

BEFORE THE ARBITRATION COMMITTEE
~~~~~

In the Matter of:

ROBERT WATJEN, et al.,  
Plaintiffs,  
vs. Case No. 69-675  
PENN CENTRAL,  
Defendant.  
~~~~~

MICHAEL J. KNAPIK, et al.,
Plaintiffs,
vs. Case No. 69-722
PENN CENTRAL,
Defendant.
~~~~~

DAVID C. BUNDY, et al.,  
Plaintiffs  
vs. Case No. 69-947  
PENN CENTRAL,  
Defendant.  
~~~~~

G.V. SOPHNER, et al.,
Plaintiffs,
vs. Case No. 74-914
PENN CENTRAL,
Defendant.
~~~~~

Arbitration hearing before

Chairman Steven H. Steinglass  
Panel Member Dennis R. Lansdowne  
Panel Member Joseph Tomain

December 10, 2007  
9:33 a.m.

Taken at:  
Carl B. Stokes Federal Courthouse  
801 West Superior Avenue  
Cleveland, Ohio

Eva Petrone, RPR



RENNILLO

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">BEFORE THE ARBITRATION COMMITTEE</p> <p>In the Matter of:</p> <p>ROBERT WATJEN, et al.,<br/>Plaintiffs,<br/>vs. Case No. 69-675<br/>PENN CENTRAL,<br/>Defendant.</p> <p>MICHAEL J. KNAPIK, et al.,<br/>Plaintiffs,<br/>vs. Case No. 69-722<br/>PENN CENTRAL,<br/>Defendant.</p> <p>DAVID C. BUNDY, et al.,<br/>Plaintiffs,<br/>vs. Case No. 69-947<br/>PENN CENTRAL,<br/>Defendant.</p> <p>G.V. SOPHNER, et al.,<br/>Plaintiffs,<br/>vs. Case No. 74-914<br/>PENN CENTRAL,<br/>Defendant.</p> <p>Arbitration hearing before</p> <p>Chairman Steven H. Steinglass<br/>Panel Member Dennis R. Lansdowne<br/>Panel Member Joseph Tomain</p> <p>December 10, 2007<br/>9:33 a.m.<br/>Taken at:<br/>Carl B. Stokes Federal Courthouse<br/>801 West Superior Avenue<br/>Cleveland, Ohio</p> <p>Eva Petrone, RPR</p> | <p style="text-align: right;">Page 3</p> <p>1 APPEARANCE, Continued:</p> <p>2</p> <p>3 On behalf of the Defendant:</p> <p>4 Blank Rome, LLP, by.</p> <p>5 MICHAEL L. CIOFFI, ESQ.</p> <p>6 MICHAEL A. CIOFFI, ESQ.</p> <p>7 THOMAS H. STEWART, ESQ.</p> <p>8 JASON GROPE, ESQ.</p> <p>9 1700 PNC Center</p> <p>10 201 East Fifth Street</p> <p>11 Cincinnati, Ohio 45202</p> <p>12 (513) 362-8704</p> <p>13 Cioffi@blankrome.com</p> <p>14 Stewart@blankrome.com</p> <p>15 Groppe@blankrome.com</p> <p>16 ~ ~ ~ ~ ~</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                               |
| <p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Plaintiffs:</p> <p>4 Tricarichi, Carnes &amp; Clements, by</p> <p>5 CARLA M. TRICARICHI, ESQ.</p> <p>6 614 Superior Avenue N.W., Suite 620</p> <p>7 Cleveland, Ohio 44113</p> <p>8 (216) 861-6677</p> <p>9 Ctricarichi@aol.com</p> <p>10 -and-</p> <p>11 Griffin Law Firm, by</p> <p>12 MARK GRIFFIN, ESQ.</p> <p>13 614 Superior Avenue</p> <p>14 Suite 620</p> <p>15 Cleveland, Ohio 44113</p> <p>16 (216) 861-6677</p> <p>17 Mark.d.griffin@gmail.com</p> <p>18 -and-</p> <p>19 Hahn, Loeser &amp; Parks, LLP, by</p> <p>20 RANDY J. HART, ESQ.</p> <p>21 200 Public Square</p> <p>22 Suite 3300</p> <p>23 Cleveland, Ohio 44114-2301</p> <p>24 (216) 274-2410</p> <p>25 Rjhart@hahnlaw.com</p>                                            | <p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2</p> <p>3 DIRECT EXAMINATION OF 90 3</p> <p>4 JAMES KNAPIK</p> <p>5 BY MS. TRICARICHI</p> <p>6 CROSS-EXAMINATION OF 141 14</p> <p>7 JAMES KNAPIK</p> <p>8 BY MR. M. L. CIOFFI</p> <p>9 REDIRECT EXAMINATION OF 146 5</p> <p>10 JAMES KNAPIK</p> <p>11 BY MS. TRICARICHI</p> <p>12 DIRECT EXAMINATION OF 153 12</p> <p>13 JOHN GALLAGHER</p> <p>14 BY MS. TRICARICHI</p> <p>15 DIRECT EXAMINATION OF 212 24</p> <p>16 PHILLIP FRANZ</p> <p>17 BY MS. TRICARICHI</p> <p>18</p> <p>19 Plaintiffs' Exhibits 1 5 2</p> <p>20 through 40 and Defendant's</p> <p>21 Exhibits 1 through 101 were</p> <p>22 marked</p> <p>23</p> <p>24 AFTERNOON SESSION 151 1</p> <p>25</p> |

1 (Pages 1 to 4)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 5</p> <p>1       - - - - -</p> <p>2       (Thereupon, Plaintiffs' Exhibits 1</p> <p>3       through 40 and Defendant's Exhibits</p> <p>4       1 through 101 were marked for</p> <p>5       purposes of identification.)</p> <p>6       - - - - -</p> <p>7       CHAIRMAN STEINGLASS: We are here</p> <p>8       for the evidentiary hearing in the Penn Central</p> <p>9       arbitration proceedings. These are four</p> <p>10      consolidated Federal Court cases that have been</p> <p>11      subject to an order to compel arbitration. The</p> <p>12      arbitration has been consolidated pursuant to</p> <p>13      an order of Judge Solomon Oliver Shapiro in the</p> <p>14      United States District Court for the Northern</p> <p>15      District of Ohio.</p> <p>16      My name is Steven H. Steinglass.</p> <p>17      I'm a neutral arbitrator. On my right is</p> <p>18      Dennis Lansdowne, party-appointed arbitrator,</p> <p>19      on my left is Joseph Tomain, another</p> <p>20      party-appointed arbitrator.</p> <p>21      I will ask the parties and counsel</p> <p>22      to make their appearances and then I will give</p> <p>23      each side an opportunity for a short opening,</p> <p>24      fifteen minutes should be appropriate, and then</p> <p>25      we can begin the hearing.</p>                                                                                                                        | <p style="text-align: right;">Page 7</p> <p>1       Do you want us to refer to you as</p> <p>2       professor? Arbitrator? Your Honor? Whatever</p> <p>3       you want.</p> <p>4       CHAIRMAN STEINGLASS: I prefer</p> <p>5       Steve but I understand that probably is not</p> <p>6       right. Arbitrator Tomain is also a recovering</p> <p>7       dean and so we have something in common. I</p> <p>8       think we should go for professor.</p> <p>9       PANEL MEMBER TOMAIN: Works for me.</p> <p>10      CHAIRMAN STEINGLASS: Professor</p> <p>11      will be fine. Thank you for asking.</p> <p>12      MS. TRICARICHI: Thank you.</p> <p>13      MR. GRIFFIN: I'm Mark Griffin on</p> <p>14      behalf of the Claimants.</p> <p>15      MR. HART: Randy Hart on behalf of</p> <p>16      the Claimants.</p> <p>17      MR. M. L. CIOFFI: Michael Cioffi</p> <p>18      on behalf of Penn Central.</p> <p>19      MR. GROPE: Jason Groppe on behalf</p> <p>20      of Penn Central.</p> <p>21      MR. M. A. CIOFFI: Michael A.</p> <p>22      Cioffi or Michael Cioffi, Jr., whichever is</p> <p>23      clearer.</p> <p>24      MR. STEWART: Thomas Stewart on</p> <p>25      behalf of the Defendants.</p>                              |
| <p style="text-align: right;">Page 6</p> <p>1       The Panel does not plan to make any</p> <p>2       preliminary legal rulings today. If a ruling</p> <p>3       is needed as we move along, we will do so.</p> <p>4       One matter that we will have to</p> <p>5       discuss, probably after the opening statements,</p> <p>6       involves the exhibits, the two significant</p> <p>7       submissions of exhibits and we have to make</p> <p>8       some determinations concerning them. I will</p> <p>9       say preliminarily that the arbitrators are</p> <p>10      inclined to admit all of the exhibits subject</p> <p>11      to argument down the road throughout the</p> <p>12      hearing concerning the weight of the various</p> <p>13      exhibits. There may well be a need for some of</p> <p>14      the exhibits to be explained in terms of the</p> <p>15      methods of creation, but we are not inclined to</p> <p>16      follow the Federal Rules of Evidence and the</p> <p>17      formal requirements that might normally follow</p> <p>18      in court concerning foundation and</p> <p>19      admissibility of evidence.</p> <p>20      So what I would like first is the</p> <p>21      appearances and then if there's preliminary</p> <p>22      questions, I will try to entertain them and</p> <p>23      then we will move into opening statements.</p> <p>24      MS. TRICARICHI: Carla Tricarichi</p> <p>25      on behalf of the Claimants.</p> | <p style="text-align: right;">Page 8</p> <p>1       CHAIRMAN STEINGLASS: Thank you</p> <p>2       very much.</p> <p>3       MR. M. L. CIOFFI: Dean -- or Mr.</p> <p>4       Steinglass, I'm going to need a little more</p> <p>5       than 15 minutes so I hope the Panel will allow</p> <p>6       us more than 15 minutes.</p> <p>7       CHAIRMAN STEINGLASS: I think</p> <p>8       that's fine.</p> <p>9       MS. TRICARICHI: I have a little</p> <p>10      more, too.</p> <p>11      CHAIRMAN STEINGLASS: Does that</p> <p>12      easel interfere with anything?</p> <p>13      MR. GRIFFIN: We would like it more</p> <p>14      our side.</p> <p>15      CHAIRMAN STEINGLASS: Are there any</p> <p>16      other purely logistical issues? The speaker</p> <p>17      system is adequate. I can hear myself. Can</p> <p>18      you hear me?</p> <p>19      (Discussion held off the record.)</p> <p>20      MS. TRICARICHI: Good morning,</p> <p>21      gentlemen. For almost 40 years the Claimants</p> <p>22      in this case have been trying to get what was</p> <p>23      promised them under the Merger Protection</p> <p>24      Agreement. This is a straightforward breach of</p> <p>25      contract case. The Claimants were all</p> |

2 (Pages 5 to 8)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 9</p> <p>1 employees of the New York Central Railroad at<br/> 2 the time the Merger Protection Agreement was<br/> 3 executed. They should have been covered but<br/> 4 they weren't. That's the breach.<br/> 5       The original excuse and the real<br/> 6 reason that the railroad denied them, the<br/> 7 Knapik and Sophner Claimants, was that the<br/> 8 railroad tried to exclude from coverage all<br/> 9 employees of subsidiary railroads. That excuse<br/> 10 was rejected over 30 years ago as a matter of<br/> 11 law. Since that time, the railroad has<br/> 12 manufactured post facto reasons to deny<br/> 13 coverage, all without merit.<br/> 14       Here is the historical background<br/> 15 as to what happened at the time the merger was<br/> 16 occurring and what the parties were saying to<br/> 17 each other at that time. The merger of the<br/> 18 Pennsylvania Railroad and the New York Central<br/> 19 Railroad was the largest merger in history<br/> 20 between two railroads. It had been<br/> 21 contemplated for years and, in fact, the terms<br/> 22 of it had been negotiated for years. The<br/> 23 purpose of the merger was to create a more<br/> 24 efficient and a unitary system of<br/> 25 transportation.</p>                                                                                | <p style="text-align: right;">Page 11</p> <p>1 easel, "none of the present employees of a<br/> 2 carrier" -- of said carriers, the two merging<br/> 3 characters -- "shall be deprived of the<br/> 4 employment or be placed in a worse position<br/> 5 with respect to compensation, rules, working<br/> 6 conditions, fringe benefits or rights and<br/> 7 privileges pertaining thereto at any time<br/> 8 during such employment at any time."<br/> 9       The representations by the CEO of<br/> 10 what was the Pennsylvania Railroad, and he<br/> 11 eventually became the CEO of the merged company<br/> 12 and the publications of the company itself,<br/> 13 which were distributed to the employees,<br/> 14 demonstrated that the employee could only lose<br/> 15 his right to guarantee through attrition. It<br/> 16 took four years to consummate this merger. The<br/> 17 ICC approved it in 1966 and Penn Central, the<br/> 18 merged company, came into being with much<br/> 19 heralding on February 1, 1968.<br/> 20       Now, what was the situation of our<br/> 21 Claimants at that time? You will hear examples<br/> 22 of individual experiences of each of the<br/> 23 Claimant groups. The Knapik Claimants were<br/> 24 passenger service brakemen and switchmen. And<br/> 25 for purposes of this proceeding, brakeman and</p> |
| <p style="text-align: right;">Page 10</p> <p>1       The unions to which our Claimants<br/> 2 belonged knew that such efficiencies would<br/> 3 create job loss. It was, in fact, inevitable.<br/> 4 In the mid '60s the unions were at their<br/> 5 zenith. They were in strong position to demand<br/> 6 certain protective conditions, otherwise they<br/> 7 simply would not have agreed to the merger, the<br/> 8 merger itself. In order to even consider<br/> 9 approval of the merger, the Interstate Commerce<br/> 10 Commission required that labor and management<br/> 11 agree on such protective conditions before the<br/> 12 ICC would even consider the merger.<br/> 13       The parties then executed the<br/> 14 Merger Protection Agreement in 1964. That<br/> 15 agreement provided for lifetime job guarantee.<br/> 16 It also provided for displacement allowances if<br/> 17 an employee became unemployed. It also<br/> 18 provided for severance benefits, which in the<br/> 19 agreement are called separation allowances, if<br/> 20 the employee chose to leave the service of the<br/> 21 railroad. These terms greatly expanded on the<br/> 22 predecessor agreement, the Washington Job<br/> 23 Protection Agreement, which we call the WJPA.<br/> 24       The Merger Protective Agreement<br/> 25 stated unequivocally, and here it is on the</p> | <p style="text-align: right;">Page 12</p> <p>1 switchmen are interchangeable. They switched<br/> 2 passenger cars at the terminal and other<br/> 3 locations. The CUT was a subsidiary which was<br/> 4 97 percent owned by the New York Central<br/> 5 Railroad. These workers were called CUT men<br/> 6 but they worked sometimes at CUT locations and<br/> 7 sometimes at New York Central locations, but<br/> 8 they had the same rules, the same supervisors<br/> 9 and these particular men were members of a<br/> 10 union called the Brotherhood of Railroad<br/> 11 Trainmen.<br/> 12       They were men, for example, like<br/> 13 George Norris who had worked at the railroad<br/> 14 for about 40 years when the merger came in<br/> 15 1968. All of these men, all the Knapik group<br/> 16 men were furloughed en masse within three weeks<br/> 17 of the date of the merger, within three weeks<br/> 18 their jobs were abolished.<br/> 19       The group of 17 brakemen that were<br/> 20 originally part of this case split over the<br/> 21 furlough. Seven refused to accept recall. The<br/> 22 ten that are involved in this case accepted<br/> 23 recall and reported to work. These ten<br/> 24 responded to the recall notices that they got.<br/> 25       The railroad's own exhibits, which</p>                                  |

3 (Pages 9 to 12)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 13</p> <p>1 are part of the record here, which are<br/>2 apparently selective portions of what are now<br/>3 nonexistent personnel records, which were<br/>4 created for purposes of litigation and also the<br/>5 time cards that went with them, which were<br/>6 exchanged and discovered the accepted recall.<br/>7 Those records in turn coincide with the<br/>8 Railroad Retirement Board records, which you<br/>9 also have, with the records of the Railroad<br/>10 Retirement Board of the earnings of the<br/>11 Plaintiffs in those years after they accepted<br/>12 the recall.</p> <p>13 The Railroad Retirement Board<br/>14 records are kept by the Railroad Retirement<br/>15 Board and they serve as the basis for pension<br/>16 for the employees. These records are certified<br/>17 and the certifications are in your packet.</p> <p>18 Most of the recalls don't occur<br/>19 until 1969. Two of the older Claimants, George<br/>20 Norris and Mr. Uher, were called back in 1968.<br/>21 But if you look at their earnings in '68 and<br/>22 '69, they couldn't keep full-time jobs. They<br/>23 couldn't even make their guarantees because<br/>24 they wouldn't get enough work with the<br/>25 seniority that they had. That's what the</p>                                                 | <p style="text-align: right;">Page 15</p> <p>1 However, the railroad had other<br/>2 ideas. Although the railroad had represented<br/>3 throughout the ICC approval process that an<br/>4 estimated job protection cost in the millions,<br/>5 after the agreement was signed, the railroad<br/>6 decided to cut down on these costs. How did<br/>7 they do it? By taking the position that no<br/>8 employees of subsidiary companies, like the<br/>9 CUT, would be covered by the Merger Protective<br/>10 Agreement. That was their position. Those<br/>11 employees would be unprotected. The railroad<br/>12 deliberately attempted, after the execution of<br/>13 the agreement, to eliminate eligibility for the<br/>14 benefits that they already told the ICC that<br/>15 they knew they were going to have to pay.</p> <p>16 For example, if you look at the<br/>17 merged rosters, which are in our exhibits, our<br/>18 Claimants, on average, lost about 400 positions<br/>19 on seniority rosters. If you look at the CUT<br/>20 roster and you look at the consolidated roster,<br/>21 they lost about 400 positions in seniority. So<br/>22 the railroad effectively said to people, like<br/>23 George Norris or Mr. Gallagher, you worked for<br/>24 us for 20, 30, in Norris's case 40 years and by<br/>25 the way, as an employee of the subsidiary</p> |
| <p style="text-align: right;">Page 14</p> <p>1 Railroad Retirement Board records show.<br/>2 The Sophner group were carmen, car<br/>3 inspectors who walked the tracks, inspected and<br/>4 sometimes repaired the cars. And you will hear<br/>5 from Mr. Gallagher, who is sitting in the back<br/>6 of the room, about what the car inspectors did.<br/>7 They were also CUT men who had worked mostly<br/>8 since the 1940s on the railroad. They were<br/>9 members of the Brotherhood of Railroad Carmen.</p> <p>10 For the Sophner Claimants, their<br/>11 jobs were abolished more gradually and on a<br/>12 piecemeal basis than the Knapik Claimants.</p> <p>13 Both of these groups, the Knapik<br/>14 group and the Sophner group, in reliance on the<br/>15 terms of the Merger Protection Agreement which<br/>16 had been touted over and over in advance of the<br/>17 merger, thought all right, even if we get<br/>18 furloughed, we will get our benefits, our job<br/>19 guarantee based on our 1963, 1964 earnings,<br/>20 which would be increased by general wage<br/>21 increases as indicated in Appendix E of the<br/>22 MPA. And that's what they believed because<br/>23 that's what the agreement had said and that's<br/>24 what the railroad had been telling them ever<br/>25 since the merger had even been mentioned.</p> | <p style="text-align: right;">Page 16</p> <p>1 company, sorry but you are not covered. The<br/>2 1964 Merger Protective Agreement was not meant<br/>3 to apply to you. However, we will arbitrarily<br/>4 give you a September 1964 seniority date, which<br/>5 puts you approximately four months out of<br/>6 coverage.</p> <p>7 The '64 agreement was executed in<br/>8 May. So if you look on the rosters, the new<br/>9 seniority date that everybody is given is<br/>10 September 10, 1964. That puts them four months<br/>11 out of the protective category and that was<br/>12 done deliberately so they wouldn't be covered<br/>13 in the Merger Protective Agreement, because to<br/>14 be a protected employee as it's defined in the<br/>15 agreement, you have to have been working in May<br/>16 1964 -- actually it's '63 and '64. So for a<br/>17 man like Mr. Norris, that would have been a<br/>18 loss of 35 years of seniority.</p> <p>19 Seniority, you will hear, is<br/>20 everything on the railroad. An employee gets<br/>21 his job, keeps his job, gets a better job,<br/>22 always seniority. So the railroad told<br/>23 long-time employees who had a contract, look,<br/>24 you aren't covered by the agreement and you<br/>25 lost all of your seniority. A double slap in</p>                                                              |

4 (Pages 13 to 16)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 17</p> <p>1 the face. This created real and understandable<br/> 2 outrage in the men who had given their lives to<br/> 3 the company and only wanted to be treated like<br/> 4 thousands of other New York Central employees<br/> 5 who got the benefit, who were hired on exactly<br/> 6 the same time as these Claimants and who did<br/> 7 get benefits of the Merger Protective<br/> 8 Agreement. Pure and simple, the Knapik and<br/> 9 Sophner Claimants were denied benefits when<br/> 10 they sought them in the late 1960s and 70s when<br/> 11 they were furloughed simply because of their<br/> 12 CUT status. Period. End of story.<br/> 13 The Watjen and Bundy Claimants were<br/> 14 always New York Central railroad employees.<br/> 15 And Mr. Phil Franz, who is sitting in the back<br/> 16 of the room, he was a rate revision clerk, you<br/> 17 will hear from him. The rate revision clerks<br/> 18 worked in offices determining freight rates.<br/> 19 They were never given a CUT designation. The<br/> 20 facts of their cases are different. Their<br/> 21 claims are that they -- their jobs were also<br/> 22 abolished, however, after the merger and again<br/> 23 as part of the consolidation that occurred<br/> 24 after the merger, the consolidation of offices.<br/> 25 They all had seniority on the Detroit seniority</p> | <p style="text-align: right;">Page 19</p> <p>1 Don't come to Detroit.<br/> 2 Hearing that and knowing that the<br/> 3 original notice gave them only ten days to<br/> 4 exercise their seniority, they opted under<br/> 5 Section 9 Appendix A of the Merger Protective<br/> 6 Agreement to exercise their right to separation<br/> 7 allowance. The railroad never answered this<br/> 8 request. To this day it has never responded.<br/> 9 So the railroad required them to exercise their<br/> 10 seniority rights but denied them the ability to<br/> 11 do so. It frustrated their purpose and made<br/> 12 all acts thereafter futile on their part.<br/> 13 Now, since these suits were filed<br/> 14 for benefits on the basis of the breach of<br/> 15 contract that I have discussed, what<br/> 16 transpired? What was the position of the<br/> 17 parties after the litigation was begun and what<br/> 18 have been the positions of the tribunals which<br/> 19 have heard portions of these cases and those<br/> 20 decisions formed the controlling authority<br/> 21 under which this Panel must operate? The<br/> 22 railroad felt the answers to complaints in<br/> 23 Knapik and Sophner alleging the Claimants were<br/> 24 not covered by the agreement. The railroad did<br/> 25 not and has not, to this day, amended those</p> |
| <p style="text-align: right;">Page 18</p> <p>1 roster, that is the head of accounting sat in<br/> 2 Detroit. There satellite offices. Cleveland<br/> 3 had a few employees. Syracuse had a few<br/> 4 employees. Cincinnati had a few employees.<br/> 5 Selkirk New York had a few employees. But all<br/> 6 of these men's seniority came out of Detroit.<br/> 7 When these Claimants received their<br/> 8 job abolishment letters in early 1969, they<br/> 9 were ordered, as part of that letter, to<br/> 10 exercise their seniority. So they wrote to a<br/> 11 man named -- I forget his first name, Mr.<br/> 12 Scheper. It's in your documents. He was head<br/> 13 of freight accounting and they indicated that<br/> 14 they would go to Detroit to exercise their<br/> 15 seniority. That's the only place they could<br/> 16 exercise their seniority. That's the only<br/> 17 place they had seniority.<br/> 18 In response Mr. Scheper visited<br/> 19 Cleveland. He talked with the men there, one<br/> 20 of whom was Mr. Franz, and he also talked to<br/> 21 the New York employees and the Cincinnati and<br/> 22 New York clerks. He told them you can't go to<br/> 23 Detroit. We won't give you a job there and<br/> 24 even if you are senior enough to get a job<br/> 25 there, we are not going to give it to you.</p>                                                     | <p style="text-align: right;">Page 20</p> <p>1 answers and has not alleged any affirm -- it<br/> 2 did not originally allege any affirmative<br/> 3 defenses, and it has never today alleged any<br/> 4 affirmative defenses, and such defenses 40<br/> 5 years hence are thus waived.<br/> 6 Chronologically, what happened<br/> 7 after the answers? The ICC in '74 ruled<br/> 8 definitively that all employees of subsidiaries<br/> 9 were covered under the Merger Protective<br/> 10 Agreement. Even after that ruling and, in<br/> 11 fact, in defiance of that ruling, the railroad<br/> 12 held fast to its position that these Claimants<br/> 13 were still not covered just because they were<br/> 14 CUT employees. No other defense having been<br/> 15 asserted. If you look at the testimony of<br/> 16 George Ellert in 1990 he says -- and also in<br/> 17 '76 when Judge Lambros had the trial, he said<br/> 18 that's the railroad's position today as it was<br/> 19 then. They were not covered. They were never<br/> 20 intended to be covered. The Merger Protective<br/> 21 Agreement was not intended for them. This was<br/> 22 after the ICC ruled that it did cover them.<br/> 23 So in 1976 Lambros conducted a<br/> 24 trial. After Claimants' testimony, he<br/> 25 determined that all the Claimants were covered</p>  |

5 (Pages 17 to 20)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 21</p> <p>1 by the Merger Protective Agreement because not<br/>2 only were they at that point New York Central<br/>3 employees, but they had always been New York<br/>4 Central employees and always should have been<br/>5 considered New York Central employees covered<br/>6 by the Merger Protective Agreement.<br/>7 In 1979 Judge Lambros consolidated<br/>8 the cases and sent them to arbitration,<br/>9 ironically for the sake of expediency 30 years<br/>10 ago. In 1980 the PCC, the successor to the<br/>11 PCTC entered into an arbitration agreement<br/>12 pursuant to the terms of the 1979 order. In<br/>13 1994 an arbitration Panel issued a decision.<br/>14 The Surface Transportation Board<br/>15 heard the appeal of that decision. It sat as<br/>16 an appellate tribunal which gave direction as<br/>17 to how subsequent proceedings on remand should<br/>18 be conducted. The STB found -- STB is the<br/>19 successor entity to the ICC. And it found that<br/>20 the prior arbitration panel had erred<br/>21 egregiously and failed to observe the imposed<br/>22 labor conditions in denying benefits to the<br/>23 Claimants who reported for work. And it says<br/>24 who these were and this is the ten Claimants<br/>25 who are before this board, this Panel.</p> | <p style="text-align: right;">Page 23</p> <p>1 What are damages of these<br/>2 Claimants? The damages, other than loss of<br/>3 life, the damages -- the Claimants have asked<br/>4 Economist Harvey Rosen to evaluate their<br/>5 damages. The benefits owed are based on base<br/>6 period earnings for each group and are derived<br/>7 differently.<br/>8 For the Knapik Claimants, the base<br/>9 period guarantees were produced by the railroad<br/>10 in the prior arbitration. They were submitted<br/>11 by the railroad as the appropriate guarantee<br/>12 figures. These figures mirror the guarantee<br/>13 figures produced in those selected personnel<br/>14 files, selected portions of personnel files,<br/>15 they're exactly -- if you compare the list in<br/>16 your exhibit, which was the letter from O'Neill<br/>17 to Blackwell, I don't know the Exhibit number,<br/>18 and the chart that's attached to it with the<br/>19 personnel files which, what the railroad calls,<br/>20 in the personnel files the guarantees are the<br/>21 same. That's where they came from.<br/>22 Dr. Rosen took those guarantees and<br/>23 pursuant to Appendix E of the MPA, adjusted<br/>24 them for subsequent general wage increases<br/>25 based on union records. I indicated which</p> |
| <p style="text-align: right;">Page 22</p> <p>1 The STB also said it is not clear<br/>2 what else the Claimants could have submitted<br/>3 and we have submitted the entire 1990 record to<br/>4 show you the record on which they made that<br/>5 ruling. It's not clear what else Claimants<br/>6 could have submitted to satisfy that Panel that<br/>7 they suffered losses as a result of the merger.<br/>8 A summary denial of benefits is completely<br/>9 unjustified and constituted egregious error.<br/>10 That board, the Surface Transportation Board<br/>11 began to frame the issues on remand in saying<br/>12 they summarily denied benefits to Claimants who<br/>13 reported was unfair and on remand, that<br/>14 unfairness must be corrected.<br/>15 We are here ten years later to<br/>16 actually hear that remand because the railroad,<br/>17 in that intervening ten years, has refused to<br/>18 participate in any arbitration proceedings<br/>19 until it was ordered, kicking and screaming, by<br/>20 Judge Oliver to come in 2005 and again in 2006.<br/>21 Now almost all the Claimants have<br/>22 died. We have preserved testimony. We have a<br/>23 few that are here and we have the records, but<br/>24 clearly it has caused damage to the Claimants'<br/>25 case, those kinds of delays.</p>        | <p style="text-align: right;">Page 24</p> <p>1 unions each of the employees were members of<br/>2 because you had to get the general wage<br/>3 increases from those unions. It was distinct<br/>4 for every union. So if you look in Dr. Rosen's<br/>5 individual reports, those charts that came from<br/>6 the unions create the increases in general<br/>7 wages, which are sort of the cost of living<br/>8 increase, which are part of Appendix E.<br/>9 For Sophner Claimants, the base<br/>10 period had to be determined by the Railroad<br/>11 Retirement Board records and again, increased<br/>12 by the subsequent general wage increases, which<br/>13 were part of their union, which is a separate<br/>14 union and is also included in Dr. Rosen's<br/>15 individual reports.<br/>16 For the Watjen and Bundy Claimants,<br/>17 Sections 9 of Appendix A of the MCA was used to<br/>18 calculate their damages on their separation<br/>19 allowances. There is a formula in there to<br/>20 determine all of the Bundy/Washington Claimants<br/>21 were -- had been in service over ten years, so<br/>22 they got the maximum allowable under that<br/>23 formula, ten or 15. But all of them achieved<br/>24 the maximum amount because they had been in<br/>25 service that long.</p>    |

6 (Pages 21 to 24)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 25</p> <p>1           So before this Panel, full<br/>2 compensation must include the calculations I<br/>3 described and also a calculation of interest<br/>4 because of the extreme delay in the Claimants'<br/>5 ability to have use of the funds and,<br/>6 conversely, the successor entities use of these<br/>7 funds.<br/>8           This Panel must also consider<br/>9 punitive damages for the railroad's refusal to<br/>10 abide, first, by the '79 order to go to<br/>11 arbitration, second, by the 1980 arbitration<br/>12 agreement, which it signed, which its successor<br/>13 entity signed, next, by the 1998 STB remand,<br/>14 and finally, by the delay in executing Judge<br/>15 Oliver's orders.<br/>16           A full measure of compensation also<br/>17 must include an award of the cost of litigation<br/>18 and the attorney fees.<br/>19           So there are four elements of<br/>20 damage which we will ask the Panel to award<br/>21 compensation to the Claimants, cost of the<br/>22 litigation, attorney fees and punitive damages.<br/>23           Now, we turn to defenses alleged by<br/>24 the company. What are the defenses? Again,<br/>25 with respect to Knapik and Sophner, these are</p>                                         | <p style="text-align: right;">Page 27</p> <p>1 whatsoever. It's not part of the<br/>2 determination. Even if the causation's<br/>3 requirement were to exist, the holding of the<br/>4 STB dispenses with a causation requirement. If<br/>5 you look at the section of the opinion<br/>6 regarding causation, the STB says any causation<br/>7 is proven.<br/>8           The railroad's next defense is<br/>9 failure to return to work. In its trial brief<br/>10 in bolded letters, the Defendant stated<br/>11 "Claimants failed to return to work." However,<br/>12 if you look at the Defendant's own documents,<br/>13 it belies their position. Look at the accepted<br/>14 recall. Accepted recall indicates that each<br/>15 returned to work. These things indicate they<br/>16 returned to work.<br/>17           First, the Railroad Retirement<br/>18 Board records, if they didn't return to work,<br/>19 they wouldn't have been compensated service and<br/>20 it wouldn't be reported on the Railroad<br/>21 Retirement Board records.<br/>22           Second, their own trial exhibits,<br/>23 Exhibits 18 through 27 show that the people<br/>24 accepted recall. The Surface Transportation<br/>25 Board findings show that they accepted recall.</p>                                                                                                 |
| <p style="text-align: right;">Page 26</p> <p>1 all late irrationalizations for what went on<br/>2 with the benefits because they were CUT.<br/>3           Defendants submit that there is a<br/>4 causation requirement. If you look at the<br/>5 plain language of the MPA, that requirement is<br/>6 eliminated. The ICC's decision approving the<br/>7 merger confirmed the lack of a causation<br/>8 requirement. And I quote, "the NPA ensures<br/>9 protection from adverse effects not causally<br/>10 connected with the merger." That's from their<br/>11 decision, their original decision in 1966,<br/>12 approving the merger. And that's something the<br/>13 carrier agreed to.<br/>14           Look at the railroad's own<br/>15 guarantee for wage guarantee forms based on<br/>16 which it paid millions of dollars in<br/>17 displacement benefits. If you look at the<br/>18 forms, and I have only used a few of the forms<br/>19 in my packet, but as indicated in discovery,<br/>20 the railroad produced between 15 and 20<br/>21 banker's boxes worth of wage guarantee forms.<br/>22 They were not from this geographic area, but<br/>23 they were from Indianapolis, Columbus, other<br/>24 areas and on none of those wage guarantee forms<br/>25 is there any indication of causation</p> | <p style="text-align: right;">Page 28</p> <p>1 That should not be an issue. Prior arbitration<br/>2 testimony showed that they accepted recall.<br/>3 Look at Raymond Beedlow, who is not a Claimant<br/>4 in this part of the case, but he showed people<br/>5 tried to return to work and what happened to<br/>6 them; they couldn't get jobs. There were<br/>7 either not existent jobs or extra board jobs,<br/>8 which are vacation relief or sick relief jobs<br/>9 when somebody else is sick or on vacation.<br/>10 Their own time cards show that they returned to<br/>11 work and where they returned to work. And you<br/>12 will have witness testimony here showing that<br/>13 people returned to work.<br/>14           The recall notices, with the<br/>15 exception, I believe, of Norris and Uher in the<br/>16 Knapik group who returned to work because they<br/>17 were the oldest guys, I think that their --<br/>18 Norris I think started work in 1929 and Uher<br/>19 started around that time. And they were called<br/>20 back in 1968 because they were the oldest. But<br/>21 even if you look at theirs, you can't look at<br/>22 their '68 and '69 earnings, they are working<br/>23 and they can't make enough money. They can't<br/>24 make their guarantee. But the others were<br/>25 called back in '69 and until then the railroad</p> |

7 (Pages 25 to 28)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 29</p> <p>1 itself considered them on furlough. If you<br/>2 look at a document attached to our reply brief,<br/>3 the railroad itself says that they are on<br/>4 furlough and that's their position, and they<br/>5 continued to be on furlough until the '69<br/>6 recall notices.<br/>7 It's not coincidental that they<br/>8 were called back in '69. The reason that they<br/>9 were called back in '69 is because there was an<br/>10 agreement which was executed in 1969 as part of<br/>11 their package. That agreement, there was<br/>12 clearly an inequity. None of these CUT guys<br/>13 could get work because their seniority was so<br/>14 low. So there was an agreement made that they<br/>15 would get -- they would be issued 2.5 percent<br/>16 of the jobs. At 2.5 percent of the jobs, if<br/>17 you look at Beedlow's testimony, translates to<br/>18 about nine jobs. Still not enough.<br/>19 But the significance of that<br/>20 agreement is number one, in paragraph 4 of the<br/>21 1969 agreement, paragraph 4 aggregates the Top<br/>22 and Bottom Agreement. It says by plain<br/>23 language, we aggregate all prior agreements.<br/>24 This '65 Top and Bottom Agreement that they are<br/>25 talking about, it's gone after the 1969</p> | <p style="text-align: right;">Page 31</p> <p>1 recall. That's what it says. Because they<br/>2 didn't accept recall. These Claimants accepted<br/>3 recall. The facts are different in Augustus.<br/>4 And they accepted recall based on the recall<br/>5 notices that they got.<br/>6 Finally, the railroad will argue<br/>7 that because it destroyed records, Claimants<br/>8 cannot make their burden of proof. In the<br/>9 carman's agreement actually, the burden of<br/>10 proof shifts to the carrier, but as regards to<br/>11 the burden of proof, they are going to make the<br/>12 argument that we can't make our burden of proof<br/>13 because they destroyed documents. If every<br/>14 defendant could just destroy documents, you<br/>15 could always defeat the plaintiff so that they<br/>16 couldn't fulfill their burden of proof.<br/>17 Plaintiffs have already been<br/>18 damaged by the loss of time which created the<br/>19 loss of life in this case. They should not be<br/>20 damaged -- or nothing should be held against<br/>21 them because of the loss of documents, which<br/>22 Defendants had a duty to keep. They were on<br/>23 notice. They were on notice in 1969 before the<br/>24 bankruptcy. They knew about these cases. They<br/>25 should have kept those records. If you look at</p> |
| <p style="text-align: right;">Page 30</p> <p>1 agreement. It's gone. It doesn't exist. So<br/>2 that is a red herring defense here. It has no<br/>3 application. George Ellert who is the<br/>4 railroad's own witness at prior arbitration,<br/>5 whose testimony is in your packet, said the Top<br/>6 and Bottom Agreement had nothing to do with the<br/>7 merger.<br/>8 The railroad's next defense is that<br/>9 the Claimants failed to exercise their<br/>10 seniority. Again, you need only to look at the<br/>11 earnings of Norris and Uher that did exercise,<br/>12 that everybody says that they exercised, the<br/>13 records show that they exercised, they couldn't<br/>14 make their guarantee. But did they pay them<br/>15 their guarantee? No. Mr. Gallagher's<br/>16 experience was the same. He couldn't get work<br/>17 with the seniority that he had. He couldn't<br/>18 get regular work.<br/>19 The railroad may argue that the<br/>20 Augustus case applies. First of all, the<br/>21 Claimants in Augustus are not here. Those<br/>22 cases have a fundamental different fact<br/>23 pattern. And those cases -- if you actually<br/>24 look at the time cards of the people who didn't<br/>25 go back to work, they say did not accept</p>                                        | <p style="text-align: right;">Page 32</p> <p>1 the STB, the STB says the railroad was the<br/>2 repository for these records.<br/>3 Gentlemen, this is a case about<br/>4 real working people. Only a few of them are<br/>5 here but there are many who are interested in<br/>6 this case because they lived through it, who,<br/>7 after an unbelievable 38 years, just wanted to<br/>8 be heard. They want to be made whole for<br/>9 benefits that were promised them under the<br/>10 agreement. They were paid to thousands and<br/>11 thousands of other workers and not to them.<br/>12 That's what they and their families seek today<br/>13 from the Panel. Thank you.<br/>14 PANEL MEMBER LANSDOWNE: The<br/>15 records that are gone are the personnel records<br/>16 of the --<br/>17 MS. TRICARICHI: Personnel and<br/>18 earnings records.<br/>19 PANEL MEMBER LANSDOWNE: -- of each<br/>20 of the Claimants do not exist any longer?<br/>21 MS. TRICARICHI: Well, I can only<br/>22 tell you we have requested them in discovery<br/>23 and they have not been produced. There are<br/>24 synopsis records that they have given us, which<br/>25 are handwriting documents with no attribution.</p>                                                                                                                      |

8 (Pages 29 to 32)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 33</p> <p>1 I understand the rules of evidence doesn't<br/>2 apply. There is no attribution. They haven't<br/>3 given us any witness who can testify how any of<br/>4 these were prepared, even though we have tried<br/>5 to get that. So I guess you will have to<br/>6 inquire to the railroad as to their current<br/>7 whereabouts.</p> <p>8 CHAIRMAN STEINGLASS: At some point<br/>9 we will have to go over and identify exhibits<br/>10 that were not on the two exhibit lists and note<br/>11 them to at least give them numbers. I know<br/>12 there were exhibits attached to some of the<br/>13 earlier motions, and I have not gone back to<br/>14 look to see whether every exhibit provided to<br/>15 us prior to the final exhibit list is numbered<br/>16 in it. But I will ask all parties to go<br/>17 through those other exhibits and, if there are<br/>18 such exhibits that are presented, to add to<br/>19 them to their respective list.</p> <p>20 MS. TRICARICHI: I'm sorry about<br/>21 that. I didn't want to presumptively add<br/>22 numbers before we were all together.</p> <p>23 CHAIRMAN STEINGLASS: I understand<br/>24 but in both cases, we can add the numbers at<br/>25 the end just to have a supplemental list.</p> | <p style="text-align: right;">Page 35</p> <p>1 CHAIRMAN STEINGLASS: This issue<br/>2 has come up many times and it's well decided in<br/>3 multiple plaintiff cases, mass tort cases and<br/>4 it really -- this rule is articulated in the<br/>5 asbestos cases. Many times plaintiff witnesses<br/>6 will testify in those cases and will listen to<br/>7 the testimony of coworkers and obviously shape<br/>8 their testimony to conform and be consistent.<br/>9 And even though they are parties to the case,<br/>10 the courts regularly exclude them to reinforce<br/>11 the value of cross-examination and the<br/>12 integrity of the process so that witnesses<br/>13 don't hear each other's testimony.</p> <p>14 So while it is true that, as a<br/>15 general rule, that you don't exclude parties,<br/>16 in these multiple party cases courts do that<br/>17 regularly. I will submit to you that it's<br/>18 error not to do that.</p> <p>19 MR. HART: Can I be heard, Your<br/>20 Honor?</p> <p>21 CHAIRMAN STEINGLASS: Sure.<br/>22 MR. HART: Section 50 from<br/>23 McCormick on evidence states that not all<br/>24 witnesses may be excluded and separated.<br/>25 Neither case law nor Rule 615 authorizes</p> |
| <p style="text-align: right;">Page 34</p> <p>1 Mr. Cioffi?</p> <p>2 MR. M. L. CIOFFI: Can we take<br/>3 about a five-minute break to get set up?</p> <p>4 CHAIRMAN STEINGLASS: That would be<br/>5 fine.</p> <p>6 (Recess taken.)</p> <p>7 CHAIRMAN STEINGLASS: While we were<br/>8 off the record, we brought the chair for the<br/>9 witnesses testimony down a little lower in the<br/>10 hope that it will work a little better. If the<br/>11 court reporter is having trouble picking up the<br/>12 testimony without the microphone, we will have<br/>13 to re-examine that.</p> <p>14 There was a request made off the<br/>15 record, and I will put it on the record now,<br/>16 that the witnesses be excluded from the<br/>17 testimony until after they have testified. I<br/>18 have not conferred with the other arbitrators<br/>19 and we are not inclined to exclude party<br/>20 witnesses from these proceedings. Nonparty<br/>21 witnesses should not be present and hear other<br/>22 testimony.</p> <p>23 MR. M. L. CIOFFI: Professor<br/>24 Steinglass, could I be heard on the party<br/>25 witness ruling?</p>                                                                                                                                                          | <p style="text-align: right;">Page 36</p> <p>1 exclusion to a party who is a natural person.<br/>2 It goes on to state that it is not error to<br/>3 allow them to be in the room. Thank you.</p> <p>4 MR. M. L. CIOFFI: Well, that's<br/>5 exactly what I said. That's hornbook law.<br/>6 It's the general rule that you don't exclude<br/>7 parties. There's a lot of problem in mass tort<br/>8 litigation in which courts were presented with<br/>9 this issue and in that specific circumstance<br/>10 where there were multiple plaintiffs<br/>11 testifying, one after another, who are parties,<br/>12 they've excluded those. And if you give me --<br/>13 I didn't know this issue was going to come up,<br/>14 obviously, but I'll cite the three cases<br/>15 immediately where that general hornbook law,<br/>16 there is an exception to it and I have<br/>17 articulated it.</p> <p>18 CHAIRMAN STEINGLASS: The<br/>19 arbitrators will confer on that after your<br/>20 statement.</p> <p>21 Do you have an opening statement?<br/>22 MR. M. L. CIOFFI: Are the monitors<br/>23 working up there?</p> <p>24 CHAIRMAN STEINGLASS: Yes.<br/>25 PANEL MEMBER LANSLOWNE: Yes.</p>                                       |

9 (Pages 33 to 36)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 37</p> <p>1 MR. M. L. CIOFFI: I thought a good<br/>2 place to begin is who is bringing these claims.<br/>3 There are 32 Claimants. They fall into these<br/>4 four categories: Knapik, Sophner, Watjen and<br/>5 Bundy. But each Claimant, even though they are<br/>6 in these categories and there are some common<br/>7 characteristics, each Claimant has a burden of<br/>8 proof and each Claimant must prove his or her<br/>9 entitlement to benefits under the MPA. And<br/>10 it's the law of the case that this is the<br/>11 burden of proof.<br/>12 And it really goes back starting<br/>13 with Judge Lambros in his 1976 opinion. And<br/>14 I'll tell you something right at the beginning.<br/>15 It is the decisions of courts that are binding<br/>16 on this. What somebody from the ICC says about<br/>17 the contract, which is rank parol evidence and<br/>18 rank hearsay, what some officer of Penn Central<br/>19 said about the agreement is hearsay taken out<br/>20 of context, rank parol evidence. But what the<br/>21 courts have said, who have looked at this<br/>22 contract, the MPA, and have interpreted it, are<br/>23 binding on this Panel. And it's clear. Going<br/>24 back to Judge Lambros, after he ruled on the<br/>25 applicability of the MPA, he ruled that the</p> | <p style="text-align: right;">Page 39</p> <p>1 parties and not be swayed by pressure. The<br/>2 Plaintiffs' case is one of intense pressure.<br/>3 You heard it from Ms. Tricarichi. I was moved<br/>4 by it and I'm sure you were. We have these<br/>5 workers struggling for years. My dad was a<br/>6 worker. Never went to high school. All right.<br/>7 That tugs at my heartstrings as well. These<br/>8 workers struggling against this railroad that<br/>9 just wanted to beat them down and impress them<br/>10 and delay and delay and delay. That's the best<br/>11 their case gets.<br/>12 And I put this up here so that you<br/>13 are prepared to be fair, to stand up to that<br/>14 kind of pressure. What that means is that you<br/>15 really have to discard the Claimants' hyperbole<br/>16 about consensual delay tactics. The delay in<br/>17 this case and the endless protracted<br/>18 litigation, now going on for 40 years, was<br/>19 caused by the Plaintiffs.<br/>20 Let me give you a couple of<br/>21 examples. After Augustus was decided, the case<br/>22 went back down to the Surface Transportation<br/>23 Board and the arbitration had to be<br/>24 reinstituted. It was Judge Lambros, who now is<br/>25 off the bench, his original order was what this</p> |
| <p style="text-align: right;">Page 38</p> <p>1 Plaintiffs must now come forward with evidence<br/>2 to support their position that there was<br/>3 compensation loss to which they are entitled to<br/>4 payment. They have to come forward and do<br/>5 that. That's their burden.<br/>6 The Sixth Circuit in 2000 said the<br/>7 district court further ordered the parties to<br/>8 submit to arbitration on the question of<br/>9 whether the Claimants had sufficiently complied<br/>10 with the MPA requirements in order to warrant<br/>11 an award benefit. The Sixth Circuit authority,<br/>12 binding on this Panel, and must be followed.<br/>13 What are these requirements? There<br/>14 are really three. And each Claimant must<br/>15 satisfy all three requirements to be entitled<br/>16 to any compensation. Report to work, number<br/>17 one, and number two, exercise seniority rights<br/>18 and number three, prove compensation loss.<br/>19 It's their burden, not the burden of the<br/>20 railroad, not the burden of the railroad to<br/>21 keep the record so they could prove these; it's<br/>22 their burden.<br/>23 It's the burden on the Panel, too.<br/>24 I don't put this up here to insult you or to<br/>25 patronize you. Your duty is to be fair to all</p>                                                  | <p style="text-align: right;">Page 40</p> <p>1 Panel, the Blackwell Panel should do. Ms.<br/>2 Tricarichi wrote letters to Penn Central's<br/>3 lawyers. Penn Central's lawyers wrote back and<br/>4 said yeah, let's reconvene the Blackwell Panel.<br/>5 Didn't want the Blackwell Panel. Wanted a new<br/>6 Panel. Why? Because Blackwell Panel ruled<br/>7 against them. You get this prior ruling, and<br/>8 they are running away from rulings. This is<br/>9 the whole history of this litigation.<br/>10 Second point, and Ms. Tricarichi<br/>11 touched on this in her opening statement.<br/>12 Somehow there are supposed to be punitive<br/>13 damages, but no case law, and interest in all<br/>14 of that because of something that the railroad<br/>15 did in terms of stonewalling.<br/>16 Let me give you a really good<br/>17 example. The Claimants have stonewalled at the<br/>18 beginning of this arbitration. When this whole<br/>19 idea began in front of Judge Oliver, we said<br/>20 let's have one arbitration Panel. Do all the<br/>21 claims, get it over with with one arbitration<br/>22 panel. We want to go with one neutral<br/>23 arbitration panel.<br/>24 Ms. Tricarichi insisted no, there<br/>25 has to be four panels. Because we all have</p>               |

10 (Pages 37 to 40)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 41</p> <p>1 these four different categories of Claimants,<br/> 2 there have to be four panels, four neutral<br/> 3 arbitrators.<br/> 4 We went to Judge Oliver and Judge<br/> 5 Oliver said this doesn't make any sense;<br/> 6 nevertheless, he agreed with them, said there<br/> 7 have to be four panels.<br/> 8 We said okay. Let's have four<br/> 9 panels. We appointed four neutral arbitrators.<br/> 10 I think some of you might have been involved in<br/> 11 those appointments. We get ready to start<br/> 12 discovery of the four panels.<br/> 13 Ms. Tricarichi calls up and says<br/> 14 you know what, nevermind. We fought you about<br/> 15 that for a couple of years. Nevermind. Let's<br/> 16 just do one Panel.<br/> 17 We said okay. Let's just go and do<br/> 18 one panel and get it over the with.<br/> 19 The delay -- if this Panel really<br/> 20 seriously wants to entertain some sort of<br/> 21 punitive or interest because of delay, you<br/> 22 really have to have a damages hearing in which<br/> 23 we will demonstrate to you, year by year, the<br/> 24 delay caused by the Claimants, not by the<br/> 25 railroad. It's not something you just do by</p>                                                                                   | <p style="text-align: right;">Page 43</p> <p>1 It negotiated the Top and Bottom Agreement,<br/> 2 whereby terminal employees, who were going to<br/> 3 suffer job loss because of the decline, could<br/> 4 seek jobs in the New York Central freight yard.<br/> 5 Freight yard, different location, different<br/> 6 work. Freight yard is outside. It's cold.<br/> 7 It's nasty work; terminal, beautiful historic<br/> 8 building, nice work. But the union,<br/> 9 nevertheless to preserve jobs, negotiated an<br/> 10 agreement. So the union and the railroad<br/> 11 together in the mid '60s enter into this<br/> 12 agreement that the MPA is not going to apply to<br/> 13 the CUT employees because the CUT employees can<br/> 14 seek work in the freight yard. Okay.<br/> 15 Now, the Claimants hate the freight<br/> 16 yard. All right. Claimants hate the freight<br/> 17 yard and in their view, Hobbes' description of<br/> 18 life that it's nasty, short and brutish<br/> 19 describe; paradise compared to the freight<br/> 20 yards. They didn't want to work in the freight<br/> 21 yards. Hated the freight yard.<br/> 22 So these Claimants get counsel, Ms.<br/> 23 Tricarichi's father, and Mr. Goldfarb, I think<br/> 24 will be here at some point, and they sued the<br/> 25 union. They sued the union and Penn Central</p> |
| <p style="text-align: right;">Page 42</p> <p>1 the seat of your pants.<br/> 2 Let's look at the other wild<br/> 3 allegations running behind this whole case and<br/> 4 when I explain this to you, I think a lot of<br/> 5 this case is going to become clear. And that<br/> 6 is there are these wild accusations of bad<br/> 7 faith on the part of the railroad. Ms.<br/> 8 Tricarichi spent a lot of time in her opening<br/> 9 remarks and she spent a lot of time in her<br/> 10 papers talking about this bad faith.<br/> 11 It all goes back to what she said a<br/> 12 decision the railroad made, in about 1965, that<br/> 13 the CUT employees were not covered by the MPA.<br/> 14 The MPA was entered into. The railroad said<br/> 15 the CUT is a subsidiary, the MPA wasn't meant<br/> 16 to cover subsidiaries. Absolutely happened.<br/> 17 Absolutely true. At the same time in -- and<br/> 18 the reason the railroad said that and it did so<br/> 19 with the union's blessing.<br/> 20 At the same time in 1965 the union<br/> 21 negotiated the Top and Bottom Agreement. The<br/> 22 union negotiated the Top and Bottom Agreement<br/> 23 because of the decline in rail traffic,<br/> 24 ironically enough, in the CUT, which was a<br/> 25 terminal passenger station, beautiful station.</p> | <p style="text-align: right;">Page 44</p> <p>1 together and say gee, these guys conspired;<br/> 2 they acted in bad faith. We don't want to work<br/> 3 in the freight yard. We want the MPA to apply<br/> 4 to it. Brought this big lawsuit in front of<br/> 5 Judge Lambros, alleging, of course, and this is<br/> 6 the beginning of all the bad faith language,<br/> 7 that they acted in bad faith. And they asked<br/> 8 for, guess what? Punitive damages. This goes<br/> 9 all the way back. All the way back. All<br/> 10 right.<br/> 11 Judge Lambros decided this issue of<br/> 12 punitive damages back then. What did he<br/> 13 decide? And this really is something the<br/> 14 Claimants have never been able to accept. The<br/> 15 Plaintiffs have not sustained the burden of<br/> 16 proof in presenting the quest regarding the<br/> 17 matter of conspiracy and bad faith.<br/> 18 Judge Lambros, in that opinion, you<br/> 19 can see it there in the bullet at the end, in<br/> 20 that opinion furthermore said hey, you got to<br/> 21 go take the job on the freight yard. All<br/> 22 right. The freight yard was not some reduction<br/> 23 of seniority or some stealing away of seniority<br/> 24 rights. You have to go work on the freight<br/> 25 yard. And this is something these Claimants</p>                         |

11 (Pages 41 to 44)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 45</p> <p>1 never ever wanted to do because it's a<br/>2 Hobbesian world out there. They hate the<br/>3 freight yard.<br/>4 That's going to be very important<br/>5 when we look at the Augustus decision. Sixth<br/>6 Circuit agreed. The Panel properly rejected<br/>7 petitioners' argument that carrier<br/>8 anticipatorily breached its contractual<br/>9 obligation under the MPA. Now, this<br/>10 anticipatory breach argument, which you see<br/>11 throughout their papers in -- before this<br/>12 Panel, is exactly the same argument that was<br/>13 presented to the Sixth Circuit and rejected.<br/>14 I'm going to talk more about the anticipatory<br/>15 breach argument in a minute. In its essence,<br/>16 this argument is the cause -- the railroad<br/>17 together with the union said the MPA doesn't<br/>18 apply to the New York -- to the CUT employees<br/>19 because they can seek work on the New York<br/>20 Central freight yard.<br/>21 Because Penn Central took that<br/>22 position, the Claimants did not have to report<br/>23 to work and mark up in freight yard. All<br/>24 right. Freight yard is a different world.<br/>25 They didn't have to do that because they should</p>                                                                                       | <p style="text-align: right;">Page 47</p> <p>1 better. What happened? They were losing a<br/>2 million dollars a day after the merger. So not<br/>3 a great idea.<br/>4 And shortly, less than two years --<br/>5 about two years after the merger, they filed<br/>6 bankruptcy. This new merged entity filed a<br/>7 bankruptcy petition, which is the PTC<br/>8 bankruptcy. At the time, it was the largest<br/>9 bankruptcy in history. It's been eclipsed,<br/>10 unfortunately, by some others but at the time<br/>11 the largest bankruptcy in history.<br/>12 The presiding judge, because this<br/>13 was under the Bankruptcy Act of 1988 -- or 1898<br/>14 I'm sorry, was the presiding judge of the<br/>15 Eastern District of Pennsylvania, Judge John<br/>16 Fullam, who is still sitting as the judge of<br/>17 the reorganization board. In fact, you know<br/>18 these petitions we were filing were with Judge<br/>19 Fullam. No one knows more about this,<br/>20 obviously, than he does.<br/>21 During the reorganization, as I<br/>22 told you, the reorganization didn't cure the<br/>23 economic problems. The railroad still,<br/>24 throughout the early years of the organization,<br/>25 still losing a million dollars a day. What</p> |
| <p style="text-align: right;">Page 46</p> <p>1 have been covered by the MPA. To state it<br/>2 differently, the Claimants believed they can<br/>3 just sit at home or pursue other work or do<br/>4 whatever they wanted, get benefits from the MPA<br/>5 and not go mark up and work in the freight<br/>6 yard. It's not what Judge Lambros thought, not<br/>7 what Augustus thought, not what the Sixth<br/>8 Circuit thought. We will get back to that in<br/>9 minute when we look at Augustus.<br/>10 Let's talk for a minute about these<br/>11 preliminary matters about Penn Central. There<br/>12 has been a lot of discussions. You've seen<br/>13 papers filed in the Eastern District of<br/>14 Pennsylvania. Let me try and clarify a little<br/>15 of that. The Penn Central transportation<br/>16 company was the company created by the merger,<br/>17 this merger that the MPA does apply to. It was<br/>18 created by a merger of the Pennsylvania<br/>19 Railroad and the New York Central Railroad in<br/>20 1968. At the time, they became the largest<br/>21 transportation company in the world. And now<br/>22 there is a little flawed economic logic behind<br/>23 the merger in that they were both losing about<br/>24 a half a million dollars a day. So they<br/>25 thought, by combining, somehow that would get</p> | <p style="text-align: right;">Page 48</p> <p>1 happened is the creditors are saying, and Judge<br/>2 Fullam, in response to the creditors, the<br/>3 creditors are saying we can't continue being<br/>4 out here as creditors when you are losing a<br/>5 million dollars a day. We need to liquidate<br/>6 the rails.<br/>7 Congress, at the time, says we<br/>8 can't liquidate the rails. This is ridiculous.<br/>9 The whole eastern economy will fall apart. So<br/>10 congress's solution in the early '70s was to<br/>11 create Conrail and Amtrak to operate the now<br/>12 defunct or bankrupt railroads.<br/>13 So in 1976 pursuant to something<br/>14 called the Regional Rail Reorganization Act,<br/>15 and we will give you the act and you can see<br/>16 this for yourself, conveyed, they appropriated<br/>17 all of the operating railway offsets of PCTC<br/>18 and conveyed them to Conrail and Amtrak.<br/>19 Conrail, of course, being the freight part, the<br/>20 freight division; Amtrak being the passenger<br/>21 side.<br/>22 So interestingly enough, in 1976<br/>23 all of the CUT employees become employees of<br/>24 Amtrak. Penn Central is out of the picture, by<br/>25 the way. Penn Central, as of that conveyance,</p>    |

12 (Pages 45 to 48)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 49</p> <p>1 is no longer an operating railroad.</p> <p>2 So here we are more than 30 years</p> <p>3 later, Claimants pursuing and making all these</p> <p>4 allegations about spoilage of evidence, et</p> <p>5 cetera, against a company that has been out of</p> <p>6 business for more than 30 years.</p> <p>7 And let me digress a little bit on</p> <p>8 the spoliation issue. They did, in fact,</p> <p>9 request all these documents and you know what</p> <p>10 we told them is? We said pursuant to</p> <p>11 congressional act, the Regional Rail</p> <p>12 Reorganization Act, all these documents were</p> <p>13 conveyed to Amtrak and Conrail. We don't have</p> <p>14 them. There is a smattering of documents here</p> <p>15 and there, but all these documents -- why was</p> <p>16 that? Because all the employees went there.</p> <p>17 PCTC, after 1976, has no rail assets, has no</p> <p>18 rail employees, has nothing to do with the CUT.</p> <p>19 Never once did they serve subpoena</p> <p>20 pursuant to Civil Rule 45 to get these records</p> <p>21 from Amtrak or Conrail or find them in any</p> <p>22 fashion. That totally undermines any sort of</p> <p>23 spoliation argument. The records were never</p> <p>24 destroyed. They were sent to Conrail and</p> <p>25 Amtrak. They never tried to get them, but they</p>                                            | <p style="text-align: right;">Page 51</p> <p>1 No interest. All right. Nothing like</p> <p>2 attorneys fees, et cetera. So all this</p> <p>3 discussion about interest you hear about is</p> <p>4 mute. Not even before this Panel.</p> <p>5 As I represent to you in my e-mail,</p> <p>6 we had a telephone hearing on December 28 with</p> <p>7 Judge Fullam, and he clearly said in that</p> <p>8 hearing you can't have interest on these</p> <p>9 claims.</p> <p>10 Now, Ms. Tricarichi wrote you an</p> <p>11 e-mail and said the judge didn't really say</p> <p>12 that, speaks through his order. So we filed a</p> <p>13 second motion, which is pending in front of the</p> <p>14 court, to say gee, why don't you clarify that</p> <p>15 because Tricarichi heard one thing Cioffi heard</p> <p>16 something else. So we expect the judge to do</p> <p>17 that and really has to do that, otherwise these</p> <p>18 Claimants get to leap in front of these long</p> <p>19 ago settled claims, thousands and thousands of</p> <p>20 thousands of claimants.</p> <p>21 So when you look at the equity,</p> <p>22 this is what this is all about. It goes back</p> <p>23 to an attempt in the mid '70s to get punitive</p> <p>24 damages from the union and from Penn Central</p> <p>25 because they didn't want to go work in the New</p>                                   |
| <p style="text-align: right;">Page 50</p> <p>1 want to come in here and argue some sort of</p> <p>2 burden shifting. That these records were</p> <p>3 destroyed is not true. The only thing that</p> <p>4 happened is Penn Central quit being a railroad</p> <p>5 by congressional order and the records went</p> <p>6 someplace else. That's no basis at all for</p> <p>7 some sort of burden shifting in response to a</p> <p>8 spoliation argument. Just cannot be sustained</p> <p>9 as a matter of fact and law.</p> <p>10 The bankruptcy ended in 1978 with</p> <p>11 a consummation order. The consummation order</p> <p>12 was very long because, as I said, at the time</p> <p>13 it was the largest bankruptcy. Thousands of</p> <p>14 creditors, thousands of claimants. As you can</p> <p>15 imagine, this is an operation that had 100,000</p> <p>16 employees at the time of the consummation. You</p> <p>17 had business relationships with virtually every</p> <p>18 business in the eastern part of United States.</p> <p>19 They were tens of thousands of claimants, tens</p> <p>20 of thousands of creditors and, like any other</p> <p>21 bankruptcy, what has to happen is you do</p> <p>22 something that's relatively fair for all the</p> <p>23 creditors. And that's what Judge Fullam tried</p> <p>24 to do and in doing so, Judge Fullam entered</p> <p>25 orders, which any bankruptcy judge would do.</p> | <p style="text-align: right;">Page 52</p> <p>1 York freight yard. And they thought it was</p> <p>2 terribly egregious and in bad faith for union</p> <p>3 and Penn Central to conspire to do that.</p> <p>4 That's what the complaints say.</p> <p>5 Judge Lambros said that's nonsense.</p> <p>6 The railroad took a reasonable position, the</p> <p>7 union took a reasonable position, there is no</p> <p>8 bad faith. Yeah. Okay. The Merger Protection</p> <p>9 Agreement applies, but there is no bad faith.</p> <p>10 So this case is really like the</p> <p>11 ground hog day of litigation. These same</p> <p>12 issues. This issue about an anticipatory</p> <p>13 repudiation has been raised based on the</p> <p>14 alleged repudiation of the MPA for more than 30</p> <p>15 years. All right. More than 30 years.</p> <p>16 You have heard a lot of talk and</p> <p>17 it's in your papers a little bit. Ms.</p> <p>18 Tricarichi -- you have got to enter some sort</p> <p>19 of award against, not just Penn Central, the</p> <p>20 only party sued in this case, you can't award</p> <p>21 it against anyone else. The only defendant in</p> <p>22 this case is the Penn Central Transportation</p> <p>23 Company. Never sued the reorganized company,</p> <p>24 never attempted to sue the reorganized company.</p> <p>25 And if they did, there is an antisuit</p> |

13 (Pages 49 to 52)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 53</p> <p>1 injunction that was issued as part of the<br/>2 consummation order that explicitly forbids it.<br/>3 So they would be in violation of<br/>4 the bankruptcy court's antisuit injunctions if<br/>5 they tried to sue the reorganized company.<br/>6 Judge Fullam, in the November 28 hearing, and<br/>7 I'm getting old and I don't hear so well, but I<br/>8 did hear him say, as he said over the last 30<br/>9 years, you can't sue the reorganized company<br/>10 unless I say you can. Yet we see in their<br/>11 papers three or four days later oh, go ahead<br/>12 and enter judgement against the reorganized<br/>13 company. That's inexcusable. You can't do<br/>14 that. There is an injunction against them.<br/>15 Claims in this case ought to be<br/>16 denied for at least four reasons and there are<br/>17 several reasons. First of all, the Sixth<br/>18 Circuit decision in Augustus precludes<br/>19 Plaintiffs from benefits under the MPA because<br/>20 they did not report to work as required.<br/>21 Sixth Circuit also considered<br/>22 rejected Claimants' ancillary arguments, like<br/>23 anticipatory breach. Again, anticipatory<br/>24 breach is related to Augustus and you hear it<br/>25 now as an excuse, and we will look at this in a</p> | <p style="text-align: right;">Page 55</p> <p>1 compensation, that's what caused it. And there<br/>2 is no evidence rebutting against it because you<br/>3 can't rebut it.<br/>4 Number three: Claimants precluded<br/>5 by failure to exercise their seniority rights.<br/>6 They had to exercise their seniority rights in<br/>7 the freight yard. Something they never wanted<br/>8 to do. In fact, they fought like hell from the<br/>9 mid '60s not to have to go out to the Hobbesian<br/>10 world of the freight yard.<br/>11 And number four: No evidence of<br/>12 compensation loss. I just showed you the quote<br/>13 from Judge Lambros in 1976 controls this case,<br/>14 controls this Panel, Claimants must now come<br/>15 forward. Now, you want the MPA, you got to<br/>16 live with the MPA. You got to come forward<br/>17 with evidence of compensation loss. So they<br/>18 fought to have the MPA and then said they don't<br/>19 want to live by the terms of the MPA.<br/>20 Let me digress for a minute and<br/>21 just show you just how egregiously wrong their<br/>22 position is. They put up this, all right. And<br/>23 they show you this and they say gee, none of<br/>24 the present employees should be deprived of<br/>25 employment or placed in a worse position.</p> |
| <p style="text-align: right;">Page 54</p> <p>1 minute, as an excuse for not reporting to the<br/>2 freight yard. We don't have to report to the<br/>3 freight yard. We hate the freight yard. We<br/>4 are not going to report to the freight yard<br/>5 because at one time in the mid '60s Penn<br/>6 Central said the MPA doesn't apply. Sixth<br/>7 Circuit rejected that. You have rejected it as<br/>8 well.<br/>9 Number two: Claimants' job is not<br/>10 affected by the merger but by a dramatic<br/>11 decline in passenger service. That's easy.<br/>12 That's how we got into this whole mess.<br/>13 Remember, back in the mid '60s, the union<br/>14 saying the passenger service is declining.<br/>15 This is no revelation. We had the rail systems<br/>16 decline because the highway systems are<br/>17 blossoming. The unions and the railroad got<br/>18 together and said gee, there is no more<br/>19 passenger traffic coming through the CUT. The<br/>20 trains go from 242,000 down to 40,000. It's<br/>21 just a fact of life.<br/>22 So they have this Top and Bottom<br/>23 Agreement, and it's just a fact that that's<br/>24 what happened and it's what caused, to the<br/>25 extent there was any impact on salaries and</p>                                                                     | <p style="text-align: right;">Page 56</p> <p>1 Now, you know from the papers we<br/>2 submitted to you, you know from reading the<br/>3 MPA, deprived of employment is a term of art.<br/>4 You can't be considered as deprived of<br/>5 employment -- I just so happen to have it, this<br/>6 is 1(b) "an employee shall not be regarded as<br/>7 deprived of employment or placed in a worse<br/>8 position with respect to his compensation<br/>9 rules, working conditions, fringe benefits or<br/>10 rights and privileges pertaining thereto in the<br/>11 case of resignation, death, retirement,<br/>12 dismissal for cause or in accordance with<br/>13 existing agreements or failure to work due to<br/>14 disability or discipline or failure to obtain a<br/>15 position available to him in the exercise of<br/>16 his seniority rights in accordance with<br/>17 existing rules or agreements."<br/>18 So they say oh, well, we can't<br/>19 deprive anyone of employment.<br/>20 That's not what the agreement says.<br/>21 The agreement says you have to obtain positions<br/>22 available to you in the exercise of seniority<br/>23 rights in accordance with existing rules or<br/>24 agreements. You know what one of these<br/>25 existing agreements was? The Top and Bottom</p>     |

14 (Pages 53 to 56)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 57</p> <p>1 Agreement. The Top and Bottom Agreement gave<br/>2 them rights in the freight yard. And they<br/>3 don't like the freight yard, so they never did<br/>4 that. So you are getting a steady diet and all<br/>5 the panels got a steady diet of parol evidence<br/>6 of rank hearsay and of half the agreements for<br/>7 30 years. And let's put a dent in that. We<br/>8 will put a dent in that.<br/>9 First reason the Claimants' got,<br/>10 Sixth Circuit decision in Augustus is<br/>11 controlling and dispositive. You're a panel<br/>12 appointed by a court in the Sixth Circuit. All<br/>13 right. You have to follow Sixth Circuit<br/>14 precedent and it really -- Augustus is more<br/>15 than a precedent. It's res judicata. These<br/>16 issues have been litigated and litigated all<br/>17 the way up to the Sixth Circuit, especially the<br/>18 issue about reporting for service. All right.<br/>19 And Plaintiffs are just trying to relitigate,<br/>20 going all the way back to the '60s and the fact<br/>21 they lost in front of Judge Lambros on their<br/>22 bad faith allegations with respect to<br/>23 repudiating the MPA.<br/>24 They want to relitigate that in<br/>25 front of you. You can't do that. I don't</p>                                           | <p style="text-align: right;">Page 59</p> <p>1 board, isn't it? They have to accept available<br/>2 work in order to qualify for benefits. And<br/>3 there was no exception to this requirement<br/>4 under the MPA. Sixth Circuit holding. There<br/>5 is no exception. Elimination of causation<br/>6 requirement, anticipatory breach, there are no<br/>7 exceptions. You have to follow them. There<br/>8 was no basis for finding that the arbitration<br/>9 decision failed to draw sense from the<br/>10 applicable label agreement that the petitioner<br/>11 requested.<br/>12 All right. Let's look at what<br/>13 failure to report in Augustus means. Okay. So<br/>14 here is what the Sixth Circuit said it means.<br/>15 On February 21, 1968, petitioners and other CUT<br/>16 employees were furloughed from their CUT jobs<br/>17 as part of the reduction in force on the CUT<br/>18 effective February 25, 1968. Now, sometimes<br/>19 you will see this referred to as the February<br/>20 25, 1968 notice. There is no difference. It's<br/>21 the same notice. The furlough notice told the<br/>22 CUT employees to immediately contact the New<br/>23 York Central yard master for work at the<br/>24 freight yard pursuant to the Top and Bottom<br/>25 Agreement. All right. Petitioners never</p> |
| <p style="text-align: right;">Page 58</p> <p>1 think you are going to allow them to do it.<br/>2 You all have extraordinary reputations within<br/>3 this circuit and around the country. I don't<br/>4 think you are going to not follow the Sixth<br/>5 Circuit. The Sixth Circuit sure as hell is not<br/>6 going to fail to follow the precedent. But the<br/>7 truth of the matter is, even if you wanted to<br/>8 rule in their favor, you can't because the<br/>9 Sixth Circuit has already decided these issues.<br/>10 Let's take a look at what the Sixth<br/>11 Circuit said. The arbitration panel's<br/>12 ruling -- this is the Blackwell Panel, of<br/>13 course. The arbitration panel's ruling: "The<br/>14 petitioners' failure to report to work<br/>15 precluded their recovery under the MPA was<br/>16 based" -- not looking at -- that petitioners'<br/>17 failure to report to work, not accept recall,<br/>18 but "report to work precluded the recovery<br/>19 under the MPA was based upon the express terms<br/>20 of the MPA. As the arbitration Panel observed,<br/>21 Section 1(b) of the MPA expressly requires<br/>22 covered employees to accept available work in<br/>23 order to qualify for the benefits."<br/>24 Just that section I read to you.<br/>25 Much different than Ms. Tricarichi's poster</p> | <p style="text-align: right;">Page 60</p> <p>1 reported for work at the New York Central<br/>2 freight yard and then were discharged without<br/>3 compensation after failing to respond to a<br/>4 final notice to report dated December 15, 1969.<br/>5 Now, at one paper or another they<br/>6 put a very bizarre interpretation on this,<br/>7 which is flat out wrong, and that is when the<br/>8 Sixth Circuit says in the second sentence<br/>9 "petitioners never reported for work at the New<br/>10 York Central Freight Yard," clearly that's a<br/>11 reference to and response to the February 25,<br/>12 1968 notice. Their interpretation is that<br/>13 means never report to work at any point in time<br/>14 in history. So under that interpretation, we<br/>15 could have an employee never respond to this<br/>16 notice, walk in the door today say I didn't<br/>17 report in response to the 1968 notice, give me<br/>18 my MPA benefits.<br/>19 That's their position. It's<br/>20 patently absurd and also rejected, clearly, by<br/>21 the Sixth Circuit. Look at what the Sixth<br/>22 Circuit said: "The Panel recently found that<br/>23 petitioners' refusal to report to work was at<br/>24 their own peril." "Was at their own peril."<br/>25 This clearly refers to report to work in</p>  |

15 (Pages 57 to 60)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 61</p> <p>1 response to the February 25, 1968 was at their<br/>2 own peril, particularly in light of the<br/>3 numerous notices sent to petitioners to report<br/>4 to work and the numerous warnings to the<br/>5 petitioners that they would forfeit their<br/>6 benefits if they failed to report. Sixth<br/>7 Circuit precedent, you have to follow.<br/>8 Now, Ms. Tricarichi stood up here,<br/>9 and I love her, and said well, they all<br/>10 accepted recall and reported. And I'll show<br/>11 you that that different term that means<br/>12 something completely different. But they<br/>13 conceded in their 1990 arbitration brief<br/>14 written by Ms. Tricarichi's father the<br/>15 following. This fits right back to what I was<br/>16 telling you earlier.<br/>17 MS. TRICARICHI: I'm sorry. What<br/>18 did you say? I couldn't hear you.<br/>19 MR. M. L. CIOFFI: You told me you<br/>20 were at the 1990 arbitration, that you<br/>21 co-authored the arbitration brief in 1990.<br/>22 MS. TRICARICHI: I just didn't hear<br/>23 what you said.<br/>24 MR. M. L. CIOFFI: Anyway, this is<br/>25 what they said in the 1990 arbitration:</p>                                                                        | <p style="text-align: right;">Page 63</p> <p>1 Circuit said in response to the February 25,<br/>2 1968 notice. Here is their argument: "By<br/>3 denying that the Claimants, CUT employees, were<br/>4 covered, Penn Central anticipatorily breached<br/>5 the MPA." You see that five or six pages in<br/>6 every brief they have submitted to you.<br/>7 "Anticipatorily breached the MPA, thereby<br/>8 relieving the Claimants of the MPA<br/>9 requirements, specifically the MPA requirement<br/>10 to report to work."<br/>11 And here is their trial brief and<br/>12 you can see the argument in its essence.<br/>13 "Instead, Penn Central maintained that<br/>14 Claimants were never New York Central employees<br/>15 and thus they were not covered by the MPA."<br/>16 This is right out of the trial brief to you.<br/>17 "The position taken by Penn Central in these<br/>18 different stages in pleadings, correspondence<br/>19 with unions and prior testimony makes it<br/>20 abundantly clear the railroad, Penn Central,<br/>21 refused to recognize the Claimants as covered<br/>22 by issues of the MPA. Penn Central told the<br/>23 Claimants that they would never be paid under<br/>24 the MPA wants the railroad to stop from<br/>25 compelling its futile act. The railroad waived</p> |
| <p style="text-align: right;">Page 62</p> <p>1 "Defendant was guilty of misrepresenting to all<br/>2 Plaintiffs that they were not covered by the<br/>3 Merger Protection Agreement." All right. Not<br/>4 covered by the MPA. And then: "Plaintiffs<br/>5 relied on this misrepresentation of existing<br/>6 facts by electing not to stand for work in the<br/>7 freight yard."<br/>8 So because Penn Central in the mid<br/>9 '60s, together with the union, said the MPA<br/>10 doesn't apply, they made the decision, these<br/>11 Claimants before you today made the decision<br/>12 not to report for work in the freight yard.<br/>13 They filed a lawsuit because they hate to work<br/>14 in the freight yard. Based on Defendant's<br/>15 original position, Plaintiffs were justified in<br/>16 their decision not to mark up for work in the<br/>17 freight yard. In other words, Plaintiffs'<br/>18 decision was reasonable in light of the<br/>19 circumstances. So they concede they didn't<br/>20 report to the freight yard in response to the<br/>21 February 25, 1968 notice. No dispute about<br/>22 that.<br/>23 They offer a couple of other<br/>24 excuses in order to relieve themselves of the<br/>25 requirement to report to work as the Sixth</p> | <p style="text-align: right;">Page 64</p> <p>1 the requirements of the MPA when it pointedly<br/>2 told Claimants that they would never be paid<br/>3 any guarantees." That's their an anticipatory<br/>4 breach argument.<br/>5 They have a second excuse: Freight<br/>6 yard work was not comparable, rather it was<br/>7 inferior work at the CUT. And here is their<br/>8 argument, again, right out of the trial brief:<br/>9 The Knapik Claimants received a notice<br/>10 indicating that yardmen at the CUT were being<br/>11 reduced enough that they were being furloughed.<br/>12 The notice further directed that they may stand<br/>13 for work at the New York Central Freight Yard.<br/>14 However, because the Claimants were being<br/>15 placed at the bottom of the seniority roster<br/>16 with the new September 10, 1964 seniority date,<br/>17 they could mark up for work but could not<br/>18 obtain work. Being placed on the bottom of<br/>19 freight roster meant, for example, that<br/>20 Claimant Steimle lost more than 400 places.<br/>21 Ms. Tricarichi mentioned that in her opening<br/>22 statement. The Claimants marked up, they<br/>23 marked up for nonexistent jobs.<br/>24 So two excuses. Two excuses. Both<br/>25 of them -- I went back and read their briefs in</p>    |

16 (Pages 61 to 64)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 65</p> <p>1 Sixth Circuit. Exactly the same argument in<br/>2 the Sixth Circuit. Both of them flat out<br/>3 rejected by the Sixth Circuit. Let's look at<br/>4 what the Sixth Circuit said in response to both<br/>5 of those arguments. One, anticipatory<br/>6 repudiation. Two, the CUT is an inferior place<br/>7 to work. Here is what the Sixth Circuit said,<br/>8 here is what you must follow: "Moreover, the<br/>9 Panel properly rejected Petitioners' argument<br/>10 that the carrier anticipatorily breached its<br/>11 contractual obligations under the MPA."<br/>12 Finished. Litigated. Over with. Res<br/>13 judicata. End of story.<br/>14 "The Panel recently found that<br/>15 Petitioners' refusal to report to work was at<br/>16 their own peril particularly in light of the<br/>17 numerous notices sent to Petitioners to report<br/>18 to work and the numerous warnings to<br/>19 Petitioners that they would forfeit their<br/>20 benefits if they failed to report. Refusal to<br/>21 report to the freight yard was at their peril."<br/>22 And the failure to do so means that they lost<br/>23 their MPA benefits. Based on the Sixth Circuit<br/>24 ruling, that is what we were trying to tell you<br/>25 in the summary judgment brief. You have to</p> | <p style="text-align: right;">Page 67</p> <p>1 Circuit was talking about, except that recall<br/>2 means going back to the CUT, which is what they<br/>3 always wanted to do. That's not the holding in<br/>4 Augustus.<br/>5 The Knapik Claimants have lost<br/>6 their MPA benefits and they're not -- because<br/>7 they accepted the recall, by the way, in 1969<br/>8 and later. They've lost their MPA benefits<br/>9 because, as the Sixth Circuit says, they had to<br/>10 report to work, all right, and the failure to<br/>11 report to work, all right, means that they no<br/>12 longer have MPA benefits. They had to report<br/>13 in 1968. There is the holding. Petitioners'<br/>14 failure to report to work. You don't see the<br/>15 term accept recall, do you? That's because<br/>16 they are separate concepts.<br/>17 They had to report to work in<br/>18 response to the December 25, 1968 furlough<br/>19 notice. They had to report to work at the<br/>20 freight yard. They had to report to work at<br/>21 the freight yard, the Sixth Circuit says, or<br/>22 they lose their MPA benefits. It cannot be any<br/>23 clearer and you know the desperate attempt to<br/>24 now change the terms and accept recall is<br/>25 totally disingenuous, not what the Sixth</p>                       |
| <p style="text-align: right;">Page 66</p> <p>1 rule against the Knapik Claimants. There is no<br/>2 evidence that they can put on -- there is no<br/>3 evidence they can put on to change this<br/>4 precedent, or change to res judicata effect of<br/>5 what the Sixth Circuit said.<br/>6 Now, there is one last desperate<br/>7 attempt. I think maybe they understand the<br/>8 argument I just made to you. And this is the<br/>9 brief they filed with you last Monday and you<br/>10 heard it this morning in which they changed<br/>11 tactics on me. And that is, in bold letters,<br/>12 and Ms. Tricarichi, I think you have a poster<br/>13 board of this in bold letters: "Penn Central<br/>14 claims that it is undisputed that all the<br/>15 Knapik Claimants refused to accept the<br/>16 available position and to report for service<br/>17 pursuant to this furlough notice."<br/>18 Penn Central should check it's own<br/>19 Exhibit. Okay. For example, although those<br/>20 documents were prepared for by Penn Central<br/>21 expressly for this litigation, Penn Central's<br/>22 own exhibit says that Claimants "all" -- now<br/>23 notice this term coming up, "accepted recall."<br/>24 That's a whole different term and a whole<br/>25 different concept. That's not what the Sixth</p>         | <p style="text-align: right;">Page 68</p> <p>1 Circuit said and just an attempt to fool you.<br/>2 So the Knapik Claimants, clearly<br/>3 they conceded that they didn't report to work<br/>4 at the freight yard in response to the February<br/>5 25, 1968 notice, and just like the Claimants,<br/>6 they are similarly situated and none of them<br/>7 responded to the '68 notice. The only<br/>8 difference is these Claimants accepted recall<br/>9 eventually to the CUT. It's a matter of law in<br/>10 res judicata.<br/>11 Second reason the claims must be<br/>12 denied: The Claimants were furloughed or<br/>13 placed in a worse position, not because of the<br/>14 merger but because of a decline in passenger<br/>15 service. All of this began, as I said, because<br/>16 there was this dramatic decline. And you look<br/>17 at the statistics we have in our papers.<br/>18 Declined from 61 to 11 cars. In 1961 CUT,<br/>19 there were 500 employees, by '71 there were 60.<br/>20 The number of cars in '61 that they -- CUT<br/>21 handled every year were 242,000. By '68 it was<br/>22 40,000. And again, this is widely known that<br/>23 as the federal government, particularly,<br/>24 decided to pour money in the '50s, the late<br/>25 '40s and '50s into the highway system, goods</p> |

17 (Pages 65 to 68)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 69</p> <p>1 and people began traveling by highway, not<br/>2 rail. Now, it is such a given. The whole<br/>3 reason for the merger, the whole reason for the<br/>4 Top and Bottom Agreement is the decline in rail<br/>5 traffic.<br/>6 So Judge Lambros says, you know,<br/>7 it's so obvious you can even take judicial<br/>8 notice of it. "The evidence demonstrated that<br/>9 there was a decline in passenger service. The<br/>10 CUT employees, by reason of changes in the mode<br/>11 of travel and economy of this nation, that the<br/>12 status of the employees of the CUT, because of<br/>13 changes in the habits of the American traveling<br/>14 public, that their conditions of employment<br/>15 were in peril." So the argument we are making<br/>16 to you is another basis to dismiss these claims<br/>17 today, right now, in peril by virtue of the<br/>18 interstate highway systems and the air<br/>19 transportation. And there is no question of<br/>20 the fact that the Court can take judicial<br/>21 notice of the fact that passenger service was<br/>22 on the decline.<br/>23 Now, Ms. Tricarichi also made this<br/>24 argument that you heard in her opening that<br/>25 somehow the causation element of the MPA, that</p>                                       | <p style="text-align: right;">Page 71</p> <p>1 Circuit spoke on this and the Sixth Circuit<br/>2 also eliminated the causation element -- or<br/>3 causation eliminated as a required element<br/>4 argument.<br/>5 Judge Lambros, going back 30 years,<br/>6 like I said, we are relitigating everything,<br/>7 Judge Lambros, 1976 "were Plaintiffs placed in<br/>8 worse condition with respect to their<br/>9 employment by reason of the merger? If the<br/>10 railroad takes the position that they declined<br/>11 work which was available --" that's the<br/>12 position we are taking, they had to go to the<br/>13 freight yard, "then of course the Merger<br/>14 Protection Agreement provides that that would<br/>15 not be a condition where they were placed in a<br/>16 worse position." They have to prove they were<br/>17 in a worse position because of the merger.<br/>18 Again, you are bound by these prior rules.<br/>19 Third reason claims must fail and<br/>20 must be denied: No exercises in seniority<br/>21 rights by Sophner, Watjen and Bundy Claimants.<br/>22 Sixth Circuit again spoke on this issue in<br/>23 Augustus. "Claimants failed to comply with the<br/>24 MPA requirements that employees exercise their<br/>25 seniority rights to obtain available work."</p>                                     |
| <p style="text-align: right;">Page 70</p> <p>1 is that the worsening conditions of employment<br/>2 were due to the MPA as well as some other<br/>3 causes. Ms. Tricarichi says there is no<br/>4 causation element. It's eliminated completely<br/>5 because we didn't have to show that the<br/>6 employees were adversely affected by the MPA,<br/>7 just that they were adversely affected. It's<br/>8 sort of like a strict liability version of<br/>9 contract interpretation. All right. It's not<br/>10 true. I have read to you the provision that<br/>11 they had to report to work.<br/>12 The Sixth Circuit said they had to<br/>13 report to work, but there are other provisions<br/>14 that totally refute that argument, including, I<br/>15 have at the top, their argument in their trial<br/>16 brief that somehow this got eliminated. It's<br/>17 not even what the agreement says. But the<br/>18 Sixth Circuit says the MPA was for the<br/>19 protected employees affected by the proposed<br/>20 merger. They have to prove that they were<br/>21 affected by the merger. And then they went on<br/>22 to "required to impose conditions on any merger<br/>23 transactions such that employees are not placed<br/>24 in worse position with respect to their<br/>25 employment." All right. Again, this Sixth</p> | <p style="text-align: right;">Page 72</p> <p>1 They had to use the seniority rights they were<br/>2 given in the freight yard to seek available<br/>3 work. Failure to do so eliminated their<br/>4 requirement. That's consistent with the MPA<br/>5 that I read to you earlier. Also consistent<br/>6 with Judge Lambros', again, 1976 ruling on page<br/>7 20 "if the railroad takes the position that<br/>8 they, Claimants, declined work which was<br/>9 available, then of course the Merger Protection<br/>10 Agreement provides that that would not be a<br/>11 condition where they were placed in a worse<br/>12 position." They have to show that they were<br/>13 placed in a work position because of the merger<br/>14 to get benefits. They fought like crazy in the<br/>15 mid '60s and early '70s, filed all these<br/>16 lawsuits to get protection by the MPA. They<br/>17 got to live with the MPA.<br/>18 Sophner Claimants must be denied --<br/>19 the Sophner Claimants, as we pointed out in our<br/>20 brief, were either furloughed well before or,<br/>21 many of them, well after the merger. The<br/>22 merger had absolutely nothing to do with<br/>23 anything that happened. The Plaintiffs can see<br/>24 that their claims with respect to Sophner are<br/>25 premised, again, on somehow they were injured</p> |

18 (Pages 69 to 72)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 73</p> <p>1 by being told they weren't covered by the MPA.<br/> 2 And I'm not quite sure what this means, but<br/> 3 it's an odd statement and I put it in there,<br/> 4 it's right out of the trial brief, "the Sophner<br/> 5 Claimants were carmen who worked at both the<br/> 6 CUT and New York Central locations prior to the<br/> 7 merger, the railroad took the position toward<br/> 8 them, as Knapik Claimants, they were not<br/> 9 covered." That was decided 30 years ago. Why<br/> 10 that's a basis for their claims now, I don't<br/> 11 know. "The Sophner Claimants were not<br/> 12 furloughed all at once as a group, as were the<br/> 13 Knapik group. However, their loss of<br/> 14 seniority --" get this, "their loss of<br/> 15 seniority had the same effect in some years and<br/> 16 inability to work enough to make their wage<br/> 17 guarantees."<br/> 18 All right. Well, it so happens<br/> 19 nothing happened to the Sophner Claimants as a<br/> 20 result of the merger. And you are not going to<br/> 21 hear a shred of evidence relating the merger to<br/> 22 something happening with the Sophner Claimants.<br/> 23 They lost their seniority rights as a matter of<br/> 24 law. Judge Lambros' 1976 opinion: "The<br/> 25 evidence in this case and at the close of the</p> | <p style="text-align: right;">Page 75</p> <p>1 When the position which he holds on his home<br/> 2 road is abolished as a result of coordination,<br/> 3 and he is unable to obtain by the exercise of<br/> 4 his seniority rights another position on his<br/> 5 home road or in a position in the coordinated<br/> 6 operation."<br/> 7 So the Watjen and Bundy Claimants<br/> 8 get a notice on January 10, 1969 that their job<br/> 9 is being abolished. And what the notice says,<br/> 10 similar to the notice we saw of February 25,<br/> 11 1968 referring to the Knapik Claimants, "under<br/> 12 the provisions of existing agreements, each of<br/> 13 the incumbents have ten calendar days in which<br/> 14 to obtain a regularly assigned position<br/> 15 available to him in the exercise of his<br/> 16 seniority. The failure to obtain a regularly<br/> 17 assigned position within ten calendar days, he<br/> 18 will become a utility employee subject to use<br/> 19 by the Company in accordance with the terms of<br/> 20 the Merger Implementation Agreement."<br/> 21 So what the Watjen and Bundy<br/> 22 Claimants do is immediately after the<br/> 23 separation allowance, even though they are<br/> 24 required to exercise their seniority rights and<br/> 25 to accept this position as a utility employee.</p> |
| <p style="text-align: right;">Page 74</p> <p>1 Plaintiffs' case in chief does not demonstrate<br/> 2 that the seniority which was required as<br/> 3 Cleveland Union Terminal employees on the<br/> 4 Cleveland Union Terminal roster was in any way<br/> 5 modified or affected by the actions of the<br/> 6 Defendants. So with respect to the conduct of<br/> 7 the Defendant, no right was taken away from the<br/> 8 Plaintiffs with respect to any seniority rights<br/> 9 they had."<br/> 10 Let's look at, finally, the Watjen<br/> 11 and Bundy group. They were claiming the lump<br/> 12 sum separation allowances, as Ms. Tricarichi<br/> 13 outlined for you. And essentially there is the<br/> 14 Section 9 of the WJPA which says that "any<br/> 15 employee eligible to receive a coordination<br/> 16 allowance under Section 7 hereon may, at his<br/> 17 option, at the time of coordination, resign and<br/> 18 accept in a lump sum a separation allowance."<br/> 19 Okay. It's a possibility.<br/> 20 Now, like everything else in these<br/> 21 agreements, you have to meet certain<br/> 22 requirements. So with respect to requirements,<br/> 23 "an employee shall not be regarded as deprived<br/> 24 of his employment and entitled to a<br/> 25 coordination allowance in the following cases:</p>                             | <p style="text-align: right;">Page 76</p> <p>1 [sic] So instead of playing by the rules they<br/> 2 want to jump ahead of the line to get at the<br/> 3 separation allowance, we don't want to exercise<br/> 4 our seniority rights, we don't want to be<br/> 5 utility employees, even though they had to<br/> 6 under the term of the WJPA. All right. "The<br/> 7 position which he holds on his home road is<br/> 8 abolished as a result of coordination and he is<br/> 9 unable to obtain by the exercise of his<br/> 10 seniority rights another position." Another<br/> 11 position was offered, they said no, we don't<br/> 12 want it; just give us the separation allowance.<br/> 13 That's not in accordance with the requirements<br/> 14 of the MPA, WJPA.<br/> 15 Fourth reason the claims must be<br/> 16 denied: There is an MPA requirement, as we<br/> 17 looked at, dictated by the Sixth Circuit that<br/> 18 each Knapik Claimant must prove that he was<br/> 19 placed in a worse position with respect to<br/> 20 compensation. The MPA Section 1. Judge<br/> 21 Lambros clearly stated in his 1976 ruling, "the<br/> 22 Plaintiffs now must come forward with evidence<br/> 23 to support the position that there was<br/> 24 compensation loss to which they were entitled<br/> 25 to payment."</p>                     |

19 (Pages 73 to 76)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 77</p> <p>1 Basic legal position: Someone who<br/>2 is claiming benefits under an agreement has to<br/>3 prove they are entitled to it. Lambros didn't<br/>4 say the railroad has to prove it. Didn't say<br/>5 the railroad has to give you all the records to<br/>6 prove it. These are salary records, by the<br/>7 way. These are W-2s. These are wage records.<br/>8 They have them as well as the railroad.<br/>9 So Lambros says everyone has to<br/>10 come forward and show compensation loss. They<br/>11 will not prove compensation loss for any of it.<br/>12 There is no evidence of compensation loss.<br/>13 What they do, they went out and hired Drs.<br/>14 Rosen and Burke, and what they did is they<br/>15 invented part of the formula. And they used a<br/>16 forecasted wage. What the displacement<br/>17 allowance provides for is there is a base<br/>18 period prior to displacement or prior to<br/>19 merger, which is basically 12 months. And its<br/>20 geared off, as Ms. Tricarichi said, according<br/>21 to Exhibit E to the WJPA, there is a '63, '64<br/>22 base period adjusted by wage increases through<br/>23 the years.<br/>24 So essentially, what the WJPA says<br/>25 about this displacement allowance is you look</p> | <p style="text-align: right;">Page 79</p> <p>1 a term, which he takes, which was a forecasted<br/>2 wage. It's not the actual salary of the<br/>3 worker. It's a forecasted wage which he pulls<br/>4 out of various railroad documents. Just so we<br/>5 are clear and I answer your question clearly,<br/>6 it's not the individual Claimants' salaries.<br/>7 It's a forecasted wage which he pulls from one<br/>8 or two or three of the documents, but not the<br/>9 salary records of the employee. Okay? Is that<br/>10 clear? The MPA says use the salary before and<br/>11 the actual salary afterwards, not some made-up<br/>12 term to do the comparison.<br/>13 There has been some talk about the<br/>14 social security records and why we were<br/>15 requesting them. Our argument is, as a matter<br/>16 of law, wages from third-party sources have to<br/>17 be offset against any, if any, damages you<br/>18 think are awardable to any of the Claimants.<br/>19 It's a simple offset that operates by<br/>20 operational law. It operates against the whole<br/>21 gamut of the legal system. Anyone who is<br/>22 seeking recovery and gets paid by a third-party<br/>23 source has to offset that, whether it's a<br/>24 personal injury case or anything else. It has<br/>25 to be offset. And we cite to you a number of</p> |
| <p style="text-align: right;">Page 78</p> <p>1 at the 12-month period before the merger. You<br/>2 divide it by 12, deducting vacation, sick day,<br/>3 et cetera. And then you look at it afterwards,<br/>4 and you divide it by 12. Any month in which<br/>5 there is a discrepancy, that's the displacement<br/>6 allowance. They don't have that information.<br/>7 They are not going to present that information<br/>8 to you. All right.<br/>9 So they got Dr. Rosen to make up a<br/>10 term which he calls forecasted wage. It's not<br/>11 proof of compensation. It's not permitted or<br/>12 referenced in the MPA. It's just totally<br/>13 invented for the purpose of this litigation.<br/>14 It doesn't prove anything.<br/>15 CHAIRMAN STEINGLASS: Are you<br/>16 arguing because it's an annual wage and not a<br/>17 monthly wage?<br/>18 MR. M. L. CIOFFI: No. What the<br/>19 MPA says, Professor Steinglass, is you look at<br/>20 the actual salary before the merger and you<br/>21 look at the actual salary afterwards. They<br/>22 don't have that information. Most of the time<br/>23 they don't have it before, but they don't have<br/>24 it afterwards.<br/>25 What Dr. Rosen does is he makes up</p>                                                                      | <p style="text-align: right;">Page 80</p> <p>1 cases, but that's why we need those records and<br/>2 that's why you need to keep the records open so<br/>3 that we can offset other salaries.<br/>4 Clearly, these guys who didn't want<br/>5 to report to the freight yard were doing<br/>6 something else. Go to unemployment or<br/>7 something. They had to have income. We have a<br/>8 right to present that to you and ask for an<br/>9 offset. That's why you need to keep the record<br/>10 open.<br/>11 PANEL MEMBER LANSDOWNE: I'm sorry.<br/>12 I just want to make sure I understood this<br/>13 part. It was our initial ruling to keep the<br/>14 record open. Is that -- the offset is pursuant<br/>15 to the MPA, or terms of the MPA or pursuant to<br/>16 principals of contract damages or both?<br/>17 MR. M. L. CIOFFI: Both. We cite<br/>18 cases here. The appellant has been working at<br/>19 another job prior to his retirement, yeah, I<br/>20 believe those earnings would be offset against<br/>21 the damages. It's a basic principal, but also<br/>22 it is in the WJPA, Section 7(e), which I have<br/>23 on the screen in front of you. "Each employee<br/>24 receiving a coordination allowance shall keep<br/>25 the employer informed of his address and the</p>                                                 |

20 (Pages 77 to 80)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 81</p> <p>1 name and address of any other person by whom he<br/>2 may be regularly employed." Obviously for<br/>3 purposes of doing the offset. You are not<br/>4 going to continue paying a coordination<br/>5 allowance to somebody who is working somewhere<br/>6 else. So there is a burden to let the carrier<br/>7 know if you're working for somebody else.<br/>8 CHAIRMAN STEINGLASS: If an<br/>9 employee had a part-time, nonrailroad job<br/>10 during the entire period in question and earned<br/>11 \$75 a month in that part-time, railroad job,<br/>12 are you arguing, suggesting that that \$75 which<br/>13 preceded the merger continued well into the --<br/>14 that \$75 would also be a basis for an offset?<br/>15 MR. M. L. CIOFFI: No. Certainly<br/>16 if it happened before the merger, no, because<br/>17 this requirement is a result of receiving<br/>18 coordination allowance. So in other words, if<br/>19 you were getting paid because you weren't<br/>20 working at the -- so it's like getting paid<br/>21 unemployment compensation and working at<br/>22 another job. You can't get unemployment and<br/>23 have another job. This was a form of<br/>24 unemployment compensation.<br/>25 So the extent -- it's not even if</p> | <p style="text-align: right;">Page 83</p> <p>1 Professor Steinglass, do you<br/>2 understand her argument.<br/>3 CHAIRMAN STEINGLASS: I do.<br/>4 MR. M. L. CIOFFI: One problem.<br/>5 That was never a final decision. The decision<br/>6 of the Surface Transportation Board with<br/>7 respect to these Claimants in front of you was<br/>8 never final. In fact, Penn Central tried to<br/>9 appeal it in the Augustus decision for the<br/>10 arguments and the reasons I told you, because<br/>11 all of these Claimants, the Augustus Claimants<br/>12 and the Claimants in front of you, agreed none<br/>13 of them reported in response to February 25,<br/>14 1968 furlough.<br/>15 Penn Central tried to appeal that.<br/>16 The Surface Transportation Board and the<br/>17 Claimants took the view that that wasn't a<br/>18 final decision yet. It never became a final<br/>19 decision. In fact, all that happened was the<br/>20 Surface Transportation Board went back and<br/>21 said, okay, you've got to arbitrate these<br/>22 claims. So this has absolutely no precedential<br/>23 effect.<br/>24 And I'm going to read to you from<br/>25 footnote No. 1 in Augustus. Here is what the</p>                                                            |
| <p style="text-align: right;">Page 82</p> <p>1 they were working afterwards, Professor<br/>2 Steinglass. They were working at another job<br/>3 afterwards, working at the railroad, fine.<br/>4 What they can't do is get this coordination<br/>5 allowance for not having worked at the railroad<br/>6 and have income from another source and keep<br/>7 both. I mean, what could be more unfair? They<br/>8 are getting this unemployment benefit and they<br/>9 are employed. Grossly unfair. That's why you<br/>10 got to keep the record open so we can prove<br/>11 that to you. You can't preclude us of that<br/>12 right.<br/>13 Let me close by going back to one<br/>14 of the boards Ms. Tricarichi used. She said<br/>15 you really got to follow this ruling by the<br/>16 Surface Transportation Board and that is "we<br/>17 find the Panel erred egregiously and failed to<br/>18 observe the imposed labor protection conditions<br/>19 in summarily denying benefits to the Claimants<br/>20 who reported for work at the freight yard."<br/>21 The ten former CUT employees who reported to<br/>22 the freight yard were the guys here in front of<br/>23 you. She is saying oh gosh, that was the<br/>24 Surface Transportation Board, you got to<br/>25 follow. Right?</p>         | <p style="text-align: right;">Page 84</p> <p>1 court is saying. "Penn Central filed a<br/>2 petition for judicial review of the Board's<br/>3 decision" -- that's this decision -- "as it<br/>4 related to the ten Claimants who have reported<br/>5 to work." And again, they accepted recall.<br/>6 They never reported to the New York Central<br/>7 Freight Yard, which was the point we wanted to<br/>8 make to the Sixth Circuit. Are you with me?<br/>9 Okay. So this is the footnote. "The Board<br/>10 moved to dismiss Penn Central's position on the<br/>11 ground that the Board's decision was not a<br/>12 final order, and therefore not ripe for<br/>13 review." All right. It's not ripe for review,<br/>14 it can't be a precedent and you shouldn't<br/>15 follow it.<br/>16 Penn Central then filed petitions<br/>17 to voluntarily dismiss the case, which the<br/>18 Court granted, consequently, only the portion<br/>19 of Board's decision addressing the other seven<br/>20 Claimants. Only one argument of the Sixth<br/>21 Circuit is that they are in the same position.<br/>22 But the STB says no, we didn't make a final<br/>23 decision about it. All right. So you can't<br/>24 follow that. But --<br/>25 PANEL MEMBER LANSDOWNE: So I</p> |

21 (Pages 81 to 84)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 85</p> <p>1 understand, and I apologize -- so you are<br/> 2 saying that you want to appeal it, that the<br/> 3 board had factually erred in it's factual<br/> 4 conclusion?<br/> 5 MR. M. L. CIOFFI: Right.<br/> 6 PANEL MEMBER LANSLOWNE: So you<br/> 7 want us to de novo decide whether these<br/> 8 employees reported or not?<br/> 9 MR. M. L. CIOFFI: Yes.<br/> 10 Absolutely. No, you have to. And one thing is<br/> 11 very, very important. Obviously, when the<br/> 12 Surface Transportation Board made their ruling<br/> 13 on December 2, 1998, they didn't have before it<br/> 14 the Sixth Circuit's interpretation of the MPA.<br/> 15 And the Sixth Circuit said "failure to report<br/> 16 in response to the February 25, 1968 furlough<br/> 17 notice is at the worker's peril." It<br/> 18 terminated their MPA rights. They didn't have<br/> 19 that interpretation, a definitive<br/> 20 interpretation by the highest court you can get<br/> 21 of the MPA. But this has absolutely no<br/> 22 precedential effect. Any questions?<br/> 23 PANEL MEMBER LANSLOWNE: I just<br/> 24 have one and I apologize. It's just hard for<br/> 25 me to keep some of these dates as straight as I</p>                                                                     | <p style="text-align: right;">Page 87</p> <p>1 confirm that what you are representing is that<br/> 2 personnel records were given by Penn Central at<br/> 3 that time, '76, to the Conrail and/or Amtrak.<br/> 4 Is that what you were representing?<br/> 5 MR. M. L. CIOFFI: Yes.<br/> 6 CHAIRMAN STEINGLASS: I have a<br/> 7 question. The arbitration panel's decision was<br/> 8 reviewed by the Surface Transportation Board<br/> 9 and then by the Sixth Circuit. We are talking<br/> 10 really about the so-called Augustus parties<br/> 11 since the Knapik Claimants never had a ruling<br/> 12 of the Sixth Circuit as you just described.<br/> 13 The question I have is at each level of review,<br/> 14 it's a very deferential standard of review, and<br/> 15 I just want to know whether the deferential<br/> 16 nature of the standard of review at each of<br/> 17 these stages has any legal significance that we<br/> 18 should keep in mind.<br/> 19 MR. M. L. CIOFFI: Yeah. I think<br/> 20 that the legal significance, if any, is that<br/> 21 the Sixth Circuit is looking at this at<br/> 22 different levels. But its interpretation of<br/> 23 the MPA and those provisions that I showed you<br/> 24 are binding. I guess what I'm saying is you<br/> 25 can't somehow water the decision down by saying</p> |
| <p style="text-align: right;">Page 86</p> <p>1 could. As far as when the Railroad<br/> 2 Reorganization Act and the records, the<br/> 3 personnel records were shipped, what date was<br/> 4 that? Was that '76?<br/> 5 MR. M. L. CIOFFI: Yeah. It was --<br/> 6 in 1976 Conrail -- I mean Congress, and I think<br/> 7 the date is -- don't hold me to this, but it's<br/> 8 July 18, I think, in 1976 is the day on which<br/> 9 Congress appropriates. They appropriate all<br/> 10 the rail assets, convey all of them to Conrail<br/> 11 and Amtrak. And as part of that, Penn Central<br/> 12 is required by that act, and also an order of<br/> 13 the bankruptcy court, to send all of the<br/> 14 operating records to Amtrak and Conrail. And<br/> 15 that included the records that we are talking<br/> 16 about here. And that's because, at that point<br/> 17 in time, Penn Central ceased being an operating<br/> 18 railroad. Never been an operating railroad<br/> 19 since then. Never had any railroad employees.<br/> 20 As of this date in 1976 -- we will give you the<br/> 21 actual map and these orders, and you should<br/> 22 have them and you should reflect in your<br/> 23 decision but --<br/> 24 PANEL MEMBER LANSLOWNE: Excuse me<br/> 25 for interrupting, but I was just trying to</p> | <p style="text-align: right;">Page 88</p> <p>1 it was some sort of standard of review<br/> 2 deferential. It's the holding of the court in<br/> 3 terms of how this agreement should be<br/> 4 interpreted.<br/> 5 CHAIRMAN STEINGLASS: To the extent<br/> 6 that the Sixth Circuit, for example, is<br/> 7 reviewing legal matters, to the extent it's<br/> 8 affirming or ruling on factual matters, there<br/> 9 are certain deferential standards that may come<br/> 10 into play or may be significant.<br/> 11 MR. M. L. CIOFFI: But that has no<br/> 12 bearing on this case.<br/> 13 CHAIRMAN STEINGLASS: Perhaps.<br/> 14 MR. M. L. CIOFFI: It is undisputed<br/> 15 that these Claimants, just like the Knapik<br/> 16 Claimants, didn't report to the rail yard. I<br/> 17 gave you that as judicial estoppel. I gave you<br/> 18 that section from their brief. They didn't<br/> 19 report, no matter how you want to cut it. No<br/> 20 matter how you want to interpret it, they<br/> 21 didn't do it. What the Sixth Circuit says is<br/> 22 when you don't do that, when you don't go to<br/> 23 the rail yard and you don't use that ability,<br/> 24 it's at your own peril. That applies with<br/> 25 equal weight. These Claimants didn't do it,</p>                                                                  |

22 (Pages 85 to 88)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 89</p> <p>1 just like the Knapik Claimants didn't do it.<br/> 2 How unfair would it be to make the Augustus<br/> 3 claimants live by that and not these Claimants<br/> 4 or any other litigation. That's the whole idea<br/> 5 of precedent finality in the law.<br/> 6 CHAIRMAN STEINGLASS: Thank you.<br/> 7 We are ready to take testimony. Do you have<br/> 8 something?<br/> 9 MR. M. L. CIOFFI: We are ready to<br/> 10 go. I would just like to take five minute.<br/> 11 CHAIRMAN STEINGLASS: Let me<br/> 12 suggest this. Most days we will try to break<br/> 13 around noon, and we will take testimony and<br/> 14 break around 12:15 or 12:30. I mean, do you<br/> 15 have an estimate as to how long various<br/> 16 Plaintiffs will testify on direct?<br/> 17 MS. TRICARICHI: On direct, maybe<br/> 18 45 minutes.<br/> 19 CHAIRMAN STEINGLASS: I would like<br/> 20 to start with one of them. Maybe five minutes.<br/> 21 (Recess taken.)<br/> 22 MS. TRICARICHI: Plaintiffs call<br/> 23 James Knapik to testify.<br/> 24 JAMES KNAPIK, of lawful age, called<br/> 25 for examination, being first duly sworn, as</p> | <p style="text-align: right;">Page 91</p> <p>1 dismissed as part of the Augustus case. There<br/> 2 is obviously no relevancy at all to this.<br/> 3 MS. TRICARICHI: Your honor, he has<br/> 4 a lot of relevant information. Not only does<br/> 5 he have information about his father's case,<br/> 6 but he also worked at the railroad and he has<br/> 7 his own personal knowledge from which he can<br/> 8 testify.<br/> 9 MR. M. L. CIOFFI: He is not a<br/> 10 Claimant. What possible relevance can his<br/> 11 testimony have to a case he is not a part of?<br/> 12 CHAIRMAN STEINGLASS: I guess we<br/> 13 don't know until we hear it.<br/> 14 MS. TRICARICHI: Thank you.<br/> 15 BY MS. TRICARICHI:<br/> 16 Q. Now, you also worked for the<br/> 17 railroad, did you not?<br/> 18 A. Yes. I worked for the New York<br/> 19 Central, Penn Central and Conrail.<br/> 20 Q. Can you tell us, when did you start<br/> 21 working for the railroad?<br/> 22 A. In 1947.<br/> 23 Q. And therefore, were you there<br/> 24 during the merger of the Penn Central Railroad<br/> 25 and the New York Central Railroad?</p> |
| <p style="text-align: right;">Page 90</p> <p>1 hereinafter certified, deposed and said as<br/> 2 follows:<br/> 3 DIRECT EXAMINATION OF JAMES KNAPIK<br/> 4 BY MS. TRICARICHI:<br/> 5 Q. Mr. Knapik, can you state your name<br/> 6 for the record.<br/> 7 A. James J. Knapik, K-N-A-P-I-K.<br/> 8 Q. Can you tell us where you live, Mr.<br/> 9 Knapik?<br/> 10 A. 216 Kraft Street, Berea, Ohio.<br/> 11 Q. Are you a Plaintiff in this case?<br/> 12 A. No.<br/> 13 Q. Are you related to any Plaintiffs<br/> 14 in this case?<br/> 15 A. My dad was a Plaintiff.<br/> 16 Q. Who was your dad?<br/> 17 A. Michael J. Knapik.<br/> 18 Q. Where did your dad work?<br/> 19 A. He worked for the New York Central<br/> 20 in the CUT yard.<br/> 21 MR. M. L. CIOFFI: I'm going to<br/> 22 impose a relevancy objection here to this<br/> 23 witness's testimony. First of all, he is not a<br/> 24 Claimant. Second of all, his father is not a<br/> 25 Claimant any longer. His father's case was</p>                                                                                                                                                                      | <p style="text-align: right;">Page 92</p> <p>1 A. Yes.<br/> 2 Q. Can you tell us what positions you<br/> 3 held during these years?<br/> 4 A. I hired out as an operator, a<br/> 5 signal operator. I then became an IBM teletype<br/> 6 operator. I was promoted to the car reporting<br/> 7 inspector and after that job was consolidated,<br/> 8 I went back to the craft as a signal operator.<br/> 9 And then I was promoted to the district<br/> 10 supervisor train operation. And when that job<br/> 11 was consolidated, I went to the division<br/> 12 supervisor train operation.<br/> 13 Q. So your last job was as the<br/> 14 division supervisor of train operations?<br/> 15 A. Yes.<br/> 16 Q. Can you describe what a signal<br/> 17 operator did?<br/> 18 A. The signal operator controlled the<br/> 19 interlocking signals and switches in a tower<br/> 20 over a certain area, and he had an area that<br/> 21 was under his control for the trains.<br/> 22 Q. So you had oversight of the<br/> 23 switching of the trains?<br/> 24 A. Yes.<br/> 25 Q. Can you tell us what the job of</p>                |

23 (Pages 89 to 92)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 93</p> <p>1 supervisor of train operations did?</p> <p>2 A. The division supervisor had the</p> <p>3 responsibility of any and all train movements.</p> <p>4 If there was any problems whatsoever with</p> <p>5 engines, crews, or equipment, it was my duty to</p> <p>6 get the necessary people and equipment to the</p> <p>7 scene.</p> <p>8 Q. Now, was the district and division</p> <p>9 supervisor roles, were they in a management</p> <p>10 capacity?</p> <p>11 A. Yes.</p> <p>12 Q. How long were you in a management</p> <p>13 role with the railroad?</p> <p>14 A. Twenty-seven years.</p> <p>15 Q. Now, you said you were working at</p> <p>16 the time of the merger in 1960 -- well, at the</p> <p>17 time of the merger agreement in 1964.</p> <p>18 A. Yes.</p> <p>19 Q. Were you also working at the time</p> <p>20 the merger came about in '68?</p> <p>21 A. Yes.</p> <p>22 Q. Can you tell us what you understood</p> <p>23 the purpose of the merger of the railroad to</p> <p>24 be?</p> <p>25 MR. M. L. CIOFFI: Objection.</p>                                                                                                  | <p style="text-align: right;">Page 95</p> <p>1 inadmissible evidence. I understand your</p> <p>2 ruling to be that you are going to be flexible</p> <p>3 with respect to the rules --</p> <p>4 CHAIRMAN STEINGLASS: We are going</p> <p>5 to be flexible with the rules of evidence but</p> <p>6 will note your standing objection. And to the</p> <p>7 specifics, I don't want to anticipate in an</p> <p>8 anticipatory way to suggest that you shouldn't</p> <p>9 raise objections when you are identifying</p> <p>10 something that's of particular importance. I'm</p> <p>11 not sure how to divide the line, but understand</p> <p>12 we are going to give the witness a little bit</p> <p>13 of latitude.</p> <p>14 MR. M. L. CIOFFI: Just so the</p> <p>15 record is clear, I don't have a standing</p> <p>16 objection. I have objections to specific</p> <p>17 questions and not objections to others.</p> <p>18 CHAIRMAN STEINGLASS: Then you will</p> <p>19 have to make them.</p> <p>20 MR. M. L. CIOFFI: I will do that.</p> <p>21 BY MS. TRICARICHI:</p> <p>22 Q. Mr. Knapik, I will ask my question</p> <p>23 again. There was a merger in the railroad,</p> <p>24 correct?</p> <p>25 A. Yes.</p> |
| <p style="text-align: right;">Page 94</p> <p>1 Totally irrelevant.</p> <p>2 CHAIRMAN STEINGLASS: Overruled.</p> <p>3 Q. You can answer.</p> <p>4 A. My understanding was that -- and I</p> <p>5 was told by my immediate supervisor that --</p> <p>6 MR. M. L. CIOFFI: Objection.</p> <p>7 Hearsay what his immediate supervisor told him.</p> <p>8 A. My understanding was that I had a</p> <p>9 lifetime job.</p> <p>10 CHAIRMAN STEINGLASS: Excuse me,</p> <p>11 sir. Overruled. I think we are going to be a</p> <p>12 little more flexible about this.</p> <p>13 MR. M. L. CIOFFI: You don't mind</p> <p>14 if I make a record, do you?</p> <p>15 CHAIRMAN STEINGLASS: Not at all.</p> <p>16 MR. M. L. CIOFFI: So I just assume</p> <p>17 you are going to overrule me and once you say,</p> <p>18 you re-rule. Is that fair? Just so the record</p> <p>19 is clear.</p> <p>20 MS. TRICARICHI: I think the record</p> <p>21 indicated that your objection was overruled.</p> <p>22 That's my understanding of the record.</p> <p>23 MR. M. L. CIOFFI: I want to be</p> <p>24 clear that I have a right to create a record,</p> <p>25 and I'm going to object when I think there's</p> | <p style="text-align: right;">Page 96</p> <p>1 Q. And you were working there at the</p> <p>2 time?</p> <p>3 A. Yes.</p> <p>4 Q. And what's your understanding of</p> <p>5 what the railroad -- not what the agreement,</p> <p>6 but what the merger was going to do?</p> <p>7 MR. M. L. CIOFFI: Same objection.</p> <p>8 A. My understanding was from reading</p> <p>9 the railroad magazine, the Headlight --</p> <p>10 MR. M. L. CIOFFI: Objection. Best</p> <p>11 evidence rule.</p> <p>12 A. -- and from the other employees</p> <p>13 that I had a lifetime job.</p> <p>14 BY MS. TRICARICHI:</p> <p>15 Q. Mr. Knapik, you referred to the</p> <p>16 Headlight publication; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. I'm handing you what we previously</p> <p>19 marked as Plaintiff's Exhibit 11. Is that what</p> <p>20 you were referring to?</p> <p>21 A. Yes. And I believe at that time</p> <p>22 the Cleveland Plain Dealer had an article like</p> <p>23 that.</p> <p>24 Q. Was this Headlight a publication --</p> <p>25 MR. M. L. CIOFFI: Ms. Tricarichi,</p>                                                                                                                              |

24 (Pages 93 to 96)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 97</p> <p>1 can I see that?</p> <p>2 MS. TRICARICHI: Sure. You can</p> <p>3 have that.</p> <p>4 MR. M. L. CIOFFI: I just want to</p> <p>5 see it. Okay.</p> <p>6 BY MS. TRICARICHI:</p> <p>7 Q. Was that the Headlight a</p> <p>8 publication of the railroad itself?</p> <p>9 A. The railroad itself.</p> <p>10 Q. That was a management publication?</p> <p>11 A. That was a management publication.</p> <p>12 Q. And there were -- I guess I will</p> <p>13 give it back to you -- certain representations</p> <p>14 in there, the newsletter. When you read the</p> <p>15 newsletter -- tell us about when you read the</p> <p>16 newsletter with respect to the merger.</p> <p>17 A. I derived from reading it that my</p> <p>18 job was protected for life, that I had a job</p> <p>19 with the railroad.</p> <p>20 Q. In addition, did you have any</p> <p>21 conversation with anyone in management about</p> <p>22 what the protections afforded to you under the</p> <p>23 agreement would be?</p> <p>24 A. My immediate supervisor,</p> <p>25 superintendent of train operation, Mr. Cravens,</p>         | <p style="text-align: right;">Page 99</p> <p>1 MR. M. L. CIOFFI: Objection.</p> <p>2 CHAIRMAN STEINGLASS: Noted.</p> <p>3 A. Only for gross insubordination you</p> <p>4 could be terminated.</p> <p>5 Q. Have you heard of the concept of</p> <p>6 what a protected or unprotected employee,</p> <p>7 railroad employee was?</p> <p>8 A. Yes.</p> <p>9 Q. Can you describe for us what those</p> <p>10 references mean to you?</p> <p>11 A. It meant that a protected man would</p> <p>12 have his job and be called for work and an</p> <p>13 unprotected -- and he would -- if he didn't get</p> <p>14 enough days in on a pay period, he would be</p> <p>15 paid the difference. Unprotected man, no</p> <p>16 protection at all. Whatever days he worked was</p> <p>17 what he got paid.</p> <p>18 Q. So as you described the test</p> <p>19 period, if somebody didn't work before the test</p> <p>20 period, then they would be unprotected?</p> <p>21 A. Right.</p> <p>22 MR. M. L. CIOFFI: Objection.</p> <p>23 A. Yes.</p> <p>24 MR. M. L. CIOFFI: That was a</p> <p>25 purely leading question.</p> |
| <p style="text-align: right;">Page 98</p> <p>1 came to me and said, Jim, you have a job for</p> <p>2 life now.</p> <p>3 MR. M. L. CIOFFI: Objection.</p> <p>4 Hearsay.</p> <p>5 THE WITNESS: I --</p> <p>6 MS. TRICARICHI: Mr. Knapik, he is</p> <p>7 going to make his objection, the Panel is going</p> <p>8 to make their decision. Don't respond to Mr.</p> <p>9 Cioffi at this time.</p> <p>10 A. He didn't tell me this in an</p> <p>11 official capacity. He told me as a friend.</p> <p>12 "Jim, you have a job for life now."</p> <p>13 BY MS. TRICARICHI:</p> <p>14 Q. And as far as your understanding</p> <p>15 is, what was the criteria for being covered</p> <p>16 under the Merger Protective Agreement?</p> <p>17 A. You had to have -- did --</p> <p>18 employment and did work prior to 1965, I</p> <p>19 believe. The work had to be in 1964 or</p> <p>20 previous to that. I believe the test period</p> <p>21 was in 1964.</p> <p>22 Q. And what was your understanding of</p> <p>23 the conditions under which the railroad -- the</p> <p>24 only conditions under which the railroad could</p> <p>25 reduce its work force?</p> | <p style="text-align: right;">Page 100</p> <p>1 CHAIRMAN STEINGLASS: Why don't you</p> <p>2 rephrase the question.</p> <p>3 MR. M. L. CIOFFI: I'll withdraw</p> <p>4 the objection.</p> <p>5 CHAIRMAN STEINGLASS: Thank you.</p> <p>6 BY MS. TRICARICHI:</p> <p>7 Q. Now, were protected employees</p> <p>8 required to do anything to obtain their job</p> <p>9 protection?</p> <p>10 A. Just to be available for work.</p> <p>11 Q. Now, when you say "availability for</p> <p>12 work," can you explain to us what availability</p> <p>13 for work means to you?</p> <p>14 MR. M. L. CIOFFI: Objection.</p> <p>15 Again, what it means to this Witness is</p> <p>16 irrelevant.</p> <p>17 CHAIRMAN STEINGLASS: Objection</p> <p>18 denied. We will certainly go to the contract.</p> <p>19 MR. M. L. CIOFFI: Speaks for</p> <p>20 itself.</p> <p>21 THE WITNESS: Does that mean answer</p> <p>22 that?</p> <p>23 BY MS. TRICARICHI:</p> <p>24 Q. Yes. That means answer.</p> <p>25 A. Could you say that over again?</p>                                                                                    |

25 (Pages 97 to 100)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 101</p> <p>1 Q. The term "availability for work,"</p> <p>2 what does that mean?</p> <p>3 A. That meant if you were called to</p> <p>4 work a job, you would have to go to work for</p> <p>5 that job and you could not turn down the job.</p> <p>6 You had to be available for work.</p> <p>7 Q. Now, when you say when you were</p> <p>8 called, who would call someone to take a job?</p> <p>9 A. The crew dispatcher.</p> <p>10 Q. Can you explain to us what a crew</p> <p>11 dispatcher did?</p> <p>12 A. A crew dispatcher kept track of all</p> <p>13 the yard engine crews. And he had about 20</p> <p>14 different seniority rosters that he had to call</p> <p>15 a man from. If he called a man and if he</p> <p>16 didn't answer the phone, it was marked down as</p> <p>17 a missed call and his name was, after 12 hours,</p> <p>18 was put on the bottom of a seniority list and</p> <p>19 called again. If a man answered, he could not</p> <p>20 refuse the work. This record was kept of all</p> <p>21 of this, and if there was an amount of missed</p> <p>22 calls, he was called in to explain the reason</p> <p>23 or they would hold an investigation. It could</p> <p>24 involve termination.</p> <p>25 Q. Involve termination?</p> | <p style="text-align: right;">Page 103</p> <p>1 Q. Can you describe for us what that</p> <p>2 means?</p> <p>3 A. It goes back in the history of the</p> <p>4 railroad. The man's name is put on a marker</p> <p>5 and when he was available for work, that marker</p> <p>6 would go up on a list, so he was marked up for</p> <p>7 work. This went on and his name, at present</p> <p>8 time, would be put on whatever seniority list</p> <p>9 he qualified for.</p> <p>10 Q. And when we talked a little bit</p> <p>11 before about unprotected and protected workers,</p> <p>12 and you said there was a list, is there a</p> <p>13 distinction between a list of the protected and</p> <p>14 unprotected workers board on the board?</p> <p>15 A. There's protected and unprotected</p> <p>16 employees on each list.</p> <p>17 Q. What's the difference between how</p> <p>18 they were treated if you were designated</p> <p>19 protected or unprotected?</p> <p>20 A. The protected man was guaranteed</p> <p>21 ten days' pay in a two-week period and the</p> <p>22 unprotected was not.</p> <p>23 Q. And you said before, we were</p> <p>24 talking about if there was a missed call there</p> <p>25 was a record of that.</p> |
| <p style="text-align: right;">Page 102</p> <p>1 A. Termination.</p> <p>2 Q. The investigation?</p> <p>3 A. Yes.</p> <p>4 Q. So was there a requirement that the</p> <p>5 employee physically show up at the job site?</p> <p>6 MR. M. L. CIOFFI: Objection.</p> <p>7 That's a leading question.</p> <p>8 A. No.</p> <p>9 CHAIRMAN STEINGLASS: I'll allow</p> <p>10 the question.</p> <p>11 BY MS. TRICARICHI:</p> <p>12 Q. So this was through phone calls?</p> <p>13 A. Strictly phone calls.</p> <p>14 MR. CIOFFI: Objection. You can't</p> <p>15 allow, at least, leading questions.</p> <p>16 CHAIRMAN STEINGLASS: That was a</p> <p>17 question to clarify an earlier answer. I'll</p> <p>18 allow it.</p> <p>19 MR. M. L. CIOFFI: It suggested the</p> <p>20 answer and he answered yes or no. That's what</p> <p>21 leading questions do.</p> <p>22 BY MS. TRICARICHI:</p> <p>23 Q. Have you heard of the concept</p> <p>24 marking off for work?</p> <p>25 A. Yes.</p>                                                                                                                                                                                                                                                                                                                 | <p style="text-align: right;">Page 104</p> <p>1 A. Yes.</p> <p>2 Q. Who would keep that record?</p> <p>3 A. It was kept at first by the crew</p> <p>4 dispatcher, who would then turn it in to either</p> <p>5 the chief crew dispatcher or then the train</p> <p>6 master or the general yard master.</p> <p>7 Q. And that was a record of the</p> <p>8 railroad?</p> <p>9 A. That was strictly a railroad</p> <p>10 record.</p> <p>11 Q. Did employees have access to that</p> <p>12 record?</p> <p>13 A. No.</p> <p>14 Q. If somebody refused to work, and we</p> <p>15 talked about this investigative process --</p> <p>16 A. Yes.</p> <p>17 Q. -- was that also a record of the</p> <p>18 railroad?</p> <p>19 A. Yes.</p> <p>20 Q. Would that be something that the</p> <p>21 employee would have a record of?</p> <p>22 A. No. There would be no record for</p> <p>23 the employees.</p> <p>24 Q. Now, you heard Mr. Cioffi in his</p> <p>25 opening make a distinction between the terms</p>                                                                                                                                                                                                                                    |

26 (Pages 101 to 104)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 105</p> <p>1 "reporting for work" and "accepting recall."<br/> 2 Do you recall that?<br/> 3 A. Yes.<br/> 4 Q. Can you tell us the distinction<br/> 5 between reporting for work and accepting<br/> 6 recall?<br/> 7 A. When you report for work, you are<br/> 8 telling the crew dispatcher that you are<br/> 9 available. . .<br/> 10 <del>Q. That doesn't necessarily mean you</del><br/> 11 <del>get a job.</del><br/> 12 MR. M. L. CIOFFI: Objection.<br/> 13 Objection. That's a pure leading question.<br/> 14 CHAIRMAN STEINGLASS: Rephrase.<br/> 15 Q. What does reporting for work mean?<br/> 16 A. That you're available for work.<br/> 17 That you will work. . .<br/> 18 Q. Is a job available then?<br/> 19 MR. M. L. CIOFFI: Objection.<br/> 20 That's purely hypothetical. Available when?<br/> 21 CHAIRMAN STEINGLASS: Overruled.<br/> 22 A. I'm sorry. I should have added if<br/> 23 the crew dispatcher calls you and tells you<br/> 24 that work is available for you. When they call<br/> 25 you, the work is there for you to do.</p>           | <p style="text-align: right;">Page 107</p> <p>1 Q. Did you know Mr. Benko?<br/> 2 A. Yes.<br/> 3 Q. Did you know Mr. Day?<br/> 4 A. Yes.<br/> 5 Q. Did you know Mr. Doran?<br/> 6 A. Yes.<br/> 7 Q. Harvey Doran?<br/> 8 A. Yes.<br/> 9 Q. What about Joseph Gastony?<br/> 10 A. I knew of him.<br/> 11 Q. And Mr. George Gentile?<br/> 12 A. Yes.<br/> 13 Q. And George Norris?<br/> 14 A. Yes.<br/> 15 Q. Then you know Mr. Steimle?<br/> 16 A. Yes.<br/> 17 Q. What about Clarence Tomczak?<br/> 18 A. Yes.<br/> 19 Q. And Frank Uher?<br/> 20 A. Yes.<br/> 21 Q. Are you familiar with him?<br/> 22 A. Yes.<br/> 23 Q. Were they CUT men?<br/> 24 A. Yes.<br/> 25 Q. And were they at the furloughed</p>                                                                                                                                                                                                                                                                                 |
| <p style="text-align: right;">Page 106</p> <p>1 BY MS. TRICARICHI:<br/> 2 Q. And when there is a recall to work,<br/> 3 that would come in the -- how would recalls<br/> 4 happen?<br/> 5 A. It would have to be -- started that<br/> 6 they were needed by either the general yard<br/> 7 master or labor relations that people were<br/> 8 needed. And they would then look at the<br/> 9 furloughed people and tell the furloughed<br/> 10 people that they're recalled to -- recalled for<br/> 11 active duty.<br/> 12 Q. Did you know the people, the ten<br/> 13 people that we are talking about that are part<br/> 14 of this case that were furloughed?<br/> 15 A. I knew most of them. Most of them<br/> 16 only by name.<br/> 17 Q. When you referred to the furloughed<br/> 18 people, they would be called back, are those<br/> 19 the types of people that we are talking about<br/> 20 today that were furloughed?<br/> 21 A. Yes.<br/> 22 Q. Now, we talked a little bit about<br/> 23 the employees. Let's go through the employees.<br/> 24 Did you know Mr. Acree?<br/> 25 A. No.</p> | <p style="text-align: right;">Page 108</p> <p>1 status that we talked about after the merger?<br/> 2 A. I don't know which ones were<br/> 3 furloughed but they were furloughed in that<br/> 4 group.<br/> 5 Q. Well, the people that you talked<br/> 6 about -- I'm handing you what we previously<br/> 7 marked as Plaintiff's Exhibit 15. Were the<br/> 8 gentlemen that you talked about part of that<br/> 9 furlough group that we just went through?<br/> 10 A. I'm sorry?<br/> 11 Q. Were the people that we just<br/> 12 identified part of the furlough notice?<br/> 13 A. Yes.<br/> 14 Q. Have you seen that furlough notice<br/> 15 before?<br/> 16 A. No.<br/> 17 CHAIRMAN STEINGLASS: What exhibit<br/> 18 are you talking about?<br/> 19 MS. TRICARICHI: No. 15. Furlough<br/> 20 notice of '68.<br/> 21 BY MS. TRICARICHI:<br/> 22 Q. And that would have been about<br/> 23 three weeks after the merger?<br/> 24 A. Yes.<br/> 25 Q. And you were aware that there was a</p> |

27 (Pages 105 to 108)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 109</p> <p>1 furlough at that time?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know what happened to the</p> <p>4 jobs? Why was there a furlough at that time?</p> <p>5 Do you know?</p> <p>6 A. There was a decrease in the</p> <p>7 passenger service, I believe.</p> <p>8 Q. And the jobs were abolished?</p> <p>9 A. The jobs were abolished.</p> <p>10 Q. Mr. Knapik, can you talk a little</p> <p>11 bit to us about seniority. We heard some</p> <p>12 discussion about seniority in the opening</p> <p>13 statement. How is seniority determined?</p> <p>14 A. By the date you hired out on a</p> <p>15 railroad and you acquired a record job.</p> <p>16 Q. And so your hire date should be</p> <p>17 listed on the --</p> <p>18 A. The man hired out first would be</p> <p>19 ahead of everybody that hired out after him.</p> <p>20 Q. And seniority roster for the CUT,</p> <p>21 I'm handing you what we have marked -- the</p> <p>22 first two pages of what we have marked as</p> <p>23 Plaintiff's Exhibit 16. Can you tell me what</p> <p>24 this is?</p> <p>25 A. That's the seniority roster for the</p> | <p style="text-align: right;">Page 111</p> <p>1 right?</p> <p>2 A. Correct.</p> <p>3 Q. So that kind of drop in seniority,</p> <p>4 can you tell us what that would do to your</p> <p>5 ability to get a job?</p> <p>6 A. If you had enough seniority to hold</p> <p>7 a job, you did not have your choice of hours.</p> <p>8 You could be working nights versus days or you</p> <p>9 could work not-fair-paying jobs. Some of the</p> <p>10 switching jobs were higher paying jobs. You</p> <p>11 didn't have any rights to them and days off.</p> <p>12 You -- when I hired out, I had Monday and</p> <p>13 Tuesday off. It took a few years before I was</p> <p>14 able to get Friday and Saturday off because of</p> <p>15 my seniority.</p> <p>16 Q. Did it also affect your ability to</p> <p>17 get a job at all?</p> <p>18 A. Yes. If there was no work, you</p> <p>19 were either furloughed or you sat at home and</p> <p>20 didn't get paid.</p> <p>21 Q. And other than seniority, were</p> <p>22 there any other qualifications for working?</p> <p>23 A. You took a physical every two years</p> <p>24 and you had to go to the eye car and you also</p> <p>25 attended rules classes and safety classes.</p> |
| <p style="text-align: right;">Page 110</p> <p>1 Cleveland Union Terminal.</p> <p>2 Q. Can you identify, for example,</p> <p>3 let's just take Mr. Steimle on that list. Does</p> <p>4 it have his hire date on there -- well, let's</p> <p>5 take another one. What about No. 58? Mr.</p> <p>6 Steimle. Okay. Does that have his -- what's</p> <p>7 the significance of that No. 58 there? What</p> <p>8 does that mean?</p> <p>9 A. He is 58 on the seniority list.</p> <p>10 Q. So he is 58.</p> <p>11 Now, I'm going to hand you another</p> <p>12 seniority list, which was on the second part of</p> <p>13 your Exhibit 16. Okay. Can you locate Mr.</p> <p>14 Steimle on this seniority list?</p> <p>15 A. He is No. 506.</p> <p>16 Q. So 506, that's his number --</p> <p>17 A. Yes.</p> <p>18 Q. -- on the consolidated roster?</p> <p>19 A. Yes.</p> <p>20 Q. So what does that mean happened to</p> <p>21 his seniority between the CUT list and the</p> <p>22 consolidated list?</p> <p>23 A. That now means there's is 505 men</p> <p>24 ahead of him.</p> <p>25 Q. And before we said he was 58,</p>                                       | <p style="text-align: right;">Page 112</p> <p>1 Q. So if a person worked for the</p> <p>2 railroad, was he physically able to work for</p> <p>3 the railroad?</p> <p>4 MR. M. L. CIOFFI: Objection.</p> <p>5 Leading question.</p> <p>6 CHAIRMAN STEINGLASS: Rephrase the</p> <p>7 question.</p> <p>8 Q. If he was holding a job, what did</p> <p>9 that mean in terms of his physical</p> <p>10 capabilities?</p> <p>11 A. That he was physically able to do</p> <p>12 the job and available for work.</p> <p>13 Q. Now, you heard Mr. Cioffi say that</p> <p>14 the whole reason that none of the CUT men</p> <p>15 wanted to go to the freight yard. You heard</p> <p>16 him say that?</p> <p>17 A. I heard him say that.</p> <p>18 Q. Can you tell us what your</p> <p>19 experience was, having been there at the time,</p> <p>20 what happened to the CUT men?</p> <p>21 MR. M. L. CIOFFI: Objection.</p> <p>22 Relevancy of his experience.</p> <p>23 CHAIRMAN STEINGLASS: Indeed, you</p> <p>24 put it in your opening statements a number of</p> <p>25 comments about motivation, why people do this</p>                                                                                                           |

28 (Pages 109 to 112)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 113</p> <p>1 and that. So I will allow him to testify on<br/>2 that.<br/>3 A. I had heard that the reason --<br/>4 MR. M. L. CIOFFI: Objection. He<br/>5 said "I have heard." He is talking about what<br/>6 other people said.<br/>7 THE WITNESS: No, I'm talking about<br/>8 what you said.<br/>9 BY MS. TRICARICHI:<br/>10 Q. You are talking heard from him?<br/>11 A. Yes. I just heard that today.<br/>12 MR. M. L. CIOFFI: Go ahead.<br/>13 THE WITNESS: What you said.<br/>14 A. Okay. I heard that first of all,<br/>15 it was cold outside. They didn't want to go to<br/>16 the cold freight yard. Now, the CUT jobs<br/>17 consisted of switching in the old depot by the<br/>18 lakefront, East 26th Street by the lakefront,<br/>19 the mail haul by the lakefront. It was warm in<br/>20 the freight yard compared to working by the<br/>21 lakefront. So cold was not one of the reasons<br/>22 they didn't want to go out there.<br/>23 Q. And you also heard Mr. Cioffi say<br/>24 that there were undesirable jobs in the freight<br/>25 yard?</p>                                                                   | <p style="text-align: right;">Page 115</p> <p>1 yard, whether there was work to do?<br/>2 MR. M. L. CIOFFI: Objection.<br/>3 A. Yes, there was.<br/>4 Q. For example, what was the<br/>5 experience? Did you ever talk to Mr. Steimle?<br/>6 A. Yes.<br/>7 Q. Can you tell us what you learned<br/>8 from Mr. Steimle and his experience?<br/>9 MR. M. L. CIOFFI: Objection. That<br/>10 is rank hearsay.<br/>11 MS. TRICARICHI: Mr. Steimle's<br/>12 testimony is in evidence.<br/>13 MR. M. L. CIOFFI: Well, use it.<br/>14 But this is hearsay.<br/>15 CHAIRMAN STEINGLASS: I don't think<br/>16 he is offering if there is any truth to the<br/>17 underlying statements of what Mr. Steimle told<br/>18 Mr. Knapik.<br/>19 MR. M. L. CIOFFI: If he was not<br/>20 offering truth, I will object to relevancy.<br/>21 Why is it being offered?<br/>22 MS. TRICARICHI: It's being offered<br/>23 for the experience of Mr. Steimle.<br/>24 MR. M. L. CIOFFI: Holding my<br/>25 objection.</p>                                                                                                                                                                                                                        |
| <p style="text-align: right;">Page 114</p> <p>1 A. The passenger, the CUT men were<br/>2 required to go to separate rules class,<br/>3 separate safety classes, and they were paid<br/>4 more money than the freight yard because their<br/>5 duties were quite different. There was a<br/>6 difference between switching a dining car with<br/>7 live people in it versus an empty gondola. So<br/>8 there was considerable -- so there was<br/>9 considerable difference between a passenger<br/>10 brakeman and a freight brakeman.<br/>11 Q. So to your knowledge, did CUT men<br/>12 go out and do freight yard work?<br/>13 A. They were out in the yard switching<br/>14 baggage cars and mail cars.<br/>15 Q. If they did freight yard work, they<br/>16 would have made less money than when they were<br/>17 doing their passenger yard work?<br/>18 A. Yes.<br/>19 Q. But their test period earnings, the<br/>20 CUT men had been as passenger service people;<br/>21 is that correct?<br/>22 A. Yes.<br/>23 Q. Mr. Knapik, do you know of your own<br/>24 personal knowledge whether there was work when<br/>25 the passenger guys went out to the freight</p> | <p style="text-align: right;">Page 116</p> <p>1 MS. TRICARICHI: The whole point is<br/>2 a lot of these people are dead, as we know.<br/>3 And this was supposed be a relaxed proceeding,<br/>4 not a court proceeding, is my understanding.<br/>5 There is a lot of hearsay documents, there's a<br/>6 lot of hearsay here and my understanding is<br/>7 it's going to be taken for it's weight. And<br/>8 therefore Mr. Knapik not only has personal<br/>9 knowledge, but he actually had knowledge and<br/>10 conversations with the people who experienced<br/>11 this and I think that it's relevant.<br/>12 CHAIRMAN STEINGLASS: I would like<br/>13 to hear what Mr. Knapik has to say. The<br/>14 objection is overruled.<br/>15 A. Mr. Steimle said he went out to<br/>16 Collinwood to work and he was only getting one<br/>17 or two days a half, sometimes less than that.<br/>18 And he inquired from the crew<br/>19 dispatcher "why am I not getting out?"<br/>20 And they told him "because you are<br/>21 a CUT employee."<br/>22 MR. M. L. CIOFFI: I object now.<br/>23 It's double hearsay. He is reporting what<br/>24 Steimle told him what somebody else told him at<br/>25 the freight yard.</p> |

29 (Pages 113 to 116)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 117</p> <p>1 CHAIRMAN STEINGLASS: Let me --</p> <p>2 when we weigh the evidence, we will take</p> <p>3 reasonable consideration.</p> <p>4 BY MS. TRICARICHI:</p> <p>5 Q. Do you know how the CUT men were</p> <p>6 treated when they went out to the freight yard?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell us?</p> <p>9 A. They were treated as nonprotected</p> <p>10 employees.</p> <p>11 Q. What did that mean?</p> <p>12 A. That means there was no protection</p> <p>13 under the Merger Protection Agreement and they</p> <p>14 were never put on the bottom of the freight</p> <p>15 yard, top and bottom.</p> <p>16 Q. So when Mr. Cioffi says they were</p> <p>17 put on the bottom of the list by the Top and</p> <p>18 Bottom Agreement, did that actually happen?</p> <p>19 MR. M. L. CIOFFI: Objection.</p> <p>20 MS. TRICARICHI: Representations</p> <p>21 I'm trying to confirm.</p> <p>22 MR. M. L. CIOFFI: He has no</p> <p>23 personal knowledge of that.</p> <p>24 THE WITNESS: I do have.</p> <p>25 BY MS. TRICARICHI:</p>                                                                                                                                                      | <p style="text-align: right;">Page 119</p> <p>1 Q. Which were the CUT men on that</p> <p>2 five-person crew?</p> <p>3 A. They were the part of the three,</p> <p>4 the train crew.</p> <p>5 Q. And the other two, were they</p> <p>6 considered New York Central?</p> <p>7 A. The engine crew, yes.</p> <p>8 Q. So as New York Central employees,</p> <p>9 were they protected?</p> <p>10 A. Yes.</p> <p>11 Q. So on this crew, you had three that</p> <p>12 were considered protected and two that were</p> <p>13 considered not protected? You said the three</p> <p>14 CUT men weren't protected.</p> <p>15 A. They were not protected.</p> <p>16 Q. Right, but the other two were</p> <p>17 considered protected?</p> <p>18 A. Yes.</p> <p>19 Q. Is that true even if the two</p> <p>20 were -- had less seniority than the CUT men?</p> <p>21 A. Yes.</p> <p>22 Q. So if they hired out after the CUT</p> <p>23 men but still before the merger, would they</p> <p>24 have a protected status?</p> <p>25 A. Yes.</p>                                               |
| <p style="text-align: right;">Page 118</p> <p>1 Q. Do you have personal knowledge?</p> <p>2 A. I do have personal knowledge. The</p> <p>3 workings of a crew dispatcher will tell you</p> <p>4 that if he was put on the bottom of the list</p> <p>5 and eligible for freight work, he would have</p> <p>6 been called. And if he wasn't called, every</p> <p>7 week the seniority list was checked by a</p> <p>8 trainmaster and a local chairman to see if</p> <p>9 there was an excess amount of overtime. And if</p> <p>10 there was, more jobs were put on; and if not,</p> <p>11 the board was cut.</p> <p>12 So Mr. Steimle never got any work</p> <p>13 because there was a lot of work at Collinwood</p> <p>14 at that time. This may be hearsay, but one of</p> <p>15 the fellows out there told me he worked 46 days</p> <p>16 in a row.</p> <p>17 MR. M. L. CIOFFI: Same objection.</p> <p>18 CHAIRMAN STEINGLASS: Noted.</p> <p>19 BY MS. TRICARICHI:</p> <p>20 Q. When you talk about crew</p> <p>21 dispatchers, can you tell us a little bit about</p> <p>22 what the makeup of a crew was? How many people</p> <p>23 on a crew?</p> <p>24 A. There were two on the engine crew</p> <p>25 and three on a train crew.</p> | <p style="text-align: right;">Page 120</p> <p>1 Q. But the CUT men, what was their</p> <p>2 status?</p> <p>3 A. They were not protected.</p> <p>4 Q. And therefore, if the ones that</p> <p>5 were protected were on furlough, what benefits</p> <p>6 did they receive?</p> <p>7 A. No benefits.</p> <p>8 Q. The ones that were protected?</p> <p>9 A. They were protected for a ten-day</p> <p>10 pay in a two-week period.</p> <p>11 Q. So even if they couldn't get work,</p> <p>12 they got paid?</p> <p>13 A. They got paid.</p> <p>14 Q. Did the CUT people, in your</p> <p>15 experience, knowing all these guys you talked</p> <p>16 about knowing, did they ever get paid any of</p> <p>17 those benefits --</p> <p>18 A. No.</p> <p>19 Q. -- unlike the people on the same</p> <p>20 crew who had less seniority?</p> <p>21 A. Yes.</p> <p>22 Q. Now, we talked a little bit about</p> <p>23 the personnel records that were kept by the</p> <p>24 railroad. Is there any place an employee could</p> <p>25 go to determine -- to show when he marked off</p> |

30 (Pages 117 to 120)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 121</p> <p>1 or whether he marked off -- is this information<br/>2 that the employee would have?<br/>3 A. No. It's strictly management's<br/>4 records.<br/>5 Q. Do you know, Mr. Knapik, whether<br/>6 any of the CUT men asked for the wage guarantee<br/>7 that they saw the other people get?<br/>8 A. Yes.<br/>9 Q. Who do you know asked for that?<br/>10 A. Mr. Steimle.<br/>11 Q. Can you tell us what you know about<br/>12 that?<br/>13 MR. M. L. CIOFFI: Objection.<br/>14 That's hearsay.<br/>15 CHAIRMAN STEINGLASS: Overruled.<br/>16 A. Mr. Steimle said that he was not<br/>17 getting enough days' work, and he went out to<br/>18 Collinwood and asked how come he wasn't being<br/>19 called. And he was told that he was a CUT man<br/>20 and not a protected man.<br/>21 Q. Do you know if the other people<br/>22 that we talked about, for example Mr. Day, do<br/>23 you have any knowledge of what his experience<br/>24 was?<br/>25 A. No personal knowledge. I know he</p> | <p style="text-align: right;">Page 123</p> <p>1 A. Yes. He was on my team.<br/>2 Q. And in the course of having a<br/>3 social relationship through bowling, did you<br/>4 have an opportunity to discuss what their<br/>5 situation was because of their CUT status?<br/>6 A. Just casual.<br/>7 MR. M. L. CIOFFI: Objection to<br/>8 discussions while bowling.<br/>9 MS. TRICARICHI: It's not double<br/>10 hearsay.<br/>11 CHAIRMAN STEINGLASS: We are<br/>12 dealing mostly with Claimants who are deceased,<br/>13 and I'm going to allow some latitude in letting<br/>14 Mr. Knapik recount some of these conversations.<br/>15 The Panel will weigh appropriately. We will<br/>16 certainly note the objections on this.<br/>17 MR. M. L. CIOFFI: Well, I<br/>18 appreciate that comment, but Penn Central is<br/>19 ready to cross-examine, that's the purpose of<br/>20 the hearsay rule. I can't cross-examine any<br/>21 hearsay statement and I can't cross-examine a<br/>22 person who is deceased. That's the reason it's<br/>23 excluded, to protect a party's right to<br/>24 cross-examine.<br/>25 CHAIRMAN STEINGLASS: We will take</p> |
| <p style="text-align: right;">Page 122</p> <p>1 was one of the group that didn't get any pay,<br/>2 any protection pay.<br/>3 Q. How do you know that?<br/>4 A. His son told me for one, and I<br/>5 bowled with him.<br/>6 MR. M. L. CIOFFI: Objection.<br/>7 Sorry, Mr. Knapik.<br/>8 Q. You bowled with Mr. Day?<br/>9 A. I bowled with Mr. Day.<br/>10 CHAIRMAN STEINGLASS: I mean while<br/>11 hearsay may be admitted, double and triple,<br/>12 maybe we are crossing the lines.<br/>13 THE WITNESS: Can I make one? I<br/>14 bowled in a New York Central league and<br/>15 everybody that bowled there were New York<br/>16 Central employees prior to the merger. So they<br/>17 all had seniority dates that qualify for the<br/>18 merger.<br/>19 BY MS. TRICARICHI:<br/>20 Q. Did Mr. Gentile bowl on that<br/>21 league?<br/>22 A. Yes.<br/>23 Q. And Mr. Norris?<br/>24 A. Yes.<br/>25 Q. Mr. Uher?</p>                                                                                                                   | <p style="text-align: right;">Page 124</p> <p>1 that into consideration when we weigh<br/>2 testimony.<br/>3 BY MS. TRICARICHI:<br/>4 Q. Did you have occasion to talk to<br/>5 Mr. Doran or Mr. Gentile or Mr. Norris about<br/>6 their experience in having gone to the freight<br/>7 yard?<br/>8 A. Mr. Norris mentioned that he wasn't<br/>9 getting any work. He didn't go into any<br/>10 details, just that he wasn't working.<br/>11 Q. To your knowledge, did they --<br/>12 these people refuse to go to work in the<br/>13 freight yard?<br/>14 MR. M. L. CIOFFI: Objection. This<br/>15 is to the form of the question. "These<br/>16 people." Who are "these people"? Number one.<br/>17 And number two, again, hearsay.<br/>18 Q. Mr. Doran, Mr. Gentile, Mr.<br/>19 Norris --<br/>20 MR. STEWART: If you are going to<br/>21 permit hearsay answers, they have at least got<br/>22 to be conversations with these people about<br/>23 that subject matter.<br/>24 CHAIRMAN STEINGLASS: Why don't you<br/>25 provide a foundation.</p>                                                                                                       |

31 (Pages 121 to 124)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 125</p> <p>1 BY MS. TRICARICHI:<br/> 2 Q. Did you have any conversations with<br/> 3 the gentlemen who you said that you had a<br/> 4 social relationship with, who were CUT men,<br/> 5 about their experiences in going to the freight<br/> 6 yards?<br/> 7 MR. M. L. CIOFFI: Same objection.<br/> 8 Which ones?<br/> 9 MS. TRICARICHI: Any of them.<br/> 10 Q. That's the first question, any.<br/> 11 The next question is who?<br/> 12 A. Would my father qualify?<br/> 13 Q. No. I'm talking about people who<br/> 14 were part of this -- well, your father's<br/> 15 experience as to his own experience or to the<br/> 16 experience of his coworkers?<br/> 17 A. His experience and his coworkers.<br/> 18 Q. Well, I'm more interested in his<br/> 19 coworkers' experience.<br/> 20 A. Yes.<br/> 21 Q. Who told you about their<br/> 22 experience?<br/> 23 A. I read a letter from the general<br/> 24 yardmaster at Collinwood telling these fellows<br/> 25 to report to work at Collinwood.</p>                                                                       | <p style="text-align: right;">Page 127</p> <p>1 out, are we protected. And his answer was it's<br/> 2 in the hands of labor relations. Come out and<br/> 3 then that issue will be settled later on.<br/> 4 Q. To your knowledge, did any of the<br/> 5 CUT men ever get this lifetime job guarantee<br/> 6 that you said that you understood the agreement<br/> 7 to provide you?<br/> 8 MR. M. L. CIOFFI: Objection. It's<br/> 9 going to be based on his knowledge. I want to<br/> 10 know the foundation basis of that knowledge for<br/> 11 each employee.<br/> 12 BY MS. TRICARICHI:<br/> 13 Q. Do you have any knowledge as to<br/> 14 whether Mr. Benko ever got that lifetime job<br/> 15 guarantee?<br/> 16 MR. M. L. CIOFFI: Objection.<br/> 17 What's the basis? Is it his personal knowledge<br/> 18 of hearsay?<br/> 19 A. He did not.<br/> 20 CHAIRMAN STEINGLASS: Let him<br/> 21 answer that.<br/> 22 Q. How do you know he didn't?<br/> 23 A. He was with the group of fellows<br/> 24 that did not get the protection and it was<br/> 25 mentioned that he was one of them. That was my</p> |
| <p style="text-align: right;">Page 126</p> <p>1 And the reply was we will go out<br/> 2 there, but the seniority date you are offering<br/> 3 us puts us beyond the scope of protection. If<br/> 4 we go out there, are we protected employees?<br/> 5 Q. And when they went out there, could<br/> 6 they get jobs with those seniority dates?<br/> 7 MR. M. L. CIOFFI: Objection. Too<br/> 8 vague. Who, specifically?<br/> 9 MS. TRICARICHI: I'll withdraw the<br/> 10 question.<br/> 11 THE WITNESS: Okay.<br/> 12 CHAIRMAN STEINGLASS: Is this<br/> 13 letter to which you are referring going to be<br/> 14 made part of the record?<br/> 15 MS. TRICARICHI: Is this the record<br/> 16 with the furlough that we showed you before?<br/> 17 THE WITNESS: I would like to<br/> 18 add --<br/> 19 MS. TRICARICHI: Just a second.<br/> 20 BY MS. TRICARICHI:<br/> 21 Q. Mr. Knapik. You are talking about<br/> 22 the furlough notice, Plaintiff's Exhibit 15?<br/> 23 A. Yes. There was a letter from a<br/> 24 general yardmaster telling them to come to<br/> 25 Collinwood and they wanted to know if we come</p> | <p style="text-align: right;">Page 128</p> <p>1 knowledge.<br/> 2 Q. You knew Mr. Day?<br/> 3 A. Yes.<br/> 4 Q. As far as you know, did he get any<br/> 5 job guarantee?<br/> 6 A. He did not.<br/> 7 Q. And Mr. Doran, you knew him?<br/> 8 A. He did not.<br/> 9 Q. And Mr. Gastony?<br/> 10 A. He did not.<br/> 11 Q. Mr. Gentile?<br/> 12 A. He did not.<br/> 13 Q. Now, Mr. Norris was one of the<br/> 14 older employees, correct?<br/> 15 A. Yes.<br/> 16 Q. 1929 seniority. Is that about<br/> 17 right, do you know?<br/> 18 A. No. George Norris, I don't think<br/> 19 was 1929.<br/> 20 Q. Okay. But he was one of the older<br/> 21 people working there?<br/> 22 A. That I don't know. I do not know.<br/> 23 I thought he was in that seniority range.<br/> 24 Q. As far as you know, did he ever get<br/> 25 any --</p>                                                                                                                                                                                                                                                                        |

32 (Pages 125 to 128)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 129</p> <p>1 A. He did not.</p> <p>2 Q. And Mr. Steimle, you knew him?</p> <p>3 A. I knew him.</p> <p>4 Q. Did he get any benefits?</p> <p>5 A. He did not.</p> <p>6 Q. And Mr. Uher?</p> <p>7 A. He did not.</p> <p>8 MS. TRICARICHI: I don't have</p> <p>9 anything.</p> <p>10 MR. M. L. CIOFFI: I'm happy to</p> <p>11 cross-examine Mr. Knapik now so that he can go</p> <p>12 and not hang around. I think my</p> <p>13 cross-examination will take less than ten</p> <p>14 minutes.</p> <p>15 CHAIRMAN STEINGLASS: You want to</p> <p>16 bring him back on redirect after lunch? Is</p> <p>17 that what you are saying?</p> <p>18 MS. TRICARICHI: I thought we are</p> <p>19 going to break around 12:30.</p> <p>20 CHAIRMAN STEINGLASS: Are you</p> <p>21 finished with your direct?</p> <p>22 MS. TRICARICHI: I don't think I'm</p> <p>23 finished with my direct.</p> <p>24 CHAIRMAN STEINGLASS: How long?</p> <p>25 MS. TRICARICHI: I think maybe ten</p>                                                                                                                                                                 | <p style="text-align: right;">Page 131</p> <p>1 five minutes.</p> <p>2 A. Switching a diner car with five</p> <p>3 personnel versus a gondola -- it's heavier</p> <p>4 equipment. It rolls harder and it has to be</p> <p>5 coupled softly so there's no injuries. So they</p> <p>6 were in a different class of just switching</p> <p>7 boxcars. That's what they were paid for.</p> <p>8 Q. Were you allowed to transfer from</p> <p>9 one class or craft to another?</p> <p>10 A. Only if you gave up your seniority</p> <p>11 and you qualified, you went through the rules</p> <p>12 class and the safety. If you passed them, you</p> <p>13 were allowed to transfer.</p> <p>14 Q. Would it be a change of class and</p> <p>15 craft to move from a passenger to a freight?</p> <p>16 A. Yes.</p> <p>17 Q. Now, you said only if you gave up</p> <p>18 your seniority. Can you just give us an</p> <p>19 example of how seniority affected -- how the</p> <p>20 change in seniority affected you?</p> <p>21 A. It affected you by your, first of</p> <p>22 all, your choice of jobs, the rate of pay on</p> <p>23 them, your days off, the hours and whether you</p> <p>24 were a brakeman or a conductor.</p> <p>25 Q. What is the difference between a</p> |
| <p style="text-align: right;">Page 130</p> <p>1 minutes.</p> <p>2 CHAIRMAN STEINGLASS: I think we</p> <p>3 should try to finish with this witness now and</p> <p>4 we will eat a slightly later lunch today.</p> <p>5 BY MS. TRICARICHI:</p> <p>6 Q. You touched on this a little bit</p> <p>7 before, but you were saying there is a real</p> <p>8 difference between a car that has people in it,</p> <p>9 a passenger car and a car that has -- and I</p> <p>10 think you called it an empty --</p> <p>11 A. Gondola.</p> <p>12 Q. Can you explain to us the</p> <p>13 difference between classes and crafts?</p> <p>14 A. The passenger switchmen were a</p> <p>15 different class than a freight switchman</p> <p>16 because of the various differences in</p> <p>17 equipment. They had to switch a heavy diner</p> <p>18 that would roll a lot faster, harder, and it</p> <p>19 had to be softer with the switching.</p> <p>20 THE NOTARY: Can you please get a</p> <p>21 little closer to the microphone. I can't quite</p> <p>22 hear you.</p> <p>23 MS. TRICARICHI: She didn't hear</p> <p>24 what you said.</p> <p>25 I think this may take longer than</p> | <p style="text-align: right;">Page 132</p> <p>1 brakeman and a conductor?</p> <p>2 A. The conductor was in charge of his</p> <p>3 crew there and his responsibility was handling</p> <p>4 the time slip, the switching lists and the</p> <p>5 positioning the other switchmen in the proper</p> <p>6 ways of avoiding any delay in switching.</p> <p>7 Q. Can you tell us, Mr. Knapik, how</p> <p>8 many total jobs that were at the freight yard,</p> <p>9 to your knowledge, say, at the time the merger</p> <p>10 occurred, approximately?</p> <p>11 MR. M. L. CIOFFI: Objection.</p> <p>12 Foundation.</p> <p>13 Q. Do you know how many jobs there</p> <p>14 were at the freight yard?</p> <p>15 MR. M. L. CIOFFI: Objection.</p> <p>16 Foundation. Basis.</p> <p>17 CHAIRMAN STEINGLASS: If you can,</p> <p>18 slow down. Why don't you build a foundation to</p> <p>19 ask him.</p> <p>20 BY MS. TRICARICHI:</p> <p>21 Q. Were you familiar with the freight</p> <p>22 yard in 1968?</p> <p>23 A. Yes.</p> <p>24 Q. Can you tell us approximately how</p> <p>25 many jobs were available there?</p>                                                                                                                                                         |

33 (Pages 129 to 132)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 133</p> <p>1 A. There were 85 yard jobs on the old<br/>2 New York Central side, plus the Kinsman job<br/>3 from the old Pennsylvania side.<br/>4 Q. And of those 85 jobs, how many were<br/>5 there available for CUT employees?<br/>6 A. There were, I believe, seven.<br/>7 Q. So why were the CUT men only<br/>8 eligible of those 85 jobs?<br/>9 MR. M. L. CIOFFI: Objection.<br/>10 Foundation.<br/>11 Q. You indicated there were seven CUT<br/>12 jobs. Why do you say that?<br/>13 A. Because there were -- seniority for<br/>14 seven jobs that covered the seven jobs. The<br/>15 rest were seniority by the freight men.<br/>16 MR. M. L. CIOFFI: Same objection.<br/>17 CHAIRMAN STEINGLASS: Let her<br/>18 finish.<br/>19 BY MS. TRICARICHI:<br/>20 Q. Did the CUT men have access to any<br/>21 of those other -- other than the seven jobs?<br/>22 A. No.<br/>23 Q. Were they ever offered any of those<br/>24 other jobs?<br/>25 MR. M. L. CIOFFI: Objection.</p> | <p style="text-align: right;">Page 135</p> <p>1 was part of their work and they were given the<br/>2 2.5 percentage of the jobs.<br/>3 Q. So how many did that -- how many<br/>4 jobs did that translate to?<br/>5 A. I believe about seven.<br/>6 Q. So after the '69 agreement, instead<br/>7 of having access to four, I think you said,<br/>8 four jobs, it gave them access to seven?<br/>9 MR. M. L. CIOFFI: Objection to the<br/>10 relevancy of the 1969 agreement, has no bearing<br/>11 on this case at all.<br/>12 MS. TRICARICHI: I think it does.<br/>13 MR. M. L. CIOFFI: What is the<br/>14 relevancy?<br/>15 MS. TRICARICHI: It aggregates the<br/>16 Top and Bottom Agreement. If you want to<br/>17 argue, as your objection, the terms, happy to<br/>18 do that.<br/>19 MR. M. L. CIOFFI: The Top and<br/>20 Bottom Agreement is before 1969.<br/>21 MS. TRICARICHI: That's correct.<br/>22 In 1969 -- if you would allow me to raise this.<br/>23 "On the effective date of this agreement in<br/>24 1969, all prior agreements in effect<br/>25 specifically determine the yard service</p> |
| <p style="text-align: right;">Page 134</p> <p>1 Q. If you know?<br/>2 A. They were offered the Top and<br/>3 Bottom Agreement.<br/>4 Q. Were they ever offered the rest of<br/>5 those jobs?<br/>6 A. No.<br/>7 Q. Are you familiar with the 1969<br/>8 agreement?<br/>9 MR. M. L. CIOFFI: Objection. What<br/>10 1969 agreement?<br/>11 Q. The 1969 agreement between the<br/>12 Brotherhood of Railroad Trainmen and the New<br/>13 York Central -- or actually the merged company<br/>14 or the allocation of jobs that was given in<br/>15 that?<br/>16 A. In Cleveland they were allowed 2.5<br/>17 of the jobs.<br/>18 Q. 2.5 percent?<br/>19 A. 2.5 percent.<br/>20 Q. 2.5 percent of which jobs would<br/>21 that have been?<br/>22 A. The jobs were the --<br/>23 Q. Were those freight jobs?<br/>24 A. They were freight jobs, yes. I<br/>25 don't know when the mail haul closed, but there</p>                                                                                                           | <p style="text-align: right;">Page 136</p> <p>1 employees represented by the Brotherhood of<br/>2 Railroad Trainmen --"<br/>3 BY MS. TRICARICHI:<br/>4 Q. Were the CUT represented by the<br/>5 Brotherhood of Railroad Trainmen?<br/>6 A. Yes.<br/>7 MS. TRICARICHI: "-- will be<br/>8 aggregated, and all agreements presently and<br/>9 hereafter in effect --"<br/>10 MR. M. L. CIOFFI: So stipulated.<br/>11 Has nothing to do with this case.<br/>12 CHAIRMAN STEINGLASS: Let's<br/>13 continue with the evidence. We can argue<br/>14 later.<br/>15 BY MS. TRICARICHI:<br/>16 Q. So after the '69 agreement, they<br/>17 got more jobs. They were allocated,<br/>18 supposedly, more jobs?<br/>19 A. Yes.<br/>20 Q. Do you know how many people<br/>21 approximately were on the CUT roster?<br/>22 A. At that time, I do not.<br/>23 Q. Was it more than seven, the seven<br/>24 or eight?<br/>25 A. Yes.</p>                                                                                                                                                                                            |

34 (Pages 133 to 136)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 137</p> <p>1 Q. So even with the 2.5 percent, would<br/>2 the CUT men have had enough jobs available to<br/>3 work?<br/>4 A. No.<br/>5 Q. Now, you had experience and knew<br/>6 about crew dispatching, correct?<br/>7 A. Yes.<br/>8 Q. Can you tell us how many times in<br/>9 your 27 years of crew dispatching you were<br/>10 aware that a CUT man was actually called out to<br/>11 work, Mr. Knapik?<br/>12 A. Yes.<br/>13 Q. Tell us about that experience.<br/>14 A. The vice president of operations at<br/>15 Penn Central called me and said --<br/>16 MR. M. L. CIOFFI: Objection.<br/>17 MS. TRICARICHI: This is his own<br/>18 personal knowledge.<br/>19 MR. M. L. CIOFFI: It's what<br/>20 someone told him.<br/>21 MS. TRICARICHI: It's what he<br/>22 asserted.<br/>23 MR. M. L. CIOFFI: He is just<br/>24 reporting what someone told him.<br/>25 BY MS. TRICARICHI:</p>                                                                                                                                                                                            | <p style="text-align: right;">Page 139</p> <p>1 He said "you will have a runaround of the whole<br/>2 Kinsman board."<br/>3 And I said "use the CUT man." So<br/>4 we operated a train.<br/>5 Q. When you say you have a runaround<br/>6 involved with Kinsman, what does that mean?<br/>7 A. That means that he belonged to the<br/>8 Kinsman seniority list, would get paid a day<br/>9 pay -- a day's pay because they used somebody<br/>10 off their seniority list.<br/>11 Q. So the Kinsman people were<br/>12 protected?<br/>13 A. They were protected.<br/>14 Q. And they were going to get this pay<br/>15 even though they didn't work?<br/>16 A. Yes.<br/>17 Q. But they told you they needed<br/>18 somebody so that was the only time in your<br/>19 career that you ever knew a CUT man was called?<br/>20 A. Yes.<br/>21 Q. To your knowledge, with the<br/>22 exception of Mr. Acree who you said you didn't<br/>23 know, did all ten of these people work in the<br/>24 freight yard?<br/>25 MR. M. L. CIOFFI: Objection.</p>    |
| <p style="text-align: right;">Page 138</p> <p>1 Q. Is this your own conversation that<br/>2 you are having?<br/>3 A. This is my own conversation.<br/>4 MR. M. L. CIOFFI: Own conversation<br/>5 is hearsay, other than your own conversation.<br/>6 CHAIRMAN STEINGLASS: Go ahead.<br/>7 A. That West Virginia needed an ore<br/>8 pellet train as soon as possible down in West<br/>9 Virginia.<br/>10 And I told him we were having<br/>11 problems filling the trains with crews.<br/>12 And he told me "you will operate a<br/>13 train even if you are one of the crew on it and<br/>14 a superintendent and the road foreman would be<br/>15 part of the crew. So you will operate an ore<br/>16 train out of there."<br/>17 So I called the crew dispatcher and<br/>18 I told him "I want to crew for an ore train off<br/>19 the island."<br/>20 He said "I have no crews."<br/>21 "You have somebody, I don't care<br/>22 who it is, what roster you take it from, I want<br/>23 him to be a part of the crew."<br/>24 He called me back and said "I do<br/>25 have a CUT man I could use. Use the CUT man."</p> | <p style="text-align: right;">Page 140</p> <p>1 Basis.<br/>2 Q. Do you know if they went to work in<br/>3 the freight yard?<br/>4 MR. M. L. CIOFFI: Foundation.<br/>5 A. I don't know if they went to work.<br/>6 I know some of them had made the -- marked up<br/>7 and told the general yard master that they were<br/>8 available to work.<br/>9 Q. Marking up being, saying that you<br/>10 are available?<br/>11 A. That they are available.<br/>12 Q. As a result of the loss of<br/>13 seniority, when you didn't work, what happened<br/>14 to the income? What happened to the income if<br/>15 you weren't able to work and you weren't able<br/>16 to get your guarantee?<br/>17 MR. M. L. CIOFFI: Objection.<br/>18 Leading question.<br/>19 BY MS. TRICARICHI:<br/>20 CHAIRMAN STEINGLASS: Rephrase it.<br/>21 Q. Well, you testified previously that<br/>22 the people weren't able to get their guarantee.<br/>23 A. Yes.<br/>24 Q. And you testified that they weren't<br/>25 able to get -- they were available, they would</p> |

35 (Pages 137 to 140)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 141</p> <p>1 mark up but they weren't able to get work?</p> <p>2 A. Yes.</p> <p>3 Q. So consequently, do you have</p> <p>4 knowledge as to what happened to their incomes?</p> <p>5 First, do you have knowledge?</p> <p>6 A. No. Just from Steimle saying "I</p> <p>7 only made two days this half instead of ten."</p> <p>8 So he only got two days pay instead of ten days</p> <p>9 pay.</p> <p>10 Q. So that's all that he got?</p> <p>11 A. Yes. He lost eight days' work.</p> <p>12 MS. TRICARICHI: I don't have any</p> <p>13 other questions.</p> <p>14 CROSS-EXAMINATION OF JAMES KNAPIK</p> <p>15 BY MR. M. L. CIOFFI:</p> <p>16 Q. Good afternoon, Mr. Knapik.</p> <p>17 A. Good afternoon.</p> <p>18 Q. Now, you understand all the</p> <p>19 objecting, that's what lawyers do and we are</p> <p>20 creating a record; it's nothing personal.</p> <p>21 A. I remember not to pay any attention</p> <p>22 to the lawyers.</p> <p>23 Q. Don't be mad at me for objecting;</p> <p>24 that's what we do.</p> <p>25 A. No, I understand.</p> | <p style="text-align: right;">Page 143</p> <p>1 A. Yes.</p> <p>2 Q. And in about 1976, you became a</p> <p>3 Conrail employee.</p> <p>4 A. Yes.</p> <p>5 Q. Is that right?</p> <p>6 A. Yes.</p> <p>7 Q. Now, you became a Conrail employee,</p> <p>8 you didn't start all over from scratch, did</p> <p>9 you?</p> <p>10 A. No.</p> <p>11 Q. And you had your continuing</p> <p>12 seniority, correct?</p> <p>13 A. Yes.</p> <p>14 Q. You had your continuing wage?</p> <p>15 A. Yes.</p> <p>16 Q. And literally what happened is one</p> <p>17 week you were getting paid by PCTC and the next</p> <p>18 week you were getting a Conrail check?</p> <p>19 A. Yes.</p> <p>20 Q. And all your personnel records,</p> <p>21 your seniority records, et cetera went with</p> <p>22 Conrail, didn't it?</p> <p>23 A. Yes.</p> <p>24 Q. You talked about reporting to work</p> <p>25 and getting recalled to work. They are all --</p>                                                                                                                                                                                        |
| <p style="text-align: right;">Page 142</p> <p>1 Q. Thank you for being here. I have a</p> <p>2 couple of brief questions. First with respect</p> <p>3 to your work history. You started the New York</p> <p>4 Central I think you said in '47.</p> <p>5 A. Yes.</p> <p>6 Q. So you went out and went through</p> <p>7 the merger, right?</p> <p>8 A. Yes.</p> <p>9 Q. And then you became a PCTC</p> <p>10 employee, right?</p> <p>11 A. Yes.</p> <p>12 Q. And then you heard me say -- and</p> <p>13 was I right about saying it was a bad economic</p> <p>14 idea that you had these two railroads that are</p> <p>15 each losing money, so they combine and they</p> <p>16 start losing more money?</p> <p>17 MS. TRICARICHI: Objection.</p> <p>18 MR. M. L. CIOFFI: I withdraw the</p> <p>19 question.</p> <p>20 BY MR. M. L. CIOFFI:</p> <p>21 Q. So PCTC went into bankruptcy,</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. And then you are aware that</p> <p>25 Congress created Amtrak and Conrail, right?</p>                                                              | <p style="text-align: right;">Page 144</p> <p>1 they're two different concepts, right?</p> <p>2 A. Yes.</p> <p>3 Q. I want to direct your attention to</p> <p>4 Exhibit 16. I'm going to hand this to you.</p> <p>5 That's Plaintiff's Exhibit 16. Now, look at</p> <p>6 that the first roster, I think you said that</p> <p>7 Mr. Steimle was at 58, right?</p> <p>8 A. 58, yes.</p> <p>9 Q. And, Mr. Knapik, that's the CUT</p> <p>10 roster; isn't that correct?</p> <p>11 A. CUT, yes.</p> <p>12 Q. When the workers, were they called</p> <p>13 CUT or cut?</p> <p>14 A. They were always known as CUT.</p> <p>15 Q. The CUT roster. Now, the other</p> <p>16 roster, the next few pages is the New York</p> <p>17 Central freight yard roster; isn't that right?</p> <p>18 I think it's at the top, sir.</p> <p>19 A. Yes.</p> <p>20 Q. So there are two different</p> <p>21 seniority lists; isn't that right?</p> <p>22 A. Yes, there is.</p> <p>23 Q. And Mr. Steimle is in one position</p> <p>24 on the CUT list and a different position on the</p> <p>25 New York Central freight yard list, isn't that</p> |

36 (Pages 141 to 144)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 145</p> <p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. His position on one list doesn't or</p> <p>4 didn't affect his position on the other list;</p> <p>5 isn't that right?</p> <p>6 A. That's correct.</p> <p>7 Q. We were talking about the merger a</p> <p>8 little bit. What's your knowledge -- after you</p> <p>9 became a Conrail employee, the records went</p> <p>10 over to Conrail. What's your understanding of</p> <p>11 what happened to the Penn Central?</p> <p>12 MS. TRICARICHI: Objection. He</p> <p>13 knows legally what happened to Penn Central?</p> <p>14 MR. M. L. CIOFFI: I'll withdraw</p> <p>15 the question.</p> <p>16 BY MR. M. L. CIOFFI:</p> <p>17 Q. You do know you became a Conrail</p> <p>18 employee?</p> <p>19 A. Yes.</p> <p>20 Q. And you retired at Conrail?</p> <p>21 A. Yes.</p> <p>22 MR. M. L. CIOFFI: Sir, thanks for</p> <p>23 being here. I have no questions.</p> <p>24 CHAIRMAN STEINGLASS: We are</p> <p>25 adjourned for lunch and we will resume at --</p> | <p style="text-align: right;">Page 147</p> <p>1 restrain myself.</p> <p>2 MS. TRICARICHI: You asked him</p> <p>3 about his job experience and I'm asking about</p> <p>4 it.</p> <p>5 MR. M. L. CIOFFI: For a whole</p> <p>6 different purpose.</p> <p>7 MS. TRICARICHI: I don't care what</p> <p>8 purpose you raised it.</p> <p>9 MR. M. L. CIOFFI: Your redirect</p> <p>10 has nothing to do with the questions I asked,</p> <p>11 first of all. But what happened to him is not</p> <p>12 an issue in this case, so why are you asking?</p> <p>13 MS. TRICARICHI: I'm asking because</p> <p>14 I'm showing that he was a protected employee.</p> <p>15 MR. M. L. CIOFFI: Objection.</p> <p>16 CHAIRMAN STEINGLASS: Overruled.</p> <p>17 BY MS. TRICARICHI:</p> <p>18 Q. So your job was abolished; is that</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. What happened to you when your job</p> <p>22 was abolished?</p> <p>23 A. I kept receiving my pay. I was</p> <p>24 offered a trainmaster's job and I refused it</p> <p>25 because it was in a different class of work.</p> |
| <p style="text-align: right;">Page 146</p> <p>1 MS. TRICARICHI: I may have some</p> <p>2 redirect.</p> <p>3 CHAIRMAN STEINGLASS: You can do it</p> <p>4 now. I'm sorry.</p> <p>5 REDIRECT EXAMINATION OF JAMES KNAPIK</p> <p>6 BY MS. TRICARICHI:</p> <p>7 Q. Mr. Cioffi asked you where you</p> <p>8 worked. You worked for New York Central and</p> <p>9 then you worked for Penn Central and then you</p> <p>10 worked for Conrail?</p> <p>11 A. Yes.</p> <p>12 Q. And in the course of your work, did</p> <p>13 your job ever get abolished?</p> <p>14 A. Yes.</p> <p>15 Q. When was that?</p> <p>16 A. The district supervisor train</p> <p>17 operation was consolidated to Chicago the</p> <p>18 year -- I don't recall exactly the year but my</p> <p>19 job was abolished.</p> <p>20 Q. Did you get your wage guarantee,</p> <p>21 Mr. Knapik?</p> <p>22 A. Yes.</p> <p>23 Q. Were you working when you got your</p> <p>24 wage guarantee?</p> <p>25 MR. M. L. CIOFFI: I really have to</p>                                          | <p style="text-align: right;">Page 148</p> <p>1 It was a six-day-a-week job, 12 hours a day.</p> <p>2 Q. Were you subject to termination</p> <p>3 because you refused that job?</p> <p>4 A. No.</p> <p>5 Q. Did you continue to get your wage</p> <p>6 guarantee after that?</p> <p>7 A. Yes.</p> <p>8 Q. Now, Mr. Cioffi also asked you</p> <p>9 about the roster and you said they were</p> <p>10 different rosters, right?</p> <p>11 A. Yes.</p> <p>12 Q. But isn't it true, Mr. Knapik, that</p> <p>13 what we just showed you, when Mr. Steimle was</p> <p>14 58 on the first roster and he was 400 something</p> <p>15 on the other roster, he was on the bottom of</p> <p>16 the freight roster?</p> <p>17 A. Yes.</p> <p>18 Q. So they were separate rosters?</p> <p>19 A. Yes.</p> <p>20 Q. But he was on both of them, right?</p> <p>21 A. Yes.</p> <p>22 Q. And if you were on the freight one,</p> <p>23 he was at the back of the freight roster?</p> <p>24 A. Yes.</p> <p>25 Q. When you got your guarantee</p>                                                             |

37 (Pages 145 to 148)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 149</p> <p>1 payment, Mr. Knapik, did you file for it? Did<br/> 2 you have to fill out a form?<br/> 3 A. No.<br/> 4 Q. Who kept a record of your payments<br/> 5 that you got paid during that period of time<br/> 6 that you were off work? Who would have kept a<br/> 7 record of that?<br/> 8 MR. M. L. CIOFFI: Objection. Paid<br/> 9 by whom?<br/> 10 MS. TRICARICHI: Paid by the<br/> 11 railroad.<br/> 12 A. Whoever paid you as a normal check.<br/> 13 Q. And you didn't have to fill out a<br/> 14 form of any kind?<br/> 15 A. No. I didn't have to ask for it.<br/> 16 It was just a continuous employment.<br/> 17 MS. TRICARICHI: Thank you, Mr.<br/> 18 Knapik.<br/> 19 CHAIRMAN STEINGLASS: Since<br/> 20 redirect went a little bit beyond cross -- do<br/> 21 you have any recross?<br/> 22 MR. M. L. CIOFFI: No recross.<br/> 23 Thank you, Mr. Knapik.<br/> 24 CHAIRMAN STEINGLASS: We are<br/> 25 adjourned for lunch. Why don't we resume, is</p> | <p style="text-align: right;">Page 151</p> <p>1 AFTERNOON SESSION<br/> 2 CHAIRMAN STEINGLASS: Good<br/> 3 afternoon. Are we ready?<br/> 4 MS. TRICARICHI: We are ready.<br/> 5 MR. M. L. CIOFFI: We are ready.<br/> 6 CHAIRMAN STEINGLASS: Ms.<br/> 7 Tricarichi, can you give us a sense as to which<br/> 8 additional witnesses you are planning to call<br/> 9 this afternoon and what order? And if you can,<br/> 10 just give us sort of a rough sense as to how<br/> 11 long you think they will take it and who they<br/> 12 are in terms of relationship to the case.<br/> 13 MS. TRICARICHI: Well, we are going<br/> 14 to call Mr. Gallagher who is a carman with the<br/> 15 Sophner group. All the people in the Knapik<br/> 16 group that you heard about are deceased.<br/> 17 CHAIRMAN STEINGLASS: So after Mr.<br/> 18 Gallagher, do you know your parties?<br/> 19 MS. TRICARICHI: After Mr.<br/> 20 Gallagher, then we put Mr. Franz on. He is in<br/> 21 the Watjen/Bundy group. And then depending on<br/> 22 the time -- do you know how long --<br/> 23 MR. GRIFFIN: About 20 minutes.<br/> 24 MS. TRICARICHI: Mr. McNeeley is<br/> 25 a -- must be of the Sophner group. He is alive</p> |
| <p style="text-align: right;">Page 150</p> <p>1 45 minutes enough or do you want a full hour?<br/> 2 MR. M. L. CIOFFI: This is a<br/> 3 strange town for me so I don't know. I would<br/> 4 say one hour would be more appropriate.<br/> 5 CHAIRMAN STEINGLASS: I have 1:05.<br/> 6 An hour from now.<br/> 7<br/> 8 (Luncheon recess taken.)<br/> 9 -----<br/> 10<br/> 11<br/> 12<br/> 13<br/> 14<br/> 15<br/> 16<br/> 17<br/> 18<br/> 19<br/> 20<br/> 21<br/> 22<br/> 23<br/> 24<br/> 25</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p style="text-align: right;">Page 152</p> <p>1 but in my conversations with him over the last<br/> 2 few days, he is undergoing chemotherapy and has<br/> 3 had a lot of bad reactions to the chemotherapy.<br/> 4 And although he did very much want to be here,<br/> 5 I did preserve his testimony when we took it a<br/> 6 few months ago. And I do know he testified<br/> 7 that he was having chemotherapy at the time and<br/> 8 now he has gotten much worse. So as much as he<br/> 9 wanted to be here, I think we are going to have<br/> 10 to use the videotape of him. We could do that<br/> 11 tomorrow. That's a flexible one.<br/> 12 CHAIRMAN STEINGLASS: How long is<br/> 13 that videotape?<br/> 14 MR. GRIFFIN: On the DVD itself, it<br/> 15 says six minutes. I thought it was longer than<br/> 16 that.<br/> 17 MS. TRICARICHI: It's not very<br/> 18 long. I can't imagine it would be more than 20<br/> 19 minutes.<br/> 20 CHAIRMAN STEINGLASS: Do you know<br/> 21 how to use the equipment?<br/> 22 MS. TRICARICHI: No.<br/> 23 CHAIRMAN STEINGLASS: We can<br/> 24 experiment during the afternoon break.<br/> 25 Are there any other witness for</p>                              |

38 (Pages 149 to 152)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 153</p> <p>1 today?</p> <p>2 MS. TRICARICHI: No. That's all I</p> <p>3 planned for today.</p> <p>4 CHAIRMAN STEINGLASS: Ready?</p> <p>5 MS. TRICARICHI: Mr. Gallagher, we</p> <p>6 would like to call you to the stand. Would you</p> <p>7 like to come down here, please.</p> <p>8 JOHN GALLAGHER, of lawful age,</p> <p>9 called for examination, being first duly sworn,</p> <p>10 as hereinafter certified, deposed and said as</p> <p>11 follows:</p> <p>12 DIRECT EXAMINATION OF JOHN GALLAGHER</p> <p>13 BY MS. TRICARICHI:</p> <p>14 Q. Good afternoon, Mr. Gallagher.</p> <p>15 A. Good afternoon.</p> <p>16 Q. Can you state your name for the</p> <p>17 record, please.</p> <p>18 A. John F. Gallagher. 9349.</p> <p>19 Q. I'm sorry. What did you just say?</p> <p>20 A. 9349 was my railroad number.</p> <p>21 Q. 9349. Okay.</p> <p>22 Can you give us your address.</p> <p>23 A. 4457 West 66 Street, Brooklyn,</p> <p>24 Ohio.</p> <p>25 Q. Mr. Gallagher, are you currently</p>                                                                         | <p style="text-align: right;">Page 155</p> <p>1 you did on the railroad?</p> <p>2 A. I started out as a coach cleaner.</p> <p>3 Q. A coach cleaner?</p> <p>4 A. A coach cleaner. And then I went</p> <p>5 to carman and eventually I wound up as a</p> <p>6 supervisor.</p> <p>7 Q. Can you tell us what a carman does</p> <p>8 or what a car inspector does, Mr. Gallagher?</p> <p>9 A. The Cleveland Union Terminal is</p> <p>10 a -- not an operating department. It consisted</p> <p>11 of car inspectors, car repairman, gang leaders,</p> <p>12 also coach cleaners. That was the different</p> <p>13 classifications and they all had different</p> <p>14 rates of pay. Car inspector got a certain</p> <p>15 rate, a car repairman got a nickle more than a</p> <p>16 car inspector, and a car gang leader got ten</p> <p>17 cents more.</p> <p>18 Q. What kind of work did they do?</p> <p>19 What did they do?</p> <p>20 A. They inspected trains, cleaned the</p> <p>21 trains, serviced them, each car from the</p> <p>22 railroad come into Cleveland Union Terminal was</p> <p>23 charged a service fee and it was cleaned and</p> <p>24 primarily that was the work.</p> <p>25 Q. And were these passenger trains</p> |
| <p style="text-align: right;">Page 154</p> <p>1 employed?</p> <p>2 A. No, I'm retired.</p> <p>3 Q. Were you employed at one time?</p> <p>4 A. I hired out for the New York</p> <p>5 Central Railroad, the CUT in 5/5/45.</p> <p>6 Q. And you just told us what your</p> <p>7 railroad number was, right?</p> <p>8 A. Yes.</p> <p>9 Q. And you worked from '45 until when?</p> <p>10 A. September 27, 1990 and I took an</p> <p>11 early retirement.</p> <p>12 Q. Can you tell us where you worked</p> <p>13 primarily?</p> <p>14 A. My first employment was Cleveland</p> <p>15 Union Terminal for the New York Central. I</p> <p>16 worked at Rockport yard after that. I work at</p> <p>17 Fairlane --</p> <p>18 (Off the record due to microphone failure.)</p> <p>19 Q. I'm sorry. You started to say the</p> <p>20 different places that you worked.</p> <p>21 A. I started my employment at</p> <p>22 Cleveland Union Terminal for New York Central</p> <p>23 Railroad. I then went to Rockport yard,</p> <p>24 Fairlane yard and Collinwood yard.</p> <p>25 Q. Can you tell us what type of work</p> | <p style="text-align: right;">Page 156</p> <p>1 that you were working on?</p> <p>2 A. Passenger trains in some</p> <p>3 circumstances but if you worked at East 26</p> <p>4 Street, what's covered by Cleveland Union</p> <p>5 Terminal, that was freight, express -- mail</p> <p>6 express. Express terminal was at 26th Street</p> <p>7 and you also had the mail on the lakefront,</p> <p>8 which was the mail.</p> <p>9 Q. Was there a difference in pay</p> <p>10 between the freight? You talked about this a</p> <p>11 little bit, the freight and the passenger?</p> <p>12 A. Again, going by the classes,</p> <p>13 inspectors for passenger got five cents more</p> <p>14 per hour than the inspector for freight, and so</p> <p>15 on down the line.</p> <p>16 Q. And the gang leader passenger would</p> <p>17 get more than a gang leader freight?</p> <p>18 A. Yes. It would be.</p> <p>19 Q. Mr. Gallagher, did there come a</p> <p>20 time when you learned that the Pennsylvania</p> <p>21 Railroad and the New York Central Railroad were</p> <p>22 going to merge?</p> <p>23 A. I beg your pardon?</p> <p>24 Q. Did there come a time when you</p> <p>25 learned that the two were going to merge?</p>            |

39 (Pages 153 to 156)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 157</p> <p>1 A. I did.</p> <p>2 Q. Can you tell us how you learned</p> <p>3 about that?</p> <p>4 A. Let me reiterate. Prior to the</p> <p>5 merger, we were given papers and all that.</p> <p>6 They were asking us to go along with the</p> <p>7 merger. That Headlight thing was one but they</p> <p>8 also gave us -- more officials from the New</p> <p>9 York Central come down and they said that would</p> <p>10 be good and our jobs would be protected and we</p> <p>11 wouldn't be put in a lesser position.</p> <p>12 Then after they merged, they turned</p> <p>13 around and said well, the Cleveland Union</p> <p>14 Terminal was not part of the parent company.</p> <p>15 So consequently, the initial legislation -- law</p> <p>16 involved, you know -- your law firm and that</p> <p>17 had to be put on hold until the court later</p> <p>18 ruled that the Cleveland Union Terminal was 97</p> <p>19 percent owned by the New York Central and</p> <p>20 consequently, it was part of the parent</p> <p>21 company. At that time, of course, that's when</p> <p>22 the Penn Central was involved and at that time</p> <p>23 was when this whole thing started over again.</p> <p>24 Q. So you said you learned about the</p> <p>25 merger from publications?</p>                    | <p style="text-align: right;">Page 159</p> <p>1 them?</p> <p>2 A. Definitely. No doubt about it.</p> <p>3 Q. What kind of benefits were you</p> <p>4 supposed to get under the merger?</p> <p>5 A. I beg your pardon?</p> <p>6 Q. You said you got papers telling you</p> <p>7 about the merger and what the Merger Protective</p> <p>8 Agreement was going to provide.</p> <p>9 A. Yes.</p> <p>10 Q. What kind of benefits were you</p> <p>11 supposed to get under the agreement?</p> <p>12 MR. M. L. CIOFFI: Objection. Best</p> <p>13 Evidence Rule to the extent he is testifying</p> <p>14 about what he read in some document.</p> <p>15 CHAIRMAN STEINGLASS: He can</p> <p>16 testify as to what his understanding was and</p> <p>17 what he read about the circumstances</p> <p>18 surrounding the merger.</p> <p>19 BY MS. TRICARICHI:</p> <p>20 Q. Go ahead. You can answer the</p> <p>21 question. What kind of benefits were you</p> <p>22 supposed to get under the Merger Protection</p> <p>23 Agreement?</p> <p>24 A. We were told by officials of the</p> <p>25 New York Central Railroad that passed out</p>                                                                                                                         |
| <p style="text-align: right;">Page 158</p> <p>1 MR. M. L. CIOFFI: Objection.</p> <p>2 Leading.</p> <p>3 Q. Did you learn about the --</p> <p>4 A. You learned about anything that</p> <p>5 pertained to your job. You had to learn.</p> <p>6 Okay? Because it's predicated on you knowing</p> <p>7 the jobs, knowing the jobs available, knowing</p> <p>8 what jobs are open and what jobs are available</p> <p>9 to you. So it was up to you to know this.</p> <p>10 That's your livelihood. It depended on it.</p> <p>11 Q. Now, can you tell me before the</p> <p>12 merger, what was the relationship between the</p> <p>13 people who worked the New York Central and the</p> <p>14 people who worked at the Pennsylvania Railroad?</p> <p>15 A. At that time Pennsylvania Railroad</p> <p>16 was, I believe, the biggest railroad of the</p> <p>17 United States and the New York Central, of</p> <p>18 course, you know. But there was a rivalry.</p> <p>19 There was the green and red. I think that</p> <p>20 after the merger, there was even a book that</p> <p>21 come out titled The Green and the Red. So it</p> <p>22 was the big railroad against the small</p> <p>23 railroad. That's what it amounted to. Every</p> <p>24 railroad man thought his railroad was the best.</p> <p>25 Q. So there was a rivalry between</p> | <p style="text-align: right;">Page 160</p> <p>1 literature to us prior to the merger that they</p> <p>2 were for the merger, that we would be entitled</p> <p>3 to job protection in the Merger Protection</p> <p>4 Agreement at no lesser rate. We wouldn't be</p> <p>5 put in a lesser position.</p> <p>6 Q. You saw this a little bit earlier,</p> <p>7 this demonstrative exhibit, right?</p> <p>8 A. Yes.</p> <p>9 Q. Now, this is Section 1 of the</p> <p>10 Merger Protection Agreement. "None of the</p> <p>11 present employees of either said carrier should</p> <p>12 be deprived of employment or placed in a worse</p> <p>13 position." Mr. Gallagher, were you deprived of</p> <p>14 employment after the merger?</p> <p>15 A. Eventually, yes. The railroads</p> <p>16 deemed it necessary and as a business decision,</p> <p>17 they could have -- the freight service -- I</p> <p>18 mean the passenger business. And of course</p> <p>19 that meant each -- it was a reduction of the</p> <p>20 force. All right. So when it got down to you,</p> <p>21 you didn't have a job. So you had to seek a</p> <p>22 job someplace else.</p> <p>23 Q. So you were furloughed from your</p> <p>24 position?</p> <p>25 A. That's correct.</p> |

40 (Pages 157 to 160)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 161</p> <p>1 Q. Were you placed in a worse<br/>2 position?<br/>3 A. Absolutely. I had to apply for<br/>4 unemployment compensation.<br/>5 Q. When you applied for unemployment<br/>6 compensation, what was the position of the<br/>7 railroad when you applied for unemployment<br/>8 compensation?<br/>9 A. Well, each department worked<br/>10 different. We had a clerical department. If<br/>11 you signed up for unemployment compensation at<br/>12 the clerical department at Cleveland Union<br/>13 Terminal, you had to fill out an employment<br/>14 card. The chief clerk or clerk assigned to<br/>15 review that card would see that those days<br/>16 qualified as being unemployed. And by the very<br/>17 fact that they said that, yes, you were<br/>18 unemployed, you were not protected under the<br/>19 Merger Protection Agreement. You were<br/>20 furloughed.<br/>21 Q. So when you applied for<br/>22 unemployment, did the railroad indicate that<br/>23 you were unemployed during that period?<br/>24 A. The unemployment bureau that<br/>25 compensated you indicated. The railroad would</p> | <p style="text-align: right;">Page 163</p> <p>1 the merger -- did the merger affect your<br/>2 seniority?<br/>3 A. Definitely. No doubt about it. If<br/>4 they had told us -- you got to remember now,<br/>5 different departments of the railroad operate<br/>6 differently. All right. I can't compare it to<br/>7 transportation and nonoperating is different,<br/>8 clerical is different than maintenance. And it<br/>9 turns out that if you didn't have the job, you<br/>10 were just out. Period.<br/>11 Now, they turned around and told us<br/>12 there was an over and under roster. The car<br/>13 department didn't have an over and under<br/>14 roster. They did not put the car department<br/>15 roster underneath the car departments at<br/>16 Collinwood or at Rockport or any other freight<br/>17 point in the system.<br/>18 Q. So what did that mean to you in<br/>19 terms of being able to bid for a job?<br/>20 A. The only agreement we had with the<br/>21 carrier is that any qualified, okay, carman,<br/>22 you've got to serve a four-year apprenticeship<br/>23 as a non-qualified carman in order to be<br/>24 qualified. That was your apprenticeship. They<br/>25 had one agreement in the books between the</p> |
| <p style="text-align: right;">Page 162</p> <p>1 just turn around and they would look at the<br/>2 card, verify that yes, you missed these days<br/>3 and that card went in and that's what they<br/>4 based on your compensation from the<br/>5 unemployment bureau.<br/>6 Q. So they verified that you were<br/>7 furloughed during that, the railroad did?<br/>8 A. Right.<br/>9 Q. And did you get any job guarantee,<br/>10 any wage guarantee from the railroad?<br/>11 A. No, I did not.<br/>12 Q. Why did you not get it?<br/>13 A. Well, they -- as far as I'm<br/>14 concerned and the people that were involved<br/>15 with me from the nonoperating car department,<br/>16 we thought we were protected, and when we<br/>17 weren't, we sought legal help.<br/>18 Q. When you say you thought you were<br/>19 protected, what did that mean?<br/>20 A. We were told we were, but after the<br/>21 merger, we weren't.<br/>22 Q. Did you ever get those wage<br/>23 guarantee benefits?<br/>24 A. No.<br/>25 Q. Mr. Gallagher, can you tell us how</p>                                                                                              | <p style="text-align: right;">Page 164</p> <p>1 carriers and the union that it was a<br/>2 non-four-year man out of any other place in the<br/>3 system that you as a four-year carman could<br/>4 bump that man. But normally that job was like<br/>5 a vacation relief job. It wasn't a guaranteed<br/>6 job.<br/>7 Q. Prior to the merger, did you have a<br/>8 guaranteed regular job that you went to?<br/>9 A. Definitely.<br/>10 Q. Was it a full-time job?<br/>11 A. Eight hours a day, 40 hours a week.<br/>12 Q. After the merger, were you able to<br/>13 get full-time work?<br/>14 A. No. Not full-time.<br/>15 Q. What kind of jobs were you able to<br/>16 get?<br/>17 A. I was a dedicated railroad man like<br/>18 a lot of them were and you tried to get any job<br/>19 available to you. So you had to go out to<br/>20 another point and start all over again at the<br/>21 bottom of the list. And usually those jobs<br/>22 were the least desirable. They had jobs that<br/>23 filled the vacation jobs. So you might have<br/>24 filled the job while that man was on vacation.<br/>25 But if that man's vacation was over and there</p>                                                                                       |

41 (Pages 161 to 164)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 165</p> <p>1 was no other vacation jobs up then, you were<br/> 2 unemployed and you were out on the street.<br/> 3 Q. What happened to your job after the<br/> 4 merger, Mr. Gallagher?<br/> 5 A. I really don't know. My job -- you<br/> 6 can't really say what your job is because it's<br/> 7 a fluctuation of the number of jobs available.<br/> 8 What it would involve is your seniority.<br/> 9 Seniority is a big thing on the railroad.<br/> 10 That's your biggest thing and the jobs<br/> 11 available to you. The more jobs that are lost,<br/> 12 the less jobs you could hold. And it affects<br/> 13 the men on the bottom of the roster and they<br/> 14 have -- they're unemployed. That's all there<br/> 15 is to it. A lot of your railroaders turned<br/> 16 around, got disgusted with the whole thing and<br/> 17 went to a whole different industry altogether.<br/> 18 Q. Did you ever have a job outside the<br/> 19 railroad industry?<br/> 20 A. No. I had 45 years of service on<br/> 21 the railroad, including two years' service<br/> 22 time. And most employees of my same stats were<br/> 23 ex-servicemen from the Second World War and the<br/> 24 Korean campaign.<br/> 25 Q. So you never had any outside work?</p> | <p style="text-align: right;">Page 167</p> <p>1 Q. So you went to the freight yard<br/> 2 before the people senior to you, then you were<br/> 3 in a better seniority position?<br/> 4 A. On the bottom part of their freight<br/> 5 yard roster. Otherwise, when I went to the<br/> 6 freight yard, I lost approximately 12 years of<br/> 7 service at the CUT roster. Twelve years of<br/> 8 railroad service that was out the window.<br/> 9 Q. Did that place you in a worse<br/> 10 position, Mr. Gallagher?<br/> 11 A. The people after me were in worse<br/> 12 position.<br/> 13 Q. Worse position than you and you had<br/> 14 been worse than you had been before?<br/> 15 A. Definitely. No doubt about it.<br/> 16 Q. Now, you heard Mr. Cioffi in his<br/> 17 opening statement today say that the passenger<br/> 18 people didn't like to go out on the freight<br/> 19 yard because of adverse conditions. Can you<br/> 20 tell us what your experience was as a passenger<br/> 21 man versus working in the freight yard? You<br/> 22 did both work?<br/> 23 A. Definitely. In my own words, I<br/> 24 have to say that I realize there's a lot of<br/> 25 information given to both sides on this matter.</p>                                                                                                |
| <p style="text-align: right;">Page 166</p> <p>1 A. Prior to the railroad I did. I<br/> 2 worked for the United States Post Office.<br/> 3 Q. That was during high school?<br/> 4 A. Right.<br/> 5 Q. But after you hired on to the<br/> 6 railroad --<br/> 7 A. No. I retired from railroad work.<br/> 8 Q. Can you describe for us when your<br/> 9 job was abolished, and you were hired on in the<br/> 10 '40s; is that right?<br/> 11 A. 1945.<br/> 12 Q. So people senior to you on the CUT<br/> 13 roster who were carmen, were they able to stay<br/> 14 at the CUT locations longer than you were?<br/> 15 A. It was kind of adverse, okay. Put<br/> 16 it this way here. I got laid off before they<br/> 17 did, but by getting laid off before they --<br/> 18 Q. You got laid off before they did<br/> 19 because you were less senior than the --<br/> 20 A. Yes. And then what happens is<br/> 21 there was only so many non-four-year men in the<br/> 22 system. If you quote that job, the man senior<br/> 23 to me from the CUT that got laid off, he had<br/> 24 nothing available to -- he couldn't utilize<br/> 25 that carman, noncarman.</p>                                                                                                                             | <p style="text-align: right;">Page 168</p> <p>1 But most I heard is far -- is very erroneous.<br/> 2 Cleveland Union Terminal was divided in two<br/> 3 parts.<br/> 4 One was the station area and one<br/> 5 was the coach area. The station area was<br/> 6 underneath the buildings, the old post office<br/> 7 building and the Tower City and was built of<br/> 8 concrete. I worked out in Collinwood, jobs<br/> 9 they had where you get on the train and pull<br/> 10 out to Collinwood work and you come back in and<br/> 11 you punch out at the eight o'clock, you marked<br/> 12 out at the Cleveland Union Terminal. The<br/> 13 Cleveland Union Terminal, in the area itself in<br/> 14 the wintertime, was 20 degrees colder than the<br/> 15 temperature monitored at the Hopkins Airport.<br/> 16 And the same thing applied to the coach yard.<br/> 17 So I can't see where -- in the fall, in the<br/> 18 change of weather, the concrete -- we used to<br/> 19 warn the passengers it was so slick with<br/> 20 moisture, you had to watch your step so they<br/> 21 wouldn't fall.<br/> 22 Q. So was it a true statement that Mr.<br/> 23 Cioffi said that these passenger men just did<br/> 24 not want to go to the freight yard because it<br/> 25 was undesirable work? Was that true statement?</p> |

42 (Pages 165 to 168)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 169</p> <p>1 A. Maybe he was told that but it's not<br/>2 a true statement.<br/>3 Q. What's your experience?<br/>4 A. It's not a true statement. There<br/>5 was worse conditions, weatherwise at the<br/>6 Cleveland Union Terminal.<br/>7 Q. And that's the conditions under<br/>8 which you worked?<br/>9 A. That's the conditions you accepted<br/>10 to work. You did your job.<br/>11 Q. And how did that work compare to<br/>12 the work in the freight yard in terms of the<br/>13 temperature and the difficulty of the work?<br/>14 A. It was a higher temperature there<br/>15 but at the freight yard, there was different<br/>16 things you had to do there, too. I think in as<br/>17 far as the safety factor, it was a bigger<br/>18 safety factor with passenger than it was with<br/>19 freight.<br/>20 Q. So it wasn't that the passenger<br/>21 people didn't want to go to the freight yard.<br/>22 Is that a true statement?<br/>23 A. I can't speak for only the carmen<br/>24 from our department, which there's only three<br/>25 left out of 26. And I can't speak for them. I</p> | <p style="text-align: right;">Page 171</p> <p>1 Q. So he worked in the freight yard?<br/>2 A. Yes, he did.<br/>3 Q. And Pat McLaughlin, did you know<br/>4 him?<br/>5 A. Shakey.<br/>6 Q. Shakey. That was his nickname?<br/>7 A. I went to school with Pat and even<br/>8 worked with CUT -- same situation. And he<br/>9 finally wound up in the freight yard.<br/>10 Q. What about McNeeley?<br/>11 A. I went to school with -- the same<br/>12 situation as Mr. McLaughlin.<br/>13 Q. He went to the freight yard also?<br/>14 A. Yes.<br/>15 Q. What about Mr. Novotny?<br/>16 A. Andy Novotny is one of the<br/>17 survivors, one of the three of us that's still<br/>18 around.<br/>19 Q. Correct.<br/>20 A. I worked with him. And same<br/>21 situation. He worked with CUT and then he went<br/>22 to freight yard.<br/>23 Q. Mr. Ophalk.<br/>24 A. I found out later, Marty was a<br/>25 coach cleaner but I found out later on he went</p>       |
| <p style="text-align: right;">Page 170</p> <p>1 speak now for their families and the carmen<br/>2 that are no longer here to defend themselves.<br/>3 Q. Mr. Gallagher, did you know Mr.<br/>4 Bilinsky?<br/>5 A. I knew every man on that roster.<br/>6 Q. And so I'm just going to go through<br/>7 a series of people and I want you to tell me<br/>8 what you knew about them and I will ask you a<br/>9 few questions about them.<br/>10 Did you know Mr. Bilinsky?<br/>11 A. Definitely.<br/>12 Q. Did you know and work with Mr.<br/>13 Crtalic?<br/>14 A. Yes, I did.<br/>15 Q. What about Mr. Janke?<br/>16 A. Yes, I did. They were all ex-PIs.<br/>17 Q. Did you know Mr. Jarabeck?<br/>18 A. Joe Jarabeck was a supervisor at<br/>19 the CUT.<br/>20 Q. And you eventually became a<br/>21 supervisor also?<br/>22 A. On the freight side, yes.<br/>23 Q. Did you know Mr. Kochendorfer?<br/>24 A. He was a supervisor both on<br/>25 passenger and later on in freight.</p>                                                                                                                                                        | <p style="text-align: right;">Page 172</p> <p>1 out, I believe in motor yard and hired on as a<br/>2 carman.<br/>3 Q. What about Mr. Pentz?<br/>4 A. Joe Pentz, same thing. He worked<br/>5 in the car department downtown and later on in<br/>6 freight.<br/>7 Q. And Mr. Schreiner?<br/>8 A. Bob Schreiner was a coach cleaner<br/>9 and I really don't know -- you go to a<br/>10 different point. I lost track of Bob. I don't<br/>11 know what he did.<br/>12 Q. What about Paul Scuba? Did you<br/>13 know Paul?<br/>14 A. Very well. Very well.<br/>15 Q. And was he also in your same<br/>16 situation?<br/>17 A. Definitely. Same situation.<br/>18 Q. Did he go to work in freight yard?<br/>19 A. Yes.<br/>20 Q. He worked with you at Rockport?<br/>21 A. Yeah. So did McNeeley and so did<br/>22 all of them.<br/>23 Q. What about Mr. Sophner?<br/>24 A. George I lost track of. He worked<br/>25 as a carman down at CUT for the New York</p> |

43 (Pages 169 to 172)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 173</p> <p>1 Central and I don't know what happened to him.</p> <p>2 Q. What about Mr. Sowinski?</p> <p>3 A. Pete Sowinski, smoking gun. He</p> <p>4 worked CUT, the same situation and he went out</p> <p>5 and took a lesser job at a bottom of the list</p> <p>6 at Rockport.</p> <p>7 Q. At the freight yard?</p> <p>8 A. Yeah.</p> <p>9 Q. Mr. Gallagher, who kept the</p> <p>10 personnel files at the railroad, as far as you</p> <p>11 know?</p> <p>12 A. Car department had their own</p> <p>13 office. It was comprised of a clerk on each</p> <p>14 shift. The first shift had a chief clerk and a</p> <p>15 timekeeper and all that. They kept the records</p> <p>16 right there in the car department office.</p> <p>17 Q. And were those records anything</p> <p>18 that the employees kept themselves?</p> <p>19 A. No. Definitely not. That was</p> <p>20 confidential to the carrier. The only time if</p> <p>21 you got reprimanded or given time, that went on</p> <p>22 your record. Those records were confidential</p> <p>23 as far as the employee was concerned.</p> <p>24 Q. Mr. Gallagher, you heard Mr. Cioffi</p> <p>25 in his opening. Is there any time that you</p>                              | <p style="text-align: right;">Page 175</p> <p>1 Q. Did you sustain loss after the</p> <p>2 merger?</p> <p>3 A. Definitely. No doubt it about.</p> <p>4 When they turned around and said you are going</p> <p>5 to do something and didn't do it, why tell us</p> <p>6 one thing and do another thing? I know it's a</p> <p>7 business decision as far as the railroad is</p> <p>8 concerned, but later on at least someone was</p> <p>9 thinking. They turned around and would take</p> <p>10 off jobs from attrition. A man retired, a job</p> <p>11 went. And then later on they even offered</p> <p>12 buyouts. But they never offered buyouts to</p> <p>13 nonoperating. They failed the operating</p> <p>14 department and I can't blame them for that, but</p> <p>15 that's what the situation was.</p> <p>16 Q. And they never offered you the wage</p> <p>17 guarantee that they promised you?</p> <p>18 A. Definitely not.</p> <p>19 Q. Mr. Gallagher, at the beginning of</p> <p>20 your testimony, you touched on the fact that,</p> <p>21 depending on what designation you had, whether</p> <p>22 it was carman, car inspector, coach cleaner,</p> <p>23 gang leader, you had different rates of pay; is</p> <p>24 that correct?</p> <p>25 A. That's correct.</p>                                                                |
| <p style="text-align: right;">Page 174</p> <p>1 failed to exercise your seniority to get a job?</p> <p>2 A. Definitely not. In fact, I went</p> <p>3 out -- all the people went out of the way and</p> <p>4 accepted jobs, the last jobs of the seniority</p> <p>5 list, forfeiting maybe as high as 20 years on</p> <p>6 the CUT roster for the New York Central to work</p> <p>7 out the unemployment. Most of the professional</p> <p>8 railroaders, they had to feed their families.</p> <p>9 So they worked part-time and when it was over,</p> <p>10 they were off.</p> <p>11 Q. They worked part-time at the</p> <p>12 railroad because that's all they could get?</p> <p>13 A. That's all they could get.</p> <p>14 Q. So when Mr. Cioffi says in opening</p> <p>15 that there was no loss to you, and the</p> <p>16 Claimants couldn't show any loss, what do you</p> <p>17 think about that statement?</p> <p>18 MR. M. L. CIOFFI: Objection.</p> <p>19 CHAIRMAN STEINGLASS: Based on?</p> <p>20 MR. M. L. CIOFFI: It's irrelevant</p> <p>21 what he thinks about that statement.</p> <p>22 Q. Is that a true statement?</p> <p>23 CHAIRMAN STEINGLASS: Why don't you</p> <p>24 just ask him whether he sustained loss.</p> <p>25 BY MS. TRICARICHI:</p> | <p style="text-align: right;">Page 176</p> <p>1 Q. And then I think you also said that</p> <p>2 the passenger people in those respective</p> <p>3 positions were paid more than the freight</p> <p>4 people?</p> <p>5 A. Yes, they were.</p> <p>6 Q. So you, as a passenger man, when</p> <p>7 you went out to the freight yard in one of</p> <p>8 those positions, how did that affect your pay?</p> <p>9 A. Actually, in two ways. It affected</p> <p>10 the hourly rate because they were a nickel more</p> <p>11 on the passenger side. It also affected your</p> <p>12 availability of jobs. If I could have carried</p> <p>13 my seniority on the roster instead of going on</p> <p>14 the bottom of the roster, and the lower you are</p> <p>15 on the roster, the less available good paying</p> <p>16 jobs they had, because there's deviations in</p> <p>17 pay as far as the rates in the freight, too.</p> <p>18 Inspector, the repairman gets a higher rate and</p> <p>19 then the gang man gets a higher rate. Your</p> <p>20 wrecking crews gets a higher rate.</p> <p>21 Q. So when you went to the freight</p> <p>22 yard, assuming you could get a job in the</p> <p>23 freight yard with your seniority, when you did</p> <p>24 get a job, did you get paid more or less than</p> <p>25 when you were a passenger man?</p> |

44 (Pages 173 to 176)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 177</p> <p>1 A. I didn't get a job, I displaced a<br/>2 job. The job I displaced was really not a job.<br/>3 It was a relief job. It was held by a<br/>4 non-four-year carman and under the agreement, I<br/>5 could displace this man. But the job was just<br/>6 vacation, when the men went on vacation. So<br/>7 they couldn't guarantee 40 hours a week, eight<br/>8 hours a day. They might tell you this job will<br/>9 last a week's vacation and you were on it for a<br/>10 week.<br/>11 Q. So when you were on it for a week,<br/>12 you got paid less than the regular job you used<br/>13 to have before?<br/>14 A. Depending now on when that job you<br/>15 were working vacation relief, you get the rate<br/>16 of pay of that job. So it could be a low rate.<br/>17 It's depending on what it amounted to.<br/>18 Q. We talked about the other carmen.<br/>19 You are familiar with their experiences?<br/>20 A. Yes, I am.<br/>21 Q. Did any of the other people that<br/>22 you talked about in the group, we went through<br/>23 every single name, did any of them, to your<br/>24 knowledge, ever see benefits under the MPA,<br/>25 these wage benefits?</p> | <p style="text-align: right;">Page 179</p> <p>1 happening?"<br/>2 Q. Did any of them, based on their<br/>3 complaints to you that they weren't working --<br/>4 A. They definitely lost time. All of<br/>5 them. The whole thing was loss of time.<br/>6 Q. Did they lose money?<br/>7 A. The longer you were on the CUT<br/>8 roster, the more time you lost. Loss of time<br/>9 was loss of money. They had families to feed.<br/>10 MR. M. L. CIOFFI: Objection. This<br/>11 is all hearsay.<br/>12 CHAIRMAN STEINGLASS: Continue.<br/>13 BY MS. TRICARICHI:<br/>14 Q. So when the railroad told you,<br/>15 before the merger, in those papers that they<br/>16 sent you, the publications, that the merger<br/>17 would be good for you, now as you look at it,<br/>18 having the experience that you had, was it good<br/>19 for you, Mr. Gallagher?<br/>20 A. Definitely not. It was delusioned<br/>21 [sic] by the labor organization that was<br/>22 representing us at the time. I was delusioned<br/>23 by the carrier and all the other men also, they<br/>24 felt betrayed.<br/>25 MR. CIOFFI: Objection as to how</p>                                                                        |
| <p style="text-align: right;">Page 178</p> <p>1 MR. M. L. CIOFFI: Objection.<br/>2 Someone else's experience.<br/>3 CHAIRMAN STEINGLASS: To his<br/>4 knowledge.<br/>5 MR. M. L. CIOFFI: What is the<br/>6 basis of his knowledge?<br/>7 BY MS. TRICARICHI:<br/>8 Q. Mr. Gallagher, you testified --<br/>9 A. Let me, if I may. All right. I<br/>10 also was a representative of the Brotherhood of<br/>11 Railroad Carmen in the Cleveland Union<br/>12 Terminal. Consequently, when one of the carmen<br/>13 or a coach cleaner or anybody that was -- come<br/>14 under that -- speaks of that union, would have<br/>15 a problem, they would come up to you and say,<br/>16 John, what about this and what about that. You<br/>17 would have to go up to the office and try to<br/>18 straighten things out.<br/>19 You also had to, at the Cleveland<br/>20 Union Terminal, make the rosters up, make the<br/>21 bulletins up. So you -- any union member that<br/>22 you represented had the right to come up to you<br/>23 and ask you what should I do or how should I do<br/>24 it. And yes, that's why I learned how a lot of<br/>25 them would say "John, I'm not working, what's</p>                         | <p style="text-align: right;">Page 180</p> <p>1 they felt.<br/>2 Q. Is there anything you want to tell<br/>3 the Panel, Mr. Gallagher, about your experience<br/>4 and how they affected you?<br/>5 A. From what I hear here, it's awful<br/>6 difficult to relate to railroad terms and their<br/>7 terminology is different. I mean their<br/>8 information is just based on what they were<br/>9 told. But here we are talking about a<br/>10 situation --<br/>11 Q. You are talking about the<br/>12 information from Mr. Cioffi that he said this<br/>13 morning?<br/>14 A. I heard the gentleman, yes. But<br/>15 his information is based on what he was told<br/>16 and a lot of it wasn't true. The conditions of<br/>17 the working in the terminal. He said they<br/>18 didn't want to work the freight yard. Our<br/>19 people worked the freight yard at a lower rate<br/>20 of pay because they were regular railroad<br/>21 people, loyal employees. All right. They felt<br/>22 betrayed of what happened. And I can't see why<br/>23 they turn around and have people that are<br/>24 carmen that went to a four-year apprentice<br/>25 thing, why they couldn't use that talent on a</p> |

45 (Pages 177 to 180)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 181</p> <p>1 full-time basis.</p> <p>2 Q. Is there any question that you and</p> <p>3 the other people that you talked about were</p> <p>4 placed in a worse position?</p> <p>5 A. Definitely. We had to make each</p> <p>6 one of our employees aware of the Merger</p> <p>7 Protective Agreement. They were aware of it.</p> <p>8 They felt good for it when it first happened.</p> <p>9 They were going to have a protected job and</p> <p>10 after it happened, I'm saying it was 25 of us</p> <p>11 that sought legal help. What happened to the</p> <p>12 rest of them? They got disgusted. They said</p> <p>13 forget the railroad industry.</p> <p>14 MS. TRICARICHI: Thank you, Mr.</p> <p>15 Gallagher. Mr. Cioffi may have some questions.</p> <p>16 If you need to take a break, that's fine.</p> <p>17 CROSS-EXAMINATION OF JOHN GALLAGHER</p> <p>18 BY MR. M. L. CIOFFI:</p> <p>19 Q. Mr. Gallagher, I'll be quick in my</p> <p>20 questions but I do know you had a long career.</p> <p>21 You said you worked for the railroad from 1945</p> <p>22 to 1990; is that correct?</p> <p>23 A. That's correct, sir.</p> <p>24 Q. You retired in 1990. But you</p> <p>25 worked for the railroad all the way through</p> | <p style="text-align: right;">Page 183</p> <p>1 A. There was a break in my employment</p> <p>2 after I first went to Rockport, there was a</p> <p>3 break in employment. Then I worked for a while</p> <p>4 at Rockport. And then there was another break</p> <p>5 through that reduction of force, so I went out</p> <p>6 to Fairlane.</p> <p>7 Q. Okay.</p> <p>8 A. But then the same thing happened</p> <p>9 again and I again displaced a non-four-year man</p> <p>10 in Collinwood yard. All right. That's the</p> <p>11 only thing. Then as business picked up a</p> <p>12 little bit, I was recalled to Rockport yard.</p> <p>13 Q. And these breaks in employment in</p> <p>14 the '50s were the result of slow work? Work</p> <p>15 not being there? Being there sometimes or not</p> <p>16 other times? Things of that nature?</p> <p>17 A. They resulted in the amount of jobs</p> <p>18 you could hold. Seniority meaning everything</p> <p>19 on the railroad. If you could hold a job, you</p> <p>20 held it; if you couldn't hold it, you are</p> <p>21 furloughed.</p> <p>22 Q. In your long career and most of it</p> <p>23 being at the CUT --</p> <p>24 A. I wouldn't necessarily say that.</p> <p>25 Q. How many years at the CUT?</p> |
| <p style="text-align: right;">Page 182</p> <p>1 that period of time, didn't you?</p> <p>2 A. I beg your pardon?</p> <p>3 Q. I said that was a continuous stream</p> <p>4 of employment, wasn't it?</p> <p>5 A. No, it was not.</p> <p>6 Q. When were there breaks in your</p> <p>7 employment?</p> <p>8 A. Well, I -- break in my employment</p> <p>9 between the time I went from CUT to Rockport</p> <p>10 and there was a break there. I couldn't --</p> <p>11 Q. What year was that, sir?</p> <p>12 A. I have to ask you to go by the</p> <p>13 record. I'm not good at years, really. I'll</p> <p>14 go by whatever the record states.</p> <p>15 Q. What was it -- let me just ask you</p> <p>16 by decades. Did you have breaks in your</p> <p>17 employment in the '40s?</p> <p>18 A. No.</p> <p>19 Q. In the '50s?</p> <p>20 A. Probably, yes.</p> <p>21 Q. Just discuss the nature of these</p> <p>22 breaks in your employment.</p> <p>23 A. Well, I again, I'm -- I really</p> <p>24 can't go by the dates.</p> <p>25 Q. I'm not asking dates.</p>                                                                                                                                                                                                         | <p style="text-align: right;">Page 184</p> <p>1 A. I would say about 15.</p> <p>2 Q. You were familiar with the traffic</p> <p>3 flow in and out of the CUT, correct?</p> <p>4 A. Definitely.</p> <p>5 Q. Isn't it true that there was a</p> <p>6 dramatic decline in railroad traffic, passenger</p> <p>7 traffic into and out of the CUT?</p> <p>8 A. There was a contrived flow of</p> <p>9 traffic into and out the CUT. Compared to</p> <p>10 the -- if you want to say declined, compared it</p> <p>11 to the '40s when there was thousands of troops,</p> <p>12 thousands of passengers, thousands of prisoners</p> <p>13 of war, thousands of immigrants going through</p> <p>14 the CUT. From that area, yes, there was a</p> <p>15 decline.</p> <p>16 Q. Did you meet with Mrs. Tricarichi</p> <p>17 after your deposition?</p> <p>18 MS. TRICARICHI: Objection.</p> <p>19 Attorney-client privilege.</p> <p>20 A. No. I don't know what you mean by</p> <p>21 the question.</p> <p>22 MS. TRICARICHI: Are you asking</p> <p>23 about his communication with me? Is that the</p> <p>24 question?</p> <p>25 MR. M. L. CIOFFI: I'm asking if</p>                                                                                                   |

46 (Pages 181 to 184)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 185</p> <p>1 they met.</p> <p>2 MS. TRICARICHI: Objection.</p> <p>3 CHAIRMAN STEINGLASS: I'll allow</p> <p>4 that.</p> <p>5 A. What was the question?</p> <p>6 BY MR. M. L. CIOFFI:</p> <p>7 Q. Have you met with Ms. Tricarichi to</p> <p>8 talk about your testimony today?</p> <p>9 A. I've talked to her about several</p> <p>10 different points.</p> <p>11 MS. TRICARICHI: Objection.</p> <p>12 CHAIRMAN STEINGLASS: I know you</p> <p>13 are not trying to invade the privilege.</p> <p>14 BY MR. M. L. CIOFFI:</p> <p>15 Q. You met with her in the conference</p> <p>16 room today?</p> <p>17 A. No.</p> <p>18 CHAIRMAN STEINGLASS: Wait. Wait.</p> <p>19 Mr. Gallagher, stop.</p> <p>20 MS. TRICARICHI: I think there is a</p> <p>21 basic issue here as to my communications with</p> <p>22 him are privileged. I don't -- why doesn't Mr.</p> <p>23 Cioffi tell us what he is going for here and</p> <p>24 maybe we will understand the purpose if there</p> <p>25 is any legitimate purpose.</p>                                                                                               | <p style="text-align: right;">Page 187</p> <p>1 question yet, but Mr. Gallagher, I want to</p> <p>2 instruct you that any communication you had</p> <p>3 with me, you don't have to talk about here</p> <p>4 because that's called privilege. Okay?</p> <p>5 MR. M. L. CIOFFI: Can you read</p> <p>6 back the last question.</p> <p>7 (The record was read.)</p> <p>8 BY MR. M. L. CIOFFI:</p> <p>9 Q. You met in this conference room out</p> <p>10 here, right, before your testimony today?</p> <p>11 A. I sat down with her, yes.</p> <p>12 Q. You met with her, right?</p> <p>13 A. No, she met with me.</p> <p>14 Q. She met you with?</p> <p>15 A. Yes. Because I was kind of</p> <p>16 disgusted with some of the things that went on</p> <p>17 in this room prior to the time that I talked to</p> <p>18 her, and that's why I talked to her because</p> <p>19 there was a lot of things, erroneous</p> <p>20 information. When you give erroneous</p> <p>21 information that defames good people, I don't</p> <p>22 go for it. You can throw me out if you want</p> <p>23 to.</p> <p>24 Q. Mr. Gallagher, you had your</p> <p>25 deposition taken in this case, didn't you?</p>                                 |
| <p style="text-align: right;">Page 186</p> <p>1 CHAIRMAN STEINGLASS: I would</p> <p>2 assume Ms. Tricarichi met with all of her</p> <p>3 clients before and after the deposition. So I</p> <p>4 haven't heard anything inappropriate yet.</p> <p>5 MR. M. L. CIOFFI: I'm just asking</p> <p>6 if they met and talked about the testimony.</p> <p>7 MR. GRIFFIN: But then you are</p> <p>8 asking about the content of the communication.</p> <p>9 CHAIRMAN STEINGLASS: He hasn't</p> <p>10 crossed the line yet and I'm sure he is not</p> <p>11 going to.</p> <p>12 MR. M. L. CIOFFI: Of course not.</p> <p>13 THE WITNESS: May I answer the</p> <p>14 question?</p> <p>15 MR. M. L. CIOFFI: Yes. Please,</p> <p>16 answer the question.</p> <p>17 MS. TRICARICHI: No. Mr.</p> <p>18 Gallagher, if there is no question before you,</p> <p>19 wait until he asks the question. Wait until he</p> <p>20 asks a question.</p> <p>21 MR. M. L. CIOFFI: Read back the</p> <p>22 prior --</p> <p>23 MS. TRICARICHI: I just want to</p> <p>24 tell Mr. Gallagher, because you may think that</p> <p>25 Mr. Cioffi hadn't asked an inappropriate</p> | <p style="text-align: right;">Page 188</p> <p>1 A. Yes, I did.</p> <p>2 Q. You were under oath at the time</p> <p>3 your deposition was taken, weren't you?</p> <p>4 A. Definitely.</p> <p>5 Q. You gave truthful testimony?</p> <p>6 A. Yes, I did.</p> <p>7 Q. I want to direct your attention to</p> <p>8 page 35 of your deposition transcript.</p> <p>9 You were represented by Ms.</p> <p>10 Tricarichi?</p> <p>11 MS. TRICARICHI: My understanding</p> <p>12 of impeachment is, the way impeachment works is</p> <p>13 you ask the person the question and then if</p> <p>14 they give an inconsistent answer, then you can</p> <p>15 impeach. But you can't talk about the question</p> <p>16 that they were asked in deposition before you</p> <p>17 ask the exact same question. That's my</p> <p>18 understanding of impeachment. So I don't know</p> <p>19 what he is doing waving the deposition around</p> <p>20 but that's the procedure.</p> <p>21 MR. M. L. CIOFFI: That may be her</p> <p>22 procedure but that's not mine. There is no</p> <p>23 rule that says I have to do it that way. And I</p> <p>24 have asked a question and that's why I want to</p> <p>25 impeach him with his testimony.</p> |

47 (Pages 185 to 188)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 189</p> <p>1 CHAIRMAN STEINGLASS: Continue.</p> <p>2 BY MR. M. L. CIOFFI:</p> <p>3 Q. I want to direct your attention to</p> <p>4 page 35 of your deposition.</p> <p>5 MS. TRICARICHI: He doesn't have</p> <p>6 the deposition.</p> <p>7 MR. M. L. CIOFFI: I'm going to</p> <p>8 hand it to him.</p> <p>9 Q. So, Mr. Gallagher, I'm going to</p> <p>10 hand you your deposition transcript. On page</p> <p>11 35, which is up here, I'm going to ask you to</p> <p>12 look at line No. 7 and read that question and</p> <p>13 then would you read your answer?</p> <p>14 MS. TRICARICHI: This is not proper</p> <p>15 impeachment -- this is just not.</p> <p>16 CHAIRMAN STEINGLASS: For my</p> <p>17 benefit, is this an exhibit?</p> <p>18 MS. TRICARICHI: No, it's not an</p> <p>19 exhibit.</p> <p>20 You have to lay a proper foundation</p> <p>21 for the introduction of any inconsistent</p> <p>22 statement. You haven't laid that.</p> <p>23 MR. M. L. CIOFFI: I'm not</p> <p>24 introducing it as evidence.</p> <p>25 MS. TRICARICHI: You had a million</p> | <p style="text-align: right;">Page 191</p> <p>1 MS. TRICARICHI: Impeachment is</p> <p>2 inconsistency. That's not inconsistency.</p> <p>3 CHAIRMAN STEINGLASS: Please.</p> <p>4 BY MR. M. L. CIOFFI:</p> <p>5 Q. You didn't say it was a contrived</p> <p>6 decline in your deposition, did you?</p> <p>7 A. No, but I should have.</p> <p>8 Q. You should have?</p> <p>9 A. Yes.</p> <p>10 Q. Why didn't you?</p> <p>11 A. I didn't want the -- my lawyer to</p> <p>12 punch me in the mouth I guess. It was</p> <p>13 contrived. There is no doubt about it.</p> <p>14 Q. Let me ask you some questions.</p> <p>15 A. Let me continue on that. I'm</p> <p>16 asking you why did the railroad not bid on the</p> <p>17 mail contract? The mail contract paid for</p> <p>18 every passenger train that comes to the CUT</p> <p>19 from coast to coast. They did not bid on it.</p> <p>20 CHAIRMAN STEINGLASS: Mr. Gallagher</p> <p>21 really didn't have to answer that question. I</p> <p>22 think it will work a little bit if you just --</p> <p>23 THE WITNESS: I retract that</p> <p>24 statement.</p> <p>25 BY MR. M. L. CIOFFI:</p>                                |
| <p style="text-align: right;">Page 190</p> <p>1 objects to me on foundation and I went back and</p> <p>2 changed my question. Now I think that it's the</p> <p>3 same thing. He hadn't laid the proper</p> <p>4 foundation and should be required to do that.</p> <p>5 CHAIRMAN STEINGLASS: Continue, Mr.</p> <p>6 Cioffi.</p> <p>7 BY MR. M. L. CIOFFI:</p> <p>8 Q. Do you remember my question, Mr.</p> <p>9 Gallagher?</p> <p>10 A. Yes.</p> <p>11 Q. Look at the line. Would you read</p> <p>12 line 6?</p> <p>13 MS. TRICARICHI: What page and what</p> <p>14 line?</p> <p>15 MR. M. L. CIOFFI: Page 35, line 6.</p> <p>16 BY MR. M. L. CIOFFI:</p> <p>17 Q. Please read that question, please.</p> <p>18 A. Line 6. Question: "Okay. I see</p> <p>19 what you mean."</p> <p>20 "During your employment at the CUT,</p> <p>21 was there a decline in passenger service?"</p> <p>22 Q. Now, read your answer, please.</p> <p>23 A. "I would say yes."</p> <p>24 Compared to the amount of traffic</p> <p>25 they had during the Second World War.</p>                                                  | <p style="text-align: right;">Page 192</p> <p>1 Q. You said that several of these</p> <p>2 workers who were friends of yours, Mr.</p> <p>3 Bilinsky, Mr. Novotny, Mr. McNeeley, all</p> <p>4 suffered some sort of -- were put in a worse</p> <p>5 position as a result of the merger. Is that</p> <p>6 your testimony?</p> <p>7 A. Yes, it was.</p> <p>8 Q. What was Mr. Bilinsky's</p> <p>9 compensation loss? Do you know?</p> <p>10 A. No. That was between Mr. Bilinsky</p> <p>11 and the carrier.</p> <p>12 Q. How about Mr. Janke?</p> <p>13 A. The same situation. That's their</p> <p>14 private business.</p> <p>15 Q. How about Mr. McNeeley?</p> <p>16 A. I -- as far as the names you are</p> <p>17 mentioning, I don't know of any compensation</p> <p>18 that those people have gotten, because they</p> <p>19 were in the same situation I was and they</p> <p>20 worked with me.</p> <p>21 Q. I want to talk a little bit about</p> <p>22 your compensation. You talked about those</p> <p>23 breaks a little bit earlier in your</p> <p>24 compensation or in your work with the railroad</p> <p>25 in the '50s, and you were mentioning there were</p> |

48 (Pages 189 to 192)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 193</p> <p>1 continuing breaks. I want to talk a little bit<br/> 2 about your income from the railroad. Generally<br/> 3 speaking, isn't it true that your income<br/> 4 increased every year you worked for the<br/> 5 railroad?<br/> 6 MS. TRICARICHI: Objection. What<br/> 7 period of time? Every year since the time he<br/> 8 started? Is that your question?<br/> 9 MR. M. L. CIOFFI: Yes.<br/> 10 A. Well, that would stand to reason --<br/> 11 no, it wouldn't. I don't have my W-2s, as far<br/> 12 as that goes. It was predicated on how much<br/> 13 time you lost or how much time you worked.<br/> 14 Q. But generally speaking, you made<br/> 15 more money each year from the year before?<br/> 16 A. All the time I worked there I guess<br/> 17 they had raises.<br/> 18 Q. Cost of living raises?<br/> 19 A. Yeah. I started off on the<br/> 20 railroad at 69 and a half cents an hour.<br/> 21 Q. And you were making a lot more than<br/> 22 that in 1990, right?<br/> 23 A. In the '40s the railroad industry<br/> 24 was the lowest paid industry, period. That's<br/> 25 why they couldn't get the people to work there.</p> | <p style="text-align: right;">Page 195</p> <p>1 that to you as page 4 and this is about you.<br/> 2 And on the left-hand side, you will see for<br/> 3 each year your income. I'm just asking is that<br/> 4 the year you were injured?<br/> 5 A. Perhaps, yes.<br/> 6 Q. Okay. And that would explain the<br/> 7 drop off, right?<br/> 8 A. Yeah. It would.<br/> 9 Q. Your injury was in that time frame?<br/> 10 A. I believe it was. I'm not<br/> 11 positive.<br/> 12 Q. And then each year after that, in<br/> 13 '70 -- here. You look at it. And just -- do<br/> 14 you see those blocks there? Your salary, each<br/> 15 year, increases; isn't that right?<br/> 16 A. According to these figures, yes.<br/> 17 Q. Okay. But that's consistent with<br/> 18 your memory, isn't it?<br/> 19 A. If you call it a memory.<br/> 20 Q. I have the same problem.<br/> 21 But you have no reason to believe<br/> 22 those aren't, right?<br/> 23 A. No.<br/> 24 Q. So really from 1970, on, except<br/> 25 from the year you were injured, from 1970, on,</p> |
| <p style="text-align: right;">Page 194</p> <p>1 Q. And in 1969, your income, what<br/> 2 happened in that year? Your income dropped<br/> 3 off?<br/> 4 A. My income dropped off in 1969. I<br/> 5 really don't know. I would stand by anything<br/> 6 you say. One year I got injured. I don't know<br/> 7 if it was '69 or not. I lost about six months'<br/> 8 work.<br/> 9 Q. What happened in your injury?<br/> 10 A. I was working over at the Chevrolet<br/> 11 plant and a freight car door fell on me.<br/> 12 Q. Was that in the '60s?<br/> 13 A. I don't really know. It's in the<br/> 14 record.<br/> 15 Q. I know and I'm looking at it and<br/> 16 I'm just going to show you one of your<br/> 17 counsel's exhibits.<br/> 18 MS. TRICARICHI: What exhibit would<br/> 19 that be?<br/> 20 MR. M. L. CIOFFI: This would be<br/> 21 the report of Mr. Gallagher prepared by Dr.<br/> 22 Rosen.<br/> 23 BY MR. M. L. CIOFFI:<br/> 24 Q. This is an expert your lawyers have<br/> 25 hired to talk about it. So I'm going to hand</p>                                                                                                                                             | <p style="text-align: right;">Page 196</p> <p>1 you made \$7,800 and then \$9,000 and \$10,000.<br/> 2 You were making more than at any period prior<br/> 3 to the merger, right?<br/> 4 A. Yes, I was. It's a matter of<br/> 5 economics.<br/> 6 MR. M. L. CIOFFI: I have no<br/> 7 further questions.<br/> 8 MS. TRICARICHI: I have some<br/> 9 questions.<br/> 10 REDIRECT EXAMINATION OF JOHN GALLAGHER<br/> 11 BY MS. TRICARICHI:<br/> 12 Q. Mr. Gallagher, to follow up on what<br/> 13 Mr. Cioffi asked you about, you said when you<br/> 14 were off injured, you were off for how many<br/> 15 months?<br/> 16 A. I believe it was six months.<br/> 17 Q. Pardon?<br/> 18 A. I believe it was six months.<br/> 19 Q. Six months. So you couldn't have<br/> 20 worked 12 months in the year you were injured,<br/> 21 right?<br/> 22 A. No. There's a lot of years that I<br/> 23 only worked six months.<br/> 24 Q. So if these records that he just<br/> 25 showed you indicate that in 1969 you worked 12</p>                                       |

49 (Pages 193 to 196)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 197</p> <p>1 months, then that wouldn't have been the year<br/> 2 you got injured, right?<br/> 3 A. I guess so. I'm vague on that.<br/> 4 Q. You don't remember what year you<br/> 5 got injured but you remember you didn't work 12<br/> 6 months?<br/> 7 A. I don't want to remember the exact<br/> 8 year I got injured.<br/> 9 Q. But the railroad would have the<br/> 10 records of the year you got injured, right?<br/> 11 A. The railroad has my records of<br/> 12 injury. They have the injury reports. They<br/> 13 have the time-off reports. They have all the<br/> 14 records, the personnel reports in the car<br/> 15 department.<br/> 16 Q. And that would have been part of<br/> 17 your personnel file, right?<br/> 18 A. Yes, it would.<br/> 19 Q. Mr. Cioffi asked you, you don't<br/> 20 know specifically how much money each of the<br/> 21 other people who were carmen that we talked<br/> 22 about, how much they lost; is that correct?<br/> 23 You don't know how much specifically each<br/> 24 person lost?<br/> 25 A. No. As I told you, and I don't</p> | <p style="text-align: right;">Page 199</p> <p>1 a job. And then they turned around and they<br/> 2 had buyouts. But that wasn't offered in this<br/> 3 period.<br/> 4 Q. Was it also a business decision, in<br/> 5 your opinion, to try to exclude the CUT from<br/> 6 the coverage in the merger agreement?<br/> 7 A. Definitely. Someone thought that<br/> 8 they would save money.<br/> 9 MS. TRICARICHI: No further<br/> 10 questions, Mr. Gallagher.<br/> 11 CHAIRMAN STEINGLASS: Mr. Cioffi,<br/> 12 are you done?<br/> 13 MS. TRICARICHI: I do have just a<br/> 14 couple.<br/> 15 FURTHER REDIRECT EXAMINATION OF JOHN GALLAGHER<br/> 16 BY MS. TRICARICHI:<br/> 17 Q. As far as you know, Mr. Gallagher,<br/> 18 we talked about the other men and Mr. Cioffi<br/> 19 asked you about it on cross-examination. Any<br/> 20 other carmen talk about receiving any benefits,<br/> 21 any merger benefits under the MPA?<br/> 22 A. None. None that I know of.<br/> 23 Q. Did your fellow carmen that you<br/> 24 talked about going to the freight yard, did<br/> 25 they all exercise their seniority to go to the</p>                                                              |
| <p style="text-align: right;">Page 198</p> <p>1 know why, this whole thing is kind of<br/> 2 predicated on how much time you lost. Why<br/> 3 don't you check unemployment records? That<br/> 4 would tell you.<br/> 5 Q. But you know, you may not know how<br/> 6 much they lost?<br/> 7 A. Definitely not. Each individual<br/> 8 varied.<br/> 9 Q. But they did lose compensation?<br/> 10 A. No question about that.<br/> 11 Q. Quite a bit?<br/> 12 A. No question about that. Quite a<br/> 13 bit.<br/> 14 Q. Mr. Cioffi asked you a question<br/> 15 about your deposition and he asked you if you<br/> 16 put the word "contrived" in it and you said you<br/> 17 should have. Why was it that you said you<br/> 18 think it was contrived?<br/> 19 A. It was a business decision on their<br/> 20 part. But I think that they went about it<br/> 21 wrong.<br/> 22 Later on in Conrail they -- the<br/> 23 labor overhead was one of the biggest costs of<br/> 24 the railroad. So they turned around and they<br/> 25 did it by attrition. A man retired and you got</p>                                         | <p style="text-align: right;">Page 200</p> <p>1 freight yard?<br/> 2 A. They were put on the bottom of the<br/> 3 roster. They didn't exercise their seniority<br/> 4 because they lost it. They lost their railroad<br/> 5 seniority at the CUT. We were not offered an<br/> 6 over and under roster like the transportation<br/> 7 was. So they had to go on the bottom of list,<br/> 8 otherwise they forfeited any seniority they<br/> 9 had.<br/> 10 Seniority is the value of the jobs.<br/> 11 That's how you could bid on jobs. If you have<br/> 12 the seniority, it pays a higher rate of pay.<br/> 13 There's different rates of pay in all<br/> 14 classifications.<br/> 15 Q. As far as you know, did any of<br/> 16 those people you talked about knowing and<br/> 17 having worked side by side with, did they ever<br/> 18 refuse to work?<br/> 19 A. Not the people I know. They were<br/> 20 professional railroad people.<br/> 21 Q. Since you were a union official,<br/> 22 you would have knowledge of when people showed<br/> 23 up, when they didn't show up?<br/> 24 A. Definitely. The car department at<br/> 25 CUT would have us -- the union people make up</p> |

50 (Pages 197 to 200)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 201</p> <p>1 the rosters, the jobs available for bid, and et<br/>2 cetera. They would look at it and if it was<br/>3 okay, they would post it.<br/>4 Q. And you would also know as a union<br/>5 person of anybody who was going to be<br/>6 disciplined or if any grievance was going to be<br/>7 brought for somebody --<br/>8 A. I sat in quite a bit of<br/>9 investigations. The carrier had their rules<br/>10 and the union had theirs.<br/>11 Q. If someone didn't show up for work<br/>12 and they consistently refused, they would be<br/>13 disciplined, wouldn't they?<br/>14 A. They would be called in and<br/>15 notified and the local representative would be<br/>16 notified and they would set up a hearing date.<br/>17 And usually it was a one, two, three -- first<br/>18 time, second time and third time you were out.<br/>19 So it was kind of a consistent thing.<br/>20 Q. Were any of those people that we<br/>21 talked about -- named, Bilinsky, all the names<br/>22 that we talked about, were any of those people<br/>23 terminated for refusing to take jobs?<br/>24 A. Not one of them. Not one. I'm<br/>25 positive about that.</p> | <p style="text-align: right;">Page 203</p> <p>1 you said, but look at '60 through '75 on this<br/>2 exhibit and it shows that your months of<br/>3 service were 12 for each of those years; isn't<br/>4 that correct?<br/>5 A. I beg your pardon? Repeat the<br/>6 question.<br/>7 Q. Yes. I'm sorry. Your months of<br/>8 service for all those years from 1960 through<br/>9 1975, you had months of service were 12, right?<br/>10 MS. TRICARICHI: I would object to<br/>11 this line of questioning.<br/>12 A. I can't concur with this report.<br/>13 MS. TRICARICHI: Wait. Mr.<br/>14 Gallagher, let me finish my objection.<br/>15 He hadn't really laid any<br/>16 foundation of the document, whether this<br/>17 witness is familiar with this document, so I<br/>18 would ask you to do that.<br/>19 MR. M. L. CIOFFI: It's<br/>20 cross-examination. You produced this document.<br/>21 It's represented to -- you produced it as a<br/>22 representation of his wage earnings and I'm<br/>23 asking him about it.<br/>24 MS. TRICARICHI: I produced it to<br/>25 you. It's not clear where I produced it to</p> |
| <p style="text-align: right;">Page 202</p> <p>1 MS. TRICARICHI: I don't have any<br/>2 other questions.<br/>3 RECROSS-EXAMINATION OF JOHN GALLAGHER<br/>4 BY MR. M. L. CIOFFI:<br/>5 Q. Mr. Gallagher, I'm going to hand<br/>6 you another document which is a service and<br/>7 compensation report that we got from your<br/>8 counsel about your months of service and --<br/>9 MR. M. L. CIOFFI: 458 of your<br/>10 Bates stamp.<br/>11 MS. TRICARICHI: Did I discuss this<br/>12 in my direct?<br/>13 MR. M. L. CIOFFI: Yes, you did.<br/>14 MS. TRICARICHI: Okay.<br/>15 BY MR. M. L. CIOFFI:<br/>16 Q. Mr. Gallagher, handing you what's<br/>17 been called Service and Compensation Report<br/>18 which is 458 Bates stamp. We'll just call it<br/>19 Plaintiff's Exhibit 102 -- I mean excuse me<br/>20 Carrier Exhibit 102, just for identification<br/>21 purposes.<br/>22 Now, this is a compilation of your<br/>23 salary going back to 1954 and I want to direct<br/>24 your attention to the months of service. I<br/>25 know your injury occurred sometime around '69</p>                                                                                                                   | <p style="text-align: right;">Page 204</p> <p>1 him.<br/>2 MR. M. L. CIOFFI: What was I going<br/>3 to do with it other than use it at the hearing?<br/>4 MS. TRICARICHI: I don't know what<br/>5 you are going to do with it.<br/>6 MR. M. L. CIOFFI: Well, come on.<br/>7 That's just absurd.<br/>8 MS. TRICARICHI: I think the<br/>9 foundation is to ask him have you ever seen it<br/>10 before.<br/>11 MR. M. L. CIOFFI: No, it isn't.<br/>12 It's cross examination. I'm not giving it into<br/>13 evidence through him. I'm just asking him,<br/>14 using this document, of his wages and months to<br/>15 establish a point.<br/>16 CHAIRMAN STEINGLASS: Continue.<br/>17 BY MR. M. L. CIOFFI:<br/>18 Q. So that says you have 12 months of<br/>19 service in those years, right?<br/>20 A. It indicates 12 months of service<br/>21 but it doesn't indicate 12 months of<br/>22 compensated service.<br/>23 Q. You might have been --<br/>24 A. Furloughed and still on the books.<br/>25 That's what that 12 months means.</p>                                                                                    |

51 (Pages 201 to 204)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 205</p> <p>1 Q. I also want you to look at the flow<br/>2 of income. Your income in each one of those<br/>3 years as you go forward, it increases each<br/>4 year, about the same or it increases every year<br/>5 except 1969; is that right?<br/>6 A. That's correct.<br/>7 Q. Okay. So again, looking at, now,<br/>8 the longer history that Ms. Tricarichi provided<br/>9 us with, it looks like the only -- based on<br/>10 your income stream, the only time you could<br/>11 have been injured and off for a substantial<br/>12 period of time would have been '69, in terms of<br/>13 the impact on your earnings; isn't that<br/>14 correct?<br/>15 MS. TRICARICHI: Objection.<br/>16 CHAIRMAN STEINGLASS: Based on?<br/>17 (The record was read.)<br/>18 MS. TRICARICHI: I think that's not<br/>19 what he said. He said he didn't know it.<br/>20 MR. M. L. CIOFFI: It's a new<br/>21 question. Quit telling him how to answer.<br/>22 That's totally inappropriate. I have a<br/>23 question pending. Don't tell the witness when<br/>24 a question is pending how to answer.<br/>25 MS. TRICARICHI: I'm going to</p> | <p style="text-align: right;">Page 207</p> <p>1 figures and all that, but it doesn't indicate<br/>2 the time lost. You might have turned around if<br/>3 you were a wreck service on the railroad, you<br/>4 got compensated more and it depended on what<br/>5 job you worked. But you were in a lesser<br/>6 position because you were like starting new.<br/>7 Thank you.<br/>8 BY MR. M. L. CIOFFI:<br/>9 Q. My question was in terms of your<br/>10 injury when you had time off and less income,<br/>11 the only year, based on the salary stream, that<br/>12 that could have happened was 1969, correct?<br/>13 MS. TRICARICHI: Objection. He<br/>14 said he didn't know when he was injured.<br/>15 MR. M. L. CIOFFI: Really. I'm<br/>16 going to ask you, no speaking objections. That<br/>17 is totally inappropriate. You know that,<br/>18 everyone on the Panel knows it and you<br/>19 shouldn't permit that.<br/>20 MS. TRICARICHI: Thank you, Judge<br/>21 Cioffi.<br/>22 CHAIRMAN STEINGLASS: Why don't you<br/>23 both come up here.<br/>24 (Discussion held off the record.)<br/>25 Q. Mr. Gallagher, your injury was</p> |
| <p style="text-align: right;">Page 206</p> <p>1 listen to what Mr. Steinglass tells --<br/>2 MR. M. L. CIOFFI: Objection to<br/>3 what you said -- I'm asking her to be<br/>4 instructed not to make those comments when the<br/>5 question is pending. That's wrong.<br/>6 CHAIRMAN STEINGLASS: Why don't we<br/>7 ask the question again.<br/>8 (The record was read.)<br/>9 CHAIRMAN STEINGLASS: You can<br/>10 answer.<br/>11 MR. M. L. CIOFFI: Could you read<br/>12 that back again.<br/>13 (The record was read.)<br/>14 A. I'm trying to answer this the best<br/>15 I can. Okay? You look at these figures, it's<br/>16 a variable all the way along. Depending on<br/>17 what your job is, on what job you are assigned<br/>18 to is where the rate of pay comes in. And it's<br/>19 a variable. Again, it's three different rates<br/>20 of pay.<br/>21 But the point I'm trying to say is<br/>22 this: I was told that I would not be put in a<br/>23 lesser position and I was, and so was the rest<br/>24 of the carmen at the CUT. They were. You can<br/>25 take all these payroll records and all these</p>                                         | <p style="text-align: right;">Page 208</p> <p>1 sometime in the later 1960s, do you remember<br/>2 that?<br/>3 A. No, I don't. I stand by the<br/>4 record. Whatever it indicates in the company<br/>5 records is the time it happened.<br/>6 Q. Wasn't in the '50s, was it?<br/>7 A. I'm not really -- I'm pretty vague<br/>8 on that. I'm not trying to be smart but the<br/>9 company should have it.<br/>10 Q. You said it was in the record and<br/>11 Ms. Tricarichi asked you a lot about the record<br/>12 you said that the records were in the car<br/>13 department, right?<br/>14 A. Yes.<br/>15 Q. The car department is an office<br/>16 here in CUT, or where exactly is the car<br/>17 department?<br/>18 A. The car department at CUT office<br/>19 was at CUT. The car department at Rockport was<br/>20 at Rockport. The car department office at<br/>21 Collinwood was at Collinwood.<br/>22 Q. And the car department kept the<br/>23 personnel records, right?<br/>24 A. Of the employees working there --<br/>25 Q. And you heard Mr. Knapik's</p>                                                                     |

52 (Pages 205 to 208)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 209</p> <p>1 testimony, right?</p> <p>2 A. Yes, I did.</p> <p>3 Q. And he talked about when Conrail</p> <p>4 took over Penn Central in 1976, correct?</p> <p>5 A. Yes.</p> <p>6 Q. Did the records get moved or were</p> <p>7 they still in the car department after Conrail</p> <p>8 took over?</p> <p>9 A. The car department employees had</p> <p>10 most access to the records of all. That was</p> <p>11 the personnel file and that was controlled by</p> <p>12 the chief clerk and the clerks in the office.</p> <p>13 You didn't have any access to that at all. The</p> <p>14 only time I might have learned of something is</p> <p>15 if there was an investigation on an employee,</p> <p>16 they took his record. And if there was any</p> <p>17 time assessed, they would deal with it. But</p> <p>18 you couldn't see the records at all. That was</p> <p>19 privileged information.</p> <p>20 Q. No. My question is the car</p> <p>21 department was there when Penn Central was your</p> <p>22 employer, correct?</p> <p>23 A. That's correct.</p> <p>24 Q. And the car department with the</p> <p>25 records were there after Conrail took over;</p> | <p style="text-align: right;">Page 211</p> <p>1 know, the figure for other workers there, you</p> <p>2 could tell the difference.</p> <p>3 Q. But that impacted on your income?</p> <p>4 A. It impacted not only in mine, I'm</p> <p>5 talking for the families and employees that</p> <p>6 come under the agreement.</p> <p>7 Q. And that impacted eventually on</p> <p>8 your pension also, did it not?</p> <p>9 A. No, because we used to take classes</p> <p>10 every year on railroad retirement. They take</p> <p>11 the last ten years of your employment and</p> <p>12 that's how you count. Mine was impacted</p> <p>13 because I had 45 years service, two years</p> <p>14 service time, and I went out at 62 because they</p> <p>15 were losing jobs, and I figured I wouldn't be</p> <p>16 compensated that much if I stayed to 65.</p> <p>17 Q. So you did early retirement.</p> <p>18 A. Yes, I did.</p> <p>19 Q. When you said the records would</p> <p>20 show, you don't mean those records, you mean</p> <p>21 the personnel records that you were talking</p> <p>22 about?</p> <p>23 A. No. I have been shown figures</p> <p>24 there but it's not a clear picture.</p> <p>25 Q. When you say the records would show</p> |
| <p style="text-align: right;">Page 210</p> <p>1 isn't that correct.</p> <p>2 A. The car department is there today.</p> <p>3 Q. It's still there today. All right.</p> <p>4 Are your records there today?</p> <p>5 A. I wouldn't know where my records</p> <p>6 were.</p> <p>7 MR. M. L. CIOFFI: Thank you. No</p> <p>8 more questions.</p> <p>9 CHAIRMAN STEINGLASS: Thank you.</p> <p>10 FURTHER REDIRECT EXAMINATION OF JOHN GALLAGHER</p> <p>11 BY MS. TRICARICHI:</p> <p>12 Q. Usually women don't like to say</p> <p>13 their age, but I'm going to ask you how old are</p> <p>14 you, Mr. Gallagher?</p> <p>15 A. Seventy-nine years young.</p> <p>16 Q. Mr. Cioffi is trying to get you to</p> <p>17 say that you were injured in 1969. Do you</p> <p>18 remember when you were injured?</p> <p>19 A. No, I don't. I stand by the</p> <p>20 records. I don't know.</p> <p>21 I'm getting a little confused here</p> <p>22 because I thought we were talking about being</p> <p>23 put in a lesser position. If you take those</p> <p>24 figures that the gentleman had there and</p> <p>25 compare them to full-time employment to, you</p>                                                       | <p style="text-align: right;">Page 212</p> <p>1 when you were injured, you are talking about</p> <p>2 your personnel records, right?</p> <p>3 A. Absolutely.</p> <p>4 Q. And those are the personnel records</p> <p>5 that would have been in the possession of Penn</p> <p>6 Central until at least 1976; isn't that</p> <p>7 correct?</p> <p>8 A. They should have been in the</p> <p>9 records file from Penn Central to Conrail.</p> <p>10 They were on their property.</p> <p>11 MS. TRICARICHI: Thank you.</p> <p>12 MR. M. L. CIOFFI: Nothing further.</p> <p>13 CHAIRMAN STEINGLASS: Mr.</p> <p>14 Gallagher, thank you very much.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 CHAIRMAN STEINGLASS: Do you want</p> <p>17 to start or do you want to take a short break?</p> <p>18 MR. M. L. CIOFFI: Short break.</p> <p>19 (Recess taken.)</p> <p>20 PHILLIP FRANZ, of lawful age,</p> <p>21 called for examination, being first duly sworn,</p> <p>22 as hereinafter certified, deposed and said as</p> <p>23 follows:</p> <p>24 DIRECT EXAMINATION OF PHILLIP FRANZ</p> <p>25 BY MS. TRICARICHI:</p>                                                                                                                             |

53 (Pages 209 to 212)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 213</p> <p>1 Q. Can you state your name for the<br/>2 record, please, Mr. Franz.<br/>3 A. Phillip with two Ls, J. Franz.<br/>4 That's F-R-A-N-Z.<br/>5 Q. Can you give us your address, Mr.<br/>6 Franz?<br/>7 A. 13865 Mohawk Trail, Middleburg<br/>8 Heights, Ohio 44130.<br/>9 Q. Mr. Franz, are you presently<br/>10 employed?<br/>11 A. No, I'm retired.<br/>12 Q. And where are you retired from?<br/>13 What type of employment?<br/>14 A. BP Chemicals.<br/>15 Q. Prior to that, where did you work?<br/>16 A. It's predecessor, Sohio and then<br/>17 prior to that, Penn Central Railroad.<br/>18 Q. When did you hire on with the<br/>19 railroad?<br/>20 A. September 1, 1955.<br/>21 Q. And what railroad did you hire on<br/>22 with at that time?<br/>23 A. New York Central.<br/>24 Q. Can you tell us what type of work<br/>25 you did for the New York Central Railroad?</p>                                                                                                                        | <p style="text-align: right;">Page 215</p> <p>1 A. I started as a file clerk. I was<br/>2 on the job a week and got promoted to a cash<br/>3 balance clerk. I worked as a cash balance<br/>4 clerk for maybe a year and became a senior cash<br/>5 balance clerk and had four other people<br/>6 reporting to me. And then a training position<br/>7 came open in the rate department and I obtained<br/>8 that position and became a rate revision clerk.<br/>9 Q. What did a rate revision clerk do<br/>10 at that time?<br/>11 A. Audited all the freight bills on a<br/>12 daily basis, issued refunds or balance due<br/>13 bills accordingly, checked the freight charges<br/>14 against the rates, handled all correspondence,<br/>15 handled all claims that came in, handled all<br/>16 phone calls from shippers along the routes that<br/>17 you were assigned, quoted rates to them either<br/>18 inbound or outbound of any product in or out of<br/>19 their facilities. Basically that was it.<br/>20 Q. So you were working for the New<br/>21 York Central Railroad in 1964 when the merger<br/>22 was enacted?<br/>23 A. Yes, I was.<br/>24 Q. And you had about 11 years'<br/>25 seniority at that time; is that right?</p> |
| <p style="text-align: right;">Page 214</p> <p>1 A. I worked for the auditor of freight<br/>2 revenue in Cleveland.<br/>3 Q. What is the auditor of freight<br/>4 revenue? What does that department do?<br/>5 A. It had accounting people, the<br/>6 computer people, and freight people basically.<br/>7 Q. Did you work in an office, Mr.<br/>8 Franz?<br/>9 A. Yes. From eight to 4:45, five days<br/>10 a week with Saturday and Sunday off.<br/>11 Q. Approximately how long did you do<br/>12 that as a regular job from eight to 4:45?<br/>13 A. Fourteen years.<br/>14 Q. So that would have been from your<br/>15 hire date --<br/>16 A. September 1, '55.<br/>17 Q. -- through the beginning of 1969?<br/>18 A. Correct.<br/>19 Q. Can you give us a sense -- can you<br/>20 give all of us a sense of what your job duties<br/>21 entailed during that period? What did you do<br/>22 on a day-to-day basis?<br/>23 A. All of them? Or when I started?<br/>24 Q. Well, from the time you started,<br/>25 what type of job duties you had?</p> | <p style="text-align: right;">Page 216</p> <p>1 A. Nine years.<br/>2 Q. I can't even add. Okay. Nine<br/>3 years of seniority at that point.<br/>4 And can you tell us what the<br/>5 significance of seniority was in your job?<br/>6 A. Basically was the only way you<br/>7 could get promoted by bidding on any job that<br/>8 was posted on your seniority roster. If<br/>9 somebody left, retired or anything else, you<br/>10 could bid on it and it was based on seniority.<br/>11 You would get it.<br/>12 Q. And at the time you learned about<br/>13 the Merger Protection Agreement, were you<br/>14 concerned at all about losing your job?<br/>15 A. In 1964? No.<br/>16 Q. Were you aware that there was a<br/>17 Merger Protective Agreement?<br/>18 A. Yes.<br/>19 Q. And can you tell us what the<br/>20 benefits were under the Merger Protective<br/>21 Agreement?<br/>22 MR. M. L. CIOFFI: Objection. The<br/>23 agreement speaks for itself as interpreted by<br/>24 the Sixth Circuit Judge Lambros and perhaps by<br/>25 the Panel.</p>                                                                                                                                                                                |

54 (Pages 213 to 216)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 217</p> <p>1 CHAIRMAN STEINGLASS: Mr. Franz</p> <p>2 will have an opportunity to answer the</p> <p>3 question.</p> <p>4 BY MS. TRICARICHI:</p> <p>5 Q. You can answer the question.</p> <p>6 A. It offered employees protection in</p> <p>7 the event that their job was eliminated or</p> <p>8 affected by the merger.</p> <p>9 Q. Were you working for the railroad</p> <p>10 in 1968 when the merger was consummated?</p> <p>11 A. Yes, I was.</p> <p>12 Q. And did there come a time after</p> <p>13 that time the railroad was merged that your job</p> <p>14 was abolished?</p> <p>15 A. Yes. January 10 of 1969 my job was</p> <p>16 abolished.</p> <p>17 Q. Can you tell us how you first</p> <p>18 learned your job was abolished?</p> <p>19 A. I'm not sure. There was two ways.</p> <p>20 One, it was posted on the bulletin board at</p> <p>21 work.</p> <p>22 Q. I'm handing you what has been</p> <p>23 previously marked as Plaintiff's Exhibit 20.</p> <p>24 Can you identify this?</p> <p>25 A. Yes. That's the posting that was</p>                                  | <p style="text-align: right;">Page 219</p> <p>1 A. Yes. This is the one I received at</p> <p>2 home.</p> <p>3 Q. This was sent to your home and it</p> <p>4 also tells you your job is being abolished?</p> <p>5 A. Correct.</p> <p>6 Q. In addition to telling you that</p> <p>7 your job was being abolished, did it give you</p> <p>8 any direction as to what you were supposed to</p> <p>9 do?</p> <p>10 A. Yes. It told me I had ten calendar</p> <p>11 days in which to exercise my seniority to</p> <p>12 obtain a regularly assigned position.</p> <p>13 Q. So when you received this notice,</p> <p>14 did you make any attempt to exercise your</p> <p>15 seniority as you were requested or ordered to</p> <p>16 do in that document?</p> <p>17 A. Yes. I sent a letter to Detroit,</p> <p>18 Michigan to Mr. E.T. Scheper who was the</p> <p>19 auditor of freight revenue, with a copy to my</p> <p>20 union representative, asking for a list of all</p> <p>21 jobs available to me by the exercise of my</p> <p>22 seniority.</p> <p>23 Q. I'm handing you what was previously</p> <p>24 marked as Plaintiff's Exhibit 21. Can you</p> <p>25 identify this document?</p>           |
| <p style="text-align: right;">Page 218</p> <p>1 at work on the bulletin board. Basically</p> <p>2 eliminated the whole department.</p> <p>3 Q. So you were looking at the piece of</p> <p>4 paper dated January 10, 1969. It indicates a</p> <p>5 Mr. Watjen, Mr. Feldscher, Mr. Franz, Mr.</p> <p>6 Fensom and Mr. Thompson. Were those the people</p> <p>7 in your department?</p> <p>8 A. All except the last one.</p> <p>9 Q. He was in Toledo; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Yes. So the first four that I</p> <p>12 talked about, those were the only people in</p> <p>13 your department at that time?</p> <p>14 A. Yes.</p> <p>15 Q. So were those the only people in</p> <p>16 Cleveland doing rate revision work?</p> <p>17 A. Yes.</p> <p>18 Q. And the whole department was</p> <p>19 abolished at that time?</p> <p>20 A. Correct.</p> <p>21 Q. And then you said you also received</p> <p>22 another notice of the -- that your job was</p> <p>23 abolished. I'm going to hand you what is also</p> <p>24 marked Exhibit 20, under Sophner Exhibit 20.</p> <p>25 Do you recognize this?</p> | <p style="text-align: right;">Page 220</p> <p>1 A. That's the letter that I wrote --</p> <p>2 or this is the one that Bob Watjen wrote. This</p> <p>3 is the letter that I wrote asking for a list of</p> <p>4 the jobs that could I bid by using the exercise</p> <p>5 of my seniority.</p> <p>6 Q. What happened after you wrote this</p> <p>7 letter, Mr. Franz?</p> <p>8 A. A few days after that, Mr. E.T.</p> <p>9 Scheper came to our department and introduced</p> <p>10 himself. I never met him before.</p> <p>11 Q. What was his position again?</p> <p>12 A. He was the auditor of freight</p> <p>13 revenue, the top man in Detroit.</p> <p>14 Q. He was the one to whom you would</p> <p>15 address those --</p> <p>16 A. The letter. Yes.</p> <p>17 Q. The letter. Go ahead. And then</p> <p>18 what happened when he came to Cleveland?</p> <p>19 A. He informed the three of us, Jim</p> <p>20 Feldscher, Bob Watjen and myself, that he would</p> <p>21 not allow us to exercise our seniority.</p> <p>22 And I specifically asked "does that</p> <p>23 mean that I have exhausted all my rights of</p> <p>24 exercising my seniority?"</p> <p>25 And he said "as far as I'm</p> |

55 (Pages 217 to 220)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 221</p> <p>1 concerned, yes. You have exhausted your<br/>2 rights."<br/>3 MR. M. L. CIOFFI: Objection. Move<br/>4 to strike. Hearsay.<br/>5 CHAIRMAN STEINGLASS: Overruled.<br/>6 BY MS. TRICARICHI:<br/>7 Q. After the visit from Mr. Scheper --<br/>8 A. Yes.<br/>9 Q. -- what actions -- and he told you,<br/>10 you had exhausted your options, what actions<br/>11 did you take then?<br/>12 A. I wrote a letter to Mr. Scheper and<br/>13 with a copy of my union rep asking for my<br/>14 separation allowance. The original letter said<br/>15 I had ten days to exercise my seniority rights,<br/>16 so I figured I had to get this in within the<br/>17 same ten days.<br/>18 Q. And that original letter was<br/>19 January 10; is that right?<br/>20 A. Right.<br/>21 Q. All right. I'm handing you what we<br/>22 have previously marked as Plaintiff's Exhibit<br/>23 22. Is this that letter, the second letter<br/>24 that you wrote to Mr. Scheper that you just<br/>25 talked about?</p>                                                                    | <p style="text-align: right;">Page 223</p> <p>1 exercise my rights within ten days. The first<br/>2 letter of the 10th said that.<br/>3 Q. Did you ever receive any kind of<br/>4 response from the railroad regarding your<br/>5 request?<br/>6 A. No response whatsoever.<br/>7 Q. To this date, have you ever<br/>8 received a response regarding your separation?<br/>9 A. No response.<br/>10 Q. So your job was to be abolished, I<br/>11 believe on January 24, based on the document<br/>12 labeled Plaintiff's Exhibit 20, to which you<br/>13 just testified. What did you do January 24 at<br/>14 the end of the day?<br/>15 A. Went home. Was told to go home.<br/>16 Q. Did you hear anything from the<br/>17 railroad at that time?<br/>18 A. No.<br/>19 Q. Did they make any payments to you<br/>20 while you were at home that you recall?<br/>21 A. No. I don't recall.<br/>22 Q. And when is the next time that you<br/>23 heard anything from the railroad?<br/>24 A. I received a letter a few weeks<br/>25 later stating that I should report to East 73rd</p>                                                                                                            |
| <p style="text-align: right;">Page 222</p> <p>1 A. Yes.<br/>2 Q. And in this letter, what do you ask<br/>3 for?<br/>4 A. I chose to take my separation<br/>5 allowance in accordance with the terms of the<br/>6 merger agreement.<br/>7 Q. And can you explain to us what a<br/>8 separation allowance is, Mr. Franz?<br/>9 A. Separation allowance is what they<br/>10 afford somebody like that and it's based on<br/>11 your years of service, the amount of money you<br/>12 would receive.<br/>13 Q. And when you say a separation<br/>14 allowance, is that -- we talked about different<br/>15 kinds of allowance, displacement allowance.<br/>16 What is a separation allowance?<br/>17 A. It's a severance pay.<br/>18 Q. And the amount of severance pay is<br/>19 based on how many years you had in service?<br/>20 A. Right. The top amount that they<br/>21 pay is ten years or more of service.<br/>22 Q. Again, your rationale for needing<br/>23 to elect separation within a particular time<br/>24 frame, why did you do it in -- why did you --<br/>25 A. Because it said that I should</p> | <p style="text-align: right;">Page 224</p> <p>1 and Kinsman Street at 11 o'clock at night and<br/>2 you will be a utility clerk with no seniority.<br/>3 Q. And what was the utility clerk, Mr.<br/>4 Franz?<br/>5 A. It was noted as a person who gets<br/>6 all the garbage jobs that can't be filled by<br/>7 bidding purposes. Nobody wanted them.<br/>8 Q. Did you go to Kinsman?<br/>9 A. Yes, I did.<br/>10 Q. What happened when you went to that<br/>11 job at Kinsman at 11 o'clock at night?<br/>12 A. Well, the parking lot was fenced in<br/>13 and they locked it after you because of<br/>14 break-ins of cars. You had to knock on the<br/>15 door and say who is there because they locked<br/>16 the offices because of break-ins there. You<br/>17 couldn't go out for lunch. They wouldn't allow<br/>18 you. You had to bring your lunch for safety<br/>19 purposes.<br/>20 They sat me down at a desk with an<br/>21 IBM keypunch machine and a telephone and said<br/>22 "this is your job." The man that I reported to<br/>23 had less than one year seniority with the<br/>24 railroad. And he said "this is your job."<br/>25 And I said "who is going to tell me</p> |

56 (Pages 221 to 224)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 225</p> <p>1 what to do?"</p> <p>2 And he said "it's up to you." And</p> <p>3 he walked away.</p> <p>4 Q. How many years of seniority did you</p> <p>5 have at that time?</p> <p>6 A. Fourteen.</p> <p>7 He thought it was a joke that he</p> <p>8 was able to order me around with less than a</p> <p>9 year's seniority.</p> <p>10 Q. Let me go back for a minute. When</p> <p>11 you said you wrote the letter on January 14 to</p> <p>12 exercise seniority, can you tell us why it was</p> <p>13 you were exercising your seniority in Detroit?</p> <p>14 A. That is the only place I had</p> <p>15 seniority. I started in Cleveland for the</p> <p>16 auditor of freight revenue in '55. In 1959,</p> <p>17 the New York Central decided to consolidate all</p> <p>18 their auditor freight revenues and they moved</p> <p>19 our office from Cleveland to Detroit. And my</p> <p>20 seniority, that's when it went up to Detroit,</p> <p>21 left me nothing but a job in Cleveland with</p> <p>22 seniority in Detroit.</p> <p>23 Q. So you were working in Cleveland</p> <p>24 but your seniority --</p> <p>25 A. My whole 14 years were in</p> | <p style="text-align: right;">Page 227</p> <p>1 A. 1969.</p> <p>2 Q. So that was a loss of how many</p> <p>3 years?</p> <p>4 A. Fourteen years.</p> <p>5 Q. So you got a new seniority date?</p> <p>6 A. A new seniority date.</p> <p>7 Q. So by the exercise of your</p> <p>8 seniority, were you able to get a job on the</p> <p>9 railroad?</p> <p>10 A. No.</p> <p>11 Q. By the exercise of your seniority,</p> <p>12 could you get job anywhere in your</p> <p>13 organization?</p> <p>14 A. No.</p> <p>15 Q. When you say that, why was that?</p> <p>16 A. Because I didn't have any</p> <p>17 seniority. The person that started on the day</p> <p>18 before me would be able to get a job before I</p> <p>19 would.</p> <p>20 Q. So the person who started at</p> <p>21 Kinsman the day before you was more senior to</p> <p>22 you --</p> <p>23 A. Right.</p> <p>24 Q. -- even though you had 14 years of</p> <p>25 seniority?</p>                                                                                                                                 |
| <p style="text-align: right;">Page 226</p> <p>1 Cleveland.</p> <p>2 Q. But the roster that you were on was</p> <p>3 in Detroit?</p> <p>4 A. Correct.</p> <p>5 Q. And that was the seniority roster</p> <p>6 that you followed?</p> <p>7 A. Correct.</p> <p>8 Q. And the freight accounting office,</p> <p>9 that's where the rosters were, out in Detroit?</p> <p>10 A. Right.</p> <p>11 Q. So I wanted to try to go back and</p> <p>12 explain because I didn't know if it was clear.</p> <p>13 Mr. Scheper said -- what did he say about</p> <p>14 Detroit?</p> <p>15 A. He said "we will not allow you to</p> <p>16 come up there and exercise your seniority."</p> <p>17 Q. And that was the only place you had</p> <p>18 seniority.</p> <p>19 A. That was the only place I had</p> <p>20 seniority.</p> <p>21 Q. When you went Kinsman, what</p> <p>22 seniority date did you go with?</p> <p>23 A. They told me that my seniority date</p> <p>24 was February 11.</p> <p>25 Q. What year?</p>                                                                                                                                                                                         | <p style="text-align: right;">Page 228</p> <p>1 A. Right. One that didn't know</p> <p>2 nothing about railroad business from the</p> <p>3 outside would be able to outbid me.</p> <p>4 Q. When you were at Kinsman, did you</p> <p>5 try to bid on other jobs?</p> <p>6 A. They told me about different, what</p> <p>7 they even called garbage jobs that might become</p> <p>8 available.</p> <p>9 Q. And were you able to get any other</p> <p>10 jobs?</p> <p>11 A. I bid on a few and was outbid.</p> <p>12 Q. Were you outbid by people who had</p> <p>13 a -- do you know if they had a greater or</p> <p>14 lesser original hire date than you?</p> <p>15 A. All I know is I didn't get the</p> <p>16 jobs, so they must have had more seniority than</p> <p>17 February 11.</p> <p>18 Q. Now, you said you worked in an</p> <p>19 office with Mr. Watjen?</p> <p>20 A. Yes.</p> <p>21 Q. Can you tell us, did Mr. Watjen</p> <p>22 also receive a notice that his job was</p> <p>23 abolished?</p> <p>24 A. He was posted on the same bulletin</p> <p>25 board.</p> |

57 (Pages 225 to 228)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 229</p> <p>1 Q. So that would have been this<br/>2 Exhibit 20, his name was on the same post?<br/>3 A. Yes. He received the same notice I<br/>4 did at home.<br/>5 Q. His was also eliminated?<br/>6 A. Yes. He was told to report to<br/>7 Collinwood. That's all I remember.<br/>8 Q. And Mr. Feldscher was also in your<br/>9 office and his name was, I think, also on that<br/>10 post it --<br/>11 A. Yes.<br/>12 Q. -- notice that jobs were abolished?<br/>13 A. Yes.<br/>14 Q. Were the three of you all there<br/>15 when Mr. Scheper came --<br/>16 A. Yes.<br/>17 Q. -- and told you that you couldn't<br/>18 exercise your seniority?<br/>19 A. Yes. The three of us were all<br/>20 there.<br/>21 Q. And can you tell us, did Mr. Watjen<br/>22 then mark off for a utility job also?<br/>23 A. Yes, he did. The same day I did,<br/>24 he reported to Collinwood.<br/>25 Q. What about Mr. Feldscher?</p>                                                                                                                                                              | <p style="text-align: right;">Page 231</p> <p>1 I couldn't figure out how they were determining<br/>2 this dollar amount, and nobody would answer or<br/>3 could answer why it was less or whether it<br/>4 would continue or what.<br/>5 Q. During that period that you were<br/>6 working at Kinsman, did you ever receive a wage<br/>7 guarantee to put you up to the level that you<br/>8 had been before in terms of compensation?<br/>9 A. No.<br/>10 Q. It's fair to say that you lost<br/>11 compensation then?<br/>12 A. Yes.<br/>13 Q. And are you familiar with a David<br/>14 Bundy?<br/>15 A. Yes, I am.<br/>16 Q. And can you tell me where he<br/>17 worked?<br/>18 A. He worked in the Selkirk, New York<br/>19 office and it was the same situation he had.<br/>20 His seniority in Detroit and couldn't follow --<br/>21 couldn't exercise his seniority and also forced<br/>22 him to be a utility clerk.<br/>23 MR. M. L. CIOFFI: Objection. Move<br/>24 to strike. Based on hearsay.<br/>25 CHAIRMAN STEINGLASS: Overruled.</p>                                                          |
| <p style="text-align: right;">Page 230</p> <p>1 A. I think he had a different day to<br/>2 report but he reported for his also.<br/>3 Q. And were you in contact with him at<br/>4 the time?<br/>5 A. Continual contact. I worked with<br/>6 him for 14 years and they were friends of mine.<br/>7 Q. Were they also given new seniority<br/>8 dates?<br/>9 A. Yes.<br/>10 Q. Can you tell us, are you familiar<br/>11 with someone by the name of Tom O'Neil?<br/>12 A. Tom O'Neil was a rate revision<br/>13 clerk in Syracuse, New York. His job was<br/>14 abolished the same time ours was. His<br/>15 seniority was on the Detroit roster also. And<br/>16 he was basically told the same thing.<br/>17 Q. And do you know if he tried to mark<br/>18 up for any other kind of jobs?<br/>19 A. He became a utility clerk also.<br/>20 Q. When you say you were utility clerk<br/>21 from the time you worked at Kinsman, did you<br/>22 make the same money that you had made as a rate<br/>23 revision clerk?<br/>24 A. I questioned every paycheck. It<br/>25 was always less than I had previously made and</p> | <p style="text-align: right;">Page 232</p> <p>1 Q. Were you in contact with Mr. Donely<br/>2 as well?<br/>3 A. Mr. Donely and Mr. O'Neil used to<br/>4 call into our department daily to give a report<br/>5 on the number of carloads that they handled for<br/>6 that day. We would make a consolidated report<br/>7 from all the outlying places together with our<br/>8 movement for the day and send that report on to<br/>9 Detroit daily. So I had daily contact with all<br/>10 those people.<br/>11 Q. What about an Anna Mae Wilger, who<br/>12 was --<br/>13 A. She would call in the amount of<br/>14 bills handled in her territory and talked to<br/>15 her and her situation was the same as the rest<br/>16 of us.<br/>17 Q. Did you ever receive your<br/>18 separation allowance, Mr. Franz?<br/>19 A. Never.<br/>20 Q. To your knowledge based on this<br/>21 communication that you had with the other<br/>22 people in the group, did any of them receive<br/>23 their separation pay?<br/>24 A. Mr. O'Neil received a W-2 at the<br/>25 end of the year that included his severance</p> |

58 (Pages 229 to 232)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 233</p> <p>1 allowance that he was entitled to, which he<br/>2 never got. He questioned the railroad on it<br/>3 and they just told him it must have been an<br/>4 error and he had to request a corrected W-2.<br/>5 MR. M. L. CIOFFI: Objection. Move<br/>6 to strike. Hearsay.<br/>7 MS. TRICARICHI: For information<br/>8 for the Panel, that W-2 was submitted in<br/>9 discovery to the --<br/>10 CHAIRMAN STEINGLASS: An original<br/>11 or registered or both?<br/>12 MS. TRICARICHI: I think the<br/>13 original one was sent showing the separation<br/>14 amount.<br/>15 CHAIRMAN STEINGLASS: Let him<br/>16 testify, recognizing the weight issue.<br/>17 BY MS. TRICARICHI:<br/>18 Q. Did you communicate with -- you<br/>19 talked a little bit about your experience at<br/>20 Kinsman. Did you talk to any of the other rate<br/>21 revision clerks who have spoken about their<br/>22 experience as utility workers?<br/>23 A. My experience was terrible. Nobody<br/>24 in the office would talk to you. Nobody would<br/>25 help you. They sat you down and you were a</p> | <p style="text-align: right;">Page 235</p> <p>1 Q. So you would have been considered a<br/>2 present employee of the New York Central,<br/>3 correct?<br/>4 A. Yes, I would.<br/>5 Q. Based on your experience that you<br/>6 testified to, when were you placed in a worse<br/>7 position with respect to your working<br/>8 conditions?<br/>9 A. Working conditions, definitely.<br/>10 Q. Were you also placed in a worse<br/>11 position with respect to your compensation?<br/>12 A. Yes.<br/>13 Q. Was the job as utility employee a<br/>14 demotion for you?<br/>15 A. I considered it a garbage job, just<br/>16 like everybody called it there. Yes, it was<br/>17 demotion. It was humiliation.<br/>18 Q. You said you tried to exercise your<br/>19 seniority to try to get a job, both when you<br/>20 were in Detroit and then when you were in<br/>21 Kinsman, you also tried to exercise your<br/>22 seniority but you got outbid.<br/>23 A. I got outbid. I tried to get some<br/>24 better hours and better location.<br/>25 Q. And you were outbid by, not by the</p>                                                            |
| <p style="text-align: right;">Page 234</p> <p>1 leper. And Mr. Watjen called me on my job very<br/>2 upset saying --<br/>3 MR. M. L. CIOFFI: Objection.<br/>4 Hearsay.<br/>5 CHAIRMAN STEINGLASS: Overruled.<br/>6 BY MS. TRICARICHI:<br/>7 Q. Go ahead. You can testify.<br/>8 A. Mr. Watjen stated that nobody is<br/>9 talking to him. "They won't tell me what to do<br/>10 on my job." He says "they sent me down on a<br/>11 keypunch machine and told me to go to work and<br/>12 they said if you don't, you are going to be<br/>13 disqualified" is what they told Watjen.<br/>14 Q. And by disqualified, do you<br/>15 understand what that meant?<br/>16 A. Fired with no benefits.<br/>17 Q. Do you know approximately how many<br/>18 years of seniority Mr. Watjen had?<br/>19 A. Twenty-four.<br/>20 MR. M. L. CIOFFI: Objection.<br/>21 CHAIRMAN STEINGLASS: Overruled.<br/>22 A. He had 24 years seniority.<br/>23 Q. Mr. Franz, you were an employee at<br/>24 the time the merger occurred; is that right?<br/>25 A. Yes.</p>                                                                                 | <p style="text-align: right;">Page 236</p> <p>1 names of the people, but can you tell us what<br/>2 was the seniority of the people who outbid you?<br/>3 A. I didn't know. All I knew is that<br/>4 they had more than February 11, 1969.<br/>5 Q. And did the other Claimants, that<br/>6 is particularly Mr. Watjen, try to exercise his<br/>7 seniority and bid to another job?<br/>8 A. I can't tell you. I believe he<br/>9 did.<br/>10 Q. And all of the people that we have<br/>11 talked about all had their seniority in<br/>12 Detroit; is that correct?<br/>13 A. Correct.<br/>14 Q. And when Mr. Scheper said that<br/>15 there would be no jobs for you and you couldn't<br/>16 exercise your seniority, was that true for all<br/>17 the clerks at the --<br/>18 A. It was true for all the clerks.<br/>19 Q. How do you know that all the other<br/>20 clerks had seniority in Detroit?<br/>21 A. They told us. They told me on<br/>22 their phone calls when they called in.<br/>23 Naturally, when you get a notice like that, you<br/>24 start discussing it with other people that are<br/>25 in the same position as you.</p> |

59 (Pages 233 to 236)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 237</p> <p>1 MR. M. L. CIOFFI: Objection. Move<br/>2 to strike. Hearsay.<br/>3 CHAIRMAN STEINGLASS: Denied.<br/>4 BY MS. TRICARICHI:<br/>5 Q. And Mr. Franz, can you tell us, you<br/>6 said you were placed in a worse position with<br/>7 respect to working position and compensation.<br/>8 Is there anything else you want to tell the<br/>9 Panel of how you were treated by the railroad?<br/>10 A. Working that job, you could see<br/>11 that they were told don't talk to these people.<br/>12 We are trying to discourage them. Don't help<br/>13 them.<br/>14 I thought eventually they may try<br/>15 and disqualify me. They didn't tell me that<br/>16 like they told Watjen, but you could see by<br/>17 them not helping you, not breaking you in on a<br/>18 job, that they didn't want you there. They<br/>19 wanted to get rid of you.<br/>20 Q. Did you get any of the benefits<br/>21 that were promised to you under the Merger<br/>22 Protective Agreement?<br/>23 A. No, I didn't.<br/>24 MS. TRICARICHI: No further<br/>25 questions.</p> | <p style="text-align: right;">Page 239</p> <p>1 didn't say.<br/>2 So then I got the notice about<br/>3 reporting -- several weeks later, reporting to<br/>4 Kinsman Street 11 o'clock at night.<br/>5 Q. Kinsman Street is the area of<br/>6 Cleveland on this road, right?<br/>7 A. In a bad neighborhood of Cleveland,<br/>8 yes.<br/>9 Q. So you are saying you were on a<br/>10 home road, correct?<br/>11 A. It's in Cleveland.<br/>12 Q. It's on your home road, right?<br/>13 A. That's where I previously worked.<br/>14 Q. Right. Exactly.<br/>15 And you get this job at Kinsman and<br/>16 it was about, what, two weeks later, three<br/>17 weeks later you got the job?<br/>18 A. Roughly.<br/>19 Q. Okay. And your rate of pay wasn't<br/>20 cut, was it? You went from your job to Kinsman<br/>21 at the same rate of pay, didn't you?<br/>22 A. Supposed to but the checks never<br/>23 amounted to the same amount. It was always<br/>24 less.<br/>25 Q. Let me be clear. The rate of pay</p> |
| <p style="text-align: right;">Page 238</p> <p>1 CROSS-EXAMINATION OF PHILLIP FRANZ<br/>2 BY MR. M. L. CIOFFI:<br/>3 Q. Mr. Franz, you had your deposition<br/>4 taken in this case; isn't that right?<br/>5 A. Yes, I did.<br/>6 Q. You were under oath at the time?<br/>7 A. Yes.<br/>8 Q. Your testimony was truthful at the<br/>9 time, correct?<br/>10 A. Yes, it was, to the questions<br/>11 asked.<br/>12 Q. I want to get the sequence straight<br/>13 now. I'm going to hand you Exhibit 20 and<br/>14 that's the job abolishment notice, correct?<br/>15 A. Yes, it is.<br/>16 Q. Is it your testimony that your job<br/>17 was abolished and that a couple of weeks later,<br/>18 you were offered this job and you took this job<br/>19 at Kinsman?<br/>20 A. My job was abolished on the 2nd,<br/>21 just like it says. They sent us home on that<br/>22 date and they said "you'll be hearing from us."<br/>23 Now, "hearing from us" I didn't<br/>24 know if it meant I would be getting my<br/>25 separation allowance or what it meant. They</p>                                      | <p style="text-align: right;">Page 240</p> <p>1 of the job you had before --<br/>2 A. I was supposed to get.<br/>3 Q. You were at the same, right?<br/>4 A. But I wasn't getting.<br/>5 Q. What happened? When you say the<br/>6 check wasn't balancing the same, are we talking<br/>7 a couple dollars or what?<br/>8 A. We are talking \$30, \$40 a month<br/>9 difference.<br/>10 Q. Was that because there were<br/>11 different deductions?<br/>12 A. No.<br/>13 Q. What was it?<br/>14 A. It was just less money. The gross<br/>15 was less. We questioned. We called the union<br/>16 and we questioned and nobody could give us an<br/>17 answer.<br/>18 Q. So you didn't have an answer?<br/>19 A. They didn't give us an answer.<br/>20 Q. Was it ever the same any time?<br/>21 A. No.<br/>22 Q. You stayed at the Kinsman job for<br/>23 how long?<br/>24 A. A month or so. Maybe a little<br/>25 longer.</p>                                                                                      |

60 (Pages 237 to 240)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 241</p> <p>1 Q. And then what happened?</p> <p>2 CHAIRMAN STEINGLASS: I didn't hear</p> <p>3 the answer to the last question.</p> <p>4 THE WITNESS: Approximately a month</p> <p>5 or maybe longer.</p> <p>6 BY MR. M. L. CIOFFI:</p> <p>7 Q. Then what happened? Did you find</p> <p>8 another job?</p> <p>9 A. Then I resigned and asked for my</p> <p>10 lump sum allowance again and left.</p> <p>11 Q. You quit; is that right?</p> <p>12 A. I asked for my protection that I</p> <p>13 should have been afforded and I -- yeah. I</p> <p>14 didn't quit. I just left and went home.</p> <p>15 We went over and saw the employ --</p> <p>16 Mr. Watjen and I together went over to Mr.</p> <p>17 Perot's office who was employee relations, the</p> <p>18 top employee relations man in town, and we</p> <p>19 asked for our separation allowance.</p> <p>20 And he was the only one on the</p> <p>21 railroad that was sympathetic to us and said "I</p> <p>22 feel for you and I would like to help you</p> <p>23 people but my hands are tied."</p> <p>24 And we said "thank you very much.</p> <p>25 Good-bye."</p> | <p style="text-align: right;">Page 243</p> <p>1 Q. So you have abolishment notice on</p> <p>2 January 10, you go home. Were you still being</p> <p>3 paid?</p> <p>4 A. For the two weeks?</p> <p>5 Q. Yes.</p> <p>6 A. I might have received one check.</p> <p>7 Q. You were still being paid, weren't</p> <p>8 you?</p> <p>9 A. I believe I might have received one</p> <p>10 check at home, yes.</p> <p>11 Q. Why just one check?</p> <p>12 A. Because we got paid every two</p> <p>13 weeks.</p> <p>14 Q. You got paid the full time you went</p> <p>15 home, right?</p> <p>16 A. Probably, yes.</p> <p>17 Q. And then you got the job at Kinsman</p> <p>18 at the same rate, right?</p> <p>19 A. No.</p> <p>20 Q. I know you said there was some</p> <p>21 discrepancy, but your rate wasn't changed?</p> <p>22 A. I don't know how it wasn't changed</p> <p>23 but I didn't get the full amount.</p> <p>24 CHAIRMAN STEINGLASS: Wait.</p> <p>25 MS. TRICARICHI: I object.</p>                                   |
| <p style="text-align: right;">Page 242</p> <p>1 Q. After you left the job --</p> <p>2 A. You wanted the truth.</p> <p>3 Q. After you left the job at Kinsman,</p> <p>4 what was the next job you had? Where did you</p> <p>5 work next?</p> <p>6 A. Well, after, I found a job at</p> <p>7 Sohio.</p> <p>8 Q. When did you start working at</p> <p>9 Sohio?</p> <p>10 A. May 1.</p> <p>11 Q. May 1 of '69?</p> <p>12 A. '69.</p> <p>13 Q. Did you look for that job and</p> <p>14 secure it while you were working at Kinsman?</p> <p>15 A. No.</p> <p>16 Q. When did you interview and when did</p> <p>17 you try to solicit that job at Sohio?</p> <p>18 A. I started May 1. If you can tell</p> <p>19 me what day that was. I think that was a</p> <p>20 Monday. I obtained the job on the previous</p> <p>21 Friday. They wanted me to start the same day,</p> <p>22 that Friday and I asked them if I could have</p> <p>23 until Monday to make a decision because I had</p> <p>24 another offer the same day. I had two offers</p> <p>25 in the same day.</p>                                                                                             | <p style="text-align: right;">Page 244</p> <p>1 CHAIRMAN STEINGLASS: She objected.</p> <p>2 MR. M. L. CIOFFI: She can</p> <p>3 redirect.</p> <p>4 CHAIRMAN STEINGLASS: So I want to</p> <p>5 hear her objection.</p> <p>6 MS. TRICARICHI: I objected because</p> <p>7 he said you got the job at the same rate and</p> <p>8 that wasn't the testimony.</p> <p>9 MR. M. L. CIOFFI: The record will</p> <p>10 speak for itself.</p> <p>11 THE WITNESS: Yes, it will.</p> <p>12 BY MR. M. L. CIOFFI:</p> <p>13 Q. What I want to do is get the time</p> <p>14 straight. You go home after a couple weeks and</p> <p>15 then you get the notice for Kinsman.</p> <p>16 A. Right.</p> <p>17 Q. So does that take us into February?</p> <p>18 A. That takes us into February, yes.</p> <p>19 Q. So then you are at Kinsman from</p> <p>20 February, March?</p> <p>21 A. February, March.</p> <p>22 Q. And April?</p> <p>23 A. No. I probably worked all of</p> <p>24 February, all of March and --</p> <p>25 Q. April?</p> |

61 (Pages 241 to 244)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 245</p> <p>1 A. I didn't have a job for a while. I<br/>2 was walking the streets.<br/>3 Q. So from the beginning of April and<br/>4 then you stated Sohio, May 1, right?<br/>5 A. Yes. I was walking the streets<br/>6 look for a job.<br/>7 Q. Did you get unemployment?<br/>8 A. I didn't file for unemployment. I<br/>9 was looking for a job.<br/>10 Q. You found one pretty quickly.<br/>11 A. I didn't consider it quickly. If<br/>12 you are young and have three children at home<br/>13 that are young and you are paying for a house,<br/>14 a few weeks without pay is a lot.<br/>15 Q. I know what you are talking about.<br/>16 This is my son and he ate quite a lot when he<br/>17 was a kid.<br/>18 A. I had one that was less than a year<br/>19 old at that time.<br/>20 Q. Yeah. Well, at that time I'm not<br/>21 sure what I was doing. All right.<br/>22 I want to go back to something you<br/>23 testified to a little bit earlier, and that is<br/>24 you get the abolishment notice. And then I'm<br/>25 going to hand you what has been marked as</p> | <p style="text-align: right;">Page 247</p> <p>1 Q. So the earliest he could have got<br/>2 this was on the 15th?<br/>3 A. He came down probably the 16th.<br/>4 Q. You know that he came down on the<br/>5 16th?<br/>6 A. Yes, I do.<br/>7 Q. Okay. Because you sent him a<br/>8 letter on the 16th?<br/>9 A. That's after he left.<br/>10 Q. After he left?<br/>11 A. After he told us that I wasn't<br/>12 going to be allowed to exercise my seniority,<br/>13 that I exhausted all my rights. So after he<br/>14 left, the letter was sent out.<br/>15 Q. But he did tell you that you were<br/>16 going to be eligible for an open position,<br/>17 right?<br/>18 A. Utility clerk.<br/>19 Q. At the same rate of pay, right?<br/>20 A. He didn't say that.<br/>21 Q. That was your understanding?<br/>22 A. But it didn't turn out that way.<br/>23 MR. M. L. CIOFFI: Okay. I have<br/>24 nothing further, thank you.<br/>25 REDIRECT EXAMINATION OF PHILLIP FRANZ</p> |
| <p style="text-align: right;">Page 246</p> <p>1 Exhibit 21; is that right? And Ms. Tricarichi<br/>2 showed you, it's Exhibit 21 and that's the<br/>3 letter you sent to Mr. Scheper; is that right?<br/>4 A. Mr. E.T. Scheper.<br/>5 Q. E.T. Scheper, right. I'm sorry.<br/>6 And that's why you asked about your seniority<br/>7 rights, correct?<br/>8 A. That I wanted to know which<br/>9 positions are available to me.<br/>10 Q. So I think you said you sent this<br/>11 up to him and then he came down.<br/>12 A. He showed up at our office<br/>13 unannounced.<br/>14 Q. How long until the time you sent<br/>15 that until he came down?<br/>16 A. Two days later.<br/>17 Q. Two. He came down two days later?<br/>18 A. Something like that.<br/>19 Q. Now, you didn't fax this or e-mail<br/>20 it?<br/>21 A. We had overnight mail. We had<br/>22 overnight mail from our department every day<br/>23 that went directly the next day to Detroit. We<br/>24 sent in those reports daily and they were<br/>25 overnight and got there the next day.</p>                                               | <p style="text-align: right;">Page 248</p> <p>1 BY MS. TRICARICHI:<br/>2 Q. Mr. Franz, when you took the<br/>3 Kinsman job, you were hired as a new employee?<br/>4 A. I considered myself a new employee.<br/>5 I had no seniority. I lost my --<br/>6 Q. You had the seniority, the date you<br/>7 went to that job, right?<br/>8 A. That was no seniority as far as I<br/>9 was concerned.<br/>10 Q. So since you had no seniority in<br/>11 the Kinsman job, did you obtain the Kinsman job<br/>12 by the exercise of your seniority?<br/>13 A. No. I was appointed.<br/>14 Q. And you had no seniority?<br/>15 A. Right.<br/>16 Q. So did you get the Kinsman job in<br/>17 the exercise of your seniority?<br/>18 A. No, I couldn't. I had no<br/>19 seniority.<br/>20 Q. You had no seniority to exercise?<br/>21 A. Right.<br/>22 Q. Mr. Scheper said you had exhausted<br/>23 your options.<br/>24 A. Yes, he did.<br/>25 MR. M. L. CIOFFI: Objection. They</p>     |

62 (Pages 245 to 248)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 249</p> <p>1 are leading questions that lead the witness to</p> <p>2 say yes to hearsay.</p> <p>3 CHAIRMAN STEINGLASS: Why don't you</p> <p>4 rephrase it.</p> <p>5 BY MS. TRICARICHI:</p> <p>6 Q. Did you have any other option?</p> <p>7 A. In my mind, I had no other options.</p> <p>8 That's why I asked for my separation notice.</p> <p>9 Q. And you had how many years of</p> <p>10 seniority at that time?</p> <p>11 A. Fourteen years.</p> <p>12 Q. Prior to having received that</p> <p>13 notice of your job abolition, did you have any</p> <p>14 intention of leaving the railroad?</p> <p>15 A. No. None whatsoever. I enjoyed my</p> <p>16 work.</p> <p>17 MS. TRICARICHI: I have no more</p> <p>18 questions.</p> <p>19 CHAIRMAN STEINGLASS: I have a</p> <p>20 question. Was the work at the Kinsman</p> <p>21 full-time, 40 hours a week or less than that?</p> <p>22 THE WITNESS: They tell you daily.</p> <p>23 It was 11 at night to seven in the morning, but</p> <p>24 they tell you what days you were going to work.</p> <p>25 You might work Monday, Tuesday, Wednesday, five</p>                    | <p style="text-align: right;">Page 251</p> <p>1 to take my separation allowance in accordance</p> <p>2 with the term of the Merger Agreement."</p> <p>3 And in the previous letter he had</p> <p>4 said the regional administration in Chicago,</p> <p>5 work had been transferred there.</p> <p>6 THE WITNESS: The work was</p> <p>7 transferred to Chicago and I was told that we</p> <p>8 couldn't follow our work, that we had to</p> <p>9 exercise our rights. I was told I couldn't</p> <p>10 follow my work to Chicago, so I eliminated that</p> <p>11 option in my mind and I attempted to exercise</p> <p>12 my seniority rights, like I said, in Detroit.</p> <p>13 I would have considered Chicago if they allowed</p> <p>14 me.</p> <p>15 PANEL MEMBER TOMAIN: Thank you.</p> <p>16 CHAIRMAN STEINGLASS: Thank you</p> <p>17 very much.</p> <p>18 MR. GRIFFIN: We call Robert</p> <p>19 McNeeley by deposition.</p> <p>20 CHAIRMAN STEINGLASS: Explain the</p> <p>21 circumstance of the deposition, who was there</p> <p>22 and when was it taken?</p> <p>23 MR. GRIFFIN: It was taken on</p> <p>24 Wednesday, the 26th of September of this year.</p> <p>25 It was originally the Defendant's deposition of</p>                                                                                                                                       |
| <p style="text-align: right;">Page 250</p> <p>1 days or I might work Saturday or Sundays and be</p> <p>2 off two days during the week.</p> <p>3 CHAIRMAN STEINGLASS: You said you</p> <p>4 worked there for a month or so and during that</p> <p>5 period of time.</p> <p>6 THE WITNESS: I worked some</p> <p>7 Saturdays and Sundays.</p> <p>8 CHAIRMAN STEINGLASS: Were you</p> <p>9 getting 40 hours a week?</p> <p>10 THE WITNESS: I was getting 40</p> <p>11 hours a week.</p> <p>12 MS. TRICARICHI: Can I have one</p> <p>13 more question?</p> <p>14 MR. M. L. CIOFFI: Wait. I haven't</p> <p>15 asked any questions. She can't redirect.</p> <p>16 That's silly.</p> <p>17 CHAIRMAN STEINGLASS: All right.</p> <p>18 PANEL MEMBER TOMAIN: Thank you</p> <p>19 very much for your testimony. We are going to</p> <p>20 read from your letter to Mr. Scheper on the</p> <p>21 16th of January, and I want you to explain to</p> <p>22 me what this sentence or two means. In line</p> <p>23 with the third paragraph of your letter, "I</p> <p>24 wish to advise that I do not want to follow my</p> <p>25 work to the SRA at Chicago, Illinois. I chose</p> | <p style="text-align: right;">Page 252</p> <p>1 Mr. McNeeley. We had learned shortly before</p> <p>2 the deposition was going to take place that he</p> <p>3 was ill. He was still going to be there for</p> <p>4 the deposition, but we needed to preserve his</p> <p>5 testimony so we noticed his deposition as well</p> <p>6 just shortly before the deposition took place.</p> <p>7 MR. STEWART: We had taken a</p> <p>8 discovery deposition before -- we didn't know</p> <p>9 at the time that he wasn't going to be -- we</p> <p>10 found out this morning that he is not going to</p> <p>11 testify today. So we have designated in our</p> <p>12 exhibit certain portions from his discovery</p> <p>13 deposition and we would like to read those into</p> <p>14 the record following those, so the Panel has</p> <p>15 the benefit of his full testimony because we</p> <p>16 won't have the opportunity to cross-examine.</p> <p>17 CHAIRMAN STEINGLASS: That would be</p> <p>18 fine. Thank you. I assume you also want to</p> <p>19 include that excerpt as part of the exhibit?</p> <p>20 MR. STEWART: It is in one of our</p> <p>21 exhibits.</p> <p>22 MR. HART: I want to note that they</p> <p>23 did have the opportunity to cross-examine him</p> <p>24 at the time on video and they chose not to.</p> <p>25 MR. M. L. CIOFFI: We are not</p> |

63 (Pages 249 to 252)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 253</p> <p>1 objecting to it. All we are saying is we want<br/>2 to put the rest of the record into it.<br/>3 MS. TRICARICHI: Is the Defendant<br/>4 intending to put the whole discovery deposition<br/>5 in or portions of it?<br/>6 CHAIRMAN STEINGLASS: Why don't you<br/>7 expand on what you said about the deposition.<br/>8 Is it an exhibit currently?<br/>9 MS. TRICARICHI: No.<br/>10 MR. STEWART: It's an exhibit.<br/>11 Excerpts of it.<br/>12 CHAIRMAN STEINGLASS: What number<br/>13 is it?<br/>14 MR. STEWART: It's 76.<br/>15 CHAIRMAN STEINGLASS: Are you going<br/>16 to be reading from more than the material that<br/>17 is in the exhibit notebook?<br/>18 MR. STEWART: No.<br/>19 CHAIRMAN STEINGLASS: Okay.<br/>20 Actually, it wasn't an exhibit. It was a file.<br/>21 MS. TRICARICHI: I guess from<br/>22 our -- do you want to hear this now or after<br/>23 the deposition is played? I think, from our<br/>24 position, excerpts are out of context. If you<br/>25 want to put the whole discovery deposition in,</p> | <p style="text-align: right;">Page 255</p> <p>1 exhibit.<br/>2 CHAIRMAN STEINGLASS: My reading<br/>3 ability is better than my listening ability, so<br/>4 I can certainly accept it as being into the<br/>5 record.<br/>6 MR. M. L. CIOFFI: It's already an<br/>7 exhibit so I think you said you are going the<br/>8 take in all exhibits subject to weight.<br/>9 CHAIRMAN STEINGLASS: Are there<br/>10 some specific parts of that exhibit that you<br/>11 want to draw attention to? You may do so. But<br/>12 other than that, I'm sure that the Panel will<br/>13 carefully review it. Is there any other<br/>14 business today?<br/>15 MR. GRIFFIN: No, Your Honor. I<br/>16 think that we are done with our witnesses<br/>17 today. Tomorrow we anticipate calling the<br/>18 remainder of the witnesses, fact witnesses,<br/>19 leaving Dr. Rosen for Wednesday morning.<br/>20 CHAIRMAN STEINGLASS: Just a couple<br/>21 of logistical things.<br/>22 MR. GRIFFIN: I'm sorry. Wednesday<br/>23 at night.<br/>24 CHAIRMAN STEINGLASS: Tomorrow we<br/>25 will be called at the beginning at ten. And</p>                     |
| <p style="text-align: right;">Page 254</p> <p>1 you could put it in but I think the excerpt<br/>2 takes it out of context.<br/>3 CHAIRMAN STEINGLASS: For purposes<br/>4 of today, we will hear the deposition. We will<br/>5 read into the record what you want to read in.<br/>6 If you want to add the full deposition to the<br/>7 record, you can do so.<br/>8 MS. TRICARICHI: Okay.<br/>9 (Video was played.)<br/>10 MR. M. L. CIOFFI: Can you put this<br/>11 on hold for a second?<br/>12 MS. TRICARICHI: I can't hear you.<br/>13 CHAIRMAN STEINGLASS: We can't hear<br/>14 the video.<br/>15 (Video played)<br/>16 MS. TRICARICHI: Because the<br/>17 quality of the tape wasn't so good, we can put<br/>18 in that whole videotape in, the transcript of<br/>19 that.<br/>20 CHAIRMAN STEINGLASS: Include it as<br/>21 an exhibit.<br/>22 MR. M. L. CIOFFI: No objection.<br/>23 We are happy to just put the transcript in,<br/>24 too. I don't know if the court reporter can<br/>25 take it down or whether it's going to be an</p>                                        | <p style="text-align: right;">Page 256</p> <p>1 there is going to be an hour and a half break<br/>2 because of prior commitments, so we will go<br/>3 from ten to 12 and we will try to break at 12<br/>4 and reconvene at about 1:30 or so, if you will<br/>5 take that into consideration. I would hope<br/>6 tomorrow we can go within reason in order to<br/>7 complete fact witnesses and any of the experts.<br/>8 MR. GRIFFIN: Although there is a<br/>9 larger number of witnesses, we think that they<br/>10 will be significantly shorter in terms of<br/>11 times.<br/>12 MR. M. L. CIOFFI: What is the<br/>13 order that you are calling them on?<br/>14 MR. GRIFFIN: We haven't decided at<br/>15 this point.<br/>16 MS. TRICARICHI: We were going to<br/>17 call them at the end of the day today to tell<br/>18 them how far we were down, and we haven't been<br/>19 able to do that. We didn't know if Mr. Franz<br/>20 would go tomorrow.<br/>21 CHAIRMAN STEINGLASS: How many?<br/>22 MR. GRIFFIN: It's our intention to<br/>23 do the rest of them tomorrow.<br/>24 MR. M. L. CIOFFI: How many of<br/>25 them?</p> |

64 (Pages 253 to 256)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 257</p> <p>1 MS. TRICARICHI: I think four or<br/>2 five.<br/>3 MR. M. L. CIOFFI: Four or five<br/>4 tomorrow?<br/>5 MR. GRIFFIN: Yes.<br/>6 CHAIRMAN STEINGLASS: So you are<br/>7 not going to call all the witnesses that you<br/>8 have on your list?<br/>9 MS. TRICARICHI: Right. Mr. O'Neil<br/>10 is also very sick. He intended to travel here<br/>11 from Syracuse but has just gotten out of the<br/>12 hospital. I actually communicated with his<br/>13 physician. He has emphysema. Very difficult<br/>14 for him to get here. He can't go on a plane<br/>15 because of his oxygen needs. So we won't be<br/>16 able to produce Mr. O'Neil.<br/>17 I don't remember who the other<br/>18 people were but that's the one that was<br/>19 particularly there.<br/>20 MR. M. L. CIOFFI: Which four or<br/>21 five are you going to call?<br/>22 MS. TRICARICHI: By process of<br/>23 elimination --<br/>24 CHAIRMAN STEINGLASS: You have 13<br/>25 down and we had three today. The expert is</p> | <p style="text-align: right;">Page 259</p> <p>1 MS. TRICARICHI: Right.<br/>2 CHAIRMAN STEINGLASS: Ms.<br/>3 Tricarichi, why don't you send an e-mail later<br/>4 tonight of the order.<br/>5 MS. TRICARICHI: I'm not trying to<br/>6 be instructive, I just haven't talked to the<br/>7 people, that's all.<br/>8 CHAIRMAN STEINGLASS: At some point<br/>9 tonight, send an e-mail to the Panel.<br/>10 The only other matters to remind,<br/>11 as I said earlier, if both sides would<br/>12 supplement their exhibit list, not necessary to<br/>13 do it first thing in the morning, but be<br/>14 prepared to do that so that when we finish with<br/>15 the live testimony, hopefully at the end of<br/>16 Wednesday, you will have some of that evening,<br/>17 an updated exhibit list with numbers.<br/>18 We still are not clear what's going<br/>19 to happen Thursday morning, but I think at this<br/>20 point we will have to assume that we will be<br/>21 convening Thursday morning for what will<br/>22 probably be brief opportunity for some closing<br/>23 statements, emphasis on brief. But we will<br/>24 also provide members of the Panel an<br/>25 opportunity to ask some questions that they</p> |
| <p style="text-align: right;">Page 258</p> <p>1 four. Mr. O'Neil is another one so there are<br/>2 eight left.<br/>3 MR. GRIFFIN: We heard four today.<br/>4 PANEL MEMBER TOMAIN: Is Ms. Bundy<br/>5 going to speak? Go down the list.<br/>6 MS. TRICARICHI: I'm trying to find<br/>7 it. Give me a second; I'll try to find it. So<br/>8 we anticipate, not necessarily in this order,<br/>9 that Ms. Bundy will testify. I'm not sure<br/>10 about Mr. Novotny; he is also 90 years old.<br/>11 Mr. Scuba will testify tomorrow, Ms. McNabb<br/>12 will testify, Ms. Verdi will testify, I know<br/>13 Ms. Pentz will testify, I don't know about Ms.<br/>14 Slusarski.<br/>15 PANEL MEMBER TOMAIN: Thank you<br/>16 very much.<br/>17 CHAIRMAN STEINGLASS: How many is<br/>18 that?<br/>19 MS. TRICARICHI: Five.<br/>20 CHAIRMAN STEINGLASS: Five, yes and<br/>21 two questions.<br/>22 MS. TRICARICHI: That would be five<br/>23 that I count for sure.<br/>24 MR. M. L. CIOFFI: Well, you gave<br/>25 us seven names.</p>               | <p style="text-align: right;">Page 260</p> <p>1 have. We don't know what the questions are<br/>2 yet, but we agree we will probably have<br/>3 questions. So in the event we have them,<br/>4 Thursday morning will be an opportunity to do<br/>5 so.<br/>6 It will also give us an opportunity<br/>7 to address any administrative matters that we<br/>8 have to address concerning briefing, findings,<br/>9 the record. So Thursday will be our wrap-up<br/>10 day. And assuming we continue at this pace, we<br/>11 will be done promptly.<br/>12 Anything else that anyone has<br/>13 today?<br/>14 MR. M. L. CIOFFI: No.<br/>15 CHAIRMAN STEINGLASS: We are<br/>16 adjourned.<br/>17<br/>18 (The proceedings were adjourned at 4:48 p.m.)<br/>19 -----<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                                                                                                                                                                                                                                                                                                   |

65 (Pages 257 to 260)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p>1 CERTIFICATE Page 261</p> <p>2</p> <p>3</p> <p>4 I, Eva Petrone, do hereby certify</p> <p>5 that as such Reporter I took down in Stenotypy</p> <p>6 all of the proceedings had in the foregoing</p> <p>7 transcript; that I have transcribed my said</p> <p>8 Stenotype notes into typewritten form as</p> <p>9 appears in the foregoing transcript; that said</p> <p>10 transcript is the complete form of the</p> <p>11 proceedings had in said cause and constitutes a</p> <p>12 true and correct transcript therein.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17 <u>Eva Petrone, Notary Public</u></p> <p>18 within and for the State of Ohio</p> <p>19</p> <p>20 My commission expires February 1, 2008.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |

66 (Page 261)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A</b><br><b>abide</b> 25:10<br><b>ability</b> 19:10 25:5<br>88:23 111:5,16<br>255:3,3<br><b>able</b> 44:14 111:14<br>112:2,11 140:15<br>140:15,22,25<br>141:1 163:19<br>164:12,15 166:13<br>225:8 227:8,18<br>228:3,9 256:19<br>257:16<br><b>abolished</b> 12:18<br>14:11 17:22 75:2<br>75:9 76:8 109:8,9<br>146:13,19 147:18<br>147:22 166:9<br>217:14,16,18<br>218:19,23 219:4,7<br>223:10 228:23<br>229:12 230:14<br>238:17,20<br><b>abolishment</b> 18:8<br>238:14 243:1<br>245:24<br><b>abolition</b> 249:13<br><b>about</b> 12:14 14:6<br>15:18,21 29:18,25<br>31:24 32:3 33:20<br>34:3 37:16,19<br>39:16 41:14 42:10<br>42:12 45:14 46:10<br>46:11,23 47:5,19<br>49:4 51:3,3,22<br>52:12 57:18 62:21<br>67:1 77:25 79:13<br>84:23 86:16 87:10<br>91:5 93:20 94:12<br>97:15,21 101:13<br>103:11,24 104:15<br>106:13,19,22<br>107:9,17 108:1,6<br>108:8,18,22<br>109:11,12 110:5<br>112:25 113:5,7<br>118:20,21 120:16<br>120:22 121:11,22<br>124:5,22 125:5,13<br>125:21 126:21<br>128:16 135:5<br>137:6,13 142:13<br>143:2,24 145:7<br>147:3,3 148:9<br>151:16,23 156:10<br>157:3,24 158:3,4<br>159:2,7,14,17 | 163:3 167:15<br>170:8,9,15 171:10<br>171:15 172:3,12<br>172:23 173:2<br>174:17,21 175:3<br>177:18,22 178:16<br>178:16 180:3,9,11<br>181:3 184:1,23<br>185:8,9 186:6,8<br>187:3 188:15<br>191:13 192:12,15<br>192:21,22 193:2<br>194:7,25 195:1<br>196:13 197:22<br>198:10,12,15,20<br>199:18,19,20,24<br>200:16 201:21,22<br>201:25 202:8<br>203:23 205:4<br>208:11 209:3<br>210:22 211:22<br>212:1 215:24<br>216:12,14 218:12<br>221:25 222:14<br>226:13 228:2,6<br>229:25 232:11<br>233:19,21 236:11<br>239:2,16 245:15<br>246:6 253:7 256:4<br>258:10,13<br><b>absolutely</b> 42:16,17<br>72:22 83:22 85:10<br>85:21 161:3 212:3<br><b>absurd</b> 60:20 204:7<br><b>abundantly</b> 63:20<br><b>accept</b> 12:21 30:25<br>31:2 44:14 58:17<br>58:22 59:1 66:15<br>67:15,24 74:18<br>75:25 255:4<br><b>accepted</b> 12:22 13:6<br>13:11 27:13,14,24<br>27:25 28:2 31:2,4<br>61:10 66:23 67:7<br>68:8 84:5 169:9<br>174:4<br><b>accepting</b> 105:1,5<br><b>access</b> 104:11<br>133:20 135:7,8<br>209:10,13<br><b>accordance</b> 56:12<br>56:16,23 75:19<br>76:13 222:5 251:1<br><b>according</b> 77:20<br>195:16<br><b>accordingly</b> 215:13<br><b>accounting</b> 18:1,13 | 214:5 226:8<br><b>accusations</b> 42:6<br><b>achieved</b> 24:23<br><b>acquired</b> 109:15<br><b>Acree</b> 106:24<br>139:22<br><b>act</b> 47:13 48:14,15<br>49:11,12 63:25<br>86:2,12<br><b>acted</b> 44:2,7<br><b>actions</b> 74:5 221:9<br>221:10<br><b>active</b> 106:11<br><b>acts</b> 19:12<br><b>actual</b> 78:20,21<br>79:2,11 86:21<br><b>actually</b> 16:16<br>22:16 30:23 31:9<br>116:9 117:18<br>134:13 137:10<br>176:9 253:20<br>257:12<br><b>add</b> 33:18,21,24<br>126:18 216:2<br>254:6<br><b>added</b> 105:22<br><b>addition</b> 97:20<br>219:6<br><b>additional</b> 151:8<br><b>address</b> 80:25 81:1<br>153:22 213:5<br>220:15 260:7,8<br><b>addressing</b> 84:19<br><b>adequate</b> 8:17<br><b>adjourned</b> 145:25<br>149:25 260:16,18<br><b>adjusted</b> 23:23<br>77:22<br><b>administration</b><br>251:4<br><b>administrative</b><br>260:7<br><b>admissibility</b> 6:19<br><b>admit</b> 6:10<br><b>admitted</b> 122:11<br><b>advance</b> 14:16<br><b>adverse</b> 26:9 166:15<br>167:19<br><b>adversely</b> 70:6,7<br><b>advise</b> 250:24<br><b>affect</b> 111:16 145:4<br>163:1 176:8<br><b>affected</b> 54:10 70:6<br>70:7,19,21 74:5<br>131:19,20,21<br>176:9,11 180:4<br>217:8 | <b>affects</b> 165:12<br><b>affirm</b> 20:1<br><b>affirmative</b> 20:2,4<br><b>affirming</b> 88:8<br><b>afford</b> 222:10<br><b>afforded</b> 97:22<br>241:13<br><b>after</b> 6:5 13:11 15:5<br>15:12 17:22,24<br>19:17 20:7,10,22<br>20:24 29:25 32:7<br>34:17 36:11,19<br>37:24 39:21 47:2<br>47:5 49:17 60:3<br>72:21 75:22 92:7<br>101:17 108:1,23<br>109:19 119:22<br>129:16 135:6<br>136:16 145:8<br>148:6 151:17,19<br>154:16 157:12<br>158:20 160:14<br>162:20 164:12<br>165:3 166:5<br>167:11 175:1<br>181:10 183:2<br>184:17 186:3<br>195:12 209:7,25<br>217:12 220:6,8<br>221:7 224:13<br>242:1,3,6 244:14<br>247:9,10,11,13<br>253:22<br><b>afternoon</b> 4:24<br>141:16,17 151:1,3<br>151:9 152:24<br>153:14,15<br><b>afterwards</b> 78:3,21<br>78:24 79:11 82:1<br>82:3<br><b>again</b> 17:22 22:20<br>24:11 25:24 30:10<br>53:23 64:8 68:22<br>70:25 71:18,22<br>72:6,25 84:5<br>95:23 100:15,25<br>101:19 124:17<br>156:12 157:23<br>164:20 182:23<br>183:9,9 205:7<br>206:7,12,19<br>220:11 222:22<br>241:10<br><b>against</b> 31:20 39:8<br>40:7 49:5 52:19<br>52:21 53:12,14<br>55:2 66:1 79:17 | 79:20 80:20<br>158:22 215:14<br><b>age</b> 89:24 153:8<br>210:13 212:20<br><b>aggregate</b> 29:23<br><b>aggregated</b> 136:8<br><b>aggregates</b> 29:21<br>135:15<br><b>ago</b> 9:10 21:10<br>51:19 73:9 152:6<br><b>agree</b> 10:11 260:2<br><b>agreed</b> 10:7 26:13<br>41:6 45:6 83:12<br><b>agreement</b> 8:24 9:2<br>10:14,15,19,22,23<br>10:24 14:15,23<br>15:5,10,13 16:2,7<br>16:13,15,24 17:8<br>19:6,24 20:10,21<br>21:1,6,11 25:12<br>29:10,11,14,20,21<br>29:22,24 30:1,6<br>31:9 32:10 37:19<br>42:21,22 43:1,10<br>43:12 52:9 54:23<br>56:20,21 57:1,1<br>59:10,25 62:3<br>69:4 70:17 71:14<br>72:10 75:20 77:2<br>88:3 93:17 96:5<br>97:23 98:16<br>117:13,18 127:6<br>134:3,8,10,11<br>135:6,10,16,20,23<br>136:16 159:8,11<br>159:23 160:4,10<br>161:19 163:20,25<br>177:4 181:7 199:6<br>211:6 216:13,17<br>216:21 223:22<br>237:22 251:2<br><b>agreements</b> 29:23<br>56:13,17,24,25<br>57:6 74:21 75:12<br>135:24 136:8<br><b>ahead</b> 53:11 76:2<br>109:19 110:24<br>113:12 138:6<br>159:20 220:17<br>234:7<br><b>air</b> 69:18<br><b>Airport</b> 168:15<br><b>al</b> 1:3,6,9,12<br><b>alive</b> 151:25<br><b>allegations</b> 42:3<br>49:4 57:22<br><b>allege</b> 20:2 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>alleged</b> 20:1,3 25:23<br>52:14<br><b>alleging</b> 19:23 44:5<br><b>allocated</b> 136:17<br><b>allocation</b> 134:14<br><b>allow</b> 8:5 36:3 58:1<br>102:9,15,18 113:1<br>123:13 135:22<br>185:3 220:21<br>224:17 226:15<br><b>allowable</b> 24:22<br><b>allowance</b> 19:7<br>74:16,18,25 75:23<br>76:3,12 77:17,25<br>78:6 80:24 81:5<br>81:18 82:5 221:14<br>222:5,8,9,14,15<br>222:15,16 232:18<br>233:1 238:25<br>241:10,19 251:1<br><b>allowances</b> 10:16<br>10:19 24:19 74:12<br><b>allowed</b> 131:8,13<br>134:16 247:12<br>251:13<br><b>almost</b> 8:21 22:21<br><b>along</b> 6:3 157:6<br>206:16 215:16<br><b>already</b> 15:14 31:17<br>58:9 255:6<br><b>although</b> 15:2 66:19<br>152:4 256:8<br><b>altogether</b> 165:17<br><b>always</b> 16:22 17:14<br>21:3,4 31:15 67:3<br>144:14 230:25<br>239:23<br><b>amended</b> 19:25<br><b>American</b> 69:13<br><b>amount</b> 24:24<br>101:21 118:9<br>183:17 190:24<br>222:11,18,20<br>231:2 232:13<br>233:14 239:23<br>243:23<br><b>amounted</b> 158:23<br>177:17 239:23<br><b>Amtrak</b> 48:11,18<br>48:20,24 49:13,21<br>49:25 86:11,14<br>87:3 142:25<br><b>ancillary</b> 53:22<br><b>Andy</b> 171:16<br><b>and/or</b> 87:3<br><b>Anna</b> 232:11<br><b>annual</b> 78:16 | <b>another</b> 5:19 36:11<br>60:5 69:16 75:4<br>76:10,10 80:19<br>81:22,23 82:2,6<br>110:5,11 131:9<br>164:20 175:6<br>183:4 202:6<br>218:22 236:7<br>241:8 242:24<br>258:1<br><b>answer</b> 79:5 94:3<br>100:21,24 101:16<br>102:17,20 127:1<br>127:21 159:20<br>186:13,16 188:14<br>189:13 190:22<br>191:21 205:21,24<br>206:10,14 217:2,5<br>231:2,3 240:17,18<br>240:19 241:3<br><b>answered</b> 19:7<br>101:19 102:20<br><b>answers</b> 19:22 20:1<br>20:7 124:21<br><b>anticipate</b> 95:7<br>255:17 258:8<br><b>anticipatorily</b> 45:8<br>63:4,7 65:10<br><b>anticipatory</b> 45:10<br>45:14 52:12 53:23<br>53:23 59:6 64:3<br>65:5 95:8<br><b>antisuit</b> 52:25 53:4<br><b>anybody</b> 178:13<br>201:5<br><b>anyone</b> 52:21 56:19<br>79:21 97:21<br>260:12<br><b>anything</b> 8:12 72:23<br>78:14 79:24 100:8<br>129:9 158:4<br>173:17 180:2<br>186:4 194:5 216:9<br>223:16,23 237:8<br>260:12<br><b>Anyway</b> 61:24<br><b>anywhere</b> 227:12<br><b>apart</b> 48:9<br><b>apologize</b> 85:1,24<br><b>apparently</b> 13:2<br><b>appeal</b> 21:15 83:9<br>83:15 85:2<br><b>APPEARANCE</b><br>3:1<br><b>appearances</b> 2:1<br>5:22 6:21<br><b>appears</b> 261:9 | <b>appellant</b> 80:18<br><b>appellate</b> 21:16<br><b>Appendix</b> 14:21<br>19:5 23:23 24:8<br>24:17<br><b>applicability</b> 37:25<br><b>applicable</b> 59:10<br><b>application</b> 30:3<br><b>applied</b> 161:5,7,21<br>168:16<br><b>applies</b> 30:20 52:9<br>88:24<br><b>apply</b> 16:3 33:2<br>43:12 44:3 45:18<br>46:17 54:6 62:10<br>161:3<br><b>appointed</b> 41:9<br>57:12 248:13<br><b>appointments</b> 41:11<br><b>appreciate</b> 123:18<br><b>apprentice</b> 180:24<br><b>apprenticeship</b><br>163:22,24<br><b>appropriate</b> 5:24<br>23:11 86:9 150:4<br><b>appropriated</b> 48:16<br><b>appropriately</b><br>123:15<br><b>appropriates</b> 86:9<br><b>approval</b> 10:9 15:3<br><b>approved</b> 11:17<br><b>approving</b> 26:6,12<br><b>approximately</b> 16:5<br>132:10,24 136:21<br>167:6 214:11<br>234:17 241:4<br><b>April</b> 244:22,25<br>245:3<br><b>arbitrarily</b> 16:3<br><b>arbitrate</b> 83:21<br><b>arbitration</b> 1:1,15<br>5:9,11,12 21:8,11<br>21:13,20 22:18<br>23:10 25:11,11<br>28:1 30:4 38:8<br>39:23 40:18,20,21<br>40:23 58:11,13,20<br>59:8 61:13,20,21<br>61:25 87:7<br><b>arbitrator</b> 5:17,18<br>5:20 7:2,6<br><b>arbitrators</b> 6:9<br>34:18 36:19 41:3<br>41:9<br><b>area</b> 26:22 92:20,20<br>168:4,5,5,13<br>184:14 239:5 | <b>areas</b> 26:24<br><b>argue</b> 30:19 31:6<br>50:1 135:17<br>136:13<br><b>arguing</b> 78:16<br>81:12<br><b>argument</b> 6:11<br>31:12 45:7,10,12<br>45:15,16 49:23<br>50:8 63:2,12 64:4<br>64:8 65:1,9 66:8<br>69:15,24 70:14,15<br>71:4 79:15 83:2<br>84:20<br><b>arguments</b> 53:22<br>65:5 83:10<br><b>around</b> 28:19 58:3<br>89:13,14 129:12<br>129:19 157:13<br>162:1 163:11<br>165:16 171:18<br>175:4,9 180:23<br>188:19 198:24<br>199:1 202:25<br>207:2 225:8<br><b>art</b> 56:3<br><b>article</b> 96:22<br><b>articulated</b> 35:4<br>36:17<br><b>asbestos</b> 35:5<br><b>asked</b> 23:3 44:7<br>121:6,9,18 146:7<br>147:2,10 148:8<br>186:25 188:16,24<br>196:13 197:19<br>198:14,15 199:19<br>208:11 220:22<br>238:11 241:9,12<br>241:19 242:22<br>246:6 249:8<br>250:15<br><b>asking</b> 7:11 147:3<br>147:12,13 157:6<br>182:25 184:22,25<br>186:5,8 191:16<br>195:3 203:23<br>204:13 206:3<br>219:20 220:3<br>221:13<br><b>asks</b> 186:19,20<br><b>asserted</b> 20:15<br>137:22<br><b>assessed</b> 209:17<br><b>assets</b> 49:17 86:10<br><b>assigned</b> 75:14,17<br>161:14 206:17<br>215:17 219:12 | <b>assume</b> 94:16 186:2<br>252:18 259:20<br><b>assuming</b> 176:22<br>260:10<br><b>ate</b> 245:16<br><b>attached</b> 23:18 29:2<br>33:12<br><b>attempt</b> 51:23 66:7<br>67:23 68:1 219:14<br><b>attempted</b> 15:12<br>52:24 251:11<br><b>attended</b> 111:25<br><b>attention</b> 141:21<br>144:3 188:7 189:3<br>202:24 255:11<br><b>attorney</b> 25:18,22<br><b>attorneys</b> 51:2<br><b>Attorney-client</b><br>184:19<br><b>attribution</b> 32:25<br>33:2<br><b>attrition</b> 11:15<br>175:10 198:25<br><b>Audited</b> 215:11<br><b>auditor</b> 214:1,3<br>219:19 220:12<br>225:16,18<br><b>Augustus</b> 30:20,21<br>31:3 39:21 45:5<br>46:7,9 53:18,24<br>57:10,14 59:13<br>67:4 71:23 83:9<br>83:11,25 87:10<br>89:2 91:1<br><b>authority</b> 19:20<br>38:11<br><b>authorizes</b> 35:25<br><b>availability</b> 100:11<br>100:12 101:1<br>176:12<br><b>available</b> 56:15,22<br>58:22 59:1 66:16<br>71:11,25 72:2,9<br>75:15 100:10<br>101:6 103:5 105:9<br>105:16,18,20,24<br>112:12 132:25<br>133:5 137:2 140:8<br>140:10,11,25<br>158:7,8 164:19<br>165:7,11 166:24<br>176:15 201:1<br>219:21 228:8<br>246:9<br><b>Avenue</b> 1:21 2:6,13<br><b>average</b> 15:18<br><b>avoiding</b> 132:6 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| award 25:17,20<br>38:11 52:19,20<br>awardable 79:18<br>aware 108:25<br>137:10 142:24<br>181:6,7 216:16<br>away 40:8 44:23<br>74:7 225:3<br>awful 180:5<br>a.m 1:19 | basic 77:1 80:21<br>185:21<br>basically 77:19<br>214:6 215:19<br>216:6 218:1<br>230:16<br>basis 13:15 14:12<br>19:14 50:6 59:8<br>69:16 73:10 81:14<br>127:10,17 132:16<br>140:1 178:6 181:1<br>214:22 215:12<br>Bates 202:10,18<br>bearing 88:12<br>135:10<br>beat 39:9<br>beautiful 42:25<br>43:7<br>became 10:17 11:11<br>46:20 83:18 92:5<br>142:9 143:2,7<br>145:9,17 170:20<br>215:4,8 230:19<br>become 42:5 48:23<br>75:18 228:7<br>Beedlow 28:3<br>Beedlow's 29:17<br>before 1:1,15 10:11<br>21:25 25:1 31:23<br>33:22 45:11 51:4<br>62:11 72:20 78:1<br>78:20,23 79:10<br>81:16 85:13 99:19<br>103:11,23 108:15<br>110:25 111:13<br>119:23 126:16<br>130:7 135:20<br>158:11 166:16,17<br>166:18 167:2,14<br>177:13 179:15<br>186:3,18 187:10<br>188:16 193:15<br>204:10 220:10<br>227:18,18,21<br>231:8 240:1 252:1<br>252:6,8<br>beg 156:23 159:5<br>182:2 203:5<br>began 22:11 40:19<br>68:15 69:1<br>begin 5:25 37:2<br>beginning 37:14<br>40:18 44:6 175:19<br>214:17 245:3<br>255:25<br>begun 19:17<br>behalf 2:3 3:3 6:25 | 7:14,15,18,19,25<br>behind 42:3 46:22<br>being 11:18 48:3,19<br>48:20 50:4 64:10<br>64:11,14,18 73:1<br>75:9 86:17 89:25<br>98:15 115:21,22<br>121:18 140:9<br>142:1 145:23<br>153:9 161:16<br>163:19 183:15,15<br>183:23 210:22<br>212:21 219:4,7<br>243:2,7 255:4<br>belies 27:13<br>believe 28:15 80:20<br>96:21 98:19,20<br>109:7 133:6 135:5<br>158:16 172:1<br>195:10,21 196:16<br>196:18 223:11<br>236:8 243:9<br>believed 14:22 46:2<br>belonged 10:2<br>139:7<br>bench 39:25<br>benefit 17:5 38:11<br>82:8 189:17<br>252:15<br>benefits 10:18 11:6<br>14:18 15:14 17:7<br>17:9 19:14 21:22<br>22:8,12 23:5 26:2<br>26:17 32:9 37:9<br>46:4 53:19 56:9<br>58:23 59:2 60:18<br>61:6 65:20,23<br>67:6,8,12,22<br>72:14 77:2 82:19<br>120:5,7,17 129:4<br>159:3,10,21<br>162:23 177:24,25<br>199:20,21 216:20<br>234:16 237:20<br>Benko 107:1 127:14<br>Berea 90:10<br>best 39:10 96:10<br>158:24 159:12<br>206:14<br>betrayed 179:24<br>180:22<br>better 16:21 34:10<br>47:1 167:3 235:24<br>235:24 255:3<br>between 9:20 26:20<br>103:13,17 104:25<br>105:5 110:21 | 114:6,9 130:8,13<br>131:25 134:11<br>156:10 158:12,25<br>163:25 182:9<br>192:10<br>beyond 126:3<br>149:20<br>bid 163:19 191:16<br>191:19 200:11<br>201:1 216:10<br>220:4 228:5,11<br>236:7<br>bidding 216:7 224:7<br>big 44:4 158:22<br>165:9<br>bigger 169:17<br>biggest 158:16<br>165:10 198:23<br>Bilinsky 170:4,10<br>192:3,10 201:21<br>Bilinsky's 192:8<br>bills 215:11,13<br>232:14<br>binding 37:15,23<br>38:12 87:24<br>bit 49:7 52:17 95:12<br>103:10 106:22<br>109:11 118:21<br>120:22 130:6<br>145:8 149:20<br>156:11 160:6<br>183:12 191:22<br>192:21,23 193:1<br>198:11,13 201:8<br>233:19 245:23<br>bizarre 60:6<br>Blackwell 23:17<br>40:1,4,5,6 58:12<br>blame 175:14<br>Blank 3:4<br>blessing 42:19<br>blocks 195:14<br>blossoming 54:17<br>board 13:8,10,13,15<br>14:1 21:14,25<br>22:10,10 24:11<br>27:18,21,25 28:7<br>39:23 47:17 59:1<br>66:13 82:16,24<br>83:6,16,20 84:9<br>85:3,12 87:8<br>103:14,14 118:11<br>139:2 217:20<br>218:1 228:25<br>boards 82:14<br>Board's 84:2,11,19<br>Bob 172:8,10 220:2 | 220:20<br>bold 66:11,13<br>bolded 27:10<br>book 158:20<br>books 163:25<br>204:24<br>both 14:13 33:24<br>46:23 64:24 65:2<br>65:4 73:5 80:16<br>80:17 82:7 148:20<br>167:22,25 170:24<br>207:23 233:11<br>235:19 259:11<br>bottom 29:22,24<br>30:6 42:21,22<br>43:1 54:22 56:25<br>57:1 59:24 64:15<br>64:18 69:4 101:18<br>117:14,15,17,18<br>118:4 134:3<br>135:16,20 148:15<br>164:21 165:13<br>167:4 173:5<br>176:14 200:2,7<br>bound 71:18<br>bowl 122:20<br>bowled 122:5,8,9,14<br>122:15<br>bowling 123:3,8<br>boxcars 131:7<br>boxes 26:21<br>BP 213:14<br>brakeman 11:25<br>114:10,10 131:24<br>132:1<br>brakemen 11:24<br>12:19<br>breach 8:24 9:4<br>19:14 45:10,15<br>53:23,24 59:6<br>64:4<br>breached 45:8 63:4<br>63:7 65:10<br>break 34:3 89:12,14<br>129:19 152:24<br>181:16 182:8,10<br>183:1,3,4 212:17<br>212:18 256:1,3<br>breaking 237:17<br>breaks 182:6,16,22<br>183:13 192:23<br>193:1<br>break-ins 224:14,16<br>brief 27:9 29:2<br>61:13,21 63:6,11<br>63:16 64:8 65:25<br>66:9 70:16 72:20 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 73:4 88:18 142:2<br>259:22,23<br><b>briefing</b> 260:8<br><b>briefs</b> 64:25<br><b>bring</b> 129:16<br>224:18<br><b>bringing</b> 37:2<br><b>Brooklyn</b> 153:23<br><b>Brotherhood</b> 12:10<br>14:9 134:12 136:1<br>136:5 178:10<br><b>brought</b> 34:8 44:4<br>201:7<br><b>brutish</b> 43:18<br><b>build</b> 132:18<br><b>building</b> 43:8 168:7<br><b>buildings</b> 168:6<br><b>built</b> 168:7<br><b>bullet</b> 44:19<br><b>bulletin</b> 217:20<br>218:1 228:24<br><b>bulletins</b> 178:21<br><b>bump</b> 164:4<br><b>Bundy</b> 1:9 17:13<br>24:16 37:5 71:21<br>74:11 75:7,21<br>231:14 258:4,9<br><b>Bundy/Washington</b><br>24:20<br><b>burden</b> 31:8,9,11<br>31:12,16 37:7,11<br>38:5,19,19,20,22<br>38:23 44:15 50:2<br>50:7 81:6<br><b>bureau</b> 161:24<br>162:5<br><b>Burke</b> 77:14<br><b>business</b> 49:6 50:17<br>50:18 160:16,18<br>175:7 183:11<br>192:14 198:19<br>199:4 228:2<br>255:14<br><b>buyouts</b> 175:12,12<br>199:2 | 195:19 202:18<br>232:4,13 251:18<br>256:17 257:7,21<br><b>called</b> 10:19 12:5,10<br>13:20 28:19,25<br>29:8,9 48:14<br>89:24 99:12 101:3<br>101:8,15,19,22<br>106:18 118:6,6<br>121:19 130:10<br>137:10,15 138:17<br>138:24 139:19<br>144:12 153:9<br>187:4 201:14<br>202:17 212:21<br>228:7 234:1<br>235:16 236:22<br>240:15 255:25<br><b>calling</b> 255:17<br>256:13<br><b>calls</b> 23:19 41:13<br>78:10 101:22<br>102:12,13 105:23<br>215:16 236:22<br><b>came</b> 11:18 12:14<br>18:6 23:21 24:5<br>93:20 98:1 215:7<br>215:15 220:9,18<br>229:15 246:11,15<br>246:17 247:3,4<br><b>campaign</b> 165:24<br><b>capabilities</b> 112:10<br><b>capacity</b> 93:10<br>98:11<br><b>car</b> 14:2,6 92:6<br>111:24 114:6<br>130:8,9,9 131:2<br>155:8,11,11,14,15<br>155:16,16,21<br>162:15 163:12,14<br>163:15 172:5<br>173:12,16 175:22<br>194:11 197:14<br>200:24 208:12,15<br>208:16,18,19,20<br>208:22 209:7,9,20<br>209:24 210:2<br><b>card</b> 161:14,15<br>162:2,3<br><b>cards</b> 13:5 28:10<br>30:24<br><b>care</b> 138:21 147:7<br><b>career</b> 139:19<br>181:20 183:22<br><b>carefully</b> 255:13<br><b>Carl</b> 1:20<br><b>Carla</b> 2:5 6:24 | <b>carloads</b> 232:5<br><b>carman</b> 151:14<br>155:5,7 163:21,23<br>164:3 166:25<br>172:2,25 175:22<br>177:4<br><b>carman's</b> 31:9<br><b>carmen</b> 14:2,9 73:5<br>166:13 169:23<br>170:1 177:18<br>178:11,12 180:24<br>197:21 199:20,23<br>206:24<br><b>Carnes</b> 2:4<br><b>carried</b> 176:12<br><b>carrier</b> 11:2 26:13<br>31:10 45:7 65:10<br>81:6 160:11<br>163:21 173:20<br>179:23 192:11<br>201:9 202:20<br><b>carriers</b> 11:2 164:1<br><b>cars</b> 12:2 14:4<br>68:18,20 114:14<br>114:14 224:14<br><b>case</b> 1:4,7,10,13<br>8:22,25 12:20,22<br>15:24 22:25 28:4<br>30:20 31:19 32:3<br>32:6 35:9,25<br>37:10 39:2,11,17<br>39:21 40:13 42:3<br>42:5 52:10,20,22<br>53:15 55:13 56:11<br>73:25 74:1 79:24<br>84:17 88:12 90:11<br>90:14,25 91:1,5<br>91:11 106:14<br>135:11 136:11<br>147:12 151:12<br>187:25 238:4<br><b>cases</b> 5:10 17:20<br>19:19 21:8 30:22<br>30:23 31:24 33:24<br>35:3,3,5,6,16<br>36:14 74:25 80:1<br>80:18<br><b>cash</b> 215:2,3,4<br><b>casual</b> 123:6<br><b>categories</b> 37:4,6<br>41:1<br><b>category</b> 16:11<br><b>causally</b> 26:9<br><b>causation</b> 26:4,7,25<br>27:4,6,6 59:5<br>69:25 70:4 71:2,3<br><b>causation's</b> 27:2 | <b>cause</b> 45:16 56:12<br>261:11<br><b>caused</b> 22:24 39:19<br>41:24 54:24 55:1<br><b>causes</b> 70:3<br><b>ceased</b> 86:17<br><b>Center</b> 3:9<br><b>Central</b> 1:5,8,11,14<br>5:8 7:18,20 9:1,18<br>11:17 12:4,7 17:4<br>17:14 21:2,4,5<br>37:18 43:4,25<br>45:20,21 46:11,15<br>46:19 48:24,25<br>50:4 51:24 52:3<br>52:19,22 54:6<br>59:23 60:1,10<br>62:8 63:4,13,14<br>63:17,20,22 64:13<br>66:13,18,20 73:6<br>83:8,15 84:1,6,16<br>86:11,17 87:2<br>90:19 91:19,19,24<br>91:25 119:6,8<br>122:14,16 123:18<br>133:2 134:13<br>137:15 142:4<br>144:17,25 145:11<br>145:13 146:8,9<br>154:5,15,22<br>156:21 157:9,19<br>157:22 158:13,17<br>159:25 173:1<br>174:6 209:4,21<br>212:6,9 213:17,23<br>213:25 215:21<br>225:17 235:2<br><b>Central's</b> 40:2,3<br>66:21 84:10<br><b>cents</b> 155:17 156:13<br>193:20<br><b>CEO</b> 11:9,11<br><b>certain</b> 10:6 74:21<br>88:9 92:20 97:13<br>155:14 252:12<br><b>certainly</b> 81:15<br>100:18 123:16<br>255:4<br><b>CERTIFICATE</b><br>261:1<br><b>certifications</b> 13:17<br><b>certified</b> 13:16 90:1<br>153:10 212:22<br><b>certify</b> 261:4<br><b>cetera</b> 49:5 51:2<br>78:3 143:21 201:2<br><b>chair</b> 34:8 | <b>chairman</b> 1:16 5:7<br>7:4,10 8:1,7,11,15<br>33:8,23 34:4,7<br>35:1,21 36:18,24<br>78:15 81:8 83:3<br>87:6 88:5,13 89:6<br>89:11,19 91:12<br>94:2,10,15 95:4<br>95:18 99:2 100:1<br>100:5,17 102:9,16<br>105:14,21 108:17<br>112:6,23 115:15<br>116:12 117:1<br>118:8,18 121:15<br>122:10 123:11,25<br>124:24 126:12<br>127:20 129:15,20<br>129:24 130:2<br>132:17 133:17<br>136:12 138:6<br>140:20 145:24<br>146:3 147:16<br>149:19,24 150:5<br>151:2,6,17 152:12<br>152:20,23 153:4<br>159:15 174:19,23<br>178:3 179:12<br>185:3,12,18 186:1<br>186:9 189:1,16<br>190:5 191:3,20<br>199:11 204:16<br>205:16 206:6,9<br>207:22 210:9<br>212:13,16 217:1<br>221:5 231:25<br>233:10,15 234:5<br>234:21 237:3<br>241:2 243:24<br>244:1,4 249:3,19<br>250:3,8,17 251:16<br>251:20 252:17<br>253:6,12,15,19<br>254:3,13,20 255:2<br>255:9,20,24<br>256:21 257:6,24<br>258:17,20 259:2,8<br>260:15<br><b>change</b> 66:3,4 67:24<br>131:14,20 168:18<br><b>changed</b> 66:10<br>190:2 243:21,22<br><b>changes</b> 69:10,13<br><b>characteristics</b> 37:7<br><b>characters</b> 11:3<br><b>charge</b> 132:2<br><b>charged</b> 155:23<br><b>charges</b> 215:13 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>chart</b> 23:18<br><b>charts</b> 24:5<br><b>check</b> 66:18 143:18<br>149:12 198:3<br>240:6 243:6,10,11<br><b>checked</b> 118:7<br>215:13<br><b>checks</b> 239:22<br><b>Chemicals</b> 213:14<br><b>chemotherapy</b><br>152:2,3,7<br><b>Chevrolet</b> 194:10<br><b>Chicago</b> 146:17<br>250:25 251:4,7,10<br>251:13<br><b>chief</b> 74:1 104:5<br>161:14 173:14<br>209:12<br><b>children</b> 245:12<br><b>choice</b> 111:7 131:22<br><b>chose</b> 10:20 222:4<br>250:25 252:24<br><b>Chronologically</b><br>20:6<br><b>Cincinnati</b> 3:11<br>18:4,21<br><b>Cioffi</b> 3:5,6 4:8 7:17<br>7:17,21,22,22 8:3<br>34:1,2,23 36:4,22<br>37:1 51:15 61:19<br>61:24 78:18 80:17<br>81:15 83:4 85:5,9<br>86:5 87:5,19<br>88:11,14 89:9<br>90:21 91:9 93:25<br>94:6,13,16,23<br>95:14,20 96:7,10<br>96:25 97:4 98:3,9<br>99:1,22,24 100:3<br>100:14,19 102:6<br>102:14,19 104:24<br>105:12,19 112:4<br>112:13,21 113:4<br>113:12,23 115:2,9<br>115:13,19,24<br>116:22 117:16,19<br>117:22 118:17<br>121:13 122:6<br>123:7,17 124:14<br>125:7 126:7 127:8<br>127:16 129:10<br>132:11,15 133:9<br>133:16,25 134:9<br>135:9,13,19<br>136:10 137:16,19<br>137:23 138:4<br>139:25 140:4,17 | 141:15 142:18,20<br>145:14,16,22<br>146:7,25 147:5,9<br>147:15 148:8<br>149:8,22 150:2<br>151:5 158:1<br>159:12 167:16<br>168:23 173:24<br>174:14,18,20<br>178:1,5 179:10,25<br>180:12 181:15,18<br>184:25 185:6,14<br>185:23 186:5,12<br>186:15,21,25<br>187:5,8 188:21<br>189:2,7,23 190:6<br>190:7,15,16 191:4<br>191:25 193:9<br>194:20,23 196:6<br>196:13 197:19<br>198:14 199:11,18<br>202:4,9,13,15<br>203:19 204:2,6,11<br>204:17 205:20<br>206:2,11 207:8,15<br>207:21 210:7,16<br>212:12,18 216:22<br>221:3 231:23<br>233:5 234:3,20<br>237:1 238:2 241:6<br>244:2,9,12 247:23<br>248:25 250:14<br>252:25 254:10,22<br>255:6 256:12,24<br>257:3,20 258:24<br>260:14<br><b>Cioffi@blankrom...</b><br>3:13<br><b>circuit</b> 38:6,11 45:6<br>45:13 46:8 53:18<br>53:21 54:7 57:10<br>57:12,13,17 58:3<br>58:5,5,9,11 59:4<br>59:14 60:8,21,22<br>61:7 63:1 65:1,2,3<br>65:4,7,23 66:5<br>67:1,9,21 68:1<br>70:12,18 71:1,1<br>71:22 76:17 84:8<br>84:21 85:15 87:9<br>87:12,21 88:6,21<br>216:24<br><b>Circuit's</b> 85:14<br><b>circumstance</b> 36:9<br>251:21<br><b>circumstances</b><br>62:19 156:3 | 159:17<br><b>cite</b> 36:14 79:25<br>80:17<br><b>City</b> 168:7<br><b>Civil</b> 49:20<br><b>Claimant</b> 11:23<br>28:3 37:5,7,8<br>38:14 64:20 76:18<br>90:24,25 91:10<br><b>claimants</b> 6:25 7:14<br>7:16 8:21,25 9:7<br>10:1 11:21,23<br>13:19 14:10,12<br>15:18 17:6,9,13<br>18:7 19:23 20:12<br>20:24,25 21:23,24<br>22:2,5,12,21,24<br>23:2,3,8 24:9,16<br>24:20 25:4,21<br>27:11 30:9,21<br>31:2,7 32:20 37:3<br>38:9 39:15 40:17<br>41:1,24 43:15,16<br>43:22 44:14,25<br>45:22 46:2 49:3<br>50:14,19 51:18,20<br>53:22 54:9 55:4<br>55:14 57:9 62:11<br>63:3,8,14,21,23<br>64:2,9,14,22 66:1<br>66:15,22 67:5<br>68:2,5,8,12 71:21<br>71:23 72:8,18,19<br>73:5,8,11,19,22<br>75:7,11,22 79:6<br>79:18 82:19 83:7<br>83:11,11,12,17<br>84:4,20 87:11<br>88:15,16,25 89:1<br>89:3,3 123:12<br>174:16 236:5<br><b>claiming</b> 74:11 77:2<br><b>claims</b> 17:21 37:2<br>40:21 51:9,19<br>53:15 66:14 68:11<br>69:16 71:19 72:24<br>73:10 76:15 83:22<br>215:15<br><b>Clarence</b> 107:17<br><b>clarify</b> 46:14 51:14<br>102:17<br><b>class</b> 114:2 130:15<br>131:6,9,12,14<br>147:25<br><b>classes</b> 111:25,25<br>114:3 130:13<br>156:12 211:9 | <b>classifications</b><br>155:13 200:14<br><b>cleaned</b> 155:20,23<br><b>cleaner</b> 155:2,3,4<br>171:25 172:8<br>175:22 178:13<br><b>cleaners</b> 155:12<br><b>clear</b> 22:1,5 37:23<br>42:5 63:20 79:5<br>79:10 94:19,24<br>95:15 203:25<br>211:24 226:12<br>239:25 259:18<br><b>clearer</b> 7:23 67:23<br><b>clearly</b> 22:24 29:12<br>51:7 60:10,20,25<br>68:2 76:21 79:5<br>80:4<br><b>Clements</b> 2:4<br><b>clerical</b> 161:10,12<br>163:8<br><b>clerk</b> 17:16 161:14<br>161:14 173:13,14<br>209:12 215:1,3,4<br>215:5,8,9 224:2,3<br>230:13,19,20,23<br>231:22 247:18<br><b>clerks</b> 17:17 18:22<br>209:12 233:21<br>236:17,18,20<br><b>Cleveland</b> 1:22 2:7<br>2:15,23 18:2,19<br>74:3,4 96:22<br>110:1 134:16<br>154:14,22 155:9<br>155:22 156:4<br>157:13,18 161:12<br>168:2,12,13 169:6<br>178:11,19 214:2<br>218:16 220:18<br>225:15,19,21,23<br>226:1 239:6,7,11<br><b>clients</b> 186:3<br><b>close</b> 73:25 82:13<br><b>closed</b> 134:25<br><b>closer</b> 130:21<br><b>closing</b> 259:22<br><b>coach</b> 155:2,3,4,12<br>168:5,16 171:25<br>172:8 175:22<br>178:13<br><b>coast</b> 191:19,19<br><b>coincide</b> 13:7<br><b>coincidental</b> 29:7<br><b>cold</b> 43:6 113:15,16<br>113:21<br><b>colder</b> 168:14 | <b>Collinwood</b> 116:16<br>118:13 121:18<br>125:24,25 126:25<br>154:24 163:16<br>168:8,10 183:10<br>208:21,21 229:7<br>229:24<br><b>Columbus</b> 26:23<br><b>combine</b> 142:15<br><b>combining</b> 46:25<br><b>come</b> 19:1 22:20<br>35:2 36:13 38:1,4<br>50:1 55:14,16<br>76:22 77:10 88:9<br>106:3 121:18<br>126:24,25 127:2<br>153:7 155:22<br>156:19,24 157:9<br>158:21 168:10<br>178:13,15,22<br>204:6 207:23<br>211:6 217:12<br>226:16<br><b>comes</b> 191:18<br>206:18<br><b>coming</b> 54:19 66:23<br><b>comment</b> 123:18<br><b>comments</b> 112:25<br>206:4<br><b>Commerce</b> 10:9<br><b>commission</b> 10:10<br>261:20<br><b>commitments</b> 256:2<br><b>COMMITTEE</b> 1:1<br><b>common</b> 7:7 37:6<br><b>communicate</b><br>233:18<br><b>communicated</b><br>257:12<br><b>communication</b><br>184:23 186:8<br>187:2 232:21<br><b>communications</b><br>185:21<br><b>companies</b> 15:8<br><b>company</b> 11:11,12<br>11:18 16:1 17:3<br>25:24 46:16,16,21<br>49:5 52:23,23,24<br>53:5,9,13 75:19<br>134:13 157:14,21<br>208:4,9<br><b>comparable</b> 64:6<br><b>compare</b> 23:15<br>163:6 169:11<br>210:25<br><b>compared</b> 43:19 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 113:20 184:9,10<br>190:24<br><b>comparison</b> 79:12<br><b>compel</b> 5:11<br><b>compelling</b> 63:25<br><b>compensated</b> 27:19<br>161:25 204:22<br>207:4 211:16<br><b>compensation</b> 11:5<br>25:2,16,21 38:3<br>38:16,18 55:1,12<br>55:17 56:8 60:3<br>76:20,24 77:10,11<br>77:12 78:11 81:21<br>81:24 161:4,6,8<br>161:11 162:4<br>192:9,17,22,24<br>198:9 202:7,17<br>231:8,11 235:11<br>237:7<br><b>compilation</b> 202:22<br><b>complaints</b> 19:22<br>52:4 179:3<br><b>complete</b> 256:7<br>261:10<br><b>completely</b> 22:8<br>61:12 70:4<br><b>complied</b> 38:9<br><b>comply</b> 71:23<br><b>comprised</b> 173:13<br><b>computer</b> 214:6<br><b>concede</b> 62:19<br><b>conceded</b> 61:13<br>68:3<br><b>concept</b> 66:25 99:5<br>102:23<br><b>concepts</b> 67:16<br>144:1<br><b>concerned</b> 162:14<br>173:23 175:8<br>216:14 221:1<br>248:9<br><b>concerning</b> 6:8,12<br>6:18 260:8<br><b>conclusion</b> 85:4<br><b>concrete</b> 168:8,18<br><b>concur</b> 203:12<br><b>condition</b> 71:8,15<br>72:11<br><b>conditions</b> 10:6,11<br>11:6 21:22 56:9<br>69:14 70:1,22<br>82:18 98:23,24<br>167:19 169:5,7,9<br>180:16 235:8,9<br><b>conduct</b> 74:6<br><b>conducted</b> 20:23 | 21:18<br><b>conductor</b> 131:24<br>132:1,2<br><b>confer</b> 36:19<br><b>conference</b> 185:15<br>187:9<br><b>conferred</b> 34:18<br><b>confidential</b> 173:20<br>173:22<br><b>confirm</b> 87:1<br>117:21<br><b>confirmed</b> 26:7<br><b>conform</b> 35:8<br><b>confused</b> 210:21<br><b>Congress</b> 48:7 86:6<br>86:9 142:25<br><b>congressional</b> 49:11<br>50:5<br><b>congress's</b> 48:10<br><b>connected</b> 26:10<br><b>Conrail</b> 48:11,18,19<br>49:13,21,24 86:6<br>86:10,14 87:3<br>91:19 142:25<br>143:3,7,18,22<br>145:9,10,17,20<br>146:10 198:22<br>209:3,7,25 212:9<br><b>consensual</b> 39:16<br><b>consequently</b> 84:18<br>141:3 157:15,20<br>178:12<br><b>consider</b> 10:8,12<br>25:8 245:11<br><b>considerable</b> 114:8<br>114:9<br><b>consideration</b> 117:3<br>124:1 256:5<br><b>considered</b> 21:5<br>29:1 53:21 56:4<br>119:6,12,13,17<br>235:1,15 248:4<br>251:13<br><b>consisted</b> 113:17<br>155:10<br><b>consistent</b> 35:8 72:4<br>72:5 195:17<br>201:19<br><b>consistently</b> 201:12<br><b>consolidate</b> 225:17<br><b>consolidated</b> 5:10<br>5:12 15:20 21:7<br>92:7,11 110:18,22<br>146:17 232:6<br><b>consolidation</b> 17:23<br>17:24<br><b>conspiracy</b> 44:17 | <b>conspire</b> 52:3<br><b>conspired</b> 44:1<br><b>constituted</b> 22:9<br><b>constitutes</b> 261:11<br><b>consummate</b> 11:16<br>217:10<br><b>consummation</b><br>50:11,11,16 53:2<br><b>contact</b> 59:22 230:3<br>230:5 232:1,9<br><b>contemplated</b> 9:21<br><b>content</b> 186:8<br><b>context</b> 37:20<br>253:24 254:2<br><b>Continual</b> 230:5<br><b>continue</b> 48:3 81:4<br>136:13 148:5<br>179:12 189:1<br>190:5 191:15<br>204:16 231:4<br>260:10<br><b>continued</b> 3:1 29:5<br>81:13<br><b>continuing</b> 143:11<br>143:14 193:1<br><b>continuous</b> 149:16<br>182:3<br><b>contract</b> 8:25 16:23<br>19:15 37:17,22<br>70:9 80:16 100:18<br>191:17,17<br><b>contractural</b> 45:8<br>65:11<br><b>contrived</b> 184:8<br>191:5,13 198:16<br>198:18<br><b>control</b> 92:21<br><b>controlled</b> 92:18<br>209:11<br><b>controlling</b> 19:20<br>57:11<br><b>controls</b> 55:13,14<br><b>convening</b> 259:21<br><b>conversation</b> 97:21<br>138:1,3,4,5<br><b>conversations</b><br>116:10 123:14<br>124:22 125:2<br>152:1<br><b>conversely</b> 25:6<br><b>convey</b> 86:10<br><b>conveyance</b> 48:25<br><b>conveyed</b> 48:16,18<br>49:13<br><b>coordinated</b> 75:5<br><b>coordination</b> 74:15 | 74:17,25 75:2<br>76:8 80:24 81:4<br>81:18 82:4<br><b>copy</b> 219:19 221:13<br><b>correct</b> 95:24 96:16<br>111:2 114:21<br>128:14 135:21<br>137:6 143:12<br>144:10 145:6<br>147:19 160:25<br>171:19 175:24,25<br>181:22,23 184:3<br>197:22 203:4<br>205:6,14 207:12<br>209:4,22,23 210:1<br>212:7 214:18<br>218:20 219:5<br>226:4,7 235:3<br>236:12,13 238:9<br>238:14 239:10<br>246:7 261:12<br><b>corrected</b> 22:14<br>233:4<br><b>correspondence</b><br>63:18 215:14<br><b>cost</b> 15:4 24:7 25:17<br>25:21 193:18<br><b>costs</b> 15:6 198:23<br><b>counsel</b> 5:21 43:22<br>202:8<br><b>counsel's</b> 194:17<br><b>count</b> 211:12<br>258:23<br><b>country</b> 58:3<br><b>couple</b> 39:20 41:15<br>62:23 142:2<br>199:14 238:17<br>240:7 244:14<br>255:20<br><b>coupled</b> 131:5<br><b>course</b> 44:5 48:19<br>58:13 71:13 72:9<br>123:2 146:12<br>157:21 158:18<br>160:18 186:12<br><b>court</b> 5:10,14 6:18<br>34:11 38:7 51:14<br>57:12 69:20 84:1<br>84:18 85:20 86:13<br>88:2 116:4 157:17<br>254:24<br><b>Courthouse</b> 1:20<br><b>courts</b> 35:10,16<br>36:8 37:15,21<br><b>court's</b> 53:4<br><b>cover</b> 20:22 42:16<br><b>coverage</b> 9:8,13 | 16:6 199:6<br><b>covered</b> 9:3 15:9<br>16:1,12,24 19:24<br>20:9,13,19,20,25<br>21:5 42:13 46:1<br>58:22 62:2,4 63:4<br>63:15,21 73:1,9<br>98:15 133:14<br>156:4<br><b>coworkers</b> 35:7<br>125:16,17,19<br><b>co-authored</b> 61:21<br><b>craft</b> 92:8 131:9,15<br><b>crafts</b> 130:13<br><b>Cravens</b> 97:25<br><b>crazy</b> 72:14<br><b>create</b> 9:23 10:3<br>24:6 48:11 94:24<br><b>created</b> 13:4 17:1<br>31:18 46:16,18<br>142:25<br><b>creating</b> 141:20<br><b>creation</b> 6:15<br><b>creditors</b> 48:1,2,3,4<br>50:14,20,23<br><b>crew</b> 101:9,10,12<br>104:3,5 105:8,23<br>116:18 118:3,20<br>118:22,23,24,25<br>119:2,4,7,11<br>120:20 132:3<br>137:6,9 138:13,15<br>138:17,18,23<br><b>crews</b> 93:5 101:13<br>138:11,20 176:20<br><b>criteria</b> 98:15<br><b>cross</b> 149:20 204:12<br><b>crossed</b> 186:10<br><b>crossing</b> 122:12<br><b>cross-examination</b><br>4:6 35:11 129:13<br>141:14 181:17<br>199:19 203:20<br>238:1<br><b>cross-examine</b><br>123:19,20,21,24<br>129:11 252:16,23<br><b>Crtalic</b> 170:13<br><b>Ctricarichi@aol...</b><br>2:9<br><b>cure</b> 47:22<br><b>current</b> 33:6<br><b>currently</b> 153:25<br>253:8<br><b>cut</b> 12:3,5,6 14:7<br>15:6,9,19 17:12<br>17:19 20:14 26:2 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 29:12 42:13,15,24<br>43:13,13 45:18<br>48:23 49:18 54:19<br>59:15,16,17,22<br>63:3 64:7,10 65:6<br>67:2 68:9,18,20<br>69:10,12 73:6<br>82:21 88:19 90:20<br>107:23 109:20<br>110:21 112:14,20<br>113:16 114:1,11<br>114:20 116:21<br>117:5 118:11<br>119:1,14,20,22<br>120:1,14 121:6,19<br>123:5 125:4 127:5<br>133:5,7,11,20<br>136:4,21 137:2,10<br>138:25,25 139:3<br>139:19 144:9,11<br>144:13,13,14,15<br>144:24 154:5<br>166:12,14,23<br>167:7 170:19<br>171:8,21 172:25<br>173:4 174:6 179:7<br>182:9 183:23,25<br>184:3,7,9,14<br>190:20 191:18<br>199:5 200:5,25<br>206:24 208:16,18<br>208:19 239:20 | <b>dates</b> 85:25 122:17<br>126:6 182:24,25<br>230:8<br><b>David</b> 1:9 231:13<br><b>day</b> 19:8,25 46:24<br>47:2,25 48:5<br>52:11 78:2 86:8<br>107:3 121:22<br>122:8,9 128:2<br>139:8 148:1<br>164:11 177:8<br>223:14 227:17,21<br>229:23 230:1<br>232:6,8 242:19,21<br>242:24,25 246:22<br>246:23,25 256:17<br>260:10<br><b>days</b> 19:3 53:11<br>75:13,17 89:12<br>99:14,16 103:21<br>111:8,11 116:17<br>118:15 121:17<br>131:23 141:7,8,8<br>141:11 152:2<br>161:15 162:2<br>214:9,22 219:11<br>220:8 221:15,17<br>223:1 246:16,17<br>249:24 250:1,2<br><b>day's</b> 139:9<br><b>day-to-day</b> 214:22<br><b>de</b> 85:7<br><b>dead</b> 116:2<br><b>deal</b> 209:17<br><b>Dealer</b> 96:22<br><b>dealing</b> 123:12<br><b>dean</b> 7:7 8:3<br><b>death</b> 56:11<br><b>decades</b> 182:16<br><b>deceased</b> 123:12,22<br>151:16<br><b>December</b> 1:18 51:6<br>60:4 67:18 85:13<br><b>decide</b> 44:13 85:7<br><b>decided</b> 15:6 35:2<br>39:21 44:11 58:9<br>68:24 73:9 225:17<br>256:14<br><b>decision</b> 21:13,15<br>26:6,11,11 42:12<br>45:5 53:18 57:10<br>59:9 62:10,11,16<br>62:18 83:5,5,9,18<br>83:19 84:3,3,11<br>84:19,23 86:23<br>87:7,25 98:8<br>160:16 175:7 | 198:19 199:4<br>242:23<br><b>decisions</b> 19:20<br>37:15<br><b>decline</b> 42:23 43:3<br>54:11,16 68:14,16<br>69:4,9,22 184:6<br>184:15 190:21<br>191:6<br><b>declined</b> 68:18<br>71:10 72:8 184:10<br><b>declining</b> 54:14<br><b>decrease</b> 109:6<br><b>dedicated</b> 164:17<br><b>deducting</b> 78:2<br><b>deductions</b> 240:11<br><b>deemed</b> 160:16<br><b>defames</b> 187:21<br><b>defeat</b> 31:15<br><b>defend</b> 170:2<br><b>defendant</b> 1:5,8,11<br>1:14 3:3 27:10<br>31:14 52:21 62:1<br>74:7 253:3<br><b>Defendants</b> 7:25<br>26:3 31:22 74:6<br><b>Defendant's</b> 4:20<br>5:3 27:12 62:14<br>251:25<br><b>defense</b> 20:14 27:8<br>30:2,8<br><b>defenses</b> 20:3,4,4<br>25:23,24<br><b>deferential</b> 87:14<br>87:15 88:2,9<br><b>defiance</b> 20:11<br><b>defined</b> 16:14<br><b>definitely</b> 159:2<br>163:3 164:9<br>167:15,23 170:11<br>172:17 173:19<br>174:2 175:3,18<br>179:4,20 181:5<br>184:4 188:4 198:7<br>199:7 200:24<br>235:9<br><b>definitive</b> 85:19<br><b>definitively</b> 20:8<br><b>defunct</b> 48:12<br><b>degrees</b> 168:14<br><b>delay</b> 25:4,14 39:10<br>39:10,10,16,16<br>41:19,21,24 132:6<br><b>delays</b> 22:25<br><b>deliberately</b> 15:12<br>16:12<br><b>delusioned</b> 179:20 | 179:22<br><b>demand</b> 10:5<br><b>demonstrate</b> 41:23<br>74:1<br><b>demonstrated</b><br>11:14 69:8<br><b>demonstrative</b><br>160:7<br><b>demotion</b> 235:14,17<br><b>denial</b> 22:8<br><b>denied</b> 9:6 17:9<br>19:10 22:12 53:16<br>68:12 71:20 72:18<br>76:16 100:18<br>237:3<br><b>Dennis</b> 1:17 5:18<br><b>dent</b> 57:7,8<br><b>deny</b> 9:12<br><b>denying</b> 21:22 63:3<br>82:19<br><b>department</b> 155:10<br>161:9,10,12<br>162:15 163:13,14<br>169:24 172:5<br>173:12,16 175:14<br>197:15 200:24<br>208:13,15,17,18<br>208:19,20,22<br>209:7,9,21,24<br>210:2 214:4 215:7<br>218:2,7,13,18<br>220:9 232:4<br>246:22<br><b>departments</b> 163:5<br>163:15<br><b>depended</b> 158:10<br>207:4<br><b>depending</b> 151:21<br>175:21 177:14,17<br>206:16<br><b>deposed</b> 90:1<br>153:10 212:22<br><b>deposition</b> 184:17<br>186:3 187:25<br>188:3,8,16,19<br>189:4,6,10 191:6<br>198:15 238:3<br>251:19,21,25<br>252:2,4,5,6,8,13<br>253:4,7,23,25<br>254:4,6<br><b>depot</b> 113:17<br><b>deprive</b> 56:19<br><b>deprived</b> 11:3 55:24<br>56:3,4,7 74:23<br>160:12,13<br><b>derived</b> 23:6 97:17 | <b>describe</b> 43:19<br>92:16 99:9 103:1<br>166:8<br><b>described</b> 25:3<br>87:12 99:18<br><b>description</b> 43:17<br><b>designated</b> 103:18<br>252:11<br><b>designation</b> 17:19<br>175:21<br><b>desirable</b> 164:22<br><b>desk</b> 224:20<br><b>desperate</b> 66:6<br>67:23<br><b>destroy</b> 31:14<br><b>destroyed</b> 31:7,13<br>49:24 50:3<br><b>details</b> 124:10<br><b>determination</b> 27:2<br><b>determinations</b> 6:8<br><b>determine</b> 24:20<br>120:25 135:25<br><b>determined</b> 20:25<br>24:10 109:13<br><b>determining</b> 17:18<br>231:1<br><b>Detroit</b> 17:25 18:2<br>18:6,14,23 19:1<br>219:17 220:13<br>225:13,19,20,22<br>226:3,9,14 230:15<br>231:20 232:9<br>235:20 236:12,20<br>246:23 251:12<br><b>deviations</b> 176:16<br><b>dictated</b> 76:17<br><b>died</b> 22:22<br><b>diet</b> 57:4,5<br><b>difference</b> 59:20<br>68:8 99:15 103:17<br>114:6,9 130:8,13<br>131:25 156:9<br>211:2 240:9<br><b>differences</b> 130:16<br><b>different</b> 17:20<br>30:22 31:3 41:1<br>43:5,5 45:24<br>58:25 61:11,12<br>63:18 66:24,25<br>87:22 101:14<br>114:5 130:15<br>131:6 144:1,20,24<br>147:6,25 148:10<br>154:20 155:12,13<br>161:10 163:5,7,8<br>165:17 169:15<br>172:10 175:23 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 180:7 185:10<br>200:13 206:19<br>222:14 228:6<br>230:1 240:11<br><b>differently</b> 23:7<br>46:2 163:6<br><b>difficult</b> 180:6<br>257:13<br><b>difficulty</b> 169:13<br><b>digress</b> 49:7 55:20<br><b>diner</b> 130:17 131:2<br><b>dining</b> 114:6<br><b>direct</b> 4:3,12,15<br>89:16,17 90:3<br>129:21,23 144:3<br>153:12 188:7<br>189:3 202:12,23<br>212:24<br><b>directed</b> 64:12<br><b>direction</b> 21:16<br>219:8<br><b>directly</b> 246:23<br><b>disability</b> 56:14<br><b>discard</b> 39:15<br><b>discharged</b> 60:2<br><b>discipline</b> 56:14<br><b>disciplined</b> 201:6,13<br><b>discourage</b> 237:12<br><b>discovered</b> 13:6<br><b>discovery</b> 26:19<br>32:22 41:12 233:9<br>252:8,12 253:4,25<br><b>discrepancy</b> 78:5<br>243:21<br><b>discuss</b> 6:5 123:4<br>182:21 202:11<br><b>discussed</b> 19:15<br><b>discussing</b> 236:24<br><b>discussion</b> 8:19 51:3<br>109:12 207:24<br><b>discussions</b> 46:12<br>123:8<br><b>disgusted</b> 165:16<br>181:12 187:16<br><b>disingenuous</b> 67:25<br><b>dismiss</b> 69:16 84:10<br>84:17<br><b>dismissal</b> 56:12<br><b>dismissed</b> 91:1<br><b>dispatcher</b> 101:9,11<br>101:12 104:4,5<br>105:8,23 116:19<br>118:3 138:17<br><b>dispatchers</b> 118:21<br><b>dispatching</b> 137:6,9<br><b>dispenses</b> 27:4<br><b>displace</b> 177:5 | <b>displaced</b> 177:1,2<br>183:9<br><b>displacement</b> 10:16<br>26:17 77:16,18,25<br>78:5 222:15<br><b>dispositive</b> 57:11<br><b>dispute</b> 62:21<br><b>disqualified</b> 234:13<br>234:14<br><b>disqualify</b> 237:15<br><b>distinct</b> 24:3<br><b>distinction</b> 103:13<br>104:25 105:4<br><b>distributed</b> 11:13<br><b>district</b> 5:14,15 38:7<br>46:13 47:15 92:9<br>93:8 146:16<br><b>divide</b> 78:2,4 95:11<br><b>divided</b> 168:2<br><b>division</b> 48:20<br>92:11,14 93:2,8<br><b>document</b> 29:2<br>159:14 202:6<br>203:16,17,20<br>204:14 219:16,25<br>223:11<br><b>documents</b> 18:12<br>27:12 31:13,14,21<br>32:25 49:9,12,14<br>49:15 66:20 79:4<br>79:8 116:5<br><b>doing</b> 50:24 80:5<br>81:3 114:17<br>188:19 218:16<br>245:21<br><b>dollar</b> 231:2<br><b>dollars</b> 26:16 46:24<br>47:2,25 48:5<br>240:7<br><b>done</b> 16:12 199:12<br>255:16 260:11<br><b>Donely</b> 232:1,3<br><b>door</b> 60:16 194:11<br>224:15<br><b>Doran</b> 107:5,7<br>124:5,18 128:7<br><b>double</b> 16:25<br>116:23 122:11<br>123:9<br><b>doubt</b> 159:2 163:3<br>167:15 175:3<br>191:13<br><b>down</b> 6:11 15:6<br>34:9 39:9,22<br>54:20 87:25 101:5<br>101:16 132:18<br>138:8 153:7 | 156:15 157:9<br>160:20 172:25<br>187:11 224:20<br>233:25 234:10<br>246:11,15,17<br>247:3,4 254:25<br>256:18 257:25<br>258:5 261:5<br><b>downtown</b> 172:5<br><b>Dr</b> 23:22 24:4,14<br>78:9,25 194:21<br>255:19<br><b>dramatic</b> 54:10<br>68:16 184:6<br><b>draw</b> 59:9 255:11<br><b>drop</b> 111:3 195:7<br><b>dropped</b> 194:2,4<br><b>Drs</b> 77:13<br><b>due</b> 56:13 70:2<br>154:18 215:12<br><b>duly</b> 89:25 153:9<br>212:21<br><b>during</b> 11:8 47:21<br>81:10 91:24 92:3<br>149:5 152:24<br>161:23 162:7<br>166:3 190:20,25<br>214:21 231:5<br>250:2,4<br><b>duties</b> 114:5 214:20<br>214:25<br><b>duty</b> 31:22 38:25<br>93:5 106:11<br><b>DVD</b> 152:14 | 48:10 72:15<br>154:11 211:17<br><b>earned</b> 81:10<br><b>earnings</b> 13:10,21<br>14:19 23:6 28:22<br>30:11 32:18 80:20<br>114:19 203:22<br>205:13<br><b>easel</b> 8:12 11:1<br><b>East</b> 3:10 113:18<br>156:3 223:25<br><b>eastern</b> 46:13 47:15<br>48:9 50:18<br><b>easy</b> 54:11<br><b>eat</b> 130:4<br><b>eclipsed</b> 47:9<br><b>economic</b> 46:22<br>47:23 142:13<br><b>economics</b> 196:5<br><b>Economist</b> 23:4<br><b>economy</b> 48:9 69:11<br><b>effect</b> 66:4 73:15<br>83:23 85:22<br>135:24 136:9<br><b>effective</b> 59:18<br>135:23<br><b>effectively</b> 15:22<br><b>effects</b> 26:9<br><b>efficiencies</b> 10:2<br><b>efficient</b> 9:24<br><b>egregious</b> 22:9 52:2<br><b>egregiously</b> 21:21<br>55:21 82:17<br><b>eight</b> 136:24 141:11<br>164:11 168:11<br>177:7 214:9,12<br>258:2<br><b>either</b> 28:7 72:20<br>104:4 106:6<br>111:19 160:11<br>215:17<br><b>elect</b> 222:23<br><b>electing</b> 62:6<br><b>element</b> 69:25 70:4<br>71:2,3<br><b>elements</b> 25:19<br><b>eligibility</b> 15:13<br><b>eligible</b> 74:15 118:5<br>133:8 247:16<br><b>eliminate</b> 15:13<br><b>eliminated</b> 26:6<br>70:4,16 71:2,3<br>72:3 217:7 218:2<br>229:5 251:10<br><b>elimination</b> 59:5<br>257:23<br><b>Ellert</b> 20:16 30:3 | <b>else's</b> 178:2<br><b>emphasis</b> 259:23<br><b>emphysema</b> 257:13<br><b>employ</b> 241:15<br><b>employed</b> 81:2 82:9<br>154:1,3 213:10<br><b>employee</b> 10:17,20<br>11:14 15:25 16:14<br>16:20 56:6 60:15<br>74:15,23 75:18,25<br>79:9 80:23 81:9<br>99:6,7 102:5<br>104:21 116:21<br>120:24 121:2<br>127:11 142:10<br>143:3,7 145:9,18<br>147:14 173:23<br>209:15 234:23<br>235:2,13 241:17<br>241:18 248:3,4<br><b>employees</b> 9:1,9<br>11:1,13 13:16<br>15:8,11 16:23<br>17:4,14 18:3,4,4,5<br>18:21 20:8,14<br>21:3,4,5 24:1<br>42:13 43:2,13,13<br>45:18 48:23,23<br>49:16,18 50:16<br>55:24 58:22 59:16<br>59:22 63:3,14<br>68:19 69:10,12<br>70:6,19,23 71:24<br>74:3 76:5 82:21<br>85:8 86:19 96:12<br>100:7 103:16<br>104:11,23 106:23<br>106:23 117:10<br>119:8 122:16<br>126:4 128:14<br>133:5 136:1<br>160:11 165:22<br>173:18 180:21<br>181:6 208:24<br>209:9 211:5 217:6<br><b>employer</b> 80:25<br>209:22<br><b>employment</b> 11:4,8<br>55:25 56:3,5,7,19<br>69:14 70:1,25<br>71:9 74:24 98:18<br>149:16 154:14,21<br>160:12,14 161:13<br>182:4,7,8,17,22<br>183:1,3,13 190:20<br>210:25 211:11<br>213:13 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>empty</b> 114:7 130:10<br><b>en</b> 12:16<br><b>enacted</b> 215:22<br><b>end</b> 17:12 33:25<br>44:19 65:13<br>223:14 232:25<br>256:17 259:15<br><b>ended</b> 50:10<br><b>endless</b> 39:17<br><b>engine</b> 101:13<br>118:24 119:7<br><b>engines</b> 93:5<br><b>enjoyed</b> 249:15<br><b>enough</b> 13:24 18:24<br>28:23 29:18 42:24<br>48:22 64:11 73:16<br>99:14 111:6<br>121:17 137:2<br>150:1<br><b>ensures</b> 26:8<br><b>entailed</b> 214:21<br><b>enter</b> 43:11 52:18<br>53:12<br><b>entered</b> 21:11 42:14<br>50:24<br><b>entertain</b> 6:22<br>41:20<br><b>entire</b> 22:3 81:10<br><b>entities</b> 25:6<br><b>entitled</b> 38:3,15<br>74:24 76:24 77:3<br>160:2 233:1<br><b>entitlement</b> 37:9<br><b>entity</b> 21:19 25:13<br>47:6<br><b>equal</b> 88:25<br><b>equipment</b> 93:5,6<br>130:17 131:4<br>152:21<br><b>equity</b> 51:21<br><b>erred</b> 21:20 82:17<br>85:3<br><b>erroneous</b> 168:1<br>187:19,20<br><b>error</b> 22:9 35:18<br>36:2 233:4<br><b>especially</b> 57:17<br><b>ESQ</b> 2:5,12,20 3:5,6<br>3:7,8<br><b>essence</b> 45:15 63:12<br><b>essentially</b> 74:13<br>77:24<br><b>establish</b> 204:15<br><b>estimate</b> 89:15<br><b>estimated</b> 15:4<br><b>estoppel</b> 88:17<br><b>et</b> 1:3,6,9,12 49:4 | 51:2 78:3 143:21<br>201:1<br><b>Eva</b> 1:25 261:4,17<br><b>evaluate</b> 23:4<br><b>even</b> 10:8,12 13:23<br>14:17,25 18:24<br>20:10 27:2 28:21<br>33:4 35:9 37:5<br>51:4 58:7 69:7<br>70:17 75:23 76:5<br>81:25 119:19<br>120:11 137:1<br>138:13 139:15<br>158:20 171:7<br>175:11 216:2<br>227:24 228:7<br><b>evening</b> 259:16<br><b>event</b> 217:7 260:3<br><b>eventually</b> 11:11<br>68:9 155:5 160:15<br>170:20 211:7<br>237:14<br><b>ever</b> 14:24 45:1<br>115:5 120:16<br>127:5,14 128:24<br>133:23 134:4<br>139:19 146:13<br>162:22 165:18<br>177:24 200:17<br>204:9 223:3,7<br>231:6 232:17<br>240:20<br><b>every</b> 24:4 31:13<br>33:14 50:17 63:6<br>68:21 111:23<br>118:6 158:23<br>170:5 177:23<br>191:18 193:4,7<br>205:4 211:10<br>230:24 243:12<br>246:22<br><b>everybody</b> 16:9<br>30:12 109:19<br>122:15 235:16<br><b>everyone</b> 77:9<br>207:18<br><b>everything</b> 16:20<br>71:6 74:20 183:18<br><b>evidence</b> 6:16,19<br>33:1 35:23 37:17<br>37:20 38:1 49:4<br>55:2,11,17 57:5<br>66:2,3 69:8 73:21<br>73:25 76:22 77:12<br>95:1,5 96:11<br>115:12 117:2<br>136:13 159:13 | 189:24 204:13<br><b>evidentiary</b> 5:8<br><b>exact</b> 188:17 197:7<br><b>exactly</b> 17:5 23:15<br>36:5 45:12 65:1<br>146:18 208:16<br>239:14<br><b>examination</b> 4:3,9<br>4:12,15 89:25<br>90:3 146:5 153:9<br>153:12 196:10<br>199:15 204:12<br>210:10 212:21,24<br>247:25<br><b>example</b> 12:12<br>15:16 40:17 64:19<br>66:19 88:6 110:2<br>115:4 121:22<br>131:19<br><b>examples</b> 11:21<br>39:21<br><b>except</b> 67:1 195:24<br>205:5 218:8<br><b>exception</b> 28:15<br>36:16 59:3,5<br>139:22<br><b>exceptions</b> 59:7<br><b>excerpt</b> 252:19<br>254:1<br><b>excerpts</b> 253:11,24<br><b>excess</b> 118:9<br><b>exchanged</b> 13:6<br><b>exclude</b> 9:8 34:19<br>35:10,15 36:6<br>199:5<br><b>excluded</b> 34:16<br>35:24 36:12<br>123:23<br><b>exclusion</b> 36:1<br><b>excuse</b> 9:5,9 53:25<br>54:1 64:5 86:24<br>94:10 202:19<br><b>excuses</b> 62:24 64:24<br>64:24<br><b>executed</b> 9:3 10:13<br>16:7 29:10<br><b>executing</b> 25:14<br><b>execution</b> 15:12<br><b>exercise</b> 18:10,14<br>18:16 19:4,6,9<br>30:9,11 38:17<br>55:5,6 56:15,22<br>71:24 75:3,15,24<br>76:3,9 174:1<br>199:25 200:3<br>219:11,14,21<br>220:4,21 221:15 | 223:1 225:12<br>226:16 227:7,11<br>229:18 231:21<br>235:18,21 236:6<br>236:16 247:12<br>248:12,17,20<br>251:9,11<br><b>exercised</b> 30:12,13<br><b>exercises</b> 71:20<br><b>exercising</b> 220:24<br>225:13<br><b>exhausted</b> 220:23<br>221:1,10 247:13<br>248:22<br><b>exhibit</b> 23:16,17<br>33:10,14,15 66:19<br>66:22 77:21 96:19<br>108:7,17 109:23<br>110:13 126:22<br>144:4,5 160:7<br>189:17,19 194:18<br>202:19,20 203:2<br>217:23 218:24,24<br>219:24 221:22<br>223:12 229:2<br>238:13 246:1,2<br>252:12,19 253:8<br>253:10,17,20<br>254:21 255:1,7,10<br>259:12,17<br><b>exhibits</b> 4:19,21 5:2<br>5:3 6:6,7,10,13,14<br>12:25 15:17 27:22<br>27:23 33:9,12,17<br>33:18 194:17<br>252:21 255:8<br><b>exist</b> 27:3 30:1<br>32:20<br><b>existent</b> 28:7<br><b>existing</b> 56:13,17,23<br>56:25 62:5 75:12<br><b>expand</b> 253:7<br><b>expanded</b> 10:21<br><b>expect</b> 51:16<br><b>expediency</b> 21:9<br><b>experience</b> 30:16<br>112:19,22 115:5,8<br>115:23 120:15<br>121:23 124:6<br>125:15,15,16,17<br>125:19,22 137:5<br>137:13 147:3<br>167:20 169:3<br>178:2 179:18<br>180:3 233:19,22<br>233:23 235:5<br><b>experienced</b> 116:10 | <b>experiences</b> 11:22<br>125:5 177:19<br><b>experiment</b> 152:24<br><b>expert</b> 194:24<br>257:25<br><b>experts</b> 256:7<br><b>expires</b> 261:20<br><b>explain</b> 42:4 100:12<br>101:10,22 130:12<br>195:6 222:7<br>226:12 250:21<br>251:20<br><b>explained</b> 6:14<br><b>explicitly</b> 53:2<br><b>express</b> 58:19 156:5<br>156:6,6<br><b>expressly</b> 58:21<br>66:21<br><b>extent</b> 54:25 81:25<br>88:5,7 159:13<br><b>extra</b> 28:7<br><b>extraordinary</b> 58:2<br><b>extreme</b> 25:4<br><b>ex-PIs</b> 170:16<br><b>ex-servicemen</b><br>165:23<br><b>eye</b> 111:24<br><b>e-mail</b> 51:5,11<br>246:19 259:3,9<br><b>E.T</b> 219:18 220:8<br>246:4,5 |
| <b>F</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>F</b> 153:18<br><b>face</b> 17:1<br><b>facilities</b> 215:19<br><b>fact</b> 9:21 10:3 20:11<br>30:22 47:17 49:8<br>50:9 54:21,23<br>55:8 57:20 69:20<br>69:21 83:8,19<br>161:17 174:2<br>175:20 255:18<br>256:7<br><b>facto</b> 9:12<br><b>factor</b> 169:17,18<br><b>facts</b> 17:20 31:3<br>62:6<br><b>factual</b> 85:3 88:8<br><b>factually</b> 85:3<br><b>fail</b> 58:6 71:19<br><b>failed</b> 21:21 27:11<br>30:9 59:9 61:6<br>65:20 71:23 82:17<br>174:1 175:13<br><b>failing</b> 60:3<br><b>failure</b> 27:9 55:5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 56:13,14 58:14,17<br>59:13 65:22 67:10<br>67:14 72:3 75:16<br>85:15 154:18<br><b>fair</b> 38:25 39:13<br>50:22 94:18<br>231:10<br><b>Fairlane</b> 154:17,24<br>183:6<br><b>faith</b> 42:7,10 44:2,6<br>44:7,17 52:2,8,9<br>57:22<br><b>fall</b> 37:3 48:9<br>168:17,21<br><b>fame</b> 195:9<br><b>familiar</b> 107:21<br>132:21 134:7<br>177:19 184:2<br>203:17 230:10<br>231:13<br><b>families</b> 32:12 170:1<br>174:8 179:9 211:5<br><b>far</b> 86:1 98:14<br>128:4,24 162:13<br>168:1 169:17<br>173:10,23 175:7<br>176:17 192:16<br>193:11 199:17<br>200:15 220:25<br>248:8 256:18<br><b>fashion</b> 49:22<br><b>fast</b> 20:12<br><b>faster</b> 130:18<br><b>father</b> 43:23 61:14<br>90:24 125:12<br><b>father's</b> 90:25 91:5<br>125:14<br><b>favor</b> 58:8<br><b>fax</b> 246:19<br><b>February</b> 11:19<br>59:15,18,19 60:11<br>61:1 62:21 63:1<br>68:4 75:10 83:13<br>85:16 226:24<br>228:17 236:4<br>244:17,18,20,21<br>244:24 261:20<br><b>federal</b> 1:20 5:10<br>6:16 68:23<br><b>fee</b> 155:23<br><b>feed</b> 174:8 179:9<br><b>feel</b> 241:22<br><b>fees</b> 25:18,22 51:2<br><b>Feldscher</b> 218:5<br>220:20 229:8,25<br><b>fell</b> 194:11<br><b>fellow</b> 199:23 | <b>fellows</b> 118:15<br>125:24 127:23<br><b>felt</b> 19:22 179:24<br>180:1,21 181:8<br><b>fenced</b> 224:12<br><b>Fensom</b> 218:6<br><b>few</b> 18:3,3,4,5 22:23<br>26:18 32:4 111:13<br>144:16 152:2,6<br>170:9 220:8<br>223:24 228:11<br>245:14<br><b>fifteen</b> 5:24<br><b>Fifth</b> 3:10<br><b>figure</b> 211:1 231:1<br><b>figured</b> 211:15<br>221:16<br><b>figures</b> 23:12,12,13<br>195:16 206:15<br>207:1 210:24<br>211:23<br><b>file</b> 149:1 197:17<br>209:11 212:9<br>215:1 245:8<br>253:20<br><b>filed</b> 19:13 46:13<br>47:5,6 51:12<br>62:13 66:9 72:15<br>84:1,16<br><b>files</b> 23:14,14,19,20<br>173:10<br><b>filing</b> 47:18<br><b>fill</b> 149:2,13 161:13<br><b>filled</b> 164:23,24<br>224:6<br><b>filling</b> 138:11<br><b>final</b> 33:15 60:4<br>83:5,8,18,18<br>84:12,22<br><b>finality</b> 89:5<br><b>finally</b> 25:14 31:6<br>74:10 171:9<br><b>find</b> 49:21 82:17<br>241:7 258:6,7<br><b>finding</b> 59:8<br><b>findings</b> 27:25<br>260:8<br><b>fine</b> 7:11 8:8 34:5<br>82:3 181:16<br>252:18<br><b>finish</b> 130:3 133:18<br>203:14 259:14<br><b>finished</b> 65:12<br>129:21,23<br><b>Fired</b> 234:16<br><b>firm</b> 2:11 157:16<br><b>first</b> 6:20 18:11 | 25:10 27:17 30:20<br>53:17 57:9 89:25<br>90:23 104:3<br>109:18,22 113:14<br>125:10 131:21<br>141:5 142:2 144:6<br>147:11 148:14<br>153:9 154:14<br>173:14 181:8<br>183:2 201:17<br>212:21 217:17<br>218:11 223:1<br>259:13<br><b>fits</b> 61:15<br><b>five</b> 63:5 89:10,20<br>131:1,2 156:13<br>214:9 249:25<br>257:2,3,21 258:19<br>258:20,22<br><b>five-minute</b> 34:3<br><b>five-person</b> 119:2<br><b>flat</b> 60:7 65:2<br><b>flawed</b> 46:22<br><b>flexible</b> 94:12 95:2<br>95:5 152:11<br><b>flow</b> 184:3,8 205:1<br><b>fluctuation</b> 165:7<br><b>follow</b> 6:16,17<br>57:13 58:4,6 59:7<br>61:7 65:8 82:15<br>82:25 84:15,24<br>196:12 231:20<br>250:24 251:8,10<br><b>followed</b> 38:12<br>226:6<br><b>following</b> 61:15<br>74:25 252:14<br><b>follows</b> 90:2 153:11<br>212:23<br><b>fool</b> 68:1<br><b>footnote</b> 83:25 84:9<br><b>forbids</b> 53:2<br><b>force</b> 59:17 98:25<br>160:20 183:5<br><b>forced</b> 231:21<br><b>forecasted</b> 77:16<br>78:10 79:1,3,7<br><b>foregoing</b> 261:6,9<br><b>foreman</b> 138:14<br><b>forfeit</b> 61:5 65:19<br><b>forfeited</b> 200:8<br><b>forfeiting</b> 174:5<br><b>forget</b> 18:11 181:13<br><b>form</b> 81:23 124:15<br>149:2,14 261:8,10<br><b>formal</b> 6:17<br><b>formed</b> 19:20 | <b>former</b> 82:21<br><b>forms</b> 26:15,18,18<br>26:21,24<br><b>formula</b> 24:19,23<br>77:15<br><b>forward</b> 38:1,4<br>55:15,16 76:22<br>77:10 205:3<br><b>fought</b> 41:14 55:8<br>55:18 72:14<br><b>found</b> 21:18,19<br>60:22 65:14<br>171:24,25 242:6<br>245:10 252:10<br><b>foundation</b> 6:18<br>124:25 127:10<br>132:12,16,18<br>133:10 140:4<br>189:20 190:1,4<br>203:16 204:9<br><b>four</b> 5:9 11:16 16:5<br>16:10 25:19 37:4<br>40:25 41:1,2,2,7,8<br>41:9,12 53:11,16<br>55:11 135:7,8<br>215:5 218:11<br>257:1,3,20 258:1<br>258:3<br><b>Fourteen</b> 214:13<br>225:6 227:4<br>249:11<br><b>Fourth</b> 76:15<br><b>four-year</b> 163:22<br>164:3 180:24<br><b>frame</b> 22:11 222:24<br><b>Frank</b> 107:19<br><b>Franz</b> 4:16 17:15<br>18:20 151:20<br>212:20,24 213:2,3<br>213:6,9 214:8<br>217:1 218:5 220:7<br>222:8 224:4<br>232:18 234:23<br>237:5 238:1,3<br>247:25 248:2<br>256:19<br><b>freight</b> 17:18 18:13<br>43:4,5,6,14,15,16<br>43:19,20,21 44:3<br>44:21,22,24 45:3<br>45:20,23,24 46:5<br>48:19,20 52:1<br>54:2,3,3,4 55:7,10<br>57:2,3 59:24 60:2<br>60:10 62:7,12,14<br>62:17,20 64:5,13<br>64:19 65:21 67:20 | 67:21 68:4 71:13<br>72:2 80:5 82:20<br>82:22 84:7 112:15<br>113:16,20,24<br>114:4,10,12,15,25<br>116:25 117:6,14<br>118:5 124:6,13<br>125:5 130:15<br>131:15 132:8,14<br>132:21 133:15<br>134:23,24 139:24<br>140:3 144:17,25<br>148:16,22,23<br>156:5,10,11,14,17<br>160:17 163:16<br>167:1,4,6,18,21<br>168:24 169:12,15<br>169:19,21 170:22<br>170:25 171:1,9,13<br>171:22 172:6,18<br>173:7 176:3,7,17<br>176:21,23 180:18<br>180:19 194:11<br>199:24 200:1<br>214:1,3,6 215:11<br>215:13 219:19<br>220:12 225:16,18<br>226:8<br><b>Friday</b> 111:14<br>242:21,22<br><b>friend</b> 98:11<br><b>friends</b> 192:2 230:6<br><b>fringe</b> 11:6 56:9<br><b>from</b> 9:8 14:5 17:17<br>23:16,21 24:3,5<br>26:9,10,22,23<br>32:13 34:16,20<br>35:22 37:16 39:3<br>40:8 46:4 49:21<br>51:24,24 53:19<br>54:20 55:8,13<br>56:1,2 59:9,16<br>63:24 68:18 74:7<br>79:7,16 82:6<br>83:24 88:18 91:7<br>96:8,12 97:17<br>101:15 113:10<br>115:8 116:18<br>125:23 126:23<br>131:8,15 133:3<br>138:22 141:6<br>143:8 150:6 154:9<br>155:21 157:8,25<br>160:23 162:4,10<br>162:15 165:23<br>166:7,23 169:24<br>175:10 180:5,12 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 181:21 182:9<br>184:14 191:19<br>193:2,15 195:24<br>195:25,25 199:5<br>202:7 203:8 212:9<br>213:12 214:9,12<br>214:14,24 215:16<br>221:7 223:4,16,23<br>225:19 228:2<br>230:21 232:7<br>238:22,23 239:20<br>244:19 245:3<br>246:22 250:20<br>252:12 253:16,21<br>253:23 256:3<br>257:11<br><b>front</b> 40:19 44:4<br>51:13,18 57:21,25<br>80:23 82:22 83:7<br>83:12<br><b>frustrated</b> 19:11<br><b>fulfill</b> 31:16<br><b>full</b> 25:1,16 150:1<br>243:14,23 252:15<br>254:6<br><b>Fullam</b> 47:16,19<br>48:2 50:23,24<br>51:7 53:6<br><b>full-time</b> 13:22<br>164:10,13,14<br>181:1 210:25<br>249:21<br><b>fundamental</b> 30:22<br><b>funds</b> 25:5,7<br><b>furlough</b> 12:21 29:1<br>29:4,5 59:21<br>66:17 67:18 83:14<br>85:16 108:9,12,14<br>108:19 109:1,4<br>120:5 126:16,22<br><b>furloughed</b> 12:16<br>14:18 17:11 59:16<br>64:11 68:12 72:20<br>73:12 106:9,9,14<br>106:17,20 107:25<br>108:3,3 111:19<br>160:23 161:20<br>162:7 183:21<br>204:24<br><b>further</b> 38:7 64:12<br>196:7 199:9,15<br>210:10 212:12<br>237:24 247:24<br><b>furthermore</b> 44:20<br><b>futile</b> 19:12 63:25<br><b>F-R-A-N-Z</b> 213:4 | <b>G</b><br><b>Gallagher</b> 4:13 14:5<br>15:23 151:14,18<br>151:20 153:5,8,12<br>153:14,18,25<br>155:8 156:19<br>160:13 162:25<br>165:4 167:10<br>170:3 173:9,24<br>175:19 178:8<br>179:19 180:3<br>181:15,17,19<br>185:19 186:18,24<br>187:1,24 189:9<br>190:9 191:20<br>194:21 196:10,12<br>199:10,15,17<br>202:3,5,16 203:14<br>207:25 210:10,14<br>212:14<br><b>Gallagher's</b> 30:15<br><b>gamut</b> 79:21<br><b>gang</b> 155:11,16<br>156:16,17 175:23<br>176:19<br><b>garbage</b> 224:6<br>228:7 235:15<br><b>Gastony</b> 107:9<br>128:9<br><b>gave</b> 19:3 21:16<br>57:1 88:17,17<br>131:10,17 135:8<br>157:8 188:5<br>258:24<br><b>geared</b> 77:20<br><b>gee</b> 44:1 51:14<br>54:18 55:23<br><b>general</b> 14:20 23:24<br>24:2,6,12 35:15<br>36:6,15 104:6<br>106:6 125:23<br>126:24 140:7<br><b>generally</b> 193:2,14<br><b>Gentile</b> 107:11<br>122:20 124:5,18<br>128:11<br><b>gentleman</b> 180:14<br>210:24<br><b>gentlemen</b> 8:21<br>32:3 108:8 125:3<br><b>geographic</b> 26:22<br><b>George</b> 12:13 13:19<br>15:23 20:16 30:3<br>107:11,13 128:18<br>172:24<br><b>gets</b> 16:20,21 39:11<br>79:22 176:18,19 | 176:20 224:5<br><b>getting</b> 53:7 57:4<br>81:19,20 82:8<br>116:16,19 121:17<br>124:9 143:17,18<br>143:25 166:17<br>210:21 238:24<br>240:4 250:9,10<br><b>give</b> 5:22 16:4 18:23<br>18:25 33:11 36:12<br>39:20 40:16 48:15<br>60:17 76:12 77:5<br>86:20 95:12 97:13<br>131:18 151:7,10<br>153:22 187:20<br>188:14 213:5<br>214:19,20 219:7<br>232:4 240:16,19<br>258:7 260:6<br><b>given</b> 16:9 17:2,19<br>32:24 33:3 69:2<br>72:2 87:2 134:14<br>135:1 157:5<br>167:25 173:21<br>230:7<br><b>giving</b> 204:12<br><b>go</b> 7:8 18:14,22<br>25:10 30:25 33:9<br>33:16 40:22 41:17<br>44:21,24 46:5<br>51:25 53:11 54:20<br>55:9 71:12 80:6<br>88:22 89:10<br>100:18 101:4<br>103:6 106:23<br>111:24 112:15<br>113:12,15,22<br>114:2,12 120:25<br>124:9,12 126:1,4<br>129:11 138:6<br>157:6 159:20<br>164:19 167:18<br>168:24 169:21<br>170:6 172:9,18<br>178:17 182:12,14<br>182:24 187:22<br>199:25 200:7<br>205:3 220:17<br>223:15 224:8,17<br>225:10 226:11,22<br>234:7,11 243:2<br>244:14 245:22<br>256:2,6,20 257:14<br>258:5<br><b>goes</b> 36:2 37:12<br>42:11 44:8 51:22<br>103:3 193:12 | <b>going</b> 8:4 15:15<br>18:25 31:11 36:13<br>37:23 39:18 42:5<br>43:2,12 45:4,14<br>54:4 57:20 58:1,4<br>58:6 67:2 71:5<br>73:20 78:7 81:4<br>82:13 83:24 90:21<br>94:11,17,25 95:2<br>95:4,12 96:6 98:7<br>98:7 110:11 116:7<br>123:13 124:20<br>125:5 126:13<br>127:9 129:19<br>139:14 144:4<br>151:13 152:9<br>156:12,22,25<br>159:8 170:6 175:4<br>176:13 181:9<br>184:13 185:23<br>186:11 189:7,9,11<br>194:16,25 199:24<br>201:5,6 202:5,23<br>204:2,5 205:25<br>207:16 210:13<br>218:23 224:25<br>234:12 238:13<br>245:25 247:12,16<br>249:24 250:19<br>252:2,3,9,10<br>253:15 254:25<br>255:7 256:1,16<br>257:7,21 258:5<br>259:18<br><b>Goldfarb</b> 43:23<br><b>gondola</b> 114:7<br>130:11 131:3<br><b>gone</b> 29:25 30:1<br>32:15 33:13 124:6<br><b>good</b> 8:20 37:1<br>40:16 141:16,17<br>151:2 153:14,15<br>157:10 176:15<br>179:17,18 181:8<br>182:13 187:21<br>254:17<br><b>goods</b> 68:25<br><b>Good-bye</b> 241:25<br><b>gosh</b> 82:23<br><b>gotten</b> 152:8 192:18<br>257:11<br><b>government</b> 68:23<br><b>gradually</b> 14:11<br><b>granted</b> 84:18<br><b>great</b> 47:3<br><b>greater</b> 228:13<br><b>greatly</b> 10:21 | <b>green</b> 158:19,21<br><b>grievance</b> 201:6<br><b>Griffin</b> 2:11,12 7:13<br>7:13 8:13 151:23<br>152:14 186:7<br>251:18,23 255:15<br>255:22 256:8,14<br>256:22 257:5<br>258:3<br><b>Groppe</b> 3:8 7:19,19<br><b>Groppe@blankro...</b><br>3:15<br><b>gross</b> 99:3 240:14<br><b>Grossly</b> 82:9<br><b>ground</b> 52:11 84:11<br><b>group</b> 12:15,19<br>14:2,14,14 23:6<br>28:16 73:12,13<br>74:11 108:4,9<br>122:1 127:23<br>151:15,16,21,25<br>177:22 232:22<br><b>groups</b> 11:23 14:13<br><b>guarantee</b> 10:15<br>11:15 14:19 23:11<br>23:12 26:15,15,21<br>26:24 28:24 30:14<br>30:15 121:6 127:5<br>127:15 128:5<br>140:16,22 146:20<br>146:24 148:6,25<br>162:9,10,23<br>175:17 177:7<br>231:7<br><b>guaranteed</b> 103:20<br>164:5,8<br><b>guarantees</b> 13:23<br>23:9,20,22 64:3<br>73:17<br><b>guess</b> 33:5 44:8<br>87:24 91:12 97:12<br>191:12 193:16<br>197:3 253:21<br><b>guilty</b> 62:1<br><b>gun</b> 173:3<br><b>guys</b> 28:17 29:12<br>44:1 80:4 82:22<br>114:25 120:15<br><b>G.V</b> 1:12 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                              |                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>hand</b> 110:11 144:4<br>189:8,10 194:25<br>202:5 218:23<br>238:13 245:25 | 96:24 97:7 157:7<br><b>hear</b> 8:17,18 11:21<br>14:4 16:19 17:17<br>22:16 34:21 35:13<br>51:3 53:7,8,24<br>61:18,22 73:21<br>91:13 116:13<br>130:22,23 180:5<br>223:16 241:2<br>244:5 253:22<br>254:4,12,13 | 185:9,15 186:2<br>187:11,12,18,18<br>188:21 206:3<br>232:14,15,15<br>244:5<br><b>heralding</b> 11:19<br><b>hereinafter</b> 90:1<br>153:10 212:22<br><b>hereon</b> 74:16<br><b>herring</b> 30:2<br><b>hey</b> 44:20<br><b>high</b> 39:6 166:3<br>174:5<br><b>higher</b> 111:10<br>169:14 176:18,19<br>176:20 200:12<br><b>highest</b> 85:20<br><b>highway</b> 54:16<br>68:25 69:1,18<br><b>him</b> 17:17 53:8<br>56:15 75:15 94:7<br>107:10,21 109:19<br>110:24 112:16,17<br>113:1,10 116:20<br>116:24,24 122:5<br>127:20 128:7<br>129:2,3,16 132:19<br>137:20,24 138:10<br>138:18,23 147:2<br>147:11 152:1,10<br>171:4,20 173:1<br>174:24 185:22<br>188:25 189:8<br>203:23 204:1,9,13<br>204:13 205:21<br>220:10 230:3,6<br>231:22 233:3,15<br>234:9 246:11<br>247:7 252:23<br>257:14 | 55:9<br><b>hog</b> 52:11<br><b>hold</b> 86:7 101:23<br>111:6 157:17<br>165:12 183:18,19<br>183:20 254:11<br><b>holding</b> 27:3 59:4<br>67:3,13 88:2<br>112:8 115:24<br><b>holds</b> 75:1 76:7<br><b>home</b> 46:3 75:1,5<br>76:7 111:19 219:2<br>219:3 223:15,15<br>223:20 229:4<br>238:21 239:10,12<br>241:14 243:2,10<br>243:15 244:14<br>245:12<br><b>honor</b> 7:2 35:20<br>91:3 255:15<br><b>hope</b> 8:5 34:10<br>256:5<br><b>hopefully</b> 259:15<br><b>Hopkins</b> 168:15<br><b>hornbook</b> 36:5,15<br><b>hospital</b> 257:12<br><b>hour</b> 150:1,4,6<br>156:14 193:20<br>256:1<br><b>hourly</b> 176:10<br><b>hours</b> 101:17 111:7<br>131:23 148:1<br>164:11,11 177:7,8<br>235:24 249:21<br>250:9,11<br><b>house</b> 245:13<br><b>humiliation</b> 235:17<br><b>hyperbole</b> 39:15<br><b>hypothetical</b> 105:20 | <b>imagine</b> 50:15<br>152:18<br><b>immediate</b> 94:5,7<br>97:24<br><b>immediately</b> 36:15<br>59:22 75:22<br><b>immigrants</b> 184:13<br><b>impact</b> 54:25<br>205:13<br><b>impacted</b> 211:3,4,7<br>211:12<br><b>impeach</b> 188:15,25<br><b>impeachment</b><br>188:12,12,18<br>189:15 191:1<br><b>Implementation</b><br>75:20<br><b>importance</b> 95:10<br><b>important</b> 45:4<br>85:11<br><b>impose</b> 70:22 90:22<br><b>imposed</b> 21:21<br>82:18<br><b>impress</b> 39:9<br><b>inability</b> 73:16<br><b>inadmissible</b> 95:1<br><b>inappropriate</b><br>186:4,25 205:22<br>207:17<br><b>inbound</b> 215:18<br><b>inclined</b> 6:10,15<br>34:19<br><b>include</b> 25:2,17<br>252:19 254:20<br><b>included</b> 24:14<br>86:15 232:25<br><b>including</b> 70:14<br>165:21<br><b>income</b> 80:7 82:6<br>140:14,14 193:2,3<br>194:1,2,4 195:3<br>205:2,2,10 207:10<br>211:3<br><b>incomes</b> 141:4<br><b>inconsistency</b> 191:2<br>191:2<br><b>inconsistent</b> 188:14<br>189:21<br><b>increase</b> 24:8<br><b>increased</b> 14:20<br>24:11 193:4<br><b>increases</b> 14:21<br>23:24 24:3,6,12<br>77:22 195:15<br>205:3,4<br><b>incumbents</b> 75:13<br><b>Indeed</b> 112:23 |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Indianapolis</b> 26:23<br><b>indicate</b> 27:15<br>161:22 196:25<br>204:21 207:1<br><b>indicated</b> 14:21<br>18:13 23:25 26:19<br>94:21 133:11<br>161:25<br><b>indicates</b> 27:14<br>204:20 208:4<br>218:4<br><b>indicating</b> 64:10<br><b>indication</b> 26:25<br><b>individual</b> 11:22<br>24:5,15 79:6<br>198:7<br><b>industry</b> 165:17,19<br>181:13 193:23,24<br><b>inequity</b> 29:12<br><b>inevitable</b> 10:3<br><b>inexcusable</b> 53:13<br><b>inferior</b> 64:7 65:6<br><b>information</b> 78:6,7<br>78:22 91:4,5<br>121:1 167:25<br>180:8,12,15<br>187:20,21 209:19<br>233:7<br><b>informed</b> 80:25<br>220:19<br><b>initial</b> 80:13 157:15<br><b>injunction</b> 53:1,14<br><b>injunctions</b> 53:4<br><b>injured</b> 72:25 194:6<br>195:4,25 196:14<br>196:20 197:2,5,8<br>197:10 205:11<br>207:14 210:17,18<br>212:1<br><b>injuries</b> 131:5<br><b>injury</b> 79:24 194:9<br>195:9 197:12,12<br>202:25 207:10,25<br><b>inquire</b> 33:6<br><b>inquired</b> 116:18<br><b>insisted</b> 40:24<br><b>inspected</b> 14:3<br>155:20<br><b>inspector</b> 92:7<br>155:8,14,16<br>156:14 175:22<br>176:18<br><b>inspectors</b> 14:3,6<br>155:11 156:13<br><b>instead</b> 63:13 76:1<br>135:6 141:7,8<br>176:13 | <b>instruct</b> 187:2<br><b>instructed</b> 206:4<br><b>instructive</b> 259:6<br><b>insubordination</b><br>99:3<br><b>insult</b> 38:24<br><b>integrity</b> 35:12<br><b>intended</b> 20:20,21<br>257:10<br><b>intending</b> 253:4<br><b>intense</b> 39:2<br><b>intention</b> 249:14<br>256:22<br><b>interchangeable</b><br>12:1<br><b>interest</b> 25:3 40:13<br>41:21 51:1,3,8<br><b>interested</b> 32:5<br>125:18<br><b>interestingly</b> 48:22<br><b>interfere</b> 8:12<br><b>interlocking</b> 92:19<br><b>interpret</b> 88:20<br><b>interpretation</b> 60:6<br>60:12,14 70:9<br>85:14,19,20 87:22<br><b>interpreted</b> 37:22<br>88:4 216:23<br><b>interrupting</b> 86:25<br><b>interstate</b> 10:9<br>69:18<br><b>intervening</b> 22:17<br><b>interview</b> 242:16<br><b>introduced</b> 220:9<br><b>introducing</b> 189:24<br><b>introduction</b> 189:21<br><b>invade</b> 185:13<br><b>invented</b> 77:15<br>78:13<br><b>investigation</b><br>101:23 102:2<br>209:15<br><b>investigations</b> 201:9<br><b>investigative</b> 104:15<br><b>involve</b> 101:24,25<br>165:8<br><b>involved</b> 12:22<br>41:10 139:6<br>157:16,22 162:14<br><b>involves</b> 6:6<br><b>ironically</b> 21:9<br>42:24<br><b>irrationalizations</b><br>26:1<br><b>irrelevant</b> 94:1<br>100:16 174:20<br><b>island</b> 138:19 | <b>issue</b> 28:1 35:1 36:9<br>36:13 44:11 49:8<br>52:12 57:18 71:22<br>127:3 147:12<br>185:21 233:16<br><b>issued</b> 21:13 29:15<br>53:1 215:12<br><b>issues</b> 8:16 22:11<br>52:12 57:16 58:9<br>63:22<br><hr/> <b>J</b><br><b>J</b> 1:6 2:20 90:7,17<br>213:3<br><b>James</b> 4:4,7,10<br>89:23,24 90:3,7<br>141:14 146:5<br><b>Janke</b> 170:15<br>192:12<br><b>January</b> 75:8<br>217:15 218:4<br>221:19 223:11,13<br>225:11 243:2<br>250:21<br><b>Jarabeck</b> 170:17,18<br><b>Jason</b> 3:8 7:19<br><b>Jim</b> 98:1,12 220:19<br><b>job</b> 10:3,15,22<br>14:18 15:4 16:21<br>16:21,21 18:8,23<br>18:24 43:3 44:21<br>54:9 75:8 80:19<br>81:9,11,22,23<br>82:2 92:7,10,13<br>92:25 94:9 96:13<br>97:18,18 98:1,12<br>99:12 100:8 101:4<br>101:5,5,8 102:5<br>105:11,18 109:15<br>111:5,7,17 112:8<br>112:12 127:5,14<br>128:5 133:2<br>146:13,19 147:3<br>147:18,21,24<br>148:1,3 158:5<br>160:3,21,22 162:9<br>163:9,19 164:4,5<br>164:6,8,10,18,24<br>165:3,5,6,18<br>166:9,22 169:10<br>173:5 174:1<br>175:10 176:22,24<br>177:1,2,2,2,3,5,8<br>177:12,14,16<br>181:9 183:19<br>199:1 206:17,17<br>207:5 214:12,20 | 214:25 215:2<br>216:5,7,14 217:7<br>217:13,15,18<br>218:22 219:4,7<br>223:10 224:11,22<br>224:24 225:21<br>227:8,12,18<br>228:22 229:22<br>230:13 234:1,10<br>235:13,15,19<br>236:7 237:10,18<br>238:14,16,18,18<br>238:20 239:15,17<br>239:20 240:1,22<br>241:8 242:1,3,4,6<br>242:13,17,20<br>243:17 244:7<br>245:1,6,9 248:3,7<br>248:11,11,16<br>249:13<br><b>jobs</b> 12:18 13:22<br>14:11 17:21 28:6<br>28:7,7,8 29:16,16<br>29:18 43:4,9<br>59:16 64:23 109:4<br>109:8,9 111:9,10<br>111:10 113:16,24<br>118:10 126:6<br>131:22 132:8,13<br>132:25 133:1,4,8<br>133:12,14,14,21<br>133:24 134:5,14<br>134:17,20,22,23<br>134:24 135:2,4,8<br>136:17,18 137:2<br>157:10 158:7,7,8<br>158:8 164:15,21<br>164:22,23 165:1,7<br>165:10,11,12<br>168:8 174:4,4<br>175:10 176:12,16<br>183:17 200:10,11<br>201:1,23 211:15<br>219:21 220:4<br>224:6 228:5,7,10<br>228:16 229:12<br>230:18 236:15<br><b>Joe</b> 170:18 172:4<br><b>John</b> 4:13 47:15<br>153:8,12,18<br>178:16,25 181:17<br>196:10 199:15<br>202:3 210:10<br><b>joke</b> 225:7<br><b>Joseph</b> 1:17 5:19<br>107:9<br><b>Jr</b> 7:22 | <b>judge</b> 5:13 20:17<br>21:7 22:20 25:14<br>37:13,24 39:24<br>40:19 41:4,4 44:5<br>44:11,18 46:6<br>47:12,14,15,16,18<br>48:1 50:23,24,25<br>51:7,11,16 52:5<br>53:6 55:13 57:21<br>69:6 71:5,7 72:6<br>73:24 76:20<br>207:20 216:24<br><b>judgement</b> 53:12<br><b>judgment</b> 65:25<br><b>judicata</b> 57:15<br>65:13 66:4 68:10<br><b>judicial</b> 69:7,20<br>84:2 88:17<br><b>July</b> 86:8<br><b>jump</b> 76:2<br><b>just</b> 20:13 31:14<br>32:7 33:25 39:9<br>41:16,17,25 46:3<br>50:8 52:19 54:21<br>54:23 55:12,21,21<br>56:5 57:19 58:24<br>61:22 66:8 68:1,5<br>70:7 76:12 78:12<br>79:4 80:12 85:23<br>85:24 86:25 87:12<br>87:15 88:15 89:1<br>89:10 94:16,18<br>95:14 97:4 100:10<br>108:9,11 110:3<br>113:11 123:6<br>124:10 126:19<br>131:6,18 137:23<br>141:6 148:13<br>149:16 151:10<br>153:19 154:6<br>162:1 163:10<br>168:23 170:6<br>174:24 177:5<br>180:8 182:15,21<br>186:5,23 189:15<br>191:22 194:16<br>195:3,13 196:24<br>199:13 202:18,20<br>204:7,13 221:24<br>223:13 233:3<br>235:15 238:21<br>240:14 241:14<br>243:11 252:6<br>254:23 255:20<br>257:11 259:6<br><b>justified</b> 62:15 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Page 6

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>K</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 31:24 106:15<br>107:10 128:2,7<br>129:2,3 137:5<br>139:19 170:5,8<br>236:3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 177:24 178:4,6<br>200:22 232:20<br><b>known</b> 68:22<br>144:14<br><b>knows</b> 47:19 145:13<br>207:18<br><b>Kochendorfer</b><br>170:23<br><b>Korean</b> 165:24<br><b>Kraft</b> 90:10<br><b>K-N-A-P-I-K</b> 90:7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 210:7 212:12,18<br>216:22 221:3<br>231:23 233:5<br>234:3,20 237:1<br>238:2 241:6 244:2<br>244:9,12 247:23<br>248:25 250:14<br>252:25 254:10,22<br>255:6 256:12,24<br>257:3,20 258:24<br>260:14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>law</b> 2:11 9:11 35:25<br>36:5,15 37:10<br>40:13 50:9 68:9<br>73:24 79:16,20<br>89:5 157:15,16<br><b>lawful</b> 89:24 153:8<br>212:20<br><b>lawsuit</b> 44:4 62:13<br><b>lawsuits</b> 72:16<br><b>lawyer</b> 191:11<br><b>lawyers</b> 40:3,3<br>141:19,22 194:24<br><b>lay</b> 189:20<br><b>lead</b> 249:1<br><b>leader</b> 155:16<br>156:16,17 175:23<br><b>leaders</b> 155:11<br><b>leading</b> 99:25 102:7<br>102:15,21 105:13<br>112:5 140:18<br>158:2 249:1<br><b>league</b> 122:14,21<br><b>leap</b> 51:18<br><b>learn</b> 158:3,5<br><b>learned</b> 115:7<br>156:20,25 157:2<br>157:24 158:4<br>178:24 209:14<br>216:12 217:18<br>252:1<br><b>least</b> 33:11 53:16<br>102:15 124:21<br>164:22 175:8<br>212:6<br><b>leave</b> 10:20<br><b>leaving</b> 249:14<br>255:19<br><b>left</b> 5:19 169:25<br>216:9 225:21<br>241:10,14 242:1,3<br>247:9,10,14 258:2<br><b>left-hand</b> 195:2<br><b>legal</b> 6:2 77:1 79:21<br>87:17,20 88:7<br>162:17 181:11<br><b>legally</b> 145:13<br><b>legislation</b> 157:15<br><b>legitimate</b> 185:25<br><b>leper</b> 234:1<br><b>less</b> 47:4 114:16<br>116:17 119:20<br>120:20 129:13<br>165:12 166:19<br>176:15,24 177:12<br>207:10 224:23<br>225:8 230:25<br>231:3 239:24 |
| <b>keep</b> 13:22 31:22<br>38:21 80:2,9,13<br>80:24 82:6,10<br>85:25 87:18 104:2<br><b>keeps</b> 16:21<br><b>kept</b> 13:14 31:25<br>101:12,20 104:3<br>120:23 147:23<br>149:4,6 173:9,15<br>173:18 208:22<br><b>keypunch</b> 224:21<br>234:11<br><b>kicking</b> 22:19<br><b>kid</b> 245:17<br><b>kind</b> 39:14 111:3<br>149:14 155:18<br>159:3,10,21<br>164:15 166:15<br>187:15 198:1<br>201:19 223:3<br>230:18<br><b>kinds</b> 22:25 222:15<br><b>Kinsman</b> 133:2<br>139:2,6,8,11<br>224:1,8,11 226:21<br>227:21 228:4<br>230:21 231:6<br>233:20 235:21<br>238:19 239:4,5,15<br>239:20 240:22<br>242:3,14 243:17<br>244:15,19 248:3<br>248:11,11,16<br>249:20<br><b>Knapik</b> 1:6 4:4,7,10<br>9:7 11:23 12:15<br>14:12,13 17:8<br>19:23 23:8 25:25<br>28:16 37:4 64:9<br>66:1,15 67:5 68:2<br>73:8,13 75:11<br>76:18 87:11 88:15<br>89:1,23,24 90:3,5<br>90:7,9,17 95:22<br>96:15 98:6 109:10<br>114:23 115:18<br>116:8,13 121:5<br>122:7 123:14<br>126:21 129:11<br>132:7 137:11<br>141:14,16 144:9<br>146:5,21 148:12<br>149:1,18,23<br>151:15<br><b>Knapik's</b> 208:25<br><b>knew</b> 10:2 15:15 | <b>knock</b> 224:14<br><b>know</b> 23:17 33:11<br>36:13 41:14 47:17<br>49:9 56:1,2,24<br>67:23 69:6 73:11<br>81:7 87:15 91:13<br>106:12,24 107:1,3<br>107:5,15 108:2<br>109:3,5 114:23<br>116:2 117:5 121:5<br>121:9,11,21,25<br>122:3 126:25<br>127:10,22 128:4<br>128:17,22,22,24<br>132:13 134:1,25<br>136:20 139:23<br>140:2,5,6 145:17<br>150:3 151:18,22<br>152:6,20 157:16<br>158:9,18 165:5<br>170:3,10,12,17,23<br>171:3 172:9,11,13<br>173:1,11 175:6<br>181:20 184:20<br>185:12 188:18<br>192:9,17 194:5,6<br>194:13,15 197:20<br>197:23 198:1,5,5<br>199:17,22 200:15<br>200:19 201:4<br>202:25 204:4<br>205:19 207:14,17<br>210:5,20 211:1<br>226:12 228:1,13<br>228:15 230:17<br>234:17 236:3,19<br>238:24 243:20,22<br>245:15 246:8<br>247:4 252:8<br>254:24 256:19<br>258:12,13 260:1<br><b>knowing</b> 19:2<br>120:15,16 158:6,7<br>158:7 200:16<br><b>knowledge</b> 91:7<br>114:11,24 116:9,9<br>117:23 118:1,2<br>121:23,25 124:11<br>127:4,9,10,13,17<br>128:1 132:9<br>137:18 139:21<br>141:4,5 145:8 | <b>L</b><br>L 3:5 4:8 7:17 8:3<br>34:2,23 36:4,22<br>37:1 61:19,24<br>78:18 80:17 81:15<br>83:4 85:5,9 86:5<br>87:5,19 88:11,14<br>89:9 90:21 91:9<br>93:25 94:6,13,16<br>94:23 95:14,20<br>96:7,10,25 97:4<br>98:3 99:1,22,24<br>100:3,14,19 102:6<br>102:19 105:12,19<br>112:4,21 113:4,12<br>115:2,9,13,19,24<br>116:22 117:19,22<br>118:17 121:13<br>122:6 123:7,17<br>124:14 125:7<br>126:7 127:8,16<br>129:10 132:11,15<br>133:9,16,25 134:9<br>135:9,13,19<br>136:10 137:16,19<br>137:23 138:4<br>139:25 140:4,17<br>141:15 142:18,20<br>145:14,16,22<br>146:25 147:5,9,15<br>149:8,22 150:2<br>151:5 158:1<br>159:12 174:18,20<br>178:1,5 179:10<br>181:18 184:25<br>185:6,14 186:5,12<br>186:15,21 187:5,8<br>188:21 189:2,7,23<br>190:7,15,16 191:4<br>191:25 193:9<br>194:20,23 196:6<br>202:4,9,13,15<br>203:19 204:2,6,11<br>204:17 205:20<br>206:2,11 207:8,15 | <b>label</b> 59:10<br><b>labeled</b> 223:12<br><b>labor</b> 10:10 21:22<br>82:18 106:7 127:2<br>179:21 198:23<br><b>lack</b> 26:7<br><b>laid</b> 166:16,17,18<br>166:23 189:22<br>190:3 203:15<br><b>lakefront</b> 113:18,18<br>113:19,21 156:7<br><b>Lambros</b> 20:17,23<br>21:7 37:13,24<br>39:24 44:5,11,18<br>46:6 52:5 55:13<br>57:21 69:6 71:5,7<br>72:6 73:24 76:21<br>77:3,9 216:24<br><b>language</b> 26:5<br>29:23 44:6<br><b>Lansdowne</b> 1:17<br>5:18 32:14,19<br>36:25 80:11 84:25<br>85:6,23 86:24<br><b>larger</b> 256:9<br><b>largest</b> 9:19 46:20<br>47:8,11 50:13<br><b>last</b> 53:8 66:6,9<br>92:13 152:1 174:4<br>177:9 187:6<br>211:11 218:8<br>241:3<br><b>late</b> 17:10 26:1<br>68:24<br><b>later</b> 22:15 49:3<br>53:11 67:8 127:3<br>130:4 136:14<br>157:17 170:25<br>171:24,25 172:5<br>175:8,11 198:22<br>208:1 223:25<br>238:17 239:3,16<br>239:17 246:16,17<br>259:3<br><b>latitude</b> 95:13<br>123:13 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 240:14,15 245:18<br>249:21<br><b>lesser</b> 157:11 160:4<br>160:5 173:5<br>206:23 207:5<br>210:23 228:14<br><b>let</b> 39:20 40:16<br>46:14 49:7 55:20<br>81:6 82:13 89:11<br>117:1 127:20<br>133:17 157:4<br>178:9 182:15<br>191:14,15 203:14<br>225:10 233:15<br>239:25<br><b>letter</b> 18:9 23:16<br>125:23 126:13,23<br>219:17 220:1,3,7<br>220:16,17 221:12<br>221:14,18,23,23<br>222:2 223:2,24<br>225:11 246:3<br>247:8,14 250:20<br>250:23 251:3<br><b>letters</b> 18:8 27:10<br>40:2 66:11,13<br><b>letting</b> 123:13<br><b>let's</b> 40:4,20 41:8,15<br>41:17 42:2 46:10<br>57:7 58:10 59:12<br>65:3 74:10 106:23<br>110:3,4 136:12<br><b>level</b> 87:13 231:7<br><b>levels</b> 87:22<br><b>liability</b> 70:8<br><b>life</b> 23:3 31:19<br>43:18 54:21 97:18<br>98:2,12<br><b>lifetime</b> 10:15 94:9<br>96:13 127:5,14<br><b>light</b> 61:2 62:18<br>65:16<br><b>like</b> 6:20 8:13 12:12<br>15:8,22 16:17<br>17:3 50:20 51:1<br>52:10 53:22 55:8<br>57:3 68:5 70:8<br>71:6 72:14 74:20<br>81:20 88:15 89:1<br>89:10,19 96:22<br>116:12 126:17<br>153:6,7 164:4,17<br>167:18 200:6<br>205:9 207:6<br>210:12 222:10<br>235:16 236:23<br>237:16 238:21 | 241:22 246:18<br>251:12 252:13<br><b>line</b> 76:2 95:11<br>156:15 186:10<br>189:12 190:11,12<br>190:14,15,18<br>203:11 250:22<br><b>lines</b> 122:12<br><b>liquidate</b> 48:5,8<br><b>list</b> 23:15 33:15,19<br>33:25 101:18<br>103:6,8,12,13,16<br>110:3,9,12,14,21<br>110:22 117:17<br>118:4,7 139:8,10<br>144:24,25 145:3,4<br>164:21 173:5<br>174:5 200:7<br>219:20 220:3<br>257:8 258:5<br>259:12,17<br><b>listed</b> 109:17<br><b>listen</b> 35:6 206:1<br><b>listening</b> 255:3<br><b>lists</b> 33:10 132:4<br>144:21<br><b>literally</b> 143:16<br><b>literature</b> 160:1<br><b>litigated</b> 57:16,16<br>65:12<br><b>litigation</b> 13:4<br>19:17 25:17,22<br>36:8 39:18 40:9<br>52:11 66:21 78:13<br>89:4<br><b>little</b> 8:4,9 34:9,10<br>46:14,22 49:7<br>52:17 94:12 95:12<br>103:10 106:22<br>109:10 118:21<br>120:22 130:6,21<br>145:8 149:20<br>156:11 160:6<br>183:12 191:22<br>192:21,23 193:1<br>210:21 233:19<br>240:24 245:23<br><b>live</b> 55:16,19 72:17<br>89:3 90:8 114:7<br>259:15<br><b>lived</b> 32:6<br><b>livelihood</b> 158:10<br><b>lives</b> 17:2<br><b>living</b> 24:7 193:18<br><b>LLP</b> 2:19 3:4<br><b>local</b> 118:8 201:15<br><b>locate</b> 110:13 | <b>location</b> 43:5<br>235:24<br><b>locations</b> 12:3,6,7<br>73:6 166:14<br><b>locked</b> 224:13,15<br><b>Loeser</b> 2:19<br><b>logic</b> 46:22<br><b>logistical</b> 8:16<br>255:21<br><b>long</b> 24:25 50:12<br>51:18 89:15 93:12<br>129:24 151:11,22<br>152:12,18 181:20<br>183:22 214:11<br>240:23 246:14<br><b>longer</b> 32:20 49:1<br>67:12 90:25<br>130:25 152:15<br>166:14 170:2<br>179:7 205:8<br>240:25 241:5<br><b>long-time</b> 16:23<br><b>look</b> 13:21 15:16,19<br>15:20 16:8,23<br>20:15 24:4 26:4<br>26:14,17 27:5,12<br>27:13 28:3,21,21<br>29:2,17 30:10,24<br>31:25 33:14 42:2<br>45:5 46:9 51:21<br>53:25 58:10 59:12<br>60:21 65:3 68:16<br>74:10 77:25 78:3<br>78:19,21 106:8<br>144:5 162:1<br>179:17 189:12<br>190:11 195:13<br>201:2 203:1 205:1<br>206:15 242:13<br>245:6<br><b>looked</b> 37:21 76:17<br><b>looking</b> 58:16 87:21<br>194:15 205:7<br>218:3 245:9<br><b>looks</b> 205:9<br><b>lose</b> 11:14 67:22<br>179:6 198:9<br><b>losing</b> 46:23 47:1,25<br>48:4 142:15,16<br>211:15 216:14<br><b>loss</b> 10:3 16:18 23:2<br>31:18,19,21 38:3<br>38:18 43:3 55:12<br>55:17 73:13,14<br>76:24 77:10,11,12<br>140:12 174:15,16<br>174:24 175:1 | 179:5,8,9 192:9<br>227:2<br><b>losses</b> 22:7<br><b>lost</b> 15:18,21 16:25<br>57:21 64:20 65:22<br>67:5,8 73:23<br>141:11 165:11<br>167:6 172:10,24<br>179:4,8 193:13<br>194:7 197:22,24<br>198:2,6 200:4,4<br>207:2 231:10<br>248:5<br><b>lot</b> 36:7 42:4,8,9<br>46:12 52:16 91:4<br>116:2,5,6 118:13<br>130:18 152:3<br>164:18 165:15<br>167:24 178:24<br>180:16 187:19<br>193:21 196:22<br>208:11 224:12<br>245:14,16<br><b>love</b> 61:9<br><b>low</b> 29:14 177:16<br><b>lower</b> 34:9 176:14<br>180:19<br><b>lowest</b> 193:24<br><b>loyal</b> 180:21<br><b>Ls</b> 213:3<br><b>lump</b> 74:11,18<br>241:10<br><b>lunch</b> 129:16 130:4<br>145:25 149:25<br>224:17,18<br><b>Luncheon</b> 150:8 | 124:14 125:7<br>126:7 127:8,16<br>129:10 132:11,15<br>133:9,16,25 134:9<br>135:9,13,19<br>136:10 137:16,19<br>137:23 138:4<br>139:25 140:4,17<br>141:15 142:18,20<br>145:14,16,22<br>146:25 147:5,9,15<br>149:8,22 150:2<br>151:5 158:1<br>159:12 174:18,20<br>178:1,5 179:10<br>181:18 184:25<br>185:6,14 186:5,12<br>186:15,21 187:5,8<br>188:21 189:2,7,23<br>190:7,15,16 191:4<br>191:25 193:9<br>194:20,23 196:6<br>202:4,9,13,15<br>203:19 204:2,6,11<br>204:17 205:20<br>206:2,11 207:8,15<br>210:7 212:12,18<br>216:22 221:3<br>231:23 233:5<br>234:3,20 237:1<br>238:2 241:6 244:2<br>244:9,12 247:23<br>248:25 250:14<br>252:25 254:10,22<br>255:6 256:12,24<br>257:3,20 258:24<br>260:14<br><b>machine</b> 224:21<br>234:11<br><b>mad</b> 141:23<br><b>made</b> 19:11 22:4<br>29:14 32:8 34:14<br>42:12 62:10,11<br>66:8 69:23 85:12<br>114:16 126:14<br>140:6 141:7<br>193:14 196:1<br>230:22,25<br><b>made-up</b> 79:11<br><b>Mae</b> 232:11<br><b>magazine</b> 96:9<br><b>mail</b> 113:19 114:14<br>134:25 156:5,7,8<br>191:17,17 246:21<br>246:22<br><b>maintained</b> 63:13<br><b>maintenance</b> 163:8 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>make</b> 5:22 6:1,7<br>13:23 28:23,24<br>30:14 31:8,11,12<br>41:5 73:16 78:9<br>80:12 84:8,22<br>89:2 94:14 95:19<br>98:7,8 104:25<br>122:13 178:20,20<br>181:5 200:25<br>206:4 219:14<br>223:19 230:22<br>232:6 242:23<br><b>makes</b> 63:19 78:25<br><b>makeup</b> 118:22<br><b>making</b> 49:3 69:15<br>193:21 196:2<br><b>man</b> 16:17 18:11<br>99:11,15 101:15<br>101:15,19 103:20<br>109:18 121:19,20<br>137:10 138:25,25<br>139:3,19 158:24<br>164:2,4,17,24<br>166:22 167:21<br>170:5 175:10<br>176:6,19,25 177:5<br>183:9 198:25<br>220:13 224:22<br>241:18<br><b>management</b> 10:10<br>93:9,12 97:10,11<br>97:21<br><b>management's</b><br>121:3<br><b>manufactured</b> 9:12<br><b>many</b> 32:5 35:2,5<br>72:21 118:22<br>132:8,13,25 133:4<br>135:3,3 136:20<br>137:8 166:21<br>183:25 196:14<br>222:19 225:4<br>227:2 234:17<br>249:9 256:21,24<br>258:17<br><b>man's</b> 103:4 164:25<br><b>map</b> 86:21<br><b>March</b> 244:20,21<br>244:24<br><b>mark</b> 2:12 7:13<br>45:23 46:5 62:16<br>64:17 141:1<br>229:22 230:17<br><b>marked</b> 4:22 5:4<br>64:22,23 96:19<br>101:16 103:6<br>108:7 109:21,22 | 120:25 121:1<br>140:6 168:11<br>217:23 218:24<br>219:24 221:22<br>245:25<br><b>marker</b> 103:4,5<br><b>marking</b> 102:24<br>140:9<br><b>Mark.d.griffin@...</b><br>2:17<br><b>Marty</b> 171:24<br><b>mass</b> 35:3 36:7<br><b>masse</b> 12:16<br><b>master</b> 59:23 104:6<br>104:6 106:7 140:7<br><b>material</b> 253:16<br><b>matter</b> 1:2 6:4 9:10<br>44:17 50:9 58:7<br>68:9 73:23 79:15<br>88:19,20 124:23<br>167:25 196:4<br><b>matters</b> 46:11 88:7<br>88:8 259:10 260:7<br><b>maximum</b> 24:22,24<br><b>may</b> 6:13 16:8,15<br>30:19 35:24 64:12<br>74:16 81:2 88:9<br>88:10 118:14<br>122:11 130:25<br>146:1 178:9<br>181:15 186:13,24<br>188:21 198:5<br>237:14 242:10,11<br>242:18 245:4<br>255:11<br><b>maybe</b> 66:7 89:17<br>89:20 122:12<br>129:25 169:1<br>174:5 185:24<br>215:4 240:24<br>241:5<br><b>MCA</b> 24:17<br><b>McCormick</b> 35:23<br><b>McLaughlin</b> 171:3<br>171:12<br><b>McNabb</b> 258:11<br><b>McNeeley</b> 151:24<br>171:10 172:21<br>192:3,15 251:19<br>252:1<br><b>mean</b> 82:7 86:6<br>89:14 99:10<br>100:21 101:2<br>105:10,15 110:8<br>110:20 112:9<br>117:11 122:10<br>139:6 160:18 | 162:19 163:18<br>180:7 184:20<br>190:19 202:19<br>211:20,20 220:23<br><b>meaning</b> 183:18<br><b>means</b> 39:14 59:13<br>59:14 60:13 61:11<br>65:22 67:2,11<br>73:2 100:13,15,24<br>103:2 110:23<br>117:12 139:7<br>204:25 250:22<br><b>meant</b> 16:2 42:15<br>64:19 99:11 101:3<br>160:19 234:15<br>238:24,25<br><b>measure</b> 25:16<br><b>meet</b> 74:21 184:16<br><b>member</b> 1:17,17 7:9<br>32:14,19 36:25<br>80:11 84:25 85:6<br>85:23 86:24<br>178:21 250:18<br>251:15 258:4,15<br><b>members</b> 12:9 14:9<br>24:1 259:24<br><b>memory</b> 195:18,19<br><b>men</b> 12:5,9,12,15,16<br>14:7 17:2 18:19<br>107:23 110:23<br>112:14,20 114:1<br>114:11,20 117:5<br>119:1,14,20,23<br>120:1 121:6 125:4<br>127:5 133:7,15,20<br>137:2 165:13<br>166:21 168:23<br>177:6 179:23<br>199:18<br><b>mentioned</b> 14:25<br>64:21 124:8<br>127:25<br><b>mentioning</b> 192:17<br>192:25<br><b>men's</b> 18:6<br><b>merge</b> 156:22,25<br><b>merged</b> 11:11,18<br>15:17 47:6 134:13<br>157:12 217:13<br><b>merger</b> 8:23 9:2,15<br>9:17,19,23 10:7,8<br>10:9,12,14,24<br>11:16 12:14,17<br>14:15,17,25 15:9<br>16:2,13 17:7,22<br>17:24 19:5 20:9<br>20:20 21:1,6 22:7 | 26:7,10,12 30:7<br>46:16,17,18,23<br>47:2,5 52:8 54:10<br>62:3 68:14 69:3<br>70:20,21,22 71:9<br>71:13,17 72:9,13<br>72:21,22 73:7,20<br>73:21 75:20 77:19<br>78:1,20 81:13,16<br>91:24 93:16,17,20<br>93:23 95:23 96:6<br>97:16 98:16 108:1<br>108:23 117:13<br>119:23 122:16,18<br>132:9 142:7 145:7<br>157:5,7,25 158:12<br>158:20 159:4,7,7<br>159:18,22 160:1,2<br>160:3,10,14<br>161:19 162:21<br>163:1,1 164:7,12<br>165:4 175:2<br>179:15,16 181:6<br>192:5 196:3 199:6<br>199:21 215:21<br>216:13,17,20<br>217:8,10 222:6<br>234:24 237:21<br>251:2<br><b>merging</b> 11:2<br><b>merit</b> 9:13<br><b>mess</b> 54:12<br><b>met</b> 185:1,7,15<br>186:2,6 187:9,12<br>187:13,14 220:10<br><b>methods</b> 6:15<br><b>Michael</b> 1:6 3:5,6<br>7:17,21,22 90:17<br><b>Michigan</b> 219:18<br><b>microphone</b> 34:12<br>130:21 154:18<br><b>mid</b> 10:4 43:11<br>51:23 54:5,13<br>55:9 62:8 72:15<br><b>Middleburg</b> 213:7<br><b>might</b> 6:17 41:10<br>164:23 177:8<br>204:23 207:2<br>209:14 228:7<br>243:6,9 249:25<br>250:1<br><b>million</b> 46:24 47:2<br>47:25 48:5 189:25<br><b>millions</b> 15:4 26:16<br><b>mind</b> 87:18 94:13<br>249:7 251:11<br><b>mine</b> 188:22 211:4 | 211:12 230:6<br><b>minute</b> 45:15 46:9<br>46:10 54:1 55:20<br>89:10 225:10<br><b>minutes</b> 5:24 8:5,6<br>89:18,20 129:14<br>130:1 131:1 150:1<br>151:23 152:15,19<br><b>mirror</b> 23:12<br><b>misrepresentation</b><br>62:5<br><b>misrepresenting</b><br>62:1<br><b>missed</b> 101:17,21<br>103:24 162:2<br><b>mode</b> 69:10<br><b>modified</b> 74:5<br><b>Mohawk</b> 213:7<br><b>moisture</b> 168:20<br><b>Monday</b> 66:9<br>111:12 242:20,23<br>249:25<br><b>money</b> 28:23 68:24<br>114:4,16 142:15<br>142:16 179:6,9<br>193:15 197:20<br>199:8 222:11<br>230:22 240:14<br><b>monitored</b> 168:15<br><b>monitors</b> 36:22<br><b>month</b> 78:4 81:11<br>240:8,24 241:4<br>250:4<br><b>monthly</b> 78:17<br><b>months</b> 16:5,10<br>77:19 152:6 194:7<br>196:15,16,18,19<br>196:20,23 197:1,6<br>202:8,24 203:2,7<br>203:9 204:14,18<br>204:20,21,25<br><b>more</b> 8:4,6,10,13<br>9:23 14:11 45:14<br>47:19 49:2,6<br>52:14,15 54:18<br>57:14 64:20 82:7<br>94:12 114:4<br>118:10 125:18<br>136:17,18,23<br>142:16 150:4<br>152:18 155:15,17<br>156:13,17 157:8<br>165:11 176:3,10<br>176:24 179:8<br>193:15,21 196:2<br>207:4 210:8<br>222:21 227:21 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 228:16 236:4<br>249:17 250:13<br>253:16<br><b>Moreover</b> 65:8<br><b>morning</b> 8:20 66:10<br>180:13 249:23<br>252:10 255:19<br>259:13,19,21<br>260:4<br><b>most</b> 13:18 78:22<br>89:12 106:15,15<br>165:22 168:1<br>174:7 183:22<br>209:10<br><b>mostly</b> 14:7 123:12<br><b>motion</b> 51:13<br><b>motions</b> 33:13<br><b>motivation</b> 112:25<br><b>motor</b> 172:1<br><b>mouth</b> 191:12<br><b>move</b> 6:3,23 131:15<br>221:3 231:23<br>233:5 237:1<br><b>moved</b> 39:3 84:10<br>209:6 225:18<br><b>movement</b> 232:8<br><b>movements</b> 93:3<br><b>MPA</b> 14:22 23:23<br>26:5 37:9,22,25<br>38:10 42:13,14,15<br>43:12 44:3 45:9<br>45:17 46:1,4,17<br>52:14 53:19 54:6<br>55:15,16,18,19<br>56:3 57:23 58:15<br>58:19,20,21 59:4<br>60:18 62:4,9 63:5<br>63:7,8,9,15,22,24<br>64:1 65:11,23<br>67:6,8,12,22<br>69:25 70:2,6,18<br>71:24 72:4,16,17<br>73:1 76:14,16,20<br>78:12,19 79:10<br>80:15,15 85:14,18<br>85:21 87:23<br>177:24 199:21<br><b>much</b> 8:2 11:18<br>58:25 152:4,8,8<br>193:12,13 197:20<br>197:22,23 198:2,6<br>211:16 212:14<br>241:24 250:19<br>251:17 258:16<br><b>multiple</b> 35:3,16<br>36:10<br><b>must</b> 19:21 22:14 | 25:2,8,17 37:8<br>38:1,12,14 55:14<br>65:8 68:11 71:19<br>71:20 72:18 76:15<br>76:18,22 151:25<br>228:16 233:3<br><b>mute</b> 51:4<br><b>myself</b> 8:17 147:1<br>220:20 248:4<br><hr/> <b>N</b><br><hr/> <b>N</b> 4:1<br><b>name</b> 5:16 18:11<br>81:1 90:5 101:17<br>103:4,7 106:16<br>153:16 177:23<br>213:1 229:2,9<br>230:11<br><b>named</b> 18:11<br>201:21<br><b>names</b> 192:16<br>201:21 236:1<br>258:25<br><b>nasty</b> 43:7,18<br><b>nation</b> 69:11<br><b>natural</b> 36:1<br><b>Naturally</b> 236:23<br><b>nature</b> 87:16<br>182:21 183:16<br><b>necessarily</b> 105:10<br>183:24 258:8<br><b>necessary</b> 93:6<br>160:16 259:12<br><b>need</b> 6:13 8:4 30:10<br>48:5 80:1,2,9<br>181:16<br><b>needed</b> 6:3 106:6,8<br>138:7 139:17<br>252:4<br><b>needing</b> 222:22<br><b>needs</b> 257:15<br><b>negotiated</b> 9:22<br>42:21,22 43:1,9<br><b>neighborhood</b><br>239:7<br><b>Neither</b> 35:25<br><b>neutral</b> 5:17 40:22<br>41:2,9<br><b>never</b> 17:19 19:7,8<br>20:3,19 39:6<br>44:14 45:1 49:19<br>49:23,25 52:23,24<br>55:7 57:3 59:25<br>60:9,13,15 63:14<br>63:23 64:2 83:5,8<br>83:18 84:6 86:18<br>86:19 87:11 | 117:14 118:12<br>165:25 175:12,16<br>220:10 232:19<br>233:2 239:22<br><b>nevermind</b> 41:14,15<br><b>nevertheless</b> 41:6<br>43:9<br><b>new</b> 9:1,18 12:4,7<br>16:8 17:4,14 18:5<br>18:21,22 21:2,3,5<br>40:5 43:4 45:18<br>45:19 46:19 47:6<br>51:25 59:22 60:1<br>60:9 63:14 64:13<br>64:16 73:6 84:6<br>90:19 91:18,25<br>119:6,8 122:14,15<br>133:2 134:12<br>142:3 144:16,25<br>146:8 154:4,15,22<br>156:21 157:8,19<br>158:13,17 159:25<br>172:25 174:6<br>205:20 207:6<br>213:23,25 215:20<br>225:17 227:5,6<br>230:7,13 231:18<br>235:2 248:3,4<br><b>newsletter</b> 97:14,15<br>97:16<br><b>next</b> 25:13 27:8<br>30:8 125:11<br>143:17 144:16<br>223:22 242:4,5<br>246:23,25<br><b>nice</b> 43:8<br><b>nickel</b> 176:10<br><b>nickle</b> 155:15<br><b>nickname</b> 171:6<br><b>night</b> 224:1,11<br>239:4 249:23<br>255:23<br><b>nights</b> 111:8<br><b>nine</b> 29:18 216:1,2<br><b>nobody</b> 224:7 231:2<br>233:23,24 234:8<br>240:16<br><b>noncarman</b> 166:25<br><b>none</b> 11:1 26:24<br>29:12 55:23 68:6<br>83:12 112:14<br>160:10 199:22,22<br>249:15<br><b>nonexistent</b> 13:3<br>64:23<br><b>nonoperating</b><br>162:15 163:7 | 175:13<br><b>Nonparty</b> 34:20<br><b>nonprotected</b> 117:9<br><b>nonrailroad</b> 81:9<br><b>nonsense</b> 52:5<br><b>non-four-year</b><br>164:2 166:21<br>177:4 183:9<br><b>non-qualified</b><br>163:23<br><b>noon</b> 89:13<br><b>normal</b> 149:12<br><b>normally</b> 6:17<br>164:4<br><b>Norris</b> 12:13 13:20<br>15:23 16:17 28:15<br>28:18 30:11<br>107:13 122:23<br>124:5,8,19 128:13<br>128:18<br><b>Norris's</b> 15:24<br><b>Northern</b> 5:14<br><b>Notary</b> 130:20<br>261:17<br><b>note</b> 33:10 95:6<br>123:16 252:22<br><b>notebook</b> 253:17<br><b>noted</b> 99:2 118:18<br>224:5<br><b>notes</b> 261:8<br><b>nothing</b> 30:6 31:20<br>49:18 51:1 72:22<br>73:19 136:11<br>141:20 147:10<br>166:24 212:12<br>225:21 228:2<br>247:24<br><b>notice</b> 19:3 31:23<br>31:23 59:20,21,21<br>60:4,12,16,17<br>62:21 63:2 64:9<br>64:12 66:17,23<br>67:19 68:5,7 69:8<br>69:21 75:8,9,10<br>85:17 108:12,14<br>108:20 126:22<br>218:22 219:13<br>228:22 229:3,12<br>236:23 238:14<br>239:2 243:1<br>244:15 245:24<br>249:8,13<br><b>noticed</b> 252:5<br><b>notices</b> 12:24 28:14<br>29:6 31:5 61:3<br>65:17<br><b>notified</b> 201:15,16 | <b>not-fair-paying</b><br>111:9<br><b>November</b> 53:6<br><b>novo</b> 85:7<br><b>Novotny</b> 171:15,16<br>192:3 258:10<br><b>NPA</b> 26:8<br><b>number</b> 23:17<br>29:20 38:16,17,18<br>54:9 55:4,11<br>68:20 79:25<br>110:16 112:24<br>124:16,17 153:20<br>154:7 165:7 232:5<br>253:12 256:9<br><b>numbered</b> 33:15<br><b>numbers</b> 33:11,22<br>33:24 259:17<br><b>numerous</b> 61:3,4<br>65:17,18<br><b>N.W</b> 2:6<br><hr/> <b>O</b><br><hr/> <b>oath</b> 188:2 238:6<br><b>object</b> 94:25 115:20<br>116:22 203:10<br>243:25<br><b>objected</b> 244:1,6<br><b>objecting</b> 141:19,23<br>253:1<br><b>objection</b> 90:22<br>93:25 94:6,21<br>95:6,16 96:7,10<br>98:3,7 99:1,22<br>100:4,14,17 102:6<br>102:14 105:12,13<br>105:19 112:4,21<br>113:4 115:2,9,25<br>116:14 117:19<br>118:17 121:13<br>122:6 123:7<br>124:14 125:7<br>126:7 127:8,16<br>132:11,15 133:9<br>133:16,25 134:9<br>135:9,17 137:16<br>139:25 140:17<br>142:17 145:12<br>147:15 149:8<br>158:1 159:12<br>174:18 178:1<br>179:10,25 184:18<br>185:2,11 193:6<br>203:14 205:15<br>206:2 207:13<br>216:22 221:3<br>231:23 233:5 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 234:3,20 237:1<br>244:5 248:25<br>254:22<br><b>objections</b> 95:9,16<br>95:17 123:16<br>207:16<br><b>objects</b> 190:1<br><b>obligation</b> 45:9<br><b>obligations</b> 65:11<br><b>observe</b> 21:21 82:18<br><b>observed</b> 58:20<br><b>obtain</b> 56:14,21<br>64:18 71:25 75:3<br>75:14,16 76:9<br>100:8 219:12<br>248:11<br><b>obtained</b> 215:7<br>242:20<br><b>obvious</b> 69:7<br><b>obviously</b> 35:7<br>36:14 47:20 81:2<br>85:11 91:2<br><b>occasion</b> 124:4<br><b>occur</b> 13:18<br><b>occurred</b> 17:23<br>132:10 202:25<br>234:24<br><b>occurring</b> 9:16<br><b>odd</b> 73:3<br><b>off</b> 8:19 34:8,14<br>39:25 77:20<br>102:24 111:11,13<br>111:14 120:25<br>121:1 131:23<br>138:18 139:10<br>149:6 154:18<br>166:16,17,18,23<br>174:10 175:10<br>193:19 194:3,4<br>195:7 196:14,14<br>205:11 207:10,24<br>214:10 229:22<br>250:2<br><b>offer</b> 62:23 242:24<br><b>offered</b> 76:11<br>115:21,22 133:23<br>134:2,4 147:24<br>175:11,12,16<br>199:2 200:5 217:6<br>238:18<br><b>offering</b> 115:16,20<br>126:2<br><b>offers</b> 242:24<br><b>office</b> 166:2 168:6<br>173:13,16 178:17<br>208:15,18,20<br>209:12 214:7 | 225:19 226:8<br>228:19 229:9<br>231:19 233:24<br>241:17 246:12<br><b>officer</b> 37:18<br><b>offices</b> 17:18,24<br>18:2 224:16<br><b>official</b> 98:11<br>200:21<br><b>officials</b> 157:8<br>159:24<br><b>offset</b> 79:17,19,23<br>79:25 80:3,9,14<br>80:20 81:3,14<br><b>offsets</b> 48:17<br><b>oh</b> 53:11 56:18<br>82:23<br><b>Ohio</b> 1:22 2:7,15,23<br>3:11 5:15 90:10<br>153:24 213:8<br>261:18<br><b>okay</b> 41:8,17 43:14<br>52:8 59:13 66:19<br>74:19 79:9 83:21<br>84:9 97:5 110:6<br>110:13 113:14<br>126:11 128:20<br>153:21 158:6<br>163:21 166:15<br>183:7 187:4<br>190:18 195:6,17<br>201:3 202:14<br>205:7 206:15<br>216:2 239:19<br>247:7,23 253:19<br>254:8<br><b>old</b> 53:7 113:17<br>133:1,3 168:6<br>210:13 245:19<br>258:10<br><b>older</b> 13:19 128:14<br>128:20<br><b>oldest</b> 28:17,20<br><b>Oliver</b> 5:13 22:20<br>40:19 41:4,5<br><b>Oliver's</b> 25:15<br><b>once</b> 49:19 73:12<br>94:17<br><b>one</b> 6:4 18:19 29:20<br>36:11 38:17 39:2<br>40:20,21,22 41:16<br>41:18 47:19 51:15<br>54:5 56:24 60:5<br>65:5 66:6 79:7<br>82:13 83:4 84:20<br>85:10,24 89:20<br>110:5 113:21 | 116:16 118:14<br>122:1,4,13 124:16<br>127:25 128:13,20<br>131:9 138:13<br>143:16 144:23<br>145:3 148:22<br>150:4 152:11<br>154:3 157:7<br>163:25 168:4,4<br>171:16,17 175:6<br>176:7 178:12<br>181:6 194:6,16<br>198:23 201:17,24<br>201:24 205:2<br>217:20 218:8<br>219:1 220:2,14<br>224:23 228:1<br>233:13 241:20<br>243:6,9,11 245:10<br>245:18 250:12<br>252:20 257:18<br>258:1<br><b>ones</b> 108:2 120:4,8<br>125:8<br><b>only</b> 11:14 17:3<br>18:15,16 19:3<br>21:2 26:18 30:10<br>32:4,21 50:3<br>52:20,21 68:7<br>84:18,20 91:4<br>98:24 99:3 106:16<br>116:8,16 131:10<br>131:17 133:7<br>139:18 141:7,8<br>163:20 166:21<br>169:23,24 173:20<br>183:11 196:23<br>205:9,10 207:11<br>209:14 211:4<br>216:6 218:12,15<br>225:14 226:17,19<br>241:20 259:10<br><b>open</b> 80:2,10,14<br>82:10 158:8 215:7<br>247:16<br><b>opening</b> 5:23 6:5,23<br>36:21 40:11 42:8<br>64:21 69:24<br>104:25 109:12<br>112:24 167:17<br>173:25 174:14<br><b>operate</b> 19:21 48:11<br>138:12,15 163:5<br><b>operated</b> 139:4<br><b>operates</b> 79:19,20<br><b>operating</b> 48:17<br>49:1 86:14,17,18 | 155:10 175:13<br><b>operation</b> 50:15<br>75:6 92:10,12<br>97:25 146:17<br><b>operational</b> 79:20<br><b>operations</b> 92:14<br>93:1 137:14<br><b>operator</b> 92:4,5,6,8<br>92:17,18<br><b>Ophalk</b> 171:23<br><b>opinion</b> 27:5 37:13<br>44:18,20 73:24<br>199:5<br><b>opportunity</b> 5:23<br>123:4 217:2<br>252:16,23 259:22<br>259:25 260:4,6<br><b>opted</b> 19:4<br><b>option</b> 74:17 249:6<br>251:11<br><b>options</b> 221:10<br>248:23 249:7<br><b>order</b> 5:11,13 10:8<br>21:12 25:10 38:10<br>39:25 50:5,11,11<br>51:12 53:2 58:23<br>59:2 62:24 84:12<br>86:12 151:9<br>163:23 225:8<br>256:6,13 258:8<br>259:4<br><b>ordered</b> 18:9 22:19<br>38:7 219:15<br><b>orders</b> 25:15 50:25<br>86:21<br><b>ore</b> 138:7,15,18<br><b>organization</b> 47:24<br>179:21 227:13<br><b>original</b> 9:5 19:3<br>26:11 39:25 62:15<br>221:14,18 228:14<br>233:10,13<br><b>originally</b> 12:20<br>20:2 251:25<br><b>other</b> 8:16 9:17<br>12:2 15:1 17:4<br>20:14 23:2 26:23<br>32:11 33:17 34:18<br>34:21 42:2 46:3<br>50:20 59:15 62:17<br>62:23 70:2,13<br>80:3 81:1,18<br>84:19 89:4 96:12<br>111:21,22 113:6<br>119:5,16 121:7,21<br>132:5 133:21,21<br>133:24 138:5 | 141:13 144:15<br>145:4 148:15<br>152:25 163:16<br>164:2 165:1<br>177:18,21 179:23<br>181:3 183:16<br>197:21 199:18,20<br>202:2 204:3 211:1<br>215:5 228:5,9<br>230:18 232:21<br>233:20 236:5,19<br>236:24 249:6,7<br>255:12,13 257:17<br>259:10<br><b>others</b> 28:24 47:10<br>95:17<br><b>otherwise</b> 10:6<br>51:17 167:5 200:8<br><b>other's</b> 35:13<br><b>ought</b> 53:15<br><b>out</b> 16:5,11 18:6<br>37:19 45:2 48:4<br>48:24 49:5 55:9<br>60:7 63:16 64:8<br>65:2 72:19 73:4<br>77:13 79:4 92:4<br>109:14,18,19<br>111:12 113:22<br>114:12,13,25<br>116:15,19 117:6<br>118:15 119:22<br>121:17 126:1,4,5<br>127:1,2 137:10<br>138:16 142:6<br>149:2,13 154:4<br>155:2 158:21<br>159:25 161:13<br>163:9,10 164:2,19<br>165:2 167:8,18<br>168:8,10,11,12<br>169:25 171:24,25<br>172:1 173:4 174:3<br>174:3,7 176:7<br>178:18 183:5<br>184:3,7,9 187:9<br>187:22 201:18<br>211:14 215:18<br>224:17 226:9<br>231:1 247:14,22<br>252:10 253:24<br>254:2 257:11<br><b>outbid</b> 228:3,11,12<br>235:22,23,25<br>236:2<br><b>outbound</b> 215:18<br><b>outlined</b> 74:13<br><b>outlying</b> 232:7 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>outrage</b> 17:2<br><b>outside</b> 43:6 113:15<br>165:18,25 228:3<br><b>over</b> 9:10 12:20<br>14:16,16 24:21<br>33:9 40:21 41:18<br>53:8 65:12 92:20<br>100:25 143:8<br>145:10 152:1<br>157:23 163:12,13<br>164:20,25 174:9<br>194:10 200:6<br>209:4,8,25 241:15<br>241:16<br><b>overhead</b> 198:23<br><b>overnight</b> 246:21<br>246:22,25<br><b>overrule</b> 94:17<br><b>overruled</b> 94:2,11<br>94:21 105:21<br>116:14 121:15<br>147:16 221:5<br>231:25 234:5,21<br><b>oversight</b> 92:22<br><b>overtime</b> 118:9<br><b>owed</b> 23:5<br><b>own</b> 12:25 26:14<br>27:12,22 28:10<br>30:4 60:24,24<br>61:2 65:16 66:18<br>66:22 88:24 91:7<br>114:23 125:15<br>137:17 138:1,3,4<br>138:5 167:23<br>173:12<br><b>owned</b> 12:4 157:19<br><b>oxygen</b> 257:15<br><b>o'clock</b> 168:11<br>224:1,11 239:4<br><b>O'Neil</b> 230:11,12<br>232:3,24 257:9,16<br>258:1<br><b>O'Neill</b> 23:16<br><br><hr/> <b>P</b><br><hr/> <b>pace</b> 260:10<br><b>package</b> 29:11<br><b>packet</b> 13:17 26:19<br>30:5<br><b>page</b> 72:6 188:8<br>189:4,10 190:13<br>190:15 195:1<br><b>pages</b> 63:5 109:22<br>144:16<br><b>paid</b> 26:16 32:10<br>63:23 64:2 79:22<br>81:19,20 99:15,17 | 111:20 114:3<br>120:12,13,16<br>131:7 139:8<br>143:17 149:5,8,10<br>149:12 176:3,24<br>177:12 191:17<br>193:24 243:3,7,12<br>243:14<br><b>panel</b> 1:17,17 6:1<br>7:9 8:5 19:21<br>21:13,20,25 22:6<br>25:1,8,20 32:13<br>32:14,19 36:25<br>37:23 38:12,23<br>40:1,1,4,5,6,6,20<br>40:22,23 41:16,18<br>41:19 45:6,12<br>51:4 55:14 57:11<br>58:12,20 60:22<br>65:9,14 80:11<br>82:17 84:25 85:6<br>85:23 86:24 98:7<br>123:15 180:3<br>207:18 216:25<br>233:8 237:9<br>250:18 251:15<br>252:14 255:12<br>258:4,15 259:9,24<br><b>panels</b> 40:25 41:2,7<br>41:9,12 57:5<br><b>panel's</b> 58:11,13<br>87:7<br><b>pants</b> 42:1<br><b>paper</b> 60:5 218:4<br><b>papers</b> 42:10 45:11<br>46:13 52:17 53:11<br>56:1 68:17 157:5<br>159:6 179:15<br><b>paradise</b> 43:19<br><b>paragraph</b> 29:20,21<br>250:23<br><b>pardon</b> 156:23<br>159:5 182:2<br>196:17 203:5<br><b>parent</b> 157:14,20<br><b>parking</b> 224:12<br><b>Parks</b> 2:19<br><b>parol</b> 37:17,20 57:5<br><b>part</b> 12:20 13:1<br>17:23 18:9 19:12<br>24:8,13 27:1 28:4<br>29:10 42:7 48:19<br>50:18 53:1 59:17<br>77:15 80:13 86:11<br>91:1,11 106:13<br>108:8,12 110:12<br>119:3 125:14 | 126:14 135:1<br>138:15,23 157:14<br>157:20 167:4<br>197:16 198:20<br>252:19<br><b>participate</b> 22:18<br><b>particular</b> 12:9<br>95:10 222:23<br><b>particularly</b> 61:2<br>65:16 68:23 236:6<br>257:19<br><b>parties</b> 5:21 9:16<br>10:13 19:17 33:16<br>35:9,15 36:7,11<br>38:7 39:1 87:10<br>151:18<br><b>parts</b> 168:3 255:10<br><b>party</b> 34:19,24<br>35:16 36:1 52:20<br><b>party's</b> 123:23<br><b>party-appointed</b><br>5:18,20<br><b>part-time</b> 81:9,11<br>174:9,11<br><b>passed</b> 131:12<br>159:25<br><b>passenger</b> 11:24<br>12:2 42:25 48:20<br>54:11,14,19 68:14<br>69:9,21 109:7<br>114:1,9,17,20,25<br>130:9,14 131:15<br>155:25 156:2,11<br>156:13,16 160:18<br>167:17,20 168:23<br>169:18,20 170:25<br>176:2,6,11,25<br>184:6 190:21<br>191:18<br><b>passengers</b> 168:19<br>184:12<br><b>Pat</b> 171:3,7<br><b>patently</b> 60:20<br><b>patronize</b> 38:25<br><b>pattern</b> 30:23<br><b>Paul</b> 172:12,13<br><b>pay</b> 15:15 30:14<br>99:14 103:21<br>120:10 122:1,2<br>131:22 139:9,9,14<br>141:8,9,21 147:23<br>155:14 156:9<br>175:23 176:8,17<br>177:16 180:20<br>200:12,13 206:18<br>206:20 222:17,18<br>222:21 232:23 | 239:19,21,25<br>245:14 247:19<br><b>paycheck</b> 230:24<br><b>paying</b> 81:4 111:10<br>176:15 245:13<br><b>payment</b> 38:4 76:25<br>149:1<br><b>payments</b> 149:4<br>223:19<br><b>payroll</b> 206:25<br><b>pays</b> 200:12<br><b>PCC</b> 21:10<br><b>PCTC</b> 21:11 48:17<br>49:17 142:9,21<br>143:17<br><b>pellet</b> 138:8<br><b>pending</b> 51:13<br>205:23,24 206:5<br><b>Penn</b> 1:5,8,11,14<br>5:8 7:18,20 11:17<br>37:18 40:2,3<br>43:25 45:21 46:11<br>46:15 48:24,25<br>50:4 51:24 52:3<br>52:19,22 54:5<br>62:8 63:4,13,17<br>63:20,22 66:13,18<br>66:20,21 83:8,15<br>84:1,10,16 86:11<br>86:17 87:2 91:19<br>91:24 123:18<br>137:15 145:11,13<br>146:9 157:22<br>209:4,21 212:5,9<br>213:17<br><b>Pennsylvania</b> 9:18<br>11:10 46:14,18<br>47:15 133:3<br>156:20 158:14,15<br><b>pension</b> 13:15 211:8<br><b>Pentz</b> 172:3,4<br>258:13<br><b>people</b> 15:22 27:23<br>28:4,13 30:24<br>32:4 69:1 93:6<br>106:7,9,10,12,13<br>106:18,19 108:5<br>108:11 112:25<br>113:6 114:7,20<br>116:2,10 118:22<br>120:14,19 121:7<br>121:21 124:12,16<br>124:16,22 125:13<br>128:21 130:8<br>136:20 139:11,23<br>140:22 151:15<br>158:13,14 162:14 | 166:12 167:2,11<br>167:18 169:21<br>170:7 174:3 176:2<br>176:4 177:21<br>180:19,21,23<br>181:3 187:21<br>192:18 193:25<br>197:21 200:16,19<br>200:20,22,25<br>201:20,22 214:5,6<br>214:6 215:5 218:6<br>218:12,15 228:12<br>232:10,22 236:1,2<br>236:10,24 237:11<br>241:23 257:18<br>259:7<br><b>per</b> 156:14<br><b>percent</b> 12:4 29:15<br>29:16 134:18,19<br>134:20 137:1<br>157:19<br><b>percentage</b> 135:2<br><b>perhaps</b> 88:13<br>195:5 216:24<br><b>peril</b> 60:24,24 61:2<br>65:16,21 69:15,17<br>85:17 88:24<br><b>period</b> 17:12 23:6,9<br>24:10 77:18,22<br>78:1 81:10 98:20<br>99:14,19,20<br>103:21 114:19<br>120:10 149:5<br>161:23 163:10<br>182:1 193:7,24<br>196:2 199:3<br>205:12 214:21<br>231:5 250:5<br><b>permit</b> 124:21<br>207:19<br><b>permitted</b> 78:11<br><b>Perot's</b> 241:17<br><b>person</b> 36:1 81:1<br>112:1 123:22<br>188:13 197:24<br>201:5 224:5<br>227:17,20<br><b>personal</b> 79:24 91:7<br>114:24 116:8<br>117:23 118:1,2<br>121:25 127:17<br>137:18 141:20<br><b>personnel</b> 13:3<br>23:13,14,19,20<br>32:15,17 86:3<br>87:2 120:23 131:3<br>143:20 173:10 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 197:14,17 208:23<br>209:11 211:21<br>212:2,4<br><b>pertained</b> 158:5<br><b>pertaining</b> 11:7<br>56:10<br><b>Pete</b> 173:3<br><b>petition</b> 47:7 84:2<br><b>petitioner</b> 59:10<br><b>petitioners</b> 45:7<br>58:14,16 59:15,25<br>60:9,23 61:3,5<br>65:9,15,17,19<br>67:13<br><b>petitions</b> 47:18<br>84:16<br><b>Petrone</b> 1:25 261:4<br>261:17<br><b>Phil</b> 17:15<br><b>Phillip</b> 4:16 212:20<br>212:24 213:3<br>238:1 247:25<br><b>phone</b> 101:16<br>102:12,13 215:16<br>236:22<br><b>physical</b> 111:23<br>112:9<br><b>physically</b> 102:5<br>112:2,11<br><b>physician</b> 257:13<br><b>picked</b> 183:11<br><b>picking</b> 34:11<br><b>picture</b> 48:24<br>211:24<br><b>piece</b> 218:3<br><b>piecemeal</b> 14:12<br><b>place</b> 18:15,17 37:2<br>65:6 120:24 164:2<br>167:9 225:14<br>226:17,19 252:2,6<br><b>placed</b> 11:4 55:25<br>56:7 64:15,18<br>68:13 70:23 71:7<br>71:15 72:11,13<br>76:19 160:12<br>161:1 181:4 235:6<br>235:10 237:6<br><b>places</b> 64:20 154:20<br>232:7<br><b>plain</b> 26:5 29:22<br>96:22<br><b>plaintiff</b> 31:15 35:3<br>35:5 90:11,15<br><b>plaintiffs</b> 1:4,7,10<br>1:13 2:3 4:19 5:2<br>13:11 31:17 36:10<br>38:1 39:2,19 | 44:15 53:19 57:19<br>62:2,4,15,17 71:7<br>72:23 74:1,8<br>76:22 89:16,22<br>90:13<br><b>Plaintiff's</b> 96:19<br>108:7 109:23<br>126:22 144:5<br>202:19 217:23<br>219:24 221:22<br>223:12<br><b>plan</b> 6:1<br><b>plane</b> 257:14<br><b>planned</b> 153:3<br><b>planning</b> 151:8<br><b>plant</b> 194:11<br><b>play</b> 88:10<br><b>played</b> 253:23<br>254:9,15<br><b>playing</b> 76:1<br><b>pleadings</b> 63:18<br><b>please</b> 130:20 153:7<br>153:17 186:15<br>190:17,17,22<br>191:3 213:2<br><b>plus</b> 133:2<br><b>PNC</b> 3:9<br><b>point</b> 21:2 33:8<br>40:10 43:24 60:13<br>84:7 86:16 116:1<br>163:17 164:20<br>172:10 204:15<br>206:21 216:3<br>256:15 259:8,20<br><b>pointed</b> 72:19<br><b>pointedly</b> 64:1<br><b>points</b> 185:10<br><b>portion</b> 84:18<br><b>portions</b> 13:2 19:19<br>23:14 252:12<br>253:5<br><b>position</b> 10:5 11:4<br>15:7,10 19:16<br>20:12,18 27:13<br>29:4 38:2 45:22<br>52:6,7 55:22,25<br>56:8,15 60:19<br>62:15 63:17 66:16<br>68:13 70:24 71:10<br>71:12,16,17 72:7<br>72:12,13 73:7<br>75:1,4,5,14,17,25<br>76:7,10,11,19,23<br>77:1 84:10,21<br>144:23,24 145:3,4<br>157:11 160:5,13<br>160:24 161:2,6 | 167:3,10,12,13<br>181:4 192:5<br>206:23 207:6<br>210:23 215:6,8<br>219:12 220:11<br>235:7,11 236:25<br>237:6,7 247:16<br>253:24<br><b>positioning</b> 132:5<br><b>positions</b> 15:18,21<br>19:18 56:21 92:2<br>176:3,8 246:9<br><b>positive</b> 195:11<br>201:25<br><b>possession</b> 212:5<br><b>possibility</b> 74:19<br><b>possible</b> 91:10<br>138:8<br><b>post</b> 9:12 166:2<br>168:6 201:3 229:2<br>229:10<br><b>posted</b> 216:8 217:20<br>228:24<br><b>poster</b> 58:25 66:12<br><b>posting</b> 217:25<br><b>pour</b> 68:24<br><b>preceded</b> 81:13<br><b>precedent</b> 57:14,15<br>58:6 61:7 66:4<br>84:14 89:5<br><b>precedential</b> 83:22<br>85:22<br><b>preclude</b> 82:11<br><b>precluded</b> 55:4<br>58:15,18<br><b>precludes</b> 53:18<br><b>predecessor</b> 10:22<br>213:16<br><b>predicated</b> 158:6<br>193:12 198:2<br><b>prefer</b> 7:4<br><b>preliminarily</b> 6:9<br><b>preliminary</b> 6:2,21<br>46:11<br><b>premised</b> 72:25<br><b>prepared</b> 33:4<br>39:13 66:20<br>194:21 259:14<br><b>present</b> 11:1 34:21<br>55:24 78:7 80:8<br>103:7 160:11<br>235:2<br><b>presented</b> 33:18<br>36:8 45:13<br><b>presenting</b> 44:16<br><b>presently</b> 136:8<br>213:9 | <b>preserve</b> 43:9 152:5<br>252:4<br><b>preserved</b> 22:22<br><b>president</b> 137:14<br><b>presiding</b> 47:12,14<br><b>pressure</b> 39:1,2,14<br><b>presumptively</b><br>33:21<br><b>pretty</b> 208:7 245:10<br><b>previous</b> 98:20<br>242:20 251:3<br><b>previously</b> 96:18<br>108:6 140:21<br>217:23 219:23<br>221:22 230:25<br>239:13<br><b>primarily</b> 154:13<br>155:24<br><b>principal</b> 80:21<br><b>principals</b> 80:16<br><b>prior</b> 21:20 23:10<br>28:1 29:23 30:4<br>33:15 40:7 63:19<br>71:18 73:6 77:18<br>77:18 80:19 98:18<br>122:16 135:24<br>157:4 160:1 164:7<br>166:1 186:22<br>187:17 196:2<br>213:15,17 249:12<br>256:2<br><b>prisoners</b> 184:12<br><b>private</b> 192:14<br><b>privilege</b> 184:19<br>185:13 187:4<br><b>privileged</b> 185:22<br>209:19<br><b>privileges</b> 11:7<br>56:10<br><b>probably</b> 6:5 7:5<br>182:20 243:16<br>244:23 247:3<br>259:22 260:2<br><b>problem</b> 36:7 83:4<br>178:15 195:20<br><b>problems</b> 47:23<br>93:4 138:11<br><b>procedure</b> 188:20<br>188:22<br><b>proceeding</b> 11:25<br>116:3,4<br><b>proceedings</b> 5:9<br>21:17 22:18 34:20<br>260:18 261:6,11<br><b>process</b> 15:3 35:12<br>104:15 257:22<br><b>produce</b> 257:16 | <b>produced</b> 23:9,13<br>26:20 32:23<br>203:20,21,24,25<br><b>product</b> 215:18<br><b>professional</b> 174:7<br>200:20<br><b>professor</b> 7:2,8,10<br>34:23 78:19 82:1<br>83:1<br><b>promised</b> 8:23 32:9<br>175:17 237:21<br><b>promoted</b> 92:6,9<br>215:2 216:7<br><b>promptly</b> 260:11<br><b>proof</b> 31:8,10,11,12<br>31:16 37:8,11<br>44:16 78:11<br><b>proper</b> 132:5<br>189:14,20 190:3<br><b>properly</b> 45:6 65:9<br><b>property</b> 212:10<br><b>proposed</b> 70:19<br><b>protect</b> 123:23<br><b>protected</b> 16:14<br>70:19 97:18 99:6<br>99:11 100:7<br>103:11,13,15,19<br>103:20 119:9,12<br>119:13,14,15,17<br>119:24 120:3,5,8<br>120:9 121:20<br>126:4 127:1<br>139:12,13 147:14<br>157:10 161:18<br>162:16,19 181:9<br><b>protection</b> 8:23 9:2<br>10:14,23 14:15<br>15:4 26:9 52:8<br>62:3 71:14 72:9<br>72:16 82:18 99:16<br>100:9 117:12,13<br>122:2 126:3<br>127:24 159:22<br>160:3,3,10 161:19<br>216:13 217:6<br>241:12<br><b>protections</b> 97:22<br><b>protective</b> 10:6,11<br>10:24 15:9 16:2<br>16:11,13 17:7<br>19:5 20:9,20 21:1<br>21:6 98:16 159:7<br>181:7 216:17,20<br>237:22<br><b>protracted</b> 39:17<br><b>prove</b> 37:8 38:18,21<br>70:20 71:16 76:18 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 77:3,4,6,11 78:14<br>82:10<br><b>proven</b> 27:7<br><b>provide</b> 124:25<br>127:7 159:8<br>259:24<br><b>provided</b> 10:15,16<br>10:18 33:14 205:8<br><b>provides</b> 71:14<br>72:10 77:17<br><b>provision</b> 70:10<br><b>provisions</b> 70:13<br>75:12 87:23<br>PTC 47:7<br><b>public</b> 2:21 69:14<br>261:17<br><b>publication</b> 96:16<br>96:24 97:8,10,11<br><b>publications</b> 11:12<br>157:25 179:16<br><b>pull</b> 168:9<br><b>pulls</b> 79:3,7<br><b>punch</b> 168:11<br>191:12<br><b>punitive</b> 25:9,22<br>40:12 41:21 44:8<br>44:12 51:23<br><b>pure</b> 17:8 105:13<br><b>purely</b> 8:16 99:25<br>105:20<br><b>purpose</b> 9:23 19:11<br>78:13 93:23<br>123:19 147:6,8<br>185:24,25<br><b>purposes</b> 5:5 11:25<br>13:4 81:3 202:21<br>224:7,19 254:3<br><b>pursuant</b> 5:12<br>21:12 23:23 48:13<br>49:10,20 59:24<br>66:17 80:14,15<br><b>pursue</b> 46:3<br><b>pursuing</b> 49:3<br><b>put</b> 34:15 38:24<br>39:12 55:22 57:7<br>57:8 60:6 66:2,3<br>73:3 101:18 103:4<br>103:8 112:24<br>117:14,17 118:4<br>118:10 151:20<br>157:11,17 160:5<br>163:14 166:15<br>192:4 198:16<br>200:2 206:22<br>210:23 231:7<br>253:2,4,25 254:1<br>254:10,17,23 | <b>puts</b> 16:5,10 126:3<br>p.m 260:18<br><br><b>Q</b><br><b>qualifications</b><br>111:22<br><b>qualified</b> 103:9<br>131:11 161:16<br>163:21,24<br><b>qualify</b> 58:23 59:2<br>122:17 125:12<br><b>quality</b> 254:17<br><b>quest</b> 44:16<br><b>question</b> 38:8 69:19<br>79:5 81:10 87:7<br>87:13 95:22 99:25<br>100:2 102:7,10,17<br>105:13 112:5,7<br>124:15 125:10,11<br>126:10 140:18<br>142:19 145:15<br>159:21 181:2<br>184:21,24 185:5<br>186:14,16,18,19<br>186:20 187:1,6<br>188:13,15,17,24<br>189:12 190:2,8,17<br>190:18 191:21<br>193:8 198:10,12<br>198:14 203:6<br>205:21,23,24<br>206:5,7 207:9<br>209:20 217:3,5<br>241:3 249:20<br>250:13<br><b>questioned</b> 230:24<br>233:2 240:15,16<br><b>questioning</b> 203:11<br><b>questions</b> 6:22<br>85:22 95:17<br>102:15,21 141:13<br>142:2 145:23<br>147:10 170:9<br>181:15,20 191:14<br>196:7,9 199:10<br>202:2 210:8<br>237:25 238:10<br>249:1,18 250:15<br>258:21 259:25<br>260:1,3<br><b>quick</b> 181:19<br><b>quickly</b> 245:10,11<br><b>quit</b> 50:4 205:21<br>241:11,14<br><b>quite</b> 73:2 114:5<br>130:21 198:11,12<br>201:8 245:16 | <b>quote</b> 26:8 55:12<br>166:22<br><b>quoted</b> 215:17<br><br><b>R</b><br><b>R</b> 1:17<br><b>rail</b> 42:23 48:14<br>49:11,17,18 54:15<br>69:2,4 86:10<br>88:16,23<br><b>railroad</b> 9:1,6,8,11<br>9:18,19 10:21<br>11:10 12:5,10,13<br>13:8,9,13,14 14:1<br>14:8,9,24 15:1,2,5<br>15:11,22 16:20,22<br>17:14 19:7,9,22<br>19:24 20:11 22:16<br>23:9,11,19 24:10<br>26:20 27:17,20<br>28:25 29:3 30:19<br>31:6 32:1 33:6<br>38:20,20 39:8<br>40:14 41:25 42:7<br>42:12,14,18 43:10<br>45:16 46:19,19<br>47:23 49:1 50:4<br>52:6 54:17 63:20<br>63:24,25 71:10<br>72:7 73:7 77:4,5,8<br>79:4 81:11 82:3,5<br>86:1,18,18,19<br>91:6,17,21,24,25<br>93:13,23 95:23<br>96:5,9 97:8,9,19<br>98:23,24 99:7<br>103:4 104:8,9,18<br>109:15 112:2,3<br>120:24 134:12<br>136:2,5 149:11<br>153:20 154:5,7,23<br>155:1,22 156:21<br>156:21 158:14,15<br>158:16,22,23,24<br>158:24 159:25<br>161:7,22,25 162:7<br>162:10 163:5<br>164:17 165:9,19<br>165:21 166:1,6,7<br>167:8 173:10<br>174:12 175:7<br>178:11 179:14<br>180:6,20 181:13<br>181:21,25 183:19<br>184:6 191:16<br>192:24 193:2,5,20<br>193:23 197:9,11 | 198:24 200:4,20<br>207:3 211:10<br>213:17,19,21,25<br>215:21 217:9,13<br>223:4,17,23<br>224:24 227:9<br>228:2 233:2 237:9<br>241:21 249:14<br><b>railroaders</b> 165:15<br>174:8<br><b>railroads</b> 9:9,20<br>48:12 142:14<br>160:15<br><b>railroad's</b> 12:25<br>20:18 25:9 26:14<br>27:8 30:4,8<br><b>rails</b> 48:6,8<br><b>railway</b> 48:17<br><b>raise</b> 95:9 135:22<br><b>raised</b> 52:13 147:8<br><b>raises</b> 193:17,18<br><b>Randy</b> 2:20 7:15<br><b>range</b> 128:23<br><b>rank</b> 37:17,18,20<br>57:6 115:10<br><b>rate</b> 17:16,17<br>131:22 155:15<br>160:4 176:10,18<br>176:19,20 177:15<br>177:16 180:19<br>200:12 206:18<br>215:7,8,9 218:16<br>230:12,22 233:20<br>239:19,21,25<br>243:18,21 244:7<br>247:19<br><b>rates</b> 17:18 155:14<br>175:23 176:17<br>200:13 206:19<br>215:14,17<br><b>rather</b> 64:6<br><b>rationale</b> 222:22<br><b>Raymond</b> 28:3<br><b>reactions</b> 152:3<br><b>read</b> 58:24 64:25<br>70:10 72:5 83:24<br>97:14,15 125:23<br>159:14,17 186:21<br>187:5,7 189:12,13<br>190:11,17,22<br>205:17 206:8,11<br>206:13 250:20<br>252:13 254:5,5<br><b>reading</b> 56:2 96:8<br>97:17 253:16<br>255:2<br><b>ready</b> 41:11 89:7,9 | 123:19 151:3,4,5<br>153:4<br><b>real</b> 9:5 17:1 32:4<br>130:7<br><b>realize</b> 167:24<br><b>really</b> 35:4 37:12<br>38:14 39:15 40:16<br>41:19,22 44:13<br>51:11,17 52:10<br>57:14 82:15 87:10<br>146:25 165:5,6<br>172:9 177:2<br>182:13,23 191:21<br>194:5,13 195:24<br>203:15 207:15<br>208:7<br><b>reason</b> 9:6 29:8<br>42:18 57:9 68:11<br>69:3,3,10 71:9,19<br>76:15 101:22<br>112:14 113:3<br>123:22 193:10<br>195:21 256:6<br><b>reasonable</b> 52:6,7<br>62:18 117:3<br><b>reasons</b> 9:12 53:16<br>53:17 83:10<br>113:21<br><b>rebut</b> 55:3<br><b>rebutting</b> 55:2<br><b>recall</b> 12:21,23,24<br>13:6,12 27:14,14<br>27:24,25 28:2,14<br>29:6 31:1,2,3,4,4<br>58:17 61:10 66:23<br>67:1,7,15,24 68:8<br>84:5 105:1,2,6<br>106:2 146:18<br>223:20,21<br><b>recalled</b> 106:10,10<br>143:25 183:12<br><b>recalls</b> 13:18 106:3<br><b>receive</b> 74:15 120:6<br>222:12 223:3<br>228:22 231:6<br>232:17,22<br><b>received</b> 18:7 64:9<br>218:21 219:1,13<br>223:8,24 229:3<br>232:24 243:6,9<br>249:12<br><b>receiving</b> 80:24<br>81:17 147:23<br>199:20<br><b>recently</b> 60:22<br>65:14<br><b>recess</b> 34:6 89:21 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 150:8 212:19<br><b>recognize</b> 63:21<br>218:25<br><b>recognizing</b> 233:16<br><b>reconvene</b> 40:4<br>256:4<br><b>record</b> 8:19 13:1<br>22:3,4 34:8,15,15<br>38:21 80:9,14<br>82:10 90:6 94:14<br>94:18,20,22,24<br>95:15 101:20<br>103:25 104:2,7,10<br>104:12,17,21,22<br>109:15 126:14,15<br>141:20 149:4,7<br>153:17 154:18<br>173:22 182:13,14<br>187:7 194:14<br>205:17 206:8,13<br>207:24 208:4,10<br>208:11 209:16<br>213:2 244:9<br>252:14 253:2<br>254:5,7 255:5<br>260:9<br><b>records</b> 13:3,7,8,9<br>13:14,16 14:1<br>22:23 23:25 24:11<br>27:18,21 30:13<br>31:7,25 32:2,15<br>32:15,18,24 49:20<br>49:23 50:2,5 77:5<br>77:6,7 79:9,14<br>80:1,2 86:2,3,14<br>86:15 87:2 120:23<br>121:4 143:20,21<br>145:9 173:15,17<br>173:22 196:24<br>197:10,11,14<br>198:3 206:25<br>208:5,12,23 209:6<br>209:10,18,25<br>210:4,5,20 211:19<br>211:20,21,25<br>212:2,4,9<br><b>recount</b> 123:14<br><b>recovering</b> 7:6<br><b>recovery</b> 58:15,18<br>79:22<br><b>recross</b> 149:21,22<br><b>RECROSS-EXA...</b><br>202:3<br><b>red</b> 30:2 158:19,21<br><b>redirect</b> 4:9 129:16<br>146:2,5 147:9<br>149:20 196:10 | 199:15 210:10<br>244:3 247:25<br>250:15<br><b>reduce</b> 98:25<br><b>reduced</b> 64:11<br><b>reduction</b> 44:22<br>59:17 160:19<br>183:5<br><b>refer</b> 7:1<br><b>reference</b> 60:11<br><b>referenced</b> 78:12<br><b>references</b> 99:10<br><b>referred</b> 59:19<br>96:15 106:17<br><b>referring</b> 75:11<br>96:20 126:13<br><b>refers</b> 60:25<br><b>reflect</b> 86:22<br><b>refunds</b> 215:12<br><b>refusal</b> 25:9 60:23<br>65:15,20<br><b>refuse</b> 101:20<br>124:12 200:18<br><b>refused</b> 12:21 22:17<br>63:21 66:15<br>104:14 147:24<br>148:3 201:12<br><b>refusing</b> 201:23<br><b>refute</b> 70:14<br><b>regarded</b> 56:6<br>74:23<br><b>regarding</b> 27:6<br>44:16 223:4,8<br><b>regards</b> 31:10<br><b>regional</b> 48:14<br>49:11 251:4<br><b>registered</b> 233:11<br><b>regular</b> 30:18 164:8<br>177:12 180:20<br>214:12<br><b>regularly</b> 35:10,17<br>75:14,16 81:2<br>219:12<br><b>reinforce</b> 35:10<br><b>reinstated</b> 39:24<br><b>reiterate</b> 157:4<br><b>rejected</b> 9:10 45:6<br>45:13 53:22 54:7<br>54:7 60:20 65:3,9<br><b>relate</b> 180:6<br><b>related</b> 53:24 84:4<br>90:13<br><b>relating</b> 73:21<br><b>relations</b> 106:7<br>127:2 241:17,18<br><b>relationship</b> 123:3<br>125:4 151:12 | 158:12<br><b>relationships</b> 50:17<br><b>relatively</b> 50:22<br><b>relaxed</b> 116:3<br><b>relevance</b> 91:10<br><b>relevancy</b> 90:22<br>91:2 112:22<br>115:20 135:10,14<br><b>relevant</b> 91:4<br>116:11<br><b>reliance</b> 14:14<br><b>relied</b> 62:5<br><b>relief</b> 28:8,8 164:5<br>177:3,15<br><b>relieve</b> 62:24<br><b>relieving</b> 63:8<br><b>relitigate</b> 57:19,24<br><b>relitigating</b> 71:6<br><b>remainder</b> 255:18<br><b>remand</b> 21:17 22:11<br>22:13,16 25:13<br><b>remarks</b> 42:9<br><b>remember</b> 54:13<br>141:21 163:4<br>190:8 197:4,5,7<br>208:1 210:18<br>229:7 257:17<br><b>remind</b> 259:10<br><b>reorganization</b><br>47:17,21,22 48:14<br>49:12 86:2<br><b>reorganized</b> 52:23<br>52:24 53:5,9,12<br><b>rep</b> 221:13<br><b>repaired</b> 14:4<br><b>repairman</b> 155:11<br>155:15 176:18<br><b>Repeat</b> 203:5<br><b>rephrase</b> 100:2<br>105:14 112:6<br>140:20 249:4<br><b>reply</b> 29:2 126:1<br><b>report</b> 38:16 45:22<br>53:20 54:2,4<br>58:14,17,18 59:13<br>60:4,13,17,23,25<br>61:3,6 62:12,20<br>62:25 63:10 65:15<br>65:17,20,21 66:16<br>67:10,11,12,14,17<br>67:19,20 68:3<br>70:11,13 80:5<br>85:15 88:16,19<br>105:7 125:25<br>194:21 202:7,17<br>203:12 223:25<br>229:6 230:2 232:4 | 232:6,8<br><b>reported</b> 12:23<br>21:23 22:13 27:20<br>60:1,9 61:10<br>82:20,21 83:13<br>84:4,6 85:8<br>224:22 229:24<br>230:2<br><b>reporter</b> 34:11<br>254:24 261:5<br><b>reporting</b> 54:1<br>57:18 92:6 105:1<br>105:5,15 116:23<br>137:24 143:24<br>215:6 239:3,3<br><b>reports</b> 24:5,15<br>197:12,13,14<br>246:24<br><b>repository</b> 32:2<br><b>represent</b> 51:5<br><b>representation</b><br>203:22<br><b>representations</b><br>11:9 97:13 117:20<br><b>representative</b><br>178:10 201:15<br>219:20<br><b>represented</b> 15:2<br>136:1,4 178:22<br>188:9 203:21<br><b>representing</b> 87:1,4<br>179:22<br><b>reprimanded</b><br>173:21<br><b>repudiating</b> 57:23<br><b>repudiation</b> 52:13<br>52:14 65:6<br><b>reputations</b> 58:2<br><b>request</b> 19:8 34:14<br>49:9 223:5 233:4<br><b>requested</b> 32:22<br>59:11 219:15<br><b>requesting</b> 79:15<br><b>required</b> 10:10 19:9<br>53:20 70:22 71:3<br>74:2 75:24 86:12<br>100:8 114:2 190:4<br><b>requirement</b> 26:4,5<br>26:8 27:3,4 59:3,6<br>62:25 63:9 72:4<br>76:16 81:17 102:4<br><b>requirements</b> 6:17<br>38:10,13,15 63:9<br>64:1 71:24 74:22<br>74:22 76:13<br><b>requires</b> 58:21<br><b>res</b> 57:15 65:12 | 66:4 68:10<br><b>resign</b> 74:17<br><b>resignation</b> 56:11<br><b>resigned</b> 241:9<br><b>respect</b> 11:5 25:25<br>56:8 57:22 70:24<br>71:8 72:24 74:6,8<br>74:22 76:19 83:7<br>95:3 97:16 142:2<br>235:7,11 237:7<br><b>respective</b> 33:19<br>176:2<br><b>respond</b> 60:3,15<br>98:8<br><b>responded</b> 12:24<br>19:8 68:7<br><b>response</b> 18:18 48:2<br>50:7 60:11,17<br>61:1 62:20 63:1<br>65:4 67:18 68:4<br>83:13 85:16 223:4<br>223:6,8,9<br><b>responsibility</b> 93:3<br>132:3<br><b>rest</b> 133:15 134:4<br>181:12 206:23<br>232:15 253:2<br>256:23<br><b>restrain</b> 147:1<br><b>result</b> 22:7 73:20<br>75:2 76:8 81:17<br>140:12 183:14<br>192:5<br><b>resulted</b> 183:17<br><b>resume</b> 145:25<br>149:25<br><b>retired</b> 145:20<br>154:2 166:7<br>175:10 181:24<br>198:25 213:11,12<br>216:9<br><b>retirement</b> 13:8,10<br>13:13,14 14:1<br>24:11 27:17,21<br>56:11 80:19<br>154:11 211:10,17<br><b>retract</b> 191:23<br><b>return</b> 27:9,11,18<br>28:5<br><b>returned</b> 27:15,16<br>28:10,11,13,16<br><b>revelation</b> 54:15<br><b>revenue</b> 214:2,4<br>219:19 220:13<br>225:16<br><b>revenues</b> 225:18<br><b>review</b> 84:2,13,13 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 87:13,14,16 88:1<br>161:15 255:13<br><b>reviewed</b> 87:8<br><b>reviewing</b> 88:7<br><b>revision</b> 17:16,17<br>215:8,9 218:16<br>230:12,23 233:21<br><b>re-examine</b> 34:13<br><b>re-rule</b> 94:18<br><b>rid</b> 237:19<br><b>ridiculous</b> 48:8<br><b>right</b> 5:17 7:6 11:15<br>14:17 19:6 37:14<br>39:6 43:16 44:10<br>44:22 45:24 51:1<br>52:15 55:22 57:13<br>57:18 59:12,25<br>61:15 62:3 63:16<br>64:8 67:10,11<br>69:17 70:9,25<br>73:4,18 74:7 76:6<br>78:8 80:8 82:12<br>82:25 84:13,23<br>85:5 94:24 99:21<br>111:1 119:16<br>123:23 128:17<br>142:7,10,13,22,25<br>143:5 144:1,7,17<br>144:21 145:1,5<br>148:10,20 154:7<br>160:7,20 162:8<br>163:6 166:4,10<br>173:16 178:9,22<br>180:21 183:10<br>187:10,12 193:22<br>195:7,15,22 196:3<br>196:21 197:2,10<br>197:17 203:9<br>204:19 205:5<br>208:13,23 209:1<br>210:3 212:2<br>215:25 218:9<br>221:19,20,21<br>222:20 226:10<br>227:23 228:1<br>234:24 238:4<br>239:6,12,14 240:3<br>241:11 243:15,18<br>244:16 245:4,21<br>246:1,3,5 247:17<br>247:19 248:7,15<br>248:21 250:17<br>257:9 259:1<br><b>rights</b> 11:6 19:10<br>38:17 44:24 55:5<br>55:6 56:10,16,23<br>57:2 71:21,25 | 72:1 73:23 74:8<br>75:4,24 76:4,10<br>85:18 111:11<br>220:23 221:2,15<br>223:1 246:7<br>247:13 251:9,12<br><b>ripe</b> 84:12,13<br><b>rivalry</b> 158:18,25<br><b>Rjhart@hahnlaw...</b><br>2:25<br><b>road</b> 6:11 75:2,5<br>76:7 138:14 239:6<br>239:10,12<br><b>Robert</b> 1:3 251:18<br><b>Rockport</b> 154:16,23<br>163:16 172:20<br>173:6 182:9 183:2<br>183:4,12 208:19<br>208:20<br><b>role</b> 93:13<br><b>roles</b> 93:9<br><b>roll</b> 130:18<br><b>rolls</b> 131:4<br><b>Rome</b> 3:4<br><b>room</b> 14:6 17:16<br>36:3 185:16 187:9<br>187:17<br><b>Rosen</b> 23:4,22<br>77:14 78:9,25<br>194:22 255:19<br><b>Rosen's</b> 24:4,14<br><b>roster</b> 15:20,20<br>18:1 64:15,19<br>74:4 109:20,25<br>110:18 136:21<br>138:22 144:6,10<br>144:15,16,17<br>148:9,14,15,16,23<br>163:12,14,15<br>165:13 166:13<br>167:5,7 170:5<br>174:6 176:13,14<br>176:15 179:8<br>200:3,6 216:8<br>226:2,5 230:15<br><b>rosters</b> 15:17,19<br>16:8 101:14<br>148:10,18 178:20<br>201:1 226:9<br><b>rough</b> 151:10<br><b>Roughly</b> 239:18<br><b>routes</b> 215:16<br><b>row</b> 118:16<br><b>RPR</b> 1:25<br><b>rule</b> 35:4,15,25 36:6<br>49:20 58:8 66:1<br>96:11 123:20 | 159:13 188:23<br><b>ruled</b> 20:7,22 37:24<br>37:25 40:6 157:18<br><b>rules</b> 6:16 11:5 12:8<br>33:1 56:9,17,23<br>71:18 76:1 95:3,5<br>111:25 114:2<br>131:11 201:9<br><b>ruling</b> 6:2 20:10,11<br>22:5 34:25 40:7<br>58:12,13 65:24<br>72:6 76:21 80:13<br>82:15 85:12 87:11<br>88:8 95:2<br><b>rulings</b> 6:2 40:8<br><b>runaround</b> 139:1,5<br><b>running</b> 40:8 42:3<br><br><b>S</b><br><b>safety</b> 111:25 114:3<br>131:12 169:17,18<br>224:18<br><b>sake</b> 21:9<br><b>salaries</b> 54:25 79:6<br>80:3<br><b>salary</b> 77:6 78:20<br>78:21 79:2,9,10<br>79:11 195:14<br>202:23 207:11<br><b>same</b> 12:8,8 17:6<br>23:21 30:16 42:17<br>42:20 45:12 52:11<br>59:21 65:1 73:15<br>84:21 96:7 118:17<br>120:19 125:7<br>133:16 165:22<br>168:16 171:8,11<br>171:20 172:4,15<br>172:17 173:4<br>183:8 188:17<br>190:3 192:13,19<br>195:20 205:4<br>221:17 228:24<br>229:2,3,23 230:14<br>230:16,22 231:19<br>232:15 236:25<br>239:21,23 240:3,6<br>240:20 242:21,24<br>242:25 243:18<br>244:7 247:19<br><b>sat</b> 18:1 21:15<br>111:19 187:11<br>201:8 224:20<br>233:25<br><b>satellite</b> 18:2<br><b>satisfy</b> 22:6 38:15<br><b>Saturday</b> 111:14 | 214:10 250:1<br><b>Saturdays</b> 250:7<br><b>save</b> 199:8<br><b>saw</b> 75:10 121:7<br>160:6 241:15<br><b>saying</b> 9:16 22:11<br>48:1,3 54:14<br>82:23 84:1 85:2<br>87:24,25 129:17<br>130:7 140:9 141:6<br>142:13 181:10<br>234:2 239:9 253:1<br><b>says</b> 20:16 21:23<br>27:6 29:3,22<br>30:12 31:1 32:1<br>37:16 41:13 48:7<br>56:20,21 60:8<br>66:22 67:9,21<br>69:6 70:3,17,18<br>74:14 75:9 77:9<br>77:24 78:19 79:10<br>84:22 88:21<br>117:16 152:15<br>174:14 188:23<br>204:18 234:10<br>238:21<br><b>scene</b> 93:7<br><b>Scheper</b> 18:12,18<br>219:18 220:9<br>221:7,12,24<br>226:13 229:15<br>236:14 246:3,4,5<br>248:22 250:20<br><b>school</b> 39:6 166:3<br>171:7,11<br><b>Schreiner</b> 172:7,8<br><b>scope</b> 126:3<br><b>scratch</b> 143:8<br><b>screaming</b> 22:19<br><b>screen</b> 80:23<br><b>Scuba</b> 172:12<br>258:11<br><b>seat</b> 42:1<br><b>second</b> 25:11 27:22<br>40:10 51:13 60:8<br>64:5 68:11 90:24<br>110:12 126:19<br>165:23 190:25<br>201:18 221:23<br>254:11 258:7<br><b>section</b> 19:5 27:5<br>35:22 58:21,24<br>74:14,16 76:20<br>80:22 88:18 160:9<br><b>Sections</b> 24:17<br><b>secure</b> 242:14<br><b>security</b> 79:14 | <b>see</b> 33:14 44:19<br>45:10 48:15 53:10<br>59:19 63:5,12<br>67:14 72:23 97:1<br>97:5 118:8 161:15<br>168:17 177:24<br>180:22 190:18<br>195:2,14 209:18<br>237:10,16<br><b>seek</b> 32:12 43:4,14<br>45:19 72:2 160:21<br><b>seeking</b> 79:22<br><b>seen</b> 46:12 108:14<br>204:9<br><b>selected</b> 23:13,14<br><b>selective</b> 13:2<br><b>Selkirk</b> 18:5 231:18<br><b>send</b> 86:13 232:8<br>259:3,9<br><b>senior</b> 18:24 166:12<br>166:19,22 167:2<br>215:4 227:21<br><b>seniority</b> 13:25<br>15:19,21 16:4,9<br>16:18,19,22,25<br>17:25,25 18:6,10<br>18:15,16,17 19:4<br>19:10 29:13 30:10<br>30:17 38:17 44:23<br>44:23 55:5,6<br>56:16,22 64:15,16<br>71:20,25 72:1<br>73:14,15,23 74:2<br>74:8 75:4,16,24<br>76:4,10 101:14,18<br>103:8 109:11,12<br>109:13,20,25<br>110:9,12,14,21<br>111:3,6,15,21<br>118:7 119:20<br>120:20 122:17<br>126:2,6 128:16,23<br>131:10,18,19,20<br>133:13,15 139:8<br>139:10 140:13<br>143:12,21 144:21<br>163:2 165:8,9<br>167:3 174:1,4<br>176:13,23 183:18<br>199:25 200:3,5,8<br>200:10,12 215:25<br>216:3,5,8,10<br>219:11,15,22<br>220:5,21,24<br>221:15 224:2,23<br>225:4,9,12,13,15<br>225:20,22,24 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 226:5,16,18,20,22<br>226:23 227:5,6,8<br>227:11,17,25<br>228:16 229:18<br>230:7,15 231:20<br>231:21 234:18,22<br>235:19,22 236:2,7<br>236:11,16,20<br>246:6 247:12<br>248:5,6,8,10,12<br>248:14,17,19,20<br>249:10 251:12<br><b>sense</b> 41:5 59:9<br>151:7,10 214:19<br>214:20<br><b>sent</b> 21:8 49:24 61:3<br>65:17 179:16<br>219:3,17 233:13<br>234:10 238:21<br>246:3,10,14,24<br>247:7,14<br><b>sentence</b> 60:8<br>250:22<br><b>separate</b> 24:13<br>67:16 114:2,3<br>148:18<br><b>separated</b> 35:24<br><b>separation</b> 10:19<br>19:6 24:18 74:12<br>74:18 75:23 76:3<br>76:12 221:14<br>222:4,8,9,13,16<br>222:23 223:8<br>232:18,23 233:13<br>238:25 241:19<br>249:8 251:1<br><b>September</b> 16:4,10<br>64:16 154:10<br>213:20 214:16<br>251:24<br><b>sequence</b> 238:12<br><b>series</b> 170:7<br><b>seriously</b> 41:20<br><b>serve</b> 13:15 49:19<br>163:22<br><b>service</b> 10:20 11:24<br>24:21,25 27:19<br>54:11,14 57:18<br>66:16 68:15 69:9<br>69:21 109:7<br>114:20 135:25<br>155:23 160:17<br>165:20,21 167:7,8<br>190:21 202:6,8,17<br>202:24 203:3,8,9<br>204:19,20,22<br>207:3 211:13,14 | 222:11,19,21<br><b>served</b> 155:21<br><b>SESSION</b> 4:24<br>151:1<br><b>set</b> 34:3 201:16<br><b>settled</b> 51:19 127:3<br><b>seven</b> 12:21 84:19<br>133:6,11,14,14,21<br>135:5,8 136:23,23<br>249:23 258:25<br><b>Seventy-nine</b><br>210:15<br><b>several</b> 53:17 185:9<br>192:1 239:3<br><b>severance</b> 10:18<br>222:17,18 232:25<br><b>Shakey</b> 171:5,6<br><b>shape</b> 35:7<br><b>Shapiro</b> 5:13<br><b>shift</b> 173:14,14<br><b>shifting</b> 50:2,7<br><b>shifts</b> 31:10<br><b>shipped</b> 86:3<br><b>shippers</b> 215:16<br><b>short</b> 5:23 43:18<br>212:17,18<br><b>shorter</b> 256:10<br><b>shortly</b> 47:4 252:1,6<br><b>show</b> 14:1 22:4<br>27:23,25 28:10<br>30:13 55:21,23<br>61:10 70:5 72:12<br>77:10 102:5<br>120:25 174:16<br>194:16 200:23<br>201:11 211:20,25<br><b>showed</b> 28:2,4<br>55:12 87:23<br>126:16 148:13<br>196:25 200:22<br>246:2,12<br><b>showing</b> 28:12<br>147:14 233:13<br><b>shown</b> 211:23<br><b>shows</b> 203:2<br><b>shred</b> 73:21<br><b>sic</b> 76:1 179:21<br><b>sick</b> 28:8,9 78:2<br>257:10<br><b>side</b> 5:23 8:14 48:21<br>133:2,3 170:22<br>176:11 195:2<br>200:17,17<br><b>sides</b> 167:25 259:11<br><b>signal</b> 92:5,8,16,18<br><b>signals</b> 92:19<br><b>signed</b> 15:5 25:12 | 25:13 161:11<br><b>significance</b> 29:19<br>87:20 110:7 216:5<br><b>significant</b> 6:6<br>87:17 88:10<br><b>significantly</b> 256:10<br><b>silly</b> 250:16<br><b>similar</b> 75:10<br><b>similarly</b> 68:6<br><b>simple</b> 17:8 79:19<br><b>simply</b> 10:7 17:11<br><b>since</b> 9:11 14:8,25<br>19:13 86:19 87:11<br>149:19 193:7<br>200:21 248:10<br><b>single</b> 177:23<br><b>sir</b> 94:11 144:18<br>145:22 181:23<br>182:11<br><b>sit</b> 46:3<br><b>site</b> 102:5<br><b>sitting</b> 14:5 17:15<br>47:16<br><b>situated</b> 68:6<br><b>situation</b> 11:20<br>123:5 171:8,12,21<br>172:16,17 173:4<br>175:15 180:10<br>192:13,19 231:19<br>232:15<br><b>six</b> 63:5 152:15<br>194:7 196:16,18<br>196:19,23<br><b>Sixth</b> 38:6,11 45:5<br>45:13 46:7 53:17<br>53:21 54:6 57:10<br>57:12,13,17 58:4<br>58:5,9,10 59:4,14<br>60:8,21,21 61:6<br>62:25 65:1,2,3,4,7<br>65:23 66:5,25<br>67:9,21,25 70:12<br>70:18,25 71:1,22<br>76:17 84:8,20<br>85:14,15 87:9,12<br>87:21 88:6,21<br>216:24<br><b>six-day-a-week</b><br>148:1<br><b>slap</b> 16:25<br><b>slick</b> 168:19<br><b>slightly</b> 130:4<br><b>slip</b> 132:4<br><b>slow</b> 132:18 183:14<br><b>Slusarski</b> 258:14<br><b>small</b> 158:22<br><b>smart</b> 208:8 | <b>smattering</b> 49:14<br><b>smoking</b> 173:3<br><b>social</b> 79:14 123:3<br>125:4<br><b>softer</b> 130:19<br><b>softly</b> 131:5<br><b>Sohio</b> 213:16 242:7<br>242:9,17 245:4<br><b>solicit</b> 242:17<br><b>Solomon</b> 5:13<br><b>solution</b> 48:10<br><b>some</b> 6:8,13 33:8,12<br>37:6,18 41:10,20<br>43:24 44:22,23<br>47:10 50:1,7<br>52:18 70:2 73:15<br>79:11,13 85:25<br>88:1 109:11 111:9<br>123:13,14 140:6<br>146:1 156:2<br>159:14 181:15<br>187:16 191:14<br>192:4 196:8<br>235:23 243:20<br>250:6 255:10<br>259:8,16,22,25<br><b>somebody</b> 28:9<br>37:16 81:5,7<br>99:19 104:14<br>116:24 138:21<br>139:9,18 201:7<br>216:9 222:10<br><b>somehow</b> 40:12<br>46:25 69:25 70:16<br>72:25 87:25<br><b>someone</b> 77:1 101:8<br>137:20,24 175:8<br>178:2 199:7<br>201:11 230:11<br><b>someplace</b> 50:6<br>160:22<br><b>something</b> 7:7<br>26:12 37:14 40:14<br>41:25 44:13,25<br>48:13 50:22 51:16<br>55:7 61:12 73:22<br>80:6,7 89:8 95:10<br>104:20 148:14<br>175:5 209:14<br>245:22 246:18<br><b>sometime</b> 202:25<br>208:1<br><b>sometimes</b> 12:6,7<br>.14:4 59:18 116:17<br>183:15<br><b>somewhere</b> 81:5<br><b>son</b> 122:4 245:16 | <b>soon</b> 138:8<br><b>Sophner</b> 1:12 9:7<br>14:2,10,14 17:9<br>19:23 24:9 25:25<br>37:4 71:21 72:18<br>72:19,24 73:4,11<br>73:19,22 151:15<br>151:25 172:23<br>218:24<br><b>sorry</b> 16:1 33:20<br>47:14 61:17 80:11<br>105:22 108:10<br>122:7 146:4<br>153:19 154:19<br>203:7 246:5<br>255:22<br><b>sort</b> 24:7 41:20<br>49:22 50:1,7<br>52:18 70:8 88:1<br>151:10 192:4<br><b>sought</b> 17:10<br>162:17 181:11<br><b>source</b> 79:23 82:6<br><b>sources</b> 79:16<br><b>Sowinski</b> 173:2,3<br><b>so-called</b> 87:10<br><b>speak</b> 169:23,25<br>170:1 244:10<br>258:5<br><b>speaker</b> 8:16<br><b>speaking</b> 193:3,14<br>207:16<br><b>speaks</b> 51:12<br>100:19 178:14<br>216:23<br><b>specific</b> 36:9 95:16<br>255:10<br><b>specifically</b> 63:9<br>126:8 135:25<br>197:20,23 220:22<br><b>specifics</b> 95:7<br><b>spent</b> 42:8,9<br><b>split</b> 12:20<br><b>spoilage</b> 49:4<br><b>spoke</b> 71:1,22<br><b>spoken</b> 233:21<br><b>spoliation</b> 49:8,23<br>50:8<br><b>Square</b> 2:21<br><b>SRA</b> 250:25<br><b>stages</b> 63:18 87:17<br><b>stamp</b> 202:10,18<br><b>stand</b> 39:13 62:6<br>64:12 153:6<br>193:10 194:5<br>208:3 210:19<br><b>standard</b> 87:14,16 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 88:1<br>standards 88:9<br>standing 95:6,15<br>start 41:11 89:20<br>91:20 142:16<br>143:8 164:20<br>212:17 236:24<br>242:8,21<br>started 28:18,19<br>106:5 142:3<br>154:19,21 155:2<br>157:23 193:8,19<br>214:23,24 215:1<br>225:15 227:17,20<br>242:18<br>starting 37:12<br>207:6<br>state 36:2 46:1 90:5<br>153:16 213:1<br>261:18<br>stated 10:25 27:10<br>76:21 234:8 245:4<br>statement 36:20,21<br>40:11 64:22 73:3<br>109:13 123:21<br>167:17 168:22,25<br>169:2,4,22 174:17<br>174:21,22 189:22<br>191:24<br>statements 6:5,23<br>112:24 115:17<br>259:23<br>states 5:14 35:23<br>50:18 158:17<br>166:2 182:14<br>stating 223:25<br>station 42:25,25<br>168:4,5<br>statistics 68:17<br>stats 165:22<br>status 17:12 69:12<br>108:1 119:24<br>120:2 123:5<br>stay 166:13<br>stayed 211:16<br>240:22<br>STB 21:18,18 22:1<br>25:13 27:4,6 32:1<br>32:1 84:22<br>steady 57:4,5<br>stealing 44:23<br>Steimle 64:20<br>107:15 110:3,6,14<br>115:5,8,17,23<br>116:15,24 118:12<br>121:10,16 129:2<br>141:6 144:7,23 | 148:13<br>Steimle's 115:11<br>Steinglass 1:16 5:7<br>5:16 7:4,10 8:1,4<br>8:7,11,15 33:8,23<br>34:4,7,24 35:1,21<br>36:18,24 78:15,19<br>81:8 82:2 83:1,3<br>87:6 88:5,13 89:6<br>89:11,19 91:12<br>94:2,10,15 95:4<br>95:18 99:2 100:1<br>100:5,17 102:9,16<br>105:14,21 108:17<br>112:6,23 115:15<br>116:12 117:1<br>118:18 121:15<br>122:10 123:11,25<br>124:24 126:12<br>127:20 129:15,20<br>129:24 130:2<br>132:17 133:17<br>136:12 138:6<br>140:20 145:24<br>146:3 147:16<br>149:19,24 150:5<br>151:2,6,17 152:12<br>152:20,23 153:4<br>159:15 174:19,23<br>178:3 179:12<br>185:3,12,18 186:1<br>186:9 189:1,16<br>190:5 191:3,20<br>199:11 204:16<br>205:16 206:1,6,9<br>207:22 210:9<br>212:13,16 217:1<br>221:5 231:25<br>233:10,15 234:5<br>234:21 237:3<br>241:2 243:24<br>244:1,4 249:3,19<br>250:3,8,17 251:16<br>251:20 252:17<br>253:6,12,15,19<br>254:3,13,20 255:2<br>255:9,20,24<br>256:21 257:6,24<br>258:17,20 259:2,8<br>260:15<br>Stenotype 261:8<br>Stenotypy 261:5<br>step 168:20<br>Steve 7:5<br>Steven 1:16 5:16<br>Stewart 3:7 7:24,24<br>124:20 252:7,20 | 253:10,14,18<br>Stewart@blankr...<br>3:14<br>still 20:13 29:18<br>47:16,23,25<br>119:23 171:17<br>204:24 209:7<br>210:3 243:2,7<br>252:3 259:18<br>stipulated 136:10<br>Stokes 1:20<br>stonewalled 40:17<br>stonewalling 40:15<br>stood 61:8<br>stop 63:24 185:19<br>story 17:12 65:13<br>straight 85:25<br>238:12 244:14<br>straighten 178:18<br>straightforward<br>8:24<br>strange 150:3<br>stream 182:3<br>205:10 207:11<br>street 3:10 90:10<br>113:18 153:23<br>156:4,6 165:2<br>224:1 239:4,5<br>streets 245:2,5<br>strict 70:8<br>strictly 102:13<br>104:9 121:3<br>strike 221:4 231:24<br>233:6 237:2<br>strong 10:5<br>struggling 39:5,8<br>subject 5:11 6:10<br>75:18 124:23<br>148:2 255:8<br>submissions 6:7<br>submit 26:3 35:17<br>38:8<br>submitted 22:2,3,6<br>23:10 56:2 63:6<br>233:8<br>subpoena 49:19<br>subsequent 21:17<br>23:24 24:12<br>subsidiaries 20:8<br>42:16<br>subsidiary 9:9 12:3<br>15:8,25 42:15<br>substantial 205:11<br>successor 21:10,19<br>25:6,12<br>sue 52:24 53:5,9<br>sued 43:24,25 52:20 | 52:23<br>suffer 43:3<br>suffered 22:7 192:4<br>sufficiently 38:9<br>suggest 89:12 95:8<br>suggested 102:19<br>suggesting 81:12<br>Suite 2:6,14,22<br>suits 19:13<br>sum 74:12,18<br>241:10<br>summarily 22:12<br>82:19<br>summary 22:8<br>65:25<br>Sunday 214:10<br>Sundays 250:1,7<br>superintendent<br>97:25 138:14<br>Superior 1:21 2:6<br>2:13<br>supervisor 92:10,12<br>92:14 93:1,2,9<br>94:5,7 97:24<br>146:16 155:6<br>170:18,21,24<br>supervisors 12:8<br>supplement 259:12<br>supplemental 33:25<br>support 38:2 76:23<br>supposed 40:12<br>116:3 159:4,11,22<br>219:8 239:22<br>240:2<br>supposedly 136:18<br>sure 35:21 39:4<br>58:5 73:2 80:12<br>95:11 97:2 186:10<br>217:19 245:21<br>255:12 258:9,23<br>Surface 21:14 22:10<br>27:24 39:22 82:16<br>82:24 83:6,16,20<br>85:12 87:8<br>surrounding 159:18<br>survivors 171:17<br>sustain 175:1<br>sustained 44:15<br>50:8 174:24<br>swayed 39:1<br>switch 130:17<br>switched 12:1<br>switches 92:19<br>switching 92:23<br>111:10 113:17<br>114:6,13 130:19<br>131:2,6 132:4,6 | switchman 130:15<br>switchmen 11:24<br>12:1 130:14 132:5<br>sworn 89:25 153:9<br>212:21<br>sympathetic 241:21<br>synopsis 32:24<br>Syracuse 18:3<br>230:13 257:11<br>system 8:17 9:24<br>68:25 79:21<br>163:17 164:3<br>166:22<br>systems 54:15,16<br>69:18<br><br>T<br>tactics 39:16 66:11<br>take 34:2 44:21<br>58:10 69:7,20<br>89:7,10,13 101:8<br>110:3,5 117:2<br>123:25 129:13<br>130:25 138:22<br>151:11 175:9<br>181:16 201:23<br>206:25 210:23<br>211:9,10 212:17<br>221:11 222:4<br>244:17 251:1<br>252:2 254:25<br>255:8 256:5<br>taken 1:20 34:6<br>37:19 63:17 74:7<br>89:21 116:7 150:8<br>187:25 188:3<br>212:19 238:4<br>251:22,23 252:7<br>takes 71:10 72:7<br>79:1 244:18 254:2<br>taking 15:7 71:12<br>talent 180:25<br>talk 45:14 46:10<br>52:16 79:13<br>109:10 115:5<br>118:20 124:4<br>185:8 187:3<br>188:15 192:21<br>193:1 194:25<br>199:20 233:20,24<br>237:11<br>talked 18:19,20<br>103:10 104:15<br>106:22 108:1,5,8<br>120:15,22 121:22<br>143:24 156:10<br>177:18,22 181:3 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                            |                            |                          |                            |                            |
|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|
| 185:9 186:6                | 24:21,23 75:13,17          | 34:12,17,22 35:7         | 200:3,4 201:9              | 46:6,7,8,25 52:1           |
| 187:17,18 192:22           | 82:21 84:4 103:21          | 35:8,13 63:19            | 210:13 212:10              | 128:23 129:18              |
| 197:21 199:18,24           | 106:12 129:13,25           | 89:7,13 90:23            | 215:19 217:7               | 152:15 158:24              |
| 200:16 201:21,22           | 139:23 141:7,8             | 91:11 115:12             | 225:18 232:23              | 162:16,18 199:7            |
| 209:3 218:12               | 155:16 211:11              | 124:2 152:5              | 233:21 236:11,22           | 210:22 225:7               |
| 221:25 222:14              | 219:10 221:15,17           | 175:20 185:8             | 259:12                     | 237:14                     |
| 232:14 233:19              | 222:21 223:1               | 186:6 187:10             | <b>theirs</b> 28:21 201:10 | <b>thousands</b> 17:4      |
| 236:11 259:6               | 255:25 256:3               | 188:5,25 192:6           | <b>themselves</b> 62:24    | 32:10,11 50:13,14          |
| <b>talking</b> 29:25 42:10 | <b>tens</b> 50:19,19       | 209:1 238:8,16           | 170:2 173:18               | 50:19,20 51:19,19          |
| 67:1 86:15 87:9            | <b>ten-day</b> 120:9       | 244:8 250:19             | <b>thereto</b> 11:7 56:10  | 51:20 184:11,12            |
| 103:24 106:13,19           | <b>term</b> 56:3 61:11     | 252:5,15 259:15          | <b>thing</b> 50:3 51:15    | 184:12,13                  |
| 108:18 113:5,7,10          | 66:23,24 67:15             | <b>thank</b> 7:11,12 8:1 | 85:10 157:7,23             | <b>three</b> 12:16,17      |
| 125:13 126:21              | 76:6 78:10 79:1            | 32:13 36:3 89:6          | 165:9,10,16                | 36:14 38:14,15,18          |
| 145:7 180:9,11             | 79:12 101:1 251:2          | 91:14 100:5 142:1        | 168:16 172:4               | 53:11 55:4 79:8            |
| 210:22 211:5,21            | <b>terminal</b> 12:2 42:25 | 149:17,23 181:14         | 175:6,6 179:5              | 108:23 118:25              |
| 212:1 234:9 240:6          | 43:2,7 74:3,4              | 207:7,20 210:7,9         | 180:25 183:8,11            | 119:3,11,13                |
| 240:8 245:15               | 110:1 154:15,22            | 212:11,14,15             | 190:3 198:1                | 169:24 171:17              |
| <b>tape</b> 254:17         | 155:9,22 156:5,6           | 241:24 247:24            | 201:19 230:16              | 201:17 206:19              |
| <b>team</b> 123:1          | 157:14,18 161:13           | 250:18 251:15,16         | 259:13                     | 220:19 229:14,19           |
| <b>telephone</b> 51:6      | 168:2,12,13 169:6          | 252:18 258:15            | <b>things</b> 27:15 169:16 | 239:16 245:12              |
| 224:21                     | 178:12,20 180:17           | <b>thanks</b> 145:22     | 178:18 183:16              | 257:25                     |
| <b>teletype</b> 92:5       | <b>terminated</b> 85:18    | <b>their</b> 5:22 10:4   | 187:16,19 255:21           | <b>through</b> 4:20,21 5:3 |
| <b>tell</b> 32:22 37:14    | 99:4 201:23                | 12:18 13:21,23           | <b>think</b> 7:8 8:7 28:17 | 5:4 11:15 27:23            |
| 65:24 90:8 91:20           | <b>termination</b> 101:24  | 14:10 15:10 17:2         | 28:18 41:10 42:4           | 32:6 33:17 51:12           |
| 92:2,25 93:22              | 101:25 102:1               | 17:11,20,20,21           | 43:23 58:1,4 66:7          | 54:19 77:22                |
| 97:15 98:10 105:4          | 148:2                      | 18:7,10,14,16            | 66:12 79:18 86:6           | 102:12 106:23              |
| 106:9 109:23               | <b>terminology</b> 180:7   | 19:4,6,9,11,12           | 86:8 87:19 94:11           | 108:9 123:3                |
| 111:4 112:18               | <b>terms</b> 6:14 9:21     | 23:4 24:13,18,18         | 94:20,25 115:15            | 131:11 142:6               |
| 115:7 117:8 118:3          | 10:21 14:15 21:12          | 26:10,11 27:13,22        | 116:11 128:18              | 170:6 177:22               |
| 118:21 121:11              | 40:15 55:19 58:19          | 28:10,17,22,24           | 129:12,22,25               | 181:25 183:5               |
| 132:7,24 137:8,13          | 67:24 75:19 80:15          | 29:4,11,13 30:9          | 130:2,10,25 135:7          | 184:13 203:1,8             |
| 154:12,25 155:7            | 88:3 104:25 112:9          | 30:14,15 31:8,16         | 135:12 142:4               | 204:13 214:17              |
| 157:2 158:11               | 135:17 151:12              | 32:12 33:6,19            | 144:6,18 151:11            | <b>throughout</b> 6:11     |
| 162:25 167:20              | 163:19 169:12              | 35:8 38:2,5,19,22        | 152:9 158:19               | 15:3 45:11 47:24           |
| 170:7 175:5 177:8          | 180:6 205:12               | 39:11 43:17 45:11        | 169:16 174:17              | <b>throw</b> 187:22        |
| 180:2 185:23               | 207:9 222:5 231:8          | 53:10 55:5,6,21          | 176:1 185:20               | <b>Thursday</b> 259:19     |
| 186:24 198:4               | 256:10                     | 57:21 58:8,15            | 186:24 190:2               | 259:21 260:4,9             |
| 205:23 211:2               | <b>terrible</b> 233:23     | 59:16 60:12,19,24        | 191:22 198:18,20           | <b>tied</b> 241:23         |
| 213:24 216:4,19            | <b>terribly</b> 52:2       | 60:24 61:1,5,13          | 204:8 205:18               | <b>time</b> 9:2,11,15,17   |
| 217:17 224:25              | <b>territory</b> 232:14    | 62:16 63:2,11            | 229:9 230:1                | 11:7,8,21 13:5             |
| 225:12 228:21              | <b>test</b> 98:20 99:18,19 | 64:3,7,25 65:16          | 233:12 242:19              | 17:6 28:10,19              |
| 229:21 230:10              | 114:19                     | 65:19,21,23 67:6         | 246:10 253:23              | 30:24 31:18 42:8           |
| 231:16 234:9               | <b>testified</b> 34:17     | 67:8,22 69:14            | 254:1 255:7,16             | 42:9,17,20 46:20           |
| 236:1,8 237:5,8            | 140:21,24 152:6            | 70:15,15,24 71:8         | 256:9 257:1                | 47:8,10 48:7               |
| 237:15 242:18              | 178:8 223:13               | 71:24 72:3,24            | 259:19                     | 50:12,16 54:5              |
| 247:15 249:22,24           | 235:6 245:23               | 73:10,13,14,16,23        | <b>thinking</b> 175:9      | 60:13 74:17 78:22          |
| 256:17                     | <b>testify</b> 33:3 35:6   | 75:8,24 85:12,18         | <b>thinks</b> 174:21       | 86:17 87:3 93:16           |
| <b>telling</b> 14:24 61:16 | 89:16,23 91:8              | 88:18 98:8 100:8         | <b>third</b> 71:19 201:18  | 93:17,19 96:2,21           |
| 105:8 125:24               | 113:1 159:16               | 114:4,17,19 120:1        | 250:23                     | 98:9 103:8 109:1           |
| 126:24 159:6               | 233:16 234:7               | 123:4,5 124:6            | <b>third-party</b> 79:16   | 109:4 112:19               |
| 205:21 219:6               | 252:11 258:9,11            | 125:5,21 135:1           | 79:22                      | 118:14 132:4,9             |
| <b>tells</b> 105:23 206:1  | 258:12,12,13               | 139:10 140:22            | <b>Thomas</b> 3:7 7:24     | 136:22 139:18              |
| 219:4                      | <b>testifying</b> 36:11    | 141:4 167:4 170:1        | <b>Thompson</b> 218:6      | 149:5 151:22               |
| <b>temperature</b> 168:15  | 159:13                     | 173:12 174:8             | <b>though</b> 33:4 35:9    | 152:7 154:3                |
| 169:13,14                  | <b>testimony</b> 20:15,24  | 177:19 179:2             | 37:5 75:23 76:5            | 156:20,24 157:21           |
| <b>ten</b> 12:22,23 19:3   | 22:22 28:2,12              | 180:6,7 192:13           | 139:15 227:24              | 157:22 158:15              |
| 21:24 22:15,17             | 29:17 30:5 34:9            | 198:19 199:25            | <b>thought</b> 14:17 37:1  | 165:22 173:20,21           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 173:25 179:4,5,8<br>179:8,22 182:1,9<br>187:17 188:2<br>193:7,7,13,13,16<br>195:9 198:2<br>201:18,18,18<br>205:10,12 207:2<br>207:10 208:5<br>209:14,17 211:14<br>213:22 214:24<br>215:10,25 216:12<br>217:12,13 218:13<br>218:19 222:23<br>223:17,22 225:5<br>230:4,14,21<br>234:24 238:6,9<br>240:20 243:14<br>244:13 245:19,20<br>246:14 249:10<br>250:5 252:9,24<br><b>timekeeper</b> 173:15<br><b>times</b> 35:2,5 137:8<br>183:16 256:11<br><b>time-off</b> 197:13<br><b>titled</b> 158:21<br><b>today</b> 6:2 20:3,18<br>32:12 60:16 62:11<br>69:17 106:20<br>113:11 130:4<br>153:1,3 167:17<br>185:8,16 187:10<br>210:2,3,4 252:11<br>254:4 255:14,17<br>256:17 257:25<br>258:3 260:13<br><b>together</b> 33:22<br>43:11 44:1 45:17<br>54:18 62:9 232:7<br>241:16<br><b>told</b> 15:14 16:22<br>18:22 47:22 49:10<br>59:21 61:19 63:22<br>64:2 73:1 83:10<br>94:5,7 98:11<br>115:17 116:20,24<br>116:24 118:15<br>121:19 122:4<br>125:21 137:20,24<br>138:10,12,18<br>139:17 140:7<br>154:6 159:24<br>162:20 163:4,11<br>169:1 179:14<br>180:9,15 197:25<br>206:22 219:10<br>221:9 223:15<br>226:23 228:6 | 229:6,17 230:16<br>233:3 234:11,13<br>236:21,21 237:11<br>237:16 247:11<br>251:7,9<br><b>Toledo</b> 218:9<br><b>Tom</b> 230:11,12<br><b>Tomain</b> 1:17 5:19<br>7:6,9 250:18<br>251:15 258:4,15<br><b>Tomczak</b> 107:17<br><b>tomorrow</b> 152:11<br>255:17,24 256:6<br>256:20,23 257:4<br>258:11<br><b>tonight</b> 259:4,9<br><b>top</b> 29:21,24 30:5<br>42:21,22 43:1<br>54:22 56:25 57:1<br>59:24 69:4 70:15<br>117:15,17 134:2<br>135:16,19 144:18<br>220:13 222:20<br>241:18<br><b>tort</b> 35:3 36:7<br><b>total</b> 132:8<br><b>totally</b> 49:22 67:25<br>70:14 78:12 94:1<br>205:22 207:17<br><b>touched</b> 40:11<br>130:6 175:20<br><b>touted</b> 14:16<br><b>toward</b> 73:7<br><b>tower</b> 92:19 168:7<br><b>town</b> 150:3 241:18<br><b>track</b> 101:12 172:10<br>172:24<br><b>tracks</b> 14:3<br><b>traffic</b> 42:23 54:19<br>69:5 184:2,6,7,9<br>190:24<br><b>Trail</b> 213:7<br><b>train</b> 92:10,12,14<br>93:1,3 97:25<br>104:5 118:25<br>119:4 138:8,13,16<br>138:18 139:4<br>146:16 168:9<br>191:18<br><b>training</b> 215:6<br><b>trainmaster</b> 118:8<br><b>trainmaster's</b><br>147:24<br><b>Trainmen</b> 12:11<br>134:12 136:2,5<br><b>trains</b> 54:20 92:21<br>92:23 138:11 | 155:20,21,25<br>156:2<br><b>transactions</b> 70:23<br><b>transcribed</b> 261:7<br><b>transcript</b> 188:8<br>189:10 254:18,23<br>261:7,9,10,12<br><b>transfer</b> 131:8,13<br><b>transferred</b> 251:5,7<br><b>translate</b> 135:4<br><b>translates</b> 29:17<br><b>transpired</b> 19:16<br><b>transportation</b> 9:25<br>21:14 22:10 27:24<br>39:22 46:15,21<br>52:22 69:19 82:16<br>82:24 83:6,16,20<br>85:12 87:8 163:7<br>200:6<br><b>travel</b> 69:11 257:10<br><b>traveling</b> 69:1,13<br><b>treated</b> 17:3 103:18<br>117:6,9 237:9<br><b>trial</b> 20:17,24 27:9<br>27:22 63:11,16<br>64:8 70:15 73:4<br><b>tribunal</b> 21:16<br><b>tribunals</b> 19:18<br><b>Tricarichi</b> 2:4,5 4:5<br>4:11,14,17 6:24<br>6:24 7:12 8:9,20<br>32:17,21 33:20<br>39:3 40:2,10,24<br>41:13 42:8 51:10<br>51:15 52:18 61:8<br>61:17,22 64:21<br>66:12 69:23 70:3<br>74:12 77:20 82:14<br>89:17,22 90:4<br>91:3,14,15 94:20<br>95:21 96:14,25<br>97:2,6 98:6,13<br>100:6,23 102:11<br>102:22 106:1<br>108:19,21 113:9<br>115:11,22 116:1<br>117:4,20,25<br>118:19 122:19<br>123:9 124:3 125:1<br>125:9 126:9,15,19<br>126:20 127:12<br>129:8,18,22,25<br>130:5,23 132:20<br>133:19 135:12,15<br>135:21 136:3,7,15<br>137:17,21,25<br>140:19 141:12 | 142:17 145:12<br>146:1,6 147:2,7<br>147:13,17 149:10<br>149:17 151:4,7,13<br>151:19,24 152:17<br>152:22 153:2,5,13<br>159:19 174:25<br>178:7 179:13<br>181:14 184:16,18<br>184:22 185:2,7,11<br>185:20 186:2,17<br>186:23 188:10,11<br>189:5,14,18,25<br>190:13 191:1<br>193:6 194:18<br>196:8,11 199:9,13<br>199:16 202:1,11<br>202:14 203:10,13<br>203:24 204:4,8<br>205:8,15,18,25<br>207:13,20 208:11<br>210:11 212:11,25<br>217:4 221:6 233:7<br>233:12,17 234:6<br>237:4,24 243:25<br>244:6 246:1 248:1<br>249:5,17 250:12<br>253:3,9,21 254:8<br>254:12,16 256:16<br>257:1,9,22 258:6<br>258:19,22 259:1,3<br>259:5<br><b>Tricarichi's</b> 43:23<br>58:25 61:14<br><b>tried</b> 9:8 28:5 33:4<br>49:25 50:23 53:5<br>83:8,15 164:18<br>230:17 235:18,21<br>235:23<br><b>triple</b> 122:11<br><b>troops</b> 184:11<br><b>trouble</b> 34:11<br><b>true</b> 35:14 42:17<br>50:3 70:10 119:19<br>148:12 168:22,25<br>169:2,4,22 174:22<br>180:16 184:5<br>193:3 236:16,18<br>261:12<br><b>truth</b> 58:7 115:16<br>115:20 242:2<br><b>truthful</b> 188:5<br>238:8<br><b>try</b> 6:22 46:14<br>89:12 130:3<br>178:17 199:5<br>226:11 228:5 | 235:19 236:6<br>237:14 242:17<br>256:3 258:7<br><b>trying</b> 8:22 57:19<br>65:24 86:25<br>117:21 185:13<br>206:14,21 208:8<br>210:16 237:12<br>258:6 259:5<br><b>Tuesday</b> 111:13<br>249:25<br><b>tugs</b> 39:7<br><b>turn</b> 13:7 25:23<br>101:5 104:4 162:1<br>180:23 247:22<br><b>turned</b> 157:12<br>163:11 165:15<br>175:4,9 198:24<br>199:1 207:2<br><b>turns</b> 163:9<br><b>Twelve</b> 167:7<br><b>Twenty-four</b><br>234:19<br><b>Twenty-seven</b><br>93:14<br><b>two</b> 6:6 9:20 11:2<br>13:19 33:10 38:17<br>47:4,5 54:9 64:24<br>64:24 65:6 79:8<br>109:22 111:23<br>116:17 118:24<br>119:5,12,16,19<br>124:17 141:7,8<br>142:14 144:1,20<br>156:25 165:21<br>168:2 176:9<br>201:17 211:13<br>213:3 217:19<br>239:16 242:24<br>243:4,12 246:16<br>246:17,17 250:2<br>250:22 258:21<br><b>two-week</b> 103:21<br>120:10<br><b>type</b> 154:25 213:13<br>213:24 214:25<br><b>types</b> 106:19<br><b>typewritten</b> 261:8<br><br><hr/> <b>U</b> <hr/> <b>Uher</b> 13:20 28:15<br>28:18 30:11<br>107:19 122:25<br>129:6<br><b>unable</b> 75:3 76:9<br><b>unannounced</b><br>246:13 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>unbelievable</b> 32:7<br><b>under</b> 8:23 19:4,21<br>20:9 24:22 32:9<br>37:9 45:9 47:13<br>53:19 58:15,19<br>59:4 60:14 63:23<br>65:11 74:16 75:11<br>76:6 77:2 92:21<br>97:22 98:16,23,24<br>117:13 159:4,11<br>159:22 161:18<br>163:12,13 169:7<br>177:4,24 178:14<br>188:2 199:21<br>200:6 211:6<br>216:20 218:24<br>237:21 238:6<br><b>undergoing</b> 152:2<br><b>underlying</b> 115:17<br><b>undermines</b> 49:22<br><b>underneath</b> 163:15<br>168:6<br><b>understand</b> 7:5<br>33:1,23 66:7 83:2<br>85:1 95:1,11<br>141:18,25 185:24<br>234:15<br><b>understandable</b><br>17:1<br><b>understanding</b> 94:4<br>94:8,22 96:4,8<br>98:14,22 116:4,6<br>145:10 159:16<br>188:11,18 247:21<br><b>understood</b> 80:12<br>93:22 127:6<br><b>undesirable</b> 113:24<br>168:25<br><b>undisputed</b> 66:14<br>88:14<br><b>unemployed</b> 10:17<br>161:16,18,23<br>165:2,14<br><b>unemployment</b> 80:6<br>81:21,22,24 82:8<br>161:4,5,7,11,22<br>161:24 162:5<br>174:7 198:3 245:7<br>245:8<br><b>unequivocally</b><br>10:25<br><b>unfair</b> 22:13 82:7,9<br>89:2<br><b>unfairness</b> 22:14<br><b>unfortunately</b><br>47:10<br><b>union</b> 12:10 23:25 | 24:4,13,14 42:20<br>42:22 43:8,10,25<br>43:25 45:17 51:24<br>52:2,7 54:13 62:9<br>74:3,4 110:1<br>154:15,22 155:9<br>155:22 156:4<br>157:13,18 161:12<br>164:1 168:2,12,13<br>169:6 178:11,14<br>178:20,21 200:21<br>200:25 201:4,10<br>219:20 221:13<br>240:15<br><b>unions</b> 10:1,4 24:1<br>24:3,6 54:17<br>63:19<br><b>union's</b> 42:19<br><b>unitary</b> 9:24<br><b>United</b> 5:14 50:18<br>158:17 166:2<br><b>unjustified</b> 22:9<br><b>unless</b> 53:10<br><b>unlike</b> 120:19<br><b>unprotected</b> 15:11<br>99:6,13,15,20<br>103:11,14,15,19<br>103:22<br><b>until</b> 13:19 22:19<br>28:25 29:5 34:17<br>91:13 154:9<br>157:17 186:19,19<br>212:6 242:23<br>246:14,15<br><b>updated</b> 259:17<br><b>upset</b> 234:2<br><b>use</b> 25:5,6 72:1<br>75:18 79:10 88:23<br>115:13 138:25,25<br>139:3 152:10,21<br>180:25 204:3<br><b>used</b> 24:17 26:18<br>77:15 82:14 139:9<br>168:18 177:12<br>211:9 232:3<br><b>using</b> 204:14 220:4<br><b>usually</b> 164:21<br>201:17 210:12<br><b>utility</b> 75:18,25<br>76:5 224:2,3<br>229:22 230:19,20<br>231:22 233:22<br>235:13 247:18<br><b>utilize</b> 166:24 | 78:2 164:5,23,24<br>164:25 165:1<br>177:6,6,9,15<br><b>vague</b> 126:8 197:3<br>208:7<br><b>value</b> 35:11 200:10<br><b>variable</b> 206:16,19<br><b>varied</b> 198:8<br><b>various</b> 6:12 79:4<br>89:15 130:16<br><b>Verdi</b> 258:12<br><b>verified</b> 162:6<br><b>verify</b> 162:2<br><b>version</b> 70:8<br><b>versus</b> 111:8 114:7<br>131:3 167:21<br><b>very</b> 8:2 45:4 50:12<br>60:6 85:11,11<br>87:14 152:4,17<br>161:16 168:1<br>172:14,14 212:14<br>234:1 241:24<br>250:19 251:17<br>257:10,13 258:16<br><b>vice</b> 137:14<br><b>video</b> 252:24 254:9<br>254:14,15<br><b>videotape</b> 152:10<br>152:13 254:18<br><b>view</b> 43:17 83:17<br><b>violation</b> 53:3<br><b>Virginia</b> 138:7,9<br><b>virtually</b> 50:17<br><b>virtue</b> 69:17<br><b>visit</b> 221:7<br><b>visited</b> 18:18<br><b>voluntarily</b> 84:17<br><b>vs</b> 1:4,7,10,13 | <b>walked</b> 14:3 225:3<br><b>walking</b> 245:2,5<br><b>want</b> 7:1,3 32:8<br>33:21 40:5,22<br>43:20 44:2,3 50:1<br>51:25 55:15,19<br>57:24 76:2,3,4,12<br>80:4,12 85:2,7<br>87:15 88:19,20<br>94:23 95:7 97:4<br>113:15,22 127:9<br>129:15 135:16<br>138:18,22 144:3<br>150:1 152:4<br>168:24 169:21<br>170:7 180:2,18<br>184:10 186:23<br>187:1,22 188:7,24<br>189:3 191:11<br>192:21 193:1<br>197:7 202:23<br>205:1 212:16,17<br>237:8,18 238:12<br>244:4,13 245:22<br>250:21,24 252:18<br>252:22 253:1,22<br>253:25 254:5,6<br>255:11<br><b>wanted</b> 17:3 32:7<br>39:9 40:5 45:1<br>46:4 55:7 58:7<br>67:3 84:7 112:15<br>126:25 152:9<br>224:7 226:11<br>237:19 242:2,21<br>246:8<br><b>wants</b> 41:20 63:24<br><b>war</b> 165:23 184:13<br>190:25<br><b>warm</b> 113:19<br><b>warn</b> 168:19<br><b>warnings</b> 61:4<br>65:18<br><b>warrant</b> 38:10<br><b>Washington</b> 10:22<br><b>wasn't</b> 42:15 83:17<br>118:6 121:18<br>124:8,10 164:5<br>169:20 180:16<br>182:4 199:2 208:6<br>239:19 240:4,6<br>243:21,22 244:8<br>247:11 252:9<br>253:20 254:17<br><b>watch</b> 168:20<br><b>water</b> 87:25<br><b>Watjen</b> 1:3 17:13 | 24:16 37:4 71:21<br>74:10 75:7,21<br>218:5 220:2,20<br>228:19,21 229:21<br>234:1,8,13,18<br>236:6 237:16<br>241:16<br><b>Watjen/Bundy</b><br>151:21<br><b>waving</b> 188:19<br><b>way</b> 15:25 44:9,9<br>48:25 57:17,20<br>67:7 74:4 77:7<br>95:8 166:16 174:3<br>181:25 188:12,23<br>206:16 216:6<br>247:22<br><b>ways</b> 132:6 176:9<br>217:19<br><b>weather</b> 168:18<br><b>weatherwise</b> 169:5<br><b>Wednesday</b> 249:25<br>251:24 255:19,22<br>259:16<br><b>week</b> 118:7 143:17<br>143:18 164:11<br>177:7,10,11<br>214:10 215:2<br>249:21 250:2,9,11<br><b>weeks</b> 12:16,17<br>108:23 223:24<br>238:17 239:3,16<br>239:17 243:4,13<br>244:14 245:14<br><b>week's</b> 177:9<br><b>weigh</b> 117:2 123:15<br>124:1<br><b>weight</b> 6:12 88:25<br>116:7 233:16<br>255:8<br><b>well</b> 6:13 32:21 35:2<br>36:4 39:7 53:7<br>54:8 56:18 61:9<br>70:2 72:20,21<br>73:18 77:8 81:13<br>93:16 108:5 110:4<br>115:13 123:17<br>125:14,18 140:21<br>151:13 157:13<br>161:9 162:13<br>172:14,14 182:8<br>182:23 193:10<br>204:6 214:24<br>224:12 232:2<br>242:6 245:20<br>252:5 258:24<br><b>went</b> 13:5 26:1 39:6 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 39:22 41:4 49:16<br>50:5 64:25 70:21<br>77:13 83:20 92:8<br>92:11 103:7 108:9<br>114:25 116:15<br>117:6 121:17<br>126:5 131:11<br>140:2,5 142:6,6<br>142:21 143:21<br>145:9 149:20<br>154:23 155:4<br>162:3 164:8<br>165:17 167:1,5<br>171:7,11,13,21,25<br>173:4,21 174:2,3<br>175:11 176:7,21<br>177:6,22 180:24<br>182:9 183:2,5<br>187:16 190:1<br>198:20 211:14<br>223:15 224:10<br>225:20 226:21<br>239:20 241:14,15<br>241:16 243:14<br>246:23 248:7<br><b>were</b> 4:21 5:4 8:25<br>9:16 10:4,5 11:13<br>11:23 12:5,9,12<br>12:16,18,19 13:3<br>13:5,20 14:2,7,8<br>14:11 15:15 17:5<br>17:9,11,13,19,21<br>18:9 19:13,23<br>20:9,13,13,19,19<br>20:25 21:2,24<br>23:9,10 24:1,13<br>24:21 26:2,22,23<br>27:3 28:6,17,19<br>28:20,24 29:8,9<br>31:22,23 32:9,10<br>33:4,10,12,22<br>34:7 36:8,10 39:4<br>42:13 43:2 46:23<br>47:1,18,18 49:12<br>49:23,24 50:2,19<br>59:16 60:2 61:20<br>62:2,15 63:3,14<br>63:15 64:10,11,14<br>65:24 66:20 68:12<br>68:19,19,21 69:15<br>70:2,6,7,20 71:7<br>71:15,16 72:1,11<br>72:12,20,25 73:5<br>73:8,11,12 74:11<br>76:24 79:14 80:5<br>81:19 82:1,2,22<br>86:3 87:2,4 91:23 | 93:9,12,15,19<br>96:1,20 97:12<br>100:7 101:3,7<br>103:18,18,23<br>106:6,7,14,20<br>107:23,25 108:2,3<br>108:7,11,25 109:8<br>109:9 111:10,19<br>111:21 113:24<br>114:1,3,5,13,16<br>117:5,9,14,16<br>118:10,24 119:1,3<br>119:5,9,12,12,15<br>119:16,20 120:3,5<br>120:5,8,9,23<br>122:15 125:4,14<br>130:7,14 131:6,7<br>131:8,13,24 132:8<br>132:14,21,25<br>133:1,4,6,7,11,13<br>133:15,23 134:2,4<br>134:16,22,23,24<br>135:1 136:4,17,21<br>137:9 138:10<br>139:11,13,14<br>140:7,25 143:17<br>143:18 144:12,14<br>145:7 146:23<br>148:2,9,18,22<br>149:6 154:3<br>155:25 156:1,21<br>156:25 157:5,6<br>159:3,10,21,24<br>160:2,13,23 161:1<br>161:17,18,19,23<br>162:6,14,16,18,20<br>162:20 163:10<br>164:12,15,18,22<br>165:1,2,22 166:9<br>166:13,13,14,19<br>167:2,11 170:16<br>173:17,22 174:10<br>176:3,5,10,25<br>177:9,11,15 179:7<br>180:8,20 181:3,7<br>181:9 182:6<br>183:14 184:2<br>188:2,9,16 192:2<br>192:4,19,25,25<br>193:21 195:4,25<br>196:2,14,14,20<br>197:21 200:2,5,19<br>200:21 201:18,20<br>201:22 203:3,9<br>206:24 207:3,5,6<br>208:12 209:6,25<br>210:6,17,18,22 | 211:15,21 212:1<br>212:10 215:17,20<br>216:13,16,20<br>217:9 218:3,6,12<br>218:15 219:8,15<br>223:20 225:13,23<br>225:25 226:2,9<br>227:8 228:4,9,12<br>229:12,14,19<br>230:3,6,7,20<br>231:1,5 232:1<br>233:25 234:23<br>235:6,10,20,20,25<br>237:6,9,11,21<br>238:6,18 239:9<br>240:3,10 242:14<br>243:2,7 246:24<br>247:15 248:3<br>249:24 250:8<br>256:16,18 257:18<br>260:18<br><b>weren't</b> 9:4 73:1<br>81:19 119:14<br>140:15,15,22,24<br>141:1 162:17,21<br>179:3 188:3 243:7<br><b>West</b> 1:21 138:7,8<br>153:23<br><b>We'll</b> 202:18<br><b>whatsoever</b> 27:1<br>93:4 223:6 249:15<br><b>whereabouts</b> 33:7<br><b>whichever</b> 7:22<br><b>while</b> 34:7 35:14<br>122:10 123:8<br>164:24 183:3<br>223:20 242:14<br>245:1<br><b>whole</b> 32:8 40:9,18<br>42:3 48:9 54:12<br>66:24,24 69:2,3<br>79:20 89:4 112:14<br>116:1 139:1 147:5<br>157:23 165:16,17<br>179:5 198:1 218:2<br>218:18 225:25<br>253:4,25 254:18<br><b>widely</b> 68:22<br><b>wild</b> 42:2,6<br><b>Wilger</b> 232:11<br><b>window</b> 167:8<br><b>wintertime</b> 168:14<br><b>wish</b> 250:24<br><b>withdraw</b> 100:3<br>126:9 142:18<br>145:14<br><b>witness</b> 28:12 30:4 | 33:3 34:25 95:12<br>98:5 100:15,21<br>113:7,13 117:24<br>122:13 126:11,17<br>130:3 152:25<br>186:13 191:23<br>203:17 205:23<br>212:15 241:4<br>244:11 249:1,22<br>250:6,10 251:6<br><b>witnesses</b> 34:9,16<br>34:20,21 35:5,12<br>35:24 151:8<br>255:16,18,18<br>256:7,9 257:7<br><b>witness's</b> 90:23<br><b>WJPA</b> 10:23 74:14<br>76:6,14 77:21,24<br>80:22<br><b>women</b> 210:12<br><b>word</b> 198:16<br><b>words</b> 62:17 81:18<br>167:23<br><b>work</b> 12:23 13:24<br>21:23 27:9,11,15<br>27:16,18 28:5,11<br>28:11,13,16,18<br>29:13 30:16,18,25<br>34:10 38:16 43:6<br>43:7,8,14,20 44:2<br>44:24 45:19,23<br>46:3,5 51:25<br>53:20 56:13 58:14<br>58:17,18,22 59:2<br>59:23 60:1,9,13<br>60:23,25 61:4<br>62:6,12,13,16,25<br>63:10 64:6,7,13<br>64:17,18 65:7,15<br>65:18 67:10,11,14<br>67:17,19,20 68:3<br>70:11,13 71:11,25<br>72:3,8,13 73:16<br>82:20 84:5 90:18<br>98:18,19,25 99:12<br>99:19 100:10,12<br>100:13 101:1,4,4<br>101:6,20 102:24<br>103:5,7 104:14<br>105:1,5,7,15,16<br>105:17,24,25<br>106:2 111:9,18<br>112:2,12 114:12<br>114:15,17,24<br>115:1 116:16<br>118:5,12,13<br>120:11 121:17 | 124:9,12 125:25<br>135:1 137:3,11<br>139:15,23 140:2,5<br>140:8,13,15 141:1<br>141:11 142:3<br>143:24,25 146:12<br>147:25 149:6<br>154:16,25 155:18<br>155:24 164:13<br>165:25 166:7<br>167:22 168:10,25<br>169:10,11,12,13<br>170:12 172:18<br>174:6 180:18<br>183:14,14 191:22<br>192:24 193:25<br>194:8 197:5<br>200:18 201:11<br>213:15,24 214:7<br>217:21 218:1,16<br>234:11 242:5<br>249:16,20,24,25<br>250:1,25 251:5,6<br>251:8,10<br><b>worked</b> 12:6,13<br>14:7 15:23 17:18<br>73:5 82:5 90:19<br>91:6,16,18 99:16<br>112:1 118:15<br>146:8,8,9,10<br>154:9,12,16,20<br>156:3 158:13,14<br>161:9 166:2 168:8<br>169:8 171:1,8,20<br>171:21 172:4,20<br>172:24 173:4<br>174:9,11 180:19<br>181:21,25 183:3<br>192:20 193:4,13<br>193:16 196:20,23<br>196:25 200:17<br>207:5 214:1 215:3<br>228:18 230:5,21<br>231:17,18 239:13<br>244:23 250:4,6<br><b>worker</b> 39:6 79:3<br><b>workers</b> 12:5 32:11<br>39:5,8 103:11,14<br>144:12 192:2<br>211:1 233:22<br><b>worker's</b> 85:17<br><b>working</b> 11:5 16:15<br>28:22 32:4 36:23<br>56:9 80:18 81:5,7<br>81:20,21 82:1,2,3<br>91:21 93:15,19<br>96:1 111:8,22 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Page 2

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 113:20 124:10<br>128:21 146:23<br>156:1 167:21<br>177:15 178:25<br>179:3 180:17<br>194:10 208:24<br>215:20 217:9<br>225:23 231:6<br>235:7,9 237:7,10<br>242:8,14<br><b>workings</b> 118:3<br><b>works</b> 7:9 188:12<br><b>world</b> 45:2,24 46:21<br>55:10 165:23<br>190:25<br><b>worse</b> 11:4 55:25<br>56:7 68:13 70:24<br>71:8,16,17 72:11<br>76:19 152:8<br>160:12 161:1<br>167:9,11,13,14<br>169:5 181:4 192:4<br>235:6,10 237:6<br><b>worsening</b> 70:1<br><b>worth</b> 26:21<br><b>wouldn't</b> 13:24<br>16:12 27:19,20<br>157:11 160:4<br>168:21 183:24<br>193:11 197:1<br>201:13 210:5<br>211:15 224:17<br><b>wound</b> 155:5 171:9<br><b>wrap-up</b> 260:9<br><b>wreck</b> 207:3<br><b>wrecking</b> 176:20<br><b>written</b> 61:14<br><b>wrong</b> 55:21 60:7<br>198:21 206:5<br><b>wrote</b> 18:10 40:2,3<br>51:10 220:1,2,3,6<br>221:12,24 225:11<br><b>W-2</b> 232:24 233:4,8<br><b>W-2s</b> 77:7 193:11 | 64:6,13 65:21<br>67:20,21 68:4<br>71:13 72:2 80:5<br>82:20,22 84:7<br>88:16,23 90:20<br>101:13 104:6<br>106:6 112:15<br>113:16,20,25<br>114:4,12,13,15,17<br>115:1 116:25<br>117:6,15 124:7,13<br>132:8,14,22 133:1<br>135:25 139:24<br>140:3,7 144:17,25<br>154:16,23,24,24<br>167:1,5,6,19,21<br>168:16,24 169:12<br>169:15,21 171:1,9<br>171:13,22 172:1<br>172:18 173:7<br>176:7,22,23<br>180:18,19 183:10<br>183:12 199:24<br>200:1<br><b>yardmaster</b> 125:24<br>126:24<br><b>yardmen</b> 64:10<br><b>yards</b> 43:20,21<br>125:6<br><b>yeah</b> 40:4 52:8<br>80:19 86:5 87:19<br>172:21 173:8<br>193:19 195:8<br>241:13 245:20<br><b>year</b> 41:23,23 68:21<br>146:18,18 182:11<br>193:4,7,15,15<br>194:2,6 195:3,4<br>195:12,15,25<br>196:20 197:1,4,8<br>197:10 205:4,4<br>207:11 211:10<br>215:4 224:23<br>226:25 232:25<br>245:18 251:24<br><b>years</b> 8:21 9:10,21<br>9:22 11:16 12:14<br>13:11 15:24 16:18<br>20:5 21:9 22:15<br>22:17 24:21 32:7<br>39:5,18 41:15<br>47:4,5,24 49:2,6<br>52:15,15 53:9<br>57:7 71:5 73:9,15<br>77:23 92:3 93:14<br>111:13,23 137:9<br>165:20,21 167:6,7 | 174:5 182:13<br>183:25 196:22<br>203:3,8 204:19<br>205:3 210:15<br>211:11,13,13<br>214:13 215:24<br>216:1,3 222:11,19<br>222:21 225:4,25<br>227:3,4,24 230:6<br>234:18,22 249:9<br>249:11 258:10<br><b>year's</b> 225:9<br><b>York</b> 9:1,18 12:4,7<br>17:4,14 18:5,21<br>18:22 21:2,3,5<br>43:4 45:18,19<br>46:19 52:1 59:23<br>60:1,10 63:14<br>64:13 73:6 84:6<br>90:19 91:18,25<br>119:6,8 122:14,15<br>133:2 134:13<br>142:3 144:16,25<br>146:8 154:4,15,22<br>156:21 157:9,19<br>158:13,17 159:25<br>172:25 174:6<br>213:23,25 215:21<br>225:17 230:13<br>231:18 235:2<br><b>young</b> 210:15<br>245:12,13 | <b>10th</b> 223:2<br><b>100,000</b> 50:15<br><b>101</b> 4:21 5:4<br><b>102</b> 202:19,20<br><b>11</b> 68:18 96:19<br>215:24 224:1,11<br>226:24 228:17<br>236:4 239:4<br>249:23<br><b>12</b> 4:12 77:19 78:2,4<br>101:17 148:1<br>167:6 196:20,25<br>197:5 203:3,9<br>204:18,20,21,25<br>256:3,3<br><b>12-month</b> 78:1<br><b>12:15</b> 89:14<br><b>12:30</b> 89:14 129:19<br><b>13</b> 257:24<br><b>13865</b> 213:7<br><b>14</b> 4:6 225:11,25<br>227:24 230:6<br><b>141</b> 4:6<br><b>146</b> 4:9<br><b>15</b> 8:5,6 24:23 26:20<br>60:4 108:7,19<br>126:22 184:1<br><b>15th</b> 247:2<br><b>151</b> 4:24<br><b>153</b> 4:12<br><b>16</b> 109:23 110:13<br>144:4,5<br><b>16th</b> 247:3,5,8<br>250:21<br>17 12:19<br><b>1700</b> 3:9<br><b>18</b> 27:23 86:8<br><b>1898</b> 47:13<br><b>1929</b> 28:18 128:16<br>128:19<br><b>1940s</b> 14:8<br><b>1945</b> 166:11 181:21<br><b>1947</b> 91:22<br><b>1954</b> 202:23<br><b>1955</b> 213:20<br><b>1959</b> 225:16<br><b>1960</b> 93:16 203:8<br><b>1960s</b> 17:10 208:1<br><b>1961</b> 68:18<br><b>1963</b> 14:19<br><b>1964</b> 10:14 14:19<br>16:2,4,10,16<br>64:16 93:17 98:19<br>98:21 215:21<br>216:15<br><b>1965</b> 42:12,20 98:18<br><b>1966</b> 11:17 26:11 | <b>1968</b> 11:19 12:15<br>13:20 28:20 46:20<br>59:15,18,20 60:12<br>60:17 61:1 62:21<br>63:2 67:13,18<br>68:5 75:11 83:14<br>85:16 132:22<br>217:10<br><b>1969</b> 13:19 18:8<br>29:10,21,25 31:23<br>60:4 67:7 75:8<br>134:7,10,11<br>135:10,20,22,24<br>194:1,4 196:25<br>205:5 207:12<br>210:17 214:17<br>217:15 218:4<br>227:1 236:4<br><b>1970</b> 195:24,25<br><b>1975</b> 203:9<br><b>1976</b> 20:23 37:13<br>48:13,22 49:17<br>55:13 71:7 72:6<br>73:24 76:21 86:6<br>86:8,20 143:2<br>209:4 212:6<br><b>1978</b> 50:10<br><b>1979</b> 21:7,12<br><b>1980</b> 21:10 25:11<br><b>1988</b> 47:13<br><b>1990</b> 20:16 22:3<br>61:13,20,21,25<br>154:10 181:22,24<br>193:22<br><b>1994</b> 21:13<br><b>1998</b> 25:13 85:13 |
| <b>X</b><br><b>X</b> 4:1<br><b>Y</b><br><b>yard</b> 43:4,5,6,14,16<br>43:17,21 44:3,21<br>44:22,25 45:3,20<br>45:23,24 46:6<br>52:1 54:2,3,3,4<br>55:7,10 57:2,3<br>59:23,24 60:2,10<br>62:7,12,14,17,20                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Z</b><br><b>zenith</b> 10:5<br><b>\$</b><br><b>\$10,000</b> 196:1<br><b>\$30</b> 240:8<br><b>\$40</b> 240:8<br><b>\$7,800</b> 196:1<br><b>\$75</b> 81:11,12,14<br><b>\$9,000</b> 196:1<br><b>1</b><br>1 4:19,21,24 5:2,4<br>11:19 76:20 83:25<br>160:9 213:20<br>214:16 242:10,11<br>242:18 245:4<br>261:20<br><b>1(b)</b> 56:6 58:21<br><b>1:05</b> 150:5<br><b>1:30</b> 256:4<br><b>10</b> 1:18 16:10 64:16<br>75:8 217:15 218:4<br>221:19 243:2                                                                                                                                                             | <b>2</b><br>2 4:19 85:13<br><b>2nd</b> 238:20<br>2.5 29:15,16 134:16<br>134:18,19,20<br>135:2 137:1<br><b>20</b> 15:24 26:20 72:7<br>101:13 151:23<br>152:18 168:14<br>174:5 217:23<br>218:24,24 223:12<br>229:2 238:13<br><b>200</b> 2:21<br><b>2000</b> 38:6<br><b>2005</b> 22:20<br><b>2006</b> 22:20<br><b>2007</b> 1:18<br><b>2008</b> 261:20<br><b>201</b> 3:10<br>21 59:15 219:24                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                    |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| 246:1,2<br>212 4:15<br>216 2:8,16,24 90:10<br>22 221:23<br>24 4:15 223:11,13<br>234:22<br>242,000 54:20 68:21<br>25 59:18,20 60:11<br>61:1 62:21 63:1<br>67:18 68:5 75:10<br>83:13 85:16<br>181:10<br>26 156:3 169:25<br>26th 113:18 156:6<br>251:24<br>27 27:23 137:9<br>154:10<br>274-2410 2:24<br>28 51:6 53:6                                                                                                                                                                                                                                                                     | 46 118:15<br>47 142:4<br><hr/> 5<br>5 4:9,19<br>5/5/45 154:5<br>50 35:22<br>50s 68:24,25 182:19<br>183:14 192:25<br>208:6<br>500 68:19<br>505 110:23<br>506 110:15,16<br>513 3:12<br>55 214:16 225:16<br>58 110:5,7,9,10,25<br>144:7,8 148:14<br><hr/> 6<br>6 190:12,15,18<br>60 68:19 203:1<br>60s 10:4 43:11 54:5<br>54:13 55:9 57:20<br>62:9 72:15 194:12<br>61 68:18,20<br>614 2:6,13<br>615 35:25<br>62 211:14<br>620 2:6,14<br>63 16:16 77:21<br>64 16:7,16 77:21<br>65 29:24 211:16<br>66 153:23<br>68 13:21 28:22 68:7<br>68:21 93:20<br>108:20<br>69 13:22 28:22,25<br>29:5,8,9 135:6<br>136:16 193:20<br>194:7 202:25<br>205:12 242:11,12<br>69-675 1:4<br>69-722 1:7<br>69-947 1:10<br><hr/> 7<br>7 74:16 189:12<br>7(e) 80:22<br>70 195:13<br>70s 17:10 48:10<br>51:23 72:15<br>71 68:19<br>73rd 223:25<br>74 20:7<br>74-914 1:13<br>75 203:1<br>76 20:17 86:4 87:3 | 253:14<br>79 25:10<br><hr/> 8<br>801 1:21<br>85 133:1,4,8<br>861-6677 2:8,16<br><hr/> 9<br>9 19:5 24:17 74:14<br>9:33 1:19<br>90 4:3 258:10<br>9349 153:18,20,21<br>97 12:4 157:18 |  |  |
| <hr/> 3<br>3 4:3<br>30 9:10 15:24 21:9<br>49:2,6 52:14,15<br>53:8 57:7 71:5<br>73:9<br>32 37:3<br>3300 2:22<br>35 16:18 188:8<br>189:4,11 190:15<br>362-8704 3:12<br>38 32:7<br><hr/> 4<br>4 29:20,21 195:1<br>4:45 214:9,12<br>4:48 260:18<br>40 4:20 5:3 8:21<br>12:14 15:24 20:4<br>39:18 164:11<br>177:7 249:21<br>250:9,10<br>40s 68:25 166:10<br>182:17 184:11<br>193:23<br>40,000 54:20 68:22<br>400 15:18,21 64:20<br>148:14<br>44113 2:7,15<br>44114-2301 2:23<br>44130 213:8<br>4457 153:23<br>45 49:20 89:18<br>150:1 154:9<br>165:20 211:13<br>45202 3:11<br>458 202:9,18 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                    |  |  |

BEFORE THE ARBITRATION COMMITTEE

~~~~~

In the Matter of:

ROBERT WATJEN, et al.,
Plaintiffs,

vs.

Case No. 69-675

PENN CENTRAL,
Defendant.

~~~~~

MICHAEL J. KNAPIK, et al.,  
Plaintiffs,

vs.

Case No. 69-722

PENN CENTRAL,  
Defendant.

~~~~~

DAVID C. BUNDY, et al.,
Plaintiffs

vs.

Case No. 69-947

PENN CENTRAL,
Defendant.

~~~~~

G.V. SOPHNER, et al.,  
Plaintiffs,

vs.

Case No. 74-914

PENN CENTRAL,  
Defendant.

~~~~~

Arbitration hearing before

Chairman Steven H. Steinglass
Panel Member Dennis R. Lansdowne
Panel Member Joseph Tomain
VOLUME II

December 11, 2007
10:11 a.m.

Taken at:
Carl B. Stokes Federal Courthouse
801 West Superior Avenue
Cleveland, Ohio

Eva Petrone, RPR



RENNILLO

BEFORE THE ARBITRATION COMMITTEE ~~~~~ In the Matter of: ROBERT WATJEN, et al., Plaintiffs, vs. Case No. 69-675 PENN CENTRAL, Defendant. ~~~~~ MICHAEL J. KNAPIK, et al., Plaintiffs, vs. Case No. 69-722 PENN CENTRAL, Defendant. ~~~~~ DAVID C. BUNDY, et al., Plaintiffs vs. Case No. 69-947 PENN CENTRAL, Defendant. ~~~~~ G.V. SOPHNER, et al., Plaintiffs, vs. Case No. 74-914 PENN CENTRAL, Defendant. ~~~~~ Arbitration hearing before Chairman Steven H. Steinglass Panel Member Dennis R. Lansdowne Panel Member Joseph Tomain VOLUME II December 11, 2007 10:11 a.m. Taken at: Carl B. Stokes Federal Courthouse 801 West Superior Avenue Cleveland, Ohio Eva Petrone, RPR	Page 264 1 APPEARANCES, Continued: 2 3 On behalf of the Defendant: 4 Blank Rome, LLP, by. 5 MICHAEL L. CIOFFI, ESQ. 6 MICHAEL A. CIOFFI, ESQ. 7 THOMAS H. STEWART, ESQ. 8 JASON GROPPPE, ESQ. 9 1700 PNC Center 10 201 East Fifth Street 11 Cincinnati, Ohio 45202 12 (513) 362-8704 13 Cioffi@blankrome.com 14 Stewart@blankrome.com 15 Groppe@blankrome.com 16 ~ ~ ~ ~ ~ 17 18 19 20 21 22 23 24 25
Page 263 1 APPEARANCES: 2 3 On behalf of the Plaintiffs: 4 Tricarichi, Carnes & Clements, by 5 CARLA M. TRICARICHI, ESQ. 6 614 Superior Avenue N.W., Suite 620 7 Cleveland, Ohio 44113 8 (216) 861-6677 9 Ctricarichi@aol.com 10 -and- 11 Griffin Law Firm, by 12 MARK GRIFFIN, ESQ. 13 614 Superior Avenue 14 Suite 620 15 Cleveland, Ohio 44113 16 (216) 861-6677 17 Mark.d.griffin@gmail.com 18 -and- 19 Hahn, Loeser & Parks, LLP, by 20 RANDY J. HART, ESQ. 21 200 Public Square 22 Suite 3300 23 Cleveland, Ohio 44114-2301 24 (216) 274-2410 25 Rjhart@hahnlaw.com	Page 265 1 I N D E X 2 DIRECT EXAMINATION OF 275 10 3 VIRGINIA McNABB 4 BY MR. GRIFFIN 5 CROSS-EXAMINATION OF 304 12 6 VIRGINIA McNABB 7 BY MR. GROPPPE 8 REDIRECT EXAMINATION OF 314 13 9 VIRGINIA McNABB 10 BY MR. GRIFFIN 11 RECROSS-EXAMINATION OF 315 20 12 VIRGINIA McNABB 13 BY MR. GROPPPE 14 DIRECT EXAMINATION OF 318 1 15 ANNE MARIE PENTZ 16 BY MR. GRIFFI 17 CROSS-EXAMINATION OF 324 7 18 ANNE MARIE PENTZ 19 BY MR. GROPPPE 20 REDIRECT EXAMINATION OF 325 24 21 ANNE MARIE PENTZ 22 BY MR. GRIFFIN 23 DIRECT EXAMINATION OF 327 10 24 ANNA JO BUNDY 25 BY MR. HART

1 (Pages 262 to 265)

Page 266 1 CROSS-EXAMINATION OF 338 11 2 ANNA JO BUNDY 3 BY MR. M. A. CIOFFI 4 REDIRECT EXAMINATION OF 341 10 5 ANNA JO BUNDY 6 BY MR. STEWART 7 RECROSS-EXAMINATION OF 341 24 8 ANNA JO BUNDY 9 BY MR. M. A. CIOFFI 10 DIRECT EXAMINATION OF 343 10 11 PAUL SCUBA 12 BY MS. TRICARICHI 13 DIRECT EXAMINATION OF 355 13 14 MARYBETH VERDI 15 BY MR. GRIFFIN 16 17 AFTERNOON SESSION 343 1 18 19 20 21 22 23 24 25	Page 268 1 by that testimony. I would -- 2 MS. TRICARICHI: Excuse me for just 3 a second. 4 CHAIRMAN STEINGLASS: Go right 5 ahead. 6 MS. TRICARICHI: I'm sorry. We did 7 have one nonparty witness and I wanted to make 8 sure there was no problem with that. 9 CHAIRMAN STEINGLASS: Just to 10 continue, I would expect there would be a 11 number of hearsay objections. I wonder if we 12 could sort of deal with those in a generic way, 13 not making you don't jump up every time to make 14 the record that you are entitled to make. 15 Obviously, you are free to make specific 16 objections as to the form of questions and 17 other grounds, but perhaps a more universal 18 objection as to the hearsay that we will 19 undoubtedly hear today would suffice to your 20 purposes. 21 MR. M. L. CIOFFI: So just so the 22 record is clear, we'll have a standing 23 objection which the Panel will recognize to all 24 hearsay in the testimony. 25 CHAIRMAN STEINGLASS: Yes.
Page 267 1 CHAIRMAN STEINGLASS: Good morning. 2 I believe we are ready to begin. 3 Before we begin with testimony, 4 just a couple of matters. One is we indicated 5 yesterday that nonparty witnesses would be 6 excluded. So I assume that is the case. I 7 don't know. Would -- 8 MS. TRICARICHI: There are no 9 nonparty witnesses. 10 CHAIRMAN STEINGLASS: I don't know 11 who the people are. 12 MS. TRICARICHI: They are not party 13 witness. 14 MR. M.L. CIOFFI: Just for the 15 record, our objection is that also party 16 witness who are going to testify have to be 17 excluded, just so they don't conform their 18 testimony to other witness. 19 CHAIRMAN STEINGLASS: I understand. 20 Thank you. 21 Second item, because all of the 22 witnesses scheduled to testify today are not 23 personally Claimants, although I do believe 24 they are personal representatives, I would 25 expect that there will be hearsay issues raised	Page 269 1 MR. M.L. CIOFFI: And our point is 2 that hearsay testimony cannot be a basis for 3 avoiding any claims. 4 CHAIRMAN STEINGLASS: There will be 5 a standing objection. The Panel has not 6 conferred on this. My expectation is the Panel 7 will give hearsay evidence the weight to which 8 it is entitled, which is far less than 9 nonhearsay testimony. But the objection will 10 be noted and I think it will move the process a 11 little further. But -- 12 MR. M.L. CIOFFI: Just for the 13 record, I acknowledge what you say and 14 obviously the Panel will do what the Panel will 15 do. Our point and position is that hearsay 16 evidence is not admissible. It's not 17 admissible because it's not reliable. And 18 because it's not reliable, it cannot be the 19 basis for any -- 20 CHAIRMAN STEINGLASS: That's fine. 21 MR. GRIFFIN: Just for the record, 22 we just wanted to make sure we understand their 23 position that hearsay, whether it's in 24 testimony or in documents, should be given no 25 weight.

2 (Pages 266 to 269)

Page 270 1 MR. M.L. CIOFFI: That's correct. 2 MR. GRIFFIN: We believe that in an 3 arbitration like this, the rules of evidence, 4 that you can apply the weight that you see fit. 5 MR. M.L. CIOFFI: We have already 6 had the discussion with, and the Panel, I think 7 in the earlier conversation, mentioned that 8 probably most of the documents, and we may get 9 to our first stipulation, I don't know, based 10 on your insight, but probably most of the 11 documents are not hearsay, frankly because of 12 the business records exception to the hearsay 13 rule 803(6). So I think you were right about 14 that. So the documents themselves were 15 probably a different category. 16 CHAIRMAN STEINGLASS: Stipulations 17 would certainly be appreciated by the Panel. 18 MR. M.L. CIOFFI: Lightning might 19 strike. 20 MR. GRIFFIN: It might. We just 21 have to see. I wasn't exactly sure what you 22 were suggesting as a stipulation. 23 MR. M.L. CIOFFI: Certainly with 24 respect to the testimony. 25 CHAIRMAN STEINGLASS: Let me	Page 272 1 MR. M.L. CIOFFI: What exactly is 2 his availability? 3 MR. GRIFFIN: He is available up 4 until noon, and it's my understanding that he 5 needs to proctor an exam for which he is 6 required to be physically present. And then I 7 don't know how long that will last. If we can 8 bring him back later on that day, we would 9 certainly try to do so. On the other hand, I 10 would think nine to 12 would be more than 11 sufficient to finish his direct and cross 12 examination. 13 MR. M.L. CIOFFI: How long is the 14 direct going to be? 15 MR. GRIFFIN: I would not expect it 16 to go more than 45 minutes to an hour. 17 MR. M.L. CIOFFI: I don't know how 18 long the cross will go and I'm certainly not 19 agreeing to cut the cross short for his 20 schedule. The cross will take however long it 21 takes to protect the carrier's interests and 22 rights. 23 To work out the schedule, I have no 24 problem bringing him back later in the day and 25 taking the witnesses out of order. In other
Page 271 1 encourage the parties to meet privately during 2 the break to try to do whatever they can to 3 simplify the issues that are before us, 4 including any stipulations concerning evidence 5 or documents. 6 Then moving on to the third item 7 that I want to mention, today's schedule, as 8 you know, we were going to break at 12 but not 9 necessarily at 12 sharp. We have a little bit 10 of flexibility. Beyond that, we may go to 11 1:30, maybe little later than all that. It is 12 our hope that we will complete all of the 13 nonexpert testimony today. 14 With respect to tomorrow's 15 schedule, we can begin at nine. We do not know 16 whether it will be completed at noon or not. 17 If there is a concern about scheduling and 12 18 is a problem for your expert witness, we can 19 begin earlier. I do not want to cut off the 20 ability of the carrier to examine the expert, 21 nor do I want to encourage the carrier to 22 examine the expert at undue length. So we will 23 do what we have to do to make sure that both 24 sides have a full and fair opportunity to 25 present their expert testimony.	Page 273 1 words, we will start and put on Mr. Weinman at 2 one o'clock. I think his testimony would be -- 3 for Dr. Rosen to come back at three o'clock. 4 MR. GRIFFIN: If you just let us 5 confer for a second. 6 (Discussion held off the record.) 7 MR. GRIFFIN: I think the nine 8 o'clock will be fine and if we run long, we 9 will figure out what to do at that point. 10 CHAIRMAN STEINGLASS: That's fine. 11 Nine to 12. I respect the demands of the 12 academy. 13 PANEL MEMBER TOMAIN: Can you give 14 him an exemption? 15 CHAIRMAN STEINGLASS: I don't think 16 he teaches at any school in which I have a 17 relationship. 18 In any case, I think counsel has 19 been clear and I appreciate it. So I think -- 20 MR. M.L. CIOFFI: One thing is not 21 clear, are you going to bring him back in the 22 afternoon? 23 MR. GRIFFIN: I don't know. We 24 would try if he is available. But I don't know 25 when he is done with his proctoring exam stuff

3 (Pages 270 to 273)

Page 274 1 but we will find out. 2 MS. TRICARICHI: Do you want us to 3 take a break now and call? 4 CHAIRMAN STEINGLASS: No. Sometime 5 before we adjourn today, check with him. The 6 issue has been presented. We will resolve the 7 scheduling issue before the end of the day. 8 Let us know after the break if there is going 9 to be a problem; we may have to start a little 10 earlier. 11 MR. GRIFFIN: The students have 12 requested that the exam be canceled. 13 CHAIRMAN STEINGLASS: Are there any 14 administrative matters that anyone wants to 15 raise? 16 MR. GRIFFIN: The only scheduling 17 matter that we have is the sequence of our last 18 two witnesses will be inverted from what we 19 said before. 20 MS. TRICARICHI: And I have asked 21 her to come at 1:30 because I thought that we 22 were pretty hard on the noon and I knew we were 23 reconvening at 1:30. 24 CHAIRMAN STEINGLASS: 1:30 is when 25 we are reconvening.	Page 276 1 Railroad? 2 A. He was very young. I think he was 3 20. 4 Q. And what was his first position? 5 What was the work that he started in New York 6 Central? 7 A. From what I recall them telling me 8 was loading coal cars. 9 Q. And do you recall how much he was 10 paid when he started at that age? 11 A. A dime. 12 Q. A dime every hour? 13 A. I remember it was a dime a day. I 14 don't know if that can be true or not. 15 Q. How long did your father George 16 Norris work for the New York Central Railroad? 17 A. Over 40 years. 18 Q. When did he finally retire? 19 A. 1975. 20 Q. He worked approximately 45 years 21 for the railroad? 22 A. That's correct. 23 Q. Was your father employed in 1963 24 and 1964 for the New York Central? 25 A. Yes.
Page 275 1 I think we are ready to begin. 2 MR. GRIFFIN: Your honor, the 3 Claimant would call Virginia McNabb to the 4 stand. And since she is not a party 5 representative, she is not in the courtroom. 6 VIRGINIA McNABB, of lawful age, 7 called for examination, being first duly sworn, 8 as hereinafter certified, deposed and said as 9 follows: 10 DIRECT EXAMINATION OF VIRGINIA McNABB 11 BY MR. GRIFFIN: 12 Q. Ms. McNabb, can you please state 13 your full name for the record. 14 A. My name is Virginia Norris McNabb. 15 Q. Where do you reside? 16 A. In Brunswick. 17 Q. Ms. McNabb, who was your father? 18 A. George Richard Norris. 19 Q. Can you tell the Panel who your 20 father was? 21 A. My father was a father. He worked 22 on the New York Central Railroad. He was a 23 hard worker. 24 Q. How old was your father when he 25 started working for the New York Central	Page 277 1 Q. What positions do you remember your 2 father holding with the New York Central? 3 A. I remember switchman and brakeman. 4 Q. Anything else? 5 A. No. That's what I remember. 6 Q. Did you ever personally visit your 7 father on the job site? 8 A. Yes, I did. 9 Q. Tell me about that. 10 A. I remember the smell of it mostly. 11 There was a shanty, is what we called it, where 12 a coal burner was inside and that's how they 13 kept warm. 14 Q. Where did you visit him? Which 15 work site? 16 A. That I'm not sure. I know that I 17 did go into a place called Linndale and I went 18 to the terminal. 19 Q. What were the working conditions 20 like when you visited your father? 21 MR. M.L. CIOFFI: Objection. 22 MR. GRIFFIN: Relevance goes to the 23 issue that he seemed to raise that the brakemen 24 didn't want to switch to the freight yard, and 25 they put it into an issue as to some sort of

4 (Pages 274 to 277)

Page 278 1 motivation. And I think what Ms. McNabb will 2 testify is that it just wasn't true, that the 3 conditions that he worked as brakeman was 4 different. 5 MR. M.L. CIOFFI: It was a figure 6 of speech. It's not an issue in this case. 7 CHAIRMAN STEINGLASS: Motion 8 denied. 9 MS. TRICARICHI: You can answer. 10 A. Repeat the question, please. 11 BY MR. GRIFFIN: 12 Q. Sure. Can you tell me the 13 conditions of your father's work site when you 14 visited him? 15 A. They were railroad tracks. I 16 remember the smell of coal and oil. 17 Q. Was it outside work? 18 A. Yes. They go in the shanty to get 19 warm. You can see through the walls of the 20 shanty. I remember thinking, how do they stay 21 warm in here? 22 Q. In the middle of winter he worked 23 outside? 24 A. Yes. 25 Q. What impact did working outside for	Page 280 1 that much anymore. 2 Q. Did he lose his job? 3 A. I wasn't sure but, no, he could 4 call in and take whatever job he could get. 5 Q. Did he ever tell you why he lost 6 his job? 7 MR. GROPE: Objection. 8 Foundation. 9 MR. GRIFFIN: I'm trying to lay the 10 foundation. 11 CHAIRMAN STEINGLASS: Lay it a 12 little better. 13 BY MR. GRIFFIN: 14 Q. Did he ever tell you anything about 15 why he lost his job? 16 A. I'm trying to remember. The two 17 companies merged and he wasn't considered -- he 18 had like four years' seniority after all those 19 years. 20 Q. Did he ever tell you anything about 21 the impact of his seniority on the merger? 22 A. It was gone. He got real low. 23 Q. Did he ever tell you how much 24 seniority he had before the merger? 25 A. He was there 40 years or close to
Page 279 1 45 years have on his body? 2 A. My father had a neck that -- 3 MR. GROPE: Objection. Relevance. 4 What is his disease and what the condition had 5 on his body relevant to any issue in this case? 6 CHAIRMAN STEINGLASS: Just 7 background information. 8 A. Just leather. 9 BY MR. GRIFFIN: 10 Q. What do you mean "leather"? 11 A. I never seen a neck like that. His 12 neck was completely thick and like leather. 13 Q. But he kept working? 14 MR. GROPE: Objection. Leading. 15 Q. Did he keep working? 16 A. My father always worked. 17 Q. Did he always work for the New York 18 Central or the Penn Central? 19 A. Yes. 20 Q. Did there come a time when you were 21 made aware that there was a merger of the New 22 York Central and Penn Central railroad? 23 A. Yes. 24 Q. What happened in that merger? 25 A. He wasn't working on the railroad	Page 281 1 it. 2 Q. What was his seniority after the 3 merger? 4 A. Four years' seniority, from what I 5 remember. 6 Q. He went from 40 years of seniority 7 to four years of seniority? 8 A. He would be on extra boards or sign 9 up for whatever jobs would be available. 10 Q. Do you ever recall your father 11 after the merger attempting to get railroad 12 work? 13 A. He always did. 14 Q. What do you remember seeing your 15 father do? 16 A. I remember him making sure we 17 stayed off the telephone in case the railroad 18 called with a position that day and it would be 19 different shifts. We were always mad about it. 20 We were teenagers. Teenage girls like the 21 phone. We had one phone in the kitchen. My 22 dad even slept on the floor because his bedroom 23 was at the opposite end of the house to make 24 sure he didn't miss a call. 25 Q. Was he sleeping by the phone to

5 (Pages 278 to 281)

Page 282 1 make sure that he didn't miss a call from the 2 Penn Central Railroad once a month or was it 3 more often? 4 A. No. This was all the time. 5 Q. What do you mean "all the time"? 6 A. Every day. I remember we were not 7 allowed on the phone. If he was not at work, 8 he was waiting by the phone to go into work. 9 Q. Every day? 10 A. Every day. 11 Q. Did he eventually get work back at 12 the railroad? 13 A. He did go back to work but I never 14 remember a steady job. 15 Q. Did he stop sleeping by the phone? 16 A. No. 17 Q. Was there ever a time when he was 18 unavailable for railroad work? 19 A. No, never. 20 Q. Was there ever a time when he 21 turned down a railroad job? 22 A. No. 23 MR. GROPE: Objection. 24 Foundation. 25 Q. Was there ever a time when your --	Page 284 1 available for work? 2 A. Yes, I did. 3 Q. And based upon your personal 4 knowledge, is it your understanding that your 5 father was always available for work for the 6 New York Central? 7 A. That's correct. 8 Q. And based upon your personal 9 knowledge, is it also your understanding that 10 your father never turned down railroad work? 11 A. That's correct. 12 Q. Why not? Was there a priority for 13 railroad work? 14 A. Yes. He liked the railroad. He 15 did it all his life. 16 Q. Now, before the merger, what were 17 his feelings towards the New York Central? 18 MR. GROPE: Objection. Relevance. 19 CHAIRMAN STEINGLASS: I'll allow 20 it. 21 BY MR. GRIFFIN: 22 Q. Go ahead. You can answer. 23 A. He loved the railroad. He always 24 felt, give the best to your job. 25 Q. And did there come a time when his
Page 283 1 CHAIRMAN STEINGLASS: Go back. 2 Start again and lay a foundation. 3 BY MR. GRIFFIN: 4 Q. Do you know anything about your 5 father's availability for railroad work? 6 A. My father was always available for 7 the railroad. That was his number one 8 priority. 9 Q. After 1968 -- during the time frame 10 1968 to 1972, were you living in your father's 11 house? 12 A. Yes. 13 Q. Were you aware of your father's 14 efforts to find work? 15 A. Yes. 16 Q. Did you personally see your father 17 sleeping by the phone to wait for calls from 18 the railroad? 19 A. Yes. 20 Q. Did you personally hear your father 21 on the phone? 22 A. Yes. 23 Q. Did you personally hear your father 24 on the phone talking with the railroad or 25 calling the railroad to let them know he was	Page 285 1 feelings towards the railroad changed? 2 A. He was very surprised. 3 MR. GROPE: Objection. His 4 feelings towards the railroad have nothing to 5 do with this case. 6 CHAIRMAN STEINGLASS: What he 7 said -- we are going to allow the witness to 8 testify on this. 9 MR. GRIFFIN: Thank you. 10 Can you read back the question. 11 (The record was read.) 12 A. Yes. 13 BY MR. GRIFFIN: 14 Q. How did they change? 15 A. He didn't believe what was 16 happening. 17 Q. Did he ever tell you that the 18 railroad made a promise to him? 19 A. No. 20 Q. Why couldn't he believe what was 21 happening to him? 22 A. Because he had been there all his 23 life. 24 MR. GROPE: Objection. 25 Q. Was your father always --

6 (Pages 282 to 285)

Page 286 1 MR. GROPE: Objection. 2 MR. GRIFFIN: Yes. 3 CHAIRMAN STEINGLASS: Noted. 4 BY MR. GRIFFIN: 5 Q. Was your father always physically 6 able to perform work? 7 A. Yes. 8 Q. Did he ever work at night? 9 A. Yes, he did work at night. He 10 would take whatever job was available to him, 11 and if it did come late at night after he had 12 been home all day or something, I used to cut 13 carrots up so he would stay awake driving home. 14 Q. He would take late night jobs? 15 A. He would take whatever shift they 16 offered him. 17 Q. Graveyard shifts? 18 A. Yes. 19 Q. Middle of the day shifts? 20 A. Yes. 21 Q. Late evening shifts? 22 MR. GROPE: Objection. Leading 23 the witness and suggesting an answer. 24 MR. GRIFFIN: It's not a leading 25 question because it's not presuming a yes	Page 288 1 exhibit? 2 MR. GRIFFIN: I believe it's 3 Exhibit 8. I believe it's in separate binders. 4 It's the Norris printout, page 5. 5 BY MR. GRIFFIN: 6 Q. Ms. McNabb, do you see what I have 7 given you as the Norris records. Page 5 of 8 Plaintiff's Exhibit 8? 9 A. Yes. 10 PANEL MEMBER TOMAIN: Counsel, what 11 are we looking at? Is this the document or 12 the -- 13 MR. GRIFFIN: It's -- no. It's 14 this document here, which has both the railroad 15 retirement records and social security records. 16 Yes. Exactly. It may be the next page though. 17 CHAIRMAN STEINGLASS: Your stamped 18 page number on the bottom? 19 MR. GRIFFIN: I don't think there 20 is -- I guess there is. 21 PANEL MEMBER TOMAIN: I have 422. 22 BY MR. GRIFFIN: 23 Q. I want you to look at the line 24 which says 1956. Do you see that line? 25 A. Yes, I do.
Page 287 1 answer. She could have easily answered no. 2 MR. GROPE: Same graveyard answer 3 that -- he could have said. 4 CHAIRMAN STEINGLASS: Motion 5 denied -- I mean objection denied. 6 BY MR. GRIFFIN: 7 Q. Was there a time in the 1950s when 8 your family needed extra money? 9 A. Yes. 10 Q. Can you tell me about that time? 11 A. My mom and dad wanted to buy a 12 house out of the city and they chose -- we 13 moved to Strongsville. 14 Q. What did your father do to get the 15 extra money to buy the house? 16 A. My father took on another part-time 17 job. 18 Q. I'm going to ask you to take a look 19 at what's been marked as Plaintiff's Exhibit 8 20 and it's the section that refers to George 21 Morris of the railroad time records. And I'm 22 going to ask you to specifically to look at the 23 fourth page of the document -- actually the 24 fifth page. 25 MR. GROPE: Excuse me. What	Page 289 1 Q. Do you see underneath it says 2 railroad tier one compensation in that year and 3 you go across, there's also social security 4 administration wage year amount? Do you see 5 that? 6 A. Yes. 7 Q. Is that consistent with your 8 understanding of whether your father worked two 9 jobs in 1956? 10 A. Yes. 11 Q. And in 1957 he actually earned more 12 social security than at the railroad itself, is 13 it consistent with your understanding that your 14 father worked two jobs? 15 A. Yes. 16 MR. GROPE: Objection. It's 17 irrelevant what he made in '55, '56, '57. The 18 Merger Protection Agreement wasn't even in 19 place at that point. 20 CHAIRMAN STEINGLASS: I'm not sure 21 it's irrelevant. Denied. 22 MR. GROPE: Earnings prior to that 23 date is irrelevant. 24 PANEL MEMBER LANSLOWNE: Does this 25 go to the issue of what these records show as

7 (Pages 286 to 289)

Page 290 1 far as social security? 2 MR. GRIFFIN: It does and it also 3 goes to show that Mr. Norris and many of the 4 Plaintiffs were working two jobs, so there 5 should not be an offset. If this Panel allows 6 them to raise a defense that's been waived, we 7 would submit that there simply is no offset. 8 These people were hardworking and they worked 9 two jobs and that's what these records show. 10 MR. GROPE: My relevance 11 objection, again, these show '56, '57, '58, 12 '59, '60. Under the Merger Protection 13 Agreement, that's irrelevant. 14 CHAIRMAN STEINGLASS: The motion is 15 denied. I think I see where the testimony is 16 going. We will make a record and we will deal 17 with the issues later. 18 BY MR. GRIFFIN: 19 Q. Let me ask you to take a look at 20 1957 where your father earned 4,200 which is a 21 little bit more than the 4,155 from the 22 railroad. Is that also consistent with your 23 understanding that your father worked two jobs? 24 A. Yes, he did. 25 Q. And he did that even while he was	Page 292 1 Defendant's Exhibit 24. 2 PANEL MEMBER LANSLOWNE: What 3 number? 4 MR. GRIFFIN: It's Defendant's 5 Exhibit No. 24. 6 PANEL MEMBER LANSLOWNE: Thank you. 7 BY MR. GRIFFIN: 8 Q. Ms. McNabb, have you had a chance 9 to look now at the document that I have handed 10 you, which the Defendants have submitted as 11 their trial Exhibit No. 24? 12 A. Yes. 13 Q. Do you see underneath where there 14 is an underlined part where it says 15 "furloughed" and then it says "recalled to work 16 on June 8, 1968 and accepted recall"? Do you 17 see that? 18 A. Yes. 19 Q. Is that consistent with your 20 recollection of whether your father returned to 21 work for the Penn Central? 22 A. Yes. 23 Q. As you look at this document, is 24 there anything on this document which ever 25 indicates that your father ever refused to go
Page 291 1 working 12 months at the railroad? 2 A. Yes. 3 Q. In 1958, did he work two jobs then? 4 A. Yes. 5 Q. In 1959 did he work two jobs? 6 A. Yes. 7 Q. In 1960 did he work two jobs? 8 A. Yes. 9 Q. Go to the next page. Let me ask 10 you to look at the bottom, 1961. Was he 11 working two jobs in 1961? 12 A. Yes. 13 Q. Two jobs in 1962? 14 A. Yes. 15 Q. A little bit in 1963, he was 16 working two jobs? 17 A. Yes. 18 Q. I want you to look at 1967 before 19 this merger occurred. Does it indicate that he 20 was starting to work two jobs in 1967 also? 21 A. Yes, it does. 22 Q. Did your father ever stop working? 23 A. No. 24 Q. I want to ask you also to take a 25 look at what the Defendants have submitted as	Page 293 1 to work? 2 A. No. He always worked. 3 Q. Is there anything on this document 4 that ever says any reason for refusing George 5 Norris, who worked 45 years, a displacement 6 allowance? 7 A. No. 8 MR. GROPE: Objection. Leading. 9 Q. Do you see an amount, the last line 10 on here which says "guarantee"? 11 CHAIRMAN STEINGLASS: I'll allow 12 it. 13 Q. What is the amount on this document 14 submitted by the railroad next to guarantee? 15 A. \$742.70. 16 Q. Was your father ever paid for a 17 time when he was not working? 18 A. No. 19 MR. GROPE: Objection. 20 CHAIRMAN STEINGLASS: Lay a 21 foundation. 22 Q. Do you know if your father was ever 23 paid for a time when he was not working for the 24 railroad? 25 A. No.

8 (Pages 290 to 293)

Page 294 1 Q. No, you don't know or no, he wasn't 2 paid? 3 A. No, he was not paid. 4 MR. GROPE: Objection. 5 MR. GRIFFIN: You can 6 cross-examine. 7 CHAIRMAN STEINGLASS: I think she 8 is confused about the question. 9 BY MR. GRIFFIN: 10 Q. Did your father ever have a 11 conversation -- did your father ever say if he 12 would be paid or not paid if he didn't show up 13 at the railroad? 14 A. He would not be paid if he did not 15 show up. 16 CHAIRMAN STEINGLASS: He is asking 17 you whether you had a conversation. He is not 18 asking you substance. Try to listen very 19 carefully to the questions, please. 20 BY MR. GRIFFIN: 21 Q. Let me try and rephrase. And I 22 think we may have gotten a little bit ahead of 23 ourselves, but you indicated that you 24 understood that your father would not be paid 25 unless he showed up for work at the railroad?	Page 296 1 father returned to work at the railroad? 2 MR. GROPE: Objection. Time 3 frame. 4 MR. M.L. CIOFFI: Returned when? 5 CHAIRMAN STEINGLASS: Okay. 6 BY MR. GRIFFIN: 7 Q. Let me be clear. They returned 8 between February 21, 1968 and December 1969? 9 A. Yes. 10 MR. M.L. CIOFFI: When in that time 11 frame? 12 Q. Let me ask you to turn to the third 13 page of that document where there is a list of 14 employees. Do you see that list of employees? 15 A. Yes. 16 MR. GROPE: Which page are we on? 17 MR. GRIFFIN: It's PCC 3183 is the 18 Bates number. 19 CHAIRMAN STEINGLASS: Is it 20 handwritten? 21 MR. GRIFFIN: It's a handwritten 22 list. 23 BY MR. GRIFFIN: 24 Q. Do you see your father's name 25 George R. Norris?
Page 295 1 A. Yes. 2 Q. The question is what is your basis 3 or foundation for that understanding? 4 A. If he was going to be paid, why 5 would he try so hard to get a job for the day? 6 Q. Any other basis? Did he ever tell 7 you anything? 8 A. It was like losing his job if he 9 didn't work. 10 Q. I just have a couple more and then 11 I think we are done. 12 Let me also ask you to take a look 13 at what's been submitted as Plaintiff's Exhibit 14 30. Let me ask you turn to the last page. On 15 the front page, so you can find it more easily, 16 it's marked as a memo to Bob Siverd from Ray 17 Glenn. Ms. McNabb, if you go to the last page 18 of that document, which is marked Penn Central 19 Corporation 03816 it says "by way of summary, 20 between February 21, 1968 and December 1969, 21 the following Claimants returned to work, and 22 worked until retirement or death as the case 23 may be." And then it goes down there is No. 7, 24 George R. Norris retired 5/1/75. Is that 25 consistent with your understanding of when your	Page 297 1 A. Yes, I do. 2 Q. Do you see under the column where 3 it says Guarantee \$27,882.92? 4 A. Yes. 5 Q. To the best of your knowledge, was 6 your father or your father's estate ever paid a 7 guarantee amount of \$27,882.92 from Penn 8 Central? 9 A. No. 10 MR. GROPE: Objection. 11 Foundation. What's the basis? 12 CHAIRMAN STEINGLASS: I think -- 13 PANEL MEMBER LANSDOWNE: Can I ask 14 a question? Does the railroad contend that it 15 didn't pay any guarantees to this employee? 16 MR. M.L. CIOFFI: The guarantee 17 isn't what's paid. It's the differential 18 between what the salary was before the merger 19 on a monthly basis. And I'll make this clearer 20 on cross-examination, so the guarantee is a 21 base amount. Any amount that might be due is a 22 differential. 23 PANEL MEMBER LANSDOWNE: Do they 24 claim that they paid him any differential? Is 25 it in dispute?

9 (Pages 294 to 297)

Page 298 1 MR. M.L. CIOFFI: Yes, whether he 2 is entitled to it -- 3 PANEL MEMBER LANSDOWNE: But you're 4 claiming he is not entitled to it and you 5 didn't pay it. 6 MR. M.L. CIOFFI: Correct. Either 7 A, there is no differential, or B, he is not 8 entitled to it. 9 PANEL MEMBER LANSDOWNE: You are 10 claiming that they didn't pay? 11 MR. M.L. CIOFFI: He was not owed 12 it. 13 PANEL MEMBER LANSDOWNE: I 14 understand. I know there has been an objection 15 about the foundation. Here is my confusion. 16 So I'm going to take a couple minutes and I 17 apologize. There is no dispute that the 18 railroad did not pay this \$27,882.92 that he 19 claims he is not entitled to, right? 20 MR. M.L. CIOFFI: No. Under the 21 terms of the contract, that's not due to him. 22 PANEL MEMBER LANSDOWNE: I 23 understand you saying that. 24 MR. M.L. CIOFFI: Look, just for 25 calculation. It's -- for the displacement	Page 300 1 he was earning. 2 CHAIRMAN STEINGLASS: So the amount 3 in this column would be the amount that he 4 would get as a displacement allowance if he had 5 no railroad earnings or other earnings and was 6 otherwise eligible? 7 MR. M.L. CIOFFI: That's a large 8 term. 9 CHAIRMAN STEINGLASS: I know but I 10 want to understand where we are. 11 MR. M.L. CIOFFI: Calculated on a 12 monthly basis. Well -- 13 CHAIRMAN STEINGLASS: I understand 14 that issue is open. Thank you. 15 MR. GRIFFIN: That's not our 16 understanding of what the documents are. Our 17 understanding is that this is the amount that 18 the railroad calculated was actually owed to 19 the individuals. But one of the problems that 20 we have here is they have not given us any 21 witness that we can talk to about what these 22 documents are. They haven't even given us a 23 witness for 30(b)(6). So yesterday Mr. Cioffi 24 spoke about rank hearsay and I don't know if 25 these are rank or not rank, but I do know that
Page 299 1 allowance there are three variables. The first 2 is what did the employee earn prior to the 3 merger. 4 PANEL MEMBER LANSDOWNE: Yes. 5 MR. M.L. CIOFFI: That's referred 6 to in these documents as the guarantee amount. 7 And you calculate that by looking at his actual 8 salary, dividing by 12 and doing the 9 calculation that's required in the agreements. 10 That's a base guarantee amount. In other words 11 the guarantee is he cannot make less after the 12 merger than that amount. 13 CHAIRMAN STEINGLASS: And that 14 would be 724.70 for this particular Claimant 15 for a single month. 16 MR. M.L. CIOFFI: Per month. 17 That's exactly right. 18 And then you do the calculation 19 afterwards. In any month in which he makes 20 less than that, he is, theoretically, if he 21 meets all the other requirements, entitled to 22 the displacement allowance. But throwing 23 around the term "guarantee," he wasn't 24 guaranteed that. The protection is a 25 differential between that amount and the amount	Page 301 1 these documents are coming in without any 2 explanation. So if Mr. Cioffi wants to make 3 factual representations, we would like to have 4 someone to cross-examine and be able to put on 5 the stand as a witness. 6 MR. M.L. CIOFFI: May I respond? 7 CHAIRMAN STEINGLASS: Go ahead. 8 MR. M.L. CIOFFI: Just so the 9 record is clear, all of this evidence that they 10 are trying to get in is all parol evidence. 11 The agreement and document says what it says. 12 You are going to have the numbers or you are 13 not going to have the numbers to do the 14 calculation. The calculation, Professor 15 Steinglass, is exactly what you said. It's a 16 fairly simple calculation. You got the numbers 17 and you plug it in. But to say that there is a 18 guaranteed amount that was supposed to be paid 19 to them, first of all, is not a concept that's 20 in the agreement and it's being thrown around 21 carelessly and loosely. That's not what the 22 agreement says. You go to the paragraph that 23 you obviously understand the calculation and 24 you do the calculation. 25 PANEL MEMBER LANSDOWNE: And then

10 (Pages 298 to 301)

Page 302 1 you come up with a figure, a guaranteed figure 2 because that's what this letter says, a 3 guaranteed figure, and then it has a column 4 that says "guarantee." And my only question 5 is: Does the railroad contend that it did pay 6 Mr. Norris or his estate \$27,882.92? 7 MR. M.L. CIOFFI: On a monthly 8 basis, most of the time, yes. 9 CHAIRMAN STEINGLASS: But the 10 payment was in wages. I think I understand 11 where we are factually and, ultimately, 12 legally. 13 PANEL MEMBER LANSDOWNE: Sorry for 14 taking that time but it was helpful to me. 15 CHAIRMAN STEINGLASS: I think to 16 the extent we can help understand the numbers 17 in this case, it's important. 18 MR. M.L. CIOFFI: Yes. 19 CHAIRMAN STEINGLASS: Continuing. 20 I'm not sure where we are -- were. 21 MR. GRIFFIN: I'm trying to decide 22 whether I should respond to what Mr. Cioffi 23 said and I think I'm going to let it go. 24 CHAIRMAN STEINGLASS: I think it 25 speaks for itself.	Page 304 1 someone work 45 years for a company and then be 2 told you are not entitled to anything more than 3 four? I hope that doesn't happen to you. My 4 dad worked hard. He taught me you go to work, 5 you do right by them, they are going to do 6 right by you. He is a person. He is not just 7 a name. That's all. 8 I really hope this would happen to 9 you some day. I'm sorry. I'm usually not that 10 mean. That's it. 11 MR. GRIFFIN: Thank you very much. 12 CROSS-EXAMINATION OF VIRGINIA McNABB 13 BY MR. GROPPE: 14 Q. Ms. McNabb, my name is Jason 15 Groppe. I just have a couple of questions for 16 you. 17 A. Okay. 18 Q. Did you ever go to the railroad 19 with your dad? 20 A. A few times I did but I was young. 21 Q. How old were you? 22 A. There were times when I was little. 23 There were times when I was a teenager I would 24 stop down to see him. 25 Q. Did you ever see the conditions
Page 303 1 MR. GRIFFIN: I would just make two 2 points. One is that he misstates the parol 3 evidence rule, which, of course, is you can't 4 give extrinsic testimony that's contradictory 5 to the written document. It's not a blanket 6 rule. 7 But the second thing is that the 8 documents that we have spoken about are the net 9 amounts and the guarantees that are owed. At 10 least that's the way we look at it. We would 11 love to have had some sort of witness on any of 12 these documents but we don't, and so we have 13 our witness here and we have a fact witness 14 today. 15 BY MR. GRIFFIN: 16 Q. Ms. McNabb? 17 A. Yes. 18 Q. I don't have much more but I know 19 you came here today to talk with me. Is there 20 anything that you want to tell the Panel about 21 your father or about the reasons why he was 22 told he should not get the guarantee? 23 A. That I really don't understand. 24 MR. GROPPE: Objection. 25 A. I really -- I mean how could	Page 305 1 under which he worked at the railroad? 2 A. Yes. 3 Q. Did he ever actually show you 4 what -- did he actually perform work while you 5 were in front of him that you saw? 6 A. I saw him do things. I think they 7 were the switches where he would switch tracks. 8 Q. So he actually performed the work 9 in front of you? 10 A. Some of it, yes. 11 Q. Okay. You testified earlier that 12 Mr. Griffin showed you a document, it's marked 13 as PCC 03186. 14 MS. TRICARICHI: Do you know what 15 the exhibit number is? 16 MR. GROPPE: This would have been 17 Exhibit 30. Claimant's exhibit. 18 THE WITNESS: What is it? 19 BY MR. GROPPE: 20 Q. Here. 21 A. Okay. 22 Q. Do you know exactly when your dad 23 reported to work between these days? 24 A. I knew it wasn't long after he was 25 told he was let go out of his position.

11 (Pages 302 to 305)

Page 306 1 Q. But you don't know the specific 2 date that he actually returned? 3 A. Not the date. 4 Q. You don't know if your father ever 5 exercised his seniority rights on the railroad? 6 Do you know? 7 A. Yes, I do know. 8 Q. How so? 9 A. Something called bumping. 10 Q. Bumping? 11 A. Bumping. 12 Q. How do you know this? 13 A. I would listen to him when he would 14 talk on the phone. 15 Q. When did he exercise his seniority 16 rights? Do you have a time frame of when? 17 A. That I don't recall. 18 Q. So you don't know when he exercised 19 the seniority rights? 20 A. No, but I do remember the term 21 seniority rights. 22 Q. Okay. Do you know what your 23 father's base salary was? 24 A. No, I do not. 25 Q. So if you don't know what your	Page 308 1 Q. We took your deposition. You 2 realize you were under oath during that 3 deposition? 4 A. Yes. 5 Q. I'm going to refer to page 17 of 6 your deposition. 7 MR. GRIFFIN: I'm going to, for the 8 record, make an objection. In order to 9 impeach, you need a prior inconsistent 10 statement in order to begin to use a 11 deposition. 12 MR. GROPE: That's what we have 13 here. 14 CHAIRMAN STEINGLASS: Continue. 15 Mr. Groppe, make sure you are near the 16 microphone. 17 BY MR. GROPE: 18 Q. You say here -- we asked a question 19 "were you aware of the time --" 20 MR. GRIFFIN: Mr. Groppe, let me 21 give her my copy so you can return to the 22 microphone. 23 BY MR. GROPE: 24 Q. I'm going to refer you to page 16 25 of that deposition. The question at the bottom
Page 307 1 father's base salary is, then you don't know if 2 he made more than his base salary after the 3 merger? 4 A. I feel I do know. How could you 5 make -- if you don't work for a time if you 6 take -- you know, whatever they call it. There 7 were days he did not work. 8 Q. But you don't know if he actually 9 made more? 10 A. Seniority to bump him. 11 Q. But you actually don't know if he 12 made more than his base salary post merger, 13 correct? 14 A. Post merger I'm going to say yes, 15 he couldn't make it if he wasn't working. 16 Q. But you just said you don't know 17 what his base salary was. If you don't know 18 what his base salary was, how do you know he 19 didn't make more than his base salary? 20 A. He had to take a part-time job to 21 make ends meet. 22 Q. When did he get this part-time job? 23 A. He always did part-time jobs 24 different periods of his life, but I know that 25 he did after the merger.	Page 309 1 the page says "during the period of time when 2 your father was working on the railroad, and I 3 mean the period that you recall, did you ever 4 -- did he ever hold any other jobs besides 5 working for the railroad?" 6 You answered that "one time he 7 worked at Mark Lance Motors in the '50s because 8 we lived near it." 9 And then he asked you "any other 10 ones you remember?" 11 "Later in his life, St. John's 12 Hospital." 13 "Was that after he'd retired from 14 the railroad?" You were asked. 15 "From what I recall, it is." 16 MR. GRIFFIN: Where is the 17 inconsistent statement? 18 MR. M.L. CIOFFI: Why don't you 19 return to your seat. 20 MR. GRIFFIN: Because she has got 21 my copy. 22 CHAIRMAN STEINGLASS: Mr. Griffin, 23 don't hover over the witness. Let the 24 cross-examination continue. 25 MS. TRICARICHI: We don't have

12 (Pages 306 to 309)

Page 310 1 another copy of the deposition, that's the 2 problem. So we can't look at it while he is 3 examining her. That's why he was standing 4 there. 5 PANEL MEMBER LANSDOWNE: All this 6 paper and we don't have another copy? 7 CHAIRMAN STEINGLASS: We will go 8 slowly in case -- what I think we are going to 9 have to do is return the deposition to 10 Claimant's counsel and we are going to have to 11 revert back to you and the Witness sharing your 12 copy. 13 MR. GROPPE: That's fine. 14 CHAIRMAN STEINGLASS: So you can 15 give the deposition back to Mr. Griffin. 16 MS. TRICARICHI: He has to be next 17 to the Witness. Why don't you have the lawyers 18 at the podium. 19 THE WITNESS: I know what I said 20 and -- 21 MS. TRICARICHI: Wait for a 22 question. 23 CHAIRMAN STEINGLASS: You have 24 looked at the page that -- 25 THE WITNESS: Yes.	Page 312 1 MR. GROPPE: It's as clear as it 2 possibly could be in -- 3 MR. GRIFFIN: And then she adds St. 4 John's Hospital. 5 CHAIRMAN STEINGLASS: Continue, 6 please. 7 BY MR. GROPPE: 8 Q. Do you know if your father 9 exercised his seniority rights continuously 10 every day? 11 A. I don't understand the question. 12 Continuously every day? There was one time he 13 had 40 years' service and one time he had four 14 years. 15 Q. You just said previously that you 16 knew that for sure that your father exercised 17 his seniority rights. Did he exercises those 18 seniority rights every day? 19 A. All I know is that he would work 20 every day if he could. 21 Q. But you don't know if he actually 22 reported for work? 23 A. I know that he reported for work. 24 Q. How do you know he reported for 25 work?
Page 311 1 BY MR. GROPPE: 2 Q. And you understand it? 3 A. Yes. 4 Q. And you just testified earlier that 5 he has had part times jobs throughout his 6 employment with the railroad. 7 A. Yes. 8 Q. But you clearly state here that he 9 worked during the '50s at Mark Lance and he 10 didn't have any other job until after he 11 retired from the railroad. 12 A. I was mistaken because I remember 13 when you asked me these things, I hadn't 14 thought about these things in years. I truly 15 didn't. And I know he had worked. 16 MR. GRIFFIN: I'm going to object. 17 He is mischaracterizing what the deposition 18 testimony says. It simply says at one time he 19 worked at Mark Lance Ford. And then he simply 20 asks were there any others that you remember. 21 And she said later in his life, St. John's 22 Hospital. But then he never asked a follow-up 23 question of are there any others or anything 24 like that. There is no inconsistency here. 25 CHAIRMAN STEINGLASS: Continue.	Page 313 1 A. I would hear him call in to get a 2 job and if he didn't call in to get a job, he 3 went to a job. 4 Q. So when you say you actually heard 5 him call in, did you actually go along with him 6 when he reported for work? 7 A. No, sir. I did not. 8 Q. I'm going to show you what's been 9 shown to you by Mr. Griffin. It's PCC 0335. 10 MS. TRICARICHI: Do you know the 11 exhibit number? 12 MR. GROPPE: Defendant's Exhibit 13 24. 14 BY MR. GROPPE: 15 Q. You stated previously that this was 16 saying "recalled to work on June 8, 1968 and 17 accepted recall." And you said that that 18 conformed with what you thought happened with 19 your father. 20 A. That's correct. 21 Q. How do you know that? 22 A. I remember him going back to work. 23 Q. Did he report for work prior to 24 June 8, 1968? 25 A. I remember him being concerned on

13 (Pages 310 to 313)

Page 314 1 whether he was going to have a job or not. 2 Q. But you don't know whether he 3 actually reported for work prior to June 8, 4 1968? 5 A. If there was a job, I'm sure he 6 would do it. 7 Q. But you don't know if he actually 8 did take a job prior to June 8, 1968? 9 A. Yes. 10 MR. GROPE: I have no further 11 questions. 12 CHAIRMAN STEINGLASS: Redirect. 13 REDIRECT EXAMINATION OF VIRGINIA McNABB 14 BY MR. GRIFFIN: 15 Q. Ms. McNabb, you are aware that 16 there was a prior arbitration in this case? 17 A. Yes. 18 Q. I'm going to represent to you that 19 during the course of that, the Surface 20 Transportation Board wrote that "we find that 21 the Panel erred egregiously and failed to 22 observe the imposed labor protection conditions 23 in summarily denying benefits to the Claimants 24 who reported for work at the freight yard. The 25 ten former CUT employees who reported to the	Page 316 1 Q. No. So you don't know when your 2 father reported to the freight yard, correct? 3 A. Sure. The first chance he got. 4 Q. But you don't know when your father 5 reported for work at the freight yard? 6 A. No. 7 Q. And you never went to the freight 8 yard with your father to actually see him work, 9 correct? 10 A. Where is the freight yard? I went 11 to Collinwood and Linndale. 12 Q. Those were the only places that you 13 actually went to work? 14 A. Yes. 15 Q. That was when you were younger? 16 A. A teenager. 17 MR. GROPE: No further questions. 18 MR. GRIFFIN: No further questions. 19 CHAIRMAN STEINGLASS: Thank you. 20 Do we need to take a break? 21 MR. M.L. CIOFFI: Maybe a 22 two-minute break. 23 CHAIRMAN STEINGLASS: Before the 24 break, I have a question. In all the paper, 25 has someone explained what tier one and tier
Page 315 1 freight yard were Messrs. Acree, Benko, Day, 2 Doran, Gastony, Gentile, Norris, Steimle, 3 Tomczak and Uher." 4 MR. GROPE: Objection. This is 5 actually beyond the scope of my cross. 6 CHAIRMAN STEINGLASS: I think he 7 makes a good point. I don't see why this 8 didn't come up during the direct. 9 MR. GRIFFIN: It goes to the 10 question of did she know whether he went back 11 to work or not, which is what he was asking. 12 CHAIRMAN STEINGLASS: I'll allow 13 it. 14 BY MR. GRIFFIN: 15 Q. Is this consistent with your 16 understanding that your father reported for 17 work in the freight yard? 18 A. Yes. 19 MR. GRIFFIN: Thank you. 20 RECROSS-EXAMINATION OF VIRGINIA McNABB 21 BY MR. GROPE: 22 Q. Did you actually go to the freight 23 yard with your dad when you say he reported for 24 work? 25 A. No.	Page 317 1 two compensation is? What the difference is 2 between the two? Is there any significance to 3 that for purposes of this case? I see these 4 different columns. 5 MR. M.L. CIOFFI: No. 6 MS. TRICARICHI: No. 7 CHAIRMAN STEINGLASS: If there is 8 no significance, that's fine. I'm sorry. 9 MS. TRICARICHI: It has to do with 10 a pension formula. 11 CHAIRMAN STEINGLASS: Let's take a 12 two-minute break. 13 MR. GRIFFIN: Just as a matter of 14 housekeeping, we have heard from Dr. Rosen and 15 he said that he will be available after four 16 and stay however long we need him. 17 CHAIRMAN STEINGLASS: Five minutes. 18 (Recess taken.) 19 CHAIRMAN STEINGLASS: Mr. Griffin. 20 MR. GRIFFIN: Claimants would call 21 to the stand Ann Marie Pentz. 22 ANNE MARIE PENTZ, of lawful age, 23 called for examination, being first duly sworn, 24 as hereinafter certified, deposed and said as 25 follows:

14 (Pages 314 to 317)

Page 318 1 DIRECT EXAMINATION OF ANNE MARIE PENTZ 2 BY MR. GRIFFI: 3 Q. Ms. Pentz, could you please state 4 your full name for the record. 5 A. Ann Marie Pentz-Kirchener. 6 Q. And can you state your home address 7 for the record. 8 A. 1083 Plainview Road and that's in 9 South Euclid, Ohio. 10 Q. Do you have a relative who has 11 brought a claim in this case? 12 A. My father, Louis Pentz. 13 Q. Are you an estate representative 14 for your father's estate? 15 A. Yes, I am. 16 Q. When did your father start working 17 for the railroad? 18 A. To my knowledge somewhere in the 19 beginning of the 1940s. 20 Q. Which railroad did he work on? 21 A. New York Central, where my entire 22 family, grandfather and uncle worked as well. 23 Q. In your family, which railroads did 24 your grandfather, your uncle and your father 25 work for?	Page 320 1 A. Yes. 2 Q. Can you tell me, what did your 3 father do for the New York Central Railroad? 4 A. He was a car inspector. 5 Q. What does a car inspector do? 6 A. My knowledge is he gets under the 7 cars, inspects the wheels, inspects the gears, 8 oil changes, whatever needs to be done under 9 each and every one of the passenger cars. 10 Q. Between 1964 and 1968, were you 11 living at home? 12 A. Yes. 13 Q. Did you have knowledge of your 14 father's work experience? 15 A. I only knew he went every day to 16 work. 17 Q. Did he have regular work prior to 18 1968 with the New York Central? 19 A. Yes. 20 Q. Did there come a time when there 21 was a merger with the New York Central with the 22 Pennsylvania Railroad? 23 A. I remember my father speaking of 24 that, yes. 25 Q. What did your father tell you?
Page 319 1 A. New York Central. 2 MR. GROPE: Objection. Relevance. 3 CHAIRMAN STEINGLASS: I will allow 4 the question. 5 Q. You are a railroad family? 6 A. Yes. 7 Q. Were there years of loyal service 8 to the railroad? 9 A. Many years. 10 MR. GROPE: Objection. Relevance. 11 CHAIRMAN STEINGLASS: Noted. 12 Q. What locations did your father 13 Louis Pentz work at on behalf of the New York 14 Central? 15 A. Terminal Tower and later years 16 Collinwood. 17 Q. Was your father an employee of the 18 New York Central in 1963 and 1964 at the time 19 the Merger Protection Agreement was signed? 20 A. Yes, he was. 21 Q. Was your father employed by the New 22 York Central in 1968 at the time of the merger? 23 A. Yes, he was. 24 Q. Was he employed continuously from 25 '63 to '68 by the New York Central?	Page 321 1 A. That at that point in time that 2 there would be a merger and it may change 3 things. 4 Q. What were the changes that occurred 5 after the merger? 6 A. He didn't have a job. 7 Q. He had a job before that? 8 A. Yes. 9 Q. After he lost his job after the 10 merger of the New York Central and Pennsylvania 11 Railroad, did your father try to find any other 12 work? 13 A. He tried but with an eighth-grade 14 education -- 15 MR. GROPE: I'm going to object to 16 this time frame after the merger. 17 CHAIRMAN STEINGLASS: Can you be a 18 little more precise? 19 Q. Beginning in 1968, did your father 20 try to find work other than on the railroad? 21 A. Yes, he did. 22 Q. What did your father do in order to 23 try to find other work? 24 A. The only thing he was able to do 25 was take a test for the post office.

15 (Pages 318 to 321)

Page 322 1 Unfortunately, he failed since he was only with 2 an eighth-grade education. 3 Q. Did he make his best efforts to try 4 to keep working for the railroad? 5 A. He called frequently to see what 6 would be available. He called friends he knew. 7 Q. Was there ever a period of time 8 after 1968 -- I'm sorry. Let me get back to 9 this. 10 When did your father pass away? 11 A. July 27 of 1975. 12 Q. Was there ever a time between 1968 13 and 1975 when your father was unavailable for 14 work at the railroad? 15 A. He was always available. 16 Q. Why was that? 17 A. Because he was unemployed, but 18 during that point in time -- there was no work 19 available for him. Once he left out of the 20 Terminal Tower, at that point in time, with the 21 merger, the job was not there. And I do not 22 remember how lengthy it was, but I do know 23 there was a length of time he was not going to 24 work every single day and calling and making 25 phone calls looking for jobs.	Page 324 1 money coming through to pay the bills. So a 2 lot of times they had to clammer to try to find 3 what little bit of savings they did have to try 4 and pay a little bit here and there. 5 MR. GRIFFIN: I have no further 6 questions. Thank you very much. 7 CROSS-EXAMINATION OF ANNE MARIE PENTZ 8 BY MR. GROPE: 9 Q. Hi, Ms. Kirchener. 10 A. Pentz-Kirchener. 11 Q. Pentz-Kirchener. Okay. Everything 12 you know about the case comes from what your 13 dad told you; is that correct? 14 A. I only heard bits and pieces, yes. 15 Q. But everything that you know about 16 this case and his employment comes from what 17 your dad told you? 18 A. And from what I heard, yes. 19 Q. Do you know what your father's base 20 salary was? 21 A. I have no idea. 22 Q. So you don't know if your father 23 made more than his base salary after the merger 24 than before, correct? 25 A. No. All I knew was after and
Page 323 1 Q. As the son of a railroad worker and 2 the brother of a railroad worker, did your 3 father ever turn down work at Penn Central? 4 A. No. No. 5 Q. Was he ever able to find any side 6 jobs or part-time jobs between 1968-1975, to 7 the best of your knowledge? 8 A. To my knowledge, no. 9 Q. Did the merger have any effect on 10 your family? 11 A. Very much so. It caused a whole 12 lot of stress. Caused a lot of argumentation 13 [sic] about money. At points in time, no money 14 was coming in. There was a lot of bills that 15 were due, too, that caused quite a bit of 16 arguments between my parents. 17 Q. What did the merger do to your 18 family's situation? 19 A. Destroyed it. 20 Q. What do you mean by that? 21 A. When you were used to having a 22 weekly or bi-weekly paycheck coming through the 23 door like my father was used to through the 24 years, my mother didn't work and therefore they 25 depended on that paycheck, and there was no	Page 325 1 during the point he was unemployed. That's all 2 I know was the money problems. 3 Q. But you don't know his base salary? 4 A. No. 5 Q. You don't know if he ever made less 6 than his base salary? 7 A. I don't know. 8 Q. Do you know personally if there was 9 any available work after the merger? 10 A. If there were, he would have gone 11 to work. 12 Q. But you don't know personally if 13 there was any available work after the merger, 14 correct? 15 A. No, because my father never would 16 have turned anything down. 17 Q. But you don't know personally if 18 anything was available? 19 MR. GRIFFIN: Objection. Asked and 20 answered. 21 MR. GROPE: I have no further 22 questions. 23 CHAIRMAN STEINGLASS: Thank you. 24 REDIRECT EXAMINATION OF ANNE MARIE PENTZ 25 BY MR. GRIFFIN:

16 (Pages 322 to 325)

Page 326 1 Q. Mr. Groppe asked you whether 2 everything you know about this case, was the 3 word he used, came from what your father told 4 you. And I want to clear up the record and 5 make sure that the Panel understands. Did you 6 personally see your father make phone calls to 7 try to get work? 8 A. Yes. 9 Q. And did you see him making efforts 10 to work on the railroad? 11 A. Oh, yes. I remember a few of the 12 calls at least. I wasn't home for everything. 13 Making calls, asking the men that he used to 14 work with "is there anything available yet?" 15 Q. And on your own personal 16 experience, did he do that on a regular basis 17 from 1968 to 1975? 18 A. Yes. 19 MR. GRIFFIN: I have no further 20 questions. Thank you. 21 MR. GROPPÉ: No further questions. 22 CHAIRMAN STEINGLASS: Thank you. 23 THE WITNESS: Before I leave, I did 24 want you to know that this is my dad and he was 25 not a piece of paper.	Page 328 1 of the railroad, were you? 2 A. No. 3 Q. You were married to one; is that 4 correct? 5 A. Yes. 6 Q. Who were you married to? 7 A. David Bundy. 8 Q. How long were you married? 9 A. Twenty-three years. 10 Q. Is he still alive? 11 A. No, he is not. He passed away in 12 1982. 13 Q. What did he do for the railroad? 14 A. He was in the freight accounting 15 office as a rate revision clerk. 16 Q. What railroad was he hired on to? 17 A. The New York Central. 18 Q. How long did he work for the New 19 York Central? 20 A. To my knowledge, 20 years. 21 Q. From when to when? 22 A. I think it was 1950 -- 23 Q. Let me ask it this way. What year 24 did you get married? 25 A. 1959.
Page 327 1 CHAIRMAN STEINGLASS: Thank you 2 very much. 3 Do we have another witness this 4 morning? 5 MR. HART: We do. Anna Joe Bundy. 6 ANNA JO BUNDY, of lawful age, 7 called for examination, being first duly sworn, 8 as hereinafter certified, deposed and said as 9 follows: 10 DIRECT EXAMINATION OF ANNA JO BUNDY 11 BY MR. HART: 12 Q. Ms. Bundy, could you please state 13 your name for the record. 14 A. Anna Jo Bundy. B-U-N-D-Y. 15 Q. Where do you live? 16 THE NOTARY: I'm sorry. I can't 17 hear you. Can you speak a little closer to the 18 microphone, please. 19 THE WITNESS: Can you hear me now? 20 THE NOTARY: Yes. Thank you. 21 Q. Can you please state your address 22 again. 23 A. 230 Grandview Avenue, Catskill, New 24 York. 25 Q. Ms. Bundy, you were not an employee	Page 329 1 Q. And he was working for the railroad 2 at that time? 3 A. Yes. 4 Q. When did he leave the railroad? 5 A. 1969. 6 Q. He was working for the railroad in 7 1963 and 1964? 8 A. Yes. 9 Q. In those years, '63 and '64, what 10 was he doing at the railroad? 11 A. He was in the same position in the 12 freight accounting office. 13 Q. Where was he working at? 14 A. In 1963 and 64? 15 Q. Yes. 16 A. Buffalo, New York. 17 Q. Do you know where he worked 18 throughout his time? 19 A. Yes. 20 Q. Can you tell us? 21 A. Buffalo, New York, Detroit, and 22 Albany and Selkirk. 23 THE NOTARY: I didn't quite hear 24 you. 25 THE WITNESS: Selkirk,

17 (Pages 326 to 329)

Page 330 1 S-E-L-K-I-R-K. 2 Q. What state is that? 3 A. New York. 4 Q. Did he have the same position in 5 each of those places? 6 A. Yes. 7 Q. Are you familiar with the concept 8 of seniority? 9 A. Yes. 10 Q. How are you familiar with that? 11 A. I know it from my own job, my 12 father and everyone. 13 Q. Did you talk to your husband about 14 it as well? 15 A. Yes, we did. 16 Q. Where was his seniority? 17 A. Detroit. 18 Q. Was it in Detroit when he was at 19 all of the locations that you mentioned? 20 A. No. It was in Buffalo at first. 21 Q. And then it went to Detroit? 22 A. Yes. 23 Q. You mentioned that your husband 24 worked with the railroad till 1969; is that 25 accurate?	Page 332 1 binders at Exhibit 22, Claimants' Exhibit 22. 2 I'm going to direct you to the fourth page of 3 that particular exhibit, ma'am. Ma'am, do you 4 recognize that page? 5 A. Yes, I do. 6 Q. What is that? 7 A. This is the letter my husband wrote 8 to Mr. Scheper requesting severance pay. 9 Q. Do you know if that letter was ever 10 sent to Mr. Scheper? 11 A. Yes. 12 Q. How do you know it was sent there? 13 A. I mailed it. 14 Q. You mailed it yourself? 15 A. I did. 16 Q. The letter was written by your 17 husband? 18 A. Yes. 19 Q. Is that his handwriting? 20 A. Yes, it is. 21 Q. Do you know whether your husband 22 got any response to that letter? 23 PANEL MEMBER TOMAIN: Counsel, I 24 wonder if she can read it. I'm having 25 difficulty reading every word here.
Page 331 1 A. Yes. 2 Q. Why did he leave the railroad? 3 A. When his job was abolished and he 4 had to take a lesser position with less pay, 5 which was difficult with a young family. 6 Q. You said his job was abolished. 7 Can you explain that? 8 A. His position was abolished as a 9 rate revision clerk and he was demoted or moved 10 down to the utility clerk. 11 Q. Do you know when that happened? 12 A. That was late January, February 13 1969. 14 Q. When your husband's job was 15 abolished, what did he do? 16 A. Well, he tried to exercise 17 seniority rights and there was no position, so 18 he did ask for severance pay. 19 Q. When you say he asked for severance 20 pay, how did he do that? 21 A. By letter. 22 Q. How do you know he did that by 23 letter? 24 A. I saw this letter. 25 Q. I'm going to hand you what's in our	Page 333 1 Q. Can you read it? 2 A. Yes. 3 PANEL MEMBER TOMAIN: Thank you. 4 THE WITNESS: Do you want me to 5 read the name and address? 6 PANEL MEMBER TOMAIN: No, no. Just 7 "Dear Sir" would be fine. 8 THE WITNESS: "Dear Sir, in 9 reference to your letter 1-31-66, my position 10 as head clerk job 1219 at Selkirk -- " 11 I'm not sure what the next word is. 12 MS. TRICARICHI: I think it's NY. 13 PANEL MEMBER TOMAIN: Yeah. Will 14 be. I don't know that word either. 15 MS. TRICARICHI: No. NY. 16 THE WITNESS: "At Selkirk, New York 17 will be abolished at the close of business on 18 February 7, 1968." 19 "Due to the Penn Central converting 20 the former Albany central billing to the 21 regional SRI billing performed by the former 22 Penn Railroad and in this connection, work 23 performed by me in the TAC Center with Albany 24 and being transferred to the office of the 25 regional --" I'm sorry. I don't know the next

18 (Pages 330 to 333)

Page 334 1 word. " -- the regional controller's office at 2 New York, New York and the promises of 3 expecting -- " Some of it's very blurred. 4 PANEL MEMBER TOMAIN: Yes. 5 MR. HART: Read what you can. 6 THE WITNESS: " -- the transfer of 7 the Merger Implementing Agreement. And as 8 there is no position available to me under the 9 thirty mile radius, I wish to exercise my 10 option of the coordination in a lump sum a 11 separation allowance according to Section 9 of 12 the Washington Agreement. Respectfully, David 13 Bundy." 14 PANEL MEMBER TOMAIN: Thank you 15 very much. 16 MR. M. A. CIOFFI: Can we take 17 notice of the February 7, 1968 date is supposed 18 to be February 7, 1969? 19 MS. TRICARICHI: Yes, I do think 20 there is a misspeaking because if the letter 21 abolishing his job is January 31, '69, I think 22 the next should have been '69. I think that's 23 just an error. 24 CHAIRMAN STEINGLASS: Thank you. 25 BY MR. STEWART:	Page 336 1 A. It was lower. 2 Q. Lower when he took the job as a 3 utility clerk? 4 A. The utility clerk was a lower 5 position. 6 Q. Can you describe for us how losing 7 his position affected him? 8 A. He became much quieter, did not 9 like going to work anymore. It was not 10 pleasant at all. Sometimes there was nothing 11 for him to do. The attitude around him 12 changed. 13 Q. What do you mean? 14 A. The attitude of the people around 15 work changed. He would come home and tell me 16 about they were not pleasant at all. And 17 consequently when he came home, he would be 18 short tempered with the children, things that 19 never bothered him all of a sudden he would 20 jump on them about. Less inclined to 21 participate in social activities. 22 Q. Anything else? 23 A. He just was never the same. His 24 ability to support his family the way he wanted 25 to and the fact that I mentioned going back to
Page 335 1 Q. Ma'am, on February 7, 1969 was his 2 job abolished? 3 A. Yes. 4 Q. Did your husband continue to work 5 for the railroad after that? 6 A. Yes, he did. 7 Q. For how long? 8 A. For approximately one to two 9 months. 10 Q. What kind of job did he take? 11 A. Utility clerk. 12 Q. Was he receiving the same rate of 13 pay as the utility clerk as he was before that? 14 A. No. 15 Q. Was it higher or lower as a utility 16 clerk? 17 A. Lower. 18 Q. Was your husband able to get any 19 other jobs in exercise of his seniority? 20 A. No. 21 Q. Was the status of his job as a 22 utility clerk the same as his status prior to 23 that? 24 A. No. 25 Q. How would you describe it?	Page 337 1 work, which he was against from the day of our 2 marriage, caused problems. 3 MR. HART: Just a second. 4 Q. Ma'am, after your husband sent the 5 letter that you have, marked as Exhibit 22, you 6 mentioned that he did not receive a response; 7 is that true? 8 A. No, he did not. 9 Q. Did he receive any benefits from 10 the railroad? 11 A. No. None. 12 Q. None whatsoever? 13 A. None at all. 14 Q. Ma'am, you came to Cleveland all 15 the way from Catskill, New York; is that true? 16 A. Yes. 17 Q. Why did you come here? 18 A. I came solely for this hearing. 19 Q. And you asked to come here; is that 20 true? 21 A. Yes. 22 Q. Is there anything else that you 23 want to tell the Panel before we let you go? 24 A. I want them just to know the 25 impact on, not only the employee, but the

19 (Pages 334 to 337)

Page 338 1 family of what something like this can do, and 2 then to be totally ignored after all the years 3 of service should be taken into consideration. 4 He liked the railroad, he enjoyed his job, 5 enjoyed the people. And to not have a job, to 6 take the position that just going to work 7 caused a lot of concern, depression, which 8 then, again, impacted on the family. 9 MR. HART: Thank you, ma'am. They 10 might have some questions. 11 CROSS-EXAMINATION OF ANNA JO BUNDY 12 BY MR. M. A. CIOFFI: 13 Q. Good morning, Ms. Bundy. 14 A. Good morning. 15 Q. My name is Michael Cioffi. I'm 16 going to ask you just a few short questions. 17 I just would like to start by 18 clarifying the timeline that you are talking 19 about. Your husband reported as a utility 20 clerk sometime after the February 7, 1968 or 21 1969 abolishment? 22 A. Yes. 23 Q. Do you know about when he started 24 as a utility clerk? 25 A. I don't know the exact date.	Page 340 1 specifically page 4. 2 MR. HART: Give me one second. 3 MR. M. A. CIOFFI: Sure. 4 MS. TRICARICHI: What page did you 5 say? 6 MR. M. A. CIOFFI: Page 4. 7 BY MR. M. A. CIOFFI: 8 Q. Ms. Bundy, this was prepared by Dr. 9 Rosen, Defendant's expert and it's a list of -- 10 MS. TRICARICHI: I can't hear you. 11 Q. A list of years that your husband 12 worked at the railroad and the salary 13 corresponding. I would like you to look at the 14 last two years, 1968 and 1969. What amount of 15 money did he make in 1968? 16 A. According to this, \$7,794.82. 17 Q. And in 1969, in the two months you 18 said he worked as a -- utility work, how much 19 did he make? 20 A. \$3,627.43. 21 Q. And the -- 22 A. My time frame could be off easily 23 because, with everything else going on. 24 Q. Sure. But in that period of time, 25 two months, what your recollection is, he made
Page 339 1 Q. Do you know the month maybe? 2 A. It would have been when his job was 3 abolished. 4 Q. But you are not sure of the month? 5 A. Most likely in February. 6 Q. Where was he utility clerk? 7 A. Selkirk, New York. 8 Q. How long did he hold his position? 9 MR. HART: Objection. Which 10 position? 11 MR. M. A. CIOFFI: Utility clerk. 12 A. Approximately two months. 13 Q. So he quit after two months? 14 A. He left after two months. 15 Q. Now, you testified that when he 16 became a utility clerk that he made less money, 17 that times were hard. And we are talking in 18 this period of a couple of months, is that 19 correct, in which times were hard because he 20 was -- 21 A. Yes. 22 Q. -- of his new position. 23 I would like to show you a 24 document. This is from Plaintiffs' expert 25 witness, Dr. Rosen's report. David Bundy,	Page 341 1 about half of what he made the previous year, 2 correct? I'm sorry. If you want to look at 3 this. 4 A. No. It says six months on there. 5 Q. Right. But the amount was about 6 half or less than half the time he worked the 7 previous year? 8 A. Right. 9 MR. M. A. CIOFFI: Nothing further. 10 REDIRECT EXAMINATION OF ANNA JO BUNDY 11 BY MR. STEWART: 12 Q. Ma'am, the amount that's listed for 13 that 1969 year -- 14 A. Yes. 15 Q. -- did you understand that the 16 amount that he made was for six months that's 17 listed on the document that you were shown? 18 A. Yes. I did see that. 19 Q. Is that your understanding of what 20 he made in six months? 21 A. Yes. 22 Q. Thank you. 23 MR. HART: Nothing further. 24 RECROSS-EXAMINATION OF ANNA JO BUNDY 25 BY MR. M. A. CIOFFI:

20 (Pages 338 to 341)

Page 342 1 Q. Your understanding of the facts and 2 the times that he was at work, his salary, your 3 understanding comes from your conversations 4 with your husband. 5 A. Yes. 6 MR. HART: Nothing. 7 CHAIRMAN STEINGLASS: I believe we 8 are adjourned. We will reconvene at 1:30. 9 10 (Luncheon recess taken.) 11 ----- 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Page 344 1 A. Yes, it was my father, Paul Scuba. 2 Q. Can you tell us when your dad 3 started working at the railroad? 4 A. I think it was around 1940. 5 Q. What railroad did he work for? 6 A. He worked for the New York Central 7 Railroad. 8 Q. And can you tell us what kind of 9 job he had? 10 A. He was a car inspector. 11 Q. Was he employed by the New York 12 Central in 1963 and 1964? 13 A. Yes, he was. 14 Q. Do you know what locations he 15 worked at when he was working for the New York 16 Central? 17 A. I think Collinwood and also the 18 Union Terminal. 19 Q. And you said he was a car 20 inspector. Do you know what a car inspector 21 does? 22 A. I believe he walks the tracks, 23 check the cars. 24 Q. In the 1940s and 1950s, that would 25 have been when you were growing up?
Page 343 1 AFTERNOON SESSION 2 CHAIRMAN STEINGLASS: We are ready. 3 MS. TRICARICHI: Plaintiffs would 4 call Mr. Paul Scuba. 5 CHAIRMAN STEINGLASS: Thank you. 6 PAUL SCUBA, of lawful age, called 7 for examination, being first duly sworn, as 8 hereinafter certified, deposed and said as 9 follows: 10 DIRECT EXAMINATION OF PAUL SCUBA 11 BY MS. TRICARICHI: 12 Q. Good afternoon, Mr. Scuba. 13 A. Good afternoon. 14 Q. Can you state your name for the 15 Panel. 16 A. My name is Paul William Scuba. 17 Q. Can you tell us where you live, Mr. 18 Scuba. 19 A. 1160 North Carpenter Road, 20 Brunswick, Ohio. 21 Q. Mr. Scuba, are you part of this -- 22 are you personally part of this case? 23 A. No. 24 Q. Do you have a relative who was a 25 party in this case?	Page 345 1 A. Yes. 2 Q. Did he have a regular job during 3 that period? 4 A. Yes. 5 Q. Go to work every day? 6 A. Yes, he did. 7 Q. Did there come a time when you 8 learned that there was a merger between the two 9 railroads? 10 A. Yes. 11 Q. What railroads were those? 12 A. The New York Central and the 13 Pennsylvania. 14 Q. Can you tell us what happened at 15 the time of the merger? 16 A. That was like 30 years of pain and 17 suffering for the Scuba family. 18 Q. Why do you say that? 19 A. Well, he was miserable. 20 Q. Why? 21 A. Because he lost his seniority 22 rights. He was very angry about it. 23 Q. What did he tell you about why he 24 was angry? 25 MR. M. L. CIOFFI: Objection. I

21 (Pages 342 to 345)

Page 346 1 assume I have a continuing objection to all 2 hearsay. 3 CHAIRMAN STEINGLASS: Correct. 4 That's correct. 5 MR. M. L. CIOFFI: Thank you. 6 BY MS. TRICARICHI: 7 Q. You can answer. 8 A. What was the question? 9 Q. You said your father talked about 10 it and I asked you what did your father tell 11 you about why he was angry? 12 A. Because they told him he didn't 13 work for the New York Central Railroad after 28 14 years. 15 Q. Was your dad involved at all with 16 the union, Mr. Scuba? 17 A. Yes, he was. 18 Q. Do you remember what union that 19 was? 20 A. No. 21 Q. The name of it? 22 A. I don't really know what the name 23 of the union was. 24 Q. Do you recall anything about his 25 service as a union rep?	Page 348 1 extra board. 2 Q. What's an extra board? 3 A. I guess that was when jobs came 4 open, if you had enough seniority to work, they 5 would call you or you would call in to see if 6 your name was marked up. I remember a lot of 7 times he used to call and they would make him 8 wait. He would sit and wait and then they 9 could wall him back at the last minute and say 10 "no, we don't have any work for you" or "yeah, 11 we have work for you." He went through that 12 for quite a while. 13 Q. How did that differ from his work 14 before? 15 A. He had a job that he went to every 16 day. He had specific days off and for a long 17 time he worked days and then after that, he 18 started working nights, three to 11 shift and 19 things like that. 20 Q. Did he make himself available for 21 work? 22 A. He was always available for work, 23 as far as I know. I don't ever remember my 24 father missing work for being ill or anything 25 else until he retired, other than when they
Page 347 1 A. I recall he got a lot of phone 2 calls after the merger because a lot of people 3 were getting screwed over by the railroad. 4 Q. Were you there when he received the 5 calls? 6 A. A lot of times I was there. 7 Q. What was his reaction? 8 A. It upset him a lot. He was more 9 concerned about the other people that he 10 represented than he was about himself. 11 MR. GROPE: Objection. Relevancy. 12 CHAIRMAN STEINGLASS: Noted. 13 BY MS. TRICARICHI: 14 Q. Why was he concerned? 15 A. Why was he concerned? Because they 16 were losing jobs. They were losing their 17 money. They were losing their livelihood. It 18 was making some of them sick. He didn't think 19 it was fair. He was very passionate about 20 believing it wasn't fair. 21 Q. You touched on this a little bit. 22 What affect did the merger have on your dad's 23 own ability to work? 24 A. It changed the way he worked. He 25 still worked regularly but he worked off an	Page 349 1 didn't have work for him after the merger. 2 Q. Did he have any side or part-time 3 jobs? 4 A. No. He was a railroader. He 5 believed that if he wasn't there to answer the 6 phone when they called him, that they would 7 screw him over. They would tell him that he 8 couldn't work anymore and lose all his 9 seniority, plus his pension, whatever. That -- 10 so he was careful about that. 11 Q. How did the job loss affect the 12 lives of your parents? 13 A. Well, I think the phone calls he 14 got from the other people that were displaced 15 were very upsetting to my mother and him. It 16 was a point of argument for the two of them 17 because he was constantly on the phone 18 listening to other people's problems. And then 19 after he would get off the phone, then he would 20 be upset. He took it to heart when somebody 21 would call up and say I lost my house or I lost 22 this because I lost my job. He was like a 23 sponge. He sucked it up. 24 I never understood that until I sat 25 down and talked to him one time about it, and

22 (Pages 346 to 349)

Page 350 1 he told me how he felt after he talked to those 2 people, how the company screwed them over and 3 how much it pissed him off. I'm just relaying 4 to you some of the conversations that we had. 5 Q. You talked to us a little about 6 what your dad had said to you about the 7 situation he was in. 8 A. Uh-huh. 9 Q. Did you -- when did he pass away? 10 A. Pardon? 11 Q. When did he pass away? 12 A. In '95. 13 Q. Before he passed away, what did he 14 say to you about -- 15 A. He said "make these son of a 16 bitches pay. Make them pay. If you ever get 17 one chance and I'm not around, make sure you 18 show up in court." 19 I didn't want to be here. I'm here 20 because my dad asked me to be here, and if he 21 is watching me, he would be pissed off if I 22 wasn't here. I couldn't take the chance. 23 Q. I understand because I'm here for 24 that reason also. 25 Mr. Scuba, you came here today and	Page 352 1 Q. One question. Just to clarify a 2 little bit what you said on the record, you 3 stated you really didn't have an understanding, 4 a good understanding of everything that was 5 going on with your childhood and so you sat 6 down with your dad and talked to him; is that 7 correct? 8 A. No. That's not what I said. 9 Q. Did you have -- most of the 10 knowledge to which you testified to comes from 11 conversations you had with your dad or 12 telephone conversations you heard your dad 13 having, correct? 14 A. Well, most of it comes from 15 observation. 16 Q. Observation of the telephone calls? 17 A. Some of it from observation, some 18 of it from talking to him about it. 19 Q. So you didn't say just on the 20 record that you didn't have a good 21 understanding until -- 22 A. I don't remember that I said that I 23 didn't have a good understanding of something. 24 If you could point out where I said that, maybe 25 I misspoke or maybe you misunderstood.
Page 351 1 sat here through testimony. Is there anything 2 more you want to say to the Panel about this 3 case? 4 A. You know, I think it's ridiculous 5 it's gone on 40 years. The Penn Central 6 deferred liability for 40 years. It's not 7 right. My father should be here because he 8 could do a better job testifying to the fact of 9 this case than I can. But I'm here because he 10 asked me to be here and you sent me a letter 11 and before I threw it in the garbage, I called. 12 But I don't want to be here. It's ridiculous. 13 I don't want to be here. I was 20-some years 14 old. 15 Q. And now you are retired yourself, 16 right? 17 A. I'm 64. It's a joke. 18 MS. TRICARICHI: Thank you, Mr. 19 Scuba. 20 CROSS EXAMINATION OF PAUL SCUBA 21 BY MR. M. A. CIOFFI: 22 Q. Mr. Scuba, my name is Mike Cioffi. 23 A. Hi. How are you doing? 24 Q. Thanks for being here. 25 A. You're welcome.	Page 353 1 Understanding of what? 2 Q. Of what was happening to your 3 father. 4 A. Well, I had a good understanding. 5 He lost his seniority. He was a union rep. 6 Q. And he told you that he lost his 7 seniority? 8 A. Yes. He told me -- the big thing 9 with him was they told him he was working for 10 the Cleveland Union Terminal and not the New 11 York Central. 12 Q. He told you all these things? 13 A. Yes. He told me he was working for 14 the New York Central Railroad. 15 Q. Okay. Thank you. 16 REDIRECT EXAMINATION OF PAUL SCUBA 17 BY MS. TRICARICHI: 18 Q. Mr. Cioffi didn't let you finish 19 your answer. He asked you a question about -- 20 MR. M. A. CIOFFI: Objection. I 21 let him finish his answer. 22 CHAIRMAN STEINGLASS: Drop the 23 preparatory comments and ask redirect. 24 BY MS. TRICARICHI: 25 Q. You were, I think, talking about

23 (Pages 350 to 353)

Page 354 1 what your dad told you about who he worked for. 2 A. Yes. 3 Q. And who he understood he worked 4 for. 5 A. Right. 6 Q. And who the railroad thought he 7 worked for. Can you explain? 8 A. I always understood that he worked 9 for the New York Central. To pick out the time 10 of the merger, at that time, they told him he 11 did not work for the New York Central, they 12 told him he worked for the Cleveland Union 13 Terminal. 14 MR. M. A. CIOFFI: Objection. 15 Anticipating an answer to the question. 16 THE WITNESS: I'm confused. 17 MR. M. A. CIOFFI: It's beyond the 18 copy of my cross. 19 CHAIRMAN STEINGLASS: I am going to 20 grant that. 21 MR. M. A. CIOFFI: Thank you. 22 THE WITNESS: Somebody explain to 23 me. 24 MS. TRICARICHI: He asked him what 25 his father told him.	Page 356 1 working for the New York Central? 2 A. Somewhere around 1946, '47. 3 Q. What location did he work for the 4 New York Central? 5 A. Cleveland Union Terminal and 6 Collinwood. 7 Q. Was your father, Mr. Uher, employed 8 by the New York Central in 1963 and 1964 at the 9 time the Merger Protection Agreement was 10 signed? 11 A. Yes. 12 MR. M. A. CIOFFI: Objection. 13 Foundation. She hasn't testified that she 14 knows what a Merger Protection Agreement is or 15 that she has seen the Merger Protection 16 Agreement. 17 CHAIRMAN STEINGLASS: Rephrase the 18 question. 19 BY MR. GRIFFIN: 20 Q. Was your father employed with the 21 New York Central throughout 1963 and 1964? 22 A. Yes, he was. 23 Q. What years did you live in your 24 father's house with your father? 25 A. From the time I was born, 1952 till
Page 355 1 CHAIRMAN STEINGLASS: I think he 2 testified on direct what he told him. 3 MS. TRICARICHI: I don't have 4 anything further. 5 CHAIRMAN STEINGLASS: Mr. Scuba, 6 thank you very much. 7 MR. GRIFFIN: The Claimants would 8 call Marybeth Verdi to the stand. 9 MARYBETH VERDI, of lawful age, 10 called for examination, being first duly sworn, 11 as hereinafter certified, deposed and said as 12 follows: 13 DIRECT EXAMINATION OF MARYBETH VERDI 14 BY MR. GRIFFIN: 15 Q. Mrs. Verdi, could you please state 16 your full name for the record. 17 A. Marybeth Verdi. 18 Q. Where do reside? 19 A. 714 Broadview Road, Parma, Ohio. 20 Q. What was your father's name? 21 A. Frank C. Uher. 22 Q. Did Frank C. Uher ever work for the 23 New York Central Railway? 24 A. Yes, he did. 25 Q. When did he start, approximately,	Page 357 1 1973 maybe. 2 Q. So throughout this time, you saw 3 your father? 4 A. Yes. 5 Q. You observed his habits? 6 A. Yes. 7 Q. You saw what he did around the 8 house? 9 A. Yes. 10 Q. What was your father's position 11 with the New York Central railway? 12 A. He was a brakeman. 13 Q. Was your father working for the New 14 York Central as a brakeman in 1968? 15 A. Yes, he was. 16 Q. And did there come a time when 17 there was a merger of the New York Central and 18 Pennsylvania Railway? 19 A. Yes. 20 Q. Before that merger, did your father 21 have steady work? Did he go to work every day 22 for the New York Central? 23 A. Yes, he did. 24 Q. Can you tell me what happened after 25 the merger in 1968?

24 (Pages 354 to 357)

Page 358 1 A. After the merger, he didn't work as 2 often with the railroad. It was basically when 3 they called him. Definitely wasn't full-time, 4 you know. He just waited for the phone calls. 5 And when they called him, he went. I don't 6 think it mattered what job it was either, 7 because he never talked much about brakeman 8 after that. 9 Q. Were you at home with him from 1968 10 to 1973? 11 A. Yes. 12 Q. Did you see him waiting for calls 13 at home? 14 A. Yes. 15 Q. Was there ever a time during this 16 period where he was unavailable for railway 17 work? 18 A. No. He was available. 19 Q. Was there ever a time where he 20 refused railway work? 21 A. No. 22 Q. Let me ask you to take a look at 23 your father's Railroad Retirement Board 24 records, which are attached as Plaintiffs' 25 Exhibit 8 starting briefly on page 4.	Page 360 1 life. And when they moved -- 2 MR. M. A. CIOFFI: Objection. I 3 would like to clarify that there is a 4 continuing hearsay objection. 5 CHAIRMAN STEINGLASS: Noted. 6 Continue. 7 BY MR. GRIFFIN: 8 Q. Based upon your personal 9 observation, how did things change in your 10 household after the merger? 11 A. My father was very -- 12 MR. M. A. CIOFFI: Objection. 13 Relevancy. 14 CHAIRMAN STEINGLASS: I'll allow 15 the question. 16 A. -- was very subdued, depressed, 17 didn't want to do much of anything around the 18 house. He was an excellent carpenter. You 19 name it, he could do it and it was like all of 20 that ceased. I think he was so wrapped up in 21 waiting to be called back to work, it was like 22 nothing else mattered. 23 Q. From 1968 to 1973, did your father 24 regularly call in to stand for the work? 25 MR. M. A. CIOFFI: Objection.
Page 359 1 While your father, Frank Uher, was 2 working for the New York Central and Penn 3 Central, did he ever work two jobs and work a 4 job for Penn Central and another job for 5 another employer? 6 A. Yes, he did. 7 Q. Looking at the exhibit I handed to 8 you, looks like the railroad info is on one 9 column and the other side is social security. 10 In 1955, did your father work two jobs? 11 A. Yes. 12 Q. In 1956 he did as well? 13 A. Yes. 14 Q. In fact, if you look at this 15 exhibit from 1955 through 1971, in each and 16 every year he worked two jobs, didn't he? 17 A. Yes, he did. 18 Q. So both before and after the merger 19 in 1968, your father had employment outside of 20 the railroad? 21 A. Yes, he did. 22 Q. Tell me about what happened to life 23 in your household after the merger. 24 A. Well, my father was always a 25 happy-go-lucky man and the railroad was his	Page 361 1 Leading question. 2 MR. GRIFFIN: It's not a leading 3 question. It doesn't presume an answer. 4 CHAIRMAN STEINGLASS: I'll allow 5 the question. 6 A. Yes, he did. 7 BY MR. GRIFFIN: 8 Q. Tell me a little bit about, was 9 there any impact financially on your household 10 as a result of the merger? 11 MR. M. A. CIOFFI: Objection. 12 Leading question. Lack of foundation. She has 13 no knowledge about whether or not the merger 14 actually had an impact on them financially. He 15 has not laid any kind of foundation that the 16 merger affected the income. Two, it's a 17 leading question. 18 MR. GRIFFIN: It's not a leading 19 question but I'll rephrase it. 20 CHAIRMAN STEINGLASS: Rephrase it. 21 BY MR. GRIFFIN: 22 Q. After the merger occurred, was 23 there a change in the financial circumstances 24 of the household? 25 A. Yes, there was.

25 (Pages 358 to 361)

Page 362 1 Q. Can you tell me what that was? 2 A. Money sure wasn't the same. He 3 worked his little part-time jobs but it didn't 4 compare to what he was bringing home with the 5 railroad. 6 MR. M. A. CIOFFI: Objection. Lack 7 of personal knowledge. Lack of foundation. 8 She doesn't have any foundation to know what he 9 made before and what he made after. Unless the 10 question is about pay stubs and bank accounts, 11 she has no knowledge. 12 CHAIRMAN STEINGLASS: Let's try to 13 lay a little more foundation for this. 14 BY MR. GRIFFIN: 15 Q. You were living in your father's 16 house through 1973? 17 A. Yes. 18 Q. Did you ever speak with your father 19 about money? 20 A. Yes. 21 Q. What was the discussions with your 22 father concerning money and the financial 23 circumstances in the household? 24 A. Just that things were going to be a 25 lot tighter than what they normally were. My	Page 364 1 that happened, it's like there was not enough 2 for everything. We had to wait for it. I was 3 working full-time. We were all sort of working 4 at the time except my father and that made 5 things worse. 6 Q. Did there come a time where your 7 father thought he needed to sell the house? 8 A. Yes. 9 Q. Tell me about that. 10 A. We had a beautiful home in 11 Brunswick and it got to the point where they 12 couldn't make the mortgage payments, so we had 13 to put the house up for sale and we moved in to 14 rent from there. We moved closer into town. 15 Q. Approximately what year was that? 16 A. Around 1969, 1970. 17 Q. Was there anything that you had to 18 do to assist your parents because your dad 19 couldn't maintain a regular job through 20 seniority? 21 A. Well, I had to stay at home and I 22 was engaged to be married, and even before I 23 was married, when my fiancée moved into our 24 house, and we paid them rent and paid some of 25 the utility bills for a long time. We stayed
Page 363 1 mom had to go back to work full-time. 2 Q. Where did your mother have to go 3 back to work? 4 A. When? 5 Q. Where? 6 A. Restaurants, like in the kitchen 7 prep, dish washing and stuff like that. 8 MR. M. A. CIOFFI: Objection as to 9 time frame. 10 CHAIRMAN STEINGLASS: Rephrase the 11 question. 12 BY MR. GRIFFIN: 13 Q. Approximately what period of the 14 time did your mother have to go back the work? 15 A. Probably, I want to say around '68. 16 It had to be '68. 17 Q. And how old were you in 1968? 18 A. 1968 I was like 16. 19 Q. And were you familiar with the 20 purchases and expenditures of your household? 21 A. Pretty much. 22 Q. What do you mean by "pretty much"? 23 A. I mean, usually before the merger 24 we could do anything. There was always money. 25 There was always money there. And then once	Page 365 1 there even after we were married, just to help 2 them out. 3 Q. Your personal observation, what was 4 the impact on your father of not being able to 5 get steady work because of his losses? 6 A. He was devastated and it took a lot 7 to get him to that point, because I never seen 8 him the way that he was after the merger. 9 Q. What do you mean it took a lot to 10 get him to that point? 11 A. He was just -- he let the water run 12 off his back. He was the most good-hearted 13 person you could ever meet and it's just that 14 after that, he was -- like I said, he was on 15 the edge. He wasn't the same man that, you 16 know, I grew up with. 17 Q. Mrs. Verdi, you are here on behalf 18 of your father who waited 40 years to be here 19 today. Is there anything that you want to say 20 to the Panel? 21 A. I'm just sorry it took so long to 22 get here. I realize he didn't live that long 23 after the claim was filed and everything, but 24 you know, he suffered, we all suffered after he 25 was more or less laid off from the railroad.

26 (Pages 362 to 365)

Page 366 1 And I don't know if he was ever the 2 same. He was totally wrecked. Our home life 3 totally changed. He just wasn't himself 4 anymore. Every day he was worried. He wished 5 they would call him back and stuff like that. 6 There wasn't a day or half a day that went by 7 that he didn't talk about it. We kept saying 8 it's going to happen, it will happen. He had 9 so many years. He really thought he was going 10 to be called back for a job. 11 MR. GRIFFIN: Thank you very much. 12 CROSS-EXAMINATION OF MARYBETH VERDI 13 BY MR. M. A. CIOFFI: 14 Q. Good afternoon, Mrs. Verdi. 15 A. Good afternoon. 16 Q. Thank you for being here. My name 17 is Michael Cioffi. 18 Very briefly, did you know -- or 19 you did know that your father had filed a claim 20 against Pennsylvania Railroad? 21 A. Yes. 22 Q. And you knew about that and you 23 knew everything about that from what your mom 24 told you? 25 A. From what she told me, that's what	Page 368 1 the schedule. There's no more witnesses for 2 today as far as I understand; is that correct? 3 MS. TRICARICHI: That's correct, 4 Your Honor. As I indicated, Mr. O'Neil, in an 5 unforeseen illness, and Mr. Novotny has 6 foreseen but has age-related issues and he is 7 90 and there's a lot of issues getting here 8 today. We may submit this deposition. It 9 wasn't a video deposition at the time. 10 CHAIRMAN STEINGLASS: Is there any 11 other business today? 12 I have one question that I'm sure 13 will get clarified tomorrow but I would like 14 you to at least think about it. In terms of 15 understanding the records, but just looking at 16 the Railroad Retirement Board earnings 17 statement that was presented to the last 18 witness, in a number of the years the number 19 seems very rounded off, 6,600, 5,400, 5,400, 20 4,900 from the years '63 to '66. I recall 21 having seen someplace that that represents sort 22 of the cap against which social security tax or 23 railroad retirement tax is assessed and the 24 actual earnings could be more; is that correct? 25 MR. GRIFFIN: That's correct. What
Page 367 1 I know. 2 Q. And that's how you knew about the 3 claim, about all that was going on in your 4 childhood? 5 A. Yes. 6 MR. M. A. CIOFFI: Thank you. 7 REDIRECT EXAMINATION OF MARYBETH VERDI 8 BY MR. GRIFFIN: 9 Q. Ms. Verdi, just to clear up the 10 record, Mr. Cioffi asked you about your 11 communications with your mother. Can you state 12 for the record your mother's name? 13 A. Hermine. 14 Q. You testified earlier about seeing 15 your father in the house and his efforts and 16 his availability for working. Was that based 17 upon your own personal knowledge? 18 A. Yes. 19 MR. GRIFFIN: Thank you. 20 CHAIRMAN STEINGLASS: Can I assume 21 we are done? 22 MR. M. A. CIOFFI: Yes. Thank you 23 very much. 24 CHAIRMAN STEINGLASS: We appear to 25 be at a place I didn't contemplate to be at on	Page 369 1 happened is that for any year in which a worker 2 had more than that, the excess was not 3 reported. And as a result, our expert declined 4 to evaluate any damages for any year in which 5 the earnings are at that rounded figure. So 6 even though it's possible that there were 7 damages, we have not calculated any damages for 8 any year that there was a rounded amount. 9 CHAIRMAN STEINGLASS: Thank you. 10 Is that your understanding of what 11 these records mean? 12 MR. M. L. CIOFFI: I'll agree it's 13 consistent with what their expert says. 14 CHAIRMAN STEINGLASS: We are 15 concluded today. We will be here at nine 16 o'clock tomorrow. 17 MR. HART: I have been told that -- 18 there is a federal case that I'm working on in 19 Nevada and the judge has asked if I could be on 20 a phone call between one and 1:15 tomorrow, and 21 I am going to do the cross of Mr. Weinman. And 22 if it's at that point, can I request that we 23 take 15 minutes at one o'clock tomorrow? 24 MR. M. L. CIOFFI: When are we 25 going to reconvene tomorrow?

27 (Pages 366 to 369)

Page 370 1 CHAIRMAN STEINGLASS: We are 2 convening at nine. We have not identified a 3 time for reconvening in the afternoon. Why 4 don't we do that right now. In light of that, 5 why don't we say 1:30. 6 MR. HART: Thank you. 7 CHAIRMAN STEINGLASS: We are 8 adjourned. 9 10 (The proceedings adjourned at 2:08 p.m.) 11 ----- 12 13 14 15 16 17 18 19 20 21 22 23 24 25	
Page 371 1 CERTIFICATE 2 3 4 I, Eva Petrone, do hereby certify 5 that as such Reporter I took down in Stenotypy 6 all of the proceedings had in the foregoing 7 transcript; that I have transcribed my said 8 Stenotype notes into typewritten form as 9 appears in the foregoing transcript; that said 10 transcript is the complete form of the 11 proceedings had in said cause and constitutes a 12 true and correct transcript therein. 13 14 15 16 17 Eva Petrone, Notary Public 18 within and for the State of Ohio 19 20 My commission expires February 1, 2008. 21 22 23 24 25	

28 (Pages 370 to 371)

A ability 271:20 336:24 347:23 able 286:6 301:4 321:24 323:5 335:18 365:4 abolished 331:3,6,8 331:15 333:17 335:2 339:3 abolishing 334:21 abolishment 338:21 about 270:13 271:17 277:9 280:14,20 281:19 283:4 287:10 294:8 298:15 300:21,24 303:8 303:20,21 311:14 323:13 324:12,15 326:2 330:13 336:16,20 338:19 338:23 341:1,5 345:22,23 346:9 346:11,24 347:9 347:10,19 349:10 349:25 350:5,6,14 351:2 352:18 353:19,25 354:1 358:7 359:22 361:8,13 362:10 362:19 364:9 366:7,22,23 367:2 367:3,10,14 368:14 academy 273:12 accepted 292:16 313:17 according 334:11 340:16 accounting 328:14 329:12 accounts 362:10 accurate 330:25 acknowledge 269:13 Acree 315:1 across 289:3 activities 336:21 actual 299:7 368:24 actually 287:23 289:11 300:18 305:3,4,8 306:2 307:8,11 312:21 313:4,5 314:3,7 315:5,22 316:8,13 361:14 address 318:6	327:21 333:5 adds 312:3 adjourn 274:5 adjourned 342:8 370:8,10 administration 289:4 administrative 274:14 admissible 269:16 269:17 affect 347:22 349:11 affected 336:7 361:16 after 274:8 280:18 281:2,11 283:9 286:11 299:11 305:24 307:2,25 309:13 311:10 317:15 321:5,9,9 321:16 322:8 324:23,25 325:9 325:13 335:5 337:4 338:2,20 339:13,14 346:13 347:2 348:17 349:1,19 350:1 357:24 358:1,8 359:18,23 360:10 361:22 362:9 365:1,8,14,23,24 afternoon 266:17 273:22 343:1,12 343:13 366:14,15 370:3 afterwards 299:19 again 283:2 290:11 327:22 338:8 against 337:1 366:20 368:22 age 275:6 276:10 317:22 327:6 343:6 355:9 age-related 368:6 agree 369:12 agreeing 272:19 agreement 289:18 290:13 301:11,20 301:22 319:19 334:7,12 356:9,14 356:16 agreements 299:9 ahead 268:5 284:22 294:22 301:7 al 262:3,6,9,12 Albany 329:22	333:20,23 alive 328:10 allow 284:19 285:7 293:11 315:12 319:3 360:14 361:4 allowance 293:6 299:1,22 300:4 334:11 allowed 282:7 allows 290:5 along 313:5 already 270:5 although 267:23 always 279:16,17 281:13,19 283:6 284:5,23 285:25 286:5 293:2 307:23 322:15 348:22 354:8 359:24 363:24,25 amount 289:4 293:9 293:13 297:7,21 297:21 299:6,10 299:12,25,25 300:2,3,17 301:18 340:14 341:5,12 341:16 369:8 amounts 303:9 angry 345:22,24 346:11 Ann 317:21 318:5 Anna 265:24 266:2 266:5,8 327:5,6 327:10,14 338:11 341:10,24 ANNE 265:15,18,21 317:22 318:1 324:7 325:24 another 287:16 310:1,6 327:3 359:4,5 answer 278:9 284:22 286:23 287:1,2 346:7 349:5 353:19,21 354:15 361:3 answered 287:1 309:6 325:20 Anticipating 354:15 anymore 280:1 336:9 349:8 366:4 anyone 274:14 anything 277:4 280:14,20 283:4 292:24 293:3 295:7 303:20	304:2 311:23 325:16,18 326:14 336:22 337:22 346:24 348:24 351:1 355:4 360:17 363:24 364:17 365:19 apologize 298:17 appear 367:24 APPEARANCES 263:1 264:1 appears 371:9 apply 270:4 appreciate 273:19 appreciated 270:17 approximately 276:20 335:8 339:12 355:25 363:13 364:15 arbitration 262:1 262:15 270:3 314:16 argument 349:16 argumentation 323:12 arguments 323:16 around 299:23 301:20 336:11,14 344:4 350:17 356:2 357:7 360:17 363:15 364:16 asked 274:20 308:18 309:9,14 311:13,22 325:19 326:1 331:19 337:19 346:10 350:20 351:10 353:19 354:24 367:10 369:19 asking 294:16,18 315:11 326:13 asks 311:20 assessed 368:23 assist 364:18 assume 267:6 346:1 367:20 attached 358:24 attempting 281:11 attitude 336:11,14 availability 272:2 283:5 367:16 available 272:3 273:24 281:9 283:6 284:1,5 286:10 317:15 322:6,15,19 325:9	325:13,18 326:14 334:8 348:20,22 358:18 Avenue 262:21 263:6,13 327:23 avoiding 269:3 awake 286:13 aware 279:21 283:13 308:19 314:15 away 322:10 328:11 350:9,11,13 a.m 262:19 B B 262:20 298:7 back 272:8,24 273:3 273:21 282:11,13 283:1 285:10 310:11,15 313:22 315:10 322:8 336:25 348:9 360:21 363:1,3,14 365:12 366:5,10 background 279:7 bank 362:10 base 297:21 299:10 306:23 307:1,2,12 307:17,18,19 324:19,23 325:3,6 based 270:9 284:3,8 360:8 367:16 basically 358:2 basis 269:2,19 295:2,6 297:11,19 300:12 302:8 326:16 Bates 296:18 beautiful 364:10 became 336:8 339:16 bedroom 281:22 before 262:1,15 267:3 271:3 274:5 274:7,19 280:24 284:16 291:18 297:18 316:23 321:7 324:24 326:23 335:13 337:23 348:14 350:13 351:11 357:20 359:18 362:9 363:23 364:22 begin 267:2,3 271:15,19 275:1 308:10
---	--	---	--	--

beginning 318:19 321:19	bottom 288:18 291:10 308:25	343:6 349:6 351:11 355:10	319:1,14,18,22,25 320:3,18,21	changed 285:1 336:12,15 347:24
behalf 263:3 264:3 319:13 365:17	brakeman 277:3 278:3 357:12,14	358:3,5 360:21 366:10	321:10 323:3 328:17,19 333:19	366:3 changes 320:8
being 275:7 301:20 313:25 317:23	358:7 brakemen 277:23	calling 283:25 322:24	333:20 344:6,12 344:16 345:12	321:4 check 274:5 344:23
327:7 333:24 343:7 348:24	break 271:2,8 274:3 274:8 316:20,22	calls 283:17 322:25 326:6,12,13 347:2	346:13 351:5 353:11,14 354:9	childhood 352:5
351:24 355:10 365:4 366:16	316:24 317:12 briefly 358:25	347:5 349:13 352:16 358:4,12	354:11 355:23 356:1,4,8,21	367:4 children 336:18
believe 267:2,23 270:2 285:15,20	366:18 bring 272:8 273:21	came 303:19 326:3 336:17 337:14,18	357:11,14,17,22 359:2,3,4	chose 287:12
288:2,3 342:7 344:22	bringing 272:24 362:4	348:3 350:25 canceled 274:12	certainly 270:17,23 272:9,18	Cincinnati 264:11
believed 349:5 believing 347:20	Broadview 355:19 brother 323:2	cap 368:22 car 320:4,5 344:10	CERTIFICATE 371:1	Cioffi 264:5,6 266:3
benefits 314:23 337:9	brought 318:11 Brunswick 275:16	344:19,20 careful 349:10	certified 275:8 317:24 327:8	266:9 267:14
Benko 315:1 besides 309:4	343:20 364:11 Buffalo 329:16,21	carefully 294:19 carelessly 301:21	343:8 355:11 certify 371:4	268:21 269:1,12
best 284:24 297:5 322:3 323:7	330:20 bump 307:10	Carl 262:20 CARLA 263:5	Chairman 262:16 267:1,10,19 268:4	270:1,5,18,23
better 280:12 351:8 between 295:20	bumping 306:9,10 306:11	Carnes 263:4 carpenter 343:19	268:9,25 269:4,20 270:16,25 273:10	272:1,13,17
296:8 297:18 299:25 305:23	Bundy 262:9 265:24 266:2,5,8	360:18 carrier 271:20,21	273:15 274:4,13 274:24 278:7	273:20 277:21
317:2 320:10 322:12 323:6,16	327:5,6,10,12,14 327:25 328:7	carrier's 272:21 carrots 286:13	279:6 280:11 283:1 284:19	278:5 296:4,10
345:8 369:20 beyond 271:10	334:13 338:11,13 339:25 340:8	cars 276:8 320:7,9 344:23	285:6 286:3 287:4 288:17 289:20	297:16 298:1,6,11
315:5 354:17 big 353:8	341:10,24 burner 277:12	case 262:4,7,10,13 267:6 273:18	290:14 293:11,20 294:7,16 296:5,19	298:20,24 299:5
billing 333:20,21 bills 323:14 324:1	business 270:12 333:17 368:11	278:6 279:5 281:17 285:5	297:12 299:13 300:2,9,13 301:7	299:16 300:7,11
364:25 binders 288:3 332:1	buy 287:11,15 B-U-N-D-Y 327:14	295:22 302:17 310:8 314:16	302:9,15,19,24 308:14 309:22	300:23 301:2,6,8
bit 271:9 290:21 291:15 294:22	C	317:3 318:11 324:12,16 326:2	310:7,14,23 311:25 312:5	302:7,18,22
323:15 324:3,4 347:21 352:2	C 262:9 355:21,22	343:22,25 351:3,9 369:18	314:12 315:6,12 316:19,23 317:7	309:18 316:21
361:8 bitches 350:16	calculate 299:7 calculated 300:11	category 270:15 Catskill 327:23	317:11,17,19 319:3,11 321:17	317:5 334:16
bits 324:14 bi-weekly 323:22	300:18 369:7 calculation 298:25	337:15 cause 371:11	325:23 326:22 327:1 334:24	338:12,15 339:11
Blank 264:4 blanket 303:5	299:9,18 301:14 301:14,16,23,24	caused 323:11,12 323:15 337:2	342:7 343:2,5 346:3 347:12	340:3,6,7 341:9
blurred 334:3 board 314:20 348:1	call 274:3 275:3 280:4 281:24	338:7 ceased 360:20	353:22 354:19 355:1,5 356:17	341:25 345:25
348:2 358:23 368:16	282:1 307:6 313:1 313:2,5 317:20	Center 264:9 333:23	360:5,14 361:4,20 362:12 363:10	346:5 351:21,22
boards 281:8 Bob 295:16	343:4 348:5,5,7 349:21 355:8	central 262:4,7,10 262:13 275:22,25	367:20,24 368:10 369:9,14 370:1,7	353:18,20 354:14
body 279:1,5 born 356:25	360:24 366:5 369:20	276:6,16,24 277:2 279:18,18,22,22	chance 292:8 316:3 350:17,22	354:17,21 356:12
both 271:23 288:14 359:18	called 275:7 277:11 277:17 281:18	282:2 284:6,17 292:21 295:18	change 285:14 321:2 360:9	360:2,12,25
bothered 336:19	306:9 317:23 322:5,6 327:7	297:8 318:21	361:23	361:11 362:6

clarifying 338:18 clear 268:22 273:19 273:21 296:7 301:9 312:1 326:4 367:9 clearer 297:19 clearly 311:8 Clements 263:4 clerk 328:15 331:9 331:10 333:10 335:11,13,16,22 336:3,4 338:20,24 339:6,11,16 Cleveland 262:22 263:7,15,23 337:14 353:10 354:12 356:5 close 280:25 333:17 closer 327:17 364:14 coal 276:8 277:12 278:16 Collinwood 316:11 319:16 344:17 356:6 column 297:2 300:3 302:3 359:9 columns 317:4 come 273:3 274:21 279:20 284:25 286:11 302:1 315:8 320:20 336:15 337:17,19 345:7 357:16 364:6 comes 324:12,16 342:3 352:10,14 coming 301:1 323:14,22 324:1 comments 353:23 commission 371:20 COMMITTEE 262:1 communications 367:11 companies 280:17 company 304:1 350:2 compare 362:4 compensation 289:2 317:1 complete 271:12 371:10 completed 271:16 completely 279:12 concept 301:19 330:7	concern 271:17 338:7 concerned 313:25 347:9,14,15 concerning 271:4 362:22 concluded 369:15 condition 279:4 conditions 277:19 278:3,13 304:25 314:22 confer 273:5 conferred 269:6 conform 267:17 conformed 313:18 confused 294:8 354:16 confusion 298:15 connection 333:22 consequently 336:17 consideration 338:3 considered 280:17 consistent 289:7,13 290:22 292:19 295:25 315:15 369:13 constantly 349:17 constitutes 371:11 contemplate 367:25 contend 297:14 302:5 continue 268:10 308:14 309:24 311:25 312:5 335:4 360:6 Continued 264:1 continuing 302:19 346:1 360:4 continuously 312:9 312:12 319:24 contract 298:21 contradictory 303:4 controller's 334:1 convening 370:2 conversation 270:7 294:11,17 conversations 342:3 350:4 352:11,12 converting 333:19 coordination 334:10 copy 308:21 309:21 310:1,6,12 354:18 Corporation 295:19 correct 270:1 276:22 284:7,11	298:6 307:13 313:20 316:2,9 324:13,24 325:14 328:4 339:19 341:2 346:3,4 352:7,13 368:2,3 368:24,25 371:12 corresponding 340:13 counsel 273:18 288:10 310:10 332:23 couple 267:4 295:10 298:16 304:15 339:18 course 303:3 314:19 court 350:18 Courthouse 262:20 courtroom 275:5 cross 272:11,18,19 272:20 315:5 351:20 354:18 369:21 cross-examination 265:5,17 266:1 297:20 304:12 309:24 324:7 338:11 366:12 cross-examine 294:6 301:4 Ctricarichi@aol.... 263:9 cut 271:19 272:19 286:12 314:25	337:1 345:5 348:16 357:21 366:4,6,6 days 305:23 307:7 348:16,17 deal 268:12 290:16 Dear 333:7,8 death 295:22 December 262:18 295:20 296:8 decide 302:21 declined 369:3 Defendant 262:5,8 262:11,14 264:3 Defendants 291:25 292:10 Defendant's 292:1 292:4 313:12 340:9 defense 290:6 deferred 351:6 Definitely 358:3 demands 273:11 demoted 331:9 denied 278:8 287:5 287:5 289:21 290:15 Dennis 262:16 denying 314:23 depended 323:25 deposed 275:8 317:24 327:8 343:8 355:11 deposition 308:1,3 308:6,11,25 310:1 310:9,15 311:17 368:8,9 depressed 360:16 depression 338:7 describe 335:25 336:6 Destroyed 323:19 Detroit 329:21 330:17,18,21 devastated 365:6 differ 348:13 difference 317:1 different 270:15 278:4 281:19 307:24 317:4 differential 297:17 297:22,24 298:7 299:25 difficult 331:5 difficulty 332:25 dime 276:11,12,13 direct 265:2,14,23	266:10,13 272:11 272:14 275:10 315:8 318:1 327:10 332:2 343:10 355:2,13 discussion 270:6 273:6 discussions 362:21 disease 279:4 dish 363:7 displaced 349:14 displacement 293:5 298:25 299:22 300:4 dispute 297:25 298:17 dividing 299:8 document 287:23 288:11,14 292:9 292:23,24 293:3 293:13 295:18 296:13 301:11 303:5 305:12 339:24 341:17 documents 269:24 270:8,11,14 271:5 299:6 300:16,22 301:1 303:8,12 doing 299:8 329:10 351:23 done 273:25 295:11 320:8 367:21 door 323:23 Doran 315:2 down 282:21 284:10 295:23 304:24 323:3 325:16 331:10 349:25 352:6 371:5 Dr 273:3 317:14 339:25 340:8 driving 286:13 Drop 353:22 due 297:21 298:21 323:15 333:19 duly 275:7 317:23 327:7 343:7 355:10 during 271:1 283:9 308:2 309:1 311:9 314:19 315:8 322:18 325:1 345:2 358:15
D				
D 265:1 dad 281:22 287:11 304:4,19 305:22 315:23 324:13,17 326:24 344:2 346:15 350:6,20 352:6,11,12 354:1 364:18 dad's 347:22 damages 369:4,7,7 date 289:23 306:2,3 334:17 338:25 David 262:9 328:7 334:12 339:25 day 272:8,24 274:7 276:13 281:18 282:6,9,10 286:12 286:19 295:5 304:9 312:10,12 312:18,20 315:1 320:15 322:24				
E				
E 265:1				

each 320:9 330:5 359:15 earlier 270:7 271:19 274:10 305:11 311:4 367:14 earn 299:2 earned 289:11 290:20 earning 300:1 earnings 289:22 300:5,5 368:16,24 369:5 easily 287:1 295:15 340:22 East 264:10 edge 365:15 education 321:14 322:2 effect 323:9 efforts 283:14 322:3 326:9 367:15 egregiously 314:21 eighth-grade 321:13 322:2 either 298:6 333:14 358:6 eligible 300:6 employed 276:23 319:21,24 344:11 356:7,20 employee 297:15 299:2 319:17 327:25 337:25 employees 296:14 296:14 314:25 employer 359:5 employment 311:6 324:16 359:19 encourage 271:1,21 end 274:7 281:23 ends 307:21 engaged 364:22 enjoyed 338:4,5 enough 348:4 364:1 entire 318:21 entitled 268:14 269:8 298:2,4,8 298:19 299:21 304:2 erred 314:21 error 334:23 ESQ 263:5,12,20 264:5,6,7,8 estate 297:6 302:6 318:13,14 et 262:3,6,9,12	Euclid 318:9 Eva 262:25 371:4 371:17 evaluate 369:4 even 281:22 289:18 290:25 300:22 364:22 365:1 369:6 evening 286:21 eventually 282:11 ever 277:6 280:5,14 280:20,23 281:10 282:17,20,25 285:17 286:8 291:22 292:24,25 293:4,16,22 294:10,11 295:6 297:6 304:18,25 305:3 306:4 309:3 309:4 322:7,12 323:3,5 325:5 332:9 348:23 350:16 355:22 358:15,19 359:3 362:18 365:13 366:1 every 268:13 276:12 282:6,9,10 312:10,12,18,20 320:9,15 322:24 332:25 345:5 348:15 357:21 359:16 366:4 everyone 330:12 everything 324:11 324:15 326:2,12 340:23 352:4 364:2 365:23 366:23 evidence 269:7,16 270:3 271:4 301:9 301:10 303:3 exact 338:25 exactly 270:21 272:1 288:16 299:17 301:15 305:22 exam 272:5 273:25 274:12 examination 265:2 265:8,14,20,23 266:4,10,13 272:12 275:7,10 314:13 317:23 318:1 325:24 327:7,10 341:10 343:7,10 351:20	353:16 355:10,13 367:7 examine 271:20,22 examining 310:3 excellent 360:18 except 364:4 exception 270:12 excess 369:2 excluded 267:6,17 Excuse 268:2 287:25 exemption 273:14 exercise 306:15 331:16 334:9 335:19 exercised 306:5,18 312:9,16 exercises 312:17 exhibit 287:19 288:1,3,8 292:1,5 292:11 295:13 305:15,17,17 313:11,12 332:1,1 332:3 337:5 358:25 359:7,15 expect 267:25 268:10 272:15 expectation 269:6 expecting 334:3 expenditures 363:20 experience 320:14 326:16 expert 271:18,20,22 271:25 339:24 340:9 369:3,13 expires 371:20 explain 331:7 354:7 354:22 explained 316:25 explanation 301:2 extent 302:16 extra 281:8 287:8 287:15 348:1,2 extrinsic 303:4	363:19 family 287:8 318:22 318:23 319:5 323:10 331:5 336:24 338:1,8 345:17 family's 323:18 far 269:8 290:1 348:23 368:2 father 275:17,20,21 275:21,24 276:15 276:23 277:2,7,20 279:2,16 281:10 281:15 283:6,16 283:20,23 284:5 284:10 285:25 286:5 287:14,16 289:8,14 290:20 290:23 291:22 292:20,25 293:16 293:22 294:10,11 294:24 296:1 297:6 303:21 306:4 309:2 312:8 312:16 313:19 315:16 316:2,4,8 318:12,16,24 319:12,17,21 320:3,23,25 321:11,19,22 322:10,13 323:3 323:23 324:22 325:15 326:3,6 330:12 344:1 346:9,10 348:24 351:7 353:3 354:25 356:7,20 356:24 357:3,13 357:20 359:1,10 359:19,24 360:11 360:23 362:18,22 364:4,7 365:4,18 366:19 367:15 father's 278:13 283:5,10,13 296:24 297:6 306:23 307:1 318:14 320:14 324:19 355:20 356:24 357:10 358:23 362:15 February 295:20 296:8 331:12 333:18 334:17,18 335:1 338:20 339:5 371:20 federal 262:20	369:18 feel 307:4 feelings 284:17 285:1,4 felt 284:24 350:1 few 304:20 326:11 338:16 fiancee 364:23 fifth 264:10 287:24 figure 273:9 278:5 302:1,1,3 369:5 filed 365:23 366:19 finally 276:18 financial 361:23 362:22 financially 361:9,14 find 274:1 283:14 295:15 314:20 321:11,20,23 323:5 324:2 fine 269:20 273:8 273:10 310:13 317:8 333:7 finish 272:11 353:18,21 Firm 263:11 first 270:9 275:7 276:4 299:1 301:19 316:3 317:23 327:7 330:20 343:7 355:10 fit 270:4 Five 317:17 flexibility 271:10 floor 281:22 following 295:21 follows 275:9 317:25 327:9 343:9 355:12 follow-up 311:22 Ford 311:19 foregoing 371:6,9 foreseen 368:6 form 268:16 371:8 371:10 former 314:25 333:20,21 formula 317:10 foundation 280:8 280:10 282:24 283:2 293:21 295:3 297:11 298:15 356:13 361:12,15 362:7,8 362:13 four 280:18 281:4,7
---	--	--	--	--

304:3 312:13 317:15 fourth 287:23 332:2 frame 283:9 296:3 296:11 306:16 321:16 340:22 363:9 Frank 355:21,22 359:1 frankly 270:11 free 268:15 freight 277:24 314:24 315:1,17 315:22 316:2,5,7 316:10 328:14 329:12 frequently 322:5 friends 322:6 from 274:18 276:7 281:4,6 282:1 283:17 290:21 295:16 297:7 309:13,15 311:11 317:14 319:24 324:12,16,18 326:3,17 328:21 330:11 337:1,9,15 339:24 342:3 348:13 349:14 352:10,14,17,18 356:25 358:9 359:15 360:23 364:14 365:25 366:23,25 368:20 front 295:15 305:5 305:9 full 271:24 275:13 318:4 355:16 full-time 358:3 363:1 364:3 furloughed 292:15 further 269:11 314:10 316:17,18 324:5 325:21 326:19,21 341:9 341:23 355:4	gets 320:6 getting 347:3 368:7 girls 281:20 give 269:7 273:13 284:24 303:4 308:21 310:15 340:2 given 269:24 288:7 300:20,22 Glenn 295:17 go 268:4 271:10 272:16,18 277:17 278:18 282:8,13 283:1 284:22 289:3,25 291:9 292:25 295:17 301:7,22 302:23 304:4,18 305:25 310:7 313:5 315:22 337:23 345:5 357:21 363:1,2,14 goes 277:22 290:3 295:23 315:9 going 267:16 271:8 272:14 273:21 274:8 285:7 287:18,22 290:16 295:4 298:16 301:12,13 302:23 304:5 307:14 308:5,7,24 310:8 310:10 311:16 313:8,22 314:1,18 321:15 322:23 331:25 332:2 336:9,25 338:6,16 340:23 352:5 354:19 362:24 366:8,9 367:3 369:21,25 gone 280:22 325:10 351:5 good 267:1 315:7 338:13,14 343:12 343:13 352:4,20 352:23 353:4 366:14,15 good-hearted 365:12 gotten 294:22 grandfather 318:22 318:24 Grandview 327:23 grant 354:20 graveyard 286:17 287:2	grew 365:16 GRIFFI 265:16 318:2 Griffin 263:11,12 265:4,10,22 266:15 269:21 270:2,20 272:3,15 273:4,7,23 274:11 274:16 275:2,11 277:22 278:11 279:9 280:9,13 283:3 284:21 285:9,13 286:2,4 286:24 287:6 288:2,5,13,19,22 290:2,18 292:4,7 294:5,9,20 296:6 296:17,21,23 300:15 302:21 303:1,15 304:11 305:12 308:7,20 309:16,20,22 310:15 311:16 312:3 313:9 314:14 315:9,14 315:19 316:18 317:13,19,20 324:5 325:19,25 326:19 355:7,14 356:19 360:7 361:2,7,18,21 362:14 363:12 366:11 367:8,19 368:25 Groppe 264:8 265:7 265:13,19 279:3 279:14 280:7 282:23 284:18 285:3,24 286:1,22 287:2,25 289:16 289:22 290:10 293:8,19 294:4 296:2,16 297:10 303:24 304:13,15 305:16,19 308:12 308:15,17,20,23 310:13 311:1 312:1,7 313:12,14 314:10 315:4,21 316:17 319:2,10 321:15 324:8 325:21 326:1,21 347:11 Groppe@blankro... 264:15 grounds 268:17 growing 344:25	guarantee 293:10 293:14 297:3,7,16 297:20 299:6,10 299:11,23 302:4 303:22 guaranteed 299:24 301:18 302:1,3 guarantees 297:15 303:9 guess 288:20 348:3 G.V 262:12 H H 262:16 264:7 habits 357:5 Hahn 263:19 half 341:1,6,6 366:6 hand 272:9 331:25 handed 292:9 359:7 handwriting 332:19 handwritten 296:20 296:21 happen 304:3,8 366:8,8 happened 279:24 313:18 331:11 345:14 357:24 359:22 364:1 369:1 happening 285:16 285:21 353:2 happy-go-lucky 359:25 hard 274:22 275:23 295:5 304:4 339:17,19 hardworking 290:8 HART 263:20 265:25 327:5,11 334:5 337:3 338:9 339:9 340:2 341:23 342:6 369:17 370:6 having 323:21 332:24 352:13 368:21 head 333:10 hear 268:19 283:20 283:23 313:1 327:17,19 329:23 340:10 heard 313:4 317:14 324:14,18 352:12 hearing 262:15 337:18 hearsay 267:25 268:11,18,24	269:2,7,15,23 270:11,12 300:24 346:2 360:4 heart 349:20 held 273:6 help 302:16 365:1 helpful 302:14 her 274:21 308:21 310:3 hereinafter 275:8 317:24 327:8 343:8 355:11 Hermine 367:13 Hi 324:9 351:23 higher 335:15 him 272:8,24 273:14,21 274:5 277:14 278:14 281:16 285:18,21 286:10,16 297:24 298:21 304:24 305:5,6 306:13 307:10 313:1,5,5 313:22,25 316:8 317:16 322:19 326:9 336:7,11,11 336:19 346:12 347:8 348:7,9 349:1,6,7,7,15,25 350:3 352:6,18 353:9,9,21 354:10 354:12,24,25 355:2 358:3,5,9 358:12 365:7,8,10 366:5 himself 347:10 348:20 366:3 hired 328:16 hold 309:4 339:8 holding 277:2 home 286:12,13 318:6 320:11 326:12 336:15,17 358:9,13 362:4 364:10,21 366:2 honor 275:2 368:4 hope 271:12 304:3 304:8 Hospital 309:12 311:22 312:4 hour 272:16 276:12 house 281:23 283:11 287:12,15 349:21 356:24 357:8 360:18 362:16 364:7,13 364:24 367:15
--	--	---	---	--

household 359:23 360:10 361:9,24 362:23 363:20	issues 267:25 271:3 290:17 368:6,7 item 267:21 271:6	312:15 317:13 333:6 334:23 336:23 337:3,24 338:6,16,17 350:3 352:1,19 358:4 362:24 365:1,11 365:13,21 366:3 367:9 368:15	361:13 362:7,11 367:17 knows 356:14	274:8 283:25 290:19 291:9 294:21 295:12,14 296:7,12 302:23 305:25 308:20 309:23 322:8 328:23 337:23 353:18,21 358:22 365:11
housekeeping 317:14	J	K	L	letter 302:2 331:21 331:23,24 332:7,9 332:16,22 333:9 334:20 337:5 351:10
hover 309:23	J 262:6 263:20	keep 279:15 322:4	L 264:5 268:21	Let's 317:11 362:12
husband 330:13,23 332:7,17,21 335:4 335:18 337:4 338:19 340:11 342:4	January 331:12 334:21	kept 277:13 279:13 366:7	345:25 346:5 369:12,24	liability 351:6
husband's 331:14	Jason 264:8 304:14	kind 335:10 344:8 361:15	labor 314:22	life 284:15 285:23 307:24 309:11 311:21 359:22 360:1 366:2
I	Jo 265:24 266:2,5,8 327:6,10,14 338:11 341:10,24 job 277:7 280:2,4,6 280:15 282:14,21 284:24 286:10 287:17 295:5,8 307:20,22 311:10 313:2,2,3 314:1,5 314:8 321:6,7,9 322:21 330:11 331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10	knew 274:22 305:24 312:16 320:15 322:6 324:25 366:22,23 367:2	Lack 361:12 362:6 362:7 laid 361:15 365:25 Lance 309:7 311:9 311:19 Lansdowne 262:16 289:24 292:2,6 297:13,23 298:3,9 298:13,22 299:4 301:25 302:13 310:5	light 370:4 Lightning 270:18 like 270:3 277:20 279:11,12 280:18 281:20 295:8 301:3 311:24 323:23 336:9 338:1,17 339:23 340:13 345:16 348:19 349:22 359:8 360:3,19,21 363:6,7,18 364:1 365:14 366:5 368:13
idea 324:21	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10	know 267:7,10 270:9 271:8,15 272:7,17 273:23 273:24 274:8 276:14 277:16 283:4,25 293:22 294:1 298:14 300:9,24,25 303:18 305:14,22 306:1,4,6,7,12,18 306:22,25 307:1,4 307:6,8,11,16,17 307:18,24 310:19 311:15 312:8,19 312:21,23,24 313:10,21 314:2,7 315:10 316:1,4 322:22 324:12,15 324:19,22 325:2,3 325:5,7,8,12,17 326:2,24 329:17 330:11 331:11,22 332:9,12,21 333:14,25 337:24 338:23,25 339:1 344:14,20 346:22 348:23 351:4 358:4 362:8 365:16,24 366:1 366:18,19 367:1	large 300:7 last 272:7 274:17 293:9 295:14,17 340:14 348:9 368:17 late 286:11,14,21 331:12 later 271:11 272:8 272:24 290:17 309:11 311:21 319:15 Law 263:11 lawful 275:6 317:22 327:6 343:6 355:9 lawyers 310:17 lay 280:9,11 283:2 293:20 362:13 leading 279:14 286:22,24 293:8 361:1,2,12,17,18 learned 345:8 least 303:10 326:12 368:14 leather 279:8,10,12 leave 326:23 329:4 331:2 left 322:19 339:14 legally 302:12 length 271:22 322:23 lengthy 322:22 less 269:8 299:11,20 325:5 331:4 336:20 339:16 341:6 365:25 lesser 331:4 let 270:25 273:4	Let's 317:11 362:12 liability 351:6 life 284:15 285:23 307:24 309:11 311:21 359:22 360:1 366:2 light 370:4 Lightning 270:18 like 270:3 277:20 279:11,12 280:18 281:20 295:8 301:3 311:24 323:23 336:9 338:1,17 339:23 340:13 345:16 348:19 349:22 359:8 360:3,19,21 363:6,7,18 364:1 365:14 366:5 368:13 liked 284:14 338:4 likely 339:5 line 288:23,24 293:9 Linndale 277:17 316:11 list 296:13,14,22 340:9,11 listed 341:12,17 listen 294:18 306:13 listening 349:18 little 269:11 271:9 271:11 274:9 280:12 290:21 291:15 294:22 304:22 321:18 324:3,4 327:17 347:21 350:5 352:2 361:8 362:3 362:13 live 327:15 343:17 356:23 365:22 lived 309:8
ill 348:24	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10	knowledge 284:4,9 297:5 318:18 320:6,13 323:7,8 328:20 352:10	less 269:8 299:11,20 325:5 331:4 336:20 339:16 341:6 365:25 lesser 331:4 let 270:25 273:4	live 327:15 343:17 356:23 365:22 lived 309:8
illness 368:5	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
impact 278:25 280:21 337:25 361:9,14 365:4	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
impacted 338:8	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
impeach 308:9	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
Implementing 334:7	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
important 302:17	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
imposed 314:22	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
inclined 336:20	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
including 271:4	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
income 361:16	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
inconsistency 311:24	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
inconsistent 308:9 309:17	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
indicate 291:19	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
indicated 267:4 294:23 368:4	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
indicates 292:25	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
individuals 300:19	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
info 359:8	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
information 279:7	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
inside 277:12	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
insight 270:10	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
inspector 320:4,5 344:10,20,20	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
inspects 320:7,7	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
interests 272:21	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
inverted 274:18	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
involved 346:15	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
irrelevant 289:17 289:21,23 290:13	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			
issue 274:6,7 277:23 277:25 278:6 279:5 289:25 300:14	331:3,6,14 333:10 334:21 335:2,10 335:21 336:2 338:4,5 339:2 344:9 345:2 348:15 349:11,22 351:8 358:6 359:4 359:4 364:19 366:10			

livelihood 347:17 lives 349:12 living 283:10 320:11 362:15 LLP 263:19 264:4 loading 276:8 location 356:3 locations 319:12 330:19 344:14 Loeser 263:19 long 272:7,13,18,20 273:8 276:15 305:24 317:16 328:8,18 335:7 339:8 348:16 364:25 365:21,22 look 287:18,22 288:23 290:19 291:10,18,25 292:9,23 295:12 298:24 303:10 310:2 340:13 341:2 358:22 359:14 looked 310:24 looking 288:11 299:7 322:25 359:7 368:15 looks 359:8 loosely 301:21 lose 280:2 349:8 losing 295:8 336:6 347:16,16,17 loss 349:11 losses 365:5 lost 280:5,15 321:9 345:21 349:21,21 349:22 353:5,6 lot 323:12,12,14 324:2 338:7 347:1 347:2,6,8 348:6 362:25 365:6,9 368:7 Louis 318:12 319:13 love 303:11 loved 284:23 low 280:22 lower 335:15,17 336:1,2,4 loyal 319:7 lump 334:10 Luncheon 342:10 M M 263:5 266:3,9 268:21 334:16	338:12 339:11 340:3,6,7 341:9 341:25 345:25 346:5 351:21 353:20 354:14,17 354:21 356:12 360:2,12,25 361:11 362:6 363:8 366:13 367:6,22 369:12 369:24 mad 281:19 made 279:21 285:18 289:17 307:2,9,12 324:23 325:5 339:16 340:25 341:1,16 341:20 362:9,9 364:4 mailed 332:13,14 maintain 364:19 make 268:7,13,14 268:15 269:22 271:23 281:23 282:1 290:16 297:19 299:11 301:2 303:1 307:5 307:15,19,21 308:8,15 322:3 326:5,6 340:15,19 348:7,20 350:15 350:16,17 364:12 makes 299:19 315:7 making 268:13 281:16 322:24 326:9,13 347:18 man 359:25 365:15 many 290:3 319:9 366:9 Marie 265:15,18,21 317:21,22 318:1,5 324:7 325:24 Mark 263:12 309:7 311:9,19 marked 287:19 295:16,18 305:12 337:5 348:6 Mark.d.griffin@... 263:17 marriage 337:2 married 328:3,6,8 328:24 364:22,23 365:1 Marybeth 266:14 355:8,9,13,17 366:12 367:7 matter 262:2	274:17 317:13 mattered 358:6 360:22 matters 267:4 274:14 may 270:8 271:10 274:9 288:16 294:22 295:23 301:6 321:2 368:8 maybe 271:11 316:21 339:1 352:24,25 357:1 ma'am 332:3,3 335:1 337:4,14 338:9 341:12 McNABB 265:3,6,9 265:12 275:3,6,10 275:12,14,17 278:1 288:6 292:8 295:17 303:16 304:12,14 314:13 314:15 315:20 mean 279:10 282:5 287:5 303:25 304:10 309:3 323:20 336:13 363:22,23 365:9 369:11 meet 271:1 307:21 365:13 meets 299:21 Member 262:16,17 273:13 288:10,21 289:24 292:2,6 297:13,23 298:3,9 298:13,22 299:4 301:25 302:13 310:5 332:23 333:3,6,13 334:4 334:14 memo 295:16 men 326:13 mention 271:7 mentioned 270:7 330:19,23 336:25 337:6 merged 280:17 merger 279:21,24 280:21,24 281:3 281:11 284:16 289:18 290:12 291:19 297:18 299:3,12 307:3,12 307:14,25 319:19 319:22 320:21 321:2,5,10,16 322:21 323:9,17	324:23 325:9,13 334:7 345:8,15 347:2,22 349:1 354:10 356:9,14 356:15 357:17,20 357:25 358:1 359:18,23 360:10 361:10,13,16,22 363:23 365:8 Messrs 315:1 Michael 262:6 264:5,6 338:15 366:17 microphone 308:16 308:22 327:18 middle 278:22 286:19 might 270:18,20 297:21 338:10 Mike 351:22 mile 334:9 minute 348:9 minutes 272:16 298:16 317:17 369:23 mischaracterizing 311:17 miserable 345:19 miss 281:24 282:1 missing 348:24 misspeaking 334:20 misspoke 352:25 misstates 303:2 mistaken 311:12 misunderstood 352:25 mom 287:11 363:1 366:23 money 287:8,15 323:13,13 324:1 325:2 339:16 340:15 347:17 362:2,19,22 363:24,25 month 282:2 299:15 299:16,19 339:1,4 monthly 297:19 300:12 302:7 months 291:1 335:9 339:12,13,14,18 340:17,25 341:4 341:16,20 more 268:17 272:10 272:16 282:3 289:11 290:21 295:10,15 303:18 304:2 307:2,9,12	307:19 321:18 324:23 347:8 351:2 362:13 365:25 368:1,24 369:2 morning 267:1 327:4 338:13,14 Morris 287:21 mortgage 364:12 most 270:8,10 302:8 339:5 352:9,14 365:12 mostly 277:10 mother 323:24 349:15 363:2,14 367:11 mother's 367:12 motion 278:7 287:4 290:14 motivation 278:1 Motors 309:7 move 269:10 moved 287:13 331:9 360:1 364:13,14,23 moving 271:6 much 276:9 280:1 280:23 303:18 304:11 323:11 324:6 327:2 334:15 336:8 340:18 350:3 355:6 358:7 360:17 363:21,22 366:11 367:23 M.L. 267:14 269:1 269:12 270:1,5,18 270:23 272:1,13 272:17 273:20 277:21 278:5 296:4,10 297:16 298:1,6,11,20,24 299:5,16 300:7,11 301:6,8 302:7,18 309:18 316:21 317:5 N N 265:1 name 275:13,14 296:24 304:7,14 318:4 327:13 333:5 338:15 343:14,16 346:21 346:22 348:6 351:22 355:16,20 360:19 366:16
---	--	--	--	---

367:12 near 308:15 309:8 necessarily 271:9 neck 279:2,11,12 need 308:9 316:20 317:16 needed 287:8 364:7 needs 272:5 320:8 net 303:8 Nevada 369:19 never 279:11 282:13,19 284:10 311:22 316:7 325:15 336:19,23 349:24 358:7 365:7 new 275:22,25 276:5,16,24 277:2 279:17,21 284:6 284:17 318:21 319:1,13,18,21,25 320:3,18,21 321:10 327:23 328:17,18 329:16 329:21 330:3 333:16 334:2,2 337:15 339:7,22 344:6,11,15 345:12 346:13 353:10,14 354:9 354:11 355:23 356:1,4,8,21 357:11,13,17,22 359:2 next 288:16 291:9 293:14 310:16 333:11,25 334:22 night 286:8,9,11,14 nights 348:18 nine 271:15 272:10 273:7,11 369:15 370:2 None 337:11,12,13 nonexpert 271:13 nonhearsay 269:9 nonparty 267:5,9 268:7 noon 271:16 272:4 274:22 normally 362:25 Norris 275:14,18 276:16 288:4,7 290:3 293:5 295:24 296:25 302:6 315:2 North 343:19 Notary 327:16,20	329:23 371:17 noted 269:10 286:3 319:11 347:12 360:5 notes 371:8 nothing 285:4 336:10 341:9,23 342:6 360:22 notice 334:17 Novotny 368:5 number 268:11 283:7 288:18 292:3 296:18 305:15 313:11 368:18,18 numbers 301:12,13 301:16 302:16 NY 333:12,15 N.W 263:6 O oath 308:2 object 311:16 321:15 objection 267:15 268:18,23 269:5,9 277:21 279:3,14 280:7 282:23 284:18 285:3,24 286:1,22 287:5 289:16 290:11 293:8,19 294:4 296:2 297:10 298:14 303:24 308:8 315:4 319:2 319:10 325:19 339:9 345:25 346:1 347:11 353:20 354:14 356:12 360:2,4,12 360:25 361:11 362:6 363:8 objections 268:11 268:16 observation 352:15 352:16,17 360:9 365:3 observe 314:22 observed 357:5 obviously 268:15 269:14 301:23 occurred 291:19 321:4 361:22 off 271:19 273:6 281:17 340:22 347:25 348:16 349:19 350:3,21	365:12,25 368:19 offered 286:16 office 321:25 328:15 329:12 333:24 334:1 offset 290:5,7 often 282:3 358:2 Oh 326:11 Ohio 262:22 263:7 263:15,23 264:11 318:9 343:20 355:19 371:18 oil 278:16 320:8 Okay 296:5 304:17 305:11,21 306:22 324:11 353:15 old 275:24 304:21 351:14 363:17 once 282:2 322:19 363:25 one 267:4 268:7 273:2,20 281:21 283:7 289:2 300:19 303:2 309:6 311:18 312:12,13 316:25 320:9 328:3 335:8 340:2 349:25 350:17 352:1 359:8 368:12 369:20,23 ones 309:10 only 274:16 302:4 316:12 320:15 321:24 322:1 324:14 337:25 open 300:14 348:4 opportunity 271:24 opposite 281:23 option 334:10 order 272:25 308:8 308:10 321:22 other 267:18 268:17 272:9,25 295:6 299:10,21 300:5 309:4,9 311:10 321:11,20,23 335:19 347:9 348:25 349:14,18 359:9 368:11 others 311:20,23 otherwise 300:6 ourselves 294:23 out 272:23,25 273:9 274:1 287:12 305:25 322:19 352:24 354:9	365:2 outside 278:17,23 278:25 359:19 over 276:17 309:23 347:3 349:7 350:2 owed 298:11 300:18 303:9 own 326:15 330:11 347:23 367:17 o'clock 273:2,3,8 369:16,23 O'Neil 368:4 P page 287:23,24 288:4,7,16,18 291:9 295:14,15 295:17 296:13,16 308:5,24 309:1 310:24 332:2,4 340:1,4,6 358:25 paid 276:10 293:16 293:23 294:2,3,12 294:12,14,24 295:4 297:6,17,24 301:18 364:24,24 pain 345:16 Panel 262:16,17 268:23 269:5,6,14 269:14 270:6,17 273:13 275:19 288:10,21 289:24 290:5 292:2,6 297:13,23 298:3,9 298:13,22 299:4 301:25 302:13 303:20 310:5 314:21 326:5 332:23 333:3,6,13 334:4,14 337:23 343:15 351:2 365:20 paper 310:6 316:24 326:25 paragraph 301:22 Pardon 350:10 parents 323:16 349:12 364:18 Parks 263:19 Parma 355:19 parol 301:10 303:2 part 292:14 311:5 343:21,22 participate 336:21 particular 299:14 332:3 parties 271:1	party 267:12,15 275:4 343:25 part-time 287:16 307:20,22,23 323:6 349:2 362:3 pass 322:10 350:9 350:11 passed 328:11 350:13 passenger 320:9 passionate 347:19 Paul 266:11 343:4,6 343:10,16 344:1 351:20 353:16 pay 297:15 298:5 298:10,18 302:5 324:1,4 331:4,18 331:20 332:8 335:13 350:16,16 362:10 paycheck 323:22,25 payment 302:10 payments 364:12 PCC 296:17 305:13 313:9 Penn 262:4,7,10,13 279:18,22 282:2 292:21 295:18 297:7 323:3 333:19,22 351:5 359:2,4 Pennsylvania 320:22 321:10 345:13 357:18 366:20 pension 317:10 349:9 Pentz 265:15,18,21 317:21,22 318:1,3 318:12 319:13 324:7 325:24 Pentz-Kirchener 318:5 324:10,11 people 267:11 290:8 336:14 338:5 347:2,9 349:14 350:2 people's 349:18 Per 299:16 perform 286:6 305:4 performed 305:8 333:21,23 perhaps 268:17 period 309:1,3 322:7 339:18 340:24 345:3
---	--	--	---	---

358:16 363:13 periods 307:24 person 304:6 365:13 personal 267:24 284:3,8 326:15 360:8 362:7 365:3 367:17 personally 267:23 277:6 283:16,20 283:23 325:8,12 325:17 326:6 343:22 Petrone 262:25 371:4,17 phone 281:21,21,25 282:7,8,15 283:17 283:21,24 306:14 322:25 326:6 347:1 349:6,13,17 349:19 358:4 369:20 physically 272:6 286:5 pick 354:9 piece 326:25 pieces 324:14 pissed 350:3,21 place 277:17 289:19 367:25 places 316:12 330:5 Plaintiffs 262:3,6,9 262:12 263:3 290:4 339:24 343:3 358:24 Plaintiff's 287:19 288:8 295:13 Plainview 318:8 pleasant 336:10,16 please 275:12 278:10 294:19 312:6 318:3 327:12,18,21 355:15 plug 301:17 plus 349:9 PNC 264:9 podium 310:18 point 269:1,15 273:9 289:19 315:7 321:1 322:18,20 325:1 349:16 352:24 364:11 365:7,10 369:22 points 303:2 323:13 position 269:15,23	276:4 281:18 305:25 329:11 330:4 331:4,8,17 333:9 334:8 336:5 336:7 338:6 339:8 339:10,22 357:10 positions 277:1 possible 369:6 possibly 312:2 post 307:12,14 321:25 precise 321:18 prep 363:7 preparatory 353:23 prepared 340:8 present 271:25 272:6 presented 274:6 368:17 presume 361:3 presuming 286:25 pretty 274:22 363:21,22 previous 341:1,7 previously 312:15 313:15 printout 288:4 prior 289:22 299:2 308:9 313:23 314:3,8,16 320:17 335:22 priority 283:8 284:12 privately 271:1 probably 270:8,10 270:15 363:15 problem 268:8 271:18 272:24 274:9 310:2 problems 300:19 325:2 337:2 349:18 proceedings 370:10 371:6,11 process 269:10 proctor 272:5 proctoring 273:25 Professor 301:14 promise 285:18 promises 334:2 protect 272:21 protection 289:18 290:12 299:24 314:22 319:19 356:9,14,15 Public 263:21 371:17	purchases 363:20 purposes 268:20 317:3 put 273:1 277:25 301:4 364:13 p.m 370:10 Q question 278:10 285:10 286:25 294:8 295:2 297:14 302:4 308:18,25 310:22 311:23 312:11 315:10 316:24 319:4 346:8 352:1 353:19 354:15 356:18 360:15 361:1,3,5,12,17 361:19 362:10 363:11 368:12 questions 268:16 294:19 304:15 314:11 316:17,18 324:6 325:22 326:20,21 338:10 338:16 quieter 336:8 quit 339:13 quite 323:15 329:23 348:12 R R 262:16 295:24 296:25 radius 334:9 railroad 275:22 276:1,16,21 278:15 279:22,25 281:11,17 282:2 282:12,18,21 283:5,7,18,24,25 284:10,13,14,23 285:1,4,18 287:21 288:14 289:2,12 290:22 291:1 293:14,24 294:13 294:25 296:1 297:14 298:18 300:5,18 302:5 304:18 305:1 306:5 309:2,5,14 311:6,11 318:17 318:20 319:5,8 320:3,22 321:11 321:20 322:4,14 323:1,2 326:10	328:1,13,16 329:1 329:4,6,10 330:24 331:2 333:22 335:5 337:10 338:4 340:12 344:3,5,7 346:13 347:3 353:14 354:6 358:2,23 359:8,20,25 362:5 365:25 366:20 368:16,23 railroader 349:4 railroads 318:23 345:9,11 railway 355:23 357:11,18 358:16 358:20 raise 274:15 277:23 290:6 raised 267:25 RANDY 263:20 rank 300:24,25,25 rate 328:15 331:9 335:12 Ray 295:16 reaction 347:7 read 285:10,11 332:24 333:1,5 334:5 reading 332:25 ready 267:2 275:1 343:2 real 280:22 realize 308:2 365:22 really 303:23,25 304:8 346:22 352:3 366:9 reason 293:4 350:24 reasons 303:21 recall 276:7,9 281:10 292:16 306:17 309:3,15 313:17 346:24 347:1 368:20 recalled 292:15 313:16 receive 337:6,9 received 347:4 receiving 335:12 recess 317:18 342:10 recognize 268:23 332:4 recollection 292:20 340:25	reconvene 342:8 369:25 reconvening 274:23 274:25 370:3 record 267:15 268:14,22 269:13 269:21 273:6 275:13 285:11 290:16 301:9 308:8 318:4,7 326:4 327:13 352:2,20 355:16 367:10,12 records 270:12 287:21 288:7,15 288:15 289:25 290:9 358:24 368:15 369:11 RECROSS-EXA... 265:11 266:7 315:20 341:24 redirect 265:8,20 266:4 314:12,13 325:24 341:10 353:16,23 367:7 refer 308:5,24 reference 333:9 referred 299:5 refers 287:20 refused 292:25 358:20 refusing 293:4 regional 333:21,25 334:1 regular 320:17 326:16 345:2 364:19 regularly 347:25 360:24 relationship 273:17 relative 318:10 343:24 relaying 350:3 relevance 277:22 279:3 284:18 290:10 319:2,10 Relevancy 347:11 360:13 relevant 279:5 reliable 269:17,18 remember 276:13 277:1,3,5,10 278:16,20 280:16 281:5,14,16 282:6 282:14 306:20 309:10 311:12,20 313:22,25 320:23
---	---	---	---	---

322:22 326:11 346:18 348:6,23 352:22 rent 364:14,24 rep 346:25 353:5 Repeat 278:10 rephrase 294:21 356:17 361:19,20 363:10 report 313:23 339:25 reported 305:23 312:22,23,24 313:6 314:3,24,25 315:16,23 316:2,5 338:19 369:3 Reporter 371:5 represent 314:18 representations 301:3 representative 275:5 318:13 representatives 267:24 represented 347:10 represents 368:21 request 369:22 requested 274:12 requesting 332:8 required 272:6 299:9 requirements 299:21 reside 275:15 355:18 resolve 274:6 respect 270:24 271:14 273:11 Respectfully 334:12 respond 301:6 302:22 response 332:22 337:6 Restaurants 363:6 result 361:10 369:3 retire 276:18 retired 295:24 309:13 311:11 348:25 351:15 retirement 288:15 295:22 358:23 368:16,23 return 308:21 309:19 310:9 returned 292:20 295:21 296:1,4,7 306:2	revert 310:11 revision 328:15 331:9 Richard 275:18 ridiculous 351:4,12 right 268:4 270:13 298:19 299:17 304:5,6 341:5,8 351:7,16 354:5 370:4 rights 272:22 306:5 306:16,19,21 312:9,17,18 331:17 345:22 Rjhart@hahnlaw... 263:25 Road 318:8 343:19 355:19 ROBERT 262:3 Rome 264:4 Rosen 273:3 317:14 340:9 Rosen's 339:25 rounded 368:19 369:5,8 RPR 262:25 rule 270:13 303:3,6 rules 270:3 run 273:8 365:11 S salary 297:18 299:8 306:23 307:1,2,12 307:17,18,19 324:20,23 325:3,6 340:12 342:2 sale 364:13 same 287:2 329:11 330:4 335:12,22 336:23 362:2 365:15 366:2 sat 349:24 351:1 352:5 savings 324:3 saw 305:5,6 331:24 357:2,7 saying 298:23 313:16 366:7 says 288:24 289:1 292:14,15 293:4 293:10 295:19 297:3 301:11,11 301:22 302:2,4 309:1 311:18,18 341:4 369:13 schedule 271:7,15 272:20,23 368:1	scheduled 267:22 scheduling 271:17 274:7,16 Scheper 332:8,10 school 273:16 scope 315:5 screw 349:7 screwed 347:3 350:2 Scuba 266:11 343:4 343:6,10,12,16,18 343:21 344:1 345:17 346:16 350:25 351:19,20 351:22 353:16 355:5 seat 309:19 second 267:21 268:3 273:5 303:7 337:3 340:2 section 287:20 334:11 security 288:15 289:3,12 290:1 359:9 368:22 see 270:4,21 278:19 283:16 288:6,24 289:1,4 290:15 292:13,17 293:9 296:14,24 297:2 304:24,25 315:7 316:8 317:3 322:5 326:6,9 341:18 348:5 358:12 seeing 281:14 367:14 seemed 277:23 seems 368:19 seen 279:11 356:15 365:7 368:21 Selkirk 329:22,25 333:10,16 339:7 sell 364:7 seniority 280:18,21 280:24 281:2,4,6 281:7 306:5,15,19 306:21 307:10 312:9,17,18 330:8 330:16 331:17 335:19 345:21 348:4 349:9 353:5 353:7 364:20 sent 332:10,12 337:4 351:10 separate 288:3 separation 334:11 sequence 274:17	service 312:13 319:7 338:3 346:25 SESSION 266:17 343:1 severance 331:18 331:19 332:8 shanty 277:11 278:18,20 sharing 310:11 sharp 271:9 shift 286:15 348:18 shifts 281:19 286:17 286:19,21 short 272:19 336:18 338:16 show 289:25 290:3 290:9,11 294:12 294:15 305:3 313:8 339:23 350:18 showed 294:25 305:12 shown 313:9 341:17 sic 323:13 sick 347:18 side 323:5 349:2 359:9 sides 271:24 sign 281:8 signed 319:19 356:10 significance 317:2,8 simple 301:16 simplify 271:3 simply 290:7 311:18 311:19 since 275:4 322:1 single 299:15 322:24 sir 313:7 333:7,8 sit 348:8 site 277:7,15 278:13 situation 323:18 350:7 Sivard 295:16 six 341:4,16,20 sleeping 281:25 282:15 283:17 slept 281:22 slowly 310:8 smell 277:10 278:16 social 288:15 289:3 289:12 290:1 336:21 359:9 368:22 solely 337:18	some 277:25 303:11 304:9 305:10 334:3 338:10 347:18 350:4 352:17,17 364:24 somebody 349:20 354:22 someone 301:4 304:1 316:25 someplace 368:21 something 286:12 306:9 338:1 352:23 sometime 274:4 338:20 Sometimes 336:10 somewhere 318:18 356:2 son 323:1 350:15 SOPHNER 262:12 sorry 268:6 302:13 304:9 317:8 322:8 327:16 333:25 341:2 365:21 sort 268:12 277:25 303:11 364:3 368:21 South 318:9 speak 327:17 362:18 speaking 320:23 speaks 302:25 specific 268:15 306:1 348:16 specifically 287:22 340:1 speech 278:6 spoke 300:24 spoken 303:8 sponge 349:23 Square 263:21 SRI 333:21 St 309:11 311:21 312:3 stamped 288:17 stand 275:4 301:5 317:21 355:8 360:24 standing 268:22 269:5 310:3 start 273:1 274:9 283:2 318:16 338:17 355:25 started 275:25 276:5,10 338:23 344:3 348:18 starting 291:20
--	---	--	--	---

358:25 state 275:12 311:8 318:3,6 327:12,21 330:2 343:14 355:15 367:11 371:18 stated 313:15 352:3 statement 308:10 309:17 368:17 status 335:21,22 stay 278:20 286:13 317:16 364:21 stayed 281:17 364:25 steady 282:14 357:21 365:5 Steimle 315:2 Steinglass 262:16 267:1,10,19 268:4 268:9,25 269:4,20 270:16,25 273:10 273:15 274:4,13 274:24 278:7 279:6 280:11 283:1 284:19 285:6 286:3 287:4 288:17 289:20 290:14 293:11,20 294:7,16 296:5,19 297:12 299:13 300:2,9,13 301:7 301:15 302:9,15 302:19,24 308:14 309:22 310:7,14 310:23 311:25 312:5 314:12 315:6,12 316:19 316:23 317:7,11 317:17,19 319:3 319:11 321:17 325:23 326:22 327:1 334:24 342:7 343:2,5 346:3 347:12 353:22 354:19 355:1,5 356:17 360:5,14 361:4,20 362:12 363:10 367:20,24 368:10 369:9,14 370:1,7 Stenotype 371:8 Stenotypy 371:5 Steven 262:16 STEWART 264:7 266:6 334:25 341:11 Stewart@blankr...	264:14 still 328:10 347:25 stipulation 270:9,22 stipulations 270:16 271:4 Stokes 262:20 stop 282:15 291:22 304:24 Street 264:10 stress 323:12 strike 270:19 Strongsville 287:13 stubs 362:10 students 274:11 stuff 273:25 363:7 366:5 subdued 360:16 submit 290:7 368:8 submitted 291:25 292:10 293:14 295:13 substance 294:18 sucked 349:23 sudden 336:19 suffered 365:24,24 suffering 345:17 suffice 268:19 sufficient 272:11 suggesting 270:22 286:23 Suite 263:6,14,22 sum 334:10 summarily 314:23 summary 295:19 Superior 262:21 263:6,13 support 336:24 supposed 301:18 334:17 sure 268:8 269:22 270:21 271:23 277:16 278:12 280:3 281:16,24 282:1 289:20 302:20 308:15 312:16 314:5 316:3 326:5 333:11 339:4 340:3,24 350:17 362:2 368:12 Surface 314:19 surprised 285:2 switch 277:24 305:7 switches 305:7 switchman 277:3 sworn 275:7 317:23 327:7 343:7	355:10 S-E-L-K-I-R-K 330:1 T TAC 333:23 take 272:20 274:3 280:4 286:10,14 286:15 287:18 290:19 291:24 295:12 298:16 307:6,20 314:8 316:20 317:11 321:25 331:4 334:16 335:10 338:6 350:22 358:22 369:23 taken 262:20 317:18 338:3 342:10 takes 272:21 taking 272:25 302:14 talk 300:21 303:19 306:14 330:13 366:7 talked 346:9 349:25 350:1,5 352:6 358:7 talking 283:24 338:18 339:17 352:18 353:25 taught 304:4 tax 368:22,23 teaches 273:16 Teenage 281:20 teenager 304:23 316:16 teenagers 281:20 telephone 281:17 352:12,16 tell 275:19 277:9 278:12 280:5,14 280:20,23 285:17 287:10 295:6 303:20 320:2,25 329:20 336:15 337:23 343:17 344:2,8 345:14,23 346:10 349:7 357:24 359:22 361:8 362:1 364:9 telling 276:7 tempered 336:18 ten 314:25 term 299:23 300:8 306:20	terminal 277:18 319:15 322:20 344:18 353:10 354:13 356:5 terms 298:21 368:14 test 321:25 testified 305:11 311:4 339:15 352:10 355:2 356:13 367:14 testify 267:16,22 278:2 285:8 testifying 351:8 testimony 267:3,18 268:1,24 269:2,9 269:24 270:24 271:13,25 273:2 290:15 303:4 311:18 351:1 thank 267:20 285:9 292:6 300:14 304:11 315:19 316:19 324:6 325:23 326:20,22 327:1,20 333:3 334:14,24 338:9 341:22 343:5 346:5 351:18 353:15 354:21 355:6 366:11,16 367:6,19,22 369:9 370:6 Thanks 351:24 their 267:17 269:22 271:25 292:11 347:16,17 369:13 themselves 270:14 theoretically 299:20 thick 279:12 thing 273:20 303:7 321:24 353:8 things 305:6 311:13 311:14 321:3 336:18 348:19 353:12 360:9 362:24 364:5 think 269:10 270:6 270:13 272:10 273:2,7,15,18,19 275:1 276:2 278:1 288:19 290:15 294:7,22 295:11 297:12 302:10,15 302:23,24 305:6 310:8 315:6 328:22 333:12	334:19,21,22 344:4,17 347:18 349:13 351:4 353:25 355:1 358:6 360:20 368:14 thinking 278:20 third 271:6 296:12 thirty 334:9 THOMAS 264:7 though 288:16 369:6 thought 274:21 311:14 313:18 354:6 364:7 366:9 three 273:3 299:1 348:18 threw 351:11 through 278:19 323:22,23 324:1 348:11 351:1 359:15 362:16 364:19 throughout 311:5 329:18 356:21 357:2 throwing 299:22 thrown 301:20 tier 289:2 316:25,25 tighter 362:25 till 330:24 356:25 time 268:13 279:20 282:4,5,17,20,25 283:9 284:25 287:7,10,21 293:17,23 296:2 296:10 302:8,14 306:16 307:5 308:19 309:1,6 311:18 312:12,13 319:18,22 320:20 321:1,16 322:7,12 322:18,20,23 323:13 329:2,18 340:22,24 341:6 345:7,15 348:17 349:25 354:9,10 356:9,25 357:2,16 358:15,19 363:9 363:14 364:4,6,25 368:9 370:3 timeline 338:18 times 304:20,22,23 311:5 324:2 339:17,19 342:2 347:6 348:7 today 267:22
---	---	---	--	---

268:19 271:13 274:5 303:14,19 350:25 365:19 368:2,8,11 369:15 today's 271:7 told 303:22 304:2 305:25 324:13,17 326:3 346:12 350:1 353:6,8,9 353:12,13 354:1 354:10,12,25 355:2 366:24,25 369:17 Tomain 262:17 273:13 288:10,21 332:23 333:3,6,13 334:4,14 Tomczak 315:3 tomorrow 368:13 369:16,20,23,25 tomorrow's 271:14 totally 338:2 366:2 366:3 touched 347:21 towards 284:17 285:1,4 Tower 319:15 322:20 town 364:14 tracks 278:15 305:7 344:22 transcribed 371:7 transcript 371:7,9 371:10,12 transfer 334:6 transferred 333:24 Transportation 314:20 trial 292:11 Tricarichi 263:4,5 266:12 267:8,12 268:2,6 274:2,20 278:9 305:14 309:25 310:16,21 313:10 317:6,9 333:12,15 334:19 340:4,10 343:3,11 346:6 347:13 351:18 353:17,24 354:24 355:3 368:3 tried 321:13 331:16 true 276:14 278:2 337:7,15,20 371:12 truly 311:14 try 271:2 272:9	273:24 294:18,21 295:5 321:11,20 321:23 322:3 324:2,3 326:7 362:12 trying 280:9,16 301:10 302:21 turn 295:14 296:12 323:3 turned 282:21 284:10 325:16 Twenty-three 328:9 two 274:18 280:16 289:8,14 290:4,9 290:23 291:3,5,7 291:11,13,16,20 303:1 317:1,2 335:8 339:12,13 339:14 340:14,17 340:25 345:8 349:16 359:3,10 359:16 361:16 two-minute 316:22 317:12 typewritten 371:8 U Uher 315:3 355:21 355:22 356:7 359:1 Uh-huh 350:8 ultimately 302:11 unavailable 282:18 322:13 358:16 uncle 318:22,24 under 290:12 297:2 298:20 305:1 308:2 320:6,8 334:8 underlined 292:14 underneath 289:1 292:13 understand 267:19 269:22 298:14,23 300:10,13 301:23 302:10,16 303:23 311:2 312:11 341:15 350:23 368:2 understanding 272:4 284:4,9 289:8,13 290:23 295:3,25 300:16 300:17 315:16 341:19 342:1,3 352:3,4,21,23 353:1,4 368:15	369:10 understands 326:5 understood 294:24 349:24 354:3,8 undoubtedly 268:19 undue 271:22 unemployed 322:17 325:1 unforeseen 368:5 Unfortunately 322:1 union 344:18 346:16,18,23,25 353:5,10 354:12 356:5 universal 268:17 unless 294:25 362:9 until 272:4 295:22 311:10 348:25 349:24 352:21 upset 347:8 349:20 upsetting 349:15 use 308:10 used 286:12 323:21 323:23 326:3,13 348:7 usually 304:9 363:23 utility 331:10 335:11,13,15,22 336:3,4 338:19,24 339:6,11,16 340:18 364:25 V variables 299:1 Verdi 266:14 355:8 355:9,13,15,17 365:17 366:12,14 367:7,9 very 276:2 285:2 294:18 304:11 323:11 324:6 327:2 334:3,15 345:22 347:19 349:15 355:6 360:11,16 366:11 366:18 367:23 368:19 video 368:9 Virginia 265:3,6,9 265:12 275:3,6,10 275:14 304:12 314:13 315:20 visit 277:6,14 visited 277:20	278:14 VOLUME 262:17 vs 262:4,7,10,13 W wage 289:4 wages 302:10 wait 283:17 310:21 348:8,8 364:2 waited 358:4 365:18 waiting 282:8 358:12 360:21 waived 290:6 walks 344:22 wall 348:9 walls 278:19 want 271:7,19,21 274:2 277:24 288:23 291:18,24 300:10 303:20 326:4,24 333:4 337:23,24 341:2 350:19 351:2,12 351:13 360:17 363:15 365:19 wanted 268:7 269:22 287:11 336:24 wants 274:14 301:2 warm 277:13 278:19,21 washing 363:7 Washington 334:12 wasn't 270:21 278:2 279:25 280:3,17 289:18 294:1 299:23 305:24 307:15 326:12 347:20 349:5 350:22 358:3 362:2 365:15 366:3,6 368:9 watching 350:21 water 365:11 WATJEN 262:3 way 268:12 295:19 303:10 328:23 336:24 337:15 347:24 365:8 weekly 323:22 weight 269:7,25 270:4 Weinman 273:1 369:21 welcome 351:25 well 300:12 318:22	330:14 331:16 345:19 349:13 352:14 353:4 359:12,24 364:21 went 277:17 281:6 313:3 315:10 316:7,10,13 320:15 330:21 348:11,15 358:5 366:6 were 270:13,14,22 271:8 274:22,22 277:19 278:15 279:20 281:19,20 282:6 283:10,13 284:16 290:4,8 302:20 304:21,22 304:23 305:5,7 307:7 308:2,19 309:14 311:20 315:1 316:12,15 319:7 320:10 321:4 323:15,21 325:10 327:25 328:1,3,6,8 336:16 339:17,19 341:17 344:25 345:11 347:3,4,16 347:16,17 349:14 349:15 353:25 358:9 362:15,24 362:25 363:17,19 364:3 365:1 369:6 West 262:21 we'll 268:22 whatsoever 337:12 wheels 320:7 while 290:25 305:4 310:2 348:12 359:1 whole 323:11 William 343:16 winter 278:22 wish 334:9 wished 366:4 witness 267:13,16 267:18 268:7 271:18 285:7 286:23 300:21,23 301:5 303:11,13 303:13 305:18 309:23 310:11,17 310:19,25 326:23 327:3,19 329:25 333:4,8,16 334:6 339:25 354:16,22 368:18
--	---	---	--	--

witnesses 267:5,9 267:22 272:25 274:18 368:1 wonder 268:11 332:24 word 326:3 332:25 333:11,14 334:1 words 273:1 299:10 work 272:23 276:5 276:16 277:15 278:13,17 279:17 281:12 282:7,8,11 282:13,18 283:5 283:14 284:1,5,10 284:13 286:6,8,9 291:3,5,7,20 292:15,21 293:1 294:25 295:9,21 296:1 304:1,4 305:4,8,23 307:5 307:7 312:19,22 312:23,25 313:6 313:16,22,23 314:3,24 315:11 315:17,24 316:5,8 316:13 318:20,25 319:13 320:14,16 320:17 321:12,20 321:23 322:14,18 322:24 323:3,24 325:9,11,13 326:7 326:10,14 328:18 333:22 335:4 336:9,15 337:1 338:6 340:18 342:2 344:5 345:5 346:13 347:23 348:4,10,11,13,21 348:22,24 349:1,8 354:11 355:22 356:3 357:21,21 358:1,17,20 359:3 359:3,10 360:21 360:24 363:1,3,14 365:5 worked 275:21 276:20 278:3,22 279:16 289:8,14 290:8,23 293:2,5 295:22 304:4 305:1 309:7 311:9 311:15,19 318:22 329:17 330:24 340:12,18 341:6 344:6,15 347:24 347:25,25 348:17 354:1,3,7,8,12	359:16 362:3 worker 275:23 323:1,2 369:1 working 275:25 277:19 278:25 279:13,15,25 290:4 291:1,11,16 291:22 293:17,23 307:15 309:2,5 318:16 322:4 329:1,6,13 344:3 344:15 348:18 353:9,13 356:1 357:13 359:2 364:3,3 367:16 369:18 worried 366:4 worse 364:5 wrapped 360:20 wrecked 366:2 written 303:5 332:16 wrote 314:20 332:7 X X 265:1 Y yard 277:24 314:24 315:1,17,23 316:2 316:5,8,10 yeah 333:13 348:10 year 289:2,4 328:23 341:1,7,13 359:16 364:15 369:1,4,8 years 276:17,20 279:1 280:18,19 280:25 281:4,6,7 293:5 304:1 311:14 312:13,14 319:7,9,15 323:24 328:9,20 329:9 338:2 340:11,14 345:16 346:14 351:5,6,13 356:23 365:18 366:9 368:18,20 yesterday 267:5 300:23 York 275:22,25 276:5,16,24 277:2 279:17,22 284:6 284:17 318:21 319:1,13,18,22,25 320:3,18,21 321:10 327:24 328:17,19 329:16	329:21 330:3 333:16 334:2,2 337:15 339:7 344:6,11,15 345:12 346:13 353:11,14 354:9 354:11 355:23 356:1,4,8,21 357:11,14,17,22 359:2 young 276:2 304:20 331:5 younger 316:15 \$ \$27,882.92 297:3,7 298:18 302:6 \$3,627.43 340:20 \$7,794.82 340:16 \$742.70 293:15 0 03186 305:13 0335 313:9 03816 295:19 1 1 265:14 266:17 371:20 1-31-66 333:9 1:15 369:20 1:30 271:11 274:21 274:23,24 342:8 370:5 10 265:2,23 266:4 266:10 10:11 262:19 1083 318:8 11 262:18 266:1 348:18 1160 343:19 12 265:5 271:8,9,17 272:10 273:11 291:1 299:8 1219 333:10 13 265:8 266:13 15 369:23 16 308:24 363:18 17 308:5 1700 264:9 1940 344:4 1940s 318:19 344:24 1946 356:2 1950 328:22 1950s 287:7 344:24 1952 356:25	1955 359:10,15 1956 288:24 289:9 359:12 1957 289:11 290:20 1958 291:3 1959 291:5 328:25 1960 291:7 1961 291:10,11 1962 291:13 1963 276:23 291:15 319:18 329:7,14 344:12 356:8,21 1964 276:24 319:18 320:10 329:7 344:12 356:8,21 1967 291:18,20 1968 283:9,10 292:16 295:20 296:8 313:16,24 314:4,8 319:22 320:10,18 321:19 322:8,12 326:17 333:18 334:17 338:20 340:14,15 357:14,25 358:9 359:19 360:23 363:17,18 1968-1975 323:6 1969 295:20 296:8 329:5 330:24 331:13 334:18 335:1 338:21 340:14,17 341:13 364:16 1970 364:16 1971 359:15 1972 283:10 1973 357:1 358:10 360:23 362:16 1975 276:19 322:11 322:13 326:17 1982 328:12 2 2:08 370:10 20 265:11 276:3 328:20 20-some 351:13 200 263:21 2007 262:18 2008 371:20 201 264:10 21 295:20 296:8 216 263:8,16,24 22 332:1,1 337:5 230 327:23 24 265:20 266:7	292:1,5,11 313:13 27 322:11 274-2410 263:24 275 265:2 28 346:13 3 30 295:14 305:17 345:16 30(b)(6) 300:23 304 265:5 31 334:21 314 265:8 315 265:11 318 265:14 3183 296:17 324 265:17 325 265:20 327 265:23 3300 263:22 338 266:1 341 266:4,7 343 266:10,17 355 266:13 362-8704 264:12 4 4 340:1,6 358:25 4,155 290:21 4,200 290:20 4,900 368:20 40 276:17 280:25 281:6 312:13 351:5,6 365:18 422 288:21 44113 263:7,15 44114-2301 263:23 45 272:16 276:20 279:1 293:5 304:1 45202 264:11 47 356:2 5 5 288:4,7 5,400 368:19,19 5/1/75 295:24 50s 309:7 311:9 513 264:12 55 289:17 56 289:17 290:11 57 289:17 290:11 58 290:11 59 290:12 6 6,600 368:19 60 290:12
--	--	---	--	---

614 263:6,13 620 263:6,14 63 319:25 329:9 368:20 64 329:9,14 351:17 66 368:20 68 319:25 363:15,16 69 334:21,22 69-675 262:4 69-722 262:7 69-947 262:10 7 7 265:17 295:23 333:18 334:17,18 335:1 338:20 714 355:19 724.70 299:14 74-914 262:13 8 8 287:19 288:3,8 292:16 313:16,24 314:3,8 358:25 801 262:21 803(6) 270:13 861-6677 263:8,16 9 9 334:11 90 368:7 95 350:12				
--	--	--	--	--

BEFORE THE ARBITRATION COMMITTEE

~~~~~

In the Matter of:

ROBERT WATJEN, et al.,  
Plaintiffs,

vs.

Case No. 69-675

PENN CENTRAL,  
Defendant.

~~~~~

MICHAEL J. KNAPIK, et al.,
Plaintiffs,

vs.

Case No. 69-722

PENN CENTRAL,
Defendant.

~~~~~

DAVID C. BUNDY, et al.,  
Plaintiffs

vs.

Case No. 69-947

PENN CENTRAL,  
Defendant.

~~~~~

G.V. SOPHNER, et al.,
Plaintiffs,

vs.

Case No. 74-914

PENN CENTRAL,
Defendant.

~~~~~

Arbitration hearing before

Chairman Steven H. Steinglass  
Panel Member Dennis R. Lansdowne  
Panel Member Joseph Tomain  
VOLUME III

December 12, 2007  
9:03 a.m.

Taken at:  
Carl B. Stokes Federal Courthouse  
801 West Superior Avenue  
Cleveland, Ohio

Eva Petrone, RPR



RENNILLO

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;">BEFORE THE ARBITRATION COMMITTEE</p> <p>In the Matter of:<br/>ROBERT WATJEN, et al.,<br/>Plaintiffs,<br/>vs. Case No. 69-675<br/>PENN CENTRAL,<br/>Defendant.</p> <p>MICHAEL J. KNAPIK, et al.,<br/>Plaintiffs,<br/>vs. Case No. 69-722<br/>PENN CENTRAL,<br/>Defendant.</p> <p>DAVID C. BUNDY, et al.,<br/>Plaintiffs,<br/>vs. Case No. 69-947<br/>PENN CENTRAL,<br/>Defendant.</p> <p>G.V. SOPHNER, et al.,<br/>Plaintiffs,<br/>vs. Case No. 74-914<br/>PENN CENTRAL,<br/>Defendant.</p> <p>Arbitration hearing before<br/>Chairman Steven H. Steinglass<br/>Panel Member Dennis R. Lansdowne<br/>Panel Member Joseph Tomain<br/>VOLUME III</p> <p>December 12, 2007<br/>9:03 a.m.<br/>Taken at:<br/>Carl B. Stokes Federal Courthouse<br/>801 West Superior Avenue<br/>Cleveland, Ohio</p> <p>Eva Petrone, RPR</p> | <p style="text-align: right;">Page 374</p> <p>1 APPEARANCES, Continued:</p> <p>2</p> <p>3 On behalf of the Defendant:</p> <p>4 Blank Rome, LLP, by.</p> <p>5 MICHAEL L. CIOFFI, ESQ.</p> <p>6 MICHAEL A. CIOFFI, ESQ.</p> <p>7 THOMAS H. STEWART, ESQ.</p> <p>8 JASON GROPE, ESQ.</p> <p>9 1700 PNC Center</p> <p>10 201 East Fifth Street</p> <p>11 Cincinnati, Ohio 45202</p> <p>12 (513) 362-8704</p> <p>13 Cioffi@blankrome.com</p> <p>14 Stewart@blankrome.com</p> <p>15 Groppe@blankrome.com</p> <p>16 ~~~~~</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                     |
| <p style="text-align: right;">Page 373</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Plaintiffs:</p> <p>4 Tricarichi, Carnes &amp; Clements, by</p> <p>5 CARLA M. TRICARICHI, ESQ.</p> <p>6 614 Superior Avenue N.W., Suite 620</p> <p>7 Cleveland, Ohio 44113</p> <p>8 (216) 861-6677</p> <p>9 Ctricarichi@aol.com</p> <p>10 -and-</p> <p>11 Griffin Law Firm, by</p> <p>12 MARK GRIFFIN, ESQ.</p> <p>13 614 Superior Avenue</p> <p>14 Suite 620</p> <p>15 Cleveland, Ohio 44113</p> <p>16 (216) 861-6677</p> <p>17 Mark.d.griffin@gmail.com</p> <p>18 -and-</p> <p>19 Hahn, Loeser &amp; Parks, LLP, by</p> <p>20 RANDY J. HART, ESQ.</p> <p>21 200 Public Square</p> <p>22 Suite 3300</p> <p>23 Cleveland, Ohio 44114-2301</p> <p>24 (216) 274-2410</p> <p>25 Rjhart@hahnlaw.com</p>                                                   | <p style="text-align: right;">Page 375</p> <p>1 INDEX</p> <p>2 DIRECT EXAMINATION OF 377 12</p> <p>3 HARVEY ROSEN, PHD</p> <p>4 BY MR. GRIFFIN</p> <p>5 CROSS-EXAMINATION OF 433 10</p> <p>6 HARVEY ROSEN, PHD</p> <p>7 BY MR. M. L. CIOFFI</p> <p>8 REDIRECT EXAMINATION OF 479 8</p> <p>9 HARVEY ROSEN, PHD</p> <p>10 BY MR. GRIFFIN</p> <p>11 DIRECT EXAMINATION OF 505 8</p> <p>12 MICHAEL WEINMAN</p> <p>13 BY MR. GROPE</p> <p>14 CROSS-EXAMINATION OF 541 22</p> <p>15 MICHAEL WEINMAN</p> <p>16 BY MR. HART</p> <p>17</p> <p>18 Plaintiffs' Exhibit 41 was 378 11</p> <p>19 marked</p> <p>20 Plaintiffs' Exhibit 42 was 381 22</p> <p>21 marked</p> <p>22 Plaintiffs' Exhibit 43 was 417 24</p> <p>23 marked</p> <p>24 Plaintiffs' Exhibit 44 was 429 9</p> <p>25 marked</p> |

1 (Pages 372 to 375)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 376</p> <p>1 Plaintiffs' Exhibit 45 was 431 22</p> <p>2 marked</p> <p>3 Defendant's Exhibits 102 494 2</p> <p>4 through 106 were marked</p> <p>5</p> <p>6 AFTERNOON SESSION 494 6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p style="text-align: right;">Page 378</p> <p>1 objection to qualifications.</p> <p>2 CHAIRMAN STEINGLASS: Thank you.</p> <p>3 MR. GRIFFIN: For the record then,</p> <p>4 I would like to submit Dr. Rosen's curriculum</p> <p>5 vitae as Plaintiffs' Exhibit --</p> <p>6 MR. M. L. CIOFFI: No objection.</p> <p>7 Stipulate that he is qualified to testify.</p> <p>8 MR. GRIFFIN: For the record, I</p> <p>9 would submit Exhibit 41.</p> <p>10</p> <p>11 (Thereupon, Plaintiffs' Exhibit 41</p> <p>12 was marked for purposes of</p> <p>13 identification.)</p> <p>14</p> <p>15 Q. Dr. Rosen, can you, to a reasonable</p> <p>16 degree of economic certainty, determine an</p> <p>17 individual's guaranteed compensation under the</p> <p>18 Employment Protection Agreement for the</p> <p>19 protection of that employee as an event of the</p> <p>20 merger of Penn and New York Central Railroads,</p> <p>21 dated 1964 in the attached Appendices A through</p> <p>22 E in the agreement of May of 1936, Washington</p> <p>23 D.C. in the company letterhead of</p> <p>24 understanding?</p> <p>25 A. Yes.</p>                                                                                                                                                                                                                                                                         |
| <p style="text-align: right;">Page 377</p> <p>1 CHAIRMAN STEINGLASS: Unless</p> <p>2 there's some preliminary matter, we should</p> <p>3 begin.</p> <p>4 MR. GRIFFIN: Thank you, Your</p> <p>5 Honor.</p> <p>6 The Plaintiffs, Claimants would</p> <p>7 call Dr. Harvey Rosen to the stand.</p> <p>8 HARVEY ROSEN, PHD, of lawful age,</p> <p>9 called for examination, being first duly sworn,</p> <p>10 as hereinafter certified, deposed and said as</p> <p>11 follows:</p> <p>12 DIRECT EXAMINATION OF HARVEY ROSEN, PHD</p> <p>13 BY MR. GRIFFIN:</p> <p>14 Q. Good morning, Dr. Rosen.</p> <p>15 A. Good morning.</p> <p>16 Q. Could you please state your full</p> <p>17 name for the Panel.</p> <p>18 A. My name is Harvey Rosen, R-O-S-E-N.</p> <p>19 Q. Dr. Rosen, what is your occupation?</p> <p>20 A. I'm an economist and financial</p> <p>21 analyst.</p> <p>22 Q. Dr. Rosen, I'm going to ask you to</p> <p>23 take a look at what was previously provided to</p> <p>24 me as your curriculum vitae.</p> <p>25 MR. M. L. CIOFFI: We have no</p> | <p style="text-align: right;">Page 379</p> <p>1 Q. Dr. Rosen, in order to make such a</p> <p>2 determination and to arrive at an opinion to a</p> <p>3 reasonable degree of economic certainty, what</p> <p>4 information do you have with respect to three</p> <p>5 groups of employees? By those, I mean those by</p> <p>6 the group of ten brakemen which we have also</p> <p>7 called the Knapik group, the group of six</p> <p>8 clerks which we have also called the Watjen and</p> <p>9 Bundy groups, and the group of 16 carmen, which</p> <p>10 we have also called the Sophner group.</p> <p>11 A. In order to make my analysis and to</p> <p>12 arrive at an opinion, I was provided with a</p> <p>13 great deal of information. Much of that is</p> <p>14 listed in my report and, essentially, I was</p> <p>15 provided with a copy of the protection</p> <p>16 agreement dated November 16, 1964, along with</p> <p>17 the Washington agreement, as well as Appendix</p> <p>18 E, which was a letter of memorandum attached to</p> <p>19 that.</p> <p>20 I also had, for each of the</p> <p>21 different employees, all 32, copies of what is</p> <p>22 known as the railroad retirement employment</p> <p>23 maintenance credible service in earnings yearly</p> <p>24 totals. This would be equivalent to what you</p> <p>25 and I might get if we asked the social security</p> |

2 (Pages 376 to 379)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 380</p> <p>1 system for a copy of what was reported to<br/>2 social security as our earnings in each year.<br/>3 That information is also contained and kept by<br/>4 the Railroad Retirement Board for each<br/>5 employee.<br/>6 I also had a schedule showing what<br/>7 the tax rates were under railroad retirement<br/>8 for each of the years in question, which gave<br/>9 me information on what is known as the maximum<br/>10 covered compensation that they keep data on.<br/>11 This was a publication that gave me the<br/>12 information from the early '60s through 2007<br/>13 dated 2006.<br/>14 I also had a copy of wage guarantee<br/>15 amounts for ten employees, these would be the<br/>16 brakemen, that gave me information as computed<br/>17 by the railroad. It was in the form of a<br/>18 letter from Mr. Robert O'Neill, which presented<br/>19 guarantee rates for the ten brakemen.<br/>20 I also had wage rates from 1950<br/>21 through 1999 for the brakemen.<br/>22 I also had wage rates for the group<br/>23 of 16 carmen, and that came from the<br/>24 Brotherhood of Railway Carmen, the union that<br/>25 covered these 16 workers.</p> | <p style="text-align: right;">Page 382</p> <p>1 Q. Dr. Rosen, I'm going to ask you to<br/>2 take a look at what's been marked as<br/>3 Plaintiffs' Exhibit 42. Can you tell me what<br/>4 the first three or four pages of this exhibit<br/>5 represent.<br/>6 A. The first four pages of this<br/>7 exhibit is a copy of the wage rates that I was<br/>8 provided with from the Brotherhood of Railway<br/>9 Carmen division of the Transportation<br/>10 Communications International Union from<br/>11 November 1 of 1956 through July 1 of 1997.<br/>12 Q. Dr. Rosen, can you tell us what the<br/>13 next page is on Claimants' Exhibit 42?<br/>14 A. The next page is a similar<br/>15 document. There's two pages, which consist of<br/>16 the daily rate of pay for yard conductors, yard<br/>17 brakemen and switchtenders. This came from the<br/>18 UTU. Data showing the effective rate as of<br/>19 October 1, 1950 and subsequent through July 1<br/>20 of 1999.<br/>21 Q. Dr. Rosen, can you look at the next<br/>22 three pages of Claimants' Exhibit 42 and tell<br/>23 us what they represent.<br/>24 A. The next three pages is a document<br/>25 I obtained from the US Railroad Retirement</p>                                                                                                               |
| <p style="text-align: right;">Page 381</p> <p>1 I also had a copy of a letter,<br/>2 January 10, 1969, which gave some wage rates<br/>3 for three of the six individual clerks who were<br/>4 eligible to receive a separation allowance.<br/>5 From my own sources I had available<br/>6 as an economist all types of economic data,<br/>7 interest rate data, a variety of other economic<br/>8 data that would pertain to the economic<br/>9 background at that time.<br/>10 I was provided finally with<br/>11 information on each of the 32 individuals, what<br/>12 I would call demographic information. Their<br/>13 date of birth, when they joined the railroad,<br/>14 family status, information of that type.<br/>15 Q. Dr. Rosen, you discussed a number<br/>16 of documents, most of which have already been<br/>17 before this Panel. I am going to hand you a<br/>18 few other documents which you mentioned, and<br/>19 ask whether these were the documents that you<br/>20 testified to having, in part, relied upon.<br/>21 - - - - -<br/>22 (Thereupon, Plaintiffs' Exhibit 42<br/>23 was marked for purposes of<br/>24 identification.)<br/>25 - - - - -</p>                                    | <p style="text-align: right;">Page 383</p> <p>1 Board from the bureau of the actuary dated<br/>2 November, 2006. This is information going back<br/>3 to the inception of both social security and<br/>4 railroad retirement in 1937.<br/>5 It shows in each year what the<br/>6 maximum annual taxable earnings are under<br/>7 railroad retirement. This is the amount which<br/>8 shows the maximum that the railroads would have<br/>9 to report, the maximum pay the railroads would<br/>10 have to report under railroad retirement. So,<br/>11 for example, this 1980, the first \$25,900 of<br/>12 railroad retirement income would be taxed at<br/>13 the tier one and tier two rates and it would go<br/>14 into the fund on behalf of each employee.<br/>15 That's not necessarily what the employee may<br/>16 have earned that year. The employee may have<br/>17 earned \$50,000 that year, but the railroad<br/>18 retirement is only charged with keeping records<br/>19 on the maximum covered amounts.<br/>20 So if we look at somebody's<br/>21 statement, if we looked at Bill Gates's<br/>22 statement, for example, last year 2007 under<br/>23 social security the maximum covered taxable is<br/>24 ninety-seven-five. Undoubtedly it would show<br/>25 that his social security earnings as reported</p> |

3 (Pages 380 to 383)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 384</p> <p>1 to social security. And if we looked on his<br/>2 statement, it would show that he earned<br/>3 \$97,500. But we know, in fact, that he earned<br/>4 more than that. We don't know how much more he<br/>5 earned than that because both social security<br/>6 and railroad retirement are only required under<br/>7 the law to keep records on amounts earned by<br/>8 covered employees up to these dollar maximums.<br/>9 So this particular document was<br/>10 used by me in interpreting or to help interpret<br/>11 the railroad retirement information for each<br/>12 employee.<br/>13 Q. Dr. Rosen, can you then look at the<br/>14 remaining pages in what's been marked<br/>15 Plaintiffs' Exhibit 42. Can you tell the Panel<br/>16 what those represent?<br/>17 A. The remaining pages is a compendium<br/>18 of data that I have got from the -- or I would<br/>19 have received from my research. These all came<br/>20 from the federal reserve system. These reflect<br/>21 a variety of different interest rates,<br/>22 specifically two that I utilized in my<br/>23 calculations. One for my prime interest rate<br/>24 in each year and secondly a ten-year United<br/>25 States government treasury security.</p> | <p style="text-align: right;">Page 386</p> <p>1 monthly basis regarding compensation paid to<br/>2 each employee. Did the railroad provide that<br/>3 information?<br/>4 A. No. There was some fragmentary and<br/>5 scattered information provided. I believe it's<br/>6 called some kind of accounting controller<br/>7 sheet. It was incomplete and basically it<br/>8 never agreed with information reported to the<br/>9 Railroad Retirement Board. But beyond that,<br/>10 basically, was a matter of very scattered data<br/>11 that was incomplete and would have been<br/>12 unusable for me to be able to complete a<br/>13 calculation using any of that data, because it<br/>14 was inconsistent and incomplete.<br/>15 Q. I'm going to talk about those in a<br/>16 moment. But I also wanted to ask you, as<br/>17 required by the MPA, whether the railroad, in<br/>18 fact, provided you with information regarding<br/>19 hours worked for each of the months during the<br/>20 12-month period prior to May 16, 1964?<br/>21 A. No.<br/>22 Q. You mentioned that you were<br/>23 provided with some information from the<br/>24 railroad. Let me ask you to take a look at<br/>25 what the Defendants have submitted as their</p> |
| <p style="text-align: right;">Page 385</p> <p>1 There are also pages in here in<br/>2 addition to the raw data which summarize that<br/>3 data which was a work product of my own.<br/>4 And then there's some computations<br/>5 showing how that data was utilized to compound<br/>6 interest, which we will talk about later.<br/>7 Q. Is that interest information the<br/>8 sort of information that's reasonably relied<br/>9 upon by economists and financial analysts like<br/>10 yourself?<br/>11 A. That would be exactly the type of<br/>12 information we commonly use and rely upon.<br/>13 Q. We have talked about the<br/>14 information you have in front of you. Appendix<br/>15 E to the Merger Protection Agreement says that<br/>16 the carrier shall provide information regarding<br/>17 the last 12 months in which an employee<br/>18 performed compensated services immediately<br/>19 preceding May 16, 1964 with regard to, first,<br/>20 current rate of pay. Did you ever receive<br/>21 those documents from the railroad?<br/>22 A. No.<br/>23 Q. With respect to that same 1964 time<br/>24 period, the railroad was required by the<br/>25 contract to provide you with information on a</p>                                                            | <p style="text-align: right;">Page 387</p> <p>1 trial Exhibits 46, 47, 56 and actually I<br/>2 believe the set of documents is Defendant's<br/>3 Exhibits 43 through 57. I have extra copies of<br/>4 the specific ones for comparison.<br/>5 MR. GRIFFIN: These documents have<br/>6 already been submitted by Defendants.<br/>7 Dr. Rosen, what I have just handed<br/>8 you are Defendant's Exhibits with respect to<br/>9 46, 47, and for Sophner, which are examples of<br/>10 the trial exhibits submitted by the Defendants<br/>11 in their Exhibits 43 through 57. Have you ever<br/>12 seen these documents before?<br/>13 A. Yes.<br/>14 Q. Are these examples of the documents<br/>15 that you were discussing before as documents<br/>16 which you received from the railroad?<br/>17 A. Yes.<br/>18 Q. Did you deem these documents to be<br/>19 reliable and that set of document to be<br/>20 reliable?<br/>21 A. I did not deem them reliable.<br/>22 Q. Why not?<br/>23 A. You can easily see if you look at<br/>24 the railroad retirement reported earnings for<br/>25 each of these individuals, and we can do that</p>                                                                                                         |

4 (Pages 384 to 387)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 388</p> <p>1 if you would like.</p> <p>2 Q. Yes. At this time we have got</p> <p>3 copies of what's previously been submitted as</p> <p>4 Claimants' 8 and 9, which will be the Railroad</p> <p>5 Retirement Board records and Dr. Rosen's</p> <p>6 report. And they are simply organized by</p> <p>7 Claimant, so that Railroad Retirement Board</p> <p>8 record comes first, followed by Dr. Rosen's</p> <p>9 report.</p> <p>10 PANEL MEMBER TOMAIN: Counsel, can</p> <p>11 I just ask the Exhibits 46 and 47 that you</p> <p>12 handed out, do you have any dates from those?</p> <p>13 MR. GRIFFIN: We do not. These are</p> <p>14 Defendant's exhibits. We don't know where they</p> <p>15 came from, who wrote them. We know absolutely</p> <p>16 nothing about them. The only thing we do know</p> <p>17 is that they all end in 1978.</p> <p>18 CHAIRMAN STEINGLASS: These were</p> <p>19 provided to us earlier, were they not?</p> <p>20 MS. TRICARICHI: They were provided</p> <p>21 in hard copy and we just have them by case</p> <p>22 number and by individual Claimant, so it would</p> <p>23 be easier to look at.</p> <p>24 CHAIRMAN STEINGLASS: Thank you.</p> <p>25 BY MR. GRIFFIN:</p>                            | <p style="text-align: right;">Page 390</p> <p>1 if you look at 1968 you, can see that \$7,191.27</p> <p>2 of income is reported to the Railroad</p> <p>3 Retirement Board for Mr. Janke.</p> <p>4 The same would be true for 1970.</p> <p>5 They reported none. In fact, the Railroad</p> <p>6 Retirement Board reported \$7,696.44 and then</p> <p>7 for 1969 they reported \$530.62. The railroad</p> <p>8 retirement records for 1969 indicate that</p> <p>9 \$7,330.62 of income was reported on behalf of</p> <p>10 Mr. Janke.</p> <p>11 Q. So after you made this comparison,</p> <p>12 did you reach an opinion with respect to the</p> <p>13 document as to its reliability?</p> <p>14 A. Not only with respect to this</p> <p>15 particular individual, but what we are looking</p> <p>16 at here is fairly consistent across the board</p> <p>17 for each and every one of the people that we</p> <p>18 had the data to make that comparison for.</p> <p>19 Q. What was your conclusion on their</p> <p>20 reliability?</p> <p>21 A. That the data provided by the</p> <p>22 railroad compared to the official document kept</p> <p>23 in Washington by the Railroad Retirement Board</p> <p>24 never agreed, and therefore, it was not</p> <p>25 possible for me to rely upon to any degree of</p> |
| <p style="text-align: right;">Page 389</p> <p>1 Q. So Dr. Rosen, I believe you have in</p> <p>2 front of you the Defendant's trial exhibit for</p> <p>3 Mr. Janke which also has a PCC Bates stamped</p> <p>4 number 00944.</p> <p>5 A. I have Mr. Janke's railroad</p> <p>6 retirement report in front of me now and I also</p> <p>7 have the copy of the assistant controller</p> <p>8 payroll and employee benefits. For example --</p> <p>9 PANEL MEMBER TOMAIN: Wait just a</p> <p>10 minute. It's the blue tab?</p> <p>11 MS. TRICARICHI: The reds are the</p> <p>12 Knapik, the blues are the Sophner and the</p> <p>13 yellow are the Bundy/Watjen.</p> <p>14 PANEL MEMBER TOMAIN: Thank you.</p> <p>15 CHAIRMAN STEINGLASS: Continue.</p> <p>16 BY MR. GRIFFIN:</p> <p>17 Q. Dr. Rosen, did you compare what's</p> <p>18 been marked as Defendant's Exhibits 46, 47 and</p> <p>19 56 with the respective Railroad Retirement</p> <p>20 Board records for the respective employees?</p> <p>21 A. I did. And turning first to Mr.</p> <p>22 Janke, you can see that on Exhibit 46 it was</p> <p>23 reported by the controller of payrolls and</p> <p>24 benefits that for the year 1968 there was no</p> <p>25 compensation or earnings for Mr. Janke, whereas</p> | <p style="text-align: right;">Page 391</p> <p>1 statistical or economic certainty upon these</p> <p>2 sets of documents reported by the railroad for</p> <p>3 their earnings. And that's why, subsequently,</p> <p>4 I relied upon the documents provided by the</p> <p>5 Railroad Retirement Board for each employee.</p> <p>6 Q. Now, Dr. Rosen, with respect to</p> <p>7 1969, for example, if you had used the</p> <p>8 railroad's documents, which are before you,</p> <p>9 rather than the Railroad Retirement Board</p> <p>10 earnings, what difference would that have made</p> <p>11 on your findings with respect to the damages</p> <p>12 owed to Mr. Janke for that year?</p> <p>13 A. In each of these instances, given</p> <p>14 that the numbers compared to what was</p> <p>15 officially earned are so much lower, that would</p> <p>16 have had the effect of increasing my</p> <p>17 calculations of the losses across the board.</p> <p>18 Q. So you rejected these documents,</p> <p>19 even though they actually would have increased</p> <p>20 the damages for the Claimants?</p> <p>21 A. Correct.</p> <p>22 Q. I would also like to run a quick</p> <p>23 comparison with a similar record for Mr.</p> <p>24 Jarabeck, which was submitted as Defendant's</p> <p>25 Exhibit 47.</p>  |

5 (Pages 388 to 391)

Page 392

Page 394

1 A. We would find the similar type of  
2 comparison. For example in 1968 -- let's look  
3 at 1969. They reported \$470.45 of income. If  
4 we look at the Railroad Retirement Board, in  
5 fact, the reported income is \$7,800.

6 Incidentally, that \$7,800, such a  
7 nice, round number. That's because that is the  
8 maximum covered compensation that year. Mr.  
9 Jarabeck, in all likelihood, earned more than  
10 7,800. We don't know how much more he would  
11 have earned, because this is the only legal  
12 obligation the Railroad Retirement Board has is  
13 to keep data in this first, in this case,  
14 \$7,800 of earnings.

15 For 1970, once again, they report  
16 zero, the Railroad Retirement Board reports  
17 \$7,704.82. And we go on.

18 Q. And similar comparison for Mr.  
19 Sophner, Defendant's Exhibit 56, would that  
20 yield similar conclusions?

21 A. Yes.

22 Q. So based upon your evaluation, did  
23 you determine to not deem these as reliable,  
24 even though it would decrease the damages to  
25 Claimants?

1 individuals and following the formulas  
2 contained in the protection agreement, to then  
3 compare these actual earnings to a guaranteed  
4 amount under the agreement and calculate as to  
5 whether or not I could find, for the years that  
6 the individuals worked for the railroad, any  
7 difference between these two, which would be  
8 equivalent in the case of the two groups, 16  
9 and the 10, to a displacement allowance, and  
10 for six individuals who were clerks, the  
11 computation of the separation allowance if  
12 warranted.

13 Q. Doctor Rosen, can you explain for  
14 the Panel with respect to each group the  
15 methodology that you used. And let's start  
16 with the group of ten, the brakemen in the  
17 Knapik group, and take an example there and  
18 explain the methodology that you used to  
19 determine the guarantee loss for that group.  
20 What we are going to do is we are going to  
21 compare his report, again, for Railroad  
22 Retirement Board records. And so just for the  
23 ease of not having to flip between papers, I  
24 made extra copies of the first report. Are you  
25 able to walk through your methodology?

Page 393

Page 395

1 A. Correct.

2 Q. You instead decided to -- did you  
3 decide to base your opinion largely on Railroad  
4 Retirement Board documents instead?

5 A. Yes.

6 Q. Do you have an opinion as to why or  
7 as to whether Railroad Retirement Board  
8 documents are reliable?

9 A. Yes.

10 Q. What is that opinion?

11 A. Well, given that they are charged  
12 by Congress to maintain these records on behalf  
13 of railroad employees as a central repository,  
14 that's number one. Number two, they are a  
15 neutral party and they have no interest in this  
16 particular litigation. And three, it's a  
17 document that people like myself customarily  
18 and normally rely upon and it's generally  
19 accepted and recognized as a reliable public  
20 document.

21 Q. Using these documents, the  
22 documents that we have discussed, what were you  
23 asked to do in this case?

24 A. Well, essentially I was asked to  
25 examine the reported earnings for each of these

1 A. That would be a good idea. Then  
2 the gentlemen can understand exactly what I did  
3 step by step for each of these different  
4 groups.

5 Q. Dr. Rosen, I'm going hand you  
6 what's been previously submitted, this  
7 Plaintiffs' Exhibit, which is your displacement  
8 allowance report for Mr. Clarence Tomczak.

9 PANEL MEMBER TOMAIN: Just for  
10 clarification, when you say different groups,  
11 you mean displacement and the separation, is it  
12 just two groups or is it 10, 16 and --

13 MR. GRIFFIN: It's 10, 16 and 6.

14 PANEL MEMBER TOMAIN: Thank you.

15 THE WITNESS: Which would all be  
16 displacement allowance.

17 PANEL MEMBER TOMAIN: The ten?

18 THE WITNESS: And the 16.

19 BY MR. GRIFFIN:

20 Q. Dr. Rosen, can you explain for the  
21 Panel how you determined the guarantees for the  
22 group of ten?

23 A. Yes. I think if you would turn to  
24 table 1, page 4, would be a good place to  
25 start. The pages preceding page 4, just so

6 (Pages 392 to 395)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 396</p> <p>1 that you have some idea of the flow of how this<br/>2 report is put together, page 2 reflects<br/>3 personal and demographic information, in this<br/>4 case for Mr. Tomczak; his date of birth, his<br/>5 family situation. When I had that information<br/>6 when he hired and what his job on the railroad<br/>7 was. So he was a brakeman. Part of the group<br/>8 of ten. Page 3 is simply a summary of my<br/>9 findings and we will come back to that when I'm<br/>10 through with my final explanation. But the<br/>11 work really begins on page 4, table 1.<br/>12 And your question to me was the<br/>13 column, if you count over, the fifth column is<br/>14 headed Forecasted Wage Guarantee. For this<br/>15 group of ten, I have a document. It's<br/>16 footnoted as footnote C on this page. And this<br/>17 refers to the February 28, 1990 letter authored<br/>18 by Mr. Robert O'Neill of the arbitration<br/>19 committee. This letter put forth for all ten<br/>20 of these individuals what the railroad had<br/>21 computed as the wage guarantee under the<br/>22 agreement. For these ten individuals, I<br/>23 accepted that information as it was given as<br/>24 being accurate and it was utilized by me as the<br/>25 basis for computing that wage guarantee column.</p> | <p style="text-align: right;">Page 398</p> <p>1 unfortunately they don't do that. So what I<br/>2 computed on pages 10 and 11 is the average wage<br/>3 rate that would have been in effect each year.<br/>4 So for example in 1968 for roughly<br/>5 half the year, the wage rate coverage for these<br/>6 individuals was \$26.52, and then in the latter<br/>7 half of the year there was a wage increase to<br/>8 \$27.85. I weighted that wage rate by the<br/>9 number of days that each rate was in effect and<br/>10 that gave me a weighted average rate for 1968<br/>11 of \$27.19. I made the same computation for<br/>12 each year over the period that I had that data.<br/>13 What was important for my<br/>14 computation appears in the last column, where<br/>15 once I had the average wage rate for each year,<br/>16 I was able to compute what the average<br/>17 compounded rate of increase was from year to<br/>18 year. So for example, between 1970 and 1971,<br/>19 there was an 11.45 percent increase in the wage<br/>20 rate. These increases were carried back to<br/>21 table 1 on page 4 where I was then able to take<br/>22 the guarantee from the O'Neill letter and<br/>23 adjust it forward to reflect the average wage<br/>24 increase for these individuals.<br/>25 Column two reflects what was</p> |
| <p style="text-align: right;">Page 397</p> <p>1 And that would have been true for all the other<br/>2 nine individuals as well.<br/>3 Now, the memorandum E to the<br/>4 agreement stated that general wage increases<br/>5 should be taken into account when moving<br/>6 forward through time if there was a period in<br/>7 which a displacement allowance would be<br/>8 appropriate. The columns just to the left of<br/>9 that, column B, is a calculation of the<br/>10 year-by-year increases for the wage rate for<br/>11 individuals employed as brakemen. These are<br/>12 the wage rates that I mentioned earlier. A<br/>13 copy of that is included in each of these<br/>14 reports and it can be found on pages 9, 10 and<br/>15 11 of the report.<br/>16 So turning first to page 9, table<br/>17 6, I reproduced in the report for each of these<br/>18 individuals the yard brakeman rate from the<br/>19 exhibit that we've already looked at that's<br/>20 provided by the UTU. Pages 10 and 11 is that<br/>21 raw data.<br/>22 Unfortunately, it would have been<br/>23 very convenient if all employers and unions and<br/>24 collective bargaining would start new wage<br/>25 increases on January 1 of each year, but</p>                                                                                                         | <p style="text-align: right;">Page 399</p> <p>1 actually earned in each year by these<br/>2 individuals as reported to the Railroad<br/>3 Retirement Board. So now we have the two<br/>4 elements that we need to calculate the<br/>5 displacement allowance in comparison.<br/>6 Before I do that, again, all I did<br/>7 for column A was to go to these railroad<br/>8 retirement reports that we have been looking at<br/>9 and I picked up the information there for each<br/>10 of these ten employees.<br/>11 There are some of these years where<br/>12 there is a box around the numbers. The reason<br/>13 there is a box around the numbers, if I go to<br/>14 that report from railroad retirement for the<br/>15 year 1973, we would find that the maximum<br/>16 obligation of the railroad to report earnings<br/>17 for railroad retirement for that year would<br/>18 stop at \$10,800. Mr. Tomczak, in all<br/>19 likelihood, earned more than \$10,800 in that<br/>20 year. We don't know how much more he did<br/>21 actually earn in that year. It's unknown<br/>22 because all we have is that he worked up to the<br/>23 maximum reportable. So I boxed off those<br/>24 numbers. And as a matter of procedure, I<br/>25 assumed that, in each of those years where we</p>                                            |

7 (Pages 396 to 399)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 400</p> <p>1 only had information up to the reported max,<br/> 2 not having the actual earnings, I assumed that<br/> 3 there was no displacement allowance lost for<br/> 4 those individuals, because I had no way of<br/> 5 knowing actually what would have been -- what<br/> 6 he actually earned that year. So there were<br/> 7 those three years, and that's the reason for<br/> 8 the box.</p> <p>9 And then way over on the right-hand<br/> 10 side --</p> <p>11 Q. Dr. Rosen, before you go on, with<br/> 12 respect to 1973 for Clarence Tomczak, can you<br/> 13 explain the impact of the box with respect to<br/> 14 1973 as to whether it's possible that there<br/> 15 were damages that you were not able to<br/> 16 calculate?</p> <p>17 A. I'm not saying there wasn't a<br/> 18 damage in 1973; I've only assumed that there<br/> 19 was not. If we had the information, then we<br/> 20 could tell, and we don't, so there could very<br/> 21 possibly -- there is some probability that<br/> 22 there is a loss for 1973. I could not<br/> 23 determine it to a reasonable degree of<br/> 24 certainty, and therefore I assumed no loss for<br/> 25 that particular year. And that would be true</p> | <p style="text-align: right;">Page 402</p> <p>1 the employees.</p> <p>2 I stopped my calculations when<br/> 3 there were no further reported earnings to the<br/> 4 Railroad Retirement Board. The assumption on<br/> 5 my part being that from that point forward, he<br/> 6 was not entitled to receive any additional<br/> 7 allowances. So the calculations stopped in his<br/> 8 case in 1979, either due to death, retirement<br/> 9 or disability or whatever may have happened to<br/> 10 Mr. Tomczak that year. And I would have to go<br/> 11 to my sheet to see if he, in fact, died that<br/> 12 year, retired. I don't have it on this<br/> 13 exhibit. But that's why it stopped. So length<br/> 14 of calculation, in each case, stops with the<br/> 15 last reported earning to railroad retirement.</p> <p>16 Once I have done that comparison, I<br/> 17 carry the difference over to page 5 of my<br/> 18 report, table 2. And the first column on page<br/> 19 5, table 2 is a replication of that last, far<br/> 20 right-hand column from the page before. I had<br/> 21 to take into account, to the degree that I<br/> 22 could, whether or not the nonpayment of the<br/> 23 displacement allowance affected any of the<br/> 24 fringe benefits. The only fringe benefit I did<br/> 25 consider was the employer's contribution, which</p> |
| <p style="text-align: right;">Page 401</p> <p>1 for any of the years for any of these reports<br/> 2 that you see the box. That's the reasonable<br/> 3 for the box.</p> <p>4 Q. For example, in 1973, the<br/> 5 forecasted wage guarantee in column C was how<br/> 6 much?</p> <p>7 A. The forecast was just under<br/> 8 \$15,000. So Mr. Tomczak, if he had earned<br/> 9 \$13,500 would have been entitled that year to a<br/> 10 displacement allowance. But not knowing how<br/> 11 much he actually earned, there was no way I<br/> 12 could make that calculation. All the way on<br/> 13 the right you see a dash; I assumed there was<br/> 14 no loss that year.</p> <p>15 Q. Thank you.</p> <p>16 And you were explaining then the<br/> 17 next step in your calculations with respect to<br/> 18 Mr. Tomczak.</p> <p>19 A. That was simply a matter of<br/> 20 subtracting the differences between the two.<br/> 21 You notice that calculations stopped in 1979.<br/> 22 And that's -- the reason for that is that that<br/> 23 would have been the last entry that I could<br/> 24 find on railroad retirement for Mr. Tomczak.<br/> 25 And this procedure was used throughout for all</p>                                                    | <p style="text-align: right;">Page 403</p> <p>1 is a percentage. And I also had that<br/> 2 information from the Railroad Retirement Board<br/> 3 what percentage the railroad was obligated to<br/> 4 make of the employee's wage.</p> <p>5 And I applied those percentages to<br/> 6 each of the years where I found a displacement<br/> 7 allowance. So that \$47,230 of base wage, plus<br/> 8 the \$5,437 of employer contributions to the<br/> 9 railroad retirement pension fund that were not<br/> 10 made on Mr. Tomczak's behalf, I came to a total<br/> 11 displacement loss of \$52,667.</p> <p>12 Now, if you go back to page 3 of my<br/> 13 report, the summary sheet, you will see under<br/> 14 either A or B, the first two items listed would<br/> 15 be these losses carried forward to the summary<br/> 16 sheet from page 5, \$47,230 of base wage and<br/> 17 \$5,437 of pension contributions that were not<br/> 18 made. That's essentially how I determine the<br/> 19 displacement allowance loss for these ten<br/> 20 individuals who were brakemen.</p> <p>21 Q. And that was the same methodology<br/> 22 you used for all ten?</p> <p>23 A. Correct.</p> <p>24 MR. M. L. CIOFFI: Excuse me. What<br/> 25 was that exhibit number of Mr. Tomczak?</p>                                                                                |

8 (Pages 400 to 403)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 404</p> <p>1 MR. GRIFFIN: Dr. Rosen's report is<br/>2 Plaintiffs' Exhibit 8 and Mr. Tomczak's is<br/>3 Defendant's Exhibit 56.<br/>4 PANEL MEMBER LANSDOWNE: The<br/>5 O'Neill letter is what?<br/>6 MR. GRIFFIN: Plaintiffs' Exhibit<br/>7 20.<br/>8 BY MR. GRIFFIN:<br/>9 Q. Dr. Rosen, in the course of<br/>10 calculating these amounts, did you have access<br/>11 to monthly data?<br/>12 A. I did not.<br/>13 MR. M. L. CIOFFI: Can I just<br/>14 direct -- I have the O'Neill letter as<br/>15 Claimants' Exhibit 29.<br/>16 MS. TRICARICHI: I think it is 29.<br/>17 MR. GRIFFIN: That's correct.<br/>18 MR. M. L. CIOFFI: Thank you.<br/>19 MS. TRICARICHI: Plaintiffs'<br/>20 Exhibit 29.<br/>21 MR. M. L. CIOFFI: Thank you.<br/>22 CHAIRMAN STEINGLASS: On that<br/>23 letter, for just a second, are we talking about<br/>24 a wage guarantee identified in the O'Neill<br/>25 letter for 1969 or 1968 or -- he only</p>                                                                                                                                                                                     | <p style="text-align: right;">Page 406</p> <p>1 of extrapolated backward to get '68.<br/>2 THE WITNESS: And then from 1968,<br/>3 we knew there was a 5.1 percent increase, so I<br/>4 backed it down by approximately 95 percent of<br/>5 the 1969 rate.<br/>6 CHAIRMAN STEINGLASS: I'm just<br/>7 trying to understand this report. Thank you.<br/>8 THE WITNESS: Astute observation.<br/>9 BY MR. GRIFFIN:<br/>10 Q. Dr. Rosen, we were discussing the<br/>11 use of monthly versus annual data.<br/>12 A. Yes.<br/>13 Q. Can you explain to the Panel what<br/>14 the impact was on your calculations of using<br/>15 annual rather than monthly data?<br/>16 A. Well, the agreement called for the<br/>17 comparison of monthly data, which was not<br/>18 available, but basically if monthly data were<br/>19 available, it could only go one way. It could<br/>20 only raise the numbers, not lower them. For<br/>21 example, if the guarantee were \$700 a month --<br/>22 I'm just making up numbers -- and if we had<br/>23 data for January and February and the employee<br/>24 only earned \$350 in each of those two months,<br/>25 under the agreement, he would have been</p>                                                                                                                                                      |
| <p style="text-align: right;">Page 405</p> <p>1 identifies one number.<br/>2 MR. GRIFFIN: Yes. It was our<br/>3 understanding that that's his base, that they<br/>4 determined he would be guaranteed it based upon<br/>5 the base period.<br/>6 MR. M. L. CIOFFI: Objection. Who<br/>7 is testifying now? You?<br/>8 MR. GRIFFIN: We have tried to ask<br/>9 you for someone to testify about it and you can<br/>10 certainly argue about what it represents, but<br/>11 if you would provide us a witness that we could<br/>12 depose on this, we would be happy to lay the<br/>13 foundation.<br/>14 MR. M. L. CIOFFI: That issue has<br/>15 already been dealt with by the Panel. It's<br/>16 your job to find witnesses to support your<br/>17 case, not mine.<br/>18 CHAIRMAN STEINGLASS: What I'm only<br/>19 asking about is the column C on page 4, the<br/>20 numbers for 1968 and 1969 on the wage<br/>21 guarantee. I presume that your methodology<br/>22 assumed that the wage guarantee in the O'Neill<br/>23 letter multiplied by 12 is the '69 information?<br/>24 THE WITNESS: That's correct.<br/>25 CHAIRMAN STEINGLASS: And you sort</p> | <p style="text-align: right;">Page 407</p> <p>1 entitled to a displacement allowance for that<br/>2 month of roughly \$350.<br/>3 If the employee then worked from<br/>4 March to December and earned \$1,000 a month, in<br/>5 none of those months would the employee have<br/>6 been entitled to a displacement allowance<br/>7 because it would have exceeded the \$700. If we<br/>8 averaged that out for the whole year, it would<br/>9 appear as if the employee would not have been<br/>10 entitled to receive any displacement allowance.<br/>11 But if we had the data on a monthly<br/>12 basis, in fact, we would have seen for two of<br/>13 these months there would have been the<br/>14 earnings -- it would have been akin to a worker<br/>15 who is paid overtime for the hours over eight<br/>16 hours a day. They may work 50 hours during the<br/>17 course of a week, but -- or maybe average 40<br/>18 hours, would be a better example and not get<br/>19 any overtime, but on two of those days the<br/>20 worker could have worked 10 hours and received<br/>21 overtime, which would have been offset on the<br/>22 other three days of the week. When you average<br/>23 it out, it would appear as if the worker<br/>24 wouldn't have received any kind of premium pay<br/>25 at all. The same would be true here.</p> |

9 (Pages 404 to 407)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 408</p> <p>1 So by using the annual data and</p> <p>2 converting it back, if you had to do a monthly</p> <p>3 average to follow the formula, you would have</p> <p>4 been asked -- the averaging would mask out</p> <p>5 those months where the employee may have been</p> <p>6 eligible to receive some kind of displacement</p> <p>7 allowance. So the effect, if we would have had</p> <p>8 monthly data, would have been to only raise the</p> <p>9 numbers, not to lower them.</p> <p>10 Q. Dr. Rosen, did you include any</p> <p>11 calculations for any fringe benefits in your</p> <p>12 analysis?</p> <p>13 A. Just for the railroad retirement</p> <p>14 contribution, that would have been the railroad</p> <p>15 or the employer's portion.</p> <p>16 Q. You did not include any travel</p> <p>17 provisions?</p> <p>18 A. No. There were a bunch of</p> <p>19 different benefits that were listed in the</p> <p>20 agreement. None of these, like travel or any</p> <p>21 of the others, were taken into account by me.</p> <p>22 Q. Dr. Rosen, I would like to look at</p> <p>23 the next set of the group of six. I would like</p> <p>24 you to explain, if you could to the Panel, your</p> <p>25 methodology with respect to that group and</p> | <p style="text-align: right;">Page 410</p> <p>1 with a different group of people. Again, page</p> <p>2 2 lays out the demographic information. It</p> <p>3 identifies Mr. Bundy as a clerk who worked</p> <p>4 since 1950. Page 3, again, is a summary. And</p> <p>5 the work begins in table 1 on page 4, so in</p> <p>6 that report, it is consistent. There were six</p> <p>7 of these individuals and three of those</p> <p>8 individuals I had information for in a letter</p> <p>9 from Mr. Scheper, I believe it is.</p> <p>10 Q. Dr. Rosen, you referenced a letter</p> <p>11 from Mr. Scheper. I'm going to hand you what</p> <p>12 has been previously marked as Claimants'</p> <p>13 Exhibit 20 and ask you if this is what you are</p> <p>14 referring to.</p> <p>15 A. Yes. This is what I was referring</p> <p>16 to. And this letter contained the monthly wage</p> <p>17 rate for three of these six people in this</p> <p>18 group. That would have been Mr. Watjen, Mr.</p> <p>19 Feldscher and Mr. Franz.</p> <p>20 Mr. Bundy is not on the list so I</p> <p>21 didn't have his monthly wage rate, but the</p> <p>22 agreement called for computing, as indicated in</p> <p>23 footnote C of my report, that the separation</p> <p>24 allowance would be basically computed by taking</p> <p>25 the daily rate or, in this case, the monthly</p>             |
| <p style="text-align: right;">Page 409</p> <p>1 could you do that specifically with respect to</p> <p>2 Clarence Bundy?</p> <p>3 A. I can.</p> <p>4 Q. Dr. Rosen, I'm handing to you and</p> <p>5 to the Panel and counsel a copy of your report</p> <p>6 with respect to David Bundy.</p> <p>7 MR. M. L. CIOFFI: Again, this is</p> <p>8 within Claimants' Exhibit 8?</p> <p>9 MR. GRIFFIN: That is correct.</p> <p>10 BY MR. GRIFFIN:</p> <p>11 Q. Dr. Rosen, I'm handing you a</p> <p>12 portion of what has been previously submitted</p> <p>13 as Claimants' Exhibit 8. Can you tell me what</p> <p>14 that document is?</p> <p>15 A. This document is a copy of the July</p> <p>16 30, 2007 report I transmitted to you concerning</p> <p>17 my opinion with respect to the separation</p> <p>18 allowance for Mr. David Bundy.</p> <p>19 Q. Can you explain to the Panel your</p> <p>20 methodology with respect to this group of six</p> <p>21 by using your report and David Bundy as an</p> <p>22 example?</p> <p>23 A. Yes. There were six individuals in</p> <p>24 the group. The layout of this report is</p> <p>25 virtually identical, except that we are dealing</p>                                                                                                                | <p style="text-align: right;">Page 411</p> <p>1 rate, finding out what the daily rate is and</p> <p>2 then multiplying it by 360 days. That's found</p> <p>3 on pages 12 and 13 of section 9 in Appendix A</p> <p>4 to the agreement.</p> <p>5 So for Mr. Bundy, I looked at his</p> <p>6 earnings for the 12-month period, the full year</p> <p>7 before. And you will notice that that would</p> <p>8 have been for 1968, the year prior to</p> <p>9 separation. The right-hand column indicates a</p> <p>10 No. 12 and that information, incidentally I</p> <p>11 didn't mention it before, but that also comes</p> <p>12 from the Railroad Retirement Board report. Not</p> <p>13 only do they indicate the reported earnings,</p> <p>14 but they also indicate in how many months those</p> <p>15 earnings were had. So for 1968, it indicates</p> <p>16 that was a full-year's worth of earnings for</p> <p>17 Mr. Bundy.</p> <p>18 I used that information \$7,794.82.</p> <p>19 I applied the formula as found in the appendix,</p> <p>20 and that gives me my calculation at the bottom</p> <p>21 of page 4 that Mr. Bundy would have been</p> <p>22 entitled to \$10,792.83 as a separation</p> <p>23 allowance. That number was then carried over</p> <p>24 to page 3 of my report, the summary page, where</p> <p>25 it appears under A and B on page 3 for Mr.</p> |

10 (Pages 408 to 411)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 412</p> <p>1 Bundy.</p> <p>2 The same procedure was used for all</p> <p>3 six, except for the three where I had</p> <p>4 information from Mr. Scheper's letter</p> <p>5 indicating what the actual monthly wage rate</p> <p>6 for these three individuals were. I utilized</p> <p>7 that information to compute what the base 12</p> <p>8 months prior earnings would have been for this</p> <p>9 group. They were salaried individuals, is my</p> <p>10 understanding, and I applied the formula in the</p> <p>11 appendix to the agreement, and virtually did</p> <p>12 the same thing for the other members of this</p> <p>13 group. And that's how I handled all six of</p> <p>14 these people.</p> <p>15 Q. Thank you, Dr. Rosen.</p> <p>16 Dr. Rosen, I would like to move to</p> <p>17 our last group, the Sophner group also called</p> <p>18 the group of 16. Now, when you spoke with</p> <p>19 respect to the Knapik group, you indicated that</p> <p>20 you had been provided a document from the</p> <p>21 railroad to use for that wage guarantee. Is</p> <p>22 that your testimony?</p> <p>23 A. That's correct. The group of ten,</p> <p>24 we had the O'Neill letter indicating what the</p> <p>25 guarantee computed by the railroad for those</p>                               | <p style="text-align: right;">Page 414</p> <p>1 years '63 and '64. Again, I only had what was</p> <p>2 reported to me on the railroad retirement</p> <p>3 sheets.</p> <p>4 In '63 and '64, the vast majority</p> <p>5 of these 16 people were earning at the max so</p> <p>6 that we again know that they earned what the</p> <p>7 maximum reportable was for the year. For</p> <p>8 example, I think in 1963 it was \$4,800. But we</p> <p>9 don't know what exactly they earned over and</p> <p>10 above that.</p> <p>11 So in order to make that</p> <p>12 computation, I made the assumption that these</p> <p>13 workers would work a standard work year, which</p> <p>14 calculated at 40 hours a week, 52 weeks a year</p> <p>15 is a standard work year of 2,080 hours. I then</p> <p>16 applied the wage rates that were in effect for</p> <p>17 individuals employed as carmen from the union</p> <p>18 contracts that I had, and I was able to make a</p> <p>19 calculation of what I believed the fair</p> <p>20 guarantee would have been for these</p> <p>21 individuals, given the lack of information.</p> <p>22 Q. Did you ever attempt to determine</p> <p>23 whether these assumptions were reasonable?</p> <p>24 A. Yes, I did.</p> <p>25 Q. What did you do to determine if</p>                                                                                             |
| <p style="text-align: right;">Page 413</p> <p>1 ten people were. Unfortunately, we did not</p> <p>2 have that same information for this group of</p> <p>3 16.</p> <p>4 Q. Did the railroad provide you with</p> <p>5 the information required by Appendix E of the</p> <p>6 Merger Protection Agreement with respect to</p> <p>7 1964 data, monthly data with respect to current</p> <p>8 rate of pay, compensation pay and hours worked?</p> <p>9 A. No.</p> <p>10 Q. So given that the data was not</p> <p>11 provided by the railroad as required by the</p> <p>12 Merger Protection Agreement, was there another</p> <p>13 methodology for determining base period hours</p> <p>14 of earnings as described in the Merger</p> <p>15 Protection Agreement?</p> <p>16 A. Again, if we look at my report, we</p> <p>17 can basically see what it was that I did. But</p> <p>18 basically, since I didn't have the number of</p> <p>19 hours for the group of 16, I had to make an</p> <p>20 assumption about the amount of time that these</p> <p>21 16 people worked in the base period. Not only</p> <p>22 did I not have the number of hours as was</p> <p>23 provided in the agreement to be provided by the</p> <p>24 railroad, but furthermore, I didn't have the</p> <p>25 actual amount of income for the 16 in the base</p> | <p style="text-align: right;">Page 415</p> <p>1 those assumptions were reasonable?</p> <p>2 A. The only assumption we are really</p> <p>3 talking about, we know what the wage rate is</p> <p>4 and we unfortunately don't know the actual</p> <p>5 earnings, but at least we know what was</p> <p>6 reported to railroad retirement. So the only</p> <p>7 assumption I made was full-time employment</p> <p>8 during the base period of 2,080 hours.</p> <p>9 What I did prior to running those</p> <p>10 numbers based on that assumption, I did a</p> <p>11 sample of the different workers where I had</p> <p>12 data that was not constrained by the maximum</p> <p>13 cap and I found from that sample that, in most</p> <p>14 instances, the actual -- if I had used the</p> <p>15 earnings as reported to railroad retirement,</p> <p>16 even if it were constrained by that cap, that</p> <p>17 they would have worked roughly about 90 percent</p> <p>18 of a standard work year, somewhere between</p> <p>19 1,700 and 1,850 hours of a year. So based on</p> <p>20 that informal random sample that I did, I felt</p> <p>21 somewhat comfortable that that assumption, if</p> <p>22 anything, would be a reasonable one.</p> <p>23 However, I have subsequently</p> <p>24 learned that one of the issues raised about my</p> <p>25 report was the assumption of this 2,080 hours</p> |

11 (Pages 412 to 415)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 416</p> <p>1 that it didn't reflect back to the actual time<br/> 2 worked. So I then rather recently, I made a<br/> 3 complete computation for every one of these 16<br/> 4 people, even given the data that I had with the<br/> 5 constraint. I don't believe that the numbers I<br/> 6 found are true numbers in that they tell me<br/> 7 what, in fact, these workers did put in. And<br/> 8 what I did was, for example, if it was 4,800<br/> 9 hours, I looked at the wage rate in that year<br/> 10 and I took the \$4,800 reported to the railroad<br/> 11 retirement, I divided it by the wage rate, and<br/> 12 that told me how many hours the worker was paid<br/> 13 for in that particular year.<br/> 14 Now, I know that the worker<br/> 15 probably worked more than the \$4,800 worth<br/> 16 because that's the cap. So when I did this, I<br/> 17 found that for the whole group of 16, and I<br/> 18 made a calculation for each one, that the<br/> 19 average adjustment would be somewhere between<br/> 20 10 and 12 percent, that the numbers I computed,<br/> 21 based upon the assumption of full-time<br/> 22 employment, would be reduced by roughly 10 to<br/> 23 12 percent if I used the numbers of income that<br/> 24 was actually reported for '63 and '64, which<br/> 25 established the base period under the agreement</p> | <p style="text-align: right;">Page 418</p> <p>1 identification.)<br/> 2 - - - - -<br/> 3 Q. Does Plaintiffs' Exhibit 43<br/> 4 represent what you indicated was a conclusion?<br/> 5 A. Yes.<br/> 6 Q. Can you explain -- you have already<br/> 7 explained a little bit for the Panel, but can<br/> 8 you tell us a little bit more, just quickly<br/> 9 walking through this, whether this increases<br/> 10 your confidence in your original opinion?<br/> 11 A. Okay. Well, I would be happy to do<br/> 12 that. Let's start with Mr. Bilinsky, the first<br/> 13 one on the sheet. I took the information for<br/> 14 his 1963 income, which was \$4,900. That would<br/> 15 be the cap for that year. So Mr. Bilinsky, in<br/> 16 all like likelihood, worked more than the<br/> 17 \$4,900 represents. We don't know how much<br/> 18 more. And then \$5,400 would be similar<br/> 19 information for the column right to the right<br/> 20 of that. The information right above that<br/> 21 indicates the wage rate for 1963, which was<br/> 22 2.6968 per hour. For 1964 it's \$2.7868 per<br/> 23 hour.<br/> 24 CHAIRMAN STEINGLASS: Excuse me.<br/> 25 I'm lost what document are we on?</p>                                                                           |
| <p style="text-align: right;">Page 417</p> <p>1 for the 12 months prior to the merger<br/> 2 agreement.<br/> 3 Now, what does that number 10 to 12<br/> 4 percent represent? Well, it represents kind of<br/> 5 a lower bound of what the numbers can be. I'm<br/> 6 not saying that that's what the numbers are,<br/> 7 because it's a reasonable probability that the<br/> 8 numbers are actually higher than that. It<br/> 9 would be somewhere between what I computed,<br/> 10 this 10 to 20 percent discount in hours worked,<br/> 11 if you will, to what I computed by my<br/> 12 assumption of 2,080 hours a year. So it<br/> 13 represents kind of a lower bound, which would<br/> 14 give one some confidence in using the numbers<br/> 15 for their reliability. We know that the lower<br/> 16 bound couldn't go below 10 or 12 percent of<br/> 17 what I reported in my report, but is likely to<br/> 18 be somewhere over and above that because we<br/> 19 don't have the actual income. And I did make<br/> 20 that calculation for each person.<br/> 21 Q. Dr. Rosen, let me show you what is<br/> 22 going to be marked as Plaintiffs' Exhibit 43.<br/> 23 - - - - -<br/> 24 (Thereupon, Plaintiffs' Exhibit 43<br/> 25 was marked for purposes of</p>                                                                                                                        | <p style="text-align: right;">Page 419</p> <p>1 THE WITNESS: 43. And Mr. Bilinsky<br/> 2 would be the first name listed.<br/> 3 CHAIRMAN STEINGLASS: Go back two<br/> 4 questions. You identified what the \$4,900 was,<br/> 5 which was the 1963 cap. What was the \$400<br/> 6 figure?<br/> 7 THE WITNESS: That was the income<br/> 8 reported for Mr. Bilinsky in the railroad<br/> 9 retirement report for 1964. \$4,900 represents<br/> 10 the income that was reported in the railroad<br/> 11 retirement for 1963.<br/> 12 CHAIRMAN STEINGLASS: Thank you.<br/> 13 A. So we know what the income was.<br/> 14 Again, it's capped income because it's at the<br/> 15 maximum reportable, so it's not the actual<br/> 16 amount of income he had, nor would it represent<br/> 17 the actual number of hours. But if we assume<br/> 18 that it did, if I look at the wage rate, which<br/> 19 was in effect for 1963, which was roughly \$2.70<br/> 20 an hour rounding it, and for 1964, which was<br/> 21 roughly \$2.79, if we divide the \$4,900 by the<br/> 22 1963 wage rate, over to the right you'll see<br/> 23 that I average 1963 and 1964. And I did the<br/> 24 average of those two years because the<br/> 25 agreement, I believe, was signed in May, so if</p> |

12 (Pages 416 to 419)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 420</p> <p>1 we have to go back 12 months, it's roughly half<br/>2 of one year and half of the other. So this is<br/>3 how I established what the average number of<br/>4 hours was worked for the average of '63, '64,<br/>5 based upon the capped hours.<br/>6 Now, for Mr. Bilinsky that was 1877<br/>7 hours. If you compare that to my assumption<br/>8 used in the calculation of my report when<br/>9 computing the guarantee for Mr. Bilinsky, if<br/>10 you divide the 1,877 hours by 2,080 hours, that<br/>11 represents 90 point -- roughly 90 and a quarter<br/>12 percent. If I took Mr. Bilinsky's numbers that<br/>13 I found, it's all proportional. Mathematically<br/>14 it all works out. If I took the number that I<br/>15 found, for example, my prime summary on his<br/>16 sheet was my findings of \$52,860.96, and<br/>17 applied the 90 percent to that, my number for<br/>18 Mr. Bilinsky would be lowered from 52,860 to<br/>19 \$47,710. And again that represents the lower<br/>20 bound, since we don't actually have the<br/>21 information as to how many hours Mr. Bilinsky<br/>22 actually worked. And I called it the lower<br/>23 bound because the income is constrained by the<br/>24 cap, the maximum taxable.<br/>25 I did this for each and every</p> | <p style="text-align: right;">Page 422</p> <p>1 Q. Can you walk through as an example,<br/>2 the displacement allowance for George Sophner<br/>3 for the Panel?<br/>4 A. I would be happy to do that. The<br/>5 report for Mr. Sophner follows the same format<br/>6 as the reports for those that we've already<br/>7 looked at so far. Page 2 again reproduces the<br/>8 personal demographic information for Mr.<br/>9 Sophner. It identifies that he was a carman<br/>10 and worked on the railroad since 1941. Page 3,<br/>11 again, is the summary of my findings. We then<br/>12 turn to table 1 on page 4 where most of the<br/>13 work really shows up. And essentially, the<br/>14 format is exactly the same as what we have<br/>15 looked at in the case of the ten individuals.<br/>16 The difference starts in the column<br/>17 called Forecasted Wages. And to get that<br/>18 particular column, here is where I made the<br/>19 assumption that in the base period, they worked<br/>20 2,080 hours. I adjusted that base period<br/>21 earnings by taking the actual wage rates for<br/>22 carmen, which I received from the Brotherhood<br/>23 of Carmen Railroad Workers, as indicated in the<br/>24 footnote on page 4 of the report. And I<br/>25 computed what the guarantee would have been</p> |
| <p style="text-align: right;">Page 421</p> <p>1 individual. For the entire group, you can see<br/>2 it's close to 90 percent, 87.17 percent but<br/>3 given that we are dealing with individuals, I<br/>4 actually made a computation for all 16 of them.<br/>5 So when it comes to answering your<br/>6 question, did this give me any confidence in my<br/>7 assumption of 2,080 hours in computing the<br/>8 guarantee, the answer is that it did. And that<br/>9 even if you look at the liability of that, we<br/>10 know that the lower bound is roughly 90 percent<br/>11 of that number. If someone wanted to or felt<br/>12 necessary because of the uncertainty of what<br/>13 was actually worked, it wouldn't be<br/>14 inappropriate to make an adjustment for that,<br/>15 but that adjustment would be less than 10<br/>16 percent. So that would give you some idea of<br/>17 what the reliability of my calculation is from<br/>18 a statistical standpoint with respect to these<br/>19 16 people.<br/>20 Q. Dr. Rosen, based upon your<br/>21 assumption of 2,080 hours, what we just talked<br/>22 about and your confirmation thereof, did you<br/>23 estimate displacement allowances for the group<br/>24 of 16 carmen, the Sophner group?<br/>25 A. Yes.</p>                                                | <p style="text-align: right;">Page 423</p> <p>1 under the assumption of working 2,080 hours a<br/>2 year.<br/>3 The first column identifies, once<br/>4 again, the information found in this case for<br/>5 Mr. Sophner's railroad retirement report. The<br/>6 boxed years indicate when his earnings exceeded<br/>7 the maximum taxable.<br/>8 The next column to that indicates<br/>9 the number of months that he worked in each of<br/>10 those years to earn that particular income. We<br/>11 don't know which months they were or how much<br/>12 was earned in any of those, but that indicates<br/>13 that for almost all those years, they reflected<br/>14 12 months of reported earnings.<br/>15 Finally, it was a matter of simply<br/>16 comparing the forecasted guarantee to the<br/>17 actual earnings in the first column, and for<br/>18 Mr. Sophner we looked at that for the years<br/>19 1968 through 1972. That information was<br/>20 carried forward in summary form on page 5,<br/>21 table 2 where I found that for Mr. Sophner, he<br/>22 would have been entitled to \$15,252 in<br/>23 displacement allowance.<br/>24 I took into account, as I did in<br/>25 the group of ten, the pension contribution of</p>                                                                          |

13 (Pages 420 to 423)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 424</p> <p>1 \$1,486. That information was carried back to<br/> 2 page 3 of the report, the summary page, where I<br/> 3 was then able to summarize my opinion for Mr.<br/> 4 Sophner. The same procedure was utilized for<br/> 5 all 15 other carmen in this group of<br/> 6 individuals.<br/> 7 Q. Dr. Rosen, as with the other<br/> 8 groups, did you eliminate any calculation of<br/> 9 the damages for any year in which it was boxed<br/> 10 or in excess of the cap?<br/> 11 A. I did. Any year where the cap was<br/> 12 reached in terms of reportable earning -- again<br/> 13 we don't know what the actual number was -- I<br/> 14 assumed that there was no loss that year.<br/> 15 Q. And with the Sophner group, did you<br/> 16 use annual monthly data?<br/> 17 A. Once again, the only information<br/> 18 available was annual.<br/> 19 Q. What was the impact with respect to<br/> 20 the Sophner group with the use of annual data?<br/> 21 A. Exactly the same as on the group of<br/> 22 ten; it could only increase the loss.<br/> 23 Q. With respect to fringe benefits,<br/> 24 other than pensions, did you calculate any<br/> 25 fringe benefits with respect to the Sophner</p> | <p style="text-align: right;">Page 426</p> <p>1 A. Well, I used two interest rates to<br/> 2 determine how the railroad would have<br/> 3 benefited. The prime interest rate is a<br/> 4 short-term interest rate. It's the rate that<br/> 5 banks loan to their best corporate customers.<br/> 6 And that rate reflects a degree of risk in<br/> 7 market conditions for interest rates in the<br/> 8 time period that we are looking at it.<br/> 9 The prime interest rate is actually<br/> 10 a good rate to use given that it's a short-term<br/> 11 rate and given that corporations like the<br/> 12 railroad typically borrow short-term. It is a<br/> 13 good rate to use because it tells us what the<br/> 14 immediate enrichment in each year was when that<br/> 15 prime rate information was available to tell us<br/> 16 how much the railroad -- in essence, it's an<br/> 17 interest free loan that the railroad would have<br/> 18 received. Had they had to borrow from their<br/> 19 bank at prime, this would tell us what that<br/> 20 value of that loan to them was if we compute<br/> 21 the interest.<br/> 22 The second rate I computed was what<br/> 23 I call an intermediate term loan. Companies<br/> 24 like the railroads buy substantial amount of<br/> 25 equipment, much of it wears out within a decade</p>           |
| <p style="text-align: right;">Page 425</p> <p>1 group?<br/> 2 A. Once again, even though they were<br/> 3 entitled to the impact of other benefits, the<br/> 4 only inclusion was for railroad retirement<br/> 5 contribution.<br/> 6 Q. Dr. Rosen, I would like to ask you<br/> 7 a little bit about interest. At my request,<br/> 8 did you compute back, accrued interest for what<br/> 9 each employee lost and computed?<br/> 10 A. Yes.<br/> 11 Q. What did you do?<br/> 12 A. Essentially, I gathered information<br/> 13 on representative interest rates for the period<br/> 14 of the losses and I applied those interest<br/> 15 rates to the individual losses, recognizing<br/> 16 that these are sums of money that have now been<br/> 17 owing for a long period of time that the<br/> 18 railroad would have had the use of, the men<br/> 19 would not have. It represents essentially the<br/> 20 benefit or the enrichment that the railroad<br/> 21 would have received by virtue of having had the<br/> 22 access to the sums of money for this entire<br/> 23 period of time.<br/> 24 Q. And so in common language, which<br/> 25 was the first interest rate that you selected?</p>                                        | <p style="text-align: right;">Page 427</p> <p>1 and has to be replaced. This would be the<br/> 2 borrowing that would be akin to commercial<br/> 3 paper and other short or relatively short<br/> 4 intermediate term notes. I utilized the United<br/> 5 States Government Treasury for that particular<br/> 6 calculation. I don't believe that this<br/> 7 calculation is as reflective of the value of<br/> 8 the enrichment to the railroad. First of all,<br/> 9 it's the treasury rate, so for the railroad,<br/> 10 adjusting it for additional risk because<br/> 11 they're a corporation unlike the federal<br/> 12 government that has the power of taxation.<br/> 13 They undoubtedly would have paid something<br/> 14 higher than what the treasury pays.<br/> 15 So again, I believe that the prime<br/> 16 rate is a more applicable one, but I wanted to<br/> 17 include something so that you gentlemen would<br/> 18 have some idea of how the impact of using a<br/> 19 different interest rate would affect the<br/> 20 numbers. Essentially, that's what that<br/> 21 interest is. It's to compensate or calculate<br/> 22 the benefit to the railroad or the deprivation<br/> 23 to the men by not having use of that money.<br/> 24 Q. Dr. Rosen, as an economist, do you<br/> 25 have an idea as a matter of economics as to</p> |

14 (Pages 424 to 427)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 428</p> <p>1 whether interest is important?</p> <p>2 A. As a matter of economics and as</p> <p>3 financial analysis, it's absolutely important</p> <p>4 and it gets more important the more time gets</p> <p>5 expanded because these things grow</p> <p>6 exponentially. It's the magic of compound</p> <p>7 interest and because of that, in a short period</p> <p>8 of time, it's of less consequence. But if you</p> <p>9 take something that's been accumulating since</p> <p>10 the 1960s, you look at the numbers, you will</p> <p>11 see that a large component of the final opinion</p> <p>12 represents this accumulated interest.</p> <p>13 Q. As a matter of economics, do you</p> <p>14 have a view as to whether the injured Claimants</p> <p>15 can be made whole without the award of</p> <p>16 interest?</p> <p>17 MR. M. L. CIOFFI: Objection.</p> <p>18 That's a legal conclusion.</p> <p>19 MR. GRIFFIN: I'm asking for his</p> <p>20 economic and financial views.</p> <p>21 CHAIRMAN STEINGLASS: I'll allow</p> <p>22 the question.</p> <p>23 A. From an economic and financial</p> <p>24 standpoint, without being compensated for that,</p> <p>25 they clearly would not be made whole. And</p> | <p style="text-align: right;">Page 430</p> <p>1 amount of back interest, when added to that,</p> <p>2 would give us those numbers, which would be the</p> <p>3 total found. So for Mr. Acree, using the prime</p> <p>4 interest rate, that would be a dollar amount of</p> <p>5 damage of \$314,810, whereas if you only utilize</p> <p>6 the ten-year treasury it would be just under</p> <p>7 200,000.</p> <p>8 So in a nutshell, this is just a</p> <p>9 compilation of all the page 3s of all the 32</p> <p>10 reports making it easier for somebody to see</p> <p>11 the computations.</p> <p>12 Q. Dr. Rosen, did you also prepare a</p> <p>13 backup or summary sheets with respect to that</p> <p>14 compilation?</p> <p>15 A. I did.</p> <p>16 MR. GRIFFIN: Just as a matter</p> <p>17 of -- this is our last piece --</p> <p>18 CHAIRMAN STEINGLASS: We'll get to</p> <p>19 that. Let me ask a question. This Exhibit 44</p> <p>20 that was just submitted, this appears to differ</p> <p>21 from the chart that accompanied the individual</p> <p>22 reports in July, not the first column on</p> <p>23 damages but the result of adding the interest.</p> <p>24 There seems to be a different date identified.</p> <p>25 Is that the only difference?</p> |
| <p style="text-align: right;">Page 429</p> <p>1 that's an economic opinion, not a legal</p> <p>2 opinion.</p> <p>3 Q. Dr. Rosen, did you prepare a chart</p> <p>4 which summarizes all of your opinions for each</p> <p>5 of the 32 employees, including the interest</p> <p>6 calculated and updated to the end of 2007?</p> <p>7 A. Yes.</p> <p>8 - - - - -</p> <p>9 (Thereupon, Plaintiffs' Exhibit 44</p> <p>10 was marked for purposes of</p> <p>11 identification.)</p> <p>12 - - - - -</p> <p>13 Q. Dr. Rosen, can you explain for the</p> <p>14 Panel what Exhibit 44 is?</p> <p>15 A. This exhibit would be simply the</p> <p>16 compilation of summarization of all the page 3s</p> <p>17 of the 32 employees. So if you go to any one</p> <p>18 of these individual's reports, you would find,</p> <p>19 for example, for Mr. Bundy that I would have</p> <p>20 computed the displacement -- I'm sorry. That</p> <p>21 was a separation. Let's say Mr. Acree, that</p> <p>22 the displacement allowance would have been</p> <p>23 \$10,556. That would be the displacement</p> <p>24 allowance plus the allowance for contribution</p> <p>25 to the railroad retirement fund. And then the</p>                                                  | <p style="text-align: right;">Page 431</p> <p>1 THE WITNESS: That's the only</p> <p>2 difference.</p> <p>3 CHAIRMAN STEINGLASS: So no</p> <p>4 methodological difference?</p> <p>5 THE WITNESS: No changes</p> <p>6 whatsoever. In fact, the backup, which I</p> <p>7 provided to Mr. Griffin, would show that I</p> <p>8 prepared a backup for each person. The only</p> <p>9 difference is if you look at the heading, the</p> <p>10 reports as you have were all calculated with</p> <p>11 the interest from December 31 of 2006. They</p> <p>12 asked me to update that to the end of 2007.</p> <p>13 And that backup that Mr. Griffin has in that</p> <p>14 stack in his hand would show you the effect of</p> <p>15 that extra year's calculation of interest.</p> <p>16 MR. GRIFFIN: This is an awful lot</p> <p>17 of paper to get to essentially to get to that</p> <p>18 one-page summary. I have given a copy to</p> <p>19 opposing counsel and I will have it marked and</p> <p>20 certainly give you copies as well.</p> <p>21 - - - - -</p> <p>22 (Thereupon, Plaintiffs' Exhibit 45</p> <p>23 was marked for purposes of</p> <p>24 identification.)</p> <p>25 - - - - -</p>                                                                            |

15 (Pages 428 to 431)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 432</p> <p>1 MR. GRIFFIN: But it's just<br/> 2 essentially a detailed backup for each<br/> 3 individual and it's a rather simple summary<br/> 4 that Dr. Rosen has provided.<br/> 5 BY MR. GRIFFIN:<br/> 6 Q. Dr. Rosen, just for the record, can<br/> 7 you identify what I have asked to be marked as<br/> 8 Plaintiffs' Exhibit 45?<br/> 9 A. Exhibit 45 would be a copy of the<br/> 10 back up calculation I made, which adjusts the<br/> 11 back interest by one additional year. The<br/> 12 original report only went through December 31<br/> 13 of 2006; this reflects interest for an<br/> 14 additional year through December 11 of 2007.<br/> 15 The methodological -- there are no<br/> 16 methodological differences, computations,<br/> 17 assumptions; all remain identical. One can see<br/> 18 that if they look at the base calculation, that<br/> 19 that has not changed. The only thing as<br/> 20 Chairman of the Panel has pointed out, is that<br/> 21 the interest dollar amount itself has changed.<br/> 22 Q. Dr. Rosen, do you hold all of your<br/> 23 opinions that you testified here today to a<br/> 24 reasonable degree of economic and statistical<br/> 25 certainty?</p> | <p style="text-align: right;">Page 434</p> <p>1 Q. You have your report in front of<br/> 2 you?<br/> 3 A. Yes, I do.<br/> 4 Q. Would you take a look at your<br/> 5 report dated July 30, 2007.<br/> 6 A. Okay.<br/> 7 Q. And look at the second page. You<br/> 8 reviewed a motion to compel arbitration oral<br/> 9 argument request, right?<br/> 10 A. I did.<br/> 11 Q. Who is the Defendant in that case?<br/> 12 A. I don't have my copy of that<br/> 13 exhibit. If someone could provide it, I could<br/> 14 tell you.<br/> 15 Q. It was Penn Central, right?<br/> 16 A. I don't know.<br/> 17 Q. Okay. Well, is the railroad that<br/> 18 you are referring to in this case Conrail?<br/> 19 A. We are all here obviously because<br/> 20 some legal entity is the Defendant and that's<br/> 21 way outside of my area of expertise.<br/> 22 Q. Let's say it's Penn Central. But I<br/> 23 want to direct your attention to Plaintiffs'<br/> 24 Exhibit 29. Do you have that?<br/> 25 A. Which one was that?</p>                                               |
| <p style="text-align: right;">Page 433</p> <p>1 A. Yes.<br/> 2 MR. GRIFFIN: Thank you, Dr. Rosen.<br/> 3 CHAIRMAN STEINGLASS: Do you want a<br/> 4 few minutes?<br/> 5 MR. M. L. CIOFFI: Yes. We need to<br/> 6 set up a couple of things.<br/> 7 CHAIRMAN STEINGLASS: Take five<br/> 8 minutes.<br/> 9 (Recess taken.)<br/> 10 CROSS-EXAMINATION OF HARVEY ROSEN, PHD<br/> 11 BY MR. M. L. CIOFFI:<br/> 12 Q. Good morning, Dr. Rosen.<br/> 13 A. Good morning, sir.<br/> 14 Q. Mr. Griffin asked you a lot of<br/> 15 questions about the railroad. He asked if you<br/> 16 got documents from the railroad. You talked<br/> 17 about the railroad. Who is the railroad?<br/> 18 A. Some legal entity that we are here<br/> 19 dealing with.<br/> 20 Q. Do you know the name of that legal<br/> 21 entity?<br/> 22 A. Well, I know it as Penn Central,<br/> 23 but I don't know. I can't speak to whatever<br/> 24 the legal entity that we are dealing with here<br/> 25 would be. I don't know.</p>                                                                                                                                                                                                                                          | <p style="text-align: right;">Page 435</p> <p>1 Q. 29. Let me give you another copy.<br/> 2 MR. M. L. CIOFFI: I believe you<br/> 3 all have this.<br/> 4 A. You are referring to Mr. O'Neill's<br/> 5 letter?<br/> 6 Q. Yes. This was a document that you<br/> 7 said in your report, you just testified that<br/> 8 you relied extensively on; is that right?<br/> 9 A. This was relied upon with respect<br/> 10 to the ten individuals identified as brakemen,<br/> 11 yes.<br/> 12 Q. You used a number in the document<br/> 13 called a guarantee for your calculation of ten<br/> 14 of the Claimants' damages; is that right?<br/> 15 A. Yes, sir.<br/> 16 Q. The document's prepared by Conrail,<br/> 17 isn't it? Look at the front.<br/> 18 A. It's on Conrail stationery, yes.<br/> 19 Q. Did anyone explain to you why a<br/> 20 document prepared by Conrail is binding on Penn<br/> 21 Central?<br/> 22 A. Again, you are getting into areas<br/> 23 that I just have no understanding of --<br/> 24 MR. M. L. CIOFFI: Read my question<br/> 25 back.</p> |

16 (Pages 432 to 435)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 436</p> <p>1 Q. Just answer my question, please.<br/> 2 (The record was read.)<br/> 3 Q. Would you answer that question.<br/> 4 A. I have no idea.<br/> 5 Q. That's not my question. Did<br/> 6 someone explain it to you?<br/> 7 A. No.<br/> 8 Q. Did you ask counsel to explain it<br/> 9 to you?<br/> 10 A. No. I generally don't delve into<br/> 11 legal matters.<br/> 12 Q. Mr. Griffin also asked you a<br/> 13 question that, did the railroad provide<br/> 14 documents to you.<br/> 15 A. He did ask that.<br/> 16 Q. Who was he referring to?<br/> 17 A. I assume whoever the individuals<br/> 18 responsible to provide the documentation under<br/> 19 the protection agreement is.<br/> 20 Q. Let's get the record clear. Did<br/> 21 you ask a railroad to provide you documents?<br/> 22 A. I never asked a Defendant directly.<br/> 23 I asked for information generally through<br/> 24 attorneys. They are the conduit that have<br/> 25 access to that information.</p> | <p style="text-align: right;">Page 438</p> <p>1 Q. And specifically, your report is --<br/> 2 here you cited this language "if his<br/> 3 compensation in his current position is less<br/> 4 than any amount in which he performed work,<br/> 5 then the aforesaid average compensation, he<br/> 6 shall be paid the difference."<br/> 7 A. Yes.<br/> 8 Q. All right. And that's generally<br/> 9 what's known as the displacement allowance,<br/> 10 correct?<br/> 11 A. That's my understanding, yes.<br/> 12 Q. Do you know how the displacement<br/> 13 allowance is defined in the agreement from your<br/> 14 reading of the agreement?<br/> 15 A. No. I think I have it up there in<br/> 16 the board and it speaks for itself.<br/> 17 Q. I just want to know how the<br/> 18 displacement allowance arises, how it's defined<br/> 19 in the agreement. And my examination isn't a<br/> 20 memory test; I'm going to show it to you. But<br/> 21 this is Section A of the WJPA and you recognize<br/> 22 that as an attachment to the MPA correct?<br/> 23 A. Correct.<br/> 24 Q. And it's incorporated into the MPA,<br/> 25 correct?</p>                                                                                                                            |
| <p style="text-align: right;">Page 437</p> <p>1 Q. You asked the attorneys for<br/> 2 information to do your work; is that fair to<br/> 3 say?<br/> 4 A. Yes.<br/> 5 Q. What did they tell you?<br/> 6 A. They gave me what information they<br/> 7 had.<br/> 8 Q. I'm going to direct your attention<br/> 9 to this board I'm putting up. Now, you<br/> 10 calculated several -- actually, for 26 of the<br/> 11 Claimants a displacement allowance; is that<br/> 12 correct?<br/> 13 A. Yes, sir.<br/> 14 Q. And a displacement allowance is a<br/> 15 term and a calculation that's defined in the<br/> 16 Merger Protection Agreement; isn't that true?<br/> 17 A. Yes.<br/> 18 Q. You did, as you say in your report,<br/> 19 read the Merger Protection Agreement, correct?<br/> 20 A. Yes.<br/> 21 Q. And indeed, you cited from the<br/> 22 provision of the Merger Protection Agreement,<br/> 23 which I have up here, that provides for the<br/> 24 calculation; is that right?<br/> 25 A. Correct.</p>              | <p style="text-align: right;">Page 439</p> <p>1 A. I believe that's page 10.<br/> 2 Q. Yes, sir. Now, 6(a) -- I want to<br/> 3 actually start with 6(b) because it defines the<br/> 4 displacement allowance as a term of art.<br/> 5 MR. GRIFFIN: I would like to state<br/> 6 a continuing objection to the extent that it<br/> 7 calls for a legal conclusion or it asks Dr.<br/> 8 Rosen to express his view as to the legal<br/> 9 significance on that language. I would like to<br/> 10 make a continuing objection.<br/> 11 CHAIRMAN STEINGLASS: That's fine.<br/> 12 Q. And Doctor, can you see this okay?<br/> 13 A. I can and I have a copy.<br/> 14 Q. "The protection afforded by the<br/> 15 foregoing paragraph shall be made effective<br/> 16 whenever appropriate through what's hereby<br/> 17 designated by a displacement allowance."<br/> 18 Now, to find out what a<br/> 19 displacement allowance is, you have to go back<br/> 20 up to the other paragraph which is 6 (a) which<br/> 21 says "no employee of any of the carriers<br/> 22 involved in a particular coordination who is<br/> 23 continued in service shall, for a period not<br/> 24 exceeding five years following the effective<br/> 25 date of such coordination, be placed as a</p> |

17 (Pages 436 to 439)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 440</p> <p>1 result of such coordination in a worse position<br/> 2 with respect to compensation and rules<br/> 3 governing working conditions than he occupied<br/> 4 at the time of such coordination, so long as he<br/> 5 is unable, in the normal exercise of his<br/> 6 seniority rights under existing agreements,<br/> 7 rules and practices, to obtain a position<br/> 8 producing compensation equal to or exceeding<br/> 9 the compensation of the position held by him at<br/> 10 the time of the particular coordination."<br/> 11 Then there is an exception for<br/> 12 failure to exercise seniority. That's a<br/> 13 different issue in this case that doesn't<br/> 14 concern you.<br/> 15 But when you read these two<br/> 16 together, the displacement allowance arises at<br/> 17 a point in time, does it not, under the<br/> 18 agreement when after the merger, the employee<br/> 19 receives less compensation than he did prior to<br/> 20 the merger?<br/> 21 A. Essentially, correct.<br/> 22 Q. Now, I think we all agree, and you<br/> 23 agreed a little bit earlier, that Section C<br/> 24 tells us how to calculate the displacement<br/> 25 allowance; isn't that right?</p> | <p style="text-align: right;">Page 442</p> <p>1 Q. Okay. Generally, describe that,<br/> 2 please.<br/> 3 A. Well, given that we didn't have<br/> 4 monthly data and I only had annual data, the<br/> 5 date of displacement, if you look at the<br/> 6 report, would occur in that year where less was<br/> 7 earned than the guarantee, which for the group<br/> 8 of ten was determined by Mr. O'Neill's letter<br/> 9 and for the other individuals by the process by<br/> 10 which I described. I went back to the 1963,<br/> 11 '64 base test period, as they call it.<br/> 12 Q. When you say monthly data wasn't<br/> 13 available, is that because counsel told you it<br/> 14 wasn't available?<br/> 15 A. They provided to me whatever<br/> 16 information they claimed they had. I found<br/> 17 nothing there, so unless they weren't giving me<br/> 18 what they had, I had no reason to believe that<br/> 19 they were not providing me with that<br/> 20 information.<br/> 21 Q. Let's look at step two of this<br/> 22 process. Step two requires an examination of<br/> 23 the total compensation received by the employee<br/> 24 and his total time paid during the last 12<br/> 25 months in which he performed service. All</p> |
| <p style="text-align: right;">Page 441</p> <p>1 A. Section C outlines a formula on<br/> 2 page 10. That's correct.<br/> 3 Q. There were several steps in this<br/> 4 formula and it's pretty dense language. I just<br/> 5 want to break them out a little bit. Let's<br/> 6 just call this step one. So the first step --<br/> 7 let's look at the first step on how we do this<br/> 8 calculation or the formula. Each displacement<br/> 9 allowance shall be a monthly allowance<br/> 10 determined by computing the total compensation<br/> 11 received by the employee and his total time<br/> 12 paid during the last 12 months in which he<br/> 13 performed service immediately preceding the<br/> 14 date of his displacement.<br/> 15 So if we just stop there at that<br/> 16 point and say that's step one and two,<br/> 17 actually. The first thing in determining the<br/> 18 displacement allowance is determining the date<br/> 19 of displacement; is that correct?<br/> 20 A. Correct.<br/> 21 Q. All right. So step one would be<br/> 22 date of displacement. Now, for the 32<br/> 23 Claimants in this case, did you determine a<br/> 24 date of displacement?<br/> 25 A. I did.</p>                                           | <p style="text-align: right;">Page 443</p> <p>1 right?<br/> 2 A. Yes.<br/> 3 Q. So the prior 12 months -- step two<br/> 4 is preceding 12 months comp and preceding 12<br/> 5 months of hours, correct?<br/> 6 A. Correct.<br/> 7 Q. Did you perform this step in your<br/> 8 analysis?<br/> 9 A. I performed it in the manner that I<br/> 10 described for the 16 individuals, the carmen,<br/> 11 again, bearing in mind that there was never any<br/> 12 data provided on the actual hours that these<br/> 13 men worked, and it was necessary for me to<br/> 14 estimate it along the lines that I described<br/> 15 estimating it. Or using my assumption in the<br/> 16 case of the 16 working -- really the only thing<br/> 17 we had to calculate was that last thing you<br/> 18 wrote, the number of hours, because the wage<br/> 19 rates were known, so I didn't have to calculate<br/> 20 those. So the only thing I had to estimate<br/> 21 were the number of hours. And I described how<br/> 22 I did that.<br/> 23 In the case of the ten, it wasn't<br/> 24 necessary for me to even do that because all of<br/> 25 those steps leading up to where you are going</p>                                                              |

18 (Pages 440 to 443)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 444</p> <p>1 were contained in the information I relied on</p> <p>2 from Mr. O'Neill's letter. So it wasn't even</p> <p>3 necessary for me to even do that. So the</p> <p>4 answer is qualified, yes.</p> <p>5 Q. Or no. Right? I mean you either</p> <p>6 did it or you didn't do it.</p> <p>7 A. I think I described it I did do it</p> <p>8 in the case of the 16 carmen when I made the</p> <p>9 calculations as I described it to test the</p> <p>10 reliability of my assumption of 2,080. I did</p> <p>11 do it for the ten because the guarantee was</p> <p>12 contained in Mr. O'Neill's letter and I didn't</p> <p>13 have to do it.</p> <p>14 Q. Did you determine you didn't have</p> <p>15 to do it?</p> <p>16 A. Well, I assumed that what the</p> <p>17 calculation of the guarantee that Mr. O'Neill</p> <p>18 had in his letter, I accepted it as being</p> <p>19 accurate and I accepted it as reflecting the</p> <p>20 process that you are describing.</p> <p>21 Q. That's in the letter from Conrail,</p> <p>22 right?</p> <p>23 A. That is the letter on Conrail</p> <p>24 letterhead signed by Mr. O'Neill.</p> <p>25 Q. Step two says "preceding 12 months'</p>                            | <p style="text-align: right;">Page 446</p> <p>1 A. Correct.</p> <p>2 Q. What's the relevance of that?</p> <p>3 A. That is the base period or the test</p> <p>4 period as contained in the -- you said the year</p> <p>5 prior to the signing of the agreement.</p> <p>6 Q. Did any of the 32 Claimants become</p> <p>7 displaced in 64, '65?</p> <p>8 A. No. In fact, none of them. If you</p> <p>9 look at each of my individual calculations, I</p> <p>10 didn't begin computing any type of displacement</p> <p>11 allowance until 1968; however, the language of</p> <p>12 this agreement said you had to go back to the</p> <p>13 test period, which was 12 months preceding the</p> <p>14 signing of the Merger Agreement. That would</p> <p>15 take us back to May of 1964.</p> <p>16 Q. That's information -- you are</p> <p>17 talking about Attachment E to the WJPA,</p> <p>18 correct?</p> <p>19 A. Correct.</p> <p>20 Q. That's information --</p> <p>21 MR. GRIFFIN: Excuse me. For</p> <p>22 clarification, I believe it's Appendix E to the</p> <p>23 Merger Protection Agreement, and some of the</p> <p>24 confusion is that you are talking about the</p> <p>25 WJPA, as opposed to Appendix E of the Merger</p> |
| <p style="text-align: right;">Page 445</p> <p>1 compensation." Did you, for each Claimant,</p> <p>2 determine the actual 12 months' compensation</p> <p>3 preceding the date of displacement?</p> <p>4 A. I did for the 16 in the manner I</p> <p>5 described. I did not do it for the ten. I did</p> <p>6 do it for the six -- I'm sorry the six were</p> <p>7 separations, so --</p> <p>8 Q. What's the manner you described?</p> <p>9 Tell us what that means.</p> <p>10 A. I looked at the 1963, '64 reported</p> <p>11 earnings to the Railroad Retirement Board. I</p> <p>12 divided it by the wage rate in 1963 and 1964.</p> <p>13 And I don't remember what the Exhibit number</p> <p>14 was where we passed that out, but you have it</p> <p>15 there and I can identify it for you. And then</p> <p>16 I looked to calculate, even given the</p> <p>17 limitation that much of the data represented</p> <p>18 earnings only up to the reportable cap, I did</p> <p>19 compute the hours for each person and it was on</p> <p>20 that exhibit, which I don't know if mine is</p> <p>21 marked. This particular exhibit.</p> <p>22 Q. Dr. Rosen?</p> <p>23 A. Yes.</p> <p>24 Q. You mentioned something about 1963</p> <p>25 '64, right?</p> | <p style="text-align: right;">Page 447</p> <p>1 Protection Agreement.</p> <p>2 BY MR. M. L. CIOFFI:</p> <p>3 Q. They are all tied together. They</p> <p>4 are all part of one document, correct? So</p> <p>5 let's just look at Appendix E so there is no</p> <p>6 confusion. Do you have it there?</p> <p>7 A. Yes.</p> <p>8 Q. Bring it to the Panel's attention.</p> <p>9 All right.</p> <p>10 So it says in that second paragraph</p> <p>11 the -- is what you are referring to, by the</p> <p>12 way?</p> <p>13 A. Yes. They said they work during a</p> <p>14 "base period comprised of the last 12 months in</p> <p>15 which he performed compensated service</p> <p>16 immediately preceding May 16, 1964."</p> <p>17 Q. Let's read the whole thing. Okay?</p> <p>18 A. "All elements -- "</p> <p>19 Q. No, the first -- second full</p> <p>20 paragraph.</p> <p>21 A. The second paragraph?</p> <p>22 Q. Yes.</p> <p>23 A. "Upon request, the merged company</p> <p>24 furnish the operating signatory organization</p> <p>25 for any employee appearing on the rosters in</p>                                                                                                                                             |

19 (Pages 444 to 447)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 448</p> <p>1 Appendices B and C, information respecting his<br/> 2 current rate of pay, compensation pay, and<br/> 3 hours worked during a base period comprised of<br/> 4 the last 12 months in which he performed<br/> 5 compensated service immediately preceding May<br/> 6 16, 1964."<br/> 7 Q. Okay.<br/> 8 A. And then the rest goes on to talk<br/> 9 about offsets for injuries, time lost and so<br/> 10 forth.<br/> 11 Q. All right. So this is a base<br/> 12 period, correct?<br/> 13 A. Correct.<br/> 14 Q. As used in the calculation. That's<br/> 15 information that's to be supplied to workers<br/> 16 about their base period salary in '63, '64;<br/> 17 isn't that correct?<br/> 18 A. Wage rate, hours worked and<br/> 19 compensation.<br/> 20 MR. M. L. CIOFFI: Read my question<br/> 21 back, please.<br/> 22 (The record was read.)<br/> 23 A. Yes. And hours worked and rate of<br/> 24 pay. There were three things that were<br/> 25 required to be provided.</p>                                                                                                                                              | <p style="text-align: right;">Page 450</p> <p>1 Q. So you have the '63, '64 base<br/> 2 period, correct?<br/> 3 A. Correct.<br/> 4 Q. Now, to go to calculate the<br/> 5 displacement allowance, as you testified, all<br/> 6 the displacements occurred, at the earliest, in<br/> 7 1968, correct?<br/> 8 A. Correct. If you look at my<br/> 9 reports, there is not a penny of loss computed<br/> 10 by me prior to 1968.<br/> 11 Q. Agreed. All right.<br/> 12 But the calculations -- do the<br/> 13 displacement allowance, that parenthetical has<br/> 14 to be given weight. In other words you have to<br/> 15 adjust to include subsequent general wage<br/> 16 increases, correct?<br/> 17 A. Which I did.<br/> 18 Q. No, you didn't. This clause says<br/> 19 "adjusted to include subsequent general wage<br/> 20 increases." Perfectly consistent with the<br/> 21 calculation with displacement allowances<br/> 22 because you have to go back and actually look<br/> 23 at the actual salary preceding displacement,<br/> 24 right?<br/> 25 A. Correct.</p>                                                                                                                                             |
| <p style="text-align: right;">Page 449</p> <p>1 Q. All right. And that's just a base<br/> 2 period so the worker knows what his base period<br/> 3 salary was?<br/> 4 A. To compare it to.<br/> 5 Q. Right. But where does it say in<br/> 6 this provision investigation that you use it to<br/> 7 calculate the displacement allowance?<br/> 8 A. The next paragraph, I believe,<br/> 9 talks about "for purpose of determining<br/> 10 whether, or to what extent, such an employee<br/> 11 has been placed in a worse position --" that<br/> 12 would be displaced "-- with respect to his<br/> 13 compensation, his total compensation and total<br/> 14 time paid for during the base period will be<br/> 15 separately divided by twelve. If his<br/> 16 comparison in his current position is less in<br/> 17 any month (commencing with the first month<br/> 18 following the date of consummation of the<br/> 19 merger) than his average base period<br/> 20 compensation --" that's what we are talking<br/> 21 about "-- adjusted to include subsequent<br/> 22 general wage increases."<br/> 23 Q. All right. Let's stop there.<br/> 24 Okay.<br/> 25 A. Okay.</p> | <p style="text-align: right;">Page 451</p> <p>1 Q. All right.<br/> 2 A. That's what I did.<br/> 3 Q. No, you didn't do that. Well,<br/> 4 let's just be clear on the record. Did you<br/> 5 have the actual salary records, the actual<br/> 6 compensation records, not assumptions, not<br/> 7 wages from tables, but for each of the 32, did<br/> 8 you actually have their compensation records<br/> 9 from the 12 months prior to displacement?<br/> 10 A. I had the imperfect records from<br/> 11 the Railroad Retirement Board only. Imperfect<br/> 12 because they don't show the total compensation,<br/> 13 they only show the total up to the covered<br/> 14 compensation. So I had some of that and that's<br/> 15 what I used to demonstrate in this exhibit how<br/> 16 that affected my assumption of full-time<br/> 17 employment. In the case -- and that was for<br/> 18 16. In the case of the ten, I didn't go<br/> 19 through this process because I accepted Mr.<br/> 20 O'Neill's calculations being accurate.<br/> 21 MR. M. L. CIOFFI: Read my<br/> 22 question, back.<br/> 23 (The record was read.)<br/> 24 Q. Would you answer my question yes or<br/> 25 no? Did you or did you not?</p> |

20 (Pages 448 to 451)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 452</p> <p>1 A. I did.</p> <p>2 Q. You had their actual compensation</p> <p>3 records?</p> <p>4 A. As reported -- what do you mean by</p> <p>5 "compensation record." I considered --</p> <p>6 Q. Did you have W-2s?</p> <p>7 MR. GRIFFIN: Let him finish his</p> <p>8 question.</p> <p>9 A. I consider information published by</p> <p>10 the Railroad Retirement Board a compensation</p> <p>11 record. I described what the limitation of</p> <p>12 that record is. I had none of the information</p> <p>13 that this agreement says should have been</p> <p>14 provided by whoever was responsible to provide</p> <p>15 it. I didn't have that.</p> <p>16 Q. And Dr. Rosen, I realize you didn't</p> <p>17 have certain information. I'm just trying to</p> <p>18 establish what you did or didn't have. You did</p> <p>19 not have --let's look at the ten brakemen you</p> <p>20 talked about. You did not have nor did you use</p> <p>21 their compensation to calculate the</p> <p>22 displacement allowance for the preceding 12</p> <p>23 months, did you?</p> <p>24 A. I had compensation information for</p> <p>25 those men from the railroad retirement. I did</p>   | <p style="text-align: right;">Page 454</p> <p>1 Q. Well, we'll get to that.</p> <p>2 So you can see you didn't do this</p> <p>3 calculation because you didn't have the monthly</p> <p>4 information.</p> <p>5 A. That's correct. I did not have the</p> <p>6 monthly information.</p> <p>7 Q. So the calculation in the agreement</p> <p>8 under 6 (c) you did not do.</p> <p>9 A. I didn't have the monthly so I had</p> <p>10 to use annual to do that but not the monthly.</p> <p>11 MR. M. L. CIOFFI: Read my question</p> <p>12 back.</p> <p>13 (The record was read.)</p> <p>14 Q. Correct?</p> <p>15 A. I did the calculation with annual</p> <p>16 data, not monthly data.</p> <p>17 Q. Well, let's go back to that. With</p> <p>18 respect to the ten brakemen, you said you</p> <p>19 relied on Mr. O'Neill's letter, which is</p> <p>20 Exhibit 29, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And you relied on that letter's</p> <p>23 calculation of the guarantee; is that correct?</p> <p>24 A. Correct.</p> <p>25 Q. So you didn't do this calculation.</p>                                             |
| <p style="text-align: right;">Page 453</p> <p>1 not have hours.</p> <p>2 Q. I haven't even gotten to hours yet,</p> <p>3 so don't go there.</p> <p>4 A. I did have wage rates -- well, they</p> <p>5 are on step two. But I also had Mr. O'Neill's</p> <p>6 letter and that's why I didn't make that</p> <p>7 compensation.</p> <p>8 Q. So the answer to my question is no,</p> <p>9 you did not have the compensation records of 32</p> <p>10 employees. You relied on one case on Mr.</p> <p>11 O'Neill, right?</p> <p>12 A. Not for the compensation, that's</p> <p>13 incorrect. I relied on Mr. O'Neill's letter</p> <p>14 because that letter established what the</p> <p>15 guarantee was in his opinion or in Conrail's</p> <p>16 opinion for the ten men. But I had the</p> <p>17 railroad retirement printout for all 32</p> <p>18 individuals. I consider that to be a</p> <p>19 compensation record. I could tell you in each</p> <p>20 year what each of these people made with the</p> <p>21 proviso of the limitation of the years when</p> <p>22 they went over the taxable --</p> <p>23 Q. Let's break this down.</p> <p>24 A. But I didn't have monthly</p> <p>25 information and I wish I did.</p> | <p style="text-align: right;">Page 455</p> <p>1 We are only on step two, there're five steps.</p> <p>2 A. For the ten people on the O'Neill</p> <p>3 list, I did not.</p> <p>4 Q. So let's continue through it so we</p> <p>5 get at least all the steps up here and see what</p> <p>6 you did or didn't do.</p> <p>7 So you've already said you did not</p> <p>8 do the preceding 12 months' hours for any</p> <p>9 Claimant of the 32.</p> <p>10 A. On the O'Neill list.</p> <p>11 Q. Well, for any of Claimants. You</p> <p>12 didn't have their actual hours worked, did you?</p> <p>13 A. I did not.</p> <p>14 Q. Okay.</p> <p>15 A. I had to estimate it.</p> <p>16 Q. You estimated it, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Does it say in here that you are</p> <p>19 supposed to estimate in 6 (c)?</p> <p>20 A. No, it doesn't say you are supposed</p> <p>21 to estimate them. It says you should request</p> <p>22 from the railroad the information that they</p> <p>23 will provide to you on monthly data on hours,</p> <p>24 compensation and wage rates.</p> <p>25 Q. Where does it say that?</p> |

21 (Pages 452 to 455)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 456</p> <p>1 A. It says it right here. I read it<br/>2 in Appendix E.<br/>3 Q. So the worker is supposed to<br/>4 request that information, correct?<br/>5 A. Yes. It says "upon request the --"<br/>6 Q. For the base period, which is '63,<br/>7 '64.<br/>8 A. Correct. Current rate of pay,<br/>9 compensation paid and hours worked.<br/>10 Q. But in terms of calculating the<br/>11 displacement allowance, you agree with me,<br/>12 don't you, the agreement says you have to look<br/>13 at the preceding 12 months and hours?<br/>14 A. I do agree.<br/>15 Q. Let's look at the next step. And<br/>16 the next step is to divide this total wage<br/>17 information separately. So step three is<br/>18 divide income for the last 12 months, right?<br/>19 A. Yes.<br/>20 Q. Divide that by 12, correct?<br/>21 A. Correct.<br/>22 Q. Hours for the last 12 months, and<br/>23 you divide that by 12, correct?<br/>24 A. Correct.<br/>25 Q. Did you do that?</p>                                                                                                                        | <p style="text-align: right;">Page 458</p> <p>1 A. You are misunderstanding. I can do<br/>2 that part of it. I have the 12 month and I did<br/>3 do that and I could tell you what the monthly<br/>4 guarantee is. I just don't have anything to<br/>5 compare it to because I don't know what the men<br/>6 earned in any month following that. So I had<br/>7 to compare it on an annual basis, not a monthly<br/>8 basis.<br/>9 Q. Step four. There is a monthly<br/>10 basis comparison, right?<br/>11 A. Yes.<br/>12 Q. And the displacement allowance is<br/>13 paid based on a disparity each month?<br/>14 A. Yes.<br/>15 Q. You didn't do that comparison<br/>16 month-to-month, did you?<br/>17 A. I couldn't. You are right.<br/>18 Q. You just annualized it, your damage<br/>19 calculations, didn't you?<br/>20 A. I looked at the annual difference,<br/>21 which would again be -- actually that enures to<br/>22 the benefit of the railroad. It would make the<br/>23 loss lower. But that's what I was forced to do<br/>24 because I didn't have the monthly pay.<br/>25 Q. So no monthly comparison.</p>                                              |
| <p style="text-align: right;">Page 457</p> <p>1 A. I couldn't do it. I didn't have<br/>2 the data. Well, I could do the annual -- using<br/>3 annual data, I could do that and I did do that.<br/>4 In fact, that's what I did do. What I couldn't<br/>5 do is compare it on month-to-month basis going<br/>6 forward to any one month; I could only compare<br/>7 it annually.<br/>8 Q. And you could never compare apples<br/>9 to apples. In other words, you can never<br/>10 compare the comp for the same name numbers of<br/>11 hours once a month, could you?<br/>12 A. I could not because I didn't have<br/>13 the monthly data.<br/>14 Q. So step four is really on a monthly<br/>15 basis -- by the way, before I get to that, at<br/>16 the end of step three, that's the guarantee,<br/>17 correct?<br/>18 A. Yes.<br/>19 Q. All right. So you had to do step<br/>20 one, two and three and at the end of three, you<br/>21 get the guarantee; is that correct?<br/>22 A. You get the monthly guarantee.<br/>23 Q. Absolutely. You never got a<br/>24 monthly guarantee, did you? You never<br/>25 calculated that?</p> | <p style="text-align: right;">Page 459</p> <p>1 Now, there is a step five. Step<br/>2 five begins right here. Do you see this<br/>3 language?<br/>4 A. I do.<br/>5 Q. So "less compensation for any time<br/>6 lost on account of voluntary absences to the<br/>7 extent that he is not available for service<br/>8 equivalent to his average monthly time during<br/>9 the test period." Do you see that?<br/>10 A. Yes, and I agree with that. There<br/>11 should be a deduction made for any of those<br/>12 offsets that can be proven. I was asked to<br/>13 only calculate the difference between the<br/>14 guarantee so I did not make any computation for<br/>15 any offsets that may -- should or -- may or<br/>16 should be made if it can be proven that one of<br/>17 those conditions satisfied the language of that<br/>18 last portion. I would agree with you.<br/>19 Q. All right. So you didn't do that.<br/>20 Step five, you did not do?<br/>21 A. No. I was only asked to look at<br/>22 guarantee difference.<br/>23 Q. So counsel only asked you to look<br/>24 at a part of the calculations; is that correct?<br/>25 A. Through step four.</p> |

22 (Pages 456 to 459)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 460</p> <p>1 Q. Well, there is a step six, too. So</p> <p>2 step six is what I have in brackets. And that</p> <p>3 is when you do the month-to-month comparison,</p> <p>4 right?</p> <p>5 A. Yes.</p> <p>6 Q. You only compare to months in which</p> <p>7 the employee performed work, don't you?</p> <p>8 A. Correct.</p> <p>9 Q. You didn't do that.</p> <p>10 A. If they didn't work in terms of the</p> <p>11 information I had on the annual basis, I didn't</p> <p>12 complete any loss for them.</p> <p>13 Q. Of course you did.</p> <p>14 A. I stopped it when there were no</p> <p>15 earnings reported to railroad retirement.</p> <p>16 Q. Of course you calculated loss for</p> <p>17 them. Come on. If someone worked two</p> <p>18 months --</p> <p>19 A. Yes.</p> <p>20 Q. -- when you calculate the</p> <p>21 displacement allowance, all you took was the</p> <p>22 income for those two months, right?</p> <p>23 A. Compared to the income that would</p> <p>24 have been earned during those two months.</p> <p>25 Q. All right. So you didn't compare</p> | <p style="text-align: right;">Page 462</p> <p>1 Q. Okay. So in 1968 how much</p> <p>2 compensation did Mr. Acree have?</p> <p>3 A. There was reported compensation</p> <p>4 from the Railroad Retirement Board of \$517.40.</p> <p>5 Q. Would you write that up there,</p> <p>6 please.</p> <p>7 A. Sure.</p> <p>8 Q. Okay. So how many months did he</p> <p>9 work in 1968?</p> <p>10 A. Railroad Retirement Board reported</p> <p>11 that there was reported earnings in two months.</p> <p>12 Q. But you assumed, for purposes of</p> <p>13 the allowance, that he worked the whole year,</p> <p>14 didn't you?</p> <p>15 A. No. It's obvious he didn't work</p> <p>16 the whole year. He worked a certain number of</p> <p>17 hours in a base period. He is not getting</p> <p>18 those hours if he only worked two of the 12</p> <p>19 months. If there was a reason, not under where</p> <p>20 you bracketed, but down here where there may be</p> <p>21 some offset -- I don't know what that reason</p> <p>22 might be. It could be proven that that's some</p> <p>23 other reason, other than the fact that he was</p> <p>24 displaced from his job during the period of</p> <p>25 time, then I would agree an adjustment should</p> |
| <p style="text-align: right;">Page 461</p> <p>1 it to only the months worked, did you?</p> <p>2 A. I believe I did.</p> <p>3 Q. Well let's take a look.</p> <p>4 A. Again, I don't have monthly data.</p> <p>5 I can only tell you what the Railroad</p> <p>6 Retirement Board reported in terms of the</p> <p>7 months that were worked by the employee in a</p> <p>8 given year.</p> <p>9 Q. Let's look at what you did. Okay.</p> <p>10 Turn to Mr. Acree. Alphabetical.</p> <p>11 MR. GRIFFIN: Do you have a</p> <p>12 document for him?</p> <p>13 Q. Actually, can you do the</p> <p>14 calculation on the board? Bring your report</p> <p>15 for Mr. Acree. Let's take a look at it. Would</p> <p>16 you go up to the board, because I would like to</p> <p>17 do this calculation.</p> <p>18 So Mr. Acree, the first year you</p> <p>19 calculate a displacement is 1968; isn't that</p> <p>20 right?</p> <p>21 A. Yes.</p> <p>22 Q. All right. And if I'm reading your</p> <p>23 report correctly, the displacement allowance</p> <p>24 you calculate is \$7,672.18; is that right?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 463</p> <p>1 be made down here but not over here.</p> <p>2 Q. Wait a minute. Stop. It says he</p> <p>3 is to get an allowance month by month for any</p> <p>4 month in which he performs work; is that right?</p> <p>5 A. That's correct.</p> <p>6 Q. That's what it says. He performed</p> <p>7 work for two months, right?</p> <p>8 A. There were two months reported.</p> <p>9 Q. Okay. So he should get an</p> <p>10 allowance for those two months according to the</p> <p>11 agreement, isn't that right?</p> <p>12 A. That's not how I interpret that.</p> <p>13 If you are looking at hours in addition to</p> <p>14 compensation, there would be a base number of</p> <p>15 hours he would have been entitled to receive.</p> <p>16 And for whatever reason, he didn't work for the</p> <p>17 other ten months due to the fact that he was</p> <p>18 displaced, then he should get an allowance for</p> <p>19 the rest of the year.</p> <p>20 Q. Is that according to you?</p> <p>21 A. That's how I read that.</p> <p>22 Q. Where does it say that?</p> <p>23 MR. M. L. CIOFFI: Read back his</p> <p>24 answer please.</p> <p>25 (The record was read.)</p>                                      |

23 (Pages 460 to 463)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 464</p> <p>1 Q. Where does it say in this Section C<br/>2 that he is entitled to receive some sort of<br/>3 base number of hours?<br/>4 A. There was language, whether it was<br/>5 here or in the other part, you have to take a<br/>6 look at it, that talked about compensation,<br/>7 adjustment for hourly wage rates and adjustment<br/>8 for time, hours worked, monthly hours worked.<br/>9 Q. You agree with me that Section C<br/>10 which is the formula, as you said, says nothing<br/>11 about he is entitled to a base number of hours,<br/>12 does it?<br/>13 A. I would have to go back and look<br/>14 because I know there's language in there that<br/>15 does refer to that in one of the other<br/>16 sections. This one does not.<br/>17 Q. You are saying somewhere in the<br/>18 MPA -- we will be able to look at this --<br/>19 somewhere in the MPA or WJPA it says that the<br/>20 worker is entitled to a base number of hours?<br/>21 A. When determining the amount of<br/>22 compensation, he is supposed to be --<br/>23 Q. He is entitled to a base number of<br/>24 hours, it says that?<br/>25 A. I have to look at it. I can't --</p>                                                                                                                | <p style="text-align: right;">Page 466</p> <p>1 That's why. And you only get the displacement<br/>2 allowance for the months you earned less when<br/>3 you are working. That's what C says, doesn't<br/>4 it?<br/>5 MR. GRIFFIN: I'm going to object<br/>6 to the extent that he is asking Dr. Rosen to<br/>7 opine on legal significance of these issues.<br/>8 You know Dr. Rosen is here as an economics<br/>9 expert. We can certainly discuss later the<br/>10 legal significance of Appendix E or Appendix A.<br/>11 CHAIRMAN STEINGLASS: I recognize<br/>12 the objection and I think the Panel recognizes<br/>13 that Dr. Rosen is not here as a legal expert.<br/>14 I think the questions are close to the line,<br/>15 but we are really trying to determine the<br/>16 methodology used and --<br/>17 MR. M. L. CIOFFI: Can I respond to<br/>18 that? He is doing a calculation that's<br/>19 required by Section C and I'm asking him how he<br/>20 did it.<br/>21 CHAIRMAN STEINGLASS: You are<br/>22 asking him to interpret legal documents. I<br/>23 think that doesn't, indeed, cross the line. I<br/>24 think you can properly determine the<br/>25 methodology he used to produce the</p> |
| <p style="text-align: right;">Page 465</p> <p>1 you know you are asking me to --<br/>2 Q. You did the calculations. You have<br/>3 \$12,000,000 of damages and you don't know?<br/>4 A. I do know what I just described to<br/>5 you that this year he fell below the number of<br/>6 hours that he would have had in his base<br/>7 period, and that's reflected in his<br/>8 compensation as well. Now, if there is some<br/>9 reason why it was only two months related to<br/>10 the last portion of C, I would agree with you<br/>11 that an adjustment should be made to my number.<br/>12 Q. I'm not talking about that.<br/>13 Doctor, would you concede if the agreement does<br/>14 not that say that a worker is entitled to a<br/>15 base number of hours, then you are wrong?<br/>16 A. If they are not entitled to receive<br/>17 some base compensation, which takes hours into<br/>18 account, and if it's interpreted that in a<br/>19 month he doesn't work, it seems odd that you<br/>20 would guarantee somebody a minimum and if you<br/>21 are not permitted to work that month, then you<br/>22 are not covered by that. And if the reason why<br/>23 you are not working is covered down here,<br/>24 that's seems much more the way I interpret it.<br/>25 Q. It's a month-by-month comparison.</p> | <p style="text-align: right;">Page 467</p> <p>1 calculations.<br/>2 MR. M. L. CIOFFI: That's what I'm<br/>3 doing. He said that Section C says a worker is<br/>4 entitled to a base number of hours. And he<br/>5 used that assumption based on his testimony.<br/>6 I'm asking him where it is in the agreement.<br/>7 What could be more fair?<br/>8 CHAIRMAN STEINGLASS: You can ask<br/>9 him the legal assumptions he used in making the<br/>10 calculations.<br/>11 MR. M. L. CIOFFI: I'm not asking<br/>12 for any legal assumptions.<br/>13 CHAIRMAN STEINGLASS: Implicitly<br/>14 you are, but you may continue.<br/>15 MR. M. L. CIOFFI: Thank you.<br/>16 BY MR. M. L. CIOFFI:<br/>17 Q. So let's look at the income at<br/>18 least that you have listed on Mr. Acree's<br/>19 calculations for the year -- the 12 months<br/>20 immediately preceding the displacement in '68.<br/>21 What's the annual compensation there?<br/>22 A. \$4,267.93 is the amount of income<br/>23 that was reported by the railroad retirement<br/>24 for nine months, not 12, for 1967.<br/>25 Q. All right. By that do you assume</p>                                                                             |

24 (Pages 464 to 467)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 468</p> <p>1 that he didn't work the other three months?</p> <p>2 A. I really don't assume anything</p> <p>3 about it.</p> <p>4 Q. Anyway, what Section C says you go</p> <p>5 back for all the compensation over the last 12</p> <p>6 months, prior to the displacement, right?</p> <p>7 A. Let me take a look at it. C is</p> <p>8 part of the Washington Jobs Agreement.</p> <p>9 Q. Correct.</p> <p>10 A. Which is amended by Appendix E,</p> <p>11 which talks about looking at the base period</p> <p>12 preceding the 12 months of May 16, 1964 and</p> <p>13 then adjusting it forward for wage --</p> <p>14 Q. Okay. So his income --</p> <p>15 A. But not to look at the comparison</p> <p>16 to start until after the merger occurred, which</p> <p>17 was not until 1968. But you still have to go</p> <p>18 back, start with the '63, '64 base, adjust it</p> <p>19 for wage increases to get what the appropriate</p> <p>20 guarantee would be for comparison.</p> <p>21 Q. And you would agree with me,</p> <p>22 wouldn't you, that his income in the prior</p> <p>23 year, all right, which is \$4,267, right?</p> <p>24 A. Right.</p> <p>25 Q. That would have been adjusted for</p> | <p style="text-align: right;">Page 470</p> <p>1 the preceding 12 months.</p> <p>2 CHAIRMAN STEINGLASS: Just note</p> <p>3 that that's a poorly executed "6." No. That</p> <p>4 one was fine. 4,267.</p> <p>5 Q. Now, Doctor, would you divide 4,267</p> <p>6 by 12, please.</p> <p>7 A. I will do the math but I don't</p> <p>8 agree with the result.</p> <p>9 Q. Humor me.</p> <p>10 A. 355.66.</p> <p>11 Q. So put that up there.</p> <p>12 PANEL MEMBER LANSDOWNE: You are</p> <p>13 having him divide the nine-month figure by 12?</p> <p>14 MR. M. L. CIOFFI: Yes. Under</p> <p>15 Section C, it says you look at the compensation</p> <p>16 for the prior 12 months.</p> <p>17 MR. GRIFFIN: Just to be clear,</p> <p>18 Section C to the Washington Job Protection</p> <p>19 Agreement?</p> <p>20 MR. M. L. CIOFFI: We have already</p> <p>21 established in his testimony that's what he</p> <p>22 used to calculate and that's the basis for the</p> <p>23 calculation. He cited it in his report.</p> <p>24 MR. GRIFFIN: I think his testimony</p> <p>25 speaks for itself.</p> |
| <p style="text-align: right;">Page 469</p> <p>1 increases from 1963 to '64, correct?</p> <p>2 A. Correct.</p> <p>3 Q. So it's been adjusted?</p> <p>4 A. Correct.</p> <p>5 Q. So put it up there on the board.</p> <p>6 A. Put what up on the board?</p> <p>7 Q. His income for the year preceding</p> <p>8 displacement.</p> <p>9 A. That's not what this says. It says</p> <p>10 compare it to the base period, not for the year</p> <p>11 before.</p> <p>12 Q. Adjusted, okay? We already</p> <p>13 established that. It's adjusted.</p> <p>14 A. That adjustment is that number I</p> <p>15 have.</p> <p>16 Q. No, it's not the number you have.</p> <p>17 A. \$2,189.58.</p> <p>18 Q. No, it isn't. Put the number that</p> <p>19 you put up there in your table, 4,267. Below</p> <p>20 that. Put it below the 517.</p> <p>21 A. 1967 income?</p> <p>22 Q. Yes. 1967 income. All right.</p> <p>23 There it is. Now, let's go back to -- we have</p> <p>24 established now -- let's just assume that you</p> <p>25 are correct about that, that it's \$4,217 for</p>                                                                                                                                                                 | <p style="text-align: right;">Page 471</p> <p>1 BY MR. M. L. CIOFFI:</p> <p>2 Q. So that's a monthly?</p> <p>3 A. You asked me to divide it by 12.</p> <p>4 So it's actually nine months of earning divided</p> <p>5 by 12.</p> <p>6 Q. Okay. So we got \$355.66; is that</p> <p>7 correct?</p> <p>8 A. Correct.</p> <p>9 Q. Now, he earned a total of 517 for</p> <p>10 two months; is that right?</p> <p>11 A. \$517.40.</p> <p>12 Q. Okay. Divide that by two.</p> <p>13 A. Okay.</p> <p>14 Q. All right. What's that number?</p> <p>15 A. \$257.70.</p> <p>16 Q. Now compare the two. Put that</p> <p>17 under 355. So what's the difference between</p> <p>18 those two?</p> <p>19 A. \$96.96.</p> <p>20 Q. Put that up there. So for each</p> <p>21 month in which he performed worked, as it says</p> <p>22 here, he is entitled to that differential; is</p> <p>23 that correct?</p> <p>24 A. Under your assumptions but not</p> <p>25 under Memorandum E Appendix E.</p>                                                                                                         |

25 (Pages 468 to 471)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 472</p> <p>1 Q. I understand your legal<br/>2 interpretation, but according to the steps we<br/>3 agreed to earlier, you compare each month he<br/>4 worked, right, with each month of his prior 12<br/>5 months compensation, correct?<br/>6 A. You do and you will get that<br/>7 number, yes.<br/>8 Q. You do what I just said and you<br/>9 will get that number, right.<br/>10 So how many months did he work in<br/>11 1968?<br/>12 A. Two.<br/>13 Q. So multiply \$96 by two.<br/>14 A. \$193.92.<br/>15 Q. So assuming all other things, that<br/>16 would be his displacement allowance if I'm<br/>17 correct, agreed?<br/>18 A. Under your assumptions, that would<br/>19 be his displacement allowance.<br/>20 Q. And compare that to your number<br/>21 you came up with.<br/>22 A. Okay.<br/>23 Q. And yours is \$7,672, right?<br/>24 A. Correct.<br/>25 Q. Now, one of the reasons it's so</p>                                                                                                                                                                                                                                                                                                                          | <p style="text-align: right;">Page 474</p> <p>1 displacement allowance earlier in your<br/>2 testimony, now you are saying it doesn't apply?<br/>3 A. I never said that. I said you -- I<br/>4 had to look at all the agreements and it says<br/>5 in my report I looked at the merger agreement,<br/>6 I look at Appendix A through E or at least I<br/>7 had A through E. A was the Washington Jobs<br/>8 Agreement, E is this modification to the<br/>9 Washington Jobs Agreement.<br/>10 Q. Well --<br/>11 A. But that's more legal question and<br/>12 I'll leave it up to this Panel to decide.<br/>13 Q. So we are clear, E doesn't tell you<br/>14 how to calculate the displacement allowance,<br/>15 does it?<br/>16 A. I'm sorry?<br/>17 Q. E, Appendix E does not tell you how<br/>18 to calculate the displacement allowance, does<br/>19 it?<br/>20 A. I think it does. All the elements<br/>21 are there. It says you go back to May 16 of<br/>22 '64. It says that you look at the base period,<br/>23 divide it by 12 and you also look at -- it also<br/>24 talks about hours worked and those all go into<br/>25 making this calculation. So it's all there.</p> |
| <p style="text-align: right;">Page 473</p> <p>1 high is that you gave him -- even with your own<br/>2 methodology, it's so high because you gave him<br/>3 the displacement allowance for each month he<br/>4 didn't work; isn't that right?<br/>5 A. No. It's high because I gave him<br/>6 the displacement allowance because if his<br/>7 compensation in his current position is less in<br/>8 any month than his average base period<br/>9 compensation, he shall be paid the difference.<br/>10 That's why it's so high because it says he<br/>11 should be paid in any month.<br/>12 Q. Wait a minute. Where does it say<br/>13 this any month? Right here, I'll help you out.<br/>14 A. That his average base compensation,<br/>15 he shall be paid the difference less<br/>16 compensation for any time lost, for those other<br/>17 reasons, and it is a monthly thing.<br/>18 Q. Look and see for a second. I think<br/>19 we agreed it says right here any month in which<br/>20 he performs work; is that correct?<br/>21 A. That's under the Washington Jobs<br/>22 Agreement without the amendment in E.<br/>23 Q. Are you now saying that even though<br/>24 you cited this paragraph in your report, said<br/>25 that this is how you calculated the</p> | <p style="text-align: right;">Page 475</p> <p>1 Q. But you didn't rely on<br/>2 attachment -- Appendix E in making your<br/>3 calculations, did you?<br/>4 A. I relied on the entire agreement.<br/>5 Q. Well, you cited this in your report<br/>6 and this is 6 (c), didn't you?<br/>7 A. I cited that I think I also cited<br/>8 E, if I'm not mistaken. I have to look at --<br/>9 my report speaks for itself.<br/>10 Q. Let's just go back to what you did.<br/>11 And you got the number \$7,672. By subtracting<br/>12 517 from \$8,189; isn't that right?<br/>13 A. Yes.<br/>14 Q. So practically speaking, you gave<br/>15 him credit or you gave him a displacement<br/>16 allowance in months in which he did not work,<br/>17 correct?<br/>18 A. Yes.<br/>19 Q. All right. But Section C says he<br/>20 only gets the displacement allowance in any<br/>21 month in which he performs work.<br/>22 A. C does say that. E says in any<br/>23 month. And I'll leave it up to the lawyers and<br/>24 the Panel to decide how to interpret that.<br/>25 Q. E says he is supposed get the</p>                                                                                |

26 (Pages 472 to 475)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 476</p> <p>1 displacement allowance in any month?</p> <p>2 A. That's what it says in E.</p> <p>3 MR. GRIFFIN: Your Honor, if we are</p> <p>4 going to have an argument about what the</p> <p>5 contract says, I don't think that's appropriate</p> <p>6 for a factual testimony. We can let the</p> <p>7 lawyers argue about it.</p> <p>8 MR. M. L. CIOFFI: He is an expert.</p> <p>9 I'm just trying to understand how he did his</p> <p>10 calculation.</p> <p>11 CHAIRMAN STEINGLASS: We will give</p> <p>12 him some leeway.</p> <p>13 BY MR. M. L. CIOFFI:</p> <p>14 Q. I think we already established --</p> <p>15 A. May I sit down?</p> <p>16 Q. For now. We can do a couple more</p> <p>17 but we are going to assume they are all going</p> <p>18 to come out the same way, right, the</p> <p>19 calculation according to C?</p> <p>20 A. If I followed your instructions,</p> <p>21 I'm sure they would come out the same way.</p> <p>22 Q. Thank you. Then you can resume</p> <p>23 your seat.</p> <p>24 Doctor, I would like to direct your</p> <p>25 attention back to your letter report, the first</p> | <p style="text-align: right;">Page 478</p> <p>1 time worked.</p> <p>2 Q. Let's look at the next bullet.</p> <p>3 Would you read that please?</p> <p>4 A. "Schedule showing tax rates and</p> <p>5 maximum covered compensation per year under the</p> <p>6 Railroad Retirement Act 1966 through 2007 dated</p> <p>7 November 2006."</p> <p>8 Q. Same question. The agreement</p> <p>9 doesn't say you should consult that source,</p> <p>10 does it?</p> <p>11 A. No.</p> <p>12 Q. And the next one is the -- next</p> <p>13 bullet point says "wage guarantee amounts for</p> <p>14 employees contained in a letter from Robert</p> <p>15 O'Neill to Fred Blackwell." Again, the</p> <p>16 agreement doesn't say to consult that source,</p> <p>17 does it?</p> <p>18 A. Yes. It does not say that.</p> <p>19 Q. The next bullet, "wage rates for</p> <p>20 brakemen UTU, research and statistical</p> <p>21 department." The agreement does not say that</p> <p>22 one should consult that document, does it?</p> <p>23 A. No.</p> <p>24 Q. Same thing with the next bullet</p> <p>25 point. "Wage rates for carmen." The agreement</p> |
| <p style="text-align: right;">Page 477</p> <p>1 four pages.</p> <p>2 A. Okay. I have it.</p> <p>3 Q. Okay. And directing your attention</p> <p>4 to page 2, please.</p> <p>5 A. Okay.</p> <p>6 Q. Do you see you list there the</p> <p>7 documents that you relied upon in forming your</p> <p>8 opinion, correct?</p> <p>9 A. Correct.</p> <p>10 Q. If you look at the fourth bullet,</p> <p>11 do you see that?</p> <p>12 A. I do.</p> <p>13 Q. Would you read that, please?</p> <p>14 A. "Summary of covered compensation</p> <p>15 under the Railroad Retirement Act for each</p> <p>16 employee evaluated, entitled employment data,</p> <p>17 maintenance, credible service and earnings,</p> <p>18 yearly totals.</p> <p>19 Q. Where in Section C or Appendix E or</p> <p>20 anywhere in the MPA or WJPA does it say to</p> <p>21 consult that source in calculating the</p> <p>22 displacement allowance?</p> <p>23 A. It doesn't. It says you should</p> <p>24 consult the monthly records from the railroad</p> <p>25 for each person's compensation wage rate and</p>                                                                          | <p style="text-align: right;">Page 479</p> <p>1 does not say you should consult that document,</p> <p>2 does it?</p> <p>3 A. It does not.</p> <p>4 MR. M. L. CIOFFI: I have no</p> <p>5 further questions.</p> <p>6 CHAIRMAN STEINGLASS: Thank you.</p> <p>7 Redirect.</p> <p>8 REDIRECT EXAMINATION OF HARVEY ROSEN, PHD</p> <p>9 BY MR. GRIFFIN:</p> <p>10 Q. Dr. Rosen, Mr. Cioffi asked you a</p> <p>11 number of questions about calculations for Mr.</p> <p>12 Acree. Do you recall that?</p> <p>13 A. I do.</p> <p>14 Q. And he asked you to go through</p> <p>15 tremendous amount of detailed calculations,</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. What was Mr. Cioffi -- if you went</p> <p>19 through this, what was Mr. Cioffi's</p> <p>20 determination about what the guarantee, the</p> <p>21 monthly guarantee should be for Mr. Acree under</p> <p>22 his proposed methodology?</p> <p>23 A. I think he was suggesting it was</p> <p>24 the \$35,560.</p> <p>25 Q. \$35,560 for Mr. Acree is the way</p>                                                                                                  |

27 (Pages 476 to 479)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 480</p> <p>1 that Mr. Cioffi wants you to estimate the</p> <p>2 monthly guarantee; isn't that correct?</p> <p>3 A. Correct.</p> <p>4 Q. I want you to take a look at the</p> <p>5 letter to Mr. Blackwell from Mr. O'Neill</p> <p>6 provided by the Defendants in this arbitration</p> <p>7 20 years ago.</p> <p>8 A. Okay.</p> <p>9 Q. I want you to go to the last page</p> <p>10 where the railroad calculated what they said</p> <p>11 was going to be the guarantee amount.</p> <p>12 MR. M. L. CIOFFI: Objection. He</p> <p>13 keeps using the term "railroad." It's a</p> <p>14 Conrail document. Let's be specific about it.</p> <p>15 MR. GRIFFIN: Let us be specific.</p> <p>16 It is the Defendant in this case that submitted</p> <p>17 evidence through their arbitrator when this</p> <p>18 case was litigated the last time.</p> <p>19 MR. M. L. CIOFFI: Objection.</p> <p>20 MR. GRIFFIN: And it is this</p> <p>21 Defendant.</p> <p>22 MR. M. L. CIOFFI: That's a</p> <p>23 representation totally with no support, no</p> <p>24 evidence at all and it's not true.</p> <p>25 CHAIRMAN STEINGLASS: For purposes</p> | <p style="text-align: right;">Page 482</p> <p>1 BY MR. GRIFFIN:</p> <p>2 Q. Evaluate for me, if you will, Dr.</p> <p>3 Rosen, whether you would determine if he is</p> <p>4 correct or incorrect if you compared the</p> <p>5 numbers that he wants through the calculations</p> <p>6 that Mr. Cioffi wants in comparison to what</p> <p>7 these Defendants told this arbitration Panel</p> <p>8 before. If you did his calculation and you</p> <p>9 compared it to the numbers on Mr. O'Neill's</p> <p>10 report, would you come up with the number that</p> <p>11 was the same?</p> <p>12 A. It would be far less following the</p> <p>13 procedure I was asked to perform compared to</p> <p>14 the \$758.56 guarantee contained in Mr.</p> <p>15 O'Neill's letter.</p> <p>16 Q. If you did the same calculation</p> <p>17 that Mr. Cioffi wanted you to do for Mr. Day,</p> <p>18 would that get you an answer that was right or</p> <p>19 an answer that was wrong?</p> <p>20 A. It would understate the guarantees</p> <p>21 as stated in the O'Neill letter.</p> <p>22 Q. And that would also be true, would</p> <p>23 it not, for Mr. -- would that also be true for</p> <p>24 the other ten brakemen in this case?</p> <p>25 MR. M. L. CIOFFI: Mr. Chairman,</p> |
| <p style="text-align: right;">Page 481</p> <p>1 of this redirect, let's call it Exhibit 29.</p> <p>2 BY MR. GRIFFIN:</p> <p>3 Q. For Exhibit 29, what does it say</p> <p>4 Mr. Acree should have for his guarantee?</p> <p>5 A. \$717.30.</p> <p>6 Q. So based upon --</p> <p>7 A. That was indicated as of August 1,</p> <p>8 1969. I think somebody asked earlier what the</p> <p>9 date of these guarantees were; that's August 1</p> <p>10 of 1969.</p> <p>11 Q. So comparing Mr. Cioffi's</p> <p>12 calculation to what was submitted to this</p> <p>13 arbitration by the Defendants in this case</p> <p>14 prior is this new calculation right or wrong?</p> <p>15 A. Wrong.</p> <p>16 Q. And he asked you what would happen</p> <p>17 if you did it for all the other Claimants,</p> <p>18 didn't he?</p> <p>19 A. Yes.</p> <p>20 Q. Let me ask you about this. Would</p> <p>21 it be right for Mr. Benko or would that be</p> <p>22 wrong?</p> <p>23 MR. M. L. CIOFFI: Objection.</p> <p>24 Leading question. This is redirect. He has</p> <p>25 got to ask him nonleading questions.</p>                                                                      | <p style="text-align: right;">Page 483</p> <p>1 I'll stipulate if you use the two different</p> <p>2 methodologies you are going to get two</p> <p>3 dramatically different answers.</p> <p>4 CHAIRMAN STEINGLASS: Satisfactory?</p> <p>5 MR. GRIFFIN: That's satisfactory.</p> <p>6 BY MR. GRIFFIN:</p> <p>7 Q. Now, Mr. Cioffi also asked you</p> <p>8 about monthly data. Did you use monthly data?</p> <p>9 A. No.</p> <p>10 Q. What is the impact of monthly data</p> <p>11 on the guarantees that are owed by these</p> <p>12 Defendants to the Claimants?</p> <p>13 A. It would cause the damages to go up</p> <p>14 and not down.</p> <p>15 Q. Is that true in every case?</p> <p>16 A. It would be true in every case.</p> <p>17 Q. Is that a matter of opinion or a</p> <p>18 matter of arithmetic?</p> <p>19 A. It's a matter of arithmetic.</p> <p>20 Q. Now, you also had a long colloquy</p> <p>21 with Mr. Cioffi regarding the difference</p> <p>22 between Appendix E and the Washington Job</p> <p>23 Protection Agreement. Do you recall that?</p> <p>24 A. Yes.</p> <p>25 Q. Did he ask you whether time should</p>                                                                                                                                   |

28 (Pages 480 to 483)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 484</p> <p>1 be significant -- should be a factor in<br/>2 determining the displacement allowance?<br/>3 A. He did ask me that, yes.<br/>4 Q. I would like to ask you if you<br/>5 could, to read the first sentence of the third<br/>6 full paragraph in Appendix E. It's the third<br/>7 full paragraph.<br/>8 A. "For purposes of determining<br/>9 whether or to what extent such an employee has<br/>10 been placed in a worse position with respect to<br/>11 his compensation, his total compensation and<br/>12 total time paid for during the base period will<br/>13 be separately divided by 12. If his<br/>14 compensation in his current position is less in<br/>15 any month, commencing with the first month<br/>16 following the date of the consummation of the<br/>17 merger, then his average base period<br/>18 compensation adjusted to include subsequent<br/>19 general wage increases, he shall be paid the<br/>20 difference --" that would be step seven on Mr.<br/>21 Cioffi's chart -- less compensation for any<br/>22 time lost on account of voluntary absences to<br/>23 the extent that he is not available for service<br/>24 equivalent to his average time paid --" and it<br/>25 goes on.</p> | <p style="text-align: right;">Page 486</p> <p>1 CHAIRMAN STEINGLASS: Mr. Cioffi,<br/>2 recross?<br/>3 RE CROSS-EXAMINATION OF HARVEY ROSEN, PHD<br/>4 BY MR. M. L. CIOFFI:<br/>5 Q. We really are getting into this but<br/>6 it was on redirect. You know, don't you, that<br/>7 the -- it's right there on the first page. The<br/>8 first page of the Merger Protection Agreement<br/>9 specifically references and incorporates the<br/>10 WJPA, doesn't it?<br/>11 A. Yes.<br/>12 Q. Now, Mr. Griffin asked you, even<br/>13 though we did an extensive demonstration with<br/>14 you up on the board, that if you did a<br/>15 month-by-month comparison, it's going to be<br/>16 inevitably higher, the damage will be<br/>17 inevitably higher. Do you recall him asking<br/>18 you that?<br/>19 A. If we had the data, for<br/>20 month-by-month, it could potentially cause the<br/>21 number to go up.<br/>22 Q. It could. So now it could. But we<br/>23 saw with Mr. Acree if we did a month-by-month<br/>24 comparison, consistent paragraph C giving him a<br/>25 displacement allowance in any month in which he</p> |
| <p style="text-align: right;">Page 485</p> <p>1 Q. Does Appendix E say in any month in<br/>2 which he worked?<br/>3 A. No.<br/>4 Q. Does Appendix E talk about a<br/>5 comparison of total compensation and total<br/>6 time?<br/>7 A. It talks about that is one of the<br/>8 elements that would be taken into account, yes.<br/>9 And that would be in the base period.<br/>10 Q. What does the very first paragraph<br/>11 of Appendix E say?<br/>12 A. "This memorandum of understanding<br/>13 is attached to and made part of the agreement<br/>14 for protection of employees in event of merger<br/>15 of Pennsylvania and New York Central Railroads<br/>16 effective January 1, 1964."<br/>17 Q. Do you know the date of the<br/>18 Washington Job Protection Agreement?<br/>19 A. Yes. May 31, 1936 is when it was<br/>20 signed.<br/>21 Q. So Dr. Rosen, in comparing the<br/>22 Washington Job Protection Agreement and<br/>23 Appendix E, which is the later manifestation?<br/>24 A. Well, 1964 comes after 1936.<br/>25 Q. Thank you.</p>                                                                                                                                                                                                            | <p style="text-align: right;">Page 487</p> <p>1 performs work, that the numbers go dramatically<br/>2 down, don't they?<br/>3 A. If you took out those months where<br/>4 no work was performed, obviously it would go<br/>5 down.<br/>6 Q. But your formula compensates him<br/>7 for time in which he didn't work, right?<br/>8 A. Correct.<br/>9 Q. Okay.<br/>10 MR. M. L. CIOFFI: I have no<br/>11 further questions.<br/>12 CHAIRMAN STEINGLASS: I believe we<br/>13 are finished with this witness.<br/>14 PANEL MEMBER LANSDOWNE: Can I just<br/>15 ask one question?<br/>16 CHAIRMAN STEINGLASS: Go ahead.<br/>17 PANEL MEMBER LANSDOWNE: In your --<br/>18 take any one of these. I want to take Mr.<br/>19 Acree, you have on Page 5 when you are going<br/>20 through your table.<br/>21 THE WITNESS: Table 2.<br/>22 PANEL MEMBER LANSDOWNE: Right.<br/>23 And you say showing the present value of the<br/>24 displacement allowance. That's the title that<br/>25 you identified.</p>                                                                                                                                  |

29 (Pages 484 to 487)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 488</p> <p>1 THE WITNESS: I would disregard the<br/>2 word "presented value." It's of no<br/>3 significance. There is no adjustment in the<br/>4 number.<br/>5 PANEL MEMBER LANSDOWNE: The<br/>6 adjustment is made in the interest calculation.<br/>7 These are 1968 and 1969 dollars.<br/>8 THE WITNESS: Correct. And the<br/>9 word, if it's misleading, scratch it. When you<br/>10 add the interest, then you are at present<br/>11 value. You are absolutely correct.<br/>12 PANEL MEMBER LANSDOWNE: I thought<br/>13 that was the case.<br/>14 And have you testified in<br/>15 railroad -- proceedings involving railroad<br/>16 employees before?<br/>17 THE WITNESS: Hundreds of times.<br/>18 PANEL MEMBER LANSDOWNE: Have you<br/>19 used documents from the Railroad Retirement<br/>20 Board?<br/>21 THE WITNESS: All the time.<br/>22 PANEL MEMBER LANSDOWNE: Thank you.<br/>23 PANEL MEMBER TOMAIN: Doctor, I<br/>24 need some help figuring out the interest and<br/>25 it's this: One way that I understand interest</p>                                                                                                                                                                                                                         | <p style="text-align: right;">Page 490</p> <p>1 Consumption is not to be used for a future --<br/>2 if you are looking at future damages.<br/>3 Something going in the future as opposed to the<br/>4 past. You are looking at the loss of, say, a<br/>5 spouse and you would take it --<br/>6 THE WITNESS: It would apply -- in<br/>7 a situation where you are looking for someone's<br/>8 loss of support where somebody dies and they<br/>9 have been deprived of a paycheck, they have<br/>10 also, in an odd sense, get the benefit of<br/>11 avoiding certain sense expenses for that<br/>12 individual. So that net available for that<br/>13 support would only be calculated after<br/>14 considering consumption, but that's not what we<br/>15 are doing here.<br/>16 PANEL MEMBER TOMAIN: Along, I<br/>17 think, similar lines, wouldn't death then<br/>18 conclude that calculation?<br/>19 THE WITNESS: Not as long as -- no.<br/>20 The obligation is created while the men were<br/>21 alive and were able to receive it under this<br/>22 agreement, so death, doesn't extinguish the<br/>23 obligation.<br/>24 PANEL MEMBER TOMAIN: But you<br/>25 should have stopped calculation at the point of</p> |
| <p style="text-align: right;">Page 489</p> <p>1 compounded is that this a money, as if you<br/>2 would have an investment and you put it away<br/>3 and you compound interest year to year. How<br/>4 should we consider consumption? If I make<br/>5 \$50,000 a year, I'm not going to bank all of<br/>6 that, in fact, some will get consumed and I<br/>7 will not have the use of that money. So how<br/>8 should we consider consumption?<br/>9 THE WITNESS: Very easily. You<br/>10 shouldn't. Because these monies have been<br/>11 owing, they have been deprived of the use<br/>12 whether they would have banked it or spent it<br/>13 is immaterial. The liability has been created<br/>14 in each of the months, technically where a<br/>15 displacement allowance was due, and by virtue<br/>16 of not having it available for either savings,<br/>17 asset accumulation or consumption, that wasn't<br/>18 an option. And that's partially what is being<br/>19 compensated for when you calculate the back<br/>20 interest. So the short answer is consumption<br/>21 would bear no role in that in the sense it was<br/>22 a forced savings, just as it was an interest<br/>23 free loan to the railroad, it's a forced<br/>24 savings to the men.<br/>25 PANEL MEMBER LANSDOWNE:</p> | <p style="text-align: right;">Page 491</p> <p>1 death because we have no idea what the estate<br/>2 would have been worth because of consumption.<br/>3 THE WITNESS: It would simply pass<br/>4 to whatever heirs would be under law.<br/>5 PANEL MEMBER TOMAIN: That's<br/>6 exactly my point. We don't know that. I will<br/>7 accept for the purpose of argument that we will<br/>8 calculate it because this is money lost to the<br/>9 employee, but that money lost to the employee<br/>10 is concluded at death.<br/>11 THE WITNESS: Well, the loss to his<br/>12 estate would go on. And again --<br/>13 PANEL MEMBER TOMAIN: Understood.<br/>14 Possibly it would.<br/>15 CHAIRMAN STEINGLASS: I have a<br/>16 question. Your calculations of displacement<br/>17 allowance were not reduced by any nonrailroad<br/>18 earnings; is that correct?<br/>19 THE WITNESS: Correct.<br/>20 CHAIRMAN STEINGLASS: And did you<br/>21 perform those calculations?<br/>22 THE WITNESS: No. You mean if they<br/>23 had some other work during the period of time?<br/>24 CHAIRMAN STEINGLASS: Correct.<br/>25 THE WITNESS: I did not. Nor would</p>                                                                       |

30 (Pages 488 to 491)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 492</p> <p>1 I be aware of what it was. I wouldn't have had<br/>2 any information on it.<br/>3 CHAIRMAN STEINGLASS: I believe we<br/>4 are concluded for the morning. Thank you,<br/>5 Dr. Rosen.<br/>6 We resume at 1:30. The Panel is<br/>7 going to get together to talk about the balance<br/>8 of the schedule, so I'm sure at 1:30 we will<br/>9 give you some guides about the balance of the<br/>10 schedule for today and tomorrow but we are<br/>11 concluded.<br/>12 PANEL MEMBER TOMAIN: You have one<br/>13 witness?<br/>14 MR. M. L. CIOFFI: Right.<br/>15 PANEL MEMBER TOMAIN: How long do<br/>16 you think it will take?<br/>17 MR. M. L. CIOFFI: Direct, probably<br/>18 45 minutes.<br/>19 PANEL MEMBER TOMAIN: I guess my<br/>20 question is, we don't have to -- we can maybe<br/>21 address it after lunch, is it conceivable that<br/>22 we can conclude all arguments as well as<br/>23 testimony today?<br/>24 MR. M. L. CIOFFI: No.<br/>25 CHAIRMAN STEINGLASS: Since we are</p> | <p style="text-align: right;">Page 494</p> <p>1 - - - - -<br/>2 (Thereupon, Defendant's Exhibits 102<br/>3 through 106 were marked for purposes<br/>4 of identification.)<br/>5 - - - - -<br/>6 AFTERNOON SESSION<br/>7 CHAIRMAN STEINGLASS: Mr. Cioffi.<br/>8 MR. M. L. CIOFFI: Thank you, Mr.<br/>9 Chairman. Before we call our witness, I want<br/>10 to put a couple of the exhibits into the<br/>11 record, rebuttal exhibits and clear up one of<br/>12 the issues that was raised in the case of the<br/>13 Claimant and that is about these so-called<br/>14 railroad records or missing records, who had<br/>15 them, who didn't have them. I think that we<br/>16 explained to you what the situation was in the<br/>17 opening statement, that these were all<br/>18 documents conveyed at Conrail. I told you that<br/>19 we will produce evidence to that effect, which<br/>20 we will do right now.<br/>21 If I could direct the Panel, in<br/>22 sequence I gave you PCTC Exhibit 104 is an<br/>23 order of the special court which orders Penn<br/>24 Central, pursuant to, as I told you in my<br/>25 opening remarks, the Regional Rail</p>                            |
| <p style="text-align: right;">Page 493</p> <p>1 going to address that issue at lunch, why don't<br/>2 we continue this conversation now and why don't<br/>3 you expand on your notes.<br/>4 MR. M. L. CIOFFI: They agree with<br/>5 me.<br/>6 CHAIRMAN STEINGLASS: I still would<br/>7 like an expansion.<br/>8 MS. TRICARICHI: Lightning struck;<br/>9 we agreed.<br/>10 CHAIRMAN STEINGLASS: We will talk<br/>11 about this after lunch.<br/>12<br/>13 (Luncheon Recess taken.)<br/>14 - - - - -<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <p style="text-align: right;">Page 495</p> <p>1 Reorganization Act to convey property to<br/>2 Conrail. Conrail then, in turn, conveys the<br/>3 passenger portion to Amtrak under the design of<br/>4 the Regional Rail Reorganization. So to order<br/>5 the court to the trustees of Penn Central,<br/>6 specifically, to make the conveyance.<br/>7 If I could direct the Panel's<br/>8 attention to Exhibit 105 --<br/>9 MS. TRICARICHI: Can I just ask a<br/>10 clarification?<br/>11 CHAIRMAN STEINGLASS: Go ahead.<br/>12 MS. TRICARICHI: Because my<br/>13 understanding was, depending on what the<br/>14 schedule was and what the Panel talked about,<br/>15 we were going to talk about admission of<br/>16 exhibits that weren't included in the packets<br/>17 before on Thursday. And that was my<br/>18 understanding that we were going to talk about<br/>19 them. I don't know if he is testifying on his<br/>20 case in chief.<br/>21 MR. M. L. CIOFFI: I'm putting this<br/>22 in the record so we can talk about it.<br/>23 CHAIRMAN STEINGLASS: Because of<br/>24 the schedule, it makes sense, to the extent<br/>25 possible, that we are seeing any parties'</p> |

31 (Pages 492 to 495)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 496</p> <p>1 ability to add supplemental exhibits to the<br/>2 record as much as we could do today would be a<br/>3 good thing, because we are going to have a bit<br/>4 of a crunch tomorrow. I know it's a little out<br/>5 of the ordinary, but I'm going to let these<br/>6 exhibits come in now. Clearly, if you have<br/>7 additional exhibits, you will have an<br/>8 opportunity to put them in.<br/>9 MS. TRICARICHI: Right. And not<br/>10 only additional exhibits but responses to these<br/>11 as well, showing our discovery and so forth.<br/>12 MR. HART: I want to know whether<br/>13 we are going to be arguing about every document<br/>14 that we are submitting as a set of documents.<br/>15 If we are, that's one thing, I understand what<br/>16 we are doing but if we are just going to be<br/>17 submitting them, then the argument would be --<br/>18 CHAIRMAN STEINGLASS: Well, I think<br/>19 what we are doing today, right now, is<br/>20 submitting them and we are listening to a<br/>21 little bit of identification so we know what's<br/>22 being submitted and it's light on arguments,<br/>23 more pointedly, identification.<br/>24 MR. M. L. CIOFFI: Correct.<br/>25 CHAIRMAN STEINGLASS: Procedurally,</p> | <p style="text-align: right;">Page 498</p> <p>1 CHAIRMAN STEINGLASS: He has<br/>2 submitted it and called our attention to<br/>3 Schedule D.<br/>4 MR. HART: For what he wants it to<br/>5 say.<br/>6 MS. TRICARICHI: Yes. We don't<br/>7 have any witness; he is testifying.<br/>8 CHAIRMAN STEINGLASS: We have a ton<br/>9 of documents in the case that have an equally<br/>10 solid foundation and I think the general ruling<br/>11 has been we are going to let these documents<br/>12 in, and I think that's been true for both<br/>13 sides. So I'm going to let you continue to<br/>14 identify the documents. Are there more than<br/>15 these three?<br/>16 MR. M. L. CIOFFI: No, this is it.<br/>17 The last one is our response and objection to<br/>18 Plaintiffs' first set of request for production<br/>19 of documents. Not only were these documents<br/>20 conveyed in 1976, but we told them that in<br/>21 response to the request for production of<br/>22 documents. If you look at page 4, we say that<br/>23 pursuant to the Final System Plan and the Rail<br/>24 Act, personnel records were transferred to<br/>25 Conrail. So we told them that back in</p> |
| <p style="text-align: right;">Page 497</p> <p>1 when we are going to argue the legal<br/>2 significance of some of this is an issue still<br/>3 to be determined. I think we just want to get<br/>4 these exhibits in now.<br/>5 MR. M. L. CIOFFI: That's true.<br/>6 On the bill of sale, Exhibit 105,<br/>7 if I could direct the Panel's attention to<br/>8 Schedule D. This is a bill of sale, obviously,<br/>9 like any other bill of sale. It lists all the<br/>10 property that goes to Conrail. So it's about<br/>11 13 pages in, you see Schedule D.<br/>12 CHAIRMAN STEINGLASS: I'm sure I'll<br/>13 find it.<br/>14 MR. M. L. CIOFFI: It says "Books,<br/>15 Files and Records. All current and historical<br/>16 books, files, records, instruments and<br/>17 documents of every kind in which Grantor has<br/>18 any interests, proprietary, custodial,<br/>19 including but not limited to: Business<br/>20 records, muniments of title, deeds, tracings<br/>21 and other real estate records, personnel<br/>22 records and files."<br/>23 MR. HART: Your Honor, this is what<br/>24 I'm talking about. They are not just<br/>25 submitting documents for the record.</p>                                                                                                 | <p style="text-align: right;">Page 499</p> <p>1 February. Obviously, it was their burden at<br/>2 that point forward to go to Conrail and get<br/>3 them.<br/>4 CHAIRMAN STEINGLASS: Thank you.<br/>5 MR. M. L. CIOFFI: Are we going to<br/>6 talk about scheduling now?<br/>7 CHAIRMAN STEINGLASS: I thought we<br/>8 would do it after this witness. We will talk<br/>9 about scheduling for the balance of the<br/>10 hearing.<br/>11 MR. M. L. CIOFFI: Because we have<br/>12 reconsidered your request a little bit. We are<br/>13 happy, if the Panel wants, to submit<br/>14 posthearing briefs in lieu of any kind of<br/>15 closing arguments. They are going to be<br/>16 redundant.<br/>17 CHAIRMAN STEINGLASS: Well, let me<br/>18 share, since we started down this course, let's<br/>19 at least give people an idea where we think we<br/>20 are going. Multiple hours of posthearing<br/>21 argument and briefs will clearly be redundant.<br/>22 We have listened, we have read a lot. The<br/>23 issue that the other arbitrators and myself<br/>24 have is whether it would be useful for our<br/>25 understanding to have brief closing arguments</p>                |

32 (Pages 496 to 499)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 500</p> <p>1 and the opportunity to ask questions that have<br/> 2 concerned all of us, I'm sure, about the facts<br/> 3 and about legal issues. That colloquy may well<br/> 4 inform everyone in terms of the issues that we<br/> 5 choose to address in the posthearing briefs.<br/> 6 So we have a scheduling issue<br/> 7 tomorrow morning. My inclination, and I<br/> 8 believe it's shared by the other members of the<br/> 9 Panel, is that we convene early tomorrow, that<br/> 10 we give each side an opportunity for a closing<br/> 11 statement, but that both sides expect not to<br/> 12 compose of -- finishing a statement but rather<br/> 13 have an opportunity to answer questions.<br/> 14 The Plaintiffs would go first. I<br/> 15 would estimate that after an appropriate amount<br/> 16 of time, probably 45 minutes, the carrier would<br/> 17 then have the same opportunity to make a brief,<br/> 18 and I really emphasize brief, closing<br/> 19 statement. And then the members of the Panel<br/> 20 will ask questions and I would think the entire<br/> 21 process tomorrow morning would last less than<br/> 22 two hours. I propose that we convene at eight<br/> 23 a.m., again, because of the scheduling issue.<br/> 24 I also propose that at the end of<br/> 25 the testimony today, we try to identify any</p> | <p style="text-align: right;">Page 502</p> <p>1 that motion. But presumptively, the<br/> 2 evidentiary record would be closed at the end<br/> 3 of this hearing.<br/> 4 We would then have, as I indicated,<br/> 5 an exchange of posthearing briefs. The members<br/> 6 of the Panel believe that proposed findings of<br/> 7 fact and conclusions of law would undoubtedly<br/> 8 help the Panel. I have no doubt that virtually<br/> 9 every proposed finding of fact and conclusion<br/> 10 of law can be located someplace in the briefing<br/> 11 that's been submitted. But pulling it together<br/> 12 and making it as easy for us as possible is a<br/> 13 good thing. Keying the proposed finding to the<br/> 14 record, the exhibits and, where appropriate,<br/> 15 the testimony, would, to be sure, be of<br/> 16 assistance.<br/> 17 So the timing of that exchange of<br/> 18 briefs will depend upon when you get the<br/> 19 transcript. It's my inclination and I<br/> 20 discussed this with the other arbitrators, but<br/> 21 it's my inclination to provide a 45-day period<br/> 22 for posthearing briefs after receipt of the<br/> 23 transcript, a 30-day period for replies, and we<br/> 24 would then end. I spoke to the court reporter,<br/> 25 she estimates that an administration like this</p> |
| <p style="text-align: right;">Page 501</p> <p>1 other scheduling, exhibit-related or other<br/> 2 issues that we have to resolve, keeping in mind<br/> 3 that we are going to save that time tomorrow<br/> 4 morning for closing arguments and questions.<br/> 5 Since we are doing this, let's take<br/> 6 it a step further. One of the things that we<br/> 7 can address tomorrow in the morning is that the<br/> 8 Panel is not inclined to leave the record open<br/> 9 for the receipt of the social security records.<br/> 10 The social security record issue -- our initial<br/> 11 conclusion about leaving the record open came<br/> 12 at a time when we didn't know that the railroad<br/> 13 retirement records had social security<br/> 14 information in it.<br/> 15 I appreciate the argument that<br/> 16 perhaps the social security information is more<br/> 17 accurate or may fill in gaps, and we would<br/> 18 nonetheless plan to close the record in a<br/> 19 formal sense to be sure. If either side, after<br/> 20 the close of the record, wanted to make a<br/> 21 motion to supplement the record, perhaps the<br/> 22 social security records would show a wildly<br/> 23 different story than the railroad retirement<br/> 24 records perhaps. Perhaps other exhibits would<br/> 25 appear, you would have the opportunity to make</p>                  | <p style="text-align: right;">Page 503</p> <p>1 takes about two weeks to complete the<br/> 2 transcript. We are in a holiday season, so my<br/> 3 recommendation is that we assume that you will<br/> 4 get the transcript by December 31st and that<br/> 5 the clock will start ticking on that day and<br/> 6 that February 14 and February 29<br/> 7 respectively will be the 45th day and 15 days<br/> 8 later for the reply briefs. So that's the<br/> 9 inclination. If that's acceptable as you sit<br/> 10 here, tell me that. If it's not, we can have<br/> 11 more discussions about it.<br/> 12 MR. M. L. CIOFFI: It makes sense<br/> 13 to me.<br/> 14 MS. TRICARICHI: I didn't hear you.<br/> 15 You said February 14 --<br/> 16 CHAIRMAN STEINGLASS: You would<br/> 17 have the transcript no later than the 31st. If<br/> 18 you had it earlier, there would be more than 45<br/> 19 days to respond. So the dates would be<br/> 20 February 14 and then 15 days later for replies.<br/> 21 MS. TRICARICHI: So about March 1?<br/> 22 CHAIRMAN STEINGLASS: Actually,<br/> 23 it's a leap year, so it's the 29th. If, as you<br/> 24 sit here, you think that 15 days isn't enough<br/> 25 and you want to add to that, tell me now.</p>                                                                            |

33 (Pages 500 to 503)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 504</p> <p>1 MR. M. L. CIOFFI: We ought to<br/>2 decide now.<br/>3 MS. TRICARICHI: That's sounds<br/>4 acceptable to us.<br/>5 MR. M. L. CIOFFI: It's okay with<br/>6 us. Really, we will submit three documents,<br/>7 that is a posthearing brief, proposed findings<br/>8 of fact and proposed conclusion of law.<br/>9 CHAIRMAN STEINGLASS: Right.<br/>10 MR. M. L. CIOFFI: We will submit<br/>11 those simultaneously in 45 days.<br/>12 CHAIRMAN STEINGLASS: Right.<br/>13 MR. M. L. CIOFFI: And then 10 days<br/>14 later --<br/>15 CHAIRMAN STEINGLASS: 15 days<br/>16 later.<br/>17 MR. M. L. CIOFFI: 15 days later we<br/>18 will submit a reply.<br/>19 CHAIRMAN STEINGLASS: That's<br/>20 correct.<br/>21 MS. TRICARICHI: That's fine.<br/>22 MR. M. L. CIOFFI: We are in<br/>23 agreement.<br/>24 CHAIRMAN STEINGLASS: With that<br/>25 addressed, why don't we begin the afternoon</p>                                                                                                                                                                     | <p style="text-align: right;">Page 506</p> <p>1 In 1966, I also commenced study at<br/>2 Northwestern University's Graduate School of<br/>3 Management in Chicago Illinois, at which point,<br/>4 one year later, I graduated with an MBA degree<br/>5 as for business administration in passenger<br/>6 transportation.<br/>7 In 1984, I was certified as a<br/>8 certified travel counselor by the Institute of<br/>9 Certified Travel Agents in Wellesly,<br/>10 Massachusetts.<br/>11 And subsequent to that, I have<br/>12 taught as an adjunct assistant professor and as<br/>13 an adjunct professor at several universities,<br/>14 including Manhattan College Graduate School of<br/>15 Civil Engineering, Pace University and the<br/>16 University of California. In each case, my<br/>17 teaching was in passenger transportation.<br/>18 Q. Great. Let's start with your<br/>19 professional experience. What was the first<br/>20 job you had out of high school?<br/>21 A. After high school, I was attending<br/>22 New York University when I was asked by the<br/>23 Southeastern Pennsylvania Transportation<br/>24 Compact to serve part-time during my school as<br/>25 transportation analyst in Philadelphia,</p> |
| <p style="text-align: right;">Page 505</p> <p>1 session.<br/>2 BY MR. GROPPE: The defense calls<br/>3 Michael Weinman.<br/>4 MICHAEL WEINMAN, of lawful age,<br/>5 called for examination, being first duly sworn,<br/>6 as hereinafter certified, deposed and said as<br/>7 follows:<br/>8 DIRECT EXAMINATION OF MICHAEL WEINMAN<br/>9 BY MR. GROPPE:<br/>10 Q. Good afternoon, Mr. Weinman.<br/>11 Thanks for coming in today. Could you please<br/>12 state your full name for the record.<br/>13 A. My name is Michael Robert Weinman.<br/>14 Q. Good afternoon, Mr. Weinman. Can<br/>15 you go into what's your educational background<br/>16 starting with high school, after high school?<br/>17 A. In 1962, I attended Stevens<br/>18 Institute of Technology in Hoboken, New Jersey<br/>19 in the pursuit of a degree in mechanical<br/>20 engineering.<br/>21 In 1963, I transferred to New York<br/>22 University in New York City, School of<br/>23 Commerce, Accounts and Finance and graduated<br/>24 there in 1966 with a bachelor of science degree<br/>25 in passenger transportation.</p> | <p style="text-align: right;">Page 507</p> <p>1 Pennsylvania. Southeastern Pennsylvania<br/>2 Transportation Compact or SEPAC was a<br/>3 predecessor agency of today's Southeastern<br/>4 Pennsylvania Transportation Authority, also<br/>5 known as SEPTA. My duties were pursuant to the<br/>6 ten-year plan for commuter rail passenger<br/>7 service in Philadelphia.<br/>8 Following that and following<br/>9 graduation from Northwestern University, I was<br/>10 an employee of the New York Central Railroad<br/>11 starting in 1967. I became an operating<br/>12 management trainee for the New York Central.<br/>13 Q. What were some of your job<br/>14 functions and responsibilities?<br/>15 A. As an operating management trainee,<br/>16 I was engaged in an 18-month training program,<br/>17 on the job as well as in educational<br/>18 environments, to learn about becoming a<br/>19 railroad operating officer. Approximately six<br/>20 months of the 18 was spent in the<br/>21 transportation department, six months in<br/>22 engineering and six months in mechanical or<br/>23 vehicle maintenance.<br/>24 Q. What was your next position?<br/>25 A. Upon graduation from the operating</p>                 |

34 (Pages 504 to 507)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 508</p> <p>1 management training program, I became project<br/>2 engineer for passenger equipment of the then<br/>3 merged Penn Central in Philadelphia<br/>4 Pennsylvania.<br/>5 Q. What were some of your job<br/>6 responsibilities associated with that job?<br/>7 A. As project engineer for passenger<br/>8 equipment, first in the mechanical department<br/>9 and later in the passenger transportation<br/>10 department, I was in charge of the maintenance<br/>11 support of a fleet of passenger railcars<br/>12 numbering approximately 3,900.<br/>13 Q. What was your next position?<br/>14 A. Following my work with Penn Central<br/>15 as project engineer for passenger equipment or,<br/>16 more accurately, during that work, I was loaned<br/>17 by the trustees of Penn Central to the<br/>18 incorporators of the National Railroad<br/>19 Passenger Corporation, known at that time<br/>20 informally as Rail Packs and now known as<br/>21 Amtrak.<br/>22 My position during that multimonth<br/>23 loan was to assist in the evaluations of the<br/>24 National Railroad passenger car fleet and<br/>25 recommend to Amtrak just which cars should be</p> | <p style="text-align: right;">Page 510</p> <p>1 locomotives and cars and to do various<br/>2 operations studies pursuant to their safe,<br/>3 efficient and comfortable operation over the<br/>4 national network.<br/>5 Q. What was your next position?<br/>6 A. In April, 1972, I left Amtrak and<br/>7 became an independent consultant, effectively<br/>8 forming my own company, a sole proprietorship,<br/>9 which I called Michael R. Weinman, Passenger<br/>10 Transportation Specialist.<br/>11 At that point my first client was<br/>12 the Illinois Department of Transportation and I<br/>13 assisted that department in setting up its<br/>14 railroad passenger program, which is today one<br/>15 of the largest state programs in the country.<br/>16 I also had clients in Detroit establishing<br/>17 commuter rail service and subsequently had<br/>18 clients that were involved with the Amtrak's<br/>19 bi-level Superliner fleet.<br/>20 At that point my company grew and<br/>21 continued to do so. In 1985 we incorporated<br/>22 and we are now a Colorado corporation with<br/>23 approximately 20 people on our roster<br/>24 headquartered in Pennsylvania.<br/>25 Q. What is your position with PTSI?</p> |
| <p style="text-align: right;">Page 509</p> <p>1 purchased. And then at the same time, I<br/>2 participated with members of the Federal<br/>3 Railroad Administration and early employees of<br/>4 Amtrak in establishing the initial network of<br/>5 rail passenger service to be served with<br/>6 Amtrak's commencement in 1971.<br/>7 Q. What was your next position?<br/>8 A. On May 1, 1971 when Amtrak came<br/>9 into existence, I was done with my secondment<br/>10 and returned to Penn Central in my previous<br/>11 position as project engineer for passenger<br/>12 equipment. And in August of 1971, I was tapped<br/>13 by the National Railroad Passenger Corporation<br/>14 or Amtrak to be their third or fourth operating<br/>15 officer.<br/>16 My role was general superintendent<br/>17 of operations planning and later on became<br/>18 general superintendent of equipment<br/>19 performance.<br/>20 Q. What were some of your job<br/>21 responsibilities?<br/>22 A. As general superintendent of<br/>23 operations planning, it was my responsibility<br/>24 to schedule all passenger trains operated by<br/>25 Amtrak and to resource them with equipment,</p>                         | <p style="text-align: right;">Page 511</p> <p>1 A. I am the chairman and president.<br/>2 Q. Describe some of the goals, the<br/>3 functions, the specializations of PTSI. What<br/>4 do you guys do?<br/>5 A. PTSI is a consultancy devoted<br/>6 almost entirely to the management of railroad<br/>7 passenger services, and that includes passenger<br/>8 services as diverse as urban light rail and<br/>9 subway services, commuter rail services,<br/>10 intercity and corridor-type passenger service<br/>11 and high speed rail service, as well delux tour<br/>12 trains and occasionally the odd service such as<br/>13 service trains.<br/>14 We do equipment work, we do<br/>15 transportation work, which is to say planning<br/>16 train movement and determining their<br/>17 efficiency, planning schedules. We do<br/>18 timetable preparation. We do safety audits.<br/>19 We do manage systems work. We have a<br/>20 specialization in customer services and onboard<br/>21 services.<br/>22 And in a related corporation, a<br/>23 recent subsidiary, we've established and<br/>24 written what's known as UK Railway Timetables,<br/>25 Ltd. We will be involved in the publication of</p>                         |

35 (Pages 508 to 511)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 512</p> <p>1 passenger timetables.</p> <p>2 Q. Thank you.</p> <p>3 Mr. Weinman, were you asked by the</p> <p>4 Defendant to be an expert witness to this case</p> <p>5 in the field of railroad passenger service and</p> <p>6 operations?</p> <p>7 A. Yes.</p> <p>8 Q. What did the Defendant ask you to</p> <p>9 do?</p> <p>10 A. Essentially, PTSI Transportation</p> <p>11 was asked to research the rather sad story of</p> <p>12 railway passenger service in the United States</p> <p>13 in the decades following World War II and</p> <p>14 continuing through 1968, the year of the Penn</p> <p>15 Central merger and slightly beyond that,</p> <p>16 insofar as the effects of the period thereafter</p> <p>17 the war onto the period of the merger.</p> <p>18 Our study examined the decline of</p> <p>19 railway passenger service as a mode. It</p> <p>20 examined the effects of national trends on Penn</p> <p>21 Central and it's predecessor railways. It</p> <p>22 examined those trends as they affected rail</p> <p>23 passenger service in the Cleveland area and</p> <p>24 specifically in the Cleveland Union Terminal.</p> <p>25 Q. Did you do that?</p> | <p style="text-align: right;">Page 514</p> <p>1 Q. What were some of the factors that</p> <p>2 led to this decline?</p> <p>3 A. Our research identified a number of</p> <p>4 factors in the decline and much of it was</p> <p>5 intuitive based on the knowledge of rail</p> <p>6 passenger service, and much of it became</p> <p>7 evident simply looking at the numbers. The</p> <p>8 decline was precipitated, of course, following</p> <p>9 World War II via a general trend exacerbated by</p> <p>10 public policy, but specifically there were</p> <p>11 numerous things that led to the decline in</p> <p>12 Cleveland's passenger service. In 1967 the New</p> <p>13 York Central substantially restructured its</p> <p>14 passenger service, both on the system and in</p> <p>15 New York state, and that had repercussions on</p> <p>16 services to and through Cleveland.</p> <p>17 There were many declines in the</p> <p>18 mail service precipitated by the United States</p> <p>19 Post Office policies, including the diminution</p> <p>20 of rail carriage in favor of truck and air</p> <p>21 carriage, and the use of automated sorting,</p> <p>22 which made redundant the railway post office</p> <p>23 cars.</p> <p>24 The Railway Express Agency, which</p> <p>25 had been owned by the railways and performed a</p>   |
| <p style="text-align: right;">Page 513</p> <p>1 A. Yes, we did.</p> <p>2 Q. Are the results of your research</p> <p>3 contained in what's been marked as Exhibit 1,</p> <p>4 PCTC Exhibit 1, which is sitting in front of</p> <p>5 you?</p> <p>6 A. Yes.</p> <p>7 Q. Are the sources that you relied</p> <p>8 upon contained in that expert report?</p> <p>9 A. Yes, the sources are contained in</p> <p>10 the report.</p> <p>11 Q. Are these the sources you relied</p> <p>12 upon?</p> <p>13 A. Yes. That enclosure contains all</p> <p>14 of the sources we relied upon, other than the</p> <p>15 knowledge built up over the years in my work in</p> <p>16 this field.</p> <p>17 MR. GROPE: I would like the</p> <p>18 record to show that he is relying on the source</p> <p>19 document, which is located in Exhibit 1 right</p> <p>20 after the page Bates labeled PCC 003887.</p> <p>21 Q. So was there a decline in passenger</p> <p>22 service in and around the Cleveland area</p> <p>23 nationally, from what you said, postwar up to</p> <p>24 and at 1968?</p> <p>25 A. Regretfully, that's true.</p>                                                                                                 | <p style="text-align: right;">Page 515</p> <p>1 role that was in many respects similar to UPS</p> <p>2 and Federal Express of today, the company went</p> <p>3 out of business in that era.</p> <p>4 Of course the public policy led to</p> <p>5 the creation of interstate highways and prior</p> <p>6 to that, several notable state limited access</p> <p>7 highways, including the New York state</p> <p>8 throughway and the Ohio Turnpike. The public</p> <p>9 policy also led to the development of jet</p> <p>10 aircraft.</p> <p>11 Nationally, there was a trend</p> <p>12 towards or suburbanization and a diminution in</p> <p>13 the central city and that has continued, to a</p> <p>14 certain extent, to the present day. There were</p> <p>15 in the late 1960s troubles, often motivated</p> <p>16 with racial overtones that created urban</p> <p>17 problems that diminished further the capacity</p> <p>18 of central city areas to bear the business</p> <p>19 concentration they had formally done. This, in</p> <p>20 turn, these factors, in turn, led to a decline</p> <p>21 in public transportation use and availability</p> <p>22 in cities, much of which had fed railway</p> <p>23 passenger stations.</p> <p>24 The network, the national network</p> <p>25 of passenger trains was in a decline and as a</p> |

36 (Pages 512 to 515)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 516</p> <p>1 network declines, links in that network to<br/> 2 various nodes are eliminated. As they are<br/> 3 eliminated, the importance of the nodes<br/> 4 declines because there are less opportunities<br/> 5 at those nodes. And such nodes as Chicago,<br/> 6 Buffalo, St. Louis, all have been connected<br/> 7 with Cleveland, lost many of their trains and<br/> 8 therefore the journey opportunities declined.<br/> 9 The air travel business had been<br/> 10 booming. I mentioned the implementation of jet<br/> 11 aircraft. The first commercial flight was in<br/> 12 1958, largely based on military technology<br/> 13 transferred to the commercial sector. The air<br/> 14 travel business was obviously not concentrated<br/> 15 in the downtown. There had to be substantial<br/> 16 airports taking substantial land and of course<br/> 17 with substantial parking. But in Cleveland, in<br/> 18 addition to the parking, one evidence of<br/> 19 foresight was that the rapid transit was<br/> 20 extended to Cleveland Hopkins Airport, probably<br/> 21 the first example of a rail-served airport in<br/> 22 the United States, but clearly indicating that<br/> 23 the airport was a major destination for<br/> 24 travelers.<br/> 25 Cleveland, as so many of the cities</p> | <p style="text-align: right;">Page 518</p> <p>1 MR. HART: Which number?<br/> 2 MR. GROPE: PCC 003967.<br/> 3 A. Yes, I have that.<br/> 4 Q. It's in Exhibit 1. Can you please<br/> 5 identify that document?<br/> 6 A. That document is an extract known<br/> 7 as intercity passenger traffic in the United<br/> 8 States in millions of passenger miles.<br/> 9 Q. So what's the significance of that<br/> 10 document forming your report?<br/> 11 A. First, I should indicate that a<br/> 12 passenger mile is one passenger conveyed one<br/> 13 mile. So the passenger taking a trip of 100<br/> 14 miles would accrue 100 passenger miles. And<br/> 15 that applies to any node.<br/> 16 This document, which covers the<br/> 17 time period 1949 to 1966, was issued by the<br/> 18 Interstate Commerce Commission and it shows the<br/> 19 relative importance of the four major modes,<br/> 20 that is railways, buses, air carriers and<br/> 21 private automobiles. And it shows in these<br/> 22 millions of passenger miles the relative<br/> 23 decline in the railway business as compared to<br/> 24 the other modes, primarily air and especially<br/> 25 automobile.</p>                                                                                                                                         |
| <p style="text-align: right;">Page 517</p> <p>1 in the Northeast, became known as the rust belt<br/> 2 in that heavy manufacturing was in a decline,<br/> 3 was moving both to the sun belt and more<br/> 4 recently to the Orient. And therefore, as<br/> 5 heavy industry declined, the number of jobs in<br/> 6 these areas and the number of reasons to go to<br/> 7 them for traveller, business traveler<br/> 8 primarily, declined.<br/> 9 There were a few economic<br/> 10 recessions in the 1950s and early 1960 era and<br/> 11 that certainly did not help the railways.<br/> 12 And finally, another factor was the<br/> 13 loss of population in the cities in the<br/> 14 so-called rust belt that I have described. As<br/> 15 the population diminished and of course as the<br/> 16 economic activities diminished, there were less<br/> 17 opportunities for travel and less reasons for<br/> 18 travel.<br/> 19 All of these led to a literal<br/> 20 tailspin in rail passenger use on an intercity<br/> 21 basis in America. And the Northeastern United<br/> 22 States and the routes through Cleveland took an<br/> 23 especially heavy burden of this diminution.<br/> 24 Q. Can you please turn to the page<br/> 25 marked in your expert report marked PCC 003967?</p>                                               | <p style="text-align: right;">Page 519</p> <p>1 Q. What are some of the numbers of the<br/> 2 document, what do they reflect?<br/> 3 A. They reflect that the railways, in<br/> 4 1949, carried 35,133 millions of passenger<br/> 5 miles and by 1966 it was almost exactly 50<br/> 6 percent of that. The bus industry took a small<br/> 7 hit, perhaps 10 percent. But it started out at<br/> 8 27,933 millions of passenger miles and<br/> 9 diminished only to 24,592. Air carriers, on<br/> 10 the other hand, went up about a thousand<br/> 11 percent from 8,616 in 1949 to 69,356 millions<br/> 12 of passenger miles by 1966. And that trend was<br/> 13 not abated.<br/> 14 The automobile, though, is clearly<br/> 15 the most significant. It's less than the<br/> 16 airlines in percent increase, but with<br/> 17 substantially higher base numbers. In 1949 the<br/> 18 automobile, even on limited highways that were<br/> 19 available to the traveling public in that year,<br/> 20 made 276,313 million passenger miles of trips.<br/> 21 And it had almost quadrupled by 1966 to 901,573<br/> 22 millions of passenger miles. So the automobile<br/> 23 did not, in any way, decline. It continued to<br/> 24 dominate all modes. As it does today and of<br/> 25 course that was aided and abetted by the</p> |

37 (Pages 516 to 519)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 520</p> <p>1 tremendous increases of the interstate highway<br/>2 and other limited highway systems.<br/>3 Q. Is the decline in passenger miles<br/>4 here listed reflective of the decline in<br/>5 passenger miles of CUT?<br/>6 A. Yes, it is.<br/>7 Q. How so?<br/>8 A. Well, these trends, these national<br/>9 trends showed a great diminution in railroad<br/>10 use up until the late '60s. And in those<br/>11 charts shown to be beyond the '60s, clearly<br/>12 that trend continued and indeed, in terms of<br/>13 railway use, has only recently, in the last few<br/>14 years, begun to reverse itself as new national<br/>15 goals and new national problems make themselves<br/>16 known.<br/>17 However, in this period, it was a<br/>18 secular decline and that applied to the<br/>19 national system, to the railways which serve<br/>20 Cleveland and to the railways which serve<br/>21 Cleveland Union Terminal.<br/>22 Q. I'm going to have you go to the<br/>23 page marked PCC 003957.<br/>24 A. Yes, I have that.<br/>25 Q. Please identify what that document</p>                                                                                                                                                                                  | <p style="text-align: right;">Page 522</p> <p>1 show in the second column on the latter page<br/>2 3957. So again, disregarding those relatively<br/>3 minor discrepancies, and I say relatively minor<br/>4 because the competing mode of the automobile<br/>5 was indeed dwarfing it by probably several<br/>6 hundred percent, the continued diminution up<br/>7 until 1970, which was reversed only years after<br/>8 Amtrak's inception in 1971, showed that this<br/>9 was a secular trend that continued unabated<br/>10 through and past the period of study.<br/>11 Q. Is the decline of passenger miles<br/>12 listed on that page, which is 3957, is that<br/>13 also reflected with the passenger decline in<br/>14 passenger miles.<br/>15 A. Yes. It's essentially a parallel.<br/>16 Q. I'm going to have you go to the<br/>17 page marked PCC 003925.<br/>18 A. Yes, I have that.<br/>19 Q. Could you please identify what the<br/>20 document is.<br/>21 A. This page and the one immediately<br/>22 behind it are charts -- strike that.<br/>23 This page alone is a chart of<br/>24 passenger statistics, primarily passengers and<br/>25 passenger miles which were accrued by the three</p> |
| <p style="text-align: right;">Page 521</p> <p>1 is.<br/>2 A. That document is a compilation of<br/>3 various North American railroad passenger<br/>4 statistics, and in many respects it parallels<br/>5 and continues the trend shown in the previous<br/>6 document. In fact, comparing the actual<br/>7 numbers, which, again, are in millions of<br/>8 revenue passenger miles, in the most left-hand<br/>9 column on page PCC 003957, you will see that<br/>10 there is a very close parallel. There are some<br/>11 minor discrepancies, doubtless caused by the<br/>12 different sorts of reporting. But in general,<br/>13 those trends are completely concordant.<br/>14 The latter page continues until<br/>15 1970. And in 1970, the number that we quote in<br/>16 1966 was approximately one third. However,<br/>17 again, through a reporting discrepancy, there<br/>18 was a minor difference. On the former page, we<br/>19 showed 17,268 millions of passenger miles and<br/>20 on this page, we showed 12,903 millions of<br/>21 passenger miles for the year 1966. And that<br/>22 discrepancy, again, is reporting inconsistency.<br/>23 For instance, some of the Canadian railways<br/>24 which operated subsidiaries in the US are<br/>25 probably listed separately. And they, indeed,</p> | <p style="text-align: right;">Page 523</p> <p>1 predecessor companies of Penn Central:<br/>2 Pennsylvania Railroad, New York Central<br/>3 Railroad and the New York, New Haven and<br/>4 Hartford Railroad.<br/>5 Q. What is the significance of that<br/>6 document in forming your report?<br/>7 A. This document takes our national<br/>8 statistics that we just discussed and refines<br/>9 them, concentrating on the northeastern<br/>10 territory served by these three railways. And<br/>11 again, it takes the data available to us, which<br/>12 go back for all three railways to 1947 to the<br/>13 Pennsylvania Railroad to 1933, brings it up to<br/>14 1966, effectively one of the last two years<br/>15 before the merger, and shows, again, a very<br/>16 dramatic decline in passengers and in passenger<br/>17 miles.<br/>18 Q. Have you summarized the results of<br/>19 that document anywhere in your report?<br/>20 A. Yes, I have.<br/>21 Q. Is that summary located at pages<br/>22 marked PCC 003918 and 003919?<br/>23 A. Yes, it is.<br/>24 Q. What do those results show?<br/>25 A. These results are graphs of the</p>                                                          |

38 (Pages 520 to 523)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 524</p> <p>1    aforementioned tabular data. And the graphs,<br/> 2    rather dramatically, show that since the period<br/> 3    of World War II, the railway passenger business<br/> 4    on the three predecessor roads of Penn Central<br/> 5    has been declining dramatically. It clearly<br/> 6    shows that the falloff was greatest immediately<br/> 7    following the war. It continued at a very<br/> 8    substantial rate through the '50s. And by the<br/> 9    '60 era, they had effectively reached what<br/> 10   might be called rock bottom with the minimum<br/> 11   number of trains carrying the minimum numbers<br/> 12   of passengers and a regulatory approval to<br/> 13   further decrease the number of trains came ever<br/> 14   more slowly. And so the graph does not decline<br/> 15   as rapidly in the 1960s, but it continues a<br/> 16   decline.<br/> 17      Q.    Could you please turn to the page<br/> 18   marked PCC 003964.<br/> 19      A.    Yes, I have that.<br/> 20      Q.    Could you please identify what that<br/> 21   document is.<br/> 22      A.    This chart is an extract of data on<br/> 23   population in Cleveland and eight possible<br/> 24   designation cities in the Northeastern United<br/> 25   States that were served by train from</p> | <p style="text-align: right;">Page 526</p> <p>1    predominant station in Cleveland during that<br/> 2    period and as such, any railway passenger<br/> 3    ridership losses would have manifested<br/> 4    themselves immediately at Cleveland Union<br/> 5    Terminal.<br/> 6      Q.    Could you please start at the page<br/> 7   marked PCC 003961.<br/> 8      A.    Yes, I have that.<br/> 9      Q.    Could you please identify what that<br/> 10   document is.<br/> 11      A.    This is a chart of transit<br/> 12   ridership, predominantly on the Cleveland<br/> 13   transit system in Cleveland, approximately the<br/> 14   same era as the previous population trend<br/> 15   chart. It shows ridership on the Cleveland<br/> 16   transit system between 1950 and 1971.<br/> 17      Q.    What's the significance of that<br/> 18   document?<br/> 19      A.    Even more dramatically than<br/> 20   population, transit ridership declined. It<br/> 21   declined from 375 million riders in 1950 to 101<br/> 22   million in 1971. Effectively, it lost three<br/> 23   quarters of its ridership. And that was, in<br/> 24   part, due to the population loss and the<br/> 25   redistribution of populations to the suburban</p>                                                                                                                   |
| <p style="text-align: right;">Page 525</p> <p>1    Cleveland.<br/> 2      Q.    What's the significance of that<br/> 3   document in forming your report?<br/> 4      A.    This document shows, as I had<br/> 5   indicated in my earlier remarks, that the<br/> 6   population of all, save one, of these cities<br/> 7   was substantially declining and indeed from<br/> 8   1950 to 1960 to 1970 each suffered losses, with<br/> 9   the exception of Indianapolis and Columbus was<br/> 10   pretty much a break-even situation. But some<br/> 11   of them declined rather precipitously in<br/> 12   population and Cleveland took one of the<br/> 13   biggest hits. In this field of a five to 20<br/> 14   percent decline, Cleveland lost almost 20<br/> 15   percent of its population over this 20-year<br/> 16   period.<br/> 17      The implication, of course, as I<br/> 18   had indicated, was that with the reduced<br/> 19   population, there were less journey<br/> 20   opportunities to be made and therefore less<br/> 21   railway riders to be had by the railway<br/> 22   companies.<br/> 23      Q.    So did this decline in population<br/> 24   have an effect on passenger ridership at CUT?<br/> 25      A.    Doubtless it did. CUT was the</p>                                                                      | <p style="text-align: right;">Page 527</p> <p>1    areas that were not well served by transit. It<br/> 2   was, in part, due to the policies of the public<br/> 3   agencies and the preferences of the public<br/> 4   itself in using automobiles over transit.<br/> 5      But it certainly reflected a<br/> 6   national trend in that urban transit ridership<br/> 7   was diminishing. And since urban transit was a<br/> 8   powerful feeder to railway stations such as<br/> 9   Cleveland Union Terminal, the journey<br/> 10   opportunities again were diminished. Cleveland<br/> 11   Union Terminal, being downtown, was not in an<br/> 12   area that was well served by the automobile<br/> 13   because if one was making a multi-day journey,<br/> 14   there would be no place to park, unlike<br/> 15   Cleveland Hopkins Airport and most others in<br/> 16   which parking is a prime component, multi-day<br/> 17   parking, long-term parking especially.<br/> 18      Cleveland therefore depended, as<br/> 19   did many cities of that era, on public<br/> 20   transportation access. And when this<br/> 21   diminished, then clearly journey opportunities<br/> 22   on intercity passenger trains serving Cleveland<br/> 23   Union Terminal would diminish appropriately.<br/> 24      Q.    Please turn to the page marked PCC<br/> 25   003910.</p> |

39 (Pages 524 to 527)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 528</p> <p>1 A. Yes, I have that.</p> <p>2 Q. Could you please identify what that</p> <p>3 document is.</p> <p>4 A. This page and the one behind it are</p> <p>5 a simple chart in two pieces showing all the</p> <p>6 trains, all the passenger trains which served</p> <p>7 Cleveland Union Terminal in the era 1961 to</p> <p>8 1971. And in addition, it lists a few of the</p> <p>9 passenger trains that operated through</p> <p>10 Cleveland but did not serve Cleveland Union</p> <p>11 Terminal.</p> <p>12 Q. What is the significance of that</p> <p>13 document in forming your report?</p> <p>14 A. This document which was extracted</p> <p>15 from timetables, both operating or employee</p> <p>16 timetables and public timetables, effectively</p> <p>17 gives us the total number of trains serving</p> <p>18 Cleveland during that time period. And it</p> <p>19 clearly shows, as do all the other data I have</p> <p>20 mentioned thus far, that the number of trains</p> <p>21 was declining substantially in this period.</p> <p>22 The number of trains in 1961 was approximately</p> <p>23 three times that in 1971.</p> <p>24 Q. Have you summarized those results</p> <p>25 anywhere in your report?</p>                                                                     | <p style="text-align: right;">Page 530</p> <p>1 Q. I'm going to have you turn to the</p> <p>2 page marked PCC 003915.</p> <p>3 A. Yes, I have that.</p> <p>4 Q. Could you please identify that,</p> <p>5 what that document is.</p> <p>6 A. This page is a letter from the</p> <p>7 archives of the New York Central Railroad</p> <p>8 written on November 7, 1967 by a gentleman</p> <p>9 identified as "DTH" to a gentleman identified</p> <p>10 as "RDT."</p> <p>11 CHAIRMAN STEINGLASS: Could you</p> <p>12 repeat that page?</p> <p>13 MR. GROPE: 3915.</p> <p>14 MR. M. L. CIOFFI: Thank you.</p> <p>15 BY MR. GROPE:</p> <p>16 Q. What's the significance of that</p> <p>17 document?</p> <p>18 A. First, I identify the gentleman</p> <p>19 involved. The gentleman named "DTH" is David</p> <p>20 T. Hart, and David T. Hart at the time was</p> <p>21 director of passenger train operations for the</p> <p>22 entire New York Central. RDT was Robert D.</p> <p>23 Timpany, T-I-M-P-A-N-Y, and he was the</p> <p>24 assistant vice president of operating and</p> <p>25 administration for the New York Central.</p>                                                                                                                                                                                                                                                                                     |
| <p style="text-align: right;">Page 529</p> <p>1 A. Yes, we have.</p> <p>2 Q. Do those summaries appear at pages</p> <p>3 marked PCC 003904 and 3905?</p> <p>4 A. Yes, they do.</p> <p>5 Q. What do those results show?</p> <p>6 A. The results tabulated in page PCC</p> <p>7 003904 and graphed on the following page are</p> <p>8 simply the totals of the chart previously</p> <p>9 discussed. They show trains serving Cleveland</p> <p>10 Union Terminal and they divide these trains by</p> <p>11 the carrier, in this case the New York Central</p> <p>12 and later New York Central, the Erie Lackawana,</p> <p>13 the Nickle Plate and the Baltimore &amp; Ohio and</p> <p>14 they total them as well.</p> <p>15 And as I have indicated, the totals</p> <p>16 have substantially diminished from 35 trains in</p> <p>17 1961 to 11 trains in 1971. And the graph shows</p> <p>18 the same steep decline that I indicated</p> <p>19 earlier, and it also shows the same tapering of</p> <p>20 that decline that I referenced earlier, at the</p> <p>21 point, in this case about 1968, when the number</p> <p>22 of trains serving Cleveland Union Terminal had</p> <p>23 so thoroughly diminished that the opportunities</p> <p>24 for further discontinuance were substantially</p> <p>25 slowed by the regulatory process.</p> | <p style="text-align: right;">Page 531</p> <p>1 This letter describes a potential</p> <p>2 problem in the substantial restructuring of the</p> <p>3 passenger service undergoing in 1967 and</p> <p>4 preparatory to the inception of Empire Service</p> <p>5 in December of '67 in New York State. The</p> <p>6 letter describes a problem involving a former</p> <p>7 through train in Cleveland, train No. 51, also</p> <p>8 known as the Empire State Express, in which it</p> <p>9 would no longer be possible for passengers</p> <p>10 traveling through Cleveland, in other words</p> <p>11 from points east of Cleveland to points west of</p> <p>12 Cleveland to Chicago, to continue their journey</p> <p>13 without transferring from coach to coach at</p> <p>14 Cleveland. The reason being that the New York</p> <p>15 Central was planning, according to the letter,</p> <p>16 to take off the last switch engine at Cleveland</p> <p>17 Union Terminal on November 20. A switch engine</p> <p>18 is not necessarily solely a piece of equipment.</p> <p>19 But it is a job assignment. That's the</p> <p>20 reference.</p> <p>21 The job assignment, obviously, is</p> <p>22 conducted with a piece of equipment and a crew,</p> <p>23 but the essential reference is to the job</p> <p>24 assignment and thus the last job assignment</p> <p>25 whose duty it was to switch cars from train to</p> |

40 (Pages 528 to 531)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 532</p> <p>1 train in Cleveland Union Terminal was being<br/>2 abolished, incident to this restructuring and,<br/>3 thenceforth, the only opportunity for trains to<br/>4 use the terminal would be for those to<br/>5 terminate or originate in the terminal or go<br/>6 through the terminal unchanged with their train<br/>7 consistent, that is the cars and locomotives in<br/>8 the train unchanged, because there would be no<br/>9 further crew available to take cars off, put<br/>10 them on or switch them from train to train.<br/>11 This, of course, was a problem and<br/>12 that's the reason for the railway's concern.<br/>13 It was a problem in that the railway had found<br/>14 over the years that when you require passengers<br/>15 to transfer from coach to coach, even if you<br/>16 assist them with their luggage and guarantee<br/>17 the connection, the diminution in ridership is<br/>18 going to be at least 25 percent. This<br/>19 experience was the New York Central's<br/>20 experience as it shrunk in the period we have<br/>21 been discussing and eliminated through trains<br/>22 in favor of connecting trains. This is another<br/>23 one of the reasons that the business declined<br/>24 as rapidly as it had.<br/>25 Q. What's the date on that letter,</p> | <p style="text-align: right;">Page 534</p> <p>1 MR. HART: Objection to the extent<br/>2 you are talking about passenger service --<br/>3 THE WITNESS: I'm sorry. Could you<br/>4 repeat that? I didn't hear you.<br/>5 MR. HART: -- referring to<br/>6 passengers?<br/>7 THE WITNESS: This chart refers to<br/>8 the number of employees and the number of<br/>9 passenger cars handled.<br/>10 MR. HART: That's what I asked. I<br/>11 wasn't sure. I wanted to make sure you were<br/>12 referring to passenger cars.<br/>13 A. All right. Again, looking at these<br/>14 numbers and the summary graph on page PCC<br/>15 003907, shows that the number of employees at<br/>16 the terminal was diminishing in approximately<br/>17 the same proportion and with the same steep<br/>18 decline that the other graphic representations<br/>19 I have referred to show. They declined rapidly<br/>20 and substantially up till the '60s and then at<br/>21 a slightly lower rate, but still a decline, as<br/>22 they approached zero from the '60s onward.<br/>23 And of course, in a terminal such<br/>24 as Cleveland Union Terminal, the number of<br/>25 employees includes employees of various crafts,</p>                              |
| <p style="text-align: right;">Page 533</p> <p>1 again?<br/>2 A. November 7, 1967.<br/>3 Q. What effect did the removal of the<br/>4 switch engine have on the operation at the CUT,<br/>5 in summary?<br/>6 A. It clearly reduces the ability of<br/>7 the terminal to serve passenger trains that<br/>8 require switching, and, of course, it<br/>9 diminishes job opportunities at the terminal<br/>10 because the diminution of the switch crews at<br/>11 the terminal being made necessary by the<br/>12 reduction in business at the terminal, would,<br/>13 of course, reduce the number of job<br/>14 assignments.<br/>15 Q. I'm going to have you turn to the<br/>16 page marked PCC 003909.<br/>17 A. Yes, I have that.<br/>18 Q. Could you please identify what that<br/>19 document is.<br/>20 A. That's a tabulation of the average<br/>21 number of employees and the number of cars<br/>22 handled by year from 1961 to 1975 at Cleveland<br/>23 Union Terminal.<br/>24 Q. What's the significance of that<br/>25 document in forming your report?</p>                                                                                                                                                                                                                                                                            | <p style="text-align: right;">Page 535</p> <p>1 including people who sold tickets, people who<br/>2 handled mail and baggage, people who ran the<br/>3 switch crews, the engineers, brakemen,<br/>4 conductors, people who tended to the needs of<br/>5 the vehicles, car inspectors, electricians and<br/>6 so forth.<br/>7 And more importantly, since<br/>8 Cleveland Union Terminal is very much still in<br/>9 existence but not as a terminal; as a major<br/>10 shopping and retail and business development,<br/>11 it's patently obvious that that infrastructure<br/>12 requires maintainers, maintenance people to do<br/>13 building maintenance, maintain elevators, clean<br/>14 and of course in today's Cleveland Union<br/>15 Terminal known as the Tower City Development,<br/>16 obviously many in the retail trade.<br/>17 In the '60s, the retail trade was<br/>18 selling rail passenger transportation. As this<br/>19 declined, the number of people dedicated to<br/>20 that declined and the minimum numbers that can<br/>21 be seen at the bottom of this list are probably<br/>22 those who were necessary for the maintenance of<br/>23 the facility.<br/>24 Q. What about that number of cars<br/>25 handled?</p> |

41 (Pages 532 to 535)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 536</p> <p>1 A. The number of cars generally</p> <p>2 indicates a similar decline from 231,936 in the</p> <p>3 year 1961, down to nothing in the late '70s.</p> <p>4 In practice, that nothing is probably an</p> <p>5 approximation for a very few, very, very few.</p> <p>6 Q. So diminution in employees was</p> <p>7 reflected by the number of cars handled as</p> <p>8 well, is that what you are saying?</p> <p>9 A. Yes. That number of cars handled</p> <p>10 clearly reflects the same downward trends.</p> <p>11 Q. Mr. Weinman, are you aware of the</p> <p>12 merger between the New York Central and the</p> <p>13 Pennsylvania Railroad?</p> <p>14 A. Yes.</p> <p>15 Q. When did that merger take place?</p> <p>16 A. That merger was consummated on</p> <p>17 February 1, 1968.</p> <p>18 Q. Prior to the merger, was the</p> <p>19 passenger service declining nationally?</p> <p>20 A. Yes, it was.</p> <p>21 Q. Prior to the merger, was the</p> <p>22 passenger service declined for the New York</p> <p>23 Central and Pennsylvania Railroads?</p> <p>24 A. Yes. It was.</p> <p>25 Q. How did the merger between the New</p> | <p style="text-align: right;">Page 538</p> <p>1 the CUT and the reason for that was that the</p> <p>2 Pennsylvania Railroad, which, of course, was</p> <p>3 one of the partners in the merger, had not</p> <p>4 served Cleveland with passenger trains for</p> <p>5 several years. The Pennsylvania Railroad's</p> <p>6 passenger service to Cleveland ended</p> <p>7 approximately 1965 with the removal of the last</p> <p>8 train, which at that time was a remnant of the</p> <p>9 former Cleveland New York train known as the</p> <p>10 Clevelander, and it was a train operated for</p> <p>11 commuters to Youngstown.</p> <p>12 In fact, the Pennsylvania Railroad</p> <p>13 had never used Cleveland Union Terminal and had</p> <p>14 indeed, used their own station, a very large</p> <p>15 facility on the lakefront just on the bluff</p> <p>16 of -- pretty close to the Amtrak station of</p> <p>17 today. It retrenched from that station</p> <p>18 approximately 1963 to it's suburban stop at</p> <p>19 East 55 Street and Euclid Avenue. And from</p> <p>20 that point discontinued its last train in '65.</p> <p>21 So three years went by with no</p> <p>22 passenger service presence whatsoever of the</p> <p>23 Pennsylvania and therefore when the merger</p> <p>24 occurred, the Pennsylvania was a nonentity as</p> <p>25 far as passenger service in Cleveland, as it</p> |
| <p style="text-align: right;">Page 537</p> <p>1 York Central Railroad and the Pennsylvania</p> <p>2 Railroad affect the operations of the CUT?</p> <p>3 MR. HART: Objection. He hadn't</p> <p>4 laid a foundation.</p> <p>5 BY MR. GROPE:</p> <p>6 Q. Okay. Well, you have just</p> <p>7 testified that passenger service was on decline</p> <p>8 with the New York Central and Pennsylvania</p> <p>9 railroads?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. The merger took place on</p> <p>12 February 1, 1968, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Did that decline continue after the</p> <p>15 merger?</p> <p>16 A. Yes, it did.</p> <p>17 Q. What was the result of that decline</p> <p>18 in passenger service to the CUT after the</p> <p>19 merger?</p> <p>20 A. It continued to reduce the needs of</p> <p>21 the railways to maintain a facility at CUT and</p> <p>22 all that was incident to it.</p> <p>23 Q. So the merger didn't really affect</p> <p>24 the CUT?</p> <p>25 A. The merger had almost no effect on</p>                                                                                                                                                    | <p style="text-align: right;">Page 539</p> <p>1 always had been at the Cleveland Union</p> <p>2 Terminal, ergo, there would have been no effect</p> <p>3 of the merger itself on the Cleveland Union</p> <p>4 Terminal.</p> <p>5 Q. Was there a consolidation of</p> <p>6 passenger terminals between the New York</p> <p>7 Central and the Pennsylvania Railroad at the</p> <p>8 CUT after the merger?</p> <p>9 A. No. There would have been no</p> <p>10 reason to consolidate because the Pennsylvania</p> <p>11 had no presence whatsoever of any passenger</p> <p>12 trains in Cleveland. Its closest passenger</p> <p>13 train to Cleveland was about 100 miles away.</p> <p>14 Q. Did the decline in passenger rail</p> <p>15 service through the CUT in the late 1960s that</p> <p>16 you have been testifying about have any effect</p> <p>17 on the labor force at the CUT?</p> <p>18 A. Yes. It certainly did.</p> <p>19 MR. HART: Objection. It's beyond</p> <p>20 the scope of his report. He hasn't even</p> <p>21 testified that he did a study of that.</p> <p>22 MR GROPE: He clearly did on PCC</p> <p>23 003909.</p> <p>24 MR. HART: He never studied the</p> <p>25 effect of the merger on that issue. That's</p>                                                                                                                                                                |

42 (Pages 536 to 539)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 540</p> <p>1 what he is trying to testify to. There is no<br/>2 foundation that any study has ever been done.<br/>3 MR. GROPE: He is testifying about<br/>4 the passenger decline.<br/>5 CHAIRMAN STEINGLASS: You may<br/>6 continue.<br/>7 MR. GROPE: I'll phrase the<br/>8 question again.<br/>9 BY MR. GROPE:<br/>10 Q. Did the decline in passenger rail<br/>11 service that you have been testifying about<br/>12 through the CUT in the late 1960s, what effect<br/>13 did that have on the labor force for CUT?<br/>14 A. The labor force at CUT reacted to<br/>15 the decline in passenger service because the<br/>16 management reacted to it by discontinuing jobs,<br/>17 discontinuing assignments and reducing the<br/>18 resources applied to that commensurate with the<br/>19 decline in passengers and the revenue<br/>20 therefrom. It was a case that affected<br/>21 virtually every craft at Cleveland Union<br/>22 Terminal. Every craft lost job opportunities<br/>23 as a result of the diminution of the passenger<br/>24 service through CUT.<br/>25 Q. So you just said it reduced the</p> | <p style="text-align: right;">Page 542</p> <p>1 were just using?<br/>2 A. That's correct.<br/>3 Q. Plaintiffs' Exhibit 1 is the Merger<br/>4 Protection Agreement, your deposition is<br/>5 Exhibit 14 and excerpt of pages from a book<br/>6 called the Wreck of the Penn Central is<br/>7 Plaintiffs' Exhibit 13.<br/>8 Sir, you are not an expert in<br/>9 accounting, are you?<br/>10 A. No, I'm not.<br/>11 Q. You are not an economist?<br/>12 A. No, I'm not.<br/>13 Q. You never analyzed financial<br/>14 statements for a railroad, have you?<br/>15 A. Yes, I have.<br/>16 Q. If you would go to your deposition<br/>17 which is Exhibit 14 and turn to page 26. On<br/>18 line 23 --<br/>19 A. Yes.<br/>20 Q. And the question that I put to you<br/>21 is "did you -- let's talk about post, or the<br/>22 time frame after you started your consulting<br/>23 business." Do you see that?<br/>24 A. Yes.<br/>25 Q. Did I read that correctly?</p>                                                                  |
| <p style="text-align: right;">Page 541</p> <p>1 number of craft opportunities. Did the decline<br/>2 in rail passenger service include the need to<br/>3 reduce the number of brakemen at the CUT?<br/>4 A. Yes, it did.<br/>5 Q. Did the decline in rail passenger<br/>6 service include the need to reduce the number<br/>7 of carmen needed at the CUT?<br/>8 A. Yes, it did.<br/>9 MR. GROPE: I have no further<br/>10 questions, Your Honor.<br/>11 MR. HART: Can we take five<br/>12 minutes, Your Honor?<br/>13 CHAIRMAN STEINGLASS: You may.<br/>14 (Recess taken.)<br/>15 MR. HART: Before we get started,<br/>16 I'm going to give Mr. Weinman the documents<br/>17 that I'm going to use, so that way we don't<br/>18 have to keep moving back and forth; he will<br/>19 have them. They will be Plaintiffs' Exhibit 1,<br/>20 Plaintiffs' Exhibit 14, Plaintiffs' Exhibit 13<br/>21 and Defendant's Exhibit 1.<br/>22 CROSS-EXAMINATION OF MICHAEL WEINMAN<br/>23 BY MR. HART:<br/>24 Q. You already have Defendant's<br/>25 Exhibit 1. That's your expert report that you</p>                                                               | <p style="text-align: right;">Page 543</p> <p>1 "Have you done any work that<br/>2 analyzed financial statements of railroads?"<br/>3 Do you see that?<br/>4 A. Yes.<br/>5 Q. And your answer was "no, I wouldn't<br/>6 say that we analyzed any financial statements.<br/>7 We've simply used financial statements as<br/>8 references in research." Is that what you told<br/>9 me?<br/>10 A. That's correct.<br/>11 Q. And you spent a little bit of time<br/>12 on railroad labor relations issues; is that<br/>13 true?<br/>14 A. Yes.<br/>15 Q. Now, your expertise in railroads is<br/>16 limited to passenger traffic; is that right?<br/>17 A. Predominantly, although there are<br/>18 clearly some areas beyond passenger that we<br/>19 delve into.<br/>20 Q. You don't consider yourself an<br/>21 expert on freight issues, do you?<br/>22 A. Not commercial freight issues.<br/>23 There are freight operations issues that our<br/>24 expertise has been used in.<br/>25 Q. In the context of this case, you</p> |

43 (Pages 540 to 543)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 544</p> <p>1 don't believe you are an expert on freight<br/>2 issues, do you?<br/>3 A. Again, I am not an expert in<br/>4 freight commercial issues. If it was in regard<br/>5 to freight train operations, then we certainly<br/>6 could hold our own.<br/>7 Q. The testimony that you gave on<br/>8 direct was limited to passenger trains, wasn't<br/>9 it?<br/>10 A. That's correct.<br/>11 Q. It didn't consider anything to do<br/>12 with freight issues, right?<br/>13 A. Only as freight bore onto the<br/>14 overall system.<br/>15 Q. Now, you have been asked to provide<br/>16 your report, which is Defendant's Exhibit 1,<br/>17 and you were asked to do that by Mr. Groppe?<br/>18 A. That's correct.<br/>19 Q. And Mr. Groppe had a specific set<br/>20 of questions for you, didn't he?<br/>21 A. Yes.<br/>22 Q. And this is going back to August of<br/>23 this year, is that true?<br/>24 A. Are you referring to all the<br/>25 questions he has asked me since August or</p> | <p style="text-align: right;">Page 546</p> <p>1 put to you in your capacity as an expert,<br/>2 correct?<br/>3 A. Yes, that's correct.<br/>4 Q. And the first question that was put<br/>5 to you was -- well, let me read the first<br/>6 paragraph and the first question. "Mike," he<br/>7 is your referring to you? Is that your<br/>8 understanding where it says "Mike"?<br/>9 A. Yes.<br/>10 Q. "You are correct that these jobs<br/>11 were passenger positions. Sorry that the info<br/>12 did not relate more towards that end. I<br/>13 basically sent the file as it was marked, i.e.,<br/>14 decline in passenger service. My next question<br/>15 would be then, what documents will you need to<br/>16 prove the below stated issues:" Did I read<br/>17 that correctly?<br/>18 A. Yes.<br/>19 Q. And the next question, the first<br/>20 question he puts to you is one "that PCC had a<br/>21 business decline that necessitated a furlough<br/>22 based on the formula for overall business<br/>23 decline in the MPA, Section 1(b), as<br/>24 disqualifying factor for receipt of benefits<br/>25 under the MPA (basically the PCC's decline in</p>                                          |
| <p style="text-align: right;">Page 545</p> <p>1 questions he asked today?<br/>2 Q. Why don't we go through it. You<br/>3 have your expert report in front of you,<br/>4 correct?<br/>5 A. Yes, I do.<br/>6 Q. Why don't you go to page PCC 00389.<br/>7 A. Yes, I have that.<br/>8 Q. I'm sorry. 3899.<br/>9 A. Yes, I have that.<br/>10 Q. That's an e-mail, is that true?<br/>11 A. Yes.<br/>12 Q. That was written by Mr. Groppe to<br/>13 you?<br/>14 A. That's correct.<br/>15 Q. And that was written on August 20<br/>16 of 2007, right?<br/>17 A. Yes.<br/>18 Q. Now, you responded to that e-mail,<br/>19 didn't you?<br/>20 A. Yes, I did.<br/>21 Q. In fact, the next page in your<br/>22 report, which is PCC 003900, is your response?<br/>23 A. That's correct.<br/>24 Q. Correct? And the questions that<br/>25 are on page 38 and 39 were questions that were</p>                                                                                                                                                      | <p style="text-align: right;">Page 547</p> <p>1 passenger service and possibly other areas,<br/>2 meet the formula in the MPA -- of which you<br/>3 should have a copy that I faxed.)" Is that an<br/>4 accurate depiction of what he asked you?<br/>5 A. That's correct.<br/>6 Q. And you responded to that by saying<br/>7 that you couldn't answer the question, right?<br/>8 A. That's essentially correct.<br/>9 Q. And you couldn't answer it because<br/>10 the formula that's provided in the MPA doesn't<br/>11 have anything to do with passenger service; is<br/>12 that right?<br/>13 A. As near as I can interpret, it's<br/>14 primarily related to the freight business.<br/>15 Q. And you addressed the formula in<br/>16 your response, didn't you?<br/>17 A. Yes, I did.<br/>18 Q. And you said, which is on PCC<br/>19 003900, you specifically said in response to<br/>20 that very question Mr. Groppe put to you "the<br/>21 MPA formula dealt only with freight indices.<br/>22 It was silent in regard to the passenger<br/>23 business, which, according to most sources, was<br/>24 the single biggest cash outflow that Penn<br/>25 Central and many other railways had in this</p> |

44 (Pages 544 to 547)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 548</p> <p>1 era." And then you go on. That's the gist of<br/> 2 your answer that you can't provide the<br/> 3 information that he wants because the MPA<br/> 4 doesn't deal with the passenger issues that you<br/> 5 are familiar with, is that true?<br/> 6 A. I could not address the MPA.<br/> 7 Q. You did, didn't you? You addressed<br/> 8 that MPA as you said, you looked at the MA --<br/> 9 MR. GROPPE: Objection -- the terms<br/> 10 of the MPA.<br/> 11 Q. You did, you --<br/> 12 MR. GROPPE: He didn't address<br/> 13 anything about -- he addressed a term in the<br/> 14 MPA, he didn't address anything in the MPA.<br/> 15 MR. STEINGLASS: Continue.<br/> 16 BY MR. HART:<br/> 17 Q. Sir, you were given the MPA by Mr.<br/> 18 Groppe, weren't you?<br/> 19 A. Yes.<br/> 20 Q. And you looked at the MPA, didn't<br/> 21 you?<br/> 22 A. Yes.<br/> 23 Q. And you looked at, specifically,<br/> 24 the formula that's in 1(b), didn't you?<br/> 25 A. Yes.</p>                                                                                         | <p style="text-align: right;">Page 550</p> <p>1 BY MR. HART:<br/> 2 Q. Okay. Sir, if you go to the second<br/> 3 page of the MPA.<br/> 4 A. Yes.<br/> 5 Q. I think you know where this is.<br/> 6 It's the last paragraph on the numbered page 4.<br/> 7 A. Yes, I see it.<br/> 8 Q. Okay. And you see the provision in<br/> 9 there that deals with freight indices, don't<br/> 10 you?<br/> 11 A. Yes.<br/> 12 Q. Why don't you read the section that<br/> 13 you were referring to when you wrote this<br/> 14 response to Mr. Groppe.<br/> 15 A. "That section deals with gross<br/> 16 operating revenue and net revenue ton miles."<br/> 17 Q. Why don't you point out to us where<br/> 18 you are at.<br/> 19 A. I'm in the last paragraph on page<br/> 20 4, and that would be 11th line down.<br/> 21 "However, that in the event of a<br/> 22 decline in the merged companies' business in<br/> 23 excess of five percent in the average<br/> 24 percentage of both gross operating revenue and<br/> 25 net revenues ton miles in any 30-day period</p>                 |
| <p style="text-align: right;">Page 549</p> <p>1 Q. Why don't you look at it right in<br/> 2 front of you right now. That's in Plaintiffs'<br/> 3 Exhibit 1.<br/> 4 A. Will you assist me by directing me<br/> 5 to the paragraph?<br/> 6 Q. One moment.<br/> 7 MR. GROPPE: I'm going to object to<br/> 8 relevancy on this. He has already testified<br/> 9 that it doesn't apply. Why would he need to<br/> 10 look at it again?<br/> 11 MR. HART: He didn't testify that<br/> 12 it didn't apply. He testified in front of you.<br/> 13 You have gone through an entire set of<br/> 14 testimony to show the Panel that passenger<br/> 15 service declined as if to tell that it made a<br/> 16 difference under the MPA. Now you don't want<br/> 17 him to testify --<br/> 18 MR. GROPPE: Well, on the --<br/> 19 MR. HART: Now you don't want him<br/> 20 to testify. The entirety of his testimony is<br/> 21 irrelevant to the MPA. That's is what he is<br/> 22 about to testify to and I'm going to get him to<br/> 23 say that.<br/> 24 MR. GROPPE: He already testified<br/> 25 it doesn't apply.</p> | <p style="text-align: right;">Page 551</p> <p>1 compared with the average of the same period<br/> 2 for the years 1962 and 1963." And so forth.<br/> 3 Q. Okay. So that deals with freight,<br/> 4 correct?<br/> 5 A. Yes, it does.<br/> 6 Q. So the testimony that you gave<br/> 7 earlier about the decline in passenger traffic,<br/> 8 that had nothing to do with the MPA, did it?<br/> 9 A. As near as I can tell, it was an<br/> 10 entirely different area.<br/> 11 MR. GROPPE: Objection. What part<br/> 12 of the MPA?<br/> 13 BY MR. HART:<br/> 14 Q. Any part of the MPA, sir. It had<br/> 15 nothing to do with any part of the MPA?<br/> 16 A. I can't testify to that because<br/> 17 I've only examined, within detail, that<br/> 18 particular portion of the MPA.<br/> 19 CHAIRMAN STEINGLASS: Can you<br/> 20 narrow your question?<br/> 21 BY MR. HART:<br/> 22 Q. You know, don't you, that the<br/> 23 portion of the MPA that relates to benefits and<br/> 24 an excuse for the railroad not to provide<br/> 25 benefits due to a decline in passenger</p> |

45 (Pages 548 to 551)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 552</p> <p>1 service --</p> <p>2 MR. GROPE: Objection. Call for a</p> <p>3 legal conclusion.</p> <p>4 CHAIRMAN STEINGLASS: Okay. First</p> <p>5 let him ask his question. And then I will</p> <p>6 listen to your objection. And he is not going</p> <p>7 to answer until we do both things.</p> <p>8 BY MR. HART:</p> <p>9 Q. Sir, Mr. Groppe asked you a very</p> <p>10 specific question. Let's go back to his</p> <p>11 question. He wanted you to help him prove --</p> <p>12 now let's just stop right there. Help him</p> <p>13 prove. He wasn't looking for an independent</p> <p>14 unbiased expert analysis, was he? He wanted</p> <p>15 you to help him prove something, right? That's</p> <p>16 what it says.</p> <p>17 A. My interpretation of his question</p> <p>18 is formulated on page PCC 003900.</p> <p>19 Q. Okay.</p> <p>20 A. At the top it says "one, did Penn</p> <p>21 Central have a business decline that</p> <p>22 necessitated a furlough based on the Merger</p> <p>23 Protection Agreement formulae?" That's my</p> <p>24 interpretation of his question.</p> <p>25 Q. Let's not look at interpretations.</p> | <p style="text-align: right;">Page 554</p> <p>1 Gentile is?</p> <p>2 A. I'm sorry?</p> <p>3 Q. Do you know who George Gentile is?</p> <p>4 A. No, I don't.</p> <p>5 Q. Do you know who Autumn Brockna is?</p> <p>6 MR. GROPE: Objection. Relevance.</p> <p>7 CHAIRMAN STEINGLASS: I assume he</p> <p>8 is going to tell us.</p> <p>9 BY MR. HART:</p> <p>10 Q. Do you know who George Slusarski</p> <p>11 is?</p> <p>12 A. No, that doesn't ring a bell.</p> <p>13 Q. The last two people, Ms. Brockna</p> <p>14 and Mr. Slusarski, are in this courtroom. They</p> <p>15 are right behind me. And they are the children</p> <p>16 of George Gentile. George Gentile is one of</p> <p>17 the Claimants in this case. And you don't know</p> <p>18 any of those people, right?</p> <p>19 A. No, I don't.</p> <p>20 Q. Can you tell me why Mr. Gentile</p> <p>21 didn't receive benefits under the MPA?</p> <p>22 A. No, I can't tell that. I don't</p> <p>23 know.</p> <p>24 MR. GROPE: Calls for legal</p> <p>25 conclusion.</p>                                                                                         |
| <p style="text-align: right;">Page 553</p> <p>1 Let's go to his question. He asked you to</p> <p>2 prove or to help you prove that the PCC had a</p> <p>3 business decline that necessitated a furlough</p> <p>4 based on the formula for overall business</p> <p>5 decline in the MPA Section 1(b). Now, you have</p> <p>6 just given at least 45 minutes of testimony</p> <p>7 about the decline in passenger traffic.</p> <p>8 A. Yes.</p> <p>9 Q. Is that right?</p> <p>10 A. That's correct.</p> <p>11 Q. And none of that testimony had</p> <p>12 anything to do with whether there was a decline</p> <p>13 that necessitated a furlough based on the</p> <p>14 formula for overall business decline in the</p> <p>15 MPA, Section 1(b), correct?</p> <p>16 MR. GROPE: Objection. The</p> <p>17 document speaks for itself.</p> <p>18 CHAIRMAN STEINGLASS: I'm going to</p> <p>19 let him answer.</p> <p>20 BY MR. HART:</p> <p>21 Q. Is that right?</p> <p>22 A. The decline in the passenger</p> <p>23 business was apparently independent of anything</p> <p>24 that the MPA contemplated.</p> <p>25 Q. Now, sir, do you know who George</p>                            | <p style="text-align: right;">Page 555</p> <p>1 CHAIRMAN STEINGLASS: I'm not sure</p> <p>2 he can address why an individual did not get</p> <p>3 benefits. He is here to testify about his</p> <p>4 report.</p> <p>5 MR. HART: Except to the extent</p> <p>6 that you are trying to imply that the decline</p> <p>7 in passenger service is the reason that they</p> <p>8 didn't receive their benefits under the MPA.</p> <p>9 If that's what he is trying to imply, certainly</p> <p>10 I'm allowed to inquire about it --</p> <p>11 MR. GROPE: He is not implying</p> <p>12 that.</p> <p>13 MR. HART: He is implying that.</p> <p>14 What would be the point of his testimony?</p> <p>15 CHAIRMAN STEINGLASS: That remains</p> <p>16 to be seen and we will be told.</p> <p>17 BY MR. HART:</p> <p>18 Q. You didn't do any analysis to</p> <p>19 determine specifically why a particular</p> <p>20 Claimant didn't receive benefits, am I right?</p> <p>21 A. That's correct.</p> <p>22 Q. And you weren't asked to do that,</p> <p>23 right?</p> <p>24 A. That's correct.</p> <p>25 Q. And you couldn't do that?</p> |

46 (Pages 552 to 555)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 556</p> <p>1 A. That's correct.</p> <p>2 Q. It's outside the scope of what you</p> <p>3 do?</p> <p>4 A. Yes.</p> <p>5 Q. And you went through a number of</p> <p>6 items that were going on in the '60s, for</p> <p>7 example, you mentioned the riots, right?</p> <p>8 A. Yes.</p> <p>9 Q. You mentioned the highways that</p> <p>10 were being put down in the '50s, right?</p> <p>11 A. Yes.</p> <p>12 Q. And all these things are things</p> <p>13 that might have impacted on one issue or</p> <p>14 another; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. But you can't quantify the impact</p> <p>17 of any of those things that you mentioned, can</p> <p>18 you?</p> <p>19 A. It's probably possible to quantify</p> <p>20 each one.</p> <p>21 Q. I didn't ask if it was possible, I</p> <p>22 asked did you do it?</p> <p>23 A. No, I did not do specific numbers.</p> <p>24 Q. What you did is you said there were</p> <p>25 these possible things out there that might have</p>                                         | <p style="text-align: right;">Page 558</p> <p>1 A. That's certainly the gist of it.</p> <p>2 CHAIRMAN STEINGLASS: I think we</p> <p>3 are going to stipulate there has been a</p> <p>4 significant decline in the passenger service in</p> <p>5 the last 30 years.</p> <p>6 MR. M. L. CIOFFI: The Panel draws</p> <p>7 the conclusion that it sees fit.</p> <p>8 CHAIRMAN STEINGLASS: I'm sorry.</p> <p>9 BY MR. HART:</p> <p>10 Q. You told Mr. Groppe that you</p> <p>11 couldn't answer his question No. 1, correct</p> <p>12 going back to page 3899?</p> <p>13 MR. GROPE: Objection. Asked and</p> <p>14 answered.</p> <p>15 MR. HART: I'm not going to belabor</p> <p>16 it. I'm just using it to go through it --</p> <p>17 CHAIRMAN STEINGLASS: Let him ask</p> <p>18 it.</p> <p>19 BY MR. HART:</p> <p>20 Q. He also asked you other questions,</p> <p>21 didn't he?</p> <p>22 A. Yes.</p> <p>23 Q. He asked you whether the number of</p> <p>24 trains passing through the CUT declined over</p> <p>25 the years '62 to '72?</p>                                                                 |
| <p style="text-align: right;">Page 557</p> <p>1 had an impact, is that what you did?</p> <p>2 A. No. I think we concluded that they</p> <p>3 most certainly did have an impact.</p> <p>4 Q. Then tell me the impact that the</p> <p>5 riots in Cleveland had on the Claimants in this</p> <p>6 case.</p> <p>7 A. I cannot relate to individual</p> <p>8 Plaintiffs.</p> <p>9 MR. GROPE: Objection.</p> <p>10 CHAIRMAN STEINGLASS: He has</p> <p>11 answered the question. Next?</p> <p>12 BY MR. HART:</p> <p>13 Q. Sir, you have no opinion on the</p> <p>14 damages in this case, do you?</p> <p>15 A. On the damages?</p> <p>16 Q. Yes.</p> <p>17 A. No.</p> <p>18 Q. And you have no opinion on what</p> <p>19 caused -- or any causation issues specifically</p> <p>20 to this case, do you?</p> <p>21 A. Could you be more specific, please?</p> <p>22 Q. Yes. Well, the scope of your</p> <p>23 report was limited, specifically, to tell this</p> <p>24 Panel that there is a decline in passenger</p> <p>25 service over a number of years; is that right?</p> | <p style="text-align: right;">Page 559</p> <p>1 A. Yes, he did.</p> <p>2 Q. You were able to answer that,</p> <p>3 right?</p> <p>4 A. Yes, we were.</p> <p>5 Q. And that's the testimony that you</p> <p>6 pretty much have given today, right?</p> <p>7 A. That's correct.</p> <p>8 Q. Then he asked you No. 3, "did both</p> <p>9 carriers, prior the merger, experience a</p> <p>10 general business decline from about 1962 to</p> <p>11 1968?" Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. And you responded to that question,</p> <p>14 right?</p> <p>15 A. Yes, I responded.</p> <p>16 Q. And your response was that you</p> <p>17 can't comment on general business conditions as</p> <p>18 you have examined in detail only the passenger</p> <p>19 revenues, right? You go on, ridership and</p> <p>20 operations which declined in the year or two</p> <p>21 immediately after the merger.</p> <p>22 A. That's correct.</p> <p>23 Q. And then he asked you No. 3 "how</p> <p>24 was CUT directly and negatively impacted by the</p> <p>25 Empire Service or any other force which would</p> |

47 (Pages 556 to 559)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 560</p> <p>1 result in a decline of available jobs at CUT?"</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And that's when you go into a</p> <p>5 number of items, some of which you mentioned</p> <p>6 here, Empire Service, mail service, Railway</p> <p>7 Express Agency, interstate highways,</p> <p>8 suburbanization, riots, decline of local public</p> <p>9 transportation and you go through some others.</p> <p>10 And those are the ones you couldn't quantify,</p> <p>11 right?</p> <p>12 A. No. Many of them have been</p> <p>13 quantified. There was no request for a matrix</p> <p>14 that indicated a relative proportion of import</p> <p>15 or impact.</p> <p>16 Q. Did you do a study on any of these</p> <p>17 items? Did you do a study, for example, on the</p> <p>18 effect of suburbanization on the Penn Central</p> <p>19 in Cleveland?</p> <p>20 A. I have not done a study on that;</p> <p>21 however, I have read and digested and even</p> <p>22 contributed to other studies that generally</p> <p>23 describe this phenomenon.</p> <p>24 Q. Specific to the CUT?</p> <p>25 A. No. Specific to the United States.</p>              | <p style="text-align: right;">Page 562</p> <p>1 facility, which was opened at that time.</p> <p>2 Q. Sir, can you tell me how the mail</p> <p>3 service affected these particular Claimants?</p> <p>4 A. No, I can't tell you how it</p> <p>5 affected specific Claimants.</p> <p>6 Q. Sir, one of the sources that you</p> <p>7 used in your report is the book called "The</p> <p>8 Wreck of the Penn Central," is that true?</p> <p>9 A. Yes.</p> <p>10 Q. And that was a 1971 book written</p> <p>11 by, is it, Daughen and Binzen?</p> <p>12 A. I believe so.</p> <p>13 Q. And you believe that to be a</p> <p>14 reliable source, don't you? Or at least it was</p> <p>15 reliable enough for you to use it as a basis</p> <p>16 for your report, right?</p> <p>17 A. I'm not sure if I would constitute</p> <p>18 it as a reliable source.</p> <p>19 MR. GROPE: I'll object. This is</p> <p>20 beyond the scope of his direct.</p> <p>21 MR. HART: His direct includes his</p> <p>22 entire report. He used it as a source for the</p> <p>23 report.</p> <p>24 CHAIRMAN STEINGLASS: I'll allow</p> <p>25 it. He did.</p>                                                                                            |
| <p style="text-align: right;">Page 561</p> <p>1 Q. But you haven't done a study on any</p> <p>2 one of these items that you listed on page</p> <p>3 3900, 3901 and 3902 of your report? You</p> <p>4 haven't done any study specifically to the CUT</p> <p>5 on any one of those issues, is that true?</p> <p>6 A. I'm not sure what constitutes a</p> <p>7 study. Clearly, we did extensive research and</p> <p>8 that would, in many respects, constitute a</p> <p>9 study.</p> <p>10 Q. Did you look at the effect of mail</p> <p>11 serviced on the CUT?</p> <p>12 A. Yes, we did.</p> <p>13 Q. You looked specifically at mail</p> <p>14 service?</p> <p>15 A. Yes, we did.</p> <p>16 Q. Where is that?</p> <p>17 A. You can find that in our report</p> <p>18 that is showing the number of trains serving</p> <p>19 CUT and you can further find it in our</p> <p>20 timetable compilation, in which each operating</p> <p>21 time label clearly shows which trains handled</p> <p>22 mail at CUT and which trains did not handle</p> <p>23 mail and which trains were solely mail and</p> <p>24 express, and also the trains serving CUT as</p> <p>25 opposed to those serving the lakefront mail</p> | <p style="text-align: right;">Page 563</p> <p>1 A. We consider that a source. As to</p> <p>2 its reliability, there were clearly aspects of</p> <p>3 it that were highly factual, others were</p> <p>4 speculative, and others were simply based on</p> <p>5 reported hearsay, which may or may not have</p> <p>6 been accurate.</p> <p>7 Q. You found it accurate enough to use</p> <p>8 it though?</p> <p>9 A. No. I found it useful enough to</p> <p>10 use it to illustrate the point for which we</p> <p>11 used it.</p> <p>12 Q. You wouldn't use inaccurate</p> <p>13 information in your report, sir, would you?</p> <p>14 A. I would if it was to portray</p> <p>15 something in which accuracy of perhaps numbers</p> <p>16 was irrelevant.</p> <p>17 Q. Do you have a habit of using</p> <p>18 information that you can't trust?</p> <p>19 A. I will use whatever information is</p> <p>20 useful to the portrayal. If accuracy is a</p> <p>21 necessity, then I would not, under any</p> <p>22 circumstances, use an inaccurate report.</p> <p>23 However, if we were describing something,</p> <p>24 perhaps describing something that was colored</p> <p>25 red or green, then accuracy is a perception.</p> |

48 (Pages 560 to 563)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 564</p> <p>1 And in this case, I don't recall that we used<br/>2 this report as a source of any of our highly<br/>3 detailed numbers.<br/>4 Q. Okay. Sir, can you go to page 220<br/>5 of the excerpt from the Wreck of the Penn<br/>6 Central put in front of you.<br/>7 MR. GROPE: Objection. This is<br/>8 now beyond the scope. He hadn't relied on this<br/>9 section from the book.<br/>10 CHAIRMAN STEINGLASS: First of all,<br/>11 where is page 220? Is that in his report?<br/>12 MR. HART: No. Let me explain.<br/>13 CHAIRMAN STEINGLASS: Is it in the<br/>14 record?<br/>15 MR. HART: It's in the record.<br/>16 CHAIRMAN STEINGLASS: Where is it<br/>17 in the record?<br/>18 MR. HART: Plaintiff's Exhibit 13.<br/>19 CHAIRMAN STEINGLASS: You<br/>20 identified that earlier. Go ahead.<br/>21 MR. HART: My point is that he is<br/>22 using parts of the book to support his report.<br/>23 I'm asking about other parts of the book.<br/>24 CHAIRMAN STEINGLASS: Absolutely<br/>25 not. That's beyond the scope.</p>                                         | <p style="text-align: right;">Page 566</p> <p>1 hasn't testified about that.<br/>2 CHAIRMAN STEINGLASS: Let me read<br/>3 it and then I will rule on it. The book has<br/>4 been relied upon. I'm going to permit this<br/>5 cross to continue. The weight of this<br/>6 testimony can be addressed in the briefs if<br/>7 necessary.<br/>8 BY MR. HART:<br/>9 Q. Sir, can you go to the last<br/>10 paragraph on page 220?<br/>11 A. Yes.<br/>12 Q. It says "on May 20, 1964 Saunders<br/>13 and Perlman, in anticipation of the merger,<br/>14 signed an agreement with the labor leaders.<br/>15 While it followed along the lines of the<br/>16 arrangement worked out with the N&amp;W-Virginia<br/>17 case and other mergers, it gave the unions more<br/>18 concessions other than any other previous<br/>19 agreement. Where the earlier agreement<br/>20 provided job protection for four years, the<br/>21 Penn Central pact offered lifetime protection.<br/>22 Any person on the payroll at the time the<br/>23 merger agreement was signed could not be<br/>24 dismissed except for cause. If any employee<br/>25 was laid off, he had to be given a year's</p>                                                                                        |
| <p style="text-align: right;">Page 565</p> <p>1 MR. HART: How is it beyond the<br/>2 scope?<br/>3 CHAIRMAN STEINGLASS: First of all,<br/>4 since we haven't looked at that exhibit yet, we<br/>5 don't know if that exhibit addresses the same<br/>6 issue on which he used the parts for the report<br/>7 you are admittedly relying. So why don't we<br/>8 just take a minute and find the document that<br/>9 is being discussed. You said it's Exhibit No.<br/>10 13.<br/>11 MR. HART: And I would add I'm not<br/>12 springing this on this particular Witness. I<br/>13 asked him about the issue in his deposition, so<br/>14 I'm sure he is prepared.<br/>15 CHAIRMAN STEINGLASS: I have it in<br/>16 front of me.<br/>17 MR. HART: I'm going to refer him<br/>18 to the very last paragraph and it goes on to<br/>19 the next page. Just the very last paragraph.<br/>20 CHAIRMAN STEINGLASS: Last<br/>21 paragraph of page 220?<br/>22 MR. HART: Yes.<br/>23 MR. M. L. CIOFFI: I have read it.<br/>24 I object. It's beyond the scope. It's dealing<br/>25 with the Merger Protection Agreement. He</p> | <p style="text-align: right;">Page 567</p> <p>1 severance pay. Anyone who lost his job between<br/>2 the time the agreement was signed and the<br/>3 effective date of the merger, had the right to<br/>4 be rehired." Did I read that right?<br/>5 A. Yes.<br/>6 Q. And you don't take any issue with<br/>7 that paragraph, do you?<br/>8 A. A few minutes ago I testified that<br/>9 The Wreck of Penn Central was not necessarily a<br/>10 reliable source. This was clearly reported in<br/>11 the press and it clearly became part of the<br/>12 popular writing on Penn Central. I do not know<br/>13 if that was completely accurate, because I have<br/>14 not read every other merger agreement. I can't<br/>15 contrast it and frankly, I doubt that the<br/>16 authors have done so, since it was done fairly<br/>17 quickly after the Penn Central bankruptcy and<br/>18 the time to research it would have been<br/>19 minimum. Therefore as I indicated, I don't<br/>20 consider The Wreck of the Penn Central a<br/>21 reliable source for everything. And indeed, we<br/>22 did not, and I emphasize "not" use this page in<br/>23 our report.<br/>24 Q. I didn't ask you whether you read<br/>25 that page or you used it in your report, sir.</p> |

49 (Pages 564 to 567)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 568</p> <p>1 You know Alfred Perlman, don't you?</p> <p>2 A. I knew Alfred Perlman.</p> <p>3 Q. And you have heard him tell you</p> <p>4 that he thought that the MPA was generous?</p> <p>5 MR. GROPE: Objection. Whether he</p> <p>6 knows Alfred Perlman or not and what his</p> <p>7 conversations with him were are irrelevant.</p> <p>8 It's beyond the scope of direct.</p> <p>9 CHAIRMAN STEINGLASS: I'm going to</p> <p>10 let him continue.</p> <p>11 A. The sum and substance of my</p> <p>12 conversations with Alfred Perlman after the</p> <p>13 merger were in regard to his son Mike, who</p> <p>14 continues to this day to be an advisor to our</p> <p>15 company. And it was in the nature of how is</p> <p>16 Mike, he is fine, and some general salutations.</p> <p>17 We did not discuss the merger, we did not</p> <p>18 discuss the Merger Protection Agreement.</p> <p>19 Q. Okay. So you never heard from</p> <p>20 Alfred Perlman about the Merger Protection</p> <p>21 Agreement, is that your testimony?</p> <p>22 A. That's correct.</p> <p>23 Q. Go to your deposition page 89.</p> <p>24 A. Yes, I have it.</p> <p>25 Q. Line 18. And your answer to me was</p>                      | <p style="text-align: right;">Page 570</p> <p>1 A. No, I don't.</p> <p>2 Q. You weren't -- at the time of the</p> <p>3 merger, were you working for the Penn Central?</p> <p>4 A. At the time of merger, I was</p> <p>5 working for the New York Central. I became a</p> <p>6 Penn Central employee incident with the merger.</p> <p>7 Q. You weren't involved in any</p> <p>8 employment decisions, were you?</p> <p>9 A. No.</p> <p>10 Q. You weren't involved in the</p> <p>11 decision as to how to treat the particular</p> <p>12 Claimants in this case, were you?</p> <p>13 A. No.</p> <p>14 Q. You haven't done a particular study</p> <p>15 on that, have you?</p> <p>16 A. No.</p> <p>17 Q. And you have not done any study to</p> <p>18 determine what caused the Penn Central to act</p> <p>19 in any particular way towards its employees?</p> <p>20 A. No.</p> <p>21 Q. No, you have not?</p> <p>22 A. I have not.</p> <p>23 MR. HART: Give me one second.</p> <p>24 CHAIRMAN STEINGLASS: Okay.</p> <p>25 (Discussion held off the record.)</p>                                                                                                           |
| <p style="text-align: right;">Page 569</p> <p>1 "the only statement I heard with regard to the</p> <p>2 Merger Protection Agreement was by Alfred</p> <p>3 Perlman who indicated he thought that the</p> <p>4 Merger Protection Agreement was generous." Is</p> <p>5 that what you told me?</p> <p>6 A. Yes. I heard a statement by Alfred</p> <p>7 Perlman; I did not hear him utter those words.</p> <p>8 Q. You said that you heard it and</p> <p>9 indicate that he thought the Merger Protection</p> <p>10 Agreement was generous. That was the question</p> <p>11 I asked you a minute ago and you told me no.</p> <p>12 A. No. You asked me if I had a</p> <p>13 personal conversation with Mr. Perlman about</p> <p>14 the Merger Protection Agreement.</p> <p>15 Q. Comments made by Alfred Perlman</p> <p>16 which you heard are consistent with the portion</p> <p>17 of The Wreck of the Penn Central, correct?</p> <p>18 A. The comments I heard that I</p> <p>19 referenced in the deposition?</p> <p>20 Q. Yes.</p> <p>21 A. To a certain extent, there was a</p> <p>22 parallel.</p> <p>23 Q. Sir, you don't have any opinion as</p> <p>24 to whether employees were placed in a worse</p> <p>25 position after the merger, do you?</p> | <p style="text-align: right;">Page 571</p> <p>1 Q. Sir, who are you providing your</p> <p>2 expert testimony, on behalf of what company?</p> <p>3 A. Penn Central.</p> <p>4 Q. Is that your understanding, Penn</p> <p>5 Central?</p> <p>6 A. Yes.</p> <p>7 Q. Go to page 91 of your deposition.</p> <p>8 -- well, before you do, what's your</p> <p>9 understanding of who Penn Central is? Does the</p> <p>10 company still exist?</p> <p>11 A. I don't think so but I really don't</p> <p>12 know. I have not followed, in great detail,</p> <p>13 the corporate progeny of the merged company.</p> <p>14 Q. And you are providing your</p> <p>15 testimony on behalf of the Defendants, right?</p> <p>16 A. Yes.</p> <p>17 Q. It's your understanding that the</p> <p>18 Defendant in the case is American Premier</p> <p>19 Underwriters? Is that your understanding?</p> <p>20 A. I don't really have any idea.</p> <p>21 MR. GROPE: Irrelevant who the</p> <p>22 Defendant is in this case -- Penn Central. Who</p> <p>23 he thinks the Defendant is, is irrelevant.</p> <p>24 MR. HART: They made an issue of</p> <p>25 this through a number of witnesses.</p> |

50 (Pages 568 to 571)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 572</p> <p>1 CHAIRMAN STEINGLASS: Both expert<br/>2 witnesses have basically given the same<br/>3 testimony on this point.<br/>4 MR. HART: He asked Mr. Rosen the<br/>5 same question and I have asked him the question<br/>6 before and he is going to give the answer that<br/>7 he gave before.<br/>8 CHAIRMAN STEINGLASS: I'm going to<br/>9 let you ask the question but I'm not sure that<br/>10 this expert, any more than Dr. Rosen, is an<br/>11 expert on the legal relationships between any<br/>12 of the successor or predecessor companies.<br/>13 BY MR. HART:<br/>14 Q. Sir, who is paying your bill?<br/>15 A. I would assume that the Defendant<br/>16 is paying the bills, but to be perfectly<br/>17 honest, I have not examined the checks in great<br/>18 detail. I simply approved them for deposit,<br/>19 they were deposited and they did not bounce.<br/>20 Q. It's always good when they don't<br/>21 bounce.<br/>22 Can you go to page 91 on 12.<br/>23 A. Yes.<br/>24 Q. I asked you on line 12 "do you know<br/>25 who the defendant is in this case?" Didn't I?</p> | <p style="text-align: right;">Page 574</p> <p>1 tell us, do you know why you are here?<br/>2 A. I'm here as an expert witness.<br/>3 Q. Do you know why?<br/>4 A. Because we know a considerable<br/>5 amount about the railway passenger business in<br/>6 the United States.<br/>7 Q. And you don't know anything about<br/>8 how train service relates to the MPA; is that<br/>9 right?<br/>10 A. That's correct.<br/>11 MR. HART: Thank you.<br/>12 MR. M. A. CIOFFI: No redirect.<br/>13 CHAIRMAN STEINGLASS: We are<br/>14 finished --<br/>15 MEMBER LANSLOWNE: You referenced<br/>16 this document that has some writing on it, do<br/>17 you have Timpany papers? Do you know what we<br/>18 are referring to? What is that Timpany papers?<br/>19 THE WITNESS: Robert D. Timpany, as<br/>20 I had earlier indicated, was the assistant vice<br/>21 president of operating administration for the<br/>22 New York Central Railroad. He kept meticulous<br/>23 records of his files, particularly as related<br/>24 to passenger service, because he was the<br/>25 spearhead in the 1967 program to both diminish</p>                                                                                  |
| <p style="text-align: right;">Page 573</p> <p>1 A. Yes.<br/>2 Q. And you responded and you said "not<br/>3 by name." Right?<br/>4 A. Yes.<br/>5 Q. And then we went on. The next<br/>6 question is "do you know who is ultimately<br/>7 paying your bills?" Is that accurate?<br/>8 A. Yes.<br/>9 Q. And your response to that was "oh,<br/>10 would you strike that last response? The<br/>11 Defendant. My mind heard plaintiff. I believe<br/>12 the defendant is American Premier<br/>13 Underwriters." Did I read that right?<br/>14 A. Yes.<br/>15 Q. The next question "why do you come<br/>16 to that understanding?" Did I read that right?<br/>17 A. Yes.<br/>18 Q. And on line 23 the answer: "That<br/>19 was what was conveyed to me by Blank Rome." Is<br/>20 that accurate?<br/>21 A. That's correct.<br/>22 Q. Sir, just one last thing. You have<br/>23 given a lot of testimony on passenger traffic<br/>24 in the United States and how it went down and<br/>25 that doesn't relate to the MPA. So can you</p>                                                                                                      | <p style="text-align: right;">Page 575</p> <p>1 the intercity business in response to the<br/>2 declining demand and bolster the New York State<br/>3 business which became known as the Empire<br/>4 Corridor and still is today under Amtrak.<br/>5 His records are a set of about 18<br/>6 bound volumes that were delivered to my company<br/>7 by their owner, the Delaware &amp; Ulster Railway<br/>8 Historical Society because the Delaware &amp;<br/>9 Ulster Railway Historical Society knew that I<br/>10 was mentioned in several of those records and<br/>11 had a major part in that transformation of the<br/>12 passenger surveys and so they are on permanent<br/>13 loan to my company.<br/>14 PANEL MEMBER LANSLOWNE: I just<br/>15 didn't know what that referred to. Thank you<br/>16 very much.<br/>17 CHAIRMAN STEINGLASS: Thank you<br/>18 very much.<br/>19 As I started saying, we are<br/>20 finished with the evidentiary portion of this<br/>21 hearing, I believe.<br/>22 Tomorrow, as I indicated we are<br/>23 going to convene early. Did I mention a time?<br/>24 Eight a.m. is the time that we want to convene.<br/>25 It's our expectation that we will complete this</p> |

51 (Pages 572 to 575)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: right;">Page 576</p> <p>1 by 9:30 or a quarter to ten, so you have a<br/>2 sense of the time frame.<br/>3 We will permit each side to make a<br/>4 brief statement but my expectation is that, as<br/>5 I indicated earlier, there will be a<br/>6 substantial number of questions. So if neither<br/>7 side is able to have a 45 minute uninterrupted<br/>8 presentation, do not be surprised.<br/>9 Is there anything else that we need<br/>10 to do today?<br/>11 MS. TRICARICHI: No, but I think we<br/>12 at least need five or ten minutes to be able to<br/>13 identify our documents as additional exhibits,<br/>14 just as Mr. Cioffi did before because I wasn't<br/>15 prepared to do it this afternoon.<br/>16 MR. M. L. CIOFFI: My understanding<br/>17 of the exhibits, you correct me if I'm wrong,<br/>18 Mr. Chairman, is that you want them all to come<br/>19 in and we will argue to you in our brief what<br/>20 weight you should give them.<br/>21 CHAIRMAN STEINGLASS: That is what<br/>22 we have indicated, yes. And so I mean --<br/>23 MS. TRICARICHI: To the extent that<br/>24 Mr. Cioffi was allowed to identify certain<br/>25 documents and explain what he thought was in</p> | <p style="text-align: right;">Page 578</p> <p>1 them to us at that time and have never given<br/>2 them to us and clearly had control of them.<br/>3 CHAIRMAN STEINGLASS: Let me make a<br/>4 suggestion. If there are additional exhibits<br/>5 that you want to produce tomorrow, you can mark<br/>6 them and bring them in tomorrow morning. I<br/>7 will take five or ten minutes at the beginning<br/>8 of the morning, notwithstanding what I just<br/>9 said, to let you identify, without extensive<br/>10 argument about them, at least put them in<br/>11 context. The more extensive discussions of<br/>12 those documents and their significance, if any,<br/>13 concerning the Defendant's Exhibits as well, to<br/>14 the briefs.<br/>15 MS. TRICARICHI: That's all.<br/>16 CHAIRMAN STEINGLASS: Anything else<br/>17 today?<br/>18 MR. M. L. CIOFFI: No thanks.<br/>19 CHAIRMAN STEINGLASS: Eight a.m.<br/>20 tomorrow.<br/>21<br/>22 (The proceedings adjourned at 3:38 p.m.)<br/>23 -----<br/>24<br/>25</p> |
| <p style="text-align: right;">Page 577</p> <p>1 them, I would like an opportunity to at least<br/>2 respond.<br/>3 CHAIRMAN STEINGLASS: Are you<br/>4 prepared to do that now or do you want to take<br/>5 a few minutes?<br/>6 MS. TRICARICHI: I don't have<br/>7 everything here. I have some discovery that<br/>8 was done in the early case indicating that they<br/>9 did, in fact, have these documents and they<br/>10 admitted that they did, but it's not really in<br/>11 a form to give you. He is saying that the<br/>12 files were transferred and I have answers to<br/>13 interrogatories in 1970 indicating that they<br/>14 had these documents, they were in possession of<br/>15 these documents. This is before any of the --<br/>16 1976, any of the documents that were brought in<br/>17 today, 106 for example. So I would like to<br/>18 have the opportunity to show that to you. I<br/>19 can read it in right now.<br/>20 MR. M. L. CIOFFI: Maybe I can cut<br/>21 this short. In 1970 Penn Central was in<br/>22 possession of the documents. The conveyance<br/>23 was in 1976.<br/>24 MS. TRICARICHI: Yes, and in your<br/>25 answer to interrogatories, you refused to give</p>                       | <p style="text-align: right;">Page 579</p> <p>1 CERTIFICATE<br/>2<br/>3<br/>4 I, Eva Petrone, do hereby certify<br/>5 that as such Reporter I took down in Stenotypy<br/>6 all of the proceedings had in the foregoing<br/>7 transcript; that I have transcribed my said<br/>8 Stenotype notes into typewritten form as<br/>9 appears in the foregoing transcript; that said<br/>10 transcript is the complete form of the<br/>11 proceedings had in said cause and constitutes a<br/>12 true and correct transcript therein.<br/>13<br/>14<br/>15<br/>16<br/>17 Eva Petrone, Notary Public<br/>18 within and for the State of Ohio<br/>19<br/>20 My commission expires February 1, 2008.<br/>21<br/>22<br/>23<br/>24<br/>25</p>                                                                                                                                                                                                                                                                                             |

52 (Pages 576 to 579)

|                            |                           |                            |                            |                            |
|----------------------------|---------------------------|----------------------------|----------------------------|----------------------------|
| <b>A</b>                   | 515:6 527:20              | 421:13 426:9               | <b>after</b> 390:11 440:18 | 437:22 438:13,14           |
| <b>abated</b> 519:13       | <b>accompanied</b>        | 437:10 439:3               | 468:16 485:24              | 438:19 440:18              |
| <b>abetted</b> 519:25      | 430:21                    | 441:17 450:22              | 490:13 492:21              | 446:5,12,14,23             |
| <b>ability</b> 496:1 533:6 | <b>according</b> 463:10   | 451:8 458:21               | 493:11 499:8               | 447:1 452:13               |
| <b>able</b> 386:12 394:25  | 463:20 472:2              | 461:13 471:4               | 500:15 501:19              | 454:7 456:12               |
| 398:16,21 400:15           | 476:19 531:15             | 503:22                     | 502:22 505:16              | 463:11 465:13              |
| 414:18 424:3               | 547:23                    | <b>actuary</b> 383:1       | 506:21 513:20              | 467:6 468:8                |
| 464:18 490:21              | <b>account</b> 397:5      | <b>add</b> 488:10 496:1    | 522:7 537:14,18            | 470:19 473:22              |
| 559:2 576:7,12             | 402:21 408:21             | 503:25 565:11              | 539:8 542:22               | 474:5,8,9 475:4            |
| <b>abolished</b> 532:2     | 423:24 459:6              | <b>added</b> 430:1         | 559:21 567:17              | 478:8,16,21,25             |
| <b>about</b> 385:6,13      | 465:18 484:22             | <b>adding</b> 430:23       | 568:12 569:25              | 483:23 485:13,18           |
| 386:15 388:16              | 485:8                     | <b>addition</b> 385:2      | <b>afternoon</b> 376:6     | 485:22 486:8               |
| 404:23 405:9,10            | <b>accounting</b> 386:6   | 463:13 516:18              | 494:6 504:25               | 490:22 504:23              |
| 405:19 413:20              | 542:9                     | 528:8                      | 505:10,14 576:15           | 542:4 552:23               |
| 415:3,17,24                | <b>Accounts</b> 505:23    | <b>additional</b> 402:6    | <b>again</b> 392:15        | 565:25 566:14,19           |
| 421:22 425:7               | <b>accrue</b> 518:14      | 427:10 432:11,14           | 394:21 399:6               | 566:19,23 567:2            |
| 433:15,17 445:24           | <b>accrued</b> 425:8      | 496:7,10 576:13            | 409:7 410:1,4              | 567:14 568:18,21           |
| 446:17,24 448:9            | 522:25                    | 578:4                      | 413:16 414:1,6             | 569:2,4,10,14              |
| 448:16 449:9,21            | <b>accumulated</b>        | <b>address</b> 492:21      | 419:14 420:19              | <b>agreements</b> 440:6    |
| 452:20 464:6,11            | 428:12                    | 493:1 500:5 501:7          | 422:7,11 423:4             | 474:4                      |
| 465:12 468:3,11            | <b>accumulating</b> 428:9 | 548:6,12,14 555:2          | 424:12,17 425:2            | <b>ahead</b> 487:16        |
| 469:25 474:24              | <b>accumulation</b>       | <b>addressed</b> 504:25    | 427:15 435:22              | 495:11 564:20              |
| 476:4,7 479:11,20          | 489:17                    | 547:15 548:7,13            | 443:11 458:21              | <b>aided</b> 519:25        |
| 480:14 481:20              | <b>accuracy</b> 563:15,20 | 566:6                      | 461:4 478:15               | <b>air</b> 514:20 516:9,13 |
| 483:8 485:4,7              | 563:25                    | <b>addresses</b> 565:5     | 491:12 500:23              | 518:20,24 519:9            |
| 492:7,9 493:11             | <b>accurate</b> 396:24    | <b>adjourned</b> 578:22    | 521:7,17,22 522:2          | <b>aircraft</b> 515:10     |
| 494:13 495:14,15           | 444:19 451:20             | <b>adjunct</b> 506:12,13   | 523:11,15 527:10           | 516:11                     |
| 495:18,22 496:13           | 501:17 547:4              | <b>adjust</b> 398:23       | 533:1 534:13               | <b>airlines</b> 519:16     |
| 497:10,24 499:6,9          | 563:6,7 567:13            | 450:15 468:18              | 540:8 544:3                | <b>airport</b> 516:20,21   |
| 500:2,3 501:11             | 573:7,20                  | <b>adjusted</b> 422:20     | 549:10                     | 516:23 527:15              |
| 503:1,11,21                | <b>accurately</b> 508:16  | 449:21 450:19              | <b>age</b> 377:8 505:4     | <b>airports</b> 516:16     |
| 507:18 519:10              | <b>Acree</b> 429:21 430:3 | 468:25 469:3,12            | <b>agencies</b> 527:3      | <b>akin</b> 407:14 427:2   |
| 529:21 534:2               | 461:10,15,18              | 469:13 484:18              | <b>agency</b> 507:3        | <b>al</b> 372:3,6,9,12     |
| 535:24 539:13,16           | 462:2 479:12,21           | <b>adjusting</b> 427:10    | 514:24 560:7               | <b>Alfred</b> 568:1,2,6,12 |
| 540:3,11 542:21            | 479:25 481:4              | 468:13                     | <b>Agents</b> 506:9        | 568:20 569:2,6,15          |
| 548:13 549:22              | 486:23 487:19             | <b>adjustment</b> 416:19   | <b>ago</b> 480:7 567:8     | <b>alive</b> 490:21        |
| 551:7 553:7 555:3          | <b>Acree's</b> 467:18     | 421:14,15 462:25           | 569:11                     | <b>allow</b> 428:21 562:24 |
| 555:10 559:10              | <b>across</b> 390:16      | 464:7,7 465:11             | <b>agree</b> 440:22        | <b>allowance</b> 381:4     |
| 564:23 565:13              | 391:17                    | 469:14 488:3,6             | 456:11,14 459:10           | 394:9,11 395:8,16          |
| 566:1 568:20               | <b>act</b> 477:15 478:6   | <b>adjusts</b> 432:10      | 459:18 462:25              | 397:7 399:5 400:3          |
| 569:13 574:5,7             | 495:1 498:24              | <b>administration</b>      | 464:9 465:10               | 401:10 402:23              |
| 575:5 578:10               | 570:18                    | 502:25 506:5               | 468:21 470:8               | 403:7,19 407:1,6           |
| <b>above</b> 414:10        | <b>activities</b> 517:16  | 509:3 530:25               | 493:4                      | 407:10 408:7               |
| 417:18 418:20              | <b>actual</b> 394:3 400:2 | 574:21                     | <b>agreed</b> 386:8        | 409:18 410:24              |
| <b>absences</b> 459:6      | 412:5 413:25              | <b>admission</b> 495:15    | 390:24 440:23              | 411:23 422:2               |
| 484:22                     | 415:4,14 416:1            | <b>admitted</b> 577:10     | 450:11 472:3,17            | 423:23 429:22,24           |
| <b>absolutely</b> 388:15   | 417:19 419:15,17          | <b>admittedly</b> 565:7    | 473:19 493:9               | 429:24 437:11,14           |
| 428:3 457:23               | 422:21 423:17             | <b>advisor</b> 568:14      | <b>agreement</b> 378:18    | 438:9,13,18 439:4          |
| 488:11 564:24              | 424:13 443:12             | <b>affect</b> 427:19 537:2 | 378:22 379:16,17           | 439:17,19 440:16           |
| <b>accept</b> 491:7        | 445:2 450:23              | 537:23                     | 385:15 394:2,4             | 440:25 441:9,18            |
| <b>acceptable</b> 503:9    | 451:5,5 452:2             | <b>affected</b> 402:23     | 396:22 397:4               | 446:11 449:7               |
| 504:4                      | 455:12 521:6              | 451:16 512:22              | 406:16,25 408:20           | 450:5,13 452:22            |
| <b>accepted</b> 393:19     | <b>actually</b> 387:1     | 540:20 562:3,5             | 410:22 411:4               | 456:11 458:12              |
| 396:23 444:18,19           | 391:19 399:1,21           | <b>afforded</b> 439:14     | 412:11 413:6,12            | 460:21 461:23              |
| 451:19                     | 400:5,6 401:11            | <b>aforementioned</b>      | 413:15,23 416:25           | 462:13 463:3,10            |
| <b>access</b> 404:10       | 416:24 417:8              | 524:1                      | 417:2 419:25               | 463:18 466:2               |
| 425:22 436:25              | 420:20,22 421:4           | <b>aforesaid</b> 438:5     | 436:19 437:16,19           | 472:16,19 473:3,6          |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 474:1,14,18<br>475:16,20 476:1<br>477:22 484:2<br>486:25 487:24<br>489:15 491:17<br><b>allowances</b> 402:7<br>421:23 450:21<br><b>allowed</b> 555:10<br>576:24<br><b>almost</b> 423:13<br>511:6 519:5,21<br>525:14 537:25<br><b>alone</b> 522:23<br><b>along</b> 379:16<br>443:14 490:16<br>566:15<br><b>Alphabetical</b><br>461:10<br><b>already</b> 381:16<br>387:6 397:19<br>405:15 418:6<br>422:6 455:7<br>469:12 470:20<br>476:14 541:24<br>549:8,24<br><b>although</b> 543:17<br><b>always</b> 539:1<br>572:20<br><b>amended</b> 468:10<br><b>amendment</b> 473:22<br><b>America</b> 517:21<br><b>American</b> 521:3<br>571:18 573:12<br><b>amount</b> 383:7 394:4<br>413:20,25 419:16<br>426:24 430:1,4<br>432:21 438:4<br>464:21 467:22<br>479:15 480:11<br>500:15 574:5<br><b>amounts</b> 380:15<br>383:19 384:7<br>404:10 478:13<br><b>Amtrak</b> 495:3<br>508:21,25 509:4,8<br>509:14,25 510:6<br>538:16 575:4<br><b>Amtrak's</b> 509:6<br>510:18 522:8<br><b>analysis</b> 379:11<br>408:12 428:3<br>443:8 552:14<br>555:18<br><b>analyst</b> 377:21<br>506:25<br><b>analysts</b> 385:9<br><b>analyzed</b> 542:13 | 543:2,6<br><b>annual</b> 383:6<br>406:11,15 408:1<br>424:16,18,20<br>442:4 454:10,15<br>457:2,3 458:7,20<br>460:11 467:21<br><b>annualized</b> 458:18<br><b>annually</b> 457:7<br><b>another</b> 413:12<br>435:1 517:12<br>532:22 556:14<br><b>answer</b> 421:8 436:1<br>436:3 444:4<br>451:24 453:8<br>463:24 482:18,19<br>489:20 500:13<br>543:5 547:7,9<br>548:2 552:7<br>553:19 558:11<br>559:2 568:25<br>572:6 573:18<br>577:25<br><b>answered</b> 557:11<br>558:14<br><b>answering</b> 421:5<br><b>answers</b> 483:3<br>577:12<br><b>anticipation</b> 566:13<br><b>anyone</b> 435:19<br>567:1<br><b>anything</b> 415:22<br>458:4 468:2<br>544:11 547:11<br>548:13,14 553:12<br>553:23 574:7<br>576:9 578:16<br><b>Anyway</b> 468:4<br><b>anywhere</b> 477:20<br>523:19 528:25<br><b>apparently</b> 553:23<br><b>appear</b> 407:9,23<br>501:25 529:2<br><b>APPEARANCES</b><br>373:1 374:1<br><b>appearing</b> 447:25<br><b>appears</b> 398:14<br>411:25 430:20<br>579:9<br><b>Appendices</b> 378:21<br>448:1<br><b>appendix</b> 379:17<br>385:14 411:3,19<br>412:11 413:5<br>446:22,25 447:5<br>456:2 466:10,10<br>468:10 471:25 | 474:6,17 475:2<br>477:19 483:22<br>484:6 485:1,4,11<br>485:23<br><b>apples</b> 457:8,9<br><b>applicable</b> 427:16<br><b>applied</b> 403:5<br>411:19 412:10<br>414:16 420:17<br>425:14 520:18<br>540:18<br><b>applies</b> 518:15<br><b>apply</b> 474:2 490:6<br>549:9,12,25<br><b>appreciate</b> 501:15<br><b>approached</b> 534:22<br><b>appropriate</b> 397:8<br>439:16 468:19<br>476:5 500:15<br>502:14<br><b>appropriately</b><br>527:23<br><b>approval</b> 524:12<br><b>approved</b> 572:18<br><b>approximately</b><br>406:4 507:19<br>508:12 510:23<br>521:16 526:13<br>528:22 534:16<br>538:7,18<br><b>approximation</b><br>536:5<br><b>April</b> 510:6<br><b>arbitration</b> 372:1<br>372:15 396:18<br>434:8 480:6<br>481:13 482:7<br><b>arbitrator</b> 480:17<br><b>arbitrators</b> 499:23<br>502:20<br><b>archives</b> 530:7<br><b>area</b> 434:21 512:23<br>513:22 527:12<br>551:10<br><b>areas</b> 435:22 515:18<br>517:6 527:1<br>543:18 547:1<br><b>argue</b> 405:10 476:7<br>497:1 576:19<br><b>arguing</b> 496:13<br><b>argument</b> 434:9<br>476:4 491:7<br>496:17 499:21<br>501:15 578:10<br><b>arguments</b> 492:22<br>496:22 499:15,25<br>501:4 | <b>arises</b> 438:18<br>440:16<br><b>arithmetic</b> 483:18<br>483:19<br><b>around</b> 399:12,13<br>513:22<br><b>arrangement</b><br>566:16<br><b>arrive</b> 379:2,12<br><b>art</b> 439:4<br><b>asked</b> 379:25<br>393:23,24 408:4<br>431:12 432:7<br>433:14,15 436:12<br>436:22,23 437:1<br>459:12,21,23<br>471:3 479:10,14<br>481:8,16 482:13<br>483:7 486:12<br>506:22 512:3,11<br>534:10 544:15,17<br>544:25 545:1<br>547:4 552:9 553:1<br>555:22 556:22<br>558:13,20,23<br>559:8,23 565:13<br>569:11,12 572:4,5<br>572:24<br><b>asking</b> 405:19<br>428:19 465:1<br>466:6,19,22 467:6<br>467:11 486:17<br>564:23<br><b>asks</b> 439:7<br><b>aspects</b> 563:2<br><b>asset</b> 489:17<br><b>assignment</b> 531:19<br>531:21,24,24<br><b>assignments</b> 533:14<br>540:17<br><b>assist</b> 508:23 532:16<br>549:4<br><b>assistance</b> 502:16<br><b>assistant</b> 389:7<br>506:12 530:24<br>574:20<br><b>assisted</b> 510:13<br><b>associated</b> 508:6<br><b>assume</b> 419:17<br>436:17 467:25<br>468:2 469:24<br>476:17 503:3<br>554:7 572:15<br><b>assumed</b> 399:25<br>400:2,18,24<br>401:13 405:22<br>424:14 444:16 | 462:12<br><b>assuming</b> 472:15<br><b>assumption</b> 402:4<br>413:20 414:12<br>415:2,7,10,21,25<br>416:21 417:12<br>420:7 421:7,21<br>422:19 423:1<br>443:15 444:10<br>451:16 467:5<br><b>assumptions</b> 414:23<br>415:1 432:17<br>451:6 467:9,12<br>471:24 472:18<br><b>Astute</b> 406:8<br><b>attached</b> 378:21<br>379:18 485:13<br><b>attachment</b> 438:22<br>446:17 475:2<br><b>attempt</b> 414:22<br><b>attended</b> 505:17<br><b>attending</b> 506:21<br><b>attention</b> 434:23<br>437:8 447:8<br>476:25 477:3<br>495:8 497:7 498:2<br><b>attorneys</b> 436:24<br>437:1<br><b>audits</b> 511:18<br><b>August</b> 481:7,9<br>509:12 544:22,25<br>545:15<br><b>authored</b> 396:17<br><b>Authority</b> 507:4<br><b>authors</b> 567:16<br><b>automated</b> 514:21<br><b>automobile</b> 518:25<br>519:14,18,22<br>522:4 527:12<br><b>automobiles</b> 518:21<br>527:4<br><b>Autumn</b> 554:5<br><b>availability</b> 515:21<br><b>available</b> 381:5<br>406:18,19 424:18<br>426:15 442:13,14<br>459:7 484:23<br>489:16 490:12<br>519:19 523:11<br>532:9 560:1<br><b>Avenue</b> 372:21<br>373:6,13 538:19<br><b>average</b> 398:2,10<br>398:15,16,23<br>407:17,22 408:3<br>416:19 419:23,24<br>420:3,4 438:5 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 449:19 459:8<br>473:8,14 484:17<br>484:24 533:20<br>550:23 551:1<br><b>averaged</b> 407:8<br><b>averaging</b> 408:4<br><b>avoiding</b> 490:11<br><b>award</b> 428:15<br><b>aware</b> 492:1 536:11<br><b>away</b> 489:2 539:13<br><b>awful</b> 431:16<br><b>a.m.</b> 372:19 500:23<br>575:24 578:19 | 448:16 449:1,2,14<br>449:19 450:1<br>456:6 462:17<br>463:14 464:3,11<br>464:20,23 465:6<br>465:15,17 467:4<br>468:11,18 469:10<br>473:8,14 474:22<br>484:12,17 485:9<br>519:17<br><b>based</b> 392:22 405:4<br>415:10,19 416:21<br>420:5 421:20<br>458:13 467:5<br>481:6 514:5<br>516:12 546:22<br>552:22 553:4,13<br>563:4<br><b>basically</b> 386:7,10<br>406:18 410:24<br>413:17,18 546:13<br>546:25 572:2<br><b>basis</b> 386:1 396:25<br>407:12 457:5,15<br>458:7,8,10 460:11<br>470:22 517:21<br>562:15<br><b>Bates</b> 389:3 513:20<br><b>bear</b> 489:21 515:18<br><b>bearing</b> 443:11<br><b>became</b> 507:11<br>508:1 509:17<br>510:7 514:6 517:1<br>567:11 570:5<br>575:3<br><b>become</b> 446:6<br><b>becoming</b> 507:18<br><b>before</b> 372:1,15<br>381:17 387:12,15<br>391:8 399:6<br>400:11 402:20<br>411:7,11 457:15<br>469:11 482:8<br>488:16 494:9<br>495:17 523:15<br>541:15 571:8<br>572:6,7 576:14<br>577:15<br><b>begin</b> 377:3 446:10<br>504:25<br><b>beginning</b> 578:7<br><b>begins</b> 396:11 410:5<br>459:2<br><b>begun</b> 520:14<br><b>behalf</b> 373:3 374:3<br>383:14 390:9<br>393:12 403:10 | 571:2,15<br><b>behind</b> 522:22<br>528:4 554:15<br><b>being</b> 377:9 396:24<br>402:5 428:24<br>444:18 451:20<br>489:18 496:22<br>505:5 527:11<br>531:14 532:1<br>533:11 556:10<br>565:9<br><b>belabor</b> 558:15<br><b>believe</b> 386:5 387:2<br>389:1 410:9 416:5<br>419:25 427:6,15<br>435:2 439:1<br>442:18 446:22<br>449:8 461:2<br>487:12 492:3<br>500:8 502:6 544:1<br>562:12,13 573:11<br>575:21<br><b>believed</b> 414:19<br><b>bell</b> 554:12<br><b>below</b> 417:16 465:5<br>469:19,20 546:16<br><b>belt</b> 517:1,3,14<br><b>benefit</b> 402:24<br>425:20 427:22<br>458:22 490:10<br><b>benefited</b> 426:3<br><b>benefits</b> 389:8,24<br>402:24 408:11,19<br>424:23,25 425:3<br>546:24 551:23,25<br>554:21 555:3,8,20<br><b>Benko</b> 481:21<br><b>best</b> 426:5<br><b>better</b> 407:18<br><b>between</b> 394:7,23<br>398:18 401:20<br>415:18 416:19<br>417:9 459:13<br>471:17 483:22<br>526:16 536:12,25<br>539:6 567:1<br>572:11<br><b>beyond</b> 386:9<br>512:15 520:11<br>539:19 543:18<br>562:20 564:8,25<br>565:1,24 568:8<br><b>biggest</b> 525:13<br>547:24<br><b>Bilinsky</b> 418:12,15<br>419:1,8 420:6,9<br>420:18,21 | <b>Bilinsky's</b> 420:12<br><b>bill</b> 383:21 497:6,8<br>497:9 572:14<br><b>bills</b> 572:16 573:7<br><b>binding</b> 435:20<br><b>Binzen</b> 562:11<br><b>birth</b> 381:13 396:4<br><b>bit</b> 418:7,8 425:7<br>440:23 441:5<br>496:3,21 499:12<br>543:11<br><b>bi-level</b> 510:19<br><b>Blackwell</b> 478:15<br>480:5<br><b>Blank</b> 374:4 573:19<br><b>blue</b> 389:10<br><b>blues</b> 389:12<br><b>bluff</b> 538:15<br><b>board</b> 380:4 383:1<br>386:9 388:5,7<br>389:20 390:3,6,16<br>390:23 391:5,9,17<br>392:4,12,16 393:4<br>393:7 394:22<br>399:3 402:4 403:2<br>411:12 437:9<br>438:16 445:11<br>451:11 452:10<br>461:6,14,16 462:4<br>462:10 469:5,6<br>486:14 488:20<br><b>bolster</b> 575:2<br><b>book</b> 542:5 562:7<br>562:10 564:9,22<br>564:23 566:3<br><b>books</b> 497:14,16<br><b>booming</b> 516:10<br><b>bore</b> 544:13<br><b>borrow</b> 426:12,18<br><b>borrowing</b> 427:2<br><b>both</b> 383:3 384:5<br>498:12 500:11<br>514:14 517:3<br>528:15 550:24<br>552:7 559:8 572:1<br>574:25<br><b>bottom</b> 411:20<br>524:10 535:21<br><b>bounce</b> 572:19,21<br><b>bound</b> 417:5,13,16<br>420:20,23 421:10<br>575:6<br><b>box</b> 399:12,13<br>400:8,13 401:2,3<br><b>boxed</b> 399:23 423:6<br>424:9<br><b>bracketed</b> 462:20 | <b>brackets</b> 460:2<br><b>brakeman</b> 396:7<br>397:18<br><b>brakemen</b> 379:6<br>380:16,19,21<br>382:17 394:16<br>397:11 403:20<br>435:10 452:19<br>454:18 478:20<br>482:24 535:3<br>541:3<br><b>break</b> 441:5 453:23<br><b>break-even</b> 525:10<br><b>brief</b> 499:25 500:17<br>500:18 504:7<br>576:4,19<br><b>briefing</b> 502:10<br><b>briefs</b> 499:14,21<br>500:5 502:5,18,22<br>503:8 566:6<br>578:14<br><b>bring</b> 447:8 461:14<br>578:6<br><b>brings</b> 523:13<br><b>Brockna</b> 554:5,13<br><b>Brotherhood</b><br>380:24 382:8<br>422:22<br><b>brought</b> 577:16<br><b>Buffalo</b> 516:6<br><b>building</b> 535:13<br><b>built</b> 513:15<br><b>bullet</b> 477:10 478:2<br>478:13,19,24<br><b>bunch</b> 408:18<br><b>Bundy</b> 372:9 379:9<br>409:2,6,18,21<br>410:3,20 411:5,17<br>411:21 412:1<br>429:19<br><b>Bundy/Watjen</b><br>389:13<br><b>burden</b> 499:1<br>517:23<br><b>bureau</b> 383:1<br><b>bus</b> 519:6<br><b>buses</b> 518:20<br><b>business</b> 497:19<br>506:5 515:3,18<br>516:9,14 517:7<br>518:23 524:3<br>532:23 533:12<br>535:10 542:23<br>546:21,22 547:14<br>547:23 550:22<br>552:21 553:3,4,14<br>553:23 559:10,17 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 574:5 575:1,3<br><b>buy</b> 426:24 | 491:16,21<br><b>California</b> 506:16<br><b>call</b> 377:7 381:12<br>426:23 441:6<br>442:11 481:1<br>494:9 552:2<br><b>called</b> 377:9 379:7,8<br>379:10 386:6<br>406:16 410:22<br>412:17 420:22<br>422:17 435:13<br>498:2 505:5 510:9<br>524:10 542:6<br>562:7<br><b>calls</b> 439:7 505:2<br>554:24<br><b>came</b> 380:23 382:17<br>384:19 388:15<br>403:10 472:21<br>501:11 509:8<br>524:13<br><b>Canadian</b> 521:23<br><b>cap</b> 415:13,16<br>416:16 418:15<br>419:5 420:24<br>424:10,11 445:18<br><b>capacity</b> 515:17<br>546:1<br><b>capped</b> 419:14<br>420:5<br><b>car</b> 508:24 535:5<br><b>Carl</b> 372:20<br><b>CARLA</b> 373:5<br><b>carman</b> 422:9<br><b>carmen</b> 379:9<br>380:23,24 382:9<br>414:17 421:24<br>422:22,23 424:5<br>443:10 444:8<br>478:25 541:7<br><b>Carnes</b> 373:4<br><b>carriage</b> 514:20,21<br><b>carried</b> 398:20<br>403:15 411:23<br>423:20 424:1<br>519:4<br><b>carrier</b> 385:16<br>500:16 529:11<br><b>carriers</b> 439:21<br>518:20 519:9<br>559:9<br><b>carry</b> 402:17<br><b>carrying</b> 524:11<br><b>cars</b> 508:25 510:1<br>514:23 531:25<br>532:7,9 533:21<br>534:9,12 535:24 | 536:1,7,9<br><b>case</b> 372:4,7,10,13<br>388:21 392:13<br>393:23 394:8<br>396:4 402:8,14<br>405:17 410:25<br>422:15 423:4<br>434:11,18 440:13<br>441:23 443:16,23<br>444:8 451:17,18<br>453:10 480:16,18<br>481:13 482:24<br>483:15,16 488:13<br>494:12 495:20<br>498:9 506:16<br>512:4 529:11,21<br>540:20 543:25<br>554:17 557:6,14<br>557:20 564:1<br>566:17 570:12<br>571:18,22 572:25<br>577:8<br><b>cash</b> 547:24<br><b>causation</b> 557:19<br><b>cause</b> 483:13<br>486:20 566:24<br>579:11<br><b>caused</b> 521:11<br>557:19 570:18<br><b>Center</b> 374:9<br><b>central</b> 372:4,7,10<br>372:13 378:20<br>393:13 433:22<br>434:15,22 435:21<br>485:15 494:24<br>495:5 507:10,12<br>508:3,14,17<br>509:10 512:15,21<br>514:13 515:13,18<br>523:1,2 524:4<br>529:11,12 530:7<br>530:22,25 531:15<br>536:12,23 537:1,8<br>539:7 542:6<br>547:25 552:21<br>560:18 562:8<br>564:6 566:21<br>567:9,12,17,20<br>569:17 570:3,5,6<br>570:18 571:3,5,9<br>571:22 574:22<br>577:21<br><b>Central's</b> 532:19<br><b>certain</b> 452:17<br>462:16 490:11<br>515:14 569:21<br>576:24 | <b>certainly</b> 405:10<br>431:20 466:9<br>517:11 527:5<br>539:18 544:5<br>555:9 557:3 558:1<br><b>certainty</b> 378:16<br>379:3 391:1<br>400:24 432:25<br><b>CERTIFICATE</b><br>579:1<br><b>certified</b> 377:10<br>505:6 506:7,8,9<br><b>certify</b> 579:4<br><b>chairman</b> 372:16<br>377:1 378:2<br>388:18,24 389:15<br>404:22 405:18,25<br>406:6 418:24<br>419:3,12 428:21<br>430:18 431:3<br>432:20 433:3,7<br>439:11 466:11,21<br>467:8,13 470:2<br>476:11 479:6<br>480:25 482:25<br>483:4 486:1<br>487:12,16 491:15<br>491:20,24 492:3<br>492:25 493:6,10<br>494:7,9 495:11,23<br>496:18,25 497:12<br>498:1,8 499:4,7<br>499:17 503:16,22<br>504:9,12,15,19,24<br>511:1 530:11<br>540:5 541:13<br>551:19 552:4<br>553:18 554:7<br>555:1,15 557:10<br>558:2,8,17 562:24<br>564:10,13,16,19<br>564:24 565:3,15<br>565:20 566:2<br>568:9 570:24<br>572:1,8 574:13<br>575:17 576:18,21<br>577:3 578:3,16,19<br><b>changed</b> 432:19,21<br><b>changes</b> 431:5<br><b>charge</b> 508:10<br><b>charged</b> 383:18<br>393:11<br><b>chart</b> 429:3 430:21<br>484:21 522:23<br>524:22 526:11,15<br>528:5 529:8 534:7<br><b>charts</b> 520:11 | 522:22<br><b>checks</b> 572:17<br><b>Chicago</b> 506:3<br>516:5 531:12<br><b>chief</b> 495:20<br><b>children</b> 554:15<br><b>choose</b> 500:5<br><b>Cincinnati</b> 374:11<br><b>Cioffi</b> 374:5,6 375:7<br>377:25 378:6<br>403:24 404:13,18<br>404:21 405:6,14<br>409:7 428:17<br>433:5,11 435:2,24<br>447:2 448:20<br>451:21 454:11<br>463:23 466:17<br>467:2,11,15,16<br>470:14,20 471:1<br>476:8,13 479:4,10<br>479:18 480:1,12<br>480:19,22 481:23<br>482:6,17,25 483:7<br>483:21 486:1,4<br>487:10 492:14,17<br>492:24 493:4<br>494:7,8 495:21<br>496:24 497:5,14<br>498:16 499:5,11<br>503:12 504:1,5,10<br>504:13,17,22<br>530:14 558:6<br>565:23 574:12<br>576:14,16,24<br>577:20 578:18<br><b>Cioffi's</b> 479:19<br>481:11 484:21<br><b>Cioffi@blankrom...</b><br>374:13<br><b>circumstances</b><br>563:22<br><b>cited</b> 437:21 438:2<br>470:23 473:24<br>475:5,7,7<br><b>cities</b> 515:22 516:25<br>517:13 524:24<br>525:6 527:19<br><b>city</b> 505:22 515:13<br>515:18 535:15<br><b>Civil</b> 506:15<br><b>Claimant</b> 388:7,22<br>445:1 455:9<br>494:13 555:20<br><b>Claimants</b> 377:6<br>382:13,22 388:4<br>391:20 392:25<br>404:15 409:8,13 |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 410:12 428:14<br>435:14 437:11<br>441:23 446:6<br>455:11 481:17<br>483:12 554:17<br>557:5 562:3,5<br>570:12<br><b>claimed</b> 442:16<br><b>Clarence</b> 395:8<br>400:12 409:2<br><b>clarification</b> 395:10<br>446:22 495:10<br><b>clause</b> 450:18<br><b>clean</b> 535:13<br><b>clear</b> 436:20 451:4<br>470:17 474:13<br>494:11<br><b>clearly</b> 428:25<br>496:6 499:21<br>516:22 519:14<br>520:11 524:5<br>527:21 528:19<br>533:6 536:10<br>539:22 543:18<br>561:7,21 563:2<br>567:10,11 578:2<br><b>Clements</b> 373:4<br><b>clerk</b> 410:3<br><b>clerks</b> 379:8 381:3<br>394:10<br><b>Cleveland</b> 372:22<br>373:7,15,23<br>512:23,24 513:22<br>514:16 516:7,17<br>516:20,25 517:22<br>520:20,21 524:23<br>525:1,12,14 526:1<br>526:4,12,13,15<br>527:9,10,15,18,22<br>528:7,10,10,18<br>529:9,22 531:7,10<br>531:11,12,14,16<br>532:1 533:22<br>534:24 535:8,14<br>538:4,6,9,13,25<br>539:1,3,12,13<br>540:21 557:5<br>560:19<br><b>Cleveland</b> 538:10<br><b>Cleveland's</b> 514:12<br><b>client</b> 510:11<br><b>clients</b> 510:16,18<br><b>clock</b> 503:5<br><b>close</b> 421:2 466:14<br>501:18,20 521:10<br>538:16<br><b>closed</b> 502:2 | <b>closest</b> 539:12<br><b>closing</b> 499:15,25<br>500:10,18 501:4<br><b>coach</b> 531:13,13<br>532:15,15<br><b>collective</b> 397:24<br><b>College</b> 506:14<br><b>colloquy</b> 483:20<br>500:3<br><b>Colorado</b> 510:22<br><b>colored</b> 563:24<br><b>Columbus</b> 525:9<br><b>column</b> 396:13,13<br>396:25 397:9<br>398:14,25 399:7<br>401:5 402:18,20<br>405:19 411:9<br>418:19 422:16,18<br>423:3,8,17 430:22<br>521:9 522:1<br><b>columns</b> 397:8<br><b>come</b> 396:9 460:17<br>476:18,21 482:10<br>496:6 573:15<br>576:18<br><b>comes</b> 388:8 411:11<br>421:5 485:24<br><b>comfortable</b> 415:21<br>510:3<br><b>coming</b> 505:11<br><b>commenced</b> 506:1<br><b>commencement</b><br>509:6<br><b>commencing</b> 449:17<br>484:15<br><b>commensurate</b><br>540:18<br><b>comment</b> 559:17<br><b>comments</b> 569:15<br>569:18<br><b>Commerce</b> 505:23<br>518:18<br><b>commercial</b> 427:2<br>516:11,13 543:22<br>544:4<br><b>commission</b> 518:18<br>579:20<br><b>committee</b> 372:1<br>396:19<br><b>common</b> 425:24<br><b>commonly</b> 385:12<br><b>Communications</b><br>382:10<br><b>commuter</b> 507:6<br>510:17 511:9<br><b>commuters</b> 538:11<br><b>comp</b> 443:4 457:10 | <b>Compact</b> 506:24<br>507:2<br><b>companies</b> 426:23<br>523:1 525:22<br>550:22 572:12<br><b>company</b> 378:23<br>447:23 510:8,20<br>515:2 568:15<br>571:2,10,13 575:6<br>575:13<br><b>compare</b> 389:17<br>394:3,21 420:7<br>449:4 457:5,6,8<br>457:10 458:5,7<br>460:6,25 469:10<br>471:16 472:3,20<br><b>compared</b> 390:22<br>391:14 460:23<br>482:4,9,13 518:23<br>551:1<br><b>comparing</b> 423:16<br>481:11 485:21<br>521:6<br><b>comparison</b> 387:4<br>390:11,18 391:23<br>392:2,18 399:5<br>402:16 406:17<br>449:16 458:10,15<br>458:25 460:3<br>465:25 468:15,20<br>482:6 485:5<br>486:15,24<br><b>compel</b> 434:8<br><b>compendium</b><br>384:17<br><b>compensate</b> 427:21<br><b>compensated</b><br>385:18 428:24<br>447:15 448:5<br>489:19<br><b>compensates</b> 487:6<br><b>compensation</b><br>378:17 380:10<br>386:1 389:25<br>392:8 413:8 438:3<br>438:5 440:2,8,9<br>440:19 441:10<br>442:23 445:1,2<br>448:2,19 449:13<br>449:13,20 451:6,8<br>451:12,14 452:2,5<br>452:10,21,24<br>453:7,9,12,19<br>455:24 456:9<br>459:5 462:2,3<br>463:14 464:6,22<br>465:8,17 467:21 | 468:5 470:15<br>472:5 473:7,9,14<br>473:16 477:14,25<br>478:5 484:11,11<br>484:14,18,21<br>485:5<br><b>competing</b> 522:4<br><b>compilation</b> 429:16<br>430:9,14 521:2<br>561:20<br><b>complete</b> 386:12<br>416:3 460:12<br>503:1 575:25<br>579:10<br><b>completely</b> 521:13<br>567:13<br><b>component</b> 428:11<br>527:16<br><b>compose</b> 500:12<br><b>compound</b> 385:5<br>428:6 489:3<br><b>compounded</b><br>398:17 489:1<br><b>comprised</b> 447:14<br>448:3<br><b>computation</b><br>394:11 398:11,14<br>414:12 416:3<br>421:4 459:14<br><b>computations</b> 385:4<br>430:11 432:16<br><b>compute</b> 398:16<br>412:7 425:8<br>426:20 445:19<br><b>computed</b> 380:16<br>396:21 398:2<br>410:24 412:25<br>416:20 417:9,11<br>422:25 425:9<br>426:22 429:20<br>450:9<br><b>computing</b> 396:25<br>410:22 420:9<br>421:7 441:10<br>446:10<br><b>concede</b> 465:13<br><b>conceivable</b> 492:21<br><b>concentrated</b><br>516:14<br><b>concentrating</b><br>523:9<br><b>concentration</b><br>515:19<br><b>concern</b> 440:14<br>532:12<br><b>concerned</b> 500:2<br><b>concerning</b> 409:16 | 578:13<br><b>concessions</b> 566:18<br><b>conclude</b> 490:18<br>492:22<br><b>concluded</b> 491:10<br>492:4,11 557:2<br><b>conclusion</b> 390:19<br>418:4 428:18<br>439:7 501:11<br>502:9 504:8 552:3<br>554:25 558:7<br><b>conclusions</b> 392:20<br>502:7<br><b>concordant</b> 521:13<br><b>conditions</b> 426:7<br>440:3 459:17<br>559:17<br><b>conducted</b> 531:22<br><b>conductors</b> 382:16<br>535:4<br><b>conduit</b> 436:24<br><b>confidence</b> 417:14<br>418:10 421:6<br><b>confirmation</b><br>421:22<br><b>confusion</b> 446:24<br>447:6<br><b>Congress</b> 393:12<br><b>connected</b> 516:6<br><b>connecting</b> 532:22<br><b>connection</b> 532:17<br><b>Conrail</b> 434:18<br>435:16,18,20<br>444:21,23 480:14<br>494:18 495:2,2<br>497:10 498:25<br>499:2<br><b>Conrail's</b> 453:15<br><b>consequence</b> 428:8<br><b>consider</b> 402:25<br>452:9 453:18<br>489:4,8 543:20<br>544:11 563:1<br>567:20<br><b>considerable</b> 574:4<br><b>considered</b> 452:5<br><b>considering</b> 490:14<br><b>consist</b> 382:15<br><b>consistent</b> 390:16<br>410:6 450:20<br>486:24 532:7<br>569:16<br><b>consolidate</b> 539:10<br><b>consolidation</b> 539:5<br><b>constitute</b> 561:8<br>562:17<br><b>constitutes</b> 561:6 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 579:11<br><b>constrained</b> 415:12<br>415:16 420:23<br><b>constraint</b> 416:5<br><b>consult</b> 477:21,24<br>478:9,16,22 479:1<br><b>consultancy</b> 511:5<br><b>consultant</b> 510:7<br><b>consulting</b> 542:22<br><b>consumed</b> 489:6<br><b>consummated</b><br>536:16<br><b>consummation</b><br>449:18 484:16<br><b>consumption</b> 489:4<br>489:8,17,20 490:1<br>490:14 491:2<br><b>contained</b> 380:3<br>394:2 410:16<br>444:1,12 446:4<br>478:14 482:14<br>513:3,8,9<br><b>contains</b> 513:13<br><b>contemplated</b><br>553:24<br><b>context</b> 543:25<br>578:11<br><b>continue</b> 389:15<br>455:4 467:14<br>493:2 498:13<br>531:12 537:14<br>540:6 548:15<br>566:5 568:10<br><b>continued</b> 374:1<br>439:23 510:21<br>515:13 519:23<br>520:12 522:6,9<br>524:7 537:20<br><b>continues</b> 521:5,14<br>524:15 568:14<br><b>continuing</b> 439:6,10<br>512:14<br><b>contract</b> 385:25<br>476:5<br><b>contracts</b> 414:18<br><b>contrast</b> 567:15<br><b>contributed</b> 560:22<br><b>contribution</b> 402:25<br>408:14 423:25<br>425:5 429:24<br><b>contributions</b> 403:8<br>403:17<br><b>control</b> 578:2<br><b>controller</b> 386:6<br>389:7,23<br><b>convene</b> 500:9,22<br>575:23,24 | <b>convenient</b> 397:23<br><b>conversation</b> 493:2<br>569:13<br><b>conversations</b> 568:7<br>568:12<br><b>converting</b> 408:2<br><b>convey</b> 495:1<br><b>conveyance</b> 495:6<br>577:22<br><b>conveyed</b> 494:18<br>498:20 518:12<br>573:19<br><b>conveys</b> 495:2<br><b>coordination</b><br>439:22,25 440:1,4<br>440:10<br><b>copies</b> 379:21 387:3<br>388:3 394:24<br>431:20<br><b>copy</b> 379:15 380:1<br>380:14 381:1<br>382:7 388:21<br>389:7 397:13<br>409:5,15 431:18<br>432:9 434:12<br>435:1 439:13<br>547:3<br><b>corporate</b> 426:5<br>571:13<br><b>corporation</b> 427:11<br>508:19 509:13<br>510:22 511:22<br><b>corporations</b><br>426:11<br><b>correct</b> 391:21<br>393:1 403:23<br>404:17 405:24<br>409:9 412:23<br>437:12,19,25<br>438:10,22,23,25<br>440:21 441:2,19<br>441:20 443:5,6<br>446:1,18,19 447:4<br>448:12,13,17<br>450:2,3,7,8,16,25<br>454:5,14,20,21,23<br>454:24 455:16,17<br>456:4,8,20,21,23<br>456:24 457:17,21<br>459:24 460:8<br>463:5 468:9 469:1<br>469:2,4,25 471:7<br>471:8,23 472:5,17<br>472:24 473:20<br>475:17 477:8,9<br>479:16,17 480:2,3<br>482:4 487:8 488:8 | 488:11 491:18,19<br>491:24 496:24<br>504:20 537:12<br>542:2 543:10<br>544:10,18 545:4<br>545:14,23,24<br>546:2,3,10 547:5<br>547:8 551:4<br>553:10,15 555:21<br>555:24 556:1<br>558:11 559:7,22<br>568:22 569:17<br>573:21 574:10<br>576:17 579:12<br><b>correctly</b> 461:23<br>542:25 546:17<br><b>Corridor</b> 575:4<br><b>corridor-type</b><br>511:10<br><b>counsel</b> 388:10<br>409:5 431:19<br>436:8 442:13<br>459:23<br><b>counselor</b> 506:8<br><b>count</b> 396:13<br><b>country</b> 510:15<br><b>couple</b> 433:6 476:16<br>494:10<br><b>course</b> 404:9 407:17<br>460:13,16 499:18<br>514:8 515:4<br>516:16 517:15<br>519:25 525:17<br>532:11 533:8,13<br>534:23 535:14<br>538:2<br><b>court</b> 494:23 495:5<br>502:24<br><b>Courthouse</b> 372:20<br><b>courtroom</b> 554:14<br><b>coverage</b> 398:5<br><b>covered</b> 380:10,25<br>383:19,23 384:8<br>392:8 451:13<br>465:22,23 477:14<br>478:5<br><b>covers</b> 518:16<br><b>craft</b> 540:21,22<br>541:1<br><b>crafts</b> 534:25<br><b>created</b> 489:13<br>490:20 515:16<br><b>creation</b> 515:5<br><b>credible</b> 379:23<br>477:17<br><b>credit</b> 475:15<br><b>crew</b> 531:22 532:9 | <b>crews</b> 533:10 535:3<br><b>cross</b> 466:23 566:5<br><b>CROSS-EXAMI...</b><br>375:5,14 433:10<br>486:3 541:22<br><b>crunch</b> 496:4<br><b>Ctricarichi@aol....</b><br>373:9<br><b>current</b> 385:20<br>413:7 438:3 448:2<br>449:16 456:8<br>473:7 484:14<br>497:15<br><b>curriculum</b> 377:24<br>378:4<br><b>custodial</b> 497:18<br><b>customarily</b> 393:17<br><b>customer</b> 511:20<br><b>customers</b> 426:5<br><b>cut</b> 520:5 525:24,25<br>533:4 537:2,18,21<br>537:24 538:1<br>539:8,15,17<br>540:12,13,14,24<br>541:3,7 558:24<br>559:24 560:1,24<br>561:4,11,19,22,24<br>577:20 | 445:17 454:16,16<br>455:23 457:2,3,13<br>461:4 477:16<br>483:8,8,10 486:19<br>523:11 524:1,22<br>528:19<br><b>date</b> 381:13 396:4<br>430:24 439:25<br>441:14,18,22,24<br>442:5 445:3<br>449:18 481:9<br>484:16 485:17<br>532:25 567:3<br><b>dated</b> 378:21<br>379:16 380:13<br>383:1 434:5 478:6<br><b>dates</b> 388:12 503:19<br><b>Daughen</b> 562:11<br><b>David</b> 372:9 409:6<br>409:18,21 530:19<br>530:20<br><b>day</b> 407:16 482:17<br>503:5,7 515:14<br>568:14<br><b>days</b> 398:9 407:19<br>407:22 411:2<br>503:7,19,20,24<br>504:11,13,15,17<br><b>deal</b> 379:13 548:4<br><b>dealing</b> 409:25<br>421:3 433:19,24<br>565:24<br><b>deals</b> 550:9,15<br>551:3<br><b>dealt</b> 405:15 547:21<br><b>death</b> 402:8 490:17<br>490:22 491:1,10<br><b>decade</b> 426:25<br><b>decades</b> 512:13<br><b>December</b> 372:18<br>407:4 431:11<br>432:12,14 503:4<br>531:5<br><b>decide</b> 393:3 474:12<br>475:24 504:2<br><b>decided</b> 393:2<br><b>decision</b> 570:11<br><b>decisions</b> 570:8<br><b>decline</b> 512:18<br>513:21 514:2,4,8<br>514:11 515:20,25<br>517:2 518:23<br>519:23 520:3,4,18<br>522:11,13 523:16<br>524:14,16 525:14<br>525:23 529:18,20<br>534:18,21 536:2 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 537:7,14,17<br>539:14 540:4,10<br>540:15,19 541:1,5<br>546:14,21,23,25<br>550:22 551:7,25<br>552:21 553:3,5,7<br>553:12,14,22<br>555:6 557:24<br>558:4 559:10<br>560:1,8<br><b>declined</b> 516:8<br>517:5,8 525:11<br>526:20,21 532:23<br>534:19 535:19,20<br>536:22 549:15<br>558:24 559:20<br><b>declines</b> 514:17<br>516:1,4<br><b>declining</b> 524:5<br>525:7 528:21<br>536:19 575:2<br><b>decrease</b> 392:24<br>524:13<br><b>dedicated</b> 535:19<br><b>deduction</b> 459:11<br><b>deeds</b> 497:20<br><b>deem</b> 387:18,21<br>392:23<br><b>defendant</b> 372:5,8<br>372:11,14 374:3<br>434:11,20 436:22<br>480:16,21 512:4,8<br>571:18,22,23<br>572:15,25 573:11<br>573:12<br><b>Defendants</b> 386:25<br>387:6,10 480:6<br>481:13 482:7<br>483:12 571:15<br><b>Defendant's</b> 376:3<br>387:2,8 388:14<br>389:2,18 391:24<br>392:19 404:3<br>494:2 541:21,24<br>544:16 578:13<br><b>defense</b> 505:2<br><b>defined</b> 437:15<br>438:13,18<br><b>defines</b> 439:3<br><b>degree</b> 378:16<br>379:3 390:25<br>400:23 402:21<br>426:6 432:24<br>505:19,24 506:4<br><b>Delaware</b> 575:7,8<br><b>delivered</b> 575:6<br><b>delux</b> 511:11 | <b>delve</b> 436:10 543:19<br><b>demand</b> 575:2<br><b>demographic</b><br>381:12 396:3<br>410:2 422:8<br><b>demonstrate</b> 451:15<br><b>demonstration</b><br>486:13<br><b>Dennis</b> 372:16<br><b>dense</b> 441:4<br><b>department</b> 478:21<br>507:21 508:8,10<br>510:12,13<br><b>depend</b> 502:18<br><b>depended</b> 527:18<br><b>depending</b> 495:13<br><b>depiction</b> 547:4<br><b>depose</b> 405:12<br><b>deposed</b> 377:10<br>505:6<br><b>deposit</b> 572:18<br><b>deposited</b> 572:19<br><b>deposition</b> 542:4,16<br>565:13 568:23<br>569:19 571:7<br><b>deprivation</b> 427:22<br><b>deprived</b> 489:11<br>490:9<br><b>describe</b> 442:1<br>511:2 560:23<br><b>described</b> 413:14<br>442:10 443:10,14<br>443:21 444:7,9<br>445:5,8 452:11<br>465:4 517:14<br><b>describes</b> 531:1,6<br><b>describing</b> 444:20<br>563:23,24<br><b>design</b> 495:3<br><b>designated</b> 439:17<br><b>designation</b> 524:24<br><b>destination</b> 516:23<br><b>detail</b> 551:17<br>559:18 571:12<br>572:18<br><b>detailed</b> 432:2<br>479:15 564:3<br><b>determination</b><br>379:2 479:20<br><b>determine</b> 378:16<br>392:23 394:19<br>400:23 403:18<br>414:22,25 426:2<br>441:23 444:14<br>445:2 466:15,24<br>482:3 555:19<br>570:18 | <b>determined</b> 395:21<br>405:4 441:10<br>442:8 497:3<br><b>determining</b> 413:13<br>441:17,18 449:9<br>464:21 484:2,8<br>511:16<br><b>Detroit</b> 510:16<br><b>development</b> 515:9<br>535:10,15<br><b>devoted</b> 511:5<br><b>died</b> 402:11<br><b>dies</b> 490:8<br><b>differ</b> 430:20<br><b>difference</b> 391:10<br>394:7 402:17<br>422:16 430:25<br>431:2,4,9 438:6<br>458:20 459:13,22<br>471:17 473:9,15<br>483:21 484:20<br>521:18 549:16<br><b>differences</b> 401:20<br>432:16<br><b>different</b> 379:21<br>384:21 395:3,10<br>408:19 410:1<br>415:11 427:19<br>430:24 440:13<br>483:1,3 501:23<br>521:12 551:10<br><b>differential</b> 471:22<br><b>digested</b> 560:21<br><b>diminish</b> 527:23<br>574:25<br><b>diminished</b> 515:17<br>517:15,16 519:9<br>527:10,21 529:16<br>529:23<br><b>diminishes</b> 533:9<br><b>diminishing</b> 527:7<br>534:16<br><b>diminution</b> 514:19<br>515:12 517:23<br>520:9 522:6<br>532:17 533:10<br>536:6 540:23<br><b>direct</b> 375:2,11<br>377:12 404:14<br>434:23 437:8<br>476:24 492:17<br>494:21 495:7<br>497:7 505:8 544:8<br>562:20,21 568:8<br><b>directing</b> 477:3<br>549:4<br><b>directly</b> 436:22 | 559:24<br><b>director</b> 530:21<br><b>disability</b> 402:9<br><b>discontinuance</b><br>529:24<br><b>discontinued</b><br>538:20<br><b>discontinuing</b><br>540:16,17<br><b>discount</b> 417:10<br><b>discovery</b> 496:11<br>577:7<br><b>discrepancies</b><br>521:11 522:3<br><b>discrepancy</b> 521:17<br>521:22<br><b>discuss</b> 466:9<br>568:17,18<br><b>discussed</b> 381:15<br>393:22 502:20<br>523:8 529:9 565:9<br><b>discussing</b> 387:15<br>406:10 532:21<br><b>Discussion</b> 570:25<br><b>discussions</b> 503:11<br>578:11<br><b>dismissed</b> 566:24<br><b>disparity</b> 458:13<br><b>displaced</b> 446:7<br>449:12 462:24<br>463:18<br><b>displacement</b> 394:9<br>395:7,11,16 397:7<br>399:5 400:3<br>401:10 402:23<br>403:6,11,19 407:1<br>407:6,10 408:6<br>421:23 422:2<br>423:23 429:20,22<br>429:23 437:11,14<br>438:9,12,18 439:4<br>439:17,19 440:16<br>440:24 441:8,14<br>441:18,19,22,24<br>442:5 445:3<br>446:10 449:7<br>450:5,13,21,23<br>451:9 452:22<br>456:11 458:12<br>460:21 461:19,23<br>466:1 467:20<br>468:6 469:8<br>472:16,19 473:3,6<br>474:1,14,18<br>475:15,20 476:1<br>477:22 484:2<br>486:25 487:24 | 489:15 491:16<br><b>displacements</b><br>450:6<br><b>disqualifying</b><br>546:24<br><b>disregard</b> 488:1<br><b>disregarding</b> 522:2<br><b>diverse</b> 511:8<br><b>divide</b> 419:21<br>420:10 456:16,18<br>456:20,23 470:5<br>470:13 471:3,12<br>474:23 529:10<br><b>divided</b> 416:11<br>445:12 449:15<br>471:4 484:13<br><b>division</b> 382:9<br><b>Doctor</b> 394:13<br>439:12 465:13<br>470:5 476:24<br>488:23<br><b>document</b> 382:15<br>382:24 384:9<br>387:19 390:13,22<br>393:17,20 396:15<br>409:14,15 412:20<br>418:25 435:6,12<br>435:20 447:4<br>461:12 478:22<br>479:1 480:14<br>496:13 513:19<br>518:5,6,10,16<br>519:2 520:25<br>521:2,6 522:20<br>523:6,7,19 524:21<br>525:3,4 526:10,18<br>528:3,13,14 530:5<br>530:17 533:19,25<br>553:17 565:8<br>574:16<br><b>documentation</b><br>436:18<br><b>documents</b> 381:16<br>381:18,19 385:21<br>387:2,5,12,14,15<br>387:18 391:2,4,8<br>391:18 393:4,8,21<br>393:22 433:16<br>436:14,21 466:22<br>477:7 488:19<br>494:18 496:14<br>497:17,25 498:9<br>498:11,14,19,19<br>498:22 504:6<br>541:16 546:15<br>576:13,25 577:9<br>577:14,15,16,22 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 578:12<br><b>document's</b> 435:16<br><b>doing</b> 466:18 467:3<br>490:15 496:16,19<br>501:5<br><b>dollar</b> 384:8 430:4<br>432:21<br><b>dollars</b> 488:7<br><b>dominate</b> 519:24<br><b>done</b> 402:16 509:9<br>515:19 540:2<br>543:1 560:20<br>561:1,4 567:16,16<br>570:14,17 577:8<br><b>doubt</b> 502:8 567:15<br><b>doubtless</b> 521:11<br>525:25<br><b>down</b> 406:4 453:23<br>462:20 463:1<br>465:23 476:15<br>483:14 487:2,5<br>499:18 536:3<br>550:20 556:10<br>573:24 579:5<br><b>downtown</b> 516:15<br>527:11<br><b>downward</b> 536:10<br><b>Dr</b> 377:7,14,19,22<br>378:4,15 379:1<br>381:15 382:1,12<br>382:21 384:13<br>387:7 388:5,8<br>389:1,17 391:6<br>395:5,20 400:11<br>404:1,9 406:10<br>408:10,22 409:4<br>409:11 410:10<br>412:15,16 417:21<br>421:20 424:7<br>425:6 427:24<br>429:3,13 430:12<br>432:4,6,22 433:2<br>433:12 439:7<br>445:22 452:16<br>466:6,8,13 479:10<br>482:2 485:21<br>492:5 572:10<br><b>dramatic</b> 523:16<br><b>dramatically</b> 483:3<br>487:1 524:2,5<br>526:19<br><b>draws</b> 558:6<br><b>DTH</b> 530:9,19<br><b>due</b> 402:8 463:17<br>489:15 526:24<br>527:2 551:25<br><b>duly</b> 377:9 505:5 | <b>during</b> 386:19<br>407:16 415:8<br>441:12 442:24<br>447:13 448:3<br>449:14 459:8<br>460:24 462:24<br>484:12 491:23<br>506:24 508:16,22<br>526:1 528:18<br><b>duties</b> 507:5<br><b>duty</b> 531:25<br><b>dwarfing</b> 522:5<br><b>D.C</b> 378:23<br><br><b>E</b><br><b>E</b> 375:1 378:22<br>379:18 385:15<br>397:3 413:5<br>446:17,22,25<br>447:5 456:2<br>466:10 468:10<br>471:25,25 473:22<br>474:6,7,8,13,17<br>474:17 475:2,8,22<br>475:25 476:2<br>477:19 483:22<br>484:6 485:1,4,11<br>485:23<br><b>each</b> 379:20 380:2,4<br>380:8 381:11<br>383:5,14 384:11<br>384:24 386:2,19<br>387:25 390:17<br>391:5,13 393:25<br>394:14 395:3<br>397:13,17,25<br>398:3,9,12,15<br>399:1,9,25 402:14<br>403:6 406:24<br>416:18 417:20<br>420:25 423:9<br>425:9 426:14<br>429:4 431:8 432:2<br>441:8 445:1,19<br>446:9 451:7<br>453:19,20 458:13<br>471:20 472:3,4<br>473:3 477:15,25<br>489:14 500:10<br>506:16 525:8<br>556:20 561:20<br>576:3<br><b>earlier</b> 388:19<br>397:12 440:23<br>472:3 474:1 481:8<br>503:18 525:5<br>529:19,20 551:7 | 564:20 566:19<br>574:20 576:5<br><b>earliest</b> 450:6<br><b>early</b> 380:12 500:9<br>509:3 517:10<br>575:23 577:8<br><b>earn</b> 399:21 423:10<br><b>earned</b> 383:16,17<br>384:2,3,5,7<br>391:15 392:9,11<br>399:1,19 400:6<br>401:8,11 406:24<br>407:4 414:6,9<br>423:12 442:7<br>458:6 460:24<br>466:2 471:9<br><b>earning</b> 402:15<br>414:5 424:12<br>471:4<br><b>earnings</b> 379:23<br>380:2 383:6,25<br>387:24 389:25<br>391:3,10 392:14<br>393:25 394:3<br>399:16 400:2<br>402:3 407:14<br>411:6,13,15,16<br>412:8 413:14<br>415:5,15 422:21<br>423:6,14,17<br>445:11,18 460:15<br>462:11 477:17<br>491:18<br><b>ease</b> 394:23<br><b>easier</b> 388:23<br>430:10<br><b>easily</b> 387:23 489:9<br><b>east</b> 374:10 531:11<br>538:19<br><b>easy</b> 502:12<br><b>economic</b> 378:16<br>379:3 381:6,7,8<br>391:1 428:20,23<br>429:1 432:24<br>517:9,16<br><b>economics</b> 427:25<br>428:2,13 466:8<br><b>economist</b> 377:20<br>381:6 427:24<br>542:11<br><b>economists</b> 385:9<br><b>educational</b> 505:15<br>507:17<br><b>effect</b> 391:16 398:3<br>398:9 408:7<br>414:16 419:19<br>431:14 494:19 | 525:24 533:3<br>537:25 539:2,16<br>539:25 540:12<br>560:18 561:10<br><b>effective</b> 382:18<br>439:15,24 485:16<br>567:3<br><b>effectively</b> 510:7<br>523:14 524:9<br>526:22 528:16<br><b>effects</b> 512:16,20<br><b>efficiency</b> 511:17<br><b>efficient</b> 510:3<br><b>eight</b> 407:15 500:22<br>524:23 575:24<br>578:19<br><b>either</b> 402:8 403:14<br>444:5 489:16<br>501:19<br><b>electricians</b> 535:5<br><b>elements</b> 399:4<br>447:18 474:20<br>485:8<br><b>elevators</b> 535:13<br><b>eligible</b> 381:4 408:6<br><b>eliminate</b> 424:8<br><b>eliminated</b> 516:2,3<br>532:21<br><b>emphasize</b> 500:18<br>567:22<br><b>Empire</b> 531:4,8<br>559:25 560:6<br>575:3<br><b>employed</b> 397:11<br>414:17<br><b>employee</b> 378:19<br>380:5 383:14,15<br>383:16 384:12<br>385:17 386:2<br>389:8 391:5<br>406:23 407:3,5,9<br>408:5 425:9<br>439:21 440:18<br>441:11 442:23<br>447:25 449:10<br>460:7 461:7<br>477:16 484:9<br>491:9,9 507:10<br>528:15 566:24<br>570:6<br><b>employees</b> 379:5,21<br>380:15 384:8<br>389:20 393:13<br>399:10 402:1<br>429:5,17 453:10<br>478:14 485:14<br>488:16 509:3 | 533:21 534:8,15<br>534:25,25 536:6<br>569:24 570:19<br><b>employee's</b> 403:4<br><b>employer</b> 403:8<br><b>employers</b> 397:23<br><b>employer's</b> 402:25<br>408:15<br><b>employment</b> 378:18<br>379:22 415:7<br>416:22 451:17<br>477:16 570:8<br><b>enclosure</b> 513:13<br><b>end</b> 388:17 429:6<br>431:12 457:16,20<br>500:24 502:2,24<br>546:12<br><b>ended</b> 538:6<br><b>engaged</b> 507:16<br><b>engine</b> 531:16,17<br>533:4<br><b>engineer</b> 508:2,7,15<br>509:11<br><b>engineering</b> 505:20<br>506:15 507:22<br><b>engineers</b> 535:3<br><b>enough</b> 503:24<br>562:15 563:7,9<br><b>enrichment</b> 425:20<br>426:14 427:8<br><b>entire</b> 421:1 425:22<br>475:4 500:20<br>530:22 549:13<br>562:22<br><b>entirely</b> 511:6<br>551:10<br><b>entirety</b> 549:20<br><b>entitled</b> 401:9 402:6<br>407:1,6,10 411:22<br>423:22 425:3<br>463:15 464:2,11<br>464:20,23 465:14<br>465:16 467:4<br>471:22 477:16<br><b>entity</b> 433:18,21,24<br>434:20<br><b>entry</b> 401:23<br><b>enures</b> 458:21<br><b>environments</b><br>507:18<br><b>equal</b> 440:8<br><b>equally</b> 498:9<br><b>equipment</b> 426:25<br>508:2,8,15 509:12<br>509:18,25 511:14<br>531:18,22<br><b>equivalent</b> 379:24 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 394:8 459:8<br>484:24<br>era 515:3 517:10<br>524:9 526:14<br>527:19 528:7<br>548:1<br>ergo 539:2<br>Erie 529:12<br>especially 517:23<br>518:24 527:17<br>ESQ 373:5,12,20<br>374:5,6,7,8<br>essence 426:16<br>essential 531:23<br>essentially 379:14<br>393:24 403:18<br>422:13 425:12,19<br>427:20 431:17<br>432:2 440:21<br>512:10 522:15<br>547:8<br>establish 452:18<br>established 416:25<br>420:3 453:14<br>469:13,24 470:21<br>476:14 511:23<br>establishing 509:4<br>510:16<br>estate 491:1,12<br>497:21<br>estimate 421:23<br>443:14,20 455:15<br>455:19,21 480:1<br>500:15<br>estimated 455:16<br>estimates 502:25<br>estimating 443:15<br>et 372:3,6,9,12<br>Euclid 538:19<br>Eva 372:25 579:4<br>579:17<br>Evaluate 482:2<br>evaluated 477:16<br>evaluation 392:22<br>evaluations 508:23<br>even 391:19 392:24<br>415:16 416:4<br>421:9 425:2<br>443:24 444:2,3<br>445:16 453:2<br>473:1,23 486:12<br>519:18 526:19<br>532:15 539:20<br>560:21<br>event 378:19 485:14<br>550:21<br>ever 385:20 387:11 | 414:22 524:13<br>540:2<br>every 390:17 416:3<br>420:25 483:15,16<br>496:13 497:17<br>502:9 540:21,22<br>567:14<br>everyone 500:4<br>everything 567:21<br>577:7<br>evidence 480:17,24<br>494:19 516:18<br>evident 514:7<br>evidentiary 502:2<br>575:20<br>exacerbated 514:9<br>exactly 385:11<br>395:2 414:9<br>422:14 424:21<br>491:6 519:5<br>examination 375:2<br>375:8,11 377:9,12<br>438:19 442:22<br>479:8 505:5,8<br>examine 393:25<br>examined 512:18,20<br>512:22 551:17<br>559:18 572:17<br>example 383:11,22<br>389:8 391:7 392:2<br>394:17 398:4,18<br>401:4 406:21<br>407:18 409:22<br>414:8 416:8<br>420:15 422:1<br>429:19 516:21<br>556:7 560:17<br>577:17<br>examples 387:9,14<br>exceeded 407:7<br>423:6<br>exceeding 439:24<br>440:8<br>except 409:25 412:3<br>555:5 566:24<br>exception 440:11<br>525:9<br>excerpt 542:5 564:5<br>excess 424:10<br>550:23<br>exchange 502:5,17<br>excuse 403:24<br>418:24 446:21<br>551:24<br>executed 470:3<br>exercise 440:5,12<br>exhibit 375:18,20 | 375:22,24 376:1<br>378:5,9,11 381:22<br>382:3,4,7,13,22<br>384:15 389:2,22<br>391:25 392:19<br>395:7 397:19<br>402:13 403:25<br>404:2,3,6,15,20<br>409:8,13 410:13<br>417:22,24 418:3<br>429:9,14,15<br>430:19 431:22<br>432:8,9 434:13,24<br>445:13,20,21<br>451:15 454:20<br>481:1,3 494:22<br>495:8 497:6 513:3<br>513:4,19 518:4<br>541:19,20,20,21<br>541:25 542:3,5,7<br>542:17 544:16<br>549:3 564:18<br>565:4,5,9<br>exhibits 376:3<br>387:1,3,8,10,11<br>388:11,14 389:18<br>494:2,10,11<br>495:16 496:1,6,7<br>496:10 497:4<br>501:24 502:14<br>576:13,17 578:4<br>578:13<br>exhibit-related<br>501:1<br>exist 571:10<br>existence 509:9<br>535:9<br>existing 440:6<br>expand 493:3<br>expanded 428:5<br>expansion 493:7<br>expect 500:11<br>expectation 575:25<br>576:4<br>expenses 490:11<br>experience 506:19<br>532:19,20 559:9<br>expert 466:9,13<br>476:8 512:4 513:8<br>517:25 541:25<br>542:8 543:21<br>544:1,3 545:3<br>546:1 552:14<br>571:2 572:1,10,11<br>574:2<br>expertise 434:21<br>543:15,24 | expires 579:20<br>explain 394:13,18<br>395:20 400:13<br>406:13 408:24<br>409:19 418:6<br>429:13 435:19<br>436:6,8 564:12<br>576:25<br>explained 418:7<br>494:16<br>explaining 401:16<br>explanation 396:10<br>exponentially 428:6<br>express 439:8<br>514:24 515:2<br>531:8 560:7<br>561:24<br>extended 516:20<br>extensive 486:13<br>561:7 578:9,11<br>extensively 435:8<br>extent 439:6 449:10<br>459:7 466:6 484:9<br>484:23 495:24<br>515:14 534:1<br>555:5 569:21<br>576:23<br>extinguish 490:22<br>extra 387:3 394:24<br>431:15<br>extract 518:6<br>524:22<br>extracted 528:14<br>extrapolated 406:1<br>e-mail 545:10,18<br><br><b>F</b><br>facility 535:23<br>537:21 538:15<br>562:1<br>fact 384:3 386:18<br>390:5 392:5<br>402:11 407:12<br>416:7 431:6 446:8<br>457:4 462:23<br>463:17 489:6<br>502:7,9 504:8<br>521:6 538:12<br>545:21 577:9<br>factor 484:1 517:12<br>546:24<br>factors 514:1,4<br>515:20<br>facts 500:2<br>factual 476:6 563:3<br>failure 440:12<br>fair 414:19 437:2 | 467:7<br>fairly 390:16<br>567:16<br>falloff 524:6<br>familiar 548:5<br>family 381:14 396:5<br>far 402:19 422:7<br>482:12 528:20<br>538:25<br>favor 514:20 532:22<br>faxed 547:3<br>February 396:17<br>406:23 499:1<br>503:6,6,15,20<br>536:17 537:12<br>579:20<br>fed 515:22<br>federal 372:20<br>384:20 427:11<br>509:2 515:2<br>feeder 527:8<br>Feldscher 410:19<br>fell 465:5<br>felt 415:20 421:11<br>few 381:18 433:4<br>517:9 520:13<br>528:8 536:5,5<br>567:8 577:5<br>field 512:5 513:16<br>525:13<br>fifth 374:10 396:13<br>figure 419:6 470:13<br>figuring 488:24<br>file 546:13<br>files 497:15,16,22<br>574:23 577:12<br>fill 501:17<br>final 396:10 428:11<br>498:23<br>finally 381:10<br>423:15 517:12<br>Finance 505:23<br>financial 377:20<br>385:9 428:3,20,23<br>542:13 543:2,6,7<br>find 392:1 394:5<br>399:15 401:24<br>405:16 429:18<br>439:18 497:13<br>561:17,19 565:8<br>finding 411:1 502:9<br>502:13<br>findings 391:11<br>396:9 420:16<br>422:11 502:6<br>504:7<br>fine 439:11 470:4 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 504:21 568:16<br><b>finish</b> 452:7<br><b>finished</b> 487:13<br>574:14 575:20<br><b>finishing</b> 500:12<br><b>Firm</b> 373:11<br><b>first</b> 377:9 382:4,6<br>383:11 385:19<br>388:8 389:21<br>392:13 394:24<br>397:16 402:18<br>403:14 418:12<br>419:2 423:3,17<br>425:25 427:8<br>430:22 441:6,7,17<br>447:19 449:17<br>461:18 476:25<br>484:5,15 485:10<br>486:7,8 498:18<br>500:14 505:5<br>506:19 508:8<br>510:11 516:11,21<br>518:11 530:18<br>546:4,5,6,19<br>552:4 564:10<br>565:3<br><b>fit</b> 558:7<br><b>five</b> 433:7 439:24<br>455:1 459:1,2,20<br>525:13 541:11<br>550:23 576:12<br>578:7<br><b>fleet</b> 508:11,24<br>510:19<br><b>flight</b> 516:11<br><b>flip</b> 394:23<br><b>flow</b> 396:1<br><b>follow</b> 408:3<br><b>followed</b> 388:8<br>476:20 566:15<br>571:12<br><b>following</b> 394:1<br>439:24 449:18<br>458:6 482:12<br>484:16 507:8,8<br>508:14 512:13<br>514:8 524:7 529:7<br><b>follows</b> 377:11<br>422:5 505:7<br><b>footnote</b> 396:16<br>410:23 422:24<br><b>footnoted</b> 396:16<br><b>force</b> 539:17 540:13<br>540:14 559:25<br><b>forced</b> 458:23<br>489:22,23<br><b>forecast</b> 401:7 | <b>forecasted</b> 396:14<br>401:5 422:17<br>423:16<br><b>foregoing</b> 439:15<br>579:6,9<br><b>foresight</b> 516:19<br><b>form</b> 380:17 423:20<br>577:11 579:8,10<br><b>formal</b> 501:19<br><b>formally</b> 515:19<br><b>format</b> 422:5,14<br><b>former</b> 521:18<br>531:6 538:9<br><b>forming</b> 477:7<br>510:8 518:10<br>523:6 525:3<br>528:13 533:25<br><b>formula</b> 408:3<br>411:19 412:10<br>441:1,4,8 464:10<br>487:6 546:22<br>547:2,10,15,21<br>548:24 553:4,14<br><b>formulae</b> 552:23<br><b>formulas</b> 394:1<br><b>formulated</b> 552:18<br><b>forth</b> 396:19 448:10<br>496:11 535:6<br>541:18 551:2<br><b>forward</b> 397:6<br>398:23 402:5<br>403:15 423:20<br>457:6 468:13<br>499:2<br><b>found</b> 397:14 403:6<br>411:2,19 415:13<br>416:6,17 420:13<br>420:15 423:4,21<br>430:3 442:16<br>532:13 563:7,9<br><b>foundation</b> 405:13<br>498:10 537:4<br>540:2<br><b>four</b> 382:4,6 457:14<br>458:9 459:25<br>477:1 518:19<br>566:20<br><b>fourth</b> 477:10<br>509:14<br><b>fragmentary</b> 386:4<br><b>frame</b> 542:22 576:2<br><b>frankly</b> 567:15<br><b>Franz</b> 410:19<br><b>Fred</b> 478:15<br><b>free</b> 426:17 489:23<br><b>freight</b> 543:21,22<br>543:23 544:1,4,5 | 544:12,13 547:14<br>547:21 550:9<br>551:3<br><b>fringe</b> 402:24,24<br>408:11 424:23,25<br><b>from</b> 380:12,18,20<br>380:23 381:5<br>382:8,10,17,25<br>383:1 384:18,19<br>384:20 385:21<br>386:23 387:16<br>388:12,15 397:18<br>398:17,22 399:14<br>402:5,20 403:2,16<br>406:2 407:3 410:9<br>410:11 411:12<br>412:4,20 414:17<br>415:13 420:18<br>421:17 422:22<br>426:18 428:23<br>430:21 431:11<br>433:16 437:21<br>438:13 444:2,21<br>451:7,9,10 452:25<br>455:22 462:4,24<br>469:1 475:12<br>477:24 478:14<br>480:5 488:19<br>507:9,25 513:23<br>519:11 524:25<br>525:7 526:21<br>528:15 529:16<br>530:6 531:11,13<br>531:25 532:10,15<br>533:22 534:22<br>536:2 538:17,19<br>542:5 559:10<br>564:5,9 568:19<br><b>front</b> 385:14 389:2<br>389:6 434:1<br>435:17 513:4<br>545:3 549:2,12<br>564:6 565:16<br><b>full</b> 377:16 411:6<br>447:19 484:6,7<br>505:12<br><b>full-time</b> 415:7<br>416:21 451:16<br><b>full-year's</b> 411:16<br><b>functions</b> 507:14<br>511:3<br><b>fund</b> 383:14 403:9<br>429:25<br><b>furlough</b> 546:21<br>552:22 553:3,13<br><b>furnish</b> 447:24<br><b>further</b> 402:3 479:5 | 487:11 501:6<br>515:17 524:13<br>529:24 532:9<br>541:9 561:19<br><b>furthermore</b> 413:24<br><b>future</b> 490:1,2,3<br><hr/> <b>G</b> <hr/> <b>gaps</b> 501:17<br><b>Gates's</b> 383:21<br><b>gathered</b> 425:12<br><b>gave</b> 380:8,11,16<br>381:2 398:10<br>437:6 473:1,2,5<br>475:14,15 494:22<br>544:7 551:6<br>566:17 572:7<br><b>general</b> 397:4<br>449:22 450:15,19<br>484:19 498:10<br>509:16,18,22<br>514:9 521:12<br>559:10,17 568:16<br><b>generally</b> 393:18<br>436:10,23 438:8<br>442:1 536:1<br>560:22<br><b>generous</b> 568:4<br>569:4,10<br><b>Gentile</b> 554:1,3,16<br>554:16,20<br><b>gentleman</b> 530:8,9<br>530:18,19<br><b>gentlemen</b> 395:2<br>427:17<br><b>George</b> 422:2<br>553:25 554:3,10<br>554:16,16<br><b>gets</b> 428:4,4 475:20<br><b>getting</b> 435:22<br>462:17 486:5<br><b>gist</b> 548:1 558:1<br><b>give</b> 417:14 421:6<br>421:16 430:2<br>431:20 435:1<br>476:11 492:9<br>499:19 500:10<br>541:16 570:23<br>572:6 576:20<br>577:11,25<br><b>given</b> 391:13 393:11<br>396:23 413:10<br>414:21 416:4<br>421:3 426:10,11<br>431:18 442:3<br>445:16 450:14<br>461:8 548:17 | 553:6 559:6<br>566:25 572:2<br>573:23 578:1<br><b>gives</b> 411:20 528:17<br><b>giving</b> 442:17<br>486:24<br><b>go</b> 383:13 392:17<br>399:7,13 400:11<br>402:10 403:12<br>406:19 417:16<br>419:3 420:1<br>429:17 439:19<br>446:12 450:4,22<br>451:18 453:3<br>454:17 461:16<br>464:13 468:4,17<br>469:23 474:21,24<br>475:10 479:14<br>480:9 483:13<br>486:21 487:1,4,16<br>491:12 495:11<br>499:2 500:14<br>505:15 517:6<br>520:22 522:16<br>523:12 532:5<br>542:16 545:2,6<br>548:1 550:2<br>552:10 553:1<br>558:16 559:19<br>560:4,9 564:4,20<br>566:9 568:23<br>571:7 572:22<br><b>goals</b> 511:2 520:15<br><b>goes</b> 448:8 484:25<br>497:10 565:18<br><b>going</b> 377:22<br>381:17 382:1<br>383:2 386:15<br>394:20,20 395:5<br>410:11 417:22<br>437:8 438:20<br>443:25 457:5<br>466:5 476:4,17,17<br>480:11 483:2<br>486:15 487:19<br>489:5 490:3 492:7<br>493:1 495:15,18<br>496:3,5,13,16<br>497:1 498:11,13<br>499:5,15,20 501:3<br>520:22 522:16<br>530:1 532:18<br>533:15 541:16,17<br>544:22 549:7,22<br>552:6 553:18<br>554:8 556:6 558:3<br>558:12,15 565:17 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 566:4 568:9 572:6<br>572:8 575:23<br><b>gone</b> 549:13<br><b>good</b> 377:14,15<br>395:1,24 426:10<br>426:13 433:12,13<br>496:3 502:13<br>505:10,14 572:20<br><b>gotten</b> 453:2<br><b>governing</b> 440:3<br><b>government</b> 384:25<br>427:5,12<br><b>Graduate</b> 506:2,14<br><b>graduated</b> 505:23<br>506:4<br><b>graduation</b> 507:9<br>507:25<br><b>Grantor</b> 497:17<br><b>graph</b> 524:14<br>529:17 534:14<br><b>graphed</b> 529:7<br><b>graphic</b> 534:18<br><b>graphs</b> 523:25<br>524:1<br><b>great</b> 379:13 506:18<br>520:9 571:12<br>572:17<br><b>greatest</b> 524:6<br><b>green</b> 563:25<br><b>grew</b> 510:20<br><b>Griffin</b> 373:11,12<br>375:4,10 377:4,13<br>378:3,8 387:5<br>388:13,25 389:16<br>395:13,19 404:1,6<br>404:8,17 405:2,8<br>406:9 409:9,10<br>428:19 430:16<br>431:7,13,16 432:1<br>432:5 433:2,14<br>436:12 439:5<br>446:21 452:7<br>461:11 466:5<br>470:17,24 476:3<br>479:9 480:15,20<br>481:2 482:1 483:5<br>483:6 486:12<br><b>Groppe</b> 374:8<br>375:13 505:2,9<br>513:17 518:2<br>530:13,15 537:5<br>539:22 540:3,7,9<br>541:9 544:17,19<br>545:12 547:20<br>548:9,12,18 549:7<br>549:18,24 550:14<br>551:11 552:2,9 | 553:16 554:6,24<br>555:11 557:9<br>558:10,13 562:19<br>564:7 568:5<br>571:21<br><b>Groppe@blankro...</b><br>374:15<br><b>gross</b> 550:15,24<br><b>group</b> 379:6,7,7,9<br>379:10 380:22<br>394:14,16,17,19<br>395:22 396:7,15<br>408:23,25 409:20<br>409:24 410:1,18<br>412:9,13,17,17,18<br>412:19,23 413:2<br>413:19 416:17<br>421:1,23,24<br>423:25 424:5,15<br>424:20,21 425:1<br>442:7<br><b>groups</b> 379:5,9<br>394:8 395:4,10,12<br>424:8<br><b>grow</b> 428:5<br><b>guarantee</b> 380:14<br>380:19 394:19<br>396:14,21,25<br>398:22 401:5<br>404:24 405:21,22<br>406:21 412:21,25<br>414:20 420:9<br>421:8 422:25<br>423:16 435:13<br>442:7 444:11,17<br>453:15 454:23<br>457:16,21,22,24<br>458:4 459:14,22<br>465:20 468:20<br>478:13 479:20,21<br>480:2,11 481:4<br>482:14 532:16<br><b>guaranteed</b> 378:17<br>394:3 405:4<br><b>guarantees</b> 395:21<br>481:9 482:20<br>483:11<br><b>guess</b> 492:19<br><b>guides</b> 492:9<br><b>guys</b> 511:4<br><b>G.V</b> 372:12 | <b>hand</b> 381:17 395:5<br>410:11 431:14<br>519:10<br><b>handed</b> 387:7<br>388:12<br><b>handing</b> 409:4,11<br><b>handle</b> 561:22<br><b>handled</b> 412:13<br>533:22 534:9<br>535:2,25 536:7,9<br>561:21<br><b>happen</b> 481:16<br><b>happened</b> 402:9<br><b>happy</b> 405:12<br>418:11 422:4<br>499:13<br><b>hard</b> 388:21<br><b>Hart</b> 373:20 375:16<br>496:12 497:23<br>498:4 518:1<br>530:20,20 534:1,5<br>534:10 537:3<br>539:19,24 541:11<br>541:15,23 548:16<br>549:11,19 550:1<br>551:13,21 552:8<br>553:20 554:9<br>555:5,13,17<br>557:12 558:9,15<br>558:19 562:21<br>564:12,15,18,21<br>565:1,11,17,22<br>566:8 570:23<br>571:24 572:4,13<br>574:11<br><b>Hartford</b> 523:4<br><b>Harvey</b> 375:3,6,9<br>377:7,8,12,18<br>433:10 479:8<br>486:3<br><b>Haven</b> 523:3<br><b>having</b> 381:20<br>394:23 400:2<br>425:21 427:23<br>470:13 489:16<br><b>headed</b> 396:14<br><b>heading</b> 431:9<br><b>headquartered</b><br>510:24<br><b>hear</b> 503:14 534:4<br>569:7<br><b>heard</b> 568:3,19<br>569:1,6,8,16,18<br>573:11<br><b>hearing</b> 372:15<br>499:10 502:3<br>575:21 | <b>hearsay</b> 563:5<br><b>heavy</b> 517:2,5,23<br><b>heirs</b> 491:4<br><b>held</b> 440:9 570:25<br><b>help</b> 384:10 473:13<br>488:24 502:8<br>517:11 552:11,12<br>552:15 553:2<br><b>hereinafter</b> 377:10<br>505:6<br><b>high</b> 473:1,2,5,10<br>505:16,16 506:20<br>506:21 511:11<br><b>higher</b> 417:8 427:14<br>486:16,17 519:17<br><b>highly</b> 563:3 564:2<br><b>highway</b> 520:1,2<br><b>highways</b> 515:5,7<br>519:18 556:9<br>560:7<br><b>him</b> 440:9 452:7<br>461:12 466:19,22<br>467:6,9 470:13<br>473:1,2,5 475:15<br>475:15 476:12<br>481:25 486:17,24<br>487:6 549:17,19<br>549:22 552:5,11<br>552:12,15 553:19<br>558:17 565:13,17<br>568:3,7,10 569:7<br>572:5<br><b>hired</b> 396:6<br><b>historical</b> 497:15<br>575:8,9<br><b>hit</b> 519:7<br><b>hits</b> 525:13<br><b>Hoboken</b> 505:18<br><b>hold</b> 432:22 544:6<br><b>holiday</b> 503:2<br><b>honest</b> 572:17<br><b>Honor</b> 377:5 476:3<br>497:23 541:10,12<br><b>Hopkins</b> 516:20<br>527:15<br><b>hour</b> 418:22,23<br>419:20<br><b>hourly</b> 464:7<br><b>hours</b> 386:19<br>407:15,16,16,18<br>407:20 413:8,13<br>413:19,22 414:14<br>414:15 415:8,19<br>415:25 416:9,12<br>417:10,12 419:17<br>420:4,5,7,10,10<br>420:21 421:7,21 | 422:20 423:1<br>443:5,12,18,21<br>445:19 448:3,18<br>448:23 453:1,2<br>455:8,12,23 456:9<br>456:13,22 457:11<br>462:17,18 463:13<br>463:15 464:3,8,8<br>464:11,20,24<br>465:6,15,17 467:4<br>474:24 499:20<br>500:22<br><b>Humor</b> 470:9<br><b>hundred</b> 522:6<br><b>Hundreds</b> 488:17                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>I</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>idea</b> 395:1 396:1<br>421:16 427:18,25<br>436:4 491:1<br>499:19 571:20<br><b>identical</b> 409:25<br>432:17<br><b>identification</b><br>378:13 381:24<br>418:1 429:11<br>431:24 494:4<br>496:21,23<br><b>identified</b> 404:24<br>419:4 430:24<br>435:10 487:25<br>514:3 530:9,9<br>564:20<br><b>identifies</b> 405:1<br>410:3 422:9 423:3<br><b>identify</b> 432:7<br>445:15 498:14<br>500:25 518:5<br>520:25 522:19<br>524:20 526:9<br>528:2 530:4,18<br>533:18 576:13,24<br>578:9<br><b>II</b> 512:13 514:9<br>524:3<br><b>III</b> 372:17<br><b>Illinois</b> 506:3<br>510:12<br><b>illustrate</b> 563:10<br><b>immaterial</b> 489:13<br><b>immediate</b> 426:14<br><b>immediately</b> 385:18<br>441:13 447:16<br>448:5 467:20<br>522:21 524:6<br>526:4 559:21<br><b>impact</b> 400:13 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 406:14 424:19<br>425:3 427:18<br>483:10 556:16<br>557:1,3,4 560:15<br><b>impacted</b> 556:13<br>559:24<br><b>imperfect</b> 451:10,11<br><b>implementation</b><br>516:10<br><b>implication</b> 525:17<br><b>Implicitly</b> 467:13<br><b>imply</b> 555:6,9<br><b>implying</b> 555:11,13<br><b>import</b> 560:14<br><b>importance</b> 516:3<br>518:19<br><b>important</b> 398:13<br>428:1,3,4<br><b>importantly</b> 535:7<br><b>inaccurate</b> 563:12<br>563:22<br><b>inappropriate</b><br>421:14<br><b>inception</b> 383:3<br>522:8 531:4<br><b>incident</b> 532:2<br>537:22 570:6<br><b>incidentally</b> 392:6<br>411:10<br><b>inclination</b> 500:7<br>502:19,21 503:9<br><b>inclined</b> 501:8<br><b>include</b> 408:10,16<br>427:17 449:21<br>450:15,19 484:18<br>541:2,6<br><b>included</b> 397:13<br>495:16<br><b>includes</b> 511:7<br>534:25 562:21<br><b>including</b> 429:5<br>497:19 506:14<br>514:19 515:7<br>535:1<br><b>inclusion</b> 425:4<br><b>income</b> 383:12<br>390:2,9 392:3,5<br>413:25 416:23<br>417:19 418:14<br>419:7,10,13,14,16<br>420:23 423:10<br>456:18 460:22,23<br>467:17,22 468:14<br>468:22 469:7,21<br>469:22<br><b>incomplete</b> 386:7<br>386:11,14 | <b>inconsistency</b><br>521:22<br><b>inconsistent</b> 386:14<br><b>incorporated</b><br>438:24 510:21<br><b>incorporates</b> 486:9<br><b>incorporators</b><br>508:18<br><b>incorrect</b> 453:13<br>482:4<br><b>increase</b> 398:7,17<br>398:19,24 406:3<br>424:22 519:16<br><b>increased</b> 391:19<br><b>increases</b> 397:4,10<br>397:25 398:20<br>418:9 449:22<br>450:16,20 468:19<br>469:1 484:19<br>520:1<br><b>increasing</b> 391:16<br><b>indeed</b> 437:21<br>466:23 520:12<br>521:25 522:5<br>525:7 538:14<br>567:21<br><b>independent</b> 510:7<br>552:13 553:23<br><b>Indianapolis</b> 525:9<br><b>indicate</b> 390:8<br>411:13,14 423:6<br>518:11 569:9<br><b>indicated</b> 410:22<br>412:19 418:4<br>422:23 481:7<br>502:4 525:5,18<br>529:15,18 560:14<br>567:19 569:3<br>574:20 575:22<br>576:5,22<br><b>indicates</b> 411:9,15<br>418:21 423:8,12<br>536:2<br><b>indicating</b> 412:5,24<br>516:22 577:8,13<br><b>indices</b> 547:21<br>550:9<br><b>individual</b> 381:3<br>388:22 390:15<br>421:1 425:15<br>430:21 432:3<br>446:9 490:12<br>555:2 557:7<br><b>individuals</b> 381:11<br>387:25 394:1,6,10<br>396:20,22 397:2<br>397:11,18 398:6 | 398:24 399:2<br>400:4 403:20<br>409:23 410:7,8<br>412:6,9 414:17,21<br>421:3 422:15<br>424:6 435:10<br>436:17 442:9<br>443:10 453:18<br><b>individual's</b> 378:17<br>429:18<br><b>industry</b> 517:5<br>519:6<br><b>inevitably</b> 486:16<br>486:17<br><b>info</b> 546:11<br><b>inform</b> 500:4<br><b>informal</b> 415:20<br><b>informally</b> 508:20<br><b>information</b> 379:4<br>379:13 380:3,9,12<br>380:16 381:11,12<br>381:14 383:2<br>384:11 385:7,8,12<br>385:14,16,25<br>386:3,5,8,18,23<br>396:3,5,23 399:9<br>400:1,19 403:2<br>405:23 410:2,8<br>411:10,18 412:4,7<br>413:2,5 414:21<br>418:13,19,20<br>420:21 422:8<br>423:4,19 424:1,17<br>425:12 426:15<br>436:23,25 437:2,6<br>442:16,20 444:1<br>446:16,20 448:1<br>448:15 452:9,12<br>452:17,24 453:25<br>454:4,6 455:22<br>456:4,17 460:11<br>492:2 501:14,16<br>548:3 563:13,18<br>563:19<br><b>infrastructure</b><br>535:11<br><b>initial</b> 501:10 509:4<br><b>injured</b> 428:14<br><b>injuries</b> 448:9<br><b>inquire</b> 555:10<br><b>insofar</b> 512:16<br><b>inspectors</b> 535:5<br><b>instance</b> 521:23<br><b>instances</b> 391:13<br>415:14<br><b>instead</b> 393:2,4<br><b>Institute</b> 505:18 | 506:8<br><b>instructions</b> 476:20<br><b>instruments</b> 497:16<br><b>intercity</b> 511:10<br>517:20 518:7<br>527:22 575:1<br><b>interest</b> 381:7<br>384:21,23 385:6,7<br>393:15 425:7,8,13<br>425:14,25 426:1,3<br>426:4,7,9,17,21<br>427:19,21 428:1,7<br>428:12,16 429:5<br>430:1,4,23 431:11<br>431:15 432:11,13<br>432:21 488:6,10<br>488:24,25 489:3<br>489:20,22<br><b>interests</b> 497:18<br><b>intermediate</b><br>426:23 427:4<br><b>International</b><br>382:10<br><b>interpret</b> 384:10<br>463:12 465:24<br>466:22 475:24<br>547:13<br><b>interpretation</b><br>472:2 552:17,24<br><b>interpretations</b><br>552:25<br><b>interpreted</b> 465:18<br><b>interpreting</b> 384:10<br><b>interrogatories</b><br>577:13,25<br><b>interstate</b> 515:5<br>518:18 520:1<br>560:7<br><b>intuitive</b> 514:5<br><b>investigation</b> 449:6<br><b>investment</b> 489:2<br><b>involved</b> 439:22<br>510:18 511:25<br>530:19 570:7,10<br><b>involving</b> 488:15<br>531:6<br><b>irrelevant</b> 549:21<br>563:16 568:7<br>571:21,23<br><b>issue</b> 405:14 440:13<br>493:1 497:2<br>499:23 500:6,23<br>501:10 539:25<br>556:13 565:6,13<br>567:6 571:24<br><b>issued</b> 518:17<br><b>issues</b> 415:24 466:7 | 494:12 500:3,4<br>501:2 543:12,21<br>543:22,23 544:2,4<br>544:12 546:16<br>548:4 557:19<br>561:5<br><b>items</b> 403:14 556:6<br>560:5,17 561:2<br><b>i.e</b> 546:13<br><hr/> <b>J</b><br><b>J</b> 372:6 373:20<br><b>Janke</b> 389:3,22,25<br>390:3,10 391:12<br><b>Janke's</b> 389:5<br><b>January</b> 381:2<br>397:25 406:23<br>485:16<br><b>Jarabeck</b> 391:24<br>392:9<br><b>JASON</b> 374:8<br><b>Jersey</b> 505:18<br><b>jet</b> 515:9 516:10<br><b>job</b> 396:6 405:16<br>462:24 470:18<br>483:22 485:18,22<br>506:20 507:13,17<br>508:5,6 509:20<br>531:19,21,23,24<br>533:9,13 540:22<br>566:20 567:1<br><b>jobs</b> 468:8 473:21<br>474:7,9 517:5<br>540:16 546:10<br>560:1<br><b>joined</b> 381:13<br><b>Joseph</b> 372:17<br><b>journey</b> 516:8<br>525:19 527:9,13<br>527:21 531:12<br><b>July</b> 382:11,19<br>409:15 430:22<br>434:5<br><b>just</b> 387:7 388:11<br>388:21 389:9<br>394:22 395:9,12<br>395:25 397:8<br>401:7 404:13,23<br>406:6,22 408:13<br>418:8 421:21<br>430:6,8,16,20<br>432:1,6 435:7,23<br>436:1 438:17<br>441:4,6,15 447:5<br>449:1 451:4<br>452:17 458:4,18<br>465:4 469:24 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                 |                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 470:2,17 472:8<br>475:10 476:9<br>487:14 489:22<br>495:9 496:16<br>497:3,24 508:25<br>523:8 537:6<br>538:15 540:25<br>542:1 552:12<br>553:6 558:16<br>565:8,19 573:22<br>575:14 576:14<br>578:8 | <b>known</b> 379:22<br>380:9 438:9<br>443:19 507:5<br>508:19,20 511:24<br>517:1 518:6<br>520:16 531:8<br>535:15 538:9<br>575:3<br><b>knows</b> 449:2 568:6 | <b>large</b> 428:11 538:14<br><b>largely</b> 393:3<br>516:12<br><b>largest</b> 510:15<br><b>last</b> 383:22 385:17<br>398:14 401:23<br>402:15,19 412:17<br>430:17 441:12<br>442:24 443:17<br>447:14 448:4<br>456:18,22 459:18<br>465:10 468:5<br>480:9,18 498:17<br>500:21 520:13<br>523:14 531:16,24<br>538:7,20 550:6,19<br>554:13 558:5<br>565:18,19,20<br>566:9 573:10,22<br><b>late</b> 515:15 520:10<br>536:3 539:15<br>540:12<br><b>later</b> 385:6 466:9<br>485:23 503:8,17<br>503:20 504:14,16<br>504:17 506:4<br>508:9 509:17<br>529:12<br><b>latter</b> 398:6 521:14<br>522:1<br><b>law</b> 373:11 384:7<br>491:4 502:7,10<br>504:8<br><b>lawful</b> 377:8 505:4<br><b>lawyers</b> 475:23<br>476:7<br><b>lay</b> 405:12<br><b>layout</b> 409:24<br><b>lays</b> 410:2<br><b>leaders</b> 566:14<br><b>leading</b> 443:25<br>481:24<br><b>leap</b> 503:23<br><b>learn</b> 507:18<br><b>learned</b> 415:24<br><b>least</b> 415:5 455:5<br>467:18 474:6<br>499:19 532:18<br>553:6 562:14<br>576:12 577:1<br>578:10<br><b>leave</b> 474:12 475:23<br>501:8<br><b>leaving</b> 501:11<br><b>led</b> 514:2,11 515:4,9<br>515:20 517:19<br><b>leeway</b> 476:12 | <b>left</b> 397:8 510:6<br><b>left-hand</b> 521:8<br><b>legal</b> 392:11 428:18<br>429:1 433:18,20<br>433:24 434:20<br>436:11 439:7,8<br>466:7,10,13,22<br>467:9,12 472:1<br>474:11 497:1<br>500:3 552:3<br>554:24 572:11<br><b>length</b> 402:13<br><b>less</b> 421:15 428:8<br>438:3 440:19<br>442:6 449:16<br>459:5 466:2 473:7<br>473:15 482:12<br>484:14,21 500:21<br>516:4 517:16,17<br>519:15 525:19,20<br><b>let</b> 386:24 417:21<br>430:19 435:1<br>452:7 468:7 476:6<br>480:15 481:20<br>496:5 498:11,13<br>499:17 546:5<br>552:5 553:19<br>558:17 564:12<br>566:2 568:10<br>572:9 578:3,9<br><b>letter</b> 379:18 380:18<br>381:1 396:17,19<br>398:22 404:5,14<br>404:23,25 405:23<br>410:8,10,16 412:4<br>412:24 435:5<br>442:8 444:2,12,18<br>444:21,23 453:6<br>453:13,14 454:19<br>476:25 478:14<br>480:5 482:15,21<br>530:6 531:1,6,15<br>532:25<br><b>letterhead</b> 378:23<br>444:24<br><b>letter's</b> 454:22<br><b>let's</b> 392:2 394:15<br>418:12 429:21<br>434:22 436:20<br>441:5,7 442:21<br>447:5,17 449:23<br>451:4 452:19<br>453:23 454:17<br>455:4 456:15<br>461:3,9,15 467:17<br>469:23,24 475:10<br>478:2 480:14 | 481:1 499:18<br>501:5 506:18<br>542:21 552:10,12<br>552:25 553:1<br><b>liability</b> 421:9<br>489:13<br><b>lieu</b> 499:14<br><b>lifetime</b> 566:21<br><b>light</b> 496:22 511:8<br><b>Lightning</b> 493:8<br><b>like</b> 378:4 385:9<br>388:1 391:22<br>393:17 408:20,22<br>408:23 412:16<br>418:16 425:6<br>426:11,24 439:5,9<br>461:16 476:24<br>484:4 493:7 497:9<br>502:25 513:17<br>577:1,17<br><b>likelihood</b> 392:9<br>399:19 418:16<br><b>likely</b> 417:17<br><b>limitation</b> 445:17<br>452:11 453:21<br><b>limited</b> 497:19<br>515:6 519:18<br>520:2 543:16<br>544:8 557:23<br><b>line</b> 466:14,23<br>542:18 550:20<br>568:25 572:24<br>573:18<br><b>lines</b> 443:14 490:17<br>566:15<br><b>links</b> 516:1<br><b>list</b> 410:20 455:3,10<br>477:6 535:21<br><b>listed</b> 379:14 403:14<br>408:19 419:2<br>467:18 520:4<br>521:25 522:12<br>561:2<br><b>listen</b> 552:6<br><b>listened</b> 499:22<br><b>listening</b> 496:20<br><b>lists</b> 497:9 528:8<br><b>literal</b> 517:19<br><b>litigated</b> 480:18<br><b>litigation</b> 393:16<br><b>little</b> 418:7,8 425:7<br>440:23 441:5<br>496:4,21 499:12<br>543:11<br><b>LLP</b> 373:19 374:4<br><b>loan</b> 426:5,17,20,23<br>489:23 508:23 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 575:13<br><b>loaned</b> 508:16<br><b>local</b> 560:8<br><b>located</b> 502:10<br>513:19 523:21<br><b>locomotives</b> 510:1<br>532:7<br><b>Loeser</b> 373:19<br><b>long</b> 425:17 440:4<br>483:20 490:19<br>492:15<br><b>longer</b> 531:9<br><b>long-term</b> 527:17<br><b>look</b> 377:23 382:2<br>382:21 383:20<br>384:13 386:24<br>387:23 388:23<br>390:1 392:2,4<br>408:22 413:16<br>419:18 421:9<br>428:10 431:9<br>432:18 434:4,7<br>435:17 441:7<br>442:5,21 446:9<br>447:5 450:8,22<br>452:19 456:12,15<br>459:21,23 461:3,9<br>461:15 464:6,13<br>464:18,25 467:17<br>468:7,15 470:15<br>473:18 474:4,6,22<br>474:23 475:8<br>477:10 478:2<br>480:4 498:22<br>549:1,10 552:25<br>561:10<br><b>looked</b> 383:21<br>384:1 397:19<br>411:5 416:9 422:7<br>422:15 423:18<br>445:10,16 458:20<br>474:5 548:8,20,23<br>561:13 565:4<br><b>looking</b> 390:15<br>399:8 426:8<br>463:13 468:11<br>490:2,4,7 514:7<br>534:13 552:13<br><b>loss</b> 394:19 400:22<br>400:24 401:14<br>403:11,19 424:14<br>424:22 450:9<br>458:23 460:12,16<br>490:4,8 491:11<br>517:13 526:24<br><b>losses</b> 391:17<br>403:15 425:14,15 | 525:8 526:3<br><b>lost</b> 400:3 418:25<br>425:9 448:9 459:6<br>473:16 484:22<br>491:8,9 516:7<br>525:14 526:22<br>540:22 567:1<br><b>lot</b> 431:16 433:14<br>499:22 573:23<br><b>Louis</b> 516:6<br><b>lower</b> 391:15<br>406:20 408:9<br>417:5,13,15<br>420:19,22 421:10<br>458:23 534:21<br><b>lowered</b> 420:18<br><b>Ltd</b> 511:25<br><b>luggage</b> 532:16<br><b>lunch</b> 492:21 493:1<br>493:11<br><b>Luncheon</b> 493:13<br><br><b>M</b><br><b>M</b> 373:5 375:7<br>377:25 378:6<br>403:24 404:13,18<br>404:21 405:6,14<br>409:7 428:17<br>433:5,11 435:2,24<br>447:2 448:20<br>451:21 454:11<br>463:23 466:17<br>467:2,11,15,16<br>470:14,20 471:1<br>476:8,13 479:4<br>480:12,19,22<br>481:23 482:25<br>486:4 487:10<br>492:14,17,24<br>493:4 494:8<br>495:21 496:24<br>497:5,14 498:16<br>499:5,11 503:12<br>504:1,5,10,13,17<br>504:22 530:14<br>558:6 565:23<br>574:12 576:16<br>577:20 578:18<br><b>MA</b> 548:8<br><b>made</b> 390:11<br>391:10 394:24<br>398:11 403:10,18<br>414:12 415:7<br>416:2,18 421:4<br>422:18 428:15,25<br>432:10 439:15<br>444:8 453:20 | 459:11,16 463:1<br>465:11 485:13<br>488:6 514:22<br>519:20 525:20<br>533:11 549:15<br>569:15 571:24<br><b>magic</b> 428:6<br><b>mail</b> 514:18 535:2<br>560:6 561:10,13<br>561:22,23,23,25<br>562:2<br><b>maintain</b> 393:12<br>535:13 537:21<br><b>maintainers</b> 535:12<br><b>maintenance</b><br>379:23 477:17<br>507:23 508:10<br>535:12,13,22<br><b>major</b> 516:23<br>518:19 535:9<br>575:11<br><b>majority</b> 414:4<br><b>make</b> 379:1,11<br>390:18 401:12<br>403:4 413:19<br>414:11,18 417:19<br>421:14 439:10<br>453:6 458:22<br>459:14 489:4<br>495:6 500:17<br>501:20,25 520:15<br>534:11 576:3<br>578:3<br><b>makes</b> 495:24<br>503:12<br><b>making</b> 406:22<br>430:10 467:9<br>474:25 475:2<br>502:12 527:13<br><b>manage</b> 511:19<br><b>management</b> 506:3<br>507:12,15 508:1<br>511:6 540:16<br><b>Manhattan</b> 506:14<br><b>manifestation</b><br>485:23<br><b>manifested</b> 526:3<br><b>manner</b> 443:9 445:4<br>445:8<br><b>manufacturing</b><br>517:2<br><b>many</b> 411:14<br>416:12 420:21<br>462:8 472:10<br>514:17 515:1<br>516:7,25 521:4<br>527:19 535:16 | 547:25 560:12<br>561:8<br><b>March</b> 407:4<br>503:21<br><b>mark</b> 373:12 578:5<br><b>marked</b> 375:19,21<br>375:23,25 376:2,4<br>378:12 381:23<br>382:2 384:14<br>389:18 410:12<br>417:22,25 429:10<br>431:19,23 432:7<br>445:21 494:3<br>513:3 517:25,25<br>520:23 522:17<br>523:22 524:18<br>526:7 527:24<br>529:3 530:2<br>533:16 546:13<br><b>market</b> 426:7<br><b>Mark.d.griffin@...</b><br>373:17<br><b>mask</b> 408:4<br><b>Massachusetts</b><br>506:10<br><b>math</b> 470:7<br><b>Mathematically</b><br>420:13<br><b>matrix</b> 560:13<br><b>matter</b> 372:2 377:2<br>386:10 399:24<br>401:19 423:15<br>427:25 428:2,13<br>430:16 483:17,18<br>483:19<br><b>matters</b> 436:11<br><b>max</b> 400:1 414:5<br><b>maximum</b> 380:9<br>383:6,8,9,19,23<br>392:8 399:15,23<br>414:7 415:12<br>419:15 420:24<br>423:7 478:5<br><b>maximums</b> 384:8<br><b>may</b> 378:22 383:15<br>383:16 385:19<br>386:20 402:9<br>407:16 408:5<br>419:25 446:15<br>447:16 448:5<br>459:15,15 462:20<br>467:14 468:12<br>474:21 476:15<br>485:19 500:3<br>501:17 509:8<br>540:5 541:13<br>563:5,5 566:12 | <b>maybe</b> 407:17<br>492:20 577:20<br><b>MBA</b> 506:4<br><b>mean</b> 379:5 395:11<br>444:5 452:4<br>491:22 576:22<br><b>means</b> 445:9<br><b>mechanical</b> 505:19<br>507:22 508:8<br><b>meet</b> 547:2<br><b>Member</b> 372:16,17<br>388:10 389:9,14<br>395:9,14,17 404:4<br>470:12 487:14,17<br>487:22 488:5,12<br>488:18,22,23<br>489:25 490:16,24<br>491:5,13 492:12<br>492:15,19 574:15<br>575:14<br><b>members</b> 412:12<br>500:8,19 502:5<br>509:2<br><b>memorandum</b><br>379:18 397:3<br>471:25 485:12<br><b>memory</b> 438:20<br><b>men</b> 425:18 427:23<br>443:13 452:25<br>453:16 458:5<br>489:24 490:20<br><b>mention</b> 411:11<br>575:23<br><b>mentioned</b> 381:18<br>386:22 397:12<br>445:24 516:10<br>528:20 556:7,9,17<br>560:5 575:10<br><b>merged</b> 447:23<br>508:3 550:22<br>571:13<br><b>merger</b> 378:20<br>385:15 413:6,12<br>413:14 417:1<br>437:16,19,22<br>440:18,20 446:14<br>446:23,25 449:19<br>468:16 474:5<br>484:17 485:14<br>486:8 512:15,17<br>523:15 536:12,15<br>536:16,18,21,25<br>537:11,15,19,23<br>537:25 538:3,23<br>539:3,8,25 542:3<br>552:22 559:9,21<br>565:25 566:13,23 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 567:3,14 568:13<br>568:17,18,20<br>569:2,4,9,14,25<br>570:3,4,6<br><b>mergers</b> 566:17<br><b>methodological</b><br>431:4 432:15,16<br><b>methodologies</b><br>483:2<br><b>methodology</b><br>394:15,18,25<br>403:21 405:21<br>408:25 409:20<br>413:13 466:16,25<br>473:2 479:22<br><b>meticulous</b> 574:22<br><b>Michael</b> 372:6<br>374:5,6 375:12,15<br>505:3,4,8,13<br>510:9 541:22<br><b>might</b> 379:25<br>462:22 524:10<br>556:13,25<br><b>Mike</b> 546:6,8<br>568:13,16<br><b>mile</b> 518:12,13<br><b>miles</b> 518:8,14,14<br>518:22 519:5,8,12<br>519:20,22 520:3,5<br>521:8,19,21<br>522:11,14,25<br>523:17 539:13<br>550:16,25<br><b>military</b> 516:12<br><b>million</b> 519:20<br>526:21,22<br><b>millions</b> 518:8,22<br>519:4,8,11,22<br>521:7,19,20<br><b>mind</b> 443:11 501:2<br>573:11<br><b>mine</b> 405:17 445:20<br><b>minimum</b> 465:20<br>524:10,11 535:20<br>567:19<br><b>minor</b> 521:11,18<br>522:3,3<br><b>minute</b> 389:10<br>463:2 473:12<br>565:8 569:11<br>576:7<br><b>minutes</b> 433:4,8<br>492:18 500:16<br>541:12 553:6<br>567:8 576:12<br>577:5 578:7<br><b>misleading</b> 488:9 | <b>missing</b> 494:14<br><b>mistaken</b> 475:8<br><b>misunderstanding</b><br>458:1<br><b>mode</b> 512:19 522:4<br><b>modes</b> 518:19,24<br>519:24<br><b>modification</b> 474:8<br><b>moment</b> 386:16<br>549:6<br><b>money</b> 425:16,22<br>427:23 489:1,7<br>491:8,9<br><b>monies</b> 489:10<br><b>month</b> 406:21 407:2<br>407:4 449:17,17<br>457:6,11 458:2,6<br>458:13 463:3,3,4<br>465:19,21 471:21<br>472:3,4 473:3,8<br>473:11,13,19<br>475:21,23 476:1<br>484:15,15 485:1<br>486:25<br><b>monthly</b> 386:1<br>404:11 406:11,15<br>406:17,18 407:11<br>408:2,8 410:16,21<br>410:25 412:5<br>413:7 424:16<br>441:9 442:4,12<br>453:24 454:3,6,9<br>454:10,16 455:23<br>457:13,14,22,24<br>458:3,7,9,24,25<br>459:8 461:4 464:8<br>471:2 473:17<br>477:24 479:21<br>480:2 483:8,8,10<br><b>months</b> 385:17<br>386:19 406:24<br>407:5,13 408:5<br>411:14 412:8<br>417:1 420:1 423:9<br>423:11,14 441:12<br>442:25 443:3,4,5<br>444:25 445:2<br>446:13 447:14<br>448:4 451:9<br>452:23 455:8<br>456:13,18,22<br>460:6,18,22,24<br>461:1,7 462:8,11<br>462:19 463:7,8,10<br>463:17 465:9<br>466:2 467:19,24<br>468:1,6,12 470:1 | 470:16 471:4,10<br>472:5,10 475:16<br>487:3 489:14<br>507:20,21,22<br><b>month-by-month</b><br>465:25 486:15,20<br>486:23<br><b>month-to-month</b><br>457:5 458:16<br>460:3<br><b>more</b> 384:4,4 392:9<br>392:10 399:19,20<br>416:15 418:8,16<br>418:18 427:16<br>428:4,4 465:24<br>467:7 474:11<br>476:16 496:23<br>498:14 501:16<br>503:11,18 508:16<br>517:3 524:14<br>526:19 535:7<br>546:12 557:21<br>566:17 572:10<br>578:11<br><b>morning</b> 377:14,15<br>433:12,13 492:4<br>500:7,21 501:4,7<br>578:6,8<br><b>most</b> 381:16 415:13<br>422:12 519:15<br>521:8 527:15<br>547:23 557:3<br><b>motion</b> 434:8<br>501:21 502:1<br><b>motivated</b> 515:15<br><b>move</b> 412:16<br><b>movement</b> 511:16<br><b>moving</b> 397:5 517:3<br>541:18<br><b>MPA</b> 386:17 438:22<br>438:24 464:18,19<br>477:20 546:23,25<br>547:2,10,21 548:3<br>548:6,8,10,14,14<br>548:17,20 549:16<br>549:21 550:3<br>551:8,12,14,15,18<br>551:23 553:5,15<br>553:24 554:21<br>555:8 568:4<br>573:25 574:8<br><b>much</b> 379:13 384:4<br>391:15 392:10<br>399:20 401:6,11<br>418:17 423:11<br>426:16,25 445:17<br>462:1 465:24 | 496:2 514:4,6<br>515:22 525:10<br>535:8 559:6<br>575:16,18<br><b>multimonth</b> 508:22<br><b>Multiple</b> 499:20<br><b>multiplied</b> 405:23<br><b>multiply</b> 472:13<br><b>multiplying</b> 411:2<br><b>multi-day</b> 527:13<br>527:16<br><b>muniments</b> 497:20<br><b>myself</b> 393:17<br>499:23<br><hr/> <b>N</b><br><b>N</b> 375:1<br><b>name</b> 377:17,18<br>419:2 433:20<br>457:10 505:12,13<br>573:3<br><b>named</b> 530:19<br><b>narrow</b> 551:20<br><b>national</b> 508:18,24<br>509:13 510:4<br>512:20 515:24<br>520:8,14,15,19<br>523:7 527:6<br><b>nationally</b> 513:23<br>515:11 536:19<br><b>nature</b> 568:15<br><b>near</b> 547:13 551:9<br><b>necessarily</b> 383:15<br>531:18 567:9<br><b>necessary</b> 421:12<br>443:13,24 444:3<br>533:11 535:22<br>566:7<br><b>necessitated</b> 546:21<br>552:22 553:3,13<br><b>necessity</b> 563:21<br><b>need</b> 399:4 433:5<br>488:24 541:2,6<br>546:15 549:9<br>576:9,12<br><b>needed</b> 541:7<br><b>needs</b> 535:4 537:20<br><b>negatively</b> 559:24<br><b>neither</b> 576:6<br><b>net</b> 490:12 550:16<br>550:25<br><b>network</b> 509:4<br>510:4 515:24,24<br>516:1,1<br><b>neutral</b> 393:15<br><b>never</b> 386:8 390:24<br>436:22 443:11 | 457:8,9,23,24<br>474:3 538:13<br>539:24 542:13<br>568:19 578:1<br><b>new</b> 378:20 397:24<br>481:14 485:15<br>505:18,21,22<br>506:22 507:10,12<br>514:12,15 515:7<br>520:14,15 523:2,3<br>523:3 529:11,12<br>530:7,22,25 531:5<br>531:14 532:19<br>536:12,22,25<br>537:8 538:9 539:6<br>570:5 574:22<br>575:2<br><b>next</b> 382:13,14,21<br>382:24 401:17<br>408:23 423:8<br>449:8 456:15,16<br>478:2,12,12,19,24<br>507:24 508:13<br>509:7 510:5<br>545:21 546:14,19<br>557:11 565:19<br>573:5,15<br><b>nice</b> 392:7<br><b>Nickle</b> 529:13<br><b>nine</b> 397:2 467:24<br>471:4<br><b>ninety-seven-five</b><br>383:24<br><b>nine-month</b> 470:13<br><b>node</b> 518:15<br><b>nodes</b> 516:2,3,5,5<br><b>none</b> 390:5 407:5<br>408:20 446:8<br>452:12 553:11<br><b>nonentity</b> 538:24<br><b>nonetheless</b> 501:18<br><b>nonleading</b> 481:25<br><b>nonpayment</b> 402:22<br><b>nonrailroad</b> 491:17<br><b>normal</b> 440:5<br><b>normally</b> 393:18<br><b>North</b> 521:3<br><b>Northeast</b> 517:1<br><b>northeastern</b><br>517:21 523:9<br>524:24<br><b>Northwestern</b><br>506:2 507:9<br><b>notable</b> 515:6<br><b>Notary</b> 579:17<br><b>note</b> 470:2<br><b>notes</b> 427:4 493:3 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 579:8<br>nothing 388:16<br>442:17 464:10<br>536:3,4 551:8,15<br>notice 401:21 411:7<br>notwithstanding<br>578:8<br>November 379:16<br>382:11 383:2<br>478:7 530:8<br>531:17 533:2<br>number 381:15<br>388:22 389:4<br>392:7 393:14,14<br>398:9 403:25<br>405:1 411:23<br>413:18,22 417:3<br>419:17 420:3,14<br>420:17 421:11<br>423:9 424:13<br>435:12 443:18,21<br>445:13 462:16<br>463:14 464:3,11<br>464:20,23 465:5<br>465:11,15 467:4<br>469:14,16,18<br>471:14 472:7,9,20<br>475:11 479:11<br>482:10 486:21<br>488:4 514:3 517:5<br>517:6 518:1<br>521:15 524:11,13<br>528:17,20,22<br>529:21 533:13,21<br>533:21 534:8,8,15<br>534:24 535:19,24<br>536:1,7,9 541:1,3<br>541:6 556:5<br>557:25 558:23<br>560:5 561:18<br>571:25 576:6<br>numbered 550:6<br>numbering 508:12<br>numbers 391:14<br>399:12,13,24<br>405:20 406:20,22<br>408:9 415:10<br>416:5,6,20,23<br>417:5,6,8,14<br>420:12 427:20<br>428:10 430:2<br>457:10 482:5,9<br>487:1 514:7 519:1<br>519:17 521:7<br>524:11 534:14<br>535:20 556:23<br>563:15 564:3 | numerous 514:11<br>nutshell 430:8<br>N&W-Virginia<br>566:16<br>N.W 373:6<br><br><b>O</b><br>object 466:5 549:7<br>562:19 565:24<br>objection 378:1,6<br>405:6 428:17<br>439:6,10 466:12<br>480:12,19 481:23<br>498:17 534:1<br>537:3 539:19<br>548:9 551:11<br>552:2,6 553:16<br>554:6 557:9<br>558:13 564:7<br>568:5<br>obligated 403:3<br>obligation 392:12<br>399:16 490:20,23<br>observation 406:8<br>obtain 440:7<br>obtained 382:25<br>obvious 462:15<br>535:11<br>obviously 434:19<br>487:4 497:8 499:1<br>516:14 531:21<br>535:16<br>occasionally 511:12<br>occupation 377:19<br>occupied 440:3<br>occur 442:6<br>occurred 450:6<br>468:16 538:24<br>October 382:19<br>odd 465:19 490:10<br>511:12<br>off 399:23 531:16<br>532:9 566:25<br>570:25<br>offered 566:21<br>office 514:19,22<br>officer 507:19<br>509:15<br>official 390:22<br>officially 391:15<br>offset 407:21<br>462:21<br>offsets 448:9 459:12<br>459:15<br>often 515:15<br>oh 573:9<br>Ohio 372:22 373:7 | 373:15,23 374:11<br>515:8 529:13<br>579:18<br>okay 418:11 434:6<br>434:17 439:12<br>442:1 447:17<br>448:7 449:24,25<br>455:14 461:9<br>462:1,8 463:9<br>468:14 469:12<br>471:6,12,13<br>472:22 477:2,3,5<br>480:8 487:9 504:5<br>537:6,11 550:2,8<br>551:3 552:4,19<br>564:4 568:19<br>570:24<br>onboard 511:20<br>once 392:15 398:15<br>402:16 423:3<br>424:17 425:2<br>457:11<br>one 383:13 384:23<br>390:17 393:14<br>405:1 406:19<br>415:22,24 416:3<br>416:18 417:14<br>418:13 420:2<br>427:16 429:17<br>432:11,17 434:25<br>441:6,16,21 447:4<br>453:10 457:6,20<br>459:16 464:15,16<br>470:4 472:25<br>478:12,22 485:7<br>487:15,18 488:25<br>492:12 494:11<br>496:15 498:17<br>501:6 506:4<br>510:14 516:18<br>518:12,12 521:16<br>522:21 523:14<br>525:6,12 527:13<br>528:4 532:23<br>538:3 546:20<br>549:6 552:20<br>554:16 556:13,20<br>561:2,5 562:6<br>570:23 573:22<br>ones 387:4 560:10<br>one-page 431:18<br>only 383:18 384:6<br>388:16 390:14<br>392:11 400:1,18<br>402:24 404:25<br>405:18 406:19,20<br>406:24 408:8 | 411:13 413:21<br>414:1 415:2,6<br>424:17,22 425:4<br>430:5,25 431:1,8<br>432:12,19 442:4<br>443:16,20 445:18<br>451:11,13 455:1<br>457:6 459:13,21<br>459:23 460:6<br>461:1,5 462:18<br>465:9 466:1<br>475:20 490:13<br>496:10 498:19<br>519:9 520:13<br>522:7 532:3<br>544:13 547:21<br>551:17 559:18<br>569:1<br>onto 512:17 544:13<br>onward 534:22<br>open 501:8,11<br>opened 562:1<br>opening 494:17,25<br>operated 509:24<br>521:24 528:9<br>538:10<br>operating 447:24<br>507:11,15,19,25<br>509:14 528:15<br>530:24 550:16,24<br>561:20 574:21<br>operation 510:3<br>533:4<br>operations 509:17<br>509:23 510:2<br>512:6 530:21<br>537:2 543:23<br>544:5 559:20<br>opine 466:7<br>opinion 379:2,12<br>390:12 393:3,6,10<br>409:17 418:10<br>424:3 428:11<br>429:1,2 453:15,16<br>477:8 483:17<br>557:13,18 569:23<br>opinions 429:4<br>432:23<br>opportunities 516:4<br>516:8 517:17<br>525:20 527:10,21<br>529:23 533:9<br>540:22 541:1<br>opportunity 496:8<br>500:1,10,13,17<br>501:25 532:3<br>577:1,18 | opposed 446:25<br>490:3 561:25<br>opposing 431:19<br>option 489:18<br>oral 434:8<br>order 379:1,11<br>414:11 494:23<br>495:4<br>orders 494:23<br>ordinary 496:5<br>organization<br>447:24<br>organized 388:6<br>Orient 517:4<br>original 418:10<br>432:12<br>originate 532:5<br>other 381:7,18<br>397:1 407:22<br>412:12 420:2<br>424:5,7,24 425:3<br>427:3 439:20<br>442:9 450:14<br>457:9 462:23,23<br>463:17 464:5,15<br>468:1 472:15<br>473:16 481:17<br>482:24 491:23<br>497:9,21 499:23<br>500:8 501:1,1,24<br>502:20 513:14<br>518:24 519:10<br>520:2 528:19<br>531:10 534:18<br>547:1,25 558:20<br>559:25 560:22<br>564:23 566:17,18<br>566:18 567:14<br>others 408:21<br>527:15 560:9<br>563:3,4<br>ought 504:1<br>out 388:12 407:8,23<br>408:4 410:2 411:1<br>420:14 426:25<br>432:20 439:18<br>441:5 445:14<br>473:13 476:18,21<br>487:3 488:24<br>496:4 506:20<br>515:3 519:7<br>550:17 556:25<br>566:16<br>outflow 547:24<br>outlines 441:1<br>outside 434:21<br>556:2 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>over 396:13 398:12<br/>400:9 402:17<br/>407:15 411:23<br/>414:9 417:18<br/>419:22 453:22<br/>463:1 468:5 510:3<br/>513:15 525:15<br/>527:4 532:14<br/>557:25 558:24<br/>overall 544:14<br/>546:22 553:4,14<br/>overtime 407:15,19<br/>407:21<br/>overtones 515:16<br/>owed 391:12 483:11<br/>owing 425:17<br/>489:11<br/>own 381:5 385:3<br/>473:1 510:8<br/>538:14 544:6<br/>owned 514:25<br/>owner 575:7<br/>O'Neill 380:18<br/>396:18 398:22<br/>404:5,14,24<br/>405:22 412:24<br/>444:17,24 453:11<br/>455:2,10 478:15<br/>480:5 482:21<br/>O'Neill's 435:4<br/>442:8 444:2,12<br/>451:20 453:5,13<br/>454:19 482:9,15</p> <hr/> <p><b>P</b></p> <p>Pace 506:15<br/>packets 495:16<br/>Packs 508:20<br/>pact 566:21<br/>page 382:13,14<br/>395:24,25 396:2,8<br/>396:11,16 397:16<br/>398:21 402:17,18<br/>402:20 403:12,16<br/>405:19 410:1,4,5<br/>411:21,24,24,25<br/>422:7,10,12,24<br/>423:20 424:2,2<br/>429:16 430:9<br/>434:7 439:1 441:2<br/>477:4 480:9 486:7<br/>486:8 487:19<br/>498:22 513:20<br/>517:24 520:23<br/>521:9,14,18,20<br/>522:1,12,17,21,23<br/>524:17 526:6</p> | <p>527:24 528:4<br/>529:6,7 530:2,6<br/>530:12 533:16<br/>534:14 542:17<br/>545:6,21,25 550:3<br/>550:6,19 552:18<br/>558:12 561:2<br/>564:4,11 565:19<br/>565:21 566:10<br/>567:22,25 568:23<br/>571:7 572:22<br/>pages 382:4,6,15,22<br/>382:24 384:14,17<br/>385:1 395:25<br/>397:14,20 398:2<br/>411:3 477:1<br/>497:11 523:21<br/>529:2 542:5<br/>paid 386:1 407:15<br/>416:12 427:13<br/>438:6 441:12<br/>442:24 449:14<br/>456:9 458:13<br/>473:9,11,15<br/>484:12,19,24<br/>Panel 372:16,17<br/>377:17 381:17<br/>384:15 388:10<br/>389:9,14 394:14<br/>395:9,14,17,21<br/>404:4 405:15<br/>406:13 408:24<br/>409:5,19 418:7<br/>422:3 429:14<br/>432:20 466:12<br/>470:12 474:12<br/>475:24 482:7<br/>487:14,17,22<br/>488:5,12,18,22,23<br/>489:25 490:16,24<br/>491:5,13 492:6,12<br/>492:15,19 494:21<br/>495:14 499:13<br/>500:9,19 501:8<br/>502:6,8 549:14<br/>557:24 558:6<br/>575:14<br/>Panel's 447:8 495:7<br/>497:7<br/>paper 427:3 431:17<br/>papers 394:23<br/>574:17,18<br/>paragraph 439:15<br/>439:20 447:10,20<br/>447:21 449:8<br/>473:24 484:6,7<br/>485:10 486:24</p> | <p>546:6 549:5 550:6<br/>550:19 565:18,19<br/>565:21 566:10<br/>567:7<br/>parallel 521:10<br/>522:15 569:22<br/>parallels 521:4<br/>parenthetical<br/>450:13<br/>park 527:14<br/>parking 516:17,18<br/>527:16,17,17<br/>Parks 373:19<br/>part 381:20 396:7<br/>402:5 447:4 458:2<br/>459:24 464:5<br/>468:8 485:13<br/>526:24 527:2<br/>551:11,14,15<br/>567:11 575:11<br/>partially 489:18<br/>participated 509:2<br/>particular 384:9<br/>390:15 393:16<br/>400:25 416:13<br/>422:18 423:10<br/>427:5 439:22<br/>440:10 445:21<br/>551:18 555:19<br/>562:3 565:12<br/>570:11,14,19<br/>particularly 574:23<br/>parties 495:25<br/>partners 538:3<br/>parts 564:22,23<br/>565:6<br/>party 393:15<br/>part-time 506:24<br/>pass 491:3<br/>passed 445:14<br/>passenger 495:3<br/>505:25 506:5,17<br/>507:6 508:2,7,9<br/>508:11,15,19,24<br/>509:5,11,13,24<br/>510:9,14 511:7,7<br/>511:10 512:1,5,12<br/>512:19,23 513:21<br/>514:6,12,14<br/>515:23,25 517:20<br/>518:7,8,12,12,13<br/>518:14,22 519:4,8<br/>519:12,20,22<br/>520:3,5 521:3,8<br/>521:19,21 522:11<br/>522:13,14,24,25<br/>523:16 524:3</p> | <p>525:24 526:2<br/>527:22 528:6,9<br/>530:21 531:3<br/>533:7 534:2,9,12<br/>535:18 536:19,22<br/>537:7,18 538:4,6<br/>538:22,25 539:6<br/>539:11,12,14<br/>540:4,10,15,23<br/>541:2,5 543:16,18<br/>544:8 546:11,14<br/>547:1,11,22 548:4<br/>549:14 551:7,25<br/>553:7,22 555:7<br/>557:24 558:4<br/>559:18 573:23<br/>574:5,24 575:12<br/>passengers 522:24<br/>523:16 524:12<br/>531:9 532:14<br/>534:6 540:19<br/>passing 558:24<br/>past 490:4 522:10<br/>patently 535:11<br/>pay 382:16 383:9<br/>385:20 407:24<br/>413:8,8 448:2,2<br/>448:24 456:8<br/>458:24 567:1<br/>paycheck 490:9<br/>paying 572:14,16<br/>573:7<br/>payroll 389:8<br/>566:22<br/>payrolls 389:23<br/>pays 427:14<br/>PCC 389:3 513:20<br/>517:25 518:2<br/>520:23 521:9<br/>522:17 523:22<br/>524:18 526:7<br/>527:24 529:3,6<br/>530:2 533:16<br/>534:14 539:22<br/>545:6,22 546:20<br/>547:18 552:18<br/>553:2<br/>PCC's 546:25<br/>PCTC 494:22 513:4<br/>Penn 372:4,7,10,13<br/>378:20 433:22<br/>434:15,22 435:20<br/>494:23 495:5<br/>508:3,14,17<br/>509:10 512:14,20<br/>523:1 524:4 542:6<br/>547:24 552:20</p> | <p>560:18 562:8<br/>564:5 566:21<br/>567:9,12,17,20<br/>569:17 570:3,6,18<br/>571:3,4,9,22<br/>577:21<br/>Pennsylvania<br/>485:15 506:23<br/>507:1,1,4 508:4<br/>510:24 523:2,13<br/>536:13,23 537:1,8<br/>538:2,5,12,23,24<br/>539:7,10<br/>penny 450:9<br/>pension 403:9,17<br/>423:25<br/>pensions 424:24<br/>people 390:17<br/>393:17 410:1,17<br/>412:14 413:1,21<br/>414:5 416:4<br/>421:19 453:20<br/>455:2 499:19<br/>510:23 535:1,1,2<br/>535:4,12,19<br/>554:13,18<br/>per 418:22,22 478:5<br/>percent 398:19<br/>406:3,4 415:17<br/>416:20,23 417:4<br/>417:10,16 420:12<br/>420:17 421:2,2,10<br/>421:16 519:6,7,11<br/>519:16 522:6<br/>525:14,15 532:18<br/>550:23<br/>percentage 403:1,3<br/>550:24<br/>percentages 403:5<br/>perception 563:25<br/>perfectly 450:20<br/>572:16<br/>perform 443:7<br/>482:13 491:21<br/>performance<br/>509:19<br/>performed 385:18<br/>438:4 441:13<br/>442:25 443:9<br/>447:15 448:4<br/>460:7 463:6<br/>471:21 487:4<br/>514:25<br/>performs 463:4<br/>473:20 475:21<br/>487:1<br/>perhaps 501:16,21</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 501:24,24 519:7<br>563:15,24<br><b>period</b> 385:24<br>386:20 397:6<br>398:12 405:5<br>411:6 413:13,21<br>415:8 416:25<br>422:19,20 425:13<br>425:17,23 426:8<br>428:7 439:23<br>442:11 446:3,4,13<br>447:14 448:3,12<br>448:16 449:2,2,14<br>449:19 450:2<br>456:6 459:9<br>462:17,24 465:7<br>468:11 469:10<br>473:8 474:22<br>484:12,17 485:9<br>491:23 502:21,23<br>512:16,17 518:17<br>520:17 522:10<br>524:2 525:16<br>526:2 528:18,21<br>532:20 550:25<br>551:1<br><b>Perlman</b> 566:13<br>568:1,2,6,12,20<br>569:3,7,13,15<br><b>permanent</b> 575:12<br><b>permit</b> 566:4 576:3<br><b>permitted</b> 465:21<br><b>person</b> 417:20<br>431:8 445:19<br>566:22<br><b>personal</b> 396:3<br>422:8 569:13<br><b>personnel</b> 497:21<br>498:24<br><b>person's</b> 477:25<br><b>pertain</b> 381:8<br><b>Petrone</b> 372:25<br>579:4,17<br><b>PHD</b> 375:3,6,9<br>377:8,12 433:10<br>479:8 486:3<br><b>phenomenon</b><br>560:23<br><b>Philadelphia</b><br>506:25 507:7<br>508:3<br><b>phrase</b> 540:7<br><b>picked</b> 399:9<br><b>piece</b> 430:17 531:18<br>531:22<br><b>pieces</b> 528:5<br><b>place</b> 395:24 527:14 | 536:15 537:11<br><b>placed</b> 439:25<br>449:11 484:10<br>569:24<br><b>plaintiff</b> 573:11<br><b>Plaintiffs</b> 372:3,6,9<br>372:12 373:3<br>375:18,20,22,24<br>376:1 377:6 378:5<br>378:11 381:22<br>382:3 384:15<br>395:7 404:2,6,19<br>417:22,24 418:3<br>429:9 431:22<br>432:8 434:23<br>498:18 500:14<br>541:19,20,20<br>542:3,7 549:2<br>557:8<br><b>Plaintiff's</b> 564:18<br><b>plan</b> 498:23 501:18<br>507:6<br><b>planning</b> 509:17,23<br>511:15,17 531:15<br><b>Plate</b> 529:13<br><b>please</b> 377:16 436:1<br>442:2 448:21<br>462:6 463:24<br>470:6 477:4,13<br>478:3 505:11<br>517:24 518:4<br>520:25 522:19<br>524:17,20 526:6,9<br>527:24 528:2<br>530:4 533:18<br>557:21<br><b>plus</b> 403:7 429:24<br><b>PNC</b> 374:9<br><b>point</b> 402:5 420:11<br>440:17 441:16<br>478:13,25 490:25<br>491:6 499:2 506:3<br>510:11,20 529:21<br>538:20 550:17<br>555:14 563:10<br>564:21 572:3<br><b>pointed</b> 432:20<br><b>pointedly</b> 496:23<br><b>points</b> 531:11,11<br><b>policies</b> 514:19<br>527:2<br><b>policy</b> 514:10 515:4<br>515:9<br><b>poorly</b> 470:3<br><b>popular</b> 567:12<br><b>population</b> 517:13<br>517:15 524:23 | 525:6,12,15,19,23<br>526:14,20,24<br><b>populations</b> 526:25<br><b>portion</b> 408:15<br>409:12 459:18<br>465:10 495:3<br>551:18,23 569:16<br>575:20<br><b>portray</b> 563:14<br><b>portrayal</b> 563:20<br><b>position</b> 438:3<br>440:1,7,9 449:11<br>449:16 473:7<br>484:10,14 507:24<br>508:13,22 509:7<br>509:11 510:5,25<br>569:25<br><b>positions</b> 546:11<br><b>possession</b> 577:14<br>577:22<br><b>possible</b> 390:25<br>400:14 495:25<br>502:12 524:23<br>531:9 556:19,21<br>556:25<br><b>possibly</b> 400:21<br>491:14 547:1<br><b>post</b> 514:19,22<br>542:21<br><b>posthearing</b> 499:14<br>499:20 500:5<br>502:5,22 504:7<br><b>postwar</b> 513:23<br><b>potential</b> 531:1<br><b>potentially</b> 486:20<br><b>power</b> 427:12<br><b>powerful</b> 527:8<br><b>practically</b> 475:14<br><b>practice</b> 536:4<br><b>practices</b> 440:7<br><b>preceding</b> 385:19<br>395:25 441:13<br>443:4,4 444:25<br>445:3 446:13<br>447:16 448:5<br>450:23 452:22<br>455:8 456:13<br>467:20 468:12<br>469:7 470:1<br><b>precipitated</b> 514:8<br>514:18<br><b>precipitously</b><br>525:11<br><b>predecessor</b> 507:3<br>512:21 523:1<br>524:4 572:12<br><b>predominant</b> 526:1 | <b>predominantly</b><br>526:12 543:17<br><b>preferences</b> 527:3<br><b>preliminary</b> 377:2<br><b>Premier</b> 571:18<br>573:12<br><b>premium</b> 407:24<br><b>preparation</b> 511:18<br><b>preparatory</b> 531:4<br><b>prepare</b> 429:3<br>430:12<br><b>prepared</b> 431:8<br>435:16,20 565:14<br>576:15 577:4<br><b>presence</b> 538:22<br>539:11<br><b>present</b> 487:23<br>488:10 515:14<br><b>presentation</b> 576:8<br><b>presented</b> 380:18<br>488:2<br><b>president</b> 511:1<br>530:24 574:21<br><b>press</b> 567:11<br><b>presume</b> 405:21<br><b>presumptively</b><br>502:1<br><b>pretty</b> 441:4 525:10<br>538:16 559:6<br><b>previous</b> 509:10<br>521:5 526:14<br>566:18<br><b>previously</b> 377:23<br>388:3 395:6<br>409:12 410:12<br>529:8<br><b>primarily</b> 517:8<br>518:24 522:24<br>547:14<br><b>prime</b> 384:23<br>420:15 426:3,9,15<br>426:19 427:15<br>430:3 527:16<br><b>printout</b> 453:17<br><b>prior</b> 386:20 411:8<br>412:8 415:9 417:1<br>440:19 443:3<br>446:5 450:10<br>451:9 468:6,22<br>470:16 472:4<br>481:14 515:5<br>536:18,21 559:9<br><b>private</b> 518:21<br><b>probability</b> 400:21<br>417:7<br><b>probably</b> 416:15<br>492:17 500:16 | 516:20 521:25<br>522:5 535:21<br>536:4 556:19<br><b>problem</b> 531:2,6<br>532:11,13<br><b>problems</b> 515:17<br>520:15<br><b>Procedurally</b><br>496:25<br><b>procedure</b> 399:24<br>401:25 412:2<br>424:4 482:13<br><b>proceedings</b> 488:15<br>578:22 579:6,11<br><b>process</b> 442:9,22<br>444:20 451:19<br>500:21 529:25<br><b>produce</b> 466:25<br>494:19 578:5<br><b>producing</b> 440:8<br><b>product</b> 385:3<br><b>production</b> 498:18<br>498:21<br><b>professional</b> 506:19<br><b>professor</b> 506:12,13<br><b>progeny</b> 571:13<br><b>program</b> 507:16<br>508:1 510:14<br>574:25<br><b>programs</b> 510:15<br><b>project</b> 508:1,7,15<br>509:11<br><b>properly</b> 466:24<br><b>property</b> 495:1<br>497:10<br><b>proportion</b> 534:17<br>560:14<br><b>proportional</b><br>420:13<br><b>propose</b> 500:22,24<br><b>proposed</b> 479:22<br>502:6,9,13 504:7<br>504:8<br><b>proprietary</b> 497:18<br><b>proprietorship</b><br>510:8<br><b>protection</b> 378:18<br>378:19 379:15<br>385:15 394:2<br>413:6,12,15<br>436:19 437:16,19<br>437:22 439:14<br>446:23 447:1<br>470:18 483:23<br>485:14,18,22<br>486:8 542:4<br>552:23 565:25 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 566:20,21 568:18<br>568:20 569:2,4,9<br>569:14<br><b>prove</b> 546:16<br>552:11,13,15<br>553:2,2<br><b>proven</b> 459:12,16<br>462:22<br><b>provide</b> 385:16,25<br>386:2 405:11<br>413:4 434:13<br>436:13,18,21<br>452:14 455:23<br>502:21 544:15<br>548:2 551:24<br><b>provided</b> 377:23<br>379:12,15 381:10<br>382:8 386:5,18,23<br>388:19,20 390:21<br>391:4 397:20<br>412:20 413:11,23<br>413:23 431:7<br>432:4 442:15<br>443:12 448:25<br>452:14 480:6<br>547:10 566:20<br><b>provides</b> 437:23<br><b>providing</b> 442:19<br>571:1,14<br><b>provision</b> 437:22<br>449:6 550:8<br><b>provisions</b> 408:17<br><b>proviso</b> 453:21<br><b>PTSI</b> 510:25 511:3<br>511:5 512:10<br><b>public</b> 373:21<br>393:19 514:10<br>515:4,8,21 519:19<br>527:2,3,19 528:16<br>560:8 579:17<br><b>publication</b> 380:11<br>511:25<br><b>published</b> 452:9<br><b>pulling</b> 502:11<br><b>purchased</b> 509:1<br><b>purpose</b> 449:9<br>491:7<br><b>purposes</b> 378:12<br>381:23 417:25<br>429:10 431:23<br>462:12 480:25<br>484:8 494:3<br><b>pursuant</b> 494:24<br>498:23 507:5<br>510:2<br><b>pursuit</b> 505:19<br><b>put</b> 396:2,19 416:7 | 469:5,6,18,19,20<br>470:11 471:16,20<br>489:2 494:10<br>496:8 532:9<br>542:20 546:1,4<br>547:20 556:10<br>564:6 578:10<br><b>puts</b> 546:20<br><b>putting</b> 437:9<br>495:21<br><b>p.m</b> 578:22<br><hr/> <b>Q</b><br><b>quadrupled</b> 519:21<br><b>qualifications</b> 378:1<br><b>qualified</b> 378:7<br>444:4<br><b>quantified</b> 560:13<br><b>quantify</b> 556:16,19<br>560:10<br><b>quarter</b> 420:11<br>576:1<br><b>quarters</b> 526:23<br><b>question</b> 380:8<br>396:12 421:6<br>428:22 430:19<br>435:24 436:1,3,5<br>436:13 448:20<br>451:22,24 452:8<br>453:8 454:11<br>474:11 478:8<br>481:24 487:15<br>491:16 492:20<br>540:8 542:20<br>546:4,6,14,19,20<br>547:7,20 551:20<br>552:5,10,11,17,24<br>553:1 557:11<br>558:11 559:13<br>569:10 572:5,5,9<br>573:6,15<br><b>questions</b> 419:4<br>433:15 466:14<br>479:5,11 481:25<br>487:11 500:1,13<br>500:20 501:4<br>541:10 544:20,25<br>545:1,24,25<br>558:20 576:6<br><b>quick</b> 391:22<br><b>quickly</b> 418:8<br>567:17<br><b>quote</b> 521:15<br><hr/> <b>R</b><br><b>R</b> 372:16 510:9<br><b>racial</b> 515:16 | <b>rail</b> 494:25 495:4<br>498:23 507:6<br>508:20 509:5<br>510:17 511:8,9,11<br>512:22 514:5,20<br>517:20 535:18<br>539:14 540:10<br>541:2,5<br><b>railcars</b> 508:11<br><b>railroad</b> 379:22<br>380:4,7,17 381:13<br>382:25 383:4,7,10<br>383:12,17 384:6<br>384:11 385:21,24<br>386:2,9,17,24<br>387:16,24 388:4,7<br>389:5,19 390:2,5<br>390:7,22,23 391:2<br>391:5,9 392:4,12<br>392:16 393:3,7,13<br>394:6,21 396:6,20<br>399:2,7,14,16,17<br>401:24 402:4,15<br>403:2,3,9 408:13<br>408:14 411:12<br>412:21,25 413:4<br>413:11,24 414:2<br>415:6,15 416:10<br>419:8,10 422:10<br>422:23 423:5<br>425:4,18,20 426:2<br>426:12,16,17<br>427:8,9,22 429:25<br>433:15,16,17,17<br>434:17 436:13,21<br>445:11 451:11<br>452:10,25 453:17<br>455:22 458:22<br>460:15 461:5<br>462:4,10 467:23<br>477:15,24 478:6<br>480:10,13 488:15<br>488:15,19 489:23<br>494:14 501:12,23<br>507:10,19 508:18<br>508:24 509:3,13<br>510:14 511:6<br>512:5 520:9 521:3<br>523:2,3,4,13<br>530:7 536:13<br>537:1,2 538:2,12<br>539:7 542:14<br>543:12 551:24<br>574:22<br><b>railroads</b> 378:20<br>383:8,9 426:24<br>485:15 536:23 | 537:9 543:2,15<br><b>railroad's</b> 391:8<br>538:5<br><b>railway</b> 380:24<br>382:8 511:24<br>512:12,19 514:22<br>514:24 515:22<br>518:23 520:13<br>524:3 525:21,21<br>526:2 527:8<br>532:13 560:6<br>574:5 575:7,9<br><b>railways</b> 512:21<br>514:25 517:11<br>518:20 519:3<br>520:19,20 521:23<br>523:10,12 537:21<br>547:25<br><b>railways's</b> 532:12<br><b>rail-served</b> 516:21<br><b>raise</b> 406:20 408:8<br><b>raised</b> 415:24<br>494:12<br><b>ran</b> 535:2<br><b>random</b> 415:20<br><b>RANDY</b> 373:20<br><b>rapid</b> 516:19<br><b>rapidly</b> 524:15<br>532:24 534:19<br><b>rate</b> 381:7 382:16<br>382:18 384:23<br>385:20 397:10,18<br>398:3,5,8,9,10,15<br>398:17,20 406:5<br>410:17,21,25<br>411:1,1 412:5<br>413:8 415:3 416:9<br>416:11 418:21<br>419:18,22 425:25<br>426:3,4,4,6,9,10<br>426:11,13,15,22<br>427:9,16,19 430:4<br>445:12 448:2,18<br>448:23 456:8<br>477:25 524:8<br>534:21<br><b>rates</b> 380:7,19,20<br>380:22 381:2<br>382:7 383:13<br>384:21 397:12<br>414:16 422:21<br>425:13,15 426:1,7<br>443:19 453:4<br>455:24 464:7<br>478:4,19,25<br><b>rather</b> 391:9 406:15<br>416:2 432:3 | 500:12 512:11<br>524:2 525:11<br><b>raw</b> 385:2 397:21<br><b>RDT</b> 530:10,22<br><b>RE</b> 486:3<br><b>reach</b> 390:12<br><b>reached</b> 424:12<br>524:9<br><b>reacted</b> 540:14,16<br><b>read</b> 435:24 436:2<br>437:19 440:15<br>447:17 448:20,22<br>451:21,23 454:11<br>454:13 456:1<br>463:21,23,25<br>477:13 478:3<br>484:5 499:22<br>542:25 546:5,16<br>550:12 560:21<br>565:23 566:2<br>567:4,14,24<br>573:13,16 577:19<br><b>reading</b> 438:14<br>461:22<br><b>real</b> 497:21<br><b>realize</b> 452:16<br><b>really</b> 396:11 415:2<br>422:13 443:16<br>457:14 466:15<br>468:2 486:5<br>500:18 504:6<br>537:23 571:11,20<br>577:10<br><b>reason</b> 399:12<br>400:7 401:22<br>442:18 462:19,21<br>462:23 463:16<br>465:9,22 531:14<br>532:12 538:1<br>539:10 555:7<br><b>reasonable</b> 378:15<br>379:3 400:23<br>401:2 414:23<br>415:1,22 417:7<br>432:24<br><b>reasonably</b> 385:8<br><b>reasons</b> 472:25<br>473:17 517:6,17<br>532:23<br><b>rebuttal</b> 494:11<br><b>recall</b> 479:12<br>483:23 486:17<br>564:1<br><b>receipt</b> 501:9<br>502:22 546:24<br><b>receive</b> 381:4<br>385:20 402:6 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 407:10 408:6<br>463:15 464:2<br>465:16 490:21<br>554:21 555:8,20<br><b>received</b> 384:19<br>387:16 407:20,24<br>422:22 425:21<br>426:18 441:11<br>442:23<br><b>receives</b> 440:19<br><b>recent</b> 511:23<br><b>recently</b> 416:2<br>517:4 520:13<br><b>Recess</b> 433:9<br>493:13 541:14<br><b>recessions</b> 517:10<br><b>recognize</b> 438:21<br>466:11<br><b>recognized</b> 393:19<br><b>recognizes</b> 466:12<br><b>recognizing</b> 425:15<br><b>recommend</b> 508:25<br><b>recommendation</b><br>503:3<br><b>reconsidered</b><br>499:12<br><b>record</b> 378:3,8<br>388:8 391:23<br>432:6 436:2,20<br>448:22 451:4,23<br>452:5,11,12<br>453:19 454:13<br>463:25 494:11<br>495:22 496:2<br>497:25 501:8,10<br>501:11,18,20,21<br>502:2,14 505:12<br>513:18 564:14,15<br>564:17 570:25<br><b>records</b> 383:18<br>384:7 388:5<br>389:20 390:8<br>393:12 394:22<br>451:5,6,8,10<br>452:3 453:9<br>477:24 494:14,14<br>497:15,16,20,21<br>497:22 498:24<br>501:9,13,22,24<br>574:23 575:5,10<br><b>recross</b> 486:2<br><b>red</b> 563:25<br><b>redirect</b> 375:8<br>479:7,8 481:1,24<br>486:6 574:12<br><b>redistribution</b><br>526:25 | <b>reds</b> 389:11<br><b>reduce</b> 533:13<br>537:20 541:3,6<br><b>reduced</b> 416:22<br>491:17 525:18<br>540:25<br><b>reduces</b> 533:6<br><b>reducing</b> 540:17<br><b>reduction</b> 533:12<br><b>redundant</b> 499:16<br>499:21 514:22<br><b>refer</b> 464:15 565:17<br><b>reference</b> 531:20,23<br><b>referenced</b> 410:10<br>529:20 569:19<br>574:15<br><b>references</b> 486:9<br>543:8<br><b>referred</b> 534:19<br>575:15<br><b>referring</b> 410:14,15<br>434:18 435:4<br>436:16 447:11<br>534:5,12 544:24<br>546:7 550:13<br>574:18<br><b>refers</b> 396:17 534:7<br><b>refines</b> 523:8<br><b>reflect</b> 384:20<br>398:23 416:1<br>519:2,3<br><b>reflected</b> 423:13<br>465:7 522:13<br>527:5 536:7<br><b>reflecting</b> 444:19<br><b>reflective</b> 427:7<br>520:4<br><b>reflects</b> 396:2<br>398:25 426:6<br>432:13 536:10<br><b>refused</b> 577:25<br><b>regard</b> 385:19<br>544:4 547:22<br>568:13 569:1<br><b>regarding</b> 385:16<br>386:1,18 483:21<br><b>Regional</b> 494:25<br>495:4<br><b>Regretfully</b> 513:25<br><b>regulatory</b> 524:12<br>529:25<br><b>rehired</b> 567:4<br><b>rejected</b> 391:18<br><b>relate</b> 546:12 557:7<br>573:25<br><b>related</b> 465:9<br>511:22 547:14 | 574:23<br><b>relates</b> 551:23<br>574:8<br><b>relations</b> 543:12<br><b>relationships</b><br>572:11<br><b>relative</b> 518:19,22<br>560:14<br><b>relatively</b> 427:3<br>522:2,3<br><b>relevance</b> 446:2<br>554:6<br><b>relevancy</b> 549:8<br><b>reliability</b> 390:13<br>390:20 417:15<br>421:17 444:10<br>563:2<br><b>reliable</b> 387:19,20<br>387:21 392:23<br>393:8,19 562:14<br>562:15,18 567:10<br>567:21<br><b>relied</b> 381:20 385:8<br>391:4 435:8,9<br>444:1 453:10,13<br>454:19,22 475:4<br>477:7 513:7,11,14<br>564:8 566:4<br><b>rely</b> 385:12 390:25<br>393:18 475:1<br><b>relying</b> 513:18<br>565:7<br><b>remain</b> 432:17<br><b>remaining</b> 384:14<br>384:17<br><b>remains</b> 555:15<br><b>remarks</b> 494:25<br>525:5<br><b>remember</b> 445:13<br><b>remnant</b> 538:8<br><b>removal</b> 533:3<br>538:7<br><b>Reorganization</b><br>495:1,4<br><b>repeat</b> 530:12 534:4<br><b>repercussions</b><br>514:15<br><b>replaced</b> 427:1<br><b>replication</b> 402:19<br><b>replies</b> 502:23<br>503:20<br><b>reply</b> 503:8 504:18<br><b>report</b> 379:14 383:9<br>383:10 388:6,9<br>389:6 392:15<br>394:21,24 395:8<br>396:2 397:15,17 | 399:14,16 402:18<br>403:13 404:1<br>406:7 409:5,16,21<br>409:24 410:6,23<br>411:12,24 413:16<br>415:25 417:17<br>419:9 420:8 422:5<br>422:24 423:5<br>424:2 432:12<br>434:1,5 435:7<br>437:18 438:1<br>442:6 461:14,23<br>470:23 473:24<br>474:5 475:5,9<br>476:25 482:10<br>513:8,10 517:25<br>518:10 523:6,19<br>525:3 528:13,25<br>533:25 539:20<br>541:25 544:16<br>545:3,22 555:4<br>557:23 561:3,17<br>562:7,16,22,23<br>563:13,22 564:2<br>564:11,22 565:6<br>567:23,25<br><b>reportable</b> 399:23<br>414:7 419:15<br>424:12 445:18<br><b>reported</b> 380:1<br>383:25 386:8<br>387:24 389:23<br>390:2,5,6,7,9<br>391:2 392:3,5<br>393:25 399:2<br>400:1 402:3,15<br>411:13 414:2<br>415:6,15 416:10<br>416:24 417:17<br>419:8,10 423:14<br>445:10 452:4<br>460:15 461:6<br>462:3,10,11 463:8<br>467:23 563:5<br>567:10<br><b>reporter</b> 502:24<br>579:5<br><b>reporting</b> 521:12,17<br>521:22<br><b>reports</b> 392:16<br>397:14 399:8<br>401:1 422:6<br>429:18 430:10,22<br>431:10 450:9<br><b>repository</b> 393:13<br><b>represent</b> 382:5,23<br>384:16 417:4 | 418:4 419:16<br><b>representation</b><br>480:23<br><b>representations</b><br>534:18<br><b>representative</b><br>425:13<br><b>represented</b> 445:17<br><b>represents</b> 405:10<br>417:4,13 418:17<br>419:9 420:11,19<br>425:19 428:12<br><b>reproduced</b> 397:17<br><b>reproduces</b> 422:7<br><b>request</b> 425:7 434:9<br>447:23 455:21<br>456:4,5 498:18,21<br>499:12 560:13<br><b>require</b> 532:14<br>533:8<br><b>required</b> 384:6<br>385:24 386:17<br>413:5,11 448:25<br>466:19<br><b>requires</b> 442:22<br>535:12<br><b>research</b> 384:19<br>478:20 512:11<br>513:2 514:3 543:8<br>561:7 567:18<br><b>reserve</b> 384:20<br><b>resolve</b> 501:2<br><b>resource</b> 509:25<br><b>resources</b> 540:18<br><b>respect</b> 379:4<br>385:23 387:8<br>390:12,14 391:6<br>391:11 394:14<br>400:12,13 401:17<br>408:25 409:1,6,17<br>409:20 412:19<br>413:6,7 421:18<br>424:19,23,25<br>430:13 435:9<br>440:2 449:12<br>454:18 484:10<br><b>respecting</b> 448:1<br><b>respective</b> 389:19<br>389:20<br><b>respectively</b> 503:7<br><b>respects</b> 515:1<br>521:4 561:8<br><b>respond</b> 466:17<br>503:19 577:2<br><b>responded</b> 545:18<br>547:6 559:13,15<br>573:2 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>response</b> 498:17,21<br>545:22 547:16,19<br>550:14 559:16<br>573:9,10 575:1<br><b>responses</b> 496:10<br><b>responsibilities</b><br>507:14 508:6<br>509:21<br><b>responsibility</b><br>509:23<br><b>responsible</b> 436:18<br>452:14<br><b>rest</b> 448:8 463:19<br><b>restructured</b><br>514:13<br><b>restructuring</b> 531:2<br>532:2<br><b>result</b> 430:23 440:1<br>470:8 537:17<br>540:23 560:1<br><b>results</b> 513:2<br>523:18,24,25<br>528:24 529:5,6<br><b>resume</b> 476:22<br>492:6<br><b>retail</b> 535:10,16,17<br><b>retired</b> 402:12<br><b>retirement</b> 379:22<br>380:4,7 382:25<br>383:4,7,10,12,18<br>384:6,11 386:9<br>387:24 388:5,7<br>389:6,19 390:3,6<br>390:8,23 391:5,9<br>392:4,12,16 393:4<br>393:7 394:22<br>399:3,8,14,17<br>401:24 402:4,8,15<br>403:2,9 408:13<br>411:12 414:2<br>415:6,15 416:11<br>419:9,11 423:5<br>425:4 429:25<br>445:11 451:11<br>452:10,25 453:17<br>460:15 461:6<br>462:4,10 467:23<br>477:15 478:6<br>488:19 501:13,23<br><b>retrenched</b> 538:17<br><b>returned</b> 509:10<br><b>revenue</b> 521:8<br>540:19 550:16,16<br>550:24<br><b>revenues</b> 550:25<br>559:19<br><b>reverse</b> 520:14 | <b>reversed</b> 522:7<br><b>reviewed</b> 434:8<br><b>riders</b> 525:21<br>526:21<br><b>ridership</b> 525:24<br>526:3,12,15,20,23<br>527:6 532:17<br>559:19<br><b>right</b> 401:13 418:19<br>418:19,20 419:22<br>434:9,15 435:8,14<br>437:24 438:8<br>440:25 441:21<br>443:1 444:5,22<br>445:25 447:9<br>448:11 449:1,5,23<br>450:11,24 451:1<br>453:11 456:1,18<br>457:19 458:10,17<br>459:2,19 460:4,22<br>460:25 461:20,22<br>461:24 463:4,7,11<br>467:25 468:6,23<br>468:23,24 469:22<br>471:10,14 472:4,9<br>472:23 473:4,13<br>473:19 475:12,19<br>476:18 481:14,21<br>482:18 486:7<br>487:7,22 492:14<br>494:20 496:9,19<br>504:9,12 513:19<br>534:13 543:16<br>544:12 545:16<br>547:7,12 549:1,2<br>552:12,15 553:9<br>553:21 554:15,18<br>555:20,23 556:7<br>556:10,14 557:25<br>559:3,6,14,19<br>560:11 562:16<br>567:3,4 571:15<br>573:3,13,16 574:9<br>577:19<br><b>rights</b> 440:6<br><b>right-hand</b> 400:9<br>402:20 411:9<br><b>ring</b> 554:12<br><b>riots</b> 556:7 557:5<br>560:8<br><b>risk</b> 426:6 427:10<br><b>Rjhart@hahnlaw...</b><br>373:25<br><b>roads</b> 524:4<br><b>Robert</b> 372:3<br>380:18 396:18<br>478:14 505:13 | 530:22 574:19<br><b>rock</b> 524:10<br><b>role</b> 489:21 509:16<br>515:1<br><b>Rome</b> 374:4 573:19<br><b>Rosen</b> 375:3,6,9<br>377:7,8,12,14,18<br>377:19,22 378:15<br>379:1 381:15<br>382:1,12,21<br>384:13 387:7<br>389:1,17 391:6<br>394:13 395:5,20<br>400:11 404:9<br>406:10 408:10,22<br>409:4,11 410:10<br>412:15,16 417:21<br>421:20 424:7<br>425:6 427:24<br>429:3,13 430:12<br>432:4,6,22 433:2<br>433:10,12 439:8<br>445:22 452:16<br>466:6,8,13 479:8<br>479:10 482:3<br>485:21 486:3<br>492:5 572:4,10<br><b>Rosen's</b> 378:4 388:5<br>388:8 404:1<br><b>roster</b> 510:23<br><b>rosters</b> 447:25<br><b>roughly</b> 398:4<br>407:2 415:17<br>416:22 419:19,21<br>420:1,11 421:10<br><b>round</b> 392:7<br><b>rounding</b> 419:20<br><b>routes</b> 517:22<br><b>RPR</b> 372:25<br><b>rule</b> 566:3<br><b>rules</b> 440:2,7<br><b>ruling</b> 498:10<br><b>run</b> 391:22<br><b>running</b> 415:9<br><b>rust</b> 517:1,14<br><b>R-O-S-E-N</b> 377:18<br><br><hr/> <b>S</b> <hr/> <b>sad</b> 512:11<br><b>safe</b> 510:2<br><b>safety</b> 511:18<br><b>salaried</b> 412:9<br><b>salary</b> 448:16 449:3<br>450:23 451:5<br><b>sale</b> 497:6,8,9<br><b>salutations</b> 568:16<br><b>same</b> 385:23 390:4 | 398:11 403:21<br>407:25 412:2,12<br>413:2 422:5,14<br>424:4,21 457:10<br>476:18,21 478:8<br>478:24 482:11,16<br>500:17 509:1<br>526:14 529:18,19<br>534:17,17 536:10<br>551:1 565:5 572:2<br>572:5<br><b>sample</b> 415:11,13<br>415:20<br><b>satisfactory</b> 483:4,5<br><b>satisfied</b> 459:17<br><b>Saunders</b> 566:12<br><b>save</b> 501:3 525:6<br><b>savings</b> 489:16,22<br>489:24<br><b>saw</b> 486:23<br><b>saying</b> 400:17 417:6<br>464:17 473:23<br>474:2 536:8 547:6<br>575:19 577:11<br><b>says</b> 385:15 439:21<br>444:25 447:10<br>450:18 452:13<br>455:21 456:1,5,12<br>463:2,6 464:10,19<br>464:24 466:3<br>467:3 468:4 469:9<br>469:9 470:15<br>471:21 473:10,19<br>474:4,21,22<br>475:19,22,25<br>476:2,5 477:23<br>478:13 497:14<br>546:8 552:16,20<br>566:12<br><b>scattered</b> 386:5,10<br><b>schedule</b> 380:6<br>478:4 492:8,10<br>495:14,24 497:8<br>497:11 498:3<br>509:24<br><b>schedules</b> 511:17<br><b>scheduling</b> 499:6,9<br>500:6,23 501:1<br><b>Scheper</b> 410:9,11<br><b>Scheper's</b> 412:4<br><b>school</b> 505:16,16,22<br>506:2,14,20,21,24<br><b>science</b> 505:24<br><b>scope</b> 539:20 556:2<br>557:22 562:20<br>564:8,25 565:2,24<br>568:8 | <b>scratch</b> 488:9<br><b>season</b> 503:2<br><b>seat</b> 476:23<br><b>second</b> 404:23<br>426:22 434:7<br>447:10,19,21<br>473:18 522:1<br>550:2 570:23<br><b>secondly</b> 384:24<br><b>secondment</b> 509:9<br><b>section</b> 411:3<br>438:21 440:23<br>441:1 464:1,9<br>466:19 467:3<br>468:4 470:15,18<br>475:19 477:19<br>546:23 550:12,15<br>553:5,15 564:9<br><b>sections</b> 464:16<br><b>sector</b> 516:13<br><b>secular</b> 520:18<br>522:9<br><b>security</b> 379:25<br>380:2 383:3,23,25<br>384:1,5,25 501:9<br>501:10,13,16,22<br><b>see</b> 387:23 389:22<br>390:1 401:2,13<br>402:11 403:13<br>413:17 419:22<br>421:1 428:11<br>430:10 432:17<br>439:12 454:2<br>455:5 459:2,9<br>473:18 477:6,11<br>497:11 521:9<br>542:23 543:3<br>550:7,8 559:11<br>560:2<br><b>seeing</b> 495:25<br><b>seems</b> 430:24<br>465:19,24<br><b>seen</b> 387:12 407:12<br>535:21 555:16<br><b>sees</b> 558:7<br><b>selected</b> 425:25<br><b>selling</b> 535:18<br><b>seniority</b> 440:6,12<br><b>sense</b> 489:21 490:10<br>490:11 495:24<br>501:19 503:12<br>576:2<br><b>sent</b> 546:13<br><b>sentence</b> 484:5<br><b>SEPAC</b> 507:2<br><b>separately</b> 449:15<br>456:17 484:13 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 521:25<br><b>separation</b> 381:4<br>394:11 395:11<br>409:17 410:23<br>411:9,22 429:21<br><b>separations</b> 445:7<br><b>SEPTA</b> 507:5<br><b>sequence</b> 494:22<br><b>serve</b> 506:24 520:19<br>520:20 528:10<br>533:7<br><b>served</b> 509:5 523:10<br>524:25 527:1,12<br>528:6 538:4<br><b>service</b> 379:23<br>439:23 441:13<br>442:25 447:15<br>448:5 459:7<br>477:17 484:23<br>507:7 509:5<br>510:17 511:10,11<br>511:12,13 512:5<br>512:12,19,23<br>513:22 514:6,12<br>514:14,18 531:3,4<br>534:2 536:19,22<br>537:7,18 538:6,22<br>538:25 539:15<br>540:11,15,24<br>541:2,6 546:14<br>547:1,11 549:15<br>552:1 555:7<br>557:25 558:4<br>559:25 560:6,6<br>561:14 562:3<br>574:8,24<br><b>served</b> 561:11<br><b>services</b> 385:18<br>511:7,8,9,20,21<br>514:16<br><b>serving</b> 527:22<br>528:17 529:9,22<br>561:18,24,25<br><b>session</b> 376:6 494:6<br>505:1<br><b>set</b> 387:2,19 408:23<br>433:6 496:14<br>498:18 544:19<br>549:13 575:5<br><b>sets</b> 391:2<br><b>setting</b> 510:13<br><b>seven</b> 484:20<br><b>several</b> 437:10<br>441:3 506:13<br>515:6 522:5 538:5<br>575:10<br><b>severance</b> 567:1 | <b>share</b> 499:18<br><b>shared</b> 500:8<br><b>sheet</b> 386:7 402:11<br>403:13,16 418:13<br>420:16<br><b>sheets</b> 414:3 430:13<br><b>shopping</b> 535:10<br><b>short</b> 427:3,3 428:7<br>489:20 577:21<br><b>short-term</b> 426:4,10<br>426:12<br><b>show</b> 383:24 384:2<br>417:21 431:7,14<br>438:20 451:12,13<br>501:22 513:18<br>522:1 523:24<br>524:2 529:5,9<br>534:19 549:14<br>577:18<br><b>showed</b> 520:9<br>521:19,20 522:8<br><b>showing</b> 380:6<br>382:18 385:5<br>478:4 487:23<br>496:11 528:5<br>561:18<br><b>shown</b> 520:11 521:5<br><b>shows</b> 383:5,8<br>422:13 518:18,21<br>523:15 524:6<br>525:4 526:15<br>528:19 529:17,19<br>534:15 561:21<br><b>shrunk</b> 532:20<br><b>side</b> 400:10 500:10<br>501:19 576:3,7<br><b>sides</b> 498:13 500:11<br><b>signatory</b> 447:24<br><b>signed</b> 419:25<br>444:24 485:20<br>566:14,23 567:2<br><b>significance</b> 439:9<br>466:7,10 488:3<br>497:2 518:9 523:5<br>525:2 526:17<br>528:12 530:16<br>533:24 578:12<br><b>significant</b> 484:1<br>519:15 558:4<br><b>signing</b> 446:5,14<br><b>silent</b> 547:22<br><b>similar</b> 382:14<br>391:23 392:1,18<br>392:20 418:18<br>490:17 515:1<br>536:2<br><b>simple</b> 432:3 528:5 | <b>simply</b> 388:6 396:8<br>401:19 423:15<br>429:15 491:3<br>514:7 529:8 543:7<br>563:4 572:18<br><b>simultaneously</b><br>504:11<br><b>since</b> 410:4 413:18<br>420:20 422:10<br>428:9 492:25<br>499:18 501:5<br>524:2 527:7 535:7<br>544:25 565:4<br>567:16<br><b>single</b> 547:24<br><b>sir</b> 433:13 435:15<br>437:13 439:2<br>542:8 548:17<br>550:2 551:14<br>552:9 553:25<br>557:13 562:2,6<br>563:13 564:4<br>566:9 567:25<br>569:23 571:1<br>572:14 573:22<br><b>sit</b> 476:15 503:9,24<br><b>sitting</b> 513:4<br><b>situation</b> 396:5<br>490:7 494:16<br>525:10<br><b>six</b> 379:7 381:3<br>394:10 408:23<br>409:20,23 410:6<br>410:17 412:3,13<br>445:6,6 460:1,2<br>507:19,21,22<br><b>slightly</b> 512:15<br>534:21<br><b>slowed</b> 529:25<br><b>slowly</b> 524:14<br><b>Slusarski</b> 554:10,14<br><b>small</b> 519:6<br><b>social</b> 379:25 380:2<br>383:3,23,25 384:1<br>384:5 501:9,10,13<br>501:16,22<br><b>Society</b> 575:8,9<br><b>sold</b> 535:1<br><b>sole</b> 510:8<br><b>solely</b> 531:18<br>561:23<br><b>solid</b> 498:10<br><b>some</b> 377:2 381:2<br>385:4 386:4,6,23<br>396:1 399:11<br>400:21 408:6<br>417:14 421:16 | 427:18 433:18<br>434:20 446:23<br>451:14 462:21,22<br>464:2 465:8,17<br>476:12 488:24<br>489:6 491:23<br>492:9 497:2<br>507:13 508:5<br>509:20 511:2<br>514:1 519:1<br>521:10,23 525:10<br>543:18 560:5,9<br>568:16 574:16<br>577:7<br><b>somebody</b> 430:10<br>465:20 481:8<br>490:8<br><b>somebody's</b> 383:20<br><b>someone</b> 405:9<br>421:11 434:13<br>436:6 460:17<br><b>someone's</b> 490:7<br><b>someplace</b> 502:10<br><b>something</b> 427:13<br>427:17 428:9<br>445:24 490:3<br>552:15 563:15,23<br>563:24<br><b>somewhat</b> 415:21<br><b>somewhere</b> 415:18<br>416:19 417:9,18<br>464:17,19<br><b>son</b> 568:13<br><b>Sophner</b> 372:12<br>379:10 387:9<br>389:12 392:19<br>412:17 421:24<br>422:2,5,9 423:18<br>423:21 424:4,15<br>424:20,25<br><b>Sophner's</b> 423:5<br><b>sorry</b> 429:20 445:6<br>474:16 534:3<br>545:8 546:11<br>554:2 558:8<br><b>sort</b> 385:8 405:25<br>464:2<br><b>sorting</b> 514:21<br><b>sorts</b> 521:12<br><b>sounds</b> 504:3<br><b>source</b> 477:21 478:9<br>478:16 513:18<br>562:14,18,22<br>563:1 564:2<br>567:10,21<br><b>sources</b> 381:5 513:7<br>513:9,11,14 | 547:23 562:6<br><b>Southeastern</b><br>506:23 507:1,3<br><b>so-called</b> 494:13<br>517:14<br><b>speak</b> 433:23<br><b>speaking</b> 475:14<br><b>speaks</b> 438:16<br>470:25 475:9<br>553:17<br><b>spearhead</b> 574:25<br><b>special</b> 494:23<br><b>Specialist</b> 510:10<br><b>specialization</b><br>511:20<br><b>specializations</b><br>511:3<br><b>specific</b> 387:4<br>480:14,15 544:19<br>552:10 556:23<br>557:21 560:24,25<br>562:5<br><b>specifically</b> 384:22<br>409:1 438:1 486:9<br>495:6 512:24<br>514:10 547:19<br>548:23 555:19<br>557:19,23 561:4<br>561:13<br><b>speculative</b> 563:4<br><b>speed</b> 511:11<br><b>spent</b> 489:12 507:20<br>543:11<br><b>spoke</b> 412:18<br>502:24<br><b>spouse</b> 490:5<br><b>springing</b> 565:12<br><b>Square</b> 373:21<br><b>St</b> 516:6<br><b>stack</b> 431:14<br><b>stamped</b> 389:3<br><b>stand</b> 377:7<br><b>standard</b> 414:13,15<br>415:18<br><b>standpoint</b> 421:18<br>428:24<br><b>start</b> 394:15 395:25<br>397:24 418:12<br>439:3 468:16,18<br>503:5 506:18<br>526:6<br><b>started</b> 499:18<br>519:7 541:15<br>542:22 575:19<br><b>starting</b> 505:16<br>507:11<br><b>starts</b> 422:16 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>state</b> 377:16 439:5<br>505:12 510:15<br>514:15 515:6,7<br>531:5,8 575:2<br>579:18<br><b>stated</b> 397:4 482:21<br>546:16<br><b>statement</b> 383:21<br>383:22 384:2<br>494:17 500:11,12<br>500:19 569:1,6<br>576:4<br><b>statements</b> 542:14<br>543:2,6,7<br><b>States</b> 384:25 427:5<br>512:12 514:18<br>516:22 517:22<br>518:8 524:25<br>560:25 573:24<br>574:6<br><b>station</b> 526:1<br>538:14,16,17<br><b>stationery</b> 435:18<br><b>stations</b> 515:23<br>527:8<br><b>statistical</b> 391:1<br>421:18 432:24<br>478:20<br><b>statistics</b> 521:4<br>522:24 523:8<br><b>status</b> 381:14<br><b>steep</b> 529:18 534:17<br><b>Steinglass</b> 372:16<br>377:1 378:2<br>388:18,24 389:15<br>404:22 405:18,25<br>406:6 418:24<br>419:3,12 428:21<br>430:18 431:3<br>433:3,7 439:11<br>466:11,21 467:8<br>467:13 470:2<br>476:11 479:6<br>480:25 483:4<br>486:1 487:12,16<br>491:15,20,24<br>492:3,25 493:6,10<br>494:7 495:11,23<br>496:18,25 497:12<br>498:1,8 499:4,7<br>499:17 503:16,22<br>504:9,12,15,19,24<br>530:11 540:5<br>541:13 548:15<br>551:19 552:4<br>553:18 554:7<br>555:1,15 557:10 | 558:2,8,17 562:24<br>564:10,13,16,19<br>564:24 565:3,15<br>565:20 566:2<br>568:9 570:24<br>572:1,8 574:13<br>575:17 576:21<br>577:3 578:3,16,19<br><b>Stenotype</b> 579:8<br><b>Stenotypy</b> 579:5<br><b>step</b> 395:3,3 401:17<br>441:6,6,7,16,21<br>442:21,22 443:3,7<br>444:25 453:5<br>455:1 456:15,16<br>456:17 457:14,16<br>457:19 458:9<br>459:1,1,20,25<br>460:1,2 484:20<br>501:6<br><b>steps</b> 441:3 443:25<br>455:1,5 472:2<br><b>Steven</b> 372:16<br><b>Stevens</b> 505:17<br><b>STEWART</b> 374:7<br><b>Stewart@blankr...</b><br>374:14<br><b>still</b> 468:17 493:6<br>497:2 534:21<br>535:8 571:10<br>575:4<br><b>stipulate</b> 378:7<br>483:1 558:3<br><b>Stokes</b> 372:20<br><b>stop</b> 399:18 441:15<br>449:23 463:2<br>538:18 552:12<br><b>stopped</b> 401:21<br>402:2,7,13 460:14<br>490:25<br><b>stops</b> 402:14<br><b>story</b> 501:23 512:11<br><b>Street</b> 374:10<br>538:19<br><b>strike</b> 522:22<br>573:10<br><b>struck</b> 493:8<br><b>studied</b> 539:24<br><b>studies</b> 510:2<br>560:22<br><b>study</b> 506:1 512:18<br>522:10 539:21<br>540:2 560:16,17<br>560:20 561:1,4,7<br>561:9 570:14,17<br><b>submit</b> 378:4,9<br>499:13 504:6,10 | 504:18<br><b>submitted</b> 386:25<br>387:6,10 388:3<br>391:24 395:6<br>409:12 430:20<br>480:16 481:12<br>496:22 498:2<br>502:11<br><b>submitting</b> 496:14<br>496:17,20 497:25<br><b>subsequent</b> 382:19<br>449:21 450:15,19<br>484:18 506:11<br><b>subsequently</b> 391:3<br>415:23 510:17<br><b>subsidiaries</b> 521:24<br><b>subsidiary</b> 511:23<br><b>substance</b> 568:11<br><b>substantial</b> 426:24<br>516:15,16,17<br>524:8 531:2 576:6<br><b>substantially</b><br>514:13 519:17<br>525:7 528:21<br>529:16,24 534:20<br><b>subtracting</b> 401:20<br>475:11<br><b>suburban</b> 526:25<br>538:18<br><b>suburbanization</b><br>515:12 560:8,18<br><b>subway</b> 511:9<br><b>successor</b> 572:12<br><b>suffered</b> 525:8<br><b>suggesting</b> 479:23<br><b>suggestion</b> 578:4<br><b>Suite</b> 373:6,14,22<br><b>sum</b> 568:11<br><b>summaries</b> 529:2<br><b>summarization</b><br>429:16<br><b>summarize</b> 385:2<br>424:3<br><b>summarized</b> 523:18<br>528:24<br><b>summarizes</b> 429:4<br><b>summary</b> 396:8<br>403:13,15 410:4<br>411:24 420:15<br>422:11 423:20<br>424:2 430:13<br>431:18 432:3<br>477:14 523:21<br>533:5 534:14<br><b>sums</b> 425:16,22<br><b>sun</b> 517:3<br><b>superintendent</b> | 509:16,18,22<br><b>Superior</b> 372:21<br>373:6,13<br><b>Superliner</b> 510:19<br><b>supplement</b> 501:21<br><b>supplemental</b> 496:1<br><b>supplied</b> 448:15<br><b>support</b> 405:16<br>480:23 490:8,13<br>508:11 564:22<br><b>supposed</b> 455:19,20<br>456:3 464:22<br>475:25<br><b>sure</b> 462:7 476:21<br>492:8 497:12<br>500:2 501:19<br>502:15 534:11,11<br>555:1 561:6<br>562:17 565:14<br>572:9<br><b>surprised</b> 576:8<br><b>surveys</b> 575:12<br><b>switch</b> 531:16,17,25<br>532:10 533:4,10<br>535:3<br><b>switching</b> 533:8<br><b>switchtenders</b><br>382:17<br><b>sworn</b> 377:9 505:5<br><b>system</b> 380:1<br>384:20 498:23<br>514:14 520:19<br>526:13,16 544:14<br><b>systems</b> 511:19<br>520:2 | 531:16 532:9<br>536:15 541:11<br>565:8 567:6 577:4<br>578:7<br><b>taken</b> 372:20 397:5<br>408:21 433:9<br>485:8 493:13<br>541:14<br><b>takes</b> 465:17 503:1<br>523:7,11<br><b>taking</b> 410:24<br>422:21 516:16<br>518:13<br><b>talk</b> 385:6 386:15<br>448:8 485:4 492:7<br>493:10 495:15,18<br>495:22 499:6,8<br>542:21<br><b>talked</b> 385:13<br>421:21 433:16<br>452:20 464:6<br>495:14<br><b>talking</b> 404:23<br>415:3 446:17,24<br>449:20 465:12<br>497:24 534:2<br><b>talks</b> 449:9 468:11<br>474:24 485:7<br><b>tapering</b> 529:19<br><b>tapped</b> 509:12<br><b>taught</b> 506:12<br><b>tax</b> 380:7 478:4<br><b>taxable</b> 383:6,23<br>420:24 423:7<br>453:22<br><b>taxation</b> 427:12<br><b>taxed</b> 383:12<br><b>teaching</b> 506:17<br><b>technically</b> 489:14<br><b>technology</b> 505:18<br>516:12<br><b>tell</b> 382:3,12,22<br>384:15 400:20<br>409:13 416:6<br>418:8 426:15,19<br>434:14 437:5<br>445:9 453:19<br>458:3 461:5<br>474:13,17 503:10<br>503:25 549:15<br>551:9 554:8,20,22<br>557:4,23 562:2,4<br>568:3 574:1<br><b>tells</b> 426:13 440:24<br><b>ten</b> 379:6 380:15,19<br>394:16 395:17,22<br>396:8,15,19,22 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 399:10 403:19,22<br>412:23 413:1<br>422:15 423:25<br>424:22 435:10,13<br>442:8 443:23<br>444:11 445:5<br>451:18 452:19<br>453:16 454:18<br>455:2 463:17<br>482:24 576:1,12<br>578:7<br>tended 535:4<br>ten-year 384:24<br>430:6 507:6<br>term 426:23 427:4<br>437:15 439:4<br>480:13 548:13<br>terminal 512:24<br>520:21 526:5<br>527:9,11,23 528:7<br>528:11 529:10,22<br>531:17 532:1,4,5<br>532:6 533:7,9,11<br>533:12,23 534:16<br>534:23,24 535:8,9<br>535:15 538:13<br>539:2,4 540:22<br>terminals 539:6<br>terminate 532:5<br>terms 424:12<br>456:10 460:10<br>461:6 500:4<br>520:12 548:9<br>territory 523:10<br>test 438:20 442:11<br>444:9 446:3,13<br>459:9<br>testified 381:20<br>432:23 435:7<br>450:5 488:14<br>537:7 539:21<br>549:8,12,24 566:1<br>567:8<br>testify 378:7 405:9<br>540:1 549:11,17<br>549:20,22 551:16<br>555:3<br>testifying 405:7<br>495:19 498:7<br>539:16 540:3,11<br>testimony 412:22<br>467:5 470:21,24<br>474:2 476:6<br>492:23 500:25<br>502:15 544:7<br>549:14,20 551:6<br>553:6,11 555:14 | 559:5 566:6<br>568:21 571:2,15<br>572:3 573:23<br>Thank 377:4 378:2<br>388:24 389:14<br>395:14 401:15<br>404:18,21 406:7<br>412:15 419:12<br>433:2 467:15<br>476:22 479:6<br>485:25 488:22<br>492:4 494:8 499:4<br>512:2 530:14<br>574:11 575:15,17<br>thanks 505:11<br>578:18<br>their 381:12 386:25<br>387:11 390:19<br>391:3 417:15<br>426:5,18 448:16<br>451:8 452:2,21<br>455:12 480:17<br>499:1 509:14<br>510:2 511:16<br>516:7 531:12<br>532:6,16 538:14<br>555:8 575:7<br>578:12<br>themselves 520:15<br>526:4<br>thenceforth 532:3<br>therefrom 540:20<br>thereof 421:22<br>thing 388:16 412:12<br>432:19 441:17<br>443:16,17,20<br>447:17 473:17<br>478:24 496:3,15<br>502:13 573:22<br>things 428:5 433:6<br>448:24 472:15<br>501:6 514:11<br>552:7 556:12,12<br>556:17,25<br>think 395:23 404:16<br>414:8 438:15<br>440:22 444:7<br>466:12,14,23,24<br>470:24 473:18<br>474:20 475:7<br>476:5,14 479:23<br>481:8 490:17<br>492:16 494:15<br>496:18 497:3<br>498:10,12 499:19<br>500:20 503:24<br>550:5 557:2 558:2 | 571:11 576:11<br>thinks 571:23<br>third 484:5,6<br>509:14 521:16<br>THOMAS 374:7<br>thoroughly 529:23<br>though 391:19<br>392:24 425:2<br>473:23 474:7<br>486:13 519:14<br>563:8<br>thought 488:12<br>499:7 568:4 569:3<br>569:9 576:25<br>thousand 519:10<br>three 379:4 381:3<br>382:4,22,24<br>393:16 400:7<br>407:22 410:7,17<br>412:3,6 448:24<br>456:17 457:16,20<br>457:20 468:1<br>498:15 504:6<br>522:25 523:10,12<br>524:4 526:22<br>528:23 538:21<br>through 376:4<br>378:21 380:12,21<br>382:11,19 387:3<br>387:11 394:25<br>396:10 397:6<br>418:9 422:1<br>423:19 432:12,14<br>436:23 439:16<br>451:19 455:4<br>459:25 474:6<br>478:6 479:14,19<br>480:17 482:5<br>487:20 494:3<br>512:14 514:16<br>517:22 521:17<br>522:10 524:8<br>528:9 531:7,10<br>532:6,21 539:15<br>540:12,24 545:2<br>549:13 556:5<br>558:16,24 560:9<br>571:25<br>throughout 401:25<br>thoroughway 515:8<br>Thursday 495:17<br>tickets 535:1<br>ticking 503:5<br>tied 447:3<br>tier 383:13,13<br>till 534:20<br>time 381:9 385:23 | 388:2 397:6<br>413:20 416:1<br>425:17,23 426:8<br>428:4,8 440:4,10<br>440:17 441:11<br>442:24 448:9<br>449:14 459:5,8<br>462:25 464:8<br>473:16 478:1<br>480:18 483:25<br>484:12,22,24<br>485:6 487:7<br>488:21 491:23<br>500:16 501:3,12<br>508:19 509:1<br>518:17 528:18<br>530:20 538:8<br>542:22 543:11<br>561:21 562:1<br>566:22 567:2,18<br>570:2,4 575:23,24<br>576:2 578:1<br>times 488:17 528:23<br>timetable 511:18<br>561:20<br>timetables 511:24<br>512:1 528:15,16<br>528:16<br>timing 502:17<br>Timpany 530:23<br>574:17,18,19<br>title 487:24 497:20<br>today 432:23<br>492:10,23 496:2<br>496:19 500:25<br>505:11 510:14<br>515:2 519:24<br>538:17 545:1<br>559:6 575:4<br>576:10 577:17<br>578:17<br>today's 507:3<br>535:14<br>together 396:2<br>440:16 447:3<br>492:7 502:11<br>told 416:12 442:13<br>482:7 494:18,24<br>498:20,25 543:8<br>555:16 558:10<br>569:5,11<br>Tomain 372:17<br>388:10 389:9,14<br>395:9,14,17<br>488:23 490:16,24<br>491:5,13 492:12<br>492:15,19 | Tomczak 395:8<br>396:4 399:18<br>400:12 401:8,18<br>401:24 402:10<br>403:25<br>Tomczak's 403:10<br>404:2<br>tomorrow 492:10<br>496:4 500:7,9,21<br>501:3,7 575:22<br>578:5,6,20<br>ton 498:8 550:16,25<br>top 552:20<br>total 403:10 430:3<br>441:10,11 442:23<br>442:24 449:13,13<br>451:12,13 456:16<br>471:9 484:11,12<br>485:5,5 528:17<br>529:14<br>totally 480:23<br>totals 379:24<br>477:18 529:8,15<br>tour 511:11<br>towards 515:12<br>546:12 570:19<br>Tower 535:15<br>tracings 497:20<br>trade 535:16,17<br>traffic 518:7 543:16<br>551:7 553:7<br>573:23<br>train 511:16 524:25<br>530:21 531:7,7,25<br>532:1,6,8,10,10<br>538:8,9,10,20<br>539:13 544:5<br>574:8<br>trainee 507:12,15<br>training 507:16<br>508:1<br>trains 509:24<br>511:12,13 515:25<br>516:7 524:11,13<br>527:22 528:6,6,9<br>528:17,20,22<br>529:9,10,16,17,22<br>532:3,21,22 533:7<br>538:4 539:12<br>544:8 558:24<br>561:18,21,22,23<br>561:24<br>transcribed 579:7<br>transcript 502:19<br>502:23 503:2,4,17<br>579:7,9,10,12<br>transfer 532:15 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>transferred</b> 498:24<br>505:21 516:13<br>577:12<br><b>transferring</b> 531:13<br><b>transformation</b><br>575:11<br><b>transit</b> 516:19<br>526:11,13,16,20<br>527:1,4,6,7<br><b>transmitted</b> 409:16<br><b>transportation</b><br>382:9 505:25<br>506:6,17,23,25<br>507:2,4,21 508:9<br>510:10,12 511:15<br>512:10 515:21<br>527:20 535:18<br>560:9<br><b>travel</b> 408:16,20<br>506:8,9 516:9,14<br>517:17,18<br><b>traveler</b> 517:7<br><b>travelers</b> 516:24<br><b>traveling</b> 519:19<br>531:10<br><b>traveller</b> 517:7<br><b>treasury</b> 384:25<br>427:5,9,14 430:6<br><b>treat</b> 570:11<br><b>tremendous</b> 479:15<br>520:1<br><b>trend</b> 514:9 515:11<br>519:12 520:12<br>521:5 522:9<br>526:14 527:6<br><b>trends</b> 512:20,22<br>520:8,9 521:13<br>536:10<br><b>trial</b> 387:1,10 389:2<br><b>Tricarichi</b> 373:4,5<br>388:20 389:11<br>404:16,19 493:8<br>495:9,12 496:9<br>498:6 503:14,21<br>504:3,21 576:11<br>576:23 577:6,24<br>578:15<br><b>tried</b> 405:8<br><b>trip</b> 518:13<br><b>trips</b> 519:20<br><b>troubles</b> 515:15<br><b>truck</b> 514:20<br><b>true</b> 390:4 397:1<br>400:25 407:25<br>416:6 437:16<br>480:24 482:22,23<br>483:15,16 497:5 | 498:12 513:25<br>543:13 544:23<br>545:10 548:5<br>561:5 562:8<br>579:12<br><b>trust</b> 563:18<br><b>trustees</b> 495:5<br>508:17<br><b>try</b> 500:25<br><b>trying</b> 406:7 452:17<br>466:15 476:9<br>540:1 555:6,9<br><b>turn</b> 395:23 422:12<br>461:10 495:2<br>515:20,20 517:24<br>524:17 527:24<br>530:1 533:15<br>542:17<br><b>turning</b> 389:21<br>397:16<br><b>Turnpike</b> 515:8<br><b>twelve</b> 449:15<br><b>two</b> 382:15 383:13<br>384:22 393:14<br>394:7,8 395:12<br>398:25 399:3<br>401:20 403:14<br>406:24 407:12,19<br>419:3,24 426:1<br>440:15 441:16<br>442:21,22 443:3<br>444:25 453:5<br>455:1 457:20<br>460:17,22,24<br>462:11,18 463:7,8<br>463:10 465:9<br>471:10,12,16,18<br>472:12,13 483:1,2<br>500:22 503:1<br>523:14 528:5<br>554:13 559:20<br><b>type</b> 381:14 385:11<br>392:1 446:10<br><b>types</b> 381:6<br><b>typewritten</b> 579:8<br><b>typically</b> 426:12<br><b>T-I-M-P-A-N-Y</b><br>530:23 | <b>unchanged</b> 532:6,8<br><b>under</b> 378:17 380:7<br>383:6,10,22 384:6<br>394:4 396:21<br>401:7 403:13<br>406:25 411:25<br>416:25 423:1<br>430:6 436:18<br>440:6,17 454:8<br>462:19 470:14<br>471:17,24,25<br>472:18 473:21<br>477:15 478:5<br>479:21 490:21<br>491:4 495:3<br>546:25 549:16<br>554:21 555:8<br>563:21 575:4<br><b>undergoing</b> 531:3<br><b>understand</b> 395:2<br>406:7 472:1 476:9<br>488:25 496:15<br><b>understanding</b><br>378:24 405:3<br>412:10 435:23<br>438:11 485:12<br>495:13,18 499:25<br>546:8 571:4,9,17<br>571:19 573:16<br>576:16<br><b>understate</b> 482:20<br><b>Understood</b> 491:13<br><b>Underwriters</b><br>571:19 573:13<br><b>undoubtedly</b><br>383:24 427:13<br>502:7<br><b>unfortunately</b><br>397:22 398:1<br>413:1 415:4<br><b>uninterrupted</b><br>576:7<br><b>union</b> 380:24<br>382:10 414:17<br>512:24 520:21<br>526:4 527:9,11,23<br>528:7,10 529:10<br>529:22 531:17<br>532:1 533:23<br>534:24 535:8,14<br>538:13 539:1,3<br>540:21<br><b>unions</b> 397:23<br>566:17<br><b>United</b> 384:24<br>427:4 512:12<br>514:18 516:22 | 517:21 518:7<br>524:24 560:25<br>573:24 574:6<br><b>universities</b> 506:13<br><b>University</b> 505:22<br>506:15,16,22<br>507:9<br><b>University's</b> 506:2<br><b>unknown</b> 399:21<br><b>unless</b> 377:1 442:17<br><b>unlike</b> 427:11<br>527:14<br><b>until</b> 446:11 468:16<br>468:17 520:10<br>521:14 522:7<br>552:7<br><b>unusable</b> 386:12<br><b>update</b> 431:12<br><b>updated</b> 429:6<br><b>UPS</b> 515:1<br><b>urban</b> 511:8 515:16<br>527:6,7<br><b>use</b> 385:12 406:11<br>412:21 424:16,20<br>425:18 426:10,13<br>427:23 449:6<br>452:20 454:10<br>483:1,8 489:7,11<br>514:21 515:21<br>517:20 520:10,13<br>532:4 541:17<br>562:15 563:7,10<br>563:12,19,22<br>567:22<br><b>used</b> 384:10 391:7<br>394:15,18 401:25<br>403:22 411:18<br>412:2 415:14<br>416:23 420:8<br>426:1 435:12<br>448:14 451:15<br>466:16,25 467:5,9<br>470:22 488:19<br>490:1 538:13,14<br>543:7,24 562:7,22<br>563:11 564:1<br>565:6 567:25<br><b>useful</b> 499:24 563:9<br>563:20<br><b>using</b> 386:13 393:21<br>406:14 408:1<br>409:21 417:14<br>427:18 430:3<br>443:15 457:2<br>480:13 527:4<br>542:1 558:16<br>563:17 564:22 | <b>utilize</b> 430:5<br><b>utilized</b> 384:22<br>385:5 396:24<br>412:6 424:4 427:4<br><b>utter</b> 569:7<br><b>UTU</b> 382:18 397:20<br>478:20 |
| <b>V</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                 |
| <b>value</b> 426:20 427:7<br>487:23 488:2,11<br><b>variety</b> 381:7<br>384:21<br><b>various</b> 510:1 516:2<br>521:3 534:25<br><b>vast</b> 414:4<br><b>vehicle</b> 507:23<br><b>vehicles</b> 535:5<br><b>versus</b> 406:11<br><b>very</b> 386:10 397:23<br>400:20 485:10<br>489:9 521:10<br>523:15 524:7<br>535:8 536:5,5,5<br>538:14 547:20<br>552:9 565:18,19<br>575:16,18<br><b>via</b> 514:9<br><b>vice</b> 530:24 574:20<br><b>view</b> 428:14 439:8<br><b>views</b> 428:20<br><b>virtually</b> 409:25<br>412:11 502:8<br>540:21<br><b>virtue</b> 425:21<br>489:15<br><b>vitae</b> 377:24 378:5<br><b>VOLUME</b> 372:17<br><b>volumes</b> 575:6<br><b>voluntary</b> 459:6<br>484:22<br><b>vs</b> 372:4,7,10,13                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                 |
| <b>W</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                 |
| <b>wage</b> 380:14,20,22<br>381:2 382:7<br>396:14,21,25<br>397:4,10,12,24<br>398:2,5,7,8,15,19<br>398:23 401:5<br>403:4,7,16 404:24<br>405:20,22 410:16<br>410:21 412:5,21<br>414:16 415:3<br>416:9,11 418:21<br>419:18,22 422:21<br>443:18 445:12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 448:18 449:22<br>450:15,19 453:4<br>455:24 456:16<br>464:7 468:13,19<br>477:25 478:13,19<br>478:25 484:19<br><b>wages</b> 422:17 451:7<br><b>Wait</b> 389:9 463:2<br>473:12<br><b>walk</b> 394:25 422:1<br><b>walking</b> 418:9<br><b>want</b> 433:3 434:23<br>438:17 439:2<br>441:5 480:4,9<br>487:18 494:9<br>496:12 497:3<br>503:25 549:16,19<br>575:24 576:18<br>577:4 578:5<br><b>wanted</b> 386:16<br>421:11 427:16<br>482:17 501:20<br>534:11 552:11,14<br><b>wants</b> 480:1 482:5,6<br>498:4 499:13<br>548:3<br><b>war</b> 512:13,17<br>514:9 524:3,7<br><b>warranted</b> 394:12<br><b>Washington</b> 378:22<br>379:17 390:23<br>468:8 470:18<br>473:21 474:7,9<br>483:22 485:18,22<br><b>wasn't</b> 400:17<br>442:12,14 443:23<br>444:2 489:17<br>534:11 544:8<br>552:13 576:14<br><b>Watjen</b> 372:3 379:8<br>410:18<br><b>way</b> 400:4,9 401:11<br>401:12 406:19<br>434:21 447:12<br>457:15 465:24<br>476:18,21 479:25<br>488:25 519:23<br>541:17 570:19<br><b>wears</b> 426:25<br><b>week</b> 407:17,22<br>414:14<br><b>weeks</b> 414:14 503:1<br><b>weight</b> 450:14<br>566:5 576:20<br><b>weighted</b> 398:8,10<br><b>Weinman</b> 375:12<br>375:15 505:3,4,8 | 505:10,13,14<br>510:9 512:3<br>536:11 541:16,22<br><b>well</b> 379:17 393:11<br>393:24 397:2<br>406:16 417:4<br>418:11 426:1<br>431:20 433:22<br>434:17 442:3<br>444:16 451:3<br>453:4 454:1,17<br>455:11 457:2<br>460:1 461:3 465:8<br>474:10 475:5<br>485:24 491:11<br>492:22 496:11,18<br>499:17 500:3<br>507:17 511:11<br>520:8 527:1,12<br>529:14 536:8<br>537:6 546:5<br>549:18 557:22<br>571:8 578:13<br><b>Wellesly</b> 506:9<br><b>went</b> 432:12 442:10<br>453:22 479:18<br>515:2 519:10<br>538:21 556:5<br>573:5,24<br><b>were</b> 376:4 380:7<br>381:3,19 386:22<br>387:15 388:18,19<br>388:20 393:22<br>394:10 398:20<br>400:6,15,15<br>401:16 402:3<br>403:9,17,20<br>406:10,18,21<br>408:18,19,21<br>409:23 410:6<br>411:15 412:6,9<br>413:1 414:5,16,23<br>415:1,16 423:11<br>425:2 431:10<br>441:3 442:19<br>443:19,21 444:1<br>445:6 448:24,24<br>460:14 461:7<br>463:8 481:9<br>490:20,21 491:17<br>494:3,17 495:15<br>495:18 498:19,24<br>507:5,13 508:5<br>509:20 510:18<br>512:3 514:1,10,17<br>515:14 517:9,16<br>519:18 522:25 | 524:25 525:19<br>527:1,10 529:24<br>534:11 535:22<br>542:1 544:17<br>545:25,25 546:11<br>548:17 550:13<br>556:6,10,24 559:2<br>559:4 561:23<br>563:2,3,3,4,23<br>568:7,13 569:24<br>570:3,8,12 572:19<br>575:6 577:12,14<br>577:16<br><b>weren't</b> 442:17<br>495:16 548:18<br>555:22 570:2,7,10<br><b>west</b> 372:21 531:11<br><b>we'll</b> 430:18 454:1<br><b>we've</b> 397:19 422:6<br>511:23 543:7<br><b>whatsoever</b> 431:6<br>538:22 539:11<br><b>while</b> 490:20 566:15<br><b>whole</b> 407:8 416:17<br>428:15,25 447:17<br>462:13,16<br><b>wildly</b> 501:22<br><b>wish</b> 453:25<br><b>witness</b> 395:15,18<br>405:11,24 406:2,8<br>419:1,7 431:1,5<br>487:13,21 488:1,8<br>488:17,21 489:9<br>490:6,19 491:3,11<br>491:19,22,25<br>492:13 494:9<br>498:7 499:8 512:4<br>534:3,7 565:12<br>574:2,19<br><b>witnesses</b> 405:16<br>571:25 572:2<br><b>WJPA</b> 438:21<br>446:17,25 464:19<br>477:20 486:10<br><b>word</b> 488:2,9<br><b>words</b> 450:14 457:9<br>531:10 569:7<br><b>work</b> 385:3 396:11<br>407:16 410:5<br>414:13,13,15<br>415:18 422:13<br>437:2 438:4<br>447:13 460:7,10<br>462:9,15 463:4,7<br>463:16 465:19,21<br>468:1 472:10<br>473:4,20 475:16 | 475:21 487:1,4,7<br>491:23 508:14,16<br>511:14,15,19<br>513:15 543:1<br><b>worked</b> 386:19<br>394:6 399:22<br>407:3,20 410:3<br>413:8,21 415:17<br>416:2,15 417:10<br>418:16 420:4,22<br>421:13 422:10,19<br>423:9 443:13<br>448:3,18,23<br>455:12 456:9<br>460:17 461:1,7<br>462:13,16,18<br>464:8,8 471:21<br>472:4 474:24<br>478:1 485:2<br>566:16<br><b>worker</b> 407:14,20<br>407:23 416:12,14<br>449:2 456:3<br>464:20 465:14<br>467:3<br><b>workers</b> 380:25<br>414:13 415:11<br>416:7 422:23<br>448:15<br><b>working</b> 423:1<br>440:3 443:16<br>465:23 466:3<br>570:3,5<br><b>works</b> 420:14<br><b>World</b> 512:13 514:9<br>524:3<br><b>worse</b> 440:1 449:11<br>484:10 569:24<br><b>worth</b> 411:16<br>416:15 491:2<br><b>wouldn't</b> 407:24<br>421:13 468:22<br>490:17 492:1<br>543:5 563:12<br><b>Wreck</b> 542:6 562:8<br>564:5 567:9,20<br>569:17<br><b>write</b> 462:5<br><b>writing</b> 567:12<br>574:16<br><b>written</b> 511:24<br>530:8 545:12,15<br>562:10<br><b>wrong</b> 465:15<br>481:14,15,22<br>482:19 576:17<br><b>wrote</b> 388:15 | 443:18 550:13<br><b>W-2s</b> 452:6<br><hr/> <b>X</b><br><hr/> <b>X</b> 375:1<br><hr/> <b>Y</b><br><hr/> <b>yard</b> 382:16,16<br>397:18<br><b>year</b> 380:2 383:5,16<br>383:17,22 384:24<br>389:24 391:12<br>392:8 397:25<br>398:3,5,7,12,15<br>398:17,18 399:1<br>399:15,17,20,21<br>400:6,25 401:9,14<br>402:10,12 407:8<br>411:6,8 414:7,13<br>414:14,15 415:18<br>415:19 416:9,13<br>417:12 418:15<br>420:2 423:2 424:9<br>424:11,14 426:14<br>432:11,14 442:6<br>446:4 453:20<br>461:8,18 462:13<br>462:16 463:19<br>465:5 467:19<br>468:23 469:7,10<br>478:5 489:3,3,5<br>503:23 506:4<br>512:14 519:19<br>521:21 533:22<br>536:3 544:23<br>559:20<br><b>yearly</b> 379:23<br>477:18<br><b>years</b> 380:8 394:5<br>399:11,25 400:7<br>401:1 403:6 414:1<br>419:24 423:6,10<br>423:13,18 439:24<br>453:21 480:7<br>513:15 520:14<br>522:7 523:14<br>532:14 538:5,21<br>551:2 557:25<br>558:5,25 566:20<br><b>year's</b> 431:15<br>566:25<br><b>year-by-year</b><br>397:10<br><b>yellow</b> 389:13<br><b>yield</b> 392:20<br><b>York</b> 378:20 485:15<br>505:21,22 506:22 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 507:10,12 514:13<br>514:15 515:7<br>523:2,3 529:11,12<br>530:7,22,25 531:5<br>531:14 532:19<br>536:12,22 537:1,8<br>538:9 539:6 570:5<br>574:22 575:2<br>Youngstown 538:11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | \$7,191.27 390:1<br>\$7,330.62 390:9<br>\$7,672 472:23<br>475:11<br>\$7,672.18 461:24<br>\$7,696.44 390:6<br>\$7,704.82 392:17<br>\$7,794.82 411:18<br>\$7,800 392:5,6,14<br>\$700 406:21 407:7<br>\$717.30 481:5<br>\$758.56 482:14<br>\$8,189 475:12<br>\$96 472:13<br>\$96.96 471:19<br>\$97,500 384:3                        | 1:30 492:6,8<br>10 375:5 381:2<br>394:9 395:12,13<br>397:14,20 398:2<br>407:20 416:20,22<br>417:3,10,16<br>421:15 439:1<br>441:2 504:13<br>519:7<br>100 518:13,14<br>539:13<br>101 526:21<br>102 376:3 494:2<br>104 494:22<br>105 495:8 497:6<br>106 376:4 494:3<br>577:17<br>11 375:18 397:15,20<br>398:2 432:14<br>529:17<br>11th 550:20<br>11.45 398:19<br>12 372:18 375:2<br>385:17 405:23<br>411:3,10 412:7<br>416:20,23 417:1,3<br>417:16 420:1<br>423:14 441:12<br>442:24 443:3,4,4<br>444:25 445:2<br>446:13 447:14<br>448:4 451:9<br>452:22 455:8<br>456:13,18,20,22<br>456:23 458:2<br>462:18 467:19,24<br>468:5,12 470:1,6<br>470:13,16 471:3,5<br>472:4 474:23<br>484:13 572:22,24<br>12,903 521:20<br>12-month 386:20<br>411:6<br>13 411:3 497:11<br>541:20 542:7<br>564:18 565:10<br>14 503:6,15,20<br>541:20 542:5,17<br>15 424:5 503:7,20<br>503:24 504:15,17<br>16 379:9,16 380:23<br>380:25 385:19<br>386:20 394:8<br>395:12,13,18<br>412:18 413:3,19<br>413:21,25 414:5<br>416:3,17 421:4,19 | 421:24 443:10,16<br>444:8 445:4<br>447:16 448:6<br>451:18 468:12<br>474:21<br>17,268 521:19<br>1700 374:9<br>18 507:20 568:25<br>575:5<br>18-month 507:16<br>1877 420:6<br>1933 523:13<br>1936 378:22 485:19<br>485:24<br>1937 383:4<br>1941 422:10<br>1947 523:12<br>1949 518:17 519:4<br>519:11,17<br>1950 380:20 382:19<br>410:4 525:8<br>526:16,21<br>1950s 517:10<br>1956 382:11<br>1958 516:12<br>1960 517:10 525:8<br>1960s 428:10<br>515:15 524:15<br>539:15 540:12<br>1961 528:7,22<br>529:17 533:22<br>536:3<br>1962 505:17 551:2<br>559:10<br>1963 414:8 418:14<br>418:21 419:5,11<br>419:19,22,23<br>442:10 445:10,12<br>445:24 469:1<br>505:21 538:18<br>551:2<br>1964 378:21 379:16<br>385:19,23 386:20<br>413:7 418:22<br>419:9,20,23<br>445:12 446:15<br>447:16 448:6<br>468:12 485:16,24<br>566:12<br>1965 538:7<br>1966 478:6 505:24<br>506:1 518:17<br>519:5,12,21<br>521:16,21 523:14<br>1967 467:24 469:21<br>469:22 507:11<br>514:12 530:8 | 531:3 533:2<br>574:25<br>1968 389:24 390:1<br>392:2 398:4,10<br>404:25 405:20<br>406:2 411:8,15<br>423:19 446:11<br>450:7,10 461:19<br>462:1,9 468:17<br>472:11 488:7<br>512:14 513:24<br>529:21 536:17<br>537:12 559:11<br>1969 381:2 390:7,8<br>391:7 392:3<br>404:25 405:20<br>406:5 481:8,10<br>488:7<br>1970 390:4 392:15<br>398:18 521:15,15<br>522:7 525:8<br>577:13,21<br>1971 398:18 509:6,8<br>509:12 522:8<br>526:16,22 528:8<br>528:23 529:17<br>562:10<br>1972 423:19 510:6<br>1973 399:15 400:12<br>400:14,18,22<br>401:4<br>1975 533:22<br>1976 498:20 577:16<br>577:23<br>1978 388:17<br>1979 401:21 402:8<br>1980 383:11<br>1984 506:7<br>1985 510:21<br>1990 396:17<br>1997 382:11<br>1999 380:21 382:20 |
| <b>Z</b><br>zero 392:16 534:22                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>\$</b><br>\$1,000 407:4<br>\$1,486 424:1<br>\$10,556 429:23<br>\$10,792.83 411:22<br>\$10,800 399:18,19<br>\$12,000,000 465:3<br>\$13,500 401:9<br>\$15,000 401:8<br>\$15,252 423:22<br>\$193.92 472:14<br>\$2,189.58 469:17<br>\$2.70 419:19<br>\$2.7868 418:22<br>\$2.79 419:21<br>\$25,900 383:11<br>\$257.70 471:15<br>\$26.52 398:6<br>\$27.19 398:11<br>\$27.85 398:8<br>\$314,810 430:5<br>\$35,560 479:24,25<br>\$350 406:24 407:2<br>\$355.66 471:6<br>\$4,217 469:25<br>\$4,267 468:23<br>\$4,267.93 467:22<br>\$4,800 414:8 416:10<br>416:15<br>\$4,900 418:14,17<br>419:4,9,21<br>\$400 419:5<br>\$47,230 403:7,16<br>\$47,710 420:19<br>\$470.45 392:3<br>\$5,400 418:18<br>\$5,437 403:8,17<br>\$50,000 383:17<br>489:5<br>\$517.40 462:4<br>471:11<br>\$52,667 403:11<br>\$52,860.96 420:16<br>\$530.62 390:7 | <b>0</b><br>003887 513:20<br>00389 545:6<br>003900 545:22<br>547:19 552:18<br>003904 529:3,7<br>003907 534:15<br>003909 533:16<br>539:23<br>003910 527:25<br>003915 530:2<br>003918 523:22<br>003919 523:22<br>003925 522:17<br>003957 520:23<br>521:9<br>003961 526:7<br>003964 524:18<br>003967 517:25<br>518:2<br>00944 389:4 | <b>1</b><br>1 382:11,11,19,19<br>395:24 396:11<br>397:25 398:21<br>410:5 422:12<br>481:7,9 485:16<br>503:21 509:8<br>513:3,4,19 518:4<br>536:17 537:12<br>541:19,21,25<br>542:3 544:16<br>549:3 558:11<br>579:20<br>1(b) 546:23 548:24<br>553:5,15<br>1,700 415:19<br>1,850 415:19<br>1,877 420:10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>2</b><br>2 376:3 396:2<br>402:18,19 410:2<br>422:7 423:21<br>477:4 487:21<br>2,080 414:15 415:8<br>415:25 417:12<br>420:10 421:7,21<br>422:20 423:1<br>444:10<br>2,6968 418:22<br>20 404:7 410:13<br>417:10 480:7<br>510:23 525:13,14                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 531:17 545:15<br>566:12<br>20-year 525:15<br>200 373:21<br>200,000 430:7<br>2006 380:13 383:2<br>431:11 432:13<br>478:7<br>2007 372:18 380:12<br>383:22 409:16<br>429:6 431:12<br>432:14 434:5<br>478:6 545:16<br>2008 579:20<br>201 374:10<br>216 373:8,16,24<br>22 375:14,20 376:1<br>220 564:4,11 565:21<br>566:10<br>23 542:18 573:18<br>231,936 536:2<br>24 375:22<br>24,592 519:9<br>25 532:18<br>26 437:10 542:17<br>27,933 519:8<br>274-2410 373:24<br>276,313 519:20<br>28 396:17<br>29 404:15,16,20<br>434:24 435:1<br>454:20 481:1,3<br>503:6<br>29th 503:23 | 35,133 519:4<br>355 471:17<br>355.66 470:10<br>360 411:2<br>362-8704 374:12<br>375 526:21<br>377 375:2<br>378 375:18<br>38 545:25<br>381 375:20<br>3899 545:8 558:12<br>39 545:25<br>3900 561:3<br>3901 561:3<br>3902 561:3<br>3905 529:3<br>3915 530:13<br>3957 522:2,12                                                                                                                                                                                                                                                                                                                                                       | 494 376:3,6<br><br>5<br>5 402:17,19 403:16<br>423:20 487:19<br>5.1 406:3<br>50 407:16 519:5<br>50s 524:8 556:10<br>505 375:11<br>51 531:7<br>513 374:12<br>517 469:20 471:9<br>475:12<br>52 414:14<br>52,860 420:18<br>541 375:14<br>55 538:19<br>56 387:1 389:19<br>392:19 404:3<br>57 387:3,11                                                                                                                                                                                                                                                                   | 70s 536:3<br>72 558:25<br>74-914 372:13<br><br>8<br>8 375:8,11 388:4<br>404:2 409:8,13<br>8,616 519:11<br>801 372:21<br>861-6677 373:8,16<br>87.17 421:2<br>89 568:23<br><br>9<br>9 375:24 388:4<br>397:14,16 411:3<br>9:03 372:19<br>9:30 576:1<br>90 415:17 420:11,11<br>420:17 421:2,10<br>901,573 519:21<br>91 571:7 572:22<br>95 406:4 |
| 3<br>3 396:8 403:12<br>410:4 411:24,25<br>422:10 424:2<br>559:8,23<br>3s 429:16 430:9<br>3,900 508:12<br>3:38 578:22<br>30 409:16 434:5<br>558:5<br>30-day 502:23<br>550:25<br>31 431:11 432:12<br>485:19<br>31st 503:4,17<br>32 379:21 381:11<br>429:5,17 430:9<br>441:22 446:6<br>451:7 453:9,17<br>455:9<br>3300 373:22<br>35 529:16                                                                                                                                                                                                                                 | 4<br>4 395:24,25 396:11<br>398:21 405:19<br>410:5 411:21<br>422:12,24 498:22<br>550:6,20<br>4,267 469:19 470:4<br>470:5<br>4,800 416:8<br>40 407:17 414:14<br>41 375:18 378:9,11<br>417 375:22<br>42 375:20 381:22<br>382:3,13,22<br>384:15<br>429 375:24<br>43 375:22 387:3,11<br>417:22,24 418:3<br>419:1<br>431 376:1<br>433 375:5<br>44 375:24 429:9,14<br>430:19<br>44113 373:7,15<br>44114-2301 373:23<br>45 376:1 431:22<br>432:8,9 492:18<br>500:16 503:18<br>504:11 553:6<br>576:7<br>45th 503:7<br>45-day 502:21<br>45202 374:11<br>46 387:1,9 388:11<br>389:18,22<br>47 387:1,9 388:11<br>389:18 391:25<br>479 375:8 | 6<br>6 376:6 395:13<br>397:17 439:20<br>454:8 455:19<br>470:3 475:6<br>6(a) 439:2<br>6(b) 439:3<br>60 524:9<br>60s 380:12 520:10<br>520:11 534:20,22<br>535:17 556:6<br>614 373:6,13<br>62 558:25<br>620 373:6,14<br>63 414:1,4 416:24<br>420:4 448:16<br>450:1 456:6<br>468:18<br>64 414:1,4 416:24<br>420:4 442:11<br>445:10,25 446:7<br>448:16 450:1<br>456:7 468:18<br>469:1 474:22<br>65 446:7 538:20<br>67 531:5<br>68 406:1 467:20<br>69 405:23<br>69,356 519:11<br>69-675 372:4<br>69-722 372:7<br>69-947 372:10<br><br>7<br>7 530:8 533:2<br>7,800 392:10 |                                                                                                                                                                                                                                                                                                                                             |

BEFORE THE ARBITRATION COMMITTEE

~~~~~

In the Matter of:

ROBERT WATJEN, et al.,
Plaintiffs,

vs.

Case No. 69-675

PENN CENTRAL,
Defendant.

~~~~~

MICHAEL J. KNAPIK, et al.,  
Plaintiffs,

vs.

Case No. 69-722

PENN CENTRAL,  
Defendant.

~~~~~

DAVID C. BUNDY, et al.,
Plaintiffs

vs.

Case No. 69-947

PENN CENTRAL,
Defendant.

~~~~~

G.V. SOPHNER, et al.,  
Plaintiffs,

vs.

Case No. 74-914

PENN CENTRAL,  
Defendant.

~~~~~

Arbitration hearing before

Chairman Steven H. Steinglass
Panel Member Dennis R. Lansdowne
Panel Member Joseph Tomain
VOLUME IV

December 13, 2007
8:09 a.m.

Taken at:
Carl B. Stokes Federal Courthouse
801 West Superior Avenue
Cleveland, Ohio

Eva Petrone, RPR



RENNILLO

Page 580 1 BEFORE THE ARBITRATION COMMITTEE 2 3 In the Matter of: 4 ROBERT WATJEN, et al., 5 Plaintiffs, 6 vs. Case No. 69-675 7 PENN CENTRAL, 8 Defendant. 9 10 MICHAEL J. KNAPIK, et al., 11 Plaintiffs, 12 vs. Case No. 69-722 13 PENN CENTRAL, 14 Defendant. 15 16 DAVID C. BUNDY, et al., 17 Plaintiffs 18 vs. Case No. 69-947 19 PENN CENTRAL, 20 Defendant. 21 22 G.V. SOPHNER, et al., 23 Plaintiffs, 24 vs. Case No. 74-914 25 PENN CENTRAL, Defendant. Arbitration hearing before Chairman Steven H. Steinglass Panel Member Dennis R. Lansdowne Panel Member Joseph Tomain VOLUME IV December 13, 2007 8:09 a.m. Taken at: Carl B. Stokes Federal Courthouse 801 West Superior Avenue Cleveland, Ohio Eva Petrone, RPR	Page 582 1 APPEARANCES, Continued: 2 3 On behalf of the Defendant: 4 Blank Rome, LLP, by. 5 MICHAEL L. CIOFFI, ESQ. 6 MICHAEL A. CIOFFI, ESQ. 7 THOMAS H. STEWART, ESQ. 8 JASON GROPPPE, ESQ. 9 1700 PNC Center 10 201 East Fifth Street 11 Cincinnati, Ohio 45202 12 (513) 362-8704 13 Cioffi@blankrome.com 14 Stewart@blankrome.com 15 Groppe@blankrome.com 16 ~ ~ ~ ~ ~
Page 581 1 APPEARANCES: 2 3 On behalf of the Plaintiffs: 4 Tricarichi, Carnes & Clements, by 5 CARLA M. TRICARICHI, ESQ. 6 614 Superior Avenue N.W., Suite 620 7 Cleveland, Ohio 44113 8 (216) 861-6677 9 Ctricarichi@aol.com 10 -and- 11 Griffin Law Firm, by 12 MARK GRIFFIN, ESQ. 13 614 Superior Avenue 14 Suite 620 15 Cleveland, Ohio 44113 16 (216) 861-6677 17 Mark.d.griffin@gmail.com 18 -and- 19 Hahn, Loeser & Parks, LLP, by 20 RANDY J. HART, ESQ. 21 200 Public Square 22 Suite 3300 23 Cleveland, Ohio 44114-2301 24 (216) 274-2410 25 Rjhart@hahnlaw.com	Page 583 1 INDEX 2 3 Plaintiffs' Exhibits 46 584 3 4 through 61 were marked 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

1 (Pages 580 to 583)

Page 584 1 - - - - - 2 (Thereupon, Plaintiffs' Deposition 3 Exhibits 46 through 61 were marked 4 for purposes of identification.) 5 - - - - - 08:09:17 6 CHAIRMAN STEINGLASS: December 13 7 and the final morning of the arbitration 8 proceeding. We are beyond the evidentiary 9 phase. 10 In terms of proceeding, we are 08:09:34 11 going to do 45 minutes for each side, although 12 as I indicated, you may expect questions. Mr. 13 Griffin, do you want to do something first with 14 exhibits? 15 MR. GRIFFIN: Thank you, Your 08:09:49 16 Honor. As part of the completion of the 17 evidentiary piece to Claimants' case, I would 18 like to submit a few additional exhibits and 19 I'll try and go through them quickly. 20 The first one is the binder clipped 08:10:01 21 set of timecards that is being marked as 22 Plaintiffs' Exhibit 46. 23 The second is a timecard from one 24 of the Claimants who was not here who did not 25 return, which indicates that he had failed to 08:10:16	Page 586 1 it's not duplicative. Yeah. Actually at 2 Exhibit No. 39 we had put expenses. 3 MR. GRIFFIN: We'll just have it 4 twice. 5 54 are contracts for legal fees in 08:12:05 6 this case, an example from each of the groups, 7 the Watjen, Knapik and Bundy groups. 8 55 is the transcript of the video 9 deposition of Mr. Robert McNeeley, which was 10 played for the arbitration Panel earlier. 08:12:22 11 56 is the prior docket in this 12 case. 13 CHAIRMAN STEINGLASS: My documents 14 are not in that order. Let me make sure. 53 15 is the document that's entitled Contract; is 08:12:35 16 that correct? 17 MR. GRIFFIN: 53 is Claimants' 18 expenses. 19 CHAIRMAN STEINGLASS: Contracts is 20 54. 08:12:53 21 MR. GRIFFIN: Yes. 22 55 is the videotaped deposition of 23 Robert McNeeley, is the transcript thereof. 24 56 is simply the docket of the 25 Northern District proceedings and 820, it 08:13:09
Page 585 1 return to work. The other ones do not have 2 that indication. 3 The following, I believe we are on 4 48 -- 5 MS. TRICARICHI: Wait. 47 is the 08:10:32 6 timecard of Mr. Tannenbaum. 7 MR. GRIFFIN: Yes. 8 48 is a letter to Mr. R. Beedlow 9 from the Cleveland Union Terminals. 10 49 is a transcript from the prior 08:10:44 11 proceeding in this case in the Knapik matter. 12 It's the prior deposition of Mr. Morris. 13 50 is an affidavit of Walter J. 14 Potosky, also provided in the prior arbitration 15 in this matter. 08:11:05 16 51 is a letter from the New York 17 Central System to Mr. A.B. Cravens regarding 18 Jack Acree. 19 52 is a September 25, 1964 20 agreement. Underneath it says Shop Crafts. 08:11:20 21 53 is Claimants' expenses, an 22 incomplete list of Claimants' expenses to date. 23 54 are -- 24 MS. TRICARICHI: I think we might 25 have put that as an exhibit in here. So maybe 08:11:41	Page 587 1 simply indicates that there was a motion of 2 Plaintiffs to compel Penn Central to produce 3 documents and they filed a brief in opposition. 4 And then the attached answers to 5 interrogatories on page 4 simply indicates that 08:13:24 6 Penn Central had the personnel files at the 7 time and acknowledged that they had those. 8 And just as it relates to the issue 9 of where files are, yesterday Mr. Cioffi 10 submitted PCTC Exhibit 105 and before I go to 08:13:50 11 the next one, I would like to read briefly on 12 that issue. In fact, in Section 9 on page D4 13 of that, it simply indicates that legal files 14 are maintained by Penn Central in the files and 15 records of grantor's legal department. 08:14:09 16 PANEL MEMBER TOMAIN: Are you on 17 56? I'm sorry. 18 MR. GRIFFIN: No, I'm not. 19 PANEL MEMBER TOMAIN: You are on 20 57? 21 MR. GRIFFIN: No. Actually this is 22 an aside. I just wanted to note for the record 23 that the document that he had provided, because 24 it relates to our prior request for the 25 documents, that they retained the legal files 08:14:25

2 (Pages 584 to 587)

Page 588 1 according to subsection 9 on page D4 and that 2 they were not transferred to Conrail. 3 Moving now -- 4 PANEL MEMBER TOMAIN: That's what 5 I'm trying to find. Where is D4? 08:14:39 6 MR. GRIFFIN: It's on theirs. I'm 7 trying to be abbreviated. 8 PANEL MEMBER TOMAIN: I understand. 9 MR. GRIFFIN: 57 -- and I'll take a 10 moment here, about two minutes to talk about 08:14:54 11 the next three documents. 57 indicates at the 12 top, it says Pennsylvania New York Central 13 Transportation Company Merger Protection 14 Agreement, that next line is a form for that. 15 And this is a form by H.J. Middleton who was a 08:15:13 16 trainman. And one of the significant things 17 about this, this was a standard form. If you 18 look on the left-hand column where it says 19 Compensation Earned, you see the calculation 20 there. There is this monthly base period and 08:15:30 21 the total furnished for the month. This was a 22 month in which Mr. Middleton earned no money 23 whatsoever, did not work at all but submitted a 24 claim. And the next page of Exhibit 57 is the 25 back side. So you can see how it works. 08:15:45	Page 590 1 were paid for months in which he had no 2 service. And this is simply related to the 3 question that was raised with Dr. Rosen 4 yesterday about whether people who didn't work 5 at all during the month were paid. And it's 08:17:14 6 also -- we are going to talk about the next 7 document. It also describes what the procedure 8 was for merger protection forms that everybody 9 else got to submit, but our Claimants did not. 10 That's Exhibit -- 08:17:29 11 PANEL MEMBER LANSDOWNE: When we 12 were going through Mr. Acree yesterday and Dr. 13 Rosen, he worked three months and the question 14 was whether there was 12 months. This would 15 indicate payment is due even in months of no 08:17:43 16 service. 17 MR. GRIFFIN: That's correct. 18 CHAIRMAN STEINGLASS: Assuming the 19 person is otherwise eligible, et cetera. 20 MR. M. L. CIOFFI: Object. 08:17:52 21 PANEL MEMBER LANSDOWNE: I'm sorry. 22 You are objecting to my question? 23 MR. M. L. CIOFFI: No. Objecting 24 to the characterization of that. This whole 25 procedure is inappropriate. You have counsel 08:18:03
Page 589 1 And on the back side at the top of 2 the form it says "this side of form for carrier 3 use only." So apparently the Claimant wasn't 4 supposed to say anything about this stuff. 5 Under here it says D. Availability of 6 Positions Producing Higher Rates of Pay. 1. 7 "Whether there were any positions paying a 8 higher rate of pay." Or 2. "The following 9 positions producing a higher rate of pay and 10 compensation." And then this is a section 08:16:11 11 where the railroad lists positions not worked 12 as an offset. 13 So the third page is Penn Central's 14 resolution of his claims for January. And this 15 is a letter dated 2/18 of 1972. And if you go 08:16:23 16 down, you see under the Merger Protective 17 Agreement, the amount of your protected rate is 18 \$947.61. Your total earnings and compensation 19 for the month was none. And then below the 20 Remarks section says "the proper amount of 08:16:42 21 adjustment due is \$947.61 and we have arranged 22 for payment in the period of that amount." 23 And the rest of these are all paid 24 and approved claim forms under the Merger 25 Protection Agreement for Mr. Middleton that 08:16:57	Page 591 1 up testifying about these documents. We will 2 abide by the Panel's ruling that documents are 3 going to come in subject to an argument about 4 the way you should give them, but you can't 5 really put in testimony from counsel. 08:18:18 6 CHAIRMAN STEINGLASS: The point is 7 well taken. Giving a little context is fine. 8 Have you finished the context? 9 MR. GRIFFIN: Yes. 10 The next one, which I believe is 08:18:28 11 58, is also just to show that this wasn't 12 unusual. And these documents all came from 13 about, there is a group of 30 bankers boxes 14 which Penn Central produced to us and we sat in 15 a conference room of Thompson Hine, and a 08:18:45 16 subset of about six or eight of them were 17 filled with these, so this is a subset of 18 these. But you will see that on what is 19 Exhibit 58 also indicates no time worked. In 20 fact, in parentheses under that the words 08:18:57 21 are -- 22 CHAIRMAN STEINGLASS: We are going 23 to read it ourselves. And the last one is 59 I 24 take it? 25 MR. GRIFFIN: The next one is 59 08:19:07

3 (Pages 588 to 591)

Page 592 1 and 59 is different, because 59 deals with what 2 happens with the lack of exercise of seniority. 3 And I call your attention to the mark down in 4 the lower left-hand corner which says 45 A(C) 5 and that would be -- then I'll call your 08:19:27 6 attention to something two pages later. By the 7 way this is 1975. They are claim -- paying 8 these claims at least for '72 to '75. But if 9 you go two pages later, merger protection, the 10 Penn Central Transportation Company's 08:19:47 11 resolution of this. 12 CHAIRMAN STEINGLASS: We are really 13 going a lot more than four minutes. I think 14 you are going to have to address the 15 significance and the weight in some other way. 08:19:59 16 MR. GRIFFIN: Sure. I would just 17 note that they didn't disqualify it; they 18 simply used it as a deduction from the amount. 19 And that is similarly the case with 20 what will be Exhibit 59, which is a claim form 08:20:12 21 for Mr. P.V. Behnen. The issue there is -- 22 PANEL MEMBER TOMAIN: I've got that 23 as 60. 24 MR. GRIFFIN: I appreciate that. 25 60, in which they were voluntarily unavailable, 08:20:32	Page 594 1 the Merger Protection Agreement. They have 2 proven three things. Number one, they are 3 present employees under the Merger Protection 4 Agreement. Number two, that they were 5 available for work and they exercised their 08:22:16 6 seniority. And number three, pursuant to the 7 terms of the Merger Protection Agreement, they 8 were placed in a worse position with reference 9 to compensation and working rules. 10 Let me go back to one. One, the 08:22:26 11 testimony, both in the Railroad Retirement 12 Board records, in the personnel records 13 produced by the railroad, in the timecards that 14 we have just produced, I think it's at Exhibit 15 46, plus the testimony, indicates that each and 08:22:39 16 every one of these men worked in the '63, '64 17 period, which is the definition of a present 18 employee under the MPA. 19 Number two, the Claimants have 20 demonstrated that they were available for work 08:22:53 21 and they exercised their seniority. Remember 22 the testimony that Mr. Gallagher gave and the 23 other Sophner -- and Mr. McNeeley and the other 24 Sophner relatives about the procedure for 25 marking up. And that was, you gave your name, 08:23:08
Page 593 1 they simply deducted that amount. 2 CHAIRMAN STEINGLASS: All right. 3 MR. GRIFFIN: And then I only have 4 two more -- actually one more. 5 CHAIRMAN STEINGLASS: We have one. 08:20:46 6 MR. GRIFFIN: Baker. 7 PANEL MEMBER TOMAIN: Baker is the 8 last one. 9 MS. TRICARICHI: What was the last 10 number? 08:20:56 11 MR. GRIFFIN: 61. That's it. 12 Thank you. 13 CHAIRMAN STEINGLASS: Thank you. 14 Whenever you are ready. Let me just note that 15 we have now added Exhibits 46 through 61. 08:21:22 16 MS. TRICARICHI: Professor 17 Steinglass, I tried to make any remarks brief 18 so it's in the nature of an oral argument. I 19 take it you are going to interrupt me, is that 20 sort of the idea? 08:21:55 21 CHAIRMAN STEINGLASS: Perhaps. 22 MS. TRICARICHI: Gentlemen, the 23 Claimants in each of the cases that we have 24 present have proven that they were deprived of 25 the benefits to which they were entitled under 08:22:04	Page 595 1 and you told them how to reach you and then 2 they called you. They either called you, you 3 were on call, or they sent you a recall notice. 4 That was the procedure. Not going down and 5 hanging around and waiting. They were 08:23:22 6 available. They told you that. They testified 7 about waiting and Mr. Gallagher also testified 8 that if he didn't respond to that, you were 9 subject to disciplinary proceedings. And that 10 same testimony -- so even though he couldn't 08:23:37 11 get steady jobs, he took what he could get. 12 And if he missed calls, that would show up on 13 your records, the records that we apparently 14 don't have, but it would show up on your record 15 and the subsequent disciplinary procedure. If 08:23:51 16 you look at it, the personnel records that they 17 have given us, the time frame and the personnel 18 records show repeatedly that these people went 19 to the freight yard. So this idea that they 20 didn't go -- look at each of the timecards, 08:24:05 21 they show where they went to Collinwood, they 22 went to Rockport. 23 The Knapik Claimants, look at their 24 timecards. Every single one of their timecards 25 show that they accepted recall. When did they 08:24:22

4 (Pages 592 to 595)

Page 596 1 accept recall? They accepted recall when the 2 company called them back and said that there 3 was available work. Those are the recall 4 letters that you also have in your original 5 exhibit packets. 08:24:32 6 Look also -- we have submitted a 7 lot of testimony here. You have the complete 8 testimony of the 1990 arbitration. I would 9 just like to point out a few pages, because I 10 didn't excerpt it prior to this and perhaps 08:24:46 11 this will all go in our briefing. 12 First of all, if you look at the 13 testimony of George Norris, which we have just 14 submitted at Exhibit No. 59, he talks about not 15 being able to get work. If you look at the 08:24:55 16 testimony of Mr. Steimle at page 466 and 467, 17 it talks about what happened to him when he 18 tried to get work. Also Mr. Beedlow at 256 19 through 258 indicates that they were returning 20 to nonexistent jobs. There were no available 08:25:16 21 jobs to go to in the freight yard of February 22 of '68 when the abolition of their job notice 23 said that they may stand for work. There was 24 document testimony that there was no work at 25 that time. 08:25:34	Page 598 1 an issue here. So we haven't really talked 2 about it. 3 CHAIRMAN STEINGLASS: Well, you 4 addressed the waiver in your pretrial brief. 5 MS. TRICARICHI: I think the waiver 08:26:47 6 that I was referring to was a different kind of 7 waiver. The waiver was that the railroad 8 didn't take any disciplinary actions against 9 them. They could have pulled the guys off the 10 roster. They could have terminated them and 08:26:57 11 they didn't. 12 CHAIRMAN STEINGLASS: So they could 13 have terminated them. 14 MS. TRICARICHI: They believed that 15 they really weren't on furlough. They believed 08:27:05 16 that they were not on furlough and that they 17 were reporting for work. They had the ability 18 to set up an investigation, Mr. Gallagher 19 talked about what the investigation was, and 20 terminate them and take them off the roster. 08:27:12 21 Then they would have been terminated and not 22 subject to any of the allowances. 23 CHAIRMAN STEINGLASS: So the 24 railroad apparently waived their right to 25 terminate them and therefore continued to 08:27:23
Page 597 1 CHAIRMAN STEINGLASS: Was there a 2 period of time when the Knapik ten, early on 3 after the furloughs, did not report to work in 4 a timely manner? Apparently the record shows 5 that subsequently they didn't report to work. 08:25:47 6 But was there a period of time, however brief, 7 where they failed to report to work? 8 MS. TRICARICHI: I really don't 9 think there is any evidence of that and I'll 10 tell you why. Because failure to report to 08:25:59 11 work frankly, under Augustus, means you have to 12 have available jobs to go to. So there's 13 evidence that there were no available jobs. 14 They were on the roster. Their names never 15 came off the rosters. 08:26:14 16 CHAIRMAN STEINGLASS: But the way 17 the anticipatory breach of argument seems to 18 presuppose that something is being waived or 19 some breach is permitted in anticipation of 20 another breach. 08:26:25 21 MS. TRICARICHI: I think the waiver 22 argument primarily, when Mr. Cioffi talked 23 about it in his opening, talked a lot about it 24 with a group of seven who are not part of this 25 case. It was an issue in Augustus. It's not 08:26:37	Page 599 1 permit them to work, albeit in a different 2 venue. 3 MS. TRICARICHI: And be called 4 back, and they called them back. Why would 5 they have called back employees that they 08:27:34 6 believed had been discharged? 7 CHAIRMAN STEINGLASS: Isn't the 8 question, was the railroad or the carrier 9 waived? I mean may have waived -- 10 MS. TRICARICHI: They waived their 08:27:50 11 right to say they forfeited their right by not 12 showing up by continuing on the roster and 13 continuing to call them back. That's where the 14 waiver comes from. 15 PANEL MEMBER LANSDOWNE: So you are 08:28:00 16 not saying that the employees didn't report to 17 work and they could -- and the railroad could 18 have discharged them. You are saying that they 19 didn't discharge them, which was evidence that 20 they did report to work and so they waived the 08:28:15 21 right to argue it now. 22 MS. TRICARICHI: That's correct. 23 PANEL MEMBER LANSDOWNE: Not waive 24 the right to have discharge. 25 MS. TRICARICHI: Right. 08:28:23

5 (Pages 596 to 599)

Page 600 1 PANEL MEMBER LANSDOWNE: Okay. 2 MS. TRICARICHI: Because Mr. Cioffi 3 talked about they forfeited their rights. So 4 they clearly can't argue now that they 5 forfeited their rights when they called these 6 people back. In fact, if you look at the 7 exhibit that we just put in, which is No. 51, 8 it's a letter from Cravens, who is a management 9 guy at the railroad, and it's talking about 10 sending Mr. Acree for a physical. And this is 08:28:44 11 in July of 1968. So it's six months -- five 12 months after the furlough. And on the bottom 13 of that -- I don't have it with me, but on the 14 bottom of the document Cravens writes in "still 15 on furlough." This is July of '68. 08:28:58 16 Now, if they were supposed to 17 report to the freight yard in February of '68 18 why would the company be acknowledging that 19 they were still on furlough? And that's 20 consistent with their timecards, still on 08:29:08 21 furlough. 22 CHAIRMAN STEINGLASS: How important 23 to your case is the argument the Top and Bottom 24 Agreement, I believe was the phrase, was 25 abrogated. In other words, if we disagree with 08:29:26	Page 602 1 MS. TRICARICHI: That's exactly 2 right. But I really think that if you look at 3 that time clear language, and I think paragraph 4 7 of the '69 agreement specifically abrogates 5 all prior agreements, and that includes the Top 08:30:16 6 and Bottom. And the reason they did that in 7 the '69 agreement, and it's a little confusing, 8 and I think my cocounsel should go into this, 9 but the '69 agreement was created because they 10 saw that these guys could not get jobs. So 08:30:31 11 they said okay, we are going to allocate 2.5 12 percent of the jobs to the CUT men, and you 13 will see Mr. Norris's testimony that I just put 14 in in 49 says he was one of the older guys and 15 he got one of those 2.5. 08:30:45 16 CHAIRMAN STEINGLASS: The 2.5 17 percent, '68 and '69 agreement is not the Top 18 and Bottom Agreement. 19 MS. TRICARICHI: No. The Top and 20 Bottom was in '65. 08:30:52 21 CHAIRMAN STEINGLASS: Okay. 22 MS. TRICARICHI: So there's a '69 23 agreement. And then they see it's not working 24 because the people can't get jobs. So they say 25 okay, we will make a '69 agreement so that they 08:30:59
Page 601 1 that. 2 MS. TRICARICHI: If who disagrees 3 with that? 4 CHAIRMAN STEINGLASS: If the Panel 5 disagrees that the Top and Bottom Agreement was 08:29:33 6 abrogated, what are the implications of that 7 for your claims? 8 MS. TRICARICHI: Well, the position 9 of the railroad was that the Top and Bottom 10 Agreement requires them to stand for work. 08:29:50 11 CHAIRMAN STEINGLASS: Correct. 12 MS. TRICARICHI: We believe they 13 did stand for work, regardless. 14 CHAIRMAN STEINGLASS: You believe 15 they did. 16 MS. TRICARICHI: They did. They 17 were available regardless, but that's their 18 rationale for saying that they had to go to the 19 freight yard as opposed to maintaining their 20 position that they only needed to go to CUT 08:29:59 21 locations. 22 CHAIRMAN STEINGLASS: So your 23 position is even if the Top and Bottom 24 Agreement is applicable, they met the 25 requirement. 08:30:05	Page 603 1 can at least -- some people at least can get 2 jobs. 3 CHAIRMAN STEINGLASS: Okay. So the 4 one you claim was abrogated was the '65 5 agreement. 08:31:09 6 MS. TRICARICHI: Top and Bottom. 7 CHAIRMAN STEINGLASS: I want to ask 8 another question. On page 9 of your prebrief, 9 you say that the certain implementing 10 agreements covering the Claimants went further. 08:31:25 11 The Brotherhood of Railway Carmen with the 16 12 Claimants in the Sophner group entered into an 13 implementing agreement with the carrier, and 14 then my key language, which shifted the burden 15 of proof to the carrier in any arbitration 08:31:37 16 proceeding. There is no citation or 17 authority -- 18 MS. TRICARICHI: Well, there wasn't 19 in our -- you have just gotten to Exhibit No. 20 52, section 3, the very last line, I think it's 08:31:47 21 on page 2 indicates the burden shifts to the 22 carrier. 23 CHAIRMAN STEINGLASS: Thank you. 24 MS. TRICARICHI: So I went over the 25 pages of the testimony. I think also the -- 08:32:03

6 (Pages 600 to 603)

Page 604 1 Gallagher's testimony that you are subject to 2 grievance proceedings also applied to the 3 Knapik Claimants, specifically if you look at 4 Steimle's testimony at 521, Steimle's testimony 5 at 462 and Beedlow's testimony at 254. 08:32:21 6 With regard to the Watjen/Bundy 7 Claimants, there is really no return to work 8 issue. They were denied the ability to 9 exercise their seniority and yet the Defendant 10 is saying you can't exercise your seniority, 08:32:38 11 you can't get your separation allowance, you 12 must return to work in a lower level job with 13 less pay. That undoubtedly constitutes being 14 placed in a worse position. 15 If you look at Exhibit 23, this 08:32:55 16 case has been to the Sixth Circuit twice. And 17 in the first Sixth Circuit case, Exhibit 23, 18 you look at the order on remand in the Sixth 19 Circuit case in Bundy, it specifically asks the 20 evidentiary hearing to address the issue of 08:33:08 21 whether the railroad frustrated the Claimants 22 from exercising their seniority. And we 23 believe we have proven that they did frustrate 24 their ability to exercise their seniority. 25 Also letters that Mr. Franz testified to, 08:33:19	Page 606 1 wage guarantee. Is it your view that that 2 portion of those documents is reliable? 3 MS. TRICARICHI: I think we are 4 talking about two separate documents. There 5 are documents of the carrier -- 08:34:40 6 CHAIRMAN STEINGLASS: I think you 7 are correct. The documents that list wage 8 guarantee, and again there are not 32 of them, 9 they are a lesser number, are those documents, 10 in your view, reliable? 08:34:55 11 MS. TRICARICHI: What they call the 12 personnel files? 13 CHAIRMAN STEINGLASS: I think -- 14 MS. TRICARICHI: What I think those 15 really are were litigation documents. The few 08:35:04 16 that have numbers on them say 1976. I think 17 they were compiled in preparation for the 1976 18 trial because that's when Lambros issued his 19 order. 20 CHAIRMAN STEINGLASS: The wage 08:35:18 21 guarantee information on those exhibits is 22 consistent with the wage guarantee information 23 in Exhibit 29, the Conrail letter. 24 MS. TRICARICHI: I think one got 25 one from the other. 08:35:29
Page 605 1 Scheper, that whole series of -- sequence of 2 events. So that was number two. 3 Number three, we have proven that 4 they lost compensation. If you look at Dr. 5 Rosen's individual reports, if anything, he 08:33:33 6 erred on the side benefiting the railroad in at 7 least four ways. He didn't assess any damages 8 in the years when they hit the social security 9 or Railroad Retirement Board cap. That's one. 10 Another one he used -- the 08:33:49 11 railroad's own documents, those lines of wages 12 which were very inconsistent, in some years 13 said none, if you actually used those, the 14 damages would be much higher. He didn't use 15 those because they weren't critical because the 08:34:06 16 Railroad Retirement Board in years that they 17 said the Claimant made none, the Railroad 18 Retirement Board said he made, you know, a few 19 thousand dollars. So that would have benefited 20 them. They couldn't use them because they 08:34:15 21 weren't reliable. 22 CHAIRMAN STEINGLASS: Those 10 23 maybe 15 Exhibits that Dr. Rosen tended to 24 discredit because of the inconsistency on the 25 income earned, they all have an entry as far as 08:34:27	Page 607 1 CHAIRMAN STEINGLASS: How much 2 weight should we give the information in the 3 letter, what was it, 29, the so-called Conrail 4 letter? 5 MS. TRICARICHI: I think you have 08:35:42 6 to give it great weight. I was part of the '99 7 arbitration and this was brought in by the 8 railroad representative. It's an admission. 9 That's what they presented as the wages in this 10 case. 08:35:51 11 CHAIRMAN STEINGLASS: I suspect the 12 carrier will dispute that and that will be an 13 issue that you probably should both address in 14 your posthearing briefs. 15 MS. TRICARICHI: Okay. 08:36:03 16 CHAIRMAN STEINGLASS: I don't want 17 to make an argument. 18 MS. TRICARICHI: The only thing 19 that I can tell you about that and the only 20 thing that you might not have in your record is 08:36:10 21 what I gave you for the -- there might be some 22 colloquy about that document when that was 23 admitted. I took out things in the '90 24 arbitration that were not testimony because a 25 lot of it was admission of evidence and stuff, 08:36:26

7 (Pages 604 to 607)

Page 608 1 but there might have been information about 2 that in there. 3 CHAIRMAN STEINGLASS: If there is 4 testimony in that hearing about that document 5 and that document, indeed, is a document that 08:36:33 6 you think is going to be an issue here, there 7 would be ways to supplement it. 8 MS. TRICARICHI: I would be happy 9 to do that. 10 CHAIRMAN STEINGLASS: If you want 08:36:47 11 to talk to Mr. Cioffi and see what you agree 12 on, which pages, so we don't have 13 cross-designations of pages, I think that could 14 be submitted. 15 MS. TRICARICHI: I would be happy 08:36:57 16 to do that. 17 This issue of monthly versus 18 annual, they didn't have the monthly rates. If 19 you add the monthly wages in there, the numbers 20 probably would have been higher because it 08:37:11 21 would have included overtime, and instead we 22 had to even it out. So they didn't have that. 23 And he also did not evaluate in 24 fringe benefits. If you look at the MPA, there 25 is an allocation for other kinds of fringe 08:37:21	Page 610 1 That's the other thing. 2 The other thing is it's our 3 position that Appendix E to the MPA shows a 4 different type of calculation on the '63 and 5 '64 base. There's two basis on which Dr. Rosen 08:38:53 6 was accurate in having created the monthly 7 wages by using the annual figures. 8 And I think that it's important 9 along that line, there was some 10 cross-examination on Rosen on this interplay 08:39:17 11 between 6(a) of the WJPA and Appendix E, and I 12 think that that's important to look at because 13 they are very different documents. You have 14 heard testimony that the MPA is a more 15 expansive document. It gave lifetime job 08:39:30 16 guarantees. If you look at 6(a), it says five 17 years. So that's barely a discrepancy. 18 The other discrepancy is the 19 language that Mr. Cioffi talked about, you have 20 to work within that month, that language is 08:39:42 21 absent in Appendix E. So I think there are 22 different documents and I think Dr. Rosen 23 followed Appendix E because it was the one that 24 was done concurrently with the MPA. 25 Therefore, we believe Plaintiffs 08:39:55
Page 609 1 benefits, hospitalization, transportation, none 2 of these things were evaluated. So if 3 anything, the values are low. 4 PANEL MEMBER LANSLOWNE: I think 5 the argument that I got from Mr. Cioffi or at 08:37:35 6 least of the gist on some of his 7 cross-examination as to the monthly versus 8 yearly is that Dr. Rosen had not followed the 9 formula in the MPA because he went yearly as 10 opposed to monthly. Is it your argument that 08:37:56 11 he was precluded from doing that because he 12 didn't have the records, and so he did it on 13 the yearly basis, which only enured to the 14 benefit of the railroad so we should accept 15 that anyway? 08:38:14 16 MS. TRICARICHI: There's two 17 arguments. That's one of them that we didn't 18 have the monthly records which they have not 19 produced, and if you look at our Exhibit No. 20 56, it shows that they did have records at one 08:38:25 21 time. That's a 1970 document. It corroborated 22 by the docket, so they did have them. They 23 never gave them to us. And we specifically 24 asked for hours, particular hours that the 25 Claimants worked in those interrogatories. 08:38:40	Page 611 1 have more than met their burden to show, No. 1, 2 their entitlement to the damages, and No. 2, 3 the amount of those damages by, at the very 4 least, a preponderance of the evidence. 5 And in addition to the compensatory 08:40:14 6 damages, we have also submitted documents 7 showing our contingency fee contracts and our 8 costs in bringing this litigation. If you look 9 at the arbitration, the case law that is 10 attached to the trial brief, all those 08:40:33 11 arbitration cases, those cases were done 12 usually within a few years of the infraction at 13 the very least. This did not require anything 14 like this kind of litigation. And if you look 15 at those claim forms that Mark showed, that was 08:40:46 16 a summary, you know, a perfunctory function. 17 Instead it's cost us a huge amount of money to 18 bring this case. 19 CHAIRMAN STEINGLASS: Let me ask 20 you a question about damages concerning, more 08:40:59 21 specifically, prejudgment interest. Assuming 22 the Panel found that some or all of the 23 Claimants were eligible for displacement or a 24 separation allowance, are you arguing that the 25 Claimants are entitled to prejudgment interest 08:41:14

8 (Pages 608 to 611)

Page 612 1 as a matter of law? 2 MS. TRICARICHI: The case law -- I 3 don't understand your distinction "as a matter 4 of law." 5 CHAIRMAN STEINGLASS: Or as a 08:41:25 6 discretionary matter for the Panel to decide. 7 Is there entitlement or is it something that 8 you would argue we have discretion to award? 9 MS. TRICARICHI: I think it's both. 10 Dr. Rosen said that that is the measure of what 08:41:40 11 actual damages are, so that is the definition 12 of actual damages. In addition, the 13 discretionary aspect of it goes to what you see 14 in the arbitration awards, which is that it can 15 be awarded and has been awarded. 08:41:58 16 CHAIRMAN STEINGLASS: I have to go 17 back and look at those awards more carefully 18 and other awards in that packet that 19 specifically deal with merger protection 20 benefits under the Merger Protection Act or 08:42:10 21 under other related -- 22 MS. TRICARICHI: Under other -- I 23 can't tell whether it was specifically under 24 the '64 agreement. The cases that you have are 25 two-fold. They are reported cases from the 08:42:20	Page 614 1 Now, let's look -- 2 PANEL MEMBER LANSDOWNE: Any award 3 have to go back before Judge Fullam? I thought 4 I heard that said. 5 MS. TRICARICHI: That's the 08:43:44 6 Carrier's position. 7 MR. M. L. CIOFFI: He circulated 8 his order, if that's what it says. 9 MS. TRICARICHI: There's a lot of 10 other issues in the bankruptcy aspect of it. 08:43:52 11 So as I said, I think Plaintiffs 12 have more than met their burden. 13 Now let's see what the Defendant's 14 position was. Defendant's position is -- and 15 they didn't put on really any relevant evidence 08:44:08 16 in their own case in chief. It's just really a 17 series of excuse after excuse, broken promise 18 after broken promise. 19 The first excuse is none of the CUT 20 men were covered by the agreement and they held 08:44:21 21 that position for years and years and years. 22 And the chronology is in our briefs but the '69 23 agreement, it says they are covered; they don't 24 follow it. Their answer says they're not 25 covered even though there was a '69 agreement. 08:44:36
Page 613 1 labor arbitrator reporter which are lots of 2 different types of agreements. But then there 3 are specific ones to this particular agreement, 4 particularly carmen, because it was through the 5 Carmen's union the TCU, so they did relate -- 08:42:37 6 and there is something called a Docket 570. 7 The Docket 570 cases deal specifically with the 8 Merger Protective Agreement. 9 CHAIRMAN STEINGLASS: Understanding 10 the relatively narrow scope of judicial review 08:42:51 11 in arbitration decisions, are there judicial 12 decisions addressing the availability of 13 prejudgment interest for merger protection 14 benefits, either specifically under the MPA or 15 under analogous agreements? 08:43:07 16 MS. TRICARICHI: I think we have 17 put them in our trial brief. 18 CHAIRMAN STEINGLASS: We will look 19 for them. 20 MS. TRICARICHI: And we think it's 08:43:17 21 important that this Panel award damages. It is 22 more likely than not that this award will be 23 reviewed by some other court. And if it's not 24 considered here, it can't be considered so it 25 has to be considered at this level. 08:43:30	Page 615 1 They created rosters afterwards that showed 2 that they weren't covered. The '74 ICC ruling 3 was -- they still won't provide, not the '76. 4 Second excuse is -- well actually, 5 the second excuse is they're still not entitled 08:44:51 6 to arbitration. Look at Judge Oliver's orders 7 about the Defendant coming to court with 8 unclean hands. They have to be -- every time 9 we have to have an arbitration, we have to be 10 ordered to go to arbitration. They have to be 08:45:05 11 ordered to do what the agreement provides they 12 have to do time and time and time again. 13 What is the third excuse? Business 14 decline. Even their own expert could not make 15 the case. If you look at Mr. Rosen's e-mail he 08:45:19 16 says can you help us prove that there was 17 business decline under 1(b) of the MPA and he 18 says no, I can't. And you would be able to 19 see, believe me, if the numbers were here to 20 fit the equation, and that's the only basis 08:45:35 21 upon which, under the MPA, you can show 22 business declines. If the numbers were here, 23 they would have shown them. They had come up 24 with a report. If you look at our Exhibit 31, 25 every time the carrier is able to try to 08:45:45

9 (Pages 612 to 615)

Page 616 1 justify furloughs and not pay allowances, it 2 tries to do that. It couldn't do it this time. 3 The other provision that it did not 4 satisfy is advance notice. There was no 5 advance notice in the furlough notice saying we 08:46:00 6 are giving you advance notice that we are going 7 to do this because of business decline reasons. 8 They were required to do it, they didn't. 9 The next excuse is there is a 10 decline in passenger service. Well, that's not 08:46:11 11 even in the MPA as a base. It just has 12 absolutely no relevance and that was their only 13 defense that they brought forward to this 14 Panel. 15 And the next excuse, I don't know 08:46:23 16 what number I'm on, but Mr. Cioffi, in his 17 opening he comes up with the whole issue about 18 they didn't want to go to the freight yard 19 because the freight yard was colder than the 20 passenger yard. Well, first of all, they put 08:46:34 21 out no evidence of that, other than Mr. 22 Cioffi's declaration of that. In fact, if you 23 listened to Mr. Gallagher who told you he 24 worked in very severe conditions doing 25 passenger work, if you listened to Ms. McNabb, 08:46:45	Page 618 1 (Recess taken.) 2 CHAIRMAN STEINGLASS: We are ready 3 to begin. 4 MR. M. L. CIOFFI: Thank you. 5 Members of the Panel, this is a 08:53:13 6 contract action. As the Sixth Circuit framed 7 the issue, it's whether the Claimants had 8 sufficiently complied with the MPA's 9 requirement so as to award benefits. So that's 10 what the Sixth Circuit says you have to decide. 08:53:27 11 Judge Lambros said you also have to 12 decide whether the Plaintiffs have come forward 13 with evidence to support the position that 14 there was compensation loss to which they are 15 entitled payment. It's a contract action. You 08:53:38 16 have got to decide it within the four corners 17 of the contract, not quotes from The Wreck of 18 the Penn Central, not extrinsic evidence, but 19 within the four corners of the contract. 20 I told you in my opening statement 08:53:55 21 you would get an assault on your emotions, and 22 that's exactly what happened. They went so far 23 that -- they weren't satisfied that the 24 Claimants were back here, they wanted them up 25 here. They had the Claimants bring in 08:54:08
Page 617 1 they remembered it. I think you should listen 2 to their testimony and not the testimony of Mr. 3 Cioffi. 4 So I think if you compare what we 5 have proven by these mounds and mounds of 08:46:58 6 documents, which STB found -- if you look at 7 the egregious error standard and the deference 8 given arbitration, that is a very, very high 9 standard. And the Surface Transportation Board 10 said they erred egregiously in finding from the 08:47:16 11 voluminous evidence, some of which -- most of 12 which is in your packet as the testimony of the 13 fact that the people were placed in a worse 14 position. It's a very high standard. And that 15 was their finding. 08:47:31 16 So Claimants would submit that it's 17 really past time for the Defendant to keep its 18 promise. After 38 years, many deaths, there 19 are really no more excuses for not awarding 20 these people full damages they are entitled to. 08:47:46 21 CHAIRMAN STEINGLASS: Thank you. 22 MR. M. L. CIOFFI: Can we take a 23 couple-minute break and we will set up? 24 CHAIRMAN STEINGLASS: Take your 25 time. 08:48:06	Page 619 1 photographs. They had the Claimants turn and 2 tell me how evil I was. An assault on the 3 emotion. 4 This case is going to be reviewed 5 by a number of tribunals, it will be reviewed 08:54:19 6 by Judge Fullam, it will be reviewed perhaps by 7 Judge Oliver, it will be reviewed by the Sixth 8 Circuit. They are going to look at your work 9 and they are going to ask the question did the 10 Panel require the Claimants to comply with the 08:54:37 11 MPA, did they require the Claimants to come 12 forward with evidence of loss of compensation 13 as required by the agreement. 14 What are the requirements? They 15 were placed in a worse position because of the 08:54:54 16 merger and not some other reason. For example, 17 had there been a fire or an explosion at the 18 CUT and someone was laid off, that wouldn't be 19 because of the merger. And there was something 20 as traumatic and we will look at that in a 08:55:09 21 minute. 22 PANEL MEMBER LANSDOWNE: I'm sorry. 23 Are you stipulating that all of these employees 24 were present employees for purposes of the 25 agreement? 08:55:22

10 (Pages 616 to 619)

Page 620 1 MR. M. L. CIOFFI: Yes. That was 2 decided long ago by Judge Lambros. Yes. 3 PANEL MEMBER LANSDOWNE: I want to 4 make sure. 5 MR. M. L. CIOFFI: I know Ms. 08:55:31 6 Tricarichi argued that again. They reported to 7 work or exercised seniority rights. 8 CHAIRMAN STEINGLASS: You are not 9 arguing that business decline clause, are you? 10 MR. M. L. CIOFFI: No. 08:55:45 11 CHAIRMAN STEINGLASS: You are 12 arguing a causation argument? 13 MR. M. L. CIOFFI: Exactly. 14 Business decline, as our expert said, it 15 applies to freight. And they have to prove 08:55:50 16 compensation loss. So let's look at evidence 17 on requirement, number one. Worse conditions 18 because of the merger. The jobs of the CUT 19 were impacted because of the decline in 20 passenger traffic. It's beyond dispute. As 08:56:03 21 our expert, Mr. Weinman, testified and we got 22 the Q and A's from the court reporter, so these 23 are out of the transcript and we will show them 24 in the transcript when she does the whole 25 thing.	Page 622 1 these are on direct examination; I didn't cross 2 them. I didn't get them to say this. It was 3 an open, honest admission in response to Ms. 4 Tricarichi's direct examination. You heard Mr. 5 Knapik say "and that would have been about a 08:57:29 6 week after the merger?" 7 "Yes." 8 "And you were aware that there was 9 a furlough at that time." 10 "Yes." 08:57:35 11 "Do you know what happened to the 12 jobs? Why was there a furlough at that time? 13 Do you know?" Direct examination. 14 CHAIRMAN STEINGLASS: I mean, it 15 seems that the key legal issue in this point 08:57:46 16 really is whether the Merger Protection 17 Agreement somehow changed or altered the 18 causation requirement that was present under 19 the WJPA, or at least eliminated the kind of 20 causation requirement that your argument is 08:58:06 21 dependent upon. 22 MR. M. L. CIOFFI: Absolutely not. 23 In our brief -- the answer is absolutely not. 24 There are ten clauses at least, and we will 25 cite them again in our posthearing brief, in 08:58:20
Page 621 1 But we asked him, "did the decline 2 in rail passenger service include the need to 3 reduce the number of brakemen at the CUT." 4 "Yes, it did." 5 "Did the decline in rail passenger 08:56:27 6 service include the need to reduce the number 7 of carmen needed at the CUT?" 8 "Yes, it did." 9 Evidence not rebutted. And indeed, 10 it's common knowledge in the area. You could, 08:56:37 11 as Judge Lambros said, take judicial notice. 12 Interestingly enough, their own 13 clients, the Claimants themselves understand 14 the reality of what happened. They understand 15 they lost their jobs because of the decline, 08:56:51 16 not because of the merger. So Claimant 17 McNeeley, a wonderful human being, you saw him 18 on the videotape, here is a guy who is bald, 19 having chemotherapy, a beautiful smile, what's 20 he saying? He is totally honest. 08:57:04 21 "Why did you leave Cleveland Union 22 Terminal?" 23 "It folded up. No more passenger 24 trains." 25 Claimant Knapik -- and both of 08:57:14	Page 623 1 the Merger Protection Agreement which says that 2 the merger has to affect the workers, has to 3 cause some sort of job loss, some sort of 4 diminution in job benefits. We cite at least 5 five examples in our brief. 08:58:40 6 CHAIRMAN STEINGLASS: You are 7 answering the substantive question. I'm just 8 saying is that the issue that has been 9 identified? 10 MR. M. L. CIOFFI: Yes, sir. They 08:58:49 11 have raised that issue and I think we already 12 answered. 13 CHAIRMAN STEINGLASS: And I'm not 14 even getting into that. 15 My question is they have suggested 08:58:56 16 in argument and in some of the documents that a 17 significant number of other Claimants received 18 benefits under the Merger Protection Agreement. 19 And so I guess there seems to be -- there may 20 be a tension between what looks like an earlier 08:59:21 21 interpretation by the carrier of this 22 particular condition of eligibility and the 23 position -- now at least you just addressed 24 that. 25 MR. M. L. CIOFFI: Great question. 08:59:42

11 (Pages 620 to 623)

Page 624 1 Let me show you the next slide because I think 2 it answers the question. 3 CHAIRMAN STEINGLASS: Great 4 question, Professor. 5 MR. M. L. CIOFFI: This is a great 08:59:50 6 session. How else do you get to truth other 7 than asking questions? I agree it is a great 8 question. 9 They say, oh, Penn Central paid 10 over 100 million dollars. Right? 100 million 09:00:00 11 dollars in compensation benefits. 12 CHAIRMAN STEINGLASS: Or they say 13 that Mr. Middleton got \$947.61 in November 14 1970. 15 MR. M. L. CIOFFI: We will argue 09:00:13 16 about that document. Two responses. One is a 17 very technical legal response, and that is: 18 What happens to someone else isn't relevant to 19 these particular Claimants for a number of 20 reasons. Put that aside. Let's get to the 09:00:26 21 truth of the matter. 22 They say you paid over 100 million 23 dollars in benefits under the Merger Protection 24 Agreement and they use that as some sort of 25 indictment that Penn Central is evil, not -- 09:00:37	Page 626 1 right. You have New York Central, Pennsylvania 2 Railroad. You have 50 switchmen. As a result 3 of the coordination, all that switching work 4 will now be done by 25 because you have some 5 Pennsylvania Railroad workers taking work that 09:02:01 6 the New York Central workers had and vice 7 versa. So it's because of the coordination, 8 all right, that the Merger Protection Agreement 9 exists. In other words, if you lose your job 10 because of the coordination -- the point is 09:02:20 11 there was no coordination at the CUT. 12 CHAIRMAN STEINGLASS: You are 13 saying that the CUT employees were really in a 14 worse position than other employees, not 15 because of the dispute about their being a 97 09:02:31 16 percent owned subsidiary, but because of Mr. 17 Weinman's testimony about there not being 18 passenger service. 19 MR. M. L. CIOFFI: Absolutely. 20 Yes, sir. They all testified. They were all 09:02:47 21 very proud of this. And I totally understand. 22 They were all New York Central guys. But 23 unlike the rest of the system, there were no 24 Pennsylvania Railroad guys coming in for their 25 jobs. Do you see that? So they all -- they 09:03:00
Page 625 1 denying these benefits. We paid 100 million 2 dollars to people who deserved to be paid under 3 the MPA. Here is why these particular 4 Claimants and CUT employees, generally, and I'm 5 saying generally, not everyone, is not affected 09:00:51 6 is because in this testimony by our expert Mr. 7 Weinman that I have up on the screen right now 8 is very important to understand and answer your 9 question. And that is the merger had almost no 10 effect on the CUT, and the reason for that was 09:01:07 11 that the Pennsylvania Railroad, which was one 12 of the partners in the merger, had not served 13 Cleveland with passenger trains for several 14 years. The Pennsylvania Railroad passenger 15 service to Cleveland ended in approximately 09:01:19 16 1965, well before the merger. For the reasons 17 he said rail passenger service was declining. 18 In fact, the Pennsylvania Railroad never used 19 Cleveland Union Terminal. 20 So the answer to your question, 09:01:31 21 Professor Steinglass is that the MPA is for 22 protection of workers who lose their job 23 because of coordination. So you look at the 24 whole coordination of eastern railroad and 25 let's say you have switchmen in New York. All 09:01:46	Page 627 1 weren't coordinated because this was a New York 2 Central operation. Before the merger it was a 3 New York Central operation, that is there were 4 no Pennsylvania guys taking their jobs. So 5 there was no coordination at the CUT. And 09:03:13 6 Weinman's testimony, on this point, is 7 unchallenged. 8 PANEL MEMBER LANSDOWNE: I realize 9 there's certain -- predates your involvement in 10 the case, but if the issue was really that 09:03:25 11 these people weren't affected by the merger, 12 first of all, do you agree that the railroad 13 took the position that they weren't employees 14 in the first place? And if they did, why did 15 the railroad take that position if they really 09:03:41 16 weren't affected by the merger at all? 17 MR. M. L. CIOFFI: Yes, sir. Judge 18 Lambros deals with this in his oral position 19 which is part of the record. But in the early 20 '70s, the railroad took the position that 09:03:58 21 subsidiaries were not included in the MPA. All 22 right. And Ms. Tricarichi again was arguing 23 that. That has a direct bearing, by the way, 24 on your Knapik Claimant question, which I'll 25 get to in a minute. But Mr. Lansdowne, yeah, 09:04:10

12 (Pages 624 to 627)

Page 628 1 they took that position. Big lawsuit. Not 2 only did the Penn Central take that position, 3 but the union took that position as well. 4 That's why both the union and Penn Central were 5 sued by Ms. Tricarichi's father. 09:04:23 6 CHAIRMAN STEINGLASS: Were there 7 other subsidiaries that were in the same 8 position? 9 MR. M. L. CIOFFI: Yes. That was a 10 general position. It was a legal position. 09:04:30 11 They took it, they got sued. The union got 12 sued back pay, punitive damage, all that. 13 Judge Lambros said, okay, you are covered by 14 the MPA. Now come forward with some evidence. 15 But he said look, there is no bad faith. This 09:04:43 16 is a legitimate legal position. There's no bad 17 faith. Let's go on. So that's what happened. 18 PANEL MEMBER LANSLOWNE: Thank you. 19 MR. M. L. CIOFFI: Reported to work 20 or exercises seniority rights. This goes 09:04:56 21 directly to what I'm saying. Ms. Tricarichi 22 stood up here today and argued the same thing 23 and Mr. Lansdowne just asked the question and 24 that is, by originally denying that the 25 Claimants were covered by the MPA, they somehow 09:05:13	Page 630 1 seven were included, is that what you are 2 referring to? 3 MR. M. L. CIOFFI: Absolutely. But 4 it doesn't make any difference because -- 5 CHAIRMAN STEINGLASS: But just as 09:06:23 6 the source of the document. This is a brief to 7 the -- 8 MR. M. L. CIOFFI: No. This is a 9 brief to the arbitration Panel. But they did 10 argue the same thing. This argument is 09:06:31 11 morphing. And one of the things you find out 12 is when they get precluded from one argument, 13 they go and morph it into another argument. 14 They morphed it into an argument about 15 anticipatory breach, which they have many pages 16 in there, and they say because Penn Central 17 denied that the MPA applied, they 18 anticipatorily breached the agreement. The 19 Sixth Circuit rejected that. 20 CHAIRMAN STEINGLASS: Did they 09:06:55 21 reject it based on the underlying facts or on 22 the viability or nonviability of the legal 23 theory? 24 MR. M. L. CIOFFI: This latter. 25 It's not a viable legal theory. All right. 1 09:07:08
Page 629 1 waived the right to argue that, at least the 2 Knapik Claimants, had to report to work at the 3 New York freight yard as the Sixth Circuit 4 said. You remember that earlier quote. So 5 failure to report on February 25 or within 15 09:05:33 6 days of February 25, 1968, the Sixth Circuit 7 says that is at their peril and precludes a 8 recovery under the MPA. This admission in 9 their 1990 brief, and the reason they didn't 10 report was because of this legal position they 09:05:47 11 had taken at the time. And that is, if you 12 look at the second sentence, "Claimants relied 13 on this misrepresentation, that is that they 14 were not covered by the MPA of existing fact by 15 electing not to stand for work in the freight 09:05:59 16 yard." So they didn't stand for work in the 17 freight yard very consciously, very 18 deliberately, because of a legal strategy. 19 MS. TRICARICHI: Can I ask you a 20 question? 09:06:13 21 MR. M. L. CIOFFI: No. 22 MS. TRICARICHI: This is from the 23 earlier brief? 24 MR. M. L. CIOFFI: Yes. 1990. 25 MS. TRICARICHI: When the other 09:06:17	Page 631 1 mean, what Sixth Circuit says is not 2 anticipatory breach. So as a matter of law, 3 you have to reject the Knapik Claimants because 4 they took the position, consciously and 5 deliberately, they weren't going to report to 09:07:24 6 the New York Central freight yard for the legal 7 position that the MPA had been repudiated. Now 8 they cannot, 40 years later, sort of undo all 9 that. That was the legal position then. They 10 are bound by it and you have to reject their 09:07:42 11 claims. 12 If you look at the evidence about 13 the Knapik Claimants, the only evidence was 14 purely hearsay. There is no evidence that a 15 Knapik Claimant reported to the New York 09:07:54 16 Central Railroad and they didn't report because 17 their legal position was the opposite of that. 18 There was no evidence -- at the very least you 19 have got to reject them because there is no 20 evidence -- they weren't even mentioned in the 09:08:09 21 case. 22 Sophner. Again, no evidence that 23 they accepted available work or exercised 24 seniority rights. There was only hearsay 25 evidence offered in about, oh, well they were 09:08:20

13 (Pages 628 to 631)

Page 632 1 available for work. But no one testified as to 2 when they reported, how they reported, where 3 they reported, how they exercised their 4 seniority rights. No evidence about that at 5 all. None. 09:08:33 6 The only one who testified is Mr. 7 Gallagher. He is in the Sophner group and 8 we'll argue in our brief, it will be no 9 surprise that in 1969, the only year in which 10 he had compensation loss, he was injured. On 09:08:45 11 cross-examination, he originally said yeah, it 12 probably was in '69 and it got fuzzier as time 13 went on in the cross. 14 Let's look at Watjen and Bundy. 15 This is an easy one. First of all, there is 09:09:02 16 only hearsay evidence, but Mr. Franz tells you 17 what happened. He refused to work and he 18 started work as a utility clerk. They did the 19 abolishment notice in 1969. All right. The 20 Penn Central offers all of them jobs as utility 09:09:16 21 clerks. Mr. Franz said he went to work, he 22 started working as a utility clerk and then he 23 quit. He quit and then a couple weeks later, 24 he started working for Sohio. 25 Chairman Steinglass, you'll 09:09:34	Page 634 1 utility clerks on -- you know what, I asked Mr. 2 Franz was it on your home road? He said yes. 3 CHAIRMAN STEINGLASS: And that 4 happened when? 5 MR. M. L. CIOFFI: Mr. Franz 09:10:50 6 testified and we will cite it in our brief, but 7 he said within a couple of weeks. 8 CHAIRMAN STEINGLASS: But he 9 requested separation allowance six days after 10 the date of the letter in which he was notified 09:10:58 11 that his position was abolished. 12 MR. M. L. CIOFFI: Absolutely. It 13 got rejected because they offered him a utility 14 clerk. 15 PANEL MEMBER LANSLOWNE: What is 09:11:09 16 the significance of the change in working 17 conditions under the MPA if you go from a 18 job -- there was testimony that the utility 19 jobs were garbage jobs. What's the 20 significance, in your argument, the fact that 09:11:27 21 these were less desirable jobs, the working 22 conditions are different? 23 MR. M. L. CIOFFI: I have searched 24 the MPA and the WJPA more times than I care to 25 tell you. There is nothing in those agreements 09:11:45
Page 633 1 remember when you asked Mr. Franz, when you 2 were working there, was it full-time work, and 3 his answer was yes. 4 And I asked him was that at the 5 same rate of pay, and his answer was yes. And 09:09:42 6 he said well, sometimes it looked like, you 7 know, that they are taking too much out of my 8 paycheck or the numbers changed a little bit 9 from paycheck to paycheck, but he did say it 10 was the same rate of pay. 09:09:58 11 So they got a job, now under 12 section 7(c), again you have to apply the WJPA, 13 it says "an employee shall be regarded as 14 deprived of his employment and entitled to a 15 coordination allowance." You got to be 09:10:14 16 entitled to a coordination allowance before you 17 get a separation allowance in the following 18 cases. "When a position which he holds on his 19 home road is abolished as a result of 20 coordination and he is unable to obtain by the 09:10:25 21 exercise of his seniority rights another 22 position on his home road or a position in the 23 coordinated operation." 24 All these guys got positions as 25 utility clerks. Okay. They got positions as 09:10:36	Page 635 1 that say you get the job you want, you get an 2 ideal job, you get fulfillment in your job, 3 that it has to be satisfying to you. Nothing 4 like that. That's not what the MPA was about. 5 The MPA was about was there 09:12:01 6 something that happened as a result of the 7 coordination that decreased your compensation, 8 and if so, the MPA adjusted that through either 9 displacement allowance, through a separation 10 allowance, et cetera. But all these guys got 09:12:17 11 jobs. And that, again, as a matter of law 12 under section 7(c), precludes them as a matter 13 of law, and you have to rule as a matter of law 14 that you have to recover. Putting aside the 15 fact that you have no evidence about anyone 09:12:31 16 other than Franz. 17 Let's look at evidence of 18 requirement No. 3. The Plaintiffs, as Judge 19 Lambros said, must now come forward with 20 evidence to support the position that there was 09:12:44 21 compensation loss to which they are entitled to 22 pay. Dr. Rosen conceded -- he conceded at the 23 beginning, as you know, I had it right up here, 24 that section 6(c) of the WJPA was the section 25 that defined displacement allowance and that 09:13:04

14 (Pages 632 to 635)

Page 636 1 set forth the formula. That's in his testimony 2 and we are going to cite it right in our 3 posthearing briefs. So he said that's the 4 formula, then he continued, step by step, 5 you'll recall, as I pointed out to him, he 09:13:20 6 didn't do step No. 2. Rosen failed to use 7 total compensation for the 12 months preceding 8 displacement and total time paid for the 12 9 months preceding displacement. 10 Now, he also conceded that he 09:13:32 11 didn't do step No. 2. He failed to divide 12 separately the total compensation and total 13 time paid by 12 to get average monthly 14 compensation, average monthly time paid for 15 what shall be the minimum amount used to 09:13:49 16 guarantee the displacement. 17 All right. There is a little ruse 18 going on here and there are several of them I'm 19 going to point out before I close. One is you 20 need, sort of, monthly data. You do the 09:14:02 21 monthly calculation just as 6(c) says. You 22 take the total compensation in the prior 12 23 months and you divide it by 12. That's the 24 step. All right. It has to be though that the 25 12 preceding months, and you compare it to 09:14:18	Page 638 1 MR. M. L. CIOFFI: No. The 2 guarantee number is fixed. Absolutely. All 3 right. Absolutely. It's fixed by the 4 proceeding 12 months. Now, Mr. Lansdowne, you 5 were concerned -- 6 CHAIRMAN STEINGLASS: But you said 7 the guaranteed number is fixed by the preceding 8 12 months, but then, you know, each month is a 9 different proceeding 12 months. 10 MR. M. L. CIOFFI: No. Remember 09:15:37 11 step No. 1? And I agree with Dr. Rosen. I 12 think he at least tried to fix it. All of this 13 begins with what's the date of displacement. 14 So -- and that's defined in 6(a) and (b). 15 Displacement occurs when, after the merger, a 09:15:51 16 worker begins receiving less compensation for 17 comparable work prior to the merger. That's 18 the point of displacement. 19 So you take that fixed point in 20 time and under 6(c), you look at the preceding 09:16:10 21 12 months and you take the total compensation 22 in that 12-month period and divide it by 12. 23 You take the total hours and divide by that. 24 So that when you go then at the point after 25 displacement, you can compare apples to apples, 09:16:29
Page 637 1 afterwards. 2 Now, Mr. Lansdowne, I know you were 3 concerned -- 4 CHAIRMAN STEINGLASS: Is that a 5 moving number then? It changes each month? 09:14:27 6 MR. M. L. CIOFFI: Yes, sir. 7 Absolutely. And the reason for that is because 8 the volume of work changes. You compare what 9 the volume of work they had before to what they 10 had after. So it's got to be apples to apples 09:14:37 11 comparison. Yes, sir. Absolutely. 12 CHAIRMAN STEINGLASS: I thought it 13 was a comparison because of the wage guarantee. 14 Is the wage guarantee different than the 15 prior -- I'm a little confused now. I thought 09:14:49 16 the wage guarantee was what was compared 17 current work to. 18 MR. M. L. CIOFFI: Well, this is. 19 Look at where it says step No. 3. That is -- 20 the calculation, you divide it by 12 plus the 09:15:03 21 hours. This is important. Plus the hours. 22 That's the guarantee to the displacement wage. 23 That's the guarantee. Exhibit 29 -- 24 CHAIRMAN STEINGLASS: But does that 25 guarantee number change? 09:15:14	Page 639 1 the same pay, same number of hours, month by 2 month. And every month in which he receives 3 less after the merger, he gets what's called 4 the displacement allowance. 5 Now, Mr. Lansdowne, you expressed 09:16:47 6 some concern. Remember I asked Dr. Rosen to 7 divide Mr. Acree's 1967 total compensation by 8 nine. And you were concerned about that and 9 Dr. Rosen, I think, understood me. He said if 10 you want me to divide it by 12, he said I will. 09:17:06 11 6(c) requires you to divide it by 12 because 12 it's the total compensation in the prior 12 13 months, not the last 12 months of compensation. 14 All right. And the reason for that is you got 15 to have an apples to apples comparison. In 09:17:21 16 other words, just take Mr. Acree as a perfect 17 example. He only worked nine months. So you 18 are not going to pay him after the merger for 19 12 months because he wasn't displaced with 20 anything. It's apples to apples. 09:17:39 21 PANEL MEMBER LANSDOWNE: Since I 22 gave Mr. Griffin the opportunity to give a 23 little testimony about an exhibit, what is 24 your -- you were going to respond, I think, to 25 Exhibit 57. 09:17:57

15 (Pages 636 to 639)

Page 640 1 MR. M. L. CIOFFI: I have never 2 seen it before. I've never seen it. I will be 3 happy to address it in the brief, but I have 4 never seen that exhibit before. But I can sure 5 as heck tell you that it doesn't contradict, 09:18:07 6 6(c). And even if it did, it would be rank 7 parole evidence. 8 PANEL MEMBER LANSLOWNE: But it 9 shows total earnings for the month, none, but 10 still gives an adjustment. You would say this 09:18:23 11 would be wrong under the agreement? 12 MR. M. L. CIOFFI: Well, I don't 13 know. I will have to look at it. I have never 14 seen it before. 15 CHAIRMAN STEINGLASS: Do address 09:18:37 16 that. 17 MR. M. L. CIOFFI: Absolutely. 18 CHAIRMAN STEINGLASS: Because it 19 suggests that a person otherwise eligible for a 20 displacement allowance would get a displacement 09:18:50 21 allowance in a month in which they earned no 22 income at all, which is inconsistent with the 23 position that you -- 24 MR. M. L. CIOFFI: No. No. Let's 25 be clear now. No. No. Let's be clear. Let's 09:19:01	Page 642 1 cross-examining witnesses and I can tell you 2 just as sure as it snows in December in 3 Cleveland, two things happen when a witness 4 gets in trouble on cross-examination. One, he 5 begins playing fast and loose to the fact, and 09:20:41 6 two, counsel starts objecting. So Dr. Rosen, I 7 pressed him on this, you recall that. And I 8 said you ignored that language. Why did you 9 ignore it? 10 And you saw the dramatic difference 09:20:54 11 it makes: If you give effect to that language, 12 Mr. Acree would get \$96. He gives him \$7,600 13 as a displacement allowance. Dramatic impact. 14 And I said why did you do that? 15 He said because -- and Ms. 09:21:15 16 Tricarichi got up here and told you, it's 17 because of Appendix E. Right? Appendix E. 18 That's a different document. 19 And Mr. Griffin said Appendix E. 20 He redirected him and said Appendix E was part 09:21:35 21 of the MPA that was enacted in 1964, right? 22 Yeah. And the WJPA was enacted in 1936. So 23 the latter has to prevail. Appendix E trumps 24 the MPA. So now we have this gigantic 25 conflict. Appendix E versus the requirement of 09:22:05
Page 641 1 assume -- change Mr. Acree's facts. Let's say 2 he worked 12 months and you divided that -- and 3 the following month -- the following year after 4 displacement, he worked less than 12 months. 5 All right. When you do the apples to apples 09:19:23 6 comparison, yeah. He will get a displacement 7 allowance, assuming the hours worked out 8 correctly. 9 CHAIRMAN STEINGLASS: He would get 10 a displacement allowance in some months in 09:19:33 11 which he had no income. 12 MR. M. L. CIOFFI: Yes. But only 13 provided that that's comparable to the 14 predisplacement situation. Do you see that? 15 Is that clear? Okay. 09:19:47 16 Now, this is something that's very 17 important. So Dr. Rosen didn't do that 18 comparison. Step No. 5 Rosen not only 19 completely ignores but directly contradicts the 20 language that an employee is entitled to a 09:20:06 21 displacement allowance only in any month in 22 which he performs work. It's what 6(c) says. 23 And you heard me cross-examine Dr. 24 Rosen yesterday and I've got a grown son here, 25 been doing this a long time, almost 30 years in 09:20:22	Page 643 1 the WJPA. And perhaps the whole case rides on 2 that, if I understood Ms. Tricarichi, and that 3 you got to go with Appendix E. Right? 4 So let's look at it. Appendix E 5 has no language, all right, that says an 09:22:22 6 employee is entitled to a base number of hours, 7 even if he did work. And you look at Appendix 8 E and see that. But the last paragraph of 9 Appendix E says this: "Employee is not 10 entitled to preservation of employment -- " 09:22:40 11 directly contradicts what Dr. Rosen says, " -- 12 but entitled to the benefits of the Washington 13 Job Protection Agreement pursuant to the 14 provisions of section 1(a) of the Protective 15 Agreement shall be entitled to compensation 09:22:57 16 computed in accordance with the provisions of 17 said Washington Job Protection Agreement." 18 This is terribly fascinating. It's a ruse. 19 It's a misdirection. There is no conflict 20 between Appendix E and the WJPA. Appendix E 09:23:25 21 specifically says you have to apply the 22 calculations in the WJPA. 23 What's going on here? Apply the 24 contract language. You got to deny the claims 25 because there is no proof of compensation loss 09:23:46

16 (Pages 640 to 643)

Page 644 1 that they are entitled to under the agreement. 2 Every reviewing court is going to look at that 3 and it isn't there because Dr. Rosen concedes 4 he didn't apply the formula in 6(c). And 5 Appendix E doesn't help him, it seals their 09:24:06 6 fate. It seals their fate. 7 There are other ways the Claimants 8 are playing fast and loose with the truth. 9 CHAIRMAN STEINGLASS: I have a 10 question. Had monthly data been available, and 09:24:21 11 the use of yearly data as Dr. Rosen did -- so 12 if monthly data had been available, and let's 13 not focus on what was on the board, I'm still a 14 little confused as to whether you are arguing 15 that there is no entitlement on the part of an 09:24:50 16 otherwise eligible Claimant for a displacement 17 allowance in a month in which he performed no 18 work for the railroad. 19 MR. M. L. CIOFFI: Absolutely. 20 There is no entitlement for any month in which 09:25:10 21 he didn't work. 22 CHAIRMAN STEINGLASS: So therefore 23 if the wage guarantee of an individual is \$750 24 a month, in a month in which he earned \$100, it 25 would be a displacement allowance of \$650, 09:25:27	Page 646 1 it for adjustments in wages. In other words, 2 it goes up. So Exhibit 29 is wrong right from 3 the bat because it uses '63 and '64 data to 4 calculate a guarantee. All right? 5 CHAIRMAN STEINGLASS: So the 09:26:53 6 guarantee would be more? 7 MR. M. L. CIOFFI: Might be. I 8 mean -- 9 CHAIRMAN STEINGLASS: Is that why 10 my hypothetical was wrong? 09:26:59 11 MR. M. L. CIOFFI: It would be a 12 lot less because you got to look at the 12 13 months preceding the point of displacement. 14 CHAIRMAN STEINGLASS: But the point 15 I'm trying to understand, is that leaving aside 09:27:12 16 the fluctuation wage guarantee, is it your 17 position that in a month in which an employee 18 is otherwise eligible for benefits earned zero 19 dollars from the railroad, that employee is not 20 entitled to a displacement allowance, an 09:27:36 21 otherwise eligible employee? 22 MR. M. L. CIOFFI: You are only 23 giving me one part of the formula. Can I tell 24 you the whole formula? 25 CHAIRMAN STEINGLASS: Okay. 09:27:47
Page 645 1 otherwise eligible, but in a month in which he 2 earned zero, there would be no allowance? 3 MR. M. L. CIOFFI: You have to do 4 the calculation. 5 CHAIRMAN STEINGLASS: Is that 09:25:42 6 correct? 7 MR. M. L. CIOFFI: No. 8 CHAIRMAN STEINGLASS: I thought 9 that's what you said. I'm sorry. 10 MR. M. L. CIOFFI: Let me explain 09:25:48 11 to you and tell me if I'm not clear. I think 12 one thing is lurking behind us. Exhibit 29, 13 throw out. First of all, it's a Conrail 14 document; it has no binding effect. It isn't a 15 business record. You've got a bunch of hand 16 scribbling on the back. All right. But even 17 if you wanted to consider it, give it any 18 weight, all it is, is a calculation of the '63, 19 '64 salary. 20 When you read Appendix E, what that 09:26:19 21 is, is informational data that workers are 22 entitled to get so they sort of know where they 23 stood as of '63 and '64, which is when the 24 Merger Protection Agreement was signed. 25 Appendix E specifically says you got to adjust 09:26:35	Page 647 1 MR. M. L. CIOFFI: Take the 12 2 months prior to the point of displacement. All 3 right. Take his compensation over that 4 12-month period, divide it by 12. Just use Mr. 5 Acree. Let's just say that comes out to \$258 09:28:03 6 per month. \$258 dollars and then look at the 7 point after displacement. Now, let's use your 8 hypo. So your hypo is he didn't work one 9 month. All right. What section 6(c) says is 10 he only gets compensated -- look at the top of 09:28:28 11 my slide here. If his compensation is less in 12 any month in which he performs work. In any 13 month in which he performs work. If he doesn't 14 perform work under your hypo, he gets zero. 15 CHAIRMAN STEINGLASS: Okay, I 09:28:47 16 understand. That seems anomalous, but perhaps 17 that is what the contract indeed provides. 18 MR. M. L. CIOFFI: What's 19 anomalous? I don't understand. 20 CHAIRMAN STEINGLASS: It would seem 09:28:58 21 to me that an individual who earned zero income 22 in a month would be as entitled as an 23 individual, just to some displacement 24 allowance, as an advised individual who earned 25 \$100 in a month. Now, we are not dealing with 09:29:21

17 (Pages 644 to 647)

Page 648 1 equities, we were not dealing with people 2 pulling at our heartstrings. It's a question 3 of what the contract provides. And I'm trying 4 to see -- 5 MR. M. L. CIOFFI: Let me try to 09:29:33 6 answer. This isn't an unemployment benefit 7 package. All right. All it's trying to do is 8 even out compensation that was lost as a result 9 of the merger, comparing what the work history 10 was before the point of displacement because of 09:29:49 11 the merger and what it was afterwards. But you 12 only get it, under the terms of the agreement, 13 in any month in which he performs work. 14 Now, the anomaly that only arises 15 if you buy Professor Rosen's argument and their 09:30:06 16 argument is that somehow Appendix E says an 17 employee is entitled a base number of hours 18 even if he didn't work. So in other words, 19 this is some sort of unemployment package, 20 unemployment guarantee, and that even if you 09:30:21 21 are unemployed, if you are not working, you get 22 something. Look at E. I mean you can look at 23 it till your eyes go cross. Appendix E doesn't 24 say that. 25 PANEL MEMBER TOMAIN: Is it the 09:30:35	Page 650 1 was no bankruptcy proceeding at all. So if 2 this was a case involving merger protection 3 benefits under this agreement, would we have 4 the power to award prejudgement interest? 5 MR. M. L. CIOFFI: No. Our 09:31:51 6 position is, and we will argue this in our 7 brief, that prejudgement interest isn't 8 applicable. This is a benefit under this 9 particular contract and that's all they're 10 entitled to. They are not entitled to 09:32:00 11 prejudgement interest, putting aside the 12 bankruptcy. 13 CHAIRMAN STEINGLASS: Now, bringing 14 this back to the table. You made references in 15 our phone call and I think one day this week to 09:32:10 16 Black Letter Bankruptcy Law. What I need to 17 understand, is it your position that bankruptcy 18 courts generally are prohibited from awarding 19 prejudgment interest? Or are you arguing that 20 there is something peculiar to the Penn Central 09:32:30 21 bankruptcy proceeding that precludes 22 prejudgment interest before or both? 23 MR. M. L. CIOFFI: The latter but 24 even more specific, and as I said, it's the 25 largest bankruptcy in history at the time. 09:32:43
Page 649 1 point that 6(c) is the definition of the 2 displacement allowance? 3 MR. M. L. CIOFFI: It is the 4 definition and you have to apply that. And 5 first of all, as a matter of just law, they 09:30:42 6 haven't applied 6(c). They conceded they 7 haven't applied 6(c). Therefore, they haven't 8 applied with just what Judge Lambros says, and 9 that is they have to prove loss of compensation 10 that they are entitled to. They haven't done 09:30:58 11 it. And as a matter of law you have to rule 12 against them. They haven't done it and they 13 concede that they haven't done it. And Exhibit 14 E doesn't protect them, it seals their fate. 15 CHAIRMAN STEINGLASS: Let me move 09:31:13 16 on. I mean I sort of bogged you down. There 17 are a couple of other questions I wanted to ask 18 you. 19 To focus on, for a moment, on 20 prejudgement interest. In the event that the 09:31:22 21 Panel gets to that point, is it your position 22 that this Panel does not -- I mean I know you 23 are arguing that the Panel does not have the 24 power to award prejudgement interest because of 25 the bankruptcy proceeding. Let's assume there 09:31:38	Page 651 1 Thousands, tens of thousands of the creditors, 2 very complicated bankruptcy, all kinds of 3 structures of claims, et cetera, including 4 labor claims. All right. So it's the 5 structure of that consummation order and where 09:32:57 6 they fit in that constellation that dictates 7 whether or not they get interest. But -- so 8 no, there isn't some general principal of 9 bankruptcy. I mean, each bankruptcy is 10 different. 09:33:10 11 CHAIRMAN STEINGLASS: Okay. 12 Because the reference to Black Letter 13 Bankruptcy Law threw me off. 14 MR. M. L. CIOFFI: Let me tell the 15 principals of Black Letter Bankruptcy Law that 09:33:16 16 applies. First of all, the bankruptcy court 17 has exclusive jurisdiction over these 18 proceedings. Judge Oliver in the Northern 19 District of Ohio, there is no Article 3 20 jurisdiction over this case. All the 09:33:29 21 jurisdiction is with Judge Fullam. He only has 22 jurisdiction because Judge Fullam permitted 23 these proceedings to go forward. They were 24 stayed automatically by the automatic stay. 25 Black Letter Bankruptcy Law, the only court 09:33:46

18 (Pages 648 to 651)

Page 652 1 that can enforce any judgment is Judge Fullam's 2 court, the reorganization court. He said that 3 in the order I sent to you. That's Black 4 Letter Bankruptcy Law. No other court can do 5 that. 09:33:59 6 CHAIRMAN STEINGLASS: The position 7 you are taking, though, is that in this 8 particular bankruptcy proceeding, the judge did 9 something, perhaps an order, a generic order, 10 something earlier in this case, that precludes 09:34:22 11 the availability of prejudgement interest. I 12 do not believe you've provided us with any 13 documentation of that position. You have 14 relayed a summary of a telephone call and the 15 like and your own knowledge, but it would be 09:34:39 16 useful if you were relying on something 17 peculiar to this bankruptcy proceeding to 18 provide some authority. 19 MR. M. L. CIOFFI: Yes, sir. I 20 would be happy to do that. Any other 09:34:53 21 bankruptcy related questions? But that is the 22 Black Letter Bankruptcy Law. The only court 23 with exclusive jurisdiction, the only court 24 that can enforce the judgment. 25 And the last point is the 09:35:07	Page 654 1 the conveyance documents. 2 As of April 1, 1976, personnel 3 files, everything else related to the personnel 4 records went to Conrail. We told them that 5 when we responded to their first request for 09:36:33 6 production of documents. We had no obligation 7 to tell them that, but we did. In fact, we 8 laid out the whole bankruptcy. And you can see 9 it here at the bottom of this letter on April 10 1, 1976, because we were hoping that they would 09:36:47 11 understand what was going on. 12 PANEL MEMBER LANSDOWNE: Is it your 13 position that they should have gotten it from 14 Conrail? 15 MR. M. L. CIOFFI: Absolutely. 09:36:55 16 PANEL MEMBER LANSDOWNE: Is that 17 what Exhibit 29 does, since it's a Conrail 18 document? 19 MR. M. L. CIOFFI: I don't -- no -- 20 I understand your question. 09:37:02 21 PANEL MEMBER LANSDOWNE: Well, you 22 said get the information from Conrail. Exhibit 23 29, you have sort of disparaged saying it's a 24 Conrail document, so I'm trying to understand. 25 MR. M. L. CIOFFI: Let's be clear. 09:37:12
Page 653 1 reorganized company cannot be sued, hasn't been 2 sued, can't be sued because there's an antisuit 3 injunction, as I pointed out in my opening 4 statement, that prohibits it from being sued. 5 So only Judge Fullam, and he said this in our 09:35:22 6 phone conversation, although I don't know if 7 Ms. Tricarichi remembers it or not, but he says 8 that he can't sue the reorganized company 9 unless I say you can sue the reorganized 10 company. No other court can change that. 09:35:34 11 I mentioned Dr. Rosen playing fast 12 and loose with the truth and so have the 13 Claimants. Every time an argument comes up, 14 they switch gears, they change it. And it's 15 like let's throw as much against the wall and 09:35:51 16 see what sticks. Nothing has stuck. Really, 17 if you look at this record, your hands are 18 tied. You can only deny their claims. 19 But let's look at a couple other 20 things. What are the issues of evidence? And 09:36:02 21 this is really galling because it's an insult 22 to me because I have been practicing for 30 23 years, never hid documents, never destroyed 24 documents, no one has ever accused me of that. 25 It's absurd. Absolutely absurd. We gave you 09:36:14	Page 655 1 Let me do the next slide because I think that 2 makes it clear. Their own witnesses always 3 knew where the documents were. You remember 4 Mr. Franz said -- "where the personnel records 5 that would have been in the possession of Penn 09:37:26 6 Central until at least 1976; isn't that 7 correct?" 8 "They should have been in the 9 record file from Penn Central to Conrail, they 10 were on their property." 09:37:34 11 And I asked Mr. Knapik. "And all 12 your personnel records, your social security 13 records, et cetera, went with Conrail, didn't 14 they?" 15 "Yes." 09:37:43 16 Mr. Gallagher. Now, this is very 17 interesting, because the records have always 18 been a mile from this courthouse in the car 19 department. These are the records, Mr. 20 Lansdowne, prior to '76, those are the records 09:37:57 21 going back in history. 22 PANEL MEMBER LANSDOWNE: This is 23 important to me, and I apologize for 24 interrupting because and I know that you 25 weren't involved in this case. I don't think 09:38:09

19 (Pages 652 to 655)

Page 656 1 back in '76 -- 2 MR. M. L. CIOFFI: No, I was not. 3 PANEL MEMBER LANSDOWNE: You were 4 just a young, aggressive lawyer. 5 MR. M. L. CIOFFI: I wasn't even a 09:38:18 6 lawyer in 1976. He looks pretty old but I'm 7 not that old. 8 PANEL MEMBER LANSDOWNE: I'm not 9 commenting on that. 10 In 1976, these four cases were 09:38:28 11 pending and had you been a lawyer, wouldn't you 12 have recommended to your client that they make 13 copies of the records that are involved in the 14 cases that are pending? 15 MR. M. L. CIOFFI: Nothing happened 09:38:41 16 to the records. All right. Nothing happened 17 to them. And their clients understand, the 18 records have always been in the car department. 19 What happened here is Penn Central went into 20 bankruptcy. It was failing. And Penn Central 09:38:58 21 was going to liquidate. Congress said no, we 22 are going to have these new entities, come in 23 and take over. Conrail took over, nothing 24 happened to the records. The records weren't 25 in some Penn Central warehouse. They weren't. 09:39:13	Page 658 1 that. No. Why? Because he ruled against us. 2 So finally, they got -- Judge 3 Oliver says, okay, let's reconstitute another 4 Panel. So we say okay. Let's just have one 5 Panel, more efficient, decide all the claims. 09:40:36 6 We are the ones who wanted finality quickly. 7 No, they wanted four different panels. You can 8 go look at the pleadings. Four different 9 panels. 10 So we argued to Judge Oliver, that 09:40:44 11 doesn't make any sense. He agreed with them. 12 So we constituted four panels, four neutral 13 arbitrators, four sets of panels, they started 14 conferring. I can't remember -- 15 CHAIRMAN STEINGLASS: I was the 09:41:00 16 neutral. 17 MR. M. L. CIOFFI: All of a sudden, 18 we get a call out of the blue saying oh, 19 nevermind. We fought you for years, we fought 20 to have these four panels, we just want one 09:41:09 21 panel. 22 We could have raised all kinds of 23 hell then and said this is crazy, they wasted 24 all our time, we could have gotten fees. I 25 mean really. That is totally absurd. We 09:41:21
Page 657 1 in Penn Central's possession. They weren't 2 kept somewhere, other than in the car 3 department and they have been there the whole 4 time. Is that clear? 5 PANEL MEMBER LANSDOWNE: Yes, it 09:39:24 6 is. 7 MR. M. L. CIOFFI: So I mean this 8 is, again, this is fast and loose with the 9 truth. It's a ruse. All they had to do is use 10 Civil Rule 45 and subpoena them. They are down 09:39:37 11 there right now. 12 There is another fast and loose 13 with the facts. That is that the delay and the 14 endless protracted litigation. What is 15 happening in the course of the litigation, 09:39:50 16 every time they present this and get to a 17 decision, they lose. All right. Blackwell 18 Panel ruled against them and that's caused 19 considerable delay after the Sixth Circuit 20 decision because they wrote a letter saying 09:40:03 21 let's go back to arbitration. We said yeah, 22 let's get -- while Mr. Blackwell is alive, 23 still alive. Under Judge Lambros' order, this 24 should have been reheard, this arbitration, in 25 front of his Panel. They wouldn't agree to 09:40:15	Page 659 1 didn't do that. We said okay, let's get this 2 over with. We knew the merits of the case. 3 Let's get it over with. And we went with one 4 Panel and that's why we are here. 5 I already went through Dr. Rosen 09:41:36 6 playing fast and loose with the truth; he got 7 caught. When experts get caught, they start 8 making things up. He made up Appendix E. 9 Appendix E slams the door. There is no 10 question about that. 09:41:51 11 One last ruse and this popped up in 12 Ms. Tricarichi's brief contra, and that is 13 well, what are they talking about? Look at all 14 these exhibits? Their own exhibits say that -- 15 they said to recall to work. Well, I'm sorry. 09:42:04 16 Recalled to work and reporting to work are two 17 different things. 18 And on direct examination, I don't 19 know if she expected Mr. Knapik to lie or what, 20 but she asked him about recalled to work or 09:42:17 21 reporting to work and he explained they are two 22 different things. And they are two different 23 things. 24 And what the Sixth Circuit said is, 25 when that February 25, 1968 notice came out, as 09:42:28

20 (Pages 656 to 659)

Page 660 1 a matter of law, they had to report to work 2 which means they had to say they were 3 available. Now, they didn't do that, as we 4 talked about earlier, because of their legal 5 position. All right. So they very consciously 09:42:42 6 didn't report to work and that's why, Professor 7 Steinglass, the Sixth Circuit decision is 8 binding on these Knapik Claimants and you have 9 to, as a matter of law following the Sixth 10 Circuit, dismiss their claims. 09:43:00 11 CHAIRMAN STEINGLASS: Only if we 12 accept your privity argument. You are talking 13 precedential? 14 MR. M. L. CIOFFI: Absolutely. The 15 Sixth Circuit is going to look at the record 09:43:11 16 and say, well it's the same situation, they 17 didn't report to work because of a legal 18 position, I mean they are going to rule from 19 the bench. 20 CHAIRMAN STEINGLASS: Your view is 09:43:23 21 we should ignore the comments in the Surface 22 Transportation Board -- 23 MR. M. L. CIOFFI: Absolutely. 24 CHAIRMAN STEINGLASS: -- because it 25 has never been subject to appellate review and 09:43:33	Page 662 1 MR. M. L. CIOFFI: Well, you are 2 the law professor and you asked me an exam 3 question here. And I guess it depends on what, 4 you know, what aspect of the agreement you are 5 talking about, but I think, as a general 09:44:52 6 principal, you are right, but there may be some 7 areas were state law -- but I don't know. I 8 mean we looked at it. 9 Nothing further. 10 CHAIRMAN STEINGLASS: Thank you 09:45:06 11 very much. I am sure we can go back and forth 12 on numerous issues, but I think that any issues 13 that need to be addressed at this point can be 14 addressed in the posthearing briefs. 15 I think we are clear on what the 09:45:22 16 schedule would be. 17 There was one additional exhibit 18 that got referenced today but was not put in 19 the record. I think it was some arbitration 20 testimony concerning -- I believe it was 09:45:41 21 Exhibit 29. If the parties would, at some 22 point before the end of this month, confer with 23 each other to decide which pages to designate, 24 I think that would simplify the matter. 25 I won't repeat the briefing 09:46:08
Page 661 1 because we have the right to make findings? 2 MR. M. L. CIOFFI: Three reasons. 3 You got two. Three reasons. Number one, it 4 wasn't a final decision. Number two, you get 5 to make findings and note. Number three, it 09:43:47 6 was cited before the Sixth Circuit definitively 7 interpreted the contract. Okay. 8 So now we have the Sixth Circuit 9 speaking on it and you have to follow the Sixth 10 Circuit. If you follow the Surface 09:44:03 11 Transportation rather than the Sixth Circuit, 12 I'm going to stand in front of the panel and 13 say I don't know why this Panel followed the 14 Surface Transportation Board instead of you, 15 Your Honor. I mean it's an easy call. You 09:44:11 16 have to follow the Sixth Circuit, not the 17 Surface Transportation Board. 18 CHAIRMAN STEINGLASS: There has 19 been citation various times to Ohio decisions, 20 but my assumption, and correct me if you 09:44:22 21 believe it's incorrect, is that interpretation 22 of federal -- of labor agreements that are 23 entered into under the aegis of federal labor 24 law are governed by federal law, rather than 25 state by state. 09:44:40	Page 663 1 schedule, but I think you know what it is. 2 What I want to do at this point is 3 thank counsel for their conduct in this 4 proceeding. I know this has been a case that 5 people have lived with for a long time. It's 09:46:22 6 obviously -- counsel and the parties feel 7 strongly about it and at some times there was 8 an interesting back and forth, but on bounds, I 9 want to commend the quality of work and 10 professionalism in the case. Your job is to 09:46:44 11 make our job easier and you have performed 12 appropriately and I was very, very pleased and 13 I assume I speak -- I assume the Panel is not 14 divided on what I just said. So unless there 15 is something else that has to be done, we will 09:47:00 16 conclude the hearing. 17 MS. TRICARICHI: Thank you, very 18 much 19 MR. M. L. CIOFFI: Thank you. 20 09:47:07 21 (The proceedings concluded at 9:47 a.m.) 22 ----- 23 24 25

21 (Pages 660 to 663)

1 CERTIFICATE

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Eva Petrone, do hereby certify
that as such Reporter I took down in Stenotypy
all of the proceedings had in the foregoing
transcript; that I have transcribed my said
Stenotype notes into typewritten form as
appears in the foregoing transcript; that said
transcript is the complete form of the
proceedings had in said cause and constitutes a
true and correct transcript therein.

Eva Petrone, Notary Public
within and for the State of Ohio

My commission expires February 1, 2008.

A	Acree's 639:7 641:1	agreement 585:20	630:13 633:21	585:14 586:10
abbreviated 588:7	Act 612:20	588:14 589:17,25	657:12 658:3	596:8 603:15
abide 591:2	action 618:6,15	594:1,4,7 600:24	answer 614:24	607:7,24 611:9,11
ability 598:17 604:8	actions 598:8	601:5,10,24 602:4	622:23 625:8,20	612:14 613:11
604:24	actual 612:11,12	602:7,9,17,18,23	633:3,5 648:6	615:6,9,10 617:8
able 596:15 615:18	actually 586:1	602:25 603:5,13	answered 623:12	630:9 657:21,24
615:25	587:21 593:4	612:24 613:3,8	answering 623:7	662:19
abolished 633:19	605:13 615:4	614:20,23,25	answers 587:4	arbitrator 613:1
634:11	add 608:19	615:11 619:13,25	624:2	arbitrators 658:13
abolishment 632:19	added 593:15	622:17 623:1,18	anticipation 597:19	area 621:10
abolition 596:22	addition 611:5	624:24 626:8	anticipatorily	areas 662:7
about 588:10,10,17	612:12	630:18 640:11	630:18	argue 599:21 600:4
589:4 590:4,6	additional 584:18	643:13,15,17	anticipatory 597:17	612:8 624:15
591:1,3,13,16	662:17	644:1 645:24	630:15 631:2	629:1 630:10
594:24 595:7	address 592:14	648:12 650:3	antisuit 653:2	632:8 650:6
596:14,17 597:23	604:20 607:13	662:4	anyone 635:15	argued 620:6
597:23 598:2,19	640:3,15	agreements 602:5	anything 589:4	628:22 658:10
600:3,9 606:4	addressed 598:4	603:10 613:2,15	605:5 609:3	arguing 611:24
607:19,22 608:1,4	623:23 662:13,14	634:25 661:22	611:13 639:20	620:9,12 627:22
610:19 611:20	addressing 613:12	al 580:3,6,9,12	anyway 609:15	644:14 649:23
615:7 616:17	adjust 645:25	albeit 599:1	apologize 655:23	650:19
622:5 624:16	adjusted 635:8	alive 657:22,23	apparently 589:3	argument 591:3
626:15,17 630:14	adjustment 589:21	allocate 602:11	595:13 597:4	593:18 597:17,22
631:12,25 632:4	640:10	allocation 608:25	598:24	600:23 607:17
635:4,5,15 639:8	adjustments 646:1	allowance 604:11	APPEARANCES	609:5,10 620:12
639:23 659:10,13	admission 607:8,25	611:24 633:15,16	581:1 582:1	622:20 623:16
659:20 660:4	622:3 629:8	633:17 634:9	appears 664:9	630:10,12,13,14
662:5 663:7	admitted 607:23	635:9,10,25 639:4	appellate 660:25	634:20 648:15,16
abrogated 600:25	advance 616:4,5,6	640:20,21 641:7	Appendix 610:3,11	653:13 660:12
601:6 603:4	advised 647:24	641:10,21 642:13	610:21,23 642:17	arguments 609:17
abrogates 602:4	aegeis 661:23	644:17,25 645:2	642:17,19,20,23	arises 648:14
absent 610:21	affect 623:2	646:20 647:24	642:25 643:3,4,7	around 595:5
absolutely 616:12	affected 625:5	649:2	643:9,20,20 644:5	arranged 589:21
622:22,23 626:19	627:11,16	allowances 598:22	645:20,25 648:16	Article 651:19
630:3 634:12	affidavit 585:13	616:1	648:23 659:8,9	aside 587:22 624:20
637:7,11 638:2,3	after 597:3 600:12	almost 625:9	apples 637:10,10	635:14 646:15
640:17 644:19	614:17,18 617:18	641:25	638:25,25 639:15	650:11
653:25 654:15	622:6 634:9	along 610:9	639:15,20,20	asked 609:24 621:1
660:14,23	637:10 638:15,24	already 623:11	641:5,5	628:23 633:1,4
absurd 653:25,25	639:3,18 641:3	659:5	applicable 601:24	634:1 639:6
658:25	647:7 657:19	altered 622:17	650:8	655:11 659:20
accept 596:1 609:14	afterwards 615:1	although 584:11	applied 604:2	662:2
660:12	637:1 648:11	653:6	630:17 649:6,7,8	asking 624:7
accepted 595:25	again 606:8 615:12	always 655:2,17	applies 620:15	asks 604:19
596:1 631:23	620:6 622:25	656:18	651:16	aspect 612:13
accordance 643:16	627:22 631:22	amount 589:17,20	apply 633:12	614:10 662:4
according 588:1	633:12 635:11	589:22 592:18	643:21,23 644:4	assault 618:21
accurate 610:6	657:8	593:1 611:3,17	649:4	619:2
accused 653:24	against 598:8	636:15	appreciate 592:24	assess 605:7
acknowledged	649:12 653:15	analogous 613:15	appropriately	assume 641:1
587:7	657:18 658:1	annual 608:18	663:12	649:25 663:13,13
acknowledging	aggressive 656:4	610:7	approved 589:24	assuming 590:18
600:18	ago 620:2	anomalous 647:16	approximately	611:21 641:7
Acree 585:18	agree 608:11 624:7	647:19	625:15	assumption 661:20
590:12 600:10	627:12 638:11	anomaly 648:14	April 654:2,9	attached 587:4
639:16 642:12	657:25	another 597:20	arbitration 580:1	611:10
647:5	agreed 658:11	603:8 605:10	580:15 584:7	attention 592:3,6

584:13,15 585:7 586:3,17,21 587:18,21 588:6,9 590:17 591:9,25 592:16,24 593:3,6 593:11 639:22 642:19 GROPPE 582:8 Groppe@blankro... 582:15 group 591:13 597:24 603:12 632:7 groups 586:6,7 grown 641:24 guarantee 606:1,8 606:21,22 636:16 637:13,14,16,22 637:23,25 638:2 644:23 646:4,6,16 648:20 guaranteed 638:7 guarantees 610:16 guess 623:19 662:3 guy 600:9 621:18 guys 598:9 602:10 602:14 626:22,24 627:4 633:24 635:10 G.V 580:12 H H 580:16 582:7 Hahn 581:19 hand 645:15 hands 615:8 653:17 hanging 595:5 happen 642:3 happened 596:17 618:22 621:14 622:11 628:17 632:17 634:4 635:6 656:15,16 656:19,24 happening 657:15 happens 592:2 624:18 happy 608:8,15 640:3 652:20 HART 581:20 having 610:6 621:19 heard 610:14 614:4 622:4 641:23 hearing 580:15 604:20 608:4 663:16	hearsay 631:14,24 632:16 heartstrings 648:2 heck 640:5 held 614:20 hell 658:23 help 615:16 644:5 hid 653:23 high 617:8,14 higher 589:6,8,9 605:14 608:20 him 596:17 621:1 621:17 633:4 634:13 636:5 639:18 642:7,12 642:20 644:5 659:20 Hine 591:15 history 648:9 650:25 655:21 hit 605:8 holds 633:18 home 633:19,22 634:2 honest 621:20 622:3 Honor 584:16 661:15 hoping 654:10 hospitalization 609:1 hours 609:24,24 637:21,21 638:23 639:1 641:7 643:6 648:17 huge 611:17 human 621:17 hypo 647:8,8,14 hypothetical 646:10 H.J 588:15 I ICC 615:2 idea 593:20 595:19 ideal 635:2 identification 584:4 identified 623:9 ignore 642:9 660:21 ignored 642:8 ignores 641:19 impact 642:13 impacted 620:19 implementing 603:9 603:13 implications 601:6 important 600:22 610:8,12 613:21 625:8 637:21	641:17 655:23 inappropriate 590:25 include 621:2,6 included 608:21 627:21 630:1 includes 602:5 including 651:3 income 605:25 640:22 641:11 647:21 incomplete 585:22 inconsistency 605:24 inconsistent 605:12 640:22 incorrect 661:21 indeed 608:5 621:9 647:17 indicate 590:15 indicated 584:12 indicates 584:25 587:1,5,13 588:11 591:19 594:15 596:19 603:21 indication 585:2 indictment 624:25 individual 605:5 644:23 647:21,23 647:24 information 606:21 606:22 607:2 608:1 654:22 informational 645:21 infraction 611:12 injunction 653:3 injured 632:10 instead 608:21 611:17 661:14 insult 653:21 interest 611:21,25 613:13 649:20,24 650:4,7,11,19,22 651:7 652:11 interesting 655:17 663:8 Interestingly 621:12 interplay 610:10 interpretation 623:21 661:21 interpreted 661:7 interrogatories 587:5 609:25 interrupt 593:19 interrupting 655:24	investigation 598:18,19 involved 655:25 656:13 involvement 627:9 involving 650:2 issue 587:8,12 592:21 597:25 598:1 604:8,20 607:13 608:6,17 616:17 618:7 622:15 623:8,11 627:10 issued 606:18 issues 614:10 653:20 662:12,12 IV 580:17 J J 580:6 581:20 585:13 Jack 585:18 January 589:14 JASON 582:8 job 596:22 604:12 610:15 623:3,4 625:22 626:9 633:11 634:18 635:1,2,2 643:13 643:17 663:10,11 jobs 595:11 596:20 596:21 597:12,13 602:10,12,24 603:2 620:18 621:15 622:12 626:25 627:4 632:20 634:19,19 634:21 635:11 Joseph 580:17 judge 614:3 615:6 618:11 619:6,7 620:2 621:11 627:17 628:13 635:18 649:8 651:18,21,22 652:1,8 653:5 657:23 658:2,10 judgment 652:1,24 judicial 613:10,11 621:11 July 600:11,15 jurisdiction 651:17 651:20,21,22 652:23 just 586:3 587:8,22 591:11 592:16 593:14 594:14	596:9,13 600:7 602:13 603:19 614:16 616:11 623:7,23 628:23 630:5 636:21 639:16 642:2 647:4,5,23 649:5 649:8 656:4 658:4 658:20 663:14 justify 616:1 K keep 617:17 kept 657:2 key 603:14 622:15 kind 598:6 611:14 622:19 kinds 608:25 651:2 658:22 Knapik 580:6 585:11 586:7 595:23 597:2 604:3 621:25 622:5 627:24 629:2 631:3,13,15 655:11 659:19 660:8 knew 655:3 659:2 know 605:18 611:16 616:15 620:5 622:11,13 633:7 634:1 635:23 637:2 638:8 640:13 645:22 649:22 653:6 655:24 659:19 661:13 662:4,7 663:1,4 knowledge 621:10 652:15 L L 582:5 590:20,23 614:7 617:22 618:4 620:1,5,10 620:13 622:22 623:10,25 624:5 624:15 626:19 627:17 628:9,19 629:21,24 630:3,8 630:24 634:5,12 634:23 637:6,18 638:1,10 640:1,12 640:17,24 641:12 644:19 645:3,7,10 646:7,11,22 647:1 647:18 648:5
---	--	--	--	---

649:3 650:5,23 651:14 652:19 654:15,19,25 656:2,5,15 657:7 658:17 660:14,23 661:2 662:1 663:19 labor 613:1 651:4 661:22,23 lack 592:2 laid 619:18 654:8 Lambros 606:18 618:11 620:2 621:11 627:18 628:13 635:19 649:8 657:23 language 602:3 603:14 610:19,20 641:20 642:8,11 643:5,24 Lansdowne 580:16 590:11,21 599:15 599:23 600:1 609:4 614:2 619:22 620:3 627:8,25 628:18 628:23 634:15 637:2 638:4 639:5 639:21 640:8 654:12,16,21 655:20,22 656:3,8 657:5 largest 650:25 last 591:23 593:8,9 603:20 639:13 643:8 652:25 659:11 later 592:6,9 631:8 632:23 latter 630:24 642:23 650:23 law 581:11 611:9 612:1,2,4 631:2 635:11,13,13 649:5,11 650:16 651:13,15,25 652:4,22 660:1,9 661:24,24 662:2,7 lawsuit 628:1 lawyer 656:4,6,11 least 592:8 603:1,1 605:7 609:6 611:4 611:13 622:19,24 623:4,23 629:1 631:18 638:12 655:6 leave 621:21	leaving 646:15 left-hand 588:18 592:4 legal 586:5 587:13 587:15,25 622:15 624:17 628:10,16 629:10,18 630:22 630:25 631:6,9,17 660:4,17 legitimate 628:16 less 604:13 634:21 638:16 639:3 641:4 646:12 647:11 lesser 606:9 Let 586:14 593:14 594:10 611:19 624:1 645:10 648:5 649:15 651:14 655:1 letter 585:8,16 589:15 600:8 606:23 607:3,4 634:10 650:16 651:12,15,25 652:4,22 654:9 657:20 letters 596:4 604:25 let's 614:1,13 620:16 624:20 625:25 628:17 632:14 635:17 640:24,25,25 641:1 643:4 644:12 647:5,7 649:25 653:15,19 654:25 657:21,22 658:3,4 659:1,3 level 604:12 613:25 lie 659:19 lifetime 610:15 like 584:18 587:11 596:9 611:14 623:20 633:6 635:4 652:15 653:15 likely 613:22 line 588:14 603:20 610:9 lines 605:11 liquidate 656:21 list 585:22 606:7 listen 617:1 listened 616:23,25 lists 589:11 litigation 606:15 611:8,14 657:14	657:15 little 591:7 602:7 633:8 636:17 637:15 639:23 644:14 lived 663:5 LLP 581:19 582:4 locations 601:21 Loeser 581:19 long 620:2 641:25 663:5 look 588:18 595:16 595:20,23 596:6 596:12,15 600:6 602:2 604:3,15,18 605:4 608:24 609:19 610:12,16 611:8,14 612:17 613:18 614:1 615:6,15,24 617:6 619:8,20 620:16 625:23 628:15 629:12 631:12 632:14 635:17 637:19 638:20 640:13 643:4,7 644:2 646:12 647:6,10 648:22 648:22 653:17,19 658:8 659:13 660:15 looked 633:6 662:8 looks 623:20 656:6 loose 642:5 644:8 653:12 657:8,12 659:6 lose 625:22 626:9 657:17 loss 618:14 619:12 620:16 623:3 632:10 635:21 643:25 649:9 lost 605:4 621:15 648:8 lot 592:13 596:7 597:23 607:25 614:9 646:12 lots 613:1 low 609:3 lower 592:4 604:12 lurking 645:12	623:10,25 624:5 624:15 626:19 627:17 628:9,19 629:21,24 630:3,8 630:24 634:5,12 634:23 637:6,18 638:1,10 640:1,12 640:17,24 641:12 644:19 645:3,7,10 646:7,11,22 647:1 647:18 648:5 649:3 650:5,23 651:14 652:19 654:15,19,25 656:2,5,15 657:7 658:17 660:14,23 661:2 662:1 663:19 made 605:17,18 650:14 659:8 maintained 587:14 maintaining 601:19 make 586:14 593:17 602:25 607:17 615:14 620:4 630:4 656:12 658:11 661:1,5 663:11 makes 642:11 655:2 making 659:8 management 600:8 manner 597:4 many 617:18 630:15 mark 581:12 592:3 611:15 marked 583:4 584:3 584:21 marking 594:25 Mark.d.griffin@... 581:17 matter 580:2 585:11,15 612:1,3 612:6 624:21 631:2 635:11,12 635:13 649:5,11 660:1,9 662:24 may 584:12 596:23 599:9 623:19 662:6 maybe 585:25 605:23 McNabb 616:25 McNeeley 586:9,23 594:23 621:17 mean 599:9 622:14 631:1 646:8	648:22 649:16,22 651:9 657:7 658:25 660:18 661:15 662:8 means 597:11 660:2 measure 612:10 Member 580:16,17 587:16,19 588:4,8 590:11,21 592:22 593:7 599:15,23 600:1 609:4 614:2 619:22 620:3 627:8 628:18 634:15 639:21 640:8 648:25 654:12,16,21 655:22 656:3,8 657:5 Members 618:5 men 594:16 602:12 614:20 mentioned 631:20 653:11 merger 588:13 589:16,24 590:8 592:9 594:1,3,7 612:19,20 613:8 613:13 619:16,19 620:18 621:16 622:6,16 623:1,2 623:18 624:23 625:9,12,16 626:8 627:2,11,16 638:15,17 639:3 639:18 645:24 648:9,11 650:2 merits 659:2 met 601:24 611:1 614:12 MICHAEL 580:6 582:5,6 Middleton 588:15 588:22 589:25 624:13 might 585:24 607:20,21 608:1 646:7 mile 655:18 million 624:10,10 624:22 625:1 minimum 636:15 minute 619:21 627:25 minutes 584:11 588:10 592:13 misdirection 643:19 misrepresentation
---	--	---	--	---

629:13 missed 595:12 moment 588:10 649:19 money 588:22 611:17 month 588:21,22 589:19 590:5 610:20 637:5 638:8 639:1,2,2 640:9,21 641:3,21 644:17,20,24,24 645:1 646:17 647:6,9,12,13,22 647:25 648:13 662:22 monthly 588:20 608:17,18,19 609:7,10,18 610:6 636:13,14,20,21 644:10,12 months 590:1,13,14 590:15 600:11,12 636:7,9,23,25 638:4,8,9,21 639:13,13,17,19 641:2,4,10 646:13 647:2 more 592:13 593:4 593:4 610:14 611:1,20 612:17 613:22 614:12 617:19 621:23 634:24 646:6 650:24 658:5 morning 584:7 morph 630:13 morphed 630:14 morphing 630:11 Morris 585:12 most 617:11 motion 587:1 mounds 617:5,5 move 649:15 moving 588:3 637:5 MPA 594:18 608:24 609:9 610:3,14,24 613:14 615:17,21 616:11 619:11 625:3,21 627:21 628:14,25 629:8 629:14 630:17 631:7 634:17,24 635:4,5,8 642:21 642:24 MPA's 618:8 much 605:14 607:1	633:7 653:15 662:11 663:18 must 604:12 635:19 N N 583:1 name 594:25 names 597:14 narrow 613:10 nature 593:18 need 621:2,6 636:20 650:16 662:13 needed 601:20 621:7 neutral 658:12,16 never 597:14 609:23 625:18 640:1,2,4,13 653:23,23 660:25 nevermind 658:19 new 585:16 588:12 625:25 626:1,6,22 627:1,3 629:3 631:6,15 656:22 next 587:11 588:11 588:14,24 590:6 591:10,25 616:9 616:15 624:1 655:1 nine 639:8,17 none 589:19 605:13 605:17 609:1 614:19 632:5 640:9 nonexistent 596:20 nonviability 630:22 Norris 596:13 Norris's 602:13 Northern 586:25 651:18 Notary 664:17 note 587:22 592:17 593:14 661:5 notes 664:8 nothing 634:25 635:3 653:16 656:15,16,23 662:9 notice 595:3 596:22 616:4,5,5,6 621:11 632:19 659:25 notified 634:10 November 624:13 number 593:10 594:2,4,6,19 605:2,3 606:9	616:16 619:5 620:17 621:3,6 623:17 624:19 637:5,25 638:2,7 639:1 643:6 648:17 661:3,4,5 numbers 606:16 608:19 615:19,22 633:8 numerous 662:12 N.W 581:6 O Object 590:20 objecting 590:22,23 642:6 obligation 654:6 obtain 633:20 obviously 663:6 occurs 638:15 off 597:15 598:9,20 619:18 651:13 offered 631:25 634:13 offers 632:20 offset 589:12 oh 624:9 631:25 658:18 Ohio 580:22 581:7 581:15,23 582:11 651:19 661:19 664:18 okay 600:1 602:11 602:21,25 603:3 607:15 628:13 633:25 641:15 646:25 647:15 651:11 658:3,4 659:1 661:7 old 656:6,7 older 602:14 Oliver 619:7 651:18 658:3,10 Oliver's 615:6 one 584:20,23 587:11 588:16 591:10,23,25 593:4,5,8 594:2 594:10,10,16 595:24 602:14,15 603:4 605:9,10 606:24,25 609:17 609:20 610:23 620:17 624:16 625:11 630:11,12 632:1,6,15 636:19 642:4 645:12	646:23 647:8 650:15 653:24 658:4,20 659:3,11 661:3 662:17 ones 585:1 613:3 658:6 only 589:3 593:3 601:20 607:18,19 609:13 615:20 616:12 628:2 631:13,24 632:6,9 632:16 639:17 641:12,18,21 646:22 647:10 648:12,14 651:21 651:25 652:22,23 653:5,18 660:11 open 622:3 opening 597:23 616:17 618:20 653:3 operation 627:2,3 633:23 opportunity 639:22 opposed 601:19 609:10 opposite 631:17 opposition 587:3 oral 593:18 627:18 order 586:14 604:18 606:19 614:8 651:5 652:3 652:9,9 657:23 ordered 615:10,11 orders 615:6 original 596:4 originally 628:24 632:11 other 585:1 592:15 594:23,23 600:25 606:25 608:25 610:1,2,18 612:18 612:21,22 613:23 614:10 616:3,21 619:16 623:17 624:6 626:9,14 628:7 629:25 635:16 639:16 644:7 646:1 648:18 649:17 652:4,20 653:10 653:19 657:2 662:23 otherwise 590:19 640:19 644:16 645:1 646:18,21 ourselves 591:23	out 596:9 607:23 608:22 616:21 620:23 630:11 633:7 636:5,19 641:7 645:13 647:5 648:8 653:3 654:8 658:18 659:25 over 603:24 624:10 624:22 647:3 651:17,20 656:23 656:23 659:2,3 overtime 608:21 own 605:11 614:16 615:14 621:12 652:15 655:2 659:14 owned 626:16 P package 648:7,19 packet 612:18 617:12 packets 596:5 page 587:5,12 588:1 588:24 589:13 596:16 603:8,21 pages 592:6,9 596:9 603:25 608:12,13 630:15 662:23 paid 589:23 590:1,5 624:9,22 625:1,2 636:8,13,14 panel 580:16,17 586:10 587:16,19 588:4,8 590:11,21 592:22 593:7 599:15,23 600:1 601:4 609:4 611:22 612:6 613:21 614:2 616:14 618:5 619:10,22 620:3 627:8 628:18 630:9 634:15 639:21 640:8 648:25 649:21,22 649:23 654:12,16 654:21 655:22 656:3,8 657:5,18 657:25 658:4,5,21 659:4 661:12,13 663:13 panels 658:7,9,12 658:13,20 Panel's 591:2 paragraph 602:3
--	--	---	--	--

649:3 650:5,23 651:14 652:19 654:15,19,25 656:2,5,15 657:7 658:17 660:14,23 661:2 662:1 663:19 labor 613:1 651:4 661:22,23 lack 592:2 laid 619:18 654:8 Lambros 606:18 618:11 620:2 621:11 627:18 628:13 635:19 649:8 657:23 language 602:3 603:14 610:19,20 641:20 642:8,11 643:5,24 Lansdowne 580:16 590:11,21 599:15 599:23 600:1 609:4 614:2 619:22 620:3 627:8,25 628:18 628:23 634:15 637:2 638:4 639:5 639:21 640:8 654:12,16,21 655:20,22 656:3,8 657:5 largest 650:25 last 591:23 593:8,9 603:20 639:13 643:8 652:25 659:11 later 592:6,9 631:8 632:23 latter 630:24 642:23 650:23 law 581:11 611:9 612:1,2,4 631:2 635:11,13,13 649:5,11 650:16 651:13,15,25 652:4,22 660:1,9 661:24,24 662:2,7 lawsuit 628:1 lawyer 656:4,6,11 least 592:8 603:1,1 605:7 609:6 611:4 611:13 622:19,24 623:4,23 629:1 631:18 638:12 655:6 leave 621:21	leaving 646:15 left-hand 588:18 592:4 legal 586:5 587:13 587:15,25 622:15 624:17 628:10,16 629:10,18 630:22 630:25 631:6,9,17 660:4,17 legitimate 628:16 less 604:13 634:21 638:16 639:3 641:4 646:12 647:11 lesser 606:9 Let 586:14 593:14 594:10 611:19 624:1 645:10 648:5 649:15 651:14 655:1 letter 585:8,16 589:15 600:8 606:23 607:3,4 634:10 650:16 651:12,15,25 652:4,22 654:9 657:20 letters 596:4 604:25 let's 614:1,13 620:16 624:20 625:25 628:17 632:14 635:17 640:24,25,25 641:1 643:4 644:12 647:5,7 649:25 653:15,19 654:25 657:21,22 658:3,4 659:1,3 level 604:12 613:25 lie 659:19 lifetime 610:15 like 584:18 587:11 596:9 611:14 623:20 633:6 635:4 652:15 653:15 likely 613:22 line 588:14 603:20 610:9 lines 605:11 liquidate 656:21 list 585:22 606:7 listen 617:1 listened 616:23,25 lists 589:11 litigation 606:15 611:8,14 657:14	657:15 little 591:7 602:7 633:8 636:17 637:15 639:23 644:14 lived 663:5 LLP 581:19 582:4 locations 601:21 Loeser 581:19 long 620:2 641:25 663:5 look 588:18 595:16 595:20,23 596:6 596:12,15 600:6 602:2 604:3,15,18 605:4 608:24 609:19 610:12,16 611:8,14 612:17 613:18 614:1 615:6,15,24 617:6 619:8,20 620:16 625:23 628:15 629:12 631:12 632:14 635:17 637:19 638:20 640:13 643:4,7 644:2 646:12 647:6,10 648:22 648:22 653:17,19 658:8 659:13 660:15 looked 633:6 662:8 looks 623:20 656:6 loose 642:5 644:8 653:12 657:8,12 659:6 lose 625:22 626:9 657:17 loss 618:14 619:12 620:16 623:3 632:10 635:21 643:25 649:9 lost 605:4 621:15 648:8 lot 592:13 596:7 597:23 607:25 614:9 646:12 lots 613:1 low 609:3 lower 592:4 604:12 lurking 645:12	623:10,25 624:5 624:15 626:19 627:17 628:9,19 629:21,24 630:3,8 630:24 634:5,12 634:23 637:6,18 638:1,10 640:1,12 640:17,24 641:12 644:19 645:3,7,10 646:7,11,22 647:1 647:18 648:5 649:3 650:5,23 651:14 652:19 654:15,19,25 656:2,5,15 657:7 658:17 660:14,23 661:2 662:1 663:19 made 605:17,18 650:14 659:8 maintained 587:14 maintaining 601:19 make 586:14 593:17 602:25 607:17 615:14 620:4 630:4 656:12 658:11 661:1,5 663:11 makes 642:11 655:2 making 659:8 management 600:8 manner 597:4 many 617:18 630:15 mark 581:12 592:3 611:15 marked 583:4 584:3 584:21 marking 594:25 Mark.d.griffin@... 581:17 matter 580:2 585:11,15 612:1,3 612:6 624:21 631:2 635:11,12 635:13 649:5,11 660:1,9 662:24 may 584:12 596:23 599:9 623:19 662:6 maybe 585:25 605:23 McNabb 616:25 McNeeley 586:9,23 594:23 621:17 mean 599:9 622:14 631:1 646:8	648:22 649:16,22 651:9 657:7 658:25 660:18 661:15 662:8 means 597:11 660:2 measure 612:10 Member 580:16,17 587:16,19 588:4,8 590:11,21 592:22 593:7 599:15,23 600:1 609:4 614:2 619:22 620:3 627:8 628:18 634:15 639:21 640:8 648:25 654:12,16,21 655:22 656:3,8 657:5 Members 618:5 men 594:16 602:12 614:20 mentioned 631:20 653:11 merger 588:13 589:16,24 590:8 592:9 594:1,3,7 612:19,20 613:8 613:13 619:16,19 620:18 621:16 622:6,16 623:1,2 623:18 624:23 625:9,12,16 626:8 627:2,11,16 638:15,17 639:3 639:18 645:24 648:9,11 650:2 merits 659:2 met 601:24 611:1 614:12 MICHAEL 580:6 582:5,6 Middleton 588:15 588:22 589:25 624:13 might 585:24 607:20,21 608:1 646:7 mile 655:18 million 624:10,10 624:22 625:1 minimum 636:15 minute 619:21 627:25 minutes 584:11 588:10 592:13 misdirection 643:19 misrepresentation
---	--	---	--	---

629:13 missed 595:12 moment 588:10 649:19 money 588:22 611:17 month 588:21,22 589:19 590:5 610:20 637:5 638:8 639:1,2,2 640:9,21 641:3,21 644:17,20,24,24 645:1 646:17 647:6,9,12,13,22 647:25 648:13 662:22 monthly 588:20 608:17,18,19 609:7,10,18 610:6 636:13,14,20,21 644:10,12 months 590:1,13,14 590:15 600:11,12 636:7,9,23,25 638:4,8,9,21 639:13,13,17,19 641:2,4,10 646:13 647:2 more 592:13 593:4 593:4 610:14 611:1,20 612:17 613:22 614:12 617:19 621:23 634:24 646:6 650:24 658:5 morning 584:7 morph 630:13 morphed 630:14 morphing 630:11 Morris 585:12 most 617:11 motion 587:1 mounds 617:5,5 move 649:15 moving 588:3 637:5 MPA 594:18 608:24 609:9 610:3,14,24 613:14 615:17,21 616:11 619:11 625:3,21 627:21 628:14,25 629:8 629:14 630:17 631:7 634:17,24 635:4,5,8 642:21 642:24 MPA's 618:8 much 605:14 607:1	633:7 653:15 662:11 663:18 must 604:12 635:19 N N 583:1 name 594:25 names 597:14 narrow 613:10 nature 593:18 need 621:2,6 636:20 650:16 662:13 needed 601:20 621:7 neutral 658:12,16 never 597:14 609:23 625:18 640:1,2,4,13 653:23,23 660:25 nevermind 658:19 new 585:16 588:12 625:25 626:1,6,22 627:1,3 629:3 631:6,15 656:22 next 587:11 588:11 588:14,24 590:6 591:10,25 616:9 616:15 624:1 655:1 nine 639:8,17 none 589:19 605:13 605:17 609:1 614:19 632:5 640:9 nonexistent 596:20 nonviability 630:22 Norris 596:13 Norris's 602:13 Northern 586:25 651:18 Notary 664:17 note 587:22 592:17 593:14 661:5 notes 664:8 nothing 634:25 635:3 653:16 656:15,16,23 662:9 notice 595:3 596:22 616:4,5,5,6 621:11 632:19 659:25 notified 634:10 November 624:13 number 593:10 594:2,4,6,19 605:2,3 606:9	616:16 619:5 620:17 621:3,6 623:17 624:19 637:5,25 638:2,7 639:1 643:6 648:17 661:3,4,5 numbers 606:16 608:19 615:19,22 633:8 numerous 662:12 N.W 581:6 O Object 590:20 objecting 590:22,23 642:6 obligation 654:6 obtain 633:20 obviously 663:6 occurs 638:15 off 597:15 598:9,20 619:18 651:13 offered 631:25 634:13 offers 632:20 offset 589:12 oh 624:9 631:25 658:18 Ohio 580:22 581:7 581:15,23 582:11 651:19 661:19 664:18 okay 600:1 602:11 602:21,25 603:3 607:15 628:13 633:25 641:15 646:25 647:15 651:11 658:3,4 659:1 661:7 old 656:6,7 older 602:14 Oliver 619:7 651:18 658:3,10 Oliver's 615:6 one 584:20,23 587:11 588:16 591:10,23,25 593:4,5,8 594:2 594:10,10,16 595:24 602:14,15 603:4 605:9,10 606:24,25 609:17 609:20 610:23 620:17 624:16 625:11 630:11,12 632:1,6,15 636:19 642:4 645:12	646:23 647:8 650:15 653:24 658:4,20 659:3,11 661:3 662:17 ones 585:1 613:3 658:6 only 589:3 593:3 601:20 607:18,19 609:13 615:20 616:12 628:2 631:13,24 632:6,9 632:16 639:17 641:12,18,21 646:22 647:10 648:12,14 651:21 651:25 652:22,23 653:5,18 660:11 open 622:3 opening 597:23 616:17 618:20 653:3 operation 627:2,3 633:23 opportunity 639:22 opposed 601:19 609:10 opposite 631:17 opposition 587:3 oral 593:18 627:18 order 586:14 604:18 606:19 614:8 651:5 652:3 652:9,9 657:23 ordered 615:10,11 orders 615:6 original 596:4 originally 628:24 632:11 other 585:1 592:15 594:23,23 600:25 606:25 608:25 610:1,2,18 612:18 612:21,22 613:23 614:10 616:3,21 619:16 623:17 624:6 626:9,14 628:7 629:25 635:16 639:16 644:7 646:1 648:18 649:17 652:4,20 653:10 653:19 657:2 662:23 otherwise 590:19 640:19 644:16 645:1 646:18,21 ourselves 591:23	out 596:9 607:23 608:22 616:21 620:23 630:11 633:7 636:5,19 641:7 645:13 647:5 648:8 653:3 654:8 658:18 659:25 over 603:24 624:10 624:22 647:3 651:17,20 656:23 656:23 659:2,3 overtime 608:21 own 605:11 614:16 615:14 621:12 652:15 655:2 659:14 owned 626:16 P package 648:7,19 packet 612:18 617:12 packets 596:5 page 587:5,12 588:1 588:24 589:13 596:16 603:8,21 pages 592:6,9 596:9 603:25 608:12,13 630:15 662:23 paid 589:23 590:1,5 624:9,22 625:1,2 636:8,13,14 panel 580:16,17 586:10 587:16,19 588:4,8 590:11,21 592:22 593:7 599:15,23 600:1 601:4 609:4 611:22 612:6 613:21 614:2 616:14 618:5 619:10,22 620:3 627:8 628:18 630:9 634:15 639:21 640:8 648:25 649:21,22 649:23 654:12,16 654:21 655:22 656:3,8 657:5,18 657:25 658:4,5,21 659:4 661:12,13 663:13 panels 658:7,9,12 658:13,20 Panel's 591:2 paragraph 602:3
--	--	---	--	--

643:8 parentheses 591:20 Parks 581:19 parol 640:7 part 584:16 597:24 607:6 627:19 642:20 644:15 646:23 particular 609:24 613:3 623:22 624:19 625:3 650:9 652:8 particularly 613:4 parties 662:21 663:6 partners 625:12 passenger 616:10 616:20,25 620:20 621:2,5,23 625:13 625:14,17 626:18 past 617:17 pay 589:6,8,9 604:13 616:1 628:12 633:5,10 635:22 639:1,18 paycheck 633:8,9,9 paying 589:7 592:7 payment 589:22 590:15 618:15 PCTC 587:10 peculiar 650:20 652:17 pending 656:11,14 Penn 580:4,7,10,13 587:2,6,14 589:13 591:14 592:10 618:18 624:9,25 628:2,4 630:16 632:20 650:20 655:5,9 656:19,20 656:25 657:1 Pennsylvania 588:12 625:11,14 625:18 626:1,5,24 627:4 people 590:4 595:18 600:6 602:24 603:1 617:13,20 625:2 627:11 648:1 663:5 per 647:6 percent 602:12,17 626:16 perfect 639:16 perform 647:14 performed 644:17 663:11	performs 641:22 647:12,13 648:13 perfunctory 611:16 perhaps 593:21 596:10 619:6 643:1 647:16 652:9 peril 629:7 period 588:20 589:22 594:17 597:2,6 638:22 647:4 permit 599:1 permitted 597:19 651:22 person 590:19 640:19 personnel 587:6 594:12 595:16,17 606:12 654:2,3 655:4,12 Petrone 580:25 664:4,17 phase 584:9 phone 650:15 653:6 photographs 619:1 phrase 600:24 physical 600:10 piece 584:17 place 627:14 placed 594:8 604:14 617:13 619:15 Plaintiffs 580:3,6,9 580:12 581:3 583:3 584:2,22 587:2 610:25 614:11 618:12 635:18 played 586:10 playing 642:5 644:8 653:11 659:6 pleadings 658:8 pleased 663:12 plus 594:15 637:20 637:21 PNC 582:9 point 591:6 596:9 622:15 626:10 627:6 636:19 638:18,19,24 646:13,14 647:2,7 648:10 649:1,21 652:25 662:13,22 663:2 pointed 636:5 653:3 popped 659:11 portion 606:2	position 594:8 601:8,20,23 604:14 610:3 614:6,14,14,21 617:14 618:13 619:15 623:23 626:14 627:13,15 627:18,20 628:1,2 628:3,8,10,10,16 629:10 631:4,7,9 631:17 633:18,22 633:22 634:11 635:20 640:23 646:17 649:21 650:6,17 652:6,13 654:13 660:5,18 positions 589:6,7,9 589:11 633:24,25 possession 655:5 657:1 posthearing 607:14 622:25 636:3 662:14 Potosky 585:14 power 649:24 650:4 practicing 653:22 prebrief 603:8 precedential 660:13 preceding 636:7,9 636:25 638:7,20 646:13 precluded 609:11 630:12 precludes 629:7 635:12 650:21 652:10 predates 627:9 predisplacement 641:14 prejudgement 649:20,24 650:4,7 650:11 652:11 prejudgment 611:21,25 613:13 650:19,22 preparation 606:17 preponderance 611:4 present 593:24 594:3,17 619:24 622:18 657:16 presented 607:9 preservation 643:10 pressed 642:7 presuppose 597:18 pretrial 598:4	pretty 656:6 prevail 642:23 primarily 597:22 principal 651:8 662:6 principals 651:15 prior 585:10,12,14 586:11 587:24 596:10 602:5 636:22 637:15 638:17 639:12 647:2 655:20 privity 660:12 probably 607:13 608:20 632:12 procedure 590:7,25 594:24 595:4,15 proceeding 584:8 584:10 585:11 603:16 638:4,9 649:25 650:1,21 652:8,17 663:4 proceedings 586:25 595:9 604:2 651:18,23 663:21 664:6,11 produce 587:2 produced 591:14 594:13,14 609:19 producing 589:6,9 production 654:6 professionalism 663:10 professor 593:16 624:4 625:21 648:15 660:6 662:2 prohibited 650:18 prohibits 653:4 promise 614:17,18 617:18 proof 603:15 643:25 proper 589:20 property 655:10 protect 649:14 protected 589:17 protection 588:13 589:25 590:8 592:9 594:1,3,7 612:19,20 613:13 622:16 623:1,18 624:23 625:22 626:8 643:13,17 645:24 650:2 Protective 589:16 613:8 643:14	protracted 657:14 proud 626:21 prove 615:16 620:15 649:9 proven 593:24 594:2 604:23 605:3 617:5 provide 615:3 652:18 provided 585:14 587:23 641:13 652:12 provides 615:11 647:17 648:3 provision 616:3 provisions 643:14 643:16 Public 581:21 664:17 pulled 598:9 pulling 648:2 punitive 628:12 purely 631:14 purposes 584:4 619:24 pursuant 594:6 643:13 put 585:25 586:2 591:5 600:7 602:13 613:17 614:15 616:20 624:20 662:18 putting 635:14 650:11 P.V 592:21 Q quality 663:9 question 590:3,13 590:22 599:8 603:8 611:20 619:9 623:7,15,25 624:2,4,8 625:9 625:20 627:24 628:23 629:20 644:10 648:2 654:20 659:10 662:3 questions 584:12 624:7 649:17 652:21 quickly 584:19 658:6 quit 632:23,23 quote 629:4 quotes 618:17
--	---	--	--	---

R	record 587:22 595:14 597:4 607:20 627:19 645:15 653:17 655:9 660:15 662:19	remembered 617:1 remembers 653:7 reorganization 652:2 reorganized 653:1 653:8,9 repeat 662:25 repeatedly 595:18 report 597:3,5,7,10 599:16,20 600:17 615:24 629:2,5,10 631:5,16 660:1,6 660:17 reported 612:25 620:6 628:19 631:15 632:2,2,3 reporter 613:1 620:22 664:5 reporting 598:17 659:16,21 reports 605:5 representative 607:8 repudiated 631:7 request 587:24 654:5 requested 634:9 require 611:13 619:10,11 required 616:8 619:13 requirement 601:25 618:9 620:17 622:18,20 635:18 642:25 requirements 619:14 requires 601:10 639:11 resolution 589:14 592:11 respond 595:8 639:24 responded 654:5 response 622:3 624:17 responses 624:16 rest 589:23 626:23 result 626:2 633:19 635:6 648:8 retained 587:25 Retirement 594:11 605:9,16,18 return 584:25 585:1 604:7,12 returning 596:19 review 613:10	660:25 reviewed 613:23 619:4,5,6,7 reviewing 644:2 rides 643:1 right 593:2 598:24 599:11,11,21,24 599:25 602:2 624:10 625:7 626:1,8 627:22 629:1 630:25 632:19 635:23 636:2,17,24 638:3 639:14 641:5 642:17,21 643:3,5 645:16 646:2,4 647:3,9 648:7 651:4 656:16 657:11,17 660:5 661:1 662:6 rights 600:3,5 620:7 628:20 631:24 632:4 633:21 Rjhart@hahnlaw... 581:25 road 633:19,22 634:2 Robert 580:3 586:9 586:23 Rockport 595:22 Rome 582:4 room 591:15 Rosen 590:3,13 605:23 609:8 610:5,10,22 612:10 635:22 636:6 638:11 639:6,9 641:17,18 641:24 642:6 643:11 644:3,11 653:11 659:5 Rosen's 605:5 615:15 648:15 roster 597:14 598:10,20 599:12 rosters 597:15 615:1 RPR 580:25 rule 635:13 649:11 657:10 660:18 ruled 657:18 658:1 rules 594:9 ruling 591:2 615:2 ruse 636:17 643:18 657:9 659:11	salary 645:19 same 595:10 628:7 628:22 630:10 633:5,10 639:1,1 660:16 sat 591:14 satisfied 618:23 satisfy 616:4 satisfying 635:3 saw 602:10 621:17 642:10 saying 599:16,18 601:18 604:10 616:5 621:20 623:8 625:5 626:13 628:21 654:23 657:20 658:18 says 585:20 588:12 588:18 589:2,5,20 592:4 602:14 610:16 614:8,23 614:24 615:16,18 618:10 623:1 629:7 631:1 633:13 636:21 637:19 641:22 643:5,9,11,21 645:25 647:9 648:16 649:8 653:7 658:3 schedule 662:16 663:1 Scheper 605:1 scope 613:10 screen 625:7 scribbling 645:16 seals 644:5,6 649:14 searched 634:23 second 584:23 615:4,5 629:12 section 587:12 589:10,20 603:20 633:12 635:12,24 635:24 643:14 647:9 security 605:8 655:12 see 588:19,25 589:16 591:18 602:13,23 608:11 612:13 614:13 615:19 626:25 641:14 643:8 648:4 653:16 654:8 seem 647:20
R 580:16 585:8 rail 621:2,5 625:17 railroad 589:11 594:11,13 598:7 598:24 599:8,17 600:9 601:9 604:21 605:6,9,16 605:17 607:8 609:14 625:11,14 625:18,24 626:2,5 626:24 627:12,15 627:20 631:16 644:18 646:19 railroad's 605:11 Railway 603:11 raised 590:3 623:11 658:22 RANDY 581:20 rank 640:6 rate 589:8,9,17 633:5,10 rates 589:6 608:18 rather 661:11,24 rationale 601:18 reach 595:1 read 587:11 591:23 645:20 ready 593:14 618:2 reality 621:14 realize 627:8 really 591:5 592:12 597:8 598:1,15 602:2 604:7 606:15 614:15,16 617:17,19 622:16 626:13 627:10,15 653:16,21 658:25 reason 602:6 619:16 625:10 629:9 637:7 639:14 reasons 616:7 624:20 625:16 661:2,3 rebutted 621:9 recall 595:3,25 596:1,1,3 636:5 642:7 659:15 recalled 659:16,20 received 623:17 receives 639:2 receiving 638:16 Recess 618:1 recommended 656:12 reconstitute 658:3	records 587:15 594:12,12 595:13 595:13,16,18 609:12,18,20 654:4 655:4,12,13 655:17,19,20 656:13,16,18,24 656:24 recover 635:14 recovery 629:8 redirected 642:20 reduce 621:3,6 reference 594:8 651:12 referenced 662:18 references 650:14 referring 598:6 630:2 refused 632:17 regard 604:6 regarded 633:13 regarding 585:17 regardless 601:13 601:17 reheard 657:24 reject 630:21 631:3 631:10,19 rejected 630:19 634:13 relate 613:5 related 590:2 612:21 652:21 654:3 relates 587:8,24 relatively 613:10 relatives 594:24 relayed 652:14 relevance 616:12 relevant 614:15 624:18 reliable 605:21 606:2,10 relied 629:12 relying 652:16 remand 604:18 remarks 589:20 593:17 remember 594:21 629:4 633:1 638:10 639:6 655:3 658:14	remembered 617:1 remembers 653:7 reorganization 652:2 reorganized 653:1 653:8,9 repeat 662:25 repeatedly 595:18 report 597:3,5,7,10 599:16,20 600:17 615:24 629:2,5,10 631:5,16 660:1,6 660:17 reported 612:25 620:6 628:19 631:15 632:2,2,3 reporter 613:1 620:22 664:5 reporting 598:17 659:16,21 reports 605:5 representative 607:8 repudiated 631:7 request 587:24 654:5 requested 634:9 require 611:13 619:10,11 required 616:8 619:13 requirement 601:25 618:9 620:17 622:18,20 635:18 642:25 requirements 619:14 requires 601:10 639:11 resolution 589:14 592:11 respond 595:8 639:24 responded 654:5 response 622:3 624:17 responses 624:16 rest 589:23 626:23 result 626:2 633:19 635:6 648:8 retained 587:25 Retirement 594:11 605:9,16,18 return 584:25 585:1 604:7,12 returning 596:19 review 613:10	660:25 reviewed 613:23 619:4,5,6,7 reviewing 644:2 rides 643:1 right 593:2 598:24 599:11,11,21,24 599:25 602:2 624:10 625:7 626:1,8 627:22 629:1 630:25 632:19 635:23 636:2,17,24 638:3 639:14 641:5 642:17,21 643:3,5 645:16 646:2,4 647:3,9 648:7 651:4 656:16 657:11,17 660:5 661:1 662:6 rights 600:3,5 620:7 628:20 631:24 632:4 633:21 Rjhart@hahnlaw... 581:25 road 633:19,22 634:2 Robert 580:3 586:9 586:23 Rockport 595:22 Rome 582:4 room 591:15 Rosen 590:3,13 605:23 609:8 610:5,10,22 612:10 635:22 636:6 638:11 639:6,9 641:17,18 641:24 642:6 643:11 644:3,11 653:11 659:5 Rosen's 605:5 615:15 648:15 roster 597:14 598:10,20 599:12 rosters 597:15 615:1 RPR 580:25 rule 635:13 649:11 657:10 660:18 ruled 657:18 658:1 rules 594:9 ruling 591:2 615:2 ruse 636:17 643:18 657:9 659:11	salary 645:19 same 595:10 628:7 628:22 630:10 633:5,10 639:1,1 660:16 sat 591:14 satisfied 618:23 satisfy 616:4 satisfying 635:3 saw 602:10 621:17 642:10 saying 599:16,18 601:18 604:10 616:5 621:20 623:8 625:5 626:13 628:21 654:23 657:20 658:18 says 585:20 588:12 588:18 589:2,5,20 592:4 602:14 610:16 614:8,23 614:24 615:16,18 618:10 623:1 629:7 631:1 633:13 636:21 637:19 641:22 643:5,9,11,21 645:25 647:9 648:16 649:8 653:7 658:3 schedule 662:16 663:1 Scheper 605:1 scope 613:10 screen 625:7 scribbling 645:16 seals 644:5,6 649:14 searched 634:23 second 584:23 615:4,5 629:12 section 587:12 589:10,20 603:20 633:12 635:12,24 635:24 643:14 647:9 security 605:8 655:12 see 588:19,25 589:16 591:18 602:13,23 608:11 612:13 614:13 615:19 626:25 641:14 643:8 648:4 653:16 654:8 seem 647:20
			S	

seems 597:17 622:15 623:19 647:16 seen 640:2,2,4,14 sending 600:10 seniority 592:2 594:6,21 604:9,10 604:22,24 620:7 628:20 631:24 632:4 633:21 sense 658:11 sent 595:3 652:3 sentence 629:12 separate 606:4 separately 636:12 separation 604:11 611:24 633:17 634:9 635:9 September 585:19 sequence 605:1 series 605:1 614:17 served 625:12 service 590:2,16 616:10 621:2,6 625:15,17 626:18 session 624:6 set 584:21 598:18 617:23 636:1 sets 658:13 seven 597:24 630:1 several 625:13 636:18 severe 616:24 shifted 603:14 shifts 603:21 Shop 585:20 show 591:11 595:12 595:14,18,21,25 611:1 615:21 620:23 624:1 showed 611:15 615:1 showing 599:12 611:7 shown 615:23 shows 597:4 609:20 610:3 640:9 side 584:11 588:25 589:1,2 605:6 signed 645:24 significance 592:15 634:16,20 significant 588:16 623:17 similarly 592:19 simplify 662:24 simply 586:24 587:1	587:5,13 590:2 592:18 593:1 since 639:21 654:17 single 595:24 sir 623:10 626:20 627:17 637:6,11 652:19 situation 641:14 660:16 six 591:16 600:11 634:9 Sixth 604:16,17,18 618:6,10 619:7 629:3,6 630:19 631:1 657:19 659:24 660:7,9,15 661:6,8,9,11,16 slams 659:9 slide 624:1 647:11 655:1 smile 621:19 snows 642:2 social 605:8 655:12 Sohio 632:24 some 592:15 597:19 603:1 605:12 607:21 609:6 610:9 611:22 613:23 617:11 619:16 623:3,3,16 624:24 626:4 628:14 639:6 641:10 647:23 648:19 651:8 652:18 656:25 662:6,19,21 663:7 somehow 622:17 628:25 648:16 someone 619:18 624:18 something 584:13 592:6 597:18 612:7 613:6 619:19 635:6 641:16 648:22 650:20 652:9,10 652:16 663:15 sometimes 633:6 somewhere 657:2 son 641:24 Sophner 580:12 594:23,24 603:12 631:22 632:7 sorry 587:17 590:21 619:22 645:9 659:15 sort 593:20 623:3,3	624:24 631:8 636:20 645:22 648:19 649:16 654:23 source 630:6 so-called 607:3 speak 663:13 speaking 661:9 specific 613:3 650:24 specifically 602:4 604:3,19 609:23 611:21 612:19,23 613:7,14 643:21 645:25 Square 581:21 stand 596:23 601:10,13 629:15 629:16 661:12 standard 588:17 617:7,9,14 start 659:7 started 632:18,22 632:24 658:13 starts 642:6 state 661:25,25 662:7 664:18 statement 618:20 653:4 stay 651:24 stayed 651:24 STB 617:6 steady 595:11 Steimle 596:16 Steimle's 604:4,4 Steinglass 580:16 584:6 586:13,19 590:18 591:6,22 592:12 593:2,5,13 593:17,21 597:1 597:16 598:3,12 598:23 599:7 600:22 601:4,11 601:14,22 602:16 602:21 603:3,7,23 605:22 606:6,13 606:20 607:1,11 607:16 608:3,10 611:19 612:5,16 613:9,18 617:21 617:24 618:2 620:8,11 622:14 623:6,13 624:3,12 625:21 626:12 628:6 630:5,20 632:25 634:3,8 637:4,12,24 638:6	640:15,18 641:9 644:9,22 645:5,8 646:5,9,14,25 647:15,20 649:15 650:13 651:11 652:6 658:15 660:7,11,20,24 661:18 662:10 Stenotype 664:8 Stenotypy 664:5 step 636:4,4,6,11,24 637:19 638:11 641:18 Steven 580:16 STEWART 582:7 Stewart@blankr... 582:14 sticks 653:16 still 600:14,19,20 615:3,5 640:10 644:13 657:23 stipulating 619:23 Stokes 580:20 stood 628:22 645:23 strategy 629:18 Street 582:10 strongly 663:7 structure 651:5 structures 651:3 stuck 653:16 stuff 589:4 607:25 subject 591:3 595:9 598:22 604:1 660:25 submit 584:18 590:9 617:16 submitted 587:10 588:23 596:6,14 608:14 611:6 subpoena 657:10 subsection 588:1 subsequent 595:15 subsequently 597:5 subset 591:16,17 subsidiaries 627:21 628:7 subsidiary 626:16 substantive 623:7 sudden 658:17 sue 653:8,9 sued 628:5,11,12 653:1,2,2,4 sufficiently 618:8 suggested 623:15 suggests 640:19 Suite 581:6,14,22 summary 611:16	652:14 Superior 580:21 581:6,13 supplement 608:7 support 618:13 635:20 supposed 589:4 600:16 sure 586:14 592:16 620:4 640:4 642:2 662:11 Surface 617:9 660:21 661:10,14 661:17 surprise 632:9 suspect 607:11 switch 653:14 switching 626:3 switchmen 625:25 626:2 system 585:17 626:23 T table 650:14 take 588:9 591:24 593:19 598:8,20 617:22,24 621:11 627:15 628:2 636:22 638:19,21 638:23 639:16 647:1,3 656:23 taken 580:20 591:7 618:1 629:11 taking 626:5 627:4 633:7 652:7 talk 588:10 590:6 608:11 talked 597:22,23 598:1,19 600:3 610:19 660:4 talking 600:9 606:4 659:13 660:12 662:5 talks 596:14,17 Tannenbaum 585:6 TCU 613:5 technical 624:17 telephone 652:14 tell 597:10 607:19 612:23 619:2 634:25 640:5 642:1 645:11 646:23 651:14 654:7 tells 632:16 ten 597:2 622:24
--	--	--	--	--

tended 605:23	610:1,2 620:25	658:24 663:5	608:15 609:16	underlying 630:21
tens 651:1	628:22 630:10	timecard 584:23	612:2,9,22 613:16	Underneath 585:20
tension 623:20	645:12	585:6	613:20 614:5,9	understand 588:8
Terminal 621:22	things 588:16 594:2	timecards 584:21	620:6 627:22	612:3 621:13,14
625:19	607:23 609:2	594:13 595:20,24	628:21 629:19,22	625:8 626:21
Terminals 585:9	630:11 642:3	595:24 600:20	629:25 642:16	646:15 647:16,19
terminate 598:20	653:20 659:8,17	timely 597:4	643:2 653:7	650:17 654:11,20
598:25	659:22,23	times 634:24 661:19	663:17	654:24 656:17
terminated 598:10	think 585:24 592:13	663:7	Tricarichi's 622:4	Understanding
598:13,21	594:14 597:9,21	today 628:22	628:5 659:12	613:9
terms 584:10 594:7	598:5 602:2,3,8	662:18	tried 593:17 596:18	understood 639:9
648:12	603:20,25 606:3,6	told 595:1,6 616:23	638:12	643:2
terribly 643:18	606:13,14,16,24	618:20 642:16	tries 616:2	undo 631:8
testified 595:6,7	607:5 608:6,13	654:4	trouble 642:4	undoubtedly
604:25 620:21	609:4 610:8,12,21	Tomain 580:17	true 664:12	604:13
626:20 632:1,6	610:22 612:9	587:16,19 588:4,8	trumps 642:23	unemployed 648:21
634:6	613:16,20 614:11	592:22 593:7	truth 624:6,21	unemployment
testifying 591:1	617:1,4 623:11	648:25	644:8 653:12	648:6,19,20
testimony 591:5	624:1 638:12	top 588:12 589:1	657:9 659:6	union 585:9 613:5
594:11,15,22	639:9,24 645:11	600:23 601:5,9,23	try 584:19 615:25	621:21 625:19
595:10 596:7,8,13	650:15 655:1,25	602:5,17,19 603:6	648:5	628:3,4,11
596:16,24 602:13	662:5,12,15,19,24	647:10	trying 588:5,7	unless 653:9 663:14
603:25 604:1,4,4	663:1	total 588:21 589:18	646:15 648:3,7	unlike 626:23
604:5 607:24	third 589:13 615:13	636:7,8,12,12,22	654:24	until 655:6
608:4 610:14	THOMAS 582:7	638:21,23 639:7	turn 619:1	unusual 591:12
617:2,2,12 625:6	Thompson 591:15	639:12 640:9	twice 586:4 604:16	use 589:3 605:14,20
626:17 627:6	though 595:10	totally 621:20	two 588:10 592:6,9	624:24 636:6
634:18 636:1	614:25 636:24	626:21 658:25	593:4 594:4,19	644:11 647:4,7
639:23 662:20	652:7	traffic 620:20	605:2 606:4	657:9
thank 584:15	thought 614:3	trainman 588:16	609:16 610:5	used 592:18 605:10
593:12,13 603:23	637:12,15 645:8	trains 621:24	624:16 642:3,6	605:13 625:18
617:21 618:4	thousand 605:19	625:13	659:16,21,22	636:15
628:18 662:10	thousands 651:1,1	transcribed 664:7	661:3,4	useful 652:16
663:3,17,19	three 588:11 590:13	transcript 585:10	two-fold 612:25	uses 646:3
their 594:5,21	594:2,6 605:3	586:8,23 620:23	type 610:4	using 610:7
595:23,24 596:22	661:2,3,5	620:24 664:7,9,10	types 613:2	usually 611:12
597:14 598:24	threw 651:13	664:12	typewritten 664:8	utility 632:18,20,22
599:10,11 600:3,5	through 583:4	transferred 588:2		633:25 634:1,13
600:20 601:17,19	584:3,19 590:12	transportation	U	634:18
604:9,22,24,24	593:15 596:19	588:13 592:10	unable 633:20	
611:1,2 614:12,16	613:4 635:8,9	609:1 617:9	unavailable 592:25	V
614:24 615:14	659:5	660:22 661:11,14	unchallenged 627:7	values 609:3
616:12 617:2,15	throw 645:13	661:17	unclean 615:8	various 661:19
621:12,15 625:22	653:15	traumatic 619:20	under 589:5,16,24	venue 599:2
626:15,24 627:4	tied 653:18	trial 606:18 611:10	591:20 593:25	versa 626:7
629:7,9 631:10,17	till 648:23	613:17	594:3,18 597:11	versus 608:17 609:7
632:3 644:5,6	time 587:7 591:19	tribunals 619:5	612:20,21,22,23	642:25
648:15 649:14	595:17 596:25	Tricarichi 581:4,5	613:14,15 615:17	very 603:20 605:12
653:18 654:5	597:2,6 602:3	585:5,24 593:9,16	615:21 622:18	610:13 611:3,13
655:2,10 656:17	609:21 615:8,12	593:22 597:8,21	623:18 624:23	616:24 617:8,8,14
659:14 660:4,10	615:12,12,25	598:5,14 599:3,10	625:2 629:8	624:17 625:8
663:3	616:2 617:17,25	599:22,25 600:2	633:11 634:17	626:21 629:17,17
theirs 588:6	622:9,12 629:11	601:2,8,12,16	635:12 638:20	631:18 641:16
themselves 621:13	632:12 636:8,13	602:1,19,22 603:6	640:11 644:1	651:2 655:16
theory 630:23,25	636:14 638:20	603:18,24 606:3	647:14 648:12	660:5 662:11
thereof 586:23	641:25 650:25	606:11,14,24	650:3,8 657:23	663:12,12,17
thing 607:18,20	653:13 657:4,16	607:5,15,18 608:8	661:23	viability 630:22

viable 630:25	607:2,6 645:18	625:24 643:1	wrong 640:11 646:2	08:12:05 586:5
vice 626:6	Weinman 620:21	646:24 654:8	646:10	08:12:22 586:10
video 586:8	625:7	657:3	wrote 657:20	08:12:35 586:15
videotape 621:18	Weinman's 626:17	witness 642:3		08:12:53 586:20
videotaped 586:22	627:6	witnesses 642:1	X	08:13:09 586:25
view 606:1,10	well 591:7 598:3	655:2	X 583:1	08:13:24 587:5
660:20	601:8 603:18	WJPA 610:11		08:13:50 587:10
volume 580:17	615:4 616:10,20	622:19 633:12	Y	08:14:09 587:15
637:8,9	625:16 628:3	634:24 635:24	yard 595:19 596:21	08:14:25 587:25
voluminous 617:11	631:25 633:6	642:22 643:1,20	600:17 601:19	08:14:39 588:5
voluntarily 592:25	637:18 640:12	643:22	616:18,19,20	08:14:54 588:10
vs 580:4,7,10,13	654:21 659:13,15	wonderful 621:17	629:3,16,17 631:6	08:15:13 588:15
	660:16 662:1	words 591:20	yeah 586:1 627:25	08:15:30 588:20
W	went 595:18,21,22	600:25 626:9	632:11 641:6	08:15:45 588:25
wage 606:1,7,20,22	603:10,24 609:9	639:16 646:1	642:22 657:21	08:16:11 589:10
637:13,14,16,22	618:22 632:13,21	648:18	year 632:9 641:3	08:16:23 589:15
644:23 646:16	654:4 655:13	work 585:1 588:23	yearly 609:8,9,13	08:16:42 589:20
wages 605:11 607:9	656:19 659:3,5	590:4 594:5,20	644:11	08:16:57 589:25
608:19 610:7	were 583:4 584:3	596:3,15,18,23,24	years 605:8,12,16	08:17:14 590:5
646:1	588:2 589:7 590:1	597:3,5,7,11	610:17 611:12	08:17:29 590:10
Wait 585:5	590:5,12 591:16	598:17 599:1,17	614:21,21,21	08:17:43 590:15
waiting 595:5,7	592:25 593:24,25	599:20 601:10,13	617:18 625:14	08:17:52 590:20
waive 599:23	594:4,8,20 595:3	604:7,12 610:20	631:8 641:25	08:18:03 590:25
waived 597:18	595:5,8 596:19,20	616:25 619:8	653:23 658:19	08:18:18 591:5
598:24 599:9,9,10	597:13,14 598:16	620:7 626:3,5	yesterday 587:9	08:18:28 591:10
599:20 629:1	598:17 600:16,19	628:19 629:2,15	590:4,12 641:24	08:18:45 591:15
waiver 597:21	601:17 604:8	629:16 631:23	York 585:16 588:12	08:18:57 591:20
598:4,5,7,7	605:12 606:15,17	632:1,17,18,21	625:25 626:1,6,22	08:19:07 591:25
599:14	607:24 609:2	633:2 637:8,9,17	627:1,3 629:3	08:19:27 592:5
wall 653:15	611:11,23 614:20	638:17 641:22	631:6,15	08:19:47 592:10
Walter 585:13	615:19,22 616:8	643:7 644:18,21	young 656:4	08:19:59 592:15
want 584:13 603:7	617:13 618:24	647:8,12,13,14	Z	08:20:12 592:20
607:16 608:10	619:15,24 620:19	648:9,13,18	zero 645:2 646:18	08:20:32 592:25
616:18 620:3	622:8 626:13,20	659:15,16,16,20	647:14,21	08:20:46 593:5
635:1 639:10	626:22,23 627:3	659:21 660:1,6,17		08:20:56 593:10
658:20 663:2,9	627:21 628:4,6,7	663:9	\$	08:21:22 593:15
wanted 587:22	628:25 629:14	worked 589:11	\$100 644:24 647:25	08:21:55 593:20
618:24 645:17	630:1 631:25	590:13 591:19	\$258 647:5,6	08:22:04 593:25
649:17 658:6,7	633:2 634:19,21	594:16 609:25	\$650 644:25	08:22:16 594:5
warehouse 656:25	637:2 638:5 639:8	616:24 639:17	\$7,600 642:12	08:22:26 594:10
Washington 643:12	639:24 648:1	641:2,4,7	\$750 644:23	08:22:39 594:15
643:17	651:23 652:16	worker 638:16	\$947.61 589:18,21	08:22:53 594:20
wasn't 589:3 591:11	654:10 655:3,10	workers 623:2	624:13	08:23:08 594:25
603:18 639:19	656:3,10 660:2	625:22 626:5,6	\$96 642:12	08:23:22 595:5
656:5 661:4	662:7	645:21		08:23:37 595:10
wasted 658:23	weren't 598:15	working 594:9	0	08:23:51 595:15
Watjen 580:3 586:7	605:15,21 615:2	602:23 632:22,24	08:09:17 584:5	08:24:05 595:20
632:14	618:23 627:1,11	633:2 634:16,21	08:09:34 584:10	08:24:22 595:25
Watjen/Bundy	627:13,16 631:5	648:21	08:09:49 584:15	08:24:32 596:5
604:6	631:20 655:25	works 588:25	08:10:01 584:20	08:24:46 596:10
way 591:4 592:7,15	656:24,25 657:1	worse 594:8 604:14	08:10:16 584:25	08:24:55 596:15
597:16 627:23	West 580:21	617:13 619:15	08:10:32 585:5	08:25:16 596:20
ways 605:7 608:7	we'll 586:3 632:8	620:17 626:14	08:10:44 585:10	08:25:34 596:25
644:7	whatsoever 588:23	wouldn't 619:18	08:11:05 585:15	08:25:47 597:5
week 622:6 650:15	while 657:22	656:11 657:25	08:11:20 585:20	08:25:59 597:10
weeks 632:23 634:7	whole 590:24 605:1	Wreck 618:17	08:11:41 585:25	08:26:14 597:15
weight 592:15	616:17 620:24	writes 600:14		08:26:25 597:20

08:26:37 597:25	08:38:25 609:20	08:56:37 621:10	09:09:34 632:25	09:24:50 644:15
08:26:47 598:5	08:38:40 609:25	08:56:51 621:15	09:09:42 633:5	09:25:10 644:20
08:26:57 598:10	08:38:53 610:5	08:57:04 621:20	09:09:58 633:10	09:25:27 644:25
08:27:05 598:15	08:39:17 610:10	08:57:14 621:25	09:10:14 633:15	09:25:42 645:5
08:27:12 598:20	08:39:30 610:15	08:57:29 622:5	09:10:25 633:20	09:25:48 645:10
08:27:23 598:25	08:39:42 610:20	08:57:35 622:10	09:10:36 633:25	09:26:19 645:20
08:27:34 599:5	08:39:55 610:25	08:57:46 622:15	09:10:50 634:5	09:26:35 645:25
08:27:50 599:10	08:40:14 611:5	08:58:06 622:20	09:10:58 634:10	09:26:53 646:5
08:28:00 599:15	08:40:33 611:10	08:58:20 622:25	09:11:09 634:15	09:26:59 646:10
08:28:15 599:20	08:40:46 611:15	08:58:40 623:5	09:11:27 634:20	09:27:12 646:15
08:28:23 599:25	08:40:59 611:20	08:58:49 623:10	09:11:45 634:25	09:27:36 646:20
08:28:44 600:10	08:41:14 611:25	08:58:56 623:15	09:12:01 635:5	09:27:47 646:25
08:28:58 600:15	08:41:25 612:5	08:59:21 623:20	09:12:17 635:10	09:28:03 647:5
08:29:08 600:20	08:41:40 612:10	08:59:42 623:25	09:12:31 635:15	09:28:28 647:10
08:29:26 600:25	08:41:58 612:15	08:59:50 624:5	09:12:44 635:20	09:28:47 647:15
08:29:33 601:5	08:42:10 612:20	09:00:00 624:10	09:13:04 635:25	09:28:58 647:20
08:29:50 601:10	08:42:20 612:25	09:00:13 624:15	09:13:20 636:5	09:29:21 647:25
08:29:59 601:20	08:42:37 613:5	09:00:26 624:20	09:13:32 636:10	09:29:33 648:5
08:30:05 601:25	08:42:51 613:10	09:00:37 624:25	09:13:49 636:15	09:29:49 648:10
08:30:16 602:5	08:43:07 613:15	09:00:51 625:5	09:14:02 636:20	09:30:06 648:15
08:30:31 602:10	08:43:17 613:20	09:01:07 625:10	09:14:18 636:25	09:30:21 648:20
08:30:45 602:15	08:43:30 613:25	09:01:19 625:15	09:14:27 637:5	09:30:35 648:25
08:30:52 602:20	08:43:44 614:5	09:01:31 625:20	09:14:37 637:10	09:30:42 649:5
08:30:59 602:25	08:43:52 614:10	09:01:46 625:25	09:14:49 637:15	09:30:58 649:10
08:31:09 603:5	08:44:08 614:15	09:02:01 626:5	09:15:03 637:20	09:31:13 649:15
08:31:25 603:10	08:44:21 614:20	09:02:20 626:10	09:15:14 637:25	09:31:22 649:20
08:31:37 603:15	08:44:36 614:25	09:02:31 626:15	09:15:37 638:10	09:31:38 649:25
08:31:47 603:20	08:44:51 615:5	09:02:47 626:20	09:15:51 638:15	09:31:51 650:5
08:32:03 603:25	08:45:05 615:10	09:03:00 626:25	09:16:10 638:20	09:32:00 650:10
08:32:21 604:5	08:45:19 615:15	09:03:13 627:5	09:16:29 638:25	09:32:10 650:15
08:32:38 604:10	08:45:35 615:20	09:03:25 627:10	09:16:47 639:5	09:32:30 650:20
08:32:55 604:15	08:45:45 615:25	09:03:41 627:15	09:17:06 639:10	09:32:43 650:25
08:33:08 604:20	08:46:00 616:5	09:03:58 627:20	09:17:21 639:15	09:32:57 651:5
08:33:19 604:25	08:46:11 616:10	09:04:10 627:25	09:17:39 639:20	09:33:10 651:10
08:33:33 605:5	08:46:23 616:15	09:04:23 628:5	09:17:57 639:25	09:33:16 651:15
08:33:49 605:10	08:46:34 616:20	09:04:30 628:10	09:18:07 640:5	09:33:29 651:20
08:34:06 605:15	08:46:45 616:25	09:04:43 628:15	09:18:23 640:10	09:33:46 651:25
08:34:15 605:20	08:46:58 617:5	09:04:56 628:20	09:18:37 640:15	09:33:59 652:5
08:34:27 605:25	08:47:16 617:10	09:05:13 628:25	09:18:50 640:20	09:34:22 652:10
08:34:40 606:5	08:47:31 617:15	09:05:33 629:5	09:19:01 640:25	09:34:39 652:15
08:34:55 606:10	08:47:46 617:20	09:05:47 629:10	09:19:23 641:5	09:34:53 652:20
08:35:04 606:15	08:48:06 617:25	09:05:59 629:15	09:19:33 641:10	09:35:07 652:25
08:35:18 606:20	08:53:13 618:5	09:06:13 629:20	09:19:47 641:15	09:35:22 653:5
08:35:29 606:25	08:53:27 618:10	09:06:17 629:25	09:20:06 641:20	09:35:34 653:10
08:35:42 607:5	08:53:38 618:15	09:06:23 630:5	09:20:22 641:25	09:35:51 653:15
08:35:51 607:10	08:53:55 618:20	09:06:31 630:10	09:20:41 642:5	09:36:02 653:20
08:36:03 607:15	08:54:08 618:25	09:06:55 630:20	09:20:54 642:10	09:36:14 653:25
08:36:10 607:20	08:54:19 619:5	09:07:08 630:25	09:21:15 642:15	09:36:33 654:5
08:36:26 607:25	08:54:37 619:10	09:07:24 631:5	09:21:35 642:20	09:36:47 654:10
08:36:33 608:5	08:54:54 619:15	09:07:42 631:10	09:22:05 642:25	09:36:55 654:15
08:36:47 608:10	08:55:09 619:20	09:07:54 631:15	09:22:22 643:5	09:37:02 654:20
08:36:57 608:15	08:55:22 619:25	09:08:09 631:20	09:22:40 643:10	09:37:12 654:25
08:37:11 608:20	08:55:31 620:5	09:08:20 631:25	09:22:57 643:15	09:37:26 655:5
08:37:21 608:25	08:55:45 620:10	09:08:33 632:5	09:23:25 643:20	09:37:34 655:10
08:37:35 609:5	08:55:50 620:15	09:08:45 632:10	09:23:46 643:25	09:37:43 655:15
08:37:56 609:10	08:56:03 620:20	09:09:02 632:15	09:24:06 644:5	09:37:57 655:20
08:38:14 609:15	08:56:27 621:5	09:09:16 632:20	09:24:21 644:10	09:38:09 655:25

09:38:18 656:5	12-month 638:22	4 587:5	602:17
09:38:28 656:10	647:4	40 631:8	69 602:4,7,9,17,22
09:38:41 656:15	13 580:18 584:6	42 583:3 584:3	602:25 614:22,25
09:38:58 656:20	15 605:23 629:5	44113 581:7,15	632:12
09:39:13 656:25	16 603:11	44114-2301 581:23	69-675 580:4
09:39:24 657:5	1700 582:9	45 584:11 592:4	69-722 580:7
09:39:37 657:10	1936 642:22	657:10	69-947 580:10
09:39:50 657:15	1964 585:19 642:21	45202 582:11	
09:40:03 657:20	1965 625:16	46 584:22 593:15	7
09:40:15 657:25	1967 639:7	594:15	7 602:4
09:40:36 658:5	1968 600:11 629:6	462 604:5	7(c) 633:12 635:12
09:40:44 658:10	659:25	466 596:16	70s 627:20
09:41:00 658:15	1969 632:9,19	467 596:16	72 592:8
09:41:09 658:20	1970 609:21 624:14	47 585:5	74 615:2
09:41:21 658:25	1972 589:15	48 585:4,8	74-914 580:13
09:41:36 659:5	1975 592:7	49 585:10 602:14	75 592:8
09:41:51 659:10	1976 606:16,17		76 615:3 655:20
09:42:04 659:15	654:2,10 655:6	5	656:1
09:42:17 659:20	656:6,10	5 641:18	
09:42:28 659:25	1990 596:8 629:9,24	50 585:13 626:2	8
09:42:42 660:5		51 585:16 600:7	8:09 580:19
09:43:00 660:10	2	513 582:12	801 580:21
09:43:11 660:15	2 589:8 603:21	52 585:19 603:20	820 586:25
09:43:23 660:20	611:2 636:6,11	521 604:4	861-6677 581:8,16
09:43:33 660:25	2.5 602:11,15,16	53 585:21 586:14,17	
09:43:47 661:5	2/18 589:15	54 585:23 586:5,20	9
09:44:03 661:10	200 581:21	55 586:8,22	9 587:12 588:1
09:44:11 661:15	2007 580:18	56 586:11,24 587:17	603:8
09:44:22 661:20	2008 664:20	609:20	9:47 663:21
09:44:40 661:25	201 582:10	57 587:20 588:9,11	90 607:23
09:44:52 662:5	216 581:8,16,24	588:24 639:25	97 626:15
09:45:06 662:10	23 604:15,17	570 613:6,7	99 607:6
09:45:22 662:15	25 585:19 626:4	58 591:11,19	
09:45:41 662:20	629:5,6 659:25	584 583:3	
09:46:08 662:25	254 604:5	59 591:23,25 592:1	
09:46:22 663:5	256 596:18	592:1,20 596:14	
09:46:44 663:10	258 596:19		
09:47:00 663:15	274-2410 581:24	6	
09:47:07 663:20	29 606:23 607:3	6(a) 610:11,16	
	637:23 645:12	638:14	
1	646:2 654:17,23	6(c) 635:24 636:21	
1 589:6 611:1	662:21	638:20 639:11	
638:11 654:2,10	3	640:6 641:22	
664:20	3 583:3 603:20	644:4 647:9 649:1	
1(a) 643:14	635:18 637:19	649:6,7	
1(b) 615:17	651:19	60 592:23,25	
10 605:22	30 591:13 641:25	61 583:4 584:3	
100 624:10,10,22	653:22	593:11,15	
625:1	31 615:24	614 581:6,13	
105 587:10	32 606:8	620 581:6,14	
12 590:14 636:7,8	3300 581:22	63 594:16 610:4	
636:13,22,23,25	362-8704 582:12	645:18,23 646:3	
637:20 638:4,8,9	38 617:18	64 594:16 610:5	
638:21,22 639:10	39 586:2	612:24 645:19,23	
639:11,12,13,19		646:3	
641:2,4 646:12	4	65 602:20 603:4	
647:1,4		68 596:22 600:15,17	