



1 SUPERIOR COURT IN THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF ALAMEDA

Abex

3
4 GORDON BANKHEAD and)
5 EMILY BANKHEAD,)
6 Plaintiff,) CASE NO: RG10502243
7 vs.)
8 ALLIED PACKING & SUPPLY, INC.,)
9 et al.,)
Defendant.)
-----)
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12

13 VIDEO DEPOSITION OF
14 LUDLOW EARLE BRETZ, JR.
15 PUNTA GORDA, FLORIDA
16 OCTOBER 12, 2010
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FILE NO.: A408ECF

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13 Video deposition of LUDLOW EARLE BRETZ, JR., taken
14 on behalf of Plaintiff, at Four Points by Sheraton, 33
15 Tamiami Trail, Punta Gorda, Florida, commencing at 10:19
16 A.M., Tuesday, October 12, 2010, before Michael R.
17 Brentano, Registered Professional Reporter.

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

9 : 46

10:19 a.m.

3 THE VIDEOGRAPHER: We're now on the record.

4 My name is Beth MacDonald, I'm the videographer and
5 I represent Atkinson Baker, Inc., of Glendale,
6 California. I'm not financially interested in this
7 action nor am I relative or employee of any
8 attorney of any of the parties.

10:18

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

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

10:19

taking place at 33 Tamiami Trail, Punta Gorda,

12 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 reporter's name is Mike Brentano.

10:19

reporter's name is Mike Brentano.

17 Will counsel please identify themselves for
18 the record.

19 MR. SATTERLEY: Yes. My name is Joe Satterley
20 and I represent Emily and Gordon Bankhead.

10:19

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

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

25 MR. SATTERLEY: And I think by stipulation the 10:19

1 other folks participating by telephone will
2 identify themselves during the first break.

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

5 LUDLOW EARLE BRETZ, JR., 10:20
6 having been first duly sworn, was examined and testified
7 as follows:

8 EXAMINATION

9 BY MR. SATTERLEY:

10 Q Good morning.

10:20

11 A Good morning.

12 Q Please state your full name.

13 A Ludlow Earle Bretz, Jr.

14 Q Mr. Bretz, my name is Joe Satterley and we
15 just met earlier this morning. Have you given a
16 deposition in the past?

10:20

17 A Yes, sir.

18 Q On how many occasions?

19 A I believe two.

20 Q Very briefly I'm going to tell you a little
21 bit about the deposition process. I'm sure because
22 you've been through depositions in the past, you're a
23 little bit familiar with it. But the purpose of my
24 deposition here today is to find out what information
25 you may have that may be relevant to this case. None of 10:20

1 my questions are meant to trick you or confuse you in 10:20
2 any fashion. So I'm going to ask you, Mr. Bretz, if you
3 don't understand any of my questions you let me know so
4 I can re-ask that question, okay?

5 A Yes, sir.

6 Q It's real important so that we know you
7 understand what I'm talking about and asking about and
8 so that we get an accurate, truthful answer, okay?

9 A Yep.

10 Q Also, you've been sworn to tell the truth. 10:20
11 You understand that you're giving testimony, sworn
12 testimony just as if you were in a court -- in a
13 courtroom before a jury, correct?

14 A I do.

15 Q Okay. Also, if you need to take a break for 10:21
16 any reason, you let me know, we'll take a break, okay?

17 I will try to wait until you're finished
18 answering the question; if you can wait until I finish
19 asking the question, it makes it a lot easier so we
20 don't talk over one another. A lot of times you may 10:21
21 think you know where I'm going but -- and I may think I
22 know where you're going, but let's try to let each other
23 finish our discussion, okay?

24 A That's fine by me.

25 Q And then finally, if you could verbally 10:21

1 respond to all the questions as opposed to nodding the
2 head. Folks on the telephone are listening in, the
3 court reporter, it makes it a lot easier for the court
4 reporter to take down the information, okay?

5 A Okay.

10:21

6 Q All right. Where do you currently reside?

7 A 26 Windward Court, Cape Haze, Florida.

8 Q And how long have you been here in Florida?

9 A April of 1992.

10 Q And have you been here since your retirement?

10:22

11 A Other than a year, yes.

12 Q And what company did you retire from?

13 A I retired from Pneumo Abex Corporation.

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

10:22

16 A Thirty-eight years.

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

19 A Several times, yes.

20 Q Several times. At one point in time it was
21 called American Brake Shoe Company?

22 A That's correct.

23 Q Another point in time it was called Abex.

24 A Correct.

25 Q And then it became Pneumo Abex at some point

10:22

1 in time?

10:22

2 A Mm-hmm.

3 Q You got to --

4 A Yes.

5 Q Okay. During the 38 years that you spent with 10:22
6 that company, were you in management?

7 A Yes.

8 Q How many of these 38 years were you in
9 management?

10 A 1971 to '92, so that would be about 19 years, 10:23
11 20 years.

12 Q Now, I'm going to ask you some questions here
13 today about your work with -- I'm going to call Abex,
14 just so that -- is that okay with you?

15 A That's fine, sure.

10:23

16 Q Okay. And first, it's my understanding that
17 you -- did you leave the company in 1992?

18 A I was retired in January '91.

19 Q Okay, January of '91. And you started with
20 the company in --

10:23

21 A July 19 -- July 1953.

22 Q Okay. When you first went with the company,
23 what was your job?

24 A I was a trainee, sales engineer trainee.

25 Q And then what was the next position you had? 10:24

1 A After I finished my training -- 10:24

2 Q Yes.

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

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

5 A Several years, a few years. 10:24

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

8 A Then I was a district manager.

9 Q As a district manager, was that from 1963 to
10 '71? 10:24

11 A Yes.

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

15 A Not specifically, no. 10:24

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

18 A Well, I didn't have anybody working for me. I
19 was responsible for various accounts and after a --
20 after someone was with the company for so long, it was a 10:24
21 way of getting a people a raise, they changed titles.
22 If you reached your maximum within a pay grade, they
23 changed titles so that they could put you in another pay
24 grade to get a raise.

25 Q So your job title as district manager, you had 10:25

1 to call on folks with regards to selling the Abex
2 materials to them?

3 A That's correct.

4 Q It sounds like through most of your career you
5 were in the sales component of the company. 10:25

6 A Correct.

7 Q I've premarked a number of exhibits and I've
8 given them to the other -- the attorney representing
9 Pneumo Abex just a few minutes ago. They're over to
10 your left-hand side. Can you grab those exhibits? 10:25

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

13 A Yes, sir.

14 Q And did you receive a subpoena that had this
15 notice to take deposition with it? 10:26

16 A Yes.

17 Q And how long ago did you receive the subpoena?

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

19 Q After you received the subpoena for this
20 deposition and in between today, what, if anything, have 10:26
21 you done to prepare yourself for this deposition?

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

25 Q Okay. 10:26

1 A I found nothing. I contacted Mr. Radcliffe 10:26
2 and advised him that I had received a deposition. And I
3 sent a copy of it to him.

4 Q The subpoena?

5 A The subpoena, yes. I'm sorry. 10:26

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

9 A Yes.

10 Q Okay. 10:26

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

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

15 A Several. No more than ten. 10:27

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

18 A Yes, sir.

19 Q You've never been a hired expert to develop
20 some certain expertise or anything like that? 10:27

21 A No.

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

24 A Correct.

25 Q Who contacted you about these cases? 10:27

1 A Mr. Radcliffe.

10:27

2 Q Okay.

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

5 Q Is it your understanding that both of these
6 attorneys are attorneys for the Abex Corporation or
7 their successor?

8 A Yes, sir.

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

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

15 Q You don't maintain and possess historical
16 documents of what Abex did back in the '50s or '60s or
17 '70s yourself?

18 A No, sir.

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

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

25 Q The -- Bruce Ketcham?

10:28

1 A Bruce Ketcham, yes, sir.

10:28

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

4 A No, sir.

5 Q And how long ago did you get a copy of
6 Mr. Ketcham's deposition?

7 A Last week.

8 Q Did you read it?

9 A Yes, sir.

10 Q And how long did you spend reading that
11 deposition?

10:29

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

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

10:29

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

17 Q And what is your retainer?

18 A Per month?

19 Q Sure.

20 A 1500 per month.

10:29

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

23 A \$150.

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

10:30

1 A Yes, sir.

10:30

2 Q How long has that occurred?

3 A I think 2004, 2003.

4 Q I may come back to that later. But you

5 haven't reviewed anything else case specific about this 10:30
6 case other than Mr. Ketcham's deposition?

7 A No, I have not.

8 Q If you could, turn Exhibit 1 over to the --
9 and we're going to start going through some of these
10 exhibits.

10:30

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

10:30

16 A Yes.

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

19 A There was considerable discussion back then in
20 organizations such as Society of Automotive Engineers, 10:31
21 we held monthly meetings with our salespeople and the
22 manufacturing people and it was discussed at that point.
23 There were a lot of articles back then in trade
24 magazines, et cetera.

25 Q Other than the Society of Automotive

10:31

1 Engineers, can you think of any other trade magazines 10:31
2 that you recall specifically discussing hazards of
3 asbestos?

4 A No, I can't.

5 Q Did anyone from the Abex Corporation -- back 10:31
6 at this time, it was called Abex, right, in the '60s?

7 A Yes.

8 Q Anybody, any of your managers or anybody from
9 another department of Abex call you in and give you a
10 training or classroom instructions on the hazards of 10:31
11 asbestos?

12 A No.

13 Q Did there come a point in time later, either
14 in the later '60s or early '70s, where Abex, the Abex
15 Corporation had a classroom training to train sales 10:32
16 personnel like yourself about asbestos hazards?

17 A No.

18 Q When you've learned in the '60s -- by the way,
19 can you, other than saying the '60s, can you narrow it
20 down any when you learned about the hazards of asbestos? 10:32

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

23 Q In that time frame when you first learned of
24 the hazards of asbestos, did you specifically recall
25 learning about cancer? 10:32

1 A I can't recall.

10:33

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

4 A Yes.

5 Q And how did you first learn about that disease 10:33
6 process, mesothelioma?

7 A Specifically, I don't remember.

8 Q I marked as Exhibit 2 a memorandum from D. K.
9 Rennie to Dr. Charles Blackwell, the medical director of
10 American Brake Shoe Company, dated October 8th, 1964. 10:33
11 And I first wanted to ask you, did you know who D. K.
12 Rennie was?

13 A Yes. Don K. Rennie, yes.

14 Q What was his job with the company back in that
15 time frame? 10:33

16 A He was vice president of manufacturing.

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

19 A Yes, I did.

20 Q And was it your understanding he was the 10:33
21 medical director for the company?

22 A Yes.

23 Q In this 1964 memo, it attaches an article from
24 the Pontiac Press dated October of 1964 and it says
25 "Suspect Asbestos as Medical Specialists as a Cause of 10:34

1 Cancer," do you see that?

10:34

2 A Yes, sir, I do.

3 MR. RADCLIFFE: Objection, lack of foundation.

4 MR. MILLER: Join.

5 Q (MR. SATTERLEY) My question to you is, first 10:34
6 of all, is this the type of article that you were
7 referring to earlier that you read back in the 1960s
8 about asbestos?

9 MR. RADCLIFFE: Objection, vague, ambiguous.

10 MR. MILLER: Leading, join.

10:34

11 THE WITNESS: Might have been.

12 MR. MILLER: Move to strike, speculation.

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

15 A Vice president of manufacturing.

10:34

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

18 A Medical director? I don't know what -- I
19 don't know what that -- the corporate lineup looked like
20 and where he fit in. He reported to the president of 10:35
21 Abex, or American Brake Shoe.

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

24 A I don't remember.

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

10:35

1 this call for any special action on our part at our 10:35
2 plants in Winchester, Lindsay, Mexico, France? Should
3 we bring it to the attention of our licensees abroad?"
4 Do you see that?

5 A I see that.

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

8 A Yes.

9 Q Winchester, is that in Virginia?

10 A Yes, sir.

10:35

11 Q And where is the Lindsay plant at?

12 A Lindsay, Ontario. North of Toronto.

13 Q And Mexico, where in Mexico?

14 A Mexico City.

15 Q Okay. And France?

10:36

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

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

10:36

21 A No.

22 MR. RADCLIFFE: Objection, vague, ambiguous.

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

10:36

1 MR. RADCLIFFE: Objection, vague, ambiguous. 10:36

2 THE WITNESS: Friction material facilities?

3 Q (MR. SATTERLEY) Sure.

4 MR. RADCLIFFE: Same objection.

5 THE WITNESS: '64, Cleveland, Ohio. But we 10:36
6 manufactured sintered metallic in Cleveland, Ohio.

7 The Milburn, New York --

8 Q (MR. SATTERLEY) Let me stop you there. I
9 apologize, sir. In Cleveland, Ohio, it was semi
10 metallic? 10:36

11 A Sintered metallic.

12 Q Sintered metallic. That's not --

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

14 Q Does that have asbestos in it?

15 A No. 10:36

16 Q Okay. Continue.

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

20 THE WITNESS: Okay. I'll work on that. 10:37

21 MR. RADCLIFFE: Do you remember the question?

22 THE WITNESS: Repeat the question.

23 Q (MR. SATTERLEY) Sure. We were talking about
24 Cleveland, the Cleveland plant, and you were going to
25 tell me about another plant, manufacturing plant. 10:37

1 A Milburn, New York, sintered metallic. I
2 believe it was closed by then.

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

10:37

6 A Friction material?

7 Q Yes.

8 MR. RADCLIFFE: Objection, vague, ambiguous.

9 THE WITNESS: No, I'm not.

10 Q (MR. SATTERLEY) And I appreciate your
11 clarification. Did Abex have other manufacturing
12 facilities other than friction materials?

13 A Yes, sir.

14 MR. RADCLIFFE: Objection.

15 Q (MR. SATTERLEY) What types?

10:37

16 MR. RADCLIFFE: Objection, vague, ambiguous.

17 THE WITNESS: Well, as I used to say, we made
18 everything from soup to nuts. We had 25 plants
19 manufacturing cast iron, we had cast steel plants,
20 we had cast aluminum plants, we manufactured --
21 back then, manufactured railroad brake shoes, steel
22 wheels. There were five or six divisions in
23 manufacturing. A number of items which
24 specifically I don't remember all of them.

25 Q (MR. SATTERLEY) Was it your understanding,

10:38

1 was Abex -- at this point in time you called it American 10:38
2 Brake Shoe or Abex, in '64?

3 A It was American Brake Shoe Company.

4 Q Okay. At that time frame in 1964, you were
5 with the company, correct? 10:38

6 A Yes.

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

9 A Yes.

10 Q -- offices around the world? 10:38

11 MR. RADCLIFFE: Objection, vague, ambiguous.

12 Q (MR. SATTERLEY) Go ahead.

13 A Yes.

14 Q And you already mentioned the Canada, United
15 States, Mexico, France, where were some of the other 10:38
16 locations American Brake Shoe Company had offices?

17 MR. RADCLIFFE: Objection, vague, ambiguous.

18 THE WITNESS: Friction material?

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

20 A During this time frame specifically, I 10:39
21 can't -- I don't remember.

22 Q Let's break it -- let's make it easier. Just
23 in the '60s generally, are you aware of where Abex had
24 offices around the world?

25 MR. RADCLIFFE: Same objection. 10:39

1 THE WITNESS: I don't remember.

10:39

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

5 A Yes.

10:39

6 MR. RADCLIFFE: Objection, vague, ambiguous.

7 Q (MR. SATTERLEY) Did that continue in the
8 '80s?

9 MR. RADCLIFFE: Same objection.

10 THE WITNESS: Yes.

10:39

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

15 A Yes.

10:40

16 Q And it is addressed to Mr. William F. -- is it
17 Veenstra? Veenstra?

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

19 Q Okay. It's got his title listed as the
20 assistant general purchasing agent for the New York
21 office, do you see that?

22 A Yes.

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

25 A Brakeblok Troy.

10:40

1 Q And is that Troy, Michigan? 10:40

2 A That's Troy, Michigan.

3 Q And did you ever work in Troy, Michigan?

4 A Yes, sir.

5 Q Did you ever work under -- I guess down the 10:40
6 chain of command from Mr. Rennie?

7 A No.

8 Q It says in this 1964 memorandum, "Thank you
9 for your notice of 10-7-64 and the clippings concerning
10 asbestososis." My first question to you, by this point in 10:41
11 time, 1964, were you already familiar with the disease
12 called asbestososis?

13 MR. RADCLIFFE: Objection, vague, ambiguous, I
14 object to the leading statement which is not part
15 of the question, and lack of foundation. 10:41

16 MR. MILLER: Join.

17 Q (MR. SATTERLEY) Go ahead.

18 A I believe I was.

19 Q Did Dr. Blackwell share this memorandum with
20 you when you were in sales in 1964? 10:41

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

23 Q So the answer to my question would be no?

24 A No.

25 Q Okay. The next sentence says, "The problem of 10:41

1 mesotheliomas in individuals exposed to asbestos is
2 pretty well known in industry." Do you see that
3 sentence?

4 MR. RADCLIFFE: Objection, foundation.

5 Q (MR. SATTERLEY) Do you see that? 10:41

6 A Yes.

7 Q By this point in time in 1964, based upon your
8 involvement with the corporation in sales, would you
9 agree that the problem of mesothelioma and exposure to
10 asbestos was well known in industry? 10:42

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

13 MR. MILLER: Argumentative. Join.

14 THE WITNESS: I can't speak to that.

15 Q (MR. SATTERLEY) Well, did you know in 1964
16 that mesothelioma was caused by exposure to asbestos? 10:42

17 MR. RADCLIFFE: Objection, vague, ambiguous.

18 MR. MILLER: Same, join.

19 MR. McGUIRE: Join.

20 THE WITNESS: I don't remember. 10:42

21 Q (MR. SATTERLEY) You can set that exhibit to
22 the side. I think that what I'm trying to figure out
23 is, when you learned about the hazards of asbestos, as
24 you said, in the early '60s, '62, '63, was mesothelioma
25 one of the things that was discussed? 10:42

1 A I don't remember.

10:42

2 MR. MILLER: Assumes facts.

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

10:43

6 MR. RADCLIFFE: Objection, vague, ambiguous.

7 THE WITNESS: Specifically I can't.

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

10 A Yes.

10:43

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

15 A No.

10:43

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

19 A Yes.

20 Q And your responsibility as district manager
21 would be to deal with major vehicle manufacturers, car
22 and truck companies?

23 A Yes, sir.

24 Q And aircraft brake companies?

25 A Yes, sir.

10:44

1 Q And you were there trying to sell the friction 10:44
2 products?

3 A Correct.

4 Q And included in the friction products at this
5 point in time would be an asbestos-containing product, 10:44
6 correct?

7 A Yes.

8 Q The asbestos -- the Abex -- or, I guess,
9 American Brake friction product in '63 to '71 time
10 period, do you know what percentage of the product was 10:44
11 asbestos?

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

14 MR. MILLER: Join.

15 THE WITNESS: Depended on the formulation, 50 10:44
16 to 60 percent.

17 Q (MR. SATTERLEY) And in that time frame,
18 1963-1971, I take it as a salesperson, you made major
19 inroads into the getting new accounts to these
20 manufacturers? 10:45

21 A Correct.

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

25 A Yes. 10:45

1 Q And where was that major plant expansion? 10:45

2 A Winchester, Virginia.

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

5 MR. RADCLIFFE: Objection, vague, ambiguous. 10:45

6 THE WITNESS: Based on a four- or five-year
7 test period with General Motors Corporation, we
8 received approval for all of their half-ton truck
9 and three-quarter-ton truck business, brake
10 business, front and rear. 10:45

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

14 A Just an expansion of the existing building.

15 Q In your role as district manager in that time 10:46
16 frame, '63 to '71, did you have occasion to go to the
17 Winchester facility?

18 A Yes, sir.

19 Q And during that time frame from 1963 to 1971,
20 did you ever observe any folks at that Winchester plant 10:46
21 wearing respirators?

22 A Specifically, no.

23 Q In that time frame, 1963 to 1971, did you ever
24 see any postings of any warning signs or caution
25 statements in the Winchester facility? 10:46

1 A Yes.

10:46

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

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

5 Q And did it specifically warn about asbestos?

10:47

6 A No.

7 Q What did it warn about?

8 A Dust.

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

10:47

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

13 Q But you just recall it said something about
14 dust?

15 A Yes.

10:47

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

19 A Yes.

20 Q And was that designed to capture potentially
21 toxic dust?

10:47

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

24 MR. MILLER: Join. Foundation.

25 THE WITNESS: Set up to capture the dust.

10:48

1 Q (MR. SATTERLEY) Did you know a

10:48

2 Mr. Borcherding?

3 A Spelling?

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

5 A No, sir.

10:48

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

9 A No.

10 Q But you did know that they had them there,
11 right?

12 A Oh, yes.

13 Q Did there come a point in time later where you
14 observed folks in the Winchester facility wearing
15 respirators?

10:48

16 A Yes.

17 Q And when did that occur?

18 A Late '60s, early '70s.

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

10:49

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

25 MR. RADCLIFFE: Objection, calls for

10:49

1 speculation.

10:49

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

5 MR. RADCLIFFE: Objection, calls for
6 speculation.

10:49

7 MR. MILLER: Join. Foundation.

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

10 Q (MR. SATTERLEY) Nobody from the company ever 10:49
11 share with you why certain workers in the plant were
12 given respirators?

13 A Not that I remember.

14 Q And you, I take it, as a salesperson in sales,
15 never conveyed to any of your customers that people back 10:49
16 in the plant were wearing respirators?

17 A I don't believe so.

18 Q You never saw any product brochures that said,
19 hey, our workers back in the plant, we're protecting
20 them by having them wear respirators? 10:50

21 A No.

22 MR. RADCLIFFE: Objection, argumentative.

23 Q (MR. SATTERLEY) Now, Exhibit 4 there is a
24 1968 interoffice Abex Corporation correspondence dated
25 March 25th, 1968. Did you know G. M. Theodore? 10:50

1 A No. 10:50

2 | Q Did you know J. D. Henderson?

3 A NO.

4 Q Did you know F. D. Hunter?

5 | A No.

10:50

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

10 A I see?

10:50

11 MR. RADCLIFFE: Objection, foundation.

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

17 A NO.

18 Q Did there come a point in time in the '70s or
19 '80s when somebody from the corporation sat down with
20 you in sales and said, this is a proper label and this
21 is an improper label?

22 | A Early '70s, yes.

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

1 MR. RADCLIFFE: Objection, vague, ambiguous, 10:51
2 argumentative, misstates prior testimony.

3 MR. MILLER: Join.

4 THE WITNESS: I don't remember any distinction 10:51
5 between a proper and an improper label. I don't
6 remember anybody specifically sitting down with us
7 to discuss labels.

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

10 We'll go on to Exhibit 5. This is a 10:51
11 memorandum from the American Brakeblok Division, Troy
12 office. Did you work out of the Troy office?

13 A Yes.

14 MR. RADCLIFFE: Asked and answered.

15 Q (MR. SATTERLEY) At this time frame. 10:52

16 A Yes.

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

18 A Yes.

19 Q Who was he?

20 A He was a plant manager of the Winchester 10:52
21 facility.

22 Q And what about P. H. Grim?

23 A Phil Grim was in the sales office.

24 Q And then there's some names at the bottom,
25 Nelson, Jones, and Hoff, do you see those names? 10:52

1 A Yes.

10:52

2 Q And do you know who those folks are?

3 A Yes.

4 Q Who are those?

5 A Bob Nelson was our manager of technical

10:52

6 services, Harry Jones was a vice president of

7 replacement sales or sales manager replacement sales,

8 and Eric Hoff was district manager west coast

9 aftermarket.

10 Q It says Service Tip Information on the subject

10:53

11 line, do you see that?

12 A Yes.

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

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

15 how you do say that?

10:53

16 MR. MILLER: Mateo.

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

18 School, California," do you see that?

19 A Yes.

20 MR. RADCLIFFE: Objection, foundation.

10:53

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

22 this school on our mailing list and send copies of all

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

24 that?

25 A Yes.

10:53

1 MR. RADCLIFFE: Objection, foundation.

10:53

2 Q (MR. SATTERLEY) My question is, do you know
3 what they're referring to, car tips 1 to 35?

4 MR. RADCLIFFE: Objection, foundation.

5 THE WITNESS: Yes.

10:53

6 Q (MR. SATTERLEY) And what is that?

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

9 Q What type of tips?

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

10:53

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

13 Q And this time frame in October of 1972, do you
14 know whether the American Brakebloc Corporation was
15 sending -- was including in its tips anything about
16 asbestos causing disease?

10:54

17 MR. RADCLIFFE: Objection, calls for
18 speculation.

19 THE WITNESS: I do not remember specifically,
20 no.

10:54

21 Q (MR. SATTERLEY) Let's go to the next exhibit.
22 This is a Abex Friction Products Group memorandum dated
23 February 13th, 1975, from Harry R. Jones.

24 A Mm-hmm.

25 Q Do you know who Harry Jones is?

10:54

1 A Yes. He was a vice president of aftermarket 10:54
2 sales.

3 Q And this is sent to all district managers.
4 And by 1975, you were already above a district manager,
5 right? 10:55

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

7 Q Why not?

8 A Mr. Jones was involved with the aftermarket.
9 I was specifically in the original equipment end of
10 things. His district managers are all selling 10:55
11 aftermarket linings to distributors.

12 Q In '75, where was your office at?

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

14 Q So if we look at the bottom we got Mr. S. S.
15 Conway, Jr.? 10:55

16 A Yes, he was president.

17 Q President of what?

18 A President of Abex Corporation Friction
19 Products.

20 Q Okay. 10:55

21 A Or American Breakblok.

22 Q Regional managers?

23 A Yes. We had four regions in the aftermarket.

24 Q Troy sales personnel?

25 A Troy sales personnel. 10:55

1 Q And Winchester sales personnel? 10:55

2 A Yes. They were specifically office people.

3 Q Okay. And this is -- relates to Carlisle
4 Corporation motor materials division, do you see that?

5 A Yes. 10:56

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

9 A Yes.

10 Q How so? 10:56

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

14 Q And in the process of competing with them, I
15 take it you probably did some research about them? 10:56

16 A Yes.

17 Q Did there come a point in time where -- we're
18 in '75 right now, but did there come a point later in
19 the 1970s that Abex became involved with a company
20 called Freuhauf? 10:56

21 MR. RADCLIFFE: Objection, vague, ambiguous.

22 MR. MILLER: Join.

23 THE WITNESS: Yes.

24 Q (MR. SATTERLEY) Tell me about that.

25 MR. MILLER: Vague, ambiguous. 10:57

1 MR. RADCLIFFE: Same objections. 10:57

2 THE WITNESS: In 1977, after several years of
3 development of friction materials, we received
4 contracts for 50 percent of their production
5 business, production axle business. 10:57

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

8 A Oh, yes.

9 Q And prior to Abex getting 50 percent of that
10 business, based upon the research you did at the time, 10:57
11 did you know who had the business?

12 A Carlisle Corporation.

13 MR. McGUIRE: Objection, lack of foundation.

14 MR. MILLER: Join.

15 MR. RADCLIFFE: Can we have an stipulation 10:57
16 that an objection by one defendant is good for all
17 defendants?

18 MR. SATTERLEY: Sure, sure.

19 MR. RADCLIFFE: Thank you.

20 MR. SATTERLEY: Yeah. 10:57

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

23 A Carlisle.

24 MR. McGUIRE: Objection, lack of foundation,
25 hearsay. 10:58

1 Q (MR. SATTERLEY) And how did you know that? 10:58
2 MR. McGUIRE: Same objection.
3 THE WITNESS: I visited the production
4 facility of the Freuhauf brakes and axles.
5 Q (MR. SATTERLEY) Personally saw it? 10:58
6 A Personally saw, yes.
7 MR. RADCLIFFE: Mr. Bretz, I think he's done
8 with that document for now.
9 MR. SATTERLEY: No, no, no.
10 MR. RADCLIFFE: Oh, you're not? Okay. 10:58
11 MR. SATTERLEY: I'm going to talk about it.
12 MR. RADCLIFFE: Okay.
13 Q (MR. SATTERLEY) In the document itself, Harry
14 Jones, was he a manager you -- you said he was a manager
15 for the corporation? 10:58
16 MR. RADCLIFFE: Objection, vague, ambiguous,
17 asked and answered.
18 THE WITNESS: Harry Jones back then --
19 MR. MILLER: Misstates testimony.
20 Q (MR. SATTERLEY) Was Harry Jones a manager? 10:58
21 A Harry Jones was vice president of aftermarket
22 sales.
23 Q Thank you, sir. Let's read what he wrote in
24 1975. "We have seen some increased activity in some
25 marketing areas by Carlisle Corporation. For your 10:58

1 comparison, I'm attaching copies of the Carlisle product 10:58
2 brochure and the Freuhauf brochure which, in effect, are
3 one and the same." Do you see that?

4 MR. RADCLIFFE: Objection, foundation.

5 THE WITNESS: Yes. 10:59

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

10 MR. MILLER: Vague, ambiguous, assumes facts. 10:59

11 MR. RADCLIFFE: Also leading, argumentative.

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

13 Q (MR. SATTERLEY) The next paragraph says, "As
14 you know, our private brand program has never been
15 designed to compete with our Abex distributors." Do you 10:59
16 see that?

17 A Correct.

18 Q What is the -- a private brand program?

19 A We had an aftermarket program with all --
20 basically all of the vehicle manufacturers and we 10:59
21 manufactured the same lining for the aftermarket in the
22 private brand program for their trucks and trailers,
23 tractors, as we did for original equipment. We supplied
24 labels and the product was boxed in axle sets, labeled
25 Freuhauf or labeled Trailmobile, labeled Peterbilt, 11:00

1 Kenworth, et cetera. That was our private brand 11:00
2 program, about 25 different private brands.

3 Q And as far as the label that Abex provided,
4 the -- I guess the wording or whatever, design of the
5 label, would that be made by Abex or would the design be 11:00
6 made by the customer that's going to receive the
7 product?

8 MR. McGUIRE: Speculation.

9 THE WITNESS: We would make the label. We
10 would design the label, they would approve the 11:00
11 whatever, or they would provide us information,
12 what they wanted on the label. We're just talking
13 labels with their name on it, labels with the part
14 number on it that was in the box.

15 Q (MR. SATTERLEY) Okay. We're not talking 11:00
16 about any type of warning labels?

17 A Negative.

18 Q Okay. It says, "However, it would appear this
19 is not the case with the Carlisle program. It would
20 seem that Freuhauf has all the advantages over the 11:01
21 Carlisle distributor." Do you see that?

22 A I see that.

23 Q Do you know what that means?

24 A Can't speak to it.

25 MR. McGUIRE: Objection, lacks foundation, 11:01

1 hearsay.

11:01

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

4 A Yes, sir.

5 MR. MILLER: I'm sorry, is this still the same 11:01
6 exhibit?

7 MR. SATTERLEY: Same exhibit.

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

10 A Yes.

11:01

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

12 A Yes.

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

15 A Logo.

11:01

16 Q Yeah. Is that correct?

17 A Yes.

18 Q Okay. It says heavy duty brake lining set.

19 A Yes.

20 Q And it's got the size, 16 and-a-half by 7? 11:02

21 A Yes.

22 Q And was that a size that Abex made?

23 A Yes.

24 Q And then it's got an FMS number.

25 A Yes.

11:02

1 Q Does that stand for friction material 11:02
2 standards?

3 A FMS stands for friction material standards.

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

5 A Correct. 11:02

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

7 A Absolutely.

8 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 11:02
10 Carlisle versus an Abex?

12 MR. RADCLIFFE: Objection, vague, ambiguous.

13 THE WITNESS: Not the friction material
14 number. The friction material number on this label
15 is MMD 39. That's the friction material. 11:02

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

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

20 Q Spec? 11:03

21 A -- specs.

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

24 A In answer to your question, yes, it would be
25 the same size regardless of the manufacturer of the 11:03

1 friction material. We, we, the industry, all made 16 11:03
2 and-a-half by 7s. That was the most popular brake size
3 for heavy duty tractors, trucks, and trailers. FMSI set
4 up standard numbering system for all of the brake size
5 out of the industry. 11:03

6 Q I see. And at this point in time in 1975, is
7 it your testimony Abex had -- did they have any business
8 with Freuhauf at that time?

9 A Yes.

10 Q What type of business did they have with 11:04
11 Freuhauf.

12 A Vehicle spec business, customer spec, fleet
13 spec.

14 Q Explain that to me.

15 A Well, there's several hundred fleets in the 11:04
16 country and we had people -- our salespeople were
17 responsible for contacting those fleets and getting them
18 to specify our material on new units which they would
19 order from Freuhauf. And we were successful in many
20 cases and Freuhauf would accept the request of their 11:04
21 customers to provide Abex on a certain number of axles
22 for trailers which they had ordered from Freuhauf.

23 Q Let's move on to the next exhibit, Exhibit 7.
24 Before I get into Exhibit 7, I want to ask you, were you
25 in sales -- was a part of your responsibility to 11:05

1 determine what type of label, caution label should go on 11:05
2 a product?

3 A No.

4 Q Whose -- where did that fall within the
5 corporation, if you know? 11:05

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

8 THE WITNESS: Specifically, I do not know.

9 Q (MR. SATTERLEY) So it was never part of your
10 function to design any type of caution or warning labels 11:05
11 at any point in your career?

12 A No, sir.

13 Q Now, was it your understanding at some point
14 in time in the '70s, Abex decided to put some type of
15 label, caution label on some pallets of the brake 11:05
16 material?

17 MR. RADCLIFFE: Objection, vague, ambiguous.

18 THE WITNESS: Yes.

19 Q (MR. SATTERLEY) And how did you -- tell me
20 when you first recall seeing a caution label on the 11:05
21 pallets of the brake materials? Is that '72, '73,
22 earlier, later?

23 A I believe it was '72.

24 Q And where did you first -- I'm sorry, go
25 ahead. 11:06

1 A Memory serves me, we were advised by OSHA in 11:06
2 '71, and I think the requirement for labeling or caution
3 labels came in in '72, and we complied with it.

4 Q My question --

5 MR. SATTERLEY: Move to strike, nonresponsive. 11:06

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

10 MR. RADCLIFFE: Where in the plant or where on 11:06
11 the pallet?

12 Q (MR. SATTERLEY) Where in the world?

13 A In 1972?

14 MR. RADCLIFFE: Okay, where. He's asking
15 where. 11:06

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

17 A In Winchester.

18 Q In Winchester, okay.

19 A Yes.

20 Q And so describe for me the size of the pallet 11:07
21 at this time frame.

22 A 4 by 4 by 4.

23 Q 4 foot by 4 foot by 4 foot?

24 A Yeah. Yes.

25 Q And how many friction products would be on a 11:07

1 pallet 4 by 4 by 4?

11:07

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

5 Q Give me the range, if you could.

11:07

6 A Several hundred to a hundred.

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

9 A Some were, some weren't.

10 Q Some were loose?

11:07

11 A Some were stacked.

12 Q Stacked?

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

15 Q Were the pallets then wrapped with like
16 plastic?

11:07

17 A Yes.

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

11:08

21 MR. RADCLIFFE: Objection, vague, ambiguous --

22 THE WITNESS: No, sir.

23 MR. RADCLIFFE: -- calls for speculation.

24 Q (MR. SATTERLEY) Where did it go?

25 A It went on the box the parts were in,

11:08

1 regardless of the size of the box.

11:08

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

4 A Yes, sir.

5 MR. RADCLIFFE: Objection, argumentative.

11:08

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

9 A Not that I remember.

10 Q Over the last six or seven years that you've
11 been consulting with Mr. Radcliffe's law firm on this
12 retainer situation, have they showed you any memorandums
13 that discuss putting labels on every single box in 1972?

14 A No.

15 Q Have you --

11:08

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

19 MR. SATTERLEY: Do you want to go off the
20 record? I mean, I don't want you just coaching him
21 on what to say.

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

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

11:09

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

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

5 (Recess from 11:09 to 11:17 a.m.) 11:13

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

8 Q (MR. SATTERLEY) We were talking about labels,
9 potential caution labels, and I want to ask you, on the
10 pallets that we're talking about, what were the size of 11:17
11 the boxes? Is it one box or a hundred boxes or how did
12 that work?

13 A On the pallets?

14 Q Mm-hmm.

15 A If we're shipping individual boxes, there 11:17
16 might be 25 boxes; if we're shipping bulk, there might
17 be 100 pieces on the pallet, the heavy stuff, the big
18 stuff. Again, the largest carton I think we used was 4
19 feet by 4 feet by 4 feet, give or take an inch or two.

20 Q And that carton, that 4 foot by 4 foot by 4 11:17
21 foot, how big was the label?

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

25 Q Centimeters? 11:18

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

11:18

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

4 A No.

5 Q In that time frame, '72, it's your testimony
6 that every box that had an asbestos-containing friction
7 material from -- that Abex made had a label on it?

11:18

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

10 Q (MR. SATTERLEY) Is it?

11:18

11 A Yes.

12 Q That's your testimony, correct?

13 A That's my testimony.

14 Q Now, let's look at Exhibit No. 7. It's dated
15 August 22nd, 1975, correct?

11:18

16 A Yes.

17 Q And who is it from?

18 A C. C. Blackwell, M.D., medical director of
19 Abex.

20 Q Same fellow we were talking about earlier?

11:19

21 A Yes.

22 Q And who is it addressed to?

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

24 Q It says, "Dear Don: In the most recent
25 Occupational Safety and Health Reporter, this is a brief

11:19

1 comment quoting Dr. Selikoff regarding mesotheliomas." 11:19

2 Do you see that?

3 A Yes.

4 MR. RADCLIFFE: Objection to foundation.

5 Q (MR. SATTERLEY) First of all, did you ever in 11:19
6 your role in sales receive the Occupational Safety and
7 Health Reporter?

8 A Not that I remember.

9 Q Did you -- did folks from the Abex Corporation
10 share with you information about a Dr. Irving Selikoff? 11:19

11 A The name is only familiar in the name.

12 Q It says in the second paragraph,
13 "Additionally, in thinking of product liability, do we
14 need to look upon the friction products brakes as
15 requiring any label regarding potential hazard?" Do you 11:20
16 see that?

17 A I see that.

18 Q So my question to you is, if Dr. Blackwell and
19 Mr. Rennie as they're discussing this, if there's
20 already labels on the product in 1972, do you know why 11:20
21 they're discussing this in 1975?

22 A No.

23 MR. RADCLIFFE: Speculation, argumentative,
24 foundation.

25 Q (MR. SATTERLEY) Now, with regards to the 11:20

1 statement, the -- I take it you've never seen this 1975 11:20
2 memo?

3 A No, sir.

4 Q And the last six years in consulting with
5 these attorneys for Abex, have you ever reviewed this? 11:20

6 MR. RADCLIFFE: Objection, argumentative.

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

9 Q (MR. SATTERLEY) Okay. You can set it aside.
10 The -- without -- we're not going to the next exhibit 11:20
11 just yet. Before we do that, I want to talk about this
12 label. Did the 1972 label that you saw on the box --
13 boxes, I should say, at the Winchester plant, did it
14 discuss cancer?

15 A I can't say yes or no. 11:21

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

18 MR. MILLER: Assumes facts.

19 THE WITNESS: It was along the same lines as a
20 cigarette label. This product contains asbestos -- 11:21
21 this is not a quote. This product contains
22 asbestos, may -- it may be hazardous, something
23 along those lines.

24 Q (MR. SATTERLEY) Did you in sales communicate
25 with any of your customers anything about the dangers of 11:21

1 asbestos orally through meetings?

11:21

2 MR. RADCLIFFE: Objection, vague, ambiguous.

3 THE WITNESS: We discussed the label and their
4 need for it, the requirement of it, that -- we
5 discussed that with the purchasing department and 11:22
6 receiving inspection because they were getting
7 cartons in or pallets in with this label on it. We
8 alerted them to the fact that they were on their
9 way.

10 Q (MR. SATTERLEY) That there was labels coming? 11:22

11 A Yes, sir.

12 Q Did the label have the word danger with the
13 exclamation point after it?

14 A I don't remember.

15 Q Did the label have the word warning with the 11:22
16 exclamation point after it?

17 A I don't remember that specifically either.

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

19 Q I understand. And that's why I'm going to
20 some of these memos to help refresh your recollection on 11:22
21 things. And my question to you is, are you aware of any
22 internal Abex memorandum that discusses this alleged
23 label in 1972?

24 A No.

25 Q Let's go to the next document, I think we're 11:23

1 up to Exhibit 8, 1977. And this is Friction Products 11:23
2 Group Troy, you were part of that, right?

3 A Yes.

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

5 A Schmaltz, yes. 11:23

6 Q And who was he?

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

9 Q And he's writing this memorandum to I think
10 I've got five individuals at the top? 11:23

11 A Right.

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

14 A Yes.

15 Q And your name's included on this memorandum? 11:23

16 A Yes.

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

20 A Yes. 11:23

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

25 A I see that. 11:24

1 Q And so would this indicate to you prior to 11:24
2 this time frame that not all of the Abex boxes or
3 cartons had the caution information on it?

4 MR. RADCLIFFE: Objection, vague, ambiguous,
5 argumentative, calls for speculation. 11:24

6 THE WITNESS: Yes.

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

10 A Yes. 11:24

11 Q What does that mean?

12 A We order boxes from our vendors, and in some
13 instances -- we make this running change. We use up the
14 inventory that we had, and as new material came in, it
15 would have an appropriate marking on it. 11:24

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

19 A Yes.

20 Q And was it your understanding -- or was it the 11:25
21 practice that, if a customer for Abex wanted a carton or
22 package that didn't have a label on it, they could tell
23 Abex how they wanted their packaging?

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

25 Q You don't know one way or the other? 11:25

1 A I don't know one way or the other. 11:25

2 Q It says, "Attached is a list of those
3 involved. We would appreciate your approaching these
4 customers with the fact that 'caution' information is
5 required by law and whether or not they elect to abide 11:25
6 by it is their decision." Do you see that?

7 A Yes.

8 Q And was that Abex's -- your understanding of
9 Abex's policy as of 1977, it was the customer's decision
10 on whether or not to have the warning caution label on 11:25
11 the package?

12 MR. MILLER: Speculation, foundation.

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

15 Q (MR. SATTERLEY) It says, "If they do not want 11:26
16 this data on boxes, we would request that they send us a
17 written statement to that effect." Do you see that?

18 A Yes.

19 Q And do you recall back in this time frame in
20 the late '70s if customers, in fact, wrote letters to 11:26
21 Abex saying we don't want that caution statement on the
22 boxes?

23 A I never saw one.

24 Q Never saw one?

25 A (Witness shakes head negatively.) 11:26

1 Q Okay. "The wording which we propose --" do 11:26
2 you see that sentence that says, "The wording which we
3 propose"?

4 A Yes.

5 Q "-- appear on the boxes and cartons is as 11:26
6 follows: Caution, contains asbestos fibers, avoid
7 creating dust, breathing asbestos dust may cause serious
8 bodily harm." Do you see that?

9 A Yes.

10 Q Does that refresh your recollection as to the 11:26
11 type of information that appeared on boxes and cartons
12 of Abex product?

13 A Yes.

14 Q And after this time frame, after 1977, would 11:27
15 it be fair to say that customers such as Freuhauf would
16 have received this caution information?

17 MR. MILLER: Speculation.

18 THE WITNESS: Yes.

19 Q (MR. SATTERLEY) Okay. And the reason why --
20 I mean, do you have knowledge that, in fact, Freuhauf 11:27
21 received caution information like this?

22 MR. MILLER: Speculation.

23 THE WITNESS: Yes.

24 Q (MR. SATTERLEY) Okay. Did Abex have any
25 policy after the product left its possession and went to 11:27

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

11:27

2 MR. MILLER: Vague. I'm sorry. I didn't mean
3 to cut you off, I apologize.

4 MR. SATTERLEY: Okay.

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

11:27

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

10 A No, sir.

11:27

11 Q The last sentence in this 1977 memorandum
12 says, "Please review this with each of your customers
13 and then give us a report advising what we should do."
14 Do you see that?

15 A Yes.

16:28

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

18 A Yes.

19 Q And did you issue a report back to

20 Mr. Schmaltz about what your customers wanted Abex to
21 do?

22 A Yes.

23 Q And do you know where that report is?

24 A No.

25 Q These other folks on this memorandum, were

11:28

1 they likewise in a similar position to you that would be 11:28
2 out talking to their customers and issuing reports?

3 MR. RADCLIFFE: Objection, calls for
4 speculation.

5 THE WITNESS: The five gentlemen -- or the 11:28
6 five people on the "To" or the other people that
7 were copied?

8 Q (MR. SATTERLEY) Well, let's go at -- the five
9 at the top, were those people that would be expected to
10 give a report advising what -- give Mr. Schmaltz a 11:28
11 report advising Abex what to do with regard to this?

12 A Yes. Yes.

13 Q And why is that? What were these folks'
14 positions?

15 A They were all district managers, four of 11:29
16 them -- all but Mr. Luts were district managers in the
17 in the original equipment sales department.

18 Q And the folks at the bottom, you already told
19 me that your -- you know, your name's on there and you
20 issued a report. The other folks on the bottom, would 11:29
21 have they likewise issued a report?

22 MR. RADCLIFFE: Objection, calls for
23 speculation.

24 THE WITNESS: These were basically management
25 people. They would not have issued a report, no. 11:29

1 Q (MR. SATTERLEY) But you issued a report? 11:29

2 A Yes.

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

5 A No. 11:29

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

8 A Yes.

9 Q Who were some of your other customers in the
10 '77, '78 time period that you recall specifically 11:29
11 talking about this caution label issue on -- with
12 regards to asbestos?

13 A General Motors.

14 Q Okay.

15 A Chrysler. 11:30

16 Q Okay.

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

19 Q Any others you can think of?

20 A There were others. 11:30

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

24 A No, I don't remember.

25 Q Okay. Before we get to the next exhibit, I 11:30

1 want to talk with you a little bit about asbestos. You 11:30
2 told us earlier, depending on the formula
3 specifications, friction materials contained between 50
4 to 60 percent asbestos?

5 A Yes. 11:31

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

8 A Back in those days, we acquired some from
9 Johns Manville -- this was out of my realm, all right?
10 But Asbestos Corporation of Canada, Canadian Asbestos. 11:31
11 No. We got a lot from Canada and I'm not sure what the
12 name of the company was, I don't remember.

13 Q That's fine. The information that you got
14 regarding Johns Manville or Canada Asbestos, would have
15 that been information you got from other managers of the 11:31
16 Abex Corporation?

17 A It was observed.

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

20 MR. RADCLIFFE: Objection, vague, ambiguous. 11:32

21 THE WITNESS: Define tradesman.

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

25 Q I believe so. 11:32

1 Q Okay. And I went back and read and on page 11:32
2 38 -- well, let me show your testimony to you. This is
3 L. Earle Bretz dated September 27, 2000.

4 MR. RADCLIFFE: I object to this process. You
5 can't impeach a witness unless he says something 11:32
6 different. He hasn't said anything different than
7 what he said in the past, he simply asked you to
8 define what you mean by tradesman.

9 MR. SATTERLEY: I understand your objection.

10 Q (MR. SATTERLEY) Turn to page 38 here. 11:33
11 MR. RADCLIFFE: Can I have a continuing
12 objection?

13 MR. SATTERLEY: Sure.

14 Q (MR. SATTERLEY) Do you see the questions
15 asked of you verbatim -- 11:33

16 A Yes.

17 Q -- about a tradesman?

18 A Yes.

19 Q Okay. And what was your answer -- well, read
20 the question. 11:33

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

24 Q And what was your answer?

25 A My answer was, "Oh, yes." 11:33

1 Q Okay. And if I can borrow that back from you. 11:33
2 Tell me what you recall -- first of all, does that
3 refresh your recollection about tradesmen at all?

4 MR. RADCLIFFE: Same objection.

5 THE WITNESS: Yeah. 11:33

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

8 A Type of workers. Somebody in a brake shop
9 relining shoes, taking undrilled part and drilling holes
10 in it and putting it on a shoe, assembling it to shoes. 11:34

11 Q And when you observed that process, what were
12 the atmospheric conditions with regard to that person
13 drilling that friction facing?

14 MR. RADCLIFFE: Objection, vague, ambiguous.

15 THE WITNESS: I believe there was some dust 11:34
16 around.

17 Q (MR. SATTERLEY) How much?

18 MR. MILLER: Same objections, foundation.

19 THE WITNESS: Some.

20 Q (MR. SATTERLEY) In the early days, was it 11:34
21 more dusty than in the later time period?

22 MR. RADCLIFFE: Objection, vague, ambiguous.

23 THE WITNESS: Early days?

24 Q (MR. SATTERLEY) Sure.

25 A How far back do you want to go? 11:35

1 Q Well, you tell me. Was it dustier in the 11:35
2 earlier time period?

3 MR. MILLER: Same objection.

4 MR. RADCLIFFE: Same objections.

5 Q (MR. SATTERLEY) Let me show you your sworn 11:35
6 testimony from 2000, page 39. You were asked that
7 question I've highlighted there for you.

8 MR. RADCLIFFE: Same objection as to the
9 procedure.

10 Q (MR. SATTERLEY) Do you see where it says, 11:35
11 "What were the atmospheric conditions as a result of the
12 tradesmen drilling the friction facing material?"

13 A Mm-hmm. Yes.

14 MR. RADCLIFFE: Same objection.

15 Q (MR. SATTERLEY) And what did you say? 11:35

16 MR. RADCLIFFE: Same objection.

17 THE WITNESS: "It was dusty." That's where
18 you got the early days. "Back in the early days,
19 we didn't have the equipment, they didn't have
20 equipment that dealt with it. Shops, brake shops 11:36
21 didn't have the equipment to deal with the dust
22 which was formed from the drilling out of the holes
23 and/or the grinding of the brake shoe after it was
24 assembled."

25 Q (MR. SATTERLEY) Does that refresh your 11:36

1 recollection about the early days -- 11:36

2 A Yes.

3 Q -- as being more dusty?

4 A I agree with my statement back then.

5 MR. RADCLIFFE: Same objection. 11:36

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

9 A Yes, sir.

10 MR. RADCLIFFE: Objection, calls for 11:36
11 speculation.

12 Q (MR. SATTERLEY) And back in the 1970s, from
13 '71 to 1980, did you have occasion to see tradesmen
14 blowing out brake lines?

15 MR. RADCLIFFE: Objection, vague, ambiguous. 11:36

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

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

20 Question: "During your career, did you 11:37
21 observe from 1971 to 1980 any tradesman blowing out
22 brake lines?" And what was your answer?

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

25 Q Well, before you talk about dust, did you say, 11:38

1 "Sure"?

11:38

2 A Got it. Sure. I did say sure.

3 Q Sure. Sure, okay. Does that refresh your
4 recollection about what you observed back in the '70s,
5 '71 to 1980, about blowing out brake lines?

11:38

6 A Yes.

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

11:38

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

13 Q (MR. SATTERLEY) Is this your sworn testimony,
14 sir?

15 A Yes.

11:38

16 Q Okay. And --

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

19 Q Okay.

20 MR. RADCLIFFE: Same objection.

11:38

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

24 A Yes.

25 Q If I can borrow that back again.

11:38

1 A On what I observed.

11:38

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

11:39

6 MR. RADCLIFFE: Objection, vague, ambiguous.

7 THE WITNESS: No.

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

11:39

11 A No.

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

11:39

16 A Could be.

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

20 A No.

11:40

21 Q Doesn't refresh your recollection at all?

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

11:40

1 up basically like our plants were.

11:40

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

11:40

6 MR. RADCLIFFE: Objection, argumentative.

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

9 Q (MR. SATTERLEY) Okay. Did you ever in sales
10 during your tenure with Abex Corporation go up to
11 someone, a customer and orally tell them they should not
12 use an air hose to blow out the brake dust?

11:41

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

15 Q Okay. So let me just -- and I don't want to
16 spend too much time on this. So you when you testified
17 under oath 10 years ago that the type of device that
18 would be used to blow out the dust was an air hose, were
19 you telling the truth?

11:41

20 MR. RADCLIFFE: Objection, argumentative.

11:41

21 MR. MILLER: Misstates the testimony.

22 THE WITNESS: Secondhand.

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

24 A Yes, I was telling the truth, but the
25 information came secondhand.

11:41

1 Q From? 11:42

2 A Our aftermarket people.

3 Q Other people working within the Abex
4 Corporation?

5 A Yes. 11:42

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

10 A Bob Nelson would have, Harry Jones would have, 11:42
11 Eric Hoff would have, Bob Lindsley would have. These
12 are people that were strictly dealt -- or basically
13 dealt with the aftermarket people.

14 Q And were these folks in management?

15 A No. 11:42

16 Q They were in sales?

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

20 Q Did Abex, to your knowledge, after these 11:42
21 folks, the names that you just told me about, shared
22 with you people using air hose to blow out a brake dust,
23 did Abex revise the caution label at all?

24 MR. RADCLIFFE: Objection, argumentative,
25 calls for speculation. 11:43

1 THE WITNESS: Not that I know of. 11:43

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

5 A Not that I remember. 11:43

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

8 A Yes.

9 Q Did you attend meetings?

10 A No. My company was part of the institute. I 11:43
11 was not personally part of the institute, my company
12 was.

13 Q Did anybody from the company share with you
14 discussions that were had within the various members of
15 the Friction Materials Standards Institute, the actual 11:43
16 people that attended meetings?

17 A Not that I remember.

18 Q Let's continue on. I think we're up to
19 Exhibit 9. This is a May 2nd, 1977 memorandum. Do you
20 see that? 11:44

21 A Yes, mm-hmm.

22 Q And your name is on that memorandum?

23 A Mm-hmm.

24 Q Be fair to say this was a memorandum prepared
25 at or about the time, May 2nd, 1977? 11:44

1 A Yes.

11:44

2 Q And it's entitled a quarterback meeting.

3 What's a quarterback meeting?

4 A These are monthly meetings that we had with
5 various personnel within the corporation, management,
6 production, aftermarket, OE.

11:44

7 Q And there was reference in this meeting to
8 George McFadden from Canada. Do you know who that was?

9 A Yes.

10 Q And who was that?

11:44

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

13 Q The -- in the second paragraph there's a
14 discussion about, "The March margin for
15 Winchester-Salisbury was 35.2, with a goal of a 40
16 percent margin." Do you see that?

11:45

17 A Yes.

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

20 A That's a margin before profit's taken out,
21 yes.

11:45

22 Q The next paragraph down, the second sentence
23 says, "We've had six consecutive years of good sales and
24 earnings and to continue we must have maximum earnings,
25 maximum sales, and reduced cost and personnel, and all

11:45

1 the fringe benefits associated therewith." Do you see 11:45
2 that?

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

4 Q Yeah. The next paragraph down. "We've had
5 six consecutive years of good sales --" 11:45

6 A Okay, that -- all right.

7 Q Do you see that?

8 A Yes.

9 Q And was that your understanding back in the
10 1970s, the corporation by 1977 had six -- at least six 11:45
11 good years of good sales and earnings?

12 A Yes.

13 Q And did you during this time period, 1977, did
14 anybody from the Abex management talk to you at all
15 about what would happen to sales if -- or the cost of a 11:46
16 product if a non-asbestos substitute was used?

17 MR. RADCLIFFE: Objection, argumentative.

18 THE WITNESS: Not that I remember.

19 Q (MR. SATTERLEY) Was there any ever -- in the
20 1970s at all, any discussions about alternatives to 11:46
21 asbestos being used in the Abex products?

22 A Yes.

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

25 A I don't recall. 11:46

1 Q Can you tell me what decade? 11:46

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

3 Q Do you recall the names of anybody from the

4 Abex Corporation that would have shared with you

5 information about the alternatives to asbestos? 11:47

6 A Not that at that point in time.

7 Q Let's go to the next exhibit. And we are up

8 to Exhibit No. 10.

9 A Yes.

10 Q And this is a -- this may be the first time 11:47

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

12 A Yes.

13 Q And is it dated November 4th, 1977?

14 A Yes.

15 Q And what -- what type of report is this? Is 11:47

16 this a customer report, call report?

17 A It's a sales report, call report.

18 Q Okay. And what customer did this relate to?

19 A Freuhauf Corporation.

20 Q And there's individuals identified under 11:47

21 officials interviewed, do you see that?

22 A Yep.

23 Q First of all, would have this been a report

24 that you would have created in the ordinary course of

25 business as a sales representative of Abex Corporation? 11:48

1 A Yes.

11:48

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

4 A Yes.

5 Q Did you recall, I guess, having discussions 11:48
6 with these folks back in the 1970s?

7 A Yes. Not this specific one, but yes.

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

10 A Sure.

11:48

11 Q And who do you remember?

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

14 Q In -- would it be fair to -- would you have
15 back in this time frame in the 1970 -- late 1977 time 11:48
16 frame had discussions with these individuals about the
17 hazards of asbestos?

18 MR. MILLER: Speculation.

19 THE WITNESS: Yes.

20 Q (MR. SATTERLEY) It says on this report on the 11:49
21 second paragraph, "Obtained the latest drawings along
22 with sheet 14 of 14 of the FES74 specification." Do you
23 see that?

24 A Yes.

25 Q Who prepared these drawings? 11:49

1 A Freuhauf Corporation.

11:49

2 Q And did Abex follow the Freuhauf Corporation
3 specifications?

4 A Yes.

5 Q If they called for something to be in a 11:49
6 certain matter -- manner, would Abex try to comply with
7 what they wanted?

8 A Yes.

9 Q Because I guess the question is, if you didn't
10 comply with what Freuhauf wanted as a customer, would 11:50
11 that be a disadvantage to you in selling them your
12 product?

13 A Yes.

14 Q The next paragraph says, "The --" is it
15 Delphos? 11:50

16 A Delphos, Ohio.

17 Q "The plant had not been able by this time to
18 put together the numbers for our January shipments,
19 however, these are being done with Mr. Schaible and
20 Mr. Schaible promised to get them to us early part of 11:50
21 the week of November 7." Do you see that?

22 A Yes.

23 Q Did you visit that plant?

24 A Oh, yes.

25 Q Many occasions? 11:50

1 A Many occasions.

11:50

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

4 MR. MILLER: Vague, ambiguous.

5 THE WITNESS: No.

11:50

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

8 A No.

9 Q Did you ever see any of that dust exhaust
10 system that would suck the dust away from the workers
11 like you described over in Winchester? 11:51

12 MR. MILLER: Vague, ambiguous.

13 THE WITNESS: Not that I remember.

14 Q (MR. SATTERLEY) Okay. We can set that --
15 well, before we this exhibit, the next paragraph down,
16 second sentence says, "As a result of their insistence
17 that their branches sell original equipment approved
18 materials on service for 121 axles --" 11:51

19 A No, that's --

20 Q I'm sorry? 11:51

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

24 Q Okay. "-- for 121 axles, their bulletin will
25 state as follows:" and then it's got information about, 11:52

1 I guess, this regulation?

11:52

2 A Yes.

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

11:52

6 A Yes.

7 Q Do you know what that means?

8 A Yes, I do.

9 Q What was that mean?

10 A ABB-80 is a bus material, because they were
11 going to sell linings through their aftermarket branches
12 for buses; the 539 is a heavy duty material for wedge
13 brakes, for the Rockwell wedge brake; and the 562-5 was
14 an aftermarket material, little less expensive, made
15 them more cost competitive in certain areas.

11:53

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

18 A Yes.

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

11:53

21 A Yes.

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

24 A Yes.

25 Q And the 639-539, was that an

11:53

1 asbestos-containing product?

11:53

2 A Yes.

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

5 A 11.

11:53

6 Q And this is dated November 11th, 1977?

7 A Yes.

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

10 A Yes.

11:53

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

14 A Yes.

15 MR. RADCLIFFE: Do you have the same document? 11:53
16 Yours is one page and his is two pages.

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

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

19 A November 14th, '77.

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

11:54

21 A 7493 is the report number.

22 Q Okay. We'll come back to the one page, which
23 is Exhibit 12. That's okay, we'll come back to that.
24 That's just three days beforehand.

25 MR. MCGUIRE: Well, so which date are we

11:54

1 talking about?

11:54

2 MR. SATTERLEY: The 14th.

3 MR. RADCLIFFE: Are you now on this document
4 that he has?

5 MR. SATTERLEY: Yes. They just got switched
6 around, they're out of order by three days. I
7 apologize.

8 MR. RADCLIFFE: No problem.

9 MR. SATTERLEY: I tried to get them in
10 chronological order.

11:54

11 MR. RADCLIFFE: No problem.

12 MR. MILLER: Is this 11?

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

14 THE WITNESS: 11.

15 MR. RADCLIFFE: Exhibit 11.

11:54

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

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

19 A Yep. Yes, sir.

20 Q All right. This is -- once again, is this
21 related to the Freuhauf Corporation?

22 A Yes.

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

25 A Yes.

11:54

1 Q And there was another -- there's another 11:54
2 interview, a company by Walt Thomas, do you see that?

3 A Yes.

4 Q And who was that?

5 A Walt Thomas is from our engineering department 11:54
6 in Winchester, Virginia.

7 Q And so were you -- this is an instance where
8 both you and Mr. Thomas would have been at this plant in
9 Ohio?

10 A No, no. This is at Freuhauf headquarters in 11:55
11 Detroit.

12 Q Okay. So --

13 A This is not the axle plant?

14 Q Okay. So this is in the headquarters in
15 Detroit? 11:55

16 A Correct.

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

19 A Not specifically.

20 Q Okay. The second page of this memorandum, is 11:55
21 that your signature?

22 A Yes.

23 Q Going back to the first page, the last
24 paragraph at the bottom, you say, "I would like to
25 caution all members of our manufacturing group that this 11:56

1 is a new customer. We are supplying him volumes of 11:56
2 parts on a monthly basis for the first time in history.
3 This change from a single source Carlisle material to a
4 dual source utilizing Abex linings was not met with
5 enthusiasm by all members of the Freuhauf family." Do 11:56
6 you see that?

7 A Yes.

8 MR. McGUIRE: Objection, move to strike.

9 Q (MR. SATTERLEY) And did you write that back
10 at the time in 1977? 11:56

11 A Yes.

12 MR. McGUIRE: Objection.

13 Q (MR. SATTERLEY) Was that based upon
14 information you gathered through your visit at the
15 Freuhauf Corporation? 11:56

16 A Yes.

17 MR. McGUIRE: Objection, lack of foundation.

18 Q (MR. SATTERLEY) And do you recall
19 specifically what you learned from the Freuhauf --
20 members of the Freuhauf family about them not all being 11:56
21 enthusiastic about this change?

22 MR. McGUIRE: Objection, hearsay.

23 THE WITNESS: I don't remember specific
24 discussions with, name somebody, I don't remember
25 that. 11:57

1 Q (MR. SATTERLEY) But these folks that you were 11:57
2 talking to at the time were Freuhauf managers, correct?

3 MR. MILLER: Assumes facts.

4 THE WITNESS: Yes.

5 Q (MR. SATTERLEY) I mean, it's got -- in your 11:57
6 report, does it not describe them as --

7 A Yes.

8 Q -- managers?

9 A Yes.

10 Q Okay. These people are people you dealt with 11:57
11 on a regular basis, correct?

12 A Correct.

13 Q And you don't have to speculate on whether
14 they were in management, do you? You knew they were in
15 management of Freuhauf? 11:57

16 A Oh, absolutely.

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

20 A I knew a lot of people at Freuhauf, more than 11:57
21 these people here. They had been long-time friends with
22 not only Carlisle contact people but also Carlisle
23 management. You take an organization that's been a
24 close supplier for years, and I'm talking probably 10,
25 15 years, and all of a sudden somebody comes in and 11:58

1 takes a little bit of their business away, some
2 friendships can be strained. It's just like any
3 other -- just like any other take-away.

4 MR. MC GUIRE: Objection, move to strike.

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

11:58

6 A I'm done.

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

9 A No.

10 Q The next page over -- well, let's just start
11 with the last sentence -- the last two words or so. It
12 says, "There will, there will continue to be people who
13 look for any reason or excuse to report, quote, I told
14 you so, if we stumble and/or fall down on our quality,
15 delivery, and product performance." Do you see that?

11:59

16 A Yes.

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

20 A Correct.

11:59

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

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

11:59

1 Q "Their necks are out."

11:59

2 A Yes.

3 Q What did you mean by that?

4 A The people who made the decision to approve

5 the use of our material, they were on the hot seat.

11:59

6 Q And why was that?

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

9 Q "We can do ourselves and them a considerable

10 service by making absolutely and totally sure that every

11:59

11 part we ship from either our Winchester facility or our

12 Salisbury plant meets the agreed-to dimensions and

13 drawings all the time and every time."

14 A Yes.

15 Q You wrote that?

12:00

16 A Yes, I certainly did.

17 Q And just so I understand the way it worked,

18 the agreed-to dimensions, when you say agreed-to, was

19 that an agreement between Freuhauf and Abex?

20 A Yes.

12:00

21 Q Is it because you had to work together, the

22 two corporations work together to come to an agreement

23 on the dimensions of the product?

24 MR. MILLER: Vague, ambiguous.

25 THE WITNESS: Yes.

12:00

1 Q (MR. SATTERLEY) And the drawings of the
2 product?

3 A Yes.

4 Q "I do not want to give anyone in Freuhauf
5 purchasing, engineering, sales, or manufacturing an
6 opportunity to discredit this program." You wanted it
7 to succeed, correct?

8 A Absolutely.

9 Q And then it says, "We got an excellent
10 opportunity to manufacture an awful lot of parts and to 12:01
11 make considerable quantity of money. This was the
12 largest account available to us to get business from and
13 now that we have it, we must make absolutely sure that
14 we do all in our power to keep it."

15 A Yes. 12:01

16 Q It was a big accomplishment, was it not?

17 A Major.

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

20 A Yes. 12:01

21 Q These are other folks in the sales and
22 manufacturing?

23 A We've got a vice president of sales, we have a
24 president, we have a vice president of manufacturing, we
25 have a plant manager, we've got a head of quality 12:01

1 control, we've got a head of engineering, we've got a 12:01
2 head of sales department -- or the sales office
3 department, we've got our technical director, technical
4 services director, and we have a -- one of the managers
5 out of the engineering department who Walter Thomas 12:02
6 would have reported to.

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

9 And we're going to go to the Exhibit 12 and we
10 may be going back three days in this -- we were on 12:02
11 November 14, 1977.

12 A Right.

13 Q And now we're going back three days.

14 MR. SATTERLEY: And let me just tell everybody
15 that this appears to be a one-page document. 12:02
16 There's actually should be -- looks like there
17 should be another page to this document, I don't
18 have it. And I would request it if anybody has it.

19 MR. RADCLIFFE: Can you hand me Exhibit 11?
20 Thank you. 12:02

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

23 A Yes.

24 Q And it appears to be a call report that you
25 prepared? 12:03

1 A Yes.

12:03

2 Q And who was the customer?

3 A Freuhauf.

4 Q And did you go to Detroit again and interview
5 some folks, officials of the corporation there?

12:03

6 A Yes.

7 Q And who did you talk to?

8 A Charlie Mitasik, the plant manager of the
9 Delphos -- Freuhauf Delphos axle plant, where we shipped
10 our product, one of the locations; Don Grothouse, who
11 was the director of purchasing material control for the
12 Delphos axle plant; and Al Schaible, who was manager
13 aftermarket purchases and accessories.

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

12:03

16 A No.

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

20 A Yes.

12:04

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

24 MR. MILLER: Speculation.

25 THE WITNESS: Yes. He was going to receive

12:04

1 boxes, cartons, pallets with a label on it. I just 12:04
2 wanted to alert him to the fact.

3 Q (MR. SATTERLEY) When you alerted him to this
4 fact, did he have any questions about what type of
5 injuries or diseases might occur from these products? 12:04

6 A I don't remember that being brought up.

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

9 A I don't recall.

10 Q Do you recall having any discussions with 12:04
11 Mr. Grothouse about ways in which the to prevent a dusty
12 operation?

13 A I don't remember that.

14 Q Now, on this memorandum, it says, "Via company
15 plane, a plant trip was made to Winchester, Virginia 12:05
16 facility this date."

17 A Yes.

18 Q Was this a situation where Abex brought -- was
19 this the Abex company plane?

20 A Yes. 12:05

21 Q -- brought these people from Freuhauf over to
22 Virginia to see the facility?

23 A Yes.

24 Q And at this point in time in '77, would have
25 they -- did you take them through a walk-through through 12:05

1 the facility?

12:05

2 A Yes.

3 Q And they saw the manufacturing process
4 occurring?

5 A Yes.

12:05

6 Q Would have they at this time frame in 1977
7 been taken through the plant in the areas where people
8 were wearing respirators?

9 MR. MILLER: Speculation.

10 THE WITNESS: Don't remember.

12:05

11 Q (MR. SATTERLEY) Would have they because -- at
12 this point in time in '77, there was warning labels
13 hanging in the plant about asbestos?

14 A Yes.

15 Q And so would have they had opportunity to see
16 those labels?

17 MR. MILLER: Speculation.

18 THE WITNESS: Yes.

19 Q (MR. SATTERLEY) Now, the third paragraph down
20 talks about the volumes of materials that are going to
21 be sold to Freuhauf on -- a couple of months of January,
22 February, do you see that?

23 A Yes.

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

12:06

1 salesperson, is that a large order? 12:06

2 A That is a large order.

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

4 A Correct.

5 Q A couple more paragraphs down it says, 12:07

6 "Mr. Schaible will request of engineering sufficient

7 information so that the marketing people can answer our

8 letter to them regarding the field test program." Do

9 you see that?

10 A Yes. 12:07

11 Q Do you remember what the field test program

12 was?

13 A Not specifically.

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

15 A No, I don't remember specifically that field 12:07

16 test.

17 Q Do you remember generally in this time frame

18 there being field test -- a field test program?

19 A Yes.

20 Q And what was your understanding of the field 12:07

21 test program?

22 A They would install this material on to a fleet

23 of tractors -- or a fleet of trailers and they would

24 monitor them as far as mileage, as far as technical

25 concerns, how they operated, et cetera, whether there 12:08

1 were any field problems with them.

12:08

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

12:08

6 A It did not.

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

10 MR. RADCLIFFE: Objection, vague, ambiguous, 12:08
11 argumentative, calls for speculation.

12 THE WITNESS: No.

13 Q (MR. SATTERLEY) It says in the next sentence,
14 "Mr. Schaible will also get back to us on the necessary
15 labeling of the private brand parts." Do you see that? 12:08

16 A What paragraph are you talking about?

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

20 A Yes.

12:09

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

23 MR. MILLER: Misstates prior testimony.

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

12:09

1 here. So define which one you want an answer. 12:09

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

4 A We're talking about parts. Freuhauf
5 Corporation aftermarket part FMS -- FMS4515, Abex 12:09
6 693-551G, that would be basically on the label.
7 Manufactured by Abex Corporation for Freuhauf. That's
8 basically that label. And that would be on the
9 aftermarket parts that we would ship and we would ship
10 them in axle sets, four cams and four anchors in a box. 12:09
11 And that's the labeling on that box. They would then --
12 that was shipped to Westerville, Ohio, they, in turn,
13 would ship it to their distributors and/or dealers or
14 service dealers.

15 Q In the -- on the -- would this labeling that 12:10
16 you're referring to, would it be on the part itself or
17 just on the box?

18 A On the box.

19 Q Okay. Was there any labeling done on the part
20 itself? 12:10

21 A Our formulation number or a designation
22 therefor and a friction code and a Freuhauf part number.

23 Q Would that be on the edge?

24 A Be on the edge. And a -- a batch number would
25 be on the part, on the edge also. That would be an 12:10

1 impression stamp.

12:10

2 Q And who made the decision as to what type of
3 edge coding, the edge coding words that would go on
4 there? Would that be an Abex decision, a Freuhauf
5 decision?

12:11

6 A A joint.

7 Q At any point in time in the 1970s or 1980s,
8 did you ever witness on an Abex asbestos-containing
9 friction product the word warning on the edge of the
10 product?

12:11

11 A No.

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

13 A Are we missing page 1?

14 Q Let me see what it is. Well, you -- tell me
15 what you recognize -- do you recognize that Exhibit 13? 12:11

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

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

19 A I don't remember seeing this specific piece.
20 But this would be in conjunction between the two 12:12
21 organizations.

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

24 MR. MILLER: Speculation.

25 THE WITNESS: The edge code. 12:12

1 Q (MR. SATTERLEY) The edge code. 12:12

2 A The edge code on the anchor and cam blocks.

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

5 A Yes, it does. 12:12

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

8 A The Abex New York state code --

9 MR. RADCLIFFE: Can I have a continuing
10 objection to the foundation on this incomplete 12:12
11 document?

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

15 MR. RADCLIFFE: Assuming that it exists 12:13
16 anywhere and it was requested.

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

20 A Yes. 12:13

21 Q Was there ever a discussion at all within the
22 corporation -- with you, I'm talking about within the
23 corporation, about an effective way to warn about the
24 dangers of the asbestos friction product was put a
25 warning on the edge code? 12:13

1 MR. RADCLIFFE: Objection, argumentative.

12:13

2 THE WITNESS: Do not remember any of that.

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

5 A No, sir, not to my recollection.

12:13

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

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

9 A March 20th, '78.

10 Q Is this another customer call report?

12:13

11 A Yes.

12 Q And does this relate to Freuhauf Corporation?

13 A Yes.

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

12:14

16 A Yes.

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

19 A Don Grothouse, manager material control; Jack
20 Armstrong, material control; Stan Lyle, and that's --
21 there's no position; Fred Busche, the manager of quality
22 control.

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

12:14

1 A Yes.

12:14

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

12:14

6 A Yes.

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

9 MR. MILLER: Vague, ambiguous.

10 THE WITNESS: That's substantial.

12:15

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

15 MR. MILLER: Same objection.

12:15

16 THE WITNESS: Very good customer.

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

19 What's the date of this document?

20 A August 21st, 1978.

12:15

21 Q Is this another customer call report?

22 A Yes, it is.

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

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

12:16

1 him to our Salisbury, North Carolina plant where the 12:16
2 Freuhauf product was being manufactured.

3 Q Okay. If you could, explain that to me. When
4 you say the Freuhauf product was being manufactured in
5 Salisbury -- 12:16

6 A Yes.

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

8 A Salis -- Winchester made everything size-wise
9 from small to large to whatever, to over size, blah,
10 blah, blah. Salisbury was set up specifically to 12:16
11 manufacture 16 and-a-half by 7 inch blocks, regardless
12 of whether they were for a Rockwell axle, an Eaton axle,
13 Dana axle, or Freuhauf axles. They manufactured 16
14 and-a-half by 7s there and ultimately 16 and-a-half by 8
15 and five-eighths. They also manufactured 15 by 7 wedge 12:16
16 brake materials, wedge brake being manufactured by
17 Rockwell Corporation.

18 Q The friction materials that were being
19 manufactured in the Salisbury plant, did they contain
20 asbestos? 12:17

21 A Yes.

22 Q The Freuhauf products, the products that were
23 being manufactured for Freuhauf, do you know what
24 quantity of the product was asbestos?

25 A My previous answer. 12:17

1 Q 50 to 60 percent?

12:17

2 A 50 to 60 percent.

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

12:17

6 MR. MILLER: Speculation.

7 THE WITNESS: Yes.

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

9 A Yes.

10 Q And were those in a vicinity wherein someone
11 coming in the plant could see?

12:17

12 MR. MILLER: Speculation.

13 THE WITNESS: Yes.

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

17 A Yes.

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

12:18

21 A Yes.

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

24 A Specifically, I can't speak to that.

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

12:18

1 signature on this document?

12:18

2 A Yes.

3 Q It would be fair to say --

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

12:18

6 Q You gave her authority to sign your name?

7 A Yes.

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

10 A Absolutely.

12:18

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

13 A Combs was a plant manager, Iwarsson was
14 president of Abex, Combs was plant manager, Chasteen and
15 McGill, two people involved in -- whether it was quality
16 control or manufacturing or what have you, I do not
17 remember specifically.

18 Q Let's move forward in time and go to Exhibit
19 16.

20 (A discussion was held off the record.)

12:19

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

12:19

1 THE VIDEOGRAPHER: Time now is 12:19. This is 12:19
2 the end of tape number 1.

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

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

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

9 A Yes, sir.

10 Q Exhibit 16?

12:28

11 A Yes, sir.

12 Q Is it dated 10-11-78?

13 A Yes, it is.

14 Q Does it relate to the Freuhauf Corporation as
15 well? 12:28

16 A Yes.

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

19 A Yes.

20 Q And I'm not going to go through all the 12:28
21 information in this, but fair to say the information
22 that you wrote in this memorandum was information you
23 gathered at or about the time in 1978?

24 A Yes.

25 Q If we could flip over to the second page, is 12:28

1 that your signature there?

12:28

2 A No, it's my secretary's.

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

5 A Yes.

12:29

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

10 A Yes, mm-hmm.

12:29

11 Q "They feel confident --"

12 A Yes, I'm sorry.

13 Q And this is 1978, right?

14 A Fall of '78, yes.

15 Q "They feel confident the industry and the

12:29

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

18 A Yes.

19 Q Do you remember that being a topic of

20 discussion frequently in the 1970s, that industry and
21 government was going to have to go to non-asbestos?

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

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

12:29

1 Q (MR. SATTERLEY) Let's continue on to the next 12:29
2 exhibit. Exhibit 17, is this a letter you wrote at or
3 about June 26, 1979?

4 A Yes.

5 Q And does this indicate a summary of shipments 12:29
6 to the Freuhauf Corporation regarding Abex products?

7 A Yes.

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

10 A Yes.

12:30

11 Q And when we're talking about that, is that --
12 are we talking about 137,000 pieces of friction
13 products?

14 A Yes.

15 Q And at this time in 1979, were the Freuhauf 12:30
16 products -- all 137,100 would have been asbestos
17 containing, correct?

18 A Yes.

19 Q And then you also set out the replacement
20 products as well, correct? 12:30

21 A Correct.

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

25 A Yes.

12:30

1 Q And does it outline a summary of shipments to 12:30
2 Freuhauf regarding the asbestos-containing friction
3 products?

4 A Yes.

5 Q And would have this been prepared during the 12:31
6 ordinary course of business in your job as senior
7 account manager?

8 A Yes.

9 Q Let's continue to the next exhibit, Exhibit
10 19. Is this another letter dated January 4th, 1980, 12:31
11 regarding sales to Freuhauf division?

12 A Yes.

13 Q And if you could very briefly -- well, first
14 of all, is this a letter you created at or about the
15 time, 1980? 12:31

16 A Yes.

17 Q And if you could very briefly explain the --
18 it says the immediate problem and then it's got some
19 codes, Abex codes and formulation. Do you know what
20 that refers to? 12:31

21 A As I read this, apparently we had a material
22 identification problem on some of our invoices and this
23 clarified it with what our codes were and what they
24 represented as far as the formulations that we supplied
25 to Freuhauf on various parts. 12:32

1 Q Is it your understanding that all the 12:32
2 formulations on this exhibit were asbestos containing?

3 A Yes.

4 Q Let's move to the next exhibit. Is this 12:32
5 January 7th, 1980?

6 A Yes.

7 Q And is this a letter sent to Freuhauf
8 Corporation regarding a summary of sales of asbestos
9 products to the Freuhauf Corporation?

10 A Yes.

12:32

11 Q And was this created at or about the time,
12 January 7, 1980?

13 A Yes.

14 Q In the ordinary course of business?

15 A Yes.

12:32

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

18 A Yes.

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

20 A Yes.

12:32

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

24 A Yes.

25 Q And who is he writing this letter to? 12:33

1 A Alan Schaible, who was manager of aftermarket 12:33
2 purchases at Freuhauf.

3 Q And were you copied on the letter?

4 A Yes.

5 Q Was this letter created at or about the time 12:33
6 of January 21st, 1980?

7 A Yes.

8 Q And in the ordinary course of business of
9 company?

10 A Yes. 12:33

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

14 A Yes.

15 Q Is that something from time to time that Abex 12:33
16 did, gave a discount to its customers for -- if they
17 bought more of the products?

18 A Yes.

19 Q And then attached to this letter, does it
20 indicate the various pricing for the box material? 12:33

21 A Yes.

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

24 A Yes.

25 Q And would have -- was this a document created 12:34

1 in the ordinary course of business of the Abex company? 12:34

2 A Yes.

3 Q And who are you writing this to?

4 A Alan Schaible, manager aftermarket and
5 accessories purchasing Freuhauf.

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

10 A Yes.

12:34

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

13 MR. RADCLIFFE: Objection, vague, ambiguous.

14 Q (MR. SATTERLEY) Were those warehouses Abex?

15 A These were Abex warehouses.

12:34

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

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

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

25 A Yes.

1 Q It says in here on that paragraph, the third 12:35
2 paragraph, "Freuhauf labeled and identified material
3 will be supplied in the program."

4 A Yes.

5 Q And when you -- when we talk about Freuhauf 12:35
6 labeled, are we talking on the box itself?

7 A Yes.

8 Q It says, "Freuhauf will handle their own
9 catalogs, price sheets, sales flyers, and information
10 sheets." 12:35

11 A Yes.

12 Q Was that your understanding of the way it
13 worked?

14 A Yes.

15 Q Did you ever see any sales flyers or 12:35
16 information sheets from the Freuhauf Corporation that
17 talked about the hazards of asbestos?

18 MR. MILLER: Vague, ambiguous, overbroad.

19 THE WITNESS: No.

20 Q (MR. SATTERLEY) It says, "We will work with 12:35
21 your promotional people to put these together if
22 required." Do you see that sentence?

23 A Yes.

24 Q Do you ever remember Freuhauf requiring Abex
25 to work together with them with regards to flyers, sales 12:36

1 flyers, or information sheets?

12:36

2 A Yes, we did.

3 Q Okay. And I guess what I'm trying to figure
4 out is, the caution statement that we talked about
5 earlier in '77, '78 time frame, do you know whether or 12:36
6 not Freuhauf included that language in their sales
7 information, sales flyers, or information sheets?

8 MR. MILLER: Vague, ambiguous.

9 THE WITNESS: Do not know.

10 Q (MR. SATTERLEY) On the next page it talks
11 about, "They will help train your people on the fine
12 points of our program."

13 A Yes.

14 Q That's referring, Abex is going to help
15 Freuhauf, right? 12:37

16 A Yes.

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

20 A Yes. 12:37

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

24 A Don't know.

25 Q We're talking in this case about a fellow 12:37

1 named Gordon Bankhead over in California. Abex -- did
2 Abex sell products to California?

3 MR. RADCLIFFE: Objection, vague, ambiguous.

4 THE WITNESS: Of course.

5 Q (MR. SATTERLEY) Okay. And was it your 12:37
6 understanding that friction products, the brake products
7 that Abex sold to Freuhauf were for national
8 distribution of its tractor-trailers?

9 A Yes.

10 Q And I guess the point I'm getting at or the 12:38
11 question I'm trying to get is that, did Abex send field
12 representative, say, for example, out to Oakland,
13 California, to educate the end user, the people that
14 would be being encountering the brakes, about asbestos
15 issues? 12:38

16 A Not that I'm aware of.

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

19 A Yes.

20 Q And is this a memo from Norm Walker? 12:38

21 A Yes.

22 Q And did you know Norm?

23 A Yes, I did.

24 Q Was Norm a friend of yours?

25 A Yes. 12:38

1 Q Business associate.

12:38

2 A A business associate.

3 Q Okay. You guys didn't socialize together, I
4 take it.

5 A On occasion we might have.

12:39

6 Q Okay. And it says -- this is dated January
7 29th, 1980, do you see that?

8 A Yes.

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

12:39

11 A He was in our sales office in Winchester.

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

15 A Yes, mm-hmm.

12:39

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

18 A Yes.

19 Q And an Abex formula, right?

20 A Yes.

12:39

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

23 A Those formulas are asbestos, yes.

24 Q Okay, let's continue on. The next memorandum
25 actually is another call report that you prepared on

12:39

1 February 1st, 1980, correct? 12:39

2 A Yes.

3 Q And does it relate to the Freuhauf division?

4 A Yes.

5 Q And is this a document you prepared in the 12:40
6 normal course of business while you were working at
7 Abex?

8 A Correct.

9 Q And does this indicate that you're evaluating
10 the price, the cost of the product, and the profit? 12:40

11 A Cost increases, that's all.

12 Q Cost increases.

13 A Nothing in there about profit. We wouldn't
14 advise them of that.

15 Q On the second page it says, "We have been 12:40
16 specifically requested to contact the Freuhauf branches
17 at Dayton, Cincinnati, Louisville, and Indianapolis."
18 Do you see that?

19 A Yes.

20 Q And then the last two sentences, "It is 12:40
21 anticipated that our aftermarket with Freuhauf will
22 exceed a million dollars in 1980."

23 A Yes.

24 Q And it exceeded 400,000 in 1979.

25 A Correct. 12:41

1 Q And now that -- that's the aftermarket, right? 12:41

2 A Correct.

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

5 A Original equipment was lower. 12:41

6 Q Was lower?

7 A Yes. More pieces, lower price.

8 Q I thought earlier we saw memos that indicate
9 the original equipment was -- business was stronger than
10 the aftermarket? 12:41

11 A Well, it was in the earlier part of the
12 program.

13 Q Okay. And --

14 A Took us -- it took several years to develop
15 the aftermarket. We got a lot of people to convince,
16 lot of branch managers that wanted to do it this way
17 instead of following corporate edicts. So it took us a
18 long time to get into the aftermarket program with our
19 product. 12:41

20 Q Okay. Let's continue on then. We're now in
21 March of 1980. Is this a letter addressed to you?

22 A Yes.

23 Q And what's the date of this letter?

24 A March 31st, 1980.

25 Q And who is it from? 12:42

1 A From Alan Schaible, manager aftermarket and
2 accessories purchasing at Freuhauf.

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

5 A Yes, it does.

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

8 A Yes.

9 Q What is the -- what is backing material?

10 A If a thick block were three-quarters of an 12:42
11 inch thick, makes no sense to put friction material --
12 the expensive friction material below the bolt on or
13 below the rivet head. You might as well use a cheaper
14 material as long as you had a mechanical means that
15 assured proper attachment of these two items to make up 12:42
16 this three-quarters of an inch.

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

20 Q It says in this question that Freuhauf's 12:43
21 managers is asking you, is it says, "Does Abex consider
22 brake block of the type used by Freuhauf manufactured
23 with a backing material to be superior or inferior to
24 the one which is not?" Do you see that?

25 A Yes.

12:43

1 Q And do you recall this occurring? 12:43

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

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

5 A "Mr. Indelicato indicated that the use of 12:43
6 backing stock provides a cost savings in the more costly
7 types of materials. What economic impact would it have
8 on the present cost of brake block purchased from Abex?"
9 That's a question on his part. I'm not in a position to
10 answer what we determined. "We acknowledged --" want me 12:44
11 to continue?

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

14 A He was an Abex person. I believe at that
15 point in time, he was manager of quality control at 12:44
16 Abex.

17 Q Yeah, continue on the next paragraph.

18 A "We acknowledge the production of non-asbestos
19 material will influence the continued use of backing
20 material; however, since we undoubtedly will continue to 12:44
21 utilize asbestos brake block within the foreseeable
22 future, our interest must relate to the contemporary
23 product."

24 Q At this point in time in 1980, was there a
25 non-asbestos material that was available as opposed to 12:44

1 as an asbestos material with regards to brake block? 12:44

2 MR. RADCLIFFE: Objection, vague, ambiguous.

3 THE WITNESS: You're still -- no. Answer to
4 your question, you're still in the development
5 stages of non-asbestos material. 12:45

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

10 A No. 12:45

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

14 A No.

15 Q Do you know what types of materials were 12:45
16 developed to use in place of asbestos later in the '80s?

17 A Yes.

18 Q And what was that?

19 A Number one, there is no replacement for
20 asbestos. Number two -- 12:45

21 MR. SATTERLEY: Well, objection, move to
22 strike as nonresponsive.

23 THE WITNESS: Okay.

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

25 A What was your question? 12:45

1 Q My question is, what was utilized when
2 asbestos was eliminated from the Abex product?

3 MR. RADCLIFFE: Objection, vague, ambiguous.
4 Go ahead.

5 THE WITNESS: It depended upon the
6 manufacturer. Abex determined to use, after all of
7 our exhaustive testing, a fiberglass as our fiber.
8 Carlisle Corporation utilized Kevlar. Other
9 corporations, I do not know.

10 Q (MR. SATTERLEY) Let me -- you weren't
11 involved in this testing process yourself, were you?
12 You're sales.

13 A Sales.

14 Q You're not in R&D.

15 A No.

16 Q Let's move on then.

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

18 MR. McGUIRE: 25.

19 THE WITNESS: We're at 26 right now.

20 MR. SATTERLEY: 26.

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

22 MR. SATTERLEY: Was 26.

23 THE WITNESS: 25.

24 MR. SATTERLEY: Oh, was that 25?

25 THE WITNESS: No, I just turned 25 over. The 12:46

1 letter from Alan Schaible was 25, dated March 31st, 12:46
2 '80.

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

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

5 A Yes. 12:47

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

7 A Yes, sales office.

8 Q And you received a copy of this?

9 A Yes.

10 Q As did Al Schaible? 12:47

11 A Yes.

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

14 MR. McGuire: Got a date?

15 Q (MR. SATTERLEY) April 3rd, 1980. Right? 12:47

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

18 Q So what I want to do with this -- well,
19 there's attachments that has the various Abex formula,
20 the Freuhauf edge code, the type of packaging, the parts 12:47
21 number, correct?

22 A Correct.

23 Q And the cost?

24 A Yes.

25 Q Okay. And so if we go down the Abex formula 12:47

1 from -- that entire sheet, are those all
2 asbestos-containing brake product?

3 A Yes, on that sheet.

4 Q Let's go over to the next sheet. All the Abex
5 formulas on the --

6 A Yes, yes.

7 Q -- next sheet, those are all asbestos?

8 A Yes.

9 Q And the edge code numbers relate to the
10 various formulas, right?

12:48

11 A Correct.

12 Q Okay. So if we're trying to figure out if a
13 product contains asbestos or not, if we just simply take
14 the Abex formula numbers right there or the Freuhauf
15 edge code, we would know each of these products are
16 asbestos-containing product?

12:48

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

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

20 A Yes, yes.

12:48

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

23 A Yes.

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

12:48

1 April 3rd, 1980. Is this a letter from to you 12:48

2 Mr. Schaible?

3 A Yes.

4 Q And there's once again set forth the amount of
5 materials, the summary of materials shipped the first 12:49
6 three months -- or actually the first two and-a-half
7 months of 1980?

8 A Yes.

9 Q And it indicates the original equipment is
10 126,534 pieces? 12:49

11 A Yes.

12 Q And then a couple of thousand replacement
13 pieces?

14 A Yes.

15 Q And this was prepared by you in the ordinary 12:49
16 course of business?

17 A Yes, sir.

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

19 Now, the next exhibit, 28, is a letter
20 addressed to you, correct? 12:49

21 A Yes.

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

24 A Yes.

25 Q And it's prepared by Mr. -- is it Schaible? 12:49

1 A Schaible.

12:49

2 Q Schaible?

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

5 Q He was transmitting to you drawings, correct? 12:49

6 A Yes.

7 Q And are these drawings prepared by the
8 Freuhauf Corporation?

9 A Yes.

10 Q And would these be drawings that Abex would 12:50
11 utilize in the manufacture of the asbestos-containing
12 friction products?

13 A Yes.

14 Q And would it be fair to say that you would
15 have received this on or about April 11, 1980? 12:50

16 A Yes.

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

20 A Yes. 12:50

21 Q Does that mean the aftermarket materials?

22 A Yes.

23 Q Okay. And it says, "are revised by adding
24 thickness dimensions at the rivet hole locations to
25 assure a true radial contour on the brake blocks." Do 12:50

1 you see that?

12:50

2 A Yes, sir.

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

12:51

6 MR. MILLER: Speculation.

7 THE WITNESS: Done by Abex.

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

10 Are we up to 29?

12:51

11 A Yes, sir.

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

14 A Yes.

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

12:51

16 A A true radial contour grind of the Freuhauf
17 parts. This --

18 Q Dated April 14th, 1980?

19 A Yes.

20 Q And what is it we're talking about here? What
21 is the grind, a true radial contour grind?

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

12:52

1 put into the -- assembled to a shoe and put in a drum. 12:52

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

5 A Yes. 12:52

6 Q And sales manager?

7 A Yes.

8 Q Okay. Let's go to the next exhibit. Is that
9 Exhibit 30? Is this a memorandum -- a letter, actually,
10 prepared by you dated May the 23rd, 1981 -- excuse me, 12:53
11 1980?

12 A Yes.

13 Q And is this written to the Freuhauf
14 Corporation?

15 A Yes, it is. 12:53

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

19 A Yes.

20 Q And at that time, was there a discussion on 12:53
21 the potential use of a false backing material on the
22 blocks?

23 A Yes.

24 Q Do you know whether that false backing
25 material that's referenced in there in 1980, whether 12:53

1 that was an asbestos-containing product? 12:53

2 A Yes.

3 Q It was?

4 A Yes. Was it? I can't speak to that. I'm
5 sorry, I spoke out of turn. 12:54

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

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

9 Q It says on the third paragraph, "Specifically
10 in the case of Freuhauf parts manufactured by Abex, we 12:54
11 do not see an improvement in integrity being developed
12 by the use of a false backing when compared to the
13 formulation 693-551G and 693-551D." Do you see that?

14 A Yes.

15 Q And then it refers to, "Cost studies have been 12:54
16 run on specific blocks and indicate that no savings can
17 be achieved by the use of a backing material." Do you
18 see that?

19 A Yes.

20 Q Was -- when a product -- change in a product 12:54
21 was going to occur like this, was it generally Abex's
22 policy to do a cost analysis?

23 A Yes, sir.

24 Q Do you know whether Abex in the 1970s did any
25 cost analysis in switching over from an asbestos to a 12:55

1 non-asbestos friction product? 12:55

2 A I can't speak to that.

3 Q What type of -- or what department within the
4 Abex Corporation would do a cost analysis for a
5 substitute material, if you know? 12:55

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

8 Q Did other folks in Abex -- the management of
9 Abex indicate to you whether it -- switching to a
10 non-asbestos material, would that be more expensive? 12:55

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

12 Q Did other folks within the Abex Corporation,
13 managers that were actually involved in the discussion
14 of replacing asbestos, did they ever communicate to you
15 that it would be more expensive to have a non-asbestos 12:55
16 substitute?

17 A Yes.

18 MR. RADCLIFFE: Vague, ambiguous, calls for
19 speculation.

20 Q (MR. SATTERLEY) Go ahead, sir. 12:56

21 A Yes.

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

24 MR. RADCLIFFE: Same.

25 THE WITNESS: No, not off the top. 12:56

1 Q (MR. SATTERLEY) The next -- you can set that 12:56
2 exhibit to the side and we'll go to the next exhibit.

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

5 A Yes. 12:56

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

8 A Yes, it is.

9 Q And does it once again relate to the technical
10 specifications for the asbestos brake blocks? 12:56

11 A Yes.

12 Q Let's continue on. The next exhibit moving
13 forward in time, June of 1980. Is this once again a
14 summary of the next, I guess, few months of shipments to
15 Freuhauf that you prepared? 12:56

16 A Yes.

17 Q And on June 27th, you reported that from April
18 through June of 1980, 89,748 pieces of
19 asbestos-containing friction materials were sent to
20 Freuhauf, correct? 12:57

21 A Correct.

22 Q For the original equipment.

23 A Yes correct.

24 Q And then another 3,224 for the replacement?

25 A Correct. 12:57

1 Q Okay. Let's continue on to August of 1980. 12:57

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

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

5 Q Oh, I apologize. To Mr. Grim? 12:57

6 A Yes.

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

9 A "Cost study to determine the effects of
10 substitution of the impression stamp on the edge, which 12:57
11 calls for the batch code and New York state code with
12 the same information printed on it. Elimination of
13 fully painting the edge opposite identification stripe
14 and other markings. Substitution of the impression
15 stamp on the ID of the Freuhauf part number, the FMSI 12:58
16 part number, and the anchor or cam designation, and
17 replacement of it with printed information done at the
18 same time we mark the edge."

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

20 A Yes. 12:58

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

24 A Yes.

25 Q And do you recall why there was a cost study? 12:58

1 A We were trying to provide the customer with a 12:58
2 lower price for the product that we sold to him, and
3 this is one of the ways we could deal with it.

4 Q By eliminating part of the edge painting or
5 edge coding, that would potentially reduce the cost of 12:58
6 the product?

7 A Yes. And also eliminating the impression
8 stamping.

9 Q And what is an impression stamp?

10 A We would impression stamp the edge of the 12:59
11 block with our batch number. 121 required us to be able
12 to go out to the field and get a problem set aligning
13 and come back with that number that's impression stamped
14 on the edge of the lining, come back to the plant and
15 determine when and what batch that was made out of. 12:59
16 We're talking about, what 700 pound batch did those
17 linings come from. It would have limited the number of
18 pieces that we would have to look for.

19 Q This type of cost study that was done, do you
20 remember this occurring? 12:59

21 A No.

22 Q Do you recall whether Abex ever did a cost
23 study to determine how much it would cost to put the
24 word cancer or warning on the edge of its brake?

25 A Not aware. 1:00

1 Q As you sit here today, is it fair to say that 1:00
2 you're not aware of anybody at the Abex Corporation
3 doing any type of evaluation in terms of how much more
4 it would cost to stamp on those words?

5 MR. RADCLIFFE: Objection, speculation, calls 1:00
6 for -- calls for speculation, argumentative.

7 THE WITNESS: That's a fair statement because
8 I don't know.

9 Q (MR. SATTERLEY) You don't know?

10 A I don't. 1:00

11 Q Okay. We can set this exhibit to the side.

12 August 26th, 1980, is this a memorandum you
13 prepared during the normal course of business?

14 A Yes.

15 Q And is this once again addressed to the 1:00
16 Freuhauf Corporation?

17 A Yes.

18 Q And is this a discussion that you were having
19 as it relates to revising the identification numbers on
20 the product? 1:00

21 A Yes.

22 Q And is there a discussion with regards to the
23 various types of stamping, impression stamping to
24 include on the product?

25 A Yes. 1:01

1 Q On the second page of this document, does it 1:01
2 indicate that Abex manufactures brake --
3 asbestos-containing brake products for Rockwell
4 International?

5 A Yes. 1:01

6 Q And it provides them to their plants there in
7 Ohio and Florence, Kentucky, and up in Canada?

8 A Yes.

9 Q And then does it also indicate that Abex
10 provided asbestos-containing products to the Eaton 1:01
11 Corporation in their locations in Tennessee and
12 Louisville, Kentucky?

13 A That's true.

14 Q They were customers of yours as well?

15 A Yes, sir. 1:01

16 Q Let's set that exhibit to the side.

17 The next exhibit we'll move forward in time to
18 September of 19 -- September '80, 1980?

19 MR. MILLER: I'm sorry, is that 34?

20 MR. SATTERLEY: Are we up to 35? 1:02

21 THE WITNESS: 5.

22 MR. SATTERLEY: 35 now.

23 MR. MILLER: What date is it?

24 MR. SATTERLEY: September 22nd, 1980.

25 Q (MR. SATTERLEY) Does it indicate -- well, it 1:02

1 says OES accounts, do you see that?

1:02

2 A Yes.

3 Q That's prepared by the second page says J. J.
4 Lukas?

5 A Yes.

1:02

6 Q And he was an Abex manager, right?

7 A He was manager original equipment sales.

8 Q And it's -- on the first page, right below his
9 name, it says B. Iwarsson.

10 A I'm sorry, B. J. Iwersson, he was our
11 president.

1:02

12 Q Okay. And he is -- he says, "Relative to a
13 meeting we had on July 31st, we discussed our concern
14 over making sure we are properly covering our OES
15 accounts."

1:03

16 A Yes.

17 Q What does that relate to?

18 (A discussion was held off the record.)

19 Q (MR. SATTERLEY) It says first paragraph

20 "Relative to a meeting we had on July 31st, we discussed
21 our concern over making sure we are properly covering
22 our OES accounts."

1:03

23 THE VIDEOGRAPHER: It's going off again.

24 MR. SATTERLEY: Still going?

25 THE VIDEOGRAPHER: No, it stopped.

1:03

1 MR. SATTERLEY: Is it off now? 1:04

2 THE VIDEOGRAPHER: Yes.

3 Q (MR. SATTERLEY) One more time. "Relative to
4 a meeting we had on July 31st, we discussed our concern
5 over making sure we are properly covering our OES
6 accounts." 1:04

7 A Yes.

8 Q And what is OES account?

9 A Original equipment service.

10 Q "Particularly with the move to non-asbestos 1:04
11 materials. This is especially applicable to the west
12 coast an trailer accounts." Do you recall that being
13 the situation in September of 1980, moving to a
14 non-asbestos containing material?

15 A Within that time frame, yes, I remember that. 1:04

16 Q Says, "Al Schmaltz has supplied the attached
17 as to who is presently assigned to what account." I
18 don't see an attached either. You're looking for the
19 same thing I'm looking for, the attachment.

20 A Yes, sir. 1:04

21 Q But, "Since we are mainly concerned with west
22 coast and trailers, we split those up. On the west
23 coast, Freightliner in Portland, Oregon; Kenworth in
24 Kirkland, Washington; and Peterbilt in Newark,
25 California, are worth calling on." Do you know what 1:05

1 this is referring to?

1:05

2 A Yes. They were OES customers, original
3 equipment service customers. We manufactured blocks for
4 them for their aftermarket operation, so that they could
5 service their tractors and trailers through their
6 branches with the same material that they were getting
7 on their original equipment units.

1:05

8 Q Says, "Mack Western in Hayward, California;
9 White Western Star in --" is it Calona?

1:05

10 A Calona, British Colombia.

11 Q "-- and Kenworth Canada in Burnaby."

12 A Yes.

13 Q These are all customers?

14 A Yes.

15 Q Okay. And then, "Utilizing the 1979 numbers
16 for new commercial trailers in the United States, nine
17 trailers manufacturers have 69 percent of the business."
18 Do you see that?

1:05

19 A Yes, sir.

20 Q And then below that, is an outline of the
21 various trailer manufacturers, right?

1:06

22 A Correct.

23 Q And who is the company that has the largest
24 number of trailers?

1:06

25 A Freuhauf Corporation.

1 Q And according to this memorandum, what is the 1:06
2 percentage of business?

3 A 16 and-a-half percent.

4 Q And does it indicate in handwriting who has 1:06
5 that account?

6 A Yes.

7 Q Who is that?

8 A Mr. Bretz.

9 Q That's you?

10 A Yes, sir. 1:06

11 Q Okay. And then some of the other folks --
12 well, right underneath that, there's a line does that
13 indicate you have those other accounts as well?

14 A Yes.

15 Q Trailmobile? 1:06

16 A Yes.

17 Q Great Dane?

18 A Yes.

19 Q Strick?

20 A Yes. 1:06

21 Q Let me ask you, was Strick a customer of Abex?

22 A On occasion they could have been, by their
23 customer specification.

24 Q Trailmobile was?

25 A Yes. 1:06

1 Q Were they -- did you get the business from --
2 like Trailmobile like you did with Freuhauf, I mean, in
3 that type of situation?

4 A Pretty much so, yes.

5 Q That was another good account.

1:06

6 A Yes, sir.

7 Q That's all the questions I'm going to have on
8 that document, let me set that to the side.

9 The next document is dated December 12th,

10 1980, and this is from the Freuhauf Corporation to you,
11 correct?

12 A Yes.

13 Q And do you know what this letter is referring
14 to?

15 A It's referring to a utilization -- let me see. 1:07
16 "Brake block service thickness and tolerance for
17 original equipment use... Inasmuch as this material is
18 thinner, we are interested in determining the percentage
19 reduction in cost the change will provide."

20 Q Was there an effort or a suggestion that if 1:07
21 the friction material is thinner, it should be a lower
22 cost?

23 A That's the way I read this letter, but I do
24 not remember this letter coming in.

25 Q Okay.

1:08

1 A Or any discussion that we had. 1:08

2 Q It would be fair to say, though, that even
3 though you don't remember it as you sit here today, the
4 information, the names on the document, it's more likely
5 than not this would have been a document you would have 1:08
6 received in the normal course of business?

7 A Yes, sir.

8 Q We'll set that exhibit to the side then.

9 The next document we are up to, is that --

10 A 37. 1:08

11 Q 37. Is this a -- once again a call report you
12 prepared.

13 A Yes, sir.

14 Q And is it dated December 18th, 1980?

15 A Right. 1:08

16 Q And does it relate to your customer Freuhauf?

17 A Yes.

18 Q And did you go up to the Detroit offices?

19 A Yes.

20 Q And was this once again to evaluate the sales 1:09
21 of the asbestos-containing blocks to Freuhauf?

22 A Yes.

23 Q It says in here that, "They gave us a 5
24 percent increase in July because Silk --" is that the
25 vice president of Freuhauf? 1:09

1 A Yeah.

1:09

2 Q --- felt some responsibility that --"

3 A Joe Silk, yes.

4 Q He felt some responsibility that the

5 aftermarket had not gotten off the ground in the three

1:09

6 years as well as they had anticipated?

7 A Yes.

8 Q So you got more business, correct?

9 A We got more dollar business, yeah.

10 Q Okay. We can set this exhibit to the side.

1:09

11 And moving forward into 1981. In 1981 is this
12 another memorandum you prepared at or about January
13 12th, 1981?

14 A Yes, sir.

15 Q And does this relate to the Freuhauf

1:10

Corporation?

17 A Yes, it does.

18 Q Does it indicate that you once again traveled
19 up to Detroit, Michigan, and met with several Freuhauf
20 people?

1:10

21 A Yes.

22 Q It says at the bottom -- or, no, let's go to
23 the middle first. It says, "It is -- it was noted that
24 engineering has agreed to let both Carlisle and Abex
25 materials go into a plant, however, sales needs to be

1:10

1 convinced. Silk will work on that." Do you see that? 1:10

2 A Yes.

3 Q And do you know what that's referring to?

4 A I'm sorry, I don't.

5 Q The previous paragraph, and I shouldn't 1:11

6 have -- maybe shouldn't have just jumped right into that

7 one, talks about a backing material, says, "We will

8 quote in two weeks with pricing and timing for a backing

9 material to be utilized on their blocks. Carlisle

10 utilizes backing material on all of their parts for 1:11

11 Freuhauf. And also, we will provide them a quote and

12 timing on a mix change." Do you see that?

13 A Yes.

14 Q Does that refresh your recollection of what
15 that's about? 1:11

16 A Yes, it does. But I don't remember it.

17 Q Okay. Let's set that exhibit to the side
18 then.

19 Moving forward in January 1981. Is this a
20 memorandum from Abex sales administration, J. W. McCool 1:11
21 to Freuhauf aftermarket manager?

22 A Yes.

23 Q And does it once again relate to products that
24 are being sold, asbestos products that are being sold to
25 Freuhauf? 1:12

1 A Yes.

1:12

2 Q And you received a copy of this memorandum?

3 A Yes.

4 Q And on the second page, it has the price of
5 the various asbestos-containing products?

1:12

6 A Correct.

7 Q Both in boxed material and in bulk material?

8 A Correct.

9 Q If it's shipped in boxed -- excuse me, if it's
10 shipped in bulk, is it inside of a box?

1:12

11 A It's inside of a carton --

12 Q Okay.

13 A -- as opposed to a box.

14 Q Okay. And the carton -- what's -- in bulk, is
15 that the 4 by 4 box --

1:12

16 A Yes, sir.

17 Q -- you're talking about? Okay. We can set
18 that exhibit to the side.

19 Continuing on in January of 1981, is this once
20 again another report, call report for your customer
21 Freuhauf?

22 A Yes.

23 Q And it says -- well, first of all, is this a
24 memorandum prepared at or about that time, January of
25 1981?

1:13

1 A Yes.

1:13

2 Q And does it indicate the names of the folks
3 you interviewed? Pam Lauf, did you know her?

4 A Yes. Yes.

5 Q And she was a Freuhauf material control
6 person?

1:13

7 A That's correct.

8 Q And Don Grothouse?

9 A Yes.

10 Q And Charles -- is it --

1:13

11 A Mitasik.

12 Q Mitasik --

13 A Yes.

14 Q -- and Stan Lyle.

15 A Yes.

1:13

16 Q All Freuhauf people?

17 A Correct.

18 Q Says, "Freuhauf is going to a no-grind shoe
19 and lining program." What is a no-grind shoe and
20 lining?

1:13

21 A They accept the lining that is attached -- or
22 that is in the boxed sets and they would attach it to a
23 shoe without grinding it.

24 Q And do you know why they went to a no-grind
25 shoe and lining program in January of '81?

1:13

1 A Back there, trailer business was so poor, 1:13
2 everybody was looking to ways to save money. And this
3 was a way for them to save money if they could eliminate
4 that operation in their plant and if things worked out
5 well. 1:14

6 Q "If at all possible, this will be accomplished
7 in 1981. Necessary machining equipment is on order to
8 accomplish this. The disposal of asbestos grinding
9 particles is becoming more and more difficult. Their
10 present bagged asbestos dust is being transported to 1:14
11 southern Ohio." Do you see that?

12 A Yes.

13 Q And then it's got -- well, you remember going
14 to their facility and seeing them having a bagging
15 operation in the plant there? 1:14

16 A No, I don't.

17 Q Before they went to this no-grind shoe and
18 lining program, how -- I guess what I'm trying to figure
19 out is what type of grinding occurred with regards to
20 the brake shoes? 1:15

21 MR. MILLER: Foundation.

22 THE WITNESS: They would assemble the lining
23 to a shoe, steel shoe, and then they would grind it
24 to an arc that would -- a drum would be more
25 receptive of it. The grinding made sure they got a 1:15

1 proper radius.

1:15

2 Q (MR. SATTERLEY) By the way, did you -- I may
3 have asked you this earlier, were you -- one of your
4 customers was Rockwell?

5 A Yes.

1:15

6 Q Did you ever visit the Rockwell Winchester,
7 Kentucky facility?

8 A No, I did not.

9 Q Do you know -- did you know they had a
10 facility in Winchester?

1:15

11 A Yes.

12 Q Would -- was it your understanding that the
13 Winchester facility utilized Abex brake -- asbestos
14 brakes?

15 A Yes.

1:16

16 MR. McGuire: Foundation.

17 THE WITNESS: I'm sorry.

18 Q (MR. SATTERLEY) And I'm talking about
19 Rockwell now.

20 A Yes, I understand.

1:16

21 Q We can set this exhibit to the side.

22 And the next document -- oh, by the way, was
23 attached to that, is there a -- maybe it shouldn't be
24 stapled, but --

25 A This is an item that we had previously where

1:16

1 there was no -- there was no sheet number one. This is 1:16
2 what goes to it.

3 Q Okay. And it's dated -- it says revised
4 2-2-81 at the top?

5 A Where are we here? 1:16

6 Q Up at the top.

7 A Here?

8 Q Maybe you got a different one.

9 A It didn't come out.

10 Q Okay.

1:16

11 A It didn't copy.

12 Q Oh, I see.

13 MR. MILLER: Is this 41, by the way?

14 MR. SATTERLEY: 40.

15 THE WITNESS: 40. 1:17

16 Q (MR. SATTERLEY) Okay. But we're talking --
17 we're talking the edge code?

18 A Yep.

19 Q Okay. That's fine. Why don't we -- what
20 we'll do is we'll mark that as 41-A and -- or is that a 1:17
21 document -- do those documents go together?

22 A These two copies?

23 Q Yeah.

24 A I got to believe they went together.

25 Q Okay, that's good. Then we'll leave them as 1:17

1 Exhibit 40.

1:17

2 MR. RADCLIFFE: May I see that for just a
3 minute?

4 THE WITNESS: Yes.

5 Q (MR. SATTERLEY) We'll leave that as 40.

1:17

6 Let's move on to 41. Is this a 1981 memorandum that you
7 prepared?

8 A Yes.

9 Q And that was prepared on or about February
10 18th, 1981?

1:17

11 A Yes, sir.

12 Q And this is -- it's where you went back up to
13 Freuhauf in the Detroit facility?

14 A Yes, sir.

15 Q And called upon, looks like there's about five
16 individuals there, right?

1:17

17 A Correct.

18 Q At this point in time, I know it's been three
19 or four years since we talked about that 1977 memorandum
20 where the word caution is going to appear, was there
21 still discussions ongoing with Freuhauf individuals some
22 three or four years later about the hazards of asbestos?

1:18

23 MR. MILLER: Vague.

24 THE WITNESS: Not that I remember.

25 Q (MR. SATTERLEY) Okay. And just so that I'm

1:18

1 clear in the way I understand it occurred, when the 1:18
2 label first came out, whenever that was, there was some
3 initial discussions about it, right?

4 A Yes.

5 Q After the initial discussions about it, there 1:18
6 was no follow ups weeks or months or years later about
7 it?

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

10 THE WITNESS: Not on my part.

1:19

11 Q (MR. SATTERLEY) All right. Now, on this
12 1981 -- February 1981 three-quarters of the way down,
13 there's a paragraph that says, "Our non-asbestos data,"
14 do you see that?

15 A Yes.

1:19

16 Q "Our non-asbestos data provided to Freuhauf
17 last fall is being closely scrutinized and reviewed. To
18 date the comments are very favorable."

19 Q Yes. At that point in time, in 1981, the
20 winter of '81, you -- your Abex Corporation provided to 1:19
21 Freuhauf some information about non-asbestos brakes,
22 right?

23 A Yes.

24 Q And Freuhauf was evaluating it?

25 A Yes.

1:19

1 Q And only if Freuhauf approved the change could 1:19
2 Abex switch to that non-asbestos?

3 MR. MILLER: Speculation.

4 Q (MR. SATTERLEY) Or how did it work?

5 A Well, it was mutual. It was mutual. If all 1:19
6 the engineering data equated to the engineering data
7 that they had with asbestos materials, then with
8 additional testing on their part, not only dynamometer,
9 but also the field, they could, would, and they
10 ultimately did approve its use. 1:20

11 Q Okay. So we're in '81. When you say they
12 eventually did approve the use, do you know how many
13 years later before it went to non-asbestos?

14 A I don't remember a specific date.

15 Q I think we're going to get to it in some of 1:20
16 these memos.

17 A You have to find something in here that --

18 Q Okay. Hopefully we'll get to that. But this
19 1981 memo where it discussed the non-asbestos data, that
20 was prepared at the normal course of business of Abex? 1:20

21 A Correct.

22 Q Okay. Set that to the side.

23 Now we're going to the next, there's March of
24 1981, and this is an Abex memorandum prepared by
25 Indelicato? 1:20

1 A Indelicato, yes.

1:21

2 Q And they carbon copied you a copy of this?

3 A Yes.

4 Q And it says that -- well, first of all, this
5 would have been a document you received in the normal
6 course of business of the Abex company, right?

1:21

7 A Yeah.

8 Q And it said, "I have had an opportunity to
9 meet with Dave --" is it Kizyma?

1:21

10 A Well, that's good. Kizyma is close.

11 Q Well --

12 A That's fine.

13 Q Okay. "-- of Freuhauf at a luncheon during
14 the SAE expo." First of all, were you at this expo back
15 in the early '80s?

1:21

16 A Could have been. I attended all the expos, I
17 should say. January, coldest day of month in Detroit.
18 We always had an SAE expo then.

19 Q Every January of every year?

20 A Yes, sir.

1:21

21 Q Okay.

22 A They picked the coldest week, too. I never
23 could figure out how they could do that. They did.

24 Q Maybe it's because the Detroit Lions were so
25 good and they wanted you to go see them.

1:21

1 A Negative. Well, they might have been back 1:22
2 then.

3 Q "Dave informed me that he is working on
4 Freuhauf's non-asbestos program and quite interested in
5 931-162." 1:22

6 A Yes, sir.

7 Q That number 931-162, is that the program or
8 the number assigned to non-asbestos?

9 A That is the formulation assigned, formulation
10 number for that -- for that formula. The project number 1:22
11 is 931, the 162 is the number of evaluations that we
12 made for various changes in that product to get what we
13 wanted and what the industry wanted. And so we ended up
14 with 162 -- kind of like Edison, how many things did he
15 run before he come up with the light bulb? 1:22

16 MR. SATTERLEY: Objection, move to strike,
17 nonresponsive.

18 THE WITNESS: I'm sorry.

19 Q (MR. SATTERLEY) I need to put that on the
20 record so later on down the road we can know to try to 1:22
21 get that cut out.

22 A Okay. I'm sorry.

23 Q That's all right. Was it your job in sales to
24 do the evaluations of these various numbers 160, 161,
25 162, or anything like that? 1:23

1 A No.

1:23

2 Q Let's continue on with this memo. "Dave has
3 reviewed the data we supplied Freuhauf but would like
4 more detailed information." Do you remember this
5 occurring?

1:23

6 A I remember the data being supplied to them,
7 but I don't remember what he's referring to here.

8 Q Let's set this exhibit to the side and move
9 forward in time.

10 We're next -- going to the next memorandum,
11 which is 43. Is this a May 15th, 1981 memorandum you
12 prepared?

13 A Yes, sir.

14 Q And does it relate to the Freuhauf axle plant?

15 A Yes, sir.

16 Q And does it relate to the no-grind, the shoe
17 and lining assembly no-grind program?

18 A Well, I've got to read it all and -- the
19 second paragraph?

20 Q Yes, sir.

1:24

21 A Yes, it does. "They continue to work towards
22 a shoe and lining assembly no-grind program and are very
23 interested in our development of the grinding technique
24 which will allow us to meet their drawings."

25 Q And do you recall whether Abex provided

1:24

1 Freuhauf the ground -- the grinding technique?

1:24

2 A I don't remember.

3 Q Regardless, this is a memorandum you prepared
4 back at the time frame in the normal course of business?

5 A Yes.

1:24

6 Q Let's set that to the side.

7 And July 1981, you summarized March through
8 June shipments of asbestos-containing original equipment
9 and replacement products to Freuhauf, correct?

10 A Yes.

1:24

11 Q And we're up to, just for that three-month
12 time period, roughly \$400,000 worth of asbestos linings?

13 A Correct.

14 Q And you prepared this in the normal course of
15 business, correct?

1:25

16 A Correct, yes, sir.

17 Q The next memorandum, we're up to now Exhibit
18 4 --

19 A 45.

20 Q -- 45 is yet another memorandum you prepared
21 dated July 7, 1981?

22 A Yes.

23 Q And was this created in the normal course of
24 business of the Abex company?

25 A It was.

1:25

1 Q And was it relating to the axle plant, the 1:25
2 Freuhauf axle plant in Ohio?

3 A Yes.

4 Q The third paragraph says, "Abex will obtain 50 1:25
5 percent or better of the lining requirements for these
6 axles." Do you see that?

7 A Yes.

8 Q And what does that mean?

9 A Well, we have 50 percent of their production
10 business. 1:25

11 Q Okay.

12 A They build 50,000 axles, we'd have 25,000
13 axles worth, times eight.

14 Q And at this time frame, do you know who had
15 the other 50 percent? 1:26

16 A Yes, sir. Carlisle Corporation.

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

19 Q (MR. SATTERLEY) And was that based on your
20 evaluation in the plant when you went up to Ohio? 1:26

21 A Not specifically.

22 Q What's your basis for saying that Carlisle had
23 50 percent and Abex had 50 percent?

24 A Our discussions with purchasing for the three
25 or four years prior to 1981. 1:26

1 MR. McGUIRE: Motion to strike, hearsay.

1:26

2 Q (MR. SATTERLEY) The managers of the Freuhauf
3 Corporation?

4 A Yes.

5 MR. McGUIRE: Same objection, same motion.

1:26

6 Q (MR. SATTERLEY) And the -- do you remember
7 the managers of the Freuhauf people that specifically
8 informed you that Carlisle had 50 percent of the
9 business?

10 MR. McGUIRE: Objection, leading.

1:26

11 MR. SATTERLEY: I said do you remember, is
12 that a leading question?

13 MR. McGUIRE: Yes, sir.

14 MR. SATTERLEY: Do you remember is a leading
15 question?

1:26

16 MR. MILLER: That part isn't. It's the rest
17 of it that's leading.

18 MR. SATTERLEY: Well, let me ask the question
19 again so I can try to satisfy your objection to
20 form even though I disagree with the objection.

1:27

21 Q (MR. SATTERLEY) Do you remember the names of
22 the managers that shared the information with you that
23 you just told the folks on the jury about?

24 A Yes.

25 MR. McGUIRE: Same objection.

1:27

1 Q (MR. SATTERLEY) And who is the names -- or 1:27
2 what were the names?

3 A Don Grothouse, Charlie Mitasik, engineering
4 personnel which are not listed here out of their Detroit
5 office, aftermarket people, a whole host of names. 1:27

6 MR. McGUIRE: Same objection, motion to
7 strike, hearsay, lack of foundation.

8 Q (MR. SATTERLEY) Let's set that exhibit to the
9 side and we'll go on to the next exhibit.

10 Now, was it Norm Walker, was Norm a Freuhauf 1:27
11 individual?

12 A Yes, he was.

13 Q Was he a regional sales manager?

14 A Yes, sir.

15 Q And this exhibit, is this Exhibit 46? 1:27

16 A Yes.

17 Q And Exhibit 46, is this a memorandum that you
18 created at or about August 3rd, 1981?

19 A I did.

20 Q And did you sign off on that? 1:28

21 A Yes, I did.

22 Q And does it indicate that the name of the
23 customer you're talking about?

24 A Yes, it does.

25 Q And who is that? 1:28

1 A Freuhauf Corporation. 1:28

2 Q And does it indicate that -- officials you
3 interviewed with the Freuhauf company?

4 A Yes.

5 Q And who were those? 1:28

6 A Well, Al Schaible, the manager of aftermarket
7 accessories purchasing, and Norm Walker, regional sales
8 manager, and Charlie Tedesco, who was service truck
9 equipment accessory sales manager.

10 Q And does this on the first paragraph indicate 1:28
11 that this memorandum relates to establishing cost
12 guidelines for 1982?

13 A Yes, sir.

14 Q And does it specifically relate to the --
15 well, let me withdraw that and ask you, do you see the 1:29
16 paragraph that begins "Walker"?

17 A Yes.

18 Q Read that paragraph out loud.

19 A "Walker states there is no desire for
20 non-asbestos linings in the marketplace due to costs and 1:29
21 the original equipment people at Freuhauf state that
22 they are not going to be able to afford it either at
23 this point. If it is required by government edict, that
24 is another thing and then everyone will have to raise
25 their prices accordingly. What is the latest pricing on 1:29

1 non-asbestos material? This will be forwarded to Norm
2 Walker."

3 Q And was this -- these statements that you
4 reported statements made to you by Norm Walker?

5 A Yes.

6 Q And was this your understanding that Norm
7 Walker, as the regional sales manager for Freuhauf, was
8 not going to -- that corporation was not going switch
9 over to non-asbestos?

10 MR. MILLER: Misstates testimony.

1:30

11 Q (MR. SATTERLEY) Well, let me ask the question
12 this way: Did Mr. Walker tell you that they had --
13 Freuhauf had no desire for non-asbestos linings?

14 A Yes, he did.

15 MR. MILLER: Misstates testimony in part.

1:30

16 Q (MR. SATTERLEY) And did he tell you the
17 reason why they had no desire for these non-asbestos
18 linings was because cost?

19 A Yes.

20 Q And did he also tell you that the only way in
21 which the non-asbestos linings were going to be put in
22 place is if the government required it?

23 MR. MILLER: Vague, ambiguous, misstates
24 testimony.

25 THE WITNESS: I have to go along with what I

1:30

1 stated back then.

1:30

2 Q (MR. SATTERLEY) Okay. And then the question,
3 what is the latest price on non-asbestos material,
4 question mark. Do you see where you wrote that?

5 A Yes.

1:31

6 Q Were you expecting to get a response from
7 somebody? Were you asking that question of somebody at
8 Abex?

9 A Yes.

10 Q Do you know whether you ever got a response on
11 the pricing of the non-asbestos?

1:31

12 A I don't remember at this point.

13 Q It says in the last paragraph, "Walker
14 questioned the writer as to the latest status of our bus
15 block program and whether we made any decisions to get
16 into this marketplace with a competitive block." Do you
17 see that?

1:31

18 A I see that.

19 Q Was Abex a supplier of friction materials for
20 buses?

1:31

21 A Yes.

22 Q Specifically Freuhauf buses?

23 A Freuhauf didn't make buses.

24 Q Okay. Well, why was it that Walker was asking
25 about the bus block program?

1:31

1 MR. MILLER: Foundation, speculation. 1:31

2 THE WITNESS: Walker was involved with the
3 aftermarkets. This would be part of their branch
4 program of being -- having all materials available
5 for sale to cover any customer who might come in or 1:32
6 might -- they might contact.

7 Q (MR. SATTERLEY) We can set that exhibit to
8 the side.

9 And we are going to -- next memorandum is
10 October 6th, 1981. Do you report the amount of 1:32
11 asbestos-containing products sold to Freuhauf June 23rd
12 through September 23rd, 1981?

13 A Yes.

14 Q Was this document created in the normal course
15 of business of Abex? 1:32

16 A Yes, it was.

17 Q And does it indicate some \$318,000 worth of
18 friction products during that time period?

19 A Yes.

20 Q Set that exhibit to the side. 1:32

21 Moving forward to the next month, to November
22 1981. Are we up to Exhibit 48 now?

23 A Yes.

24 Q And is this once again another memorandum call
25 report that you prepared at or about November 3rd, 1981? 1:33

1 A Yes.

1:33

2 Q And does it relate the to the Freuhauf axle
3 plant?

4 A Yes, it does.

5 Q And did you sign off on this memorandum?

1:33

6 A My representative did.

7 Q Okay. Now, I want to ask you about the last
8 paragraph. It says, "South Africa is about to submit
9 orders to them covering some 3,000 axles per year." Do
10 you see that?

1:33

11 A Yes.

12 Q What -- do you remember what you were
13 referring to, South Africa?

14 A Freuhauf sold trailers to -- into South

15 Africa, that's what we were referring to. And they've
16 determined a need for or a requirement of 3,000 axles a
17 year. I don't know whether they had a manufacturing
18 facility in South Africa.

19 Q I see. "At this point, since U.S. materials
20 are not approved by the EEC, they are apparently
21 specifying Mintex linings."

22 A Yes.

23 Q First of all, what is the EEC?

24 A That's the European Economic Commission or
25 whatever, the governing -- governmental body of -- in

1:34

1 Europe.

1:34

2 Q And do you know why the U.S. materials were
3 not approved by the EEC?

4 MR. MILLER: Speculation.

5 THE WITNESS: I cannot.

1:34

6 Q (MR. SATTERLEY) Well, when you wrote this in
7 1981, do you know how you learned that the U.S.
8 materials were not approved by the EEC?

9 A I'm sorry.

10 Q When you wrote this, you said -- you obviously
11 at the time knew that the U.S. materials, the materials
12 you're referring to as brake materials, right?

13 A Mm-hmm, yes.

14 Q You knew at that time that U.S. brake product
15 materials were not approved by the EEC, right, because
16 you wrote that?

17 A Yes.

18 Q And my question is, do you know how you gained
19 that knowledge back at the time?

20 A I probably checked with -- no, specifically I
21 don't remember. I would have checked with somebody who
22 might be familiar with it.

23 Q Do you know what Mintex linings are?

24 A No.

25 Q Do you know whether Mintex linings contain

1:35

1 asbestos?

1:35

2 A No.

3 Q Don't know one way or the other?

4 A I don't know one way or the other. I can make
5 an assumption, but I don't know.

1:35

6 Q And when you say you can make an assumption,
7 what do you mean? You can assume that they're
8 non-asbestos, right?

9 A No. I assume they're asbestos.

10 Q Why is that?

1:35

11 A Well, because the time frame didn't indicate
12 the industry -- the industry going non-asbestos in
13 Europe.

14 MR. RADCLIFFE: Objection, move to strike as
15 speculative.

1:35

16 MR. MILLER: Join.

17 Q (MR. SATTERLEY) Did you -- do you know who
18 Honeywell is? Honeywell International Corporation?

19 A I know Honeywell Corporation.

20 Q Do you know who Bendix is?

1:36

21 A Yes.

22 Q Do you know when Bendix first developed
23 asbestos-free brake material?

24 A No.

25 Q It says, "Carlisle is behind in this game and

1:36

1 do not have a material approved for EEC work, however,

1:36

2 Abex does." Do you see that?

3 A Yes.

4 Q Do you know what type of material you're

5 referring to?

1:36

6 MR. McGUIRE: Objection, foundation, hearsay.

7 THE WITNESS: That we had approved? We have

8 approved of a material manufactured in Europe in

9 one of our plants that would meet the requirements

10 for the Freuhauf axles.

1:36

11 Q (MR. SATTERLEY) And so what you're telling me

12 at this time in the early '80s, asbestos-containing

13 products that Abex was making could be sold in Europe,

14 right?

15 A Yes.

1:37

16 Q Could be sold around the world, right?

17 A Yes.

18 Q Let's set that exhibit to the side.

19 Moving forward to Exhibit 40 -- are we at 48?

20 A I'm 49.

1:37

21 Q 49, okay. Is this a November 5th, 1981

22 memorandum that you prepared?

23 A I'm sorry, yes.

24 Q Okay.

25 A I was trying to read and I missed --

1:37

1 Q That's okay.

1:37

2 A Yes, I did prepare this on November 5th, 1981.

3 Q And this relates to the Freuhauf Corporation
4 as well?

5 A Yes, sir.

1:37

6 Q You're meeting with some of the same folks,
7 Norm Walker and some of these other fellows?

8 A Yes, sir.

9 Q And in the first -- well, actually second
10 paragraph it says, "It was noted that Mr. Robert
11 Kickel --"

12 A Kickel.

13 Q Do you know who that is?

14 A Yes, I do.

15 Q Did you meet him?

1:37

16 A Oh, yes.

17 Q And how did you meet him? I mean, where did
18 you meet him?

19 A I met him in various sales lobby, I met him in
20 the industrial meetings, SAE meetings, TTMA meetings, et
21 cetera.

22 Q And did you have conversations with him about
23 Carlisle's sales of their products from time to time?

24 A Could have from time to time.

25 Q I mean, did you ever have conversations about

1:38

1 the fact that they were providing 50 percent of the
2 friction products to Freuhauf?

3 A Don't remember.

4 Q Okay.

5 MR. McGUIRE: Objection, move to strike.

1:38

6 Q (MR. SATTERLEY) But you knew that he was a
7 vice president of sales at Carlisle Corporation?

8 A Yes.

9 Q And did he present at this time on the on
10 their 1982 economics?

1:38

11 A I have to agree with what I wrote at the time.

12 Q You indicate in this time frame, in the
13 November of 1981, that Abex aftermarket is growing with
14 Freuhauf?

15 A Yes.

1:39

16 Q And you say, "as such, he," who are you
17 referring to as the he?

18 A Schaible, since he was responsible for buying
19 the aftermarket stuff.

20 Q Schaible was paying more attention to what --
21 what's going on with regards to his company and the
22 competition?

23 A Yes.

24 Q Okay. We'll set that exhibit to the side.

25 The next document is dated August 20th, 1982.

1:39

1 It's an Abex Friction Products Division document, 1:39
2 correct?

3 A Yes, it is.

4 Q And it's approved by Marjorie Beaver?

5 A Yes. 1:39

6 Q And who is she?

7 A She worked out of our sales office in
8 Winchester.

9 Q And what is this document?

10 A Well, it's processing instructions. 1:40

11 Q And this is Exhibit 50, correct?

12 A It's Exhibit 50, yes. And this refers to
13 aftermarket lining formula 562-5B.

14 Q And does it relate to the type of
15 identification for edge marking? 1:40

16 A Yes, it does.

17 Q And does it indicate the packaging that would
18 be -- that would be used?

19 A Yes.

20 Q And does it give an example of the packaging? 1:40

21 A Yes.

22 Q And does it indicate that this would be a
23 packaging for the Freuhauf Corporation?

24 A Yes.

25 Q And the Pro-Par name, is that a Pro-Par that 1:40

1 was specifically for Freuhauf?

1:40

2 A That is correct.

3 Q So if you sold product brake lining sets to
4 Rockwell or Eaton or somebody else, it wouldn't be
5 called Pro-Par?

1:40

6 A That is true, it would not.

7 Q Anywhere on Exhibit 50 is there any warning
8 label or caution statement referred to?

9 A Not that I see, sir.

10 Q Let's set Exhibit 50 to the side.

1:41

11 Q Exhibit 51, what is Exhibit 51?

12 A Processing instructions -- special processing
13 instructions for replacement bulk kits, Pro-Par.

14 Q And is this an Abex document?

15 A Yes, it is.

1:41

16 Q Once again prepared by Marjorie Beaver in
17 sales?

18 A Yes, sir.

19 Q And does it indicate some various places for
20 parts numbers on it, Freuhauf parts numbers?

1:41

21 A Yes.

22 Q And does it have places for identifications
23 for markings and so forth?

24 A Yes.

25 Q Does it have indications for the packaging?

1:41

1 A Yes.

1:41

2 Q Does it indicate anywhere on this processing
3 packaging instruction anything about caution or warning
4 labels?

5 A No, sir.

1:41

6 Q Let's set that exhibit to the side, let's go
7 to Exhibit 52.

8 Is this a letter to you from Freuhauf's
9 manager of aftermarket and accessory purchasing?

10 A Yes.

1:42

11 Q H. O. Binder?

12 A Yes.

13 Q Do you know him?

14 A Yes. He took Schaible's place because
15 Mr. Schaible passed away.

1:42

16 Q And in this time frame in September of 1982,
17 did he indicate to you a confirmation of an Abex
18 agreement to produce backup inventory of 4,000 sets of
19 the Pro-Par brake block?

20 A Yes.

1:42

21 Q And also 440 sets of the drill pattern C?

22 A Yes.

23 Q And 3,360 sets of the drill pattern D?

24 A Yes.

25 Q And this was to support Freuhauf's national --

1:42

1 nationwide brake reline program?

1:43

2 A Correct.

3 Q And these products, all these products in 1982
4 that Abex is providing to Freuhauf are
5 asbestos-containing products, correct?

1:43

6 A Yes.

7 Q Let's set that exhibit to the side.

8 Moving forward to -- are we up to 1983?

9 A 53. June 22nd, '83, yes.

10 Q And is this a memorandum you prepared, a call
11 report sheet relating to Freuhauf Corporation?

1:43

12 A Yes, sir.

13 Q And is -- do you outline Mr. -- several names,
14 H. O. Binder, Doug Belcher, and Tom Short there?

1:43

15 A Yes.

16 Q And are these managers of folks that you met
17 with in Ohio?

18 A Yes.

19 Q And it says, does it not, in the fourth
20 paragraph, "A considerable discussion was held on
21 non-asbestos materials." Do you see that?

1:44

22 A Specifically where are you looking?

23 Q Right here.

24 A Mine's not outlined. Okay.

25 Q Mine's not --

1:44

1 A Okay. Yes, I do see that.

1:44

2 Q Okay. It says, "A considerable discussion was
3 held on non-asbestos materials. They are seeing some
4 activity in this area and feel that some changes must be
5 made in our pricing to make this go." Do you know what
6 he was referring to there? Or do you know what you were
7 referring to there?

1:44

8 A They continued to be concerned about the costs
9 of the non-asbestos materials. We had warned them early
10 on that there was going to be a major cost increase.
11 They were concerned about the competitive situation and
12 they continued to be.

1:44

13 Q It says, "Our price for 50 sets is \$6.81
14 higher than Carlisle's price for 100 sets."

1:45

15 A Yes.

16 Q "Our price for 300 sets is \$1.30 higher and
17 our price for 900 sets is 81 cents higher than the
18 Carlisle price for 1200 sets."

1:45

19 A Yes.

20 Q At this time, are you reporting that there was
21 non-asbestos brakes available already but they were just
22 going to cost more money?

1:45

23 MR. MILLER: Speculation.

24 THE WITNESS: We began shipping -- we began
25 shipping non-asbestos materials in that time frame.

1:45

1 We're talking June '83.

1:45

2 Q (MR. SATTERLEY) And so what you're reporting
3 back to the other folks at Abex that would receive this
4 call report is that Freuhauf Corporation was reluctant
5 to pay more money for non-asbestos brakes, right?

1:46

6 MR. MILLER: Misstates testimony,
7 argumentative, speculate.

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

9 MR. MILLER: Speculation, same objection.

10 THE WITNESS: Yes, sir, that's true.

1:46

11 Q (MR. SATTERLEY) And it says, "The bulk of
12 this product will move in 50 to 100 set area. Something
13 must be done to resolve this price differential." Do
14 you see that?

15 A Yes.

1:46

16 Q "It is only the writer's understanding that
17 repricing of the non-asbestos line is presently going on
18 in our aftermarket group." Do you see that?

19 A Yes.

20 Q What do you mean by that?

1:46

21 A Yes.

22 Q What do you mean by that?

23 A All of the aftermarket lining programs were
24 interrelated and involved with each other, whether it
25 was OES, Abex distributors, et cetera, et cetera. And

1:47

1 the whole industry was meeting pricing resistance to 1:47
2 non-asbestos materials. And so we were trying to see
3 where it was going to shake out, we were also evaluating
4 the potential and what may or may not be an appropriate
5 price. We knew what we had to get in order to make 1:47
6 money at it. So the whole program was being reviewed
7 and it was being reviewed quite often.

8 Q So from a -- from a business standpoint, what
9 was going on, if Freuhauf would have said, we'll pay
10 that extra dollar thirty or whatever it was -- 1:47

11 A Yeah.

12 Q -- Abex was prepared to sell non-asbestos
13 products, right?

14 MR. MILLER: Argumentative, speculation,
15 foundation. 1:48

16 Q (MR. SATTERLEY) Is that not true?

17 MR. MILLER: Same objection.

18 THE WITNESS: We would have sold non-asbestos
19 material at that price, yeah.

20 Q (MR. SATTERLEY) Yeah. It says, "They", "They" 1:48
21 feel they could handle the 300 set differential if they
22 are allowed to mix and match asbestos and non-asbestos
23 parts." Do you see that?

24 A Yes.

25 Q So Freuhauf was telling you as the salesperson 1:48

1 of Abex that they were going to try to meet this cost
2 issue by mixing and matching some asbestos parts with
3 some non-asbestos parts.

4 MR. MILLER: Same objections.

5 THE WITNESS: Within the orders. Half 4515s
6 would be asbestos, half 4515s would be non-asbestos
7 with an order. So that would halve the
8 differential and the cost that we were trying to
9 get.

10 Q (MR. SATTERLEY) And if -- sort of walk me
11 through this or clarify this for me. Because how was
12 it, if you -- how was it the cost problem was going to
13 be addressed by mixing and matching asbestos brakes and
14 non-asbestos brakes?

15 MR. MILLER: Foundation, speculation.

16 THE WITNESS: I really can't.

17 Q (MR. SATTERLEY) Okay.

18 A I really can't. And I don't remember.

19 Q But at the time in 1983, you wrote, "They,"
20 referring to Freuhauf, right?

21 A Right, right.

22 Q "-- feel they can handle the 300 set
23 differential if they're allowed to mix and match
24 asbestos and non-asbestos parts," right?

25 A Mm-hmm.

1 Q You got say yes or no.

1:49

2 A Yes. Excuse me.

3 Q "The writer confirmed that they may do this
4 and have alerted them to this fact." Right?

5 A Yes.

1:49

6 Q "We need a friction code covering 3027-73
7 non-asbestos material for wedge brake." Right?

8 A Yes.

9 Q "This is in the works. Freuhauf edge code FRU
10 924GG has already been applied to this mix."

1:50

11 A Yes.

12 Q So both Abex and Freuhauf had edge code
13 numbers and labels for non-asbestos products, right?

14 A We had edge code numbers, I don't know that we
15 had any labels at that point. Again, I -- whatever I
16 wrote back then is what was going on.

17 Q And this was prepared at or about the time in
18 June 22nd, 1983?

19 A Yes.

20 Q We can set that exhibit to the side.

1:50

21 MR. RADCLIFFE: It's 1:50.

22 MR. SATTERLEY: I'm at Exhibit 54, and how
23 many exhibits total do we have, 58?

24 MR. RADCLIFFE: But I have to take a break at
25 2 o'clock.

1:51

1 MR. SATTERLEY: Okay. For how long? 1:51

2 MR. RADCLIFFE: 30 minutes, 40 minutes.

3 MR. SATTERLEY: Let's go off the video for a
4 minute.

5 THE VIDEOGRAPHER: We're off the record at 1:51
6 1:51.

7 (A discussion was held off the record.)

8 THE VIDEOGRAPHER: We're back on record at
9 1:52.

10 Q (MR. SATTERLEY) The next document is dated 1:51
11 November 15, 1983, it's a document prepared by you --

12 A February.

13 Q Excuse me?

14 A Mine says February.

15 Q Maybe I got the wrong -- let's see. Oh, 1:51
16 February 15th, I'm sorry.

17 MR. MILLER: Are you on 54, Counsel?

18 MR. RADCLIFFE: What's the exhibit number
19 right there?

20 THE WITNESS: 54. Freuhauf visit. 1:52

21 Q (MR. SATTERLEY) And is this a visit you
22 made -- excuse me, is this a letter you prepared at or
23 about February 15, 1983?

24 A Yes.

25 Q And did you make a visit to the plant there in 1:52

1 Ohio?

1:52

2 A No. We made a -- we made a visit to our plant
3 in Salisbury.

4 Q Okay. Thank you. And was it the purpose of
5 that to familiarize Mr. Binder with the facility? 1:52

6 A Excuse me, I spoke incorrectly. This visit
7 was to Winchester.

8 Q Okay.

9 A We did make visits to Salisbury, but this
10 specific one was Winchester. 1:52

11 Q Okay. And was this to take Mr. Binder, the
12 Freuhauf representative, the manager of Freuhauf on a
13 tour of the plant?

14 A Yes.

15 Q Do you report in the fourth paragraph that
16 there was in-depth discussion on non-asbestos product
17 line?

18 A Yes. We wanted to cover it, yes.

19 Q And then there's a discussion of, "They have
20 approved for production," and there's Abex 931-162,
21 Carlisle and then a number there, and a Raybestos and a
22 number there? 1:53

23 A Yes.

24 Q Was it your understanding that those three
25 different products were non-asbestos? 1:53

1 A Yes.

1:53

2 Q Then you report that you arrived at the plant
3 in the morning and went to the plant conference room?

4 A Yes.

5 Q And then you took him to lunch at the club?

1:53

6 A Mm-hmm.

7 Q And then --

8 A Yes.

9 Q -- left Winchester back -- on a flight back to
10 Detroit at 3:30?

1:54

11 A Correct.

12 Q And do you recall anything specific about this
13 meeting, about this in-depth discussion of the
14 non-asbestos product lines?

15 A I don't recall.

1:54

16 Q Set that exhibit to the side.

17 The next exhibit is this November 15th, 1983
18 discussion -- excuse me, call report?

19 A Yes.

20 Q And does it relate to Freuhauf's axle plant?

1:54

21 A Yes, it does.

22 Q And do you once again outline the various
23 people that you interviewed?

24 A Yes, I did.

25 Q At the bottom of the first page, third

1:54

1 sentence, it says, "A few releases are coming through
2 requesting non-asbestos lining, much of it is
3 unspecified by the fleet customer and whose lining they
4 get --"

5 A I'm sorry, where are you? 1:54

6 Q Right here at the bottom.

7 A Okay.

8 Q "A few releases are coming through --"

9 A Yes, yes.

10 Q First of all, what is a release? 1:55

11 A It's a production release for X number of
12 pieces as --

13 Q So at this point in time, were the folks
14 requesting non-asbestos lining?

15 A Yes. This is being generated by their fleet 1:55
16 customers.

17 Q And did you prepare -- well, the last sentence
18 on the second page, going over to the second page, it
19 says, "As noted above, Abex gets 100 percent of this
20 business." Was that the trailer division, the Hobbs 1:55
21 trailer division?

22 A That was the Hobbs trailer division.

23 Q Okay. We'll set that exhibit to the side.

24 57?

25 A 6. 1:56

1 Q 56? Okay. 56 is a -- is it a form, Abex form 1:56
2 prepared by A. D. Indelicato?

3 A Yes.

4 Q And can you -- is this a form that describes
5 the various product type, whether it's got asbestos in 1:56
6 it --

7 A Yes, it is.

8 Q And was it prepared on or about February 25th,
9 1984?

10 A Yes, sir. 1:56

11 Q And does it indicate on the type which
12 products had asbestos and which products were, for
13 example, semi-metallic?

14 A Yes, it does.

15 Q Or FGR, do you know what FGR is? 1:56

16 A No, I do not.

17 Q As of 19 --

18 A I recognize the numbers.

19 Q As of February 25th, 1984, if we go down to
20 number 13, ranked number 13, is that an asbestos 1:57
21 product?

22 A Yes.

23 Q And does -- if we go over to the key accounts,
24 does it identify who has that key account?

25 A No. Freuhauf, I'm sorry. Yes. 1:57

1 Q Freuhauf trailer axle, cam, brakes -- 1:57

2 A Yes.

3 Q -- to 20,000 pounds?

4 A Yes.

5 Q If we go down to item 16, does it indicate 1:57

6 whether that item 16 is asbestos product?

7 A Yes, it is.

8 Q Does it indicate who's the key account for
9 that product?

10 A Freuhauf. 1:57

11 Q Is that the OES trailer axle, the 20,000
12 pound?

13 A Yes.

14 Q Let's set that exhibit to the side. By the
15 way, this is an Abex document, correct? 1:57

16 A Yes.

17 Q Let's go to the next document. Is this 57?

18 A 7.

19 Q And is this a letter from Ronald Bagley,
20 Bagley, Abex executive vice president? 1:57

21 A Yes.

22 Q And is this dated August 27, 1986?

23 A Correct.

24 Q And does it indicate that this is a letter to
25 all Abex heavy duty distributors? 1:58

1 A Yes, sir.

1:58

2 Q And would -- heavy duty distributor, would
3 Freuhauf be a heavy duty distributor.

4 A No. Freuhauf would be an OES account. This
5 would be -- these would be Abex heavy duty distributors, 1:58
6 set up by Abex, an independent businessman in the parts
7 business for tractors, trailers, trucks, buses.

8 Q Did they have heavy duty distributors all over
9 the country?

10 A Yes, we did.

1:58

11 Q Including California?

12 A Yes, sir.

13 Q The Bay area?

14 A Yes.

15 Q And at this time, was Abex announcing to its 1:58
16 distributors that they're going to substitute
17 non-asbestos product at the -- that they're going to get
18 out of the asbestos business?

19 A If that's what your copy says, yeah. I
20 haven't read it all yet. Yes.

1:58

21 Q It indicates they're going to get out of --

22 A Indicates they're getting out of asbestos,
23 yes, sir.

24 Q And with regards to Abex's policy at this
25 time, they will substitute non-asbestos products for the 1:59

1 asbestos product price, do you see that? Third
2 paragraph.

3 A Yeah, yeah. Hang on. Mm-hmm. I see that and
4 that is correct.

5 Q And then on the fourth paragraph, "Effective
6 September of 1986, Abex will not accept the return of
7 asbestos product for credit."

8 A Yes.

9 Q Prior to September 1st, 1986, did Abex, if a
10 customer wanted -- said, hey this is asbestos, we want
11 to send it back, did Abex give them a refund?

12 A I can't speak to that. That was out of my
13 realm.

14 Q Okay. It says, "Any information or assistance
15 that you may require in completing your will be readily
16 provided." Do you see that?

17 A Where are we?

18 Q This is the fourth paragraph, the last
19 sentence.

20 A The fourth paragraph.

21 Q "However, any information or assistance you
22 may require in depleting your inventories will be
23 readily provided."

24 A Yes, I see that.

25 Q Okay. And do you recall when this occurred?

2:00

1 A No, I do not.

2:00

2 Q But this -- there's no doubt in your mind this
3 is an Abex memorandum?

4 A No, none. No doubt.

5 Q Let's set that to the side.

2:00

6 And Exhibit 50 --

7 A 8.

8 Q -- 58, is this an Abex memorandum from J. J.
9 Brown to B. T. Santilli?

10 A Yes.

2:00

11 Q And are these folks Abex employees?

12 A Yes, they are.

13 Q And this is dated --

14 A November 12th, 1987.

15 Q That's my 20th birthday, November 12th, 1987.

2:00

16 Anyway --

17 A We were wondering.

18 Q On November 12th, 1987, was -- do you know
19 what Mr. Brown was conveying to Mr. Santilli?

20 A I haven't read it, sir.

2:01

21 Q Okay. Well, I'll tell you what, the lawyer
22 that's retained your services -- or I guess retained --
23 or has got you on a retainer agreement needs to take a
24 break. So we're going to go off the video so we can
25 accommodate his schedule.

2:01

1 A Okay, sir.

2:01

2 MR. SATTERLEY: All right. Let's go off and
3 we'll come back to this after the break.

4 THE VIDEOGRAPHER: Time now is 2:01, we're off
5 the record.

2:01

6 (Recess from 2:01to 2:38 p.m.)

7 THE VIDEOGRAPHER: Time now is 2:38, we're
8 back on the record.

9 Q (MR. SATTERLEY) Mr. Bretz, are you ready to
10 continue on?

2:38

11 A Yes, sir.

12 Q We left off on Exhibit 58, which is the 1987
13 report. And I want to ask you, it says, "Method of
14 obtaining and maintaining OE business." Do you see that
15 at the top?

2:38

16 A Yes.

17 Q And it's my understanding that your -- spent
18 many years in manager as relates to heavy duty
19 customers, correct?

20 A Yes.

2:38

21 Q And what I want to go over to the last page of
22 this, methods of obtaining and maintaining OE business,
23 and it's got major customers heavy duty?

24 A Yes.

25 Q And does it -- each of those companies major

2:39

1 customers of Abex for the heavy duty line? 2:39

2 A Yes.

3 Q Rockwell?

4 A Yes.

5 Q Eaton? 2:39

6 A Yes.

7 Q Bendix?

8 A Yes.

9 Q Lucas Industries?

10 A Yes. 2:39

11 Q Dana?

12 A Yes.

13 Q And Freuhauf?

14 A Yes.

15 Q And if you could, just so that I understand, 2:39
when you say heavy duty, what does that mean in the
industry you worked in?

18 A Tractors, trucks, trailers.

19 Q And did you call upon all of these companies
as a salesperson for Abex? 2:39

21 A I called on all of them except Bendix.

22 Q And who called on Bendix?

23 A Fellow by the name of Charlie Hubbard.

24 Q And are you able to tell me which of these
companies were your biggest or best customers? 2:39

1 MR. RADCLIFFE: Objection, vague, ambiguous. 2:39

2 THE WITNESS: Yes, I can.

3 MR. MILLER: Speculation, over broad.

4 Q (MR. SATTERLEY) Go ahead, tell me.

5 MR. RADCLIFFE: Same objection. 2:40

6 THE WITNESS: Rockwell Corporation was the
7 largest.

8 Q (MR. SATTERLEY) Okay.

9 A Eaton Corporation was the second.

10 Q Okay.

2:40

11 A Freuhauf third.

12 Q Yes.

13 A Dana, four. Lucas -- this was back in the
14 '80s -- Lucas back in '87 was just getting, quote,
15 involved. And I have to say Bendix last. 2:40

16 Q And why was Bendix last, if you know?

17 A I don't really know. I'm not that familiar
18 with their heavy duty brake and axle business. Light
19 axles and light vehicles, et cetera, I am, but not heavy
20 duty. 2:40

21 Q But the top three was clearly Rockwell, Eaton,
22 and Freuhauf?

23 A That is correct.

24 Q We can set that exhibit to the side.

25 I'm going to hand you a few additional 2:40

1 exhibits at the break. 59 there, Exhibit 59 appears to 2:40
2 be an Abex quotation for a company called Bonded Brakes
3 and --

4 A Yes.

5 Q -- your name's on there? 2:41

6 A Yes.

7 Q And this is dated 1987, do you see that?

8 A Yes, I do.

9 Q And it is indicated that the formula numbers
10 are 551C. 2:41

11 A Yes, sir.

12 Q And it's signed off on the bottom by Robert
13 Bagley, do you see him?

14 A That's correct.

15 Q And he's the fellow earlier that we saw the 2:41
16 memo said switching over to asbestos free, right?

17 A Mm-hmm.

18 Q Is the 551C asbestos containing?

19 A Yes, sir.

20 Q And it says, this is for -- this is pursuant 2:41
21 to Dana Spicer trailer axle plan?

22 A Correct.

23 Q To Bonded Brake?

24 A Yes.

25 Q And was Dana Spicer one of your all's 2:41

1 customers?

2:41

2 A Yes.

3 Q And was Bonded Brake one of the customers?

4 A One of our customers, yes.

5 Q And it says for SeaLand container chassis

2:41

6 only, do you see that?

7 A Yes, I do.

8 Q Do you know who SeaLand is?

9 A Yes.

10 Q Were they a customer?

2:42

11 A Not directly.

12 Q Indirectly?

13 A Indirectly such as this.

14 Q Yeah. And so this would --

15 MR. MILLER: Move to strike, speculation, lack

2:42

16 of foundation.

17 Q (MR. SATTERLEY) This is an Abex quotation,

18 right?

19 A That is correct.

20 Q And this would be a document that was created

2:42

21 in the normal course of business at or about July 1987,

22 right?

23 A September '87.

24 Q Excuse me, September. I'm wrong on the date.

25 September. Thanks for -- all right. So let's set that

2:42

1 document to the side and go to the next document. I 2:42
2 think we've marked it as 60.

3 And once again this is an Abex quotation to
4 Bonded Brake, right?

5 A Yes, sir. 2:42

6 Q And once again, it's for the formula numbers
7 551C.

8 A Yes.

9 Q And it says use Dana OE edge code?

10 A Yes. 2:42

11 Q That's Dana Spicer trailer axle?

12 A Yes.

13 Q Okay. And this is for -- it says for SeaLand
14 container chassis?

15 A Yes. 2:43

16 Q And this would be a document that would have
17 been created in the normal course of business of Abex,
18 right?

19 A That is correct.

20 Q And let's set that to the side. 2:43

21 And let's go the next document, it's Exhibit
22 61. This is a letter -- excuse me, a memo -- a call
23 memorandum by L. E. Bretz. That's you, right?

24 A Yes, sir.

25 Q And what does this relate to? Who is the 2:43

1 customer?

2:43

2 A Problem has arisen here with credit policies
3 towards this company.

4 Q The customer at the top, is it indicated
5 Bonded Brakes?

2:43

6 A Bonded Brakes. "Our credit limit of \$40,000
7 was based on their main business of being a replacement
8 house and receiving a few thousand pieces a month, which
9 was well within their limits and capacities to pay upon
10 delivery."

2:43

11 Q On the next paragraph, does it indicate that
12 the 551C will be bonded to shoes and shipped to Dana
13 Corporation for installation on the axles ordered for
14 SeaLand Corporation specifying Abex?

15 A That is correct.

2:44

16 Q Okay. And once again, the 551 referred to in
17 this memorandum would be an asbestos-containing product?

18 A Yes, sir.

19 Q Let's set that -- and this memorandum was
20 prepared and -- on or about October of 1987, correct?

2:44

21 A Yes.

22 Q Set that exhibit to the side. And go on to
23 the next. We're up to 62, is that correct?

24 A Yep.

25 Q And this is dated November the 2nd, 1987,

2:44

1 correct? 2:44

2 A Yes, sir.

3 Q And it's a memorandum call report prepared by
4 you regarding your customer?

5 A Yes. 2:44

6 Q And the customer reference is Dana Spicer
7 Trailer Products?

8 A That's correct.

9 Q And it -- you interviewed the sales manager
10 and the purchasing manager of that customer, correct? 2:45

11 A Yes.

12 Q And this relates to not being paid for the
13 products, for the Abex products that you shipped, right?

14 A Right.

15 Q And this specifically -- if you look in the
16 last paragraph, specifically Dana and Bonded Brakes was
17 not paying for the products for the SeaLand order,
18 right?

19 A Bonded Brakes wasn't paying us. I have no
20 idea whether Dana was paying Bonded Brake. 2:45

21 Q Regardless, this dealt with SeaLand?

22 A This dealt with a SeaLand order, yes.

23 Q Okay. And this was a document you created
24 during the normal course of your job at Abex, right?

25 A Yes. 2:45

1 Q We'll set that exhibit to the side. 2:45

2 The next memorandum is dated November 3rd,
3 1987, the next day. And we've marked this as 63?

4 A Yes, sir.

5 Q And this -- you are -- your name is on the
6 bottom of this memorandum as receiving a copy, correct? 2:46

7 A Correct.

8 Q And it's addressed to Jim Dukes at the Abex
9 Corporation.

10 A Yes, sir.

2:46

11 Q And it's referring to -- oh, this is a Bonded
12 Brakes letter to Abex, right?

13 A Yes. Steve Harris, yes.

14 Q Steve Harris is the name that's on your other
15 memorandum, says he's the president -- 2:46

16 A Yeah. He's the president, yes.

17 Q And so this would indicate that there's 24,000
18 blocks of 551C that was received by them, correct?

19 A Yes.

20 Q And this was the product, the Abex products
21 that were at issue for the failure to pay by them,
22 correct? 2:46

23 A Yes.

24 Q Now, if we go to the last -- and by the way,
25 this would have been a document you received in the 2:47

1 normal course of business, true?

2:47

2 A Correct. Yes, sir.

3 Q And then the next document, which I've marked
4 as 64 --

5 A 64.

2:47

6 Q -- is an Abex Friction Products Division
7 memorandum from a J. N. Eberhart to an A. D. Indelicato.

8 A Yes.

9 Q And this one's dated November 19th, 1987,
10 correct? 2:47

11 A Yes, it is.

12 Q And this relates to the heavy duty aftermarket
13 sales involvement with regards to the technical
14 assistance at SeaLand, right?

15 A Correct. 2:47

16 Q And it says in the third paragraph, "The
17 aftermarket sales again became involved with the
18 material that was shipped to Bonded Brakes. At this
19 time, Jim Duke contacted me with information that Bonded
20 Brake was past due and all shipments to Bonded Brake are
21 on hold." Did I read that correctly? 2:47

22 A You read it correctly.

23 Q It goes on in the next paragraph, "We
24 contacted Troy to see what could be done -- what they
25 could do to resolve the problem. Earle Bretz contacted 2:48

1 both Bonded Brakes and Dana (call report attached). Jim 2:48
2 Duke was in contact with Steve Harris of Bonded Brake
3 and Steve gave Jim new release dates (copy of letter
4 attached). In the meantime, the data material, 551C, is
5 on the dock at Bonded Brake." Did I read that 2:48
6 correctly?

7 A Yes, you did.

8 Q And the Dana material that they're referring
9 to, the 551C, still at this time is asbestos, right?

10 A Correct. 2:48

11 Q "The material is asbestos," I'm reading from
12 letter now. "The material is asbestos and we certainly
13 do not want this material back in Winchester." Do you
14 see that?

15 A I don't see that line. Oh, okay. 2:48

16 Q The last --

17 A Last sentence of the -- that paragraph, yes.
18 I see it.

19 Q "The material is asbestos and we certainly do
20 not want this material back in Winchester." 2:49

21 A Correct.

22 Q Do you know why it was that Abex Corporation
23 did not want their product to come back to the
24 Winchester plant in 19 -- November 1987?

25 A We were shortly going out of the asbestos 2:49

1 manufacturing business and switching everything over to
2 non-asbestos.

3 Q And so why didn't they want to -- these
4 particular products back in the Winchester plant?

5 A It was a Bonded Brake for an order from Dana,
6 ordered asbestos material from us, we filled the order,
7 we made it, we shipped it, you have it, you owe us.

8 Q But did they not want it back in the
9 Winchester because -- the plant because it was asbestos?

10 MR. RADCLIFFE: Objection, calls for
11 speculation.

12 THE WITNESS: I can't answer that.

13 Q (MR. SATTERLEY) Well, let's analyze this
14 sentence in detail. It says, the material is asbestos,
15 correct? 2:50

16 A Yes.

17 Q And we certainly do not want this material
18 back in Winchester.

19 A Correct. Because we were getting rid of
20 asbestos product. 2:50

21 Q There's no other reason listed why they
22 wouldn't want it back in Winchester, Abex would not want
23 it back in Winchester other than the fact it was
24 asbestos, right?

25 A Correct. 2:50

1 Q Okay. So it's fair to say the reason why Abex 2:50
2 didn't want the material to be shipped back to
3 Winchester because it had asbestos in it?

4 MR. RADCLIFFE: Objection, foundation, calls
5 for speculation. 2:50

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

7 MR. RADCLIFFE: Foundation, calls for
8 speculation.

9 Q (MR. SATTERLEY) Go ahead.

10 A I'm sorry. No, we did not want it back 2:50
11 because it was asbestos.

12 Q We can set that exhibit to the side. And the
13 next --

14 A And you order it, you pay for it.

15 Q The next exhibit is Exhibit 65, and that says 2:50
16 the Dana order form for the material, correct?

17 A Yes.

18 Q And that's the same material we've been
19 talking about, right?

20 A Yes. 2:51

21 Q Let's just mark -- we marked 65 and let's set
22 that to the side. Getting close to --

23 A That's a brake shoe and lining assembly order.
24 That's not a brake lining order, that's a brake lining
25 and assembly with a shoe -- 2:51

1 Q And what's the --

2:51

2 A -- shoe and assembly.

3 Q It's both of them?

4 A Shoe and lining together.

5 Q The lining also?

2:51

6 A Right.

7 Q Okay. I only have one copy of that. There is
8 a photograph of some individuals that's referenced.

9 Mr. Rennie, I think, is there?

10 A Rennie is here, yes.

2:51

11 Q And who else is there?

12 A Vic Persbacker, Abex vice president of

13 administration; George L. Romine, Abex vice president,

14 and he was at that time -- what's the date on this, we

15 know? He was a president of the Abex friction materials

2:52

16 group. Ernst Schreyger, don't know him. And don't know

17 George Geiser, director of finance for Abex

18 International.

19 Q The folks that you knew on that photograph --

20 A Yes.

2:52

21 Q -- did any of those folks talk to you

22 individually about the hazards of asbestos?

23 A No.

24 Q You can set that exhibit to the side. Did you

25 know Eric, and I'm going to mispronounce this --

2:52

1 A Feierabend.

2:52

2 Q Feierabend?

3 A I don't mean to jump in, but --

4 Q That's okay. I appreciate the help.

5 A Feierabend.

2:52

6 Q What was his job with Abex?

7 A He was at the -- his last job was vice

8 president of manufacturing at the Winchester facility.

9 Q And did he ever talk with you about the levels
10 of asbestos that he found at the Winchester facility? 2:52

11 A Not that I remember.

12 Q And did you know an M. David Gidley?

13 A Spelling?

14 Q G-I-D-L-E-Y.

15 A No, sir.

2:53

16 Q I want to show you Exhibit 67, this is a July
17 1978 memorandum from -- does it say Winchester at the
18 top?

19 A Yes.

20 Q Is that the Friction Products -- 2:53

21 A Friction Products Group.

22 Q Is that a part of Abex?

23 A Yes.

24 Q And who is the memorandum from?

25 A C. B. Mallory.

2:53

1 Q Do you know who that is? 2:53

2 A He was the plant manager at Winchester.

3 Q And who is it addressed to?

4 A E. F. Potts.

5 Q Do you know who that is?

2:54

6 A I know who it is, I'm not sure at that point
7 in time what his specific job was. He was probably in
8 charge of manufacturing or something.

9 Q Fair to say, given the information in the
10 memorandum, the names on the memorandum, this is a
11 document that was prepared part of Abex Corporation? 2:54

12 A Yes.

13 Q And does it indicate what the subject matter
14 of this memorandum is?

15 A Yes, it does. 2:54

16 Q And what is it?

17 A It's a cautionary label which we were going
18 hand stamp on all boxes and cartons not now printed.

19 Q Go ahead and read so the folks in the room and
20 folks listening on the phone can understand, what's the
21 first paragraph say? 2:54

22 A First paragraph?

23 Q Yes.

24 A "Until all of our boxes and cartons come
25 through with the asbestos caution information preprinted 2:54

1 by the supplier, it will be necessary that we hand stamp 2:54
2 the information on those boxes and cartons not now
3 printed."

4 Q And what is the date of this memorandum again?

5 A July 3rd, 1978. 2:55

6 Q Did you -- were you involved in any of the
7 hand stamping?

8 A No, sir.

9 Q Do you know who -- anybody by name in 1978 was
10 involved in any of the hand stamping of any of the 2:55
11 caution labels?

12 A No.

13 Q What's it say in the next paragraph?

14 A "Please determine the sizes and the number of
15 hand stamps required to read as follows:" 2:55

16 Q And --

17 A Want me to continue reading?

18 Q Sure.

19 A "Caution, contains asbestos fibers. Avoid
20 creating dust. Breathing asbestos dust may cause 2:55
21 serious bodily harm. An alternative to hand stamping
22 would be the use of printed labels."

23 Q On the label language, I want to ask you about
24 the part of the label that says "Avoid creating dust."
25 Was there ever a discussion at Abex on what type of 2:55

1 suggestions should be given to customers to assist in 2:56
2 avoiding that creation of dust?

3 A Not that I'm aware of and not that I was
4 involved in.

5 Q Did you ever see any -- strike that. Did you 2:56
6 ever hear or have any conversations with customers of
7 any type of engineering controls that the customer
8 should utilize to avoid creating dust?

9 A No.

10 Q The next sentence, I think it's the final 2:56
11 sentence after the -- something about bodily harm.

12 A "An alternative to hand stamping would be the
13 use of printed labels."

14 Q No, no, above that.

15 A "Breathing asbestos dust may cause serious 2:56
16 bodily harm."

17 Q Okay. The -- are you aware of whether Abex
18 elaborated on that label at all by saying what type of
19 bodily harm it would create?

20 A Not aware of that at all. 2:57

21 Q So from this time, 1978, until '86, '87,
22 whenever Abex got out of the asbestos business, there
23 was never, to your knowledge, a change in this label?

24 A To my knowledge, no.

25 MR. RADCLIFFE: Objection, calls for 2:57

1 speculation.

2:57

2 Q (MR. SATTERLEY) Did you ever see on any boxes
3 any other labels that was more pronounced or more severe
4 with regards to warning customers?

5 A Not that I remember.

2:57

6 Q And so the -- for example, when you read this
7 the first time about the serious bodily harm, did you
8 already know what Abex was meaning by serious bodily
9 harm?

10 A I can't speculate.

2:58

11 Q Okay. So you were -- in '78, were you
12 already, I guess, pretty high up in sales, right?

13 A Yes.

14 MR. RADCLIFFE: Objection, vague, ambiguous.

15 Q (MR. SATTERLEY) How high were you in sales?

2:58

16 A I don't remember.

17 Q But even by that point in time, 1978, you as a
18 manager in the sales department didn't really know what
19 type of harm this product could potentially cause?

20 MR. RADCLIFFE: Objection, argumentative.

2:58

21 Q (MR. SATTERLEY) That's fair, right?

22 MR. RADCLIFFE: Argumentative.

23 THE WITNESS: And I'd say that's correct. We
24 were salespeople. We were provided information
25 from, quote, experts. And what they wanted us to

2:58

1 discuss and talk about and show people, et cetera, 2:58
2 that's what we did.

3 Q (MR. SATTERLEY) Would you agree that your
4 customers relied upon the salespeople to be the front
5 line people for the corporation with regards to 2:58
6 technical assistance?

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

9 Q (MR. SATTERLEY) Go ahead.

10 A If a -- I'd say yes. If a customer requested 2:59
11 technical assistance, he would have it from someone else
12 other than the sales guys.

13 Q I apologize, I didn't catch that. Repeat.

14 A If a customer asked for additional technical
15 assistance from other than a salesperson, we would get 2:59
16 it for him.

17 Q But the way it worked is that the
18 salesperson -- the salesmen or the sales manager,
19 they're the front line with regards to customers with
20 regards to providing technical information? 2:59

21 MR. RADCLIFFE: Objection --

22 THE WITNESS: Yes.

23 MR. RADCLIFFE: -- argumentative.

24 Q (MR. SATTERLEY) I'm sorry, what was your
25 answer? 2:59

1 A I said yes.

2:59

2 THE VIDEOGRAPHER: We have five minutes.

3 Q (MR. SATTERLEY) I'm going to wrap it up here,
4 Mr. Bretz, with a couple of other things.

5 Do you know whether Freuhauf was -- we talked
6 about earlier when they were removing the asbestos from
7 Delphos plant to the dump. Do you know whether they
8 were removing it there because it was dangerous?

3:00

9 MR. MILLER: Speculation, foundation.

10 THE WITNESS: Do not know.

3:00

11 Q (MR. SATTERLEY) Do not know one way or the
12 other?

13 Prior to 1978, were all the Freuhauf brakes,
14 to your knowledge, Carlisle asbestos?

15 MR. MC GUIRE: Objection, lack of foundation,
16 hearsay.

3:00

17 THE WITNESS: Not all.

18 Q (MR. SATTERLEY) Who -- who else?

19 A Abex might have supplied some, again customer
20 specification; Raybestos supplied some, customer
21 specification; Thermoid might have supplied some,
22 customer specification. The volume was not large, but
23 the honest answer to your question is yes, we all
24 supplied material to Freuhauf.

3:01

25 Q But as far as the overwhelming volume, the

3:01

1 quantity, Abex was by far and away the most prior to 3:01
2 '78?

3 MR. RADCLIFFE: Objection, argumentative.

4 THE WITNESS: No.

5 Q (MR. SATTERLEY) No, Freuhauf.

6 A Freuhauf. No, Carlisle was the major supplier
7 to Freuhauf prior to 1977.

8 Q Okay.

9 A '77-78.

10 MR. McGUIRE: Move to strike, lack of
11 foundation, hearsay.

12 Q (MR. SATTERLEY) Did you ever see any
13 warnings, the word warnings on any box of any friction
14 products relative to asbestos?

15 A I don't remember --

16 Q And --

17 A -- whether I did or not.

18 Q And with regards to your evaluation of your
19 competitors, I mean, from time to time occasionally you
20 would see Carlisle boxes, would you not?

21 A Yes.

22 Q And did you ever see any warning cancer,
23 danger cancer, anything like that on Carlisle boxes?

24 A I can't speak to that. I don't remember.

25 Q But at least it wasn't something that stuck

3:02

1 out, hey, I remember -- it wasn't prominent enough to 3:02
2 make it stick in your mind that there was a warning on
3 Carlisle's boxes, was it?

4 A No.

5 MR. McGUIRE: Objection, move to strike, lack 3:02
6 of foundation.

7 THE VIDEOGRAPHER: We have one minute.

8 MR. SATTERLEY: Thank you, Mr. Bretz. Those
9 are all the questions I'm going to have for you
10 right now. After these attorneys ask you some more 3:02
11 questions, I may follow back up a little bit, but
12 it's been a pleasure meeting you.

13 THE WITNESS: Thank you, Mr. Satterley.

14 MR. SATTERLEY: Thank you. Let's go off the
15 video and switch tapes. 3:03

16 THE VIDEOGRAPHER: Time now is 3:03. This is
17 the end of tape number 2.

18 (A discussion was held off the record.)

19 THE VIDEOGRAPHER: The time now is 3:06, this
20 is tape number 3 in the continuation of Mr. Bretz' 3:06
21 deposition.

22 EXAMINATION

23 BY MR. McGUIRE:

24 Q Good afternoon, Mr. Bretz.

25 A Good afternoon, sir. 3:06

1 Q My name is Joe McGuire, and I represent
2 Carlisle.

3 A Yes, sir, Mr. McGuire.

4 Q Can you hear me okay?

5 A I can hear you, sir.

6 Q Just I want to ask you a few questions about
7 the things that you've told us about. First of all, did
8 you ever have an understanding of where Carlisle had its
9 manufacturing operations for brake linings?

10 A Yes, sir, I did.

3:06

11 Q And where was that?

12 A Just a moment here, I have to think. It's in
13 northern Pennsylvania, north of Pittsburgh.

14 Q Can I help you out? Ridgeway, Pennsylvania,
15 does that sound familiar?

3:07

16 A Ridgeway is very good. Yes, sir, I agree with
17 that.

18 Q Have you ever visited the Ridgeway plant?

19 A No, sir, I was never privileged.

20 Q You wouldn't expect to have visited any of the
21 Carlisle facilities, would you, as an Abex salesperson?

3:07

22 A We had people visiting our Winchester
23 facility, our competitors. If we had a meeting through
24 SAE or something like that and they would visit, yes.

25 Q Okay. But you, yourself, never had occasion

3:07

1 to visit that plant in Ridgeway?

3:07

2 A No, sir, I didn't.

3 Q And you mentioned that somewhere in reviewing
4 this small ocean of documents --

5 MR. SATTERLEY: Objection.

3:07

6 Q (MR. McGUIRE) -- that Mr. Satterley provided,
7 something about Carlisle was building a new plant for
8 asbestos-free materials. Do you remember that
9 testimony?

10 A Yes, I remember that.

3:08

11 Q I'd like to direct your attention to that.

12 MR. SATTERLEY: Let me place an objection to
13 the form of the question. Go ahead.

14 Q (MR. McGUIRE) Let me rephrase the question.

15 I want to direct your attention to testimony you gave
16 earlier in examining a lot of these documents to your
17 understanding that Carlisle was building a plant for the
18 purpose of manufacturing asbestos-free brake linings.

19 A Yes.

20 Q Do you have that testimony in mind?

3:08

21 A Yes, I believe --

22 Q Okay, that's what I want to ask you about.

23 A -- I stated that in something that I wrote.

24 Q Yeah. That's what I'm trying to direct your
25 attention to.

3:08

1 A Mm-hmm.

3:08

2 Q Because then I have few questions about that.

3 Did you ever come to know where that plant was located?

4 A No.

5 Q Did you have an understanding one way or the
6 other as to whether it was exclusively manufacturing
7 asbestos-free brake linings or friction material?

3:08

8 A I can only relate to what I wrote at the time,
9 and I guess it would -- I guess --

3:09

10 Q That was your understanding.

11 A That was my understanding as it was stated to
12 me, that we're building an asbestos-free plant.

13 Q And in the course of your --

14 A That was in Virginia. Excuse me.

15 Q I'm sorry. I didn't mean to interrupt you.

3:09

16 A No, that new plant went into Virginia.

17 Q Somewhere in Virginia?

18 A Down the road from Winchester.

19 Q Okay.

20 A Yes, sir.

3:09

21 Q In your years of work after that particular
22 document you wrote which mentioned that plant, did you
23 ever have any occasion to change your understanding as
24 to whether that plant remained devoted to the
25 manufacture of asbestos-free brake materials?

3:09

1 MR. SATTERLEY: Objection.

3:09

2 THE WITNESS: I don't -- I don't remember
3 changing my -- I don't even remember whether it
4 came about.

5 Q (MR. McGUIRE) Now, you mentioned that in the
6 course of your work over the years you had occasion to
7 meet some of the people from Carlisle.

3:10

8 A Yes.

9 Q And you mentioned even just a few minutes ago
10 SAE meetings or other meetings.

3:10

11 A Yes.

12 Q Would those meetings with Carlisle people have
13 been in the course of some other event, like SAE
14 meetings or other associations?

15 A Yes.

3:10

16 Q Give us some examples of what those
17 associations might have been, as you recall them.

18 A Well, besides Society of Automotive Engineers,
19 who had a monthly meeting, at which most of the people
20 in our small fraternity -- friction material industry
21 was rather a small fraternity, we knew most of our
22 competitors, they knew us. We'd attend these meetings
23 and have an opportunity to chat.

3:10

24 We'd -- TTMA, I was heavily involved with
25 TTMA, Truck Trailer Manufacturers Association, for 17

3:11

1 years and was vice chairman and associate's chairman of 3:11
2 that organization. We'd meet there. These -- those
3 meetings were generally four- or five-day committee
4 meetings and then five to seven days worth of convention
5 involving 7- or 800 people. 3:11

6 Q Now, the people that you met from Carlisle,
7 were these people who did the same type of work that you
8 did, namely sales?

9 A Yes.

10 Q Okay. Was there ever any occasion where the 3:11
11 Carlisle salespeople revealed to you their actual sales
12 data according to their various customers, like how much
13 they were selling in any given period of time to any
14 customers, such as Freuhauf?

15 A No, I don't believe so we got that information 3:12
16 from them. We got that information from, quote, our
17 contacts at those organizations.

18 Q You would not expect -- you would consider
19 sales data in your relationship with customers to be
20 proprietary information, would you not? 3:12

21 A Yeah.

22 Q Confidential?

23 A Correct.

24 Q And you would expect the Carlisle people to
25 treat that information the same way? 3:12

1 A Yep.

3:12

2 Q Okay. So whatever perceptions that you have
3 about Carlisle and what they were selling and how much
4 of it to any of their customers I assume did not come
5 from people at Carlisle?

3:12

6 A That is true.

7 Q Okay. And I -- was there any type of trade
8 reference material that actually contained that sort of
9 information about which manufacturers were selling what
10 type of products to which customers and in what volumes? 3:13

11 A Not in trade journals, not that I'm aware of.

12 Q Okay.

13 A We knew who had the production requirements,
14 who provided materials, we knew the vehicle volumes,
15 number of axles, et cetera. We knew that and we could
16 multiply numbers as well as anybody else to figure out
17 what their sales volumes were. 3:13

18 Q Sure. Now, let me change the subject and ask
19 you about something else. Early on in your testimony
20 you were asked, I believe, if you had seen anybody
21 drilling, and I believe these were Abex brake linings
22 for heavy trucks. Let me first ask you, do you recall
23 being asked a question to that effect?

24 A I believe as -- yes, but I believe that was
25 also involved with tradesmen. 3:14

1 Q I didn't actually say who was doing it, or if 3:14
2 I did, I --

3 A And I wasn't -- my answer was not -- was not
4 directed at heavy duty only.

5 Q Okay. Well, let me ask you the same question, 3:14
6 but this time in -- we'll leave the tradesmen out
7 because I'm not entirely sure what that means. But when
8 it came to the heavy truck brake linings, do you recall
9 seeing people engaged in the servicing or repair of
10 brake systems actually drilling the brake blocks that 3:14
11 you believe may have come from Abex, or frankly from
12 anyone else?

13 MR. SATTERLEY: Object to the form of the
14 question.

15 THE WITNESS: Not in the heavy duty field, no. 3:15

16 Q (MR. McGUIRE) Okay. Would there be any
17 reason -- well, let me back up. I would assume that, as
18 a successful salesperson, you had to have some
19 familiarity with the ways that brake linings, brake
20 blocks, and the other associated parts were actually 3:15
21 going to be used?

22 A Yes.

23 Q That didn't mean you were a mechanic, but you
24 at least had to know how these things were being
25 applied, the types of applications, the way they might 3:15

1 actually be installed, would I be correct?

3:15

2 A You'd be correct, yeah.

3 MR. SATTERLEY: Object to the form of the
4 question.

5 Q (MR. McGUIRE) Okay. You referred to FMSI
6 numbers before.

3:15

7 A Yes, sir.

8 Q Now, the -- you said the FMSI number describes
9 a size for a brake lining.

3:16

10 A Yes.

11 Q Okay. Did the FMSI number actually refer to
12 more aspects of the brake lining or block than merely
13 its size; that is, say 16 -- what did you say, 16
14 and-a-half by 7?

15 A 16 and-a-half by 7.

3:16

16 Q Was other -- have you ever used the term
17 geometry when it came to brake blocks or brake linings?

18 A Could, yes.

19 Q I mean, is that term that you recall using in
20 your work?

3:16

21 A Yeah, but not too frequently.

22 Q Okay. When we talk about the entire shape of
23 a heavy duty -- a heavy brake block, say a 4515 --

24 A Mm-hmm.

25 Q That's a heavy truck brake block, is it not?

3:16

1 A Yep.

3:16

2 Q Can also be used on trailers?

3 A Yep.

4 Q Okay. Now, did the FMSI number, as far as you
5 understood, also specify, for example, the arc of the
6 brake lining?

3:17

7 A Not the number.

8 Q It didn't.

9 A The number was -- we knew 4515 was a 16
10 and-a-half by 7. You go one step further into column 2
11 and it would -- it would give you the -- it would give
12 you maybe some dimensions of it, as it would the
13 dimensions of the brake shoe.

3:17

14 Q Did the number assigned by the FMSI, the
15 Friction Materials Standards Institute, also specify,
16 for example, the location and pattern of the drill
17 holes?

3:17

18 A That number was indicated, yes.

19 Q Okay. Well, that's why I was --

20 A By letter --

3:17

21 Q Sorry.

22 A By letter designation.

23 Q Okay. You mentioned 4515C, D, and other
24 letters?

25 A Yeah. Yes, sir.

3:18

1 Q And those indicate drill patterns? 3:18

2 A If memory serves me, that is correct.

3 Q And that's all we're interested in is what you
4 can recall.

5 A Yeah, right. 3:18

6 Q Okay. Now, when we talk about heavy duty or
7 heavy truck brake linings, would it be your
8 understanding that in most cases there would be a pair
9 of linings or blocks attached to the heavy truck brake
10 shoe? 3:18

11 A Yes, sir.

12 Q And would that be typical say of a 4515?

13 A Yes, sir.

14 Q Okay. And what do you recall was the
15 thickness of the typical 4515 brake lining? 3:18

16 A On a brake shoe, it consisted of a cam, block,
17 and an anchor block. Cam block was up against the cam,
18 the S-shaped device that was used to spread the brake
19 shoes against the drum, that would have been the thinner
20 of the two materials, about maybe at the thickest end 3:19
21 about three-quarters of an inch, give or take a few
22 thousandths, and the thinner end maybe three-eighths,
23 something along those lines.

24 Q That's your recollection.

25 A And the anchor block was thicker on both ends. 3:19

1 Q Okay.

3:19

2 A It wasn't concentric but it was thicker on
3 the -- in the center of the shoe and narrower on the end
4 of the lining, but not the same dimensions as the cam
5 block.

3:19

6 Q Okay. So 4515 was a typical brake lining that
7 you would expect on, for example, semi trailers.

8 A Yes.

9 Q Okay. Now, you told us about the brake shoe
10 and you referred to a cam, an S-shaped cam that spreads 3:20
11 them apart during the braking action.

12 A Yes.

13 Q Now, from your work in sales with the company
14 over the years, you were familiar with these parts such
15 as the cam, the spider, and other parts of the S cam 3:20
16 brake system?

17 A Yes.

18 Q Okay. In a typical heavy truck brake system
19 such as the one where a 4515 might be used, how are the
20 brake shoes attached to the -- what are they attached 3:20
21 to, if anything?

22 A They're attached to a steel brake shoe.

23 Q What's the shoe attached to?

24 A One end of the shoe is attached to the anchor
25 end of the brake and the other -- not attached to, but 3:21

1 in the vicinity of the cam. They're not attached, 3:21
2 they're there leaning on each other, I guess you would
3 say.

4 Q They're held together by springs.

5 A They're held together by springs, yes. 3:21

6 Q And what is that pair of brake shoes actually
7 attached to that keeps it from just falling off the
8 vehicle?

9 A It's attached to the axle.

10 Q Okay. Did you ever hear of the term spider? 3:21

11 A Spider, yeah.

12 Q What's a spider?

13 A I'm not -- you're out of my realm. I have
14 heard of it, yes, but I'm not a brake expert, per se.

15 Q Did you ever have occasion to look at 3:21
16 assembled axles that you believe may have had Abex brake
17 linings in them that were made by Freuhauf, Freuhauf
18 axles?

19 A Yes, sir.

20 Q Okay. I assume this would have been at the 3:22
21 Delphos plant?

22 A Yes.

23 Q Okay. And those axles would have -- would
24 they have had the brake assemblies attached to them on
25 each end? 3:22

1 A Yes.

3:22

2 Q And would you -- is it your recollection they
3 would have had a drum enclosing the brakes?

4 A Yes.

5 Q Okay. Now, that layout of axle, brake system
6 on each end, and drums, that would be typical for a semi
7 trailer axle, would it not?

3:22

8 A Correct.

9 Q In fact, that would be typical for any heavy
10 truck axle?

3:22

11 A Yes.

12 Q Okay. As you look at any one of those heavy
13 truck or heavy trailer axles, can you actually see
14 inside the drum where the brake shoes are actually
15 coming up against the drum?

3:22

16 A Yes, you can.

17 Q Okay. Are they -- would you expect these
18 axles, either on trucks or semi trailers to be open to
19 the atmosphere so that you could see them?

3:23

20 MR. SATTERLEY: Objection.

3:23

21 THE WITNESS: Yes.

22 Q (MR. McGUIRE) And as the truck went down the
23 road, would it be exposed to whatever the passing air
24 would do?

3:23

25 MR. SATTERLEY: Objection.

3:23

1 THE WITNESS: Yes.

3:23

2 MR. McGUIRE: Okay. That's all the questions
3 I have. Thank you very much, sir.

4 THE WITNESS: Thank you.

5 EXAMINATION

3:23

6 BY MR. MILLER:

7 Q Afternoon, Mr. Bretz.

8 A Excuse me, sir. Good afternoon.

9 Q Once again, I'm Tony Miller with McKenna Long
10 & Aldridge. Can you hear me okay?

3:23

11 A Yes, Mr. Miller.

12 Q I represent in the Bankhead case Arvin Meritor
13 and Kelsey Hayes. Before I ask any questions, are you
14 familiar with Arvin Meritor?

15 A Yes, I am.

3:24

16 Q Are you familiar with Kelsey Hayes?

17 A Yes, I am.

18 Q How are you familiar with Arvin Meritor?

19 A That's the -- I believe that's the present
20 designation of the old Rockwell International.

3:24

21 Q When you were working at Abex, did you have
22 any dealings with a company known as Arvin Meritor, if
23 you recall?

24 A No, I was retired after -- or before that all
25 occurred.

3:24

1 Q Okay. And how are you familiar with Kelsey 3:24
2 Hayes?

3 A We manufactured friction material for Kelsey
4 Hayes, light duty PC, passenger cars, excuse me, light
5 truck. 3:24

6 Q Do you know --

7 A Disk brake.

8 Q I'm sorry?

9 A Disk brake. As I jog my memory.

10 Q Time frame would be what? What time frame are 3:24
11 you talking about where you manufactured disk brakes for
12 Kelsey Hayes?

13 A Disk brakes?

14 Q I'm sorry.

15 A Friction material for Kelsey Hayes? 3:24

16 Q Yes, I'm sorry.

17 A Probably back as far as I go, 1953.

18 Q Up until when, do you know?

19 A Until I retired, I believe we were still --
20 which was January '91, we were still manufacturing 3:25
21 materials for Kelsey Hayes; specifically which ones,
22 don't remember.

23 Q Okay. And you wouldn't know if any of those
24 Kelsey Hayes products made their way out to Oakland,
25 California, would you? 3:25

1 A No, sir, I would not specifically. 3:25

2 Q Do you know if any of the Rockwell products
3 that you spoke of earlier in this deposition ever made
4 their way to SeaLand in Oakland, California?

5 A I would not know that specifically. 3:25

6 Conjecture is good but I would not know that
7 specifically.

8 Q Do you know who -- while you worked for Abex,
9 do you know who any of Freuhauf's customers were?

10 A I'm sorry? 3:25

11 Q Do you know who Freuhauf's customers were, who
12 they sold to? Without guessing.

13 A It's a little tough to go back to all those
14 fleets that were involved with Freuhauf.

15 Q Do you have any information or knowledge that 3:26
16 Freuhauf had any products out at SeaLand in Oakland,
17 California?

18 A I do not have any specific information other
19 than what is -- no, I can't answer that.

20 Q Okay. 3:26

21 A What am I talking about?

22 Q You think that was -- are you talking about --

23 A I don't think they made -- strike that.

24 Q Let me just ask you, I think the documents you
25 are referring to were referring to another company 3:26

1 outside of Freuhauf.

3:26

2 A Yes.

3 Q So let me re-ask the question. Do you know if
4 any Freuhauf product made its way to SeaLand in Oakland,
5 California?

3:26

6 A Specifically, no, I do not.

7 Q Okay. You gave some testimony today that on
8 occasion as part of your job, you would take your
9 customers on tours of manufacturing facility, do you
10 recall that?

3:27

11 A Yes, I do.

12 Q Okay. Can you give me or can you provide an
13 estimate as to the size of the Winchester manufacturing
14 facility post expansion?

15 A Wow. 300 times -- 300 feet long, I guess 3:27
16 maybe 200 feet wide. I think it probably ended up
17 around 300, 300 or somewhere around there. No, I never
18 paced it off and I didn't see any drawings of the
19 facility, but it was a big plant.

20 Q Understood. How high was it?

3:27

21 A We had two decks. Some of the
22 manufacturing -- some of the processing, excuse me, was
23 done on the second floor and it was found -- the
24 material found its way to the first floor for further
25 processing.

3:27

1 Q Just so I understand your testimony correctly, 3:28
2 pre-expansion you estimate to be about 300 by 200, is
3 that right?

4 A Yeah. What does that compute?

5 Q Well, the reason I'm asking is that you went 3:28
6 300 by 300. I just wasn't sure if that --

7 A I'm just trying to visualize in my mind a
8 football field. I mean, how long --

9 Q That's, yeah, 300 feet.

10 A -- this plant was. And what's 300 -- come on, 3:28
11 girls, what's 300 by 200, 600,000 feet?

12 MR. RADCLIFFE: No, 60,000.

13 THE WITNESS: 60,000. No, it was bigger than
14 that.

15 Q (MR. MILLER) Do you have an estimate as to 3:28
16 the square footage of the facility?

17 A Had to be 100,000 anyway.

18 Q Okay. How often in the '60s and '70s did you
19 take customers to Winchester for tours?

20 A Personally or the company? 3:29

21 Q You personally.

22 A Me personally?

23 Q Yeah.

24 A Probably three times a year.

25 Q Okay. 3:29

1 A Maybe two to three, three to four. 3:29

2 Q Okay. Do you have an estimate as to the size
3 of the Salisbury plant?

4 A All I can say is considerably smaller. They
5 were a block manufacturing facility and redesigned with 3:29
6 all that we found out and established with the larger
7 facility, so that we could develop more product out of a
8 smaller space. That one might have been -- well, I
9 can't conjecture.

10 Q Let met me ask you this, was it about half the 3:29
11 size of Winchester?

12 A It was half the size of Winchester, yeah.

13 Q And how often in the '60s and '70 -- or when
14 did the Salisbury plant come into existence?

15 A I don't remember. 3:30

16 Q Let me ask you this way: How often would you
17 take customers to Salisbury?

18 A Depending upon their product or the product
19 that we were attempting to sell to them, we would take
20 them -- our normal two-day tour was Mahwah in New Jersey 3:30
21 for our research facility, our test facility, then to
22 Winchester, which was headquarters, and a tour there in
23 the a.m. and then at noon, we'd grab a bite and/or catch
24 our boxes of lunch on the plane, going to Salisbury in
25 the afternoon. And then we would leave Salisbury 6 3:30

1 o'clock, 7 o'clock at night and fly back to Detroit. 3:30
2 The bulk of these trips that I was involved with were
3 all involved out of Detroit as home base.

4 MR. MILLER: That's all I have, thanks.

5 MR. RADCLIFFE: Anybody on the phone with 3:31
6 questions?

7 No one on the phone has any questions?

8 EXAMINATION

9 BY MR. RADCLIFFE:

10 Q Mr. Bretz -- 3:31

11 A Yes, sir.

12 Q -- are you ready to continue?

13 A I'm ready to continue.

14 Q As you know, my name is Tom Radcliffe.

15 A Mr. Radcliffe, it's a pleasure. 3:31

16 Q You say that, but we've met before, right?

17 A Yes, we have.

18 Q I don't want to embarrass you, but how old are
19 you?

20 A 79. I'm a 10-10-10 boy. 3:31

21 Q All right. That was my next question. So
22 happy birthday. Your birthday was two days ago.

23 A Thank you, sir. Sunday.

24 Q Sunday?

25 A Yes. 3:31

1 Q All right. And when did you last work? 3:31
2 Remind me when you last worked --
3 MR. SATTERLEY: Excuse me, wait a second.
4 10-10-10?
5 THE WITNESS: Yeah. 3:32
6 MR. SATTERLEY: 1910 you were born?
7 THE WITNESS: 10 October --
8 MR. RADCLIFFE: You're saying this year.
9 THE WITNESS: -- 2010.
10 MR. SATTERLEY: Okay. Oh, I'm sorry. I 3:32
11 thought you were -- Mr. Bretz, come on.
12 MR. RADCLIFFE: He was renewed two days ago.
13 MR. SATTERLEY: I thought he was saying he was
14 born on 10-10-10. Go ahead, I'm teasing.
15 Q (MR. RADCLIFFE) And remind me when you last 3:32
16 worked for Abex?
17 A January of 1991.
18 Q All right. So have you -- it's been 19 years
19 since you were working for Abex?
20 A Yes, sir. 3:32
21 Q And some of these questions today were about
22 events that happened in the '60s and '70s, right?
23 A They certainly were, sir.
24 Q Have you done your best to remember things
25 that happened 30 and 40 and 50 years ago? 3:32

1 A I certainly tried. Yes, I did my best. 3:32

2 Q You did your best. You're not going to tell
3 anybody that your memory's perfect, are you?

4 A I wouldn't dare.

5 Q Okay. 3:32

6 A I'm corrected all the time.

7 Q All right. But you think --

8 MR. SATTERLEY: Can I have a continuing
9 objection to leading?

10 MR. RADCLIFFE: No. 3:33

11 MR. SATTERLEY: Okay. So you want me to
12 object every time you lead?

13 MR. RADCLIFFE: If you're going to object to
14 it, sure.

15 MR. SATTERLEY: Okay. I will object to each 3:33
16 leading question then. Because you do pay him
17 money, right? I mean, he's your consultant.

18 MR. RADCLIFFE: Well, I don't think that that
19 matters. You called him as a witness.

20 MR. SATTERLEY: Okay. We'll let the judge 3:33
21 decide that.

22 Q (MR. RADCLIFFE) Incidentally, Exhibit No. 1
23 was the notice of deposition. Do you remember that?

24 A Yes.

25 Q Okay. And did you get served with a subpoena 3:33

1 in this case? 3:33

2 A Yes, I did?

3 Q And was it a subpoena served on behalf of the
4 plaintiffs?

5 A Yes, it was.

3:33

6 Q Getting back to your memory, do you think your
7 memory is good?

8 A I believe it is good, yes.

9 Q Okay. Now, in your job at Abex, I know that
10 we've talked about this, but your job was in sales,
11 right? 3:33

12 A Correct.

13 Q And you mentioned that at times you went to
14 the Winchester plant and the Salisbury plant, right?

15 A Yes. 3:34

16 Q How many times did you -- over the course of
17 your career at Abex, how many times a month or a year
18 did you go to Winchester or Salisbury?

19 A Eight times.

20 Q A year? 3:34

21 A Maybe a eight times a year, yes, sir. With
22 not only not only Abex meetings, but also bringing
23 customers there.

24 Q Sure.

25 A And I think it probably averaged out to seven 3:34

1 or eight.

3:34

2 Q And would you spend a day there, a couple days
3 there?

4 A Sometimes a day, sometimes a couple of days,
5 depending upon who we were taking and what their time
6 limitations were.

3:34

7 Q Now, this may be obvious, but Mr. Satterley
8 asked you if you saw a caution label on every box at
9 Winchester in 1972. Do you remember that question?

3:34

10 A I believe I do, yeah.

11 Q Okay. Now, when you answered that, were you
12 talking about every single box at Winchester or were you
13 talking about every box that you saw?

14 A No, I was talking about every box I saw. I
15 can't speak for the ones I didn't see.

3:35

16 Q You talked a little bit about the Winchester
17 plant. Can you tell me how many people worked at the
18 Winchester plant?

19 A Three shifts of 4- to 500 in my day.

20 Q In your day. And what was -- just so we're
21 clear, what was being made at the Winchester plant?

3:35

22 A Friction material.

23 Q Did Abex make brakes?

24 A Abex did not make brakes.

25 Q And friction material is what?

3:36

1 A Is brake lining. Friction -- 3:36

2 Q Go ahead.

3 A Friction material is a combination of
4 ingredients, 12 to 15 ingredients which was comprised of
5 a formulation and they would be molded into a particular 3:36
6 size per specification.

7 Q Were these friction materials -- strike that.

8 Who were the friction materials sold to generally?

9 A Friction materials were sold -- generally were
10 sold to the brake manufacturers. Now, I'm speaking of 3:36
11 the original equipment end of things, okay, which was my
12 area of expertise. I'm not speaking of the aftermarket.

13 Q Understood. In this manufacturing facility at
14 Winchester where several hundred people were working,
15 how many pieces of friction material would be made in a 3:37
16 day?

17 A Pieces?

18 Q Sure, if you can estimate.

19 MR. SATTERLEY: Objection, foundation.

20 THE WITNESS: I don't know. 3:37

21 Q (MR. RADCLIFFE) Let me ask you first, are you
22 able to estimate how many pieces would be made in a day,
23 friction material pieces?

24 A Depending upon the size. I know we rolled,
25 one of our processes was rolling, and we rolled material 3:37

1 into coils, they were cured that way, and then sawed to 3:37
2 length. We manufactured five to seven miles of coils a
3 day in the Winchester plant, but that was for PC --
4 passenger car and light truck. Thick blocks, I got to
5 believe if it wasn't -- it had to be 10-20,000 a day, 3:37
6 pieces.

7 MR. SATTERLEY: Objection --

8 Q (MR. RADCLIFFE) Now, the --

9 MR. SATTERLEY: -- calls for speculation.

10 Q (MR. RADCLIFFE) Now, the operations, you 3:38
11 mentioned that the coils had to be cut to length, just a
12 minute ago did you say that?

13 A Yes.

14 Q Other than cutting the coils to length, what 3:38
15 other kinds of operations were done to the friction
16 material at the plant?

17 A After the friction -- after the piece of
18 lining was manufactured, regardless of size, if it -- if
19 the drawing or the customer required drilling, we
20 drilled holes in it, and then we would grind it to the 3:38
21 appropriate thickness per the spec. And the material
22 then went through a labeling operation, whether it was
23 impression stamped or whether it was ink stamped and/or
24 painted.

25 Q And just to be clear, Mr. Satterley asked you 3:38

1 about the suppliers of asbestos. Was raw asbestos fiber 3:38
2 used at the Winchester facility?

3 A Raw asbestos fiber was used at the Winchester
4 facility, yes.

5 Q Is -- based on all of your experience in this 3:39
6 area, was the environment at the plant different than
7 the environment that you might find in a brake shop?

8 MR. SATTERLEY: Objection, calls for
9 speculation, no foundation.

10 Q (MR. RADCLIFFE) You can answer. 3:39

11 A Yes.

12 Q Have you been to brake shops?

13 A Well, very, very few.

14 Q Okay. So for the few times that you were in
15 brake shops, did the environment look the same as it did 3:39
16 in the plant?

17 MR. SATTERLEY: Objection.

18 THE WITNESS: I don't believe so.

19 Q (MR. RADCLIFFE) Incidentally, the -- we've
20 talked about the fact that there was a caution label on 3:39
21 the friction material that was sold by Abex. Do you
22 think that the friction material sold by Abex was
23 hazardous?

24 MR. SATTERLEY: Objection, calls for
25 speculation, foundation, no -- 3:39

1 THE WITNESS: No.

3:40

2 MR. SATTERLEY: -- no expertise to give such
3 an opinion. He's a fact witness.

4 MR. RADCLIFFE: Is that a stipulation you're
5 willing to enter into, that no fact witness can
6 offer an opinion about whether or not --

3:40

7 MR. SATTERLEY: I'm not here to answer your
8 question, Mr. Radcliffe. Continue on.

9 MR. RADCLIFFE: It's a stipulation, it's not a
10 question.

3:40

11 MR. SATTERLEY: I'm here to object to the
12 improper question that you've given to Mr. Bretz.

13 Q (MR. RADCLIFFE) All right. Just a couple
14 documents for you.

15 MR. RADCLIFFE: Can you tell me what exhibit
16 number --

17 Q (MR. RADCLIFFE) Before we get to that, I'm
18 going to show you Exhibit 13 and Exhibit 40. Can you
19 take a look at those? I'm looking at -- look at the
20 second page of Exhibit 40.

3:40

21 A Second page?

22 Q Yes. And then compare that to Exhibit 13.
23 Are they exactly the same?

24 A Negative. No, they're not.

25 Q Okay. Thank you. Now, Exhibit 40, turn back

3:41

1 to the first page. First of all, this was an exhibit 3:41
2 that Mr. Satterley gave to you today, right?

3 A Yes, sir.

4 Q Now -- and we're not accusing Mr. Satterley of 3:41
5 anything, this was what was given to him, but is there
6 anything on page 1 that indicates to you that page 2 is
7 part of that document?

8 MR. SATTERLEY: Are you suggesting it
9 shouldn't be stapled together, is that what you're
10 saying, Tom? 3:41

11 MR. RADCLIFFE: I don't think it should, but I
12 don't know.

13 MR. SATTERLEY: If it shouldn't, it shouldn't,
14 I don't know.

15 THE WITNESS: There is -- as I read the body 3:41
16 of the report, there's nothing in there that
17 indicates any discussion regarding identification
18 requirements on the blocks.

19 Q (MR. RADCLIFFE) Okay. Thank you.

20 MR. SATTERLEY: What number was that so I can 3:42
21 come back to it?

22 THE WITNESS: 40.

23 MR. RADCLIFFE: 40 and 13.

24 Q (MR. RADCLIFFE) Okay, we're done with that.
25 There's Exhibit No. 68. 3:42

1 A Are we done with 13? 3:42

2 Q We are.

3 A Yes. I'm sorry. 68?

4 Q Right.

5 A Asbestos study. 3:42

6 Q And can you tell me the letterhead for that
7 particular document?

8 A Medical department.

9 Q And who is it written by?

10 A I can't tell you. 3:42

11 Q Next page.

12 A Oh, I'm sorry. Charlie Blackwell.

13 Q Dr. Blackwell?

14 A Excuse me, Dr. Blackwell.

15 Q Same Dr. Blackwell that you talked about 3:42
16 earlier today?

17 A Yes, sir.

18 Q And who is it written to?

19 MR. SATTERLEY: Objection.

20 Q (MR. RADCLIFFE) To whom is it addressed? 3:43

21 MR. SATTERLEY: Objection.

22 THE WITNESS: Don K. Rennie.

23 MR. SATTERLEY: Let me put an objection to
24 foundation.

25 Q (MR. SATTERLEY) Same doctor -- or same 3:43

1 Mr. Rennie that you talked about earlier today? 3:43

2 A Yes, sir.

3 Q In paragraph 1, does it indicate that
4 Dr. Blackwell was in communication with the United
5 States Public Health Service and the medical and hygiene 3:43
6 departments and that the Public Health Service visited
7 the medical and hygiene departments in 1965?

8 MR. SATTERLEY: Objection, foundation,
9 leading.

10 THE WITNESS: Yes. 3:43

11 Q (MR. RADCLIFFE) Would you read the first
12 sentence of this first paragraph, please?

13 MR. SATTERLEY: Same objection.

14 THE WITNESS: "As I mentioned to you on the
15 telephone today, the U.S. Public Health Service 3:43
16 visited with the medical and hygiene departments on
17 5-24-65." This is dated 5-25-65. "Their
18 representatives --"

19 Q (MR. RADCLIFFE) Just that first sentence.

20 A Oh, I'm sorry. 3:43

21 Q We'll get to it. You weren't at that meeting,
22 were you?

23 A No, sir.

24 Q Do you know if this inspection ever took
25 place? 3:43

1 A I do not.

3:43

2 Q Okay. Would you read the first sentence of
3 the second paragraph?

4 A "They have --"

5 MR. SATTERLEY: Objection, foundation.

3:44

6 THE WITNESS: "-- expressed a desire to study
7 our Brakeblok operation with a detailed in-plant
8 environmental or industrial hygiene survey."

9 Q (MR. RADCLIFFE) Okay. Are you aware of
10 whether or not that survey ever went forward?

3:44

11 A That specific one, no.

12 Q Do you know if the United States Public Health
13 Service ever conducted surveys at Abex?

14 A I do not know that they did.

15 Q Second page -- actually that's all I have for
16 that document. So we're done with that.

17 Next I'm going to show you Exhibit 69. And to
18 whom is that addressed?

19 A Donald K. Rennie, vice president, Brakeblok
20 Troy office.

3:45

21 Q And who wrote that?

22 MR. SATTERLEY: Objection.

23 THE WITNESS: Dr. Blackwell.

24 Q (MR. RADCLIFFE) And does this indicate --
25 what's the date, I'm sorry?

3:45

1 A May 27th, 1966.

3:45

2 Q And if you'd look at this -- if you look at
3 this document -- let me just make sure I have the right
4 one.

5 If you look at this document in the third
6 paragraph --

3:45

7 MR. SATTERLEY: Objection, foundation.

8 Q (MR. RADCLIFFE) Can you read that?

9 A "This group will be," that one?

3:45

10 Q Yes.

11 A "This group will be returning to Mahwah on
12 June 16th and 17th to test lesser grade brakes to see if
13 the same results or different ones will be obtained."

14 MR. SATTERLEY: Objection, move to strike.

15 THE WITNESS: "The series evaluated last

3:45

16 November was a relatively high grade of brake
17 material."

18 Q (MR. RADCLIFFE) All right, first -- and
19 what's the reference in this letter?

20 MR. SATTERLEY: Objection --

3:46

21 THE WITNESS: U.S. Public Health Service.

22 MR. SATTERLEY: -- foundation.

23 Q (MR. RADCLIFFE) Is it your understanding that
24 "this group" refers to the U.S. Public Health Service?

25 MR. SATTERLEY: Objection, leading.

3:46

1 THE WITNESS: This letter? Yes.

3:46

2 MR. SATTERLEY: Foundation, lack of
3 foundation.

4 Q (MR. RADCLIFFE) Were you -- what's Mahwah,
5 first? I don't think the jury's heard that.

3:46

6 A Mahwah was our research facility for friction
7 material.

8 Q Do you know if the United States Public Health
9 Service ever visited Mahwah?

10 A I do not know.

3:46

11 MR. SATTERLEY: Objection.

12 Q (MR. RADCLIFFE) So the information in this
13 letter is new to you, is that right?

14 A Yes, sir.

15 Q (MR. RADCLIFFE) Okay, we're done with that.

3:46

16 Next I'm going to give you Exhibit 70. And
17 what's the date of this letter?

18 A November 19th, 1968.

19 Q And who wrote this letter?

20 A Howard E. Ayer.

3:47

21 Q And what's the letterhead for this particular
22 letter?

23 A Department of Health, Education and Welfare,
24 Public Health Service.

25 Q To whom is this letter addressed?

3:47

1 A Charles B. Mallory, works manager. 3:47

2 Q And the first -- would you read the first
3 paragraph?

4 MR. SATTERLEY: Objection, foundation,
5 hearsay. 3:47

6 THE WITNESS: "We have discussed with
7 Dr. Blackwell an environmental survey of your plant
8 similar to that done in 1965. This will be less
9 comprehensive than the initial survey, with two men
10 in the plant for one week." 3:47

11 Q (MR. RADCLIFFE) So you already told us you
12 weren't aware of whether or not the survey in '65 ever
13 went forward, right?

14 A Correct.

15 Q This is 1968, is that right? 3:47

16 A Correct.

17 Q Do you know if there was a survey of the
18 Winchester plant by the United States Public Health
19 Service in 1968?

20 MR. SATTERLEY: Objection, foundation. 3:48

21 THE WITNESS: No. I don't know whether this
22 was done.

23 MR. RADCLIFFE: Okay. All right. That's all
24 I have for you.

25 THE WITNESS: Okay. 3:48

1 MR. SATTERLEY: Finished for the day?

3:48

2 Anybody else have any questions before I
3 follow up with a few?

4 RE-EXAMINATION

5 BY MR. SATTERLEY:

3:48

6 Q Mr. Bretz, these last three documents, you've
7 never seen them before in your life, right?

8 A I don't know. The last three that were showed
9 to me?

10 Q Sure.

3:48

11 A No, sir, I had never seen them.

12 Q And counsel asked you some questions about
13 whether you personally considered asbestos brakes to be
14 hazardous or not. You're not an expert on that, are
15 you?

3:48

16 MR. RADCLIFFE: Objection, form, vague.

17 THE WITNESS: No, I'm not an expert.

18 Q (MR. SATTERLEY) You've never studied the
19 intricacies of asbestos and the resulting disease that
20 occurs in that regard?

3:48

21 A No, sir.

22 Q Early in the examination by Mr. Radcliffe, he
23 asked you some personal questions. He asked you about
24 how old you are and you said 79?

25 A Yes, sir.

3:48

1 Q And he also indicated that you've been retired 3:48
2 from the company for 19 years, correct?

3 A Correct.

4 Q And you've been -- other than the consulting
5 where he pays you money, him and his law partner pay you 3:49
6 money, are you pretty much retired and not doing any
7 work at all?

8 MR. RADCLIFFE: Objection, argumentative.

9 THE WITNESS: Yeah, that's -- that's basically
10 true, yes. 3:49

11 Q (MR. SATTERLEY) You moved down here to
12 Florida from Detroit or --

13 A From the Detroit area, yes.

14 Q So for the last 18, 19 years, you've been down
15 here in Florida? 3:49

16 A Yes.

17 Q And you haven't been doing any work in the
18 brake industry other than the retainer agreement
19 situation you have with Mr. Radcliffe and his friend
20 Abbott? 3:49

21 A That's correct.

22 MR. RADCLIFFE: Objection, vague, ambiguous.

23 Q (MR. SATTERLEY) And the money that I think
24 you told me about, I didn't try to figure it out, you
25 said it was \$1500 a month? 3:49

1 A Correct. 3:50

2 Q And is that every month?

3 A Yes.

4 Q Has that been the case since 2003, 2004 time
5 frame? 3:50

6 A Yes, sir.

7 Q And does that -- is that a retainer you get
8 regardless of whether or not you review any cases?

9 A Correct.

10 Q Okay. Has -- have you ever sought out any
11 independent legal advice regarding the situation you
12 have with Abex's lawyers? 3:50

13 A No, I have not.

14 Q But you -- your -- and your involvement in
15 this litigation has only been to serve as a fact
16 witness, right? 3:50

17 A Yes.

18 Q Has anybody ever advised you as to the
19 legality of being compensated, being a paid fact
20 witness? 3:50

21 A No.

22 Q Did any -- has any -- nobody's told you
23 whether it's a violation of either state or federal law
24 to be a paid fact witness?

25 A Nobody's -- no. 3:51

1 Q And Mr. Radcliffe or Mr. -- is it Abbott, the 3:51
2 other fellow?

3 A Yes, sir.

4 Q They've not talked to you about that at all?

5 A No. 3:51

6 Q Okay. They didn't go over with you Florida
7 law regarding paying fact witnesses money to testify?

8 A No.

9 Q But you have not agreed to serve as a hired
10 expert witness, right? 3:51

11 A I'm sorry?

12 Q You've not agreed to serve as a hired expert
13 witness for Abex?

14 A No, I have not.

15 Q Now, with regards to -- he asked you several 3:51
16 questions about the plant in Winchester. Do you know
17 what the current situation is with that plant?

18 A I do not.

19 Q Okay. Has anybody advised you that that's an
20 EPA -- what's it a called, a CERCLA? 3:52

21 MR. SATTERLEY: Is it a CERCLA property?

22 MR. RADCLIFFE: I don't know what it is.

23 Q (MR. SATTERLEY) Nobody's ever talked to you
24 about the current state of that plant?

25 A No. 3:52

1 MR. RADCLIFFE: Objection, assumes facts not 3:52
2 in evidence, calls for speculation, argumentative.

3 Q (MR. SATTERLEY) Has Mr. Radcliffe gone over
4 with you the number of workers that have developed
5 asbestos diseases? 3:52

6 A No, sir.

7 Q So when you gave that personal opinion about
8 whether brake products are hazardous or -- that wasn't
9 based upon any evaluation of how many people have
10 suffered from disease from brake products? 3:52

11 MR. RADCLIFFE: Objection, calls for
12 speculation, assumes facts not in evidence.

13 THE WITNESS: No, it was not.

14 Q (MR. SATTERLEY) He asked you some questions
15 about the evaluation of the environment. Have you ever 3:52
16 done any evaluation -- environmental monitoring
17 yourself?

18 A No, sir. No I have not.

19 Q You haven't participated in measuring the
20 levels of asbestos in a brake facility where people are 3:53
21 changing out brakes or anything like that?

22 A No.

23 Q And you haven't taken the time to measure the
24 levels of asbestos in the plant either, have you?

25 A No. 3:53

1 Q Okay. So when he was asking you questions 3:53
2 about the environment, other than they physically look
3 different, you can't make any comments about the levels
4 of asbestos in the environment, either in a brake
5 facility where people are changing out brakes or opening 3:53
6 up boxes of brakes and what's going on in the plant?

7 A Probably not.

8 Q With regards to these -- couple of these --
9 the memos, Howard Ayer was referenced. Do you know who
10 Howard Ayer is? 3:54

11 A No, sir.

12 Q Charles Mallory, do you know Charles?

13 A Yes.

14 Q Have you spoken to him about the -- how many
15 of the work force at the Winchester plant has become 3:54
16 sick?

17 A No.

18 MR. RADCLIFFE: Objection, argumentative,
19 assumes facts not in evidence.

20 Q (MR. SATTERLEY) This William Lainhart, do you 3:54
21 know who that is?

22 A No.

23 Q Lewis Cralley, you don't know who that is
24 either?

25 A No, sir. 3:54

1 Q Okay. Abex, you did say, had some medical 3:54
2 directors. Did you know Lloyd Hamlin, Dr. Lloyd Hamlin?

3 A No. It's not a name that's --

4 Q Dr. Charles Blackwell, you did know him?

5 A Yes. 3:54

6 Q Frederick -- is it Knoch, K-N-O-C-H?

7 A No, I don't know him either.

8 Q Dr. William Redmond?

9 A No, sir.

10 Q What about Dennis E-G-N-A-T-Z? 3:55

11 A No.

12 Q But no one from the medical department at Abex
13 Corporation ever talked to you about how much asbestos
14 it takes to cause people to get sick and die?

15 A No. 3:55

16 Q Finally with regards to -- the Carlisle
17 attorney asked you some questions and I want to just
18 follow up on one or two little things. He asked you
19 about some -- whether or not Carlisle thought its sales
20 data was confidential. The volume of business and where 3:55
21 Freuhauf got its brake products, did you get that from
22 Freuhauf?

23 A Yeah.

24 Q From Freuhauf?

25 A Sure. I knew how much business I was going 3:56

1 after. That was the amount of business that they said
2 is available.

3 Q And did you --

4 MR. MC GUIRE: Objection, move to strike,
5 hearsay.

6 Q (MR. SATTERLEY) And did you think Freuhauf
7 was -- based upon the information, that they knew where
8 they were getting their asbestos brakes from, the brake
9 linings from?

10 MR. MILLER: Argumentative.

3:56

11 Q (MR. SATTERLEY) Did Freuhauf, based upon
12 everything you observed over the years, know where they
13 were purchasing their brake lining materials from?

14 A Yes.

15 MR. MC GUIRE: Objection, move to strike, lack
16 of foundation, and hearsay.

17 Q (MR. SATTERLEY) And did -- has anybody here
18 today presented you any memorandums, letters that would
19 indicate that Carlisle warned the public about the
20 dangers of their asbestos products?

3:57

21 MR. MC GUIRE: Objection, lack of foundation.

22 THE WITNESS: I haven't seen anything that
23 would indicate that. I was not given anything like
24 that.

25 MR. SATTERLEY: I don't think I have any

3:57

1 further questions at the current time.

3:57

2 MR. McGUIRE: Sir, just one follow-up
3 question.

4 RE-EXAMINATION

5 BY MR. McGUIRE:

3:57

6 Q Did I show you any documents?

7 A No, sir.

8 MR. McGUIRE: Okay. Thank you.

9 MR. RADCLIFFE: Anybody on the phone? Going
10 once, going twice, we're done.

3:57

11 THE VIDEOGRAPHER: Time now is 3:57, this
12 deposition is concluded.

13 (Deposition concluded at 3:57 p.m.)

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1 STATE OF FLORIDA)

2 COUNTY OF CHARLOTTE)

3 I, the undersigned authority, certify that
4 LUDLOW EARLE BRETZ, JR. personally appeared before me
5 and was duly sworn.

6 WITNESS my hand and official seal this 13th
7 day of October, 2010.

8
9
10 Michael R. Brentano, RPR
11 Notary Public, State of Florida
12 Commission Expires: 5-4-12
13 Commission Number: DD316343
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1 STATE OF FLORIDA)

2 COUNTY OF CHARLOTTE)

3 I, Michael R. Brentano, do hereby certify that
4 I was authorized to and did stenographically report the
5 foregoing deposition of LUDLOW EARLE BRETZ, JR.; that a
6 review of the transcript was requested; and that the
7 transcript is a true record of the testimony given by
8 the witness.

9 I further certify that I am not a relative,
10 employee, attorney or counsel of any of the parties, nor
11 am I a relative or employee of any of the parties'
12 attorney or counsel connected with the action, nor am I
13 financially interested in this action.

14 Dated this 13th day of October, 2010.

15
16
17 _____
18 Michael R. Brentano
19 Registered Professional Reporter
20
21
22
23
24
25

1 STATE OF FLORIDA)

2 COUNTY OF CHARLOTTE)

3 I, the undersigned authority, certify that
4 LUDLOW EARLE BRETZ, JR. personally appeared before me
5 and was duly sworn.

6 WITNESS my hand and official seal this 13th
7 day of October, 2010.

8
9 NOTARY PUBLIC-STATE OF FLORIDA 
10 Michael R. Brentano Commission #DD777548 Michael R. Brentano, RPR
11 Expires: MAY 04, 2012 Notary Public, State of Florida
12 BONDED THRU ATLANTIC BONDING CO., INC. Commission Expires: 5-4-12
13 Commission Number: DD316343
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25

Michael R. Brentano

1
10-12-10 MBS

1 Leigh A. Kirmssé, Esq. (C.S.B. #161929)
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10 Attorneys for Plaintiffs

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 IN AND FOR THE COUNTY OF ALAMEDA

14 GORDON BANKHEAD and EMILY
15 BANKHEAD,

16 Plaintiffs,

17 v.

18 ALLIED PACKING & SUPPLY, INC., et al.,

19 Defendants.

20 Case No. RG10502243

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**NOTICE OF DEPOSITION AND
VIDEOTAPING OF LUDLOW EARLE
BRETZ, JR.**

DATE: October 12, 2010
TIME: 10:00 a.m.
LOCATION: Four Points by Sheraton
33 Tamiami Trail
Punta Gorda, FL 33950

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

PLEASE TAKE NOTICE that in accordance with the attached subpoena, plaintiffs,

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 Four Points by Sheraton, 33 Tamiami Trail, Punta Gorda, Florida 33950. The deposition will be taken before a Notary Public duly authorized to administer oaths in the State of Florida and shall continue from day to day thereafter, Sundays and

KAZAN, McCCLAIN,
ABRAMS, LYONS,
GREENWOOD &
HARLEY
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171 TWELFTH STREET
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(510) 302-1000
(510) 465-7728
FAX (510) 635-4913

1 holidays excepted, until completed.

2 Said deposition is to be videotaped and stenographically recorded with instant visual
3 display, pursuant to Code of Civil Procedure §§ 2025.220(a)(5) and 2025.330(a). Plaintiff
4 reserves the right to use said videotape deposition at trial pursuant to provisions of Code of Civil
5 Procedure §§ 2025.220(a)(6) and 2025.620.

6 A list of all parties or attorneys for parties on whom this Notice of Deposition is being
7 served is shown on the service list attached to the accompanying proof of service.

8 DATED: September 20, 2010

KAZAN, McCLEAIN, LYONS,
GREENWOOD & HARLEY
A Professional Law Corporation

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By _____
Leigh Kirmsé
Atorneys for Plaintiffs

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ATTORNEY OR PARTY WITHOUT ATTORNEY: Justin A. Bosl, Esq. KAZAN, MCCAIN, LYONS, GREENWOOD & HARLEY Jack London Market 55 Harrison Street, Suite 400 Oakland, CA 94607	FOR COURT USE ONLY
TELEPHONE NO.: (510) 465-7728	
ATTORNEY FOR: SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA	
PLAINTIFF: GORDON BANKHEAD AND EMILY BANKHEAD DEFENDANT: ALLIED PACKING & SUPPLY, INC., ET AL	CASE NUMBER: RG10502243
PROOF OF SERVICE	Ref. No. or File No.: BANKHEAD

1. I am over 18 years of age and not a party to this action.
2. Received by THE ATLAS AGENCY on 9/14/2010 at 9:00 am to be served on LUDLOW EARLE BRETZ, JR., 26 WINDWARD COURT, PLACIDA, FL 33946.
3. INDIVIDUALLY/PERSONALLY served by delivering a true copy of the DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE, COMMISSION and A WITNESS FEE CHECK IN THE AMOUNT OF \$8.30 with the date and hour of service endorsed thereon by me, to: LUDLOW EARLE BRETZ, JR. at the address of: 26 WINDWARD COURT, PLACIDA, FL 33946, and informed said person of the contents therein, in compliance with state statutes.
4. Date and Time of service: 9/15/2010 at 5:00 pm
5. Description of Person Served: Age: 70, Sex: M, Race/Skin Color: Caucasian, Height: 5'10", Weight: 165, Hair: Silver, Glasses: Y
6. Military Status: Based upon inquiry of party served, Defendant is not in the military service of the United States of America.
7. My name, address, telephone number, and, if applicable, county of registration and number are:
 Name: Sean Spoonts
 Firm: 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: **\$0.00**
8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

Sean Spoonts
(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)


(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

OPG

SUBP-015

DATE 9/15/10
 TIME 8:00 AM/PM
 SEAN K. SPOONTS
 CPS#157695

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

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 Oakland, California 94607

TELEPHONE NO.: 510-465-7728

FAX NO. (Optional): 510-835-4913

E-MAIL ADDRESS (Optional):

ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda

STREET ADDRESS: 1225 Fallon Street

MAILING ADDRESS:

CITY AND ZIP CODE: Oakland, CA 94612

BRANCH NAME: Rene C. Davidson Alameda County Courthouse

PLAINTIFF/ PETITIONER: Gordon Bankhead and Emily Bankhead

DEFENDANT/ RESPONDENT: Allied Packing & Supply, Inc., et

DEPOSITION SUBPOENA
FOR PERSONAL APPEARANCECASE NUMBER:
RG10502243

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Ludlow Earle Bretz Jr., 26 Windward Court, Placida, FL 33950 33946

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: October 12, 2010 Time: 10:00 a.m. Address: 33 Tamiami Trail,
 Punta Gorda, Florida 33950

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 2. (Code Civ. Proc., § 2025.230.)
 - b. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
 - c. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are as follows:

3. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage 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 time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: 09/10/10

Justin A. Bosl, Esq. (C.S.B. #241117)
 (TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Plaintiff
 (TITLE)

(Proof of service on reverse)

DEPOSITION SUBPOENA
FOR PERSONAL APPEARANCELegal
Solutions
Co. Plus

1 Leigh A. Kimssé, Esq. (C.S.B. #161929)
2 Justin A. Bosl, Esq. (C.S.B. #241117)
2 KAZAN, McCALIN, LYONS, GREENWOOD & HARLEY, PLC
Jack London Market
3 55 Harrison Street, Suite 400
Oakland, California 94607
4 Telephone: (510) 302-1000

5 Attorneys for Plaintiffs

6

7

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

8

IN AND FOR THE COUNTY OF ALAMEDA

9

10 GORDON and EMILY BANKHEAD,

No. RG10502243

11 Plaintiffs,

COMMISSION

12 vs.

[C.C.P. § 2026.010]

13 ALLIED PACKING & SUPPLY, INC., et al.,

14 Defendants.

15

16 TO THE PEOPLE OF THE STATE OF CALIFORNIA:

17 WHEREAS, it appears to the Superior Court of the State of California for Alameda County
18 that non-party witness LUDLOW EARLE BRETZ JR., residing at 26 Windward Court, Placida,
19 Florida 33946 has information relevant to this action pending in the above-entitled court and that
20 the personal attendance of said witness cannot be procured at deposition in California, under the
21 authority of C.C.P. § 2026.010(c) and (f), we hereby authorize the issuance of the subpoena for the
22 deposition of LUDLOW EARLE BRETZ JR. in Charlotte County, Florida to compel LUDLOW
23 EARLE BRETZ JR., a necessary witness, to appear for oral testimony as specified in the to be
24 issued subpoena.

25 The deposition shall be governed and proceed under the laws of the State of California, and
26 a representative of Kazan, McClain, Lyons, Greenwood & Harley, PLC will take the deposition of
27 the witness at 10:00 a.m. on October 12, 2010, at the Four Points, 33 Tamiami Trail, Punta
28 Gorda, FL 33950.

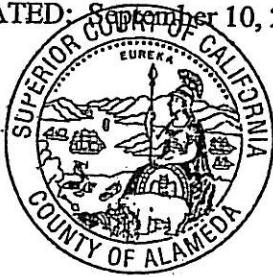
KAZAN, McCALIN,
LYONS,
GREENWOOD &
HARLEY, PLC
JACK LONDON MARKET
55 HARRISON STREET,
SUITE 400
OAKLAND, CA 94607
(510) 302-1000
(510) 465-7728
FAX (510) 635-4913

COMMISSION

1 Said deposition will be recorded stenographically, through instant visual display, and
2 videotaped pursuant to C.C.P. § 2025.220(a)(5) and plaintiffs reserve the right to use the
3 videotaped deposition at trial under C.C.P. § 2025.620.

4

5 DATED: September 10, 2010



Clerk of the Superior Court for Alameda County

6
7 By
8 PAT S. SWEETEN

9 Deputy

A handwritten signature in black ink, appearing to read "Pat S. Sweeten".

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21
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27
28

KAZAN, MCCLAIN,
LYONS,
GREENWOOD &
HARLEY, PLC
JACK LONDON MARKET
55 HARRISON STREET,
SUITE 400
OAKLAND, CA 94607
(510) 302-1000
(510) 465-7728
FAX (510) 835-4913

PROOF OF SERVICE

Re: ***Gordon Bankhead and Emily Bankhead v. Allied Packing & 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):

**NOTICE OF DEPOSITION AND VIDEOTAPING OF LUDLOW EARLE BRETZ,
JR.;
SUBPOENA DUCES TECUM W/ATTACHMENTS**

by transmitting a true copy to:

- (By e-mail or electronic transmission) By personally transmitting a true copy thereof via email.

(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 5:00 p.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.

(By Personal Service) By causing to be personally delivered.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 20, 2010 at Oakland, California.

James Price

KAZAN, McCLEAIN,
LYONS,
GREENWOOD &
HARLEY, PLC
JACK LONDON MARKET
55 HARRISON STREET,
Suite 400
OAKLAND, CA 94607
(510) 302-1000
(510) 465-7728
FAX (510) 835-4913

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@bhplaw.com; grosse@bhplaw.com; mmaciver@bhplaw.com;

wrundin@burnhambrown.com; upajala@BurnhamBrown.com;

mlb@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;
clankford@foleymansfield.com; asandoval@foleymansfield.com;
bjohnson@foleymansfield.com; ecrandall@foleymansfield.com;
sgarratt@foleymansfield.com; cchan@foleymansfield.com;
kokumoto@foleymansfield.com;

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ajz@mylawfirm.com;

sridley@hrmrlaw.com; Ispinelli@hrmrlaw.com;
mgordon@hrmrlaw.com; larmanino@hrmrlaw.com;
jyee@hrmrlaw.com; cwagerman@hrmrlaw.com; mmontiel@hrmrlaw.com;

APortillo@jjr-law.com; mclore@jjr-law.com; RRosser@jjr-law.com;

Charles.Osthimer@leclairryan.com; matthew.wisinski@leclairryan.com;
Scott.Fryer@leclairryan.com;

DGlaspy@Glaspy.com; glundry@glaspy.com; mcclark@glaspy.com;
shannonj@glaspy.com;

jelee@mckennalong.com; mjackson@mckennalong.com;
acasalett@mckennalong.com;
eperez@mckennalong.com;

fiorentino@nixonpeabody.com; Isenekeremian@nixonpeabody.com;
dmurov@nixonpeabody.com; ebroadley@nixonpeabody.com;
ccloar@nixonpeabody.com;

dongaro@obllaw.com; shaines@obllaw.com; bjohnson@obllaw.com;
nbrownfield@obllaw.com;

dgorczyca@perkinscoie.com; sdaniels@perkinscoie.com;
DBurford@PondNorth.com; kjamison@pondnorth.com;
ncrystal@pondnorth.com; bepperly@pondnorth.com;
skruger@pondnorth.com;

jdenis@reinhartlaw.com; atrillo@reinhartlaw.com;
aschlinsog@reinhartlaw.com;

michael.scanlon@sdma.com; steven.wasserman@sdma.com;
sunny.shapiro@sdma.com;

ltavera@semperlawgroup.com; Iramirez@semperlawgroup.com;

Monica.Williams@tuckerellis.com; Anna.Pasynkova@TuckerEllis.com

wlamping@vmddlaw.com;

jbacon@wfbm.com; clieu@wfbm.com; hnagayama@wfbm.com;
dburch@wfbm.com; smartini@wfbm.com;

SERVICE LIST CASE: Bankhead, Gordon [NE 1433]

ACTION #: RG10502243

September 20, 2010 11:33 AM

BASSI EDLIN HUIE & BLUM, LLP
351 California Street, Suite 200, San Francisco, CA 94104
FOR: CARLISLE CORPORATION

PH: (415) 397-9006
FAX: (415) 397-1339

BERRY & BERRY
P.O. Box 16070, Oakland, CA 94610
FOR: DESIGNATED DEFENSE COUNSEL

PH: (510) 835-8330
FAX: (510) 835-5117

BRYDON, HUGO & PARKER
135 Main Street, 20th Floor, San Francisco, CA 94105
FOR: DANA CO, LLC fka DANA CORP & SPICER MFG CORP sii/pac/et of SPICER MFG; DANA COMPANIES, LLC fka DANA CORP & SPICER MFG CORP ...sii/pac MIDLAND; DANA COMPANIES, LLC fka DANA CORPORATION & SPICER MFG CORPORATION; MIDLAND BRAKE, INC.; PNEUMO ABEX CORP/SII/ABEX CORP

PH: (415) 808-0300
FAX: (415) 808-0333

BURNHAM BROWN
1901 Harrison Street, 11th Floor, Oakland, CA 94612
FOR: BORG WARNER CORPORATION; BORG WARNER CORPORATION by its sii BORG WARNER MORSE TEC INC.; BORGWARNER, INC.; BORGWARNER, INC. sii/pac/et of BORG-WARNER AUTOMOTIVE, INC.; BORGWARNER, INC. sii/pac/et of BORG-WARNER CORPORATION; BURNS INTERNATIONAL SERVICES CORPORATION fka BORG-WARNER CORPORATION

PH: (510) 444-6800
FAX: (510) 835-6739

COUNSEL UNKNOWN
FOR: CALIFORNIA BRAKE & CLUTCH PARTS, INC.; JD - BERTOLINI INDUSTRIES, LTD.; TRAILMOBILE TRAILER LLC

PH: 510-285-0750
FAX: 510-285-0740

DeHAY & ELLISTON, LLP
1300 CLAY STREET, SUITE 840, Oakland, CA 94612
FOR: KAISER GYPSUM COMPANY, INC.

PH: (510) 444-3131
FAX: (510) 839-7940

FILICE, BROWN, EASSA & McLEOD
1999 Harrison Street, 18th Fl., Oakland, CA 94612
FOR: CARGOTEC USA, INC.; CARGOTEC USA, INC. sii/pac/et of KALMAR INDUSTRIES AB; CARGOTEC USA, INC. sii/pac/et of OTTAWA TRUCK; CARGOTEC USA, INC. sii/pac/et of OTTAWA-KALMAR

PH: 510-590-9500
FAX: 510-590-9595

FOLEY & MANSFIELD, PLLP
300 Lakeside Drive, Suite 1900, Oakland, CA 94612
FOR: GRANADA SALES, INC.; JUPITER CONSTRUCTION, INC.; STRICK TRAILER LLC; STRICK TRAILER LLC pac/sii/et to STRICK CORPORATION; STRICK TRAILER LLC pac/sii/et to STRICK TRAILER CORP (California DBA); SUNSET DEVELOPMENT COMPANY

PH: (415) 986-5900
FAX: (415) 986-8054

GORDON & REES
Embarcadero Center West, 275 Battery Street, 20th Floor, San Francisco, CA 94111
FOR: GOODYEAR TIRE & RUBBER COMPANY

PH: (408) 287-7788
FAX: (408) 927-0408

HERR & ZAPALA
152 North 3rd Street, Suite 500, San Jose, CA 95112
FOR: ALLIED PACKING & SUPPLY, INC.

PH: (650) 365-7715
FAX: (650) 364-5297

HOWARD, ROME, MARTIN & RIDLEY
1775 Woodside Road, Suite 200, Redwood City, CA 94061-3436
FOR: EATON CORPORATION

PH: (415) 982-3600
FAX: 415-982-3700

JACKSON JENKINS RENSTROM LLP
55 Francisco Street, Sixth Floor, San Francisco, CA 94133
FOR: DAP, INC.

PH: 281-397-0763
FAX: 713-659-2204

LANIER LAW FIRM
6810 FM 1960 West, Houston, TX 77069
FOR: LANIER LAW FIRM

PH: 415-391-7111
FAX: 415-391-8766

LeCLAIR RYAN LLP
44 Montgomery Street, 18th Floor, San Francisco, CA 94104
FOR: DAIMLER TRUCKS NORTH AMERICA LLC

SERVICE LIST
Page Two

CASE: Bankhead, Gordon [NE 1433]

ACTION #: RG10502243

September 20, 2010 11:33 AM

MCGIVNEY, KLUGER & GLASPY

One Walnut Creek Center, 100 Pringle Ave., Ste 750, Walnut Creek, CA 94596
FOR: CLARK EQUIPMENT COMPANY

PH: (925) 947-1300
FAX: (925) 947-1594

McKENNA, LONG & ALDRIDGE

101 California Street, 41st Floor, San Francisco, CA 94111
FOR: ARVINMERITOR, INC.; ARVINMERITOR, INC./sii/pac/et/ROCKWELL INTERNATIONAL, INC.;
KELSEY-HAYES COMPANY; KELSEY-HAYES COMPANY sii/pae/et of DAYTON WALTER CORPORATION;
KELSEY-HAYES COMPANY sii/pae/et of TRUEHAUF CORPORATION; KELSEY-HAYES COMPANY
sii/pae/et of TRUEHAUF TRAILER CORP.; MAREMONT CORPORATION

PH: (415) 267-4000
FAX: (415) 267-4198

NIXON PEABODY LLP

One Embarcadero Center, 18th Floor, San Francisco, CA 94111
FOR: FORD MOTOR COMPANY

PH: (415) 984-8200
FAX: 866-542-6538

ONGARO BURTT & LOUDERBACK, LLP

595 Market Street, Suite 610, San Francisco, CA 94105
FOR: HONEYWELL INTERNATIONAL INC. fka ALLIED SIGNAL, INC./sii/BENDIX CORP

PH: 415-433-3900
FAX: 415-433-3950

PERKINS COIE LLP

Four Embarcadero Center, Suite 2400, San Francisco, CA 94111
FOR: GEORGIA-PACIFIC LLC

PH: (415) 344-7000
FAX: (415) 344-7288

POND NORTH

350 South Grand Avenue, Suite 3300, Los Angeles, CA 90071
FOR: CBS CORPORATION, a Del Corp fka VIACOM, INC./sbm/to CBS CORP, a Penn

PH: (213) 617-6170
FAX: (213) 623-3594

REINHART BOERNER VAN DEUREN S.C.

1000 North Water Street, Suite 1700, Milwaukee, WI 53202
FOR: CARGOTEC USA, INC.; CARGOTEC USA, INC. sii/pac/et of KALMAR INDUSTRIES AB; CARGOTEC
USA, INC. sii/pac/et of OTTAWA TRUCK; CARGOTEC USA, INC. sii/pac/et of OTTAWA-KALMAR

PH: 415-298-1000
FAX: 414-298-8097

SEDGWICK, DETERT, MORAN & ARNOLD

One Market Plaza, Steuart Tower, 8th Floor, San Francisco, CA 94105
FOR: CATERPILLAR INDUSTRIAL INC. fka TOWNMOTOR CORPORATION

PH: (415) 781-7900
FAX: (415) 781-2635

SEMPER LAW GROUP, LLP

333 South Hope Street, Suite 3950, Los Angeles, CA 90071
FOR: PARKER-HANNIFIN CORPORATION

PH: 213-437-9700
FAX: 213-596-1466

THE RASMUSSEN LAW FIRM, LLP

6033 West Century Blvd., Suite 375, Los Angeles, CA 90045
FOR: CARLISLE CORPORATION

PH: 310-641-1400
FAX: 310-641-2947

TUCKER ELLIS & WEST

135 Main Street, Suite 700, San Francisco, CA 94105
FOR: CARRIER CORPORATION

PH: (415) 617-2400
FAX: (415) 617-2409

VESTEVICH, MALLENDER, DuBOIS & DRITSAS

6905 Telegraph Road, Suite 300, Bloomfield Hills, MI 48301-3160
FOR: UNI-BOND BRAKE, LLC; UNI-BOND BRAKE, LLC sii/pac/et to UNI-BOND BRAKE, INC.; UNI-BOND
BRAKE, LLC sii/pae/et to UNI-BOND, INC.

PH: (248) 642-1920
FAX: (248) 642-2095

WALSWORTH, FRANKLIN, BEVINS & McCALL - RPM

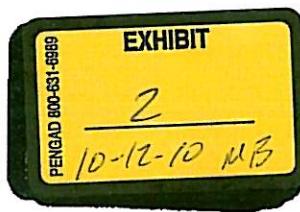
601 Montgomery Street, 9th Floor, San Francisco, CA 94111
FOR: RPM INTERNATIONAL, INC. fka RPM, INC.; RPM INTERNATIONAL, INC. fka RPM, INC. sii/pac/et to
BONDEX INT'L, INC.

PH: (415) 781-7072
FAX: (415) 391-6258

WALSWORTH, FRANKLIN, BEVINS & McCALL - THOMAS DEE

601 Montgomery Street, 9th Floor, San Francisco, CA 94111
FOR: THOMAS DEE ENGINEERING COMPANY

PH: (415) 781-7072
FAX: (415) 391-6258



AB-112

Dr. C. C. Blackwell
Medical Director
AMERICAN BRAKE SHOE COMPANY
Chicago

Dear Charlie:

The attached article from the Pontiac Press was brought to my attention by Tom Liegl.

Does this call for any special action on our part at our plants in Winchester, Lindsay, Mexico, France --- should we bring it to the attention of our licensees abroad?

/mm
cc: MBTerry

D. K. Rennie

SPNY 000398

TWELVE

Suspect Asbestos as

Medical Specialists a Cause of Cancer

By ALTON BLAKESLEE
AP Science Writer

NEW YORK — Medical specialists pointed a strong finger of suspicion today at asbestos as a cause not only of lung cancer but also of another extremely rare form of fatal human cancer.

* * *

This cancer, known as mesothelioma, involves the lining of the abdominal and chest cavities.

Asbestos is used in automobile brake

shoes, and in many other applications. Ordinary wear and tear, they said, might release dust into the atmosphere.

The report was presented to the American Public Health Association by Drs. Irving J. Selikoff and Jacob Chung of the Mount Sinai Hospital, New York; and R. Cuyler Hammond, Sc.D., director of statistical research for the American Cancer Society. Dr. Hammond is known for his studies of cigarette smoking in relationship to lung cancer.

* * *

Asbestos is a mineral magnesium silicate, and about 3½ million tons of it are used worldwide each year, they said. In 1935, worldwide usage amounted to about 500 tons, the researchers said.

Tiny, hard particles of asbestos can lodge in the lungs during mining, processing and application of asbestos-containing ma-

Much of the specialists' evidence comes from autopsy studies of men working with asbestos as an insulation material.

They said it also is possible that dust from products containing asbestos might be exposing people generally to some risk of cancer. How much risk there might be, they said, they could not tell.

FLOORING MATERIAL

Asbestos is used not only for insulation but as a flooring ma-

terial, or possibly from dust raised through normal wear, they said.

MARKED INCREASE

"We had previously found that lung cancer and possibly gastrointestinal cancer were markedly increased in incidence among asbestos insulation workers," they said.

Now they also find a markedly high increase among such workers of mesothelioma, a cancer so rare it is not classed separately as a cause of death in the international classification of diseases.

* * *

As a prime example, they reported finding 10 deaths due to this form of cancer in a study of 307 deaths among New York and New Jersey building trades union members engaged in using asbestos at least occasionally as an insulation material.

By contrast, this form of cancer was found to be the cause of death among only three out of

more than 30,000 autopsies in a study of the general population sponsored by the American Cancer Society.

HIGH INCIDENCE

Other studies showed a high incidence not only of lung cancer but mesotheliomas among persons who had asbestos particles in their lungs at the time of their deaths, they said.

"It would appear that mesothelioma must be added to the neoplastic (cancer) 'risks' of asbestos inhalation and joins lung cancer (33 out of 307 deaths) and probably cancer of the stomach and colon (34 of 307 deaths) as a significant complication of such industrial exposure in the United States," their report said.

* * *

The cancers may not appear until 20 to 30 years after asbestos dust is inhaled or swallowed, they said. Since the particles do not dissolve, they may remain in body tissue as a continuous

source that might incite ultimate cancer.

Dr. Hammond said one worry is whether a few or even a single past exposure might set the stage for cancer. He said this is a matter calling for more research.

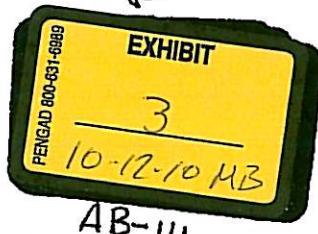
* * *

Taking precautions to avoid breathing in asbestos dust is a main protection for industrial workers, he said. Dr. Selikoff said.

D.K. RENNIE - B-B TROY
MEDICAL DEPARTMENT

file

October 13, 1964



Mr. William F. Veenstra
Asst. General Purchasing Agent
New York Office

Dear Bill:

Thank you for your note of 10-7-64 and for the clipping concerning Asbestosis. The problem of mesotheliomas in individuals exposed to asbestos is pretty well known in industry. It is interesting that Don Rennie also wrote to me and at about the same time you did concerning this particular item.

Up until the present time, based upon our industrial hygiene surveys, we have not had any great concern about asbestos exposure among our employees but there is certainly the need for continued vigilance.

Thank you for your interest.

Best regards,

Charles
C. C. Blackwell, Jr., M.D.
Medical Director

GGB:np

RECEIVED OCT 19 1964					
TO	INITIAL	DATE	FILE NO.	HFA	FIRE

SPNY 000397

G. M. Theodore

INTER-OFFICE CORRESPONDENCE

ABEX CORPORATION
Denison Division

TO: J. D. Henderson

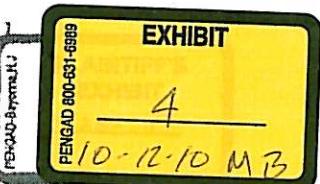
FROM: G. M. Theodore

SUBJECT: Liberty Mutual Safety Management Institute

APR 1

DATE: March 25, 1968

REFERENCE:



*write
msg.*

Although I did not attend the entire session, it was well worth while.

The most interesting fact presented was the trend of labor to take over in safety. The movement started on the West coast and is moving Eastward. If proper programs are not in effect, labor is willing to take over.

Product liability was also discussed in relation to the large law suits for improper warnings against hazards on products produced.

Most 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 with communication was the most outstanding presentation 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 recommend we send more people; otherwise, I feel we should not send anyone else to Boston to this type of session.

G. M. Theodore
G. M. Theodore

GMT:jwm
cc: F. D. Hunter

SPNY 005544



ABEX-084

SCF-ABEX-1100

AR-195

INTERNAL
CORRESPONDENCE

EXHIBIT

15
10-12-10 MB

AMERICAN BRAKEBLOK DIVISION

TROY OFFICE
October 31, 1972

Mr. P. H. Grim

Subject: Service Tip Information.

Attached is copy of a letter from Charles E. Christensen,
Automotive Instructor, San Mateo High School, San Mateo,
California.

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.


E. M. Green

EMG:nn

cc: Messrs. RENelson
HRJones
EPHoff

11/3/72

SPNY 001012

SCF-ABEX-1535

AR-18Q

"THE YEAR OF CHALLENGE"

ABEX FRICTION PRODUCTS GROUP

February 13, 1975

P.H. Green

copy
filed 2-17-75

2-17-75

To: ALL DISTRICT MANAGERS

Bulletin No.: S-75-22 AB

Subject: CARLISLE CORPORATION - MOLDED MATERIAL DIVISION

We have seen some increased activity in some marketing areas by Carlisle Corporation. For your comparison, I am attaching copies of the Carlisle product brochure and the Fruehauf brochure which in effect are one and the same.

As you know, our Private Brand Program has never been designed to compete with our Abex 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.

/mc

Attachs.

cc: Mr. S. S. Conway, Jr.
Regional Managers
Troy Sales Personnel
Winchester Sales Personnel

Harry R. Jones

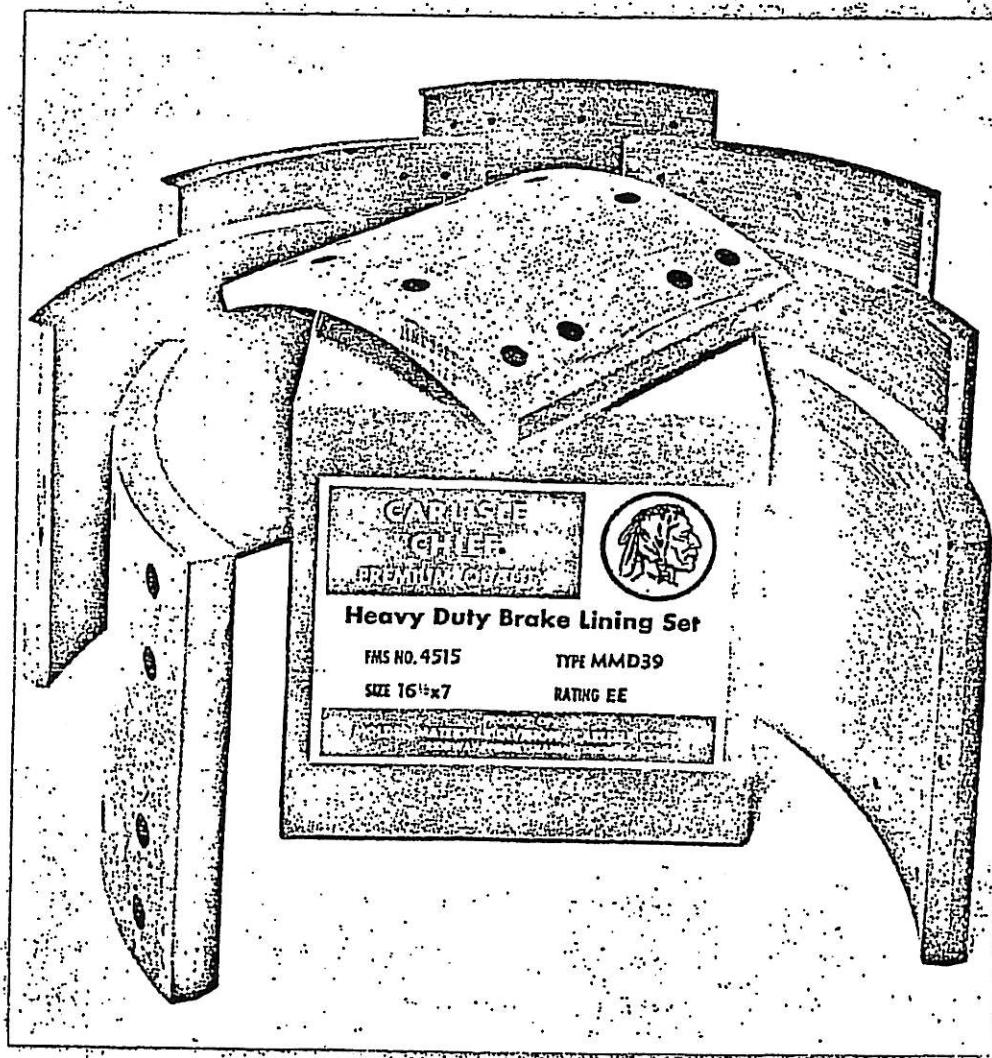


KAZ

006873

From and when

Carlisle Heavy Duty Brake Blocks



**A Complete Family of Quality Brake Blocks
Engineered to Deliver Peak all Around
Performance and Reduce the Cost per Mile
of Brake Maintenance with Safety**



**CARLISLE CORPORATION
MOLDED MATERIALS DIVISION**

Select the lining that best suits your conditions

Regardless of how particular you are about specifying the brakes on your vehicles, consider that they are no better than the lining with which they are equipped.

All Carlisle mixes offer a high safety factor with stable braking, even in high temperature ranges where fade is usually encountered. When a lining fades, it is not braking and not wearing. Users should consider that performance and safety are prime considerations. Life without performance is no bargain. Since braking friction develops heat and heat causes brake lining wear, thought should be given to means of controlling heat. Heavy-duty drums absorb more heat than light weight drums, and act as a heat sink. They reduce lining temperatures and thereby increase the life of any lining.

CARLISLE LINING RECOMMENDATIONS

TYPE VEHICLE	TYPE SERVICE	LIFE EXPECTANCY*	S-CAM AIR BRAKES		WEDGE BRAKES	
			CARLISLE CODE	FRICITION RATING	CARLISLE CODE	FRICITION RATING
TRUCKS, TRACTORS & TRAILERS 7" brakes or larger equipped with 30 sq. in. chambers or larger	HEAVY-DUTY MOUNTAIN & LEVEL HIGHWAY	AA-1	SEMI-METALLIC MM SM14	EF ✓	SEMI-METALLIC MM SM12	GH
		AA-2	PREMIUM QUAL. ORGANIC MM D39	EE	PREMIUM QUAL. ORGANIC MM D16	GG
		A	STD. ORGANIC MM 141	EF	STD. ORGANIC MM 41W	GG
TRUCKS, TRACTORS & TRAILERS 6" brakes or smaller equipped with 24 sq. in. chambers.	HEAVY-DUTY MOUNTAIN & LEVEL HIGHWAY	AA-1	SEMI-METALLIC MM SM12 COMB. SET***	GH ✓	SEMI-METALLIC MM SM12	GH
		AA-2	PREMIUM QUAL. ORGANIC MM D16	GG	PREMIUM QUAL. ORGANIC MM D16	GG
		A	STD. ORGANIC MM 141 COMB. SET***	EF	STD. ORGANIC MM 41W	GG
BEST ALL PURPOSE LININGS**		AA-2	MM D39	EE	MM D16	GG
TRUCKS, EARTHMOVERS, ETC.	EXTRA SEVERE DUTY BOTH ON AND OFF-HIGHWAY	AA-1	SEMI-METALLIC MM SM14 COMB. SET***	EF	SEMI METALLIC MM SM12	GH
		AA-2	PREMIUM QUAL. ORGANIC MM D39 COMB. SET***	EE	PREMIUM QUAL. ORGANIC MM D16	GG
BUS	HEAVY-DUTY	AA-1	MM HD8	EE	NOTE: All linings on this chart are compatible with all types brake drums.	
			MM SM14	EF		
			COMB. SET***			
MEDIUM & MEDIUM-HEAVY TRUCKS & TRACTORS	MULTI-STOP & HIGHWAY	AA-2	MM B62 Vacuum or air actuated hydraulic brakes	FF	NOTE: All linings on this chart have approval of New York and all states having brake lining laws.	

*LIFE EXPECTANCY

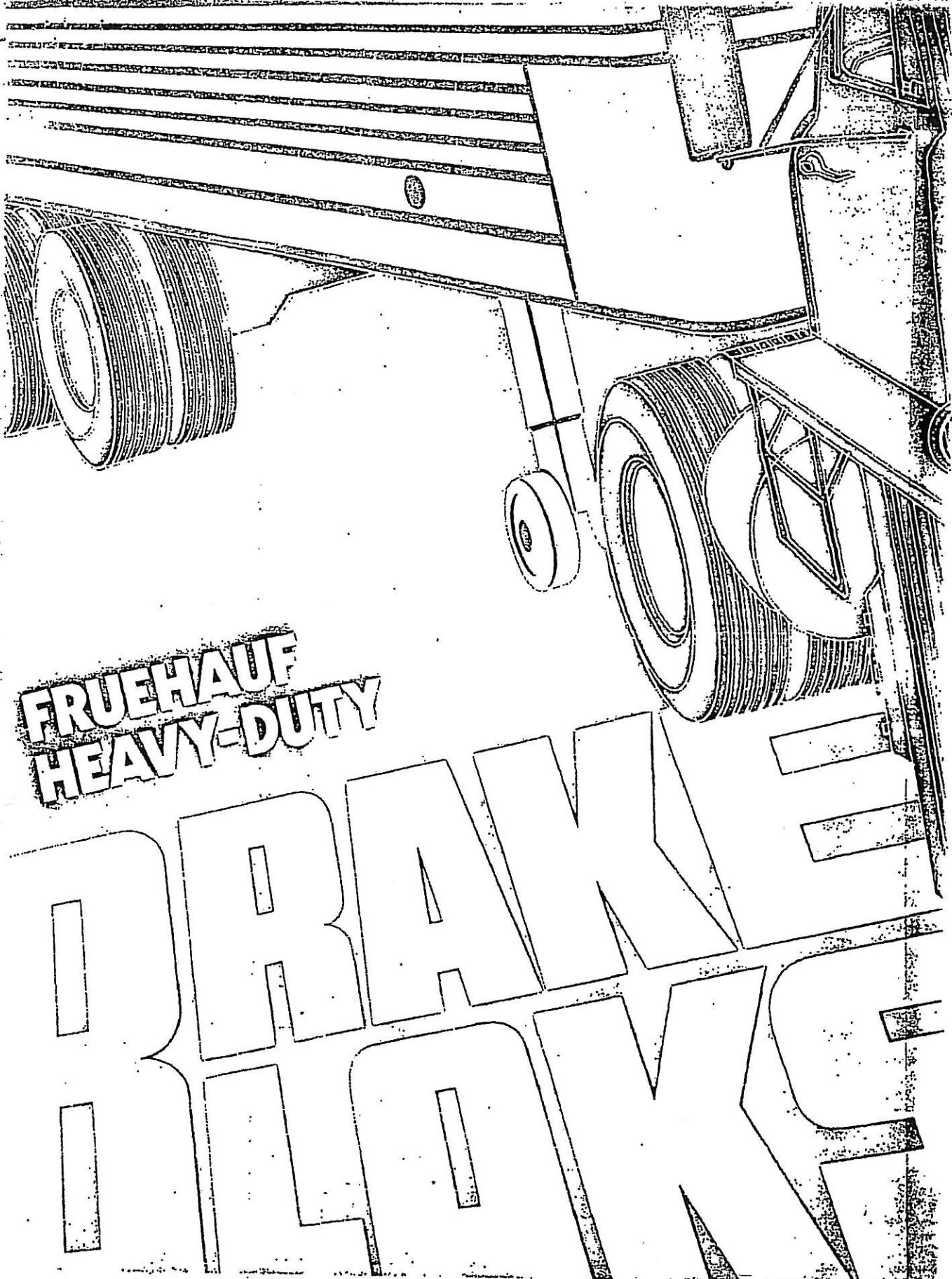
AA-1. Maximum wear under all conditions. Semi-metallic linings recommended particularly for mountain driving where sustained drum temperatures may exceed 700° F. Offer approximately 25% greater life than any organic lining.

AA-2. "Carlisle Chief." Longest wearing, most stable premium quality organic lining. Recommended for all types of service except where drum temperatures may exceed 700° F.

A. "Carlisle 141." A full molded, standard organic lining equal in quality to most competitive premium quality linings. Offers much more than average life.

**These premium organic linings have been proved by billions of miles of service over all types of terrain. The only reason they are not specified for all applications is that under certain conditions, greater economy can be had by using a lining formulated specifically for the application.

***Combination sets (all organic or organic and semi-metallic) are available on special order if desired.



**FRUEHAUF
HEAVY-DUTY**

DRAY

KAZ

006876

Select the Braking Brake Best suited your conditions

Regardless of how vehicles you are about specifying the brakes in your vehicles, consider that they are no better than the lining with which they are equipped.

All Fruehauf mixes offer a high safety factor with stable braking even in high temperature ranges where fade is usually encountered. When a lining

fades it is not braking and not steering. Users should consider that performance and safety are of prime importance. Life without performance is no gain. Since braking is the development heat causing brake lining wear, proper brake balance and the use of heavy duty cast drums help reduce lining temperatures and prolong the life of any lining.

TYPE VEHICLE	TYPE SERVICE	LIFE EXPECTANCY*	S-CAM AIR BRAKES		WEDGE BRAKES				
			FRUEHAUF CODE	FRICITION RATING	FRUEHAUF CODE	FRICITION RATING			
TRUCKS TRACTORS & TRAILERS 7" brakes or larger equipped with 30 sq. in. chambers or larger	Heavy-Duty Mountain & Level Highway	AAA	'Super Chief' Semi-Metallic SM 14	EF	'Super Chief' Semi-Metallic SM 12	GH			
		AA	Premium Quality Organic 'Chief' MM D39	EE	Premium Quality Organic 'Chief' MM D16	GG			
		A	Std. Organic 'Brave' MM 243	EF	Std. Organic 'Brave' MM 215M	GG			
TRUCKS TRACTORS & TRAILERS 6" brakes or smaller equipped with 24 sq. in. chambers.	Heavy-Duty Mountain & Level Highway	AAA	'Super Chief' Semi-Metallic SM 12	GH	'Super Chief' Semi-Metallic SM 12	GH			
			Comb. Set***						
		AA	Premium Quality Organic 'Chief' MM D16	GG	Premium Quality Organic 'Chief' MM D16	GG			
		A	Std. Organic 'Brave' MM 243	EF	Std. Organic 'Brave' MM 215M	GG			
BEST ALL PURPOSE LININGS**			MM D39	EE	MM D16	GG			
TRUCKS EARTMOVERS, ETC.	Extra Severe Duty Both on and Off-Highway	AAA	'Super Chief' Semi-Metallic SM 14	EF	'Super Chief' Semi-Metallic SM 12	GH			
			Comb. Set***						
	Severe Duty Both on and Off-Highway	AA	Premium Quality Organic 'Chief' MM D39	EE	Premium Quality Organic 'Chief' MM D16	GG			
			Comb. Set***						
BUS	Heavy-Duty	AAA	HD 8	EE	NOTE 1. All linings on this chart are compatible with all type brake drums.				
			SM 14	EF					
			Comb. Set***						
MEDIUM & MEDIUM-HEAVY TRUCKS & TRACTORS	Multi-Stop & Highway	AA	MM B62-6 Vacuum or air actuated hydraulic brakes	FF	NOTE 2. All linings on this chart have approval of New York and all other states having brake lining laws.				

LIFE EXPECTANCY

- AAA. Minimum wear under all conditions. Extra weight of linings is recommended for safety. To prevent lining where increased temperatures may exceed 700° F. over 100° F. annually 25% greater life than by regular lining.
- AA. Fruehauf 'Chief' linings. Normal road traffic friction. Fully dynamic lining. Offer approximately 15% greater life than Fruehauf 'Brave'. Recommended for use where temperatures do not exceed 700° F.
- A. Fruehauf 'Brave'. A full metal lined organic lining. Total weight is double to other linings. Maximum friction. Fully dynamic. These linings are highly recommended for different types of service over all types of terrain. The only reason they are not selected as a standard lining is their higher cost. Considering greater economy can be had by using a fully metallized organic lining.
- Combination of all previous or regular and new materials and available in special order if required.
- Fruehauf wedge disk and ceramic are suitable for grinding.



AB-1160

August 22, 1975

Mr. D. K. Rennie
Vice President
New York Office

Dear Don:

In the most recent Occupational Safety & Health Reporter, there is a brief comment quoting Dr. Selikoff regarding mesotheliomas. Apparently several cases have been noted in automobile 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 need to look upon the Friction Products brakes as requiring any label regarding potential hazard? You will recall in the dynamometer testing of the brakes in Mahwah some years ago, that the highest levels of asbestos were found in the cheapest brakes, the best quality delivering the least asbestos pollution.

C. C. Blackwell, Jr., M.D.
Medical Director

CCB:np
Enc.

SPNY 000068

6-19-75 Sent to: D.K. Rennie; C. Mallory and P. Milner

O.S.H.A. EXCERPTS - June 18, 1975

OCCUPATIONAL SAFETY & HEALTH REPORTER

42

Litigation

THIRD CIRCUIT HEARS CHALLENGE
TO CONSTITUTIONALITY OF PENALTY SCHEME

Civil argument on the question of the constitutionality of the Occupational Safety and Health Act's provision for administrative enforcement of civil penalties was heard en banc by the U.S. Court of Appeals for the Third Circuit on May 8 in Philadelphia, Pa.

The court's nine active judges and one senior judge who participated in the court's initial decision in *Frank Irey, Jr., Inc. v. OSAHRC and Brennan* (OSHC 1283) heard the case as the result of their granting Irey's petition for reconsideration (Current Report, January 9, p. 923).

McNeill Stokes of the Atlanta, Ga., law firm of Stokes, Boyd & Shapiro urged the court to adopt the minority opinion expressed by Circuit Judge John J. Gibbons in the original decision. Gibbons dissented on the ground that the administrative civil penalty scheme violates the right to a jury trial guaranteed by the Seventh Amendment to the U.S. Constitution. The fact that the Act permits the determination of a civil penalty without jury trial, which can be reduced to an *in personam* judgment, renders the law unconstitutional, Stokes contended on behalf of Irey. Any statute that includes administrative enforcement of civil penalties without trial *de novo* is unconstitutional, according to Stokes. In fact, the attorney for Irey stressed that the petitioner's case rises or falls on this issue.

The Government's defense of the statute was presented by Michael H. Stein, attorney, U.S. Department of Justice, Washington, D.C. Stein argued that the Act's penalty scheme makes a good deal of practical sense since it provides uniformity and efficiency in enforcement of the law. Stokes sees the employer who must defend himself against penalties and citations as the "forgotten man" in this argument. Stein also contended that a jury would be at a disadvantage because of its lack of expertise in the area of occupational safety and health.

Two other Courts of Appeals have heard argument on the identical issue of the constitutionality of the Act's civil penalty provision. *Atlas Roofing Company, Inc.* (No. 73-2249) is pending before the U.S. Court of Appeals for the Fifth Circuit and *Dorey Electric Company* (No. 74-2161) is awaiting a determination by the Fourth Circuit (Current Report, January 2, p. 912).

If the Government prevails in its defense of the Act's constitutionality, the U.S. Supreme Court has discretion to review the case should the employer decide to appeal. On the other hand, if the disputed section of the Occupational Safety and Health Act is declared unconstitutional, the High Court is obligated to hear the case on its merits.

The Third Circuit will take the arguments in Irey under advisement. Chief Judge Seitz, Senior Judge Staley, and Circuit Judges Van Dusen, Aldisert, Adams, Gibbons, Rosenman, Houser, Weis, and Garth heard the case.

Litigation

163 FORMER RAYBESTOS-MANHATTAN WORKERS
SEEK DAMAGES IN SUIT; OTHER SUITS FILED

A class action suit charging Johns-Manville Corporation, Denver, Colo., and four other asbestos firms with negligence in exposing employees to dangerous health hazards was filed in the U.S. District Court for the District of New Jersey.

The plaintiffs include 163 former employees of Raybestos-Manhattan, Inc., who, according to the Palerson, N.J., law firm of Gelman and Gelman, are seeking \$1 million each for compensatory damages and \$1 million each in punitive damages. Most of these workers have filed workers' compensation claims against Raybestos.

The suit charges that J-M as well as the Asbestos Corporation of America, Garwood, N.J., and three Canadian concerns, Bell's Asbestos Ltd., Asbestos Corporation, and Cassiar Asbestos Ltd., ignored scientific data and medical evidence that should have prompted them to take more stringent safety measures. The Raybestos plant, which made brake shoes, was closed in 1973.

Sunshine Mining Suit

A suit seeking \$6.9 million for property damage, and \$5 million for punitive damages was filed in Boise, Idaho, by the Sunshine Mining Company of Kellogg, Idaho, relating to the May 2, 1972, underground fire that killed 91 miners.

The suit names Mike Safety Appliances Company, the Callery Chemical Company, and PPG Industries, Inc., as conspiring to fail to inform the mines of dangers in the use of polyurethane foam.

Nerve Disorder Suit

A former employee of Columbus Coated Fabrics plant filed suit in Ohio's Franklin County Common Pleas Court for \$1.5 million in damages against Borden, Inc., Eastman Kodak, and nine chemical company suppliers in connection with total disability from peripheral neuropathy.

The suit claims the defendants should have known that the chemicals to which the workers were exposed in the plant, including the plaintiff in this suit, were dangerous and hazardous to the health of the workers.

Some 56 former employees filed suit last September 4, and five others filed suit January 24.

Crane Accident Suit

Suit was filed in an Arkansas federal court asking \$750,000 in damages following a crane accident in which one employee was electrocuted and the plaintiff was injured severely.

Grove Manufacturing Company, Philadelphia, Pa., was charged with negligence in the design of the crane, which had no protective device. The suit said Grove had a legal obligation to post conspicuously a warning to persons who would be using the crane that there was a hazard of electrocution in operating the crane without safety devices.

Bailey's Crossroads

A U.S. grand jury in Alexandria, Va., asked U.S. Attorney General Edward H. Levi to appoint a special prosecutor to investigate an alleged coverup conspiracy by government officials in the collapse of a high rise construction at Bailey's Crossroads, Va., that killed 14 workers in March 1973.

General Policy

STEIGER OBJECTS TO NIOSH CONTRACT
TO DEVELOP ACCREDITATION PROGRAM

Objections to a contract for more than a half million dollars awarded by the National Institute for Occupational Safety and Health were voiced by Congressman William A. Steiger (R-Wis.) in a series of letters and meetings with NIOSH officials.

The \$543,790 amount was awarded the Joint Commission on Accreditation of Hospitals, Chicago, Ill., to develop a

SPNY 000069

APR 18 1977

FRiction PRODUCTS GROUP

Troy

April 14, 1977

Messrs. Brian Challinor
C. E. Hubbard
W. Francis
B. M. Luts
M. M. O'Meara

(will affect) - VW
ALFA
RENAULT

We recently decided that the "Caution" information required by OSHA would be imprinted on all of our boxes and cartons. Our box and carton vendors have been so advised and this will become a running change.

The only remaining boxes and cartons not so imprinted are those made and printed to customer specification. 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 by it is their decision. If they do not want this data on the boxes, we would request that they send us a written statement to that effect.

The wording which we propose appear on the boxes and cartons is as follows:

CAUTION
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE SERIOUS BODILY HARM

Please review this with each of your customers and then give us a report advising what we should do.

A. F. Schmaltz
A. F. Schmaltz

AFS/bd
cc: RLCutler
SSConway
PHGrim
CBMallory
LEBretz
GHPaullin
BJIwarsson
File



W 026430

MAY 25 1977

G. Rossine

fc

FRICITION PRODUCTS GROUP
Troy

QUARTERBACK MEETING

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. Nelson G. Nicholson G. H. Paullin E. F. Potts A. F. Schmaltz P. Weber, Jr.
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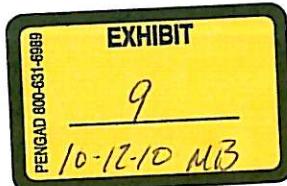
Mr. Cutler welcomed George McFadden from Canada, who was attending his first Quarterback Meeting.

Mr. Conway discussed the new Cost-Price Index chart which has been made so 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 skyrocketed. 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.

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.

BUSES

AM General & Flxible - Picked up extra business at AMG. Received a contract from Egypt, specified Abex 693-551D and 80 mix. Work on Rockwell, change from "D" to "C". We have 50% of AM business and Carlisle has the other 50%.



KAZ 3 05994

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUPX - JVIII
TYPE OF CALL
RESPONSE REQUESTED
DATE 11/4/77

CUSTOMER FRUEHAUF CORPORATION ADDRESS DETROIT, MI	REPRESENTATIVE L. E. BRETT, JR. CITY	REPORT NO. 7107 STATE/ZIP
		PHONE

OFFICIALS INTERVIEWED

A. Schaible - Manager Aftermarket & Accessories Purchases
 A. H. Przepiora - Director Product Development
 Andrew Szymanski - Chief Engineer Components
 Sharad Sheth - Project Engineer

COMMENTS

Received from Purchasing, the four orders covering the Original Equipment materials 693-551G and 693-551D. Two additional orders, covering the Original Equipment Service materials, are presently being prepared and another order covering the Replacement materials is also being typed.

Obtained the latest drawings along with sheet 14 of 14 of the FES74 specification.

The Delphos Plant had not been able, by this time, to put together the numbers for 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.

With Engineering, a complete review of our materials and the programs were made. As a result of their insistence that their Branches sell Original Equipment approved materials on Service for 121 axles, their Bulletin will state as follows: 121 axles require that 693-551G for 20,000 lb. and 693-551D for 23,000 lb. be used. On pre-121 axles it is recommended that 693-551C and/or 693-551G be used on 20,000 lb. axles and 693-551D be available for higher loadings and wedge brakes.

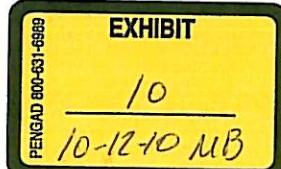
They are also going to allow into their Aftermarket system, the materials AB-80 and 693-539 and 562-5.

The following dynamometer tests to complete our portion of engineering work are required: 1. Another complete FES74 test schedule. 2. Five 121 compliance tests from various batches of production material are also required. 3. A 121 test run on 693-551G as bonded by Uni-Bond.

While discussing this, they requested a history on our background of the bonded shoes, with a 121 test that we have available for their perusal on Abex 693-551C, 551D and/or 551G.

Some additional information in that on the OES orders, we should note they added the FET and also they have noted a minimum order quantity of 25 sets.

It was also mentioned that Carlisle has, once a year, a Branch inventory and return policy at no penalty of unused or obsolete materials. This is in direct opposition to our present obsolescence policy.



BP011347

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

X C R. CONRAD (Salesman) Date Typed: 11.
XC - JUN File
TYPE OF CALL
W Thomas

REF#

DATE 11/1

CUSTOMER FRUEHAUF CORPORATION	REPRESENTATIVE L. E. BRETZ, JR.	REPORT# 7493
ADDRESS DETROIT, MI.	CITY	STATE/ZIP
		PHONE

OFFICIALS INTERVIEWED

Arnold Przepiora - Director Product Development (Accompanied by Walt Thomas)
Andrew Szymanski - Chief Engineer - Components
Sharad Sheth - Project Engineer
A. G. Schaible - Manager Aftermarket & Accessory Purchasing

COMMENTS

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 them with all of our computer print-outs, 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 thicknesses required if they change their off-set dimension. We cannot give them both nor can anyone else in the industry.

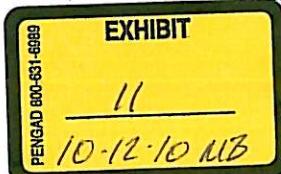
There was also a request, on our part, to change the thickness specifications of .010 - .020.

We also noted a discrepancy in their hole diameter and counterbore diameter from our standard. We noted that we 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 in absentia, noting that we were correct in our calculations and thesis and they agreed with our position. They are forwarding to us, a memo which allows us to deviate from their drawings, until such time as they can get their drawings changed. This 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 diameter requests.

It appears that everything has been taken care of in this regard and we can, with confidence, go ahead and manufacture parts per our agreement.

At this time, I would like to caution all members of our manufacturing group that this is a new customer. We are supplying him volumes of 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 Fruehauf family. There continues to be disbelievers and people who feel that Fruehauf has made a mistake. There will



BP011345

L. E. Bretz, Jr.

#7493 - Page 2

11/14/77

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 performance. We have 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. Their necks are out. We can do ourselves and them a considerable service by making absolutely and totally sure that every 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. I do not want to give anyone in Fruehauf Purchasing, Engineering, Sales or Manufacturing, an opportunity to discredit this program. We have got an excellent opportunity to manufacture an awful lot of parts and to make a 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. This can only be accomplished by total cooperation of everyone concerned with it. I am certainly looking forward to that cooperation.

Earl

L. Earle Bretz, Jr.

jd

cc RLCutler/AFSchmaltz/File
SSConway
BJIwarsson
EFPotts
ADIndelicato
GNicholson
PHGrim
RENelson
CLBroadstreet

BP011346

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

Da Typed: 11/17/77 - 11/17/77

RESPONSE REQUESTED

TYPE OF CALL

xc ADI

DATE 11/11/77

CUSTOMER	REPRESENTATIVE	REPORT No.
RUEHAUF CORPORATION	L. E. BRETZ, JR.	7492
ADDRESS	CITY	STATE/ZIP
DETROIT, MI.		PHONE

OFFICIALS INTERVIEWED

Charles Mitasik - Plant Manager (Delphos Axle Plant)
Jon Grothouse - Director Purchasing and Material Control (Delphos Axle Plant)
A. G. Schaible - Manager Aftermarket Purchases and Accessories

COMMENTS

via 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 rolling and we have had sufficient time to get production quantities of parts to them.

At this meeting, Mr. Schaible provided us with the purchase orders for the OES materials and also the purchase orders for the Aftermarket materials covered under the FMSI system.

We were also provided an idea of what the volumes will be for January and February. January calls for 17,000 pair of the 16½ x 7 and possibly 2,000 pair of the 8 5/8. February calls for 16,000 pair of the 7" 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.

OES 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.

While here, discussions with the above three gentlemen regarding the paint 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 that 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. Walt Thomas will be in attendance.

On behalf of our Fruehauf visitors and the writer, I want to express my complete appreciation and satisfaction for a job well done by the members of our Manufacturing and Engineering staff during our visit. As always,

EXHIBIT

12

10-12-10 MB

PENGAD 800-531-4969

BP011336

B. Abex Identification Requirements:

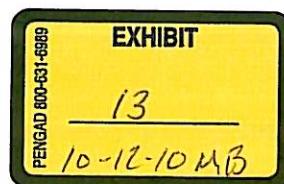
- a) One edge of the lining to be color coded with a two inch wide band adjacent to the printing with blue (for FRU913GG) and white (for FRU912GG) paint.
- b) The following information is to be printed with ink a minimum of .125 inch high on the edge of the lining on the same side as (a) above.**
 - (1) Abex New York State Code
 - (2) Abex Mix Number
 - (3) Fruehauf Part No. CE62XX
 - (4) ANC. or CAM
 - (5) FMSI Number

If size of lettering does not allow number to be stamped on edge, stamping on underside is allowable.

The above requirements, if followed, will provide an edge that looks like this:

ABEX614GG 693-551G CE6285-5 ANC 4515

36 Characters (blank spaces and letters)



BP011353

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

TYPE OF CALL.

RESPONSE REQUESTED

DATE 3/20/78

CUSTOMER		REPRESENTATIVE	REPORT NO.
<u>ERUEHAUF CORPORATION/DELPHOS AXLE</u>	<u>PLANT</u>	<u>L. F. BRETZ, JR.</u>	<u>7598</u>
<u>ADDRESS</u>	<u>CITY</u>	<u>STATE/ZIP</u>	
<u>DELPHOS, OHIO</u>			
PHONE			

OFFICIALS INTERVIEWED

Don Grothouse - Manager Material Control
 Jack Armstrong - Material Control
 Stan Lyle -
 Fred Busche - Manager Quality Control

COMMENTS

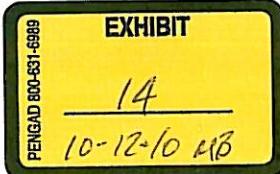
The first trailer load of material which meets their drawing and which was picked up on March 16, at our Salisbury plant, has arrived at Delphos. It is presently being checked by Quality Control this afternoon.

The second load is ready for pick up and will be as soon as the first trailer load is approved. In addition to the Quality Control checks they will also rivet the number of shoes to assure themselves that we have the problem straightened out. They are keeping in contact with Mr. Roger Cain on the shipment of these parts.

On the 7" parts, an outstanding release #2811 calling for 16,150, which had been due February 6, is still outstanding. Release #2907, which called for 36,000 pair due March 17, which is the Replacement release of the original bad material shipped, is also due. This would be a total of 52,150 pair of the 16 $\frac{1}{2}$ x 7 standard 693-551G blocks. It is the writer's understanding that 15,000 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 37,150 pair will begin to be produced March 27. These quantities will take them through their April and May requirements. An additional release will be coming in to us in approximately two weeks to cover a shipment the last week in May for their June requirements. This will be for approximately 16,000 - 17,000 pair.

Volumes for the first half are extremely good showing some increases over 1977. 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 1978 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, roller, spring and drive pin. Production of this brake begins April 1, 1978. This



BP011340

L. E. Bretz, Jr.
#7598

- Page 2

3/20/78

the Fruehauf answer to the Rockwell Q brake and the Eaton (screwdriver) maintained brake.

Early

L. E. Bretz, Jr.

jd

attach.

cc RLCutler/AFSchmaltz/File
RENelson
ADIndelicate✓
PHGrim
CLBroadstreet
RCombs
CBMallory

BP011341

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUPTYPED: 8/28/78 - 8/28/78
TYPE OF CALLRESPONSE REQUESTED
DATE 8/21/78

CUSTOMER FRUEHAUF CORPORATION/AXLE PLANT	DELPHOS ADDRESS DELPHOS, OHIO	REPRESENTATIVE L. E. BRETZ, JR.	REPORT NO. 7734
		CITY	STATE/ZIP
		PHONE	

OFFICIALS INTERVIEWED

Charles Mitasek - Plant Manager

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 Trailer Plant, would accompany, however, personal business prevented his attendance at this visit.

Mr. Mitasek was very complimentary of our facilities and expressed the Engineering and Manufacturing opinion that we have, what appears to be a strong base to grow on. He made complimentary comments regarding the cleanliness of the operation and the sincere appearance and attitude of the people that he chatted with.

I feel 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 organizations.

While here, had an opportunity to be with Mr. Ralph Combs, Mr. Bill Chasteen and Mr. Rick McGill.

L. Earle Bretz, Jr.

jd

cc RLCutler/AESchmaltz/File
BWarsson
RCombs
WChasteen
RMcGill ✓



BP011339

SALES REPRESENTATIVE'S REF
FRUEHAUF CORPORATION

Typed: 10/13/78 - 10/12/78
TYPE OF CALL

11-41 KJOT/CJC
RESPONSE REQUESTED
DATE 10/11/78

CUSTOMER FRUEHAUF CORPORATION ADDRESS DETROIT, MI.	REPRESENTATIVE L. E. BRETT, JR. CITY	REPORT NO. 7780 STATE/ZIP
PHONE		

OFFICIALS INTERVIEWED

- A. G. Schaible - Manager Aftermarket & Accessories Purchasing
W. P. Connors - Manager Purchases
A. Hulverson - Vice President Engineering

COMMENTS

Reviewed with the above, several loose ends which have come up over the last couple of months.

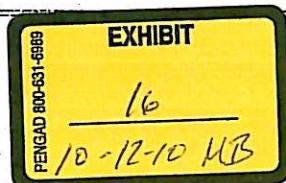
Three letters were delivered to Mr. Schaible, covering each of these subjects:

1. He accepted the fact that we cannot, at this time, economically manufacture Pagid formulation 416 in our Winchester 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, the writer answered by a letter, which was satisfactory to him. A question was prompted by Mr. Joseph Silk, on behalf of the Sales Department.
3. The third topic of conversation was our pricing on Fruehauf - Fruehauf Service parts, covering formulas 551G and 551D on 16 $\frac{1}{2}$ x .7 and 16 $\frac{1}{2}$ x 3 5/8 Fruehauf manufactured brakes. None of these parts are being purchased at this time, but will be in the future. We agreed to a price increase on them, the same as on our other Service parts where the increase went into effect September 15, 1978. Increase on these parts will be effective December 1, 1978. He was alerted to the fact that additional increases on Aftermarket parts would 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 non-competitive position and could seriously jeopardize the purchase of parts for Fruehauf brakes through their Westerville operation. He states that 50% of their program is developed around the trailer load - 14 pallet quantity discounts.

Engineering and Purchasing requested notification of the State approvals on the various code letters that we have designated for materials which we will sell to Fruehauf in the Aftermarket. I promised to handle this at the time of official notification from the States.

Information or decision on the writer's request to change the Fruehauf requirements on Service parts to read a thickness of .020 tolerance rather than .0 tolerance.



BP011337

10/11/78

No decision on the matter of impression stamping blocks - previous correspondence back and forth between the two organizations, expresses the Abex costs required to do this and our objection to it.

A couple of rumors of some note which require confirmation:

1. Carlisle is building a new plant - location unknown - with the expressed purpose of manufacturing non-asbestos blocks. They feel confident that industry and the governments will push the non-asbestos programs hard and very shortly.
2. Substantial price increases in the neighborhood of 10% - 15% will be made by Carlisle, effective January 1, 1979. The low pricing of 16 $\frac{1}{2}$ x 7 blocks has got to be straightened out and resolved.

Earle Jr.

L. Earle Bretz, Jr.

jd

cc RLCutler/AFSchmaltz/File
RENelson
ADIndelicate✓

BP011338

June 26, 1979

Mr. A. G. Schaible
Manager, Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

A sales recap summary of our shipments to Fruehauf from March 24, 1979 through June 20, 1979 indicates the following:

<u>Original Equipment</u>		<u>Replacement</u>	
<u>Units</u> (Pieces)	<u>Dollars</u>	<u>Units</u> (Sets)	<u>Dollars</u>
137,100	\$269,284	3,687	\$100,940

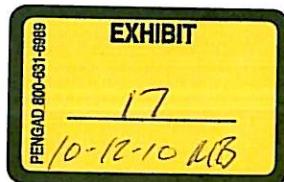
All of the above were shipped in Abex first line materials.

We are pleased to forward this information to you on a regular quarterly basis.

Very truly yours,
L. Earle Bretz, Jr.
L. Earle Bretz, Jr.
Senior Account Manager

LEB/lb

bcc: RCutler/AFSchmaltz/file
PHGrim
RCain



KAZ 2 089472

September 28, 1979

Mr. A. G. Schaible
Manager, Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

A sales recap summary of our shipments to Fruehauf from June 21, 1979 through September 21, 1979 indicates the following:

<u>Original Equipment</u>		<u>Replacement</u>	
<u>Units</u> (Pieces)	<u>Dollars</u>	<u>Units</u> (Sets)	<u>Dollars</u>
65,236	\$130,325	3,047	\$87,630

All of the above were shipped in Abex first line materials.

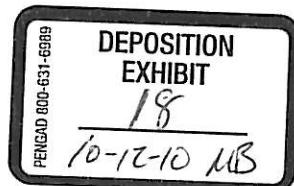
We are pleased to forward this information to you on a regular quarterly basis.

Very truly yours,


L. Earle Bretz, Jr.
Senior Account Manager

LEB/lb

bcc: RLCutler/AFSchmaltz/file
PHGrim

KAZ 2 089506

K. BREKIN

File

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. I agree that a part numbering system will eliminate the problem of poor material identification on our invoices. We will provide additional information until such time as a part system is established.

For your information to solve the immediate problem, the following is provided:

<u>Abex Code</u>	<u>Formulation</u>
03749	562-5
92647	693-551C
92695	693-551G
92653	693-551C
07299	693-551D
46092	693-551

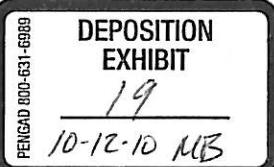
These pertain to the copies of invoices you sent me. I hope this resolves the present requirements. Thank you for your consideration.

Very truly yours,

L. Earle Bretz, Jr.
L. Earle Bretz, Jr.
Senior Account Manager

LEB/1b

cc: R. Liggett - Fruehauf, Westerville
bcc: RLCutler/AFSchmaltz/file & Attach.
PHGrim
RCain



KAZ 2 089617

Feb

January 7, 1980

Mr. A. G. Schaible
Manager, Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

A sales recap summary of our shipments to Fruehauf from September 22, 1979 through December 21, 1979 indicates the following:

<u>Original Equipment</u>		<u>Replacement</u>	
<u>Units (Pieces)</u>	<u>Dollars</u>	<u>Units (Sets)</u>	<u>Dollars</u>
26,600	\$54,252	2,814	\$84,222

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.

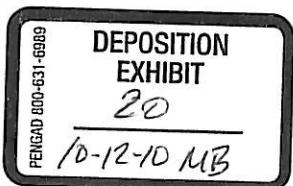
Very truly yours,

LEB

L. Earle Bretz, Jr.
Senior Account Manager

LEB/1b

bcc: RLCutler/AFSchmaltz/file
PHGrim
RCmin



KAZ 2 089471

January 21, 1980

Mr. A. G. Schaible
Manager Aftermarket Purchases
Fruehauf Corporation
109G0 Harper Avenue
P.O. Box 238
Detroit, Michigan 48232

Dear Mr. Schaible:

Reference is made to your recent conversations with Earle Bretz regarding the Original Equipment Service Aftermarket Program outlined in your Purchase order #2E20797-6.

To eliminate another stumbling block in our proposed program with you and to get this program moving forward at a more rapid pace, we are pleased to advise you that a bulk discount of \$25 per set will be made available to you. Freight will be prepaid on 35 sets or more and our terms remain the same; that is, Net 30 days after delivery.

The boxed set prices remain the same as outlined in our quotation of November 21, 1979 effective December 20, 1979.

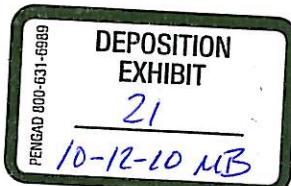
Thank you for your consideration in this matter. We look forward to serving you in your Aftermarket Program.

Yours very truly,

A. F. Schmalz
Sales Administrator

APS/bd
cc: PEGrim
LEBretz
File

V.Smith QuTe File



KHALL06225

KAZ 006227

FRUEHAUF CORPORATION

<u>FRUEHAUF PART NO.</u>	<u>FORMULA</u>	<u>DESCRIPTION</u>	<u>NET PRICE PER AXLE SET (EIGHT PIECES)</u>
------------------------------	----------------	--------------------	--

PURCHASE ORDER #20826

A-CE6287-6 (A) and A-CE6288-6 (C)	693-551-G	16 $\frac{1}{2}$ x 8-5/8 Brake	Boxed \$ 35.07/Set
	"	"	Bulk 34.82/Set
A-CE6287-8 (A) and A-CE6288-8 (C)	693-551-D	16 $\frac{1}{2}$ x 8-5/8 Brake	Boxed 35.07/Set
	"	"	Bulk 34.82/Set

Boxed Pallet Quantity - 72 Sets -- Bulk Pallet Quantity - 84 Sets

PURCHASE ORDER #20827

A-CE6285-6 (A) and A-CE6286-6 (C)	693-551-G	16 $\frac{1}{2}$ x 7 Brake	Boxed 29.84/Set
	"	"	Bulk 29.59/Set
A-CE6285-8 (A) and A-CE6286-8 (C)	693-551-D	16 $\frac{1}{2}$ x 7 Brake	Boxed 29.84/Set
	"	"	Bulk 29.59/Set

Boxed Pallet Quantity - 100 Sets -- Bulk Pallet Quantity - 105 Sets

Freight Prepaid on Orders of 35 Sets or more.

KHALL06227

KAZ 006229

RCain

file

January 25, 1980

Mr. A. G. Schaible
Manager Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

During the past few visits, we have discussed our After-market/Original Equipment Service Program.

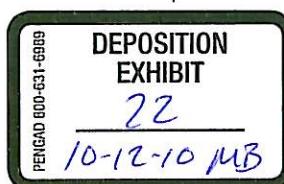
Many items were reviewed and covered during these meetings. It may be best at this point to put some of these down for our mutual review.

Our program is set up around the use, if at all possible, of our four regional warehouses. These are located in Trevose, Pennsylvania (Philadelphia); Wood Dale, Illinois (Chicago); Atlanta, Georgia; and Foster City, California (San Francisco). Material will also be shipped from our plants in Salisbury, North Carolina and Winchester, Virginia. 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 specialists and will be pleased to pass this knowledge on to your branch personnel.

Continued....



KAZ 2 089447

Mr. A. G. Schaible
Fruchauf Corporation
January 25, 1980
Page 2

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

The offices of our Technical Service Department are available on a pre-arrangement basis. We will handle field problems and complaints on a personal and individual basis. As is our policy, we will not do 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 the major points of our discussions. I hope you find it satisfactory.

Very truly yours,



L. Earle Bretz, Jr.
Senior Account Manager

LEB/1b

cc: AFSchmaltz/file
RLWard
FACappucci
PHGrim
RCain

KAZ 2 089448

Ruth Starr

Norm Walker

ABEX CORP.
WER314146

Westerville

Detroit Sales

January 29, 1980

e. guirk

Confirming our telephone conversation on January 29, 1980.

90 sets MAB04515D
90 sets MAB4311JD

Ship to and invoice Atlanta branch.

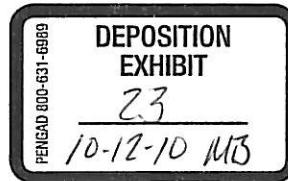
Material to be Fruehauf Edgecode FRU919EF, Abex Formula 551
on both the 4515 and 4311 block.

*→ per Norm Walker 2/6/80 make ~~each~~ charge
To 105 Sets each \$5.00*

Norm
Norm Walker

/sn

cc: Roger Cain - Abex Corp. ✓
Lawrence Murphy - ATL



KAZ 2 087284

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

7/1/80

RESPONSE REQUESTED DATE
2/1/80

CUSTOMER Fruehauf Division, Detroit		TYPE OF CALL REPRESENTATIVE L. E. Bretz	REPORT No. 8288
ADDRESS		CITY	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 open 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 we had submitted since January 1 at the 10.4% will be paid per the invoices and a request is now made to cover the difference in cost with a credit memo to Fruehauf.

Replacement parts covering the Fruehauf/Fruehauf program and Original Equipment Service were previously settled at a 5.5% increase.

Schaible requested that distributor price sheets, effective 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.

It was learned that / Mobile rebuilder operation has gone out of business as a result of death of a prime owner. The new company is K.D.B. Industries run by Mr. Dan Sullivan in Piscataway. The reline program will be handled out of the Kearny branch as it had been before with the work now performed by K.D.B.

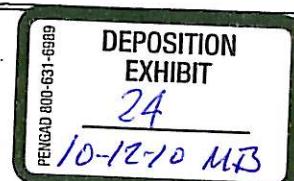
Westerville is initiating a new shoe program to build up a bank of old shoes so they can get into a relined program.

Fruehauf is awaiting a firm answer from us on the .010 thickness of service parts and a pricing 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.

cc: AF Schmaltz/File
B Iwarsson
PGrim

Continued



Continuation of LEBretz report 8288 -- Fruehauf Division

2/1/80

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, Vice 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 will exceed a million dollars in 1980. It exceeded \$400,000 in 1979.

/la

KAZ 2 118247

HFA - 4/24

R.P.A.
FRUEHAUF DIVISION

March 31, 1980

Copies to:
TR/AFS/FCA
PBG
FRUEHAUF ADI
CORPORATION
RC
CUB
Rfnl

Mr. L. Earle Bretz, Jr.
Abex Corporation
Friction Products Division
Suite 710
3001 West Big Beaver Rd.
Troy, MI 48084

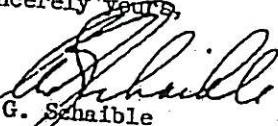
Dear Mr. Bretz:

During our recent visit to your Winchester, Virginia production facility the use of backing material in the production of brake block was discussed. We are interested in learning what structural or other advantage 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?

Mr. A. Indelicato indicated that the use of backing stock provides a cost savings in the more costly types of materials. What economic impact would it have on the present costs of brake block purchased from Abex?

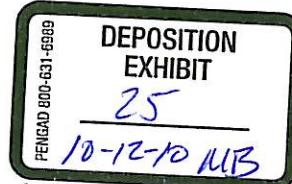
We acknowledge the production of non-asbestos material will influence the continued use of backing material, however, since we undoubtedly will continue to utilize asbestos brake block within the foreseeable future our interest must relate to the contemporary product.

Your promptness in responding on this matter will be appreciated.
Sincerely yours,


A. G. Schable
Manager - Aftermarket and
Accessories Purchasing

/amr

cc: A. Przepliora



10900 Harper Avenue - Detroit, Mich. (Area Code 313) 267-1000 - Mailing Address: P. O. Box 238, Detroit, Mich. 48232

KAZ 2 089446

FRUEHAUF DIVISION / FRUEHAUF
CORPORATION

Roger Cain
Abex Corp.
P.O. Box 3250
Winchester, VA 22601

April 3, 1980

4/25/80
1st

Dear Roger,

Enclosed is a list of Fruehauf part numbers covering your product.

Example: MX4 515D91 9BO

The first two digits "MX" tells us it's Abex. The second five digits 4 515D is the F.M.S.I. number. 919 is the Fruehauf edgecode, and the last two letters, "BO", designates bulk packaging.

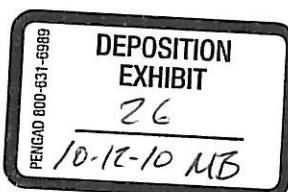
Please disregard the letters PO. It has been changed to OO and designates shipments in package quantities.

Should you have any questions, please call me.

Norm
Norm Walker

/sn

cc: Al Schaible - Purchasing
Earle Bretz - Abex Corp.



10900 Harper Avenue - Detroit, Mich. (Area Code 313) 267-1000 - Mailing Address: P. O. Box 238, Detroit, Mich. 48232

KHALL06228

KAZ 006230

<u>F.M.S.I Nº.</u>	<u>ABEX FORMULA</u>	<u>FRUEHAUF EDGECODE</u>	<u>TYPE PACKAGING</u>	<u>PART NO.</u>	<u>REGULAR WPD COST</u>	<u>SPECIAL WPD COST</u>
1307D	551	FRU919EF	packaged	MX1 307D91 9PO	\$ 15.63	
1307D	551	FRU919EF	bulk	MX1 307D91 9BO	15.38	
4311G	562-5	FRU917EF	packaged	MX4 311G91 7PO	23.49	
4311G	562-5	FRU917EF	bulk	MX4 311G91 7BO	23.24	
4311G	551	FRU919EF	packaged	MX4 311G91 9PO	33.93	
4311G	551	FRU919EF	bulk	MX4 311G91 9BO	33.68	
4311G	551-C	FRU914EE	packaged	MX4 311G91 4PO	33.93	
4311G	551-C	FRU914EE	bulk	MX4 311G91 4BO	33.68	
4311J	562-5	FRU917EF	packaged	MX4 311J91 7PO	23.49	
4311J	562-5	FRU917EF	bulk	MX4 311J91 7BO	23.24	
4311J	551	FRU919EF	packaged	MX4 311J91 9PO	33.93	
4311J	551	FRU919EF	bulk	MX4 311J91 9BO	33.68	
4311J	551-C	FRU914EE	packaged	MX4 311J91 4PO	33.93	
4311J	551-C	FRU914EE	bulk	MX4 311J91 4BO	33.68	
4311J	551-D	FRU912GG	packaged	MX4 311J91 2PO	33.93	
4311J	551-D	FRU912GG	bulk	MX4 311J91 2BO	33.68	
4515D	562-5	FRU917EF	packaged	MX4 515D91 7PO	22.45	
4515D	562-5	FRU917EF	bulk	MX4 515D91 7BO	—22.20—	
4515D	551	FRU919EF	packaged	MX4 515D91 9PO	30.16	
4515D	551	FRU919EF	bulk	MX4 515D91 9BO	✓ 29.91 ✓	
4515D	551-C	FRU914EE	packaged	MX4 515D91 4PO	30.16	
4515D	551-C	FRU914EE	bulk	MX4 515D91 4BO	29.91	
4515D	551-D	FRU912GG	packaged	MX4 515D91 2PO	30.16	\$ 29.84
4515D	551-D	FRU912GG	bulk	MX4 515D91 2BO	29.91	29.34
4515D	551-G	FRU913GG	packaged	MX4 515D91 3PO	30.16	29.84
4515D	551-G	FRU913GG	bulk	MX4 515D91 3BO	29.91	29.34
4515D	539	FRU915GH	packaged	MX4 515D91 5PO	49.37	
4515D	539	FRU915GH	bulk	MX4 515D91 5BO	49.12	
4515D	80	FRU916FF	packaged	MX4 515D91 6PO	50.96	
4515D	80	FRU916FF	bulk	MX4 515D91 6BO	50.71	
4515C	562-5	FRU917EF	packaged	MX4 515C91 7PO	22.45	
4515C	562-5	FRU917EF	bulk	MX4 515C91 7BO	22.20	
4515C	551	FRU919EF	packaged	MX4 515C91 9PO	30.16	
4515C	551	FRU919EF	bulk	MX4 515C91 9BO	29.91	
4515C	551-C	FRU914EE	packaged	MX4 515C91 4PO	30.16	
4515C	551-C	FRU914EE	bulk	MX4 515C91 4BO	29.91	
4515C	551-D	FRU912GG	packaged	MX4 515C91 2PO	30.16	
4515C	551-D	FRU912GG	bulk	MX4 515C91 2BO	29.91	
4515C	551-G	FRU913GG	packaged	MX4 515C91 3PO	30.16	
4515C	551-G	FRU913GG	bulk	MX4 515C91 3BO	29.91	
4515C	539	FRU915GH	packaged	MX4 515C91 5PO	49.37	
4515C	539	FRU915GH	bulk	MX4 515C91 5BO	49.12	
4515C	80	FRU916FF	packaged	MX4 515C91 6PO	50.96	
4515C	80	FRU916FF	bulk	MX4 515C91 6BO	50.71	
4515E	562-5	FRU917EF	packaged	MX4 515E91 7PO	22.45	
4515E	562-5	FRU917EF	bulk	MX4 515E91 7BO	22.20	
4515E	551	FRU919EF	packaged	MX4 515E91 9PO	30.16	
4515E	551	FRU919EF	bulk	MX4 515E91 9BO	29.91	
4515E	551-C	FRU914EE	packaged	MX4 515E91 4PO	30.16	
4515E	551-C	FRU914EE	bulk	MX4 515E91 4BO	29.91	
4515E	551-D	FRU912GG	packaged	MX4 515E91 2PO	30.16	
4515E	551-D	FRU912GG	bulk	MX4 515E91 2BO	29.91	
4515E	551-G	FRU913GG	packaged	MX4 515E91 3PO	30.16	
4515E	551-G	FRU913GG	bulk	MX4 515E91 3BO	29.91	

KHALL06229

KAZ 006231

F.M.S.I. NO.	ABEX FORMULA	FRUEHAUF EDGE CODE	TYPE PACKAGING	PART NO.	REGULAR WPD COST	SPECIAL WPD COST
4515E	539	FRU915GH	packaged	MX4 515E91 5PO	\$ 49.37	
4515E	539	FRU915GH	bulk	MX4 515E91 5BO	49.12	
4515E	80	FRU916FF	packaged	MX4 515E91 6PO	50.96	
4515E	80	FRU916FF	bulk	MX4 515E91 6BO	50.71	
4551D	562-5	FRU917EF	packaged	MX4 551D91 7PO	32.60	
4551D	562-5	FRU917EF	bulk	MX4 551D91 7BO	32.35	
4551D	551	FRU919EF	packaged	MX4 551D91 9PO	43.49	
4551D	551-C	FRU914EE	bulk	MX4 551D91 9BO	43.24	
4551D	551-C	FRU914EE	packaged	MX4 551D91 4PO	43.49	
4551D	551-D	FRU912GG	bulk	MX4 551D91 4BO	43.24	
4551D	551-D	FRU912GG	packaged	MX4 551D91 2PO	43.49	\$ 35.07
4551D	551-G	FRU913GG	bulk	MX4 551D91 2BO	43.24	34.59
4551D	551-G	FRU913GG	packaged	MX4 551D91 3PO	43.49	35.07
4551D	539	FRU915GH	bulk	MX4 551D91 3BO	43.24	34.59
4551D	539	FRU915GH	packaged	MX4 551D91 5PO	71.34	
4551D	80	FRU916FF	bulk	MX4 551D91 5BO	71.09	
4551D	80	FRU916FF	packaged	MX4 551D91 6PO	73.48	
4551B	562-5	FRU917EF	bulk	MX4 551B91 6BO	73.23	
4551B	562-5	FRU917EF	packaged	MX4 551B91 7PO	32.60	
4551B	551	FRU919EF	bulk	MX4 551B91 7BO	32.35	
4551B	551	FRU919EF	packaged	MX4 551B91 9PO	43.49	
4551B	551-C	FRU914EE	bulk	MX4 551B91 9BO	43.24	
4551B	551-C	FRU914EE	packaged	MX4 551B91 4PO	43.49	
4551B	551-D	FRU912GG	bulk	MX4 551B91 4BO	43.24	
4551B	551-D	FRU912GG	packaged	MX4 551B91 2PO	43.49	
4551B	551-G	FRU913GG	bulk	MX4 551B91 2BO	43.24	
4551B	551-G	FRU913GG	packaged	MX4 551B91 3PO	43.49	
4551B	539	FRU915GH	bulk	MX4 551B91 3BO	43.24	
4551B	539	FRU915GH	packaged	MX4 551B91 5PO	71.34	
4551B	80	FRU916FF	bulk	MX4 551B91 5BO	71.09	
4551B	80	FRU916FF	packaged	MX4 551B91 6PO	73.48	
4561B	551	FRU919EF	bulk	MX4 551B91 6BO	73.23	
4561B	551	FRU919EF	packaged	MX4 561B91 9PO	15.76	
4602D	551-D	FRU912GG	bulk	MX4 561B91 9BO	15.51	
4602D	551-D	FRU912GG	packaged	MX4 602D91 2PO	32.11	
4602D	562-6	FRU918GG	bulk	MX4 602D91 2BO	31.86	
4602D	562-6	FRU918GG	packaged	MX4 602D91 8PO	23.24	
4602D	539	FRU915GH	bulk	MX4 602D91 8BO	22.99	
4602D	539	FRU915GH	packaged	MX4 602D91 5PO	54.79	
4602D	80	FRU916FF	bulk	MX4 602D91 5BO	54.54	
4602D	80	FRU916FF	packaged	MX4 602D91 6PO	56.44	
				MX4 602D91 6BO	56.19	

For special price structure, please refer to ACE part numbers outlined under purchase orders #20826 and #20827.

Freight prepaid on order of 35 sets or more.

Note - The PO designations have been changed to OO designations.

KHALLO6230

KAZ 006232

Zile

April 3, 1980

Mr. A. G. Schaible
Manager, Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

A sales recap summary of our shipments to Fruehauf from January 1, 1980 through March 21, 1980 indicates the following:

<u>Original Equipment</u>		<u>Replacement</u>	
<u>Units (Pieces)</u>	<u>Dollars</u>	<u>Units (Sets)</u>	<u>Dollars</u>
126,534	\$283,535	2,264	\$67,751

All of the above were shipped in Abex first line materials.

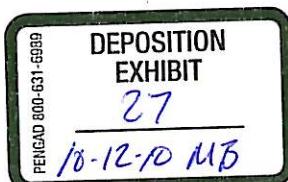
We are pleased to forward this information to you on a regular quarterly basis.

Very truly yours,

L. Earle Bretz, Jr.
Senior Account Manager

LEB/lb

bcc: JJLukas/AFSchmaltz/file
PHGrim
RCain



KAZ 2 089456

FRUEHAUF DIVISION / **FRUEHAUF
CORPORATION**

April 11, 1980

Mr. L. E. Bretz, Jr.
Abex Corporation
Friction Products Division
Suite 710
3001 West Big Beaver Road
Troy, MI 48084

Dear Mr. Bretz:

Fruehauf Engineering drawings (copies enclosed) for brake block part numbers A-CE6285, A-CE6286, A-CE6287, and A-CE6288, have been revised with Engineering Release number 43812, dated 4-2-80, to incorporate the thickness measurement changes discussed with Abex personnel; reference your letter of 11-27-79. The various components, both original equipment and service materials, are revised by adding thickness dimensions at rivet hole locations to assure a true radial contour on the brake blocks.

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 acknowledge 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.

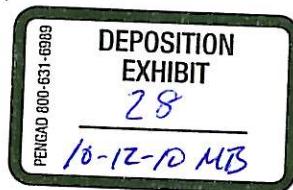
Sincerely yours,


A. G. Schaible,
Manager - Aftermarket and
Accessories Purchasing

/amr

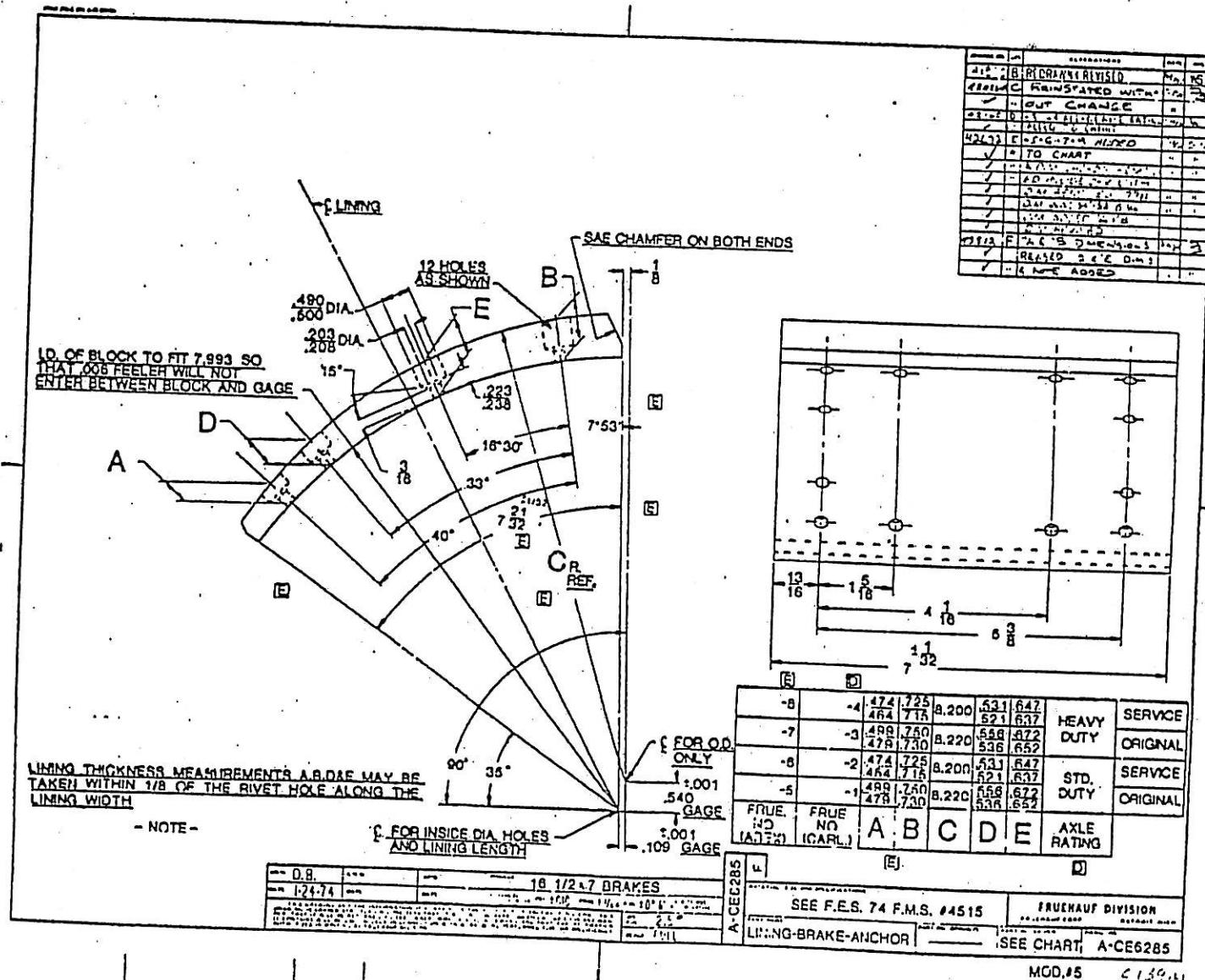
cc: A. Przepiora
D. Grothouse - DLP
E. Pearsall
G. Bobo

Enclosure

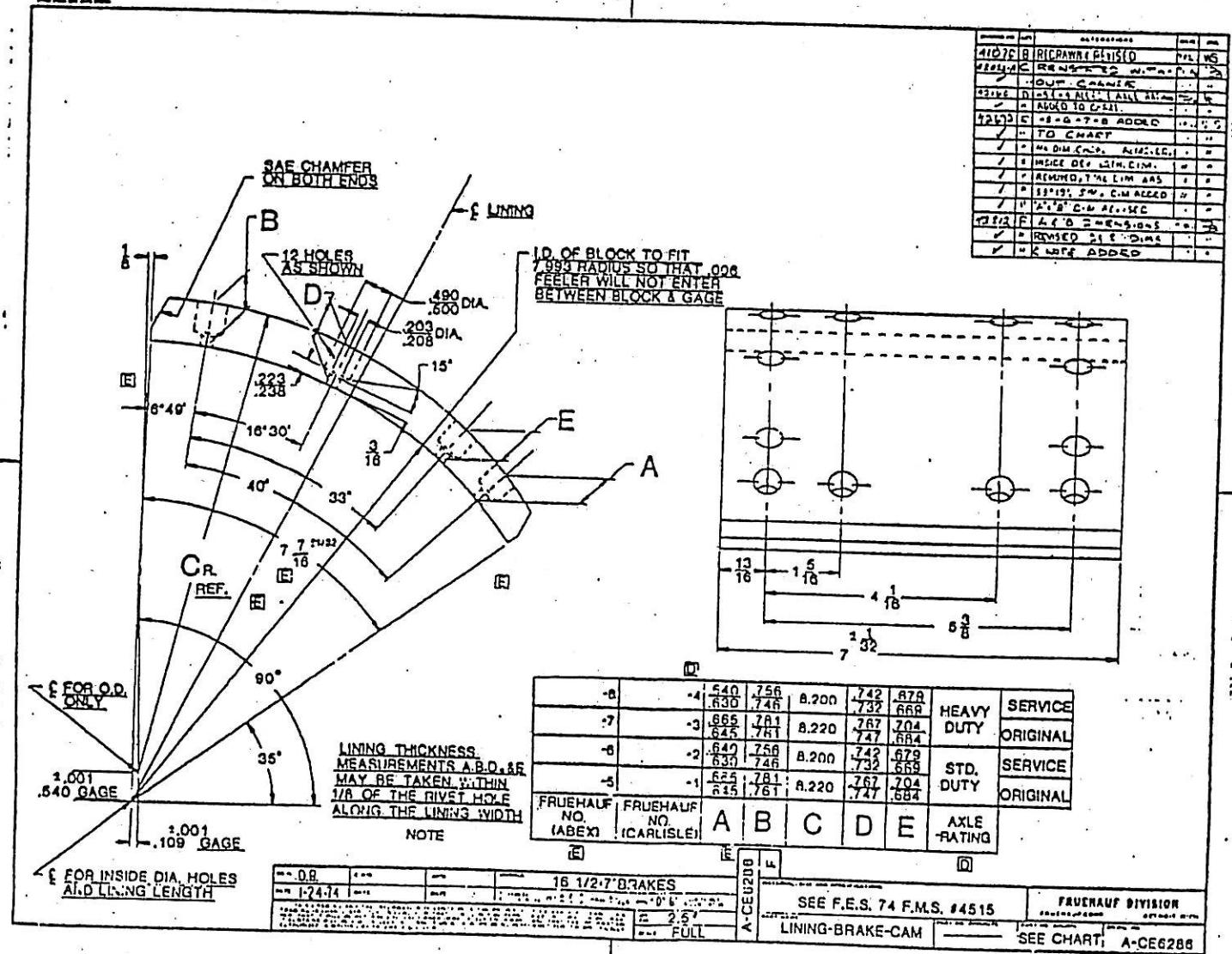


10900 Harper Avenue - Detroit, Mich. (Area Code 313) 267-1000 - Mailing Address: P. O. Box 238, Detroit, Mich. 48232

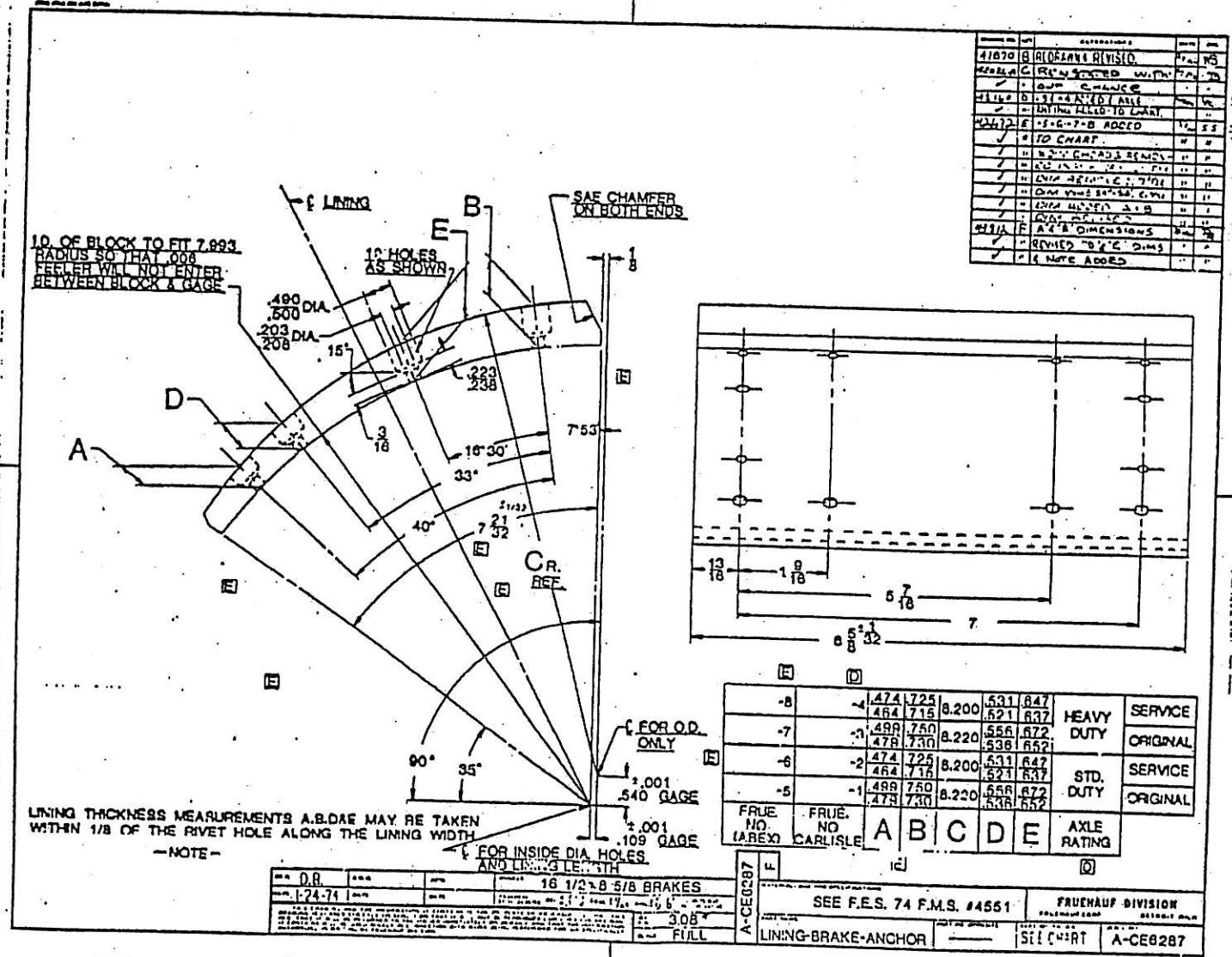
KAZ 2 089425



KAZ 2 089426

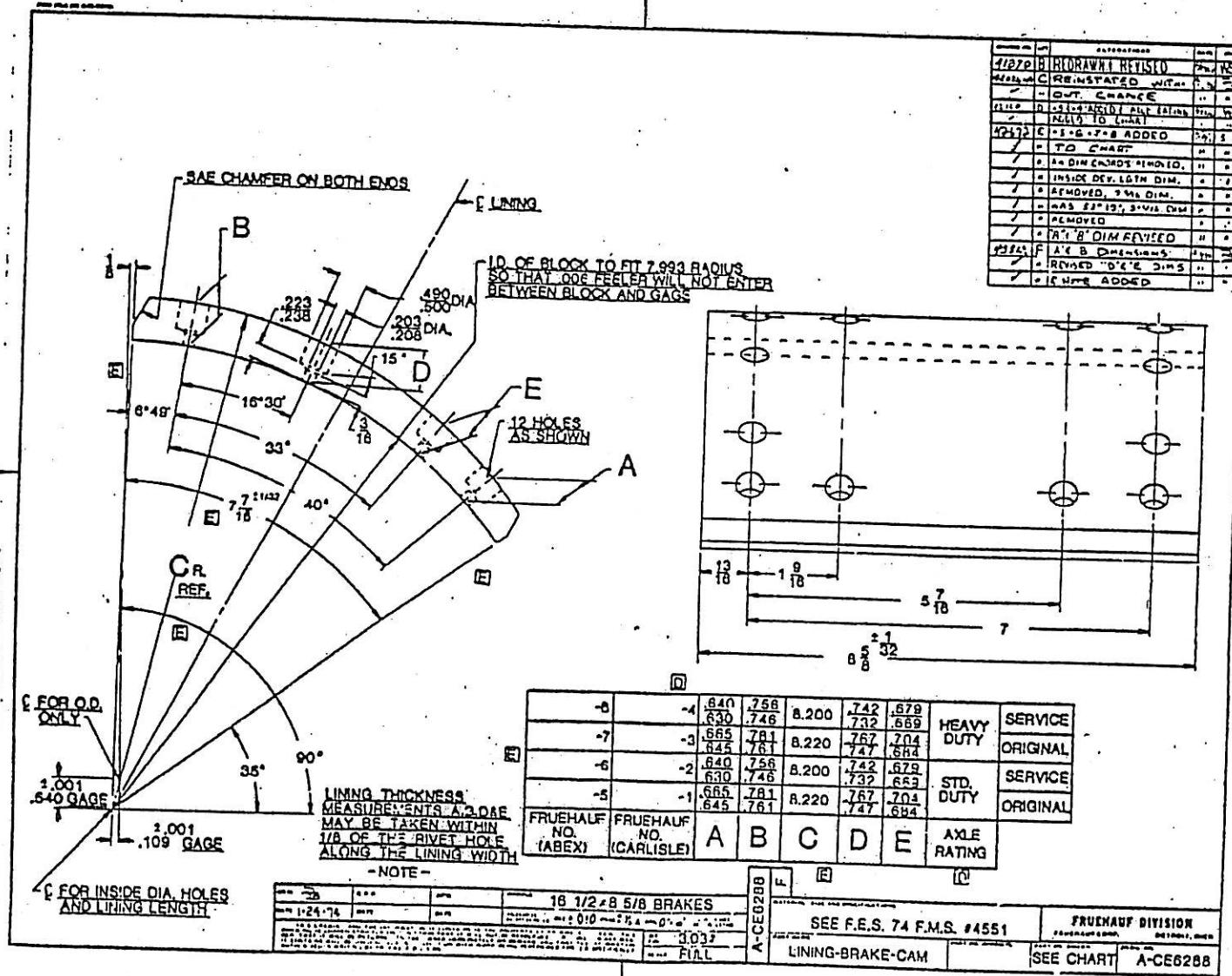


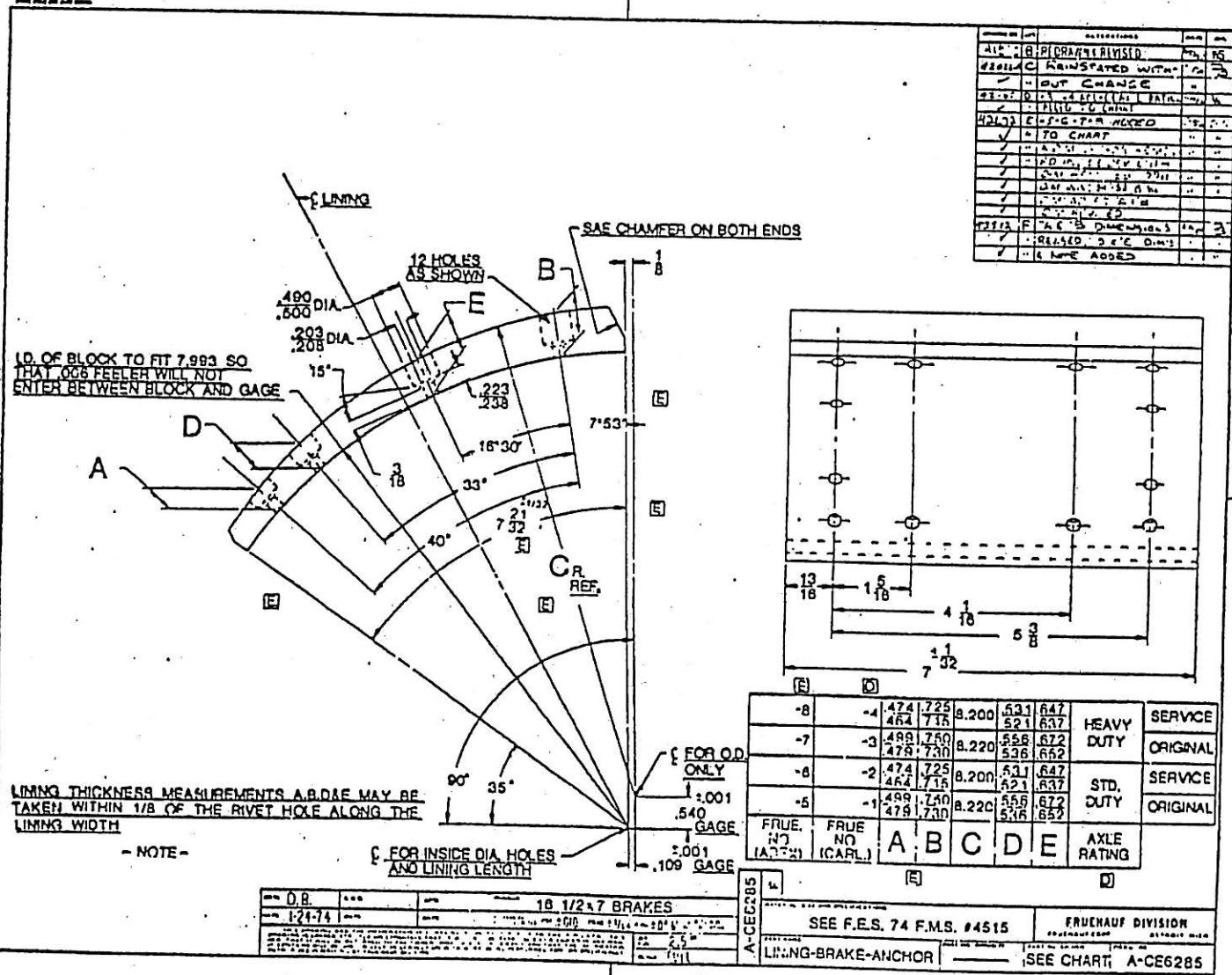
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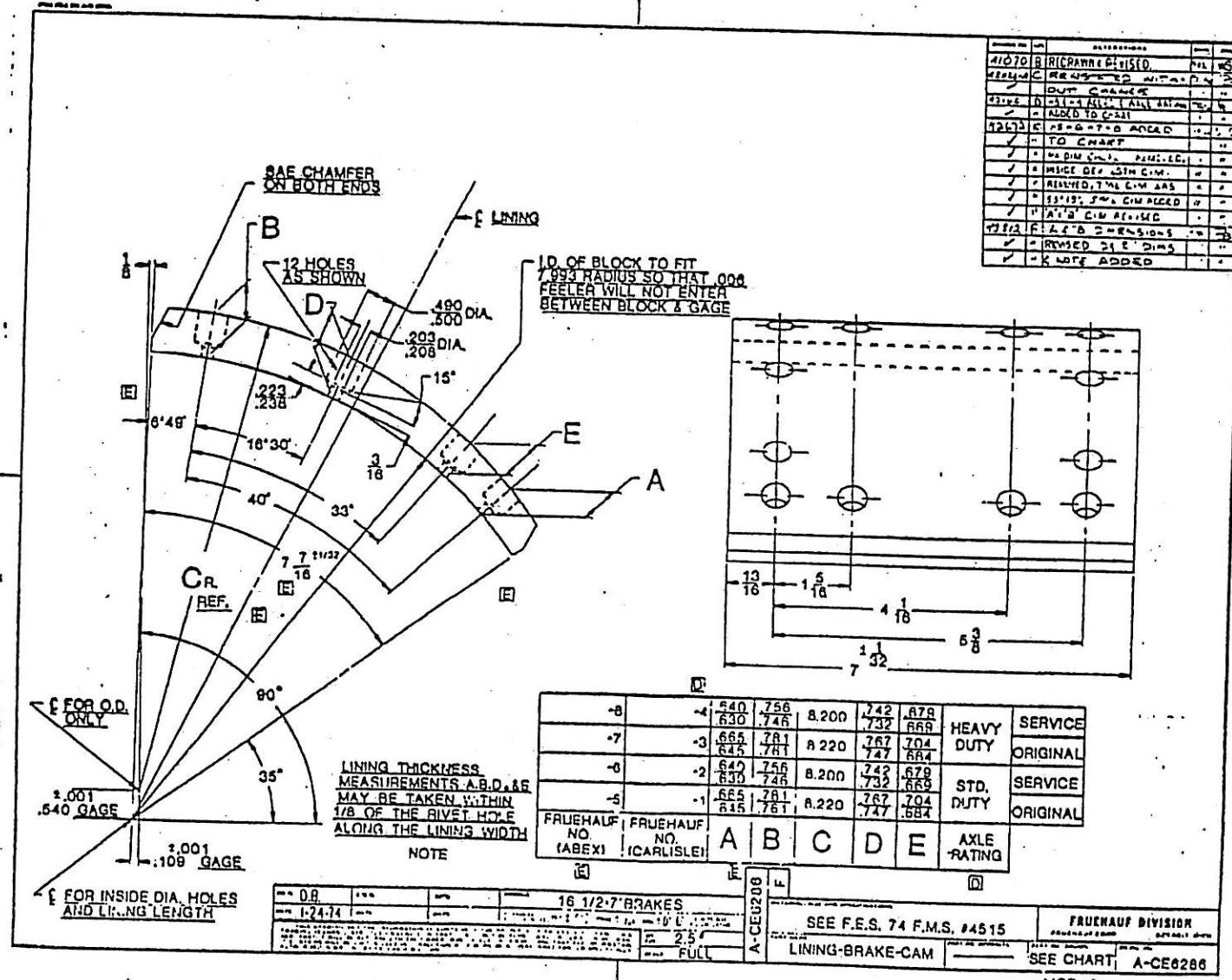
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KAZ 2 089429

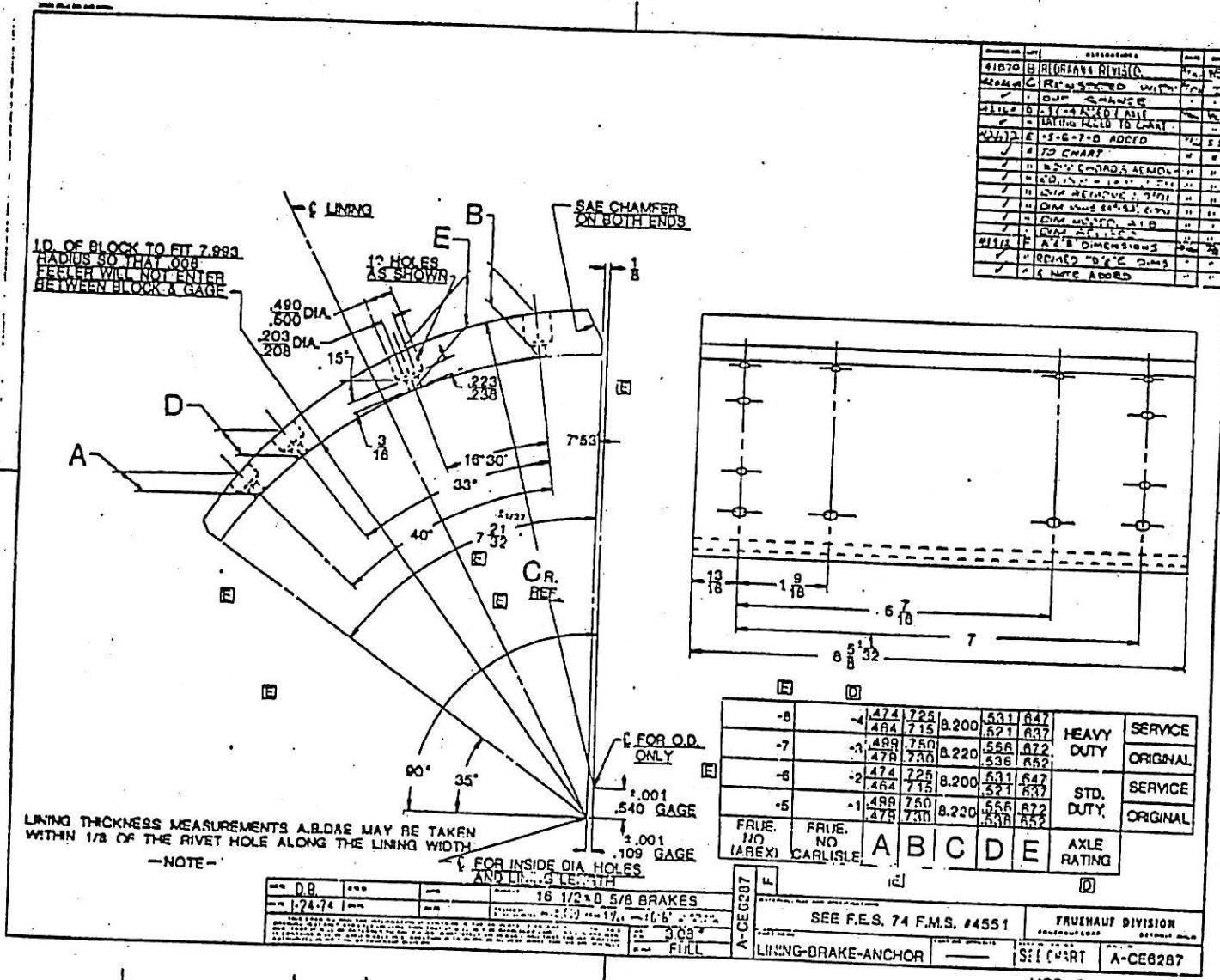




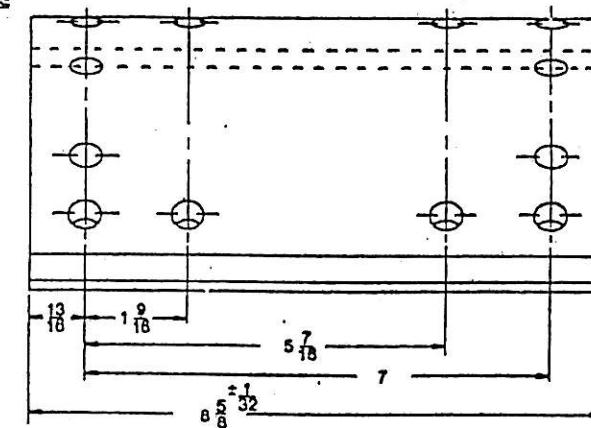
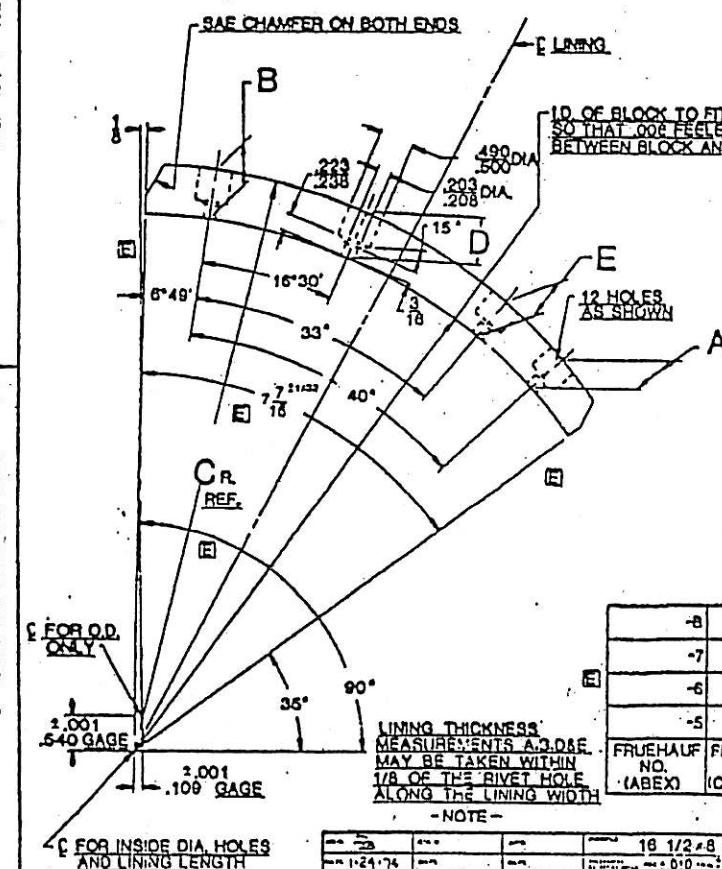
KAZ 2 089431



KAZ 2 089432



ALTERATIONS	
4/18/70	B HYDRAULIC RETRIED
	C REINSTATED WITH
	- OUT CHARGE
	- 0.114 ALLEGED MISC TOLERANCE
	- ADDED TO LINES
	4/21/70 C - S-G-7-8 ADDED
	- 5.5
	- TO CHART
	- 0.015 CHORDS REMOVED
	- INSIDE DEV. LENGTH DIM.
	- REMOVED 7 1/16 DIM.
	- ADDED 5 1/2" 1 1/16 DIM
	- REMOVED
	- A' B' DIM REVISED
	F A' B' DIMENSIONS
	- REVISED "D" & "E" DIMS
	- C HOLE ADDED

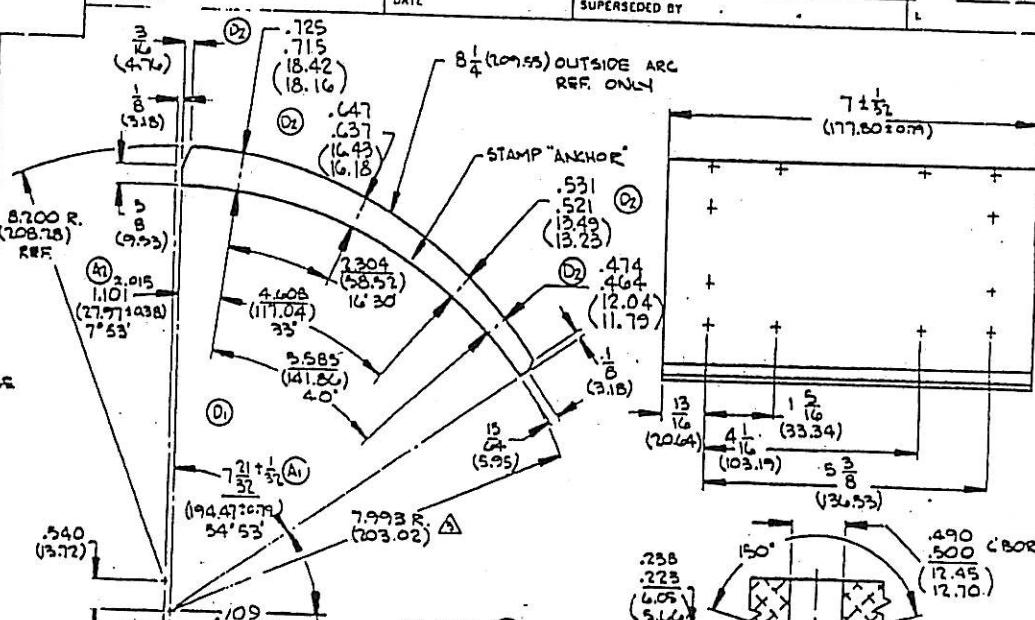


D	-8	-4	640 630	756 746	8.200	742 732	.679 .669	HEAVY DUTY	SERVICE
	-7	-3	665 645	761 761	8.220	757 747	.704 .684		ORIGINAL
	-6	-2	640 630	756 746	8.200	742 732	.679 .669	STD. DUTY	SERVICE
	-5	-1	665 645	761 761	8.220	757 747	.704 .684		ORIGINAL
	FRUEHAUF NO. (ABEX)	FRUEHAUF NO. (CARLISLE)	A	B	C	D	E	AXLE RATING	

10 1/2 x 8 5/8 BRAKES	SEE F.E.S. 74 F.M.S. #4551	FRUEHAUF DIVISION
1-24-74	A-C6288	DETROIT, MI
010		
303		
FILL	LINING-BRAKE-CAM	SEE CHART
		A-C6288

MOD. #5

AUX AMERICAN BRAKEBLOK DIV.
WINCHESTER, VIRGINIA
CORPORATION

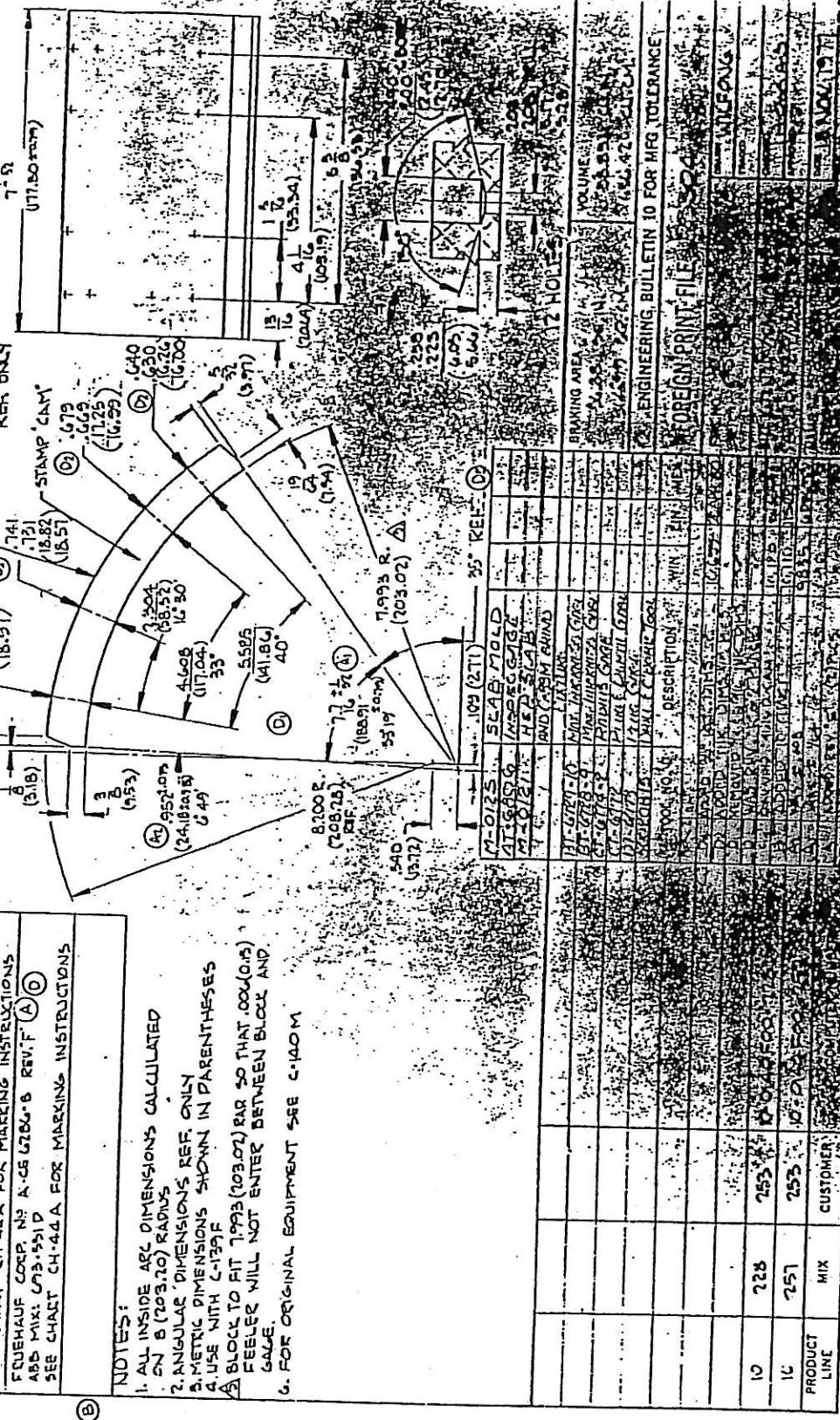
CUSTOMER INFORMATION AND MARKING INSTRUCTIONS				SUPERSEDED BY	DATE	SUPERSEDED BY																																												
FRUEHAUF CORP. PART NO A-C.E6785-6 REV. "F" (A) ABB MIX: 693-551G SEE CHART CH-44 A FOR MARKING INSTRUCTION FRUEHAUF CORP. PART NO A-C.E6785-B REV. "F" (A) ABB MIX: 693-551D SEE CHART CH-44 A FOR MARKING INSTRUCTION																																																		
NOTES: 1. ALL INSIDE ARC DIMENSIONS CALCULATED ON 6.000 (203.20) RAD. 2. ANGULAR DIMENSIONS REF. ONLY 3. METRIC DIMENSIONS SHOWN IN PARENTHESES 4. USE WITH C-140F △ BLOCK TO FIT 7.993(203.02) RAD. SO THAT .004(.015) FEELER WILL NOT ENTER BETWEEN BLOCK AND GAGE 6. FOR ORIGINAL EQUIPMENT SEE C-139M																																																		
																																																		
<table border="1"> <tr> <td>M=9.722</td> <td>BLAD MOLD</td> <td>35° REF (D)</td> <td></td> </tr> <tr> <td>AT-6807</td> <td>INSIDE GAGE</td> <td></td> <td></td> </tr> <tr> <td></td> <td>USE C-1400 TACKING AND C-32M GRIND</td> <td></td> <td></td> </tr> <tr> <td></td> <td>LXURE</td> <td></td> <td></td> </tr> <tr> <td>BT-6779-9</td> <td>MAX THICKNESS GAGE</td> <td></td> <td></td> </tr> <tr> <td>BT-6780-B</td> <td>MIN. THICKNESS GAGE</td> <td></td> <td></td> </tr> <tr> <td>CT-6774-2</td> <td>RADIUS GAGE</td> <td></td> <td></td> </tr> <tr> <td>CI-6778</td> <td>PLUG & DEPTH GAGE</td> <td></td> <td></td> </tr> <tr> <td>DT-6773</td> <td>PLUG GAGE</td> <td></td> <td></td> </tr> <tr> <td>SOOP0810</td> <td>DRILL & BORE TOOL</td> <td></td> <td></td> </tr> <tr> <td>** 6774-1</td> <td>TOOL NO.</td> <td>DESCRIPTION</td> <td>WIN LIN MEX</td> </tr> </table>				M=9.722	BLAD MOLD	35° REF (D)		AT-6807	INSIDE GAGE				USE C-1400 TACKING AND C-32M GRIND				LXURE			BT-6779-9	MAX THICKNESS GAGE			BT-6780-B	MIN. THICKNESS GAGE			CT-6774-2	RADIUS GAGE			CI-6778	PLUG & DEPTH GAGE			DT-6773	PLUG GAGE			SOOP0810	DRILL & BORE TOOL			** 6774-1	TOOL NO.	DESCRIPTION	WIN LIN MEX			
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				ENGINEERING BULLETIN 10 FOR MFG TOLERANCE																																														
				FOREIGN PRINT FILE - 23304																																														
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				SIZE 16 1/2 N-725/47L 70-7 21/32																																														
				419.10 N 1842/1204 17.80-194.47																																														
				CHECKED 11-0 MAS APPROVED																																														
10	228	253	10-0139 FOO-228	NAME																																														
10	251	253	10-0139 FOO-251	INTERNAL BRAKE BLOCK "ANCHOR"																																														
PRODUCT LINE	MIX	CUSTOMER	COMPUTER NUMBER	DATE	18 NOV. 1977																																													
				REV. NO.	C-139 F																																													
				SYM	REVISION																																													

CUSTOMER INFORMATION
AND MARKING INSTRUCTIONS

FREIBERG CORP. NO. A-CE 6286-6 REV "F" (D) (C)
ABD MIX: 1/2 LB. 5516
4EF CHART CHART FOR MACHINING INSTRUCTIONS
FREIBERG CORP. NO. A-CE 6286-8 REV "F" (A) (C)
ABD MIX: 1/2 LB. 5516
4EF CHART CHART FOR MACHINING INSTRUCTIONS

NOTES:

1. ALL INSIDE ARC DIMENSIONS CALCULATED ON B (203.20) RADII
2. ANGULAR DIMENSIONS REF. ONLY TO METRIC DIMENSIONS SHOWN IN PARENTHESES
3. USE WITH C-137F
4. BLOCK TO FIT 1.993 (50.00) BAR SO THAT FEELER WILL NOT ENTER BETWEEN BLOCK AND GAGE.
5. FOR ORIGINAL EQUIPMENT SEE CHART



HDX AMERICAN BRAKEBLOCK DIV.
WINCHESTER, VIRGINIA

AEC AMERICAN BRAKEBLOCK DIV.
CORPORATION WINCHESTER, VIRGINIA

CUSTOMER INFORMATION AND MARKING INSTRUCTIONS			SUPERSEDES	DATE	SUPERSEDED BY																																																																																
<p>TRUEHAUF CORP. PART NO A-C6G286-5 REV."F" (A) (C) ABB MIX : 693-551 G. SEE CHART CH-44 A FOR MARKING INSTRUCTION</p> <p>TRUEHAUF CORP. PART NO A-C6G286-7 REV."F" (A) (C) ABB MIX : 693-551 D SEE CHART CH-44 A FOR MARKING INSTRUCTION</p>																																																																																					
<p>NOTES:</p> <ol style="list-style-type: none"> 1. ALL INSIDE ARC DIMENSIONS CALCULATED ON 8 (203.20) RADIUS 2. ANGULAR DIMENSIONS REF. ONLY 3. METRIC DIMENSIONS SHOWN IN PARENTHESES 4. USE WITH C-139 M (B) 5. BLOCK TO FIT 7.993 (203.02) RAD. SO THAT .004 (.015) FEELER WILL NOT ENTER BETWEEN BLOCK AND GAGE. 6. FOR REPLACEMENT PART SEE C-140 F 																																																																																					
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AMERICAN BRAKEBLOK DIV.
WINCHESTER, VIRGINIA

**CUSTOMER INFORMATION
AND MARKING INSTRUCTIONS**

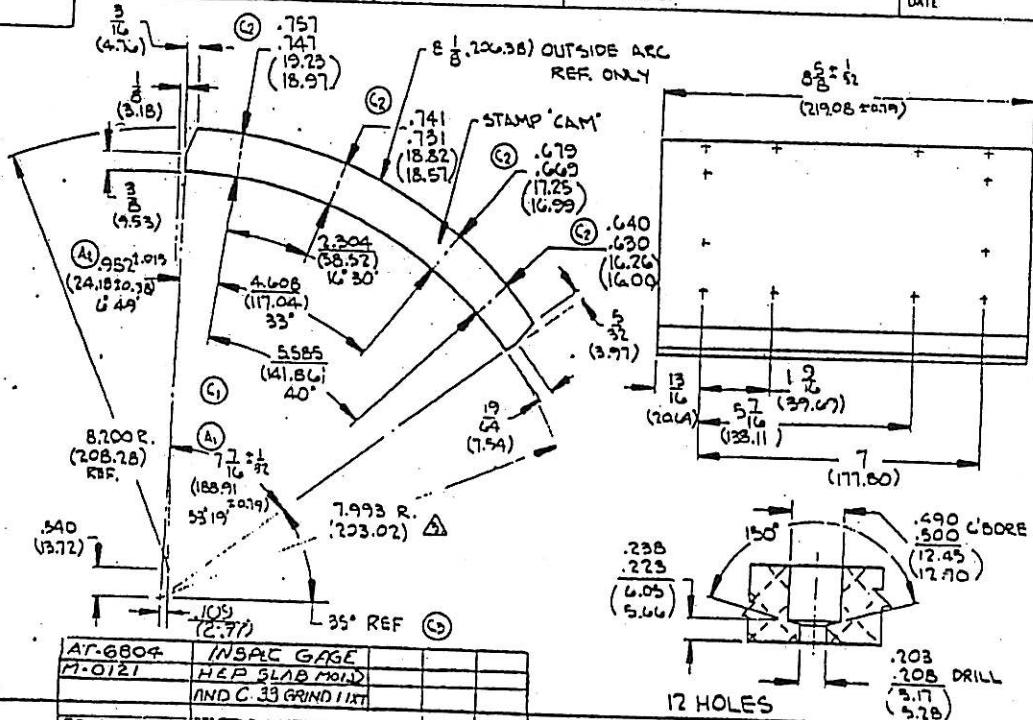
FRUEHAUF CORP. NO. A-CG 6288-6 REV. F (A) (B) (C)
ABB MIX: 693-551 G
SEE CHART CH-44 A FOR MARKING INSTRUCTIONS
FRUEHAUF CORP. NO. A-CG 6288-8 REV. F (A) (B) (C)
ABB MIX: 693-551 D
SEE CHART CH-44 A FOR MARKING INSTRUCTIONS

- NOTES:**

 1. ALL INSIDE ARC DIMENSIONS CALCULATED ON 8 (203.20) RADIUS
 2. ANGULAR DIMENSIONS REF. ONLY
 3. METRIC DIMENSIONS
 4. USE WITH C-141A

5. BLOCK TO FIT 7.993 (203.02) RAD. SO THAT .006(0.15)
FEELER WILL NOT ENTER BETWEEN BLOCK AND
GALE.

6. FOR ORIGINAL EQUIPMENT SEE C-147 MA



AT-6804	INSPAC GAGE	
M-0121	HEP SLAB MOLD	
	AND C 33 GRIND 1/4"	

AT-4729-1C	1/8 INCH THICKNESS GAGE	BRAKING AREA	VOLUME
AT-4728-1C	1/16 INCH THICKNESS GAGE	70.08 SQ. IN.	47.84 CU. IN.
CT-4729-2	ROUNDUP GAGE	452.16 SQ. CM.	784.10 CU. CM.
DI-6713	PLATE & X MM GAGE		
30020818	1/16 ING. GAGE		
	WHEEL & CHAUL TUBE		

FOREIGN PRINT FILE • 23304

ITEMS				(5.28)		
				BRAKING AREA	VOLUME	
				70.08 SD.IN.	47.84 CU.IN.	
				452.16 SD.CM.	784.10 CU.CM.	
				ENGINEERING BULLETIN 10 FOR MFG TOLERANCE		
				FOREIGN PRINT FILE • 23304		
				FMS NO.	4-551	DRAWN WILFONG
				TRACED		
				SIZE 16 1/2 N - 75/160 2 1/2 - 7 7/16 419.10 N 19.25/16.0 COT F10B-188.71	CHECKED APPROVED THOMAS	
				NAME	DATE	18 NOV. 1977
				INTERNAL BRAKE BLOCK "CAM"		C-142A
PRODUCT LINE	MIX	CUSTOMER	COMPUTER NUMBER	SYM		
				REVISION	REV. NO.	DATE
10	228	253	10-0140.F00-228	A	ADDED REV.E (2)PLCS.	" "
10	257	253	10-0140.F00-257	A	WAS = Y4	" "

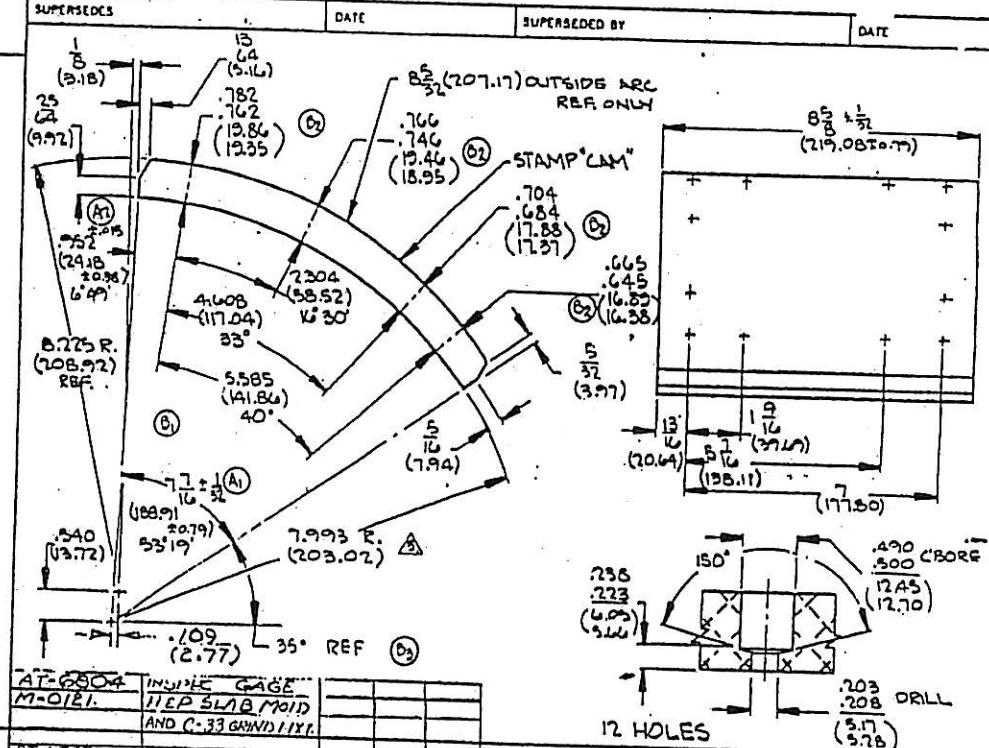


**CUSTOMER INFORMATION
AND MARKING INSTRUCTIONS**

FRUEHAUF CORP. PART NO A-CB 62BB-3 REV. "F" (A) (B)
ABB MIX: 62B-551G
SEE CHART CH-44A FOR MARKING INSTRUCTION
FRUEHAUF CORP. PART NO A-CB 62BB-7 REV. "F" (A) (B)
ABB MIX: 62B-551D
SEE CHART CH-44A FOR MARKING INSTRUCTION

- NOTES:

 1. ALL INSIDE ARC DIMENSIONS CALCULATED ON 8.000 (203.20) RADIUS
 2. ANGULAR DIMENSIONS REF. ONLY
 3. METRIC DIMENSIONS SHOWN IN PARENTHESES
 4. USE WITH C-141 MA
 5. BLOCK TO FIT 7.993 (203.02) RAD. SO THAT .006 (0.15) FREEER WILL NOT ENTER BETWEEN BLOCK AND GAGE.
 6. FOR REPLACEMENT PART SEE C-142A



AT-6504	INSIDE GAGE			
M-0121.	HEP SLAB MOID AND C-33 GAUGE FIX.			
BT-6729-7	MIN. THICKNESS GAGE			
BT-6728-6	MAX. THICKNESS GAGE			
CT-6714-1	RADIUS GAGE			
CT-6712	PLUG & DEPTH GAGE			
DT-6724	PLUG GAGE			
CO-00015	WILL S.C. PULL TUBE			
TOOL NO.	DESCRIPTION	WIN	LIN	ME
B1	ADDED .355 REF. DIMS.	10,650	ZBAER,B	
B2	ADDED THK. DIMS. 4 PLACES	"	"	
B3	REMOVED BACKING THK. DIMS.	"	"	
B	WAS REV. "E" - 2 PLACES	"	"	
A1	WAS 2.006	9,655	604,77	
A1	WAS 5.464	"	"	
A	ADDED REV."E" (2)PLCS.	"	"	
SYM	REVISION	REV. NO.	DATE	

BRACING AREA	70.79 SQ.IN.	VOLUME	49.59 CU.IN.
	453.51 SQ.CM.		812.76 CU.CM.
ENGINEERING BULLETIN 10 FOR MFG TOLERANCE			

FOREIGN PRINT FILE - 23304

FMS NO. 4681

ITEM NO.	4581	NAME	WILFONG
		PRICES	
SIZE 16V2IN. 137.665 BS - 7.716 419.10N 132.63 219.05-188.91		CHECKED	HOMAS
		APPROVED	
NAME	INTERNAL BRAKE BLOCK "CAM"	DATE	22 NOV. 1977
		C-142 MA	

55'19' SAM

Abex

An IC Industries Company

~~HFA~~ ~~10-12-80~~

Memorandum

*file Fruehauf
Details*

Date: April 14, 1980

Subject: True Radial Contour Grind--Fruehauf

From: L. E. Bretz

To: A. F. Schmaltz

*Roger Cain
This week with
Walt Thomas on this
also we will be able
to ship 4/15/81*

Attached are the revisions of Fruehauf drawings covered under Engineering Release No. 43812 on the above subject.

As they requested, we must acknowledge this change and advise them of the date on which the change will be initiated and incorporated in production parts. As noted, the existing blanket purchase orders will be revised upon our notification of an effective date.

Thank you for handling this matter.

Earle

L. Earle Bretz, Jr.

LEB/lb

Attachs.

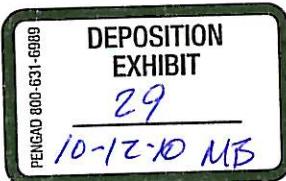
cc: JJLukas/file
CLBroadstreet
RENelson
WThomas
R. Cain

To - AL Schmaltz

*Per C. Mallory 5/22/80 we can not
meet the .010 in TKS. He is going to
let Fruehauf know what we can
do. He said Problem .015 in TKS. He will keep you
advised you later.*

Roger 5/22/80

xc: E. Bretz



RC

Fall

May 23, 1980

Mr. A. G. Schaible
Manager Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

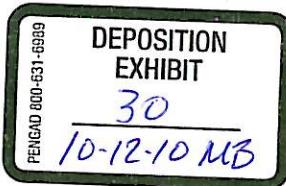
Reference is made to your letter dated March 31, 1980 which was prompted as a result of your visit to our manufacturing facility at Winchester, Virginia. The topic of discussion in your letter was the potential use of a false backing material on the blocks which we provide to you.

It was noted that in some instances, depending upon the friction material formulation and the specific application that the block is used in, we have determined that a stronger part can be made with the backing.

Specifically, in the case of the Fruehauf parts manufactured by Abex, we 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. These materials are relatively strong in their matrix and strength would not be improved by the use of a backing material.

Cost studies have been run on your specific blocks and indicate that no savings can be achieved by the use of a backing material. Material cost savings are almost immediately absorbed with additional processing and handling costs of the extra backing material with these relatively inexpensive friction formulas.

Continued...



KAZ 2 089444

Mr. A. G. Schaible
Fruhauf Corporation
May 23, 1980
Page 2 of 2

We appreciate your interest in the program and are sorry that any 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. Fruhauf has already derived many benefits from these programs and we are committed to continuing this type of development.

Very truly yours,

Earle

L. Earle Bretz, Jr.
Senior Account Manager

LEB/1b

bcc: JJLukas/AFSchmaltz/file
RENelson
ADIndelicato
CLBroadstreet
PHGrim

KAZ 2 089445

JL
May 28, 1980

Mr. A. G. Schaible
Manager Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

Reference your letter dated April 11th and May 20th on a true radial contour grind of brake blocks we ship 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 implementation of your latest drawings, let us use January 1, 1980 as the effective date.

Please note that the drawings that accompanied this change incorporated thickness tolerances specifically on the service blocks which are being covered under another engineering study at Abex. A response to that study will be forthcoming shortly.

Thank you very much for your consideration and patience in both of these projects.

Very truly yours,

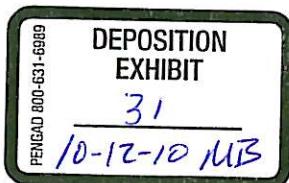
LEB
L. Earle Bretz, Jr.
Senior Account Manager

LEB/lb

bcc: JJLukas/AFSchmaltz/file
RENelson
ADIndelicato

CLBroadstreet
PHGrim — *rc*
CBMallory

KAZ 2 089443



Fall

June 27, 1980

Mr. A. G. Schaible
Manager, Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

A sales recap summary of our shipments to Fruehauf from April 23, 1980 through June 18, 1980 indicates the following:

<u>Original Equipment</u>		<u>Replacement</u>	
<u>Units (Pieces)</u>	<u>Dollars</u>	<u>Units (Sets)</u>	<u>Dollars</u>
89,748	\$199,382	3,224	\$99,397

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.

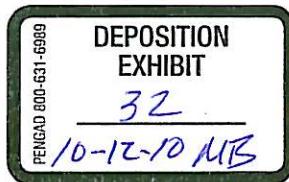
Very truly yours,

L. Earle Bretz
L. Earle Bretz, Jr.
Senior Account Manager

LEB/lb

bcc: JJLukas/AFSchmaltz/file
PHGrim
RCain

JUL 2 1980
Fusion Products
Winchester, Va.



KAZ 2 089455

Abex

An IC Industries Company

Memorandum

Date:

August 12, 1980

Subject:

Fruehauf Blocks

From:

J. J. Lukas

To:

P. H. Grim

Confirming our conversation of yesterday, please initiate a cost study to determine the effects of:

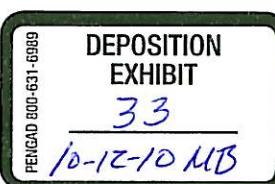
1. Substitution of the impression stamp on the edge which calls for the batch code and New York State code with the same information printed on.
2. Elimination of fully painting the edge opposite identification stripe and other markings.
3. Substitution of the impression stamp on the I.D. of the Fruehauf part number, the FMSI part number, and the ANC or CAM designation and replacement of it with printed information done at the same time we mark the edge.

For the cost study, use the two high volume blocks, part numbers A-CE 6285-5 and A-CE 6286-5 at 200,000 per year each.

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.

J. J. Lukas
cc:
la
BIwarsson
RDRinker
LEBretz

AFSchmaltz
LHBoyd
JHBarbazette



Fruehauf Controls Labeling -
Cause Cars
- See Lear
~~See Lear~~

KAZ 2 089422

Fall

111

August 26, 1980

Mr. A. G. Schaible
Manager Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

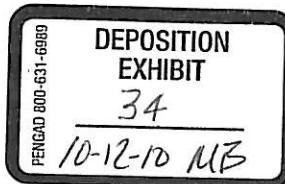
Dear Mr. Schaible:

Over the past months, we have discussed the possibility of Fruehauf revising the friction material identification and marking section of FES 74 to agree more closely with our other original equipment accounts. This would also allow us to eliminate several steps in our block processing which would help us in achieving some minor profitability on the parts we supply to you.

According to Sheet 22 of 23, Section 22-Paragraph B, Abex identification requirements, we are required to:

1. Coat the edge of the lining with a blue and/or white paint.
2. On the other edge, apply a 2" wide band of corresponding paint.
3. Impression stamp one side with the batch code.
4. Impression stamp on one side the New York State code.
5. Impression stamp the underface of the lining with the Fruehauf part number.
6. Impression stamp the underface of the lining with the FMSI number.
7. Impression stamp the underface of the lining with anchor or cam.

Continued...



KAZ 2 089418

Mr. A. G. Schaible
Fruehauf Corporation
August 26, 1980
Page 2 of 2

Abex manufactures for Rockwell International friction blocks and supplies them to their Ashtabula, Ohio; Kenton, Ohio; Florence, Kentucky and Tilbury, Ontario locations. The identification requirements for the blocks we ship to Rockwell are:

1. New York State code, part number, anchor or cam, Abex formulation and Rockwell logo are to be ink stamped on one edge only.

We also supply parts for original equipment use to Eaton Corporation and their locations in Gallatin, Tennessee and Louisville, Kentucky. Their identification requirements are:

1. New York State code, Eaton part number, Abex formulation and batch number to be ink stamped only on one edge.
2. ABB part number and batch code in ink only on the underface.

The additional steps required to produce your block are obvious. We respectfully request that a review be made to see if we can eliminate some of the identification requirements required by your FES 74.

Very truly yours,

Earle Bretz

L. Earle Bretz, Jr.
Senior Account Manager

LEB/1b

cc: J. McMaster
A. Szymanski

bcc: JJLukas/AFSchmaltz/file
JJBrown
DTSedlock
PHGrim *rc*

KAZ 2 089419

John
10-6-80

September 22, 1980

O.E.S. Accounts

JJ Lukas/RL Ward

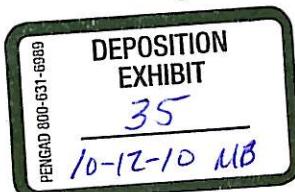
B. Iwarsson

Relative to a meeting we had on July 31, we discussed our concern over making sure we are properly covering our OES accounts, particularly with the move to non-asbestos materials. This is especially applicable to the West Coast and trailer accounts. Al Schmaltz has supplied the attached as to who is presently assigned to what account.

Since we are mainly concerned with the 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. Mack Western in Hayward, California; White Western Star in Calona, B.C.; and Kenworth Canada in Burnaby, B.C. take direction from their home offices; therefore, we feel planned regular visits are not necessary.

Utilizing 1979 numbers for new commercial trailers in the U.S., nine trailer manufacturers have 69% of the business. Although the rankings of 3 through 9 have changed for 1980 and the volume has been drastically reduced, those nine still have 69% of the business. We feel they should be called on with regularity. They are (according to the 1980 numbers through June):

COMPANY	No. of Trailers	% of Business
Freightliner - Detroit	11,147	16.5 <i>Brut</i>
Kenworth - Kirkland	8,578	12.7 <i>-</i>
Great Dane - Savannah	6,486	9.6 <i>-</i>
Peterbilt - Newark	4,743	7.0 <i>-</i>
Mack Western - Hayward	4,302	6.4 <i>-</i>
White Western Star - Calona	3,514	5.2 <i>Brown</i>
Monon - Monon, IN	3,350	5.0 <i>-</i>
Dorsey - Elba, AL	2,547	3.9 <i>Brown</i>
Hobbs - Oklahoma City, OK	1,765	2.6 <i>-</i>



KAZ 3 07788

B. Ivarsson

Page 2

9/22/90

By regular calls we mean that wherever there is an account which is not on the regular run of a Troy-based OE Account Manager (like Budd, Fruchauf, and Dorsey), an OE Account Manager would be assigned to call on that account with the Aftermarket Regional Manager at least every six months. In between times (at least quarterly), the Aftermarket Regional Manager will make a call and act as a local representative giving the customer a telephone number to call closer to his office providing general liaison.

We solicit your approval before we implement this plan.

A.J. Lucas

IS/R. L. Ward

/la

cc: FACappucci
JIMcCool
AFSchmaltz

KAZ 3 07789

FRUEHAUF DIVISION / FRUEHAUF CORPORATION

December 12, 1980

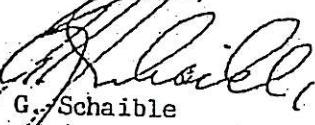
Mr. L. Earle Bretz, Jr.
Abex Corporation
3001 W. Big Beaver Rd.
Suite 710
Troy, MI 48084

Dear Mr. Bretz:

Consideration is being given to the future use of brake block of service thickness and tolerance, as reflected on Fruehauf drawings, for original equipment application. Inasmuch as this material is thinner, we are interested in determining the percentage reduction in cost the change will provide.

Since Abex has recently indicated it cannot provide the $\pm .010$ requirement on service materials, reconsideration must be given the production of brake block to this tolerance, as all Fruehauf requirements could potentially specify the tolerance.

Sincerely yours,

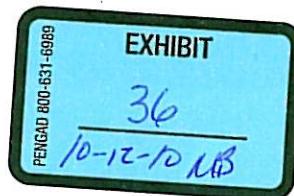

A. G. Schaible
Manager - Aftermarket and
Accessories Purchasing

/amr

To J. Lucas
12/16 J. Lucas
L. Holzastmet

Denied at Det 12/10
1fr - Given ?
1/2 - Given ? A. Schaible why no response?

10900 Harper Avenue - Detroit, Mich. (Area Code 313) 267-1000 - Mailing Address: P. O. Box 238, Detroit, Mich. 48232



BP011372

SALES REPRESENTATIVE'S REPORT *1100CS*
FRiction products GROUP *1100* Typed 12/30/80

RESPONSE REQUESTED

FRICTION PRODUCTS GROUP

TYPE OF CALL

DATE

12/18/80 AOT

Received 12/19/80

CUSTOMER FRUEHAUF CORPORATION	REPRESENTATIVE L. E. B.	REPORT No. 8591
ADDRESS 10900 Harper Avenue P.O. Box 238	CITY Detroit, MI	STATE/ZIP 48232
		PHONE 267-4000

OFFICIALS INTERVIEWED

J. P. Silk - Vice President Material A. G. Schaible - Manager Aftermarket & Accessories Purchasing N. E. Walker - Regional Sales Manager

COMMENTS

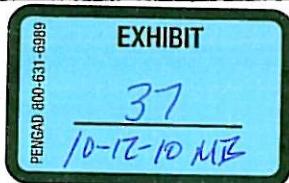
Accompanied by J. J. Lukas, discussed the friction material situation at Fruehauf. Our request for original equipment blocks was 10% per a letter dated November 21, 1980. This was answered via a letter from Schaible indicating that no cost increases would be accepted. A meeting was then held with Schaible and it was ascertained that a 6% increase was more realistic from Fruehauf. A firm review of Abex original equipment numbers was made and discussions held indicating that 12% bottom line from us on original equipment materials was required. They indicate that 12% is more than they receive from Carlisle and Raybestos-Manhattan (they have an engineering approved lining) and as such we are not competitive with either outfit.

Based on our non-competitive position, they must do something to assure that all of their assembly plants are receiving competitive priced axles so the reduction will be from 50% of the Fruehauf business which in normal times manufacturing 40,000 blocks per month, approximately \$1,100,000 per year to zero percent. They will take our inventory and materials in process and the phase-out will be coordinated (reference Lukas' letter of December 16th to Schaible).

On the aftermarket pricing, the word is that our January 12, 1981 increase makes us non-competitive by that amount. They gave us a 5% increase in July because Silk felt some responsibility that the aftermarket has not gotten off the ground in three years as well as anticipated when we agreed it should. We must resolve this situation or our \$350,000 worth of OES business is also gone. Discussions will be held with Ward, Cappucci and Lukas to determine what will happen here.

They are somewhat in awe of our decisions in these very difficult business times and don't understand why if they are unable to accept these prices that our other customers can. They feel we are out of step with the industry.

Our outlook at Fruehauf 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 "short 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. This is a bitter pill for Silk to swallow because of the years of effort developing the appropriate ground work with the management



SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

Typed 1/22/81

TYPE OF CALL

Received 1/15/81

DATE

1/12

CUSTOMER: PRUEHAUF CORPORATION	REPRESENTATIVE L. E. B.	REPORT 86
ADDRESS 10900 Harper Avenue P.O. Box 238	CITY Detroit, MI	STATE/ 48
		PHONE 267-1000

OFFICIALS INTERVIEWED

N. E. Walker - Regional Sales Manager
J. P. Silk - Vice President Material
A. G. Schaible - Manager Aftermarket & Accessories Purchasing
G. G. Bobo - Director Parts & Accessories Sales

RECEIVED
TROY, MI. JAN 1981

COMMENTS

Accompanied by Mr. Don Grinter and Mr. Jerry Lukas, a meeting was held with the above to again review the 1981 pricing requests of 13.1% for 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 somewhat more than the request from Fruehauf of 6%--this leaves 7%.

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 realizes that savings with these operations will not be returned to him in lower prices--we will keep this money.

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 to Fruehauf, and also we will provide them a quote and timing on a mix change. Purchasing feels no problem in the mix change as long as we will certify that it meets 121 and provides equivalent wear and performance to our present 693-551G.

It was noted that Engineering has agreed to let both Carlisle and Abex materials go into a plant, however, Sales needs to be convinced. Silk will work on that.

We proposed a potential step-pricing based on 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. In these events, we would continue to supply 551G, but at the stepped up pricing.

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 us be profitable by making some of these proposed changes for our benefit.

It was learned that Fruehauf is working with Kelsey-Hayes and B. F. Goodrich on disc brakes, however, they do not like the obvious premium required for these parts. They expect that some will be utilized, however, it will be a long time before they are standard. The Rockwell disc brake was not designed to fit the Pro-Par axle, although Rockwell has made a proposal

EXHIBIT

PENGAD 800-631-6969

3B
10-12-10 MB

BP011354

1/12/81

and a presentation. They figured two years to design a unit to fit the Pro-Par axle. Rockwell is programming 1,000 units in the field with air disc brakes, specifically trailers, on a subsidized basis to generate field test data.

This meeting was held as a result of Mr. Silk's conversation with Steve Conway and his subsequent conversation with representatives of the Auto Products Group.

Walker stated that the Semta bid has been shoved off for one week and is scheduled to come up for review on the 19th.

Earle
L. Earle Bretz, Jr.

LEB/lb

cc: JJLukas/JWCcCool/file
DWGrinter

BP011355

HFA - 2/2/81 2/16

Roye

January 12, 1981

Per P. Grim 1/17/81 Call Tim McCool 1st. Feb 1st if we have not
Received P.O.'s. — Per B. Dybelski conversation with T. McCool 1/2/81

Mr. A. G. Schaible, Manager Price do not appear yet - be a couple of days
Aftermarket & Accessories Purchasing
Fruehauf Corporation
10900 Harper Avenue
Detroit, Michigan 48232

Dear Mr. Schaible:

Please be advised that effective with all shipments made
on and after January 1, 1981 our prices must be increased.
The continuing increases in raw materials, labor, utilities,
taxes, etc. make this increase necessary.

Attached is a list of your part numbers for which we show
sales during the last twelve months and the adjusted prices.
If you need prices on parts not shown, please let us know
the part numbers and we will send you the new prices.

Our terms remain Net 30 Days after delivery and shipments
are F.O.B. our plants.

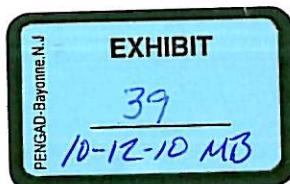
We would appreciate your sending us your change notice
reflecting the new prices.

Thank you for your past business and we look forward to
serving you in the future.

Sincerely,

J. W. McCool
Manager-Sales Administration

JWM/bd
Encl.
cc: PHGrim RC
LEBretz
File



KAZ

005931

TRUEHAUF CORPORATION

January 1, 1981 Prices

<u>TRUEHAUF PART NUMBER</u>	<u>FORMULA</u>	<u>DESCRIPTION</u>	<u>NET PRICE PER AXLE SET (EIGHT PIECES)</u>
<u>Purchase Order #20826</u>			
A-CE6287-6 (A) and A-CE6288-6 (C)	693-551-G "	16 $\frac{1}{2}$ x 8-5/8 Brake "	Boxed \$ 39.88/Set Bulk 39.59/Set
A-CE6287-8 (A) and A-CE6288-8 (C)	693-551-D "	16 $\frac{1}{2}$ x 8-5/8 Brake "	Boxed 39.88/Set Bulk 39.59/Set

Boxed Pallet Quantity - 72 Sets -- Bulk Pallet Quantity - 84 Sets

Purchase Order #20827

A-CE6285-6 (A) and A-CE6286-6 (C)	693-551-G "	16 $\frac{1}{2}$ x 7 Brake "	Boxed \$ 33.93/Set Bulk 33.65/Set
A-CE6285-8 (A) and A-CE6286-8 (C)	693-551-D "	" "	Boxed 33.93/Set Bulk 33.65/Set

Boxed Pallet Quantity - 100 Sets -- Bulk Pallet Quantity - 105 Sets

Freight Prepaid on orders of 35 sets or more.

Above prices include federal excise tax.

KAZ 005932

FRICTION PRODUCTS GROUP

Typed 1/22/81

TYPE OF CALL

Received 1/15/81

DATE

1/13/81

CUSTOMER	REPRESENTATIVE	REPORT NO.
FRUEHAUF CORPORATION/AXLE PLANT 911 Spencerville Road	L. E. B. Delphos, OH	8607 45833
ADDRESS	CITY	STATE/ZIP
		419/692-6015

OFFICIALS INTERVIEWED

Pam Lauf - Material Control
 Charles Mitasik - Plant Manager
 Don Grothouse - Director Purchasing & Material Control
 Stan Lyle - Material Control Supervisor

J. W. McCool

COMMENTS

STATUS

Fruehauf is going to a no-grind shoe and lining program. 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 southern Ohio.

What this means is that they will 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 tolerance must be done if we 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.

The axle build and sales are running at 5,000 per month from the previously reported 4,000 per month. On schedule for our standard 16-1/2" x 7" 693-551G 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 7,035 and April usage 6,619. March and April are not on order until we get our pricing straightened out with Detroit.

They are very supportive of marking changes and even suggested the 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 anything that will help our suppliers at this point should be done i.e., eliminate one of the edge paintings, eliminate the impression stamping on edge and back and go to some form of combining the coloring with the printed edge marking.

I repeat, Fruehauf plans to go to a no-grind shoe and lining assembly program, hopefully, during 1981. Equipment is on order for them to achieve this. Our task and responsibility in this project is to obtain necessary equipment and/or techniques so that we might be in a position to supply material at .010 thickness tolerance.

Earle
L. Earle Bretz, Jr.

BP011369

LEB/1b

CC: JJ Lukas/JW McCool/file
DRAFT

LB Boyd

JH Barbazette

EXHIBIT

F
S
R
E

B. Abex Identification Requirements:

- a) The edge of the lining without the ink stamp to be coded with a minimum of 2" wide band, blue (for 693-551-G) and white (for 693-551-D) paint.
- b) The following information is to be ink stamped a minimum 125" high on the opposite edge of the lining by Abex**.

- (1) NYS Code: _____ GG
- (2) Mix No. 693-551G or 693-551D
- (3) Fruehauf part no. CE 62xx -5, -6, -7 or -8*
- (4) ANC or CAM
- (5) FMSI No. ***

*-5	Denotes original equipment	693-551-G
-6	Denotes service equipment	693-551-G
-7	Denotes original equipment	693-551-D
-8	Denotes service equipment	693-551-D

** Refer to Page 23 of 23 for location of these ink stamped characters.

*** If size of lettering does not allow number to be stamped on lining edge, stamping on underface is allowable.

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

Typed 2/25/81

TYPE OF CALL

Received 2/19/81

RESPONSE REQUESTED

DATE 2/18/81

CUSTOMER

FRUEHAUF CORPORATION	REPRESENTATIVE L. E. B.	REPORT No. 8644
ADDRESS 10900 Harper Avenue P.O. Box 238	CITY Detroit, MI	STATE/ZIP 48232
		PHONE 267-1000

OFFICIALS INTERVIEWED

- A. Szymanski - Chief Engineer, Components
 A. G. Schaible - Manager Aftermarket & Accessories Purchasing
 A. H. Przepiora - Director Product Development
 J. H. MacMaster - Director Product Engineering
D. Barnosky - Senior Project Engineer

COMMENTS

At this meeting on February 18th, the Engineering Department agreed to the wording required for the identification and marking section of FES 74, Sheet 22 of 23. Reference the writer'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 they have eliminated the requirement of a batch code.

The changes are being typed and they will be in the hands of Purchasing by the end of this week. We should be receiving a letter the later part of the week of February 23rd with the changes that both Carlisle and Abex have agreed to. Carlisle lettering is considerably smaller than Abex, being in the 125-150 range.

All purchase orders covering pricing have been amended and are being forwarded to us.

As of now, the Raba axle provided by Eaton has not had an impact on the Pro-Par axle business, however, they at last notice that it is out there.

Our non-asbestos data provided to Fruehauf last fall is being closely scrutinized and reviewed--to date the comments are very favorable.

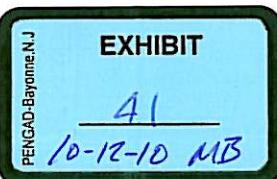
Now that we have the identification requirements out of the way, our next project is to obtain approval of the use of a false backing. This should propose even less difficulty. We will review the test data with Engineering that is generated by the Winchester plant on four square inch samples. This method was chosen because it was adequately utilized for General Motors and Terex parts. As soon as this is accomplished, we should be in reasonably good shape on Fruehauf production parts.

Earle B.
L. Earle Bretz, Jr.

LEB/lb

Attachments

cc: JJLukas/JWMcCool/file RENelson PHGrim JHBarbazette ADIndelicato
RAFcarce



BP011352

Abex

An IC Industries Company

Memorandum

*Fruehauf
file*

Date: March 2, 1981

Subject: FREUHAUF CORP.

From: A.D. Indelicato

To: R.E. Nelson
Troy Office

I 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. After talking to Dave, I think he wants the computer outputs.

I promised Dave that someone would be in contact with him regarding his request.

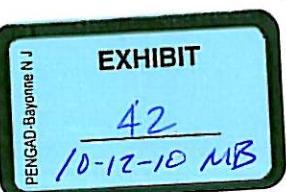
Of interest, Dave claimed that Abex is the only supplier that has supplied Fruehauf with FES-74 data and therefore, felt that we had a considerable jump on our competitors.

Please contact Dave at (313) 262-1481 as soon as possible.

A.D. Indelicato

ADI:sh

cc: L.E. Bretz
G.K. Manghi
FILE: Fruehauf



BP011365

~~file~~ - *file*
SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

RESPONSE REQUESTED

CUSTOMER		TYPE OF CALL	DATE
TRUEHAUF CORPORATION/AXLE PLANT		Received 5/20/81	5/15/81
ADDRESS		REPRESENTATIVE	REPORT No.
911 Spencerville Road		L. E. B.	8701
		CITY	STATE/ZIP
		Delphos, OH	45833
			PHONE
			419/692-6015

OFFICIALS INTERVIEWED

Fred Busche - Manager Quality Control
 Don Grothouse - Director Purchasing & Material Control
 Stan Lyle - Material Control Supervisor
 Pam Lauf - Material Control

COMMENTS

The most recent schedules received from the location indicate standard production parts 6285-5 and 6286-5 are scheduled at 19,400 for June, 20,000 each for July, 14,000 each for August due to a two week shut-down 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, 6287-5 and 6288-5 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 drawings.

The marking changes on the blocks went into their system with no problems experienced.

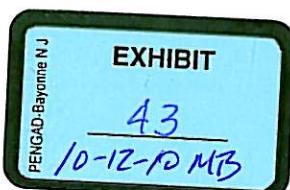
They are also interested in our false backing program and are anxious to receive these parts and get this program under way.

No problems were experienced in the Inspection Department. No problems experienced in the Material Control Department either. Everything is in order.

Earle
L. Earle Bretz, Jr.

LEB/lb

cc: JWMCCool/file
 PHGrim
 ADIndelicato



BP011359

file

July 7, 1981

Mr. A. G. Schaible
Manager Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

A sales recap summary of our shipments to Fruehauf from March 23, 1981 through June 23, 1981 indicates the following:

<u>Original Equipment</u>		<u>Replacement</u>	
<u>Units</u> (Pieces)	<u>Dollars</u>	<u>Units</u> (Sets)	<u>Dollars</u>
125,200	298,671	2,719	94,562

All of the above were shipped in Abex first line materials.

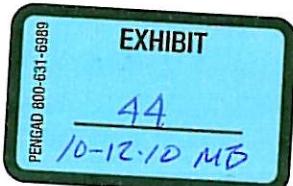
We are pleased to forward this information to you on a regular quarterly basis.

Very truly yours,

Earle Jr.
L. Earle Bretz, Jr.
Senior Account Manager

LEB/lb

bcc: JWMcCool/file
PHGrim
VSmith



KAZ 005918

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

Typed 7/13/81

TYPE OF CALL

Received 7/9/81

RESPONSE REQUESTED

DATE

7/7/81

CUSTOMER FRUEHAUF CORPORATION/AXLE PLANT	REPRESENTATIVE L. E. B.	REPORT No. 8728
ADDRESS 911 Spencerville Road	CITY Delphos, OH	STATE/ZIP 45833
		PHONE 419/692-6015

OFFICIALS INTERVIEWED

Don Grothouse - Director Purchasing & Material Control
 Charles Mitasik - Plant Manager
 Stan Lyle - Material Control Supervisor
 Pam Lauf - Material Control

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.

The new shipping schedule format of one, two or three times per month per their requirements will go into effect after their Delphos shutdown the weeks of August 3rd and August 10th.

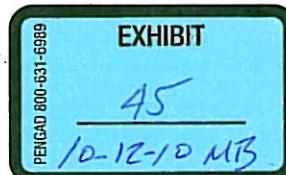
The no-grind program is progressing in that a broach is on order and that a coining machine cost request is in the mill. This is not on order as yet.

No complaints were registered in the Material Control Department and/or the Inspection Department. All is in good shape at this location.

Earle Jr.
L. Earle Bretz, Jr.

LEB/lb

cc: JW McCool/CAMartin/file
PHGrim - vs



KHALL05934

KAZ

005936

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

Typed 8/14/81

Route - File - File
RESPONSE REQUESTED

TYPE OF CALL

DATE

Received 8/10/81

8/3/81

CUSTOMER FRUEHAUF CORPORATION	REPRESENTATIVE L. E. B.	REPORT NO. 8754
ADDRESS 10900 Harper Avenue P.O. Box 238	CITY Detroit, MI	STATE/ZIP 48232
		PHONE 267-1000

OFFICIALS INTERVIEWED

A. G. Schaible - Manager Aftermarket & Accessories Purchasing
N. E. Walker - Regional Sales Manager
C. M. Tedesco - Service Truck Equipment & Accessories Sales

COMMENTS

Their 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 whether we would be ready January 1, 1982.

Also reviewed our backing program with them with 693-551G.

When we are ready to propose 693-551G for their production of 20,000 pound axles based on dynamometer testing, Schaible requested that it go through his office.

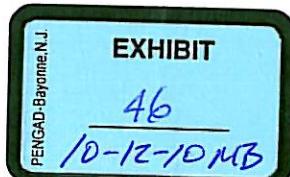
Walker states there is no desire for non-asbestos linings in the marketplace due to costs and the original equipment people at Fruehauf state that they are not going to be able to afford it either at this point. If it is required by Government edict, that is another thing and then everyone will have to raise their prices accordingly. What is the latest pricing on non-asbestos material? This will be forwarded to Norm Walker.

Walker questioned the writer as to the latest status of our bus block program and whether we had made any decisions to get into this marketplace with a "competitive block."

Earle
L. Earle Bretz, Jr.

LEB/1b

cc: CAMartin/BADybalski/file
RENelson
ADIndelicato



file

October 6, 1981

Mr. A. G. Schaible
Manager Aftermarket &
Accessories Purchasing
Fruehauf Division
Fruehauf Corporation
10900 Harper Avenue
P.O. Box 238
Detroit, MI 48232

Dear Mr. Schaible:

A sales recap summary of our shipments to Fruehauf from June 23, 1981 through September 23, 1981 indicates the following:

<u>Original Equipment</u>		<u>Replacement</u>	
<u>Units</u> (Pieces)	<u>Dollars</u>	<u>Units</u> (Sets)	<u>Dollars</u>
90,258	216,769	2,923	101,677

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.

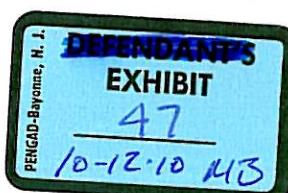
Very truly yours,

Earle Bretz

L. Earle Bretz, Jr.
Sales Manager
Heavy Duty

LEB/lb

bcc: BADybalski/file
PHGrim
LDavidson



KAZ 005934

Typed 11/6/81

TYPE OF CALL

Received 11/5/81

RESPONSE REQUESTED

DATE

11/3/81

CUSTOMER FRUEHAUF CORPORATION/AXLE PLANT	REPRESENTATIVE L. E. B.	REPORT NO. 8812
ADDRESS 911 Spencerville Road	CITY Delphos, OH	STATE/ZIP 45833
		PHONE 419/692-6015

OFFICIALS INTERVIEWED

- F. Busche - Manager, Quality Control
- C. Mitasik - Plant Manager
- D. Grothouse - Director Purchasing & Material Control
- P. Lauf - Material Control

COMMENTS

Due to a fall in requirements for trailer axles, their production has been cut from two lines to one and a half lines effective November 1st. Each production line is capable of manufacturing 4,000 axles per month. As a result, they are running 6,000 axles per month as opposed to the 8,000 previously run.

Our problem is that they have 38,902 linings on hand with another 7,200 which were shipped from Abex yesterday giving them 46,102 pair of lining. Their present schedules call for 8,280 pair to be utilized in November; 6,684 to be utilized in December; 12,668 pair in January 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 6,294 pair. As a result, their schedule calls for zero parts required in December and zero parts required in January. At the present time, they expect to order in some 8-9,000 pair for February. Only time will tell.

They are still working towards an effective date for unground 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 equipment linings with this tolerance. Their schedules will reflect a quantity by number change.

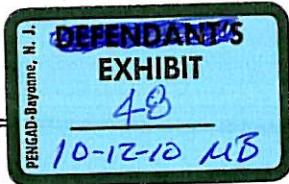
No complaints were registered by the Material Control and/or Inspection Departments. Quality Control has been excellent of late. A small accumulation of parts is here and is being written up for our disposal. We will be given an opportunity to have them return them to us and/or to determine that they 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 EEC, they are apparently specifying Mintex linings. Carlisle is behind in this game and do not have a material approved for EEC work, however, Abex does. Fruehauf would like to use Abex as a source as opposed to getting a new Mintex material on line. The material would be shipped to Delphos for installation on shoes and then axles and shipped to the European operation. We should be hearing from Purchasing shortly on a request for quotation.

Carlisle
L. Earle Bretz, Jr.

LEB/lb

cc: CAMartin/BADybalski/file RENelson PHGrim



KAZ

005917

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

Typed 11/17/81

TYPE OF CALL

Received 11/16/81

file

DATE RESPONSE REQUESTED P.GRIM

11/5/81

CUSTOMER

FRUEHAUF CORPORATION ADDRESS 10900 Harper Avenue P.O. Box 238	REPRESENTATIVE L. E. B.	REPORT No. 8815
	CITY Detroit, MI	STATE/ZIP 48232
		PHONE 267-1000

OFFICIALS INTERVIEWED

N. E. Walker - Regional Sales Manager-Parts & Accessories (not available)
A. G. Schaible - Manager Aftermarket & Accessories Purchasing
E. Hildebrandt - Buyer
G. G. Bobo - Director Parts & Accessories Sales

ROUTING

COMMENTS

NOV 18 1981

CAM Martin

LEB 11/18

file

General discussion held with the above.

It was noted that Mr. Robert Kickel, Vice President of Sales at Carlisle Corporation was in Purchasing this date and presented their 1982 economics. No indication as to what level that was.

In response to Schaible's query regarding our plans, I told him this notification should 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, he also asked for the aftermarket portion. Our aftermarket is growing with Fruehauf and as such he is now paying more attention to what we are looking at which will have an effect on not only his company, but also his competition.

Earle

L. Earle Bretz, Jr.

LEB/1b

cc: CAMartin/BADybalski/file
PHGrim



KAZ 005933

Aber

Anti Industries Corp.

Aber Corporation
Friction Products DivisionCUSTOMER: Fruehauf
SUBJECT: Stamping & Packaging

SPECIAL PROCESSING INSTRUCTIONS

Sheet No.: 1
No. Sheets: 1

1. Product Line: (pro-par)

All Fruehauf replacement sets in formula 562-5B

2. Specifications:

All parts to be manufactured to specifications as indicated on our shop prints.

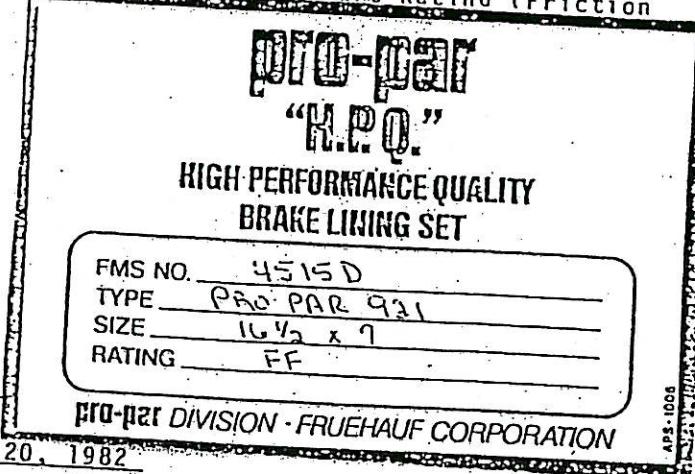
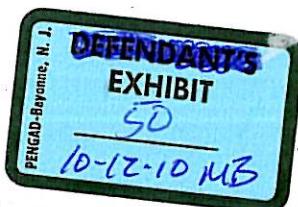
3. Identification:

For edge markings, see Chart CH44A.
Print back part number and date code.

4. Packaging:

Package set in a plain carton. Apply pro-par H.P.Q. Label No. APS-1006. Print label with F.M.S.I. Number; Type (Customer Identification and Formula Code); Size and Rating (Friction Class).

See Example:

DATE OF ISSUE: August 20, 1982APPROVED BY: Marjorie Beaver

KHALL04180

KAZ 004182



CUSTOMER: Fruehauf
SUBJECT: Processing & Packaging

Corporation
For Industrial Goods

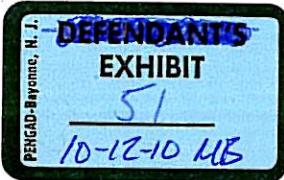
SPECIAL PROCESSING INSTRUCTIONS

Sheet No. : 1
No. Sheets: 1

1. Product: Replacement Bulk Kits (pro-par)
2. Fruehauf Part Nos.: Example: MX4 515D92 1B9
The first two digits "MX" specifies Abex material.
The second five digits 45150 is the FMSI number.
921 is the Fruehauf edge code and the letter B designates bulk packaging.
The 9 is for Fruehauf's information.
3. Specifications: All sets to be manufactured to specifications indicated on our shop prints.
4. Identification: For Markings, see chart CH44A.
5. Packaging: 4515D, 4515CD & 4515ED - 105 bulk sets per pallet.
They are to be packed three axle sets per box (24 pieces) and placed on a 36" x 48" pallet.
Mark boxes with quantity of kits, part numbers, and appropriate edge code.
Example: 3 kits
MX4 515D92 1B9
pro-par 921FF

DATE OF ISSUE: August 20, 1982

APPROVED BY: Marjorie Beaver



KHALLO4181

KAZ 004183

PAGE

FRUEHAUF DIVISION / **FRUEHAUF
CORPORATION**

September 22, 1982

Mr. L. Earle Bretz Jr.
Abex Corp.
Friction Products Group
3001 W. Big Beaver Rd., Suite 710
Troy, MI 48084

Dear Mr. Bretz:

This is to confirm Abex agreement to produce a back-up inventory of 4000 sets of FMSI 4515 Pro Par H.P.Q. brake block, approximately 200 sets of drill pattern "E", 440 sets of drill pattern "C" and 3360 sets of drill pattern "D" to support Fruehauf's Nationwide Brake Reline Program. This material to be complete and ready for shipment the week of October 11, 1982.

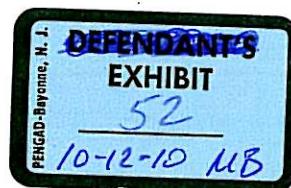
Yours very truly,

H.O. Binder

H.O. Binder
Mgr. Aftermarket &
Accessories Purchasing

/sdb

cc: R. Bagley
E. Pearsall



10900 Harper Avenue, Detroit, Michigan 48213 -3389 (313) 267-1000
P.O. Box 238, Detroit, MI 48232 -9961

KHALLO6877

KAZ

006908

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUPVS *4/11/83*RESPONSE REQUESTED

		TYPE OF CALL	DATE
		Received 6/27/83	6/22/83
CUSTOMER	REPRESENTATIVE	REPORT NO.	
FRIEHAUF CORPORATION	L. E. B.	9216	
ADDRESS	CITY	STATE/ZIP	
P.O. Box 164	Westerville, OH	43081	
		PHONE	
		614/882-1500	

OFFICIALS INTERVIEWED

H. O. Binder - Manager Aftermarket & Accessories Purchasing (Detroit)
 Doug Belcher - General Manager
 Tom Short - Manager Technical Operations

COMMENTS

A general review was made of the OES and aftermarket program with the above. Mr. Binder 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 general throughout their branch system have doubled since the introduction of the HPQ special lining program. Related and unrelated part sales have increased fantastically.

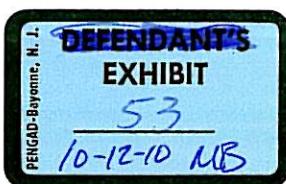
All concerned are very pleased that the program is being continued. A new publication is being forwarded to the branches announcing this fact. A copy of this will be sent to the writer when available.

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. Our price for 50 sets is \$6.81 higher than Carlisle's price for 100 sets, our price for 300 sets is \$1.30 higher and our price for 900 sets is \$.81 higher than the Carlisle price for 1,200 sets. The bulk of the product will move in the 50-100 set area--something must be done to resolve this price differential. (It is the writer's understanding that repricing of the non-asbestos line is presently going on in our Aftermarket Group). They feel they can handle the 300 set differential if they are allowed to mix and match asbestos and non-asbestos parts. The writer confirmed that they ~~can do this~~ and have alerted them to this fact.

We need a friction code covering ~~non-asbestos~~ non-asbestos material for wedge brake. This is in the works. Fruehauf edgecode FMU 924GG has already been applied to this mix.

They are also awaiting the decision on our part to allow them to market for transit operations the Abex recently released lower cost transit mix 3032-7. A number of their branches do a considerable business with transit operations in allied parts such as batteries, tires, wheels, etc. The branches specifically are Minneapolis, Pittsburgh and Philadelphia and we have quoted ABB 80 in the past only to get beaten out by Carlisle bidding direct rather than through the branch. I explained that the decision process as to how the transit operators would be handled in view of this new material was going on.

With the HPQ lining, very few problems have been reported--Pittsburgh and New Orleans reported 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 complaining about was not manufactured by Abex. The Minneapolis branch complained that they did not think it was any better than 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



KHALL06899

KAZ 006930

L. E. Bretz, Jr.
Report #9216
6/22/83
Page 2 of 2

October, 1982.

Mr. Louie Lapos who had been the Purchasing Agent at Westerville is retiring and his successor is Mr. Norm Davison.

Periodic contact will be maintained.

Earle 6

L. Earle Bretz, Jr.

LEB/1b

cc: CAMartin/BADybalski/file
RLWard
MBeaver

KHALLO6900

KAZ 006931



An IC Industries Company

Memorandum

Date: February 15, 1983

Subject: Fruehauf Visit

From: L. E. Bretz

To: L. H. Boyd

On Wednesday, February 23, 1983, I will be bringing to the plant Mr. H. O. (Hap) Binder (pronounced Bender) of Fruehauf Corporation. Hap is the Manager Aftermarket and Accessories Purchasing and has been responsible for all brake lining purchases for both original equipment and replacement.

The purpose of his visit is to familiarize himself with a brake lining plant and specifically the Abex operation. We supply them 50% of their production requirements and for the first time in history, during the last quarter of 1982, over 50% (\$259,000) of their aftermarket requirements.

We would like a tour of the plant concentrating on the block area. He 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 depth our non-asbestos product lines since that may be their future direction. They have approved for production use Abex 931-162, Carlisle NAB9M and Raybestos 2020.

We will want to spend some time with Phil Grim and his people that Fruehauf deals with on a day to day basis.

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 3:30 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.

Thank you for your help.

Earle
L. Earle Bretz, Jr.

LEB/lb

cc: CAMartin/file
LLAdams
ADIndelicato

ARHummel
EFPotts
PHGrim
me/jes



KHALL06904

KAZ 006935

SALES REPRESENTATIVE'S REPORT
FRICTION PRODUCTS GROUP

Typed 11/22/83

TYPE OF CALL

Received 11/17/83

DATE

RESPONSE REQUESTED

11/15/83

CUSTOMER FRUEHAUF CORPORATION/AXLE PLANT	REPRESENTATIVE L. E. B.	REPORT NO. 9324
ADDRESS 911 Spencerville Road	CITY Delphos, OH	STATE/ZIP 45833
		PHONE 419/692-6015
OFFICIALS INTERVIEWED		
<p>Don Grothouse - Director Purchasing & Material Control Fred Busche - Manager Quality Control Pam Lauf - Material Control Stan Lyle - Material Control Supervisor</p>		
COMMENTS		

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 their axles, the Abex share has moved to about 60/40 on the short side. It is their intent per our agreement of past years to get it to 50/50 and to allow Delphos some control.

At the present time, Carlisle material goes to plants at Charlotte, Fort Madison, Harrisburg, Memphis, Westerville, Waverly and Pro-Par.

Abex lining is shipped to manufacturing plants at Fort Wayne, Fresno, Hobbs Trailer, Omaha, Uniontown, Dixie and Export.

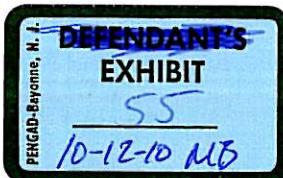
A review is being made of the numbers and the recommendation of Delphos will be to shift one or two plants from Carlisle to the Abex lining and then to monitor very closely. Grothouse promised to get his recommendation to Detroit Manufacturing this week. At present, axles ordered with -1 and -2 numbers for the 96" axles get the Carlisle lining and -15 and -16 get the Abex lining. On the 102" axles, plants ordering the -29 and -30 axle numbers get Carlisle and -43 and -44 numbers get the Abex.

November and December axle production numbers call for 13,000 axles per month. Our schedules for November and December on standard lining call for 21,600 pair; in January this goes to 28,800 pair. February schedule is presently being worked on.

Only one pair of numbers is in short supply, this being 87-5 and 88-5 when 900 pair were ordered in the October release for November 1st. These are the 8-5/8" wide material made in 551G. They have 425 pair on hand and are hopeful that this will hold out until we make our shipment.

Showed the Abex EXL Labelle 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 unspecified by the fleet customer and whose lining they get is determined in the same manner as the asbestos materials and this is by which plant places the axle order.

Continued...



KHALL06901

KAZ 006932

L. E. Bretz, Jr.
Report #9324
11/15/83
Page 2 of 2

An indication of how well things are going in the trailer industry is that Hobbs Trailer Division of Fruehauf is sold out in capacity for 1984 and is now accepting orders for the first quarter of 1985 delivery.

As noted above, Abex gets 100% of this business.

Earle L.

L. Earle Bretz, Jr.

LEB/1b

cc: CAMartin/BADybaTski/file
MBeaver -
LS

KHALL06902

KAZ 006933

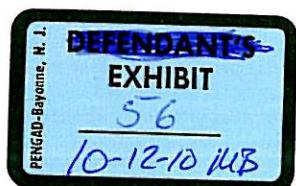
RANK	FORMULA	TYPE	T	B S D					MIX	TYPE	PROCESS	KEY ACCOUNTS
			Z	R	R	L	T	I				
			FPD	E	O E	O R S						
			1983	H	E P	C I C						
Sales	D	M L	K P	M U E								
1	693-551C	ASBESTOS	212	< HD	X X	X X	LOW	DRY H & P	ALL	CAM BRAKES 19-20K LB. AXLES		
2	693-551D	ASBESTOS	172	< HD	X X	X X	MED-HI	DRY H & P	ALL	CAM BRAKES 23K LB. & WEDGE		
3	731-162	FGR	61	HD	X X	X X	MID	DRY H & P	ALL	CAM BRAKES 19-20K LB. AXLES		
4	914-16 & 468	SEKIMET	62	PCLT	X X	X	LOW-MID	DRY H & P	FORD	RANGER FRONT DISC & UTIL AFTERMARKET		
5	562-5 & 5A	ASBESTOS	62	HD	X	X	LOW	DRY H & P	ABEX DISTIB	AFTERMARKET CAM BRAKES TO 20K LB. AXLE		
6	3025-273	ASBESTOS	52	PCLT	X	X	MID	DRY H & P	NAPA	UTILITY AFTERMARKET PAD		
7	693-539	ASBESTOS	41	< HD	X X	X X	HIGH	DRY H & P	FORD	HIGHEST ON-HIGHWAY MTL IN US.		
8	261-2	ASBESTOS	32	PCLT	X	X	MID	WET ROLLED	NAPA	UTIL AFTMRKT SECONDARY FOR SERVO BRAKES		
9	987-6	FGR	32	PCLT	X	X	MID	DRY H & P	FORD	PRI & SEC ON 9 & 1 3/4 INCH SERVO		
10	3025-93	ASBESTOS	32	PCLT	X	X	MID	DRY H & P	REBUILDERS	UTILITY AFTERMARKET PAD (ECON)		
11	80	ASBESTOS	22	< HD	X X	X	LO-MID	DRY H & P	VW	TRANSIT APPLICATIONS CAM & WEDGE		
12	720	SEMIMET	22	HD	X	X	MID-HI	DRY H & P	FRUEHAUF	GOLF, GTI PADS		
13	693-551G	ASBESTOS	22	PCLT	X	X	MID	DRY H & P	FRUEHAUF	TRAILER AXLE CAM BRAKES TO 20K LB		
14	852-106	ASBESTOS	22	PCLT	X	X	LOW	WET ROLLED	REBUILDERS	ECON AFTMRKT SECONDARY FOR SERVO BRAKES		
15	261-1	ASBESTOS	22	PCLT	X	X	MID	WET ROLLED	NAPA	UTIL AFTMRKT PRIMARY FOR SERVO BRAKES		
16	526-5B	ASBESTOS	12	HD	X	X	MID	DRY H & P	FRUEHAUF	DE'S TRAILER AXLES TO 20K LB		
17	852-105	ASBESTOS	12	PCLT	X	X	LOW	WET ROLLED	REBUILDERS	ECON AFTMRKT PRIMARY FOR SERVO BRAKES		
18	734-161	ASBESTOS	12	PCLT	X	X	MID	WET (note 1)	CADILLAC	PRIMARY ON SERVO REAR BRAKES		
19	693-551J	ASBESTOS	12	HD	X	X	MID	DRY H & P	ROCKWELL	TRAILER AXLE TO 20K LB		
20	38-27E	ASBESTOS	12	PCLT	X	X	MID	DRY H & P	CADILLAC	SECONDARY ON SERVO REAR BRAKES		

NOTES

- 1 ROLLED PREFORM THEN H&P
- 2 FORCASTED INCREASING SALES () denotes major change)
- 3 FORCASTED DECREASING SALES (<< denotes major change)
- 4 FORCASTED STATUS QUO
- 5 FORCAST UNSURE

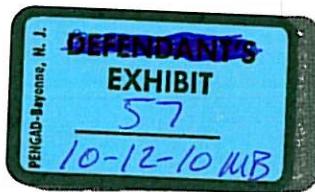
A.D. INDELICATO

XC EHF JPKL 5/17/85



Abex

An IC Industries Company



Abex Corporation
Friction Products Division
1827 Powers Ferry Rd.
Building 20
Marietta, GA 30067
(404) 953-2045

August 27, 1986

To All Abex Heavy Duty Distributors,

As you are aware, the use of asbestos materials has come under increased scrutiny within government, commercial enterprise, and consumer groups. The resulting publicity and legislation have made the use of this material in our products much more difficult and costly.

These events have led Abex Corporation to make the decision to exit the asbestos friction materials business.

However, Abex will continue to fill orders for part numbers in asbestos material until such inventory is depleted. In the event that certain asbestos part numbers on an order cannot be filled completely, Abex will substitute non-asbestos product at the asbestos product price, one time only, to ease your transition into the new friction material.

Effective September 1, 1986, Abex will not accept the return of asbestos product for credit. However, any information or assistance that you may require in depleting your inventories will be readily provided.

Your continued support is appreciated as Abex completes the transition to non-asbestos products.

Very truly yours,

Ronald V. Bagley
Ronald V. Bagley
Executive Vice President
Aftermarket Sales

SPNY 000768-

AB/MB

11/12/87 11:49

abex

Antic Industries Company

Abex Corporation
Friction Products Division
Suite 710
3601 West Big Beaver Rd.
Troy, MI 48064-1742
(313) 649-4431

TELECOPIER INFORMATION SHEET

DATE: November 12, 1987

FROM: J. J. Brown

TO: B. T. Santilli

NUMBER OF PAGES (Including This one) 5



SPNY 002797

KHALLO1770

KAZ

001770

Method of Obtaining and Maintaining O.E. Business

- A. Be aware of pulse of market by calling on OEM's and Brake Manufacturers and Fleets.
- B. Appraise opportunity.
 - B.1 Cost of program.
 - B.2 Possibility of success - i.e. competition etc.
 - B.3 Return on investment.
- C. Sales works with Production, Research and Manufacturing to determine candidate materials for specific vehicle application.
- D. Abex supports candidate materials by performing dynamometer tests, bench tests and vehicle testing.
- E. Abex Sales gives results to Brake Manufacturer & OEM.
- F. OEM & Brake Manufacturer retest on actual vehicle and/or brakes to confirm Abex results.
- G. Test includes Legal Vehicle and Dynamometer Tests, Noise Test, Durability Tests and Structural Integrity Tests.
- H. After OEM & Brake Manufacturer concur on materials:
 - H.1 Abex quotes Brake Manufacturer - prices and tooling *
 - H.2 Abex provides product specification to OEM & Brake Manufacturer.
 - H.3 Abex provides Initial Sample Inspection Reports to Brake Manufacturer.
 - H.4 Abex goes into production.
- I. Production life is the life of the vehicle model.
 - I.1 Passenger Car/Light Truck - 5 years +.
11" Rear Ford 150 - Brake is in 10th year of life.
Ranger introduced in 1982 - Still going strong.
 - I.2 Heavy Duty - Life of Axle usually longer than Passenger Car.

* O.E. accounts pay for Tooling and Freight is F.O.B. Plant Dock.

SPNY 002798

KHALLO1771

KAZ 001771

Method of Obtaining & Maintaining O.E. Business

Page Two

J. Notes - Abex is sub vendor to OEM although OEM is a deciding factor in friction material selection.

J.1 OEM buys complete brake assembly from Brake Manufacturer (including friction).

J.2 Brake Manufacturer is by all records then Abex customer.

1986 O.E. Sales Results

Automotive - (Passenger Car/Light Truck)	11,225,000
Heavy Duty - (Trucks On & Off-Highway)	14,052,000
Other - (Industrial Applications, Misc.)	<u>604,000</u>
Total	25,881,000

Major Sales for 1986 (i.e. Customers & Applications)APPLICATIONS

Passenger Car/Light Truck

Ford -	Ford Ranger Ford Bronco II Ford Aerostar Ford F150 Ford Bronco	Escort - program completed to start production '87. Tempo - " Topaz - Production '89 Mustang 5 Liter T'Bird
--------	--	---

Chrysler - Voyager/Caravan Mini Van
Shelby Hi Performance

VW - Jetta
Golf

GM - Cadillac

SPNY 002799

KHALL01772

KAZ 001772

Method of Obtaining & Maintaining O.E. Business**Page Three****Heavy Duty Applications & Off-Highway**

Ford
Freightliner
G.M.
Navistar IHC
Kenworth
Mack
Peterbilt
Volvo White
Trailers - (Various)

Off Highway Industrial

Clark
BFG
Massey Ferguson
A. M. General
Caterpillar
Fiat Allis

MAJOR CUSTOMERS**Heavy Duty -**

Rockwell
Eaton
Bendix
Lucas Industries
Dana
Fruehauf

Passenger Car/Light Truck -

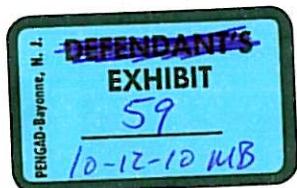
Lucas
Bendix
Kelsey Hayes
Teves

SPNY 002800

KHALL01773

KAZ

001773



QUOTATION



Friction Products Division
1827 Powers Ferry Rd., Bldg. 20
Marietta, GA 30067
(404) 953-2045

To:

Bonded Brakes
32401 Howard Street
Madison Heights, MI 48071

Attention Steve Harris

QUOTATION

9-18-87

Originals to M. Beaver.
cc: C. Bretz

Date: A. Martin

9/15/87
B. Middleton
J. Shepard
J. Cherkart

We have your inquiry , dated , and are pleased to quote as follows:

PART NUMBER OR DESCRIPTION	OUR FORMULA NUMBER	QUANTITY	NET PRICE	SET-UP CHARGE	TOOLING PORTION
<u>UNDRILLED</u>					
4515 CAM	551C	12,000	\$2.7051		
4515 ANCHOR	551C	12,000	\$2.5483		
USE DANA OE EDGE CODE					
Per Dana Spicer Trailer Axle Plant P.O. M60353 (to Bonded Brake)					
For Sealand Container Chassis ONLY.					
Order approved this date per Al Martin and Al Indellicato for Bonded Brake P.O. #6063 ONLY.					
This order is non-cancellable; material is non-returnable.					
Completed delivery to Bonded Brake is <u>NEEDED BY 10/30/87</u> .					

Description of Tooling:

CC A. Indellicato

Proposed Shipping Date:

Terms: Net 30 Days After Delivery, F.O.B. Our Plant.

Buyer agrees he has full knowledge of the conditions printed on the reverse side hereof, and that the same shall be the sole terms and conditions of the agreement between Buyer and Seller and shall be binding if either (1) Buyer issues a Purchase Order for the goods referred to herein any printed statement to the contrary notwithstanding, or (2) the goods referred to herein are delivered to and accepted by Buyer, or (3) if Buyer does not within ten days from date of the Seller's acknowledgment deliver to Seller written objections to said conditions or any part thereof.

Friction Products Division

By Ronald V. Bagley
Ronald V. Bagley, Exec. V.P. / Aftermarket Sales

S-0262

QUOTATION SUBJECT TO CONDITIONS CONTAINED ON REVERSE SIDE

Aftermarket Sales

KAZ 3 06626

QUOTATION



7 of 7
QUOTATION

~~\$63,640.80~~

To: Bonded Brake
182401 Howard Street
Madison Heights MI 48071

Date: 9-¹⁵~~15~~-87

Attn: Steve
Xanes
We have your inquiry

, dated

, and are pleased to quote as follows:

PART NUMBER OR DESCRIPTION	OUR FORMULA NUMBER	QUANTITY	NET PRICE	SET-UP CHARGE	TOOLING PORTION
<u>Undrilled</u>					
4515 cam	551C	12000	2.7051		
4575 anchor	551C	12000	.2.5483		
Use Danner P.O. #60312 Per Danner P.O. #60312 (To Bonded Brake)					
For Six Head Container Chassis' Only - Order approved this date per Al Martin and order approved this date per Al Martin and for Bonded Brake P.O. # 60312 ⁶⁰⁶³ only - This order is non cancellable. Material is non returnable. Completed delivery to Bonded Brake is <u>needed by 10/20/87</u> .					

Description of Tooling:

32,461.29
31,579.60

~~63,040.80~~

Proposed Shipping Date:

Please sign order

Terms: Net 30 Days After Delivery, F.O.B. Our Plant.

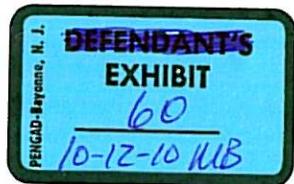
Buyer agrees he has full knowledge of the conditions printed on the reverse side hereof, and that the same shall be the sole terms and conditions of the agreement between Buyer and Seller and shall be binding if either (1) Buyer issues a Purchase Order for the goods referred to herein any printed statement to the contrary notwithstanding, or (2) the goods referred to herein are delivered to and accepted by Buyer, or (3) if Buyer does not within ten days from date of the Seller's acknowledgment deliver to Seller written objections to said conditions or any part thereof.

Friction Products Division

By _____

QUOTATION SUBJECT TO CONDITIONS CONTAINED ON REVERSE SIDE

482



KAZ 3 06627

11/19/88 14:56

8 7836621886 ABEX WINCHESTER

63

2 of 7

SALES REPRESENTATIVE'S REPORT
Friction Products Division

TYPE OF CALL**RESPONSE REQUESTED**

DATE

10/29-30/87

CUSTOMER Bonded Brakes	REPRESENTATIVE L.E.Bretz	REPORT NO. 10374
ADDRESS 32401 Hoyard Street	CITY Madison Heights	STATE/ZIP MI
		PHONE 589-0617

OFFICIALS INTERVIEWED**Mr. Steve Harris - President****COMMENTS**

A problem has arisen here with our credit policies toward this company. 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.

We have shipped to them over the last four months three major shipments of material for Original Equipment use. This is all 693-551C which will be bonded to shoes and shipped to Dana Corporation for installation on axles ordered by Sealand Corporation and specifying Abex. The problem is that during September we shipped him 20,000 blocks, and on October 30 we shipped him 24,000 blocks. These will be utilized to manufacture assemblies which he will ship from now until the end of February to Dana per their schedules. Note that I have attached the Dana schedules covered on the last two purchase orders that we shipped. Harris is not able to pay us for all the products until he ships product to Dana and they pay him. Note that he is building shoe and lining assemblies in November on parts that we shipped the middle of September.

The parts he took delivery on the 30th of October, he will not be in a position to pay for until January, February and March. Abex has him on "credit hold" which means that we will ship him no more replacement material until he gets out from under this O.E. order. Our policy really has him in a bind.

This matter must be addressed and an increase in credit at least investigated because he is about to go into Original Equipment and Aftermarket business with Flexible Bus (an Abex account -- 931-162/931-83), and with General Motors of Canada. If all that works out and continued releases come in from Dana/Sealand, etc., he will find it very difficult to accept material.

Since earlier in the year, Dana was the one who asked us to accept a purchase order from Bonded Brakes, and have Bonded Brakes ship to Dana rather than Dana ordering linings from us to be shipped to Bonded Brakes. I promised that I would call Dana to see if we could work something out in that the material was shipped and here are the shippers, and product manufactured under Dana commitments, and hopefully they help out with paying Bonded Brakes early so that we could get paid without having to wait 5 months. He expressed appreciation for this and "wished me luck".

Earle
L. Earle Bretz, Jr.

CC A. Indelicato

LEB/bt**Attachments**

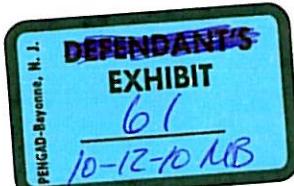
cc: C. E. Hartman/FAR

J. M. Eberhart

S. J. Friesler

FRTDuke,JMB

KAZ 3 06622



11-19-08 14:54

8 7036821886 ABEX WINCHESTER

5 of 7
81

CO-9 Revised 4/70

SALES REPRESENTATIVE'S REPORT
Friction Products Division

TYPE OF CALL

RESPONSE REQUESTED DATE
11/2/87

CUSTOMER	Dana Spicer Trailer Products	REPRESENTATIVE	REPORT NO.
ADDRESS	527 Interstate Park Drive	L.E.Bretz	10378
		CITY	STATE/ZIP
		Montgomery	AL 36109
			PHONE
			205/271-8800

OFFICIALS INTERVIEWED

Mr. Julius Davis, Sales Manager
Mr. Harry Culp, Purchasing Manager

COMMENTS

Rphoned the above gentlemen regarding the situation at Bonded Brakes. We need to be paid for our product and can they help? We've shipped all product requested.

Raised the point that we sold direct to Bonded Brakes because Dana had asked us to, since the numbers game on the last go-around was confusing to them when we sold to Dana but shipped to Bonded Brakes. They could never make the lining and shoe numbers to match even.

Davis stated that he would review it and see what might be done, offered no promises, but hoped to get back to the writer by Friday the 6th. I expressed appreciation for anything that he might be able to do to alleviate the situation of Abex having shipped all products necessary for the Sealand order which will not be shipped in Bonded Brakes assemblies until February.

Earle Jr.

L. Earle Bretz, Jr.

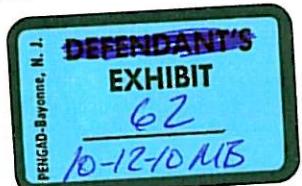
LEB/bt

cc: C. A. Martin/File
J. N. Eberhart
S. J. Priesler
J. Duke

To: J. N. EBERHART

CC A Indel. on 10

KAZ 3 06625



1 of 7

BONDED BRAKES INC.

"Advantages that add up!"

32401 HOWARD
MADISON HEIGHTS, MI 48071
(313) 589-0617

November 3, 1987

Mr. Jim Dukes
Abex Corporation
P.O. Box 3260
Winchester, VA 22601

Dear Jim:

To confirm our conversation this A.M., you were unable to delay delivery of the 24,000 blocks of 551-C which we received this afternoon. You are also aware that this material is to be used on our Dana purchase order #M-60353 with release dates as follows:

11/9 = 2000/pcs.
12/7 = 2000/pcs.
12/15 = 1000/pcs.
1/4 = 2000/pcs.
2/1 = 2000/pcs.
2/15 = 656/pcs.

As we discussed, our intent was to have this lining delivered in December and January so we could ship it, bill it, and pay you for it in a timely manor.

Our situation now is to start shipping and billing against this P.O. in December, and we will be able to start paying you for the lining in January. We will absorb the burden of storage ourselves at no cost to you, and we hope that you in turn will help us in the area of credit status. We are still very active on the behalf of Abex, both in Michigan and in California with our efforts in the aftermarket. In that regard, I understand that Pacific Truck Parts has a separate \$20,000.00 credit limit and they will remain separate from Bonded Brakes Inc., Michigan.

Thanks for your help.

Sincerely,

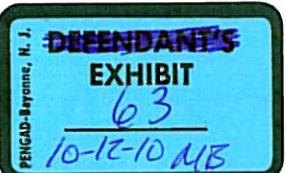
Steve C. Harris

cc: Mr. Earl Bretz - Abex Corp.

CURRIN

CC A Indelicio.

KAZ 3 06621



FRICITION PRODUCTS DIVISION
Marietta

DATE: NOVEMBER 19, 1987
SUBJECT: BONDED BRAKE/DANA
FROM: J. N. EBERHART
TO: A. D. INDELICATO

The Heavy Duty Aftermarket sales involvement on the above subject was limited to technical assistance at Sealand.

The Troy office put into motion the part numbers, Purchase Orders and quantities with Dana's edge 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 materials were shipped without Jim Duke's knowledge.

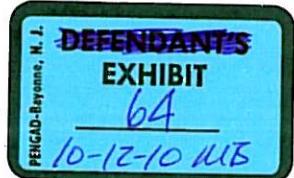
We then contacted Troy to see what they could do to resolve the problem. Earle Bretz contacted both Bonded Brakes and Dana (call report attached). Jim Duke was in contact with Steve Harris of Bonded Brake and Steve gave Jim new release dates (copy of letter attached). In the meantime, the Dana material (551C) is on the 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.

Bonded Brake is on hold, which means they are unable to order for Aftermarket Transit customers, due to this problem we have on OE material for Dana.

J.N. Eberhart

J. N. Eberhart

JNE:df
attachment



KAZ 3 06620

4 of 7



SPICER TRAILER AXLE PLANT

DANA CORPORATION
2200 HWY. 40 WEST MONTGOMERY, AL 36061
TELEPHONE (334) 261-7466

PURCHASE NOTIFICATION

6063

ALL INFORMATION CONTAINED HEREIN IS UNPUBLISHED PROPERTY OF DANA CORPORATION AND IS PROTECTED BY LAW.

DO NOT COPY OR DISTRIBUTE WITHOUT SPECIFIC PERMISSION

121558 RELEASE ORDER INTER-DIVISION ORDER

TO

BONDED BRAKE INC
52401 HOWARD
MADISON HEIGHTS, MI 48071

SHIP TO:

2400 SELMA RD
MONTGOMERY, AL 36111-3653DELIVERY
REQUIRED
AT OUR PLANT
SPECIAL CLOITEM #
DESCRIPTION
TERMS
SHIP/PT ADVISE WHEN READY
DATE SHIP121558 BONDED SHOE AND LINING 16-1/2 X 7 1/2" C.
WITH ABEX ASBESTOS LINING (691-551C)

19.25EA N16WH123-2X

SHIPPING SCHEDULE

1000 - 11/9/87
 2000 - 12/7/87
 1000 - 12/15/87
 2000 - 1/4/88
 2000 - 1/15/88
 2000 - 2/1/88
 656 - 3/15/88

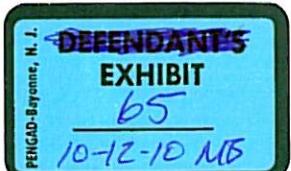
NOTE: SHEAR TEST MUST BE PERFORMED AND
 TEST RESULTS PROVIDED TO OUR Q.C.
 DEPARTMENT AS REQUIRED BY
 POMALWOOD.

To Jim
Pulse
1/2
Cantress at Bonded Brakes
Po # 6063 Shap's 10/80

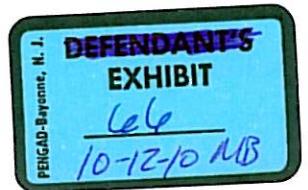
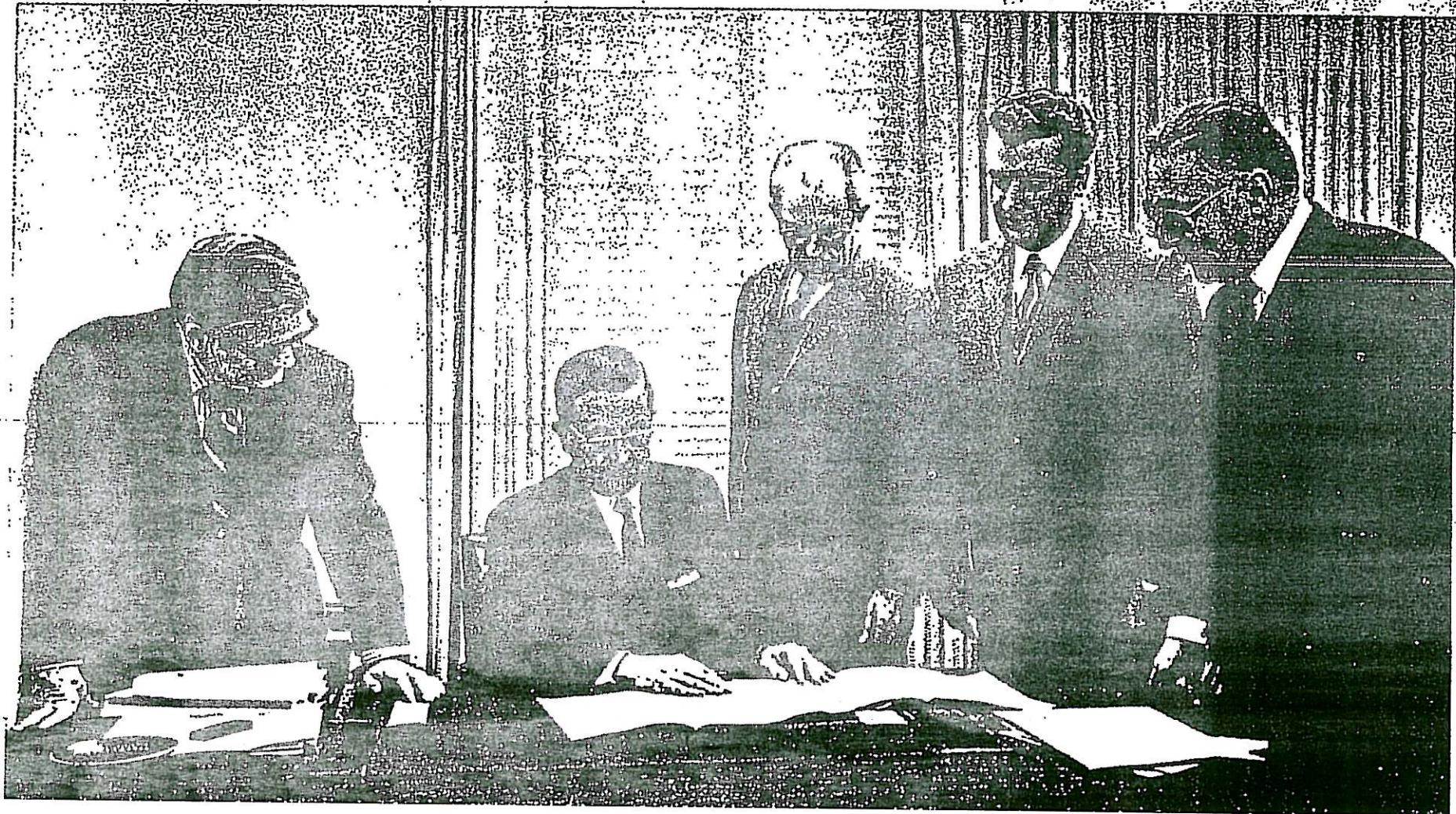
CONFIRMING TO STEVE HARRIS ON 9/16/87

UPPER NUMBER	DATE ENTERED	RECEIVED BY
ITEM NUMBER	ITEM NUMBER, QUANTITY, DESCRIPTION, DATE RECEIVED, RECEIVED BY, WITHIN	
NDOR'S REMARKS	ITEM NUMBER, QUANTITY, DESCRIPTION, DATE RECEIVED, RECEIVED BY, WITHIN	
SIGNED _____ BY _____		FOR NAME _____

KAZ 3 06624

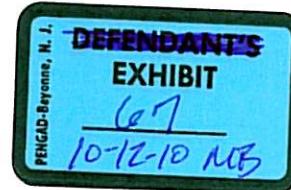


A meeting at New York Headquarters brought together principals involved in the new Abex European venture. From left to right are: Donald K. Rennie, general manager of the joint venture; Victor L. Persbacker, Abex vice president, administration; George L. Romine, Abex vice president and Abex Friction Materials Group executive; Ernst Schreyger, deputy general manager of the joint venture; Georges H. Geiser, director of finance for Abex International.



FRICTION PRODUCTS GROUP
Winchester

July 3, 1978



Mr. E. F. Potts
Winchester

Until all of our boxes and cartons come through with the asbestos caution information preprinted by the supplier, it will be necessary that we hand stamp the information on those boxes and cartons not now printed.

Please determine the sizes and number of hand stamps required to read as follows:

Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm

An alternative to hand stamping would be the use of printed labels.

C.B.Mallory
C. B. Mallory

CBM/bb
cc: V.L. Fox
B. Iwarsson
D.A. Shackelford

MEDICAL DEPARTMENT

L H Evans

May 25, 1965

ASBESTOS STUDY

Mr. Donald K. Remmie
 Vice President
 Brakebok - Troy Office

Dear Don:

As I mentioned to you on the telephone today, the U.S. Public Health Service visited with the Medical and Hygiene Departments on 5-24-65. Their representatives, William S. 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 Brakebok 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 the 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 made known to local management and our industrial hygiene group, but will not be divulged to the individual employee, his lawyer or physician.

I explained to Drs. Cralley and Lainhart that I would approach the American Brakebok Division regarding this. They indicated that if the Brakebok Division management had any questions, they would be happy to come and see you. I believe that these men are truly dedicated to their work and that they are pursuing this in a proper scientific fashion in an attempt to solve a rather controversial problem.

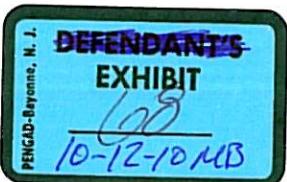
P. W. C. 5'3" 6'8" 2689
 Area 5'3" 6'8" 2689
 P. W. C. 5'3" 6'8" 2689

Pls bring
 C B M up to
 date on this &
 indicate we ha
 tentatively agreed
 to participate --
after we meet
 with Govt people
 in Winchester

D 5-
 5/27

Meet'g set up
 for June 23rd 9 AM
 at Wmch. with Messrs.
 Drs Lainhart - Cralley
 and rep of State of
 Virginia Health Dept

D K G,
 6/1



010811

MEDICAL DEPARTMENT

Page 2
May 25, 1965
Mr. D. K. Rennie
Re: Asbestos Study

I shall write to Dr. Lainhart and indicate that we have discussed the subject and request him to find a mutually convenient time for you to become acquainted and explore the problem further and to your complete satisfaction. I hope that we will be able to cooperate fully and I feel there may be benefits to be had not only by such cooperation and increased 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 medical file at the plant and this would most certainly be better than the employee's recall of such events in his past. This could be completed on Company time or off the job. They indicated to me that approximately 20 minutes would be consumed in the completion of their Bureau of Budget #68-6402.

I am also enclosing, in addition to the above mentioned form, a resume of the proposed asbestos study. I would like to add that on page 4, "In-plant Medical 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 performed insofar as such extensive testing.

I shall be interested in any further comments which you might like to make and developments that may occur.

Chase

C. C. Blackwell, Jr., M.D.
Medical Director

Enc.

CCB:np

cc: Mr. H. B. Terry
Mr. R. B. Parker - NYO

Q18812

J.M.D.

May 27, 1966

Mr. Donald K. Rennie
Vice President
Brakesblock - Troy Office

Re: U.S. Public Health Service

The enclosed report completed by the Department of Health, Education, and Welfare I believe will be of interest to you. This developed as an ancillary part of their study on Asbestos, part of which your Division greatly assisted them in by permitting them to make certain studies at Winchester, Virginia.

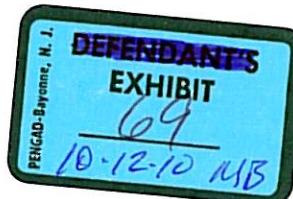
Last November various automobile and bus brakes, and I note an automobile clutch, were tested on a dynamometer at our Research Center in Mahwah. At lower braking temperatures little asbestos was detected in their air samples, but at high temperatures the picture changed as you can see from the data.

This group will be returning to Mahwah on June 16 and 17 to test lesser grade brakes to see if the same results or different ones will be obtained. The series evaluated last November was a relatively high grade of brake material.

C. C. Blackwell, Jr., M.D.
Medical Director

CCB:mp
Enc.

cc: T. A. Anderson - with enclosure
F. F. Marlihy
C. P. Mallory
J. S. Parker
W. B. Terry





DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
PUBLIC HEALTH SERVICE

NATIONAL CENTER FOR
URBAN AND INDUSTRIAL HEALTH
222 EAST CENTRAL PARKWAY
CINCINNATI, OHIO 45202

November 19, 1968

NOV 25 1968 CB

P CW

*Dr. H. Blackwell
B13 Director*

Mr. Charles B. Mallory
Works Manager
American Brakeblock Division
ABEX Corporation
P. O. Box 607
Winchester, Virginia 22601

Dear Mr. Mallory:

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.

We discussed with Dr. Blackwell the week of December 9, 1968 and, with your concurrence, plan on starting the survey on the morning of December 9. 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 E. Ayer
Chief, Environmental Activities
Field Studies
Occupational Health Program

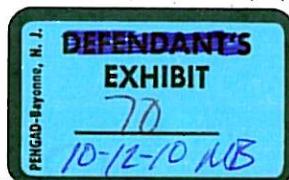
cc: Dr. Charles Blackwell - ABEX Corp., Chicago, Ill.

C.C. → KA Anderson - J.T. French - C.R. Dalton, NYO

RECEIVED

NOV 21 1968

ABEX CORPORATION
MEDICAL DEPT.



SUPERIOR COURT IN THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

GORDON BANKHEAD and)
EMILY BANKHEAD,)
)
Plaintiff,) CASE NO: RG10502243
)
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

	2		4
1	SUPERIOR COURT IN THE STATE OF CALIFORNIA FOR THE COUNTY OF ALAMEDA	1	FOR DEFENDANT EATON CORPORATION VIA PHONE: Howard Rome Martin & Ridley LLP Naomi L. Fribourg, Esq. 1775 Woodside Road, Suite 200 Redwood City, CA 94061 (650) 365-7715 nfribourg@hrmrlaw.com
2		2	
3		3	
4	GORDON BANKHEAD and) EMILY BANKHEAD,) Plaintiff,) CASE NO: RG10502243	4	FOR DEFENDANT STRICK TRAILERS, LLC VIA PHONE: Foley & Mansfield, PLLP Deborah Gustafson, Esq. 300 Lakeside Drive Suite 1900 Oakland, CA 94612 (510) 590-9523 dgustafson@foleymansfield.com
5)	5	
6	vs.)	6	
7)	7	
8	ALLIED PACKING & SUPPLY, INC.,) et al.,))	8	
9	Defendant.) _____ 10 - - - 11	9	FOR THE DEFENDANTS SUNSET DEVELOPMENT COMPANY, GRANADA SALES, INC., and JUPITER CONSTRUCTION, INC. VIA PHONE: Foley & Mansfield, PLLP Kristi Okumoto, Esq. 300 Lakeside Drive Suite 1900 Oakland, CA 94612 (510) 590-9537 kokumoto@foleymansfield.com
12		10	
13	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.	11	
14		12	
15		13	
16		14	
17		15	
18		16	
19		17	
20		18	Also present: Beth MacDonald, Videographer - - -
21		19	
22		20	
23		21	
24		22	
25		23	
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		25	
		3	
1	A P P E A R A N C E S:	1	I N D E X
2	FOR PLAINTIFF:	2	INDEX TO EXAMINATIONS
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6	325 W. Main Street, Suite 1900	6	Examination by Mr. Miller 222
7	Louisville, KY 40202	7	Examination by Mr. Radcliffe 228
8	Phone: 502-410-3819	8	Re-examination by Mr. Satterley 244
9	FOR DEFENDANT PNEUMO ABEX, LLC:	9	Re-examination by Mr. McGuire 252
10	DeHay & Elliston, LLP	10	
11	R. Thomas Radcliffe, Jr., Esq.	11	
12	36 S. Charles Street	12	DEPOSITION EXHIBITS
13	Suite 1300	13	Exhibit Description Page
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15	(410) 783-7225	15	2 10-8-64 memo from Rennie to 22
16	rtr@dehay.com	16	Blackwell
17	FOR DEFENDANTS ARVIN MERITOR and KELSEY HAYES:	17	3 10-13-64 memo from Blackwell to 28
18	McKenna, Long & Aldridge	18	Veenstra
19	Anthony S. Miller, Esq.	19	4 3-25-68 memo from Theodore to 36
20	101 California Street	20	Henderson
21	Floor 41	21	5 10-31-72 memo from Green to Grim 38
22	San Francisco, California 94111	22	6 2-13-75 memo from Jones to all 40
23	(415) 267-4000	23	district managers
24	FOR DEFENDANT CARLISLE CORP.:	24	7 8-22-75 memo from Blackwell to 55
25	Joseph W. McGuire, Attorney at Law	25	Rennie
	Joseph W. McGuire, Esq.		
	22 Periwinkle Drive		
	Mount Laurel, New Jersey 08054		
	(856) 273-0765		
	jmcguire-law@comcast.net		
	FOR DEFENDANTS DANA COMPANIES, LLC and		
	MIDLAND BRAKE, INC. VIA PHONE:		
	Brydon Hugo & Parker		
	Randall K. Bernard, Esq.		
	135 Main Street, 20th Floor		
	San Francisco, CA 94105		
	(415) 808-0358		

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25				25			

	10		12
1	PUNTA GORDA, FLORIDA; TUESDAY, OCTOBER 12, 2010; 9:46	1	my questions are meant to trick you or confuse you in 10:20
2	10:19 a.m.	2	any fashion. So I'm going to ask you, Mr. Bretz, if you
3	THE VIDEOGRAPHER: We're now on the record.	3	don't understand any of my questions you let me know so
4	My name is Beth MacDonald, I'm the videographer and	4	I can re-ask that question, okay?
5	I represent Atkinson Baker, Inc., of Glendale,	5	A Yes, sir. 10:20
6	California. I'm not financially interested in this	6	Q It's real important so that we know you
7	action nor am I relative or employee of any	7	understand what I'm talking about and asking about and
8	attorney of any of the parties.	8	so that we get an accurate, truthful answer, okay?
9	Today's date is October 12th, 2010. The time	9	A Yep.
10	is approximately 10:19 a.m. This deposition is	10	Q Also, you've been sworn to tell the truth. 10:20
11	taking place at 33 Tamiami Trail, Punta Gorda,	11	You understand that you're giving testimony, sworn
12	Florida. This is Case No. RG10502243, entitled	12	testimony just as if you were in a court -- in a
13	Bankhead versus Allied Packing. The deponent is	13	courtroom before a jury, correct?
14	Ludlow Earle Bretz. This deposition is being taken	14	A I do.
15	on behalf of the plaintiff. And the court	15	Q Okay. Also, if you need to take a break for 10:21
16	reporter's name is Mike Brentano.	16	any reason, you let me know, we'll take a break, okay?
17	Will counsel please identify themselves for	17	I will try to wait until you're finished
18	the record.	18	answering the question; if you can wait until I finish
19	MR. SATTERLEY: Yes. My name is Joe Satterley	19	asking the question, it makes it a lot easier so we
20	and I represent Emily and Gordon Bankhead.	20	don't talk over one another. A lot of times you may 10:21
21	MR. RADCLIFFE: Tom Radcliffe for Pneumo Abex,	21	think you know where I'm going but -- and I may think I
22	LLC.	22	know where you're going, but let's try to let each other
23	MR. MILLER: Anthony Miller for Arvin Meritor	23	finish our discussion, okay?
24	and Kelsey Hayes.	24	A That's fine by me.
25	MR. SATTERLEY: And I think by stipulation the	25	Q And then finally, if you could verbally 10:21
	11		13
1	other folks participating by telephone will	1	respond to all the questions as opposed to nodding the 10:21
2	identify themselves during the first break.	2	head. Folks on the telephone are listening in, the
3	THE VIDEOGRAPHER: Would the court reporter	3	court reporter, it makes it a lot easier for the court
4	please swear the witness.	4	reporter to take down the information, okay?
5	LUDLOW EARLE BRETZ, JR.,	5	A Okay. 10:21
6	having been first duly sworn, was examined and testified	6	Q All right. Where do you currently reside?
7	as follows:	7	A 26 Windward Court, Cape Haze, Florida.
8	EXAMINATION	8	Q And how long have you been here in Florida?
9	BY MR. SATTERLEY:	9	A April of 1992.
10	Q Good morning.	10	Q And have you been here since your retirement? 10:22
11	A Good morning.	11	A Other than a year, yes.
12	Q Please state your full name.	12	Q And what company did you retire from?
13	A Ludlow Earle Bretz, Jr.	13	A I retired from Pneumo Abex Corporation.
14	Q Mr. Bretz, my name is Joe Satterley and we	14	Q And how long did you work for Pneumo Abex or
15	just met earlier this morning. Have you given a	15	its predecessor companies? 10:22
16	deposition in the past?	16	A Thirty-eight years.
17	A Yes, sir.	17	Q And during those 38 years with the company, it
18	Q On how many occasions?	18	started out one name and it switched names over the --
19	A I believe two.	19	A Several times, yes.
20	Q Very briefly I'm going to tell you a little	20	Q Several times. At one point in time it was 10:22
21	bit about the deposition process. I'm sure because	21	called American Brake Shoe Company?
22	you've been through depositions in the past, you're a	22	A That's correct.
23	little bit familiar with it. But the purpose of my	23	Q Another point in time it was called Abex.
24	deposition here today is to find out what information	24	A Correct.
25	you may have that may be relevant to this case. None of	25	Q And then it became Pneumo Abex at some point 10:22

	14			16
1	in time?	10:22	1	to call on folks with regards to selling the Abex
2	A Mm-hmm.		2	materials to them?
3	Q You got to --		3	A That's correct.
4	A Yes.		4	Q It sounds like through most of your career you
5	Q Okay. During the 38 years that you spent with	10:22	5	were in the sales component of the company.
6	that company, were you in management?		6	A Correct.
7	A Yes.		7	Q I've premarked a number of exhibits and I've
8	Q How many of these 38 years were you in		8	given them to the other -- the attorney representing
9	management?		9	Pneumo Abex just a few minutes ago. They're over to
10	A 1971 to '92, so that would be about 19 years,	10:23	10	your left-hand side. Can you grab those exhibits?
11	20 years.		11	The first one we've marked is the notice to
12	Q Now, I'm going to ask you some questions here		12	take your deposition as Exhibit 1. Do you see that?
13	today about your work with -- I'm going to call Abex,		13	A Yes, sir.
14	just so that -- is that okay with you?		14	Q And did you receive a subpoena that had this
15	A That's fine, sure.	10:23	15	notice to take deposition with it?
16	Q Okay. And first, it's my understanding that		16	A Yes.
17	you -- did you leave the company in 1992?		17	Q And how long ago did you receive the subpoena?
18	A I was retired in January '91.		18	A Two and-a-half weeks, the first one.
19	Q Okay, January of '91. And you started with		19	Q After you received the subpoena for this
20	the company in --	10:23	20	deposition and in between today, what, if anything, have
21	A July 19 -- July 1953.		21	10:26 you done to prepare yourself for this deposition?
22	Q Okay. When you first went with the company,		22	A Well, I tried to determine whether any of my
23	what was your job?		23	limited files had any information about the Bankhead
24	A I was a trainee, sales engineer trainee.		24	case.
25	Q And then what was the next position you had?	10:24	25	Q Okay.
		15		17
1	A After I finished my training --	10:24	1	A I found nothing. I contacted Mr. Radcliffe
2	Q Yes.		2	and advised him that I had received a deposition. And I
3	A -- with the company, I was a sales engineer.		3	sent a copy of it to him.
4	Q And how long did you stay as a sales engineer?		4	Q The subpoena?
5	A Several years, a few years.	10:24	5	A The subpoena, yes. I'm sorry.
6	Q And then what position did you take after		6	Q When you say you checked your limited files,
7	sales engineer?		7	you're talking about files that you maintain at your
8	A Then I was a district manager.		8	house?
9	Q As a district manager, was that from 1963 to		9	A Yes.
10	'71?	10:24	10	Q Okay.
11	A Yes.		11	A The cases that I might have been involved with
12	Q And was -- because earlier you said you were		12	over the last few years.
13	in management from '71 to '92, or '91, thereabouts. Was		13	Q And how many cases have you been involved with
14	the district manager role, was that not management?		14	over the last few years?
15	A Not specifically, no.	10:24	15	A Several. No more than ten.
16	Q Okay. And if you could just explain that to		16	Q And your involvement in these cases has been
17	me.		17	as a fact witness, correct?
18	A Well, I didn't have anybody working for me. I		18	A Yes, sir.
19	was responsible for various accounts and after a --		19	Q You've never been a hired expert to develop
20	after someone was with the company for so long, it was a	10:24	20	some certain expertise or anything like that?
21	way of getting a people a raise, they changed titles.		21	A No.
22	If you reached your maximum within a pay grade, they		22	Q And we talk about these several cases, no more
23	changed titles so that they could put you in another pay		23	than ten you said, right?
24	grade to get a raise.		24	A Correct.
25	Q So your job title as district manager, you had	10:25	25	Q Who contacted you about these cases?

		18			20
1	A Mr. Radcliffe.	10:27	1	A Yes, sir.	10:30
2	Q Okay.		2	Q How long has that occurred?	
3	A Or an attorney by the name of Mr. Edward		3	A I think 2004, 2003.	
4	Abbott.		4	Q I may come back to that later. But you	
5	Q Is it your understanding that both of these	10:27	5	haven't reviewed anything else case specific about this	10:30
6	attorneys are attorneys for the Abex Corporation or		6	case other than Mr. Ketcham's deposition?	
7	their successor?		7	A No, I have not.	
8	A Yes, sir.		8	Q If you could, turn Exhibit 1 over to the --	
9	Q If you could describe for me very briefly,		9	and we're going to start going through some of these	
10	when you say your limited files, what's in your limited	10:27	10	exhibits.	10:30
11	files?		11	But before we go through Exhibit 2, I briefly	
12	A Notices, copies of affidavits which I signed		12	looked at some of your other sworn testimony and I	
13	for cases, a deposition if I received one, maybe a copy		13	understand that you learned about asbestos, some	
14	of the transcript if I gave one.		14	potential hazards to asbestos sometime in the '60s,	
15	Q You don't maintain and possess historical	10:28	15	correct?	10:30
16	documents of what Abex did back in the '50s or '60s or		16	A Yes.	
17	'70s yourself?		17	Q And how did you learn about the hazards of	
18	A No, sir.		18	asbestos in the 1960s?	
19	Q After you contacted Mr. Radcliffe to let him		19	A There was considerable discussion back then in	
20	know you received a subpoena, have you reviewed any	10:28	20	organizations such as Society of Automotive Engineers,	10:31
21	documents or has he provided you any documents to		21	we held monthly meetings with our salespeople and the	
22	review?		22	manufacturing people and it was discussed at that point.	
23	A A copy of the Bankhead deposition from the		23	There were a lot of articles back then in trade	
24	gentleman from Rockwell.		24	magazines, et cetera.	
25	Q The -- Bruce Ketcham?	10:28	25	Q Other than the Society of Automotive	10:31
		19			21
1	A Bruce Ketcham, yes, sir.	10:28	1	Engineers, can you think of any other trade magazines	10:31
2	Q Any other depositions that you've reviewed in		2	that you recall specifically discussing hazards of	
3	this case?		3	asbestos?	
4	A No, sir.		4	A No, I can't.	
5	Q And how long ago did you get a copy of	10:29	5	Q Did anyone from the Abex Corporation -- back	10:31
6	Mr. Ketcham's deposition?		6	at this time, it was called Abex, right, in the '60s?	
7	A Last week.		7	A Yes.	
8	Q Did you read it?		8	Q Anybody, any of your managers or anybody from	
9	A Yes, sir.		9	another department of Abex call you in and give you a	
10	Q And how long did you spend reading that	10:29	10	training or classroom instructions on the hazards of	10:31
11	deposition?		11	asbestos?	
12	A Oh, it was 260 pages; about three hours, three		12	A No.	
13	and-a-half hours.		13	Q Did there come a point in time later, either	
14	Q Now, do you -- do you charge Abex for your --		14	in the later '60s or early '70s, where Abex, the Abex	
15	Pneumo Abex or the law firm for your time?	10:29	15	Corporation had a classroom training to train sales	10:32
16	A I'm on a retainer and I charge them time.		16	personnel like yourself about asbestos hazards?	
17	Q And what is your retainer?		17	A No.	
18	A Per month?		18	Q When you've learned in the '60s -- by the way,	
19	Q Sure.		19	can you, other than saying the '60s, can you narrow it	
20	A 1500 per month.	10:29	20	down any when you learned about the hazards of asbestos?	10:32
21	Q And what is your hourly rate for other work		21	A It was probably -- it was discussed during the	
22	you do for them?		22	early '60s. Time frame, '62-3, in that time frame.	
23	A \$150.		23	Q In that time frame when you first learned of	
24	Q And how long have you had this retainer		24	the hazards of asbestos, did you specifically recall	
25	agreement with -- is it with Mr. Radcliffe's law firm?	10:30	25	learning about cancer?	10:32

		22		24
1	A I can't recall.	10:33	1	this call for any special action on our part at our
2	Q Did you learn in the 1960s about a disease		2	plants in Winchester, Lindsay, Mexico, France? Should
3	called -- process called mesothelioma?		3	we bring it to the attention of our licensees abroad?"
4	A Yes.		4	Do you see that?
5	Q And how did you first learn about that disease	10:33	5	A I see that.
6	process, mesothelioma?		6	Q First my question is, were you familiar with
7	A Specifically, I don't remember.		7	these plants that they're referring to?
8	Q I marked as Exhibit 2 a memorandum from D. K.		8	A Yes.
9	Rennie to Dr. Charles Blackwell, the medical director of		9	Q Winchester, is that in Virginia?
10	American Brake Shoe Company, dated October 8th, 1964.	10:33	10	A Yes, sir.
11	And I first wanted to ask you, did you know who D. K.		11	Q And where is the Lindsay plant at?
12	Rennie was?		12	A Lindsay, Ontario. North of Toronto.
13	A Yes. Don K. Rennie, yes.		13	Q And Mexico, where in Mexico?
14	Q What was his job with the company back in that		14	A Mexico City.
15	time frame?	10:33	15	Q Okay. And France?
16	A He was vice president of manufacturing.		16	A Gif, France, outside of Paris. That's G-I-F,
17	Q And Dr. Charles Blackwell, did you ever have		17	outside of Paris.
18	the opportunity to meet him?		18	Q Were those in that time frame the only
19	A Yes, I did.		19	locations where there were manufacturing plants within
20	Q And was it your understanding he was the	10:33	20	the Abex Corporation?
21	medical director for the company?		21	A No.
22	A Yes.		22	MR. RADCLIFFE: Objection, vague, ambiguous.
23	Q In this 1964 memo, it attaches an article from		23	Q (MR. SATTERLEY) Are you -- tell us all --
24	the Pontiac Press dated October of 1964 and it says		24	some of the other locations where Abex had manufacturing
25	"Suspect Asbestos as Medical Specialists as a Cause of	10:34	25	facilities.
		23		25
1	Cancer," do you see that?	10:34	1	MR. RADCLIFFE: Objection, vague, ambiguous.
2	A Yes, sir, I do.		2	THE WITNESS: Friction material facilities?
3	MR. RADCLIFFE: Objection, lack of foundation.		3	Q (MR. SATTERLEY) Sure.
4	MR. MILLER: Join.		4	MR. RADCLIFFE: Same objection.
5	Q (MR. SATTERLEY) My question to you is, first	10:34	5	THE WITNESS: '64, Cleveland, Ohio. But we
6	of all, is this the type of article that you were		6	manufactured sintered metallic in Cleveland, Ohio.
7	referring to earlier that you read back in the 1960s		7	The Milburn, New York --
8	about asbestos?		8	Q (MR. SATTERLEY) Let me stop you there. I
9	MR. RADCLIFFE: Objection, vague, ambiguous.		9	apologize, sir. In Cleveland, Ohio, it was semi
10	MR. MILLER: Leading, join.	10:34	10	metallic?
11	THE WITNESS: Might have been.		11	A Sintered metallic.
12	MR. MILLER: Move to strike, speculation.		12	Q Sintered metallic. That's not --
13	Q (MR. SATTERLEY) In 1960 was D. K. Rannie --		13	A S-I-N-T-E-R-E-D, sintered.
14	you said he was a manager with the corporation, right?		14	Q Does that have asbestos in it?
15	A Vice president of manufacturing.	10:34	15	A No.
16	Q And was Dr. Blackwell also in management with		16	Q Okay. Continue.
17	the corporation?		17	MR. RADCLIFFE: Mr. Bretz, you are speaking at
18	A Medical director? I don't know what -- I		18	the same time Mr. Satterley is speaking. You need
19	don't know what that -- the corporate lineup looked like		19	to let him finish and then you can begin to speak.
20	and where he fit in. He reported to the president of	10:35	20	THE WITNESS: Okay. I'll work on that.
21	Abex, or American Brake Shoe.		21	MR. RADCLIFFE: Do you remember the question?
22	Q Did -- in 1964, did Mr. Rennie or		22	THE WITNESS: Repeat the question.
23	Dr. Blackwell share this information with you?		23	Q (MR. SATTERLEY) Sure. We were talking about
24	A I don't remember.		24	Cleveland, the Cleveland plant, and you were going to
25	Q It says in here, the second paragraph, "Does	10:35	25	tell me about another plant, manufacturing plant.

	26		28
1 A Milburn, New York, sintered metallic. I 2 believe it was closed by then.	10:37	1 THE WITNESS: I don't remember. 2 Q (MR. SATTERLEY) Okay. In the 1970s, moving 3 forward into the 1970s, did Abex or American Brake Shoe 4 Company have offices around the world?	10:39
3 Q Okay. Any other manufacturing plants of the 4 Abex Corporation that you're aware of in this time 5 frame?	10:37	5 A Yes. 6 MR. RADCLIFFE: Objection, vague, ambiguous. 7 Q (MR. SATTERLEY) Did that continue in the 8 '80s?	10:39
6 A Friction material? 7 Q Yes. 8 MR. RADCLIFFE: Objection, vague, ambiguous. 9 THE WITNESS: No, I'm not.	10:37	9 MR. RADCLIFFE: Same objection. 10 THE WITNESS: Yes.	10:39
10 Q (MR. SATTERLEY) And I appreciate your 11 clarification. Did Abex have other manufacturing 12 facilities other than friction materials?	10:37	11 Q (MR. SATTERLEY) Let's move forward to Exhibit 12 3. Exhibit 3 is an October 13th, 1964 memorandum from 13 the medical department from a C. C. Blackwell, do you 14 see that?	10:39
13 A Yes, sir. 14 MR. RADCLIFFE: Objection. 15 Q (MR. SATTERLEY) What types?	10:37	15 A Yes. 16 Q And it is addressed to Mr. William F. -- is it 17 Veenstra? Veenstra?	10:40
16 MR. RADCLIFFE: Objection, vague, ambiguous. 17 THE WITNESS: Well, as I used to say, we made 18 everything from soup to nuts. We had 25 plants 19 manufacturing cast iron, we had cast steel plants, 20 we had cast aluminum plants, we manufactured -- 21 back then, manufactured railroad brake shoes, steel 22 wheels. There were five or six divisions in 23 manufacturing. A number of items which 24 specifically I don't remember all of them.	10:38	18 A I don't know. That's the way I pronounce it. 19 Q Okay. It's got his title listed as the 20 assistant general purchasing agent for the New York 21 office, do you see that?	10:40
25 Q (MR. SATTERLEY) Was it your understanding,	10:38	22 A Yes. 23 Q And at the top, it's got D. K. Rennie, B-B 24 Troy. Do you know what that means?	10:40
	27		29
1 was Abex -- at this point in time you called it American 2 Brake Shoe or Abex, in '64?	10:38	1 Q And is that Troy, Michigan?	10:40
3 A It was American Brake Shoe Company. 4 Q Okay. At that time frame in 1964, you were 5 with the company, correct?	10:38	2 A That's Troy, Michigan. 3 Q And did you ever work in Troy, Michigan?	10:40
6 A Yes. 7 Q Was it your understanding, was this an 8 international corporation --	10:38	4 A Yes, sir. 5 Q Did you ever work under -- I guess down the 6 chain of command from Mr. Rennie?	10:40
9 A Yes. 10 Q -- offices around the world?	10:38	7 A No. 8 Q It says in this 1964 memorandum, "Thank you 9 for your notice of 10-7-64 and the clippings concerning 10 asbestos." My first question to you, by this point in 11 time, 1964, were you already familiar with the disease 12 called asbestos?	10:41
11 MR. RADCLIFFE: Objection, vague, ambiguous. 12 Q (MR. SATTERLEY) Go ahead.	10:38	13 MR. RADCLIFFE: Objection, vague, ambiguous, I 14 object to the leading statement which is not part 15 of the question, and lack of foundation.	10:41
13 A Yes. 14 Q And you already mentioned the Canada, United 15 States, Mexico, France, where were some of the other 16 locations American Brake Shoe Company had offices?	10:38	16 MR. MILLER: Join. 17 Q (MR. SATTERLEY) Go ahead.	10:41
17 MR. RADCLIFFE: Objection, vague, ambiguous. 18 THE WITNESS: Friction material?	10:38	18 A I believe I was. 19 Q Did Dr. Blackwell share this memorandum with 20 you when you were in sales in 1964?	10:41
19 Q (MR. SATTERLEY) Let's do more broadly then. 20 A During this time frame specifically, I 21 can't -- I don't remember.	10:39	21 A I haven't -- this is the first time I've seen 22 this.	10:41
22 Q Let's break it -- let's make it easier. Just 23 in the '60s generally, are you aware of where Abex had 24 offices around the world?	10:39	23 Q So the answer to my question would be no? 24 A No.	10:41
25 MR. RADCLIFFE: Same objection.	10:39	25 Q Okay. The next sentence says, "The problem of	10:41

	30			32
1	mesotheliomas in individuals exposed to asbestos is	10:41	1	Q And you were there trying to sell the friction
2	pretty well known in industry." Do you see that		2	products?
3	sentence?		3	A Correct.
4	MR. RADCLIFFE: Objection, foundation.		4	Q And included in the friction products at this
5	Q (MR. SATTERLEY) Do you see that?	10:41	5	point in time would be an asbestos-containing product,
6	A Yes.		6	correct?
7	Q By this point in time in 1964, based upon your		7	A Yes.
8	involvement with the corporation in sales, would you		8	Q The asbestos -- the Abex -- or, I guess,
9	agree that the problem of mesothelioma and exposure to		9	American Brake friction product in '63 to '71 time
10	asbestos was well known in industry?	10:42	10	period, do you know what percentage of the product was
11	MR. RADCLIFFE: Objection, foundation, vague,		11	10:44 asbestos?
12	ambiguous.		12	MR. RADCLIFFE: Objection, vague, ambiguous,
13	MR. MILLER: Argumentative. Join.		13	calls for speculation.
14	THE WITNESS: I can't speak to that.		14	MR. MILLER: Join.
15	Q (MR. SATTERLEY) Well, did you know in 1964	10:42	15	THE WITNESS: Depended on the formulation, 50
16	that mesothelioma was caused by exposure to asbestos?		16	10:44 to 60 percent.
17	MR. RADCLIFFE: Objection, vague, ambiguous.		17	Q (MR. SATTERLEY) And in that time frame,
18	MR. MILLER: Same, join.		18	1963-1971, I take it as a salesperson, you made major
19	MR. McGUIRE: Join.		19	inroads into the getting new accounts to these
20	THE WITNESS: I don't remember.	10:42	20	manufacturers?
21	Q (MR. SATTERLEY) You can set that exhibit to		21	10:45 A Correct.
22	the side. I think that what I'm trying to figure out		22	Q And was there a major plan expansion made as a
23	is, when you learned about the hazards of asbestos, as		23	result of your inroads, the inroads you made with
24	you said, in the early '60s, '62, '63, was mesothelioma		24	regards to the sales of these products?
25	one of the things that was discussed?	10:42	25	A Yes.
				10:45
		31		33
1	A I don't remember.	10:42	1	Q And where was that major plant expansion?
2	MR. MILLER: Assumes facts.		2	10:45 A Winchester, Virginia.
3	Q (MR. SATTERLEY) Okay. Are you able to tell		3	Q And if you could just tell me a little bit
4	us all the circumstances in which you learned about		4	about that. What -- how did the plant expand?
5	mesothelioma?	10:43	5	MR. RADCLIFFE: Objection, vague, ambiguous.
6	MR. RADCLIFFE: Objection, vague, ambiguous.		6	10:45 THE WITNESS: Based on a four- or five-year
7	THE WITNESS: Specifically I can't.		7	test period with General Motors Corporation, we
8	Q (MR. SATTERLEY) All right. In the 1960s, you		8	received approval for all of their half-ton truck
9	were involved in sales, right?		9	and three-quarter-ton truck business, brake
10	A Yes.	10:43	10	business, front and rear.
11	Q And in your involvement in sales in the 1960s,		11	10:45 Q (MR. SATTERLEY) And because of that business,
12	did the management of the corporation tell you that you		12	the plant had to be -- was there another building built
13	should be passing on to customers information about the		13	or couple of buildings built?
14	hazards of asbestos?		14	A Just an expansion of the existing building.
15	A No.	10:43	15	Q In your role as district manager in that time
16	Q In the 1960s when you were in the -- I think		16	frame, '63 to '71, did you have occasion to go to the
17	you said you were district manager from '63 to '71,		17	Winchester facility?
18	correct?		18	A Yes, sir.
19	A Yes.		19	Q And during that time frame from 1963 to 1971,
20	Q And your responsibility as district manager	10:44	20	10:46 did you ever observe any folks at that Winchester plant
21	would be to deal with major vehicle manufacturers, car		21	wearing respirators?
22	and truck companies?		22	A Specifically, no.
23	A Yes, sir.		23	Q In that time frame, 1963 to 1971, did you ever
24	Q And aircraft brake companies?		24	see any postings of any warning signs or caution
25	A Yes, sir.	10:44	25	statements in the Winchester facility?
				10:46

	34		36
1	A Yes.	10:46	1 speculation.
2	Q And what's the earliest you recall there being		2 Q (MR. SATTERLEY) And was it the respirators --
3	some type of warning sign at the Winchester facility?		3 do you know whether those were to eliminate exposure to
4	A Memory serves me, it was the late '60s.		4 the asbestos dust?
5	Q And did it specifically warn about asbestos?	10:47	5 MR. RADCLIFFE: Objection, calls for
6	A No.		6 speculation.
7	Q What did it warn about?		7 MR. MILLER: Join. Foundation.
8	A Dust.		8 THE WITNESS: That's out of the realm of my
9	Q And what did it say in the plant about the		9 expertise.
10	dust?	10:47	10 Q (MR. SATTERLEY) Nobody from the company ever
11	A I don't remember what the label -- the		11 share with you why certain workers in the plant were
12	postings would say. Don't remember -- I don't remember.		12 given respirators?
13	Q But you just recall it said something about		13 A Not that I remember.
14	dust?		14 Q And you, I take it, as a salesperson in sales,
15	A Yes.	10:47	15 never conveyed to any of your customers that people back
16	Q Okay. Did they also have in the Winchester		16 in the plant were wearing respirators?
17	facility an exhaust hood to suck the dust away from the		17 A I don't believe so.
18	workers?		18 Q You never saw any product brochures that said,
19	A Yes.		19 hey, our workers back in the plant, we're protecting
20	Q And was that designed to capture potentially	10:47	20 them by having them wear respirators?
21	toxic dust?		21 A No.
22	MR. RADCLIFFE: Objection, vague, ambiguous,		22 MR. RADCLIFFE: Objection, argumentative.
23	argumentative.		23 Q (MR. SATTERLEY) Now, Exhibit 4 there is a
24	MR. MILLER: Join. Foundation.		24 1968 interoffice Abex Corporation correspondence dated
25	THE WITNESS: Set up to capture the dust.	10:48	25 March 25th, 1968. Did you know G. M. Theodore?
	35		37
1	Q (MR. SATTERLEY) Did you know a	10:48	1 A No.
2	Mr. Borcherding?		2 Q Did you know J. D. Henderson?
3	A Spelling?		3 A No.
4	Q B-O-R-C-H-E-R-D-I-N-G?		4 Q Did you know F. D. Hunter?
5	A No, sir.	10:48	5 A No.
6	Q I take it it wasn't part of your job in sales		6 Q In this memorandum, it's talking about product
7	to evaluate the exhaust dust -- ducts that were at the		7 liability was discussed at this meeting in relation to
8	Winchester plant?		8 large lawsuits for improper warning against hazards on
9	A No.		9 products, do you see that?
10	Q But you did know that they had them there,	10:48	10 A I see?
11	right?		11 MR. RADCLIFFE: Objection, foundation.
12	A Oh, yes.		12 Q (MR. SATTERLEY) In 1960s, in this time frame,
13	Q Did there come a point in time later where you		13 did anybody from the corporation, whether it be the
14	observed folks in the Winchester facility wearing		14 medical department, upper management, talk with you at
15	respirators?	10:48	15 all about proper -- what is a proper labeling on a
16	A Yes.		16 product?
17	Q And when did that occur?		17 A No.
18	A Late '60s, early '70s.		18 Q Did there come a point in time in the '70s or
19	Q And what was your understanding of why they		19 '80s when somebody from the corporation sat down with
20	were wearing respirators?	10:49	20 you in sales and said, this is a proper label and this
21	A We were very protective of our employees and		21 is an improper label?
22	it was part of the process. Depending upon where their		22 A Early '70s, yes.
23	job was within the plant, some people didn't, some		23 Q Okay. And who was it from the corporation
24	people did.		24 that sat down with you and taught you what a proper
25	MR. RADCLIFFE: Objection, calls for	10:49	25 label was and what was an improper label?

	38		40		
1	MR. RADCLIFFE: Objection, vague, ambiguous,	10:51	1	MR. RADCLIFFE: Objection, foundation.	10:53
2	argumentative, misstates prior testimony.		2	Q (MR. SATTERLEY) My question is, do you know	
3	MR. MILLER: Join.		3	what they're referring to, car tips 1 to 35?	
4	THE WITNESS: I don't remember any distinction		4	MR. RADCLIFFE: Objection, foundation.	
5	between a proper and an improper label. I don't	10:51	5	THE WITNESS: Yes.	10:53
6	remember anybody specifically sitting down with us		6	Q (MR. SATTERLEY) And what is that?	
7	to discuss labels.		7	A We publish periodically a tip for the brake	
8	Q (MR. SATTERLEY) Okay. Please set Exhibit 4		8	industry, the aftermarket industry, tips for the --	
9	to the side.		9	Q What type of tips?	
10	We'll go on to Exhibit 5. This is a	10:51	10	A The how to, how to make a brake job, how to do	10:53
11	memorandum from the American Brakeblok Division, Troy		11	a brake job, how to eliminate noise, how to improve	
12	office. Did you work out of the Troy office?		12	this, improve that, just general information.	
13	A Yes.		13	Q And this time frame in October of 1972, do you	
14	MR. RADCLIFFE: Asked and answered.		14	know whether the American Brakeblok Corporation was	
15	Q (MR. SATTERLEY) At this time frame.	10:52	15	sending -- was including in its tips anything about	10:54
16	A Yes.		16	asbestos causing disease?	
17	Q Okay. E. M. Green, did you know who that was?		17	MR. RADCLIFFE: Objection, calls for	
18	A Yes.		18	speculation.	
19	Q Who was he?		19	THE WITNESS: I do not remember specifically,	
20	A He was a plant manager of the Winchester	10:52	20	no.	10:54
21	facility.		21	Q (MR. SATTERLEY) Let's go to the next exhibit.	
22	Q And what about P. H. Grim?		22	This is a Abex Friction Products Group memorandum dated	
23	A Phil Grim was in the sales office.		23	February 13th, 1975, from Harry R. Jones.	
24	Q And then there's some names at the bottom,		24	A Mm-hmm.	
25	Nelson, Jones, and Hoff, do you see those names?	10:52	25	Q Do you know who Harry Jones is?	10:54
	39			41	
1	A Yes.	10:52	1	A Yes. He was a vice president of aftermarket	10:54
2	Q And do you know who those folks are?		2	sales.	
3	A Yes.		3	Q And this is sent to all district managers.	
4	Q Who are those?		4	And by 1975, you were already above a district manager,	
5	A Bob Nelson was our manager of technical	10:52	5	right?	10:55
6	services, Harry Jones was a vice president of		6	A Yes. But this would not have been sent to me.	
7	replacement sales or sales manager replacement sales,		7	Q Why not?	
8	and Eric Hoff was district manager west coast		8	A Mr. Jones was involved with the aftermarket.	
9	aftermarket.		9	I was specifically in the original equipment end of	
10	Q It says Service Tip Information on the subject	10:53	10	things. His district managers are all selling	10:55
11	line, do you see that?		11	aftermarket linings to distributors.	
12	A Yes.		12	Q In '75, where was your office at?	
13	Q It says, "Attached is a copy of a letter from		13	A '75, I believe it was still in Troy.	
14	Charles E. Christensen, automotive instructor, San --"		14	Q So if we look at the bottom we got Mr. S. S.	
15	how you do say that?	10:53	15	Conway, Jr.?	10:55
16	MR. MILLER: Mateo.		16	A Yes, he was president.	
17	Q (MR. SATTERLEY) Mateo. "-- San Mateo High		17	Q President of what?	
18	School, California," do you see that?		18	A President of Abex Corporation Friction	
19	A Yes.		19	Products.	
20	MR. RADCLIFFE: Objection, foundation.	10:53	20	Q Okay.	10:55
21	Q (MR. SATTERLEY) And it says, "Please place		21	A Or American Breakblok.	
22	this school on our mailing list and send copies of all		22	Q Regional managers?	
23	our passenger car tips 1 to 35 inclusive," do you see		23	A Yes. We had four regions in the aftermarket.	
24	that?		24	Q Troy sales personnel?	
25	A Yes.	10:53	25	A Troy sales personnel.	10:55

	42		44
1	Q And Winchester sales personnel?	10:55	1 Q (MR. SATTERLEY) And how did you know that? 10:58
2	A Yes. They were specifically office people.		2 MR. MC GUIRE: Same objection.
3	Q Okay. And this is -- relates to Carlisle		3 THE WITNESS: I visited the production
4	Corporation motor materials division, do you see that?		4 facility of the Freuhauf brakes and axles.
5	A Yes. 10:56		5 Q (MR. SATTERLEY) Personally saw it? 10:58
6	Q And you -- in your involvement in sales with		6 A Personally saw, yes.
7	Abex, I take it you became familiar with the company		7 MR. RADCLIFFE: Mr. Bretz, I think he's done
8	called Carlisle?		8 with that document for now.
9	A Yes.		9 MR. SATTERLEY: No, no, no.
10	Q How so? 10:56		10 MR. RADCLIFFE: Oh, you're not? Okay. 10:58
11	A We competed with Carlisle. I competed with		11 MR. SATTERLEY: I'm going to talk about it.
12	Carlisle in the selling of original equipment and		12 MR. RADCLIFFE: Okay.
13	materials.		13 Q (MR. SATTERLEY) In the document itself, Harry
14	Q And in the process of competing with them, I		14 Jones, was he a manager you -- you said he was a manager
15	take it you probably did some research about them? 10:56		15 for the corporation? 10:58
16	A Yes.		16 MR. RADCLIFFE: Objection, vague, ambiguous,
17	Q Did there come a point in time where -- we're		17 asked and answered.
18	in '75 right now, but did there come a point later in		18 THE WITNESS: Harry Jones back then --
19	the 1970s that Abex became involved with a company		19 MR. MILLER: Misstates testimony.
20	called Freuhauf? 10:56		20 Q (MR. SATTERLEY) Was Harry Jones a manager? 10:58
21	MR. RADCLIFFE: Objection, vague, ambiguous.		21 A Harry Jones was vice president of aftermarket
22	MR. MILLER: Join.		22 sales.
23	THE WITNESS: Yes.		23 Q Thank you, sir. Let's read what he wrote in
24	Q (MR. SATTERLEY) Tell me about that.		24 1975. "We have seen some increased activity in some
25	MR. MILLER: Vague, ambiguous. 10:57		25 marketing areas by Carlisle Corporation. For your 10:58
	43		45
1	MR. RADCLIFFE: Same objections. 10:57		1 comparison, I'm attaching copies of the Carlisle product 10:58
2	THE WITNESS: In 1977, after several years of		2 brochure and the Freuhauf brochure which, in effect, are
3	development of friction materials, we received		3 one and the same." Do you see that?
4	contracts for 50 percent of their production		4 MR. RADCLIFFE: Objection, foundation.
5	business, production axle business. 10:57		5 THE WITNESS: Yes. 10:59
6	Q (MR. SATTERLEY) And were you involved in		6 Q (MR. SATTERLEY) And back at the time, and I
7	helping get that business?		7 think attached here, are those brochures. But my
8	A Oh, yes.		8 question to you is, back at the time, do you recall you
9	Q And prior to Abex getting 50 percent of that		9 actually saw those brochures yourself?
10	business, based upon the research you did at the time, 10:57		10 MR. MILLER: Vague, ambiguous, assumes facts. 10:59
11	did you know who had the business?		11 MR. RADCLIFFE: Also leading, argumentative.
12	A Carlisle Corporation.		12 THE WITNESS: I may have, I don't remember.
13	MR. MC GUIRE: Objection, lack of foundation.		13 Q (MR. SATTERLEY) The next paragraph says, "As
14	MR. MILLER: Join.		14 you know, our private brand program has never been
15	MR. RADCLIFFE: Can we have an stipulation 10:57		15 designed to compete with our Abex distributors." Do you 10:59
16	that an objection by one defendant is good for all		16 see that?
17	defendants?		17 A Correct.
18	MR. SATTERLEY: Sure, sure.		18 Q What is the -- a private brand program?
19	MR. RADCLIFFE: Thank you.		19 A We had an aftermarket program with all --
20	MR. SATTERLEY: Yeah. 10:57		20 basically all of the vehicle manufacturers and we 10:59
21	Q (MR. SATTERLEY) I'm sorry, the question was		21 manufactured the same lining for the aftermarket in the
22	who had the business before Abex got 50 percent of it?		22 private brand program for their trucks and trailers,
23	A Carlisle.		23 tractors, as we did for original equipment. We supplied
24	MR. MC GUIRE: Objection, lack of foundation,		24 labels and the product was boxed in axle sets, labeled
25	hearsay. 10:58		25 Freuhauf or labeled Trailmobile, labeled Peterbilt, 11:00

	46		48
1	Kenworth, et cetera. That was our private brand	11:00	1 Q Does that stand for friction material
2	program, about 25 different private brands.		2 standards?
3	Q And as far as the label that Abex provided,		3 A FMS stands for friction material standards.
4	the -- I guess the wording or whatever, design of the		4 Q And it's got a number behind it, right?
5	label, would that be made by Abex or would the design be	11:00	5 A Correct.
6	made by the customer that's going to receive the		6 Q Do you guys at Abex have a number like that?
7	product?		7 A Absolutely.
8	MR. MCGUIRE: Speculation.		8 Q Would Carlisle -- for this just taking this
9	THE WITNESS: We would make the label. We		9 example, the 16 and-a-half times 7, would the friction
10	would design the label, they would approve the	11:00	10 material number be the same whether it would be a
11	whatever, or they would provide us information,		11 11:02 Carlisle versus an Abex?
12	what they wanted on the label. We're just talking		12 MR. RADCLIFFE: Objection, vague, ambiguous.
13	labels with their name on it, labels with the part		13 THE WITNESS: Not the friction material
14	number on it that was in the box.		14 number. The friction material number on this label
15	Q (MR. SATTERLEY) Okay. We're not talking	11:00	15 is MMD 39. That's the friction material.
16	about any type of warning labels?		16 Q (MR. SATTERLEY) I thought the friction
17	A Negative.		17 material number was 4515.
18	Q Okay. It says, "However, it would appear this		18 A That's the size designation. That designates
19	is not the case with the Carlisle program. It would		19 the size per the FMSI --
20	seem that Freuhauf has all the advantages over the	11:01	20 Q Spec?
21	Carlisle distributor." Do you see that?		21 A -- specs.
22	A I see that.		22 Q Would the size, the 4515, be the same for --
23	Q Do you know what that means?		23 explain it to me. I'm just not very familiar with that.
24	A Can't speak to it.		24 A In answer to your question, yes, it would be
25	MR. MCGUIRE: Objection, lacks foundation,	11:01	25 the same size regardless of the manufacturer of the
	47		49
1	hearsay.	11:01	1 friction material. We, we, the industry, all made 16
2	Q (MR. SATTERLEY) Let's flip over to the		2 and-a-half by 7s. That was the most popular brake size
3	Carlisle Heavy Duty Brake Block. Do you see that?		3 for heavy duty tractors, trucks, and trailers. FMSI set
4	A Yes, sir.		4 up standard numbering system for all of the brake size
5	MR. MILLER: I'm sorry, is this still the same	11:01	5 out of the industry.
6	exhibit?		6 Q I see. And at this point in time in 1975, is
7	MR. SATTERLEY: Same exhibit.		7 it your testimony Abex had -- did they have any business
8	Q (MR. SATTERLEY) First of all, it says		8 with Freuhauf at that time?
9	Carlisle Corporation, do you see that at the bottom?		9 A Yes.
10	A Yes.	11:01	10 Q What type of business did they have with
11	Q It's got a -- is it that an Indian head?		11 Freuhauf.
12	A Yes.		12 A Vehicle spec business, customer spec, fleet
13	Q Is that a -- is it your understanding that's a		13 spec.
14	logo of Carlisle?		14 Q Explain that to me.
15	A Logo.	11:01	15 A Well, there's several hundred fleets in the
16	Q Yeah. Is that correct?		16 country and we had people -- our salespeople were
17	A Yes.		17 responsible for contacting those fleets and getting them
18	Q Okay. It says heavy duty brake lining set.		18 to specify our material on new units which they would
19	A Yes.		19 order from Freuhauf. And we were successful in many
20	Q And it's got the size, 16 and-a-half by 7?	11:02	20 cases and Freuhauf would accept the request of their
21	A Yes.		21 customers to provide Abex on a certain number of axles
22	Q And was that a size that Abex made?		22 for trailers which they had ordered from Freuhauf.
23	A Yes.		23 Q Let's move on to the next exhibit, Exhibit 7.
24	Q And then it's got an FMS number.		24 Before I get into Exhibit 7, I want to ask you, were you
25	A Yes.	11:02	25 in sales -- was a part of your responsibility to

	50		52	
1	determine what type of label, caution label should go on	11:05	1 pallet 4 by 4 by 4?	11:07
2	a product?		2 A Depending upon the size of the product, the	
3	A No.		3 smaller the product, the greater number of pieces in the	
4	Q Whose -- where did that fall within the		4 box or in the pallet.	
5	corporation, if you know?	11:05	5 Q Give me the range, if you could.	11:07
6	MR. RADCLIFFE: Objection, vague, ambiguous,		6 A Several hundred to a hundred.	
7	calls for speculation.		7 Q And were the friction products in boxes on the	
8	THE WITNESS: Specifically, I do not know.		8 pallet?	
9	Q (MR. SATTERLEY) So it was never part of your		9 A Some were, some weren't.	
10	function to design any type of caution or warning labels	11:05	10 Q Some were loose?	11:07
11	at any point in your career?		11 A Some were stacked.	
12	A No, sir.		12 Q Stacked?	
13	Q Now, was it your understanding at some point		13 A Stacked in the pallets or in the boxes on the	
14	in time in the '70s, Abex decided to put some type of		14 pallets.	
15	label, caution label on some pallets of the brake	11:05	15 Q Were the pallets then wrapped with like	11:07
16	material?		16 plastic?	
17	MR. RADCLIFFE: Objection, vague, ambiguous.		17 A Yes.	
18	THE WITNESS: Yes.		18 Q And then the caution statement, the notice or	
19	Q (MR. SATTERLEY) And how did you -- tell me		19 the label on the pallet itself, did it go on the	
20	when you first recall seeing a caution label on the	11:05	20 plastic?	11:08
21	pallets of the brake materials? Is that '72, '73,		21 MR. RADCLIFFE: Objection, vague, ambiguous --	
22	earlier, later?		22 THE WITNESS: No, sir.	
23	A I believe it was '72.		23 MR. RADCLIFFE: -- calls for speculation.	
24	Q And where did you first -- I'm sorry, go		24 Q (MR. SATTERLEY) Where did it go?	
25	ahead.	11:06	25 A It went on the box the parts were in,	11:08
	51		53	
1	A Memory serves me, we were advised by OSHA in	11:06	1 regardless of the size of the box.	11:08
2	'71, and I think the requirement for labeling or caution		2 Q So it's your testimony that in 1972 Abex put	
3	labels came in in '72, and we complied with it.		3 labels on every single box?	
4	Q My question --		4 A Yes, sir.	
5	MR. SATTERLEY: Move to strike, nonresponsive.	11:06	5 MR. RADCLIFFE: Objection, argumentative.	11:08
6	Q (MR. SATTERLEY) My question to you was -- or		6 Q (MR. SATTERLEY) We'll explore that in a	
7	the question is, where do you recall seeing the pallet		7 little bit. Do you have any memorandums that verify	
8	of friction products with that caution label the first		8 that?	
9	time you saw it?		9 A Not that I remember.	
10	MR. RADCLIFFE: Where in the plant or where on	11:06	10 Q Over the last six or seven years that you've	11:08
11	the pallet?		11 been consulting with Mr. Radcliffe's law firm on this	
12	Q (MR. SATTERLEY) Where in the world?		12 retainer situation, have they showed you any memorandums	
13	A In 1972?		13 that discuss putting labels on every single box in 1972?	
14	MR. RADCLIFFE: Okay, where. He's asking		14 A No.	
15	where.	11:06	15 Q Have you --	11:08
16	Q (MR. SATTERLEY) Where? Was it in --		16 MR. RADCLIFFE: Can I -- I don't mean to	
17	A In Winchester.		17 interrupt, but can I offer some information that	
18	Q In Winchester, okay.		18 may or may not help you?	
19	A Yes.		19 MR. SATTERLEY: Do you want to go off the	
20	Q And so describe for me the size of the pallet	11:07	20 record? I mean, I don't want you just coaching him	11:09
21	at this time frame.		21 on what to say.	
22	A 4 by 4 by 4.		22 MR. RADCLIFFE: I'll just step aside with you	
23	Q 4 foot by 4 foot by 4 foot?		23 and tell you right now so he doesn't hear.	
24	A Yeah. Yes.		24 MR. SATTERLEY: Okay. Let's go off the	
25	Q And how many friction products would be on a	11:07	25 record.	11:09

	54		56
1	THE VIDEOGRAPHER: Time is now 11:09. We're 11:09	1	comment quoting Dr. Selikoff regarding mesotheliomas." 11:19
2	off the record.	2	Do you see that?
3	MR. SATTERLEY: Let's take a five-minute	3	A Yes.
4	break.	4	MR. RADCLIFFE: Objection to foundation.
5	(Recess from 11:09 to 11:17 a.m.)	5	Q (MR. SATTERLEY) First of all, did you ever in 11:19
6	THE VIDEOGRAPHER: Time now is 11:17 we're	6	your role in sales receive the Occupational Safety and
7	back on the record.	7	Health Reporter?
8	Q (MR. SATTERLEY) We were talking about labels,	8	A Not that I remember.
9	potential caution labels, and I want to ask you, on the	9	Q Did you -- did folks from the Abex Corporation
10	pallets that we're talking about, what were the size of	10	share with you information about a Dr. Irving Selikoff? 11:19
11	the boxes? Is it one box or a hundred boxes or how did	11	A The name is only familiar in the name.
12	that work?	12	Q It says in the second paragraph,
13	A On the pallets?	13	"Additionally, in thinking of product liability, do we
14	Q Mm-hmm.	14	need to look upon the friction products brakes as
15	A If we're shipping individual boxes, there	15	requiring any label regarding potential hazard?" Do you 11:20
16	might be 25 boxes; if we're shipping bulk, there might	16	see that?
17	be 100 pieces on the pallet, the heavy stuff, the big	17	A I see that.
18	stuff. Again, the largest carton I think we used was 4	18	Q So my question to you is, if Dr. Blackwell and
19	feet by 4 feet by 4 feet, give or take an inch or two.	19	Mr. Rennie as they're discussing this, if there's
20	Q And that carton, that 4 foot by 4 foot by 4	20	already labels on the product in 1972, do you know why 11:20
21	foot, how big was the label?	21	they're discussing this in 1975?
22	A The label was standard regardless, pretty	22	A No.
23	much. Let me say 4 and-a-half by 6, something in that	23	MR. RADCLIFFE: Speculation, argumentative,
24	range.	24	foundation.
25	Q Centimeters?	25	Q (MR. SATTERLEY) Now, with regards to the
	11:18		11:20
	55		57
1	A No, sir, I'm an inch man.	1	statement, the -- I take it you've never seen this 1975
2	Q Okay. Have you gotten any memos or labels	2	memo? 11:20
3	that outline the dimensions of the caution label?	3	A No, sir.
4	A No.	4	Q And the last six years in consulting with
5	Q In that time frame, '72, it's your testimony	5	these attorneys for Abex, have you ever reviewed this? 11:20
6	that every box that had an asbestos-containing friction	6	MR. RADCLIFFE: Objection, argumentative.
7	material from -- that Abex made had a label on it?	7	THE WITNESS: I don't believe so. I don't
8	MR. RADCLIFFE: Objection, calls for	8	believe I've ever seen it before.
9	speculation, argumentative.	9	Q (MR. SATTERLEY) Okay. You can set it aside.
10	Q (MR. SATTERLEY) Is it?	10	The -- without -- we're not going to the next exhibit
11	A Yes.	11	just yet. Before we do that, I want to talk about this
12	Q That's your testimony, correct?	12	label. Did the 1972 label that you saw on the box --
13	A That's my testimony.	13	boxes, I should say, at the Winchester plant, did it
14	Q Now, let's look at Exhibit No. 7. It's dated	14	discuss cancer?
15	August 22nd, 1975, correct?	15	A I can't say yes or no.
16	A Yes.	16	Q What did this label say to its -- the
17	Q And who is it from?	17	customers?
18	A C. C. Blackwell, M.D., medical director of	18	MR. MILLER: Assumes facts.
19	Abex.	19	THE WITNESS: It was along the same lines as a
20	Q Same fellow we were talking about earlier?	20	cigarette label. This product contains asbestos --
21	A Yes.	21	this is not a quote. This product contains
22	Q And who is it addressed to?	22	asbestos, may -- it may be hazardous, something
23	A D. K. Rennie, vice president New York office.	23	along those lines.
24	Q It says, "Dear Don: In the most recent	24	Q (MR. SATTERLEY) Did you in sales communicate
25	Occupational Safety and Health Reporter, this is a brief	25	with any of your customers anything about the dangers of
	11:19		11:21

		58		60
1	asbestos orally through meetings?	11:21	1	Q And so would this indicate to you prior to
2	MR. RADCLIFFE: Objection, vague, ambiguous.		2	this time frame that not all of the Abex boxes or
3	THE WITNESS: We discussed the label and their		3	cartons had the caution information on it?
4	need for it, the requirement of it, that -- we		4	MR. RADCLIFFE: Objection, vague, ambiguous,
5	discussed that with the purchasing department and	11:22	5	argumentative, calls for speculation.
6	receiving inspection because they were getting		6	THE WITNESS: Yes.
7	cartons in or pallets in with this label on it. We		7	Q (MR. SATTERLEY) "Our box and carton vendors
8	alerted them to the fact that they were on their		8	have been so advised and this will become a running
9	way.		9	change." Do you know what that means?
10	Q (MR. SATTERLEY) That there was labels coming?	11:22	10	A Yes.
11	A Yes, sir.		11	Q What does that mean?
12	Q Did the label have the word danger with the		12	A We order boxes from our vendors, and in some
13	exclamation point after it?		13	instances -- we make this running change. We use up the
14	A I don't remember.		14	inventory that we had, and as new material came in, it
15	Q Did the label have the word warning with the	11:22	15	would have an appropriate marking on it.
16	exclamation point after it?		16	Q Says, "The only remaining boxes and cartons
17	A I don't remember that specifically either.		17	not so imprinted are those made and printed to customer
18	You know, we're going back 40 years, sir.		18	specification." Do you see that?
19	Q I understand. And that's why I'm going to		19	A Yes.
20	some of these memos to help refresh your recollection on	11:22	20	Q And was it your understanding -- or was it the
21	things. And my question to you is, are you aware of any		21	practice that, if a customer for Abex wanted a carton or
22	internal Abex memorandum that discusses this alleged		22	package that didn't have a label on it, they could tell
23	label in 1972?		23	Abex how they wanted their packaging?
24	A No.		24	A I can't respond to that. I have no knowledge.
25	Q Let's go to the next document, I think we're	11:23	25	Q You don't know one way or the other?
		59		61
1	up to Exhibit 8, 1977. And this is Friction Products	11:23	1	A I don't know one way or the other.
2	Group Troy, you were part of that, right?		2	Q It says, "Attached is a list of those
3	A Yes.		3	involved. We would appreciate your approaching these
4	Q And this is from an A. F. Schmaltz?		4	customers with the fact that 'caution' information is
5	A Schmaltz, yes.	11:23	5	required by law and whether or not they elect to abide
6	Q And who was he?		6	by it is their decision." Do you see that?
7	A Al Schmaltz, he was our office manager, sales		7	A Yes.
8	office manager in Troy.		8	Q And was that Abex's -- your understanding of
9	Q And he's writing this memorandum to I think		9	Abex's policy as of 1977, it was the customer's decision
10	I've got five individuals at the top?	11:23	10	on whether or not to have the warning caution label on
11	A Right.		11	the package?
12	Q And then a whole bunch more down at the		12	MR. MILLER: Speculation, foundation.
13	bottom?		13	THE WITNESS: As I read this memo, that would
14	A Yes.		14	be my understanding.
15	Q And your name's included on this memorandum?	11:23	15	Q (MR. SATTERLEY) It says, "If they do not want
16	A Yes.		16	this data on boxes, we would request that they send us a
17	Q And it would be fair to say this would have		17	written statement to that effect." Do you see that?
18	been a memorandum you would have received in the		18	A Yes.
19	ordinary course of business of Abex?		19	Q And do you recall back in this time frame in
20	A Yes.	11:23	20	the late '70s if customers, in fact, wrote letters to
21	Q And in April 14th, 1977, he says, "We recently		21	Abex saying we don't want that caution statement on the
22	decided that the caution," he puts caution in quotes,		22	boxes?
23	"information required by OSHA would be imprinted on all		23	A I never saw one.
24	of our boxes and cartons." Do you see that?		24	Q Never saw one?
25	A I see that.	11:24	25	A (Witness shakes head negatively.)

	62		64	
1	Q Okay. "The wording which we propose --" do	11:26	1 they likewise in a similar position to you that would be	11:28
2	you see that sentence that says, "The wording which we		2 out talking to their customers and issuing reports?	
3	propose"?		3 MR. RADCLIFFE: Objection, calls for	
4	A Yes.		4 speculation.	
5	Q "-- appear on the boxes and cartons is as	11:26	5 THE WITNESS: The five gentlemen -- or the	11:28
6	follows: Caution, contains asbestos fibers, avoid		6 five people on the "To" or the other people that	
7	creating dust, breathing asbestos dust may cause serious		7 were copied?	
8	bodily harm." Do you see that?		8 Q (MR. SATTERLEY) Well, let's go at -- the five	
9	A Yes.		9 at the top, were those people that would be expected to	
10	Q Does that refresh your recollection as to the	11:26	10 give a report advising what -- give Mr. Schmaltz a	11:28
11	type of information that appeared on boxes and cartons		11 report advising Abex what to do with regard to this?	
12	of Abex product?		12 A Yes. Yes.	
13	A Yes.		13 Q And why is that? What were these folks'	
14	Q And after this time frame, after 1977, would		14 positions?	
15	it be fair to say that customers such as Freuhauf would	11:27	15 A They were all district managers, four of	11:29
16	have received this caution information?		16 them -- all but Mr. Luts were district managers in the	
17	MR. MILLER: Speculation.		17 in the original equipment sales department.	
18	THE WITNESS: Yes.		18 Q And the folks at the bottom, you already told	
19	Q (MR. SATTERLEY) Okay. And the reason why --		19 me that your -- you know, your name's on there and you	
20	I mean, do you have knowledge that, in fact, Freuhauf	11:27	20 issued a report. The other folks on the bottom, would	11:29
21	received caution information like this?		21 have they likewise issued a report?	
22	MR. MILLER: Speculation.		22 MR. RADCLIFFE: Objection, calls for	
23	THE WITNESS: Yes.		23 speculation.	
24	Q (MR. SATTERLEY) Okay. Did Abex have any		24 THE WITNESS: These were basically management	
25	policy after the product left its possession and went to	11:27	25 people. They would not have issued a report, no.	11:29
	63		65	
1	a customer, for example, from Abex to Freuhauf --	11:27	1 Q (MR. SATTERLEY) But you issued a report?	11:29
2	MR. MILLER: Vague. I'm sorry. I didn't mean		2 A Yes.	
3	to cut you off, I apologize.		3 Q Okay. And do you recall what your report	
4	MR. SATTERLEY: Okay.		4 included with regards to your customers?	
5	Q (MR. SATTERLEY) Did they have any policy by	11:27	5 A No.	11:29
6	which, once the product left Abex and went to the		6 Q At this time in 1977, was Freuhauf one of your	
7	customer, that they sort of monitored to see if those		7 customers?	
8	customers passed along those caution statements to the		8 A Yes.	
9	end users?		9 Q Who were some of your other customers in the	
10	A No, sir.	11:27	10 '77, '78 time period that you recall specifically	11:29
11	Q The last sentence in this 1977 memorandum		11 talking about this caution label issue on -- with	
12	says, "Please review this with each of your customers		12 regards to asbestos?	
13	and then give us a report advising what we should do."		13 A General Motors.	
14	Do you see that?		14 Q Okay.	
15	A Yes.	11:28	15 A Chrysler.	11:30
16	Q Did you review this information with your		16 Q Okay.	
17	customers at this time frame?		17 A Trailmobile, Freuhauf, Great Dane trailers,	
18	A Yes.		18 Strick, Eaton Manufacturing, Eaton Axle, Rockwell Axle.	
19	Q And did you issue a report back to		19 Q Any others you can think of?	
20	Mr. Schmaltz about what your customers wanted Abex to	11:28	20 A There were others.	11:30
21	do?		21 Q Now, we can set this exhibit to the side. I	
22	A Yes.		22 take it you -- you haven't seen any reports or letters	
23	Q And do you know where that report is?		23 or anything like that in response to this 1977 memo?	
24	A No.		24 A No, I don't remember.	
25	Q These other folks on this memorandum, were	11:28	25 Q Okay. Before we get to the next exhibit, I	11:30

	66		68
1	want to talk with you a little bit about asbestos. You	11:30	1 Q Okay. And if I can borrow that back from you. 11:33
2	told us earlier, depending on the formula		2 Tell me what you recall -- first of all, does that
3	specifications, friction materials contained between 50		3 refresh your recollection about tradesmen at all?
4	to 60 percent asbestos?		4 MR. RADCLIFFE: Same objection.
5	A Yes.	11:31	5 THE WITNESS: Yeah. 11:33
6	Q And that -- do you know where Abex acquired		6 Q (MR. SATTERLEY) What type of workers did you
7	their asbestos from?		7 see drilling on asbestos-containing friction products?
8	A Back in those days, we acquired some from		8 A Type of workers. Somebody in a brake shop
9	Johns Manville -- this was out of my realm, all right?		9 relining shoes, taking undrilled part and drilling holes
10	But Asbestos Corporation of Canada, Canadian Asbestos.	11:31	10 in it and putting it on a shoe, assembling it to shoes. 11:34
11	No. We got a lot from Canada and I'm not sure what the		11 Q And when you observed that process, what were
12	name of the company was, I don't remember.		12 the atmospheric conditions with regard to that person
13	Q That's fine. The information that you got		13 drilling that friction facing?
14	regarding Johns Manville or Canada Asbestos, would have		14 MR. RADCLIFFE: Objection, vague, ambiguous.
15	that been information you got from other managers of the	11:31	15 THE WITNESS: I believe there was some dust 11:34
16	Abex Corporation?		16 around.
17	A It was observed.		17 Q (MR. SATTERLEY) How much?
18	Q Okay. And did you ever see a tradesman use a		18 MR. MILLER: Same objections, foundation.
19	drill on a friction product?		19 THE WITNESS: Some.
20	MR. RADCLIFFE: Objection, vague, ambiguous.	11:32	20 Q (MR. SATTERLEY) In the early days, was it 11:34
21	THE WITNESS: Define tradesman.		21 more dusty than in the later time period?
22	Q (MR. SATTERLEY) Well, you told me earlier		22 MR. RADCLIFFE: Objection, vague, ambiguous.
23	that you gave a deposition testimony -- two depositions,		23 THE WITNESS: Early days?
24	correct?		24 Q (MR. SATTERLEY) Sure.
25	Q I believe so.	11:32	25 A How far back do you want to go? 11:35
		67	69
1	Q Okay. And I went back and read and on page	11:32	1 Q Well, you tell me. Was it dustier in the 11:35
2	38 -- well, let me show your testimony to you. This is		2 earlier time period?
3	L. Earle Bretz dated September 27, 2000.		3 MR. MILLER: Same objection.
4	MR. RADCLIFFE: I object to this process. You		4 MR. RADCLIFFE: Same objections.
5	can't impeach a witness unless he says something	11:32	5 Q (MR. SATTERLEY) Let me show you your sworn 11:35
6	different. He hasn't said anything different than		6 testimony from 2000, page 39. You were asked that
7	what he said in the past, he simply asked you to		7 question I've highlighted there for you.
8	define what you mean by tradesman.		8 MR. RADCLIFFE: Same objection as to the
9	MR. SATTERLEY: I understand your objection.		9 procedure.
10	Q (MR. SATTERLEY) Turn to page 38 here.	11:33	10 Q (MR. SATTERLEY) Do you see where it says, 11:35
11	MR. RADCLIFFE: Can I have a continuing		11 "What were the atmospheric conditions as a result of the
12	objection?		12 tradesmen drilling the friction facing material?"
13	MR. SATTERLEY: Sure.		13 A Mm-hmm. Yes.
14	Q (MR. SATTERLEY) Do you see the questions		14 MR. RADCLIFFE: Same objection.
15	asked of you verbatim --	11:33	15 Q (MR. SATTERLEY) And what did you say? 11:35
16	A Yes.		16 MR. RADCLIFFE: Same objection.
17	Q -- about a tradesman?		17 THE WITNESS: "It was dusty." That's where
18	A Yes.		18 you got the early days. "Back in the early days,
19	Q Okay. And what was your answer -- well, read		19 we didn't have the equipment, they didn't have
20	the question.	11:33	20 equipment that dealt with it. Shops, brake shops 11:36
21	A "And, sir, during your career for Abex, at any		21 didn't have the equipment to deal with the dust
22	time did you ever have an occasion to see any tradesmen		22 which was formed from the drilling out of the holes
23	working on friction materials?"		23 and/or the grinding of the brake shoe after it was
24	Q And what was your answer?		24 assembled."
25	A My answer was, "Oh, yes."	11:33	25 Q (MR. SATTERLEY) Does that refresh your 11:36

	70		72
1	recollection about the early days --	11:36	
2	A Yes.		
3	Q -- as being more dusty?		
4	A I agree with my statement back then.		
5	MR. RADCLIFFE: Same objection.	11:36	
6	Q (MR. SATTERLEY) And would you agree that you		
7	had -- your memory was better ten years ago than it was		
8	today?		
9	A Yes, sir.		
10	MR. RADCLIFFE: Objection, calls for	11:36	
11	speculation.		
12	Q (MR. SATTERLEY) And back in the 1970s, from		
13	'71 to 1980, did you have occasion to see tradesmen		
14	blowing out brake lines?		
15	MR. RADCLIFFE: Objection, vague, ambiguous.	11:36	
16	THE WITNESS: Not that I remember, I don't		
17	believe so. That was not my realm.		
18	Q (MR. SATTERLEY) Let me show you on page 42,		
19	I've highlighted your sworn testimony.		
20	Question: "During your career, did you	11:37	
21	observe from 1971 to 1980 any tradesman blowing out		
22	brake lines?" And what was your answer?		
23	A "Well, you've got dust. You have considerable		
24	amount of dust in the air in which he was working."		
25	Q Well, before you talk about dust, did you say,	11:38	
		71	73
1	"Sure"?	11:38	
2	A Got it. Sure. I did say sure.		
3	Q Sure. Sure, okay. Does that refresh your		
4	recollection about what you observed back in the '70s,		
5	'71 to 1980, about blowing out brake lines?	11:38	
6	A Yes.		
7	Q And do you describe -- or does this refresh		
8	your recollection about whether there was a considerable		
9	amount of dust in the area in which the worker was		
10	working?	11:38	
11	MR. RADCLIFFE: Objection, vague, ambiguous,		
12	argumentative, calls for speculation.		
13	Q (MR. SATTERLEY) Is this your sworn testimony,		
14	sir?		
15	A Yes.	11:38	
16	Q Okay. And --		
17	A And in response to your question, the answer		
18	is yes.		
19	Q Okay.		
20	MR. RADCLIFFE: Same objection.	11:38	
21	Q (MR. SATTERLEY) And does that refresh your		
22	recollection about what occurred back in that time		
23	frame?		
24	A Yes.		
25	Q If I can borrow that back again.	11:38	
		20	72
			A On what I observed.
			11:38
		2	Q Now, in that same time frame, 1971 to 1980, do
		3	you recall whether the caution notice or the label that
		4	Abex put out, did it say anything about not to use air
		5	hose to blow?
			11:39
		6	MR. RADCLIFFE: Objection, vague, ambiguous.
		7	THE WITNESS: No.
		8	Q (MR. SATTERLEY) And when you were in sales,
		9	you saw people -- or did you see people using air hose
		10	to blow out the dust?
			11:39
		11	A No.
		12	Q The very next question on page 42, sir, let me
		13	highlight it for your convenience, line 17, "What type
		14	of device would be used to blow out the dust?" And your
		15	answer, "Could be an air hose."
			11:39
		16	A Could be.
		17	Q Okay. Does that refresh your recollection in
		18	fact in that time frame, from '71 to 1980, you did see
		19	people using air hose to blow out the dust?
		20	A No.
		21	Q Doesn't refresh your recollection at all?
		22	A Well, it refreshes my recollection, but
		23	that's -- in my normal course of selling friction
		24	material, the people that I sold material to did not use
		25	air hoses in their operation. Their operation was set
			11:40
		71	
1	"Sure"?	11:38	
2	A Got it. Sure. I did say sure.		
3	Q Sure. Sure, okay. Does that refresh your		
4	recollection about what you observed back in the '70s,		
5	'71 to 1980, about blowing out brake lines?	11:38	
6	A Yes.		
7	Q And do you describe -- or does this refresh		
8	your recollection about whether there was a considerable		
9	amount of dust in the area in which the worker was		
10	working?	11:38	
11	MR. RADCLIFFE: Objection, vague, ambiguous,		
12	argumentative, calls for speculation.		
13	Q (MR. SATTERLEY) Is this your sworn testimony,		
14	sir?		
15	A Yes.	11:38	
16	Q Okay. And --		
17	A And in response to your question, the answer		
18	is yes.		
19	Q Okay.		
20	MR. RADCLIFFE: Same objection.	11:38	
21	Q (MR. SATTERLEY) And does that refresh your		
22	recollection about what occurred back in that time		
23	frame?		
24	A Yes.		
25	Q If I can borrow that back again.	11:38	
		20	up basically like our plants were.
			11:40
		2	Q Do you know why it was 10 years ago when you
		3	were under oath and asked questions from -- by
		4	Mr. Comerford, when asked the question about what type
		5	of device, why you volunteered an air hose?
			11:40
		6	MR. RADCLIFFE: Objection, argumentative.
		7	THE WITNESS: I heard it from people in the
		8	aftermarket.
		9	Q (MR. SATTERLEY) Okay. Did you ever in sales
		10	during your tenure with Abex Corporation go up to
		11	someone, a customer and orally tell them they should not
		12	use an air hose to blow out the brake dust?
		13	A Not in my normal activity, because they
		14	didn't.
		15	Q Okay. So let me just -- and I don't want to
		16	spend too much time on this. So you when you testified
		17	under oath 10 years ago that the type of device that
		18	would be used to blow out the dust was an air hose, were
		19	you telling the truth?
		20	MR. RADCLIFFE: Objection, argumentative.
			11:41
		21	MR. MILLER: Misstates the testimony.
		22	THE WITNESS: Secondhand.
		23	Q (MR. SATTERLEY) Okay. And when you say --
		24	A Yes, I was telling the truth, but the
		25	information came secondhand.
			11:41

	74		76
1	Q From?	11:42	1 A Yes.
2	A Our aftermarket people.		2 Q And it's entitled a quarterback meeting.
3	Q Other people working within the Abex		3 What's a quarterback meeting?
4	Corporation?		4 A These are monthly meetings that we had with
5	A Yes.	11:42	5 various personnel within the corporation, management,
6	Q Okay. And if you can give me some names of		6 production, aftermarket, OE.
7	some of the folks in the Abex aftermarket that would		7 Q And there was reference in this meeting to
8	have told you that people are using air hose to blow out		8 George McFadden from Canada. Do you know who that was?
9	the brake dust.		9 A Yes.
10	A Bob Nelson would have, Harry Jones would have,	11:42	10 Q And who was that?
11	Eric Hoff would have, Bob Lindsley would have. These		11 A He was plant manager of our Canadian operation
12	are people that were strictly dealt -- or basically		12 in Lindsay.
13	dealt with the aftermarket people.		13 Q The -- in the second paragraph there's a
14	Q And were these folks in management?		14 discussion about, "The March margin for
15	A No.	11:42	15 Winchester-Salisbury was 35.2, with a goal of a 40
16	Q They were in sales?		16 percent margin." Do you see that?
17	A Yeah. Well, bob Nelson was a technical		17 A Yes.
18	service director, so he -- you can consider him		18 Q What are they referring to, is that profit
19	management.		19 margin?
20	Q Did Abex, to your knowledge, after these	11:42	20 A That's a margin before profit's taken out,
21	folks, the names that you just told me about, shared		21 yes.
22	with you people using air hose to blow out a brake dust,		22 Q The next paragraph down, the second sentence
23	did Abex revise the caution label at all?		23 says, "We've had six consecutive years of good sales and
24	MR. RADCLIFFE: Objection, argumentative,		24 earnings and to continue we must have maximum earnings,
25	calls for speculation.	11:43	25 maximum sales, and reduced cost and personnel, and all
			11:45
		75	77
1	THE WITNESS: Not that I know of.	11:43	1 the fringe benefits associated therewith." Do you see
2	Q (MR. SATTERLEY) During your tenure with the		2 that?
3	corporation, did you ever see a label, an Abex label,		3 A Are you reading the same thing I'm reading?
4	that used the word cancer?		4 Q Yeah. The next paragraph down. "We've had
5	A Not that I remember.	11:43	5 six consecutive years of good sales --"
6	Q Were you a part of the Friction Materials		6 A Okay, that -- all right.
7	Standards Institute?		7 Q Do you see that?
8	A Yes.		8 A Yes.
9	Q Did you attend meetings?		9 Q And was that your understanding back in the
10	A No. My company was part of the institute. I	11:43	10 1970s, the corporation by 1977 had six -- at least six
11	was not personally part of the institute, my company		11 good years of good sales and earnings?
12	was.		12 A Yes.
13	Q Did anybody from the company share with you		13 Q And did you during this time period, 1977, did
14	discussions that were had within the various members of		14 anybody from the Abex management talk to you at all
15	the Friction Materials Standards Institute, the actual	11:43	15 about what would happen to sales if -- or the cost of a
16	people that attended meetings?		16 product if a non-asbestos substitute was used?
17	A Not that I remember.		17 MR. RADCLIFFE: Objection, argumentative.
18	Q Let's continue on. I think we're up to		18 THE WITNESS: Not that I remember.
19	Exhibit 9. This is a May 2nd, 1977 memorandum. Do you		19 Q (MR. SATTERLEY) Was there any ever -- in the
20	see that?	11:44	20 1970s at all, any discussions about alternatives to
21	A Yes, mm-hmm.		21 asbestos being used in the Abex products?
22	Q And your name is on that memorandum?		22 A Yes.
23	A Mm-hmm.		23 Q What's the earliest discussion you recall
24	Q Be fair to say this was a memorandum prepared		24 there being alternatives to asbestos?
25	at or about the time, May 2nd, 1977?	11:44	25 A I don't recall.
			11:46

	78		80
1	Q Can you tell me what decade?	11:46	1 A Freuhauf Corporation.
2	A It would have been late '70s, I believe.		2 Q And did Abex follow the Freuhauf Corporation
3	Q Do you recall the names of anybody from the		3 specifications?
4	Abex Corporation that would have shared with you		4 A Yes.
5	information about the alternatives to asbestos?	11:47	5 Q If they called for something to be in a
6	A Not that at that point in time.		6 certain matter -- manner, would Abex try to comply with
7	Q Let's go to the next exhibit. And we are up		7 what they wanted?
8	to Exhibit No. 10.		8 A Yes.
9	A Yes.		9 Q Because I guess the question is, if you didn't
10	Q And this is a -- this may be the first time	11:47	10 comply with what Freuhauf wanted as a customer, would
11	we've seen this. Is this a report you prepared?		11 that be a disadvantage to you in selling them your
12	A Yes.		12 product?
13	Q And is it dated November 4th, 1977?		13 A Yes.
14	A Yes.		14 Q The next paragraph says, "The --" is it
15	Q And what -- what type of report is this? Is	11:47	15 Delphos?
16	this a customer report, call report?		16 A Delphos, Ohio.
17	A It's a sales report, call report.		17 Q "The plant had not been able by this time to
18	Q Okay. And what customer did this relate to?		18 put together the numbers for our January shipments,
19	A Freuhauf Corporation.		19 however, these are being done with Mr. Schaible and
20	Q And there's individuals identified under	11:47	20 Mr. Schaible promised to get them to us early part of
21	officials interviewed, do you see that?		21 the week of November 7." Do you see that?
22	A Yep.		22 A Yes.
23	Q First of all, would have this been a report		23 Q Did you visit that plant?
24	that you would have created in the ordinary course of		24 A Oh, yes.
25	business as a sales representative of Abex Corporation?	11:48	25 Q Many occasions?
	79		81
1	A Yes.	11:48	1 A Many occasions.
2	Q The folks that are identified there, are those		2 Q And at that plant, did you ever see any
3	all Freuhauf people?		3 warning signs posted regarding the dangers of asbestos?
4	A Yes.		4 MR. MILLER: Vague, ambiguous.
5	Q Did you recall, I guess, having discussions	11:48	5 THE WITNESS: No.
6	with these folks back in the 1970s?		6 Q (MR. SATTERLEY) Did you ever see anybody
7	A Yes. Not this specific one, but yes.		7 wearing respirators in that plant?
8	Q I mean, do you remember these people, any of		8 A No.
9	these people by name?		9 Q Did you ever see any of that dust exhaust
10	A Sure.	11:48	10 system that would suck the dust away from the workers
11	Q And who do you remember?		11 like you described over in Winchester?
12	A Alan Schaible, Arnie Przepiora, Andy		12 MR. MILLER: Vague, ambiguous.
13	Szymanski, and Sharad Sheth, I remember them all.		13 THE WITNESS: Not that I remember.
14	Q In -- would it be fair to -- would you have		14 Q (MR. SATTERLEY) Okay. We can set that --
15	back in this time frame in the 1970 -- late 1977 time	11:48	15 well, before we this exhibit, the next paragraph down,
16	frame had discussions with these individuals about the		16 second sentence says, "As a result of their insistence
17	hazards of asbestos?		17 that their branches sell original equipment approved
18	MR. MILLER: Speculation.		18 materials on service for 121 axles --"
19	THE WITNESS: Yes.		19 A No, that's --
20	Q (MR. SATTERLEY) It says on this report on the	11:49	20 Q I'm sorry?
21	second paragraph, "Obtained the latest drawings along		21 A That's 121, that was a governmental regulation
22	with sheet 14 of 14 of the FES74 specification." Do you		22 that all heavy duty air brakes -- or heavy duty friction
23	see that?		23 materials had to comply with. That's a test.
24	A Yes.		24 Q Okay. "-- for 121 axles, their bulletin will
25	Q Who prepared these drawings?	11:49	25 state as follows:" and then it's got information about,

	82		84
1	I guess, this regulation?	11:52	1 talking about?
2	A Yes.		2 MR. SATTERLEY: The 14th.
3	Q Okay. It says the next paragraph, "They are		3 MR. RADCLIFFE: Are you now on this document
4	going to allow into the aftermarket system the materials		4 that he has?
5	AB-80 and 693-539 and 562-5."	11:52	5 MR. SATTERLEY: Yes. They just got switched
6	A Yes.		6 around, they're out of order by three days. I
7	Q Do you know what that means?		7 apologize.
8	A Yes, I do.		8 MR. RADCLIFFE: No problem.
9	Q What was that mean?		9 MR. SATTERLEY: I tried to get them in
10	A ABB-80 is a bus material, because they were	11:52	10 chronological order.
11	going to sell linings through their aftermarket branches		11 MR. RADCLIFFE: No problem.
12	for buses; the 539 is a heavy duty material for wedge		12 MR. MILLER: Is this 11?
13	brakes, for the Rockwell wedge brake; and the 562-5 was		13 MR. SATTERLEY: This is November 14th, 1977.
14	an aftermarket material, little less expensive, made		14 THE WITNESS: 11.
15	them more cost competitive in certain areas.	11:53	15 MR. RADCLIFFE: Exhibit 11.
16	Q The 693-551D, was that an asbestos-containing		16 MR. SATTERLEY: Exhibit 11. And I apologize
17	product?		17 for the confusion.
18	A Yes.		18 Q (MR. SATTERLEY) Are we now on the same page?
19	Q The 693-551C, was that an asbestos-containing		19 A Yep. Yes, sir.
20	product?	11:53	20 Q All right. This is -- once again, is this
21	A Yes.		21 related to the Freuhauf Corporation?
22	Q The 693-551G, was that an asbestos-containing		22 A Yes.
23	product?		23 Q And are there a number of individuals that you
24	A Yes.		24 interviewed?
25	Q And the 639-539, was that an	11:53	25 A Yes.
		11:54	
	83		85
1	asbestos-containing product?	11:53	1 Q And there was another -- there's another
2	A Yes.		2 interview, a company by Walt Thomas, do you see that?
3	Q Let's move on to the next exhibit. We're		3 A Yes.
4	moving to, I think -- is that Exhibit 11?		4 Q And who was that?
5	A 11.	11:53	5 A Walt Thomas is from our engineering department
6	Q And this is dated November 11th, 1977?		6 in Winchester, Virginia.
7	A Yes.		7 Q And so were you -- this is an instance where
8	Q And this is, once again, a call report		8 both you and Mr. Thomas would have been at this plant in
9	prepared by you?		9 Ohio?
10	A Yes.	11:53	10 A No, no. This is at Freuhauf headquarters in
11	Q And this would have been prepared in the		11 Detroit.
12	ordinary course of business when you worked for the Abex		12 Q Okay. So --
13	Corporation?		13 A This is not the axle plant?
14	A Yes.		14 Q Okay. So this is in the headquarters in
15	MR. RADCLIFFE: Do you have the same document?	11:53	15 Detroit?
16	Yours is one page and his is two pages.		16 A Correct.
17	MR. SATTERLEY: No, I probably don't.		17 Q And aside from this memorandum, do you recall
18	Q (MR. SATTERLEY) Is yours -- is this --		18 these visits?
19	A November 14th, '77.		19 A Not specifically.
20	Q 14th. I've got the wrong page, I'm sorry.	11:54	20 Q Okay. The second page of this memorandum, is
21	A 7493 is the report number.		21 that your signature?
22	Q Okay. We'll come back to the one page, which		22 A Yes.
23	is Exhibit 12. That's okay, we'll come back to that.		23 Q Going back to the first page, the last
24	That's just three days beforehand.		24 paragraph at the bottom, you say, "I would like to
25	MR. McGuire: Well, so which date are we	11:54	25 caution all members of our manufacturing group that this
			11:56

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1	is a new customer. We are supplying him volumes of	11:56	1	takes a little bit of their business away, some	11:58
2	parts on a monthly basis for the first time in history.		2	friendships can be strained. It's just like any	
3	This change from a single source Carlisle material to a		3	other -- just like any other take-away.	
4	dual source utilizing Abex linings was not met with		4	MR. MC GUIRE: Objection, move to strike.	
5	enthusiasm by all members of the Freuhau family." Do	11:56	5	Q (MR. SATTERLEY) Go ahead. You were --	11:58
6	you see that?		6	A I'm done.	
7	A Yes.		7	Q Are you sure? Did you have something else you	
8	MR. MC GUIRE: Objection, move to strike.		8	wanted to add?	
9	Q (MR. SATTERLEY) And did you write that back		9	A No.	
10	at the time in 1977?	11:56	10	Q The next page over -- well, let's just start	11:58
11	A Yes.		11	with the last sentence -- the last two words or so. It	
12	MR. MC GUIRE: Objection.		12	says, "There will, there will continue to be people who	
13	Q (MR. SATTERLEY) Was that based upon		13	look for any reason or excuse to report, quote, I told	
14	information you gathered through your visit at the		14	you so, if we stumble and/or fall down on our quality,	
15	Freuhau Corporation?	11:56	15	delivery, and product performance." Do you see that?	11:59
16	A Yes.		16	A Yes.	
17	MR. MC GUIRE: Objection, lack of foundation.		17	Q "We've got a considerable number of people on	
18	Q (MR. SATTERLEY) And do you recall		18	our side who have pushed very hard for this program over	
19	specifically what you learned from the Freuhau --		19	the last three or four or five years."	
20	members of the Freuhau family about them not all being	11:56	20	A Correct.	11:59
21	enthusiastic about this change?		21	Q So you were working on this -- Abex was	
22	MR. MC GUIRE: Objection, hearsay.		22	working on getting this business for three or four, five	
23	THE WITNESS: I don't remember specific		23	years?	
24	discussions with, name somebody, I don't remember		24	A That's the way the original equipment business	
25	that.	11:57	25	operates, yes.	11:59
	87				89
1	Q (MR. SATTERLEY) But these folks that you were	11:57	1	Q "Their necks are out."	11:59
2	talking to at the time were Freuhau managers, correct?		2	A Yes.	
3	MR. MILLER: Assumes facts.		3	Q What did you mean by that?	
4	THE WITNESS: Yes.		4	A The people who made the decision to approve	
5	Q (MR. SATTERLEY) I mean, it's got -- in your	11:57	5	the use of our material, they were on the hot seat.	11:59
6	report, does it not describe them as --		6	Q And why was that?	
7	A Yes.		7	A Well, they made the decision to take away	
8	Q -- managers?		8	business from old-time friends, old-time supplier.	
9	A Yes.		9	Q "We can do ourselves and them a considerable	
10	Q Okay. These people are people you dealt with	11:57	10	service by making absolutely and totally sure that every	11:59
11	on a regular basis, correct?		11	part we ship from either our Winchester facility or our	
12	A Correct.		12	Salisbury plant meets the agreed-to dimensions and	
13	Q And you don't have to speculate on whether		13	drawings all the time and every time."	
14	they were in management, do you? You knew they were in		14	A Yes.	
15	management of Freuhau?	11:57	15	Q You wrote that?	12:00
16	A Oh, absolutely.		16	A Yes, I certainly did.	
17	Q Okay. It says, "There continues to be		17	Q And just so I understand the way it worked,	
18	disbelievers and people who feel that Freuhau has made		18	the agreed-to dimensions, when you say agreed-to, was	
19	a mistake." Do you recall what led you to write that?		19	that an agreement between Freuhau and Abex?	
20	A I knew a lot of people at Freuhau, more than	11:57	20	A Yes.	12:00
21	these people here. They had been long-time friends with		21	Q Is it because you had to work together, the	
22	not only Carlisle contact people but also Carlisle		22	two corporations work together to come to an agreement	
23	management. You take an organization that's been a		23	on the dimensions of the product?	
24	close supplier for years, and I'm talking probably 10,		24	MR. MILLER: Vague, ambiguous.	
25	15 years, and all of a sudden somebody comes in and	11:58	25	THE WITNESS: Yes.	12:00

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1 Q (MR. SATTERLEY) And the drawings of the 2 product?	12:00	1 A Yes.	12:03
3 A Yes.		2 Q And who was the customer?	
4 Q "I do not want to give anyone in Freuhauf 5 purchasing, engineering, sales, or manufacturing an 6 opportunity to discredit this program." You wanted it 7 to succeed, correct?	12:00	3 A Freuhauf.	
8 A Absolutely.		4 Q And did you go to Detroit again and interview 5 some folks, officials of the corporation there?	12:03
9 Q And then it says, "We got an excellent 10 opportunity to manufacture an awful lot of parts and to 11 make considerable quantity of money. This was the 12 largest account available to us to get business from and 13 now that we have it, we must make absolutely sure that 14 we do all in our power to keep it."	12:01	6 A Yes.	
15 A Yes.	12:01	7 Q And who did you talk to?	
16 Q It was a big accomplishment, was it not?		8 A Charlie Mitasik, the plant manager of the 9 Delphos -- Freuhauf Delphos axle plant, where we shipped 10 our product, one of the locations; Don Grothouse, who 11 was the director of purchasing material control for the 12 Delphos axle plant; and Al Schaible, who was manager 13 aftermarket purchases and accessories.	12:03
17 A Major.		14 Q Have you spoken to any of these individuals in 15 the last, say, 10 to 15 years?	
18 Q And you copied a number of other Abex people 19 at the bottom?		16 A No.	
20 A Yes.	12:01	17 Q Mr. Grothouse would have -- you said he was 18 director of purchasing and material controls for the 19 plant there in Ohio?	
21 Q These are other folks in the sales and 22 manufacturing?		20 A Yes.	12:04
23 A We've got a vice president of sales, we have a 24 president, we have a vice president of manufacturing, we 25 have a plant manager, we've got a head of quality	12:01	21 Q And at or about this time in 1977, did you 22 talk with him as the director of purchasing about the 23 caution statement on asbestos on your all's product?	
		24 MR. MILLER: Speculation.	
		25 THE WITNESS: Yes. He was going to receive	12:04
	91		93
1 control, we've got a head of engineering, we've got a 2 head of sales department -- or the sales office 3 department, we've got our technical director, technical 4 services director, and we have a -- one of the managers 5 out of the engineering department who Walter Thomas 6 would have reported to.	12:01	1 boxes, cartons, pallets with a label on it. I just 2 wanted to alert him to the fact.	12:04
7 Q Thank you, sir. You can set that exhibit to 8 the side.		3 Q (MR. SATTERLEY) When you alerted him to this 4 fact, did he have any questions about what type of 5 injuries or diseases might occur from these products?	12:04
9 And we're going to go to the Exhibit 12 and we 10 may be going back three days in this -- we were on 11 November 14, 1977.	12:02	6 A I don't remember that being brought up.	
12 A Right.		7 Q Do you recall having any discussions with 8 Mr. Grothouse about cancer or people with mesothelioma?	
13 Q And now we're going back three days.		9 A I don't recall.	
14 MR. SATTERLEY: And let me just tell everybody 15 that this appears to be a one-page document. 16 There's actually should be -- looks like there 17 should be another page to this document, I don't 18 have it. And I would request it if anybody has it.	12:02	10 Q Do you recall having any discussions with 11 Mr. Grothouse about ways in which the to prevent a dusty 12 operation?	12:04
19 MR. RADCLIFFE: Can you hand me Exhibit 11? 20 Thank you.	12:02	13 A I don't remember that.	
21 Q (MR. SATTERLEY) This document is dated 22 November 11, 1977, correct, sir?		14 Q Now, on this memorandum, it says, "Via company 15 plane, a plant trip was made to Winchester, Virginia 16 facility this date."	12:05
23 A Yes.		17 A Yes.	
24 Q And it appears to be a call report that you 25 prepared?	12:03	18 Q Was this a situation where Abex brought -- was 19 this the Abex company plane?	
		20 A Yes.	12:05
		21 Q -- brought these people from Freuhauf over to 22 Virginia to see the facility?	
		23 A Yes.	
		24 Q And at this point in time in '77, would have 25 they -- did you take them through a walk-through through	12:05

	94		96
1	the facility?	12:05	1 were any field problems with them.
2	A Yes.		2 Q Would it be fair to say that the field test
3	Q And they saw the manufacturing process		3 program, based upon your understanding, had nothing to
4	occurring?		4 do with monitoring the level of asbestos dust in the
5	A Yes.	12:05	5 air?
6	Q Would have they at this time frame in 1977		6 A It did not.
7	been taken through the plant in the areas where people		7 Q Did you in the 1970s time period ever see any
8	were wearing respirators?		8 of the customers monitoring the level of asbestos dust
9	MR. MILLER: Speculation.		9 that was emitted from an Abex product?
10	THE WITNESS: Don't remember.	12:05	10 MR. RADCLIFFE: Objection, vague, ambiguous,
11	Q (MR. SATTERLEY) Would have they because -- at		11 argumentative, calls for speculation.
12	this point in time in '77, there was warning labels		12 THE WITNESS: No.
13	hanging in the plant about asbestos?		13 Q (MR. SATTERLEY) It says in the next sentence,
14	A Yes.		14 "Mr. Schaible will also get back to us on the necessary
15	Q And so would have they had opportunity to see	12:06	15 labeling of the private brand parts." Do you see that?
16	those labels?		16 A What paragraph are you talking about?
17	MR. MILLER: Speculation.		17 Q Well, the same paragraph we left off -- right
18	THE WITNESS: Yes.		18 after field test, "Mr. Schaible will also get back to us
19	Q (MR. SATTERLEY) Now, the third paragraph down		19 on the necessary labeling of private brand parts."
20	talks about the volumes of materials that are going to	12:06	20 A Yes.
21	be sold to Freuhauf on -- a couple of months of January,		21 Q And was this the situation where Freuhauf was
22	February, do you see that?		22 directing Abex on what the labeling should be?
23	A Yes.		23 MR. MILLER: Misstates prior testimony.
24	Q And when it says calls for 17,000 pair of 16		24 THE WITNESS: Define what you refer to as
25	and-a-half by 7, is that a -- in your mind as a	12:06	25 labeling. We're talking two different labelings
			12:09
		95	97
1	salesperson, is that a large order?	12:06	1 here. So define which one you want an answer.
2	A That is a large order.		2 Q (MR. SATTERLEY) Well, what labeling are we
3	Q And that was for the month of January, right?		3 talking about here? Tell me --
4	A Correct.		4 A We're talking about parts. Freuhauf
5	Q A couple more paragraphs down it says,	12:07	5 Corporation aftermarket part FMS -- FMS4515, Abex
6	"Mr. Schaible will request of engineering sufficient		6 693-551G, that would be basically on the label.
7	information so that the marketing people can answer our		7 Manufactured by Abex Corporation for Freuhauf. That's
8	letter to them regarding the field test program." Do		8 basically that label. And that would be on the
9	you see that?		9 aftermarket parts that we would ship and we would ship
10	A Yes.	12:07	them in axle sets, four cams and four anchors in a box.
11	Q Do you remember what the field test program		11 And that's the labeling on that box. They would then --
12	was?		12 that was shipped to Westerville, Ohio, they, in turn,
13	A Not specifically.		13 would ship it to their distributors and/or dealers or
14	Q I says Mr. -- go ahead, I'm sorry.		14 service dealers.
15	A No, I don't remember specifically that field	12:07	15 Q In the -- on the -- would this labeling that
16	test.		16 you're referring to, would it be on the part itself or
17	Q Do you remember generally in this time frame		17 just on the box?
18	there being field test -- a field test program?		18 A On the box.
19	A Yes.		19 Q Okay. Was there any labeling done on the part
20	Q And what was your understanding of the field	12:07	20 itself?
21	test program?		21 A Our formulation number or a designation
22	A They would install this material on to a fleet		22 therefor and a friction code and a Freuhauf part number.
23	of tractors -- or a fleet of trailers and they would		23 Q Would that be on the edge?
24	monitor them as far as mileage, as far as technical		24 A Be on the edge. And a -- a batch number would
25	concerns, how they operated, et cetera, whether there	12:08	25 be on the part, on the edge also. That would be an
			12:10

	98			100
1	impression stamp.	12:10	1	MR. RADCLIFFE: Objection, argumentative.
2	Q And who made the decision as to what type of		2	THE WITNESS: Do not remember any of that.
3	edge coding, the edge coding words that would go on		3	Q (MR. SATTERLEY) No discussion about that at
4	there? Would that be an Abex decision, a Freuhauf		4	all?
5	decision?	12:11	5	A No, sir, not to my recollection.
6	A A joint.		6	Q Okay. We can set that exhibit to the side.
7	Q At any point in time in the 1970s or 1980s,		7	We are up to Exhibit 14. What's the date of
8	did you ever witness on an Abex asbestos-containing		8	that document?
9	friction product the word warning on the edge of the		9	A March 20th, '78.
10	product?	12:11	10	Q Is this another customer call report?
11	A No.		11	A Yes.
12	Q Let's go to the next exhibit, Exhibit 13.		12	Q And does this relate to Freuhauf Corporation?
13	A Are we missing page 1?		13	A Yes.
14	Q Let me see what it is. Well, you -- tell me		14	Q And did you -- on this case, did you actually
15	what you recognize -- do you recognize that Exhibit 13?	12:11	15	go to the Ohio plant?
16	MR. RADCLIFFE: Can I see it for a minute?		16	A Yes.
17	Q (MR. SATTERLEY) What do you -- do you		17	Q And who did you see at the Ohio plant on this
18	recognize that to be a --		18	occasion?
19	A I don't remember seeing this specific piece.		19	A Don Grothouse, manager material control; Jack
20	But this would be in conjunction between the two	12:12	20	Armstrong, material control; Stan Lyle, and that's --
21	organizations.		21	there's no position; Fred Busche, the manager of quality
22	Q And what's -- what was this -- what does this		22	control.
23	represent to you?		23	Q And do you in this memorandum discuss the
24	MR. MILLER: Speculation.		24	quantities of -- some of the quantities of the friction
25	THE WITNESS: The edge code.	12:12	25	materials that Freuhauf was purchasing from Abex?
	99			101
1	Q (MR. SATTERLEY) The edge code.	12:12	1	A Yes.
2	A The edge code on the anchor and cam blocks.		2	Q And it says in this memorandum, does it not,
3	Q And does it indicate what's going to be on the		3	as it relates to the June requirement, I'm looking in
4	edge code?		4	the third paragraph, there will be approximately 16,000
5	A Yes, it does.	12:12	5	to 17,000 pair, do you see that?
6	Q And what does it indicate would be on the edge		6	A Yes.
7	code?		7	Q And would you agree that's a substantial
8	A The Abex New York state code --		8	amount of friction material sold to that company?
9	MR. RADCLIFFE: Can I have a continuing		9	MR. MILLER: Vague, ambiguous.
10	objection to the foundation on this incomplete	12:12	10	THE WITNESS: That's substantial.
11	document?		11	Q (MR. SATTERLEY) And based upon your being a
12	MR. SATTERLEY: Sure. I'm sure that when you		12	salesperson for Abex, was there -- in the late '70s and
13	finish the court ordered inspection, you'll produce		13	the '80s, was that a consistent situation, that Freuhauf
14	the other parts of this document, right?		14	was a good customer?
15	MR. RADCLIFFE: Assuming that it exists	12:13	15	MR. MILLER: Same objection.
16	anywhere and it was requested.		16	THE WITNESS: Very good customer.
17	Q (MR. SATTERLEY) Okay. Well, anyway, this		17	Q (MR. SATTERLEY) Let's set this exhibit to the
18	verifies, does it not, that the edge code -- some of the		18	side and go to the next exhibit.
19	words that would be on the edge code?		19	What's the date of this document?
20	A Yes.	12:13	20	A August 21st, 1978.
21	Q Was there ever a discussion at all within the		21	Q Is this another customer call report?
22	corporation -- with you, I'm talking about within the		22	A Yes, it is.
23	corporation, about an effective way to warn about the		23	Q And this is -- is this another example of you
24	dangers of the asbestos friction product was put a		24	visiting the Freuhauf plant in Ohio?
25	warning on the edge code?	12:13	25	A No. Mr. Mitasik was from the plant. We took

	102		104
1	him to our Salisbury, North Carolina plant where the	12:16	1 signature on this document?
2	Freuhauf product was being manufactured.		2 A Yes.
3	Q Okay. If you could, explain that to me. When		3 Q It would be fair to say --
4	you say the Freuhauf product was being manufactured in		4 A No, no, that's not my signature. That's -- my
5	Salisbury --	12:16	5 secretary signed that after she typed it.
6	A Yes.		6 Q You gave her authority to sign your name?
7	Q -- why was that? Why was it not Winchester?		7 A Yes.
8	A Salis -- Winchester made everything size-wise		8 Q Okay. It would be fair to say this is a
9	from small to large to whatever, to over size, blah,		9 document created in the ordinary course of business?
10	blah, blah. Salisbury was set up specifically to	12:16	10 A Absolutely.
11	manufacture 16 and-a-half by 7 inch blocks, regardless		11 Q There's a reference to Ralph Combs, Bill
12	of whether they were for a Rockwell axle, an Eaton axle,		12 Chasteen, and Rick McGill. Who are those folks?
13	Dana axle, or Freuhauf axles. They manufactured 16		13 A Combs was a plant manager, Iwarsson was
14	and-a-half by 7s there and ultimately 16 and-a-half by 8		14 president of Abex, Combs was plant manager, Chasteen and
15	and five-eighths. They also manufactured 15 by 7 wedge	12:16	15 McGill, two people involved in -- whether it was quality
16	brake materials, wedge brake being manufactured by		16 control or manufacturing or what have you, I do not
17	Rockwell Corporation.		17 remember specifically.
18	Q The friction materials that were being		18 Q Let's move forward in time and go to Exhibit
19	manufactured in the Salisbury plant, did they contain		19 16.
20	asbestos?	12:17	20 (A discussion was held off the record.)
21	A Yes.		21 MR. SATTERLEY: Well, we'll try to finish up
22	Q The Freuhauf products, the products that were		22 this exhibit in five minutes and then switch tapes.
23	being manufactured for Freuhauf, do you know what		23 Or do you want to switch tapes now? It's up to
24	quantity of the product was asbestos?		24 you. Let's switch, let's switch tapes. Take a
25	A My previous answer.	12:17	25 five-minute break.
	103		105
1	Q 50 to 60 percent?	12:17	1 THE VIDEOGRAPHER: Time now is 12:19. This is 12:19
2	A 50 to 60 percent.		2 the end of tape number 1.
3	Q When -- in the Salisbury plant, were there		3 (Recess from 12:19 to 12:28 p.m.)
4	warning signs about asbestos hanging in the plant like		4 THE VIDEOGRAPHER: Time now is 12:28, this is
5	there was in Winchester?	12:17	5 tape number two of the continuation of Mr. Bretz' 12:28
6	MR. MILLER: Speculation.		6 deposition.
7	THE WITNESS: Yes.		7 Q (MR. SATTERLEY) Mr. Bretz, next exhibit is
8	Q (MR. SATTERLEY) And did you see those?		8 this a -- once again one of your call reports?
9	A Yes.		9 A Yes, sir.
10	Q And were those in a vicinity wherein someone	12:17	10 Q Exhibit 16?
11	coming in the plant could see?		11 A Yes, sir.
12	MR. MILLER: Speculation.		12 Q Is it dated 10-11-78?
13	THE WITNESS: Yes.		13 A Yes, it is.
14	Q (MR. SATTERLEY) And did the plant manager --		14 Q Does it relate to the Freuhauf Corporation as
15	Freuhauf's plant manager, did you give him a tour of the	12:17	15 well?
16	plant?		16 A Yes.
17	A Yes.		17 Q And does it once again indicate the number
18	Q Were there also exhaust ventilation duct --		18 of -- a number of names there that you interviewed?
19	sucking the dust away from the workers in the Salisbury		19 A Yes.
20	plant?	12:18	20 Q And I'm not going to go through all the
21	A Yes.		21 information in this, but fair to say the information
22	Q And were there also folks in the Salisbury		22 that you wrote in this memorandum was information you
23	plant that were wearing respirators?		23 gathered at or about the time in 1978?
24	A Specifically, I can't speak to that.		24 A Yes.
25	Q There is a -- on this -- is that your	12:18	25 Q If we could flip over to the second page, is

	106		108	
1	that your signature there?	12:28	1	Q And does it outline a summary of shipments to 12:30
2	A No, it's my secretary's.		2	Freuhauf regarding the asbestos-containing friction
3	Q Secretary's, but you gave her the authority to		3	products?
4	sign your name?		4	A Yes.
5	A Yes.	12:29	5	Q And would have this been prepared during the 12:31
6	Q Okay. One thing I did want to ask you about		6	ordinary course of business in your job as senior
7	is the number one item. It says, "Carlisle is building		7	account manager?
8	a new plant, location unknown, with the express purpose		8	A Yes.
9	of manufacturing non-asbestos blocks." Do you see that?		9	Q Let's continue to the next exhibit, Exhibit
10	A Yes, mm-hmm.	12:29	10	19. Is this another letter dated January 4th, 1980, 12:31
11	Q "They feel confident --"		11	regarding sales to Freuhauf division?
12	A Yes, I'm sorry.		12	A Yes.
13	Q And this is 1978, right?		13	Q And if you could very briefly -- well, first
14	A Fall of '78, yes.		14	of all, is this a letter you created at or about the
15	Q "They feel confident the industry and the	12:29	15	time, 1980?
16	governments will push the non-asbestos programs hard and		16	A Yes.
17	very shortly."		17	Q And if you could very briefly explain the --
18	A Yes.		18	it says the immediate problem and then it's got some
19	Q Do you remember that being a topic of		19	codes, Abex codes and formulation. Do you know what
20	discussion frequently in the 1970s, that industry and	12:29	20	that refers to?
21	government was going to have to go to non-asbestos?		21	A As I read this, apparently we had a material
22	MR. RADCLIFFE: Objection, vague, ambiguous,		22	identification problem on some of our invoices and this
23	argumentative.		23	clarified it with what our codes were and what they
24	THE WITNESS: In the late '70s, that was the		24	represented as far as the formulations that we supplied
25	topic.	12:29	25	to Freuhauf on various parts.
	107		109	
1	Q (MR. SATTERLEY) Let's continue on to the next	12:29	1	Q Is it your understanding that all the
2	exhibit. Exhibit 17, is this a letter you wrote at or		2	formulations on this exhibit were asbestos containing?
3	about June 26, 1979?		3	A Yes.
4	A Yes.		4	Q Let's move to the next exhibit. Is this
5	Q And does this indicate a summary of shipments	12:29	5	January 7th, 1980?
6	to the Freuhauf Corporation regarding Abex products?		6	A Yes.
7	A Yes.		7	Q And is this a letter sent to Freuhauf
8	Q And does it indicate 137,100 pieces of		8	Corporation regarding a summary of sales of asbestos
9	original equipment?		9	products to the Freuhauf Corporation?
10	A Yes.	12:30	10	A Yes.
11	Q And when we're talking about that, is that --		11	Q And was this created at or about the time,
12	are we talking about 137,000 pieces of friction		12	January 7, 1980?
13	products?		13	A Yes.
14	A Yes.		14	Q In the ordinary course of business?
15	Q And at this time in 1979, were the Freuhauf	12:30	15	A Yes.
16	products -- all 137,100 would have been asbestos		16	Q Moving forward to the next exhibit, we're up
17	containing, correct?		17	to Exhibit 21, right?
18	A Yes.		18	A Yes.
19	Q And then you also set out the replacement		19	Q And is this a letter dated January 21st, 1980?
20	products as well, correct?	12:30	20	A Yes.
21	A Correct.		21	Q And is this -- we talked about Mr. Schmaltz
22	Q Okay. Let's continue on. The next exhibit is		22	earlier. Is he identified as a Abex sales
23	number 18. Is this once again another letter that you		23	administrator?
24	prepared at or about September 28th, 1979?		24	A Yes.
25	A Yes.	12:30	25	Q And who is he writing this letter to?

	110		112
1	A Alan Schaible, who was manager of aftermarket purchases at Freuhauf.	12:33	1 Q It says in here on that paragraph, the third paragraph, "Freuhauf labeled and identified material will be supplied in the program."
2			2 A Yes.
3	Q And were you copied on the letter?		3 Q And when you -- when we talk about Freuhauf labeled, are we talking on the box itself?
4	A Yes.		4 A Yes.
5	Q Was this letter created at or about the time of January 21st, 1980?	12:33	5 Q And when you -- when we talk about Freuhauf labeled, are we talking on the box itself?
6			6 A Yes.
7	A Yes.		7 Q It says, "Freuhauf will handle their own catalogs, price sheets, sales flyers, and information sheets."
8	Q And in the ordinary course of business of company?		8 A Yes.
9			9 Q Was that your understanding of the way it worked?
10	A Yes.	12:33	10 A Yes.
11	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?		11 Q Did you ever see any sales flyers or information sheets from the Freuhauf Corporation that talked about the hazards of asbestos?
12			12 MR. MILLER: Vague, ambiguous, overbroad.
13			13 THE WITNESS: No.
14	A Yes.		14 Q (MR. SATTERLEY) It says, "We will work with your promotional people to put these together if required." Do you see that sentence?
15	Q Is that something from time to time that Abex did, gave a discount to its customers for -- if they bought more of the products?	12:33	15 A Yes.
16			16 Q Do you ever remember Freuhauf requiring Abex to work together with them with regards to flyers, sales
17			17 12:36
18	A Yes.		
19	Q And then attached to this letter, does it indicate the various pricing for the box material?	12:33	
20			
21	A Yes.		
22	Q Let's continue on. The next document, is that dated January 25th, 1980, a letter from you?		
23			
24	A Yes.		
25	Q And would have -- was this a document created	12:34	
	111		113
1	in the ordinary course of business of the Abex company?	12:34	1 Q flyers, or information sheets?
2	A Yes.		2 A Yes, we did.
3	Q And who are you writing this to?		3 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 not Freuhauf included that language in their sales
4	A Alan Schaible, manager aftermarket and accessories purchasing Freuhauf.	12:34	4 information, sales flyers, or information sheets?
5			5 MR. MILLER: Vague, ambiguous.
6	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?		6 THE WITNESS: Do not know.
7			7 Q (MR. SATTERLEY) On the next page it talks about, "They will help train your people on the fine points of our program."
8			8 A Yes.
9			9 Q That's referring, Abex is going to help Freuhauf, right?
10	A Yes.	12:34	10 A Yes.
11	Q Tell me about that. Did -- who owned those warehouses?		11 Q Says, "We will handle field problems and complaints on a personal and individual basis." Do you see that?
12			12 A Yes.
13	MR. RADCLIFFE: Objection, vague, ambiguous.		13 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?
14	Q (MR. SATTERLEY) Were those warehouses Abex?		14 A Don't know.
15	A These were Abex warehouses.	12:34	15 Q We're talking in this case about a fellow
16	Q Okay. And what was the purpose of these warehouses?		16 12:37
17			
18	A They were a central location for service of our distributors and also our original equipment service customers.	12:34	
19			
20			
21	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?		
22			
23			
24			
25	A Yes.	12:35	

	114		116
1	named Gordon Bankhead over in California. Abex -- did	12:37	1 February 1st, 1980, correct?
2	Abex sell products to California?		2 A Yes.
3	MR. RADCLIFFE: Objection, vague, ambiguous.		3 Q And does it relate to the Freuhauf division?
4	THE WITNESS: Of course.		4 A Yes.
5	Q (MR. SATTERLEY) Okay. And was it your	12:37	5 Q And is this a document you prepared in the
6	understanding that friction products, the brake products		6 normal course of business while you were working at
7	that Abex sold to Freuhauf were for national		7 Abex?
8	distribution of its tractor-trailers?		8 A Correct.
9	A Yes.		9 Q And does this indicate that you're evaluating
10	Q And I guess the point I'm getting at or the	12:38	10 the price, the cost of the product, and the profit?
11	question I'm trying to get is that, did Abex send field		11 A Cost increases, that's all.
12	representative, say, for example, out to Oakland,		12 Q Cost increases.
13	California, to educate the end user, the people that		13 A Nothing in there about profit. We wouldn't
14	would be being encountering the brakes, about asbestos		14 advise them of that.
15	issues?	12:38	15 Q On the second page it says, "We have been
16	A Not that I'm aware of.		16 specifically requested to contact the Freuhauf branches
17	Q Let's continue on with the next document. Is		17 at Dayton, Cincinnati, Louisville, and Indianapolis."
18	this Exhibit 23?		18 Do you see that?
19	A Yes.		19 A Yes.
20	Q And is this a memo from Norm Walker?	12:38	20 Q And then the last two sentences, "It is
21	A Yes.		21 anticipated that our aftermarket with Freuhauf will
22	Q And did you know Norm?		22 exceed a million dollars in 1980."
23	A Yes, I did.		23 A Yes.
24	Q Was Norm a friend of yours?		24 Q And it exceeded 400,000 in 1979.
25	A Yes.	12:38	25 A Correct.
		12:41	
	115		117
1	Q Business associate.	12:38	1 Q And now that -- that's the aftermarket, right?
2	A A business associate.		2 A Correct.
3	Q Okay. You guys didn't socialize together, I		3 Q Was the original equipment sales higher or
4	take it.		4 lower than aftermarket?
5	A On occasion we might have.	12:39	5 A Original equipment was lower.
6	Q Okay. And it says -- this is dated January		6 Q Was lower?
7	29th, 1980, do you see that?		7 A Yes. More pieces, lower price.
8	A Yes.		8 Q I thought earlier we saw memos that indicate
9	Q And it's carbon copied to Roger Cain, do you		9 the original equipment was -- business was stronger than
10	know who that is?	12:39	the aftermarket?
11	A He was in our sales office in Winchester.		10 A Well, it was in the earlier part of the
12	Q And it says, "Confirming our telephone		11 program.
13	conversation on January 29, 1980," and it's got 90 sets		12 Q Okay. And --
14	and it's got some numbers after that, do you see that?		13 A Took us -- it took several years to develop
15	A Yes, mm-hmm.	12:39	14 the aftermarket. We got a lot of people to convince,
16	Q And then it's got, "Material to be the		15 lot of branch managers that wanted to do it this way
17	Freuhauf edge code," and it's got some numbers?		16 instead of following corporate edicts. So it took us a
18	A Yes.		17 long time to get into the aftermarket program with our
19	Q And an Abex formula, right?		18 product.
20	A Yes.	12:39	19 Q Okay. Let's continue on then. We're now in
21	Q And this would -- these would be asbestos		20 March of 1980. Is this a letter addressed to you?
22	formula, correct?		21 A Yes.
23	A Those formulas are asbestos, yes.		22 Q And what's the date of this letter?
24	Q Okay, let's continue on. The next memorandum		23 A March 31st, 1980.
25	actually is another call report that you prepared on	12:39	24 Q And who is it from?
			12:42

	118		120
1	A From Alan Schaible, manager aftermarket and 2 accessories purchasing at Freuhauf.	12:42	1 as an asbestos material with regards to brake block? 12:44
3	Q And does it indicate whether they visited the 4 Winchester facility, production facility again?		2 MR. RADCLIFFE: Objection, vague, ambiguous.
5	A Yes, it does. 12:42		3 THE WITNESS: You're still -- no. Answer to 4 your question, you're still in the development 5 stages of non-asbestos material. 12:45
6	Q And there's a reference in here to backing 7 material.		6 Q (MR. SATTERLEY) Well, let me ask you this 7 question, just explore that with you for a minute. Have 8 you ever reviewed the various patents for non-asbestos 9 brake products?
8	A Yes.		10 A No. 12:45
9	Q What is the -- what is backing material?		11 Q You're not a technical man that knows what 12 type of materials can be utilized in place of asbestos, 13 are you?
10	A If a thick block were three-quarters of an 11 inch thick, makes no sense to put friction material -- 12 the expensive friction material below the bolt or on 13 below the rivet head. You might as well use a cheaper 14 material as long as you had a mechanical means that 15 assured proper attachment of these two items to make up 12:42 16 this three-quarters of an inch.	12:42	14 A No.
17	So the last -- all the material under the bolt 18 head or under the rivet head was a material, a less 19 expensive material than the friction material.		15 Q Do you know what types of materials were 12:45 16 developed to use in place of asbestos later in the '80s?
20	Q It says in this question that Freuhauf's 21 managers is asking you, is it says, "Does Abex consider 22 brake block of the type used by Freuhauf manufactured 23 with a backing material to be superior or inferior to 24 the one which is not?" Do you see that?	12:43	17 A Yes.
25	A Yes. 12:43		18 Q And what was that?
		119	19 A Number one, there is no replacement for asbestos. Number two -- 12:45
1	Q And do you recall this occurring?	12:43	21 MR. SATTERLEY: Well, objection, move to strike as nonresponsive.
2	A Specifically, no, I do not. Although it was 3 written to me, I don't remember. That's 30 years ago.		22 THE WITNESS: Okay.
4	Q If you could read -- read the next paragraph.		23 Q (MR. SATTERLEY) My question, sir --
5	A "Mr. Indelicato indicated that the use of 6 backing stock provides a cost savings in the more costly 7 types of materials. What economic impact would it have 8 on the present cost of brake block purchased from Abex?" 9 That's a question on his part. I'm not in a position to 10 answer what we determined. "We acknowledged --" want me 12:44 11 to continue?	12:43	24 A What was your question? 12:45
12	Q Well, first I want to ask you, that 13 Indelicato, was he an Abex person?		
14	A He was an Abex person. I believe at that 15 point in time, he was manager of quality control at 16 Abex.	12:44	
17	Q Yeah, continue on the next paragraph.		
18	A "We acknowledge the production of non-asbestos 19 material will influence the continued use of backing 20 material; however, since we undoubtedly will continue to 21 utilize asbestos brake block within the foreseeable 22 future, our interest must relate to the contemporary 23 product."	12:44	
24	Q At this point in time in 1980, was there a 25 non-asbestos material that was available as opposed to	12:44	
			121
1	Q My question is, what was utilized when 2 asbestos was eliminated from the Abex product?		12:45
3	MR. RADCLIFFE: Objection, vague, ambiguous.		
4	Go ahead.		
5	THE WITNESS: It depended upon the 6 manufacturer. Abex determined to use, after all of 7 our exhaustive testing, a fiberglass as our fiber. 8 Carlisle Corporation utilized Kevlar. Other 9 corporations, I do not know.	12:45	
10	Q (MR. SATTERLEY) Let me -- you weren't 11 involved in this testing process yourself, were you? 12 You're sales.	12:46	
13	A Sales.		
14	Q You're not in R&D.		
15	A No. 12:46		
16	Q Let's move on then.		
17	MR. MILLER: What exhibit was that or is this?		
18	MR. McGUIRE: 25.		
19	THE WITNESS: We're at 26 right now.		
20	MR. SATTERLEY: 26. 12:46		
21	MR. McGUIRE: The one you just talked about --		
22	MR. SATTERLEY: Was 26.		
23	THE WITNESS: 25.		
24	MR. SATTERLEY: Oh, was that 25?		
25	THE WITNESS: No, I just turned 25 over. The 12:46		

	122		124	
1	letter from Alan Schaible was 25, dated March 31st, '80.	12:46	1 April 3rd, 1980. Is this a letter from you	12:48
2			2 Mr. Schaible?	
3	Q (MR. SATTERLEY) Okay. Let's go to 26 then.		3 A Yes.	
4	Is this 26 a letter from Norm Walker to Roger Cain?		4 Q And there's once again set forth the amount of	
5	A Yes.	12:47	5 materials, the summary of materials shipped the first	12:49
6	Q And Roger Cain's with Abex Corporation, right?		6 three months -- or actually the first two and-a-half	
7	A Yes, sales office.		7 months of 1980?	
8	Q And you received a copy of this?		8 A Yes.	
9	A Yes.		9 Q And it indicates the original equipment is	
10	Q As did Al Schaible?	12:47	10 126,534 pieces?	12:49
11	A Yes.		11 A Yes.	
12	Q And this relates to the Freuhauf parts number,		12 Q And then a couple of thousand replacement	
13	correct?		13 pieces?	
14	MR. McGuire: Got a date?		14 A Yes.	
15	Q (MR. SATTERLEY) April 3rd, 1980. Right?	12:47	15 Q And this was prepared by you in the ordinary	12:49
16	A It refers to an FMSI number which would go on		16 course of business?	
17	a Freuhauf axle or brake, yes.		17 A Yes, sir.	
18	Q So what I want to do with this -- well,		18 Q Okay. Let's set that to the side.	
19	there's attachments that has the various Abex formula,		19 Now, the next exhibit, 28, is a letter	
20	the Freuhauf edge code, the type of packaging, the parts	12:47	20 addressed to you, correct?	12:49
21	number, correct?		21 A Yes.	
22	A Correct.		22 Q And this letter is prepared by the Freuhauf	
23	Q And the cost?		23 division -- Freuhauf Corporation?	
24	A Yes.		24 A Yes.	
25	Q Okay. And so if we go down the Abex formula	12:47	25 Q And it's prepared by Mr. -- is it Schaible?	12:49
	123		125	
1	from -- that entire sheet, are those all asbestos-containing brake product?	12:47	1 A Schaible.	12:49
2			2 Q Schaible?	
3	A Yes, on that sheet.		3 A He would not have prepared it, he was just the	
4	Q Let's go over to the next sheet. All the Abex		4 transmitter.	
5	formulas on the --	12:48	5 Q He was transmitting to you drawings, correct?	12:49
6	A Yes, yes.		6 A Yes.	
7	Q -- next sheet, those are all asbestos?		7 Q And are these drawings prepared by the	
8	A Yes.		8 Freuhauf Corporation?	
9	Q And the edge code numbers relate to the		9 A Yes.	
10	various formulas, right?	12:48	10 Q And would these be drawings that Abex would	12:50
11	A Correct.		11 utilize in the manufacture of the asbestos-containing	
12	Q Okay. So if we're trying to figure out if a		12 friction products?	
13	product contains asbestos or not, if we just simply take		13 A Yes.	
14	the Abex formula numbers right there or the Freuhauf		14 Q And would it be fair to say that you would	
15	edge code, we would know each of these products are	12:48	15 have received this on or about April 11, 1980?	12:50
16	asbestos-containing product?		16 A Yes.	
17	MR. RADCLIFFE: Objection, vague, ambiguous,		17 Q And when it relates to the -- these drawings,	
18	calls for speculation.		18 it says both for the -- well, both original equipment	
19	Q (MR. SATTERLEY) Right? Isn't that true?		19 and service materials.	
20	A Yes, yes.	12:48	20 A Yes.	12:50
21	Q Okay. And they would have each had between 50		21 Q Does that mean the aftermarket materials?	
22	and 60 percent asbestos, right?		22 A Yes.	
23	A Yes.		23 Q Okay. And it says, "are revised by adding	
24	Q Let's move that to the -- set that to the		24 thickness dimensions at the rivet hole locations to	
25	side.	12:48	25 assure a true radial contour on the brake blocks." Do	12:50

	126		128		
1	you see that?	12:50	1	that was an asbestos-containing product?	12:53
2	A Yes, sir.		2	A Yes.	
3	Q And just so I understand, first of all, who is		3	Q It was?	
4	the folks that are drilling the rivet -- the holes into		4	A Yes. Was it? I can't speak to that. I'm	
5	this? Is that done by Abex or by Freuhauf?	12:51	5	sorry, I spoke out of turn.	12:54
6	MR. MILLER: Speculation.		6	Q Okay. You just don't know one way or the	
7	THE WITNESS: Done by Abex.		7	other?	
8	Q (MR. SATTERLEY) Okay. We can set that		8	A I don't know one way or the other.	
9	exhibit to the side and we can go to the next exhibit.		9	Q It says on the third paragraph, "Specifically	
10	Are we up to 29?	12:51	10	in the case of Freuhauf parts manufactured by Abex, we	12:54
11	A Yes, sir.		11	do not see an improvement in integrity being developed	
12	Q And does this -- is this a memorandum written		12	by the use of a false backing when compared to the	
13	by you?		13	formulation 693-551G and 693-551D." Do you see that?	
14	A Yes.		14	A Yes.	
15	Q And does it -- well, what's it relating to?	12:51	15	Q And then it refers to, "Cost studies have been	12:54
16	A A true radial contour grind of the Freuhauf		16	run on specific blocks and indicate that no savings can	
17	parts. This --		17	be achieved by the use of a backing material." Do you	
18	Q Dated April 14th, 1980?		18	see that?	
19	A Yes.		19	A Yes.	
20	Q And what is it we're talking about here? What	12:51	20	Q Was -- when a product -- change in a product	12:54
21	is the grind, a true radial contour grind?		21	was going to occur like this, was it generally Abex's	
22	A That refers to the radius of the part, the arc		22	policy to do a cost analysis?	
23	of the part, and that there's -- that is ground in so		23	A Yes, sir.	
24	that it has a better chance of meeting the drum		24	Q Do you know whether Abex in the 1970s did any	
25	dimensions, that we get full contact once the part is	12:52	25	cost analysis in switching over from an asbestos to a	12:55
	127			129	
1	put into the -- assembled to a shoe and put in a drum.	12:52	1	non-asbestos friction product?	12:55
2	Q We can set that exhibit to the side. Of		2	A I can't speak to that.	
3	the -- just -- I may have already asked this question, I		3	Q What type of -- or what department within the	
4	apologize. In April of 1980, were you still in sales?		4	Abex Corporation would do a cost analysis for a	
5	A Yes.	12:52	5	substitute material, if you know?	12:55
6	Q And sales manager?		6	A It was certainly -- it wasn't the sales	
7	A Yes.		7	department. I don't know.	
8	Q Okay. Let's go to the next exhibit. Is that		8	Q Did other folks in Abex -- the management of	
9	Exhibit 30? Is this a memorandum -- a letter, actually,		9	Abex indicate to you whether it -- switching to a	
10	prepared by you dated May the 23rd, 1981 -- excuse me, 12:53		10	non-asbestos material, would that be more expensive?	12:55
11	1980?		11	A I'm sorry, I missed the first part.	
12	A Yes.		12	Q Did other folks within the Abex Corporation,	
13	Q And is this written to the Freuhauf		13	managers that were actually involved in the discussion	
14	Corporation?		14	of replacing asbestos, did they ever communicate to you	
15	A Yes, it is.	12:53	15	that it would be more expensive to have a non-asbestos	12:55
16	Q And is reference to another visit to the		16	substitute?	
17	manufacturing facility at the Winchester, Virginia		17	A Yes.	
18	location?		18	MR. RADCLIFFE: Vague, ambiguous, calls for	
19	A Yes.		19	speculation.	
20	Q And at that time, was there a discussion on	12:53	20	Q (MR. SATTERLEY) Go ahead, sir.	12:56
21	the potential use of a false backing material on the		21	A Yes.	
22	blocks?		22	Q And do you recall how much more expensive it	
23	A Yes.		23	would be to have a non-asbestos substitute?	
24	Q Do you know whether that false backing		24	MR. RADCLIFFE: Same.	
25	material that's referenced in there in 1980, whether	12:53	25	THE WITNESS: No, not off the top.	12:56

	130		132
1 Q (MR. SATTERLEY) The next -- you can set that 2 exhibit to the side and we'll go to the next exhibit. 3 Exhibit 31, is this another letter you 4 prepared May 28th, 1980?	12:56	1 A We were trying to provide the customer with a 2 lower price for the product that we sold to him, and 3 this is one of the ways we could deal with it. 4 Q By eliminating part of the edge painting or 5 edge coding, that would potentially reduce the cost of 6 the product?	12:58
5 A Yes. 6 Q And does it once again -- is it addressed to 7 the Freuhauf Corporation? 8 A Yes, it is.	12:56	7 A Yes. And also eliminating the impression 8 stamping. 9 Q And what is an impression stamp?	12:58
10 Q And does it once again relate to the technical specifications for the asbestos brake blocks? 11 A Yes. 12 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 15 Freuhauf that you prepared?	12:56	10 A We would impression stamp the edge of the block with our batch number. 121 required us to be able 12 to go out to the field and get a problem set aligning 13 and come back with that number that's impression stamped 14 on the edge of the lining, come back to the plant and determine when and what batch that was made out of. 16 We're talking about, what 700 pound batch did those 17 linings come from. It would have limited the number of 18 pieces that we would have to look for.	12:59
19 Q This type of cost study that was done, do you remember this occurring?	12:57	19 Q This type of cost study that was done, do you remember this occurring?	12:59
20 A Correct. 21 Q For the original equipment. 22 A Yes correct. 23 Q And then another 3,224 for the replacement?	12:57	20 A No. 21 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?	12:59
24 A Correct.	12:57	25 A Not aware.	1:00
	131		133
1 Q Okay. Let's continue on to August of 1980. 2 Is this a memorandum from the Abex Corporation prepared 3 by Mr. Grim? 4 A No. It was prepared by Jerry Lukas to Grim. 5 Q Oh, I apologize. To Mr. Grim?	12:57	1 Q As you sit here today, is it fair to say that 2 you're not aware of anybody at the Abex Corporation 3 doing any type of evaluation in terms of how much more 4 it would cost to stamp on those words? 5 MR. RADCLIFFE: Objection, speculation, calls 6 for -- calls for speculation, argumentative. 7 THE WITNESS: That's a fair statement because 8 I don't know. 9 Q (MR. SATTERLEY) You don't know?	1:00
6 A Yes. 7 Q And does it relate -- what's the subject of 8 this memorandum? 9 A "Cost study to determine the effects of 10 substitution of the impression stamp on the edge, which 11 calls for the batch code and New York state code with 12 the same information printed on it. Elimination of 13 fully painting the edge opposite identification stripe 14 and other markings. Substitution of the impression 15 stamp on the ID of the Freuhauf part number, the FMSI 16 part number, and the anchor or cam designation, and 17 replacement of it with printed information done at the 18 same time we mark the edge."	12:57	10 A I don't. 11 Q Okay. We can set this exhibit to the side. 12 August 26th, 1980, is this a memorandum you 13 prepared during the normal course of business? 14 A Yes. 15 Q And is this once again addressed to the 16 Freuhauf Corporation?	1:00
19 Q And you're copied on this memorandum, correct? 20 A Yes. 21 Q And so what's occurring in August of 1980 is 22 Abex is doing a cost study to figure out what to put on 23 the edge of the friction product? 24 A Yes. 25 Q And do you recall why there was a cost study?	12:58	17 A Yes. 18 Q And is this a discussion that you were having 19 as it relates to revising the identification numbers on 20 the product? 21 A Yes. 22 Q And is there a discussion with regards to the 23 various types of stamping, impression stamping to 24 include on the product? 25 A Yes.	1:00

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1	Q On the second page of this document, does it indicate that Abex manufactures brake --	1:01	1	MR. SATTERLEY: Is it off now?	1:04
2			2	THE VIDEOGRAPHER: Yes.	
3	asbestos-containing brake products for Rockwell International?		3	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 accounts."	1:04
4			4		
5	A Yes.	1:01	5	A Yes.	
6	Q And it provides them to their plants there in Ohio and Florence, Kentucky, and up in Canada?		6	Q And what is OES account?	
7			7	A Original equipment service.	
8	A Yes.		8	Q "Particularly with the move to non-asbestos 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?	1:04
9	Q And then does it also indicate that Abex provided asbestos-containing products to the Eaton Corporation in their locations in Tennessee and Louisville, Kentucky?	1:01	9	A Within that time frame, yes, I remember that.	1:04
10			10	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.	
11			11		
12			12		
13	A That's true.		13		
14	Q They were customers of yours as well?		14		
15	A Yes, sir.	1:01	15		
16	Q Let's set that exhibit to the side.		16		
17	The next exhibit we'll move forward in time to September of 19 -- September '80, 1980?		17		
18			18		
19	MR. MILLER: I'm sorry, is that 34?		19		
20	MR. SATTERLEY: Are we up to 35?	1:02	20	A Yes, sir.	1:04
21	THE WITNESS: 5.		21	Q But, "Since we are mainly concerned with west coast and trailers, we split those up. On the west	
22	MR. SATTERLEY: 35 now.		22	coast, Freightliner in Portland, Oregon; Kenworth in	
23	MR. MILLER: What date is it?		23	Kirkland, Washington; and Peterbilt in Newark,	
24	MR. SATTERLEY: September 22nd, 1980.		24	California, are worth calling on." Do you know what	1:05
25	Q (MR. SATTERLEY) Does it indicate -- well, it	1:02	25		
		135			137
1	says OES accounts, do you see that?	1:02	1	this is referring to?	1:05
2	A Yes.		2	A Yes. They were OES customers, original	
3	Q That's prepared by the second page says J. J. Lukas?		3	equipment service customers. We manufactured blocks for	
4			4	them for their aftermarket operation, so that they could	
5	A Yes.	1:02	5	service their tractors and trailers through their	1:05
6	Q And he was an Abex manager, right?		6	branches with the same material that they were getting	
7	A He was manager original equipment sales.		7	on their original equipment units.	
8	Q And it's -- on the first page, right below his name, it says B. Iwarsson.		8	Q Says, "Mack Western in Hayward, California; White Western Star in --" is it Calona?	
9			9		
10	A I'm sorry, B. J. Iwersson, he was our president.	1:02	10	A Calona, British Colombia.	1:05
11			11	Q -- and Kenworth Canada in Burnaby."	
12	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."	1:03	12	A Yes.	
13			13	Q These are all customers?	
14			14	A Yes.	
15			15	Q Okay. And then, "Utilizing the 1979 numbers for new commercial trailers in the United States, nine	1:05
16	A Yes.		16	trailers manufacturers have 69 percent of the business."	
17	Q What does that relate to?		17	Do you see that?	
18	(A discussion was held off the record.)		18	A Yes, sir.	
19	Q (MR. SATTERLEY) It says first paragraph "Relative to a meeting we had on July 31st, we discussed our concern over making sure we are properly covering our OES accounts."	1:03	19	Q And then below that, is an outline of the various trailer manufacturers, right?	1:06
20			20	A Correct.	
21			21	Q And who is the company that has the largest number of trailers?	
22			22	A Freuhauf Corporation.	1:06
23	THE VIDEOGRAPHER: It's going off again.		23		
24	MR. SATTERLEY: Still going?		24		
25	THE VIDEOGRAPHER: No, it stopped.	1:03	25		

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1	Q And according to this memorandum, what is the percentage of business?	1:06	A Or any discussion that we had.
2			Q It would be fair to say, though, that even
3	A 16 and-a-half percent.		though you don't remember it as you sit here today, the
4	Q And does it indicate in handwriting who has that account?	1:06	information, the names on the document, it's more likely
5			than not this would have been a document you would have
6	A Yes.		received in the normal course of business?
7	Q Who is that?		A Yes, sir.
8	A Mr. Bretz.		Q We'll set that exhibit to the side then.
9	Q That's you?		The next document we are up to, is that --
10	A Yes, sir.	1:06	A 37.
11	Q Okay. And then some of the other folks -- well, right underneath that, there's a line does that		Q 37. Is this a -- once again a call report you
12	indicate you have those other accounts as well?		prepared.
13			A Yes, sir.
14	A Yes.		Q And is it dated December 18th, 1980?
15	Q Trailmobile?	1:06	A Right.
16	A Yes.		Q And does it relate to your customer Freuhauf?
17	Q Great Dane?		A Yes.
18	A Yes.		Q And did you go up to the Detroit offices?
19	Q Strick?		A Yes.
20	A Yes.	1:06	Q And was this once again to evaluate the sales
21	Q Let me ask you, was Strick a customer of Abex?		of the asbestos-containing blocks to Freuhauf?
22	A On occasion they could have been, by their		A Yes.
23	customer specification.		Q It says in here that, "They gave us a 5
24	Q Trailmobile was?		percent increase in July because Silk --" is that the
25	A Yes.	1:06	vice president of Freuhauf?
			1:09
		139	141
1	Q Were they -- did you get the business from -- like Trailmobile like you did with Freuhauf, I mean, in that type of situation?	1:06	A Yeah.
2			Q --- felt some responsibility that --"
3	A Pretty much so, yes.		A Joe Silk, yes.
4	Q That was another good account.	1:07	Q He felt some responsibility that the
5			aftermarket had not gotten off the ground in the three
6	A Yes, sir.		years as well as they had anticipated?
7	Q That's all the questions I'm going to have on		A Yes.
8	that document, let me set that to the side.		Q So you got more business, correct?
9	The next document is dated December 12th,		A We got more dollar business, yeah.
10	1980, and this is from the Freuhauf Corporation to you,	1:07	Q Okay. We can set this exhibit to the side.
11	correct?		And moving forward into 1981. In 1981 is this
12	A Yes.		another memorandum you prepared at or about January
13	Q And do you know what this letter is referring to?		12th, 1981?
14			A Yes, sir.
15	A It's referring to a utilization -- let me see.	1:07	Q And does this relate to the Freuhauf
16	"Brake block service thickness and tolerance for		Corporation?
17	original equipment use... Inasmuch as this material is		A Yes, it does.
18	thinner, we are interested in determining the percentage		Q Does it indicate that you once again traveled
19	reduction in cost the change will provide."		up to Detroit, Michigan, and met with several Freuhauf
20	Q Was there an effort or a suggestion that if	1:07	people?
21	the friction material is thinner, it should be a lower		A Yes.
22	cost?		Q It says at the bottom -- or, no, let's go to
23	A That's the way I read this letter, but I do		the middle first. It says, "It is -- it was noted that
24	not remember this letter coming in.		engineering has agreed to let both Carlisle and Abex
25	Q Okay.	1:08	materials go into a plant, however, sales needs to be
			1:10

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1	convinced. Silk will work on that." Do you see that?	1:10	1 A Yes.
2	A Yes.		2 Q And does it indicate the names of the folks
3	Q And do you know what that's referring to?		3 you interviewed? Pam Lauf, did you know her?
4	A I'm sorry, I don't.		4 A Yes. Yes.
5	Q The previous paragraph, and I shouldn't	1:11	5 Q And she was a Freuhauf material control
6	have -- maybe shouldn't have just jumped right into that		6 person?
7	one, talks about a backing material, says, "We will		7 A That's correct.
8	quote in two weeks with pricing and timing for a backing		8 Q And Don Grothouse?
9	material to be utilized on their blocks. Carlisle		9 A Yes.
10	utilizes backing material on all of their parts for	1:11	10 Q And Charles -- is it --
11	Freuhauf. And also, we will provide them a quote and		11 A Mitasik.
12	timing on a mix change." Do you see that?		12 Q Mitasik --
13	A Yes.		13 A Yes.
14	Q Does that refresh your recollection of what	1:11	14 Q -- and Stan Lyle.
15	that's about?		15 A Yes.
16	A Yes, it does. But I don't remember it.		16 Q All Freuhauf people?
17	Q Okay. Let's set that exhibit to the side		17 A Correct.
18	then.		18 Q Says, "Freuhauf is going to a no-grind shoe
19	Moving forward in January 1981. Is this a	1:11	19 and lining program." What is a no-grind shoe and
20	memorandum from Abex sales administration, J. W. McCool		20 lining?
21	to Freuhauf aftermarket manager?		21 A They accept the lining that is attached -- or
22	A Yes.		22 that is in the boxed sets and they would attach it to a
23	Q And does it once again relate to products that		23 shoe without grinding it.
24	are being sold, asbestos products that are being sold to		24 Q And do you know why they went to a no-grind
25	Freuhauf?	1:12	25 shoe and lining program in January of '81?
	143		145
1	A Yes.	1:12	1 A Back there, trailer business was so poor,
2	Q And you received a copy of this memorandum?		2 everybody was looking to ways to save money. And this
3	A Yes.		3 was a way for them to save money if they could eliminate
4	Q And on the second page, it has the price of		4 that operation in their plant and if things worked out
5	the various asbestos-containing products?	1:12	5 well.
6	A Correct.		6 Q "If at all possible, this will be accomplished
7	Q Both in boxed material and in bulk material?		7 in 1981. Necessary machining equipment is on order to
8	A Correct.		8 accomplish this. The disposal of asbestos grinding
9	Q If it's shipped in boxed -- excuse me, if it's		9 particles is becoming more and more difficult. Their
10	shipped in bulk, is it inside of a box?	1:12	10 present bagged asbestos dust is being transported to
11	A It's inside of a carton --		11 southern Ohio." Do you see that?
12	Q Okay.		12 A Yes.
13	A -- as opposed to a box.		13 Q And then it's got -- well, you remember going
14	Q Okay. And the carton -- what's -- in bulk, is		14 to their facility and seeing them having a bagging
15	that the 4 by 4 box --	1:12	15 operation in the plant there?
16	A Yes, sir.		16 A No, I don't.
17	Q -- you're talking about? Okay. We can set		17 Q Before they went to this no-grind shoe and
18	that exhibit to the side.		18 lining program, how -- I guess what I'm trying to figure
19	Continuing on in January of 1981, is this once		19 out is what type of grinding occurred with regards to
20	again another report, call report for your customer	1:12	20 the brake shoes?
21	Freuhauf?		21 MR. MILLER: Foundation.
22	A Yes.		22 THE WITNESS: They would assemble the lining
23	Q And it says -- well, first of all, is this a		23 to a shoe, steel shoe, and then they would grind it
24	memorandum prepared at or about that time, January of		24 to an arc that would -- a drum would be more
25	1981?	1:13	25 receptive of it. The grinding made sure they got a

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1	proper radius.	1:15	1 Exhibit 40.
2	Q (MR. SATTERLEY) By the way, did you -- I may		2 MR. RADCLIFFE: May I see that for just a
3	have asked you this earlier, were you -- one of your		3 minute?
4	customers was Rockwell?		4 THE WITNESS: Yes.
5	A Yes.	1:15	5 Q (MR. SATTERLEY) We'll leave that as 40.
6	Q Did you ever visit the Rockwell Winchester,		6 Let's move on to 41. Is this a 1981 memorandum that you
7	Kentucky facility?		7 prepared?
8	A No, I did not.		8 A Yes.
9	Q Do you know -- did you know they had a		9 Q And that was prepared on or about February
10	facility in Winchester?	1:15	10 18th, 1981?
11	A Yes.		11 A Yes, sir.
12	Q Would -- was it your understanding that the		12 Q And this is -- it's where you went back up to
13	Winchester facility utilized Abex brake -- asbestos		13 Freuhau in the Detroit facility?
14	brakes?		14 A Yes, sir.
15	A Yes.	1:16	15 Q And called upon, looks like there's about five
16	MR. McGuire: Foundation.		16 individuals there, right?
17	THE WITNESS: I'm sorry.		17 A Correct.
18	Q (MR. SATTERLEY) And I'm talking about		18 Q At this point in time, I know it's been three
19	Rockwell now.		19 or four years since we talked about that 1977 memorandum
20	A Yes, I understand.	1:16	20 where the word caution is going to appear, was there
21	Q We can set this exhibit to the side.		21 still discussions ongoing with Freuhau individuals some
22	And the next document -- oh, by the way, was		22 three or four years later about the hazards of asbestos?
23	attached to that, is there a -- maybe it shouldn't be		
24	stapled, but --		
25	A This is an item that we had previously where	1:16	23 MR. MILLER: Vague.
			24 THE WITNESS: Not that I remember.
			25 Q (MR. SATTERLEY) Okay. And just so that I'm
	147		1:18
1	there was no -- there was no sheet number one. This is	1:16	1 clear in the way I understand it occurred, when the
2	what goes to it.		2 label first came out, whenever that was, there was some
3	Q Okay. And it's dated -- it says revised		3 initial discussions about it, right?
4	2-2-81 at the top?		4 A Yes.
5	A Where are we here?	1:16	5 Q After the initial discussions about it, there
6	Q Up at the top.		6 was no follow ups weeks or months or years later about
7	A Here?		7 it?
8	Q Maybe you got a different one.		8 MR. RADCLIFFE: Objection, argumentative,
9	A It didn't come out.		9 calls for speculation.
10	Q Okay.	1:16	10 THE WITNESS: Not on my part.
11	A It didn't copy.		11 Q (MR. SATTERLEY) All right. Now, on this
12	Q Oh, I see.		12 1981 -- February 1981 three-quarters of the way down,
13	MR. MILLER: Is this 41, by the way?		13 there's a paragraph that says, "Our non-asbestos data,"
14	MR. SATTERLEY: 40.		14 do you see that?
15	THE WITNESS: 40.	1:17	15 A Yes.
16	Q (MR. SATTERLEY) Okay. But we're talking --		16 Q "Our non-asbestos data provided to Freuhau
17	we're talking the edge code?		17 last fall is being closely scrutinized and reviewed. To
18	A Yep.		18 date the comments are very favorable."
19	Q Okay. That's fine. Why don't we -- what		19 Q Yes. At that point in time, in 1981, the
20	we'll do is we'll mark that as 41-A and -- or is that a		20 winter of '81, you -- your Abex Corporation provided to
21	document -- do those documents go together?		21 Freuhau some information about non-asbestos brakes,
22	A These two copies?		22 right?
23	Q Yeah.		23 A Yes.
24	A I got to believe they went together.		24 Q And Freuhau was evaluating it?
25	Q Okay, that's good. Then we'll leave them as	1:17	25 A Yes.

	150		152
1 Q And only if Freuhauf approved the change could 2 Abex switch to that non-asbestos?	1:19	1 A Negative. Well, they might have been back 2 then.	1:22
3 MR. MILLER: Speculation.		3 Q "Dave informed me that he is working on 4 Freuhauf's non-asbestos program and quite interested in 5 931-162."	1:22
4 Q (MR. SATTERLEY) Or how did it work?		6 A Yes, sir.	
5 A Well, it was mutual. It was mutual. If all 6 the engineering data equated to the engineering data 7 that they had with asbestos materials, then with 8 additional testing on their part, not only dynamometer, 9 but also the field, they could, would, and they 10 ultimately did approve its use.	1:19	7 Q That number 931-162, is that the program or 8 the number assigned to non-asbestos?	
11 Q Okay. So we're in '81. When you say they 12 eventually did approve the use, do you know how many 13 years later before it went to non-asbestos?	1:20	9 A That is the formulation assigned, formulation 10 number for that -- for that formula. The project number 11 is 931, the 162 is the number of evaluations that we 12 made for various changes in that product to get what we 13 wanted and what the industry wanted. And so we ended up 14 with 162 -- kind of like Edison, how many things did he 15 run before he come up with the light bulb?	1:22
14 A I don't remember a specific date.		16 MR. SATTERLEY: Objection, move to strike, 17 nonresponsive.	1:22
15 Q I think we're going to get to it in some of 16 these memos.	1:20	18 THE WITNESS: I'm sorry.	
17 A You have to find something in here that --		19 Q (MR. SATTERLEY) I need to put that on the 20 record so later on down the road we can know to try to 21 get that cut out.	1:22
18 Q Okay. Hopefully we'll get to that. But this 19 1981 memo where it discussed the non-asbestos data, that 20 was prepared at the normal course of business of Abex?	1:20	22 A Okay. I'm sorry.	
21 A Correct.		23 Q That's all right. Was it your job in sales to 24 do the evaluations of these various numbers 160, 161, 25 162, or anything like that?	1:23
	151		153
1 A Indelacato, yes.	1:21	1 A No.	1:23
2 Q And they carbon copied you a copy of this?		2 Q Let's continue on with this memo. "Dave has 3 reviewed the data we supplied Freuhauf but would like 4 more detailed information." Do you remember this 5 occurring?	1:23
3 A Yes.		6 A I remember the data being supplied to them, 7 but I don't remember what he's referring to here.	
4 Q And it says that -- well, first of all, this 5 would have been a document you received in the normal 6 course of business of the Abex company, right?	1:21	8 Q Let's set this exhibit to the side and move 9 forward in time.	
7 A Yeah.		10 We're next -- going to the next memorandum, 11 which is 43. Is this a May 15th, 1981 memorandum you 12 prepared?	1:23
8 Q And it said, "I have had an opportunity to 9 meet with Dave --" is it Kizyma?		13 A Yes, sir.	
10 A Well, that's good. Kizyma is close.	1:21	14 Q And does it relate to the Freuhauf axle plant?	
11 Q Well --		15 A Yes, sir.	1:23
12 A That's fine.		16 Q And does it relate to the no-grind, the shoe 17 and lining assembly no-grind program?	
13 Q Okay. "-- of Freuhauf at a luncheon during 14 the SAE expo." First of all, were you at this expo back 15 in the early '80s?	1:21	18 A Well, I've got to read it all and -- the 19 second paragraph?	
16 A Could have been. I attended all the expos, I 17 should say. January, coldest day of month in Detroit. 18 We always had an SAE expo then.		20 Q Yes, sir.	1:24
19 Q Every January of every year?		21 A Yes, it does. "They continue to work towards 22 a shoe and lining assembly no-grind program and are very 23 interested in our development of the grinding technique 24 which will allow us to meet their drawings."	
20 A Yes, sir.	1:21	25 Q And do you recall whether Abex provided	1:24
21 Q Okay.			
22 A They picked the coldest week, too. I never 23 could figure out how they could do that. They did.			
24 Q Maybe it's because the Detroit Lions were so 25 good and they wanted you to go see them.	1:21		

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1	Freuhauf the ground -- the grinding technique?	1:24	1	MR. McGUIRE: Motion to strike, hearsay.	1:26
2	A I don't remember.		2	Q (MR. SATTERLEY) The managers of the Freuhauf	
3	Q Regardless, this is a memorandum you prepared		3	Corporation?	
4	back at the time frame in the normal course of business?		4	A Yes.	
5	A Yes.	1:24	5	MR. McGUIRE: Same objection, same motion.	1:26
6	Q Let's set that to the side.		6	Q (MR. SATTERLEY) And the -- do you remember	
7	And July 1981, you summarized March through		7	the managers of the Freuhauf people that specifically	
8	June shipments of asbestos-containing original equipment		8	informed you that Carlisle had 50 percent of the	
9	and replacement products to Freuhauf, correct?		9	business?	
10	A Yes.	1:24	10	MR. McGUIRE: Objection, leading.	1:26
11	Q And we're up to, just for that three-month		11	MR. SATTERLEY: I said do you remember, is	
12	time period, roughly \$400,000 worth of asbestos linings?		12	that a leading question?	
13	A Correct.		13	MR. McGUIRE: Yes, sir.	
14	Q And you prepared this in the normal course of		14	MR. SATTERLEY: Do you remember is a leading	
15	business, correct?	1:25	15	question?	1:26
16	A Correct, yes, sir.		16	MR. MILLER: That part isn't. It's the rest	
17	Q The next memorandum, we're up to now Exhibit		17	of it that's leading.	
18	4 --		18	MR. SATTERLEY: Well, let me ask the question	
19	A 45.		19	again so I can try to satisfy your objection to	
20	Q -- 45 is yet another memorandum you prepared	1:25	20	form even though I disagree with the objection.	1:27
21	dated July 7, 1981?		21	Q (MR. SATTERLEY) Do you remember the names of	
22	A Yes.		22	the managers that shared the information with you that	
23	Q And was this created in the normal course of		23	you just told the folks on the jury about?	
24	business of the Abex company?		24	A Yes.	
25	A It was.	1:25	25	MR. McGUIRE: Same objection.	1:27
	155		157		
1	Q And was it relating to the axle plant, the	1:25	1	Q (MR. SATTERLEY) And who is the names -- or	1:27
2	Freuhauf axle plant in Ohio?		2	what were the names?	
3	A Yes.		3	A Don Grothouse, Charlie Mitasik, engineering	
4	Q The third paragraph says, "Abex will obtain 50		4	personnel which are not listed here out of their Detroit	
5	percent or better of the lining requirements for these		5	office, aftermarket people, a whole host of names.	1:27
6	axles." Do you see that?		6	MR. McGUIRE: Same objection, motion to	
7	A Yes.		7	strike, hearsay, lack of foundation.	
8	Q And what does that mean?		8	Q (MR. SATTERLEY) Let's set that exhibit to the	
9	A Well, we have 50 percent of their production		9	side and we'll go on to the next exhibit.	
10	business.	1:25	10	Now, was it Norm Walker, was Norm a Freuhauf	1:27
11	Q Okay.		11	individual?	
12	A They build 50,000 axles, we'd have 25,000		12	A Yes, he was.	
13	axles worth, times eight.		13	Q Was he a regional sales manager?	
14	Q And at this time frame, do you know who had		14	A Yes, sir.	
15	the other 50 percent?	1:26	15	Q And this exhibit, is this Exhibit 46?	1:27
16	A Yes, sir. Carlisle Corporation.		16	A Yes.	
17	MR. McGUIRE: Objection, lack of foundation,		17	Q And Exhibit 46, is this a memorandum that you	
18	hearsay.		18	created at or about August 3rd, 1981?	
19	Q (MR. SATTERLEY) And was that based on your		19	A I did.	
20	evaluation in the plant when you went up to Ohio?	1:26	20	Q And did you sign off on that?	1:28
21	A Not specifically.		21	A Yes, I did.	
22	Q What's your basis for saying that Carlisle had		22	Q And does it indicate that the name of the	
23	50 percent and Abex had 50 percent?		23	customer you're talking about?	
24	A Our discussions with purchasing for the three		24	A Yes, it does.	
25	or four years prior to 1981.	1:26	25	Q And who is that?	1:28

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1 A Freuhauf Corporation.	1:28	1 stated back then.	1:30
2 Q And does it indicate that -- officials you		2 (MR. SATTERLEY) Okay. And then the question,	
3 interviewed with the Freuhauf company?		3 what is the latest price on non-asbestos material,	
4 A Yes.		4 question mark. Do you see where you wrote that?	
5 Q And who were those?	1:28	5 A Yes.	1:31
6 A Well, Al Schaible, the manager of aftermarket		6 Q Were you expecting to get a response from	
7 accessories purchasing, and Norm Walker, regional sales		7 somebody? Were you asking that question of somebody at	
8 manager, and Charlie Tedesco, who was service truck		8 Abex?	
9 equipment accessory sales manager.		9 A Yes.	
10 Q And does this on the first paragraph indicate	1:28	10 Q Do you know whether you ever got a response on	1:31
11 that this memorandum relates to establishing cost		11 the pricing of the non-asbestos?	
12 guidelines for 1982?		12 A I don't remember at this point.	
13 A Yes, sir.		13 Q It says in the last paragraph, "Walker	
14 Q And does it specifically relate to the --		14 questioned the writer as to the latest status of our bus	
15 well, let me withdraw that and ask you, do you see the	1:29	15 block program and whether we made any decisions to get	1:31
16 paragraph that begins "Walker"?		16 into this marketplace with a competitive block." Do you	
17 A Yes.		17 see that?	
18 Q Read that paragraph out loud.		18 A I see that.	
19 A "Walker states there is no desire for		19 Q Was Abex a supplier of friction materials for	
20 non-asbestos linings in the marketplace due to costs and	1:29	20 buses?	1:31
21 the original equipment people at Freuhauf state that		21 A Yes.	
22 they are not going to be able to afford it either at		22 Q Specifically Freuhauf buses?	
23 this point. If it is required by government edict, that		23 A Freuhauf didn't make buses.	
24 is another thing and then everyone will have to raise		24 Q Okay. Well, why was it that Walker was asking	
25 their prices accordingly. What is the latest pricing on	1:29	25 about the bus block program?	1:31
	159		161
1 non-asbestos material? This will be forwarded to Norm	1:29	1 MR. MILLER: Foundation, speculation.	1:31
2 Walker."		2 THE WITNESS: Walker was involved with the	
3 Q And was this -- these statements that you		3 aftermarkets. This would be part of their branch	
4 reported statements made to you by Norm Walker?		4 program of being -- having all materials available	
5 A Yes.	1:29	5 for sale to cover any customer who might come in or	1:32
6 Q And was this your understanding that Norm		6 might -- they might contact.	
7 Walker, as the regional sales manager for Freuhauf, was		7 Q (MR. SATTERLEY) We can set that exhibit to	
8 not going to -- that corporation was not going switch		8 the side.	
9 over to non-asbestos?		9 And we are going to -- next memorandum is	
10 MR. MILLER: Misstates testimony.	1:30	10 October 6th, 1981. Do you report the amount of	1:32
11 Q (MR. SATTERLEY) Well, let me ask the question		11 asbestos-containing products sold to Freuhauf June 23rd	
12 this way: Did Mr. Walker tell you that they had --		12 through September 23rd, 1981?	
13 Freuhauf had no desire for non-asbestos linings?		13 A Yes.	
14 A Yes, he did.		14 Q Was this document created in the normal course	
15 MR. MILLER: Misstates testimony in part.	1:30	15 of business of Abex?	1:32
16 Q (MR. SATTERLEY) And did he tell you the		16 A Yes, it was.	
17 reason why they had no desire for these non-asbestos		17 Q And does it indicate some \$318,000 worth of	
18 linings was because cost?		18 friction products during that time period?	
19 A Yes.		19 A Yes.	
20 Q And did he also tell you that the only way in	1:30	20 Q Set that exhibit to the side.	1:32
21 which the non-asbestos linings were going to be put in		21 Moving forward to the next month, to November	
22 place is if the government required it?		22 1981. Are we up to Exhibit 48 now?	
23 MR. MILLER: Vague, ambiguous, misstates		23 A Yes.	
24 testimony.		24 Q And is this once again another memorandum call	
25 THE WITNESS: I have to go along with what I	1:30	25 report that you prepared at or about November 3rd, 1981?	1:33

	162		164
1	A Yes.	1:33	1 asbestos?
2	Q And does it relate to the Freuhauf axle		2 A No.
3	plant?		3 Q Don't know one way or the other?
4	A Yes, it does.		4 A I don't know one way or the other. I can make
5	Q And did you sign off on this memorandum?	1:33	5 an assumption, but I don't know.
6	A My representative did.		6 Q And when you say you can make an assumption,
7	Q Okay. Now, I want to ask you about the last		7 what do you mean? You can assume that they're
8	paragraph. It says, "South Africa is about to submit		8 non-asbestos, right?
9	orders to them covering some 3,000 axles per year." Do		9 A No. I assume they're asbestos.
10	you see that?	1:33	10 Q Why is that?
11	A Yes.		11 A Well, because the time frame didn't indicate
12	Q What -- do you remember what you were		12 the industry -- the industry going non-asbestos in
13	referring to, South Africa?		13 Europe.
14	A Freuhauf sold trailers to -- into South		14 MR. RADCLIFFE: Objection, move to strike as
15	Africa, that's what we were referring to. And they've	1:33	speculative.
16	determined a need for or a requirement of 3,000 axles a		15 MR. MILLER: Join.
17	year. I don't know whether they had a manufacturing		16 Q (MR. SATTERLEY) Did you -- do you know who
18	facility in South Africa.		17 Honeywell is? Honeywell International Corporation?
19	Q I see. "At this point, since U.S. materials		18 A I know Honeywell Corporation.
20	are not approved by the EEC, they are apparently	1:34	19 Q Do you know who Bendix is?
21	specifying Mintex linings."		20 A Yes.
22	A Yes.		21 Q Do you know when Bendix first developed
23	Q First of all, what is the EEC?		22 asbestos-free brake material?
24	A That's the European Economic Commission or		23 A No.
25	whatever, the governing -- governmental body of -- in	1:34	24 Q It says, "Carlisle is behind in this game and
	163		1:36
1	Europe.	1:34	1 do not have a material approved for EEC work, however,
2	Q And do you know why the U.S. materials were		2 Abex does." Do you see that?
3	not approved by the EEC?		3 A Yes.
4	MR. MILLER: Speculation.		4 Q Do you know what type of material you're
5	THE WITNESS: I cannot.	1:34	5 referring to?
6	Q (MR. SATTERLEY) Well, when you wrote this in		6 MR. McGuire: Objection, foundation, hearsay.
7	1981, do you know how you learned that the U.S.		7 THE WITNESS: That we had approved? We have
8	materials were not approved by the EEC?		8 approved of a material manufactured in Europe in
9	A I'm sorry.		9 one of our plants that would meet the requirements
10	Q When you wrote this, you said -- you obviously	1:34	10 for the Freuhauf axles.
11	at the time knew that the U.S. materials, the materials		11 Q (MR. SATTERLEY) And so what you're telling me
12	you're referring to as brake materials, right?		12 at this time in the early '80s, asbestos-containing
13	A Mm-hmm, yes.		13 products that Abex was making could be sold in Europe,
14	Q You knew at that time that U.S. brake product		14 right?
15	materials were not approved by the EEC, right, because	1:34	15 A Yes.
16	you wrote that?		16 Q Could be sold around the world, right?
17	A Yes.		17 A Yes.
18	Q And my question is, do you know how you gained		18 Q Let's set that exhibit to the side.
19	that knowledge back at the time?		19 Moving forward to Exhibit 40 -- are we at 48?
20	A I probably checked with -- no, specifically I	1:35	20 A I'm 49.
21	don't remember. I would have checked with somebody who		21 Q 49, okay. Is this a November 5th, 1981
22	might be familiar with it.		22 memorandum that you prepared?
23	Q Do you know what Mintex linings are?		23 A I'm sorry, yes.
24	A No.		24 Q Okay.
25	Q Do you know whether Mintex linings contain	1:35	25 A I was trying to read and I missed --

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1	Q That's okay.	1:37	1 It's an Abex Friction Products Division document,
2	A Yes, I did prepare this on November 5th, 1981.		2 correct?
3	Q And this relates to the Freuhauf Corporation		3 A Yes, it is.
4	as well?		4 Q And it's approved by Marjorie Beaver?
5	A Yes, sir.	1:37	5 A Yes.
6	Q You're meeting with some of the same folks,		6 Q And who is she?
7	Norm Walker and some of these other fellows?		7 A She worked out of our sales office in
8	A Yes, sir.		8 Winchester.
9	Q And in the first -- well, actually second		9 Q And what is this document?
10	paragraph it says, "It was noted that Mr. Robert	1:37	10 A Well, it's processing instructions.
11	Kickel --"		11 Q And this is Exhibit 50, correct?
12	A Kickel.		12 A It's Exhibit 50, yes. And this refers to
13	Q Do you know who that is?		13 aftermarket lining formula 562-5B.
14	A Yes, I do.		14 Q And does it relate to the type of
15	Q Did you meet him?	1:37	15 identification for edge marking?
16	A Oh, yes.		16 A Yes, it does.
17	Q And how did you meet him? I mean, where did		17 Q And does it indicate the packaging that would
18	you meet him?		18 be -- that would be used?
19	A I met him in various sales lobby, I met him in		19 A Yes.
20	the industrial meetings, SAE meetings, TTMA meetings, et	1:38	20 Q And does it give an example of the packaging?
21	cetera.		21 A Yes.
22	Q And did you have conversations with him about		22 Q And does it indicate that this would be a
23	Carlisle's sales of their products from time to time?		23 packaging for the Freuhauf Corporation?
24	A Could have from time to time.		24 A Yes.
25	Q I mean, did you ever have conversations about	1:38	25 Q And the Pro-Par name, is that a Pro-Par that
	167		1:40
1	the fact that they were providing 50 percent of the	1:38	1 was specifically for Freuhauf?
2	friction products to Freuhauf?		2 A That is correct.
3	A Don't remember.		3 Q So if you sold product brake lining sets to
4	Q Okay.		4 Rockwell or Eaton or somebody else, it wouldn't be
5	MR. McGuire: Objection, move to strike.	1:38	5 called Pro-Par?
6	Q (MR. SATTERLEY) But you knew that he was a		6 A That is true, it would not.
7	vice president of sales at Carlisle Corporation?		7 Q Anywhere on Exhibit 50 is there any warning
8	A Yes.		8 label or caution statement referred to?
9	Q And did he present at this time on the on		9 A Not that I see, sir.
10	their 1982 economics?	1:38	10 Q Let's set Exhibit 50 to the side.
11	A I have to agree with what I wrote at the time.		11 Exhibit 51, what is Exhibit 51?
12	Q You indicate in this time frame, in the		12 A Processing instructions -- special processing
13	November of 1981, that Abex aftermarket is growing with		13 instructions for replacement bulk kits, Pro-Par.
14	Freuhauf?		14 Q And is this an Abex document?
15	A Yes.	1:39	15 A Yes, it is.
16	Q And you say, "as such, he," who are you		16 Q Once again prepared by Marjorie Beaver in
17	referring to as the he?		17 sales?
18	A Schaible, since he was responsible for buying		18 A Yes, sir.
19	the aftermarket stuff.		19 Q And does it indicate some various places for
20	Q Schaible was paying more attention to what --	1:39	20 parts numbers on it, Freuhauf parts numbers?
21	what's going on with regards to his company and the		21 A Yes.
22	competition?		22 Q And does it have places for identifications
23	A Yes.		23 for markings and so forth?
24	Q Okay. We'll set that exhibit to the side.		24 A Yes.
25	The next document is dated August 20th, 1982.	1:39	25 Q Does it have indications for the packaging?

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1 A Yes.	1:41	1 A Okay. Yes, I do see that.	1:44
2 Q Does it indicate anywhere on this processing		2 Q Okay. It says, "A considerable discussion was	
3 packaging instruction anything about caution or warning		3 held on non-asbestos materials. They are seeing some	
4 labels?		4 activity in this area and feel that some changes must be	
5 A No, sir.	1:41	5 made in our pricing to make this go." Do you know what	1:44
6 Q Let's set that exhibit to the side, let's go		6 he was referring to there? Or do you know what you were	
7 to Exhibit 52.		7 referring to there?	
8 Is this a letter to you from Freuhau's		8 A They continued to be concerned about the costs	
9 manager of aftermarket and accessory purchasing?		9 of the non-asbestos materials. We had warned them early	
10 A Yes.	1:42	10 on that there was going to be a major cost increase.	1:44
11 Q H. O. Binder?		11 They were concerned about the competitive situation and	
12 A Yes.		12 they continued to be.	
13 Q Do you know him?		13 Q It says, "Our price for 50 sets is \$6.81	
14 A Yes. He took Schaible's place because		14 higher than Carlisle's price for 100 sets."	
15 Mr. Schaible passed away.	1:42	15 A Yes.	1:45
16 Q And in this time frame in September of 1982,		16 Q "Our price for 300 sets is \$1.30 higher and	
17 did he indicate to you a confirmation of an Abex		17 our price for 900 sets is 81 cents higher than the	
18 agreement to produce backup inventory of 4,000 sets of		18 Carlisle price for 1200 sets."	
19 the Pro-Par brake block?		19 A Yes.	
20 A Yes.	1:42	20 Q At this time, are you reporting that there was	1:45
21 Q And also 440 sets of the drill pattern C?		21 non-asbestos brakes available already but they were just	
22 A Yes.		22 going to cost more money?	
23 Q And 3,360 sets of the drill pattern D?		23 MR. MILLER: Speculation.	
24 A Yes.		24 THE WITNESS: We began shipping -- we began	
25 Q And this was to support Freuhau's national --	1:42	25 shipping non-asbestos materials in that time frame.	1:45
	171		173
1 nationwide brake reline program?	1:43	1 We're talking June '83.	1:45
2 A Correct.		2 Q (MR. SATTERLEY) And so what you're reporting	
3 Q And these products, all these products in 1982		3 back to the other folks at Abex that would receive this	
4 that Abex is providing to Freuhau are		4 call report is that Freuhau Corporation was reluctant	
5 asbestos-containing products, correct?	1:43	5 to pay more money for non-asbestos brakes, right?	1:46
6 A Yes.		6 MR. MILLER: Misstates testimony,	
7 Q Let's set that exhibit to the side.		7 argumentative, speculate.	
8 Moving forward to -- are we up to 1983?		8 Q (MR. SATTERLEY) Isn't that true?	
9 A 53. June 22nd, '83, yes.		9 MR. MILLER: Speculation, same objection.	
10 Q And is this a memorandum you prepared, a call	1:43	10 THE WITNESS: Yes, sir, that's true.	1:46
11 report sheet relating to Freuhau Corporation?		11 Q (MR. SATTERLEY) And it says, "The bulk of	
12 A Yes, sir.		12 this product will move in 50 to 100 set area. Something	
13 Q And is -- do you outline Mr. -- several names,		13 must be done to resolve this price differential." Do	
14 H. O. Binder, Doug Belcher, and Tom Short there?		14 you see that?	
15 A Yes.	1:43	15 A Yes.	1:46
16 Q And are these managers of folks that you met		16 Q "It is only the writer's understanding that	
17 with in Ohio?		17 repricing of the non-asbestos line is presently going on	
18 A Yes.		18 in our aftermarket group." Do you see that?	
19 Q And it says, does it not, in the fourth		19 A Yes.	
20 paragraph, "A considerable discussion was held on	1:44	20 Q What do you mean by that?	1:46
21 non-asbestos materials." Do you see that?		21 A Yes.	
22 A Specifically where are you looking?		22 Q What do you mean by that?	
23 Q Right here.		23 A All of the aftermarket lining programs were	
24 A Mine's not outlined. Okay.		24 interrelated and involved with each other, whether it	
25 Q Mine's not --	1:44	25 was OES, Abex distributors, et cetera, et cetera. And	1:47

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1	the whole industry was meeting pricing resistance to	1:47	1	Q You got say yes or no.
2	non-asbestos materials. And so we were trying to see		2	A Yes. Excuse me.
3	where it was going to shake out, we were also evaluating		3	Q "The writer confirmed that they may do this
4	the potential and what may or may not be an appropriate		4	and have alerted them to this fact." Right?
5	price. We knew what we had to get in order to make	1:47	5	A Yes.
6	money at it. So the whole program was being reviewed		6	Q "We need a friction code covering 3027-73
7	and it was being reviewed quite often.		7	non-asbestos material for wedge brake." Right?
8	Q So from a -- from a business standpoint, what		8	A Yes.
9	was going on, if Freuhauf would have said, we'll pay		9	Q "This is in the works. Freuhauf edge code FRU
10	that extra dollar thirty or whatever it was --	1:47	10	924GG has already been applied to this mix."
11	A Yeah.		11	A Yes.
12	Q -- Abex was prepared to sell non-asbestos		12	Q So both Abex and Freuhauf had edge code
13	products, right?		13	numbers and labels for non-asbestos products, right?
14	MR. MILLER: Argumentative, speculation,		14	A We had edge code numbers, I don't know that we
15	foundation.	1:48	15	had any labels at that point. Again, I -- whatever I
16	Q (MR. SATTERLEY) Is that not true?		16	wrote back then is what was going on.
17	MR. MILLER: Same objection.		17	Q And this was prepared at or about the time in
18	THE WITNESS: We would have sold non-asbestos		18	June 22nd, 1983?
19	material at that price, yeah.		19	A Yes.
20	Q (MR. SATTERLEY) Yeah. It says, "They", "They	1:48	20	Q We can set that exhibit to the side.
21	feel they could handle the 300 set differential if they		21	MR. RADCLIFFE: It's 1:50.
22	are allowed to mix and match asbestos and non-asbestos		22	MR. SATTERLEY: I'm at Exhibit 54, and how
23	parts." Do you see that?		23	many exhibits total do we have, 58?
24	A Yes.		24	MR. RADCLIFFE: But I have to take a break at
25	Q So Freuhauf was telling you as the salesperson	1:48	25	2 o'clock.
		175		177
1	of Abex that they were going to try to meet this cost	1:48	1	MR. SATTERLEY: Okay. For how long?
2	issue by mixing and matching some asbestos parts with		2	MR. RADCLIFFE: 30 minutes, 40 minutes.
3	some non-asbestos parts.		3	MR. SATTERLEY: Let's go off the video for a
4	MR. MILLER: Same objections.		4	minute.
5	THE WITNESS: Within the orders. Half 4515s	1:48	5	THE VIDEOGRAPHER: We're off the record at
6	would be asbestos, half 4515s would be non-asbestos		6	1:51.
7	with an order. So that would halve the		7	(A discussion was held off the record.)
8	differential and the cost that we were trying to		8	THE VIDEOGRAPHER: We're back on record at
9	get.		9	1:52.
10	Q (MR. SATTERLEY) And if -- sort of walk me	1:48	10	Q (MR. SATTERLEY) The next document is dated
11	through this or clarify this for me. Because how was		11	November 15, 1983, it's a document prepared by you --
12	it, if you -- how was it the cost problem was going to		12	A February.
13	be addressed by mixing and matching asbestos brakes and		13	Q Excuse me?
14	non-asbestos brakes?		14	A Mine says February.
15	MR. MILLER: Foundation, speculation.	1:49	15	Q Maybe I got the wrong -- let's see. Oh,
16	THE WITNESS: I really can't.		16	February 15th, I'm sorry.
17	Q (MR. SATTERLEY) Okay.		17	MR. MILLER: Are you on 54, Counsel?
18	A I really can't. And I don't remember.		18	MR. RADCLIFFE: What's the exhibit number
19	Q But at the time in 1983, you wrote, "They,"		19	right there?
20	referring to Freuhauf, right?	1:49	20	THE WITNESS: 54. Freuhauf visit.
21	A Right, right.		21	Q (MR. SATTERLEY) And is this a visit you
22	Q "-- feel they can handle the 300 set		22	made -- excuse me, is this a letter you prepared at or
23	differential if they're allowed to mix and match		23	about February 15, 1983?
24	asbestos and non-asbestos parts," right?		24	A Yes.
25	A Mm-hmm.	1:49	25	Q And did you make a visit to the plant there in

	178		180
1	Ohio?	1:52	1 sentence, it says, "A few releases are coming through
2	A No. We made a -- we made a visit to our plant		2 requesting non-asbestos lining, much of it is
3	in Salisbury.		3 unspecified by the fleet customer and whose lining they
4	Q Okay. Thank you. And was it the purpose of		4 get --"
5	that to familiarize Mr. Binder with the facility?	1:52	5 A I'm sorry, where are you?
6	A Excuse me, I spoke incorrectly. This visit		6 Q Right here at the bottom.
7	was to Winchester.		7 A Okay.
8	Q Okay.		8 Q "A few releases are coming through --"
9	A We did make visits to Salisbury, but this		9 A Yes, yes.
10	specific one was Winchester.	1:52	10 Q First of all, what is a release?
11	Q Okay. And was this to take Mr. Binder, the		11 A It's a production release for X number of
12	Freuhauf representative, the manager of Freuhauf on a		12 pieces as --
13	tour of the plant?		13 Q So at this point in time, were the folks
14	A Yes.		14 requesting non-asbestos lining?
15	Q Do you report in the fourth paragraph that	1:53	15 A Yes. This is being generated by their fleet
16	there was in-depth discussion on non-asbestos product		16 customers.
17	line?		17 Q And did you prepare -- well, the last sentence
18	A Yes. We wanted to cover it, yes.		18 on the second page, going over to the second page, it
19	Q And then there's a discussion of, "They have		19 says, "As noted above, Abex gets 100 percent of this
20	approved for production," and there's Abex 931-162,	1:53	20 business." Was that the trailer division, the Hobbs
21	Carlisle and then a number there, and a Raybestos and a		21 trailer division?
22	number there?		22 A That was the Hobbs trailer division.
23	A Yes.		23 Q Okay. We'll set that exhibit to the side.
24	Q Was it your understanding that those three		24 57?
25	different products were non-asbestos?	1:53	25 A 6.
	179		181
1	A Yes.	1:53	1 Q 56? Okay. 56 is a -- is it a form, Abex form
2	Q Then you report that you arrived at the plant		2 prepared by A. D. Indelicato?
3	in the morning and went to the plant conference room?		3 A Yes.
4	A Yes.		4 Q And can you -- is this a form that describes
5	Q And then you took him to lunch at the club?	1:53	5 the various product type, whether it's got asbestos in
6	A Mm-hmm.		6 it --
7	Q And then --		7 A Yes, it is.
8	A Yes.		8 Q And was it prepared on or about February 25th,
9	Q -- left Winchester back -- on a flight back to		9 1984?
10	Detroit at 3:30?	1:54	10 A Yes, sir.
11	A Correct.		11 Q And does it indicate on the type which
12	Q And do you recall anything specific about this		12 products had asbestos and which products were, for
13	meeting, about this in-depth discussion of the		13 example, semi-metallic?
14	non-asbestos product lines?		14 A Yes, it does.
15	A I don't recall.	1:54	15 Q Or FGR, do you know what FGR is?
16	Q Set that exhibit to the side.		16 A No, I do not.
17	The next exhibit is this November 15th, 1983		17 Q As of 19 --
18	discussion -- excuse me, call report?		18 A I recognize the numbers.
19	A Yes.		19 Q As of February 25th, 1984, if we go down to
20	Q And does it relate to Freuhauf's axle plant?	1:54	20 number 13, ranked number 13, is that an asbestos
21	A Yes, it does.		21 product?
22	Q And do you once again outline the various		22 A Yes.
23	people that you interviewed?		23 Q And does -- if we go over to the key accounts,
24	A Yes, I did.		24 does it identify who has that key account?
25	Q At the bottom of the first page, third	1:54	25 A No. Freuhauf, I'm sorry. Yes.

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1	Q Freuhauf trailer axle, cam, brakes --	1:57	1	asbestos product price, do you see that? Third
2	A Yes.		2	paragraph.
3	Q -- to 20,000 pounds?		3	A Yeah, yeah. Hang on. Mm-hmm. I see that and
4	A Yes.		4	that is correct.
5	Q If we go down to item 16, does it indicate	1:57	5	Q And then on the fourth paragraph, "Effective
6	whether that item 16 is asbestos product?		6	September of 1986, Abex will not accept the return of
7	A Yes, it is.		7	asbestos product for credit."
8	Q Does it indicate who's the key account for		8	A Yes.
9	that product?		9	Q Prior to September 1st, 1986, did Abex, if a
10	A Freuhauf.	1:57	10	customer wanted -- said, hey this is asbestos, we want
11	Q Is that the OES trailer axle, the 20,000		11	to send it back, did Abex give them a refund?
12	pound?		12	A I can't speak to that. That was out of my
13	A Yes.		13	realm.
14	Q Let's set that exhibit to the side. By the		14	Q Okay. It says, "Any information or assistance
15	way, this is an Abex document, correct?	1:57	15	that you may require in completing your will be readily
16	A Yes.		16	provided." Do you see that?
17	Q Let's go to the next document. Is this 57?		17	A Where are we?
18	A 7.		18	Q This is the fourth paragraph, the last
19	Q And is this a letter from Ronald Bagley,		19	sentence.
20	Bagley, Abex executive vice president?	1:57	20	A The fourth paragraph.
21	A Yes.		21	Q "However, any information or assistance you
22	Q And is this dated August 27, 1986?		22	may require in depleting your inventories will be
23	A Correct.		23	readily provided."
24	Q And does it indicate that this is a letter to		24	A Yes, I see that.
25	all Abex heavy duty distributors?	1:58	25	Q Okay. And do you recall when this occurred?
		183		185
1	A Yes, sir.	1:58	1	A No, I do not.
2	Q And would -- heavy duty distributor, would		2	Q But this -- there's no doubt in your mind this
3	Freuhauf be a heavy duty distributor.		3	is an Abex memorandum?
4	A No. Freuhauf would be an OES account. This		4	A No, none. No doubt.
5	would be -- these would be Abex heavy duty distributors,	1:58	5	Q Let's set that to the side.
6	set up by Abex, an independent businessman in the parts		6	And Exhibit 50 --
7	business for tractors, trailers, trucks, buses.		7	A 8.
8	Q Did they have heavy duty distributors all over		8	Q -- 58, is this an Abex memorandum from J. J.
9	the country?		9	Brown to B. T. Santilli?
10	A Yes, we did.	1:58	10	A Yes.
11	Q Including California?		11	Q And are these folks Abex employees?
12	A Yes, sir.		12	A Yes, they are.
13	Q The Bay area?		13	Q And this is dated --
14	A Yes.		14	A November 12th, 1987.
15	Q And at this time, was Abex announcing to its	1:58	15	Q That's my 20th birthday, November 12th, 1987.
16	distributors that they're going to substitute		16	Anyway --
17	non-asbestos product at the -- that they're going to get		17	A We were wondering.
18	out of the asbestos business?		18	Q On November 12th, 1987, was -- do you know
19	A If that's what your copy says, yeah. I		19	what Mr. Brown was conveying to Mr. Santilli?
20	haven't read it all yet. Yes.	1:58	20	A I haven't read it, sir.
21	Q It indicates they're going to get out of --		21	Q Okay. Well, I'll tell you what, the lawyer
22	A Indicates they're getting out of asbestos,		22	that's retained your services -- or I guess retained --
23	yes, sir.		23	or has got you on a retainer agreement needs to take a
24	Q And with regards to Abex's policy at this		24	break. So we're going to go off the video so we can
25	time, they will substitute non-asbestos products for the	1:59	25	accommodate his schedule.

		186		188
1	A Okay, sir.	2:01	1	MR. RADCLIFFE: Objection, vague, ambiguous.
2	MR. SATTERLEY: All right. Let's go off and		2	THE WITNESS: Yes, I can.
3	we'll come back to this after the break.		3	MR. MILLER: Speculation, over broad.
4	THE VIDEOGRAPHER: Time now is 2:01, we're off		4	Q (MR. SATTERLEY) Go ahead, tell me.
5	the record.	2:01	5	MR. RADCLIFFE: Same objection.
6	(Recess from 2:01 to 2:38 p.m.)		6	THE WITNESS: Rockwell Corporation was the
7	THE VIDEOGRAPHER: Time now is 2:38, we're		7	largest.
8	back on the record.		8	Q (MR. SATTERLEY) Okay.
9	Q (MR. SATTERLEY) Mr. Bretz, are you ready to		9	A Eaton Corporation was the second.
10	continue on?	2:38	10	Q Okay.
11	A Yes, sir.		11	A Freuhauf third.
12	Q We left off on Exhibit 58, which is the 1987		12	Q Yes.
13	report. And I want to ask you, it says, "Method of		13	A Dana, four. Lucas -- this was back in the
14	obtaining and maintaining OE business." Do you see that		14	'80s -- Lucas back in '87 was just getting, quote,
15	at the top?	2:38	15	involved. And I have to say Bendix last.
16	A Yes.		16	Q And why was Bendix last, if you know?
17	Q And it's my understanding that your -- spent		17	A I don't really know. I'm not that familiar
18	many years in manager as relates to heavy duty		18	with their heavy duty brake and axle business. Light
19	customers, correct?		19	axles and light vehicles, et cetera, I am, but not heavy
20	A Yes.	2:38	20	duty.
21	Q And what I want to go over to the last page of		21	Q But the top three was clearly Rockwell, Eaton,
22	this, methods of obtaining and maintaining OE business,		22	and Freuhauf?
23	and it's got major customers heavy duty?		23	A That is correct.
24	A Yes.		24	Q We can set that exhibit to the side.
25	Q And does it -- each of those companies major	2:39	25	I'm going to hand you a few additional
		187		189
1	customers of Abex for the heavy duty line?	2:39	1	exhibits at the break. 59 there, Exhibit 59 appears to
2	A Yes.		2	be an Abex quotation for a company called Bonded Brakes
3	Q Rockwell?		3	and --
4	A Yes.		4	A Yes.
5	Q Eaton?	2:39	5	Q -- your name's on there?
6	A Yes.		6	A Yes.
7	Q Bendix?		7	Q And this is dated 1987, do you see that?
8	A Yes.		8	A Yes, I do.
9	Q Lucas Industries?		9	Q And it is indicated that the formula numbers
10	A Yes.	2:39	10	are 551C.
11	Q Dana?		11	A Yes, sir.
12	A Yes.		12	Q And it's signed off on the bottom by Robert
13	Q And Freuhauf?		13	Bagley, do you see him?
14	A Yes.		14	A That's correct.
15	Q And if you could, just so that I understand,	2:39	15	Q And he's the fellow earlier that we saw the
16	when you say heavy duty, what does that mean in the		16	memo said switching over to asbestos free, right?
17	industry you worked in?		17	A Mm-hmm.
18	A Tractors, trucks, trailers.		18	Q Is the 551C asbestos containing?
19	Q And did you call upon all of these companies		19	A Yes, sir.
20	as a salesperson for Abex?	2:39	20	Q And it says, this is for -- this is pursuant
21	A I called on all of them except Bendix.		21	to Dana Spicer trailer axle plan?
22	Q And who called on Bendix?		22	A Correct.
23	A Fellow by the name of Charlie Hubbard.		23	Q To Bonded Brake?
24	Q And are you able to tell me which of these		24	A Yes.
25	companies were your biggest or best customers?	2:39	25	Q And was Dana Spicer one of your all's

	190		192		
1	customers?	2:41	1	customer?	2:43
2	A Yes.		2	A Problem has arisen here with credit policies	
3	Q And was Bonded Brake one of the customers?		3	towards this company.	
4	A One of our customers, yes.		4	Q The customer at the top, is it indicated	
5	Q And it says for SeaLand container chassis	2:41	5	Bonded Brakes?	2:43
6	only, do you see that?		6	A Bonded Brakes. "Our credit limit of \$40,000	
7	A Yes, I do.		7	was based on their main business of being a replacement	
8	Q Do you know who SeaLand is?		8	house and receiving a few thousand pieces a month, which	
9	A Yes.		9	was well within their limits and capacities to pay upon	
10	Q Were they a customer?	2:42	10	delivery."	2:43
11	A Not directly.		11	Q On the next paragraph, does it indicate that	
12	Q Indirectly?		12	the 551C will be bonded to shoes and shipped to Dana	
13	A Indirectly such as this.		13	Corporation for installation on the axles ordered for	
14	Q Yeah. And so this would --		14	SeaLand Corporation specifying Abex?	
15	MR. MILLER: Move to strike, speculation, lack	2:42	15	A That is correct.	2:44
16	of foundation.		16	Q Okay. And once again, the 551 referred to in	
17	Q (MR. SATTERLEY) This is an Abex quotation,		17	this memorandum would be an asbestos-containing product?	
18	right?		18	A Yes, sir.	
19	A That is correct.		19	Q Let's set that -- and this memorandum was	
20	Q And this would be a document that was created	2:42	20	prepared and -- on or about October of 1987, correct?	2:44
21	in the normal course of business at or about July 1987,		21	A Yes.	
22	right?		22	Q Set that exhibit to the side. And go on to	
23	A September '87.		23	the next. We're up to 62, is that correct?	
24	Q Excuse me, September. I'm wrong on the date.		24	A Yep.	
25	September. Thanks for -- all right. So let's set that	2:42	25	Q And this is dated November the 2nd, 1987,	2:44
	191		193		
1	document to the side and go to the next document. I	2:42	1	correct?	2:44
2	think we've marked it as 60.		2	A Yes, sir.	
3	And once again this is an Abex quotation to		3	Q And it's a memorandum call report prepared by	
4	Bonded Brake, right?		4	you regarding your customer?	
5	A Yes, sir.	2:42	5	A Yes.	2:44
6	Q And once again, it's for the formula numbers		6	Q And the customer reference is Dana Spicer	
7	551C.		7	Trailer Products?	
8	A Yes.		8	A That's correct.	
9	Q And it says use Dana OE edge code?		9	Q And it -- you interviewed the sales manager	
10	A Yes.	2:42	10	and the purchasing manager of that customer, correct?	2:45
11	Q That's Dana Spicer trailer axle?		11	A Yes.	
12	A Yes.		12	Q And this relates to not being paid for the	
13	Q Okay. And this is for -- it says for SeaLand		13	products, for the Abex products that you shipped, right?	
14	container chassis?		14	A Right.	
15	A Yes.	2:43	15	Q And this specifically -- if you look in the	2:45
16	Q And this would be a document that would have		16	last paragraph, specifically Dana and Bonded Brakes was	
17	been created in the normal course of business of Abex,		17	not paying for the products for the SeaLand order,	
18	right?		18	right?	
19	A That is correct.		19	A Bonded Brakes wasn't paying us. I have no	
20	Q And let's set that to the side.	2:43	20	idea whether Dana was paying Bonded Brake.	2:45
21	And let's go the next document, it's Exhibit		21	Q Regardless, this dealt with SeaLand?	
22	61. This is a letter -- excuse me, a memo -- a call		22	A This dealt with a SeaLand order, yes.	
23	memorandum by L. E. Bretz. That's you, right?		23	Q Okay. And this was a document you created	
24	A Yes, sir.		24	during the normal course of your job at Abex, right?	
25	Q And what does this relate to? Who is the	2:43	25	A Yes.	2:45

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1	Q We'll set that exhibit to the side.	2:45	1 both Bonded Brakes and Dana (call report attached). Jim
2	The next memorandum is dated November 3rd,		2 Duke was in contact with Steve Harris of Bonded Brake
3	1987, the next day. And we've marked this as 63?		3 and Steve gave Jim new release dates (copy of letter
4	A Yes, sir.		4 attached). In the meantime, the data material, 551C, is
5	Q And this -- you are -- your name is on the	2:46	5 on the dock at Bonded Brake." Did I read that
6	bottom of this memorandum as receiving a copy, correct?		6 correctly?
7	A Correct.		7 A Yes, you did.
8	Q And it's addressed to Jim Dukes at the Abex		8 Q And the Dana material that they're referring
9	Corporation.		9 to, the 551C, still at this time is asbestos, right?
10	A Yes, sir.	2:46	10 A Correct.
11	Q And it's referring to -- oh, this is a Bonded		11 Q "The material is asbestos," I'm reading from
12	Brakes letter to Abex, right?		12 letter now. "The material is asbestos and we certainly
13	A Yes. Steve Harris, yes.		13 do not want this material back in Winchester." Do you
14	Q Steve Harris is the name that's on your other		14 see that?
15	memorandum, says he's the president --	2:46	15 A I don't see that line. Oh, okay.
16	A Yeah. He's the president, yes.		16 Q The last --
17	Q And so this would indicate that there's 24,000		17 A Last sentence of the -- that paragraph, yes.
18	blocks of 551C that was received by them, correct?		18 I see it.
19	A Yes.		19 Q "The material is asbestos and we certainly do
20	Q And this was the product, the Abex products	2:46	20 not want this material back in Winchester."
21	that were at issue for the failure to pay by them,		21 A Correct.
22	correct?		22 Q Do you know why it was that Abex Corporation
23	A Yes.		23 did not want their product to come back to the
24	Q Now, if we go to the last -- and by the way,		24 Winchester plant in 19 -- November 1987?
25	this would have been a document you received in the	2:47	25 A We were shortly going out of the asbestos
	195		197
1	normal course of business, true?	2:47	1 manufacturing business and switching everything over to
2	A Correct. Yes, sir.		2 non-asbestos.
3	Q And then the next document, which I've marked		3 Q And so why didn't they want to -- these
4	as 64 --		4 particular products back in the Winchester plant?
5	A 64.	2:47	5 A It was a Bonded Brake for an order from Dana,
6	Q -- is an Abex Friction Products Division		6 ordered asbestos material from us, we filled the order,
7	memorandum from a J. N. Eberhart to an A. D. Indelicato.		7 we made it, we shipped it, you have it, you owe us.
8	A Yes.		8 Q But did they not want it back in the
9	Q And this one's dated November 19th, 1987,		9 Winchester because -- the plant because it was asbestos?
10	correct?	2:47	10 MR. RADCLIFFE: Objection, calls for
11	A Yes, it is.		11 speculation.
12	Q And this relates to the heavy duty aftermarket		12 THE WITNESS: I can't answer that.
13	sales involvement with regards to the technical		13 Q (MR. SATTERLEY) Well, let's analyze this
14	assistance at SeaLand, right?		14 sentence in detail. It says, the material is asbestos,
15	A Correct.	2:47	15 correct?
16	Q And it says in the third paragraph, "The		16 A Yes.
17	aftermarket sales again became involved with the		17 Q And we certainly do not want this material
18	material that was shipped to Bonded Brakes. At this		18 back in Winchester.
19	time, Jim Duke contacted me with information that Bonded		19 A Correct. Because we were getting rid of
20	Brake was past due and all shipments to Bonded Brake are	2:47	20 asbestos product.
21	on hold." Did I read that correctly?		21 Q There's no other reason listed why they
22	A You read it correctly.		22 wouldn't want it back in Winchester, Abex would not want
23	Q It goes on in the next paragraph, "We		23 it back in Winchester other than the fact it was
24	contacted Troy to see what could be done -- what they		24 asbestos, right?
25	could do to resolve the problem. Earle Bretz contacted	2:48	25 A Correct.

	198		200
1	Q Okay. So it's fair to say the reason why Abex	2:50	1 A Feierabend.
2	didn't want the material to be shipped back to		2 Q Feierabend?
3	Winchester because it had asbestos in it?		3 A I don't mean to jump in, but --
4	MR. RADCLIFFE: Objection, foundation, calls		4 Q That's okay. I appreciate the help.
5	for speculation.	2:50	5 A Feierabend.
6	Q (MR. SATTERLEY) Isn't that true?		6 Q What was his job with Abex?
7	MR. RADCLIFFE: Foundation, calls for		7 A He was at the -- his last job was vice
8	speculation.		8 president of manufacturing at the Winchester facility.
9	Q (MR. SATTERLEY) Go ahead.		9 Q And did he ever talk with you about the levels
10	A I'm sorry. No, we did not want it back	2:50	10 of asbestos that he found at the Winchester facility?
11	because it was asbestos.		11 A Not that I remember.
12	Q We can set that exhibit to the side. And the		12 Q And did you know an M. David Gidley?
13	next --		13 A Spelling?
14	A And you order it, you pay for it.		14 Q G-I-D-L-E-Y.
15	Q The next exhibit is Exhibit 65, and that says	2:50	15 A No, sir.
16	the Dana order form for the material, correct?		16 Q I want to show you Exhibit 67, this is a July
17	A Yes.		17 1978 memorandum from -- does it say Winchester at the
18	Q And that's the same material we've been		18 top?
19	talking about, right?		19 A Yes.
20	A Yes.	2:51	20 Q Is that the Friction Products --
21	Q Let's just mark -- we marked 65 and let's set		21 A Friction Products Group.
22	that to the side. Getting close to --		22 Q Is that a part of Abex?
23	A That's a brake shoe and lining assembly order.		23 A Yes.
24	That's not a brake lining order, that's a brake lining		24 Q And who is the memorandum from?
25	and assembly with a shoe --	2:51	25 A C. B. Mallory.
	199		201
1	Q And what's the --	2:51	1 Q Do you know who that is?
2	A -- shoe and assembly.		2 A He was the plant manager at Winchester.
3	Q It's both of them?		3 Q And who is it addressed to?
4	A Shoe and lining together.		4 A E. F. Potts.
5	Q The lining also?	2:51	5 Q Do you know who that is?
6	A Right.		6 A I know who it is, I'm not sure at that point
7	Q Okay. I only have one copy of that. There is		7 in time what his specific job was. He was probably in
8	a photograph of some individuals that's referenced.		8 charge of manufacturing or something.
9	Mr. Rennie, I think, is there?		9 Q Fair to say, given the information in the
10	A Rennie is here, yes.	2:51	10 memorandum, the names on the memorandum, this is a
11	Q And who else is there?		11 document that was prepared part of Abex Corporation?
12	A Vic Persbacher, Abex vice president of		12 A Yes.
13	administration; George L. Romine, Abex vice president,		13 Q And does it indicate what the subject matter
14	and he was at that time -- what's the date on this, we		14 of this memorandum is?
15	know? He was a president of the Abex friction materials	2:52	15 A Yes, it does.
16	group. Ernst Schreyger, don't know him. And don't know		16 Q And what is it?
17	George Geiser, director of finance for Abex		17 A It's a cautionary label which we were going
18	International.		18 hand stamp on all boxes and cartons not now printed.
19	Q The folks that you knew on that photograph --		19 Q Go ahead and read so the folks in the room and
20	A Yes.	2:52	20 folks listening on the phone can understand, what's the
21	Q -- did any of those folks talk to you		21 first paragraph say?
22	individually about the hazards of asbestos?		22 A First paragraph?
23	A No.		23 Q Yes.
24	Q You can set that exhibit to the side. Did you		24 A "Until all of our boxes and cartons come
25	know Eric, and I'm going to mispronounce this --	2:52	25 through with the asbestos caution information preprinted

	202		204		
1	by the supplier, it will be necessary that we hand stamp	2:54	1	speculation.	2:57
2	the information on those boxes and cartons not now		2	Q (MR. SATTERLEY) Did you ever see on any boxes	
3	printed."		3	any other labels that was more pronounced or more severe	
4	Q And what is the date of this memorandum again?		4	with regards to warning customers?	
5	A July 3rd, 1978.	2:55	5	A Not that I remember.	2:57
6	Q Did you -- were you involved in any of the		6	Q And so the -- for example, when you read this	
7	hand stamping?		7	the first time about the serious bodily harm, did you	
8	A No, sir.		8	already know what Abex was meaning by serious bodily	
9	Q Do you know who -- anybody by name in 1978 was		9	harm?	
10	involved in any of the hand stamping of any of the	2:55	10	A I can't speculate.	2:58
11	caution labels?		11	Q Okay. So you were -- in '78, were you	
12	A No.		12	already, I guess, pretty high up in sales, right?	
13	Q What's it say in the next paragraph?		13	A Yes.	
14	A "Please determine the sizes and the number of		14	MR. RADCLIFFE: Objection, vague, ambiguous.	
15	hand stamps required to read as follows:"	2:55	15	Q (MR. SATTERLEY) How high were you in sales?	2:58
16	Q And --		16	A I don't remember.	
17	A Want me to continue reading?		17	Q But even by that point in time, 1978, you as a	
18	Q Sure.		18	manager in the sales department didn't really know what	
19	A "Caution, contains asbestos fibers. Avoid		19	type of harm this product could potentially cause?	
20	creating dust. Breathing asbestos dust may cause	2:55	20	MR. RADCLIFFE: Objection, argumentative.	2:58
21	serious bodily harm. An alternative to hand stamping		21	Q (MR. SATTERLEY) That's fair, right?	
22	would be the use of printed labels."		22	MR. RADCLIFFE: Argumentative.	
23	Q On the label language, I want to ask you about		23	THE WITNESS: And I'd say that's correct. We	
24	the part of the label that says "Avoid creating dust."		24	were salespeople. We were provided information	
25	Was there ever a discussion at Abex on what type of	2:55	25	from, quote, experts. And what they wanted us to	2:58
	203		205		
1	suggestions should be given to customers to assist in	2:56	1	discuss and talk about and show people, et cetera,	2:58
2	avoiding that creation of dust?		2	that's what we did.	
3	A Not that I'm aware of and not that I was		3	Q (MR. SATTERLEY) Would you agree that your	
4	involved in.		4	customers relied upon the salespeople to be the front	
5	Q Did you ever see any -- strike that. Did you	2:56	5	line people for the corporation with regards to	2:58
6	ever hear or have any conversations with customers of		6	technical assistance?	
7	any type of engineering controls that the customer		7	MR. RADCLIFFE: Objection, calls for	
8	should utilize to avoid creating dust?		8	speculation, argumentative.	
9	A No.		9	Q (MR. SATTERLEY) Go ahead.	
10	Q The next sentence, I think it's the final	2:56	10	A If a -- I'd say yes. If a customer requested	2:59
11	sentence after the -- something about bodily harm.		11	technical assistance, he would have it from someone else	
12	A An alternative to hand stamping would be the		12	other than the sales guys.	
13	use of printed labels."		13	Q I apologize, I didn't catch that. Repeat.	
14	Q No, no, above that.		14	A If a customer asked for additional technical	
15	A "Breathing asbestos dust may cause serious	2:56	15	assistance from other than a salesperson, we would get	2:59
16	bodily harm."		16	it for him.	
17	Q Okay. The -- are you aware of whether Abex		17	Q But the way it worked is that the	
18	elaborated on that label at all by saying what type of		18	salesperson -- the salesmen or the sales manager,	
19	bodily harm it would create?		19	they're the front line with regards to customers with	
20	A Not aware of that at all.	2:57	20	regards to providing technical information?	2:59
21	Q So from this time, 1978, until '86, '87,		21	MR. RADCLIFFE: Objection --	
22	whenever Abex got out of the asbestos business, there		22	THE WITNESS: Yes.	
23	was never, to your knowledge, a change in this label?		23	MR. RADCLIFFE: -- argumentative.	
24	A To my knowledge, no.		24	Q (MR. SATTERLEY) I'm sorry, what was your	
25	MR. RADCLIFFE: Objection, calls for	2:57	25	answer?	2:59

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1	A I said yes.	2:59	1 out, hey, I remember -- it wasn't prominent enough to
2	THE VIDEOGRAPHER: We have five minutes.		2 make it stick in your mind that there was a warning on
3	Q (MR. SATTERLEY) I'm going to wrap it up here,		3 Carlisle's boxes, was it?
4	Mr. Bretz, with a couple of other things.		4 A No.
5	Do you know whether Freuhauf was -- we talked	3:00	5 MR. McGUIRE: Objection, move to strike, lack
6	about earlier when they were removing the asbestos from		6 of foundation.
7	Delphos plant to the dump. Do you know whether they		7 THE VIDEOGRAPHER: We have one minute.
8	were removing it there because it was dangerous?		8 MR. SATTERLEY: Thank you, Mr. Bretz. Those
9	MR. MILLER: Speculation, foundation.		9 are all the questions I'm going to have for you
10	THE WITNESS: Do not know.	3:00	10 right now. After these attorneys ask you some more
11	Q (MR. SATTERLEY) Do not know one way or the		11 questions, I may follow back up a little bit, but
12	other?		12 it's been a pleasure meeting you.
13	Prior to 1978, were all the Freuhauf brakes,		13 THE WITNESS: Thank you, Mr. Satterley.
14	to your knowledge, Carlisle asbestos?		14 MR. SATTERLEY: Thank you. Let's go off the
15	MR. McGUIRE: Objection, lack of foundation,	3:00	15 video and switch tapes.
16	hearsay.		16 THE VIDEOGRAPHER: Time now is 3:03. This is
17	THE WITNESS: Not all.		17 the end of tape number 2.
18	Q (MR. SATTERLEY) Who -- who else?		18 (A discussion was held off the record.)
19	A Abex might have supplied some, again customer		19 THE VIDEOGRAPHER: The time now is 3:06, this
20	specification; Raybestos supplied some, customer	3:01	20 is tape number 3 in the continuation of Mr. Bretz'
21	specification; Thermod might have supplied some,		21 deposition.
22	customer specification. The volume was not large, but		22 EXAMINATION
23	the honest answer to your question is yes, we all		23 BY MR. McGUIRE:
24	supplied material to Freuhauf.		24 Q Good afternoon, Mr. Bretz.
25	Q But as far as the overwhelming volume, the	3:01	25 A Good afternoon, sir.
	207		209
1	quantity, Abex was by far and away the most prior to	3:01	1 Q My name is Joe McGuire, and I represent
2	'78?		2 Carlisle.
3	MR. RADCLIFFE: Objection, argumentative.		3 A Yes, sir, Mr. McGuire.
4	THE WITNESS: No.		4 Q Can you hear me okay?
5	Q (MR. SATTERLEY) No, Freuhauf.	3:01	5 A I can hear you, sir.
6	A Freuhauf. No, Carlisle was the major supplier		6 Q Just I want to ask you a few questions about
7	to Freuhauf prior to 1977.		7 the things that you've told us about. First of all, did
8	Q Okay.		8 you ever have an understanding of where Carlisle had its
9	A '77-78.		9 manufacturing operations for brake linings?
10	MR. McGUIRE: Move to strike, lack of	3:01	10 A Yes, sir, I did.
11	foundation, hearsay.		11 Q And where was that?
12	Q (MR. SATTERLEY) Did you ever see any		12 A Just a moment here, I have to think. It's in
13	warnings, the word warnings on any box of any friction		13 northern Pennsylvania, north of Pittsburgh.
14	products relative to asbestos?		14 Q Can I help you out? Ridgeway, Pennsylvania,
15	A I don't remember --	3:01	15 does that sound familiar?
16	Q And --		16 A Ridgeway is very good. Yes, sir, I agree with
17	A -- whether I did or not.		17 that.
18	Q And with regards to your evaluation of your		18 Q Have you ever visited the Ridgeway plant?
19	competitors, I mean, from time to time occasionally you		19 A No, sir, I was never privileged.
20	would see Carlisle boxes, would you not?	3:02	20 Q You wouldn't expect to have visited any of the
21	A Yes.		21 Carlisle facilities, would you, as an Abex salesperson?
22	Q And did you ever see any warning cancer,		22 A We had people visiting our Winchester
23	danger cancer, anything like that on Carlisle boxes?		23 facility, our competitors. If we had a meeting through
24	A I can't speak to that. I don't remember.		24 SAE or something like that and they would visit, yes.
25	Q But at least it wasn't something that stuck	3:02	25 Q Okay. But you, yourself, never had occasion

	210		212		
1	to visit that plant in Ridgeway?	3:07	1	MR. SATTERLEY: Objection.	3:09
2	A No, sir, I didn't.		2	THE WITNESS: I don't -- I don't remember	
3	Q And you mentioned that somewhere in reviewing		3	changing my -- I don't even remember whether it	
4	this small ocean of documents --		4	came about.	
5	MR. SATTERLEY: Objection.	3:07	5	Q (MR. McGuire) Now, you mentioned that in the	3:10
6	Q (MR. McGuire) -- that Mr. Satterley provided,		6	course of your work over the years you had occasion to	
7	something about Carlisle was building a new plant for		7	meet some of the people from Carlisle.	
8	asbestos-free materials. Do you remember that		8	A Yes.	
9	testimony?		9	Q And you mentioned even just a few minutes ago	
10	A Yes, I remember that.	3:08	10	SAE meetings or other meetings.	3:10
11	Q I'd like to direct your attention to that.		11	A Yes.	
12	MR. SATTERLEY: Let me place an objection to		12	Q Would those meetings with Carlisle people have	
13	the form of the question. Go ahead.		13	been in the course of some other event, like SAE	
14	Q (MR. McGuire) Let me rephrase the question.		14	meetings or other associations?	
15	I want to direct your attention to testimony you gave	3:08	15	A Yes.	3:10
16	earlier in examining a lot of these documents to your		16	Q Give us some examples of what those	
17	understanding that Carlisle was building a plant for the		17	associations might have been, as you recall them.	
18	purpose of manufacturing asbestos-free brake linings.		18	A Well, besides Society of Automotive Engineers,	
19	A Yes.		19	who had a monthly meeting, at which most of the people	
20	Q Do you have that testimony in mind?	3:08	20	in our small fraternity -- friction material industry	3:10
21	A Yes, I believe --		21	was rather a small fraternity, we knew most of our	
22	Q Okay, that's what I want to ask you about.		22	competitors, they knew us. We'd attend these meetings	
23	A -- I stated that in something that I wrote.		23	and have an opportunity to chat.	
24	Q Yeah. That's what I'm trying to direct your		24	We'd -- TTMA, I was heavily involved with	
25	attention to.	3:08	25	TTMA, Truck Trailer Manufacturers Association, for 17	3:11
	211		213		
1	A Mm-hmm.	3:08	1	years and was vice chairman and associate's chairman of	3:11
2	Q Because then I have few questions about that.		2	that organization. We'd meet there. These -- those	
3	Did you ever come to know where that plant was located?		3	meetings were generally four- or five-day committee	
4	A No.		4	meetings and then five to seven days worth of convention	
5	Q Did you have an understanding one way or the	3:08	5	involving 7- or 800 people.	3:11
6	other as to whether it was exclusively manufacturing		6	Q Now, the people that you met from Carlisle,	
7	asbestos-free brake linings or friction material?		7	were these people who did the same type of work that you	
8	A I can only relate to what I wrote at the time,		8	did, namely sales?	
9	and I guess it would -- I guess --		9	A Yes.	
10	Q That was your understanding.	3:09	10	Q Okay. Was there ever any occasion where the	3:11
11	A That was my understanding as it was stated to		11	Carlisle salespeople revealed to you their actual sales	
12	me, that we're building an asbestos-free plant.		12	data according to their various customers, like how much	
13	Q And in the course of your --		13	they were selling in any given period of time to any	
14	A That was in Virginia. Excuse me.		14	customers, such as Fruehauf?	
15	Q I'm sorry. I didn't mean to interrupt you.	3:09	15	A No, I don't believe so we got that information	3:12
16	A No, that new plant went into Virginia.		16	from them. We got that information from, quote, our	
17	Q Somewhere in Virginia?		17	contacts at those organizations.	
18	A Down the road from Winchester.		18	Q You would not expect -- you would consider	
19	Q Okay.		19	sales data in your relationship with customers to be	
20	A Yes, sir.	3:09	20	proprietary information, would you not?	3:12
21	Q In your years of work after that particular		21	A Yeah.	
22	document you wrote which mentioned that plant, did you		22	Q Confidential?	
23	ever have any occasion to change your understanding as		23	A Correct.	
24	to whether that plant remained devoted to the		24	Q And you would expect the Carlisle people to	
25	manufacture of asbestos-free brake materials?	3:09	25	treat that information the same way?	3:12

	214		216
1	A	Yep.	3:12
2	Q	Okay. So whatever perceptions that you have	
3		about Carlisle and what they were selling and how much	
4		of it to any of their customers I assume did not come	
5		from people at Carlisle?	3:12
6	A	That is true.	
7	Q	Okay. And I -- was there any type of trade	
8		reference material that actually contained that sort of	
9		information about which manufacturers were selling what	
10		type of products to which customers and in what volumes?	3:13
11	A	Not in trade journals, not that I'm aware of.	
12	Q	Okay.	
13	A	We knew who had the production requirements,	
14		who provided materials, we knew the vehicle volumes,	
15		number of axles, et cetera. We knew that and we could	
16		multiply numbers as well as anybody else to figure out	
17		what their sales volumes were.	
18	Q	Sure. Now, let me change the subject and ask	
19		you about something else. Early on in your testimony	
20		you were asked, I believe, if you had seen anybody	
21		drilling, and I believe these were Abex brake linings	
22		for heavy trucks. Let me first ask you, do you recall	
23		being asked a question to that effect?	
24	A	I believe as -- yes, but I believe that was	
25		also involved with tradesmen.	3:14
	215		217
1	Q	I didn't actually say who was doing it, or if	
2		I did, I --	3:14
3	A	And I wasn't -- my answer was not -- was not	
4		directed at heavy duty only.	
5	Q	Okay. Well, let me ask you the same question,	
6		but this time in -- we'll leave the tradesmen out	
7		because I'm not entirely sure what that means. But when	
8		it came to the heavy truck brake linings, do you recall	
9		seeing people engaged in the servicing or repair of	
10		brake systems actually drilling the brake blocks that	
11		you believe may have come from Abex, or frankly from	
12		anyone else?	
13		MR. SATTERLEY: Object to the form of the	
14		question.	
15		THE WITNESS: Not in the heavy duty field, no.	3:15
16	Q	(MR. McGuire) Okay. Would there be any	
17		reason -- well, let me back up. I would assume that, as	
18		a successful salesperson, you had to have some	
19		familiarity with the ways that brake linings, brake	
20		blocks, and the other associated parts were actually	
21		going to be used?	
22	A	Yes.	
23	Q	That didn't mean you were a mechanic, but you	
24		at least had to know how these things were being	
25		applied, the types of applications, the way they might	3:15

	218		220
1	Q	And those indicate drill patterns?	3:18
2	A	If memory serves me, that is correct.	
3	Q	And that's all we're interested in is what you	
4		can recall.	
5	A	Yeah, right.	3:18
6	Q	Okay. Now, when we talk about heavy duty or	
7		heavy truck brake linings, would it be your	
8		understanding that in most cases there would be a pair	
9		of linings or blocks attached to the heavy truck brake	
10		shoe?	3:18
11	A	Yes, sir.	
12	Q	And would that be typical say of a 4515?	
13	A	Yes, sir.	
14	Q	Okay. And what do you recall was the	
15		thickness of the typical 4515 brake lining?	3:18
16	A	On a brake shoe, it consisted of a cam, block,	
17		and an anchor block. Cam block was up against the cam,	
18		the S-shaped device that was used to spread the brake	
19		shoes against the drum, that would have been the thinner	
20		of the two materials, about maybe at the thickest end	3:19
21		about three-quarters of an inch, give or take a few	
22		thousandths, and the thinner end maybe three-eighths,	
23		something along those lines.	
24	Q	That's your recollection.	
25	A	And the anchor block was thicker on both ends.	3:19
	219		221
1	Q	Okay.	3:19
2	A	It wasn't concentric but it was thicker on	
3		the -- in the center of the shoe and narrower on the end	
4		of the lining, but not the same dimensions as the cam	
5		block.	3:19
6	Q	Okay. So 4515 was a typical brake lining that	
7		you would expect on, for example, semi trailers.	
8	A	Yes.	
9	Q	Okay. Now, you told us about the brake shoe	
10		and you referred to a cam, an S-shaped cam that spreads	3:20
11		them apart during the braking action.	
12	A	Yes.	
13	Q	Now, from your work in sales with the company	
14		over the years, you were familiar with these parts such	
15		as the cam, the spider, and other parts of the S cam	3:20
16		brake system?	
17	A	Yes.	
18	Q	Okay. In a typical heavy truck brake system	
19		such as the one where a 4515 might be used, how are the	
20		brake shoes attached to the -- what are they attached	3:20
21		to, if anything?	
22	A	They're attached to a steel brake shoe.	
23	Q	What's the shoe attached to?	
24	A	One end of the shoe is attached to the anchor	
25		end of the brake and the other -- not attached to, but	3:21
	25		
1		in the vicinity of the cam. They're not attached,	3:21
2		they're there leaning on each other, I guess you would	
3		say.	
4	Q	They're held together by springs.	
5	A	They're held together by springs, yes.	3:21
6	Q	And what is that pair of brake shoes actually	
7		attached to that keeps it from just falling off the	
8		vehicle?	
9	A	It's attached to the axle.	
10	Q	Okay. Did you ever hear of the term spider?	3:21
11	A	Spider, yeah.	
12	Q	What's a spider?	
13	A	I'm not -- you're out of my realm. I have	
14		heard of it, yes, but I'm not a brake expert, per se.	
15	Q	Did you ever have occasion to look at	3:21
16		assembled axles that you believe may have had Abex brake	
17		linings in them that were made by Freuhauf, Freuhauf	
18		axles?	
19	A	Yes, sir.	
20	Q	Okay. I assume this would have been at the	3:22
21		Delphos plant?	
22	A	Yes.	
23	Q	Okay. And those axles would have -- would	
24		they have had the brake assemblies attached to them on	
25		each end?	3:22
1	A	Yes.	3:22
2	Q	And would you -- is it your recollection they	
3		would have had a drum enclosing the brakes?	
4	A	Yes.	
5	Q	Okay. Now, that layout of axle, brake system	3:22
6		on each end, and drums, that would be typical for a semi	
7		trailer axle, would it not?	
8	A	Correct.	
9	Q	In fact, that would be typical for any heavy	
10		truck axle?	3:22
11	A	Yes.	
12	Q	Okay. As you look at any one of those heavy	
13		truck or heavy trailer axles, can you actually see	
14		inside the drum where the brake shoes are actually	
15		coming up against the drum?	3:22
16	A	Yes, you can.	
17	Q	Okay. Are they -- would you expect these	
18		axles, either on trucks or semi trailers to be open to	
19		the atmosphere so that you could see them?	
20	MR. SATTERLEY:	Objection.	3:23
21	THE WITNESS:	Yes.	
22	Q	(MR. McGuIRE) And as the truck went down the	
23		road, would it be exposed to whatever the passing air	
24		would do?	
25	MR. SATTERLEY:	Objection.	3:23

	222		224
1	THE WITNESS: Yes.	3:23	1 A No, sir, I would not specifically.
2	MR. McGuire: Okay. That's all the questions		2 Q Do you know if any of the Rockwell products
3	I have. Thank you very much, sir.		3 that you spoke of earlier in this deposition ever made
4	THE WITNESS: Thank you.		4 their way to SeaLand in Oakland, California?
5	EXAMINATION	3:23	5 A I would not know that specifically.
6	BY MR. MILLER:		6 Conjecture is good but I would not know that
7	Q Afternoon, Mr. Bretz.		7 specifically.
8	A Excuse me, sir. Good afternoon.		8 Q Do you know who -- while you worked for Abex,
9	Q Once again, I'm Tony Miller with McKenna Long		9 do you know who any of Freuhauf's customers were?
10	& Aldridge. Can you hear me okay?	3:23	10 A I'm sorry?
11	A Yes, Mr. Miller.		11 Q Do you know who Freuhauf's customers were, who
12	Q I represent in the Bankhead case Arvin Meritor		12 they sold to? Without guessing.
13	and Kelsey Hayes. Before I ask any questions, are you		13 A It's a little tough to go back to all those
14	familiar with Arvin Meritor?		14 fleets that were involved with Freuhauf.
15	A Yes, I am.	3:24	15 Q Do you have any information or knowledge that
16	Q Are you familiar with Kelsey Hayes?		16 Freuhauf had any products out at SeaLand in Oakland,
17	A Yes, I am.		17 California?
18	Q How are you familiar with Arvin Meritor?		18 A I do not have any specific information other
19	A That's the -- I believe that's the present		19 than what is -- no, I can't answer that.
20	designation of the old Rockwell International.	3:24	20 Q Okay.
21	Q When you were working at Abex, did you have		21 A What am I talking about?
22	any dealings with a company known as Arvin Meritor, if		22 Q You think that was -- are you talking about --
23	you recall?		23 A I don't think they made -- strike that.
24	A No, I was retired after -- or before that all		24 Q Let me just ask you, I think the documents you
25	occurred.	3:24	25 are referring to were referring to another company
	223		225
1	Q Okay. And how are you familiar with Kelsey	3:24	1 outside of Freuhauf.
2	Hayes?		2 A Yes.
3	A We manufactured friction material for Kelsey		3 Q So let me re-ask the question. Do you know if
4	Hayes, light duty PC, passenger cars, excuse me, light		4 any Freuhauf product made its way to SeaLand in Oakland,
5	truck.	3:24	5 California?
6	Q Do you know --		6 A Specifically, no, I do not.
7	A Disk brake.		7 Q Okay. You gave some testimony today that on
8	Q I'm sorry?		8 occasion as part of your job, you would take your
9	A Disk brake. As I jog my memory.		9 customers on tours of manufacturing facility, do you
10	Q Time frame would be what? What time frame are	3:24	10 recall that?
11	you talking about where you manufactured disk brakes for		11 A Yes, I do.
12	Kelsey Hayes?		12 Q Okay. Can you give me or can you provide an
13	A Disk brakes?		13 estimate as to the size of the Winchester manufacturing
14	Q I'm sorry.		14 facility post expansion?
15	A Friction material for Kelsey Hayes?	3:24	15 A Wow. 300 times -- 300 feet long, I guess
16	Q Yes, I'm sorry.		16 maybe 200 feet wide. I think it probably ended up
17	A Probably back as far as I go, 1953.		17 around 300, 300 or somewhere around there. No, I never
18	Q Up until when, do you know?		18 paced it off and I didn't see any drawings of the
19	A Until I retired, I believe we were still --		19 facility, but it was a big plant.
20	which was January '91, we were still manufacturing	3:25	20 Q Understood. How high was it?
21	materials for Kelsey Hayes; specifically which ones,		21 A We had two decks. Some of the
22	don't remember.		22 manufacturing -- some of the processing, excuse me, was
23	Q Okay. And you wouldn't know if any of those		23 done on the second floor and it was found -- the
24	Kelsey Hayes products made their way out to Oakland,		24 material found its way to the first floor for further
25	California, would you?	3:25	25 processing.

	226		228
1	Q Just so I understand your testimony correctly,	3:28	1 o'clock, 7 o'clock at night and fly back to Detroit.
2	pre-expansion you estimate to be about 300 by 200, is		2 The bulk of these trips that I was involved with were
3	that right?		3 all involved out of Detroit as home base.
4	A Yeah. What does that compute?		4 MR. MILLER: That's all I have, thanks.
5	Q Well, the reason I'm asking is that you went	3:28	5 MR. RADCLIFFE: Anybody on the phone with
6	300 by 300. I just wasn't sure if that --		6 questions?
7	A I'm just trying to visualize in my mind a		7 No one on the phone has any questions?
8	football field. I mean, how long --		8 EXAMINATION
9	Q That's, yeah, 300 feet.		9 BY MR. RADCLIFFE:
10	A -- this plant was. And what's 300 -- come on,	3:28	10 Q Mr. Bretz --
11	girls, what's 300 by 200, 600,000 feet?		11 A Yes, sir.
12	MR. RADCLIFFE: No, 60,000.		12 Q -- are you ready to continue?
13	THE WITNESS: 60,000. No, it was bigger than		13 A I'm ready to continue.
14	that.		14 Q As you know, my name is Tom Radcliffe.
15	Q (MR. MILLER) Do you have an estimate as to	3:28	15 A Mr. Radcliffe, it's a pleasure.
16	the square footage of the facility?		16 Q You say that, but we've met before, right?
17	A Had to be 100,000 anyway.		17 A Yes, we have.
18	Q Okay. How often in the '60s and '70s did you		18 Q I don't want to embarrass you, but how old are
19	take customers to Winchester for tours?		19 you?
20	A Personally or the company?	3:29	20 A 79. I'm a 10-10-10 boy.
21	Q You personally.		21 Q All right. That was my next question. So
22	A Me personally?		22 happy birthday. Your birthday was two days ago.
23	Q Yeah.		23 A Thank you, sir. Sunday.
24	A Probably three times a year.		24 Q Sunday?
25	Q Okay.	3:29	25 A Yes.
	227		229
1	A Maybe two to three, three to four.	3:29	1 Q All right. And when did you last work?
2	Q Okay. Do you have an estimate as to the size		2 Remind me when you last worked --
3	of the Salisbury plant?		3 MR. SATTERLEY: Excuse me, wait a second.
4	A All I can say is considerably smaller. They		4 10-10-10?
5	were a block manufacturing facility and redesigned with	3:29	5 THE WITNESS: Yeah.
6	all that we found out and established with the larger		6 MR. SATTERLEY: 1910 you were born?
7	facility, so that we could develop more product out of a		7 THE WITNESS: 10 October --
8	smaller space. That one might have been -- well, I		8 MR. RADCLIFFE: You're saying this year.
9	can't conjecture.		9 THE WITNESS: -- 2010.
10	Q Let me ask you this, was it about half the	3:29	10 MR. SATTERLEY: Okay. Oh, I'm sorry. I
11	size of Winchester?		11 thought you were -- Mr. Bretz, come on.
12	A It was half the size of Winchester, yeah.		12 MR. RADCLIFFE: He was renewed two days ago.
13	Q And how often in the '60s and '70s -- or when		13 MR. SATTERLEY: I thought he was saying he was
14	did the Salisbury plant come into existence?		14 born on 10-10-10. Go ahead, I'm teasing.
15	A I don't remember.	3:30	15 Q (MR. RADCLIFFE) And remind me when you last
16	Q Let me ask you this way: How often would you		16 worked for Abex?
17	take customers to Salisbury?		17 A January of 1991.
18	A Depending upon their product or the product		18 Q All right. So have you -- it's been 19 years
19	that we were attempting to sell to them, we would take		19 since you were working for Abex?
20	them -- our normal two-day tour was Mahwah in New Jersey	3:30	20 A Yes, sir.
21	for our research facility, our test facility, then to		21 Q And some of these questions today were about
22	Winchester, which was headquarters, and a tour there in		22 events that happened in the '60s and '70s, right?
23	the a.m. and then at noon, we'd grab a bite and/or catch		23 A They certainly were, sir.
24	our boxes of lunch on the plane, going to Salisbury in		24 Q Have you done your best to remember things
25	the afternoon. And then we would leave Salisbury 6	3:30	25 that happened 30 and 40 and 50 years ago?

		230		232
1	A I certainly tried. Yes, I did my best.	3 : 32	1	or eight.
2	Q You did your best. You're not going to tell		2	Q And would you spend a day there, a couple days
3	anybody that your memory's perfect, are you?		3	there?
4	A I wouldn't dare.		4	A Sometimes a day, sometimes a couple of days,
5	Q Okay.	3 : 32	5	depending upon who we were taking and what their time
6	A I'm corrected all the time.		6	limitations were.
7	Q All right. But you think --		7	Q Now, this may be obvious, but Mr. Satterley
8	MR. SATTERLEY: Can I have a continuing		8	asked you if you saw a caution label on every box at
9	objection to leading?		9	Winchester in 1972. Do you remember that question?
10	MR. RADCLIFFE: No.	3 : 33	10	A I believe I do, yeah.
11	MR. SATTERLEY: Okay. So you want me to		11	Q Okay. Now, when you answered that, were you
12	object every time you lead?		12	talking about every single box at Winchester or were you
13	MR. RADCLIFFE: If you're going to object to		13	talking about every box that you saw?
14	it, sure.		14	A No, I was talking about every box I saw. I
15	MR. SATTERLEY: Okay. I will object to each	3 : 33	15	can't speak for the ones I didn't see.
16	leading question then. Because you do pay him		16	Q You talked a little bit about the Winchester
17	money, right? I mean, he's your consultant.		17	plant. Can you tell me how many people worked at the
18	MR. RADCLIFFE: Well, I don't think that that		18	Winchester plant?
19	matters. You called him as a witness.		19	A Three shifts of 4- to 500 in my day.
20	MR. SATTERLEY: Okay. We'll let the judge	3 : 33	20	Q In your day. And what was -- just so we're
21	decide that.		21	clear, what was being made at the Winchester plant?
22	Q (MR. RADCLIFFE) Incidentally, Exhibit No. 1		22	A Friction material.
23	was the notice of deposition. Do you remember that?		23	Q Did Abex make brakes?
24	A Yes.		24	A Abex did not make brakes.
25	Q Okay. And did you get served with a subpoena	3 : 33	25	Q And friction material is what?
		231		233
1	in this case?	3 : 33	1	A Is brake lining. Friction --
2	A Yes, I did?		2	Q Go ahead.
3	Q And was it a subpoena served on behalf of the		3	A Friction material is a combination of
4	plaintiffs?		4	ingredients, 12 to 15 ingredients which was comprised of
5	A Yes, it was.	3 : 33	5	a formulation and they would be molded into a particular
6	Q Getting back to your memory, do you think your		6	size per specification.
7	memory is good?		7	Q Were these friction materials -- strike that.
8	A I believe it is good, yes.		8	Who were the friction materials sold to generally?
9	Q Okay. Now, in your job at Abex, I know that		9	A Friction materials were sold -- generally were
10	we've talked about this, but your job was in sales,	3 : 33	10	sold to the brake manufacturers. Now, I'm speaking of
11	right?		11	the original equipment end of things, okay, which was my
12	A Correct.		12	area of expertise. I'm not speaking of the aftermarket.
13	Q And you mentioned that at times you went to		13	Q Understood. In this manufacturing facility at
14	the Winchester plant and the Salisbury plant, right?		14	Winchester where several hundred people were working,
15	A Yes.	3 : 34	15	how many pieces of friction material would be made in a
16	Q How many times did you -- over the course of		16	day?
17	your career at Abex, how many times a month or a year		17	A Pieces?
18	did you go to Winchester or Salisbury?		18	Q Sure, if you can estimate.
19	A Eight times.		19	MR. SATTERLEY: Objection, foundation.
20	Q A year?	3 : 34	20	THE WITNESS: I don't know.
21	A Maybe a eight times a year, yes, sir. With		21	Q (MR. RADCLIFFE) Let me ask you first, are you
22	not only not only Abex meetings, but also bringing		22	able to estimate how many pieces would be made in a day,
23	customers there.		23	friction material pieces?
24	Q Sure.		24	A Depending upon the size. I know we rolled,
25	A And I think it probably averaged out to seven	3 : 34	25	one of our processes was rolling, and we rolled material

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1	into coils, they were cured that way, and then sawed to	3:37	1	THE WITNESS: No.	3:40
2	length. We manufactured five to seven miles of coils a		2	MR. SATTERLEY: -- no expertise to give such	
3	day in the Winchester plant, but that was for PC --		3	an opinion. He's a fact witness.	
4	passenger car and light truck. Thick blocks, I got to		4	MR. RADCLIFFE: Is that a stipulation you're	
5	believe if it wasn't -- it had to be 10-20,000 a day,	3:37	5	willing to enter into, that no fact witness can	3:40
6	pieces.		6	offer an opinion about whether or not --	
7	MR. SATTERLEY: Objection --		7	MR. SATTERLEY: I'm not here to answer your	
8	Q (MR. RADCLIFFE) Now, the --		8	question, Mr. Radcliffe. Continue on.	
9	MR. SATTERLEY: -- calls for speculation.		9	MR. RADCLIFFE: It's a stipulation, it's not a	
10	Q (MR. RADCLIFFE) Now, the operations, you	3:38	10	question.	3:40
11	mentioned that the coils had to be cut to length, just a		11	MR. SATTERLEY: I'm here to object to the	
12	minute ago did you say that?		12	improper question that you've given to Mr. Bretz.	
13	A Yes.		13	Q (MR. RADCLIFFE) All right. Just a couple	
14	Q Other than cutting the coils to length, what	3:38	14	documents for you.	
15	other kinds of operations were done to the friction		15	MR. RADCLIFFE: Can you tell me what exhibit	3:40
16	material at the plant?		16	number --	
17	A After the friction -- after the piece of	3:38	17	Q (MR. RADCLIFFE) Before we get to that, I'm	
18	lining was manufactured, regardless of size, if it -- if		18	going to show you Exhibit 13 and Exhibit 40. Can you	
19	the drawing or the customer required drilling, we		19	take a look at those? I'm looking at -- look at the	
20	drilled holes in it, and then we would grind it to the	3:38	20	second page of Exhibit 40.	3:40
21	appropriate thickness per the spec. And the material		21	A Second page?	
22	then went through a labeling operation, whether it was		22	Q Yes. And then compare that to Exhibit 13.	
23	impression stamped or whether it was ink stamped and/or		23	Are they exactly the same?	
24	painted.		24	A Negative. No, they're not.	
25	Q And just to be clear, Mr. Satterley asked you	3:38	25	Q Okay. Thank you. Now, Exhibit 40, turn back	3:41
	235				237
1	about the suppliers of asbestos. Was raw asbestos fiber	3:38	1	to the first page. First of all, this was an exhibit	3:41
2	used at the Winchester facility?		2	that Mr. Satterley gave to you today, right?	
3	A Raw asbestos fiber was used at the Winchester		3	A Yes, sir.	
4	facility, yes.		4	Q Now -- and we're not accusing Mr. Satterley of	
5	Q Is -- based on all of your experience in this	3:39	5	anything, this was what was given to him, but is there	3:41
6	area, was the environment at the plant different than		6	anything on page 1 that indicates to you that page 2 is	
7	the environment that you might find in a brake shop?		7	part of that document?	
8	MR. SATTERLEY: Objection, calls for		8	MR. SATTERLEY: Are you suggesting it	
9	speculation, no foundation.		9	shouldn't be stapled together, is that what you're	
10	Q (MR. RADCLIFFE) You can answer.	3:39	10	saying, Tom?	3:41
11	A Yes.		11	MR. RADCLIFFE: I don't think it should, but I	
12	Q Have you been to brake shops?		12	don't know.	
13	A Well, very, very few.		13	MR. SATTERLEY: If it shouldn't, it shouldn't,	
14	Q Okay. So for the few times that you were in	3:39	14	I don't know.	
15	brake shops, did the environment look the same as it did		15	THE WITNESS: There is -- as I read the body	3:41
16	in the plant?		16	of the report, there's nothing in there that	
17	MR. SATTERLEY: Objection.		17	indicates any discussion regarding identification	
18	THE WITNESS: I don't believe so.		18	requirements on the blocks.	
19	Q (MR. RADCLIFFE) Incidentally, the -- we've	3:39	19	Q (MR. RADCLIFFE) Okay. Thank you.	
20	talked about the fact that there was a caution label on		20	MR. SATTERLEY: What number was that so I can	3:42
21	the friction material that was sold by Abex. Do you		21	come back to it?	
22	think that the friction material sold by Abex was		22	THE WITNESS: 40.	
23	hazardous?		23	MR. RADCLIFFE: 40 and 13.	
24	MR. SATTERLEY: Objection, calls for		24	Q (MR. RADCLIFFE) Okay, we're done with that.	
25	speculation, foundation, no --	3:39	25	There's Exhibit No. 68.	3:42

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1	A Are we done with 13?	3:42	1	A I do not.	3:43
2	Q We are.		2	Q Okay. Would you read the first sentence of	
3	A Yes. I'm sorry. 68?		3	the second paragraph?	
4	Q Right.		4	A "They have --"	
5	A Asbestos study.	3:42	5	MR. SATTERLEY: Objection, foundation.	3:44
6	Q And can you tell me the letterhead for that		6	THE WITNESS: "-- expressed a desire to study	
7	particular document?		7	our Brakebok operation with a detailed in-plant	
8	A Medical department.		8	environmental or industrial hygiene survey."	
9	Q And who is it written by?		9	Q (MR. RADCLIFFE) Okay. Are you aware of	
10	A I can't tell you.	3:42	10	whether or not that survey ever went forward?	3:44
11	Q Next page.		11	A That specific one, no.	
12	A Oh, I'm sorry. Charlie Blackwell.		12	Q Do you know if the United States Public Health	
13	Q Dr. Blackwell?		13	Service ever conducted surveys at Abex?	
14	A Excuse me, Dr. Blackwell.		14	A I do not know that they did.	
15	Q Same Dr. Blackwell that you talked about	3:42	15	Q Second page -- actually that's all I have for	3:44
16	earlier today?		16	that document. So we're done with that.	
17	A Yes, sir.		17	Next I'm going to show you Exhibit 69. And to	
18	Q And who is it written to?		18	whom is that addressed?	
19	MR. SATTERLEY: Objection.		19	A Donald K. Rennie, vice president, Brakebok	
20	Q (MR. RADCLIFFE) To whom is it addressed?	3:43	20	Troy office.	3:45
21	MR. SATTERLEY: Objection.		21	Q And who wrote that?	
22	THE WITNESS: Don K. Rennie.		22	MR. SATTERLEY: Objection.	
23	MR. SATTERLEY: Let me put an objection to		23	THE WITNESS: Dr. Blackwell.	
24	foundation.		24	Q (MR. RADCLIFFE) And does this indicate --	
25	Q (MR. SATTERLEY) Same doctor -- or same	3:43	25	what's the date, I'm sorry?	3:45
		239			241
1	Mr. Rennie that you talked about earlier today?	3:43	1	A May 27th, 1966.	3:45
2	A Yes, sir.		2	Q And if you'd look at this -- if you look at	
3	Q In paragraph 1, does it indicate that		3	this document -- let me just make sure I have the right	
4	Dr. Blackwell was in communication with the United		4	one.	
5	States Public Health Service and the medical and hygiene	3:43	5	If you look at this document in the third	3:45
6	departments and that the Public Health Service visited		6	paragraph --	
7	the medical and hygiene departments in 1965?		7	MR. SATTERLEY: Objection, foundation.	
8	MR. SATTERLEY: Objection, foundation,		8	Q (MR. RADCLIFFE) Can you read that?	
9	leading.		9	A "This group will be," that one?	
10	THE WITNESS: Yes.	3:43	10	Q Yes.	3:45
11	Q (MR. RADCLIFFE) Would you read the first		11	A "This group will be returning to Mahwah on	
12	sentence of this first paragraph, please?		12	June 16th and 17th to test lesser grade brakes to see if	
13	MR. SATTERLEY: Same objection.		13	the same results or different ones will be obtained."	
14	THE WITNESS: "As I mentioned to you on the		14	MR. SATTERLEY: Objection, move to strike.	
15	telephone today, the U.S. Public Health Service	3:43	15	THE WITNESS: "The series evaluated last	3:45
16	visited with the medical and hygiene departments on		16	November was a relatively high grade of brake	
17	5-24-65." This is dated 5-25-65. "Their		17	material."	
18	representatives --"		18	Q (MR. RADCLIFFE) All right, first -- and	
19	Q (MR. RADCLIFFE) Just that first sentence.		19	what's the reference in this letter?	
20	A Oh, I'm sorry.	3:43	20	MR. SATTERLEY: Objection --	3:46
21	Q We'll get to it. You weren't at that meeting,		21	THE WITNESS: U.S. Public Health Service.	
22	were you?		22	MR. SATTERLEY: -- foundation.	
23	A No, sir.		23	Q (MR. RADCLIFFE) Is it your understanding that	
24	Q Do you know if this inspection ever took		24	"this group" refers to the U.S. Public Health Service?	
25	place?	3:43	25	MR. SATTERLEY: Objection, leading.	3:46

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1	THE WITNESS: This letter? Yes.	3:46	1	MR. SATTERLEY: Finished for the day?	3:48
2	MR. SATTERLEY: Foundation, lack of		2	Anybody else have any questions before I	
3	foundation.		3	follow up with a few?	
4	Q (MR. RADCLIFFE) Were you -- what's Mahwah,		4	RE-EXAMINATION	
5	I don't think the jury's heard that.	3:46	5	BY MR. SATTERLEY:	3:48
6	A Mahwah was our research facility for friction		6	Q Mr. Bretz, these last three documents, you've	
7	material.		7	never seen them before in your life, right?	
8	Q Do you know if the United States Public Health		8	A I don't know. The last three that were showed	
9	Service ever visited Mahwah?		9	to me?	
10	A I do not know.	3:46	10	Q Sure.	3:48
11	MR. SATTERLEY: Objection.		11	A No, sir, I had never seen them.	
12	Q (MR. RADCLIFFE) So the information in this		12	Q And counsel asked you some questions about	
13	letter is new to you, is that right?		13	whether you personally considered asbestos brakes to be	
14	A Yes, sir.		14	hazardous or not. You're not an expert on that, are	
15	Q (MR. RADCLIFFE) Okay, we're done with that.	3:46	15	you?	3:48
16	Next I'm going to give you Exhibit 70. And		16	MR. RADCLIFFE: Objection, form, vague.	
17	what's the date of this letter?		17	THE WITNESS: No, I'm not an expert.	
18	A November 19th, 1968.		18	Q (MR. SATTERLEY) You've never studied the	
19	Q And who wrote this letter?		19	intricacies of asbestos and the resulting disease that	
20	A Howard E. Ayer.	3:47	20	occurs in that regard?	3:48
21	Q And what's the letterhead for this particular		21	A No, sir.	
22	letter?		22	Q Early in the examination by Mr. Radcliffe, he	
23	A Department of Health, Education and Welfare,		23	asked you some personal questions. He asked you about	
24	Public Health Service.		24	how old you are and you said 79?	
25	Q To whom is this letter addressed?	3:47	25	A Yes, sir.	3:48
	243		245		
1	A Charles B. Mallory, works manager.	3:47	1	Q And he also indicated that you've been retired	3:48
2	Q And the first -- would you read the first		2	from the company for 19 years, correct?	
3	paragraph?		3	A Correct.	
4	MR. SATTERLEY: Objection, foundation,		4	Q And you've been -- other than the consulting	
5	hearsay.	3:47	5	where he pays you money, him and his law partner pay you	3:49
6	THE WITNESS: "We have discussed with		6	money, are you pretty much retired and not doing any	
7	Dr. Blackwell an environmental survey of your plant		7	work at all?	
8	similar to that done in 1965. This will be less		8	MR. RADCLIFFE: Objection, argumentative.	
9	comprehensive than the initial survey, with two men		9	THE WITNESS: Yeah, that's -- that's basically	
10	in the plant for one week."	3:47	10	true, yes.	3:49
11	Q (MR. RADCLIFFE) So you already told us you		11	Q (MR. SATTERLEY) You moved down here to	
12	weren't aware of whether or not the survey in '65 ever		12	Florida from Detroit or --	
13	went forward, right?		13	A From the Detroit area, yes.	
14	A Correct.		14	Q So for the last 18, 19 years, you've been down	
15	Q This is 1968, is that right?	3:47	15	here in Florida?	3:49
16	A Correct.		16	A Yes.	
17	Q Do you know if there was a survey of the		17	Q And you haven't been doing any work in the	
18	Winchester plant by the United States Public Health		18	brake industry other than the retainer agreement	
19	Service in 1968?		19	situation you have with Mr. Radcliffe and his friend	
20	MR. SATTERLEY: Objection, foundation.	3:48	20	Abbott?	3:49
21	THE WITNESS: No. I don't know whether this		21	A That's correct.	
22	was done.		22	MR. RADCLIFFE: Objection, vague, ambiguous.	
23	MR. RADCLIFFE: Okay. All right. That's all		23	Q (MR. SATTERLEY) And the money that I think	
24	I have for you.		24	you told me about, I didn't try to figure it out, you	
25	THE WITNESS: Okay.	3:48	25	said it was \$1500 a month?	3:49

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1	A Correct.	3:50	1	MR. RADCLIFFE: Objection, assumes facts not in evidence, calls for speculation, argumentative.	3:52
2	Q And is that every month?		2		
3	A Yes.		3	Q (MR. SATTERLEY) Has Mr. Radcliffe gone over	
4	Q Has that been the case since 2003, 2004 time frame?	3:50	4	with you the number of workers that have developed asbestos diseases?	3:52
5			5	A No, sir.	
6	A Yes, sir.		6	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?	3:52
7	Q And does that -- is that a retainer you get regardless of whether or not you review any cases?		7	MR. RADCLIFFE: Objection, calls for speculation, assumes facts not in evidence.	
8			8	THE WITNESS: No, it was not.	
9	A Correct.		9	Q (MR. SATTERLEY) He asked you some questions about the evaluation of the environment. Have you ever done any evaluation -- environmental monitoring yourself?	3:52
10	Q Okay. Has -- have you ever sought out any independent legal advice regarding the situation you have with Abex's lawyers?	3:50	10	A No, sir. No I have not.	
11			11	Q You haven't participated in measuring the levels of asbestos in a brake facility where people are changing out brakes or anything like that?	3:53
12			12	A No.	
13	A Yes.		13	Q And you haven't taken the time to measure the levels of asbestos in the plant either, have you?	
14	Q Has anybody ever advised you as to the legality of being compensated, being a paid fact witness?	3:50	14	A No.	
15			15		
16	A No.		16		
17	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?	3:50	17		
18			18		
19	A Nobody's -- no.	3:51	19		
20			20		
21			21		
22			22		
23			23		
24			24		
25			25		
	247		249		
1	Q And Mr. Radcliffe or Mr. -- is it Abbott, the other fellow?	3:51	1	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 up boxes of brakes and what's going on in the plant?	3:53
2			2		
3	A Yes, sir.		3		
4	Q They've not talked to you about that at all?		4		
5	A No.	3:51	5		
6	Q Okay. They didn't go over with you Florida law regarding paying fact witnesses money to testify?		6		
7			7		
8	A No.		8		
9	Q But you have not agreed to serve as a hired expert witness, right?	3:51	9		
10			10		
11	A I'm sorry?		11		
12	Q You've not agreed to serve as a hired expert witness for Abex?		12		
13			13		
14	A No, I have not.		14		
15	Q Now, with regards to -- he asked you several questions about the plant in Winchester. Do you know what the current situation is with that plant?	3:51	15		
16			16		
17			17		
18	A I do not.		18		
19	Q Okay. Has anybody advised you that that's an EPA -- what's it called, a CERCLA?	3:52	19	MR. RADCLIFFE: Objection, argumentative, assumes facts not in evidence.	
20			20	Q (MR. SATTERLEY) This William Lainhart, do you know who that is?	3:54
21	MR. SATTERLEY: Is it a CERCLA property?		21		
22	MR. RADCLIFFE: I don't know what it is.		22		
23	Q (MR. SATTERLEY) Nobody's ever talked to you about the current state of that plant?		23		
24			24		
25	A No.	3:52	25		

	250		252
1	Q Okay. Abex, you did say, had some medical	3:54	1 further questions at the current time.
2	directors. Did you know Lloyd Hamlin, Dr. Lloyd Hamlin?		2 MR. McGUIRE: Sir, just one follow-up
3	A No. It's not a name that's --		3 question.
4	Q Dr. Charles Blackwell, you did know him?		4 RE-EXAMINATION
5	A Yes.	3:54	5 BY MR. McGUIRE:
6	Q Frederick -- is it Knoch, K-N-O-C-H?		6 Q Did I show you any documents?
7	A No, I don't know him either.		7 A No, sir.
8	Q Dr. William Redmond?		8 MR. McGUIRE: Okay. Thank you.
9	A No, sir.		9 MR. RADCLIFFE: Anybody on the phone? Going
10	Q What about Dennis E-G-N-A-T-Z?	3:55	once, going twice, we're done.
11	A No.		11 THE VIDEOGRAPHER: Time now is 3:57, this
12	Q But no one from the medical department at Abex		12 deposition is concluded.
13	Corporation ever talked to you about how much asbestos		13 (Deposition concluded at 3:57 p.m.)
14	it takes to cause people to get sick and die?		14
15	A No.	3:55	15
16	Q Finally with regards to -- the Carlisle		16
17	attorney asked you some questions and I want to just		17
18	follow up on one or two little things. He asked you		18
19	about some -- whether or not Carlisle thought its sales		19
20	data was confidential. The volume of business and where	3:55	20
21	Freuhauf got its brake products, did you get that from		21
22	Freuhauf?		22
23	A Yeah.		23
24	Q From Freuhauf?		24
25	A Sure. I knew how much business I was going	3:56	25
	251		253
1	after. That was the amount of business that they said	3:56	1 STATE OF FLORIDA)
2	is available.		2 COUNTY OF CHARLOTTE)
3	Q And did you --		3 I, the undersigned authority, certify that
4	MR. McGUIRE: Objection, move to strike,		4 LUDLOW EARLE BRETZ, JR. personally appeared before me
5	hearsay.	3:56	5 and was duly sworn.
6	Q (MR. SATTERLEY) And did you think Freuhauf		6 WITNESS my hand and official seal this 13th
7	was -- based upon the information, that they knew where		7 day of October, 2010.
8	they were getting their asbestos brakes from, the brake		8
9	linings from?		9
10	MR. MILLER: Argumentative.	3:56	10 _____ Michael R. Brentano, RPR
11	Q (MR. SATTERLEY) Did Freuhauf, based upon		Notary Public, State of Florida
12	everything you observed over the years, know where they		Commission Expires: 5-4-12
13	were purchasing their brake lining materials from?		Commission Number: DD316343
14	A Yes.		11
15	MR. McGUIRE: Objection, move to strike, lack	3:56	12
16	of foundation, and hearsay.		13
17	Q (MR. SATTERLEY) And did -- has anybody here		14
18	today presented you any memorandums, letters that would		15
19	indicate that Carlisle warned the public about the		16
20	dangers of their asbestos products?	3:57	17
21	MR. McGUIRE: Objection, lack of foundation.		18
22	THE WITNESS: I haven't seen anything that		19
23	would indicate that. I was not given anything like		20
24	that.		21
25	MR. SATTERLEY: I don't think I have any	3:57	22
			23
			24
			25

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1 STATE OF FLORIDA)
2 COUNTY OF CHARLOTTE)

3 I, Michael R. Brentano, do hereby certify that
4 I was authorized to and did stenographically report the
5 foregoing deposition of LUDLOW EARLE BRETZ, JR.; that a
6 review of the transcript was requested; and that the
7 transcript is a true record of the testimony given by
8 the witness.

9 I further certify that I am not a relative,
10 employee, attorney or counsel of any of the parties, nor
11 am I a relative or employee of any of the parties'
12 attorney or counsel connected with the action, nor am I
13 financially interested in this action.

14 Dated this 13th day of October, 2010.
15
16
17

18 Michael R. Brentano
19 Registered Professional Reporter
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