indicate on the type which

Q And do you recall anything specific about this  
products had asbestos and which products were, for  
meeting, about this in-depth discussion of the  
non-asbestos product lines?

example, semi-metallic?

A Yes, it does.

A I don't recall.

:54

Q Or FGR, do you know what FGR is?

:56

Q Set that exhibit to the side.

A No, I do not.

The next exhibit is this November 15th, 1983

Q As of 19 --

discussion -- excuse me, call report?

A I recognize the numbers.

A Yes.

Q As of February 25th, 1984, if we go down to

Q And does it relate to Freuhauf's axle plant?

:54

number 13, ranked number 13, is that an asbestos

:57

A Yes, it does.

Q And do you once again outline the various  
product?

A Yes.

people that you interviewed?

A Yes, I did.

Q And does -- if we go over to the key accounts,  
does it identify who has that key account?

Q At the bottom of the first page, third

:54

A No. Freuhauf, I'm sorry. Yes.

:57

:56

Q Freuhauf trailer axle, cam, brakes --

A Yes.

Q -- to 20,000 pounds?

A Yes.

whether that item 16 is asbestos product?

A Yes, it is.

Q Does it indicate who's the key account for that product?

Q If we go down to item 16, does it indicate

way, this is an Abex document, correct?

:57

A Freuhauf.

Q Is that the OES trailer axle, the 20,000 pound?

A Yes.

Q Let's set that exhibit to the side. By the

A Yes.

Q Let's go to the next document. Is this 57?

A 7.

Q And is this a letter from Ronald Bagley,

A Yes.

Q And is this dated August 27, 1986?

A Correct.

Q And does it indicate that this is a letter to all Abex heavy duty distributors?

Bagley, Abex executive vice president?

:57

:57

:57

(Pages 182 to 185)

asbestos product price, do you see that? Third

:59

paragraph.

A Yeah, yeah. Hang on. Mm-hmm. I see that and that is correct.

Q And then on the fourth paragraph, "Effective :59

September of 1986, Abex will not accept the return of asbestos product for credit."

A Yes.

Q Prior to September 1st, 1986, did Abex, if a :57

customer wanted -- said, hey this is asbestos, we want :59

to send it back, did Abex give them a refund?

A I can't speak to that. That was out of my realm.

Q Okay. It says, "Any information or assistance that you may require in completing your will be readily :59

provided." Do you see that?

A Where are we?

Q This is the fourth paragraph, the last sentence.

A The fourth paragraph. :00

Q "However, any information or assistance you may require in depleting your inventories will be readily provided."

A Yes, I see that.

:58

Q Okay. And do you recall when this occurred?

:00

A Yes, sir.

:58

A No, I do not.

Q And would -- heavy duty distributor, would

Q But this -- there's no doubt in your mind this

Freuhauf be a heavy duty distributor.

is an Abex memorandum?

A No. Freuhauf would be an OES account. This

A No, none. No doubt.

:00

would be -- these would be Abex heavy duty distributors,

:58

Q Let's set that to the side.

:00

set up by Abex, an independent businessman in the parts

And Exhibit 50 --

business for tractors, trailers, trucks, buses.

A 8.

Q Did they have heavy duty distributors all over

Q -- 58, is this an Abex memorandum from J. J.  
the country?

Brown to B. T. Santilli?

A Yes, we did.

:58

A Yes.

:00

Q Including California?

Q And are these folks Abex employees?

A Yes, sir.

Q The Bay area?

A Yes.

A Yes, they are.

Q And this is dated --

A November 12th, 1987.

Q And at this time, was Abex announcing to its

:58

Q That's my 20th birthday, November 12th, 1987.

:00

distributors that they're going to substitute

Anyway --

non-asbestos product at the -- that they're going to get

A We were wondering.

out of the asbestos business?

Q On November 12th, 1987, was -- do you know

A If that's what your copy says, yeah. I

what Mr. Brown was conveying to Mr. Santilli?

haven't read it all yet. Yes.

:58

A I haven't read it, sir.

:01

Q It indicates they're going to get out of --

Q Okay. Well, I'll tell you what, the lawyer

A Indicates they're getting out of asbestos,  
that's retained your services -- or I guess retained --  
yes, sir.

or has got you on a retainer agreement needs to take a

Q And with regards to Abex's policy at this

break. So we're going to go off the video so we can  
time, they will substitute non-asbestos products for the

:59

accommodate his schedule.

:01

■1

A Okay, sir.

:01

(Pages 186 to 189)

MR. RADCLIFFE: Objection, vague, ambiguous.



:39

MR. SATTERLEY: All right. Let's go off and

THE WITNESS: Yes, I can.

we'll come back to this after the break.

MR. MILLER: Speculation, over broad.

THE VIDEOGRAPHER: Time now is 2:01, we're off

Q (MR. SATTERLEY) Go ahead, tell me.

the record.

:01

MR. RADCLIFFE: Same objection.

:40

(Recess from 2:01 to 2:38 p.m.)

THE WITNESS: Rockwell Corporation was the

THE VIDEOGRAPHER: Time now is 2:38, we're

largest.

back on the record.

Q (MR. SATTERLEY) Okay.

Q (MR. SATTERLEY) Mr. Bretz, are you ready to

A Eaton Corporation was the second.

continue on?

:38

Q Okay.

:40

A Yes, sir.

A Freuhauf third.

Q We left off on Exhibit 58, which is the 1987

Q Yes.

report. And I want to ask you, it says, "Method of

A Dana, four. Lucas -- this was back in the  
obtaining and maintaining OE business." Do you see that  
'80s -- Lucas back in '87 was just getting, quote,  
at the top?

:38

involved. And I have to say Bendix last.

:40

A Yes.

Q And why was Bendix last, if you know?

Q And it's my understanding that your -- spent

A I don't really know. I'm not that familiar  
many years in manager as relates to heavy duty  
with their heavy duty brake and axle business. Light  
customers, correct?

axles and light vehicles, et cetera, I am, but not heavy

A Yes.

:38

duty.

:40

Q And what I want to go over to the last page of

Q But the top three was clearly Rockwell, Eaton,

this, methods of obtaining and maintaining OE business,  
and Freuhauf?

and it's got major customers heavy duty?

A That is correct.

A Yes.

Q We can set that exhibit to the side.

Q And does it -- each of those companies major

:39

I'm going to hand you a few additional

:40

customers of Abex for the heavy duty line?

:39

exhibits at the break. 59 there, Exhibit 59 appears to

:40

A Yes.

Q Rockwell?

A Yes.

be an Abex quotation for a company called Bonded Brakes

and --

A Yes.

Q Eaton?

:39

Q -- your name's on there?

:41

A Yes.

Q Bendix?

A Yes.

A Yes.

Q And this is dated 1987, do you see that?

A Yes, I do.

Q Lucas Industries?

Q And it is indicated that the formula numbers

A Yes.

:39

Q Dana?

A Yes.

Q And Freuhauf?

A Yes.

Q And if you could, just so that I understand,

:39

when you say heavy duty, what does that mean in the  
industry you worked in?

A Tractors, trucks, trailers.

Q And did you call upon all of these companies  
as a salesperson for Abex?

:39

A I called on all of them except Bendix.

Q And who called on Bendix?

A Fellow by the name of Charlie Hubbard.

Q And are you able to tell me which of these companies were your biggest or best customers?

:39

are 551C.

:41

A Yes, sir.

Q And it's signed off on the bottom by Robert Bagley, do you see him?

A That's correct.

Q And he's the fellow earlier that we saw the

:41

memo said switching over to asbestos free, right?

A Mm-hmm.

Q Is the 551C asbestos containing?

A Yes, sir.

Q And it says, this is for -- this is pursuant

:41

to Dana Spicer trailer axle plan?

A Correct.

Q To Bonded Brake?

A Yes.

Q And was Dana Spicer one of your all's

:41

■1

customers?

A Yes.

(Pages 190 to 193)

:41

customer?

A Problem has arisen here with credit policies

:43

Q And was Bonded Brake one of the customers?

towards this company.

A One of our customers, yes.

Q The customer at the top, is it indicated

Q And it says for SeaLand container chassis

:41

Bonded Brakes?

:43

only, do you see that?

A Yes, I do.

A Bonded Brakes. "Our credit limit of \$40,000

was based on their main business of being a replacement

Q Do you know who SeaLand is?

house and receiving a few thousand pieces a month, which

A Yes.

was well within their limits and capacities to pay upon

Q Were they a customer?

:42

A Not directly.

Q Indirectly?

A Indirectly such as this.

Q Yeah. And so this would --

MR. MILLER: Move to strike, speculation, lack

:42

of foundation.

Q (MR. SATTERLEY) This is an Abex quotation,  
right?

A That is correct.

Q And this would be a document that was created

:42

in the normal course of business at or about July 1987,  
right?

A September '87.

Q Excuse me, September. I'm wrong on the date.

September. Thanks for -- all right. So let's set that

:42

delivery."

:43

Q On the next paragraph, does it indicate that  
the 551C will be bonded to shoes and shipped to Dana  
Corporation for installation on the axles ordered for  
SeaLand Corporation specifying Abex?

A That is correct.

:44

Q Okay. And once again, the 551 referred to in this memorandum would be an asbestos-containing product?

A Yes, sir.

Q Let's set that -- and this memorandum was prepared and -- on or about October of 1987, correct?

:44

A Yes.

Q Set that exhibit to the side. And go on to the next. We're up to 62, is that correct?

A Yep.

Q And this is dated November the 2nd, 1987, document to the side and go to the next document. I

:42

correct?

think we've marked it as 60.

A Yes, sir.

And once again this is an Abex quotation to

Q And it's a memorandum call report prepared by Bonded Brake, right?

you regarding your customer?

A Yes, sir.

:42

A Yes.



:44

Q And once again, it's for the formula numbers

Q And the customer reference is Dana Spicer

551C.

A Yes.

Trailer Products?

A That's correct.

Q And it says use Dana OE edge code?

Q And it -- you interviewed the sales manager

A Yes.

:42

and the purchasing manager of that customer, correct?

:45

Q That's Dana Spicer trailer axle?

A Yes.

A Yes.

Q And this relates to not being paid for the

Q Okay. And this is for -- it says for SeaLand  
products, for the Abex products that you shipped, right?  
container chassis?

A Right.

A Yes.

:43

Q And this specifically -- if you look in the

:45

Q And this would be a document that would have last paragraph, specifically Dana and Bonded Brakes was been created in the normal course of business of Abex, not paying for the products for the SeaLand order, right?

A That is correct.

right?

A Bonded Brakes wasn't paying us. I have no

Q And let's set that to the side.

:43

idea whether Dana was paying Bonded Brake.

:45

And let's go the next document, it's Exhibit

Q Regardless, this dealt with SeaLand?

61. This is a letter -- excuse me, a memo -- a call

A This dealt with a SeaLand order, yes.

memorandum by L. E. Bretz. That's you, right?

Q Okay. And this was a document you created

A Yes, sir.

during the normal course of your job at Abex, right?

Q And what does this relate to? Who is the

:43

A Yes.

:45

:44

:44

■194

(Pages 194 to 197)

Q We'll set that exhibit to the side.

:45

both Bonded Brakes and Dana (call report attached). Jim

:48

The next memorandum is dated November 3rd,

Duke was in contact with Steve Harris of Bonded Brake

1987, the next day. And we've marked this as 63?

and Steve gave Jim new release dates (copy of letter

A Yes, sir.

attached). In the meantime, the data material, 551C, is

Q And this -- you are -- your name is on the

:46

on the dock at Bonded Brake." Did I read that

:48

bottom of this memorandum as receiving a copy, correct?

correctly?

A Correct.

A Yes, you did.

Q And it's addressed to Jim Dukes at the Abex

Q And the Dana material that they're referring

Corporation.

to, the 551C, still at this time is asbestos, right?

A Yes, sir.

:46

A Correct.

:48

Q And it's referring to -- oh, this is a Bonded

Q "The material is asbestos," I'm reading from  
Brakes letter to Abex, right?

A Yes. Steve Harris, yes.

letter now. "The material is asbestos and we certainly  
do not want this material back in Winchester." Do you

Q Steve Harris is the name that's on your other  
see that?

memorandum, says he's the president --

:46

A I don't see that line. Oh, okay.

:48

A Yeah. He's the president, yes.

Q The last --

Q And so this would indicate that there's 24,000

A Last sentence of the -- that paragraph, yes.

blocks of 551C that was received by them, correct?

I see it.

A Yes.

Q "The material is asbestos and we certainly do

Q And this was the product, the Abex products

:46

not want this material back in Winchester."

:49

that were at issue for the failure to pay by them,

A Correct.

correct?

A Yes.

Q Do you know why it was that Abex Corporation

did not want their product to come back to the

Q Now, if we go to the last -- and by the way,

Winchester plant in 19 -- November 1987?

this would have been a document you received in the

:47

A We were shortly going out of the asbestos

:49

normal course of business, true?

:47

manufacturing business and switching everything over to

:49

A Correct. Yes, sir.

non-asbestos.

Q And then the next document, which I've marked

Q And so why didn't they want to -- these

as 64 --

particular products back in the Winchester plant?

A 64.

:47

A It was a Bonded Brake for an order from Dana,

:49

Q -- is an Abex Friction Products Division

ordered asbestos material from us, we filled the order,

memorandum from a J. N. Eberhart to an A. D. Indelicato.

we made it, we shipped it, you have it, you owe us.

A Yes.

Q But did they not want it back in the

Q And this one's dated November 19th, 1987,

Winchester because -- the plant because it was asbestos?

correct?

:47

A Yes, it is.

Q And this relates to the heavy duty aftermarket

sales involvement with regards to the technical

assistance at SeaLand, right?

A Correct.

:47

Q And it says in the third paragraph, "The

aftermarket sales again became involved with the

material that was shipped to Bonded Brakes. At this time, Jim Duke contacted me with information that Bonded Brake was past due and all shipments to Bonded Brake are

:47

on hold." Did I read that correctly?

A You read it correctly.

Q It goes on in the next paragraph, "We contacted Troy to see what could be done -- what they could do to resolve the problem. Earle Bretz contacted

:48

MR. RADCLIFFE: Objection, calls for

:49

speculation.

THE WITNESS: I can't answer that.

Q (MR. SATTERLEY) Well, let's analyze this sentence in detail. It says, the material is asbestos, correct?

:50

A Yes.

Q And we certainly do not want this material back in Winchester.

A Correct. Because we were getting rid of asbestos product.

:50

Q There's no other reason listed why they wouldn't want it back in Winchester, Abex would not want it back in Winchester other than the fact it was asbestos, right?

A Correct.

:50

■51 (Pages 198 to 201)

Q Okay. So it's fair to say the reason why Abex

:50

A Feierabend.

didn't want the material to be shipped back to

Q Feierabend?

Winchester because it had asbestos in it?

A I don't mean to jump in, but --

MR. RADCLIFFE: Objection, foundation, calls

Q That's okay. I appreciate the help.

:52

for speculation.

:50

A Feierabend.

:52

Q (MR. SATTERLEY) Isn't that true?

Q What was his job with Abex?

MR. RADCLIFFE: Foundation, calls for

A He was at the -- his last job was vice



speculation.

Q (MR. SATTERLEY) Go ahead.

president of manufacturing at the Winchester facility.

Q And did he ever talk with you about the levels

A I'm sorry. No, we did not want it back

:50

of asbestos that he found at the Winchester facility?

:52

because it was asbestos.

A Not that I remember.

Q We can set that exhibit to the side. And the

Q And did you know an M. David Gidley?

next --

A And you order it, you pay for it.

A Spelling?

Q G-I-D-L-E-Y.

Q The next exhibit is Exhibit 65, and that says

:50

A No, sir.

:53

the Dana order form for the material, correct?

Q I want to show you Exhibit 67, this is a July

A Yes.

1978 memorandum from -- does it say Winchester at the

Q And that's the same material we've been talking about, right?  
top?

A Yes.

A Yes.

:51

Q Is that the Friction Products --

:53

Q Let's just mark -- we marked 65 and let's set

A Friction Products Group.

that to the side. Getting close to --

Q Is that a part of Abex?

A That's a brake shoe and lining assembly order.

A Yes.

That's not a brake lining order, that's a brake lining

Q And who is the memorandum from?

and assembly with a shoe --

:51

A C. B. Mallory.

Q And what's the --

:51

Q Do you know who that is?

A -- shoe and assembly.

Q It's both of them?

A Shoe and lining together.

A He was the plant manager at Winchester.

Q And who is it addressed to?

A E. F. Potts.

:53

:53

Q The lining also?

:51

Q Do you know who that is?

:54

A Right.

A I know who it is, I'm not sure at that point

Q Okay. I only have one copy of that. There is  
in time what his specific job was. He was probably in  
a photograph of some individuals that's referenced.  
charge of manufacturing or something.

Mr. Rennie, I think, is there?

Q Fair to say, given the information in the

A Rennie is here, yes.

:51

memorandum, the names on the memorandum, this is a

:54

Q And who else is there?

document that was prepared part of Abex Corporation?

A Vic Persbacker, Abex vice president of

A Yes.

administration; George L. Romine, Abex vice president,

Q And does it indicate what the subject matter

and he was at that time -- what's the date on this, we  
of this memorandum is?

know? He was a president of the Abex friction materials

:52

A Yes, it does.

:54

group. Ernst Schreyger, don't know him. And don't know

Q And what is it?

George Geiser, director of finance for Abex

A It's a cautionary label which we were going

International.

hand stamp on all boxes and cartons not now printed.

Q The folks that you knew on that photograph --

Q Go ahead and read so the folks in the room and

A Yes.

:52

folks listening on the phone can understand, what's the

:54

Q -- did any of those folks talk to you  
individually about the hazards of asbestos?

A No.

first paragraph say?

A First paragraph?

Q Yes.

Q You can set that exhibit to the side. Did you

A "Until all of our boxes and cartons come

know Eric, and I'm going to mispronounce this --

:52

through with the asbestos caution information preprinted

:54

■52 (Pages 202 to 205)

by the supplier, it will be necessary that we hand stamp

:54

speculation.

the information on those boxes and cartons not now

Q (MR. SATTERLEY) Did you ever see on any boxes  
printed."

any other labels that was more pronounced or more severe

Q And what is the date of this memorandum again?

with regards to warning customers?

:57

A July 3rd, 1978.

:55

A Not that I remember.

:57

Q Did you -- were you involved in any of the

Q And so the -- for example, when you read this hand stamping?

A No, sir.

the first time about the serious bodily harm, did you already know what Abex was meaning by serious bodily

Q Do you know who -- anybody by name in 1978 was harm?

involved in any of the hand stamping of any of the

:55

caution labels?

A No.

Q What's it say in the next paragraph?

A "Please determine the sizes and the number of hand stamps required to read as follows:"

:55

Q And --

A Want me to continue reading?

Q Sure.

A "Caution, contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause

:55

serious bodily harm. An alternative to hand stamping would be the use of printed labels."

Q On the label language, I want to ask you about the part of the label that says "Avoid creating dust."

Was there ever a discussion at Abex on what type of

:55

A I can't speculate.

:58

Q Okay. So you were -- in '78, were you  
already, I guess, pretty high up in sales, right?

A Yes.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) How high were you in sales?

:58

A I don't remember.

Q But even by that point in time, 1978, you as a  
manager in the sales department didn't really know what  
type of harm this product could potentially cause?

MR. RADCLIFFE: Objection, argumentative.

:58

Q (MR. SATTERLEY) That's fair, right?

MR. RADCLIFFE: Argumentative.

THE WITNESS: And I'd say that's correct. We  
were salespeople. We were provided information  
from, quote, experts. And what they wanted us to

:58

suggestions should be given to customers to assist in

:56

discuss and talk about and show people, et cetera,

:58

avoiding that creation of dust?

that's what we did.

A Not that I'm aware of and not that I was

Q (MR. SATTERLEY) Would you agree that your  
involved in.

customers relied upon the salespeople to be the front

Q Did you ever see any -- strike that. Did you

:56

line people for the corporation with regards to

:58

ever hear or have any conversations with customers of  
technical assistance?

any type of engineering controls that the customer

MR. RADCLIFFE: Objection, calls for

should utilize to avoid creating dust?

A No.

speculation, argumentative.

Q (MR. SATTERLEY) Go ahead.

Q The next sentence, I think it's the final

:56

A If a -- I'd say yes. If a customer requested

:59

sentence after the -- something about bodily harm.



technical assistance, he would have it from someone else

A "An alternative to hand stamping would be the other than the sales guys.

use of printed labels."

Q No, no, above that.

Q I apologize, I didn't catch that. Repeat.

A If a customer asked for additional technical

A "Breathing asbestos dust may cause serious

:56

assistance from other than a salesperson, we would get

:59

bodily harm."

it for him.

Q Okay. The -- are you aware of whether Abex

Q But the way it worked is that the

elaborated on that label at all by saying what type of

salesperson -- the salesmen or the sales manager,

bodily harm it would create?

they're the front line with regards to customers with

A Not aware of that at all.

:57

regards to providing technical information?

:59

Q So from this time, 1978, until '86, '87,

MR. RADCLIFFE: Objection --

whenever Abex got out of the asbestos business, there

THE WITNESS: Yes.

was never, to your knowledge, a change in this label?

MR. RADCLIFFE: -- argumentative.

A To my knowledge, no.

Q (MR. SATTERLEY) I'm sorry, what was your

MR. RADCLIFFE: Objection, calls for

:57

answer?

:59

■206

(Pages 206 to 209)

A I said yes.

:59

out, hey, I remember -- it wasn't prominent enough to

:02

THE VIDEOGRAPHER: We have five minutes.

make it stick in your mind that there was a warning on

Q (MR. SATTERLEY) I'm going to wrap it up here,

Carlisle's boxes, was it?

Mr. Bretz, with a couple of other things.

A No.

Do you know whether Freuhauf was -- we talked

:00

MR. McGUIRE: Objection, move to strike, lack

:02

about earlier when they were removing the asbestos from  
of foundation.

Delphos plant to the dump. Do you know whether they

THE VIDEOGRAPHER: We have one minute.

were removing it there because it was dangerous?

MR. SATTERLEY: Thank you, Mr. Bretz. Those

MR. MILLER: Speculation, foundation.

are all the questions I'm going to have for you

THE WITNESS: Do not know.

:00

right now. After these attorneys ask you some more

:02

Q (MR. SATTERLEY) Do not know one way or the  
questions, I may follow back up a little bit, but  
other?

it's been a pleasure meeting you.

Prior to 1978, were all the Freuhauf brakes,

THE WITNESS: Thank you, Mr. Satterley.

to your knowledge, Carlisle asbestos?

MR. SATTERLEY: Thank you. Let's go off the

MR. McGUIRE: Objection, lack of foundation,

:00

video and switch tapes.

:03

hearsay.

THE WITNESS: Not all.

THE VIDEOGRAPHER: Time now is 3:03. This is  
the end of tape number 2.

Q (MR. SATTERLEY) Who -- who else?

(A discussion was held off the record.)

A Abex might have supplied some, again customer

THE VIDEOGRAPHER: The time now is 3:06, this  
specification; Raybestos supplied some, customer  
:01

is tape number 3 in the continuation of Mr. Bretz'

:06

specification; Thermoid might have supplied some,  
deposition.

customer specification. The volume was not large, but

EXAMINATION

the honest answer to your question is yes, we all

BY MR. McGUIRE:

supplied material to Freuhauf.

Q Good afternoon, Mr. Bretz.

Q But as far as the overwhelming volume, the

:01

A Good afternoon, sir.

:06

quantity, Abex was by far and away the most prior to

:01

Q My name is Joe McGuire, and I represent

:06

'78?

Carlisle.

MR. RADCLIFFE: Objection, argumentative.

A Yes, sir, Mr. McGuire.

THE WITNESS: No.

Q Can you hear me okay?

Q (MR. SATTERLEY) No, Freuhauf.

:01

A I can hear you, sir.

:06

A Freuhauf. No, Carlisle was the major supplier

Q Just I want to ask you a few questions about  
to Freuhauf prior to 1977.

Q Okay.

A '77-78.

the things that you've told us about. First of all, did  
you ever have an understanding of where Carlisle had its  
manufacturing operations for brake linings?

MR. McGUIRE: Move to strike, lack of

:01

A Yes, sir, I did.

:07

foundation, hearsay.

Q And where was that?

Q (MR. SATTERLEY) Did you ever see any

A Just a moment here, I have to think. It's in  
warnings, the word warnings on any box of any friction  
northern Pennsylvania, north of Pittsburgh.

products relative to asbestos?

Q Can I help you out? Ridgeway, Pennsylvania,

A I don't remember --

:01

does that sound familiar?

:07

Q And --

A Ridgeway is very good. Yes, sir, I agree with

A -- whether I did or not.

that.

Q And with regards to your evaluation of your

Q Have you ever visited the Ridgeway plant?

competitors, I mean, from time to time occasionally you

A No, sir, I was never privileged.

would see Carlisle boxes, would you not?

:02

Q You wouldn't expect to have visited any of the

:07

A Yes.

Carlisle facilities, would you, as an Abex salesperson?

Q And did you ever see any warning cancer,

A We had people visiting our Winchester

danger cancer, anything like that on Carlisle boxes?

facility, our competitors. If we had a meeting through

A I can't speak to that. I don't remember.

SAE or something like that and they would visit, yes.

Q But at least it wasn't something that stuck

:02

Q Okay. But you, yourself, never had occasion

:07

■54 (Pages 210 to 213)

to visit that plant in Ridgeway?

:07

MR. SATTERLEY: Objection.

A No, sir, I didn't.

THE WITNESS: I don't -- I don't remember

Q And you mentioned that somewhere in reviewing

changing my -- I don't even remember whether it

this small ocean of documents --

came about.

:09

MR. SATTERLEY: Objection.

:07

Q (MR. McGUIRE) Now, you mentioned that in the

:10

Q (MR. McGUIRE) -- that Mr. Satterley provided,  
course of your work over the years you had occasion to  
something about Carlisle was building a new plant for  
meet some of the people from Carlisle.

asbestos-free materials. Do you remember that

A Yes.

testimony?

Q And you mentioned even just a few minutes ago

A Yes, I remember that.

:08

SAE meetings or other meetings.

:10

Q I'd like to direct your attention to that.

A Yes.

MR. SATTERLEY: Let me place an objection to

Q Would those meetings with Carlisle people have  
the form of the question. Go ahead.

been in the course of some other event, like SAE

Q (MR. McGUIRE) Let me rephrase the question.

meetings or other associations?



I want to direct your attention to testimony you gave

:08

A Yes.

:10

earlier in examining a lot of these documents to your

Q Give us some examples of what those  
understanding that Carlisle was building a plant for the  
associations might have been, as you recall them.  
purpose of manufacturing asbestos-free brake linings.

A Well, besides Society of Automotive Engineers,

A Yes.

who had a monthly meeting, at which most of the people

Q Do you have that testimony in mind?

:08

in our small fraternity -- friction material industry

:10

A Yes, I believe --

was rather a small fraternity, we knew most of our

Q Okay, that's what I want to ask you about.

competitors, they knew us. We'd attend these meetings

A -- I stated that in something that I wrote.

and have an opportunity to chat.

Q Yeah. That's what I'm trying to direct your

We'd -- TTMA, I was heavily involved with

attention to.

:08

TTMA, Truck Trailer Manufacturers Association, for 17

:11

A Mm-hmm.

:08

years and was vice chairman and associate's chairman of

:11

Q Because then I have few questions about that.

that organization. We'd meet there. These -- those

Did you ever come to know where that plant was located?

meetings were generally four- or five-day committee

A No.

meetings and then five to seven days worth of convention

Q Did you have an understanding one way or the

:08

involving 7- or 800 people.

:11

other as to whether it was exclusively manufacturing

Q Now, the people that you met from Carlisle,

asbestos-free brake linings or friction material?

were these people who did the same type of work that you

A I can only relate to what I wrote at the time,

did, namely sales?

and I guess it would -- I guess --

A Yes.

Q That was your understanding.

:09

A That was my understanding as it was stated to me, that we're building an asbestos-free plant.

Q And in the course of your --

A That was in Virginia. Excuse me.

Q I'm sorry. I didn't mean to interrupt you.

:09

A No, that new plant went into Virginia.

Q Somewhere in Virginia?

A Down the road from Winchester.

Q Okay.

A Yes, sir.

:09

Q In your years of work after that particular document you wrote which mentioned that plant, did you ever have any occasion to change your understanding as to whether that plant remained devoted to the manufacture of asbestos-free brake materials?

:09

Q Okay. Was there ever any occasion where the

:11

Carlisle salespeople revealed to you their actual sales

data according to their various customers, like how much they were selling in any given period of time to any customers, such as Freuhauf?

A No, I don't believe so we got that information  
:12

from them. We got that information from, quote, our contacts at those organizations.

Q You would not expect -- you would consider sales data in your relationship with customers to be proprietary information, would you not?  
:12

A Yeah.

Q Confidential?

A Correct.

Q And you would expect the Carlisle people to treat that information the same way?  
:12

■214

(Pages 214 to 217)

A Yep.

:12  
actually be installed, would I be correct?

:15

Q Okay. So whatever perceptions that you have

A You'd be correct, yeah.

about Carlisle and what they were selling and how much

MR. SATTERLEY: Object to the form of the

of it to any of their customers I assume did not come

question.

from people at Carlisle?

:12

Q (MR. McGUIRE) Okay. You referred to FMSI

:15

A That is true.

Q Okay. And I -- was there any type of trade

numbers before.

A Yes, sir.

reference material that actually contained that sort of

Q Now, the -- you said the FMSI number describes

information about which manufacturers were selling what

a size for a brake lining.

type of products to which customers and in what volumes?

:13

A Yes.

:16

A Not in trade journals, not that I'm aware of.

Q Okay. Did the FMSI number actually refer to

Q Okay.

more aspects of the brake lining or block than merely

A We knew who had the production requirements,  
its size; that is, say 16 -- what did you say, 16

who provided materials, we knew the vehicle volumes,  
and-a-half by 7?

number of axles, et cetera. We knew that and we could  
:13

A 16 and-a-half by 7.

:16

multiply numbers as well as anybody else to figure out

Q Was other -- have you ever used the term

what their sales volumes were.

geometry when it came to brake blocks or brake linings?

Q Sure. Now, let me change the subject and ask

A Could, yes.

you about something else. Early on in your testimony

Q I mean, is that term that you recall using in

you were asked, I believe, if you had seen anybody

:13

your work?

:16

drilling, and I believe these were Abex brake linings

A Yeah, but not too frequently.

for heavy trucks. Let me first ask you, do you recall

Q Okay. When we talk about the entire shape of

being asked a question to that effect?

a heavy duty -- a heavy brake block, say a 4515 --

A I believe as -- yes, but I believe that was

A Mm-hmm.

also involved with tradesmen.

:14

Q That's a heavy truck brake block, is it not?

:16

Q I didn't actually say who was doing it, or if

:14

A Yep.

I did, I --

Q Can also be used on trailers?

A And I wasn't -- my answer was not -- was not

A Yep.

:16

directed at heavy duty only.

Q Okay. Now, did the FMSI number, as far as you

Q Okay. Well, let me ask you the same question,

:14

understood, also specify, for example, the arc of the

:17

but this time in -- we'll leave the tradesmen out

brake lining?

because I'm not entirely sure what that means. But when

A Not the number.

it came to the heavy truck brake linings, do you recall

Q It didn't.

seeing people engaged in the servicing or repair of

A The number was -- we knew 4515 was a 16

brake systems actually drilling the brake blocks that

:14

and-a-half by 7. You go one step further into column 2

:17

you believe may have come from Abex, or frankly from

and it would -- it would give you the -- it would give

anyone else?

you maybe some dimensions of it, as it would the

MR. SATTERLEY: Object to the form of the  
dimensions of the brake shoe.

question.

Q Did the number assigned by the FMSI, the

THE WITNESS: Not in the heavy duty field, no.

:15

Friction Materials Standards Institute, also specify,

:17

Q (MR. McGUIRE) Okay. Would there be any  
for example, the location and pattern of the drill

reason -- well, let me back up. I would assume that, as  
holes?



a successful salesperson, you had to have some

A That number was indicated, yes.

familiarity with the ways that brake linings, brake

Q Okay. Well, that's why I was --

blocks, and the other associated parts were actually

:15

A By letter --

:17

going to be used?

A Yes.

Q Sorry.

A By letter designation.

Q That didn't mean you were a mechanic, but you

Q Okay. You mentioned 4515C, D, and other

at least had to know how these things were being

letters?

applied, the types of applications, the way they might

:15

A Yeah. Yes, sir.

:18

■56 (Pages 218 to 221)

Q And those indicate drill patterns?

:18

in the vicinity of the cam. They're not attached,

A If memory serves me, that is correct.

they're there leaning on each other, I guess you would

Q And that's all we're interested in is what you  
say.

can recall.

Q They're held together by springs.

:21

A Yeah, right.

:18

A They're held together by springs, yes.

:21

Q Okay. Now, when we talk about heavy duty or

Q And what is that pair of brake shoes actually  
heavy truck brake linings, would it be your  
attached to that keeps it from just falling off the  
understanding that in most cases there would be a pair  
vehicle?

of linings or blocks attached to the heavy truck brake

A It's attached to the axle.

shoe?

:18

A Yes, sir.

Q And would that be typical say of a 4515?

A Yes, sir.

Q Okay. And what do you recall was the

thickness of the typical 4515 brake lining?

:18

A On a brake shoe, it consisted of a cam, block, and an anchor block. Cam block was up against the cam, the S-shaped device that was used to spread the brake shoes against the drum, that would have been the thinner of the two materials, about maybe at the thickest end

:19

about three-quarters of an inch, give or take a few thousandths, and the thinner end maybe three-eighths, something along those lines.

Q That's your recollection.

A And the anchor block was thicker on both ends.

:19

Q Okay. Did you ever hear of the term spider?

:21

A Spider, yeah.

Q What's a spider?

A I'm not -- you're out of my realm. I have heard of it, yes, but I'm not a brake expert, per se.

Q Did you ever have occasion to look at

:21

assembled axles that you believe may have had Abex brake linings in them that were made by Freuhauf, Freuhauf

axles?

A Yes, sir.

Q Okay. I assume this would have been at the

:22

Delphos plant?

A Yes.

Q Okay. And those axles would have -- would they have had the brake assemblies attached to them on each end?

Q Okay.

:19

A Yes.

A It wasn't concentric but it was thicker on

Q And would you -- is it your recollection they the -- in the center of the shoe and narrower on the end would have had a drum enclosing the brakes? of the lining, but not the same dimensions as the cam

A Yes.

block.

:19

Q Okay. Now, that layout of axle, brake system

:22

Q Okay. So 4515 was a typical brake lining that on each end, and drums, that would be typical for a semi you would expect on, for example, semi trailers.

trailer axle, would it not?

A Yes.

A Correct.

Q Okay. Now, you told us about the brake shoe

Q In fact, that would be typical for any heavy  
and you referred to a cam, an S-shaped cam that spreads

:20

truck axle?

:22

them apart during the braking action.

A Yes.

A Yes.

Q Okay. As you look at any one of those heavy

Q Now, from your work in sales with the company  
truck or heavy trailer axles, can you actually see

over the years, you were familiar with these parts such  
inside the drum where the brake shoes are actually

as the cam, the spider, and other parts of the S cam

:20

coming up against the drum?

:22

brake system?

A Yes.

A Yes, you can.

Q Okay. Are they -- would you expect these

Q Okay. In a typical heavy truck brake system  
axles, either on trucks or semi trailers to be open to  
such as the one where a 4515 might be used, how are the  
the atmosphere so that you could see them?

brake shoes attached to the -- what are they attached  
:20

MR. SATTERLEY: Objection.

:23

to, if anything?

THE WITNESS: Yes.

A They're attached to a steel brake shoe.

Q (MR. McGUIRE) And as the truck went down the

Q What's the shoe attached to?  
road, would it be exposed to whatever the passing air

A One end of the shoe is attached to the anchor  
would do?

end of the brake and the other -- not attached to, but  
:21

MR. SATTERLEY: Objection.

:23

:22

:22

■1

THE WITNESS: Yes.

:23

A No, sir, I would not specifically.

:25

(Pages 222 to 225)

MR. McGUIRE: Okay. That's all the questions

Q Do you know if any of the Rockwell products

I have. Thank you very much, sir.

THE WITNESS: Thank you.

that you spoke of earlier in this deposition ever made

their way to SeaLand in Oakland, California?

EXAMINATION

:23

A I would not know that specifically.

:25

BY MR. MILLER:

Q Afternoon, Mr. Bretz.

Conjecture is good but I would not know that  
specifically.

A Excuse me, sir. Good afternoon.

Q Do you know who -- while you worked for Abex,

Q Once again, I'm Tony Miller with McKenna Long  
do you know who any of Freuhauf's customers were?  
& Aldridge. Can you hear me okay?

:23

A Yes, Mr. Miller.

Q I represent in the Bankhead case Arvin Meritor and Kelsey Hayes. Before I ask any questions, are you familiar with Arvin Meritor?

A Yes, I am.

:24

Q Are you familiar with Kelsey Hayes?

A Yes, I am.

Q How are you familiar with Arvin Meritor?

A That's the -- I believe that's the present designation of the old Rockwell International.

:24

Q When you were working at Abex, did you have any dealings with a company known as Arvin Meritor, if you recall?

A No, I was retired after -- or before that all occurred.

:24

A I'm sorry?

:25

Q Do you know who Freuhauf's customers were, who they sold to? Without guessing.

A It's a little tough to go back to all those fleets that were involved with Freuhauf.

Q Do you have any information or knowledge that



:26

Freuhauf had any products out at SeaLand in Oakland, California?

A I do not have any specific information other than what is -- no, I can't answer that.

Q Okay.

:26

A What am I talking about?

Q You think that was -- are you talking about --

A I don't think they made -- strike that.

Q Let me just ask you, I think the documents you are referring to were referring to another company

:26

Q Okay. And how are you familiar with Kelsey

:24

outside of Freuhauf.

Hayes?

A Yes.

A We manufactured friction material for Kelsey

Q So let me re-ask the question. Do you know if Hayes, light duty PC, passenger cars, excuse me, light any Freuhauf product made its way to SeaLand in Oakland, truck.

:24

California?

:26

Q Do you know --

A Disk brake.

Q I'm sorry?

A Specifically, no, I do not.

Q Okay. You gave some testimony today that on occasion as part of your job, you would take your

A Disk brake. As I jog my memory.

customers on tours of manufacturing facility, do you

Q Time frame would be what? What time frame are

:24

you talking about where you manufactured disk brakes for Kelsey Hayes?

A Disk brakes?

Q I'm sorry.

A Friction material for Kelsey Hayes?

:24

Q Yes, I'm sorry.

A Probably back as far as I go, 1953.

Q Up until when, do you know?

A Until I retired, I believe we were still --

which was January '91, we were still manufacturing

:25

materials for Kelsey Hayes; specifically which ones,

don't remember.

Q Okay. And you wouldn't know if any of those Kelsey Hayes products made their way out to Oakland, California, would you?

:25

recall that?

:27

A Yes, I do.

Q Okay. Can you give me or can you provide an estimate as to the size of the Winchester manufacturing facility post expansion?

A Wow. 300 times -- 300 feet long, I guess

:27

maybe 200 feet wide. I think it probably ended up around 300, 300 or somewhere around there. No, I never paced it off and I didn't see any drawings of the facility, but it was a big plant.

Q Understood. How high was it?

:27

A We had two decks. Some of the manufacturing -- some of the processing, excuse me, was done on the second floor and it was found -- the material found its way to the first floor for further processing.

:27

:26

■226

(Pages 226 to 229)

Q Just so I understand your testimony correctly,

:28

o'clock, 7 o'clock at night and fly back to Detroit.

:30

pre-expansion you estimate to be about 300 by 200, is

The bulk of these trips that I was involved with were

that right?

all involved out of Detroit as home base.

A Yeah. What does that compute?

MR. MILLER: That's all I have, thanks.

Q Well, the reason I'm asking is that you went

:28

MR. RADCLIFFE: Anybody on the phone with

:31

300 by 300. I just wasn't sure if that --

questions?

A I'm just trying to visualize in my mind a

No one on the phone has any questions?

football field. I mean, how long --

Q That's, yeah, 300 feet.

EXAMINATION

BY MR. RADCLIFFE:

A -- this plant was. And what's 300 -- come on,  
:28

Q Mr. Bretz --  
:31

girls, what's 300 by 200, 600,000 feet?

MR. RADCLIFFE: No, 60,000.

A Yes, sir.

Q -- are you ready to continue?

THE WITNESS: 60,000. No, it was bigger than

A I'm ready to continue.  
that.

Q As you know, my name is Tom Radcliffe.

Q (MR. MILLER) Do you have an estimate as to  
:28

A Mr. Radcliffe, it's a pleasure.  
:31

the square footage of the facility?

A Had to be 100,000 anyway.

Q You say that, but we've met before, right?

A Yes, we have.

Q Okay. How often in the '60s and '70s did you

Q I don't want to embarrass you, but how old are  
take customers to Winchester for tours?

you?

A Personally or the company?

:29

A 79. I'm a 10-10-10 boy.

:31

Q You personally.

A Me personally?

Q Yeah.

Q All right. That was my next question. So  
happy birthday. Your birthday was two days ago.

A Thank you, sir. Sunday.

A Probably three times a year.

Q Sunday?

Q Okay.

:29

A Yes.

:31

A Maybe two to three, three to four.

:29

Q All right. And when did you last work?

:31

Q Okay. Do you have an estimate as to the size  
Remind me when you last worked --  
of the Salisbury plant?

MR. SATTERLEY: Excuse me, wait a second.

A All I can say is considerably smaller. They

10-10-10?

were a block manufacturing facility and redesigned with

:29

THE WITNESS: Yeah.

:32

all that we found out and established with the larger

MR. SATTERLEY: 1910 you were born?

facility, so that we could develop more product out of a

THE WITNESS: 10 October --

smaller space. That one might have been -- well, I

MR. RADCLIFFE: You're saying this year.

can't conjecture.

THE WITNESS: -- 2010.

Q Let me ask you this, was it about half the

:29

MR. SATTERLEY: Okay. Oh, I'm sorry. I

:32

size of Winchester?

thought you were -- Mr. Bretz, come on.

A It was half the size of Winchester, yeah.

MR. RADCLIFFE: He was renewed two days ago.

Q And how often in the '60s and '70 -- or when

MR. SATTERLEY: I thought he was saying he was

did the Salisbury plant come into existence?

born on 10-10-10. Go ahead, I'm teasing.

A I don't remember.

:30

Q (MR. RADCLIFFE) And remind me when you last

:32

Q Let me ask you this way: How often would you  
worked for Abex?

take customers to Salisbury?

A January of 1991.

A Depending upon their product or the product

Q All right. So have you -- it's been 19 years

that we were attempting to sell to them, we would take  
since you were working for Abex?

them -- our normal two-day tour was Mahwah in New Jersey

:30

A Yes, sir.

:32

for our research facility, our test facility, then to

Q And some of these questions today were about

Winchester, which was headquarters, and a tour there in  
events that happened in the '60s and '70s, right?

the a.m. and then at noon, we'd grab a bite and/or catch

A They certainly were, sir.

our boxes of lunch on the plane, going to Salisbury in



Q Have you done your best to remember things  
the afternoon. And then we would leave Salisbury 6  
:30

that happened 30 and 40 and 50 years ago?

:32

■59 (Pages 230 to 233)

A I certainly tried. Yes, I did my best.

:32

or eight.

Q You did your best. You're not going to tell

Q And would you spend a day there, a couple days  
anybody that your memory's perfect, are you?  
there?

:34

A I wouldn't dare.

A Sometimes a day, sometimes a couple of days,

Q Okay.

:32

depending upon who we were taking and what their time

:34

A I'm corrected all the time.

Q All right. But you think --

limitations were.

Q Now, this may be obvious, but Mr. Satterley

MR. SATTERLEY: Can I have a continuing  
asked you if you saw a caution label on every box at  
objection to leading?

Winchester in 1972. Do you remember that question?

MR. RADCLIFFE: No.

:33

A I believe I do, yeah.

:34

MR. SATTERLEY: Okay. So you want me to

Q Okay. Now, when you answered that, were you  
object every time you lead?

talking about every single box at Winchester or were you

MR. RADCLIFFE: If you're going to object to  
talking about every box that you saw?

it, sure.

A No, I was talking about every box I saw. I

MR. SATTERLEY: Okay. I will object to each

:33

can't speak for the ones I didn't see.

:35

leading question then. Because you do pay him

Q You talked a little bit about the Winchester  
money, right? I mean, he's your consultant.

plant. Can you tell me how many people worked at the

MR. RADCLIFFE: Well, I don't think that that

Winchester plant?

matters. You called him as a witness.

A Three shifts of 4- to 500 in my day.

MR. SATTERLEY: Okay. We'll let the judge

:33

Q In your day. And what was -- just so we're

:35

decide that.

clear, what was being made at the Winchester plant?

Q (MR. RADCLIFFE) Incidentally, Exhibit No. 1

A Friction material.

was the notice of deposition. Do you remember that?

Q Did Abex make brakes?

A Yes.

A Abex did not make brakes.

Q Okay. And did you get served with a subpoena

:33

Q And friction material is what?

in this case?

:33

A Is brake lining. Friction --

:36

:36

A Yes, I did?

Q Go ahead.

Q And was it a subpoena served on behalf of the

A Friction material is a combination of  
plaintiffs?

ingredients, 12 to 15 ingredients which was comprised of

A Yes, it was.

:33

a formulation and they would be molded into a particular

:36

Q Getting back to your memory, do you think your  
size per specification.

memory is good?

A I believe it is good, yes.

Q Were these friction materials -- strike that.

Who were the friction materials sold to generally?

Q Okay. Now, in your job at Abex, I know that

A Friction materials were sold -- generally were  
we've talked about this, but your job was in sales,

:33

right?

A Correct.

Q And you mentioned that at times you went to  
the Winchester plant and the Salisbury plant, right?

A Yes.

:34

Q How many times did you -- over the course of your career at Abex, how many times a month or a year did you go to Winchester or Salisbury?

A Eight times.

Q A year?

:34

A Maybe a eight times a year, yes, sir. With not only not only Abex meetings, but also bringing customers there.

Q Sure.

A And I think it probably averaged out to seven

:34

sold to the brake manufacturers. Now, I'm speaking of

:36

the original equipment end of things, okay, which was my area of expertise. I'm not speaking of the aftermarket.

Q Understood. In this manufacturing facility at Winchester where several hundred people were working, how many pieces of friction material would be made in a

:37

day?

A Pieces?

Q Sure, if you can estimate.

MR. SATTERLEY: Objection, foundation.

THE WITNESS: I don't know.

:37

Q (MR. RADCLIFFE) Let me ask you first, are you able to estimate how many pieces would be made in a day, friction material pieces?

A Depending upon the size. I know we rolled, one of our processes was rolling, and we rolled material

:37

■234

(Pages 234 to 237)

into coils, they were cured that way, and then sawed to

:37

THE WITNESS: No.

:40

length. We manufactured five to seven miles of coils a

MR. SATTERLEY: -- no expertise to give such

day in the Winchester plant, but that was for PC --

an opinion. He's a fact witness.

passenger car and light truck. Thick blocks, I got to

MR. RADCLIFFE: Is that a stipulation you're

believe if it wasn't -- it had to be 10-20,000 a day,

:37

willing to enter into, that no fact witness can

:40

pieces.

MR. SATTERLEY: Objection --

Q (MR. RADCLIFFE) Now, the --  
offer an opinion about whether or not --

MR. SATTERLEY: I'm not here to answer your  
question, Mr. Radcliffe. Continue on.

MR. SATTERLEY: -- calls for speculation.

MR. RADCLIFFE: It's a stipulation, it's not a

Q (MR. RADCLIFFE) Now, the operations, you  
:38

question.

:40

mentioned that the coils had to be cut to length, just a

MR. SATTERLEY: I'm here to object to the  
minute ago did you say that?

A Yes.

improper question that you've given to Mr. Bretz.

Q (MR. RADCLIFFE) All right. Just a couple

Q Other than cutting the coils to length, what  
documents for you.

other kinds of operations were done to the friction

:38

MR. RADCLIFFE: Can you tell me what exhibit

:40

material at the plant?

number --

A After the friction -- after the piece of

Q (MR. RADCLIFFE) Before we get to that, I'm lining was manufactured, regardless of size, if it -- if going to show you Exhibit 13 and Exhibit 40. Can you the drawing or the customer required drilling, we take a look at those? I'm looking at -- look at the drilled holes in it, and then we would grind it to the

:38

second page of Exhibit 40.

:40

appropriate thickness per the spec. And the material

A Second page?

then went through a labeling operation, whether it was

Q Yes. And then compare that to Exhibit 13.

impression stamped or whether it was ink stamped and/or

Are they exactly the same?

painted.

A Negative. No, they're not.

Q And just to be clear, Mr. Satterley asked you

:38

Q Okay. Thank you. Now, Exhibit 40, turn back

:41

about the suppliers of asbestos. Was raw asbestos fiber

:38



to the first page. First of all, this was an exhibit

:41

used at the Winchester facility?

that Mr. Satterley gave to you today, right?

A Raw asbestos fiber was used at the Winchester

A Yes, sir.

facility, yes.

Q Now -- and we're not accusing Mr. Satterley of

Q Is -- based on all of your experience in this

:39

anything, this was what was given to him, but is there

:41

area, was the environment at the plant different than

anything on page 1 that indicates to you that page 2 is

the environment that you might find in a brake shop?

part of that document?

MR. SATTERLEY: Objection, calls for

MR. SATTERLEY: Are you suggesting it

speculation, no foundation.

shouldn't be stapled together, is that what you're

Q (MR. RADCLIFFE) You can answer.

:39

saying, Tom?

:41

A Yes.

MR. RADCLIFFE: I don't think it should, but I

Q Have you been to brake shops?

don't know.

A Well, very, very few.

MR. SATTERLEY: If it shouldn't, it shouldn't,

Q Okay. So for the few times that you were in

I don't know.

brake shops, did the environment look the same as it did

:39

THE WITNESS: There is -- as I read the body

:41

in the plant?

of the report, there's nothing in there that

MR. SATTERLEY: Objection.

indicates any discussion regarding identification

THE WITNESS: I don't believe so.

requirements on the blocks.

Q (MR. RADCLIFFE) Incidentally, the -- we've

Q (MR. RADCLIFFE) Okay. Thank you.

talked about the fact that there was a caution label on

:39

MR. SATTERLEY: What number was that so I can

:42

the friction material that was sold by Abex. Do you

come back to it?

think that the friction material sold by Abex was

THE WITNESS: 40.

hazardous?

MR. RADCLIFFE: 40 and 13.

MR. SATTERLEY: Objection, calls for

Q (MR. RADCLIFFE) Okay, we're done with that.

speculation, foundation, no --

:39

There's Exhibit No. 68.

:42

■ A Are we done with 13?

Q We are.

A Yes. I'm sorry. 68?

Q Right.

A Asbestos study.

Q And can you tell me the letterhead for that particular document?

A Medical department.

Q And who is it written by?

A I can't tell you.

Q Next page.

A Oh, I'm sorry. Charlie Blackwell.

Q Dr. Blackwell?

A Excuse me, Dr. Blackwell.  
earlier today?

A Yes, sir.

Q And who is it written to?

MR. SATTERLEY: Objection.

MR. SATTERLEY: Objection.

THE WITNESS: Don K. Rennie.

MR. SATTERLEY: Let me put an objection to foundation.

Q (MR. RADCLIFFE) To whom is it addressed?

:43

Q Same Dr. Blackwell that you talked about

:42

(Pages 238 to 241)

:42

A I do not.

Q Okay. Would you read the first sentence of  
the second paragraph?

A "They have --"

:43

:42

MR. SATTERLEY: Objection, foundation.

:44

THE WITNESS: "-- expressed a desire to study  
our Brakeblok operation with a detailed in-plant  
environmental or industrial hygiene survey."

Q (MR. RADCLIFFE) Okay. Are you aware of

:42

whether or not that survey ever went forward?

:44

A That specific one, no.

Q Do you know if the United States Public Health  
Service ever conducted surveys at Abex?

A I do not know that they did.

Q Second page -- actually that's all I have for

:44

that document. So we're done with that.

Next I'm going to show you Exhibit 69. And to

whom is that addressed?

A Donald K. Rennie, vice president, Brakeblok

Troy office.

:45

Q And who wrote that?

MR. SATTERLEY: Objection.

THE WITNESS: Dr. Blackwell.

Q (MR. RADCLIFFE) And does this indicate --

what's the date, I'm sorry?

:45

:45

Q (MR. SATTERLEY) Same doctor -- or same

:43

Mr. Rennie that you talked about earlier today?

:43

A May 27th, 1966.

A Yes, sir.

Q And if you'd look at this -- if you look at

Q In paragraph 1, does it indicate that

this document -- let me just make sure I have the right

Dr. Blackwell was in communication with the United

one.

States Public Health Service and the medical and hygiene

:43

If you look at this document in the third

:45

departments and that the Public Health Service visited

paragraph --

the medical and hygiene departments in 1965?

MR. SATTERLEY: Objection, foundation.

MR. SATTERLEY: Objection, foundation,

Q (MR. RADCLIFFE) Can you read that?

leading.

A "This group will be," that one?

THE WITNESS: Yes.

:43

Q Yes.

:45

Q (MR. RADCLIFFE) Would you read the first

A "This group will be returning to Mahwah on

sentence of this first paragraph, please?

June 16th and 17th to test lesser grade brakes to see if

MR. SATTERLEY: Same objection.

the same results or different ones will be obtained."

THE WITNESS: "As I mentioned to you on the

MR. SATTERLEY: Objection, move to strike.

telephone today, the U.S. Public Health Service

:43

THE WITNESS: "The series evaluated last

:45

visited with the medical and hygiene departments on

November was a relatively high grade of brake

5-24-65." This is dated 5-25-65. "Their

material."

representatives --"

Q (MR. RADCLIFFE) All right, first -- and

Q (MR. RADCLIFFE) Just that first sentence.

what's the reference in this letter?

A Oh, I'm sorry.

:43

MR. SATTERLEY: Objection --

:46

Q We'll get to it. You weren't at that meeting,

THE WITNESS: U.S. Public Health Service.

were you?

A No, sir.

MR. SATTERLEY: -- foundation.

Q (MR. RADCLIFFE) Is it your understanding that

Q Do you know if this inspection ever took

"this group" refers to the U.S. Public Health Service?

place?

:43

MR. SATTERLEY: Objection, leading.

:46

■62 (Pages 242 to 245)

THE WITNESS: This letter? Yes.

:46

MR. SATTERLEY: Finished for the day?

MR. SATTERLEY: Foundation, lack of

Anybody else have any questions before I  
foundation.

follow up with a few?

Q (MR. RADCLIFFE) Were you -- what's Mahwah,

RE-EXAMINATION

:48

first? I don't think the jury's heard that.

:46

BY MR. SATTERLEY:

:48

A Mahwah was our research facility for friction

Q Mr. Bretz, these last three documents, you've  
material.

never seen them before in your life, right?

Q Do you know if the United States Public Health



A I don't know. The last three that were showed  
Service ever visited Mahwah?  
to me?

A I do not know.

:46

Q Sure.

:48

MR. SATTERLEY: Objection.

A No, sir, I had never seen them.

Q (MR. RADCLIFFE) So the information in this

Q And counsel asked you some questions about  
letter is new to you, is that right?

whether you personally considered asbestos brakes to be

A Yes, sir.

hazardous or not. You're not an expert on that, are

Q (MR. RADCLIFFE) Okay, we're done with that.

:46

you?

:48

Next I'm going to give you Exhibit 70. And

MR. RADCLIFFE: Objection, form, vague.

what's the date of this letter?

A November 19th, 1968.

Q And who wrote this letter?

THE WITNESS: No, I'm not an expert.

Q (MR. SATTERLEY) You've never studied the intricacies of asbestos and the resulting disease that

A Howard E. Ayer.

:47

occurs in that regard?

:48

Q And what's the letterhead for this particular

A No, sir.

letter?

Q Early in the examination by Mr. Radcliffe, he

A Department of Health, Education and Welfare, asked you some personal questions. He asked you about Public Health Service.

how old you are and you said 79?

Q To whom is this letter addressed?

:47

A Yes, sir.

:48

A Charles B. Mallory, works manager.

:47

Q And he also indicated that you've been retired

:48

Q And the first -- would you read the first from the company for 19 years, correct?

paragraph?

A Correct.

MR. SATTERLEY: Objection, foundation,

Q And you've been -- other than the consulting

hearsay.

:47

where he pays you money, him and his law partner pay you

:49

THE WITNESS: "We have discussed with

money, are you pretty much retired and not doing any

Dr. Blackwell an environmental survey of your plant

work at all?

similar to that done in 1965. This will be less

MR. RADCLIFFE: Objection, argumentative.

comprehensive than the initial survey, with two men

THE WITNESS: Yeah, that's -- that's basically

in the plant for one week."

:47

Q (MR. RADCLIFFE) So you already told us you

weren't aware of whether or not the survey in '65 ever

went forward, right?

A Correct.

Q This is 1968, is that right?

:47

A Correct.

Q Do you know if there was a survey of the  
Winchester plant by the United States Public Health  
Service in 1968?

MR. SATTERLEY: Objection, foundation.

:48

THE WITNESS: No. I don't know whether this  
was done.

MR. RADCLIFFE: Okay. All right. That's all  
I have for you.

THE WITNESS: Okay.

:48

true, yes.

:49

Q (MR. SATTERLEY) You moved down here to  
Florida from Detroit or --

A From the Detroit area, yes.

Q So for the last 18, 19 years, you've been down  
here in Florida?

:49

A Yes.

Q And you haven't been doing any work in the  
brake industry other than the retainer agreement  
situation you have with Mr. Radcliffe and his friend  
Abbott?

:49

A That's correct.

MR. RADCLIFFE: Objection, vague, ambiguous.

Q (MR. SATTERLEY) And the money that I think  
you told me about, I didn't try to figure it out, you  
said it was \$1500 a month?

:49

■1

A Correct.

Q And is that every month?

A Yes.

:50

(Pages 246 to 249)

MR. RADCLIFFE: Objection, assumes facts not

:52

in evidence, calls for speculation, argumentative.

Q (MR. SATTERLEY) Has Mr. Radcliffe gone over

Q Has that been the case since 2003, 2004 time  
with you the number of workers that have developed  
frame?

:50

asbestos diseases?

:52

A Yes, sir.

A No, sir.

Q And does that -- is that a retainer you get

Q So when you gave that personal opinion about  
regardless of whether or not you review any cases?  
whether brake products are hazardous or -- that wasn't

A Correct.

based upon any evaluation of how many people have

Q Okay. Has -- have you ever sought out any

:50

suffered from disease from brake products?

:52

independent legal advice regarding the situation you

MR. RADCLIFFE: Objection, calls for

have with Abex's lawyers?

A No, I have not.

speculation, assumes facts not in evidence.

THE WITNESS: No, it was not.

Q But you -- your -- and your involvement in

Q (MR. SATTERLEY) He asked you some questions  
this litigation has only been to serve as a fact

:50

about the evaluation of the environment. Have you ever

:52

witness, right?

A Yes.

done any evaluation -- environmental monitoring

yourself?

Q Has anybody ever advised you as to the

A No, sir. No I have not.

legality of being compensated, being a paid fact

Q You haven't participated in measuring the

witness?

:50

levels of asbestos in a brake facility where people are

:53

A No.

changing out brakes or anything like that?

Q Did any -- has any -- nobody's told you

A No.

whether it's a violation of either state or federal law

Q And you haven't taken the time to measure the

to be a paid fact witness?

levels of asbestos in the plant either, have you?

A Nobody's -- no.

:51

A No.

Q And Mr. Radcliffe or Mr. -- is it Abbott, the

:51

other fellow?

A Yes, sir.

Q They've not talked to you about that at all?

A No.

:51

Q Okay. They didn't go over with you Florida law regarding paying fact witnesses money to testify?

A No.

Q But you have not agreed to serve as a hired expert witness, right?

:51

A I'm sorry?

Q You've not agreed to serve as a hired expert witness for Abex?

A No, I have not.

Q Now, with regards to -- he asked you several

:51

questions about the plant in Winchester. Do you know what the current situation is with that plant?

A I do not.

Q Okay. Has anybody advised you that that's an EPA -- what's it called, a CERCLA?

:52

MR. SATTERLEY: Is it a CERCLA property?

MR. RADCLIFFE: I don't know what it is.

Q (MR. SATTERLEY) Nobody's ever talked to you



about the current state of that plant?

A No.

:52

Q Okay. So when he was asking you questions about the environment, other than they physically look different, you can't make any comments about the levels of asbestos in the environment, either in a brake facility where people are changing out brakes or opening

:53

up boxes of brakes and what's going on in the plant?

A Probably not.

Q With regards to these -- couple of these -- the memos, Howard Ayer was referenced. Do you know who Howard Ayer is?

:54

A No, sir.

Q Charles Mallory, do you know Charles?

A Yes.

Q Have you spoken to him about the -- how many of the work force at the Winchester plant has become

:54

sick?

A No.

MR. RADCLIFFE: Objection, argumentative, assumes facts not in evidence.

Q (MR. SATTERLEY) This William Lainhart, do you

:54

know who that is?

A No.

Q Lewis Cralley, you don't know who that is  
either?

A No, sir.

:54

:53

:53

■250

(Pages 250 to 253)

Q Okay. Abex, you did say, had some medical

:54

further questions at the current time.

:57

directors. Did you know Lloyd Hamlin, Dr. Lloyd Hamlin?

MR. McGUIRE: Sir, just one follow-up

A No. It's not a name that's --  
question.

Q Dr. Charles Blackwell, you did know him?

RE-EXAMINATION

A Yes.

:54

BY MR. McGUIRE:

:57

Q Frederick -- is it Knoch, K-N-O-C-H?

Q Did I show you any documents?

A No, I don't know him either.

Q Dr. William Redmond?

A No, sir.

A No, sir.

MR. McGUIRE: Okay. Thank you.

MR. RADCLIFFE: Anybody on the phone? Going

Q What about Dennis E-G-N-A-T-Z?

:55

once, going twice, we're done.

:57

A No.

THE VIDEOGRAPHER: Time now is 3:57, this

Q But no one from the medical department at Abex  
deposition is concluded.

Corporation ever talked to you about how much asbestos  
(Deposition concluded at 3:57 p.m.)

it takes to cause people to get sick and die?

A No.

:55

Q Finally with regards to -- the Carlisle  
attorney asked you some questions and I want to just

follow up on one or two little things. He asked you  
about some -- whether or not Carlisle thought its sales  
data was confidential. The volume of business and where

:55

Freuhauf got its brake products, did you get that from  
Freuhauf?

A Yeah.

Q From Freuhauf?

A Sure. I knew how much business I was going

:56

after. That was the amount of business that they said

:56

STATE OF FLORIDA )

is available.

Q And did you --

MR. McGUIRE: Objection, move to strike,  
hearsay.

:56

Q (MR. SATTERLEY) And did you think Freuhauf  
was -- based upon the information, that they knew where  
they were getting their asbestos brakes from, the brake  
linings from?

MR. MILLER: Argumentative.

:56

Q (MR. SATTERLEY) Did Freuhauf, based upon everything you observed over the years, know where they were purchasing their brake lining materials from?

A Yes.

MR. McGUIRE: Objection, move to strike, lack  
:56

of foundation, and hearsay.

Q (MR. SATTERLEY) And did -- has anybody here today presented you any memorandums, letters that would indicate that Carlisle warned the public about the dangers of their asbestos products?

:57

MR. McGUIRE: Objection, lack of foundation.

THE WITNESS: I haven't seen anything that would indicate that. I was not given anything like that.

MR. SATTERLEY: I don't think I have any  
:57

COUNTY OF CHARLOTTE )

I, the undersigned authority, certify that

LUDLOW EARLE BRETZ, JR. personally appeared before me and was duly sworn.

WITNESS my hand and official seal this 13th  
day of October, 2010.

---

Michael R. Brentano, RPR

Notary Public, State of Florida

Commission Expires: 5-4-12

Commission Number: DD316343

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STATE OF FLORIDA )

COUNTY OF CHARLOTTE )

I, Michael R. Brentano, do hereby certify that

I was authorized to and did stenographically report the foregoing deposition of LUDLOW EARLE BRETZ, JR.; that a review of the transcript was requested; and that the transcript is a true record of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in this action.

Dated this 13th day of October, 2010.

---

Michael R. Brentano

Registered Professional Reporter

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