

COUNTY OF XXXXXXXX IN THE COURT OF COMMON PLEAS

XXXXXXXX, Plaintiff(s)
- vs -
XXXXXXXX. Defendant(s)

33-XX-X7-0389

APPEARANCES

XXXX XXXXX, Esq.
401 Western Drive
XXXX, XXXX, XXXXX
REPRESENTING THE PLAINTIFF

XXXX XXXXXXX, Esq.
302 XXX XXXX
XXXX, XXXXXXX, XXXXX
REPRESENTING THE DEFENDANT

Deposition of XXXX XXXXX, a witness called by Counsel on behalf of the Defendant, pursuant to the applicable provisions of the XXXXXXXX Rules of Civil Procedure, taken before XXXX XXXX, a Professional Court Reporter and Notary Public in and for the State of XXXXXXX, on Tuesday, September 15, 2009, at the Law Offices of XXXX XXX, 401 Western Drive, XXX, XXXXXXX, commencing at the hour of 3:00 p.m.

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Table with columns: EXAMINATION, DIRECT, CROSS, WITNESS, By Mr. XXXXX, 4

EXHIBITS

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LEGEND OF THE TRANSCRIPT

dashes [--] intentional or purposeful interruption
ellipsis [...] halting speech, omission of word(s)
[ph] denotes phonetically written
[sic] written as said

PROCEEDINGS

1
2
3 Whereupon,
4
5 XXXX XXXXX,
6 having been first duly sworn, on oath,
7 was examined and testified as follows:
8
9 DIRECT EXAMINATION
10 BY MR. XXXXX:
11 Q. Good morning, Mr. XXXXX.
12 A. Good morning.
13 Q. You're here today for a deposition in the case of
14 XXXX versus XXXXXXX; do you understand that?
15 A. Yes, sir.
16 Q. And you are here as XXXXXXX Company's and XXXXX's
17 expert.
18 A. Okay. I didn't know I was on -- I was here on
19 behalf of XXXX, but that's fine.
20 MS. XXXXX: I think he's a defense expert.
21 MR. XXXXX: That's fine. He's speaking for
22 both defendants?
23 MS. XXXXX: He's not speaking for either
24 defendant. He's just giving his truthful opinions
25 about what he observed during a site inspection.
26 MR. XXXXX: He is being offered as an

1 expert on behalf of both defendants.

2 MS. XXXXX: He's been designated on behalf

3 of both defendants.

4 MR. XXXXX: (Resuming)

5 Q. Mr. XXXXX, what is your full name?

6 A. XXXXX XXXXX.

7 Q. Looking at your expert designation, you've been

8 deposed many times before; fair to say?

9 A. Correct.

10 Q. So I won't go through the usual rambles. I think

11 you understand how depositions work. I just want

12 to emphasize that if at any time you feel you don't

13 understand the question, rather than attempting to

14 answer it, that you just indicate that you don't

15 understand so that I will have an opportunity to

16 rephrase the question.

17 A. Okay.

18 Q. Based on that understanding, I'm going to assume

19 that if you answer a question, it's because you

20 believe you understood the question; is that fair?

21 A. It's fair.

22 Q. As I said, I've had a chance to review your expert

23 designation, but I just want to go through,

24 generally, your education starting with post high

25 school. What formal education have you completed?

1 xxxx and xxxx in analytical laboratories?

2 A. Essentially, the same work that I do today,

3 analysis of fires and gas phase explosions.

4 Q. While working for xxxx and xxxx, did you ever

5 investigate fires that were caused by the emission

6 of combustibles by heated exhaust fumes?

7 A. I'm sure that I did.

8 Q. On what bases are you sure that you did?

9 A. Because I looked at many different types of

10 machines while employed at xxxx and xxxx and many

11 of those machines were caused by a combustible

12 foreign material and contact with a hot exhaust

13 component.

14 Q. So that fire scenario is not unusual; is that fair

15 to say?

16 A. It is not unusual.

17 Q. While working at xxxx xxxx, did you ever perform an

18 investigation of lawn tractors?

19 A. I'm sure that I did.

20 Q. Do you know who the manufacturer or manufacturers

21 were of the lawn tractors that you investigated

22 during that period of your professional work?

23 A. I know xxxx was one of the companies. There were

24 probably others. I don't have direct recall,

25 meaning that I can't differentiate which

1 A. I've completed two years of study in the field of

2 applied science, specifically nursing, where I

3 received an associate degree in applied science. I

4 studied for two other years doing undergraduate

5 studies in forestry. That degree was not

6 completed. I received an associate degree in fire

7 science, graduating with high honors, and I

8 graduated Summa Cum Laude with a bachelor of

9 science in fire and safety engineering technology.

10 Q. When did you receive the degree?

11 A. September 1994.

12 Q. At some point, you left the field of nursing and

13 began working in the field of fire investigation

14 and forensics; is that fair to say?

15 A. No, that's not fair to say. I worked both as a

16 registered nurse and I also conducted fire

17 investigations on behalf of two different fire

18 departments while I was employed as a registered

19 nurse.

20 Q. But, at some point, did you leave nursing and just

21 dedicate your time solely to fire forensics?

22 A. I did.

23 Q. When was that?

24 A. 1983.

25 Q. Can you describe for me the work that you did with

1 manufacturers. I looked at their products while I

2 worked at xxxx Laboratories versus xxxx xxxx

3 Forensic Analysis.

4 Q. During that period of time, do you remember whether

5 or not you investigated any fires that potentially

6 involved a xxxx igniting?

7 A. From hot surface or from any ignition source?

8 Q. From hot surface or exhaust or -- or hot exhaust

9 components.

10 MS. XXXXX: This is when he was at Barker?

11 MR. XXXXX: Correct.

12 A. I may have. I don't recall.

13 Q. Do you keep records of the various different fire

14 ignition scenarios that you investigate?

15 A. No, I don't.

16 Q. Do you have a way of being able to approximate the

17 percentage of fire investigations that you've

18 performed involving lawn tractors that potentially

19 involve the emission of combustibles by hot exhaust

20 components?

21 A. No, I don't.

22 Q. Can you describe for me what your responsibilities

23 and job includes regarding your work with XXXX?

24 A. I'm the only full-time employee and my

25 responsibilities are running the company and.....