

# APPENDIX 2-9

Lowell Willfulness Merged on 5\_12 PA DC

Designation	Source	Tx Duration	Elapsed	Remains	Media File	Barcode
<b>8:25-9:4</b>	Lowell, Jill 2015-10-29	00:00:12	00:00:00	00:06:28	Lowell_J-102915-1of:	M11.1
	8:25 Q. All right. I'll get started.					
	9:1 Could you go ahead and, just for the record,					
	9:2 state and spell your full name.					
	9:3 A. Sure. It's Jill Lowell, J I L L,					
	9:4 L O W E L L.					
<b>14:14-15:9</b>	Lowell, Jill 2015-10-29	00:00:39	00:00:12	00:06:16	Lowell_J-102915-1of:	M11.2
	14:14 Q. And what was the next position that					
	14:15 you held?					
	14:16 A. The next position was vice					
	14:17 president.					
	14:18 Q. And was that at Danaher, or Apex,					
	14:19 or both?					
	14:20 A. That would have been Apex. That					
	14:21 was after we became Apex.					
	14:22 Q. I assume, as vice president, you					
	14:23 have people reporting to you?					
	14:24 A. Yes.					
	14:25 Q. And who did you report to at that					
	15:1 time?					
	15:2 A. At that time, I -- there was a					
	15:3 brief period where I actually reported to a					
	15:4 gentleman called Kevin Keller. But when I got					
	15:5 the vice president title, I was reporting to					
	15:6 John Constantine at that time.					
	15:7 Q. And is that still your current					
	15:8 position?					
	15:9 A. That is my current position, yes.					
<b>210:21-211:2</b>	Lowell, Jill 2015-10-29	00:00:17	00:00:51	00:05:37	Lowell_J-102915-2of:	M11.3
<a href="#">Link &gt; P505.1</a>	210:21 Q. I'm introducing Exhibit 44, which					
	210:22 is a three-page document beginning with Bates					
	210:23 numbers Sears 388.					
	210:24 A. Yes.					
	210:25 Q. This one has attachments. I'll go					
	211:1 ahead and introduce those, and then we can get					
	211:2 back to that exhibit.					
<b>211:8-211:13</b>	Lowell, Jill 2015-10-29	00:00:22	00:01:08	00:05:20	Lowell_J-102915-2of:	M11.4
<a href="#">Link &gt; P357.1</a>	211:8 Q. I'm introducing right now, as					
	211:9 Exhibit 45, one of the attachments to this to					
	211:10 Exhibit 44. This is Sears 391, which you can					
	211:11 see if you really zoom in a lot.					

211:12 A. You said 391?  
 211:13 Q. Yes.

---

212:5-212:14	Lowe, Jill 2015-10-29	00:00:32	00:01:30	00:04:58	Lowe_J-102915-2of:	M11.5
--------------	-----------------------	----------	----------	----------	--------------------	-------

Link > P358.1

212:5 Q. And then I will introduce, as  
 212:6 Exhibit 46, the other attachment to Exhibit 44.  
 212:7 This one you may have to have even better eyes  
 212:8 to see. The Bates number is actually at the  
 212:9 top right. It was printed, I think, to avoid  
 212:10 the picture. The Bates number is Sears 392. I  
 212:11 don't know whether you'll be able to see that  
 212:12 or not.  
 212:13 A. I will confirm that my screen says  
 212:14 Exhibit 46.

---

214:1-215:18	Lowe, Jill 2015-10-29	00:02:26	00:02:02	00:04:26	Lowe_J-102915-2of:	M11.6
--------------	-----------------------	----------	----------	----------	--------------------	-------

Link > P505.2.1

214:1 Q. Do you know why images of the  
 214:2 Bionic Wrench packaging would be attached and  
 214:3 sent around to this group?  
 214:4 A. I was in the process of reading  
 214:5 this entire e-mail.  
 214:6 Q. Sure. Go ahead.  
 214:7 A. So this kind of goes back to my  
 214:8 point on why we needed to change packaging. So  
 214:9 on the bottom of page 2, Peng Li sent an e-mail  
 214:10 to Iqbal basically stating that we feel the Max  
 214:11 Axess Locking Wrench can work on E-torx and  
 214:12 partially rounded hex fasteners in addition to  
 214:13 hex fasteners, but, unfortunately, not on other  
 214:14 types.  
 214:15 And, for example, he put the E. I  
 214:16 believe that says 8. So he had sent these to  
 214:17 Iqbal to get approval, where the KCD team did  
 214:18 approve that, yes, we do feel that they work on  
 214:19 these types of fasteners. So that was the  
 214:20 reason for the call out of why we needed to  
 214:21 change the packaging, because they wanted to  
 214:22 make sure to add that to the packaging.  
 214:23 I will tell you when you're -- when  
 214:24 our team and even the KCD team is looking to  
 214:25 create packaging, you will walk retail to see  
 215:1 if there are -- kind of to see how other people  
 215:2 actually package their products. And Jennifer  
 215:3 here had sent in, I believe -- and there should  
 215:4 be an attachment of the actual packaging that  
 215:5 she submitted to Jennifer Blum with what our  
 215:6 recommendation would be to incorporate these

Link > P505.1.1

215:7 new sized fasteners, in addition to any other  
 215:8 changes they wanted to make to the packaging.  
 215:9 And then I believe, just based on  
 215:10 this e-mail, it says, Attached are the images  
 215:11 of the Bionic Wrench packaging per your request  
 215:12 on this morning's innovation call. This was on  
 215:13 8/17, which I'm presuming is a Friday. We do a  
 215:14 Friday innovation call with the KCD team to  
 215:15 talk through all open projects, and Jennifer  
 215:16 Blum would participate on those calls. So we  
 215:17 are sending this packaging as a response to a  
 215:18 request that was made on that call.

---

**215:19-216:9** Lowe, Jill 2015-10-29 00:00:33 00:04:28 00:02:00 Lowe\_J-102915-2of: M11.7

215:19 Q. So Sears made a request for a copy  
 215:20 of the Bionic Wrench packaging?  
 215:21 A. If I look at this e-mail, it is  
 215:22 sent to Matt McDonnell, Jennifer Blum, Iqbal,  
 215:23 who are all KCD employees. And the e-mail  
 215:24 states, Attached are the images of the Bionic  
 215:25 Wrench packaging per your request on this  
 216:1 morning's innovation call.  
 216:2 Q. So this would be what you were  
 216:3 talking about earlier of looking around at  
 216:4 other tools in the marketplace to see what  
 216:5 they're doing when you're coming up with your  
 216:6 own packaging?  
 216:7 A. (No verbal response.)  
 216:8 Q. Do you know if --  
 216:9 A. Yes. Sorry.

---

**217:16-218:6** Lowe, Jill 2015-10-29 00:00:51 00:05:01 00:01:27 Lowe\_J-102915-2of: M11.8

Link > P503.1

217:16 Q. I'm introducing, as Exhibit 47, a  
 217:17 two-page document beginning with Bates number  
 217:18 Apex 2966.  
 217:19 A. 2966, yes.

Link > P503.1.1

217:20 Q. This is an e-mail from Jennifer  
 217:21 Miles-Losapio?  
 217:22 A. Yes.  
 217:23 Q. From August 7th, 2012?  
 217:24 A. Yes.  
 217:25 Q. And, it says, The client is looking  
 218:1 to make another change to the Max Axess Locking  
 218:2 Wrench product packaging artwork. The goal is  
 218:3 to have the artwork make more, in quotes,  
 218:4 sizzle, similar to the Bionic artwork. See  
 218:5 attached. Can you see that?

218:6 A. Yes, I can.

---

**219:4 -219:16** Lowe, Jill 2015-10-29 00:00:36 00:05:52 00:00:36 Lowe\_J-102915-2of: M11.9

219:4 Q. And if you notice in the second  
 219:5 paragraph, Ms. Miles-Losapio says, I would like  
 219:6 your team to work on the following: Number  
 219:7 one, adding a try-me arrow to the front of the  
 219:8 package; number two, including a graphic on the  
 219:9 back that can convey the information below. I  
 219:10 am thinking something like the graphic  
 219:11 Loggerhead uses on their product today. See  
 219:12 image below, but better. And, perhaps, on the  
 219:13 front, we just include a copy that states  
 219:14 replaces 16 wrenches/replaces 14 wrenches or  
 219:15 something to that effect. Do you see that?  
 219:16 A. I do.

Link > P503.1.2

Link > P503.1.3

---

Play Time for this Script: **00:06:28**

---

**Total time for all Scripts in this report: 00:06:28**