

**EA02-025**

**TEXAS INSTRUMENTS, INC.'S**

**9/10/03**

**REQUEST NO. 7**

**BOX 10**

**PART A - I**

**PART H**

1 Q. You've never done that to any car you've  
2 ever owned, you never washed the engine compartment,  
3 sir?

4 A. I have not.

5 Q. All right. Ever known anyone to do that?

6 A. I can't remember any specific person that  
7 said they did that.

8 Q. You never walked into an O'Reilly's or a  
9 Charlie's Hi-Lo or any parts store and seen those  
10 engine degreasers that they sell in there to spray  
11 in the engine compartment to keep your motor clean?

12 A. ~~No idea.~~ No.

13 Q. You didn't know that people wash the  
14 inside of their engine compartments?

15 A. I know it's possible people do wash the  
16 inside of their engine compartments.

17 Q. So is it Texas Instruments' corporate  
18 position that it's not foreseeable that an owner of  
19 the a '92 or '93 Panther might wash the engine  
20 compartment?

21 A. Texas Instruments doesn't know whether  
22 anyone's going to wash the engine compartment in  
23 their car or not. It's Texas Instruments' position,  
24 Texas Instruments needs to make sure the switch  
25 meets the specification set forth defines -- and the

1 intention of those specifications by Ford is to make  
2 sure it encompasses in the event that the switch  
3 makes that compliance.

4 Q. That's not my question now. My question  
5 now: Is it foreseeable? And you're here as the TI  
6 corporate rep and I would just like to know if TI is  
7 going to have any criticisms of someone who owns a  
8 '92 or '93 Panther because they simply wash their  
9 engine compartment at a car wash, yes or no?

10 A. I don't know.

11 MS. ALVAREZ: Objection -- Objection,  
12 form.

13 Q. Can you think of any criticisms now, just  
14 thinking about it, using your common sense and  
15 reasonable engineering probabilities?

16 A. I don't know if there's anything written  
17 in the vehicle <sup>manual</sup> books by Ford that says, Do not wash  
18 your <sup>car engine</sup> ~~car~~. I don't know how any of -- whether  
19 there's any recommendations by Ford to.

20 Q. Should there be?

21 A. I don't know.

22 Q. If -- If -- Could TI tell Ford that there  
23 should be warnings, don't wash the inside of your  
24 engine compartment because these speed control  
25 deactivation switches might start corroding?

1 Should -- Did TI tell Ford that?

2 A. I'm not aware of anyone at TI telling Ford  
3 that no one should wash their car.

4 Q. Did Ford ask TI, should we tell our -- our  
5 buyers of our vehicles this?

6 A. I'm not aware of Ford asking TI. Ford has  
7 the -- the big picture. They have the full  
8 understanding of the vehicle and what the vehicle  
9 may go through.

10 Q. Okay. What are these tests that this  
11 switch has to pass that involves salt spray and  
12 water and liquids?

13 A. I don't remember all the specific tests  
14 off the -- the top of my head, but there's usually  
15 tests around humidity exposure, salt spray  
16 exposure --

17 Q. Dunk?

18 A. Sometimes it's dunk, sometimes it's a  
19 spray. I don't remember specifically in the Ford  
20 spec how it's defined.

21 Q. Okay. So those are Ford specs?

22 A. Those are Ford specs, yes.

23 Q. And you think that -- Looking back at  
24 those specifications for those different types of  
25 spray and dunk tests, do you think that those tests

1 are sufficient to -- when it comes to the design of  
2 the switch, to prevent any harm to the switch if  
3 someone were to wash the inside of their engine  
4 compartment?

5 MS. ALVAREZ: Objection, form.

6 A. I don't know if the Ford specifications  
7 are sufficient or not sufficient to encompass what  
8 may happen to the vehicle and it's service.

9 Q. No. But TI did the tests. And knowing  
10 what those tests were, what do you think now? Do  
11 you think those tests were sufficient to determine  
12 whether or not the switch could handle a car washing  
13 if someone were to lift their hood and wash the  
14 engine compartment at a car wash?

15 A. I don't know. I only know that TI tested  
16 the switches to the Ford specs, don't know how those  
17 specs were derived by Ford.

18 Q. Okay. Any criticisms of any of my clients  
19 if they just happened to do that, wash their engine  
20 compartment, you personally?

21 A. I don't have a personal feeling on it one  
22 way or the other, *but I personally would not wash my*  
*engine*

23 Q. Okay. So you're not going to come into  
24 court and say one of my clients really messed up  
25 when he raised his hood, he or she raised his hood.

1 to wash his engine compartment? You're not going to  
2 do that, are you?

3 A. I don't know what the requirements or what  
4 the Ford recommendations were around washing of  
5 those or not.

6 Q. Isn't it Texas Instruments who just served  
7 a whole bunch of discovery on us about this  
8 question, washing the engine compartment, isn't that  
9 true?

10 A. I don't understand what you're referring  
11 to.

12 Q. Well, the Texas Instruments lawyers just  
13 served a big stack of what's called a Request For  
14 Admission and some of the requests ask whether or  
15 not my clients washed their engine compartment.  
16 Now, here's one right here (indicating): Admit that  
17 the vehicle engine had been steam cleaned. Admit  
18 that the vehicle engine had never been steam  
19 cleaned. Admit that the vehicle engine was steam  
20 cleaned during the time that you owned it.

21 I mean, if -- if TI doesn't know  
22 anything about this or what effect this might have  
23 on -- on the switch, if any, then why is TI asking  
24 my clients all these questions about this sort of  
25 thing?

1 A. I don't know why those specific questions  
2 were asked.

3 Q. Well, you're the corporate rep. Why is TI  
4 asking my clients something like that this, sir? We  
5 need to know.

6 MS. ALVAREZ: Objection --

7 Q. We need to know why TI wants to know this  
8 information --

9 MS. ALVAREZ: Objection --

10 Q. -- about something that everybody --  
11 almost everybody does to their car.

12 MS. ALVAREZ: Objection, form.

13 Q. And you don't know?

14 A. Based on our tests that we have done, we  
15 had seen that if an ~~uncontaminated~~<sup>contaminated</sup> water got into  
16 the switch, with the right power conditions, that we  
17 were able to ignite the switch in the lab, there was  
18 a mating connector failure that could allow water  
19 into the switch.

20 Q. Well, that wasn't my question. That's it,  
21 because water might into the switch, and so  
22 therefore, people shouldn't steam clean their car --

23 MS. ALVAREZ: Objection --

24 Q. -- is that what the point is?

25 MS. ALVAREZ: Objection, form.

- 1           A.    That's not what I'm saying.
- 2           Q.    Okay.  So it's okay if people steam clean  
3 their engines?
- 4           A.    That's not what I'm saying either.
- 5           Q.    It's not okay for someone to steam clean  
6 their --
- 7           A.    I don't know whether it's okay or not.
- 8           Q.    Okay.  Can you steam clean your engine  
9 with the speed control deactivation switch that was  
10 sold to Ford and put on the '92, '93 Panthers?
- 11          A.    I don't know.  I don't know if the mating  
12 connector can survive that exposure.
- 13          Q.    Isn't that something that maybe TI  
14 should've considered before they designed this  
15 switch?
- 16          A.    TI did not design the mating connector or  
17 the seal of the mating connector.
- 18          Q.    Shouldn't TI have asked Ford, Do you  
19 anticipate that owners of '92 or '93 Panthers might  
20 clean their engine compartment, we need to know this  
21 when we design this switch?  Shouldn't TI ask Ford  
22 that?
- 23          A.    TI asked Ford, What are the specifications  
24 required, what environments might the switch be  
25 exposed to.  And Ford provides those specifications



1 for those environments --

2 Q. Okay.

3 A. -- and those specifications of the switch.

4 Q. Okay. So that if -- if that's an issue  
5 that causes a problem for this switch, then that's  
6 Ford's responsibility to give that specification to  
7 TI? Is that what you're saying?

8 A. Ford gives to TI the specifications for  
9 what performance the switch needs to achieve.

10 Q. And so Ford would say what, we don't  
11 anticipate that anyone might clean their engine  
12 compartment?

13 A. No. Ford would take all their data as far  
14 as what they think people might do to their car and  
15 based on that information design specifications that  
16 the switch should meet.

17 Q. We're talking about cleaning the engine  
18 compartment. Did Ford say, No one's going to clean  
19 their engine compartments for these '92, '93  
20 Panthers? Did Ford say that in the specification?

21 A. No, that's not in the specification.

22 Q. Did Ford say, People might clean their  
23 engine compartments in this --

24 A. That is not -- That is not in the  
25 specification.

1 Q. Okay. What -- What is the net worth of  
2 Texas Instruments?

3 MS. ALVAREZ: Objection, form.

4 A. I don't know what the net worth of Texas  
5 Instruments is.

6 Q. More than a billion dollars?

7 A. I don't know.

8 Q. Ten billion?

9 A. I Don't know.

10 Q. Who knows that then, someone who writes  
11 the annual report?

12 A. I would assume they would know, but --

13 Q. You get an annual report when you're a  
14 shareholder, don't you, sir, which includes you?

15 A. Yes, I do get an annual report from Texas  
16 Instruments.

17 Q. Did you look it, look in there and see how  
18 TI's doing last year when you got the annual report?

19 A. Some of it, I looked at.

20 Q. So what did it say?

21 A. I don't remember what it said.

22 Q. You don't have any idea what TI is worth?

23 A. No, I don't.

24 Q. You don't know if TI's worth \$10 or \$10  
25 billion?

1 A. I could guess if you want me to guess.

2 Q. Yes.

3 A. I would say it's in the billions.

4 Q. More than a hundred billion, probably,  
5 wouldn't that be correct?

6 A. I don't know if it's more than a hundred  
7 billion.

8 Q. More than \$50 billion?

9 MS. ALVAREZ: Objection, form.

10 A. I'm not sure if TI is worth more than \$50  
11 billion.

12 Q. Somewhere between 10 billion and \$50  
13 billion?

14 MS. ALVAREZ: Objection, form.

15 A. I'm not sure. I -- I -- I know it's more  
16 than a billion. That's it. I'm not sure.

17 Q. How many shares of stock are there out  
18 there?

19 A. I don't know how many shares of stock, TI  
20 stock are out there.

21 Q. More than 500 million?

22 A. I don't know.

23 Q. Probably more than 500 million shares?

24 MS. ALVAREZ: Objection, form.

25 Q. Right?

1 A. I don't know.

2 Q. At what price per share?

3 A. TI stock price is somewhere around a  
4 hundred dollars per share currently.

5 Q. All right. Okay. So you can just simply  
6 take the number of shares and multiply that by the  
7 current price and get a pretty good idea of what the  
8 company's worth, can't you?

9 A. I don't know the details on -- on that.

10 Q. And so how much do these little switches  
11 cost?

12 A. In the 2- to 3-dollar range.

13 Q. Two to three dollars? How much did the  
14 switch cost that has the epoxy sealing the void in  
15 the electrical side of the switch?

16 A. I'm not sure exactly how much that switch  
17 costs.

18 Q. How much does that cost?

19 A. How much does --

20 MS. ALVAREZ: Objection, form.

21 A. -- what cost?

22 Q. How much it cost to take a TI speed  
23 control deactivation switch and fill the electrical  
24 side of the switch, fill the void with epoxy?

25 A. I'm not sure exactly how much that costs.

1 Q. Well, we need an idea of the range. How  
2 does that affect this \$2-switch, pennies?

3 A. Probably more than pennies.

4 Q. How many pennies?

5 A. Dimes. I don't -- I'm not sure exactly.

6 Q. Twenty or thirty cents?

7 A. Depending on what the epoxy was, how it  
8 needed to be applied.

9 Q. Okay. How would it need to be applied?

10 A. Depends what you're trying to achieve.

11 Q. Well, how was it applied on the -- the  
12 Volvo switch?

13 A. It was an epoxy preform that was put in  
14 the base of the terminals, then the part was heated  
15 up to a higher temperature and the epoxy would flow  
16 and then harden.

17 Q. Okay. So it flows through the void and  
18 makes a nice, neat seal around all the electrical  
19 components and hopefully keeps water out of the  
20 system, right?

21 A. Don't no whether its makes that -- a good  
22 seal or not, especially over the life.

23 Q. And then how much did that cost for the  
24 Volvos?

25 A. I'm not sure exactly. But again, in the

1 cen, twenty-cent range.

2 Q. Okay. So the extra price to Volvo was  
3 something in the 10 to the 20-cent range to add the  
4 epoxy to fill the void in the electrical side of the  
5 switch, right?

6 A. I don't know exactly what the exact price  
7 was.

8 MR. JOLLY: Okay. I've already said  
9 on the record how I feel about continuing this  
10 deposition, so at this stage I'm not going to pass  
11 the witness because I'm not finished.

12 Okay. Maybe we'll meet again soon.

13 THE WITNESS: I'm sure we will.

14 MR. JOLLY: Thank you.

15 MR. MANSKE: Why don't we take a  
16 quick break and then I'll go ahead and change places  
17 with you, Norman, if I could, so I could be a little  
18 closer to the witness --

19 MR. JOLLY: Yeah.

20 MR. MANSKE: -- and --

21 THE VIDEOGRAPHER: Going off the  
22 record. The time now is 3:38.

23 (Recess had.)

24 (Exhibits No. 8 marked.)

25 THE VIDEOGRAPHER: We are back on the

1 record. The time now is 3:47.

2 EXAMINATION

3 Q. (BY MR. MANSKE) [REDACTED] my  
4 name is Jeff Manske and I'm one of the attorneys  
5 representing Ford Motor Company in this case.

6 I'd like to begin by seeing if I can  
7 get you to agree that when it comes to a component  
8 supplier for an automobile manufacturer there are  
9 essentially four significant events when it comes to  
10 that component supplier.

11 Now, the first one would be design,  
12 the second one would be manufacturing, the third one  
13 would be testing, including preproduction and  
14 production testing and the fourth one would be the  
15 field experience of the component suppliers'  
16 production part.

17 Can we agree that those are  
18 essentially the four major categories that a  
19 component supplier examines or might go through  
20 during the course of the life of a product?

21 A. Those sounds like four -- four major  
22 areas. I can't think of any others ones right now.

23 Q. Let's go ahead and talk a little bit about  
24 the brake pressure switch or the pressure switch in  
25 general. Let me go ahead and hand you Deposition

1 Exhibit No. 8 which is TI Document 604 and see if  
2 you can identify that for the record, please.

3 A. Yes, this looks like a -- a foil Andy  
4 McGuirk had put together and presented to Ford.

5 Q. And what does this document attempt to  
6 depict or establish?

7 A. This shows different types of switches  
8 that TI had been manufacturing and when  
9 manufacturing those switches began.

10 Q. And is it fair to say -- Tell me if I'm  
11 interpreting this particular chart right -- it looks  
12 like Ford began -- Not Ford -- Texas Instruments  
13 began manufacturing pressure switches in 1983  
14 according to this particular document?

15 A. According to this, TI started  
16 manufacturing power steering pressure switches in  
17 1983.

18 Q. And power steering pressure switches were  
19 the first application of a pressure switch that  
20 Texas Instruments first utilized, is that correct?

21 A. No. I believe air conditioning pressure  
22 switches was the first application --

23 Q. Okay.

24 A. -- that TI manufactured pressure switches.

25 Q. Why is it not on this foil?



1           A.    This refers to hydraulic switch history.  
2    And air condition switches, we consider a separate  
3    grouping, air conditioning switches.

4           Q.    Fair enough. I can understand that. As  
5    to high hydraulic switches then, the very first  
6    pressure -- hydraulic pressure switch that TI  
7    designed and manufactured would've been a power  
8    steering switch?

9           A.    I believe that's correct, yes.

10          Q.    And for whom would that power steering  
11    switch have been designed and manufactured?

12          A.    General Motors.

13          Q.    Okay. Let me hand you this series of  
14    documents that you produced today and see if you can  
15    look through that and see if that contains a  
16    document that has the pressure switch history for  
17    the various pressure -- hydraulic pressure switches  
18    designed and manufactured by Texas Instruments.

19                    THE VIDEOGRAPHER: Excuse me, sir.  
20    Could I have you put your microphone on?

21                    MR. MANSKE: Oh, sure.

22          Q.    All right.

23          A.    There's documents here that list the types  
24    of pressure switches manufactured by TI and there's  
25    documents here that define some of the switches

1 and -- and vehicles and customers that switches are  
2 applied to.

3 Q. Okay. The document you just had in your  
4 hand a moment ago, the one that's stapled together,  
5 that appears to be a chronological listing, is that  
6 correct? Let's go ahead and pull and separate that  
7 one out if we can.

8 A. (Witness complies.)

9 Q. Identify that particular chart by a TI  
10 document number at the bottom and tell me the range  
11 it goes through and I'll go ahead and mark it as the  
12 next Deposition Exhibit No. 9.

13 A. It's TI number 0011126. And not sure what  
14 you mean by range it goes through.

15 Q. What's the last number of documents, the  
16 document number that is stapled at the back and are  
17 the numbers consecutive in number?

18 A. Numbers are consecutive and the last  
19 number is TI 0011131.

20 Q. Now, let me go ahead and put the  
21 deposition sticker on there for 9.

22 (Exhibit No. 9 marked.)

23 Q. And see if you can identify whether or not  
24 that particular chart identifies hydraulic pressure  
25 switches manufactured by Texas Instruments from 1983

1 up to the present.

2 A. I'm not sure this lists all the pressure  
3 switches or not. Let me explain the background  
4 information on this document. This document is a  
5 design engineering cross reference list. It's used  
6 for reference only. I'm not sure if every piece of  
7 information on this document is correct or not.  
8 Design engineers would use this as -- as basic  
9 guidelines for some of the different basic switches  
10 that are in production and then to get detailed  
11 information would go to customer specifications or  
12 go to revision control drawings and the like. So  
13 I'm not sure if all the switches TI has manufactured  
14 since 1983 are on this document or not.

15 Q. Is there a document that you've produced  
16 that would identify all the switches that TI has  
17 manufactured since '83?

18 A. I'm not aware of any document that TI has  
19 that lists every switch made by -- every hydraulic  
20 switch made by TI since 1983.

21 Q. Let's go back to Deposition Exhibit No. 8.  
22 That's the chart that you have in front of you.

23 A. Yes.

24 Q. Tell me the vehicle lines that General  
25 Motors utilized the power steering switch for with

1 the '83 switch that you have there.

2 A. I -- I don't know which lines they were.

3 Q. Do you know how that particular switch was  
4 constructed, whether or not that had a Kapton  
5 diaphragm, a crimping mechanism?

6 A. I do know that that switch had a Kapton  
7 diaphragm and a crimping mechanism.

8 Q. All the switches that we have identified  
9 or the categories of hydraulic switches identified  
10 on Deposition Exhibit No. 8, would those have  
11 utilized Kapton diaphragms and a crimping device of  
12 some type, be it a manual or automated machine?

13 A. Yes. All of the switches depicted here  
14 would've had Kapton diaphragms and some crimping --  
15 crimping mechanism.

16 Q. At any time throughout TI's history of  
17 designing and manufacturing hydraulic pressure  
18 switches, did they ever use any other material other  
19 than Kapton for the purpose of a diaphragm, if you  
20 understand my question?

21 A. In a production switch?

22 Q. Yes.

23 A. I'm not aware of any production switch  
24 where TI used -- Actually, let me take a step back.  
25 There is in our facility in Versailles, they make

1 switches for the commercial a/c marketplace and they  
2 use a welded diaphragm in place. But for the  
3 automotive switches that TI produces, I am not aware  
4 of any switch that doesn't use Kapton ~~and doesn't~~  
5 ~~use a - a strip.~~

6 Q. And the only source for the Kapton that's  
7 been utilized in automotive hydraulic pressure  
8 switches from 1983 to the present, would that be the  
9 Du -- DuPont company?

10 A. Yes. I believe all Kapton came from  
11 DuPont.

12 Q. Starting in 1983 when you were utilizing  
13 Kapton for the power steering pressure switches, did  
14 you utilize just one piece of Kapton in that  
15 particular part or did you have multiple pieces of  
16 Kapton or was it some other different application in  
17 its entirety?

18 A. I'm not sure if every application -- power  
19 steering application used the exact same number  
20 of -- of Kapton diaphragms. I know that typically  
21 we will use two Kapton diaphragms in our power  
22 steering pressure switches.

23 Q. Even as early as 1983?

24 A. I don't know the -- the specifics, whether  
25 those designs in 1983 used one or two layers of

1 Kapton.

2 Q. In 1983 time period, did you make power  
3 steering pressure switches for anyone other than  
4 General Motors?

5 A. I don't know.

6 Q. It appears from looking at Deposition  
7 Exhibit No. 8 that you made only power steering  
8 hydraulic pressure switches for automobiles and no  
9 other hydraulic pressure switches until the 1987  
10 time period; is that correct?

11 A. Yes, I believe that's correct.

12 Q. And were your only customers for hydraulic  
13 pressure switches from the '82 to '87 time period  
14 General Motors?

15 A. No. I believe we also produced a power  
16 steering pressure switch for Ford during that time  
17 frame.

18 Q. When did you first begin producing a power  
19 steering pressure switch for Ford?

20 A. I don't know the exact timing.

21 Q. Could you look at the document that we've  
22 identified as Deposition Exhibit No. 9 and see if  
23 that might contain that information, the reference  
24 chart you utilized earlier or referenced?

25 A. I can't tell for sure from -- from this

1 chart. It's possible. I know sometimes in Ford's  
2 part number they will put a number that signifies  
3 the date of the -- the -- the start of manufacture.  
4 But I'm not positive on some of these part numbers,  
5 the exact date of -- of initial manufacture.

6 Q. I notice that in your part number  
7 terminology it looked like the predecessor switch to  
8 the 77 -- Is it PSL2-1?

9 A. Yes.

10 Q. -- was a 57 introductory numeric to the  
11 part number. What's the difference between the 57  
12 and the 77?

13 A. The 57PS was an earlier design when the  
14 change from 57PS to the 77PS families is in the  
15 base. The primary change, instead of an S spring --  
16 spring arm, we used a L-shape spring arm in the  
17 77PS.

18 Q. You can show us what you mean by using  
19 this particular diagram, perhaps, which is  
20 Deposition Exhibit No. 6? It might make it a little  
21 more clear.

22 A. This -- This is a spring arm here  
23 (Indicating). There's an L-shape. In the 57PS,  
24 it's an S-shape.

25 Q. Okay. Why don't you show that for the

1 camera if you can just so anyone that happens to  
2 watch the video can understand that.

3 A. This spring arm here (indicating) is an  
4 L-shaped spring we use in the 77PS. In the 57PS  
5 this arm was an S-shaped spring arm.

6 Q. Going back to Deposition Exhibit No. 8,  
7 after you began utilizing or creating power steering  
8 pressure switches, what other category of pressure  
9 switches did Texas Instruments get into?

10 A. Suspension pressure switches, transmission  
11 pressure switches, cruise control pressure switches  
12 and clutch pressure switches.

13 Q. And it appears from this document that in  
14 1987, that's when you first began going into  
15 suspension pressure switches; is that correct?

16 A. Yes. According to this document, that's  
17 correct.

18 Q. Was Ford a customer for your 1987  
19 suspension pressure switches?

20 A. I believe this is referring to the  
21 pressure switch actually used on the brake line for  
22 Ford, but for their suspension system.

23 Q. What about for the 1990 development where  
24 you started creating and designing transmission  
25 pressure switches?



1 A. Those were for General Motors.

2 Q. And not for Ford at anytime from 1990 to  
3 the present?

4 A. No. We -- We began supplying our  
5 transmission pressure switch to Ford somewhere --  
6 sometime in the late '90s. I'm not sure of the  
7 exact time.

8 Q. And in 1991, is that when you first began  
9 utilizing speed control deactivation switches or  
10 what we've been referring to as a brake pressure  
11 switch?

12 A. 1991, I believe, was the first application  
13 of the speed control deactivation switch for Ford.

14 Q. And was the first ap -- Not for Ford. I  
15 want to know, for anybody.

16 A. As far as I know, Ford was the first  
17 application of brake deact -- brake speed  
18 deactivation control pressure switches.

19 Q. And was the first application for the  
20 speed control deactivation switch or brake pressure  
21 switch in the 1991 Lincoln Town Car?

22 A. As far as I know, it was the Lincoln -- it  
23 was the Lincoln Town Car.

24 Q. And we've heard reference throughout the  
25 day to a series of vehicles called the Panther

1 platform. Can you identify for us, if you know,  
2 what that consists of?

3 A. My understanding from Ford is, the Panther  
4 platform included the Lincoln Town Car, the Grand  
5 Marquis and the Crown Victoria.

6 Q. And the brake pressure switch that was  
7 first put in in November of 1991 into the Lincoln  
8 Town Car, is it your understanding that it was put  
9 into that vehicle before it was put into the Grand  
10 Marquis and the Crown Victoria?

11 A. My understanding <sup>from</sup> ~~for~~ Ford was that the  
12 Town Car used the brake pressure switch first and  
13 that the Grand Marquis and the Crown Vic used it  
14 later.

15 Q. Is it fair to say that the switch that  
16 ended up in the 1991 Lincoln Town Cars evolved from  
17 the design utilized in the 1983 power steering  
18 pressure switch first utilized by General Motors?

19 A. I'd say the design used on the Lincoln  
20 Town Car evolved from the previous brake pressure  
21 switches supplied to Ford on their suspension  
22 system.

23 Q. But we still had the similarities with the  
24 1983 power steering pressure switch, but we have the  
25 use of the Kapton as a diaphragm, we have the

1 crimping using either a manual or an automated line.  
2 We have those similarities. And to the extent we  
3 have those similarities, we can call that an  
4 evolution, can't we?

5 A. Yeah, there are similarities to those  
6 designs. There are many similarities in many of the  
7 pressure switches we produce.

8 (Exhibit Nos. 10 and 11 marked.)

9 Q. Let me go ahead and hand you what I'll  
10 mark as Deposition Exhibit No. 11. And it appears  
11 to be some of marketing material. But see if you  
12 can identify this particular document for me.

13 A. I've seen this document before. I'm not  
14 sure who wrote this specific page.

15 Q. Fair to say that that's a Texas  
16 Instruments generated or created document; is that  
17 correct?

18 A. Yes, that's correct.

19 Q. Do you know approximately what time period  
20 that document was created?

21 A. No, I do not.

22 Q. If I could see the document for just a  
23 moment. Can you give me the approximate range as to  
24 when this might've been created, whether it be 1999  
25 or 1991?

1           A.    The -- The -- That specific page itself in  
2   its -- in that final form -- Okay -- was dated 1999  
3   on that page.  I don't know if there were other  
4   versions of it and it was cut and pasted and pasted  
5   to another presentation of 1999.

6           Q.    I see on here that one of the key features  
7   includes that it's designed for the underhood  
8   environment.  What are you trying to -- What is  
9   Texas Instruments trying to imply by this statement  
10  that it's designed for the underhood environment?

11          A.    That this switch has been used in  
12  applications where the switch has been applied  
13  underhood in an automotive vehicle.

14          Q.    And it also says that one of the key  
15  features includes automotive temperature range of  
16  negative 30 degrees to a hundred and 25 degrees  
17  celsius.  First of all, what's the farenheit  
18  equivalent to a hundred and twenty-five degrees  
19  celsius, approximately?

20          A.    I'm not sure exactly.  Probably upper  
21  200s --

22          Q.    Pretty hot?

23          A.    -- degrees farenheit.  It's -- It's hot,  
24  to above the boiling point of water.

25          Q.    And what is Texas Instruments trying to

1 imply when it uses as a marketing statement that one  
2 of the key features of this part includes that  
3 automotive temperature range can go as high as in  
4 excess of 200 degrees farenheit?

5 MS. ALVAREZ: Objection, form.

6 A. TI is trying to show that the switch has  
7 been used in applications where customers have --  
8 have specified temperature range environments of  
9 minus 30 to a hundred and twenty-five degrees C.

10 Q. Let me go ahead and hand you what's been  
11 marked as deposition Exhibit No. 10 and see if you  
12 can identify that document.

13 A. I have seen this document before. Again,  
14 I don't know exactly who put this document together.

15 Q. Is it --

16 A. It is a Texas Instruments document.

17 Q. And what's the Texas Instrument document  
18 number on that, if you can?

19 A. It's difficult to read. I could guess at  
20 what it says.

21 Q. Okay.

22 A. TI 000625 and either a 2 or a 3, it looks  
23 like.

24 Q. Do you know the approximate time period  
25 when this document was created?

1 A. No, I do not.

2 Q. Now, Deposition Exhibits No. 10 and 11,  
3 these aren't materials that were just circulated to  
4 Ford Motor Company. I assume that they were  
5 circulated to all potential customers or buyers of  
6 Texas Instruments' products who might be interested  
7 in a hydraulic pressure switch; is that correct?

8 A. I don't know who these documents were  
9 provided to.

10 Q. Who can tell me at Texas Instruments for  
11 whom -- to whom these documents were provided?

12 A. I'm not sure. Some people in the  
13 marketing department may have -- know some customers  
14 that these documents were provided to.

15 Q. Who's the director of marketing at Texas  
16 Instruments for hydraulic pressure switches?

17 A. Our marketing manager at -- in our  
18 automotive group at Texas Instruments is Gary Baker.

19 Q. And how long has he been the marketing  
20 manager.

21 A. Approximately one year, I believe.

22 Q. And who prior to Gary <sup>Baker</sup> Baker?

23 A. Gary <sup>Snyder</sup> Snyder.

24 Q. And how long was Gary Snyder a marketing  
25 director?

1 A. A marketing manager --

2 Q. Marketing manager.

3 A. -- I would say, approximately three years.

4 Q. On the back of this particular document it  
5 talks about technical specifications. And before I  
6 ask you any questions about that, does Deposition  
7 Exhibit No. 10 refer to parts like the brake  
8 pressure switch that we have at issue in this  
9 particular case?

10 A. I would need to relook at the document to  
11 answer that.

12 Q. (Counsel hands documents to witness.)

13 A. The construction of the switch is  
14 consistent with switches used in -- in --in brake  
15 systems.

16 Q. So it's going to be fair to say that any  
17 representations contained on that particular  
18 document, in all likelihood, are applicable to the  
19 brake pressure switch that we have at issue here,  
20 the construction of the part appears to be the same?

21 A. The -- What's trying to be -- You need to  
22 understand what this documents means. We're trying  
23 to convey in the document some of the types of  
24 specifications different switches have been tested  
25 to. Every switch designed by TI is a custom design

1 for a specific customer specification. This  
2 document is not intended to define the exact  
3 specification that every TI pressure switch can  
4 meet. It's intended to provide some general  
5 information about the types of specifications that  
6 certain TI pressure switches can meet.

7 Q. But I assume, as a responsible component  
8 supplier and product manufacturer, you're not going  
9 to permit an automotive manufacturer to put a  
10 component part in a vehicle at a test specification  
11 that's not going to be safe for the ultimate user of  
12 that product, were you?

13 A. We don't know what the specifications are  
14 that requires a product to be safe for the ultimate  
15 user. We can only guarantee that our part meets the  
16 specifications provided to us for our customer.  
17 It's our customer's responsibility to understand the  
18 full system, how that switch is used in the system  
19 to make sure that the vehicle provided to their  
20 customer is a safe vehicle.

21 Q. Do you feel, as a responsible component  
22 supplier and manufacturer, that it's important to  
23 determine what a potential safe specification for  
24 use of a particular product might be? Or is that  
25 something that the component supplier should not be



1 concerned about?

2 A. I think it's responsibility of the -- the  
3 system integrator, the vehicle manufacturer, to make  
4 sure that the specification provided to their  
5 suppliers is representative of the application.

6 Q. Okay. So TI is saying to the jury and to  
7 the automotive manufacturers of the world out here,  
8 we're going to build whatever you tell us to build,  
9 is that correct?

10 A. TI is going to provide a part that meets  
11 the customer's specifications.

12 Q. If I come to you as an automotive  
13 manufacturer and I tell you that I want to build the  
14 brake pressure switch out of balsa wood or some  
15 other type of inferior material that's likely to --  
16 to burn or obviously not going to be suitable for  
17 the application, are you going to go ahead and build  
18 it and provide it to me, knowing that I'm going to  
19 distribute it in my vehicles to the con -- to the  
20 public?

21 A. Can -- Can you repeat that question?

22 Q. Sure. Assume I'm going to make a  
23 particular component out of like balsa wood or  
24 cardboard or some type of material like that and you  
25 know that my ultimate use for this particular

1 component is going to be selling it to a consumer in  
2 Texas who's going to buy my vehicle. Are you going  
3 to go ahead and permit me to utilize your product,  
4 knowing my ultimate use for this particular  
5 component as a responsible component supplier?

6 A. If there are any obvious issues with the  
7 specification that TI is aware of, they would  
8 present to the customer that -- a request to look at  
9 a specification, then ask if that specicate  
10 (sic.) -- specification does accurately represent  
11 the environment the switch will see.

12 Q. So if it's an obvious problem with my  
13 potential specification, you're going to bring that  
14 to my attention. Is that fair enough to say?

15 A. If -- If there's anything that TI knows  
16 based on its experience, it will forward that  
17 information to our customers.

18 Q. Fair enough. And has that been TI's  
19 history and practice throughout the design and  
20 manufacture of hydraulic pressure switches from 1983  
21 to the present time period?

22 A. Yes, it is.

23 Q. Let me go ahead and turn to the back of  
24 Deposition Exhibit No. 10. And under Technical  
25 Specifications it says: Supply voltage, 6-16 V.

1 Can you tell the ladies and gentlemen of the jury to  
2 what that's referring?

3 A. That's referring to -- that there are  
4 switches that have been in applications for the  
5 supply voltages range from 6 to 16 volts.

6 Q. Such as the brake pressure switch?

7 A. The brake pressure switch was an  
8 application where it was seeing roughly 14 volts.

9 Q. And you reference on your specifications  
10 that the supply voltage for your pressure switches  
11 can be in that range?

12 A. Those aren't device specifications. That  
13 is a summary of different types of applications that  
14 the switch has been exposed to; that we have  
15 switches in the field operating in. So there are  
16 examples where the switch is in applications where  
17 the supply voltage range is in that 6 volt to 16  
18 volt range.

19 Q. I see on the right-hand column of the back  
20 of the page, it says Durability. And then  
21 underneath Durability, it says Cycle Life. And it  
22 says Low/Mid press -- pressure range, up to  $1 \times$   
23  $10^{10}$  -- And I assume, to the 6th power above the  $10^{10}$  --  
24 cycles. If my math is good, that's one million  
25 cycles. Is that correct?

1           A.    Can I see the document?

2           Q.    Certainly.

3           A.    Yes.  One times -- I can't tell what

4   that -- what that is.  I can't tell whether that's

5   10 to the 6th or not.

6           Q.    Assume with me that it is 10 to the 6th.

7   If it is 10 to the 6th, would that equal one million

8   cycles?

9           A.    That would equal one million cycles.

10          Q.    It's fair to say that Texas Instruments'

11   generic marketing information with respect to

12   hydraulic pressure switches states that one of the

13   technical specifications of this particular product,

14   in a generic sense, is that it can have a durability

15   cycle of up to a million cycles; is that correct?

16          A.    For a low and mid pressure range under

17   certain conditions.  That is not intended to define

18   all conditions that the pressure switch would --

19   would meet that number of cycles.

20          Q.    I understand.  And you were trying to make

21   a difference earlier when you were talking about the

22   Volvo specification and the Ford specifications and

23   we'll get into that later.  And that's the type of

24   point you're making right here; is that right?

25          A.    I don't understand your question.  Could

1 you rephrase your question?

2 Q. Sure. I'll go ahead and drop it and I'll  
3 move on to -- to something else and I'll come back  
4 to it. What is your understanding of what a low or  
5 mid pressure range is as for terms of -- I assume  
6 that's something that we'd measure in terms of  
7 pounds per square inch; is that correct?

8 A. Pressure is measured in pounds per square  
9 inch.

10 Q. Right. So what's a low to mid pressure  
11 range?

12 A. I'm not sure if it's defined on that  
13 document. Do you want to take a look?

14 Q. Well, let's take a look.

15 A. The documents says that low pressure range  
16 would be zero to 300 psi and mid pressure range  
17 would be zero to 800 psi.

18 Q. And what's a high pressure range?

19 A. High pressure range defined here is zero  
20 to 1600 psi.

21 Q. So 1450 that's utilized in the Ford  
22 specification, that falls in somewhere between the  
23 mid and high; is that correct?

24 A. No. That would be determined as a high  
25 pressure range device.

1 Q. Okay. Fair enough. But according to this  
2 particular document, on low to mid pressure range  
3 you can get up to one million cycles. And that  
4 would be a constant, I assume, low to mid pressure  
5 range; is that right?

6 A. What do you mean, a constant low to mid  
7 pressure range?

8 Q. Well, in the Ford test it goes up to 1450  
9 and back down again. This would be something that  
10 would be in the -- the ranges that you're talking  
11 about of zero to 800 psi; is that correct?

12 A. That document is not specific in terms of  
13 what that cycle specification means.

14 Q. Fair enough. I understand that. It's a  
15 generic advertising specification; is that correct?

16 A. It's general information.

17 Q. Let me go ahead and hand you what I'll  
18 mark Deposition Exhibit No. 12 and see if you can  
19 tell me how this particular -- There's an E-mail on  
20 the front of it. But contained on the back of it  
21 are four pages, Document range: TI 4948 through  
22 4952. See if you can identify 494 -- 4949 and the  
23 pages that follow.

24 (Exhibit NO. 12 marked.)

25 A. I have not seen this document be --

1 before.

2 Q. Now that you've had an opportunity to look  
3 at the particular document, can you identify that  
4 document? You've not seen it at all in your entire  
5 existence? Is that what you're telling me?

6 A. I -- I don't recall seeing this document  
7 ever until you've handed it to me today.

8 Q. Is that a Texas Instrument document,  
9 created or generated? Do you know?

10 A. I would assume so, based on the -- the  
11 sender and receiver on the document.

12 Q. What does the document represent itself to  
13 be?

14 A. List of Texas Instruments and Texas  
15 Instruments customer part numbers and who those  
16 parts were shipped to. And I would guess, the  
17 quantity of parts shipped during different months.

18 Q. For what type of part?

19 A. Looks like these are all brake pressure  
20 switches.

21 Q. Are they all brake pressure switches of  
22 the type that we have in this case or are they brake  
23 pressure switches of a somewhat different design?

24 A. There's a combination here of the  
25 families, 57PS and the family, 77PS.

1 Q. Are the families, 57PS and 77PS  
2 essentially the same or are there pronounced  
3 differences between the two?

4 A. There are differences in the base  
5 configurations that we discussed earlier.

6 Q. Okay. Let me ask you a couple of specific  
7 questions about this particular document and your  
8 part numbers in general just so I can understand  
9 when I review these. When you have a PSL2-1 like we  
10 have in this case that's a 77 PSL2-1, that's right?  
11 That's what we have here, correct?

12 A. 77PSL2-1.

13 Q. What's the difference between a 77PSL2-1  
14 and a 3-1 that you do for Pitts Industries?

15 A. I'm not sure of the specific differences  
16 between those parts. If they're both 77PSL devices,  
17 typically, the difference may be around a mating  
18 connector tab, a calibration set point. Those are  
19 all -- Those are both switches that go on Ford  
20 vehicles.

21 Q. What about the parts, if I see a 77PSL2-1  
22 and you're selling it to Pitts Industry, does that  
23 mean that this is a part intended for use on a Ford  
24 vehicle, but you just happen to be selling it to  
25 Pitts Industries as opposed to Highlight?



1           A.   Pitts would be one of the Tier 1s that  
2 would be doing something with the part. I'm not  
3 specific in this example. They would be mounting  
4 the part, most likely, to something and then selling  
5 another sub-assembly to Ford. I'm not sure exactly  
6 in this case what -- what Pitts was providing to  
7 Ford.

8           Q.   Okay. Who is Tokito?

9           A.   ~~Tokito~~<sup>Tokito</sup>, again, would be another -- another  
10 supplier. They're commonly referred to in the  
11 automotive industry, as you probably know, as a Tier  
12 1 supplier.

13          Q.   And is Tokito purchasing brake pressure  
14 switches of a somewhat different design from Texas  
15 Instruments to later be supplied to Ford or for --  
16 to some other type of replacement market or after  
17 market?

18          A.   I believe it's to supply to Ford.

19          Q.   Let's assume that I'm a pretty good  
20 mechanic and I realize that my cruise control has  
21 broken down on my 1992 Town Car and I take a look at  
22 it and I realize that the reason my cruise control  
23 has failed is because I have a problem with my brake  
24 pressure switch, its developed a leak. That's a  
25 foreseeable failure of a brake pressure switch leak.

1 Is -- Is that fair to say, that my cruise control  
2 might be inoperable?

3 A. I don't know whether your cruise control  
4 would be inoperable or not.

5 Q. Okay. Well, let's just assume for the  
6 purposes of the hyco -- hypothetical that that is a  
7 potential failure as a result of the leakage in the  
8 brake pressure switch. If I wanted to go down to --  
9 not the Ford dealership -- but some auto supply  
10 store, am I going to be able to find a brake  
11 pressure switch that I can utilize on my Ford  
12 vehicle?

13 A. I don't know.

14 Q. Do you know at all that -- whether or not  
15 Texas Instruments sells this part for use on Ford  
16 vehicles to the after market?

17 A. TI sells service parts to Ford --

18 Q. And --

19 A. -- for use of dealers.

20 Q. And I consider that the replacement  
21 market. And by after market I'm talking about to  
22 third parties outside the Ford distribution chain,  
23 you know, like Chief Auto Parts that he have here in  
24 Texas and the PepBoys and places like that. Can I  
25 go in there and buy a Texas Instruments manufactured

1 brake pressure switch to use on my vehicle?

2 A. TI has not sold any pressure switches to  
3 the after market that I'm aware of.

4 Q. What I'd like you to do, I'm going to hand  
5 you a little bag and let me represent to you that in  
6 this particular bag that I'm going to hand you are  
7 the broken down components of a brake pressure  
8 switch that could be utilized on a 1992 or 1993  
9 Panther platform vehicle, so go ahead and let you  
10 take a look at this particular brake pressure switch  
11 and see if you can identify it as such.

12 A. This is a -- This looks like a TI brake  
13 pressure switch.

14 Q. Let me go ahead and hand you the little  
15 bag and let you take a look at it and see if you can  
16 determine if that has essentially all of the major  
17 components that make up this particular brake  
18 pressure switch.

19 A. No, it does not.

20 Q. What's missing?

21 A. The elastomer seal.

22 Q. Which goes --

23 A. Which goes from this groove right here  
24 (Indicating).

25 Q. Other than that particular component, is

1 essentially everything else there?

2 A. There's nothing I see that's missing at  
3 this time.

4 Q. Okay. What I'd like you to be able to  
5 do -- And I'd like the camera to be able to pick it  
6 up if you could clear a space away, but go ahead and  
7 put the parts out where they can be picked up by the  
8 camera -- what I'd like you to do is, I'd like you to  
9 begin using the hex port and if you could see  
10 identify the hex port for us --

11 A. This -- This part (Indicating) is the hex  
12 port.

13 Q. -- and then start with that piece with the  
14 hex port down, see if you can construct that  
15 component for us and then identify the various  
16 pieces that you're utilizing to construct that part.  
17 I know it's going to be kind of loose and unstable,  
18 but if you can, try and do that for us.

19 THE VIDEOGRAPHER: Do you have a  
20 white sheet of paper you can put that on?

21 MS. KENNAHER: Jeff, if you move that  
22 little pile of paper right there, it might be  
23 better.

24 MR. MANSKE: Sure.

25 A. Okay. I'm putting the Kapton --

1 Q. Okay. First of all, let's go ahead and  
2 identify the part and then if you could show it to  
3 the camera, what it is --

4 A. There's a --

5 Q. -- and then let's show where it is on this  
6 particular fully assembled piece.

7 A. This (indicating) is the hex port.

8 THE VIDEOGRAPHER: Wait a minute.

9 Excuse me. Steve, if you can see the monitor there,  
10 you can see better if you have time to look at it.  
11 Move your tie out of the way just a little bit.  
12 Okay.

13 Q. Let me ask you some questions about the  
14 hex port. I assume that that's a part that Texas  
15 Instruments designed, that particular base component  
16 for the brake pressure switch; is that correct?

17 A. This hex port was designed by TI.

18 Q. And from whom did they purchase the hex  
19 port?

20 A. This hex port's from Elco.

21 Q. From whom?

22 A. Elco.

23 Q. Can you spell that?

24 A. E-l-c-o.

25 Q. And I assume Elco certified that that

1 particular component would comply with any and all  
2 material and design specifications that TI might  
3 have had for that particular part; is that correct?

4 A. Yes, that's correct.

5 Q. Okay. Have you produced to us any design  
6 drawings that show the changes that might have been  
7 made to that particular component from the time it  
8 was initially designed up through, say, December,  
9 1993?

10 A. I'm not sure what prints may or may not  
11 have been produced.

12 Q. Okay. And we have prints that you have  
13 produced and we'll go over those in a moment.  
14 What's the next part that you --

15 A. The Kapton diaphragm.

16 Q. Okay. Can you show that to the jury so  
17 they can understand what a piece of Kapton looks  
18 like?

19 A. There's a Kapton diaphragm. There are  
20 three diaphragms in this design.

21 Q. Okay. And essentially, a piece of Kapton  
22 is kind of like, to -- to put it in simple terms, is  
23 kind of something like an Oreo cookie that we use  
24 here. The black cookie parts are the teflon and the  
25 inside white is the -- the Kapton or the poly -- the

1 polymer; is that correct?

2 A. This is -- This device is a three-layer  
3 sandwich, one -- one layer of polyimide and  
4 laminated to one layer of teflon on each side.

5 Q. Okay. So in the creation of this  
6 particular device, you'd put the Kapton on top of  
7 the hex port; is that correct, when you're -- when  
8 you're building the assembly right now for us,  
9 that's what you were fixing to do?

10 A. What I'm building right now, yes --

11 Q. Right.

12 A. -- on the top of the hex port.

13 Q. TI's been using this Kapton since 1981,  
14 Ford didn't design, develop or create Kapton; is  
15 that correct?

16 A. Ford did not design, develop, create  
17 Kapton. TI has presented to Ford how we're using  
18 Kapton in our design and TI has approved -- and Ford  
19 has approved that design.

20 Q. If Ford wanted to use something other than  
21 Kapton -- And I think you've told us that TI's used  
22 Kapton on all hydraulic automotive pressure  
23 switches -- did TI having anything designed and  
24 developed that they have tested and utilized that  
25 Ford could've selected other than Kapton?

1           A.    TI has gone off and looked at other  
2 potential materials other than Kapton.  There's <sup>no</sup> ~~not~~  
3 material that TI found that has worked properly  
4 in -- in the system --

5           Q.    So --

6           A.    -- in the pressure switch.

7           Q.    So your recommendation as a responsible  
8 component supplier to Ford would be, Ford, we've  
9 checked and we looked and the best thing that we can  
10 find to put in this pressure switch is going to be  
11 this Kapton; we've used it since 1981 and, you know,  
12 we stand by it.  Is that fair so say?

13          A.    It's fair to say that based on TI's  
14 experience, tens of millions of parts in the field,  
15 that the Kapton had been operating properly; that  
16 information would be available to Ford.  I don't  
17 know how much of that information was -- was given  
18 to Ford or not.

19          Q.    Okay.  So essentially, if Ford was going  
20 to purchase a brake pressure switch for use in its  
21 vehicles from Texas Instruments, Kapton was going to  
22 be in that switch.  Is -- That's a fair assumption,  
23 right?

24          A.    Assuming that the switch with Kapton in  
25 the switch met all specifications that Ford had



1 defined and that Ford approved that design.

2 Q. I understand. Go ahead and continue. One  
3 piece of Kapton, is that all that goes there or are  
4 there more?

5 A. There are three pieces of Kapton that --  
6 that are inside TI's brake pressure switches.

7 Q. And are they placed on there just kind of  
8 willy-nilly or they're specifically -- or is there  
9 a specific rhyme or reason as to how the three  
10 layers of Kapton are placed in the brake pressure  
11 switch?

12 A. The three layers are <sup>spliced</sup> displayed at angles.

13 Q. And that's so that every edge or every  
14 four point to each individual piece, its particular  
15 angle is showing if you were to look at it from  
16 above, is that correct? You'd see 12 points if you  
17 were looking at it from above?

18 A. Yes, you'd see 12 points.

19 Q. Okay. After you put those three pieces on  
20 there, what would you do next?

21 A. This is a -- This is not how it's  
22 assembled in the -- in the --

23 Q. I understand. We're going to go over that  
24 later, but --

25 A. The -- The washer would go on next and

1 then the converter.

2 Q. Okay. Let's -- Let's slow down here. I  
3 understand. And now, the washer, that again is a  
4 component of the brake pressure switch that was not  
5 designed by Ford Motor Company, but by Texas  
6 Instruments; is that correct?

7 A. The washer was designed by Texas  
8 Instruments as part of the entire pressure switch  
9 design, approved by Ford.

10 Q. And who supplied the washer?

11 A. I'm not sure who the supplier is of the  
12 washer.

13 Q. Will we be able to tell when we take a  
14 look at the component drawing at a later date, is  
15 that correct?

16 A. I don't know if the supplier's name is on  
17 the component drawing or not.

18 Q. Okay. And any changes to the washer, if  
19 there are any over time, would be contained on the  
20 component drawing; is that correct?

21 A. Yes.

22 Q. Okay. What goes next?

23 A. The -- The converter.

24 Q. Is that also called the cup?

25 A. No, it's not.

1 Q. Okay. And I see -- Hold -- Hold on.  
2 Let's -- Let's look at the converter. I know it's  
3 hard to -- to maintain in your hand there. But that  
4 looks like it has a little button device on one end  
5 of it; is that right?

6 A. That's correct.

7 Q. It's kind of a -- a dime size silver  
8 circle with a the button protruding off one end; is  
9 that right?

10 A. I'd say, more like a nickel or a  
11 quarter --

12 Q. Okay.

13 A. -- size.

14 Q. Who made the converter?

15 A. I don't know who supplies TI the  
16 converter.

17 Q. And again, the converter was a TI design  
18 and not a Ford design; is that correct? I know the  
19 ultimate design was eventually approved by Ford  
20 Motor Company, but this was --

21 A. The --

22 Q. -- a TI design; is that correct?

23 A. TI designed the converter.

24 Q. Okay. Great. Go ahead and show me the  
25 next piece that would go on there.

1           A. Another piece of Kapton would sit inside  
2 the -- the converter and then the disk.

3           Q. Okay. The disk, let's go ahead and show  
4 us the disk and how that's -- how that's different  
5 if you can.

6           A. Parts of the disk.

7           Q. Again, Texas Instruments designed the  
8 disk; Ford didn't design the disk, is that correct?

9           A. That's correct.

10          Q. Okay.

11          A. Then the cup is placed on top of the  
12 assembly.

13          Q. Ford didn't design the cup; that's a Texas  
14 Instrument designed cup; is that correct?

15          A. Again, it's a Texas Instruments designed  
16 cup, part of the entire design approved by Ford.

17          Q. I understand that. And then what would go  
18 next?

19          A. The -- The cup would be crimped.

20          Q. And that would either be crimped by an  
21 automated device or a manual device and we'll cover  
22 that when we go over the process. Is that correct?

23          A. That's correct.

24          Q. All right.

25          A. The -- The gasket would sit on top of the

1 cup.

2 Q. Okay. And Ford didn't design the gasket;  
3 that was a TI design; isn't that correct?

4 A. TI designed the gasket.

5 Q. Fair enough.

6 A. Then the base.

7 Q. Right.

8 A. This is a ceramic base. I may have lost  
9 the ceramic ~~pin~~<sup>base</sup>.

10 Q. Yeah. There was a little white transfer  
11 pin --

12 A. Yes.

13 Q. -- that looks like the end of a -- an  
14 eraser on a pencil; is that right?

15 A. Yes. I don't know where that part has  
16 gone, but there was a ceramic pin that would sit  
17 inside the hole on the cup.

18 Q. Okay. Well, we'll look for that. That  
19 transfer pin, that was a part that was designed by  
20 Texas Instruments and had no design input from Ford;  
21 is that correct?

22 A. TI designed that pin as part of the entire  
23 pressure switch design that was approved by Ford.

24 Q. I understand. What's the next part?

25 A. Is the base to be placed on top of the cup

1 and then the -- It'll drop if I try and put it in,  
2 but the -- this crimp ring would go around the  
3 outside of the part. It's impossible without this  
4 crimp here for me to drop it into the crimp ring  
5 when you go around the outside and crimp over the  
6 top of the base.

7 Q. And the brown plastic base that you're  
8 holding there, that was a part that was designed by  
9 Texas Instruments and Ford didn't have any design  
10 input into that; is that correct?

11 A. Ford provided the dimensional details of  
12 what this and (Indicating) of the base needed to  
13 look like.

14 Q. That's right. That's just like Ford goes  
15 out and buys a radio for one of its vehicles, it  
16 tells the supplier, here's the space where it's got  
17 to go in, a similar type of concept; is that  
18 correct?

19 A. Ford's -- The -- The dimensions for this  
20 side of the -- of the base need to be to Ford's  
21 specifications that Ford defines are required so  
22 that the mating connector will seal adequately to  
23 the switch.

24 Q. I understand that. With that caveat  
25 though, that particular component -- sub-component

1 of that part was designed by TI?

2 A. Designed by TI to -- met Ford's  
3 dimensional specification --

4 Q. And -- And --

5 A. -- at the top end of the base.

6 Q. And the final part that we have there, the  
7 little silver thing, the crimp ring, again, that was  
8 designed by Texas Instruments; is that correct?

9 A. Yes. This crimp ring was designed by  
10 Texas Instruments as part of the entire switch  
11 design that was approved by Ford.

12 Q. Every component that we've just  
13 discussed -- or sub-component that makes up this  
14 particular assembly was designed by Texas  
15 Instruments and not Ford Motor Company; is that  
16 correct?

17 A. The component was designed by TI. That  
18 design was presented to Ford and approved by Ford.

19 Q. It's 4:30 now. What we'll go ahead and do  
20 is, we'll go ahead and recess at this time with the  
21 agreement and understanding that we're going to  
22 resume with this line of questioning at a later date  
23 when it's convenient with both your schedule and the  
24 schedule of all counsel.

25 MS. ALVAREZ: All right. And just --

1 just to clarify, the -- the -- our -- the agreement.  
2 I guess, is that we will schedule according to the  
3 convenience of the witness and the parties because  
4 we did offer to continue this evening and to  
5 continue tomorrow.

6 MR. MANSKE: Oh, you wanted to  
7 continue this evening?

8 MS. ALVAREZ: If we could continue  
9 tomorrow, I'd like --

10 MR. MANSKE: Oh, okay.

11 MS. ALVAREZ: -- that.

12 MR. MANSKE: Only if we can continue  
13 tomorrow?

14 MS. ALVAREZ: Right.

15 MR. MANSKE: Okay. I understand.

16 I'd like to thank you very much and  
17 we'll look forward to continuing this at a later day.

18 THE VIDEOGRAPHER: Going off the  
19 record now. The time now is 4:34.

20 (Deposition to be continued.)

21 (Proceedings concluded.)

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## CHANGES AND SIGNATURE

PAGE LINE

CHANGE

REASON

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TI-NHTSA 016670

1 I, [REDACTED] have read the foregoing  
2 deposition and hereby affix my signature that same  
3 is true and correct, except as noted above.

4  
5 [REDACTED]

6  
7  
8 THE STATE OF \_\_\_\_\_ )  
9 COUNTY OF \_\_\_\_\_ )  
10

11 Before me, \_\_\_\_\_, on this day  
12 personally appeared [REDACTED], known to me  
13 (or proved to me on the oath of \_\_\_\_\_  
14 or through \_\_\_\_\_ (description of  
15 identity card or other document)) to be the person  
16 whose name is subscribed to the foregoing instrument  
17 and acknowledged to me that he executed the same for  
18 the purposes and consideration therein expressed.

19 (Seal) Given under my hand and seal of office  
20 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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B. Sect:			
C. Docket:			
D. <u>JWC</u>	<u>JWC</u>		<u>1-30</u>
E.			
F. <u>EWB</u>	<u>JWB</u>		<u>1/31</u>
G.			
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I.			
J. LA: <u>Elkman</u>	<u>[initials]</u>		
K. LA: <u>Rhoslofsky</u>			
L. - File Clerk		<u>[initials]</u>	
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I, [REDACTED], have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

[REDACTED]

THE STATE OF Massachusetts )  
COUNTY OF Bristol )

Before me, Dora M. Graveline, on this day personally appeared [REDACTED] known to me (or proved to me on the oath of \_\_\_\_\_ or through \_\_\_\_\_ (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 26<sup>th</sup> day of January, 2000.

Dora M. Graveline  
NOTARY PUBLIC IN AND FOR  
THE STATE OF Massachusetts

*My Commission Expires on 1/1/06*



**COPY**

CHANGES AND SIGNATURE

PAGE LINE	CHANGE	REASON
1. 8-10	[REDACTED]	clarification
2. 15-5	my to by	transcription miscommunication
3. 15-25	my to by	transcription miscommunication
4. 16-17	Bowman to Bazmann	misspelling
5. 23-19	specific to specific instances	clarification
6. 27-14	late in 1998. to late in 1998, I believe.	clarification
7. 27-16	when Ford to I learned when Ford	clarification
8. 28-6	Brian to Bryan	misspelling
9. 28-8	McGurk to McGuirk	misspelling
10. 30-8	ten of to ten or so	clarification
11. 30-4	connective to are connected to	transcription miscommunication
12. 30-23	electrons to the wire	clarification
13. 30-4	of to in	transcription miscommunication
14. 30-22	add comma between details and related	transcription miscommunication
15. 37-9	I do to he did not	clarification
16. 37-12	free- to free	transcription miscommunication
17. 75-19	recheck to leak check	transcription miscommunication
18. 76-9	Contevita to Conti Taves	misspelling
19. 76-11	Contevita to Conti Taves	misspelling
20. 77-5	Brian to Bryan	misspelling
21. 77-10	sent to seen	clarification
22. 81-19	we'll to will	transcription miscommunication
23. 82-21	yes to no, it used telton coated Kapton	clarification
24. 85-11	treatment to instruments	transcription miscommunication
25. 96-1	can't to can	transcription miscommunication
26. 104-1	per lot to per running hour which is roughly equivalent to 2000 pieces	conform to the facts
27. 104-4	four-thousand to two-thousand	conform to the facts
28. 104-12	process to plan	clarification
29. 107-1	you. I to you to	transcription miscommunication
30. 108-1	crimp head to crimper	clarification
31. 116-8	the side to the inside	transcription miscommunication
32. 123-16	to find to defined	transcription miscommunication
33. 134-10	experiment resulted to experiment did not result	transcription miscommunication
34. 142-6	twit to Taves	misspelling

- |                |   |                                |
|----------------|---|--------------------------------|
| 35. 140 - 18   | actu to act   | transcription miscommunication |
| 36. 165 - 12   | one to vice president   | clarification                  |
| 37. 195 - 16   | McGuirk to McGuirk  | misspelling                    |
| 38. 165 - 16   | Brian to Bryan  | misspelling                    |
| 39. 191 - 18   | not to by   | transcription miscommunication |
| 40. 192 - 9    | Highlight to Hiltz  | misspelling                    |
| 41. 192 - 10   | Industry first to Industry,<br>or other Tier 1's, first   | clarification                  |
| 42. 194 - 14   | yes, that was done to yes<br>that was done on parts received<br>from the recall but not on these<br>first parts collected   | to conform to the facts        |
| 43. 194 - 16   | yes, on the parts received from<br>the recall   | to conform to the facts        |
| 44. 195 - 12   | delete "x"  | clarification                  |
| 45. 209 - 1, 2 | time period to resistance   | transcription miscommunication |
| 46. 211 - 5    | not. to not but I believe it was<br>based on inputs from Ford that<br>once the data is normalized,<br>no one area of the country has<br>a higher percentage of Panther<br>platform vehicle fires. | to conform to the facts        |
| 47. 211 - 11   | US to US but per Ford once<br>the data is normalized no one<br>area of the country has a higher<br>percentage of Panther platform<br>vehicle fires.   | to conform to the facts        |
| 48. 223 - 12   | no idea to no   | transcription miscommunication |
| 49. 224 - 17   | back to manual  | clarification                  |
| 50. 224 - 18   | car to car engine   | clarification                  |
| 51. 226 - 21   | it to whether your clients wash<br>their engines  | clarification                  |
| 52. 226 - 22   | other. to other but I personally<br>would not wash my engine  | clarification                  |
| 53. 228 - 15   | uncontaminated to contaminated  | transcription miscommunication |
| 54. 242 - 4, 6 | delete "and doesn't use a -- a<br>cripp"  | conform to the facts           |
| 55. 247 - 11   | for to from   | transcription miscommunication |
| 56. 251 - 22   | baker to Baker  | misspelling                    |
| 57. 261 - 23   | Snider to Snyder  | misspelling                    |
| 58. 262 - 9    | Tokiko to Tokiko  | misspelling                    |
| 59. 268 - 2    | not to no   | transcription miscommunication |
| 60. 270 - 12   | displayed to spyied   | transcription miscommunication |
| 61. 274 - 8    | base to pin   | transcription miscommunication |

LAW OFFICES OF  
**HOLE &  
ALVAREZ, L.L.P.**

- Ronald G. Hole  
Board Certified:  
• Personal Injury Law  
• Civil Trial Law  
New Board of Legal  
Specialization
- Micaela Alvarez
- Cheryl D. Hole  
of Counsel

January 28, 2000

Mr. Lee Parks  
LEE PARKS, ET AL, INC.  
d/b/a AAA COURT REPORTERS  
9597 Jones Road, #363  
Houston, Texas 77065

Re: Cause No. [REDACTED] v.  
*Van Burdeo Motors, Inc., Ford Motor Company, and  
Texas Instruments, Inc.*

Dear Mr. Parks:

I have not yet received the original deposition transcript of Steve Beringhouse taken in connection with the above referenced cause, nor have I received a response to my correspondence of January 18, 2000. Nonetheless, I am submitting herewith [REDACTED] affidavit along with his corrections. These are being returned to you pursuant to the Texas Rules of Civil Procedure, despite the fact that the original deposition transcript was not provided to me, as required by the Texas Rules of Civil Procedure.

Please give me a call if you have any questions.

Very truly yours,

HOLE & ALVAREZ, L.L.P.

By:

  
Micaela Alvarez

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MA:bcc  
Enclosure

**COPY**

TI-NHTSA 016876

Mr. Lee Parks  
January 28, 2000  
Page 2

bxc: Mr. Eric Meyer  
Mr. Johnny Carter  
SUSMAN GODFREY, L.L.P.  
8100 First Interstate Bank Plaza  
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(w/ encl.)

Mr. Bruce H. Gleason  
TEXAS INSTRUMENTS INCORPORATED  
7839 Churchill Way, MS 3999  
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(w/ encl.)

Mr. Russell E. Baumann  
TEXAS INSTRUMENTS INCORPORATED  
34 Forest Street, MS 20-21  
P.O. Box 2964  
Attleboro, MA 02703-0964  
(w/ encl.)

TI-NHTSA 015877



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I, [REDACTED] have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

[REDACTED]

THE STATE OF Massachusetts )  
COUNTY OF Bristol )

Before me, Dora M. Graveline, on this day personally appeared [REDACTED] known to me (or proved to me on the oath of [REDACTED] or through [REDACTED] (description of identity card or other document)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office this 20 day of January, 2000.

Dora M. Graveline  
NOTARY PUBLIC IN AND FOR  
THE STATE OF Massachusetts

My Commission Expires in 4/06



## CHANGES AND SIGNATURE

PAGE LINE	CHANGE	REASON
1. 5-10	[REDACTED]	clarification
2. 15-5	my to by	transcription miscommunication
3. 15-25	my to by	transcription miscommunication
4. 16-17	Bowman to Baumann	misspelling
6. 23-19	specific to specific instances	clarification
8. 27-14	late in 1998. to late in 1998, I believe.	clarification
7. 27-16	when Ford to I learned when Ford	clarification
8. 28-8	Brian to Bryan	misspelling
9. 28-8	McGuirk to McGuirk	misspelling
10. 30-8	tee of to ten or so	clarification
11. 39-4	connective to are connected to	transcription miscommunication
12. 50-23	electrons to the wire	clarification
13. 59-4	of to in	transcription miscommunication
14. 65-22	add commas between details and related	transcription miscommunication
16. 87-9	i do to he did not	clarification
18. 87-12	freed to free	transcription miscommunication
17. 78-18	recheck to look check	transcription miscommunication
18. 78-8	Contevita to Conti Teves	misspelling
19. 78-11	Contevita to Conti Teves	misspelling
20. 77-5	Brian to Bryan	misspelling
21. 77-10	sent to seen	clarification
22. 81-19	we'll to will	transcription miscommunication
23. 82-21	yes to no, it used teflon coated Kapton	clarification
24. 85-11	treatment to instruments	transcription miscommunication
25. 98-1	can't to can	transcription miscommunication
26. 104-1	per lot to per running hour which is roughly equivalent to 2000 pieces	conform to the facts
27. 104-4	four-thousand to two-thousand	conform to the facts
28. 104-12	process to plan	clarification
29. 107-1	you, I to you to	transcription miscommunication
30. 108-1	crimp head to crimper	clarification
31. 118-5	the side to the inside	transcription miscommunication
32. 123-18	to find to defined	transcription miscommunication
33. 134-19	experiment resulted to experiment did not result	transcription miscommunication
34. 142-6	tevit to Teves	misspelling

35. 149 - 18	actu to act	transcription miscommunication
36. 185 - 12	one to vice president	clarification
37. 185 - 18	McGuirk to McGuirk	misspelling
38. 185 - 18	Brian to Bryan	misspelling
39. 181 - 19	not to by	transcription miscommunication
40. 192 - 9	Highlight to Hiltz	misspelling
41. 192 - 10	industry first to industry, or other Tier 1's, first	clarification
42. 194 - 14	yes, that was done to yes that was done on parts received from the recall but not on these first parts collected	to conform to the facts
43. 194 - 18	yes, on the parts received from the recall	to conform to the facts
44. 188 - 12	delete "k"	clarification
45. 200 - 1, 2	time period to resistance	transcription miscommunication
46. 211 - 5	not. to not but I believe it was based on inputs from Ford that once the data is normalized, no one area of the country has a higher percentage of Panther platform vehicle fires.	to conform to the facts
47. 211 - 11	US to US but per Ford once the data is normalized no one area of the country has a higher percentage of Panther platform vehicle fires.	to conform to the facts
48. 223 - 12	no idea. to no	transcription miscommunication
49. 224 - 17	book to manual	clarification
50. 224 - 18	car to car engine	clarification
51. 226 - 21	it to whether your clients wash their engines	clarification
52. 226 - 22	other. to other but I personally would not wash my engine	clarification
53. 228 - 15	uncontaminated to contaminated	transcription miscommunication
54. 242 - 4, 5	delete "and doesn't use a -- a or trip"	conform to the facts
55. 247 - 11	for to from	transcription miscommunication
56. 251 - 22	baker to Baker	misspelling
57. 251 - 23	Snyder to Snyder	misspelling
58. 262 - 9	Tokito to Tokiko	misspelling
59. 266 - 2	not to no	transcription miscommunication
60. 270 - 12	displayed to splayed	transcription miscommunication
61. 274 - 6	base to pin	transcription miscommunication