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1 IN THE COURT OF COMMON PLEAS OF INDIANA COUNTY,
PENNSYLVANIA
2 - - -
3 KATHERINE M. BASILE, the Executrix) CIVIL DIVISION
of the Estate of FRED DALBO, SR.,) ASBESTOS
4 Deceased, and VIOLA IMOGENE COEN)
DALBO, his wife, in her own right,) NO.
5) 11484 CD 2005
Plaintiffs,)
6)
vs.)
7)
AMERICAN HONDA MOTOR COMPANY,)
8 INC., et al.,)
9 Defendants.)

10 - - -
11 Video Deposition of PAUL LeCOUR
12 Tuesday, August 29, 2006
13 - - -

14 The video deposition of PAUL LeCOUR, called
as a witness on behalf of the Plaintiff, pursuant
15 to notice and the Pennsylvania Rules of Civil
Procedure pertaining to the taking of
16 depositions, taken before me, the undersigned,
Terri J. Urbash, a Notary Public in and for the
17 Commonwealth of Pennsylvania, held at RoData,
1207 Muriel Street, Pittsburgh, Pennsylvania
18 15203, commencing at 9:32 a.m., the day and date
above set forth.

19 - - -
20
21

22 - - -
NETWORK DEPOSITION SERVICES
247 FORT PITT BOULEVARD, SUITE 300
23 PITTSBURGH, PENNSYLVANIA 15222
412-281-7908

24 - - -
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1 COUNSEL PRESENT:

2 On behalf of the Plaintiffs:
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4 Michael Gallucci, Esquire
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Pittsburgh, Pennsylvania 15219

5
6 On behalf of the Defendant Bridgestone
Firestone: (via telephone)
7 Edward Paul, Esquire
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8 Media, Pennsylvania 19063

9 On behalf of the Defendant Borg-Warner
Corporation:

10

11 Barnard, Mezzanotte and Pinnie:
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14 On behalf of the Defendant Gould Pumps,
Inc.:

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Grogan Graffam, P.C.:
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18 On behalf of the Defendant Kelsey-Hayes:
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21

22 On behalf of the Defendant Pneumo-Abex:

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Margolis Edelstein:

4 Gregory L. Fitzpatrick, Esquire
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6 On behalf of the Defendant Genuine Parts
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Riley, Hewitt, Witte & Romano, P.C.:

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14 On behalf of the Defendant Sears Roebuck
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On behalf of the Defendant Honeywell, Inc.:

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22

23

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17 Motor Company:

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23 On behalf of the Defendant Caterpillar,
24 Inc.:

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21 Company General Motors Corporation:

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

3 - - -

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

8 EXAMINATION

9 BY MR. GALLUCCI:

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

17 A Yes.

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

24 A Yes.

25 MR. GALLUCCI: Before we go any

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

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

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

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

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

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

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

20 MS. WATSON: Jennifer Watson on behalf
21 of Kelsey-Hayes.

22 MS. WILCOX: Anne Wilcox on behalf of
23 Pneumo-Abex.

24 MR. BARNARD: Tim Barnard on behalf of
25 Borg-Warner.

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

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

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

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

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

12 BY MR. GALLUCCI:

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

15 A Paul Louis LeCour.

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

19 A Yes.

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

22 A Three times.

23 Q How many of those occasions were in
24 asbestos litigation?

25 A Three times.

009

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

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

9 A Yes.

10 Q And since we are doing this video
11 conference, if at any time you don't hear my
12 question or you don't understand it, just say,
13 "Hey, Mike, can you repeat the question," and
14 I'll be happy to; fair enough?

15 A Yes.

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

23 A Yes.

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

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

3 A No.

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

6 A With Genuine Parts Company?

7 Q Correct.

8 A No.

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

11 A January 26, 1944, 62 years old.

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

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

16 Q You talked to Mr. Riley and who else?

17 A Kennard Neal.

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

19 Q You said you reviewed your prior
20 deposition transcripts?

21 A One.

22 Q Okay.

23 A This one.

24 Q Do you know which deposition
25 transcript you reviewed?

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1 A California?

2 MR. RILEY: No, Baltimore.

3 A Baltimore.

4 Q Baltimore. Besides reviewing your
5 prior depositions, did you review any other
6 documents?

7 A No.

8 Q So you didn't review any Genuine Parts
9 Company or NAPA catalogs or brochures?

10 A No.

11 Q Okay. Did you read any of the
12 depositions of any of the witnesses in this case,
13 in the Dalbo case?

14 A No.

15 Q Did you speak with any current or
16 former employees of Genuine Parts Company or NAPA
17 or Rayloc in preparing for today's deposition?

18 A No.

19 Q Sir, do you remember when you were
20 first contacted about this deposition?

21 A No.

22 Q Okay. Do you know if you have ever
23 seen the deposition notice in this case?

24 A Yes.

25 Q Okay.

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1 MR. GALLUCCI: For the record, I have
2 marked plaintiff's notice of deposition of a
3 corporate representative from NAPA/Genuine
4 Parts Company as Exhibit 1.

5 (Thereupon, Deposition Exhibit No. 1
6 was marked for identification.)

7 Q Sir, I'm going to display it on the
8 screen so we can go through it.

9 MR. RILEY: Okay. We have it on the
10 screen, Mike. And just for the record, we
11 -- Genuine Parts did file a response to it
12 with regard to Mr. LeCour's, the scope of
13 his anticipated testimony, and that document
14 is of record, but go ahead.

15 Q Okay. Can you see it on the screen?
16 Do you have it in front of you?

17 A I have it in front of me.

18 Q Okay. Sir, if you would be so kind as
19 to look at capital letter A there, it says
20 "Outline defendant's corporate history" referring
21 to "NAPA/Genuine Parts Company"; would you be the
22 most knowledgeable person to address that topic?

23 A Yes.

24 Q Sir, capital letter B --

25 MR. RILEY: With the exception, Mike,

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

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

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

11 A Yes.

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

15 A Yes.

16 Q And how about letter D?

17 A No.

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

22 A I do not know.

23 Q How about letter E, sir?

24 A Yes.

25 Q Letter F?

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1 A Yes.

2 Q Letter G?

3 A No.

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

8 A No.

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

12 And sir, if you would look at letter
13 H.

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

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

18 A Yes.

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

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

015

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

3 A 1963.

4 Q And what years did you attend USL?

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

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

8 A '69 through '71.

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

12 A No.

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

15 A No.

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

18 A The LeCour Corporation.

19 Q And what year were you involved in
20 LeCour Corporation?

21 A Could you repeat the question, please?

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

24 A Around '67, 1967.

25 Q Right after you got out of the USL?

016

1 A Yes.

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

5 A That was my father's.

6 Q What was the business of that
7 corporation?

8 A Remanufacturing of automotive parts.

9 Q What type of parts did that
10 corporation remanufacture?

11 A Brake shoes, clutches, water pumps,
12 power brake boosters, alternators, starters,
13 generators, and relined industrial brake bands.

14 Q Sir, when you say "industrial brake
15 bands," what are you talking about?

16 A These are bands that go on gantry
17 cranes. It is basically a rebuild and return.
18 It was not on an exchange basis.

19 Q Would this industrial brakes include
20 farm tractors?

21 A No.

22 Q Would it include heavy construction
23 equipment aside from cranes?

24 A Yes.

25 Q Things like a backhoe or a front

017

1 loader?

2 A No, like a dragline.

3 Q Fair enough. Sir, how long were you
4 involved with the LeCour Corporation?

5 A Up until when I was drafted in 1969.

6 Q Sir, how long did the LeCour
7 Corporation operate?

8 A 25 years.

9 Q And when was the last date of
10 operation?

11 A I don't recall.

12 Q And sir, what was your next job for
13 pay after the LeCour Corporation?

14 A U.S. Army.

15 Q Okay. And after the U.S. Army?

16 A Genuine Parts Company.

17 Q Sir, I understand from Genuine Parts
18 Company's answers to interrogatories in this
19 Dalbo case that I have marked, and it is attached
20 as Exhibit 2 to this deposition, that your first
21 employment with Genuine Parts Company was as a
22 district sales manager from 1971 to 1976?

23 A Yes.

24 (Thereupon, Deposition Exhibit Nos. 2
25 and 3 were marked for identification.)

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

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

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

13 A No.

14 Q Where was this position located?

15 A New Orleans, Louisiana.

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

20 A Yes.

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

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

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

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

7 Q Sir, where was this job located?

8 A Atlanta, Georgia.

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

11 A Yes.

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

15 A No.

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

19 A Yes.

20 Q And what were your job duties in that
21 capacity?

22 A I took on the responsibility for all
23 plants.

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

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

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

12 A Yes.

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

15 A Yes.

16 Q And held that position until about
17 1995?

18 A Yes.

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

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

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

25 A Yes.

021

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

3 A Yes.

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

6 A Enforcing the specifications at all
7 plants.

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

11 A Being remanufactured, yes.

12 Q And that job was in Atlanta?

13 A Yes.

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

17 A Yes.

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

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

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

25 A Actually, one in the same. It was

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

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

5 A No.

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

9 A Yes.

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

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

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

20 A Home address is 3102 Sycamore Lane,
21 S-y-c-a-m-o-r-e, North East, Marietta, Georgia,
22 30066.

23 Q Okay.

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

023

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

3 A Yes.

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

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

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

11 A But that means representing myself or
12 the company?

13 Q Just yourself at this point.

14 A No.

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

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

24 A Yes.

25 Q Okay. And for the record, what does

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1 NAPA stand for?
2 A National Automotive Parts Association.
3 Q Okay. As an association, do you know
4 if NAPA has ever been incorporated or registered
5 to do business?
6 A No.
7 Q Okay. Sir, do you know when NAPA
8 began to operate?
9 A Yes.
10 Q And when was that?
11 A 1925.
12 Q And where did it begin --
13 MR. RILEY: Mike, for the record, for
14 the record, NAPA is incorporated, it is
15 incorporated in Michigan in 1925.
16 MR. GALLUCCI: Thanks, Pat.
17 Q Sir, do you know the number of members
18 of NAPA?
19 MR. RILEY: At what point in time?
20 MR. GALLUCCI: I'm asking presently
21 right now.
22 A Presently, two.
23 Q And who are those members?
24 A Genuine Parts Company and Quaker City
25 Motor Group.

025

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

4 A Yes.

5 Q And who were those members?

6 A I do not know.

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

9 A 1928.

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

12 A Yes.

13 Q Do you know where Genuine Parts
14 Company is incorporated?

15 A No.

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

19 A No.

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

21 A No, I don't know.

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

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1 you have any knowledge of that?

2 A I have read that.

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

6 A No.

7 Q And sir, I understand from your
8 previous transcripts and from answers to
9 interrogatories that there is a company called
10 Rayloc that is a division of Genuine Parts
11 Company; is that accurate?

12 A No.

13 Q Okay.

14 A It is not a company.

15 Q It is --

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

18 Q Is Rayloc incorporated by itself?

19 A No.

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

22 A Yes.

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

25 A 1939.

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1 MR. RILEY: Is that a guess?

2 THE WITNESS: Yes.

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

4 A It is a guess.

5 MR. GALLUCCI: Thanks, Pat.

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

9 A No.

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

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

19 MR. GALLUCCI: Thanks, Pat.

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

23 A In what field?

24 Q In any field.

25 A Yes.

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1 Q Do you know the names of those
2 companies?
3 A Some of them.
4 Q Okay. And which ones do you know,
5 sir?
6 A Motion Industries, EIS, S.P. Richards.
7 Q The first one was Motion?
8 A Motion Industries.
9 Q And what was the business --
10 MR. RILEY: None of those have
11 anything to do with automotive parts, Mike.
12 They distribute other product lines.
13 MR. GALLUCCI: I'm sure he will tell
14 me that, Pat.
15 MR. RILEY: Just trying to save us
16 time.
17 MR. GALLUCCI: I understand.
18 Q Sir, what was the business of Motion
19 Industries?
20 A They distributed bearings and
21 hydraulic parts.
22 Q Sir, how about EIS, I think is how you
23 pronounced it, how do you spell that?
24 A E-I-S; they supply electrical circuit
25 boards, printed circuit boards, and also wire and

029

1 cable.

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

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

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

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

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

14 A Repeat, that please.

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

17 A Oh, yes.

18 Q Do you know what Colyear Motor Sales
19 did?

20 A Yes.

21 Q Okay. And what did they do?

22 A They sold automotive parts to jobbers.

23 Q Did they sell brake shoes?

24 A Yes.

25 Q How about brake pads?

030

1 A Yes.

2 Q Clutches?

3 A Yes.

4 Q Did you know if they ever sold any

5 gaskets?

6 A Yes.

7 Q How about any packings?

8 A Do not know.

9 Q Do you know where this entity

10 operated?

11 A Yes.

12 Q Okay. And where was that?

13 A Portland, Oregon.

14 MR. RILEY: Mike, he is answering with
15 regard to the Rayloc counterpart.

16 If I can streamline it for you,
17 Genuine Parts Company has acquired various
18 NAPA distribution centers across the country
19 over the years and they were owned by
20 different entities.

21 All of those distribution centers sold
22 the same product lines you just asked about.

23 Colyear had numerous operations
24 encompassing the west coast, north to
25 southwest of the Rockies, so it was much

031

1 larger than just Portland.

2 Portland was a remanufacturing
3 facility and a distribution center. There
4 were several other distribution centers in
5 the Colyear company.

6 Q Okay. Sir, based on what Mr. Riley
7 just told me, do you know if Genuine Parts
8 Company or Rayloc ever acquired any of the
9 remanufacturing facilities operated by Colyear?

10 A Yes.

11 Q Okay. Was that the Portland facility?

12 A Yes.

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

16 A No.

17 Q When did that cease?

18 A Around 1971, in that time frame.

19 MR. RILEY: No, '81.

20 A '81.

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

25 A Yes.

032

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

3 A Yes.

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

6 A The same as what?

7 Q Colyear's?

8 A Colyear, yes.

9 Q Did General -- strike that.

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

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

18 Q You can answer the question, sir.

19 A Repeat it, please.

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

23 A Yes.

24 Q And where were those facilities
25 located?

033

1 A Stevensville, Texas; Morganfield,
2 Kentucky.
3 Q Does Genuine Parts Company operate
4 those facilities today?
5 A Yes.
6 Q Both of them?
7 A Yes.
8 Q Same question as to Standard Unit
9 Parts Corporation.
10 A No.
11 Q Sir, I understand that General
12 Automotive Parts Corporation distributed brake
13 products under the name Genaut?
14 A Yes.
15 Q Do you know if after Genuine Parts
16 Company acquired that entity, did it continue to
17 use that name?
18 A No.
19 Q Sir, can you tell me sitting here
20 today approximately how many employees Genuine
21 Parts Company had in the 1960's?
22 A No.
23 Q Could you tell me that for the 1970's?
24 A No.
25 Q Could you tell me that for any time

034

1 period?

2 A No.

3 Q Okay. Could you tell me the number of
4 employees that Rayloc had in the 1960's?

5 A No.

6 Q Could you tell me that for any time
7 period?

8 A Yes.

9 Q Okay. And what time period is that?

10 A Let me rephrase that. I can only tell
11 you for the Rayloc in Atlanta.

12 Q Okay. And how many employees and in
13 what time frame?

14 A This would be the early '80's, 500.

15 Q Presently has that number increased or
16 decreased?

17 A Decreased.

18 Q Sir, I want to change topics now and I
19 want to talk about the business operations of
20 NAPA Genuine Parts Company and Rayloc. Can you
21 tell me generally what NAPA does as a business,
22 as an association?

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

035

1 suppliers' marketing people.
2 Q Sir, does NAPA actually sell products?
3 A No.
4 Q Does Genuine Parts Company actually
5 sell the products?
6 A Yes.
7 Q Okay. Sir, can you tell me generally
8 what Genuine Parts Company sells?
9 A All -- related items to automotive
10 applications.
11 Q Would that include brake shoes?
12 A Yes.
13 Q Brake pads?
14 A Yes.
15 Q Clutches?
16 A Yes.
17 Q Gaskets?
18 A Yes.
19 Q How about just a piece of brake
20 lining?
21 A Yes.
22 Q How about a clutch facing itself?
23 A Yes.
24 Q Okay. How about packing?
25 A Do not know.

036

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

4 A Yes.

5 Q What did Genuine Parts Company do?

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

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

11 A Genuine Parts Company remanufacturers
12 brake shoes?

13 A No.

14 Q Rayloc remanufactures brake shoes?

15 A Yes.

16 Q Where are the Rayloc plants located
17 that remanufacture brake shoes?

18 A What time period?

19 Q The 1960's, if you know.

20 A Memphis, Tennessee; Atlanta, Georgia.

21 Q How about in the 1970's?

22 A Memphis, Tennessee; Atlanta, Georgia.

23 Q How about in the '80's -- what's that?

24 A Add Portland to that.

25 Q For the 1970's?

037

1 A Yes.

2 Q Sir, do you know if the Rayloc
3 facility in Hancock, Maryland remanufactured
4 brake shoes in the '70's?

5 A Yes.

6 Q Sir, do you know if the Rayloc
7 facility in Utah remanufactured brake shoes
8 beginning in the late '70's, 1979?

9 A Yes.

10 Q Okay. Sir, I understand that Rayloc
11 has two more facilities, one in Morganfield,
12 Kentucky and one in Stevensville, Texas?

13 A Yes.

14 Q Do you know when those plants began
15 remanufacturing brake shoes?

16 A They were manufacturing brake shoes
17 when we purchased them.

18 Q And that would have been in the '80's?

19 A Yes.

20 Q Sir, for the Atlanta facility, the
21 Atlanta Rayloc facility, could you tell me the
22 different departments inside that facility?

23 A Yes.

24 Q Okay. And what are those?

25 A You want all the departments or are

038

1 you asking for manufacturing plants?

2 Q Let me clarify it. The departments
3 that would be involved in the remanufacture of
4 brake shoes, brake pads and clutches?

5 A There is three departments and you
6 just mentioned them, there is a brake shoe
7 department, there is a disc brake department,
8 there was a clutch disc department.

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

11 A Yes.

12 Q Okay. And what were the areas --

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

16 Q Okay.

17 A There is no other departments
18 involved.

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

24 A Yes.

25 Q Okay. And what are those areas?

039

1 A You want to know the process?

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

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

13 MR. RILEY: And if it is riveted?

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

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

18 A That is correct.

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

21 A Yes.

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

24 A Yes.

25 Q It is my understanding that Rayloc or

040

1 Genuine Parts Company would get the old brake
2 shoes that were taken off of a vehicle?

3 A Yes.

4 Q With the lining still attached?

5 A Yes.

6 Q Okay. What area of the facility -- or
7 where were these linings removed?

8 A In the delining department for
9 riveting and in the debonding department for
10 bonding.

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

13 A Yes.

14 Q Okay.

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

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

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

041

1 facing and then that disc went and was shot
2 blasted, then it was sent to the department after
3 it was dipped in a rust inhibitor. We put new
4 facings on that disc, then we boxed the disc.

5 Q Sir, was that riveted did you say?

6 A Yes.

7 Q So the only one that was baked on were
8 the brake shoes?

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

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

15 A Finished inventory.

16 Q Okay.

17 That was my next question. Did
18 Genuine Parts Company or Rayloc keep a stock of
19 these parts in their remanufacturing facilities?

20 A Yes.

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

25 A Yes.

042

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

3 A Repeat that, please.

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

7 A Yes.

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

10 A Yes.

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

13 A No, it was not done regularly.

14 Q Do you know if it was ever done?

15 A Oh, yes.

16 Q How would that inventory be
17 documented?

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

20 Q Was this done in the 1960's?

21 A Yes.

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

24 A No, they do not.

25 Q Do you know if any of the inventory

043

1 documents for any years exist today?
2 A Time frame, give me a time frame.
3 Q From the 1970's?
4 A No.
5 Q From the '80's?
6 A No.
7 Q And from the '90's?
8 A No.
9 Q Fair enough.
10 Sir, did Genuine Parts Company ever
11 sell any friction products, and when I say
12 "friction products," I'm talking about brake
13 shoes, brake pads, clutches, or brake bands that
14 could be used on farm equipment?
15 A Yes.
16 Q Sir, and what products were those?
17 A Clutches, brakes, it is a disc brake.
18 Q Sir, do you know if Genuine Parts
19 Company ever sold any gaskets that could be used
20 on farm equipment?
21 A No.
22 Q You don't know or no they did not?
23 A No, I do not know.
24 Q Sir, what types of farm equipment
25 could you use the clutches on?

044

1 A I don't know.

2 Q Same question for the brakes.

3 A I don't know.

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

8 A We did not do those.

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

12 A Yes.

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

16 A No.

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

19 A No.

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

22 A Yes.

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

25 A No.

045

1 Q Are they still being sold today?

2 A I do not know.

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

6 A No.

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

9 A No.

10 Q Is Genuine Parts Company still selling
11 them today?

12 A I don't know.

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

16 A Dana Spicer.

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

20 A Yes.

21 Q Same question for the brakes, sir.

22 A Dana Spicer.

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

046

1 A No.

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

5 A No. I need to correct that.

6 Q Sure.

7 A Dana Spicer clutches.

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

11 A From whom?

12 Q From --

13 A Who is the manufacturer?

14 Q From International Harvester.

15 A No.

16 Q Sir, do you know if at any time
17 Genuine Parts Company ever sold any friction
18 materials that could be used on heavy
19 construction equipment?

20 A No.

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

25 A What part?

047

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

4 A No.

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

8 A No.

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

12 A No.

13 Q Same question with regard to riding
14 lawn mowers.

15 A No.

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

19 A No.

20 Q You don't know?

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

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

048

1 any asbestos?

2 A No.

3 Q You don't know?

4 A I don't know.

5 Q Sir, would there be some current or
6 former employee from Genuine Parts Company that
7 would have more knowledge than you of the
8 specific area of clutches and brakes in regards
9 to farm equipment?

10 A No.

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

15 A Repeat that again, please.

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

20 A No.

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

24 A I don't know.

25 Q Is there someone that would have more

049

1 knowledge about that than yourself?

2 A No.

3 Q Okay. Sir, now I just want to talk
4 specifically about the brakes that were
5 remanufactured by Rayloc. You have already taken
6 me through the process of the remanufacturing
7 rebuilding of the brakes.

8 My first question is, what did Rayloc
9 or Genuine Parts Company do with the old brake
10 linings that were removed?

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

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

17 A I don't know.

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

20 A I don't know.

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

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

050

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

3 A Stopper, mm-hmm, yes.

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

8 A Yes, it is.

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

12 A No.

13 Q And I understand that from 1960 to
14 1980 included in the stopper category would be
15 AB, MAS, and AS; is that accurate?

16 A Yes.

17 Q Would there be anymore --

18 A Yes.

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

21 A No.

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

24 A Yes.

25 Q Okay. I want to start with the

051

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

4 A Bonded brake shoe.

5 Q Brake shoe?

6 A Yes.

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

9 A Any of them, yes.

10 Q Okay. Which ones were the brake pads?

11 A The S and the MS.

12 Q Okay. The rest were brake shoes?

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

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

16 A Yes.

17 Q Okay. I understand from your previous
18 testimony that all of the brakes that were
19 designated B contained asbestos from 1960 to
20 1980?

21 A Yes.

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

052

1 A Yes.

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

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

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

9 A Yes.

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

13 A Yes.

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

16 A Metallic disc pad.

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

19 A They did not.

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

23 A 1972.

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

053

1 A Yes.

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

5 A Repeat the question, please.

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

9 A Disc pad, disc pad organic.

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

14 A Yes.

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

18 A Yes.

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

23 A That stands for a brake shoe.

24 Q Does that signify or represent
25 American Brakeblok?

054

1 A No.

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

5 A Yes.

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

10 A Yes.

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

13 A Metallic disc pad.

14 Q Sir, did the MAS brake contain
15 asbestos?

16 A No.

17 Q When did Rayloc begin remanufacturing
18 the MAS?

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

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

22 A It was mid 1970's.

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

25 A Disc brake organic.

055

1 Q I understand from your previous
2 testimony that all of the brakes designated AS
3 from 1960 to 1980 contained asbestos?

4 A Yes.

5 Q And I also understand that during that
6 time period, 1960 to 1980, all of the brake
7 linings for the AS brake were supplied by Abex?

8 A Yes.

9 Q Sir, the next one I have goes by the
10 designation ES; can you tell me what that is?

11 A That's a disc brake pad, organic.

12 Q Sir, would that be the professional or
13 the stopper grade?

14 A That would be the Economy grade,
15 that's what the E stands for.

16 Q Let me backup. Between 1960 and 1980
17 there were two grades, the professional and the
18 stopper?

19 A Yes.

20 Q Okay. At some point after 1980 did it
21 increase to three grades?

22 A Yes.

23 Q And when was that?

24 A I don't recall.

25 Q And what were those grades?

056

1 A ES; and MES, MES was the metallic disc
2 brake; and then we had a EB, which is a brake
3 shoe.

4 Q Was the ES professional quality? That
5 was economy quality; correct?

6 A Economy quality, yes.

7 Q When it switched over to three grades,
8 what was the professional quality brake?

9 A It was the same designations that we
10 had that you just mentioned.

11 Q Fair enough. Sir, I understand from
12 your previous testimony that from 1960 to 1980
13 the ES brake contained asbestos?

14 A What time frame?

15 Q '60 to '80.

16 A ES wasn't out then.

17 Q When did ES come out?

18 A I said earlier I don't recall the
19 exact date, but it had to be in the mid to late
20 '70's, excuse me, mid to late '80's.

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

23 A Yes.

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

057

1 A No.
2 Q Did it contain asbestos into the
3 '90's?
4 A Yes.
5 Q Sir, who was the supplier of the brake
6 linings for the ES brakes from the date it came
7 out up into the '90's?
8 A I don't know. There were numerous
9 suppliers.
10 Q Who were the suppliers for the ES
11 brake lining?
12 A I don't know who were the suppliers.
13 Q Do you know if Abex ever supplied any
14 lining for the ES brake?
15 A I do not know.
16 Q Sir, have you ever heard of a company
17 Bendix or Allied Signal?
18 A Yes.
19 Q Do you know if Bendix ever supplied
20 any linings for the ES brake?
21 A I do not know.
22 Q Sir, the brake you gave me that goes
23 by the designation EB, what does that stand for?
24 A That's economy brake shoe.
25 Q And when did Rayloc begin

058

1 manufacturing the EB brake shoe?

2 A At the same time frame as the ES.

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

6 A Yes.

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

9 A You mean the ES disc pad?

10 Q Correct.

11 A Yes.

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

14 A Numerous suppliers, no.

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

17 A No, I do not know.

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

20 A I do not know.

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

23 A Yes.

24 Q Okay. And was that a metallic brake
25 shoe?

059

1 A No.

2 Q Okay.

3 A It was a metallic disc pad.

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

6 A No.

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

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

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

13 A Yes.

14 Q Okay. And what was that brake?

15 A That was a metallic brake shoe.

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

18 A It did not.

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

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

23 Q Race cars?

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

060

1 Q Emergency vehicles?

2 A Yes.

3 Q Sir, you mentioned a little bit
4 earlier the brake shoe that was designated MS,
5 was that also a metallic brake shoe?

6 A It was a metallic disc pad.

7 Q Okay. Okay. Are you okay to
8 continue, sir?

9 A I'm doing fine. Thank you.

10 Q Sure. Sir, we have already talked
11 about the brake shoe that has been designated by
12 the letter B and you have told me it contained
13 asbestos from '60 to '80. Do you know if it
14 contained asbestos after 1980?

15 A In the early part of 1980, '81, '82.

16 Q And then so it is your testimony that
17 the asbestos was removed from the B brake shoe
18 some time in the early '80's?

19 A Yes.

20 Q Same question as to the RS brake shoe?

21 A Same answer.

22 Q How about the S designation?

23 A Yes.

24 Q And would it have contained asbestos
25 -- how long did that brake shoe contain asbestos

061

1 after 1980?

2 A The same time. I thought you already
3 mentioned the S disc pad. The S disc pad, the B
4 brake shoe, the RS brake shoe, all those were
5 switched over to a non-asbestos material and the
6 designation of an organic piece of material.

7 The disc pads were first, the brake
8 shoes came second, which they lagged a couple of
9 years behind the disc pad, which would be about
10 the mid to early '80's for the brake shoe.

11 Q The mid to late '80's?

12 A No, it would be -- it was right at the
13 mid, about two years after the disc pads.

14 Q Sir, after the mid '80's, did Rayloc
15 remanufacture any brakes that contained asbestos?

16 A Yes.

17 Q Okay. And what brakes were those?

18 A AB, the AB line or stopper line, and
19 the EB, economy line.

20 Q How long did the AB line contain
21 asbestos?

22 A Up until the '90's, early '90's.

23 Q How about the EB line?

24 A Up until 2001.

25 Q Sir, as we sit here today, does

062

1 Genuine Parts Company or -- strike that.

2 As we sit where today, does Rayloc
3 remanufacture or rebuild any brakes that contain
4 asbestos?

5 A No, they do not.

6 Q Sir, do you know if at any time period
7 whether or not Bendix ever supplied any asbestos
8 brake linings to Genuine Parts Company or Rayloc?

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

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

13 A They were used on the AB line.

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

16 MR. GALLUCCI: Sure, that's fine.

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

19 (Recess taken.)

20 BY MR. GALLUCCI:

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

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

063

1 that we only had eight part numbers that were
2 left, this would have been in the late '80's on
3 till 2001, the rest were switched to
4 non-asbestos.

5 I didn't mean to give the impression
6 that the whole line was still asbestos.

7 Q If I understand this clarification,
8 then, in the EB brake line, eight part numbers
9 contained asbestos until 2001?

10 A Yes.

11 Q Okay. Fair enough. Okay. Sir, my
12 next question is basically, have we talked about
13 all of the brake shoes and brake pads that were
14 remanufactured by Rayloc?

15 A What time frame?

16 Q From 1960 until 1980.

17 A Yes.

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

21 A Yes.

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

064

1 A I don't have knowledge of that.
2 Q Okay. Sir, do you know sitting here
3 today the different fiber types of asbestos?
4 A I only know one.
5 Q And which one is that?
6 A Chrysotile.
7 Q Have you ever heard the term
8 amphibole?
9 A No.
10 Q Have you ever heard the term amosite?
11 A No.
12 Q How about the term crocidolite?
13 A No.
14 Q And lastly, tremolite?
15 A No.
16 Q Okay. Sir, are you able to tell me
17 sitting here today what types of fiber were in
18 the different asbestos-containing brakes
19 remanufactured by Rayloc?
20 A Chrysotile.
21 Q So is it your understanding that every
22 asbestos brake lining remanufactured by Rayloc
23 contained chrysotile asbestos?
24 A Yes.
25 Q Sir, I want to show you a document

065

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

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

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

6 A I can see it.

7 MR. GALLUCCI: For the record, Pat, I
8 don't believe this has a Bate Stamp number
9 and I don't believe it was produced in the
10 Novo case.

11 MR. RILEY: Okay.

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

14 A No.

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

19 A Yes.

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

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

25 Q Okay. Sir, did you ever participate

066

1 or teach any of these clinics?

2 A No.

3 Q Okay. Were these all taught by --

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

8 MR. GALLUCCI: Fair enough.

9 Q You never taught any of these courses?

10 A No.

11 Q Were these taught by employees of
12 NAPA?

13 A I don't know.

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

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

19 A Yes.

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

24 A Not yet. Yes.

25 Q Okay. The first paragraph begins with

067

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

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

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

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

12 A Yes.

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

16 A Yes.

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

21 A I do.

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

25 A No.

068

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

3 A No.

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

7 A No.

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

12 THE WITNESS: Yes.

13 (Recess taken.)

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

16 BY MR. GALLUCCI:

17 Q All right. Mr. LeCour, sorry about
18 that. I think we have got our technical
19 difficulties resolved, hopefully.

20 I want to move on and talk a little
21 bit about the packaging of these brake shoes and
22 brake pads. Fair enough?

23 A Yes.

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

069

1 A Four.

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

4 A Yes.

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

7 A Four.

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

10 A Yes.

11 Q Okay. And was that standard from 1960
12 forward?

13 A Yes.

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

17 A It appears on the label.

18 Q On the label of the box?

19 A Yes.

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

23 A Yes.

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

070

1 A Yes.

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

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

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

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

15 MR. RILEY: Okay.

16 MR. GALLUCCI: And Novo 30230.

17 MR. RILEY: He has them.

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

20 A Yes.

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

24 A You are looking at a label.

25 Q Okay. Both the top and bottom

071

1 pictures are labels?
2 A Yes.
3 Q And this label, then, would be applied
4 to a box?
5 A Yes.
6 Q Okay. What was the appearance of the
7 box? Was it a certain color?
8 A It was oyster white.
9 Q And is that beginning in the 1960's?
10 A It was craft in the 1960's.
11 Q Sir, if you look at the top label of
12 this document it says "NAPA Rayloc," do you see
13 that?
14 A Yes.
15 Q Would there ever be anything on the
16 label or the box itself identifying Genuine Parts
17 Company?
18 A No.
19 Q Okay. Sir, if you'd look at the next
20 document, that is numbered 30230.
21 A Yes.
22 Q The top right-hand corner, it has a
23 designation "S7124A"; do you see that?
24 A Yes.
25 Q We talked about what the "S" stands

072

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

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

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

12 A It could be a "B".

13 Q And what would that mean?

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

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

21 A Repeat the question again, please.

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

24 A Yes.

25 Q Does that number in any way reflect a

073

1 Rayloc part number?
2 A Yes.
3 Q Okay. Did Rayloc part numbers
4 correspond to the FMSI part numbers?
5 A Not a hundred percent.
6 Q Sir, if you would look at the bottom
7 picture on that page, it has the designation
8 "S781A"?
9 A Yes.
10 Q That number "781A," again, would be an
11 FMSI number?
12 A Yes.
13 Q And underneath that it has the NAPA
14 logo and says "American Brakeblok"?
15 A Yes.
16 Q Do you know if the name "American
17 Brakeblok" appeared on every box of brakes that
18 was sold or remanufactured by Rayloc from '60 to
19 '80?
20 A On the professional quality.
21 Q So if I had a box of NAPA Rayloc
22 brakes and the name "American Brakeblok" appeared
23 on it, that would be a professional quality
24 brake?
25 A Yes.

074

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

4 A What time frame?

5 Q From any time from 1960 to 1980.

6 A No, it did not.

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

11 A Yes.

12 Q And do you know what time frame that
13 was?

14 A Up until the late '80's.

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

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

21 Q On the what part?

22 A On the segment, the friction material.

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

075

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

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

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

6 A I can see it.

7 Q Okay. Sir, that box there, is that
8 the oyster color white that you were describing
9 to me earlier?

10 A No.

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

13 A No.

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

16 A In the '70's.

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

19 A Yes.

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

23 A No.

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

076

1 brake in that box. Ask him if he knows what
2 would be in that box.
3 Q Sir, do you see the box there?
4 A Yes.
5 Q Okay. Would that be a brake box?
6 A Would it be a brake box?
7 Q Correct.
8 A It has brake lining in it.
9 Q Okay.
10 A Do you see the lining to the right?
11 Do you see the four pieces of lining to the
12 right?
13 Q Sure.
14 A It has the name "American Brakeblok."
15 Q Correct.
16 A That is what would be in the box.
17 Q So your testimony is that the only
18 thing that would appear in that box is the
19 lining?
20 A Yes.
21 Q Okay. Fair enough. And the lining
22 itself actually says "American Brakeblok"?
23 A Yes.
24 Q Is the document gone now?
25 A No.

077

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

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

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

7 (Recess taken.)

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

10 BY MR. GALLUCCI:

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

15 A No.

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

18 A Yes.

19 Q And who was that?

20 A NAPA United.

21 MR. RILEY: No.

22 THE WITNESS: Yeah.

23 MR. RILEY: He is asking about NAPA
24 members.

25 A No.

078

1 MR. RILEY: Colyear.

2 THE WITNESS: No.

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

5 MR. GALLUCCI: Right.

6 MR. RILEY: And Genaut.

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

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

13 MR. GALLUCCI: Okay.

14 BY MR. GALLUCCI:

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

17 A I misunderstood your question, but
18 NAPA United was the hydraulic side and they are
19 the supplier of hydraulic parts to Genuine Parts
20 Company. It was a division of Echlin.

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

23 A No.

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

079

1 A No.

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

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

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

10 MR. RILEY: Is that the American
11 Brakeblok specifications?

12 MR. GALLUCCI: Correct.

13 MR. RILEY: 50111?

14 MR. GALLUCCI: Correct.

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

18 MR. GALLUCCI: To 50116?

19 MR. RILEY: Correct.

20 MR. GALLUCCI: And we will attach this
21 to this deposition as Exhibit No. 6.

22 (Thereupon, Deposition Exhibit No. 6
23 was marked for identification.)

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

080

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

9 Q So am I correct in stating that this
10 specification document was something that was
11 provided to Rayloc by American Brakeblok or Abex?

12 A Yes.

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

16 A Yes.

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

20 A They were there before I arrived.

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

25 A Yes.

081

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

3 A No.

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

5 A No, they never supplied them.

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

9 A Yes.

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

12 A No.

13 MR. RILEY: Ground by whom?

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

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

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

25 MR. RILEY: Thank you.

082

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

2 Q Okay. Sir, what was the reason for
3 grinding these by Rayloc?

4 A This was one of our selling points,
5 that when we finished processing the product, you
6 as an installer would not have to do any
7 modifications whatsoever to the product, you
8 would put it on, you will have a good sound
9 brake, you will not have noise, and we said that
10 if you had to grind this material in your
11 facility, you couldn't get as many brake jobs
12 through an eight-hour period that you could get
13 if you used our finished product.

14 Q Sir, let me ask you this: You have
15 never been trained as a mechanic; correct?

16 A No, I have.

17 Q You have been trained as a mechanic?

18 A Yes.

19 Q Okay. And when was that?

20 A Since I was 15 years old.

21 Q What type of training did you have?

22 A I did home study. I did it because we
23 were in the remanufacturing business. I attended
24 classes at night just for different phases, like
25 engine rebuilding, transmission rebuilding, and

083

1 reading, self taught on basically everything.

2 Q Am I correct in stating that you have
3 never been employed as a mechanic?

4 A No.

5 Q Okay. Where have you been employed as
6 a mechanic?

7 A In New Orleans.

8 Q At a garage?

9 A At a filling station, I did mechanical
10 work.

11 Q In what year was that?

12 A 1960, '61.

13 Q And how long did you work at that job?

14 A Two and a half years.

15 Q Did you perform brake changes as a
16 mechanic at that time?

17 A Yes.

18 Q Can you tell me how many brake changes
19 you have performed while working at that job?

20 A No, I would have no idea.

21 Q Did you personally while working at
22 that job ever sand a new brake shoe prior to
23 putting it on?

24 A No.

25 Q Did you while working at that job ever

084

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

3 A No.

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

7 A Yes.

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

11 A Yes.

12 Q Did they all have glazes on them?

13 A No.

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

16 A I cannot be specific. The glazing is
17 not when you initially put it on the vehicle, but
18 if they are bringing the vehicle back in for some
19 reason, let's say a noise issue, it is glaze.
20 Our recommendation is you change the brakes.

21 The reason is the glazing is caused by
22 excessive heat generated in a small area, which
23 in turn takes the resins, and that's what you are
24 looking at, is the resins come to the surface and
25 glaze over.

085

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

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

7 A No.

8 Q Okay. Sir, in reading Genuine Parts
9 Company's interrogatories in this case,
10 specifically irog answer No. 8, they identify
11 different names of what I'm assuming are brakes
12 that were remanufactured by Rayloc, one being
13 Tru-Stop, T-R-U dash Stop?

14 A Yes.

15 Q What is Tru-Stop?

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

18 Q Do you know when that changeover
19 occurred?

20 A No.

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

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

25 Q Do you know when that occurred?

086

1 A No.

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

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

7 MR. RILEY: Okay.

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

10 A Yes.

11 Q Sir, can you still see me?

12 A Yes.

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

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

17 Q Can you tell me what this document is?

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

25 Q So we are looking here at a letter

087

1 from yourself to six individuals asking them to
2 put these new brakes on their personal vehicles?
3 A Company car.
4 Q That they drive?
5 A Yes.
6 Q Okay. And it is dated November 16th,
7 1990?
8 A Yes.
9 Q Did this process occur prior to 1990?
10 A No.
11 Q Maybe I was --
12 MR. RILEY: You might want to rephrase
13 the question, Mike.
14 MR. GALLUCCI: Yeah.
15 Q Maybe I was unclear. Did the process
16 of sending new formulas of brakes to put on, you
17 know, company cars, did that occur prior to 1990?
18 A You mean in other cases?
19 Q Correct.
20 A Or in this particular case, yes. We
21 have done that in particular cases.
22 Q Do you know if it has been done for
23 asbestos-containing brakes?
24 A Yes.
25 Q Can you tell me when those occasions

088

1 were?

2 A Numerous occasions. I don't have any
3 specifics.

4 Q Do you remember what the change in
5 formula was at the time of the asbestos brakes
6 that this was done?

7 A No, they said that's proprietary
8 information.

9 Q Do you know the supplier of those
10 brake linings?

11 A Yes.

12 Q And who would that have been?

13 A Bendix, American Brakeblok, and in
14 this case Tenneco.

15 Q Sir, do you know if any letters like
16 the ones you have in front of you exist that
17 would discuss the occurrences where this happened
18 with asbestos-containing brakes?

19 A No, there is not.

20 Q Do you know what happened to those
21 letters?

22 A They were discarded.

23 Q And do you know when?

24 A No.

25 MR. RILEY: To the extent that any

089

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

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

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

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

11 A No.

12 Q Sir, from 1970 -- strike that.

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

16 A Let me back up and clarify. When you
17 say in the '60's, the '60's, the M material that
18 we spoke of before, that was not a full line but
19 --

20 Q The court reporter asked what
21 material.

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

090

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

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

5 Q Correct.

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

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

10 A Yes. I'd like to clarify it.

11 Q Sure.

12 A Again, it was specific markets, it was
13 not stuff that would be substituting for the
14 general public. It was severe duty type stuff
15 made by Velvet Touch and that's what they
16 specialized in, mining equipment, tractor-trailer
17 type stuff, but it was not to be used on
18 passenger cars or a light truck.

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

24 A Correct.

25 Q Fair enough. Sir, I now want to

091

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

4 A Yes, sir.

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

8 A Yes.

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

11 A Early '60's.

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

16 A Yes.

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

19 A What time period?

20 Q In the 1960's.

21 A I don't know.

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

24 A Prior to that, I don't know.

25 Q Okay. With the brakes we went through

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

4 A No.

5 Q Did Rayloc only remanufacture, then,
6 one type of clutch?

7 A As far as the product line is
8 concerned, it was one product line, obviously,
9 yes.

10 Q Did that have --

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

13 Q Did it have a designation?

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

16 Q Sure.

17 A Yes.

18 Q And what was that?

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

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

24 A Yes.

25 Q How did Rayloc or Genuine Parts

093

1 Company differentiate their products?

2 A From whom?

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

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

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

12 A Yes.

13 Q Have you ever heard that name?

14 A Yes, yes.

15 Q And what is Partex?

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

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

23 A No, no.

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

094

1 A No, just Rayloc clutch.

2 Q So if I had -- strike that.

3 Did these Rayloc clutches come in a
4 box?

5 A Yes.

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

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

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

15 A Yes.

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

18 A Yes.

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

22 A Yes.

23 Q And who was that?

24 A Raybestos Manhattan.

25 Q How about the 1970's?

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1 A Raybestos Manhattan and H.K. Porter.
2 Q How about the 1980's?
3 A The same.
4 Q Same as the '70's?
5 A Yes.
6 Q How about the '90's?
7 MR. RILEY: You are asking asbestos in
8 the '90's or just the supplier?
9 MR. GALLUCCI: I'm just asking general
10 supplier right now.
11 A Raybestos Manhattan.
12 Q Sir, do you know at any time from the
13 time Rayloc began remanufacturing clutches until
14 the present any suppliers of clutch facings other
15 than Raybestos and H.K. Porter?
16 A Yes.
17 Q Okay. And who would those be?
18 A Velvet Touch.
19 Q Is that all?
20 A That's it.
21 Q Do you know when Velvet Touch supplied
22 clutch facings?
23 A From the '60's through the '90's.
24 That was a non-asbestos or special service, as I
25 said earlier.

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1 Q That was my next question. These
2 weren't for use on passenger vehicles or trucks?

3 A Correct, light truck, no.

4 Q Sir, do you know in the 1960's whether
5 the clutch facings supplied by Raybestos
6 contained asbestos?

7 A Yes, they did.

8 Q Sir, do you know in the 1970's whether
9 the clutch facings supplied by H.K. Porter and
10 Raybestos contained asbestos?

11 A Yes, they did.

12 Q Same question with the 1980's?

13 A No, they did not.

14 Q Do you know if there was any asbestos
15 in the clutch facing supplied by Raybestos in the
16 '90's?

17 A No, they did not -- I want to rephrase
18 that. We didn't purchase anything and they said
19 they didn't make anything, so I'm just saying
20 what we purchased, is that what you are asking?

21 Q Correct.

22 A Yes, no, they did not have asbestos in
23 them.

24 Q Sir, let me ask this: How would --
25 strike that.

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1 Do you know if -- did you ever hear of
2 the name Borg-Warner?

3 A Yes.

4 Q Do you know if Borg-Warner ever
5 supplied any clutches to Rayloc?

6 A Yes, they did.

7 Q And do you know what time frame that
8 was?

9 A Late '70's.

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

12 A Yes, they did.

13 Q And how long did -- strike that.

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

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

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

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1 already came with the Borg-Warner lining on it?
2 A Yes.
3 Q Okay. And you believe that was in the
4 1970's?
5 A Late '70's, late '70's, yes.
6 Q And you believe that contained
7 asbestos?
8 A Yes.
9 Q This particular -- these particular
10 lined clutch discs, how long did Borg-Warner
11 supply those to Rayloc?
12 A I don't recall.
13 Q If I understand your testimony, Rayloc
14 or Genuine Parts Company would put them in a NAPA
15 box?
16 A No, they put them in a Rayloc box.
17 Q Okay. Would there be anything on the
18 box itself that would designate that lined clutch
19 disc coming from Borg-Warner?
20 A No.
21 Q Would there be anything on the clutch
22 or the clutch facing itself that would identify
23 Borg-Warner?
24 A No.
25 Q Were -- these Borg-Warner lined

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

3 A Passenger and light truck.

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

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

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

16 A Yes.

17 Q And who were those?

18 A I don't recall.

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

21 MR. RILEY: To Rayloc?

22 MR. GALLUCCI: Correct.

23 A Yes.

24 Q Were these for use on passenger and
25 light trucks?

100

1 A No.

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

5 A No.

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

9 A No, I do not know.

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

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

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

15 A No.

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

20 A Formulation, yes.

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

24 A Yes.

25 Q And what did that designation or

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1 formulation look like?

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

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

9 A No.

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

13 A Yes.

14 Q Okay.

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

19 A No.

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

22 A No.

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

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1 A Chrysotile.

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

5 A I don't know.

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

9 A Yes.

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

13 A What time frame?

14 Q In the 1960's.

15 A No.

16 Q How about in the 1970's?

17 A No.

18 Q How about the 1980's?

19 A No.

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

24 A Yes.

25 Q Are you okay to continue?

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1 A Yes.

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

4 A Yes.

5 Q And what types are those?

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

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

11 A I do not know.

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

15 A No, there is not.

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

19 A Yes.

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

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

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

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1 asked you this. Do you know what time frame
2 Genuine Parts began selling these engine kit
3 gaskets?

4 A No.

5 Q Do you know if they were offered for
6 sale in the '60's?

7 A I don't know.

8 Q Do you know if they were offered for
9 sale in the '70's?

10 A Yes.

11 Q How about the '80's?

12 A Yes.

13 Q Sir, do you know the name of the
14 company that Genuine Parts Company got the intake
15 manifold gaskets from in the 1970's?

16 A Dana.

17 Q Same question with regard to the
18 exhaust manifold gasket it required?

19 A Dana.

20 Q Same question as to the head gasket?

21 A Dana.

22 Q And same question as to the water pump
23 gasket?

24 A Dana.

25 Q In the 1970's were there other

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1 suppliers other than Dana of the intake manifold
2 gasket?

3 A I do not know.

4 Q Same question as to the exhaust
5 manifold gasket.

6 A Tenneco could have supplied an exhaust
7 gasket.

8 Q How about as to the head gaskets?

9 A No other, do not know any other.

10 Q And how about lastly as to the water
11 pump gaskets?

12 A Do not know any other.

13 Q Sir, can you tell me the suppliers of
14 the intake manifold gaskets in the 1980's?

15 A Dana.

16 Q Same question as to the exhaust
17 manifold gaskets in the '80's?

18 A Dana.

19 Q Same question as to the head gaskets
20 in the 1980's?

21 A Dana.

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

24 A Dana.

25 Q Sir, sitting here today, do you know

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

3 A I do not know that.

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

6 A I do not know.

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

10 A I do not know.

11 Q Same question as to the head gaskets?

12 A I do not know.

13 Q Same question as to the water pump
14 gaskets?

15 A I do not know.

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

20 A No, I did not know.

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

25 A No.

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

3 A Yes.

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

6 A Balkamp.

7 Q Can you spell that, please.

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

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

11 A I don't know if they are incorporated
12 or not.

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

15 A They are a large stockholder in it.

16 Q In Genuine Parts Company?

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

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

24 Q Sir, is that your understanding?

25 A Yes.

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

4 A I do not know.

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

7 A No.

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

10 A Balkamp.

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

14 A No, I do not know.

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

18 A Yes.

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

21 A Yes.

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

24 A I do not know.

25 Q How about the 1970's?

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1 A Yes, they were.

2 Q Do you know the supplier of the
3 differential gaskets in the 1970's?

4 A Yes.

5 Q And who was that?

6 A Dana.

7 Q How about in the 1980's?

8 A Dana.

9 Q Do you recall any other suppliers of
10 the differential gaskets in the '70's and '80's,
11 other than Dana?

12 A No, no.

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

16 A No.

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

20 A Yes.

21 Q And in the 1980's?

22 A Yes.

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

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1 A No.

2 Q You don't know?

3 A I don't know.

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

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

9 A Yes.

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

12 A No.

13 Q Okay. How would these gaskets be
14 sold?

15 A Under the trade name Victor.

16 Q Would they be packaged in a box?

17 A Some.

18 Q How else would they come packaged?

19 A Plastic bag.

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

22 A No, they came boxed already from the
23 supplier of the manufacturer.

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

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

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

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

12 A No, I do not know.

13 Q Same question as to the word "Rayloc"?

14 A Repeat the question again.

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

18 A No.

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

22 A By those names you have just
23 mentioned?

24 Q Correct.

25 A No. But by a trade name of Victor

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1 they know that that is a NAPA product.

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

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

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

11 A Correct.

12 Q Is that true for the whole time period
13 that gaskets have been offered for sale by
14 Genuine Parts Company?

15 A You are breaking up.

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

19 A I don't know.

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

22 A No.

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

25 A Yes.

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1 Q And when do you recall seeing the name
2 Victor on a gasket material?
3 A '70's.
4 Q Would that continue into the '80's?
5 A Yes.
6 Q Sir, do you know if the name "Tenneco"
7 ever appeared on a gasket itself, on one of those
8 exhaust manifold gaskets?
9 A No, I do not.
10 Q Sir, do you know if the name "Balkamp"
11 ever appeared on the transmission gaskets?
12 A No, I do not.
13 Q Would the transmission gaskets, would
14 those come already packaged from Balkamp?
15 A Yes. From Balkamp to the distribution
16 center?
17 Q Correct.
18 A Or the supplier of the gasket to
19 Balkamp?
20 Q I'm talking from Balkamp to NAPA or
21 Genuine Parts Company.
22 A It would be packaged already.
23 Q What would appear on that box or those
24 bags if they came in bags?
25 A Microtest.

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1 Q Can you spell that, please.

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

3 Q Would the names "NAPA,
4 "Rayloc" or "Genuine Parts Company" appear on the
5 boxes of the Balkamp gaskets?

6 A No.

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

9 A I don't know.

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

12 A I don't know.

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

16 A Yes.

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

22 A Yes.

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

25 A Yes.

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

3 A No.

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

7 A Yes.

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

10 A No, I do not.

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

15 A I know what you are referring to.

16 Q Can you see it?

17 A I can see it, yes.

18 Q Okay.

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

25 Q Do you know in what time frame Genuine

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1 Parts Company began offering these packings for
2 sale?

3 A No.

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

6 A Yes.

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

9 A Yes.

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

12 A Dana.

13 Q And how about in the 1980's?

14 A Dana.

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

18 A No.

19 Q Do you know if there were others?

20 A No.

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

23 A No.

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

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1 A Yes.

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

5 A On the boxes, what time frame?

6 Q In the 1970's.

7 A Yes, it would have NAPA on it.

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

9 A Yes.

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

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

14 Just for the record, I will mark that
15 picture that I put on the screen at Exhibit
16 8.

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

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

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

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

25 MR. GALLUCCI: Do you want to take 15

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1 minutes? We have been going for a while.
2 It is up to you.

3 THE WITNESS: Ten minutes is good
4 enough.

5 MR. GALLUCCI: Sounds good. Thanks.

6 - - -

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

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

2 MR. GALLUCCI: Back on the record.

3 BY MR. GALLUCCI:

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

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

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

14 A We did not, no.

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

21 A No, they did not.

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

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

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

6 A No, they were not.

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

11 A Yes.

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

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

16 Q Who was the last one?

17 A Thiokal, that was H.K. Porter.

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

21 A Okay.

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

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

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1 plant.
2 Q Was that every month, every week?
3 A At least once a quarter.
4 Q Do you recall them visiting in the
5 '60's?
6 A I do not know.
7 Q Do you recall them visiting in the
8 '70's?
9 A Yes.
10 Q Do you know the name of the salesman
11 from Abex that would visit the Rayloc plants?
12 A No, I do not.
13 Q Do you know the name of any salesman
14 or any representatives from Abex?
15 A No, I do not.
16 Q Same question as to Bendix. Do you
17 know the name of any representatives from Bendix
18 Allied Signal?
19 A No, I do not.
20 Q Do you know why the Abex rep would
21 visit the Rayloc plants?
22 A To get an order, visit with
23 purchasing.
24 Q Were there ever any meetings between
25 Rayloc or Genuine Parts Company employees and

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1 this representative from Abex?

2 A Yes.

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

5 A No, I do not.

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

8 A Yes.

9 Q Do you know the purpose of those
10 meetings?

11 A Yes.

12 Q And what was that?

13 A Processing problems with their product
14 in the plant.

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

17 A Yes.

18 Q And when was that?

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

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

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

25 Q Did you observe the manufacturer of

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1 Abex brake linings when you were there?

2 A Yes.

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

6 A Four, at least four.

7 Q Did you ever visit Bendix or Allied
8 Signal?

9 A Yes.

10 Q And what was the purpose of those
11 visits?

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

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

17 A Yes.

18 Q On how many occasions did you visit
19 Bendix?

20 A Once.

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

23 A Winchester, Virginia.

24 Q Was that the only one?

25 A That's the only one.

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1 Q Fair enough. Sir, I want to ask about
2 the brakes that were rebuilt.

3 Any of the brakes that were rebuilt
4 and then sold by Genuine Parts Company and
5 Rayloc, did they come with instructions on how to
6 install them?

7 A No.

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

11 A Pertaining to what?

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

15 A No, it did not.

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

18 A No.

19 Q How about in the 1980's?

20 A No.

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

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

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1 Q Correct.

2 A No, we did not.

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

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

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

11 A I do not know.

12 Q Same question as to the clutches?

13 A I do not know.

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

18 A I do not know.

19 Q Same question as to the clutches.

20 A I do not know.

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

25 My first question, as I understand

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

4 A Yes.

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

7 A Genuine Parts Company.

8 Q And what are these distribution
9 centers?

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

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

17 Q Could me being a customer walk off the
18 street into the distribution center and buy a
19 Rayloc brake?

20 A Some of them you can.

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

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

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

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

7 A Yes.

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

12 A Yes.

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

15 A No, I do not know.

16 Q Do you know if it was done in the
17 '70's?

18 A Yes.

19 Q And how about the '80's?

20 A Yes.

21 Q And how was that inventory documented?

22 A I don't know.

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

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

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

3 Q Correct.

4 A No.

5 Q Were there any written agreements

6 between a distribution center and NAPA?

7 A I don't know.

8 Q Do you know if there were any written

9 agreements between a distribution center and

10 Genuine Parts Company?

11 A That's their warehouse, that's their

12 distribution center, so there would be no reason

13 to have a written agreement with yourself.

14 Q Do you know if there is any written

15 agreements between the distribution center and

16 Rayloc?

17 A Again, no, they own us.

18 Q I would be correct in stating that a

19 distribution center would only stock NAPA Genuine

20 Parts Company and Rayloc parts?

21 A They only stock under the trade name

22 of NAPA, not under Genuine Parts, and they would

23 also stock it under Rayloc.

24 Q Am I correct -- or strike that.

25 Would a distribution center stock

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1 someone else's brand of brakes?

2 A No.

3 Q How about the gaskets that we talked
4 about earlier, would distribution centers stock
5 those?

6 A Yes.

7 Q And those would be under the name of a
8 supplier, Dana or Victor or Spicer?

9 A Yes.

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

14 A No.

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

18 A Yes.

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

22 A No.

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

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1 A Yes.

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

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

6 MR. RILEY: No.

7 A No, then I don't know.

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

12 A Yes.

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

15 A No.

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

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

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

23 MR. GALLUCCI: Sure.

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

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1 Wilmire in 1993. Davis and Wilmire was the
2 NAPA distributor for Western Pennsylvania.

3 Historically they had a distribution
4 center in Pittsburgh and one in Altoona.
5 The one in Altoona or Duncansville is still
6 in existence. The one in Pittsburgh was
7 closed and Pittsburgh is now serviced out of
8 Carlton, Ohio.

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

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

15 MR. RILEY: Sure.

16 BY MR. GALLUCCI:

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

20 A Yes.

21 Q Do you know if that --

22 MR. RILEY: Not anymore. There was.

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

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1 A What time frame?
2 Q In the '60's.
3 A I don't know.
4 Q How about the '70's?
5 A Yes.
6 Q How about the '80's?
7 A Don't know.
8 Q And sir, Mr. Riley mentioned a
9 distribution center in Carlton, or Carlton, Ohio?
10 A Yes.
11 Q Do you have knowledge of that
12 distribution center?
13 A I'm familiar with the name.
14 Q Do you know if that distribution
15 center ever supplied any products to Western
16 Pennsylvania?
17 A I don't know.
18 Q Sir, do you know a gentleman by the
19 name of David Stanfield?
20 A No.
21 Q You have no knowledge of whether he is
22 the manager of the distribution center in
23 Carlton, Ohio?
24 A I don't know.
25 Q Sir, other than those three

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

4 A I do not know.

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

8 A Yes.

9 Q And who would that be?

10 A I don't know.

11 Q But somebody would know more about
12 this topic than you?

13 A Distribution centers, yes.

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

18 A No.

19 Q Same question as to the Cleveland
20 distribution centers?

21 A No.

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

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1 A What time frame?

2 Q The '60's.

3 A Common carrier.

4 Q How about the '70's?

5 A Late, early '70's, common carrier,

6 late '70's we had our own trucking division.

7 Q And would the same be true for the

8 '80's, your own trucking division?

9 A Yes.

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

15 A No.

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

19 A No.

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

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

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

3 Q So if I wanted to become a NAPA
4 jobber, would I contact Genuine Parts Company?

5 A You would contact -- the normal way
6 would be contact the distribution center that
7 services that area.

8 Q Do you know if Genuine -- strike that.
9 Was that procedure in effect in the
10 '60's and '70's?

11 A I can't speak for the '60's, but the
12 '70's, yes.

13 Q And same for the '80's?

14 A Yes.

15 Q Do you know if there was ever a time
16 when NAPA or Genuine Parts Company would go to a
17 small auto parts facility in a neighborhood and
18 say, "Do you want to be a NAPA jobber?"

19 A Yes, the distribution center would do
20 that, not Genuine Parts.

21 Q Do you know if that procedure was in
22 place in the '60's?

23 A I don't know.

24 Q How about the '70's?

25 A Yes.

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1 Q In the '80's?

2 A Yes.

3 Q Would there be a written agreement
4 between the NAPA jobber and the distribution
5 center or NAPA or Genuine Parts Company?

6 A No.

7 Q Were there ever any agreements?

8 A No.

9 Q Was this something that was always
10 done verbally over a hand shake?

11 A Yes.

12 Q What assurances did a NAPA jobber have
13 from the distribution center or from Genuine
14 Parts Company?

15 A A hand shake.

16 Q Would NAPA be free to open a jobber
17 right next to a current NAPA jobber?

18 A He could, or the distribution could do
19 that, but they never have.

20 They have always gone to that person
21 that is a NAPA store at that time and asked if
22 they -- if someone is interested in putting a
23 store, but they wouldn't put it right next store,
24 it might be across town, so if it is across town,
25 they will ask them, "Do you want to put a branch

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

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

7 A I don't know.

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

10 A Yes.

11 Q And how about the '80's?

12 A Yes.

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

15 A No.

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

19 A NAPA or Rayloc.

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

22 A Automotive replacement parts, some
23 installation.

24 Q And that would include --

25 A Automotive replacement parts.

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1 Q That would include --

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

4 Q Which would include Rayloc relined
5 brakes?

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

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

11 A Yes, and others as well.

12 Q Same question as to clutches?

13 A Yes, others as well.

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

16 A Yes, and others as well.

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

21 A Repeat the question, please.

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

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1 farm equipment?

2 A We didn't have any to fit tractors.
3 Rayloc did not have anything that fits tractors.
4 We did not catalog it for tractors.

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

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

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

15 A Yes.

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

18 A Yes.

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

21 A Yes.

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

24 A No.

25 Q Okay. Sir, you have mentioned a

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1 couple times that in addition to Rayloc and NAPA
2 parts, a NAPA jobber could sell other
3 manufacturers of automotive parts?

4 A Yes.

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

8 A No.

9 Q Could a NAPA jobber sell Bendix
10 brakes?

11 A Yes.

12 Q Could a NAPA jobber sell Kelsey-Hayes
13 brakes?

14 A Yes.

15 Q Could a NAPA jobber sell Borg-Warner
16 clutches?

17 A Yes.

18 Q Would a NAPA jobber offer for sale
19 brake linings?

20 A Yes.

21 Q Without the actual brake shoe or the
22 disc brake?

23 A Yes.

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

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1 jobber?

2 A And others.

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

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

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

12 A Yes.

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

16 A Both.

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

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

25 Q What if it were to be for a bonded

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1 brake?

2 A No.

3 Q Sir, do you know if NAPA or Genuine
4 Parts Company provided its jobbers with invoices
5 to use?

6 A Invoices for what they have purchased?

7 Q No.

8 A Used in their store?

9 Q Correct, to give to a customer.

10 A I do not know.

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

17 A What time frame?

18 Q For the 1960's?

19 A No.

20 Q How about for the '70's?

21 A No.

22 Q How about for the '80's?

23 A No.

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

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1 A No.

2 Q To your knowledge, does Genuine Parts
3 Company or NAPA have any documents that would
4 show who their jobbers were in 1960?

5 A No.

6 Q How about 1970?

7 MR. RILEY: In Western Pennsylvania?

8 MR. GALLUCCI: Correct.

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

12 A No.

13 Q How about in the '80's?

14 A No.

15 Q Sir, do you know if NAPA jobbers
16 delivered to their customers?

17 A Some do.

18 Q Were they free to deliver if they
19 chose?

20 A Yes.

21 Q Did any NAPA jobbers ever do any
22 installations?

23 A I don't know.

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

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1 A I don't know.

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

4 A I do not recall.

5 Q Have you visited other NAPA jobbers?

6 A Yes.

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

11 A Yes.

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

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

21 A Fair enough.

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

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

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

6 Q Sir, I have put up on the screen,
7 hopefully you can see it, Genuine Parts Company's
8 answers to interrogatory No. 1A.

9 A I don't see the 1A.

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

12 A Yeah, I can because -- it is blurred.
13 Yes, the small A on the left-hand side?

14 Q Sure.

15 A Okay.

16 Q Sir, if you look there in Genuine
17 Parts Company's answer, about halfway through it
18 says, "Genuine Parts Company purchased the assets
19 of Standard Auto Parts Company's store located at
20 27 South Central Canonsburg, PA on or about
21 6-30-92," do you see that?

22 A Yes.

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

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1 A No.

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

4 A I don't know.

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

10 A Yes.

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

14 A No.

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

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

20 A No.

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

24 A I do not know.

25 Q Could you sit here today and tell me

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

4 A No.

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

10 A No.

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

13 A No.

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

16 A I don't recall.

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

20 A No.

21 Q Is the document back off the screen?

22 A No.

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

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

5 A No.

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

9 A I don't know.

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

15 A I do not know.

16 Q Sir, did any of the Rayloc rebuilding
17 facilities ever sell directly to any automobile
18 car dealerships or any repair garages?

19 A No.

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

23 A No.

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

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

4 A No.

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

7 A Yes.

8 Q And how was that?

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

11 Q How was that order physically
12 documented?

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

16 Q How would the order to the supplier be
17 documented?

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

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

22 A What time frame?

23 Q For the 1960's.

24 A No.

25 Q For the 1970's?

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1 A No, they do not exist.

2 Q How about for the '80's?

3 A No, they do not exist.

4 Q And how about the '90's?

5 A No, they do not exist.

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

8 A Same procedures done by the brakes,
9 brake lining supplier.

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

13 A They would place orders with the
14 supplier.

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

17 A It does not.

18 Q How about the '70's?

19 A It does not.

20 Q How about the '80's?

21 A It does not.

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

25 A A purchasing department?

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1 Q Correct.

2 A What time frame?

3 Q In the '60's.

4 A I do not know.

5 Q How about the '70's?

6 A Yes.

7 Q And the '80's?

8 A Yes.

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

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

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

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

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

23 A No.

24 Q We'll see if that worked.

25 Sir, Mr. Riley mentioned a little bit

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

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

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

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

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

12 THE WITNESS: No.

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

15 THE WITNESS: Yes.

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

18 THE WITNESS: Okay.

19 A I do know what it is.

20 Q Okay. Sir, was is it?

21 MR. RILEY: He is confused.

22 A It is the documents that --

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

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1 document retention policy.

2 Q Sure. Did the picture come back up?

3 A No.

4 Q Okay. While he is reading that, I'll

5 see if I can get someone to fix it.

6 A Okay.

7 (Recess taken.)

8 MR. GALLUCCI: Back on the record.

9 MR. RILEY: I see it. It says down

10 here, "To the extent that any marketing

11 information was located, it has been in a

12 document repository available in Atlanta."

13 Okay?

14 THE WITNESS: Yes.

15 MR. RILEY: Do you know anything about

16 that? Maybe I should answer the question.

17 MR. GALLUCCI: Well --

18 A Yes, this is information that is at

19 Alston and Bird.

20 MR. RILEY: A-L-S-T-O-N and B-I-R-D, a

21 law firm in Atlanta.

22 Q Sir, is it your understanding that the

23 document repository is actually in an attorney's

24 office?

25 A Yes.

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

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

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

8 A The last paragraph?

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

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

14 A Yes.

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

19 A Yes.

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

24 A No.

25 Q Sir, does Rayloc have a list of its

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1 former employees who worked in the Rayloc
2 rebuilding plants?
3 A What period of time?
4 Q For the '60's.
5 A No.
6 Q For the '70's?
7 A No.
8 Q How about the '80's?
9 A No.
10 Q Sir, do you know if a pension list
11 exists for Rayloc employees who worked in Rayloc
12 rebuilding manufacturing plants?
13 A I'm not aware, no.
14 Q Sir, on some of the photos that I
15 showed you earlier of the brake labels that --
16 labels that went on brake boxes, we saw what I
17 call a NAPA logo?
18 A Yes.
19 Q Can you describe the NAPA logo for me
20 from its inception to now?
21 A It hasn't really changed. That was
22 their logo set years ago and not all suppliers
23 were granted to use that logo. We were one of
24 the last to use it.
25 Q When you say "we," you are referring

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1 to Genuine Parts Company?

2 A Rayloc.

3 Q Sir --

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

8 MR. GALLUCCI: Yeah, Pat.

9 MR. RILEY: The hexagon that you are
10 referring to came into existence in the mid
11 '60's.

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

16 MR. RILEY: All right.

17 Q Sir, if -- strike that.

18 Would NAPA jobbers be entitled to use
19 the NAPA logo?

20 A Yes.

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

25 A Yes.

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1 Q Could any garage or auto parts store
2 display a NAPA logo by its name and not be a NAPA
3 jobber?

4 A What time period?

5 Q The '60's.

6 A No.

7 Q How about the '70's?

8 A No.

9 Q Fair enough.

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

16 A Yes.

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

21 A No.

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

25 A Yes.

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1 Q And would Rayloc do that?

2 A Yes.

3 Q Would Genuine Parts Company do that?

4 A I don't know.

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

7 A Yes.

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

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

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

18 A Of NAPA.

19 Q Strike that, of Genuine Parts Company
20 or Rayloc?

21 A Yes.

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

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1 jobbers with a catalog?

2 A Rayloc.

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

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

9 Q What would be in this catalog?

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

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

14 A No.

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

20 A Yes.

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

23 A Yes.

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

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

3 A No.

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

6 A Yes. It is a service manual, a
7 general service manual for doing brake jobs.

8 Q And would Genuine Parts Company or
9 Rayloc produce these catalogs?

10 A We did not produce it. That was
11 produced by United in their Raybestos division.

12 Q Do you know the catalogs that I just
13 had up on the screen, I took it down here, I
14 don't know if it's come down on your end, do you
15 know when they began being used?

16 A In the '70's.

17 Q And how about the catalogs we
18 discussed prior to that that would go from the
19 distribution center to the jobbers, do you know
20 when they began being used?

21 A When the company was in existence and
22 started selling auto parts.

23 Q Sir, do you know if any of those
24 catalogs exist today from the 1960's?

25 A No, they do not.

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1 Q How about from the 1970's?

2 A No, they do not.

3 Q Sir, do you know if NAPA or Genuine
4 Parts Company or Rayloc has in its possession any
5 of the service manuals like I have shown you?

6 A I do not know. That manual there was
7 discontinued.

8 Q Fair enough. Sir, I want to get to my
9 last topic, hopefully, for today, and talk to you
10 about the specific topic of asbestos and I want
11 to get an understanding of what your personal
12 understanding is of the hazards of asbestos.

13 THE WITNESS: All right. May I take a
14 break? Five minutes.

15 Q Can you see me or is the document
16 still on the screen?

17 A Five minutes. Five minutes.

18 MR. RILEY: He said five minutes.

19 (Recess taken.)

20 MR. GALLUCCI: Back on the record.

21 BY MR. GALLUCCI:

22 Q Sir, before we took a break I asked
23 you of what your personal understanding of the
24 hazards of asbestos was.

25 A Yes.

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1 Q Can you tell me what your
2 understanding --

3 A Specific hazards?

4 Q Sure.

5 A You could develop lung cancer.

6 Q Sir, is it your understanding that
7 exposure to asbestos could cause lung cancer?

8 A Yes.

9 Q Sir, have you ever heard of a disease
10 called mesothelioma?

11 A Yes.

12 Q And what is your understanding of that
13 disease?

14 A That's what I was thinking was the
15 cancer, lung cancer.

16 Q Sir, have you ever heard of a disease
17 called asbestosis?

18 A No.

19 Q Sir, did there come a point when --
20 strike that.

21 I understand from your previous
22 testimony that there came a point when Rayloc
23 stopped selling asbestos products; correct?

24 A Yes.

25 Q And I believe with your clarification

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1 that the EB brake lining contained asbestos until
2 2001, at least eight part numbers?

3 A Yes.

4 Q And would that be the last
5 asbestos-containing relined brake that Rayloc
6 relined?

7 A With asbestos?

8 Q Correct.

9 A Yes, that was it.

10 Q Sir, do you know when Rayloc stopped
11 relining clutches with asbestos-containing clutch
12 facings?

13 A The early '80's, late '70's early
14 '80's.

15 Q Did there come a point when the brake
16 linings that were being used to remanufacture
17 these brakes by Rayloc, when there was a switch
18 over from asbestos to non-asbestos?

19 A Yes.

20 Q And do you recall when that switch
21 over took place?

22 A It was over a wide period of time. I
23 don't know specifically by dates.

24 Q Sir --

25 MR. GALLUCCI: And Pat, for the

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1 record, I want to use the Exhibit No. 17
2 from the Novo deposition. It is Bate
3 Stamped 40839.

4 A Yes.

5 Q Sir, can you tell me what that
6 document is?

7 A It is informing me that we are
8 starting to receive certain part numbers from
9 Abex in non-asbestos.

10 Q This is -- it is actually a
11 handwritten letter from someone to yourself?

12 A Yes.

13 Q Do you know who that letter is from?

14 A Joe Bentaor.

15 Q And who was that?

16 A He was the purchasing manager.

17 Q Do you know what time he was the
18 purchasing manager?

19 A I don't recall.

20 Q And you said that the letter is
21 informing you that Abex was beginning to produce
22 non-asbestos brake linings?

23 A Only in certain numbers. The product
24 itself would not work on all numbers and the
25 reason that he let us know about this was that we

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1 had problems in assembling or attaching
2 non-asbestos material furnished by Abex when they
3 wanted to get out of asbestos.

4 Q Sir, and this letter is dated, I
5 believe, January 28, '87?

6 A Yes.

7 MR. GALLUCCI: And for the record, I
8 will mark this as Exhibit 9.

9 (Thereupon, Deposition Exhibit No. 9
10 was marked for identification.)

11 MR. GALLUCCI: Pat, if you could pull
12 out Exhibit 16 from the Novo deposition. It
13 is Bate Stamped 30868.

14 (Thereupon, Deposition Exhibit No. 10
15 was marked for identification.)

16 A Yes.

17 Q Sir, you have had a chance to look at
18 that. Can you tell me what that document is?

19 A This is when Abex set their date to
20 get out of asbestos the second time.

21 Q And it is actually a letter from a
22 John Shepard?

23 A Yes.

24 Q Okay. And it is directed to Joseph
25 White from Rayloc?

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1 A Yes.

2 Q Who was Mr. White?

3 A He was president of the division.

4 Q He was president of Rayloc?

5 A The division, yes.

6 Q Sir, if you would look at the second
7 paragraph of that letter, it says, "The only
8 exception to this will be the Economy Brake shoes
9 supplied by direct shipment to Brake Pro division
10 of Tenneco," spelled T-E-N-N-E-C-O, "Automotive."

11 A Yes.

12 Q Do you know what the brake division of
13 Tenneco Automotive was?

14 A That was another plant that was
15 involved with Abex, like they had many plants on
16 manufacturing.

17 Q Did that Tenneco Automotive have
18 anything to do with the Rayloc plants?

19 A I don't recall.

20 Q Fair enough. Sir, in your deposition
21 in the Novo case, I believe you testified, and I
22 just want to make sure I have it accurate, that
23 the only reason Rayloc stopped selling asbestos
24 was because of an upcoming EPA ban on asbestos;
25 is that accurate?

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1 A Repeat the question, please.

2 Q Sir, from reviewing your prior
3 transcript testimony in the Novo case, I believe
4 you have testified that the only reason that
5 Rayloc stopped selling, using asbestos-containing
6 brake linings was because of the upcoming EPA ban
7 on asbestos?

8 A Yes.

9 Q Sir, were there ever any notification
10 within Rayloc, a memo to all its employees or a
11 meeting saying, "Okay. We are no longer going to
12 use asbestos brake linings"?

13 A No.

14 Q Do you know if there were ever any
15 meetings regarding the employees of Rayloc or
16 Genuine Parts Company about the hazards of
17 asbestos?

18 A Yes, for Rayloc only.

19 Q And when do you recall the first such
20 meeting?

21 A It wasn't an official meeting, it was
22 what we were doing in the process to keep the
23 dust within the regulations of OSHA.

24 Q And obviously, if that had to deal
25 with OSHA, it was after 1972?

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1 A Yes.

2 Q How about prior to that, do you know
3 if there were any such meetings?

4 A I do not know.

5 Q Sir, at any point in time did Rayloc
6 or Genuine Parts Company ever put a warning on
7 any of its brakes?

8 A What time period?

9 Q At any time period.

10 A Yes.

11 Q Okay. When was the first warning
12 placed on Rayloc brakes?

13 A 1988.

14 Q Sir, if you would, Mr. Riley has
15 Genuine Parts Company's answers to
16 interrogatories in this case, and sir, if you
17 could be so kind as to flip to the response to
18 question 19.

19 A Yes.

20 Q Okay. If you go over to -- it is
21 actually the first full page of the response,
22 halfway down it says "in 1988"?

23 A Yes.

24 Q Okay. It says, "In 1988 in response
25 to California's proposition 65" it continues to

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1 say "GPC began placing a caution on its packaging
2 using the language listed below," do you see
3 that?

4 A Yes.

5 Q Is that the warning that you were
6 referring to that was put on in '88?

7 A Yes.

8 Q Sir, could you read that warning for
9 me?

10 A "Caution contains asbestos fibers,
11 avoid creating dust, breathing asbestos dust may
12 cause serious bodily harm."

13 Q Sir, would you agree with me that that
14 warning that is contained there and that was put
15 on in 1988 does not warn that exposure to
16 asbestos can cause mesothelioma?

17 MR. RILEY: I will object. The
18 document states for itself what it says.
19 You are getting argumentative.

20 Q Sir, you can answer my question.

21 MR. RILEY: We will stipulate it
22 doesn't use the word "mesothelioma."

23 Q Sir, would you agree with me that that
24 warning does not warn that an exposure to
25 asbestos can cause lung cancer?

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1 MR. RILEY: Same objection.

2 MR. GALLUCCI: You can answer the
3 question, sir.

4 A It just says "serious bodily harm,"
5 which would include the lungs.

6 Q Sir, would you agree with me that that
7 warning never uses the word "asbestosis"?

8 MR. RILEY: Can I have a continuing
9 objection?

10 MR. GALLUCCI: Yes, sir.

11 MR. RILEY: Do you want me to
12 interrupt each time? I'll be happy to
13 interrupt.

14 MR. GALLUCCI: You can have a
15 continuing objection, Pat.

16 MR. RILEY: Thank you.

17 A The question again, please?

18 Q Would you agree with me that the
19 warning does not use the word "asbestosis"?

20 A Yes.

21 Q Sir, would you agree with me that the
22 warning does not ask that a user or consumer wear
23 a breathing respiration -- or respirator?

24 A It states that you shouldn't breath in
25 dust.

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1 Q Correct. But the warning doesn't say
2 "wear a respirator when working with this
3 product"; correct?

4 A Yes.

5 Q Sir, if you look below that warning
6 there is a sentence that says, "GPC subsequently
7 began placing a caution on its limited products
8 that contained asbestos"; do you see that?

9 A Yes.

10 Q Sir, do you know what year this new
11 warning went into effect?

12 A No.

13 Q Do you know if it was in the '90's?

14 A No.

15 Q Sir, would you agree with me that this
16 warning in no way states that exposure to
17 asbestos could cause lung cancer, mesothelioma,
18 or asbestosis?

19 MR. RILEY: The same objection.

20 Q You can answer it, sir.

21 A It says "don't breath excessive dust."

22 Q Sir, you would agree with me -- strike
23 that.

24 Sir, did you ever personally see a
25 warning on any of the brake linings that were

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1 supplied to Rayloc by Abex?

2 A No, I did not.

3 Q Do you know if there was ever a
4 warning on the brake linings that Abex supplied
5 to Rayloc?

6 A No, I do not.

7 Q Sir, do you know or did you ever
8 personally see a warning on any of the brake
9 linings that were supplied to Rayloc by Bendix?

10 A No, I did not.

11 Q Do you know if such a warning existed?

12 A No, I do not.

13 Q Sir, did you ever see -- strike that.
14 These two cautions or warnings that we
15 just went over, do you know if those were placed
16 on any clutches that were sold by Rayloc?

17 A The first one was.

18 Q Sir, did you ever see any warnings on
19 any of the clutch facings or clutches that were
20 supplied to Rayloc?

21 A No.

22 Q Do you know if any such warning was
23 ever there?

24 A No.

25 Q Sir, do you know if Abex ever gave

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1 Rayloc any oral warnings about the hazards of
2 asbestos?

3 A No, I do not know that.

4 Q Same question as to Bendix?

5 A No, I do not know that.

6 Q And same question as to the suppliers
7 of the clutch material?

8 A No, I do not know that.

9 Q Sir, I asked you at the beginning of
10 this deposition if you personally were ever the
11 member of any trade organizations. What I would
12 like to know now is if Genuine Parts Company or
13 Rayloc was ever a member of any trade
14 organization, the first one being --

15 A Genuine Parts.

16 Q The first one being the Industrial
17 Hygiene Foundation?

18 A No.

19 Q How about the National Safety Council?

20 A No.

21 Q How about the American Society of
22 Mechanical Engineers?

23 A No.

24 Q Sir, how about the Automotive Parts
25 Rebuilders Association?

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1 A Yes, Rayloc only.
2 Q Do you know when Rayloc became a
3 member of the APRA?
4 A No, I do not.
5 Q Do you know if they were a member in
6 the '60's?
7 A Yes.
8 Q Are they currently a member?
9 A Yes.
10 Q How about the FMSI?
11 A What time period?
12 Q The '60's.
13 A No.
14 Q How about the '70's?
15 A No.
16 Q How about the '80's?
17 A No.
18 Q Was Rayloc ever a member of the FMSI
19 at any time?
20 A We are not a member, we are a
21 licensee.
22 Q When did Rayloc become a licensee of
23 the FMSI?
24 A 2003.
25 Q Prior to 2003, did Rayloc or Genuine

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1 Parts Company receive any publications from the
2 FMSI?

3 A No.

4 Q They never received a newsletter from
5 the FMSI?

6 A No.

7 Q But am I correct in understanding your
8 prior testimony that they would get documents
9 from the FMSI regarding part numbers?

10 A Yes, but that was supplied to us by
11 our supplier who actually makes the friction
12 material.

13 Q So the FMSI standards I will call them
14 were given to NAPA or Genuine Parts Company or
15 Rayloc from the suppliers of the brake lining?

16 A Yes.

17 Q Sir, during any time that Rayloc was a
18 member of the APRA, did Rayloc receive regular
19 publications from that organization?

20 A Yes.

21 Q What kinds of publications did Rayloc
22 receive?

23 A General things that are going on in
24 the industry, how to rebuild a late model clutch,
25 how to rebuild a late model water pump,

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1 advertisements from all suppliers that supplied
2 those component parts.

3 Q Do you know if any of those
4 publications ever discussed asbestos or the
5 health hazards linked with asbestos?

6 A No, I do not.

7 Q Sir, did Rayloc or Genuine Parts
8 Company have a library of medical articles?

9 A I'm not aware.

10 Q Do you know if at any time Rayloc ever
11 employed a medical director or an industrial
12 hygienist?

13 A I'm not aware.

14 Q Same question as to Genuine Parts
15 Company?

16 A I'm not aware.

17 Q Sir, are you able to tell me at what
18 point Genuine Parts Company learned of the
19 hazards of asbestos?

20 A Back in the '70's, late '60's.

21 Q Do you know how Genuine Parts Company
22 acquired that knowledge?

23 A No, I do not.

24 MR. GALLUCCI: Pat, I'd like to use
25 the exhibit from Novo No. 30, it is Bate

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1 Stamped 51103.

2 MR. RILEY: Yes.

3 MR. GALLUCCI: Okay. For the record,
4 I will mark this as Exhibit 11 to this
5 deposition.

6 (Thereupon, Deposition Exhibit No. 11
7 was marked for identification.)

8 Q Sir, can you tell me what this
9 document is that we are looking at here? It is
10 two pages.

11 A I only have one. Now, I have the
12 second one.

13 Yeah, this was a test that was
14 performed by our insurance company.

15 Q And, sir, the date on it is October
16 26, 1971?

17 A Yes.

18 Q It is a letter to a Mr. David
19 Childress, manager, Rayloc, Inc.?

20 A We are not Inc.

21 Q So that's a typo on the letter?

22 A Yes.

23 Q Okay. Sir, if you would look at the
24 first sentence of that letter, it says, "A survey
25 of your plant was made on October 13th, 1971 in

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1 order to evaluate your employees' exposure to
2 asbestos dust," do you see that?

3 A Yes.

4 Q Do you know why this particular survey
5 was being done?

6 A They did that on a regular basis.

7 Q Do you know when those types of
8 surveys began?

9 A No.

10 Q Do you know if they were being done in
11 the '60's?

12 A Yes. Well, no, I do not know.

13 Q Okay. Fair enough. Sir, if you would
14 look halfway down there is the word "important"
15 and it is underlined.

16 A Yes.

17 Q Could you read what No. 1 says there.

18 A "Provide annual chest x-ray
19 examinations for all regular operators of the
20 brake lining grinding machines."

21 Q Do you know why that was being
22 recommended?

23 A I have not read the reports, so no, I
24 don't know why.

25 Q Do you know the purpose of the chest

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1 x-rays being performed?

2 A Yes.

3 Q And what was that?

4 A Asbestos related to lungs,
5 mesothelioma.

6 Q Sir, if you would flip to the second
7 page of that document, at the top it says "Report
8 of Survey," and if you look down at No. 2 it says
9 "results"?

10 A Yes.

11 Q The first part of the first sentence
12 says there, "The grinder operator is almost
13 continuously exposed to dust generated by the
14 brake shoe grinding machine"; do you see that?

15 A Yes.

16 Q Would that be the gentleman, the
17 operator that we spoke of earlier that would
18 actually be grinding the friction material
19 itself?

20 A Yes.

21 Q Okay. Sir, I understand from reading
22 your prior deposition you made a mention of
23 something called a downdraft table?

24 A Yes.

25 Q Can you tell me what that is?

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1 A A downdraft table is a vacuum that
2 draws any dust particles away from the person
3 performing a job in the packaging area.

4 Q Okay. Would that be -- I'm just
5 trying to envision it. Would that be a table
6 with holes in it that would have a vacuum under
7 it?

8 A Yes, multiple holes.

9 Q Sir, do you know what the purpose of
10 using the downdraft table was?

11 A Yes, to prevent the dust from getting
12 up into the air, free born particles.

13 Q Do you know when Rayloc began using
14 downdraft tables?

15 A No.

16 Q Do you know if they were in use in the
17 1960's?

18 A I don't know.

19 Q Do you know if they were in use in the
20 1970's?

21 A Yes.

22 Q Sir, at any point was there ever
23 a dust collection system being used other than
24 the downdraft table at any of the Rayloc plants?

25 A Yes.

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1 Q And do you know what that was being
2 used for?

3 A Yes.

4 Q And what was that?

5 A It was mounted on the grinder, it was
6 mounted on any of the delining equipment, and,
7 again, it served the same purpose of the
8 downdraft table.

9 Q Do you know when that began being used
10 at Rayloc?

11 A In the '70's.

12 Q Sir, do you know sitting here today
13 whether any employees of Rayloc have ever filed
14 a workers' compensation claim for an
15 asbestos-related disease?

16 A No.

17 Q You don't know?

18 A I don't know.

19 Q Sir, did there come a time when Rayloc
20 provided its employees with a dust mask or a
21 respirator?

22 A No. I will clarify that, they had a
23 dust mask but not a respirator.

24 Q Do you know when the dust mask was
25 first issued to Rayloc employees?

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1 A No.

2 Q Do you know if they were being used in
3 the '60's?

4 A I don't know.

5 Q Do you know if they were being used in
6 the '70's?

7 A Yes.

8 Q Other than that, the letter we just
9 looked at from the insurance company, do you know
10 if Rayloc ever provided its employees with an
11 annual chest x-ray?

12 A They did not -- I do not know. What
13 period of time?

14 Q In the '60's.

15 A I do not know.

16 Q And in the '70's?

17 A Do not know.

18 Q Sir, do you know if at any time Rayloc
19 had its employees undergo regular physicals every
20 year?

21 A No, I do not know.

22 Q Do you know if Rayloc ever performed
23 any pulmonary function tests or breathing studies
24 on any of its employees?

25 A No. We ran, we ran tests of breathing

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1 in the working area themselves doing the same
2 type of job the travelers did.

3 Q You are talking about air sampling?

4 A Air sampling, yes.

5 Q And is that the air sampling we talked
6 about -- strike that.

7 Did Rayloc do air sampling independent
8 of the insurance company?

9 A Yes.

10 Q Do you recall when Rayloc began doing
11 that?

12 A No.

13 Q Do you know if that was being done in
14 the '60's?

15 A No.

16 Q Do you know if it was --

17 A No, I do not know.

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

20 A Yes.

21 Q And it was being done for asbestos?

22 A For dust particles, any area that
23 generated dust.

24 Q Sir, do you know if any tests have
25 ever been done on a Rayloc relined brake to

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1 determine the amount of asbestos fibers released
2 from that brake?

3 A No.

4 Q Do you know if any such studies were
5 ever done on a Rayloc remanufactured clutch?

6 A No.

7 Q Do you know if any such studies were
8 ever done on any of the gaskets that were
9 supplied and sold by Genuine Parts Company?

10 A No.

11 Q Sir, at the beginning of this
12 deposition and actually in answer to
13 interrogatory 19 in this case, you referred to
14 teaching some brake clinics?

15 A Yes.

16 Q What exactly are those brake clinics?

17 A Those are clinics to tell the
18 installers on how to properly install the
19 brake shoes and how to make sure that, of
20 course we were putting the pitch to use our
21 product because it was preground, we told them
22 they did not have to touch or modify the friction
23 material in any way, shape, or form, and we
24 demonstrated to them by having drums of different
25 diameters and show them how our shoe fit them all

185

1 properly.

2 Q Do you know when these clinics began?

3 A '70's.

4 Q Do you know who, other than yourself,
5 would conduct these clinics?

6 A All of our representatives would do
7 that.

8 Q And who would attend these brake
9 clinics?

10 A The jobber, the jobber personnel, the
11 garages, the repair shops, dealerships, and
12 anyone else the jobber would like to attend.

13 Q Where were these clinics typically
14 held? Were they held at the jobber's store?

15 A Typically, yes.

16 Q Sir, do you recall if you personally
17 ever taught any of these clinics in Western
18 Pennsylvania?

19 A I don't recall.

20 Q Do you know if any of these clinics
21 were ever taught in Western Pennsylvania?

22 A I do not know.

23 Q So you would have no knowledge as to
24 if any of these clinics were ever done at
25 Standard Auto Parts in Canonsburg?

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1 A Correct.

2 Q Sir, at any of these clinics did the
3 topic of asbestos ever come up?

4 A No.

5 Q How long did you continue to teach
6 these clinics?

7 A From '71 to '76.

8 Q How long did the program of having
9 these clinics go on?

10 A It is going on today.

11 Q Okay. Sir, do you know if at any
12 point Rayloc has ever got any OSHA violations for
13 asbestos?

14 A Repeat that again, please.

15 Q Sure. Do you know if at any time
16 Rayloc ever received any violations from OSHA
17 regarding asbestos?

18 A No, I do not know.

19 Q Sir, I'm going to put up on the screen
20 some documents I got from OSHA discussing
21 violations at Rayloc. You let me know when you
22 can see it on the screen.

23 A It is a little blurry, but we can see
24 it.

25 Q I'm going to attach all of these, I

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1 believe it is six pages, I will attach them to
2 this deposition as Exhibit 12.

3 (Thereupon, Deposition Exhibit No. 12
4 was marked for identification.)

5 Q I have attempted to zoom in on it for
6 you, sir.

7 A Okay.

8 Q It says on the left-hand side
9 "violation Rayloc company."

10 A Oh, yeah, I see that, yes.

11 Q Sir, I will represent -- I will
12 represent to you that when I pulled this
13 document off the Internet it was for the Rayloc
14 plant located at 600 Rayloc Drive in Atlanta,
15 Georgia.

16 A Yes.

17 Q Sir, if you would look there in the
18 middle, the top middle, it says "standard cited,"
19 and then it has some numbers and it says the word
20 "asbestos"?

21 A I don't see the word "asbestos."

22 MR. RILEY: We don't have the whole
23 document. There it is.

24 A Okay. Yes.

25 MR. RILEY: Got it.

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1 Q And sir, underneath of that it says
2 "violation items" and directly below that it has
3 an issuance date; do you see that?

4 A Yes.

5 Q And that date is 11/07 1983?

6 A Yes.

7 Q Do you recall after looking at this
8 whether or not there was an OSHA violation in
9 1983?

10 A No, I do not.

11 Q Fair enough. Sir, I'm going to move
12 to the next page.

13 (Recess taken.)

14 BY MR. GALLUCCI:

15 Q Sir, before we lost our signal, I was
16 showing you some documents from OSHA which I have
17 attached to the deposition. Sir, I will
18 represent that I have five more of these
19 documents from Rayloc facilities in Maryland,
20 Memphis, Tennessee, and Kentucky with the most
21 recent violation in 2001.

22 If I were to show you each of these
23 documents, would that help trigger your memory as
24 to whether there was an OSHA violation?

25 A No.

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1 Q Then I won't put us through that.

2 MR. GALLUCCI: sir, at this point, I
3 don't believe that I have any further
4 questions. I will review my notes. But I
5 do believe maybe some other attorneys will
6 have questions. We will start here.

7 Does anyone here in Pittsburgh have
8 questions?

9 THE WITNESS: I'd like to take a
10 break, please.

11 (Recess taken.)

12 MR. GALLUCCI: Pat, after looking at
13 my notes, I just have one more question.

14 BY MR. GALLUCCI:

15 Q Sir, if I walked into a NAPA jobber in
16 1970 and I purchased a box of Rayloc brakes and
17 on the outside it says "American Brakeblok,"
18 would that mean that the linings on those brakes
19 were supplied by Abex?

20 A Yes.

21 Q Okay.

22 MR. GALLUCCI: I don't have any
23 further questions.

24 MR. RILEY: Does anybody in Pittsburgh
25 have any questions?

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1 MR. GALLUCCI: At this time, Pat, I
2 don't think anyone here has questions.

3 MS. ABDULALEEN: This is Rahmah
4 Abdulaleen with King & Spalding, R-A-H-M-A-H
5 last name A-B-D-U-L-A-L-E-E-M, with King &
6 Spalding for Honeywell.

7 I just have a couple questions for
8 you, Mr. LeCour.

9 EXAMINATION

10 BY MS. ABDULALEEN:

11 Q What entity, Rayloc, NAPA, or Genuine
12 Parts Company, purchased Bendix products?

13 A Rayloc.

14 Q What time frame did Rayloc purchase
15 Bendix products, was it the '60's?

16 A I can't speak for the '60's, but the
17 '70's up.

18 Q '70's to current day or --

19 A Yes.

20 Q What records does Rayloc have in its
21 possession that evidence that Rayloc purchased
22 Bendix products?

23 A If it was within the last four years,
24 but prior to that they wouldn't have any.

25 Q Okay. So only in the last four years

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1 would you guys have evidence of purchasing
2 products from Bendix?

3 A Oh, no, we would have product on the
4 shelf that has your lining on it.

5 Q Okay. What was the volume of Bendix
6 products that Rayloc purchased?

7 A I don't know.

8 Q Were the Bendix products shipped to
9 Rayloc in bulk or in individual boxes?

10 A Bulk.

11 Q What records does Rayloc have in its
12 possession to evidence whether the Bendix
13 products that were purchased were non-asbestos
14 containing versus asbestos containing?

15 A What evidence do we have for that?

16 Q Yes.

17 A We have none.

18 MR. RILEY: No, there are documents in
19 the repository that make reference to the
20 suppliers' correspondence, that kind of
21 stuff.

22 Q Okay. Do you know the volume of
23 non-asbestos containing materials versus the
24 asbestos-containing products?

25 A No.

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1 Q What were the actual products, Bendix
2 products that were purchased?

3 A We purchased disc brake pucks and we
4 purchased strip lining for brake shoes. The
5 pucks were known as Friction King Two, which was
6 a semimetallic material.

7 Q Did Rayloc rebrand or repackage the
8 Bendix products?

9 A Yes.

10 Q You say they rebranded them, did they
11 put their logo on them?

12 A No, not on the product itself.

13 Q Okay.

14 A You still had your edge coats unless
15 it was 2000 and up. We just put it in the box
16 and we would label it "Rayloc." It would be a
17 Rayloc premium.

18 Q Okay. So the outside of the box
19 would have "Rayloc" on it, but the actual product
20 would still say "Bendix" on it?

21 A Yes.

22 Q And you guys would do your own
23 labeling of the box, that wouldn't be done by
24 Bendix?

25 A Yes, we did it. I know there was

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1 a period of time where they were doing some
2 boxing for us, but I can't recall when or how
3 much.

4 Q Okay. Do you have any idea when the
5 time frame was for that?

6 A No, I do not.

7 Q Okay. Can Rayloc trace what Bendix
8 products went to which stores?

9 A No.

10 MS. ABDULALEEN: That's all I have.

11 MR. RILEY: Mike, I have a couple
12 follow-up questions.

13 MR. GALLUCCI: Okay.

14 EXAMINATION

15 BY MR. RILEY:

16 Q Paul, in the direct testimony you were
17 asked some questions regarding products that the
18 distribution center sold to jobbers that were
19 aimed at farm equipment; do you recall that
20 testimony?

21 A Yes.

22 Q Did the distribution center send
23 every jobber farm equipment or would that be
24 limited to jobbers who requested that type of
25 material?

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1 A Only the ones that requested it.

2 Q Now, with respect to catalogs, you
3 mentioned that manufacturers supplied catalogs to
4 the distribution centers?

5 A Yes.

6 Q Did the distribution centers supply
7 those catalogs to the jobbers?

8 A Yes.

9 Q And such as the NAPA United document
10 that was shown, is that the type of material that
11 might be supplied by the distribution center to
12 the jobber?

13 A Type of material, yes, except there
14 was a catalog.

15 Q With respect to the discontinuation of
16 asbestos from the 8 parts numbers on brakes in
17 2001, as I understand your testimony here today,
18 did you say that that discontinuation occurred
19 because of an EPA band on asbestos?

20 A I said that, but I misunderstood the
21 question.

22 Q All right. Can you explain why the
23 product line was discontinued in 2001?

24 A Because we only had 8 parts numbers
25 left with the asbestos on it and there were

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1 suitable products that we could substitute the
2 asbestos with, so it was a corporate decision to
3 do away with those numbers, to have a totally
4 hundred percent non-asbestos line.

5 Q You were also asked questions
6 regarding the different industrial hygiene
7 surveys that were done at the various plants over
8 the years, and do you know with respect to
9 wearing dust masks, when employees wore dust
10 masks, was it everybody in the plant wearing a
11 dust mask?

12 A No, they were not. It was only in an
13 area that required that and that was requested by
14 the employee, and we, we knew that we were
15 generating the dust because this is what we were
16 doing, we were grinding it, we were aware of
17 the hazards of asbestos and we wanted to take
18 every precaution we could to protect our
19 employees.

20 Once we finished the process in our
21 plant and it is put into a box, it is instructed
22 to the installers by the jobber, jobber
23 personnel, by our salesmen, by our clinics, do
24 not grind this material, any modification to the
25 material would void the warranty.

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1 We felt that that was -- in the form
2 in which that asbestos was contained in, which
3 was it was encapsulated in resin, it was a solid
4 piece, that was safe.

5 MR. GALLUCCI: Pat, before you go on,
6 I just want to place an objection as to the
7 non-responsive answer and I move to strike
8 his narrative testimony that was
9 non-responsive.

10 Q With respect to inside the plant, if
11 the industrial hygienist for the insurance
12 company or consultant suggested wearing a dust
13 mask, Rayloc would provide a dust mask in that
14 area; is that correct?

15 A Absolutely, yes.

16 Q Okay. If there was an OSHA citation,
17 are you the person who would normally receive
18 that citation?

19 A No.

20 Q All right. Is that why you'd have no
21 familiarity with the citations that he was
22 referring to today?

23 A Yes.

24 Q Okay.

25 MR. RILEY: That's all I have.

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1 EXAMINATION

2 BY MR. GALLUCCI:

3 Q Mr. LeCour, I have some follow-up
4 based on some questions that were asked of you by
5 Mr. Riley.

6 I asked you, and I will ask you again,
7 you told me today in this deposition, and you
8 testified in the Hanks deposition, that the only
9 reason Rayloc stopped selling and using asbestos
10 product is because of an upcoming ban on
11 asbestos; do you remember giving that testimony
12 today?

13 A I remember giving the testimony, but
14 this way of which you just read it back to me,
15 that was not how it was.

16 Q That's now how it was as to the 8 part
17 numbers in the EB line?

18 A That is correct.

19 Q How about as to the other lines, would
20 that statement be correct?

21 A Well, I will restate it if I may.

22 Q Sure.

23 A When there was a chance of asbestos
24 being banned, we were in the brake business, we
25 had no choice but to look and start experimenting

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1 with different types of non-asbestos materials.
2 No one had that technology, Abex claims they had
3 it, but their technology did not work on domestic
4 cars, so we were doing that to save our business
5 and to be able to supply a product, but then, as
6 you, I'm sure, are aware, asbestos has never been
7 banned.

8 Q Sir, I wouldn't agree with that
9 statement, but we don't need to get into that
10 today.

11 In response to Mr. Riley's questions,
12 you have testified that regarding the farm
13 equipment, that could be used on farm equipment,
14 that would only be sent to a jobber that
15 requested it; is that correct?

16 A Yes.

17 Q Sitting here today, would you agree
18 with me that you have no knowledge as to whether
19 Standard Auto Parts in Canonsburg ever requested
20 such farm equipment?

21 A No, I have no knowledge.

22 Q Fair enough.

23 Lastly, sir, you testified, and I
24 don't understand your testimony, did you say
25 there was an instruction with the Rayloc brake

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1 which said to not sand it?

2 A No. It was included in the product
3 itself, I said with our product knowledge
4 clinics, as well as our brake clinics, that was
5 the verbiage used to express that to our
6 customers and to train the employees of the
7 jobber, and that was one of the features that
8 made us different from someone else, trying to
9 sell that installer brakes.

10 Q So sir, if I walked into a NAPA jobber
11 in 1970 and I bought a box of Rayloc brakes that
12 had the term "American Brakeblok" on it, and I
13 opened that box up, you would agree with me that
14 there would be no instruction in there telling me
15 to not sand that brake?

16 A Yes, I would agree with you.

17 MR. GALLUCCI: I don't have any other
18 questions, sir.

19 MR. RILEY: Okay, are we done.

20 MR. GALLUCCI: Yeah, anyone else here
21 in Pittsburgh have questions?

22 Nobody there, Pat?

23 MR. RILEY: We are done.

24 MR. GALLUCCI: Do you want to instruct
25 him on signature?

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MR. RILEY: We do not waive.

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Send it to me and I will get it to

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him.

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- - -

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(Thereupon, at 3:37 p.m., the

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deposition was concluded.)

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CERTIFICATE

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COMMONWEALTH OF PENNSYLVANIA,)

) SS:

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COUNTY OF ALLEGHENY.)

4

I, Terri J. Urbash, do hereby certify that
before me, a Notary Public in and for the
Commonwealth aforesaid, personally appeared PAUL
LeCOUR, who then was by me first duly cautioned
and sworn to testify the truth, the whole truth,
and nothing but the truth in the taking of his
oral deposition in the cause aforesaid; that the
testimony then given by him as above set forth
was by me reduced to stenotypy in the presence of
said witness, and afterwards transcribed by means
of computer-aided transcription.

10

I do further certify that this deposition
was taken at the time and place in the foregoing
caption specified, and was completed without
adjournment.

12

13

I do further certify that I am not a
relative, counsel or attorney of either party, or
otherwise interested in the event of this action.

14

15

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my seal of office at Pittsburgh,
Pennsylvania, on this _____ day of
_____, 2006.

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Terri J. Urbash, Notary Public
In and for the Commonwealth of Pennsylvania
My commission expires June 7, 2008

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202

1 COMMONWEALTH OF PENNSYLVANIA) E R R A T A
COUNTY OF ALLEGHENY) S H E E T

2

3 I, PAUL LeCOUR, have read the foregoing pages of
my deposition given on Tuesday, August 29, 2006,
4 and wish to make the following, if any,
amendments, additions, deletions or corrections:

5

Page/Line	Should Read	Reason for Change
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In all other respects, the transcript is true and
correct.

20

21

Paul LeCour

22

Subscribed and sworn to before me this ____ day
23 of _____, 2006.

23

24

Notary Public

25

203

1 September 10, 2006

2

3 Riley, Hewitt, Witte & Romano
Suite 300, 650 Washington Road
4 Pittsburgh, Pennsylvania 15228
5 ATTN: Patrick Riley, Esquire

6 NOTICE OF NON-WAIVER OF SIGNATURE

7

8 Please have the deponent read his deposition
transcript. All corrections are to be noted on
the preceding Errata Sheet.

9

10 Upon completion of the above, the deponent must
affix his signature on the Errata Sheet, and it
is to then be notarized.

11

12 Please forward the signed original of the Errata
Sheet to Michael Gallucci, Esq., for attachment
to the original transcript, which is in his
13 possession, copying all other counsel and myself.
14 As per the rules, if the witness does not sign
the signature page within 30 days after receipt
15 of the transcript, signature is deemed waived.

16

17

18

19 Terri J. Urbash, RPR
Court Reporter

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