

# Exhibit A

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: EAST PALESTINE ) CASE NO.  
TRAIN DERAILMENT ) 4:23-CV-00242-BYP  
 ) JUDGE BENITA Y. PEARSON

FRIDAY, NOVEMBER 3, 2023

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- - -

Videotaped deposition of 30(b)(6)  
designee of Norfolk Southern Railway Company,  
David Dixon, held at the offices of Wilmer  
Cutler Pickering Hale and Dorr LLP,  
2100 Pennsylvania Avenue NW, Washington, DC,  
commencing at 9:18 a.m. Eastern, on the above  
date, before Carrie A. Campbell, Registered  
Diplomate Reporter, and Certified Realtime  
Reporter.

- - -

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1       ALSO PRESENT:

2               NATE SMITH, General Counsel at  
3               Norfolk Southern

4               MICHAEL KAUFFMANN, trial technician,  
5               Precision Trial Solutions

6               V I D E O G R A P H E R :

7               CHRIS RITONA,  
8               Golkow Litigation Services

9                               - - -

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1 VIDEOGRAPHER: We are now on  
2 the record. My name is Chris Ritona.  
3 I'm the videographer with Golkow  
4 Litigation Services.

5 Today's date is November 3,  
6 2023, and the time is approximately  
7 9:18 a.m. Eastern.

8 This video deposition is being  
9 held in Washington, DC, at WilmerHale,  
10 2100 Pennsylvania Avenue, in the  
11 matter of the East Palestine Train  
12 Derailment, US District Court for the  
13 Northern District of Ohio, Eastern  
14 Division, Case Number  
15 4:23-CV-00242-BYP.

16 And the deponent today is David  
17 Dixon.

18 All counsels' appearances will  
19 be noted upon the stenographic record.

20 The court reporter today is  
21 Carrie Campbell, and she will now  
22 please swear in the witness.

23  
24 DAVID DIXON,  
25 of lawful age, having been first duly sworn

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1 to tell the truth, the whole truth and  
2 nothing but the truth, deposes and says on  
3 behalf of the Plaintiffs, as follows:

4

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. DENTON:

7 Q. All right. Good morning,  
8 Mr. Dixon.

9 A. Good morning.

10 Q. My name is Roger Denton. I  
11 think we shook hands briefly before the  
12 deposition. I represent the group of  
13 residents in East Palestine involving the  
14 Norfolk Southern train derailment that  
15 happened on February 3, 2023.

16 Do you understand that?

17 A. I do.

18 Q. Okay. We served a notice of  
19 deposition on Norfolk Southern and requested  
20 that they provide a witness to testify on  
21 behalf of the corporation, that would be the  
22 Norfolk Southern Railway and the Norfolk  
23 Southern corporation, concerning certain  
24 topics that were in our notice of deposition.  
25 And you're the person that they have

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1 any of the derailed VCM cars.

2 Right?

3 A. They had input with their  
4 thoughts with respect to polymerization.

5 Q. Now, no one from Trinity  
6 provided any input or advised on whether a  
7 vent and burn operation should be performed  
8 on the derailed VCM cars.

9 Right?

10 A. I don't have any information  
11 that says that Trinity provided any input.

12 Q. So based on your knowledge as a  
13 corporate representative of Norfolk Southern,  
14 Trinity had no input on whether to perform  
15 the vent and burn operation.

16 True?

17 A. Again, I don't have any  
18 information that claims Trinity had any input  
19 on any of the rail cleanup.

20 Q. Okay. So the answer to my  
21 question is, correct, true.

22 Right?

23 MS. PUJARI: Objection. Asked  
24 and answered.

25 THE WITNESS: Could you repeat

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1       that anyone from Trinity advised on whether  
2       polymerization was or was not occurring in  
3       any of the derailed VCM cars.

4                       True?

5               A.       I haven't seen any, again,  
6       information that Trinity provided.

7               Q.       Flip a page, please, to  
8       page 17. I want to look at paragraph 81.

9                       Are you there?

10              A.       I'm there.

11              Q.       Paragraph 81 reads, "Following  
12       a tank car derailment and fire, responders  
13       typically have four options."

14                      Do you see that?

15              A.       I see that.

16              Q.       So focusing to begin on the  
17       first option, it says, "First, responders can  
18       re-rail the tank car and move it to the next  
19       destination if they determine there is no  
20       tank damage."

21                      Do you see that?

22              A.       I do see that.

23              Q.       And at some point in time,  
24       re-railing one or more of the vinyl chloride  
25       cars was something that unified command

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1 considered.

2 Right?

3 A. Yes. I would say that they did  
4 consider that.

5 Q. Yeah.

6 And the folks at Norfolk  
7 Southern and at SPSI and at SRS, they helped  
8 advise on that, didn't they?

9 A. I would assume, again,  
10 everybody on that team was looking through  
11 each one of these options.

12 Q. Okay. Now, focused on Norfolk  
13 Southern and its contractors that it hired,  
14 would Norfolk Southern consider re-railing a  
15 tank car that it determined was not stable?

16 A. No.

17 MS. PUJARI: Objection.

18 QUESTIONS BY MR. SWANSON:

19 Q. Why not?

20 A. For safety reasons.

21 Q. Would Norfolk Southern or its  
22 contractors consider re-railing a car if that  
23 tank car's pressure release device was not  
24 functioning properly?

25 A. Again, if you're having a

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1 Mr. Keltz, I believe, right?

2 A. I believe that was the FRA  
3 representative.

4 Q. Okay. Other than that analysis  
5 by the FRA or Mr. Keltz and any documents  
6 they might have created or testimony they  
7 gave, did Norfolk Southern do any independent  
8 analysis into any discrepancies between the  
9 AAR form and the actual car?

10 A. I'm not aware of any Norfolk  
11 Southern employees looking at -- looking at  
12 the actual characteristics versus the  
13 certificates of construction.

14 Q. At any time, right?

15 A. I'm not aware -- again, I'm not  
16 aware if it occurred, so it would be anytime,  
17 because, again, I'm not aware that it  
18 occurred.

19 Q. Right.

20 And but more focused, certainly  
21 between February 3rd, when the train  
22 derailed, and February 6th, when the vent and  
23 burn was executed, nobody at Norfolk Southern  
24 had any information regarding any so-called  
25 discrepancies between the AAR Form 4-2 and

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1 the tank car's actual characteristics.

2 Correct?

3 A. Again, I'm not aware of any --  
4 any information that was supplied to NS  
5 showing the discrepancies between the actual  
6 car characteristics and the certificate of  
7 construction during that time.

8 Q. If you look at the  
9 subparagraph A in paragraph 120, it says,  
10 "Trinity Industries Leasing Company's Car 26  
11 has discrepancies between its AAR 4-2  
12 certificate of construction and the tank  
13 car's actual characteristics."

14 Do you see that?

15 A. I do see that.

16 Q. When did anyone from Norfolk  
17 Southern -- well, let me ask it -- let me  
18 withdraw that.

19 What evidence do you rely on in  
20 making that allegation?

21 A. Looking at information from the  
22 NTSB, both the Hazardous Materials Group  
23 Chair Factual reports and again the FRA's  
24 testimony concerning the investigative  
25 hearing.



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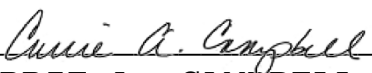
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CERTIFICATE

I, CARRIE A. CAMPBELL, Registered  
Diplomate Reporter, Certified Realtime  
Reporter and Certified Shorthand Reporter, do  
hereby certify that prior to the commencement  
of the examination, David Dixon, was duly  
sworn by me to testify to the truth, the  
whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the  
foregoing is a verbatim transcript of the  
testimony as taken stenographically by and  
before me at the time, place and on the date  
hereinbefore set forth, to the best of my  
ability.

I DO FURTHER CERTIFY that I am  
neither a relative nor employee nor attorney  
nor counsel of any of the parties to this  
action, and that I am neither a relative nor  
employee of such attorney or counsel, and  
that I am not financially interested in the  
action.

  
CARRIE A. CAMPBELL,  
NCRA Registered Diplomate Reporter  
Certified Realtime Reporter  
Notary Public

Dated: November 6, 2023