EXHIBIT 41

1	UNITED STATES DISTRICT COURT
2	FOR THE DISTRICT OF COLUMBIA
3	
	AMERICAN SOCIETY FOR)
4	TESTING AND MATERIALS,)
5	d/b/a ASTM INTERNATIONAL;) Civil Action No.
6	NATIONAL FIRE PROTECTION) 1:13-cv-01215-TSC
7	ASSOCIATION, INC.; and)
	AMERICAN SOCIETY OF)
8	HEATING, REFRIGERATION AND)
9	AIR CONDITIONING ENGINEERS,)
	Plaintiffs and)
10	Counter-Defendants,)
11	vs.
12	PUBLIC.RESOURCE.ORG, INC.,)
13	Defendant and)
14	Counter-Plaintiff.
15	
16	VIDEOTAPED 30(b)(6) DEPOSITION OF NATIONAL
17	FIRE PROTECTION ASSOCIATION, INC., BY
18	CHRISTIAN DUBAY, before Jeanette N. Maracas,
19	Registered Professional Reporter and Notary
20	Public in and for the Commonwealth of
21	Massachusetts, at 42 Chauncy Street, Boston,
22	Massachusetts, on Wednesday, April 1, 2015,
23	commencing at 10:00 a.m.
24	
25	PAGES 1 - 250
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	Page 1

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APPEARANCES:
                                                                           (Exhibits continued)
                                                                         3
3
   MORGAN, LEWIS & BOCKIUS, LLP
                                                                           No
                                                                                   Description
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   By: J Kevin Fee, Esq
                                                                         4
                                                                            Exhibit 1239 ADS011280
                                                                                                        128
   1111 Pennsylvania Avenue, NW
   Washington, DC 20004
                                                                            Exhibit 1240 ADS007361
5 For ASTM
                                                                         6
   E-mail: Jkfee@morganlewis com
                                                                           Exhibit 1241 ADS008689
                                                                                                        130
   MUNGER, TOLLES & OLSON, LLP
                                                                            Exhibit 1242 ADS023243 to
   By: Thane Rehn, Esq
                                                                                  3244
   560 Mission Street
                                                                           Exhibit 1243 ADS011118
                                                                                                        134
   27th Floor
                                                                           Exhibit 1244 ADS011153
                                                                                                        142
   San Francisco, California 94105
                                                                        11 Exhibit 1245 ADS011232
   For NFPA and the Deponent
                                                                        12 Exhibit 1246 ADS011250 to
10 E-mail: Thane rehn@mto com
                                                                                  1254
                                                                        13
   FENWICK & WEST, LLP
                                                                            Exhibit 1247 ADS011265
                                                                                                        145
12
   By: Andrew P Bridges, Esq
                                                                        14
   555 California Street
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                                                                                                        146
   San Francisco, California 94104
                                                                        15
   For Public Resource Org, Inc
                                                                           Exhibit 1249 ADS019166 to
   E-mail: Abridges@fenwick com
                                                                                  9167
                                                                        16
                                                                                               146
                                                                        17 Exhibit 1250 ADS019249 to
   Anthony Piccirilli, Videographer
                                                                                  9259
                                                                                               147
16
                                                                        18
17
                                                                           Exhibit 1251 ADS019270
                                                                                                        149
   ALSO PRESENT:
                                                                        19
        Sally P Everett, Esq, NFPA
18
                                                                            Exhibit 1252 ADS020865
19
        Mitch Stolz, Esq , Electronic
                                                                        20
        Frontier Foundation
                                                                           Exhibit 1253 ADS007551 to
20
        Carl Malamud, Public Resource Org,
                                                                                  7560
                                                                                               150
        Inc (via telephone)
                                                                        22 Exhibit 1254 ADS002334 to
21
                                                                                  2335
                                                                                               151
22
                                                                        23
23
                                                                            Exhibit 1255 ADS000090
                                                                                                        152
24
                                                                        24
25
                                                                        25
                                                               Page 2
                                                                                                                                        Page 4
          INDEX
                                                                           (Exhibits continued)
2
                                                                         3
                                                                                  Description
   Testimony of:
                        Direct Cross
                                                                         5
                                                                           Exhibit 1256 ADS000175 to
   Christian Dubay
                                                                                   0200
                                                                                                153
                                                                         6
   (by Mr Bridges)
                                                                            Exhibit 1257 ADS019172 to
                             246
   (by Mr Rehn)
                                                                                   9173
                                                                                                156
                                                                           Exhibit 1258 ADS020867 to
                                                                         8
         EXHIBITS
                                                                                   0868
                                                                         9
 8
   No
            Description
                                                                            Exhibit 1259 ADS024931 to
9
                                                                        10
                                                                                  5100
                                                                                                157
   Exhibit 1227 NFPA Regulations
                                                                        11 Exhibit 1260 ADS000089 to
10
          and Procedures
                                                                                   0174
                                                                                                158
          document
                                                                        12
11
                                                                            Exhibit 1261 NFPA-PR0048987
                                                                                                            163
   Exhibit 1228 NFPA Terms of Use
                                                                        13
                                                                            Exhibit 1262 NFPA-PR0049128
12
           document
                           93
                                                                                                            166
   Exhibit 1229 NFPA Disclaimers
                                                                        14
13
                                                                            Exhibit 1263 NFPA-PR0038686
          document
                           94
                                                                        15
14
                                                                            Exhibit 1264 NFPA-PR0038697 to
   Exhibit 1230 NFPA-PR0038497 to
                                                                                   8698
                                                                                                171
15
          8507
                         95
                                                                        17
                                                                           Exhibit 1265 NFPA-PR0039043
   Exhibit 1231 NFPA-PR0038518 to
16
                                                                           Exhibit 1266 NFPA-PR0038683
          8520
                         103
                                                                           Exhibit 1267 NFPA-PR0096607 to
17
                                                                                   6608
                                                                                                187
   Exhibit 1232 NFPA-PR0020393 to
                                                                        20
18
          0402
                         117
                                                                            Exhibit 1268 NFPA-PR0048992
19
   Exhibit 1233 ADS011129 to 1130
                                                                        21
   Exhibit 1234 ADS007008
                                  126
20
                                                                            Exhibit 1269 NFPA-PR0066821 to
   Exhibit 1235 ADS001673
                                  127
                                                                        22
                                                                                   6822
                                                                                                192
   Exhibit 1236 ADS011112
                                  127
                                                                        23
                                                                           Exhibit 1270 NFPA-PR0066842 to
23
   Exhibit 1237 ADS011147
                                  128
                                                                                   6843
                                                                                                195
24
   Exhibit 1238 ADS011264
                                  128
                                                                        24
                                                                        25
                                                               Page 3
                                                                                                                                       Page 5
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1	Exhibits continued)	1	MR. BRIDGES: Yes. 10:01:12
2		2	THE WITNESS: Yes. 10:01:12
3 N	No Description Page	3	MR. REHN: Yes. 10:01:13
4		4	MR. FEE: Yes. 10:01:13
5 E	Exhibit 1271 NFPA-PR0042205 to 2208 203	5	VIDEOGRAPHER: At this time will 10:01:15
6	2200 203	6	counsel and all present identify themselves 10:01:17
7 E	Exhibit 1272 NFPA-PR0042201 to 2202 208	7	for the record, after which our court 10:01:17
	Exhibit 1273 NFPA-PR0055814 to	8	reporter will swear in the witness and we 10:01:18
9	5815 222	9	can proceed. 10:01:19
-	Exhibit 1274 NFPA-PR0068261 to	10	MR. BRIDGES: This is Andrew Bridges 10:01:20
0	8262 223	11	from Fenwick & West, representing the 10:01:23
	Exhibit 1275 NFPA-PR0092785 224 Exhibit 1276 NFPA-PR0050050 to	12	defendant, Public.Resource.org. With me 10:01:26
	0052 226	13	is Mitch Stoltz from Electronic Frontier 10:01:31
13 E	Exhibit 1277 NFPA-PR0049260 227	14	Foundation, also representing 10:01:32
4	- 1 W - 4 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2	15	Public.Resource.org. I believe that we 10:01:35
15 15	Exhibit 1278 NFPA-PR0049264 228	16	have listening in only on the telephone 10:01:36
E	Exhibit 1279 NFPA-PR0049521 to	17	
.6 .7 E	9522 229 Exhibit 1280 NFPA-PR0092773 to		Carl Malamud of Public Resource.org. 10:01:39
	2775 231	18	MR. MALAMUD: Yes, I'm here. Thank 10:01:43
18 F	Exhibit 1281 NFPA-PR0040625 to	19	you. 10:01:45
9	0627 232	20	MR. REHN: I'm Thane Rehn from 10:01:45
	Exhibit 1282 NFPA-PR0044700 232 Exhibit 1283 NFPA-PR0092763 to	21	Munger, Tolles & Olson, representing the 10:01:45
.1 1	2766 232	22	National Fire Protection Association and the 10:01:49
22		23	witness. 10:01:51
24		24	MS. EVERETT: I'm Sally Everett, 10:01:52
25	D (25	general counsel of National Fire Protection 10:01:53
	Page 6		Page
1	PROCEEDINGS	1	Association. 10:01:56
2	VIDEOGRAPHER: Good morning. We	2	MR. FEE: Kevin Fee from Morgan 10:01:56
3	are now on the record at 10:00 a.m. on 10:00:18	3	Lewis, on behalf of ASTM International. 10:01:59
4	April 1st, 2015. This is the video-recorded 10:00:21	4	CHRISTIAN DUBAY 10:02:02
5	deposition of Christian Dubay. 10:00:25	5	A witness called for examination
6	My name is Anthony Piccirilli, here 10:00:28	6	by counsel for the Defendant and
7	with our court reporter, Jeanette Maracas. 10:00:30	7	Counter-Plaintiff, having been first duly
8	We are here from Veritext National Deposition 10:00:32	8	sworn, was examined and testified as follows:
9	and Litigation Services. 10:00:35	9	DIRECT EXAMINATION
10	This deposition is being held at 10:00:37	10	BY MR. BRIDGES: 10:02:09
1	G&M Court Reporters in Boston, Massachusetts. 10:00:39	11	Q. Good morning, Mr. Dubay. 10:02:10
	G&M Court Reporters in Boston, Massachusetts. 10:00:39 The caption of this case is American Society 10:00:42	11 12	Q. Good morning, Mr. Dubay. 10:02:10 A. Good morning. 10:02:11
12	The caption of this case is American Society 10:00:42		A. Good morning. 10:02:11
12	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45	12 13	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12
12 13 14	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47	12 13 14	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13
12 13 14	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50	12 13 14 15	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14
12 13 14 15	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50 recording will take place unless all parties 10:00:51	12 13 14 15 16	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14 A. No. 10:02:16
12 13 14 15 16	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50 recording will take place unless all parties 10:00:51 agree to go off the record. Microphones are 10:00:54	12 13 14 15 16 17	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14 A. No. 10:02:16 Q. Did you have a chance to meet with counsel 10:02:16
12 13 14 15 16 17	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50 recording will take place unless all parties 10:00:51 agree to go off the record. Microphones are 10:00:54 sensitive and may pick up whispers, private 10:00:56	12 13 14 15 16 17 18	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14 A. No. 10:02:16 Q. Did you have a chance to meet with counsel 10:02:16 to discuss how a deposition proceeds? 10:02:20
12 13 14 15 16 17 18	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50 recording will take place unless all parties 10:00:51 agree to go off the record. Microphones are 10:00:54 sensitive and may pick up whispers, private 10:00:56 conversations and cellular interference. 10:00:58	12 13 14 15 16 17 18	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14 A. No. 10:02:16 Q. Did you have a chance to meet with counsel 10:02:16 to discuss how a deposition proceeds? 10:02:20 A. Yes. 10:02:23
12 13 14 15 16 17 18 19	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50 recording will take place unless all parties 10:00:51 agree to go off the record. Microphones are 10:00:54 sensitive and may pick up whispers, private 10:00:56 conversations and cellular interference. 10:00:58 I am not authorized to administer 10:01:01	12 13 14 15 16 17 18 19 20	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14 A. No. 10:02:16 Q. Did you have a chance to meet with counsel 10:02:16 to discuss how a deposition proceeds? 10:02:20 A. Yes. 10:02:23 Q. How long did you spend either meeting with 10:02:23
112 113 114 115 116 117 118 119 120	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50 recording will take place unless all parties 10:00:51 agree to go off the record. Microphones are 10:00:54 sensitive and may pick up whispers, private 10:00:56 conversations and cellular interference. 10:00:58 I am not authorized to administer 10:01:01 an oath. I am not related to any party in 10:01:02	12 13 14 15 16 17 18 19 20 21	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14 A. No. 10:02:16 Q. Did you have a chance to meet with counsel 10:02:16 to discuss how a deposition proceeds? 10:02:20 A. Yes. 10:02:23 Q. How long did you spend either meeting with 10:02:23 counsel or in other conversations with 10:02:26
112 113 114 115 116 117 118 119 120 221	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50 recording will take place unless all parties 10:00:51 agree to go off the record. Microphones are 10:00:54 sensitive and may pick up whispers, private 10:00:56 conversations and cellular interference. 10:00:58 I am not authorized to administer 10:01:01 an oath. I am not related to any party in 10:01:02 this action, nor am I financially interested 10:01:05	12 13 14 15 16 17 18 19 20 21 22	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14 A. No. 10:02:16 Q. Did you have a chance to meet with counsel 10:02:16 to discuss how a deposition proceeds? 10:02:20 A. Yes. 10:02:23 Q. How long did you spend either meeting with 10:02:23 counsel or in other conversations with 10:02:26 counsel talking about depositions? 10:02:28
112 113 114 115 116 117 118 119 220 221 222 223	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50 recording will take place unless all parties 10:00:51 agree to go off the record. Microphones are 10:00:54 sensitive and may pick up whispers, private 10:00:56 conversations and cellular interference. 10:00:58 I am not authorized to administer 10:01:01 an oath. I am not related to any party in 10:01:02 this action, nor am I financially interested 10:01:05 in the outcome in any way. May I please have 10:01:07	12 13 14 15 16 17 18 19 20 21 22 23	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14 A. No. 10:02:16 Q. Did you have a chance to meet with counsel 10:02:16 to discuss how a deposition proceeds? 10:02:20 A. Yes. 10:02:23 Q. How long did you spend either meeting with 10:02:23 counsel or in other conversations with 10:02:26 counsel talking about depositions? 10:02:31
111 112 113 114 115 116 117 118 119 220 221 222 223 224	The caption of this case is American Society 10:00:42 for Testing and Materials versus 10:00:45 Public.Resource.org, Incorporated. 10:00:47 Please note that audio and video 10:00:50 recording will take place unless all parties 10:00:51 agree to go off the record. Microphones are 10:00:54 sensitive and may pick up whispers, private 10:00:56 conversations and cellular interference. 10:00:58 I am not authorized to administer 10:01:01 an oath. I am not related to any party in 10:01:02 this action, nor am I financially interested 10:01:05	12 13 14 15 16 17 18 19 20 21 22	A. Good morning. 10:02:11 Q. Have you ever been deposed before? 10:02:12 A. No. 10:02:13 Q. Have you ever testified under oath before? 10:02:14 A. No. 10:02:16 Q. Did you have a chance to meet with counsel 10:02:16 to discuss how a deposition proceeds? 10:02:20 A. Yes. 10:02:23 Q. How long did you spend either meeting with 10:02:23 counsel or in other conversations with 10:02:26 counsel talking about depositions? 10:02:28

1	Q. Was anyone else present at that meeting? 10:02:34	1	technical questions relating to our codes and 10:05:17
2	A. No. 10:02:38	2	standards. 10:05:20
3	Q. Did they explain to you how a deposition 10:02:38	3	Q. Then what? 10:05:25
4	proceeds and how objections can be made and 10:02:45	4	A. Then I was given responsibility for a library 10:05:25
5	how there may be times for you to receive 10:02:48	5	of smaller documents as a new engineer to 10:05:31
6	instructions from counsel? 10:02:52	6	handle the committee process and the 10:05:35
7	A. Yes. 10:02:54	7	management of our technical committees. 10:05:37
8	Q. Do you have any physical or mental reason 10:02:54	8	Q. What did you mean by a library of smaller 10:05:39
9	why you can't testify accurately and 10:03:03	9	documents? 10:06:04
10	truthfully today? 10:03:06	10	A. As a staff liaison, I was given approximately 10:06:04
11	A. No. 10:03:06	11	on the order of maybe 10 or 12 different 10:06:09
12	Q. Will you please state your full name for 10:03:07	12	standards that I was responsible for with the 10:06:13
13	the record. 10:03:13	13	standards process around those documents. 10:06:17
14	A. Sure. My name is Christian Dubay. 10:03:13	14	Q. Did the 10 or 12 different standards that you 10:06:22
15	Q. What's your home address? 10:03:16	15	were responsible for have a common theme? 10:06:27
16	A. 32 Alvin Circle, Raynham, Massachusetts. 10:03:17	16	A. It was a long time ago, but the best I can 10:06:31
17	Q. What's your work address? 10:03:22	17	recall, yes, mostly around commercial 10:06:34
18	A. One Batterymarch Park, Quincy, Massachusetts. 10:03:23	18	cooking, chimneys, things like that. 10:06:39
19	Q. What is your job at NFPA? 10:03:27	19	Q. How long did you have that role? 10:06:51
20	A. I'm vice president and chief engineer. 10:03:33	20	A. To the best of my recollection, I had that 10:07:06
21	Q. When did you first begin working for NFPA? 10:03:36	21	smaller set of documents for about two to 10:07:09
22	A. 1995. 10:03:42	22	three years and then I took on a larger role, 10:07:12
23	Q. What work did you have before you joined 10:03:44	23	handling a smaller set of standards, but 10:07:16
24	NFPA? 10:03:51	24	larger documents around automatic fire 10:07:19
25	A. I was a college student and a co-op engineer 10:03:51	25	sprinkler systems. 10:07:22
23	Page 10	23	Page 12
1	with the U.S. Navv. 10:03:54	1	O. What were those documents? 10:07:26
1 2	with the U.S. Navy. 10:03:54 O. Please take me through your college 10:03:58		Q. What were those documents? 10:07:26 A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31
2	Q. Please take me through your college 10:03:58	2	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31
2 3	Q. Please take me through your college 10:03:58 education. 10:04:02	2 3	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31 them. There's a few more. 10:07:42
2 3 4	 Q. Please take me through your college 10:03:58 education. 10:04:02 A. I have a Bachelor's degree in fire protection 10:04:02 	2 3 4	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31 them. There's a few more. 10:07:42 Q. That group had a common theme of sprinkler 10:07:47
2 3 4 5	Q. Please take me through your college 10:03:58 education. 10:04:02 A. I have a Bachelor's degree in fire protection 10:04:02 engineering with a co-op distinction due to 10:04:05	2 3 4 5	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31 them. There's a few more. 10:07:42 Q. That group had a common theme of sprinkler 10:07:47 systems? 10:07:50
2 3 4 5 6	Q. Please take me through your college 10:03:58 education. 10:04:02 A. I have a Bachelor's degree in fire protection 10:04:02 engineering with a co-op distinction due to 10:04:05 my work with the U.S. Navy. 10:04:09	2 3 4 5 6	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31 them. There's a few more. 10:07:42 Q. That group had a common theme of sprinkler 10:07:47 systems? 10:07:50 A. All related to automatic fire sprinkler 10:07:51
2 3 4 5	Q. Please take me through your college 10:03:58 education. 10:04:02 A. I have a Bachelor's degree in fire protection 10:04:02 engineering with a co-op distinction due to 10:04:05 my work with the U.S. Navy. 10:04:09 Q. Where was that university degree from? 10:04:10	2 3 4 5 6 7	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31 them. There's a few more. 10:07:42 Q. That group had a common theme of sprinkler 10:07:47 systems? 10:07:50 A. All related to automatic fire sprinkler 10:07:51 systems. 10:07:54
2 3 4 5 6 7 8	Q. Please take me through your college 10:03:58 education. 10:04:02 A. I have a Bachelor's degree in fire protection 10:04:02 engineering with a co-op distinction due to 10:04:05 my work with the U.S. Navy. 10:04:09 Q. Where was that university degree from? 10:04:10 A. University of Maryland. 10:04:13	2 3 4 5 6 7 8	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31 them. There's a few more. 10:07:42 Q. That group had a common theme of sprinkler 10:07:47 systems? 10:07:50 A. All related to automatic fire sprinkler 10:07:51 systems. 10:07:54 Q. When did you have that role? 10:07:59
2 3 4 5 6 7 8 9	Q. Please take me through your college 10:03:58 education. 10:04:02 A. I have a Bachelor's degree in fire protection 10:04:02 engineering with a co-op distinction due to 10:04:05 my work with the U.S. Navy. 10:04:09 Q. Where was that university degree from? 10:04:10 A. University of Maryland. 10:04:13 Q. Please take me through your career at NFPA, 10:04:14	2 3 4 5 6 7 8 9	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31 them. There's a few more. 10:07:42 Q. That group had a common theme of sprinkler 10:07:47 systems? 10:07:50 A. All related to automatic fire sprinkler 10:07:51 systems. 10:07:54 Q. When did you have that role? 10:07:59 A. I had that role until I forget the 10:08:01
2 3 4 5 6 7 8 9	Q. Please take me through your college 10:03:58 education. 10:04:02 A. I have a Bachelor's degree in fire protection 10:04:02 engineering with a co-op distinction due to 10:04:05 my work with the U.S. Navy. 10:04:09 Q. Where was that university degree from? 10:04:10 A. University of Maryland. 10:04:13 Q. Please take me through your career at NFPA, 10:04:14 and tell me what your positions have been 10:04:24	2 3 4 5 6 7 8 9	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31 them. There's a few more. 10:07:42 Q. That group had a common theme of sprinkler 10:07:47 systems? 10:07:50 A. All related to automatic fire sprinkler 10:07:51 systems. 10:07:54 Q. When did you have that role? 10:07:59 A. I had that role until I forget the 10:08:01 specific start date, but I had that role 10:08:05
2 3 4 5 6 7 8 9 10	Q. Please take me through your college deducation. 10:04:02 A. I have a Bachelor's degree in fire protection 10:04:02 engineering with a co-op distinction due to 10:04:05 my work with the U.S. Navy. 10:04:09 Q. Where was that university degree from? 10:04:10 A. University of Maryland. 10:04:13 Q. Please take me through your career at NFPA, 10:04:14 and tell me what your positions have been 10:04:24 since 1995. 10:04:27	2 3 4 5 6 7 8 9 10 11	A. Specifically NFPA 13, NFPA 13R, 13E, some of 10:07:31 them. There's a few more. 10:07:42 Q. That group had a common theme of sprinkler 10:07:47 systems? 10:07:50 A. All related to automatic fire sprinkler 10:07:51 systems. 10:07:54 Q. When did you have that role? 10:07:59 A. I had that role until I forget the 10:08:01 specific start date, but I had that role 10:08:05 until 2007. 10:08:07
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1	Q. In what forums do you speak as NFPA's primary 10:09:00	1	committee volunteers. 10:13:04
2	technical spokesman? 10:09:12	2	Q. Is it the technical committee of volunteers 10:13:15
3	A. One example is media interviews. 10:09:15	3	who determine what constitutes the best 10:13:22
4	Q. How else? 10:09:25	4	minimum level of safety? 10:13:24
5	A. Another example is public forums around our 10:09:26	5	MR. REHN: Objection as to form. 10:13:26
6	technical topics of expertise, our standards. 10:09:32	6	A. It's a combination of our technical 10:13:29
7	Q. What type of public forums do you mean? 10:09:36	7	committee members determine the final 10:13:32
8	A. One example is speaking at the conferences 10:09:40	8	technical requirements, however, that's 10:13:34
9	and training seminars and such. 10:09:47	9	balanced with extensive public review and 10:13:37
10	Q. What types of conferences do you speak at 10:09:49	10	comment. 10:13:39
11	for NFPA? 10:09:52	11	Q. I'll come back to that in a minute. How else 10:13:49
12	A. In my current role primarily, I guess that's 10:09:52	12	do you in what other forums do you speak 10:14:14
13	a standards role, technically it could 10:09:57	13	as primary technical spokesman for NFPA? You 10:14:17
14	involve the topic at hand. It could be a 10:09:59	14	mentioned media interviews, certain public 10:14:24
15	trade event or an association of, say, an 10:10:01	15	forums. You mentioned conferences and 10:14:27
16	association of manufacturers or constituents 10:10:08	16	training seminars. Are there any other ways 10:14:29
17	or government, like fire marshals. 10:10:11	17	in which you serve as the primary technical 10:14:32
18	Q. On what topics do you typically speak at 10:10:18	18	spokesman for NFPA? 10:14:34
19	those conferences? 10:10:23	19	A. I often give presentations relating to 10:14:35
20	A. As broad as our scope of NFPA. 10:10:25	20	awareness of our process and awareness of how 10:14:39
21	Q. And how broad is that scope? 10:10:34	21	to get involved and how to be part of this 10:14:42
22	A. We our mission is based upon safety and 10:10:36	22	public codes and standards process. 10:14:46
23	improving safety and reducing loss. And that 10:10:42	23	Q. To whom do you make those presentations? 10:14:51
24	covers approximately 300 codes and standards 10:10:44	24	A. Various affected parties. Again, really 10:14:55
25	on a multitude of topics. 10:10:49	25	depends on the breadth of topics. So it 10:14:59
	Page 14		Page 16
	Tuge 11		1 age 10
1	-	1	varies. 10:15:04
1 2	-	1 2	
	Q. How do codes and standards improve safety 10:11:01		varies. 10:15:04
2	Q. How do codes and standards improve safety and reduce loss? 10:11:03	2	varies. 10:15:04 Q. What are some examples of groups to which you 10:15:04
2 3	Q. How do codes and standards improve safety and reduce loss? 10:11:03 A. Codes and standards are designed part of 10:11:05	2 3	varies. 10:15:04 Q. What are some examples of groups to which you 10:15:04 make these presentations? 10:15:08
2 3 4	Q. How do codes and standards improve safety 10:11:01 and reduce loss? 10:11:03 A. Codes and standards are designed part of 10:11:05 them is to learn from losses, learn from 10:11:13	2 3 4	varies. 10:15:04 Q. What are some examples of groups to which you 10:15:04 make these presentations? 10:15:08 A. For example, if there's an emerging technical 10:15:09
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1	or new application area. 10:16:37	1	Committee, NPC. 10:19:38
2	Q. When you say a new adoption, what do you 10:16:40	2	Q. What else? 10:19:42
3	mean? 10:16:44	3	A. I'm also co-chair, private sector co-chair of 10:19:44
4	A. For example, if a jurisdiction is looking to 10:16:44	4	the I apologize, I don't recall the exact 10:19:53
5	incorporate, say, residential sprinklers in 10:16:51	5	document, but it's HDSCC, I believe. 10:19:54
6	the jurisdiction, they may want to utilize an 10:16:54	6	Q. What does that stand for? 10:19:59
7	NFPA standard, an installation standard. And 10:16:57	7	A. It's a Homeland Security working group around 10:20:00
8	as part of their regulation, I will spend 10:17:01	8	different issues that the nation is facing 10:20:06
9	time with them explaining the standard, 10:17:03	9	around Homeland Security and Homeland 10:20:11
10	explain the requirements. 10:17:05	10	Security is the best way to describe it. 10:20:16
11	Q. To whom else do you make presentations as 10:17:10	11	Q. What else? 10:20:19
12	NFPA's primary technical spokesman? 10:17:23	12	A. To the best of my recollection, those are the 10:20:20
13	A. Industry groups is another example. 10:17:26	13	only specific ANSI activities that I have. 10:20:26
14	Q. Who else? 10:17:45	14	Q. How much of your time as an NFPA employee is 10:20:32
15	A. Peer standards developers is another example. 10:17:46	15	spent engaged in ANSI-related activities? 10:20:37
16	Q. Sorry? 10:17:53	16	MR. REHN: Objection as to form. 10:20:43
17	A. Peer standards developers, we refer to them 10:17:53	17	Lacks foundation. 10:20:46
18	as SDOs, standards development organizations. 10:17:58	18	A. Maybe ten days per year, approximately. 10:20:47
19	Q. Which ones do you have in mind when you say 10:18:01	19	Q. Is that ten days per year where the days are 10:20:56
20	that? 10:18:03	20	devoted to ANSI-related activities? 10:21:04
21	A. Again, there's a lot of them, so it depends. 10:18:03	21	MR. REHN: Objection as to form. 10:21:06
22	The most common example I would say is 10:18:10	22	A. It depends. Some days may be a one-hour call 10:21:09
23	working with ANSI, the American National 10:18:13	23	or some days may be a full-day meeting. 10:21:13
24	Standards Institute, which brings together a 10:18:16	24	Q. I'm just trying to get clear, you do 10:21:17
25	lot of standards developers. So that's the 10:18:17	25	ANSI-related work on only ten days during the 10:21:21
	Page 18		Page 20
1	best example I can give you of a place where 10:18:19	1	year or ten full days per year with other 10:21:23
2	we chat about standards operations. 10:18:23	2	activities? How do you divide it? How do 10:21:26
3	Q. Is ANSI a peer or an umbrella organization? 10:18:25	3	you mean ten days? 10:21:30
4	MR. REHN: Objection as to form. 10:18:28	4	A. The way I would describe it is approximately, 10:21:31
5	A. ANSI is a federation of membership 10:18:30	5	to the best of my recollection, I'm just 10:21:35
6	organization for standards developers as well 10:18:36	6	thinking now, is only ten days a year. 10:21:36
7	as organizations that are impacted by 10:18:40	7	Not I don't view it as ten full days, but 10:21:40
8	standards. 10:18:42	8	there's probably ten times per year where I'm 10:21:43
9	Q. Does NFPA belong to ANSI? 10:18:45	9	
10		_	involved in ANSI activities. On a couple of 10:21:45
10	MR. REHN: Objection as to form. 10:18:48	10	involved in ANSI activities. On a couple of 10:21:45 occasions, they're full-day activities. 10:21:48
11	MR. REHN: Objection as to form. 10:18:48 Q. Is it a member of ANSI? 10:18:49		_
		10	occasions, they're full-day activities. 10:21:48
11	Q. Is it a member of ANSI? 10:18:49	10 11	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52
11 12	Q. Is it a member of ANSI? 10:18:49 A. Yes. 10:18:51	10 11 12	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55
11 12 13	Q. Is it a member of ANSI? 10:18:49 A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51	10 11 12 13	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57
11 12 13 14	Q. Is it a member of ANSI? 10:18:49 A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01	10 11 12 13 14	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58
11 12 13 14 15	Q. Is it a member of ANSI? 10:18:49 A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01 Vague and ambiguous. 10:19:02	10 11 12 13 14 15	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58 A. Honestly, I don't keep track of each and 10:22:00
11 12 13 14 15 16	Q. Is it a member of ANSI? 10:18:49 A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01 Vague and ambiguous. 10:19:02 A. I am a member of a few of their equivalent, 10:19:04	10 11 12 13 14 15 16	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58 A. Honestly, I don't keep track of each and 10:22:00 every e-mail, so I wouldn't know. When you 10:22:03
11 12 13 14 15 16 17	Q. Is it a member of ANSI? 10:18:49 A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01 Vague and ambiguous. 10:19:02 A. I am a member of a few of their equivalent, 10:19:04 something like a section. I'm a member of 10:19:11	10 11 12 13 14 15 16 17	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58 A. Honestly, I don't keep track of each and 10:22:00 every e-mail, so I wouldn't know. When you 10:22:03 asked me the question, I'm estimating how 10:22:06
11 12 13 14 15 16 17 18	Q. Is it a member of ANSI? A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01 Vague and ambiguous. 10:19:02 A. I am a member of a few of their equivalent, 10:19:04 something like a section. I'm a member of 10:19:11 their executive standards council as an 10:19:13	10 11 12 13 14 15 16 17 18	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58 A. Honestly, I don't keep track of each and 10:22:00 every e-mail, so I wouldn't know. When you 10:22:03 asked me the question, I'm estimating how 10:22:06 many days that I have I have an ANSI day, 10:22:09
11 12 13 14 15 16 17 18 19	Q. Is it a member of ANSI? A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01 Vague and ambiguous. 10:19:02 A. I am a member of a few of their equivalent, 10:19:11 their executive standards council as an 10:19:13 example. 10:19:15	10 11 12 13 14 15 16 17 18 19	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58 A. Honestly, I don't keep track of each and 10:22:00 every e-mail, so I wouldn't know. When you 10:22:03 asked me the question, I'm estimating how 10:22:06 many days that I have I have an ANSI day, 10:22:09 there's something going on, formal. 10:22:12
11 12 13 14 15 16 17 18 19 20	Q. Is it a member of ANSI? A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01 Vague and ambiguous. 10:19:02 A. I am a member of a few of their equivalent, 10:19:04 something like a section. I'm a member of 10:19:11 their executive standards council as an 10:19:13 example. 10:19:15 Q. What other memberships or committees or units 10:19:16	10 11 12 13 14 15 16 17 18 19 20	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58 A. Honestly, I don't keep track of each and 10:22:00 every e-mail, so I wouldn't know. When you 10:22:03 asked me the question, I'm estimating how 10:22:06 many days that I have I have an ANSI day, 10:22:09 there's something going on, formal. 10:22:12 Q. What are your duties at NFPA as chief 10:22:22
11 12 13 14 15 16 17 18 19 20 21	Q. Is it a member of ANSI? A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01 Vague and ambiguous. 10:19:02 A. I am a member of a few of their equivalent, 10:19:04 something like a section. I'm a member of 10:19:11 their executive standards council as an 10:19:13 example. 10:19:15 Q. What other memberships or committees or units 10:19:16 within ANSI do you have? 10:19:21	10 11 12 13 14 15 16 17 18 19 20 21	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58 A. Honestly, I don't keep track of each and 10:22:00 every e-mail, so I wouldn't know. When you 10:22:03 asked me the question, I'm estimating how 10:22:06 many days that I have I have an ANSI day, 10:22:09 there's something going on, formal. 10:22:12 Q. What are your duties at NFPA as chief 10:22:22 engineer, apart from being the primary 10:22:46
11 12 13 14 15 16 17 18 19 20 21 22	Q. Is it a member of ANSI? A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01 Vague and ambiguous. 10:19:02 A. I am a member of a few of their equivalent, 10:19:04 something like a section. I'm a member of 10:19:11 their executive standards council as an 10:19:13 example. 10:19:15 Q. What other memberships or committees or units 10:19:16 within ANSI do you have? 10:19:21 A. I'm also a member of the Organizational 10:19:23	10 11 12 13 14 15 16 17 18 19 20 21 22	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58 A. Honestly, I don't keep track of each and 10:22:00 every e-mail, so I wouldn't know. When you 10:22:03 asked me the question, I'm estimating how 10:22:06 many days that I have I have an ANSI day, 10:22:09 there's something going on, formal. 10:22:12 Q. What are your duties at NFPA as chief 10:22:22 engineer, apart from being the primary 10:22:46 technical spokesman? 10:22:48
11 12 13 14 15 16 17 18 19 20 21 22 23	Q. Is it a member of ANSI? A. Yes. 10:18:51 Q. Do you have any position within ANSI? 10:18:51 MR. REHN: Objection as to form. 10:19:01 Vague and ambiguous. 10:19:02 A. I am a member of a few of their equivalent, 10:19:04 something like a section. I'm a member of 10:19:11 their executive standards council as an 10:19:13 example. 10:19:15 Q. What other memberships or committees or units 10:19:16 within ANSI do you have? 10:19:21 A. I'm also a member of the Organizational 10:19:23 Member Forum or OMF. 10:19:26	10 11 12 13 14 15 16 17 18 19 20 21 22 23	occasions, they're full-day activities. 10:21:48 Q. Does that include any type of activity 10:21:52 whether you're sending e-mails to people at 10:21:55 ANSI and the like? 10:21:57 MR. REHN: Objection as to form. 10:21:58 A. Honestly, I don't keep track of each and 10:22:00 every e-mail, so I wouldn't know. When you 10:22:03 asked me the question, I'm estimating how 10:22:06 many days that I have I have an ANSI day, 10:22:09 there's something going on, formal. 10:22:12 Q. What are your duties at NFPA as chief 10:22:22 engineer, apart from being the primary 10:22:46 technical spokesman? 10:22:48 MR. REHN: Objection to form. Asked 10:22:53

1	technical aspects. 10:23:03	1	A. Primarily around the media interviews. 10:26:12
2	Q. What do you do in your role as chief engineer 10:23:08	2	Q. Any other ways? 10:26:15
3	internally within NFPA when you're not giving 10:23:18	3	A. The primary, from a public communications 10:26:21
4	maybe interviews or speaking at public 10:23:25	4	resource outreach aspect, is through media 10:26:32
5	forums? 10:23:27	5	inquiries, media interviews and media 10:26:37
6	A. The only thing I can think of is acting as 10:23:33	6	responses when I'm requested. 10:26:40
7	part of the senior management team in 10:23:39	7	Q. How many media interviews have you given 10:26:41
8	day-to-day operations. 10:23:41	8	in the past year? 10:26:48
9	Q. Do you provide technical input within NFPA? 10:23:47	9	A. I don't know. Approximately ten. 10:26:49
10	MR. REHN: Objection as to form. 10:24:03	10	Q. On what subjects? 10:27:02
11	It's vague. 10:24:06	11	A. I don't recall. 10:27:06
12	A. I'm not sure I understand the question. 10:24:07	12	Q. You don't recall any of the subjects? 10:27:09
13	Q. Do you provide technical information or 10:24:09	13	A. Not off the top of my head, no, I do not. 10:27:19
14	technical assistance within NFPA as chief 10:24:14	14	Q. You say that NFPA brings together a multitude 10:27:22
15	engineer? 10:24:16	15	of interested parties who participate in a 10:28:09
16	MR. REHN: Same objection. 10:24:19	16	consensus process to determine the best level 10:28:15
17	A. Could you clarify your question? To me it's 10:24:19	17	of minimum safety; is that right? 10:28:18
18	just not connecting with providing technical 10:24:24	18	MR. REHN: Object to the form. 10:28:20
19	information internally. 10:24:27	19	A. NFPA has an open consensus standards 10:28:24
20	Q. Are you a resource for technical information 10:24:28	20	development process that brings together many 10:28:27
21	internally within NFPA in your role as chief 10:24:31	21	differing viewing points of interest, 10:28:32
22	engineer at NFPA? 10:24:35	22	interest categories as well as the public in 10:28:35
23	MR. REHN: Same objection. 10:24:36	23	order to develop our codes and standards. 10:28:39
24	A. Yes, I view myself as a resource. 10:24:37	24	Q. How does NFPA bring them together? 10:28:43
25	Q. Who within the organization calls upon you 10:24:41	25	MR. REHN: Objection as to form. 10:28:51
	Page 22		Page 24
1	for your engineering expertise? 10:24:44	1	A. One way is through our technical committee 10:28:53
2	MR. REHN: Object to the form. 10:24:48	2	meetings. 10:28:55
3	A. I would view the senior management team as an 10:24:52	3	Q. How else does NFPA bring them together? 10:29:01
4	example of those that would call upon me. 10:24:59	4	A. Through our annual meeting. 10:29:07
5	Q. Who else within the organization calls upon 10:25:01	5	Q. How else? 10:29:10
6	you for your technical expertise as chief 10:25:04	6	A. Through special, specially called topical 10:29:17
7	engineer? 10:25:08	7	meetings. 10:29:23
8	MR. REHN: Same objection. 10:25:08	8	Q. How else? 10:29:28
9	A. The standards codes and standards 10:25:09	9	A. Through technical forums and summits. 10:29:29
10	operation team, which I'm responsible for. 10:25:15	10	Q. How else? 10:29:40
11	Q. Who else? 10:25:18	11	A. That's all I can think of off the top of my 10:29:41
12	MR. REHN: Same objection. 10:25:21	12	head. 10:29:57
13	A. At times marketing and such like that, things 10:25:27	13	Q. And what does NFPA do to bring them together? 10:29:57
14	like that. 10:25:35	14	MR. REHN: Object to the form. 10:30:05
15	Q. Who else? 10:25:37	15	Vague. 10:30:07
16	MR. REHN: Same objection. 10:25:39	16	A. With respect to our technical committee 10:30:10
17	A. I really can't think of another aspect of 10:25:41	17	meetings, we, through the committee, call the 10:30:12
18	that. 10:25:45	18	meeting and book the meeting facility and 10:30:16
1	Q. Do outreach public affairs personnel call 10:25:48	19	host the meeting. 10:30:20
19	1 1	I	Q. Anything else? 10:30:30
19 20	upon you for your technical expertise? 10:25:56	20	Q. Anything else:
		20 21	MR. REHN: Same objection. 10:30:32
20	upon you for your technical expertise? 10:25:56		
20 21	upon you for your technical expertise? 10:25:56 A. Yes, they're part of the senior management 10:25:59	21	MR. REHN: Same objection. 10:30:32
20 21 22	upon you for your technical expertise? 10:25:56 A. Yes, they're part of the senior management 10:25:59 team. 10:26:05	21 22	MR. REHN: Same objection. 10:30:32 A. To clarify, with respect to committee 10:30:35
20 21 22 23	upon you for your technical expertise? 10:25:56 A. Yes, they're part of the senior management 10:25:59 team. 10:26:05 MR. REHN: Objection. 10:26:06	21 22 23	MR. REHN: Same objection. 10:30:32 A. To clarify, with respect to committee 10:30:35 meetings? 10:30:37

meetings are open to unynow who wishes to 10-30-04 2 artand.				
3 Q. Anything chec? 10:30:49	1	meetings are open to anyone who wishes to 10:30:44	1	portion of their job is to attend the 10:33:33
4	2	attend. 10:30:46	2	technical committee meetings. 10:33:36
5 Q. What do you mean by call the meeting. NFPA 10:30:55	3	Q. Anything else? 10:30:46	3	Q. What do the liaisons do at those meetings 10:33:39
6 Calls the meeting? 10:31:06 7 A. We provide advance public notice when we call 10:31:02 7 A. We provide advance public notice when we call 10:31:16 7 A Their primary responsibility is to capture 10:33:54 10:31:12 10 to make not only the committee when we call 10:31:16 7 A Their primary responsibility is to capture 10:33:54 10:31:16 7 A We have a meeting addie, Location, 10:31:22 11 care certified and provided primary 10:34:34 12 care certified and provided primary 10:34:34 13 care certified and primary 10:34:34 14 standards. And one of the primary 10:34:34 14 standards. And one of the primary 10:34:34 15 responsibility is to book all of our 10:31:34 15 responsibility is to book all of our 10:31:34 15 responsibility is to book all of our 10:31:34 16 meetings 10:31:41 16 Make primary 10:34:34 16 Make primary 10:34:35 16 Make primary 10:34:35 16 Make primary 10:34:35 16 Make primary 10:34:35 16 Make primary 10:34:36 16 Make primary 10:34:36 16 Make primary 10:34:37 16 Make primary	4	A. No. I think that covers it. 10:30:49	4	when they attend them? 10:33:45
7 A. We provide advance public notice when we call 10:31:08 10:31:09 mcdia amouncements to the committee semsers 10:31:16 mcdia amouncements to the committee semsers 10:31:16 to make not only the committee but the public 10:31:20 10 to make not only the committee but the public 10:31:20 10 to make not only the committee but the public 10:31:20 10 vorking no or standard they're working on. 10:33:57 vorking no or standard they're working on. 10:33:57 10:34:27 10:34:27 10:34:27 10:34:27 10:34:27 10:34:27 10:34:27 10:34:27 10:34:27 10:34:27 10:34:27 10:34:27 10:34:37 10:34:37 10:34:37 10:34:37 10:34:37 10:34:37 10:34:37 10:34:37 10:34:37 10:34:37 10:34:39	5	Q. What do you mean by call the meeting, NFPA 10:30:55	5	MR. REHN: Object to the form. 10:33:45
8	6		6	A. Their primary responsibility is to capture 10:33:46
9 media announcements to the committee members 10:31:16 10 to make not only the committee but the public 10:31:20 10 20 20 20 20 20 20	7	A. We provide advance public notice when we call 10:31:08	7	all of the technical changes that the 10:33:51
10	8	the meeting, including on our website, social 10:31:12	8	committee is making to the document they're 10:33:54
11 aware of the next meeting date, location, 10.31:22 12 centext. 10.34:24 12 centext. 10.31:26 12 13 developing changes to our codes and 10.34:27 10.34:27 10.34:27 10.34:27 10.34:27 10.34:27 10.34:27 10.34:27 10.34:31 13 developing changes to our codes and 10.34:31 15 responsibility is to book all of our 10.31:38 15 responsibility is to book all of our 10.31:38 15 responsibility is to book all of our 10.31:38 15 responsibility is to book all of our 10.31:38 15 responsibility is to book all of our 10.31:34 16 liaison is to capture those changes 10.34:37 10.34:39 10.34:40 10.34:39 10.34:40 10.34:40 10.34:50 10.	9	media announcements to the committee members 10:31:16	9	working on or standard they're working on. 10:33:57
12 10 10 10 10 10 10 10	10	to make not only the committee but the public 10:31:20	10	Q. What do you mean by technical changes in that 10:34:02
13 Q. How does NFPA book the meeting? 10:31:29 13 developing changes to our codes and 10:34:31 14 standards. And one of the primary 10:34:34 15 responsibility is to book all of our 10:31:38 16 meetings. 10:31:41 16 meetings. 10:31:41 16 meetings. 10:31:41 16 meetings. 10:31:42 17 Q. Does that mean to arrange the logistics, like 10:31:42 18 the hotels and conferences rooms and things 10:31:47 18 the hotels and conferences rooms and things 10:31:47 18 the hotels and conferences rooms and things 10:31:50 19 A. Those changes are specific, technical being 10:34:53 10:31:51 20 A. The meetings department is responsible for 10:31:51 21 and standards which are technical documents 10:35:01 22 4 enough meeting rooms, things like that 10:32:02 23 enough meeting rooms, things like that 10:32:02 24 enough meeting rooms, things like that 10:32:07 Page 26 25 Whatever the size of the logistics, they 10:32:07 Page 28 25 MR. REIN: Object to the form 10:32:20 25 space and any required hotels 10:32:12 26 MR. REIN: Object to the form 10:32:20 27 28 MR. REIN: Object to the form 10:32:20 28 ir's an NFPA meeting, so it's - we're 10:32:23 29 20 MR. REIN: Object to the form 10:32:29 20 MR. REIN: Object to the form 10:32:29 20 MR. REIN: Object to the form 10:32:36 20 MR. REIN: Object to the form 10:35:34 20	11	aware of the next meeting date, location, 10:31:22	11	context? 10:34:24
14 A. We have a meetings department whose 10-31:34 15 responsibilities of the technical staff 10-34:37 16 meetings. 10-31:41 16 meetings. 10-31:43 17 17 18 meetings. 10-31:41 16 meetings. 10-31:43 17 18 meetings. 10-31:51 18 meetings department is responsible 10-31:51 19 meetings department is responsible 10-31:52 20 mm 10-31:51 21 mm 10-31:51 22 mm 10-31:51 23 mm 10-31:51 23 mm 10-31:51 24 mm 10-31:51 25 mm 10-31:51 25 mm 10-31:51 25 mm 10-31:51 26 mm 10-31:51 27 mm 10-31:51 27 mm 10-31:51 28 mm 10-31:51 29 mm 10-31:51 29 mm 10-31:51 29 mm 10-31:51 20 mm 10-	12	et cetera. 10:31:26	12	A. Our technical committees are responsible for 10:34:27
responsibility is to book all of our	13	Q. How does NFPA book the meeting? 10:31:29	13	developing changes to our codes and 10:34:31
16 meetings 10:31:41 16 liaison is to capture those changes 10:34:39 17 Q. Does that mean to arrange the logistics, like 10:31:47 18 the hotels and conferences rooms and things 10:31:47 18 changes? 10:34:50 18 changes are specific, technical being 10:34:53 18 changes? 10:34:50 18 changes are specific, technical being 10:34:50 18 changes? 10:34:50 18 changes? 10:34:50 18 changes? 10:34:50 18 changes are specific, technical being 10:34:53 18 changes? 10:34:50 18 changes are specific, technical being 10:34:53 18 changes? 10:34:50 19 changes are specific, technical being 10:34:50 19 changes are specific, technical being 10:34:50 19 changes? 10:32:00 20 changes and wording changes to our codes 10:35:60 10:35:60 20 changes and wording changes to the technical 10:35:11 10:35:18 10:35:18 10:35:17 20 changes and wording changes to the technical 10:35:19 20 changes and wording changes to the technical 10:35:12 20 changes and wording changes to the technical 10:35:19 20	14	A. We have a meetings department whose 10:31:34	14	standards. And one of the primary 10:34:34
17 Q. Does that mean to arrange the logistics, like 10:31:42 18 the hotels and conferences rooms and things 10:31:45 10:31:45 19 like that? 10:31:50 19 A. Those changes are specific, technical being 10:34:53 10:34:57 20 A. The meetings department is responsible 10:31:52 20 Scientific or wording changes to our codes 10:34:57 21 MR. REHN: Objection to form. 10:31:51 22 A. The meetings department is responsible for 10:31:56 22 C. How do you distinguish between scientific 10:35:08 23 taking care of finding a proper hotel, large 10:32:04 24 enough meeting rooms, things like that. 10:32:04 25 Whatever the size of the logistics, they 10:32:07 Page 26 25 MR. REHN: Object to the form. 10:32:12 25 space and any required hotels. 10:32:12 27 28 29 29 29 29 29 29 29	15	responsibility is to book all of our 10:31:38	15	responsibilities of the technical staff 10:34:37
18	16	meetings. 10:31:41	16	liaison is to capture those changes. 10:34:39
19	17	Q. Does that mean to arrange the logistics, like 10:31:42	17	Q. In what respect are those changes technical 10:34:46
20	18	the hotels and conferences rooms and things 10:31:47	18	changes? 10:34:50
21	19	like that? 10:31:50	19	A. Those changes are specific, technical being 10:34:53
22 A. The meetings department is responsible for 10:31:56 23 taking care of finding a proper hotel, large 10:32:02 24 enough meeting rooms, things like that. 10:32:04 25 Whatever the size of the logistics, they 10:32:07 26 Page 26 1 handle all the logistics around that meeting 10:32:09 2 space and any required hotels. 10:32:12 2 Q. How does NFPA host the meetings 10:32:09 2 space and any required hotels. 10:32:12 3 Q. How does NFPA host the meetings? 10:32:14 4 MR. REHN: Object to the form. 10:32:20 4 A. I think the best approach is that because 10:32:28 6 MR. REHN: Same objection. 10:32:28 7 A. I think the best approach is that because 10:32:29 9 calling - when I say we're calling the 10:32:41 10 meeting, so it's our committee meeting as an 10:32:41 11 example. 10:32:41 12 So NFPA staff is there, technical 10:32:41 13 staff is there facilitating and running the 10:32:46 14 meeting along with the actual volunteer 10:32:57 16 should clarify what I'm implying by 10:32:56 17 "hosting." 10:32:56 18 Q. How does the NFPA staff facilitate and run 10:32:57 19 the meetings along with the actual volunteer 10:33:22 2 Q. What criteria do the members of the technical 10:36:23 2 Q. How does the NFPA staff facilitate and run 10:32:57 2 Q. What criteria do the members of the technical 10:36:23 2 Q. Ves. 10:33:23 2 Q. Ves. 2 Q. What criteria do the members of the technical 10:36:32 2 Whoke have a technical staff liaison 10:33:25 3 Whoke assigned to each of our standards and a 10:33:30 2 What criteria do the members of the technical 10:36:32 3 Whoke assigned to each of our standards and a 10:33:30 2 M. R. REHN: Object to the form. 10:36:39 2 M. R. REHN: Object to the form. 10:36:39 2 M. R. REHN: Object to the form. 10:36:39 2 M. R. REHN: Object to the form. 10:36:39 2 M. R. REHN: Object to the form. 10:36:39 2 M. R. REHN: Object to the form. 10:36:39 2 M. R. REHN: Object to the form. 10:36:39 2 M. R. REHN: Object to the form. 10:36:39 2 M. A. A technical staff liaison 10:33:25 3 Whoke assigned to each of our standards and a 10:	20	A. The meetings department is responsible 10:31:52	20	scientific or wording changes to our codes 10:34:57
23	21	MR. REHN: Objection to form. 10:31:51	21	and standards which are technical documents. 10:35:01
24 enough meeting rooms, things like that. 10:32:04 25 Whatever the size of the logistics, they 10:32:07 Page 26 25 MR. REHN: Object to the form. 10:35:18 Page 28 1 handle all the logistics around that meeting 10:32:09 1 Lacks foundation. Mischaracterizes the 10:35:19 10:35:19 10:35:22 2 testimony. 10:35:22 4 MR. REHN: Object to the form. 10:32:20 4 changing a specific requirement. A wording 10:35:22 4 changing a specific requirement. A wording 10:35:32 6 MR. REHN: Same objection. 10:32:28 6 if they have determined that the requirement 10:35:34 is confusing or not clear what the specific 10:35:36 is confusing or not clear what the specific 10:35:36 or wording to make it easier to interpret or 10:35:41 or meeting, so it's our committee meeting as an 10:32:41 11 requirement is. 10:35:45 or wording to make it easier to interpret or 10:35:45 or wording one with the actual volunteer 10:32:48 14 meeting along with the actual volunteer 10:32:55 15 technical committee chair. So I think that 10:32:50 16 should clarify what I'm implying by 10:32:56 16 should clarify what I'm implying by 10:32:57 17 the meetings along with the actual volunteer 10:33:17 10 the meetings along with the technical 10:33:15 10:33:15 10:33:15 10:33:15 10:33:15 10:33:15 10:33:15 10:33:15 10:33:15 10:33:15 10:33:15 10:33:15 10:33:15 10:33:24 10:33:17 1	22	A. The meetings department is responsible for 10:31:56	22	Q. How do you distinguish between scientific 10:35:08
25 Whatever the size of the logistics, they 10:32:07 Page 26 Page 26 MR. REHN: Object to the form. 10:35:18 Page 28 1	23	taking care of finding a proper hotel, large 10:32:02	23	changes and wording changes to the technical 10:35:11
Page 26 Page 28 Page 29 Page	24	enough meeting rooms, things like that. 10:32:04	24	documents? 10:35:17
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25 who's assigned to each of our standards and a 10:33:30 25 MR. REHN: Object to the form. 10:36:39				
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1	Lacks foundation. 10:36:41	1	development process. A piece of that is, for 10:39:45
2	A. Ultimately those decisions are based upon the 10:36:43	2	example, compliance with our manual of style. 10:39:50
3	technical committee members' expertise and 10:36:47	3	Q. What form does that support take? 10:39:57
4	knowledge within the field. 10:36:50	4	MR. REHN: Object to the form. 10:40:03
5	Q. And when you say that the technical staff 10:37:00	5	A. It takes several forms. First and foremost 10:40:07
6	liaison has a responsibility to capture all 10:37:18	6	is to capture the specific text or record the 10:40:10
7	of the technical changes that the committee 10:37:22	7	specific technical changes that occurred at 10:40:14
8	is making to the document, what do you mean 10:37:26	8	the meeting. 10:40:17
9	by capture? 10:37:28	9	Q. Anything else? 10:40:17
10	A. NFPA has a very robust standards development 10:37:29	10	A. Second is to ensure that the wording is in 10:40:26
	-	11	compliance with our manual style. 10:40:32
11	platform that allows our committees to work 10:37:36		
12	on the text within the document. And the 10:37:40	12	Q. Anything else? 10:40:39
13	technical staff captures those changes in the 10:37:43	13	A. Also the technical staff is there to ensure 10:40:40
14	system so that we can then support that staff 10:37:46	14	that the new or modified requirements align 10:40:47
15	with editorial changes and such before 10:37:51	15	with the remainder of the document. 10:40:51
16	publication. 10:37:54	16	Q. Anything else? 10:40:58
17	Q. I still don't understand what you mean by 10:38:00	17	A. They also spend time reviewing those 10:41:05
18	capture in that context. You said that the 10:38:02	18	requirements, the technical staff does, to 10:41:10
19	technical staff captures those changes. What 10:38:07	19	make sure they don't establish conflicting 10:41:12
20	do you mean by capture there? 10:38:12	20	requirements with other portions of that 10:41:14
21	MR. REHN: Object to the form. 10:38:13	21	document or other NFPA standards. 10:41:18
22	A. The committee makes a decision. It is the 10:38:15	22	Q. Anything else? 10:41:21
23	responsibility of the technical staff to not 10:38:18	23	A. Another responsibility is to come back to 10:41:25
24	only just record those changes, but 10:38:22	24	NFPA to their offices and ensure that our 10:41:32
25	understand the technical context that the 10:38:25 Page 30	25	editorial production team has full knowledge 10:41:34 Page 32
1	committee is trying to accomplish to ensure 10:38:27	1	of those changes as they modify the 10:41:39
2	that when those changes go out for ballot to 10:38:29	2	develop the next edition of the standard. 10:41:43
3	our technical committees, it's accurate. 10:38:32	3	Q. Anything else? 10:41:48
4	Q. That it accurately reflects what the 10:38:35	4	A. There's an extensive amount of back and forth 10:42:08
5	technical committee intended to produce? 10:38:38	5	between the editorial and production staff 10:42:11
6	A. The primary job 10:38:41	6	and the technical staff to finalize the 10:42:14
7	MR. REHN: Object to the form. 10:38:43	7	language prior to balloting. 10:42:18
8	A. The primary job of the technical staff 10:38:44	8	Q. Anything else? 10:42:27
9	liaison is to ensure that any recorded 10:38:46	9	A. Once the language is finalized, the technical 10:42:31
10	actions accurately reflect that intent of the 10:38:48	10	staff works with our project administrators 10:42:37
11	technical committee. 10:38:51	11	to develop a technical committee ballot which 10:42:41
12	MR. REHN: If I can just remind the 10:38:52	12	is then circulated to that technical 10:42:44
13	witness to give me a chance to object after 10:38:53	13	committee. 10:42:44
14	the question is asked. Helps the court 10:38:56	14	Q. Anything else? 10:42:51
15	reporter out if we're not talking over each 10:39:03	15	A. Once the ballot is completed and approved, 10:43:16
16	other. 10:39:06	16	the technical staff, working with the project 10:43:22
17	A. Sorry. 10:39:07	17	administrators, then circulates the ballot of 10:43:23
18	Q. You mentioned some sort of the editorial 10:39:16		the proposed changes to that full technical 10:43:27
19	activity in support of the technical 10:39:30	19	committee. 10:43:30
20	committees; is that correct? 10:39:35	20	Q. Do they circulate the proposed ballot or 10:43:39
21	MR. REHN: Object to form. 10:39:35	21	the actual ballot to the full technical 10:43:39
22	Q. You used the word "editorial." I didn't 10:39:36	22	committee? 10:43:39
23	quite understand the context. 10:39:39	23	A. The actual ballot. The actual ballot is 10:44:03
24	A. There's an extensive amount of support that 10:39:41		submitted to the committee for formal voting. 10:44:07
25	NFPA staff provides to our standards 10:39:43	25	Q. Anything else? 10:44:15
	Page 31		Page 33
1			

1	A. Once the initial ballot is complete, the 10:44:18	1	A. Through our online codes and standards 10:47:46
2	results are then recirculated to the 10:44:21	2	system. 10:47:49
3	committee to ensure to finalize the 10:44:23	3	Q. What happens after the public comment period? 10:47:55
4	results. 10:44:45	4	A. The technical committee meets and reviews 10:48:00
5	Q. When you say the results are recirculated 10:44:45	5	each public comment. 10:48:05
6	to the committee, does that mean the vote 10:44:47	6	Q. Then what happens? 10:48:08
7	tally or the text that was the subject of the 10:44:49	7	A. The technical committee determines if any 10:48:24
8	ballot for vote? 10:44:54	8	excuse me. The technical committee develops 10:48:29
9	MR. REHN: Object to form. 10:44:57	9	responses to each of those public comments. 10:48:31
10	A. Both. 10:45:00	10	Q. Then what happens? 10:48:40
11	Q. So when the initial ballot is complete, the 10:45:00	11	A. The technical committee determines if any 10:48:43
12	technical committee receives a report of the 10:45:03	12	further revisions or changes are required to 10:48:48
13	results and the presumptive final language of 10:45:07	13	address those public comments. 10:48:52
14	the change; is that correct? 10:45:12	14	Q. Then what happens when the technical 10:49:03
15	MR. REHN: Object to the form. 10:45:13	15	committee determines that further changes are 10:49:06
16	A. No. 10:45:17	16	required? 10:49:08
17	Q. How is that incorrect? 10:45:19	17	A. They would develop a second revision. 10:49:11
18	A. The final text is what's being balloted. 10:45:20	18	Q. And what would happen what would happen 10:49:18
19	Q. When you say the results are recirculated to 10:45:28	19	after a second revision? 10:49:22
20	the committee to finalize the results; is 10:45:32	20	MR. REHN: Objection as to form. 10:49:26
21	that what you said? 10:46:06	21	A. The technical staff liaison would then 10:49:28
22	A. Mm-hmm. 10:46:07	22	capture or record that change. 10:49:31
23	Q. What does it mean to finalize the results? 10:46:08	23	Q. Then what would happen? 10:49:37
24	A. We have an initial ballot. Our committee 10:46:13	24	A. They would then the technical staff would 10:49:43
25	members vote, then we provide another 10:46:16 Page 34	25	then integrate one or more changes, whatever 10:49:46 Page 36
1	opportunity for the committee members to see 10:46:19	1	was appropriate, into the draft document. 10:49:49
2	all the votes and the reasons the committee 10:46:21	2	Q. And then what happens? 10:49:57
3	voted a certain way to decide if they want to 10:46:24	3	A. The technical staff would then return to NFPA 10:49:59
4	either change their vote or keep their vote 10:46:26	4	and ensure that all of the technical changes 10:50:05
5	the same. 10:46:28	5	were properly captured and in compliance with 10:50:08
6	Q. And with that information is another copy of 10:46:31	6	our manual style. 10:50:12
7	the text that was the subject of the ballot? 10:46:37	7	Q. Then what happens? 10:50:24
8	A. No. 10:46:40	8	A. The technical staff would then work with the 10:50:25
9	Q. They just get the results and the 10:46:43	9	editorial and production team to ensure all 10:50:29
10	descriptions of the votes? 10:46:46	10	of the proposed technical changes are 10:50:34
11	A. Yes. 10:46:47	11	properly recorded and captured within the 10:50:37
12	Q. Then what happens? 10:46:48	12	draft document. 10:50:40
13	A. Once the ballot results are final, a first 10:46:51	13	Q. Then what happens? 10:50:46
14	draft report is published for public comment. 10:46:55	14	A. Once the editorial and production team has 10:50:56
15	Q. Then what happens? 10:47:10	15	finalized their work, the technical staff 10:51:01
16	A. There's a period of open public comment on 10:47:12	16	liaison again reviews all the changes to 10:51:04
17	that document. 10:47:17	17	ensure that they remain an accurate 10:51:06
18	Q. How long does that last? 10:47:19	18	reflection of the intent and the wording that 10:51:09
19	A. It varies, but approximately ten weeks long. 10:47:20	19	the technical committee established. 10:51:12
20	Q. How does the public have access to that 10:47:28	20	Q. Then what happens? 10:51:15
21	comment at the time? 10:47:25	21	A. The technical staff liaison then works with 10:51:23
22	MR. REHN: Objection to form. 10:47:36	22	the project administrators to develop a 10:51:26
23	Q. How does the public have access to the 10:47:37	23	ballot for the technical committee. 10:51:30
24	proposed changes at that time? 10:47:41	24	Q. Then does the ballot process, after that 10:51:35
25	MR. REHN: Objection as to form. 10:47:44	25	point, follow the same process you described 10:51:37
23	Page 35	23	Page 37
			2

1	earlier? 10:51:39	1	of my recollection, the only other motions 10:55:24
2	MR. REHN: Objection as to form. 10:51:40	2	that are available are variations of those 10:55:26
3	A. For the second draft we repeat the same 10:51:43	3	main motions. 10:55:29
4	ballot process. 10:51:46	4	Q. How are the motions how are these various 10:55:34
5	Q. After the same ballot process, is the revised 10:51:47	5	motions you've referred to decided? 10:55:37
6	language again laid open for public comment? 10:51:54	6	MR. REHN: Objection as to form. 10:55:40
7	A. After the second draft meeting and ballot, we 10:52:00	7	A. It's a multistep process which starts with 10:55:42
8	produce a second draft report. 10:52:04	8	someone submitting a NITMAM, again, a notice 10:55:49
9	Q. And what happens with that second draft 10:52:08	9	of intent to make a motion. 10:55:52
10	report? 10:52:12	10	Q. Take me through the rest of the process, 10:55:55
11	A. The second draft report is open for what we 10:52:12	11	please. 10:55:57
12	term as NITMAM's, N I T M A M, apostrophe S. 10:52:16	12	MR. REHN: Objection as to form, 10:55:58
13	Q. What does that mean? 10:52:24	13	vague, compound. 10:56:01
14	A. It's a notice for an intent to make a motion. 10:52:28 O. What does that mean? 10:52:38	14	A. The first part of that process is that a 10:56:02
15		15	person who wishes to submit a NITMAM would, 10:56:07
16	A. If someone continues to or is not happy with 10:52:39	16	through our online system, fill out a form 10:56:10
17	the results of the process at this point, 10:52:48 they can file a motion to continue the 10:52:53	17 18	and say what motion they wish to make. 10:56:13 Q. Keep going. 10:56:16
19	debate. 10:52:55	19	A. The next step is that motion is captured by 10:56:17
20	Q. Who can make such a motion? 10:53:01	20	our standards administration staff. 10:56:24
21	A. It depends on the type of motion they're 10:53:04	21	O. Is that all? 10:56:32
22	making. 10:53:11	22	A. No. 10:56:34
23	Q. What are the different types of motions? 10:53:12	23	Q. Take me through the whole process, please. 10:56:34
24	A. For example, one example is to overturn a 10:53:17	24	MR. REHN: Objection as to form. 10:56:38
25	change the committee has proposed at the 10:53:23	25	A. The next step is our standard administration 10:56:40
	Page 38	20	Page 40
1	second draft stage. In that case, anyone can 10:53:25	1	staff provides an initial review to make sure 10:56:46
2	make that motion. 10:53:31	2	the motion is in order. 10:56:48
3	Q. What other types of motions can continue the 10:53:35	3	Q. I've asked you to take me through the whole 10:56:56
4	debate? 10:53:51	4	process. Please continue, and continue until 10:56:59
5	MR. REHN: Objection as to form. 10:53:51	5	the end of the process. 10:57:02
6	A. Another motion is to accept a public comment. 10:53:53	6	MR. REHN: Objection as to form. 10:57:03
7	Q. Who can make that kind of motion? 10:54:00	7	It's compound. 10:57:05
8	A. The submitter of that public comment. 10:54:07	8	A. The next step of the process, after standards 10:57:07
9	Q. What other types of motions can occur after 10:54:13	9	administration review, is to then provide a 10:57:11
10	the second draft report? 10:54:21	10	report to a motions committee of our 10:57:14
11	A. In some cases you can make a motion to return 10:54:24	11	standards council. 10:57:17
12	the entire document. 10:54:28	12	Q. Is that your complete answer to my question? 10:57:22
13	Q. Does that mean return the entire document to 10:54:30	13	A. No. 10:57:24
14	the technical committee to start all over 10:54:38	14	Q. Please continue your answer till you've 10:57:25
15	again? 10:54:40	15	answered my question. 10:57:28
16	MR. REHN: Objection as to form. 10:54:41	16	MR. FEE: Objection. Calls for a 10:57:30
17	A. Returning the document is for new standards, 10:54:41	17	narrative. 10:57:31
18	and it would return it back to the technical 10:54:45	18	MR. REHN: Yes, same objection and 10:57:33
19	committee in its entirety for further action. 10:54:48	19	it's a compound question. 10:57:34
20	Q. What other types of motion can occur after 10:54:57	20	A. The next step of the process is that 10:57:37
21	the second draft report? 10:55:00	21	subcommittee of our standards council, the 10:57:40
22	A. The only other motions, and in this case I 10:55:14	22	motions committee reviews those motions and 10:57:45
23	would rely on our regulations, 10:55:18	23	determines if they're in order or not in 10:57:46
24	government-committed projects, there's a 10:55:22	24	order. 10:57:48
25	table of motions in there, but, to the best 10:55:22 Page 39	25	Q. So that's your testimony as to what the 10:58:07 Page 41
	Page 39	1	Page 41

1	complete process is? 10:58:09	1	there's many, many steps. Each one has 11:00:23
2	A. No. 10:58:10	2	multiple points. 11:00:25
3	Q. My question was please describe the complete 10:58:11	3	Q. Please take me through it. 11:00:28
4	process. 10:58:14	4	MR. REHN: Same objections. 11:00:30
5	MR. REHN: Same objection. 10:58:15	5	Q. Please tell me what the steps are and the 11:00:31
6	Q. Can you please answer my questions. 10:58:16	6	multiple points are in that process and tell 11:00:35
7	MR. REHN: It calls for a narrative 10:58:19	7	me when your answer is complete. 11:00:37
8	answer. It's a compound question. I'm 10:58:21	8	MR. REHN: Same objections. 11:00:38
9	objecting on that basis. 10:58:22	9	Compound question. 11:00:39
10	MR. BRIDGES: You can make that 10:58:22	10	A. For clarification, I'd like you to state 11:00:41
11	objection, but that's not an instruction not 10:58:23	11	where you would like me to start. 11:00:44
12	to answer the question as I've asked. 10:58:25	12	Q. Where you left off. 11:00:45
13	Q. So I'm not sure why you have a hard time 10:58:28	13	A. After the appeal process, if there's none, 11:00:48
14	answering the question I have given you. I'm 10:58:31	14	then that would be the motions committee 11:00:57
15	asking you to lay out the rest of the 10:58:33	15	report, which would be the agenda for our 11:00:59
16	complete process. 10:58:35	16	technical committee session. 11:01:01
17	MR. REHN: Same objections. 10:58:36	17	Q. Tell me when you're answer is complete. 11:01:14
18	A. The next step of the process after the 10:58:39	18	MR. REHN: Objection as to form. If 11:01:17
19	motions committee reviews it, there is a vote 10:58:42	19	there's a specific question pending 11:01:20
20	of the motions committee to determine what 10:58:44	20	MR. BRIDGES: There is a specific 11:01:25
21	motions are in order or not in order and a 10:58:47	21	question pending. 11:01:25
22	motions committee report is published. 10:58:50	22	MR. REHN: The question is extremely 11:01:25
23	Q. Do you have anything further to say in answer 10:58:54	23	broad. It's calling for a long narrative 11:01:28
24	to the question? 10:58:57	24	answer and it's compound. It's vague. And 11:01:31
25	MR. REHN: Same objection. It's 10:58:58	25	he's answering the question. 11:01:33
	Page 42		Page 44
1	vague now, in addition. 10:59:01	1	MR. BRIDGES: Your objections are 11:01:35
2	A. To the point that we have come to in the 10:59:06	2	noted. 11:01:36
3	process, my answer is complete. 10:59:08	3	MR. REHN: Is there a question 11:01:37
4	Q. I'm asking you to tell me about the complete 10:59:09	4	pending? 11:01:38
5	process. For some reason you're resisting 10:59:12	5	MR. BRIDGES: Yes, there is. 11:01:39
6	giving an answer to the question I've made. 10:59:14	6	MR. REHN: I'm not aware of it. 11:01:40
7	I'm asking you for a complete answer to 10:59:17	7	A. Can you please restate the question for me. 11:01:44
8	describe the entire process. 10:59:19	8	Q. Please tell me what the steps are and the 11:01:52
9	MR. REHN: Objection as to form. 10:59:21	9	multiple points that are in that process and 11:02:03
10	Argumentative, calls for a compound. It's a 10:59:22	10	tell me when your answer is complete. 11:02:07
11		11	
111	compound question, calls for a narrative. 10:59:25	11	A. Again, for clarification. 11:02:11
12	You're now pretty vague about what we're even 10:59:27	12	A. Again, for clarification. 11:02:11 MR. REHN: Objection as to form. 11:02:13
12	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33	12	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19
12 13 14 15	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30	12 13	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23
12 13 14	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37 published, there is an opportunity for appeal 10:59:40	12 13 14	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27
12 13 14 15 16 17	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37	12 13 14 15	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27 A. Again, for clarification, you picked one 11:02:29
12 13 14 15 16	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37 published, there is an opportunity for appeal 10:59:40	12 13 14 15 16	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27
12 13 14 15 16 17	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37 published, there is an opportunity for appeal 10:59:40 or challenge of that motions committee 10:59:43	12 13 14 15 16 17	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27 A. Again, for clarification, you picked one 11:02:29
12 13 14 15 16 17 18	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37 published, there is an opportunity for appeal 10:59:40 or challenge of that motions committee 10:59:43 report. 10:59:47	12 13 14 15 16 17 18	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27 A. Again, for clarification, you picked one 11:02:29 point in our process and my answer is not 11:02:34
12 13 14 15 16 17 18 19	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37 published, there is an opportunity for appeal 10:59:40 or challenge of that motions committee 10:59:43 report. 10:59:47 Q. So is your answer now complete? 10:59:50	12 13 14 15 16 17 18	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27 A. Again, for clarification, you picked one 11:02:29 point in our process and my answer is not 11:02:34 complete. If you have a specific question 11:02:40 related to our process, I'd be happy to 11:02:41 answer that. 11:02:45
12 13 14 15 16 17 18 19 20 21 22	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37 published, there is an opportunity for appeal 10:59:40 or challenge of that motions committee 10:59:43 report. 10:59:47 Q. So is your answer now complete? 10:59:50 A. No. 10:59:52 Q. Tell me when your answer is complete, please. 10:59:52 MR. REHN: Objection as to form. 11:00:06	12 13 14 15 16 17 18 19 20 21 22	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27 A. Again, for clarification, you picked one 11:02:29 point in our process and my answer is not 11:02:34 complete. If you have a specific question 11:02:40 related to our process, I'd be happy to 11:02:41 answer that. 11:02:45 Q. I want you to complete describing the process 11:02:45
12 13 14 15 16 17 18 19 20 21	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37 published, there is an opportunity for appeal 10:59:40 or challenge of that motions committee 10:59:43 report. 10:59:47 Q. So is your answer now complete? 10:59:50 A. No. 10:59:52 Q. Tell me when your answer is complete, please. 10:59:52 MR. REHN: Objection as to form. 11:00:06 Argumentative. It's a compound question. 11:00:07	12 13 14 15 16 17 18 19 20 21 22 23	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27 A. Again, for clarification, you picked one 11:02:29 point in our process and my answer is not 11:02:34 complete. If you have a specific question 11:02:40 related to our process, I'd be happy to 11:02:41 answer that. 11:02:45 Q. I want you to complete describing the process 11:02:45 that I asked you about. I asked you to take 11:02:48
12 13 14 15 16 17 18 19 20 21 22 23 24	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37 published, there is an opportunity for appeal 10:59:40 or challenge of that motions committee 10:59:43 report. 10:59:47 Q. So is your answer now complete? 10:59:50 A. No. 10:59:52 Q. Tell me when your answer is complete, please. 10:59:52 MR. REHN: Objection as to form. 11:00:06 Argumentative. It's a compound question. 11:00:07 A. I would ask that you restate the question 11:00:15	12 13 14 15 16 17 18 19 20 21 22 23 24	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27 A. Again, for clarification, you picked one 11:02:29 point in our process and my answer is not 11:02:34 complete. If you have a specific question 11:02:40 related to our process, I'd be happy to 11:02:41 answer that. 11:02:45 Q. I want you to complete describing the process 11:02:45 that I asked you about. I asked you to take 11:02:51
12 13 14 15 16 17 18 19 20 21 22 23	You're now pretty vague about what we're even 10:59:27 talking about. 10:59:30 Q. You may answer. 10:59:33 A. Once the motions committee report is 10:59:37 published, there is an opportunity for appeal 10:59:40 or challenge of that motions committee 10:59:43 report. 10:59:47 Q. So is your answer now complete? 10:59:50 A. No. 10:59:52 Q. Tell me when your answer is complete, please. 10:59:52 MR. REHN: Objection as to form. 11:00:06 Argumentative. It's a compound question. 11:00:07	12 13 14 15 16 17 18 19 20 21 22 23	MR. REHN: Objection as to form. 11:02:13 It's clearly a compound question, and I 11:02:15 object on that basis in addition to the form 11:02:19 of the question and the other objections that 11:02:23 we've noted. 11:02:27 A. Again, for clarification, you picked one 11:02:29 point in our process and my answer is not 11:02:34 complete. If you have a specific question 11:02:40 related to our process, I'd be happy to 11:02:41 answer that. 11:02:45 Q. I want you to complete describing the process 11:02:45 that I asked you about. I asked you to take 11:02:48

1	description. 11:02:58	1	all you want. And if he's not answering, 11:04:20
2	MR. REHN: Same objection. 11:03:00	2	the record will show that. We can take a 11:04:22
3	Q. That's a fair question and if you're refusing 11:03:01	3	break. If he wants to look back through the 11:04:23
4	to answer, that's fine. Are you saying 11:03:03	4	transcript and understand what the question 11:04:25
5	you're refusing to answer my question? 11:03:05	5	is, fine. Let's go off the record. 11:04:26
6	MR. REHN: Same objection. 11:03:07	6	MR. REHN: Okay. We can go off the 11:04:29
7	Argumentative. Mischaracterizes what the 11:03:08	7	record. 11:04:31
8	witness has said. And if you have a specific 11:03:12	8	VIDEOGRAPHER: The time is 11:04. 11:04:31
9	question about the process, please ask that 11:03:16	9	We are now off the record. 11:04:33
10	question. 11:03:18	10	(Break taken) 11:04:34
11	MR. BRIDGES: No, I have a general 11:03:18	11	VIDEOGRAPHER: The time is 11:14. 11:14:13
12	question about the process that I'm asking 11:03:20	12	We are now back on the record. 11:14:26
13	him to give me a complete answer to. 11:03:22	13	(Exhibit 1227 marked for 11:14:32
14	Q. So please keep going. 11:03:23	14	identification.) 11:14:32
15	MR. REHN: We registered our 11:03:24	15	BY MR. BRIDGES: 11:14:36
16	objections to that question. 11:03:26	16	Q. Mr. Dubay, I've handed you Exhibit 1227, I 11:14:36
17	MR. BRIDGES: Many times. 11:03:26	17	believe that is. What is that document? 11:14:42
18	MR. REHN: It's vague. It's 11:03:27	18	A. To me it appears to be a portion of our 11:14:45
19	compound. 11:03:28	19	regulations governing committee projects, our 11:14:51
20	MR. BRIDGES: And you've not 11:03:28	20	actual standards directory. 11:14:55
21	instructed him not to answer. 11:03:30	21	Q. You say it's a portion of the regulations? 11:14:57
22	MR. FEE: It's obvious the witness 11:03:31	22	A. I'll correct that slightly, that I believe 11:14:59
23	doesn't understand what you're asking. 11:03:33	23	it's a portion of our directory which 11:15:02
24	MR. BRIDGES: No, he understands 11:03:34	24	includes our regulations. And it appears to 11:15:04
25	what I'm asking. 11:03:35	25	be, to the best of my quick review, a set of 11:15:09
	Page 46		Page 48
1	Q. Please proceed. 11:03:36	1	our current regulations. 11:15:11
2	MR. REHN: Please proceed? Is there 11:03:38	2	Q. This is a complete set of the current 11:15:13
3	a question pending? Can you please ask a 11:03:40	3	regulations, correct? 11:15:15
4	question. 11:03:42	4	A. The best I can tell just flipping through, it 11:15:17
5	MR. BRIDGES: The question is 11:03:42	5	looks complete. 11:15:20
6	pending. 11:03:43	6	Q. These are the regulations that set forth 11:15:21
7	MR. REHN: Can you repeat the 11:03:45	7	the process that we were discussing before 11:15:23
8	question. 11:03:46	8	the break in the deposition; is that correct? 11:15:24
9	MR. BRIDGES: We'll go off the 11:03:46	9	A. Yes. 11:15:27
10	record and then I can repeat it to him and 11:03:48	10	MR. REHN: Objection as to form. 11:15:28
11	let him soak it in as long as he wants, but 11:03:51	11	Q. Do they contain a complete set of the 11:15:29
12	he's wasted so much time in this fashion 11:03:55	12	procedures used in the development of NFPA 11:15:35
13	and you've wasted time with the objections. 11:03:56	13	standards? 11:15:41
1.4	I'm trying to get a straightforward answer 11:03:58	14	A. Yes, these are our regulations which define 11:15:43
14		15	how our standards process works. 11:15:46
15	about the process. Let's go off the record 11:04:01		Q. And it defines the various entities such as 11:15:48
	about the process. Let's go off the record 11:04:01 and he can 11:04:02	16	C
15	-		committees and councils that participate in 11:15:54
15 16	and he can 11:04:02		
15 16 17	and he can 11:04:02 MR. REHN: Andrew, we're not going 11:04:02	17 18	committees and councils that participate in 11:15:54
15 16 17 18	and he can 11:04:02 MR. REHN: Andrew, we're not going 11:04:02 off the record quite yet. Your points are 11:04:03	17 18	committees and councils that participate in 11:15:54 that process; is that correct? 11:15:57
15 16 17 18 19	and he can 11:04:02 MR. REHN: Andrew, we're not going 11:04:02 off the record quite yet. Your points are 11:04:03 poorly taken. Your question is improper, and 11:04:06 you're the one wasting time by not asking 11:04:08	17 18 19	committees and councils that participate in 11:15:54 that process; is that correct? 11:15:57 MR. REHN: Objection as to form. 11:16:01 A. The regulations actually cover our operations 11:16:03
15 16 17 18 19 20	and he can 11:04:02 MR. REHN: Andrew, we're not going 11:04:02 off the record quite yet. Your points are 11:04:03 poorly taken. Your question is improper, and 11:04:06	17 18 19 20 21	committees and councils that participate in 11:15:54 that process; is that correct? 11:15:57 MR. REHN: Objection as to form. 11:16:01 A. The regulations actually cover our operations 11:16:03 from our standards council through the 11:16:08
15 16 17 18 19 20 21	and he can 11:04:02 MR. REHN: Andrew, we're not going 11:04:02 off the record quite yet. Your points are 11:04:03 poorly taken. Your question is improper, and 11:04:06 you're the one wasting time by not asking 11:04:08 specific questions to invoke specific answers 11:04:11 rather than improper, general, compound and 11:04:14	17 18 19 20 21	committees and councils that participate in 11:15:54 that process; is that correct? 11:15:57 MR. REHN: Objection as to form. 11:16:01 A. The regulations actually cover our operations 11:16:03 from our standards council through the 11:16:08 committees, through the development of the 11:16:10
15 16 17 18 19 20 21 22	and he can 11:04:02 MR. REHN: Andrew, we're not going 11:04:02 off the record quite yet. Your points are 11:04:03 poorly taken. Your question is improper, and 11:04:06 you're the one wasting time by not asking 11:04:08 specific questions to invoke specific answers 11:04:11 rather than improper, general, compound and vague questions. 11:04:16	17 18 19 20 21 122	committees and councils that participate in 11:15:54 that process; is that correct? 11:15:57 MR. REHN: Objection as to form. 11:16:01 A. The regulations actually cover our operations 11:16:03 from our standards council through the 11:16:08 committees, through the development of the 11:16:10
15 16 17 18 19 20 21 22 23	and he can 11:04:02 MR. REHN: Andrew, we're not going 11:04:02 off the record quite yet. Your points are 11:04:03 poorly taken. Your question is improper, and 11:04:06 you're the one wasting time by not asking 11:04:08 specific questions to invoke specific answers 11:04:11 rather than improper, general, compound and vague questions. 11:04:16	17 18 19 20 21 122 23 24	committees and councils that participate in 11:15:54 that process; is that correct? 11:15:57 MR. REHN: Objection as to form. 11:16:01 A. The regulations actually cover our operations 11:16:03 from our standards council through the 11:16:08 committees, through the development of the 11:16:10 standards as well as through such things as 11:16:12

1 Q. Is there anything about the development of 11:16:19	1 A.	There are, I believe, nine interest 11:20:27
2 standards that the regulations do not cover? 11:16:21	2	categories, including one example is 11:20:31
3 A. Our regulations cover the specific accredited 11:16:27	3 1	research and testing is an example. Another 11:20:37
4 rules and hence, its regulations. We also 11:16:33	4	example is enforcer, which includes 11:20:40
5 have our committee officers guide which 11:16:35	5	government officials, both, sometimes federal 11:20:44
6 provides guidance to our technical committee 11:16:37	6	but state and local jurisdictions, as well as 11:20:48
7 members as well as our chairs and our manual 11:16:41	7 :	special expert, which is consultants as an 11:20:52
8 style. 11:16:46	8	example. 11:20:56
9 Q. What other documents govern or regulate the 11:16:46	9	Users, installer maintainers which 11:20:56
development of standards within NFPA? 11:17:44	10	are those who install the systems, consumers, 11:21:02
11 A. Off the top of my head I can't think of 11:17:56	11 :	and that's all I can think of. I'm not sure 11:21:13
12 anything else. 11:17:59	12	if I said it, but consumer is another one 11:21:30
13 Q. Who participates in strike that. 11:18:09	13	that can represent a special have a 11:21:34
Who are the members, generally 11:18:17	14	specific slot. Oh, I'm sorry, one other slot 11:21:35
speaking, the category of NFPA's technical 11:18:20	15	is labor, is another slot. 11:21:38
16 committees? 11:18:26	16 Q.	Thank you. Are all NFPA employees members of 11:21:51
17 A. Just for clarification, the representation or 11:18:29	17	the technical committees? 11:22:16
18 are they members of NFPA? We have 11:18:36	18	MR. REHN: Objection as to form. 11:22:20
19 categories we have interest categories of 11:18:39	19 A.	NFPA employees are not cannot be members 11:22:23
20 our committee members. 11:18:43	20	of our technical committees. However, as I 11:22:27
21 Q. Who what persons are entitled to be 11:18:43	21 :	stated previously, it's important there's 11:22:30
22 members of NFPA's technical committees? 11:18:48	22	an important role that NFPA staff plays in 11:22:32
23 MR. REHN: Objection as to form. 11:18:51	23	guiding, advising the committee, coordinating 11:22:35
24 A. Anyone can apply to be a member of an NFPA 11:18:55	24	the activities and providing their technical 11:22:37
25 technical committee, and based upon their 11:18:59	25	expertise, especially technical staff liaison 11:22:40
Page 50		Page 52
1 expertise and their background, they're 11:19:01	1	into this committee process. But they do not 11:22:43
2 evaluated through a process that ultimately 11:19:04		have they're not members of the committee, 11:22:46
3 involves standards council appointing them 11:19:07		and they do not carry a vote in the decisions 11:22:48
4 to, or not appointing, depending on their 11:19:10		of the committees. 11:22:51
5 credentials, to the various technical 11:19:12		Who constitutes by category of employment 11:23:01
6 committees. 11:19:14	_	is strike that. 11:23:08
7 Q. So the standards council determines who gains 11:19:17	7	By category of employment, who 11:23:09
8 admission to membership in the technical 11:19:21	8	constitutes the members of the standards 11:23:11
9 committees? 11:19:23		council? 11:23:15
10 A. That's correct. 11:19:24	10	MR. REHN: Objection as to form. 11:23:15
11 Q. What criteria does the standards council 11:19:27	11	It's vague. 11:23:17
apply in determining who should gain 11:19:35		I'd like to provide just a quick comment to 11:23:19
membership to the technical committees? 11:19:39		help you clarify the question from my 11:23:26
14 MR. REHN: Objection as to form. 11:19:42		understanding. Oftentimes our council 11:23:27
15 A. It's a multipart criteria. First is 11:19:46		members and our committee members are not 11:23:29
16 technical expertise within that subject 11:19:51		appointed based upon employment. It's based 11:23:31
matter. Second is balance; is the committee 11:19:54		upon the interest category they represent. 11:23:33
an appropriate balance. And third is the 11:20:01		Thank you, yes. By interest category 11:23:37
19 ability to participate. 11:20:02		strike that. 11:23:43
20 Q. What do you mean by balance? 11:20:06	20	You mentioned interest categories 11:23:44
21 A. By our regulations, NFPA technical committees 11:20:12		for technical committee membership, correct? 11:23:47
1		-
22 are required to have a balance of interest 11:20:16	22 A.	Yes. 11:23:49
1		
23 categories to ensure that no one party or one 11:20:18	23 Q.	Do the same interest categories apply for 11:23:49
23 categories to ensure that no one party or one 11:20:18	23 Q. 24	Do the same interest categories apply for 11:23:49

1	How are persons chosen to serve on 11:24:06	1	It's ambiguous. 11:26:54
2	the standards council? 11:24:08	2	A. The final decision is accomplished through 11:26:56
3	MR. REHN: Object to the form. 11:24:12	3	that ballot of the technical committee, but 11:26:58
4	A. Because the standards council is the 11:24:15	4	the wording itself is that combination of the 11:27:01
5	overarching body over our entire standards 11:24:18	5	technical staff and the committee working to 11:27:05
6	development process, they are appointed 11:24:21	6	capture the requirement and get it worded 11:27:07
7	through a process that involves the NFPA 11:24:24	7	properly in the right context, in the right 11:27:09
8	president making recommendations to the NFPA 11:24:27	8	order within a document so that when the 11:27:12
9	board of directors. Ultimately the standards 11:24:29	9	final specific words are balloted, the 11:27:14
10	council members are appointed by our board of 11:24:33	10	committee has it in context of the whole 11:27:18
11	directors. 11:24:35	11	standards and they can make that decision, 11:27:20
12	Q. Are any NFPA employees members of the 11:24:40	12	seeing it within the body of the standard. 11:27:22
13	standards council? 11:24:43	13	Q. When the text is balloted, is there any 11:27:24
14	MR. REHN: Objection as to form. 11:24:45	14	indication to the members of the committee 11:27:27
15	A. Specifically, no. However, similar to the 11:24:49	15	what variations have occurred as a 11:27:32
16	technical committees, there is staff assigned 11:24:51	16	consequence of staff input from the text that 11:27:38
17	to support the standards council, their 11:24:55	17	the committee itself was proposing? 11:27:43
18	activities and their decisions. 11:24:58	18	MR. REHN: Objection as to form. 11:27:47
19	Q. I'd like to go back for a moment to the 11:25:11	19	Vague. Lacks foundation. Assumes facts not 11:27:48
20	process after the technical committee has 11:25:19	20	in evidence. 11:27:51
21	decided on changes to a standard. 11:25:26	21	A. There are really two types of changes the 11:27:53
22	And you say that a staff 11:25:31	22	committee is balloted on. One is the a 11:27:57
23	representative, NFPA staff representative 11:25:38	23	plain first revision or second revision, 11:28:01
24	will capture those changes from the technical 11:25:41	24	which may have been edited to comply with our 11:28:04
25	committee, correct? 11:25:44	25	manual style, get the wording right. That is 11:28:07
	Page 54		Page 56
1	MR. REHN: Object to the form. 11:25:48	1	connected directly to the work of the 11:28:09
2	A. The NFPA technical staff that serves as, the 11:25:50	2	committee. The second is a revision that's 11:28:11
3	term we use is a staff liaison to a technical 11:25:54	3	tied to a pure editorial change. 11:28:15
4	committee, they do more than just capture the 11:25:56	4	Q. Do either of these sets of revisions get 11:28:19
5	specific wordings. 11:26:00	5	identified to technical committee members so 11:28:24
6	What they do is they are each 11:26:01	6	that they can understand what input or 11:28:28
7	technical experts in their field and they not 11:26:03	7	changes, if any, the technical committee 11:28:31
8	only capture or record those changes, but 11:26:06	8	staff contributed? 11:28:35
9	they provide their expertise to the 11:26:09	9	MR. REHN: Objection as to form. 11:28:41
10	committee, their field experience, what they 11:26:11	10	A. Yes, they all do. All changes are indicated 11:28:44
11	have, the information that they're bringing 11:26:14	11	to the technical committees for balloting. 11:28:48
12	in through questions on the standards and 11:26:16	12	And if there is, in the sense of an editorial 11:28:50
13	such. 11:26:18	13	revision, it's indicated that this was 11:28:54
14	And they provide that technical 11:26:19	14	identified by staff as a potential editorial 11:28:57
15	expertise to the committee so the committee 11:26:21	15	revision. The committee can then, in their 11:29:01
16	can utilize that, a complete combination with 11:26:24	16	voting, decide whether that change moves 11:29:05
17	all the public input or comments, to land on 11:26:27	17	forward or not. 11:29:10
18	a final set of proposed language. In 11:26:32	18	Q. Where in the records of the development of 11:29:10
19	summary, it's more than just recording. 11:26:37	19	each standard does one find the indications 11:29:12
20	They're not really recording secretaries, per 11:26:39	20	of those changes? 11:29:17
21	se. 11:26:43	21	MR. REHN: Objection to the form. 11:29:21
22	Q. But who ultimately determines the language of 11:26:43	22	A. They are part of the first draft report or, 11:29:25
23	the technical committee's proposed changes to 11:26:47	23	and/or, depending, the second draft report. 11:29:29
24	a code or standard? 11:26:51	24	Both those reports consolidate the whole 11:29:33
		25	-
25	MR. REHN: Objection as to form 11.76.53		
25	MR. REHN: Objection as to form. 11:26:53 Page 55	23	record. 11:29:35 Page 57

1	Q. Where does one find the first draft report 11:29:36	1	MR. REHN: Same objection. 11:32:34
2	and the second draft report? 11:29:38	2	A. What I can say about when you look at the 11:32:36
3	A. On our document information pages. We call 11:29:40	3	wording of a standard, what's been added or 11:32:39
4	them doc info pages. It's our website. 11:29:46	4	worked on by technical staff is, any changes, 11:32:42
5	Q. Are any of the those changes identified in 11:29:52	5	any text that has been modified in the 11:32:45
6	any publicly available document? 11:30:05	6	document has been worked on by technical 11:32:47
7	A. Our process is completely open to the public. 11:30:14	7	staff, has been modified, been adjusted to 11:32:49
8	All of those changes, documents, reports are 11:30:18	8	fit the form of our manual style as well as 11:32:54
9	publicly available to anyone on our website. 11:30:21	9	to be consistently worded with the technical 11:32:57
10	Q. So I can go find the first draft report and 11:30:25	10	body of the standard. 11:32:59
11	the second draft of any code or standard on 11:30:27	11	So each and every change has been 11:33:01
12	an NFPA's website? 11:30:30	12	clarified or worked on by technical staff to 11:33:06
13	MR. REHN: Object to the form. It's 11:30:34	13	get it ready for committee ballot. So 11:33:09
14	vague as to time. 11:30:37	14	there's an extensive amount of time. The NEC 11:33:11
15	A. I would say provided there is a first or 11:30:40	15	is an excellent example of the NFPA staff get 11:33:15
16	second draft report. Some documents at the 11:30:43	16	it worded correctly and in proper format, 11:33:18
17	stage may not have one. So if there's a 11:30:46	17	style and technical comments to be balloted 11:33:23
18	document in a revision cycle or there is a 11:30:49	18	by the technical committee. 11:33:28
19	first or second report, it would be 11:30:51	19	Q. Where can one detect what changes you used 11:33:28
20	available, absolutely. 11:30:53	20	the word "worked on," for example. That's a 11:33:33
21	Q. Are the first or second draft reports 11:30:54	21	little vague in this context. I would like 11:33:36
22	publicly available of the 2008 NEC? 11:30:57	22	to know how one can identify any text 11:33:38
23	MR. REHN: Objection as to form. 11:31:04	23	contributed by technical committee staff 11:33:42
24	A. The 2008 NEC was published under our old, 11:31:07	24	liaison in any NFPA code or standard. 11:33:48
25	excuse me, our old standards development 11:31:14	25	MR. REHN: Objection as to form. 11:33:54
	Page 58		Page 60
1	system, so there would not be a first or 11:31:14	1	It's ambiguous. It's compound. 11:33:55
2	second draft report. There would be a report 11:31:17	2	A. Because how can I explain. Because 11:34:03
3	on proposals and a report on comments. 11:31:23	3	ultimately the final text, the changes are 11:34:06
4	Q. Does either of those reports show what 11:31:26	4	balloted by the technical committee, 11:34:10
5	changes in text may have been contributed by 11:31:30) 5	oftentimes the staff's work on that text is 11:34:12
6	technical staff, technical committee 11:31:33	6	contained within the same wording that's 11:34:15
7	liaisons? 11:31:38	7	being balloted, the ultimate wording that's 11:34:17
8	A. All of the changes in our old system were 11:31:41	8	balloted by the committee. 11:34:20
9	contained within the proposals and action on 11:31:45	9	So in our old system, that was 11:34:21
10	proposals and comment and actions on 11:31:48	10	all when you see a change in the document, 11:34:22
11	comments, so, in some cases, they may have 11:31:50	11	you can know, and that's why I had my 11:34:24
12	been called out on the report and in some 11:31:53	12	previous answer, that staff was involved in 11:34:26
13	cases not. 11:31:56	13	that process. 11:34:28
14	Ultimately, all of them had been 11:31:57	14	In the new process that happens with 11:34:30
15	balloted through the technical committees. 11:31:58	15	every revision, every revision staff is 11:34:31
16	Whatever you see in the report on proposals 11:32:01	16	involved in and worked on and more or less 11:34:35
17	are comments that had gone through the 11:32:03	17	touched, modified, cleaned up to get it ready 11:34:37
18	committee process. 11:32:05	18	for balloting. 11:34:40
19	Q. I'm trying to understand how one can 11:32:05	19	There's also an additional level in 11:34:41
20	ascertain what, if any, text in any code or 11:32:08	20	our new process of editorial revisions so 11:34:42
21	standard has been contributed by NFPA 11:32:17	21	that it's clear to the committee that this is 11:34:47
22	technical staff. 11:32:21	22	something that is not directly tied but it is 11:34:48
23	MR. REHN: Objection as to form, and 11:32:26	23	because of another technical change. So it's 11:34:52
24	the compound nature of the question. 11:32:29	24	just slightly different. 11:34:54
25	Q. Please tell me how one can ascertain that. 11:32:31	25	But I can say clearly, if you see a 11:34:56
	Page 59		Page 61

1.				
3 worked on by editorial production, technical 1135:05	1	revision to the document or a change, for 11:34:57	1	understanding in the process all goes around 11:37:37
4 san NPPA document, 11:37:46	2	example, to the 2008 NEC, that text has been 11:35:00	2	NFPA's intellectual property, around working 11:37:40
Solution to tasking about what the technical response of the conditions of the contributed by a cachinal or the contributed by a cachinal contributed by and traction of being modified. But 11:36:09 11.38-19. 12. and the cachinal contributed and a comment in a cachinal contributed by a cachinal contributed and comments and proposal canages that a cachinal contributed by a cachinal contributed by a cach	3	worked on by editorial production, technical 11:35:05	3	through developing a standard that ultimately 11:37:43
6	4	expertise of the staff liaisons on that 11:35:07	4	is an NFPA document. 11:37:46
1.37.55 1.37.55 2.0 2.	5	project. That's their job. 11:35:11	5	MR. BRIDGES: Move to strike to the 11:37:49
8	6	Q. But I'm not asking about what the technical 11:35:14	6	extent he lacks competence and draws legal 11:37:50
9	7	staff have worked on because they may have 11:35:16	7	conclusions. 11:37:55
10 2011, 2014. I'm asking how does one identify 11:35:29 11 any text contributed by a technical committee 11:35:34 11 12:35:15 13 MR. REHN: Objection as to form. 11:35:45 13 MR. REHN: Objection as to form. 11:38:20 13:822 13 MR. REHN: Objection as to form. 11:38:20 13:823 13:825 14 based upon your previous question, one method 11:38:22 13:825 15 to understand where the text came from would 11:38:23 13:825 15 to understand where the text came from would 11:38:31 11:36:30 13:36:3	8	worked on language that may have come from 11:35:20	8	Q. My question is what you've mentioned that 11:37:58
11	9	the 2005 NEC that has survived into the 2008, 11:35:22	9	comments and proposals may show proposed 11:38:07
12	10	2011, 2014. I'm asking how does one identify 11:35:29	10	language, correct? 11:38:12
MR. REHN: Objection as to form. 11:35:45 13 again, is our old system, and in that case, 11:38:22 based upon your previous question, one method 11:38:24 the text was in a previous edition of the 11:35:57 16 be to review each and every proposal and 11:38:31 comments that is submitted into our standard 11:38:33 the text was in a previous edition of the 11:38:30 comments that is submitted into our standard 11:38:31 the text was in a previous edition of the 11:38:30 comments that is submitted into our standard 11:38:31 the text was in a previous edition of the part of the ext and form to unstandard 11:38:31 the text was in a previous edition of the 11:38:31 comments that is submitted into our standard 11:38:31 the text was in a previous edition of the 11:38:31 comments that is submitted into our standard 11:38:33 the velopment system to see what language was 11:38:46 the velopment system to see what language was 11:38:46 the velopment system to see what language was 11:38:46 the velopment system to see what language was 11:38:40 the velopment system to see what language was 11:38:40 the velopment system to see what language was 11:38:40 the velopment system to see what language was 11:38:40 the velopment system to see what language was 11:38:40 the velopment system to see what language was 11:38:40 the velopment system to see what language was 11:38:40 the velopment system to see what language was 11:38:40 the velopment system to see what language was 11:38:40 the velopment system to see what language was 11:38:40 the velopment system to see what langua	11	any text contributed by a technical committee 11:35:34	11	MR. REHN: Objection as to form. 11:38:16
14	12	staff liaison in any code or standard of NEC? 11:35:41	12	A. You mentioned comments and proposals, which 11:38:20
15 A. Again, to further try to clarify this is if 11:35:52 15 to understand where the text came from would 11:38:28 16 the text was in a previous edition of the 11:35:57 16 be to review each and every proposal and 11:38:31 17 document and moved forward, it would not 11:36:03 18 show an indication of being modified. But 11:36:03 18 development system to see what language was 11:38:36 19 wherever there is new text added, deleted 11:36:06 20 organizations submitting public comments or 11:38:38 20 or modified, there's an indication in the 11:36:09 20 organizations submitting public comments or 11:38:40 21 margin or shading, in the case of NEC, that 11:36:15 22 transfer to the committee. 11:38:40 22 shows that text has been modified, worked 11:36:15 22 transfer to the committee. 11:38:50 23 on, whatever. 11:36:18 23 MR. BRIDGES: Move to strike the 11:38:50 24 And those words can come from lots 11:36:20 Page 62 25 of places. And the technical staff is 11:36:20 Page 62 26 well as the public, in the case of the ROP 11:36:32 25 while the public, in the case of the ROP 11:36:32 27 while the public, in the case of the ROP 11:36:35 3 proposals, comments or public input or 11:36:35 3 proposals, comments, which is all developed 11:36:35 5 ultimately to be balloted by the technical 11:36:35 5 ultimately to be balloted by the technical 11:36:35 5 ultimately to be balloted by the technical 11:36:35 5 ultimately to be balloted by the technical 11:36:35 5 ultimately to or other NFPA staff as opposed thanges 11:39:13 4 ultimately in the each in the submitted and 11:37:19 11:36:57 11:36:58 11:36:59 11 from the technical committee members or the 11:36:59 11 from the technical committee members or the 11:37:13 16 cach and every of our proposal and 11:37:14 17 from where the material is submitted and 11:37:19 11:37:24 10 our committees each from that. 11:37:34 11:37:34 11:37:34 11:37:34 11:37:34 11:37:34 11:37:34 11:37:34 11:37:34 11:37:	13	MR. REHN: Objection as to form. 11:35:45	13	again, is our old system, and in that case, 11:38:22
the text was in a previous edition of the 11:35:57	14	That's ambiguous. It's compound. 11:35:48	14	based upon your previous question, one method 11:38:24
17 document and moved forward, it would not show an indication of being modified. But 11:36:00 11:36:00 19 wherever there is new text added, deleted 11:36:00 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:18 21 transfer to the committee 11:38:46 21 transfer to the committee 11:38:46 22 transfer to the committee 11:38:46 23 MR. BRIDGES: Move to strike the 11:38:50 24 self-serving legal statement 11:38:51 25 25 So that tells us what suggestions and text 11:38:50 25 NFPa staff members, correct; 11:39:08 26 NFPa staff members, correct; 11:39:08 27 NFPa staff members, correct; 11:39:08 28 NFPA staff as opposed to 11:36:32 3 NFPA staff as opposed to 11:36:49 3 NFPA staff are prohibited from submitted into our standard 11:38:30 11:38:40 3 NFPA staff staff NFPA staff are prohibited NFPA	15	A. Again, to further try to clarify this is if 11:35:52	15	to understand where the text came from would 11:38:28
show an indication of being modified. But 11:36:03 18 development system to see what language was 11:38:36 19 wherever there is new text added, deleted 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 20 organizations submitting public comments or 11:38:38 21 margin or shading, in the case of NEC, that 11:36:11 21 proposals, which is part of our copyright and 11:38:42 transfer to the committee. 11:38:40 23 MR. RBIDGES: Move to strike the 11:38:50 24 self-serving legal statement. 11:38:51 24 self-serving legal statement. 11:38:51 25 of places. And the technical staff is 11:36:24 26 well as the public, in the case of the ROP 11:36:27 27 well as the public, in the case of the ROP 11:36:32 28 MR. REHN: Objection as to form. 11:39:08 29 millimately to be balloted by the technical 11:36:35 40 public comments, which is all developed 11:36:32 30 Mischaracterizes. Ambiguous. 11:39:10 11:39:10 39:10	16	the text was in a previous edition of the 11:35:57	16	be to review each and every proposal and 11:38:31
19 wherever there is new text added, deleted 11:36:06 20 or modified, there's an indication in the 11:36:09 20 or modified, there's an indication in the 11:36:09 21 margin or shading, in the case of NEC, that 11:36:15 22 shows that text has been modified, worked 11:36:15 22 transfer to the committee. 11:38:46	17	document and moved forward, it would not 11:36:00	17	comments that is submitted into our standard 11:38:33
20 or modified, there's an indication in the 11:36:09 21 organizations submitting public comments or 11:38:40 21 margin or shading, in the case of NEC, that 11:36:15 22 shows that text has been modified, worked 11:36:18 23 on, whatever. 11:36:18 24 And those words can come from lots 11:36:18 25 of places. And the technical staff is 11:36:20 Page 62 25 Page 64 26 Page 64 27 Page 64 27 Page 64 28 Page 64 28 Page 64 29 Page 64 20 Page 64	18	show an indication of being modified. But 11:36:03	18	development system to see what language was 11:38:36
21 margin or shading, in the case of NEC, that	19	wherever there is new text added, deleted 11:36:06	19	submitted by the person or persons or 11:38:38
22 shows that text has been modified, worked 11:36:18 23 on, whatever. 11:36:18 24 And those words can come from lots 11:36:18 25 of places. And the technical staff is 11:36:20 Page 62 25 Os that tells us what suggestions and text 11:38:51 Page 64 1 involved through the committee meeting as 11:36:24 2 came from non-NFPA staff members, correct? 11:39:01 2 well as the public, in the case of the ROP 11:36:32 2 MR. REHN: Objection as to form. 11:39:08 11:39:10 2 well as the public input or 11:36:33 4 Q. Let me ask you this: Do NFPA staff members 11:39:15 submit forms with their proposed changes 11:39:15 submit forms with their proposed changes 11:39:23 through the technical committee members of the NFPA staff as opposed to 11:36:49 came from the technical committee staff 11:36:49 came from the technical committee staff 11:36:35 submit forms with their proposed changes 11:39:15 submit forms with their proposed changes 11:39:23 through the technical committee process? 11:39:23 through the technical committee process? 11:39:23 through the technical committee process? 11:39:36 A. NFPA staff are probibited from submitting 11:39:43 forms, public proposals, comments in the old 11:39:43 forms, public input, public comments into 11:39:53 through the technical committee members or the 11:37:17 15 MR. REHN: Same objections as to 11:37:24 20 our committees are frightly the signed over to us as NFPA and 11:37:24 21 one of those, see what words were submitted, 11:37:24 21 one of those, see what words were submitted, 11:37:24 22 of the technical committee and 11:40:19 using their expertise to accomplish the goals 11:40:21 using their expertise to accomplish the pank 11:40:28 tastf members on their own contributed to a	20	or modified, there's an indication in the 11:36:09	20	organizations submitting public comments or 11:38:40
23	21	margin or shading, in the case of NEC, that 11:36:11	21	proposals, which is part of our copyright and 11:38:42
And those words can come from lots 11:36:18 25 of places. And the technical staff is 11:36:20 26 page 62 1 involved through the committee meeting as 11:36:24 2 well as the public, in the case of the ROP 11:36:37 3 proposals, comments or public input or 11:36:32 4 public comments, which is all developed 11:36:33 4 public comments, which is all developed 11:36:35 5 ultimately to be balloted by the technical 11:36:35 6 committee. 11:36:37 7 Q. So my question is, when all of these changes 11:36:48 8 are highlighted, how do we know which changes 11:36:49 9 came from the technical committee staff 11:36:49 10 liaison or other NFPA staff as opposed to 11:36:59 11 from the technical committee members or the 11:36:59 12 public? 11:36:58 13 MR. REHN: Same objections as to 11:37:01 14 the form. It's ambiguous. It's compound. 11:37:01 15 A. One way to determine that is you could review 11:37:13 16 cach and every of our proposal and comment 11:37:21 17 forms where the material is submitted and 11:37:22 20 So you could review each and every 11:37:24 21 one of those, see what words were developed by the committee, 11:37:34 25 But ultimately in the end, the 11:37:34 26 Shear and submitted and 11:37:31 27 Q. So if you need to identify language that NFPA 11:40:28 28 and the public comments in the end, the 11:37:34 29 Shear and the committee members or the 11:36:59 3 MR. REHN: Objection as to form. 11:39:53 4 Q. Why are they prohibited from submitting 11:39:43 5 MR. REHN: Objection as to form. 11:40:10 6 cach and every of our proposal and comment 11:37:13 6 A. Because the reason NFPA staff are prohibited 11:40:10 7 our committees are from that. 11:37:24 7 one of those, see what words were submitted, 11:37:34 26 Shear and the public committee and 11:40:28 27 Q. So if you need to identify language that NFPA 11:40:28 28 But ultimately in the end, the 11:37:34 29 Shear and the public committee and 11:40:48 4 Staff members on their own contributed to any 11:40:48	22	shows that text has been modified, worked 11:36:15	22	transfer to the committee. 11:38:46
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Page 62 Page 64	24	And those words can come from lots 11:36:18	24	self-serving legal statement. 11:38:51
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4 public comments, which is all developed 11:36:33 4 Q. Let me ask you this: Do NFPA staff members 11:39:15 third in the proposed changes 11:36:37 5 submit forms with their proposed changes 11:39:28 are highlighted, how do we know which changes 11:36:41 8 MR. REHN: Objection as to form. 11:39:36 are highlighted, how do we know which changes 11:36:45 9 Ambiguous. May call for speculation. 11:39:38 10 liaison or other NFPA staff as opposed to 11:36:49 10 A. NFPA staff are prohibited from submitting 11:39:48 11 from the technical committee members or the 11:36:55 11 forms, public proposals, comments into 11:39:48 12 public? 11:36:58 12 system, public input, public comments into 11:39:53 13 MR. REHN: Same objections as to 11:36:59 13 the new system. 11:39:54 14 the form. It's ambiguous. It's compound. 11:37:01 14 Q. Why are they prohibited from doing so? 11:30:57 15 A. One way to determine that is you could review 11:37:17 15 MR. REHN: Objection as to form. 11:40:10 18 copyright is signed over to us as NFPA and 11:37:19 18 process is to ensure that they are acting as 11:40:12 10 one of those, see what words were submitted, 11:37:24 20 what words were developed by the committee, 11:37:34 24 staff members on their own contributed to any 11:40:39 25 NFPA codes or standards, where would you 11:40:8			3	-
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25 But ultimately in the end, the 11:37:34 25 NFPA codes or standards, where would you 11:40:48		•		
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1	go strike that. 11:40:50	1	that the text of the technical committee is 11:43:16
2	If you needed to identify the 11:40:53	2	balloted? 11:43:19
3	language that NFPA employees contributed to 11:40:55	3	MR. REHN: Objection as to form. 11:43:20
5	NFPA codes and standards, how would you 11:41:05 determine that language? 11:41:07	5	Ambiguous. Compound. 11:43:22 A. The text can evolve and by evolve, you mean 11:43:25
6		6	
7	MR. REHN: Objection as to form. 11:41:10 It's vague and compound. 11:41:11		created and included? Is that what you're 11:43:28
	It's vague and compound. 11:41:11 A. What we could determine is the language the 11:41:15	7 8	saying? 11:43:31 Q. I think so. 11:43:32
8 9	technical committee at the end of the day 11:41:19	9	A. So in a few ways. One is it can be submitted 11:43:33
10	•		•
11	approved. Into each individual word and 11:41:21 such would be difficult, if not impossible, 11:41:25	10	through a proposal form or public input form 11:43:37 or a public comment form. The language can 11:43:45
12		12	come from that. It can come from the 11:43:49
13	because of ultimately the technical staff 11:41:30 provides that content to the committee which 11:41:33	13	expertise of the technical committee members 11:43:53
14		13	•
15	then approves those words. 11:41:35 Q. You said the technical staff provides the 11:41:37	15	who are sitting on the committee, or it can 11:43:55 come from technical staff providing that to 11:43:58
16	content to the committee? The technical 11:41:44	16	the committee as their work progresses along. 11:44:01
17		17	
18	staff doesn't draft the standards, correct? 11:41:47 MR. REHN: Objection as to form. 11:41:51	18	Ultimately that evolution is the 11:44:06 staff liaison synthesizes all that with the 11:44:08
19	MR. REHN: Objection as to form. 11:41:51 Mischaracterizes. 11:41:53	18	staff liaison synthesizes all that with the 11:44:08 direction of the committee to land on the 11:44:13
20	A. In many cases the technical staff in the room 11:41:59	20	final technical language that is balloted. 11:44:15
21	•	21	Q. With the direction of the committee, meaning 11:44:18
22	is drafting the text. 11:42:02 Q. Is proposing new text? 11:42:04	22	with the approval of the committee members? 11:44:29
23	A. In some cases yes, to accomplish what the 11:42:10	23	MR. REHN: Objection as to form. 11:44:31
24	committee is trying to accomplish. The 11:42:13	24	Mischaracterizes the testimony. 11:44:34
25	technical staff of NFPA are experts in their 11:42:15	25	Q. What do you mean by with the direction of the 11:44:36
23	Page 66	23	Page 68
1	field, and the committee may want to 11:42:20	1	committee? 11:44:38
2	establish a requirement for X and the 11:42:23	2	A. So a committee could want to establish a 11:44:40
3	technical staff is there saying, well, we can 11:42:24	3	requirement again for X for something and 11:44:45
4	word it this way and that way, does this meet 11:42:27	4	they may say, we want the requirement to read 11:44:4
5	your intent, how about we do this, I can 11:42:29	5	12 and the staff liaison would have to put 11:44:51
6	research some information, get back to you at 11:42:30	6	text around that to get it to read in context 11:44:55
7	the next meeting. 11:42:32	7	of the document. Or they may say we want to 11:44:5
8	The technical staff provides a vital 11:42:33	8	have a draft chapter on something, technical 11:45:00
9	role in helping the technical committee 11:42:35	9	staff can you do research, pull together 11:45:03
10	accomplish their mission of developing those 11:42:38	10	drafting of documents to present to the 11:45:12
1 4 4			
11	words that become ultimately the final words 11:42:40	11	committee to consider. 11:45:14
11 12	of the standard. 11:42:43	12	In the end the committee will agree 11:45:16
12 13	of the standard. 11:42:43 Q. Who makes the decision about the words in a 11:42:44	12 13	In the end the committee will agree 11:45:16 through a meeting vote what text is going to 11:45:19
12 13 14	of the standard. 11:42:43 Q. Who makes the decision about the words in a 11:42:44 standard? 11:42:46	12 13 14	In the end the committee will agree 11:45:16 through a meeting vote what text is going to 11:45:19 move forward towards ballot. Then the 11:45:21
12 13 14 15	of the standard. 11:42:43 Q. Who makes the decision about the words in a 11:42:44 standard? 11:42:46 MR. REHN: Objection as to form. 11:42:46	12 13 14 15	In the end the committee will agree 11:45:16 through a meeting vote what text is going to 11:45:19 move forward towards ballot. Then the 11:45:21 staff's job is to turn that into a ballot and 11:45:24
12 13 14 15 16	of the standard. 11:42:43 Q. Who makes the decision about the words in a 11:42:44 standard? 11:42:46 MR. REHN: Objection as to form. 11:42:46 Ambiguous. 11:42:48	12 13 14 15 16	In the end the committee will agree 11:45:16 through a meeting vote what text is going to 11:45:19 move forward towards ballot. Then the 11:45:21 staff's job is to turn that into a ballot and 11:45:24 make sure it fits to our manual style and 11:45:28
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12 13 14 15 16 17 18	of the standard. 11:42:43 Q. Who makes the decision about the words in a 11:42:44 standard? 11:42:46 MR. REHN: Objection as to form. 11:42:46 Ambiguous. 11:42:48 A. The final decision is and to summarize, 11:42:49 it's a two-part decision. A committee 11:42:54	12 13 14 15 16 17 18	In the end the committee will agree 11:45:16 through a meeting vote what text is going to 11:45:19 move forward towards ballot. Then the 11:45:21 staff's job is to turn that into a ballot and 11:45:24 make sure it fits to our manual style and 11:45:28 ballot with the technical committee on the 11:45:28 final language. 11:45:31
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12 13 14 15 16 17 18 19 20	of the standard. 11:42:43 Q. Who makes the decision about the words in a 11:42:44 standard? 11:42:46 MR. REHN: Objection as to form. 11:42:46 Ambiguous. 11:42:48 A. The final decision is and to summarize, 11:42:49 it's a two-part decision. A committee 11:42:54 ballots on it, the ballot's on the final 11:42:55 word, the committee approves it. At the 11:42:58	12 13 14 15 16 17 18 19 20	In the end the committee will agree 11:45:16 through a meeting vote what text is going to 11:45:19 move forward towards ballot. Then the 11:45:21 staff's job is to turn that into a ballot and 11:45:24 make sure it fits to our manual style and 11:45:28 ballot with the technical committee on the 11:45:28 final language. 11:45:31 Q. What criteria do technical committees use to determine what text moves forward to a 11:45:34
12 13 14 15 16 17 18 19 20 21	of the standard. 11:42:43 Q. Who makes the decision about the words in a 11:42:44 standard? 11:42:46 MR. REHN: Objection as to form. 11:42:46 Ambiguous. 11:42:48 A. The final decision is and to summarize, 11:42:49 it's a two-part decision. A committee 11:42:54 ballots on it, the ballot's on the final 11:42:55 word, the committee approves it. At the 11:42:58 end of the day our standards council issues 11:43:00	12 13 14 15 16 17 18 19 20 21	In the end the committee will agree 11:45:16 through a meeting vote what text is going to 11:45:19 move forward towards ballot. Then the 11:45:21 staff's job is to turn that into a ballot and 11:45:24 make sure it fits to our manual style and 11:45:28 ballot with the technical committee on the 11:45:31 Q. What criteria do technical committees use 11:45:31 to determine what text moves forward to a ballot? 11:45:37
12 13 14 15 16 17 18 19 20 21 22	of the standard. 11:42:43 Q. Who makes the decision about the words in a 11:42:44 standard? 11:42:46 MR. REHN: Objection as to form. 11:42:46 Ambiguous. 11:42:48 A. The final decision is and to summarize, 11:42:49 it's a two-part decision. A committee 11:42:54 ballots on it, the ballot's on the final 11:42:55 word, the committee approves it. At the 11:42:58 end of the day our standards council issues 11:43:00 that document, but the committee ballot 11:43:03	12 13 14 15 16 17 18 19 20 21 22	In the end the committee will agree 11:45:16 through a meeting vote what text is going to 11:45:19 move forward towards ballot. Then the 11:45:21 staff's job is to turn that into a ballot and 11:45:24 make sure it fits to our manual style and 11:45:28 ballot with the technical committee on the final language. 11:45:31 Q. What criteria do technical committees use to determine what text moves forward to a ballot? 11:45:37 MR. REHN: Objection as to form. 11:45:38
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12 13 14 15 16 17 18 19 20 21 22 23	of the standard. 11:42:43 Q. Who makes the decision about the words in a 11:42:44 standard? 11:42:46 MR. REHN: Objection as to form. 11:42:46 Ambiguous. 11:42:48 A. The final decision is and to summarize, 11:42:49 it's a two-part decision. A committee 11:42:54 ballots on it, the ballot's on the final 11:42:55 word, the committee approves it. At the 11:42:58 end of the day our standards council issues 11:43:00 that document, but the committee ballot 11:43:03 establishes the position of the type of 11:43:03	12 13 14 15 16 17 18 19 20 21 22 23	In the end the committee will agree 11:45:16 through a meeting vote what text is going to 11:45:19 move forward towards ballot. Then the 11:45:21 staff's job is to turn that into a ballot and 11:45:24 make sure it fits to our manual style and 11:45:28 ballot with the technical committee on the 11:45:31 Q. What criteria do technical committees use to determine what text moves forward to a ballot? 11:45:37 MR. REHN: Objection as to form. 11:45:38 A. It's their expertise. It's their 11:45:42

1	will move forward. There's motions we 11:45:50	1	cheaper, easier to accomplish things, 11:48:04
2	follow, Robert's Rules of Order, and when 11:45:53	2	accomplishes a higher level of safety. Those 11:48:07
3	there's a motion and it carries by a meeting 11:45:55	3	are a few examples. 11:48:10
4	vote, which is 50 percent plus one, that 11:45:57	4	Q. Please give me more examples of criteria that 11:48:12
5	proposed change is then approved to move 11:46:00	5	technical committee members would use in 11:48:16
6	forward to ballot, to letter ballot, excuse 11:46:02	6	deciding what text to move forward to ballot. 11:48:18
7	me. 11:46:08	7	MR. REHN: Same objection. 11:48:20
8	Q. Your answer focused on the process. I'm 11:46:08	8	A. Other the examples could include research, 11:48:23
9	asking what criteria the technical committee 11:46:10	9	data. Such things another example could 11:48:30
10	members use to decide what text to move 11:46:15	10	be loss reports. For example, there's been a 11:48:37
11	forward to a ballot. 11:46:18	11	large fire somewhere, a large chemical hazard 11:48:41
12	MR. REHN: Objection as to form. 11:46:20	12	or something. There's often an investigative 11:48:43
13	A. I would think the criteria would depend on 11:46:24	13	report that NTSB or CSB or local fire marshal 11:48:45
14	each individual member of the technical 11:46:26	14	has done. And the committee would look at 11:48:50
15	committee and their expertise and what bar 11:46:28	15	that and say we may have a safety issue that 11:48:52
16	they believe needs to be crossed or what 11:46:31	16	needs to be addressed. 11:48:54
17	things they need to have answered 11:46:32	17	Q. So you've mentioned information that they 11:48:56
18	professionally to make a decision to modify 11:46:34	18	may that may motivate them, but I think 11:48:59
19	the standard. 11:46:36	19	your answers are focusing less on what 11:49:06
20	Q. What criteria in your role as the person in 11:46:36	20	criteria they apply to determining what text 11:49:09
21	charge of standards development at NFPA 11:46:42	21	would move forward. 11:49:11
22	strike that. 11:46:46	22	I'd like for you to tell me the 11:49:12
23	In your role as the person in charge 11:46:46	23	different criteria that technical committee 11:49:14
24	of standards development at NFPA, what do you 11:46:49	24	members apply, to your knowledge, in deciding 11:49:17
25	understand the most typical criteria to be by 11:46:52	25	what text to move forward to a ballot. 11:49:20
	Page 70		Page 72
1	which technical committees determine what 11:46:59	1	MR. REHN: Same objection. 11:49:23
2	text to move forward to a ballot? 11:47:02	2	A. Again, I think it would be difficult, without 11:49:25
3	MR. REHN: Objection as to form. 11:47:04	3	speculating, I'm not sure what each person 11:49:29
4	It's vague. 11:47:06	4	would use for criteria, and that's why my 11:49:31
5	A. I don't think there's a single answer to 11:47:09	5	answer previously focused on having a 11:49:34
6	that, and that's why we rely on a consensus 11:47:11	6	balanced committee of different experts, 11:49:36
7	ballot that requires two-thirds of our 11:47:15	7	topical experts in that area, will each bring 11:49:39
8	technical committee to move anything forward. 11:47:16	8	a different set of personal criteria, 11:49:39
9	That's part of the open consensus process in 11:47:20	9	personal decisionmaking that will decide 11:49:43
10	that you need two-thirds of a balanced 11:47:22	10	what's going to move forward. 11:49:45
11	committee to agree on a technical change to 11:47:26	11	Q. I'd like for you to tell me what some of 11:49:47
12	move it forward. 11:47:28	12	those personal criteria are that you were 11:49:49
	-11,7,20	13	aware of, based on your interactions with 11:49:52
13	Each party is going to have a 11:47:29		, , , , , , , , , , , , , , , , , , , ,
13	Each party is going to have a 11:47:29 different motivation for how they want to 11:47:31		technical committee members at NFPA 11:49:55
14	different motivation for how they want to 11:47:31	14	technical committee members at NFPA. 11:49:55 MR. REHN: Objection as to form. 11:50:00
14 15	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32	14 15	MR. REHN: Objection as to form. 11:50:00
14 15 16	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35	14 15 16	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01
14 15 16 17	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35 Q. Tell me and enumerate for me some of the 11:47:35	14 15 16 17	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01 data, research reports, information combined 11:50:03
14 15 16 17 18	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35 Q. Tell me and enumerate for me some of the 11:47:35 criteria that you understand them to apply in 11:47:38	14 15 16 17 18	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01 data, research reports, information combined 11:50:03 is one of the main reasons, information is 11:50:09
14 15 16 17 18 19	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35 Q. Tell me and enumerate for me some of the 11:47:35 criteria that you understand them to apply in 11:47:38 determining what text to move forward to a 11:47:42	14 15 16 17 18 19	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01 data, research reports, information combined 11:50:03 is one of the main reasons, information is 11:50:09 one of the main things, data, facts are 11:50:11
14 15 16 17 18 19 20	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35 Q. Tell me and enumerate for me some of the 11:47:35 criteria that you understand them to apply in 11:47:38 determining what text to move forward to a 11:47:42 ballot. 11:47:44	14 15 16 17 18 19 20	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01 data, research reports, information combined 11:50:03 is one of the main reasons, information is 11:50:09 one of the main things, data, facts are 11:50:11 important criteria for our committee members. 11:50:14
14 15 16 17 18 19 20 21	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35 Q. Tell me and enumerate for me some of the 11:47:35 criteria that you understand them to apply in 11:47:38 determining what text to move forward to a 11:47:42 ballot. 11:47:44 MR. REHN: Same objection. 11:47:44	14 15 16 17 18 19 20 21	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01 data, research reports, information combined 11:50:03 is one of the main reasons, information is 11:50:09 one of the main things, data, facts are 11:50:11 important criteria for our committee members. 11:50:14 I think the other thing that's very 11:50:17
14 15 16 17 18 19 20 21 22	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35 Q. Tell me and enumerate for me some of the 11:47:35 criteria that you understand them to apply in 11:47:38 determining what text to move forward to a 11:47:42 ballot. 11:47:44 MR. REHN: Same objection. 11:47:44 A. Some criteria could include what's the loss 11:47:49	14 15 16 17 18 19 20 21 22	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01 data, research reports, information combined 11:50:03 is one of the main reasons, information is 11:50:09 one of the main things, data, facts are 11:50:11 important criteria for our committee members. 11:50:14 I think the other thing that's very 11:50:17 important to our committee members and to our 11:50:18
14 15 16 17 18 19 20 21 22 23	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35 Q. Tell me and enumerate for me some of the 11:47:35 criteria that you understand them to apply in 11:47:38 determining what text to move forward to a 11:47:42 ballot. 11:47:44 MR. REHN: Same objection. 11:47:44 A. Some criteria could include what's the loss 11:47:49 data associated with this issue that we're 11:47:54	14 15 16 17 18 19 20 21 22 23	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01 data, research reports, information combined 11:50:03 is one of the main reasons, information is 11:50:09 one of the main things, data, facts are 11:50:11 important criteria for our committee members. 11:50:14 I think the other thing that's very 11:50:17 important to our committee members and to our 11:50:18 process is their extensive experience in the 11:50:20
14 15 16 17 18 19 20 21 22 23 24	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35 Q. Tell me and enumerate for me some of the 11:47:35 criteria that you understand them to apply in 11:47:38 determining what text to move forward to a 11:47:42 ballot. 11:47:44 MR. REHN: Same objection. 11:47:44 A. Some criteria could include what's the loss 11:47:49 data associated with this issue that we're 11:47:54 facing, fire loss data, injuries, deaths and 11:47:57	14 15 16 17 18 19 20 21 22 23 24	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01 data, research reports, information combined 11:50:03 is one of the main reasons, information is 11:50:09 one of the main things, data, facts are 11:50:11 important criteria for our committee members. 11:50:14 I think the other thing that's very 11:50:17 important to our committee members and to our 11:50:18 process is their extensive experience in the 11:50:20 field and seeing results of different 11:50:24
14 15 16 17 18 19 20 21 22 23	different motivation for how they want to 11:47:31 vote or how they want things to go forward or 11:47:32 not. 11:47:35 Q. Tell me and enumerate for me some of the 11:47:35 criteria that you understand them to apply in 11:47:38 determining what text to move forward to a 11:47:42 ballot. 11:47:44 MR. REHN: Same objection. 11:47:44 A. Some criteria could include what's the loss 11:47:49 data associated with this issue that we're 11:47:54	14 15 16 17 18 19 20 21 22 23	MR. REHN: Objection as to form. 11:50:00 A. I think many of those things I stated, like 11:50:01 data, research reports, information combined 11:50:03 is one of the main reasons, information is 11:50:09 one of the main things, data, facts are 11:50:11 important criteria for our committee members. 11:50:14 I think the other thing that's very 11:50:17 important to our committee members and to our 11:50:18 process is their extensive experience in the 11:50:20

1	Q. Let me rephrase it differently because I'm 11:50:27	1	we call them enforcers, to attend our 11:53:46
2	not sure you're responding to my question 11:50:29	2	committee meetings. 11:53:48
3	about criteria. What are the different 11:50:31	3	Q. Do any does NFPA pay any persons for their 11:53:50
4	reasons, not what background information are 11:50:34	4	time in participation in the technical 11:53:57
5	they acting on, but what are the different 11:50:38	5	committee work? 11:54:02
6	goals that, to your knowledge, technical 11:50:40	6	A. NFPA does not pay for time, but what we do 11:54:06
7	committee members have in deciding whether to 11:50:45	7	for public sector officials who we classify 11:54:09
8	progress certain text to a ballot? 11:50:49	8	as enforcers, we have an enforcer fund which 11:54:12
9	MR. REHN: Objection as to form. 11:50:54	9	we pay 80 percent of their associated travel 11:54:15
10	A. I think the biggest overarching goal is the 11:50:55	10	to a committee meeting, including hotel, 11:54:15
11	accomplishment of the NFPA mission. They 11:51:03	11	airfare, et cetera. 11:54:20
12	want to ultimately reduce life loss, injury, 11:51:04	12	Q. What is the motivation of persons, as you 11:54:20
13		13	
	property loss, economic loss due to fire and 11:51:09		understand it, to participate in technical 11:54:23
14	other related hazards. 11:51:11	14	committees? 11:54:28
15	Q. How do decisions regarding progressing 11:51:13	15	MR. REHN: Object to the form. 11:54:29
16	certain text to a ballot touch upon that 11:51:17	16	A. I think there's lots of motivations. I think 11:54:32
17	mission? 11:51:24	17	overwhelmingly the number one motivation, in 11:54:35
8	MR. REHN: Objection as to form. 11:51:26	18	my opinion and my years of service, is the 11:54:37
9	A. Fundamentally does it progress towards 11:51:30	19	overarching mission of NFPA. Our mission of 11:54:40
20	accomplishing that mission? Does the 11:51:33	20	safety is very attractive to many people. 11:54:44
21	institution of a new technology or a new 11:51:37	21	Many of our volunteers not only 11:54:47
22	requirement or modifying an existing 11:51:39	22	volunteer to participate in the NFPA process 11:54:49
23	requirement lead to better life safety, 11:51:42	23	but also volunteer their time to do so, and 11:54:51
24	better fire protection, better electrical 11:51:46	24	that's a strong indication to me that that's 11:54:54
24 25	better fire protection, better electrical 11:51:46 safety, better protection of our nation's 11:51:48	24 25	that's a strong indication to me that that's 11:54:54 the primary motivation. 11:54:56
			-
	safety, better protection of our nation's 11:51:48		the primary motivation. 11:54:56
25	safety, better protection of our nation's 11:51:48 Page 74	25	the primary motivation. 11:54:56 Page 7
1	safety, better protection of our nation's 11:51:48 Page 74 first responders? Does it accomplish the 11:51:51	25	the primary motivation. 11:54:56 Page 7 Q. Are you aware of any person whose primary 11:55:02
1 2	safety, better protection of our nation's 11:51:48 Page 74 first responders? Does it accomplish the 11:51:51 mission? So that's the best way. 11:51:53	25 1 2	the primary motivation. 11:54:56 Page 7 Q. Are you aware of any person whose primary 11:55:02 motivation is to receive some financial 11:55:05
1 2 3	safety, better protection of our nation's 11:51:48 Page 74 first responders? Does it accomplish the 11:51:51 mission? So that's the best way. 11:51:53 Q. Does it would you say that a general 11:51:59 question that technical committees address in 11:52:05	25 1 2 3	the primary motivation. 11:54:56 Page 7 Q. Are you aware of any person whose primary 11:55:02 motivation is to receive some financial 11:55:05 reward for participation in the technical 11:55:10 committee process? 11:55:13
1 2 3 4 5	safety, better protection of our nation's 11:51:48 Page 74 first responders? Does it accomplish the 11:51:51 mission? So that's the best way. 11:51:53 Q. Does it would you say that a general 11:51:59 question that technical committees address in 11:52:05 deciding whether to progress certain text to 11:52:18	25 1 2 3 4 5	the primary motivation. 11:54:56 Page 7 Q. Are you aware of any person whose primary 11:55:02 motivation is to receive some financial 11:55:05 reward for participation in the technical 11:55:10 committee process? 11:55:13 A. I'm not aware of an individual, per se, but I 11:55:21
1 2 3 4 5 6	safety, better protection of our nation's 11:51:48 Page 74 first responders? Does it accomplish the 11:51:51 mission? So that's the best way. 11:51:53 Q. Does it would you say that a general 11:51:59 question that technical committees address in 11:52:05 deciding whether to progress certain text to 11:52:18 a ballot is whether the proposed change will 11:52:22	1 2 3 4 5 6	the primary motivation. Q. Are you aware of any person whose primary 11:55:02 motivation is to receive some financial 11:55:05 reward for participation in the technical 11:55:10 committee process? 11:55:13 A. I'm not aware of an individual, per se, but I 11:55:21 would speculate that these people are experts 11:55:26
1 2 3 4 5 6 7	safety, better protection of our nation's 11:51:48 Page 74 first responders? Does it accomplish the 11:51:51 mission? So that's the best way. 11:51:53 Q. Does it would you say that a general 11:51:59 question that technical committees address in 11:52:05 deciding whether to progress certain text to 11:52:18 a ballot is whether the proposed change will 11:52:22 improve outcomes? 11:52:29	1 2 3 4 5 6 7	the primary motivation. 11:54:56 Page 7 Q. Are you aware of any person whose primary 11:55:02 motivation is to receive some financial 11:55:05 reward for participation in the technical 11:55:10 committee process? 11:55:13 A. I'm not aware of an individual, per se, but I 11:55:21 would speculate that these people are experts 11:55:26 in their fields, and there's professional 11:55:28
1 2 3 4 5 6 7 8	safety, better protection of our nation's 11:51:48 Page 74 first responders? Does it accomplish the 11:51:51 mission? So that's the best way. 11:51:53 Q. Does it would you say that a general 11:51:59 question that technical committees address in 11:52:05 deciding whether to progress certain text to 11:52:18 a ballot is whether the proposed change will 11:52:22 improve outcomes? 11:52:29 MR. REHN: Object to the form of the 11:52:34	1 2 3 4 5 6 7 8	the primary motivation. Q. Are you aware of any person whose primary motivation is to receive some financial reward for participation in the technical 11:55:05 reward for participation in the technical 11:55:10 committee process? 11:55:13 A. I'm not aware of an individual, per se, but I 11:55:21 would speculate that these people are experts 11:55:26 in their fields, and there's professional 11:55:28 recognition and acknowledgment for being on 11:55:32
1 2 3 4 5 6 7 8 9	safety, better protection of our nation's 11:51:48 Page 74 first responders? Does it accomplish the 11:51:51 mission? So that's the best way. 11:51:53 Q. Does it would you say that a general 11:51:59 question that technical committees address in 11:52:05 deciding whether to progress certain text to 11:52:18 a ballot is whether the proposed change will 11:52:22 improve outcomes? 11:52:29 MR. REHN: Object to the form of the 11:52:34 question. 11:52:37	1 2 3 4 5 6 7 8 9	the primary motivation. Q. Are you aware of any person whose primary motivation is to receive some financial reward for participation in the technical 11:55:05 reward for participation in the technical 11:55:10 committee process? 11:55:13 A. I'm not aware of an individual, per se, but I 11:55:21 would speculate that these people are experts 11:55:26 in their fields, and there's professional 11:55:28 recognition and acknowledgment for being on 11:55:32 an NFPA technical committee. 11:55:36
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	first responders? Does it accomplish the 11:51:51 mission? So that's the best way. 11:51:53 Q. Does it would you say that a general 11:51:59 question that technical committees address in 11:52:05 deciding whether to progress certain text to 11:52:18 a ballot is whether the proposed change will 11:52:22 improve outcomes? 11:52:29 MR. REHN: Object to the form of the 11:52:34 question. 11:52:37 A. I would speculate that each decision would be 11:52:41 in guidance or in alignment with improving 11:52:47 safety. And those would be the outcomes, 11:52:53 improving safety, reducing loss, preventing 11:52:53 incidents from happening again that resulted 11:52:57 in life loss injuries, property loss, 11:52:59 et cetera. 11:53:04 Q. Who pays for members of the technical 11:53:11 committees to participate in their work? 11:53:23 In this case, you have everything from 11:53:26 companies to people's own time, people taking 11:53:30 vacation time and in some cases, NFPA 11:53:34	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Are you aware of any person whose primary 11:55:02 motivation is to receive some financial 11:55:05 reward for participation in the technical 11:55:10 committee process? 11:55:13 A. I'm not aware of an individual, per se, but I 11:55:21 would speculate that these people are experts 11:55:26 in their fields, and there's professional 11:55:28 recognition and acknowledgment for being on 11:55:32 an NFPA technical committee. 11:55:36 MR. BRIDGES: Why don't we take a 11:55:46 break. We've been going for a while. What 11:55:47 time is it? 11:55:51 VIDEOGRAPHER: 11:55. 11:55:51 MR. BRIDGES: We'll keep going. 11:55:52 VIDEOGRAPHER: There's another 11:55:54 15 minutes on the tape. 11:55:55 MR. BRIDGES: We'll keep going 11:55:56 another 15 minutes. 11:55:58 Q. How can the public gain access without 11:56:37 our codes and standards to ensure that 11:56:42
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1	standards, while, at the same time, balancing 11:56:53	1	A. NFPA 70 is our National Electrical Code. 12:00:42
2	our need to protect our intellectual 11:56:55	2	Q. That's the largest code that NFPA publishes, 12:00:45
3	property, revenue and ultimately, the 11:56:58	3	correct? 12:00:51
4	advancement of our mission. 11:57:00	4	MR. REHN: Objection as to form. 12:00:51
5	Q. Have you talked to anybody about Mr. Mullen's 11:57:04	5	Ambiguous. 12:00:54
6	deposition yesterday? 11:57:09	6	A. I believe it is the largest page count 12:00:55
7	A. Just briefly to say, how did it go and that 11:57:13	7	document, yeah. 12:01:04
8	was it. 11:57:17	8	Q. You have been designated by NFPA as its 12:01:04
9	Q. What did you hear about it? 11:57:18	9	corporate representative on the topic of the 12:01:18
10	A. That it went fine, it went late. That's all 11:57:20	10	terms, including, but not limited to 12:01:21
11	I know. 11:57:23	11	financial terms, other requirements, 12:01:25
12	Q. Did you discuss any of the topics of the 11:57:23	12	conditions, restrictions, limitations, 12:01:27
13	deposition? 11:57:25	13	exclusions and exceptions of access to the 12:01:29
14	A. No. 11:57:27	14	standards that NFPA claims to own for 12:01:34
15	Q. Was there any discussion about any of the 11:57:27	15	reading, study, research, commentary, 12:01:41
16	questions at that deposition? 11:57:31	16	evaluation, criticism, bookmarking, other 12:01:43
17	A. No. 11:57:33	17	annotation, reproduction, personal use, place 12:01:48
18	Q. With whom did you discuss Mr. Mullen's 11:57:33	18	shifting, space shifting, data mining and 12:01:52
19	deposition? 11:58:04	19	comparison to other versions, standards and 12:01:55 documents by the public. Are you aware of 12:01:58
20	A. With counsel. 11:58:06	20	, 1
21	Q. Anybody else? 11:58:11	21	that? 12:02:03
22	A. No. 11:58:14	22	A. Yes. 12:02:03
23	Q. Let me ask you to look at Exhibit 1223. 11:58:14 A. (Witness examines document) 11:58:45	23	Q. And in that role, are you aware that these 12:02:06 are terms that the public must accept in 12:02:12
24 25	Q. Do you recognize Exhibit 1223? 11:59:00	25	order to have free read-only online access 12:02:15
23	Page 78	23	Page 80
1	A. The only thing I recognize is it's from our 11:59:02	1	to NFPA 70? 12:02:20
2	website. 11:59:08	2	A. It's my understanding and my knowledge that 12:02:24
3	Q. Have you seen this language before that's in 11:59:11		you access our standards in various formats, 12:02:28
4	the smaller window in the middle of both 11:59:17	4	whether it's our codes online or free access, 12:02:30
5	pages of Exhibit 1223? 11:59:23	5	and that the user must agree to some terms 12:02:33
6	A. I can't say specifically. It looks like 11:59:31	6	and conditions. 12:02:36
7	something associated with our publications, 11:59:33	7	Q. Are you referring to terms and conditions of 12:02:37
8	but I can't specifically say I've seen this 11:59:36	8	the website? 12:02:38
9	actual wording. 11:59:38	9	A. From my perspective, there are terms and 12:02:41
10	Q. Do you recognize that these are terms that 11:59:40		conditions for a lot of our platforms and 12:02:47
11	the public must accept in order to gain the 11:59:46	11	different things. And it's my understanding 12:02:49
		1	
12	read-only access for free to NFPA's codes and 11:59:58	12	that with free access, with codes online, 12:02:51
12	read-only access for free to NFPA's codes and 11:59:58 standards? 12:00:02	12	that with free access, with codes online, 12:02:51 that the user must agree to terms and 12:02:55
	-		
13	standards? 12:00:02	13	that the user must agree to terms and 12:02:55
13 14	standards? 12:00:02 MR. REHN: Object to form. 12:00:03	13 14	that the user must agree to terms and 12:02:55 conditions. 12:02:57
13 14 15	standards? 12:00:02 MR. REHN: Object to form. 12:00:03 A. I can see their terms. I'm not sure what 12:00:06	13 14 15	that the user must agree to terms and 12:02:55 conditions. 12:02:57 Q. I'm representing that these are terms and 12:02:59
13 14 15 16	standards? 12:00:02 MR. REHN: Object to form. 12:00:03 A. I can see their terms. I'm not sure what 12:00:06 they're terms for. But I can see "accept 12:00:10	13 14 15 16	that the user must agree to terms and 12:02:55 conditions. 12:02:57 Q. I'm representing that these are terms and 12:02:59 conditions that appeared very recently with 12:03:03
13 14 15 16 17	standards? 12:00:02 MR. REHN: Object to form. 12:00:03 A. I can see their terms. I'm not sure what they're terms for. But I can see "accept terms" is the first statement on the top of 12:00:13	13 14 15 16 17	that the user must agree to terms and 12:02:55 conditions. 12:02:57 Q. I'm representing that these are terms and 12:02:59 conditions that appeared very recently with 12:03:03 respect to the public read-only access of the 12:03:10
13 14 15 16 17 18	standards? 12:00:02 MR. REHN: Object to form. 12:00:03 A. I can see their terms. I'm not sure what 12:00:06 they're terms for. But I can see "accept 12:00:10 terms" is the first statement on the top of 12:00:13 the first page and second page. 12:00:15	13 14 15 16 17 18	that the user must agree to terms and 12:02:55 conditions. 12:02:57 Q. I'm representing that these are terms and 12:02:59 conditions that appeared very recently with 12:03:03 respect to the public read-only access of the 12:03:10 2014 edition of NFPA 70. 12:03:13
13 14 15 16 17 18 19	standards? 12:00:02 MR. REHN: Object to form. 12:00:03 A. I can see their terms. I'm not sure what 12:00:06 they're terms for. But I can see "accept 12:00:10 terms" is the first statement on the top of 12:00:13 the first page and second page. 12:00:15 Q. I think the language there says, "accept 12:00:18	13 14 15 16 17 18 19	that the user must agree to terms and 12:02:55 conditions. 12:02:57 Q. I'm representing that these are terms and 12:02:59 conditions that appeared very recently with 12:03:03 respect to the public read-only access of the 12:03:10 2014 edition of NFPA 70. 12:03:13 Do the terms and conditions that you 12:03:17
13 14 15 16 17 18 19 20	standards? 12:00:02 MR. REHN: Object to form. 12:00:03 A. I can see their terms. I'm not sure what they're terms for. But I can see "accept 12:00:10 terms" is the first statement on the top of 12:00:13 the first page and second page. 12:00:15 Q. I think the language there says, "accept 12:00:18 terms for: 2014 edition of NFPA 70." Can 12:00:21	13 14 15 16 17 18 19 20	that the user must agree to terms and 12:02:55 conditions. 12:02:57 Q. I'm representing that these are terms and 12:02:59 conditions that appeared very recently with 12:03:03 respect to the public read-only access of the 12:03:10 2014 edition of NFPA 70. 12:03:13 Do the terms and conditions that you 12:03:17 see on both pages of 1223 accord with your 12:03:18
13 14 15 16 17 18 19 20 21	standards? 12:00:02 MR. REHN: Object to form. 12:00:03 A. I can see their terms. I'm not sure what 12:00:06 they're terms for. But I can see "accept 12:00:10 terms" is the first statement on the top of 12:00:13 the first page and second page. 12:00:15 Q. I think the language there says, "accept 12:00:18 terms for: 2014 edition of NFPA 70." Can 12:00:21 you make that out? 12:00:30	13 14 15 16 17 18 19 20 21	that the user must agree to terms and 12:02:55 conditions. 12:02:57 Q. I'm representing that these are terms and 12:02:59 conditions that appeared very recently with 12:03:03 respect to the public read-only access of the 12:03:10 2014 edition of NFPA 70. 12:03:13 Do the terms and conditions that you 12:03:17 see on both pages of 1223 accord with your 12:03:18 understanding of what the terms and 12:03:21
13 14 15 16 17 18 19 20 21 22	standards? 12:00:02 MR. REHN: Object to form. 12:00:03 A. I can see their terms. I'm not sure what 12:00:06 they're terms for. But I can see "accept 12:00:10 terms" is the first statement on the top of 12:00:13 the first page and second page. 12:00:15 Q. I think the language there says, "accept 12:00:18 terms for: 2014 edition of NFPA 70." Can 12:00:21 you make that out? 12:00:30 A. Yeah, accept terms for 2014 edition. I can't 12:00:31 tell if it's NFPA 70 or 79. Unfortunately, 12:00:35 they're both standards. 12:00:38	13 14 15 16 17 18 19 20 21 22	that the user must agree to terms and 12:02:55 conditions. 12:02:57 Q. I'm representing that these are terms and 12:02:59 conditions that appeared very recently with 12:03:03 respect to the public read-only access of the 12:03:10 2014 edition of NFPA 70. 12:03:13 Do the terms and conditions that you 12:03:17 see on both pages of 1223 accord with your 12:03:18 understanding of what the terms and 12:03:21 conditions are for the public free read-only 12:03:23
13 14 15 16 17 18 19 20 21 22 23	standards? 12:00:02 MR. REHN: Object to form. 12:00:03 A. I can see their terms. I'm not sure what 12:00:06 they're terms for. But I can see "accept 12:00:10 terms" is the first statement on the top of 12:00:13 the first page and second page. 12:00:15 Q. I think the language there says, "accept 12:00:18 terms for: 2014 edition of NFPA 70." Can 12:00:21 you make that out? 12:00:30 A. Yeah, accept terms for 2014 edition. I can't 12:00:31 tell if it's NFPA 70 or 79. Unfortunately, 12:00:35	13 14 15 16 17 18 19 20 21 22 23	that the user must agree to terms and 12:02:55 conditions. 12:02:57 Q. I'm representing that these are terms and 12:02:59 conditions that appeared very recently with 12:03:03 respect to the public read-only access of the 12:03:10 2014 edition of NFPA 70. 12:03:13 Do the terms and conditions that you 12:03:17 see on both pages of 1223 accord with your 12:03:18 understanding of what the terms and 12:03:21 conditions are for the public free read-only 12:03:23 access to NFPA 70? 12:03:29

1	is in my area of expertise, I understand 12:03:42	1	MR. REHN: Same objection. 12:06:01
2	that users must agree to a set of terms and 12:03:44	2	MR. BRIDGES: I'll withdraw the 12:06:02
3	conditions. 12:03:46	3	question. It was badly formed. 12:06:03
4	Q. What are the terms and conditions that users 12:03:46	4	Q. Do you have an understanding as to whether, 12:06:04
5	must agree to? 12:03:49	5	by accepting those terms and conditions, 12:06:06
6	MR. REHN: Objection as to form. 12:03:51	6	users enter into a binding contract with 12:06:09
7	and we did produce the terms and conditions. 12:03:53	7	NFPA? 12:06:12
8	It's not clear when this document was 12:03:56	8	MR. REHN: Same objection. Calls 12:06:13
9	produced, but the witness may answer. 12:03:57	9	for a legal opinion. Terms speak for 12:06:14
10	A. I'm not sure what those specific terms are. 12:04:02	10	themselves. 12:06:16
11	MR. REHN: The terms speak for 12:04:05	11	A. I have no knowledge of that, on how to 12:06:19
12	themselves. 12:04:06	12	interpret that. 12:06:22
			•
13	Q. Tell me all the terms and conditions that you 12:04:06	13	Q. Do you know that in order to gain access for 12:06:23
14	are aware of that the public must accept in 12:04:11	14	free to the read-only codes and standards on 12:06:32
15	order to have the free access to read-only 12:04:15	15	NFPA's website, a member of the public must 12:06:35
16	codes and standards of NFPA on NFPA's 12:04:20	16	agree to waive objection to venue in a court 12:06:44
17	website. 12:04:26	17	of competent jurisdiction in the State of 12:06:58
18	MR. REHN: Objection to form. We 12:04:26	18	Massachusetts for disputes arising out of the 12:07:02
19	produced the terms and conditions. 12:04:27	19	terms and conditions? 12:07:06
20	MR. BRIDGES: He's the 30(b)(6) 12:04:30	20	MR. REHN: Objection as to form. 12:07:08
21	witness on this very topic, and I'm entitled 12:04:31	21	The terms speak for themselves. If you want 12:07:10
22	to get his testimony and to get him to 12:04:33	22	to direct him to language in the terms, and 12:07:12
23	authenticate a document from NFPA's website. 12:04:36	23	ask if he's aware of that language. 12:07:14
24	I'm absolutely entitled to that. 12:04:39	24	Q. Sure. Let me ask you to look at the last two 12:07:16
25	MR. REHN: The objection stands. 12:04:41	25	paragraphs on the second page of 12:07:18
	Page 82		Page 84
1	The witness may answer. 12:04:42	1	Exhibit 1223. 12:07:21
2	A. Specifically, what I understand and my 12:04:44	2	A. I'm there. 12:07:26
3	knowledge of the terms and conditions is that 12:04:46	3	Q. Have you read those two paragraphs? 12:07:28
4	users are required to agree to a set of terms 12:04:48	4	MR. REHN: Take your time and go 12:07:30
5	and conditions as shown on our website when 12:04:52	5	ahead and read them. 12:07:32
6	they register to view the free codes. 12:04:55	6	A. (Witness examines document) 12:07:32
7	The extent to which the terms and 12:04:58	7	VIDEOGRAPHER: There are five 12:07:38
8	words, I have no specific knowledge or 12:05:01	8	minutes remaining on the videotape. 12:07:39
9	experience in the actual terms. 12:05:05	9	A. I've read them. 12:08:05
10	Q. Are you aware that in order to get free 12:05:09	10	Q. Before today, were you aware that those were 12:08:06
11		11	1 11:1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
111	access to the read-only codes and standards 12:05:14	1	terms and conditions that a consumer or 12:08:10
12	access to the read-only codes and standards 12:05:14 on NFPA's website, that a user must enter 12:05:17	12	strike that. 12:08:10
	•	12 13	
12	on NFPA's website, that a user must enter 12:05:17		strike that. 12:08:12
12 13	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29	13	strike that. 12:08:12 Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16
12 13 14 15	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30	13 14 15	strike that. 12:08:12 Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19
12 13 14 15 16	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31	13 14 15 16	strike that. 12:08:12 Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22
12 13 14 15 16 17	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31 speak for themselves. 12:05:34	13 14 15 16 17	Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22 read-only versions of NFPA's codes and 12:08:25
12 13 14 15 16 17 18	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31 speak for themselves. 12:05:34 A. To restate, what I am aware of is that users 12:05:37	13 14 15 16 17 18	strike that. 12:08:12 Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22 read-only versions of NFPA's codes and 12:08:25 standards? 12:08:27
12 13 14 15 16 17 18	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31 speak for themselves. 12:05:34 A. To restate, what I am aware of is that users 12:05:37 must agree to a set of terms and conditions. 12:05:41	13 14 15 16 17 18 19	strike that. 12:08:12 Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22 read-only versions of NFPA's codes and 12:08:25 standards? 12:08:27 MR. REHN: Object to the form. 12:08:28
12 13 14 15 16 17 18 19 20	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31 speak for themselves. 12:05:34 A. To restate, what I am aware of is that users 12:05:37 must agree to a set of terms and conditions. 12:05:41 That is the extent of my knowledge. 12:05:45	13 14 15 16 17 18 19 20	Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22 read-only versions of NFPA's codes and 12:08:25 standards? 12:08:27 MR. REHN: Object to the form. 12:08:28 Lacks foundation. 12:08:30
12 13 14 15 16 17 18 19 20 21	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31 speak for themselves. 12:05:34 A. To restate, what I am aware of is that users 12:05:37 must agree to a set of terms and conditions. 12:05:41 That is the extent of my knowledge. 12:05:45 Q. Do you understand whether do you have any 12:05:47	13 14 15 16 17 18 19 20 21	Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22 read-only versions of NFPA's codes and 12:08:25 standards? 12:08:27 MR. REHN: Object to the form. 12:08:28 Lacks foundation. 12:08:30 A. Before today, I had not read these. 12:08:32
12 13 14 15 16 17 18 19 20 21 22	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31 speak for themselves. 12:05:34 A. To restate, what I am aware of is that users 12:05:37 must agree to a set of terms and conditions. 12:05:41 That is the extent of my knowledge. 12:05:45 Q. Do you understand whether do you have any 12:05:47 understanding one way or the other as to 12:05:50	13 14 15 16 17 18 19 20 21 22	strike that. 12:08:12 Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22 read-only versions of NFPA's codes and 12:08:25 standards? 12:08:27 MR. REHN: Object to the form. 12:08:28 Lacks foundation. 12:08:30 A. Before today, I had not read these. 12:08:32 Q. Before today, had you known that these were 12:08:34
12 13 14 15 16 17 18 19 20 21 22 23	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31 speak for themselves. 12:05:34 A. To restate, what I am aware of is that users 12:05:37 must agree to a set of terms and conditions. 12:05:41 That is the extent of my knowledge. 12:05:45 Q. Do you understand whether do you have any 12:05:47 understanding one way or the other as to 12:05:50 whether users must enter into a binding 12:05:53	13 14 15 16 17 18 19 20 21 22 23	strike that. 12:08:12 Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22 read-only versions of NFPA's codes and 12:08:25 standards? 12:08:27 MR. REHN: Object to the form. 12:08:28 Lacks foundation. 12:08:30 A. Before today, I had not read these. 12:08:32 Q. Before today, had you known that these were 12:08:34 among the terms and conditions that the 12:08:37
12 13 14 15 16 17 18 19 20 21 22 23 24	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31 speak for themselves. 12:05:34 A. To restate, what I am aware of is that users 12:05:37 must agree to a set of terms and conditions. 12:05:41 That is the extent of my knowledge. 12:05:45 Q. Do you understand whether do you have any 12:05:47 understanding one way or the other as to 12:05:50 whether users must enter into a binding 12:05:53 contract in accepting those terms and 12:05:58	13 14 15 16 17 18 19 20 21 22 23 24	Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22 read-only versions of NFPA's codes and 12:08:25 standards? 12:08:27 MR. REHN: Object to the form. 12:08:28 Lacks foundation. 12:08:30 A. Before today, I had not read these. 12:08:32 Q. Before today, had you known that these were 12:08:34 among the terms and conditions that the 12:08:39
12 13 14 15 16 17 18 19 20 21 22 23	on NFPA's website, that a user must enter 12:05:17 into a contract, a binding contract with 12:05:25 NFPA? 12:05:29 MR. REHN: Objection as to form. 12:05:30 Calls for a legal opinion, and the terms 12:05:31 speak for themselves. 12:05:34 A. To restate, what I am aware of is that users 12:05:37 must agree to a set of terms and conditions. 12:05:41 That is the extent of my knowledge. 12:05:45 Q. Do you understand whether do you have any 12:05:47 understanding one way or the other as to 12:05:50 whether users must enter into a binding 12:05:53	13 14 15 16 17 18 19 20 21 22 23	strike that. 12:08:12 Before today, were you aware that 12:08:14 those two paragraphs are among the terms and 12:08:16 conditions that a member of the public must 12:08:19 agree to in order to have free access to 12:08:22 read-only versions of NFPA's codes and 12:08:25 standards? 12:08:27 MR. REHN: Object to the form. 12:08:28 Lacks foundation. 12:08:30 A. Before today, I had not read these. 12:08:32 Q. Before today, had you known that these were 12:08:34 among the terms and conditions that the 12:08:37

1	codes and standards? 12:08:45	1	Q. Have you known that the substance of these 12:10:40
2	MR. REHN: Object to the form. 12:08:46	2	two paragraphs were among the terms and 12:10:42
3	A. Before today, as previously stated, my 12:08:47	3	conditions before today? 12:10:44
4	understanding wholly was that a user had to 12:08:50	4	MR. REHN: Objection as to form. 12:10:46
5	agree to some terms and conditions in order 12:08:54	5	A. As I previously stated and I stand by my 12:10:47
6	to gain free read-only access to our codes 12:08:56	6	testimony that I was not aware of any of the 12:10:52
7	and standards. 12:08:59	7	terms and conditions, only that a user had to 12:10:54
8	Q. You're not answering my question. It's a yes 12:08:59	8	agree to terms and conditions in order to 12:10:57
9	or no question. Before today, were you aware 12:09:01	9	gain free access to our codes and standards. 12:10:59
10	that the last two paragraphs that you've just 12:09:05	10	MR. BRIDGES: I think it's time for 12:11:03
11	read were among those terms and conditions? 12:09:07	11	a break. 12:11:04
12	MR. REHN: Object to the form. And 12:09:10	12	VIDEOGRAPHER: The time is 12:11. 12:11:04
13	the witness doesn't have to answer the way 12:09:10	13	This is the end of Tape No. 1, and we are now 12:11:07
14	that you want him to answer. This question 12:09:12	14	off the record. 12:11:09
15	has been asked and answered. 12:09:14	15	(Break taken) 12:11:12
16	Q. It's a yes or no. 12:09:16	16	VIDEOGRAPHER: The time is 12:20. 12:21:00
17	MR. REHN: Again, the witness can 12:09:17	17	This is the beginning of Tape No. 2, and we 12:21:05
18	answer the question in the most accurate way 12:09:18	18	are now back on the record. 12:21:07
19	they can. 12:09:22	19	MR. BRIDGES: 12:21:08
20	MR. BRIDGES: Don't coach the 12:09:22	20	Q. Mr. Dubay, in order to prepare for today's 12:21:09
21	witness. That's, believe me, coaching. 12:09:23	21	deposition, what did you do to become 12:21:16
22	Q. Yes or no. Did you know these two paragraphs 12:09:25	22	familiar with the terms and conditions for 12:21:18
23	were among the terms and conditions that the 12:09:27	23	public access to the read-only versions of 12:21:24
24	public had to accept in order to have free 12:09:28	24	NFPA's codes and standards? 12:21:29
25	access to the read-only versions of NFPA's 12:09:30	25	MR. REHN: I instruct the witness to 12:21:32
	Page 86		Page 88
1	codes and standards? 12:09:34	1	exclude from his answer anything that would 12:21:33
2	MR. REHN: Same objection as to 12:09:34	2	reveal the substance of communications with 12:21:35
3	form. And you may answer the question in the 12:09:36		
	form. And you may answer the question in the 12.09.50	3	legal counsel. 12:21:37
4	most accurate way that you can. 12:09:39	3 4	legal counsel. 12:21:37 A. I didn't do anything to prepare. 12:21:40
4	most accurate way that you can. 12:09:39	4	A. I didn't do anything to prepare. 12:21:40 Q. What documents did you review in connection 12:21:44
4 5	most accurate way that you can. 12:09:39 MR. BRIDGES: The most accurate way 12:09:41 is yes or no. 12:09:42	4 5	A. I didn't do anything to prepare. 12:21:40 Q. What documents did you review in connection 12:21:44 with preparing to testify at today's 12:21:46
4 5 6 7	most accurate way that you can. 12:09:39 MR. BRIDGES: The most accurate way 12:09:41 is yes or no. 12:09:42 MR. REHN: Objection and move to 12:09:43	4 5 6 7	A. I didn't do anything to prepare. 12:21:40 Q. What documents did you review in connection 12:21:44 with preparing to testify at today's 12:21:46 deposition? 12:21:49
4 5 6	most accurate way that you can. 12:09:39 MR. BRIDGES: The most accurate way 12:09:41 is yes or no. 12:09:42 MR. REHN: Objection and move to 12:09:43 strike that. Same objection as before. 12:09:45	4 5 6	A. I didn't do anything to prepare. 12:21:40 Q. What documents did you review in connection 12:21:44 with preparing to testify at today's 12:21:46 deposition? 12:21:49 MR. REHN: If you remember any 12:21:53
4 5 6 7 8 9	most accurate way that you can. 12:09:39 MR. BRIDGES: The most accurate way 12:09:41 is yes or no. 12:09:42 MR. REHN: Objection and move to 12:09:43 strike that. Same objection as before. 12:09:45 Q. Please proceed. 12:09:48	4 5 6 7 8 9	A. I didn't do anything to prepare. 12:21:40 Q. What documents did you review in connection 12:21:44 with preparing to testify at today's 12:21:46 deposition? 12:21:49 MR. REHN: If you remember any 12:21:53 specific documents, you may answer. 12:21:54
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4 5 6 7 8 9 10 11 12 13 14	most accurate way that you can. 12:09:39 MR. BRIDGES: The most accurate way 12:09:41 is yes or no. 12:09:42 MR. REHN: Objection and move to 12:09:43 strike that. Same objection as before. 12:09:45 Q. Please proceed. 12:09:48 A. As I previously stated, the first time I read 12:09:49 those words, those last two paragraphs was 12:09:52 just now. 12:09:54 Q. Were you aware of the terms in the last two 12:09:55 paragraphs of the text on Exhibit 1223 before 12:10:01 you read them? 12:10:12	4 5 6 7 8 9 10 11 12 13 14 15	A. I didn't do anything to prepare. 12:21:40 Q. What documents did you review in connection 12:21:44 with preparing to testify at today's 12:21:46 deposition? 12:21:49 MR. REHN: If you remember any 12:21:53 specific documents, you may answer. 12:21:54 MR. BRIDGES: That's coaching, that 12:21:56 statement, if ever I've heard one. 12:21:58 A. None. 12:22:01 Q. Is it true that before the public can access 12:22:02 NFPA's codes and standards in their read-only 12:22:19 versions for free on NFPA's website, a member 12:22:24
4 5 6 7 8 9 10 11 12 13 14 15 16	most accurate way that you can. 12:09:39 MR. BRIDGES: The most accurate way 12:09:41 is yes or no. 12:09:42 MR. REHN: Objection and move to 12:09:43 strike that. Same objection as before. 12:09:45 Q. Please proceed. 12:09:48 A. As I previously stated, the first time I read 12:09:49 those words, those last two paragraphs was 12:09:52 just now. 12:09:54 Q. Were you aware of the terms in the last two 12:09:55 paragraphs of the text on Exhibit 1223 before 12:10:01 you read them? 12:10:12 MR. REHN: Object as to form. 12:10:14	4 5 6 7 8 9 10 11 12 13 14 15	A. I didn't do anything to prepare. 12:21:40 Q. What documents did you review in connection 12:21:44 with preparing to testify at today's 12:21:46 deposition? 12:21:49 MR. REHN: If you remember any 12:21:53 specific documents, you may answer. 12:21:54 MR. BRIDGES: That's coaching, that 12:21:56 statement, if ever I've heard one. 12:22:01 Q. Is it true that before the public can access 12:22:02 NFPA's codes and standards in their read-only 12:22:19 versions for free on NFPA's website, a member 12:22:24 of the public must register and provide 12:22:27
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	most accurate way that you can. 12:09:39 MR. BRIDGES: The most accurate way 12:09:41 is yes or no. 12:09:42 MR. REHN: Objection and move to 12:09:43 strike that. Same objection as before. 12:09:45 Q. Please proceed. 12:09:48 A. As I previously stated, the first time I read 12:09:49 those words, those last two paragraphs was 12:09:52 just now. 12:09:54 Q. Were you aware of the terms in the last two 12:09:55 paragraphs of the text on Exhibit 1223 before 12:10:01 you read them? 12:10:12 MR. REHN: Object as to form. 12:10:14 A. No, I was only aware of terms and conditions. 12:10:18 Q. Of the existence of terms and conditions? 12:10:21 A. Yes. 12:10:23 Q. You were not aware of these two paragraphs as 12:10:24 part of those terms and conditions? 12:10:26 MR. REHN: Object as to form. 12:10:28 A. Again, assuming that these are accurate from 12:10:30	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. I didn't do anything to prepare. 12:21:40 Q. What documents did you review in connection 12:21:44 with preparing to testify at today's 12:21:46 deposition? 12:21:49 MR. REHN: If you remember any 12:21:53 specific documents, you may answer. 12:21:54 MR. BRIDGES: That's coaching, that 12:21:56 statement, if ever I've heard one. 12:22:01 Q. Is it true that before the public can access 12:22:02 NFPA's codes and standards in their read-only 12:22:19 versions for free on NFPA's website, a member 12:22:24 of the public must register and provide 12:22:27 information and an e-mail address to NFPA? 12:22:34 A. It's my understanding that in order to gain 12:22:42 read-only access, that you do need to 12:22:45 register and agree to terms and conditions. 12:22:48 Q. And registering includes providing an e-mail 12:22:50 address? 12:22:53 A. I believe that's the case. I'm sure it has 12:22:55
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	most accurate way that you can. MR. BRIDGES: The most accurate way 12:09:41 is yes or no. 12:09:42 MR. REHN: Objection and move to 12:09:43 strike that. Same objection as before. 12:09:45 Q. Please proceed. 12:09:48 A. As I previously stated, the first time I read 12:09:49 those words, those last two paragraphs was 12:09:52 just now. 12:09:54 Q. Were you aware of the terms in the last two 12:09:55 paragraphs of the text on Exhibit 1223 before 12:10:01 you read them? 12:10:12 MR. REHN: Object as to form. 12:10:14 A. No, I was only aware of terms and conditions. 12:10:18 Q. Of the existence of terms and conditions? 12:10:21 A. Yes. 12:10:23 Q. You were not aware of these two paragraphs as 12:10:24 part of those terms and conditions? 12:10:26 MR. REHN: Object as to form. 12:10:28	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I didn't do anything to prepare. 12:21:40 Q. What documents did you review in connection 12:21:44 with preparing to testify at today's 12:21:46 deposition? 12:21:49 MR. REHN: If you remember any 12:21:53 specific documents, you may answer. 12:21:54 MR. BRIDGES: That's coaching, that 12:21:56 statement, if ever I've heard one. 12:21:58 A. None. 12:22:01 Q. Is it true that before the public can access 12:22:02 NFPA's codes and standards in their read-only 12:22:19 versions for free on NFPA's website, a member 12:22:24 of the public must register and provide 12:22:27 information and an e-mail address to NFPA? 12:22:34 A. It's my understanding that in order to gain 12:22:42 read-only access, that you do need to 12:22:45 register and agree to terms and conditions. 12:22:48 Q. And registering includes providing an e-mail 12:22:50 address? 12:22:53

1	review the terms and conditions in order to 12:23:02	1	MR. REHN: I'll object as to the 12:26:08
2	decide whether to accept or to decline the 12:23:04	2	form of this question. 12:26:10
3	terms and conditions? Are you aware of that? 12:23:07	3	Q. You may answer. 12:26:13
4	A. No, I'm not. 12:23:11	4	A. My understanding is that you must register 12:26:17
5	Q. Are you aware that if someone declines the 12:23:12	5	and agree to some terms and conditions to 12:26:21
6	terms and conditions, one is unable to gain 12:23:18	6	gain access to the free read-only of all of 12:26:23
7	free access to the read-only versions of 12:23:23	7	our codes and standards. 12:26:27
8	NFPA's codes and standards? 12:23:25	8	Q. And that's all you know about it? 12:26:28
9	A. My understanding is that you have to agree to 12:23:30	9	A. That's the extent of my knowledge of what's 12:26:30
10	the terms and conditions before you're 12:23:32	10	involved in the process, yes. 12:26:32
11	granted free read-only access. 12:23:34	11	Q. Are you familiar with the fact that in order 12:26:33
12	Q. Do you understand that NFPA adds the e-mail 12:23:39	12	to gain free access to the read-only versions 12:26:51
13	addresses that people furnish in the 12:23:46	13	of NFPA's codes and standards, a member of 12:26:58
14	registration process to e-mail lists that it 12:23:48	14	the public must enter into an acknowledgment 12:27:02
15	uses for marketing purposes? 12:23:55	15	that NFPA owns copyright on all the codes and 12:27:08
16	MR. REHN: Object as to form. 12:23:56	16	standards? 12:27:13
17	Outside the scope. 12:23:58	17	MR. REHN: Object to the form. 12:27:14
18	A. I don't have first-hand knowledge of what 12:24:01	18	Lacks foundation. To the extent this is a 12:27:15
19	happens with the registrants to our free 12:24:04	19	question about the terms of access, the terms 12:27:18
20	access. 12:24:06	20	speak for themselves, and this may call for a 12:27:20
21	Q. What information does NFPA collect about 12:24:08	21	legal opinion. 12:27:20
22	persons who visit NFPA's website to gain free 12:24:12	22	A. My understanding of the process is that you 12:27:26
23	access to the read-only versions of NFPA's 12:24:17	23	register and agree to terms and conditions. 12:27:30
24	codes and standards? 12:24:20	24	That is the extent of my knowledge. 12:27:32
25	MR. REHN: Same objections as to 12:24:22	25	Q. And you're unable to say whether the terms 12:27:38
	Page 90		Page 92
1	form and to the scope of the designated 12:24:23	1	and conditions on Exhibit 1223 are the terms 12:27:41
2	topics. 12:24:25	2	and conditions that a user has to agree to in 12:27:45
3	A. Can you restate the question. I'm sorry. 12:24:29	3	order to have free access to the read-only 12:27:49
4	MR. BRIDGES: I'll ask the court 12:24:35	4	versions of NFPA's codes and standards? 12:27:51
5	reporter to re-read it. 12:24:36	5	MR. REHN: Object to the form. 12:27:54
6	(Question read) 12:24:37	6	Q. Is that correct? 12:27:56
7	MR. REHN: And the same objection as 12:24:55	7	A. What I can say is this document that you've 12:27:57
8	to form and the scope of the designated 12:24:56	8	handed me appears to be from our website and 12:28:01
9	topics. But if the witness has personal 12:24:58	9	it appears to be terms and conditions. I 12:28:03
10	knowledge of this question, he may answer. 12:25:02	10	can't comment whether these are the actual 12:28:06
11	A. I don't have personal knowledge of what we 12:25:04	11	current terms and conditions or whether they 12:28:08
12	request, and it resides outside of my area. 12:25:06	12	were previous terms and conditions because as 12:28:10
13	Q. You're unfamiliar with what other 12:25:10	13	I previously stated, I just read the last two 12:28:12
14	requirements apply to the public in order for 12:25:22	14	paragraphs just now or just a few moments 12:28:15
15	the public to gain free access to the 12:25:29	15	ago. 12:28:18
16	read-only versions of NFPA's codes and 12:25:32	16	(Exhibit 1228 marked for 12:28:45
17	standards other than the fact that they must 12:25:34	17	identification.) 12:28:57
18	agree to some terms and conditions; is that 12:25:43	18	Q. I hand you Exhibit 1228. Please tell me if 12:28:57
19	correct? 12:25:48	19	you recognize this document and if so, tell 12:29:04
20	MR. REHN: Was that was that the 12:25:48	20	me what it is. 12:29:07
21	prior question? Is that the same question? 12:25:49	21	A. It looks like a page from our website and the 12:29:10
22	Q. You may answer. 12:25:58	22	title of it is "Terms of Use." 12:29:20
23	MR. REHN: Hold on one second. 12:26:00	23	Q. Are these, in fact, the terms of use of 12:29:23
24	MR. BRIDGES: If you want to object, 12:26:03	24	NFPA's website? 12:29:26
25	then object. 12:26:05	25	A. Again, I can't comment on whether these are 12:29:36
	Page 91		Page 93

1	the actual terms of use on our website as I 12:29:38	1	if so, identify it. 12:34:17
2	don't have any involvement in determining 12:29:42	2	A. Just give me one moment here. 12:34:19
3	these or viewing them or establishing the 12:29:44	3	MR. REHN: Take your time. Make 12:34:25
4	content of them. 12:29:46	4	sure you review the document in its entirety. 12:34:28
5	(Exhibit 1229 marked for 12:30:04	5	A. (Witness examines document) Exhibit 1230 12:34:32
6	identification.) 12:30:04	6	appears to be a view, screen captured from 12:34:43
7	Q. I hand you Exhibit 1229. Please tell me if 12:30:07	7	our standards development site relating to 12:34:47
8	you recognize it, and if so, tell me what it 12:30:13	8	the public comment stage associated with NFPA 12:34:50
9	is. 12:30:15	9	70E. 12:34:54
10	A. Again, it appears to be a page from our 12:30:19	10	Q. Did you participate in the design of these 12:35:02
11	website around our disclaimers, and I 12:30:23	11	pages? 12:35:06
12	recognize some of these statements around 12:30:26		MR. REHN: There is some handwritten 12:35:07
13	our standards process. 12:30:29	13	annotation on one page. It appears to be 12:35:09
14 15	Without getting into is it 12:30:33	14	part of the copy. 12:35:14
16	accurately worded throughout, they look like 12:30:34 some of our standard statements that we use 12:30:37		MR. BRIDGES: I'm sorry. There is 12:35:17
17	within our standards process. 12:30:41	16 17	that handwritten right. 12:35:21 O. Please disregard the handwriting on 12:35:29
18	Q. Are you in a position to say whether the 12:30:47	18	Q. Please disregard the handwriting on 12:35:29 MR. REHN: It's your understanding 12:35:34
19	terms of use in Exhibit 1228 and the 12:30:49	19	that handwritten annotation does not appear 12:35:36
20	disclaimers in Exhibit 1229 apply to the 12:30:52	20	on the NFPA's website? 12:35:38
21	public's access to the read-only versions 12:31:03	21	A. No, the handwritten annotations can't appear 12:35:40
22	of NFPA's codes and standards? 12:31:07	22	on our website. So I would assume my 12:35:43
23	MR. REHN: Object to the form. 12:31:10	23	assumption is that that was someone's notes 12:35:46
24	Calls for a legal opinion. 12:31:12	24	before photocopy. 12:35:48
25	A. I don't believe I'm in the position to do 12:31:14	25	Q. That's right. I apologize for that, but 12:35:49
	Page 94		Page 96
1	that. In my normal course of work, I would 12:31:16	1	apart from that handwriting, you understand 12:35:52
2	rely on our general counsel to provide 12:31:19	2	this to be a form that's used for public 12:35:54
3	guidance on how these apply. 12:31:22	3	comment? 12:35:59
4	Q. Do you have any reason to believe that 12:31:27	4	A. Yes, in part it's the view of the website 12:35:59
5	Exhibits 1223, 1228 and 1229 do not 12:31:34	5	and then it looks like it's the steps through 12:36:07
6	accurately depict terms of use and 12:31:43	6	submitting a public comment, so yes. 12:36:07
7	disclaimers on NFPA's website? 12:31:52	7	Q. Let me ask you to turn to the page that has a 12:36:07
8	A. With the assumption that you have accurately 12:32:04	8	stamping at the bottom that ends with 38502. 12:36:12
9	replicated them from our website, they appear 12:32:09	9	A. I'm there. 12:36:22
10	to be from our website. They appear to be, 12:32:11	10	Q. It says in the middle, "Note, due to 12:36:29
11	based upon logo, formatting and such, appear 12:32:13	11	copyright considerations, NFPA is unable to 12:36:32
12	to be part of our content. 12:32:16	12	accept these submissions electronically at 12:36:35
13	Q. So does that mean you don't have any reason 12:32:18	13	this time." What does that mean? 12:36:38
14	to believe that they do not accurately depict 12:32:22	14	A. At this point in the process you are stating 12:36:45
15	the terms of use and disclaimers on NFPA's 12:32:25	15	what the reason is for your public comment, 12:36:52
16	website? 12:32:29	16	why you're submitting it, and at times 12:36:55
17	A. Personally, I don't, but I would rely on 12:32:31	17	submitters desire to attach reports, 12:36:57
18	legal counsel to confirm those things 12:32:34	18	publications and such. 12:37:01
19	because, again, I don't have first-hand 12:32:38	19	And we have a very strict policy on 12:37:04
20	knowledge of these. These are not within my 12:32:41	20	copyright and protection of intellectual 12:37:07
	area of responsibility. 12:32:43	21 22	property, not only of ours, but of others and 12:37:09 at times, submitters from the public will 12:37:12
21	(Exhibit 1220 morked for 12:22:42		accounts supplied to the number of the property of the propert
22	(Exhibit 1230 marked for 12:33:42		-
22 23	identification.) 12:33:54	23	want to submit a document as supporting, we 12:37:14
22 23 24	identification.) 12:33:54 Q. Mr. Dubay, I've handed you Exhibit 1230. Can 12:34:07	23 24	want to submit a document as supporting, we 12:37:14 call it supporting material, and we require 12:37:18
22 23	identification.) 12:33:54	23	want to submit a document as supporting, we 12:37:14

1				
3	1	• • •	1	
1	2	truly retain the copyright and can give us 12:37:27	2	
5	3		3	
6	4		4	actually make submissions and execute these 12:40:08
1	5		5	forms? 12:40:14
8	6	would be a reproduction, posting, 12:37:37	6	MR. REHN: Object to the form. It 12:40:14
9 Q. Does NFPA have a policy regarding fair use in 12:37:42 10 copyright? 12:37:46 11 11 MR. REHN: Object to the form to 12:37:47 12 the extent it calls for a legal opinion. 12:37:48 12 the extent it calls for a legal opinion. 12:37:48 13 A. It's my general understanding in dealing with 12:37:52 13 MR. REHN: We can stipulate to that. 12:40:31 12:40:34 15 Q. What is NFPA's fair use policy? 12:37:57 15 G. MR. REHN: Again, I'll object to 12:38:00 16 Q. So this, to your understanding, Mr. Dubay. 12:40:35 16 Q. So this, to your understanding, Mr. Dubay. 12:40:36 16 Q. So this, to your understanding, Mr. Dubay. 12:40:49 16 Communications. But you can answer to the 12:38:05 19 Communications. But you can answer	7	et cetera, would be allowed, permitted by 12:37:39	7	may call for attorney-client privilege. It 12:40:18
10 copyright? 12;37:46 10 stipulate that this was just done as a mockup 12;40:28 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:31 12;40:34 12;40:31 12;4	8	them. 12:37:41	8	may call for speculation. 12:40:22
11	9	Q. Does NFPA have a policy regarding fair use in 12:37:42	9	MR. BRIDGES: You may want to 12:40:23
12	10	copyright? 12:37:46	10	stipulate that this was just done as a mockup 12:40:24
13	11	MR. REHN: Object to the form to 12:37:47	11	for purposes of production which I suspect is 12:40:28
14 legal counsel, yes, we do. 12:37:57 15 Q. What is NFPA's fair use policy? 12:37:57 16 MR. REHN: Again, I'll object to 12:38:00 16 Q. So this, to your understanding, Mr. Dubay, 12:40:36 17 the extent it calls for legal opinion or it 12:38:02 17 this document contains the fields and 12:40:40 18 headings and text that the public normally 12:40:40 18 headings and text that the public normally 12:40:53 20 extent you know. 12:38:07 20 in the course of NFPA's standards 12:40:58 21 discusses the term "fair use" with me and 12:38:13 23 appears that it's captured all of the various 12:41:05 24:102 24:103	12	the extent it calls for a legal opinion. 12:37:48	12	the case. 12:40:30
15 Q. What is NFPA's fair use policy?	13	A. It's my general understanding in dealing with 12:37:52	13	MR. REHN: We can stipulate to that. 12:40:31
16 MR. REHN: Again, Fill object to 12:38:00 16 Q. So this, to your understanding, Mr. Dubay, 12:40:36 17	14	legal counsel, yes, we do. 12:37:54	14	This was a way to make sure we got all the 12:40:34
the extent it calls for legal opinion or it 12:38:02	15	Q. What is NFPA's fair use policy? 12:37:57	15	screen shots. 12:40:35
communications. But you can answer to the 12:38:05	16	MR. REHN: Again, I'll object to 12:38:00	16	Q. So this, to your understanding, Mr. Dubay, 12:40:36
19 communications. But you can answer to the 12:38:05 20 extent you know. 12:38:07 22 A. I don't know the specifics of it. I just 12:38:08 12:38:08 22 know that when we request to utilize our 12:38:11 22 23 intellectual property, that legal counsel 12:38:13 23 discusses the term "fair use" with me and 12:38:17 24 discusses it in their decisionmaking. I'm 12:38:20 Page 98 25 discusses it in their decisionmaking. I'm 12:38:20 Page 98 25 discusses it in their decisionmaking. I'm 12:38:22 25 discusses it in their decisionmaking. I'm 12:38:26 26 discusses it in their decisionmaking. I'm 12:38:26 27 discusses it in their decisionmaking. I'm 12:38:26 28 discusses it in their decisionmaking. I'm 12:38:26 27 discusses it in their decisionmaking. I'm 12:38:26 28 discusses it in their decisionmaking. I'm 12:38:26 29 discusses it in their decisionmaking. I'm 12:38:26 20 discusses it in their decisionmaking. I'm 12:38:26 20 discusses it in their decisionmaking. I'm 12:	17	the extent it calls for legal opinion or it 12:38:02	17	this document contains the fields and 12:40:40
20	18	calls for the substance of any privileged 12:38:04	18	
21	19	communications. But you can answer to the 12:38:05	19	encounters when the public submits comments 12:40:53
know that when we request to utilize our 12:38:11 23 discusses the term "fair use" with me and 12:38:17 24 discusses the term "fair use" with me and 12:38:17 25 discusses it in their decisionmaking. I'm 12:38:20	20	extent you know. 12:38:07	20	in the course of NFPA's standards 12:40:58
discusses the term "fair use" with me and discusses it in their decisionmaking. I'm 12:38:17	21	A. I don't know the specifics of it. I just 12:38:08	21	
discusses the term "fair use" with me and 12:38:17 discusses it in their decisionmaking. I'm 12:38:20 Page 98 1 not aware of a specific policy, per se, but 12:38:22 it's often brought up. 12:38:28 2 it's often brought up. 12:38:28 3 Q. Do you have any understanding about the 12:38:34 4 concept of fair use and copyright law? 12:38:34 5 MR. REHN: Objection. Calls for 12:38:36 6 legal opinion. 12:38:38 7 A. My only understanding of that is that from a 12:38:48 8 general concept of that small uses of our 12:38:49 9 intellectual property in certain ways are 12:38:52 10 permitted through the term called "fair use." 12:38:53 11 My professional background, 1 don't have the 12:38:58 12 specifies of that. That's my understanding. 12:38:58 13 Q. So looking at Exhibit 1230 again, this 12:39:41 14 appears to be a page directed at somebody by 12:39:00 14 appears to be a page directed at somebody by 12:39:10 15 the name of Debra Baio, is that correct? 12:39:14 16 MR. FEE: Which page? 12:39:21 17 Q. The first page, I believe it's B A I O, but 12:39:22 18 maybe it's B A I O I. Is that a name you 12:39:34 20 A. Yes, she works in our codes and standards 12:39:35 21 division responsible for our system, and she 12:39:45 22 Q. So this document has her name in several 12:39:45 23 platform. 12:39:43 24 steps of submitting a comment from the 12:41:14 25 reignation of selecting the text through the 12:41:14 26 reignation of selecting the text through the 12:41:14 26 page 100 27 copyright assignment at the end, yes, it 12:41:14 28 appears that way. 12:41:18 29 appears that way. 12:41:18 20 Ch his mockup appears to be specific to one 12:41:18 21 standard and one section of a standard, 12:41:25 22 namely NFPA 70 and then 70E, excuse me, and 12:41:45 23 namely NFPA 70 and then 70E, excuse me, and 12:41:45 24 the tondard and one section of a standard, 12:41:43 25 namely NFPA 70 and then 70E, excuse me, and 12:41:45 26 namely NFPA 70 and then 70E, excuse me, and 12:41:51 27 (A. What it contains is the public commentor would follo	22	know that when we request to utilize our 12:38:11	22	•
25 discusses it in their decisionmaking. I'm 12:38:20 Page 98 1 not aware of a specific policy, per se, but 12:38:22 it's often brought up. 12:38:26 2 2 2:38:26 2 2 2:38:26 2 2 2:38:26 2 2 2 2:41:17 2:41:17 2:41:17 2:41:17 2:41:17 2:41:17 2:41:17 2:41:18 2:41:18 2:41:18 2:41:19 2:41:42 2:41:4	23	intellectual property, that legal counsel 12:38:13	23	appears that it's captured all of the various 12:41:05
not aware of a specific policy, per se, but 12:38:22 it's often brought up. 12:38:26 2 it's often brought up. 12:38:26 2 it's often brought up. 12:38:28 3 Q. Do you have any understanding about the concept of fair use and copyright law? 12:38:34 4 concept of fair use and copyright law? 12:38:34 5 MR. REHN: Objection. Calls for 12:38:38 5 1 legal opinion. 12:38:38 5 1 legal opinion. 12:38:38 6 1 legal opinion. 12:38:38 6 1 legal opinion. 12:38:39 1 legal opinion. 12:38:34 8 general concept of that small uses of our 12:38:46 9 intellectual property in certain ways are 12:38:52 9 intellectual property in certain ways are 12:38:52 1 limitellectual property in certain ways are 12:38:53 1 Operation of the specifics of that. That's my understanding. 12:38:58 1 Q. So looking at Exhibit 1230 again, this 12:39:02 1 appears to be a page directed at somebody by 12:39:06 1 MR. FEE: Which page? 12:39:21 1 MR. FEE: Which page? 12:39:34 1 legal opinion. 12:39:33 1 division responsible for our system, and she 12:39:35 2 develops training content and such around our 12:39:45 platform. 12:39:43 2 Q. So this document has her name in several 12:39:45 places as though she's the submitter. Is 12:39:51 2 specifics of lact. This is an example. 12:41:14 appears table assignment at the end, yes, it 12:41:14 appears table assignment at the end, yes, it 12:41:14 appears that way. 12:41:18 standard and one section of a standard, 12:41:25 namely NFPA 70E and informative NXK; is that 12:41:24 appears that way. 12:41:25 namely necessition of a standard, 12:41:25 namely NFPA 70E and informative NXK; is that 12:41:24 appears that way. 12:41:25 namely NFPA 70E and informative NXK; is that 12:41:24 appears that way. 12:41:25 namely NFPA 70E and informative NXK; is that 12:41:24 appears that way. 12:41:25 namely NFPA 70E and informative NXK; is that 12:41:24 appears that way. 12:41:25 namely NFPA 70E and informative NXK; is that 12:41:42 appears that way. 12:41:42 appears that way. 12:41:25 namely NFPA 70E and informative NXK; is that 12:41:42 appe	24	discusses the term "fair use" with me and 12:38:17	24	
1 not aware of a specific policy, per se, but 12:38:22 2 it's often brought up. 12:38:26 3 Q. Do you have any understanding about the 12:38:28 4 concept of fair use and copyright law? 12:38:34 5 MR. REHN: Objection. Calls for 12:38:34 6 legal opinion. 12:38:38 7 A. My only understanding of that is that from a 12:38:41 8 general concept of that small uses of our 12:38:40 9 intellectual property in certain ways are 12:38:52 10 permitted through the term called "fair use." 12:38:53 11 My professional background, I don't have the 12:38:58 12 appears that way. 12:41:17 2 O. This mockup appears to be specific to one 12:41:18 2 special opinion. 12:38:38 6 correct? 12:41:42 7 A. What it contains is the public comment view 12:41:43 8 of NFPA 70 and then 70E, excuse me, and 12:41:45 10 permitted through the term called "fair use." 12:38:53 11 My professional background, I don't have the 12:38:56 12 specifics of that. That's my understanding. 12:39:30 13 appears to be a page directed at somebody by 12:39:00 14 appears to be a page directed at somebody by 12:39:01 15 the name of Debra Baio, is that correct? 12:39:14 16 MR. FEE: Which page? 12:39:14 17 Q. The first page, I believe it's B A I O, but 12:39:22 18 maybe it's B A I O I. Is that a name you 12:39:30 20 A. Yes, she works in our codes and standards 12:39:37 21 division responsible for our system, and she 12:39:37 22 develops training content and such around our 12:39:40 23 platform. 12:39:43 24 Q. So this document has her name in several 12:39:45 25 places as though she's the submitter. Is 12:39:51 26 proper stata way. 12:41:42 27	25		25	
2 it's often brought up. 12:38:26 3 Q. Do you have any understanding about the concept of fair use and copyright law? 12:38:34 4 concept of fair use and copyright law? 12:38:34 5 MR. REHN: Objection. Calls for 12:38:36 6 legal opinion. 12:38:38 7 A. My only understanding of that is that from a 12:38:41 8 general concept of that small uses of our 12:38:45 9 intellectual property in certain ways are 12:38:52 10 permitted through the term called "fair use." 12:38:53 11 My professional background, I don't have the 12:38:56 12 specifics of that. That's my understanding. 12:39:30 13 Q. So looking at Exhibit 1230 again, this 12:39:02 14 appears to be a page directed at somebody by 12:39:01 15 the name of Debra Baio, is that correct? 12:39:14 16 MR. FEE: Which page? 12:39:21 17 Q. The first page, I believe it's B A I O, but 12:39:30 18 MR. FEE: Which page? 12:39:34 20 A. Yes, she works in our codes and standards 12:39:35 21 division responsible for our system, and she 12:39:43 22 develops training content and such around our 12:39:43 24 Q. So this document has her name in several 12:39:43 25 places as though she's the submitter. Is 12:39:51 26 appears that way. 12:41:17 27 A. This mockup appears to be specific to one 12:41:18 28 standard and one section of a standard, 12:41:25 29 anamely NFPA 70E and informative NXK; is that 12:41:47 20 A. What it contains is the public comment view 12:41:43 21 of NFPA 70 and then - 70E, excuse me, and 12:41:45 22 understanding. 12:38:54 23 platform. 12:39:30 24 appears to be a page directed at somebody by 12:39:00 25 platform. 12:39:43 26 platform. 12:39:43 27 places as though she's the submitter. Is 12:39:51 28 appears that way. 12:41:12 29 appears to be specific to one 12:41:12 20 appears that way. 12:41:25 21 appears that way. 12:41:25 21 appears that way. 12:41:25 22 appears to be specific to one 12:41:14 24 at the correct? 12:41:41 25 anamely NFPA 70E and informative NXK; is that 12:41:43 26 appears that way. 12:41:45 27 anamely NFPA 70E and informative NXK; is that 12:41:43 28 t		Page 98		Page 100
Q. Do you have any understanding about the concept of fair use and copyright law? 12:38:34 4	1	not aware of a specific policy, per se, but 12:38:22	1	copyright assignment at the end, yes, it 12:41:14
4 concept of fair use and copyright law? 12:38:34 5 MR. REHN: Objection. Calls for 12:38:36 6 legal opinion. 12:38:38 7 A. My only understanding of that is that from a 12:38:41 8 general concept of that small uses of our 12:38:46 9 intellectual property in certain ways are 12:38:52 10 permitted through the term called "fair use." 12:38:53 11 My professional background, I don't have the 12:38:56 12 specifics of that. That's my understanding. 12:38:58 13 Q. So looking at Exhibit 1230 again, this 12:39:06 14 appears to be a page directed at somebody by 12:39:06 15 MR. FEE: Which page? 12:39:14 16 MR. FEE: Which page? 12:39:14 17 Q. The first page, I believe it's B A I O, but 12:39:22 18 maybe it's B A I O I. Is that a name you 12:39:30 19 recognize? 12:39:34 20 A. Yes, she works in our codes and standards 12:39:43 21 division responsible for our system, and she 12:39:43 22 develops training content and such around our 12:39:43 23 platform. 12:39:43 24 Q. So this document has her name in several 12:39:51 25 places as though she's the submitter. Is 12:39:51 26 correct? 12:41:42 27 A. What it contains is the public comment view 12:41:43 28 of NFPA 70 and then 70E, excuse me, and 12:41:45 29 the selection process through that. 12:41:48 20 Q. The selection process through that. 12:41:48 21 develops training again, this 12:39:06 21 day appears to be a page directed at somebody by 12:39:30 22 develops training content and such around our 12:39:42 23 platform. 12:39:43 24 Q. So this document has her name in several 12:39:51 25 develops training content and such around our 12:39:45 26 places as though she's the submitter. Is 12:39:51 26 places as though she's the submitter. Is 12:39:51 27 develops training content and such around our 12:39:45 28 places as though she's the submitter. Is 12:39:51 29 the first draft of NFPA 70. 12:42:29 20 general caccetion process through that. 12:41:45 21 develops training content and such around our 12:39:45 22 develops training content and such around our 12:39:45 23 platform. 12:39:45	2	it's often brought up. 12:38:26	2	appears that way. 12:41:17
MR. REHN: Objection. Calls for 12:38:36 legal opinion. 12:38:38 A. My only understanding of that is that from a 12:38:41 general concept of that small uses of our 12:38:46 intellectual property in certain ways are 12:38:52 permitted through the term called "fair use." 12:38:53 My professional background, I don't have the 12:38:55 My professional background, I don't have the 12:38:56 Specifics of that. That's my understanding. 12:38:58 O. So looking at Exhibit 1230 again, this 12:39:06 MR. FEE: Which page? 12:39:14 MR. FEE: Which page? 12:39:14 MR. FEE: Which page? 12:39:34 A. Yes, she works in our codes and standards 12:39:37 develops training content and such around our 12:39:42 A. Yes, she works in our codes and standards 12:39:43 Q. So this document has her name in several 12:39:51 Diagnal opinion. 12:41:42 A. What it contains is the public comment view 12:41:43 The Mat it contains is the public comment view 12:41:43 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat it contains is the public comment view 12:41:45 The Mat apublic comment on a certain 12:41:51 The Mat apublic comment on a certain 12:41:42 The M	3		8 3	Q. This mockup appears to be specific to one 12:41:18
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A. My only understanding of that is that from a 12:38:41 general concept of that small uses of our 12:38:46 general concept of that small uses of our 12:38:46 intellectual property in certain ways are 12:38:52 permitted through the term called "fair use." 12:38:53 permitted through the term called "fair use." 12:38:53 the selection process through that. 12:41:48 Q. The selection process through that, meaning 12:41:51 what a public comment or use through that the selection process through that the sele	5	MR. REHN: Objection. Calls for 12:38:36	5	namely NFPA 70E and informative NXK; is that 12:41:27
general concept of that small uses of our 12:38:46 general concept of that small uses of our 12:38:46 general concept of that small uses of our 12:38:52 general concept of that small uses of our 12:38:52 general concept of that small uses of our 12:38:52 general concept of that small uses of our 12:38:54 general concept of that small uses of our 12:38:55 general concept of that small uses of our 12:38:55 general concept of that small uses of our 12:38:56 general concept of that small uses of our 12:38:56 general concept of that small uses of our 12:38:56 general concept of that small uses of our 12:38:56 general concept of that small uses of our 12:38:56 general concept of that small uses of our 12:38:56 general concept of the standard; a certain point to comment or a certain 12:41:51 general concept of the standard; use in 12:41:51 general concept of the standard; use in 12:41:51 general concept of the selection process through that. 12:41:48 general categories through that. 12:41:48 general categories through that. 12:41:48 general categories for upon that, meaning 12:41:51 general categories of chall that is possible for our system, and she 12:39:37 general categories of electrical hazards; is 12:42:39 general categories of electrical hazards; is 12:42:42:40 general categories of electrical hazards; is 12:42:39 general categories o	6	legal opinion. 12:38:38	6	correct? 12:41:42
permitted through the term called "fair use." 12:38:52 permitted through the term called "fair use." 12:38:53 My professional background, I don't have the 12:38:56 My professional background, I don't have the 12:38:56 Q. So looking at Exhibit 1230 again, this 12:39:02 papears to be a page directed at somebody by 12:39:06 the name of Debra Baio, is that correct? 12:39:14 MR. FEE: Which page? 12:39:21 MR. FEE: Which page? 12:39:21 MR. FEE: Which page? 12:39:22 A. Yes, she works in our codes and standards 12:39:34 A. Yes, she works in our codes and standards 12:39:37 develops training content and such around our 12:39:43 Q. So this document has her name in several 12:39:51 public comment or training material around 12:42:16 NFPA 70 on the second draft of, excuse me, on 12:42:20 the first draft of NFPA 70. 12:42:24 general categories of electrical hazards; is 12:42:39 put this together, did select NXK. It's just 12:42:43 kind of blurry, but I believe it looks like 12:42:50	7	A. My only understanding of that is that from a 12:38:41	7	A. What it contains is the public comment view 12:41:43
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My professional background, I don't have the 12:38:56 12 specifics of that. That's my understanding. 12:38:58 13 Q. So looking at Exhibit 1230 again, this 12:39:02 14 appears to be a page directed at somebody by 12:39:06 15 the name of Debra Baio, is that correct? 12:39:14 16 MR. FEE: Which page? 12:39:21 17 Q. The first page, I believe it's B A I O, but 12:39:22 18 maybe it's B A I O I. Is that a name you 12:39:30 19 recognize? 12:39:34 10 A. Yes, she works in our codes and standards 12:39:35 20 develops training content and such around our 12:39:42 21 Q. So this document has her name in several 12:39:45 22 places as though she's the submitter. Is 12:39:51 23 places as though she's the submitter. Is 12:39:51 25 what a public commenter would follow to reach 12:41:54 26 a certain point to comment on a certain 12:41:54 27 a certain point to comment on a certain 12:41:54 28 a certain point to comment on a certain 12:41:54 28 a certain point to comment on a certain 12:41:54 29 a certain point to comment on a certain 12:41:54 20 A. This is an example of a public, proposed 12:42:12 21 public comment or training material around 12:42:16 22 NFPA 70 on the second draft of, excuse me, on 12:42:20 23 the first draft of NFPA 70. 12:42:24 24 pof that draft, namely informative NXK, 12:42:29 25 general categories of electrical hazards; is 12:42:39 26 platform. 12:39:43 27 platform. 12:39:43 28 platform. 12:39:45 29 plates as though she's the submitter. Is 12:39:51 20 she selected NXK as the example. 12:42:50	9	intellectual property in certain ways are 12:38:52	9	the selection process through that. 12:41:48
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	24	Q. So this document has her name in several 12:39:45	24	kind of blurry, but I believe it looks like 12:42:47
Page 99 Page 101	25		25	
		Page 99		Page 101

1	Q. And there is on the third page of the 12:42:55	1	Q. And this is a form that's got some 12:46:51
2	exhibit, which ends in No. 38500, near the 12:42:58	2	information that's put in here I assume for 12:46:54
3	top of the field inside the browser window, 12:43:07	3	dummy purposes under applicant's personal 12:46:56
4	it says Public Comment No. 15-SF, looks like 12:43:10	4	info, correct? 12:47:00
5	DEM, D E M,-PC-2015; is that correct? 12:43:17	5	A. It appears that way, that it's just sample 12:47:07
6	A. I believe it says 15-5F, I think, DEM PC 215 12:43:25	6	information again. 12:47:10
7	or SF. 12:43:32	7	MR. REHN: I can stipulate to that. 12:47:11
8	Q. How are those numbers assigned? 12:43:34	8	This is to enable us to produce this 12:47:15
9	A. Those numbers are assigned based upon when 12:43:40	9	document. 12:47:17
10	you submit a comment on the document. I 12:43:42	10	Q. Okay. And there's a, what appears to be a 12:47:18
11	believe this is a demonstration file, so 12:43:47	11	pull-down menu for principal member category. 12:47:26
12	you're seeing the DEM in there versus 15-70E 12:43:49	12	Do you see that? 12:47:32
13	or 15 dash the document. They're all related 12:43:56	13	A. Yes, I see the pull-down menu. 12:47:35
14	in order, numerical order based upon the 12:43:59	14	Q. Do those member categories correspond to 12:47:37
15	document. 12:44:04	15	the I forgot what you referred to them, 12:47:42
16	Q. And then on pages that end in 38506 and 12:44:05	16	interest groups or interest to the 12:47:44
17	38507, there are headings for copyright 12:44:24	17	interest groups you referred to earlier? 12:47:48
18	assignment and signature (required) and then 12:44:32	18	A. That relates to are you applying as a 12:47:51
19	alternative copyright assignment and 12:44:38	19	principal member or an alternate member. 12:47:53
20	signature (required). Do you see those? 12:44:41	20	Q. Okay. That referred to membership on the 12:47:56
21	A. Yes, I see them. 12:44:48	21	committee, not the type of member of NFPA? 12:48:00
22	Q. It appears that the alternative copyright 12:44:49	22	A. Not the interest category. 12:48:04
23	assignment signature shown on the second of 12:44:56	23	Q. Is there any place on here for somebody to 12:48:18
24	those pages is what one reaches by clicking, 12:44:58	24	indicate what interest category they fall 12:48:21
25	when you "click here" line on the first of 12:45:03	25	into? 12:48:27
	Page 102		Page 104
1	those two pages in the middle of the field, 12:45:04	1	A. No. There's no place on our form to indicate 12:48:27
2	is that correct? 12:45:07	2	what category you are applying to. That's 12:48:46
3	A. The alternate copyright statement comes up 12:45:1	3 3	ultimately the decision of our standards 12:48:50
4	when you if you are not the author of all 12:45:17	4	council. 12:48:52
5	of the content that you're submitting and 12:45:22	5	Q. Do you see on the third page of Exhibit 1231, 12:48:52
6	then we ask you to click here, and I'm pretty 12:45:24	6	the page ending 38520, there's no assigned 12:48:59
7	sure that the next page is the alternate. It 12:45:28	7	copyright assignment language on this, 12:49:10
8	replaces the current copyright with the 12:45:31	8	correct? 12:49:14
9	alternate copyright statement. 12:45:35	9	MR. REHN: Object to the form. 12:49:15
10	Q. So it's your understanding that the "click 12:45:35	10	Mischaracterizes the document. Calls for a 12:49:17
11	here" link on the page ending 38506 takes 12:45:35	11	legal opinion. 12:49:19
		1.2	
12	somebody to the page 38507 in order to 12:45:39	12	A. Each and every committee member participates 12:49:23
12	somebody to the page 38507 in order to 12:45:39 execute a different form of or to execute 12:45:42	12	A. Each and every committee member participates 12:49:23 in the NFPA process with the full 12:49:26
			• • •
13	execute a different form of or to execute 12:45:42 what's referred to as an alternative 12:45:47	13	in the NFPA process with the full 12:49:26 understanding that the material that they're 12:49:28
13 14	execute a different form of or to execute 12:45:42 what's referred to as an alternative 12:45:47	13 14	in the NFPA process with the full 12:49:26 understanding that the material that they're 12:49:28 developing is the intellectual property of 12:49:30
13 14 15	execute a different form of or to execute 12:45:42 what's referred to as an alternative 12:45:47 copyright assignment and signature; is that 12:45:50	13 14 15	in the NFPA process with the full 12:49:26 understanding that the material that they're 12:49:28 developing is the intellectual property of 12:49:30 NFPA. And that has been that way for as long 12:49:33
13 14 15 16	execute a different form of or to execute 12:45:42 what's referred to as an alternative 12:45:47 copyright assignment and signature; is that correct? 12:45:52	13 14 15 16	in the NFPA process with the full 12:49:26 understanding that the material that they're 12:49:28 developing is the intellectual property of 12:49:30 NFPA. And that has been that way for as long 12:49:33 as I've been involved in NFPA and as part of 12:49:36
13 14 15 16 17 18	execute a different form of or to execute 12:45:42 what's referred to as an alternative 12:45:47 copyright assignment and signature; is that 12:45:50 correct? 12:45:52 A. That is my understanding. 12:45:52 (Exhibit 1231 marked for 12:46:22	13 14 15 16 17 18	in the NFPA process with the full 12:49:26 understanding that the material that they're 12:49:28 developing is the intellectual property of 12:49:30 NFPA. And that has been that way for as long 12:49:33 as I've been involved in NFPA and as part of 12:49:36 the application process as well as we have a 12:49:38
13 14 15 16 17 18 19	execute a different form of or to execute 12:45:42 what's referred to as an alternative 12:45:47 copyright assignment and signature; is that 12:45:50 correct? 12:45:52 A. That is my understanding. 12:45:52 (Exhibit 1231 marked for 12:46:22 identification.) 12:46:23	13 14 15 16 17 18 19	in the NFPA process with the full 12:49:26 understanding that the material that they're 12:49:28 developing is the intellectual property of 12:49:30 NFPA. And that has been that way for as long 12:49:33 as I've been involved in NFPA and as part of 12:49:36 the application process as well as we have a 12:49:38 policy that we verify each and every public 12:49:42
13 14 15 16 17 18 19 20	execute a different form of or to execute 12:45:42 what's referred to as an alternative 12:45:47 copyright assignment and signature; is that correct? 12:45:52 A. That is my understanding. 12:45:52 (Exhibit 1231 marked for 12:46:22 identification.) 12:46:23 Q. Mr. Dubay, can you please identify 12:46:24	13 14 15 16 17 18 19 20	in the NFPA process with the full 12:49:26 understanding that the material that they're 12:49:28 developing is the intellectual property of 12:49:30 NFPA. And that has been that way for as long 12:49:33 as I've been involved in NFPA and as part of 12:49:36 the application process as well as we have a 12:49:38 policy that we verify each and every public 12:49:42 input public comment proposal that comes in 12:49:44
13 14 15 16 17 18 19 20 21	execute a different form of or to execute 12:45:42 what's referred to as an alternative 12:45:47 copyright assignment and signature; is that 12:45:50 correct? 12:45:52 A. That is my understanding. 12:45:52 (Exhibit 1231 marked for 12:46:22 identification.) 12:46:23 Q. Mr. Dubay, can you please identify 12:46:24 Exhibit 1231. 12:46:26	13 14 15 16 17 18 19 20 21	in the NFPA process with the full 12:49:26 understanding that the material that they're 12:49:28 developing is the intellectual property of 12:49:30 NFPA. And that has been that way for as long 12:49:33 as I've been involved in NFPA and as part of 12:49:36 the application process as well as we have a 12:49:38 policy that we verify each and every public 12:49:42 input public comment proposal that comes in 12:49:44 that that has happened. 12:49:47
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1	1	1	MR. REHN: Same objection. The 12:52:14
2	Q. Do you have any general understanding of what 12:50:05	2	documents speak for themselves. 12:52:16
3	a work-made-for-hire is? 12:50:08	3	A. My understanding is based upon our process, 12:52:17
4	MR. REHN: Same objection. Calls 12:50:10	4	where, over the years, when there's a need to 12:52:22
5	for a legal opinion. 12:50:11	5	update those forms, that is done at the 12:52:25
6	A. My understanding of this agreement as well as 12:50:12	6	request of legal and my team's responsibility 12:52:27
7	the wording that we utilize on our public 12:50:16	7	is to ensure that those are signed off and 12:52:31
8	input and public comments is that we do this 12:50:19	8	the forms are updated as appropriate. 12:52:34
9	to establish our intellectual property at the 12:50:22	9	And the process in my team remains 12:52:37
10	same time we utilize our general counsel and 12:50:24	10	the same. We don't get into the wording. We 12:52:39
11	legal review and they establish how to 12:50:26	11	verify that it's been acknowledged. 12:52:41
12	properly word these. I don't have any 12:50:28	12	Q. What different formulations of the 12:52:43
13	specific general knowledge. 12:50:30	13	intellectual property language have there 12:52:47
14	Q. I understand what the purpose may be for the 12:50:32	14	been in the NFPA standards development 12:52:56
15	language. I'm just asking if whether you, 12:50:35	15	documents that participants are required to 12:52:59
16	sitting here today, understand what a 12:50:37	16	sign? 12:53:01
17	work-made-for-hire is? 12:50:38	17	MR. REHN: Same objection. Lacks 12:53:01
18	MR. REHN: Same objection. Calls 12:50:40	18	foundation. The documents speak for 12:53:03
19	for legal opinion. 12:50:41	19	themselves. 12:53:05
20	A. My response is based upon I don't necessarily 12:50:43	20	A. At this point I can't diagram each one. I'd 12:53:07
21	understand what a work-made-for-hire is. 12:50:47	21	have to review each edition of those 12:53:16
22	Q. Do you know when language relating to 12:50:49	22	documents over the course of time. 12:53:18
23	works-made-for-hire first came into the forms 12:50:57	23	Q. Have you reviewed the different types of 12:53:20
24	that NFPA required of those participating in 12:51:01	24	documents to prepare for today's deposition? 12:53:23
25	the NFPA standards development process? 12:51:04	25	A. No. 12:53:26
	Page 106		Page 108
1	MR. REHN: Object to the form. 12:51:06	1	Q. What different formulations of the 12:53:26
1 2	MR. REHN: Object to the form. 12:51:06 A. No. 12:51:10	1 2	Q. What different formulations of the 12:53:26 intellectual property language do you recall? 12:53:30
2	A. No. 12:51:10	2	intellectual property language do you recall? 12:53:30
2 3	A. No. 12:51:10 Q. Do you know whether work-made-for-hire 12:51:13	2 3	intellectual property language do you recall? 12:53:30 MR. REHN: Object to the form. The 12:53:34
2 3 4	A. No. 12:51:10 Q. Do you know whether work-made-for-hire 12:51:13 language was in NFPA documents before 2012? 12:51:16	2 3 4	intellectual property language do you recall? 12:53:30 MR. REHN: Object to the form. The 12:53:34 documents speak for themselves. 12:53:37
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2 3 4 5 6 7 8 9 10 11 12 13	A. No. 12:51:10 Q. Do you know whether work-made-for-hire 12:51:13 language was in NFPA documents before 2012? 12:51:16 MR. REHN: Object to the form. If 12:51:26 you have documents to show the witness, you 12:51:27 can show them to him. 12:51:29 A. In my opinion, in my tenure at NFPA in the 12:51:32 20 years, my knowledge is that there's always 12:51:36 been a release and sign-off associated with 12:51:38 the committee application as well as 12:51:41 submission of proposal and comments. When 12:51:43 those modifications came into place, I don't 12:51:45 know. 12:51:47	2 3 4 5 6 7 8 9 10 11 12 13	intellectual property language do you recall? 12:53:30 MR. REHN: Object to the form. The 12:53:34 documents speak for themselves. 12:53:37 A. From my position, the way I recall it is that 12:53:40 we enforce the current version of the text, 12:53:43 which has been provided to us, on each and 12:53:46 every proposal, comment, public input 12:53:48 committee application. 12:53:51 Q. What different formulations of the 12:53:56 intellectual property language do you recall? 12:53:58 MR. REHN: Same objection. The 12:54:00 documents speak for themselves. We produced 12:54:02 forms in connection with every standard at 12:54:05
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. No. 12:51:10 Q. Do you know whether work-made-for-hire 12:51:13 language was in NFPA documents before 2012? 12:51:16 MR. REHN: Object to the form. If 12:51:26 you have documents to show the witness, you 12:51:27 can show them to him. 12:51:29 A. In my opinion, in my tenure at NFPA in the 12:51:32 20 years, my knowledge is that there's always 12:51:36 been a release and sign-off associated with 12:51:38 the committee application as well as 12:51:41 submission of proposal and comments. When 12:51:43 those modifications came into place, I don't 12:51:45 know. 12:51:47 Q. Do you know what modifications there have 12:51:50 the various documents that participants in 12:51:54	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	intellectual property language do you recall? 12:53:30 MR. REHN: Object to the form. The 12:53:34 documents speak for themselves. 12:53:37 A. From my position, the way I recall it is that 12:53:40 we enforce the current version of the text, 12:53:43 which has been provided to us, on each and 12:53:46 every proposal, comment, public input 12:53:48 committee application. 12:53:51 Q. What different formulations of the 12:53:56 intellectual property language do you recall? 12:53:58 MR. REHN: Same objection. The 12:54:00 documents speak for themselves. We produced 12:54:02 forms in connection with every standard at 12:54:05 issue in this case. If you want to show him 12:54:07 those forms, you can, but the documents speak 12:54:09 for themselves. 12:54:12
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. No. 12:51:10 Q. Do you know whether work-made-for-hire 12:51:13 language was in NFPA documents before 2012? 12:51:16 MR. REHN: Object to the form. If 12:51:26 you have documents to show the witness, you 12:51:27 can show them to him. 12:51:29 A. In my opinion, in my tenure at NFPA in the 12:51:32 20 years, my knowledge is that there's always 12:51:36 been a release and sign-off associated with 12:51:38 the committee application as well as 12:51:41 submission of proposal and comments. When 12:51:43 those modifications came into place, I don't 12:51:45 know. 12:51:47 Q. Do you know what modifications there have 12:51:47 been to the intellectual property language in 12:51:50 the various documents that participants in 12:51:54 the standards development processes must 12:51:58 execute? 12:52:00 MR. REHN: Object to the form. The 12:52:00 documents speak for themselves. 12:52:02	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	intellectual property language do you recall? 12:53:30 MR. REHN: Object to the form. The 12:53:34 documents speak for themselves. 12:53:37 A. From my position, the way I recall it is that 12:53:40 we enforce the current version of the text, 12:53:43 which has been provided to us, on each and 12:53:46 every proposal, comment, public input 12:53:48 committee application. 12:53:51 Q. What different formulations of the 12:53:56 intellectual property language do you recall? 12:53:58 MR. REHN: Same objection. The 12:54:00 documents speak for themselves. We produced 12:54:02 forms in connection with every standard at 12:54:05 issue in this case. If you want to show him 12:54:07 those forms, you can, but the documents speak 12:54:09 for themselves. 12:54:12 MR. BRIDGES: Will you stipulate 12:54:13 would like for him to authenticate? 12:54:16 MR. REHN: You can start showing him 12:54:18
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. No. 12:51:10 Q. Do you know whether work-made-for-hire 12:51:13 language was in NFPA documents before 2012? 12:51:16 MR. REHN: Object to the form. If 12:51:26 you have documents to show the witness, you 12:51:27 can show them to him. 12:51:29 A. In my opinion, in my tenure at NFPA in the 12:51:32 20 years, my knowledge is that there's always 12:51:36 been a release and sign-off associated with 12:51:38 the committee application as well as 12:51:41 submission of proposal and comments. When 12:51:43 those modifications came into place, I don't 12:51:45 know. 12:51:47 Q. Do you know what modifications there have 12:51:47 been to the intellectual property language in 12:51:50 the various documents that participants in 12:51:54 the standards development processes must 12:51:58 execute? 12:52:00 MR. REHN: Object to the form. The 12:52:00 documents speak for themselves. 12:52:06 Q. Generally, what do you understand to have 12:52:08	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	intellectual property language do you recall? 12:53:30 MR. REHN: Object to the form. The 12:53:34 documents speak for themselves. 12:53:37 A. From my position, the way I recall it is that 12:53:40 we enforce the current version of the text, 12:53:43 which has been provided to us, on each and 12:53:46 every proposal, comment, public input 12:53:48 committee application. 12:53:51 Q. What different formulations of the 12:53:56 intellectual property language do you recall? 12:53:58 MR. REHN: Same objection. The 12:54:00 documents speak for themselves. We produced 12:54:02 forms in connection with every standard at 12:54:05 issue in this case. If you want to show him 12:54:07 those forms, you can, but the documents speak 12:54:19 MR. BRIDGES: Will you stipulate 12:54:13 would like for him to authenticate? 12:54:18 some forms. 12:54:19 MR. BRIDGES: Will you stipulate 12:54:20

1	MR. REHN: I'll stipulate that you 12:54:25	1	the 30(b)(6) notice? 12:57:20
2	can fill your seven hours however you choose. 12:54:2'		MR. REHN: Our representation 12:57:22
3	Q. The question remains what different 12:54:31	3	those Bates numbers represent assignment 12:57:26
4	formulations of the intellectual property 12:54:37		forms that we produced in this litigation and 12:57:29
	* * *	4	1
5	language do you recall as you sit here today? 12:54:39	5	including assignment forms pertaining to each 12:57:32
6	MR. REHN: I'll object. At this 12:54:41	6	of the standards at issue. 12:57:34
7	point this question has been asked and 12:54:42	7	MR. BRIDGES: That's a different 12:57:38
8	answered multiple times. Same objection as 12:54:43		thing. 12:57:39
9	to the documents speaking for themselves. 12:54:46	9	Q. Mr. Dubay, are you able to identify by Bates 12:57:39
10	MR. BRIDGES: It's not been 12:54:49	10	number, which is a term lawyers use for 12:57:45
11	answered. 12:54:50	11	document production number, one instance of 12:57:48
12	Q. You may proceed. 12:54:51	12	each of the different forms of assignment by 12:57:51
13	A. I don't specifically recall individual 12:54:51	13	which NFPA claims that it received 12:57:57
14	versions of the document. 12:54:53	14	assignments of copyrights in this action? 12:57:59
15	Q. You don't recall any form of the intellectual 12:54:55	15	MR. REHN: Same objection as to 12:58:02
16	property language that participants must sign 12:54:57	16	form. It's an improper question. The 12:58:03
17	in order to participate in the NFPA standards 12:55:01	17	witness can answer if he knows. 12:58:06
18	development process? 12:55:04	18	A. What I can tell you, I'm not sure if it 12:58:08
19	MR. REHN: Object to the form. 12:55:04	19	answers your question, my team reviews tens 12:58:11
20	Mischaracterizes the testimony. 12:55:06	20	of thousands of forms a year to verify 12:58:13
21	Argumentative. 12:55:08	21	copyright signing, checking the box, signing 12:58:16
22	A. No, I do not. I rely on our policy and our 12:55:09	22	the forms and submitting them. 12:58:20
23	team meeting with legal counsel and 12:55:12	23	Q. How many different versions of the blank 12:58:22
24	establishing that wording in accordance with 12:55:14	24	forms has NFPA created? 12:58:25
25	their directions. 12:55:16	25	A. I don't recall how many versions, but we do 12:58:28
	Page 110		Page 112
1	Q. Do you have the document production numbers, 12:55:33	1	have one single version now that we use on 12:58:34
		1	
2	which we call Bates numbers, of at least one 12:55:44	2	our online system that verifies that each and 12:58:37
3			
	which we call Bates numbers, of at least one 12:55:44	2	our online system that verifies that each and 12:58:37
3	which we call Bates numbers, of at least one 12:55:44 instance of every form of assignment that 12:55:48	2 3	our online system that verifies that each and 12:58:37 every submission has the same appropriate 12:58:39
3 4	which we call Bates numbers, of at least one 12:55:44 instance of every form of assignment that 12:55:48 with which NFPA claims that a person 12:55:52	2 3 4	our online system that verifies that each and 12:58:37 every submission has the same appropriate 12:58:39 material in it. 12:58:44
3 4 5	which we call Bates numbers, of at least one 12:55:44 instance of every form of assignment that 12:55:48 with which NFPA claims that a person 12:55:52 participating in the NFPA standards 12:55:57	2 3 4 5	our online system that verifies that each and every submission has the same appropriate material in it. 12:58:39 Material in it. 12:58:44 Q. And have you seen that form today? 12:58:53
3 4 5 6	which we call Bates numbers, of at least one 12:55:44 instance of every form of assignment that 12:55:48 with which NFPA claims that a person 12:55:52 participating in the NFPA standards 12:55:57 development process has signed? 12:55:59	2 3 4 5 6	our online system that verifies that each and 12:58:37 every submission has the same appropriate 12:58:39 material in it. 12:58:44 Q. And have you seen that form today? 12:58:53 MR. REHN: Objection as to form. 12:58:58
3 4 5 6 7	which we call Bates numbers, of at least one 12:55:44 instance of every form of assignment that 12:55:48 with which NFPA claims that a person 12:55:52 participating in the NFPA standards 12:55:57 development process has signed? 12:55:59 MR. REHN: Object to the form. It's 12:56:04	2 3 4 5 6 7	our online system that verifies that each and 12:58:37 every submission has the same appropriate 12:58:39 material in it. 12:58:44 Q. And have you seen that form today? 12:58:53 MR. REHN: Objection as to form. 12:58:58 It's vague and ambiguous. 12:59:00
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	which we call Bates numbers, of at least one 12:55:44 instance of every form of assignment that 12:55:48 with which NFPA claims that a person 12:55:52 participating in the NFPA standards 12:55:57 development process has signed? 12:55:59 MR. REHN: Object to the form. It's 12:56:04 an improper question for a deposition, and 12:56:07 I'll represent for the record that I provided 12:56:10 Bates numbers for the assignment forms to 12:56:13 opposing counsel on the telephone on Friday. 12:56:15 MR. BRIDGES: One Bates number for 12:56:23 each of the different forms? 12:56:24 MR. REHN: We provided the Bates 12:56:25 numbers that represent the assignment forms 12:56:27 that we have produced. 12:56:30 many how many documents were in the range 12:56:33 that you indicated? 12:56:34 MR. REHN: I don't remember the 12:56:35	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	our online system that verifies that each and 12:58:37 every submission has the same appropriate 12:58:39 material in it. 12:58:44 Q. And have you seen that form today? 12:58:53 MR. REHN: Objection as to form. 12:58:58 It's vague and ambiguous. 12:59:00 A. I believe I've seen the screen shot of our 12:59:04 comment view from NFPA 70E sample document, 12:59:09 Exhibit 1230. 12:59:15 Q. Does that have the form of assignment 12:59:18 language that is required universally by NFPA 12:59:20 at this point? 12:59:25 MR. REHN: Objection as to form. 12:59:31 It's ambiguous. 12:59:33 A. It appears that you've if the copy and the 12:59:39 screen shots are correct, you've copied one 12:59:44 version of our copyright assignment 12:59:46 associated with our comment system. 12:59:50 Q. How do other forms of copyright assignment 12:59:54
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	which we call Bates numbers, of at least one 12:55:44 instance of every form of assignment that 12:55:48 with which NFPA claims that a person 12:55:52 participating in the NFPA standards 12:55:57 development process has signed? 12:55:59 MR. REHN: Object to the form. It's 12:56:04 an improper question for a deposition, and 12:56:07 I'll represent for the record that I provided 12:56:10 Bates numbers for the assignment forms to 12:56:13 opposing counsel on the telephone on Friday. 12:56:15 MR. BRIDGES: One Bates number for 12:56:23 each of the different forms? 12:56:24 MR. REHN: We provided the Bates 12:56:25 numbers that represent the assignment forms 12:56:27 that we have produced. 12:56:30 many how many documents were in the range 12:56:33 that you indicated? 12:56:34 MR. REHN: I don't remember the 12:56:35 number. 12:56:36	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	our online system that verifies that each and 12:58:37 every submission has the same appropriate 12:58:39 material in it. 12:58:44 Q. And have you seen that form today? 12:58:53 MR. REHN: Objection as to form. 12:58:58 It's vague and ambiguous. 12:59:00 A. I believe I've seen the screen shot of our 12:59:04 comment view from NFPA 70E sample document, 12:59:09 Exhibit 1230. 12:59:15 Q. Does that have the form of assignment 12:59:18 language that is required universally by NFPA 12:59:20 at this point? 12:59:25 MR. REHN: Objection as to form. 12:59:31 It's ambiguous. 12:59:33 A. It appears that you've if the copy and the 12:59:39 screen shots are correct, you've copied one 12:59:44 version of our copyright assignment 12:59:46 associated with our comment system. 12:59:50 Q. How do other forms of copyright assignment 12:59:54 differ from that strike that. 01:00:04
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	which we call Bates numbers, of at least one 12:55:44 instance of every form of assignment that 12:55:48 with which NFPA claims that a person 12:55:52 participating in the NFPA standards 12:55:57 development process has signed? 12:55:59 MR. REHN: Object to the form. It's 12:56:04 an improper question for a deposition, and 12:56:07 I'll represent for the record that I provided 12:56:10 Bates numbers for the assignment forms to 12:56:13 opposing counsel on the telephone on Friday. 12:56:15 MR. BRIDGES: One Bates number for 12:56:23 each of the different forms? 12:56:24 MR. REHN: We provided the Bates 12:56:25 numbers that represent the assignment forms 12:56:27 that we have produced. 12:56:29 MR. BRIDGES: And that was how 12:56:30 many how many documents were in the range 12:56:33 that you indicated? 12:56:34 MR. REHN: I don't remember the 12:56:35 number. 12:56:36 Q. You gave numbers 38,556 to 97,870. Is it 12:56:53	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	our online system that verifies that each and 12:58:37 every submission has the same appropriate 12:58:39 material in it. 12:58:44 Q. And have you seen that form today? 12:58:53
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	which we call Bates numbers, of at least one 12:55:44 instance of every form of assignment that — 12:55:48 with which NFPA claims that a person 12:55:52 participating in the NFPA standards 12:55:57 development process has signed? 12:55:59 MR. REHN: Object to the form. It's 12:56:04 an improper question for a deposition, and 12:56:07 I'll represent for the record that I provided 12:56:10 Bates numbers for the assignment forms to 12:56:13 opposing counsel on the telephone on Friday. 12:56:15 MR. BRIDGES: One Bates number for 12:56:23 each of the different forms? 12:56:24 MR. REHN: We provided the Bates 12:56:25 numbers that represent the assignment forms 12:56:27 that we have produced. 12:56:29 MR. BRIDGES: And that was how 12:56:30 many — how many documents were in the range 12:56:33 that you indicated? 12:56:34 MR. REHN: I don't remember the 12:56:35 number. 12:56:36 Q. You gave numbers 38,556 to 97,870. Is it 12:56:53 your representation that there were over 12:57:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	our online system that verifies that each and 12:58:37 every submission has the same appropriate 12:58:39 material in it. 12:58:44 Q. And have you seen that form today? 12:58:53

1	Assumes facts. 01:00:19	1	Exhibit 1230 has at the end a copyright 01:03:43
2	A. We have primarily three areas. One is our 01:00:22	2	assignment and signature, and it has an 01:03:52
3	public input. For each and every public 01:00:27	3	alternative copyright assignment and 01:03:56
4	input, I'm not positive if the wording is the 01:00:30	4	signature. 01:03:59
5	same or not, public comment. And the next 01:00:33	5	Are those the forms you're referring 01:04:00
6	area is each and every committee member, 01:00:36	6	to that NFPA requires with respect to 01:04:02
7	through our application process, has an 01:00:39	7	copyright for public comments? 01:04:04
8	appropriate assignment form. 01:00:42	8	A. NFPA has a policy to require copyright 01:04:10
9	Q. And was that the assignment form you just 01:00:45	9	sign-off for all public comments, and 01:04:13
10	referred to the same form that is shown in 01:00:49	10	Exhibit 1230 appears to have both the primary 01:04:16
11	Exhibit 1231? 01:00:55	11	copyright assignment as well as the 01:04:20
12	A. With the same caveat that assuming that the 01:01:09	12	alternative copyright statement on 506 and 01:04:23
13	form has been properly duplicated from the 01:01:11	13	507 of that exhibit. 01:04:29
14	website, it appears so, with the knowledge 01:01:15	14	Q. What other form does the public have for what 01:04:30
15	that we had a paper system prior to this for 01:01:16	15	you call public input as opposed to public 01:04:33
16	both of these systems. 01:01:18	16	comment? 01:04:37
17	Q. I'll represent that we didn't get this from 01:01:19	17	A. To clarify, did you say forum or form? 01:04:39
18	your website. I'll represent that NFPA's 01:01:22	18	Q. Form, F O R M. 01:04:46
19	counsel produced this in document production 01:01:24	19	A. The public input form looks very similar to 01:04:49
20	in this case. 01:01:26	20	the public comment form. The document is 01:04:53
21	MR. REHN: That's correct. 01:01:27	21	based upon the current edition of the 01:04:57
22	Q. So you said there were three different forms 01:01:52	22	standard, so very similar process. 01:04:59
23	of assignment, did you say one was for public 01:01:54	23	Q. Does it have the same or very similar 01:05:02
24	input, one was for committee members? What 01:01:56	24	copyright assignment language as 01:05:05
25	was the third? 01:02:00	25	Exhibit 1230? 01:05:07
	Page 114		Page 116
1	A. There are three primary versions of 01:02:01	1	A. My understanding is it's very similar. 01:05:14
2	assignment that I can think of right now and 01:02:04	2	However, with public inputs, where we use the 01:05:19
3	one is public input, any and all public 01:02:08	3	term "public comment" within the exhibit 01:05:21
4	inputs; one is public comment; and one is 01:02:11	4	you've given me, that would be shifted to 01:05:23
5	committee membership. 01:02:14	5	"public input." 01:05:26
6	Q. So committee membership I think you said was 01:02:21	6	Q. Otherwise, they'd be the same? 01:05:27
7	Exhibit 1231. That's the form for that, 01:02:26	7	A. Otherwise, it is my opinion that they would 01:05:29
8	correct? 01:02:28	8	be the same. 01:05:31
9	A. Exhibit 1231 does appear to be our online 01:02:33	9	(Exhibit 1232 marked for 01:05:53
10	committee application tool. 01:02:35	10	identification.) 01:05:57
11	Q. With the agreement and certification 01:02:36	11	Q. I hand you an exhibit marked 1232. I'll 01:06:01
12	regarding copyright at the end, correct? 01:02:44	12	represent it's been produced to us by NFPA's 01:06:04
13	MR. REHN: Objection as to form. 01:02:47	13	counsel. I just want to confirm that this is 01:06:08
14	The document speaks for itself. 01:02:48	14	an organization chart of NFPA's management 01:06:25
15	A. It appears that the agreement certification 01:02:51	15	and staff as of October 2014; is that 01:06:32
16	is on page ending in 520. 01:02:55	16	correct? 01:06:43
17	Q. And then Exhibit 1230 is the form for public 01:03:00	17	A. To the best of my knowledge it appears 01:06:45
18	comment that includes near the end either a 01:03:03	18	accurate with one exception. James Pauley on 01:06:47
19	copyright assignment and signature or an 01:03:06	19	Page 1 is president of NFPA and my direct 01:06:51
20	alternative copyright assignment 01:03:08	20	supervisor. 01:06:55
21	(Interruption) 01:03:18	21	Q. I guess it's indicated that way on the later 01:07:00
22	MR. REHN: Can we strike the 01:03:35	22	papers of the exhibit, just not on the first 01:07:06
23	question that was interrupted by that 01:03:38	23	page; is that correct? 01:07:08
24	interruption. 01:03:39	24	A. It appears so, yes. 01:07:15
25	Q. Exhibit 1230 just to be clear, 01:03:41	25	Q. Are you the number two ranking member of the 01:07:19
1			Page 117
	Page 115		rage II/

1	NFPA staff? 01:07:25	1	access that allows anyone to read and 01:11:14
2	A. I'm one of several vice presidents. 01:07:30	2	understands the requirements while at the 01:11:15
3	Q. Are you familiar with litigation that NFPA 01:08:06	3	same time balancing our need to protect our 01:11:17
4	was in against International Code Council? 01:08:17	4	intellectual property, our revenue and 01:11:19
5	MR. REHN: Object to the question 01:08:30	5	ultimately the advancement of our safety 01:11:21
6	insofar as it's outside the scope of any 01:08:30	6	mission. 01:11:23
7	topics, I believe any notice topics, period, 01:08:30	7	Q. How does read-only access allow NFPA to 01:11:26
8	but certainly topics for which this witness 01:08:31	8	protect its revenue and to protect the 01:11:33
9	was designated. But the witness may answer 01:08:34	9	advancement of its safety mission? 01:11:36
10	it in his personal knowledge. 01:08:36	10	A. NFPA relies on the sale of our intellectual 01:11:43
11	A. I was aware of it, but no specific knowledge 01:08:38	11	property to fund our mission, to move forward 01:11:47
12	at all. 01:08:46	12	on our mission while at the same time 01:11:50
13	Q. Did you ever review any of the documents or 01:08:46	13	balancing that against providing free 01:11:53
14	pleadings in that case? 01:08:49	14	read-only access to all of our documents so 01:11:54
15	MR. REHN: Same objection as to 01:08:52	15	that anyone who's potentially impacted by 01:11:57
16	scope. 01:08:53	16	them has the ability to read and understands 01:11:59
17	A. No. 01:08:55	17	those requirements. 01:12:01
18	Q. Were you aware of any of the arguments that 01:08:56	18	Q. What do you mean by NFPA's intellectual 01:12:02
19	NFPA made in defense of copyright claims by 01:08:59	19	property in that answer? 01:12:05
20	ICC? 01:09:03	20	MR. REHN: Object to form. May call 01:12:06
21	A. No. 01:09:07	21	for a legal opinion. 01:12:08
22	MR. REHN: Same objection as to 01:09:07	22	MR. BRIDGES: I'm asking what he 01:12:10
23	scope. 01:09:08	23	meant by it. 01:12:11
2425	Q. What protocols and procedures does NFPA have 01:09:41 regarding granting licenses or permissions 01:09:45	24 25	A. What I meant by our intellectual property is 01:12:15 our codes and standards that are developed 01:12:18
23	Page 118	23	Page 120
1	for any third party to use NFPA's codes and 01:09:49	1	through the NFPA standards development 01:12:19
2	standards? 01:09:51	2	process and our other publications. 01:12:21
3	MR. REHN: Objection as to scope. 01:09:53	3	Q. How easy is it for somebody to read and 01:12:35
4	This witness was not designated on that 01:09:55	4	understand the National Electrical Code 01:12:59
5	topic, but the witness may answer to the 01:09:57	5	through read-only access on NFPA's website? 01:13:03
6	extent he has personal knowledge. 01:09:59	6	MR. REHN: Objection to form. Vague 01:13:08
7	A. I have very little personal knowledge of how 01:10:03	7	and ambiguous. 01:13:10
8	the licensing agreements work other than it 01:10:07	8	A. Based on my personal experience, I've never 01:13:13
9	involves our product and marketing team as 01:10:10	9	had any complaints about it and, in fact, 01:13:16
10	well as our legal team. 01:10:14	10	I've had several requests from states and 01:13:19
11	Q. Do you know why NFPA decided to provide free 01:10:15	11	other jurisdictions to provide access to 01:13:21
12	access to read-only versions of NFPA's codes 01:10:23	12	their jurisdictions through widgets and on 01:13:23
13	and standards? 01:10:26	13	the web links to give their constituents free 01:13:27
14	A. To the best of my knowledge, we believe that 01:10:30	14	read-only access to it. 01:13:36
15	by providing free access, read-only access to 01:10:32	15	Q. So my question is, how easy is it for 01:13:38
16	all of our codes and standards that we can 01:10:36	16	somebody to read and understand the National 01:13:41
17	ensure that anyone, including the public, is 01:10:38	17	Electrical Code through read-only access on 01:13:43
18	able to read and understand the requirements 01:10:41	18	NFPA's website? 01:13:45
19	of all of our standards at any time. 01:10:43	19	MR. REHN: Same objections. Asked 01:13:47
20	Q. And is it your strike that. 01:10:50	20	and answered. 01:13:49
21	Is it NFPA's belief that read-only 01:10:55	21	A. My response remains the same. I've had no 01:13:54
22	access facilitates understanding of the 01:11:05	22	complaints about any difficulty at all. I 01:13:56
23	standards? 01:11:06	23	would assume, in my personal opinion, that 01:14:00
24	MR. REHN: Object as to form. 01:11:08	24	it's very easy. 01:14:01
25	A. We believe that by providing free read-only 01:11:10	25	Q. You just assume it's easy? 01:14:03
	Page 119		Page 121

1			
1	MR. REHN: Objection. 01:14:04	1	A. We provide read-only access, and that's 01:16:36
2	Argumentative. 01:14:05	2	the limit of the term of free read-only. 01:16:39
3	A. My previous answer stands. 01:14:08	3	There are not other features to that 01:16:41
4	Q. You assume that it's easy? 01:14:09	4	platform. 01:16:43
5	MR. REHN: Same objection. 01:14:11	5	MR. BRIDGES: If it's all right, 01:17:10
6	A. Yes. 01:14:12	6	why don't we go ahead and take our lunch 01:17:12
7	MR. REHN: Asked and answered. 01:14:13	7	break now. If we can convene in one hour, 01:17:14
8	Q. You may answer. 01:14:14	8	I'd appreciate it. 01:17:17
9	A. My previous answer stands. 01:14:16	9	VIDEOGRAPHER: The time is 1:17. 01:17:1
10	Q. You have nothing more to add to your answer, 01:14:19	10	We are now off the record. 01:17:19
11	I gather, in response to my question? 01:14:22	11	(Lunch break) 01:17:47
12	MR. REHN: Objection to form. 01:14:25	12	01:17:47
13	Q. That's your complete answer, that's fine. 01:14:26	13	01:17:47
14	A. No. 01:14:28	14	
15	Q. No, that is your complete answer or no, that 01:14:29	15	
16	is not your complete answer? 01:14:38	16	
17	A. I have nothing further to add. 01:14:39	17	
18	Q. How much text can somebody read without 01:14:43	18	
19	scrolling in NFPA's read-only access on its 01:14:55	19	
20	website? 01:15:03	20	
21	MR. REHN: Objection to form. 01:15:06	21	
22	Assumes facts. 01:15:08	22	
23	A. If I recall correctly, the last time I was on 01:15:10	23	
24	the site, it was one page. 01:15:13	24	
25	Q. It was one full page of the code? 01:15:19 Page 122	25	Page 124
1	A. I believe so. 01:15:24	1	AFTERNOON SESSION 01:17:51
2	Q. And NFPA designs the website to preclude 01:15:24	2	VIDEOGRAPHER: The time is 2:22. 02:21:25
3	anybody from being able to cut and paste text 01:15:27	3	We are now back on the record. 02:22:33
4	from the read-only access, correct? 01:15:33	4	BY MR. BRIDGES: 02:22:35
5	MR. REHN: Objection as to form. 01:15:39	5	Q. Mr. Dubay, your counsel furnished to us 02:22:44
6	Assumes facts. 01:15:40	6	tens of thousands of pages of documents that 02:22:50
7	A. NFPA's policy is to provide free read-only 01:15:43	7	purport to claim, purport to be assignments 02:22:57
8	access to all of our codes and standards. 01:15:47	8	of rights to NFPA as part of the standards 02:23:02
9	Q. Its policy is not to facilitate cutting and 01:15:50	9	development process. I'm going to show you 02:23:06
1.10	pasting of the text from the read-only access 01:15:53	1 10	a number of these documents. 02:23:08
10	pasting of the text from the read-only access 01:15:53 versions of the codes and standards, correct? 01:15:56	10	a number of these documents. 02:23:08 I basically need from you a yes or 02:23:09
11	versions of the codes and standards, correct? 01:15:56	11	I basically need from you a yes or 02:23:09
11 12	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59	11 12	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12
11 12 13	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03	11 12 13	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14
11 12 13 14	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05	11 12 13 14	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18
11 12 13 14 15	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07	11 12 13 14 15	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22
11 12 13 14 15 16	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07 standards in a multitude of ways and multiple 01:16:11	11 12 13 14 15 16	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22 of that process. The first one is 02:23:27
11 12 13 14 15 16 17	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07 standards in a multitude of ways and multiple 01:16:11 platforms and various aspects. One way is 01:16:13	11 12 13 14 15 16 17	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22 of that process. The first one is 02:23:27 Exhibit 1233. 02:23:30
11 12 13 14 15 16 17 18	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07 standards in a multitude of ways and multiple 01:16:11 platforms and various aspects. One way is 01:16:13 through free read-only access to all of our 01:16:16	11 12 13 14 15 16 17 18	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22 of that process. The first one is 02:23:27 Exhibit 1233. 02:23:30 (Exhibit 1233 marked for 02:23:36
11 12 13 14 15 16 17 18	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07 standards in a multitude of ways and multiple 01:16:11 platforms and various aspects. One way is 01:16:13 through free read-only access to all of our 01:16:16 codes and standards. 01:16:18	11 12 13 14 15 16 17 18 19	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22 of that process. The first one is 02:23:27 Exhibit 1233. 02:23:30 (Exhibit 1233 marked for 02:23:36 identification.) 02:23:53
11 12 13 14 15 16 17 18 19 20	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07 standards in a multitude of ways and multiple 01:16:11 platforms and various aspects. One way is 01:16:13 through free read-only access to all of our 01:16:16 codes and standards. 01:16:18 Q. Does NFPA provide those who access the 01:16:19	11 12 13 14 15 16 17 18 19 20	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22 of that process. The first one is 02:23:27 Exhibit 1233. 02:23:30 (Exhibit 1233 marked for 02:23:36 identification.) 02:23:53 Q. Does this appear to you to be a record that 02:23:53
11 12 13 14 15 16 17 18 19 20 21	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07 standards in a multitude of ways and multiple 01:16:11 platforms and various aspects. One way is 01:16:13 through free read-only access to all of our 01:16:16 codes and standards. 01:16:18 Q. Does NFPA provide those who access the 01:16:19 read-only standard the ability to cut and 01:16:22	11 12 13 14 15 16 17 18 19 20 21	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22 of that process. The first one is 02:23:27 Exhibit 1233. 02:23:30 (Exhibit 1233 marked for 02:23:36 identification.) 02:23:53 Q. Does this appear to you to be a record that 02:23:53 NFPA maintains in the ordinary course of its 02:23:57
11 12 13 14 15 16 17 18 19 20 21 22	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07 standards in a multitude of ways and multiple 01:16:11 platforms and various aspects. One way is 01:16:13 through free read-only access to all of our 01:16:16 codes and standards. 01:16:18 Q. Does NFPA provide those who access the 01:16:19 read-only standard the ability to cut and 01:16:22 paste text from those standards, yes or no? 01:16:24	11 12 13 14 15 16 17 18 19 20 21 22	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22 of that process. The first one is 02:23:27 Exhibit 1233. 02:23:30 (Exhibit 1233 marked for 02:23:53 Q. Does this appear to you to be a record that 02:23:53 NFPA maintains in the ordinary course of its 02:23:57 business as preserving the documentation 02:24:00
11 12 13 14 15 16 17 18 19 20 21 22 23	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07 standards in a multitude of ways and multiple 01:16:11 platforms and various aspects. One way is 01:16:13 through free read-only access to all of our 01:16:16 codes and standards. 01:16:18 Q. Does NFPA provide those who access the 01:16:19 read-only standard the ability to cut and 01:16:22 paste text from those standards, yes or no? 01:16:24 MR. REHN: Objection as to form. 01:16:29	11 12 13 14 15 16 17 18 19 20 21 22 23	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22 of that process. The first one is 02:23:27 Exhibit 1233. 02:23:30 (Exhibit 1233 marked for 02:23:36 identification.) 02:23:53 Q. Does this appear to you to be a record that 02:23:57 business as preserving the documentation 02:24:00 for participants for participation in the 02:24:06
11 12 13 14 15 16 17 18 19 20 21 22	versions of the codes and standards, correct? 01:15:56 A. Our policy is to provide read-only. 01:15:59 Q. And nothing more? 01:16:03 MR. REHN: Objection as to form. 01:16:05 A. NFPA provides access to our codes and 01:16:07 standards in a multitude of ways and multiple 01:16:11 platforms and various aspects. One way is 01:16:13 through free read-only access to all of our 01:16:16 codes and standards. 01:16:18 Q. Does NFPA provide those who access the 01:16:19 read-only standard the ability to cut and 01:16:22 paste text from those standards, yes or no? 01:16:24	11 12 13 14 15 16 17 18 19 20 21 22	I basically need from you a yes or 02:23:09 no from you for each one as to whether, based 02:23:12 on this representation, based on the document 02:23:14 as you see it, you believe that they are 02:23:18 indeed documents that NFPA possesses as part 02:23:22 of that process. The first one is 02:23:27 Exhibit 1233. 02:23:30 (Exhibit 1233 marked for 02:23:36 identification.) 02:23:53 Q. Does this appear to you to be a record that 02:23:57 business as preserving the documentation 02:24:00

1	does. However, I should note that I didn't 02:24:16	1	(Exhibit 1237 marked for 02:29:25
2	start at NFPA till 1995, so I wouldn't have 02:24:19	2	identification.) 02:29:25
3	had knowledge of the specific forms, but it 02:24:23	3	Q. Same questions with respect to Exhibit 1237. 02:29:25
4	looks like a typical NFPA historical form. 02:24:25	4	Do you believe that this is a document that 02:29:28
5	Q. Does the language at the bottom of that page 02:24:26	5	NFPA maintains in the ordinary course of its 02:29:31
6	resemble language that you recall in NFPA 02:24:30	6	business that it received as part of the 02:29:34
7	forms? 02:24:32	7	standards development process? 02:29:37
8	A. Yes, it looks familiar to me. 02:24:45	8	A. (Witness examines document) Yes, this would 02:29:39
9	(Exhibit 1234 marked for 02:25:15	9	also seem typical. 02:29:53
10	identification.) 02:25:19	10	(Exhibit 1238 marked for 02:29:55
11	Q. Same question with respect to Exhibit 1234. 02:25:19	11	identification.) 02:30:19
12	Does this appear to be a document from NFPA's 02:25:33	12	Q. Same questions with respect to Exhibit 1238. 02:30:19
13	records of the standards development process 02:25:35	13	A. (Witness examines document) Yes, this also 02:30:38
14	that it keeps in its ordinary course of 02:25:38	14	seems typical. 02:30:44
15	business? 02:25:40	15	(Exhibit 1239 marked for 02:30:52
16	A. Yes, it looks like the right format, however, 02:25:58	16	identification.) 02:31:11
17	with the caveat that "I hereby grant NAPA" 02:26:01	17	Q. Do you believe Exhibit 1239 is a document 02:31:11
18	at the bottom. It's not NFPA. I'm not sure 02:26:05	18	that NFPA has maintained in its records in 02:31:23
19	where that typo came from. 02:26:09	19	the ordinary course of business as part of 02:31:26
20	Q. The second acronym in that paragraph is NFPA, 02:26:11	20	the standards development process and is a 02:31:30
21	correct? 02:26:16	21	document that it requires of participants in 02:31:34
22	A. That is correct. 02:26:16	22	that process? 02:31:36
23	Q. To the best of your knowledge, is this a 02:26:17	23	MR. REHN: Object to the form of the 02:31:39
24	document from NFPA's records? I'll represent 02:26:20	24	that question. Compound. 02:31:40
25	it was produced by NFPA. 02:26:24	25	A. My answer would be with respect to this form, 02:31:45
	Page 126		Page 128
1	A. To the best of my knowledge excuse me. To 02:26:26	1	it looks like a typical proposal form versus 02:31:47
2	the best of my knowledge, it does look 02:26:29	2	something a participant in the process would 02:31:50
3	typical for them. 02:26:30	3	fill out. But as a public proposal form, it 02:31:53
4	(Exhibit 1235 marked for 02:26:51	4	looks typical. 02:31:56
5	identification.) 02:27:02	5	Q. As a public proposal form, what do you mean 02:31:59
6	Q. Same questions with respect to Exhibit 1235. 02:27:02	6	distinguishing that from somebody who's a 02:32:03
7	A. (Witness examines document) Yes, it appears 02:27:23	7	participant in the process? 02:32:05
8	to be typical of what I would expect. 02:27:26	8	A. I understand participants to be committee 02:32:07
9	(Exhibit 1236 marked for 02:28:06	9	members as well as public submitters, so I 02:32:12
10	identification.) 02:28:08	10	just our committee members have different 02:32:16
11	Q. Same questions with respect to 1236. You 02:28:08	11	forms to utilize, so I just want to clarify 02:32:18
12	believe these to be do you believe this to 02:28:13	12	that point. 02:32:22
13	be a copy of a document that NFPA has 02:28:17	13	Q. What forms do the committee members provide? 02:32:32
14	maintained in the ordinary course of business 02:28:21	14	A. They have a committee member application 02:32:37
15	in its standards development process? 02:28:25	15	form, so you that we covered earlier, they 02:32:40
16	A. (Witness examines document) Yes, this as 02:28:29	16	fill out a committee member application. 02:32:46
17	well, Exhibit 1236 does also look typical. 02:28:39	17	This is a form on a public proposal or 02:32:46
18	Q. Has the same language at the bottom of the 02:28:44	18	public comment which is the public open, 02:32:47
19	page as at least some of the earlier 02:28:47	19	public process. 02:32:52
20	exhibits? 02:28:51	20	Q. So do the committee members use any forms 02:32:53
21	MR. REHN: Object to the form of 02:28:59	21	for suggesting language changes for the code 02:32:55
22	the question. It's vague. 02:29:01	22	or standards? 02:33:01
23	A. It does look similar to some of the other 02:29:10	23	MR. REHN: Object to the form. 02:33:04
24	forms. 02:29:15	24	Foundation. 02:33:04
25	02:29:15	25	A. No. If they wanted to submit them as a 02:33:07
1	Page 127	1	Page 129

	1 (4 1) 4 1 4 02 22 00	1	49 02 40 41
1	member of the public, they can do that 02:33:08	1	comment? 02:40:41
2	through utilizing these forms or they can 02:33:09	2	MR. REHN: Object to the form. May 02:40:43
3	just do it verbally or through working 02:33:11	3	call for speculation. 02:40:46
4	documents at the committee meeting. 02:33:13	4	A. Based upon the form, I would speculate that 02:40:47
5	(Exhibit 1240 marked for 02:34:24	5	Richard Owen 02:41:03
6	identification.) 02:34:33	6	Q. He was employed at the time by the City of 02:41:07
7	Q. Handing you Exhibit 1240. Do you believe 02:34:33	7	St. Paul, based upon this document, it 02:41:21
8	this to be a copy of a document that NFPA has 02:34:41	8	appears; is that correct? 02:41:22
9	maintained in the ordinary course of business 02:34:45	9	MR. REHN: Object to the form. 02:41:26
10	reflecting a proposal received regarding the 02:34:49	10	A. Based upon reviewing the form, it does appear 02:41:31
11	1999 National Electrical Code? 02:34:52	11	that he was still employed by the City of 02:41:34
12	A. It does appear to be a proposal form, and it 02:35:02	12	St. Paul. 02:41:37
13	does look the edition is cut off, but I 02:35:05	13	Q. Does this comment reflect the comment that 02:41:38
14	believe it does look like the 1999 National 02:35:09	14	Mr. Owen has relayed from the 02:41:45
15	Electrical Code. The top half of that is cut 02:35:13	15	Panel 3/Panel 16 Task Group? 02:41:49
16	off. 02:35:15	16	MR. REHN: Object to the form. 02:41:57
17	(Exhibit 1241 marked for 02:36:03	17	(Pause) 02:41:57
18	identification.) 02:36:10	18	MR. REHN: I think there's a 02:42:24
19	Q. I've handed you Exhibit 1241. Does this 02:36:10	19	question pending. 02:42:24
20	also appear to be a document that NFPA has 02:36:24	20	A. Is there I apologize. Is there a 02:42:26
21	maintained in the ordinary course of business 02:36:27	21	question? I heard you make a statement. 02:42:27
22	consisting of a record from its standards 02:36:31	22	Q. Does this comment reflect strike that. 02:42:30
23	development process? 02:36:34	23	Does this form strike that. 02:42:33
24	A. (Witness examines document) Yes, it appears 02:36:38	24	Does Exhibit 1242 reflect a comment 02:42:36
25	to be consistent. 02:36:42	25	that Mr. Owen relayed from the 02:42:38
23	Page 130	23	Page 132
1	(Exhibit 1242 marked for 02:36:46	1	Panel 3/Panel 16 Task Group referred to in 02:42:41
2	identification.) 02:39:02	2	the document which has reference also to 02:42:46
3	Q. I just handed you, I think that's 02:39:02	3	members of those panels at the bottom of the 02:42:51
4	Exhibit 1242. Do you recognize this as a 02:39:19	4	first page and top of the second page of the 02:42:56
5	document that NFPA maintains in its records 02:39:27		
	document that NFFA maintains in its records 02:59:27	5	exhibit? 02:42:58
6		5	exhibit? 02:42:58
	in the ordinary course of business as part 02:39:30		exhibit? 02:42:58
6 7	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33	6	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01
6	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36	6 7	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04
6 7 8 9	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38	6 7 8 9	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07
6 7 8 9 10	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38 this. 02:39:43	6 7 8 9 10	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07 stated, was a longstanding committee member, 02:43:11
6 7 8 9 10 11	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38 this. 02:39:43 Q. Do you know who Richard Owen is? 02:39:46	6 7 8 9 10 11	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07 stated, was a longstanding committee member, 02:43:11 did submit something on behalf of a task 02:43:15
6 7 8 9 10 11 12	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38 this. 02:39:43 Q. Do you know who Richard Owen is? 02:39:46 A. Yes. 02:39:49	6 7 8 9 10 11 12	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07 stated, was a longstanding committee member, 02:43:11 did submit something on behalf of a task 02:43:15 group, and that's based upon that first line. 02:43:17
6 7 8 9 10 11 12 13	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38 this. 02:39:43 Q. Do you know who Richard Owen is? 02:39:46 A. Yes. 02:39:49 Q. Who is Richard Owen? 02:39:50	6 7 8 9 10 11 12 13	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07 stated, was a longstanding committee member, 02:43:11 did submit something on behalf of a task 02:43:15 group, and that's based upon that first line. 02:43:17 Q. Are those groups also committee members? Are 02:43:20
6 7 8 9 10 11 12 13 14	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38 this. 02:39:43 Q. Do you know who Richard Owen is? 02:39:46 A. Yes. 02:39:49 Q. Who is Richard Owen? 02:39:50 A. He is a retired electrical inspector who 02:39:52	6 7 8 9 10 11 12 13 14	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07 stated, was a longstanding committee member, 02:43:11 did submit something on behalf of a task 02:43:15 group, and that's based upon that first line. 02:43:17 Q. Are those groups also committee members? Are 02:43:20 group members committee members? 02:43:25
6 7 8 9 10 11 12 13 14 15	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38 this. 02:39:43 Q. Do you know who Richard Owen is? 02:39:46 A. Yes. 02:39:49 Q. Who is Richard Owen? 02:39:50 A. He is a retired electrical inspector who 02:39:52 served on our technical committee panels for 02:39:58	6 7 8 9 10 11 12 13 14 15	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07 stated, was a longstanding committee member, 02:43:11 did submit something on behalf of a task 02:43:15 group, and that's based upon that first line. 02:43:17 Q. Are those groups also committee members? Are 02:43:20 group members committee members? 02:43:25 MR. REHN: Objection. 02:43:27
6 7 8 9 10 11 12 13 14 15 16	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38 this. 02:39:43 Q. Do you know who Richard Owen is? 02:39:46 A. Yes. 02:39:49 Q. Who is Richard Owen? 02:39:50 A. He is a retired electrical inspector who 02:39:52 served on our technical committee panels for 02:39:58 the National Electrical Code. 02:40:01	6 7 8 9 10 11 12 13 14 15 16	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07 stated, was a longstanding committee member, 02:43:11 did submit something on behalf of a task 02:43:15 group, and that's based upon that first line. 02:43:17 Q. Are those groups also committee members? Are 02:43:20 group members committee members? 02:43:25 MR. REHN: Objection. 02:43:27 Q. Strike that. 02:43:27
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38 this. 02:39:43 Q. Do you know who Richard Owen is? 02:39:46 A. Yes. 02:39:49 Q. Who is Richard Owen? 02:39:50 A. He is a retired electrical inspector who 02:39:52 served on our technical committee panels for 02:39:58 the National Electrical Code. 02:40:01 Q. Does this document reflect a proposal by participants in the standards development 02:40:17 process? 02:40:19 MR. REHN: Object to the form. 02:40:22 A. No. It appears to be a comment, not a 02:40:26	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07 stated, was a longstanding committee member, 02:43:11 did submit something on behalf of a task 02:43:15 group, and that's based upon that first line. 02:43:17 Q. Are those groups also committee members? Are 02:43:20 group members committee members? 02:43:25 MR. REHN: Objection. 02:43:27 Q. Strike that. 02:43:27 Are the group members in those task 02:43:28 groups also technical committee members 02:43:29 MR. REHN: Objection as to form. 02:43:32 Q or were they at the time? 02:43:35 MR. REHN: Compound. 02:43:35
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6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	in the ordinary course of business as part 02:39:30 of the standards development process 02:39:33 recordkeeping? 02:39:36 A. (Witness examines document) Yes, I recognize 02:39:38 this. 02:39:43 Q. Do you know who Richard Owen is? 02:39:46 A. Yes. 02:39:49 Q. Who is Richard Owen? 02:39:50 A. He is a retired electrical inspector who 02:39:52 served on our technical committee panels for 02:39:58 the National Electrical Code. 02:40:01 Q. Does this document reflect a proposal by 02:40:03 participants in the standards development 02:40:17 process? 02:40:19 MR. REHN: Object to the form. 02:40:22 A. No. It appears to be a comment, not a 02:40:26 proposal. 02:40:29 Q. And so this this that's right. This is 02:40:33	6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	exhibit? 02:42:58 MR. REHN: And I'll object to the 02:43:00 form. 02:43:01 A. Based upon my review of this specific form 02:43:04 here, it appears that Mr. Owen who, as I 02:43:07 stated, was a longstanding committee member, 02:43:11 did submit something on behalf of a task 02:43:15 group, and that's based upon that first line. 02:43:17 Q. Are those groups also committee members? Are 02:43:20 group members committee members? 02:43:25 MR. REHN: Objection. 02:43:27 Are the group members in those task 02:43:28 groups also technical committee members 02:43:29 MR. REHN: Objection as to form. 02:43:32 Q or were they at the time? 02:43:35 A. Without seeing this specific committee list, 02:43:37 I couldn't tell you. I see from the wording 02:43:45

1 1			
1	committee list at the time, I can't tell you 02:43:55	1	Q. How did the five to ten different forms vary 02:47:25
2	for certain. 02:43:56	2	from each other? 02:47:32
3	Q. Based upon the do you have any reason to 02:43:57	3	A. Most often, based upon my recollection of my 02:47:38
4	disbelieve any of the statements he made in 02:44:05	4	20 years, the forms most often differed based 02:47:42
5	that document? 02:44:07	5	upon the submission method. We get tens of 02:47:45
6	A. With respect to the names that he identifies 02:44:18	6	thousands of these forms every year or we 02:47:50
7	as panel members or himself as a panel chair, 02:44:22	7	used to, now they're all electronic. And 02:47:53
8	I have no reason to specifically agree or 02:44:28	8	when we got those, people would submit those 02:47:55
9	disagree with that because I don't have the 02:44:31	9	via PDF as attachments, consolidated word 02:47:57
10	full record in front of me. 02:44:32	10	documents as well as paper faxes, FedEx. And 02:48:01
11	(Exhibit 1243 marked for 02:44:44	11	so, depending how they were submitted and 02:48:06
12	identification.) 02:44:52	12	received, they might have a slightly 02:48:07
13	Q. I handed you Exhibit 1243. This looks 02:44:52	13	different look to them. 02:48:09
14	freshly typed in some respect, but does this 02:45:00	14	Q. You mentioned slightly different look. How 02:48:10
15	appear to be substantially the correct form 02:45:06	15	many different forms have there been during 02:48:12
16	for a form for proposals in 1995, to your 02:45:15	16	this period since 1995 in the sense that they 02:48:13
17	knowledge? 02:45:21	17	have had different wording? 02:48:19
18	MR. REHN: Object to the form. 02:45:21	18	MR. REHN: Object to the form. 02:48:22
19	A. To the best of my knowledge, it looks like as 02:45:27	19	A. I would say, based upon my experience since 02:48:33
20	the wording from a typical proposal form. 02:45:32	20	1995, I would overall wording changes, I 02:48:36
21	However, in past history over the years, as 02:45:36	21	would have to estimate five or six, at most. 02:48:41
22	you've noted from the record, there's many 02:45:38	22	Q. What have some of those wording changes been? 02:48:45
23	different versions of our forms and ways of 02:45:40	23	MR. REHN: Object to the form. The 02:48:51
24	submission. So it looks like it's freshly 02:45:42	24	documents speaks for themselves. 02:48:53
25	typed, as you said. 02:45:47	25	A. The wording forms are changed our forms 02:49:00
	Page 134		Page 136
1	Q. So how many different versions of the forms 02:45:47	1	change to reflect terminology within our 02:49:03
2	have there been? 02:45:50	2	standards development system as our 02:49:05
		_	1 7
3	A. I can't I would be speculating. I'm not 02:45:51	3	regulations changed, section versus article, 02:49:07
3 4	A. I can't I would be speculating. I'm not 02:45:51 quite sure how many over the years. 02:45:55		
		3	regulations changed, section versus article, 02:49:07
4	quite sure how many over the years. 02:45:55	3 4	regulations changed, section versus article, 02:49:07 annex versus appendix and such, as well as 02:49:10
5	quite sure how many over the years. 02:45:55 Q. What is your best estimate? 02:45:58	3 4 5	regulations changed, section versus article, 02:49:07 annex versus appendix and such, as well as 02:49:10 any updates to any legal disclaimers or 02:49:13
4 5 6	quite sure how many over the years. 02:45:55 Q. What is your best estimate? 02:45:58 A. The reason I'm thinking about this is going 02:46:02	3 4 5 6	regulations changed, section versus article, 02:49:07 annex versus appendix and such, as well as 02:49:10 any updates to any legal disclaimers or 02:49:13 copyright releases during our normal update 02:49:17
4 5 6 7	quite sure how many over the years. 02:45:55 Q. What is your best estimate? 02:45:58 A. The reason I'm thinking about this is going 02:46:02 back to 1896, I would imagine there was on 02:46:13	3 4 5 6 7	regulations changed, section versus article, 02:49:07 annex versus appendix and such, as well as 02:49:10 any updates to any legal disclaimers or 02:49:13 copyright releases during our normal update 02:49:17 process. So those are some of the ways I can 02:49:21
4 5 6 7 8	quite sure how many over the years. 02:45:55 Q. What is your best estimate? 02:45:58 A. The reason I'm thinking about this is going 02:46:02 back to 1896, I would imagine there was on 02:46:13 the order of a large magnitude of different 02:46:16	3 4 5 6 7 8	regulations changed, section versus article, 02:49:07 annex versus appendix and such, as well as 02:49:10 any updates to any legal disclaimers or 02:49:13 copyright releases during our normal update 02:49:17 process. So those are some of the ways I can 02:49:21 think they might have changed. 02:49:25
4 5 6 7 8 9	quite sure how many over the years. 02:45:55 Q. What is your best estimate? 02:45:58 A. The reason I'm thinking about this is going 02:46:02 back to 1896, I would imagine there was on 02:46:13 the order of a large magnitude of different 02:46:16 forms. I'm just not quite sure how to 02:46:20	3 4 5 6 7 8 9	regulations changed, section versus article, 02:49:07 annex versus appendix and such, as well as 02:49:10 any updates to any legal disclaimers or 02:49:13 copyright releases during our normal update 02:49:17 process. So those are some of the ways I can 02:49:21 think they might have changed. 02:49:25 Q. I think you identified three different 02:49:32
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19 Q. A common format with some other standards 02:52:59 19 form and we didn't do a line by line 02:55:26 20 developers organizations? 02:53:01 20 comparison. That was our job was to 02:55:29				
20 developers organizations? 02:53:01 20 comparison. That was our job was to 02:55:29				-
	1			-
1 21 Million Reprise Collect to the form. 02.33.31	21	MR. REHN: Object to the form. 02:53:05	21	implement the appropriate disclaimers, which 02:55:31
22 Vague. 02:53:06 22 was legal's responsibility to provide to us 02:55:33				
23 A. In my view, yes. For example, a given set 02:53:06 23 and ensure that it got in there. 02:55:35				
		1 / 0	1 1	5
			24	Q. What are some of the changes that you recall? 02:55:37
1 = 1 = 1 = 1 = 1 = 1 = 1 = 1 = 1 = 1 =			24 25	Q. What are some of the changes that you recall? 02:55:37 MR. REHN: Objection. Asked and 02:55:40

1	answered. 02:55:41	1	Q. That's a yes, then? 03:00:28
2	A. I don't recall specific wording changes. 02:55:43	2	A. Yes, it does look typical. 03:00:29
			Q. It appears that this document lacks a 03:00:39
3	Q. Do you recall generally any wording changes? 02:55:45	3	* **
4	MR. REHN: Same objection. 02:55:50	4	8 8
5	A. I only recall changes to the general form and 02:55:51	5	proposals like this that lacked signatures; 03:00:46
6	I understand you're asking about the 02:55:54	6	is that correct? 03:00:50
7	disclaimer. I don't recall any specific ones 02:55:55	7	MR. REHN: Object to the form. 03:00:50
8	or copyright release or disclaimers or 02:55:57	8	A. We have a policy in place to not accept any 03:00:52
9	transfers. 02:55:59	9	proposals, comments, public inputs or public 03:00:54
10	Q. You don't recall anything about changes in 02:56:01	10	comments in our new process without the 03:00:57
11	text of disclaimers or copyright language? 02:56:04	11	appropriate copyright transfer. In my 03:00:59
12	MR. REHN: Object to the form. The 02:56:09	12	personal opinion, I note that it's an it 03:01:02
13	documents speak for themselves. The question 02:56:10	13	appears to be a Word file and many times we 03:01:04
14	has been answered. 02:56:14	14	would get individuals would submit large 03:01:07
15	A. No, I do not. 02:56:16	15	numbers of proposals and comments with a 03:01:10
16	(Exhibit 1244 marked for 02:56:52	16	cover sheet having a signature applying to 03:01:13
17	identification.) 02:57:05	17	all of them. 03:01:15
18	Q. Mr. Dubay, do you recognize Exhibit 1244 as 02:57:05	18	And this may be that case, but I'm 03:01:18
19	another document from that NFPA maintains 02:57:14	19	speculating on that point. But we have a 03:01:20
20	in the ordinary course of business as part of 02:57:18	20	strict policy in place to review each policy 03:01:22
21	the standards development process? 02:57:23	21	for signature. 03:01:26
22	A. Yes. Again, this seems like another 02:57:26	22	Q. Because it's important to NFPA to get a 03:01:26
23	typical Exhibit 1244 seems like another 02:57:29	23	signature to Point 5 on this document; is 03:01:29
24	typical form. 02:57:32	24	that correct? 03:01:34
25	Q. Is this typical for content of types of 02:57:33 Page 142	25	MR. REHN: Object to the form. 03:01:34 Page 144
1	proposals that NFPA receives? 02:57:41	1	A. We have a policy in place, and the importance 03:01:39
2	A. In general I think it's one example. We 02:57:49	2	of that policy is to verify each and every 03:01:42
3	receive many different types and formats. 02:57:52	3	public input, public comment and under the 03:01:45
4	Q. I understand that. 02:57:55	4	old system, proposal that a signature was 03:01:48
5	(Exhibit 1245 marked for 02:57:58	5	provided on any and all submissions. 03:01:51
6	identification.) 02:58:19	6	Q. My question was whether it was important to 03:01:54
7	Q. Same question with respect to Exhibit 1245. 02:58:19	7	get that for Paragraph 5? 03:01:56
8	Do you recognize this as a document that NFPA 02:58:33	8	MR. REHN: Object to the form. 03:02:00
9	maintains in the ordinary course of business 02:58:37	9	Asked and answered. 03:02:03
10	as part of its standards development process? 02:58:39	10	A. Historically, for my team, it was important 03:02:05
11	A. Yes, it also Exhibit 1245 also looks 02:58:46	11	because we had a policy in place to the point 03:02:11
12	typical. 02:58:49	12	that we had full-time staff assigned to that 03:02:13
13	Q. By the way, do you know who Stan Kaufman is? 02:58:52	13	one task. And during times of heavy volumes, 03:02:15
14	A. I don't know Stan personally, but I know his 02:58:58	14	we would assign multiple staff to that 03:02:18
15	name. I know of him, I should say. 02:59:01	15	specific task. 03:02:21
16	Q. Is he a member of any technical committee, or 02:59:16	16	(Exhibit 1247 marked for 03:03:06
17	has he ever been? 02:59:20	17	identification.) 03:03:41
18	A. Off the top of my head, I don't recall. 02:59:25	18	Q. I've handed you Exhibit 1247. Do you 03:03:41
19	(Exhibit 1246 marked for 02:59:30	19	recognize this as a document that NFPA 03:03:53
20	identification.) 03:00:03	20	maintains in the ordinary course of business 03:03:55
21	Q. I've handed you Exhibit 1246. Do you 03:00:03	21	as part of the standard development process? 03:04:00
22	recognize this as a document that NFPA has 03:00:08	22	A. Yes, this form does look typical, 03:04:08
23	maintained in the ordinary course of business 03:00:11	23	Exhibit 1247. 03:04:11
24	as part of the standards development process? 03:00:14	24	Q. This was a non-electrical form, but the 03:04:11
25	A. Exhibit 1246 does look typical. 03:00:22 Page 143	25	sender indicated it was for the National 03:04:14 Page 145
	rage 143		rage 143

1	Electrical Code; is that correct? 03:04:18	1	Exhibit 1250. 03:10:40
2	MR. REHN: Objection as to form. 03:04:21	2	Q. Do you know Mr. Belke, James C. Belke? 03:10:41
3	A. It appears based on Line Item 1A that the 03:04:26	3	A. No, sir. 03:10:46
4	document the person was submitting it on was 03:04:29	4	Q. Do you know whether he's a member of any 03:10:46
5	to the National Electrical Code. 03:04:32	5	technical committee? 03:10:50
6	Q. There was normally didn't you say there 03:04:34	6	A. Not off the top of my head. 03:10:55
7	was normally a different type of form for 03:04:36	7	Q. Do you know what the annotations in 03:10:56
8	submissions for the National Electrical Code? 03:04:39	8	handwriting various places in the form 03:11:05
9	A. If we look at some of the forms you've 03:04:45	9	indicate? There's a checkmark in several 03:11:14
10	submitted to me, some of them had the title. 03:04:47	10	different places. There's some asterisks, 03:11:21
11	The title was different, said form for the X 03:04:49	11	there's a pound sign A, pound sign B, pound 03:11:32
12	edition of the National Electrical Code, and 03:04:51	12	sign C. 03:11:36
13	so we didn't prohibit you from using any 03:04:53	13	MR. REHN: Is that the question? 03:11:46
14	standard form. 03:04:57	14	MR. BRIDGES: Yes. 03:11:48
15	(Exhibit 1248 marked for 03:05:30	15	MR. REHN: Objection that it's 03:11:49
16	identification.) 03:06:03	16	compound. 03:11:50
17	(Pause) 03:06:05	17	A. So let me first answer the first part and we 03:11:57
18	Q. Do you recognize Exhibit 1248 as a form for 03:06:05	18	can follow up if we need to. Each change 03:12:00
19	proposal that NFPA has maintained in the 03:06:44	19	that came in was processed, again, by 03:12:03
20	ordinary course of business as part of its 03:06:47	20	full-time staff to verify signatures and 03:12:06
21	standards development process? 03:06:50	21	copyright concerns. And if you notice on 03:12:09
22	A. Yes, Exhibit 1248 does look typical. 03:06:53	22	the first page under Proposals, not original 03:12:11
23	(Exhibit 1249 marked for 03:07:33	23	material, there's supporting material which 03:12:15
24	identification.) 03:07:41	24	has an attached CSB report. 03:12:16
25	Q. Do you recognize Exhibit 1249 as a form for 03:07:41	25	And it appears that someone wrote 03:12:26
23	Page 146	23	Page 148
1	proposal that NFPA has maintained in the 03:07:53	1	down that it was not being submitted as 03:12:29
2	ordinary course of business in its standards 03:07:58	2	change but as supporting material to support 03:12:31
3	development process? 03:08:04	3	a change. 03:12:35
4	A. Yes, Exhibit 1249 does look typical. 03:08:13	4	Q. Go ahead. 03:12:41
5	Q. And some persons might suggest proposals with 03:08:21	5	A. The checkmarks, each of these changes had to 03:12:42
6	attachments where they can't fit the text of 03:08:27	6	be keyed manually by the staff who verified 03:12:45
7	the proposal in the lines on the form. And 03:08:33	7	all the text, editorial and production staff, 03:12:47
8	this exhibit reflects an attachment on the 03:08:36	8	and oftentimes they would check the forms as 03:12:51
9	reverse page of Exhibit 1249; is that 03:08:42	9	they worked through them to ensure they had 03:12:53
10	correct? 03:08:45	10	captured everything. That in this case it 03:12:55
11	A. Based upon my review of the statement of 03:08:47	11	would be speculation on my part that that's 03:12:57
12	Item 4 and the proposed text on the back, it 03:09:02	12	what those checkmarks are there for. 03:12:59
13	appears to be consistent that the two pages 03:09:06	13	(Exhibit 1251 marked for 03:13:22
14	were copied correctly. 03:09:08	14	identification.) 03:13:30
15	(Exhibit 1250 marked for 03:09:26	15	Q. Does Exhibit strike that. 03:13:30
16	identification.) 03:09:41	16	Do you recognize 1251 as a document 03:13:46
17	Q. I've handed you Exhibit 1250. Do you 03:09:46	17	that NFPA maintains in the ordinary course of 03:13:49
18	recognize this as a form for proposals that 03:10:01	18	business in the standards development 03:13:52
19	NFPA has maintained in the ordinary course of 03:10:09	19	process? 03:13:53
20	business in its standards development 03:10:13	20	A. Exhibit 1251 does look typical for a proposal 03:13:54
21	process? 03:10:17	21	form. 03:13:58
22	A. (Witness examines document) Based upon my 03:10:18	22	Q. So the answer is yes? 03:13:59
23	review, it appears that this is typical. 03:10:33	23	MR. REHN: Object to the form. 03:14:01
24	Q. So that's a yes? 03:10:36	24	A. Yes, Exhibit 1251 does look typical. 03:14:05
25	A. That's a yes. It appears to be typical, 03:10:37 Page 147	25	03:14:30 Page 149
	rage 147		rage 149

1	(Exhibit 1252 marked for 03:14:30	1	the ordinary course of business? 03:20:46
2	identification.) 03:14:44	2	A. This appears to be a typical record. 03:20:48
3	Q. Do you recognize Exhibit 1252 as a document 03:14:44	3	(Exhibit 1255 marked for 03:21:44
4	that NFPA has maintained in the ordinary 03:15:00	4	identification.) 03:22:10
5	course of business in its standards 03:15:02	5	Q. Do you recognize Exhibit 1255 as a form that 03:22:10
6	development process? 03:15:05	6	NFPA has maintained in its records in the 03:22:30
7	A. Exhibit 1252 does look typical for a proposal 03:15:10	7	ordinary course of business? 03:22:34
8	form. 03:15:14	8	A. This appears to be a partial electronic 03:22:42
9	VIDEOGRAPHER: There are ten minutes 03:15:44	9	comment form, so Exhibit 1255 seems to be a 03:22:46
10	remaining on the videotape. 03:15:45	10	portion of a record. 03:22:50
11	Q. So I guess if I asked if you recognized 1252 03:15:58	11	Q. Do you recognize the name Jim Pauley? 03:22:55
12	as a document NFPA had maintained in 03:15:58	12	A. Jim Pauley is the president and CEO of NFPA. 03:23:02
13	the ordinary course of business in its 03:15:58	13	Q. At the time of this document, September 15, 03:23:07
14	standards development process, your answer 03:16:06	14	1997, he was not president of NFPA, correct? 03:23:11
15	was Exhibit 1252 does look typical for a 03:16:06	15	A. That is correct. Jim Pauley was not 03:23:17
16	proposal form. So is the answer yes? 03:16:09	16	president at that time. 03:23:20
17	MR. REHN: Object to the form. 03:16:13	17	Q. He was employed by Square D Company? 03:23:22
18	A. Yes, 1252 does look typical. 03:16:17	18	A. Based upon this comment form, it appears so. 03:23:30
19	(Exhibit 1253 marked for 03:17:10	19	Q. And his comments related to some proposal 03:23:34
20	identification.) 03:17:25	20	involving deleted text based on Items 1 and 03:23:49
21	Q. Do you recognize Exhibit 1253 as a form for 03:17:25	21	2; is that correct? 03:23:55
22	proposals that NFPA has maintained in the 03:17:39	22	A. Based upon my reading of Statement No. 4, it 03:24:04
23	ordinary course of business in its standards 03:17:43	23	does appear that Mr. Pauley states the 03:24:17
24	development process? 03:17:46	24	deletion of this text will clear up much of 03:24:19
25	MR. REHN: Objection. Seems to 03:17:55	25	this confusion and make it clear as to what 03:24:22
	Page 150		Page 152
1	misstate the document. 03:17:56	1	rules apply. So it does appear he's 03:24:24
2	A. (Witness examines document) I recognize this 03:18:00	2	commenting on a proposal with deleted text. 03:24:26
3	as an electronic submission of numerous 03:18:06	3	VIDEOGRAPHER: Mr. Bridges, there's 03:25:25
4	excuse me, I recognize Exhibit 1253 as an 03:18:09	4	less than one minute remaining. 03:25:27
5	electronic submission of numerous proposed 03:18:12	5	MR. BRIDGES: Why don't we go off 03:25:30
6	changes by one submitter. 03:18:16	6	the record, then. 03:25:32
7	Q. Okay. And NFPA maintains these in the 03:18:19	7	VIDEOGRAPHER: The time is 3:25. 03:25:33
8	ordinary course of business in its standards 03:18:24	8	This is the end of Tape No. 2, and we are now 03:25:35
9	development process, correct? 03:18:26	9	off the record. 03:25:37
10	A. We maintain all submissions, whether they're 03:18:30	10	(Break taken) 03:25:41
11	submitted electronically, paper, via fax or 03:18:32	11	VIDEOGRAPHER: The time is 3:36. 03:36:05
12	in any other means to keep the record 03:18:35	12	This is the beginning of Tape No. 3. We are 03:36:16
13	together. 03:18:36	13	now back on the record. 03:36:19
14	(Exhibit 1254 marked for 03:19:36	14	(Exhibit 1256 marked for 03:36:35
15	identification.) 03:19:45	15	identification.) 03:36:47
16	Q. Do you recognize Exhibit 1254 as a copy of a 03:19:45	16	BY MR. BRIDGES: 03:36:47
17	form for proposals and a transmittal form 03:20:07	17	Q. Mr. Dubay, do you recognize Exhibit 1256 03:36:47
18	that NFPA has maintained in the ordinary 03:20:13	18	as a group of forms for comments with a 03:37:02
19	course of business in connection with the 03:20:17	19	transmittal page attached that NFPA has 03:37:08
20	standards development process of the National 03:20:21	20	maintained in the ordinary course of business 03:37:12
21	Electrical Code? 03:20:29	21	in the course of its standards development 03:37:15
22	A. Based upon my review, it appears that 03:20:29	22	process? 03:37:17
22		22	A (W): 1
23	Exhibit 1254 is an electronic submission of a 03:20:37	23	A. (Witness examines document) Exhibit 1256 03:37:23
	Exhibit 1254 is an electronic submission of a 03:20:37 typical form for proposals. 03:20:39	24	A. (Witness examines document) Exhibit 1256 03:37:23 does appear to be a form of an electronic 03:37:34
23			

1	the National Electrical Code. 03:37:42	1	(Exhibit 1257 marked for 03:40:43
2	Q. Do you recognize this as a document that 03:37:43	2	identification.) 03:43:31
3	NFPA has maintained, given the language at 03:37:48	3	Q. Mr. Dubay, do you recognize Exhibit 1257 as 03:43:31
4	the bottom that says "comments for submittal 03:37:54	4	a comment that NFPA has maintained in the 03:43:54
5	to NFPA as of 12/23/97" (sic) and with date 03:37:56	5	ordinary course of its standards development 03:43:58
6	stamps and numbers written on them? 03:38:02	6	process? I'll note that it's a two-sided 03:44:00
	_		•
7	MR. REHN: I think it says "comments 03:38:12	7	document. 03:44:07
8	for submittal to NFPA as of 10/23/97." 03:38:14	8	A. Exhibit 1257 does look typical for comments 03:44:08
9	MR. BRIDGES: What did I say? 03:38:17	9	we've received. 03:44:14
10	MR. REHN: I think you said 12. 03:38:18	10	Q. And do you recognize this as a document from 03:44:15
11	MR. BRIDGES: Sorry. Correct that. 03:38:22	11	NFPA's archives? 03:44:17
12	10/23/97. 03:38:36	12	A. Yes, it does look familiar, not specifically, 03:44:19
13	A. So just to be clear, is the question is this 03:38:36	13	but in general form. 03:44:22
14	a typical submission? 03:38:39	14	(Exhibit 1258 marked for 03:45:00
15	Q. No. The question is, do you recognize this 03:38:40	15	identification.) 03:45:08
16	as a document that NFPA has maintained as 03:38:42	16	Q. Do you recognize Exhibit 1258 as a comment 03:45:08
17	part of its standards development process? 03:38:46	17	from the NFPA archives that it maintains in 03:45:19
18	A. Yes. It appears to be a typical document 03:38:50	18	the ordinary course of business in connection 03:45:28
19	from our archives. 03:38:52	19	with its standards development process? 03:45:28
20	Q. Do you know who Roger Witt is? 03:38:53	20	A. Yes, this document, Exhibit 1258, looks 03:45:33
21	A. No, I do not. 03:38:57	21	typical and is consistent with the forms. 03:45:35
22	Q. How did the uses differ between as between 03:38:58	22	Q. You understand it to be from NFPA archives? 03:45:40
23	forms for proposals and forms for comments? 03:39:14	23	A. Yes, it seems consistent. 03:45:44
24	You may have touched on it earlier, but I 03:39:16	24	Q. Are you familiar with Marcelo Hirschler? 03:45:59
25	didn't quite understand it. 03:39:19	25	A. Yes. 03:46:32
	Page 154		Page 156
1	MR. REHN: Object to the form of the 03:39:21	1	Q. Who is he? 03:46:32
2	question as vague. 03:39:23	2	A. He's a both a technical committee member 03:46:34
3	A. If you could help me clarify, please, do you 03:39:27	3	on several of our standards as well as an 03:46:40
4	mean the use of the proposal form and the 03:39:30	4	active participant in the NFPA standards 03:46:43
5	comment form or how it plays out in our 03:39:31	5	development process. 03:46:46
6	process? 03:39:35	6	(Exhibit 1259 marked for 03:47:15
7	Q. Both. 03:39:35	7	identification.) 03:47:26
8	MR. REHN: I'll object to the 03:39:37	8	Q. Do you recognize Exhibit 1259 as a collection 03:47:26
9	question as being compound. 03:39:39	9	of proposals from NFPA's archives from 03:47:44
10	A. At a high level, proposals in our old system, 03:39:41	10	Mr. Hirschler with respect to the National 03:47:53
1		1 - "	with this chief with respect to the National 03.47.33
11	public inputs in our new systems are 03:39:56	11	Electrical Code? 03:48:15
11 12			-
12	recommended changes to the existing edition 03:39:59	11 12	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15
12 13	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01	11 12 13	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22
12 13 14	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05	11 12 13 14	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24
12 13 14 15	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09	11 12 13 14 15	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50
12 13 14 15 16	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11	11 12 13 14 15 16	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53
12 13 14 15 16 17	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11 Q. So all comments would follow some kind of 03:40:16	11 12 13 14 15 16 17	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53 all of which have been submitted 03:48:58
12 13 14 15 16 17 18	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11 Q. So all comments would follow some kind of 03:40:16 technical committee action on that standard; 03:40:25	11 12 13 14 15 16 17 18	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53 all of which have been submitted 03:48:58 electronically. And based upon a few 03:48:59
12 13 14 15 16 17 18	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11 Q. So all comments would follow some kind of 03:40:16 technical committee action on that standard; 03:40:25 is that correct? 03:40:28	11 12 13 14 15 16 17 18 19	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53 all of which have been submitted 03:48:58 electronically. And based upon a few 03:48:59 minutes' review here, it does appear that 03:49:03
12 13 14 15 16 17 18 19 20	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11 Q. So all comments would follow some kind of 03:40:16 technical committee action on that standard; 03:40:25 is that correct? 03:40:28 A. All comments would be related to something 03:40:31	11 12 13 14 15 16 17 18 19 20	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53 all of which have been submitted 03:48:58 electronically. And based upon a few 03:48:59 minutes' review here, it does appear that 03:49:03 they're all from Mr. Hirschler. It's a mix 03:49:05
12 13 14 15 16 17 18 19 20 21	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11 Q. So all comments would follow some kind of 03:40:16 technical committee action on that standard; 03:40:25 is that correct? 03:40:28 A. All comments would be related to something 03:40:31 that committee has done. It could be 03:40:34	11 12 13 14 15 16 17 18 19 20 21	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53 all of which have been submitted 03:48:58 electronically. And based upon a few 03:48:59 minutes' review here, it does appear that 03:49:03 they're all from Mr. Hirschler. It's a mix 03:49:05 of materials. 03:49:10
12 13 14 15 16 17 18 19 20 21 22	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11 Q. So all comments would follow some kind of 03:40:16 technical committee action on that standard; 03:40:25 is that correct? 03:40:28 A. All comments would be related to something 03:40:31 that committee has done. It could be 03:40:34 specific to the change or it could be saying 03:40:38	11 12 13 14 15 16 17 18 19 20 21 22	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53 all of which have been submitted 03:48:58 electronically. And based upon a few 03:48:59 minutes' review here, it does appear that 03:49:03 they're all from Mr. Hirschler. It's a mix 03:49:05 of materials. 03:49:10 Q. Is it your understanding that these that 03:49:12
12 13 14 15 16 17 18 19 20 21 22 23	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11 Q. So all comments would follow some kind of 03:40:16 technical committee action on that standard; 03:40:25 is that correct? 03:40:28 A. All comments would be related to something 03:40:31 that committee has done. It could be 03:40:34 specific to the change or it could be saying 03:40:38 you did this here, you should also do it over 03:40:39	11 12 13 14 15 16 17 18 19 20 21 22 23	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53 all of which have been submitted 03:48:58 electronically. And based upon a few 03:48:59 minutes' review here, it does appear that 03:49:03 they're all from Mr. Hirschler. It's a mix 03:49:05 of materials. 03:49:10 Q. Is it your understanding that these that 03:49:12 NFPA maintains these documents in its 03:49:16
12 13 14 15 16 17 18 19 20 21 22 23 24	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11 Q. So all comments would follow some kind of 03:40:16 technical committee action on that standard; 03:40:25 is that correct? 03:40:28 A. All comments would be related to something 03:40:31 that committee has done. It could be 03:40:34 specific to the change or it could be saying 03:40:38 you did this here, you should also do it over 03:40:39 here. 03:40:43	11 12 13 14 15 16 17 18 19 20 21 22 23 24	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53 all of which have been submitted 03:48:58 electronically. And based upon a few 03:48:59 minutes' review here, it does appear that 03:49:03 they're all from Mr. Hirschler. It's a mix 03:49:05 of materials. 03:49:10 Q. Is it your understanding that these that 03:49:12 NFPA maintains these documents in its 03:49:16 archives of the standards development 03:49:19
12 13 14 15 16 17 18 19 20 21 22 23	recommended changes to the existing edition 03:39:59 of a standard. Comments in both the old and 03:40:01 the new system are public comments on the 03:40:05 actions that the committee has taken to 03:40:09 modify that standard. 03:40:11 Q. So all comments would follow some kind of 03:40:16 technical committee action on that standard; 03:40:25 is that correct? 03:40:28 A. All comments would be related to something 03:40:31 that committee has done. It could be 03:40:34 specific to the change or it could be saying 03:40:38 you did this here, you should also do it over 03:40:39	11 12 13 14 15 16 17 18 19 20 21 22 23	Electrical Code? 03:48:15 A. (Witness examines document) 03:48:15 MR. REHN: Object to the question. 03:48:22 It clearly misrepresents the document. 03:48:24 A. Based upon my review just now, it appears to 03:48:50 be a mix of proposals and comments, generally 03:48:53 all of which have been submitted 03:48:58 electronically. And based upon a few 03:48:59 minutes' review here, it does appear that 03:49:03 they're all from Mr. Hirschler. It's a mix 03:49:05 of materials. 03:49:10 Q. Is it your understanding that these that 03:49:12 NFPA maintains these documents in its 03:49:16

A very those all appear to be typical from - 03-9923 1				
3	1	A. Yes, these all appear to be typical from 03:49:23	1	comments from anyone. 03:55:30
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1	Does NFPA at any point index the 04:01:06	1	the Code should contain a particular 04:05:51
2	original source of any of the changes that 04:01:14	2	requirement relating to the installation of 04:05:54
3	have become incorporated into the code over 04:01:25	3	arc fault circuit interrupters? Is that your 04:05:57
4	the course of multiple editions? 04:01:30	4	interpretation of this? 04:06:00
5	MR. REHN: Object to the form. 04:01:35	5	A. Based upon the form, it is a comment directly 04:06:05
6	Vague and ambiguous. 04:01:37	6	related to Proposal 2-105 and whatever that 04:06:08
7	A. Clarifying question from my perspective, what 04:01:39	7	was trying to accomplish, remove, add. I 04:06:13
8	do you mean by index? 04:01:42	8	don't have that part of the record in front 04:06:17
9	Q. Keep track of the to be able to identify 04:01:44	9	of me. 04:06:18
10	for any particular language, without looking 04:01:52	10	(Exhibit 1262 marked for 04:07:25
11	through every code, when that language first 04:01:56	11	identification.) 04:07:42
12	came into some edition of the code. 04:02:00	12	Q. Mr. Dubay, do you recognize Exhibit 1262 as 04:07:42
13	MR. REHN: Same objections. 04:02:05	13	a comment that NFPA has maintained in its 04:08:09
14	A. In general, no. At a high level, we keep 04:02:07	14	archives as part of its standards development 04:08:19
15	track of major technical changes from edition 04:02:11	15	process? 04:08:22
16	to edition to support our regional field 04:02:14	16	A. Yes, Exhibit 1262 appears to be typical and 04:08:28
17	team. 04:02:18	17	something from our archives. 04:08:39
18	Q. What do you mean by major technical changes? 04:02:20	18	Q. I have a question. What confidential 04:08:40
19	A. For example, when arc fault circuit 04:02:28	19	information is in this document? 04:08:44
20	interruption technology was introduced into 04:02:31	20	MR. REHN: I'll object to the extent 04:09:05
21	the NEC, we put together, changed documents 04:02:34	21	it calls for a legal opinion. The witness 04:09:07
22	and technical information to support our 04:02:38	22	can answer, based on his knowledge. 04:09:14
23	regional staff around the country. 04:02:40	23	A. Based upon my knowledge, all of our proposals 04:09:19
24	Q. Is that because they needed to know that 04:02:48	24	and comments are publicly available when 04:09:21
25	there was a new technical aspect to the code 04:02:50	25	submitted. So I'm not sure relating to 04:09:25
	Page 162		Page 164
1	that had not been there before? 04:02:57	1	I'm assuming you're referring to the footer. 04:09:29
2	MR. REHN: Object to the form. 04:03:03	2	Q. Yes. 04:09:31
3	A. The primary reason that we keep track of 04:03:06	3	A. I have no knowledge of that. 04:09:31
4	major technical changes is to develop 04:03:09	4	Q. Right. Do you see where this submitter 04:09:32
5	training and education materials so that 04:03:11	5	checked Box B under copyright assignment? 04:09:54
6	users can understand those requirements. 04:03:14	6	A. Yes, in Item 6 I see they selected Item B. 04:10:04
7	(Exhibit 1261 marked for 04:04:16	7	Q. Does NFPA reject comments and proposals that 04:10:08
8	identification.) 04:04:22	8	derive from non-original strike that. 04:10:14
9	Q. Mr. Dubay, I've handed you Exhibit 1261. Do 04:04:22	9	Does NFPA reject comments and 04:10:20
10	you recognize this as a comment that NFPA has 04:04:39	10	proposals from persons who indicate that they 04:10:23
11	maintained in its archives in connection with 04:04:45	11	did not author the text or other materials in 04:10:26
12	the standards development process? 04:04:47	12	the comments? 04:10:33
13	A. (Witness examines document) Yes, it appears 04:04:51	13	A. No. We have a strict policy of reviewing 04:10:35
14	that Exhibit 1261 is a typical archived, 04:04:56	14	each and every submission. And in this case, 04:10:38
15	looks like a comment on the 2008 NEC. 04:04:58	15	the example you've provided me, Exhibit 1262, 04:10:41
16	Q. This comment related to some requirement 04:05:04	16	Mr. Hammer does not actually provide any 04:10:44
17	pertaining to arc fault circuit interrupters 04:05:15	17	proposed changes or text to the document. 04:10:46
18	in the National Electrical Code, correct? 04:05:22	18	Q. Why do you believe there's a reference to 04:10:52
19	MR. REHN: Object to the form. 04:05:29	19	American Petroleum Institute in this 04:10:59
20	Lacks foundation. Assumes facts. 04:05:30	20	document? 04:11:04
21	A. My answer is based upon Item 4 where the 04:05:35	21	MR. REHN: Object to the form. It 04:11:07
22	submitter, Mr. Walls, says that discusses 04:05:38	22	may call for speculation. 04:11:09
23	the installation of arc fault circuit 04:05:41	23	A. In my personal opinion, he indicates right 04:11:10
24	interrupters. 04:05:44	24	above Line No. 1 that he represents the 04:11:14
1 - 1			value in the representation of it is in
25	O. This is a comment about the about whether 04:05:45	25	American Petroleum Institute. Therefore, it 04:11:16
25	Q. This is a comment about the about whether 04:05:45 Page 163	25	American Petroleum Institute. Therefore, it 04:11:16 Page 165

1 is my assumption that he submitted this on 04:11:20 1	grant and assign to the NFPA all and full 04:14:22
2 behalf of the American Petroleum Institute. 04:11:22 2	rights and copyright in the comment, and NFPA 04:14:24
3 Q. Does NFPA ask for permission from the 04:11:30	makes the comments publicly available, I 04:14:29
4 American Petroleum Institute to copy and 04:11:37 4	think you said, correct? 04:14:33
5 circulate comments submitted on its behalf? 04:11:40 5	MR. REHN: Object to the form. 04:14:34
6 A. We have a policy of reviewing each and every 04:11:53	6 A. NFPA, in the old process, makes all of the 04:14:40
7 one of these when they're submitted. And in 04:11:56 7	proposals and comments publicly available via 04:14:44
8 the event there was copyrighted material 04:11:59 8	the publication of a report on proposals and 04:14:47
9 being distributed, we would, as general 04:12:01 9	report on comments. 04:14:50
10 practice in our policies, contact to seek 04:12:04	Q. And this you don't understand this 04:15:14
11 permission before distributing that. 04:12:05	language at the bottom to be a grant and 04:15:22
12 And, again, to support my past 04:12:08 12	assignment of copyrights in the comment 04:15:25
13 statement, there doesn't appear to be any 04:12:11 13	3 itself? 04:15:28
14 proposed text. 04:12:13 14	MR. REHN: Object to the form. The 04:15:29
15 Q. Well, what there's a reference here, isn't 04:12:15	language speaks for itself. 04:15:31
16 there, to copyright in this comment? 04:12:21	Q. I'm just asking what you understand as the 04:15:33
17 MR. REHN: Object to the question, 04:12:29 17	person in charge of the standards development 04:15:35
18 to the form of the question. 04:12:33	3 process at NFPA. 04:15:37
19 Mischaracterizes the document. 04:12:34 19	A. My understanding 04:15:39
20 Q. It says, "I hereby grant and assign to the 04:12:36 20	MR. REHN: Object to the form of 04:15:40
21 NFPA all and full rights and copyright in 04:12:39 21	that question as well. 04:15:41
22 this comment." Isn't that what it says? 04:12:41 22	2 A. My understanding is that the forms require a 04:15:42
23 A. Similar to our proposal forms and our comment 04:12:58 23	signature, one, for archives and; two, to 04:15:45
24 forms, when someone submits specific text 04:13:02 24	address the intellectual property rights 04:15:48
25 changes, we require the signature. 04:13:05 25	associated with changes in the text within 04:15:50
Page 166	Page 168
1 In this case it appears the 04:13:09	our document. 04:15:52
2 Exhibit 1262 that you've chosen, Mr. Hammer 04:13:12 2	Q. That's your interpretation of the italicized 04:15:54
3 has just recommended that a proposal from the 04:13:20 3	-
4 ROP portion of our cycle be accepted with no 04:13:20 4	
5 proposed text. 04:13:21 5	-
6 Q. It doesn't say, "I grant and assign to the 04:13:24	-
7 NFPA all and full rights and copyright to 04:13:29 7	
8 proposed text changes," it says, "I hereby 04:13:30 8	
9 grant and assign to the NFPA all and full 04:13:33	
10 rights and copyright in this comment." 04:13:36	
Does it say anything in there about 04:13:42	
12 copyright and proposed changes? 04:13:44 12	2 appropriate for us to move forward with the 04:16:25
13 MR. REHN: Object to the form and 04:13:47 13	
object on the basis that it calls for a legal 04:13:50	Q. And you have no other interpretation of the 04:16:32
15 opinion. 04:13:52 15	-
16 Q. I'm just asking for your understanding. 04:13:54	
17 A. My understanding is they are completely 04:13:56 17	
18 disconnected. A proposal that recommends 04:13:57 18	, and the second
1 10 disconnected. A proposal that recommends 04:15:5/ 18	3 Q. Is that your testimony? 04:16:40
19 text and a comment that recommends action on 04:14:01 19	MR. REHN: Same objections, and 04:16:41
19 text and a comment that recommends action on 04:14:01 19 20 a proposal is the choice of the submitter to 04:14:04 20	MR. REHN: Same objections, and 04:16:41 asked and answered at this point as well. 04:16:44
19 text and a comment that recommends action on 04:14:01 19 20 a proposal is the choice of the submitter to 04:14:04 20 21 either recommend text or not. 04:14:07 21	MR. REHN: Same objections, and 04:16:41 asked and answered at this point as well. 04:16:44 A. I have no other interpretation. 04:16:47
19 text and a comment that recommends action on 04:14:01 19 20 a proposal is the choice of the submitter to 04:14:04 20 21 either recommend text or not. 04:14:07 21 22 But in either case our policy is 04:14:09 22	MR. REHN: Same objections, and 04:16:41 asked and answered at this point as well. 04:16:44 A. I have no other interpretation. 04:16:47 C. (Exhibit 1263 marked for 04:17:46
19 text and a comment that recommends action on 04:14:01 19 20 a proposal is the choice of the submitter to 04:14:04 20 21 either recommend text or not. 04:14:07 21 22 But in either case our policy is 04:14:09 22 23 that any public comments in any public 04:14:11 23	MR. REHN: Same objections, and 04:16:41 asked and answered at this point as well. 04:16:44 A. I have no other interpretation. 04:16:47 C. (Exhibit 1263 marked for 04:17:46 didentification.) 04:18:15
19 text and a comment that recommends action on 04:14:01 19 20 a proposal is the choice of the submitter to 04:14:04 20 21 either recommend text or not. 04:14:07 21 22 But in either case our policy is 04:14:09 22	MR. REHN: Same objections, and 04:16:41 asked and answered at this point as well. 04:16:44 A. I have no other interpretation. 04:16:47 (Exhibit 1263 marked for 04:17:46 identification.) 04:18:15 Q. Mr. Dubay, what is Exhibit 1263? 04:18:15

2 Code. 04:18-53 3 Q. bit your understanding that the material 04:18-53 inside the box under lem 4 is proposed new of 4:19-10 without seeing the proposal of record being 04:19-30 pelegislative text. So a portion of that may 04:19-40 proposal 2-132. Lecause the submitter did not use 04:19-36 proposal 2-132. Lecause the submitter did not use 04:19-36 proposal 2-132. Lecause the submitter of that may 04:19-30 proposal 2-132. Lecause the submitter of that may 04:19-30 proposal 2-132. Lecause the submitter of that may 04:19-30 proposal 2-132. Lecause the submitter of that may 04:19-30 proposal 2-132. Lecause the submitter of that may 04:19-30 proposal 2-132. Lecause the submitter of that may 04:19-30 proposal 2-132. Lecause the submitter of that may 04:19-30 proposal 2-132. Lecause the submitter of that may 04:19-30 proposal 2-132. Lecause the submitter of that may 04:19-30 proposal 2-132. Lecause that context means a 04:19-48 legislative text that context means a 04:19-48 language that the submitter of that of the submitter of the output that the UL materials, only indicated in her 04:24-36 submittation. O4:24-40 language that the submitter of the output that the UL materials, only indicated in her 04:24-36 language that the output that the UL materials, only indicated in her 04:24-36 language that the output that the UL materials, only indicated in her 04:24-36 language that the output that the UL materials, only indicated in her 04:24-36 language that the output that the UL materials, only indicated in her 04:24-36 language that the output that the UL materials, only indicated in her 04:24-36 language that the output that the UL materials, only indi	1	Mr. Skweres on the 2014 National Electrical 04:18:38	1	in her comment. Is that your interpretation 04:23:56
3 No. 1 sit your understanding that the material 04:18:53 4 inside the box under Item 4 is proposed new 04:19:10 5 voording? voiciwe, it's difficult to tell 04:19:30 6 A. Based upon my review, it's difficult to tell 04:19:30 7 viihout seeing the proposal of record being 04:19:31 8 2-132, because the submitter did not use 04:19:36 9 legislative text. So a portion of that may 04:19:40 10 rowray not have been included ulready in 04:19:43 11 Proposal 2-132.				• •
4				*
5 wording? 04:19:16 5 direct references to the LII, guidabook and 04:24:07 6 A. Based upon my roview, it's difficult to tell 04:19:30 6 it's subsequent to the UL guide information. 04:24:11 8 2-132, because the submitter did not use 04:19:36 7. O. She provided those references as 04:24:26 10 or may not have been included already in 04:19:49 9 above in Section 4, correct? 04:24:26 11 Proposal 2-132. 04:19:34 11 A. Based upon the submission, it does appear 04:24:34 12 Q. Legislative text in that context means a 04:19:48 12 A. Based upon the submission, it does appear 04:24:34 13 format for determining what has been added or 04:19:51 14 deleted; is that correct? 04:19:54 14 deleted; is that correct? 04:20:01 15 A. Yes, in general, strike through where you're 04:20:01 16 checked the references to the UL white book 04:24:43 18 Q. But it's not legislative text that one might 04:20:03 17 a. ding text and underline where you're 04:20:01 18 checked the references to the UL white book 04:24:54 18 checked the references to the UL white book 04:24:54 19 see from a legislature that says things like 04:20:03 18 clearly the submitter that says things like 04:20:03 18 clearly the submitter to get a 04:25:10 21 legislature? That's not what legislative text that one might 04:20:04 19 clearly the submitter to get a 04:25:11 22 been checked on this, corre				-
6 A. Based upon my review, it's difficult to tell				· · · · ·
2		6		-
8 2-132, because the submitter did not use 04-19-36 9 legislative text. So a portion of that may 04-19-40 9 above in Section 4, correct? 04-24-126 04-24-136 04-24-141 04-19-48 11 04-24-141 04-24-151 04-				
9 legislative text. So a portion of that may 04:19:40 10 or may not have been included already in 04:19:43 11 Proposal 2-132. 04:19-45 12 Q. Legislative text in that context means a 04:19-48 13 format for determining what has been added or 04:19-51 14 deleted; is that correct? 04:19-54 15 A. Yes, in general, strike through where you're 04:29-58 16 deleting text and underline where you're 04:29-58 17 adding text. 04:20-03 18 Q. But it's not legislative text that one might 04:20-03 18 Q. But it's not legislative that says things like 04:20-03 19 see from a legislature that says things like 04:20-03 19 legislature? That's not what legislative 04:20-14 20 language means in this text, correct? 04:20-14 21 legislature? That's not what legislative 04:20-14 22 language means in this text, correct? 04:20-15 23 MR. REID: Object to form. 04:20-17 24 A. It's legislative format as we give an example 04:20-19 25 MR. REID: Object to form. 04:20-17 26 Q. Doy us that says "new text" that's 04:20-03 27 be one checked on this, correct? 04:20-31 28 been checked on this, correct? 04:20-31 39 A. Based upon mer submission, it does appear 04:24:36 30 A. Based upon mers where varied and the problem, were 04:24:39 31 denote the problem, were 04:24:39 32 denote the extra dunderline where you're 04:20-03 34 A. Based upon mers where varied and the problem, were 04:24:39 35 Q. Does the text in the account of the problem, were 04:24:39 36 Q. Does the text in the form and to 04:25:01 37 A. Based upon mers where varied and the problem, were 04:24:39 38 A. Based upon mers where varied and the problem, were 04:24:39 39 A. Based upon mers where varied and the problem, were 04:24:43 30 C. Does where among the PTA has 04:24:45 4 hox for new text has been checked. 04:20:31 5 Q. Does the text in the comment has come 04:25:51 6 comment has come of those sources? 04:25:54 6 the text math of the problem, were 04:24:45 15 where Item B has been selected, our staff 04:25:18 16 verified the problem, were 04:25:16 17 Q. Does the text in the own deritem 4, 04				-
10				
11				
12 Q. Legislative text in that context means a 04:19:48 13 format for determining what has been added or 04:19:51 13 20 20 20 24:40 20 20 20 20 20 20 20	10			*
13 Format for determining what has been added or 04:19:51 14 deleted; is that correct?	11	•		-
14 deleted; is that correct? 04:19-54 15 A. Yes, in general, strike through where you're 04:19-58 16 deleting text and underline where you're 04:20-03 17 adding text. 04:20-03 18 Q. But it's not legislative that where you're 04:20-03 18 Q. But it's not legislative that where you're 04:20-03 19 see from a legislature that says things like 04:20-03 19 see from a legislature that says things like 04:20-06 19 see from a legislature that says things like 04:20-06 20 "be it resolved" or fancy language of the 04:20-08 21 legislature? That's not what legislative 04:20-14 22 language means in this text, correct? 04:20-16 23 MR KEHN: Object to form. 04:20-17 24 A. It's legislative format as we give an example 04:20-19 25 under Item 4. 04:20-20 26 D. Dos with text in the box under Item 4, 04:20-31 27 D. There's a box that says "new text" that's 04:20-32 28 been checked on this, correct? 04:20-31 3 A. Based upon my review Line Item 3, yes, the 04:20-36 4 box for new text has been checked. 04:20-36 5 Q. Dose the text in the box under Item 4, 04:20-36 6 conform to NFPA is manual of style? 04:20-35 7 A. I can say in general it appears that it does. 04:21-05 9 National Electrical Code, on our editorial 04:21-05 10 (Exhibit 1264 marked for 04:22-02 11 if it's completely compliant. 04:21-12 12 (Exhibit 1264 marked for 04:22-33 13 A. Esthibit 1264 appears to be an archival of a 04:22-33 14 Q. Can you please identify Exhibit 1264 or 04:20-32 15 A. Esthibit 1264 appears to be an archival of a 04:22-35 16 comment on the 2014 National Electrical Code. 04:23-33 17 Q. Do you see on Page 2 of the exhibit Option B 04:23-35 18 O. Doy on see on Page 2 of the chibit Option B 04:23-35 19 A. I do see Item 6, Copyright Assignment B has 04:23-35 19 A. I tay see a legislatur				-
15	13	format for determining what has been added or 04:19:51	13	
16 deleting text and underline where you're 04:20:01 16 and UL guide information to determine whether 04:24:57 24 20:06 19 20:06 19 20:06 19 20:06 19 20:06 20:06 19 20:06 20:	14		14	Q. Do you know whether anyone at NFPA has 04:24:51
17	15	A. Yes, in general, strike through where you're 04:19:58	15	checked the references to the UL white book 04:24:54
18 Q. But it's not legislative text that one might 04:20:03 18 from one of those sources? 04:25:02 04:25:13 05 05 05 05 05 05 05 0	16	deleting text and underline where you're 04:20:01	16	and UL guide information to determine whether 04:24:57
19 See from a legislature that says things like 04:20:06 19 A. I can't speak specifically to this one 04:25:13 20 "be it resolved" or fancy language of the 04:20:08 20 comment, but our policy is that, in this case 04:25:15 21 legislature? That's not what legislative 04:20:16 22 where Item B has been selected, our staff 04:25:21 22 language means in this text, correct? 04:20:17 23 clear picture of what the intent was and what 04:25:21 23 MR. REHN: Object to form. 04:20:19 24 they were submitting to be considered in 04:25:21 24 A. It's legislative format as we give an example 04:20:19 25 they were submitting to be considered in 04:25:21 25 mufer Item 4. 04:20:23 25 front of the committee, especially since in 04:25:31 26 Page 170 7 appears that Ms. Dwyer or Mr. Dryer works for 04:25:31 27 Page 172 1 appears that Ms. Dwyer or Mr. Dryer works for 04:25:33 28 been checked on this, correct? 04:20:31 2 appears that Ms. Dwyer or Mr. Dryer works for 04:25:33 30 A. Based upon my review Line Item 3, yes, the 04:20:35 4 from other organizations for the text that in 04:25:44 4 box for new text has been checked. 04:20:33 4 from other organizations for the text that in 04:25:45 5 Conform to NFPA's manual of style? 04:20:45 6 MR. REHN: Object to the form and to 04:25:55 6 MR. REHN: Object to the form and to 04:25:55 6 MR. REHN: Object to the form and to 04:25:55 7 A. I can say in general it appears that it does. 04:21:01 7 7 the extent the question calls for legal 04:25:56 8 However, I would rely, because it's a 04:21:04 8 opinion. 04:25:58 9 National Electrical Code, on our editorial 04:21:05 9 Q. Actually, I will withdraw the question. 04:25:58 10 team and our actual NEC manual style to see 04:22:07 13 detentification.) 04:22:27 13 detentification.) 04:22:27 14 MR. REHN: A	17	adding text. 04:20:03	17	any of the language in the comment has come 04:25:00
20	18	Q. But it's not legislative text that one might 04:20:03	18	from one of those sources? 04:25:02
1 legislature? That's not what legislative 04:20:14 22 language means in this text, correct? 04:20:16 23 would have contacted the submitter to get a 04:25:24 04:25:24 04:25:24 04:25:25 04:25:27 04:20:19 24 they were submitting to be considered in 04:25:27 04:25:27 o4:20:31 Page 170 04:25:31 Page 172 04:25:33 O4:25:34 O4:25:34 O4:25:34 O4:25:35 O4:25:34 O4:25:35 O4:25:34 O4:25:35 O4:25	19	see from a legislature that says things like 04:20:06	19	A. I can't speak specifically to this one 04:25:13
22 language means in this text, correct? 04:20:16 22 would have contacted the submitter to get a 04:25:24 23 MR. REHN: Object to form. 04:20:17 23 clear picture of what the intent was and what 04:25:24 24 A. It's legislative format as we give an example 04:20:19 25 under Item 4. 04:20:20 Page 170 25 under Item 4. 04:20:20 Page 170 25 front of the committee, especially since it 04:25:31 Page 172 1 Q. There's a box that says "new text" that's 04:20:23 26 been checked on this, correct? 04:20:31 27 Wells Fargo and not UL. 04:25:38 04:25:34 from other organizations for the text that it 04:25:38 04:25:44 from other organizations for the text that it 04:25:48 incorporates in the National Electrical Code, 04:25:55 other was and our actual NEC manual style to see 04:21:09 04:25:58 04:20:30 04:25:27 04:26:00 04:25:58 04:25:31 04:25:31 04:25:31 04:25:31 04:25:31 04:25:31 04:25:31 04:25:31 04:25:35 04:25:31 04:25:35 04:2	20	"be it resolved" or fancy language of the 04:20:08	20	comment, but our policy is that, in this case 04:25:15
23	21	legislature? That's not what legislative 04:20:14	21	where Item B has been selected, our staff 04:25:18
24 A. It's legislative format as we give an example of 2.20:19 under Item 4. 24 they were submitting to be considered in 04:25:27 04:25:21 front of the committee, especially since it 04:25:31 Page 172 1 Q. There's a box that says "new text" that's 04:20:23 been checked on this, correct? 04:20:31 04:20:33 04:25:38 1 appears that Ms. Dwyer or Mr. Dryer works for 04:25:33 04:25:33 04:25:38 04:25:44 from other organizations for the text that it 04:25:48 incorporates in the National Electrical Code; 04:25:51 04:25:55 04:25:56 04:25:56 04:25:56 04:25:56 04:25:56 04:25:56 04:25:58 04:25:25 04:25:2	22	language means in this text, correct? 04:20:16	22	would have contacted the submitter to get a 04:25:21
25	23	MR. REHN: Object to form. 04:20:17	23	clear picture of what the intent was and what 04:25:24
Page 172 Page 172 Page 172 Page 172	24	A. It's legislative format as we give an example 04:20:19	24	they were submitting to be considered in 04:25:27
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guide information? 04:23:39 22 in the National Electrical Code? 04:26:26 23 A. That appears to be the statement. 04:23:45 24 Q. And so that appears to be the source of some 04:23:46 25 of the material that Ms. Dwyer has provided 04:23:50 26 include another organization's language 04:26:37				· · · · · · · · · · · · · · · · · · ·
23 A. That appears to be the statement. 04:23:45 23 Q. The second. 04:26:27 24 Q. And so that appears to be the source of some 04:23:46 24 A. I'm not aware of ever having a request to 04:26:35 25 of the material that Ms. Dwyer has provided 04:23:50 25 include another organization's language 04:26:37				-
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25 of the material that Ms. Dwyer has provided 04:23:50 25 include another organization's language 04:26:37		Tr	1	V.12012,
, 1		O. And so that appears to be the source of some 04:23:46	24	A. I'm not aware of ever having a request to 04:26:35
1 ugc 1/3	24			

1	within the NEC. Specifically, across all of 04:26:42	1	those public records. 04:29:43
2	our standards, we either, as a general common 04:26:44	2	Q. So how many times is your best estimate that 04:29:46
3	understanding that and accepted across our 04:26:47	3	NFPA has contacted the owners of copyrighted 04:29:48
4	committees and submitters, that when they 04:26:51	4	material that the people have contributed to 04:29:53
5	propose new text within our process, that it 04:26:53	5	the NFPA standards development process? 04:29:58
6	becomes part of NFPA's intellectual property, 04:26:55	6	MR. REHN: Same objection. Asked 04:30:00
7	it becomes part of our published standards 04:26:59	7	and answered as well. 04:30:02
8	and I don't believe I've had that request. 04:27:01	8	A. I would speculation on my part in my 04:30:07
9	Q. So even if the language originated with 04:27:05	9	tenure, I would say nothing shy of tens of 04:30:11
10	another organization, it's your statement 04:27:09	10	thousands of times. 04:30:14
11	that it becomes part of the NFPA's 04:27:12	11	Q. What records does NFPA have of its contacts 04:30:16
12	intellectual property by being submitted into 04:27:14	12	to owners of copyrighted material that 04:30:22
13	the standards development process? 04:27:18	13	persons have proposed for incorporation in 04:30:27
14	MR. REHN: Object to the form. 04:27:20	14	NFPA's codes and standards? 04:30:32
15	Mischaracterizes the testimony. May call for 04:27:22	15	MR. REHN: Object to the form. 04:30:36
16	a legal opinion. May call for speculation. 04:27:25	16	There's some embedded legal conclusions in 04:30:38
17	A. In my personal opinion, I would say no. We 04:27:31	17	these questions. The witness can answer to 04:30:40
18	would contact an organization as soon as we 04:27:34	18	the extent he understands. 04:30:43
19	identified any potential copyright text being 04:27:37	19	A. The best way I can answer that question is 04:30:49
20	submitted as well as the submitter, knowing 04:27:40	20	that currently and in recent history, as we 04:30:52
21	that they didn't have the authority to 04:27:42	21	identify those documents, we attach a chain 04:30:55
22	release copyright of said material. 04:27:45	22	of information. It could be an e-mail, a 04:31:01
23	Q. How often in your tenure at NFPA has NFPA 04:27:48	23	letter correspondence with the originator to 04:31:03
24	contacted any other organizations regarding 04:27:56	24	say what we can and can't do with that 04:31:06
25	potential copyright text that has come into 04:28:04	25	material. Historically, I cannot speak to 04:31:07
	Page 174		Page 176
1	the process of developing a particular 04:28:06	1	going back. 04:31:11
2	standard? 04:28:19	2	Q. Where does NFPA maintain that chain of events 04:31:16
3	MR. REHN: Object to the form. 04:28:26	3	in its records? 04:31:23
1			
4	A. I can't speak to a specific number, but given 04:28:33	4	A. We maintain that chain of information, to the 04:31:26
4 5		4 5	A. We maintain that chain of information, to the 04:31:26 best of my knowledge, in our original 04:31:32
	that we get tens of thousands of proposed 04:28:35		best of my knowledge, in our original 04:31:32
5	that we get tens of thousands of proposed 04:28:35 changes every year and any time there's 04:28:38	5	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34
5 6 7	that we get tens of thousands of proposed 04:28:35 changes every year and any time there's 04:28:38 attached supporting material or there's 04:28:41	5 6	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38
5 6	that we get tens of thousands of proposed 04:28:35 changes every year and any time there's 04:28:38 attached supporting material or there's 04:28:41 references to copyright material or there are 04:28:44	5 6 7	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44
5 6 7 8	that we get tens of thousands of proposed 04:28:35 changes every year and any time there's 04:28:38 attached supporting material or there's 04:28:41 references to copyright material or there are 04:28:44 references to selecting the alternative 04:28:46	5 6 7 8	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47
5 6 7 8 9	that we get tens of thousands of proposed 04:28:35 changes every year and any time there's 04:28:38 attached supporting material or there's 04:28:41 references to copyright material or there are 04:28:44 references to selecting the alternative 04:28:46 copyright statement, it is our policy that 04:28:50	5 6 7 8 9	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48
5 6 7 8 9 10 11	that we get tens of thousands of proposed 04:28:35 changes every year and any time there's 04:28:38 attached supporting material or there's 04:28:41 references to copyright material or there are 04:28:44 references to selecting the alternative 04:28:46 copyright statement, it is our policy that 04:28:50	5 6 7 8 9 10	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52
5 6 7 8 9 10 11 12	that we get tens of thousands of proposed 04:28:35 changes every year and any time there's 04:28:38 attached supporting material or there's 04:28:41 references to copyright material or there are 04:28:44 references to selecting the alternative 04:28:46 copyright statement, it is our policy that 04:28:50 each and every one of those submitters be 04:28:52 contacted to determine whether NFPA has the 04:28:54	5 6 7 8 9 10 11 12	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55
5 6 7 8 9 10 11 12 13	that we get tens of thousands of proposed 04:28:35 changes every year and any time there's 04:28:38 attached supporting material or there's 04:28:41 references to copyright material or there are 04:28:44 references to selecting the alternative 04:28:46 copyright statement, it is our policy that 04:28:50 each and every one of those submitters be 04:28:52 contacted to determine whether NFPA has the 04:28:54 authority or not to utilize that material, 04:28:58	5 6 7 8 9 10 11 12 13	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56
5 6 7 8 9 10 11 12 13 14	that we get tens of thousands of proposed changes every year and any time there's o4:28:38 attached supporting material or there's o4:28:41 references to copyright material or there are o4:28:44 references to selecting the alternative o4:28:46 copyright statement, it is our policy that o4:28:50 each and every one of those submitters be o4:28:52 contacted to determine whether NFPA has the o4:28:54 authority or not to utilize that material, o4:28:58 even in the distribution of our technical o4:29:01	5 6 7 8 9 10 11 12 13 14	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56 record? 04:31:58
5 6 7 8 9 10 11 12 13 14 15	that we get tens of thousands of proposed changes every year and any time there's o4:28:38 attached supporting material or there's o4:28:41 references to copyright material or there are o4:28:44 references to selecting the alternative o4:28:46 copyright statement, it is our policy that o4:28:50 each and every one of those submitters be o4:28:52 contacted to determine whether NFPA has the o4:28:54 authority or not to utilize that material, o4:28:58 even in the distribution of our technical o4:29:01 committees. o4:28:38 04:28:41 references to copyright material or there are o4:28:44 references to selecting the alternative o4:28:50 each and every one of those submitters be o4:28:52 contacted to determine whether NFPA has the o4:28:58 even in the distribution of our technical o4:29:01	5 6 7 8 9 10 11 12 13 14 15	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56 record? 04:31:58 A. Any material that required permission before 04:32:01
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5 6 7 8 9 10 11 12 13 14 15 16 17	that we get tens of thousands of proposed changes every year and any time there's o4:28:38 attached supporting material or there's o4:28:41 references to copyright material or there are o4:28:44 references to selecting the alternative o4:28:46 copyright statement, it is our policy that o4:28:50 each and every one of those submitters be o4:28:52 contacted to determine whether NFPA has the o4:28:54 authority or not to utilize that material, o4:28:58 even in the distribution of our technical o4:29:01 committees. o4:29:03 Q. How many times in your tenure at NFPA has o4:29:03 NFPA contacted the sources of that material o4:29:07	5 6 7 8 9 10 11 12 13 14 15 16	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56 record? 04:31:58 A. Any material that required permission before 04:32:01 we either posted it to our website, 04:32:03 distributed to our committee or made it 04:32:06
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5 6 7 8 9 10 11 12 13 14 15 16 17 18	that we get tens of thousands of proposed changes every year and any time there's o4:28:38 attached supporting material or there's o4:28:41 references to copyright material or there are o4:28:44 references to selecting the alternative o4:28:46 copyright statement, it is our policy that o4:28:50 each and every one of those submitters be o4:28:52 contacted to determine whether NFPA has the o4:28:54 authority or not to utilize that material, o4:28:58 even in the distribution of our technical o4:29:01 committees. o4:29:03 Q. How many times in your tenure at NFPA has o4:29:07 for permission to include any of that material in NFPA's codes and standards? o4:29:18	5 6 7 8 9 10 11 12 13 14 15 16 17 18	best of my knowledge, in our original 04:31:32 documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56 record? 04:31:58 A. Any material that required permission before 04:32:01 we either posted it to our website, 04:32:03 distributed to our committee or made it 04:32:06 publicly available. 04:32:09 Q. Where does NFPA maintain the documents 04:32:09
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	that we get tens of thousands of proposed changes every year and any time there's changes every year and any time there's d4:28:38 attached supporting material or there's o4:28:41 references to copyright material or there are d4:28:44 references to selecting the alternative o4:28:46 copyright statement, it is our policy that o4:28:50 each and every one of those submitters be o4:28:52 contacted to determine whether NFPA has the o4:28:54 authority or not to utilize that material, o4:28:58 even in the distribution of our technical o4:29:01 committees. o4:29:03 Q. How many times in your tenure at NFPA has o4:29:03 NFPA contacted the sources of that material o4:29:16 material in NFPA's codes and standards? o4:29:18 MR. REHN: Object to the form. o4:29:26	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	best of my knowledge, in our original doumentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56 record? 04:31:58 A. Any material that required permission before 04:32:01 we either posted it to our website, 04:32:03 distributed to our committee or made it 04:32:06 publicly available. 04:32:09 Q. Where does NFPA maintain the documents 04:32:09 relating to the permissions it has received 04:32:13
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	that we get tens of thousands of proposed changes every year and any time there's o4:28:38 attached supporting material or there's o4:28:41 references to copyright material or there are o4:28:44 references to selecting the alternative o4:28:46 copyright statement, it is our policy that o4:28:50 each and every one of those submitters be o4:28:52 contacted to determine whether NFPA has the o4:28:54 authority or not to utilize that material, o4:28:58 even in the distribution of our technical o4:29:01 committees. o4:29:03 Q. How many times in your tenure at NFPA has o4:29:03 NFPA contacted the sources of that material o4:29:07 for permission to include any of that o4:29:16 material in NFPA's codes and standards? o4:29:18 MR. REHN: Object to the form. o4:29:26 A. Again, a number is very difficult. To the o4:29:28	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	best of my knowledge, in our original doumentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56 record? 04:31:58 A. Any material that required permission before 04:32:01 we either posted it to our website, 04:32:03 distributed to our committee or made it 04:32:06 publicly available. 04:32:09 Q. Where does NFPA maintain the documents 04:32:09 relating to the permissions it has received 04:32:13 in that process? 04:32:19
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that we get tens of thousands of proposed changes every year and any time there's 04:28:38 attached supporting material or there's 04:28:41 references to copyright material or there are 04:28:44 references to selecting the alternative 04:28:46 copyright statement, it is our policy that 04:28:50 each and every one of those submitters be 04:28:52 contacted to determine whether NFPA has the 04:28:54 authority or not to utilize that material, 04:28:58 even in the distribution of our technical 04:29:01 committees. 04:29:03 Q. How many times in your tenure at NFPA has 04:29:03 NFPA contacted the sources of that material 04:29:07 for permission to include any of that 04:29:16 material in NFPA's codes and standards? 04:29:18 MR. REHN: Object to the form. 04:29:26 A. Again, a number is very difficult. To the 04:29:33	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	best of my knowledge, in our original documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56 record? 04:31:58 A. Any material that required permission before 04:32:01 we either posted it to our website, 04:32:03 distributed to our committee or made it 04:32:06 publicly available. 04:32:09 Q. Where does NFPA maintain the documents 04:32:09 relating to the permissions it has received 04:32:13 in that process? 04:32:19 A. Within our revision archive for each edition 04:32:24
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	that we get tens of thousands of proposed changes every year and any time there's o4:28:38 attached supporting material or there's o4:28:41 references to copyright material or there are o4:28:44 references to selecting the alternative o4:28:46 copyright statement, it is our policy that o4:28:50 each and every one of those submitters be o4:28:52 contacted to determine whether NFPA has the o4:28:54 authority or not to utilize that material, o4:28:58 even in the distribution of our technical o4:29:03 Q. How many times in your tenure at NFPA has o4:29:03 NFPA contacted the sources of that material o4:29:16 material in NFPA's codes and standards? o4:29:18 MR. REHN: Object to the form. o4:29:26 A. Again, a number is very difficult. To the o4:29:33 each and every time we contact that source, o4:29:35	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	best of my knowledge, in our original documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56 record? 04:31:58 A. Any material that required permission before 04:32:01 we either posted it to our website, 04:32:03 distributed to our committee or made it 04:32:06 publicly available. 04:32:09 Q. Where does NFPA maintain the documents 04:32:09 relating to the permissions it has received 04:32:13 in that process? 04:32:19 A. Within our revision archive for each edition 04:32:24 of the document. 04:32:28
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	that we get tens of thousands of proposed changes every year and any time there's 04:28:38 attached supporting material or there's 04:28:41 references to copyright material or there are 04:28:44 references to selecting the alternative 04:28:46 copyright statement, it is our policy that 04:28:50 each and every one of those submitters be 04:28:52 contacted to determine whether NFPA has the 04:28:54 authority or not to utilize that material, 04:28:58 even in the distribution of our technical 04:29:01 committees. 04:29:03 Q. How many times in your tenure at NFPA has 04:29:03 NFPA contacted the sources of that material 04:29:07 for permission to include any of that 04:29:16 material in NFPA's codes and standards? 04:29:18 MR. REHN: Object to the form. 04:29:26 A. Again, a number is very difficult. To the 04:29:33	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	best of my knowledge, in our original documentation that's behind each cycle, so 04:31:34 our archive information. So, for example, a 04:31:38 public input that had a reference to a 04:31:44 copyrighted report, that report will be part 04:31:47 of the record for that individual proposed 04:31:48 change. 04:31:52 Q. When you say "that report," you mean that 04:31:55 copyrighted report would be part of the 04:31:56 record? 04:31:58 A. Any material that required permission before 04:32:01 we either posted it to our website, 04:32:03 distributed to our committee or made it 04:32:06 publicly available. 04:32:09 Q. Where does NFPA maintain the documents 04:32:09 relating to the permissions it has received 04:32:13 in that process? 04:32:19 A. Within our revision archive for each edition 04:32:24

1	department. 04:32:42	1	and of persons submitting proposals and 04:35:34
2	Q. Who, within the codes and standards 04:32:42	2	comments? 04:35:37
3	administration department, is in charge of 04:32:46	3	MR. REHN: Object to the form. 04:35:38
4	maintaining those records? 04:32:47	4	Ambiguous. 04:35:39
5	A. There's actually a team of people called our 04:32:49	5	A. Given our policy of reviewing each and every, 04:35:44
6	project administrators. 04:32:54	6	speaking of the National Electrical Code, 04:35:48
7	Q. Who's in charge of the project 04:32:58	7	5 to 7,000 proposals and comments each cycle 04:35:50
8	administrators? 04:33:01	8	and verifying the copyright requirements 04:35:53
9	A. The manager of that group is Patrick Foley. 04:33:02	9	within those proposals and comments, I'm not 04:35:56
10	Q. Approximately how many permissions from other 04:33:06	10	aware of any. 04:35:58
11	copyright holders did NFPA obtain for 04:33:09	11	Q. By the way, have you ever been made aware of 04:36:15
12	material contained in the current edition of 04:33:13	12	any typographical errors in 04:37:19
13 14	NFPA's National Electrical Code? 04:33:16	13	published comments strike that. 04:37:20 Have you ever been made aware of any 04:37:24
	MR. REHN: I'll object to the form 04:33:23	14	typographical errors in published editions of 04:37:26
15 16	again here and some of the embedded legal 04:33:24 conclusions. But, again, the witness may 04:33:26	15 16	
	, ,	17	the National Electrical Code? 04:37:30 MR. REHN: I believe this is outside 04:37:37
17 18	1	18	the scope of the notice topics, but the 04:37:39
19	A. To the best of my knowledge, I'm not aware of 04:33:30 any permissions that were required for the 04:33:32	19	witness can answer if he knows as an 04:37:41
20	text within the National Electrical Code 04:33:35	20	individual. 04:37:43
20	other than those normal releases on our 04:33:38	21	
22	proposals and comment forms. 04:33:41	22	A. I'm aware at times when we publish documents, 04:37:46 we do make publication errors and we, in 04:37:49
23	Q. So it's your testimony that within the entire 04:33:42	23	those cases, publish erratas. 04:37:51
24	National Electrical Code, no text had as its 04:33:46	24	Q. Where does the NFPA publish the errata? 04:37:54
25	source some copyright owner other than 04:33:54	25	MR. REHN: Same objection as to the 04:37:59
23	Page 178	23	Page 180
1	persons who participated in the standards 04:34:04	1	scope of the topics, but you can answer if 04:38:00
2	development process or made proposals or 04:34:09	2	you have an understanding. 04:38:04
3	comments and signed the copyright language 04:34:14	3	A. We post those on our doc info pages as well 04:38:05
4	that NFPA furnishes them. Is that your 04:34:18	4	as integrate those erratas into the next 04:38:09
5	testimony? 04:34:21	5	production run of the National Electrical 04:38:12
6	MR. REHN: Object to the form. 04:34:21	6	Code. 04:38:16
7	Mischaracterizes the testimony. 04:34:24	7	Q. What, if anything, does NFPA do to notify 04:38:16
8	A. To the best of my knowledge, I'm not aware of 04:34:28	8	earlier purchasers of its codes and standards 04:38:22
9	any text within the current edition of the 04:34:30	9	about the existence of the errata? 04:38:27
10	National Electrical Code that is has its 04:34:33	10	MR. REHN: Same objection as to 04:38:33
11	copyright held by another organization. 04:34:36	11	scope. 04:38:34
12	Q. I'm not asking about copyright held by other 04:34:38	12	A. We have two mechanisms of notifying. Number 04:38:39
13	organizations, just text that comes from 04:34:42	13	one is through our website where we post 04:38:42
14	another copyright owner. 04:34:44	14	information on our doc info pages and every 04:38:45
15	MR. REHN: Again, object to the 04:34:46	15	user has the ability to sign up for an "alert 04:38:49
16	form. It's vague. 04:34:48	16	me" which gives them an automatic notice of 04:38:52
17	A. I'm not aware of any text in the current 04:34:55	17	changes relating to whatever document they've 04:38:54
18	edition of the National Electrical Code where 04:34:57	18	signed up on. 04:38:56
19	the copyright is held by anyone but the 04:35:00	19	And each and every purchase of a 04:38:57
20	National Fire Protection Association. 04:35:06	20	document, part of the invoice includes 04:39:00
21	Q. Are you aware of any text in the National 04:35:07	21	notices of where to do that, to sign up for 04:39:02
22	Electrical Code that has come from any 04:35:10	22	those alerts as well as other information on 04:39:05
23	ultimate source other than someone who has 04:35:17	23	those documents, where to obtain that 04:39:09
24	signed the copyright documentation that NFPA 04:35:25	24	material. 04:39:12
25	requires of the technical committee members 04:35:30	25	Q. Why do you notify people of the errata? 04:39:14
	Page 179		Page 181

MR. REFIN: Object to the form of the .043-920 1				
3		MR. REHN: Object to the form of the 04:39:18		
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the erratin in its codes and standards? 04-39-24 MR. REIN: III object to the form 04-39-27 of the question and again, III object as to 04-39-32 the scope is outside the scope of the notice 04-39-32 the scope is outside the scope of the notice 04-39-34 of the scope is outside the scope of the notice 04-39-34 of the scope is outside the scope of the notice 04-39-34 of the scope is outside the scope of the notice 04-39-34 of the scope is outside the scope of the notice 04-39-34 of the scope is outside the scope of the notice 04-39-34 of the scope is outside the scope of the notice 04-39-34 of the scope is outside the scope of the notice 04-39-34 of the scope is outside the scope of any topics 04-42-17 of the scope is outside the scope of any topic 04-42-17 of the scope is outside the scope of any topics 04-42-17 of the scope is outside the scope of any topics 04-42-17 of the scope is outside the scope of any topics 04-42-17 of the scope is outside the scope of any topics 04-42-17 of which this witness was ceigrated. But the 04-42-29 which this witness was referred, for 04-42-21 which this witness was referred, for 04-42-22 which this witness was referred, for 04-42-23 the questioning outside the scope of any topics 04-42-21 which this witness was referred, for 04-42-22 which this witness was referred, for 04-42-22 which this witness was referred, for 04-42-23 III are you become aware of any errors 04-42-23 III are you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-42-23 III alwe you become aware of any errors 04-	3		3	
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7	5		5	
8 the scope is outside the scope of the notice 04:39:32 9 topics. The witness can answer if he knows. 04:39:34 10 A. I believe it relates to our same decision of 04:39:36 11 around providing free access to all of our 04:39:46 11 20 codes and standard. 04:39:46 12 codes and standard. 04:39:46 12 codes and standards to be aware of the 04:39:48 12 codes and standards to be aware of the 04:39:48 14 codes and standards to be aware of the 04:39:48 15 requirements and be able to understand them. 04:39:51 15 And in the event of an errata, we want to 04:39:55 16 And in the event of an errata, we want to 04:39:55 17 make sure they are aware of that as well. 04:39:58 18 in the National Electrical Code? 04:40:01 20 MR. REHN: Same objection as to 04:40:04 21 scope. 04:40:40 12 scope. 04:40:40 12 MR. REHN: Same objection as to 04:40:10 24 MR. REHN: Same objection as to 04:40:10 25 A. No. 04:40:11 Page 182 1 scope. Argumentative, Vague. 04:40:21 2 MR. REHN: Same objection as to 04:40:40:32 14 MR. REHN: Same objection as to 04:40:40:32 15 C. A. No. the number is not important. 04:40:32 16 MR. REHN: Same objection as to 04:40:10 24 MR. REHN: Same objection as to 04:40:10 25 MR. REHN: Same objection as to 04:40:10 26 MR. REHN: Same objection as to 04:40:10 27 MR. REHN: Same objection as to 04:40:10 29 MR. REHN: Same objection as to 04:40:12 And the extended legal conclusions in this of 04:42:54 17 compound. 04:40:43 18 (Exhibit 1265 marked for 04:43:31 14 that, in NFPA's other codes and standards, apart 04:40:43 18 (Exhibit 1265 marked for 04:43:35 14 that, in NFPA's other codes and standards, apart 04:40:11 16 18 as migrated by our publication process, at times 04:41:14 17 indication of the new text check box on 04:44:19 17 indication of the new text check box on 04:44:19 18 as andards. 04:41:13 18 andards. 04:41:13 18 And there have been errata in other standards? 04:41:13 18 And there have been errata in other standards? 04:41:13 18 And there have been errata in other standards? 04:41:13 18 And there have been errata in other	6		6	incorporated into law by the defendant in 04:42:09
10			7	
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12 codes and standard. O4:39:45	10	A. I believe it relates to our same decision 04:39:36	10	·
13 We want anyone who's impacted by our 04:39:46 14 codes and standards to be aware of the 04:39:48 15 requirements and be able to understand them 04:39:55 16 And in the event of an errata, we want to 04:39:55 16 And in the event of an errata, we want to 04:39:55 17 make sure they are aware of that as well. 04:39:58 18 the question a little differently. 04:23:37 the question a little differently. 04:42:37 the question a little differently. 04:42:39 the question a little differently. 04:42:37 the question all of the question a little differently. 04:42:37 the question all of the question all of the question and the value and part of the postings of NPA's standards that have 04:42:37 the question all of the question all of the question all of the postings of NPA's as a manufaction and part of the postings of NPA's as a manufaction and part of the postings of NPA's as			11	which this witness was designated. But the 04:42:22
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16	14	codes and standards to be aware of the 04:39:48	14	Q. I think I misspoke, so I'm going to re-ask 04:42:33
17	15	requirements and be able to understand them. 04:39:51	15	the question a little differently. 04:42:35
18 Q. Do you know how many errata there have been 04/39/58 19 in the National Electrical Code? 04/40/01 20 MR. REHN: Same objection as to 04/40/05 21 scope. 04/40/05 22 scope. 04/40/05 23 connection. The witness may answer if he 04/42/35 24 MR. REHN: Same objection as to 04/40/10 24 knows. 04/42/35 25 A. No. 04/40/11 Page 182 25 A. No. 04/40/11 Page 182 26 MR. REHN: Same objection as to 04/40/12 27 28 A. No. 04/40/11 Page 182 27 A. No. 04/40/11 Page 182 28 A. To the best of my knowledge, I believe we did 04/42/55 A. To the best of my knowledge, I believe we did 04/42/56 A. To	16	And in the event of an errata, we want to 04:39:55	16	Have you become aware of any errors 04:42:37
19 in the National Electrical Code? 04:40:01 20 MR. REHN: Same objection as to 04:40:04 21 scope. 04:40:07 22 A. No. 04:40:07 23 Q. Do you have an estimate? 04:40:07 24 MR. REHN: Same objection. 04:40:10 25 A. No. 04:40:11 26 MR. REHN: Same objection. 04:40:10 27 MR. REHN: Same objection. 04:40:10 28 MR. REHN: Same objection. 04:40:10 29 MR. REHN: Same objection. 04:40:10 20 MR. REHN: Same objection. 04:40:10 21 Sovepe. Argumentative. Vague. 04:40:12 22 MR. REHN: Same objection as to 04:40:19 23 scope. Argumentative. Vague. 04:40:20 24 A. No, the number is not important. 04:40:32 25 A. To the best of my knowledge, I believe we did 04:42:54 26 Page 184 27 Page 182 28 Page 184 29 MR. REHN: Same objection as to 04:40:19 30 scope. Argumentative. Vague. 04:40:40:40 40 A. No, the number is not important. 04:40:32 41 A. No, the number is not important. 04:40:34 42 A. No, the number is not important. 04:40:34 43 in NFPA's other codes and standards, apart 04:40:47 45 from the National Electrical Code? 04:40:55 46 MR. REHN: Same objection as to the 04:40:57 47 Have there been errors in NFPA's - strike 04:40:47 48 in NFPA's other codes and standards, apart 04:40:47 49 from the National Electrical Code? 04:40:55 40 MR. REHN: Same objection as to the 04:40:57 41 Scope of the topics. Witness can answer. 04:41:00 41 Electrical Code? 04:41:04 41 Electrical Code? 04:41:16 42 A. Yes, the errata process applies to all of our 04:41:11 43 Q. As to my earlier questions about the National 04:41:11 44 Electrical Code? 04:41:16 45 MR. REHN: Objection as to form. 04:41:12 46 It's ambiguous. 04:41:12 57 And there have been errata in other standards 04:41:31 58 tandards. 04:41:25 59 Q. And there have been errata in other standards 04:41:11 50 MR. REHN: Objection as to form. 04:41:41 51 (Ekhibit 1265 marked for 04:44:35) 51 (Ekhibit 1266 marked for 04:44:53) 51 (Ekhibit 1266 marked for 04:44:54) 51 (Ekhibit 1266 marked for 04:	17	make sure they are aware of that as well. 04:39:58	17	in the postings of NFPA's standards that have 04:42:39
20 MR. REHN: Same objection as to 04:40:04 21 scope of this topic. There's also some 04:42:46 22 scope of this topic. There's also some 04:42:47 22 embedded legal conclusions in this 04:42:50 23 connection. The witness may answer if he 04:42:52 24 MR. REHN: Same objection 04:40:10 24 knows 04:42:54 Page 182 25 A. No. 04:40:11 26 MR. REHN: Same objection as to 04:40:10 27 MR. REHN: Same objection as to 04:40:10 28 MR. REHN: Same objection as to 04:40:19 29 of the Next Conpound.	18	Q. Do you know how many errata there have been 04:39:58	18	been incorporated into law by the defendant 04:42:43
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23 Q. Do you have an estimate? 04:40:07 24 MR. REHN: Same objection. 04:40:10 25 A. No. 04:40:11 26 Page 182 27 Page 182 28 A. No. 04:40:12 29 MR. REHN: Same objection as to 04:40:12 20 MR. REHN: Same objection as to 04:40:12 21 MR. REHN: Same objection as to 04:40:12 22 MR. REHN: Same objection as to 04:40:20 33 scope. Argumentative. Vague. 04:40:32 44 A. No, the number is not important. 04:40:32 45 A. No. 04:40:12 46 A. No, the number is not important. 04:40:32 46 A. No, the number is not important. 04:40:32 47 Have there been errors in NFPA's strike 04:40:34 48 in NFPA's other codes and standards, apart 04:40:47 49 from the National Electrical Code? 04:40:55 10 MR. REHN: Same objection as to the 04:40:57 11 scope of the topics. Witness can answer. 04:41:04 12 A. The same answer applies. 04:41:16 13 Q. As to my earlier questions about the National 04:41:16 15 MR. REHN: Objection as to form. 04:41:16 16 It's ambiguous. 04:41:19 17 A. Yes, the errata process applies to all of our 04:41:25 18 And there have been crrata in other standards 04:41:37 29 Q. And there have been errata in other standards 04:41:37 20 of the NEC. 04:43:00 30 Q. Actually, I'm asking a different question and 04:43:04 4 that is, focusing on the defendant's postings 04:43:10 4 in this case, are you aware of any errors in 04:43:14 5 (the documents strike that. I'll withdraw 04:43:23 5 (the documents strike that. I'll withdraw 04:43:35 6 (Exhibit 1265 marked for 04:43:35 9 identification.) 04:44:19 10 Q. As to my earlier questions about the National 04:41:11 11 Electrical Code? 04:41:16 12 A. Exhibit 1265 appears to be a public comment 04:44:51 13 Indication of the new text check box on 04:44:19 14 Electrical Code? 04:41:19 15 A. Proper thank of the public comment 04:44:31 16 It's ambiguous. 04:41:19 17 A. Yes, the errata process applies to all of our 04:41:21 18 Standards. 04:41:31 19 Q. And there have been crrata in other standards 04:41:31 19 Q. And there have been crrata in other standards 04:41:31 20 Q. Frou bay, I ask you to loo	21	scope. 04:40:05	21	scope of this topic. There's also some 04:42:47
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25 A. No. 04:40:11	23	Q. Do you have an estimate? 04:40:07	23	connection. The witness may answer if he 04:42:52
Page 182	24	MR. REHN: Same objection. 04:40:10	24	knows. 04:42:54
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4 A. No, the number is not important. 04:40:32 5 Q. Have there been errors in NFPA's strike 04:40:34 6 that. 04:40:43 7 Have there been typographical errors 04:40:44 8 in NFPA's other codes and standards, apart 04:40:45 9 from the National Electrical Code? 04:40:55 10 MR. REHN: Same objection as to the 04:40:57 11 scope of the topics. Witness can answer. 04:41:00 11 A. The same answer applies. 04:41:10 12 A. The same answer applies. 04:41:11 13 Q. As to my earlier questions about the National 04:41:11 14 Electrical Code? 04:41:16 15 MR. REHN: Objection as to form. 04:41:19 16 It's ambiguous. 04:41:19 17 A. Yes, the errata process applies to all of our 04:41:21 18 standards. 04:41:25 19 Q. And there have been errata in other standards 04:41:37 20 of strike that. 04:41:43 21 And there have been typographical 04:41:37 22 errors in NFPA's other codes and standards? 04:41:43 23 MR. REHN: Objection as to form. 04:41:41 24 Compound. 04:41:43 25 A. Through our publication process, at times 04:41:50 26 that is, focusing on the defendant's postings 04:43:10 in this case, are you aware of any errors in 04:43:14 the documents strike that. I'll withdraw 04:43:23 the question. 04:43:35 (Exhibit 1265 marked for 04:43:35 (Exhibit 1265 appears to be a public comment 04:44:05 11 Exhibit 1265. 04:44:05 12 A. Exhibit 1265 appears to be a public comment 04:44:19 on the 2014 National Electrical Code. 04:44:29 13 Other Davis and in the comment included some proposed new text; 04:44:32 15 is that correct? 04:40:38 16 A. Based upon Mr. Baclawski's comments and his 04:44:51 17 indication of the new text check box on 04:44:51 18 No. 3, it appears that he's applying some new 04:44:51 19 (Exhibit 1266 marked for 04:47:03 10 identification.) 04:47:14 21 Can you please identify 22 Q. Mr. Dubay, I ask you to look at Exhibit 1266. 04:47:34 24 A. Exhibit 1266 appears to be a public comment 04:47:39 25 A. Through our publication process, at times 04:41:50 26 from our archives. 04:47:44	2	MR. REHN: Same objection as to 04:40:19	2	
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5 Q. Have there been errors in NFPA's strike	4	A. No, the number is not important. 04:40:32	4	
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8	6	that. 04:40:43	6	the documents strike that. I'll withdraw 04:43:23
8	7	Have there been typographical errors 04:40:44	7	
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25 A. Through our publication process, at times 04:41:50 25 from our archives. 04:47:44				
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1	Q. Do you see the proposed new text in the 04:47:49	1	note that it appears this fax was only two 04:54:29
2	comment in Box 4? 04:48:18	2	pages. On the second page, the page appears 04:54:37
3	A. Assuming the underlying text is new text, 04:48:23	3	to be 2 of 2, so I'm not sure what if 04:54:37
4	then yes. 04:48:31	4	that was an actual additional attachment or 04:54:43
5	Q. Do you know what the IEC of Greater 04:48:32	5	the item was just to communicate this one 04:54:46
6	Cincinnati is? 04:48:40	6	attachment. That's to the best of my 04:54:49
7	A. I'm assuming that it's the Independent 04:48:45	7	knowledge from looking at this exhibit you've 04:54:51
8	Electrical Contractors Association. 04:48:48	8	handed me. 04:54:56
9	Q. Do you see where it says, "Please indicate 04:48:59	9	Q. Well, do you consider the reverse of 04:54:57
10	organization represented, if any," it says 04:49:03	10	Exhibit 1267 to be a comment? 04:55:03
11	"IEC"? 04:49:05	11	A. In my opinion, I don't view this as a 04:55:16
12	A. Yes. 04:49:08	12	comment. My opinion is that it was to 04:55:22
13	Q. What information does NFPA have about 04:49:08	13	communicate this agreement. Again, that is 04:55:25
14	Mr. Hittinger's role in IEC? 04:49:13	14	my opinion, based upon the records I have 04:55:28
15	MR. REHN: Object to the form. May 04:49:17	15	before me. 04:55:30
16	call for speculation. 04:49:21	16	Q. Do you know whether the Life Safety Code 04:55:31
17	A. To my knowledge, I don't have specific 04:49:23	17	incorporates any text that the American 04:55:37
18	knowledge personally, but I believe he's also 04:49:27	18	Forest & Paper Association proposed? 04:55:44
19	a panel member, committee member of the 04:49:29	19	A. Based upon my first-hand knowledge, I can't 04:55:53
20	National Electrical Code. So we would have 04:49:32	20	answer that. 04:55:57
21	an application on file if that is the case, 04:49:35	21	Q. How would one determine that fact? 04:55:58
22	if I remember correctly. 04:49:37	22	A. You would have to review the record, 04:56:07
23	Q. Is he a member or is the Independent 04:49:40	23	determine what was submitted by the American 04:56:10
24	Electrical Contractors a member of NFPA? 04:49:43	24	Forest & Paper Association, what material was 04:56:13
25	A. We do not have organizational members of our 04:49:51 Page 186	25	copyrighted by them and then ultimately 04:56:18 Page 188
1	technical committees. They may represent an 04:49:53	1	accept it and integrate into the standard 04:56:21
2	organization, but the individual itself holds 04:49:55	2	throughout our entire standards process. 04:56:24
3	the seat. 04:49:57	3	Q. If someone asked you to determine that, how 04:56:26
4	(Exhibit 1267 marked for 04:52:35	4	would you determine it? 04:56:30
5	identification.) 04:52:36	5	A. We would review the concern on the text of 04:56:31
6	Q. Can you please identify Exhibit 1267. 04:52:50	6	the standard, and we'd go back through our 04:56:43
7	A. (Witness examines document) You want me to 04:53:06	7	archives and produce a history of that 04:56:45
8	identify both sides? 04:53:14	8	specific portion of the document. 04:56:47
9	Q. Yes, please. 04:53:16	9	Q. Has NFPA ever produced such a history during 04:56:51
10	A. Side 1, I guess it's Log No. 607, it appears 04:53:17	10	your tenure regarding any person or entity's 04:56:57
11	to be a form for comments on NFPA's report on 04:53:24	11	proposals or comments? 04:57:03
12	proposals with a signature and some notes on 04:53:29	12	MR. REHN: Object to the form. 04:57:05
13	seeing attached agreement. On Side 2, being 04:53:32	13	Vague. 04:57:06
14	Page 608, appears to be a substitute 04:53:35	14	A. No. I want to make sure I answer completely 04:57:08
15	agreement on copyright language material 04:53:41	15	accurate on that. I was assuming that you 04:57:33
16	between the American Forest & Paper 04:53:45	16	were referring with reference to 04:57:36
17	Association and our associate general 04:53:49	17	copyrighted material, therefore, my answer 04:57:37
18	counsel, Dennis Berry. 04:53:51	18	was no. 04:57:41
19	Q. Unfortunately, I don't think we received in 04:53:56	19	Q. Even regarding any text other than what 04:57:46
			you're referring to as copyrighted material, 04:57:52
20		20	you're referring to as copyrighted material. 04.37.32
	-	20 21	
20	the document production the attachments to 04:53:58 this that are referred to in Items 4 and 5 04:54:01		has NFPA ever produced such a history during 04:57:55
20 21	the document production the attachments to 04:53:58 this that are referred to in Items 4 and 5 04:54:01	21	has NFPA ever produced such a history during 04:57:55 your tenure regarding proposals or comments 04:57:58
20 21 22	the document production the attachments to 04:53:58 this that are referred to in Items 4 and 5 04:54:01 on the front page, but it does indicate in 04:54:04	21 22	has NFPA ever produced such a history during 04:57:55 your tenure regarding proposals or comments 04:57:58
20 21 22 23	the document production the attachments to 04:53:58 this that are referred to in Items 4 and 5 04:54:01 on the front page, but it does indicate in 04:54:04 Item 3 that there was a recommendation of 04:54:07	21 22 23	has NFPA ever produced such a history during 04:57:55 your tenure regarding proposals or comments 04:57:58 from any person or entity? 04:58:00

1	history of a section so that the user, 04:58:06	1	Mr. Williams signed the copyright assignment 05:02:26
2	whoever is requesting that, can understand 04:58:09	2	at the bottom, he owned the copyright in the 05:02:30
3	why technical changes were made to the 04:58:11	3	word "separate"? 05:02:36
4	document and the reasoning or substantiation 04:58:13	4	MR. REHN: Object to the form of the 05:02:39
5	behind them. Often our library produces that 04:58:16	5	question. It may call for speculation. 05:02:41
6	function for us. 04:58:20	6	Appears to call for a legal opinion. 05:02:43
7	Q. From whom do those types of requests come? 04:58:21	7	A. There's many possibilities here. "Separate" 05:02:49
8	MR. REHN: I think we've now, we've 04:58:27	8	could have appeared in the current edition 05:02:55
9	moved outside of the scope of the notice 04:58:29	9	and have been deleted by the proposal. He 05:02:57
10	topics, but if the witness knows the answer, 04:58:32	10	could be proposing to put it back in as one 05:03:00
11	he can answer. 04:58:34	11	example. 05:03:03
12	A. I've personally received requests from 04:58:35	12	(Exhibit 1269 marked for 05:03:48
13	users of our standards, authorities having 04:58:38	13	identification.) 05:04:19
14	jurisdiction as well as media and consumers. 04:58:41	14	Q. Mr. Dubay, can you please identify 05:04:19
15	Q. Approximately how many times has NFPA 04:58:45	15	Exhibit 1269. 05:04:21
16	provided persons with those types of 04:58:48	16	A. (Witness examines document) Exhibit 1269 05:04:23
17	histories during your tenure? 04:58:52	17	appears to be a comment on a report on 05:04:28
18	MR. REHN: The transcript says as 04:58:57	18	proposals from the National Electrical Code 05:04:38
19	well as did you say as media and 04:58:59	19	from our archives. 05:04:41
20	consumers? 04:58:59	20	Q. Do you understand this comment to be 05:04:43
21	THE WITNESS: Media requests and 04:59:01	21	proposing revision of text to add the word 05:04:45
22	consumer requests. 04:59:03	22	"copper" and the words "not smaller than 12," 05:04:52
23	MR. REHN: I just wanted to clarify 04:59:05	23	I think that's "AGW;" is that correct? 05:04:58
24	that. 04:59:06	24	A. To your latter point, AGW would be consistent 05:05:05
25	A. Again, I couldn't speculate on a number 04:59:11 Page 190	25	with the National Electrical Code. 05:05:08 Page 192
1	because of the breadth of our standards and 04:59:13	1	Q. Is it your understanding that this comment 05:05:10
2	the length of time. 04:59:15	2	was suggesting the revision of text by adding 05:05:13
3	Q. What's your best estimate? 04:59:17	3	"copper" and then the other phrase? 05:05:18
4	A. I'd say again, completely speculating, 04:59:28	4	A. Assuming that he copied the remaining text 05:05:24
5	thinking across our library in my tenure at 04:59:30	5	correctly, then yes, it appears that he's 05:05:28
6	NFPA, on the order of hundreds. 04:59:34	6	adding those words. 05:05:34
7	MR. REHN: I'll note again, this 04:59:37	7	Q. Do you know who crafted the language in the 05:05:34
8	line of questioning is beyond the scope of 04:59:38	8	form under Point 5, "statement of problem" 05:05:51
9	the notice topics. 04:59:41	9	and "substantiation for comment" with 05:05:54
10	(Exhibit 1268 marked for 05:00:46	10	language in the parentheses after that? 05:05:58
11	identification.) 05:01:01	11	A. No, I do not. 05:06:05
12	Q. Mr. Dubay, can you please identify 05:01:01	12	Q. Was that language in the forms for comments 05:06:06
13	Exhibit 1268. 05:01:17	13	and forms for proposals of NFPA when you 05:06:10
14	A. (Witness examines document) Exhibit 1268 05:01:19	14	arrived? 05:06:15
15	appears to be a public comment from our 05:01:28	15	MR. REHN: Object to the form. The 05:06:16
16	archives in the National Electrical Code. 05:01:31	16	documents speak for themselves. 05:06:18
17	Q. And this comment proposes the apparently 05:01:39	17	A. Without researching all the way back to 1995, 05:06:22
18	proposes the addition of one word, the word 05:01:44	18	to the best of my knowledge, it seems 05:06:26
19	"separate;" is that correct? 05:01:51	19	similar. 05:06:27
20	A. Based upon my review of Mr. Williams' 05:01:58	20	Q. So this or something similar to this was in 05:06:29
21	comments, it appears that he wants to make a 05:02:10	21	it when you arrived at NFPA? 05:06:31
22	proposal or a proposed change to the NEC and 05:02:14	22	A. NFPA has always, as far as I can recall, 05:06:33
23	add the word "separate" to some in some 05:02:17	23	required a statement of problem or 05:06:37
24	portion of that text. 05:02:20	24	substantiation for any of the proposals or 05:06:39
25	Q. Is it your understanding that until 05:02:23 Page 191	25	comments. 05:06:42 Page 193
1	rage 191		rage 193

1	Q. What is meant on this form by "statement of 05:06:43	1	Q. Can you please identify Exhibit 1270. 05:10:44
2	problem"? 05:06:47	2	A. (Witness examines document) Exhibit 1270 05:10:58
3	MR. REHN: Object to the form. 05:06:51	3	appears to be an archival copy of a comment 05:11:07
4	A. In my opinion, it's what is the submitter 05:06:55	4	on the report on proposals. 05:11:09
5	hoping to solve. 05:06:58	5	Q. And the comment was from an employee of the 05:11:11
6	Q. Why is that a requirement on forms for 05:07:03	6	U.S. Consumer Product Safety Commission; is 05:11:14
7	comments and forms for proposals? 05:07:07	7	that correct? 05:11:21
8	A. NFPA's regulations governing committee 05:07:09	8	A. Based upon what he's indicated here, I would 05:11:21
9	projects require that each and every proposal 05:07:18	9	agree with that. 05:11:25
10	and comment or public input into the system 05:07:20	10	Q. Do you know who Doug Lee is? 05:11:25
11	be responded to in technical aspects. 05:07:23	11	A. I do recognize his name, but I'm not certain 05:11:34
12	And so this is important for the 05:07:27	12	if it's tied to the Consumer Product Safety 05:11:36
13	committee to understand what the person was 05:07:29	13	Commission. 05:11:39
14	intending and why so they can provide a 05:07:30	14	Q. Have you ever in your recollection strike 05:11:42
15	proper response to that public comment or 05:07:33	15	that. 05:12:08
16	public input. 05:07:35	16	Do you recall ever seeing a form 05:12:09
17	Q. And what substantiation does NFPA require for 05:07:41	17	like this for where the submitter has struck 05:12:10
18	comments or proposals? 05:07:46	18	the copyright assignment language? 05:12:18
19	A. NFPA does not require a specific set of 05:07:52	19	A. The only time I recall was a previous exhibit 05:12:30
20	requirements for substantiation or problem. 05:07:58	20	you showed me from the American Forest 05:12:35
21	It is up to the submitter to determine what 05:08:01	21	Products Association. 05:12:36
22	is warranted for their recommendation or 05:08:03	22	Q. Do you recall ever seeing this form before? 05:12:39
23	their proposed change. 05:08:05	23	A. No, I do not. 05:12:43
24	Q. NFPA suggests three possible bases for 05:08:10	24	Q. Do you recall ever seeing a statement by a 05:12:48
25	substantiation for comment on this form, 05:08:23	25	federal employee like the one at the top of 05:12:54
	Page 194		Page 196
1	namely, copies of tests, research papers and 05:08:27	1	the second page of Exhibit 1270? 05:12:59
2	fire experience, correct? 05:08:31	2	A. No, I do not. This is the first time I've 05:13:05
3	MR. REHN: Object to the form. 05:08:35	3	seen this. 05:13:07
4	A. NFPA provides a few examples there, but in my 05:08:38	4	Q. Have you ever been aware that works created 05:13:08
5	experience, the list is endless of what an 05:08:43	5	by U.S. government employees in the course of 05:13:25
6	individual will utilize to substantiate their 05:08:47	6	their employment are not subject to 05:13:27
7	proposed changes. 05:08:50	7	copyright? 05:13:29
8	Q. What are some other common sources of 05:08:51	8	MR. REHN: Object to the form. 05:13:30
9	substantiation for proposed changes? 05:08:54	9	Calls for a legal opinion. 05:13:31
10	A. One example you mentioned, the style manual. 05:09:00	10	A. Based upon my experience, I guess I would say 05:13:36
11	Another example could be a specific incident 05:09:04	11	anecdotal knowledge around copyright of 05:13:40
12	that occurred in a jurisdiction or somewhere. 05:09:09	12	federally produced materials and things like 05:13:43
13	Q. What others come to mind? 05:09:13	13	that. 05:13:47
14	A. Improvements in overall safety as well as 05:09:19	14	Q. What is that anecdotal knowledge? 05:13:47
15	economic savings. 05:09:27	15	MR. REHN: Same objection. Calls 05:13:50
16	Q. Anything else? 05:09:32	16	for a legal opinion. 05:13:53
17	A. I think the last one I can think of off the 05:09:40	17	A. My knowledge is that it may or may not be 05:13:54
18	top of my head is consistency across the 05:09:46	18	available and there are policies that, even 05:13:58
19	document. The standard may have made a 05:09:48	19	with general knowledge that I have, that my 05:14:02
20	change in one cycle in one area, and they're 05:09:50	20	team is required to verify copyright and 05:14:05
20		21	copyright permissions associated with any 05:14:08
21	realizing that they need to make a 05:09:52		
	realizing that they need to make a 05:09:52 substantive initial change to be consistent 05:09:54	22	material from the federal government or 05:14:11
21			material from the federal government or 05:14:11 employees of the federal government just like 05:14:14
21 22	substantive initial change to be consistent 05:09:54	22	
21 22 23	substantive initial change to be consistent 05:09:54 across the requirements. 05:09:55	22 23	employees of the federal government just like 05:14:14

1	copyright over contributions to its codes and 05:14:22	1	MR. REHN: Object to the form. 05:16:51
2	standards that federal government employees 05:14:29	2	Calls for a legal opinion. Assumes facts. 05:16:52
3	have made? 05:14:34	3	A. In my 20 years of experience in working 05:17:00
4	MR. REHN: Object to the form. 05:14:35	4	through our committee as a liaison and now 05:17:03
5	Calls for a legal opinion. 05:14:37	5	as vice president, I've never had a question 05:17:12
6	A. It's my position that the NFPA asserts 05:14:43	6	or a challenge around the copyright from our 05:17:14
7	copyright over the final text of our codes 05:14:45	7	participants or from those who submit public 05:17:17
8	and standards so that text that ends up in 05:14:48	8	input, public comment proposals. 05:17:20
9	the documents is where our copyright remains. 05:14:51	9	Q. In your 20 years of experience at NFPA, has 05:17:24
10	Q. In its entirety? 05:14:55	10	NFPA ever sued anybody for copyright 05:17:29
11	MR. REHN: Object to the form. 05:14:59	11	infringement before? 05:17:32
12	Calls for legal opinion. 05:15:00	12	MR. REHN: Object to the form. I 05:17:33
13	A. I'm not sure how to answer that question, so 05:15:03	13	think this is outside the scope of any of 05:17:35
14	I will say in the standards themselves, what 05:15:05	14	the notice topics. It also may call for 05:17:37
15	we publish is what we copyright. 05:15:08	15	interpretation of legal documents and 05:17:40
16	Q. How does NFPA copyright its standards? 05:15:16	16	pleadings. The witness may answer to the 05:17:42
17	MR. REHN: Object to the form. 05:15:21	17	extent he has knowledge of that question. 05:17:46
18	J		A. The question I have is potential discussions 05:17:49
		18	-
19	conclusion. 05:15:27	19	with counsel. Should we spend a minute 05:17:52
20	A. I have no specific knowledge of how that 05:15:27	20	discussing it or? 05:17:55
21	process happens other than my team ensures 05:15:29	21	Q. No. I'm asking you what knowledge you have 05:17:56
22	that the appropriate statements and such are 05:15:32	22	as to whether I'm asking you whether, to 05:18:00
23	in the material in the front matter of each 05:15:34	23	your knowledge, NFPA has ever sued anybody 05:18:03
24	and every standard we publish. 05:15:37	24	for copyright infringement before? 05:18:05
25	Q. What statements are you referring to in 05:15:46 Page 198	25	MR. REHN: If you can answer that 05:18:07 Page 200
	1 agc 170		1 agc 200
1	that answer? 05:15:48	1	question without revealing the substance of 05:18:08
2	MR. REHN: Same objection to the 05:15:50	2	advice you received from legal counsel, you 05:18:12
3	extent this calls for legal opinion. 05:15:51	3	may do so. Again, I'll assert the objections 05:18:14
4	A. For example, copyright National Fire 05:15:54	4	I've already asserted to the question as 05:18:18
5	Protection Association, 2012. 05:15:57	5	well. 05:18:20
6	Q. In other words, a copyright notice in the 05:16:02	6	A. To the best of my knowledge, yes. 05:18:22
7	publication itself? 05:16:05	7	Q. NFPA has sued others for copyright 05:18:26
8	MR. REHN: Same objection. Calls 05:16:06	8	infringement? 05:18:29
9	for a legal opinion. 05:16:09	9	MR. REHN: Same objections. And you 05:18:30
10	A. If that's the case, but I'm referring to the 05:16:09	10	may answer it to the extent you can answer 05:18:32
11	statement that we put in the front of the 05:16:12	11	without disclosing the substance of advice 05:18:34
12	documents. 05:16:14	12	you received from legal counsel. 05:18:37
13	Q. How else do you understand the NFPA obtains 05:16:14	13	A. To the best of my knowledge, relating to the 05:18:38
14	copyright rights in its codes and standards? 05:16:18	14	ICC lawsuit that you mentioned, but I have no 05:18:40
15	MR. REHN: Object to the form. It's 05:16:21	15	specific knowledge. 05:18:44
16	compound. Calls for a legal opinion. 05:16:23	16	Q. Do you know whether NFPA sued ICC for 05:18:46
17	A. We have a policy for each and every 05:16:26	17	copyright infringement or for trademark 05:18:52
18	submission into our standards development 05:16:29	18	infringement? 05:18:54
19	process as well as through our committee 05:16:31	19	MR. REHN: Same objections, and 05:18:55
20	member applications and appointment process 05:16:33	20	exactly the same objections as before. 05:18:59
21	to verify that those signatures and those 05:16:36	21	A. I have no first-hand knowledge of any of the 05:19:01
22		22	details of that. 05:19:04
	rights have been obtained through that 05:16:38		
23	process. 05:16:40	23	Q. Apart from that, are you aware of any 05:19:05
24	Q. And that includes rights to the material in 05:16:42	24	copyright lawsuit that NFPA has brought 05:19:07
25	Exhibit 1270; is that correct? 05:16:49 Page 199	25	against anyone before this case? 05:19:09 Page 201
1	1 age 177	I	1 486 201

1	MR. REHN: Same objections. 05:19:12	1	Q. These would be for proposals that various 05:25:12
2	Question straightforwardly asks for 05:19:14	2	persons might identify as proposals that they 05:25:16
3	interpretation of legal documents and 05:19:15	3	want to make to the text of the codes or 05:25:20
4	pleadings. It's outside the scope of the 05:19:17	4	standards? 05:25:28
5	notice topics. And to the extent the witness 05:19:21	5	MR. REHN: Object to the form. 05:25:31
6	has knowledge that would not reveal the 05:19:23	6	Calls for speculation. 05:25:33
7	substance of communications with legal 05:19:26	7	A. I would say the most common reason people 05:25:35
8	counsel, you may answer. 05:19:28	8	use the proposal forms is to propose new 05:25:38
9	A. I have no knowledge. 05:19:29	9	changes to documents. Sometimes it's to 05:25:40
10	Q. What, if anything, did staff members of NFPA 05:19:39	10	propose major changes, minor changes, but to 05:25:42
11	do to verify whether Doug Lee had authority 05:19:55	11	propose changes to our standards. 05:25:45
12	to propose text that would go into NFPA's 05:20:02	12	Q. In those contexts, whose idea is it usually 05:25:50
13	copyrighted code? 05:20:11	13	for the individuals to make the proposals? 05:25:54
14	MR. REHN: Object to the form. 05:20:13	14	MR. REHN: Object to the form. It's 05:26:00
15	Mischaracterizes the document. Assumes there 05:20:15	15	ambiguous. Calls for speculation. 05:26:04
16	are legal conclusions embedded in the 05:20:18	16	Q. Much of the time does the individual say, 05:26:08
17	question. It assumes facts not in evidence. 05:20:21	17	I've got an idea, I want to submit that for 05:26:10
18	A. Based upon our policy of verifying each and 05:20:29	18	consideration? Is that how the process 05:26:13
19	every and reviewing each and every 05:20:33	19	works, at least in part? 05:26:15
20	submission, it is my assumption that they 05:20:35	20	MR. REHN: Same objections. 05:26:17
21	would have contacted Mr. Lee to determine 05:20:37	21	A. I would say in the vast majority of cases, 05:26:21
22	what authority he has or what was 05:20:41	22	individuals submit changes to our process and 05:26:26
23	appropriate. But that's based upon our 05:20:42	23	they realize they're using the document and 05:26:30
24	policy of reviewing each and every one that's 05:20:45	24	they have an idea that they would like to 05:26:36
25	submitted. 05:20:48	25	submit and they can submit it through a 05:26:38
	Page 202		Page 204
1	(Exhibit 1271 marked for 05:23:18	1	submission of a form or our new online system 05:26:40
2	identification.) 05:23:21	2	now. 05:26:42
3	Q. Can you please identify Exhibit 1271. 05:23:21	3	Q. To what extent does NFPA commission members 05:26:46
4	A. (Witness examines document) Exhibit 1271 05:23:39	4	of the general public to draft proposals for 05:26:51
5	appears to be three public proposals on the 05:23:55	5	its codes and standards? 05:26:58
6	2011 National Electrical Code from the same 05:23:58	6	MR. REHN: Object to the form. 05:27:01
7	individual. 05:24:02	7	Calls for a legal opinion. 05:27:02
8	Q. Do you know how people use these forms for 05:24:07	8	A. One of the primary roles of NFPA staff is to 05:27:07
9	proposal in connection with the standards 05:24:15	9	act as facilitators for the process. And 05:27:13
10	development process? 05:24:23	10	when we do receive questions on the standards 05:27:15
11	MR. REHN: Object to form. Question 05:24:24	11	or people call us and have difficulties with 05:27:17
12	is ambiguous. May call for speculation. 05:24:25	12	the standard, we advice them that they can 05:27:20
13	A. I would ask that you clarify "how," please. 05:24:32	13	also participate in the open process and we 05:27:22
14	Q. What's the process that NFPA envisions when 05:24:35	14	are there to guide them and help them to 05:27:25
15	people use these forms for proposals? 05:24:39	15	ensure that their voices are heard. 05:27:27
16	MR. REHN: Object to the form. 05:24:44	16	Q. If they wish to participate, they can do so 05:27:29
17	Question is ambiguous. Compound. 05:24:48	17	by submitting a proposal or a comment. Is 05:27:31
18	A. That would be an easy mechanism for the 05:24:51	18	that the process? 05:27:35
19	members of the public or whoever wishes to 05:24:55	19	A. To participate, you can submit proposals, 05:27:36
			comments. You can apply to be on the 05:27:39
		20	comments. Tou can above to be on the
20	submit proposed changes could document 05:24:56	20 21	
20 21	submit proposed changes could document 05:24:56 recommended changes to the documents, the 05:25:00	21	committee meeting. You can attend the 05:27:41
20 21 22	submit proposed changes could document 05:24:56 recommended changes to the documents, the 05:25:00 reasons for them and ensure that we have a 05:25:02	21 22	committee meeting. You can attend the 05:27:41 committee meetings themselves as a member 05:27:43
20 21 22 23	submit proposed changes could document 05:24:56 recommended changes to the documents, the 05:25:00 reasons for them and ensure that we have a 05:25:02 copy on record for ANSI process or ANSI 05:25:05	21 22 23	committee meeting. You can attend the 05:27:41 committee meetings themselves as a member 05:27:43 of the committee or as a member of the 05:27:45
20 21 22 23 24	submit proposed changes could document 05:24:56 recommended changes to the documents, the 05:25:00 reasons for them and ensure that we have a 05:25:02 copy on record for ANSI process or ANSI 05:25:05 accreditation and to submit to the technical 05:25:08	21 22 23 24	committee meeting. You can attend the 05:27:41 committee meetings themselves as a member 05:27:43 of the committee or as a member of the 05:27:45 public. 05:27:47
20212223	submit proposed changes could document 05:24:56 recommended changes to the documents, the 05:25:00 reasons for them and ensure that we have a 05:25:02 copy on record for ANSI process or ANSI 05:25:05	21 22 23	committee meeting. You can attend the 05:27:41 committee meetings themselves as a member 05:27:43 of the committee or as a member of the 05:27:45

1	remaining on the video. 05:27:54	1	to my earlier representation about that 05:31:06
2	Q. Do you see the language in italics on the 05:27:57	2	process. 05:31:08
3	bottom of the first page of Exhibit 1271? 05:27:59	3	MR. BRIDGES: I think there's been 05:31:09
4	A. Yes, I see the italics at the bottom of the 05:28:04	4	no protective order on this issue. 05:31:10
5	page. 05:28:15	5	A. I guess my response is it's my understanding 05:31:22
6	Q. What do you understand that sentence to mean? 05:28:15	6	that we have provided, for example, 2011 05:31:26
7	MR. REHN: Object to the form. 05:28:21	7	National Electrical Code copies of all the 05:31:31
8	Which sentence are you referring to? 05:28:23	8	forms. 05:31:33
9	Q. The first sentence in the italics at the 05:28:26	9	Q. How many different versions of the forms are 05:31:38
10	bottom of the page. 05:28:29	10	there? 05:31:43
11	MR. REHN: Object to the form. 05:28:30	11	MR. REHN: Object to the form. 05:31:45
12	Calls for a legal opinion. Document speaks 05:28:32	12	Document speaks for itself. 05:31:46
13	for itself. 05:28:35	13	A. My previous answer stands. 05:31:50
14	A. It appears to be part of the a form of our 05:28:38	14	Q. And can you identify have you seen today 05:31:53
15	sign-off text provided by legal. 05:28:49	15	all of the different text variations that 05:31:58
16	Q. Do you have any understanding as to what the 05:28:51	16	NFPA has had in its assignment, in its 05:32:04
17	first sentence of that italicized portion 05:28:57	17	copyright forms? 05:32:12
18	means? 05:29:01	18	MR. REHN: Object to the form. 05:32:14
19	MR. REHN: Object to the form. 05:29:01	19	Documents speak for themselves. 05:32:15
20	Calls for a legal opinion. Document speaks 05:29:02	20	A. Given the magnitude of the number of forms 05:32:18
21	for itself. 05:29:04	21	that we get on the order of tens of thousands 05:32:20
22	A. No, I do not. 05:29:07	22	per year, I'm unable at this time to comment 05:32:23
23	Q. This is the form that was used for proposals 05:29:08	23	on that. 05:32:27
24	for the 2011 National Electrical Code; is 05:29:31	24	(Exhibit 1272 marked for 05:33:04
25	that correct? 05:29:40	25	identification.) 05:33:07
	Page 206		Page 208
1	MR. REHN: Object to the form. 05:29:40	1	Q. Mr. Dubay, please identify Exhibit 1272. 05:33:07
1 2	MR. REHN: Object to the form. 05:29:40 A. What I can say is this is the statement that 05:29:43	1 2	Q. Mr. Dubay, please identify Exhibit 1272. 05:33:07 A. (Witness examines document) This appears to 05:33:32
	A. What I can say is this is the statement that 05:29:43		A. (Witness examines document) This appears to 05:33:32
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. What I can say is this is the statement that 05:29:43 was on this particular version of the form. 05:29:45 That's the best I can tell you, given that 05:29:48 this is what I have in front of me. 05:29:50 Q. How many versions were there of forms for 05:29:51 proposals for the 2011 National Electrical 05:29:53 Code? 05:29:57 MR. REHN: Object to the form. 05:29:57 Assumes facts. 05:29:59 A. As previously discussed, it's difficult to 05:30:06 say because we accept them in multiple ways 05:30:10 and through multiple platforms. So as we 05:30:12 look through the record, the only way to 05:30:16 determine that would be to look at each 05:30:21 individual proposal. 05:30:25 Q. You're not prepared here today on behalf of 05:30:37 NFPA to furnish document numbers of at least 05:30:31 one instance of each of the different forms 05:30:36 that NFPA claims the benefit of as having 05:30:43	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. (Witness examines document) This appears to 05:33:32 be a proposal form from our archives relating 05:33:41 to the 2014 National Electrical Code. 05:33:44 Q. This is a proposal that NFPA has maintained 05:33:46 in its archives in the ordinary course of 05:33:52 business? 05:33:55 A. It appears so. 05:33:56 Q. What is the reference to ISA in the box 05:33:57 under Heading No. 4? 05:34:15 A. ISA, it's my understanding ISA is a standards 05:34:21 organization, and he's referencing a newer 05:34:35 edition of that standard. I don't know the 05:34:37 specific acronym of ISA, what it stands for, 05:34:39 however. 05:34:46 Q. Do you recognize any differences between 05:34:55 the italicized language at the bottom of 05:34:57 Exhibit 1272 and the italicized language at 05:35:01 the bottom of Exhibit 1271? 05:35:05 A. Yes. 05:35:12
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. What I can say is this is the statement that 05:29:43 was on this particular version of the form. 05:29:45 That's the best I can tell you, given that 05:29:48 this is what I have in front of me. 05:29:50 Q. How many versions were there of forms for 05:29:51 proposals for the 2011 National Electrical 05:29:53 Code? 05:29:57 MR. REHN: Object to the form. 05:29:57 Assumes facts. 05:29:59 A. As previously discussed, it's difficult to 05:30:06 say because we accept them in multiple ways 05:30:10 and through multiple platforms. So as we 05:30:12 look through the record, the only way to 05:30:16 determine that would be to look at each 05:30:21 individual proposal. 05:30:25 Q. You're not prepared here today on behalf of 05:30:37 NFPA to furnish document numbers of at least 05:30:31 one instance of each of the different forms 05:30:36 that NFPA claims the benefit of as having 05:30:51 standards and development process, correct? 05:30:54 MR. REHN: Object to the form. It's 05:30:57	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. (Witness examines document) This appears to 05:33:32 be a proposal form from our archives relating 05:33:41 to the 2014 National Electrical Code. 05:33:44 Q. This is a proposal that NFPA has maintained 05:33:46 in its archives in the ordinary course of 05:33:52 business? 05:33:55 A. It appears so. 05:33:56 Q. What is the reference to ISA in the box 05:33:57 under Heading No. 4? 05:34:15 A. ISA, it's my understanding ISA is a standards 05:34:21 organization, and he's referencing a newer 05:34:35 edition of that standard. I don't know the 05:34:37 specific acronym of ISA, what it stands for, 05:34:39 however. 05:34:46 Q. Do you recognize any differences between 05:34:55 the italicized language at the bottom of 05:34:57 Exhibit 1272 and the italicized language at 05:35:01 the bottom of Exhibit 1271? 05:35:05 A. Yes. 05:35:12 Q. What is the difference? 05:35:22 documents speak for themselves. 05:35:24
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. What I can say is this is the statement that 05:29:43 was on this particular version of the form. 05:29:45 That's the best I can tell you, given that 05:29:48 this is what I have in front of me. 05:29:50 Q. How many versions were there of forms for 05:29:51 proposals for the 2011 National Electrical 05:29:53 Code? 05:29:57 MR. REHN: Object to the form. 05:29:57 Assumes facts. 05:29:59 A. As previously discussed, it's difficult to 05:30:06 say because we accept them in multiple ways 05:30:10 and through multiple platforms. So as we 05:30:12 look through the record, the only way to 05:30:16 determine that would be to look at each 05:30:21 individual proposal. 05:30:25 Q. You're not prepared here today on behalf of 05:30:27 NFPA to furnish document numbers of at least 05:30:31 one instance of each of the different forms 05:30:36 that NFPA claims the benefit of as having 05:30:43 received assignments from participants in the 05:30:51 standards and development process, correct? 05:30:54 MR. REHN: Object to the form. It's 05:30:57 an improper question. We've met and 05:30:59	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A. (Witness examines document) This appears to 05:33:32 be a proposal form from our archives relating 05:33:41 to the 2014 National Electrical Code. 05:33:44 Q. This is a proposal that NFPA has maintained 05:33:46 in its archives in the ordinary course of 05:33:52 business? 05:33:55 A. It appears so. 05:33:56 Q. What is the reference to ISA in the box 05:33:57 under Heading No. 4? 05:34:15 A. ISA, it's my understanding ISA is a standards 05:34:21 organization, and he's referencing a newer 05:34:35 edition of that standard. I don't know the 05:34:37 specific acronym of ISA, what it stands for, 05:34:39 however. 05:34:46 Q. Do you recognize any differences between 05:34:57 Exhibit 1272 and the italicized language at 05:35:01 the bottom of Exhibit 1271? 05:35:05 A. Yes. 05:35:12 Q. What is the difference? 05:35:22 documents speak for themselves. 05:35:24 A. Without doing a word-by-word comparison, it 05:35:28
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. What I can say is this is the statement that 05:29:43 was on this particular version of the form. 05:29:45 That's the best I can tell you, given that 05:29:48 this is what I have in front of me. 05:29:50 Q. How many versions were there of forms for 05:29:51 proposals for the 2011 National Electrical 05:29:53 Code? 05:29:57 MR. REHN: Object to the form. 05:29:57 Assumes facts. 05:29:59 A. As previously discussed, it's difficult to 05:30:06 say because we accept them in multiple ways 05:30:10 and through multiple platforms. So as we 05:30:12 look through the record, the only way to 05:30:16 determine that would be to look at each 05:30:21 individual proposal. 05:30:25 Q. You're not prepared here today on behalf of 05:30:37 NFPA to furnish document numbers of at least 05:30:31 one instance of each of the different forms 05:30:36 that NFPA claims the benefit of as having 05:30:51 standards and development process, correct? 05:30:54 MR. REHN: Object to the form. It's 05:30:57	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. (Witness examines document) This appears to 05:33:32 be a proposal form from our archives relating 05:33:41 to the 2014 National Electrical Code. 05:33:44 Q. This is a proposal that NFPA has maintained 05:33:46 in its archives in the ordinary course of 05:33:52 business? 05:33:55 A. It appears so. 05:33:56 Q. What is the reference to ISA in the box 05:33:57 under Heading No. 4? 05:34:15 A. ISA, it's my understanding ISA is a standards 05:34:21 organization, and he's referencing a newer 05:34:35 edition of that standard. I don't know the 05:34:37 specific acronym of ISA, what it stands for, 05:34:39 however. 05:34:46 Q. Do you recognize any differences between 05:34:55 the italicized language at the bottom of 05:34:57 Exhibit 1272 and the italicized language at 05:35:01 the bottom of Exhibit 1271? 05:35:05 A. Yes. 05:35:12 Q. What is the difference? 05:35:22 documents speak for themselves. 05:35:24

1	length and some initial discussions around 05:35:37	1	off the record. 05:38:17
2	the term "technical committee." 05:35:40	2	VIDEOGRAPHER: The time is 5:38. 05:38:17
3	Q. Is that all? 05:35:43	3	This is the end of Tape No. 3, and we are now 05:38:19
4	MR. REHN: Object to the form. The 05:35:45	4	off the record. 05:38:22
5	documents speak for themselves. 05:35:46	5	(Break taken) 05:38:25
6	A. No. 05:35:48	6	VIDEOGRAPHER: The time is 5:53. 05:53:03
7	Q. What else? 05:35:48	7	This is the beginning of Tape No. 4, and we 05:53:15
8	MR. REHN: Same objections. 05:35:54	8	are now back on the record. 05:53:17
9	A. Again, for example, the term starts out "I 05:36:00	9	BY MR. BRIDGES: 05:53:20
10	agree" versus "I hereby." 05:36:05	10	Q. Mr. Dubay, you mentioned earlier that NFPA's 05:53:20
11	Q. Do you see any reference to the phrase, 05:36:08 "works-made-for-hire" in Exhibit 1272? 05:36:17	11	staff check each of these proposal and 05:53:26
12		12	comment forms when they are submitted to look 05:53:34
13 14	MR. REHN: Object to the form. 05:36:22	13	for signatures on the copyright language and 05:53:42 indications as to whether the material is 05:53:46
15	Document speaks for itself. 05:36:24 A. If you're referring to the italicized text. 05:36:26	14	
16	A. If you're referring to the italicized text, 05:36:26 I don't see the term "works-for-hire" at the 05:36:33	16	original or comes from another source; is 05:53:48 that correct? 05:53:52
17	bottom of Exhibit 1272. 05:36:35	17	A. We have a policy that each and every 05:53:53
18	Q. Were you aware of the change in the 05:36:37	18	proposal, public input or comment is reviewed 05:53:57
19	italicized text in the forms for proposal 05:36:42	19	for completeness being signature, copyright 05:53:59
20	between the 2011 National Electrical Code and 05:36:46	20	release as well as any attached materials for 05:54:03
21	the 2014 National Electrical Code? 05:36:49	20	potential copyright with those as well. 05:54:08
22	MR. REHN: Object to the form. 05:36:52	22	Q. How many proposals, communications with 05:54:11
23	Assumes facts. 05:36:54	23	public input or comments, falling in the 05:54:20
24	A. As I previously stated, there were changes 05:36:57	24	categories you just mentioned, does NFPA 05:54:26
25	made throughout my tenure at NFPA, and I'm 05:37:05	25	receive each year? 05:54:29
	Page 210		Page 212
1	not aware of specific changes, how they were 05:37:08	1	A. I would approximate if you combine all of our 05:54:36
2	made, but the record before me shows two 05:37:11	2	documents in a given year on the magnitude of 05:54:40
3	versions. 05:37:14	3	public input or comments because that's all 05:54:43
4	Q. Were you aware of these changes before 05:37:15	4	we accept now, is on the order of 05:54:47
5	today? 05:37:23	5	approximately 10,000, on average. 05:54:49
6	A. I was aware before today that we had 05:37:23	6	Q. So has that average been consistent over the 05:54:54
7	different versions. I was not aware of 05:37:32	7	course of your tenure at NFPA? 05:55:01
8	specific versions related to specific time 05:37:35	8	A. The average depends. For example, on one 05:55:07
9	frames as shown here. 05:37:37	9	year on one document, we got 15,000 public 05:55:11
10	Q. Do you have any understanding as to the 05:37:40	10	comments. 05:55:14
11	reason for the change in the italicized 05:37:42	11	Q. What document and year was that? 05:55:17
12	language at the bottom of Exhibits 1271 and 05:37:47	12	A. I'm not sure of the year. It was NFPA 1,500. 05:55:19
13	1272? 05:37:51	13	Q. What is that document? 05:55:23
14	MR. REHN: Object to the form. 05:37:51	14	A. I believe the title is Occupation Safety and 05:55:25
15	The question appears to call for a legal 05:37:53	15	Health For Firefighters. But the best of my 05:55:32
16	opinion. As a precautionary measure, I'll 05:37:57	16	recollection, I don't think that's the exact 05:55:36
17	instruct the witness to exclude from his 05:37:57	17	title. 05:55:37
18	answer anything that was revealed in 05:37:57	18	Q. So over the course of your tenure at NFPA, 05:55:38
19	substance through communications with legal 05:38:00	19	what do you believe the average number of 05:55:46
20	counsel. 05:38:01	20	comments and proposals to have been in one 05:55:49
21	A. Can you read back the question, please? 05:38:08	21	year? 05:55:57
22	Q. I'll restate it. 05:38:10	22	A. I would speculate that over the course of 05:55:57
23	VIDEOGRAPHER: Could we change the 05:38:14	23	the time, it's in the 10s, 10,000-ish per 05:55:59
24	tape? 05:38:15	24	year depending on what documents are in 05:56:04
25	MR. BRIDGES: We'll go off, we'll go 05:38:15 Page 211	25	cycle. 05:56:09 Page 213
	rage 211		Page 213

1	Q. How many persons check those proposals and 05:56:09	1	gave me now, you had another 10 to 13, so 05:59:06
2	submissions for signatures and for the 05:56:15	2	you're looking at somewhere between 18 and 23 05:59:09
3	copyright language? 05:56:17	3	persons checking signatures and copyright 05:59:14
4	MR. REHN: Objection as to form. 05:56:19	4	language before the automated submission 05:59:17
5	It's vague as to time. 05:56:21	5	process went into effect? 05:59:21
6	A. Currently our process is that it happens 05:56:25	6	A. With our old system, our paper system, those 05:59:25
7	at least in two ways. It's automatic with 05:56:30	7	18 to 20 people did the same jobs that our 05:59:29
8	our online submission system that you have 05:56:33	8	project administrators do, which includes 05:59:32
9	to check the appropriate releases and provide 05:56:35	9	reviewing for copyright but also preparing 05:59:35
10	an electronic signature before you submit. 05:56:38	10	ballots, mailings to committees, committee 05:59:37
11	And then secondly, where there's attached 05:56:42	11	notices and such. So those assignments, with 05:59:40
12	materials or the alternative copyright, then 05:56:45	12	the old process, were much more manually 05:59:43
13	there's a human intervention. 05:56:48	13	intensive. 05:59:45
14	Q. How many people perform that task in any 05:56:51	14	Q. But you had how many persons doing the review 05:59:46
15	given year? 05:56:54	15	during the manual process in total? 05:59:51
16	MR. REHN: Same objection. 05:56:57	16	MR. REHN: Objection. Asked and 05:59:55
17	Ambiguous as to time. 05:56:58	17	answered. 05:59:56
18	A. Currently we have a department of eight 05:57:00	18	A. So to ensure that it's a clear answer, they 05:59:57
19	full-time project administrators and one 05:57:05	19	were not solely doing review. It's 06:00:01
20	additional manager. And in times of high 05:57:09	20	supporting the committee process. We had an 06:00:03
21	volume, we may bring in additional staff 05:57:12	21	approximately, I would say, 15 to 20 06:00:05
22	resources to assist with that process. 05:57:15	22	administrative staff in that process. 06:00:08
23	Q. What's the largest number of persons you've 05:57:20	23	Q. And on average before the new automated 06:00:12
24	had engaged in that process at any one time? 05:57:22	24	online submission system, what percentage of 06:00:18
25	A. I don't have direct first-hand knowledge of 05:57:27	25	their time did the 15 to 20 administrative 06:00:21
	Page 214		Page 216
1	that because the team scales up as they need 05:57:35	1	staff spend checking for signatures and 06:00:24
2	to and utilize staff from other portions of 05:57:41	2	copyright information on the submissions? 06:00:33
3	my department to get the job done. 05:57:41	3	A. I can't speculate on what percentage of the 06:00:45
4	Q. What's your understanding as to the largest 05:57:46	4	time, but what I can say is the vast majority 06:00:47
5	number of persons participating in that 05:57:46	5	of their time was spent preparing the 06:00:50
6	process at any one time? 05:57:49	6	material for the committee process, which 06:00:52
7	A. Again, I would say I would have to go with 05:57:50	7	included keying those changes, verifying 06:00:54
8	an average and on average, it's that eight to 05:57:58	8	
9		"	copyright, making sure the agendas were 06:00:57
1	ten, the nine, the eight full-time project 05:58:01	9	ready, supporting the standard system. 06:01:00
10			
10 11	ten, the nine, the eight full-time project 05:58:01	9	ready, supporting the standard system. 06:01:00
	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03	9 10	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02
11	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06	9 10 11	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05
11 12	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09	9 10 11 12	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07
11 12 13	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15	9 10 11 12 13	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10
11 12 13 14	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21	9 10 11 12 13 14	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16
11 12 13 14 15	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21 Q. How many persons in a given year before the 05:58:21	9 10 11 12 13 14 15	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16 50 percent of their time was related to the 06:01:20
11 12 13 14 15 16	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21 Q. How many persons in a given year before the 05:58:21 automatic online submission form that 05:58:29	9 10 11 12 13 14 15 16	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16 50 percent of their time was related to the 06:01:20 establishment of the agendas for the 06:01:25
11 12 13 14 15 16 17	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21 Q. How many persons in a given year before the 05:58:21 automatic online submission form that 05:58:29 reviewed these submissions for signatures and 05:58:33	9 10 11 12 13 14 15 16 17	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16 50 percent of their time was related to the 06:01:20 establishment of the agendas for the 06:01:25 committee meetings, which included the 06:01:28
11 12 13 14 15 16 17 18	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21 Q. How many persons in a given year before the 05:58:21 automatic online submission form that 05:58:29 reviewed these submissions for signatures and 05:58:33 copyright language? 05:58:35	9 10 11 12 13 14 15 16 17 18	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16 50 percent of their time was related to the 06:01:20 establishment of the agendas for the 06:01:25 committee meetings, which included the 06:01:30
11 12 13 14 15 16 17 18 19	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21 Q. How many persons in a given year before the 05:58:21 automatic online submission form that 05:58:29 reviewed these submissions for signatures and 05:58:33 copyright language? 05:58:35 A. Historically we've used, utilized a different 05:58:39	9 10 11 12 13 14 15 16 17 18	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16 50 percent of their time was related to the 06:01:20 establishment of the agendas for the 06:01:25 committee meetings, which included the 06:01:28 proposals, comments, verifying materials, all 06:01:30 complete, consolidating all that data and 06:01:32
11 12 13 14 15 16 17 18 19 20	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21 Q. How many persons in a given year before the 05:58:21 automatic online submission form that 05:58:29 reviewed these submissions for signatures and 05:58:33 copyright language? 05:58:35 A. Historically we've used, utilized a different 05:58:39 staffing model where we had more individual 05:58:42	9 10 11 12 13 14 15 16 17 18 19 20	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16 50 percent of their time was related to the 06:01:20 establishment of the agendas for the 06:01:25 committee meetings, which included the 06:01:28 proposals, comments, verifying materials, all 06:01:30 complete, consolidating all that data and 06:01:32 information for preparation for the committee 06:01:36
11 12 13 14 15 16 17 18 19 20 21	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21 Q. How many persons in a given year before the 05:58:21 automatic online submission form that 05:58:29 reviewed these submissions for signatures and 05:58:33 copyright language? 05:58:35 A. Historically we've used, utilized a different 05:58:39 staffing model where we had more individual 05:58:42 one-on-one review of each paper submission. 05:58:45	9 10 11 12 13 14 15 16 17 18 19 20 21	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16 50 percent of their time was related to the 06:01:20 establishment of the agendas for the 06:01:25 committee meetings, which included the 06:01:30 proposals, comments, verifying materials, all 06:01:30 complete, consolidating all that data and 06:01:32 information for preparation for the committee 06:01:36 meeting. 06:01:38
11 12 13 14 15 16 17 18 19 20 21 22	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21 Q. How many persons in a given year before the 05:58:21 automatic online submission form that 05:58:29 reviewed these submissions for signatures and 05:58:33 copyright language? 05:58:35 A. Historically we've used, utilized a different 05:58:39 staffing model where we had more individual 05:58:42 one-on-one review of each paper submission. 05:58:45 And in that case, there was approximately, 05:58:48	9 10 11 12 13 14 15 16 17 18 19 20 21 22	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16 50 percent of their time was related to the 06:01:20 establishment of the agendas for the 06:01:25 committee meetings, which included the 06:01:30 proposals, comments, verifying materials, all 06:01:30 complete, consolidating all that data and 06:01:32 information for preparation for the committee 06:01:36 meeting. 06:01:38 Q. But that wasn't answering my question. My 06:01:38
11 12 13 14 15 16 17 18 19 20 21 22 23	ten, the nine, the eight full-time project 05:58:01 administrators, the manager and an additional 05:58:03 administrative assistant as needed. 05:58:06 Q. Was the number larger when there was no 05:58:09 automatic online submission form? 05:58:15 A. Yes. 05:58:21 Q. How many persons in a given year before the 05:58:21 automatic online submission form that 05:58:29 reviewed these submissions for signatures and 05:58:33 copyright language? 05:58:35 A. Historically we've used, utilized a different 05:58:39 staffing model where we had more individual 05:58:42 one-on-one review of each paper submission. 05:58:45 And in that case, there was approximately, 05:58:48 date depended, approximately an additional 10 05:58:52	9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	ready, supporting the standard system. 06:01:00 Q. So I'm asking your best estimate as to what 06:01:02 percentage of the time they spent checking 06:01:05 for signatures, verifying the copyright 06:01:07 information. 06:01:10 A. If I was to speculate, I would say at least 06:01:16 50 percent of their time was related to the 06:01:20 establishment of the agendas for the 06:01:25 committee meetings, which included the 06:01:38 proposals, comments, verifying materials, all 06:01:32 information for preparation for the committee 06:01:36 meeting. 06:01:38 Q. But that wasn't answering my question. My 06:01:38 question was about the percentage of time 06:01:40

1	MR. REHN: Object to the form. 06:01:45	1	Q. You can't give any estimate at all? 06:03:44
2	Argumentative. Question has been asked and 06:01:46	2	A. No. 06:03:46
3	answered. 06:01:49	3	Q. Were you ever aware of how much time they 06:03:46
4	A. And my response remains the same that I can't 06:01:50	4	spent on the task? 06:03:54
5	speculate specifically to that level of 06:01:52	5	A. I'm aware of the full-time resources that it 06:03:57
6	detail of their day-to-day tasks. 06:01:54	6	takes to accomplish our process of supporting 06:04:00
7	Q. You can speculate as to specific detail about 06:01:57	7	our technical committees. 06:04:03
8	other tasks, but not about these tasks? 06:02:00	8	Q. But you're unaware of how much time they 06:04:08
9	MR. REHN: Objection. 06:02:02	9	spend carrying out the policy that you 06:04:10
10	Argumentative. Mischaracterizes the 06:02:03	10	described? 06:04:14
11	testimony. 06:02:05	11	MR. REHN: Objection. 06:04:14
12	Q. Why are you not answering the question I've 06:02:05	12	Argumentative. 06:04:14
13	asked, which is, what's your best estimate of 06:02:07	13	A. I believe I've answered your question. 06:04:17
14	the time, of the percentage of time those 06:02:10	14	Q. What verification strike that. 06:04:19
15	persons spent on checking for signatures and 06:02:12	15	What efforts did NFPA make to obtain 06:04:34
16	copyright information in the submissions? 06:02:17	16	assignments from the companies that employed 06:04:38
17	MR. REHN: Objection. 06:02:20	17	individuals who submitted proposals or 06:04:48
18	Argumentative. Asked and answered. 06:02:21	18	comments for NFPA's codes and standards? 06:04:53
19	A. I can speculate on their total workload, 06:02:24	19	MR. REHN: Object to the form. It's 06:04:58
20	their tasks they took 06:02:27	20	ambiguous. It assumes facts. There's some 06:05:00
21	Q. That wasn't my question. My question is, 06:02:29	21	embedded legal conclusions. 06:05:04
22	what percentage applied to checking for 06:02:30	22	A. NFPA verifies through our policy the 06:05:07
23	signatures and copyright information? That's 06:02:33	23	submission from the individual. We do not go 06:05:11
24	my question. Is it clear? 06:02:37	24	to their companies to verify authority of 06:05:16
25	MR. REHN: Objection. 06:02:39 Page 218	25	their signature. 06:05:18 Page 220
	1 450 210		1 uge 220
1	Argumentative. 06:02:39	1	Q. And how does NFPA verify submissions from the 06:05:20
2	Q. Is the question clear? 06:02:41	2	individuals? 06:05:30
3	A. No. 06:02:43	3	MR. REHN: Objection. I think this 06:05:36
4		"	-
	Q. What's unclear about it? Do you understand 06:02:44	4	topic has been extensively asked and answered 06:05:38
5	what checking for signatures means in looking 06:02:47		topic has been extensively asked and answered 06:05:38 at this point. 06:05:40
5	what checking for signatures means in looking 06:02:47 at the assignment for copyright forms? Do 06:02:51	4 5 6	topic has been extensively asked and answered 06:05:38 at this point. 06:05:40 A. Several ways, one of which includes verifying 06:05:43
5 6 7	what checking for signatures means in looking 06:02:47 at the assignment for copyright forms? Do 06:02:51 you understand? 06:02:58	4 5	topic has been extensively asked and answered 06:05:38 at this point. 06:05:40 A. Several ways, one of which includes verifying 06:05:43 that the submitter has signed the release 06:05:46
5 6 7 8	what checking for signatures means in looking 06:02:47 at the assignment for copyright forms? Do 06:02:51 you understand? 06:02:58 MR. REHN: Objection. 06:02:58	4 5 6 7 8	topic has been extensively asked and answered 06:05:38 at this point. 06:05:40 A. Several ways, one of which includes verifying 06:05:43 that the submitter has signed the release 06:05:46 form indicating it is their right or their 06:05:48
5 6 7 8 9	what checking for signatures means in looking 06:02:47 at the assignment for copyright forms? Do 06:02:51 you understand? 06:02:58 MR. REHN: Objection. 06:02:58 Argumentative. 06:02:59	4 5 6 7 8 9	topic has been extensively asked and answered 06:05:38 at this point. 06:05:40 A. Several ways, one of which includes verifying 06:05:43 that the submitter has signed the release 06:05:46 form indicating it is their right or their 06:05:48 authority to release it. 06:05:53
5 6 7 8 9 10	what checking for signatures means in looking 06:02:47 at the assignment for copyright forms? Do 06:02:51 you understand? 06:02:58 MR. REHN: Objection. 06:02:58 Argumentative. 06:02:59 A. I understand that we have a policy that each 06:03:00	4 5 6 7 8 9 10	topic has been extensively asked and answered 06:05:38 at this point. 06:05:40 A. Several ways, one of which includes verifying 06:05:43 that the submitter has signed the release 06:05:46 form indicating it is their right or their 06:05:48 authority to release it. 06:05:53 Q. What else does NFPA do to verify the 06:05:54
5 6 7 8 9 10 11	what checking for signatures means in looking 06:02:47 at the assignment for copyright forms? Do 06:02:51 you understand? 06:02:58 MR. REHN: Objection. 06:02:58 Argumentative. 06:02:59 A. I understand that we have a policy that each 06:03:00 and every proposal and comment is checked for 06:03:02	4 5 6 7 8 9 10 11	topic has been extensively asked and answered 06:05:38 at this point. 06:05:40 A. Several ways, one of which includes verifying 06:05:43 that the submitter has signed the release 06:05:46 form indicating it is their right or their 06:05:48 authority to release it. 06:05:53 Q. What else does NFPA do to verify the 06:05:54 submission from the individual? 06:06:06
5 6 7 8 9 10 11 12	what checking for signatures means in looking 06:02:47 at the assignment for copyright forms? Do 06:02:51 you understand? 06:02:58 MR. REHN: Objection. 06:02:58 Argumentative. 06:02:59 A. I understand that we have a policy that each 06:03:00 and every proposal and comment is checked for 06:03:02 copyright and any associated submitted 06:03:04	4 5 6 7 8 9 10 11 12	topic has been extensively asked and answered 06:05:38 at this point. 06:05:40 A. Several ways, one of which includes verifying 06:05:43 that the submitter has signed the release 06:05:46 form indicating it is their right or their 06:05:48 authority to release it. 06:05:53 Q. What else does NFPA do to verify the 06:05:54 submission from the individual? 06:06:06 MR. REHN: Same objection. 06:06:08
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5 6 7 8 9 10 11 12 13 14	what checking for signatures means in looking 06:02:47 at the assignment for copyright forms? Do 06:02:51 you understand? 06:02:58 MR. REHN: Objection. 06:02:58 Argumentative. 06:02:59 A. I understand that we have a policy that each 06:03:00 and every proposal and comment is checked for 06:03:02 copyright and any associated submitted 06:03:04 material is also checked. I have a team, a 06:03:07 full-time staff that that is one of their 06:03:09	4 5 6 7 8 9 10 11 12 13 14	topic has been extensively asked and answered 06:05:38 at this point. 06:05:40 A. Several ways, one of which includes verifying 06:05:43 that the submitter has signed the release 06:05:46 form indicating it is their right or their 06:05:48 authority to release it. 06:05:53 Q. What else does NFPA do to verify the 06:05:54 submission from the individual? 06:06:06 MR. REHN: Same objection. 06:06:08 A. Another example is if we review the material 06:06:10 and there's an obvious copyright statement 06:06:14
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1	Q. Do you recall anything else that NFPA does to 06:06:51	1	A. Language within parentheses, what I see is 06:10:53
2	verify the submission from the individual? 06:06:54	2	the note original material. Is that what 06:11:01
3	MR. REHN: Same objection. Asked 06:06:57	3	you're referring to? 06:11:04
4	and answered. 06:06:58	4	Q. Right. 06:11:05
5	A. No. 06:06:59	5	A. Okay. 06:11:05
6	Q. Does NFPA have any documents setting out the 06:07:00	6	Q. Was that language that language was in a 06:11:06
7	verification process that you've described? 06:07:31	7	number of NFPA's forms, correct? 06:11:11
8	A. I believe that our codes and standards 06:07:41	8	MR. REHN: Objection. The documents 06:11:16
9	department has a best practices document on 06:07:47	9	speak for themselves. 06:11:17
10	how to process each review. 06:07:51	10	A. Based upon my knowledge and review today, it 06:11:23
11	Q. Who wrote that best practices document? 06:07:52	11	appears similar to other statements I've 06:11:30
12	A. I don't know. 06:07:56	12	seen. 06:11:32
13	Q. Do you know whether the best practices 06:07:58	13	Q. In other forms provided by NFPA for comments 06:11:32
14	document says anything about getting 06:08:04	14	or proposals, correct? 06:11:36
15	assignments or copyright releases from 06:08:05	15	A. It appears consistent to the proposal form. 06:11:39
16	employers of individuals who have submitted 06:08:09	16	(Exhibit 1275 marked for 06:12:08
17	proposals or comments? 06:08:13	17	identification.) 06:12:27
18	A. Without reviewing that document in 06:08:15	18	Q. Please identify Exhibit 1275. 06:12:27
19	specificity, I can't comment to that. 06:08:18	19	A. (Witness examines document) Exhibit 1275 06:12:34
20	Q. Do you know whether that document was 06:08:21	20	appears to be a proposal form on NFPA 101 06:12:39
21	produced in this litigation? 06:08:27	21	from our archives. 06:12:44
22	A. I do not know. 06:08:31	22	Q. And this appears to be a proposal from a 06:12:47
23	(Exhibit 1273 marked for 06:08:34	23	Robert DiAngelo of the U.S. Army Corps of 06:12:53
24	identification.) 06:08:43	24	Engineers; is that right? 06:12:56
25	Q. Can you please identify Exhibit 1273. 06:08:43	25	A. Based upon the form, yes, it appears to be 06:13:00
	Page 222		Page 224
1	A. (Witness examines document) Looks like an 06:08:47	1	correct from Mr. DiAngelo. 06:13:03
2	archival version of a form proposals on one 06:09:04	2	Q. Based on your position at NFPA, what 06:13:04
3	of our documents, looks like the National 06:09:07	3	verification would you expect the project 06:13:09
4	Electrical Code. 06:09:10	4	administrators to conduct with respect to 06:13:12
5	Q. This is from NFPA maintained this like the 06:09:10	5	this proposal? 06:13:18
6	other documents in the ordinary course of 06:09:15	6	A. I would anticipate that they would review the 06:13:28
7	business as part of the standards development 06:09:17		
8		7	-
	process? 06:09:19	7 8	-
9	•		form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35
9	•	8	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37
	A. Yes. This document appears to be one from 06:09:19	8 9	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37
10	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21	8 9 10	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40
10 11	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38	8 9 10 11	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43
10 11 12	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50	8 9 10 11 12	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43
10 11 12 13	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50	8 9 10 11 12 13	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47
10 11 12 13 14	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06	8 9 10 11 12 13 14	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:49
10 11 12 13 14 15	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06 be an archival from our archives of the 2008 06:10:14	8 9 10 11 12 13 14 15	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:49 original material is checked, so there's a 06:13:52
10 11 12 13 14 15 16	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06 be an archival from our archives of the 2008 06:10:14 National Electrical Code proposal. 06:10:21	8 9 10 11 12 13 14 15 16	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:49 original material is checked, so there's a 06:13:52 selection and there's a signature. 06:13:55
10 11 12 13 14 15 16 17	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06 be an archival from our archives of the 2008 06:10:14 National Electrical Code proposal. 06:10:21 Q. Proposal from Doug Lee of the Consumer 06:10:24	8 9 10 11 12 13 14 15 16 17	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:49 original material is checked, so there's a 06:13:52 selection and there's a signature. 06:13:55 Q. Has it been the practice of anyone at NFPA to 06:13:58
10 11 12 13 14 15 16 17 18	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06 be an archival from our archives of the 2008 06:10:14 National Electrical Code proposal. 06:10:21 Q. Proposal from Doug Lee of the Consumer 06:10:24 Products Safety Commission? 06:10:28	8 9 10 11 12 13 14 15 16 17 18	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:49 original material is checked, so there's a 06:13:52 selection and there's a signature. 06:13:55 Q. Has it been the practice of anyone at NFPA to 06:13:58 contact the company listed on these forms, 06:14:03
10 11 12 13 14 15 16 17 18 19	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06 be an archival from our archives of the 2008 06:10:14 National Electrical Code proposal. 06:10:21 Q. Proposal from Doug Lee of the Consumer 06:10:24 Products Safety Commission? 06:10:28 A. Yes. 06:10:28	8 9 10 11 12 13 14 15 16 17 18	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:49 original material is checked, so there's a 06:13:52 selection and there's a signature. 06:13:55 Q. Has it been the practice of anyone at NFPA to 06:13:58 contact the company listed on these forms, 06:14:03 here, the U.S. Army Corps of Engineers, to 06:14:07
10 11 12 13 14 15 16 17 18 19 20	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06 be an archival from our archives of the 2008 06:10:14 National Electrical Code proposal. 06:10:21 Q. Proposal from Doug Lee of the Consumer 06:10:24 Products Safety Commission? 06:10:28 A. Yes. 06:10:28 Q. Down below you see Item 5 has been marked 06:10:28	8 9 10 11 12 13 14 15 16 17 18 19 20	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:49 original material is checked, so there's a 06:13:52 selection and there's a signature. 06:13:55 Q. Has it been the practice of anyone at NFPA to 06:13:58 contact the company listed on these forms, 06:14:03 here, the U.S. Army Corps of Engineers, to 06:14:07 confirm the authority of the submitter to 06:14:11
10 11 12 13 14 15 16 17 18 19 20 21	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06 be an archival from our archives of the 2008 06:10:14 National Electrical Code proposal. 06:10:21 Q. Proposal from Doug Lee of the Consumer 06:10:24 Products Safety Commission? 06:10:28 A. Yes. 06:10:28 Q. Down below you see Item 5 has been marked 06:10:28 with an X? 06:10:37	8 9 10 11 12 13 14 15 16 17 18 19 20 21	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:49 original material is checked, so there's a 06:13:52 selection and there's a signature. 06:13:55 Q. Has it been the practice of anyone at NFPA to 06:13:58 contact the company listed on these forms, 06:14:03 here, the U.S. Army Corps of Engineers, to 06:14:07 confirm the authority of the submitter to 06:14:11 submit a proposal like this? 06:14:16
10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06 be an archival from our archives of the 2008 06:10:14 National Electrical Code proposal. 06:10:21 Q. Proposal from Doug Lee of the Consumer 06:10:24 Products Safety Commission? 06:10:28 A. Yes. 06:10:28 Q. Down below you see Item 5 has been marked 06:10:28 with an X? 06:10:37 A. Yup. 06:10:38	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:52 selection and there's a signature. 06:13:55 Q. Has it been the practice of anyone at NFPA to 06:13:58 contact the company listed on these forms, 06:14:03 here, the U.S. Army Corps of Engineers, to 06:14:11 submit a proposal like this? 06:14:16 MR. REHN: Object to the form. 06:14:17
10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Yes. This document appears to be one from 06:09:19 our standards archive. 06:09:21 (Exhibit 1274 marked for 06:09:38 identification.) 06:09:50 Q. Can you please identify Exhibit 1274. 06:09:50 A. (Witness examines document) This appears to 06:10:06 be an archival from our archives of the 2008 06:10:14 National Electrical Code proposal. 06:10:21 Q. Proposal from Doug Lee of the Consumer 06:10:24 Products Safety Commission? 06:10:28 A. Yes. 06:10:28 Q. Down below you see Item 5 has been marked 06:10:28 with an X? 06:10:37 A. Yup. 06:10:38 Q. It says, "This proposal is original material" 06:10:40	8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	form and ensure that it's been completed, 06:13:31 it's appropriate on the edition of the 06:13:35 document, that the appropriate checks box has 06:13:37 been selected and that it is signed by the 06:13:40 submitter. 06:13:43 Q. And what makes it how does one determine 06:13:43 the appropriate check box? 06:13:47 A. There's a box checked in this case, the 06:13:49 original material is checked, so there's a 06:13:52 selection and there's a signature. 06:13:55 Q. Has it been the practice of anyone at NFPA to 06:13:58 contact the company listed on these forms, 06:14:03 here, the U.S. Army Corps of Engineers, to 06:14:07 confirm the authority of the submitter to 06:14:11 submit a proposal like this? 06:14:16 MR. REHN: Object to the form. 06:14:21

1			
1	questioned, challenged or brought into 06:14:30	1	at the top he's not completed. 06:19:36
2	consideration on the authority aspect. It's 06:14:35	2	And secondly, Item 5 he said this is 06:19:38
3	the understanding that the person's 06:14:36	3	not his original material, so I wouldn't 06:19:40
4	submitting it to the NFPA codes and standards 06:14:38	4	assume that, based upon our policy, this 06:19:43
5	process. 06:14:41	5	would not have been project administrators at 06:19:46
6	Q. It's the understanding that the person 06:14:42	6	this time, it would have been the admin staff 06:19:48
7	submitting to the NFPA code and standards 06:14:49	7	back in 2000 would have contacted Mr. Burns 06:19:49
8	process does what? 06:14:52	8	to find out the relationship to Mr. Houston 06:19:53
9	MR. REHN: I believe what he said 06:14:54	9	and act accordingly, based upon what they 06:19:56
10	was the person is submitting it to the NFPA 06:14:55	10	found out. 06:19:59
11	code and standard. Is that what you said? 06:14:58	11	Q. So in your view, it's possible that this 06:20:02
12	THE WITNESS: Yes. 06:15:02	12	proposal might have been rejected on 06:20:03
13	MR. REHN: I think the transcript 06:15:04	13	formality grounds? 06:20:06
14	didn't catch the "is." 06:15:05	14	MR. REHN: Object to the form. 06:20:08
15	Q. Mr. DiAngelo gives a company and a business 06:15:08	15	A. I have no knowledge of what the final result 06:20:10
16	address on this form, does he not? 06:15:15	16	was on this proposal. 06:20:15
17	A. Yes, it appears so. 06:15:23	17	Q. Is that a possibility? 06:20:16
18	(Exhibit 1276 marked for 06:15:46	18	MR. REHN: Same objection. 06:20:17
19	identification.) 06:15:57	19	A. That is a possibility. It's also a 06:20:21
20	Q. Can you please identify Exhibit 1276. 06:15:57	20	possibility that Mr. Burns, or Mr. Houston 06:20:23
21	A. (Witness examines document) This appears to 06:16:00	21	could have submitted it on his own and 06:20:25
22	be an Exhibit 1276 appears to be a 06:16:18	22	provided a statement to supplement the 06:20:27
23	proposal NFPA 13 from our archives. 06:16:22	23	record. 06:20:52
24	Q. And the submitter indicates his company and 06:16:42	24	(Exhibit 1278 marked for 06:20:52
25	his apparent business address; is that 06:16:54	25	identification.) 06:20:59
	Page 226		Page 228
1	correct? 06:17:02	1	Q. Please identify Exhibit 1278. 06:20:59
1 2	correct? 06:17:02 MR. REHN: Object to the form. 06:17:02	1 2	Q. Please identify Exhibit 1278. 06:20:59 A. (Witness examines document) Exhibit 1278 06:21:02
			-
2	MR. REHN: Object to the form. 06:17:02	2	A. (Witness examines document) Exhibit 1278 06:21:02
2 3	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04	2 3	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18
2 3 4	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08	2 3 4	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22
2 3 4 5	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10	2 3 4 5	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39
2 3 4 5 6	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19	2 3 4 5 6	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50
2 3 4 5 6 7	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20	2 3 4 5 6 7	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50
2 3 4 5 6 7 8	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22	2 3 4 5 6 7 8	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57
2 3 4 5 6 7 8 9	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23	2 3 4 5 6 7 8 9	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13
2 3 4 5 6 7 8 9 10	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27	2 3 4 5 6 7 8 9	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18
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2 3 4 5 6 7 8 9 10 11 12	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22	2 3 4 5 6 7 8 9 10 11 12	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29
2 3 4 5 6 7 8 9 10 11 12 13	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22 Q. Please identify Exhibit 1277. 06:18:22	2 3 4 5 6 7 8 9 10 11 12 13	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29 A. Based upon my review, it appears that the 06:22:35
2 3 4 5 6 7 8 9 10 11 12 13 14	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22 Q. Please identify Exhibit 1277. 06:18:22 A. (Witness examines document) Exhibit 1277 06:18:27	2 3 4 5 6 7 8 9 10 11 12 13 14	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29 A. Based upon my review, it appears that the 06:22:35 submitter, Mr. Kennedy, is looking to update 06:22:38
2 3 4 5 6 7 8 9 10 11 12 13 14 15	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22 Q. Please identify Exhibit 1277. 06:18:22 A. (Witness examines document) Exhibit 1277 06:18:27 appears to be a proposal on NFPA 10 from our 06:18:39	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29 A. Based upon my review, it appears that the 06:22:35 submitter, Mr. Kennedy, is looking to update 06:22:38 a reference to a document not published by 06:22:40
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22 Q. Please identify Exhibit 1277. 06:18:22 A. (Witness examines document) Exhibit 1277 06:18:27 appears to be a proposal on NFPA 10 from our 06:18:39 archive. 06:18:43	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29 A. Based upon my review, it appears that the 06:22:35 submitter, Mr. Kennedy, is looking to update 06:22:38 a reference to a document not published by 06:22:40 NFPA. 06:22:43
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22 Q. Please identify Exhibit 1277. 06:18:22 A. (Witness examines document) Exhibit 1277 06:18:27 appears to be a proposal on NFPA 10 from our 06:18:39 archive. 06:18:43 Q. Do you recall strike that. 06:18:47 What verification of this submission 06:19:02	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29 A. Based upon my review, it appears that the 06:22:35 submitter, Mr. Kennedy, is looking to update 06:22:38 a reference to a document not published by 06:22:40 NFPA. 06:22:43 Q. Was he looking to update a reference or to 06:22:44 correct an error? 06:22:48
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22 Q. Please identify Exhibit 1277. 06:18:22 A. (Witness examines document) Exhibit 1277 06:18:27 appears to be a proposal on NFPA 10 from our 06:18:39 archive. 06:18:43 Q. Do you recall strike that. 06:18:47 What verification of this submission 06:19:02 would you expect project administrators to 06:19:05	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29 A. Based upon my review, it appears that the 06:22:35 submitter, Mr. Kennedy, is looking to update 06:22:38 a reference to a document not published by 06:22:40 NFPA. 06:22:43 Q. Was he looking to update a reference or to 06:22:44 correct an error? 06:22:48 MR. REHN: Object to the form. 06:22:49
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22 Q. Please identify Exhibit 1277. 06:18:22 A. (Witness examines document) Exhibit 1277 06:18:27 appears to be a proposal on NFPA 10 from our 06:18:39 archive. 06:18:43 Q. Do you recall strike that. 06:18:47 What verification of this submission 06:19:02 would you expect project administrators to 06:19:05 have performed on this document? 06:19:21	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:57 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29 A. Based upon my review, it appears that the 06:22:35 submitter, Mr. Kennedy, is looking to update 06:22:38 a reference to a document not published by 06:22:40 NFPA. 06:22:43 Q. Was he looking to update a reference or to 06:22:44 correct an error? 06:22:48 MR. REHN: Object to the form. 06:22:49 Q. Do you see where he says the ASME code 06:22:55 is referenced incorrectly? 06:22:58
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22 Q. Please identify Exhibit 1277. 06:18:22 A. (Witness examines document) Exhibit 1277 06:18:27 appears to be a proposal on NFPA 10 from our 06:18:39 archive. 06:18:43 Q. Do you recall strike that. 06:18:47 What verification of this submission 06:19:02 would you expect project administrators to 06:19:05 have performed on this document? 06:19:09 A. Based upon my review, there's two things that 06:19:21 stands out to me. One is Mr. Burns has not 06:19:26	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29 A. Based upon my review, it appears that the 06:22:35 submitter, Mr. Kennedy, is looking to update 06:22:38 a reference to a document not published by 06:22:40 NFPA. 06:22:43 Q. Was he looking to update a reference or to 06:22:44 correct an error? 06:22:48 MR. REHN: Object to the form. 06:22:49 Q. Do you see where he says the ASME code 06:22:55 is referenced incorrectly? 06:22:58 A. Based upon my experience in NFPA standards 06:23:14
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	MR. REHN: Object to the form. 06:17:02 A. Based upon my review of Exhibit 1276, it does 06:17:04 appear that he states a company and street 06:17:08 address. 06:17:10 Q. The company you understand that to be the 06:17:19 company's street address? 06:17:20 MR. REHN: Object to the form. 06:17:22 Calls for speculation. 06:17:23 A. I have no way to confirm that at this time. 06:17:27 (Exhibit 1277 marked for 06:17:45 identification.) 06:18:22 Q. Please identify Exhibit 1277. 06:18:22 A. (Witness examines document) Exhibit 1277 06:18:27 appears to be a proposal on NFPA 10 from our 06:18:39 archive. 06:18:43 Q. Do you recall strike that. 06:18:47 What verification of this submission 06:19:02 would you expect project administrators to 06:19:05 have performed on this document? 06:19:09 A. Based upon my review, there's two things that 06:19:21 stands out to me. One is Mr. Burns has not 06:19:26 indicated how he wants us to communicate with 06:19:29	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. (Witness examines document) Exhibit 1278 06:21:02 appears to be a proposal form on NFPA 10 from 06:21:18 our archives. 06:21:22 (Exhibit 1279 marked for 06:21:39 identification.) 06:21:50 Q. Please identify Exhibit 1279. 06:21:50 A. (Witness examines document) Exhibit 1279 06:21:57 appears to be a proposal on NFPA 12 from our 06:22:13 archives. 06:22:18 Q. It's also indicated that the proposal is not 06:22:21 original material, correct? 06:22:29 A. Based upon my review, it appears that the 06:22:35 submitter, Mr. Kennedy, is looking to update 06:22:38 a reference to a document not published by 06:22:40 NFPA. 06:22:43 Q. Was he looking to update a reference or to 06:22:44 correct an error? 06:22:48 MR. REHN: Object to the form. 06:22:49 Q. Do you see where he says the ASME code 06:22:55 is referenced incorrectly? 06:22:58 A. Based upon my experience in NFPA standards 06:23:14 development process, our documents could also 06:23:22

1 appears that this gentleman is looking to 06:23:31 2 delete the ANSI term in front of ASME. But 06:23:33 3 based upon my experience, ASME 31.1 is an 06:23:37 4 ANSI-accredited standard. 06:23:42 4 (Exhibit 1281 marked for 06:27:35 5 (Q. ANSI-accredited? 06:23:45 5 (Q. ANSI-accredited? 06:23:45 6 A. Yes, sir. 06:23:47 6 A. Yes, sir. 06:23:47 7 Q. Does that mean issued by ANSI? 06:23:47 7 Q. Does that mean issued by ANSI? 06:23:51 8 be a proposal from our archives relating to 06:27:44 6 Q. Please identify Exhibit 1281. 06:27:44 7 A. (Witness examines document) It appears to 06:27:44 7 A. (Witness examines document) It appears to 06:27:44 7 A. (Witness examines document) It appears to 06:27:44 7 A. (Witness examines document) It appears to 06:27:44 7 A. (Witness examines document) It appears to 06:27:44 7 A. (Witness examines document) It appears to 06:27:44 7 A. (Witness examines document) It appears to 06:27:44 7 A. (Witness examines document) It appears to 06:28:18 10 (Exhibit 1282 marked for 06:28:18 11 (Exhibit 1282 marked for 06:28:53 12 (Please identify Exhibit 1282 marked for 06:28:53 13 ANSI-accredited as ANSI codes? 06:24:04 14 (Mitness examines document) Exhibit 1282 06:29:59 15 (Exhibit 1283 marked for 06:29:20 16 (Exhibit 1283 marked for 06:29:49 17 (Exhibit 1283 marked for 06:29:59 18 (Q. Please identify Exhibit 1283
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5 Q. ANSI-accredited? 06:23:45 5 identification.) 06:27:44 6 A. Yes, sir. 06:23:47 6 Q. Please identify Exhibit 1281. 06:27:44 7 Q. Does that mean issued by ANSI? 06:23:47 7 A. (Witness examines document) It appears to 06:27:44 8 MR. REHN: Object to the form. May 06:23:51 8 be a proposal from our archives relating to 06:28:18 9 call for speculation. Outside the scope. 06:23:54 10 (Exhibit 1282 marked for 06:28:31 11 Q. Does that mean that so is it permissible 06:23:55 11 identification.) 06:28:53 12 for persons to refer to NFPA codes that are 06:24:04 12 Q. Please identify Exhibit 1282. 06:28:53 13 ANSI-accredited as ANSI codes? 06:24:08 13 A. (Witness examines document) Exhibit 1282 06:29:16 14 MR. REHN: Object to the form. 06:24:13 14 appears to be a proposal from our archives 06:29:16 15 Ambiguous. Confusing. Outside the scope. 06:24:15 15 on NFPA 70. 06:29:20 16 A. It would be appropriate to refer to NFPA 06:24:21 16 (Exhibit 1283 marked for 06:29:49 17 standards as ANSI-accredited standards. 06:24:24 17 identification.) 06:29:59 18 Q. Is it appropriate to refer to them as is 06:24:37 18 Q. Please identify Exhibit 1283. 06:29:59 19 A. (Witness examines document) It appears to 06:30:00 <td< td=""></td<>
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7 Q. Does that mean issued by ANSI? 06:23:47 8 MR. REHN: Object to the form. May 06:23:51 9 call for speculation. Outside the scope. 06:23:52 10 A. No. 06:23:54 11 Q. Does that mean that so is it permissible 06:23:55 12 for persons to refer to NFPA codes that are 06:24:04 13 ANSI-accredited as ANSI codes? 06:24:08 14 MR. REHN: Object to the form. 06:24:13 15 Ambiguous. Confusing. Outside the scope. 06:24:15 16 A. It would be appropriate to refer to NFPA 06:24:21 17 standards as ANSI-accredited standards. 06:24:24 18 Q. Is it appropriate to refer to them as is 06:24:27 19 it appropriate to refer to them as is 06:24:33 21 MR. REHN: Outside the scope. The 06:24:37 22 witness may answer if he knows. 06:24:49 24 ANSI-accredited standards development system. 06:24:48 25 ANSI-accredited standards development system. 06:24:48 26 ANSI-accredited standards development system. 06:24:48 27 A. (Witness examines document) It appears to 06:28:18 28 be a proposal from our archives relating to 06:28:18 29 NFPA 70. 06:28:22 10 (Exhibit 1282 marked for 06:28:53 11 identification.) 06:28:53 12 Q. Please identify Exhibit 1282. 06:28:53 13 A. (Witness examines document) Exhibit 1282 06:29:59 14 appears to be a proposal from our archives relating to 06:28:18 15 on NFPA 70. 06:28:53 16 (Exhibit 1282 marked for 06:28:53 17 identification.) 06:28:53 18 proposal from our archives relating to 06:29:49 19 on NFPA 70. 06:29:59 10 (Exhibit 1282 marked for 06:28:53 11 identification.) 06:28:53 12 on NFPA 70. 06:29:59 13 A. (Witness examines document) Exhibit 1282 06:29:59 14 appears to be a proposal from our archives relating to 06:29:49 15 on NFPA 70. 06:29:49 16 (Exhibit 1282 marked for 06:28:53 17 identification.) 06:29:49 18 Q. Please identify Exhibit 1283. 06:29:59 18 Q. Please identify Exhibit 1283. 06:29:59 18 Q. Please identify Exhibit 1283. 06:29:59 29 be a recommendation from the Department of 06:30:50 20 be a recommendation from the Department of 06:30:50 21 the Army for a change to our Life Safety
MR. REHN: Object to the form. May 06:23:51 9 call for speculation. Outside the scope. 06:23:52 10 A. No. 06:23:54 11 Q. Does that mean that so is it permissible 06:23:55 12 for persons to refer to NFPA codes that are 06:24:04 13 ANSI-accredited as ANSI codes? 06:24:08 14 MR. REHN: Object to the form. 06:24:13 15 Ambiguous. Confusing. Outside the scope. 06:24:15 16 A. It would be appropriate to refer to NFPA 06:24:21 17 standards as ANSI-accredited standards. 06:24:24 18 Q. Is it appropriate to refer to them as is 06:24:27 19 it appropriate to refer strike that. 06:24:30 20 Is it NFPA 70 ANSI-accredited? 06:24:33 21 MR. REHN: Outside the scope. The 06:24:37 22 witness may answer if he knows. 06:24:41 23 Q. Would it have been a policy of NFPA's to 06:30:57 24 ANSI-accredited standards development system. 06:24:48 25 PASI-accredited standards development system. 06:24:48 26 Dear arcommendation for failure to 06:30:57
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10 A. No. 06:23:54 11 Q. Does that mean that so is it permissible 06:23:55 12 for persons to refer to NFPA codes that are 06:24:04 13 ANSI-accredited as ANSI codes? 06:24:08 14 MR. REHN: Object to the form. 06:24:13 15 Ambiguous. Confusing. Outside the scope. 06:24:15 16 A. It would be appropriate to refer to NFPA 06:24:21 17 standards as ANSI-accredited standards. 06:24:24 18 Q. Is it appropriate to refer to them as is 06:24:27 19 it appropriate to refer strike that. 06:24:30 20 Is it NFPA 70 ANSI-accredited? 06:24:33 21 MR. REHN: Outside the scope. The 06:24:37 22 witness may answer if he knows. 06:24:39 23 A. Yes. It's processed through our 06:24:41 24 ANSI-accredited standards development system. 06:24:48 25 In the Army for a change to our Life Safety 06:30:57 26 In the Army for a change to our Life Safety 06:30:57 27 Code. 06:30:57 28 Q. Would it have been a policy of NFPA's to 06:30:57
11 Q. Does that mean that so is it permissible 06:23:55 12 for persons to refer to NFPA codes that are 06:24:04 13 ANSI-accredited as ANSI codes? 06:24:08 14 MR. REHN: Object to the form. 06:24:13 15 Ambiguous. Confusing. Outside the scope. 06:24:15 16 A. It would be appropriate to refer to NFPA 06:24:21 17 standards as ANSI-accredited standards. 06:24:24 18 Q. Is it appropriate to refer to them as is 06:24:27 19 it appropriate to refer to them as is 06:24:30 20 Is it NFPA 70 ANSI-accredited? 06:24:33 21 MR. REHN: Outside the scope. The 06:24:37 22 witness may answer if he knows. 06:24:41 23 Q. Please identify Exhibit 1282. 06:29:59 16 (Exhibit 1283 marked for 06:29:20 16 (Exhibit 1283 marked for 06:29:49 17 identification.) 06:29:59 18 Q. Please identify Exhibit 1283. 06:29:59 19 A. (Witness examines document) It appears to 06:30:00 20 Is it NFPA 70 ANSI-accredited? 06:24:33 21 MR. REHN: Outside the scope. The 06:24:37 22 witness may answer if he knows. 06:24:41 23 Q. Would it have been a policy of NFPA's to 06:30:57 24 ANSI-accredited standards development system. 06:24:48 25 reject this recommendation for failure to 06:30:57
for persons to refer to NFPA codes that are 06:24:04 ANSI-accredited as ANSI codes? 06:24:08 MR. REHN: Object to the form. 06:24:13 Ansiguous. Confusing. Outside the scope. 06:24:15 Antiwould be appropriate to refer to NFPA 06:24:21 MR. REHN: Object to the form. 06:24:15 Antiwould be appropriate to refer to NFPA 06:24:21 MR. REHN: Object to the form. 06:24:15 MR. REHN: Outside the scope. 06:24:15 MR. REHN: Outside the scope. 06:24:37 MR. REHN: Outside the scope. The 06:24:37 MR. REHN: Outside the scope. The 06:24:39 ANSI-accredited standards development system. 06:24:48 ANSI-accredited standards development system. 06:24:48 ANSI-accredited standards development system. 06:24:48 ANSI-accredited as ANSI codes? 06:24:08 A. (Witness examines document) Exhibit 1282 06:29:16 A. (Witness examines document) It appears to 06:29:49 A. (Witness examines document) It appears to 06:30:00 Description of 10:29:20 A. (Witness examines document) It appears to 06:30:00 Description of 10:29:20 Description of 10:29:20
ANSI-accredited as ANSI codes? 06:24:08 MR. REHN: Object to the form. 06:24:13 Ambiguous. Confusing. Outside the scope. 06:24:15 Ambiguous. Confusing. Outside the scope. 06:24:15 A. It would be appropriate to refer to NFPA 06:24:21 The standards as ANSI-accredited standards. 06:24:24 A. It appropriate to refer to them as is 06:24:24 A. It appropriate to refer to them as is 06:24:27 It appropriate to refer strike that. 06:24:30 Is it NFPA 70 ANSI-accredited? 06:24:33 A. (Witness examines document) Exhibit 1282 06:29:16 In the proposal from our archives 06:29:16 In the proposal from our archives 06:29:16 In the proposal from our archives 06:29:16 It is appropriate to refer to NFPA 06:24:21 It is appropriate to refer 06:29:49 It is appropriate to refer strike that. 06:24:33 It is appropriate to refer to them as is 06:24:27 It is appropriate to refer to them as is 06:24:33 It is appropriate to refer to NFPA 06:24:33 It is appropriate to refer to NFPA 06:24:33 It is appropriate to refer to them as is 06:24:24 It identification.) 06:29:59 It is appropriate to refer strike that. 06:24:33 It is appropriate to refer to them as is 06:24:24 It identification.) 06:29:59 It is appropriate to refer strike that. 06:24:33 It is appropriate to refer to them as is 06:24:24 It identification.) 06:29:59 It is appropriate to refer strike that. 06:24:33 It is appropriate to refer strike that. 06:24:34 It is appears to be a proposal from our archives 06:29:16 It is appears to be a proposal from our archives 06:29:16 It is appears to be a proposal from our archives 06:29:16 It is appears to be a proposal from our archives 06:29:16 It is appears to be a proposal from our archives 06:29:16 It is appears to be a proposal from our archives 06:29:16 It is a
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16 A. It would be appropriate to refer to NFPA 06:24:21 16 (Exhibit 1283 marked for 06:29:49 17 standards as ANSI-accredited standards. 06:24:24 17 identification.) 06:29:59 18 Q. Is it appropriate to refer to them as is 06:24:27 18 Q. Please identify Exhibit 1283. 06:29:59 19 it appropriate to refer strike that. 06:24:30 19 A. (Witness examines document) It appears to 06:30:020 19 Example 19 Description of 19 Descri
17 standards as ANSI-accredited standards. 06:24:24 18 Q. Is it appropriate to refer to them as is 06:24:27 19 it appropriate to refer strike that. 06:24:30 20 Is it NFPA 70 ANSI-accredited? 06:24:33 21 MR. REHN: Outside the scope. The 06:24:37 22 witness may answer if he knows. 06:24:39 23 A. Yes. It's processed through our 06:24:41 24 ANSI-accredited standards development system. 06:24:48 25 It's processed through our 06:24:48 26 It's processed through our 06:30:57 27 It identification.) 06:29:59 28 Q. Please identify Exhibit 1283. 06:29:59 29 A. (Witness examines document) It appears to 06:30:00 20 It is it NFPA 70 ANSI-accredited? 06:24:33 21 Ithe Army for a change to our Life Safety 06:30:46 22 Code. 06:30:53 23 Q. Would it have been a policy of NFPA's to 06:30:57
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23 A. Yes. It's processed through our 06:24:41 23 Q. Would it have been a policy of NFPA's to 06:30:57 24 ANSI-accredited standards development system. 06:24:48 24 reject this recommendation for failure to 06:30:57
24 ANSI-accredited standards development system. 06:24:48 24 reject this recommendation for failure to 06:30:57
25 Q. And is it appropriate to refer to it as 06:24:50 25 include copyright language? 06:31:02
Page 230 Pa
1 ANSI 70? 06:24:57 1 A. Our policy is not to reject a submission on 06:31:05
2 MR. REHN: Objection as to form. 06:24:57 2 the basis of it just initially lacking the 06:31:09
3 Vague. 06:25:00 3 form. Our policy would be to follow up as 06:31:11
4 A. No. 06:25:03 4 requested by a Lieutenant Colonel 06:31:14
5 Q. Why not? 06:25:03 5 Everette Horne with Mr. Prediger to determine 06:31:1
6 A. Because it's NFPA 70. 06:25:04 6 if they wished to submit a formal 06:31:25
7 Q. To your knowledge, is ASME B31.1 also known 06:25:16 7 recommendation through the process and to 06:31:2
8 as ANSI ASME B31.1? 06:25:44 8 help them through that process. 06:31:29
9 A. Historically, yes. 06:25:55 9 Q. Would NFPA require a signature on a copyright 06:31
10 Q. Is it also known as ANSI B31.1? 06:25:57 10 form in order to consider recommendation for 06:31:3
11 A. Not to my knowledge. 06:26:04 11 a change by the Department of the Army? 06:31:39
12 Q. Historically has NFPA 70 ever been referred 06:26:05 12 A. Our policy would say that if they're 06:31:45
13 to ANSI NFPA 70? 06:26:10 13 submitting a formal recommendation through 06:31:4
MR. REHN: I'll object to this 06:26:16 14 our public process, yes. However, if they 06:31:50
15 question as to being outside the scope. The 06:26:19 15 wish to attend the committee meeting to 06:31:53
16 witness can answer if he knows. 06:26:21 16 discuss a change with the committee or 06:31:55
17 A. Not to my knowledge. 06:26:22 17 present material to the committee, we have 06:31:58
18 Q. Would it ever be appropriate to refer to 06:26:24 18 open meetings and we would allow that. 06:32:00
18 Q. Would it ever be appropriate to refer to 06:26:24 18 open meetings and we would allow that. 06:32:00 19 NFPA 70 as ANSI 70? 06:26:27 19 Q. There are persons permitted to attend 06:32:03
19 NFPA 70 as ANSI 70? 06:26:27 19 Q. There are persons permitted to attend 06:32:03
19 NFPA 70 as ANSI 70? 06:26:27 19 Q. There are persons permitted to attend 06:32:03 20 MR. REHN: Same objection to scope 06:26:31 20 committee meetings and to make suggestions at 06:32:
19 NFPA 70 as ANSI 70? 06:26:27 19 Q. There are persons permitted to attend 06:32:03 20 MR. REHN: Same objection to scope 06:26:31 20 committee meetings and to make suggestions at 06:32:
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19 NFPA 70 as ANSI 70? 06:26:27 20 MR. REHN: Same objection to scope 06:26:31 21 and objection to the form of the question. 06:26:33 22 A. No. 06:26:35 23 (Exhibit 1280 marked for 06:26:38 29 Q. There are persons permitted to attend 06:32:03 20 committee meetings and to make suggestions at 06:32:20 21 committee meetings without signing documents 06:32:14 22 that yield all copyright rights and their 06:32:14 23 contributions to NFPA? 06:32:19
19 NFPA 70 as ANSI 70? 06:26:27 20 MR. REHN: Same objection to scope 06:26:31 21 and objection to the form of the question. 06:26:33 22 A. No. 06:26:35 23 (Exhibit 1280 marked for 06:26:38 19 Q. There are persons permitted to attend 06:32:03 20 committee meetings and to make suggestions at 06:32: 21 committee meetings without signing documents 06:32:14 22 that yield all copyright rights and their 06:32:14 23 contributions to NFPA? 06:32:19

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1	A. Members of the public or whoever, I guess 06:32:25	1	we'll stipulate to true and correct copies of 06:48:53
2	private sector or public sector, are 06:32:28	2	the standards at issue in this case. 06:48:55
3	permitted to attend our committee meetings 06:32:31	3	MR. BRIDGES: You'll stipulate to 06:48:57
4	and discuss issues with our technical 06:32:32	4	the fact that they are true and correct 06:48:58
5	committee. 06:32:34	5	copies if they were produced? 06:48:59
6	Ultimately in the committee meeting, 06:32:34	6	MR. REHN: Sure. 06:49:00
7	our technical committee members are 06:32:36	7	MR. BRIDGES: Okay. Thanks. 06:49:01
8	responsible for developing any text or 06:32:39	8	BY MR. BRIDGES: 06:49:01
9	changes to the document in coordination with 06:32:41	9	Q. I'm not marking this as an exhibit, but I'm 06:49:04
10	staff. 06:32:43	10	referring to it by the numbers stamped at 06:49:06
11	Q. Are members of the public who attend the open 06:32:44	11	the bottom. Can you please identify the 06:49:11
12	technical committee meetings permitted to 06:32:46	12	document that starts at 17535, ends at 18417. 06:49:17
13	suggest textural revisions or additions? 06:32:50	13	I'm not asking you to look through 06:49:28
14	MR. REHN: Objection to form. 06:32:57	14	every page, but I assume that this is a copy 06:49:30
15	A. We do not limit the statements on the public. 06:32:58	15	of the 2011 edition of the National 06:49:33
16	MR. BRIDGES: Let's go off the 06:33:04	16	Electrical Code. Does that seem correct to 06:49:38
17	record, if we may, briefly. What I'm going 06:33:06	17	you? 06:49:41
18	to ask him to do when we come back is to 06:33:09	18	A. Based upon what I have in front of me, it 06:49:42
19	authenticate a bunch of the codes. 06:33:11	19	appears to be a copy of the 2011 National 06:49:44
20	VIDEOGRAPHER: The time is 6:33. We 06:33:14	20	Electrical Code. 06:49:49
21	are now off the record. 06:33:17	21	Q. There are some items within this document 06:49:4
22	(Break taken) 06:33:20	22	that have some shading. I don't know if 06:49:53
23	VIDEOGRAPHER: The time is 6:47, and 06:47:26	23	they're in color on other instances of it, 06:49:56
24	we are now back on the record. 06:47:32	24	but let me ask you to refer to the page with 06:50:00
25	MR. BRIDGES: Thank you. As we went 06:47:33 Page 234	25	Bates No. 17729, for example. 06:50:03 Page 236
1	off the record, I was discussing a desire to 06:47:37	1	***************************************
2	authenticate a number of the NFPA codes and 06:47:40	2	Q. Right. Do you see shading at several points 06:50:17
3	standards at issue in the case. 06:47:43	3	on that page? 06:50:20
4	I think we have an agreement; I'd 06:47:45	4	A. Yes, I do see shading. 06:50:23
5	just like to get a stipulation on the record 06:47:46	5	Q. I'm not referring to the shading around the 06:50:25
6	that rather than authenticating a bunch of 06:47:48	6	article titles. What does the other shading 06:50:28
7	big documents, counsel will agree that NFPA 06:47:53	7	on the page indicate? 06:50:31
8	counsel will furnish us Bates ranges of the 06:47:58	8	A. Shading within the NEC indicates locations 06:50:35
9	standards at issue in the lawsuit and that we 06:48:06	9	where changes have occurred between editions. 06:50:39
10	can rely upon copies of those documents with 06:48:09	10	Q. How many times through how many editions 06:50:42
11	those Bates numbers as produced as authentic 06:48:12	11	was this a means of indicating changes from 06:50:47
12	copies of the relevant codes and standards. 06:48:15	12	earlier editions? 06:50:49
13	Is that agreeable? 06:48:17	13	A. To the best of my knowledge, with respect to 06:50:53
14	MR. REHN: We will yeah, we'll 06:48:18	14	the NEC, which is one of the few documents we 06:50:58
15	stipulate that we will agree to a method of 06:48:22	15	use shading, it was for the 2011 and 2014. I 06:51:01
16	identifying the standards at issue in the 06:48:26	16	do not recall if it was prior to that. 06:51:06
17	case. We're amenable to Bates numbers, but 06:48:28	17	Q. So in the 2014, if there's shading, it means 06:51:08
18	we'll take it under advisement as to the most 06:48:34	18	something changed there compared to the 2011 06:51:12
19	efficient way to do that. 06:48:36	19	edition, correct? 06:51:14
20	MR. BRIDGES: Can we get that 06:48:37	20	A. Correct. 06:51:15
21	information within 15 days? 06:48:38	21	Q. And the 2011 edition, if there's shading, 06:51:16
22	MR. REHN: Sure, and we'll be happy 06:48:40	22	that indicates that there's something changed 06:51:19
23	to meet further to hammer out the details. 06:48:41	23	there from the 2008 edition. Is that a fair 06:51:21
24	But with respect to the standards at issue in 06:48:44	24	inference? 06:51:27
25	this case, we are going to be objecting 06:48:46	25	A. If you refer to Page 17559 06:51:36
	Page 235		Page 237

1		1	correlation across the entire standard 06:54:56
2	A. Top left-hand paragraph below the bold 06:51:52	2	itself. 06:54:59
3	discusses what we used to indicate changes 06:51:57	3	Q. And these pages identify various code-making 06:55:05
4	including shaded or bulleting, like a dot. 06:51:59	4	panels and then they indicate which portions 06:55:12
5	Q. It says, "Changes other than editorial are 06:52:07	5	of the National Electrical Code they were 06:55:16
6	highlighted with gray shading." Do you see 06:52:13	6	responsible for; is that correct? 06:55:18
7	that? 06:52:15	7	MR. REHN: Object to the form of the 06:55:25
8	A. Yes. 06:52:15	8	question. 06:55:26
9	Q. What's an example of some editorial changes 06:52:16	9	A. That is my understanding. 06:55:27
10	that would have occurred between editions of 06:52:19	10	Q. And it indicates the and this list 06:55:29
11	the NEC? 06:52:22	11	indicates both the names and the affiliations 06:55:34
12	A. Sample could be a spelling error. 06:52:23	12	of those persons who participated in the work 06:55:41
13	Q. Anything else? 06:52:34	13	that's reflected in this edition; is that 06:55:45
14	A. The only thing I can think of is occasionally 06:52:36	14	correct? 06:55:50
15	documents, paragraphs roll into each other, 06:52:46	15	MR. REHN: Object to the form. 06:55:50
16	so spacing, things like that. 06:52:50	16	A. Our committee lists indicate the name of the 06:55:51
17	Q. The document contains lists of persons 06:52:52	17	individual who holds the seat, whether 06:55:56
18	starting at Page 17547 up through Page 17558, 06:53:07 correct? 06:53:18	18	they're a principal or alternate, what 06:55:59
19		19	company they work for and, if any, 06:56:01
20	MR. FEE: Could you repeat that. 06:53:25 What was the question? 06:53:30	20 21	representation if they do have a 06:56:03 representation. 06:56:05
21 22	What was the question? 06:53:30 Q. The document contains lists of persons 06:53:31	22	Q. So let's say in the case of Page 17551 06:56:08
23	starting at Page 17547 up through Page 17558, 06:53:34	23	A. 551. 06:56:20
24	correct? 06:53:39	24	Q. There's a reference to John Ray of Duke 06:56:22
25	A. Just to make sure I understand your question, 06:53:41	25	Energy Corporation and it says, "Rep, 06:56:28
23	Page 238	23	Page 240
1	you just indicated there is a list of 06:53:49	1	Electric Light and Power Group." What does 06:56:29
2	persons? 06:53:50	2	that mean? 06:56:33
3	Q. Right. 06:53:51	3	A. Before I answer the question, I'm just having 06:56:38
4	A. Those pages appear to contain lists of 06:53:54	4	trouble finding John's name. Is he on the 06:56:41
5	technical committee members as well as NFPA 06:53:57	5	one on Code-Making Panel 7? 06:56:43
6	staff, where appropriate. 06:54:00	6	Q. Panel 7, left column, four from the bottom. 06:56:46
7	Q. And I think you testified earlier but just 06:54:02	7	A. So in that case it appears Mr. Ray, the 06:56:55
8	for the sake of clarification, committees 06:54:04	8	company he works for is Duke Engineering 06:57:00
9	that are called technical committees for 06:54:09	9	Corporation. He represents a utility, and 06:57:02
10	other codes and standards are called 06:54:11	10	his representation of the committee is 06:57:04
11	code-making panels when it comes to the 06:54:13	11	Electrical Light and Power Group, EEI. 06:57:06
12	National Electrical Code; is that correct? 06:54:15	12	Q. And the letters in brackets after the names, 06:57:13
13	A. That is partially correct. There are two 06:54:18	13	employers and states indicate the what do 06:57:23
14	ways we address the National Electrical Code. 06:54:21	14	you call it? Not the interest group. The 06:57:29
15	There are code-making panels and their work 06:54:24	15	interest section? 06:57:32
16	is overseen by a technical correlating 06:54:26	16	A. It's the interest category. 06:57:34
17	committee. 06:54:30	17	Q. The interest category. So the letters within 06:57:37
18	Q. What is the work of the technical correlating 06:54:31	18	brackets at the end of the line on which the 06:57:39
19	committee? 06:54:35	19	names of the individuals are found is a code 06:57:43
20	A. The technical correlating committee is 06:54:37	20	for the interest category; is that correct? 06:57:45
21	responsible for correlation across the entire 06:54:42	21	A. That is correct. 06:57:47
1	document to ensure that the code-making 06:54:45	22	Q. M is manufacturer; is that right? M stands 06:57:48
22	document to ensure that the code-making 00:34:43		
	panels are aware of potential conflicting 06:54:49	23	for manufacturer? 06:58:00
22		23 24	for manufacturer? 06:58:00 A. Yes, M is for manufacturer. 06:58:00
22 23	panels are aware of potential conflicting 06:54:49		

1	A. Correct. The Es could represent federal 06:58:05	1	Vague and ambiguous. 07:01:33
2	government, state and local government as 06:58:14	2	A. Yes. We had a major rewrite of our 07:01:36
3	well as state fire officials, local fire 06:58:17	3	regulations in approximately 2007, 2008 time 07:01:40
4	officials. 06:58:20	4	frame we started that process. 07:01:48
5	Q. I notice on the front page of this there's a 06:58:21	5	Q. Has there been any significant change 07:01:50
6	section near the bottom right of the page 06:58:42	6	since strike that. 07:01:53
7	that says "Order redline PDF." Do you see 06:58:45	7	You said that's when the process 07:01:54
8	that? 06:58:48	8	started. When did that process end? 07:01:56
9	A. Yes. 06:58:48	9	A. The rewrite to our regulations ended, to the 07:01:57
10	Q. That redline PDF is a different document. 06:58:49		best of my knowledge, in approximately 2009, 07:02:06
11	This is not the redline, correct? 06:58:52	11	2010. 07:02:09
12	A. Based upon my review here, it appears to be 06:58:5		Q. Have there been any other, in your mind, 07:02:13
13	the, quote, unquote, normal version with the 06:59:01	13	significant changes to the standards 07:02:16
14	shading to track changes and not a full track 06:59:04	14	development process since 2010? 07:02:18
15	changes redline version. 06:59:07	15	A. No. 07:02:22
16	Q. And if one orders the redline PDF, does that 06:59:08		Q. Do you, in preparing and overseeing the 07:02:22
17	show the text that was deleted which might 06:59:11	17	development of codes and standards, strive to 07:02:48
18	not appear in this version? 06:59:14	18	make them suitable for governments to adopt 07:02:53
9	A. That is my understanding, but I have not seen 06:59:1	719	for purposes of enforcement? 07:02:59
20	the redline version of this document. 06:59:21	20	MR. REHN: Object to the form. It's 07:03:05
21	Q. Let me ask you to turn to Page 17538. 06:59:23	21	vague. May call for a legal opinion. 07:03:07
22	A. 17538. 06:59:53	22	A. Part of our committee officers guide is a 07:03:15
23	Q. Does the language on that page appear 06:59:57	23	guidance document that is to address 07:03:19
24	correct, to your knowledge? 07:00:02	24	usability, adoptability and enforceability. 07:03:22
25	MR. REHN: You're referring to the 07:00:11	25	It's guidance to our committees to 07:03:27
	Page 242		Page 24
1	whole language on the page? 07:00:13	1	ensure that they write clear and not vague 07:03:29
2	MR. BRIDGES: Right. 07:00:15	2	requirements that are understandable and 07:03:31
3	MR. REHN: Objection as to form. 07:00:15	3	concise. 07:03:33
4	A. To the best of my knowledge, it appears like 07:00:21	4	Q. You said usability, adoptability and 07:03:34
5	our opening issuing statement, our history 07:00:23	5	enforceability; is that right? 07:03:38
6	and development of the National Electrical 07:00:27	6	A. Yes. 07:03:40
7	Code as well as our copyright statements, to 07:00:29	7	Q. Does adoptability include within that concept 07:03:41
8	the best of my knowledge. 07:00:34	8	the ease of adoption by governments of codes 07:03:50
9	Q. So it's correct, to the best of your 07:00:34	~	
		9	
10	· ·	9	as enforceable law? 07:04:01
	knowledge? 07:00:37	10	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03
11	knowledge? 07:00:37 A. It appears correct. 07:00:37	10 11	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07
11	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40	10 11 12	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11
11 12 13	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45	10 11 12 13	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15
11 12 13	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52	10 11 12 13 14	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19
11 12 13 14	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53	10 11 12 13 14 15	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22
11 12 13 14 15	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53 witness to render a legal opinion. 07:00:55	10 11 12 13 14 15 16	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22 to be a standard and enforceable and, I would 07:04:26
111 112 113 114 115 116	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53 witness to render a legal opinion. 07:00:55 MR. BRIDGES: I'm just asking if 07:01:01	10 11 12 13 14 15	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22 to be a standard and enforceable and, I would 07:04:26 assume, adoptable. 07:04:29
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111 112 113 114 115 116 117	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53 witness to render a legal opinion. 07:00:55 MR. BRIDGES: I'm just asking if 07:01:01	10 11 12 13 14 15 16 17	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22 to be a standard and enforceable and, I would 07:04:26 assume, adoptable. 07:04:29
111 112 113 114 115 116 117 118	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53 witness to render a legal opinion. 07:00:55 MR. BRIDGES: I'm just asking if 07:01:01 it's correct to the best of his knowledge. 07:01:03	10 11 12 13 14 15 16 17 18	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22 to be a standard and enforceable and, I would 07:04:26 assume, adoptable. 07:04:29 Q. That makes the mandatory language makes 07:04:31
111 112 113 114 115 116 117 118 119 220	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53 witness to render a legal opinion. 07:00:55 MR. BRIDGES: I'm just asking if 07:01:01 it's correct to the best of his knowledge. 07:01:03 A. To the best of my knowledge, this appears 07:01:08	10 11 12 13 14 15 16 17 18 19	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22 to be a standard and enforceable and, I would 07:04:26 assume, adoptable. 07:04:29 Q. That makes the mandatory language makes 07:04:31 them suitable for a government to adopt the 07:04:34
111 112 113 114 115 116 117 118 119 220 221	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53 witness to render a legal opinion. 07:00:55 MR. BRIDGES: I'm just asking if 07:01:01 it's correct to the best of his knowledge. 07:01:03 A. To the best of my knowledge, this appears 07:01:08 correct and typical of our front matter 07:01:11	10 11 12 13 14 15 16 17 18 19 20	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22 to be a standard and enforceable and, I would 07:04:26 assume, adoptable. 07:04:29 Q. That makes the mandatory language makes 07:04:31 them suitable for a government to adopt the 07:04:34 codes and standards as law? 07:04:35
111 112 113 114 115 116 117 118 119 220 221 222	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53 witness to render a legal opinion. 07:00:55 MR. BRIDGES: I'm just asking if 07:01:01 it's correct to the best of his knowledge. 07:01:03 A. To the best of my knowledge, this appears 07:01:08 correct and typical of our front matter 07:01:11 within our standards. 07:01:14	10 11 12 13 14 15 16 17 18 19 20 21	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22 to be a standard and enforceable and, I would 07:04:26 assume, adoptable. 07:04:29 Q. That makes the mandatory language makes 07:04:31 them suitable for a government to adopt the 07:04:34 codes and standards as law? 07:04:35 MR. REHN: Object to the form. 07:04:37
10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53 witness to render a legal opinion. 07:00:55 MR. BRIDGES: I'm just asking if 07:01:01 it's correct to the best of his knowledge. 07:01:03 A. To the best of my knowledge, this appears 07:01:08 correct and typical of our front matter 07:01:11 within our standards. 07:01:14 Q. A couple broad questions: Has the standards 07:01:20 development process changed in any material 07:01:23	10 11 12 13 14 15 16 17 18 19 20 21 22	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22 to be a standard and enforceable and, I would 07:04:26 assume, adoptable. 07:04:29 Q. That makes the mandatory language makes 07:04:31 them suitable for a government to adopt the 07:04:34 codes and standards as law? 07:04:35 MR. REHN: Object to the form. 07:04:37 Assumes facts. May call for a legal opinion. 07:04:40 A. That's partly my understanding but also the 07:04:45
111 112 113 114 115 116 117 118 119 220 221 222 223	knowledge? 07:00:37 A. It appears correct. 07:00:37 Q. What about the language on Page 17536? 07:00:40 A. 536. 07:00:45 MR. REHN: Object to the form and 07:00:52 to the extent the question calls for the 07:00:53 witness to render a legal opinion. 07:00:55 MR. BRIDGES: I'm just asking if 07:01:01 it's correct to the best of his knowledge. 07:01:03 A. To the best of my knowledge, this appears 07:01:08 correct and typical of our front matter 07:01:11 within our standards. 07:01:14 Q. A couple broad questions: Has the standards 07:01:20 development process changed in any material 07:01:23	10 11 12 13 14 15 16 17 18 19 20 21 22 23	as enforceable law? 07:04:01 MR. REHN: Object to the form. May 07:04:03 call for a legal opinion. 07:04:07 A. I can't comment on the ease of the adoption. 07:04:11 What I can comment on is my view of that is 07:04:15 that our standards need to contain, for 07:04:19 example, mandatory language if they're going 07:04:22 to be a standard and enforceable and, I would 07:04:26 assume, adoptable. 07:04:29 Q. That makes — the mandatory language makes 07:04:31 them suitable for a government to adopt the 07:04:34 codes and standards as law? 07:04:35 MR. REHN: Object to the form. 07:04:40

1	utilize them in their facilities and 07:04:54	1	This is the end of Tape No. 4 as well as	07:06:35
2	applications. 07:04:57	2	the deposition, and we are now off the	07:06:37
3	VIDEOGRAPHER: We've reached the 07:04:59	3	record. 07:06:39	07.06.20
4	seven hours. 07:05:01	4	(Whereupon the deposition was	07:06:39
5	MR. BRIDGES: Thank you very much. 07:05:01	5	concluded at 7:06 p m.)	
6	CROSS EXAMINATION 07:05:01	6		
7	BY MR. REHN: 07:05:01	7		
8	Q. Mr. Dubay, I have a couple of questions for 07:05:05	8 9		
9	you just to clear up some issues that arose 07:05:07	-		
10	earlier I think in response to my own perhaps 07:05:10	10		
11	confusing instruction. 07:05:14	12		
12	Do you recall being asked whether 07:05:17	13		
13	you reviewed any documents in preparation for 07:05:18	14		
14	this deposition? 07:05:20 A. Yes. 07:05:21	15		
15		16		
16		17		
17 18	that question, I instructed you to answer to 07:05:24 the extent you remembered any specific 07:05:26	18		
19	documents? 07:05:27	19		
20	A. Yes. 07:05:29	20		
21	Q. And do you recall that your answer to that 07:05:29	21		
22	question was "no" after I've given you that 07:05:31	22		
23	instruction? 07:05:35	23		
24	A. Yes. 07:05:35	24		
25	Q. So I'd like to just ask that question again. 07:05:35	25		
23	Page 246	23		Page 248
1	In preparation for this deposition, did 07:05:38	1	I declare under penalty of perjury	
2	you review any documents, excluding 07:05:40	2	under the laws that the foregoing is	
3	identifying any specific documents, but 07:05:43	3	true and correct.	
4	did you review any documents in preparation 07:05:45	4		
5	for today? 07:05:45	5	Executed on, 20	_,
6	A. The only documents I reviewed were the 07:05:47	6	at,	·
7	several that I reviewed with counsel. 07:05:49	7		
8	Q. Thank you. 07:05:53	8		
9	MR. REHN: No further questions. 07:05:53	9		
10	MR. BRIDGES: I have a follow-up. 07:05:55	10		
11	What were the documents 07:05:55	11		
12	MR. FEE: Hold on. I have no 07:05:55	12	Christian Dubay	
13	questions. 07:05:59	13		
14	REDIRECT EXAMINATION 07:05:59	14		
15	BY MR. BRIDGES: 07:05:59	15		
16	Q. What were the documents that you reviewed 07:05:59	16		
17	with counsel? 07:06:00	17		
18	MR. REHN: I will instruct the 07:06:01	18		
19	witness not to answer that question on the 07:06:02	19		
20	ground of attorney-client privilege. 07:06:04	20		
21	Q. And do you intend to follow your counsel's 07:06:17	21		
22	instruction? 07:06:24	22		
23	A. Yes. 07:06:27	23		
24	Q. Okay. 07:06:29	24		
25	VIDEOGRAPHER: The time is 7:06. 07:06:31	25		D. 240
	Page 247			Page 249

1	COMMONIVE AT THE OF MASS A CHRISTITS)		
1	COMMONWEALTH OF MASSACHUSETTS)		
2	SUFFOLK, SS)		
3			
4			
	I, Jeanette Maracas, Registered		
5	Professional Reporter and Notary Public in		
"	and for the Commonwealth of Massachusetts, do		
6	hereby certify that there came before me on		
0			
l _	the 1st day of April, 2015, at 10:00 a m,		
7	the person hereinbefore named, who was by me		
	duly sworn to testify to the truth and		
8	nothing but the truth of his knowledge		
	touching and concerning the matters in		
9	controversy in this cause; that he was		
′	thereupon examined upon his oath, and his		
1.0			
10	examination reduced to typewriting under my		
	direction; and that the deposition is a true		
11	record of the testimony given by the witness		
12			
	I further certify that I am neither		
13	attorney or counsel for, nor related to or		
1	employed by, any attorney or counsel employed		
14	by the parties hereto or financially		
17	interested in the action		
1.5	merested in the action		
15	T 5 1 271 1		
16	In witness whereof, I have hereunto		
	set my hand this 8th day of April, 2015		
17			
18			
19			
20			
21	Notary Public		
21			
	My commission expires 8/14/20		
22			
23			
24			
25			
		Page 250	

&	1229 3:13 94:5,7,20		1276 6:12 226:18,20
& 2:3,7,11 8:11,21	95:5	151:16,23	226:22 227:3
187:16 188:18,24	1230 3:14 95:22,24	1255 4:23 152:3,5,9	
0	96:5 99:13 113:10	1256 5:5 153:14,17	227:14
0052 6:12	115:17,25 116:1,10 116:25	153:23 1257 5:6 156:1,3,8	1278 6:14 228:24 229:1,2
01215 1:6	1231 3:16 103:18,21	1258 5:8 156:14,16	1279 6:15 229:5,7,8
0174 5:11	105:5 114:11 115:7	156:20	1279 0.13 229.3,7,8 128 3:23,24 4:4
0200 5:5	115:9	1259 5:9 157:6,8	1280 6:17 231:23,25
0402 3:18	1232 3:17 117:9,11	126 3:20	1281 6:18 232:4,6
0627 6:19	1233 3:19 125:17,18	1260 5:11 158:3,5,9	1282 6:20 232:10,12
0868 5:8	1234 3:20 126:9,11	1261 5:12 163:7,9	232:13
1	1235 3:21 127:4,6	163:14	1283 6:21 232:16,18
1 1:22,25 88:13	1236 3:22 127:9,11	1262 5:13 164:10,12	
117:19 152:20	127:17	164:16 165:15	
165:24 187:10	1237 3:23 128:1,3	167:2 169:16	
1,500 213:12	1238 3:24 128:10,12	1263 5:14 169:22,24	216:1 226:23
10 12:11,14 215:23	1239 4:4 128:15,17	169:25	130 4:5,6
216:1 227:15 229:3	1240 4:5 130:5,7	1264 5:15 171:12,14	131 4:8
10,000 213:5,23	1241 4:6 130:17,19	171:15	134 4:9
10/23/97 154:8,12	1242 4:7 131:1,4	1265 5:17 185:8,11	13e 13:2
101 224:20 232:3	132:24	185:12	13r 13:2
103 3:16	1243 4:9 134:11,13	1266 5:18 185:20,22	
10:00 1:23 7:3 250:6	1244 4:10 142:16,18	185:24	143 4:11,12
10s 213:23	142:23	1267 5:19 187:4,6	145 4:13
110 158:22,24	1245 4:11 143:5,7	188:10	146 4:14,16
111 158:22	143:11	1268 5:20 191:10,13	
1111 2:4	1246 4:12 143:19,21	191:14	149 4:18
1130 3:19	143:25	1269 5:21 192:12,15	· · · · · · · · · · · · · · · · · · ·
117 3:18	1247 4:13 145:16,18	192:16	102:13 152:13
11:04 48:8	145:23	127 3:21,22	216:21,25 235:21
11:14 48:11	1248 4:14 146:15,18	1270 5:23 195:24	15,000 213:9
11:55 77:13	146:22 1249 4:15 146:23,25	196:1,2 197:1 199:25	15-5f 102:6 15-70e 102:12
12 12:11,14 69:5	147:4,9	1271 6:5 203:1,3,4	150 4:19,21
154:10 192:22	125 3:19	206:3 209:19	150 4:19,21 151 4:22
229:9	125 3.19 1250 4:17 147:15,17	211:12	151 4:22 152 4:23
12/23/97 154:5	148:1	1272 6:6 208:24	153 5:5
1223 78:23,25 79:5	1251 4:18 149:13,16	209:1,18 210:12,17	156 5:7,8
81:20 85:1 87:14	149:20,24	211:13	157 5:10
93:1 95:5	1252 4:19 150:1,3,7	1273 6:8 222:23,25	158 5:11
1227 3:9 48:13,16 1228 3:11 93:16,18	150:11,15,18	1274 6:9 223:11,13	16 132:15 133:1
94:19 95:5	1253 4:20 150:19,21	1275 6:11 224:16,18	163 5:12
77.17 73.3	151:4	224:19	166 5:13

[169 - 9522]

169 5:14	2008 58:22,24 62:2	212:3	(
171 5:16	62:9 163:15 223:15	30 1:16 82:20 112:1	6
171 3.10 17535 236:12	237:23 244:3	300 14:24	6 1:16 82:20 112:1
17536 243:12	2009 244:10	31.1 230:3	165:6 171:19
			607 187:10
17538 242:21,22	2010 244:11,14	32 10:16	608 187:14
17547 238:18,23	2011 62:10 203:6	3244 4:8	6608 5:19
17551 240:22	206:24 207:7 208:6	35 111:25	6822 5:22
17558 238:18,23	210:20 236:15,19	38,556 111:22	6843 5:23
17559 237:25	237:15,18,21	38500 102:2	6:33 234:20
17729 236:25 237:1	2012 107:4 199:5	38502 97:8	6:47 234:23
18 216:2,7	2014 62:10 79:20,22	38506 102:16	7
18417 236:12	81:18 117:15	103:11	
185 5:17,18	160:14,18 170:1	38507 102:17	7 241:5,6
187 5:19	171:16 185:1,13	103:12	7,000 180:7
1896 135:7 160:25	209:4 210:21	38520 105:6	70 79:20,23,25 80:1
1898 161:1	237:15,17	3:25 153:7	81:1,18,23 101:8,16
191 5:20	2015 1:22 7:4 102:5	3:36 153:11	101:17 230:20
192 5:22	250:6,16	4	231:1,6,12,13,19,19
195 5:23	203 6:5	4 147:12 152:22	232:9,15
1995 10:22 11:11,23	208 6:7	163:21 170:4,25	70e 96:9 101:5,8
126:2 134:16	215 102:6	171:5 172:9 186:2	113:9
135:11,15 136:16	2202 6:7	187:21 209:10	7560 4:21
136:20 193:17	2208 6:5	212:7 248:1	79 79:23
1997 152:14	222 6:8	42 1:21	7:06 247:25 248:5
1999 130:11,14	223 6:10	48 3:10	8
1:13 1:6	224 6:11		8/14/20 250:21
1:17 124:9	226 6:12	5	80 76:9
1a 146:3	227 6:13	5 144:23 145:7	8262 6:10
1st 7:4 250:6	228 6:14	172:4 180:7 187:21	8507 3:15
2	229 6:16	193:8 223:20 228:2	8520 3:16
2 88:17 152:21	23 216:2	50 70:4 217:15	8698 5:16
153:8 171:17	231 6:17	50,000 111:24	8th 250:16
	232 6:19,20,21	506 116:12	9
187:13 188:3,3 2-105 164:6	2335 4:22	507 116:13	
	246 3:5	5100 5:10	9,247 3:4
2-132 170:8,11	250 1:25	520 115:16	9167 4:16
20 107:9 136:4	2766 6:21	536 243:13	9173 5:7
140:11 200:3,9	2775 6:17	551 240:23	9259 4:17
216:7,21,25 225:23	27th 2:8	555 2:12	93 3:12
249:5	2:22 125:2	560 2:8	94 3:13
2000 138:8 228:7	3	5815 6:8	94104 2:13
20004 2:4		5:38 212:2	94105 2:9
2005 62:9	3 132:15 133:1	5:53 212:6	95 3:15
2007 13:11,16 244:3	153:12 171:3		9522 6:16
	185:18 187:23		

07.070 111.00	11 70 0	11 1 (0.2 (2.12	1.007000 2.20
97,870 111:22	accomplishes 72:2	added 60:3 62:19	ads007008 3:20
a	accomplishing	140:12 170:13	ads007361 4:5
a.m. 1:23 7:3 250:6	74:20	adding 170:17 193:2	ads007551 4:20
ability 51:19 77:24	accomplishment	193:6	ads008689 4:6
120:16 123:21	74:11	addition 43:1 45:14	ads011112 3:22
181:15	accord 81:20	191:18 215:25	ads011118 4:9
able 112:9 119:18	account 15:6	additional 61:19	ads011129 3:19
123:3 162:9 182:15	accreditation	188:4 214:20,21	ads011147 3:23
abridges 2:14	203:24	215:10,23,24	ads011153 4:10
absolutely 58:20	accredited 50:3	additions 234:13	ads011232 4:11
82:24	229:25 230:4,5,13	address 10:15,17	ads011250 4:12
academic 11:17	230:17,20,24	36:13 75:4 89:17,22	ads011264 3:24
accept 39:6 79:11,16	accurate 31:3 37:17	159:2,19 168:24	ads011265 4:13
79:19,22 80:24	86:18 87:4,5,23	226:16,25 227:5,7	ads011280 4:4
82:14 85:24 86:24	117:18 189:15	239:14 244:23	ads019166 4:15
	accurately 10:9 31:4	addressed 72:16	ads019171 4:14
90:2 97:12 144:4,8	31:10 94:15 95:6,8	addresses 90:13	ads019172 5:6
160:4,11 189:1	95:14	adds 90:12	ads019249 4:17
207:12 213:4	acknowledged	adjust 29:8	ads019270 4:18
accepted 167:4	108:11	adjusted 60:7	ads020865 4:19
174:3	acknowledgment	admin 228:6	ads020867 5:8
accepting 83:24	77:8 92:14	administer 7:20	ads023243 4:7
84:5	acronym 126:20	administration	ads024931 5:9
accepts 159:25	209:14	40:20,25 41:9	advance 26:7
access 35:20,23	act 63:19 205:9	177:25 178:3	advancement 78:4
77:19,21 79:12	228:9	administrative	120:5,9
80:13,25 81:3,4,12	acting 22:6 65:18	215:11 216:22,25	advice 201:2,11
81:17,23 82:15	74:5	administrators	205:12
83:11 84:13 85:16	action 1:5 7:22	33:10,17 37:22	advisement 235:18
85:25 86:6,25 88:9	39:19 59:9 112:14	178:6,8 214:19	advising 52:23
88:23 89:13,19 90:7	155:18 167:19	215:10 216:8 225:4	affairs 23:19
90:11,20,23 91:15	250:14	227:19 228:5	affiliations 240:11
92:6,12,19 93:3	actions 31:10 59:10	admission 51:8	afternoon 125:1
94:21 119:12,15,15	155:15	adopt 244:18 245:19	agenda 44:15
119:22 120:1,7,14	active 157:4 158:15	adoptability 244:24	agendas 217:8,16
121:5,11,14,17	activities 20:13,15	245:4,7	agenuas 217.8,10 ago 12:16 93:15
122:19 123:4,8,10	20:20 21:2,9,10	adoptable 245:17	agree 7:17 69:12
123:15,18,20 124:1	52:24 54:18	adoption 17:25 18:2	71:11 81:5,13 82:2
182:11		245:8,12	82:5 83:4,19 84:16
accomplish 31:1	activity 21:11 31:19 actual 27:14 29:10	·	85:16 86:5 88:8
65:21 66:23,24		ads000089 5:11	
67:10 72:1 75:1	33:21,23,23 48:20	ads000090 4:23	89:20 90:9 91:18
140:23 164:7 220:6	79:9 83:9 93:10	ads000175 5:5	92:5,23 93:2 134:8
accomplished 56:2	94:1 171:10 188:4	ads001673 3:21	196:9 210:10 235:7
	add 122:10,17 164:7	ads002334 4:22	235:15
	191:23 192:21		

[agreeable - applies]

agreeable 235:13	analysis 161:1	199:1 200:16,25	192:8
agreement 7:24	andrew 2:12 8:10	201:10,10 202:8	appears 48:18,24
106:6 115:11,15	47:17	208:13 211:18	93:8,9 94:10 96:6
187:13,15 188:13	anecdotal 197:11,14	216:18 217:25	96:13 99:14 100:23
235:4	annex 137:4 138:3,9	230:22 231:16	101:2,3,22 102:22
agreements 119:8	138:16 140:2	241:3 246:17,21	103:22 104:5,10
agw 192:23,24	annotation 80:17	247:19	113:16 114:14
ahead 85:5 124:6	96:13,19	answered 21:24	115:15 116:10
149:4	annotations 96:21	41:15 70:17 86:15	117:17,24 127:7
air 1:9	148:7	110:8,11 121:20	130:24 131:21
airfare 76:11	announcements	122:7 142:1,14	132:8 133:9 144:3
alert 181:15	26:9	145:9 160:7,10	144:13 146:3
alerts 181:22	annual 25:4	169:20 176:7	147:13,23,25
align 32:14	ansi 18:23 19:3,5,9	216:17 218:3,18	148:25 151:22
alignment 75:11	19:11,13,21 20:13	219:21 220:13	152:2,8,18 154:18
allow 109:24 120:7	20:15,20,25 21:9,13	221:4 222:4 246:16	157:15 158:9 159:2
233:18	21:18 203:23,23	answering 11:25	163:13 164:16
allowed 98:7	229:24,25 230:2,4,5	42:14 44:25 48:1	167:1 169:25 171:7
allows 30:11 120:1	230:7,13,13,17,20	86:8 217:22 218:12	171:15,23,24 173:1
alternate 103:3,7,9	230:24 231:1,8,10	answers 47:21 72:19	185:12,18,24
104:19 240:18	231:13,19	75:19 112:19	187:10,14 188:1,2
alternative 102:19	answer 15:13,24	anthony 2:15 7:6	191:15,21 192:6,17
102:22 103:14	41:12,14 42:6,8,12	anticipate 225:6	193:5 196:3 203:5
115:20 116:3,12	42:23 43:3,6,7,14	anybody 78:5,21	206:14 209:2,8,25
175:9 214:12	43:19,21 44:7,17,24	123:3 200:10,23	211:15 223:9,14
alvin 10:16	45:10,18,21 46:4,5	apart 21:21 65:6	224:11,15,20,22,25
ambiguous 19:15	46:13,21 47:14	97:1 183:8 201:23	226:17,21,22
29:15 56:1 61:1	61:12 70:8 71:5	apologize 20:4	227:15 229:3,9,13
62:14 63:14 65:3,9	73:5 82:9 83:1	96:25 132:20	230:1 232:1,7,14,19
67:16 68:4 80:5	86:13,14,18 87:3	apostrophe 38:12	236:19 241:7
113:7,15 121:7	89:1,9 91:10,22	apparent 226:25	242:12 243:4,11,19
140:18 161:11	92:3 98:19 112:17	apparently 191:17	appendix 137:4
162:6 180:4 183:16	118:9 119:5 120:19	appeal 43:16 44:13	138:3,9,16 140:1
198:18 203:12,17	122:3,8,9,10,13,15	appear 95:9,10,11	applicant's 104:3
204:15 214:17	122:16 123:24,25	96:19,21 115:9	application 17:24
220:20 230:15	128:25 137:10	125:20 126:12	18:1 103:23 105:18
244:1	148:17 149:22	130:12,20 132:10	107:11 109:9 114:7
amenable 235:17	150:14,16 163:21	134:15 152:23	115:10 129:14,16
amendments 49:24	164:22 176:17,19	153:1,24 157:19	186:21
american 1:3,7 7:12	178:17 180:19	158:1 166:13	applications 199:20
18:23 165:19,25	181:1 182:9 183:11	172:10 227:4 239:4	246:2
166:2,4 187:16	183:12 184:12,12	242:18,23	applied 218:22
188:17,23 196:20	184:23 188:20	appearances 2:1	applies 137:24
amount 31:24 33:4	189:14,17 190:10	appeared 81:16	138:1 183:12,17
60:14 219:23	190:11 198:13	160:20 161:15	

[apply - attorney]

apply 50:24 51:12	archived 163:14	47:20 62:6,10 70:9	associated 71:23
53:23 71:18 72:20	archives 154:19	106:15 120:22	76:9 79:7 96:8
72:24 91:14 94:20	156:11,17,22 157:9	142:6 167:16	107:10 113:19
95:3 103:24 153:1	157:24 158:2,7	168:16 173:18,20	168:25 197:21
205:20	161:20,24 163:11	179:12 185:3	219:12
	164:14,17 168:23	200:21,22 217:10	association 1:7,17
applying 104:18 105:2 144:16	177:24 185:25	236:13 243:17	8:22 9:1 13:25
185:18	189:7 191:16	asks 202:2	14:15,16 17:6
appointed 53:16	192:19 209:3,6	asme 229:20 230:2,3	179:20 186:8
54:6,10	223:15 224:21	231:7,8	187:17 188:18,24
appointing 51:3,4	226:23 229:4,10	aspect 23:17 24:4	196:21 199:5
appointment 199:20	232:3,8,14	101:13 160:5	assume 96:22 104:2
appointments 53:24	area 18:1 73:7 82:1	162:25 226:2	121:23,25 122:4
appreciate 124:8	91:12 95:21 114:6	aspects 22:1 123:17	228:4 236:14
approach 27:7	195:20	135:17 160:7	245:17
approaches 73:25	areas 11:22 114:2	194:11	assumes 56:19
appropriate 29:13	argue 15:15	assert 201:3	114:1 122:22 123:6
37:1 51:18 108:8	argumentative	asserted 201:4	163:20 200:2
113:3 114:8 141:21	43:10,23 46:7	asserts 197:25 198:6	202:15,17 207:10
144:11 169:12	110:21 122:2 183:3	assign 145:14	210:23 220:20
198:22 202:23	218:2,10,18 219:1,9	166:20 167:6,9	245:22
214:9 225:8,9,13	220:12	168:1	assuming 87:23
230:16,18,19,25	arguments 118:18	assigned 27:25	114:12 159:6 165:1
231:18 239:6	arising 84:18	54:16 102:8,9 105:6	186:3,7 189:15
approval 68:22	army 224:23 225:19	145:12	193:4
approved 33:15	232:21 233:11	assignment 101:1	assumption 95:8
66:10 70:5	arose 246:9	102:18,19,23	96:23 166:1 202:20
approves 66:14	arrange 26:17	103:15 105:7 111:3	asterisks 148:10
67:20	arrived 193:14,21	111:10,15,25 112:3	astm 1:5 2:5 9:3
approximate 213:1	243:24	112:5,12 113:11,18	attach 97:17 176:21
approximately 9:23	article 137:3,11,13	113:20,23 114:8,9	attached 148:24
12:10 14:24 20:18	137:15,21 237:6	114:23 115:2,19,20	153:19 175:7
21:4 24:9 35:19	ascertain 59:20,25	116:2,3,11,24 165:5	187:13 212:20
178:10 190:15	asked 21:17,23	168:12 171:18,19	214:11 221:18
213:5 215:22,23	31:14 41:3 42:12	192:1 196:18	232:2
216:21 244:3,10	45:23,23 86:15	208:16 219:6	attachment 147:8
april 1:22 7:4 250:6	87:25 110:7 121:19	assignments 112:14	188:4,6
250:16	122:7 141:25 145:9	125:7 207:21	attachments 136:9
arc 162:19 163:17	150:11 160:9	216:11 220:16	147:6 187:20
163:23 164:3	169:20 176:6 189:3	222:15	attend 26:2 28:1,4
archival 171:15	216:16 218:2,13,18	assist 214:22	76:1 205:21 233:15
196:3 223:2,15	219:20 221:4 222:3	assistance 22:14	233:19 234:3,11
archive 177:7,22	246:12	assistant 215:11	attention 158:21
223:10 227:16	asking 42:15 43:4,7	associate 11:12	attorney 100:7
	45:25 46:12,23,25	187:17	247:20 250:13,13
	15.25 10.12,23,23	10,.11	2 2 5 2 5 0 . 1 5 , 1 5

[attractive - body]

attractive 76:20	awareness 16:20,20	balloting 33:7 57:11	119:14,25 123:1
audio 7:15	-	61:18	125:14 127:12,12
authentic 235:11	b	ballots 67:19 216:10	128:4,17 130:7,14
authenticate 82:23	b 1:5,16 3:6 82:20	bar 70:15	138:7 160:25
109:20,25 234:19	99:17,18 112:1	based 14:22 30:2	165:18 174:8
235:2	148:11 165:5,6	50:25 53:16,16	180:17 182:10
	171:17,19 172:21	64:14 73:13 95:11	184:25 186:18
authenticating	b31.1 231:7,8,10		
235:6	bachelor's 11:4,18	102:9,14 106:20	213:14,19 220:13
author 103:4 165:11	back 16:11 32:23	108:3 116:21 121:8	222:8 226:9
authored 131:25	33:4 39:18 48:3,12	125:12,13 132:4,7	belke 148:2,2
authorities 190:13	54:19 67:6 88:18	132:10 133:8,12	belong 19:9
authority 174:21	125:3 135:7 147:12	134:3 136:3,4,19	benefit 207:20
175:13 202:11,22	153:13 160:25	146:3 147:11,22	berry 187:18
220:24 221:9	161:21,24 177:1	151:22 152:18,20	best 12:16,20 15:19
225:20 226:2	189:6 192:10	152:22 157:15,18	15:21 16:3 19:1
authorized 7:20	193:17 211:21	158:11 163:21	20:10,12 21:5 24:16
automated 216:4,23	212:8 228:7 234:18	164:5,22,23 170:6	27:7 39:25 48:25
automatic 12:24	234:24	171:3 172:10	49:4 75:2 100:22
13:6 181:16 214:7	background 51:1	185:16 188:14,19	117:17 119:14
215:13,16	74:4 99:11	191:20 196:8	125:25 126:23
available 40:2 58:6	baclawski's 185:16	197:10 202:18,23	127:1,2 134:19
58:9,20,22 159:16	badly 84:3	224:10,25 225:2,23	135:5 140:3,5
164:24 168:3,7	baio 99:15	227:3,21 228:4,9	175:22 176:2,19
177:18 197:18	balance 51:17,18,20	229:13,22 230:3	177:5 178:18 179:8
avenue 2:4	51:22	236:18 242:12	184:25 188:6 191:3
average 213:5,6,8	balanced 16:9 69:24	bases 194:24	193:18 201:6,13
213:19 215:8,8	71:10 73:6	basically 125:11	207:4 213:15
216:23	balancing 78:1	basis 42:9 45:14	217:10 218:13
aware 26:11 45:6	120:3,13	140:13 167:14	219:18 221:23
73:13 77:1,5 80:20	ballot 31:2 33:11,15	233:2	222:9,11,13 237:13
80:23 82:14 83:10	33:17,20,21,23,23	bates 111:2,10,12,14	243:4,8,9,18,19
83:18 84:23 85:10	34:1,8,11,24 35:7	112:3,9 235:8,11,17	244:10
85:13 86:9 87:13,17	35:13 37:23,24 38:4	236:25	better 74:23,24,24
87:20 88:6 90:3,5	38:5,7 56:3 60:13	batterymarch 10:18	74:25 161:23,23
99:1 118:11,18	67:22 69:14,15,17	beginning 88:17	beyond 191:8
135:12 138:23	69:21 70:6,6,11	153:12 212:7	big 235:7
140:11 141:10	71:2,7,20 72:6,25	behalf 9:3 133:11	biggest 74:10 141:9
173:24 178:18	74:8,16 75:6	166:2,5 207:17	binding 83:13,23
179:8,17,21 180:10	ballot's 67:19	belief 119:21	84:6
180:11,14,21	balloted 34:18 56:9	believe 8:15 20:5	blank 112:23
182:14,17 184:3,4	56:13,22 59:15	48:17,22 52:1 69:25	blurry 101:24
184:16 185:5 197:4	60:17 61:4,7,8 63:5	70:16 80:6 86:21	board 54:9,10
201:23 210:18	63:23 68:2,20	89:23 94:25 95:4,14	bockius 2:3
211:1,4,6,7 220:3,5	ĺ	99:17 101:24 102:6	body 54:5 56:12
239:23		102:11 113:8 118:7	60:10

[bold - change]

bold 238:2	bringing 55:11	calling 27:9,9 44:23	cases 39:11 59:11,13
book 25:18 26:13,15	brings 15:17 18:24	calls 17:13 22:25	66:20,23 75:22
	171:21 172:15 24:14,20		159:18 180:23
bookmarking 80:16	broad 14:20,21	23:5 26:6 41:16 42:7 43:10,11 83:16	204:21
boston 1:21 7:11	44:23 137:24	84:8 94:24 98:12,17	catch 226:14
bottom 97:8 126:5	243:22	98:18 99:5 105:10	categories 24:22
126:18 127:18	brought 99:2 201:24	105:25 106:4,18	50:19,19 51:23,25
133:3 154:4 158:23	226:1	164:21 167:14	52:2 53:20,23
158:25 168:11	browser 102:3	169:5 173:7,16	101:20 104:14
192:2 206:3,4,10	bulleting 238:4	197:9,15 198:5,12	212:24
209:17,19 210:17	bunch 234:19 235:6	198:18 199:3,8,16	category 50:15
211:12 236:11	burns 227:22 228:7	200:2 204:6,15	51:24 53:5,7,17,18
241:6 242:6	228:20	205:7 206:12,20	104:11,22,24 105:2
box 112:21 165:5	business 125:22	227:9 233:24	241:16,17,20
170:4 171:1,4,5	126:15 127:14	243:15	cause 250:9
185:17 186:2 209:9	128:6,19 130:9,21	caption 7:12	caveat 114:12
225:9,13,14	131:6 142:20 143:9	capture 28:6,16	126:17
brackets 241:12,18	143:23 145:20	30:6,9,18,20 32:6	cellular 7:19
breadth 16:25 191:1	146:20 147:2,20	36:22 54:24 55:4,8	ceo 152:12
break 48:3,10 49:8	149:18 150:5,13,23	56:6 135:10	certain 16:14 35:3
77:11 88:11,15	151:8,19 152:1,7	captured 37:5,11	74:8,16 75:5 99:9
124:7,11 153:10	153:20 156:18	40:19 96:6 100:23	101:12,12 134:2
212:5 234:22	209:7 223:7 226:15	149:10	196:11
bridges 2:12 3:4 8:1	226:25	captures 30:13,19	certainly 118:8
8:10,10 9:10 15:14	c	capturing 65:20	certification 115:11
42:10 44:20 45:1,5	c 7:1 148:2,12	care 26:23	115:15
46:11,17,20,24 47:5	california 2:9,12,13	career 11:9	certify 250:6,12
47:9,24 48:15 64:5	call 20:22 23:4,19	carl 2:20 8:17	cetera 26:12 75:16
64:23 77:10,14,17	23:24 25:17 26:5,7	carries 70:3	76:11 98:7
82:20 84:2 86:20	58:3 65:9 76:1	carry 53:3	chain 176:21 177:2
87:5 88:10,19 89:10	92:20 97:24 100:7,8	carrying 219:19	177:4
91:4,24 96:15 100:9	111:2 116:15	220:9	chair 20:3,3 27:15
109:18,23 110:10	120:20 132:3	case 7:12 39:1,22	134:7
111:12,17 112:7	139:11 140:18	62:21 63:2 64:13	chairs 27:20 50:7
120:22 124:5 125:4		75:20 89:23 100:12	challenge 43:17
148:14 153:3,5,16	165:22 174:15,16	109:15 114:20	200:6
154:9,11 208:3	186:16 192:5,6	118:14 125:25	challenged 226:1
211:25 212:9	200:14 203:12	144:18 149:10	chance 9:17 31:13
234:16,25 235:20	205:11 211:15	165:14 167:1,22	change 13:13 29:3,5
236:3,7,8 243:2,17	230:9 241:14	172:20 184:7,19	29:5 34:14 35:4
246:5 247:10,15	244:21 245:11,22	185:5 186:21	36:22 38:25 57:3,16
briefly 78:7 234:17	called 9:5 25:6	199:10 201:25	60:11 61:10,23 62:1
bring 24:24 25:3,13	59:12 99:10 178:5	215:22 225:14	70:5 71:11 75:6
73:7 214:21	239:9,10	229:25 235:3,17,25	137:1,10 138:17
		236:2 240:22 241:7	148:18 149:2,3
		1 2 2 2 2 2 2 7 7	

[change - combination]

155:22 177:11	check 149:8 185:17	clarified 60:12	191:16 192:18,25
191:22 194:23	212:11 214:1,9	clarify 22:17 25:22	202:13 203:6
195:20,22 210:18	225:13	27:16,21 53:13	206:24 207:8 208:7
211:11,23 232:21	checked 165:5 171:2	62:15 116:17	209:4 210:20,21
233:11,16 244:5	171:4,18,20 172:15	129:11 155:3	223:4,16 226:7,11
changed 136:25	219:11,13 225:14	190:23 203:13	229:20 232:22
137:3,8 138:8,15	225:15	clarifying 162:7	236:16,20 239:11
162:21 237:18,22	checking 112:21	classify 76:7	239:12,14,15,22
243:23	216:3 217:1,11,24	cleaned 61:17	240:3,5 241:5,19
changes 28:7,10,13	218:15,22 219:5	clear 20:24 29:7	243:7
28:16,17,18,19,20	checkmark 148:9	61:21 82:8 115:25	codes 12:1 13:22
28:23,23 29:12 30:7	checkmarks 149:5	152:24,25 154:13	14:24 15:1,3,8,16
30:13,15,19,24 31:2	149:12	172:23 216:18	16:22 23:9 24:23
32:7 33:1,18 35:24	checks 225:9	218:24 219:2 245:1	28:13,20 36:1 65:25
36:12,15,25 37:4,10	chemical 72:11	246:9	66:4 77:20,22 79:12
37:16 54:21,24 55:8	chief 10:20 11:15	clearly 45:13 61:25	81:4,12 82:16 83:6
55:23 56:21 57:7,10	13:15,19,23 21:20	157:14 175:24	83:11 84:14 85:17
57:20 58:5,8 59:5,8	21:25 22:2,14,21	click 102:25 103:6	86:1,6 87:1 88:9,24
60:4,19 61:3 63:7,8	23:6	103:10	89:14 90:8,24 91:16
65:5,6 129:21	chimneys 12:18	clicking 102:24	92:7,13,15 93:4
136:20,22 137:10	choice 167:20	client 100:7 247:20	94:22 99:20 119:1
139:17 140:25	choose 110:2	coach 86:20	119:12,16 120:25
141:4,24 142:2,3,5	choosing 29:23	coaching 86:21	123:8,11,15,19
142:10 149:5 151:6	chosen 54:1 167:2	89:10	137:25 175:19
155:12 162:2,15,18	christian 1:18 3:3	code 29:24 55:24	176:14 177:25
163:4 165:17	7:5 9:4 10:14	58:11 59:20 60:24	178:2 181:8 182:5
166:25 167:8,12	249:12	62:12 80:1,2 118:4	182:12,14 183:8,22
168:25 175:6	cincinnati 186:6	121:4,17 122:25	198:1,7 199:14
181:17 190:3 195:7	circle 10:16	129:21 130:11,15	204:3 205:5 220:18
195:9 203:20,21	circuit 162:19	131:16 135:23,25	222:8 226:4 230:12
204:9,10,10,11,22	163:17,23 164:3	137:19 146:1,5,8,12	230:13 234:19
210:24 211:1,4	circulate 33:20	151:21 154:1	235:2,12 239:10
217:7 234:9 237:9	166:5	157:11 158:16,17	244:17 245:8,20
237:11 238:3,5,9	circulated 33:12	158:18 159:10,22	coexist 137:15,16
242:14,15 244:13	circulates 33:17	160:14,18,20,21,25	138:3
changing 29:4 140:1	citizen 77:23	161:4,7,9,14,15,16	collect 90:21
chapter 69:8 139:24	city 132:6,11	162:3,11,12,25	collection 157:8
140:6	civil 1:5	163:18 164:1 170:2	158:5,9
charge 70:21,23	claim 125:7	171:9,16 173:5,13	college 10:25 11:2
168:17 178:3,7	claims 80:14 111:4	173:20,22 178:13	colonel 233:4
chart 117:14	112:13 118:19	178:20,24 179:10	color 236:23
chat 19:2	207:20	179:18,22 180:6,16	columbia 1:2
chauncy 1:21	clarification 44:10	181:6 182:19 183:9	column 241:6
cheaper 72:1	45:11,17 50:17	183:14 185:13	combination 16:6
	173:17 239:8	186:20 188:16	29:16 55:16 56:4

[combine - completely]

combine 213:1	commentary 80:15	50:6,20,25 51:17	51:9,13,21 52:17,20
combined 73:17	commenter 101:11	52:23 53:1,2,15,21	53:4 54:16 57:11
come 16:11 32:23	commenters 159:11	54:20,25 55:4,10,15	59:15 63:19 69:19
43:2 62:8,24 65:6	commenting 153:2	55:15 56:3,5,10,14	71:1 75:4,18 76:14
68:12,12,15 159:19	comments 36:9,13	56:17,22 57:2,5,7	159:10 174:4
159:21 172:17	55:17 59:3,11,17	57:15 59:6,18 60:13	175:15 187:1
174:25 179:22	60:17 63:3,4 64:9	60:18,23 61:4,8,21	216:10 220:7 239:8
190:7 195:13	64:12,17,20 65:11	62:11 63:1,6,9,11	239:9 244:25
234:18	65:12 100:19 106:8	63:22 64:22 65:7,20	common 12:15 13:4
comes 103:3 105:20	107:12 116:7,9	65:22 66:9,13,16,24	18:22 139:17,19
179:13 212:15	131:24 144:9,10,15	67:1,9,18,20,22,24	174:2 195:8 204:7
239:11	152:19 153:18,25	68:1,13,14,16,19,21	commonwealth 1:20
commencing 1:23	154:4,7,23 155:13	68:22 69:1,2,11,12	250:1,5
comment 16:10	155:14,17,20 156:8	69:17 70:9,15 71:8	communicate 188:5
29:17 35:14,16,21	157:16 158:6,10,13	71:11 72:5,14,23	188:13 227:23
36:3,5 38:6 39:6,8	160:1,2,4,11 164:24	73:6,14,20,22 74:7	communications
53:12 59:10 63:16	165:7,9,12 166:5	76:2,5,10 77:4,9	24:3 89:2 98:19
68:11 93:10,25 96:8	167:23 168:3,7,9	103:22,25 104:21	202:7 211:19
97:3,6,15 100:24	179:3 180:2,7,9,13	105:12 107:11	212:22
101:7,12,15 102:4	185:16 187:11	109:9 114:6,24	companies 75:21
102:10 105:20	189:11,22 191:21	115:5,6,10 129:8,10	220:16,24
109:8 113:9,19	193:12,25 194:7,18	129:13,14,16,20	company 152:17
114:5 115:4,18	205:20 212:23	130:4 131:15	225:18 226:15,24
116:16,20 117:3	213:3,10,20 217:18	133:10,13,14,18,22	227:4,6 240:19
129:18 131:21	220:18 222:17	134:1 143:16 148:5	241:8
132:1,13,13,22,24	224:13	155:15,18,21 157:2	company's 227:7
145:3 152:9,18	commercial 12:17	158:14,18 159:22	compare 63:23
155:5 156:4,16	commission 196:6	172:25 177:17	compared 237:18
159:2 163:10,15,16	196:13 205:3	179:25 186:19	comparison 80:19
163:25 164:5,13	223:18 250:21	194:8,13 199:19	141:20 209:24
166:16,22,23	committed 39:24	200:4 203:25	competence 64:6
167:10,19 168:2,12	committee 12:6 16:1	205:21,22,23 210:2	competent 84:17
169:7,25 171:16	16:2,7 20:1 25:1,16	216:10,20 217:6,17	complaints 121:9,22
172:1,8,17,20	25:17,22 26:9,10	217:20 233:15,16	complete 34:1,11
178:22 185:12,14	27:10,15,20,22 28:2	233:17,20,21 234:3	41:12 42:1,3,16
185:24 186:2	28:8 29:5,21,23	234:5,6,7,12 239:5	43:3,4,7,19,21 44:7
188:10,12 191:15	30:3,7,22 31:1,5,11	239:17,19,20	44:17 45:10,19,22
191:17 192:17,20	33:11,13,19,22,24	240:16 241:10	45:25 46:13 49:2,5
193:1,9 194:10,15	34:3,6,12,20,24	244:22	49:11 55:16 122:13
194:25 196:3,5	35:1,2 36:4,7,8,11	committee's 29:17	122:15,16 217:19
200:8 205:17	36:15 37:19,23	55:23	completed 33:15
208:22 212:12,18	38:25 39:14,19	committees 12:7	225:7 228:1
219:11 222:19	41:10,22 42:19,20	19:20 28:12 29:13	completely 58:7
245:12,13	42:22 43:15,17	30:11 31:3,20 49:17	161:7 167:17
	44:14,16 48:19 50:5	49:22 50:16,22 51:6	171:11 189:14

[completely - copyright]

191:4	confidential 164:18	constitutes 16:3	controversy 250:9
completeness	confirm 95:18	53:5,8	convene 124:7
212:19	117:13 225:20	consultants 52:7	convenience 100:1
compliance 32:2,11	227:10	consumer 52:12	converge 138:25
37:5 111:25 159:2	conflicting 32:19	77:24 85:11 190:22	139:4
compliant 171:11	239:23	196:6,12 223:17	convergence 139:7
comply 56:24 159:7	conform 171:6	consumers 52:10	conversations 7:19
compound 40:13	conformance	190:14,20	9:21
41:7,19 42:8 43:10	159:12	contact 166:10	cooking 12:18
43:11,23 44:9,24	confusing 29:7	174:18 175:23	coordinating 52:23
45:13 46:19 47:22	230:15 246:11	221:16,17 225:18	coordination 234:9
59:24 61:1 62:14	confusion 152:25	contacted 172:22	copied 113:17
63:14 66:7 68:4	connected 57:1	174:24 175:12,17	147:14 193:4
128:24 133:21	connecting 22:18	176:3 202:21 228:7	copies 195:1 208:7
148:16 155:9	connection 89:5	contacts 176:11	235:10,12 236:1,5
160:23 183:24	109:14 151:19	contain 49:11 164:1	copper 192:22 193:3
199:16 203:17	156:18 163:11	239:4 245:14	copy 35:6 96:14
concept 99:4,8	184:23 203:9	contained 59:9 61:6	97:25 113:16
245:7	consensus 15:19	139:25 178:12	127:13 130:8
concern 17:5 189:5	24:16,19 71:6,9	contains 100:17	151:16 166:4 196:3
concerning 250:8	consequence 56:16	101:7 238:17,22	203:23 236:14,19
concerns 148:21	consider 69:11	content 66:13,16	copyright 63:18
concise 245:3	188:9 233:10	94:4 95:12 99:22	64:21 92:15 97:11
concluded 248:5	consideration	103:5 142:25	97:20 98:2,5,5,10
conclusion 198:19	204:18 226:2	contents 173:19,21	99:4 101:1 102:17
conclusions 64:7	considerations	context 28:11 30:18	102:19,22 103:3,8,9
176:16 178:16	97:11	30:25 31:23 56:7,10	103:15 105:7
184:22 202:16	considered 172:24	60:21 69:6 170:12	112:21 113:18,20
220:21	consistency 195:18	contexts 204:12	113:22 115:12,19
conditioning 1:9	239:25	continue 38:18 39:3	115:20 116:1,3,7,8
conditions 80:12	consistent 130:25	41:4,4,14	116:11,12,24
81:6,7,10,14,16,19	138:10,18 141:5,7,8	continued 4:1 5:1	118:19 137:6 140:9
81:22 82:3,4,7,13	141:8 147:13	6:1	140:16 141:12,14
82:19 83:3,5,19,25	156:21,23 192:24	continues 38:16	142:8,11 144:11
84:5,19 85:11,15,23	195:22 213:6	continuing 11:19	148:21 165:5
86:5,11,23 87:17,18	224:15	contract 83:13,13	166:16,21 167:7,10
87:21 88:3,7,8,22	consistently 60:9	83:24 84:6	167:12 168:2
89:20 90:1,3,6,10	consisting 130:22	contractors 186:8	171:18,19 173:3,10
91:18 92:5,23 93:1	consolidate 57:24	186:24	174:19,22,25 175:8
93:2,9,11,12	consolidated 136:9	contributed 57:8	175:10,25 178:11
conduct 225:4	consolidating	59:5,21 60:23 62:11	178:25 179:3,11,12
conferences 14:8,10	217:19	65:24 66:3 176:4	179:14,19,24 180:8
14:19 16:15 26:18	constituents 14:16	contributions 198:1	187:15 192:1,2
conferred 207:25	121:13 139:5	233:23	196:18 197:7,11,20
			197:21 198:1,7,9,15

[copyright - defendant's]

	1		T .
198:16 199:4,6,14	207:22 212:16	128:5,19 130:9,21	d
200:6,10,24 201:7	224:7,14 225:1	131:6 142:20 143:9	d 1:5 3:1 7:1 102:5
201:17,24 208:17	227:1 229:12,18	143:23 145:20	152:17
212:13,19,21 214:3	236:1,4,16 237:19	146:20 147:2,19	dash 102:13
214:12 215:18	237:20 238:19,24	149:17 150:5,13,23	data 71:23,24 72:9
216:3,9 217:2,8,12	239:12,13 240:6,14	151:8,19 152:1,7	73:17,19 80:18
217:24 218:16,23	241:20,21,25 242:1	153:20,21 156:5,18	217:19
219:6,12 221:14,17	242:11,24 243:9,11	162:4 197:5 209:6	date 13:10 26:11
222:15 232:25	243:18,20 249:3	213:7,18,22 223:6	154:5 215:23
233:9,22 243:7	correctly 60:16	court 1:1 7:7,11 8:7	day 20:23 21:10,18
copyrighted 166:8	122:23 147:14	31:14 84:16 91:4	22:8,8 66:9 67:21
176:3,12 177:9,13	186:22 193:5	cover 49:20 50:2,3	218:6,6 219:15
188:25 189:17,20	correlating 239:16	144:16	250:6,16
202:13	239:18,20	covered 129:15	days 20:18,19,19,22
copyrights 112:14	correlation 239:21	covers 14:24 26:4	20:23,25 21:1,3,6,7
168:12	240:1	crafted 193:7	21:18 235:21
corporate 80:9	correspond 104:14	created 68:6 112:24	dc 2:4
corporation 240:25	correspondence	197:4	dealing 98:13
241:9	176:23	credentials 51:5	deaths 71:24
corps 224:23 225:19	council 19:18 41:11	criteria 29:22 51:11	debate 38:19 39:4
correct 31:20 34:14	41:21 49:21 51:3,7	51:15 69:19 70:9,13	debbie 101:22
48:22 49:3,8,18	51:11 53:9,14,25	70:20,25 71:18,22	debra 99:15
51:10 53:21 54:25	54:2,4,10,13,17	72:4,20,23 73:4,8	decide 35:3 57:16
64:10 65:1 66:17	67:21 105:4 118:4	73:12,20 74:3	70:10 73:9 90:2
80:3 91:19 93:6	councils 49:17	criticism 80:16	decided 29:20 40:5
99:15 100:21,22	counsel 8:6,25 9:6	cross 3:2 246:6	54:21 119:11
101:6,13,21 102:5	9:17,21,22 10:6	crossed 70:16	deciding 72:6,24
103:2,16 104:4	78:20 89:3 95:2,18	csb 72:13 148:24	74:7 75:5
105:8 113:17	98:14,23 106:10	current 14:12 49:1,2	decision 30:22 56:2
114:21 115:8,12	110:23 111:11	93:11 103:8 109:6	56:11 67:13,17,18
117:16,23 123:4,11	114:19 117:13	116:21 160:17	70:18 75:10 105:3
126:21,22 132:8	125:5 187:18	161:15 178:12	182:10
134:15 137:12,13	200:19 201:2,12	179:9,17 192:8	decisionmaking
138:19,20 140:2,10	202:8 211:20 235:7	currently 176:20	73:9 98:25
140:11 144:6,24	235:8 247:7,17	214:6,18	decisions 17:18,21
146:1 147:10 151:9	250:13,13	cut 123:3,21 130:13	30:2 53:3 54:18
152:14,15,21	counsel's 247:21	130:15	74:15
154:11 155:19	count 80:6	cutting 123:9	declare 249:1
159:4,13,23 160:3,8	counter 1:10,14 9:7	cv 1:6	decline 90:2
160:15 163:18	country 162:23	cycle 58:18 167:4	declines 90:5
168:4 170:14,22	couple 21:9 243:22	177:6 180:7 195:20	defendant 1:13 8:12
171:2 172:9 184:2	246:8	213:25	9:6 184:6,18
185:15 191:19	course 95:1 100:20		defendant's 185:4
192:23 195:2 196:7	108:22 125:21		
199:25 206:25	126:14 127:14		

[defendants - discussing]

defendants 1:10	describing 45:22	58:25 64:18 70:21	137:9 138:24 141:6
defense 118:19	description 3:8 4:3	70:24 96:7 100:21	143:3 146:7,11
define 49:14	5:3 6:3 46:1	106:25 107:18	148:10 185:3
defines 49:16	descriptions 35:10	108:14 110:18	207:19 208:9,15
definitions 139:24	design 96:10	111:6 121:1 125:9	211:7 215:19
140:6	designated 15:12	125:24 126:13	242:10
degree 11:4,7,18,19	80:8 91:1,8 118:9	127:15 128:7,20	differently 74:1
delete 230:2	119:4 184:11	130:23 131:7,18	184:15
deleted 62:19	designed 15:3	137:2 138:18 139:8	differing 24:21
152:20 153:2	designs 123:2	142:21 143:10,24	difficult 66:11 73:2
170:14 192:9	desire 97:17 235:1	145:21 146:21	170:6 175:21
242:17	detail 218:6,7	147:3,20 149:18	207:11
deleting 170:16	details 140:21	150:6,14,24 151:9	difficulties 205:11
deletion 152:24	201:22 235:23	151:20 153:21	difficulty 121:22
dem 102:5,6,12	detect 60:19	154:17 156:5,19	direct 3:2 9:9 84:22
demonstration	determine 15:18	157:5,24 158:8	117:19 172:5
102:11	16:3,7 24:16 42:20	163:12 164:14	214:25 221:24
dennis 187:18	63:15 66:5,8 69:20	168:17 174:13	directed 99:14
department 26:14	71:1 98:5 172:16	176:5 179:2 199:18	direction 68:19,21
26:20,22 178:1,3	175:12 188:21,23	203:10 207:22	68:25 250:10
214:18 215:3 222:9	189:3,4 194:21	223:7 229:23	directions 110:25
232:20 233:11	202:21 207:15	230:24 243:6,23	directly 57:1 61:22
depend 17:14 70:13	225:12 233:5	244:14,17	164:5
depended 215:23	determined 29:6	develops 36:8 99:22	directors 54:9,11
depending 51:4	determines 15:21	devoted 20:20	directory 48:20,23
57:23 135:21	29:12 36:7,11,15	diagram 108:20	disagree 15:14
136:11 213:24	41:23 51:7 55:22	diangelo 224:23	134:9
depends 16:25	determining 51:12	225:1 226:15	disbelieve 134:4
18:21 20:22 38:21	71:19 72:20 94:2	differ 113:21,23	disclaimer 142:7
75:19 213:8	161:13 170:13	154:22	disclaimers 3:13
depict 95:6,14	develop 24:23 33:2	differed 136:4	94:11,20 95:7,15
deponent 2:9	33:11 36:17 37:22	difference 209:21	137:5 140:9,15
deposed 9:13	163:4	209:25	141:12,14,21 142:8
deposition 1:16 7:5	developed 63:4,22	differences 209:16	142:11
7:8,10 9:18 10:3	120:25	different 12:11,14	disclosing 201:11
49:8 78:6,13,16,19	developers 18:15,17	20:8 38:23 61:24	disconnected 167:18
88:21 89:7 108:24	18:25 19:6 138:10	71:14 72:23 73:6,8	discrepancies 159:19
111:8 246:14 247:1	138:22,24 139:3,20 developing 28:13	73:24 74:3,5 81:11 103:13 108:12,23	discuss 9:18 78:12
248:2,4 250:10 depositions 9:22	64:3 67:10 105:15	103:13 108:12,23	78:18 233:16 234:4
derive 165:8	175:1 234:8	111:13,24 112:7,12	discussed 207:11
describe 20:10 21:4	development 11:20	111:13,24 112:7,12	discusses 98:24,25
42:3 43:8	18:18 24:20 30:10	129:10 134:23	163:22 238:3
described 37:25	32:1 49:12,22 50:1	135:1,8,12,13,16	discussing 49:7
220:10 222:7	50:10 54:6 57:18	136:1,13,14,15,17	200:20 235:1
22U.1U 222./	30.10 37.0 37.10	130.1,13,17,13,17	200.20 233.1

[discussion - education]

discussion 78:15	156:7,10,20 157:12	208:19 209:23	e
discussions 200:18	157:14 159:20	210:5 213:2,24	e 2:5,10,14 3:1,6 7:1
210:1	160:6 161:21,22	222:6 223:3,6 224:8	7:1 21:12,16 89:17
disputes 84:18	163:13 164:19	229:23 232:3	· · · · · · · · · · · · · · · · · · ·
disregard 96:17	165:17,20 166:19	233:21 235:7,10	89:21,24 90:12,14
distinction 11:5	169:1,6 177:23	237:14 238:15	102:5 176:22
137:22	181:17,20 187:7,20	246:13,19 247:2,3,4	241:25
distinguish 28:22	189:8 190:4 191:14	247:6,11,16	earlier 38:1 104:17
distinguishing	192:16 195:19	doing 65:14 161:1	127:19 129:15 154:24 160:21
129:6	196:2 202:15 203:4	209:24 216:14,19	
distributed 166:9	203:20 204:23	dominate 51:24	181:8 183:13 208:1
177:17	206:12,20 207:18	dot 238:4	212:10 237:12
distributing 166:11	208:12 209:2	doug 196:10 202:11	239:7 246:10
distribution 175:14	210:14 213:9,11,13	223:17	ease 245:8,12 easier 29:9 72:1
district 1:1,2	222:9,11,14,18,20	draft 35:14 37:1,12	139:18
divide 21:2	223:1,9,14 224:19	38:3,7,8,9,11 39:1	
division 99:21	225:9 226:21	39:10,21 57:22,23	easy 121:3,15,24,25 122:4 139:14
doc 58:4 181:3,14	227:14,20 229:2,8	58:1,2,10,11,16,21	203:18
document 3:10,12	229:15 232:1,7,13	59:2 66:17 69:8	economic 71:25
3:13 20:5 28:8 30:8	232:19 234:9	101:16,17,19 205:4	74:13 195:15
30:12 32:15,21	236:12,21 238:17	drafting 66:21	edited 56:24
35:17 37:1,12 39:12	238:22 239:22,25	69:10	edition 33:2 62:16
39:13,17 48:17 56:8	242:10,20 244:23	draws 64:6	79:20,22 81:18
58:3,6,18 60:6	documentation	dryer 173:1	108:21 116:21
61:10 62:1,17 64:4	125:22 177:6	dubay 1:18 3:3 7:5	130:13 146:12
67:22 69:7 78:24	179:24	9:4,11 10:14 48:16	155:12 160:18
80:7 82:8,23 85:6	documents 12:5,9	88:20 95:24 100:16	161:9,15,16,20
93:7,19 96:4,5	12:13,21,24 13:1	103:20 112:9 125:5	162:12,15,16
97:23 99:24 100:17	28:21,24 50:9 58:8	142:18 153:17	177:22 178:12
102:10,13,15 104:9	58:16 69:10 80:20	156:3 160:13 163:9	179:9,18 185:1
105:10 110:14	89:5,9 100:2 107:4	164:12 169:24	192:8 209:13 225:8
111:1 112:11 113:9	107:6,17,21,25	185:10,22 191:12	236:15 237:19,21
114:19 115:14	108:2,15,18,22,24	192:14 209:1	237:23 240:13
116:20 125:13	109:4,13,16 110:9	212:10 246:8	editions 162:4
126:12,24 127:7,13	111:18 118:13	249:12	180:15 237:9,10,12
127:16 128:4,8,13	120:14 125:6,10,15	due 11:5 74:13	238:10
128:17,21 130:8,20	130:4 136:10,24	97:10 219:22	editorial 30:15
130:24 131:5,9,17	138:2,13,14 139:16	duke 240:24 241:8	31:18,22 32:25 33:5
132:7 133:2 134:5	141:2 142:13	duly 9:7 250:7	37:9,14 57:3,12,14
142:19 143:8,22	157:23 162:21	dummy 104:3	61:20 62:3 149:7
144:3,23 145:19	176:21 177:19	duplicated 114:13	171:9 238:5,9
146:4 147:22	180:21 181:23	duties 21:20	education 11:3,17
149:16 150:3,12	185:6 193:16 198:9	dwyer 171:25 173:1	11:20 163:5
151:1,2 152:13	199:12 200:15		
153:23 154:2,16,18	202:3 203:21 204:9		

[eei - example]

eei 241:11	embedded 176:16	ensure 15:5 31:1,9	established 37:19
effect 216:5	178:15 184:22	32:10,13,24 34:3	establishes 67:23
efficient 235:19	202:16 220:21	37:4,9,17 51:23	establishing 94:3
efforts 220:15	emerging 17:4	65:18 77:22 108:7	110:24
eight 214:18 215:8,9	employed 132:6,11	119:17 141:23	establishment
215:25	152:17 220:16	149:9 169:11	217:16
either 9:20 35:4	250:13,13	203:22 205:15	estimate 135:5
57:4 59:4 115:18	employee 20:14	216:18 225:7	136:21 176:2
167:21,22 174:2	196:5,25	227:24 239:22	182:23 191:3
177:16	employees 52:16,19	245:1	217:10 218:13
election 53:24	54:12 66:3 197:5,23	ensures 198:21	219:18,18 220:1
electric 158:18	198:2	245:24	estimating 21:17
241:1	employers 222:16	enter 83:12,23 84:6	et 26:12 75:16 76:11
electrical 74:24	241:13	92:14	98:7
75:25 80:1 101:20	employment 53:5,7	entire 39:12,13 43:8	evaluated 51:2
121:4,17 130:11,15	53:16 197:6	54:5 178:23 189:2	evaluation 80:16
131:14,16 135:22	enable 104:8	239:21 240:1	event 14:15 166:8
135:25 137:17,19	encounters 100:19	entirety 39:19 96:4	182:16
137:20 138:1,2	ended 244:9	198:10	events 177:2
145:24 146:1,5,8,12	endless 195:5	entities 49:16	everett 2:18 8:24,24
151:21 154:1	ends 97:8 102:2	245:25	everette 233:5
157:11 160:14,18	158:22 198:8	entitled 50:21 82:21	evidence 56:20
160:25 161:4,7	236:12	82:24	202:17
163:18 170:1 171:9	energy 240:25	entity 189:23	evolution 68:17
171:16 173:5,13,20	enforce 109:6	entity's 189:10	evolve 67:25 68:5,5
173:22 178:13,20	enforceability	enumerate 71:17	exact 20:4 213:16
178:24 179:10,18	244:24 245:5	envisions 203:14	exactly 201:20
179:22 180:6,16	enforceable 245:9	equivalent 19:16	examination 9:5,9
181:5 182:19 183:9	245:16	errata 180:24 181:9	246:6 247:14
183:14 185:13	enforcement 244:19	181:25 182:5,16,18	250:10
186:8,20,24 191:16	enforcer 52:4 75:23	183:17,19 184:4	examined 9:8 250:9
192:18,25 203:6	76:8 241:25	185:1	examines 78:24 85:6
206:24 207:7 208:7	enforcers 76:1,8	erratas 180:23	96:5 127:7,16 128:8
209:4 210:20,21	enforcing 169:9	181:4 184:2	128:13 130:24
223:4,16 236:16,20	engaged 20:15	error 229:18 238:12	131:9 147:22 151:2
239:12,14 240:5	214:24	errors 180:12,15,22	153:23 157:12
241:11 243:6	engineer 10:20,25	183:5,7,22 184:1,16	163:13 187:7
electronic 2:19 8:13	11:12,16 12:5 13:15	185:5	191:14 192:16
135:19 136:7 151:3	13:19,23 21:21,25	es 242:1	196:2 203:4 209:2
151:5,23 152:8	22:2,15,22 23:7	especially 52:25	223:1,14 224:19
153:24 214:10	engineering 11:5,14	172:25 175:24	226:21 227:14
electronically 97:12	23:1 241:8	esq 2:3,7,12,18,19	229:2,8 232:1,7,13
151:11 157:18	engineers 1:9	establish 32:19 67:2	232:19
158:10	224:24 225:19	69:2 106:9,11	example 14:3,5,8
			17:4,23 18:4,13,15

[example - feel]

18:22 19:1,19 23:4	105:5 113:10,24	exhibits 4:1 5:1 6:1	facilitates 119:22
27:11 32:2 38:24,24	114:11 115:7,9,17	95:5 127:20 211:12	facilitating 27:13
52:2,3,4,8 60:15,20	115:25 116:1,10,13	existence 87:18	facilitators 65:19
62:2 72:9,10 101:14	116:25 117:3,9,11	181:9	205:9
101:25 135:22	117:22 125:17,18	existing 74:22	facilities 246:1
139:23,25 140:1,4,5	126:9,11 127:4,6,9	155:12	facility 25:18
143:2 162:19	127:17 128:1,3,10	expect 127:8 225:3	facing 17:20 20:8
165:15 170:24	128:12,15,17 130:5	227:19	71:24
177:7 192:11	130:7,17,19 131:1,4	experience 55:10	fact 91:17 92:11
195:10,11 199:4	132:24 133:5	73:23 83:9 121:8	93:23 121:9 188:21
208:6 210:9 213:8	134:11,13 142:16	136:19 195:2,5	236:4
221:13 236:25	142:18,23 143:5,7	197:10 200:3,9	facts 56:19 73:19
238:9 245:15	143:11,19,21,25	225:23 229:22	114:1 122:22 123:6
examples 17:2 72:3	145:16,18,23	230:3	163:20 200:2
72:4,8 195:4	146:15,18,22,23,25	expert 52:7	202:17 207:10
excellent 60:15	147:4,8,9,15,17	expertise 14:6 23:1	210:23 220:20
exception 117:18	148:1 149:13,15,20	23:6,20,25 29:18	245:22
exceptions 80:13	149:24 150:1,3,7,15	30:3 51:1,16 52:25	failure 232:24
159:6,6	150:19,21 151:4,14	55:9,15 62:4 65:21	fair 46:3 98:9,15,24
exclude 89:1 211:17	151:16,23 152:3,5,9	68:13 69:23 70:15	99:4,10 237:23
excluding 247:2	153:14,17,23 156:1	82:1	fall 104:24
exclusions 80:13	156:3,8,14,16,20	experts 55:7 66:25	falling 212:23
exclusive 137:16	157:6,8 158:3,5,9	73:6,7 77:6	familiar 88:22 92:11
excuse 36:8 58:25	163:7,9,14 164:10	expires 250:21	118:3 126:8 156:12
70:6 101:8,16 127:1	164:12,16 165:15	explain 10:3 18:10	156:24
151:4	167:2 169:16,22,24	61:2	fancy 170:20
execute 100:4	169:25 171:12,14	explaining 18:9	far 193:22
103:13,13 107:19	171:15,17 185:8,11	extensive 16:9 29:16	fargo 173:2
executed 249:5	185:12,20,22,24	31:24 33:4 60:14	fashion 47:12 139:1
executive 19:18	187:4,6 188:7,10	73:23	fault 162:19 163:17
exhibit 3:9,11,13,14	191:10,13,14	extensively 221:4	163:23 164:3
3:16,17,19,20,21,22	192:12,15,16	extent 64:6 83:7,20	fax 151:11 188:1
3:23,24 4:4,5,6,7,9	195:24 196:1,2,19	92:9,18,24 98:12,17	faxes 136:10
4:10,11,12,13,14,15	197:1 199:25 203:1	98:20 119:6 164:20	features 124:3
4:17,18,19,20,22,23	203:3,4 206:3	173:7,16 176:18	federal 52:5 196:25
5:5,6,8,9,11,12,13	208:24 209:1,18,19	199:3 200:17	197:22,23 198:2
5:14,15,17,18,19,20	210:12,17 222:23	201:10 202:5 205:3	242:1
5:21,23 6:5,6,8,9,11	222:25 223:11,13	243:15 246:18	federally 197:12
6:12,13,14,15,17,18	224:16,18,19	extremely 44:22	federation 19:5
6:20,21 48:13,16	226:18,20,22 227:3	160:23	fedex 136:10
78:23,25 79:5 85:1	227:11,13,14	f	fee 2:3 8:4 9:2,2
87:14 93:1,16,18	228:24 229:1,2,5,7	f 116:18	41:16 46:22 99:16
94:5,7,19,20 95:22	229:8 231:23,25	facilitate 27:18	238:20 247:12
95:24 96:5 99:13	232:4,6,10,12,13,16	123:9	feel 141:9
102:2 103:18,21	232:18 236:9	-20.7	

[fenwick - forms]

fenwick 2:11 8:11	160:19 161:15	65:2,8,15 66:6,18	164:5 165:21
fenwick.com 2:14	162:11 188:19	67:15 68:3,10,10,11	166:18 167:13
field 30:4 55:7,10	197:2 201:21 206:3	68:23 69:22 70:12	168:5,14,20 169:4
67:1 73:24 102:3	206:9,17 214:25	71:3 73:15 74:9,18	170:23 172:3 173:6
	fit 60:8 147:6	75:8 76:15 79:14	170.23 172.3 173.0
103:1 162:16			
fields 77:7 100:17	fits 69:16	80:4 82:6,18 83:15	175:3,20 176:15
file 38:18 102:11	five 85:7 135:20	84:20 85:19 86:2,12	178:14 179:6,16
144:13 186:21	136:1,21	87:3,16,22 88:4	180:3 182:1,6
fill 40:16 103:24	flipping 49:4	90:16 91:1,8 92:2	183:15,23 186:15
110:2 129:3,16	floor 2:8	92:17 93:5 94:23	187:11 189:12
final 16:7 29:19	focused 70:8 73:5	97:2 98:11 100:6	192:4 193:8,15
34:13,18 35:13	focusing 27:21	103:13,24 104:1	194:1,3,25 195:3
55:18 56:2,9 61:3	65:19 72:19 101:18	105:1,9,24 107:1,5	196:16,22 197:8
63:23 67:11,17,19	185:4	107:20 109:3,19,25	198:4,11,17 199:15
68:20 69:18 198:7	foley 178:9	110:15,19 111:3,7	200:1,12 202:14
228:15	follow 37:25 70:2	111:24 112:16	203:11,16 204:5,14
finalize 33:6 34:3,20	101:11 148:18	113:5,6,11,14,25	205:1,6 206:7,11,14
34:23	155:17 233:3	114:8,9,10,13 115:7	206:19,23 207:1,3,9
finalized 33:9 37:15	247:10,21	115:13,17 116:14	207:23 208:11,18
financial 77:2 80:11	follows 9:8	116:17,18,19,20	209:3,22 210:4,13
financially 7:22	footer 165:1	119:24 120:20	210:22 211:14
250:14	foregoing 249:2	121:6 122:12,21	214:4 215:13,16
find 57:19 58:1,10	foremost 13:21 32:5	123:5,14,23 126:4	218:1 220:19 221:8
228:8	forest 187:16 188:18	127:21 128:23,25	223:2 224:15,20,25
finding 26:23 241:4	188:24 196:20	129:1,3,5,15,17,23	225:7,22,24 226:16
fine 46:4 48:5 78:10	forget 13:9	130:12 131:20,24	227:2,8 228:14
122:13	forgot 104:15	131:24 132:2,4,9,10	229:3,19 230:8,14
fire 1:6,17 8:22,25	form 15:23 16:5	132:16,23 133:7,8	231:2,21 232:2
11:4 12:24 13:6	17:12 19:4,10,14	133:19 134:15,16	233:3,10,24 234:14
14:17 17:6,15 71:24	20:16,21 21:14,23	134:18,20 136:18	240:7,15 243:3,14
72:11,13 74:13,24	22:10 23:2 24:18,25	136:23 138:5 139:2	243:25 244:20
75:24 179:20 195:2	25:14 26:21 27:4	139:10,21 140:17	245:10,21
199:4 242:3,3	28:5,25 29:14,25	141:15,19 142:5,12	formal 11:19 21:19
firefighters 213:15	30:21 31:7,21 32:3	142:24 144:7,25	33:24 49:24 233:6
first 9:7 10:21 13:21	32:4 34:9,15 35:22	145:8,22,24 146:2,7	233:13
32:5 35:13 40:14	35:25 36:20 38:2	146:11,14,18,25	formality 228:13
51:15 56:23 57:22	39:5,16 40:6,12,16	147:7,18 148:8	format 60:16 126:16
58:1,10,15,19,21	40:24 41:6 43:9,22	149:21,23 150:8,16	139:4,18,19 141:5,8
59:1 75:1 79:17,18	44:18 45:12,14	150:17,21 151:17	170:13,24
87:10 90:18 95:19	49:10,19 50:23	151:17,24 152:5,9	formats 81:3 143:3
99:17 101:17	51:14 52:18 53:10	152:18 153:24	formatting 95:11
102:25 103:23	54:3,14 55:1,25	155:1,4,5 156:13	formattings 141:7
106:23 117:22	56:18 57:9,21 58:13	159:14,24 160:16	formed 84:3
125:16 133:4,12	58:23 59:23 60:8,25	160:22 161:10,17	forms 32:5 63:17
148:17,17,22	62:13 63:14 64:11	162:5 163:2,19	65:5,11 100:5

[forms - guess]

106:23 108:5,8	frame 244:4	247:9 250:12	153:5 161:21 189:6
109:14,16,22	frames 211:9		202:12 211:25,25
111:10,13,15 112:4	francisco 2:9,13	g	215:7 220:23
112:5,12,20,22,24	free 77:21 79:12	g 7:1	234:16
113:20,22 114:22	80:25 81:4,12,22	g&m 7:11	goal 74:10
116:5 126:3,7	82:15 83:6,10 84:14	gain 51:12 71:25	goals 65:21 74:6
127:24 129:11,13	85:16,24 86:6,24	77:19 79:11 84:13	goes 64:1 160:25
129:20 130:2	88:9 89:15 90:7,11	86:6 88:9 89:18	going 21:19 40:18
134:23 135:1,9,12	90:19,22 91:15 92:6	90:6,22 91:15 92:6	46:14 47:17 69:13
135:14,18,23 136:1	92:12 93:3 119:11	92:12	71:13 73:10 77:11
136:4,6,15,25,25	119:15,25 120:13	gains 51:7	77:14,17 125:9
138:4 140:12,13,23	121:13 123:7,18	gather 122:11 144:4	135:6 177:1 184:14
140:25 146:9 149:8	124:2 182:11	general 8:25 46:11	234:17 235:25
		47:22 75:3 95:2	245:15
153:18 154:23,23 156:21 158:11	frequently 173:3 freshly 134:14,24	98:13 99:8 101:20	
	,	106:2,10,13 138:21	good 7:2 9:11,12 139:25
166:23,24 168:22	friday 111:11 front 134:10 164:8	142:5 143:2 156:13	
178:22 193:12,13		162:14 166:9	govern 50:9
194:6,7 203:8,15	172:25 187:22	170:15 171:7 174:2	governing 48:19 194:8
204:8 207:6,19	198:23 199:11	187:17 197:19	
208:8,9,17,20	207:5 230:2 236:18	205:4	government 14:17
210:19 212:12	242:5 243:20	generally 50:14	39:24 52:5 197:5,22
219:6 224:7,13	frontier 2:19 8:13	107:23 142:3	197:23 198:2 242:2
225:18	full 10:12 20:23	157:16	242:2 245:19
formulations 108:12	21:1,7,10 32:25	gentleman 230:1	governments 244:18
109:1,10 110:4	33:18,21 105:13	getting 94:14 222:14	245:8
forth 33:4 49:6	122:25 134:10	give 16:19 19:1	grant 126:17 166:20
forum 19:23 116:17	138:15 145:12	31:13 45:25 46:13	167:6,9 168:1,11
forums 14:1,5,7	148:20 166:21	72:4 96:2 98:2	granted 90:11
16:12,15 22:5 25:9	167:7,9 168:1	121:13 140:5	granting 118:25
forward 57:17	214:19 215:9	170:24 220:1	gray 238:6
62:17 69:14,20 70:1	219:14 220:5	given 12:4,10 17:7	great 219:16
70:6,11 71:2,8,12	242:14	24:7 42:14 117:4	greater 186:5
71:15,19 72:6,21,25	function 190:6	139:23 141:17	ground 247:20
73:10 120:11	functions 13:18	154:3 175:4 180:5	grounds 228:13
169:12	fund 75:24 76:8	207:4 208:20 213:2	group 13:4 17:14
found 228:10	120:11	214:15 215:15	20:7 132:15 133:1
241:19	fundamentally	246:22 250:11	133:12,14,17
foundation 2:19	74:19	gives 181:16 226:15	153:18 178:9 241:1
8:14 20:17 29:1	furnish 90:13	giving 22:3 43:6	241:11,14
30:1 56:19 85:20	207:18 235:8	glad 219:16	groups 17:2 18:13
92:18 108:18	furnished 125:5	go 7:17 31:2 47:9,15	104:16,17 133:13
129:24 138:6	furnishes 179:4	48:5,6 54:19 58:10	133:18
159:15 163:20	further 36:12,15	66:1 71:15 78:7	guess 14:12 117:21
four 9:23 241:6	39:19 42:23 62:15	85:4 124:6 149:4	150:11 187:10
	122:17 235:23		197:10 208:5 234:1

[guidance - include]

guidance 50:6 75:11	hdscc 20:5	hold 91:23 247:12	228:25 229:6
95:3 244:23,25	head 24:13 25:12	holders 178:11	231:24 232:5,11,17
guide 50:5 171:22	50:11 143:18 148:6	holds 187:2 240:17	identified 57:5,14
172:6,16 205:14	195:18	home 10:15	58:5 137:9 174:19
244:22	heading 209:10	homeland 20:7,9,9	identifies 134:6
guidebook 172:5	headings 100:18	honestly 21:15	identify 8:6 60:22
guiding 52:23	102:17	hoping 194:5	62:10 65:23 66:2
h	health 213:15	horne 233:5	96:1 103:20 112:9
	hear 78:9	host 25:19 27:3,5	162:9 171:14
h 3:6	heard 89:11 132:21	hosting 27:17	176:21 185:10,23
half 130:15	205:15	hotel 26:23 76:10	187:6,8 191:12
hammer 165:16	heating 1:8	hotels 26:18 27:2	192:14 196:1 203:3
167:2 235:23	heavy 145:13	hour 20:22 124:7	204:2 208:14 209:1
hand 14:14 90:18	held 7:10 179:11,12	hours 9:23 110:2	222:25 223:13
93:18 94:7 95:19	179:19	246:4	224:18 226:20
117:11 188:19	help 29:18 53:13	houston 228:8,20	227:13 229:1,7
201:21 214:25	155:3 205:14 233:8	human 214:13	231:25 232:6,12,18
238:2 250:16	helping 67:9	hundred 161:3	236:11 240:3
handed 48:16 93:8	helps 31:14	hundreds 191:6	identifying 235:16
95:24 130:19 131:3	hereinbefore 250:7	i	247:3
134:13 143:21	hereto 250:14		iec 186:5,11,14
145:18 147:17	hereunto 250:16	icc 118:20 201:14,16	imagine 135:7
163:9 188:8	high 155:10 162:14	idea 204:12,17,24	impacted 19:7
handing 130:7	214:20	identifiable 175:24	120:15 182:13
handle 12:6 27:1	higher 72:2	identification 48:14	implement 141:21
handling 12:23	highlighted 63:8	93:17 94:6 95:23	implying 27:16
160:24	238:6	103:19 117:10	importance 145:1
handwriting 96:17	hire 105:22 106:3,17	125:19 126:10	important 52:21,22
97:1 148:8	106:21,23 107:3	127:5,10 128:2,11	73:20,22 144:22
handwritten 96:12	210:12,16	128:16 130:6,18	145:6,10 183:1,4
96:16,19,21	hirschler 156:24	131:2 134:12	194:12
happen 36:18,18,23	157:10,20	142:17 143:6,20	impossible 66:11
219:24	historical 126:4	145:17 146:16,24	improper 47:19,22
happened 105:21	historically 135:18	147:16 149:14	111:8 112:16
happening 75:14	141:6 145:10	150:2,20 151:15	207:24
happens 35:12,15	161:22 176:25	152:4 153:15 156:2	improve 15:1,8 75:7
36:3,6,10,14 37:2,7	215:19 231:9,12	156:15 157:7 158:4	improvements
37:13,20 38:9 61:14	histories 190:17	163:8 164:11	195:14
90:19 198:21 214:6	history 134:21	169:23 171:13	improving 14:23
happy 38:16 45:20	135:10 176:20	185:9,21 187:5	75:11,13
235:22	189:7,9,21 190:1	191:11 192:13	incident 195:11
hard 42:13 97:25	243:5	195:25 203:2	incidents 15:5 75:14
hazard 72:11	hittinger's 186:14	208:25 222:24	include 21:11 71:22
hazards 74:14	hmm 34:22	223:12 224:17	71:25 72:8 173:25
101:20	11111111 34:22	226:19 227:12	
			175:18 232:25

[include - issue]

245:7	169:8 177:10	212:18,23 213:3	interactions 73:13
included 68:6 140:7	180:20 187:2 195:6	inputs 115:4 117:2	interactions 75.15
170:10 185:14	203:7 204:16	144:9 155:11 160:5	50:19 51:22,24,25
			1 ' '
217:7,17	207:16 215:20	inquiries 24:5	52:1 53:17,18,20,23
includes 48:24 52:4	220:23 221:11,15	insert 141:18	104:16,16,17,22,24
89:21 115:18 160:8	221:21 222:2	inside 102:3 170:4	241:14,15,16,17,20
181:20 199:24	240:17	insofar 118:6	interested 7:22
216:8 221:6	individuals 144:14	inspector 131:14	15:18 24:15 250:14
including 26:8 52:2	204:13,22 215:24	inspectors 75:25	interference 7:19
76:10 80:10 112:5	220:17 221:2	install 52:10	interim 49:24
119:17 160:2 238:4	222:16 241:19	installation 18:7	internally 22:3,19
incorporate 18:5	industry 18:13	163:23 164:2	22:21
incorporated 7:14	inference 237:24	installer 52:9	international 1:5
162:3 184:6,18	info 58:4 104:4	instance 111:3	9:3 118:4
incorporates 173:5	181:3,14	112:11 207:19	interpret 29:9 84:12
173:12 188:17	information 17:11	instances 111:24	interpretation 164:4
incorporation	17:17,18 22:13,19	236:23	169:2,14,21 172:1,4
176:13	22:20 35:6 55:11	institute 18:24	200:15 202:3
incorrect 34:17	58:3 67:6 72:17	165:19,25 166:2,4	interpretations
incorrectly 229:21	73:17,18 74:4 89:17	institution 74:21	49:25
independent 186:7	90:21 104:2,6	instruct 88:25	interrupted 115:23
186:23	162:22 164:19	211:17 247:18	interrupters 163:17
index 162:1,8	171:22 172:6,16	instructed 46:21	163:24 164:3
indicate 104:24	176:22 177:4,7	246:17	interruption 115:21
105:1 148:9 165:10	181:14,22 186:13	instruction 42:11	115:24 162:20
186:9 187:22 237:7	217:2,13,20,25	246:11,23 247:22	intervention 214:13
238:3 240:4,16	218:16,23 235:21	instructions 10:6	interviews 14:3
241:13	informative 101:5	integrate 36:25	16:14 22:4 24:1,5,7
indicated 57:10,13	101:19	181:4 189:1	introduced 162:20
111:19 117:21	infringement	intellectual 64:2	investigative 72:12
145:25 172:11	200:11,24 201:8,17	78:2 97:20 98:23	invoice 181:20
196:8 227:23	201:18	99:9 105:15 106:9	invoke 47:21
229:11 239:1	initial 34:1,11,24	107:16,24 108:13	involve 14:14
indicates 165:23	41:1 195:22 210:1	109:2,11 110:4,15	involved 16:21 21:9
226:24 237:8,22	initially 233:2	120:4,10,18,24	61:12,16 63:1 92:10
240:10,11	injuries 71:24 75:15	168:24 174:6,12	105:17 141:10
indicating 221:8	injury 74:12	intend 247:21	involvement 94:2
237:11	input 22:9 55:17	intended 31:5	involves 51:3 54:7
indication 56:14	56:16 57:6 63:3	intending 194:14	119:9
62:18,20 76:24	65:12 68:10 105:20	intensive 216:13	involving 152:20
185:17 227:25	106:8 109:8 114:3,4	intent 31:10 37:18	isa 209:9,11,11,14
indications 57:19	114:24 115:3	38:14 40:9 67:5	ish 213:23
212:14	116:15,19 117:5	172:23	issue 71:23 72:15
individual 66:10	145:3 159:25 177:8	intention 158:20	109:15 112:6 184:2
70:14 77:5 110:13	194:10,16 200:8		185:1 208:4 235:3,9

[issue - legal]

235:16,24 236:2	kennedy 229:14	237:13 242:24	243:1,12 245:15,18
issued 230:7	kevin 2:3 9:2	243:4,8,10,18,19	245:24
issues 20:8 67:21	keyed 149:6	244:10 250:8	large 26:23 72:11,11
160:12 234:4 246:9	keying 217:7	known 85:22 88:1	135:8 144:14
issuing 243:5	kind 17:21 39:7	135:24 231:7,10	larger 12:22,24
italicized 169:2,15	101:24 155:17	knows 112:17	215:12
206:17 209:17,18	know 17:8 21:16	180:19 182:9	largest 80:2,6
210:15,19 211:11	24:9 60:22 61:11	184:12,24 190:10	214:23 215:4
italics 206:2,4,9	63:8 78:11 84:13	230:22 231:16	late 78:10
item 146:3 147:12	86:22 92:8 98:20,21	1	law 99:4 184:6,18
163:21 165:6,6	98:22 106:22 107:3	_	245:9,20
170:4,25 171:3,5,19	107:14,15 119:11	labor 52:15	laws 249:2
172:4,21 187:23	131:11 143:13,14	lacked 144:5	lawsuit 201:14,24
188:5 223:20 228:2	143:14,15 148:2,4,7	lacking 233:2	235:9
items 152:20 187:21	154:20 158:12	lacks 20:17 29:1	lawyers 112:10
236:21	160:19 162:24	30:1 56:19 64:6	lay 42:15
j	172:14 182:18	85:20 92:18 108:17	layout 139:16
	186:5 188:16 193:7	138:6 144:3 159:15	layouts 141:7
j 2:3	196:10 201:16	163:20	lead 74:23 139:7
james 117:18 148:2	203:8 209:13	laid 38:6	learn 15:4,4
jeanette 1:18 7:7	219:16 222:12,13	land 29:19 55:17	lee 196:10 202:11,21
250:4	222:20,22 236:22	68:19	223:17
jim 152:11,12,15	knowing 174:20	language 33:7,9	left 44:12 238:2
138.6 11		1 4/1:14 48:6 55:18 //	
158:6,11	knowledge 17:10	34:13 38:6 55:18,22	241:6
jkfee 2:5	knowledge 17:10 30:4 32:25 72:24	62:8 64:10,18 65:23	
jkfee 2:5 job 10:19 28:1 31:6	knowledge 17:10 30:4 32:25 72:24 74:6 81:2 83:3,8,20	62:8 64:10,18 65:23 66:3,5,8 68:11,20	241:6 legal 64:6,24 83:16 84:9 89:3 92:21
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15	30:4 32:25 72:24	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22	legal 64:6,24 83:16
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3	30:4 32:25 72:24 74:6 81:2 83:3,8,20	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15	legal 64:6,24 83:16 84:9 89:3 92:21
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12 k	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3 175:22 177:5	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17 173:25 174:9 179:3	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16 176:16 178:15
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12 k kaufman 143:13	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3 175:22 177:5 178:18 179:8	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17 173:25 174:9 179:3 187:15 193:7,10,12	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16 176:16 178:15 184:22 192:6 197:9
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12 k kaufman 143:13 keep 21:15 35:4	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3 175:22 177:5 178:18 179:8 184:25 186:17,18	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17 173:25 174:9 179:3 187:15 193:7,10,12 196:18 206:2	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16 176:16 178:15 184:22 192:6 197:9 197:16 198:5,12,18
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12 k kaufman 143:13 keep 21:15 35:4 40:18 46:14 77:14	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3 175:22 177:5 178:18 179:8 184:25 186:17,18 188:7,19 193:18	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17 173:25 174:9 179:3 187:15 193:7,10,12 196:18 206:2 209:17,18 211:12	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16 176:16 178:15 184:22 192:6 197:9 197:16 198:5,12,18 199:3,9,16 200:2,15
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12 k kaufman 143:13 keep 21:15 35:4 40:18 46:14 77:14 77:17 151:12 162:9	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3 175:22 177:5 178:18 179:8 184:25 186:17,18 188:7,19 193:18 197:11,14,17,19	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17 173:25 174:9 179:3 187:15 193:7,10,12 196:18 206:2 209:17,18 211:12 212:13 214:3	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16 176:16 178:15 184:22 192:6 197:9 197:16 198:5,12,18 199:3,9,16 200:2,15 201:2,12 202:3,7,16
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12 k kaufman 143:13 keep 21:15 35:4 40:18 46:14 77:14 77:17 151:12 162:9 162:14 163:3	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3 175:22 177:5 178:18 179:8 184:25 186:17,18 188:7,19 193:18 197:11,14,17,19 198:20 200:17,21	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17 173:25 174:9 179:3 187:15 193:7,10,12 196:18 206:2 209:17,18 211:12 212:13 214:3 215:18 216:4	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16 176:16 178:15 184:22 192:6 197:9 197:16 198:5,12,18 199:3,9,16 200:2,15 201:2,12 202:3,7,16 205:7 206:12,15,20
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12 k kaufman 143:13 keep 21:15 35:4 40:18 46:14 77:14 77:17 151:12 162:9	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3 175:22 177:5 178:18 179:8 184:25 186:17,18 188:7,19 193:18 197:11,14,17,19 198:20 200:17,21 200:23 201:6,13,15	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17 173:25 174:9 179:3 187:15 193:7,10,12 196:18 206:2 209:17,18 211:12 212:13 214:3 215:18 216:4 223:24 224:1,6,6	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16 176:16 178:15 184:22 192:6 197:9 197:16 198:5,12,18 199:3,9,16 200:2,15 201:2,12 202:3,7,16 205:7 206:12,15,20 211:15,19 220:21
jkfee 2:5 job 10:19 28:1 31:6 31:8 62:5 69:15 141:20 215:3 jobs 216:7 john 240:24 john's 241:4 joined 10:23 jurisdiction 17:8 18:4,6 84:17 190:14 195:12 jurisdictions 17:19 52:6 121:11,12 k kaufman 143:13 keep 21:15 35:4 40:18 46:14 77:14 77:17 151:12 162:9 162:14 163:3	30:4 32:25 72:24 74:6 81:2 83:3,8,20 84:11 90:18 91:10 91:11 92:9,24 95:20 100:22 106:13 107:9 114:14 117:17 118:10,11 119:6,7,14 125:25 126:3,23 127:1,2 134:17,19 161:12 164:22,23 165:3 175:22 177:5 178:18 179:8 184:25 186:17,18 188:7,19 193:18 197:11,14,17,19 198:20 200:17,21 200:23 201:6,13,15 201:21 202:6,9	62:8 64:10,18 65:23 66:3,5,8 68:11,20 69:18 79:3,19 84:22 84:23 105:7 106:15 106:22 107:4,16,25 108:13 109:2,11 110:5,16 113:12 116:24 126:5,6 127:18 129:21 142:11 154:3 160:20 162:10,11 168:11,15 169:3,15 170:20,22 172:17 173:25 174:9 179:3 187:15 193:7,10,12 196:18 206:2 209:17,18 211:12 212:13 214:3 215:18 216:4	legal 64:6,24 83:16 84:9 89:3 92:21 94:24 95:18 98:12 98:14,17,23 99:6 105:11,25 106:5,11 106:19 108:6 110:23 119:10 120:21 137:5 140:18,22 164:21 167:14 169:6 173:7 173:16 174:16 176:16 178:15 184:22 192:6 197:9 197:16 198:5,12,18 199:3,9,16 200:2,15 201:2,12 202:3,7,16 205:7 206:12,15,20 211:15,19 220:21 233:25 243:16

[legal's - marked]

legal's 141:22	listening 8:16	74:12,13,13 75:13	making 28:8 30:8
legislative 170:9,12	lists 90:14 238:17,22	75:15,15	38:22 54:8 100:1
170:18,21,24	239:4 240:16	losses 15:4,9	158:16,17 159:10
legislature 170:19	litigation 7:9 100:3	lot 18:21,25 75:19	159:22 217:8
170:21	112:4 118:3 222:21	81:10	239:11,15,22 240:3
length 191:2 210:1	little 60:21 119:7	lots 62:24 76:16	241:5
letter 70:6 176:23	184:15	141:6	malamud 2:20 8:17
letters 241:12,17	llp 2:3,7,11	lunch 124:6,11	8:18
level 15:20,21 16:4	local 17:7 52:6	m	management 11:20
24:16 61:19 65:17	72:13 242:2,3	m 38:12,12 102:5	12:7 22:7 23:3,21
72:2 155:10 162:14	location 26:11	116:18 241:22,22	117:14
218:5	locations 237:8	241:24	manager 178:9
levels 11:13	log 187:10	magnitude 135:8	214:20 215:10
lewis 2:3 9:3	logistics 26:17,25	208:20 213:2	mandatory 245:15
liaison 12:10 27:24	27:1	mail 2:5,10,14 21:16	245:18,24
28:16 30:6 31:9	logo 95:11	89:17,21,24 90:12	manual 32:2,11 37:6
36:21 37:16,21	long 9:20 12:16,19	90:14 98:1 176:22	50:7 56:25 60:8
52:25 55:3 60:24	35:18,19 43:25	mailings 216:10	69:16 137:23 138:1
62:12 63:10 68:18	44:23 47:11 105:16	mails 21:12	138:7,21 159:3,8,13
69:5 200:4	longstanding	main 40:3 73:18,19	159:17,18,20
liaisons 28:3 59:7	133:10	maintain 151:10	160:12 171:6,10
62:4	look 48:3 60:2 72:14	161:20 177:2,4,19	195:10 216:15
library 12:4,8	78:23 84:24 94:15	maintained 127:14	manually 149:6
137:24 190:5 191:5	127:2,17,23 130:13	128:18 130:9,21	216:12
licenses 118:25	130:14 136:13,14	143:23 146:19	manuals 137:23
licensing 119:8	141:8 143:25 144:2	147:1,19 150:4,12	manufacturer
lieutenant 233:4	145:22 146:9,22	150:22 151:18,25	241:22,23,24
life 74:12,23 75:15	147:4 149:20,24	152:6 153:20 154:3	manufacturers
188:16 232:21	150:7,15,18 156:8	154:16 156:4 158:7	14:16
light 241:1,11	156:12 185:22	163:11 164:13	maracas 1:18 7:7
limit 124:2 234:15	207:14,15 212:12	209:5 223:5	250:4
limitations 80:12	236:13	maintainers 52:9	marcelo 156:24
limited 80:10	looking 18:4 99:13	maintaining 178:4	margin 62:21
123:25	162:10 188:7 216:2	maintains 125:21	marked 48:13 93:16
line 102:25 133:12	219:5 229:14,17	128:5 131:5 142:19	94:5 95:22 103:18
141:19,19 146:3	230:1	143:9 145:20	117:9,11 125:18
165:24 171:3 191:8	looks 49:5 79:6	149:17 151:7	126:9 127:4,9 128:1
241:18	93:21 97:5 101:24	156:17 157:23	128:10,15 130:5,17
lines 147:7 link 103:11	102:4 116:19 126:4	177:24	131:1 134:11
link 103:11 links 121:13	126:8,16 129:1,4	major 141:4 162:15	142:16 143:5,19 145:16 146:15,23
list 133:22 134:1	134:13,19,24 143:11 156:20	162:18 163:4	147:15 149:13
195:5 239:1 240:10	163:15 223:1,3	204:10 244:2	150:1,19 151:14
listed 225:18	loss 14:23 15:2	majority 204:21	150:1,19 151:14
115teu 223.10	71:22,24 72:10	217:4	156:14 157:6 158:3
	/1.22,24 /2:10		130.14 137:0 138:3

[marked - morning]

1.60 = 1.61.10	250.0	100.00.10.11.11	1.10.01
163:7 164:10	matters 250:8	103:23 104:11,14	minimum 15:19,21
169:22 171:12	mean 12:8 14:7 18:3	104:19,19,21	16:4 24:17
185:8,20 187:4	21:3 26:5,17 28:10	105:12 114:6	mining 80:18
191:10 192:12	30:8,17,20 34:6,23	117:25 129:14,16	minor 204:10
195:24 203:1	38:13,15 39:13	130:1 133:10	minute 16:11 153:4
208:24 222:23	51:20 68:5,25 95:13	143:16 148:4 157:2	200:19
223:11,20 224:16	97:13 120:18 129:5	158:13,16,17,18	minutes 77:16,18
226:18 227:11	155:4 162:8,18	186:19,19,23,24	85:8 150:9 157:19
228:24 229:5	177:12 206:6 230:7	199:20 205:22,23	205:25
231:23 232:4,10,16	230:11 241:2	members 16:7 26:9	mischaracterizes
marketing 23:13	meaning 68:21	29:22 30:3 34:25	29:1 46:7 65:3
90:15 119:9	101:10	35:1 50:7,14,18,20	66:19 68:24 105:10
marking 236:9	means 151:12	50:22 52:16,19 53:2	110:20 166:19
marshal 72:13	170:12,22 206:18	53:8,15,15 54:10,12	169:5 174:15 179:7
marshals 14:17 17:6	219:5 237:11,17	56:14 57:5 63:11	202:15 218:10
17:15 75:25	meant 120:23,24	65:1,4,24 68:13,22	misrepresents
maryland 11:8	194:1	70:10 72:5,24 73:14	157:14
massachusetts 1:21	measure 211:16	73:20,22 74:7 75:17	mission 2:8 14:22
1:22 7:11 10:16,18	mechanism 203:18	114:24 129:9,10,13	67:10 74:11,17,20
84:18 250:1,5	mechanisms 181:12	129:20 133:3,13,14	75:2 76:19,19 78:4
material 63:17	media 14:3 16:14	133:14,17,18 134:7	120:6,9,11,12
97:24 101:15	24:1,4,5,5,7 26:9	159:22,23 179:25	misspoke 184:14
105:14 113:4	190:14,19,21	186:25 202:10	misstate 151:1
148:23,23 149:2	meet 9:17 17:6 67:4	203:19 205:3 234:1	mitch 2:19 8:13
166:8 169:13 170:3	235:23	234:7,11 239:5	mix 157:16,20
171:25 174:22	meeting 9:20 10:1	membership 19:5	mm 34:22
175:7,8,13,17,19	20:23 25:4,18,18,19	51:8,13 53:21	mockup 100:10
176:4,12,25 177:15	26:5,6,8,11,13,24	103:25 104:20	101:3
178:12 181:24	27:1,3,8,10,10,14	115:5,6	model 215:20
187:15 188:24	32:8 38:7 63:1 67:7	memberships 19:20	modifications
189:17,20 197:22	69:13,25 70:3 76:10	mental 10:8	107:13,15,24
197:24 198:23	110:23 130:4	mentioned 16:14,15	modified 32:14 60:5
199:24 212:14	205:21 217:21	31:18 53:20 64:8,12	60:7 61:17 62:18,20
217:6 219:13	233:15 234:6	72:17 136:14 140:8	62:22
221:13,19 223:23	meetings 25:2,7,17	195:10 201:14	modify 33:1 70:18
224:2 225:15,25	25:23 26:1,14,16,20	212:10,24	155:16
228:3 229:12	26:22 27:5,19,22	menu 104:11,13	modifying 74:22
233:17 243:23	28:2,3 76:2 205:22	met 207:24	moment 54:19 96:2
materials 1:4 7:13	217:17 233:18,20	method 64:14 136:5	moments 93:14
157:21 163:5	233:21 234:3,12	235:15	monday 9:25
165:11 172:11	meets 36:4	microphones 7:17	morgan 2:3 9:2
197:12 212:20	member 19:11,16	middle 79:4 97:10	morganlewis.com
214:12 217:18	19:17,22,23,25	103:1	2:5
matter 51:17 198:23	50:24 70:14 84:15	mind 18:19 195:13	morning 7:2 9:11,12
243:20	85:15 89:15 92:13	244:12	

[motion - nfpa]

motion 38:14,18,20	nation 20:8	215:11	80:8,14 81:1,18,23
38:21 39:2,6,7,11	nation's 74:25	needs 15:6 70:16	82:16 83:14 84:7
39:20 40:9,17,19	national 1:6,16 7:8	72:16	89:17 90:12,21
41:2 70:3	8:22,25 18:23 19:25	neither 250:12	92:15 96:8 97:11
motions 38:23 39:3	80:1 121:4,16	neutral 65:19	98:9 101:5,8,16,17
39:9,22,25 40:1,3,4	130:11,14 131:16	never 121:8 140:21	104:21 105:13,16
40:5 41:10,22,22	135:22,24 137:18	200:5 225:25	105:17 106:24,25
42:19,20,21,22	137:25 145:25	new 12:5 17:24,24	107:4,8 108:14
43:15,17 44:14 70:1	146:5,8,12 151:20	17:25,25 18:1,2	110:17 111:4,5
motivate 72:18	154:1 157:10	32:14 39:17 61:14	110.17 111.4,5
motivation 71:14	158:18 160:14,17	61:20 62:19 65:13	113:23 116:6,8
	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
76:12,17,25 77:2	160:24 161:4,6	66:22 74:21,21	117:19 118:1,3,19
motivations 76:16	163:18 170:1 171:9	144:10 155:11,14	118:24 119:11
move 64:5,23 69:14	171:16 173:5,12,20	161:8,8 162:25	120:7,10 121:1
70:1,5,10 71:2,8,12	173:22 178:13,20	170:4 171:1,4 174:5	123:2,15,20 125:8
71:19 72:6,21,25	178:24 179:10,18	185:14,17,18 186:1	125:15,21 126:2,4,6
73:10 87:7 120:11	179:20,21 180:6,16	186:3 187:24 204:8	126:18,20,25
169:12	181:5 182:19 183:9	205:1 216:23	127:13 128:5,18
moved 62:17 190:9	183:13 185:13	newer 209:12	130:8,20 131:5
moves 57:16 69:20	186:20 191:16	nfpa 2:9,18 3:9,11	135:13,14 137:23
mto.com 2:10	192:18,25 199:4	3:13,14,16,17 5:12	138:17 142:19
mullen's 78:5,18	203:6 206:24 207:7	5:13,14,15,17,18,19	143:1,8,22 144:4,22
multipart 51:15	208:7 209:4 210:20	5:20,21,23 6:5,6,8,9	145:19 146:19
multiple 44:2,6 45:9	210:21 223:3,16	6:11,12,13,14,15,17	147:1,19 149:17
45:24 110:8 123:16	236:15,19 239:12	6:18,20,21 10:19,21	150:4,12,22 151:7
145:14 162:4	239:14 240:5 243:6	10:24 11:9,24 13:2	151:18,25 152:6,12
207:12,13	nature 59:24	13:2,12 14:11,20	152:14 153:19
multistep 40:7	navy 11:1,6	15:16,25 16:13,18	154:3,5,8,16 156:4
multitude 14:25	near 102:2 115:18	18:7 19:9 20:14	156:17,22 157:4,23
15:17 24:14 123:16	242:6	21:20 22:3,9,14,21	158:6 159:16,17,25
munger 2:7 8:21	nec 58:22,24 60:14	22:22 24:14,19,24	161:8,13 162:1
n	62:2,9,12,21 159:17	25:3,13 26:5,13	163:10 164:13
n 1:18 3:1 7:1 38:12	161:18,25 162:21	27:3,5,8,12,18	165:7,9 166:3,21
name 7:6 10:12,14	163:15 171:10	30:10 31:25 32:21	167:7,9 168:1,2,6
99:15,18,24 143:15	174:1 185:2 191:22	32:24 37:3 49:12	168:18 172:14
152:11 196:11	237:8,14 238:11	50:10,18,24 51:21	173:3,10 174:23,23
240:16 241:4	necessarily 106:20	52:16,19,22 54:7,8	175:12,16,17 176:3
named 13:14 250:7	need 15:15 65:23	54:12,23 55:2 59:21	176:5,11 177:2,19
names 134:6 240:11	70:17 71:10 78:2	60:15,24 63:10,18	178:11 179:4,24
241:12,19	89:19 108:4 120:3	64:4 65:1,4,10,16	180:24 181:7 182:4
napa 126:17	125:11 148:18	65:23,25 66:3,4,25	186:13,24 189:9,21
narrative 41:17	173:17 195:21	70:21,24 73:14	189:25 190:15
42:7 43:11 44:23	215:1 245:14	74:11 75:22 76:3,6	191:6 193:13,21,22
12., 13.11 11.23	needed 66:2 140:14	76:19,22 77:9,21	194:17,19,24 195:4
	140:15 162:24	79:20,23,25 80:1,2	197:25 198:6,16

[nfpa - objection]

199:13 200:9,10,23	normal 95:1 137:6	nw 2:4	195:3 197:8 198:4
201:7,16,24 202:10	178:21 242:13	nxk 101:5,19,23,25	198:11,17 199:15
203:14 205:3,8	normally 100:18		200:1,12 202:14
207:18,20 208:16	146:6,7	0	203:11,16 204:5,14
209:5 210:25	notary 1:19 250:5	o 7:1 99:17,18	205:6 206:7,11,19
212:24 213:7,12,18	250:21	116:18	207:1,9,23 208:11
220:15,22 221:1,10	note 7:15 97:10	oath 7:21 9:15 250:9	208:18 209:22
	126:1 144:12 156:6	object 15:10 23:2	
221:20 222:1,6 223:5 224:13,20		24:18 25:14 27:4	210:4,13,22 211:14
,	158:25 159:5 188:1	28:5,25 29:14,25	218:1 220:19
225:2,17 226:4,7,10	191:7 224:2	30:21 31:7,13,21	225:22 227:2,8
226:23 227:15	noted 45:2,16	32:4 34:9,15 45:14	228:14 229:19
229:3,9,16,22,24	134:22	54:3 55:1 58:13	230:8,14 231:14
230:12,16,20 231:6	notes 96:23 187:12	75:8 76:15 79:14	240:7,15 243:14,25
231:12,13,19 232:3	notice 26:7 38:14	85:19 86:2,12 87:16	244:20 245:10,21
232:9,15 233:9,23	40:8 112:1 118:7	87:22 90:16 91:24	objecting 42:9
235:2,7 239:5	141:5 148:21	91:25 92:1,17 93:5	235:25
243:24	180:18 181:16	94:23 98:11,16	objection 15:23 16:5
nfpa's 14:1 18:12	182:8 190:9 191:9	100:6 105:9,24	17:12,16 19:4,10,14
50:15,22 58:12 64:2	199:6 200:14 202:5	107:1,5,20 109:3	20:16,21 21:14,23
77:20 79:12 82:16	242:5	110:6,19 111:7	22:10,16,23 23:8,12
82:23 83:12 84:15	notices 181:21	118:5 119:24	23:16,23 24:25
85:17,25 86:25	216:11	120:20 127:21	25:21 26:21 27:6
88:24 89:14,15 90:8	notify 181:7,25	128:23 129:23	35:22,25 36:20 38:2
90:22,23 91:16	182:4	131:20 132:2,9,16	39:5,16 40:6,12,24
92:13 93:4,24 94:22	notifying 181:12	133:6 134:18	41:6,16,18 42:5,11
95:7,15 96:20 98:15	npc 20:1	136:18,23 138:5	42:25 43:9,22 44:18
100:20 114:18	ntsb 72:13	139:2,10,21 140:17	45:12 46:2,6 49:10
117:12,14 119:1,12	number 76:17	141:15 142:12	49:19 50:23 51:14
119:21 120:18	111:12,21 112:10	144:7,25 145:8	52:18 53:10 54:14
121:5,18 122:19	112:11 117:25	149:23 150:17	55:25 56:18 57:9,21
123:7 126:12,24	125:10 159:9 175:4	155:1,8 157:13	58:23 59:23 60:1,25
138:4 156:11 157:9	175:21 181:12	159:14,24 160:16	62:13 64:11 65:2,8
159:13 161:3 171:6	183:1,4 190:25	160:22 161:10,17	65:15 66:6,18 67:15
174:6,11 175:19	208:20 213:19	162:5 163:2,19	68:3,23 69:22 70:12
176:14 178:13	214:23 215:5,12,25	164:20 165:21	71:3,21 72:7 73:1
183:5,8,22 184:5,17	224:7 235:2	166:17 167:13,14	73:15 74:9,18 80:4
187:11 194:8	numbers 102:8,9	168:5,14,20 169:4	82:6,18,25 83:15
202:12 212:10	111:1,2,10,15,22	170:23 172:3 173:6	84:1,8,16,20 87:2,7
220:18 224:7	112:3 144:15 154:6	173:14,15 174:14	87:8 88:4 91:7 99:5
232:23	158:22 207:18	175:3,20 176:15	106:4,18 108:1,17
nine 52:1 215:9	235:11,17 236:10	178:14 179:6,15	109:12 110:8
nitmam 40:8,15	numerical 102:14	180:3 182:1,6,7	112:15 113:6,14,25
nitmam's 38:12	numerous 151:3,5	186:15 189:12	115:13 118:15,22
non 65:1 145:24	153:25	192:4 193:15 194:3	119:3 121:6 122:1,5
165:8		1,2.1 1,3.13 1,1.3	122:12,21 123:5,14

[objection - page]

123:23 133:15,19	oftentimes 53:14	200:2 205:7 206:12	173:19 174:24
141:2,25 142:4	61:5 141:17 149:8	206:20 211:16	173.19 174.24
146:2 148:15	oh 52:14	233:25 243:16	original 148:22
150:25 160:9	okay 27:24 48:6	244:21 245:11,22	161:22 162:2 165:8
161:19 169:17		· · · · · · · · · · · · · · · · · · ·	177:5 212:15
	104:10,20 151:7 224:5 236:7 247:24	opportunity 35:1 43:16	
176:6 180:25			223:23 224:2
181:10 182:20,24	old 58:24,25 59:8	opposed 63:10	225:15,25 228:3
183:2,10,15,23	61:9 64:13 65:11	116:15	229:12
184:8,20 189:24	145:4 155:10,13	opposing 111:11	originated 174:9
197:15 199:2,8	168:6 216:6,12	option 171:17	origination 100:25
214:4,16 216:16	olson 2:7 8:21	order 12:11 24:23	originator 176:23
218:9,17,25 219:8	omf 19:23	41:2,23,24 42:21,21	outcome 7:23
219:20 220:11	once 33:9,15 34:1	56:8 70:2 79:11	outcomes 75:7,12
221:3,12,22 222:3	35:13 37:14 43:15	80:25 82:15 83:10	outreach 23:19 24:4
224:8 228:18 231:2	ones 18:19 113:24	84:13 85:16,24 86:5	outside 15:11 90:17
231:20,21 233:24	141:9 142:7	86:24 88:8,20 89:18	91:12 118:6 180:17
234:14 243:3	online 36:1 40:16	90:1 91:14 92:11	182:8 184:9 190:9
objectionable 47:25	80:25 81:4,12	93:3 102:14,14	200:13 202:4 230:9
objections 10:4	103:22 113:2 115:9	103:12 110:17	230:15,21 231:15
42:17 44:4,8 45:1	135:19,20 205:1	135:8,20 191:6	overall 136:20
45:15 46:16 47:13	214:8 215:13,16	208:4,21 213:4	195:14
47:25 63:13 90:25	216:24	233:10 242:7	overarching 54:5
121:19 162:13	op 10:25 11:5	orders 242:16	74:10 76:19
169:19 201:3,9,19	open 24:19 26:1	ordinary 125:21	overhauled 161:7
201:20 202:1	35:16 38:6,11 58:7	126:14 127:14	overseeing 13:21
204:20 210:8	71:9 129:18 205:13	128:5,19 130:9,21	244:16
obtain 178:11	233:18 234:11	131:6 142:20 143:9	overseen 239:16
181:23 220:15	opening 243:5	143:23 145:20	overturn 38:24
obtained 199:22	operation 23:10	146:20 147:2,19	overwhelmingly
obtains 199:13	operations 13:22	149:17 150:4,13,23	76:17
obvious 46:22	19:2 22:8 49:20	151:8,18 152:1,7	owen 131:11,13
221:14	opinion 69:24 76:18	153:20 156:5,18	132:5,14,25 133:9
occasionally 238:14	83:16 84:9 92:21	209:6 223:6	owned 192:2
occasions 21:10	94:24 98:12,17 99:6	organization 19:3,6	owner 98:4 178:25
occupation 213:14	105:11,25 106:5,19	22:25 23:5 117:14	179:14 221:17
occur 39:9,20	107:8 117:7 120:21	174:10,18 179:11	owners 176:3,12
occurred 32:7 56:15	121:23 138:12	186:10 187:2	owns 92:15
195:12 237:9	139:3,12 140:18	209:12	p
238:10	144:12 164:21	organization's	p 2:12,18 7:1
october 117:15	165:23 167:15	173:25	p.m. 248:5
officers 50:5 244:22	169:6 173:8,16	organizational	page 3:8 4:3 5:3 6:3
offices 32:24	174:16,17 188:11	19:22 186:25	79:18,18 80:6 84:25
officials 17:7 52:5	188:12,14 192:6	organizations 18:18	93:21 94:10 96:13
75:24 76:7 242:3,4	194:4 197:9,16	19:7 64:20 138:19	97:7 99:14,16,17
	198:5,12 199:3,9,16	139:9,20 173:4,11	7,., 77.1,10,11

[page - pick]

102:1 103:7,11,12	57:22 64:21 67:18	party 7:21 51:23	permissions 118:25
105:5,6 115:16	71:9 87:21 95:12	71:13 119:1	177:20 178:10,19
117:19,23 122:24	96:14 97:4 101:18	paste 123:3,22	197:21
122:25 126:5	103:23 105:17	pasting 123:10	permitted 98:7
127:19 133:4,4	125:8,15 128:6,19	patrick 178:9	99:10 233:19 234:3
147:9 148:22	131:6 141:1,16,18	paul 132:7,12	234:12
153:19 158:21	142:20 143:10,24	pauley 117:18	person 40:15 64:19
169:3 171:17	145:21 146:20	152:11,12,15,23	70:20,23 73:3 77:1
187:14,22 188:2,2	148:17 149:11	158:6,11	101:22 111:4 146:4
197:1 206:3,5,10	154:17 164:8,14	pause 132:17 146:17	168:17 189:10,23
236:14,24 237:3,7	174:6,7,11 176:8	pay 76:3,6,9	194:13 221:24
237:25 238:18,18	177:9,13 181:20	payment 77:20	226:6,10 250:7
238:23,23 240:22	204:19 206:14	pays 75:17	person's 226:3
242:5,6,21,23 243:1	223:7 244:22	pc 102:5,6	personal 73:8,9,12
243:12	partial 152:8	pdf 136:9 242:7,10	80:17 91:9,11 104:3
pages 1:25 58:3,4	partially 239:13	242:16	118:10 119:6,7
79:5 81:20 96:11	participant 129:2,7	pdfs 135:19	121:8,23 139:12
102:16,24 103:1	157:4	peer 18:15,17 19:3	144:12 165:23
125:6 147:13	participants 107:17	penalty 249:1	174:17
158:23 181:3,14	108:15 110:16	pending 44:19,21	personally 95:17
188:2 239:4 240:3	125:23 128:21	45:4 47:3,6 132:19	143:14 186:18
panel 132:15,15	129:8 131:18 159:9	pennsylvania 2:4	190:12
133:1,1,24 134:7,7	200:7 207:21	people 21:12 75:21	personnel 23:19
159:23 186:19	participate 24:15	76:20 77:6 90:13	persons 50:21 54:1
241:5,6	49:17 51:19 75:18	136:8 176:4 178:5	64:19 76:3,12 90:22
panels 131:15 133:3	76:13,22 96:10	181:25 203:8,15	147:5 165:10
158:16,17 159:10	110:17 205:13,16	204:7 205:11	176:13 179:1 180:1
239:11,15,23 240:4	205:19	214:14 216:7	182:4 190:16 204:2
paper 114:15	participated 179:1	people's 75:21	214:1,23 215:5,15
135:18 136:10	240:12	percent 70:4 76:9	216:3,14 218:15
151:11 187:16	participates 50:13	217:15	230:12 233:19
188:18,24 215:21	105:12	percentage 216:24	238:17,22 239:2
216:6	participating	217:3,11,23 218:14	240:12
papers 117:22 195:1	106:24 111:5 215:5	218:22 219:17	perspective 81:9
paragraph 126:20	participation 65:17	perform 214:14	140:20,20 162:7
145:7 238:2	75:23 76:4 77:3	performed 227:20	pertaining 112:5
paragraphs 84:25	125:23	period 35:16 36:3	163:17
85:3,14 86:10,22	particular 161:14	118:7 136:16 161:4	petroleum 165:19
87:11,14,20,24 88:2	162:10 164:1 175:1	perjury 249:1	165:25 166:2,4
93:14 238:15	207:3	permissible 230:11	photocopy 96:24
parentheses 193:10	parties 7:16,24	permission 98:3	phrase 193:3 210:11
223:25 224:1	15:18 16:24 24:15	166:3,11 173:3,11	physical 10:8
park 10:18	250:14	173:21 175:18	piccirilli 2:15 7:6
part 15:3 16:21 18:8	partly 245:23	177:15	pick 7:18
22:7 23:21 40:14			

[picked - privilege]

picked 45:17	145:11 161:6 162:1	potential 57:14	prepared 207:17
picture 172:23	169:20 192:24	174:19,25 200:18	preparing 89:6
piece 32:1	193:8 221:5	212:21 239:23	216:9 217:5 244:16
place 7:16 15:6 19:1	points 24:21 44:2,6	potentially 120:15	present 2:17 8:6
80:17 104:23 105:1	45:9,25 47:18 237:2	pound 148:11,11,11	10:1 17:8,11 69:10
107:13 144:8,20	policies 166:10	power 241:1,11	233:17
145:1,11	197:18	pr0020393 3:17	presentations 16:19
places 62:25 99:25	policy 19:25 97:19	pr0038497 3:14	16:23 17:3 18:11
148:8,10	98:9,15 99:1 105:19	pr0038518 3:16	preserving 125:22
plain 56:23	110:22 116:8 123:7	pr0038683 5:18	president 10:20
plaintiff 1:14 9:7	123:9,12 144:8,20	pr0038686 5:14	11:15 13:14,19 54:8
plaintiffs 1:9	144:20 145:1,2,11	pr0038697 5:15	117:19 152:12,14
platform 30:11	165:13 166:6	pr0039043 5:17	152:16 200:5
99:23 124:4	167:22 169:9	pr0040625 6:18	presidents 118:2
platforms 81:10	172:20 175:10,22	pr0042201 6:6	presumptive 34:13
123:17 207:13	180:5 199:17	pr0042205 6:5	pretty 43:12 103:6
plays 52:22 155:5	202:18,24 212:17	pr0044700 6:20	preventing 75:13
pleadings 118:14	219:10,16,19 220:9	pr0048987 5:12	previous 61:12
200:16 202:4	220:22 228:4	pr0048992 5:20	62:16 64:14 93:12
please 7:15,23 10:12	232:23 233:1,3,12	pr0049128 5:13	122:3,9 196:19
11:2,9,22 40:11,23	poorly 47:19	pr0049260 6:13	208:13
41:4,14 42:3,6	portion 28:1 48:18	pr0049264 6:14	previously 52:21
43:21 44:3,5 45:7,8	48:21,23 152:10	pr0049521 6:15	73:5 86:3 87:10
46:9,14 47:1,2,3	167:4 170:9 189:8	pr0050050 6:12	88:5 93:13 207:11
59:25 72:4 87:9	191:24 206:17	pr0055814 6:8	210:24
93:18 94:7 95:25	portions 32:20	pr0066821 5:21	primarily 13:20
96:17 103:20 155:3	215:2 239:24 240:4	pr0066842 5:23	14:12 24:1 114:2
171:14 173:17	position 19:13 67:23	pr0068261 6:9	primary 11:25
185:10,23 186:9	94:18,25 109:5	pr0092763 6:21	13:24 14:1 16:13,17
187:6,9 191:12	198:6 225:2	pr0092773 6:17	18:12 21:21,25 24:3
192:14 196:1 203:3	positions 11:10	pr0092785 6:11	28:6,14 31:6,8
203:13 209:1	positive 114:4	pr0096607 5:19	76:25 77:1 115:1
211:21 217:25	possesses 125:15	practice 166:10	116:10 163:3 205:8
222:25 223:13	possibilities 192:7	225:17	219:15
224:18 226:20	possibility 228:17	practices 139:8	principal 11:14
227:13 229:1,7	228:19,20	222:9,11,13	104:11,19 240:18
231:25 232:6,12,18	possible 139:14	precautionary	prints 100:2
236:11	194:24 221:16	211:16	prior 33:7 91:21
plus 70:4 161:3	228:11	preclude 123:2	114:15 237:16
point 13:12,14	post 98:3 181:3,13	prediger 233:5	private 7:18 20:3
37:25 38:17 43:2	posted 177:16	preparation 217:20	77:23 234:2 245:24
45:18 67:25 97:14	posting 98:6	246:13 247:1,4	245:25
101:12 108:20	postings 184:5,17	prepare 88:20 89:4	privilege 100:7
110:7 113:13	185:4	108:24	247:20
129:12 144:19,23			

[privileged - protect]

privileged 98:18	158:8 163:12	progresses 68:16	228:12,16 229:3,9
probably 21:8	164:15 168:6,18	progressing 74:15	229:11 232:2,8,14
135:16 141:9	174:5,13 175:1	prohibit 146:13	proposals 59:3,9,10
problem 159:1	176:5 177:21 179:2	prohibited 65:10,14	59:16 63:3 64:9,12
172:12 193:8,23	183:17,25 189:2	65:16	64:21 65:11 131:25
194:2,20	198:21 199:19,20	project 33:10,16	134:16 135:14
procedures 3:10	199:23 203:10,14	37:22 62:5 135:21	143:1 144:5,9,15
49:12 118:24	203:23 204:18,22	178:6,7 214:19	147:5,18 148:22
proceed 7:25 8:9	205:9,13,18 207:22	215:9 216:8 225:3	150:22 151:17,24
47:1,2 87:9 110:12	208:2 214:6,22,24	227:19 228:5	154:23 155:10
proceeds 9:18 10:4	215:6 216:5,12,15	projects 39:24 48:19	157:9,16 159:11,25
process 12:6,13	216:20,22 217:6	194:9	160:2,4,11 164:23
15:17,19,22,25	220:6 222:7,10	promote 25:25	165:7,10 167:24
16:20,22 24:16,20	223:8 226:5,8	proper 26:23 60:16	168:7,8 178:22
32:1 37:24,25 38:4	229:23 233:7,8,14	194:15	179:2 180:1,7,9
38:5,17 40:7,10,14	243:23 244:4,7,8,14	properly 37:5,11	187:12 189:11,22
40:23 41:4,5,8,20	processed 148:19	56:7 106:12 114:13	192:18 193:13,24
42:1,4,16,18 43:3,5	230:23	property 64:2 74:13	194:7,18 196:4
43:8,25,25 44:6,13	processes 107:18	75:15 78:3 97:21	200:8 203:5,15
45:9,18,20,22,24	produce 31:5 38:8	98:23 99:9 105:15	204:1,2,13 205:4,19
46:9,12 47:15 49:7	82:7 104:8 189:7,25	106:9 107:16,25	206:23 207:7
49:15,18 51:2,24	produced 82:9,19	108:13 109:2,11	212:22 213:20
53:1 54:6,7,20 58:7	109:13 111:16	110:4,16 120:4,11	214:1 217:18
59:18 61:13,14,20	112:4 114:19	120:19,24 168:24	220:17 222:17
64:1 65:7,18 70:8	117:12 126:25	174:6,12	223:2 224:14
71:9 73:23 76:22	189:9,21 197:12	proposal 63:16	propose 174:5
77:4 90:14 92:10,22	222:21 235:11	64:16 68:10 105:20	202:12 204:8,10,11
94:13,17 97:14	236:5	107:12 109:8 129:1	proposed 33:18,20
101:9,10 103:23	produces 190:5	129:3,5,17 130:10	35:24 37:10 38:25
105:13,18 106:25	product 119:9 196:6	130:12 131:17,22	55:18,23 64:9 65:5
108:3,9 110:18	196:12	134:20 145:4	65:6 70:5 75:6
111:6 114:7 116:22	production 32:25	146:19 147:1,7	101:14 147:12
121:2 125:9,16,24	33:5 37:9,14 62:3	149:20 150:7,16	151:5 165:17
126:13 127:15 128:7,20,22 129:2,7	100:3,11 111:1 112:11 114:19	152:19 153:2 155:4 159:7 164:6 166:23	166:14 167:5,8,12 170:4 175:5 176:13
128:7,20,22 129:2,7	149:7 181:5 187:20	167:3,18,20 170:7	170:4 173:3 176:13
131:7,19 137:7	products 196:21	170:11 191:22	186:1 188:18
138:14 140:24	223:18	192:9 194:9 203:9	191:22 194:23
142:21 143:10,24	professional 1:19	204:8 205:17	191.22 194.23
144:10 145:21	69:24 77:7 99:11	207:16 209:3,5	proposes 191:17,18
146:21 147:3,21	250:5	210:19 212:11,18	proposing 56:17
149:19 150:6,14,24	professionally 70:18	219:11 223:16,17	66:22 192:10,21
151:9,20 153:22,25	programs 11:19	223:23 224:15,20	protect 78:2 120:3,8
154:17 155:6 156:6	progress 74:8,19	224:22 225:5,21	120:8
156:19 157:5,25	75:5	226:23 227:15,25	
130.17 137.3,23	13.3	220.23 227.13,23	

[protection - read]

		1	1
protection 1:6,17	101:7,11,14,15	purchasers 181:8	217:23,25 218:2,12
8:22,25 11:4 15:5	102:4 105:19,20	pure 57:3	218:21,21,24 219:2
74:24,25 97:20	106:7,8 109:8 114:3	purport 125:7,7	219:17 220:13
179:20 199:5	114:3,5,23 115:3,3	purpose 106:14	231:15,21 238:21
protective 208:4	115:4,17 116:7,9,14	purposes 90:15	238:25 240:8 241:3
protocols 118:24	116:15,15,19,20	100:2,11 104:3	243:15 246:17,22
provide 22:9,13	117:2,3,5 119:17	244:19	246:25 247:19
26:7 34:25 41:9	129:3,5,9,17,18,18	put 69:5 101:23	questioned 226:1
53:12 55:9,14 89:16	129:19 130:1 144:9	104:2 162:21	questioning 184:9
95:2 119:11 121:11	144:9 145:3,3	192:10 199:11	191:8
123:7,12,20 124:1	155:11,14 159:11		questions 12:1
129:13 141:22	159:23,25,25 160:4	q	15:11 42:6 47:21,23
165:16 194:14	167:23,23 176:1	question 21:17	55:12 78:16 127:6
214:9	· · · · · · · · · · · · · · · · · · ·	22:12,17 31:14	
	177:8 185:12,24	41:12,15,19 42:3,8	127:11 128:3,12
provided 58:15	191:15 194:10,15	42:12,14,24 43:6,11	176:17 183:13
109:7 111:9,14	194:16 200:7,8	43:23,24 44:9,19,21	205:10 207:25
145:5 165:15	203:5,19 205:4,24	44:22,25 45:3,7,13	243:22 246:8 247:9
171:25 172:7	212:18,23 213:3,9	45:15,19 46:3,5,9	247:13
190:16 206:15	233:14 234:1,2,11	46:10,12,16 47:3,4	quick 48:25 53:12
208:6 224:13	234:15 250:5,21	47:5,8,19 48:4	quincy 10:18
228:22	public's 94:21	53:13 59:24 63:7	quite 31:23 47:18
provides 31:25 41:1	public.resource.org	64:8,14 74:2 75:4,9	135:4,9 154:25
50:6 66:13,15 67:8	1:12 2:13,20 7:14	84:3 86:8,9,14,18	quote 242:13
77:21 123:15 195:4	public.resource.org.	87:3 91:3,6,10,21	r
providing 22:18	8:12,15,17	91:21 92:2,19 110:3	r 7:1 116:18
52:24 68:15 89:21	publication 30:16	110:7 111:8 112:16	range 111:18
119:15,25 120:13	168:8 180:22	112:19 115:23	ranges 235:8
182:11	183:25 199:7	118:5 121:15	ranking 117:25
public 1:20 14:5,7	publications 79:7	122:11 126:11	ray 240:24 241:7
16:9,14,22 22:4	97:18 121:2	127:22 128:24	raynham 10:16
23:19 24:3,22 26:7	publicly 25:25 58:6	132:19,21 140:19	reach 98:3 101:11
26:10 29:16 35:14	58:9,22 159:16	141:11 142:13	reached 246:3
35:16,20,23 36:3,5	164:24 168:3,7	143:7 145:6 148:13	reaches 102:24
36:9,13 38:6 39:6,8	177:18	154:13,15 155:2,9	read 69:4,6 77:21,24
55:17 58:7 63:2,3,4	publish 180:21,23	157:13 162:7	79:12 80:25 81:17
63:12 64:20 65:11	180:24 198:15,24	164:18 166:17,18	81:22 82:15 83:11
65:12,12 68:10,11	published 35:14	168:21 173:7,9,15	84:14 85:3,5,9,17
75:24 76:7 77:19,23	42:22 43:16 58:24	176:19 178:17	85:21,25 86:6,11,25
79:11 80:20,24	159:20 161:3 174:7	182:2,7 184:15	87:10,15,24 88:23
81:17,22 82:14	180:13,15 229:15	185:3,7 192:5	89:14,19 90:7,11,23
84:15 85:15,24	publishes 80:2	198:13 200:5,17,18	91:5,6,16 92:6,12
86:24 88:23 89:13	159:16	201:1,4 202:2,17	93:3,13 94:21
89:16 91:14,15	pull 69:9 104:11,13		1
92:14 96:8 97:2,6	purchase 181:19	203:11,17 207:24	119:12,15,18,21,25
97:15,22 100:18,19	=	211:15,21 217:22	120:1,7,14,16 121:3
7.112,22 100.10,17			

[read - rehn]

121:5,14,16,17	recognize 78:25	248:3 250:11	242:25
122:18,19 123:4,7	79:1,10 93:19 94:8	recorded 7:4 31:9	reflect 31:10 131:17
123:10,12,18,21	94:12 95:25 99:19	37:11	132:13,22,24 137:1
124:1,2 172:4	131:4,9 142:18	recording 7:16	reflected 240:13
211:21	143:8,22 145:19	55:19,20	reflecting 130:10
reading 80:15	146:18,25 147:18	recordkeeping	reflection 37:18
152:22	149:16 150:3,21	131:8	reflects 31:4 147:8
ready 60:13 61:17	151:2,4,16 152:5,11	records 57:18	refrigeration 1:8
217:9	153:17 154:2,15	126:13,24 128:18	refusing 46:3,5
realize 204:23	156:3,10,16 157:8	131:5 151:25 152:6	regarding 74:15
realizing 195:21	158:5 163:10	161:21,23 176:1,11	98:9 115:12 118:25
really 16:24 17:14	164:12 196:11	177:3 178:4 188:14	130:10 174:24
23:17 55:20 56:21	209:16	redirect 247:14	189:10,19,22
reason 10:8 43:5	recognized 150:11	redline 242:7,10,11	regional 162:16,23
65:16 95:4,13 97:15	recollection 12:20	242:15,16,20	register 83:6 89:16
134:3,8 135:6	20:12 21:5 40:1	reduce 15:2,9 74:12	89:20,25 92:4,23
137:22 163:3 204:7	136:3 140:3 196:14	reduced 250:10	registered 1:19
211:11	213:16 221:23	reducing 14:23	46:15 250:4
reasoning 190:4	recommend 167:21	75:13	registering 89:21
reasons 35:2 73:18	recommendation	refer 18:17 207:25	registrants 90:19
74:4 203:22	185:19 187:23	230:12,16,18,19,25	registration 90:14
recall 12:17 20:4	194:22 232:20,24	231:18 236:24	regulate 50:9
24:11,12 109:2,5,11	233:7,10,13	237:25	regulation 18:8
110:5,13,15 112:25	recommendations	reference 133:2	regulations 3:9
122:23 126:6 141:1	54:8	165:18 166:15	39:23 48:19,21,24
141:13,24 142:2,3,5	recommended	171:21 177:8	49:1,3,6,14,20 50:2
142:7,10 143:18	155:12 167:3	189:16 209:9	50:3,4 51:21 137:3
193:22 196:16,19	203:21	210:11 229:15,17	194:8 244:3,9
196:22,24 222:1	recommends 167:18	240:24	rehn 2:7 3:5 8:3,20
227:17 237:16	167:19	referenced 229:21	8:20 15:10,23 16:5
246:12,16,21	record 7:3,17 8:7	references 133:24	17:12,16 19:4,10,14
receive 10:5 11:17	10:13 30:24 32:6	172:5,7,15 175:8,9	20:16,21 21:14,23
77:2 143:3 205:10	36:22 47:10,15,18	referencing 209:12	22:10,16,23 23:2,8
212:25	48:2,5,7,9,12 55:8	referred 40:5	23:12,16,23 24:18
received 112:13	57:25 88:14,18	103:14 104:15,17	24:25 25:14,21
128:6 130:10	111:9 124:10 125:3	104:20 114:10	26:21 27:4,6 28:5
136:12 156:9	125:20 130:22	133:1 184:10	28:25 29:14,25
177:20 187:19	134:10,22 151:12	187:21 229:24	30:21 31:7,12,21
190:12 201:2,12	152:2,10 153:6,9,13	231:12	32:4 34:9,15 35:22
207:21	164:8 170:7 177:10	referring 17:22 81:7	35:25 36:20 38:2
receives 34:12 143:1	177:14 188:22	116:5 161:18 165:1	39:5,16 40:6,12,24
recirculated 34:2,5	203:23 207:14	187:25 189:16,20	41:6,18 42:5,7,17
34:19	211:2 212:1,4,8	198:25 199:10	42:25 43:9,22 44:4
recognition 77:8	228:23 234:17,21	206:8 210:15 224:3	44:8,18,22 45:3,6
	234:24 235:1,5	236:10 237:5	45:12 46:2,6,15,18

[rehn - request]

47:2,7,17 48:6	160:22 161:10,17	rejected 228:12	render 243:16
49:10,19 50:23	161:19 162:5,13	relate 159:12	rep 240:25
51:14 52:18 53:10	163:2,19 164:20	related 7:21 13:6	repeat 38:3 47:7,10
54:3,14 55:1,25	165:21 166:17	20:15,20,25 45:20	238:20
56:18 57:9,21 58:13	167:13 168:5,14,20	74:14 102:13	rephrase 74:1
58:23 59:23 60:1,25	169:4,17,19 170:23	152:19 155:20	replaced 137:14
62:13 63:13 64:11	172:3 173:6,14	163:16 164:6 211:8	replaces 103:8
65:2,8,15 66:6,18	174:14 175:3,20	217:15 250:13	replicated 95:9
67:15 68:3,23 69:22	176:6,15 178:14	relates 104:18 169:8	report 34:12 35:14
70:12 71:3,21 72:7	179:6,15 180:3,17	182:10	38:8,10,11 39:10,21
73:1,15 74:9,18	180:25 181:10	relating 12:1 16:19	41:10 42:22 43:15
75:8 76:15 79:14	182:1,6,20,24 183:2	96:7 106:22 137:11	43:18 44:15 57:22
80:4 82:6,11,18,25	183:10,15,23 184:8	158:7 160:2,5,11	57:23 58:1,2,10,16
83:15 84:1,8,20	184:20 186:15	164:2,25 177:20	58:19 59:2,2,3,12
85:4,19 86:2,12,17	189:12,24 190:8,18	181:17 185:1	59:16 72:13 148:24
87:2,7,16,22 88:4	190:23 191:7 192:4	201:13 209:3 232:8	168:8,9 177:9,9,12
88:25 89:8 90:16,25	193:15 194:3 195:3	relationship 228:8	177:13 187:11
91:7,20,23 92:1,17	197:8,15 198:4,11	relayed 132:14,25	192:17 196:4
93:5 94:23 96:3,12	198:17 199:2,8,15	release 107:10 142:8	reporter 1:19 7:7
96:18 98:11,16 99:5	200:1,12,25 201:9	174:22 212:20	8:8 31:15 91:5
100:6,13 104:7	201:19 202:1,14	221:7,9	250:5
105:9,24 106:4,18	203:11,16 204:5,14	releases 137:6 140:9	reporters 7:11
107:1,5,20 108:1,17	204:20 205:6 206:7	140:16 141:12,14	reports 57:24 58:8
109:3,12,21 110:1,6	206:11,19 207:1,9	178:21 214:9	58:21 59:4 72:10
110:19 111:7,14,20	207:23 208:11,18	222:15	73:17 97:17
112:2,15 113:6,14	209:22 210:4,8,13	relevant 235:12	represent 52:13
113:25 114:21	210:22 211:14	relies 15:25 120:10	53:17 111:9,15
115:13,22 118:5,15	214:4,16 216:16	rely 39:23 71:6 95:2	112:3 114:17,18
118:22 119:3,24	218:1,9,17,25 219:8	95:17 110:22	117:12 126:24
120:20 121:6,19	219:20 220:11,19	137:17,20 171:8	187:1 242:1
122:1,5,7,12,21	221:3,12,22 222:3	235:10	representation
123:5,14,23 127:21	224:8 225:22 226:9	remain 37:17	50:17 111:23 112:2
128:23 129:23	226:13 227:2,8	remainder 32:15	125:13 208:1
131:20 132:2,9,16	228:14,18 229:19	remained 161:2	240:20,21 241:10
132:18 133:6,15,19	230:8,14,21 231:2	remaining 85:8	representative
133:21 134:18	231:14,20 233:24	150:10 153:4 193:4	54:23,23 80:9
136:18,23 138:5	234:14 235:14,22	206:1	represented 186:10
139:2,10,21 140:17	236:6 240:7,15	remains 108:9 110:3	representing 8:11
141:2,15,25 142:4	242:25 243:3,14,25	121:21 198:9 218:4	8:14,21 81:15
142:12 144:7,25	244:20 245:10,21	remember 89:8	represents 165:24
145:8 146:2 148:13	246:7 247:9,18	111:20 186:22	241:9
148:15 149:23	reimburses 75:23	remembered 246:18	reproduction 80:17
150:17,25 154:7,10	reject 165:7,9	remind 31:12	98:6
155:1,8 157:13	232:24 233:1	remove 164:7	request 91:12 98:22
159:14,24 160:9,16			108:6 173:24 174:8

[requested - savings]

requested 24:6	respect 23:24 25:16	revenue 78:3 120:4	224:4,24 237:2
233:4	25:22 28:17 81:17	120:8	239:3 241:22 242:6
requesting 190:2	116:6 126:11 127:6	reverse 147:9 188:9	243:2 245:5
requests 121:10	127:11 128:3,12,25	review 16:9 29:16	rights 125:8 166:21
173:18 189:25	134:6,14 140:19	29:17 41:1,9 48:25	167:7,10 168:2,24
190:7,12,21,22	143:7 157:10 225:4	63:15,20 64:16 89:5	199:14,22,24
require 97:24 116:8	235:24 237:13	90:1 96:4 106:11	233:22
166:25 167:24	respond 227:24	108:21 118:13	robert 224:23
168:22 194:9,17,19	responded 194:11	133:8 144:20	robert's 70:2
233:9	responders 75:1	147:11,23 151:22	robust 30:10
required 27:2 36:12	responding 74:2	157:15,19 170:6	roger 154:20
36:16 51:22 83:4	response 106:20	171:3 188:22 189:5	role 11:25 12:19,22
102:18,20 106:24	121:21 122:11	191:20 203:25	13:8,9,10,12,23
108:15 113:12	194:15 208:5 218:4	215:21 216:14,19	14:12,13 22:2,21
177:15 178:19	246:10	221:13 222:10	52:22 67:9 70:20,23
193:23 197:20	responses 24:6 36:9	224:10 225:6 227:3	80:23 186:14
requirement 29:4,6	responsibilities	227:21 229:13	roles 205:8
29:8,11 56:6 67:2	13:20 28:15	242:12 247:2,4	roll 238:15
69:3,4 74:22,23	responsibility 11:23	reviewed 108:23	room 66:20
163:16 164:2 194:6	12:4 26:15 28:6	212:18 215:17	rooms 26:18,24
requirements 16:8	30:6,23 32:23 95:21	246:13 247:6,7,16	rop 63:2 167:4
18:10 32:14,18,20	108:6 141:17,22	reviewing 32:17	rules 50:4 70:2
77:25 80:11 91:14	responsible 12:12	132:10 133:25	153:1
119:18 120:2,17	12:15 23:10 26:20	165:13 166:6 180:5	run 27:18 181:5
139:16 163:6 180:8	26:22 28:12 99:21	202:19,24 216:9	running 27:13
182:15 194:20	234:8 239:21 240:6	222:18	S
195:23 239:24	rest 40:10 42:15	reviews 36:4 37:16	s 3:6 7:1 38:12
245:2	restate 43:24 45:7	41:22 42:19 112:19	safety 14:22,23 15:1
requires 71:7	83:18 91:3 211:22	revised 38:5	15:9,20,22 16:4
113:23 116:6	219:22	revision 36:17,19	17:5,7,18,21,25,25
128:21 167:25	restrictions 80:12	56:23,23 57:2,13,15	24:17 72:2,15 74:23
169:10 179:25	result 228:15	58:18 61:15,15 62:1	74:25 75:12,13,24
research 52:3 67:6	resulted 75:14	138:15 177:22,24	76:20 120:5,9
69:9 72:8 73:17	results 34:2,4,5,13	192:21 193:2	188:16 195:14
80:15 195:1	34:19,20,23 35:9,13	revisions 36:12 57:4	196:6,12 213:14
researching 193:17	38:17 73:24	61:20 234:13	223:18 232:21
resemble 126:6	retain 98:2	reward 77:3	sake 239:8
residential 18:5	retired 131:14	rewrite 244:2,9	sale 120:10
resides 91:12	return 37:3 39:11	richard 131:11,13	sally 2:18 8:24
resisting 43:5	39:13,18	132:5	sample 104:5 113:9
resolved 170:20	returning 39:17	right 24:17 56:7,7	238:12
resource 22:20,24	reveal 89:2 202:6	56:25 96:16,25	san 2:9,13
24:4	revealed 211:18	115:2 124:5 126:16	savings 195:15
resources 214:22	revealing 201:1	131:23 158:25	170.10
220:5		165:4,23 221:8	

[saying - small]

saying 46:4 67:3	242:6	september 152:13	206:15
68:7 155:22 167:25	sector 20:3 76:7	serve 16:17 54:1	signature 102:18,20
says 79:19 97:10	77:23 234:2,2	served 131:15	102:23 103:15
102:4,6 154:4,7	security 20:7,9,10	serves 55:2	115:19 116:2,4
159:3 163:22	see 35:1 59:16 61:10	service 76:18	144:4,16,21,23
166:20,22 167:8	61:25 63:21 64:18	services 7:9	145:4 166:25
170:19 171:1 186:9	79:15,16 81:20	serving 13:23 64:24	167:24,25 168:23
186:10 190:18	102:20,21 104:12	session 44:16 125:1	169:3,15 187:12
222:14 223:23	104:13 105:5	set 12:21,23 48:25	212:19 214:10
229:20 238:5	125:14 133:23	49:2,6,11 55:18	220:25 225:16,24
240:25 242:7	165:4,6 170:19	73:8 82:2 83:4,19	225:25 233:9
scales 215:1	171:10,17,19 172:4	139:23 141:18	signatures 144:5
scientific 28:20,22	186:1,9 187:24,25	194:19 250:16	148:20 199:21
scope 14:20,21	206:2,4 210:11,16	sets 57:4	212:13 214:2
15:11 90:17 91:1,8	223:20,25 224:1	setting 222:6	215:17 216:3 217:1
118:6,16,23 119:3	229:20 237:2,4	seven 110:2 246:4	217:12,24 218:15
180:18 181:1,11	238:6 242:7	sf 102:4,7	218:23 219:5
182:8,8,21 183:3,11	seeing 56:12 73:24	shaded 238:4	signed 63:18 108:7
184:9,21 190:9	102:12 133:22	shading 62:21	111:6 179:3,24
191:8 200:13 202:4	170:7 187:13	236:22 237:2,4,5,6	181:18 192:1 221:7
230:9,15,21 231:15	196:16,22,24	237:8,15,17,21	225:10
231:20	seek 166:10 173:21	238:6 242:14	significant 244:5,13
scratch 161:9	seen 79:3,8 113:5,8	sheet 144:16	signing 112:21,21
screen 96:6 100:1,15	197:3 208:14	shifted 117:4 140:4	233:21
113:8,17	224:12 242:19	shifting 80:18,18	similar 54:15
scrolling 122:19	select 101:23	shot 113:8	116:19,22,23 117:1
sdos 18:18	selected 101:25	shots 100:15 113:17	127:23 138:25
se 55:21 77:5 99:1	165:6 172:21	show 48:2 59:4	166:23 193:19,20
seat 187:3 240:17	225:10	62:18 64:9 107:6,7	224:11
second 13:22 32:10	selecting 100:25	109:15 125:9	single 71:5 109:25
36:17,19 38:3,7,8,9	175:9	242:17	113:1 140:6
38:11 39:1,10,21	selection 101:9,10	showed 196:20	singular 219:25
51:17 56:23 57:2,23	225:16	showing 109:21	sir 148:3 230:6
58:2,11,16,19,21	self 64:24	shown 83:5 102:23	sit 110:5
59:2 79:18 84:25	seminars 14:9 16:16	114:10 211:9	site 96:7 122:24
91:23 101:16	send 97:25	shows 62:22 211:2	sitting 68:14 106:16
102:23 126:20	sender 145:25	shy 176:9	situations 17:20
133:4 173:23 188:2	sending 21:12	sic 154:5	six 136:21
197:1	senior 22:7 23:3,21	side 187:10,13	size 26:25
secondly 214:11	sense 57:12 136:16	sided 156:6	skweres 170:1
228:2	sensitive 7:18	sides 187:8	slightly 48:22 61:24
secretaries 55:20	sentence 206:6,8,9	sign 107:10 108:16	136:12,14
section 19:17 101:4	206:17	110:16 116:9	slot 52:14,14,15
137:3,11,13,15,18	separate 191:19,23	148:11,11,12	small 99:8
172:9 190:1 241:15	192:3,7	169:10 181:15,21	

[smaller - standards]

smaller 12:5,8,21,23	55:5 56:9 81:24	spokesman 13:24	33:2 40:25 54:21
79:4 192:22	82:10 83:8 89:9	14:2 16:13,18 18:12	55:24 56:12 57:19
soak 47:11	99:1 101:3 106:13	21:22	58:11 59:21 60:3,10
social 26:8	118:11 126:3 133:8	sprinkler 12:25 13:4	60:24 62:12 64:3,17
society 1:3,7 7:12	133:22 140:13	13:6	67:12,14 70:19
solely 216:19	142:2,7 145:15	sprinklers 18:5	94:16 101:4,4,13
solve 194:5	155:22 166:24	square 152:17	109:14 116:22
somebody 99:14	175:4 186:17 189:8	ss 250:2	123:21 139:3,15
103:12 104:23	194:19 195:11	st 132:7,12	145:21 146:14
121:3,16 122:18	198:20 201:15	staff 12:10 27:12,13	155:13,16,18 175:2
129:6	209:14 211:1,8,8	27:18,24 28:15	182:12 189:1,6
someone's 96:23	218:7 219:25	29:19 30:5,13,14,19	195:19 198:24
soon 174:18 184:2	246:18 247:3	30:23 31:8,25 32:13	205:12 209:13
sorry 18:16 31:17	specifically 13:2	32:18 33:5,6,10,16	217:9 226:11 230:4
52:14 91:3 96:15	54:15 79:6,8 83:2	36:21,24 37:3,8,15	240:1 245:16
131:25 154:11	98:4 101:18 106:1	37:21 40:20 41:1	standards 12:2,12
sort 31:18	107:22 110:13	52:22,25 54:16,22	12:13,14,23 13:22
source 162:2 171:24	134:8 141:11	54:23 55:2,3 56:5	14:6,13,24 15:1,3,8
175:23 178:25	156:12 169:7	56:16 57:8,14 59:6	15:16 16:22 18:15
179:23 212:15	172:19 174:1	59:22 60:4,7,12,15	18:17,18,24,25 19:2
sources 172:18	184:13 218:5	60:23 61:12,15 62:4	19:6,8,18 23:9,9
175:17 195:8	specificity 222:19	62:7,12,25 63:9,10	24:19,23 27:25
space 27:2 80:18	specifics 98:21	65:1,4,10,16,24	28:14,21 30:10
spacing 238:16	99:12	66:12,15,17,20,25	31:25 32:21 36:1
speak 14:1,10,18	speculate 75:10 77:6	67:3,8 68:15,18	39:17 40:20 41:8,11
16:12 81:24 82:11	132:4 158:19	69:5,9 117:15 118:1	41:21 48:20 49:13
83:17 84:9,21 92:20	190:25 213:22	145:12,14 148:20	49:15,21,23 50:2,10
107:21 108:2,18	217:3,14 218:5,7,19	149:6,7 162:23	51:3,7,11 53:8,25
109:4,13,16 141:3	219:24	172:21 202:10	54:2,4,5,9,13,17
142:13 172:19	speculating 73:3	205:8 212:11	55:12 56:11 58:25
175:4 176:25	135:3 144:19 191:4	214:21 215:2	65:25 66:4,17 67:21
193:16 208:19	speculation 17:13	216:22 217:1	70:21,24 77:20,22
209:23 210:5 224:9	65:9 100:8 132:3	219:14 228:6	78:1 79:13,24 80:14
speaking 14:8 22:4	139:11 149:11	234:10 239:6	80:19 81:3 82:16
50:15 110:9 180:6	165:22 174:16	staff's 61:5 69:15	83:11 84:14 85:18
speaks 115:14	176:8 186:16 192:5	staffing 215:20	86:1,7 87:1 88:9,24
136:24 168:15	203:12 204:6,15	stage 39:1 58:17	89:14 90:8,24 91:17
169:6 206:12,20	227:9 230:9	96:8	92:7,13,16 93:4
208:12 210:14	spelling 238:12	stamped 236:10	94:13,17,22 96:7
special 25:6 52:7,13	spend 9:20 18:8	stamping 97:8	99:20 100:20 105:3
specially 25:6	32:17 200:19 217:1	stamps 154:6	106:25 107:18
specific 13:10 20:13	219:19 220:9	stan 143:13,14	108:14 110:17
28:19 29:4,7 32:6,7	spent 20:15 217:5	stand 20:6 88:5	111:5 112:6 119:2
44:19,20 45:19 46:8	217:11,24 218:15	standard 17:25 18:7	119:13,16,19,23
47:21,21 50:3 52:14	220:4	18:7,9 28:9 29:24	120:25 121:1 123:8

[standards - substance]

123:11,16,19,22	starts 40:7 210:9	strict 97:19 144:20	214:2 215:17 217:2
125:8,24 126:13	236:12	165:13	218:16 221:1
127:15 128:7,20	state 10:12 17:8	strike 50:13 53:6,19	submit 40:15 65:5
129:22 130:22	44:10 52:6 84:17	53:24,25 64:5,23	97:23 102:10
131:7,18 137:2,16	242:2,3	66:1 70:22 85:12	129:25 133:11
137:17,20,25	stated 52:21 73:16	87:8 113:21 115:22	136:8 144:14 200:7
138:10,18,21,24	86:3 87:10 88:5	119:20 132:22,23	203:20,24 204:17
139:6,8,19 142:21	93:13 133:10	133:16 149:15	204:22,25,25
143:10,24 146:21	210:24	161:25 165:8	205:19 214:10
147:2,20 149:18	statement 64:24	170:15 180:13	225:21 233:6
150:5,14,23 151:8	79:17 89:11 103:3,9	182:3 183:5,20	submits 100:19
151:20 153:21	116:12 132:21	185:6 196:14	166:24
154:17 156:5,19	147:11 152:22	220:14 227:17	submittal 154:4,8
157:3,4,24 158:8	159:1,5 166:13	230:19 244:6	submitted 33:24
163:12 164:14	171:23 172:12	strive 244:17	63:17,21 64:17,19
168:17 174:2,7,13	174:10 175:10	strong 76:24	68:9 136:11 146:10
175:19 176:5,14	193:8,23 194:1	struck 196:17	149:1 151:11
177:25 178:2 179:1	196:24 199:11	structure 139:15	157:17 158:10,12
181:8 182:5,14	207:2 221:14,18	student 10:25	158:19 164:25
183:8,18,19,22	228:22 243:5	study 80:15	166:1,5,7 174:12,20
184:5,17 189:2	statements 94:12,16	style 32:2,11 37:6	188:23 202:25
190:13 191:1 198:2	134:4 175:25,25	50:8 56:25 60:8,17	212:12 219:12
198:8,14,16 199:14	198:22,25 224:11	69:16 137:23,23	220:17 221:15,25
199:18 203:9 204:4	234:15 243:7	138:1,7,21 159:3,7	222:16 228:21
204:11 205:5,10	states 1:1 121:10	159:13,17,17,20	submitter 39:8
207:22 209:11	152:23 227:4	160:3,8,12 171:6,10	99:25 151:6 163:22
220:18 222:8 223:7	241:13	195:10	165:4 167:20
223:10 226:4,7	stating 97:14	subcommittee 41:21	169:11 170:8
229:22,25 230:17	step 40:19,25 41:8	subject 34:7 35:7	172:22 174:20
230:17,24 235:3,9	41:20 42:18	51:16 197:6	194:4,21 196:17
235:12,16,24 236:2	steps 44:1,5 45:8	subjects 24:10,12	221:7 225:11,20
239:10 243:21,22	97:5 100:24	submission 107:12	226:24 229:14
244:13,17 245:14	stipulate 100:10,13	113:3 134:24 136:5	submitters 97:17,22
245:20	104:7 109:18,23	151:3,5,23 153:25	129:9 174:4 175:11
stands 82:25 122:3	110:1 235:15 236:1	154:14 165:14	submitting 40:8
122:9 208:13	236:3	172:10 199:18	64:20 65:10 97:6,16
209:14 227:22	stipulation 235:5	202:20 205:1 214:8	100:24 103:5
241:22,25	stoltz 8:13	215:13,16,21 216:4	112:22 146:4
start 13:10 39:14	stolz 2:19	216:24 220:23	172:24 180:1
44:11 109:21 126:2	straightforward	221:11,21 222:2	205:17 226:4,7,10
started 11:12,25	47:14	227:18 233:1	233:13
161:8 244:4,8	straightforwardly	submissions 97:12	subsequent 172:6
starting 11:23	202:2	100:4 135:17 145:5	substance 88:1 89:2
238:18,23	street 1:21 2:8,12	146:8 151:10	98:18 201:1,11
	227:4,7	159:18,21 169:10	202:7 211:19

[substantially - term]

substantially 134:15	238:25	tasks 218:6,8,8,20	75:4,17 76:4,13
substantiate 195:6	survived 62:9	219:15	77:3,9 103:25
substantiation	suspect 100:11	team 22:7 23:3,10	131:15 133:18
159:1 172:8,13	swear 8:8	23:22 32:25 37:9,14	143:16 148:5
190:4 193:9,24	sworn 9:8 250:7	108:9 110:23	155:18 157:2
194:17,20,25 195:9	synthesizes 68:18	112:19 119:9,10	158:13 159:9,22
substantive 195:22	system 30:14 36:2	140:22 145:10	162:15,18,22,25
substitute 187:14	40:16 59:1,8 61:9	162:17 171:10	163:4 175:14
sued 200:10,23	64:13,18 65:12,13	178:5 197:20	179:25 187:1 190:3
201:7,16	99:21 113:2,19	198:21 215:1	194:11 203:24
suffolk 250:2	114:15 137:2 145:4	219:13	210:2 220:7 234:4,7
suggest 147:5	155:10,14 194:10	team's 108:6 140:20	234:12 239:5,9,16
234:13	205:1 214:8 216:6,6	technical 12:1,7	239:18,20
suggesting 129:21	216:24 217:9	13:24 14:2,6 15:25	technically 14:13
193:2	230:24	16:2,6,8,13,17 17:4	technology 17:24
suggestions 64:25	systems 12:25 13:5	18:12 21:22 22:1,9	74:21 162:20
233:20	13:7 52:10 114:16	22:13,14,18,20 23:6	telephone 2:20 8:16
suggests 194:24	155:11	23:20,25 25:1,9,16	111:11
suitable 244:18	t	27:12,15,19,22,24	tell 11:10 43:4,21
245:19	t 3:6 38:12	28:2,7,10,12,15,17	44:5,6,17 45:8,10
suite 137:17	table 39:25	28:19,21,23 29:3,10	49:4 59:25 71:17
summarize 67:17	take 7:16 11:2,9,22	29:13,19,20,22 30:3	72:22 73:11 79:23
summary 55:19	32:3 40:10,23 41:3	30:5,7,13,19,23,25	82:13 93:18,19 94:7
summits 25:9	44:3 45:23 48:2	31:3,5,8,11,19 32:7	94:8 95:25 112:18
supervisor 117:20	77:10 85:4 96:3	32:13,18 33:6,9,11	133:23 134:1 161:2
supplement 228:22	124:6 235:18	33:12,16,18,21	170:6 207:4
support 30:14 31:19	taken 47:19 48:10	34:12 36:4,7,8,11	tells 64:25
31:24 32:3 54:17	88:15 153:10	36:14,21,24 37:3,4	ten 20:18,19,25 21:1
149:2 162:16,22	155:15 212:5	37:8,10,15,19,21,23	21:3,6,7,8 24:9
166:12	234:22	39:14,18 44:16 50:6	35:19 135:21 136:1
supporting 97:23,24	takes 32:5 103:11	50:15,22,25 51:5,8	150:9 205:25 215:9
148:23 149:2 175:7	220:6	51:13,16,21 52:17	215:25
216:20 217:9 220:6	talked 78:5	52:20,24,25 53:21	tend 138:24
sure 10:14 22:12	talking 9:22 31:15	54:16,20,24 55:2,3	tens 112:19 125:6
32:19 41:1 42:13	43:13	55:7,14,23 56:3,5	136:5 175:5 176:9
52:11 69:16 73:3	tally 34:7	57:5,7,11 59:6,6,15	208:21
74:2 79:15 82:10	tape 77:16 88:13,17	59:22 60:4,6,9,12	tentative 49:24
84:24 89:23 96:4	153:8,12 211:24	60:17,18,23 61:4,23	tenure 107:8 174:23
100:14 103:7	212:3,7 248:1	62:3,6,11,25 63:5,9	175:16 176:9
112:18 126:18	task 132:15 133:1	63:11 65:7,22 66:9	189:10,22 190:17
135:4,9 164:25	133:11,17 145:13	66:12,15,16,20,25	191:5 210:25 213:7
182:17 188:3	145:15 214:14	67:3,8,9 68:1,13,15	213:18
189:14 198:13	219:25 220:4	68:20 69:8,17,19	term 38:12 55:3
213:12 217:8		70:9,14 71:1,8,11	98:24 99:10 112:10
235:22 236:6		72:5,23 73:14 74:6	117:3 124:2 137:18

[term - topics]

137:20 138:8 210:2	141:13,18 142:11	137:9 140:4 141:4	213:23 214:5,17,19
210:9,16 230:2	147:6,12 149:7	143:2 154:7,10	214:24 215:6,9
terminology 137:1	152:20,24 153:2	168:4 184:14	216:25 217:4,5,11
138:11,19,22 139:4	159:12 165:11,17	187:19 190:8	217:15,23 218:14
terms 3:11 79:10,15	166:14,24 167:5,8	192:23 195:17,17	218:14 219:14,18
79:16,17,20,22	167:19,21 168:25	200:13 208:3	220:3,5,8 227:10
80:10,11,24 81:5,7	170:9,12,16,17,18	213:16 221:3	228:6 234:20,23
81:9,13,15,19,21,24	170:22 171:1,4,5	226:13 235:4	244:3 247:25
	170.22 171.1,4,3	238:14 239:7	times 10:5 21:8
81:25 82:2,4,7,10	173:4,12 174:3,19		23:13 46:17 97:16
82:11,13,19 83:3,4	· · · · · · · · · · · · · · · · · · ·	246:10	
83:7,9,16,19,24	179:9,13,17,21	thinking 21:6 135:6	97:22 110:8 144:13
84:5,9,19,21,22	185:14,17,19 186:1	191:5	145:13 175:16
85:11,14,23 86:5,11	186:3,3 187:24	third 51:18 102:1	176:2,10 180:21
86:23 87:13,17,18	188:17 189:5,19	105:5 114:25 119:1	183:25 190:15
87:21 88:2,7,8,22	191:24 192:21	thirds 71:7,10	214:20 237:10
89:20 90:1,3,6,10	193:2,4 198:7,8	thousands 112:20	title 13:16 93:22
91:18 92:5,19,19,23	202:12 204:3	125:6 136:6 175:5	135:23 146:10,11
92:25 93:1,9,11,12	206:15 208:15	176:10 208:21	213:14,17
93:22,23 94:1,19	210:15,19 234:8	three 12:22 114:2,22	titles 141:8 237:6
95:6,15 138:3	242:17	115:1 137:9 194:24	today 10:10 85:10
140:19	textural 234:13	203:5	85:13,21,22 86:3,9
testified 9:8,15	thane 2:7 8:20	tied 57:3 61:22	88:3 106:16 110:5
239:7	thane.rehn 2:10	196:12	113:5 138:4 207:17
testify 10:9 89:6	thank 8:18 52:16	till 11:23 13:16	208:14 211:5,6
109:24 250:7	53:18 155:25	41:14 126:2	224:10 247:5
testimony 3:2 29:2	234:25 246:5 247:8	time 8:5 12:16 17:9	today's 88:20 89:6
41:25 68:24 82:22	thanks 236:7	18:9 20:14 32:17	108:24
88:6 110:20 169:5	theme 12:15 13:4	35:21,24 42:13	tolles 2:7 8:21
169:18 174:15	thing 22:6 73:21	47:12,13,20 48:8,11	tool 115:10
178:23 179:5,7	79:1 112:8 238:14	58:14 60:14 67:24	top 24:13 25:11
218:11 250:11	things 11:20 12:18	75:21,22 76:4,6,23	50:11 79:17 102:3
testing 1:4 7:13 52:3	23:13 26:18,24	77:12 78:1 85:4	130:15 133:4
tests 195:1	49:23 70:17 71:15	87:10 88:10,12,16	143:18 148:6
text 30:12 32:6 34:7	72:1,9 73:16,19	96:3 97:13 106:10	195:18 196:25
34:18 35:7 56:13,16	81:11 95:18 170:19	108:22 119:19	228:1 238:2
59:5,20 60:5,22	197:12 227:21	120:3,12 122:23	topic 14:14 17:5
61:3,5 62:2,11,16	238:16	124:9 125:2 132:6	80:9 82:21 111:25
62:19,22 63:24	think 22:6 23:17	133:20 134:1 138:9	119:5 184:21 221:4
64:15,25 66:21,22	25:11 26:4 27:7,15	145:12 148:20	topical 25:6 73:7
67:25 68:1,5 69:6	50:11 52:11 68:8	152:13,16 153:7,11	topics 14:6,18,25
69:13,20 70:10 71:2	70:13 71:5 72:18	160:19 161:5,22	15:12 16:25 78:12
71:19 72:6,20,25	73:2,16,21 74:10	175:6,23 191:2	91:2,9 118:7,7,8
74:8,16 75:5 87:14	76:16,16 79:19	196:19 197:2	180:18 181:1 182:9
100:18,25 109:6	88:10 102:6 115:2,6	204:16 208:22	183:11 184:9
122:18 123:3,10,22	131:3 132:18 137:8	211:8 212:2,6	190:10 191:9

[topics - utilize]

200:14 202:5	type 14:7 21:11	unable 90:6 92:25	unfamiliar 91:13
total 216:15 218:19	38:21 67:23 104:21	97:11 208:22	unfortunately 79:23
touch 74:16	146:7 225:24,24	unaware 220:8	187:19
touched 61:17	typed 134:14,25	unclear 219:4	unique 135:23
154:24	types 14:10 38:23	underline 170:16	united 1:1
touching 250:8	39:3,9,20 56:21	underlying 186:3	units 19:20
track 21:15 162:9	108:23 142:25	understand 17:23	universally 113:12
162:15 163:3	143:3 190:7,16	22:12 29:10 30:17	university 11:7,8
242:14,14	typewriting 250:10	30:25 31:23 46:23	unquote 242:13
trade 14:15	typical 70:25 126:4	48:4 57:6 59:19	update 108:5 137:6
trademark 201:17	127:3,8,17 128:9,14	64:15 70:25 71:18	140:23 229:14,17
training 14:9 16:16	129:1,4 134:20	76:13 77:25 82:1	updated 108:8
99:22 101:15 163:5	142:23,24,25	83:2,21 90:12 97:1	138:7
transcript 48:4	143:12,25 144:2	105:22 106:14,16	updates 137:5 140:8
190:18 226:13	145:22 146:22	106:21 107:23	140:12,15 141:1,11
transfer 64:22	147:4,23,25 149:20	119:18 121:4,16	141:13
144:11	149:24 150:7,15,18	129:8 139:14,18	usability 139:13
transfers 142:9	151:24 152:2	142:6 143:4 154:25	244:24 245:4
transmittal 151:17	154:14,18 156:8,21	156:22 163:6	use 3:11 17:10 29:23
153:19	158:1 163:14	168:10,16 182:15	55:3 69:19 70:10
travel 76:9	164:16 243:20	190:2 192:20	72:5 73:4 80:17
trouble 241:4	typically 14:18	194:13 199:13	93:22,23 94:1,16,19
true 89:13 236:1,4	typo 126:19	206:6 219:4,7,10	95:6,15 98:9,15,24
249:3 250:10	typographical	227:6 238:25	99:4,10 112:10
truly 98:2	180:12,15 183:7,21	understandable	113:1 117:2 119:1
truth 250:7,8	184:1	245:2	129:20 155:4
truthfully 10:10	u	understanding	169:13 170:8
try 62:15	u.s. 11:1,6 196:6	53:14 64:1 81:2,11	173:19,21 203:8,15
trying 20:24 31:1	197:5 224:23	81:21 83:22 84:4	204:8 237:15
47:14 59:19 66:24	225:19	86:4 89:18 90:9	user 81:5,13 83:12
164:7	ul 171:21,21 172:5,6	92:4,22 96:18 98:13	86:4 88:7 93:2
tsc 1:6	172:11,15,16 173:2	99:3,7,12 100:16	181:15 190:1
turn 69:15 97:7	ultimate 61:7	103:10,17 105:14	users 52:9 82:2,4
158:21 242:21	179:23	106:2,6 108:3 117:1	83:4,18,23 84:6
two 12:21 13:20	ultimately 11:15	119:22 157:22	139:14 163:6
56:21 67:18 71:7,10	29:20 30:2 51:2	167:16,17 168:19	190:13
84:24 85:3,14 86:10	54:9 55:22 59:14	168:22 170:3 174:3	uses 90:15 99:8
86:22 87:11,13,20	61:3 63:5,23,25	181:2 191:25 193:1	154:22
88:2 93:13 103:1	64:3 66:12 67:11	197:25 206:16	usually 204:12
117:25 135:16	68:17 74:12 78:3	208:5 209:11	utility 241:9
137:23 147:13	105:3 120:5 188:25	211:10 215:4 226:3	utilize 17:17 18:6
156:6 158:23	234:6	226:6 240:9 242:19	55:16 98:22 106:7
168:23 181:12	umbrella 19:3	245:23	106:10 129:11
188:1 211:2 214:7		understands 46:24	139:5 175:13 195:6
227:21 239:13		120:2,16 176:18	215:2 246:1

[utilized - withdraw]

utilized 215:19	veritext 7:8	volumes 145:13	235:19 243:24
utilizing 130:2	version 109:6 113:1	volunteer 27:14	ways 15:7 16:16
	113:18 160:13,14	76:22,23	24:2 68:9 99:9
V	160:17 161:8 207:3	volunteers 16:1,2	123:16 134:23
vacation 75:22	223:2 242:13,15,18	76:21	135:17 137:7
vague 19:15 22:11	242:20	vote 34:6,8,25 35:4	207:12 214:7 221:6
25:15 40:13 43:1,12	versions 80:19	35:4 42:19 53:3	239:14
44:24 46:18 47:23	85:17,25 86:25	69:13,25 70:4 71:15	we've 45:16 77:11
53:11 56:19 58:14	88:23 89:15 90:7,23	voted 35:3	135:16 156:9 190:8
60:21 66:7 71:4	91:16 92:12 93:4	votes 35:2,10	190:8 207:24
113:7 121:6 127:22		·	
139:22 155:2 162:6	94:21 110:14	voting 33:24 57:16	215:19 246:3
179:16 183:3	112:23,25 115:1	vs 1:11	web 121:13
189:13 198:18	119:12 123:11	W	website 26:8 58:4,9
214:5 231:3 244:1	134:23 135:1,14	waive 84:16	58:12 79:2 81:8
244:21 245:1	160:21 207:6 208:9	walls 163:22	82:17,23 83:5,12
variables 219:23	211:3,7,8	want 18:6 35:3	84:15 87:24 89:15
variations 40:2	versus 7:13 102:12	45:22 48:1 67:1	90:22 93:8,21,24
56:15 208:15	129:1 137:3,4,13	69:2,4,7 71:14,15	94:1,11 95:7,9,10
219:23	210:10	74:12 84:21 86:14	95:16 96:20,22 97:4
varies 17:1 35:19	vice 10:20 11:15	91:24 97:23 100:9	114:14,18 121:5,18
various 11:13 16:24	13:14,18 118:2	109:15,25 117:13	122:20 123:2
17:19 40:4 49:16	200:5	129:11 139:13	177:16 181:13
51:5 81:3 100:23	video 7:4,15 206:1	182:13,16 187:7	wednesday 1:22
107:17 123:17	videographer 2:15	189:14 204:3,17	weeks 35:19
139:8 148:8 204:1	7:2 8:5 48:8,11	wanted 129:25	wells 173:2
240:3	77:13,15 85:7 88:12	190:23	went 78:10,10
vary 136:1	88:16 124:9 125:2	wants 47:11 48:3	135:24 216:5
vast 204:21 217:4	150:9 153:3,7,11	191:21 227:23	234:25
venue 84:16	205:25 211:23	warranted 194:22	west 2:11 8:11
verbally 130:3	212:2,6 234:20,23	washington 2:4	whereof 250:16
verification 220:14	246:3 247:25		whispers 7:18
222:7 225:3 227:18	videotape 85:8	wasted 47:12,13 wasting 47:20	white 171:21 172:15
verified 149:6	150:10	_	wholly 86:4
	videotaped 1:16	way 7:23 11:14 20:10 21:4 25:1	widgets 121:12
verifies 113:2	view 21:7 22:24		williams 191:20
220:22	23:3 29:3 83:6 96:6	35:3 63:15 67:4,4	192:1
verify 98:1 105:19	97:4 101:7 113:9	69:24 75:2 83:22	window 79:4 102:3
108:11 112:20	139:12,23 188:11	86:13,18 87:4,5	wish 40:17 205:16
145:2 148:20	228:11 245:13	100:14 101:2 104:5	233:15
197:20 199:21	viewing 24:21 94:3	105:16 109:5	wished 233:6
202:11 220:24	visit 90:22	117:21 123:17	wishes 26:1 40:15
221:1,10,20 222:2	vital 67:8	143:13 161:13,24	203:19
verifying 180:8	voices 205:15	176:19 180:11	withdraw 84:2
202:18 217:7,12,18	volume 214:21	193:17 207:14	173:9 185:6
221:6	, viume 217.21	221:24 227:10	1/3.7 103.0

[witness - yup]

witness 8:2,8,23 9:5	170:5	219:24
15:12 31:13 46:8,22	wordings 55:5	years 12:22 76:18
78:24 82:9,21 83:1	words 56:9 62:24	107:9 108:4 134:21
85:6 86:13,17,21	63:21,22 66:14	135:4,10 136:4
88:25 91:9 96:5	67:11,11,13 81:25	140:11 161:3 200:3
107:6 112:17 118:8	83:8 87:11 137:11	200:9 225:23
118:9 119:4,5	138:25 161:2	yesterday 78:6
123:24 127:7,16	192:22 193:6 199:6	yield 233:22
128:8,13 130:24	work 10:17,23 11:6	yup 223:22
131:9 147:22 151:2	11:24 20:25 30:11	
153:23 157:12	37:8,15 57:1 61:5	
163:13 164:21	68:16 75:18 76:5	
176:17 178:16	95:1 105:22 106:3	
180:19 182:9	106:17,21 107:3	
183:11 184:10,11	119:8 239:15,18	
184:12,23 187:7	240:12,19	
190:10,21 191:14	worked 11:13 60:4	
192:16 196:2	60:6,12,20 61:16	
200:16 202:5 203:4	62:3,7,8,22 149:9	
209:2 211:17 223:1	working 10:21	
223:14 224:19	18:23 20:7 28:9,9	
226:12,21 227:14	33:16 56:5 64:2	
229:2,8 230:22	65:20 130:3 200:3	
231:16 232:1,7,13	workload 218:19	
232:19 243:16	works 33:10 37:21	
247:19 250:11,16	49:15 99:20 106:23	
witt 154:20	139:5 173:1 197:4	
word 31:22 60:20	204:19 210:12,16	
66:10 67:4,20	241:8	
106:12 136:9	write 245:1	
137:14 140:1	written 154:6	
144:13 169:8	wrote 148:25 222:11	
191:18,18,23 192:3	X	
192:21 209:24,24	x 3:1,6 67:2 69:3	
worded 56:6 60:9	146:11 223:21	
60:16 94:15	y	
wording 28:20,23	yeah 79:22 80:7	
29:4,9,12,19,23	235:14	
32:10 37:18 56:4,25	year 20:18,19 21:1,1	
60:3 61:6,7 79:9 106:7 108:10	21:6,8 24:8 112:20	
110:24 114:4	136:6 138:8 175:6	
133:23 134:20	208:22 212:25	
135:23 134:20 136:17,20,22,25	213:2,9,11,12,21,24	
142:2,3 161:14	214:15 215:15	
142.2,3 101.14	211.13 213.13	

Federal Rules of Civil Procedure Rule 30

- (e) Review By the Witness; Changes.
- (1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:
- (A) to review the transcript or recording; and
- (B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.
- (2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES

ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1,

2014. PLEASE REFER TO THE APPLICABLE FEDERAL RULES

OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.