IN THE SUPREME COURT OF THE STATE OF NEVADA

MDB TRUCKING, LLC,

Appellant/Cross-Respondent,

VS.

VERSA PRODUCTS COMPANY, INC.,

Respondent/Cross-Appellant.

Supreme Court Case No. 75022

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[District Court Case Nos.: CV15-02349, CV16-00976 and CV16-01914]

JOINT APPENDIX VOLUME 4 OF 18

Consolidated Appeals from the Second Judicial District Court, Orders Granting Motion to Strike Cross-Claim and Orders Denying Attorneys' Fees and Granting Reduced Costs, The Honorable Judge Elliott A. Sattler, District Court Judge

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MDB Trucking, LLC

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1	A	Page 14 You have to fill out a form provided by the Federal	1	A	Page 16 Truck driver and mechanic.
1		rier Safety Administration that proves you have the	2		Okay. And then when did you become an owner?
3		and the experience to do it, and then it's signed off by	3	A.	19 probably, I would say five years after I started
4		nt manager.	4		was a partner, and then I bought my partner out.
5		Is there a certain amount of hours in maintenance that	5	Q	So the last 15 years, roughly
6	-	equired to do in order to receive these certifications?	6	A	Yes.
7	_	I'm not sure. I don't know the answer to that. I don't	7	Q	you were an owner?
8		I in not sure. I don't know the abover to that. I don't	8	¥	And were you the sole owner of the company?
و		Prior to starting at MDB in August 2014, what was	9	A	At the end, I was, yes.
10	-	here did you work?	10	Q	Are you aware that your testimony today is about the
11	-	K & B Transportation.	11	-	prought by Fitzsimmons, MDB, and other defendants in
12		And what how long were you there?	12		related cases?
13	~	One year.	13	A	Yes.
14		And what did you do there?	14	Q	Did you do anything to prepare for your deposition
15	A A	I drove a truck and worked in a shop, as a mechanic.	15	-	and lot on mildmid on brefare for four deposition
16		Okay. And then prior to working at K & B, where were	16	A	I met with my attorneys, Brian and Thierry, Saturday to
17	-	oney. And their factor to working at it is is, where were	17		what the procedures were going to be of the deposition and
18	you: A	At Northern Nevada Excavating.	18	how	while the procedures were going to be of the deposition and
19	Q	And how long were you there?	19	1104	MR. BROWN: You don't need to tell her what we did or
20	A A	Five years.	20	talked at	bout, just that you met with us.
21	Q	And what did you do there?	21	carked at	THE WITNESS: Yes.
22	A A	I was truck driver, oversaw the shop. And towards the	22	BY MS. SH	
23		s actually the administrator.	23	Q Q	Did you look over any documents to prepare for your
24	Q Q	And then prior to that, did you have any other	24		
25	-	e in driving trucks or shop maintenance?	25	asposit at	Again, I don't want to know any conversation you had
		and the state of t			
1	A	Page 15	1	with your	Page 17: counsel.
2	Q	Okay. Can you tell me what those were and your time at	2	A	Yes, just the questions that are posed in a deposition.
3	those jobs		3	I'm not s	sure what you call that.
4	A	Prior to that, I was at Harco company for 20 years	4	Q	In the notice of deposition?
5	and		5	A	In the notice, yes.
6	Q	Was that	6	Q	So you only looked at the notice of deposition?
7	A	Pardon?	7	A	Yes.
8	Q	Was there anything else prior to that with doing any	8	Q	You didn't look at any other documents?
9		ring and maintenance?	9	A	I don't think so.
10	A	Yes. Before that, I was with a company called	10	Q	Okay. Did you speak with anyone other than your
11	Silver Bea	ars, Incorporated, for five years. And I did maintenance	11	attorneys	in preparation for the deposition today?
12	and truck	driving at that place, too.	12	A	No.
13		And then prior to that?	13	Q	What is the legal name of MDB Trucking?
14	A	That was it.	14	A	MDB Trucking, LLC.
15	Q	That was it. Okay.	15	Q	And where was it incorporated?
16	A	Well, pretty much, that was it.	16	A	Reno. I believe it was Reno. To the best of my
17	Q	Okay.	17	knowledge	, I think it I'm fairly sure it was Reno.
18	A	So at Harco Company, I was actually the owner at the end	18	Q	And do you know when it was incorporated?
19	of the 20	years. I sold it.	19	A	Between it's actually not a corporation, it's a
20	Q	So you started off doing what did you start off doing	20	limited 1	iability corporation, but I look at it slightly
21	at Harco?		21	different	ly.
22	A	"Harco," H-a-r-c-o.	22	Q	Yes. I appreciate that.
23	Q	At Harco.	23		Do you have the or, do you know the business address
24	A	Harco Company, yes.	24	of MDB?	
25	Q	So what did you start off doing there?	25	A	The mailing address is P.O. Box 61806, Reno, Nevada

Page 20 Page 18 A I don't report directly to the owner very much right 1 89506. 2 now. I report to a gentleman named Terry Davis, who works for the 2 What about the physical address? 3 The physical address of the yard I manage is 905 East 3 owner. And what is Terry Davis' job title? 0 4 Mustang Road. Are there more than one locations of MDB? A I'm not sure. 0 6 Q Is he an employee of the company? 6 How many locations are there? I'm not sure. 7 Q How often do you speak with Terry Davis? We have two yards, two operations, one in Dixon, 8 Probably daily, at least a couple -- a few times a week. 9 California, and one in Sparks, Nevada; Reno, Nevada. 10 What are the things that you discuss with him? 10 And what's the address for the one in California? Mostly, just general administrative issues, maybe, that 11 11 7059 Tremont Road, Dixon, California. 12 the office might have, or whether or not we might be purchasing 12 Q And do you have any interaction with the yard in 13 something that's going to cost a significant amount of money. 13 California? 14 Like, I'll run that by him and he can run that by the owner. A Not over the last six months. They pretty much run on 14 Do the drivers and maintenance employees report to you? 15 their own. But before that, I have knowledge of it, yes. Yes, the ones in Reno, yes. 16 Q Who owns MDB? 16 Α 17 Right. Exactly. 17 A The partners are -- or the members -- I'm not sure how How many -- let me -- strike that. 18 18 you would say that -- are Travis Bonanno and Kari Bonanno. Do you make the decisions to purchase or lease any truck 19 19 Q And they both -- they own both locations in Nevada and 20 California? 20 or trailer in Nevada? 21 A 21 A 22 0 Do you have to ask anyone above you to purchase or lease 22 Q How many employees does MDB have? 23 a truck or trailer --23 MR. BROWN: Are you talking total or just in --A Yes. 24 MS. SHREVE: We'll do in Nevada and then we'll do in 24 25 California. 25 0 -- in Nevada? Page 21 Page 19 Is that person Terry Davis? 1 THE WITNESS: Twenty-two. 1 A Yes, currently, yes. 2 BY MS. SHREVE: Q Currently. 3 Q In Nevada? 3 4 How many trucks does MDB own and/or lease in Nevada? 4 A No, total. I'm sorry. I missed --5 A Eleven -- twelve. 5 No. MR. BROWN: Are you specifically talking about trucks 6 Α I'm sorry. 7 7 that will tow trailers? So how many would you say are in Nevada? THE WITNESS: I was just going to --8 Α 9 BY MS. SHREVE: 9 So, roughly, ten in California --I'm going to go into what those trucks entail, so --10 Yes. Α 11 but, yes. 11 -- if my math is correct? A Yeah, if you are speaking of pickups, I mean, I guess 12 Α Q And what are the different jobs entailed of the 13 you could make it 13, but 13 total vehicles. 13 So for the different trucks, how many does MDB actually 14 employees? We'll start with Nevada. Like, are they drivers, Q 15 maintenance? What are the positions that you have in Nevada? 15 cm2 16 A Okay. Myself as the manager, then we have one mechanic, A To my knowledge, none. 17 one mechanic's helper, and the rest are truck drivers. Okay. So of the 12 trucks or possibly 13 trucks, what are the different trucks? Are they all the same, or are they 18 Q And what about in California? 19 different? 19 A We have a manager that works down there that is also a 20 driver. And then we have one mechanic and eight drivers, eight A Are you talking about make or model or type of vehicle? The type of vehicle, whether it tows, damp trucks, or a 21 21 additional drivers. 22 pickup truck. Q And I know you've briefly talked about it, but can you 22 Oh, we have -- well, we would have one pickup truck, one 23 explain the managerial structure? So in regards to -- is there 24 mechanic service truck, and the rest are heavy-duty tractor 24 the owner, and then does the owner go to the manager, which would 25 be you? Do you report to the owner? How does that work? 25 trailers or truck trailers.

1 I can go into more detail on that, whether they are a 2 tractor thet pulls bottom dumps or a truck that has the transfers 3 behind it, but I'm not aure if that's what you are looking for. 4 Q Yes. So how many pull bally dumps? 5 A We have four. We have six power units that can pull 6 bottom dumps. 7 Q Are all six in service daily? 8 A No. 9 Well, yes, they could be, yes, not pulling bottom dumps, 11 Q What would thay pull if they are not pulling bottom dumps, 12 dumps? 13 A They would pull pnematic trailers that had cessent. 14 They could be heading a transport trailer. They could be heading a transport trailer to head to something I keep count of. It's probably close to 40. 20 And then how many trailers does MBB on or lease in 17 Beneda? 21 A I'm completely quessing on this because it's not 19 county to the minds. 22 Q And of the approximately 40 trailers — are any of them 23 Q And of the approximately 40 trailers, how many are used daily in 19 county to the minds. 21 The William of the trailers of them would be used daily in 19 county to the minds. 22 Q And of those trailers, how many are the healty dump 19 county to the minds. 23 Q Red of those trailers, how many	,			
2 tractor that pulls bottom champs or a truck that has the transfers 3 behind it, but "I's not sure if that's what you are looking for. 4	1			Page 24
behind it, but I'm not sure if that's what you are looking for. 4	١.	•		
4	Ē.	•		
5 is going to be the smended notice of the deposition for tot (Dahibit I marked for identification.) 7 Q Are all six in service daily? 8 A No. 9 Well, yes, they could be, yes, not pulling bottom dumps, 10 though, if that's shart you meant. 11 Q What would they pull if they are not pulling the bottom. 12 dumps? 13 A They would pull presentic trailers that haul cenent. 14 They could be hauling a transport trailer. They could be hauling 15 equipment. 16 Q And then how many trailers does MB on or lease in 17 Novada? 17 Novada? 18 A I'm completely guessing on this because it's not 19 something I keep count of. It's probably close to 40. 19 Q And are the, roughly, 40 trailers — are any of than 20 and by MES? 20 A I do not think so. 21 Q And of the approximately 40 trailers, how many are used daily in 19 possible different continutions. 22 Q And of these proximately 40 trailers, how many are used daily in 19 possible different continutions. 24 Q Not of these proximately 40 trailers how many are the belly chap 3 trailers? 25 A I would say 70 percent of them would be used daily in 19 possible different continutions. 26 Q Not of these proximately 40 trailers how many are the belly chap 3 trailers? 27 A Services? 28 Q Not of these proximately for many are the belly chap 3 trailers? 29 A Yes, I do. 20 And what sort of regairs do you do to the trucks or 11 trailers? 20 A New do every hit of maintenance, preventive maintenance, and general repairs. 31 Q So is alignment the only thing that we've ever sent it 10 Q Nou recompany for any regairs or maintenance or questive to the only thing that we've ever sent it 10 Q Nou recompany for for minimance or repairs? 31 A I mean, it's not the only thing that we've ever sent it 10 Q Nou recompany for any regairs or maintenance or company for for minimance or company? 31 A I mean, it's not the only thing that we've ever sent it 10 Q Nou recompany for any regairs or maintenance or company for for minimance or company? 32 A I mean, it's not the only thing that we've ever sent it 10 Q Nou	1			
6 bottom chaps. 7 Q ker all six in service daily? 3 A No. 9 Well, yes, they could be, yes, not pulling bottom chaps, 10 though, if that's stat you meant. 10 though, if that's stat you meant. 11 Q What sould they pull if they are not pulling the bottom 12 chaps? 13 A They would pull procunstic trailers that hank coment. 14 They could be hanking a transport trailer. They could be hanking 15 equipment. 16 Q And then how many trailers does MOB one or lease in 17 Normals? 18 A I'm completely quessing on this because it's not 19 something I keep count of. It's probably close to 40. 20 Q And are the, roughly, 40 trailars — are any of than 21 concad by MOS? 22 A I do not think so. 23 Q And of the approximataly 40 trailars, how many are used 24 daily? 25 A I would say 70 percent of them would be used daily in 26 possible different continations. 27 Page 23 28 possible different continations. 29 A Yes. 20 Q And shat other — what services does MOB provide for its 4 A Nine. 5 Q What other — what services does MOB provide for its 6 trucks or trailers? 7 A Services? 8 Q Yes. 9 A Yes. 10 D you work have to send a truck or trailers in-house? 9 A Yes. 11 Q Nati tis you are going to be asking me today, what I' 15 the trailers in this notice? 16 Q Nad, again, you understand that this requires MOS that the thing inclines of the trailers in the analysis of the trailers in this notice of deposition. 19 Yes No. SENSOR: 10 Page 23 1 possible different continations. 2 Q And of those trailers, how many are the belly drap 1 trailers? 2 Q And to the reverbilt of maintenance, preventive maintenance, recommendation of the province all information known or reasonably avail 6 trucks or trailers? 10 Page 23 1 possible different continations. 2 Q No you would sail of your requires in-house? 3 A Yes, D you do all of your requires in-house? 4 A Nine. 5 Q No and what sort of requires do you do to the trucks or 10 Page 24 25 D you would have be and a truck or trailers. 26 Q No you would	1			
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25

A Maybe we didn't have enough time to replace a

25 with anyone to ensure that you were prepared as the person most

	Page 26	T	Page 28
1	knowledgeable for the 47 topics?	1	
2	A No.	2	it and then have him answer "yes" or "no." It might speed it up.
3	Q Do you think there is any other person that would be	3	THE WITNESS: I have already read these and I'm ready to
4	knowledgeable more knowledgeable than you for any of the topics	4	answer.
5	listed in this notice of deposition?	5	BY MS. SHREVE;
6	MR. BROWN: Objection to the extent it calls for	6	Q Okay. Then I'll just stay the number and we can go
7	speculation.	7	through.
8	MR. BARKLEY: I'm going to ask for a clarification. Are	8	Are you the person most knowledgeable in regards to
9	you asking for actual personal knowledge versus preparation for	9	Topic Number 3?
10	the 30(b)(6) topics?	10	A Yes.
11	MS. SHREVE: I'm asking for the person most is there	11	Q Are you the person most knowledgeable currently employed
12	anyone else that would be a person more knowledgeable on topic.	12	in regards to Topic Number 4?
13	MR. BARKLEY: On any topic?	13	A Yes.
14	MS. SHREVE: Of the 47.	14	Q Are you the person most knowledgeable in regards to
15	THE WITNESS: My question would be, is this somebody	15	Topic Number 5?
16	that would be currently employed at MDB Trucking?	16	A Yes.
17	BY MS. SHREVE:	17	Q Are you the person most knowledgeable in Topic Number 6?
18	Q No. If there's anyone that's more knowledgeable than	18	A Yes.
19	you in any of the topics listed and if you want, we can go	19	Q In Topic Number 7?
20	through each one and I'll ask it. It might be easier.	20	A Yes.
21	So we'll go through each topic.	21	Q Topic Number 8?
22	A Could you clarify that.	22	A Yes.
23	MR. BROWN: I think what he's trying to tell you is,	23	Q Topic Number 9?
24	he's the person most knowledgeable on all the topics that's	24	A Yes.
25	currently employed there.	25	Q Topic Number 10?
	Page 27		Page 29
1	THE WITNESS: Yes.	1	
2	MR. BROWN: There may be somebody that has more	2	Q Topic Number 11?
3	knowledge that no longer works for us, but otherwise, he's	3	A Yes.
4	THE WITNESS: Yeah, I'm it, yeah.	4	Q Topic Number 12?
5	BY MS. SHREVE:	5	A Yes.
6	Q Okay. Perfect.	6	Q Topic Number 13?
7	So I'm going to go through each topic listed, and I'm	7	A Yes.
8	just going to ask if you are the person most knowledgeable	8	Q Topic Number 14?
l	currently employed	9	
10	A Okay.	10	·
11	Q at MDB.	11	
12	A All right.	12	
13	Q So the first topic is the purchase, lease or sale of	13	
14	vehicles owned or leased by MDB. Are you the person most	14	-
15	knowledgeable employed by MDB?	15	
16	A Yes.	16	- •
17	Q Number 2 is in regards to the maintenance and equipment	17	
18	policy and procedures for MDB vehicles. Are you the person most	18	-
19	knowledgeable currently employed at MDB regarding this topic?	19	
20	A Yes.	20	
21	Do you have to go through all 47 that way, or can I	21	
22	just	22	•
23	Q Yes. If you want, I can just read it and then you can	23	
24	just say "yes," and I'll have the standing question of are you the	24	
25	most knowledgeable from	25	A Yes.

1	Q	Page 30 Topic Number 23?	1	Q Is Patrick Bigley currently employed by MDB?
2	A	Yes.	2	A Patrick Bigby?
3	Q	Topic Number 24?	3	Q Bigby.
4	¥ A	Yes.	4	A Yes.
5	Q	Topic Number 25?	5	Q In MOB's response to Versa's interrogatories, Number 21
6	A	Yes.	6	MDB indicated that Patrick Bigby was the person most knowledgeabl
7	Q	Topic Number 26?	7	in regards to maintenance.
8	A	Yes.	8	Is that a correct understanding, or has that changed?
9	Q	Topic Number 27?	9	A When was that stated?
10	A	Yes.	10	Q Let me pull out the
11	Q	Topic Number 28?	11	A Actually, I'm not sure it really matters.
12	A	Yes.	12	MR. BROWN: Let's take a look at it first.
13	Q	Topic Number 29?	13	MS. SHREVE: Okay.
14	a A	Yes.	14	MR. BARKLEY: Which set are we talking about, Counsel,
15	Q	Topic Number 30?	15	
16	æ A	Yes.	16	MS. SHREVE: Yes. I don't think that one was separated
17	Q	Topic Number 31?		if I recall.
18	a A	Yes.	18	MR. BARKLEY: You are talking about answer to
19	Q	Topic Number 32?		Interrogatory Number 8?
20	A	Yes.	20	MS. SHREVE: Number 21.
21	Q	Topic Number 33?	21	MR. BARKLEY: Here you are, Mr. Palmer.
22	a A	Yes,	22	THE WITNESS: I wouldn't say anything has changed.
23	Q	Topic Number 34?	23	I just have equal knowledge of the as Patrick Bigby.
24	A	Yes.	1	BY MS. SHREVE:
25	Q	Topic Number 35?	25	Q Did you speak with Patrick Bigby at all prior to the
			ļ	Dave 3
1	Α	Page 31	1	Page 3 deposition today to obtain any information that he would know tha
		103.	1 +	
2	Q	Topic Number 36?		you might not be aware of?
2 3	Q A			
		Topic Number 36?	2	you might not be aware of?
3	A	Topic Number 36? Yes.	3	you might not be aware of? A No.
3 4	A Q	Topic Number 36? Yes. Topic Number 37?	3 4	you might not be aware of? A No. Q Are you aware of the subject incident, which is in
3 4 5	A Q A	Topic Number 36? Yes. Topic Number 37? Yes.	2 3 4 5	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014?
3 4 5 6	A Q A Q	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38?	2 3 4 5 6	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes.
3 4 5 6 7	A Q A Q A	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes.	2 3 4 5 6 7	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you what's your understanding of what occurred on that day?
3 4 5 6 7 8	A Q A Q A	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39?	2 3 4 5 6 7 8	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom
3 4 5 6 7 8 9	A Q A Q A A	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes.	2 3 4 5 6 7 8 9	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom dumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere
3 4 5 6 7 8 9 10	A Q A Q A Q	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40?	2 3 4 5 6 7 8 9	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom themps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load of concrete rock in the care trailer opened, spilling his load of concrete rock.
3 4 5 6 7 8 9 10	A Q A Q A Q A	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes.	2 3 4 5 6 7 8 9 10 11	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom that from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load of concrete rock in the concrete rock in bottom.
3 4 5 6 7 8 9 10 11 12 13	A Q A Q A Q A Q	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41?	2 3 4 5 6 7 8 9 10 11 12	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom dumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load of aggregate on to the highway, and that caused cars to lose control
3 4 5 6 7 8 9 10 11 12 13 14	A Q A Q A Q A Q A Q	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41? Yes.	2 3 4 5 6 7 8 9 10 11 12 13	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom the day of the form Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load of aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You
3 4 5 6 7 8 9 10 11 12 13	A Q A Q A Q A Q A Q	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41? Yes. Topic Number 41?	2 3 4 5 6 7 8 9 10 11 12 13	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom dumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load of aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You can use the — I guess, is it product number? Is that what you
3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q A Q A Q A Q A Q A Q	Yes. Topic Number 36? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41? Yes. Topic Number 41? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom dumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load o aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You can use the — I guess, is it product number? Is that what you use or —
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q A Q A Q A Q A Q	Yes. Topic Number 36? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41? Yes. Topic Number 42? Yes. Topic Number 42? Yes. Topic Number 43?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom dumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load o aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You can use the — I guess, is it product number? Is that what you use or — A Equipment Number?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q A Q A Q A Q A Q A Q A	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41? Yes. Topic Number 42? Yes. Topic Number 43? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom chumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load o aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You can use the — I guess, is it product number? Is that what you use or — A Equipment Number? Q Equipment number, yes. A Yes, I do.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A Q A Q A Q A Q A Q A Q A	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41? Yes. Topic Number 42? Yes. Topic Number 42? Yes. Topic Number 43? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom chumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load o aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You can use the — I guess, is it product number? Is that what you use or — A Equipment Number? Q Equipment number, yes. A Yes, I do.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q	Yes. Topic Number 36? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41? Yes. Topic Number 42? Yes. Topic Number 42? Yes. Topic Number 43? Yes. Topic Number 44? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom dumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load of aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You can use the — I guess, is it product number? Is that what you use or — A Equipment Number? Q Equipment number, yes. A Yes, I do. Q And what is the equipment number for the truck that was
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A Q A Q A Q A	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41? Yes. Topic Number 42? Yes. Topic Number 43? Yes. Topic Number 43? Yes. Topic Number 44? Yes. Topic Number 44?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom dumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load o aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You can use the — I guess, is it product number? Is that what you use or — A Equipment Number? Q Equipment mumber, yes. A Yes, I do. Q And what is the equipment number for the truck that was involved?
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 39? Yes. Topic Number 40? Yes. Topic Number 41? Yes. Topic Number 42? Yes. Topic Number 43? Yes. Topic Number 43? Yes. Topic Number 44? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom dumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load of aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You can use the — I guess, is it product number? Is that what you use or — A Equipment Number? Q Equipment number, yes. A Yes, I do. Q And what is the equipment number for the truck that was involved? A 5694.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q A Q A Q A Q A Q A Q A Q A Q A Q	Topic Number 36? Yes. Topic Number 37? Yes. Topic Number 38? Yes. Topic Number 40? Yes. Topic Number 41? Yes. Topic Number 42? Yes. Topic Number 43? Yes. Topic Number 44? Yes. Topic Number 45? Yes. Topic Number 46?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	you might not be aware of? A No. Q Are you aware of the subject incident, which is in regards to this lawsuit, which occurred on July 7th, 2014? A Yes. Q What do you — what's your understanding of what occurred on that day? A Mr. Koski was hauling a load of concrete rock in bottom dumps from Wadsworth, Nevada, in to Reno, Nevada. And somewhere around Painted Rock, the rear trailer opened, spilling his load o aggregate on to the highway, and that caused cars to lose control Q Do you know what truck and trailer was involved? You can use the — I guess, is it product number? Is that what you use or — A Equipment Number? Q Equipment number, yes. A Yes, I do. Q And what is the equipment number for the truck that was involved? A 5694. Q Okay. And how many trailers was Truck 5694 carrying?

		Page 3	1		Page 3
1	Q	And was that the order in which the truck pulled the	1		ransport.
2	trailers		2	-	And did you lease the truck from Davis Corporation
3	A	Yes.	3		V.
4	Q N	So Trailer 6775 was the last trailer?	4	A	No.
5	A	That's correct.	5	Q	Did you lease the trailers from Western?
7	Q	Okay. And what was the trailer that allegedly dumped	7		Western Nevada Transport?
7 8	use grav	el, the belly opened? What trailer number?	8	-	Did you lease the trailers from them prior to them them to SKS Corp.?
9	Q	Yes.	9		Yes.
10	¥ A	6775.	10		And how long did you lease from them for?
11	Q	And is that trailer owned by MDB?	11	-	I believe it was a year and a half. I mean, that's a
12	A	No.	12		ate, a year, year and a half.
13	Q	Who is that who is Trailer 6775 owned by?	13	Q	And did someone own the trailers prior to West States
14	A	It's owned by SKS Corporation.	14		
15	Q	How about are the other trailers, 6773 and 6774,	15	A	Western Nevada?
16	-	the same company?	16	Q	Western Nevada.
17	A	Yes.	17	A	I don't have any knowledge of that. I don't know where
18	Q	Does SKS Corp. also own Truck 5964?	18	they got	them from. I think they probably purchased them new, but
19	A	Yes, to my knowledge, yes.	19	I don't	know.
20	Q	Does MDB lease those trucks and trailers from SKS?	20	Q	So you did not lease them from anyone else prior?
21	A	Yes.	21	A	Oh, no.
22	Q	How long has MDB leased those trucks and trailers?	22	Q	Okay. To your knowledge, is SKS Corp. owned by Versa,
23	A	Since they were purchased.	23	Versa Pro	oducts?
24	Q	Since they were purchased by who?	24	A	No.
25	A	SKS Corporation.	25	Q	To your knowledge, did Versa have any control over the
•		Page 35			Page 3
1 2	Q and trail	And do you know when SKS Corporation purchased the truck		2014?	truck on the day of the subject incident of July 7th,
3	A	I would have to look at the to refresh my memory. I	3	2014:	MR. BROWN: Objection to the extent that it calls for
4		eneral idea when they were purchased, but without looking	4	legal cor	-
5	_	ocuments, I wouldn't know exactly.	5	regur co.	THE WITNESS: Can you repeat the first part of the
6		It would have been 2012, I believe, for 5694 and	6	question.	• • •
7	probably	early 2013 or late 2012 for the three bottom dump	7		
8	trailers.	- ·	8	Q	Sure. Let me try to rephrase that.
9	Q	What document would you need to look at to refresh your	9	_	I guess, who was who was driving the truck on the day
10	memory?	•	10	of the in	-
11	- A	Just bill of sale or the	11	A	Daniel Koski.
12	Q	Did SKS Corp. provide you a hill of sale for the truck	12	Q	Who was Daniel Koski employed by?
13	and trail	ers?	13	A	MDB Trucking.
14	A	Provide me personally?	14	Q	To your knowledge, does Versa Products Company own
15	Q	Provide MDB.	15	MOB Truck	ring?
16	A	Oh, no.	16	A	No, it does not.
17	Q	Does MDB have copies of the purchase of the truck and	17	Q	On the day of the subject incident, were you working
18	trailer b	y SKS Corp.?	18	that day?	
19	A	Yes.	19	A	Yes, I was.
20		I have them.	20	Q	What time did you arrive at work?
21	Q	And who owned who did SKS Corp. purchase the truck	21	A	I believe I arrived at work at 4:45 a.m.
22	and trail		22	Q	Is that a typical time you arrived at work?
	A	The truck was purchased from Davis Company.	23	A	When I'm driving, yes.
23			-		
23 24 25	Q A	Okay. And the three trailers were purchased from Western	24 25	Q A	How often do you drive? Well, back then, I was driving more than I'm driving

Page 40 Page 38 1 now. So back then, I would have been -- I might have been working Okay. Does it give you information as to how much the 2 most every day -- driving, I'm sorry, driving most every day. 2 load is going to weigh? Q Now, when you get to work, are you arriving to which Α No. 4 location? Okay. And this is going to test your memory. That day, do you recall what time you had to pick up Α Sparks, Nevada. Okay. And is it the yard? Is that what you --6 your load? I call it -- Mustang yard we call it. A Yes, I was scheduled to be at the pit, which is in So in a typical day, when you arrive, like, the day of 8 Wadsworth, Nevada, at 5:30 a.m. Actually, it was 5:31 a.m. I do 9 specifically remember that. 9 the subject incident, what's the first thing you do? Q Okay. And what happens if you are late for picking up 10 Do you have to clock in? Do you pick up a report that 10 11 your load? 11 you have to drive a truck? What do you do in a typical day? 12 A Just walk over to the truck, put my stuff in the truck Then you -- I guess you get yelled at. But other than 13 and do my pre-trip inspection of the vehicles that I'm pulling. I 13 that, nothing. I mean, you just -- you are a few minutes late and 14 mean, it's possible that I -- yes, that's what I do. 14 you just get in line and you are behind schedule. If you have to hook the truck up, if it's not hooked up Q Okay. And are there any repercussions if you are behind 16 already, then you have to arrive earlier than that to make sure schedule and you are late in your drop-off of the product? 17 it's hooked up, but yes. A I'm not sure. That's somewhat of a broad question. I mean, if you are really late, the customer might be 18 Q How do you know which truck you were driving that day? 18 19 really upset if they are running out of material because you 19 A You get a dispatch, text dispatch the night before. And 20 generally, you drive the same truck every day. 20 didn't show up. But, generally, if you are just a few minutes 21 You said "a text dispatch"; is that correct? 21 late, nobody knows the difference. Yes, text message with your dispatch of what you are Okay. Do you recall seeing Mr. Koski that morning? 23 doing, where you are going, what time. 23 A Yes. 24 Q And who sends that text dispatch? Where does it come 24 0 And do you recall, did he arrive at the same time as you 25 from? 25 that day? Page 39 Page 41 Currently, it comes from me. I send it out. Then, it A I don't recall. I would have to look at his actual 2 truck report or a bill of lading. But I believe he loaded 2 was Tracy Shane sent it out. He was the dispatcher then. 3 probably earlier than I did by just a few minutes, maybe Q And then how do you decide, since you now are in that 4 15 minutes. 4 position to send it out, who drives which truck? Q And did you see him at the yard? A Well, they - every driver is pretty much assigned a 6 truck, and their truck is capable of hauling certain types of A Oh, yeah, I would have saw him at the yard in the 7 morning. I would have saw him at the pit. We were both hauling 7 material to certain plants. And that's how you decide. If it's a transfer, the transfer drivers go here. The to the same place. 9 bottom dump drivers go here. Okay. Earlier, you were talking about when you first 10 And so, basically, you just dispatch the trucks that are 10 get there, you do your inspection of your truck that you are 11 capable of doing the job to the correct locations that the 11 assigned. 12 customer wants. 12 13 13 Q Okay. And do the trucks usually carry the same trailer Can you go through with me your inspection that you do. 14 with it on a daily basis? Step by step? 15 For the most part, yes, but it's not a rule. 15 Yes, please. 16 How often does the truck carry a different trailer? I get there. You -- I mean, according to the DOT rules, 16 Α 17 It could be -- some trucks, hardly ever. Some trucks you have to do your walk-around. They call it walk-around, 18 might switch every day, every other day. pre-trip inspection. 19 Okay. So you get this dispatch text the night before? 19 So the first thing you do is observe is there anything 20 20 wrong with the truck when you are walking up to it, any oil under 21 21 the truck, that stuff. 0 So when you -- will it tell you the time you have to 22 pick up your load and where? Then you tilt the hood, check your fluids, check your A Yes. It tells you what you are picking -- where you are 23 belts, check all the mechanical things under the hood. 24 loading, what you are picking up, what time to be there and where If those are good, you start the truck up so it can warm 25 you are going to. 25 up and build air pressure while you are checking your tires,

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Page 44
                                                           Page 42
                                                                                    Is that during their inspection?
1 lights, brakes, springs, whatnot on the truck and trailer.
                                                                        1
                                                                                Q
                                                                        2
             You are checking that out as you are walking around the
2
                                                                                     MR. BROWN: Is that a "yes"? You have to say "yes."
3 trailers.
                                                                                     THE WITNESS: Oh. Yes. Sorry.
                                                                        4
             And after it builds up air pressure, then you do your
                                                                        5 BY MS. SHREVE:
5 air pressure leakdown test according to the DOT rules, make sure
                                                                                    If the driver is doing their inspection, they notice
 6 you don't have any air leaks and you don't have anything obviously
                                                                        7 some sort of defect, then they have a report of some sort that
7 wrong.
        Q Okay. And during this inspection, do you -- is part of
                                                                        8 they give to MDB?
8
                                                                               A
                                                                                    Yes.
9 it to put the switch on to see if the belly dump opens?
                                                                                    And what kind of writing do they do in regards to this
                                                                       10
                                                                                0
10
                                                                       11 defect?
11
        Q Do you -- in part of your inspection, do you have to --
                                                                                   It's - a Driver's Vehicle Inspection Report is like a
            Are you talking about -- I'm sorry, can I? Are you
                                                                       13 book with copies in them, and you fill it out. In other words,
13 talking about me personally, or are you talking about any of the
                                                                           you write down "left turn signal not working."
14 drivers in general?
                                                                                     But that's kind of a bad example because the left turn
        Q We'll start with -- well, any of the drivers in general
16 as to what they are required to do for their inspection.
                                                                           signal not working, you wouldn't leave the yard until it's fixed.
                                                                                     So if there's a defect that would keep him from leaving
             MR. BROWN: I'm just going to object as to foundation.
17
                                                                           the yard, such as a safety issue, then he wouldn't leave the yard.
             I know you are trying to get to it, but when you said
18
                                                                                     But if the clutch needs to be adjusted, something, he
19 "the switch," I believe the facts show that there's a little
                                                                           would write that on there and then turn it in at the end of the
20 different configuration in different trucks.
                                                                       21 day.
             And so it just -- there's a foundational issue when you
21
                                                                                Q And then does MDB keep those records?
                                                                       22
22 are talking in general on "the switch." And so I just want to
                                                                                    Yes, for the required amount of time, which is not very
23 make that objection.
                                                                       24 long. I think it's 90 days or six months. I'm not sure exactly.
24 BY MS. SHREVE:
                                                                       25 We don't keep them that long.
        Q We'll come back to this. So I'll get more detail and
25
                                                                                                                                  Page 45
                                                           Page 43
                                                                                     We keep the maintenance records, but not the actual
1 get some more information from you first, and then I'll go back to
                                                                        2 DVIRs.
2 that.
                                                                                     Is there a reason that MDB does not keep those as long
 3
             MR. BARKLEY: The objection was lack of foundation, but
                                                                        4 as they do their maintenance records?
 4 that's okay.
                                                                                     At that point, they become redundant, in my opinion.
             MS. SHREVE: No, I understand.
                                                                                     Okay. So does it say the same thing that the
 6 BY MS. SHREVE:
                                                                        7 maintenance report would say?
             So on July 7th, 2014, you did your inspection --
             Uh-huh.
                                                                                     On the day of the subject incident, so July 7th, 2014,
 q
             --- of the truck?
                                                                        10 the route that Mr. Koski was doing, the load that he had to pick
             And then you left and went to pick up your load?
10
                                                                        11 up and where he had to deliver, is that a typical route that
11
        Α
                                                                       12 Mr. Koski does?
             Did you see whether or not Mr. Koski did his inspection
12
13 of the truck and trailers that day?
                                                                                     How often would you say he, at that -- going back to
        A I don't recall. There's a lot of drivers all leaving
14
                                                                       15 2014, he would do that route?
15 the yard at the same time. I'm assuming I seen him. I always see
                                                                                A During the summertime, which is when this happened, he
16 him doing it. I almost always see him doing it, if I^{\tau}m -- if I
                                                                        17 might be doing it five days a week, doing the same thing every
17 pay any attention.
                                                                        18 day, five days a week.
18
             On those particular days, yeah, I'm looking at my
                                                                                Q And would he be picking up the same load of materials?
19 vehicle, so I wouldn't know for sure.
                                                                        19
                                                                                A He would be -- in 2014, we were hauling all of our
20
             Okay. Does MOB require their drivers to fill out any
                                                                        21 concrete rock and concrete sand out of the same location. So,
21 paperwork in the morning when they do their inspection?
                                                                        22 yes, he would be either hauling concrete rock or sand, or you
        A If there's defects noted, yes, they have to fill out a
22
                                                                        23 consider it concrete aggregates.
23 DVIR, which is Driver's Vehicle Inspection Report.
        Q And who determines if there's a defect noted?
                                                                                     And how did you come to know of the subject incident, of
24
                                                                        25 the gravel being dumped on the highway?
25
        A The driver.
```

1 A I received a phone call. 2 Q No odid you receive a phone call from? 3 A Tracy State. 4 Q Is Tracy still employed by MBP? 5 A No. 6 Q Non did she leave the company? 7 A He. 9 Re See See. 9 A Trat's all right. 10 Q Scorry. Men did he leave the company? 11 A December 2015. 12 Q Do you know where he want? 13 A None there is is currently working? 14 Q Yes. 15 A Yes. 16 Q None, Cyclone Transport or Cyclone Transportation— 18 'The not sure which it is — in Femley, Nevada. 19 Q Dadwy. Nevada ovalat did Tracy say to you when he called thighey and spilled rock, and there's an accident. 2 Q you? 23 A He said that Denry's back trailer came open on the thighey and spilled rock, and there's an accident. 2 Q Yes. 1 incident? 2 A No. 3 Q Did he sak you to go to the score? 4 A No. 3 Q Did he sak you to go to the score? 4 A No. 5 Q Did he sak you to go to the score? 5 Q New, from — to my knowledge, you really couldn't get to the rescue transporting the traffich was backed up. 10 Q Did you owner speak with Mr. Rocki after the incident, 15 recogning the leaves with the company regarding the incident? 1 A Yesh. I don't think so. Not specifically, no. 17 Q Did you speak with snyone also other than Tracy shout 15 he subject incident? 18 A Is not also did you speak with? 19 A Yesh. I don't think so. Not specifically, no. 17 Q No also did you speak with? 18 A Yesh. I don't think so. Not specifically, no. 19 Did you speak with snyone also other than Tracy shout 15 he subject incident? 19 A Yesh. I don't think so. Not specifically, no. 17 Q No also did you speak with? 18 A Yesh. I don't think so. Not specifically, no. 19 Did you speak with snyone also other than Tracy shout 17 A Yesh. 20 Q No also did you speak with? 21 A I spoke with part of the drivers, but notly, Pat Bigby. 22 A No also did you speak with? 23 A Is so we have the company regarding the incident? 24 A Yesh. We did not every single part of the part of the drivers, but notly, Pat Bigby. 25 A West could not be the score of the part? 26 A Yesh. We did not every single pa				-	
2 Q Nebo did you receive a phone call from? 3 A Tracy Shame. 4 Q Is fracy still employed by MSP? 5 A No. 6 Q Neba did she leave the company? 7 A He. 8 Q Neb. Servy. 8 Q Neb. Servy When did he leave the company? 8 A That's all right. 9 Do you know hare he want? 11 A December 2015. 12 Q Do you know hare he want? 13 A Where he is currently working? 14 Q Yes. 15 A Yes. 16 Q Neba with a the is currently working? 17 A Cyclone, Cyclone Transport or Cyclone Transportation— 18 I'm not sure which it is — in Femley, Newada. 19 Q In shawe? I'm soury. 20 A Pemley, Newada. 21 Q Okay. And so what did Tracy say to you whan he called 22 you? 22 A Rie said that Demy's back trailer case open on the highey and spilled rock, and there's an accident. 25 Q Clay. Did he sak you to contact saybody regarding the No. 26 Q Did he go to the scene? 27 A No. 28 A No. 29 Did he ask you to go to the scene? 30 Did he sak you to go to the scene? 4 A No. 5 Q Did he go to the scene? 5 Q Clay. 5 A — without — yeah, you couldn't get there— 6 Clay. 6 A A I do not believe so. 6 A No. 7 Q Neba there say writhen communication to seyone from Tracy 10 Q Neba there say writhen communication to seyone from Tracy 11 Q Neba there say writhen communication to seyone from Tracy 12 to you or seyone alse within the company reparting the incident? 1 Q Neba there say writhen communication to seyone from Tracy 1 to you or seyone alse within the company reparting the incident? 1 Q Neba there say writhen communication to seyone from Tracy 1 to you or seyone alse within the company reparting the incident? 1 Q Neba there say writhen communication to seyone from Tracy 1 to you or seyone alse within the company reparting the incident? 1 Q Neba there say writhen communication to seyone from Tracy 2 The School of the scene? 3 A Penl. I don't think so. Not specifically, no. 3 A Penl. I don't think so. Not specifically, no. 4 Penl. Seyone. 5 A Penl. I don't believe so. 6 A No. 7 Sex. A Penl. I don't believe so.	١,	Δ	Page 46		Page 48
3 location? 4 Q Ta Tracy State. 4 Q Ta Tracy State. 5 A No. 6 Q When did she leave the company? 7 A He. 7 about did ME perform? 8 Q He. Ware talking about ME. 9 A That's all right. 10 Q Sorry. When did he leave the company? 11 A Describer 2015. 12 Q Do you know where he went? 13 A Shere he is currently working? 14 Q Tes. 15 A Yes. 16 Q When is he currently working? 17 A Cyclene, Oyclone Transport or Cyclone Transportation— 18 I'm not sure which it is — in Fernley, Nevada. 19 Q Ta when? I'm sorry. 19 A He said that Damy's back trailer case open on the highesy and spilled rock, and there's an accident. 25 Q Ckey. Did he ask you to go to the some? 1 incident? 2 A No. 3 Q Did he ask you to go to the some? 4 A No. 5 Q Did he ask you to go to the some? 5 A I do not believe so. 6 Are you talking about me personally, or an about did ME perform? 8 Q Men did the leave the company? 10 The morth of the leave the company? 11 In Q Was there are journed to war inspection at that processed processed up. 11 Q Near the some? 2 A No. 3 Q Did he ask you to go to the some? 4 A No. 5 Q Did he you treat the company requarding the incident? 5 A Tesh. I don't think so. Not specifically, no. 17 Q Near there say writtes comminication to suggest from Tracy about the trailers back to the year? 18 Pess Men also did you speak with Mer. Reaki after the incident? 19 A Yes. 20 Q Who also did you speak with? 21 A Fesh. I don't think so. Not specifically, no. 22 Q Who also did you speak with Processed from Tracy about the the subject incident? 23 A Fesh. I don't think so. Not specifically, no. 24 Pesh to company requarding the incident? 25 Q Who also did you speak with Processed from Tracy about the the subject incident? 26 Q No also did you speak with? 27 Q No also when the first two, he broomy and the processed lock to our yard. 28 Pesh. We collect to the year? 29 Q No also when the first two, he broomy and the processed lock to our yard. 31 Groting Men and the first two, he broomy and the processed lock to our yard. 32 Q So after he was requir	l		-		
4 Q Yes. 5 A No. 6 Q When did she leave the company? 7 A He. 8 Q Be. Sorry. Men did he leave the company? 8 A That's all right. 10 Q Sorry. Men did he leave the company? 11 A December 2015. 12 Q Doy Union when he went? 13 A Where he is currently working? 14 Q Yes. 15 A Yes. 16 Q When did he leave the company? 17 A Cyclore, Cyclore Transport or Cyclore Transportation— 18 I'm not sure which it is — in Pennley, Nevada. 19 Q Ta when? I'm sorry. 19 The heaving I'm sorry. 20 A Fernley, Nevada. 21 Q Ckay. And so what did Tracy say to you when he called thighway and spilled rock, and there's an accident. 22 your? 23 A He said that Darny's back trailer came open on the 24 highway and spilled rock, and there's an accident. 24 A No. 25 Q Did he sak you to go to the scene? 26 A I do not believe so, because you coulch't get to the scene, From — to my invaledpe, you really coulch't get there— 29 Q Ckay. 20 Did he po to the scene? 31 A who he called the sak you to contact anybody reparting the incident? 32 A he indident? 33 A No. 34 Q Did he sak you to go to the scene? 4 A No. 5 Q Did he po to the scene? 5 A I do not believe so, he cause type to the scene? 6 A I do not believe so, he cause type to the scene? 7 A Yes. 7 Yes. 8 A No. 7 Q Neat there applied to this Truck 5594 and the test the subject incident? 8 A Yes. A Truck the part of the circums, but martly, bet Bidgivy. 16 A Yes. A Yes. 17 Q No also did you speak with? 18 A Yes. 19 Q No also did you speak with? 20 Who also did you speak with? 31 A Yes. 32 Q No also be did you speak with? 33 A Yes. 34 Q No also did you speak with? 35 A Yes. 36 Q No also did you speak with? 37 A Yes. 38 Q No also did you speak with? 39 A Yes. 39 A Yes. 30 Q No also did you speak with? 30 Q No also did you speak with? 31 A Yes to the scription of the circums of the scripti	l	_	-		-
5 A No. I do not believe so. 6 Q When did she leave the company? 7 A He. 8 Q Be. Sorry. 9 A That's all right. 10 Q Sorry. When did he leave the company? 11 A December 2015. 12 Q Do you know where he want? 12 Q Do you know where he want? 13 A Where he is currently working? 14 Q Yes. 15 A Yes. 16 Q Whene is he currently working? 17 A Cyclone, Cyclone Transport or Cyclone Transportation— 18 'I'm not arrew shich it is — in Fernley, Nevada. 19 Q In where? I'm sorry. 20 A Fernley, Nevada. 21 Q Chay. And so what did Tracy say to you when he called 2 you? 22 A Fernley, Nevada. 24 thighway and spilled rock, and there's an accident. 25 Q Chay. Did he sak you to go to the some? 4 A No. 5 Q Did he go to the some? 4 A No. 5 Q Did he go to the some? 6 A I do not believe so, because you couldn't get to the resembly and a regard to the some? 6 A I do not believe so. 6 A Previous talking about with Personal in about did MIS getom at the limiting about MIS. 7 Yes. 10 Chay. 11 December 2015. 12 Q Near Limiting about MIS. 14 Q Tes. 15 A No, I do not believe so. 16 Q When did they — when did MIS getom at the limiting phoor where he want? 17 I don't know if that's an answer that you is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers. So there really wasn't any is devices on the trailers fills of inspect. 17 I don't know if that's an answer that you take the classification and the process of the party and trailer the classification and the process of the party an	١.		•	4	Q Yes.
7 about did MIB perform? 8 Q Be. Sorry. When did he leave the company? 10 Q Sorry. When did he leave the company? 11 A December 2015. 12 Q Do you know where he wont? 13 A Where he is currently working? 14 Q Yes. 15 A Yes. 16 Q Where is he currently working? 17 A Cyclone, Opclone Transport or Cyclone Transport aton— 18 I'm not sure which it is — in Femley, Newada. 19 Q In the where? I'm above? 19 Q In the where? I'm above? 20 Q Kay. Rad so what did Tracy say to you when he called 21 Q Ckay. Rad so what did Tracy say to you when he called 22 you? 23 A He said that Danny's back trailer came open on the 24 highway and syllled rock, and there's an accident. 25 Q Ckay. Did he sak you to contact anybody regarding the 26 A No. 27 Q Did he go to the scene? 28 A No. 39 Q Did he go to the scene? 4 A No. 4 I do not believe so, because you couldn't get there— 4 Q Ckay. 5 Q Lidd not be believe so. 6 A I do not believe so, because you couldn't get there— 8 Q Ckay. 9 A — without — yeah, you couldn't get there— 9 Q Ckay. 10 A Yes. After stopping for the accident, regarding the incident? 10 Traffic was backed up. 11 A I'm not creally sure how to answer that. I do not believe so, because you couldn't get there— 10 Ckay. 11 A I'm not sure which it is — in Femley, Newada. 12 Page 47 11 incident? 12 A No. 13 Q Did he go to the scene? 14 A No. 5 Q Did he go to the scene? 5 A I do not believe so, because you couldn't get there— 19 Q New there any written communication to anyone from Tracy 10 La I spoke with her company regarding the incident? 11 Traffic was backed up. 12 Traffic was backed up. 13 A I do not believe so. 14 Q Not you seek speak with Mr. Koski after the incident, regarding the incident? 15 Page 17 I have the development to this Truck 5694 and that the proposed back to our yard. 15 Q So after the dumped the first two, he herough the proposed back to our yard. 16 A Yes. 17 Q Not you speak with anyone also other than Tracy about the subject incident? 18 Mr. SERNE: I'm going to do the next exhill will be Exhibit Nomber 2. 20	5	_		5	A No, I do not believe so.
7 about did MEB perform? 8 Q Be. Sorry. 9 A That's all right. 10 Q Sorry. When did he leave the company? 11 A December 2015. 12 Q Doyo Inov where he went? 13 A Where he is currently working? 14 Q Yes. 15 A Yes. 16 Q Where is he currently working? 17 A Cyclone, Cyclone Transport or Cyclone Transportation— 18 I'm not sure which it is — in Femley, Nevada. 19 Q In where? I'm sorry. 20 A Femley, Nevada. 21 Q Ckay. And so what did Tracy say to you when he called 22 you? 23 A He said that Damy's back trailer came open on the 24 hiphway and spilled rock, and there's an accident. 25 Q Ckay. Did he sak you to contact anybody reparding the 22 A No. 26 Q Did he sak you to go to the soune? 27 A No. 28 Q Did he sak you to go to the soune? 39 A I do not believe so, because you couldn't get there— 40 Q Ckay. 40 A No. 41 Go not believe so, because you couldn't get there— 42 Q Ckay. 43 A I do not believe so, because you couldn't get there— 45 Q Ckay. 46 A No. 47 Q Nate there any written communication to anyone from Tracy 19 A I do not believe so. 40 Q Did you ever speak with Mr. Koski after the incident, 19 reparting the incident? 41 A Yesh. I don't think so. Not specifically, no. 41 Q Did you speak with anyone also with? 42 A Yesh. I don't think so. Not specifically, no. 43 Q Did you speak with anyone also other than Tracy about 15 reparting the incident? 44 A Yesh. 55 Q Who also did you speak with? 56 A Yesh. 57 Q What was the conversation you had with Ret Bilgby? 58 Q What was the conversation you had with Ret Bilgby? 59 Q What was the conversation you had with Ret Bilgby? 50 Q What was the conversation you had with Ret Bilgby? 51 A Yesh cash did run you had with Ret Bilgby? 52 Q What was the conversation you had with Ret Bilgby? 52 Q What was the conversation you had with Ret Bilgby? 53 Charles defining about MES. 54 Page A Yesh. 55 Q What was the conversation you had with Ret Bilgby? 54 Page A Yesh. 55 Q What was the conversation you had with Ret Bilgby? 55 Q What was the conversation you had with Ret Bilgby? 56 Page A Yesh	6	Q	When did she leave the company?	6	Are you talking about me personally, or are you talking
9 A Yes. No, did not do any inspection at the 10 Q Sorry. When did he leave the company? 11 A December 2015. 12 O Do you know where he went? 13 A Where he is currently working? 14 Q Yes. 15 A Yes. 16 Q Where is he currently working? 17 A Cyclone, Opclore Transport or Cyclone Transportation— 18 I'm not sure which it is — in Femley, Nevada. 19 Q In where? I'm sorry. 20 A Femley, Nevada. 21 Q Ckay. And so what did Tracy say to you when he called 22 you? 23 A He said that Danny's back trailer came open on the 24 highway and spilled rock, and there's an accident. 25 Q Ckay. Did he ask you to go to the scene? 2 A No. 3 Q Did he ask you to go to the scene? 4 A No. 5 Q Did he po to the scene? 5 Q Ckay. 6 A I do not believe so, because you couldn't get there— 8 Q Ckay. 19 A Yes. 10 Q Whe there any written communication to anyone from Tracy 11 trailer to make sure the valve wasn't falling off an 2 methods of the schedup. 12 trailer to make sure the valve wasn't falling off an 3 methods of the schedup. 14 A No. 15 cyclone, from—to my knowledge, you really couldn't get there— 16 Q Ckay. 17 Q Whet there any written communication to anyone from Tracy 18 the subject incident? 19 A Yes. 20 Q Who alse did you speak with Mr. Roshi after the incident, required the incident? 21 A Yes. 22 Q Who alse did you speak with? 23 A I spoke with part of the drivers, but mostly, Pat Bigby. 24 Q What was the conversation you had with Pat Bigby? 25 Q What was the conversation you had with Pat Bigby? 26 Q What was the conversation you had with Pat Bigby? 27 Q What was the conversation you had with Pat Bigby? 28 What was the conversation you had with Pat Bigby? 29 Q What was the conversation you had with Pat Bigby? 20 Q What was the conversation you had with Pat Bigby? 21 Each in cident? 22 A Yes. 23 Q So—but you just did a visual inspection of the mecha incident? 24 A Yes. 25 Q So did you speak with Mr. Roshi after the incident? 26 Q So after he damped to this Truck 5694 and the the subject incident? 27 A Yes. 28 Q Who also did you speak with?	7	-	• •	7	
9 A Yes, No, did not do any inspection at that 10 Q Sorry. When did he leave the company? 11 A December 2015. 12 Q Do you know where he weat? 13 A Where he is currently working? 14 Q Yes. 15 A Yes. 16 Q Where is he currently working? 17 A Cyclone, Oyclone Transport or Cyclone Transportation 18 I'm not sure which it is in Femley, Nevada. 19 Q In where? I'm sorry. 20 A Femley, Nevada. 21 Q Ckey. And so what did Trany say to you when he called 22 you? 23 A He said that Danny's back trailer came open on the 24 highway and spilled rock, and there's an accident. 25 Q Ckey. Did he ask you to contact anybody regarding the 26 A No. 27 Q Did he ask you to go to the scene? 28 A No. 39 Q Did he ask you to go to the scene? 4 A No. 5 Q Did he po to the scene? 5 Q Ckey. 6 A I do not believe so, because you couldn't get to the 6 A I do not believe so, because you couldn't get to the 7 Scene, from to my knowledge, you really couldn't get there- 8 Q Ckey. 11 Q Whe there are written communication to anyone from Tracy 12 to you or anyone else within the company regarding the incident? 13 A I'm not really sure how to answer that. I 1 a moto point at that praticular time because we the 2 Ckey. 19 A Yes. No, did not do any inspection at the 2 point and the permission to anyone in the company of the methe and the trailers. So there really wasn't any 2 be devices on the trailers. So there really wasn't any 2 devices on the trailers. So there really wasn't any 2 devices on the trailers. So there really wasn't any 2 devices on the trailers. So there really wasn't any 2 devices on the trailers. In a more point at that praticular time because the 2 trailer to make sure the valve wasn't falling off and 2 trailer to make sure the valve wasn't falling off and 2 trailer to make sure the valve wasn't falling off and 2 trailer to make sure the valve wasn't falling off and 2 trailer to make sure the valve wasn't falling off and 2 trailer to make sure the valve wasn't falling off and 2 trailer to make sure the valve wasn't falling off an	8	Q	He. Sorry.	8	Q MDB. We're talking about MDB.
11	9	-	-	9	A Yes. No, did not do any inspection at that
12 the opening of Trailer 6775? 13 A I'm not really sure how to answer that. I 14 a Yes. 15 A Yes. 16 Q Where is he currently working? 17 A Cyclone, Cyclone Transport or Cyclone Transportation— 18 I'm not sure which it is — in Fermley, Nevada. 19 Q In where? I'm sorry. 20 A Fermley, Nevada. 21 Q Okay. And so what did Tracy say to you when he called 22 you? 23 A He said that Damy's back trailer cane open on the 14 incident? 24 highway and spilled rock, and there's an accident. 25 Q Okay. Bid he sak you to contact anybody regarding the 26 A No. 3 Q Did he sak you to go to the scene? 4 A No. 5 Q Did he sak you to go to the scene? 5 Q Ray. 6 A I do not believe so, because you couldn't get to the 7 scene, from — to ny knowledge, you really couldn't get there— 8 Q Okay. 9 A — without — yeah, you couldn't get there— 8 Q Okay. 10 Q Nay. 11 Q Nay there any written communication to anyone from Tracy 12 to you or anyone else within the company regarding the incident? 15 reparting the incident? 16 A Yes. 17 A Yes. 18 M I'm not really sure how to answer that. I 18 devices on the trailers. So there really wasn't any inspect incident? 19 A Let me rephrase it. 10 Q Nay that the allow inspection of the mechal curval inspection of the scane curval inspection of the wild do a visual inspection of the mechal curval inspection of the scane curv	10	Q	•	10	immediately following, no.
13 A I'm not really sure how to answer that. I 14 Q Tes. 15 A Yes. 16 Q Where is he currently working? 17 A Cyclone, Cyclone Transport or Cyclone Transportation— 18 I'm not sure which it is — in Fernley, Nevada. 19 Q In where? I'm sorry. 19 A Fernley, Nevada. 20 Q Chay. And so what did Tracy say to you when he called highway and spilled rock, and there's an accident. 21 Q Ckay. Did he sak you to contact anybody reporting the highway and spilled rock, and there's an accident. 22 You? 2 A No. 2 Did he sak you to go to the scene? 3 Q Did he sak you to go to the scene? 4 A No. 5 Q Did he go to the scene? 5 Q Did he go to the scene? 6 A I do not believe so, because you couldn't get to the scene, from — to my knowledge, you really couldn't get there— 8 Q Ckay. 10 Q Was there any written communication to anyone from Tracy to you or anyone alse within the company regarding the incident? 10 Q Was there any written communication to anyone from Tracy to you or anyone alse within the company regarding the incident? 10 Q Did you speak with Mr. Koeki after the incident, reversible the subject incident? 10 A Yes. 11 Q No alse did you speak with? 21 A Yes. 22 Q Who alse did you speak with? 23 A I spoke with part of the drivers, but mostly, Pat Bigby? 24 A I spoke with part of the drivers, but mostly, Pat Bigby? 25 Q What was the convergation the will be caused. 26 Exp. So these are the driver's daily timesheet a case in the driver's daily timesheet a case.	11	A	December 2015.	11	Q When did they when did MDB do an inspection regarding
14 a moot point at that particular time because we put 15 A Yes. 16 Q Where is be currently working? 17 A Cyclone, Cyclone Transport or Cyclone Transportation— 18 I'm not sure which it is — in Femley, Nevada. 19 Q In where? I'm sorry. 20 A Femley, Nevada. 21 Q Okay. And so what did Tracy say to you when he called 22 you? 23 A He said that Danny's back trailer came open on the 24 highway and spilled rock, and there's an accident. 25 Q Okay. Did he ask you to contact anybody reparting the 26 A No. 27 Q Did he ask you to go to the scene? 28 A No. 3 Q Did he ask you to go to the scene? 4 A No. 5 Q Did he go to the scene? 5 Q Okay. 6 A I do not believe so, because you coulch't get to the 7 scene, from — to my knowledge, you really coulch't get there— 28 Q Okay. 29 A — without — yeah, you coulch't get there because the 10 traffic was backed up. 11 Q What here any written communication to anyone from Tracy 12 to you or anyone alse within the company regarding the incident? 13 A I do not believe so. 14 Q Did you ever speak with Mr. Koski after the incident, 15 regarding the incident? 16 A Yes. 17 A Yes. 18 Tesok with part of the drivers, but mostly, Pat Bigby. 20 Q What was the conversation you had with Pat Bigby? 21 A I spoke with part of the drivers, but mostly, Pat Bigby. 22 Q What was the conversation you had with Pat Bigby? 23 Eachibits. We don't have to do every single page, to	12	Q	Do you know where he went?	12	the opening of Trailer 6775?
15 A Yes. 16 Q Whare is be currently working? 17 A Cyclone, Cyclone Transport or Cyclone Transportation — 18 I'm not sure which it is — in Femley, Nevada. 19 Q In where? I'm sorry. 20 A Femley, Nevada. 21 Q Okay. And so what did Tracy say to you whan he called 22 you? 23 A He said that Danny's back trailer came open on the 24 highway and spilled rock, and there's an accident. 25 Q Okay. Did he ask you to contact anybody regarding the 1 incident? 1 incident? 1 incident? 1 incident? 1 incident? 2 A No. 3 Q Did he ask you to go to the scene? 4 A No. 5 Q Did he go to the scene? 6 A I do not believe so, because you couldn't get there — 7 scene, from — to my knowledge, you really couldn't get there — 8 O Ckay. 9 A — without — yeah, you couldn't get there because the 1 traffic was backed up. 11 Q Was there any written communication to anyone from Tracy 10 Did you ever speak with Mr. Koaki after the incident; 15 reparding the incident? 16 A Yes. 17 A Yes. 18 Wes. 19 A Let me rephrase it. 10 ke did do a visual inspection of the mechange inchesion. 20 Page 47 1 Q So did you tast the electrical part of the scene? 1 Q So did you tast the electrical part of the scene? 1 Q Nas. BROIN: Objection, vague as to "test." 1 Q So did you tast the electrical part of the scene? 2 Yes. 6 A No. 7 Q Wast happened to this Truck 5594 and the traffic was backed up. 10 A Yes. After stopping for the accident, eve to you or anyone alse within the company regarding the incident? 10 A Yes. After stopping for the accident, eve to you or anyone alse within the company regarding the incident? 10 A Yes. 11 Q So did you seek with every lead to dusp it? 12 Q So did you tast the electrical part of the scene? 13 A No. 14 B William Supplement to this Truck 5594 and the traffic was backed up. 15 A Yes. 16 A No. 17 Q Wast happened to this Truck 5594 and the traffic was backed up. 16 A Yes. After stopping for the accident, eve to you wind the part of the did you speak with anyone also other ham Tracy about.	13	A	Where he is currently working?	13	A I'm not really sure how to answer that. It was sort of
16 Q Where is he currently working? 17 A Cyclone, Cyclone Transport or Cyclone Transportation— 18 I'm not sure which it is—in Femley, Nevada. 19 Q In where? I'm sorry. 20 A Femley, Nevada. 21 Q Ckay. And so what did Tracy say to you when he called 22 you? 23 A He said that Damny's back trailer came open on the 24 highway and spilled rock, and there's an accident. 25 Q Ckay. Did he ask you to contact anybody regarding the 26 A No. 27 Page 47 28 Incident? 29 Did he ask you to go to the scene? 30 Q Did he ask you to go to the scene? 40 A No. 41 BY NS. SREVE: 42 A No. 43 Q Did he ask you to go to the scene? 44 A No. 45 BY NS. SREVE: 45 Q Ckay. 46 A No. 47 BY NS. SREVE: 48 A No. 49 Ckay. 49 A — without — yeah, you couldn't get there— 49 Ckay. 40 A — without — yeah, you couldn't get there— 40 Ckay. 40 A — without — yeah, you couldn't get there— 41 C traffic was backed up. 41 C traffic was backed up. 41 C p Did you speak with the company regarding the incident? 41 A Yes. 42 A Yes. 43 A Yes. After stopping for the accident, even was required to dump it? 44 A Yes. I don't think so. Not specifically, no. 45 C p Did you speak with anyone also other than Tracy about 46 A Yes. 47 A Yes. 48 The subject incident? 49 Did you speak with anyone also other than Tracy about 40 A Yes. 41 A Yes. 42 A Yes. 43 BY Max was the conversation you had with Pat Rigby? 45 C What was the conversation you had with Pat Rigby? 46 A I spoke with part of the drivers, but mostly, Pat Rigby? 47 Cyclone Transport in the did he conversed and with Pat Rigby? 48 Ckay. 49 What was the conversation you had with Pat Rigby? 49 Ckay. 40 Ckay. 50 Ckay. 51 D A Yes. 51 Converse report with manyone also other than Tracy about 52 Cy What was the conversation you had with Pat Rigby? 51 Converse are the driver's daily timesheet a caseler. 52 Cy What was the conversation you had with Pat Rigby? 51 Converse are the driver's daily timesheet a caseler. 52 Cy What was the conversation you had with Pat Rigby? 51 Converse are the driver's daily timesheet a caseler. 52 Cy W	14	Q	Yes.	14	a moot point at that particular time because we put lockout
17 A Cyclone, Cyclone Transport or Cyclone Transportation— 18 I'm not sure which it is — in Femley, Nevada. 19 Q In where? I'm sorry. 20 A Femley, Nevada. 21 Q Okay. And so what did Tracy say to you when he called 22 you? 23 A He said that Panny's back trailer came open on the 24 highway and spilled rock, and there's an accident. 25 Q Okay. Did he ask you to contact anybody regarding the 26 highway and spilled rock, and there's an accident. 27 A No. 28 A No. 29 Did he ask you to go to the scene? 20 Did he go to the scene? 30 Q Did he go to the scene? 41 A No. 42 ENCINC: Objection, vague as to "test." 43 I do not believe so, because you couldn't get there— 48 Q Okay. 49 A — without — yeah, you couldn't get there because the traffic was backed up. 40 Cy Nas there any written communication to anyone from Tracy 41 to you or anyone else within the company regarding the incident? 41 Q Nas there any written communication to anyone from Tracy 42 to you or anyone else within the company regarding the incident? 43 A Yeah. I don't believe so. 44 I do not believe so. 45 Q Okay. 46 ENCINC: Objection, vague as to "test." 47 Q Nas there specially out couldn't get there— 48 Q Okay. 49 A No. 50 Q Nas there he was required to dump it? 51 Q Nas there any written communication to anyone from Tracy 52 to you or anyone else within the company regarding the incident? 53 A I do not believe so. 54 Q Did you speak with Mr. Kocki after the incident? 55 Poil you over speak with Mr. Kocki after the incident? 56 A Yeah. I don't think so. Not specifically, no. 57 Q Did you speak with anyone else other than Tracy about 58 the subject incident? 59 A Yes. 50 So after he dumped the first two, he hrowy 51 A Yes. 51 Q No else did you speak with? 52 Q Nhat was the conversation you had with Pat Rigby. 53 Q So after he dumped the driver's daily timesheet a casier. So these are the driver's daily timesheet a casier. So these are the driver's daily timesheet a casier. So these are the drivver's daily timesheet a casier. So these are the drivver's daily	15	A	Yes.	15	devices on the trailers. So there really wasn't anything to
18 I'm not sure which it is — in Femley, Nevada. 19 Q In whare? I'm sorry. 20 A Femley, Nevada. 21 Q Okay. And so what did Tracy say to you when he called 22 you? 23 A He said that Danny's back trailer came open on the 24 highway and spilled rock, and there's an accident. 25 Q Okay. Did he ask you to contact anybody reparding the 2 A No. 3 Q Did he ask you to go to the scene? 4 A No. 5 Q Did he go to the scene? 6 A I do not believe so, because you couldn't get to the 7 scene, from — to my knowledge, you really couldn't get there — 8 Q Okay. 10 Q Nas there any written communication to anyone from Tracy 11 Tracific was backed up. 12 Q Nas there any written communication to anyone from Tracy 13 A I do not believe so. 14 Q Nas there any written communication to anyone from Tracy 15 Tracific was backed up. 16 A Yesh. I don't think so. Not specifically, no. 17 Q Did you speak with Mr. Koski after the incident? 18 the subject incident? 19 A Yes. 10 Q No else did you speak with? 10 Q What was the conversation you had with Pat Rigby? 21 A I spoke with part of the drivers, but mostly, Pat Rigby. 22 Q What was the conversation you had with Pat Rigby? 23 A He said that Damny's back trailer to make sure the valve wasn't falling off an 20 trailer to make sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an 20 to take sure the valve wasn't falling off an	16	Q	Where is he currently working?	16	inspect.
19 A Let me rephrase it. A Fernley, Nevada. Q Ckay. And so what did Tracy say to you when he called you? A He said that Danny's back trailer came open on the thighway and spilled rock, and there's an accident. Q Ckay. Did he ask you to contact anybody regarding the Page 47 incident? A No. Q Did he ask you to go to the scene? A No. D Did he ask you to go to the scene? A No. D Did he go to the scene? A I do not believe so, because you couldn't get to the scene, from — to my knowledge, you really couldn't get there — R Q Ckay. A — without — yeah, you couldn't get there because the traffic was backed up. D Was there any written communication to anyone from Tracy to you or anyone alse within the company regarding the incident? A Yeah. I do not believe so. A Yeah. I do not believe so. A I do not believe so. A I do not believe so. A Yeah. I do not believe so. A Yeah. I do not believe so. A Yeah. We didn't do an intense accident in the page time. A We didn't do an intense accident in the page time. A No. D So did you tast the electrical part of the MR. RRGWN: Objection, vague as to "test." A No. B MR. RRGWN: Objection, vague as to "test." C V Nas. C V	17	A		17	I don't know if that's an answer that you
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24 A Yeah. We didn't do an intense accident in type inspection. We just 1 incident? 1 incident? 2 A No. 3 Q Did he ask you to go to the scene? 4 A No. 5 Q Did he go to the scene? 6 A I do not believe so, because you couldn't get to the scene, from to my knowledge, you really couldn't get there 8 Q Okay. 9 A without yeah, you couldn't get there because the confirmation to anyone from Tracy to you or anyone alse within the company regarding the incident? 10 Did you ever speak with mr. Koski after the incident, regarding the incident? 11 Q So did you test the electrical part of the street." 12 MR. BROWN: Objection, vague as to "test." 13 THE WITNESS: Did we test the electrical of the street. Single with a proposed to this Truck 5694 and the test the subject incident? Did it did he continue to of his load to where he was required to dump it? 10 A Yes. After stopping for the accident, even was beyond the accident scene, after he was released the Highway Patrol, he continued on to the location he was dump, which is Reno, Cenex Reno, and dumped his from and proceeded back to our yard. 12 The will be Exhibit Number 2. 13 A Yes. 14 A Yeah. We didn't do an intense accident in type inspection. We just 15 Q So did you test the electrical part of the street." 16 A No. 7 Q Was the subject incident? Did we test the electrical of the was required to dump it? 10 A Yes. After stopping for the accident, even was beyond the accident scene, after he was released to dump, which is Reno, Cenex Reno, and dumped his from and proceeded back to our yard. 17 Q Did you ever speak with Mr. Koski after the incident? 18 MS. SHREVE: I'm going to do the next exhill the subject incident? 19 A Yes. 10 Was been any written communication to anyone from Tracy about 11 Was been any written communication to anyone from Tracy 12 Q So after he dumped the first two, he brough and trailers back to the yard? 13 MS SHREVE: I'm going to do the next exhill the subject incident? 14 MS SHREVE: I'm going to do th	22	you?		22	nothing.
25 Q Okay. Did he sak you to contact anybody regarding the Page 47 1 incident? A No. 2 Page 47 3 Q Did he sak you to go to the scene? 4 A No. 5 Q Did he go to the scene? 6 A I do not believe so, because you couldn't get to the 7 scene, from — to my knowledge, you really couldn't get there— 8 Q Okay. 1 Q Was there any written communication to anyone from Tracy 1 to you or anyone else within the company regarding the incident? 1 Q Did you ever speak with Mr. Koeki after the incident, 15 regarding the incident? A Yeah. I don't think so. Not specifically, no. 10 Did you speak with anyone else other than Tracy about 11 A Yes. 12 Q Who else did you speak with? 13 A I spoke with part of the drivers, but mostly, Pat Bigby. 25 type inspection. We just — 1 Q So did you test the electrical part of the Page 47 1 Q So did you test the electrical part of the Page 47 1 Q So did you test the electrical part of the Page 47 1 Q So did you test the electrical part of the Page 47 1 Q So did you test the electrical part of the Page 47 1 Q So did you test the electrical part of the Page 47 2 Page 47 1 Q So did you test the electrical part of the Page 47 2 Page 47 1 Q So did you test the electrical part of the Page 47 2 Page 47 3 THE WITNESS: Did we test the electrical of Page 48 8 Page 47 2 Page 47 1 Q So did you test the electrical part of the Page 48 8 Page 47 2 Page 47 2 Page 47 3 THE WITNESS: Did we test the electrical of Page 48 8 Page 47 2 Page 47 2 Page 47 2 Page 47 3 THE WITNESS: Did we test the electrical of Page 48 8 Page 48 8 Page 47 2 Page 47 2 Page 47 2 Page 47 2 Page 47 3 THE WITNESS: Did we test the electrical of Page 48 8 Page 48 8 Page 47 2 Page 47 2 Page 47 2 Page 47 3 Page 47 4 Page 47 5 Page 47 5 Page 47 5 Page 47 6 A No. 7 Page 48 6 A No. 7 Page 48 7 Page 47 8 Page 47 8 Page 47 8 Page 47 8 Page 47 9 Page 47 9 Page 47 9 Page 47 9 Page 47 1 Page 47 2 Page 47 2 Pa	23	A	He said that Danny's back trailer came open on the	23	Q So but you just did a visual inspection?
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23 A That Danny's back trailer came open. And that was 123 THE WITNESS: Uh-hub, ves.					easier. So these are the driver's daily timesheet and logs.
	23	A	That Danny's back trailer came open. And that was	23	THE WITNESS: Uh-huh, yes.
24 basically the extent of the conversation. 24 MS. SHREVE: It's not all of them.					
25 Q Did you perform any type of inspection regarding the 25 (Exhibit 2 marked for identification.)	25	Q	Did you perform any type of inspection regarding the	25	(Exhibit 2 marked for identification.)

Page 50 1 BY MS. SHREVE: Now, on line 4, it said -- there's another line that 2 says the weight, 28, and lost load replacement. 2 Q So I'll give you a second to look over those. Do you see that? So right now, to make it easier for you, I'm going to 3 4 specifically talk about Bates stamp number MDB 677 and MDB 680. Uh-huh. I do, yes. Can you explain to me what that means or what that's 680 and ---6 for. 677. It's right there. So we'll talk about it. 6 A What that means is the -- when he left the pit, the pit Okay. 8 issued the weight slip for the original load, which was So we'll start with MDB 680. 8 approximately 41.6 tons. 9 Can you explain to me what this document is. And because we lost, for what Tracy Shane would have 10 This is what we refer to as a truck tag, which is estimated to be 13 tons on the highway, he called the pit and had 11 actually a bill of lading that we fill out. 12 them change the ticket to reference 28 tons, because that's how we And in some cases, we use this to actually bill the 12 13 get paid. 13 customer. In this particular case, we don't use it to bill the 14 customer because the customer pays us on contract. So it would not have been fair for Cemex to pay us for a 15 load that we didn't actually haul for them, so, you know, for 15 And it keeps track of all the information that we need tonnage that we didn't actually haul. 16 to track the loads and the customer can see what we're doing. So that would be a replacement ticket. Q Okay. And who fills this form out? 17 So that would indicate that there was still gravel in 18 18 The driver. Okay. Where does the driver get the tag number from? 19 the Trailer 6775? 19 A No. That would indicate that after the 6775 spilled the I'm sorry, the tag number or the tag -- tags? 20 21 load on the highway, the remaining tonnage in 6773 and 6774 was On this document, it says "Tag Number." 21 estimated to be approximately 28 tons. 22 Oh, I'm sorry, these tag numbers. Α 23 Okay. 23 Yeah. Q So we had the weight slip changed to reflect that. 24 Okay. Those numbers are the weight slips that we Okay. So this doesn't indicate how much weight was in 25 receive from the quarry after we receive each load. Page 53 Page 51 1 each trailer? Q Do you keep the weight slips? 1 No. Δ We keep -- yes, we keep one copy, and we give one copy Okay. So this is for the total trailers? 3 to the customer. Okay. The weight slips, I'm going to assume they have Α Okay. So after the subject incident, when Mr. Koski 5 the weight on them as well? 6 brought the truck and trailer back to the yard, what did you --Yes. 7 what did MDB do with the truck and trailer? That's where you get the weight from? 7 We immediately put the truck -- immediately put the Uh-huh, they have all the -- gross weight, net weight, 9 trailers out of service until such time as we could fabricate a 9 tare weight, yes. 10 lockout device for the Versa valves. 10 Q Thank you. Q Okay. And who suggested fabricating a lockout device 11 Can you please tell me the date that this bill of 12 for the Versa valves? 12 landing is from. Α I did. 13 Α Bill of lading? And how did you come up with this idea? 14 Yes. Sorry. From 35 years of dealing with Versa valves and bottom 15 7/7, 2014. 16 dumps. And that was -- that was the only sure way to keep -- keep 16 So this is the hill of lading from the day of the them from accidentally energizing electrically. 17 subject incident? Had you seen a Versa valve accidentally energize 18 19 Q Okay. And can you please tell me what truck and trailer 19 inadvertently before? Yes. 20 A 21 How many times? ٥ A Truck Number 5694, and then a set of trailers starting 21 Can you clarify the question. Are you talking -- can 22 with 6773, 6774, and 6775. Q Okay. So is this the truck and trailer that lost gravel 23 I -- you mean, personally, actually saw it happen? 24 Have knowledge of it happening. ٥ 24 on the road for the subject incident? Have knowledge of it happening. 25 A Yes.

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Page 54
                                                                                                                                    Page 56
  1
               Probably at least -- a dozen times.
                                                                          1
                                                                                       THE REPORTER: Would you say that again.
  2
               Was this all at your time at MDB?
                                                                                      MR. BROWN: I said objection to the extent it calls for
  3
          Α
               No, over the course of 30 years of being in the
                                                                          3 the possible introduction into later evidence, subsequent remedial
  4 industry.
                                                                          4 measures.
          Q Okay. And at any of those times, was a pin installed
                                                                                      You can answer the question.
  6 after those incidents?
                                                                                      THE WITNESS: The answer to the question is, after the
                                                                          7
                                                                            subject incident, we installed lockout devices on all bottom dump
          Q Do you know why a pin was not installed after those
                                                                            trailers equipped with Versa valves.
  9 incidents?
                                                                                      And it became company policy that those lockout devices
 10
          A No, I do not. Some of the vehicles weren't owned by us
                                                                         10 will be in place at all times when on the highway.
 11 or owned by the company I was working for. So, no, I would not
                                                                         11 BY MS. SHREVE:
 12 have any knowledge of why they didn't.
                                                                                      How about non-Versa valves?
 13
          Q And had you seen a pin in the Versa valve prior to your
                                                                                      No. We have one trailer that does not have a Versa
 14 suggestion of putting a pin in this Versa valve?
                                                                         14 valve. It has -- I believe it's a Wabco valve. I'm not sure.
          A I've seen, yes, the equivalent of a pin, a lockout,
                                                                         15 But it does not have a lockout device on it.
 16 something to mechanically lock the valve, the handle from moving.
                                                                                 Q So all of your -- all except one -- I apologize -- of
 17 So, yes, I had seen that prior to this incident, yes.
                                                                            your belly dump trucks contain Versa valves on them?
 18
              Is that what prompted you to have that idea to do that?
                                                                                 A All but one, yes.
 19
                                                                                      And also, to clarify, the one that doesn't have a Versa
 20
              Are you aware of another dumping of material on the same
                                                                            valve, it was pretty much impossible to install a lockout device
 21 day of the subject incident?
                                                                            on it, the way it operates.
 22
         Α
              Yes.
                                                                                      Are you aware of any other time with MDB that there was
 23
             And can you tell me about that.
                                                                            an inadvertent opening of a belly dump truck?
 24
         A Yes. Prior to Mr. Koski dumping his gravel on the road,
                                                                                      Yes.
 25 another truck driven by myself, Scott Palmer, also dumped, in a
                                                                        25
                                                                                      And when was that?
                                                            Page 55
                                                                                                                                   Page 57
 1 similar fashion, in close to the same location, sand, not gravel,
                                                                         1
                                                                                      It would have been July 2013.
 2 but sand on the highway.
                                                                                      Do you know what day in July?
         Q How did you become aware that your trailer released sand
                                                                                      No, I do not.
 4 on the highway?
                                                                                      And do you know the truck and trailer involved in that
             I received a phone call from one of the other drivers
                                                                         5 one?
 6 and said check my trailers because there's a load of sand on the
                                                                         6
                                                                                     Yes, I do.
 7 highway. And I did, and it was, indeed, my back trailer that was
                                                                         7
                                                                                     And what was the equipment number?
 8 open.
                                                                                      It would have been the same truck Dan Koski was driving,
 9
         Q And do you recall who called you?
                                                                            same driver, Dan Koski, Truck 5694, Trailer 6773, 6774 and 6775.
10
             No. I would be guessing.
                                                                                     And what is your understanding of what happened with
11
             Okay. Did you perform any investigation as to why your
                                                                        11 that belly dump?
12 trailer unloaded sand on the highway?
                                                                        12
                                                                                 Α
                                                                                     They just opened on the highway.
13
             No. Or -- no.
                                                                        13
                                                                                      Is that the question?
14
             Do you recall the equipment number for your truck and
                                                                        14
                                                                                 Q Where did it occur?
15 trailers on that day?
                                                                        15
                                                                                 Α
                                                                                     I think it occurred in a similar -- between Paiute or
        A Yes.
16
                                                                        16 Wadsworth and Reno.
17
            And what were they?
                                                                        17
                                                                                    And what did MDB do to investigate that dumping?
18
             The truck -- the tractor was 5693 and the trailers were
                                                                        18
                                                                                     They completely investigated the wiring on all three
19 6776, 6777 and 6778.
                                                                        19 trailers, the truck; rewired the truck specifically to make sure
         Q Did your company ever -- did MDB ever change its
                                                                        20 that all of the source of the voltage going to the Versa valve or
21 policies and procedures after the subject incident to ensure that
                                                                            going to the switches going to the Versa valve would be coming
22 there would not be an inadvertent opening of a belly dump?
                                                                        22 directly from the battery; checked all the grounds on the
23
                                                                        23 trailers; changed the Versa valve, put a new Versa valve on the
             MR. BROWN: Objection to the extent that it calls for
24 the eventual admission of subsequent remedial measures.
                                                                        24 trailer, 6775.
25
              Go ahead and answer.
                                                                                    Is that the only other inadvertent opening of a belly
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Page 60 Page 58 1 Okay. 1 dump truck that you are aware of that occurred at MDB? Okay. 2 A Yes, I believe so. Yes. Α Q If you look at the first page that says MDB 001, are Q Can you explain how a belly dump can open, like, the 4 those red flams, I guess, the -- what you were talking about when 4 different ways you can activate the Versa valve to open the belly 5 you have to switch to activate? 5 dump? A Yes. You have to -- you have to lift up the cover in 6 A Driver can stop the vehicle and get out and manually 7 order to access the toggle switch. It keeps you from accidentally 7 move the lever, manually operate the opening of the gates. 8 bumping it, bumping the switch. It's more of a guard or safety It can be operated by somebody on the ground, like a cover. 9 dump man. 10 So you would have to lift up the toggle --10 Like a what? I'm sorry. A dump man, somebody that -- you know, you can pull up 11 Α 11 12 to the grizzly, somebody can just do it for you, manually, or they -- and then push the switch? 12 To the up position, yes. 13 can be operated electrically inside the cab. In this particular vehicle, it also has the master 14 Q When you said "a dump man," would they be pulling the 14 15 lever manually, like -switch, the one red one above that. What does the master switch do? 16 16 Α Yes. It provides electricity to the three switches. So if 17 -- the driver would, the same thing? 18 it's not activated, you could lift up the covers on the bottom 18 Yes. It could be either the driver or somebody on the 19 three and it still wouldn't work, unless the master switch is also 19 ground. 20 switched on. 20 And then the last one you said, electrically? Q Okay. So if the master switch is off, you can't lift up 21 22 the third one and turn it on? 22 And what does that entail? How do you activate it 23 electrically? You can lift it up and turn it on, but it won't activate 24 it, yes. I mean, there's no power to them, yes. Every truck I've ever seen, including all of our trucks, 25 have a safety switch cover, toggle switch in the truck, designated And is this a picture of Equipment Number --Page 61 Page 59 5694? Α 1 for each trailer. So if you have three trailers, you have three 1 2 switches. Yes. Each one of them has a safety cover on them, and the 3 Α 4 wires go back and connect to each individual solenoid on each And was that master switch in place on July 7th, 2014? 5 valve. Was that master switch in place on July 2013, before the Q And are all the trucks that MDB owns or leases -- do 0 7 incident that took place in July? 7 they all have the same safety switch to activate the valves to 8 open the belly dump? Α Was that installed after the incident in July 2013 A Yes. 10 Are you saying the same exact configuration or they all 10 because of the inadvertent opening? 11 11 have the same --Α I'll switch to the next page of MDB 002. 12 12 They all have, like, a switch --What is this picture of? 13 Α Yes. 13 It looks like the license plate on the rear of a 14 -- that you would hit and it would activate. 15 trailer. I'm assuming it's the back, 6675, but I can only assume 15 16 because I don't know the license plate number off the top of my 16 Were there any pictures taken of the subject truck and 17 head. 17 trailer on the day of the incident? 18 Not to my knowledge. Okay. And then MDB 003, what is this a picture of? Looks like a picture of the manufacturer's label they 19 Q Did anyone request that any pictures were taken of the 20 put on there that has the serial number. It looks like it's on 20 truck or trailer? 21 the front of Trailer Number 6775. I'm assuming it is. 21 A No. 22 Is there any way to tell that it's Trailer 6775? MS. SHREVE: I'm going to now move to Exhibit 3. Not without looking at it close -- not without looking 23 (Exhibit 3 marked for identification.) 24 at the numbers closer. I mean --24 BY MS. SHREVE: So we're not sure which trailer this is for by looking 25 Q I'll give you a second to look at that.

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Page 62
                                                                                                                                 Page 64
  1 at the picture?
                                                                                A It could have been. Yes, I think it was. We did have
         A No, I wouldn't be able to tell for sure.
                                                                        2 the policies then, yes.
         Q And now, MDB 004.
                                                                                Q I was going to say, if you did not, do you know when
         A I'm sorry. This is actually on the back of the
                                                                        4 they were provided.
  5 turntable of 6775, yes. So it is the same trailer, though, yeah.
              So sorry. Going back MDB 003 --
                                                                                    But you think you had it at the time.
         Α
             Yes.
                                                                               Α
                                                                               Q I know we had asked for those. So if -- and was told
             -- you said this is --
         A I think I said it's on the front of the trailer, but
                                                                        9 that there was no documents.
 10 it's actually on the back of the turntable, of the front -- of
                                                                       10
                                                                                    So if you would be able --
 11 that Trailer 6775.
                                                                                    MR. BARKLEY: Other than the annual inspection forms, I
12
         Q And you know this is Trailer 6775?
                                                                       12 don't believe there's another written protocol.
13
         A I don't - I can't say for sure, but I'm reasonably
                                                                                    MR. BROWN: We'll go back and take another look and
14 sure.
                                                                       14 supplement the responses ---
15
         Q Okay. MDB 0004.
                                                                                    MS. SHREVE: Thank you.
16
         Α
             Sure.
                                                                       16
                                                                                    MR. BROWN: -- based upon what he just answered to your
17
             And what is this a picture of?
                                                                       17 question.
18
         A Looks like a picture of a lockout device attached to a
                                                                       18 BY MS. SHREVE:
19 Versa valve. And it's attached to one of our trailers because I
                                                                                    To the best of your knowledge, what are the MDB's
20 recognize -- that I'm actually the one that installed it.
                                                                       20 written policies and procedures regarding inspections of the
21
         Q And do you know which trailer or equipment number this
                                                                       21 vehicles?
22 is?
                                                                               A That everyone is required to follow the DOT rules, be
23
         A No. I couldn't tell by looking at the picture. I would
                                                                          knowledgeable and follow the DOT rules regarding the pre-trip
24 assume it's the trailer we are -- the subject trailer.
                                                                       24 inspections and post-trip inspections set forth by the DOT.
         Q And then the same -- MDB 005, what is this a picture of?
                                                                               Q And does MDB provide its drivers the requirements
                                                          Page 63
                                                                                                                                Page 65
         A It's another picture of the Versa valve assembly and
                                                                        1 provided by the DOT?
 2 oiler. It looks like it's on the -- yeah, probably the subject
                                                                               A Yes. Yes.
                                                                                   MS. SHREVE: I would ask that the same be produced.
        Q Is there any indication to let you know which trailer
                                                                                    MR. BROWN: What are you asking for?
 5 this is ---
                                                                                   MR. BARKLEY: Well, let me phrase the issue. It's a
        A No.
                                                                       6 lack of foundation issue.
        Q -- based on the picture?
                                                                                    If you are talking about DOT manuals, they were not
        Α
             No.
                                                                       8 provided to drivers at the time.
 0
        Q Okay. And then the same thing with MDB 006.
                                                                                   MS. SHREVE: He just testified that he provides them
             Okay. I would assume that's the Versa valve that's on
                                                                      10 to -- they provide them to their drivers as part of their
11 the subject trailer, 6775, but it could be a picture of any of our
                                                                      11 requirements for inspections.
12 valves.
                                                                                   MR. BARKLEY: There are multiple manuals. That's what
        Q Okay. So does MOB have any policy and procedures in
                                                                      13 I'm trying to tell you.
14 place regarding inspection of their vehicles?
                                                                      14 BY MS. SHREVE:
15
        A Yes.
                                                                      15
                                                                               Q What manuals does MOB provide to its drivers regarding
16
        Q And are those policies and procedures written down?
                                                                      16 their requirements of inspections?
17
        A
                                                                                  The DOT handbook? I'm not sure -- without looking at it
18
             Does MDB have copies of those policies and procedures
                                                                      18 I don't know -- I can't think of the name of it right offhand.
   regarding inspections of the vehicles?
                                                                                   MR. BROWN: The red one? The blue one?
20
                                                                      20
                                                                                   THE WITNESS: It's green. It's got the green front on
21
             Are we speaking of current policies or policies at the
                                                                      21 it.
22 time of the incident?
                                                                                   MS. SHREVE: I'm requesting whichever one Mr. Palmer is
23
        O At the time of the incident.
                                                                      23 indicating that the MDB provides.
24
        A I do not believe there is written --
                                                                                   THE WITNESS: You are asking me do we supply the drivers
25
        Q Do you know when ---
                                                                      25 with them. At the time of the incident or now? I mean, I can't
```

Page 66 Page 68 1 say for sure he was provided one, if that's what you are asking. And does MOB provide the updates to their drivers? 2 BY MS. SHREVE: 2 We would, yes, if they come out with a new book, an Q Okay. At the time of the incident, the subject 3 updated book, yes. 4 incident, what were the written policies and procedures in place How often do they come up with a new book? 5 regarding inspection of the vehicles? I'm not sure. I've been doing this for a long time. 6 Sometimes it's every year, sometimes it's every three or four A I would have to look at them. I'm not sure. Okay. What are the current policies and procedures 7 years. regarding inspection of the vehicles? Q But every time they do, MDB will provide its drivers A Drivers -- and I'm sure -- I'm pretty sure this was the with the update of the regulations? 10 way it was then, too, is that the drivers have to follow the 10 I would imagine so, yes. 11 Federal Motor Carrier Safety Administration, which is the DOT 11 MS. SHREVE: Again, I would just request for anything 12 guidelines, for doing pre-trip and post-trip inspections. 12 that was produced to their drivers. 13 They are required to note any defects. MR. BARKLEY: At which time? Just generally? 14 Q Okay. And how are the drivers aware of the DOT MS. SHREVE: Yes. So before the subject incident 15 requirements? 15 through now. A They are -- in order to get their CDL license, they have 16 MR. BARKLEY: It's not in his personnel file, so -17 to be aware of it. Otherwise, they can't -- they are not 17 MR. BROWN: We will go back --18 allowed -- they won't get their CDL. MR. BARKLEY: We will go back and make an assumption, 19 And most drivers that we hire have enough experience 19 but we cannot assure you it was there in existence at the time of 20 that they know what the laws are, and we - currently, we provide 20 the incident. 21 them with all the rules and regulations. 21 BY MS. SHREVE: 22 At the time, I believe -- I'm not sure if we did or not. Q Mr. Palmer --23 I don't know if Mr. Koski got one or not. MR. BROWN: Based upon his testimony, we will look and Q Do you know of when the current written policies and 24 see what records are available. To the extent we are required to 25 procedures and supplying your drivers of the DOT regulations were 25 supplement them, we will do so. Page 67 Page 69 1 implemented? In the event that we're not going to supplement them, 2 A I'm not sure. 2 you'll find that out as well. 3 Q Is there a way of determining when they were MS. SHREVE: Thank you. 4 implemented? THE WITNESS: I think I'm going back and forth between A I would have to -- I would have to look into it. 5 current and that time. They were in place when I came to work, and they were 6 BY MS. SHREVE: 7 implemented by myself when I took over that position. So I'm Q Right. But you testified that ever since you've been 8 assuming that they --8 employed with MDB, that there were these policies and procedures. 9 Q So when you started working at MOB, they were in place? 9 And am I correct in -- you were employed by MDB at the time of the 10 A I believe so, yes. 10 subject incident? 11 And they provided the DOT regulations? A Yes. There were policies and procedures in place then, 12 No. I think that they say that they are -- that you are 12 they were written, but I don't know if I got -- I don't know who 13 required to follow the DOT regulations pertaining to the pre-trip 13 got them. I can't -- I can't testify to that. inspections and post-trip inspections. 14 Q And now that you are in place as the general manager, do 15 Q Okay. And then were the drivers supposed to look up 15 you make sure that the drivers have or are aware of MDB's policies 16 those DOT regulations themselves, then, if MOB did not provide 16 and procedures regarding inspections of their vehicles? 17 them? 17 A Yes. 18 Α 18 I think everybody knows them, my assumption. 0 How often are the drivers supposed to inspect their 19 Okay. Did the DOT regulations get updated? 19 vehicles? 20 Α Yes. 20 A Daily, pre-trip and post-trip. So they are inspecting 21 And how are you notified of updates to the DOT 21 them officially twice a day. 22 regulations? And in between, during the day, you do visual To my knowledge, we're not. You just have to stay on inspections as well. You walk back there to dump your trailers, 24 top of it. You have to do your research to see when they have you are looking at the brakes. You are looking at stuff all day. 25 updated the book. So, yes, but officially inspecting them, in the morning

Page 72 Page 70 1 for your air, to make sure you don't have any air leaks with the 1 for pre-trip, and then afternoon, post-trip. 2 truck, with the brakes applied or not applied. 2 Q Do you do the same inspection pre-trip as you do So you just go through that. That's all the stuff that 3 post-trip? 4 is required by law, and also, the stuff that you want to do A Pretty much. 5 because you don't want to be out on the road with any of those Is there anything that would be different pre-trip from 6 post-trip? 6 defects. Not necessarily. You wouldn't check your oil at the end Q Okay. And do you, in your pre inspection -- I know earlier, you testified that you don't -- or -- strike that. 8 of the day. You would check it in the morning. In your pre inspection, do you flip the switch to But other than that, no. You can check your tires. 10 activate the belly dump? 10 So a lot of what you do post-trip is redundant to the A I do not. Some of the drivers may. I would get in the 11 next day's pre-trip, that you want to make sure that, if you do 12 truck to make sure that the switches are -- covers are closed over 12 have a problem, you let the mechanics know at night so they can 13 the switches, that they are not in the open position. 13 fix it before you come to work in the morning and find it on your 14 next day's pre-trip. Part of your -- as you are walking down the trailer, you 15 are making sure all your gates operate. So you would manually 15 Q And do you do the same inspection every morning, or are 16 move the lever to make sure you have air pressure to the gates, 16 there different things that you do once a week versus every day? 17 that they -- the Versa valve is, in fact, in the closed position 17 No, same inspection every day. and the gates are closed and there's air to the gates. 18 You are talking about as a driver? 19 ٥ Yes. 19 But I don't personally make sure that they are working 20 20 with the electrical switches in the morning. But it's something Yes. 21 that some drivers may. 21 And can you go through the inspection that you would do 22 every morning. But for the most part, we don't open our gates with 23 Okay. I thought -- didn't I already do this, or no? 23 electrical switches very often. So it's not an issue if one of 24 But just to have more detail of what exactly is done. 24 them may not work with the electrical switch. It's not as big an 25 issue as a company that may need to open them electrically. 25 Specifically, I can go into great detail. Page 73 Page 71 So in your morning inspection, you test each trailer's 1 Yes, please. 2 Versa valve by lifting the lever manually? 2 And you are required and you do. You get there and you look under the truck to make sure A Yes, or pulling on the lever to make -- pushing it in, pulling it out, make sure it's in out position. 4 that there's no oil leaks under the truck. You look at it We have air pressure gauges on all of our air tanks that 5 visually to make sure there's no damage to the outside of the 6 go to the gates, make sure you have a minimum of 90 pounds of air 6 vehicle, there's nothing wrong. pressure to hold the gates closed also as well. And then you tilt the hood, and then you check all your Okay. 8 under hood components, your oil, your coolant, your power steering 9 fluid, your windshield washer fluid. We do that mostly because we have problems in the 10 You visually check to make sure your windshield wipers wintertime. If something freezes up, it might not get enough air, but you don't want to leave the yard that way. 11 are there, they operate. You check your lights, you check your Q And do you do a visual inspection as to -- that the --12 turn signals, your brake lights. You check all your hoses. You 13 if the belly dump is supposed to be closed, that it is closed? 13 are checking to make sure you don't have any loose lug nuts. 14 14 Yeah. Oh, yes. You are checking your tire -- tires to make sure you 15 don't have any low tires. You are checking your springs, your Okay. If there was an issue with the electrical 16 switching not activating the belly dump, you just testified that 16 brakes; your connections, your connection between the trailers, you usually do it manually, not electrically; is that correct? 17 your kingpin, make sure that's latched. 18 I mean, I could go on and on. I don't know how much 19 detail you want to go. 19 I believe you testified that if it's electrical, you are 20 Just looking to see everything that you do in your not as concerned because you do it manually? 21 Correct. 21 inspections. 22 A Yeah, you get in your truck and you make sure your 22 23 triangles are in there and your fire extinguishers are in there. So in other words, if the wires going to the plug in the 24 front of the trailer came unplugged or wasn't plugged in, for me 24 You check to make sure your truck's building air

25 pressure. And you are required by law to do your leakdown test

25 personally, I wouldn't care because you are dumping them by hand

Page 74 Page 76 1 anyway when you get to the plant. 1 them. Q Okay. Has that ever happened before, that the 2 So what are the additional things that you would do that electrical wiring has come out, but you still --3 the drivers wouldn't do? Or somebody might not have plugged it in, yeah. A Well, a driver is not going to get under the truck and Or might not have plugged it in? 5 crawl on a creeper and take a flashlight to look in to see if we Yeah, it's still tied up, it's not even plugged in, or 6 have a wheel seal starting to seep, that sort of thing. 7 it's possible that one of the switches doesn't activate that But those are the things we do. We check to make sure particular dual electrical connection, but that's very rare. 8 the brakes are in compliance, the shoes have the correct thickness Q So have you driven your -- do you still drive your truck 9 to make them legal. We check wiring, make sure all the wiring is 10 or trailer even if the electrical isn't hooked up correctly? 10 in place and all the lights work. 11 A Oh, yes. Do you check the wiring that goes to the Versa valves? 12 Well, not hooked up correctly. I mean, if it's -- yeah, We visually inspect it, yes. 13 if it's hooked up backwards, yeah - if it's just not hooked up, 13 But you don't test it electrically? 14 yeah, no. It wouldn't affect the operation of the trailer. We can -- we do sometimes. Q How does MDB ensure that its drivers are properly 15 15 How often does that occur? 16 inspecting their truck and trailers each day? 16 A Well, generally, it -- generally, it's a situation where 17 A Mostly, we police it by being there and watching it, 17 the driver is going to bring it to your attention right away. If 18 other drivers, other people that are involved in dispatch or 18 he's using it electrically and it's not working, he's going to let 19 whatever, you know. you know that day, and then we fix it. 20 We self-police it, hey, you need to check your trailers, Q Are there certain drivers that prefer to use it 21 whatever. I mean, everybody watches everybody, yeah, everybody is 21 electrically, use -- activating the Versa valve electrically 22 doing it. 22 versus manually? 23 Q And if someone -- if you find that someone is not 23 Yes, and also to -- yes. Yes. 24 inspecting their vehicle properly, what's the protocol of -- for 24 Approximately how many drivers prefer electrically over 25 MDB of what do they do in that situation? 25 manually? Page 75 Page 77 A You bring them in and sit them down and tell them not I have no idea. 2 acceptable. If it happens again, they are not going to be Would you say half the drivers? 3 employed any longer. I would say a small percentage. When I'm over at the Q Do you provide any type of, like, written statement 4 plant helping the quys dump, hardly anybody dumps them with their 5 regarding it to keep track of an employee that has not inspected switches, electrically. 6 their truck properly? MS. SHREVE: I think -- what time is it? A No. It's something that's very rare, so --MS. WOELFEL: It's 3:30. Why don't we take a break. Now, the individuals that perform the maintenance and 8 MS. SHREVE: We're going to take a quick break so we can repairs on the trucks and trailers, who are those individuals? go off the record. 10 10 At that time or currently? (A recess was taken.) 11 Do you -- at that time? (Last two questions and answers were read by the reporter.) 11 12 At that time, Pat Bigby, which is our mechanic, and 12 MS. SHREVE: We can go back on the record. Is everyone 13 myself. 13 ready? And as maintenance and repairmen for the trucks and 14 BY MS. SHREVE: 15 trailers, do you perform any type of inspections on the vehicles Q We're back on the record, Mr. Palmer. Do you understand on a regular basis? you are still under oath? 17 A Yes 17 18 And what are those inspections? 18 Great. So earlier, you testified that at the time of 19 We generally bring them in every week or two weeks and 19 the subject incident, Pat Bigby and yourself were responsible for 20 do a complete inspection and grease and do PM on them and also do maintenance of the truck; is that correct? 21 visual inspections on all the lights, reflectors, brakes, springs. 21 A That's correct. 22 Are these inspections the same as what a truck driver Did you do all of the -- or did you or Pat perform all 23 would do? 23 the maintenance on the subject truck and trailer, so Yes, it would be similar. It would just be more 24 Equipment Number 5694 and then Trailer 6775? 25 involved as far as we actually grease the trailers and service A We were doing all the maintenance currently at that

Page 78 Page 80 1 that the Truck 5694 and the trailers 6773, -4 and -5 were 1 particular point, yes. Q Prior to the subject incident, did you ever send the 2 serviced? A I don't know. I would have to look at the maintenance 3 truck out to another party to do any sort of inspection or repair 4 work on them? 4 records to answer that question. A I do not know the answer to that question. If it was, I can tell you, at that time, we were changing the oil 6 it would have only been to go out for maybe an alignment. 6 in the trucks every 10,000 miles and inspecting the trailers and I think I testified to that earlier, that, generally, if 7 the trucks weekly or biweekly -- or, actually, I should say 8 they went out, we don't have to do the equipment to do alignments. semiweekly, every other week. What kind of education does Peter Bigby have in regards Q Earlier, you testified if there was something you didn't 10 have time to do, you would sometimes send it out as well. to maintenance and repair work on the vehicles? 11 Was there anything that you didn't have time to Patrick Bigby? 12 accomplish on that truck or trailer and you needed to send it out? 13 A No, I do not believe so. I don't know. He has extensive knowledge. He has been 14 Q What records does MDB typically keep for their 14 in the industry as long as I have, 30, 35 years. 15 maintenance and repairs of their trucks and trailers? Do you know what kind of training he has? 16 A We keep -- we have files that contain all the work 16 He's got similar certifications and training that I have 17 orders of the repairs and parts purchased for the repairs. 17 had. He's gone to, you know -- taken classes on repair of 18 Q Are there any other records that are kept for the Caterpillar and Cummins engines, that sort of stuff. 19 maintenance and repairs of a truck or trailer? You mention he had has extensive experience. We do annual inspections. Is that what you -- are 20 21 you --21 Do you know what sort of experience he has? Yeah, any type of maintenance or repair documents that 22 22 He has been a heavy-duty mechanic his whole -- pretty 0 23 are kept. 23 much his whole career. We would do annual inspections. And they are also kept 24 Approximately how many years would you --25 in the same file with the maintenance records. I would say 30 years. Page 79 Page 81 Q Are your annual inspections performed by any other Okay. Has MOB provided yourself or Mr. Bigby any 2 outside agency, like the DOT? training in regards to the Versa valve? A No. Well, not annual inspections. Training on repair or training on --Are your vehicles ever inspected by an outside agency On maintenance of the Versa valve. 5 like the DOT at any time? A No, as far as I know, there's no maintenance. Oh, sure, roadside inspections, at scales. 6 How about the installation of the Versa valve? Α 7 How often does that happen? No, no official training, other than we've all changed A Not that often. 8 numerous Versa valves over the years. They come with Q Okay. Is it required to happen at any certain time, or 9 instructions, but you don't really need those. Basically, you 10 is it a random -just bolt them on, hook up the plumbing. 11 A Just random. 11 Do you have any manuals regarding installing or 12 Okay. So other than work orders, product receipts and 12 repairing the Versa valve? 13 annual inspections, are there any other documents that are kept 13 A No, we don't have a manual. 14 regarding maintenance or repairs? 14 You are talking about an MDB manual or, like, an owner's 15 A Well, the Driver Vehicle Inspection Report is kept. So 15 manual for the Versa valve? 16 if the driver turns it in with a defect, we make the repairs, the Q Does MDB's maintenance -- people that perform the 17 mechanic signs off on the repair, and we keep that in the file maintenance or repairs, which you indicated were yourself and 18 for -- we -- I believe the law is 90 days, but we keep them 18 Mr. Bigby, at the time of the subject incident, and I guess I 19 probably for a year before we throw them out. would say in 2013 before the subject incident as well, did you have any manuals or -- that you used in installing or maintaining Q And so that's for the work orders? 21 21 or repairing a Versa valve? No, that's for the Driver's Vehicle Inspection Report. 22 The work orders, we keep forever. The only thing we would have is instructions on how to 23 So the Driver's, you keep for a year? 23 install them or maintain them that come with a Versa valve when 24 24 you initially purchase it. Approximately, yes. 25 Q Prior to the subject incident, when was the last time And the policy of MDB Trucking, since they started, was

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                                                                                                                                    Page 84
  1 if there's any mechanical failure of any sort with a Versa valve,
                                                                         1
                                                                                      Can you explain to me what this document is.
  2 they replace it. They don't do any repair work on it.
                                                                         2
                                                                                      This is a repair order or a work order, is what it's
              So there's no -- so if there's a defect in it, we would
                                                                         3 labeled, a repair order.
  4 just change it. But there is no actual maintenance that needs to
                                                                                 Q Okay. And is this the repair order that you spoke about
  5 be performed on the valve, other than visual inspection, make sure
                                                                         5 earlier as one of the things that are kept in regards to
    all the parts are there and working correctly.
                                                                         6 maintenance?
          Q When you say "they," did you mean MDB, or are you
                                                                                 A
    speaking about Versa?
                                                                                 Q Is there any other work order that is kept? Because I
         A I'm sorry?
                                                                         9 know you indicated it's work order, the yearly, and then the
 10
              MS. SHREVE: Could you read his answer back, please.
                                                                        10 Driver's Report.
 11
                  (The answer was read by the reporter.)
                                                                        11
                                                                                 A And any parts that were purchased, yes.
 12 BY MS. SHREVE:
                                                                                      And if, for some reason, it was sent out to a third
 13
         Q So when you are saying "they," you are talking MDB
                                                                        13 party, that would be a copy of that bill in there too. But, like
 14 requires that you just remove the valve and replace it?
                                                                        14 I said, I don't think this thing went out for any outside
 15
              Yes, if there was an issue, we would just replace the
                                                                        15 maintenance.
 16 valve.
                                                                        16
                                                                                 Q
                                                                                     Okay. Who prepares these work orders?
17
              So you have -- so would that be fair to say, that you do
                                                                                     The mechanic that does the work or the lead mechanic, I
18 not perform maintenance on the Versa valve, you just remove it?
                                                                           would say, that's working on this particular piece of equipment.
19
             Well, we do not perform preventive maintenance other
                                                                        19
                                                                                 0
                                                                                     And in this one, who was this work performed by?
20 than visually inspecting it, make sure it operates correctly. If
                                                                                     Pat Bigby.
21 there is an issue or defect, then we replace it, yes.
                                                                                     And what is the location of where that is performed?
         Q How often have you had to replace a Versa valve on a
                                                                                     It's performed at our shop, our shop location at Mustang
                                                                        22
                                                                                 Α
23 trailer?
                                                                           yard in Sparks, Nevada.
24
         A Once, in 2013, after the first incident, a new Versa
                                                                                      It says "WNT shop," but that's the shop that we rent
25 valve was put on the trailer.
                                                                           from them. I don't know -- we used to put that on there. It's
                                                            Page 83
                                                                                                                                   Page 85
              And then the only other time we -- I believe, was when
                                                                         1 actually our shop. That's where we work on our trucks.
 2 they took them for testing, the attorneys took them for testing
                                                                                     If you flip to the next one, which is MDB 103, this
 3 and we had to replace them.
                                                                         3 location is yard.
              So we have -- Versa Products are pretty much maintenance
                                                                                Α
 5 free. I mean, we really don't have any problems with them as far
                                                                                     Is that the same as WAT shop?
 6 as mechanical failures.
                                                                                     Yes, same location.
         Q So MDB has disclosed numerous maintenance documents. I
                                                                                     Sometimes, if he goes out in the yard to work on it,
 8 won't go through all of them with you, but I did take out some I
                                                                         8 he'll write "yard." If he brings it in the building, he'll put
   would like to discuss and go through with you.
                                                                            "shop" or "WMT shop," but it's all the same location.
10
            Okay.
                                                                        10
                                                                                     Okay. Perfect.
11
             So I figured the easiest way to do it was by equipment
                                                                       11
                                                                                     Can you tell me what this work order is for?
12 number and to do the exhibit by the stack of equipment number.
                                                                                     It came in for power steering leaks. And Pat replaced
13
                                                                           all the power steering lines. Looks like he flushed out the old
14
             MS. SHREVE: Unless anyone has any objection to it?
                                                                           ATF or power steering fluid, replaced the filter, put a new cap --
15
             MR. BARKLEY: No objection, Counsel.
                                                                            gasket on the cap, put new power steering lines on it.
16
             MS. SHREVE: So then this would be -- I would like to
                                                                                     And also, replaced the cab accessory relay, which
17 mark it as Exhibit 4. This is regards to Equipment Number 5694.
                                                                           provides electricity to the accessories, switched accessories in
18
                 (Exhibit 4 marked for identification.)
                                                                       18 the cab, and the batteries.
19 BY MS. SHREVE:
                                                                       19
                                                                                     Looks like he also put a new clutch brake in and
20
             I'll give you a moment to look over those documents.
                                                                       20 adjusted the clutch.
21
             Are these in any particular order?
                                                                                Q Okay. You say he replaced the cab power relay and you
22
             They are in date order.
                                                                       22 say that supplies power to the switch. Is that what you said?
23
        A
             Okav.
                                                                                A It supplies switched power to the cab. In other words,
24
             So can you -- so we'll start with MORMAINT 00089.
                                                                       24 anything that requires power after the key is turned on is
25
                                                                       25 activated by this relay.
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                                                                                                                                    Page 88
          Q
              So would that include the switch to activate
                                                                                      He's talking about the turn signal switch itself, the
 2
         Α
              No.
                                                                         2 actual left and right turn signal switch.
  3
              -- the valves?
                                                                                      Okay. Perfect. Okay. We'll go to the next one.
                                                                         3
              Those are directly connected to the batteries.
                                                                                      This is 107.
                                                                         4
              Okay. So what -- could you give me an example of what
                                                                                      Uh-huh.
                                                                         5
                                                                                 Α
 6
    switch it would activate.
                                                                                      Can you tell me about this one, of what this work order
              MR. BROWN: Do you understand what she's talking about?
                                                                         7 is for.
 8
              THE WITNESS: Uh-huh.
                                                                         8
                                                                                      Some -- there is an air leak underneath the truck. And
                                                                                 A
                                                                         9 I was the one that did the work.
              MR. BROWN: Sorry. I was going to say vague, but if he
 10 understands.
                                                                                      I found the leak at the quarter-inch plastic air hose
11
              MS. SHREVE: His words were "the switch."
                                                                        11 fitting on the downside of the air shifter for the hydraulic pump.
 12
              THE WITNESS: You are talking about switch power?
                                                                        12 So in other words, the valve that controls the dump, hydraulic
13 BY MS. SHREVE:
                                                                        13 dumping of an end dump, was leaking when it was in the down
14
         0
              Yes.
                                                                        14 position.
15
         A
              The same thing as in - like in your car, if you turn
                                                                        15
                                                                                      But I found that it was leaking at the fitting, replaced
16 the key on, if you don't -- you can turn your radio on, your
                                                                           the fitting, removed and replaced the fitting with a new one, put
17 windshield wipers on, something that would be on, but only with
                                                                            the -- reconnected the air hose in. It quit leaking.
18 the key on.
                                                                                 Q And you said this is part of activating the dump? Is
                                                                        19 that what you said? Sorry.
19
              So if the key is off, your headlights still work, so
20 it's unswitched.
                                                                                     We can either pull bottom dumps or end dumps. End dumps
21
              The things in the cab that require the key to be on are
                                                                           are hydraulic, hydraulically operated. They are not electrical.
22 activated by this relav.
                                                                                      So we have -- you have to engage the power take-off, and
23
              So if that fails or doesn't work, then you lose all your
                                                                           then we have an air switch that controls the hoist that raises or
24 power to anything that was a switched accessory, like, for
                                                                           lowers the dump.
25 instance, your radio, your -- your electronics for, maybe, like
                                                                                     Completely different than the bottom dumps. You have to
                                                           Page 87
                                                                                                                                   Page 89
 1 your cruise control, that sort of stuff.
                                                                         1 be hooked to a different type of trailer that takes hydraulics to
 2
              So then can the Versa valve switch --
                                                                         2 raise the trailer and dump.
 3
             It would still work --
                                                                                     There's no electricity involved in this.
             -- activate -- can it activate without the key being
                                                                                     All right. We can go, then, to the next one. It's 109.
 5 turned?
                                                                         5 And can you tell me about this one.
         Α
                                                                                 A After an inspection -- after the truck was inspected,
             Yes. Yes, that's a safety feature.
 7
             Okay. So it can be activated when the truck is turned
                                                                         7 both rubber hoses that go from the tractor to the trailer were
 8 off?
                                                                         8 found to be bad, which probably meant they had -- they were out of
         A Yes. You do not want to activate only on accessory.
                                                                         9 service, meaning they had a crack or a rub mark in it where it
10 That's a safety issue.
                                                                        10 showed the cord of the actual hose.
11
         Q Okay. Perfect.
                                                                                     So we just replaced all -- both hoses from the service
12
             Okay. I'm going to go to the next one. Sorry, I'll try
                                                                       12 side and the emergency side hoses.
13 to make these -- I know it's kind of a lot.
                                                                                     What are the hoses for?
14
              So MORMAINT 103, can you tell me about what this work
                                                                       14
                                                                                Α
                                                                                     Well, the supply line supplies air to your trailer to
15 order is for, please.
                                                                           release your brakes. And the service side takes -- delivers air
        A Okay. "TS" means trouble- -- it says troubleshoot inop
16
                                                                           to the trailer to apply your brakes.
17 turn signals and four-way flashers. Found low voltage at the
                                                                       17
                                                                                     Okay. We'll go to the next one.
18 switch. Trace to fuse in the fuse block. Replaced the fuse.
                                                                       18
                                                                                     This is 122. Can you tell me what this work order is
19 Working now. Unable to determine cause at this time.
                                                                       19 for, please.
20
             So, apparently, truck came in with the turn signal not
                                                                                Α
                                                                                     Well, came in for a leaking top tank. I'm assuming he
21 working correctly. And the fuse in the fuse block to operate the
                                                                       21 means top radiator tank.
22 turn signals was making good contact, and by removing it and
                                                                                     And -- oh, yeah, I do remember this. We took the tank
   replacing it, it cured the problem.
                                                                       23 off -- we took the tank off, took it down to the radiator shop,
24
             That's how I'm reading that.
                                                                       24 had it welded, tested, brought back, replaced the tank, along with
25
        Q What is the switch that it talks about in this?
                                                                       25 the gasket.
```

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                                                                                                                                    Page 92
               Broken hood -- broke -- replaced broken head restraint
                                                                          1 correct?
  2 cable -- oh, hood restraint cable. Yeah, that's just the cable to
                                                                                      It doesn't -- it appears that he reused the same
  3 keep the hood from falling on the ground when you open the hood.
                                                                             four-way and seven-way and just put new cord in.
              What is the date on this work order?
                                                                          4
                                                                                      Okay. So there's a four-way plug --
              It says 10/27/14.
                                                                          5
                                                                                      On the end of the cable.
              Okay. We'll go to the next one.
                                                                          6
                                                                                      Okay. And here, he replaced the four-way cord?
               MDEMAINT 129, can you -- we'll transition a little bit,
                                                                          7
                                                                                      Yes, and the seven-way cord.
  8 but can you start with the date of the work order and what this
                                                                          8
                                                                                      And the seven-way cord.
  9 work order was for.
                                                                          9
                                                                                      And is this something that the driver would note in
 10
         A 12/18/14 is the date.
                                                                         10 their morning inspection, that there was an issue with the
 11
              And what was this work order for?
                                                                             seven-way cord and the four-way cord?
 12
              It was for the screws being loose on the four-way. So
                                                                                  A No. This, more than likely, we noticed in the post-trip
 13 they were tightened and tested.
                                                                         13 inspection, at the end of the day, or sometime during the day, he
14
               Four-way -- the four-way cable refers to the leftover
                                                                         14 would have noticed that his seven-way or four-way cord got damaged
15 cable that plugs in the front of the trailer that operates the
                                                                            somehow, maybe got snagged on something.
16 Versa valves or operates whatever -- whatever particular trailer
                                                                        16
                                                                                      Maybe it was -- noticed it was -- yeah, had a damage.
    you plug it into, it operates something.
17
                                                                        17
                                                                                      And it wasn't worth repairing, we just replaced it.
18
              On end up, it operates the tailgate; on bottom dumps, it
                                                                                      So it probably wouldn't have been noticed in the
19 operates the Versa valves that dump the trailers.
                                                                         19 morning. It would have been -- in the morning, it would have been
20
                                                                            good. Sometime during the day, something happened to it. So when
              So it came in for the gates not operating with the
21 switch. And one of the wires was loose, so we tightened it in and
                                                                           it got back to the yard, we fixed it.
22 put it back in service.
                                                                                 Q What sort of thing could occur for something to happen
23
         Q And who would have discovered this? Is this something
                                                                            to it, I guess? You said something could snag it?
24 that --
                                                                                      Yeah, something could snag it. It could drag on the
25
         Α
             The driver.
                                                                        25 ground. It could come unplugged and get caught in something.
                                                            Page 91
                                                                                                                                    Page 93
              Okay. In your morning inspection, is this --
                                                                                      But that's generally not what happens. Generally, what
              The driver probably would -- probably would not have
                                                                         2 happens is they get old, they get cracked. And if somebody snags
 3 found it during his morning inspection. He would have found it
                                                                         3 it on something, they don't have it tied up correctly -- I mean,
                                                                         4 the truck driver — it's pretty easy to do.
 4 during the day when he went to dump it, if he dumped it
 5 electrically, flipped the switch, hey, my middle trailer is not
                                                                                      So does that happen frequently?
 6 opening up.
                                                                                 Α
                                                                                     Well, I wouldn't say frequently, but we just sort of
              So even though it -- the trailer is not opening, it's
                                                                         7 have a pet peeve of ours to make sure that none of these things --
 8 actually the truck he's doing the work on, because it's the wiring
                                                                         8 that these get fixed right away.
    on the truck that is not making a good connection to the trailer.
                                                                                     Uh-huh.
                                                                                 Q
10
             Okay. We can go to the next one.
11
              Can you tell me the date on this one, please.
                                                                        11
                                                                                      Okay. So we'll go to the next one, which is MDB 290.
12
                                                                        12
13
        Q And what is this work order for?
                                                                        13
                                                                                      Can you tell me the date on this and what this work
             We put a new driver's seat in it. And then we replaced
                                                                        14 order is for.
15 the seven-way and four-way cords, cables, and replaced leaking
                                                                                      6/17/15. And brake lights inop on trailer.
                                                                        15
                                                                                Α
16
   axle flange gasket.
                                                                        16
                                                                                     Okay. And so what did you do on this one?
            Okay. So is this four-way cord different from the work
17
                                                                                     I took the seven-way plug apart, tightened up the set
18 order we discussed of the four-way plug in MDHMAINT 129?
                                                                        18 screws that hold the wire in place, and replaced the missing
19
        A No, it would be the same -- it would be the same cord.
                                                                        19 strain relief, which would have vibrated out, which is some -- not
20 But this one, on the prior one, on 12/18/14, we replaced -- we
                                                                        20 that uncommon.
21 tightened the screws on the plug itself.
                                                                        21
                                                                                     When you say "vibrated out," what does that mean?
22
             On this work order on 2/5/15, we actually replaced the
                                                                                     Going down the road, it vibrates out and just falls out.
23 seven-way cable and the four-way cable.
                                                                        23 It's just a little tiny set screw that holds it, keeps the driver
24
        Q So then the four-way plug that you tightened, you
                                                                           from pulling the wire out of the plug when you pull it out.
25 removed and replaced it with another four-way plug; is that
                                                                                     It doesn't have to be there, it just -- if it's not
```

Page 94 Page 96 1 there, you want to replace it, though. And then he found a loose fitting on the return line, Q All right. We'll go to the next one. This is MDB 273. 2 the return fuel line at the splitter between the two tanks, 3 removed the fitting and resealed the fitting and then made a new 3 And can you tell me the date on this one and what occurred. A 12/2/15? 4 bracket and reroute -- I'm not sure what that word is. Made a new Uh-huh. 5 bracket. Looks like "resourced." Would that make sense? Α Replaced -- pulled out four-way plug. Replaced four-way 0 7 plug. Issues still exist. Found all wires pulled out of -- at "Resecured"? MR. BROWN: "Resealed"? 8 tractor. Also reattach wires and tested okay. So this one indicates -- it says issues still exist. 9 THE WITNESS: I'm not sure, made a new bracket and 10 Was there -- is there another work order that would have been 10 resecured hydraulic line, that sounds about right. 11 performed indicating that there was an issue there prior? 11 BY MS. SHREVE: A No, this is another -- this probably happened when the Okay. What would that entail, the new bracket? Q 13 driver came to the yard, unhooked his trailer and its hoses and Yeah, resecure, because it does say that up here. 14 electrical, pulled out from underneath the trailer to hook up to a The hydraulic line that goes from the pump to the tank 15 different trailer and forgot to unhook his four-way. 15 has a bracket that holds it up from dropping down too low. And it 16 16 just -- the bracket broke. I don't have -- I don't know, and I don't have a memory 17 of that. That's probably what happened. So he made a new bracket and tied the line back up. And 18 So the four-way stayed plugged into the trailer. When 18 it's secured to the truck in the middle so it holds the line up. 19 he pulled away, it yanked -- pulled the plug off the end of the Q Okay. We can go to the next one then, MDB 297. Could 20 you tell me the date on this one and what this work order is for, 21 21 please. So if you read this, Pat put a new plug on the end of 22 the cord, but it still didn't work. And then he found out that it 6/15/16. And it has troubleshoot air dryer cycling Α 23 also pulled out the other end of the wiring on the tractor, it 23 prematurely, which means, instead of it cycling when the air 24 pulled it that hard. 24 pressure drops to a certain level, it would continue to cycle, So he reattached the wires on both ends, and then it 25 meaning it continued to drop off. Page 95 Page 97 1 worked okav. So he replaced the air dryer check valve and rebuilt the Q Okay. So the -- Pat indicating issues still exist? 2 air compressor unloader valve ---A No, he said -- yeah, he replaced four-way plug, issues Okay. 4 still exist. Then he found all the wires pulled out at the -- which, these are somewhat -- it was one or the other 5 tractor, also reattached wires and tested okay. 5 problem, but he did both of them to make sure it fixed the Q Okay. I understand now. 6 problem. A So two-step process now. Q So he was being proactive about it? R I understand. Thank you. Α We will go to the next one MDB 306. Can you tell me the Okay. We'll go to the next one, MDB 295. Could you 10 date and what this work order is for, please. state the date and what this one is for. A 2/11/16. It says troubleshoot trailer lights working A 7/11/16, replace leaking air chamber, right side 12 intermittently. I guess -- it doesn't tell me which trailers it 12 Number 2 axle. So the brake air chamber on the Number 2 axle, 13 were, but I don't think it matters, because he found the seven-way 13 which would be the front drive axle, right side, has an air leak. 14 cord damaged, cut back four inches and reinstalled the plug. 14 And it must have been leaking on the emergency side, or 15 So, once again, somebody -- somehow, it got damaged by 15 the supply side, because he put a whole new brake chamber on 16 the driver dumping, getting caught on something. 16 there, replaced the part, instead of replacing the diaphragm. 17 Q Okay. The next one, MDB 298, can you tell me the date 17 MS. SHREVE: Okay. So that's all the work orders I have 18 on this one and what this work order is for. 18 for Equipment Number 560- -- 5694 at this time that I would like A Yeah, 6/3 -- and -- I'm sorry, 6/13/16. Troubleshoot 19 to ask about. 20 air-conditioning failure, resecure hydraulic suction line, repair So I will go on to what would be Exhibit 5. This will 21 fluid leak at the splitter valve. 21 be all the work orders for Trailer 6773. 22 They came in with the driver at the end of the day 22 (Exhibit 5 marked for identification.) 23 saying air-conditioning didn't work, found an O-ring on a hose 23 BY MS. SHREVE: 24 going to the accumulator, it was leaking there, and then replaced Q I'll give you a moment to look over that. 24 25 the O-ring and recharged air-conditioning and it worked. Okay. We'll do the same type of thing that we just did.

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Page 98
                                                                                                                                   Page 100
              Okay.
         A
                                                                          1 three-sixteenths-inch-thick flat bar that was cut, and then some
 2
              If you could tell me the date and what this work order
                                                                          2 half-inch flat bar that was cut for the vertical uprights -- or,
 3 is for.
                                                                          3 I'm not sure how you would call that.
              The date is August 11th, 2013. And it says replace
                                                                                      It's not vertical, it's on a trailer, but horizontal
  5 seven-way on front of trailer, replace seven-way on the rear of
                                                                          5 outriggers or whatever.
  6 trailer.
                                                                                     Can I pause you for a minute. I'm going to see if you
              So what it is, in this particular case, is the
                                                                          7 can actually circle on the exhibit, so make sure we all know
 8 seven-ways are high maintenance. As you might see by now, the
                                                                          8 exactly.
 9 four-ways and seven-ways are a high-maintenance item, and they
                                                                                      So I'm going to hand you this, which is the official
                                                                         10 exhibit. And I have a red pen that I can give you to -- okay. If
 10 wear out.
 11
                                                                         11 you don't mind.
              They get plugged in and out all the time. They go down
12 the road and they -- so we replaced them -- or, actually, I did.
                                                                                      Can you circle the part you were just speaking about.
13
              So we put a new seven-way receptacle on the front and
                                                                                 A I believe that this piece here on the back side here
14 used almost new seven-way receptacle on the rear of the trailer.
                                                                         14 that's got the bolts going through it, is a piece of
15
              And there was also some wiring that I found in the
                                                                         15 three-quarter-inch wide, three-sixth-inch --
16 trailer that was not being used and pulled that out and discarded
                                                                         16 three-sixteenths-inch-thick flat bar cut to about three inches in
17 it. I'm not sure where the wiring came from.
                                                                         17 length.
18
              You just answered my next question, where the wire was
                                                                                      And then there's two pieces that are welded to that
19 from.
                                                                            perpendicular that I believe were made out of half-inch by
20
             I can only assume where it came from.
                                                                            quarter-inch flat bar.
21
              We'll go to the next one, MDB 13. Can you tell me the
                                                                        21
                                                                                      Can you draw a square around that part.
                                                                                      Yes. Here's two pieces.
22 date on this and what this involved -- work order was for, sorry.
                                                                         22
                                                                                 Α
23
              Go ahead
                                                                         23
                                                                                      Perfect.
24
              July 7th, 2014, this work order actually pertains to all
                                                                        24
                                                                                      And the handle goes in between those two pieces.
25 three trailers, 6773, 6774, and 6775. And this work order is for
                                                                                      And then there's a hole drilled between those two
                                                            Page 99
                                                                                                                                  Page 101
                                                                         1 pieces. And then -- the hole is drilled after it's on the trailer
 1 the same day of the incident.
 2
              And this is the day that I fabricated and installed the
                                                                         2 and mounted so that the hole is -- so when the pin goes in, it's
 3 positive lockouts on these three trailers. I installed them the
                                                                         3 directly behind the handle on every trailer, because every Versa
 4 same day.
                                                                         4 valve could possibly be in a slightly different location.
            Now, can you go through and tell me what did it entail
                                                                                      But these are made so that this pin holds this handle in
 6 to, since you were the one that actually performed this, fabricate
                                                                         6 place so the handle cannot move, so it cannot be dumped manually
 7 and install the positive locks on the Versa valves.
                                                                         7 or electrically.
         A Basically, I just took some one-inch flap bar,
                                                                                      You just indicated that the Versa valve could be in a
 9 three-quarter-inch flap bar, cut it, drilled some holes, welded it
                                                                            different location on different trailers.
10 together, bolted it to the trailer in such a manner that the hole
                                                                        10
                                                                                      Slightly different.
11 was behind the valve handle, and a pin could be put in place that
                                                                        11
                                                                                      Slightly different.
12 would not allow the handle to move.
                                                                                      Just within a sixteenth of an inch up or down.
13
         Q Okay. I'm going to -- go back to Exhibit 3. It was the
                                                                                      I mean, basically, I found that we had a -- you know, we
14 pictures.
                                                                            prefabricated these brackets where the circle surrounds it and the
15
                                                                           square and then drilled the hole accordingly after we installed
16
             So it might be easier for you to explain it to me with
                                                                        16 them.
17
   the picture.
                                                                        17
                                                                                      Did you have to take out the Versa valve to install this
18
        A
                                                                        18 device?
19
         0
             I think MDB 004 is the, I guess, best --
                                                                        19
                                                                                Α
                                                                                     No.
20
        Α
             That's it.
                                                                        20
                                                                                     Okay. So in every trailer, then, the Versa valve is
21
             -- picture.
        Q
                                                                        21 in -- could possibly be in a slightly different location. Is
22
        A
             Yes.
                                                                        22 that --
23
                                                                                     Yeah, they are not -- they are in exact -- they are in
24
             So as you can see in the picture, there's some -- it
                                                                        24 the same location physically, but they could be up -- the holes, I
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25 looks like three-quarter-inch by three-inch width, probably

25 believe, with -- that hold the Versa valve to the trailer are

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  1\, probably slightly larger than the bolts, so they can be moved up
                                                                          1 distinguish between the two on this work order.
  2 or down by an eighth of an inch.
                                                                                       But I'm assuming it's the one on the front. That's the
  3
          Q Okay. I understand. Thank you.
                                                                          3 one that gets unplugged and plugged all the time, and we replace
               I'm going to put this back here. One second.
                                                                            them as soon as -- any issues whatsoever, we replace them.
               Okay. And so now, you did that for all of the Versa
                                                                                  Q Now, this one, I notice it says work order by Scott,
  6 valves on the -- I'm distracted really quick. I'm sorry.
                                                                          6 which is yourself, and then it says performed by Pat.
               You did that for all the Versa valves that MDB leases or
                                                                                      Why would it -- the work order have been by you, but
  8
     owns?
                                                                            performed by Pat? Is that typical?
          A MDB did, yes. I didn't do them all. I did most of
                                                                                 A It's typical of him at that time. I don't know if he
 10 them, but yes.
                                                                         10 still does it that way. He used to write it up by Scott, meaning
 11
              But MDB did?
          0
                                                                         11 I'm the one that told him what was wrong with the trailer, but
 12
                                                                        12 he -- it was performed by him.
 13
               Did you -- I know you earlier testified that you made
                                                                                      That's what he's trying to get across there.
 14 this suggestion to install this lockout device on the Versa
                                                                                 Q Okay. And how would you have known that there was an
 15 valves, correct?
                                                                        15 issue with --
          A I wouldn't really call it a suggestion. I said we're
 16
                                                                                 A The driver would have said something, would have been in
 17 doing it.
                                                                        17 his daily DVIR anyway, saying, hey, my trailers aren't opening up
 18
          Q You told them?
                                                                        18 electrically or whatever.
 19
              Yes. I put them out of service and we weren't back on
                                                                                     Okay. So in this one, the four-way socket was replaced?
 20 the road until these -- something was installed.
                                                                        20
                                                                                 Α
 21
          Q Is there a reason why you didn't do this after the dump
                                                                                     And so the next one, MORMAINT 165, if you can tell me
 22 that occurred in July 2013?
                                                                        22 the date and what this one was.
         A The only reason I can say is, I didn't think there
                                                                                     September 16th, 2014, troubleshoot air leak at the first
                                                                                 Α
 24 was -- myself or Pat or anybody that knows anything about this
                                                                        24 and second gate cylinders.
 25 incident, thought there was anything that it required.
                                                                                     Okay. I guess he means the front and the rear gate
                                                          Page 103
                                                                                                                                 Page 105
              We went through all the wiring. We could find no
                                                                         1 cylinders. There are two air cylinders that open the gates, and
 2 defects. The Versa -- everything was installed correctly. And we
                                                                         2 there's one on the front one on the back. I guess he's calling it
 3 had no more issues other than that one time, so we thought that
                                                                         3 the first and the second.
 4 was an isolated incidence.
                                                                                Q When you say "gates," what do you mean by "gates"?
              It wasn't until it opened a second time a year later
                                                                                    The gates at the bottom of the bottom dump. That's what
 6 that we said, wait, we've got to do something that guarantees
                                                                           opens -- so the air cylinders are what actually physically open
 7 these can't come open, because we can't explain why they came
                                                                         7 the gate. The Versa valve is what supplies the air to the
 8 open.
                                                                           cylinders to command them to open or close.
 9
              So there's -- hindsight would be, yeah, we would have
                                                                                     So there was an air leak at the cylinder. It was
10 liked to have done it when -- the first time it happened. But
                                                                        10 bypassing air through the -- to the cylinder and out the QR valve.
11 being in this industry for so long, I — I didn't think it was —
                                                                                     So he removed the gate -- or, he -- so he removed and
   I dich't think we were going to have a problem again.
                                                                        12 cleaned the QR valve on the driver's side of the first gate, so
13
         Q Based on your experience, you didn't think it was
                                                                        13 then that solved the problem.
14 anything caused by the truck or the valve?
                                                                       14
                                                                                     And he removed the second gate cylinder and repositioned
15
             Right. Exactly, the first time.
                                                                        15 the O-ring and seals and reinstalled, meaning that -- the way the
16
             Did you find anything different in the July 2014 that
                                                                        16 O-rings and the cylinder -- where -- on the inside of the tube or
17 was different than the July 2013?
                                                                           the cylinder, he just changed location so it's not in the same
18
                                                                           place where it was wearing originally.
19
             Okay. I'm going to go to the next one. This would be
                                                                                     But either way, he solved the problem of it leaking air,
                                                                       19
20 MDENAINT 160. Can you tell me the date on this one and what
                                                                       20
                                                                           bypassing air.
21 occurred, please.
                                                                       21
                                                                                     Okay. You can go to the next one.
        A It's August 5th, 2014. And Pat Bigby replaced the
                                                                       22
                                                                                     MDEMAINT 170, can you tell me the date and what occurred
23 four-way socket on the front of 6773.
                                                                       23 on this one, please.
24
             At least, I am assuming that's what he replaced. It
                                                                                    12/18/14. And this would have been another replace the
25 could be the four-way socket on the front or the back. It doesn't
                                                                       25 four-way socket. And I didn't write on there either, where --
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                                                                                                                                  Page 108
  1 whether it was the front or the rear, but I'm assuming it's the
                                                                          1 was probably -- once again, the door was probably broken off.
  2 front again.
                                                                                      I'm used to seeing "Daniel," not "Dan." Sorry.
               And a lot of reasons why we replace -- do you want to
                                                                          3
  4 know this?
                                                                                      Okay. We will go to the next one, MDENAINT 189. Can
               I mean, a lot of reasons why we replace it, because the
                                                                          5 you tell me the date on this and what occurred, please.
  6 doors break off. There's a door on the receptacle that actually
                                                                                 A February 15, 2014. And replaced the rear four-way
  7 holds the plug in place. And if the door breaks off, then there's
                                                                          7 socket and plug on 6774. So that one -- yeah.
  8 nothing holding the plug in.
                                                                                      Okay. Getting used to seeing that.
               Even though it still operates correctly, the door --
                                                                                      Yeah, unfortunately, there's no -- we're not writing
 10 the -- actually, the latch -- the door becomes the latch to hold
                                                                         10 down exactly why we replaced it, but it was broken. Mostly, it
 11 it in there. It breaks off, so we've got to put a new receptacle
                                                                         11 was the door on the receptacle.
 12 on.
                                                                                      So the next one, MDENAINT 209, can you tell me the date
 13
               It's very common.
                                                                         13 on this one and what this work order is for.
 14
          Q Is it -- so it's common for -- you would have to replace
                                                                                 A Looks like 11/18/14, troubleshoot air leak at front gate
 15 the four-way socket, what was it, every four or five months?
                                                                        15 cylinder. Found QR valve leaking due to worm packing and cylinder
 16
          A Oh, yeah, yes. If it's a transfer, sometimes once a
                                                                        16 barrels. Oh, yeah, worn packing.
 17 week, because they are plugged in all day long.
                                                                                      Replace cylinder, but unable to get barrel today.
 18
          Q Are there certain trucks and trailers that are more of a
                                                                        18 Ordered two new barrels from truck parts.
 19 transfer to where you plug in and plug out more frequently?
                                                                        19
                                                                                      So do you want me to explain it?
          A Yeah. Like, a transfer truck, you -- every time you
                                                                        20
                                                                                 Q Please.
 21 dump, you have to unplug it. So, yeah, there's 18 times a day or
                                                                                 A So the cylinder was bypassing air and coming out the QR
22 something that you are plugging in or unplugging in, or -- yeah.
                                                                        22 valve. Took it apart and found that it was the worm cylinder
23
          Q Is truck ---
                                                                        23 barrel, probably put oil in it, put it back together. It probably
 24
         A We're not -- we're talking about something -- a
                                                                        24 sealed good enough.
 25 different type of truck.
                                                                                     And we ordered the two new barrels. And there's
                                                          Page 107
                                                                                                                                 Page 109
 1
              Different? So they are not transfer trucks?
                                                                         1 probably a future work order where he put those on.
  2
             No, nothing with that.
                                                                                      Yeah, he did put a seal kit in it. He did replace the
  3
              MS. SHREVE: All right. So that's the last one there.
                                                                         3 packing, so it probably did stop the leak. It just -- he
              Okay. We will go to the next one, which will be
                                                                         4 recommended replacing the barrels, so we had to order those.
 5 Exhibit 6. This is going to be for Equipment Number 6774.
                                                                                     MS. SHREVE: I'm going to need a two-minute break, if
  6
                 (Exhibit 6 marked for identification.)
                                                                         6 that's okay.
 7 BY MS. SHREVE:
                                                                                     If we could go off the record, please.
 R
         Q I will give you a second to look over this.
                                                                         8
                                                                                                  (A recess was taken.)
 9
              Do you need a break, or are you okay?
                                                                         9 BY MS. SHREVE:
10
         A Oh, no, I'm good.
                                                                                Q So we'll go back on the record, Mr. Palmer. You
11
         Q So if you could tell me the date on this one and what
                                                                           understand you are still under oath?
12 this work order is for.
                                                                        12
                                                                                A
                                                                                     Yes.
             February 13th, 2014. Again, I think you can see where
                                                                                     MS. SHREVE: So we'll do the next exhibit, which will be
                                                                        13
14 it says by Dan, meaning Dan would have told Pat what was wrong.
                                                                        14 Exhibit Number 7. And this is going to be for Equipment
                                                                        15 Number 6775.
15 That's why he writes down who told him the problem.
16
              Anyway, troubleshoot inop lights on trailer. Found the
                                                                       16
                                                                                     We'll give you a moment to look over that.
17 male plug at the hitch broken, replaced plug and tested okay.
                                                                                         (Exhibit 7 marked for identification.)
                                                                       17
18
              So on the rear of 6774 -- okay. It has to be on the
                                                                       18 BY MS. SHREVE:
19 front.
                                                                       19
                                                                                     Okay. Did you have a chance to look over that?
20
              The plug at the front of 6774 was damaged somehow. And
                                                                       20
                                                                                Α
21 he replaced the plug and tested.
                                                                       21
                                                                                Q
                                                                                     You can do it as we go.
22
             And who is Dan? I don't think I've seen --
                                                                       22
                                                                                     Exactly.
23
             (Indicating.)
                                                                       23
                                                                                     Perfect.
24
             Oh, Daniel Koski.
                                                                                     Could you tell me the date on this first one, MDB 015,
25
        {\tt A} He was driving. He brought it to Pat's attention. It
                                                                       25 and what this is for.
```

Page 112 Page 110 1 operate at the trailer. I didn't think that was necessary. A I believe it says August 2nd, 2013. I didn't think that had anything to do with the gates Are you reading date completed or date of the work 3 opening on the highway, but he did it. And I think it doesn't 3 order? I just realized that. 4 hurt anything to do it that way. It's one less thing you have to A Date completed. 5 worry about. 5 To clarify, all the previous ones were date completed as Why is it one less thing you have to worry about? Q 6 well? Well, I mean, it's just one -- you can rule that out, I Α Yes. 8 suppose you could say, not that -- I've never seen -- I have never Okay. Perfect. seen any evidence of that being an issue. Pat wrote up this. It says investigate unintentional MR. BROWN: She doesn't understand by when you say "rule 10 gate opening. This is after the first incident back in 2013. 11 that out." What's the "that"? 11 Replace Versa valve and rewire dump valve circuit from 12 valve to truck. Isolated dump -- I'm having a hard time reading 12 THE WITNESS: Okay. I see what you are saying. 13 MS. SHREVE: Yeah. Just to clarify for the record. 13 that -- dump circuit. MR. BROWN: I wasn't trying to coach him, I was trying 14 Isolating dump circuit, remove coil case ground from 14 15 circuit. 15 to --16 MS. SHREVE: I was about to ask that. 16 Q Okay. So here, it says investigated. Do you know what THE WITNESS: Yeah, in my experience, I've never seen a 17 Pat did in terms of investigate? 18 trailer open because faulty wiring on the truck that -- I A I think he just did the usual, check all the wiring, 19 shouldn't say that -- where the voltage was supplied from 19 make sure all the wiring is working correctly and just replaced 20 the Versa valve to be safe and rewired the truck circuit to bypass 20 wasn't -- I've never seen that as an issue, where it's pulled off 21 of the starter, the battery, the -- he just wired it directly to 21 any -- anything that might be -- supply inadvertent voltage to the 22 the battery so that it's isolated from any other circuit. 22 gates, which he didn't find any. 23 BY MS. SHREVE: 23 He just wired it so it's directly from the battery to So you said you haven't seen that be the issue. Have 24 the switch to the trailer. 25 you seen something else be the issue then? 25 Q Do you know why he rewired the circuit? Page 113 Page 111 A No, not in the last 20 years. Before that, I've seen A I think it was just an attempt to have one less thing to 1 2 issues where guys did faulty wiring, wired it to the seven-way or 2 worry about, as far as making sure that the voltage supply to it 3 is coming directly from the battery, and the wires weren't going 3 something like that. 4 through any kind of a loom that may inadvertently make contact 0 And that caused --Could cause it, yes. That has to do with the trailers, 5 with the circuit. 6 not the truck itself. Q Did you ever ask Pat about what he did on this, with this incident? He basically just -- all he did was change where the 7 voltage -- the source of the voltage for the switches came from, 8 A Oh, yes, I did. which is directly from the battery, instead of coming from a hot 9 Q And what did he say? 10 wire under the dash that's hot off the battery. 10 Basically, what I just said. He wanted to make sure Q Okay. 11 that that wasn't going to be the cause of it. And my discussion A I think we were just trying to do whatever we could to 12 with him at the time was I didn't think that was going to do any 13 make sure it didn't happen again. 13 good, but, you know, it's not going to hurt anything. Q When you say that that wasn't the cause of it, what are And what -- what was -- what was Pat's thought when you 14 indicated that you disagreed, that you didn't think it had to do 15 you referring to? 16 with the electrical wiring? 16 A Cause of this particular trailer dumping its load. I would imagine his response would be it can't hurt, and 17 Q Right. But what was the "that," the circuit wiring 18 or -- can you -- sorry. that is correct, it can't. 19 Did Pat indicate anything else he did to investigate the MS. SHREVE: Can you just repeat his answer so I can unintentional gate opening as he indicated in his work order? 20 understand. We're talking about the first incident? 21 21 THE WITNESS: I can clarify what I was talking about. O Yes, with this work order. 22 BY MS. SHREVE: 22 A Q Yeah. That works then. 23 20132 24 Uh-huh A I didn't think it was necessary for him to rewire the A No, this was actually done about a week prior to me 25 truck to supply the voltage to the trailer or to the switches that

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                                                                                                                                 Page 116
  1 coming to work there. So when I first came to work at
                                                                         1 same work order.
  2 MDB Trucking, this just happened.
                                                                                     So I'm not sure why he would reattach the Versa valve.
         Q So you weren't employed at this time?
                                                                         3 It doesn't show the symptom, it just shows what he did.
         A I was not employed on the day he did this work, but I
                                                                                Q Did you have any conversation with Pat regarding
  5 was employed within a couple of -- like a week, I think.
                                                                        5 reattaching the Versa valve on June 30th, 2014?
         Q After?
                                                                                A No, I do not believe so.
         Α
              Yes.
                                                                                     It's possible that Dan came in, because it says by Dan,
         Q
              Okay. When did you have the conversation with Pat
                                                                        8 and he said, hey, my Versa valve, the bolts are loose, and he just
 9 regarding this specific work order?
                                                                        9 tightened the bolts up.
         A Well, the day I came to work, because this was a hot
                                                                                     I -- he didn't use any parts. I'm not sure what it is
                                                                       10
 11 topic. You know, they wanted to get this solved. And I had a lot
                                                                       11 that he did. It couldn't have fallen off, you know.
 12 of experience with Versa Products, and so that's the first thing
                                                                                Q Okay. Would this be considered a, I guess,
 13 we collaborated on.
                                                                       13 maintenance -- I know earlier, you testified that you don't ever
14
         Q Did Pat have a lot of experience with Versa Products?
                                                                       14 really main- -- have to maintain the Versa valves.
         A I think he did, yes.
15
                                                                                Α
                                                                                    Correct.
16
             Was there any -- like, you said this was a hot topic at
                                                                       16
                                                                                Q
                                                                                    You would just replace them.
17 the time when you started. Was there any written communication to
18 one another, whether emails or anything, regarding it?
                                                                                    Would this be an instance of, I guess, maintaining the
19
                                                                       19 Versa valve?
20
         0
             Do you regularly email each other --
                                                                                A Maintaining installation of the Versa valve, but not so
21
                                                                       21 much the Versa valve itself.
         Α
             No.
22
             -- regarding things --
                                                                                     What I meant by we don't -- the places I used to work,
23
         A Never.
                                                                       23 we take the Versa valves apart and put O-ring kits in them and
24
             Do you have an email with the company?
                                                                       24 rebuild them. But that's not the policy at MDB Trucking. They
25
             Right. He doesn't -- yeah, he doesn't have a company
                                                                       25 just replace them.
                                                         Page 115
                                                                                                                                Page 117
 1 email address, no.
                                                                                    Here, I see one, there's an X next to "Repair."
 2
         Q All right. We'll go to the next one for now.
                                                                               Α
                                                                                    Yes.
              MDEMAINT 237, the date is -- sorry. Can you please tell
                                                                               0
                                                                                    Does that indicate -- help indicate anything --
 4 me the date and what this work order is for.
         A June 4th, 2014; Trailer 6775. It says troubleshoot ABS,
                                                                       5
                                                                                    -- more?
 6 which is antilock braking system. And he found -- YE-1, which is
                                                                               A No. If there was a box for "Reattach," he would have
 7 one of the four wheel ends of the trailer. We've got four wheel
                                                                        7 checked that one. I guess repair is the closest thing he could
 8 ends.
                                                                          come up with.
 9
             And YE-1 wire broken and ordered a new wire that goes
                                                                               Q Would there be any other indication of what occurred on
10 from the modulator valve down to the ABS sensor. And in the
                                                                       10 this day, other than this work order?
11 meantime, he temporarily fixed the one that was broken and
                                                                                   Not necessarily. I mean, not -- I mean, not -- there
12 replaced it two days later.
                                                                       12 would be a DVIR, but I don't think it would still be in existence.
        Q Okay. So we'll go to the next one, MDEMAINT 240. Can
                                                                      13
                                                                               0
                                                                                    Okay.
14 you tell me the date and what occurred on this work -- for this
                                                                       14
                                                                               Α
                                                                                    Yeah.
15 work order.
                                                                                   I'll request -- I don't know if you've looked for any of
             June 30th, 2014. Reattach Versa valve. I have no idea
                                                                      16 the past Driver --
17 why he would have to reattach it. I'm not sure what -- I'm not
                                                                       17
  sure what that's about.
                                                                      18
                                                                                    If you could please look to see if you have any and
19
        Q If he would have taken off the Versa valve, would there
                                                                      19 produce -- pass them along to your counsel --
20 be a work order for it?
                                                                      20
        A Oh, it would be -- yes, it would be on the same work
                                                                      21
                                                                                    -- if it's still in existence, or if it's not, please
22 order.
                                                                      22 indicate that it no longer is.
23
        Q It would be on this work order?
                                                                      23
                                                                               A Okay.
             It would be on -- if he removed it and replaced it, it
                                                                      24
                                                                                    MR. BARKLEY: Specifically for this one?
25 would be on the same work order. All the work would be on the
                                                                      25
                                                                                    MS. SHREVE: No, specifically from the -- I think I had
```

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Page 118
                                                                                                                                   Page 120
  1 all of it in my RPs and stuff, June 30th, 2013, to the present, I
                                                                          1 first gate cylinder. Removed left QR valve, cleaned and inverted
  2 believe it was.
                                                                          2 diaphragm, reinstalled. Okay.
               THE WITNESS: I seriously doubt there's any, because
                                                                                      So the diaphragm was leaking on the QR valve. He just
  4 when I took over, I threw everything out.
                                                                          4 flipped it over so that the part that would have been wore would
  5 BY MS. SHREVE:
                                                                          5 be on the other side now and it would be okay. It wouldn't leak
          Q I'm just requesting that you look.
                                                                          6 any longer.
          A Oh, yeah, absolutely.
                                                                                 Q Okay. We can go to the next one. If you can tell me
          Q If you look from there to the present, and any that you
                                                                         8 the date on this one and what occurred.
  9 do have, if you can pass it on to your counsel or indicate that,
                                                                                      November 18th, 2016. This or -- or, I mean, 2014.
 10 you know, you no longer --
                                                                         10 Troubleshoot air leak at rear gate cylinder. Found cylinder
 11
          A Okay.
                                                                         11 leaking at the rod.
 12
               So would you say it would be better to ask Pat regarding
                                                                                      So he would have removed the cylinder, removed --
 13 this work order, that he would have better knowledge as to the
                                                                        13 disassembled, put new packing in the cylinder and on the tube, the
 14 reattachment of the Versa valve and what was done?
                                                                        14 rod, and had to order another barrel, another tube or barrel from
 15
          A Yes.
                                                                        15 truck parts.
 16
               MR. BROWN: I'm just going to the object to the extent
                                                                        16
                                                                                      So he just resealed the gate cylinder again -- or, I
 17 that I still don't think it complies with the 30(b)(6) notice, and
                                                                            don't know about "again," but another instance of a gate cylinder
 18 Pat can be a factual witness if you want to go deeper into this.
                                                                            leaking.
 19
              MS. SHREVE: Do you --
                                                                        19
                                                                                      Would this be the same gate cylinder as the one
 20
              THE WITNESS: I can ask him. I don't know if that
                                                                        20
                                                                           previous?
21 helps. He would have more chance to knowing what this meant than
                                                                        21
                                                                                 A
                                                                                      This one, no. This would be the front and this would be
22 I do.
                                                                        22 the rear.
23
              I mean, every one of these that he has done, I have
                                                                        23
                                                                                 Q
                                                                                     Okay.
 24 had -- I haven't had much problem figuring out what he did. But
                                                                                 A But they are two different -- this is the OR valve
 25 this particular one, I'm not sure. He didn't write down why he
                                                                        25 that's attached to the gate cylinder. This is the actual gate
                                                          Page 119
                                                                                                                                 Page 121
 1 reattached it. But I'm pretty sure he would remember.
                                                                         1 cylinder. So either one of them could leak.
  2 BY MS. SHREVE:
                                                                                      This one, he just fixed the gate -- the QR valve.
 3
                                                                                     Okay. We'll go to the next one, MDB 331. Can you tell
             I don't know if that helps.
                                                                           me the date on this one and what occurred, please.
 5
         Q Let's go to the next one.
                                                                                     July 1st, 2015. This would have been - the truck came
              July 7th, 2014. This is another work order for
                                                                         6 in with a problem that when you set the brakes on the tractor,
 7 installing lockout device for the Versa valve, for fabricating and
                                                                           instead of it exhausting the air from the brakes on the trailer,
   installing the device.
                                                                         8 at the trailer, it would bleed all the air back off through the
 9
              It would be the same device we talked about earlier in
                                                                        9 truck, which means the valve is not working properly on the
10 the other trailer. They were all installed on the same day and
                                                                        10 trailer.
11 fabricated the same way.
                                                                                     So after going back and finding out -- I went back and
12
         Q Okay. All right. Can you please indicate the date on
                                                                        12 troubleshooted it and found out it was not actually the brake
13 this next work order and what this entails.
                                                                        13 valve, it was the valve going to the air tank.
         A July 8th, 2014. Looks like Dan came in and told Pat
                                                                       14
                                                                                     The check valve was allowing the air to come out of the
15 that the ABS light was on, or he wrote it up, one of the two, on
                                                                        15 tank for the -- that supplies air to the gates, was allowing it to
16 the DVIR, probably both.
                                                                       16 backfeed out through the truck.
17
              Of course, he would have done both. But Pat would have
                                                                                     So the check valve -- this keeps the air from exiting
18 hooked up the computer to it, found that -- that BU-1 circuit
                                                                       18 the tank -- was replaced.
19 fault, traced the circuit to the extension cable and replaced
                                                                       19
                                                                                0
                                                                                     Okay.
20 cable and cleared codes. And it was all fine then.
                                                                                Α
                                                                                    That's the long answer.
21
             So it had -- the ABS had a bad cable, and he replaced
                                                                                    And this next one, MOB 328, will you please tell me the
22 it.
                                                                       22 date and indicate what occurred on this work order.
        Q If you can go to the next one and please tell me the
                                                                                    It looks like 2/11/16, troubleshoot inop tail lamp right
24 date and what occurred in this work order.
                                                                       24 side, found broken wire on pigtail, replaced, repaired wire.
        A September 16th, 2014. And troubleshoot air leak at the
                                                                                     So, another instance of the wire possibly having a
```

Γ.	Page 122	١.	Page 124
	bad bad spot in the wire, and he just repaired the wire.	1	REPORTER'S CERTIFICATION
2	Q And we will go to the last one, MDB 327. Can you tell	2	
3	me a date on this work order and what occurred.	3	I, CONSTANCE S. EISENBERG, a Certified Court Reporter in
4	A 2/19/16. And this would be a continuation actually of	4	and for the State of Nevada, do hereby certify;
5	the July 1st, '15, one where it came to my attention that we used	5	That on Monday, March 6, 2017, at the hour of 1:39 p.m.
6	the wrong check valve. I used the wrong check valve when I	6	of said day, at 100 W. Liberty St., 10th Floor, Reno, Nevada,
7	replaced the check valve on July 1st, 2015.	7	personally appeared SCOTT ALEN PALMER, who was duly sworn by me to
8	And Pat went back and installed the correct valve,	8	testify in the within-entitled proceedings;
9	pressure protection valve on the trailer. So we just replaced the	9	That said deposition was taken in verbatim stenotype
10	pressure protection valve, which is also a check valve, but a	10	notes by me and thereafter transcribed into typewriting as herein
11	different part number, a different style.	11	appears;
12	Q Now, you said the one on July 1st was the wrong check	12	That I am not a relative nor an employee of any of the
13	valve?	13	parties, nor am I financially or otherwise interested in this
14	A It didn't suit our needs the way it should. It was	14	action;
15	still allowing — it was allowing the air to start to fill the	15	That the foregoing transcript, consisting of pages one
١	-	16	through 124, is a full, true and correct transcription of my
16	gates sooner than it should, not keeping the air for the brakes as	17	stenotype notes of said deposition.
17	long as it should. It's just different crack pressures and	18	DATED: At Reno, Nevada, this 16th day of March, 2017.
18	whatnot that	19	
19	Q And then how did you just or how was it discovered	20	A (AO: (
20	that it was that you should use the pressure protection valve,		Constance & Eisenberg
21	instead of the check valve that you used?	21	CONSTANCE S. EISENBERG, CCR #142, RMR, CRR
22	A It just came to my attention I put the wrong one on. I	22	
23	mean, I it still works for that application, it's just the	23	
24	wrong one. It doesn't work it doesn't work in that application	24	
25	as well as it should.	25	
	Page 123		Page 125
1	MS. SHREVE: Okay. All right. So that's the last one	1	Errata Sheet
2	on that exhibit.	2	Page Line Reason
3	And what time is it? 5:09. So this will be a good	3	Change From
4	stopping point for the day, if we can go off the record, please.	4	Change To
5	(The proceedings concluded at 5:10 p.m.)	5	Page Line Reason
6	-00o-	6	Change From
7	000	7	Change To
8		8	Page Line Reason
9		9	Change From
10		10	Change To
		11	Page Line Reason
11		12	
12			Change From
13		13	Change To
14		14	Page Line Reason
15		15	Change From
16		16	Change To
17		17	Page Line Reason
18		18	Change From
19		19	Change To
20		20	Page Line Reason
21		21	Change From
22		22	Change To
23		23	
24		24	SignatureDate
25		25	PMK of MDB Trucking Scott Alen Palmer, Volume I 03/06/2017

,		Parets Chart	Page 126	
1		Errata Sheet		
2		Line Reason		
3				
4	Change To			
5		Line Reason		
6		-		
7				
8		Line Reason		
9	Change From	***************************************		
11	Page	Line Reason		
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		Tina Passon		
		Line Reason		
22	Change To			
23				
24		SignatureDate	e	
25		DK of MDB Trucking Scott Alen Palme		

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EXHIBIT 5

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1 1520
Katherine F. Parks, Esq., State Bar No. 6227
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Reno, Nevada 89509
(775) 786-2882
Attorneys for Defendant
MDB TRUCKING, LLC

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

CASE NO.

DEPT. NO.

CV15-02349

10

CONSOLIDATED PROCEEDING

ERNEST BRUCE FITZSIMMONS and CAROL FITZSIMMONS, Husband and Wife,

Plaintiffs,

VS.

MDB TRUCKING, LLC; DANIEL ANTHONY KOSKI; ABC Corporations I-X, Black and White Companies, and DOES I-XX, inclusive,

Defendants.

AND ALL RELATED CASES

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THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER 6590 S. McCartan, Suite B Reno, Nevada 89509 (775) 786-2882 DECLARATION BY DAVID R. BOSCH, Ph.D

COMES NOW, David R. Bosch, Ph.D. declares under penalty of perjury that the foregoing is true and correct as follows:

- 1. I am over the age of 18 and have personal knowledge of the facts stated herein.
- 2. This declaration is prepared in connection with Defendant MDB's Motion for Continuance in response to Versa Products Company, Inc.'s recent Motions for Summary Judgment;
- 3. I have been retained as forensic expert in the above-entitled matter by the Defendant MDB; a true and correct copy of my resume is attached hereto as Exhibit 1;

- 4. Erik S. Anderson of Anderson Engineering of New Prague has also been retained as a forensic expert in the above-entitled matter by the Defendant MDB; his resume is attached hereto as Exhibit 2;
- 5. Both myself and Mr. Anderson have been working extensively on this litigation since our retentions including inspections of the subject MDB Peterbilt truck and Ranco trailers that were driven Mr. Daniel Koski on the day of the accident of July 7, 2014 as well as subsequent destructive testing of the Versa solenoid valves manufactured by Versa Products Company, Inc. that self activated on July 7, 2014 opening the gates of the rear Ranco bottom dump and releasing gravel on the I80 west highway;
- 6. Self activation is defined by us as an activation of the subject Versa solenoid valve without active human intervention or current from the truck's electric system which energizes the valve to open the gates with the switch in the open or off position;
- 7. I have reviewed the deposition exhibits that were referenced by Versa Products Company, Inc. on their motions for summary judgment which makes a shallow argument that Mr. Palmer and Mr. Patrick Bigby could not identify a defect in the subject Versa solenoid devices after the incidents of July 30, 2013 and July 7, 2014;
- 8. Neither Mr. Palmer or Mr. Bigby as lay persons are experts in the fields of mechanical engineering, electrical engineering, or failure analysis; and they are not qualified to proffer opinions on the possible cause of the failures of the subject Versa solenoid valves on the day of the accident of July 7, 2017 especially as to whether there was a manufacturing or design defect in the subject Versa Products Company, Inc.'s solenoid valves; and as lay persons would not understand the use of the term "defect" as employed in their respective depositions;
- Versa Products Company, Inc.'s motions for summary judgment were filed about one week before Versa's scheduled Rule 30(b)(6) depositions in New Jersey on May 9 and May 10, 2017 and approximately 1 ½ months before the deadline for the trial expert disclosures of June 16, 2017;
- 9. Even though both myself and Mr. Anderson have rendered preliminary opinions as to the absence of human intervention or error by Mr. Koski; and the absence of a mechanical

wiring or ground fault that could have activated the subject rear Ranco Versa solenoid device, we continue to conduct our forensic investigations on the possible causes of the unit's self activation which could include a failure to adequately shield the subject Versa solenoid devices and /or the sources of electro magnetic fields [EMF] sufficient to have energized the subject rear Ranco Versa valve involved in this accident;

- 10. Both Mr. Anderson and myself should be entitled to review the Rule 30(b)(6) depositions now proceeding with Versa Products Company, Inc.'s in New Jersey as well as the opportunity to prepare our trial expert reports when they are due on June 16, 2017 rather than submit early preliminary conclusions or opinions in opposition to Versa Products Company, Inc.'s motions for summary judgment; and,
- 11. MDB's request for a continuance to June 30, 2017 is both warranted and necessary under these circumstances

DATED this 9th May, 2017.

ARBOOCH H

DAVID R. BOSCH, Ph.D.

AFFIRMATION Pursuant to NRS 239B.030

1 2

does not contain the social security number of any person.

The undersigned hereby affirms that the preceding document filed in above-entitled court

DATED this 9th day of May, 2017.

THORNDAL ARMSTRONG
DELK BALKENBUSH & EISINGER

Bv:

Katherine R Parks, Esq., State Bar No. 6227 Brian M. Brown, Esq., State Bar No. 5233 Thierry V. Barkley, Esq., State Bar No. 724 6590 S. McCarran Blvd., Suite B Reno, Nevada 89509

Attorneys for Defendant MDB TRUCKING, LLC

CERTIFICATE OF SERVICE

2	Pursuant to NPCP 5/h) I certify that I am an amplayee of Thorndal Armstrong Dolla			
	Pursuant to NRCP 5(b), I certify that I am an employee of Thorndal Armstrong Delk			
3				
4	DAVID R. BOSCH, Ph.D to be served on all parties to this action by:			
5	placing an original or true copy thereof in a se United States mail at Reno, Nevada.	ealed, postage prepaid, envelope in the		
6	6 x Second Judicial District Court Eflex ECF (Ele	ectronic Case Filing)		
7	7 hand delivery			
8	R I			
	electronic means (tax, electronic mail, etc.)			
9	Federal Express/UPS or other overnight deliver	ery fully addressed as follows:		
10	Joseph S. Bradley, Esq. J	acob D. Bundick, Esq.		
11	. Sarah M. Ouigley, Esq. I	isa J. Zastrow, Esq.		
12	P.O. Box 1987 3 Reno, NV 89505 L	Greenberg Traurig, LLP Grant Hughes Pkwy, Ste. 400 North		
13	Attorneys for Plaintiffs Ernest and Carol A Fitzsimmons and Angela Wilt	as Vegas, NV 89169 Attorneys for Defendants The Modern Group GP-SUB, Inc. and Dragon		
14	Matthew C. Addison, Esq.	ESP, Ltd.		
15	McDonald Carano Wilson LLP Job W. Liberty Street, Tenth Floor 3	`erry A. Friedman, Esq. ulie McGrath Throop, Esq. 00 S. Arlington Avenue		
16	Attorneys for Defendant RMC Lamar A Holdings	leno, NV 89501 Litorneys for Plaintiffs Olivia John and Lakyla John		
17	Josh Cole Aicklen, Esq. K	Levin M. Berry, Esq.		
18	David B. Avakian, Esq. Lewis Brisbois Bisgaard & Smith, LLP 24	ttorney at Law 47 Court Street, Suite A		
19	Las Vegas, NV 89118 A	eno, NV 89501 ttorneys for Plaintiffs Beverly, Patrick and		
20	Inc.	yan Crossland		
21	Lisa A. Taylor, Esq.	raig M Murphy, Esq. lurphy & Murphy Law Offices		
22	Las Vegas, NV 89103 P	414 W. Farm Road, Suite 180 MB 2007		
23	Attorneys for USAA [subrogated insurer] La	as Vegas, NV 89131 ttorneys for Plaintiffs Christy, Shawn and onya Corthell		
24		A. A.		
25	TO COMPANY AND A STATE OF THE S	Mini the		
26	Ā	n employee of Thorndal Armstrong Delk Balkenbush & Eisinger		
27				

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INDEX OF EXHIBIT(S)

Exhibit No.	Exhibit Description	No. of Pages
1	Curriculum Vitae	5
2	Erik S. Anderson Resume	3

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EXHIBIT 1

EXHIBIT 1

David R. Bosch, Ph.D. Contract Forensic Engineer



4665 South Ash Avenue, Suite G4
Tempe, Arizona 85282
Phone: 480.491.1291
Fax: 480.491.2622
fei@feiaz.com
www.ForensicEngineeringInc.com
Revised 11/09/14

CURRICULUM VITAE

Dr. Bosch has had a combination of over 35 years of experience in the Materials Engineering, Mechanical Engineering, Engineering Design and automotive technical fields. His industrial experience includes research and development with a focus on the manufacturing and testing of discrete and embedded microelectronics and Micro-Electrical-Mechanical-Systems (MEMS) technology including pressure and acceleration sensors for applications in the automotive industry. Dr. Bosch has provided more than seven years of forensic engineering support and expert testimony for various aspects of product liability and personal injury, including the following.

- Mechanical Design Analysis for Failure and Defects
- Material Failure Analysis
- Accident Reconstruction
- Vehicle Crashworthiness
- Fire Causation; Explosions; Electrical Arcs/Shorts/Thermal Effects
- Slip/Trip and Fall, Materials, Surface Measurements
- Light Measurements and Associated Engineering Assessments
- Product Maintenance and Repair
- Standard of Care
- Building Defects
- ASE-Certified Master Medium-Heavy Truck Technician
- Human Factors and Ergonomics
- Codes, Specifications and Standards

Dr. Bosch has testified on behalf of both plaintiff and defendant for insurance companies, private attorneys and manufacturing companies since 2006. He has practiced as a forensic engineering consulting expert on over 250 cases. He has been deposed over 45 times and has testified in trials.

DEGREES

- Ph.D. Engineering Science (Direct Energy Conversion; Materials Science and Engineering), Arizona State University, Tempe, Arizona, May 1994
- M.S. Engineering Science (Direct Energy Conversion; Mechanical Engineering), Arizona State University, Tempe, Arizona, December 1990
- B.S. Mechanical Engineering with Honors (Minors in Mathematics, Physics and Computer Science), South Dakota State University, Brookings, South Dakota, May 1987

INDUSTRIAL EXPERIENCE

- 2004 present Bosch Automotive Consulting, Phoenix, Arizona, President, Forensic Engineer. Forensic engineering support for aspects of product liability and personal injury litigation.
- 2001 2004 ON Serniconductor, Internal Manufacturing and Technology, Corporate Office, Phoenix, Arizona, Principle-Senior Global Equipment Engineering Manager.

David R. Bosch, Ph.D.

Page 1 of 5

2000 – 2001	ON Semiconductor, Internal Manufacturing and Technology, COM1, Phoenix, Arizona, Senior Engineering Manager.
1998 – 2000	Motorola, Semiconductor Products Sector, Micro-Electrical-Mechanical-Systems (MEMS) Development Engineer, MOS5, Mesa, Arizona, Senior Development Engineer.
1997 – 1998	Motorola, Semiconductor Products Sector, Advanced Custom Technologies, Mesa, Arizona, Senior Development Engineer.
1995 – 1997	Motorola, Semiconductor Products Sector, Materials Research and Strategic Technologies, Phoenix Arizona, Senior Manager of Direct Wafer Bond Technologies Development.
1994 – 1995	Motorola, Semiconductor Products Sector, Materials Research and Strategic Technologies, Phoenix Arizona, Senior Process Development Engineer.
	PRACTICAL EXPERIENCE
1978 – 1989	Navistar International Truck Dealership, A and B Service Garage, Brookings, South Dakota; shop manager, ASE Certified Professional Truck Technician.
1974 – 1978	O. L. Busmuss, General Contractor, Mitchell, South Dakota. Job superintendent and laborer.
1970 – 1974	Heesch Distributing, Brookings, South Dakota. Motorcycle, snowmobile and motorboat sub-component and system diagnostics and repair.
1967 – 1969	International Harvester Truck Dealership, A and B Service Garage, Brookings, South Dakota. Light, medium and heavy motor truck and automobile technician.
1965 - 1967	Worked summers on various family-owned farms driving farm tractors and self-propelled farm equipment.

PROFESSIONAL SOCIETIES, ACTIVITIES AND AWARDS

Society of Automotive Engineers (SAE)

American Society for Metals (ASM)

National Association of Corrosion Engineers (NACE International)

Human Factors and Ergonomics Society (HFES)

National Association of Professional Accident Reconstruction Specialists (NAPARS)

Accreditation Commission for Traffic Accident Reconstruction (ACTAR)

Southwestern Association of Technical Accident Investigators (SATAI)

National Fire Protection Association (NFPA)

National Association of Fire Investigators (NAFI)

International Code Council (ICC)

American Society of Mechanical Engineers (ASME)

American Society of Safety Engineers (ASSE)

National Society of Professional Engineers (NSPE)

Arizona Society of Professional Engineers (ASPE), Papago Chapter (Past President and Secretary)

Forensic Expert Witness Association (FEWA)

Tau Beta Pi

Pi Tau Sigma

The National Dean's List

TECHSTAR Professional, International Harvester Company

National Institute of Automotive Service Excellence (ASE) Certified Master Medium-Heavy Truck Technician

English XL™ VIT Certified User - Certificate No. 243

CONTINUING EDUCATION UNITS

Texas A&M University - Semiconductor Processing - 1998

Motorola - Future Leader Program - 1997

Motorcla - Leadership Institute - 1996

Northwestern University Department of Public Safety - Traffic Accident Reconstruction I - 2005

VOCATIONAL AND TECHNICAL CLASSES

International Harvester Company - DT466 Diesel Engine Overhaul - 1986

International Harvester Company - Diesel Fuel Injection System Operation, Testing and Repair - 1985

International Harvester Company - Chassis Diagnostics and Repair - 1985

International Harvester Company - Specifying Medium Duty Trucks - 1980

Sun Electronics – Electronic Engine Diagnostics – 1979

Kawasaki Heavy Industries (Motorcycle) - Z1-900 Maintenance and Repair - 1973

Kawasaki Heavy Industries (Motorcycle) - General Diagnostics and Repair - 1973

Rupp Industries (Snowmobile) - Engine Diagnostics and Overhaul - 1973

Arctic Cat Industries (Snowmobile) - Systems Diagnostics Overview - 1972

Brookings High School - Vocational Automobile Mechanics - 1971 to 1974

Brookings High School - Vocational Electronics - 1969 to 1971

Brookings High School - Vocational Drafting - 1969 to 1971

PUBLICATIONS AND CONFERENCES

"Crashworthiness Investigation of Modern Sedan Bumper Designs," (with Scott Anderson, B.S., Mark C. Pozzi, M.S., Todd Saczalski, and Dean L. Jacobson, Ph.D.) at the American Academy of Forensic Sciences 66th Anniversary Meeting, Washington, DC, February 17-22, 2014.

"Crashworthiness Simulations of Glass Mat Thermoplastic (GMT) and High Strength Steel (HSS) Sedan Bumper Beam Designs Using Explicit Finite Element Analysis," (with Scott Anderson, B.S., Mark C. Pozzi, M.S., and Dean L. Jacobson, Ph.D.) at the American Academy of Forensic Sciences 65th Anniversary Meeting, Washington, DC, February 18-23, 2013.

David R. Bosch, Ph.D.

"Thick Polysilicon Processing for MEMS Transducer Fabrication," (with P. L. Bergstrom and G. Averett) at the SPIE Symposium and Education Program on Micromachining and Microfabrication, Santa Clara, California, September 19-23, 1999.

"Application of Predictive Engineering in Developing Low Power Chemical Sensors," (with Tien-Yu Lee and Ben Chambers) Motorola Summer AMT, Chicago, Illinois.

"Double Sided Polish for Damage Removal Shape Back of Silicon On Insulator (SOI) Substrates," (with Ray Wells) Motorola Technical Enrichment Matrix, Phoenix, Arizona, 1995.

"The High Temperature Electron Emission, Photon Emission and Sublimation Behavior of Several Potential Thermionic Emitter Materials," Ph.D. Dissertation, 1994.

"An Interpretation of the Work Function Variations at Surfaces of Dilute Solution W-Ir Alloys," (with L. A. D'Cruz and D. L. Jacobson) submitted for publication in J. Mat. Eng. & Perf.

"The High Temperature Work Function of Chemically Vapor Deposited Rhenium on a Polycrystalline Molybdenum Substrate," (with D. L. Jacobson) J. Mat. Eng. & Perf., 2 97 (1993).

"The Effect of Surface Depletion on the Work Function of Arc-Melted Dilute Solution W-Ir Alloys," (with L. A. D'Cruz and D. L. Jacobson) High Temp. Sci., 32 59 (1993).

"The High Temperature Work Function of Sintered Dilute Solution W-Ir Alloys," (with L. A. D'Cruz and D. L. Jacobson) J. Mat. Eng. & Perf., 2 (1) 81 (1993).

"The High Temperature Work Function and Vaporization of Tungsten-Osmium Alloys," (with R. N. Wall and D. L. Jacobson) Met. Trans. A, 24 951 (1993).

"The High Temperature Spectral Emissivity of Several Refractory Metals and Alloys," (with R. N. Wall and D. L. Jacobson) J. Mat. Eng. & Perf., 1 (5) 679 (1993).

"High Temperature Electron Emission and Vaporization of Tungsten-Iridium Alloys," (with R. N. Wall and D. L. Jacobson) High Temp. Sci., 30 95 (1991).

"The High Temperature Work Function of Chemically Vapor Deposited Rhenium on Tungsten-Rhenium and Molybdenum Substrates," M. S. Thesis, 1990.

"The High Temperature Electron Emission from Surfaces of Mo-HfC and Mo-W-Re-HfC Alloys," (with D. L. Jacobson) presented at the ASME-WAM Symposium on Thermionic Energy Conversion Technologies and Systems, New Orleans, Louisiana, November 28-December 3, 1993.

"The Spectral Emissivity of Several Refractory Alloys," (with R. N. Wall and D. L. Jacobson) presented at the 181st Meeting of the Electrochemical Society, St. Louis, Missouri, May 18-22, 1992.

"The High Temperature Work Function of Sintered Dilute Solution W-Ir Alloys," (with L. A. D'Cruz and D. L. Jacobson) presented at the 181st Meeting of the Electrochemical Society, St. Louis, Missouri, May 18-22, 1992.

"Work Function Study of Some Dilute Solutions of Sintered Tungsten-Iridium Alloys," (with D. Tang, L. A. D'Cruz, and D. L. Jacobson) at the 25th ICECE Conference Proceedings, Reno, Nevada, August 11, 1990.

"The Effective Work Function of Tungsten-Iridium Alloys," (with R. N. Wall and D. L. Jacobson) at The Anniversary Specialist Conference on Nuclear Power Engineering in Space, Obninski, USSR, May 15-18, 1990.

"The Thermionic Emission of Chemically Vapor Deposited Rhenium," (with R. N. Wall, and D. L. Jacobson) at the TMS Annual Meeting, Anaheim, California, February 18-22, 1990.

PATENTS

"Trailer Escape/Container Escape Keeper/Cam Release System", US20070200362 A1, (with D. Jacobson, P. Bacco and R. Stout), 2007.

"Trailer Escape/Container Escape Keeper/Cam Release System,", US 20090121499 A1 , (with D. Jacobson, P. Bacco and R. Stout), 2009.

David R. Bosch, Ph.D.

PUBLIC DISCLOSURES

"A Novel Technique for Wafer to Wafer Alignment in Wafer Level Packaging of MEMS Devices," (with M. J. Davison) Motorola, Phoenix, Arizona, September 1999.

"Power Reduction Design on Sensor Devices," (with T. T. Lee and B. C. Chambers) Motorola, Phoenix, Arizona, October 1996.

"MicroElectroMechanicalSystems (MEMS) Fatigue Life Enhancement," (with R. C. Wells) Motorola, Phoenix, Arizona, July 1996.

"Batch Shaping of Bonded Silicon On Insulator (BSOI) Wafers," (with R. C. Wells) Motorola, Phoenix, Arizona, November 1995.

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Jacqueline Bryant
Clerk of the Court
Transaction # 6092403 : csulezic

EXHIBIT 2

EXHIBIT 2

ANDERSON ENGINEERING OF NEW PRAGUE, INC.

3725 E. Roeser Road, Ste. 20 Phoenix, Arizona 85040 Phone: (602) 437-5455 Fax: (602) 437-3272

ERIK S. ANDERSON Registered Professional Engineer

State of Minnesota	1991	21471
State of Illinois	1999	062052733
State of Arizona	2003	39627
State of Wisconsin	2008	39418-006
State of Indiana	2008	PE.10809314
State of Iowa	2008	18758
State of New Mexico	2008	19001
State of Texas	2009	102714
State of Louisiana	2009	PE.0034787
State of California	2010	105359
State of Kentucky	2012	28492
State of Michigan	2013	6201060247
State of Nevada	2013	022690

Other Licenses:

Licensed Class A Master 1995 AM005344

Electrician - State of Minnesota

Private Investigator - Arizona 2011 1615601

Certified Fire and Explosion 2012 17853-9760

Investigator (C.F.E.I.)

EDUCATION: B.S. in Electrical and Electronic Engineering

North Dakota State University, Fargo, North Dakota, 1987.

Chemical Engineering Course Work

University of Minnesota, Minneapolis, Minnesota, 1981-1983.

CONTINUING Hazardous Materials: HAZWOPER: 40-hour worker 2008

EDUCATION: Annual 8-Hr. HAZWOPER Refresher Course: 2009, 2010, 2011,

2012, 2013, 2014

Asbestos Awareness: 05/09, 3/14

Annual Fire Investigation Seminar Instructor Maricopa AZ: 04/08, 03/09, 03/12, 03/13

Minnesota Chapter IAAI Fire & Arson Conference

3/88, 3/89, 3/90, 3/01, 3/05, 3/06.

Instructor: Fire/Arson Level 3 Mesa, Arizona, 10/03.

Illinois Chapter IAAI Northern Zone Winter Seminar Instructor: Electrical Appliance Fires, 2/03.

Completed Code & Code Change Class Minnesota Electrical Association - National Electrical Code 1/99, 2/01, 1/03, 1/05, 1/07, 1/09, 1/11, 2/13, 5/15

Illinois Chapter IAAI Fire Investigation Conference Instructor: Forensic Electrical Engineering Principles & Practices, 9/99.

Graduate Course Work, University of Minnesota Minneapolis, Minnesota, 1995-1997.

Master Electrician Course, Hennepin County Technical College, Eden Prairie, Minnesota 3/95.

Completed Designing Electrical Systems for Hazardous Locations University of Wisconsin-Madison, 4/92.

Completed Electrical Fires Accidental and Deliberate Sponsored by Georgia Chapter of IAAI, 12/91.

Completed Fire and Arson Investigation Course, Nebraska State Fire & Arson Investigators Conference, 10/87

EXPERIENCE: Anderson Engineering of New Prague, Inc., Phoenix, AZ 01/05 - Present President & Forensic Electrical Engineer. Responsible for all aspects of business operations including engineering services to clients, product testing, fire investigation, and failure analysis.

> Our case load also includes construction defect cases involving the evaluation of the workmanship of the electrical subcontractor and personal injury cases involving electric shock and/or electrocutions.

4/87 - 1/05 Anderson Engineering of New Prague, Inc., New Prague, MN Electrical Engineer. Responsible to client for engineering services including product testing, fire investigation, and failure analysis.

> Midwest Current Transformer, Division of Anderson Engineering of New Prague, Inc., New Prague, MN. Designer, manufacturer, and quality control engineer of current transformers.

- 1/84 11/84 O.S. Anderson Engineering, Inc., New Prague, MN. Research and Design Coordinator. Duties included work on transponder design for communications system through earth.
- 6/83 9/83 Koch Refinery, Southeast St. Paul, MN. Conducted ultrasound testing on oil refinery systems.

1981 & 1982 O.S. Anderson Engineering, Inc., New Prague, MN.

(Summers) Assistant Engineer. Designed software for and compiled data of E-

fields generated by high voltage transmission lines, assisted in investigations of various cases involving questions of product

liability.

PROFESSIONAL Member Institute of Electrical and Electronic Engineers.

AFFILIATIONS: Member National Society of Professional Engineers.

Member Minnesota Society of Professional Engineers. Member International Association of Arson Investigators.

Member National Fire Protection Association.

Member National Association of Fire Investigators.

Member American Society of Heating, Refrigerating and Air-

Conditioning Engineers, Inc.

EXPERT Arbitrations: 02
TESTIFYING Depositions: 83
WITNESS: Trials: 26

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Jacqueline Bryant
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Transaction # 6100324 : tbritton

EXHIBIT 6

4845-3057-6394.1

1 DISC Katherine F. Parks, Esq., State Bar No. 6227 Brian M. Brown, Esq., State Bar No. 5233 Thierry V. Barkley, Esq., State Bar No. 724 3 Thorndal Armstrong Delk Balkenbush & Eisinger 6590 S. McCarran Blvd., Suite B Reno, Nevada 89509 (775) 786-2882 5 Attorneys for Defendants/Cross-Claimant MDB TRUCKING, LLC 6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA 7 IN AND FOR THE COUNTY OF WASHOE 8 9 ERNEST BRUCE FITZSIMMONS and Case No. CV15-02349 CAROL FITZSIMMONS, Husband and 10 Wife, Dept. No. 15 11 (Consolidated with Plaintiffs, Case No.: CV15-02410 12 Case No .: CV16-00626 VS. Case No.: CV16-02410 13 MDB TRUCKING, LLC; DANIEL Case No.: CV16-00519 [Discovery ANTHONY KOSKI; ABC Corporations I-X, Purposes] 14 Black and White Companies, and DOES I-XX, inclusive, **ANSWER TO VERSA PRODUCTS** 15 COMPANY, INC.'S FIRST REQUESTS Defendants. FOR ADMISSIONS TO MDB 16 TRUCKING, LLC 17 CAND RELATED CROSS-CLAIMS AND 18 THIRD PARTY COMPLAINT. 19 TO: CROSS-DEFENDANT AND THEIR COUNSEL OF RECORD: 20 COMES NOW the Defendant MDB TRUCKING, LLC and hereby provides the 21 following Rule 36 Response to Cross-Defendants [Versa Products] First Set of Requests for 22 Admissions in accordance with the provisions of Rule 36. 23 24 RESPONSE TO REQUEST FOR ADMISSIONS **REQUEST FOR ADMISSION NO. 1:** 25 Admit that VERSA PRODUCTS COMPANY, INC. was not in exclusive control of the 26 Ranco semi-trailer that allegedly spilled gravel on the roadway in which Plaintiffs' allege caused 27 the subject accident. 28

THORNDAL ARMSTRONG
DELK BALKENBUSH

& EISINGER 6590 S. McCarran, Suite B Reno. Nevada 89509 (775) 786-2882

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Admitted.

REQUEST FOR ADMISSION NO. 2:

Admit that VERSA VALVE PRODUCTS COMPANY, INC. was not in exclusive control of the Peterbuilt truck that allegedly spilled gravel on the roadway in which Plaintiffs' allege caused the subject accident.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Admitted.

REQUEST FOR ADMISSION NO. 3:

Admit that you or someone on your behalf fabricated and installed a lockout device on the VERSA valve that you allege was defective in this case after the subject incident.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Admitted.

REQUEST FOR ADMISSION NO. 4:

Admit that you or someone on your behalf discovered a BU-1 circuit fault on the Ranco semi-trailer that allegedly spilled gravel on the roadway in this case after the subject incident.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Admitted with the qualification that maintenance found an ABS circuit fault on Unit 6775 on July 8, 2014.

REQUEST FOR ADMISSION NO. 5:

Admit that you or someone on your behalf replaced a cable and cleared codes on the Ranco semi-trailer that allegedly spilled gravel on the roadway in this case after the subject incident.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Admitted with the qualification that routine maintenance was done on July 8, 2014.

REQUEST FOR ADMISSION NO. 6:

Admit that you or someone on your behalf performed work on the four-way plug on the Peterbuilt truck that allegedly spilled gravel on the roadway in this case after the subject incident.

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1	RESPONSE TO REQUEST FOR ADMISSION NO. 6:		
2	Denied.		
3	REQUEST FOR ADMISSION NO. 7:		
4	Admit that you or someone on your behalf replaced an electric cable/harness on the		
5	Peterbuilt truck that allegedly spilled gravel on the roadway in this case after the subject incident.		
6	RESPONSE TO REQUEST FOR ADMISSION NO. 7:		
7	Admitted.		
8	REQUEST FOR ADMISSION NO. 8:		
9	Admit that you or someone on your behalf adjusted the hydraulic valves on the Peterbuilt		
10	truck that allegedly spilled gravel on the roadway in this case after the subject incident.		
11	RESPONSE TO REQUEST FOR ADMISSION NO. 8:		
12	Admit with the qualification that standard routine maintenance occurred on November		
13	2014.		
14	REQUEST FOR ADMISSION NO. 9:		
15	Admit that you or someone on your behalf replaced the turbo waste gate solenoid and		
16	pressure line on the Peterbuilt truck that allegedly spilled gravel on the roadway in this case after		
17	the subject incident.		
18	RESPONSE TO REQUEST FOR ADMISSION NO. 9:		
19	Admitted.		
20	REQUEST FOR ADMISSION NO. 10:		
21	Admit that you or someone on your behalf replaced the valve cover gaskets on the		
22	Peterbuilt truck that allegedly spilled gravel on the roadway in this case after the subject incident.		
23	RESPONSE TO REQUEST FOR ADMISSION NO. 10:		
24	Admitted with the qualification that standard routine maintenance occurred on November		
25	10, 2014.		
26	REQUEST FOR ADMISSION NO. 11:		

THORNDAL ARMSTRONG
DELK BALKENBUSH
& EISINGER
6590 S. McCatran, Suite B
Reno. Nevada 89509
(773) 786-2882
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is not in the same exact condition as it was at the time of the subject incident.

Admit that the Ranco semi-trailer that allegedly spilled gravel on the roadway in this case

1	RESPONSE TO REQUEST FOR ADMISSION NO. 11:
2	Denied.
3	REQUEST FOR ADMISSION NO. 12:
4	Admit that the VERSA valve that you allege was defective in this case, is not in the same
5	exact condition as it was at the time of the subject incident.
6	RESPONSE TO REQUEST FOR ADMISSION NO. 12:
7	Denied.
8	REQUEST FOR ADMISSION NO. 13:
9	Admit that the Peterbuilt truck that allegedly spilled gravel on the roadway in this case is
10	not in the same exact condition as it was at the time of the subject incident.
11	RESPONSE TO REQUEST FOR ADMISSION NO. 13:
12	Admitted.
13	REQUEST FOR ADMISSION NO. 14:
14	Admit that the Ranco semi-trailer that allegedly spilled gravel on the roadway in the case
15	continues to be used since the subject incident.
16	RESPONSE TO REQUEST FOR ADMISSION NO. 14:
17	Admitted.
18	REQUEST FOR ADMISSION NO. 15:
19	Admit that the Peterbuilt semi-trailer that allegedly spilled gravel on the roadway in this
20	case continues to be used to haul trailers since the subject incident.
21	RESPONSE TO REQUEST FOR ADMISSION NO. 15:
22	Admitted.
23	REQUEST FOR ADMISSION NO. 16:
24	Admit that you or someone on your behalf altered the mounting/bracketing on the subject
25	VERSA valve following the subject incident.
26	RESPONSE TO REQUEST FOR ADMISSION NO. 16:
27	Denied.
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- 4 -

THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER 6590 S. McCarran, Suite B Rento, Nevada 89509 (775) 786-2882

1	REQUEST FOR ADMISSION NO. 17:
2	Admit that you or someone on your behalf created a cotter-pin safety device that you
3	mounted on the subject Ranco semi-trailer after the subject incident.
4	RESPONSE TO REQUEST FOR ADMISSION NO. 17:
5	Admitted.
6	REQUEST FOR ADMISSION NO. 18:
7	Admit that the cotter-pin device that you designed and fabricated after the subject
8	incident is not an original VERSA product.
9	RESPONSE TO REQUEST FOR ADMISSION NO. 18:
10	Admitted.
11	REQUEST FOR ADMISSION NO. 19:
12	Admit that you or someone on your behalf welded the cotter-pin device on to the Ranco
13	semi-trailer to impede the free-function of the subject VERSA valve.
14	RESPONSE TO REQUEST FOR ADMISSION NO. 19:
15	Admitted.
16	REQUEST FOR ADMISSION NO. 20:
17	Admit that neither you nor anyone on your behalf notified VERSA of the subject
18	incident.
19	RESPONSE TO REQUEST FOR ADMISSION NO. 20:
20	Admitted.
21	REQUEST FOR ADMISSION NO. 21:
22	Admit that neither you nor anyone on your behalf had any evidence that the subject
23	VERSA valve had malfunctioned.
24	RESPONSE TO REQUEST FOR ADMISSION NO. 21:
25	Denied.
26	REQUEST FOR ADMISSION NO. 22:
27	Admit that you or someone on your behalf did not change or replace the subject VERSA

1	RESPONSE TO REQUEST FOR ADMISSION NO. 22:		
2	Admitted.		
3	REQUEST FOR ADMISSION NO. 23:		
4	Admit that you or someone on your behalf did not preserve the subject VERSA valve in		
5	the condition that it was in immediately after the subject incident.		
6	RESPONSE TO REQUEST FOR ADMISSION NO. 23:		
7	Denied.		
8	REQUEST FOR ADMISSION NO. 24:		
9	Admit that you or someone on your behalf continued to use and operate the subject		
10	VERSA valve on the same subject trailer from the time of the subject incident to the present.		
11	RESPONSE TO REQUEST FOR ADMISSION NO. 24:		
12	Admitted.		
13	REQUEST FOR ADMISSION NO. 25:		
14	Admit that you or someone on your behalf disassembled the subject VERSA valve		
15	following the subject incident.		
16	RESPONSE TO REQUEST FOR ADMISSION NO. 25:		
17	Denied.		
18	REQUEST FOR ADMISSION NO. 26:		
19	Admit that the subject VERSA valve has now been operated hundreds of times after the		
20	subject incident.		
21	RESPONSE TO REQUEST FOR ADMISSION NO. 26:		
22	Admitted with the qualification that by the addition of the pin lock system, MDB cannot		
23	determine when the VERSA valve may have failed by self-activating.		
24	REQUEST FOR ADMISSION NO. 27:		
25	Admit that you have no evidence, documents, records, paperwork, correspondence, file		
26	materials, or written or electronic correspondence which support your allegations, as contained in		
27	Paragraph 6 of your Cross-Claim, in which you allege that "the Ranco trailer was activated		
28	inadvertently.		

RESPONSE TO REQUEST FOR ADMISSION NO. 27:

Denied.

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REQUEST FOR ADMISSION NO. 28:

Admit that you have no evidence, documents, records, paperwork, correspondence, file materials, or written or electronic correspondence which support your allegations, as contained in Paragraph 10 of your Cross-Claim, in which you allege that "VERSA Valve solenoid control as a component to the Ranco trailer was unreasonably dangerous and defective."

RESPONSE TO REQUEST FOR ADMISSION NO. 28:

Denied.

REQUEST FOR ADMISSION NO. 29:

Admit that you have no evidence, documents, records, paperwork, correspondence, file materials, or written or electronic correspondence which support your allegations, as contained in Paragraph 12 of your Cross-Claim, in which you allege that Cross-Defendant VERSA "breached a duty of care owed to Cross-Claimant."

RESPONSE TO REQUEST FOR ADMISSION NO. 29:

Denied.

REQUEST FOR ADMISSION NO. 30:

Admit that you have no evidence, documents, records, paperwork, correspondence, file materials, or written or electronic correspondence which support your allegations, as contained in Paragraph 22 of your Cross-Claim, in which you allege that you are "entitled to complete indemnity against VERSA Products Company, Inc. with respect to all allegations or liabilities set forth in the First Amended Complaint."

RESPONSE TO REQUEST FOR ADMISSION NO. 30:

Denied.

REQUEST FOR ADMISSION NO. 31:

Admit that you have no evidence, documents, records, paperwork, correspondence, file materials, or written or electronic correspondence which support your allegations, as contained in Paragraph 25 of your Cross-Claim, in which you allege that you are "entitled to contribution

1 from Cross-Defendant VERSA Products Company, Inc. with respect to any settlement, 2 judgment, award, or any other type of resolution of claims brought forward by the Plaintiffs in 3 their First Amended Complaint on file herein." **RESPONSE TO REQUEST FOR ADMISSION NO. 31:** 4 5 Denied. DATED this 2nd day of October 2016. 6 7 THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER 8 9 By: Katherine F. Parks, E.q., State Bar No. 6227 Brian M. Brown, Esq., State Bar No. 5233 10 Thierry V. Barkley, Esq., State Bar No. 724 6590 S. McCarran Blvd., Suite B Reno, Nevada 89509 11 12 Attorneys for Defendants/Cross-Claimant MDB TRUCKING, LLC 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27

THORNDAL ARMSTRONG DELK BALKENBUSH

& EISINGER 6590 S. McCarran, Suite B Reno, Nevada 89509 (775) 786-2882

28

	1	CERTIFICATE OF SERVICE
	2	Pursuant to NRCP 5(b), I certify that I am an employee of Thorndal Armstrong Delk
	3	Balkenbush & Eisinger, and that on this date I caused the foregoing ANSWER TO VERSA
	4	PRODUCTS COMPANY, INC.'S FIRST REQUESTS FOR ADMISSIONS TO MDB
	5	TRUCKING LLC to be served on all parties to this action by:
	6	placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada.
	7	Second Judicial District Court Eflex ECF (Electronic Case Filing)
	. 8	hand delivery
	9	electronic means (fax, electronic mail, etc.)
	10 11	Federal Express/UPS or other overnight delivery fully addressed as follows:
	12	Joseph S. Bradley, Esq.
•	13	Sarah M. Quigley, Esq. Bradley, Drendel & Jeanney P.O. Box 1987
	14	Reno, NV 89505 Attorneys for Plaintiffs Ernest and Carol Fitzsimmons and Angela Wilt
	15	Matthew C. Addison, Esq.
	16	Jessica L. Woelfel, Esq. McDonald Carano Wilson LLP
	17	100 W. Liberty Street, Tenth Floor Reno, NV 89501
	18	Attorneys for Defendant RMC Lamar Holdings
	19	Josh Cole Aicklen, Esq. David B. Avakian, Esq.
	20	Lewis Brisbois Bisgaard & Smith, LLP 6385 S. Rainbow Blvd., Suite 600
	21	Las Vegas, NV 89118 Attorneys for Defendant Versa Products Co., Inc.
	22	Jacob D. Bundick, Esq.
	23	Lisa J. Zastrow, Ésq. Greenberg Traurig, LLP
	24	3773 Howard Hughes Parkway, Suite 400 North Las Vegas, NV 89169
	25	Attorneys for Defendants The Modern Group GP-SUB, Inc. and Dragon ESP, Ltd.
	26	DATED this 3 day of October 2016.
THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER	27	Chùi Ch
6590 S. McCarran, Suite B Reno, Nevada 89509 (775) 786-2882	28	An employee of Thorndal Armstrong Delk Balkenbush & Eisinger

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Transaction # 6100324 : tbritton

EXHIBIT 7

4845-3057-6394.1

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Page 1
                  IN THE SECOND JUDICIAL DISTRICT COURT
                         OF THE STATE OF NEVADA
                     IN AND FOR THE COUNTY OF WASHOE
     ERNEST BRUCE FITZSIMMONS
     and CAROL FITZSIMMONS,
                                  ) Case No. CV15-02349
     husband and wife,
                                  ) Dept. No. 10
                Plaintiffs,
     vs.
                                  CONDENSED
    MDB TRUCKING, LLC, et al.,
10
                                         TRANSCRIPT
                Defendants.
11
12
    AND ALL RELATED CASES.
13
14
15
16
17
                     DEPOSITION OF TRACY SHANE
18
                 Taken on Tuesday, April 11, 2017
19
                           At 9:00 a.m.
20
              At 100 West Liberty Street, 10th Floor
                           Reno, Nevada
22
23
24
25
    REPORTED BY: JANET ANN MENGES, CCR #206
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2 (Pages 2 to 5)

	2 (rages 2 to 3)
Page 2	Page 4
APPEARANCES: APPE	Page 4 1 INDEX 2 3 WITNESS: TRACY SHANE 4 EXAMINATION PAGE 5 BY PAIGE SHREVE 5 BY JESSICA WOELFEL 101 6 BY PAIGE SHREVE 128 7 8 INDEX TO EXHIBITS 9 EXHIBIT PAGE 10 11 Record of Annual Inspection 93 11 12 13 14 15 16 17 18
THEIRRY BARKLEY, ESQ. THORNDAL, ARMSTRONG, DELK, BALKENBUSH & EISINGER 1 6590 South McCarran Boulevard Suite B Reno, Nevada 89509 (775) 786-2882	19 20 21 22 23 24 25
Continued Appearances) For The Modern Group GP-SUB, Inc.: JACOB BUNDICK, ESQ. (Present Telephonically) GREENBERG TRAURIG 3773 Howard Hughes Parkway Suite 400 North Las Vegas, Nevada 89169 (702) 792-3773 For USAA: LISA TAYLOR, ESQ. (Present Telephonically) Law Office of Lisa A. Taylor 5664 North Rainbow Boulevard Las Vegas, Nevada 89130 (702) 645-0150 (702) 645-0150	TRACY SHANE called as a witness, being first duly sworn, was examined and testified as follows: EXAMINATION BY MS. SHREVE: Q. Good morning. A. Good morning. Q. My name is Paige Shreve, and I represent Versa Products in this lawsuit. Can you please state your name and spell it for me? A. Tracy Shane, T-r-a-c-y S-h-a-n-e. Q. Thank you. And you understand that the oath you just took is the same oath that you would take in a court of law and you're subject to the same penalty of perjury? A. Yes. Q. Have you ever had your deposition taken before? A. No. Q. I'm going to go over some ground rules with you in regards to depositions so you understand everything that we're doing today. First to my left is a court reporter. She is taking down everything that we say today. So I request that any

3 (Pages 6 to 9)

		D. Colores of the col	
	Page 6		Page 8
1	answers be verbal and not um-hum or that. So if you do say	1	Q. Truckee?
2	um-hum I may say is that a yes. I'm not trying to be rude. I	2	A. Truckee, California.
3	just want to make sure that the court reporter can type down	3	Q. Can you spell that for me?
4	everything. So just request again verbal answers for everything	4	A. T-r-u-c-k-e-e.
5	that I ask you.	5	Q. And how long did you live in Truckee?
6	Additionally I would request that you wait for me to	6	A. Eighteen years.
7	complete my question before you respond. In normal conversation	7	Q. And I'm going to go over a bunch of background
8	a lot of times you anticipate what the person is going to ask	8	information about you before we start to get into questions
9	and so you start to answer. That is difficult for the court	9	about the accident that was involved in the subject litigation,
10	reporter to take down. So if you could wait for me to finish	10	just to give you a little heads up.
11	before you answer I would greatly appreciate it and so would the	11	Where do you currently live now?
12	court reporter.	12	A. Sparks.
13	During your deposition sometimes the attorney to your	13	Q. And how long have you lived in Sparks?
14	right may make an objection, but that is okay for him to make	14	A. In the current house or in the town?
15	the objection. You can go ahead and answer unless he instructs	15	Q. Let's start with what is your address of your current
16	you otherwise.	16	house?
17	Any question that I ask you and you answer I will	17	A. 2685 Rio Seco Lane.
18	assume that you understood it. If for some reason you don't	18	Q. And how long have you lived there?
19	understand the question that I'm asking or you need me to	19	A. Seventeen years.
20	rephrase it, please let me know and I will be happy to ask it a	20	Q. And then before there did you live in Sparks?
21	different way or maybe give you some more information to help	21	A. Reno.
22	you understand it better.	22	Q. How long did you live in Reno?
23	A. Okay.	23	A. Fifteen years.
24	Q. After we are done the deposition, you will be provided	24	Q. Before that where were you?
25	a copy of the transcript. You can look over it and if you need	25	A. Antarctica.
ETATALONICA MANAGEMENT	Page 7		Page 9
1	to make any changes. There are two different types of changes	1	Q. I have never heard that before.
2	you can make.	2	MR. BROWN: You don't hear that one every day.
3	One is just small grammatical errors, that kind of	3	BY MS. SHREVE:
4	thing. You're welcome to do that. Another one is substantive	4	Q. How long did you live in Antarctica?
5	changes. Those are big things like if you tell me a stoplight,	5	A. Three years.
6	which is not involved in this case, but if you tell me it was	6	Q. This is just out of curiosity. What brought you to
7	red and then later you change it and say it was green that would	7	Antarctica?
8	be a substantive change and that is something if this case were	8	A. Work.
9	to go to trial I can comment on.	9	Q. We will get into that a little more then. Where were
10	A. I see.	10	you before Antarctica?
11	Q. Also if at any time you need a break please let me	11	A. Truckee.
12	know. I just request that you would answer the question, if a	12	Q. Okay.
13	question is pending, before we break and we can gladly break.	13	Are you currently married?
		14	A. No.
	So at any time just let me know and we can take a break.		
14	So at any time just let me know and we can take a break. A. Thank you.	15	Q. Have you ever been married?
14 15		15 16	Q. Have you ever been married? A. Yes.
14 15 16	A. Thank you.		•
14 15 16 17	A. Thank you. Q. Is there any reason that you cannot give your best	16	A. Yes.
14 15 16 17	A. Thank you. Q. Is there any reason that you cannot give your best testimony today?	16 17	A. Yes. Q. How long were you married?
14 15 16 17 18	A. Thank you. Q. Is there any reason that you cannot give your best testimony today? A. None.	16 17 18	A. Yes.Q. How long were you married?A. Five years.
14 15 16 17 18 19	A. Thank you. Q. Is there any reason that you cannot give your best testimony today? A. None. Q. Okay.	16 17 18 19	A. Yes.Q. How long were you married?A. Five years.Q. And when was that?
14 15 16 17 18 19 20 21	 A. Thank you. Q. Is there any reason that you cannot give your best testimony today? A. None. Q. Okay. Have you taken any medication today? A. No. 	16 17 18 19	A. Yes.Q. How long were you married?A. Five years.Q. And when was that?A. 1995.
14 15 16 17 18 19 20 21	A. Thank you. Q. Is there any reason that you cannot give your best testimony today? A. None. Q. Okay. Have you taken any medication today?	16 17 18 19 20 21	A. Yes.Q. How long were you married?A. Five years.Q. And when was that?A. 1995.Q. To 2000?
14 15 16 17 18	 A. Thank you. Q. Is there any reason that you cannot give your best testimony today? A. None. Q. Okay. Have you taken any medication today? A. No. Q. Can you please tell me your date of birth? 	16 17 18 19 20 21	A. Yes.Q. How long were you married?A. Five years.Q. And when was that?A. 1995.Q. To 2000?A. Um-hum.

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4 (Pages 10 to 13)

	Page 10		Page 12
1	A. I did.	1	reported to the owner the state of affairs.
2	Q. What high school did you go to?	2	Q. The owner, is that Terry Davis or somebody else?
3	A. Truckee Tahoe.	3	A. No, it's Travis Bonanno.
4	Q. And did you graduate high school?	4	Q. I'm going to go back a little later and talk about the
5	A. I did.	5	different duties that you did more in detail, but prior to MDB
6	Q. Did you attend any secondary education after high	6	where did you work?
7	school?	7	 A. I worked for Atlas Contractors in Sparks.
8	A. No.	8	Q. And when did you work at Atlas, if you can recall when
9	Q. What is your current occupation?	9	you started there?
10	A. Dispatcher,	10	A. I believe that was March of 1992.
11	Q. For what company?	11	Q. And then when did you leave Atlas?
12	A. Cyclone Transport.	12	A. It was in March of 2007.
13	Q. And how long have you worked there?	13	Q. Why did you leave Atlas?
14	A. One and a half years.	14	A. Went to start my own business.
15	Q. What do you do as a dispatcher at Cyclone?	15	Q. What business did you start?
16	A. Coordinate orders and equipment to jobs and customers.	16	Metal building construction.
17	Q. And before Cyclone where did you work?	17	Q. Metal building?
18	A. MDB Trucking.	18	A. Um-hum.
19	Q. And how long were you at MDB Trucking?	19	Q. Is that what it was called, the company?
20 21	A. Five if I am correct, five years and a month.	20	A. No.
22	Q. Do you remember when you started?	21	Q. What was the company called?
23	A. It was in November of 2010.	22	A. It was Silver State Construction.
24	Q. And do you remember when you left?	23	Q. How long did you have Silver State Construction for?
25	A. December 2nd, 2015.	24	A. I ended up not buying the business. I worked there
	Q. Why did you leave MDB?	25	for three years.
	Page 11		Page 13
1	A. I was dismissed, fired.	1	Q. So was that from 2007 to 2010?
2	Q. Why were you fired?	2	A. That is correct.
3	A. There were no reasons given.	3	Q. Is there any particular reason why you decided not to
4	Q. Who was it that fired you?	4	buy the business?
5	A. Safety director of a sister company, Terry Davis.	5	A. The economy for one. Two, couldn't agree upon a sale
6	Q. He didn't provide any reason?	6	price in the end.
7	A. He didn't even know, no.	7	Q. Okay.
8	Q. He didn't know what He is the one that informed you	8	When you were working at Silver State Construction
9	that you were fired?	9	what was your job title?
10	A. Um-hum.	10	A. Estimator, project superintendent.
11	Q. And he didn't know the reason why you were?	11	Q. What were the job duties that you would perform?
12	A. Um-hum.	12	A. Managed construction crews, go to bid openings, job
13	Q. Did you ask about it?	13	box.
15	A. Yes.	14	Q. So your duties here were a little bit different than
16	Q. Did they do any investigation to give you any more information?	15	as dispatcher at MDB and what you're currently doing, is that
17	information?	16 17	correct?
18	A. Never talked to them again. Q. Okay.	18	A. Yes.
19	And at MDB Trucking what was your job title?	19	Q. So before that you were at Atlas. What was your job
20	A. Dispatcher.	20	title at Atlas?
21	Q. Briefly take me through the job duties that you would	21	A. Low bed truck driver.
22	perform at MDB Trucking?	22	Q. Did you only drive low bed trucks?
23	A. I did the hiring of drivers, the training of the	23	A. I drove Primarily, yes, that was my truck, but I filled in on others as needed.
	drivers, approved timecards. I'm trying to remember the exact	24	Q. What were other types of trucks that you drove?
24			
24	word, essentially reconciled paperwork and timecards and	25	A. Transfers, end dumps, bottom dumps, water trucks.

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5 (Pages 14 to 17)

Prince Constitution of the			5 (Pages 14 to 1/)
	Page 14		Page 16
1	Q. When you say bottom dumps are bottom dump and belly	1	A. Yes.
2	dump considered the same?	2	Q. What type of training did you receive?
3	A. Yes.	3	A. There were no instruction manual.
4	Q. So you drove belly dumps at Atlas?	4	Q. There was no instruction manual?
5	A. Yes.	5	A. There were no instruction manual, but just simple
6	Q. How often would you drive a belly dump?	6	here's the switches, this is how they work, this is the valve,
7	A. At Atlas I very rarely did.	7	this is how you use the valve.
8	Q. Like once a month, would you guess, or less than that?	8	Like at Granite you're paving with bottom dumps and so
9	A. Less than that.	9	there is a dump man that walks beside you and actually operates
10	Q. And the belly dumps or bottom dumps that you drove,	10	the valve for you regulating the size of the windrow. So he
11	did they have Versa valves on them, do you recall?	11	does most of that and it's almost like being taught how to ride
12	A. I believe they did.	12	a bicycle from a tricycle. So it's very just very simple and
13	Q. At Atlas were you provided any training regarding	13	obvious.
14	driving transfer trucks, end dumps or bottom dumps?	14	So training almost seems as though it's probably the
15	A. Yes.	15	least amount of training involving the trailers you use as
16	Q. What type of training did you receive?	16	compared to the truck.
17	A. Well, I believe it would be to me considered	17	Q. Okay.
18	rudimentary, simple operation of the switches of the trailer.	18	So would a dump man usually be the one operating the
19	Most of that for most any driver is fairly common knowledge.	19	valve then on the trucks that you drove?
20	It's not like flying a space shuttle, for example. You can look	20	A. Correct.
21	at a piece of equipment and see it's very simple.	21	Q. Did you ever have to actually operate the Versa valve
22	Q. Okay.	22	for opening?
23	A. And they are all the same.	23	A. From inside the cab, yes.
24	Q. Were you provided any specific training regarding the	24	Q. So you would never actually do it manually, that would
25	operation of the Versa valve on the belly dumps, if you recall?	25	be the dump man?
		ļ	
	Page 15		Page 17
1	A. No, I believe I had that knowledge prior.	1	A. Correct.
2	Q. Okay,	2	Q. So before Granite Construction where were you, where
3	So then let's go back even further. Before Atlas	3	did you work?
4	where were you?	4	A. Sierra Rental and Transport.
5	A. Granite Construction.	5	Q. Sierra?
6	Q. When did you begin working at Granite Construction?	6	A. Um-hum.
7	A. I believe it was '91.	7	Q. And where was that located?
8	Q. Where is Granite Construction located?	8	A. Sparks.
9	A. Sparks.	9	Q. When did you start working at Sierra Rental and
10	Q. And you worked for Granite Construction from '91 to	10	Transport?
11	'92; is that correct?	11	A. 1987.
12	A. That's correct.	12	Q. Did you work there until '92?
13	Q. And what was your job title at Granite Construction?	13	A. '91.
14	A. Truck driver.	14	Q. I'm sorry, yes, '91.
15	Q. Why did you leave Granite Construction?	15	What was your title at Sierra Rental and Transport?
16	A. Winter layoff.	16	A. Truck driver.
17	Q. What type of trucks would you drive there?	17	Q. What type of trucks did you drive?
		18	A. Truck and pup, end dump, bottom dump.
18	Bottom dumps.		
18 19	A. Bottom dumps. Q. Only bottom dumps?	19	Q. Did you receive any training in regards to driving the
	•	19 20	Q. Did you receive any training in regards to driving the trucks at Sierra Rental and Transport?
19	Q. Only bottom dumps?A. That is correct.		trucks at Sierra Rental and Transport?
19 20	Q. Only bottom dumps?	20	trucks at Sierra Rental and Transport? A. Yes.
19 20 21	Q. Only bottom dumps?A. That is correct.Q. Do you recall if those bottom dumps had Versa valves on them?	20 21	trucks at Sierra Rental and Transport? A. Yes. Q. And again what kind of training did you receive, was
19 20 21 22	 Q. Only bottom dumps? A. That is correct. Q. Do you recall if those bottom dumps had Versa valves on them? A. I believe they did. 	20 21 22	trucks at Sierra Rental and Transport? A. Yes. Q. And again what kind of training did you receive, was it in-house training?
19 20 21 22 23	Q. Only bottom dumps?A. That is correct.Q. Do you recall if those bottom dumps had Versa valves on them?	20 21 22 23	trucks at Sierra Rental and Transport? A. Yes. Q. And again what kind of training did you receive, was

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6 (Pages 18 to 21)

in a little grand State of		6 (Pages 18 to	۷. ــا
	Page 18	Page	e 2
1	training you?	A. Yeah, Antarctica was from '85 to the end of '87	- '88
2	A. Basic how to operate the various trailers.	² actually.	
3	Q. You operated bottom dumps at Sierra Rental and	Q. So Sha-Neva, were you still working I have '77	to 7
4	Transportation?	4 '87, so was it '85?	
5	A. Yes.	5 A. Well, Antarctica I went down in the summers, our	г
6	Q. How often would you drive a bottom dump trailer?	6 winters here, summers there.	
7	A. Irregular.	Q. So Sha-Neva was seasonal and then you would go	o ye
8	Q. Would you say once a month?	8 were up there half the year and Antarctica half the year?	
9	A. Probably less.	9 A. Um-hum.	
10	Q. Once every three months maybe?	Q. Where did you work in Antarctica?	
11	A. That's more like it.	A. Two summers in McMurdo and one at the South I	Pole
12	Q. Okay.	12 station.	
13	Did those bottom dumps have Versa valves on them?	Q. What company did you work for?	
14	A. Those did.	14 A. I worked for ITT.	
15	Q. So prior to Sierra where did you work?	Q. What does that stand for?	
16	A. Sha-Neva Incorporated.	A. International Telephone Telegraph was the parent	t
17	Q. Where was that?	company. Antarctica services was the division that wa	
18	A. Truckee.	18 polar division.	
19	Q. When did you start working at Sha-Neva?	Q. What was your job title?	
20	A. It was a family business. Legally I think I got my	A. Equipment operator. Truck driver for the first	
21	first paycheck in '77.	season, I should say. Equipment operator for the last two	,
22	Q. So you worked there from '77 to '91 I'm mean sorry,	Q. As a truck driver did you operate belly dumps?	,,
23	to '87?	A. No.	
24	A. Correct.	Q. As an equipment operator what did that entail?	
25	Q. What was your job title there?	A. Running loaders, loading dump trucks, forklifts, w	vhat
	Page 19	Page	······· 21
1	A. Slave.	people call dozers. I believe that's rough drills for	
2	Q. So you did a little bit of everything they needed?	drilling and blasting.	
3	A. Um-hum.	Q. Did I miss any other jobs?	
4	Q. Was this a trucking business as well?	4 A. None.	
5	A. It did have a trucking division to it, yes.	5 Q. Okay, great.	
6	Q. Did you drive trucks?	6 Did you do anything to prepare for your deposition	
7	A. I did.	7 today?	ı
8	Q. Did you drive any bottom dumps or belly dumps?	B A. No.	
9	A. Yes.	73. 110.	
10	Q. How often would you drive those?	Q. Did you speak to anyone in preparation for your	
11	A. Seasonal, summer, a third of the time.	deposition today:	
.2	Q. Did they have Versa valves in those?	TI, That onot.	:4: - ^
13		Q. Did you speak with Burner Roski about his deposi	ition?
. 4	A. Those did, yes. Q. Why did you leave Sha-Neva?	71. 110.	41. 0
1.5	A. To see the world.	Q. Did you speak with Scott I aimer about his deposit	uon?
.6		15 A. No.	
.7	Q. With Sierra, why did you leave Sierra Rental and	Q. Did you speak with Patrick Bigby about his depos	sition
. 8	Transport? A. Lack of work.	17 A. No.	
19		Q. I'm going to go back to your time at MDB Truckin	_
20	Q. Okay.	you were there from 2010 to 2015. Who hired you at MD	DΒ
	So before Sha-Neva where did you work?	Trucking?	
1	A. I was a student.	A. Travis Bonanno.	
2.2	Q. Okay.	Q. And when you arrived were you trained by anyboo	-
23	A. That was the beginning.	MDB Trucking to do any of the for the hiring, training,	
22 23 24 25	A. That was the beginning. Q. So where was Antarctica, I feel like we're missing Antarctica?	MDB Trucking to do any of the for the hiring, training, timecards, paperwork and that sort of thing? A No	

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7 (Pages 22 to 25)

	7 (Pages 22 to 25
Page 22	Page 24
 Q. How many people did you hire during your time at MDB 	of your employees or did you yourself perform any inspection on
2 Trucking, if you can recall?	the trailer prior to putting it in service?
A. I would say under 30. I could be wrong.	³ A. Yes.
Q. Did you hire Daniel Koski?	Q. Who performed the inspection when you first leased the
5 A. I did.	5 trailer before you put it in service?
Q. Did you hire Scott Palmer?	6 A. I don't recall who specifically did that.
⁷ A. I did.	⁷ Q. Did you do that?
8 Q. Did you hire Patrick Bigby?	8 A. I certainly inspected many, but I can't say for sure.
9 A. I did.	9 The record indicates, but I don't recall.
Q. Were you responsible for any of the purchasing or	Q. Did you receive any maintenance records from the
leasing of the trucks and trailers at MDB?	company that you leased the trailer 6775 from before you started
12 A. I was.	leasing it? So that was probably a badly phrased question, so
13 Q. Okay.	13 strike that.
Do you happen to recall the equipment number of the	From SKS Corp, did they provide you any of the
truck and trailer for the July 2014 unintentional dump on the	maintenance records of 6775 before it was acquired by MDB?
highway driven by Daniel Koski?	A. No, I don't recall seeing any previous paperwork.
17 A. I do.	17 Q. Okay.
Q. What equipment number was that?	So you're not sure if there was anything done to the
A. The trailer was number 6775.	trailer prior to MDB leasing the trailer, any work performed or
Q. Okay.	20 maintenance done on it?
And were you responsible for leasing that trailer?	A. Well, the trailer was used so I'm certain there was
A. I was involved.	normal maintenance performed, which would be common, unknown to
MS. SHREVE: Brian, do you have any objection to using	me what it may have been.
the exhibits from yesterday for today?	24 Q. Okay.
MR. BROWN: Yes.	When you were working at MDB did you or did you have
Page 23	Page 25
¹ I'm just kidding.	anyone at MDB perform maintenance on trailer 6775 or did you
2 BY MS, SHREVE:	2 have to send it to SKS Corp?
Q. I'm going to show you this is Exhibit 1. Does this	3 A. No, MDB did all of their own maintenance.
4 look familiar to you?	Q. Earlier you testified you did all the training at MDB
5 A. Yes.	5 when you were employed there; is that correct, you did all the
⁶ Q. So is this a bill from the purchase of the truck and	6 training for the employees?
trailer that Daniel Koski drove or one of them?	7 MR. BROWN: I'm going to object. I think it misstates
A. This is looks like an invoice for six trailers, two	his testimony. I think it was limited to certain areas, but you
9 sets, train sets, one of which was Danny's, yes. No trucks,	9 can answer, if you can.
though.	THE WITNESS: I don't believe I did all of it.
Q. Just the trailers, sorry.	11 BY MS. SHREVE:
And then did MDB lease the trailers from SKS Corp; is	Q. What training did you perform?
that correct?	A. Well, I arranged for training through MSHA as MDB was
14 A. I believe that's how he had that set up.	an MSHA carrier. I was a trainer for Cemex, which is one of
Q. Did you negotiate the lease of the truck and trailer,	their customers, and I did the training for all the employees
so 6775 trailer?	who went to that customer.
17 A. No.	O. Went to Cemex?
71. 110.	Q. Work to comer.
Q. Who negotiated the lease for that:	re. 103, which was all of our employees.
71. That I would have no laca.	so I was trained by certien to train our gays, and
Q. Onay.	you're wanting to know other type of training?
But you were involved in the process of it, though:	Q. Yes.
A. As I see that as being internal.	Did you do any other training for any of the employees
23	
23 Q. Okay.	at MDB?
Q. Okay. A. Which I had no involvement in. Q. When MDB first leased trailer 6775 did you request any	 at MDB? A. It was all task specific training. So whatever job that the various employees had I made sure that they had the

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8 (Pages 26 to 29)

Carrena Maria		8 (Pages 26 to 29)
	Page 26	Page 28
1		
2	training, whether the training was in-house or outsourced. Q. Okay.	to and or a minute guitaria and as it. They explain every facet of
3	A. Every position.	it as far as the moving as unloading, the surroundings, the softness or the hardness of the ground, getting stuck on your
4	Q. Okay.	4 load, I mean
5	As a trainer for Cemex, you said that Cemex actually	5 Q. So you said that they taught you about the switch and
6	trained you themselves; is that correct?	6 manually using the lever to open and close; is that correct?
7	A. That is.	7 A. Yes.
8	Q. What type of training did Cemex provide you?	8 Q. So how did they teach you how to manually open and
9	A. MSHA for one. Actually myself and others, Danny	9 close the lever?
10	included, received our MSHA training at and through Cemex.	A. Well, MSHA is very safety oriented. I don't want to
11	Q. And what is MSHA?	sound childish, but they you almost they treated it like
12	A. Mine and Health Safety.	it was a nuclear bomb practically. You had to have all your
13	Q. What type of training does that include?	safety gear, eyewear. You had to check your surroundings of
14	A. It is geared towards surface mining, the training of	where you were at. Even though it's the most simplest thing
15	awareness around the various equipment, how to operate task	they teach you even how to walk on a job site.
16	training what you operate. Every individual piece of equipment	So it is all encompassing in the training of the
17	that you operate you're task trained for that specific piece of	bottom dump, as simple as it is. I mean it's very difficult for
18	equipment.	me to even recall all the minute of what they taught us because
19	Q. Does that include driving a belly dump truck and	it is such second nature.
20	trailer?	Q. Let's go, then, specifically your we don't need to
21	A. Specifically, yes.	talk about the other safety stuff, but just actually the opening
22	Q. Did it include operating the opening and closing of	and closing of the belly dump, how you actually do that like
23	the belly dump truck and trailer?	step by step, do you just push the handle in, how did you
24	A. Yes.	24 perform that?
25	Q. So tell me a little bit about so Cemex had you go	A. Well, the lever is spring loaded, air pressure is
*****************	Page 27	Page 29
1	to MSHA training; is that correct?	behind it. You push it to open the gate and the further you
2	A. Yes.	² push it in the more the gate opens.
3	Q. So tell me a little bit about the what was	Q. When you say it are you talking about the lever?
4	explained to you regarding driving a belly dump trailer during	A. The lever itself.
5	your MSHA training?	5 Q. Okay.
6	A. What was explained to me?	A. And if you let go of the lever it closes.
7	Q. Yes, what did they tell you about driving a belly dump	7 Q. Okay.
8	trailer?	8 A. And there is a relief valve, I don't recall the exact
9	A. Well, I'm not sure I think along those lines. I don't	9 terminology, that if you push that in it relieves the pressure,
10	want to read into it, but perhaps we went through the	the air pressure in that cylinder that the lever is attached to.
11	rudimentary safety of operating it on a site. Maybe I'm not	Q. Are you talking about the accumulator?
12	understanding exactly.	12 A. That's it.
13	Q. So were they training you more on the safety of	Q. Okay.
14	driving versus actually operating the truck, how to operate it?	A. That's it, and that will allow the lever to stay in
15 16	A. Both.	any position to move it and it will stay there. That
17	Q. Okay.	accumulator will equalize the pressure. So you can operate it
18	So let's go to when you were operating a belly dump, how did they teach you how to operate a belly dump to open it	by hand two different ways.
19	and close it?	2. So they aught you two unforth ways to operate the
20	MR, BROWN: At	To the mandary, is that correct.
21	BY MS. SHREVE:	7t. Concet.
22	Q. At MSHA training, what about the MSHA training	Q. And correct me if I'm wrong, the first way you said was just pushing the lever in and then did you say it would
23	A. Oh, boy, they explain training hands on, on-site, the	automatically close; is that correct, is that what you said?
24	operation with the switches in the cab, the valve on the	24 A. That is.
25	outside. They go after you're finished with that class you	Q. That was the first way?
23	odiside. They go after you're fiffished with that class you	

(C. 1882 to 1884 to 1884			9 (Pages 30 to 33)
	Page 30		Page 32
1	A. Um-hum.	1	A. I don't recall precisely, but I must have.
2	Q. And then the second what was the second way, sorry?	2	Q. Did you keep any records after an employee completed
3	A. The accumulator.	3	their MSHA training or Cemex training?
4	Q. And can you go through that process again?	4	A. Yes.
5	A. That equalizes the pressure in the cylinder.	5	Q. What type of record was kept?
6	Q. So would you push the accumulator first or after you	6	A. You were issued a certificate from MSHA from your
7	moved the lever?	7	trainer that you were required to carry a copy to present when
8	A. Most times first, because it would be the simple step	8	needed and there were multiple copies through carbon or some
9	to push that and then adjust the lever where you want.	9	such thing. One copy was left with the trainee, one went into
10	Q. Okay.	10	his qualification file, because in the case of an audit MSHA
11	So you would push it and put it wherever you want and	11	an MSHA audit you would have to show that
12	then would it automatically close or would it stay there?	12	Q. That they had their training?
13	A. It would stay there until you moved the lever.	13	A. In their qualification file, yes.
14	Q. Okay.	14	Q. Okay.
15	So if you pushed it and moved it forward and it opened	15	Would you let a driver drive if they didn't have their
16	how would you close the belly dump?	16	MSHA training?
17	A. You would pull the lever back and then you would	17	A. Yes.
18	function through the switch on the dash to reset the	18	Q. How long would you let a driver drive without having
19	accumulator.	19	their MSHA training?
20	Q. So for the second way you would do it manually and	20	A. MSHA isn't required for all positions.
21	then have to use the switch inside; is that correct?	21	Q. So what positions is it required for?
22 23	A. Electrically.	22	A. When you're entering a mine site that is regulated by
24	Q. Okay.	23	MSHA.
25	Were you ever taught to not use the switch after you	24	Q. So for drivers that were not entering mine sites did
23	used the accumulator?	25	they have other training regarding operating a belly dump
	Page 31		Page 33
1	A. No.	1	trailer?
2	There were no instructions supplied with the	2	A. Yes.
3	manufacturer, but that's just common sense.	3	Q. Was that the training that was performed by Cemex or
4	Q. Okay.	4	did you provide the training at MDB?
5	Common sense to do the switch after, is that what	5	A. Both, as a matter of fact.
6	you're saying, if I understood correctly?	6	Q. What was the training did you take any training
7	A. I would say.	7	from Cemex other than the MSHA training regarding operating the
8	Q. Okay.	8	belly dump?
9	A. Everyone does it.	9	A. I did.
10	Q. Okay.	10	Q. Was that training different or were you told
11	So that is what you were taught at MSHA, correct, that	11	differently regarding operating the belly dump at Cemex than
12	Cemex sent you to? I'm just trying to get the	12	MSHA?
13	A. Yes, that was part of the MSHA training. It wasn't	13	A. No, there were no differences.
14	anything new, it was known, but that was reinstilled there.	14	Q. Was every driver at MDB required to go through the
15	Q. And you said Daniel Koski also attended that MSHA	15	Cemex training?
16	training?	16	A. Yes.
17	A. He did.	17	Q. Did MDB keep records of the Cemex training performed?
18	Q. And what about Tracy Shane?	18	A. Yes.
19	A. I was there, too.	19	Q. Was it a certificate like the MSHA?
20	Q. I mean, sorry, Patrick Bigby?	20	A. Similar.
21	A. Yes, he went through MSHA training as well.	21	Q. Would you allow a driver to drive without having their
22	Q. What about Scott Palmer?	22	Cemex training?
23	A. Yes.	23	A. No.
24	Q. For Daniel Koski, Patrick Bigby and Scott Palmer did	24	Q. When you were employed with MDB did MDB have any
25	you schedule their training with Cemex and MSHA for that?	25	written company policy regarding the operation of the trucks or

10 (Pages 34 to 37)

	Page 34		Page 3
1			•
1 2	trailers?	1 2	Q. Okay.
3	A. Yes. O. Okay.	3	A. The second one was Danny. Q. Did you have any other drivers driving the bottom dump
4	What was the company's written policy, did they have a	4	trailers?
5	handbook?	5	A. Only had two and those were the two fellows.
6	A. Yes.	6	Q. Okay.
7	Q. Was that written handbook around prior to your	7	So from 2010 to 2015 yourself, Louis and Daniel were
8	employment at MDB?	8	the only three drivers of bottom dumps at MDB?
9	A. Prior to my employment I can't really say.	9	A. No, no, by 2015 there were dozens of trailers by that
10	Q. When you started working there did they have that	10	time.
11	handbook?	11	Q. Okay.
12	A. I don't believe there was a handbook that I received.	12	What about in 2013.
13	Q. Do you recall the first time you remember seeing the	13	A. '13, number of trailers?
14	company handbook regarding the operation of the trucks and	14	Q. Yes, we will do the number of trailers, bottom dump
15	trailers?	15	trailers?
16	A. Repeat that, please.	16	A. I believe eight.
17	Q. I believe you just testified that there was written	17	Q. Eight bottom dumps.
18	company policies or procedures regarding the operation of the	18	Would that be eight trucks with trailers or just eight
19	trucks and trailers?	19	actual trailers?
20	A. Um-hum.	20	A. Eight separate trailers that can be configured into
21	Q. I believe you said that you do not recall them having	21	train combinations.
22	one when you first started at MDB. So I'm trying to figure out	22	Q. What about 2014, how many bottom dump trailers did yo
23	when they implemented the written policies regarding the	23	have or did MDB have?
24	operation of the truck and trailer, so just trying to recall	24	A. I believe in '14 we added 16 more.
25	what year you remember seeing it first?	25	Q. Okay.
	Page 35		Page 37
1	A. I would have to say it was shortly into 2011. I	1	So sixteen to the eight, on top of the eight?
2	should say that they didn't have bottom dumps originally. That	2	A. Correct.
	came along in 2011.	3	We may have we may have actually in '13 we had
4	Q. So MDB first started with bottom dumps in 2011 then?	4	seven.
5	A. Correct.	5	Q. Seven.
6	Q. So when MDB received the bottom dumps in 2011 there	6	So then in 2014 did MDB have to hire additional bottor
7	was a written policy regarding the operation of those trailers	7	dump drivers to accommodate the 16 additional belly dump
8	then; is that correct?	8	trailers?
9	A. Well, I guess you could say that. I was the driver.	9	A. Yes.
.0	I was the only I was the only one to tow the bottom dump so	10	Q. Who did you hire or who did MDB hire at that time to
1		11	drive the additional belly dump trailers?
2	Q. When did other drivers begin driving the other bottom	12	A. You want their names?
3	dump?	13	Q. Please.
4	A. I would have to say 2012. It could have been late	14	A. Boy, I'm not sure I can
5	it could have been could have been '11, but I believe it was	15	Q. If you can remember.
6	in '12.	16	A. Boy, I haven't thought about this in quite a while.
7	Q. Okay.	17	Q. Testing your memory today.
	Did you hire the drivers to drive the bottom dump	18	A. Yes, Jim Logan.
8	trailers?	19	So between the Reno division we had Louis that we
	A. I did.	20	mentioned, Danny and Jim. We had three sets up here. Is
9		21	Sacramento relevant?
9 1	Q. Who did you hire to drive the bottom dump trailers?		Baciamento relevant.
9 1	A. Names?	22	Q. We will just talk about Reno.
9 1	A. Names? Q. Yes, please.		
18 19 20 21 22 23	A. Names?	22	Q. We will just talk about Reno.

11 (Pages 38 to 41)

SESSEEMEN STATE		11 (Pages 38 to 41)
Į.	Page 38	Page 40
1	Q. So how many of the bottom dumps were added to Reno?	inspection station or Highway Patrol, clarifications.
2	A. None.	2 Q. When you were at MDB did you require your belly dump
3	Q. So the 16 additional were for Sacramento in 2014?	drivers to perform inspections on the trucks and trailers each
4	A. Correct.	4 day?
5	Q. Okay.	5 A. Every day.
6	A. That is correct.	⁶ Q. Was that implemented by you or was that prior to your
7	Q. So Reno had seven total bottom dump trailers; is that	7 time?
8	correct?	A. I'm certainly sure it was prior to my time.
9	A. Yes, that is correct.	⁹ Q. And how would you ensure that the drivers were
10	Q. And yourself, Louis and Daniel and Jim were the only	performing their daily inspections of their trucks and trailers
11	drivers of those bottom dump trailers?	on the belly dumps?
13	A. I would say so, yes.	A. I would ensure it in a number of ways.
14	Well, Scott he drove. He and I drove when needed. Q. Anybody else drive occasionally?	Q. Gray.
15	A. Pat,	The agn visual, through back up hispection by hisperi
16	Q. Anybody else that you can think of?	or the maintenance crew, by looking at the paperwork that is involved by the driver to do these inspections.
17	A. Well, no, not that I can think of	Q. After they would do the inspections they would
18	Q. Okay.	would they turn paperwork into you?
19	Who trained Pat, Scott, Louis, Daniel and Jim in	19 A. That is correct.
20	driving and operating the belly dump trailers?	Q. And what would you do with that paperwork?
21	A. Well, officially I was as required by DOT, not to	A. Depending upon what was written on it. If it was
22	mention all of the various training that we need to be subjected	there were no defects then it went into a file for that
23	to through job requirements of our customers. Even though it's	particular trailer. If there were defects a report was written
24	all rudimentary and been the same for years we all have to	up always someone would always verify prior to writing up the
25	submit to annual training. So either myself or someone at Cemex	paperwork to see what was involved, and I mean the flow of
-		
	Page 39	Page 41
1	Page 39 would do those.	
1 2	would do those.	
		paperwork just went on from there.
2	would do those. Q. When you hired Louis, Daniel, Jim, Scott and Pat did	 paperwork just went on from there. Q. Would you keep the daily inspection reports that you
2 3 4 5	would do those. Q. When you hired Louis, Daniel, Jim, Scott and Pat did you provide them with the written company policy regarding	paperwork just went on from there. Q. Would you keep the daily inspection reports that you would receive?
2 3 4 5 6	would do those. Q. When you hired Louis, Daniel, Jim, Scott and Pat did you provide them with the written company policy regarding operation of the belly dumps? A. I did with whatever form it was at the time. Q. Do you recall what form it was at the time?	paperwork just went on from there. Q. Would you keep the daily inspection reports that you would receive? A. The daily, yes. The law requires, I believe, 90 days. Q. So you would keep them for the 90 days and then discard; is that correct?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	would do those. Q. When you hired Louis, Daniel, Jim, Scott and Pat did you provide them with the written company policy regarding operation of the belly dumps? A. I did with whatever form it was at the time. Q. Do you recall what form it was at the time? A. It's always a work in progress from one year to the next, sometimes revised more often depending upon need. Q. Is it a book or is it sheets of paper? A. I don't believe it was bound or hole punched. I think mostly a handout in stapled form. Q. And when there were updates who would provide the updated versions of the handbook, is that something you would work on A. Yes. Q and provide? A. Yes. Q. Would you type something up on the computer and print it out and give it to them? A. It would be presented at a safety meeting or with a paycheck, depending upon what it was. Q. What sort of things would be in the revisions?	paperwork just went on from there. Q. Would you keep the daily inspection reports that you would receive? A. The daily, yes. The law requires, I believe, 90 days. Q. So you would keep them for the 90 days and then discard; is that correct? A. Oh, yes. Q. If there was an issue with a truck or trailer during the driver's daily inspection would they still continue would you allow them to continue to pick up their load for the day? A. It depends on what type of defect. Q. Do you have an example of a type of defect that they would still be allowed to drive even though they indicated there was a defect prior to leaving? A. Well, I can Yes, I can recall. These trailers are detachable. You can run as three or two or one. A landing leg for the tongue on a trailer, for instance I can remember being written up that like the foot needed to be welded or a new tire put on it or something, and those sorts of items, unrelated to our daily activity depending upon what it was, you know, we wouldn't repair it then, maybe not until the end of the shift or the next day, if we weren't going to unhook it, just common
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	would do those. Q. When you hired Louis, Daniel, Jim, Scott and Pat did you provide them with the written company policy regarding operation of the belly dumps? A. I did with whatever form it was at the time. Q. Do you recall what form it was at the time? A. It's always a work in progress from one year to the next, sometimes revised more often depending upon need. Q. Is it a book or is it sheets of paper? A. I don't believe it was bound or hole punched. I think mostly a handout in stapled form. Q. And when there were updates who would provide the updated versions of the handbook, is that something you would work on A. Yes. Q and provide? A. Yes. Q. Would you type something up on the computer and print it out and give it to them? A. It would be presented at a safety meeting or with a paycheck, depending upon what it was. Q. What sort of things would be in the revisions?	paperwork just went on from there. Q. Would you keep the daily inspection reports that you would receive? A. The daily, yes. The law requires, I believe, 90 days. Q. So you would keep them for the 90 days and then discard; is that correct? A. Oh, yes. Q. If there was an issue with a truck or trailer during the driver's daily inspection would they still continue would you allow them to continue to pick up their load for the day? A. It depends on what type of defect. Q. Do you have an example of a type of defect that they would still be allowed to drive even though they indicated there was a defect prior to leaving? A. Well, I can Yes, I can recall. These trailers are detachable. You can run as three or two or one. A landing leg for the tongue on a trailer, for instance I can remember being written up that like the foot needed to be welded or a new tire put on it or something, and those sorts of items, unrelated to our daily activity depending upon what it was, you know, we wouldn't repair it then, maybe not until the end of the shift or the next day, if we weren't going to unhook it, just common

12 (Pages 42 to 45)

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Page 42
                                                                                                                                        Page 44
           A. In the pre-trip, yes.
                                                                               1
                                                                                      upon the job. Sometimes you would tighten them up so it would
           Q. How about the post-trip?
                                                                               2
                                                                                      open up very little and other times you would not have them
           A. Oh, yes, and daily every use.
                                                                               3
                                                                                      restricting the width at all.
           Q. And would you have them in the morning before they
                                                                                         Q. Would you ever put those gate chains on when you're
        left -- how would you have them check it, using the electrical
                                                                                      driving to ensure the belly dump doesn't open while driving?
        switch or actually manually using the lever?
                                                                               6
                                                                                            MR. BROWN: Objection, foundation.
           A. Both, and there was plenty of time to do this as it is
                                                                                      BY MS. SHREVE:
        air operated. You couldn't move the truck because the brakes
                                                                                         Q. Go ahead, you can answer.
                                                                               Q.
        are air and you couldn't leave until you had enough air pressure
                                                                                         A. I can answer?
10
                                                                              10
        for the brakes to release and there were safeties involved in
                                                                                            MR. BROWN: You can.
11
                                                                              11
                                                                                            THE WITNESS: That is not the design or purpose of
12
           Q. So when they would check each morning manually would
                                                                              12
                                                                                      those chains. I suppose you wouldn't want to trust them.
13
        they do manually one or two? I'm just going to list them as one
                                                                              13
                                                                                      BY MS. SHREVE:
        or two from what we discussed earlier. Do you understand what I
                                                                              14
                                                                                        Q. Okay.
                                                                              15
        mean by manual one and two?
                                                                                            Earlier you testified you hired Patrick Bigby;
16
           A. One would be manually on the valve. Two would be
                                                                              16
                                                                                      correct?
17
        switch in the cab.
                                                                             17
18
          Q. No, I will go back.
                                                                              18
                                                                                        Q. What was the position you hired Patrick Bigby for?
19
                                                                             19
              So the one you said was just manually moving it. Two
                                                                                        A. Mechanic.
20
       you said was pushing the accumulator and then moving it,
                                                                              20
                                                                                        Q. Did MDB have a mechanic prior to Patrick Bigby?
21
        specifically for the manual, the two types of manual ways to do
                                                                              21
22
        it. Would you have them perform both manual ways?
                                                                              22
                                                                                        Q. Was Patrick Bigby -- Strike that.
23
                                                                             23
          A. It was up to their discretion to verify its function.
                                                                                           Prior to Patrick Bigby how would maintenance be
          Q. Okay.
                                                                             24
                                                                                     performed on the trucks and trailers that MDB used?
                                                                             25
          A. Releasing the pressure in the accumulator was not a
                                                                                        A. May I ask the definition of maintenance, airing of
                                                          Page 43
                                                                                                                                       Page 45
        function that was required by us or the driver or the job, but
                                                                              1
        you could tell if it was working just by the tension on the
                                                                              2
                                                                                        Q. Any of the duties that Patrick Bigby performed when he
                                                                              3
        lever. So there was no need to reset or push in the accumulator
                                                                                     was hired. So the duties that he performed who was responsible
        because you knew if there was tension on the lever there was
                                                                                     for those prior to his arrival at MDB?
        pressure on the accumulator.
                                                                                        A. Well, general maintenance we had a tire guy, an
          Q. Okay.
                                                                                     independent tire contractor so we didn't -- that wasn't part of
              During the pre-trip inspection were the drivers
                                                                                     our maintenance. That was something that an outside vendor did
       required to make sure the electrical connections between the
                                                                                     maintenance-wise
       trucks and trailers were working properly?
                                                                                          I hired Pat because of the onset of the miles being
10
          A. Yes, they were an integral part of the system.
                                                                             10
                                                                                     put on the trucks that we were going to need a mechanic and it
11
          Q. During your time at MDB did you have any policy
                                                                             11
                                                                                     was far more effective to have on our on staff rather than
12
       regarding the gate chains?
                                                                             12
                                                                                     sending it out and waiting and having unknown people working on
13
              I'm not sure -- So there is chains to limit how far
                                                                             13
                                                                                     the trucks. So there hadn't been any -- depending upon your
14
       the belly dump can open and close. Do you understand which
                                                                             14
                                                                                     definition of maintenance there hadn't been really any heavy
15
       chains I'm talking about?
                                                                             15
                                                                                     maintenance required quite yet.
16
                                                                             16
          A. Yes. I do
                                                                                        Q. Who would you send the trailers or trucks out to to do
17
          Q. I will call them the gate chains to make it easy so we
                                                                             17
                                                                                    any of the type of performance that Patrick Bigby would perform?
18
                                                                             18
       know what we're talking about.
                                                                                       A. There hadn't been any at that point, any needed -- any
19
                                                                             19
             Did MDB have any policy while you were there regarding
                                                                                    repairs like that.
20
       placing the gate chains on the belly dump at all?
                                                                             20
21
                                                                             21
          A. Not in general terms, no.
                                                                                          Was Patrick Bigby the only person responsible for
22
                                                                             22
          Q. Were there any other terms other than general terms?
                                                                                    performing maintenance on the trucks and trailers?
23
          A. Yes, I suppose depending upon the job that the truck
                                                                             23
24
       was going to that was, like you mentioned, a gauge to set a
                                                                             24
                                                                                       Q. Who else performed maintenance on the trucks and
25
       width of the gates. So that was a normal practice depending
                                                                             25
                                                                                    trailers?
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30000			13 (Pages 46 to 49)
	Page 46		Page 48
1	A. Scott did, I did. I believe somewhere along during	1	Q. Okay.
2	that time there were some part-time fellows, but I don't recall	2	Prior to July 2013 did you have any experience
3	who they were.	3	regarding maintenance of a Versa valve?
4	Q. Did you have any previous training regarding	4	A. Maintenance?
5	maintenance of trucks and trailers?	5	Q. Yes.
6	A. Um-hum, yes.	6	A. I don't no.
7	Q. What type of training did you have?	7	Q. Did you have any experience prior to July 2013
8	A. In my file and all of their files are certificates	8	regarding installation of a Versa valve on a trailer on a
9	that met the requirements of DOT for brake inspection, brake	9	belly dump trailer?
10	adjustment. Part of the federal annual inspection program,	10	A. No.
11	there's certificates for all of us to show that we are able and	11	Q. Prior to July 2013 did you have any experience in
12	approved to do such inspections.	12	maintenance of a belly dump trailer's electrical wiring?
13	Q. Okay.	13	A. Well, let me seek some clarification.
14	What type of maintenance work would you perform on the	14	Q. Okay.
15	trucks and trailers?	15	A. Maintenance on the electrical? I'm not aware of any
16	A. Just routine grease, pretty much greasing, maintenance	16	maintenance needed on an electrical system.
17	of that nature, filling the oilers on the bottom dump.	17	Q. Before July 2013 would you perform any inspection of
18	Q. What type of records did MDB require to be kept	18	the electrical wiring on a belly dump trailer?
19	regarding maintenance of trucks and trailers?	19	A. Yes.
20	A. Everything was recorded, everything was written.	20	Q. What sort of inspection would you perform?
21	Q. How were they recorded?	21	A. If the lights worked, the plug is clean, no corrosion.
22	A. There were various forms depending upon the task.	22	That was pretty rudimentary.
23	Q. What were the various forms? I know we have a work	23	Q. Would you ever inspect the electrical wiring in the
24	order that I will discuss with you.	24	belly dump trailer to the Versa valve?
25	A. Well, I don't really remember specifically, but I	25	A. Only if the switch in the cab didn't activate the
	Page 47		Page 49
1	believe there was a repair order form, there was a work order.	1	Versa valve.
2	I think there was a parts requisite form, not all of which	2	Q. Did that occur at any time before July 2013?
3	necessarily were needed, but I'm kind of seeing that one and I	3	A. The files would indicate. I'm sure, but I don't
4	see that it's familiar. It was check-offs depending upon what	4	remember specifically.
5	was done.	5	Q. I'm not trying to trick you here.
6	Q. And would MDB keep all of the work orders, repair	6	A. No, it's a common electrical things are common and
7	orders, part request forms?	7	usually it's very simple.
8	A. Oh, yes.	8	Q. I guess we will go into some of the maintenance
9	Q. How long would MDB keep those forms?	9	records then and kind of help you out.
10	A. As far as when I was there indefinitely.	10	So I'm going to go to This will be Exhibit 2. I'm
11	Q. When you hired Patrick Bigby do you know if he had any	11	going to ask you to turn to MDBMAINT 0000312. It will be at the
12	prior experience on maintenance of belly dump trucks and	12	bottom of the page. Do you see those numbers?
13	trailers?	13	A. Yes.
14	A. Yes.	14	Q. I think it should be the second page, if I'm correct.
15	Q. Yes, he did have prior experience?	15	A. 302?
16	A. Yes.	16	Q. 312.
17	Q. Do you recall what that prior experience was?	17	A. Okay.
18	A. I do not.	18	Q. So this work order is dated February 20th, 2014;
19	Q. Do you recall if he had any education and training on	19	correct?
20	maintenance and repair of belly dumps and belly dump trucks?	20	A. Yes.
21	A. I don't remember specifically, but he does.	21	Q. Actually sorry, wrong one.
22	Q. Okay.	22	MDBMAINT 000315, it should be the next page.
23	Do you recall if Patrick Bigby had any experience in	23	A. Okay.
24	regards to maintenance of a Versa valve prior to coming to MDB?	24	Q. Sorry about that.
25	A. Couldn't really say that for sure.	25	This work order is dated April 16th, 2014; correct?
		1	

14 (Pages 50 to 53)

Eggen on the second			14 (Pages 50 to 53)
	Page 50		Page 52
1	A. Um-hum.	1	Q. Yes, did someone sign off on them to know who actually
2	MR. BROWN: Is that a yes?	2	looked at that report?
3	THE WITNESS: I'm sorry, yes.	3	A. Oh, they were signed off by whoever made the repair.
4	BY MS. SHREVE:	4	Q. So they would I'm trying to make sure that I
5	Q. And you were currently employed at MDB at this time;	5	understand.
6	correct?	6	So the driver vehicle inspection report would come in
7	A. Yes.	7	and the driver would put it in the office; is that correct?
8	Q. Do you recall this work order, it says Versa valve	8	A. Yes, which is adjacent to the shop.
9	handle loose and it looks like spring action, check lever not	9	Q. And from there either yourself or Patrick Bigby or
10	working correctly?	10	Scott Palmer would look at the driver vehicle inspection report;
11	MR. BROWN: I'm going to object foundation. You	11	correct?
12	haven't even established that he ever saw it before.	12	A. Yes.
13	THE WITNESS: Yes, I'm not sure that I have seen it.	13	Q. What would occur after one of you looked at the driver
14	BY MS. SHREVE:	14	vehicle inspection report?
15	Q. So let's back up then. How does Scott receive	15	A. Then it was to be determined what the issue was,
16	information that he needs to perform work on a trailer?	16	determine what parts were needed, order, procure and repair.
17	A. Multiple ways. The driver through his DVIR or	17	Q. Who would determine that, the person who looked at the
18	verbally, and/or verbally, I should say, not just or, but and/or	18	driver vehicle inspection report?
19	verbally.	19	A. Not always. It could be any one or all of the three
20	Q. So whenever a truck or trailer needs work performed on	20	of us.
21	it does that go through you?	21	Q. How would you ensure that every driver vehicle
22	A. Not always.	22	inspection report was seen by one of the three of you?
23	In addition through there was checks and balances	23	A. It would be inconceivable that one of the three didn't
24	in addition to the DVIR through the normal weekly maintenance.	24	see it. A truck would come in, it was obvious to whoever was on
25	Q. Okay.	25	duty. If you hadn't received phone calls of an issue or fair
	Page 51		Page 53
1	So things could be performed on trucks and trailers	1	warning of an issue then you would be expecting that DVIR or a
2	and you would not be aware of that then; is that correct?	2	comment from the driver. It was a policy to review these.
3	A. Me personally?	3	Q. Okay.
4	Q. Yes.	4	How would you ensure that someone was actually
5	A. Oh, absolutely.	5	reviewing those? How would you know that someone reviewed them,
6	Q. Okay.	6	are they moved to a different stack, are they signed off on, how
7	So would the drivers when you said the DVIR we're	7	would you know?
8	talking driver vehicle inspection report; correct?	8	A. Yes, the DOT DVIRs that we used there was no provision
9	A. Daily.	9	on there to sign off on a clear DVIR, in other words a DVIR that
10	Q. So who would the drivers hand those reports to?	10	had no repair requests or equipment failures, only if there was
11	A. In Reno they were turned in where they turn in their	11	problems then it was signed off after being fixed.
12	paperwork in the office, which is where everything hubbed, the	12	So yes, it would go to a basket where it was turned
13	hub of everything.	13	in, removed, and then filed if there was no issue, and if there
14	Q. So would that be to you or somebody else?	14	was then one of these type of forms that you have here would be
15	A. Multiple, to myself, to Pat, to Scott.	15	filled out and affixed to the DVIR.
16 17	Q. Okay.	16	Q. You can hold onto Exhibit 2. We will just go to
18	So you would see so would you see every driver	17 18	Exhibit 10. This might be easier in discussing it since we have
19	vehicle inspection report that would come in then?	19	a driver vehicle inspection report so we can make sure that
20	A. One of the three of us would.	20	we're on the same page here. A. Yes.
21	Q. Okay. Is there a way you would be able to determine who	21	
22	would see the driver vehicle inspection report? Is there a way	22	Q. So if you go to the second page on Exhibit 10.A. On this?
23	to determine who looked at the driver vehicle inspection report	23	Q. Yes, please.
24	whether it was you, Scott or Patrick?	24	So at the top the date is 11/21/2015; correct?
	•		
25	A. Is there a way to know who looked at it?	25	A. Yes.

15 (Pages 54 to 57)

Page 54	Page !
Q. This is for tractor 5694; correct?	1 Q. Okay.
² A. Um-hum.	² A. I mean no.
Q. So the date of November 21, 2015, that is the date you	
that is the date the driver vehicle inspection report was	We will then go to Exhibit 3.
5 prepared; is that correct?	A. Are these for me to keep?
6 A. Yes.	6 MR. BROWN: No.
Q. So that is turned into the office. Then one of the	7 BY MS. SHREVE:
three of you look at the report and then at the bottom do you	⁸ Q. No, they are not. She needs to keep them.
9 know whose signature that is?	9 MR. BROWN: If you take off with them you're in b
A. I don't even recognize the driver's signature, but no,	trouble.
I'm not it would I can guess, but I don't know for sure.	11 THE WITNESS: I don't have any
Q. So it looks like someone signed off on it on 11/25/15;	12 BY MS. SHREVE:
is that correct?	Q. This is Exhibit 3. It should be MDB 031. Do you
14 A. Yes.	that at the bottom?
Q. So that is when so it would be signed off after the	15 A. Yes.
work was performed; is that correct?	Q. This is a work order from 4/13/2013; is that correct
A. That is what it appears to be.	on what it says up there?
Q. But there is no way looking at this to determine who	A. Um-hum, yes.
actually looked at this report and gave it to maintenance to be	Q. Have you seen this work order before?
repaired, is that a correct understanding?	A. This report?
A. Yeah, yes.	Q. Yes.
²² Q. Okay.	A. My name is on it, so I would assume that I had seer
A. Yeah, I'm just not even I don't recognize the	²³ it.
signatures, if that is what that is. Nothing looks out of the	Q. Okay.
ordinary to me.	25 Is this your handwriting?
Page 55	Page 5
1 Q. Okay.	A. It is not.
2 I'm just trying to figure out if there is a way to	Q. So would this indicate that you would have told it
determine whether you looked at a driver vehicle inspection	3 says performed by Patrick Bigby. So would this indicate that
report before turning it over to maintenance or not, but there	you would have told Patrick to perform this job?
5 would be no way of knowing?	5 A. Yes, yes, that is the layout of this, yes.
 A. Well, I may not even have been there. 	⁶ Q. Do you recall this event?
Q. But during your time at MDB there would be no way of	7 A. Not specifically.
8 knowing if you looked at the driver vehicle inspection report	8 Q. Okay.
9 versus Scott Palmer or Patrick Bigby?	⁹ A. I'm really having a difficult time even reading it,
A. Oh, I see. No, no way of determining.	what work was done.
11 Q. Okay.	MR. BROWN: We have been going about an hour and
So we will go back then to number 2, that page that	half, so whenever is good for you, if we could take a break.
you're on, Exhibit Number 2, MDBMAINT 000315.	MS. SHREVE: Would you like to take a break?
14 A. Okay.	14 THE WITNESS: Sure.
MR. BROWN: This is the document that he says he	MS. SHREVE: We will take a break and go off the
The Brown. This is the document that he says he	*
doesn't even recall seeing any more.	16 record.
This is the document that he says he	16 record. 17 (A recess was taken.)
doesn't even recall seeing any more.	100014.
doesn't even recall seeing any more. MS. SHREVE: Correct.	(A recess was taken.)
doesn't even recall seeing any more. MS. SHREVE: Correct. MR. BROWN: Okay.	(A recess was taken.) 18 BY MS. SHREVE:
doesn't even recall seeing any more. MS. SHREVE: Correct. MR. BROWN: Okay. BY MS. SHREVE:	(A recess was taken.) BY MS. SHREVE: Q. Back on the record.
doesn't even recall seeing any more. MS. SHREVE: Correct. MR. BROWN: Okay. BY MS. SHREVE: Q. Do you ever recall there being an issue regarding a	(A recess was taken.) BY MS. SHREVE: Q. Back on the record. Mr. Shane, you understand that you're still under
doesn't even recall seeing any more. MS. SHREVE: Correct. MR. BROWN: Okay. BY MS. SHREVE: Q. Do you ever recall there being an issue regarding a Versa valve on equipment number 6777?	17 (A recess was taken.) 18 BY MS. SHREVE: 19 Q. Back on the record. 20 Mr. Shane, you understand that you're still under 21 oath; correct?
doesn't even recall seeing any more. MS. SHREVE: Correct. MR. BROWN: Okay. BY MS. SHREVE: Q. Do you ever recall there being an issue regarding a Versa valve on equipment number 6777? MR. BROWN: At any time?	17 (A recess was taken.) 18 BY MS. SHREVE: 19 Q. Back on the record. 20 Mr. Shane, you understand that you're still under 21 oath; correct? 22 A. Yes.

16 (Pages 58 to 61)

			16 (Pages 58 to 61
	Page 58		Page 6
¹ A. I do rem		1	A. I'm sure he did, yes.
	you recall of that incident?	2	Q. Okay.
	er Danny calling me and telling me that when	3	A. I'm sure there were a lot of questions.
	where he was unloading that someone had	4	Q. Did you have him write down any statement regarding
	and told him that his back trailer had opened up	5	the incident?
	y day. He got out in the rain and looked	6	A. The Highway Patrol did and I have I received a copy
	nto the ready mix plant to unload and he told me	7	of that, because I do recall speaking with the Highway Patrol,
	the gate was open and that that had happened.	8	giving them instructions on how to find our yard.
9 That was the beau		9	Q. Okay.
	ill you that day or did he wait until he came	10	So the Highway Patrol came to your yard after the
back?		11	July 2013 incident?
	e called me the instant that he learned of	12	A. Yes.
13 it.		13	Q. Did you provide any written report or did you write
-	you tell him to do when he called you?	14	anything down regarding the July 2013 incident?
-	e name, exchange information with the car	15	A. May have been included in some report I may have made
	is, which I don't recall had any damage, that	16	for the office pertaining to the events of that month or that
	hurt, just exchange that information.	17	week or quarter.
_	back about that I don't believe the Highway	18	Q. Did you provide written statements to someone
	nat, so it's like they didn't appear. I don't	19	regarding events that occurred in a month or a period or
	the Highway Patrol to coordinate other calls	20	whatever however you just indicated?
· · · · · · · · · · · · · · · · · · ·	made, I don't know, but I believe I did.	21	A. You asked Ask me that again, please.
•	ecall if you told Daniel Koski to continue	22	MS. SHREVE: Can you repeat his answer?
working that day		23	(The record was read by the reporter.)
	pened to be his last load of the day.	24	BY MS. SHREVE:
Q. Do you r	call if you told Daniel Koski to place those	25	Q. So based on your testimony there, did you provide
	Page 59		Page 6.
gate chains on th	e trailers to ensure that there was no	1	monthly reports or quarterly reports regarding events that
2 additional dump	ng on the highway?	2	occurred at the Reno location?
3 A. By this ti	me he was already at the job site to unload.	3	A. At times.
4 Q. So do yo	recall informing Daniel Koski that he should	4	Q. What were those times that you would make those
5 put the gate chai	ns on the trailers?	5	reports?
6 A. At that m	oment?	6	A. Typically production reports. I may be confusing it
7 Q. Yes, whe	n you spoke to him?	7	with what went on in the future when we had multiple location
8 A. No need,	because he was there on the job to unload.	8	and that might be my progress reports involving that. Here it
9 Q. So is that	a no?	9	may have been payroll reports and production reports.
O A. Correct, I	io.	10	Q. In those reports you would include any type of big
Q. Okay.		11	event that would occur at the Reno location; is that correct?
Do you rec	all if you contacted anyone else to tell	12	A. If it Yes, could be, if it wasn't something that
3 them about Dani	el's losing of the load in July 2013?	13	had been previously discussed.
4 A. On that p	articular day?	14	Q. And who would you give those reports to?
⁵ Q. Yes.		15	A. To the office, the main office.
	I learned more information, no, I didn't	16	Q. What is the main office?
7 make any other p	hone calls that I recall.	17	A. Various locations through time, but whatever was
θ Q. And when	did you learn more information?	18	considered the main office.
9 A. When he	returned to the yard.	19	Q. What was the main office in 2013?
Q. What was	your discussion with Daniel when he returned	20	A. A residence belonging to the secretary.
to the yard?		21	Q. Do you know that secretary's name?
	nember anything specific. I could guess	22	A. Stephanie.
A. I don't rei			
	all.	23	Q. Do you know Stephanie's last name?
what I asked and	all. ovide you with more information regarding the	23 24	Q. Do you know Stephanie's last name?A. Morello, I'm not positive of the spelling.

17 (Pages 62 to 65)

	Page 62		Page 64
1	A. North of Reno. I don't recall the address.	1	A. Pat and Scott.
2	Q. This was MDB's main office; is that correct?	2	Q. So Scott was employed with MDB at the time of the
3	A. It was her home where she operated. I'm not sure what	3	July 2013 incident?
4 W	vould be	4	A. Yes.
5	Q. Did she work for MDB Trucking?	5	Q. Do you recall the date that the July 2013 incident
6	A. Yes.	6	occurred?
7	Q. And then in 2014 what was the main office?	7	A. I really don't, no.
8	A. I believe it was still there.	8	Q. Okay.
9	Q. Did the main office change from 2013 to when you left	9	So after Daniel came back to the yard in the July 2013
10 ir	n 2015?	10	incident what occurred next?
11	A. It did.	11	A. I kept him there to meet with the Highway Patrol and
12	Q. When did it change?	12	we did our rudimentary observation.
13	A. I'm not certain of the date. It could be in '15	13	Q. What does that consist of?
14	Q. Where did you change to?	14	A. Just looking for any clues as to say what may have
15	A. A normal office complex in Sparks off of Glendale.	15	happened, what may have caused it.
16	Q. Do you know the address?	16	Q. Was it just a visual inspection?
17	A. I do not.	17	A. Um-hum, we didn't want to interfere with anything
18	Q. Did you still report to Stephanie Morello?	18	before the Highway Patrol did their investigation.
19	A. I did.	19	Q. And then after the Highway Patrol came and did their
20	Q. So you would provide those reports to Stephanie?	20	investigation what occurred next?
21	A. Correct.	21	A. The Highway Patrol wasn't able to find anything wrong.
22	Q. Would you provide them to anybody else other than	22	We tested the system, to my recollection we were dumfounded a
23 St	tephanie?	23	to a cause and what to do next.
24	A. No.	24	Q. So after the Highway Patrol left did you perform any
25	Q. So other than a monthly report or quarterly or	25	inspection on the truck and trailer?
	Page 63		Page 65
1 so	omething along those lines, do you recall providing any sort of	1	A. I believe I just visually inspected.
	ritten statement to anyone at MDB Trucking or the owners or	2	Q. Did you direct anyone to perform any other additional
	nything like that regarding the incident	3	inspection on the truck and trailer?
4	A. Regarding this incident?	4	A. I did.
5	Q in July of 2013, yes?	5	Q. Who did you direct to perform that?
6	A. No.	6	A. Pat and Scott.
7	Q. Did you take any pictures of the truck or trailer	7	Q. What did you direct them to do?
8 fo	flowing the July 2013 incident?	8	A. To find clues.
9	A. No.	9	Q. Did you tell them anything specific that you wanted
10	Q. Were you at the yard when the Highway Patrol arrived	10	them to do?
	the July 2013 incident?	11	A. Nothing specific.
12	A. I was.	12	Q. Did you assist Patrick Bigby at all in investigating?
13	Q. Do you recall if the Highway Patrol took any pictures	1.3	A. I don't believe I did anything other than the visual.
	the truck or trailer?	14	Q. Okay.
15	A. They did.	15	Do you recall the type of inspections that Pat and
16	Q. Did they provide MDB with copies of those pictures, if	16	Scott performed after the July 2013 incident?
	ou recall?	17	A. I believe I would have an idea, but I don't recall
yo 18	A. None that I'm aware of.	18	specifically. The paperwork they filled out at that time would
19	Q. Okay.	19	probably be more specific. I would only be guessing based upo
20		20	what I would probably do.
	Did you speak to anyone else other than Daniel Koski	21	
	d the Highway Patrol regarding the July 2013 incident?	22	Q. What would you probably do?
22 23	A. Yes.		A. Just check the ground, electrical continuity, that
43	Q. Who else did you speak with?	23	sort of thing.
2.4			
24 25	A. Our shop crew. Q. Who would consist of your shop crew?	24 25	Q. And did Patrick or Scott inform you that they found anything wrong with trailer 6775?

18 (Pages 66 to 69)

		18 (Pages 66 to 69)
	Page 66	Page 68
1	A. They found nothing.	investigation into what Daniel Koski did on the day of the
2	Q. Did Pat or Scott tell you what they found in regards	² subject incident?
3	to the truck 6773 and the other two trailers, so 6773, 6774,	A. Nothing specifically other than hear his side of the
4	regarding their investigation?	story, which was routine, nothing out of the ordinary.
5	A. My recollection was they found nothing.	5 Q. Did MDB or did you investigate the possibility that
6	Q. Okay.	6 Daniel Koski could have done something to contribute to the
7	And did Patrick or Scott indicate that they found any	⁷ July 2013 incident?
8	type of defect with the Versa valve after the July 2013	A. I deemed that there was nothing that he did to
9	incident?	⁹ contribute.
10	A. No defects.	10 Q. Okay.
11	Q. Did Pat or Scott inform you that they found any design	Following the July 2013 incident did you implement any
12	defect with the Versa valve following the July 2013 incident?	type of retraining of the belly dump drivers regarding the use
13	MR. BROWN: Objection to the extent it calls for	of the trailers?
14	speculation and beyond this person's knowledge, foundation.	A. None was needed other than he didn't know that his
15	BY MS. SHREVE:	load had dumped until he got 30 miles down the road, couldn't
16	Q. You can answer.	tell. It was a third, three trailers, so a third of the load,
17	Did Pat or Scott tell you that there was any design	he didn't feel a weight difference, a pull difference. It's all
18	defect with the Versa valve following the July 2013 incident on	18 on flat.
19	trailer 6775?	19 All we did was pay super particular attention, more
20	MR. BROWN: Same objection, foundation.	than what you normally would, if that is possible, and to pay
21	BY MS. SHREVE:	21 attention to other clues that might lead to whatever caused this
22	O. You can answer.	to happen in the first place. In other words, everyone's eyes
23	A. No disrespect, is that something that I can answer?	were wide open looking for any possible reason.
24	MR. BROWN: Yes, unless I tell you not to answer.	Q. Okay.
25	///	Following the July 2013 incident did you or anyone at
	<i>'''</i>	Tollowing the stary 2013 medera and you of anyone at
	Page 67	Page 69
1		
	BY MS. SHREVE:	MDB do any type of retraining regarding the operation of opening
2		MDB do any type of retraining regarding the operation of opening and closing the belly dumps?
	Q. Unless he tells you not to answer, you can answer.	
2	Q. Unless he tells you not to answer, you can answer.A. To my knowledge there were no defects found.	² and closing the belly dumps?
2	Q. Unless he tells you not to answer, you can answer.A. To my knowledge there were no defects found.Q. And did you find any defect with the Versa valve, you	 and closing the belly dumps? A. No retraining.
2 3 4	Q. Unless he tells you not to answer, you can answer.A. To my knowledge there were no defects found.	 and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in
2 3 4 5	 Q. Unless he tells you not to answer, you can answer. A. To my knowledge there were no defects found. Q. And did you find any defect with the Versa valve, you personally find any defect with the Versa valve following the July 2013 incident? 	and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in front of you. I'm going to ask you to go to MDB 073. It also
2 3 4 5 6	 Q. Unless he tells you not to answer, you can answer. A. To my knowledge there were no defects found. Q. And did you find any defect with the Versa valve, you personally find any defect with the Versa valve following the July 2013 incident? MR. BROWN: Objection, foundation. 	and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in front of you. I'm going to ask you to go to MDB 073. It also says MDBMAINT 000057. A. Yes.
2 3 4 5 6 7	 Q. Unless he tells you not to answer, you can answer. A. To my knowledge there were no defects found. Q. And did you find any defect with the Versa valve, you personally find any defect with the Versa valve following the July 2013 incident? 	and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in front of you. I'm going to ask you to go to MDB 073. It also says MDBMAINT 000057. A. Yes.
2 3 4 5 6 7 8	 Q. Unless he tells you not to answer, you can answer. A. To my knowledge there were no defects found. Q. And did you find any defect with the Versa valve, you personally find any defect with the Versa valve following the July 2013 incident? MR. BROWN: Objection, foundation. THE WITNESS: Do you want to reword that, I guess? BY MS. SHREVE: 	and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in front of you. I'm going to ask you to go to MDB 073. It also says MDBMAINT 000057. A. Yes. Q. This work order I believe it says July 26th, 2013; is
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2 3 4 5 6 7 8 9 10 11	Q. Unless he tells you not to answer, you can answer. A. To my knowledge there were no defects found. Q. And did you find any defect with the Versa valve, you personally find any defect with the Versa valve following the July 2013 incident? MR. BROWN: Objection, foundation. THE WITNESS: Do you want to reword that, I guess? BY MS. SHREVE: Q. No. Did you personally find any defect with the Versa valve following the July 2013 incident? A. No.	and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in front of you. I'm going to ask you to go to MDB 073. It also says MDBMAINT 000057. A. Yes. Q. This work order I believe it says July 26th, 2013; is that correct? A. Um-hum. Q. Have you seen this work order before? A. I believe that is my writing on the date completed, so I must have.
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2 3 4 5 6 7 8 9 10 11 12 13	Q. Unless he tells you not to answer, you can answer. A. To my knowledge there were no defects found. Q. And did you find any defect with the Versa valve, you personally find any defect with the Versa valve following the July 2013 incident? MR. BROWN: Objection, foundation. THE WITNESS: Do you want to reword that, I guess? BY MS. SHREVE: Q. No. Did you personally find any defect with the Versa valve following the July 2013 incident? A. No. MR. BROWN: Objection, foundation. BY MS. SHREVE:	and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in front of you. I'm going to ask you to go to MDB 073. It also says MDBMAINT 000057. A. Yes. Q. This work order I believe it says July 26th, 2013; is that correct? A. Um-hum. Q. Have you seen this work order before? A. I believe that is my writing on the date completed, so I must have. Q. This says you rewired gate switches on equipment number 5694. Do you recall the rewiring of gate switches on
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. Unless he tells you not to answer, you can answer. A. To my knowledge there were no defects found. Q. And did you find any defect with the Versa valve, you personally find any defect with the Versa valve following the July 2013 incident? MR. BROWN: Objection, foundation. THE WITNESS: Do you want to reword that, I guess? BY MS. SHREVE: Q. No. Did you personally find any defect with the Versa valve following the July 2013 incident? A. No. MR. BROWN: Objection, foundation. BY MS. SHREVE: Q. Did you find any did you personally find any design	and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in front of you. I'm going to ask you to go to MDB 073. It also says MDBMAINT 000057. A. Yes. Q. This work order I believe it says July 26th, 2013; is that correct? A. Um-hum. Q. Have you seen this work order before? A. I believe that is my writing on the date completed, so I must have. Q. This says you rewired gate switches on equipment number 5694. Do you recall the rewiring of gate switches on equipment number 5694?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. Unless he tells you not to answer, you can answer. A. To my knowledge there were no defects found. Q. And did you find any defect with the Versa valve, you personally find any defect with the Versa valve following the July 2013 incident? MR. BROWN: Objection, foundation. THE WITNESS: Do you want to reword that, I guess? BY MS. SHREVE: Q. No. Did you personally find any defect with the Versa valve following the July 2013 incident? A. No. MR. BROWN: Objection, foundation. BY MS. SHREVE: Q. Did you find any did you personally find any design defect with the Versa valve following the July 2013 incident? MR. BROWN: Objection, foundation. You can answer. Go ahead and answer.	and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in front of you. I'm going to ask you to go to MDB 073. It also says MDBMAINT 000057. A. Yes. Q. This work order I believe it says July 26th, 2013; is that correct? A. Um-hum. Q. Have you seen this work order before? A. I believe that is my writing on the date completed, so I must have. Q. This says you rewired gate switches on equipment number 5694. Do you recall the rewiring of gate switches on equipment number 5694? A. I do. Q. Okay. And do you recall why that was performed?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	 Q. Unless he tells you not to answer, you can answer. A. To my knowledge there were no defects found. Q. And did you find any defect with the Versa valve, you personally find any defect with the Versa valve following the July 2013 incident? MR. BROWN: Objection, foundation. THE WITNESS: Do you want to reword that, I guess? BY MS. SHREVE: Q. No. Did you personally find any defect with the Versa valve following the July 2013 incident? A. No. MR. BROWN: Objection, foundation. BY MS. SHREVE: Q. Did you find any did you personally find any design defect with the Versa valve following the July 2013 incident? MR. BROWN: Objection, foundation. You can answer. Go ahead and answer. THE WITNESS: We never found any defect. 	and closing the belly dumps? A. No retraining. Q. So I'm going to go back to Exhibit 3 which you have in front of you. I'm going to ask you to go to MDB 073. It also says MDBMAINT 000057. A. Yes. Q. This work order I believe it says July 26th, 2013; is that correct? A. Um-hum. Q. Have you seen this work order before? A. I believe that is my writing on the date completed, so I must have. Q. This says you rewired gate switches on equipment number 5694. Do you recall the rewiring of gate switches on equipment number 5694? A. I do. Q. Okay. And do you recall why that was performed? A. Yes.
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19 (Pages 70 to 73)

MINIMARATA			
	Page 70		Page 72
1	came from the dashboard where you could have problems with	1	the trailers?
2	ground or other issues. We decided to in an effort to try to	2	A. Not at that time I don't recall ever finding need, no.
3	prevent such a thing from get unadulterated power and ground	3	I recall this instance where we seeked ground, direct power from
4	source directly from the battery rather than through a cab	4	the battery.
5	harness so we would have better protection of ground and power	5	Q. So that was only in the truck, not the trailers then;
6	that would operate the send power down to the lines to	6	correct?
7	operate the dump valves.	7	A. Yes.
8	Q. Who decided to rewire to have the wiring, the	8	Q. Is that what you're saying?
9	electrical wiring come from the battery instead of inside the	9	A. Um-hum.
10	cab?	10	Q. Okay.
11	A. I believe it was a group agreement between Scott, Pat	11	Hang on one second. I'm going to take you then to
12	and myself.	12	Sorry, one second.
13	Q. Did anyone have any type of training or education that	13	Let's go to Exhibit Number 6. I'm going to hand you
14	indicated that that to make the wiring from the battery	14	this one.
15	instead of the cab?	15	A. Okay.
16	A. Oh, yes.	16	Q. I'm going to have you go to the second page, please.
17	Q. Where did you learn that from?	17	It should be MDB 015.
18	A. Well, electrical is rudimentary to all mechanical	18	A. Okay.
19	problems and as vehicles become newer, newer designs, it gets	19	Q. This looks like date completed of August 2nd, 2013.
20	more complicated. We wanted to go back to basic and I don't	20	Do you see that?
21	personally have an electrical background, but I was a part of	21	A. Yes.
22	this decision. It was a group collective decision.	22	Q. Does this work order look familiar to you?
23	They have these other two fellows have very good	23	A. No, no.
24	electrical knowledge, but it really didn't take much to	24	Q. So this looks like Pat investigated the unintentional
25	determine that it would be an improvement.	25	gate opening. Do you recall replacing the Versa valve on
·		l	
	Page 71		Page 73
1	-	1	Page 73 equipment number 6775?
1 2	Page 71 Q. So if I understand you correctly, the newer designs come from the dash and the older designs used to come from the	1 2	_
	Q. So if I understand you correctly, the newer designs	1	equipment number 6775?
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2 3 4 5	Q. So if I understand you correctly, the newer designs come from the dash and the older designs used to come from the battery, is that a correct understanding? A. Correct, yes. Q. So you guys made a group effort to take it back to what the older designs had of coming from the battery versus the	2 3 4 5	equipment number 6775? MR. BROWN: When you say you, I don't think he has ever done any of this stuff himself. Are you talking you as in MDB? BY MS. SHREVE: Q. Does he recall there was a replacement of the Versa valve on equipment number 6775?
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	Page 74		Page 76
1	Did you place the order for the Versa valve after the	1	Did you ever ask Patrick Bigby if he had any education
2	July 2013 incident?	2	or experience in installing a Versa valve on a trailer?
3	A. I don't believe so.	3	MR. BROWN: Objection, foundation. Go ahead and
4	Q. Okay.	4	answer the question.
5	Do you have any recollection of who did place the	5	THE WITNESS: Well, there are no specific instructions
6	Versa valve order?	6	that come with how to install it. I think there is a diagram
7	A. No.	7	that describes how it works and you install it.
8	Q. I'm going to move to Exhibit 7. I'm going to hand you	8	A Versa valve is a generic valve and you remove one and put
9	this. This is an invoice for the purchase of the July 2013	9	one in place, like so many other valves, air valves and whatnot
10	Versa valve for equipment 6775. Do you recall seeing this	10	that it's part of a collective knowledge rather than something
11	document?	11	specific, in my opinion.
12	A. Not particularly, no.	12	BY MS. SHREVE:
13	Q. Who receives the invoices when a part is purchased?	13	Q. Okay.
15	A. The office.	15	So were you aware of whether or not Patrick Bigby had
16	Q. When you say office, who is considered the office?	16	any experience or knowledge of installing a Versa valve in
17	 A. Stephanie, for example, the lady we mentioned earlier. Q. So these invoices would go to Stephanie, not to you? 	17	July 2013 for trailer 6775? A. I would say so, that he had knowledge to do so.
18	A. Correct, the address on there was a P.O. Box they	18	
19	would get mailed to.	19	Q. So at that time you knew that he had knowledge regarding installation of Versa valve in July of 2013?
20	Q. Okay.	20	A. Are you asking if he knows how to or that I know that
21	Did you have any conversation with Pat or Scott	21	he did so?
22	regarding the purchase of any other valve other than the Versa	22	Q. I'm asking if you had any knowledge that he had
23	valve for trailer 6775 for July 2013?	23	experience installing
24	A. Purchasing another one?	24	A. Oh, yes, I have knowledge of that.
25	Q. A different company's valve versus Versa valve?	25	Q. You had knowledge that he had experience installing?
	Page 75		Page 77
1	A. No, we had several different varieties of valves.	1	A. Yes, yes.
2	That trailer was equipped with a Versa valve and that's what we	2	Q. Did you have knowledge that he had installed a Versa
3	replaced it with, a like valve.	3	valve prior to July of 2013, is that
4	Q. So you did not have any discussion, then, with Scott	4	A. I didn't doubt it. I don't recall consciously knowing
5	and	5	as a fact.
6	A. About changing	6	Q. I'm trying to figure out what the experience that you
7	Q Patrick about changing it to a different type of	7	knew that he had regarding installing the Versa valve in July of
8	valve?	8	2013?
9	A. No.	9	A. Well, I didn't
10	Well, we may have had that on the table, a discussion.	10	MR. BROWN: Just answer her question as far as I
11	Q. Do you recall any conversation about it?	11	mean, you guys are talking around each other as far as I'm
12	A. I don't remember anything specific other than I can	12	concerned.
13	see that we agreed that we didn't need to change brands.	13	What knowledge, if any, did you have about him installing a
14 15	Q. Okay.	14 15	Versa valve when you hired him, any specific knowledge, do you
16	A. But I don't remember anything specific.	16	remember talking to him about this?
17	Q. Do you recall why you why the three of you decided you did not need to switch brands?	17	THE WITNESS: No.
18	A. We didn't see anything wrong with what was installed	18	BY MS. SHREVE: Q. Did you provide Patrick Bigby with any handbook or
19	new on the trailer.	19	installation manuals regarding installing the Versa valve in
20	Q. Would you direct Strike that.	20	July of 2013?
21	Did you direct Patrick Bigby to install the Versa	21	A. We had a Ranco manual, several copies that was in the
22	valve in July of 2013?	22	shop that he used. So I believe that information was in there
23	A. I don't specifically remember doing it, but he didn't	23	as well as others.
24	need my authority to do so.	24	Q. Did you provide that to him to use for installing that
25	Q. Okay.	25	valve, Versa valve?

21 (Pages 78 to 81)

		21 (Pages 78 to 81
The state of the s	Page 78	Page 80
1	A. For working in general on the trailer, not	he was may have had an NHP there with him. So it was beyond
2	specifically for the valve.	my giving him instructions as to what to do.
3	Q. Did you contact Versa after the July 2013 incident?	Q. Did you instruct him to finish dropping off the load
4	A. No.	4 that day?
5	Q. I'm going to go back to Exhibit 6. I'm going to go to	5 A. No.
6	MDBMAINT 000240. The date completed is 6/30/2014. Have you	6 Q. Did you instruct him to come back to the yard?
7	seen this document?	A. Well, I do know that all of the trucks were instructed
8	A. No.	8 to go to the yard immediately, whether they were in that area or
9	Q. This looks like it's a work order requested by Dan and	9 not, wherever they were. If they were towing a bottom dump they
10	performed by Pat according to it. It says reattached Versa	were all to return to the yard immediately. That meant two
11	valve. Are you aware in June 2014 of a reattachment of the	other trucks, and Danny returned at some point, but I don't
12	Versa valve on equipment number 6775?	recall how much time elapsed between when this happened and whe
13	A. No, I'm not even sure what that means.	he came into the yard. I wasn't there, but from the phone I
14	Q. Okay.	directed everyone else to return to the yard.
15	So let's go to July 2014, which is the subject	Q. Did you indicate whether or not they should unload the
16	incident of this lawsuit. Do you know what happened on	rest of their load prior to coming to the yard?
17	July 7th, 2014?	A. I'm not sure that I had much choice in that. I don't
18	A. No.	remember. Something tells me that the NHP directed him to go
19	Q. I will represent to you that is the day that Mr. Koski	straight to our yard or I did. I don't even think he finished
20	had an unintentional dumping again on the highway?	his round. Our yard at that time was on the way to where he was
21	A. Oh, I'm familiar with that.	delivering, so I think he was sent straight to the yard.
22	Q. Okay, perfect.	Q. Where was your yard at that time?
23	So in July 2014 how did you become aware of what	²³ A. Mustang.
24	occurred with Mr. Koski's unintentional dumping?	Q. Did you direct Mr. Koski or the other two belly dump
25	A. I received a phone call from Danny.	drivers to put the gate chains on the gates for the rest of
	Page 79	Page 81
1	Q. Okay.	1 their drive?
2	What did he say?	
,		A. I don't recall that specifically. I don't find that
3	A. Told me what had occurred, that his gate had come	The Functional that specifically. Full that that
4	A. Told me what had occurred, that his gate had come open.	as a safety myself, but I don't recall. People do do that. I
	open.	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I
4	open. Q. Okay.	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before?
4 5	open. Q. Okay. What did you say to Mr. Koski?	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it.
4 5 6	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know,	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that?
4 5 6 7	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask,	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is
4 5 6 7 8	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen.	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's
4 5 6 7 8	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask,	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way.
4 5 6 7 8 9	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay.
4 5 6 7 8 9 10	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay.
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4 5 6 7 8 9 10 11 12 13	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge specifically.	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident?
4 5 6 7 8 9 10 11 12 13 14	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident? A. Did I speak to someone else of it? Q. Yes.
4 5 6 7 8 9 10 11 12 13 14	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge specifically. Q. Where did he say it occurred? A. Painted Rock.	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident? A. Did I speak to someone else of it? Q. Yes. A. That was a topic of conversation around that time with
4 5 6 7 8 9 10 11 12 13 14 15	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge specifically. Q. Where did he say it occurred? A. Painted Rock.	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident? A. Did I speak to someone else of it? Q. Yes. A. That was a topic of conversation around that time with a number of people.
4 5 6 7 8 9 10 11 12 13 14 15 16	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge specifically. Q. Where did he say it occurred? A. Painted Rock. Q. What else did he tell you? A. I don't remember specifically. I think that pretty	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident? A. Did I speak to someone else of it? Q. Yes. A. That was a topic of conversation around that time with a number of people. Q. Did you speak with anyone at MDB regarding other
4 5 6 7 8 9 10 11 12 13 14 15 16 17	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge specifically. Q. Where did he say it occurred? A. Painted Rock. Q. What else did he tell you? A. I don't remember specifically. I think that pretty much got the point across to me and he just very basic indicated	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident? A. Did I speak to someone else of it? Q. Yes. A. That was a topic of conversation around that time with a number of people. Q. Did you speak with anyone at MDB regarding other than Daniel Koski regarding the incident?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge specifically. Q. Where did he say it occurred? A. Painted Rock. Q. What else did he tell you? A. I don't remember specifically. I think that pretty much got the point across to me and he just very basic indicated that he didn't know exactly why or what caused it.	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident? A. Did I speak to someone else of it? Q. Yes. A. That was a topic of conversation around that time with a number of people. Q. Did you speak with anyone at MDB regarding other than Daniel Koski regarding the incident? A. Oh, yes.
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge specifically. Q. Where did he say it occurred? A. Painted Rock. Q. What else did he tell you? A. I don't remember specifically. I think that pretty much got the point across to me and he just very basic indicated	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident? A. Did I speak to someone else of it? Q. Yes. A. That was a topic of conversation around that time with a number of people. Q. Did you speak with anyone at MDB regarding other than Daniel Koski regarding the incident? A. Oh, yes. Q. Who did you speak with regarding it?
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge specifically. Q. Where did he say it occurred? A. Painted Rock. Q. What else did he tell you? A. I don't remember specifically. I think that pretty much got the point across to me and he just very basic indicated that he didn't know exactly why or what caused it. Q. Did you instruct Mr. Koski to take any pictures of the	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident? A. Did I speak to someone else of it? Q. Yes. A. That was a topic of conversation around that time with a number of people. Q. Did you speak with anyone at MDB regarding other than Daniel Koski regarding the incident? A. Oh, yes. Q. Who did you speak with regarding it? A. Well, I can well imagine it was Scott and Pat, the
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	open. Q. Okay. What did you say to Mr. Koski? A. Well, after all the normal things of, you know, anybody hurt, are you okay, all of the normal things I ask, where in his route did it happen. Q. When you asked if anyone was hurt and everyone as okay what did Mr. Koski say? A. He said there was a lot of the scene that he couldn't see from where he was so he didn't have any knowledge specifically. Q. Where did he say it occurred? A. Painted Rock. Q. What else did he tell you? A. I don't remember specifically. I think that pretty much got the point across to me and he just very basic indicated that he didn't know exactly why or what caused it. Q. Did you instruct Mr. Koski to take any pictures of the truck or trailer?	as a safety myself, but I don't recall. People do do that. I have done it, but it's not I'm not sure that I Q. You said you have done it before? A. I have done it. Q. Why did you do that? A. I don't recall the exact instance, but it's a it is one means to keep your gate closed. I don't think it's necessarily designed that way. Q. Okay. Did you speak to anyone else regarding Mr. Koski's 2014 incident? A. Did I speak to someone else of it? Q. Yes. A. That was a topic of conversation around that time with a number of people. Q. Did you speak with anyone at MDB regarding other than Daniel Koski regarding the incident? A. Oh, yes. Q. Who did you speak with regarding it? A. Well, I can well imagine it was Scott and Pat, the

22 (Pages 82 to 85)

		22 (Pages 82 to 85)
	Page 82	Page 84
1	Did you have Mr. Koski provide any sort of written	inspection on the truck and trailer?
2	statement regarding the incident?	² A. Absolutely.
3	A. I believe he did.	³ Q. Who did you direct?
4	Q. Who did he provide the written statement to?	4 A. Once again Scott and Pat.
5	A. It would have been to me.	5 Q. Did you tell them to do anything specific?
6	Q. And do you know what you would have done with that	A. Build some sort of safety lock to attach, to hold the
7	written statement?	7 lever on the valve from moving.
8	A. It would have been collected, turned in with whatever	⁸ Q. Who came up with that idea?
9	other information the insurance company or agent needed.	9 A. I believe it was collective between Pat and Scott on
10	Q. So would that have gone to Stephanie or would you have	the design and they fabricated them and installed them on all
11	passed that along directly?	trailers before they left. O And did they do any type of inspection on the truck or
12	A. That particular document I don't recall, but I	2. This did they do any type of inspection on the truck of
13	certainly scanned and e-mailed to our agent at various times or	trailer other than the lockout device? A I don't remember specifically but my guess is that
14 15	passed along to the office either electronically or personally.	71. I don't remember specifically, but my guess is that
16	Q. Okay.	that particular trainer and track communication and not go out
17	Do you know if anyone else performed any type of	that day and I amin to stay ou coming and I in not contain to
18	written statement regarding the July 2014 incident?	how long before it went out again. 18 Q. But that truck and trailer did go out again?
19	A. In general in the period since? Q. At MDB did anyone provide a written statement	19 A. Oh, eventually it did, yeah. Somewhere in the records
20	regarding the July 2014 incident of Mr. Koski's unintentional	you have here I'm sure there is something specific, but I know
21	dumping?	for a fact it didn't go out that same day.
22	A. Not that I'm aware of.	Q. But it went out after and continued to be used; is
23	Q. Did the Highway Patrol come to the yard following the	that correct?
24	July 2014 incident?	A. I have seen it on the road recently.
25	A. I'm pretty sure they did, yes. Yeah, I think I may	Q. Did Pat or Scott Following July 2014 for trailer
VIII (1980)		Page 85
1	-	¹ 6775 did Scott or Pat inform you that they found any type of
2	have been present. Q. Do you recall if the Highway Patrol took any pictures	defect with the Versa valve?
3	of the truck or trailer following the July 2014 incident?	3 A. They could not find any defect as far as I recall.
4	A. I never saw any, but I'm certain they did.	4 Q. So following July 2014 on trailer 6775 did Scott or
5	Q. Did you go to the scene in July 2014 where the	5 Pat inform you that they found any type of design defect with
6	incident occurred?	6 the Versa valve?
7	A. I did not.	A. No, we found no such flaw.
8	Q. Did you direct anyone to go out there from MDB?	⁸ Q. Okay.
9	A. No.	9 Did you personally find any design defect with the
10	Q. Did you speak with anyone from the Highway Patrol?	Versa valve following the July '14 incident on equipment number
11	A. I did, yes.	11 6775?
12	Q. Was that when they came to the yard?	12 A. No.
13	A. Yes, and on the phone, I believe.	Q. Did you personally find any design defect with the
14	Q. On the phone, was that on the day of the subject	Versa valve following the July 2014 incident on equipment number
15	incident?	¹⁵ 6775?
16	A. I believe it was shortly afterwards.	16 A. No.
17	Q. That day or another day?	17 Q. Okay.
18	A. Shortly after it occurred within an hour or two.	Did MDB or did you direct any of the employees to have
19	MS. SHREVE: It's 11:52. Do you want to break for	any retraining regarding the operation of the Versa valve
20	lunch or do you want me to continue on a little bit longer?	following the July 2014 incident? A Again all we did was rejterate the rules and
21 22	Off the record.	A. Again an we are was reflectate the rates and
44	(A discussion was held off the record.)	processing the state of the sta
	DV MC CLIDEVE:	(45 II NO IN PROPERTY TO OBSTRATE THE VERTE VALUE VALUE AND
23	BY MS. SHREVE: O So after the July 2014 incident with Mr. Kocki's truck	Q. So in regime to operating the vester that you make
	BY MS. SHREVE: Q. So after the July 2014 incident with Mr. Koski's truck and trailer did you direct anyone to perform any type of	23 Q. So in regards to operating the Versa valve you did a 24 retraining on what was already done; is that correct, is that 25 what you're saying?

23 (Pages 86 to 89)

		23 (Pages 86 to 89)
	Page 86	Page 88
1	A. Well, as part of a safety meeting here or there I'm	you would require for your maintenance, so for Patrick Bigby
2	most certain without any direct recall, but it would just be a	when you hired him?
3	reiteration of, not a change in procedure.	3 A. Certification of their brake adjustment, brake
4	Q. What would be entailed in that reiteration?	inspection. It's all of the various things that the Federal
5	A. The same as what it was in the very beginning, how the	5 Highway Administration requires that your mechanics or anybody
6	damn thing functions, how it works.	that does maintenance have. It's all listed on their website.
7	Q. Can you explain to me what the reiteration would have	7 O. So you required everything that was required by the
8	been after the July 2014 incident?	8 federal
9	A. No, nothing specific. I can formulate what it would	9 A. Absolutely, yes.
10		Q. How did you ensure that they had those qualifications?
11	have been, but I don't have the paperwork or anything, but I can	11 A. Obtained those from them and put it in their file.
12	imagine what was said. I don't remember specifically.	12 Q. Did you require anything else other than what is
13	Q. I wouldn't expect you to remember word for word, but I	Q. Bita you require they ming close other than minutes
14	guess what do you expect you most likely would have said with	included on the reduction regulation of the results
15	reiterating how to operate the Versa valve following the	71. I didn't require a confege diproma or any times time
16	July 2014 incident?	man, out I required a kine wrouge of out a miniger
17	A. To always reset the valve electrically from the cab	prominary period, daring the beginning or their employment
	after unloading.	Jack things were determined.
18 19	Q. Okay.	Q. File their are you require your manner that experience
	Is that the only thing you would have discussed?	Digo, to undergo any additional daming white he was employed
20	A. No, that's the most important.	at MDD.
21	Q. Following the July 2014 incident did you investigate	7. Beens he went to some classes, I timik an
22	Daniel Koski's actions to determine whether or not he had done	conditioning, things that were put on by our parts suppliers.
23	anything that could have potentially caused the unintentional	Q. What about your belly dump drivers, did you require
24	opening?	they have any specific certifications and/or license?
25	A. Oh, I think as a part of an every day deal you watch	A. Yeah, their CDL, of course, the MSHA that we spoke of,
	Page 87	Page 89
1	•	
1 2	the mannerisms and habits of people. I may have I don't	all of the things that are more or less typical.
	the mannerisms and habits of people. I may have I don't remember specifically, but I may have looked closer at him just	all of the things that are more or less typical. Q. Are these all listed in the federal regulations as
2	the mannerisms and habits of people. I may have I don't remember specifically, but I may have looked closer at him just to see if I could pick up on anything and there was no question	all of the things that are more or less typical. Q. Are these all listed in the federal regulations as well that are required?
2 3	the mannerisms and habits of people. I may have I don't remember specifically, but I may have looked closer at him just to see if I could pick up on anything and there was no question in my mind that there was anything like that to guess or	all of the things that are more or less typical. Q. Are these all listed in the federal regulations as well that are required? A. Yeah, you have to have certain endorsements for your
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24 (Pages 90 to 93)

i	Page 90		Page 92
 Off the record. 	-	1	A. Yes, that is a normal thing.
² (The noon reces	s was taken.)	2	Q. Is this your handwriting on this work order?
3	is was tarrently	3	A. As a matter of fact it is.
4		4	Q. Okay.
5		5	We will go to the next page, should be MDB 170 or
6		6	MAINT 000154.
7		7	A. Yes.
8	CONTROL CONTRO	8	Q. And this the date completed is April 5th, 2014; is
9		9	that correct?
10		10	A. Yes.
11		11	Q. And does this look familiar to you?
12 13		12	A. Yes.
14		13	Q. And can you tell me what this is?
15		14 15	A. That was just a work order directing the federal
16		16	annual inspection of this particular trailer.
17		17	Q. And this trailer is 6773; correct? A. Correct.
18		18	Q. And do you typically perform the annual inspections on
19	THE PARTY OF THE P	19	the equipment or did you when you were at MDB?
20		20	A. It was a combined effort between us, we all did it.
21	TO STATE OF THE ST	21	Q. Okay.
22		22	A. It's not typical for either one of us to do it or not
23		23	do it.
24		24	MS. SHREVE: Okay.
25		25	I'm going to mark this next exhibit as Exhibit 11.
	Page 91		Page 93
1 RENO, NEVADA, TUES	SDAY, APRIL 11, 2017, 1:05 P.M.	1	
RENO, NEVADA, TUES -oOo-	SDAY, APRIL 11, 2017, 1:05 P.M.	1 2	(Exhibit 11 was marked.)
	SDAY, APRIL 11, 2017, 1:05 P.M.	2	(Exhibit 11 was marked.) BY MS. SHREVE:
2 -oOo-		2	
2 -oOo- 3 EXAMINATI 5 (Resumed)		2 3 4 5	BY MS. SHREVE: Q. This is MDB 011. Does this look familiar to you? A. Yes.
2 -oOo- 3 4 EXAMINATI 5 (Resumed) 6 BY MS. SHREVE:	ION	2 3 4 5	BY MS. SHREVE: Q. This is MDB 011. Does this look familiar to you? A. Yes. Q. What is this document?
2 -oOo- 3 4 EXAMINATI 5 (Resumed) 6 BY MS. SHREVE: 7 Q. We can go back on the	ION record.	2 3 4 5 6 7	BY MS. SHREVE: Q. This is MDB 011. Does this look familiar to you? A. Yes. Q. What is this document? A. It's just the form to use as a guideline for the
2 -oOo- 3 4 EXAMINATI 5 (Resumed) 6 BY MS. SHREVE: 7 Q. We can go back on the You understand that you	ION	2 3 4 5 6 7	BY MS. SHREVE: Q. This is MDB 011. Does this look familiar to you? A. Yes. Q. What is this document? A. It's just the form to use as a guideline for the federal annual inspection.
2 -oOo- 3 4 EXAMINATI 5 (Resumed) 6 BY MS. SHREVE: 7 Q. We can go back on the You understand that you 9 A. Yes.	ION record. u are still under oath; correct?	2 3 4 5 6 7 8 1	BY MS. SHREVE: Q. This is MDB 011. Does this look familiar to you? A. Yes. Q. What is this document? A. It's just the form to use as a guideline for the federal annual inspection. Q. And is this your handwriting or your signature at the
2 -oOo- 3 4 EXAMINATI 5 (Resumed) 6 BY MS. SHREVE: 7 Q. We can go back on the 8 You understand that you 9 A. Yes. 10 Q. I'm going to go over a co	record. u are still under oath; correct?	2 3 4 5 6 7 8 j	BY MS. SHREVE: Q. This is MDB 011. Does this look familiar to you? A. Yes. Q. What is this document? A. It's just the form to use as a guideline for the federal annual inspection. Q. And is this your handwriting or your signature at the pottom?
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2 -oOo- 3 4 EXAMINATI 5 (Resumed) 6 BY MS. SHREVE: 7 Q. We can go back on the 8 You understand that you 9 A. Yes. 10 Q. I'm going to go over a ce 11 This will be Exhibit Number 4, 12 MDB 161 or it's MDBMAINT 13 A. Okay. 14 Q. The date of this looks li 15 correct? 16 A. Um-hum, yes. 17 Q. Have you seen this worl 18 A. Yes. 19 Q. Is this the type of service 20 perform? I know we talked ear 21 maintenance, but would that be	record. I are still under oath; correct? couple more exhibits with you. , and I'm going to have you look at 000145. ike August 24th, 2013; ik order before? ces that you would usually rlier, you said you would do some	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 i 19 20 21 t	BY MS. SHREVE: Q. This is MDB 011. Does this look familiar to you? A. Yes. Q. What is this document? A. It's just the form to use as a guideline for the federal annual inspection. Q. And is this your handwriting or your signature at the bottom? A. Yes. Q. So would you have been the one who filled out this form? A. Not only filled it out, but did the inspection. Q. Okay. Then I'm going to go back to Would you do these, you, Scott Palmer or Patrick Bigby would perform these annual inspection checklists on each equipment number? A. Yes. Q. I'm going to go back to Exhibit Number 6. I'm going og to MDBMAINT 000249. The date completed is September 16th,
2 -oOo- 3 4 EXAMINATI 5 (Resumed) 6 BY MS. SHREVE: 7 Q. We can go back on the 8 You understand that you 9 A. Yes. 10 Q. I'm going to go over a co 11 This will be Exhibit Number 4, 12 MDB 161 or it's MDBMAINT 13 A. Okay. 14 Q. The date of this looks li 15 correct? 16 A. Um-hum, yes. 17 Q. Have you seen this worl 18 A. Yes. 19 Q. Is this the type of service 20 perform? I know we talked ear 21 maintenance, but would that be 22 thing? 23 A. Yes.	record. I are still under oath; correct? couple more exhibits with you. , and I'm going to have you look at 000145. ike August 24th, 2013; ik order before? ces that you would usually rlier, you said you would do some	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 i 19 20 21 t 22 2	BY MS. SHREVE: Q. This is MDB 011. Does this look familiar to you? A. Yes. Q. What is this document? A. It's just the form to use as a guideline for the federal annual inspection. Q. And is this your handwriting or your signature at the pottom? A. Yes. Q. So would you have been the one who filled out this form? A. Not only filled it out, but did the inspection. Q. Okay. Then I'm going to go back to Would you do these, you, Scott Palmer or Patrick Bigby would perform these annual inspection checklists on each equipment number? A. Yes. Q. I'm going to go back to Exhibit Number 6. I'm going or to MDBMAINT 000249. The date completed is September 16th, 2014; is that correct?

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25 (Pages 94 to 97)

		25 (Pages 94 to 97
	Page 94	Page 96
1	Q. Is this your handwriting?	What were those reasons?
2	A. No.	A. Well, they are designed to operate that way. You have
3	Q. On here it looks like it says the work order was by	the switches in the cab. If they come in and lineup on the
4	Tracy?	grizzly the way they should as a train configuration there would
5	A. Yes.	be no reason to get out and do it by hand. So it was expediency
6	Q. Is that you?	and utilizing the equipment the way it was designed to be used.
7	A. Oh, yes.	Q. So when you say the first trailer, so for instance on
8	Q. When you supply work orders how do you know what the	8 5694 or 93, that would be trailer 6773, is that the first
9	work order is for, would it be from an inspection you performed?	9 trailer?
10	A. You're asking how this form, this work order is	A. That would be in that combination, yes.
11	generated?	Q. So that one is longer than 6774 and 6775?
12	Q. Yes.	12 A. Correct.
13	A. It's generated either as a result of a DVIR, something	Q. So you would recommend to do that one by hand and then
14	that someone in the shop may have inspected and found to be	the other two manually; is that correct?
15	haywire or something that we routinely do and it starts the	15 A. Exactly.
16	process for something to be done, handled. It can be any number	Q. When you do the first one manually how did you explain
17	of ways.	to Mr. Koski how to do that one?
18	Q. So there is no way of knowing how exactly this work	A. Didn't really need to, but I showed him how I wanted
19	order came about, just that it came about from you; is that	it done. He was well versed, but I'm particular.
20	correct?	Q. When you showed him can you explain to me the process
21	A. Correct.	that you showed him of how to do it manually of how you wanted
22	Q. Okay.	22 it done?
23	When you first hired Daniel Koski did you ever take	A. Besides all the safety nonsense the actuality was pull
24	him on drives with you to do like hands on training?	the safety pin that we installed, push the what was that deal
25	A. Yes.	25 you called it?
	Page 95	Page 97
1	Q. What would that entail?	1 Q. The accumulator?
2	A. As required by the federal government we're supposed	A. The accumulator, right. Push the accumulator, crack
3	to verify that they can drive, and so even though I have known	the gate open, get it going, and then you walk to the next two
4	Danny for years, like in our business we know just about	trailers, unpin them, come back up to the truck, get in the
5	everybody, it's just a formality.	5 truck, by that time the trailer is empty, you open the gate with
6	So you take him out on the drive tests. You have a	the switch in the cab to clear it and close it, pull ahead, dump
7	particular route. You have a form that you check off just like	7 the next trailer by the switch in the cab, pull up, dump the
8	you do when you're getting your driver's license and he had to	8 next one, pull out of the way, repin them and leave.
9	go through the same thing as everyone else.	9 Q. So for the first one after you opened it then do you
10	Q. When you were doing your drive did you ever take the	pull it closed or do you leave it open?
11	belly dumps over grizzlies and empty them over grizzlies?	A. No, you just leave it open and then you go to the cab
12	A. Yes.	and use the switch and open it.
13	Q. During that time how did you explain to Daniel Koski	13 Q. Okay.
14	how to operate the Versa valve over grizzlies?	A. To clear the gates of material.
15	A. I don't remember what I specifically told him, but I	Q. So you're not supposed to pull it close until
16	can tell you that it was probably the same routine as everyone	A. No need. No need because you're going to do it from
17	else that I wanted them done by hand.	the cab and that resets the accumulator as well.
18	Q. Okay.	18 Q. Okay.
19	A. In certain circumstances the lead trailer, the gate	Now, did you do the same driving with Patrick Bigby
20	was long, wouldn't fit on a grizzly. You had to do that by	when you hired him?
21	hand. The two back trailers were short gated trailers, they	A. Um-hum, even though he was a mechanic, yes.
22	could be done from the cab, and my instructions and training	Q. And did you explain to him the same way to operate or
23	involved them unloading the front trailer by hand and the last	to dump the belly dump over grizzlies?
24	two from the cab for multiple reasons.	A. I would I don't remember specifically. Very rarely
25	Q. Okay.	did he run these, but probably the first time he did I did his

26 (Pages 98 to 101)

Avargresson-meet		26 (Pages 98 to 101)
	Page 98	Page 100
1	site training and that was part of the site training so I would	or they are shorter than the gate so you open it up in a
2	surmise that he did.	² controlled width so that it doesn't overflow.
3	Q. And how about Scott Palmer?	Q. Can you meter it manually without pressing the
4	A. Oh, most definitely.	4 accumulator?
5	Q. And did you explain to Scott the same way you	5 A. You can. You have to just stand there and hold the
6	explained to Daniel Koski how to dump the load over a grizzly?	lever because it's spring loaded. It has tension on it.
7	A. I probably did. Wasn't necessary, he's pretty sharp.	Q. Have you ever directed them to meter it slowly without
8	Not that Danny isn't, but Scott had done other processes at the	8 pressing the accumulator?
9	plant and had seen and known and probably showed others before I	⁹ A. No, I don't micromanage them too much. I showed them
10	ever got a chance to show him how I wanted it. So my guess is I	what I did, then they can come up with their own plan as long as
11	did, but	11 it was expedient.
12	Q. Would you have any issue of someone operating trailer	12 Q. Okay.
13	6774 or 6775, so the last two trailers, manually from inside the	l can't recall if I asked this or not, so I apologize
14	truck?	if I already asked this. I know asked about the July '13
15	MR. BROWN: Objection, vague.	incident, but I wasn't sure about July '14.
16	THE WITNESS: Would I have an issue, did you say?	So after the July '14 incident did you call Versa
17	BY MS. SHREVE:	regarding the incident?
18	Q. Like inside the truck versus manually.	A. This is the very first time you're talking about?
19	A. Reask that.	Q. No, the July 2014 incident, so the second time.
20	Q. If you were informed that an employee preferred to	A. Oh, the second time.
21	open the last two trailers manually versus inside the truck,	No, no, I don't believe there was any phone calls to
22	would you advise them to do it otherwise or would you be okay	them, not to say there wasn't.
23	with them performing that manually instead?	Q. But you personally did not call them?
24	MR. BROWN: Objection, incomplete hypothetical, lacks	A. I don't believe I did, no.
25	foundation. You can answer.	25 MS, SHREVE: I think that was all I had. So I will
	Page 99	Page 101
1	-	
1 2	THE WITNESS: Okay.	
	THE WITNESS: Okay. I prefer that they did not, but if for some reason	pass the witness at this point.
2	THE WITNESS: Okay. I prefer that they did not, but if for some reason obstacle-wise or other in the plant they were unable to maneuver	pass the witness at this point.
2	THE WITNESS: Okay. I prefer that they did not, but if for some reason obstacle-wise or other in the plant they were unable to maneuver their trailer over where they could do it from the cab, in other	pass the witness at this point. EXAMINATION BY MS. WOELFEL:
2 3 4	THE WITNESS: Okay. I prefer that they did not, but if for some reason obstacle-wise or other in the plant they were unable to maneuver their trailer over where they could do it from the cab, in other words the gate would just open up fully and they couldn't do	pass the witness at this point. EXAMINATION BY MS. WOELFEL:
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27 (Pages 102 to 105)

Total Control Control		27 (Pages 102 to 105)
	Page 102	Page 104
1	A. To that specific, no.	Q. Did you ask him when you were interviewing or let
2	Q. How do your employees or how do the employees at MDB	² me ask you this.
3	learn the processes that have to be followed when opening a	Did you interview Mr. Koski before you hired him?
4	valve by hand?	4 A. Yes.
5	A. Well, it isn't that complicated. I think through the	Q. Did you ask him in his interview if he had ever worked
6	practice of, use is probably more effective than giving them	6 with belly dumpers before?
7	something to read that they wouldn't read.	A. I don't recall making that exact question, because
8	Q. Okay.	8 it's quite common knowledge.
9	You alluded to the fact that you knew Daniel Koski	9 Q. Did you ask him if he had ever operated Versa valves
10	A. That I hired	before in your interview?
11	Q. That you knew Daniel Koski prior to hiring him; is	A. I probably didn't ask him that specifically.
12	that right?	12 Q. Okay.
13	A. We were acquaintances.	Had you ever worked with Patrick Bigby before?
14	Q. Did you guys work together before?	14 A. Ihad.
15	A. No.	¹⁵ Q. At what employer?
16	Q. Never worked together?	16 A. Atlas Contractors.
17	A. No.	Q. How long did you work with Patrick Bigby?
18	Q. How long had you known Dan Koski before you had hired	A. Oh, I would guess as I don't remember, but I would
19	him?	guess at least five years.
20	A. Let's see, over 20 years.	²⁰ Q. Okay.
21	Q. In what capacity did you know Dan Koski?	And what was his position at Atlas while you were
22	 Just acquaintances in our construction field. 	22 working with him?
23	Q. Had you ever worked together on a project before	A. He was mechanic, night supervisor, field mechanic at
24	working together at MDB?	one point. He held multiple jobs.
25	A. Never in that situation. We have hauled out of the	Q. Did you approach him about the job at MDB Trucking?
	Page 103	Page 105
1	same plants, but never delivered to the same place, never worked	¹ A. I did, yes.
2	together on the same job.	Q. And why did you approach him about the job at MDB
3	Q. So you had never worked with him prior to MDB to	³ Trucking?
4	release product from a belly dumper before?	A. Because he was a very desirable employee, very
5	A. No, only seen him in that, but never shared the same	5 talented, and the company, Atlas, was closing and wanted to give
6	job.	6 him the opportunity to have somewhere to go.
7	Q. Okay.	⁷ Q. Okay.
8	You said when you were talking about Dan Koski and his	8 Do you know if Patrick Bigby had any experience
9	drive test that he was well versed, I believe those were your	9 working with belly dumpers while at Atlas?
10	words, in unloading a belly dumper manually. Why do you believe	A. There were a limited number of bottom dumps, so he had
11	he was well versed in unloading a belly dumper manually?	11 exposure to them.
12	A. Well, remembering and being familiar with his prior	Q. Did you ask him when you interviewed him for the
13	jobs, knowing what those companies and the job sites were all	position Let me ask you this.
14	about, knowing the processes that took place would lead to my	Did you interview him for the position at MDB
15	understanding of that.	15 Trucking?
16	Q. Okay.	16 A. I did.
17	So you presumed that based on your knowledge of his	Q. Did you ask him if he had performed work on belly dump
18 19	prior employment history that he was well versed in manually	18 trailers?
20	operating valves to open a belly dumper?	A. Not specifically. O You were talking about your work at Granite
21	A. Well, I suppose you could say that. It was more of a	Q. Total work annually and work are common
22	presumption, more of a factual from his how should I say	The second secon
23	that, his application that showed where he worked reminded me of	
24	the companies that he was at and knowing personally what those companies were doing, if he was there doing it then he was doing	
	it that way.	A. Um-hum, yeah. 25 Q. Have you ever acted as a dump man before?
25		

28 (Pages 106 to 109)

			28 (Pages 106 to 109)
	Page 106		Page 108
1	A. Sure.	1	THE WITNESS: He would pull in. I would stop him
2	Q. Have you?	2	where the hopper or the trailer was over the grizzly. Like I
3	A. Sure.	3	said the hopper on the front trailer was longer than the ones on
4	Q. For MDB Trucking?	4	the back, so he had to be in a particular spot. So he would
5	A. Sure, yes.	5	stop, I would unpin, push the accumulator in, set the dump valve
6	Q. And how often do you act as a dump man?	6	to a certain position to where the gate would open up so far,
7	A. Occasionally.	7	get him going, walk to the back, unpin those, do normal
8	Q. On specific job sites or for specific clients?	8	inspection and, you know, looking over equipment, come back, and
9	A. Specific job sites, yeah.	9	by that time the material would have emptied, the gates are
10	Q. Okay.	10	still only half open. So I would give him the thumbs up, he
11	Have you ever acted as a dump man for Dan Koski?	11	would flip the switch to open it from inside the cab, that would
12	A. Oh, yes, many times.	12	clear the rest of the material out of the gates. He would then
13	Q. And when you act as a dump man for Dan Koski does he	13	close it, pull up.
14	stay in the truck while you're operating the valves manually or	14	From that point he could see what he was doing and he can
15	does he get out and stand next to you while you're operating the	15	operate, because of the smaller gates on that set of doubles,
16	valves?	16	which was the second two trailers. He would do those. As he
17	A. I prefer that he stay in, but often he would find	17	finished open and close I would pin them then he was out of
18	himself outside.	18	there.
19	Q. Can you tell me for what clients you would act as the	19	BY MS. WOELFEL:
20	dump man?	20	Q. Did you ever act as the dump man before your pinning
21	A. Cemex only.	21	system
22	Q. And how often for Cemex would you act in the position	22	A. Oh, yes.
23	as the dump man?	23	Q was in place?
24	A. No particular schedule, only when the situation called	24	A. Yes.
25	for it.	25	Q. Would that only be at Cemex?
//////////////////////////////////////	Page 107		Page 109
1	Q. What would be a situation that would call for you to	1	A. Yes.
2	act as the dump man?	2	Q. And on an as needed basis?
3	A. When we would have over, say, four or five bottom dump	3	A. Same purposes.
4	trucks running into the plant, I would go there and that is	4	Q. Okay.
5	not a general rule, that is just an example of usually when I	5	And would the process be exactly the same but for the
6	would show up and it was to keep the trucks moving.	6	fact that there is no pin to remove?
7	Q. So you	7	A. Exactly, there were no chains.
8	A. Speed up the process.	8	Q. And if a driver does not have a dump man available and
9	Q. So you were there to expedite the process, because if	9	is doing it himself, would you expect them to follow the exact
10	there is a dump man then your drivers don't have to get out of	10	same procedure that you just described?
11	their trucks theoretically?	11	A. Oh, yes, and they would do it.
12	A. Exactly, plus I would have sub haulers coming in there	12	Q. Has there been occasion where you found that a driver
13	and I was responsible for them and their drivers. I would be	13	was not dumping via the procedure that you just described?
14	there to train their guys, if they were new. So multiple	14	A. I'm not sure there is another way to do it.
15	reasons. I would be there and dump a guy if I was there and	15	Q. Meaning if the driver manually dumped the second and
16	they drove in, I would just run over there and do it to help	16	third trailer, that's not the same process that you just
17	them.	17	described, but are you aware that some drivers would do that?
18	Q. If you are acting as the dump man and you have a three	18	A. Oh, okay, sure, sure. Yeah, there would be, I
19	bottom dump train, tell me about the process. Let's say, Dan	19	suppose, an instance where they off shot the grizzly and
20	Koski pulls his truck up, walk me through step by step what	20	couldn't open it fully so they would do it manually. The
21	happens?	21	procedure was to always when you're done you return to the
22	A. If he does it himself	22	truck, flip the switch, open it to clear it and to close it, and
23	Q. Well, if you're there as the dump man.	23	typically we would always have one more trailer to do after
24	MR. BROWN: I'm just going to state a late objection,	24	that, same thing.
25	foundation, incomplete hypothetical.	25	Q. If a driver just shut it manually and did not go into
i		l	

	Page 110		Page 112
1	the truck and flip the switch to clear it, would that be a	1	A. Um-hum.
2	violation of your procedures?	2	Q. Is he also the owner of SKS Corporation?
3	A. Not exactly.	3	A. I believe he is. I don't know that for sure.
4	Q. Why not?	4	Q. Would you ever report directly to Travis Bonanno?
5	A. Well, because then the alternate would be doing it on	5	A. I would.
6	the way out of the ready mix plant, doing it at the plant before	6	Q. Did you have any discussions with Travis Bonanno about
7	they load.	7	the July 2013 inadvertent dump incident?
8	Q. You're presuming that at some point in time the driver	8	A. I'm sure we did. I don't remember specifics, but I'm
9	would flip the switch from the inside?	9	most certain we discussed it.
10	A. They would need to.	10	Q. And as you sit here today you don't recall anything
11	Q. Why would they need to?	11	that you discussed with Travis Bonanno regarding that incident?
12	A. Because that resets the accumulator.	12	A. Nothing out of the ordinary.
13	Q. What happens if they don't flip the switch from the	13	Q. Did you tell Travis Bonanno any conclusions that you
14	inside and the accumulator is not reset?	14	came to regarding the cause of the July 2013 incident?
15	A. Well, you have the chance of when the loader goes to	15	A. I was never able to give him a conclusion.
16	load you, he throws the first bucket of material in there and	16	Q. Because you weren't able to reach a conclusion as to
17	the gates will open up. We have seen that happen. Fortunately	17	the cause?
18	at MDB during the time I was there it was never reported that	18	A. Only suspicions.
19	that had happened, but we all saw examples.	19	Q. What did you suspect was the cause in July 2013?
20	Q. Where a driver would forget to flip the switch after a	20	A. Ground issue, an electrical ground issue.
21	dump to re-actuate?	21	Q. Were you able to discover an actual electrical ground
22	A. You would assume that is what happened.	22	issue after having Patrick and Scott investigate?
23	Q. Did you investigate whether or not for the July 2013	23	A. My recollection was that we were never able to
24	or July 2014 dumps Mr. Koski did not flip the switch on the	24	pinpoint or determine as the damn thing functioned just
25	inside of the cab, did you explore that possibility?	25	perfectly shortly thereafter the accident.
(really blyesterrors), as been passible of	2.111		
		1	Daga 113
	Page 111		Page 113
1	A. Certainly.	1	Q. What about July 2014, did you have any conversations
2	A. Certainly. Q. How did you explore that possibility?	2	Q. What about July 2014, did you have any conversations with Travis Bonanno that you can recall about that incident?
2	A. Certainly.Q. How did you explore that possibility?A. I talked to the loader operator at the ready mix plant	2	Q. What about July 2014, did you have any conversations with Travis Bonanno that you can recall about that incident? A. I remember that more specifically.
2 3 4	A. Certainly.Q. How did you explore that possibility?A. I talked to the loader operator at the ready mix plant and to the plant operator to see if they were around, if they	2 3 4	 Q. What about July 2014, did you have any conversations with Travis Bonanno that you can recall about that incident? A. I remember that more specifically. Q. Okay.
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30 (Pages 114 to 117)

(SON) is presentable (SON) is		
	Page 114	Page 116
1	July 2014 incident. What concern did you have about the	A. Because I'm a collector of information. I like full
2	trailer?	² file cabinets.
3	A. Well, I certainly wasn't concerned about the driver.	³ Q. Okay.
4	I was concerned that this specific trailer, the same specific	4 So when the trailer 6775 came to you did you do an
5	trailer opened the gates on its own again.	5 inspection of the trailer?
6	Q. Okay.	6 A. Yes, before we bought it.
7	Did you reach any conclusions about why the trailer	7 Q. Did you go to Western Nevada Transport to conduct that
8	opened its gates in July 2014?	8 inspection?
9	A. We never were able to pinpoint why, but saw it as a	9 A. Yes.
10	coincidence in that there had to be a reason and a simple	Q. Do you know how old the trailer was when you acquired
11	reason, but I mean it's just mechanical. It's just very simple	11 it for MDB?
12	determining what it was and it has alluded us all this time.	A. I would guess that that back trailer was a 2002 and I
13	Q. Now, when you first obtained trailer 6775 you were	believe we purchased it in '12.
14	working at MDB when the company first acquired that trailer; is	Q. So approximately ten years old?
15	that correct?	15 A. Yes.
16	A. Correct.	Q. And do you know if it had original wiring and original
17	Q. And my recollection of your testimony is that you did	components at the time you acquired it in 2012?
18	not receive any paperwork with that trailer from the previous	18 A. I'm guessing that it did.
19	owner?	Q. Is that a guess or do you know?
20	 As far as manuals, no, there were no manuals. 	²⁰ A. Well, I really don't know for sure.
21	Q. What about maintenance logs?	Q. Did you ask anybody if it had its original component
22	A. No, there weren't any maintenance logs with those.	²² parts or original wiring?
23	Q. Did you ever ask if you could receive any maintenance	A. No, and I wouldn't because it's not an uncommon thing
24	logs from the prior owner?	to have different parts.
25	A. That's a pretty common thing.	Q. Because when you're using it things break and things
	Page 115	Page 117
1		_
1 2	Q. What is a pretty common thing?	1 get changed?
	Q. What is a pretty common thing?A. It's pretty common to want the previous records just	 get changed? A. Yeah, normal routine things.
2	Q. What is a pretty common thing?A. It's pretty common to want the previous records just to complete so you have a complete record, and it's also	 get changed? A. Yeah, normal routine things. Q. Would it be unusual for a trailer such as 6775 to have
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31 (Pages 118 to 121)

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things are not as important as others. They are repairable.	1 A. Sure.
 Q. What was the condition of the trailer at the time you 	Q. What employer were you with when this occurred?
3 acquired it?	³ A. Years ago at Sha-Neva.
A. I thought it was probably 75 percent of a hundred.	4 Q. Just on one occasion?
⁵ Q. Okay.	5 A. Yes.
When you went on-site to Western Nevada Transport to	6 Q. So at the time you were acquiring these MDB belly dump
7 inspect the trailers that you were acquiring, did you ask when	7 trailers from Western Nevada Transport you were certainly aware
8 you were on-site to see any paperwork associated with the	8 that inadvertent dumps could happen?
9 trailers?	9 A. Oh, sure, and if I may add, I hate to say anything
10 A. No.	inappropriate, but it was on a trailer from a previous era where
Q. Did you ask if the trailers had ever been in an	11 the gate switches were run through the seven wire cord on the
12 accident before?	electrical, and the one that opened up turned on the turn
A. I don't believe there was anybody there to ask.	signal, the gates opened and closed. You know, modern trailers
Q. Oh, you were there by yourself?	14 are have got a completely separate circuit. So, you know,
A. I was there alone.	that is one of the beauties of the modern technology.
16 Q. Okay.	16 Q. Thank you.
17 Is that a question you asked just in general during	A. So I just wanted to clarify.
the acquisition process, did you ask anybody if the trailers had	¹⁸ Q. I appreciate that.
ever been involved in an accident?	So I want to talk a little bit more about the MSHA
A. I don't believe so, no.	training that you talked about. My understanding was if you
Q. Is that information you would want to know before	were going to work at Cemex you had to go through MSHA training;
acquiring a trailer?	22 is that right?
A. Well, not necessarily.	²³ A. Yes.
Q. Why not?	Q. Where was the MSHA training performed?
A. Because it really wouldn't have any bearing on to	A. Multiple locations.
Page 119	Page 121
me if it had been in an accident or not	1 O Where did you take MSHA training?
me it that been in all accident of not.	Q. Where and you take William training.
 Q. Why wouldn't it have any bearing on your decision to 	² A. I took it in Reno.
Q. Why wouldn't it have any bearing on your decision to acquire?	A. I took it in Reno. Q. Where in Reno?
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32 (Pages 122 to 125)

	Page 122		Page 124
1	A. Not in that 24-hour, 3-day class.	1	A. Yes.
2	Q. So when you said that the MSHA training involved	2	Q. And those would be in your personnel file?
3	training on trucks and trailers and Versa valves that would be	3	A. There is one with me, one with the trainer and should
4	through lecture and video; is that correct?	4	be in the qualification file.
5	A. That was specific task training per the equipment you	5	Q. Okay.
6	were wanting to be signed off on to use. So that was in the	6	So if someone's file did not have a copy of a
7	field.	7	certificate then it's likely they didn't take that course; is
8	Q. So if there was specific task training that is field	8	that right?
9	training?	9	MR. BROWN: Objection, leading.
10	A. Yes.	10	THE WITNESS: Yeah, it's not necessarily likely. The
11	Q. Where does that field training take place?	11	fail safe is that you have it in your wallet. I wanted it in
12	A. It could be done anywhere.	12	the file so that I can track the expiration dates and that's
13	Q. Who provides that field training?	13	but that isn't necessarily meaning that it isn't hasn't been
14	A. An MSHA certified trainer.	14	done. It was simply office keeping for me.
15	Q. Is there a course book where you sign up for specific	15	BY MS. WOELFEL:
16	tasks that you would like to be trained on?	16	Q. Did require all of your drivers to attend the MSHA
17	A. No, I believe the way it works is you need someone to	17	three-day lecture course?
18	do something, you ensure that they have gone through the 24-hour	18	A. Yes.
19	class or that they have their certificate, then you find you	19	Q. For MDB?
20	get them their task training for any particular task that you're	20	A. Yes.
21	needing them to do.	21	Q. And then with respect to specific task training for
22	So in other words, when I received mine I had to get	22	individual drivers that you had hired, who chose what courses
23	it from a trained MSHA person that knew how to do my job to	23	those drivers had to go to?
24	ensure that I knew how to do mine or to show me how to do it	24	A. Well, in effect it was the employee. If they wanted
25	following the guidelines of MSHA.	25	to work then they would have to submit and there was some
	Page 123		Page 125
1	Q. So you went to a 3-day lecture course for MSHA;	1	fellows that didn't want to go. They didn't have to go. They
2	correct?	2	went on different duty.
3	A. Yes.	3	Danny, however, wanted to go and submitted and so I
4	Q. Okay.	4	guess it would be false to say that everybody was required to
5	And then after you did your 3-day lecture course you		
6		5	
	did some specific task training?	5	have it, but if they wanted to work consistently and to do the job I needed them to do they did so.
7	did some specific task training? A. Yes.	ļ	have it, but if they wanted to work consistently and to do the job I needed them to do they did so.
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7	A. Yes.	6	have it, but if they wanted to work consistently and to do the job I needed them to do they did so. Q. Okay.
7	A. Yes. Q. What specific task training did you do?	6 7 8	have it, but if they wanted to work consistently and to do the job I needed them to do they did so. Q. Okay. Did you receive when you went to the specific task
7 8 9	A. Yes.Q. What specific task training did you do?A. How to operate a bottom dump, how to operate pneumatic	6 7 8 9	have it, but if they wanted to work consistently and to do the job I needed them to do they did so. Q. Okay. Did you receive when you went to the specific task training any written materials from Cemex?
7 8 9 10	 A. Yes. Q. What specific task training did you do? A. How to operate a bottom dump, how to operate pneumatic cement trailers, manlift, forklift, loader. 	6 7 8 9	have it, but if they wanted to work consistently and to do the job I needed them to do they did so. Q. Okay. Did you receive when you went to the specific task training any written materials from Cemex? A. There was no written material for the task training
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	 A. Yes. Q. What specific task training did you do? A. How to operate a bottom dump, how to operate pneumatic cement trailers, manlift, forklift, loader. Q. So five different specific task trainings? A. That I recall for myself. Q. How long do each of those task trainings last? A. Depends on how complicated it is, could be an hour. Q. And is it one-on-one training or part of a group? A. I have seen them where it could be in a group setting and I have seen it one-on-one. Q. What were yours? A. One-on-one. Q. And it was somebody from Cemex that was giving you this training? A. I would say a hundred percent of it was. 	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	have it, but if they wanted to work consistently and to do the job I needed them to do they did so. Q. Okay. Did you receive when you went to the specific task training any written materials from Cemex? A. There was no written material for the task training through MSHA. It was hands on. Most all the time it was very rudimentary, very simple, which generally isn't synonymous with MSHA, but the task at hand is usually very simple. Q. Now, you said or I believe you said in your testimony that you have, while driving, used gate chains to keep the belly closed on occasion; is that correct? A. Yeah, I can think of those times. Q. On what occasions would you use the gate chains to keep the belly dump closed? MR. BROWN: Object as to foundation. Go ahead. THE WITNESS: Quick release valves on the cylinders that keep the gates open and keep them closed, the diaphragm on

33 (Pages 126 to 129)

		and the second second	33 (Pages 126 to 129)
	Page 126		Page 128
1	if it's nothing serious. I can remember empty just pulling the	1	watching.
2	chains on this one trailer. On the doubles it's hard to get in	2	Q. Is that based on a rule or
3	there and do that, but on the lead trailer I have pulled ones	3	A. I think back now, it's been so long, but if I think
4	and I did that, but it's not normal practice.	4	back it would be part of their training.
5	BY MS. WOELFEL:	5	Q. The MSHA training?
6	Q. Have you driven with the gate chains closed, have you	6	A. Yeah.
7	been able to drive down the highway with the gate chains closed?	7	MS. SHREVE: Do you want to take a break real quick?
8	A. You can. I have I think once.	8	MS. WOELFEL: No, I think I might be done, but that
9	Q. Do you recall ever telling Dan Koski that he should	9	doesn't mean that you're done. We might have a few questions
10	use gate chains just as an extra safety precaution while	10	from the folks on the phone, but thank you very much for your
11	driving?	11	time. I appreciate it.
12	A. I think I told him that when he this last incident.	12	Does anyone on the phone have any questions?
13	I think when he had to come into the yard after they were done,	13	MS. QUIGLEY: I don't have identify questions.
14 15	released him, I think I told him even though we have had no	14	MR. BUNDICK: I do not have any questions either.
16	experience with those front two trailers having a problem, but	15 16	ELIBERTED ENVANTANTANTON
17	we're not knowing what was going on I may have and he might be able to concur this, but I believe I said just pin the front	17	FURTHER EXAMINATION
18	one, pull the chains on the middle one. It wouldn't be unusual	18	BY MS. SHREVE:
19	to think that.	19	Q. I have just one follow-up just to clarify.
20	Q. So the front trailer has a pinning system in lieu of	20	Earlier you just testified that you had spoken to Mr. Koski following the July 2014 incident and he had said he
21	gate chains; is that correct?	21	didn't do anything differently with operating the trailers, did
22	A. It's a newer trailer.	22	I understand that correctly?
23	MR. BROWN: I'm going to object, foundation, as to the	23	A. Yes.
24	pins and the gate chains are the same purpose, but go ahead.	24	Q. So if Mr. Koski manually opened the last two trailers
25	///	25	instead of doing it in the truck, would that be operating it
	Page 127		Page 129
1	BY MS. WOELFEL:	1	differently than what he was told?
ł	D I Will World Ed.	ł	
2	O. In your opinion is the pinning system and the gate	2	·
3	Q. In your opinion is the pinning system and the gate chains, do they serve the same purpose?	2	A. In a perfect world it would be, but there it
	Q. In your opinion is the pinning system and the gate chains, do they serve the same purpose?A. Yes.	ţ	·
3	chains, do they serve the same purpose?	3	A. In a perfect world it would be, but there it wouldn't be out of line to think that he had to manually
3 4	chains, do they serve the same purpose? A. Yes.	3 4	A. In a perfect world it would be, but there it wouldn't be out of line to think that he had to manually function the trailers.
3 4 5	chains, do they serve the same purpose? A. Yes. Q. What purpose is that?	3 4 5	A. In a perfect world it would be, but there it wouldn't be out of line to think that he had to manually function the trailers. Q. So when Mr. Koski told you he didn't do anything
3 4 5 6	chains, do they serve the same purpose? A. Yes. Q. What purpose is that? A. Unloading purposes, to meter the material, to set the	3 4 5	A. In a perfect world it would be, but there it wouldn't be out of line to think that he had to manually function the trailers. Q. So when Mr. Koski told you he didn't do anything differently, what did that mean to you that he had done?
3 4 5 6	chains, do they serve the same purpose? A. Yes. Q. What purpose is that? A. Unloading purposes, to meter the material, to set the gates a certain width to unload.	3 4 5 6 7	A. In a perfect world it would be, but there it wouldn't be out of line to think that he had to manually function the trailers. Q. So when Mr. Koski told you he didn't do anything differently, what did that mean to you that he had done? MR. BROWN: Object, calls for speculation.
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	chains, do they serve the same purpose? A. Yes. Q. What purpose is that? A. Unloading purposes, to meter the material, to set the gates a certain width to unload. Q. If you have the pin set in the pinning system on the first trailer in the lowest setting while you're driving would that prevent the belly dump from opening all the way? A. On the first pin setting I would guess. It would either be the first or the last, I'm not sure which, but it would do as you say, yeah. Q. Is there any reason that you can think of not to have that pin set while you're driving? A. In an MSHA environment there is. Q. What is that? A. We weren't allowed to get underneath your equipment for one. Q. Why not? A. Some silly MSHA someone stubbed their toe or something at some point in time and I don't know it's but	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. In a perfect world it would be, but there it wouldn't be out of line to think that he had to manually function the trailers. Q. So when Mr. Koski told you he didn't do anything differently, what did that mean to you that he had done? MR. BROWN: Object, calls for speculation. THE WITNESS: Yeah, I'm really not sure. BY MS. SHREVE: Q. You don't know what your opinion was when he told you he didn't do anything different? A. Well, I know what that is, but I'm not sure that I can tell you specifically what after all this time what that would be. My guess is that he unloaded them with the switch, because he said that he hadn't done anything out of the ordinary, but unloading it by hand would not be out of the ordinary either. It's just not the desired method. Q. I'm just looking to try to figure out what you when he told you he did not do anything differently, what you interpreted from when he said that, so your thought of that. MR. BROWN: Object, he just answered it.
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	chains, do they serve the same purpose? A. Yes. Q. What purpose is that? A. Unloading purposes, to meter the material, to set the gates a certain width to unload. Q. If you have the pin set in the pinning system on the first trailer in the lowest setting while you're driving would that prevent the belly dump from opening all the way? A. On the first pin setting I would guess. It would either be the first or the last, I'm not sure which, but it would do as you say, yeah. Q. Is there any reason that you can think of not to have that pin set while you're driving? A. In an MSHA environment there is. Q. What is that? A. We weren't allowed to get underneath your equipment for one. Q. Why not? A. Some silly MSHA someone stubbed their toe or	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. In a perfect world it would be, but there it wouldn't be out of line to think that he had to manually function the trailers. Q. So when Mr. Koski told you he didn't do anything differently, what did that mean to you that he had done? MR. BROWN: Object, calls for speculation. THE WITNESS: Yeah, I'm really not sure. BY MS. SHREVE: Q. You don't know what your opinion was when he told you he didn't do anything different? A. Well, I know what that is, but I'm not sure that I can tell you specifically what after all this time what that would be. My guess is that he unloaded them with the switch, because he said that he hadn't done anything out of the ordinary, but unloading it by hand would not be out of the ordinary either. It's just not the desired method. Q. I'm just looking to try to figure out what you when he told you he did not do anything differently, what you interpreted from when he said that, so your thought of that.

34 (Pages 130 to 132)

Section Control of the Control of th		
	Page 130	Page 132
1	would not be out of the ordinary.	1 CERTIFICATE OF REPORTER
2	MS. SHREVE: Can you repeat his answer then?	2 I, JANET MENGES, Certified Court Reporter, State of
3	(The record was read by the reporter.)	Nevada, do hereby certify:
4	BY MS. SHREVE:	4 That I reported the deposition of TRACY SHANE,
5		5 commencing of Tuesday, April 11, 2017, at 9:00 a.m.
	Q. So that was your opinion, then, regarding how	That prior to being deposed, the witness was duly sworn by me to
6	Mr. Koski, when he said he did not do anything differently, that	7 testify to the truth. That I thereafter transcribed my said
7	was your opinion as to what he did?	8 shorthand notes into typewriting and that the typewritten
8	A. Yes.	shorthand notes the type writing and that the type written
9	Q. Okay.	transcript is a complete, trace and accounter transcription of my
10	A. Yes.	Suite Shorthand notes, That prior to the constant of the
11	Q. If he had opened the gates manually, the last two	proceedings, the retaining and signing was requested by the
12	trailers manually versus inside the truck would you have wanted	without a party.
13	to know that from Mr. Koski?	13 I further certify that I am not a relative or employee of
14	A. Not specifically.	counsel of any of the parties, nor a relative or employee of the
15	Q. Okay.	parties involved in said action, nor a person financially
16	So that would not have changed your investigation as	interested in the action.
17	to what he had performed during that day?	In witness whereof, I hereunto subscribe my name at Reno,
18		Nevada, this 20th day of April, 2017.
19	A. Correct, because that wouldn't be out of the ordinary	19
20	as far as we're concerned. You know, him as a driver is someone	20
	that wants to make sure processes are upheld, either way is	JANET MENGES, CCR #206
21	fine.	21
22	MS. SHREVE: Okay.	22
23	That was all I had. That will conclude so we can go off	23
24	the record.	24
25	(The deposition concluded at 2:15 p.m.)	25
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	CERTIFICATE OF DEPONENT PAGE LINE CHANGE	
17	declare under penalty of perjury the within and foregoing	
18	transcription to be my deposition in said action; that I have	
19	read, corrected and do hereby affix my signature to said	
20	deposition.	
21	•	
22		
	TRACY SHANE, Deponent	
23	······································	
24		
25		

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2017-05-15 12:00:28 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6100324 : tbritton

EXHIBIT 8

4845-3057-6394.1

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Page 1
                 IN THE SECOND JUDICIAL DISTRICT COURT
                         OF THE STATE OF NEVADA
                     IN AND FOR THE COUNTY OF WASHOE
    ERNEST BRUCE FITZSIMMONS
                                  ) Case No. CV15-02349
    and CAROL FITZSIMMONS,
                                  ) Dept. No. 10
    husband and wife,
                Plaintiffs,
    VS.
    MDB TRUCKING, LLC, et al.,
                                           CONDENSED
10
                                           TRANSCRIPT
                Defendants.
11
12
    AND ALL RELATED CASES.
13
14
15
16
17
                   DEPOSITION OF PATRICK BIGBY
                 Taken on Monday, April 10, 2017
19
                          At 11:30 a.m.
20
              At 100 West Liberty Street, 10th Floor
                          Reno, Nevada
22
23
24
25
    REPORTED BY: JANET ANN MENGES, CCR #206
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2 (Pages 2 to 5)

Example in our or			2 (Pages 2 to 5)
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1	APPEARANCES:	1	INDEX
2 3	For the Plaintiffs:	2	
4	SARAH QUIGLEY, ESQ. (Present Telephonically)	3	WITNESS: PATRICK BIGBY
ı	BRADLEY, DRENDEL & JEANNEY	4	EXAMINATION PAGE
5	6900 South McCarran Boulevard	5	
6	Suite 2000 Reno, Nevada 89509)	BY JESSICA WOELFEL 5
	(775) 525-9164		BY PAIGE SHREVE 108
7		6	
8	For Versa Products Company, Inc.:	7	INDEX TO EXHIBITS
	PAIGE SHREVE, ESQ. LEWIS, BRISBOIS, BISGAARD & SMITH	8	EXHIBIT PAGE
10	6385 South Rainbow Boulevard	9	1 Invoice 45
,,	Suite 600	10	2 Work orders 69
11	Las Vegas, Nevada 89118 (702) 893-3383	11	
12	(102) 873-3383	12	Work orders 75
13	For RMC Lamar Holdings, Inc.:		4 Work orders 86
14	JESSICA WOELFEL, ESQ.	13	5 Work orders 90
15	McDONALD CARANO 100 West Liberty Street	14	6 Work orders 92
1	10th floor	15	7 Invoice 96
16	Reno, Nevada 89501	16	8 Work orders 104
17	(775) 788-2000	17	9 Work orders 105
17	For MDB Trucking, LLC:	18	10 Driver's Vehicle Inspection 112
19	BRIAN BROWN, ESQ.	19	10 Driver's veincle hispection 112
20	THEIRRY BARKLEY, ESQ.	1	;
20	THORNDAL, ARMSTRONG, DELK, BALKENBUSH & EISINGER	20	
21	6590 South McCarran Boulevard	21	
1	Suite B	22	
22	Reno, Nevada 89509	23	
23	(775) 786-2882	24	
24		25	
25			
, <u></u>	Page 3		Page 5
	-		· · · · · · · · · · · · · · · · · · ·
1	(Continued Appearances)	1	PATRICK BIGBY
2	For The Modern Group GP-SUB, Inc.:	2	called as a witness, being first duly
3	JACOB BUNDICK, ESQ. (Present Telephonically)	3	sworn, was examined and testified
	GREENBERG TRAURIG	4	as follows:
4	3773 Howard Hughes Parkway	5	
5	Suite 400 North	6	EXAMINATION
	Las Vegas, Nevada 89169		
6	(702) 792-3773	7	BY MS. WOELFEL:
7	For USAA:	8	Q. Good afternoon.
8	LISA TAYLOR, ESQ. (Present Telephonically)	9	Could you state and spell your full name for the
I *	Law Office of Lisa A. Taylor	10	record, please?
9	5664 North Rainbow Boulevard	11	A. My name is Patrick Dean Bigby, P-a-t-r-i-c-k D-e-a-n
•	Las Vegas, Nevada 89130	12	
10	(702) 645-0150		B-i-g-b-y.
11	(4)	13	Q. Patrick, where do you live?
12		14	A. I live in Sparks.
13		15	Q. What is your address?
14		16	A. 395 Boise Court, Sparks, Nevada, 89431.
15		17	Q. My name is Jessica Woelfel. I'm one of the attorneys
16		18	in this matter. I represent RMC Lamar and I will be asking you
17		19	
18			some questions today.
19		20	Have you ever had your deposition taken before?
20		21	A. I have not.
21		22	Q. Have you ever been a party to a lawsuit before?
22		23	A. No.
	· · · · · · · · · · · · · · · · · · ·	ļ.	
23		24	
23 24		24 25	Q. Have you ever testified in court before?
23			

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3 (Pages 6 to 9)

Access Market Street			3 (Pages 6 to 9
	Page 6		Page 8
1	Q. Okay.	1	deposition?
2	I'm going to just go over some ground rules for this	2	A. I have not.
3	deposition since this is your first time and just let me know if	3	Q. Did you talk with Scott Palmer?
4	you have any questions as we go through these rules, okay?	4	MR. BROWN: Objection, vague. About his deposition?
5	A. Um-hum.	5	BY MS. WOELFEL:
6	Q. First rule I will need you to respond audibly, because	6	Q. About your deposition.
7	we have a court reporter here who is taking down everything that	7	A. No.
8	we say. So if we mumble or just nod our heads the court	8	Q. Did you talk with Scott Palmer about his deposition?
9	reporter can't take that down. So if you could answer audibly	9	A. I have not.
10	with yes or no I would appreciate it and so would the court	10	Q. What about Dan Koski, did you speak with him about
11	reporter, okay?	11	your deposition?
12	A. Okay.	12	A. I have not spoken with Dan.
13	Q. Thank you.	13	Q. Have you spoken with Dan about his deposition?
14	Please do your best to provide me with complete	14	A. No.
15		15	Q. Did you review any documents today in preparation for
16	information in response to my questions, okay?	16	
17	A. Okay.	17	your deposition?
	Q. If you don't understand my question that's okay, just	1	A. Today, no.
18	let me know that you don't understand it and I can rephrase the	18	Q. Did you review any documents at any point prior to
19	question, okay?	19	today's deposition?
20	A. All right.	20	A. I have not.
21	Q. Have you taken any medication or drugs today that	21	MR. BROWN: Can I just say one thing, Jessica?
22	would prohibit you from answering truthfully?	22	If you remember during Scott's depo there were a couple of
23	A. I have not.	23	questions that Scott went and asked Patrick about and then Scott
24	Q. Is there any reason you can't provide me with truthful	24	testified about the next day. I don't think he was meaning to
25	testimony today?	25	exclude that he didn't talk to him at that time about that.
	Page 7		Page 9
1	A. No.	1	MS. WOELFEL: Yes, understood, and I appreciate that.
2	Q. Any reason that you can think of that we cannot	2	Thank you.
3	proceed with your deposition?	3	BY MS. WOELFEL:
4	A. Pardon?	4	Q. Just go back one more admonition. Let me finish my
5	Q. Any reason that you can think of that we cannot	5	question before you answer. I know in typical conversations a
6	proceed with your deposition today?	6	lot of times we will anticipate what the other person will say
7	A. No reason that I'm aware of.	7	and we will just answer. Because this is not your typical
8	Q. After the deposition you're going to get a copy of the	8	conversation and the flow of it is being recorded we want to
9	transcript and you will be able to review the questions that I	9	make sure that we don't talk over each other, okay?
10	have asked you today and your answers. You will be able to make	10	A. Very well.
11	any changes to the deposition transcript, to your answers if	11	Q. Can you tell me your date of birth?
12	there is some sort of a mistake that you made, okay?	12	A. July 27th, 1963.
13		13	
14	A. Okay.	14	Q. Married?
	Q. If you do make a change I will be able to comment on		A. Yes.
15	that change, if we get to trial, okay, and so I tell you that so	15	Q. And what is your wife's name?
16	that you can make sure that if you don't understand something	16	A. Christie.
17	that I'm asking you that you make sure to ask for clarification.	17	Q. How long have you been married?
18	If you answer me I will presume that you understood the	18	A. Twenty-nine years.
	question, okay?	19	Q. Have any children?
19		20	A. Two.
	A. Understood.		
19	A. Understood. Q. Thank you.	21	Q. What are their names?
19 20		21 22	Q. What are their names?A. John and Alan.
19 20 21	Q. Thank you.		•
19 20 21 22	Construct Q. Thank you. Did you meet with anybody in preparation for your.	22	A. John and Alan.

4 (Pages 10 to 13)

n die Swass			
	Page 10		Page 1
1	A. Lost River High School in Merrill, Oregon.	1	Q. Do you know through whom you took that course?
2	Q. What year did you graduate?	2	A. The last one I think was probably through Truck Part
3	A. 1981.	3	here in Reno.
4	Q. Do you have any secondary education after high school?	4	Q. How many hours was that course?
5	A. A few semesters in the technical institute.	5	A. Oh, I don't recall. It was an afternoon, I believe,
6	Q. What is the name of the technical institute?	6	or an evening.
7	A. It's Oregon Technical Institute, OTI.	7	Q. Okay.
8	Q. What did you study there?	8	And do you recall what you learned in that course?
9	A. Diesel mechanics.	9	A. I can't give you any specific.
10	Q. What years were you at the Oregon Technical Institute?	10	Q. Do you hold any certificates from any nationally
11	A. What years?	11	recognized institutes or training groups that you can think of
12	Q. Yes.	12	A. I would say no.
13	A. I could not be specific.	13	Q. Okay.
14	Q. Was it immediately after high school?	14	Where are you currently employed?
15	A. No.	15	A. I'm currently employed with MDB Trucking.
16	 Q. Can you approximate how many years after high school 	16	Q. When did you start working at MDB Trucking?
17	you attended?	17	A. I don't know the exact dates.
18	A. This is approximate, I would say five.	18	Q. Can you recall what year?
19	MS. WOELFEL: Did someone just join the call?	19	A. I believe it was in 2013.
20	MR. BUNDICK: There is some background noise coming	20	Q. We're going to talk in detail about your job at MDB,
21	through the phone.	21	but I want to go back in time before we go into your job with
22	MS. WOELFEL: I don't think there is any background	22	MDB. Can you tell me where you worked prior to obtaining
23	noise coming from this end, but we will try to speak up for you.	23	employment with MDB?
24	MR. BUNDICK: Thank you, I apologize. I couldn't hear	24	A. I worked for Atlas Contractors in Sparks, Nevada.
25	the last six or seven questions because of it.	25	Q. What was your position at Atlas Contractors?
***************************************	Page 11		Page 13
1	MS. WOELFEL: No problem.	1	A. I was a mechanic.
2	BY MS. WOELFEL:	2	Q. When did you start working for Atlas?
3	Q. Can you describe for me what courses you look at OTI	3	A. This is an estimation, I believe it was in the fall of
4	related to diesel mechanics?	4	2001.
5	A. They were basically general theory courses in	5	Q. When did you leave Atlas?
6	operation and theory of diesel.	6	A. Again an estimation, I believe it was in the fall of
7	Q. Did you receive any certificates or degree of any	7	fall or winter, possibly spring of 2013.
8	type?	8	Q. So approximately 12 years?
9	A. I have received no degree or certificates.	9	A. Yes, ma'am.
10	Q. Can you remember the names of any specific courses	10	Q. And what does Atlas Contractors do?
11	that you took while at OTI?	11	A. Atlas Contractors, they did primarily paving and site
12	A. I don't believe I can.	12	pad preparation.
.3	Q. Okay.	13	Q. And were you in the position of mechanic for the
4	Outside of OTI have you taken any other courses or any	14	entire 12 years that you worked for Atlas Contractors?
.5	other technical training?	15	A. Yes.
.6	A. I have taken some that are typically offered through	16	Q. Describe your position as mechanic, what were your join
.7	like our parts stores and such, more like seminars versus actual	17	duties?
.8	courses.	18	A. My job duties was to assess, repair, maintain
9	Q. Can you recall specifically any courses or seminars	19	equipment as directed.
20	that you have taken?	20	Q. What type of equipment did you assess, repair and
21	A. I couldn't say exactly or some pertaining to like	21	maintain?
	brakes and	22	A. We had some large earth moving equipment, graders,
22			
	Q. Do you remember when you took a course related to	23	tractor-trailer or tractors as in trucks, and light equipment,
22 23 24	Q. Do you remember when you took a course related to brakes?	23 24	tractor-trailer or tractors as in trucks, and light equipment, pickups.

5 (Pages 14 to 17)

Page 14	Page 16
¹ A. I was not.	1 Q. Okay.
Q. How many mechanics were there?	2 Did you in your position at Atlas ever work with Versa
A. I believe at one time there were 12 to 14 of us.	³ valve products?
Q. Did you work full-time at Atlas?	4 A. Yes.
5 A. I did.	5 Oh, pardon, no.
6 Q. Who was your supervisor at Atlas?	6 Q. In your position at Atlas did you ever work with belly
 A. Originally it was Kipp Henderson. 	7 dump trailers?
⁸ Q. Is he still there?	8 A. No.
9 A. Pardon?	9 Q. Did you work with any type of trailer while at Atlas?
Q. Is he still at Atlas?	10 A. Yes.
A. He is not. Atlas Contractors is no longer in	11 Q. What types?
business.	A. An end dump, transfer trailers, and just like some
Q. When did Atlas Contractors go out of business?	13 12,000 pound flat trailers.
A. I believe it was 2013, fall or spring.	Q. Would you maintain and repair the end dump transfer
Q. Is that why you left?	15 trailers?
A. That's correct.	16 A. Yes, ma'am.
Q. Do you know why they went out of business?	Q. Did you ever conduct electrical work on the end dump
A. Economic reasons, I believe.	18 transfer trailers?
Q. Was your title simply mechanic or were you a	19 A. Yes.
supervisor, can you describe for me more precisely your role?	Q. What type of electrical work?
A. When I originally was employed with Atlas I started as	A. Typically repairing broken wires, lighting.
a mechanic and at one point in time I became a supervisor, a	Q. Have you ever in your time at Atlas ever fully
lead mechanic.	replaced the wiring system in an end dump transfer trailer?
Q. Approximately when?	A. We have in a transfer trailer, yes.
A. Perhaps like 2005, somewhere in that area.	Q. How many times?
Page 15 1 Q. Okay.	Page 17 1 A. Once for complete.
And how long were you in the position of lead	² Q. Prior to 2001 where did you work?
3 supervisor?	3 A. I worked for the City of Klamath Falls, Klamath Falls,
A. Pretty much until the end of my employment with them	4 Oregon.
5 in one respect or another.	Q. Let me go back. Where was Atlas Construction located?
6 Q. Okay.	6 A. In Sparks.
7 And as a supervisor what were your job duties?	Q. So prior to that you were living in Oregon?
A. Mainly to guide and help my other the other	8 A. I was.
9 employees on my shift.	9 Q. What did you do for the City of Klamath Falls?
Q. Did you do any training of other employees?	A. Mechanic.
11 A. Yes.	Q. When did you start working for the City of Klamath
Q. What type of training did you conduct?	Falls?
A. Mostly how to inspect and it depended on each job as	A. I don't recall those dates.
to what was required and assess their level of competence and	Q. Do you have an estimation on the year?
	A. Well, perhaps 1997.
help them understand and receive information or find it to make	16 O And did you leave just prior to moving to Sparks?
proper repairs.	2. This did you reave just prior to moving to Spains.
proper repairs. Q. Did you do electrical work while at Atlas?	A. I did.
proper repairs. Q. Did you do electrical work while at Atlas? A. I have, yes.	A. I did. 2. So that would be approximately 2001?
proper repairs. Q. Did you do electrical work while at Atlas? A. I have, yes. Q. How often would you do electrical work?	A. I did. Respectively. So that would be approximately 2001? A. Correct.
proper repairs. Q. Did you do electrical work while at Atlas? A. I have, yes. Q. How often would you do electrical work? A. I would say at least once a week.	A. I did. Respectively. I did. Respectivel
proper repairs. Q. Did you do electrical work while at Atlas? A. I have, yes. Q. How often would you do electrical work? A. I would say at least once a week. Q. Did you take any courses in electrical work?	A. I did. 18 Q. So that would be approximately 2001? 19 A. Correct. 20 Q. Why did you leave your job at the City of Klamath 21 Falls?
proper repairs. Q. Did you do electrical work while at Atlas? A. I have, yes. Q. How often would you do electrical work? A. I would say at least once a week. Q. Did you take any courses in electrical work? A. I have not.	A. I did. 18 Q. So that would be approximately 2001? 19 A. Correct. 20 Q. Why did you leave your job at the City of Klamath 21 Falls? 22 A. Better employment.
proper repairs. Q. Did you do electrical work while at Atlas? A. I have, yes. Q. How often would you do electrical work? A. I would say at least once a week. Q. Did you take any courses in electrical work? A. I have not. Q. How did you learn how to do electrical work?	A. I did. Respectively. So that would be approximately 2001? A. Correct. Respectively. Considering to Sparks. Why did you leave your job at the City of Klamath Falls? A. Better employment. Respectively. So that would be approximately 2001? A. Correct. Respectively. So that would be approximately 2001? A. Correct. Respectively. So that would be approximately 2001? A. Correct. Respectively. So that would be approximately 2001? A. Correct. Respectively. So that would be approximately 2001?
proper repairs. Q. Did you do electrical work while at Atlas? A. I have, yes. Q. How often would you do electrical work? A. I would say at least once a week. Q. Did you take any courses in electrical work? A. I have not.	A. I did. 18 Q. So that would be approximately 2001? 19 A. Correct. 20 Q. Why did you leave your job at the City of Klamath 21 Falls? 22 A. Better employment.

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6 (Pages 18 to 21)

	Page 18		Page 20
1	A. Yes, ma'am.	1	Q. Can you describe that for me?
2 (Q. Describe for me your duties as a mechanic for the	2	A. Go with my supervisor would come out and we would
3 city	?	3	go over systems and general repair, maintenance and inspection
4	A. General maintenance and repair of the equipment within	4	adjustments, such as the handicap lifts on the buses. I was
5 the	city, including pickups, dump trucks, small equipment.	5	given training on that from my supervisor and his knowledge of
6 (Q. Did the city provide you with any training?	6	the electrical components and failures and diagnostics of such
7	A. No.	7	with those buses.
8 (Q. Did you attend any training courses while you were	8	Q. I presume you did not work with belly dumpers while at
9 emp	ployed by the City of Klamath Falls?	9	Basin Transit?
10	A. I don't recall having any.	10	A. I did not.
11 (Q. What kind of dump trucks were you working on?	11	Q. What about Versa valves?
12	A. Ten wheel dump trucks class A.	12	A. No.
13 (Q. Did you work with any belly dumpers when you were	13	Q. Prior to Basin Transit Service can you recall where
14	A. No.	14	you worked?
15 (Q. What about with any Versa valves?	15	A. Yes, I worked for Gastaldi and Associates Land
16	A. No.	16	Surveyors.
17 (Q. Prior to the City of Klamath Falls, I know we're going	17	Q. Can you spell that for me?
18 bac	k in time quite a ways here, can you tell me where you	18	A. G-a-s-t-a-l-d-i.
¹⁹ wor	rked?	19	Q. Gastaldi?
20 A	A. I worked for Basin Transit Service.	20	A. Um-hum.
21 (Q. Basin Transit Service?	21	Q. Gastaldi and what?
22	A. Um-hum.	22	A. And Associates.
23 (Q. Where are they located?	23	Q. Land surveyors?
24 A	A. In Klamath Falls, Oregon.	24	A. Correct.
25 (Q. What was your position there?	25	Q. What was your position there?
	Page 19		Page 21
1 ,	A. Mechanic.	1	A. Land surveyor, I suppose, helper.
2 (Q. What year did you approximately begin working for	2	Q. Okay.
3 Bas	sin Transit Service?	3	Can you recall approximately when you began your work
4	A. 1994 perhaps.	4	at Gastaldi and Associates?
5 (Q. And did your employment end in approximately 1997?	5	A. Boy, that's getting so far back there.
6	A. Correct.	6	Q. Can you recall approximately how many years you worked
7 (Q. Can you tell me why your employment ended?	7	there?
8	A. I applied for and received the job with the city.	8	A. I would say three to four.
9 (Q. Okay.	9	Q. Okay.
10	Tell me what your job duties were at Basin Transit	10	And why did you leave that position?
11 Ser	vice?	11	A. Much more stable and better pay.
12	A. General maintenance and repair of transit buses.	12	Q. Outside of the employers we just discussed have you
13 (Q. Did Basin Transit Service provide you with any	13	held any other mechanic positions?
¹⁴ traii	ning?	14	A. Yes.
15	A. I was sent to several courses involving the buses.	15	Q. With whom?
16 (Q. These are transit buses that were just operating	16	A. The first one was with Tom Strong, Tom's Equipment.
¹⁷ arou	und Klamath Falls or were they school buses?	17	Q. Tom's Equipment?
18	A. Yes, these are just operating general passengers, not	18	A. Yes.
19 scho	ool.	19	Q. Where is that located?
	Q. So the courses that you went to were in how to	20	A. In Klamath Falls, Oregon.
20 (intain transit buses?	21	Q. How long were you with Tom's Equipment?
`		1	A Thomas I believe annualizate.
²¹ mai	A. Yes, component-wise like the transmissions, some	22	 A. Two years, I believe, approximately.
21 mai	A. Yes, component-wise like the transmissions, some tine work.	23	Q. You were a mechanic there?
21 mai 22 / 23 eng		ļ	* * * * * * * * * * * * * * * * * * * *

7 (Pages 22 to 25)

	Page 22	Page 24
1	A. Correct.	A. Not precisely. I'm sure it was January, February,
2	Q. Did they send you to any training?	somewhere in there.
3	A. No.	³ Q. Early in the year?
4	Q. What were your job duties?	4 A. Yes.
5	A. Clean the shop, assist the mechanics with repairs.	⁵ Q. Okay.
6	Q. What type of equipment were you working on?	6 What position were you hired to perform?
7	A. Mostly class A trucks.	7 A. A mechanic.
8	Q. Did you work on any trailers?	8 Q. Who were you hired by?
9	A. Yes.	9 A. I was hired by Tracy Shane.
10	Q. What types of trailers?	Q. Are there any other mechanics at MDB Trucking besides
11	A. Mostly logging trailers.	11 you?
12	Q. Any belly dumpers?	12 A. No.
13	A. No belly dumpers.	Q. When you started working at MDB in January or February
14	Q. Any Versa valve experience?	of 2013 was there any other mechanic that you worked with for
15	A. No.	any period of time?
16	Q. Any other employer where you acted in the capacity of	16 A. No.
17	mechanic that we have not yet discussed?	Q. Did you receive any training when you started your job
18	A. High Tech Diesel.	18 at MDB Trucking?
19	Q. Can you tell me approximately when you worked there?	19 A. No.
20	A. Three years perhaps.	Q. Were you sent out to receive any training from any
21	Q. Is this in the '80s?	outside source when you began working for MDB Trucking?
22	A. Pardon?	A. Pardon? I don't understand.
23	Q. This is in the decade of the 1980s?	Q. I apologize, and thank you for telling me you didn't
24	A. Yes.	understand. That means you were listening to my question.
25	Q. Okay.	Did MDB send you to any outside training courses?
	Page 23	
		Page 25
1	-	Page 25
1 2	What was your position there? A. Mechanic.	
	What was your position there?	1 A. No.
2	What was your position there? A. Mechanic.	1 A. No. 2 Q. Tell me what your job duties were when you were hired
2	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on?	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB?
2 3 4	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks.	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks
2 3 4 5	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers?	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers.
2 3 4 5	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there.	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have
2 3 4 5 6	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February
2 3 4 5 6 7 8	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors.	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February 8 of 2013?
2 3 4 5 6 7 8	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February 8 of 2013? 9 A. I believe there were nine.
2 3 4 5 6 7 8 9	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel?	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February 8 of 2013? 9 A. I believe there were nine. 10 Q. Nine
2 3 4 5 6 7 8 9 10	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes.	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February 8 of 2013? 9 A. I believe there were nine. 10 Q. Nine 11 A. Nine units or nine trucks.
2 3 4 5 6 7 8 9 10 11	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training?	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February 8 of 2013? 9 A. I believe there were nine. 10 Q. Nine 11 A. Nine units or nine trucks. 12 Q. So nine trucks and each of those trucks had trailers
2 3 4 5 6 7 8 9 10 11 12	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No.	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February 8 of 2013? 9 A. I believe there were nine. 10 Q. Nine 11 A. Nine units or nine trucks. 12 Q. So nine trucks and each of those trucks had trailers 13 that it hauled?
2 3 4 5 6 7 8 9 10 11 12 13	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No. Q. Did you work with belly dumpers while at High Tech	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February 8 of 2013? 9 A. I believe there were nine. 10 Q. Nine 11 A. Nine units or nine trucks. 12 Q. So nine trucks and each of those trucks had trailers 13 that it hauled? 14 A. Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No. Q. Did you work with belly dumpers while at High Tech Diesel?	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February 8 of 2013? 9 A. I believe there were nine. 10 Q. Nine 11 A. Nine units or nine trucks. 12 Q. So nine trucks and each of those trucks had trailers 13 that it hauled? 14 A. Correct. 15 Q. Do you know how many trailers in total MDB had in
2 3 4 5 6 7 8 9 10 11 12 13 14 15	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No. Q. Did you work with belly dumpers while at High Tech Diesel? A. I did not.	1 A. No. 2 Q. Tell me what your job duties were when you were hired 3 in January, February 2013 at MDB? 4 A. My job duties are to maintain and repair the trucks 5 and trailers. 6 Q. How many trucks and trailers does MDB or did MDB have 7 in its portfolio at the time you started in January or February 8 of 2013? 9 A. I believe there were nine. 10 Q. Nine 11 A. Nine units or nine trucks. 12 Q. So nine trucks and each of those trucks had trailers 13 that it hauled? 14 A. Correct. 15 Q. Do you know how many trailers in total MDB had in 16 January or February of 2013?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No. Q. Did you work with belly dumpers while at High Tech Diesel? A. I did not. Q. What about Versa valves?	A. No. Q. Tell me what your job duties were when you were hired in January, February 2013 at MDB? A. My job duties are to maintain and repair the trucks and trailers. Q. How many trucks and trailers does MDB or did MDB have in its portfolio at the time you started in January or February of 2013? A. I believe there were nine. Q. Nine A. Nine units or nine trucks. Q. So nine trucks and each of those trucks had trailers that it hauled? A. Correct. Q. Do you know how many trailers in total MDB had in January or February of 2013? A. I can't give you an exact total.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No. Q. Did you work with belly dumpers while at High Tech Diesel? A. I did not. Q. What about Versa valves? A. No.	A. No. Q. Tell me what your job duties were when you were hired in January, February 2013 at MDB? A. My job duties are to maintain and repair the trucks and trailers. Q. How many trucks and trailers does MDB or did MDB have in its portfolio at the time you started in January or February of 2013? A. I believe there were nine. Q. Nine A. Nine units or nine trucks. Q. So nine trucks and each of those trucks had trailers that it hauled? A. Correct. Q. Do you know how many trailers in total MDB had in January or February of 2013? A. I can't give you an exact total. Q. But each of those nine trucks hauled trailers; is that
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No. Q. Did you work with belly dumpers while at High Tech Diesel? A. I did not. Q. What about Versa valves? A. No. Q. Any other mechanic positions that we haven't already	A. No. Q. Tell me what your job duties were when you were hired in January, February 2013 at MDB? A. My job duties are to maintain and repair the trucks and trailers. Q. How many trucks and trailers does MDB or did MDB have in its portfolio at the time you started in January or February of 2013? A. I believe there were nine. Q. Nine A. Nine units or nine trucks. Q. So nine trucks and each of those trucks had trailers that it hauled? A. Correct. Q. Do you know how many trailers in total MDB had in January or February of 2013? A. I can't give you an exact total. Q. But each of those nine trucks hauled trailers; is that correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No. Q. Did you work with belly dumpers while at High Tech Diesel? A. I did not. Q. What about Versa valves? A. No. Q. Any other mechanic positions that we haven't already discussed?	A. No. Q. Tell me what your job duties were when you were hired in January, February 2013 at MDB? A. My job duties are to maintain and repair the trucks and trailers. Q. How many trucks and trailers does MDB or did MDB have in its portfolio at the time you started in January or February of 2013? A. I believe there were nine. Q. Nine A. Nine units or nine trucks. Q. So nine trucks and each of those trucks had trailers that it hauled? A. Correct. Q. Do you know how many trailers in total MDB had in January or February of 2013? A. I can't give you an exact total. Q. But each of those nine trucks hauled trailers; is that correct? A. Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No. Q. Did you work with belly dumpers while at High Tech Diesel? A. I did not. Q. What about Versa valves? A. No. Q. Any other mechanic positions that we haven't already discussed? A. I believe that is it.	A. No. Q. Tell me what your job duties were when you were hired in January, February 2013 at MDB? A. My job duties are to maintain and repair the trucks and trailers. Q. How many trucks and trailers does MDB or did MDB have in its portfolio at the time you started in January or February of 2013? A. I believe there were nine. Q. Nine A. Nine units or nine trucks. Q. So nine trucks and each of those trucks had trailers that it hauled? A. Correct. Q. Do you know how many trailers in total MDB had in January or February of 2013? A. I can't give you an exact total. Q. But each of those nine trucks hauled trailers; is that correct? A. Correct. Q. What types of trucks?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	What was your position there? A. Mechanic. Q. Tell me what types of equipment you were working on? A. Class A trucks. Q. Were you also working on logging trailers? A. Not so much there. Q. Mostly A. Typically just the tractors. Q. Did you receive any training while at High Tech Diesel? A. On-the-job, yes. Q. Any other training besides on-the-job training? A. No. Q. Did you work with belly dumpers while at High Tech Diesel? A. I did not. Q. What about Versa valves? A. No. Q. Any other mechanic positions that we haven't already discussed? A. I believe that is it. Q. So going to your position at MDB you said you began in	A. No. Q. Tell me what your job duties were when you were hired in January, February 2013 at MDB? A. My job duties are to maintain and repair the trucks and trailers. Q. How many trucks and trailers does MDB or did MDB have in its portfolio at the time you started in January or February of 2013? A. I believe there were nine. Q. Nine A. Nine units or nine trucks. Q. So nine trucks and each of those trucks had trailers that it hauled? A. Correct. Q. Do you know how many trailers in total MDB had in January or February of 2013? A. I can't give you an exact total. Q. But each of those nine trucks hauled trailers; is that correct? A. Correct. Q. What types of trucks? A. We have what they call the semi-tractor with a fifth

8 (Pages 26 to 29)

Page 26	Page 28
	raye 20
 types of tractors before? A. It was after my being hired there. A. I had. Q. Do you know what position he was 	hirad to marform?
A. I had. Q. Do you know what position he was Q. And what about the trailers, what types of trailers A. My understanding was to assist me	•
does MDB have? 4 does MDB have? 4 to drive.	on mannenance and
5 A. They have bottom dump trailers. 5 Q. Okay.	
6 Q. That would also be called a belly dumper? 6 So he would split his time between the	nose duties?
7 A. Correct.	ioso duties.
8 Q. Any other type of trailers? 8 Q. And on average when Scott Palmer	began working at MDB
9 A. We have a flatbed, pneumatics and transfer. I believe 9 how often would he assist you with mainter	-
that is it.	
Q. Prior to coming to work at MDB had you ever worked on Q. What about now, does he still assist	you fairly often?
a bottom dump trailer before? 12 A. Not as often.	,
A. I have not. 13 Q. When you began working at MDB of	did you receive any
Q. What about a flatbed trailer?	•
A. Yes. 15 trailers that you work on?	
Q. What about a pneumatic?	
A. Yes. 17 Q. Have you ever reviewed any docum	ents or manuals
No. Pardon, no, not a pneumatic. 18 related to the trucks and trailers that you we	
Q. What about a transfer trailer?	
A. Yes. 20 Q. In your position with MDB?	
Q. Did you receive any training on how to perform 21 A. I don't quite understand the question	1.
maintenance on a bottom dump trailer after arriving at MDB? 22 Q. Have you had occasion to review an	y documents or
A. No. 23 manuals related to the trucks or trailers that	you are working
Q. Did you do any independent training, anything on your 24 on?	
own to prepare you for maintaining bottom dump trailers? 25 A. Yes.	
Page 27	Page 29
MR. BROWN: Foundation. Go ahead. 1 Q. Can you describe for me any speci	fic occasions that
MR. BROWN: Foundation. Go ahead. 1 Q. Can you describe for me any specific properties of the WITNESS: I don't believe so, no. 2 you can recall?	fic occasions that
THE WITNESS: I don't believe so, no.	e engines when I'm
THE WITNESS: I don't believe so, no. 2 you can recall? 3 BY MS. WOELFEL: 3 A. Such as when I am working on the	engines when I'm
THE WITNESS: I don't believe so, no. 2 you can recall? 3 BY MS. WOELFEL: 3 A. Such as when I am working on the unfamiliar, not familiar with a certain product of the unfamiliar.	engines when I'm
THE WITNESS: I don't believe so, no. 2 you can recall? 3 A. Such as when I am working on the unfamiliar, not familiar with a certain prowing to work at MDB had you worked at all with a product called Versa valve? 5 with a product called Versa valve? 5 you can recall? 4 unfamiliar, not familiar with a certain prowing the product called Versa valve? 5 look up in a manual that particular procedure.	engines when I'm
THE WITNESS: I don't believe so, no. 2 you can recall? 3 A. Such as when I am working on the unfamiliar, not familiar with a certain proced with a product called Versa valve? 4 A. No. 5 you can recall? 6 Unfamiliar, not familiar with a certain proced look up in a manual that particular proced specifications —	engines when I'm
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Q. Did you receive any training on how to maintain a you can recall? A. Such as when I am working on the unfamiliar, not familiar with a certain product called Versa valve? look up in a manual that particular proced specifications Q. Okay.	engines when I'm
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to P. Did you conduct any independent training on how to	e engines when I'm cedure then we would lure and
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all winfamiliar, not familiar with a certain product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to maintain a Work with Versa valve products? THE WITNESS: I don't believe so, no. A. Such as when I am working on the unfamiliar, not familiar with a certain product specifications — Dok unfamiliar, not familiar with a certain product specifications — Q. Okay. A. No. Q. Okay. A. No. P. Okay. Are there any MDB standard operators are written down that you received when your second of the product of the p	e engines when I'm cedure then we would lure and
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Did you conduct any independent training on how to more work with Versa valve products? A. No. Did you conduct any independent training on how to MDB? you can recall? A. Such as when I am working on the unfamiliar, not familiar with a certain product any independent training on how to peculiar work and product any independent training on how to Are there any MDB standard operated are written down that you received when you make the product of the produc	e engines when I'm cedure then we would lure and
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all winfamiliar, not familiar with a certain product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a To work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Are there any MDB standard operate are written down that you received when you make a mechanic's assistant or anybody else A. In relation in regards to	e engines when I'm cedure then we would lure and ting procedures that you began working for
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all wifth a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with you are ceived when you are work with you are work with you at MDB? Did you can recall? A. Such as when I am working on the unfamiliar, not familiar, not familiar, not familiar, not familiar with a certain product unfamiliar, not familiar with a certain product unfamiliar with a unfamiliar, not familiar with a certain product unfamiliar with a unfamiliar with a unfamiliar	e engines when I'm cedure then we would lure and ting procedures that you began working for
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all wifth a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve? A. No. Did you conduct any independent training on how to maintain a work with Versa valve? A. No. Did you conduct any independent training on how to maintain a work with you received when you are written down that you received when you have a mechanic's assistant or anybody else that performs mechanic work with you at MDB? A. Pardon? Did you can recall? A. Such as when I am working on the unfamiliar, not familiar, not familiar, not familiar with a certain product all unfamiliar, not familiar with a certain product any unfamiliar, not familia	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all wifth a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve? A. No. Did you conduct any independent training on how to maintain a work with you received when you are written down that you received when you have a mechanic's assistant or anybody else that work with you at MDB? A. Pardon? Did you can recall? A. Such as when I am working on the unfamiliar, not familiar with a certain product all unfamili	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Did you conduct any independent training on how to maintain a work with Versa valve products? A. No. Do you have a mechanic's assistant or anybody else that assists you in performing mechanic work at MDB? Went with Versa and the product of the product o	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Do you have a mechanic's assistant or anybody else that assists you in performing mechanic work at MDB? A. We have had some assistants and I receive assistance DY Wou can recall? A. Such as when I am working on the unfamiliar, not familiar with a certain product approach to a mechanic and training on how to specifications Q. Okay. A. No. Do Okay. A necessary. Q. Okay. Are there any MDB standard operate are written down that you received when you are written down that you received when you have a mechanic's assistant or anybody else That you received? A. Pardon? D. In relation in regards to WR. BROWN: Objection, vague. The WITNESS: I don't from whom the present?	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Q. Did you receive any training on how to maintain a Versa valve? A. No. Q. Did you conduct any independent training on how to with with Versa valve products? A. No. Q. Did you conduct any independent training on how to maintain a vertice any MDB standard operate are written down that you received when you work with Versa valve products? A. No. Q. Do you have a mechanic's assistant or anybody else that performs mechanic work with you at MDB? A. Pardon? Q. Is there a mechanic's assistant or anybody else that assists you in performing mechanic work at MDB? A. We have had some assistants and I receive assistance from Scott Palmer on occasion.	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all You can answer.
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Q. Did you receive any training on how to maintain a Versa valve? A. No. Q. Did you conduct any independent training on how to work with Versa valve products? A. No. Q. Did you conduct any independent training on how to mare written down that you received when you work with you at MDB? A. No. Q. Do you have a mechanic's assistant or anybody else that assists you in performing mechanic work at MDB? A. We have had some assistants and I receive assistance from Scott Palmer on occasion. Q. Well, let's start with when you were producted at the product of the present? D. Wou can recall? A. Such as when I am working on the unfamiliar, not familiar with a certain product and unfamiliar, not familiar with a certain product and unfamiliar, not familiar, not familiar with a certain product and the unfamiliar, not familiar with a certain product and in the unfamiliar, not familiar with a certain product and the unfamiliar, not familiar with a certain product and the unfamiliar, not familiar with a certain product and unfamiliar, not familiar with a certain product and unfamiliar, not familiar with a certain product and unfamiliar, not familiar, not familiar with a certain product and unfamiliar, not familiar, not familian proced as pecifications	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all You can answer. It was hired or to the hired. When you
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Do you have a mechanic's assistant or anybody else that performs mechanic work with you at MDB? A. Pardon? A. We have had some assistants and I receive assistance from Scott Palmer on occasion. Pyou can recall? A. Such as when I am working on the unfamiliar, not familiar with a certain proced specifications — Q. Okay in a manual that particular proced specifications — Q. Okay. A necessary. Q. Okay. Are there any MDB standard operation are written down that you received when you are written down that you received when you do not have a mechanic's assistant or anybody else A. Pardon? A. Pardon? A. We have had some assistant or anybody else that assists you in performing mechanic work at MDB? A. We have had some assistants and I receive assistance from Scott Palmer on occasion. Q. How often does Scott Palmer on average assist you with maintenance issues? Pound and manual that particular proced specifications — Q. Okay. A necessary. Q. Okay. A necessary. Q. Okay. Are there any MDB standard operation are written down that you received when you received when you are written down that you received when you received? A. In relation — in regards to — Q. In relation to your position or any that you received? MR. BROWN: Objection, vague. Your position or any that you received? BY MS. WOELFEL: Q. Well, let's start with when you were were hired did you receive any company mere hired did you receive any com	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all You can answer. It was hired or to be hired. When you manuals, anything
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Did you conduct any independent training on how to MDB? A. No. Do you have a mechanic's assistant or anybody else that performs mechanic work with you at MDB? A. Pardon? D. Is there a mechanic's assistant or anybody else that assists you in performing mechanic work at MDB? A. We have had some assistants and I receive assistance from Scott Palmer on occasion. D. Well, let's start with when you were hired did you receive any company mention of any let's start with when you were maintenance issues? A. Now or then?	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all You can answer. It was hired or to be hired. When you manuals, anything
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Did you receive any training on how to maintain a Versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Do you have a mechanic's assistant or anybody else that performs mechanic work with you at MDB? A. Pardon? Q. Is there a mechanic's assistant or anybody else that assists you in performing mechanic work at MDB? A. We have had some assistants and I receive assistance from Scott Palmer on occasion. Q. When did he start actually, let's go ahead THE WITNESS: I don't receil receiving any. A. I don't receil receiving any.	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all You can answer. een I was hired or to the hired. When you manuals, anything MDB Trucking?
THE WITNESS: I don't believe so, no. BY MS. WOELFEL: Q. Prior to coming to work at MDB had you worked at all with a product called Versa valve? A. No. Q. Did you receive any training on how to maintain a versa valve? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Did you conduct any independent training on how to work with Versa valve products? A. No. Do you have a mechanic's assistant or anybody else that assists you in performing mechanic work at MDB? A. Pardon? A. We have had some assistants and I receive assistance from Scott Palmer on occasion. DY You can recall? A. Such as when I am working on the unfamiliar, not familiar with a certain product approach to with a particular proced specifications Q. Okay. A. No. Do You Are there any MDB standard operat are written down that you received when you are written down that you received when you are written down that you received? A. No. Q. In relation in regards to MR. BROWN: Objection, vague. You with you at your procedure and your proce	e engines when I'm cedure then we would lure and ting procedures that you began working for manuals at all You can answer. ten I was hired or to the hired. When you manuals, anything MDB Trucking?

9 (Pages 30 to 33)

Secure terrolizations			9 (Pages 30 to 33)
	Page 30		Page 32
1	A. No.	1	applied in this situation, whether with the switches and/or by
2	Q. Did you do any driving at any time while at MDB	2	manually, by hand.
3	Trucking?	3	Q. Okay.
4	A. On occasion, yes.	4	And did he demonstrate for you how to operate it
5	Q. How often Well, describe for me what you do when	5	manually by hand?
6	you drive, are you transporting material?	6	A. Correct.
7	A. Yes, typically.	7	Q. Can you tell me what he showed you or told you?
8	Q. How often are you engaged as a driver for MDB	8	A. When we were over the grizzlies we could open the
9	Trucking?	9	Versa valve depending on how much room was in the grizzly,
10	A. Not very often. I choose not to. On occasion, I	10	whether it would hold the complete trailer load or not. We
11	can't give you an exact amount of time, but typically they will	11	could open it partially by pushing in on the valve to a certain
12	need someone to fill in occasionally, so not very often.	12	degree to modulate its opening and then pushing on the palm
13	Q. Okay.	13	valve, which is attached to an accumulator that will hold the
14	Have you hauled the belly dump trailers before when	14	gate in that position until acted upon again either electrically
15	you have acted as a driver?	15	or manually on the valve.
16	A. I have, yes.	16	Q. Okay.
17	Q. Have you utilized the Versa valve in manually dumping	17	A. That way we could modulate our dump to facilitate the
18	over a grizzly when you have acted as a driver?	18	space available in the grizzly.
19	A. I have.	19	Q. Okay.
20	Q. Can you walk me through I want to talk about when	20	So you're standing outside of your cab next to the
21	you have acted as a driver and you have operated the Versa valve	21	Versa valve and you're pushing on the handle; is that right?
22	and you have dumped over a grizzly, did you operate the Versa	22	A. That is correct.
23	valve manually or through the switch in the cab?	23	Q. Okay.
24	A. Both depending upon the situation.	24	And it opens partially; is that right?
25	Q. Did you receive any training on how to manually	25	I'm breaking it down into plain English, because
	Page 31		Page 33
1	operate the Versa valve?	1	you're using a lot of big words here, and then what you're
2	A. Yes, I did.	2	describing is then you would open it all the way; is that right?
3	Q. From whom?	3	A. Correct.
4	A. From Tracy Shane.	4	Q. What would you do after all of the material comes out?
5	Q. When did Tracy Shane provide you training on how to	5	A. Pull forward onto the grizzlies with the next trailer.
6	manually operate the Versa valve?	6	Q. Would you close the trailer before you would get in
7	A. When?	7	the cab and pull forward?
8	Q. Yes.	В	A. No, I would get in the cab and pull forward and
9	A. As in an exact date?	9	activate the switch that electrically opens and then closes the
10	Q. As in give me your best approximation, was it shortly	10	gates.
11	after you first started working?	11	Q. So you would not close the gates manually, you would
12	A. I would say probably six months afterwards when he	12	go into the cab and then you would
13	first asked me to fill in as a driver.	13	A. Correct.
14	Q. So six months after you started working as a mechanic	14	Q flip the switch and that would close it?
15	Tracy asked you to fill in as a driver?	15	A. I would turn the switch to the on position and then
16	A. Approximately, yes.	16	return it to the off position and closing the cover at the same
17	Q. When he asked you to fill in as a driver he gave you	17	time and allowing that allows the gates to close
18	training on how to operate the Versa valve?	18	electrically.
19	A. Correct.	19	Q. Okay.
20	Q. Can you describe for me the training that you	20	And then you would pull forward?
21	received?	21	A. Um-hum.
22	A. Yes, the training consisted of we drove the truck	22	Q. And do the same thing again?
23	together. He was with me, loaded it, checked our equipment,	23	A. Correct.
24	returned to Cemex to dump the load over the grizzlies. At that	24	Q. And then after that you would do the same thing one

10 (Pages 34 to 37)

	Page 34		Page 36
1	A. Correct.	1	in-house?
2	Q. Okay.	2	A. Typically, yes.
3	How many times did Tracy Shane drive with you?	3	Q. Can you tell me do you work full-time for MDB?
4	A. We made, I believe, two complete rounds.	4	A. I do.
5	Q. Can you tell me how many trips you have taken on your	5	Q. Forty hours a week?
6	own without Tracy?	6	A. Yes.
7	A. Oh, since that time, 40, 50, somewhere in there.	7	Q. Is that Monday through Friday?
8	Q. Have you always dumped over the grizzly in the same	8	A. Yes, it is.
9	manner that you just described?	9	Q. Talk to me about sort of your typical schedule when
10	A. I personally have, yes.	10	you are working in the maintenance department, what does a
11	Q. Did you receive any written materials to review on how	11	typical day look like for you?
12	to operate a Versa valve prior to beginning your work as a	12	A. A typical day
13	driver?	13	Q. What time do you arrive?
14	MR. BROWN: Objection, foundation.	14	A can be varied depends on the workload, the trucks
15	THE WITNESS: No.	15	and what we have pending for repair.
16	BY MS. WOELFEL:	16	Q. What time do you typically arrive for work?
17	Q. At any time did you receive any materials on how to	17	A. I typically arrive at 8:00 o'clock.
18	operate a Versa valve?	18	Q. Are most of your drivers already out in the field at
19	A. No.	19	that time?
20	Q. Was there any group training that you were involved in	20	A. Yes.
21 22	on how to operate a Versa valve?	21	Q. And is it typical that you will have some sort of
23	A. No.	23	standard maintenance or some repair on a truck or trailer to do
24	Q. Now you said that you personally operated the Versa	24	each day?
25	valve in that manner. Are you aware of other people operating the Versa valve differently at MDB Trucking?	25	A. That is what we try to do, yes.
	the versa valve differently at MDB Trucking:		Q. What is the standard maintenance process for MDB
	Page 35		Page 37
1	A. I cannot say how they operate them. The way I	1	trucks and trailers?
2	operated them was manually to ensure that I didn't miss the	2	A. Standard maintenance?
3	grizzly and spread material on the approach.	3	Q. Yes, do you have a standard maintenance protocol, do
4	Q. And the way that you closed the bottom dumper by going	4	you check them every week, every month, is there some sort of a
5	in the cab and shutting it there, do you know if that is the way	5	standard protocol for the maintenance department?
6	that everybody did it or just the way that you did it?	6	A. We try to look at them once every two weeks at a
7	A. Well, that's the way it was intended or what Tracy	7	minimum.
8	Shane implied I should do to properly close that gate.	8	Q. And what does that mean to look at them, does that
9	Q. Did he explain why that was important or not	9	A. We bring them in, we inspect and lubricate the
11	important?	10	equipment.
12	A. No.	12	Q. And what does an inspection involve?
13	Q. Are you involved in setting any training protocol for any other employees at MDB Trucking?	13	A. An inspection involves visually looking for any issues, broken parts, worn-out brakes, inoperative lights,
14	A. No.	14	
15	Q. Do you perform all of the maintenance on the trucks	15	unsecured components, make sure all functions are correct. Q. Is it a visual inspection or are you
16	and trailers that MDB Trucking operates, do you perform the	16	A. It's mostly visual. Some of it is physical.
17	maintenance on that in-house or do you ever send it out for	17	Q. What part is physical?
18	work?	18	A. Such as the brakes, we check the length of the brake
19	A. We typically do most of it in-house. However, there	19	to make sure it's within the specified distance for a foundation
20	is some that is sent out on repairs.	20	brake.
21	Q. What types of repairs would you send out to someone	21	Q. Do you conduct annual inspections?
22	else to perform?	22	A. Yes.
23	A. Typically like engines and transmissions, the things	23	Q. Describe for me what the annual inspections involve?
24	that I do not have the tooling for we send out.	24	A. Well, the annual inspections involve pretty much the
25	Q. Do you typically do all of the electrical work	25	same as a weekly or biweekly inspection, just making certain
23 24	A. Typically like engines and transmissions, the things that I do not have the tooling for we send out.	23 24	Q. Describe for me what the annual inspections involve?A. Well, the annual inspections involve pretty much the

11 (Pages 38 to 41)

		annon publications	
	Page 38		Page 40
1	that we have all of our safety equipment, windshields,	1	BY MS. WOELFEL:
2	windshield wipers, motors, engines and such like that, brakes,	2	Q. Okay.
3	securement.	3	Do you conduct outside of the maintenance process
4	Q. Do you check the wiring as part of your inspections	4	that you described where you try to see each vehicle every other
5	every other week?	5	week, do you conduct any random inspections of trucks or
6	MR. BROWN: Vague, go ahead.	6	trailers?
7	THE WITNESS: Would you explain or more detail?	7	A. The random inspections are continuous on the yard
8	BY MS. WOELFEL:	8	bringing them in or you're always looking underneath the trucks.
9	Q. If you were inspecting a belly dump trailer do you	9	It's more like when you get your CDL, part of your walk around
10	inspect any of the wiring on your multi-week inspections?	10	inspection and being a mechanic you are constantly looking for
11	A. No, we as we go through it there's a lot of wires	11	something, whether it's a puddle on the ground or a broken lamp
12	that you cannot see. We visually inspect any that are exposed,	12	or something not secured.
13	that's just part of what we do. If we see something odd hanging	13	Q. So are you physically out walking amongst
14	down, unsecured, we inspect it, resecure it and make sure that	14	A. On occasion we do, yes.
15	it's proper.	15	Q. And outside of that are you receiving reports from the
16	Q. Do you ever inspect the wiring that is not exposed?	16	drivers regarding issues that they are having with their
17	A. No.	17	vehicles?
18	Q. So during your annual inspections you're not checking	18	A. I don't personally receive the reports. Scott Palmer
19	the wiring that runs through the bars?	19	does.
20	A. No.	20	Q. How do you receive the reports or the work orders?
21	Q. Is there any type of regular maintenance conducted on	21	A. I'm directed by Scott Palmer.
22	the electrical system of the trucks?	22	Q. Well, how will you receive or how do you typically
23	A. Maintenance?	23	receive a work order from Scott, do you have a standard meeting
24	Q. Yes, regular maintenance.	24	time where the two of you get together or does he leave them for
25	A. Such as checking the alternator and the batteries,	25	you in a certain location, how do you obtain the information
	Page 39		Page 41
1			
	yes, we do that.	1	that
2	yes, we do that. Q. What about the electrical system of the various	1 2	that A. It depends on the repair necessary. I will either
	• •	1	
2	Q. What about the electrical system of the various	2	A. It depends on the repair necessary. I will either
2	Q. What about the electrical system of the various trailers that MDB owns or leases?	2	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically
2 3 4	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that	2 3 4	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and
2 3 4 5	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or	2 3 4 5	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs.
2 3 4 5 6	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions	2 3 4 5 6 7 8	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're
2 3 4 5 6 7	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and	2 3 4 5 6 7 8	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision.
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2 3 4 5 6 7 8 9	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not.	2 3 4 5 6 7 8 9	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by?
2 3 4 5 6 7 8 9 10 11	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at	2 3 4 5 6 7 8 9 10 11	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes.
2 3 4 5 6 7 8 9 10 11 12	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their	2 3 4 5 6 7 8 9 10 11 12 13	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into
2 3 4 5 6 7 8 9 10 11 12 13	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles?	2 3 4 5 6 7 8 9 10 11 12 13	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company?
2 3 4 5 6 7 8 9 10 11 12 13 14	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound.	2 3 4 5 6 7 8 9 10 11 12 13 14	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound. THE WITNESS: I don't understand what you're asking	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes. Q. Do you know Daniel Koski?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound. THE WITNESS: I don't understand what you're asking there.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes. Q. Do you know Daniel Koski? A. I do know Dan.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound. THE WITNESS: I don't understand what you're asking there. BY MS. WOELFEL:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes. Q. Do you know Daniel Koski? A. I do know Dan. Q. How long did you work with him?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound. THE WITNESS: I don't understand what you're asking there. BY MS. WOELFEL: Q. Sure.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes. Q. Do you know Daniel Koski? A. I do know Dan. Q. How long did you work with him? A. Since I hired on at MDB until the time that he left.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound. THE WITNESS: I don't understand what you're asking there. BY MS. WOELFEL: Q. Sure. Is there anything that you're aware of that MDB does	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes. Q. Do you know Daniel Koski? A. I do know Dan. Q. How long did you work with him? A. Since I hired on at MDB until the time that he left. Q. So he had been there prior to your arrival?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound. THE WITNESS: I don't understand what you're asking there. BY MS. WOELFEL: Q. Sure. Is there anything that you're aware of that MDB does to make sure that its drivers are adequately inspecting their	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes. Q. Do you know Daniel Koski? A. I do know Dan. Q. How long did you work with him? A. Since I hired on at MDB until the time that he left. Q. So he had been there prior to your arrival? A. Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound. THE WITNESS: I don't understand what you're asking there. BY MS. WOELFEL: Q. Sure. Is there anything that you're aware of that MDB does to make sure that its drivers are adequately inspecting their vehicles on a daily basis?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes. Q. Do you know Daniel Koski? A. I do know Dan. Q. How long did you work with him? A. Since I hired on at MDB until the time that he left. Q. So he had been there prior to your arrival? A. Correct. Q. Are you aware of the two dump incidents that Mr. Koski
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound. THE WITNESS: I don't understand what you're asking there. BY MS. WOELFEL: Q. Sure. Is there anything that you're aware of that MDB does to make sure that its drivers are adequately inspecting their vehicles on a daily basis? MR. BROWN: Objection, foundation.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes. Q. Do you know Daniel Koski? A. I do know Dan. Q. How long did you work with him? A. Since I hired on at MDB until the time that he left. Q. So he had been there prior to your arrival? A. Correct. Q. Are you aware of the two dump incidents that Mr. Koski was involved in?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. What about the electrical system of the various trailers that MDB owns or leases? A. With the trailers again we inspect to make sure that the wires are secured and that we don't have any that we see or know of creating shorts or are in poor condition, any abrasions that we can see. Q. Are you involved in confirming whether or not the driver's conduct their daily inspections of the trucks and trailers that they are driving? A. I am not. Q. Do you know how the company ensures, if they do at all, that their drivers are adequately maintaining their vehicles? MR. BROWN: Objection, compound. THE WITNESS: I don't understand what you're asking there. BY MS. WOELFEL: Q. Sure. Is there anything that you're aware of that MDB does to make sure that its drivers are adequately inspecting their vehicles on a daily basis?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. It depends on the repair necessary. I will either receive them in the evening for repair that evening or typically we will meet in the mornings prior to going into the shop and discuss the needs for maintenance and repairs. Q. And do the two of you discuss prioritizing what you're going to work on or who makes that decision of what you're going to work on for the day? A. Scott typically makes that decision. Q. Before Scott began working at MDB was Tracy the person that you were directed by? A. Yes. Q. And did Scott take Tracy's place? Did Scott move into Tracy's position when Tracy left the company? A. Yes. Q. Do you know Daniel Koski? A. I do know Dan. Q. How long did you work with him? A. Since I hired on at MDB until the time that he left. Q. So he had been there prior to your arrival? A. Correct. Q. Are you aware of the two dump incidents that Mr. Koski

		12 (Pages 42 to 45)
	Page 42	Page 44
1	A. I was.	1 A. No.
2	Q. And also in July of 2014 during the second dump	 Q. Have you seen any maintenance documents related to
3	incident?	3 this trailer from the time before MDB took possession of the
4	A. Yes.	4 trailer?
5	Q. Other than those two dump incidents that we will	5 A. I have not.
6	discuss, are you aware of any other inadvertent dumps during	6 Q. Do you know if the wiring on that trailer is original,
7	your time at MDB Trucking?	7 and I'm talking about when MDB first took possession of the
8	A. No.	8 trailer, do you know if the wiring that was on the trailer was
9	MR. BROWN: Object, vague.	9 original or not?
10	BY MS. WOELFEL:	A. I could not say either way.
11	Q. I'm going to refer to the trailer that Mr. Koski was	Q. Do you have any information regarding whether or not
12	pulling that opened up in July of 2013 as trailer 6775. Do you	trailer 6775 had ever been involved in an accident prior to MDB
13	recall if that's the number that that trailer was assigned?	13 acquiring it?
14	A. I believe it would be one of those numbers. That	A. I would have no knowledge.
15	exact number, I would have to look at a work order or something.	Q. Do you have any knowledge of whether trailer 6775 had
16	Q. I will show you some, but I will represent to you that	ever had any other inadvertent dump prior to MDB acquiring it?
17	it's trailer 6775.	A. I have no knowledge of that, no.
18	Do you know when this trailer first came into MDB's	Q. Do you know if MDB made any efforts to evaluate the
19	possession, the trailer that was involved in the dump incident	state or condition of the electrical connections on trailer 6775
20	in July of 2013?	20 before it acquired it?
21	A. I don't know the exact date.	MR. BROWN: Objection, vague.
22	Q. Was it in MDB's possession when you began work	THE WITNESS: I don't recall.
23	A. No.	23 BY MS. WOELFEL:
24	Q at MDB?	Q. Do you have any knowledge of whether the Versa valve
25	Trailer 6775 was not in MDB's possession when you	included with trailer 6775 was the original Versa valve
	Page 43	Page 45
1	first started working?	installed on that trailer?
2	A. To the best of my knowledge it was not.	² MR. BROWN: Objection, vague.
3	Q. So the lease or purchase of that trailer occurred	THE WITNESS: I could not say that it was original or
4	after you had started working at MDB; is that correct?	4 not.
. 5	A. I believe so.	5 BY MS. WOELFEL:
6	Q. Okay.	Q. Do you know if trailer 6775 was painted by MDB when it
7	Were you involved in the process of Let me back up.	7 was acquired?
	· · · · · · · · · · · · · · · · · · ·	8 A. Painted?
8	Do you know if MDB inspected this trailer before it	71. I dilliod:
8 9	Do you know if MDB inspected this trailer before it leased or purchased it in 2013?	9 Q. Painted.
	leased or purchased it in 2013?	9 Q. Painted.
9	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me.	 Q. Painted. A. It was not painted.
9 10	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay.	 Q. Painted. A. It was not painted.
9 10 11	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased	 Q. Painted. A. It was not painted. Q. Has the trailer been painted or repainted at all since it's been in MDB's possession?
9 10 11 12	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from?	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No.
9 10 11 12 13	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority.	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No.
9 10 11 12 13	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1.
9 10 11 12 13 14	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was purchased or leased by MDB Trucking?	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1. 16 (Exhibit 1 was marked.)
9 10 11 12 13 14 15	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was purchased or leased by MDB Trucking? A. I do not.	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1. 16 (Exhibit 1 was marked.) 17 BY MS. WOELFEL:
9 10 11 12 13 14 15 16	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was purchased or leased by MDB Trucking? A. I do not. Q. Were you involved in the purchase or the lease or the	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1. 16 (Exhibit 1 was marked.) 17 BY MS. WOELFEL: 18 Q. Exhibit 1 is a document Bates labeled MDB 723. Have
9 10 11 12 13 14 15 16 17	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was purchased or leased by MDB Trucking? A. I do not. Q. Were you involved in the purchase or the lease or the acquisition of the trailer in any way?	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1. 16 (Exhibit 1 was marked.) 17 BY MS. WOELFEL: 18 Q. Exhibit 1 is a document Bates labeled MDB 723. Have 19 you ever seen this document before?
9 10 11 12 13 14 15 16 17 18 19	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was purchased or leased by MDB Trucking? A. I do not. Q. Were you involved in the purchase or the lease or the acquisition of the trailer in any way? A. No.	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1. 16 (Exhibit 1 was marked.) 17 BY MS. WOELFEL: 18 Q. Exhibit 1 is a document Bates labeled MDB 723. Have 19 you ever seen this document before? 20 A. I have not.
9 10 11 12 13 14 15 16 17 18 19 20 21	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was purchased or leased by MDB Trucking? A. I do not. Q. Were you involved in the purchase or the lease or the acquisition of the trailer in any way? A. No. Q. You didn't inspect the trailer prior to MDB taking	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1. 16 (Exhibit 1 was marked.) 17 BY MS. WOELFEL: 18 Q. Exhibit 1 is a document Bates labeled MDB 723. Have 19 you ever seen this document before? 20 A. I have not. 21 Q. Okay.
9 10 11 12 13 14 15 16 17 18 19 20 21	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was purchased or leased by MDB Trucking? A. I do not. Q. Were you involved in the purchase or the lease or the acquisition of the trailer in any way? A. No. Q. You didn't inspect the trailer prior to MDB taking possession of the trailer?	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1. 16 (Exhibit 1 was marked.) 17 BY MS. WOELFEL: 18 Q. Exhibit 1 is a document Bates labeled MDB 723. Have 19 you ever seen this document before? 20 A. I have not. 21 Q. Okay. 22 The date on this invoice is February 25, 2014, and I
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was purchased or leased by MDB Trucking? A. I do not. Q. Were you involved in the purchase or the lease or the acquisition of the trailer in any way? A. No. Q. You didn't inspect the trailer prior to MDB taking possession of the trailer? A. I did not.	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1. 16 (Exhibit 1 was marked.) 17 BY MS. WOELFEL: 18 Q. Exhibit 1 is a document Bates labeled MDB 723. Have 19 you ever seen this document before? 20 A. I have not. 21 Q. Okay. 22 The date on this invoice is February 25, 2014, and I 23 will represent to you that this is an invoice for the sale of
9 10 11 12 13 14 15 16 17 18 19 20 21	leased or purchased it in 2013? A. I do not believe so. If it were it was not with me. Q. Okay. Do you know who the trailer was purchased or leased from? A. I can't say with any authority. Q. Do you know how old trailer 6775 was when it was purchased or leased by MDB Trucking? A. I do not. Q. Were you involved in the purchase or the lease or the acquisition of the trailer in any way? A. No. Q. You didn't inspect the trailer prior to MDB taking possession of the trailer?	9 Q. Painted. 10 A. It was not painted. 11 Q. Has the trailer been painted or repainted at all since 12 it's been in MDB's possession? 13 A. No. 14 MS. WOELFEL: Let's go ahead and mark that as 15 Exhibit 1. 16 (Exhibit 1 was marked.) 17 BY MS. WOELFEL: 18 Q. Exhibit 1 is a document Bates labeled MDB 723. Have 19 you ever seen this document before? 20 A. I have not. 21 Q. Okay. 22 The date on this invoice is February 25, 2014, and I

13 (Pages 46 to 49)

V		13 (Pages 46 to 49)
	Page 46	Page 48
1	and the other is 6776, 6777 and 6778. Are you familiar with	A. I was never able to duplicate it.
2	those two trailer sets?	Q. Tell me what you did in order to try to duplicate that
3	A. Yes.	3 event?
4	MR. BROWN: Objection, vague.	A. My original thoughts on the process was to be a short
5	BY MS. WOELFEL:	inside the electrical system. So I turned on the lights and
6	Q. And do you know if the trailers were being leased	then went back through the trailers trying to move, shake,
7	before they were purchased by MDB, do you have any knowledge of	rattle, create a short, if it were to be one, within that system
8	that?	and to be able to observe the gates opening uncommanded, and it
9	A. No.	9 was a combination of lighting, brake lights, turn signals,
10	Q. When they were purchased in or around February of 2014	emergency flashers, even though those weren't used at the time,
11	did you conduct or were you involved in conducting any specific	anything within my electrical system from the trailers and
12	inspections of these trailers prior to purchase?	tractor. I tried every combination I could think of to try to
13	A. No.	duplicate this issue and was not successful.
14	Q. So I want to talk to you about the July 2013 incident	14 Q. Okay.
15	involving Mr. Koski and the inadvertent dump that occurred. Do	Did you work with anyone in trying to do these, I
16	you have knowledge of that incident?	don't want to call them experiments, but in your investigation
17	A. I have knowledge of it occurring, yes.	and trying to duplicate, did you have an assistant to maybe work
18	Q. And you had been with the company for approximately	with you or were you working alone?
19	six months; is that correct?	A. Occasionally I would have Tracy Shane give me a hand
20	A. Possibly, yes.	such as operating from the tractor while I was back observing on
21	Q. How did you become aware of the July 2013 incident	21 the trailer.
22	involving Mr. Koski?	Q. How long did this work last in trying to duplicate the
23	A. I was notified by Tracy Shane.	23 event?
24	Q. Were you working on the date that this incident	A. I can't be specific, but it was quite some time.
25	осситед?	Q. Can you estimate, was it a matter of days or a matter
	Page 47	Page 49
1	A. I believe I was, yes.	1 of hours?
2	Q. And how were you notified by Tracy Shane, did he call	A. Oh, it was at least one to two days.
3	you or gid you see him in person?	
3 4	you or did you see him in person? A. I believe it was in person, but I'm not certain.	Q. So in your inspection you were unable to recreate any
	A. I believe it was in person, but I'm not certain.	³ Q. So in your inspection you were unable to recreate any
4	A. I believe it was in person, but I'm not certain.Q. What did Tracy Shane say to you?	Q. So in your inspection you were unable to recreate any type of electrical short that would open the belly dumper; is
4 5	A. I believe it was in person, but I'm not certain.	Q. So in your inspection you were unable to recreate any type of electrical short that would open the belly dumper; is that correct? A. That is correct.
4 5 6	 A. I believe it was in person, but I'm not certain. Q. What did Tracy Shane say to you? A. That the rear trailer of Dan Koski's set had deployed on the road. 	Q. So in your inspection you were unable to recreate any type of electrical short that would open the belly dumper; is that correct? A. That is correct. Q. Did you conduct a visual inspection of the truck and
4 5 6 7	A. I believe it was in person, but I'm not certain.Q. What did Tracy Shane say to you?A. That the rear trailer of Dan Koski's set had deployed	Q. So in your inspection you were unable to recreate any type of electrical short that would open the belly dumper; is that correct? A. That is correct. Q. Did you conduct a visual inspection of the truck and
4 5 6 7 8	 A. I believe it was in person, but I'm not certain. Q. What did Tracy Shane say to you? A. That the rear trailer of Dan Koski's set had deployed on the road. Q. Did he tell you anything else? 	Q. So in your inspection you were unable to recreate any type of electrical short that would open the belly dumper; is that correct? A. That is correct. Q. Did you conduct a visual inspection of the truck and trailers to see if there was anything visually wrong?
4 5 6 7 8	 A. I believe it was in person, but I'm not certain. Q. What did Tracy Shane say to you? A. That the rear trailer of Dan Koski's set had deployed on the road. Q. Did he tell you anything else? A. We did not go into any details, no. 	Q. So in your inspection you were unable to recreate any type of electrical short that would open the belly dumper; is that correct? A. That is correct. Q. Did you conduct a visual inspection of the truck and trailers to see if there was anything visually wrong? A. Yes.
4 5 6 7 8 9	 A. I believe it was in person, but I'm not certain. Q. What did Tracy Shane say to you? A. That the rear trailer of Dan Koski's set had deployed on the road. Q. Did he tell you anything else? A. We did not go into any details, no. Q. Did you discuss conducting an investigation to 	Q. So in your inspection you were unable to recreate any type of electrical short that would open the belly dumper; is that correct? A. That is correct. Q. Did you conduct a visual inspection of the truck and trailers to see if there was anything visually wrong? A. Yes. Q. Did you see anything visually wrong?
4 5 6 7 8 9	 A. I believe it was in person, but I'm not certain. Q. What did Tracy Shane say to you? A. That the rear trailer of Dan Koski's set had deployed on the road. Q. Did he tell you anything else? A. We did not go into any details, no. Q. Did you discuss conducting an investigation to determine why the incident had occurred? 	Q. So in your inspection you were unable to recreate any type of electrical short that would open the belly dumper; is that correct? A. That is correct. Q. Did you conduct a visual inspection of the truck and trailers to see if there was anything visually wrong? A. Yes. Q. Did you see anything visually wrong? A. I did not.
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14 (Pages 50 to 53)

National State of the last		14 (Pages 50 to 53)
	Page 50	Page 52
1	perhaps.	again after your tests were run in July of 2013?
2	Q. Did you take any notes regarding your conversation	² A. Yes.
3	with Mr. Koski?	Q. What actions did you take?
4	A. No, ma'am.	4 A. My actions were to completely isolate the wiring of
5	Q. Do you know if the trailer stayed in service for any	5 the tractor and trailer, remove or not use, I should say, not
6	period of time after the incident occurred that day?	6 use the wires that were originally installed for the purpose and
7	A. Pardon?	7 we ran independent wires from the tractor battery back through
8	Q. Do you know if the trailer in July of 2013 after it	each trailer to the Versa valves.
9	had the dump take place, do you know if it stayed in service for	9 Q. So you believed that it could have been a wiring
10	any period of time before it was returned to the yard?	problem that led to the
11	A. No, I don't believe so.	A. There was still the possibility.
12	Q. Did you come to any conclusions after your testing of	Q incident?
13	the electrical system?	MR. BROWN: Wait until she finishes asking her
14	A. No.	question, even though you know what she is asking and so she
15	Q. Did you put together any documentation describing the	gets everything down.
16	tests that you ran?	MS. WOELFEL: You're doing a good job, but thank you,
17	A. I did not.	17 Brian.
18	Q. Did you evaluate or test the air system as part of	18 BY MS. WOELFEL:
19	your tests?	Q. What led you to the conclusion that the wiring should
20	A. Yes.	be changed?
21	Q. Tell me what you did with respect to the air system?	21 A. Well
22	A. Built air, make sure that it would maintain air	MR. BROWN: Object, misstates his testimony. Go
23	pressure, maintain or confirm that air was getting to the	23 ahead.
24	valve, passing through the valve and holding the gates closed	THE WITNESS: It was the theory of a short in the
25	and that it would also open and hold the gates open so there was	original or the existing wiring that may have caused this
	Page 51	Page 53
		_
1	adequate air pressure.	accidental uncommanded opening.
1 2	adequate air pressure. Q. Did you reach any conclusions after that test with	 accidental uncommanded opening. BY MS. WOELFEL:
	•	decidental anomalia opening.
2	Q. Did you reach any conclusions after that test with	² BY MS. WOELFEL:
2	Q. Did you reach any conclusions after that test with respect to the air system?	2 BY MS. WOELFEL: 3 Q. And in your tests you were unable to recreate a short;
2 3 4	Q. Did you reach any conclusions after that test with respect to the air system?A. Any conclusion or a negative conclusion?	2 BY MS. WOELFEL: 3 Q. And in your tests you were unable to recreate a short; 4 correct?
2 3 4 5	Q. Did you reach any conclusions after that test with respect to the air system?A. Any conclusion or a negative conclusion?Q. Any conclusion at all?	2 BY MS. WOELFEL: 3 Q. And in your tests you were unable to recreate a short; 4 correct? 5 A. Correct.
2 3 4 5	 Q. Did you reach any conclusions after that test with respect to the air system? A. Any conclusion or a negative conclusion? Q. Any conclusion at all? A. At that time after running that test the conclusion 	2 BY MS. WOELFEL: 3 Q. And in your tests you were unable to recreate a short; 4 correct? 5 A. Correct. 6 Q. So there was no evidence that you were able to find
2 3 4 5 6	 Q. Did you reach any conclusions after that test with respect to the air system? A. Any conclusion or a negative conclusion? Q. Any conclusion at all? A. At that time after running that test the conclusion was I had not found an issue. 	2 BY MS. WOELFEL: 3 Q. And in your tests you were unable to recreate a short; 4 correct? 5 A. Correct. 6 Q. So there was no evidence that you were able to find 7 that suggested that there actually was a short in the wiring; is 8 that correct? 9 A. That is correct.
2 3 4 5 6 7 8	 Q. Did you reach any conclusions after that test with respect to the air system? A. Any conclusion or a negative conclusion? Q. Any conclusion at all? A. At that time after running that test the conclusion was I had not found an issue. Q. Did you talk to Mr. Koski about any of the previous dumps that he had performed that day leading up to the accident? A. No. 	2 BY MS. WOELFEL: 3 Q. And in your tests you were unable to recreate a short; 4 correct? 5 A. Correct. 6 Q. So there was no evidence that you were able to find 7 that suggested that there actually was a short in the wiring; is 8 that correct? 9 A. That is correct. 10 Q. When you rewired or when you removed the wiring from
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. Did you reach any conclusions after that test with respect to the air system? A. Any conclusion or a negative conclusion? Q. Any conclusion at all? A. At that time after running that test the conclusion was I had not found an issue. Q. Did you talk to Mr. Koski about any of the previous dumps that he had performed that day leading up to the accident? A. No. Q. Did you evaluate whether or not Mr. Koski may have made an error that led to the inadvertent dump? A. That would not be my position to make such evaluation. Q. Is that something that you considered when you were trying to figure out how this incident occurred, did you consider whether or not Mr. Koski had made an error? A. I believe in human nature it would be that would still have to be thought of, yes. Q. Did you do anything to explore whether or not Mr. Koski made an error? A. I did not personally, no. Q. Did you reach any conclusion at all as to the cause of 	BY MS. WOELFEL: Q. And in your tests you were unable to recreate a short; correct? A. Correct. Q. So there was no evidence that you were able to find that suggested that there actually was a short in the wiring; is that correct? A. That is correct. Q. When you rewired or when you removed the wiring from the trailer 6775 did you inspect the wiring after it was removed? A. The wire at that time was not removed. I merely eliminated the wires eliminated the use of the wires that were existing. Q. So you didn't actually pull the wires that existed in the trailer at the time that the incident occurred, you didn't pull that all out; is that correct? A. That is correct. Q. You just included different wires and left the old wires in the trailer? A. Correct.

15 (Pages 54 to 57)

			15 (Pages 54 to 5/)
g	Page 54		Page 56
1		1	A. I'm not certain of the date it went back into service.
2	MR. BROWN: Object, vague, misstates his testimony.	2	Q. But pretty shortly thereafter?
3	THE WITNESS: That's correct, I did not.	3	A. Pardon?
4	BY MS. WOELFEL: Q. Those wires, are they still in trailer 6775, the wires	4	Q. It went in shortly thereafter; is that right?
5	that were original to the trailer when MDB acquired it?	5	A. I can't recall.
6	A. I believe they may still be, yes.	6	Q. Okay.
7	Q. When you were inspecting trailer 6775 after the	7	Did you rewire all of the rest of the belly dump
8	July 2013 incident did you identify any problems with the way	8	trailers in the same manner in which you rewired trailer 6775?
9	that the trailer was manufactured that you believe contributed	9	A. I believe I did, but I'm not positive.
10	to the unauthorized dump?	10	Q. And how would we determine whether or not you rewired
11	A. Can you rephrase that, please?	11	the rest of the trailers?
12	Q. Sure, I will repeat it.	12	A. We would have to go through the work orders.
13	When you were conducting your tests and your	13	Q. If there is no work orders demonstrating that you
14	inspection of the trailer after the July 2013 incident took	14	rewired the remainder of the trailers then does that suggest to
15	place did you identify any problems with the way that the	15	you that you did not do it?
16	trailer was manufactured that you believe could have led to the	16	A. It would suggest that I personally may not have done
17	unauthorized dump?	17	it, but it may have been done.
18	MR. BROWN: Object to the extent it calls for	18	Q. Did you direct anybody to rewire the remainder of the
19	speculation.	19	trailers after the July 2013 incident?
20	THE WITNESS: No.	20	A. I made no directive, but it would be perhaps Scott
21	BY MS. WOELFEL:	21	Palmer may have done one.
22	Q. In your work with trailer 6775 after the incident and	22	Q. Okay.
23	your testing were you able to identify any problems with the	23	Are you aware that trailer 6775 has bottom gate
24	design of the trailer that you believe contributed to the	24	chains, do you know what those are?
25	unauthorized dump in July of 2013?	25	A. Yes.
	,		
	Page 55		Page 57
1	MR. BROWN: Same objection, calls for speculation.	1	Q. What are they used for?
2	THE WITNESS: Potentially.	2	A. My understanding?
3	BY MS. WOELFEL:	3	Q. Yes.
4	Q. Okay.	4	A. For spreading material to limit the opening of the
5	What potentially did you believe with respect to the	5	gate.
6	design?	6	Q. Have you ever used bottom gate chains before when you
7	A. Run the seven the activation wires with the wires	7	have been driving?
8	for the lights and brakes and ABS all in one loom the potential	8	A. No.
9	for a short exists.	9	Q. Have you ever had any training on the use of bottom
10	Q. And that was your working theory when you were	10	gate chains?
11	conducting your tests?	11	A. No.
12	A. Correct.	12	Q. Did you ever have any discussions with anybody about
13	Q. You were unable to find any shorts in your inspection;	13	utilizing the bottom gate chains while driving to prevent a
14	correct?	14	belly dumper from opening all the way while on the road?
15	A. Correct.	15	MR. BROWN: Objection, foundation.
16	Q. Now, if you thought that there was a problem with the	16	THE WITNESS: I personally haven't had any
17	design of the trailer would you continue to run the unit,	17	conversation like that, no.
18	meaning if you thought there was a safety issue would you put it	18	BY MS. WOELFEL:
19	back on the road?	19	Q. Was the Versa valve replaced after the July 2013
20	A. No.	20	incident?
21	Q. And this trailer went back on the road; is that	21	A. Yes, it was.
0.0	correct?	22	Q. Why did you replace the Versa valve?
22			
23	A. That is correct.	23	A. General principles. We did not find a failure, but
		23 24	A. General principles. We did not find a failure, but perhaps there was an issue with the valve that I was unaware of.
23	A. That is correct.	ł	

16 (Pages 58 to 61)

		oran Suman	16 (Pages 58 to 61)
	Page 58		Page 60
1	A. Yes.	1	who had the previous dump a year ago, was there any concern
2	Q. Were you the person that installed the Versa valve	2	about that?
3	once it once you received the new one?	3	A. We didn't discuss any of that, no, but it may have
4	A. Yes.	4	been mentioned that it was Dan. I'm sure it would have been.
5	Q. Had you ever installed a Versa valve before coming to	5	Q. Did you inspect the truck after it returned to the
6	work at MDB?	6	site, the MDB site?
7	A. No.	7	A. Yes.
- 8	Q. Did you receive any training with respect to the	8	Q. And you inspected the trailer that had inadvertently
9	installation of the Versa valve?	9	opened?
10	A. No.	10	A. Correct.
11	Q. Did you read the manual or read any manual on how to	11	Q. Was anybody else involved in the inspection?
12	install a Versa valve?	12	A. I believe Scott Palmer.
13	A. I'm unaware that there is a manual for that.	13	Q. Did you inspect it on the same day that the incident
14	Q. So you did not read any manuals prior to installing	14	occurred?
15	it?	15	A. I believe we initially did, yes.
16	A. I did not.	16	Q. Describe for me what you did during that inspection?
17	Q. So I want to move to the July 2014 incident involving	17	A. I believe we checked our connections, made sure the
18	Mr. Koski. Can you tell me how you became aware of the	18	4-ways were proper. If I recall I think we turned on the brakes
19	July 7th, 2014 incident?	19	and the lights and such and see if we could not get an
20	A. I was informed by Tracy Shane.	20	uncommanded opening.
21	Q. Were you working that day?	21	Q. Did you find anything wrong?
22	A. I was.	22	A. No, ma'am.
23	Q. Okay.	23	Q. Did you conduct any other type of investigation
24	And how did you learn from Tracy Shane that this	24	related to how this opening occurred?
25	incident had taken place?	25	A. From that time?
	Page 59		Page 61
1	A. Pardon?	1	-
2		2	Q. Yes. A. No.
3	Q. How did you learn from Tracy Shane, did he call you, did you see him in person, can you recall how he conveyed the	3	
4	information regarding the incident to you?	4	Q. So you did an inspection with Scott Palmer you believe on the same day that the incident occurred?
5	A. I believe it was in person in the shop.	5	A. I believe so, but I'm not certain of that.
6	Q. And what did he say to you?	6	Q. And after that how long did that inspection take?
7	A. I cannot recall the exact words.	7	A. An hour, two hours.
8	Q. Do you know what kind of material was being hauled by	8	Q. Did you do any other inspection or testing on the
9	Mr. Koski on July 7th, 2014?	9	trailer at issue after that one to two hour inspection with
10	A. No, I was unaware.	10	Scott Palmer?
11	Q. Did Tracy Shane indicate to you whether or not there	11	A. At that point in time we put mechanical lockouts on
12	had been injuries as a result of the incident?	12	it.
13	A. He did not indicate anything about injury.	13	Q. So you were not able to discover any type of an
14	Q. Tell me what he told you when he first spoke with you	14	electrical short that would have led to the incident; is that
15	about this incident?	15	correct?
16	A. Ma'am, that is quite a while ago. I can't tell you	16	A. That is correct.
17	verbatim.	17	Q. And whose idea was it to come up with a mechanical
18	Q. Can you give me your best recollection regarding what	18	lockout system?
19	you discussed?	19	A. That would be Scott Palmer.
20	A. The best I could say is that the gates had opened on	20	Q. I want to go back to your one to two hour inspection.
21	his trailer on I-80.	21	Can you walk me through each thing that you did during that
22	Q. Any discussion about how that happened, did you and	22	inspection?
23	Tracy discuss the reason for the opening?	23	A. We started at the tractor, the source of the power,
24	A. No, we didn't know the reason.	24	checked the connections at the battery and then I believe we
25	Q. Did you discuss the fact that it was the same person	25	went into the cab and checked the wiring behind the panel to

17 (Pages 62 to 65)

		1/	(Pages 62 to 65)
	Page 62		Page 64
1	make sure we didn't have any wires come loose from the toggle	the mechanical lockout de	vice?
2	switches, which we did not, and then we checked the wiring to	² A. On a few of them,	
3	the deck of the trailer or the tractor looking for any abrasions		almer or somebody else design the
4	and stress to the wiring, which there was none.	4 mechanical lockout device	· · · · · · · · · · · · · · · · · · ·
5	Then we checked from the tractor to the trailer, the		ng that Scott Palmer had seen these
6	cord to make sure it hadn't been abraded on the deck or any	•	signed it or copied it, I do not know.
7	other way of crossing, even though theoretically there is no		liscussion with him about the devices
8	power on there unless the switch is turned on. We inspected the	before the decision was ma	ade to utilize them?
9	wires as best we could following the trailer to make sure that	9 A. No.	
10	they hadn't rubbed through on top of another wire that	Q. Were you involved	in installing the mechanical lockout
11	potentially might have been hot creating a circuit all the way	devices into the Versa valv	ves on the various trailers?
12	through to that last valve.	² A. Yes.	
13	Q. Did you see any evidence	Q. Did you guys did	MDB institute Scratch that.
14	A. No, ma'am.	⁴ After July 7, 2014 d	id MDB require that all trailers
15	Q of any hot spots or anything, nothing?		in place before they were able to be
16	A. No.	6 put on the road?	
17	Q. So you were unable to determine the cause of the	A. That's my understa.	C, 1
18	inadvertent dump?		each any conclusion as to the cause
19	A. Correct.	of the July 7th, 2014 inadv	ertent dump?
20	Q. Did you talk to Mr. Koski about anything that he might	0 A. No.	
21 22	have done to cause the inadvertent dump?	, •	uly 2013 dump, I had asked you if
23	A. I did not.	you mad replaced the verse	a valve. Do you recall that?
24	Q. Do you know if Scott Palmer did? A. I do not know whether he did or did not.	 A. Um-hum. Q. Yes? 	
25	Q. Did you run any tests on the Versa valve following the	5 A. Yes.	
	Q. Did you run any tests on the versa varve to nowing the	Α. 165.	
	Page 63		Page 65
1	July 7th, 2014 event?	O. And you told me that	you did replace the Versa valve.
2	MR. BROWN: Objection, foundation.	• •	a valve that you removed from trailer
3	THE WITNESS: No.	3 6775?	
4	BY MS. WOELFEL:	A. I believe we disposed	l of it.
5	Q. Did you evaluate or test the air system?	Q. Okay.	
6	MR. BROWN: Objection, foundation.	When you were inspec	cting trailer 6775 after the
7	THE WITNESS: I don't recall. I think we assumed that	July 7th, 2014 incident did y	ou identify any problems with the
8	it was fine, because it still had air.	•	tured that you believe contributed to
9	BY MS. WOELFEL:	the unauthorized dump?	
10	Q. What do you mean it still had air?	A. At that the time, no.	
11	A. From the trailer when it arrived when we were looking		here is a problem as you sit here
12	at it the air tank that operates the valves or the gates was	today with the way trailer 67	
13	still full of air, had air pressure.	contributed to the unauthoriz	•
14 15	Q. So because of that you didn't conduct any other tests	· · · · · · · · · · · · · · · · · · ·	tion, foundation, calls for expert
16	on the air system?	opo	
17	A. I did not see any need at that moment. Q. Did you speak with the police department or anyone	THE WITNESS: No. BY MS. WOELFEL:	
18	else about this incident?	BT ME: NOEBIEE.	ly 7, 2014 on trailer 6775 have
19	A. No.	• •	problems with the design of the
20	Q. Now describe for me the decision to use the mechanical	trailer that you believe contri	•
21	lockout system, did you participate in that decision at all?	unauthorized dump?	
22	A. No, I was unaware of those particular devices of	MR. BROWN: Same	objection.
23	varying degrees, otherwise we probably would have put it on the	THE WITNESS: No.	Ť
24	first set the first time.		have been going for about an hour and
	0.7013 1.1 13.4 03.1 1.1 04.1 1.1		
25	 Q. Did you help with the fabrication of those devices, 	a half. Why don't we take a	five-minute break.

18 (Pages 66 to 69)

A0000000		ome Billenge coepee	18 (Pages 66 to 69)
	Page 66		Page 68
1	THE WITNESS: Okay.	1	theory of why those two occurred on the same day?
2	MS. WOELFEL: Thank you very much.	2	A. There are several theories, or at least one prevalent
3	(A recess was taken.)	3	theory, but again it's just theory.
4	BY MS. WOELFEL:	4	Q. What is that theory?
5	Q. Back on the record.	5	A. I have no way to explore that.
6	So I want to talk to you about the second inadvertent	6	Q. Can you describe what that theory is?
7	dump that took place on July 7th, 2014 involving Scott Palmer.	7	A. My prevalent theory is that we have an atmospheric
8	Are you aware that Mr. Palmer lost a load of sand on the same	8	condition in that area.
9	day as Dan Koski in 2014?	9	Q. And what did you do, if anything, to explore that
10	A. Yes, I had heard that.	10	theory?
11	Q. How did you become aware that that had occurred?	11	A. I'm unable. I don't have enough technical equipment
12	A. I believe that Scott Palmer had called me about that	12	to even attempt such exploration.
13	incident.	13	Q. Have you discussed that theory with Scott Palmer?
14	Q. What did he say to you when he called you?	14	A. Yes, I have.
15	A. That he had dropped a load of sand on the highway at	15	Q. What have you two discussed?
16	approximately the same area that Dan had.	16	A. We discussed the potential of a static charge,
17	Q. Did Scott indicate how the dump had occurred?	17	atmospheric that could be engaging the magnet on the valve in
18	A. To me at that time with that phone call?	18	that area potentially. I believe there are some high tension
19	Q. Yes.	19	lines out there. I believe there is some cell towers or perhaps
20	A. No.	20	
21	Q. Did he indicate to you at any time how that dropped	21	microwave towers. Any of those potentially, in my opinion,
22	load had occurred?	22	could have an effect on those trailers.
23	A. He is unaware of how it occurred as much as I am.	23	Q. An effect on what part of the trailer?
24		24	A. On the Versa valve's coil, the magnetic coil that
25	Q. Did you conduct any investigation to try to determine	25	actually activates electrically the gate.
	how that dump occurred?	23	Q. Did you run any tests to try to determine if that
	Page 67		Page 69
1	A. I don't believe we went as in depth as at that time we	1	theory is accurate at all?
2	were installing the mechanical lockouts.	2	A. I'm unable to. I don't have the equipment.
3	Q. So did you conduct any inspection at all of the wiring	3	Q. Okay.
4	on the trailer that Scott was pulling that opened?	4	Are there any other theories that you have discussed
5	A. I don't recall making that inspection. Doesn't mean	5	with anyone at MDB regarding why these incidents occurred other
6	that I didn't.	6	than what you just described, the atmospheric condition in that
7	Q. Do you recall any investigation that you conducted of	7	area?
8	the trailer that Scott was pulling on July 7th, 2014?	8	A. No other pertinent or no other prevalent theories.
9	A. I do not recall doing so.	9	Q. Did you discuss with Scott whether or not he may have
10	Q. Do you recall whether or not you reached any	10	done anything on his own to cause this incident?
11	conclusions regarding the cause of Mr. Palmer's trailer opening	11	A. No.
12	on July 7th, 2014?	12	MS. WOELFEL: I'm going to walk through a bunch of
13	A. I have made no conclusions as to why either of those	13	documents, okay. I will mark this as Exhibit 2.
14	or any of those incidents have occurred.	14	(Exhibit 2 was marked.)
15	Q. Do you know if anyone at MDB has made any conclusions	15	BY MS. WOELFEL:
16	regarding why the July 7th, 2014 incident involving Mr. Palmer's	16	Q. Exhibit 2 is a series of four pages that are work
17	truck occurred?	17	orders Bates labeled MDBMAINT, maintenance 000309, 312, 315 and
18	A. You said does anyone	18	321.
19	Q. Yes, have you heard from anybody at MDB any	19	Have you seen these documents before?
20	conclusions regarding why the incident on July 7th, 2014	20	
21	occurred?	21	A. I have not seen this particular document. O. We're looking at the first document that is ontitled.
22	A. No.	22	Q. We're looking at the first document that is entitled
23		23	work order and it's dated actually there is a date that says
24	Q. Did you conduct any investigation as to why Mr. Palmer's trailer and Mr. Koski's trailer may have opened on	24	December 1st, 2013 and then there is a date completed that says
25	the same day, is that a theory that you did you explore that	25	November 30th, 2013. Do you see that? A. Yes.
	the same day, is that a theory that you the you explore that	1	Λ. 103.

19 (Pages 70 to 73)

		19 (Pages 70 to 73)
	Page 70	Page 72
1	Q. And at the bottom it says performed by Scott and Pat.	to become loose, therefore we installed 7-way boxes, junction
2	Do you see that?	boxes to neaten that up is what I believe we did here, along
3	A. That is correct.	with some more new cable, which would be wires inside wrapped
4	Q. And I presume that you are the Pat that this refers	together, probably the ABS green wire with seven independent
5	to?	wires inside this cable and bringing a 4-way cable to looks like
6	A. That is correct.	6 another junction box.
7	Q. And who is Scott that is named here?	7 Q. What did you do with any of the wires that you were
8	A. That would be Scott Palmer.	8 replacing or that weren't going to be used, did you remove them
9	Q. Did you write out this work order or did somebody	9 from the trailer or did you leave them there?
10	else?	A. Typically we remove these. It would be my estimation
11	A. I believe Scott Palmer made this work order.	that we did. Again it's been a while.
12	Q. Now, if you look on the line that says additional, can	Q. And what did you do with the removed wires, would you
13	you read what is written there?	throw those away?
14	MR. BROWN: Objection, the document speaks for itself.	14 A. Yes.
15	Go ahead.	Q. If you had noted or seen any problems with the wires
16	BY MS. WOELFEL:	that you removed would you note that somewhere?
17	Q. Are you able to read what is written there?	A. If there had been an issue, yes, we would have.
18	A. I believe it reads the first word is not extremely	Q. Where would you have noted that?
19	clear to me, but I believe it says rewired trailer to meet MDB	A. We would put it down here on the notes.
20	standards, replace lights with LEDs.	²⁰ Q. Okay.
21	Q. Okay.	Moving to the next page, MDB maintenance 000312. This
22	Do you know what this refers to when it says rewire	indicates that there is work on February 20th, 2014 performed by
23	trailer to meet MDB standards?	Pat, it looks like. Is this your handwriting?
24	A. What I believe he is referring to is we typically	²⁴ A. Pardon?
25	don't rush through our wiring job. We install junction boxes	Q. Is this your handwriting on this document?
	Page 71	Page 73
1	when necessary in a clean, safe location to keep it from being	A. It appears to be, yes.
2	damaged or filled with water or such. We take more time in our	No, that would be Yes, that is my handwriting on
3	wiring terminals and such and to insulate them than the industry	3 most of it.
4	standard.	4 Q. Okay.
5	Q. Okay.	I want to go to the next page, MDB maintenance 000315.
6	Is there a way in which you wire a trailer that is	This is a work order dated April 16th, 2014 and it indicates
7	considered, quote unquote, MDB standards?	7 that the work is performed by Pat and Scott. Is this your
8	 A. Just by the neatness in which we do the wiring. 	
		8 handwriting on this document?
9	Q. If you acquire a new trailer, if MDB acquires a new	
10	Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards?	8 handwriting on this document?
10 11	Q. If you acquire a new trailer, if MDB acquires a new	 handwriting on this document? A. No.
10 11 12	 Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. 	 handwriting on this document? A. No. Q. Do you know whose handwriting it is?
10 11 12 13	Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it	 handwriting on this document? A. No. Q. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's.
10 11 12 13 14	 Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. 	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. Q. And this indicates that on April 16, 2014 there was a Versa valve handle loose and air spring action on lever not working correctly.
10 11 12 13 14 15	 Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was 	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. Q. And this indicates that on April 16, 2014 there was a Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of
10 11 12 13 14 15	 Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was that you did to trailer 6777 on or around November 30th, 2013? 	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. Q. And this indicates that on April 16, 2014 there was a Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of this work order?
10 11 12 13 14 15 16	 Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was that you did to trailer 6777 on or around November 30th, 2013? A. Again I can't read his writing very well, but I 	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. Q. And this indicates that on April 16, 2014 there was a Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of this work order? MR. BROWN: Objection, foundation.
10 11 12 13 14 15 16 17	 Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was that you did to trailer 6777 on or around November 30th, 2013? A. Again I can't read his writing very well, but I believe what we're indicating is that we ran new cable from the 	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. A. It's my opinion it would be Scott Palmer's. A. It's my opinion it would be Scott Palmer's. A. It's my opinion it would be Scott Palmer's. Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of this work order? MR. BROWN: Objection, foundation. THE WITNESS: I did not perform the work on this
10 11 12 13 14 15 16 17 18	Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was that you did to trailer 6777 on or around November 30th, 2013? A. Again I can't read his writing very well, but I believe what we're indicating is that we ran new cable from the tractor to the first or to the trailer eliminating or	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. A. It's my opinion it would be Scott Palmer's. A. It's my opinion it would be Scott Palmer's. A. It's my opinion it would be Scott Palmer's. Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of this work order? MR. BROWN: Objection, foundation. THE WITNESS: I did not perform the work on this valve.
10 11 12 13 14 15 16 17 18 19	Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was that you did to trailer 6777 on or around November 30th, 2013? A. Again I can't read his writing very well, but I believe what we're indicating is that we ran new cable from the tractor to the first or to the trailer eliminating or cleaning up the wiring on the 7-way and the 4-way.	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. Q. And this indicates that on April 16, 2014 there was a Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of this work order? MR. BROWN: Objection, foundation. THE WITNESS: I did not perform the work on this valve. BY MS. WOELFEL:
10 11 12 13 14 15 16 17 18 19 20 21	Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was that you did to trailer 6777 on or around November 30th, 2013? A. Again I can't read his writing very well, but I believe what we're indicating is that we ran new cable from the tractor to the first or to the trailer eliminating or cleaning up the wiring on the 7-way and the 4-way. Q. What do you mean cleaning up the wiring from the 7-way	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. Q. And this indicates that on April 16, 2014 there was a Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of this work order? MR. BROWN: Objection, foundation. THE WITNESS: I did not perform the work on this valve. BY MS. WOELFEL: Q. Okay.
10 11 12 13 14 15 16 17 18 19 20 21	Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was that you did to trailer 6777 on or around November 30th, 2013? A. Again I can't read his writing very well, but I believe what we're indicating is that we ran new cable from the tractor to the first or to the trailer eliminating or cleaning up the wiring on the 7-way and the 4-way. Q. What do you mean cleaning up the wiring from the 7-way and 4-way, what specifically were you doing?	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. Q. And this indicates that on April 16, 2014 there was a Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of this work order? MR. BROWN: Objection, foundation. THE WITNESS: I did not perform the work on this valve. BY MS. WOELFEL: Q. Okay. Do you know why it says under performed by it says Pat
10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was that you did to trailer 6777 on or around November 30th, 2013? A. Again I can't read his writing very well, but I believe what we're indicating is that we ran new cable from the tractor to the first or to the trailer eliminating or cleaning up the wiring on the 7-way and the 4-way. Q. What do you mean cleaning up the wiring from the 7-way and 4-way, what specifically were you doing? A. Again this is quite a while back, but I believe that	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. Q. And this indicates that on April 16, 2014 there was a Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of this work order? MR. BROWN: Objection, foundation. THE WITNESS: I did not perform the work on this valve. BY MS. WOELFEL: Q. Okay. Do you know why it says under performed by it says Pat and Scott, do you know why your name is listed there?
10 11 12 13 14 15 16 17 18 19 20 21	Q. If you acquire a new trailer, if MDB acquires a new trailer do you rewire it to meet MDB standards? A. Typically, no, unless the wiring is indicated that it needs to be done. Q. Do you know if what you were doing with 677 Actually scratch that. Can you tell me based on this work order what it was that you did to trailer 6777 on or around November 30th, 2013? A. Again I can't read his writing very well, but I believe what we're indicating is that we ran new cable from the tractor to the first or to the trailer eliminating or cleaning up the wiring on the 7-way and the 4-way. Q. What do you mean cleaning up the wiring from the 7-way and 4-way, what specifically were you doing?	handwriting on this document? A. No. Do you know whose handwriting it is? A. It's my opinion it would be Scott Palmer's. Q. And this indicates that on April 16, 2014 there was a Versa valve handle loose and air spring action on lever not working correctly. Do you recall performing the work indicated by way of this work order? MR. BROWN: Objection, foundation. THE WITNESS: I did not perform the work on this valve. BY MS. WOELFEL: Q. Okay. Do you know why it says under performed by it says Pat

20 (Pages 74 to 77)

<u> </u>		20 (Pages 74 to 77)
	Page 74	Page 76
1	Q. Why would you have removed the valve for Scott?	or not, Pat?
2	A. He may have asked me to remove it or he may have been	A. It appears to be my handwriting.
3	in the process.	³ Q. Okay.
4	Q. Do you have any independent recollection of working on	4 It indicates that the work performed pursuant to this
5	this project in April of 2014?	work order was performed by you; correct?
6	A. Nothing specific.	6 A. Correct.
7	Q. Going to the next page, it's a work order dated	Q. So it says troubleshoot no power at gate dump 4-way
8	December 1, 2014. Can you tell me if this is your handwriting	8 plug; is that correct?
9	or not?	⁹ A. That is correct.
10	A. That's probably my handwriting.	Q. What does that mean?
11	Q. Okay.	A. That means at the plug, the 4-way plug for the trailer
12	And is that your name at the bottom that says	dumps there was no power. In other words, the gates were not
13	performed by Pat?	opening because no power was being provided to them when
14	A. Yes.	14 commanded by the driver.
15	Q. Okay.	Q. So if the driver hit the switch from inside the cab
16	Now, this says T/S gates not closing with switch.	the belly dumpers would not open; is that correct?
17	What does T/S gates not closing with switch mean?	A. That is correct.
18	A. That is my shorthand for troubleshoot and then gates	Q. What did you determine was the problem that caused
19	not working or not closing with switch meaning in the cab of the	19 that?
20	tractor the third switch activates to open it and they ask for	A. It appears here that I found that the wiring for the
21	it to be closed by turning the switch off, the gate would not	switches, the positive wire to the switches was on an
22	close.	inappropriate circuit inside the cab, was wired to a light
23	Q. Okay.	²³ circuit.
24	A. By removing the power from it.	Q. How would that have occurred that it would be wired to
25	Q. Okay.	an inappropriate circuit inside the cab?
	Page 75	Page 77
1	And so what did you do in response to that issue?	A. This is a personal opinion that it's inappropriate. I
2	A. In this response from what I found the accumulator	wouldn't have wired it to that circuit, so meaning I would have
3	apparently was not functioning properly on the Versa valve,	taken it to a different circuit, which I did in this particular
4	therefore I replaced the Versa valve.	4 instance.
5	Q. How did you determine that the accumulator was not	5 Q. Okay.
6	working on the Versa valve?	6 So you rewired the circuit so that it was describe
7	A. I couldn't tell you specifically. I'm pretty sure	7 to me how you rewired it?
8	that I probably checked to see if there was air on the other	8 A. This particular switch at the time when I found it I
9	side of this accumulator by functioning the valve, the handle,	9 ran the wire from the light circuit, the lamp circuit to an
10	and at that point in time it was as far as I can go with it with	accessory circuit that was made to run accessories inside the
11	my knowledge of the Versa valve, therefore I replaced the valve	cab, which in my opinion these switches were accessories, not
12	and the function was proper.	part of the lighting and brakes or anything else, heaters or
13	Q. Did you replace it with the exact same type of Versa	anything else for that matter, more to perhaps a more dedicated
14	valve?	14 circuit.
15	A. Yes.	Q. And after you made that change everything worked?
16	MS. WOELFEL: This will be Exhibit 3.	16 A. It appears so, yes.
17	(Exhibit 3 was marked.)	17 Q. Okay.
18	BY MS. WOELFEL:	Moving on to the next work order, which is Bates
19	Q. Exhibit 3 is another stack of work orders with various	labeled MDB 155, this looks like it's work performed by Brandon
20	Bates numbers and they all relate to equipment number 5694,	Jones. Who is that?
21	which I will represent to you is Daniel Koski's truck, the truck	A. Brandon Jones was a young man hired to help lubricate
22	that he drove to pull the three belly dump trailers.	and service the vehicles.
23	If we look at the first work order, which is dated	Q. Did he work with you?
24	first of all, it's Bates labelled MDB 031 and it is dated	A. He worked with me on occasion, yes.
25	April 13th, 2013. Can you tell me if this is your handwriting	Q. Did you train him?

21 (Pages 78 to 81)

also processorales		21 (Pages 78 to 81)
	Page 78	Page 80
1	A. To a certain extent, yes.	Did you believe that there could have been a wiring
2	Q. So when you say his jobs were to lubricate and inspect	issue there that would have contributed to this unauthorized
3	the vehicles, what is involved with the inspection that Brandon	3 dump?
4	would perform?	A. I didn't truly believe so, but there is always a
5	A. Well, he was instructed to keep his eyes open for	5 potential.
6	anything that looked odd to him, cracks or breaks, something	6 Q. Okay.
7	that is just not right and to bring it to either myself or	And is that the reason why you did the rewiring in the
8	Tracy's attention at this time.	8 cab?
9	Q. So based on what is written here where it says grease	⁹ A. Yes, I wanted to isolate those circuits as best I
10	and inspect, do you know precisely or can you tell what Brandon	could completely from the tractor and that's why we went to the
11	inspected on equipment number 5694 and trailers 6773, 6774 and	batteries directly instead of pulling any power or ground from
12	6775?	the chassis.
13	A. I could not tell you precisely what he inspected.	13 Q. Okay.
14	Q. But if he found any problems you would have expected	14 It also says you installed a master switch?
15	him to bring that to either your or Tracy Shane's attention?	15 A. That is correct.
16	A. That is correct.	Q. Was there a master switch in there before?
17	Q. Do you know if anything was brought to your attention	A. No, there was not.
18	on or around May 19th, 2013?	Q. Why did you install a master switch?
19 20	A. I do not believe so.	A. It's one more step, one more protective circuit.
21	Q. Next page is MDB 073. This is work that looks like	Q. Bit you believe that there was a possionity that
22	the work order is dated July 20th can you read that?	differ effor court have contributed to the disadnormed dump in
23	A. Pardon? Q. Can you read the date on this work order?	July 01 2015.
24	A. It looks like July 26, 2013.	A. That possibility never truly entered my mind. Q. Did you install master switches in every other truck?
25	Q. Is that your handwriting?	25 A. No, we did not.
	Q. Is that your handwriting;	A. No, we did not.
	Page 79	Page 81
		1490 01
1	A. That is my handwriting.	
1 2	A. That is my handwriting.Q. And it looks like the work order is completed by Pat.	
		Q. Just the one that Mr. Koski was driving?
2	Q. And it looks like the work order is completed by Pat.	1 Q. Just the one that Mr. Koski was driving? 2 A. Correct.
2 3	Q. And it looks like the work order is completed by Pat. That is you; correct?	1 Q. Just the one that Mr. Koski was driving? 2 A. Correct. 3 Q. On to the next page, MDB 078. This work order is
2 3 4	Q. And it looks like the work order is completed by Pat.That is you; correct?A. Correct.	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by
2 3 4 5	 Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that 	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct?
2 3 4 5	 Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? 	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct.
2 3 4 5 6 7 8	 Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? A. Correct. 	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct. Q. Is this your handwriting? A. It appears to be, yes. Q. I can't read what is written where it says additional.
2 3 4 5 6 7 8	 Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? A. Correct. Q. And here it looks like you are rewiring gate switches; is that right? A. Yes. 	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct. Q. Is this your handwriting? A. It appears to be, yes. Q. I can't read what is written where it says additional. Can you read that for me, please?
2 3 4 5 6 7 8 9 10	 Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? A. Correct. Q. And here it looks like you are rewiring gate switches; is that right? A. Yes. Q. This is inside the cab of the truck? 	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct. Q. Is this your handwriting? A. It appears to be, yes. Q. I can't read what is written where it says additional. Can you read that for me, please? A. I wish I could. I cannot with this copy. It seems a
2 3 4 5 6 7 8 9 10 11	 Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? A. Correct. Q. And here it looks like you are rewiring gate switches; is that right? A. Yes. Q. This is inside the cab of the truck? A. That is correct. 	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct. Q. Is this your handwriting? A. It appears to be, yes. Q. I can't read what is written where it says additional. Can you read that for me, please? A. I wish I could. I cannot with this copy. It seems a little blurry.
2 3 4 5 6 7 8 9 10 11 12 13	 Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? A. Correct. Q. And here it looks like you are rewiring gate switches; is that right? A. Yes. Q. This is inside the cab of the truck? A. That is correct. Q. Can you tell me why you were rewiring gate switches on 	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct. Q. Is this your handwriting? A. It appears to be, yes. Q. I can't read what is written where it says additional. Can you read that for me, please? A. I wish I could. I cannot with this copy. It seems a little blurry. Q. Okay.
2 3 4 5 6 7 8 9 10 11 12 13	Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? A. Correct. Q. And here it looks like you are rewiring gate switches; is that right? A. Yes. Q. This is inside the cab of the truck? A. That is correct. Q. Can you tell me why you were rewiring gate switches on July 26, 2013?	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct. Q. Is this your handwriting? A. It appears to be, yes. Q. I can't read what is written where it says additional. Can you read that for me, please? A. I wish I could. I cannot with this copy. It seems a little blurry. Q. Okay. A. But it seems something about the trailer lights,
2 3 4 5 6 7 8 9 10 11 12 13 14 15	 Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? A. Correct. Q. And here it looks like you are rewiring gate switches; is that right? A. Yes. Q. This is inside the cab of the truck? A. That is correct. Q. Can you tell me why you were rewiring gate switches on July 26, 2013? A. I believe at that time we had the uncommanded opening 	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct. Q. Is this your handwriting? A. It appears to be, yes. Q. I can't read what is written where it says additional. Can you read that for me, please? A. I wish I could. I cannot with this copy. It seems a little blurry. Q. Okay. A. But it seems something about the trailer lights, troubleshooting the trailer lights, perhaps pulsing may be the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? A. Correct. Q. And here it looks like you are rewiring gate switches; is that right? A. Yes. Q. This is inside the cab of the truck? A. That is correct. Q. Can you tell me why you were rewiring gate switches on July 26, 2013? A. I believe at that time we had the uncommanded opening of the gate and this was part of the repairs to help isolate	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct. Q. Is this your handwriting? A. It appears to be, yes. Q. I can't read what is written where it says additional. Can you read that for me, please? A. I wish I could. I cannot with this copy. It seems a little blurry. Q. Okay. A. But it seems something about the trailer lights, troubleshooting the trailer lights, perhaps pulsing may be the word, may not, and then in my poor parentheses is possible
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. And it looks like the work order is completed by Pat. That is you; correct? A. Correct. Q. And the work is performed also by you; is that correct? A. Correct. Q. And here it looks like you are rewiring gate switches; is that right? A. Yes. Q. This is inside the cab of the truck? A. That is correct. Q. Can you tell me why you were rewiring gate switches on July 26, 2013? A. I believe at that time we had the uncommanded opening of the gate and this was part of the repairs to help isolate even more so the system.	Q. Just the one that Mr. Koski was driving? A. Correct. Q. On to the next page, MDB 078. This work order is dated August 17, 2013 and it looks like it says performed by Pat, and that is you; correct? A. That is correct. Q. Is this your handwriting? A. It appears to be, yes. Q. I can't read what is written where it says additional. Can you read that for me, please? A. I wish I could. I cannot with this copy. It seems a little blurry. Q. Okay. A. But it seems something about the trailer lights, troubleshooting the trailer lights, perhaps pulsing may be the word, may not, and then in my poor parentheses is possible ground.
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22 (Pages 82 to 85)

Page 82	Page 84
1 Q. Okay.	Next page is MDB maintenance 000089 and it says the
So what did you do to correct that issue?	work is performed by Pat and the date is February 6th, 2014. Is
A. It looks to me it says I found an issue perhaps in the	3 this your handwriting, Pat?
4 7-way plug and socket on the tractor.	A. It does appear to be my handwriting, yes.
5 Q. And replaced those parts?	5 Q. Okay.
A. Yes, I replaced the plug and a socket on this tractor,	6 And here it says that you replaced cab power relay?
7 which the ground wire passes through.	⁷ A. Correct.
⁸ Q. Okay.	⁸ Q. What does that mean, what does that involve?
When you replace a part do you throw away the part you	9 A. In the cab for the main power coming to the cab
have taken off the truck or do you keep it?	supplies 12-volt DC is a relay behind the dash. When that relay
A. Typically we dispose of it.	fails we lose all power in the dash. So that entails us
Q. If you were to keep it would that be noted somewhere?	removing a portion of the dash to get to this relay and
¹³ A. No.	replacing it, physically replacing the electrical component.
Q. I want to go to MDB 095, so go two pages ahead.	¹⁴ Q. Okay.
¹⁵ A. 85?	Next page is MDB 109 and that is a work order for 5694
¹⁶ Q. 95, right there.	dated March 21, 2014, and in this it looks like you repaired the
This is a work order dated October 20th, 2013, and is	center gate toggle switch cover?
18 this your handwriting?	18 A. Correct.
¹⁹ A. No.	Q. And that is one of the switches that operates the
Q. That is Scott's name on the bottom; correct?	belly dumper; correct?
A. That is correct.	A. That is correct. That is one of the covers for the
Q. If you had performed work with Scott in any capacity,	switch.
even just a little bit, would your name be written on the bottom	Q. One of the red covers that you would flip up before
of the work order?	you could move the toggle switch; is that correct?
²⁵ A. Typically, yes.	A. That is correct.
Page 83	Page 85
1 Q. Okay.	Q. Do all cabs have toggle covers over the switches?
Do you have any recollection of assisting him in	2 A. Pardon?
³ replacing a master switch on 5694?	Could you define which toggle switches you're
4 A. I do not recall assisting him.	4 referring to?
5 Q. Okay.	5 Q. The toggle switches that activate the belly dumpers,
6 Let's move on to MDB 101. Is that your handwriting on	does every truck in MDB's line have covers over those toggle
7 this document?	7 switches?
8 A. Pardon?	8 A. Correct, they do.
9 Q. Is this your handwriting?	9 Q. The next page is MDB maintenance 000103. It's
10 A. That is correct.	June 25th, 2014, and at the bottom it says work performed by
Q. What does PM-1 mean?	Pat. Can you tell me if this is your handwriting?
A. That is preventative maintenance first level.	A. That is correct.
Q. What does preventative maintenance first level	Q. I believe it says troubleshoot, I don't know,
14 involve?	something turn signals and 4-way flashers. Can you read that
A. It involves changing the engine oil and filter,	15 for me?
lubricating all the lubricatable components and inspection,	A. I certainly can. It reads troubleshoot TS in-op turn
	signals and 4-way flashers.
visual typically, and topping off of fluids, such as the	
visual typically, and topping off of fluids, such as the windshield washers, checking to make sure the wipers are in good	18 Q. Okay.
risam spreamy, and topping our or richas, such as the	
windshield washers, checking to make sure the wipers are in good	18 Q. Okay.
windshield washers, checking to make sure the wipers are in good condition and all the lights are functional.	Q. Okay. And it says you found low voltage at the switch?
windshield washers, checking to make sure the wipers are in good condition and all the lights are functional. Q. And if any issues were noted from the visual	Q. Okay. And it says you found low voltage at the switch? A. That is correct.
windshield washers, checking to make sure the wipers are in good condition and all the lights are functional. Q. And if any issues were noted from the visual inspection would that be indicated on this work order?	Q. Okay. And it says you found low voltage at the switch? A. That is correct. Q. What does that mean, at the flasher switch you found
windshield washers, checking to make sure the wipers are in good condition and all the lights are functional. Q. And if any issues were noted from the visual inspection would that be indicated on this work order? A. The smaller stuff, yes.	Q. Okay. And it says you found low voltage at the switch? A. That is correct. Q. What does that mean, at the flasher switch you found low voltage?

23 (Pages 86 to 89)

Cysmologic States		23 (Pages 86 to 89)
	Page 86	Page 88
1	fuse panel was not allowing full voltage through the fuse.	Q. Are you inspecting the wiring that is not visible?
2	Q. Okay.	² A. No.
3	A. Extremely rare, but it occurs.	Q. The next work order is dated July 7, 2014, which we
4	Q. Do you know what could have caused that?	4 know is the date that there was an unauthorized dump by
5	A. At this point I assumed that it was perhaps the fuse,	5 Mr. Koski, correct, and this says gate opened on highway,
6	the filament in the fuse was not making good contact.	trailer number 6775, install positive gate valve lock. Were you
7	MS. WOELFEL: Okay.	involved in the installing of positive gate valve locks?
8	We're going to move to another set of exhibits. Let's do	8 A. Let me find that.
9	the next set really fast.	9 MS. SHREVE: I think yours is in a different order.
10	(Exhibit 4 was marked.)	MS. WOELFEL: MDB 0013.
11	BY MS. WOELFEL:	Let's go ahead and break right there so I can put that in
12	Q. This is a set of exhibits related to equipment number	the correct order and we only have a few minutes before the
13	6773, which is the first trailer in Mr. Koski's three trailer	call. I apologize for that.
14	lineup, the one attached to the truck.	14 (A recess was taken.)
15	Now, going to the very first work order it says work	15 BY MS. WOELFEL:
16	is performed by Scott, but it notes that there is pulled out	Q. So we are back on the record, and when we left off we
17	unused wire from, I don't know, can you read his writing better	were on Exhibit 4 and I had given you a jumble of paper that was
18	than me under the note section?	not in the same order as mine and we have corrected that
19	A. I have difficulty reading my own writing, but I can't	We were looking at MDB 013, which is a work order
20	really speculate on what that word is.	dated 7/7/14. Do you see that?
21	Q. Okay.	A. I do see it.
22	A. The last word appears to be discarded.	Q. And that is for equipment number 6773, 6774 and 6775.
23	Q. Okay.	Do you see that?
24	Do you have any knowledge regarding what this work	A. That is correct.
25	order was about or involved?	Q. And this is a work order that was on the same day as
	Page 87	Page 89
1	A. No.	the unauthorized release; correct?
2	Q. The third page, MDB 170, states inspect FAI and that	2 A. That appears to be correct.
. 3	is performed by Tracy. What is an FAI?	Q. And it notes that there was a gate opening on the
4	Oops, let me see that. You have my super secret	highway with trailer 6775 and that there was an installation of
5	highlights, which you probably can't read that handwriting	5 positive gate valve locks. Were you involved in installing the
6	either.	6 positive gate valve locks on 6773, 6774 and 6775?
7	What is an FAI?	7 A. I believe I assisted in the installation of these
8	A. Not knowing Tracy's shorthand I'm going to state that	8 locks.
9	potentially it's a federal annual inspection.	9 Q. Did you assist in the fabrication of those positive
10	Q. Did you ever conduct federal annual inspections on	10 locks?
11	these trailers?	A. I believe that Scott Palmer made that fabrication of
12	A. I have. I believe I have done a federal on these	12 those locks.
13	trailers.	Q. Did he discuss with you at all the design that he was
14	Q. Who typically does the federal annual inspections on	putting together before he did it?
15	these trailers?	15 A. No.
16	A. Typically it could be myself, Scott Palmer or Tracy	Q. Go to the next page, that is a work order dated
17	Shane at this time. Tracy Shane was the one typically doing the	¹⁷ August 5th, 2014 for 6773. Is that your handwriting?
18	federal annual inspections at this time.	¹⁸ A. That is my handwriting, correct.
19	Q. What does a federal annual inspection involve?	Q. And it says you replaced a 4-way socket. Do you know
20	A. It involves the visual physical inspection of the	why you had to replace that 4-way socket based on what is on
21	condition of the trailer in regards to brakes, tires,	this document?
22	securement, chains, if required, lighting, bumpers, if required,	A. It's an assumption that the socket the flap that
23	handholds and such. It's a somewhat general inspection of the	holds the plug in place may have been broken or there may have
24	overall condition, whether it's a tractor, a trailer. If these	been corrosion on the socket on the plugs or it could have had a
25	components exist on it then they are to be inspected.	broken pin. Some damage, it's an assumption at this point.

24 (Pages 90 to 93)

Barrensia		DOMESTIC STREET	24 (Pages 90 to 93)
	Page 90		Page 92
1	Q. Because you can't tell what the problem was based on	1	Q. Okay.
2	this work order?	2	A. It's a fairly major event.
3	A. No.	3	MS. WOELFEL: Mark this as Exhibit 6.
4	Q. And the next page, MDB maintenance 000165, is a work	4	(Exhibit 6 was marked.)
5	order dated 9/16/2014. Is that your handwriting on this page?	5	BY MS. WOELFEL:
6	A. Yes, it is.	6	Q. Handing you what has been marked as Exhibit 6, it's a
7	Q. And what does this work order describe?	7	series of documents related to equipment number 6775.
8	A. Describing troubleshooting an air leak on the first	8	The first page is Bates labeled MDB 239 and it's a
9	and second gate cylinders.	9	work order dated July 18, 2013 with the date completed of
10	Q. What would an air leak on a gate cylinder do, would	10	July 19th, 2013. Is this your handwriting?
11	that prevent the belly dumper from opening and closing?	11	A. I do not believe it is.
12	MR. BROWN: Objection, foundation.	12	Q. It says the work order is by and then it says Pat. Is
13	THE WITNESS: It does not prevent them from operating.	13	there anybody else at MDB Trucking whose name is Pat?
14	It's merely a leak in the air system. In this case it appears	14	A. No, there is not.
15	to be on a QR valve and perhaps a cylinder and those air leaks	15	Q. It says the work is performed by Pat. Do you see that
16	needed to be addressed and repaired for loss of air.	16	at the bottom?
17	BY MS. WOELFEL:	17	A. I do.
18	Q. And you made those repairs?	18	Q. Whose handwriting do you think this is?
19	A. It appears I had, yes.	19	A. Pardon?
20	MS. WOELFEL: All right.	20	Q. Do you know whose handwriting this is?
21	We will move on to a different exhibit.	21	A. I don't know for certain, but it may be my wife's.
22	(Exhibit 5 was marked.)	22	It's much too legible for mine.
23	BY MS. WOELFEL:	23	Q. Would your wife assist you in writing up work orders?
24	Q. On the first page, MDB 196, that is dated I believe	24	A. On rare occasions.
25	it's dated July 31st, 2013 and it says date completed 8/2/2013	25	Q. And does she also work at MDB Trucking?
	Page 91		Page 93
1	and it says work performed by Pat for equipment 6774. Is that	1	A. She does not.
2	your handwriting, Pat?	2	Q. So would you fill out these work orders at home after
3	A. It does appear to be.	3	work?
4	Q. And can you tell me what is indicated in this work	4	A. More than likely she was out visiting and with my
5	order?	5	hands being all greasy and whatnot it's more convenient to have
6	A. In this particular work order it indicates that I ran	6	her to be able to dictate to her what I did.
7	new wires in this trailer for the dump circuit.	7	Q. So you would be dictating to her and she would be
8	Q. Was this in response to the July 2013 unauthorized	8	filling out this work order?
9	dump?	9	A. Correct.
10	A. I do believe so.	10	Q. Can you describe for me what you were doing with
11	Q. And it says you rewired dump valve circuit. Can you	11	respect to this work order?
12	explain precisely how you rewired the dump valve circuit?	12	A. On the trailers there is two inline apparatus that
13	A. Rather than using the circuit that existed with the	13	deal with air prior to the Versa valve. One of them is the
14	7-way wires it appears with the parts used that I ran	14	water separator and filter and the other is the oiler, which
15	independent wires from the 4-way socket back to the coil on the	15	automatically provides oil to the Versa valve and our cylinders
16	Versa valve.	16	to keep them functioning properly.
17	Q. How can you tell from this work order that you left	17	In this where they are put together these have used a
18 19	the existing wires in the trailer or the previously existing	18	fairly flimsy O ring system and a taper lock that holds them
20	wires in the trailer?	19	together. Over time the O rings become weak and the air
21	A. At this point I didn't state that I had removed them,	1	pressure that they are supposed to seal is able to overcome them
22	therefore that's the only reason I can say we did not.	21	and leak to the outside so we have an air loss at that point.
23	Q. Okay. If you had removed them would you have written removed.	23	With these particular valves I found the way they are
24	ii you nau temoveu mem would you have written removed	24	done are inadequate for an over-the-road trailer. So what I did
25	A. Typically I would have, yes.	25	in this instance, rather than duplicate the O rings and the locking mechanism to hold them together, these particular valves

25 (Pages 94 to 97)

		Na State Control of the Control of t	25 (Pages 94 to 97)
	Page 94		Page 96
1	also have pipe threads that could be utilized and I did utilize	1	Q. Okay.
2	pipe threads and unions, which made a solid junction for the air	2	And did you place the order for a new Versa valve?
3	and eliminates the O rings from leaking in the future.	3	A. I believe so. I went and picked it up at our vendor.
4	Q. What would be the result of the air leak?	4	Q. Were you the person that made the choice on which
5	A. Pardon?	5	Versa valve to purchase?
6	Q. What is the result of the air leaking at the gate	6	MR. BROWN: Objection, foundation.
7	control valve?	7	THE WITNESS: You could say that, I suppose.
8	A. At this one, this particular one besides basically	8	BY MS. WOELFEL:
9	what we were dealing with was just a loss of air. It's still	9	Q. Did you have any discussions with anybody else at MDB
10	part of the system. The air compressor from our tractor is	10	about what type of Versa valve to purchase in order to replace
11	working harder to try to make up for this air. It still has	11	the one that you had removed?
12	plenty of air to operate properly the cylinders on the gates and	12	A. No.
13	maintain pressure in the tank, it's just unacceptable to have	13	Q. So if you placed the order then it would have been
14	that air leak.	14	your decision on which Versa valve to order?
15	Q. Okay.	15	A. Yes.
16	And this was shortly before the unauthorized dump in	16	Q. Did you look at any other types of Versa valve when
17	July of 2013 involving this trailer; correct?	17	you were making a decision on what to purchase?
18	A. It appears so, yes.	18	A. No.
19	Q. When that unauthorized dump in July 2013 took place	19	MS. WOELFEL: Keep that exhibit in front of you. I
20	did you check to see if what is described on this work order	20	want to show you what we will mark as Exhibit 7.
21	played any part in that unauthorized release?	21	(Exhibit 7 was marked.)
22	A. I did not make any specific test to this, perhaps	22	BY MS. WOELFEL:
23	checked for leaks, but I don't believe there would have been any	23	Q. Handing you an invoice that is dated July 31st, 2013,
24	found.	24	and it's an invoice ordering a side port Versa valve. Do you
25	Q. The next page is Bates labeled MDB 015 and it's a work	25	see that?
	Page 95		Page 97
1	order dated August 1st, 2013. It says by Pat and performed by	1	A. Ido.
2	Pat. Is that your handwriting?	2	Q. And it's with Engs Motor Truck Company. Is that with
3	A. It does appear to be, yes.	3	whom you placed your order for a new Versa valve?
4	Q. Can you describe for me what you were doing in this	4	A. That is correct.
5	work order?	5	Q. You said you went and picked it up at Engs when it was
6	A. It says that we were investigating unintentional gate	6	ready?
7	opening. At this point it appears to me that I have begun to	7	A. Correct.
8	replace and isolate the circuit for the Versa valve's function	8	Q. How do you pronounce this company?
9	in this particular work order, replaced the Versa valve,	9	A. I believe it's Engs.
10	isolated the dump valve circuit. I have difficulty reading my	10	Q. So going back to work order MDB 015, do you know if
11	own handwriting. Install the Versa valve and rewire dump valve	11	Engs had the Versa valve in stock and you just went and picked
12	circuit from valve to truck isolating dump circuit and I removed	12	it up or did you have to place an order and have it delivered?
13	a coil case ground from the circuit.	13	A. If I recall correctly it was in stock.
14	Q. So you rewired the dump valve circuit in the same	14	Q. Okay.
15	manner that you rewired 6774 that we talked about?	15	And you went and picked it up and then did you notice
16	A. Correct.	16	when you opened the package for the Versa valve that there was
17	Q. Then it says you replaced the Versa valve. Did you	17	any written documentation included with it?
18	take off the Versa valve, did you remove the Versa valve from	18	A. I would have to say that there probably was.
19	6775?	19	Q. Did you read it before you replaced the Versa valve?
20	A. I'm pretty sure I would have, yes.	20	A. I did not.
21	Q. What did you do with the Versa valve that you removed?	21	Q. Did anyone assist you in installing the new Versa
		1	
22	 A. My best recollection is we disposed of it. 	22	valve?
22 23	A. My best recollection is we disposed of it. Q. Did you run any tests on it after you removed it from	22 23	valve? A. I do not believe so.

26 (Pages 98 to 101)

			26 (Pages 98 to 101)
	Page 98		Page 100
1	utilize the pinning system that scratch that. That didn't	1	Q. Can you tell me what is going on in this work order?
2	happen for a year later; correct?	2	A. Troubleshoot ABS light coming on.
3	A. Pardon?	3	Q. What is an ABS light.
4	Q. You were not utilizing a pinning system with the Versa	4	A. Antilock braking system indicator light.
5	valve that you replaced in July of 2013; correct?	5	Q. Why was the ABS light coming on?
6	A. Correct.	6	A. The ABS light will illuminate any time that the ECU,
7	Q. You put the trailer back in service after you	7	the ABS electronic control unit senses an issue with the ABS
8	completed this work order; is that right?	8	system, whether it be a broken wire or no continuity to one of
9	A. I did not put it back into service.	9	the sensors or a bad sensor, a multitude of issues.
10	Q. Who makes the decision to put it back into service?	10	It appears in this particular work order that I had
11	A. At that time it would have been Tracy Shane.	11	two wires that were damaged going to the front sensors and I
12	Q. Okay.	12	replaced them.
13	A. I could not give him reason not to.	13	Q. Okay.
14	Q. So did you recommend to Mr. Shane that he put 6775	14	Do you know how they were damaged?
15	back in service?	15	A. I don't recall exactly, but probably some sort of
16	A. I did not make any recommendation.	16	abrasion.
17	Q. But you could not give him a reason to keep it out of	17	Q. When you are conducting that inspection trying to
18	service?	18	figure out what is causing the ABS light to come on are you
19	A. Correct.	19	inspecting other wires at the same time to try to look for the
20	Q. Go to three pages back, MDB maintenance 240. It's a	20	source of the problem?
21	work order dated June 30th, 2014.	21	A. Yes, you always do a visual inspection.
22	A. June 30th, 2014?	22	Q. If you had seen any other problems with the wiring you
23	Q. That's correct.	23	would have noted it and corrected it?
24	A. Okay.	24	A. That is correct.
25	Q. For equipment number 6775, and at the bottom it says	25	Q. So it's fair to say that on July 2, 2014 you didn't
	Page 99		Page 101
1	performed by Pat. Is that your handwriting?	1	see any other problems with the wiring?
2	A. That is correct.	2	A. I did not.
3	Q. Now this says reattached Versa valve. What does that	3	Q. So the next page is MDB maintenance 244 and that is
4	mean?	4	about five days later on July 7th, 2014 and that is the day that
5	A. At this moment just reading this I would have to	5	there was an unauthorized release; is that correct?
6	assume that a portion of the attaching apparatus, which in this	6	A. I believe so.
7	case would be bolts, has come loose and that I either	7	Q. Okay.
8	reinstalled and tightened the valve, or I should say retightened	8	And this is a work order, looks like prepared by Scott
9	the fasteners, or perhaps replaced with a different locking nut	9	and performed by Scott, and it says install lockout device for
10	or washer at that point in time.	10	Versa valve. Did you assist him with installing the lockout
11	Q. Okay.	11	device for the Versa valve on 6775, if you can recall?
12	With the Versa valve loose would that cause any safety	12	A. Pardon?
13 14	issues?	13	Q. Did you assist him in installing the lockout device?
15	A. In my opinion, no.	14 15	A. I don't believe so, but I may have.
16	Q. Why not?	16	Q. Okay.
17	A. I don't feel it could have I don't recall it ever being completely free of its mount. At that point in time there	17	Go to the next page, MDB maintenance 246. It's a work
18	is no way, even with the way it's plumbed, which is air plumbing	18	order dated 7/8/2014 and it says performed by Pat. Do you see that?
19	to the rear of it, there is no way that I could conceive it to	19	A. I do.
20	be able to fall and strike the handle and activate the valve.	20	Q. Is that your handwriting on this work order?
21	Q. Go to the next page. It's Bates labeled MDB 258.	21	A. That is my handwriting.
22	It's a work order dated July 2, 2014 for equipment number 6775	22	Q. Now, this is the day after the unauthorized release;
23	and it says work performed by Pat. Is that your handwriting,	23	correct?
24	Pat?	24	A. I believe so.
25	A. That is my handwriting.	25	Q. And what is going on in this work order?
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27 (Pages 102 to 105)

Page 102 Page 104 A. This particular work order it appears that the ABS 1 Q. Why would you need to do that? light had illuminated indicating another issue with ABS and this A. More than likely it had indicated it was no longer circuitry, which was BU-1, was a fault. I traced the circuit to 3 functioning properly. Pressure protection valve protects the an extension cable that either apparently had a break in it or tractor from loss of air from equipment used downstream. something, was no longer communicating with the ECU and I MS. WOELFEL: All right. 6 replaced the cable and cleared the codes from the ECU. You can put that exhibit away and mark this one next in Q. Does this indicate to you that 6775 was being used on July 8th to haul loads? (Exhibit 8 was marked.) A. Would you repeat the question, please? BY MS. WOELFEL: 10 Q. Right. 10 Q. This is a series of work orders for equipment number 11 Based on the fact that you were performing this work 11 5693, which is Scott Palmer's -- the truck that Scott Palmer was 12 on this trailer 6775 on July 8th, 2014, does that suggest to you 12 driving when he had his inadvertent dump on July 7th, just to 13 that Dan, who signed the work order, had been using that trailer 13 give it context. 14 to haul loads on July 8th, 2014? 14 On the first page of this, MDB maintenance 000277, it 15 A. Not necessarily. It could be an old work order. 15 looks like the work was performed by you, Pat. Is that your Q. So this would be an old work order? 16 handwriting on this document? 17 A. Not an old work order, but that day may have been 17 A. It does appear to be, yes. 18 assigned to us. 18 Q. Tell me what is happening with this work order, 19 19 O. Okav. please? 20 So when you prepare -- when a person prepares a work 20 A. In this particular work order it's troubleshoot 21 order do they put the day that they prepare it on the work order 21 intermittent first trailer gate function. 22 22 or is there someplace else that they would note --Q. What does that mean? 23 23 A. Not necessarily. Sometimes it's the date that the A. That means it either wasn't functioning or wasn't 24 24 work is performed and completed or began and completed. As far functioning properly. 25 as preparing the work order, me, the date I start to work on it Q. Did you figure out why it wasn't functioning properly? Page 103 Page 105 is the date that I have the information that it needs to be 1 A. It appears to me that there was a wire that wasn't repaired and, therefore, that is why that date is on there. 2 secured properly in the plug, within the 4-way plug. It appears that I replaced that 4-way plug. I may have found either a A. It could have been brought to the someone's attention broken screw or something along those lines that caused me to the day before. want to replace the plug. Q. Okay. Q. When you replace a plug you normally discard the plug Go to the next page. This is MDB maintenance 249. that you have taken off of the unit? It's a work order dated September 16th, 2014. It says performed by Pat. Is that your handwriting, Pat? Q. Go to the next page. It's March 23rd, 2015. It looks 10 A. Yes 10 like work was performed by you. Is that your handwriting? 11 Q. Can you tell me what is happening in this work order, 11 A. That is my handwriting. 12 please? 12 Q. And can you tell me what is happening in this work 13 A. It appears that there was an air leak at the first 13 order? 14 gate cylinder and at this point in time the QR valve, which is 14 A. It says gate not working with switch. It appears when 15 called a quick release valve on each end of the cylinder was I checked it out they were working. The 4-way plug from the 15 16 16 leaking. At that point I removed it, cleaned the diaphragm, tractor to the trailer ground had some corrosion so I replaced 17 which is one of the major functions of the OR valve, reinstalled 17 the 4-way plug and also noticed feedback at plug traced to a 18 it, and I'm certain if I said okay then I tested it to make sure 18 light wire in the dash and unplugged the jumpers, recommended 19 that it was no longer leaking. 19 rewiring the switches. 20 Q. Okay. 20 MS. WOELFEL: Okay. 21 Go to the very last page of this exhibit, MDB 327. 21 I'm going to hand you another stack of documents. 22 It's a work order dated February 29, 2016 for 6775. It states 22 (Exhibit 9 was marked.) 23 that you are installing a pressure protection valve for gate air 23 BY MS. WOELFEL: 24 tank? 24 Q. This is all related to equipment number 6778, and 6778 25 A. Correct. 25 is the rear trailer of the three trailer set that Mr. Palmer was

28 (Pages 106 to 109)

Section (Section)		Name and American American	28 (Pages 106 to 109)
4	Page 106		Page 108
1	pulling when he had his inadvertent dump.	1	A. Yes.
2	The first page is MDBMTSUP94. This work order is	2	Q. Without the pin he could?
3	dated July 17th, 2014. What is B and L?	3	A. Yeah.
4	A. That is my term for brake and lube, which is	4	MS. WOELFEL: Let's take a quick break. I might be
5	inspecting the brakes and lubricating the trailer.	5	done.
6	Q. Okay.	6	(A recess was taken.)
7	The next page let's actually go to the page after	7	MS. WOELFEL: I am going to pass the witness at this
8	that, which is MDB maintenance 336. This is work from	8	time. So thank you for your cooperation and I believe Ms.
9	December 1st, 2014 performed looks like by you, Pat. Is that	9	Shreve is going to ask you some questions.
10	your handwriting?	10	
11	A. Yes.	11	EXAMINATION
12	Q. And this says you're reattaching the safety pin to the	12	BY MS. SHREVE:
13	Versa valve on this date. Why were you doing that?	13	Q. Mr. Bigby, my name is Paige Shreve and I represent
14	A. This particular pin is the pin that physically blocks	14	Versa Products Company and I have some questions for you.
15	the valve handle.	15	I just wanted to verify prior to working at MDB you
16	Q. Is this the pin that Scott Palmer fabricated?	16	had never done any maintenance on belly dump trailers; is that
17	A. The pin was not fabricated. It was purchased. The	17	correct?
18	pin is the blocking portion. The fabricated part was attached	18	A. That is correct.
19	to the trailer. The pin has to be able to move independently,	19	Q. And prior to your employment at MDB you had never done
20	which we attached cables to it so if it were to slip out of the	20	any maintenance on Versa valves; is that correct?
21	operator's hands it won't fall and be lost or discarded.	21	A. Pardon?
22	In this particular instance what I did was, in fact,	22	Q. Prior to working at MDB you had not done any
23	drill a hole in the mount and attached a cable to the pin so	23	maintenance on Versa valves; is that correct?
24 25	that it could not be lost. It may have been lost. This	24	A. That is correct.
25	particular incident it may have fallen out or Scott was	25	Q. After the Strike that.
	Page 107		Page 109
1	concerned that it may get lost.	1	Do you know when the July 2013 incident occurred where
2	Q. So the safety pin is the pin that prevents the Versa	2	there was an inadvertent belly dump on the highway in
3	valve from opening?	3	Mr. Koski's truck?
4	A. It's the one you physically push into the blocking	4	A. What is the question?
5	mechanism.	5	Q. Do you know what the specific date was in July of 2013
6	Q. And that pin needed basically what you were doing	6	of the first intentional belly dump?
7	here was creating a way that it could not fall out, is that what	7	MR. BROWN: Object, misstates. Do you mean
8	you're saying?	8	unintentional?
9	A. No, that it could not be lost.	9	MS. SHREVE: Did I say intentional?
10	Q. That it could not be lost. So it could still fall	10	MR. BROWN: That's what I heard.
11	out, but it would be attached to the trailer?	11	BY MS. SHREVE:
12	A. It could be removed and dropped.	12	Q. The unintentional belly dump.
13	Q. Okay.	13	A. I do not recall the date.
14	Could it come out on its own?	14	Q. Do you recall if the trailer, the truck and trailer
15	A. In my opinion?	15	was in service the day after the July 2013 unintentional belly
16	Q. Yes.	16	dump?
17	A. No.	17	A. I don't recall specifically, but I do not believe so.
	Q. Then why would you need to attach something that would	18	Q. Okay.
18		19	I'm just trying to narrow down the date with the
19	prevent it from coming out or getting lost if it couldn't come		
19 20	out on its own?	20	service dates.
19 20 21	out on its own? A. As the operator is dumping that has to be removed. If	21	After the July 2013 incident do you recall anyone
19 20 21 22	out on its own? A. As the operator is dumping that has to be removed. If he is over the grizzly and it slips out of his hand that pin is	21 22	After the July 2013 incident do you recall anyone taking any pictures of the truck or trailer?
19 20 21 22 23	out on its own? A. As the operator is dumping that has to be removed. If he is over the grizzly and it slips out of his hand that pin is no longer available to him.	21 22 23	After the July 2013 incident do you recall anyone taking any pictures of the truck or trailer? A. Of the which?
19 20 21 22	out on its own? A. As the operator is dumping that has to be removed. If he is over the grizzly and it slips out of his hand that pin is	21 22	After the July 2013 incident do you recall anyone taking any pictures of the truck or trailer?

29 (Pages 110 to 113)

DATE OF THE PARTY		29 (Pages IIU to II3)
	Page 110	Page 112
1	Q. Yes.	it would be Tracy Shane or Scott Palmer and then they would in
2	A. I do not recall seeing anyone take photographs.	turn notify me. However, if I were in the yard they could
3	Q. How about the July 2014 incident on Mr. Koski's truck	notify me of an issue.
4	or trailer?	4 Q. Are there any records that are kept that the driver
5	A. On that date I do not recall any photographs being	5 hands you if they are in need of something, of any maintenance
6	taken.	done to it if they find something wrong during their inspection?
7	Q. Do you recall any within that week of the incident	7 A. I'm not understanding your question.
8	being taken?	Q. Is there any paperwork that is filled out by the
9	A. I do not.	g driver that they give to you if they notice something is wrong
10	Q. Okay.	during their inspection?
11	After the July 2013 incident did you notify anybody	A. There is what is considered a DVIR, which is a driver
12	from Versa valve regarding the unintentional dump?	vehicle inspection report.
13	A. I personally did not.	MS. SHREVE: So I will do this as the next exhibit as
14	Q. How about after the July 2014 incident did you notify	14 10.
15	anyone from Versa valve regarding the unintentional dump?	15 (Exhibit 10 was marked.)
16	A. No.	16 BY MS. SHREVE
17	Q. Earlier you testified that you did an inspection of	Q. Is this what you were referring to as an DVIR?
18	the truck and trailer, Mr. Koski's, after the July 2014	18 A. That's correct.
19	incident; is that correct?	Q. And are these DVIRs handed to you or are they given to
20	A. That's correct.	²⁰ Tracy and Scott?
21	Q. And if I recall correctly you indicated that you did	A. They are typically turned into Scott.
22	tests trying to create the short and also checked the air	Q. Does he ever pass them along to you?
23	pressure; is that correct, after the July 2014 incident?	A. He passes along the information necessary to make
24	A. On the July 2014?	²⁴ repairs.
25	Q. Yes.	Q. But not the actual document?
	Page 111	Page 113
1	A. I believe we tried to do some investigation into it,	1 A. No.
2	but not as much as we did in the 2013.	Q. What type of records do you usually keep when you're
3	Q. The 2013 you did more investigation?	doing any maintenance to any of the trucks or trailers?
4	A. Yes.	A. The records that I maintain?
5	Q. So it's the '13 that you did trying to create the	5 Q. Yes.
. 6	short and check the air pressure and stuff like that; is that	⁶ A. Just the work order.
7	correct?	Q. Do you keep any handwritten notes at all when you're
8	A. That is correct.	8 doing any maintenance?
9	Q. Did you ever drive the truck around to try to get the	⁹ A. I do not.
10	inadvertent dumping to occur or was it all just stationary?	Q. When you installed the Versa valve in July 2013 was
11	A. In the yard I did. I did not take it on the highway.	that your first time installing a Versa valve?
12	Q. What about after the July 2014 incident, did you do	12 A. I would say yes.
13	any driving with it to try to create an inadvertent dump?	Q. How did you know how to install it on the trailer?
14	A. I did not.	A. By watching and duplicating the installation that was
15	Q. Was it your position as in charge of maintenance for	already in place and the installation on other trailers. It's a
16	MDB to ensure that the drivers properly inspect their vehicles	fairly straightforward appearing and simple installation in my
17	each morning?	opinion.
18	A. No.	Q. So you looked at the one that was already installed
19	Q. Who is responsible for that?	and then looked at other trailers to see how it was installed
20 21	A. I would make an assumption it would be the general	and that is how you based your installation; is that correct?
22	manager, Tracy Shane at that time.	21 A. Yes.
23	Q. And if a driver does do an inspection and they notice	Q. Would you say you're a qualified and knowledgeable
	something wrong, do they come and notify you or do they notify somebody else?	person and understand how the Versa valve product should be installed and operated?
		1 43 Installed and operated?
24 25	A. Typically they are supposed to notify either well,	25 A. I would say I was, yes.

30 (Pages 114 to 117)

Page 114 Page 116 Q. And why do you believe that you have that -- you're a 1 Q. Okay. qualified, knowledgeable person about how the Versa valve 2 Does MDB require you to have any special license or products are installed and operated? 3 certificates in order to perform the maintenance on their trucks A. It's a general knowledge of mounting pneumatic or trailers? plumbing, duplicating what has been installed in the factory, 5 A. No some wires and air line and bolts. I didn't find it to be too 6 Q. Does MDB require you to do any sort of retraining or updated training each year to perform maintenance on their 8 Q. Correct me if I'm wrong, earlier you testified that trucks and trailers? 9 you did not look at any paperwork regarding installation of the A. No. Versa valve; is that correct? 10 Q. Earlier I believe you testified that you have your 11 A. That is correct. 11 theory of atmospheric conditions in the area that could cause 12 Q. Have you ever looked at any paperwork regarding how to 12 the inadvertent dump; is that correct? 13 operate the Versa valve? 13 A. I'm sorry, you had your --14 A. I have not. 14 Q. I'm sorry. 15 O Okav 15 If I recall correctly earlier you testified that you 16 When you do your typical inspections, I believe you 16 have a theory of atmospheric conditions in the area that could 17 17 said it occurs weekly or every other week, something like that, have caused an inadvertent dump; is that correct? do you ever test the Versa valve during that inspection? 18 A. That is correct. 19 I don't typically test its function, no. 19 Q. And I believe you testified that there is -- there 20 Q. Have you ever had to -- prior to working at MDB have 20 could be a static charge that could energize the magnetic coil 21 you ever rewired trailers before? 21 of the valve, am I correct in what you stated earlier? 22 A. Yes, I have. 22 A. That sounds to be correct. 23 Q. Is the rewiring of the trailers that you performed the 23 Q. So would that charge go to the electrical wiring that 24 same type of rewiring on the belly dumps that you performed? 24 would be connected to the Versa valve, am I correctly 25 A. The same type of wiring? understanding what you mean? Page 115 Page 117 1 Q. Do you rewire the trailer of a belly dump the same way A. That would be an assumption, but not having enough you would rewire the other trailers that you performed rewiring 2 equipment to test the coil I don't know where it could 3 potentially enter to the coil to allow it to open the valve. 4 A. Yes, except for the exception there weren't any Versa Q. Is there another way electricity can enter into the valves on those trailers, yes, standard wiring procedure. coil other than through electrical wires? Q. And did someone teach you how to do that rewiring? MR. BROWN: Objection to the extent it calls for A. Pardon? speculation, beyond his knowledge. Q. Did someone teach you how to do the rewiring of the BY MS. SHREVE: trailer to the Versa valve? Q. That you're aware of? 10 A. Yes, over the years I've had journeyman mechanics 10 A. Can you charge your cell phone on one of those pads? 11 while I was an apprentice ves 11 Yes 12 12 Q. Earlier I believe you testified that you made the O. Thank you. 13 13 decision to purchase the Versa valve in July of 2013; is that So the valve, you believe, can get electricity without 14 correct? 14 going through the electrical wires then, is that correct? 15 That is correct. 15 A. That is a potential. 16 16 Q. Is there a reason why you decided to purchase the 17 Versa valve from Engs? 17 Earlier you testified when we were talking about the 18 A. Main reason we had an account there and it was known 18 maintenance records, you said sometimes the dates on the 19 that they had the Versa valves in stock. 19 maintenance records are not always the date that you receive --20 Q. Did you ask anyone at Engs about any other valve to be 20 it's brought to someone's attention that it needs work done; is 21 21 used on the trailer other than the Versa valve you purchased? that correct? 22 22 A. I did not A. That is correct. 23 23 Q. Is there a reason why you did not? Q. What is the typical time frame between when someone is 24 A. Mainly is that was as built and that was the valve 24 informed that a truck or trailer needs repair and then the work that the manufacturer chose to install order is performed?

31 (Pages 118 to 121)

		Newson and the second	31 (Pages 118 to 121)
	Page 118		Page 120
1	A. To my knowledge it's typically within a day.	1	was no air on the other side of the accumulator to close the
2	Q. Okay.	2	valve. When we replaced the valve everything functioned
3	During your 2013 inspection of the subject truck and	3	properly with no other repair.
4.	trailer, 6775, did you find any defect with the Versa valve?	4	Q. So there was air in the accumulator there was air
5	A. No, I did not.	5	in the Versa valve, but just when you hit the accumulator it
6	Q. How about for your inspection during July 2014 after	6	didn't
7	the subject incident, did you find any defect with the Versa	7	A. There was air in the system that should have allowed
8	valve on trailer 6775?	8	the valve to operate properly and the valve did not.
9	A. I did not.	9	Q. And did you try to open it and it wouldn't open?
10	Q. After the July 2013 incident on trailer 6775 did you	10	A. We could physically operate the valve, but it wasn't
11	find that there was any design defect with the Versa valve?	11	closing with the switch.
12	MR. BROWN: Objection, foundation, speculation.	12	Q. So it worked when you were physically doing it, just
13	THE WITNESS: To my knowledge, no.	13	not with the switch then; is that correct?
14	BY MS. SHREVE:	14	A. Correct.
15	Q. And then the same again for after the July 2014	15	Q. Okay.
16	incident on trailer 6775 did you discover any design defects	16	If you can go to Exhibit 3, please. I'm going to go
17	with the Versa valve?	17	to MDB 273, please. This one looks like the work order was for
18	MR. BROWN: Same objections.	18	12/2/2015 on equipment number 5694 and here you replaced the
19	THE WITNESS: To my knowledge, no.	19	4-way plug, you pulled out the wires and reattached wires and
20	BY MS. SHREVE:	20	tested okay.
21	Q. If you will go to Exhibit Number 2, please. I'm going	21	Can you explain to me what you did here?
22	ask that you turn to MDBMAINT000321. The work order date should	22	A. Yes, the wires on the 4-way plug from the tractor
23	be December 1st, 2014. Do you see that?	23	apparently to the trailer had been pulled out of the back of the
24	A. That's correct.	24	plug for whatever reason and I replaced the plug and reattached
25	Q. We were discussing this earlier and it says an	25	the wires and tested it.
	Page 119		Page 121
1	accumulator on the Versa valve is not functioning so you	1	Q. Does that happen often that the wires for the 4-way
2	replaced the Versa valve; correct?	2	plug can be pulled out?
3	A. That is correct.	3	A. Pardon?
4	Q. You also indicated that you did not test the	4	Q. Does that happen often that the wires on the 4-way
5	accumulator, did I understand your testimony earlier?	5	plug can be pulled out?
6	A. I didn't have a way of testing the accumulator. When	6	A. Not often, but it can be done.
7	I reached the conclusion that it potentially was the accumulator	7	Q. So in those instances you just will reattach the wires
8	that's when the decision to replace the valve was made.	8	or fix the wires if there is any damage to it?
9	Q. Why did you come to that assumption that it was the	9	A. Pardon?
10	accumulator?	10	Q. So in those instances you will just reattach the wires
11	A. By the air, the activation and the path of the air and	11	to the 4-way plug or fix them if for some reason the wires are
12	checking to make sure that we had current running to our coil at	12	damaged?
13	that point in time it reached the position of the Versa valve as	13	A. Correct.
14	to not be functioning properly. When I stated it was possibly	14	Q. I'm going to go to Exhibit 5. Actually I apologize,
15	the accumulator typically that seems to be the most common issue	15	let's go to Exhibit 6. If you can go to MDBMAINT000240.
16	is the accumulator doesn't hold air and when the valve is	16	This is dated 6/30/2014 and earlier you testified it
17	commanded open there is no air to open the valve.	17	was your handwriting and it said reattached Versa valve. I
18	Q. So you had trouble pushing the accumulator in?	18	believe earlier you testified you believed it was for a
19	A. Pardon?	19	retightening of the valve on the trailer; is that correct?
20	Q. Did you have trouble with the accumulator pushing it	20	A. That is right, yes.
21	in or did you have trouble with the valve not having air in it?	21	Q. When you were just retightening something do you
22	I'm just trying to understand.	22	usually say tightened or do you say you reattached something?
	A Thorougo oir to the rights. It is at a small	23	MD DDOUDL Objection commentation
23	A. There was air to the valve. It just wasn't		MR. BROWN: Objection, argumentative.
23 24 25	functioning. It wasn't closing when you took the electricity away from it. It wasn't closing because my opinion was there	24	THE WITNESS: Perhaps I would say tighten.

32 (Pages 122 to 125)

	Page 122	Page 124
1	BY MS, SHREVE:	1
2	Q. So it's possible, then, something could have occurred	² CERTIFICATE OF DEPONENT
3	that the Versa valve you had to actually reattach it to the	3 PAGE LINE CHANGE
4	trailer?	4
5	A. I suppose that's possible, but I don't recall that. I	5
6	don't recall a Versa valve coming loose completely from the	6
7	trailer.	7
8		8
9	Q. Could there have been another reason other than it coming loose that you would reattach it, like you were	9
10	- · · · · · · · · · · · · · · · · · · ·	10
11	inspecting it or cleaning it or something like that? A. Potentially it may have been removed by someone else	11
12	• •	12
13	and someone asked me to reattach it. That's possible. Q. Okay.	13
14		14
15	Let me just look over my notes. I may be done.	15 *****
16	Were you aware of any specifications that Versa	16
17	required regarding the installation of the product?	17 I, PATRICK BIGBY, deponent herein, do hereby certify and
18	A. No.	declare under penalty of perjury the within and foregoing
19	MR. BROWN: Objection, foundation.	transcription to be my deposition in said action; that I have
20	BY MS. SHREVE:	read, corrected and do hereby affix my signature to said
21	Q. If you were not aware of the specifications did you	²¹ deposition.
22	contact them to ask them about them?	22
23	MR. BROWN: Objection, foundation.	23
24	THE WITNESS: I did not. BY MS. SHREVE:	PATRICK BIGBY, Deponent
25	Q. If a truck and trailer are disconnected for	24
	Q. If a truck and traffer are disconnected for	25
	Page 123	Page 125
1	maintenance or repairs is it your responsibility to check the	1
2	connections going from the truck to the trailers when they are	² CERTIFICATE OF REPORTER
3	reattached?	3 I, JANET MENGES, Certified Court Reporter, State of
4	A. Yes, if I'm the one that reconnects them, yes.	4 Nevada, do hereby certify:
5	Q. If you're not the one reconnecting them whose	5 That I reported the deposition of PATRICK BIGBY,
6	responsibility is that?	6 commencing of Monday, April 10, 2017, at 11:30 a.m.
7	A. It would be the person making the coupling and the end	7 That prior to being deposed, the witness was duly sworn by me to
8	result would be the end driver.	8 testify to the truth. That I thereafter transcribed my said
9	Q. So if you had to do maintenance and you reattached	9 shorthand notes into typewriting and that the typewritten
10		10 transcript is a complete, true and accurate transcription of my
	them you would check the electricity going from the truck to the	transcript is a complete, true and accurate transcription of my
11	them you would check the electricity going from the truck to the trailer?	said shorthand notes. That prior to the conclusion of the
		said shorthand notes. That prior to the conclusion of the proceedings, the reading and signing was requested by the
11	trailer?	said shorthand notes. That prior to the conclusion of the proceedings, the reading and signing was requested by the witness or a party.
11 12	trailer? A. Correct, on turn signals and such.	said shorthand notes. That prior to the conclusion of the proceedings, the reading and signing was requested by the witness or a party. I further certify that I am not a relative or employee of
11 12 13	trailer? A. Correct, on turn signals and such. Q. Would you check it for the Versa valve?	said shorthand notes. That prior to the conclusion of the proceedings, the reading and signing was requested by the witness or a party. I further certify that I am not a relative or employee of counsel of any of the parties, nor a relative or employee of the
11 12 13 14	trailer? A. Correct, on turn signals and such. Q. Would you check it for the Versa valve? A. Not always, no. MS. SHREVE: I think that is actually all I have. So I will pass the witness.	said shorthand notes. That prior to the conclusion of the proceedings, the reading and signing was requested by the witness or a party. I further certify that I am not a relative or employee of counsel of any of the parties, nor a relative or employee of the parties involved in said action, nor a person financially
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11 12 13 14 15 16 17 18 19 20 21 22 23	trailer? A. Correct, on turn signals and such. Q. Would you check it for the Versa valve? A. Not always, no. MS. SHREVE: I think that is actually all I have. So I will pass the witness. Anyone on the phone? MS. QUIGLEY: I don't have any questions either. MS. WOELFEL: I don't have any follow-up questions. So I think that your deposition will conclude and thank you so much for your time.	said shorthand notes. That prior to the conclusion of the proceedings, the reading and signing was requested by the witness or a party. I further certify that I am not a relative or employee of counsel of any of the parties, nor a relative or employee of the parties involved in said action, nor a person financially interested in the action. In witness whereof, I hereunto subscribe my name at Reno, Nevada, this 20th day of April, 2017. JANET MENGES, CCR #206