

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

MARY K. STACK, Executrix of the Estate of  
ROBERT T. STACK, deceased, and MARY  
K. STACK, in her own right,

Plaintiff,

vs.

SAFETY FIRST INDUSTRIES, INC.,  
in its own right and as successor-in-interest  
to Safety First Supply, Inc., et. al.

Defendants.

CIVIL DIVISION - ASBESTOS

NO. G.D. 12-020620

**PLAINTIFF'S RESPONSE TO  
DEFENDANT CRANE'S MOTION *IN  
LIMINE* TO PRECLUDE EVIDENCE  
REGARDING DECEDENT'S FUTURE  
LOST INCOME AND TESTIMONY OF  
H.M MCFARLING, M.D.**

FILED ON BEHALF OF PLAINTIFF

Counsel of Record for This Party:

Janice M. Savinis, Esquire  
Pa. I.D. #51943

John R. Kane, Esquire  
Pa. I.D. #83771

Michael J. Gallucci, Esquire  
Pa I.D. #92859

SAVINIS & KANE, L.L.C.  
Suite 3626, Gulf Tower  
707 Grant Street  
Pittsburgh, PA 15219  
(412) 227-6556

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

MARY K. STACK, Executrix of the Estate of  
ROBERT T. STACK, deceased, and MARY  
K. STACK, in her own right,

Plaintiff,

vs.

SAFETY FIRST INDUSTRIES, INC.,  
in its own right and as successor-in-interest  
to Safety First Supply, Inc., et. al.

Defendants.

CIVIL DIVISION - ASBESTOS

NO. G.D. 12-020620

**PLAINTIFF'S RESPONSE TO DEFENDANT CRANE'S MOTION  
IN LIMINE TO PRECLUDE EVIDENCE REGARDING DECEDENT'S  
FUTURE LOST INCOME AND TESTIMONY OF H.M MCFARLING, M.D.**

**I. Introduction**

This case involves claims arising out of the pain and suffering and death of R. Timothy Stack resulting from his exposure to asbestos when he worked at Vulcan Detinning in the early 1970's. While there, he was exposed to asbestos from the products of Defendant Crane Company ("Crane"), which caused his death from mesothelioma 40 years later.

Mr. Stack died on July 30, 2012, when he was 60 years old. At the time, he was serving as the President and Chief Executive Officer of Piedmont Healthcare, Atlanta's premier healthcare and hospital system. His total earnings were well in excess of \$1 million a year at the time.

The evidence at trial will establish that Mr. Stack had worked for Piedmont since 2001 under a series of several different contract extensions. The one that he was a party to at the time of his death ran for another five years, until Mr. Stack would have been 65 years old. That contract operated under sequential two-year extensions. Crane Motion, Ex. A, ¶ 1.

Plaintiff has retained an expert economist, Dr. James D. Rodgers, to present to the jury the expected future lost wages of Mr. Stack. That testimony is predicated on the expectation that Mr. Stack would have most likely worked until age 68 or 70. Plaintiff anticipates introducing evidence at trial from at least three witnesses (Plaintiff Mary Stack and Drs. William Blincoe and H.M. McFarling) that Mr. Stack would have continued to work past age 65 had he not been struck down by mesothelioma. The evidence will establish a substantial probability that, had he lived, Mr. Stack would have worked at least to age 68 or 70, at the same kind of high-earning position that he had held for years. Based on Mr. Stack's own expressions of his intent and future plans and based on his past conduct, all three of these witnesses will testify that Mr. Stack would have continued to work and generate income after completion of the contract that was in effect at the time of his death.

Mary Stack, as Tim Stack's wife, knew of her husband's intentions with respect to Piedmont and work in general. She knew his work ethic, his personality, his wants and desires with respect to not just his personal life, but also his professional life. Mary knows what Tim Stack's intentions were with respect to Piedmont and with respect to

work in General. Mary answered Defendant's questions on this issue in her discovery deposition, and will expand upon it at trial.

Moreover, both Drs. Blincoe and McFarling were in a position to testify from the viewpoint of Piedmont Healthcare that Piedmont had every intention and desire to continue its relationship with Mr. Stack through another contract extension after Mr. Stack reached 65. Both of those doctors served on the boards of Piedmont Hospital and Piedmont Healthcare, and they have personal and direct knowledge of the actual plans and intentions of (1) Mr. Stack to continue working and (2) Piedmont's fervent desire to have Mr. Stack continue working. They will testify, among other things, about the extraordinary vision and leadership that Mr. Stack brought to Piedmont Healthcare; that there was a tremendous level of respect for Mr. Stack's work as President and CEO; and that there was a consequent desire on the part of Piedmont's board and administration to continue its relationship with Mr. Stack past age 65.

Indeed, Dr. Blincoe is on the Board of Directors at Piedmont and was on the Executive Compensation Committee at the hospital and was intimately familiar with the business relationship between Piedmont and Mr. Stack, as well as the universal desire of the Board of Trustees of Piedmont to continue its relationship with Mr. Stack. Similarly, Dr. McFarling was a member of the Board of Piedmont Healthcare from 2008 through the time of Mr. Stack's death, as well as serving as Chief of Staff at Piedmont Hospital. Drs. Blincoe and McFarling are as familiar as anyone associated with Piedmont about the likely future relationship of Mr. Stack and Piedmont.

Defendant argues that it is only through speculation and conjecture that the jury could conclude that Mr. Stack's employment would continue after 2015. Defendant further argues that plaintiff has put forth no evidence that Mr. Stack would have continued to work at Piedmont Hospital. This is simply untrue.

Since Mr. Stack is deceased, he cannot testify to his intentions. But these three witnesses can and will testify to his expressions of intent and his plans, and they can and will equally testify from their own personal knowledge as to Piedmont's desire to continue its relationship with Mr. Stack. No one today could be in a better position to give testimony to the jury as to Mr. Stack's expected work history beyond the existing contract and past age 65 than these three witnesses. Crane's motion is without merit.

## **II. Factual Predicate**

Considering Dr. Blincoe's position on Piedmont's Board of Directors, his professional relationship with Mr. Stack, his responsibility on the Executive Compensation Committee to ensure that Tim Stack is appropriately compensated as CEO of a not-for-profit health care organization, his testimony is properly based in fact. Dr. Blincoe testified that when Tim Stack was first interviewed for the position of CEO, there was an intensive interview process. As a non-profit healthcare system, it was extremely important to do an investigation with due diligence as to what was fair and appropriate compensation for the Chief Executive Officer, or their non-profit status could be jeopardized.

Blincoe, M.D., William 8-17-15, (Pages 39:25 to 40:21)

39

25 A So at Piedmont Healthcare, we are very

1 conscious and concerned and I believe sort of  
 2 conservative. And so it -- whatever we are doing  
 3 for CEO comp, we felt better if we had more people  
 4 weighing in saying, "Yeah, this is all reasonable  
 5 and appropriate and not out of fair market, and  
 6 does achieve the goals that you want to achieve  
 7 but doesn't put you out of market or put you in a  
 8 position where you would jeopardize your not-for-  
 9 profit status."

10 Q So back to my question: Would this  
 11 reasonableness justification, essentially, be  
 12 provided to the IRS?

13 A I'm not sure if we sent it to the IRS  
 14 as much as we had all this in documents, if and  
 15 when we were ever called to produce why we were  
 16 paying the CEO what we were paying him.

17 Q In your evaluation of reasonableness,  
 18 did you compare Mr. Stack's compensation packages  
 19 to CEO's of similarly-sized not-for-profit  
 20 hospitals?

21 A Absolutely. Absolutely.

25 Q Do you know whether they were

1 local hospitals or other hospitals of similar size  
 2 throughout the United States?

3 A I think both. I mean, the list was  
 4 long. The work towards that was exhausting.<sup>1</sup>

As part of this due diligence, the Board of Directors, even after hiring the CEO would have at least yearly reviews of the CEO to determine how the CEO was performing with respect to the goals set for him. Dr. Blinco testified that Tim Stack's bonus, as CEO, was based on whether he would (1) meet the goals that were set, (2) would exceeded those goals by a certain percentage, or (3) hit a home run. Dr. Blincoe

---

<sup>1</sup> Deposition of Dr. Blincoe is attached hereto as Exhibit 1.

testified in his deposition Tim Stack was a home run hitter, and would always hit a home run on the goals that were given to him; that was simply the type of executive that he was. This evidence shows Piedmont's interest to continue its relationship with Mr. Stack with another contract extension after the current term expires.<sup>2</sup>

Blincoe, M.D., William 8-17-15, (Page 91:8 to 91:25)  
91

8 Q Based on everything you know about  
9 Tim Stack, based on everything that you know about  
10 Piedmont Healthcare, based on everything that you  
11 know about Piedmont Hospital, based upon the  
12 due diligence that was done with regard to  
13 Tim Stack, do you have an opinion as to whether or  
14 not Tim Stack would have met, exceeded or hit a  
15 home run on the goals that would have been set for  
16 him in the future for the rest of his contract?

17 MS. WATSON: Objection to form,  
18 speculation.

19 MR. JONES: Objection.

20 A Most likely hit a home run. I mean,  
21 Tim was a home run hitter. So however they agreed  
22 upon, whether it is a dollar amount or whether  
23 it's an explicit goal, I'm sure Tim would have  
24 exceeded and hit a home run. I mean, that's the  
25 kind of guy he was.

With respect to how long Tim Stack would have stayed at Piedmont, Dr. Blincoe testified that Tim Stack and Piedmont would have been together until 2020, and if Mr. Stack chose to seek other employment after that time, his earning potential would have exceeded his earnings at Piedmont.

---

<sup>2</sup> Defendant seeks to use Mr. Stack's employment contract as a bar to future earnings as though once his employment contract expired, he would be unemployable or would have no desire to continue employment. All evidence is to the contrary. Plaintiff will put forth evidence that both Mr. Stack and Piedmont would have wanted to continue their relationship together.

1 Q You had mentioned that Tim wanted to  
2 get Piedmont Healthcare to a specific point, and  
3 you had said -- I think you said 2020 was the  
4 time line that you guys were talking about.

5 If Tim had got Piedmont Healthcare to  
6 where he was happy with it and then he decided to  
7 take his work elsewhere and go do something else,  
8 do you have an opinion as to his earning potential  
9 on the open market?

10 MS. WATSON: Objection to form.

11 A Yeah, I think he probably could have  
12 exceeded what Piedmont paid. So Piedmont -- we  
13 historically have and continue to be conservative,  
14 other not-for-profits, clearly their execs outpace  
15 what we pay our execs. Maybe it is not all about  
16 the money, but I'm sure with Tim's CV and the  
17 success he had, if he wanted to exceed what  
18 Piedmont was paying, they would have been lined  
19 up, they would have been lined up. I'm sure he  
20 had headhunters calling him all the time.

Dr. H.M. McFarling, III, M.D. provides additional affirmative evidence and removes any uncertainty as to Mr. Stack's continued employment with the hospital. Dr. McFarling stated in his Affidavit that:

“Assuming that our targets would have been attained by 2020, at which time Mr. Stack would have been 68, I have no doubt, that he would have remained in a very active role with Piedmont after 2020 for as long as his health would have permitted. I base that opinion on my extensive work with Mr. Stack, his passion and enthusiasm for the work he did, and his expressed thoughts about his personal future and desire to continue working with and assisting Piedmont in the future. Whether he would have remained as CEO of Piedmont Healthcare after he was 68 or instead been a very active, nearly fulltime consultant who would have continued to bring his talents, vision, and execution skills to Piedmont, one cannot say with certainty. But I can say with certainty that in my opinion, Mr. Stack would have continued to serve and work with Piedmont Healthcare



in one of those two capacities well beyond the year 2020 had he not died prematurely.”<sup>3</sup>

Finally, Mr. Stack’s wife Mary Stack testified in her deposition that Mr. Stack intended to work at Piedmont after his current contract term expired, thus removing any doubt as to Mr. Stack’s future employment:

Q. And in that vein, before your husband’s diagnosis, did he have plans to retire? Did you guys have a plan on when he was going to retire?

A. He – I think he would have worked forever. He had just signed a five-year – five-year contract with Piedmont, and then – but then he was hoping when that was over maybe to, you know, do that, you know, see if he could stay there; or he would probably have consulted just because he was too antsy to sit. I don’t think – it would have been hard for him to retire.

MR. KANE: You said I don’t think it would have been hard for him to retire.

A. I mean I believe it would have been hard. That’s what I mean, I think it really would have been hard for him to retire. He loved his work.<sup>4</sup>

### **III. Argument**

Defendant Crane’s motion is misplaced. As a matter of procedure, the Court has not yet heard the testimony of Dr. McFarling, Dr. Blincoe, or Mrs. Stack on the issue of Mr. Stack’s likely future work course. Instead, Crane relies primarily on the incomplete

---

<sup>3</sup> Affidavit of H.M. McFarling, III, M.D., attached hereto as Exhibit 2.

<sup>4</sup> Deposition of Mary K. Stack, attached hereto as Exhibit 3.

questioning that occurred during Defendants' discovery depositions. But even there, as shown from the testimony referenced above, Crane's motion cannot succeed.

Crane admits that Mr. Stack was employed by Piedmont under a series of contracts and contract extensions, and Crane does not dispute lost wages under contract renewals up to June 30, 2015, three years after Mr. Stack's death. Crane argues, however, that it is "speculative" whether Mr. Stack would have worked to age 65 or beyond. Crane's argument flounders both on the law and the facts. Factually, there is *no evidence* from any witness that would support Crane's contention that Mr. Stack would not have worked to or past age 65. All of the evidence is to the contrary, and that evidence is the best and most direct evidence that could possibly bear on the issue before the jury since Mr. Stack himself is deceased.

In its desperation to limit damages in this case, Crane must rely on cases that cut against its contention. Crane states the black letter rule that damages cannot be based on "speculation," but it cites no case that supports the notion that lost future earnings can be disregarded as "speculative" where there is *affirmative evidence* as to (1) the fact that decedent lost income as a result of his premature demise, and (2) the amount of such lost earnings. The case Crane relies on most heavily is a non-precedential federal court decision of a federal magistrate, *Hackett v. Greyhound Lines, Inc.*, No. CIV.A. 08-237, 2009 WL 1636069. *Hackett* states the general Pennsylvania rule that:

Damages are considered remote or speculative only if there is uncertainty concerning the identification of the existence of damages rather than the ability to precisely calculate the amount or value of damages.

Slip Opinion, p. 2. *Hackett* thus makes it clear that there are two separate factual issues regarding lost wage damages, the first being whether there are any lost wages at all, and the second going to the “amount or value of damages.” In this case, of course, there is no dispute whatsoever over the first part of *Hackett*, the “existence of lost wages” resulting from Mr. Stack’s premature demise. The only issue that Crane raises goes to the second part of *Hackett*, “the ability to precisely calculate the amount of value of damages.” But even the *Hackett* case makes it clear that Crane’s “speculation” argument, predicated as it is only on the **amount** of damages, is misplaced as a matter of law. Since there is no dispute at all about the fact that there are lost wages in this case, it is up to the jury to determine the amount based on the evidence that is admitted.

The facts of *Hackett* demonstrate how far off the mark Crane’s motion is here. After the injury at issue in *Hackett*, the plaintiff continued to work and actually worked more than she had before she injured her shoulder. Nevertheless, she sought to have an economist testify that she would suffer future lost wages **assuming** that the kind of “light duty” work she was performing might become unavailable in a future union contract. Ms. Hackett lost the motion in limine because she provided no evidence to support her claim, her argument being based entirely on “supposition and rumors” about the possibility that such work might become unavailable in an unknown, future union contract. Here, Mr. Stack’s lost wages are definite; he died as a result of his mesothelioma while earning seven figures a year. The only question then becomes, what is the amount of that lost income?

One of the lead cases addressing a plaintiff's entitlement to lost future earnings is *Kaczowski v. Bolubasz*, 491 Pa. 561, 421 A.2d 1027 (1980). The Supreme Court there held as follows:

If the facts afford a reasonably fair basis for calculating how much plaintiff's entitled to, such evidence cannot be regarded as legally insufficient to support a claim for compensation.

*Id.* at 567, quoting *Western Show Co., Inc. v. Mix*, 308 Pa. 215, 162 A. 667 (1932).

See also *DiBuono v. A. Barletta & Sons, Inc.*, 127 Pa. Cmwlth. 1, 12 n.6, 560 A.2d 893 (1989). *Helpin v. Trustees of Univ. of Pennsylvania*, 608 Pa. 45, 51, 10 A.3d 267 (2010) (citing *Jones & Laughlin Steel Corporation v. Pfeifer*, 462 U.S. 523, 546, 103 S.Ct. 2541 (1983) (“[B]y its very nature the calculation of an award for lost earnings must be a rough approximation.”)).

As noted in *Hackett*, damages are considered “speculative” **only** where the issue pertains to the **existence of** damages, rather than the precise calculation or amount thereof.

[I]nnumerable court decisions involving the analogous law of civil damages [] hold that damages are considered speculative only if there is uncertainty concerning the existence of damages rather than the ability to precisely calculate the amount or value of damages.

*Pennsylvania State Univ./PMA Ins. Grp. v. W.C.A.B. (Hensal)*, 911 A.2d 225, 232-33 (Pa. Commw. Ct. 2006) (citing *Kituskie v. Corbman*, 552 Pa. 275, 714 A.2d 1027 (1998); *Carroll by Burbank v. Phila. Housing Auth.*, 168 Pa.Cmwlth. 275, 650 A.2d 1097 (Pa.Cmwlth.1994) (damages are speculative if uncertainty concerns fact of damages, not amount)).

In *Sweitzer v. Oxmaster, Inc.*, the court denied a motion *in limine* seeking to preclude a plaintiff from presenting evidence at trial to support a claim for future lost earnings on the alleged ground that the claim was too speculative. 2011 WL 721907 (E.D. Pa. Mar. 2, 2011). Citing to *Kaczkowski*, the court explained:

Once the plaintiff satisfies th[e] standard [iterated in *Kaczkowski*], then lost future earnings capacity damages may be submitted to the fact finder for consideration.

*Id.* at \*6 (citing *Kearns v. Clark*, 343 Pa.Super. 30, 493 A.2d 1358, 1364

(Pa.Super.Ct.1985) (requiring “sufficient data from which the damages can be assessed with reasonable certainty” before a jury may decide whether loss of earning power occurred). The court continued by explaining the proper evidentiary framework for presenting and calculating such damages, again citing to *Kaczkowski*:

The Pennsylvania Supreme Court has provided factfinders with “a framework for calculating a damages award based on lost future earnings” and emphasized that “an evidentiary approach” should be taken in determining lost future earnings, specifically “the fact-finder should consider relevant evidence as to productivity factors and then make an informed estimation as to lost future earnings based on all the evidence presented.” *Helpin v. Trs. of Univ. of Pennsylvania*, 10 A.3d 267, 273 (Pa. 2010).

*Sweitzer, supra, p.6.*

In *Rapp v. Behm* (again citing to *Kaczkowski*), testimony from a decedent’s employer and father created “an adequate factual background prepared for expert testimony on future earnings,” since “there was ample, reliable evidence of decedent’s ‘age, maturity, education and skill. In addition, the testimony concerning decedent’s work habits, maintenance costs, past earnings and earnings projected up to the time of trial presented plaintiff’s expert with a clear, uncontested ‘evolving pattern’ of decedent’s

life.” 21 Pa. D. & C.3d 746, 750 (Pa. Com. Pl. 1981). The court also explained that “[n]othing in the *Kaczkowski* decision or any other decision of which we are aware, suggests that a greater foundation is necessary before an expert’s projection of a victim’s lost earnings is admissible.” *Id.* at 751.

Expert testimony regarding future wages is properly presented to a jury and “if accepted as credible, is legally sufficient to establish the extent” of damages.

*Pennsylvania State Univ./PMA Ins. Grp. v. W.C.A.B. (Hensal)*, 911 A.2d 225, 232 (Pa. Commw. Ct. 2006) (citing *Ruzzi v. Butler Petroleum Co.*, 527 Pa. 1, 588 A.2d 1 (1991) (expert testimony regarding loss of future earnings not speculative); *Kaczkowski v. Bolubasz*, 491 Pa. 561, 421 A.2d 1027 (1980) (inherently speculative nature of lost future earnings does not justify excluding reliable economic evidence); *Gary v. Mankamyer*, 485 Pa. 525, 403 A.2d 87 (1979); *Burkett v. George*, 118 Pa.Cmwlth. 543, 545 A.2d 985 (1988) (testimony of actuary).

In *Gillingham v. Consol Energy, Inc.*, 51 A.3d 841, 864-66 (Pa. Super. Ct. 2012), the court rejected the defendant’s contention that the testimony of the plaintiff that he intended to continue working until age 70 was “speculative” and insufficient as a basis to award future lost earnings. “There was nothing speculative or uncertain about the proof offered, and the jury verdict was within the range of that established by the evidence.” It is up to the jury to determine what credit to give to the testimony of a witness that he intends to work to age 65, 70, or whatever age it might be. There is no way to predict the future with absolute certainty, which is what Crane wants in this instance. *Id.* Mr. Stack’s actual intention and likely future work course can only be testified to by third

parties since he is deceased. The testimony that the court will hear from Dr. Blincoe, Dr. McFarling, and Mrs. Stack will provide far more than is necessary as a basis to support Dr. Rodgers' expert opinion.

In essence, Defendants are seeking a directed verdict on the issue of damages before the evidence is even presented. But directed verdicts are never appropriate where there is some evidence to support a plaintiff's claim that a jury could reasonably rely upon. In *Lilley v. Johns-Manville Corp.*, 596 A.2d 203, 213, 408 Pa.Super. 83 (1991) (affirming denial of directed verdict), the court stated:

A motion for a directed verdict admits as true all facts and proper inferences from testimony which tend to support the opposing party's case, and rejects all testimony and inferences to the contrary. *Morton v. Borough of Ambridge*, 375 Pa. 630, 633, 101 A.2d 661, 662 (1954). Such a motion can properly be granted by a court only if the facts are clear and free from doubt. *Person v. C.R. Baxter Realty Co.*, 340 Pa.Super. 537, 540, 490 A.2d 910, 911 (1985). On a motion for directed verdict, the trial court must consider the facts in the light most favorable to the party against whom the motion is being made. *Cooke v. Travelers Insurance Co.*, 350 Pa.Super. 467, 471, 504 A.2d 935, 936 (1986). It is not within the province of the trial court to weigh conflicting evidence when ruling upon a motion for directed verdict as credibility is a jury question. *Person v. C.R. Baxter Realty Co.*, *supra* at 541 n. 2, 490 A.2d at 912 n. 2.


(*Lilley v. Johns-Manville Corp.*, 596 A.2d 203, 213, 408 Pa.Super. 83 (1991))

Here, there is not only some evidence, the very best evidence that could possibly exist on this issue. Moreover, the evidence that Mr. Stack would have worked until he was 68, 70, or beyond, is uncontradicted evidence!

**IV. Conclusion**

For the foregoing reasons and other reasons apparent of record, Defendant Crane's Motion *in Limine* should be denied.

Respectfully Submitted,  
Savinis & Kane, L.L.C.



---

John R. Kane, Esquire  
Savinis & Kane, L.L.C.  
3626 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219  
(412) 227-6556  
Attorneys for Plaintiffs





**NETWORK DEPOSITION SERVICES**  
**Transcript of William Blincoe, M.D.**

Page 2

1 COUNSEL PRESENT:  
2 On behalf of the Plaintiff  
3 Savinis, D'Amico & Kane, LLP.  
4 John Kane, Esquire  
5 Suite 3626, Gulf Tower  
6 Pittsburgh, Pennsylvania 15219

7 Richardson, Patrick, Westbrook & Brickman, LLC:  
8 Kenneth J. Wilson, Esquire  
9 1730 Jackson Street  
10 P.O. Box 1368  
11 Barnwell, South Carolina 29812

12 On behalf of the Defendant I.U. North America, Inc., as  
13 successor by merger to The Garp Company, f/k/a The Gage  
14 Company, f/k/a Pittsburgh Gage and Supply Company:

15 Wilbraham Lawler & Buba.  
16 Jennifer E. Watson, Esquire  
17 603 Stanwix Street  
18 Two Gateway Center, 17 North  
19 Pittsburgh, Pennsylvania 15222

20 On behalf of the Deponent:

21 Parks, Chesin & Walbert, P.C.:  
22 David F. Walbert, Esquire  
23 26th Floor  
24 75 Fourteenth Street  
25 Atlanta, Georgia 30309

On behalf of the Defendant Rockwell Automation:

Swartz Campbell, LLC:  
William Jones, Esquire  
Two Liberty Place  
28th Floor  
50 South 16th Street  
Philadelphia, Pennsylvania 19102

Page 3

1 APPEARANCES CONTINUED:  
2 On behalf of the Defendants Ingersoll Rand Company, Warren  
3 Pumps, LLC; Flowserve Corp. as successor in interest to  
4 Durametallik Corp.:  
5 Marshall Dennehey Warner Coleman & Goggin.  
6 Melissa D. Cochran, Esquire  
7 600 Grant Street  
8 Suite 2900  
9 Pittsburgh, Pennsylvania 15219

10 On behalf of the Defendant American Optical Corporation  
11 Dinsmore & Shohl, LLP.  
12 David J. Singley, Esquire (via phone)  
13 One Oxford Centre, 301 Grant Street  
14 Suite 2800  
15 Pittsburgh, Pennsylvania 15219

16 On behalf of the Defendant BW/IP:  
17 Segal McCambridge Singer & Mahoney.  
18 John A. Turlik, Esquire (via phone)  
19 1818 Market Street  
20 Suite 2600  
21 Philadelphia, Pennsylvania 19103

22 On behalf of the Defendants IHC/Carborundum and Safety First  
23 Industries, Inc.:  
24 Maron Marvel Bradley & Anderson, LLC.  
25 Deborah L. Iannamorelli, Esquire (via phone)  
100 West Station Square Drive  
Landmarks Building, Suite 250  
Pittsburgh, Pennsylvania 15219

On behalf of the Defendant Schneider Electric USA, Inc.  
formerly known as Square D Company:  
Kelley Jasons McGowan Spinelli Hanna & Reber, LLP:  
John A. Kristan, Jr., Esquire (via phone)  
1220 West 6th Street, Suite 305  
Cleveland, Ohio 44113

Page 4

1 APPEARANCES CONTINUED:  
2 On behalf of the Defendants Allied Glove and Crane Co.:  
3 Swartz Campbell, LLC.  
4 Shayna A. Petrella, Esquire (via phone)  
5 4750 U.S. Steel Tower  
6 600 Grant Street  
7 Pittsburgh, Pennsylvania 15219

8 On behalf of the Defendant Sundync, LLC:  
9 Willman & Silvaggio, LLP.  
10 Ronald J. Richert, Esquire (via phone)  
11 One Corporate Center  
12 5500 Corporate Drive, Suite 150  
13 Pittsburgh, Pennsylvania 15237

14 On behalf of the Defendant CBS Corp.:  
15 Eckert Seamans Cherin & Mellott, P.C.:  
16 Paul Kruper, Esquire (via phone)  
17 600 Grant Street, 44th Floor  
18 Pittsburgh, Pennsylvania 15219

19 On behalf of the Defendant Spirax Sarco, Inc.:  
20 Dickie, McCamey & Chilcote, P.C.:  
21 James P. Killcoen, Esquire (via phone)  
22 Two PPG Place, Suite 400  
23 Pittsburgh, Pennsylvania 15222

24 On behalf of the Defendant William Powell Company:  
25 Clemente Mueller, PA:  
William F. Mueller, Esquire (via phone)  
222 Ridgedale Avenue  
Cedar Knolls, New Jersey 07927

On behalf of the Defendant Eaton Corporation a/s/i  
Cutler-Hammer, Inc.:  
Goldberg, Miller & Rubin:  
Haley B. Weleh, Esquire (via phone)  
121 South Broad Street, Suite 1600  
Philadelphia, Pennsylvania 19107

---

Page 5

1 I-N-D-E-X P-A-G-E

2

3 DEPOSITION EXHIBITS MARKED PAGE:  
4 - NONE -  
5 EXAMINATION BY: PAGE:  
6 Ms. Watson - 6  
7 Ms. Cochran - 88  
8 Mr. Kane - 91  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**NETWORK DEPOSITION SERVICES**  
**Transcript of William Blincoe, M.D.**

3 (Pages 6 to 9)

Page 6

1 WILLIAM BLINCO  
2 Called as a witness by the defendants, having  
3 been first duly sworn, as hereinafter  
4 certified, was deposed and said as follows:  
5 EXAMINATION  
6 BY MS. WATSON:  
7 **Q Good morning, sir.**  
8 A Good morning.  
9 **Q My name is Jennifer Watson. I'm going**  
10 **to start off by asking you the questions today,**  
11 **but there are others here in the room and on the**  
12 **telephone that will also have an opportunity to**  
13 **ask you questions.**  
14 **Can you identify yourself, please.**  
15 A My name is William Blincoe,  
16 B-L-I-N-C-O-E.  
17 **Q And have you ever been deposed before?**  
18 A Yes, ma'am.  
19 **Q Under what circumstances?**  
20 A Medical/legal.  
21 **Q Were you a witness, an expert witness?**  
22 A Correct. I have never been sued;  
23 it was as an expert witness.  
24 **Q And about how many occasions?**  
25 A Off and on over about 20 years.

Page 7

1 May give a deposition once a year, maybe twice a  
2 year max. So over 20 years, more than a handful  
3 of times.  
4 **Q Okay. It sounds like you have been in**  
5 **this situation before, but just so the record is**  
6 **clear, please make sure that, if you don't**  
7 **understand any of my questions, that you let me**  
8 **know and I will rephrase them. If you don't hear**  
9 **my questions, let me know and I'll speak louder.**  
10 **If you need to take a break for whatever reason,**  
11 **please just let us know, the only thing that I ask**  
12 **is if there is a question pending that you provide**  
13 **a response to that question before taking a break;**  
14 **okay?**  
15 A Okay.  
16 **Q You have done it so far, but please**  
17 **try to use verbal answers, "yes," "no" instead of**  
18 **"uh-huh" or "huh-uh," because when the court**  
19 **reporter types it up, it is difficult to determine**  
20 **what was being said; okay?**  
21 A Okay.  
22 **Q What is your home address?**  
23 A 1600 Friar Tuck, F-R-I-A-R T-U-C-K,  
24 Atlanta, ZIP is 30309. It is about two miles from  
25 here.

Page 8

1 **Q And what is your business address?**  
2 A 275 Collier Road, Suite 300, Atlanta,  
3 30309.  
4 **Q Are you married?**  
5 A I am.  
6 **Q What is your wife's name?**  
7 A Martha.  
8 **Q And what is your date of birth?**  
9 A April 30th, 1953.  
10 **Q Do you have any children?**  
11 A I do. I have three daughters.  
12 **Q And what is the range of their ages?**  
13 A I have a 31-year-old and 27-year-old  
14 twins.  
15 **Q Your 31-year-old daughter, what does**  
16 **she do for a living?**  
17 A She is an interior designer in  
18 San Francisco.  
19 **Q And how about the 27-year-old twins?**  
20 A They both live in Atlanta. One's a  
21 first grade teacher and the other is a speech  
22 therapist.  
23 **Q Does your wife, Martha, work outside**  
24 **of the home?**  
25 A She does. She's a pediatric physical

Page 9

1 therapist.  
2 **Q What is your educational background?**  
3 A I went to undergraduate at  
4 Northwestern University in Evanston, Illinois.  
5 And I went to med school at the University of  
6 Kansas in Kansas City, Kansas.  
7 Then I started my residency,  
8 internship and residency, in San Antonio, Texas.  
9 And then I moved to Atlanta for love and finished  
10 my residency at Emory University-affiliated  
11 hospitals, and started and completed a fellowship  
12 in cardiology, and then I finally got a job.  
13 **Q When did you graduate from the**  
14 **University of Kansas Medical School?**  
15 A 1979.  
16 **Q And during what years did you -- did**  
17 **you have your residency in San Antonio, Texas?**  
18 A It would have been '79 to '81. And  
19 then '81 to '82 was finishing my residency at  
20 Emory, and then '82 to '85 was the fellowship at  
21 Emory, and I started practice in 1985.  
22 **Q Do you know why you have been called**  
23 **as a witness in this case?**  
24 A It is in relationship to a good friend  
25 of mine, and an individual I worked with,

**NETWORK DEPOSITION SERVICES**  
**Transcript of William Blincoe, M.D.**

4 (Pages 10 to 13)

Page 10

1 Tim Stack. He had an untimely death about  
2 three years ago. And it is in relationship to --  
3 I'm not here, I don't think, for causation, or  
4 what -- but it is about the individual, who he  
5 was, what he was, a little bit about how much  
6 money he made or how much -- how long he was going  
7 to try to make the money.

8 **Q Are you represented here by counsel**  
9 **today?**

10 A I think they got my back. Yeah, there  
11 is three of them here.

12 **Q Are you paying any of them for their**  
13 **representation?**

14 A Absolutely not.

15 MR. WALBERT: We'll discuss that  
16 afterwards.

17 **Q Are you board certified in any**  
18 **specialty?**

19 A I am board certified in internal  
20 medicine, and second in cardiovascular disease,  
21 and then third in another interventional  
22 cardiology.

23 **Q Your practice on Collier Road, what's**  
24 **the name of that practice?**

25 A Piedmont Heart Institute.

Page 12

1 Medical Center. But the majority of my work,  
2 greater than 90 percent of it, would be at  
3 Piedmont Atlanta Hospital.

4 **Q How many hospitals make up the**  
5 **Piedmont Health System?**

6 A So Piedmont Healthcare is presently  
7 five hospitals: there is Piedmont Atlanta,  
8 Piedmont Newnan, Piedmont Fayette, Piedmont Henry,  
9 and Piedmont Mountainside. And then there is two  
10 large physician silos, or physician groups, of  
11 which Piedmont Heart is one of those silos or  
12 groups, and then there is another primary care,  
13 another specialty services under another group  
14 name.

15 **Q When did you start working -- I guess**  
16 **you started practice in 1985, and within that you**  
17 **worked -- the hospitals where you worked at**  
18 **included Piedmont; correct?**

19 A Yes, ma'am.

20 **Q During what period of time did the**  
21 **Piedmont Health System acquire these other**  
22 **hospitals?**

23 A So that would have -- Piedmont Fayette  
24 was built by Piedmont Hospital in, I want to say,  
25 early 2000, late 1990s, and then we built Piedmont

Page 11

1 **Q And how long have you worked at**  
2 **Piedmont Heart Institute?**

3 A It is a physician, employed physician,  
4 cardiovascular group. It started in 2007. I was  
5 in private practice prior to that time. In 2007,  
6 three different cardiology groups, plus other  
7 surgeons, came together in an employment model  
8 with Piedmont Healthcare, and it's been going  
9 since 2007.

10 **Q When you finished with your fellowship**  
11 **in 1985, you indicated that you began practice at**  
12 **that time. Where did you practice beginning in**  
13 **1985?**

14 A There were three hospitals primarily.  
15 I was with a small group, three other physicians,  
16 and we had a four-man group, and it was at  
17 Piedmont. There was a hospital that has since  
18 been taken down, West Paces Ferry Hospital, and  
19 then there was another hospital still standing,  
20 St. Joseph Hospital.

21 **Q In what hospital or hospitals do you**  
22 **currently have privileges?**

23 A Primarily at Piedmont Hospital.  
24 I also travel a fair amount, so Piedmont Fayette  
25 Hospital, Piedmont Newnan Hospital, Rockdale

Page 13

1 Newnan about six or seven years ago, and acquired  
2 Piedmont Moutainside, I want to say, nine or ten  
3 years ago.

4 **Q And the Piedmont Hospital --**

5 A There is another hospital,  
6 I apologize, Piedmont Henry; there is another  
7 hospital on the South Side that was acquired  
8 four years ago.

9 **Q The hospitals that operate within the**  
10 **Piedmont Health System, are they nonprofit**  
11 **hospitals?**

12 A Yes, ma'am.

13 **Q In preparation for today's deposition,**  
14 **did you look at any documents?**

15 A No, ma'am.

16 **Q Other than talking to counsel, did you**  
17 **speak with anybody else about today?**

18 A Briefly talked to Ed Lovern, who is an  
19 executive of Piedmont Atlanta and good friend of  
20 Tim's; I knew he was being deposed. I said, "When  
21 are you showing up?" He said he's coming this  
22 afternoon.

23 **Q Did you speak with Mr. Lovern about**  
24 **any of the topics of today's deposition?**

25 A No, other than just, "I heard you were

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

5 (Pages 14 to 17)

Page 14

1 going," and, "When are you going?"  
2 **Q Okay. When did you become aware that**  
3 **you were listed as a witness in this case?**  
4 A Probably 60 days ago.  
5 MR. WALBERT: I will object to the  
6 form of that. I'm not sure he knows he has  
7 been listed as a witness for the day. You  
8 mean inquired -- are you asking when did he  
9 first get contacted about testifying?  
10 MS. WATSON: Well, let me clarify.  
11 BY MS. WATSON:  
12 **Q Do you know whether you have been**  
13 **listed as a witness in this case?**  
14 A I'm not sure whether I'm a witness or  
15 not in this case.  
16 Mary Stack, Tim's widow, had asked  
17 would I be prepared to give testimony, and then it  
18 became -- I was contacted by Dave Walbert, would I  
19 be prepared to give testimony -- I don't know  
20 whether that means I'm a witness or not -- and  
21 I said I would.  
22 They described that there would be  
23 either discovery or testimony here in Atlanta and  
24 may again need to testify in Pittsburgh.  
25 **Q When did you speak with Mrs. Stack**

Page 15

1 **about this?**  
2 A Probably two months ago, 60 days ago.  
3 **Q Was it just on one occasion?**  
4 A About this particular matter, yes.  
5 **Q Was it on the telephone?**  
6 A It was probably in person. It was.  
7 **Q Was anyone else there during that**  
8 **conversation?**  
9 A I don't remember.  
10 **Q When did you first meet Miss --**  
11 **I'm sorry, Mr. Stack?**  
12 A During the interview process when he  
13 was applying for the CEO position for Piedmont  
14 Healthcare in, I believe, 2002.  
15 **Q Do you serve on the board of directors**  
16 **of Piedmont Healthcare?**  
17 A Presently, I do, yes, ma'am.  
18 **Q When did you first begin serving on**  
19 **the board of directors?**  
20 A So for Piedmont Healthcare, the  
21 overarching entity would have been  
22 approximately -- I was a guest of the board,  
23 non-voting member, starting in I believe 2003.  
24 I have been on the board since 2006.  
25 **Q As a voting board member?**

Page 16

1 A Yes, yes.  
2 **Q How many individuals serve on the**  
3 **board of directors?**  
4 A Presently there is 17.  
5 MR. WALBERT: Jennifer, just so --  
6 there is actually two different boards.  
7 I'm not trying to interrupt your deposition.  
8 You got all that straight?  
9 MS. WATSON: Mm-hmm.  
10 MR. WALBERT: Okay.  
11 BY MS. WATSON:  
12 **Q As your counsel indicated, there is**  
13 **two different board of directors associated with**  
14 **the Piedmont umbrella, if you want to call it**  
15 **that. Explain that for me.**  
16 A So originally there was Piedmont  
17 Hospital, and I served on that board. As Piedmont  
18 Hospital acquired or built Piedmont Healthcare,  
19 there was a greater overarching board. Initially  
20 the Piedmont Healthcare probably operated as a  
21 holding company, maybe inefficient, as it be, it  
22 now operates more as an operating entity. The  
23 responsibilities of the boards of the specific  
24 hospitals is very limited to philanthropy and  
25 quality. The Piedmont Healthcare board is the

Page 17

1 overarching board responsible for all -- for all  
2 responsibilities related to government.  
3 **Q Does each hospital have its own**  
4 **board of directors?**  
5 A They do, with very limited focus to  
6 philanthropy and quality.  
7 **Q So you are on the board of directors**  
8 **of Piedmont Healthcare, the overreaching or**  
9 **overarching board; correct?**  
10 A Yes, ma'am. Presently, yes.  
11 **Q And any other boards that you are a**  
12 **member of in regard to Piedmont?**  
13 A No. Previously, prior to serving on  
14 the Piedmont Healthcare board, I was -- served on  
15 the board of Piedmont Atlanta, the specific  
16 hospital, and actually chaired that board.  
17 **Q During what period of time did you**  
18 **chair that board for Piedmont Atlanta?**  
19 A I knew you were going to ask that.  
20 I think it was 2003 to 2006.  
21 **Q Are you on any other boards for**  
22 **anything?**  
23 A No, ma'am.  
24 **Q Other than the Piedmont Healthcare**  
25 **board of directors, do you sit on any other boards**

**NETWORK DEPOSITION SERVICES**  
**Transcript of William Blincoe, M.D.**

6 (Pages 18 to 21)

Page 18

1 related to Piedmont, though?  
2 A No, ma'am.  
3 **Q Okay. Would the last time you did**  
4 **such would be in 2006 for Piedmont Atlanta?**  
5 A Correct. Piedmont Atlanta, that term  
6 ended 2006, and since that time I have been on the  
7 Piedmont Healthcare board.  
8 **Q Okay. And do you have a current term**  
9 **on the Piedmont Healthcare board?**  
10 A Just started the first of my last  
11 three-year term.  
12 **Q What is the purpose of the board of**  
13 **directors of Piedmont Healthcare, the scope of**  
14 **what they do?**  
15 A They have complete control and  
16 governance and fiduciary responsibility for  
17 Piedmont Healthcare.  
18 **Q Do you have any particular designation**  
19 **within the board of directors of Piedmont**  
20 **Healthcare?**  
21 A Not presently. I sit on a couple of  
22 the committees of the board.  
23 **Q What committees?**  
24 A Governance and nominating, audit and  
25 compliance, quality and safety.

Page 19

1 **Q You indicated that you met Mr. Stack**  
2 **when he was applying for the CEO position in 2002;**  
3 **correct?**  
4 A Yes, ma'am.  
5 **Q And what was your position at that**  
6 **time that you would have been involved in the**  
7 **interview process?**  
8 A I was on the Piedmont Atlanta board  
9 and soon to be -- I forget if I was in line or to  
10 be appointed or had been appointed to be the  
11 chairman of the Piedmont Atlanta board.  
12 **Q Who is chairman of the current board**  
13 **that you sit on?**  
14 A As of July 1, it is a director named  
15 Janine Brown, who is not a physician, who is a  
16 community member of the board.  
17 **Q Who was it prior to Ms. Brown?**  
18 A As -- it was Dr. Pat Battey,  
19 B-A-T-T-E-Y.  
20 **Q I have read in places that the**  
21 **Piedmont Healthcare System is essentially --**  
22 **"physician operated" is a name that I have seen.**  
23 **Do you agree or disagree with that?**  
24 A Physician centric, physician led;  
25 physician operated, I wish.

Page 20

1 **Q Well, describe for me, then, your view**  
2 **of how Piedmont -- how the physicians lead.**  
3 A So over a hundred years ago Piedmont  
4 was started by two physicians. Over that period  
5 of time, it has had a strong medical staff and  
6 many responsibilities, including chairman of the  
7 Piedmont board, whether a small hospital or now  
8 Piedmont Healthcare, has always been chaired by a  
9 physician until recently. It has changed as of  
10 July 1. We have a non-physician who is chairing  
11 the board.  
12 Physicians have historically been  
13 involved in governance and clinical practice.  
14 It is -- now they are involved in governance, but  
15 also much more involved in management, over the  
16 last couple of years.  
17 **Q Is there any particular reason why the**  
18 **current chairperson of the board is not a**  
19 **physician?**  
20 A Probably the biggest reason is the  
21 potential conflict of interest, whether perceived  
22 or real, about physicians chairing the board.  
23 So if a -- if a physician was chairing the board,  
24 they are an insider, and should an insider be  
25 chairing a not-for-profit, and so there has been a

Page 21

1 good debate and struggle among insiders and  
2 outsiders on the board.  
3 We are very respectful of the need to  
4 have a majority of outsiders on the board, and,  
5 as a result, the board decided to pick the best  
6 player to chair the board. So we broke a long-  
7 time tradition to name Janine Brown as chair of  
8 the board.  
9 **Q And that was just recently, July 1st,**  
10 **that she assumed that position, of 2015?**  
11 A Yes, yes, ma'am.  
12 **Q And prior to that --**  
13 A It had never not been a physician  
14 chairing the board.  
15 **Q Do you know if this was done in part**  
16 **because of the Affordable Care Act and the**  
17 **requirements set forth for nonprofits?**  
18 A I'm not sure the Affordable Care Act,  
19 I haven't read everything -- I'm not sure that  
20 pertains as much to the requirements for the  
21 not-for-profit; it is more about whether in the  
22 public sector or the not-for-profit sector the  
23 whole need to change governance and responsibility  
24 and authorities.  
25 **Q The board of directors of Piedmont**

**NETWORK DEPOSITION SERVICES**  
**Transcript of William Blincoe, M.D.**

7 (Pages 22 to 25)

Page 22

1 **Healthcare, do they determine at all the pay**  
2 **scales of the CEO of the healthcare?**  
3 A Absolutely. They have the ultimate  
4 responsibility.  
5 Q **Do you know who else was involved in**  
6 **the interview process of Mr. Stack when you were**  
7 **the chair -- well, I guess at the time that he --**  
8 **it was just before you became the chairperson of**  
9 **the board of directors of Atlanta?**  
10 A So the number of people that  
11 interviewed Tim Stack, as well as other candidates  
12 for the position, exceeded 20 people.  
13 Q **Had you known him at all before the**  
14 **interview process began?**  
15 A No.  
16 Q **Do you have an understanding of what**  
17 **his professional background was prior to moving to**  
18 **Atlanta?**  
19 A Only as a result of his CV and the  
20 interview process.  
21 Q **Do you have any information in regard**  
22 **to what Mr. Stack would have done for a living**  
23 **during college?**  
24 A Not during the interview process,  
25 but in the ten years of our friendship I got to

Page 24

1 being the large hospital, had acquired or begun to  
2 build smaller hospitals; everything came out of  
3 Piedmont Atlanta, I think they called it the  
4 Piedmont Medical Center. So either just prior to  
5 or just after Tim was hired, we changed the  
6 organization to Piedmont Healthcare with its  
7 operating entities.  
8 Q **When Piedmont Atlanta essentially was**  
9 **changed to Piedmont Healthcare, did Piedmont --**  
10 A Well, Piedmont Atlanta. So the  
11 Piedmont Medical Center I think was the  
12 appropriate term. In Piedmont Medical Center  
13 there was Piedmont Atlanta, which was a hospital,  
14 and then Piedmont Medical Center changed to  
15 Piedmont Healthcare.  
16 Q **I see.**  
17 A And then the makeup of Piedmont  
18 Healthcare is the prior discussion about different  
19 hospitals and physician groups.  
20 Q **Did the Piedmont Atlanta board of**  
21 **directors cease to exist when it became Piedmont**  
22 **Healthcare, or was that still a second board of**  
23 **directors, in addition to Piedmont?**  
24 A Yeah, so it was repurposed at that  
25 time, so when Piedmont Healthcare and sometimes

Page 23

1 know him well.  
2 Q **Okay. Can you explain to me --**  
3 **when Mr. Stack was hired, do you recall what --**  
4 **the year he was hired?**  
5 A I believe it was 2002.  
6 Q **And what was he hired -- what position**  
7 **was he hired for?**  
8 A At the time I believe his title was  
9 president and CEO of Piedmont Healthcare.  
10 Q **Who held that position, if anyone,**  
11 **prior to Mr. Stack?**  
12 A I believe we were in the midst of a  
13 reorganization and title designation, so I'm not  
14 sure that anybody held that position prior to  
15 Tim. An equivalent or near equivalent position  
16 would have been -- the CEO would have been  
17 Hubbard. I forget -- oh, he'd be upset if I  
18 didn't know his first name. I forget his first  
19 name.  
20 So Tim was the fourth CEO of the  
21 organization. We had only had three prior to Tim.  
22 Q **And you said, essentially, that**  
23 **Mr. Stack became president and CEO of Piedmont,**  
24 **but that was a newly-organized position; correct?**  
25 A So by title or -- Piedmont Atlanta,

Page 25

1 individuals sat on both of those boards in its  
2 transition.  
3 Q **When was -- this transition, when was**  
4 **that completed?**  
5 A It was all about that same time.  
6 Q **Okay.**  
7 A Between 2000 to 2006, I believe, or  
8 2005.  
9 Q **Do you know how many individuals were**  
10 **narrowed down to the final interview process of**  
11 **Mr. Stack's job? I mean, I'm sure there were a**  
12 **lot of applications or submissions.**  
13 A Yeah, so the final slate was, as I  
14 remember, two or three individuals that went  
15 through the final process, however rigorous that  
16 was, a number of interviews, dinners, that sort of  
17 thing.  
18 Q **During the interview process, how many**  
19 **individuals from the board of directors of**  
20 **Piedmont Atlanta were involved?**  
21 A In the interview process --  
22 Q **Yes.**  
23 A -- for the finalists?  
24 Q **Yes.**  
25 A Most of them, if not all of them.

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

8 (Pages 26 to 29)

Page 26

1 Q And did you tell me how many  
2 individuals were on the board?  
3 A Presently there is 17. I don't  
4 remember specifically the number of members of the  
5 board at that time. As we changed the governance  
6 documents, I don't know whether there was -- I  
7 want to say there was more than that because we  
8 thought we had a very cumbersome board and tried  
9 to get to a more manageable number.  
10 Q Do you recall, during the interview  
11 and selection process of the board of directors of  
12 Piedmont Atlanta, how many of them were physicians  
13 at that time?  
14 A A minority. So we had transitioned to  
15 being compliant with the not-for-profits, so to  
16 have a majority of outside board members versus  
17 the insiders, which would be physicians or  
18 administrators.  
19 Q And you became chairperson of that  
20 board in 2003. I'm sorry, did you tell me who was  
21 the chairperson at the time of Mr. Stack's hiring?  
22 A So I was chairman of the Piedmont  
23 Atlanta board, smaller board, subsidiary board,  
24 if you will. There was a physician, Dr. Tom  
25 Harvin, who was chair of the Piedmont Medical

Page 28

1 and typically try to hit it 60 percent, not to  
2 exceed 75 percent as a base, but then bonus could  
3 reach 90 percent. And then, of course, any  
4 incremental increase of comp always comes with an  
5 inordinate amount of legal and outside review for  
6 those reasonableness letters that allow you to  
7 continue to function as a 501(C)3.  
8 Q Do you know if the Piedmont Healthcare  
9 System was ever under any investigation for the  
10 compensation of any of their management,  
11 essentially?  
12 A Not that I know of. I cannot imagine  
13 that would have -- no, I can almost promise you  
14 that that's not been the case.  
15 Q Was Mr. Stack's contract, if you know,  
16 based upon the contract of any predecessor in a  
17 similar position? I understand there was a  
18 reorganization.  
19 A I don't -- maybe restate your question  
20 to make sure I totally understand.  
21 Q Sure. Was Mr. Stack's contract for  
22 employment at Piedmont, was it based at all upon a  
23 previous contract for somebody holding a similar  
24 position to him?  
25 A I'm sure it had some relation,

Page 27

1 Centers, and it, slash, changed to Piedmont  
2 Healthcare. And I think either Tom or his  
3 successor was responsible for the actual hire of  
4 Tim Stack.  
5 Q And his successor was also a  
6 physician?  
7 A Was. It is Dr. Charlie Wickliffe,  
8 W-I-C-K-L-I-F-F-E. He was actually one of my  
9 partners.  
10 Q And at some juncture of the interview  
11 process, Mr. Stack was hired; correct?  
12 A Correct.  
13 Q Do you know if he had independent  
14 representation for the negotiation of his  
15 contract? Did he have a lawyer?  
16 A I'm almost positive he did. I don't  
17 know the specifics.  
18 Q Do you know whether Piedmont retained  
19 anybody to negotiate Mr. Stack's contract?  
20 A I don't know the specifics of that.  
21 I know the principles of compensation. So  
22 Piedmont Healthcare, back then. But including up  
23 to today, has some guiding principles as far as  
24 the -- where we are to have the comp in regard to  
25 benchmarks nationally for leading organizations,

Page 29

1 but as -- in regard to whether it was base,  
2 deferred comp, bonus, incentives, annual  
3 incentives. But I don't know that it was just an  
4 extension of prior contracts. I'm not sure what  
5 the previous contracts were.  
6 Q Do you know the length of the initial  
7 contract that Mr. Stack signed?  
8 A I'm not sure of the specifics of the  
9 initial contract.  
10 Q Do you know whether his contract was  
11 ever renewed?  
12 A So Tim actually started in 2002 and  
13 then he left us for the for-profit world. He  
14 thought he could make a difference in the  
15 for-profit world and actually left to go to a  
16 for-profit; I forgot whether it was healthcare,  
17 medical records. I always get -- I think it was  
18 Medquest or Med -- but he quickly determined that  
19 that wasn't his cup of tea. I don't know whether  
20 it was his midlife crises or whatever.  
21 So after three or four months he  
22 actually called my partner, Charlie Wickliffe,  
23 who was chairman at the time, and begged for  
24 forgiveness and asked to come back to Atlanta and  
25 that he would like to continue in his prior



NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

9 (Pages 30 to 33)

Page 30

1 position.  
2 The board was glad to have him back,  
3 but we were going to make sure that, when he came  
4 back, he was going to stay. And so they put,  
5 as we say, the golden handcuffs on him, where  
6 there is deferred comp and very explicit language  
7 in a contract that, if he were to leave, it would  
8 be financially painful for him to leave.  
9 **Q I had read somewhere that he left**  
10 **Piedmont during that time frame to go, as you say,**  
11 **to the for-profit world for personal and**  
12 **professional reasons. Do you know what personal**  
13 **reasons, if any, he left for?**  
14 A The personal reasons would probably be  
15 a function of if he were to make more money, he  
16 could provide for his extended family. Tim was  
17 very giving and had developed a following that he  
18 felt he needed to take care of. And then -- so  
19 that would maybe be some financial abilities to do  
20 that. The other is it was in the northeast and  
21 the majority of his family was from the northeast;  
22 so that would be the personal part of that.  
23 **Q And what about the professional part,**  
24 **just that -- do you know?**  
25 A I never -- he was always so apologetic

Page 31

1 and humble after he came back. He said it was the  
2 biggest mistake he ever made; he was better for  
3 it. But I don't know that he professionally  
4 aspired, other than it was a CEO and president of  
5 a big for-profit and he was going to, you know,  
6 do big things. But I don't know that  
7 professionally he was -- I never heard him talk  
8 about how this was going to be an important piece  
9 in his professional life. He much more liked his  
10 professional life at Piedmont Healthcare or in  
11 healthcare delivery, and archiving medical records  
12 was not his cup of tea.  
13 **Q Okay. You said he liked to take care**  
14 **of extended family members. Who are you**  
15 **referencing there?**  
16 A So I'm sure Mary would be upset,  
17 I couldn't give you specific names, but Tim,  
18 every time you would get together with Tim for a  
19 party or a function, he would introduce people as  
20 his family, and it would not be a direct blood  
21 line, it would be someone else that he had either  
22 adopted, not legally, but had taken care of as an  
23 individual, as a child, or he needed help. And so  
24 he would spend time at the Stack family, this was  
25 in Kalamazoo. So there was always an extended

Page 32

1 family, we called it, but I couldn't tell you  
2 whose son or daughter or who was married to who.  
3 **Q Did you ever know, I think his name**  
4 **was, Mr. Chrisman?**  
5 A Tell me Mr. Chrisman's first name.  
6 George?  
7 **Q George.**  
8 A George. I did know George.  
9 **Q Okay.**  
10 A Great guy, George. So that was one of  
11 Tim's extended family, and I -- exactly.  
12 **Q Do you know -- it is my understanding**  
13 **from Mrs. Stack -- she gave deposition testimony**  
14 **in this case -- that Mr. Chrisman for a period of**  
15 **time came down to the Atlanta area and lived with**  
16 **the Stacks.**  
17 A I believe so, yes.  
18 **Q Do you know why?**  
19 A I do not know specifically, other than  
20 they were close and Tim was dedicated to George  
21 and he helped take care of George.  
22 **Q Do you know when Mr. Stack met**  
23 **George Chrisman?**  
24 A I do not know.  
25 **Q Do you know what Mr. George Chrisman**

Page 33

1 **did for a living, if anything?**  
2 A I think he ended up being a home  
3 exterminator, and I'm not sure of the specifics,  
4 whether Tim set him up in that position or helped  
5 him buy his business or the practice.  
6 **Q Do you have any understanding or**  
7 **knowledge about Mr. Stack's father passing away**  
8 **when he was young?**  
9 A Those are the exact facts. So Tim was  
10 raised by -- he referred to him as his father, but  
11 it was obviously his stepfather, yeah. So Tim's  
12 dad passed early, but his stepfather, who is still  
13 alive today, just a great guy, just a great guy.  
14 **Q And Mr. Stack's mother passed away,**  
15 **as well; correct?**  
16 A She passed away after he moved here to  
17 Atlanta.  
18 **Q So when Mr. Stack returned from the**  
19 **few months that he worked in the for-profit,**  
20 **I think you said, medical archiving of sorts --**  
21 A We called it the witness protection  
22 program.  
23 **Q -- then he had a new contract**  
24 **negotiated?**  
25 A Correct.

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

10 (Pages 34 to 37)

Page 34

1 Q Okay. And that new contract had  
2 different terms than the prior one?  
3 A I believe so. I was not personally  
4 responsible or part of the committee, the  
5 Executive Performance Compensation -- the EPCC,  
6 I was not part of that committee.  
7 Q Who was, do you recall?  
8 A I do not remember.  
9 Q And do you know the length of that  
10 second contract, as we call it?  
11 A I'm not -- I don't know the specifics.  
12 As I remember, it was ten years, or a long period  
13 of time. I'm not sure exactly what the terms  
14 were.  
15 Q When he returned, was it still  
16 president and CEO?  
17 A Yes, ma'am.  
18 Q And did that remain his title for the  
19 duration of his employment time?  
20 A Yes.  
21 Q Do you know if he had an assistant?  
22 A Administrative assistant?  
23 Q Yes.  
24 A Yes, it ended up being a very good  
25 friend of his.

Page 35

1 Q Who was that?  
2 A Neil Keener.  
3 Q Do you know how to spell the last  
4 name?  
5 A K-E-E-N-E-R.  
6 Q And how about who worked under  
7 Mr. Stack? I mean, obviously everybody did, but,  
8 you know, directly under him.  
9 A I'm not sure who Tim's direct reports  
10 were, but he had an executive team, or the people  
11 on the C suite, whether it was CFO, or whether it  
12 was COO, or chief medical officer, head of HR;  
13 common responsibilities in healthcare that would  
14 report directly to the CEO.  
15 Q Do you recall who the CFO was?  
16 A At the time it was Greg Hurst.  
17 MR. KANE: Just so I'm clear, at what  
18 time? When he first started?  
19 A So I believe Greg Hurst was CFO when  
20 he started in 2002 and then on his return in 2003  
21 or 2004, correct.  
22 Q And did somebody replace Mr. Hurst?  
23 A There was a -- Tim hired a new CFO,  
24 but he didn't last long. I forget the guy's  
25 name. And then I think Greg continued as CFO for

Page 36

1 some period of time and then had some other  
2 responsibilities. And then there was a CFO,  
3 Charlie Hall, who just retired.  
4 Q And during the time that Mr. Stack was  
5 the CEO, who was the COO?  
6 A I think, starting out, they didn't --  
7 it was a little bit of Greg Hurst, and I don't --  
8 we didn't really have a COO. And then later, when  
9 Greg Hurst named Charlie Hall, then Greg became  
10 COO.  
11 Q How about the chief medical officer?  
12 A Tim hired a guy that is still here by  
13 the name of Lee Hamby.  
14 Q And head of HR?  
15 A They have come and gone. I don't  
16 remember at that time.  
17 And then there is in-house counsel.  
18 I'm trying to think of all the other people that  
19 sit on the top floor. But that's another title  
20 that comes to mind.  
21 Q Now, I think you indicated that you  
22 were not involved in the new executive  
23 compensation committee for the renegotiation of  
24 Mr. Stack's contract upon his return from the --  
25 A I was not. I was actually, if my

Page 37

1 memory serves correct -- and I don't know the  
2 duration of his return contract, but I do remember  
3 renegotiation of whether it was his entire  
4 contract or part of his contract when I was  
5 chairman of Piedmont Healthcare. So beginning in  
6 2009 to 2012, I chaired Piedmont Healthcare. And  
7 during that time -- so that would be another five  
8 to seven years after he had started -- I  
9 participated primarily, in an observational role,  
10 to the EPCC for terms of his contract at that  
11 time.  
12 Q Do you know when he -- I guess this  
13 would have been his third contract essentially,  
14 correct, because he had one when he was hired,  
15 then one when he returned --  
16 A Correct.  
17 Q -- after his short time away, and then  
18 this was the third; correct?  
19 A Correct. And I don't know if it was  
20 an amendment to or a contract in its entirety;  
21 I don't remember that. But I remember being,  
22 being -- participating in, passive as it was,  
23 to those, to those discussions, correct.  
24 Q Do you remember if the reason for  
25 whether the amendment or an additional contract or

**NETWORK DEPOSITION SERVICES**  
**Transcript of William Blincoe, M.D.**

11 (Pages 38 to 41)

Page 38

1 **an extension of the contract was due to any**  
2 **dissatisfaction by Mr. Stack or just**  
3 **dissatisfaction by the board?**  
4 A There was no disharmony or acrimony  
5 involved; it was simply in regard to I think terms  
6 of his contract on his return, whether he had met  
7 the metrics or met the time, and then what  
8 would -- what would it look like going forward as  
9 far as deferred comp, bonus, this sort of thing.  
10 And also, I mean, every year, one of the  
11 responsibilities of the boards are to reset goals  
12 and annual incentive and this sort of thing. So  
13 that would be a common discussion with the board  
14 about basically that annual incentive or bonus  
15 program on a yearly basis.  
16 **Q Are all the individuals that I think**  
17 **you list, you said they are the folks that sit on**  
18 **the top floor.**  
19 A Right.  
20 **Q Are all of their performances**  
21 **evaluated on a yearly basis?**  
22 A Correct, obviously by the CEO and then  
23 a certain number are also evaluated by the board.  
24 Or we actually delegated all of that  
25 responsibility to Tim, but we wanted to know what

Page 39

1 that looked like. We didn't personally bring in  
2 all those individuals, but we went fairly deep in  
3 the organization.  
4 When I say "fairly deep," anywhere  
5 from 30 to 45 people wanting to know comp and  
6 performance, all part of sort of performance  
7 management.  
8 **Q Was Mr. Stack brought in on a**  
9 **yearly basis to the board of directors for an**  
10 **annual review of his performance?**  
11 A Absolutely, an expectation of the  
12 board.  
13 **Q Was that an in-person meeting?**  
14 A Correct.  
15 **Q Was it more than one meeting?**  
16 A So every year it would be a minimum of  
17 one. There may be another meeting to review or to  
18 get other information or to have consultants who  
19 would come in and determine what the  
20 reasonableness letter would look like, this sort  
21 of thing, but --  
22 **Q And the reasonableness letter, is that**  
23 **what you are referencing in regard to what you**  
24 **have to provide to the IRS?**  
25 A So at Piedmont Healthcare, we are very

Page 40

1 conscious and concerned and I believe sort of  
2 conservative. And so it -- whatever we are doing  
3 for CEO comp, we felt better if we had more people  
4 weighing in saying, "Yeah, this is all reasonable  
5 and appropriate and not out of fair market, and  
6 does achieve the goals that you want to achieve  
7 but doesn't put you out of market or put you in a  
8 position where you would jeopardize your not-for-  
9 profit status."  
10 **Q So back to my question: Would this**  
11 **reasonableness justification, essentially, be**  
12 **provided to the IRS?**  
13 A I'm not sure if we sent it to the IRS  
14 as much as we had all this in documents, if and  
15 when we were ever called to produce why we were  
16 paying the CEO what we were paying him.  
17 **Q In your evaluation of reasonableness,**  
18 **did you compare Mr. Stack's compensation packages**  
19 **to CEO's of similarly-sized not-for-profit**  
20 **hospitals?**  
21 A Absolutely. Absolutely.  
22 **Q Do you recall the names of any of the**  
23 **hospitals where the comparison was made?**  
24 A I do not.  
25 **Q Do you know whether they were**

Page 41

1 **local hospitals or other hospitals of similar size**  
2 **throughout the United States?**  
3 A I think both. I mean, the list was  
4 long. The work towards that was exhausting.  
5 **Q Do you know -- in Pittsburgh the big**  
6 **hospital system is UPMC. Do you know if any of**  
7 **the -- if the compensation rate of Mr. Stack was**  
8 **compared at all to any of the rates at UPMC?**  
9 A I have no idea.  
10 **Q Would this be done on a yearly basis?**  
11 A I -- there were certain factors that  
12 were brought up on a yearly basis. My memory was  
13 it was more about the annual incentive or annual  
14 bonus, this sort of thing. I don't know that it  
15 is -- his base comp wasn't renegotiated or  
16 calculated on a yearly basis.  
17 **Q How was the amount of charity work**  
18 **performed by the hospital taken into account,**  
19 **if at all, in the determination of the bonus**  
20 **system for Mr. Stack?**  
21 A I don't remember whether we talked  
22 about charitable or write-offs or community  
23 benefit; it all sometimes comes in similar  
24 semantics. But I'm not sure that that was ever  
25 part of his comp, the expectation.

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

12 (Pages 42 to 45)

Page 42

1 So he -- clearly there was an  
2 expectation, whether by the state or by the board,  
3 to provide indigent care or to provide community  
4 benefit, but I don't know that that was part of  
5 his annual incentive or bonus, I don't remember  
6 that.  
7 **Q Okay. Do you know who had the**  
8 **ultimate responsibility for signing off on the**  
9 **reasonableness investigation, if you want to call**  
10 **it, or determination of Mr. Stack's compensation**  
11 **package?**  
12 A So it was the board. I mean, the  
13 board would ultimately do that.  
14 The EPCC was responsible for the  
15 committee work. It would be divulged to the  
16 entire board in a limited fashion; we wouldn't  
17 rehash everything. But a lay member -- again,  
18 back to that conflict: so a lay member would chair  
19 the EPCC and go through all the due diligence and  
20 appropriateness as far as comp, bonus, et cetera.  
21 **Q And then it would go to the entire**  
22 **board, which was chaired by a physician?**  
23 A Correct. So that was the conflict.  
24 So as chairman of the board, one of the  
25 responsibilities of the chairman of the board is

Page 44

1 A Guiding principles for comps for  
2 executives.  
3 **Q Okay. Does Piedmont maintain any of**  
4 **the written guiding principles for compensation**  
5 **for executives?**  
6 A I don't know if it is written down.  
7 It is always espoused.  
8 **Q Do you know if Piedmont maintains any**  
9 **written documents pertaining to any yearly review**  
10 **process in regards to Mr. Stack's compensation**  
11 **package or performance?**  
12 A I'm sure they do. I'm sure that's a  
13 record somewhere, minutes of documenting comp,  
14 bonus, performance management, correct.  
15 **Q The board of directors, would there be**  
16 **minutes taken for every meeting, and those would**  
17 **be at the beginning of the next meeting?**  
18 A So there were minutes of every  
19 board meeting, correct.  
20 **Q Do you know for what period of time**  
21 **those minutes are maintained?**  
22 A I think forever, but I can't tell you  
23 where that is.  
24 **Q Do you know who the secretary was of**  
25 **the Piedmont Healthcare board during the last**

Page 43

1 CEO comp and succession planning. But, you know,  
2 who was -- so I was Tim's boss and Tim was my  
3 boss, so it gets a little fuzzy to some people.  
4 The distance was sufficient by physician  
5 standards, but not by some community standards.  
6 **Q And that's why the recent change?**  
7 A That was one of the reasons of the  
8 recent change, correct.  
9 **Q Do you know whether -- I'm assuming**  
10 **there was -- a written document that set forth the**  
11 **backup essentially for the reasonableness or**  
12 **due diligence investigation on Mr. Stack's pay?**  
13 A "Investigation" seems a little harsh.  
14 We, all along, based on experience and based upon  
15 recommendation, had come up with principles as far  
16 as how we want to compensate our executives. So  
17 we try to stay in those guidelines, try to stay in  
18 those guardrails. Is that what you are in  
19 reference to?  
20 **Q Yes. Do you have -- I mean, does**  
21 **Piedmont maintain those -- any written documents,**  
22 **if you don't want to call it "investigation," the**  
23 **due diligence inquiry; is that better?**  
24 A It seems still a little harsh.  
25 **Q Okay. What would you call it?**

Page 45

1 **renegotiation of Mr. Stack's contract?**  
2 A Sort of an administrative assistant to  
3 the board was a lady by the name of Debbie  
4 Grambling, G-R-A-M-B-L-I-N-G. I think she  
5 actually had a direct report obviously to Tim,  
6 but also to legal. So there is in-house counsel  
7 Jay Mitchell. I think all of that would be housed  
8 in legal as far as those documents.  
9 **Q And, I'm sorry, who was the in-house**  
10 **counsel, then?**  
11 A Jay Mitchell.  
12 **Q Do you know how, if at all, the**  
13 **Affordable Care Act influenced the operation of**  
14 **Piedmont Hospital? I think the Act was, what,**  
15 **2012.**  
16 A It probably only reminded us what we  
17 were trying to do or needed to do anyway, and  
18 that's improve care and take waste out of the  
19 system.  
20 **Q Did it influence at all the**  
21 **compensation system of any of the executives?**  
22 A I don't believe so.  
23 **Q Were you social friends with**  
24 **Mr. Stack?**  
25 A I was.

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

13 (Pages 46 to 49)

Page 46

1 **Q When he started working at Piedmont**  
2 **after the hiring process and he got on the job,**  
3 **when did you become social friends with him?**

4 A Tim is a pretty social guy, so it  
5 wasn't hard to befriend him. Whether we enjoyed a  
6 glass of wine or shared stories or played golf.  
7 He enjoyed playing golf. He wasn't a very good  
8 golfer, but he was fun to play with. He had  
9 money, and he didn't care about losing it on the  
10 golf course, so I was happy to take it from him.

11 **Q And how long after -- or I guess, let**  
12 **me ask it this way: When did you start doing these**  
13 **things with Mr. Stack, having a glass of wine,**  
14 **going golfing?**

15 A Sort of non-professional, outside the  
16 walls of the hospital --

17 **Q Mm-hmm.**

18 A -- probably soon after he came. He  
19 was just a very engaging individual, always had a  
20 lot of friends, if you will. And then he was a  
21 special individual that you -- not only was he  
22 easy to get along with, but he and I had common  
23 ideas or agreed on things, but I mean, we also  
24 argued about some. But it is -- it is how you  
25 develop a friendship, sort of through the tough

Page 48

1 you do" or "How would you do this."

2 Especially as chairman of the board,  
3 during that time we would spend time talking about  
4 not only the stuff of healthcare delivery by our  
5 system, but it would also get down to the  
6 healthcare delivery by an individual or what we  
7 were going to do in regard to medical staff  
8 privileges and this sort of thing for individuals,  
9 or what could we do.

10 **Q Did you consider him one of your**  
11 **better friends?**

12 A Correct, correct. I often ask,  
13 you know, what makes a friend, and everybody's got  
14 different ideas. I always -- I like to think I  
15 get along with a lot of people, but I oftentimes  
16 describe my better friends are ones that I will  
17 listen to and actually respond well to their  
18 advice. Most of my friends I may listen to,  
19 but I really don't care what they have to say  
20 because I'm not going to take their advice.

21 **Q So would it be fair to say that you**  
22 **and Mr. Stack, you were friends that looked out**  
23 **for one another?**

24 A Absolutely, absolutely, absolutely.

25 **Q How often would you generally go**

Page 47

1 times and the good times.

2 **Q What tough times did you and**  
3 **Mr. Stack, if any, did you go through? You said,**  
4 **"through the tough times."**

5 A So tough times would be he was  
6 ultimately responsible -- so we were in  
7 negotiations with Blue Cross, from a hospital  
8 negotiation and a physician negotiation. He could  
9 have easily -- the hospital piece is much more  
10 valuable to the system than the physician piece,  
11 the physician piece is small compared to the  
12 hospital. The hospital is 20, 30, 50 times more  
13 important than the physician point of view. But  
14 in this negotiation, he wasn't going to let the  
15 physicians get run over by the payer, he said he  
16 was going to stand by the physicians, even if it  
17 meant the hospital was going to take a hit. So I  
18 know that was very trying to him. We, as  
19 physicians, we thought it was easy, you know,  
20 stick it to them.

21 Tough times -- he confided in me,  
22 you know, about things, whether it was individuals  
23 or care or asked me to take care of his mother who  
24 had some heart problems. And we began to trust  
25 one another, whether it was advice or "What would

Page 49

1 **golfing?**

2 A Not enough. Maybe once every three to  
3 four months.

4 **Q Where would you go?**

5 A He was a member of a club, golf club  
6 of Georgia. I was a member, still am a member, of  
7 a club, Ansley Golf Club.

8 **Q And when you would have glasses of**  
9 **wine together, where -- would you go to each**  
10 **other's homes, go out? Where would you go?**

11 A It was typically on his -- on the back  
12 porch of his house. It was not uncommon, "Hey,  
13 come over and have a glass of wine, I need to talk  
14 to you."

15 **Q Did your wife know Mr. Stack?**

16 A She did.

17 **Q How about, did she know Mrs. Stack?**

18 A She did, and she does.

19 **Q Are they friends?**

20 A They are.

21 **Q What do they do together?**

22 A They are actually neighbors now.

23 Mary lives down the street from us.

24 Again, we would socialize with the

25 Stacks, whether it was quarterly or every two to

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

14 (Pages 50 to 53)

Page 50

1 three months, whether we were -- we were included  
2 in his birthday party and, likewise, if there was  
3 some function that Marty or I were having, we were  
4 quick to invite the Stacks, too.  
5 **Q Now, Mrs. Stack, it was my**  
6 **understanding that they were planning on moving to**  
7 **the new home that they lived in before he,**  
8 **Mr. Stack, became sick. Do you have an**  
9 **understanding of that?**  
10 A So there was a home across the street  
11 from the hospital that they had built and that was  
12 too big -- or finally -- I mean, he built it too  
13 big, and then he finally determined it was too  
14 big, and so I think they were talking about  
15 selling that and buying down and getting something  
16 smaller.  
17 **Q And that's right near where you live,**  
18 **you said, is where she lives now?**  
19 A Correct. I mean, I don't know if they  
20 had their eyes on moving to where they're -- where  
21 Mary is living now or not.  
22 **Q How often do you see Mary now?**  
23 A Walking the dog, probably once a week  
24 in the morning.  
25 **Q What about your wife, is she -- does**

Page 52

1 **Q Did you get to know Matt?**  
2 A Yes.  
3 **Q Have you spoken with Matt since**  
4 **Mr. Stack's passing?**  
5 A I have.  
6 **Q On how many occasions?**  
7 A Frequently when he was sick;  
8 infrequently since his passing. Similar to --  
9 maybe less than talking to Mary.  
10 **Q Do you know, is Matt in college now?**  
11 A He is, he is at the University of  
12 Georgia.  
13 **Q Do you know what he is majoring in?**  
14 A I couldn't tell you.  
15 **Q Do you have any knowledge in regard to**  
16 **how he is doing emotionally since the passing of**  
17 **his father?**  
18 A That's a good question. I think all  
19 in all he's probably doing well. It sounds like  
20 he has a great time in college. He makes good  
21 grades. He stays out of trouble. He seems to  
22 enjoy it when -- you know, having small talk with  
23 Mary.  
24 As far as the impact or how he does  
25 emotionally after losing his father and sort of

Page 51

1 **she socialize with Mrs. Stack now?**  
2 A On occasion she does.  
3 **Q What do they do?**  
4 A Walk the dog.  
5 **Q Do you ever go over to Mrs. Stack's**  
6 **house or does she ever go over to your house now?**  
7 A She's a welcome guest at my house.  
8 She doesn't have to knock on the back door.  
9 **Q Does she come over?**  
10 A She does.  
11 **Q How often?**  
12 A Once a month, once every two weeks.  
13 **Q For what purpose? Just to visit?**  
14 **Eat?**  
15 A Just to hang out, drop something off,  
16 say hi, ask Marty about something, talk about the  
17 person who is painting the house, who is going to  
18 paint our house, ask about my kids.  
19 **Q Mr. Stack's and Mrs. Stack's three**  
20 **sons, did you get to know them over the years?**  
21 A I -- not well. His older sons were  
22 gone by the time they moved here. Their youngest  
23 son, the third, Matt, was in high school, middle  
24 school and high school, while Tim worked and while  
25 we became good friends.

Page 53

1 missing some of those prime years, I haven't  
2 talked with him specifically about that. I could  
3 only imagine it would be difficult.  
4 **Q Have you had any conversations with**  
5 **Mrs. Stack about how she is doing since the**  
6 **passing of her husband?**  
7 A Yes. I may be too forward. I  
8 sometimes get after her that she's not doing well  
9 in regard to the passing of her husband, but I've  
10 never lost a spouse, so I'm not sure really how  
11 you are supposed to act and how you are supposed  
12 to respond.  
13 It's been three years since Tim's  
14 passed. I know any time we talk about Tim, it is  
15 met with a lot of emotion. Whereas I think about  
16 the good times or the memories; it is easy for her  
17 to go to the difficult time and the dark times of  
18 losing her husband. So I always try to get her  
19 through that or tell her to get over that. And  
20 then I'm often cautioned by my wife, "How would  
21 you know, unless you have been through that?"  
22 **Q Do you know how Mrs. Stack spends her**  
23 **time now?**  
24 A She sure stays busy. She is active in  
25 the auxiliary, which is a volunteer -- a large

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

15 (Pages 54 to 57)

Page 54

1 group of volunteers at Piedmont Atlanta. She has  
2 a variety of different kinds of friends.

3 I think she stays busy keeping track  
4 of her kids or wanting to be included, but her  
5 kids are here, there and yonder.

6 So I think things are, overall, very  
7 good for Mary, but I mean, I know she suffers  
8 tremendously from losing her spouse three years  
9 ago.

10 **Q Mr. Stack, was he -- I'm assuming he**  
11 **was a busy man who worked a lot; is that fair?**

12 A He got a lot done. He wasn't the guy  
13 that got up at 5:00 in the morning and wrote a  
14 book and stayed up till midnight reading e-mails.  
15 But for whatever he did, he seemed to sure get it  
16 done. And he expected a lot of himself.

17 As far as the, you know, the old adage  
18 of burning the candle at both ends; I don't know  
19 that Tim -- again, he wasn't up at 5:00 and going  
20 to bed at midnight sort of thing.

21 He was very much about performing well  
22 at whatever that stage was, whether it is work or  
23 whether it is personal, whether it is family.  
24 He was very much about his family. I mean,  
25 he was -- work was not number one, you know, it

Page 56

1 **Q Prior to Mr. Stack becoming sick,**  
2 **how was his health?**

3 A It was good. I mean, he had a little  
4 high blood pressure; I actually had the privilege  
5 of helping take care of him. Of course, when you  
6 are the CEO and president of a hospital, you know,  
7 he picks and chooses what he wants to hear from  
8 which doctor when. But actually took care of  
9 him. And so his -- he had a little high blood  
10 pressure, but other than that, he was in good  
11 health.

12 **Q Now, when you say you took care of**  
13 **him, did he have to have examinations for his job?**

14 A That wasn't a requirement.

15 **Q Okay. Now -- so what do you mean you**  
16 **took care of him?**

17 A So I actually think there is an  
18 official medical record of seeing him in the  
19 office in regard to -- it was either for  
20 high blood pressure or his evaluation of  
21 chest pain that I think I resolved to his  
22 gallbladder. He had his gallbladder taken out.

23 **Q And was he on medication for his**  
24 **high blood pressure?**

25 A I believe so, correct.

Page 55

1 was God and family and then work.

2 **Q Did he attend church?**

3 A Not so much. I mean, he was a man of  
4 faith, but I think he had either spent his time or  
5 seen the difficulties. So I don't think -- Mary  
6 was always trying to go to church, take Tim to  
7 church, but Tim wouldn't be a frequent Sunday  
8 visitor, I don't believe.

9 **Q Do you know whether him and his family**  
10 **enjoyed things like going out to eat, things of**  
11 **that nature?**

12 A Oh, absolutely.

13 **Q Did they go out to eat a lot?**

14 A I didn't keep track of his eating  
15 habits. He probably could have eaten a little  
16 better, so maybe he was out too much.

17 **Q Did you ever go on vacations with him?**

18 A Did not.

19 **Q Okay. Do you know where they**  
20 **vacationed, the Stacks?**

21 A I don't. I mean, I think they  
22 intentionally would get together with their  
23 family, extended or otherwise, and make sure there  
24 was time spent with family, but I can't tell you  
25 specifics of where they went.

Page 57

1 **Q And over the years, as a lot of people**  
2 **do, did Mr. Stack gradually put on a little bit of**  
3 **weight?**

4 A I'm sure he gained weight in the  
5 ten years he lived in Atlanta. I can't tell you  
6 how much. I don't think any of us lose any  
7 weight.

8 **Q Is the only time that you recall**  
9 **actually treating or examining Mr. Stack, on this**  
10 **one occasion?**

11 A One or two at the most, I believe.

12 **Q Were you involved at all in the**  
13 **treatment of Mr. Stack after he became sick?**

14 A With the diagnoses of the peritoneal  
15 mesothelioma, no, I was not responsible. I was  
16 there as a friend.

17 **Q Do you have -- you have no expertise**  
18 **on mesothelioma, correct, specific expertise?**

19 A Other than when you Google it, you  
20 find more lawyers than you do doctors.

21 **Q Well, we have three of them here.**

22 A No, I don't hold myself out as a  
23 expert on mesothelioma.

24 **Q And, likewise, you don't hold yourself**  
25 **out as an expert in peritoneal mesothelioma?**

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

16 (Pages 58 to 61)

Page 58

1 A Correct, I do not.  
2 **Q Did you have any conversations with**  
3 **Mr. Stack after his diagnosis?**  
4 A Correct, I did.  
5 **Q What was the substance of those**  
6 **conversations? What did you discuss?**  
7 A Specifically I said, "Tim, this is  
8 pretty shitty what you have been told. How are  
9 you doing?" He said he's doing okay.  
10 I said, "Do you know what you want to  
11 do?" And he said, "Yeah, I really do. I want to  
12 try to work through this. I want to try to work  
13 through this."  
14 That was a conversation we had for the  
15 six weeks, he would live, if given the  
16 opportunity, and not to have family and friends --  
17 I'd say, "Tim, how are you doing? Do you want to  
18 keep doing this?" And he would say, "Yeah, I  
19 think I need to keep doing this." In spite of  
20 what he looked like, in spite of how he felt.  
21 **Q Did you have any conversations about**  
22 **what, if any, causes he attributed the development**  
23 **of the peritoneal mesothelioma?**  
24 A So one occasion, you know, it was,  
25 "What the heck, where does this come from?" And

Page 60

1 **there anything in specific in regard to**  
2 **mesothelioma that you recall studying?**  
3 A Asbestos and cancer and mesothelioma.  
4 **Q Do you recall any difference being**  
5 **discussed in those textbooks between pleural and**  
6 **peritoneal mesothelioma?**  
7 A The distinction as far as the  
8 commonality, much more thoracic as far as  
9 mesothelioma versus peritoneal, that being a  
10 common finding compared to the thoracic  
11 mesothelioma.  
12 **Q So you recall, from those textbooks,**  
13 **that peritoneal mesothelioma is less common than**  
14 **pleural, is that what you are saying?**  
15 A Correct, correct.  
16 **Q Do you recall anything in those**  
17 **textbooks in regard to whether one is more likely**  
18 **to be caused by asbestos exposure than the other?**  
19 A No, I can't, I don't either remember  
20 in the textbooks or remember in my 30-year  
21 experience.  
22 **Q Did you ever treat anyone --**  
23 **I understand you are a cardiologist; correct?**  
24 A Correct.  
25 **Q So you would not directly treat them**

Page 59

1 he made reference to the fact that, when he was  
2 young, he had worked in a factory or worked on an  
3 island that had a factory or worked in a factory  
4 in Pittsburgh, and he goes, "That's all I know.  
5 That's all I know."  
6 **Q Is that the extent of the conversation**  
7 **you had with him about where he worked in**  
8 **Pittsburgh, that it was a factory on an island**  
9 **somewhere?**  
10 A Correct.  
11 **Q Okay. As far as what he did at that**  
12 **factory, do you know?**  
13 A I don't know the specifics. I'm not  
14 sure what his job was.  
15 **Q Did you ever meet his Uncle Art**  
16 **Ostrowski?**  
17 A I don't know who Art Ostrowski is.  
18 **Q When you were in medical school,**  
19 **did you take any classes on -- that discussed**  
20 **mesothelioma of any type?**  
21 A Yeah, I mean, it was all that, with  
22 another three, four years of medical school. So  
23 it is part of -- part of the textbook as far as  
24 mesothelioma.  
25 **Q Just in regard to cancers, or was**

Page 61

1 **for mesothelioma, but did any of your patients**  
2 **ever have mesothelioma?**  
3 A Yes.  
4 **Q Okay. And what would your care be**  
5 **involved in in regards to those patients, patient**  
6 **or patients?**  
7 A It may be the evaluation of an  
8 abnormality on chest x-ray or an evaluation of a  
9 patient with shortness of breath or a pre-op  
10 evaluation of a patient to undergo surgery.  
11 Those would be the common exposures of those  
12 individuals.  
13 **Q Did you ever treat anyone in your**  
14 **practice who was given a diagnosis, either when**  
15 **they arrived at your practice or as a result of**  
16 **some test that was done later, of peritoneal**  
17 **mesothelioma?**  
18 A So have I ever treated --  
19 **Q Yes.**  
20 A -- or seen a patient? I think Tim  
21 would have been the first -- again, I wasn't the  
22 treating physician, but that's the first case of  
23 documented peritoneal mesothelioma that I was  
24 close to, if you will.  
25 **Q Any since Mr. Stack?**



NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

17 (Pages 62 to 65)

Page 62

1 A None that I am aware of.  
2 Q When Mr. Stack -- it is my  
3 understanding that he, after his diagnosis, he was  
4 in the hospital for some time and then he came  
5 home and had nurses care for him.  
6 A Correct.  
7 Q Did you have the opportunity to visit  
8 him at home when he returned home?  
9 A I did.  
10 Q Okay. During that period of time,  
11 were the nurses providing adequate pain relief for  
12 him?  
13 A I believe it was -- the intent was  
14 there; I don't know how well it was. I know  
15 that's -- as I remember, it was difficult for Tim  
16 and difficult for the family and the nurses and  
17 his treating physicians to be able to manage the  
18 pain. I know that was one of the problems that  
19 I -- I think it was adequate, it was best effort.  
20 I can't tell you was he -- I mean, he wasn't  
21 pain-free, if you will. It wasn't a matter of --  
22 if he was pain-free, he would have been comatosed.  
23 Q But it was managed to the best degree  
24 possible?  
25 A Yeah, I think so. But I know there

Page 63

1 was phone calls to his treating physician and  
2 nurses came to get something more, "Can we try  
3 something different?" I think that's what made it  
4 very difficult. He wanted to be at home, but  
5 trying to get that pain relief was difficult.  
6 So, I mean, I think the effort was  
7 there. I can't really tell you the efficacy of  
8 it.  
9 Q Did he have 24-hour nurses with him?  
10 A I'm not sure of the hourly presence.  
11 I think that it was fairly frequent. I mean,  
12 I think that whether Tim needed that or whether  
13 Mary needed that, I don't -- I don't know. I'm  
14 not sure if it was 24/7 or not. I think the  
15 availability, there was people volunteering,  
16 falling out of the trees, you know, anything that  
17 they could do for Tim or for Mary.  
18 Q Do you know how long he was home  
19 before he passed away?  
20 A Four to six weeks.  
21 Q And how often were you able to see  
22 him?  
23 A I probably saw him once every five to  
24 seven days.  
25 Q Who took over his responsibilities

Page 64

1 when he was sick?  
2 A I'm not sure who was ultimately  
3 responsible. There was a surgeon that had done a  
4 limited surgery that participated in his care,  
5 there was an oncologist that participated in his  
6 care, and then he had a primary care or an  
7 internist that was taking care of him, as well.  
8 He didn't need a cardiologist.  
9 Q Okay. Other than having the biopsy  
10 done, do you have an understanding of whether he  
11 had any additional surgery?  
12 A I don't believe he did.  
13 Q Who -- when he was off sick and  
14 obviously after he passed, did someone act as the  
15 acting CEO?  
16 A Yeah. So, obviously, we still had to  
17 keep the rudder in the water, and so there was a  
18 co-CEO, so Greg Hurst, who had been COO, and then  
19 the chairman of the board at that time, Dr. Pat  
20 Battey, were responsible for running the  
21 organization.  
22 Q Has the organization -- and today the  
23 CEO's name is --  
24 A Kevin Brown.  
25 Q And did he become the CEO about

Page 65

1 eight months after Mr. Stack's passing, do you  
2 know?  
3 A I don't -- it sounds like you know,  
4 so I'm going to trust you. Soon thereafter,  
5 within a year -- about a year.  
6 Q Were you involved in his hiring?  
7 A Being on the board, I actually wasn't  
8 part of the search, but did interview --  
9 I interviewed Kevin -- I don't really remember.  
10 Q Are you friends with him?  
11 A Yeah, he's a great guy.  
12 Q Do you know if the hospital's way of  
13 doing things at all, in the big picture, has  
14 changed at all since Mr. Stack passed away until  
15 today, or is it pretty much operating the same  
16 way?  
17 A No, it has changed primarily based on  
18 the leadership. Kevin's a different kind of  
19 leader, whether it is Tim was the extrovert,  
20 Kevin Brown delivers a much more implied message,  
21 it is not as explicit as Tim would have been.  
22 As far as success, the performance is excellent.  
23 So I think they are different kind of leaders,  
24 but they both perform at a high level, they both  
25 have performed at a high level.

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

Page 66

1       **Q** And from over the years, like similar  
2 to UPMC, it sounds, in that -- Piedmont has  
3 acquired smaller hospitals, community style  
4 hospitals over the years?  
5       A So we actually have only -- we  
6 acquired one, then Mountainside acquired the  
7 second, Henry; the other two hospitals we actually  
8 built.  
9       **Q** Okay. You had mentioned that you did  
10 speak to Ed Lovern; right?  
11       A Correct.  
12       **Q** Is that how you say his name,  
13 "Lovern"?  
14       A Yes, ma'am.  
15       **Q** What is his job currently?  
16       A He is COO of Piedmont, Atlanta.  
17       **Q** Okay. Are you friends with him?  
18       A More on the professional level.  
19 I don't socialize with Ed or his wife. Again,  
20 wonderful individual, nice guy.  
21       **Q** And then tomorrow we are going to be  
22 talking with Dr. McFarland.  
23       A There is not enough hours in the day  
24 for you to -- it is great, it is great, it is  
25 great, but it -- yeah, he will keep you all

Page 67

1 entertained and you'll be here a while.  
2       **Q** Okay. Are you friends with him?  
3       A I am.  
4       **Q** Does he have a nickname?  
5       A Mac, M-A-C, Mac McFarland.  
6       **Q** Is there -- and I mean this  
7 literally: Is there only one Dr. McFarland?  
8       A As far as I know, yeah.  
9       **Q** Okay.  
10       A There is not -- we don't --  
11       **Q** No brothers or anything like that?  
12       A We don't confuse him with anybody  
13 else.  
14       **Q** Did you or do you socialize with  
15 Dr. McFarland?  
16       A Yes, we are neighbors, so we socialize  
17 in a similar fashion that I would have socialized  
18 with Tim Stack, often that was a three musketeer  
19 routine, whether it was playing golf, whether it  
20 was having a glass of wine. Mac doesn't drink  
21 enough; I spill more than Mac drinks. But he  
22 stays with us.  
23       **Q** And do you know when Dr. McFarland and  
24 Mr. Stack became acquainted with one another?  
25       A In a similar time. I mean, not before

Page 68

1 he came in 2002, but shortly thereafter.  
2       **Q** And the three of you would go golfing  
3 and have wine together?  
4       A We'd be invited to the same function  
5 as -- when I say -- so we were part of a 60th  
6 birthday party that Mary put on for Tim that was  
7 actually -- I forget when his birthday was, but he  
8 died when he was 60, so it had to be within a year  
9 of his death.  
10       **Q** And when you say you were part of it,  
11 you were part of the planning process or --  
12       A No, just invited.  
13       **Q** -- just the fun process?  
14       A We were part of the -- whatever the --  
15 six, eight people, ten people or twelve people  
16 invited to his party.  
17       **Q** Where was this held?  
18       A It was at his house, and then we got  
19 in a limo, and then we went to a restaurant, and  
20 we had dinner; all put on by his wife.  
21       **Q** Now, there are three attorneys  
22 involved in this case, when did you meet each one  
23 of them?  
24       A Dave Walbert and I have known each  
25 other for some time, more on a personal level.

Page 69

1 There may have been a time when he deposed me,  
2 I don't really remember. And then the two other  
3 lawyers I met about two-and-a-half hours ago.  
4       **Q** Okay. Now, when -- you said you know  
5 Mr. Walbert more on a personal level; are you  
6 friends with him?  
7       A Friends, socialize with Walbert.  
8 I don't socialize with him as much as I did  
9 Tim Stack. But we have common friends, and so we  
10 will come across one another, whether it is a  
11 party or it is a function or it is a -- some  
12 event.  
13       **Q** Is he friends with Dr. McFarland?  
14       A Yes.  
15       **Q** Is that the common thread? Is that  
16 how you became acquainted?  
17       A I don't believe so. Actually, I met  
18 Dave through one of his law partners who is a good  
19 friend of mine.  
20       **Q** And who is that?  
21       A Lee Parks.  
22       **Q** And is Mr. Parks also friends with  
23 Dr. McFarland?  
24       A Yes.  
25       MR. WALBERT: You are missing the

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

19 (Pages 70 to 73)

Page 70

1 link, Jennifer, I don't golf.  
2 MS. WATSON: You don't golf.  
3 MR. WALBERT: All the rest of these  
4 are golfers, yeah.  
5 **Q Then you could never be good friends**  
6 **with Mr. Walbert; right?**  
7 MR WALBERT: Actually, the way I golf,  
8 if I went out, he would be immediately good  
9 friends with me. He would whomp me.  
10 BY MS. WATSON:  
11 **Q So do you golf with Mr. Parks?**  
12 A Yes.  
13 **Q And Dr. McFarland?**  
14 A Yes, less than Mr. Parks.  
15 **Q You golf with Dr. McFarland less than**  
16 **Mr. Parks?**  
17 A Correct.  
18 **Q How often do you golf with Mr. Parks?**  
19 A Maybe once a month.  
20 **Q Did you -- do you have any knowledge**  
21 **in regard to whether a videotape was made in**  
22 **regard to the life of Mr. Stack? And by that I**  
23 **mean a compilation of different people speaking**  
24 **about Mr. Stack.**  
25 A After his death, I believe so.

Page 72

1 **program or training program?**  
2 A Yeah, so it is Tim's idea years ago,  
3 and it took a long time to get to fruition, was  
4 to -- that physicians sort of had the secret sauce  
5 and could really change healthcare delivery, and  
6 he was very much a proponent of physicians leading  
7 the charge, leading the organization; that's one  
8 reason he was attracted to Piedmont.  
9 With that, what would it take to help  
10 the physician, is certain competencies that they  
11 needed to learn, and whether it is the P and L  
12 statement or the balance -- the balance statement,  
13 or was it certain attributes that they needed to  
14 learn. And so he wanted to try to have an  
15 in-house, I don't know, education time spent that  
16 would provide that. And then, also, as much as  
17 physicians knew what to do, maybe didn't know  
18 quite how to do it but they knew the secret sauce  
19 and they knew the secrets -- he was big about  
20 other leaders, non-physician leaders. So in a  
21 dyad, whether it is a physician and administrator,  
22 physician and nurse, so this Piedmont Leadership  
23 Academy was the hope to bring those high potential  
24 individuals, including docs, together to solve  
25 some of the problems but also to learn some of the

Page 71

1 Whether it was in memory -- I mean, it was in  
2 memory to. Whether -- and I think I -- I think  
3 there's two; I don't know whether the one is  
4 edited to the other, but I think there is actually  
5 a couple of videos made. And there is a third in  
6 regard to -- I was responsible for -- am  
7 responsible for what we call the Piedmont  
8 Leadership Academy, which is an in-house  
9 leadership academy, sort of in-house MHA,  
10 MBA thing. Obviously we don't give those titles.  
11 And we put together a small video, a tribute to  
12 Tim, because we actually named the Piedmont  
13 Leadership Academy after Tim Stack, it was  
14 actually his vision some years ago.  
15 **Q And that video that you made, what's**  
16 **on the video?**  
17 A It is the common things about --  
18 something about Tim Stack, something about this  
19 particular one, something about the Piedmont  
20 Leadership Academy. It is your one- to two-minute  
21 video with background song, trying to connect the  
22 dots and foster in a meeting, what we did and why  
23 we did it, in naming the leadership academy after  
24 Tim.  
25 **Q Is this some type of scholarship**

Page 73

1 competencies and attributes that were necessary to  
2 lead a healthcare organization.  
3 So he -- he actually started -- he  
4 talked about this back in 2005, 2006, but it  
5 wasn't till about a year-and-a-half ago that it  
6 was actually funded by the organization, it was  
7 actually after his death. I was asked to be the  
8 executive sponsor, or the lead in this project,  
9 and I said I would be happy to do it, it was sort  
10 of close to my heart, but only if we were to name  
11 it in honor of Tim, and the organization didn't  
12 have a problem with that at all.  
13 **Q So what's the name of that now?**  
14 A It is called the R. Timothy Stack  
15 Piedmont Leadership Academy.  
16 **Q Was there a dinner when this was**  
17 **named?**  
18 A So there was a celebration that we had  
19 in April of this year to acknowledge that. It was  
20 your typical festive guest speaker, acknowledge  
21 the family, acknowledge the naming. And we plan  
22 to repeat that. Obviously, we don't have to  
23 repeat the name, but the celebration will be  
24 repeated every year.  
25 **Q Did Mrs. Stack attend this?**

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

20 (Pages 74 to 77)

Page 74

1 A She did.  
2 **Q Did Dr. McFarland?**  
3 A He did.  
4 **Q And did Ed Lovern?**  
5 A I don't know if Ed was there. Ed was  
6 invited. I can't -- it was a crowd of 70, 80  
7 people. I'm not sure. If Ed wasn't there, it was  
8 because he had a prior commitment.  
9 **Q Any of Mr. Stack's sons attend?**  
10 A They did. He had -- a lot of Tim's  
11 family was there as we honored him. I can't --  
12 I'm not -- I can't remember specifically who was  
13 there.  
14 **Q Do you remember, were all of his sons**  
15 **there?**  
16 A As I said, I'm not -- I think one of  
17 them may not have been able to come.  
18 **Q Okay.**  
19 A But I don't know, I don't remember.  
20 **Q Does Mr. Stack's nephew currently work**  
21 **at Piedmont, do you know?**  
22 A He does. He has a nephew that works  
23 at Piedmont.  
24 **Q What does he do there?**  
25 A He's in administration. He's not a

Page 75

1 physician. It is -- I think he is actually  
2 getting his Master's in health administration, and  
3 so he has some role in that regard. I'm not sure  
4 what his specific title is.  
5 **Q Do you know what his name is?**  
6 A Mary will be upset with me. I don't  
7 remember his name.  
8 **Q Does he live with Mrs. Stack, do you**  
9 **know?**  
10 A I think he does now, or has lived with  
11 her, I don't know whether he's moved out recently.  
12 They -- when he started, yes, without  
13 question he moved in and was taken care of by  
14 Tim and Mary. Actually, I think he was working  
15 there before Tim passed.  
16 **Q Did you have any conversations --**  
17 **A Brian. Brian is his name.**  
18 **Q Did you have any conversations with**  
19 **Mr. Stack about, you know, retirement, things of**  
20 **that sort? What did he -- what was his line of**  
21 **thinking as far as retirement?**  
22 A So, yeah, we would talk about a little  
23 bit of everything, how we got here, and whatever  
24 got us here wasn't going to get us there.  
25 He -- we didn't talk about end of

Page 76

1 life; he was the kind of guy that couldn't imagine  
2 that life would end.  
3 He really wanted to do the right thing  
4 for his family and for Piedmont Healthcare, so he  
5 had this vision that -- the top ten in ten, it  
6 was -- so this was starting in about 2010, so by  
7 2020 we would be that organization that everyone  
8 would look to, different metrics, it depends on  
9 who you want to -- by what metric, whether it is  
10 U.S. News and World Report or whether it is  
11 Leapfrog or whether it is a variety of different  
12 outside agencies. But he wanted to make us that  
13 destination healthcare system in the southeast,  
14 and at that point he may be willing to let us go,  
15 or may be willing to retire from that position.  
16 Tim was all about leaving a place better than what  
17 he found it. So I don't think he would have left  
18 until it was clearly better than when he found it.  
19 I don't know that -- I don't think he would have  
20 stopped at that point; he would have -- he died  
21 when he was 60 in 2012, so he would have been 68.  
22 Had his health not failed him, I'm sure he'd have  
23 found many more things to do at age 68, if,  
24 in fact, that's when he was going to retire from  
25 Piedmont Healthcare. He wasn't going to retire

Page 77

1 from work, as far as I knew.  
2 **Q So do you believe that he was going**  
3 **to -- when was his contract going to expire,**  
4 **do you know?**  
5 A I don't know. I have tried to  
6 identify that since knowledge of this time  
7 together. I think it was about then.  
8 **Q Till he was 68?**  
9 A I believe so, correct. But I don't  
10 have original verification of that.  
11 **Q Did you look -- did you look for his**  
12 **contract?**  
13 A I had no reason to look for his  
14 contract.  
15 **Q When you said when you were -- I think**  
16 **a few moments ago you said, "Well, I was trying to**  
17 **think or trying to determine that" before you**  
18 **knew -- or when you found out you were getting**  
19 **involved in this. What did you do?**  
20 A What did I do?  
21 **Q Was it just thinking?**  
22 A Yeah, just trying to get the dates.  
23 **Q All right.**  
24 A Just trying to clarify the dates.  
25 **Q In your head. But you didn't look at**

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

Page 78

1 any documents to support that or anything of that  
2 nature?  
3 A Didn't. No, did not.  
4 Q Okay. And during the time -- if he  
5 were to, if he were to not have passed away and  
6 worked until he was 68, during that period of  
7 time, would his bonuses been dependent upon a lot  
8 of different factors?  
9 A Yeah. Not hundreds of different  
10 factors, I mean, it would have been -- you know,  
11 those bonus goals are supposed to be sort of  
12 specific and not have too many of them and all  
13 that kind of stuff. So there would have been  
14 each year three or four or five, but they would  
15 have changed on a yearly basis.  
16 Q So it is nothing that you can estimate  
17 that, when he was 65, he would have gotten  
18 such-and-such bonus because those things are not  
19 yet determined. Is that fair?  
20 A So I think in executive comp it is  
21 very common to have a bonus incentive  
22 compensation. Most executives are desire --  
23 well, I don't know whether the executive, but most  
24 institutions, whether for-profit or otherwise, if  
25 you have bonuses based on certain metrics, then

Page 79

1 those people focus on those metrics and,  
2 therefore, you get those done.  
3 So it is true they may have changed  
4 from year to year, but the amount at risk would  
5 have been probably the same based on a percentage  
6 of what his total comp was or based on a  
7 percentage of what his base was.  
8 Q But as far as -- we are just -- let's  
9 just pick a year, an age year for him. When he is  
10 65, there is certain factors that have been agreed  
11 upon by the board of directors in analyzing what  
12 his total compensation would be; correct?  
13 A There was guiding principles.  
14 Q Guiding principles, yes.  
15 A Correct.  
16 Q And those, at this time -- because we  
17 are looking into the future -- on this specific --  
18 like when he -- let's say a month before he  
19 passed, those guiding principles for when he was  
20 65 had not yet been determined. Is that fair?  
21 A Correct. So 2016 bonus package,  
22 whether it is the metrics, would not have been  
23 chosen or agreed upon. The amount of  
24 compensation, as a percentage of his base, had  
25 probably been understood. I mean, those --

Page 80

1 I don't think Piedmont Healthcare would have gone  
2 from zero bonus to 40 percent bonus to a  
3 60 percent bonus back to a zero percent bonus;  
4 I don't think we would have chosen that -- those  
5 steep levels of change.  
6 MS. WATSON: Sir, I think now is a  
7 pretty good time to take a break; okay?  
8 THE WITNESS: Okey-doke.  
9 (Recess taken.)  
10 BY MS. WATSON:  
11 Q All right. Sir, before we took a  
12 break, we were talking about Mr. Stack's --  
13 the various compensation bonuses, essentially,  
14 and you mentioned that it was based upon the  
15 guiding principles that were established.  
16 A So I haven't negotiated personally a  
17 lot of healthcare executives' comp, but I do know  
18 at Piedmont Healthcare, back in the day and even  
19 to present, the guiding principles in regard to  
20 other similar organizations or not-for-profits,  
21 not wanting to, if you will, overpay or underpay  
22 in trying to compete to get the top talent, and  
23 then having a compensation package that everybody  
24 is happy with.  
25 From a bonus point of view, in

Page 81

1 healthcare it is -- I'm not sure I completely  
2 understand, but the bonus is a matter of -- it may  
3 be heavily bonus-driven, but it is a matter of  
4 meets targets, achieves by a certain percent or  
5 hits a home run; that's what I have at least seen  
6 in my terms on the board as far as the bonus.  
7 You know, from a physician point of view,  
8 sometimes I think of meets, exceeds, or  
9 excessively exceeds, that's sort of supposed to be  
10 your job, but in healthcare compensation,  
11 apparently it is common vernacular that you either  
12 meet, exceed or hit a home run sort of thing.  
13 Q Okay. And the targets are  
14 specifically addressed on a year-to-year basis.  
15 There may be some general types of targets for the  
16 operation of a successful not-for-profit hospital  
17 system, but the specific targets of a specific job  
18 would be determined on a year-to-year basis;  
19 correct?  
20 A So we are talking about net operating  
21 income or patient satisfaction or mortality or  
22 standard -- are you talking about those being the  
23 targets or are you talking about was it a thousand  
24 dollars or a million dollars; I'm not sure I  
25 understand.

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

Page 82

1       **Q** Well, I guess that when -- instead of  
2       **doing generalizations, for Mr. Stack, when he**  
3       **would have his annual review --**  
4       A Review, uh-huh.  
5       **Q** And I'm assuming at those meetings,  
6       **and tell me if I am wrong, whether his**  
7       **expectations were judged as far as whether he met**  
8       **those expectations, exceeded those expectations --**  
9       A Or hit a home run.  
10       **Q** Right.  
11       A Correct.  
12       **Q** And those expectations were developed  
13       **the year before?**  
14       A Correct, it was all very prescriptive.  
15       There wasn't a -- there wasn't a surprise, other  
16       than his performance. But Tim, being the  
17       individual he was, was -- I mean, he was going to  
18       hit a home run, I mean, he was a home run kind of  
19       guy. So he was not -- if you told Tim that we  
20       want you to have this margin or we want you to  
21       save this many lives or we want this many people  
22       washing their hands, you can bet that Tim was  
23       going to get that many people washing their hands.  
24       **Q** And at his annual review, the  
25       **expectations that had been developed the prior**

Page 83

1       **year were discussed; correct?**  
2       A Correct.  
3       **Q** Okay.  
4       A So those goals were agreed upon.  
5       **Q** Okay. And the goals for the following  
6       **year were agreed upon, as well; correct?**  
7       A No. So let me -- so a year review,  
8       it was determined, "Did you meet the goals?" or  
9       "Did you hit the home run?" therefore, whatever  
10       that bonus payout was. And then, at the same  
11       time, or in concert in a similar time, it was  
12       "What are the goals for next year?"  
13       **Q** Right, right.  
14       A They may be the same goals as they  
15       were for the past year. That percent at risk or  
16       that percent of base, by my memory would be, give  
17       or take, the same; that was my clarification. I  
18       don't think that there would be 20 percent of base  
19       at risk one year and 40 percent another and  
20       10 percent another.  
21       **Q** Okay. They may be the same, but they  
22       **would, also -- is it fair to say that over the**  
23       **years they may be tweaked a little bit, depending**  
24       **upon how the healthcare market, if you want to**  
25       **call it, is faring?**

Page 84

1       A I apologize. I'm not sure I  
2       understand.  
3       **Q** Okay. You said the goals may be the  
4       **same from year to year.**  
5       A So let's be more specific.  
6       Net operating income --  
7       **Q** Right.  
8       A -- and serious safety events, those  
9       would be two very explicit goals that he were  
10       asked to make, okay. So that's where I'm --  
11       I'm saying "goals." Is that correct what you are  
12       saying, "goals"?  
13       **Q** Okay. And those would stay consistent  
14       **from year to year or they would vary from year to**  
15       **year?**  
16       A So they would -- maybe serious safety  
17       events, which has a definition, would be changed  
18       to something else that had to do with quality or  
19       safety or service. But it would have, if you  
20       will, an emphasis on quality and safety or  
21       service, and then, obviously, there would be  
22       something about financial performance.  
23       **Q** Sure.  
24       A Other things include employee  
25       engagement or retention; that's a common HR buzz

Page 85

1       that executives are bonused for. Again, your  
2       employee satisfaction, this sort of thing.  
3       **Q** And goals pertaining to employee  
4       **satisfaction or new employees, would they vary**  
5       **from year to year depending upon the market?**  
6       A So the idea is employee satisfaction,  
7       you wanted your -- the best performing  
8       organization had employee satisfaction of  
9       75 percent, however that is managed, however that  
10       is measured. And so if we were at 60 percent,  
11       the bonus -- the goal would be 10. We want you to  
12       get to 75 percent. We are not sure how you do it;  
13       we just know we want to be a high-performing  
14       organization, and high-performing organizations  
15       have employee satisfaction of 75 percent.  
16       For that, we are going to put -- we  
17       are going to bonus you, whatever that percent of  
18       his comp, to meet that goal. And so then Tim  
19       would say, "That's fine, I got no problem with  
20       that," or whatever they agreed upon. And then he  
21       would go out, and he and his team would attempt to  
22       achieve that goal, because that's what the  
23       board -- that was our goal is to improve employee  
24       satisfaction.  
25       **Q** Okay. But I guess my point is that

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

23 (Pages 86 to 89)

Page 86

1 these goals, essentially, that are determined that  
2 Mr. Stack was to meet, exceed or hit a home run  
3 on, okay, those were determined at a meeting with  
4 the board?  
5 A Or with a committee of the board.  
6 Q A committee of the board. And those  
7 were not -- it is not as if every year there was  
8 A, B, C and D, and then the next year it was the  
9 same A, B, C and D, and the year after it was the  
10 same A, B, C and D; they may have had similar  
11 philosophical goals attached to them, but they  
12 were not, you know, a mirror image of the year  
13 before; is that fair, or no?  
14 A I don't know. I guess it is a matter  
15 of interpretation. So what's the health -- the  
16 health of a healthcare organization, what are you  
17 supposed to do, you are supposed to take care of  
18 people. Obviously, you can't keep the doors open,  
19 unless you make some money.  
20 There was always a quality or a safety  
21 service part of it, and there was a financial  
22 part. So those -- those pillars didn't -- the  
23 specifics in those pillars may have changed,  
24 but not -- not significant. It wasn't like we  
25 totally gave up on the financial health --

Page 88

1 sign an Affidavit?  
2 A I did not, I did not.  
3 THE WITNESS: You didn't ask me to do  
4 an Affidavit.  
5 MR. WALBERT: We can still do one, if  
6 you want to.  
7 THE WITNESS: No, I was just --  
8 MR. WALBERT: It won't be today.  
9 MS. WATSON: All right. Sir, I think  
10 for now that's all the questions that I  
11 have. There are some people in this room  
12 that will have some questions for you and  
13 maybe on the phone, as well.  
14 THE WITNESS: Sure.  
15 EXAMINATION  
16 BY MS. COCHRAN:  
17 Q Sir, we met earlier this morning. I'm  
18 melissa Cochran --  
19 A Yes.  
20 Q -- and I shouldn't be too long.  
21 A Thank you.  
22 Q Going back to -- you had talked about  
23 Mr. Stack having some family or extended family  
24 who relied upon him for support, and I took that  
25 to mean financial support.

Page 87

1 Q Sure.  
2 A -- of the organization or totally gave  
3 up on the quality, safety, service part.  
4 Q So the general goals -- there was only  
5 a certain amount of categories, essentially, for a  
6 hospital. So the general goals or expectations  
7 may have remained the same over the years, but the  
8 specific goals within those categories may have  
9 changed?  
10 A To be more specific or explicit,  
11 correct.  
12 Q Okay. Did you have an opportunity to  
13 read Dr. McFarland's Affidavit in this case?  
14 A Did not. I knew -- Dave Walbert told  
15 me that he had an Affidavit. Having read  
16 Affidavits before, I, I -- I didn't read it.  
17 Q It is seven pages. It is long.  
18 A So I didn't read specifically. I knew  
19 that Mac had done an Affidavit.  
20 Q Okay.  
21 THE WITNESS: I wondered why you  
22 didn't ask me to do an Affidavit.  
23 MR. WALBERT: We wanted to take the  
24 guy that talked the best.  
25 Q That was my next question: You did not

Page 89

1 A Yes.  
2 Q Okay.  
3 A And emotional and family vacations.  
4 And I think if Tim could do it, he'd have many  
5 children, many children's children,  
6 grandchildren. He loved the idea of family.  
7 Q At the time of Tim's passing,  
8 was George Chrisman a person who was financially  
9 dependent upon Mr. Stack?  
10 A I don't -- I don't know.  
11 Q Aside from George Chrisman being  
12 financially dependent upon the Stacks, at least  
13 at one point in time during the time that you knew  
14 the Stacks, were there any other persons that you  
15 knew to be dependent upon them?  
16 A I don't know the level of dependence.  
17 There was some of Mary's family that Tim took care  
18 of. I'm not sure if that's a literate financial  
19 responsibility or more emotional and security  
20 position.  
21 Q Mary's family still lives in the  
22 Pittsburgh area; is that right?  
23 A I don't -- I don't know where  
24 everybody lives right now.  
25 Q Okay. You talked a little bit about

NETWORK DEPOSITION SERVICES  
Transcript of William Blincoe, M.D.

Page 90

1     **how Matthew is coping with the loss of his father.**  
2     **Do you know whether Matthew has received any**  
3     **mental or medical treatment with regard to the**  
4     **loss of his father?**  
5     A    I do not.  
6     **Q    You do not know?**  
7     A    I'm unaware of any professional help  
8     Matt's either sought or received.  
9     **Q    Fair enough. What about Mary, are you**  
10    **aware of whether she's receiving any mental or**  
11    **medical treatment as a result of the loss of her**  
12    **husband?**  
13    A    I think Mary has been in counseling;  
14    I can't tell you to what depth or extent that is.  
15    Oftentimes when I talk with her, I'd say, "Mary,  
16    you got to get help. You need help."  
17    **Q    Right. Aside from treating Mr. Stack**  
18    **for high blood pressure and the incident with the**  
19    **chest pain that resulted in the gallbladder**  
20    **removal, are you aware of him having any other**  
21    **medical conditions that he medicated for?**  
22    A    I'm not aware of it.  
23        MS. COCHRAN: It looks like that's it.  
24        Great. Thank you.  
25        THE WITNESS: Thank you.

Page 91

1        MR. KANE: Questions on the phone?  
2        MS. WATSON: No one on the phone?  
3        DEFENSE COUNSEL: No questions.  
4        MR. KANE: I have just a few questions  
5        for you, Doctor.  
6        EXAMINATION  
7        BY MR. KANE:  
8        **Q    Based on everything you know about**  
9        **Tim Stack, based on everything that you know about**  
10      **Piedmont Healthcare, based on everything that you**  
11      **know about Piedmont Hospital, based upon the**  
12      **due diligence that was done with regard to**  
13      **Tim Stack, do you have an opinion as to whether or**  
14      **not Tim Stack would have met, exceeded or hit a**  
15      **home run on the goals that would have been set for**  
16      **him in the future for the rest of his contract?**  
17      MS. WATSON: Objection to form,  
18      speculation.  
19      MR. JONES: Objection.  
20      A    Most likely hit a home run. I mean,  
21      Tim was a home run hitter. So however they agreed  
22      upon, whether it is a dollar amount or whether  
23      it's an explicit goal, I'm sure Tim would have  
24      exceeded and hit a home run. I mean, that's the  
25      kind of guy he was.

Page 92

1        **Q    You had mentioned that Tim wanted to**  
2        **get Piedmont Healthcare to a specific point, and**  
3        **you had said -- I think you said 2020 was the**  
4        **time line that you guys were talking about.**  
5        **If Tim had got Piedmont Healthcare to**  
6        **where he was happy with it and then he decided to**  
7        **take his work elsewhere and go do something else,**  
8        **do you have an opinion as to his earning potential**  
9        **on the open market?**  
10      MS. WATSON: Objection to form.  
11      A    Yeah, I think he probably could have  
12      exceeded what Piedmont paid. So Piedmont -- we  
13      historically have and continue to be conservative,  
14      other not-for-profits, clearly their execs outpace  
15      what we pay our execs. Maybe it is not all about  
16      the money, but I'm sure with Tim's CV and the  
17      success he had, if he wanted to exceed what  
18      Piedmont was paying, they would have been lined  
19      up, they would have been lined up. I'm sure he  
20      had headhunters calling him all the time.  
21      MR. KANE: That's all I have.  
22      MR. WALBERT: I have none.  
23      MR. KANE: All done. Doctor, you  
24      understand the waiving and the non-waiving?  
25      THE WITNESS: I do. I just assume not

Page 93

1        read.  
2        MR. KANE: Understood. We will waive.  
3        ---  
4        (Thereupon, at 11:04 a.m., the  
5        deposition was concluded and signature was  
6        waived.)  
7        ---  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



**NETWORK DEPOSITION SERVICES**  
**Transcript of William Blincoe, M.D.**

1                   CERTIFICATE  
2 COMMONWEALTH OF PENNSYLVANIA, )  
3                   ) SS:  
4 COUNTY OF ALLEGHENY            )  
5        I, Terri J. Urbash, do hereby certify that  
6 before me, a Notary Public in and for the  
7 Commonwealth aforesaid, personally appeared  
8 WILLIAM BLINCOE, M.D., who then was by me first duly  
9 cautioned and sworn to testify the truth, the  
10 whole truth, and nothing but the truth in the  
11 taking of his oral deposition in the cause  
12 aforesaid; that the testimony then given by him as  
13 above set forth was by me reduced to stenotypy in  
14 the presence of said witness, and afterwards  
15 transcribed by means of computer-aided  
16 transcription.  
17  
18        I do further certify that this deposition  
19 was taken at the time and place in the foregoing  
20 caption specified, and was completed without  
21 adjournment.  
22        I do further certify that I am not a  
23 relative, counsel or attorney of either party, or  
24 otherwise interested in the event of this action.  
25        IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my seal of office at Pittsburgh,  
Pennsylvania, on this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.  
  
\_\_\_\_\_  
Terri J. Urbash, Notary Public  
In and for the Commonwealth of Pennsylvania  
My commission expires June 7, 2016

STATE OF GEORGIA  
COUNTY OF FULTON

**AFFIDAVIT OF H.M. MCFARLING, III, M.D.**

Before me the undersigned officer, duly authorized to administer oaths, personally appeared H.M. McFarling, III, M.D., who having been first duly sworn, states on his oath as follows:

1.

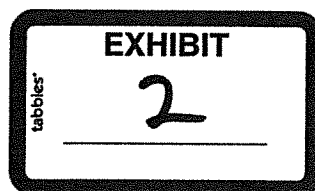
My name is H. M. McFarling, III, M.D. I am over eighteen years of age, suffer no legal disability, and have personal knowledge sufficient to make this affidavit.

2.

I am presently a physician practicing Obstetrics and Gynecology. I have been affiliated with Atlanta Women's Healthcare Specialists, LLC in Atlanta, Georgia from 1984 to the present, and I have been Board Certified in Obstetrics and Gynecology since 1987. I have served as Vice President of Atlanta Women's Healthcare Specialists since 2006, and have been a board member thereof since 2004.

3.

I have held privileges at Piedmont Hospital in Atlanta, Georgia from 1984 until the present, and I have been actively involved with hospital administration and hospital committee and board activities. At Piedmont Hospital, I have served on the Care Evaluation Committee, the Perinatal Care Committee, and the Medical Executive Committee, among other things.



4.

I have been a member of the Piedmont/Atlanta Hospital board since approximately 2006, and I have served as the Chairperson of the Piedmont/Atlanta Hospital board from 2012 to present. In addition, I have been a member of the Piedmont Healthcare board from approximately 2008 to present. Piedmont Healthcare is the umbrella organization of which the Piedmont/Atlanta Hospital is one component.

5.

I came to know R. Timothy Stack in his capacity as CEO of Piedmont Healthcare. I had extensive dealings with Mr. Stack in connection with Piedmont Healthcare and the hospitals within the Piedmont system involving all issues from strategic planning to execution. Over the years that I knew and worked with Mr. Stack, I became very familiar with his views on healthcare, his personal skills, and the overall abilities and attitudes he brought to his work.

6.

At the outset, Mr. Stack was attracted to Piedmont because it was a physician led hospital, and Mr. Stack understood that Piedmont would have to undergo major systemic changes in order to survive and flourish in the future healthcare environment. Mr. Stack wanted to be a part of that and lead that evolution, and doing so with a physician led hospital was particularly attractive to him, even though he did not have prior connections to Atlanta when he assumed those responsibilities here.

7.

Tim Stack always exhibited the greatest enthusiasm and enjoyment in his work of anyone I have had the pleasure of dealing with. By way of example, at his previous employment with the Borgess Health Alliance in Kalamazoo, Michigan, Mr. Stack had been very successful, but a change of management provision in his contract led to a several year period during which he would be fully paid with no work obligation because of a change of control that occurred at Borgess. While many people would have used those several years to pursue non-work related recreational and other activities, it was only months into that period that Mr. Stack first began to work at Piedmont. Enjoyment and enthusiasm for his work, rather than a life of only recreation or retirement, typified Tim throughout the entire time I knew him up to his death, and I am confident that – had he not died so tragically at such a young age – he would have continued to work and enjoy professional activities long into the future.

8.

When Mr. Stack became the CEO of Piedmont Healthcare, he brought a vision of what needed to happen to the Piedmont system for it to function effectively in the future healthcare world. Among other things, Piedmont needed to grow into a comprehensive multi-centered system. Tim understood healthcare system integration and had a vision of the future of healthcare systems that was exceptionally clear, focused, and insightful.

9.

Mr. Stack's strategic vision in the years he was CEO at Piedmont Healthcare led

the organization from two hospitals (Atlanta and Fayette County) to a five hospital system, including Newnan, Henry County, and Mountainside in Jasper County. Not only did he bring those other hospitals into the Piedmont system, which was essential to the system's long-term survival and success, he turned their operations around to make them effective and contributing elements in the overall Piedmont system.

10.

The list of the specific things that Tim envisioned and accomplished as part of his strategic planning for Piedmont is lengthy. By way of example, in addition to the addition and integration of three other hospitals, he developed Atlanta's first integrated cardiovascular program – the Piedmont Heart Institute – which made Piedmont renowned as one of nation's outstanding centers for cardiac services and cardiac surgery. Under Mr. Stack's leadership and strategic execution, Piedmont moved from 8 physician practices to include more than 50 primary care and specialty physician practices, as well as a 900-member physician-contracting network. He exhibited great skill in negotiating on behalf of Piedmont with insurance companies, which was critical to Piedmont's operational success. He was responsible for developing Piedmont West, and he led the development of the Piedmont Cancer Center and the relationship the Center has with MD Anderson. Mr. Stack oversaw the implementation of a \$200 million EPIC Program, and the list of examples where he envisioned and implemented major advances in the Piedmont Healthcare system could go on and on.

11.

Tim's enthusiasm for working with organizations and positively contributing to the healthcare community and the community at large are further exemplified by the many awards and recognitions he received in connection with his service. Since he moved to Atlanta, Mr. Stack served on many leadership, hospital and community boards and committees, including the American Heart Association, the Georgia Hospital Association, United Way, the Metro Atlanta Chamber of Commerce, the Buckhead Coalition, and others. He was actively involved with heart, kidney, leukemia and lymphoma organizations in support of their efforts. Just before he was stricken with mesothelioma, he was appointed by Governor Deal to serve on the Georgia Health Insurance Exchange Advisory Committee.

12.

Tim's contributions were never routine. Rather, they were always active, very supportive, and often unique. He truly enjoyed developing leaders in his organizations, and he started the Women's Leadership Alliance to inspire more women to move into leadership positions. That organization has had great success in achieving those goals.

13.

Mr. Stack keenly understood the need for the Piedmont Healthcare System to evolve into a leadership role in healthcare in the Atlanta metropolitan area if it was going to survive, much less flourish, in the modern healthcare environment. He showed tremendous leadership and executive capacity in taking Piedmont through necessary

growth and system integration.

14.

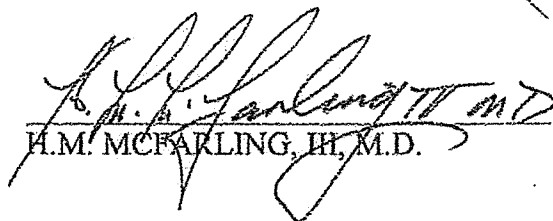
In short, Tim Stack understood the fundamental architecture that was necessary for Piedmont to provide affordable and quality healthcare to the Atlanta metropolitan region in the modern healthcare world, and he understood how to implement that architecture. Mr. Stack and the Board of Piedmont Healthcare had a shared vision of Piedmont's future, and we believed at the outset that it would require until at least the year 2020 to put in place the basic architecture and structure that Piedmont required. Mr. Stack was fully committed to serve as CEO until that time, and there's no doubt in my mind that he would have so served, but for having succumbed at an early age to mesothelioma. At the time of Mr. Stack's death, a great deal had been accomplished towards implementing our vision, but much remained to be done.

15.


Assuming that our targets would have been attained by 2020, at which time Mr. Stack would have been 68, I have no doubt, that he would have remained in a very active role with Piedmont after 2020 for as long as his health would have permitted. I base that opinion on my extensive work with Mr. Stack, his passion and enthusiasm for the work he did, and his expressed thoughts about his personal future and desire to continue working with and assisting Piedmont in the future. Whether he would have remained as CEO of Piedmont Healthcare after he was 68 or instead been a very active, nearly fulltime consultant who would have continued to bring his talents, vision, and execution

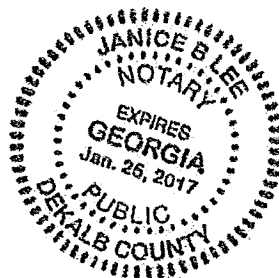
skills to Piedmont, one cannot say with certainty. But I can say with certainty that in my opinion, Mr. Stack would have continued to serve and work with Piedmont Healthcare in one of those two capacities well beyond the year 2020 had he not died prematurely.

FURTHER AFFIANT SAYETH NOT.

  
H.M. MCFARLING, III, M.D.

Sworn to and subscribed before me  
this 23<sup>rd</sup> day of April, 2015.

  
\_\_\_\_\_  
Notary Public  
My Commission expires:





IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA

MARY K. STACK, Executrix of the )  
Estate of ROBERT T. STACK, )  
Deceased, and MARY K. STACK, )  
in her own right, )  
Plaintiff, )  
vs. ) G.D. 12-020620  
Safety First Industries, Inc., )  
et al., )  
Defendants. )

DEPOSITION OF MARY K. STACK  
Thursday, September 4, 2014

-----  
REPRODUCTION AND/OR DISTRIBUTION OF  
THIS TRANSCRIPT IS PROHIBITED WITHOUT WRITTEN  
AUTHORIZATION FROM THE CERTIFYING AGENCY



2

1 DEPOSITION OF MARY K. STACK  
 2 taken pursuant to the Pennsylvania Rules of Civil  
 3 Procedure, before Marianne Marsilio, Registered  
 4 Professional Reporter and a Notary Public in the  
 5 Commonwealth of Pennsylvania, on Thursday, September  
 6 4, 2014, at the offices of Savinis, D'Amico & Kane,  
 7 3626 Gulf Tower, Pittsburgh, Pennsylvania 15219,  
 8 scheduled to commence at 10:00 o'clock a.m.  
 9 --  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

4

1 On behalf of the Defendants Nagle Pumps, Inc.,  
 2 Armstrong Pumps, Inc.:  
 3 Timothy J. Chiappetta, Esquire  
 4 Dickie, McCamey & Chilcote  
 5 Two PPG Place, Suite 400  
 6 Pittsburgh, PA 15222  
 7  
 8 On behalf of the Defendants Keeler Dorr-Oliver, and  
 9 Safety First Industries:  
 10 Deborah L. Iannamorelli, Esquire  
 11 Maron Marvel Bradley & Anderson, P.A.  
 12 Landmarks Building  
 13 Suite 250  
 14 Pittsburgh, PA 15219  
 15  
 16 On behalf of the Defendant Legacy Vulcan:  
 17 Kelly Smith, Esquire  
 18 Edward Olszewski, Esquire  
 19 Dickie, McCamey & Chilcote  
 20 Two PPG Place, Suite 400  
 21 Pittsburgh, PA 15222  
 22  
 23

3

1 APPEARANCES  
 2 ---  
 3 On behalf of the Plaintiff:  
 4 John R. Kane, Esquire  
 5 Savinis, D'Amico & Kane  
 6 3626 Gulf Tower  
 7 Pittsburgh, PA 15219  
 8  
 9 On behalf of the Defendant Sundyne Corporation:  
 10 Ronald J. Richert, Esquire  
 11 Willman & Silvaggio  
 12 One Corporate Center  
 13 5500 Corporate Drive  
 14 Suite 150  
 15 Pittsburgh, PA 15237  
 16  
 17 On behalf of the Defendants ITT Corp, Flowserve  
 18 Corporation d/b/a Wilson Snyder Pumps  
 19 James P. Killeen, Esquire (via telephone)  
 20 Dickie, McCamey & Chilcote  
 21 Two PPG Place, Suite 400  
 22 Pittsburgh, PA 15222  
 23

5

1 On behalf of Defendants A.O. Smith Corporation,  
 2 F.B. Wright Company of Pittsburgh, Bucyrus  
 3 International, Inc., Goulds Pumps, Inc.,  
 4 Cleaver-Brooks, Inc.:  
 5 Russell Giancola, Esquire (via telephone)  
 6 Grogan Graffam  
 7 Four Gateway Center, 12th Floor  
 8 Pittsburgh, PA 15222  
 9  
 10 On behalf of the Defendant Eaton Corporation a/s/i  
 11 Cutler-Hammer, Inc.:  
 12 Ian Kingsley, Esquire (via telephone)  
 13 Goldberg, Miller & Rubin, P.C.  
 14 121 South Broad Street, Suite 1500  
 15 Philadelphia, PA 19107  
 16  
 17 On behalf of the Defendants FMC Corporation,  
 18 Schneider Electric USA, Inc., f/k/a Square D Company  
 19 Anne Wilcox Lewis, Esquire  
 20 Kelley Jasons McGowan Spinelli Hanna & Reber  
 21 Allegheny Building, Suite 1202  
 22 Pittsburgh, PA 15219  
 23

6

1 On behalf of the Defendants I.U. North America,  
 2 Inc., as successor by merger to The Garp Company,  
 3 f/k/a The Gage Company f/k/a Pittsburgh Gage and  
 4 Supply Company, Air & Liquid Systems Corporation,  
 5 successor by merger to Buffalo Pumps, Inc., The  
 6 Fairbanks Company, and Milwaukee Valve Company  
 7 Jennifer E. Watson, Esquire  
 8 Wilbraham, Lawler & Buba  
 9 Two Gateway Center  
 10 17 North  
 11 Pittsburgh, PA 15222

12 On behalf of the Defendants Emerson Electric  
 13 Company, and M.S. Jacobs:  
 14 Janine E. Smith, Esquire  
 15 Zimmer Kunz PLLC  
 16 310 Grant Street  
 17 Suite 3000  
 18 Pittsburgh, PA 15219

19  
20  
21  
22  
23

8

1 On behalf of the Defendant The William Powell  
 2 Company:  
 3 Elisabeth R. Bala, Esquire  
 4 Clemente Mueller, P.A.  
 5 Post Office Box 1296  
 6 Morristown, NJ 07962

7  
 8 On behalf of the Defendant IMO Industries:  
 9 Joshua M. Brick, Esquire  
 10 Swartz Campbell  
 11 4750 U.S. Steel Tower  
 12 Pittsburgh, PA 15219-2702

13  
 14 On behalf of the Defendant Rockwell Automation,  
 15 Inc.:  
 16 Mark Skinner, Esquire  
 17 Swartz Campbell  
 18 Two Liberty Place, 28th Floor  
 19 50 S. 16th Street  
 20 Philadelphia, PA 19402

21  
22  
23

7

1 On behalf of the Defendants Champlain Cable  
 2 Corporation, as successor-in-interest to Hercules  
 3 Inc.; and P&H Mining Equipment Inc. n/k/a Joy Global  
 4 Surface Mining Inc.:  
 5 Matthew R. Wendler, Esquire (via telephone)  
 6 Pietragallo Gordon Alfano Bosick & Raspanti  
 7 One Oxford Centre, 38th Floor  
 8 Pittsburgh, PA 15219

9  
 10 On behalf of the Defendants Flowserve Corporation  
 11 sii Durametallc Corporation, Warren Pumps, LLC,  
 12 Ingersoll-Rand Company, Flowserve Corporation fka  
 13 Duriron Company, Gardner Denver Company, Joy Global  
 14 Underground Mining, LLC:  
 15 Melissa D. Cochran, Esquire  
 16 Marshall Dennehey Warner Coleman & Goggin  
 17 2900 USX Tower  
 18 600 Grant Street  
 19 Pittsburgh, PA 15219

20  
21  
22  
23

9

1 On behalf of the Defendants Allied Glove  
 2 Corporation, and Crane Co.:  
 3 Colby S. Bryson, Esquire  
 4 Swartz Campbell  
 5 4750 U.S. Steel Tower  
 6 Pittsburgh, PA 15219-2702

7  
 8 On behalf of the Defendant CBS Corporation, a  
 9 Delaware corporation, fka Viacom, Inc., successor by  
 10 merger to CBS Corporation, a Pennsylvania  
 11 corporation fka Westinghouse Electric Corp.:  
 12 Paul D. Kruper, Esquire  
 13 Eckert Seamans Cherin & Mellott, LLC  
 14 USX Tower, 44th Floor  
 15 Pittsburgh, PA 15219

16  
 17 On behalf of the Defendant BW/IP:  
 18 John Turlik, Esquire (via telephone)  
 19 Segal McCambridge Singer & Mahoney  
 20 1818 Market Street, Suite 2600  
 21 Philadelphia, PA 19103

22  
23

10

1 On behalf of the Defendant American Optical:  
 2 Timothy J. Green, Esquire  
 3 Dinsmore & Shohl  
 4 One Oxford Centre  
 5 Suite 2800  
 6 Pittsburgh, PA 15219  
 7  
 8 ---  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

12

1 PROCEEDINGS  
 2 (10:06 o'clock a.m.)  
 3 MARY K. STACK,  
 4 the witness, having been first duly sworn, was  
 5 deposed and testified as follows:  
 6 EXAMINATION  
 7 **BY MS. WATSON:**  
 8 Q. Good morning, Mrs. Stack.  
 9 **A. Good morning.**  
 10 Q. My name is Jennifer Watson, and I'm going to  
 11 start off by asking you the questions today; and then  
 12 others in the room, and there's some people on the  
 13 phone, too, and they're going to have an opportunity  
 14 to ask you questions.  
 15 **A. Sure.**  
 16 Q. Can you state your full name, please.  
 17 **A. Mary Catherine Stack.**  
 18 Q. Have you ever been in a deposition before?  
 19 **A. No.**  
 20 Q. Okay. Let me give you some ground rules to  
 21 make things go a little smoother for everybody. As  
 22 you can see, across the way from you is a court  
 23 reporter.

11

1 INDEX  
 2  
 3 **WITNESS: MARY K. STACK**  
 4  
 5 EXAMINATION BY: PAGE  
 6 Ms. Watson 12,123  
 7 Ms. Smith  
 8 Ms. Lewis 104,120  
 9 Ms. Cochran 109  
 10 Mr. Richert 116  
 11 Mr. Kane 123  
 12  
 13  
 14 EXHIBITS PAGE  
 15 (None)  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

13

1 **A. Uh-huh.**  
 2 Q. And she takes down everything that is said.  
 3 So it's important that you try to keep your answers to  
 4 my questions verbal. Try to avoid using gestures such  
 5 as nodding your head or shrugging your shoulders,  
 6 because later it will be typed up in a transcript and  
 7 it will be difficult to see what was being said.  
 8 This isn't an endurance contest. If for any  
 9 reason you need to take a break, please let me know,  
 10 and we'll take a break. The only thing that I ask is  
 11 if it's at all possible that you provide an answer to  
 12 my question if there's one pending before we go on a  
 13 break. Okay?  
 14 **A. Yes.**  
 15 Q. If you don't understand any of my questions,  
 16 please let me know, and I'll rephrase them. If you  
 17 don't hear them, likewise, let me know, and I'll  
 18 restate them. Okay?  
 19 **A. Uh-huh.**  
 20 Q. Like I said, there's some people on the  
 21 phone. Usually these phones pick up pretty well, but  
 22 we're going to both try to keep our voices up so  
 23 everyone can hear what you have to say. All right?

14

1 What's your current address?  
 2 **A. 219 Little John Trail, Northeast, Atlanta,**  
 3 **Georgia, 30309.**  
 4 Q. How long have you lived there?  
 5 **A. Since May 2013.**  
 6 Q. Prior to that, where did you live?  
 7 **A. I lived at 27 Montclair Drive, Atlanta,**  
 8 **Georgia 30309.**  
 9 Q. Is that home on Montclair Drive still owned  
 10 by you?  
 11 **A. No. I just sold that.**  
 12 Q. When did you sell it?  
 13 **A. A week ago today.**  
 14 Q. Congratulations. And the home that you live  
 15 in now, what type of home is it, a townhome, single  
 16 family?  
 17 **A. It's a single-family home.**  
 18 Q. What's your date of birth?  
 19 **A. It's October 5, 1955.**  
 20 Q. And the last four digits of your Social  
 21 Security number are [REDACTED]?  
 22 **A. Yes.**  
 23 Q. What's your educational background?

15

1 **A. I have a bachelor's degree in special**  
 2 **education from Duquesne University.**  
 3 Q. When did you obtain that?  
 4 **A. 1977.**  
 5 Q. Have you ever taught special education?  
 6 **A. Yes, I did.**  
 7 Q. Can you briefly give me your work history  
 8 from the time you graduated from college.  
 9 **A. I worked at St. Peter's Child Development**  
 10 **Center, actually in Pittsburgh, it was in Oakland, and**  
 11 **I worked there for two years.**  
 12 Q. So that would be about '77 to '79?  
 13 **A. Uh-huh.**  
 14 **MR. KANE:** Yes?  
 15 **A. Yes.**  
 16 **THE WITNESS:** I'm sorry.  
 17 **MR. KANE:** That's all right. It won't  
 18 be the last time it happens.  
 19 **BY MS. WATSON:**  
 20 Q. And where did you work after that?  
 21 **A. I didn't work after that. I stayed home when**  
 22 **we had our first child.**  
 23 Q. Have you gone back to any employment outside

16

1 of the home since the job at St. Peters?  
 2 **A. No, I have not.**  
 3 Q. You were married to Robert Tim Stack?  
 4 **A. Uh-huh.**  
 5 Q. And he went by Tim, correct?  
 6 **A. He went by Tim, yes.**  
 7 Q. And you were married on August 9th of 1977?  
 8 **A. Actually, August 6, 1977.**  
 9 Q. Okay.  
 10 **MR. KANE:** Could we take two seconds.  
 11 She made two corrections on the short form  
 12 interrogatories, and I forgot them.  
 13 **MS. WATSON:** Okay.  
 14 (Discussion off the record.)  
 15 **BY MS. WATSON:**  
 16 Q. Mrs. Stack, your counsel just walked in with  
 17 your Answers to Interrogatories, and I understand that  
 18 you have made two corrections to them.  
 19 Would one be the date of your marriage?  
 20 **A. Yes.**  
 21 Q. And what's the other correction?  
 22 **A. It is No. 5, complete the following chart**  
 23 **with regard to each person listed. In interrogatory**

17

1 **Nos. 2 and 4, who is dependent upon the descendant for**  
 2 **financial support. And it would be myself and my son,**  
 3 **Matthew Stack.**  
 4 Q. Okay. And other than those two questions,  
 5 everything else appear to be accurate to you?  
 6 **A. Yes.**  
 7 Q. Your husband was born on January 21st, 1952?  
 8 **A. Yes.**  
 9 Q. And he passed away July 30th, 2012?  
 10 **A. Yes.**  
 11 Q. We were provided with a DVD that looks like  
 12 it was a -- it's a compilation of individuals speaking  
 13 about your husband. Do you know when that was made?  
 14 **A. Yes. It was made May of this year. I think**  
 15 **it might May 6th, part of it. But then part of it,**  
 16 **the parts for myself were made a couple different --**  
 17 **other times in May, but I'm not sure. I can't**  
 18 **remember the date.**  
 19 Q. So May of 2014?  
 20 **A. Yes, May of 2014.**  
 21 Q. On the cover that the DVD came in, there was  
 22 an attorney's name, it was not Mr. Kane and it was not  
 23 Mr. Wilson. Do you have another attorney?

18

1       **A. I do.**  
 2       Q. And who is that?  
 3       **A. It's David Walbert.**  
 4       Q. And what is Mr. Walbert your attorney for?  
 5       **A. For this case.**  
 6       Q. Okay. Was the DVD done professionally?  
 7       **A. Yes.**  
 8       Q. Was it done at your home?  
 9       **A. Yes.**  
 10       **MR. KANE:** Not all of it though, is that  
 11 right? It may have been. I don't --  
 12       **A. Oh, parts that -- the interviews were done,**  
 13 **but there were some shots done of my husband. There's**  
 14 **part of a video that he was speaking at different**  
 15 **occasions.**  
 16       Q. Okay. Did all of the individuals that gave,  
 17 for lack of a better word, interviews in this DVD, did  
 18 they come to Atlanta for those interviews?  
 19       **A. Uh-huh. Yes.**  
 20       **MR. KANE:** Did they come for those  
 21 interviews or were they --  
 22       **A. Actually, they were in Atlanta. We were**  
 23 **having a celebration. My husband, they endowed a**

19

1       **professorship in my husband's name, the Medical**  
 2 **College of Virginia where he received his master's in**  
 3 **healthcare administration. When he passed away, his**  
 4 **colleagues and friends and teachers endowed a**  
 5 **professorship in his honor. So, you know, a lot of**  
 6 **people from the Medical College of Virginia came to my**  
 7 **house to present that, to honor Tim, and I invited**  
 8 **family members and friends to come at that time.**  
 9       Q. Okay. So the videographer didn't have to  
 10 travel, for instance, to Michigan to interview Dr.  
 11 Dunlop or anything?  
 12       **A. No. He was there for the celebration.**  
 13       Q. Okay. On the DVD, have you watched the  
 14 full --  
 15       **A. Yes.**  
 16       Q. - DVD? Okay. Are there any portions that  
 17 you can recall being recorded that did not make the  
 18 final version?  
 19       **A. There probably were some -- yeah, there were**  
 20 **some -- a little more -- I'm not really -- I can't**  
 21 **remember everything, but there was some more, that**  
 22 **I -- you know, that they felt no need for.**  
 23       Q. So whoever produced this DVD took certain

20

1       sections of the interviews and made this final form  
 2 essentially?  
 3       **A. Yes.**  
 4       Q. Was there anybody who gave an interview with  
 5 the intent of it appearing on the DVD that when it was  
 6 in its final that person was not on the DVD?  
 7       **A. No.**  
 8       Q. And you said at least your portion was taken  
 9 over not just one day, but various days. Are you able  
 10 to estimate how long it took, how long the video was  
 11 rolling for this project?  
 12       **A. I'm not sure. Probably several hours.**  
 13       Q. It looks to me like it was in your home?  
 14       **A. Yes.**  
 15       Q. Who was present in your home when this was  
 16 being filmed?  
 17       **A. Just the videographer. It was a woman and a**  
 18 **man, that's all, just the two of them.**  
 19       Q. And I watched the video, and I know who spoke  
 20 on it. Did you ask these individuals to speak on the  
 21 video? Did you make the request to them?  
 22       **A. I did.**  
 23       Q. Okay. What did you say to them about what

21

1       you were compiling?  
 2       **A. I said that we were putting together a video**  
 3 **about Tim's life, and if they would like to speak**  
 4 **about their relationship with him.**  
 5       Q. Was this request made for litigation or for  
 6 any other purpose?  
 7       **A. Just for litigation.**  
 8       Q. On the video, Dr. Dunlop spoke; and he's from  
 9 Michigan, correct?  
 10       **A. Yes.**  
 11       Q. how long did you and your husband know Dr.  
 12 Dunlop?  
 13       **A. Since probably 1988.**  
 14       Q. And how long did you live in Michigan? And  
 15 it's my understanding your husband worked with Dr.  
 16 Dunlop?  
 17       **A. Yes.**  
 18       Q. How long did they work together?  
 19       **A. For 14 years.**  
 20       Q. And Dr. Dunlop spoke of his daughter, Laura?  
 21       **A. Laura.**  
 22       Q. It's my understanding that Laura at some  
 23 point in time moved down to Atlanta and worked at King

22

1 & Spalding for a period of time?  
 2 **A. Yes.**  
 3 Q. When she lived in Atlanta, how often would  
 4 you see her?  
 5 **A. We would see her about once a month.**  
 6 Q. And would it be a social circumstance,  
 7 dinner, something like that?  
 8 **A. We would have her to dinner or I would take**  
 9 **her to lunch.**  
 10 Q. Was she a child when you lived in Michigan?  
 11 **A. Yes, she was.**  
 12 Q. And then also on the video is Debbie Welsh,  
 13 your neighbor from Michigan?  
 14 **A. Yes.**  
 15 Q. How long was she your neighbor?  
 16 **A. For 13 years.**  
 17 Q. And once she moved from Michigan down to  
 18 Atlanta, Mrs. Welsh indicated, and I think there were  
 19 photos of her coming down for parties or --  
 20 **A. Uh-huh.**  
 21 Q. How often would you get together with her  
 22 outside of when you lived next door?  
 23 **A. We probably would see them twice to year. We**

23

1 **would go to Michigan maybe once a year to see them,**  
 2 **and they would come to Atlanta and visit us.**  
 3 Q. And then there was a young man, George  
 4 Christman?  
 5 **A. Yes.**  
 6 Q. And he appeared to be a family friend that  
 7 you actually taught him in preschool?  
 8 **A. I taught him in preschool at St. Peter's**  
 9 **Child Development Center.**  
 10 Q. Okay. What was -- it seemed like perhaps  
 11 that your husband was involved in, you know, directing  
 12 Mr. Christman towards, you know, a business frame of  
 13 mind. How did that come about? Did Mr. Christman  
 14 have -- did he have some family issues where your  
 15 husband became involved or how did that come about?  
 16 **A. Well, we -- he was like our adopted son. He**  
 17 **spent a lot of time with our family growing up. And**  
 18 **his father passed away, I'm not sure what date,**  
 19 **probably seven or eight years ago, and he actually**  
 20 **came to live with us in Atlanta because he was just,**  
 21 **you know, kind of having a hard time.**  
 22 **So he lived with us for two years. And at**  
 23 **that time, you know, we both would just give him**

24

1 **advice about, you know, his future. And he liked to**  
 2 **talk to Tim about, you know, things that he would**  
 3 **recommend for him to do, what be -- for business.**  
 4 Q. What two years did he live with you?  
 5 **A. It would be, I think, 2005 through 2007.**  
 6 Q. Was he born around -- I'm thinking if he was  
 7 in preschool when you were teaching, was he born, you  
 8 know, '7 --  
 9 **A. 1975.**  
 10 Q. Did Mr. Christman attend college?  
 11 **A. No. He graduated from high school. He**  
 12 **started to take some classes at Georgia Perimeter**  
 13 **College in Atlanta to get ready to start college. But**  
 14 **then he ended up moving back to Pittsburgh to help his**  
 15 **stepfather with an exterminating business.**  
 16 Q. Does he live in Pittsburgh now?  
 17 **A. He does.**  
 18 Q. Do you know what portion of the city?  
 19 **A. He lives in Bloomfield.**  
 20 Q. Does he own his own business now?  
 21 **A. Yes, he does.**  
 22 Q. What is the name of his business?  
 23 **A. It's called George Christman Pest Control.**

25

1 Q. And it looks like when he lived with you, he  
 2 was around 30 years old or so?  
 3 **A. Yes.**  
 4 Q. When he came down to live with you, did you  
 5 provide any financial support for him?  
 6 **A. Yes.**  
 7 Q. In what form?  
 8 **A. Well, he stayed at our house, you know, and**  
 9 **we fed him and, you know, pretty much just took care**  
 10 **of him during that time.**  
 11 Q. What was he doing, if anything, during that  
 12 time?  
 13 **MR. KANE: You mean for employment?**  
 14 **MS. WATSON: Yes.**  
 15 **A. At that time he wasn't employed.**  
 16 Q. When he ceased living with you in 2007, did  
 17 he move back up to Pittsburgh or did he stay down in  
 18 the Atlanta area?  
 19 **A. He moved back to Pittsburgh.**  
 20 Q. And when he stayed with you, you said he was  
 21 not employed at the time, was there something that was  
 22 prohibiting him from being employed at the time?  
 23 **A. Just he -- I mean, he was really depressed**

1 about his father had passed away suddenly of a heart  
2 attack, and he had been, I think, working with his  
3 stepfather at that time for the exterminating business  
4 in Pittsburgh, but was, you know, just not doing well,  
5 was depressed and kind of needed some help. And his  
6 mom asked if he could stay with us for sometime.

7 Q. Did he receive any type of treatment then  
8 when he stayed with you?

9 A. No. No. We just, you know, would talk to  
10 him and help him.

11 Q. Okay. And then also on the DVD is Chris and  
12 Debbie Potts?

13 A. Yes.

14 Q. That's Tim's sister and her husband, correct?

15 A. Yes.

16 Q. Where do they live?

17 A. They live in Delaware.

18 Q. Where in Delaware?

19 A. They just moved, and I'm not sure of their  
20 new address. It's -- you know what, it used to be  
21 Middletown, Delaware. It's close to that area, but  
22 I'm not sure of the name of the town they live in now.

23 Q. How often would you see Chris and Debbie?

1 Q. When you read that, you read the entire paper  
2 or just portions of it?

3 A. I just read portions.

4 Q. Do you still have that paper?

5 A. I do.

6 Q. And you also showed candescence cards,  
7 sympathy cards, you know, a stack of paper which I  
8 think was described as emails.

9 Did you maintain those as well?

10 A. Yes.

11 Q. How long did you and your husband live at 27  
12 Montclair Drive?

13 A. We moved into that house in 2005.

14 Q. How many bedrooms was that home?

15 A. Seven bedrooms.

16 Q. Where did you live prior to that?

17 A. We lived -- well, we rented a home while this  
18 house was being built. It was on Wakefield Drive in  
19 Atlanta.

20 Q. And how long were you there?

21 A. About a year.

22 Q. How many bedrooms was that home on Wakefield?

23 A. It was four bedrooms.

1 A. We would probably see them two to three times  
2 a year.

3 Q. And I believe on that they had mentioned, one  
4 of them had mentioned that their son, your nephew, was  
5 interested in hospital administration?

6 A. Yes.

7 Q. And he accepted a job offer from your  
8 husband?

9 A. Yes.

10 Q. Was this at Piedmont?

11 A. Yes. He works at Piedmont.

12 Q. Does he still work there?

13 A. He still works at Piedmont.

14 Q. Was that Daniel?

15 A. No. That's Brian Potts.

16 Q. What does he do now at Piedmont?

17 A. He just started a new job. I'm not sure of  
18 the exact title. But it's assistant to the surgical  
19 operations at Piedmont Hospital, Atlanta. I'm not  
20 sure if that's the correct title.

21 Q. And in the video you also read a paper, a  
22 portion of a paper that your son, Matthew, wrote?

23 A. Yes.

1 Q. Was that the first home you lived in when you  
2 moved to Atlanta or did you live somewhere else?

3 A. We actually lived at one other address. We  
4 lived on East Conway Drive in Atlanta.

5 Q. Did you own that?

6 A. We did.

7 Q. How many bedrooms was that?

8 A. Four, I think.

9 Q. Was that the home that you bought when you  
10 moved down to --

11 A. When we moved to Atlanta, yes.

12 Q. And when did you move down to Atlanta?

13 A. We moved in -- Tim started work in 2000 --  
14 December 2001, and Matthew and I moved in January of  
15 2002.

16 Q. I'm going to back up and start back in the  
17 1970s.

18 A. Uh-huh.

19 Q. When did you first meet Mr. Stack?

20 A. I met Tim at Bethany College in October 1973.

21 Q. Were you a student there?

22 A. Yes.

23 Q. What were you studying there?



1           **A. I was studying elementary education.**  
 2           Q. And what years did you attend Bethany  
 3 College?  
 4           **A. I was there '73 through '75.**  
 5           Q. And did you not obtain a degree from there?  
 6           **A. No.**  
 7           Q. Do you know when your husband attended  
 8 Bethany College?  
 9           **A. He started I think in 1970, and then**  
 10 **graduated in -- well, he had to take a semester off**  
 11 **because he had mononucleosis, so -- this is terrible.**  
 12 **I think he ended up graduating in January of 1975.**  
 13           Q. Do you know what semester he took off due to  
 14 the mono?  
 15           **A. I'm not sure, really. It might have been his**  
 16 **freshman year, the first semester.**  
 17           Q. So you had not met him?  
 18           **A. No, I did not know him.**  
 19           Q. What did he obtain his degree in from Bethany  
 20 College?  
 21           **A. Sociology.**  
 22           Q. Did he have, you know, a group of friends  
 23 from college that you were familiar with?

1           **A. He did.**  
 2           Q. Any ones in particular that you listed?  
 3           **A. Most of them that I listed, and more, too,**  
 4 **but I'm having such a blank on people's names.**  
 5           Q. When you met Mr. Stack in October of 1973, he  
 6 was already a college student there?  
 7           **A. Uh-huh.**  
 8           Q. Did he have any part-time jobs when you first  
 9 met him? Was he working anywhere?  
 10           **A. Not -- not that I knew at that time.**  
 11           Q. Do you know, did he hold any part-time jobs  
 12 during the school years when he attended Bethany  
 13 College?  
 14           **A. He might have helped out in the kitchen, but**  
 15 **I am not positive about that.**  
 16           Q. Did you hold any part-time jobs when you were  
 17 in school?  
 18           **A. No, I didn't.**  
 19           Q. Are you familiar with his family, your  
 20 husband's family history?  
 21           **A. Most -- some of it.**  
 22           Q. Okay. What were the name of his parents?  
 23           **A. His birth father was Robert Bartholomew**

1           **A. Yes.**  
 2           Q. Can you give me some of their names?  
 3           **A. Let's see. Al Ciocca, Bill Walker, Tom**  
 4 **Miller. Let's see. John Deasy. I'm trying to think.**  
 5 **This is from Bethany?**  
 6           Q. Yes.  
 7           **A. Yes. I'm trying to think of more. There's a**  
 8 **lot, but I can't -- Kerry McCann. Gosh, I'm having a**  
 9 **blank on people's names.**  
 10           Q. That's okay. If anything comes to your mind,  
 11 just let me know.  
 12           **A. Okay.**  
 13           Q. Was your husband in any social groups or  
 14 organizations at college?  
 15           **A. He was. He was in the Sigma Nu, in the Sigma**  
 16 **Nu Fraternity. He played football for Bethany. He**  
 17 **was president of the student body at Bethany,**  
 18 **government.**  
 19           Q. The individuals that you listed for me, were  
 20 they his fraternity brothers?  
 21           **A. Yes, they were. Or they are, yes.**  
 22           Q. Did he keep in touch with any of them over  
 23 the years?

1           **Stack.**  
 2           Q. And it's my understanding that he passed away  
 3 when your husband was young?  
 4           **A. Yes, when Tim was seven years old.**  
 5           Q. Do you know what the cause of his death was?  
 6           **A. He had a massive cerebral hemorrhage.**  
 7           Q. Do you know what he had done for a living?  
 8           **A. I think he sold office equipment. He was a**  
 9 **salesman.**  
 10           Q. Do you know for what company?  
 11           **A. I do not know.**  
 12           Q. So he died in approximately 1959?  
 13           **A. Uh-huh.**  
 14           **MR. KANE: Yes?**  
 15           **A. Yes.**  
 16           Q. What was his mother's name?  
 17           **A. Marjorie Gilmore. Well, Marjorie -- when she**  
 18 **died, it was Marjorie Gilmore.**  
 19           Q. Because she remarried, correct?  
 20           **A. Yes, she remarried.**  
 21           Q. Do you know what her maiden name was?  
 22           **A. It was Kownacki.**  
 23           **MS. LEWIS: Can you spell that?**

1 THE WITNESS: Yes. It's  
 2 K-O-w-N-A-C-K-I.  
 3 BY MS. WATSON:  
 4 Q. Where was your husband born?  
 5 A. In Pittsburgh.  
 6 Q. What section of the city did he grow up in?  
 7 A. He -- I think they lived in East McKeesport  
 8 when he was born. And then after his father passed  
 9 away they lived in Dormont for a short time. And then  
 10 when my mother-in-law remarried, they moved to  
 11 Pleasant Hills.  
 12 Q. Did he graduate from high school in Pleasant  
 13 Hills?  
 14 A. He did. He graduated from Thomas Jefferson  
 15 High School.  
 16 Q. Do you know what year he graduated high  
 17 school?  
 18 A. I think it was 1970.  
 19 Q. Where did you grow up?  
 20 A. I grew up in Mount Lebanon.  
 21 Q. Your whole childhood?  
 22 A. Yes.  
 23 Q. You graduated from Mount Lebanon High School?

1 A. She remarried John Gilmore.  
 2 Q. What did Mr. Gilmore do for a living?  
 3 A. He worked at Pittsburgh Aeronautical School.  
 4 He taught airplane, you know, mechanics or air -- you  
 5 know, how to fix airplanes.  
 6 Q. Did he hold that same job, to your knowledge,  
 7 the whole time that your husband lived with him  
 8 growing up?  
 9 A. Yes.  
 10 Q. Did he hold any other jobs?  
 11 A. You know, I'm not sure what else he did. I  
 12 don't remember.  
 13 Q. Your mother-in-law, Marjorie, did she work  
 14 outside of the home when your husband was growing up?  
 15 A. She did. She was a real estate agent.  
 16 Q. Do you know for what company?  
 17 A. Gosh, I don't remember.  
 18 Q. Other than being a real estate agent, do you  
 19 know whether she held any other job when your husband  
 20 was growing up?  
 21 A. No, she did not, that I know of.  
 22 Q. Did Marjorie and her -- I'm assuming John  
 23 Gilmore was her second husband?

1 A. Actually, I went to Fontbonne Academy.  
 2 Q. What year did you graduate?  
 3 A. I graduated in '73. 1973.  
 4 Q. Did your mother-in-law, Marjorie, and your  
 5 husband's birth father, Robert Stack, have any  
 6 children together other than your husband?  
 7 A. Yes, Debbie Potts.  
 8 Q. And how old is Debbie Potts?  
 9 A. She is seven years younger than Tim, so I  
 10 guess -- I don't know.  
 11 Q. So she was a baby then?  
 12 A. She was nine months old.  
 13 Q. So just so the record is clear, she was nine  
 14 months old when her father passed?  
 15 A. Right, when her father passed.  
 16 Q. When did Marjorie get remarried?  
 17 A. She remarried three years after Tim's dad  
 18 passed away.  
 19 Q. So sometime in 1962?  
 20 A. That's correct, I think.  
 21 Q. Thereabouts?  
 22 A. About, yeah.  
 23 Q. And who did she remarry?

1 A. Correct.  
 2 Q. Did they have any children together?  
 3 A. They did. They had a daughter, Alice.  
 4 Q. Okay. Any others?  
 5 A. John, Tim's stepdad, had a son from a  
 6 previous marriage, his name was John Gilmore, too.  
 7 But he went by Rusty, that was his nickname.  
 8 Q. In relation to your husband, how old was  
 9 Rusty?  
 10 A. He's about four years younger than Tim.  
 11 Q. Did he live at any point in time with his dad  
 12 and your mother-in-law?  
 13 A. Yes. He grew up with them.  
 14 Q. And where does he live now?  
 15 A. He lives in Scottsdale, Arizona.  
 16 Q. What does he do for a living?  
 17 A. I'm not sure. It's something to do with  
 18 software, but I don't -- I really don't know.  
 19 Q. Do you know whether Rusty held any jobs when  
 20 he and your husband lived in the same household?  
 21 A. He did. He -- he worked at some department  
 22 stores. I can't remember the names, though. Mostly  
 23 through, like, high school and college he did. But I

38

1 **can't remember the stores.**  
 2 Q. Just like sales or --  
 3 **A. Yes, sales. I think sales.**  
 4 Q. Stocks, things like that?  
 5 **A. More sales-type thing.**  
 6 Q. And Alice, what's her last name?  
 7 **A. Her last name is Dragovich.**  
 8 Q. And how old is she in relation to your  
 9 husband?  
 10 **A. She is -- I think she's 51 right now.**  
 11 Q. Where does she live?  
 12 **A. She lives in Pittsburgh.**  
 13 Q. Do you know whether she held any jobs while  
 14 she lived in the same household with your husband?  
 15 **A. I don't know that.**  
 16 Q. Were there any other individuals that you can  
 17 recall living in the same household or being told that  
 18 they lived in the same household with your husband  
 19 when he was growing up?  
 20 **A. The -- his stepfather's mother lived with**  
 21 **them for a short time.**  
 22 Q. What was her name?  
 23 **A. I don't remember.**

39

1 Q. Okay. It's my understanding that Marjorie  
 2 has passed away?  
 3 **A. She has.**  
 4 Q. When did she pass away?  
 5 **A. In 2005.**  
 6 Q. What was the cause of her death?  
 7 **A. Breast cancer.**  
 8 Q. Other than breast cancer, do you know whether  
 9 she had any other type of cancer during her lifetime?  
 10 **A. No.**  
 11 Q. And your husband's stepfather, John Gilmore,  
 12 is he still alive?  
 13 **A. He is still alive.**  
 14 Q. Where does he live now?  
 15 **A. He lives in Pittsburgh.**  
 16 Q. Do you know where he lives?  
 17 **A. He lives with Tim's sister, Alice. They live**  
 18 **in South Park.**  
 19 Q. How is his health, do you know?  
 20 **A. It's good. He's had some problems with his**  
 21 **heart, but he's doing really well right now.**  
 22 Q. And your sister-in-law, Debbie Potts, how is  
 23 her health?

40

1 **A. Good. Really good.**  
 2 Q. Did she have cancer at some point in time?  
 3 **A. She did have uterine cancer.**  
 4 Q. Do you know when that was?  
 5 **A. I don't know. It was probably six years ago**  
 6 **maybe. But I'm not sure of the dates.**  
 7 Q. Okay. Is she in remission now from --  
 8 **A. Yes. She's been fine.**  
 9 Q. And Alice, how is her health?  
 10 **A. It's good right now.**  
 11 Q. Did she have some health issues?  
 12 **A. She did have rectal cancer.**  
 13 Q. Do you know when that was?  
 14 **A. Maybe around 2002.**  
 15 Q. Are your husband's parents still alive? Not  
 16 his parents, his grandparents. Sorry.  
 17 **A. No.**  
 18 Q. Did you ever meet them?  
 19 **A. I did.**  
 20 Q. Do you know, did they ever live with your  
 21 husband?  
 22 **A. No, they didn't.**  
 23 Q. Do you know what the cause of any of their

41

1 deaths were?  
 2 **A. I don't know. But it was -- they were older.**  
 3 **It was, you know, just -- it wasn't -- I really can't**  
 4 **remember.**  
 5 Q. Okay. Now, we talked about your  
 6 mother-in-law having breast cancer, your sister-in-law  
 7 having uterine cancer, and your other sister-in-law  
 8 having rectal cancer.  
 9 Do you know of any other history of cancer  
 10 within your husband's bloodline?  
 11 **A. No, there's no one else.**  
 12 Q. There has been listed as a witness a  
 13 gentleman by the name of Art Ostrowski.  
 14 **A. Yes.**  
 15 Q. Who is he?  
 16 **A. He is Tim's uncle.**  
 17 Q. And how is that --  
 18 **A. It is Tim's mom's sister's husband.**  
 19 Q. His sister -- his aunt, what's her name?  
 20 **A. Her name is Betty Ostrowski.**  
 21 Q. Is Betty still alive?  
 22 **A. Yes.**  
 23 Q. Is Art still alive?

42

1       **A. Yes.**  
 2       Q. Where do they live?  
 3       **A. They live in Naples, Florida. No, not**  
 4 **Naples. Venice, Florida. I'm sorry.**  
 5       Q. When was the last time you saw Art?  
 6       **A. Art came to Tim's funeral. It would be July**  
 7 **2012.**  
 8       Q. How is his health?  
 9       **A. Good.**  
 10      Q. Have you spoken to him at all about this  
 11 lawsuit?  
 12      **A. I don't think I have.**  
 13      Q. Do you know if anyone has spoken to him on  
 14 your behalf about this lawsuit?  
 15      **A. I don't know. I'm not sure.**  
 16      Q. You said your attorney down in Atlanta. I'm  
 17 assuming he was in Atlanta, right, the one --  
 18      **A. Dave Walbert?**  
 19      Q. Walbert.  
 20      **A. Yes.**  
 21      Q. Other than doing the -- I don't want to hear  
 22 any conversations you may have had with him, but other  
 23 than, you know, I guess directing you have to this

43

1       video done, do you know whether he has had any other  
 2 involvement in your pending lawsuit?  
 3       **MR. KANE:** Let me just object, because I  
 4 think you're getting into attorney work product at  
 5 this point so I'm going to instruct her not to  
 6 answer.  
 7       **MS. WATSON:** All right.  
 8 **BY MS. WATSON:**  
 9       Q. Do you know whether any private investigators  
 10 have been retained on your behalf?  
 11      **A. I don't know that.**  
 12      Q. Do you know whether any statements have been  
 13 taken by witnesses in regard to this lawsuit?  
 14      **A. I don't know that either.**  
 15      Q. Do you know if Mr. Ostrowski has any  
 16 information in regard to your husband's work history  
 17 at Vulcan?  
 18      **A. He helped Tim get the job, but I don't know**  
 19 **really anything after that.**  
 20      Q. What did Ostrowski do at Vulcan?  
 21      **A. I think he was a chemist, but I'm not sure**  
 22 **what that meant or what he did.**  
 23      Q. Do you know for what period of time he worked

44

1       there?  
 2       **A. No, I don't.**  
 3       Q. Do you know if your husband held any -- let  
 4 me ask you this first: Do you know of any other  
 5 family member that worked at Vulcan?  
 6       **A. No.**  
 7       Q. Any of your family members?  
 8       **A. No.**  
 9       Q. Did Mr. Ostrowski and his wife have any  
 10 children?  
 11      **A. Yes.**  
 12      Q. And who are they?  
 13      **A. Sandy Ostrowski. I'm not sure of her married**  
 14 **name.**  
 15      Q. Just one?  
 16      **A. And then Ricky is her son.**  
 17      Q. Did either one of them work at Vulcan?  
 18      **A. Not -- I don't know.**  
 19      Q. Did your husband hold any jobs while he was  
 20 growing up?  
 21      **A. Yes.**  
 22      Q. Prior to going to college?  
 23      **A. Prior to -- well, he worked at, you know,**

45

1       **Vulcan I think three summers. And then he worked at**  
 2 **Eye & Ear Hospital as an orderly. And he worked at,**  
 3 **like, J. C. Penney, I think, like during Christmastime**  
 4 **to earn some extra money during college. And that's**  
 5 **really all I can remember.**  
 6       Q. Okay. Do you know whether he had any jobs or  
 7 internships when he was in, you know, junior high or  
 8 high school?  
 9       **A. No, I -- I -- I don't know of any jobs that**  
 10 **he had then.**  
 11      Q. Do you know what summers he worked at Vulcan?  
 12      **A. He worked three summers. It's maybe '70 --**  
 13 **maybe '72 and '73. I'm not sure of those exact dates,**  
 14 **though, because it was before I met Tim, so --**  
 15      Q. Did he work at all at Vulcan before you met  
 16 him? You met him in October of '73.  
 17      **A. No.**  
 18      Q. So, all his time at Vulcan was before you had  
 19 met him?  
 20      **A. Right.**  
 21      Q. Do you have any information as to what his  
 22 job was at Vulcan?  
 23      **A. I really don't know what he did. I don't --**

1 he didn't really talk -- we didn't talk about it.

2 Q. Do you know what line of business Vulcan was  
3 in?

4 A. I know it was a detinning plant, but that's  
5 really all I know.

6 Q. And you don't know what areas of the facility  
7 he would have worked in?

8 A. No, I don't, really.

9 Q. Do you know if any of his friends or fellow  
10 college mates also had any internships at Vulcan?

11 A. Not that I know of.

12 Q. Do you know anybody, did your husband ever  
13 mention any individual that may have had an internship  
14 at Vulcan?

15 A. No.

16 Q. Do you know the names of anybody that worked  
17 at Vulcan?

18 A. No, I don't.

19 MR. KANE: Can we take two-minute  
20 bathroom break?

21 MS. WATSON: Sure.

22 (Recess 11:00 - 11:04)

23 BY MS. WATSON:

1 A. He lives somewhere in Pennsylvania, but I'm  
2 not really sure where.

3 Q. What's his last name?

4 A. Kane, Ronnie Kane.

5 THE WITNESS: He shortened it. It was  
6 Kownacki.

7 MR. KANE: That's a fashionable name.

8 THE WITNESS: Yeah, you might be a  
9 Kownacki.

10 MR. KANE: I might be O'Kane, but not  
11 Kownacki.

12 BY MS. WATSON:

13 Q. And you had said earlier that he worked at  
14 some point in time in the Eye & Ear Hospital as an  
15 orderly while he was in college?

16 A. Yes.

17 Q. Do you know when that was?

18 A. I don't know those years.

19 Q. It was before you met him?

20 A. Yes.

21 Q. And that was when he was in college?

22 A. Yes.

23 Q. Then you mentioned the J. C. Penney job?

1 Q. We have a copy of your husband's statement of  
2 earnings for the Social Security Administration.

3 A. Uh-huh.

4 Q. And I want to ask you about at least one of  
5 the jobs here. It says Momentive Specialty Chemicals,  
6 and it's got a payroll address of Columbus, Ohio. It  
7 indicates he worked there during the second quarter of  
8 1974.

9 Do you have any information on that job?

10 A. Oh, I think that was his uncle had a  
11 carpet-cleaning business, and I think he helped him  
12 clean carpets for apartment buildings or businesses,  
13 maybe homes, too.

14 Q. Where was this job located, the  
15 carpet-cleaning job?

16 A. It was somewhere in Pittsburgh, but I don't  
17 know where.

18 Q. Was this his Uncle Art?

19 A. No. This is his Uncle Ronnie, his mom's --  
20 one of his mom's brothers.

21 Q. Is he still alive?

22 A. Yes.

23 Q. Where does he live?

1 A. Yes.

2 Q. And that's on here. Okay. There's also an  
3 indication here that during, at least during the  
4 calendar year 1975, he worked at Allegheny General  
5 Hospital?

6 A. Yes. I don't know what did he there, though.

7 Q. And then also beginning in 1975 and for some  
8 of 1976 it's listed Richmond Memorial Hospital in  
9 Richmond, Virginia?

10 A. Yes.

11 Q. Was that when he was going to graduate  
12 school?

13 A. That was when he was in graduate school, he  
14 was an evening administrator.

15 Q. When did he go to graduate school?

16 A. In 1975 through 1977.

17 Q. Where did he go?

18 A. He went to The Medical College of Virginia in  
19 Richmond.

20 Q. And what did he obtain his master's in then?

21 A. Health care administration.

22 Q. And that was in 1977?

23 A. Yes.

50

1 Q. Did you stay back in Pittsburgh when he was  
 2 in college?  
 3 **A. I transferred to Duquesne University in 1975**  
 4 **through 1977.**  
 5 Q. And when you graduated, you then got married?  
 6 **A. We did, in August.**  
 7 Q. When did he get his master's degree, what  
 8 month?  
 9 **A. In May of 1977.**  
 10 Q. Do you have any information in regard to  
 11 whether your husband worked with or around any  
 12 asbestos-containing products during any of his  
 13 employment throughout his lifetime?  
 14 **A. I'm not aware of any.**  
 15 Q. Did he ever speak with you about any  
 16 asbestos-containing products that he may have thought  
 17 that he either worked with or around?  
 18 **A. Huh-uh.**  
 19 **MR. KANE:** Is that a no?  
 20 **THE WITNESS:** No. Sorry. No.  
 21 **BY MS. WATSON:**  
 22 Q. In the pile of sympathy cards, condolences,  
 23 et cetera, do you recall whether there was anything

51

1 from anyone that worked at Vulcan with your husband?  
 2 **A. No, I did not receive anything from them.**  
 3 Q. Do you know whether your husband maintained  
 4 any friendships with anybody that he may have worked  
 5 with at Vulcan?  
 6 **A. Not that I know of.**  
 7 Q. Has your husband always gone by the name Tim?  
 8 **A. Yes.**  
 9 Q. Did he have any other nicknames?  
 10 **A. Just Tim.**  
 11 Q. Now, when you graduated from Duquesne and  
 12 your husband graduated from The Medical College of  
 13 Virginia, and then you got married --  
 14 **A. Right.**  
 15 Q. -- where did you live at that juncture?  
 16 **A. We lived at Pennsbury Village.**  
 17 Q. You moved back -- or he moved back to  
 18 Pittsburgh?  
 19 **A. He moved back to Pittsburgh, correct.**  
 20 Q. And how long did you live at Pennsbury  
 21 Village?  
 22 **A. I think about a year and a half.**  
 23 Q. So 1977 through '79, or thereabouts?

52

1 **A. Yes.**  
 2 Q. During that timeframe, where did he work?  
 3 **A. He worked at South Side Hospital.**  
 4 Q. What did he do there?  
 5 **A. He was the medical staff coordinator.**  
 6 Q. And when you moved from Pennsbury Village  
 7 sometime in probably 1979, where did you go?  
 8 **A. We moved to Pleasant Hills. We lived there**  
 9 **for seven years.**  
 10 Q. So 1979. Your eldest son was born in '79?  
 11 **A. Yes.**  
 12 Q. November 2nd of '79?  
 13 **A. November 2nd of '79.**  
 14 Q. Were you still living in Pennsbury Village  
 15 when he was born?  
 16 **A. No. We had moved to Pleasant Hills.**  
 17 Q. Where in Pleasant Hills, do you recall the  
 18 address?  
 19 **A. It was East Bruceton Drive. I don't remember**  
 20 **the number.**  
 21 Q. You said you lived there for several years.  
 22 Was your next son, Ryan, born when you still lived in  
 23 that home?

53

1 **A. Yes, Ryan was born in that home.**  
 2 Q. Do you know how long after Ryan was born that  
 3 you moved?  
 4 **A. I think a year later we moved to South Park.**  
 5 Q. So you lived on East Bruceton Drive from  
 6 about 1979 to 1983 or so?  
 7 **A. Yes.**  
 8 Q. And Ryan was born on October 1 of '82?  
 9 **A. Correct.**  
 10 Q. Where did you live when you lived in South  
 11 Park?  
 12 **A. We lived on Citation Drive.**  
 13 Q. How long did you live there?  
 14 **A. We lived there, I think it was 1984 until**  
 15 **1987.**  
 16 Q. Do you know when he left his employment at  
 17 South Side Hospital?  
 18 **A. Well, he actually worked at -- he went to**  
 19 **work at Central Medical Pavilion. It's now -- I think**  
 20 **St. Francis Hospital owns it. But he left South Side**  
 21 **as the medical staff coordinator, and then went to**  
 22 **Central Medical Pavilion for about a year and a half**  
 23 **as the chief operating officer. And then he went back**

1 to South Side Hospital to become the CEO of South Side  
 2 Hospital.  
 3 Q. Do you know what year he became the CEO of  
 4 South Side?  
 5 A. He was 29, so whenever -- it was 1981, maybe,  
 6 '80?  
 7 MR. KANE: We can do the math. That's  
 8 all right.  
 9 BY MS. WATSON:  
 10 Q. Yeah, that's all right.  
 11 A. Somewhere around there. I don't remember  
 12 dates real well.  
 13 Q. Is that -- you're pretty good, actually.  
 14 Because if the Social Security records indicate that  
 15 he worked at St. Francis for a very -- not much at all  
 16 dollar-wise in 1979, but really in 1980 and it looks  
 17 like a portion of 1981.  
 18 A. Yeah.  
 19 Q. So when he left there and moved back to South  
 20 Side Hospital is when he became CEO?  
 21 A. He became CEO then.  
 22 Q. And how long then did he work of South Side?  
 23 A. Until 1987.

1 A. We moved.  
 2 Q. We talked about the homes that you had down  
 3 in the Georgia area earlier.  
 4 A. Uh-huh.  
 5 Q. And then when he got his job at Piedmont  
 6 Hospital, do you know what he was, his initial job  
 7 was?  
 8 A. He was CEO of Piedmont Hospital.  
 9 Q. And he started there in 2001?  
 10 A. Yes.  
 11 Q. Do you know what month he actually started?  
 12 A. I think it was in December.  
 13 Q. At some point in time did he leave there?  
 14 A. He did, for a few months. He was offered a  
 15 job with MedQuist. It's a company that sells  
 16 transcription equipment. And he -- he had been on the  
 17 board of directors for several years, and the founder  
 18 and CEO of the company retired, so they -- so Tim was  
 19 hired, you know, to take over for him.  
 20 Q. Do you remember what year that was?  
 21 A. That was 2000 -- 2003. But he just worked  
 22 from, I think, October through the end of November.  
 23 Q. And he did not like it or what was the

1 Q. What happened in 1987?  
 2 A. He had a job offer in Kalamazoo, Michigan.  
 3 Q. What was the hospital name there?  
 4 A. It was Borgess Medical Center.  
 5 Q. How long did he work there?  
 6 A. He worked there until 2001.  
 7 Q. How many places did you live in in Michigan?  
 8 A. We just -- we lived in an apartment for a  
 9 year while we built a new house, and then we lived on  
 10 Swan Creek Drive in Michigan for 13 years.  
 11 Q. Do you remember the house number?  
 12 A. It's 3620.  
 13 Q. And what was the city there?  
 14 A. That was Portage, Michigan.  
 15 Q. Do you recall your apartment, where that was?  
 16 A. It was in Kalamazoo. It was called  
 17 Candlewick Apartments.  
 18 Q. And the home on Swan Creek Drive, how large  
 19 of a home was that?  
 20 A. It was four bedrooms.  
 21 Q. And you lived there until 2001?  
 22 A. Yes. Well, 2002, actually.  
 23 Q. Right.

1 reason --  
 2 A. He did not like it.  
 3 Q. What didn't he like?  
 4 A. It just -- it just wasn't what he expected it  
 5 to be, and it was -- he just wasn't happy, so he  
 6 resigned.  
 7 Q. Had they filled his position at Piedmont?  
 8 A. No. Luckily they did not fill it yet. They  
 9 were doing a search, and they hadn't found anyone yet.  
 10 So, he asked if he could come back and interview  
 11 again.  
 12 Q. Was there an acting CEO while he was gone?  
 13 A. Yes. I think Greg Hurst was the acting CEO.  
 14 Q. Did he work continuously then at Piedmont  
 15 Hospital up until 2012?  
 16 A. He did.  
 17 Q. And was his job always the same, the CEO?  
 18 A. It was, he was CEO.  
 19 Q. You mentioned that he had served on the board  
 20 of this MedQuist company?  
 21 A. Uh-huh.  
 22 Q. Other than that, did he serve on the boards  
 23 of any other companies?

1 A. He did. He served on a board, MedAssets, he  
2 was on their board. And he served on, you know, the  
3 American Hospital Association board, the Georgia  
4 Hospital Association, the Michigan Hospital  
5 Association, Bethany College.

6 There's -- there might be -- there's I think  
7 maybe one other board, I don't know the name of the  
8 company, but he served on the board of directors. It  
9 was like a medical equipment company, I think.

10 Q. Do you know whether he received compensation  
11 for serving on any of these boards?

12 A. He did for MedAssets. And he did, I think,  
13 for this medical equipment company. And then there  
14 was one other board, too, that -- but I can't think of  
15 the name, and he did have some compensation. But the  
16 other boards, it was all voluntary.

17 Q. There's a section in his Social Security  
18 records that's entitled self-employment, and it has  
19 entries for 1998 through 2001, 2003 through 2005, and  
20 then 2007 and 2011.

21 Do you know what this self-employment was  
22 for?

23 A. That would have been those boards, I would

1 Q. And when was this partnership established?

2 A. I think in 2006, maybe.

3 Q. Is his a vacation home or --

4 A. It's really a rental home.

5 Q. Is this partnership still in existence?

6 A. It is.

7 Q. And this partnership still owns this home?

8 A. Yes.

9 Q. Is it a rental home, meaning it's one home or  
10 is it a --

11 A. Yes, it's just one home.

12 Q. Do you know, on average, how much income was  
13 generated per year for this partnership?

14 A. No, I don't.

15 Q. Do you generate income now from this  
16 partnership?

17 A. No.

18 Q. Why not?

19 A. I don't know. I really don't. I don't know.  
20 It's --

21 MR. KANE: Is the rental income paying  
22 off the mortgage?

23 THE WITNESS: Yes, I guess that would be

1 assume.

2 Q. In 2000 there's an entry for self-employment  
3 of \$427,000. Do you know if that was solely for being  
4 on boards or was that for something else?

5 A. No, that would have been some type of board.

6 Q. And then 2003 there is an entry for \$498,000  
7 from American Medi-Wheels, Inc.?

8 A. That might be the equipment company I was  
9 talking about. But I'm not as familiar with that  
10 information.

11 Q. Are you familiar with a name of a partnership  
12 called McFarling Properties, Inc.?

13 A. Yes.

14 Q. What is that?

15 A. It's -- we own a home together.

16 Q. Who was in partnership?

17 A. It's Michael McFarling and Harry McFarling  
18 and then ourselves.

19 Q. Both you and your husband were --

20 A. Yes.

21 Q. -- partners in that as well? Okay. What  
22 property did you own or properties?

23 A. It's a house on Kiawah Island.

1 it. I guess that's why, yeah, the rent.

2 BY MS. WATSON:

3 Q. Do you know how much the mortgage is?

4 A. I'm not sure of that either. That's Tim  
5 pretty much took care of that, so...

6 Q. Did you and your husband have an accountant?

7 A. Yes.

8 Q. Who did you use?

9 A. We used Dennis Sterk.

10 Q. For what period of time was he your  
11 accountant?

12 A. From 2002 until -- he still is my accountant.

13 Q. Were you ever involved in, you know, the  
14 preparation of taxes or anything like that for your  
15 household?

16 A. Yeah. I mean, I would gather all the  
17 information and then take it to Dennis.

18 Q. And he would do your taxes every year?

19 A. Yes.

20 Q. How about for this McFarling properties, do  
21 you know whether that information was provided to --  
22 Sterk, is it?

23 A. Mr. Sterk, yeah. Yes, he would be given that



1 information.

2 Q. Your husband's income throughout the years,  
3 do you have -- other than, you know, approximations  
4 that you would probably know what your husband made,  
5 but do you have -- did you deal at all with his income  
6 or anything in regard to investments, anything like  
7 that? Were you involved with that?

8 A. No. I mean, I paid our bills, but I really  
9 wasn't involved with any investments or -- Tim pretty  
10 much did that.

11 Q. Did he have an investment company he worked  
12 with?

13 A. Yes.

14 Q. And what was that?

15 A. It's Northwestern Mutual, like wealth  
16 management, or something like that. Or Northwestern.  
17 Something like that.

18 Q. Was there any particular individuals or --

19 A. Yes.

20 Q. Who did he work with?

21 A. He worked with Rosenberg. His name's Bill  
22 Rosenberg.

23 Q. And is Mr. Rosenberg still with Northwestern

1 information concerning any stock options that your  
2 husband may have had through Piedmont?

3 MR. KANE: You mean specifics?

4 MS. WATSON: Yes.

5 A. No, I don't really -- I don't think he had  
6 any stock. I don't think there's...

7 Q. Did he have any bonus programs?

8 A. He did.

9 Q. Are you familiar with those at all?

10 A. No. I mean, I've heard of them, but I never  
11 understood them, and just let him pretty much take  
12 care of that.

13 Q. So he basically took care of -- you know, you  
14 would pay the bills and gather the materials --

15 A. Right.

16 Q. -- for the accountant, but as far as the  
17 specifics in regard to how the income was generated or  
18 allocated from different areas at Piedmont, that was  
19 really within your husband's control or information,  
20 really?

21 A. Right.

22 Q. What are your current sources of income?

23 A. It's pretty much, you know, his pension and,

1 Mutual?

2 A. Yes. Uh-huh.

3 Q. Other than -- I keep forgetting his name,  
4 Mr. Waldman (sic); right?

5 MR. KANE: The lawyer?

6 MS. WATSON: Yes.

7 A. Oh, Walbert?

8 Q. Yeah. Do you have any other family attorneys  
9 that may have dealt with, for instance, the estate or  
10 anything like that?

11 A. Yes. Paul Wagner.

12 Q. Is Mr. Wagner associated with a firm?

13 A. I think he's his own -- you know, he works by  
14 himself.

15 Q. In Atlanta?

16 A. In Atlanta.

17 Q. And did he handle the estate papers?

18 A. He did.

19 Q. And did he probate the will, et cetera?

20 A. Yes.

21 Q. And that was all done in Atlanta?

22 A. Yes, it was.

23 Q. Are you familiar or do you have any

1 you know, his life insurance. And that's about it, I  
2 guess. I can't think.

3 MR. KANE: Dividends?

4 A. Oh, dividends, yeah. I do get dividends,  
5 from, like, stocks and...

6 Q. Do you get a pension from Piedmont?

7 A. That was -- I think we got like a large  
8 amount. But I do get a pension from Borgess. I do  
9 get that.

10 Q. How much do you get a month from Borgess?

11 A. I think it's eight something a month from  
12 Borgess, 800 something. I don't know the exact  
13 amount.

14 Q. And then you said you had a lump sum payment  
15 from Piedmont?

16 A. Right.

17 Q. How much was that?

18 A. That I don't know. That all happened right  
19 after Tim died, and I was -- I was so distracted and  
20 in a fog. But my financial adviser was with me with  
21 all that, so...

22 Q. Who is your financial adviser?

23 A. Bill Rosenberg is still.

1 Q. And your life insurance policies, how much  
 2 was that?  
 3 A. **I think he had three -- three different**  
 4 **policies, and I think -- I'm not sure to tell you --**  
 5 **but two were for 1 million each, and then one was for**  
 6 **a half a million, I think.**  
 7 Q. And do you get monthly dividend payments?  
 8 A. **I don't know. I get like kind of -- my**  
 9 **financial adviser gives me so much money a month, and**  
 10 **that's how I kind of live off of that.**  
 11 Q. How much money does he give you a month?  
 12 A. **He gives, like, around 25,000 a month.**  
 13 Q. You sold your house about a week ago?  
 14 A. **I did.**  
 15 Q. What was the final sales price on that?  
 16 A. **It was 17795.**  
 17 Q. The single-family home that you own now, you  
 18 said you bought that last May?  
 19 A. **Yes.**  
 20 Q. May 2013?  
 21 A. **Right, May, right.**  
 22 Q. Is there a mortgage on that?  
 23 A. **Yes.**

1 A. **Good.**  
 2 Q. And your eldest son, Tim, he was born in '79?  
 3 A. **Uh-huh.**  
 4 Q. Does he still work for Entertainment Weekly?  
 5 A. **He does.**  
 6 Q. And what does he do for them?  
 7 A. **He's a senior writer for them.**  
 8 Q. Where does he live?  
 9 A. **He lives in New York, in Manhattan.**  
 10 Q. Is he single?  
 11 A. **He is single.**  
 12 Q. Is he financially dependent at all upon you?  
 13 A. **No.**  
 14 Q. How is his health?  
 15 A. **Good.**  
 16 Q. And then your middle son is Ryan?  
 17 A. **Uh-huh.**  
 18 Q. Does he still work for E News?  
 19 A. **He does.**  
 20 Q. Where does he live?  
 21 A. **He lives in West Hollywood, California.**  
 22 Q. What does he do at E News?  
 23 A. **He's an associate producer for that TV show,**

1 Q. Do you know how much the mortgage is?  
 2 A. **Let's see. I forget all this stuff.**  
 3 Q. 700,000. I'm not positive, though.  
 4 Q. Does anyone currently reside with you?  
 5 A. **My nephew, actually, Brian Potts, lives at my**  
 6 **house.**  
 7 Q. And he's your nephew that works at Piedmont?  
 8 A. **He is. And my son when he comes home from**  
 9 **college.**  
 10 Q. Where does your son go to college?  
 11 A. **He goes to the University of Georgia.**  
 12 Q. And that's Matthew, right?  
 13 A. **Matthew, yes.**  
 14 Q. And he was born on July 12, 1994?  
 15 A. **He was.**  
 16 Q. Did he just go back to school now?  
 17 A. **He just started two weeks ago back to**  
 18 **Georgia.**  
 19 Q. What year is he?  
 20 A. **He's a sophomore.**  
 21 Q. What's his area of study?  
 22 A. **Finance.**  
 23 Q. How is his health?

1 **E News.**  
 2 Q. How is his health?  
 3 A. **It's good, too.**  
 4 Q. Is he married?  
 5 A. **He is married.**  
 6 Q. What's his wife's name?  
 7 A. **Her name is Patricia.**  
 8 Q. What does she do?  
 9 A. **She just started training to be a flight**  
 10 **attendant for American Airlines.**  
 11 Q. Do they have any children?  
 12 A. **No.**  
 13 Q. Where did Tim go to school?  
 14 A. **He went to the University of Michigan.**  
 15 Q. What was his degree in?  
 16 A. **Film and video studies.**  
 17 Q. How about Ryan?  
 18 A. **He went to University of Michigan, too, in**  
 19 **film and video studies.**  
 20 Q. Are you in any clubs or organizations or  
 21 anything like that?  
 22 A. **I work -- or I'm in the Piedmont Hospital**  
 23 **Women's Auxiliary. And I volunteer at my church at a**

70

1 **soup kitchen, and I help out with other things at my**  
 2 **church.**  
 3 Q. What's your church?  
 4 **A. St. Luke's Episcopal Church in Atlanta.**  
 5 Q. When you lived on Montclair Drive, did your  
 6 household have somebody that took care of the lawn?  
 7 **A. Yes.**  
 8 Q. An outside service that did that?  
 9 **A. Yes.**  
 10 Q. How about the cleaning in the home, did  
 11 you --  
 12 **A. I had someone to come in and help once a**  
 13 **week.**  
 14 Q. You don't get much snow or anything like that  
 15 down there, do you?  
 16 **A. No.**  
 17 Q. It's a catastrophe when it happens.  
 18 **A. Yes, when it does unfrequently happen. Thank**  
 19 **God.**  
 20 Q. Because I usually ask who does the snow  
 21 removal.  
 22 **A. I know. That's right. We didn't -- we don't**  
 23 **even own a shovel.**

72

1 **A. Well, when we first got married we went to**  
 2 **Avalon, New Jersey, you know, with friends and with**  
 3 **the kids. And then when we moved to Michigan, we**  
 4 **went -- you know, we would do stuff on Lake Michigan,**  
 5 **northern -- we would spend a lot of summers up in**  
 6 **northern Michigan to visit friends up there.**  
 7 Q. And then when you moved down to Georgia,  
 8 where would you go?  
 9 **A. We went to Kiawah Island. We would use that,**  
 10 **like, once in the summer, and we'd take our family**  
 11 **there. And then we would go, really, more just back**  
 12 **to Michigan to visit friends.**  
 13 Q. Other than the partnership home that you own  
 14 and your current home, do you own any other real  
 15 estate?  
 16 **A. No.**  
 17 Q. When your husband was alive, you owned the  
 18 home on Montclair Drive, and then the partnership  
 19 home. Did you own any other real estate then?  
 20 **A. No.**  
 21 Q. When you met your husband in 1973, was he a  
 22 cigarette smoker?  
 23 **A. No.**

71

1 **MR. KANE:** That's a good thing.  
 2 **THE WITNESS:** I know.  
 3 **BY MS. WATSON:**  
 4 Q. Matthew's college education, how is that  
 5 being paid for?  
 6 **A. Well, part of it, he has the Hope**  
 7 **Scholarship, it's a scholarship program through the**  
 8 **State of Georgia. And then I pay the rest of his**  
 9 **college expenses.**  
 10 Q. Were there any activities that you and your  
 11 husband liked to do? Did you play tennis? Did you  
 12 golf? Did you travel? Anything like that?  
 13 **A. We loved to travel, and we played golf, and**  
 14 **we did lots of walking, and we loved to go to movies.**  
 15 **We just loved doing everything together.**  
 16 Q. Where would you go traveling?  
 17 **A. We would mostly go to see our kids, I mean**  
 18 **our older boys. But when they were younger, we'd go**  
 19 **to the beach pretty much a lot, you know, to sea with**  
 20 **them. Or go visit family. When they were younger,**  
 21 **we'd go to Disney World. They liked that.**  
 22 Q. Was there any favorite beaches that you went  
 23 to?

73

1 Q. Do you know whether he ever smoked  
 2 cigarettes?  
 3 **A. I don't -- I don't know. I don't think so.**  
 4 Q. Did he smoke cigars?  
 5 **A. He did smoke cigars.**  
 6 Q. Do you know how often he smoked cigars?  
 7 **A. I know when he, like, golfed with his**  
 8 **buddies, and then sometimes like, you know, he would**  
 9 **have one with a glass of wine or something.**  
 10 Q. Did you guys belong to a golf club or a  
 11 country club?  
 12 **A. We did.**  
 13 Q. What was the name of that?  
 14 **A. It was the Golf Club of Georgia.**  
 15 Q. Do you still belong there?  
 16 **A. No.**  
 17 Q. Do you belong to any clubs yourself?  
 18 **A. Well, right before he died we joined, it was**  
 19 **call Ansley Golf Club, which was really closer to our**  
 20 **house. This other golf club was really far away, and**  
 21 **so we joined a month before he got sick. And he only**  
 22 **used it once, so -- but I'm still, like, a social**  
 23 **member there.**

74

1 Q. Do you go there?  
 2 **A. I go there sometimes for dinner, but not that**  
 3 **much. It's not fun going by yourself.**  
 4 Q. I'm going to switch gears a little bit and  
 5 talk about your husband's medical history.  
 6 **A. Okay.**  
 7 Q. Do you want to take a break before we get  
 8 started?  
 9 **A. I'm good.**  
 10 Q. Okay. Do you know whether during his  
 11 childhood he had any reason to go to an emergency room  
 12 or anything like that?  
 13 **A. No, I don't.**  
 14 Q. Do you know whether -- you said before you  
 15 met him he had mono?  
 16 **A. Uh-huh.**  
 17 Q. Do you know of any other health conditions he  
 18 may have had before you met him?  
 19 **A. He was in a car accident, and I think he**  
 20 **broke -- maybe broke his hand. And then I think he**  
 21 **had a cyst, like a -- I forget what you call those,**  
 22 **like pion -- do you know what I'm talking about?**  
 23 **MR. KANE: No.**

76

1 before you moved to Michigan, did he have a family  
 2 doctor?  
 3 **A. He did.**  
 4 Q. Who was that?  
 5 **A. It was -- his name is Dr. Tuchinda.**  
 6 Q. Do you know how to spell that?  
 7 **A. I think it's like T-U-C-H-I-N-D-A.**  
 8 Q. Where was Dr. Tuchinda located?  
 9 **A. He was affiliated with South Side Hospital.**  
 10 Q. Is he deceased, do you know?  
 11 **A. I don't know that. I think he might still be**  
 12 **alive, but I -- I'm not sure.**  
 13 Q. Do you recall any particular reason that he  
 14 would have treated with Dr. Tuchinda?  
 15 **A. No. I think he would just have yearly**  
 16 **physicals. It was required that the employees do**  
 17 **that.**  
 18 Q. Was it required at all of his places of  
 19 employment, at least in the hospitals, that he have  
 20 yearly physicals?  
 21 **A. Uh-huh.**  
 22 **MR. KANE: Yes?**  
 23 **A. Yes.**

75

1 **A. I don't know. But it's like in your lower**  
 2 **back. It's, like, they just drain them or something.**  
 3 **It's very, you know -- that's -- and that's all I**  
 4 **know. That's all I can remember that he had before.**  
 5 Q. Before you met him?  
 6 **A. Right.**  
 7 Q. Okay.  
 8 **A. I remember him mentioning those.**  
 9 Q. Do you know when you met him whether he had  
 10 any type of family doctor at that time when he was at  
 11 Bethany College?  
 12 **A. He did have, like, just a regular, yeah,**  
 13 **family doctor; but I can't think of his name. I know**  
 14 **he's passed away now. I think his name was Dr.**  
 15 **Stoops.**  
 16 Q. Was he down in --  
 17 **A. He was in Pleasant Hills.**  
 18 Q. And then when he went to Virginia to get his  
 19 master's degree, do you know if he had any family  
 20 doctors, PCPs, down there?  
 21 **A. Not that I know of.**  
 22 Q. Then when he moved back to Pittsburgh and the  
 23 two of you got married, while you lived in Pittsburgh

77

1 Q. And that would include Borgess?  
 2 **A. At Borgess.**  
 3 Q. And Piedmont?  
 4 **A. Correct.**  
 5 Q. Do you know whether he had for his life  
 6 insurance policies, whether he had a physical exam for  
 7 those?  
 8 **A. I think he did.**  
 9 Q. Do you know who wrote those policies?  
 10 **A. Who we got them through, that person?**  
 11 Q. You don't know who they're through, like Met  
 12 Life, Prudential, anything like that?  
 13 **A. One is Jackson Life, and the other one is New**  
 14 **York Life.**  
 15 Q. And they were all done through your financial  
 16 adviser?  
 17 **A. Right. And they were actually done in**  
 18 **Michigan through people in Michigan.**  
 19 Q. Who did you guys use as your financial  
 20 advisers in Michigan?  
 21 **A. His name is Kent Ray.**  
 22 Q. Was he with a particular --  
 23 **A. He was with AG Edwards.**

1 Q. Do you know from the time that you got  
2 married until you moved to Michigan whether he ever  
3 had to go to an ER or anything like that in  
4 Pittsburgh?

5 A. **Never. Huh-uh.**

6 Q. And then when you moved to Michigan, did he  
7 have a family doctor there?

8 A. **He did. His name was Kevin Kelly.**

9 Q. Is Dr. Kelly still alive, do you know?

10 A. **He is.**

11 Q. Does he still maintain his practice?

12 A. **I think he does. I think he's still in  
13 practice.**

14 Q. Did your husband go to see him for anything  
15 in particular?

16 A. **No. I think just, you know, regular checkups  
17 pretty much.**

18 Q. Did your husband have to go to an ER at all  
19 that you can recall in Michigan?

20 A. **He did have a -- he had his appendix, so he  
21 did have to -- he went I guess into the ER with, you  
22 know, the pain from that.**

23 Q. Was that --

1 Q. Where was he located?

2 A. **I know. When you would hear his name on the  
3 loud speaker, it's so funny, Dr. Doktor. He was  
4 associated with Borgess Hospital, and I don't know how  
5 you spell the -- I know the real doctor spelling, but  
6 I'm not sure how you spell that Doktor. It's a little  
7 different spelling.**

8 Q. Do you know how long or when he was first  
9 diagnosed with high blood pressure?

10 A. **I think it was maybe early -- it runs in his  
11 family. His sister has it. His dad had it, too, that  
12 passed away. So maybe early 30s. He was on  
13 medication then.**

14 Q. Do you know what he took for that?

15 A. **No, I don't. I don't. Sorry.**

16 Q. Would he go for regular cardiologist visits  
17 or checkups then?

18 A. **Yeah. I mean, I don't know how often. But  
19 he would, you know, just to, you know, keep that  
20 under, you know, control, they would check just to  
21 make sure, you know, his blood pressure was good and,  
22 you know, everything else that would be associated  
23 with that. I don't think it was really often. It**

1 A. **So he had an appendectomy.**

2 Q. And that was at Borgess Medical?

3 A. **It was.**

4 Q. Was that in about 1998?

5 A. **Yes.**

6 Q. Do you recall him going at all to any  
7 other -- that hospital or any others in the Michigan  
8 area?

9 A. **Just he had his gallbladder removed in  
10 2000 -- yeah, 2001, like, in December.**

11 Q. Was that done in Michigan?

12 A. **It was done in Michigan, yeah.**

13 Q. At Borgess again?

14 A. **At Borgess, uh-huh.**

15 Q. Did he have to see or -- did he have any  
16 specialists in Michigan?

17 A. **He saw a cardiologist because he had high  
18 blood pressure, but it was under control with  
19 medication.**

20 Q. Who was his cardiologist in Michigan?

21 A. **His name is Dr. Doktor.**

22 Q. Dr. Doktor?

23 A. **Yes.**

1 **might be once a year or, but...**

2 Q. How was his cholesterol?

3 A. **I think everything, most of his tests were  
4 good except he really -- you know, he had to watch his  
5 high blood pressure. But overall, his health was  
6 really good.**

7 Q. Any other specialists he saw in Michigan?

8 A. **No, not that I can remember.**

9 Q. And then when he moved down to Atlanta, did  
10 he have a family doctor there?

11 A. **He did, Patrick Coleman.**

12 Q. Was that his first family doctor there?

13 A. **No. Before that he had Patrick's partner.**

14 **Um, let me see if I can think of his name. I'm  
15 blanking on it. I'm sorry, I can't think of his name.  
16 Maybe it will come to me. Oh, Rick Fullerton is his  
17 name.**

18 Q. And Dr. Fullerton, was he at the same  
19 location as Dr. Coleman?

20 A. **Well, I think they have different offices  
21 now, they're in different buildings. But, yes, they  
22 were at Piedmont. Their office was at that time  
23 located at Piedmont Hospital.**

82

1 Q. But now they operate separate offices?  
 2 A. **Well, Dr. Fullerton took another job as head**  
 3 **of the rehab at Piedmont, so he really didn't do**  
 4 **private practice. So Tim switched to his partner.**  
 5 Q. Do you know whether Dr. Fullerton's records  
 6 were transferred to Dr. Coleman?  
 7 A. **Sure, I would think so.**  
 8 Q. Do you know whether he had any other  
 9 specialists in Atlanta?  
 10 A. **No. I think that -- well, he had Charlie**  
 11 **Brown as a cardiologist.**  
 12 MR. KANE: He's got all the good names.  
 13 A. **I know, he has really good names.**  
 14 Q. Is Dr. Brown at Piedmont, too?  
 15 A. **He is at Piedmont, uh-huh.**  
 16 Q. And did he see him for checkups?  
 17 A. **Right, for -- you know, just to keep the**  
 18 **blood pressure, you know, checked.**  
 19 Q. Did your husband ever have to have any heart  
 20 procedures done?  
 21 A. **No. I mean, he had a stress test just to,**  
 22 **you know -- but they all were great, so he never had**  
 23 **any type of, you know, procedure done.**

83

1 Q. At some point in time was your husband  
 2 diagnosed with diabetes?  
 3 A. **He -- yeah, he was. I think it was, like,**  
 4 **pre or -- he wasn't, like, getting shots or anything.**  
 5 **He was just taking some pills. But I don't know --**  
 6 **I'm trying to think when that would be. Maybe a year**  
 7 **or two before he passed away. Not long.**  
 8 Q. The pills they took, was that prescribed by  
 9 his family doctor or --  
 10 A. **I think so. I think it was his family, the**  
 11 **family doctor.**  
 12 Q. And that was just like a glipizide-type pill,  
 13 do you know?  
 14 A. **Yeah, I think it was something like that.**  
 15 Q. Was he instructed to modify his diet or  
 16 change, increase in exercise or --  
 17 A. **Yeah, we did that. And, you know, he did**  
 18 **watch, you know, what he would eat and exercised more.**  
 19 Q. What was his exercise program?  
 20 A. **He would go to the fitness center at the**  
 21 **hospital. They had a fitness center. And he worked**  
 22 **with a trainer there. And then also in our house we**  
 23 **had like an elliptical and a treadmill and weights.**

84

1 **So he would do pretty much, like, probably four or**  
 2 **five times a week, especially, you know, the last few**  
 3 **years, he would just work out in our basement before**  
 4 **he would go to work.**  
 5 Q. Do you know the name of the trainer he had?  
 6 A. **Uh-huh. It's Jeff -- I can't think of his**  
 7 **last name. Forrest.**  
 8 Q. Did he ever come to the home for training or  
 9 was it always --  
 10 A. **No. That's -- Tim went to the fitness**  
 11 **center. This is kind of before we got our own**  
 12 **equipment. He would go to the fitness center and work**  
 13 **with him, I think twice a week, and then Tim would go**  
 14 **by himself the other times.**  
 15 Q. At some point in time did your husband have a  
 16 colonoscopy?  
 17 A. **He did.**  
 18 Q. Do you know when that was?  
 19 A. **That I don't -- I mean, probably 2007 maybe.**  
 20 Q. Do you know where that was done?  
 21 A. **It was done at Piedmont Hospital.**  
 22 Q. Do you know who his physician was for that?  
 23 A. **It was Preston Stewart.**

85

1 Q. Do you know what the results were?  
 2 A. **I think it was good. I don't remember there**  
 3 **being any complications or any problems.**  
 4 Q. Do you recall whether they found polyps  
 5 present?  
 6 A. **You know what, I don't. I really don't**  
 7 **remember that.**  
 8 Q. Did you go with him for that procedure?  
 9 A. **I did, but I can't remember that. He might**  
 10 **have had a polyp, but I'm -- I don't know. But it**  
 11 **would be on the records there.**  
 12 Q. Do you know whether he ever had more than one  
 13 colonoscopy?  
 14 A. **That's the only one that I -- I mean, he**  
 15 **probably did before. Really, I don't remember.**  
 16 Q. Okay. The only one that you can recall is  
 17 around 2007 at Piedmont?  
 18 A. **I do remember that one, uh-huh.**  
 19 Q. Do you know whether he ever had a problem  
 20 with rectal pain or rectal bleeding?  
 21 A. **No, not that I'm aware of.**  
 22 Q. You don't recall an instance in March of 2000  
 23 at Borgess Medical Center where he treated for that?

1 **A. What date was it?**  
 2 Q. March 13th, 2000.  
 3 **A. No, I don't.**  
 4 Q. Do you recall him ever having any problems  
 5 with, you know, acid reflux, esophagitis, anything  
 6 like that?  
 7 **A. No. He did have some -- he did take like**  
 8 **Nexium, I think, for, you know, heartburn or...**  
 9 Q. Do you know for what period of time he may  
 10 have been taking that medication?  
 11 **A. I don't know. I'm not sure when he started**  
 12 **taking that.**  
 13 Q. Do you know whether that was when you lived  
 14 in Michigan or Pittsburgh or not --  
 15 **A. Oh, I think it was in -- it started -- I**  
 16 **think it started in Michigan. Not that I know before**  
 17 **that. I'm pretty sure it was Michigan.**  
 18 Q. Was it something he took every day generally?  
 19 **A. I think he did.**  
 20 Q. Was this a prescription one?  
 21 **A. Yes. Uh-huh.**  
 22 Q. Was there an instance where he had to go to  
 23 the hospital for problems with essentially his throat?

1 **everything pretty much cleared up.**  
 2 Q. Do you know whether he was ever ordered to  
 3 abide by -- you talked about the diabetes, that he had  
 4 modified his diet. But did he ever have any  
 5 instructions in regard to what he should or should not  
 6 eat because of the GERD or acid reflux or anything  
 7 like that?  
 8 **A. No, I don't -- we -- he didn't -- I don't**  
 9 **really ever remember him talking about that. I don't**  
 10 **think he really -- I don't remember changing anything**  
 11 **because of that.**  
 12 Q. Okay. There was one mention in one of the  
 13 records that he saw a Dr. Dewan, D-E-W-A-N, in  
 14 Michigan?  
 15 **A. Uh-huh.**  
 16 Q. Was that his gastroenterologist?  
 17 **A. Right.**  
 18 Q. Did he have a gastroenterologist at Piedmont?  
 19 **A. That's Preston Stewart.**  
 20 Q. Now, my understanding from at least looking  
 21 at some of the records that in June of 2012 your  
 22 husband was admitted at Piedmont Hospital?  
 23 **A. Uh-huh.**

1 **A. I think it was that GERD. That's the --**  
 2 **that's -- I don't even remember. This is terrible,**  
 3 **but I don't remember. That's the only thing I can**  
 4 **think of that I recall.**  
 5 Q. Okay. Were you ever anywhere on a trip where  
 6 he would have had to go a hospital or anything like  
 7 that?  
 8 **A. No, not that -- no. I remember, like, taking**  
 9 **our kids if they cut themselves, but I don't remember**  
 10 **Tim ever having to go.**  
 11 Q. So, during his adult life, his hospitals  
 12 would have been limited to where he worked, Borgess  
 13 and Piedmont?  
 14 **A. Right. Uh-huh.**  
 15 Q. Did he have something done in 2011 (sic)? It  
 16 looks like he was having difficulty swallowing, and  
 17 there may have been something, some mild surgery done;  
 18 or no?  
 19 **A. 2011?**  
 20 Q. 2001. I'm sorry.  
 21 **A. Oh, 2001. Well, I think that had to pertain**  
 22 **to the gallbladder. He was having trouble with his**  
 23 **stomach then. Then once they removed his gallbladder**

1 Q. What led up to that?  
 2 **A. He -- we were actually at the beach with our**  
 3 **family, and he started to have pains in his stomach,**  
 4 **and he kind of just, you know, let it go and just let**  
 5 **me be -- I don't know what he thought it was.**  
 6 **But when we got home from that, we went to**  
 7 **see Preston Stewart, and he admitted him that day**  
 8 **because his pain was -- he had such terrible pain and**  
 9 **he wanted to do tests on him and do a CAT scan.**  
 10 Q. Prior to the vacation time when he started  
 11 having problems, was he showing any signs or was he  
 12 voicing any problems to you?  
 13 **A. No, he really wasn't. He had had a physical**  
 14 **three weeks before all this came -- about three weeks**  
 15 **before with Dr. Coleman, and it was a really good**  
 16 **physical.**  
 17 Q. And then he had the CT Scan?  
 18 **A. Uh-huh.**  
 19 Q. Then at some juncture was he given a  
 20 diagnosis?  
 21 **A. They told us that night that he had a mass in**  
 22 **his intestines, and that they would have to do surgery**  
 23 **and remove it.**

1 Q. Did he undergo surgery?  
 2 A. **He did, the next morning.**  
 3 Q. Do you know who his surgeon was?  
 4 A. **His name's Joe Mims.**  
 5 Q. And were you told anything after the surgery?  
 6 A. **Well, he opened him up, and the cancer was**  
 7 **spread all through his intestines, and so he**  
 8 **couldn't -- they couldn't remove it. They took a**  
 9 **biopsy, but it was so bad that they just closed him**  
 10 **up.**  
 11 Q. It's my understanding that he spent several  
 12 weeks then in the hospital; is that right?  
 13 A. **Right.**  
 14 Q. What type of treatment was he given in the  
 15 hospital?  
 16 A. **Well, he was recovering from the surgery, and**  
 17 **then they wanted to -- you know, they said, you know,**  
 18 **there's a chance that chemo could help shrink some of**  
 19 **the cancer. So he had -- his first round of chemo was**  
 20 **nine days after surgery, which is unusual because they**  
 21 **usually wait longer, but they wanted to start it as**  
 22 **soon as possible. And so they did chemo in the**  
 23 **hospital.**

1 **was in so much pain the weekend before he died, that**  
 2 **the doctors decided to do a CAT scan. And they found**  
 3 **that it had -- the cancer had spread more in his**  
 4 **abdomen and then into his liver.**  
 5 **So, that day they said there was nothing more**  
 6 **they could do, that the chemo wasn't working. And so**  
 7 **then we called in hospice. But he only lived -- he**  
 8 **died within 24 hours.**  
 9 Q. And he died then at home on July 30th, 2012?  
 10 A. **He did.**  
 11 Q. I had forgotten to ask you: Did he at some  
 12 juncture treat for sleep apnea?  
 13 A. **Yes.**  
 14 Q. Who did he treat with for that?  
 15 A. **It was someone at Piedmont. They have like a**  
 16 **sleep studies program, but I don't recall the doctor's**  
 17 **name.**  
 18 Q. Did he have to wear anything?  
 19 A. **He did. He had a C-PAP.**  
 20 Q. Did that work for him?  
 21 A. **It did.**  
 22 Q. Did he continue to have to use that?  
 23 A. **He did.**

1 Q. Did he have two rounds of chemo in the  
 2 hospital?  
 3 A. **He had his first round in the hospital, and**  
 4 **then his second round, he had come home then and had**  
 5 **it.**  
 6 Q. It was limited to two, though; correct?  
 7 A. **Yeah. He only survived two.**  
 8 Q. After three weeks or so in the hospital,  
 9 right, he came home. Did he then have any medical  
 10 attention or care at home?  
 11 A. **We had to have RNs around the clock because**  
 12 **he could not -- his digestive system shut down, and he**  
 13 **had to be fed through, you know, a TPN intravenously.**  
 14 **And he couldn't absorb even all his fluids, so he had**  
 15 **to have a PEG tube in his stomach. And they had to --**  
 16 **it had to be drained every hour to two hours, because**  
 17 **if he didn't, he would start vomiting. So they**  
 18 **suctioned that. And then he had pain management, too.**  
 19 **So we had 24-hour -- we had to have RNs because of,**  
 20 **you know, the difficulty of care.**  
 21 Q. And then at some point in time were hospice  
 22 nurses also brought in or was that the same group?  
 23 A. **That was -- he -- the day before he died, he**

1 **MS. WATSON: I'm going to take a look**  
 2 **through my notes, but can we take a short break?**  
 3 **I think I'm done, but there might be others.**  
 4 **MR. KANE: That's good.**  
 5 **EXAMINATION**  
 6 **BY MS. SMITH:**  
 7 Q. Mrs. Stack, my name is Kelly Smith, and I  
 8 represent Legacy Vulcan Corp., and I'm going to have  
 9 some questions for you.  
 10 I'm going to jump around a little bit, and  
 11 I'm not doing that to be confusing. Quite honestly,  
 12 I'm doing it because Ms. Watson already asked a lot of  
 13 my questions.  
 14 A. **Okay.**  
 15 Q. I'm going start with an easy one. In order  
 16 to make the record clear, you were trying to remember  
 17 the name of the cyst that your husband had.  
 18 A. **Uh-huh.**  
 19 Q. Does pilonidal cyst sound right?  
 20 A. **That's right.**  
 21 Q. We cleared that one up.  
 22 A. **Yes, ma'am.**  
 23 **MR. KANE: Let me just say the**



1 interrogatory answers have P-I-A-N-A-T-A-L. But  
2 what you said is different.

3 So, is what you're saying correct or was --

4 **MS. SMITH:** I think that's how it's  
5 pronounced, pilonidal.

6 **MR. KANE:** I don't see an L anywhere in  
7 there, that's why --

8 **THE WITNESS:** Yeah.

9 **MS. SMITH:** I'm not going to claim to  
10 know how to spell it.

11 **MR. KANE:** Okay. All right.

12 **BY MS. SMITH:**

13 Q. I also had an opportunity to watch the video  
14 that Ms. Watson talked to you about earlier, and  
15 someone on the video, I believe it was you, I'm not  
16 certain, mentioned that your husband sometimes  
17 attempted to help out with repairs at the hospital.

18 A. Uh-huh.

19 Q. Did he ever do any repairs in any of the  
20 homes that you lived in?

21 A. No. He just would change light bulbs, like,  
22 at the hospital or at home. That's about as far as  
23 he -- as much as he would do.

1 Q. Do you know, was it a dealership that just  
2 sold cars or was it a place that also serviced cars?

3 A. I think it was sold, sold cars.

4 Q. Do you know if they did any repair work on  
5 cars at that facility?

6 A. No. He -- they wouldn't. Oh, do I know if  
7 my husband did or --

8 Q. Do you know if anyone did? Was it a facility  
9 in which car repairs were performed?

10 A. Oh, that I don't know.

11 Q. And what was the name of your husband's  
12 friend who's father owned that dealership?

13 A. Tom LaFrankie.

14 Q. Do you know where Mr. LaFrankie is now?

15 A. He lives in Pittsburgh, in I think Jefferson.

16 Q. Is he someone that you keep in touch with?

17 A. I saw -- I mean, he wrote me a letter after  
18 Tim passed away. And I saw him at a class reunion  
19 probably a year before that maybe, before Tim passed  
20 away.

21 Q. A class reunion for --

22 A. For Tim's high school class. It would be his  
23 high school class reunion.

1 Q. That sounds a lot like my husband.

2 A. Yeah.

3 Q. I shouldn't put that on the record.

4 Did you ever have any major home renovations  
5 at any of the homes that you owned in the Pittsburgh  
6 area?

7 A. No, we did not.

8 Q. How about any of the homes that you owned  
9 when you were in Michigan?

10 A. It was a brand new home in Michigan. And the  
11 homes in Atlanta were new, too, so...

12 Q. Okay. Did your husband ever perform any work  
13 on cars?

14 A. Not that I know. He washed cars in high  
15 school, that's -- to earn money, but that's all he  
16 did, he washed them.

17 Q. When he was washing those cars, was it  
18 something he did in the neighborhood or did he do that  
19 for an automotive store?

20 A. He did it for a -- his friend's father owned  
21 a dealership, I can't remember the name, but it was  
22 like a Lincoln -- you know, they sold, like, Lincolns  
23 and Mercury.

1 Q. We talked a little bit about Attorney Walbert  
2 today.

3 A. Uh-uh.

4 Q. How is it that you came to contact him about  
5 this case?

6 **MR. KANE:** Let me object, because I  
7 don't know how that's relevant whatsoever.

8 **MS. SMITH:** I can. It is a discovery  
9 deposition.

10 **MR. KANE:** Yeah, but --

11 **MS. SMITH:** You can't instruct her not  
12 to answer.

13 **MR. KANE:** I can if it's not likely to  
14 lead to discoverable evidence.

15 **MS. SMITH:** I'm not going to ask her any  
16 questions about their conversation, but I am going  
17 to ask how she got there.

18 **MR. KANE:** Let me find out the answer  
19 first.

20 (Mr. Kane conferring with witness.)

21 **MR. KANE:** I still don't think it's  
22 likely to lead to discoverable evidence, but she  
23 can answer the question.

1 **A. My husband's friend, Mac McFarling, he**  
 2 **recommended Dave Walbert to me because he knew him**  
 3 **well. He was a friend of his.**  
 4 Q. What does Mr. McFarling do for a living?  
 5 **A. He's a doctor. Actually, he's an OB-GYN at**  
 6 **Piedmont Hospital.**  
 7 Q. Did he ever treat your husband for anything?  
 8 **A. No, because he's an OB-GYN.**  
 9 Q. Fair point.  
 10 **A. I hope not.**  
 11 Q. That is a very fair answer.  
 12 **A. I didn't mean to be smart.**  
 13 **MR. KANE:** I was going to say it if you  
 14 didn't.  
 15 Q. It was appropriate.  
 16 **A. Sorry.**  
 17 Q. However, sometimes doctors do switch fields,  
 18 so I just wanted to be certain.  
 19 **A. You're right. That's right.**  
 20 Q. All right. Did you talk to Mr. McFarling  
 21 about your husband's illness?  
 22 **A. Yeah. He was Tim's best friend. He was with**  
 23 **me through the whole -- you know, through the several**

1 Q. Other than that time when you were talking to  
 2 Dr. Ballard, were you ever present when your husband  
 3 discussed possible asbestos exposure with anyone else?  
 4 **A. No.**  
 5 Q. Did he ever discuss it with you, other than  
 6 on that occasion with Dr. Ballard?  
 7 **A. Never.**  
 8 Q. Do you know if he and Dr. Ballard had any  
 9 subsequent conversations about possible asbestos  
 10 exposure that you were not present for?  
 11 **A. I don't know that. I -- yeah, that -- Tim**  
 12 **never talked to me -- I doubt that they did, but I**  
 13 **don't know.**  
 14 Q. During that time when you were talking to Dr.  
 15 Ballard and your husband mentioned Vulcan, did he talk  
 16 about what he did at Vulcan?  
 17 **A. No.**  
 18 Q. Did you and your husband ever discuss what he  
 19 did at Vulcan?  
 20 **A. No. I mean, he just told me he worked there.**  
 21 **But I met him afterwards, so I really didn't know**  
 22 **anything about it.**  
 23 Q. I know that you met afterwards, but did you

1 **weeks that Tim was sick.**  
 2 Q. Did he suggest a cause of that illness to  
 3 you?  
 4 **A. Um, no. I mean, he -- the -- when we found**  
 5 **out it was mesothelioma, the oncologist said, where**  
 6 **would you have been exposed to that?**  
 7 Q. To what?  
 8 **A. To asbestos.**  
 9 Q. Were you present when that conversation  
 10 occurred?  
 11 **A. Uh-huh.**  
 12 Q. Which doctor was it?  
 13 **A. I'm pretty sure it was Dr. -- the oncologist,**  
 14 **his name's Perry Ballard.**  
 15 Q. What did your husband tell Dr. Ballard?  
 16 **A. First he really -- you know, when you hear**  
 17 **all that, I don't know, he thought the only place that**  
 18 **he would have been exposed to it was when he worked at**  
 19 **Vulcan.**  
 20 Q. And did he suggest how he was exposed to  
 21 asbestos at Vulcan?  
 22 **A. No. I mean, that was -- that was all that**  
 23 **was said.**

1 ever have any reason to go to the Vulcan facility,  
 2 either alone or with your husband?  
 3 **A. No.**  
 4 Q. Have you ever seen it?  
 5 **A. No. I don't even know where it is.**  
 6 Q. Okay. Was Art Ostrowski employed at Vulcan  
 7 when your husband was there?  
 8 **A. He was.**  
 9 Q. Do you know how long he remained employed  
 10 there after your husband, if he did?  
 11 **A. No, I don't.**  
 12 Q. Did you ever have reason to attend holiday  
 13 parties or anything at Mr. Ostrowski's house or  
 14 elsewhere where there were Vulcan employees?  
 15 **A. No.**  
 16 Q. We talked a little bit about Mr. Ostrowski.  
 17 Are you aware that he has contacted Vulcan employees  
 18 or past Vulcan employees about this case?  
 19 **A. Oh, I have no idea.**  
 20 Q. You never asked him to do that?  
 21 **A. No. No.**  
 22 Q. Do you know if anyone else asked him to do  
 23 that on your behalf?

1 **A. That I don't know.**  
 2 Q. Did you provide Mr. Ostrowski's name to  
 3 anyone as a past employee of Vulcan?  
 4 **MR. KANE:** Let me just object, because  
 5 we are certainly getting into attorney/client  
 6 privilege if she provided it to her attorneys.  
 7 So, I mean, if you want to rephrase it. If you  
 8 don't, then --  
 9 **BY MS. SMITH:**  
 10 Q. Have you ever told anyone that Mr. Ostrowski  
 11 worked at Vulcan?  
 12 **MR. KANE:** Have you ever told anyone,  
 13 other than your attorneys, that Mr. Ostrowski  
 14 worked at Vulcan?  
 15 **A. No, just -- no.**  
 16 Q. Were you aware that Mr. Ostrowski worked at  
 17 Vulcan prior to this case?  
 18 **A. Yes.**  
 19 Q. Do you currently know any Vulcan employees?  
 20 **A. No, I don't.**  
 21 Q. Have you ever lived in the neighborhood of a  
 22 Vulcan employee?  
 23 **A. No.**

1 Q. Did you do any of that research?  
 2 **A. I read a little bit, but mostly I was at the**  
 3 **hospital all the time taking care of him.**  
 4 Q. Did you maintain any of that research?  
 5 **A. No.**  
 6 Q. Do you know any sites that you or your  
 7 children visited?  
 8 **A. I don't, no. My kids might know, but I**  
 9 **don't -- I don't even know that.**  
 10 Q. Have you done any research on Vulcan?  
 11 **A. No.**  
 12 Q. Bear with me for one second. I think I'm  
 13 almost done.  
 14 **A. That's okay.**  
 15 **MS. SMITH:** Ma'am, I think that's all  
 16 that I have. Thank you for your time.  
 17 **THE WITNESS:** Sure.  
 18 EXAMINATION  
 19 **BY MS. LEWIS:**  
 20 Q. Hi, Mrs. Stack. My name is Anne Lewis. Like  
 21 Kelly, I'm going to jump around a little bit.  
 22 What is your maiden name?  
 23 **A. Malia, M-A-L-I-A.**

1 Q. Have you ever had a conversation with anyone  
 2 other than Mr. Ostrowski that was formerly or is  
 3 currently employed by Vulcan?  
 4 **A. No.**  
 5 **MR. KANE:** Other than your husband.  
 6 **A. Other than my husband, yeah.**  
 7 **MS. SMITH:** I think that was a given.  
 8 **BY MS. SMITH:**  
 9 Q. I'm going to switch directions on you again a  
 10 little bit.  
 11 Do you currently have any outstanding medical  
 12 bills that are the result of your husband's treatment?  
 13 **A. No.**  
 14 Q. Have you done any internet research regarding  
 15 peritoneal mesothelioma or fluoro mesothelioma?  
 16 **A. We did when he was first diagnosed.**  
 17 Q. By "we," was it you and Mr. --  
 18 **A. My kids did.**  
 19 Q. Which of your kids?  
 20 **A. I think Ryan. They all -- maybe they all**  
 21 **did, because none of us really understood it, so we --**  
 22 **but my husband didn't. He was so sick, you know, he**  
 23 **didn't.**

1 Q. Do you know where your husband lived at  
 2 Bethany?  
 3 **A. He lived at the Sigma Nu house, I think, for**  
 4 **awhile. And then he lived in an apartment, but I**  
 5 **don't know, I don't remember the names of the streets**  
 6 **or anything.**  
 7 Q. Okay. Do you know where he lived in  
 8 Richmond?  
 9 **A. He lived in an apartment building. And then**  
 10 **he lived, I think, and shared another -- he lived in**  
 11 **two different places in Richmond.**  
 12 Q. It sounded like from your prior testimony  
 13 that your husband was close with his mother's family?  
 14 **A. Uh-huh.**  
 15 Q. Is that a yes?  
 16 **A. Yes.**  
 17 Q. Okay.  
 18 **A. Yes, sir.**  
 19 Q. Do you remember his maternal grandparents'  
 20 names?  
 21 **A. Oh, gosh. His grandfather's name was Joseph**  
 22 **Kownacki. I don't remember -- oh, I think Regina**  
 23 **Kownacki was the grandmother.**

1 Q. Where did they live in Pittsburgh?  
 2 A. **He lived on the North Side, like in an**  
 3 **apartment building before -- you know, as they were**  
 4 **older. I'm not sure where else they lived.**  
 5 Q. Do you know what -- and this may have been  
 6 asked, and I apologize. Do you know what Joseph did  
 7 for a living?  
 8 A. **I think he was a chef. I'm not positive.**  
 9 **But I know he was that at one time.**  
 10 Q. And you mentioned Uncle Ronnie, and we know  
 11 about Aunt Betty. Were there other siblings that your  
 12 husband's mother had? Was there a --  
 13 A. **Yes. There's -- she had another sister. Oh,**  
 14 **I'm blanking out. She had a brother, Tony; and**  
 15 **another brother, Dick; and then she had a sister that**  
 16 **lived -- and I can't think of her name. Oh, I'm**  
 17 **sorry.**  
 18 Q. That's okay.  
 19 A. **I think that's all.**  
 20 Q. Do you know where your husband attended  
 21 school, like grade school?  
 22 A. **He went to, I think, St. Elizabeth's maybe a**  
 23 **year, and then he went through the Pleasant Hills**

1 document called Plaintiff's Answers to the New  
 2 Standard Short Set of Interrogatories, and I know that  
 3 you, at least based on what Mr. Kane has said, that  
 4 you reviewed those at least this morning. Is that  
 5 true?  
 6 **MR. KANE:** It was last night.  
 7 Q. Last night?  
 8 A. **Last night we did.**  
 9 Q. Did you provide the information that is  
 10 contained in this document?  
 11 A. **Uh-huh.**  
 12 Q. Is that yes?  
 13 A. **Yes. Yes. Sorry.**  
 14 Q. Did anyone else assist in providing this  
 15 information that is in this document, other than your  
 16 attorney?  
 17 **MR. KANE:** Other than me.  
 18 A. **Other than -- right.**  
 19 Q. No one else besides you and your attorney  
 20 provided information that is contained in this  
 21 document. Is that true?  
 22 A. **That is true.**  
 23 **MS. LEWIS:** I think that's it. Thank

1 **School system, whatever those schools would be. I'm**  
 2 **not sure of the names of them.**  
 3 Q. Okay. After you moved away to Michigan and  
 4 then Atlanta, how often would you and your husband  
 5 come back to Pittsburgh?  
 6 A. **Um, boy, I don't know. Four -- maybe at**  
 7 **least four times a year. Sometimes, you know --**  
 8 **probably around that.**  
 9 Q. Do you still have -- is your family still in  
 10 Mount Lebanon?  
 11 A. **No. My parents have passed away.**  
 12 Q. Do you have any siblings?  
 13 A. **I have a special-needs sister. She lives in**  
 14 **Atlanta with me. She doesn't live at my house, but**  
 15 **she lives in Atlanta.**  
 16 Q. What's her name?  
 17 A. **Her name's Carol Malia, M-A-L-I-A.**  
 18 Q. And she is not financially dependent on you,  
 19 is she?  
 20 A. **No. She -- my parents set up a trust for**  
 21 **her. So when -- you know, that helps take care of**  
 22 **her.**  
 23 Q. I think your attorney has your -- it says a

1 you so much.  
 2 EXAMINATION  
 3 **BY MS. COCHRAN:**  
 4 Q. Mrs. Stack, I have a few questions for you as  
 5 well. My name is Melissa Cochran. Are you okay to  
 6 continue?  
 7 A. **Sure.**  
 8 Q. Excuse my voice, I'm sort of losing it today.  
 9 Did you ever live separate from your husband,  
 10 aside from the times that he may have been moving to a  
 11 job and you were waiting to catch up with him?  
 12 A. **No, we never did.**  
 13 Q. How is your health?  
 14 A. **It's good.**  
 15 Q. Have you ever been diagnosed with any heart  
 16 problems or cancer?  
 17 A. **No, nothing.**  
 18 Q. Do you know Mahlon Wolfe?  
 19 A. **(Witness shaking head.)**  
 20 Q. Do you know whether your husband knew anyone  
 21 by the name of Mahlon Wolfe?  
 22 A. **No, I didn't -- no.**  
 23 Q. What about Lonnie Wolfe?

110

1       **A. I don't know that name. I'm not -- I'm not**  
 2 **familiar.**  
 3       Q. What about Rich Machicka?  
 4       **A. I don't know these names.**  
 5       Q. Okay. And those guys aren't names that you  
 6 ever heard your husband talk about, are they?  
 7       **A. I've never heard them.**  
 8       Q. Do you recall your husband ever being  
 9 diagnosed with pneumonia?  
 10       **A. Not that I remember, no.**  
 11       Q. What about coronary artery disease?  
 12       **A. No.**  
 13       Q. Do you recall any periods of his life where  
 14 he was experiencing unexplained weight loss?  
 15       **A. No.**  
 16       Q. Do you remember him ever being diagnosed with  
 17 irritable bowel syndrome?  
 18       **A. No.**  
 19       Q. What about mitral valve prolapse?  
 20       **A. No.**  
 21       Q. Do you recall him ever treating at the  
 22 Diagnostic Healthcare of Georgia?  
 23       **A. Well, I think that's where he had his**

111

1       **colonoscopy maybe, that's what -- or something, you**  
 2 **know, something like that. I think that's what that**  
 3 **is, but I'm not positive.**  
 4       Q. In terms of his care at the end of his life,  
 5 there were a couple of facilities or providers that  
 6 were mentioned in the medical records that I've seen,  
 7 and I just want to ask you about those.  
 8       **A. Sure.**  
 9       Q. Hospice of Atlanta, did they provide care at  
 10 the end?  
 11       **A. They contacted him, but he died before they**  
 12 **even came in.**  
 13       Q. What about Critical Car Systems?  
 14       **A. They provided all of his food, you know,**  
 15 **because he had to have it intravenously, and they**  
 16 **provided all of the different medicines that he**  
 17 **needed.**  
 18       Q. What about Superior Choice Medical Staffing?  
 19       **A. That's who staffed, that's who provided the**  
 20 **nurses for when they lived with us.**  
 21       Q. Were there any other medical providers that  
 22 I've not identified that you can recall?  
 23       **A. No, just the physicians that are mentioned,**

112

1       **but that's -- those are the only people.**  
 2       Q. Have you had any contact with Elizabeth or  
 3 Betty Ostrowski since filing this lawsuit?  
 4       **A. No.**  
 5       Q. What about prior to filing the lawsuit?  
 6       **A. Well, I -- Uncle Art, Tim's uncle, came to**  
 7 **his funeral, and I think I maybe talked to him once,**  
 8 **but that's -- I have not talked to him since then.**  
 9       Q. Do you know whether Tim ever lived with his  
 10 Aunt and Uncle Ostrowski?  
 11       **A. I think he did live with them for a short**  
 12 **time when he was like a year old, because his mom was**  
 13 **in -- I think -- yeah. His mom was in a really bad**  
 14 **car accident, and she broke her back and her pelvis.**  
 15 **So, I think he lived with Art and Betty for a short**  
 16 **time while she recovered.**  
 17       Q. But aside from as a child, he didn't go back  
 18 and live with them again, did he?  
 19       **A. No, that's the only time that I know of.**  
 20       Q. With regard to the video, was there anyone  
 21 that you asked to provide an interview who declined to  
 22 do so?  
 23       **A. No, there wasn't.**

113

1       Q. I wrote some notes down here and -- oh,  
 2 George Christman, at the time of your husband's  
 3 passing, was George financially dependent upon your  
 4 husband or you for support?  
 5       **A. No.**  
 6       Q. A lot of these other folks have asked most of  
 7 my questions, which is good for me and for you.  
 8       Do you know whether Art Ostrowski retired  
 9 from Vulcan?  
 10       **A. I think so, because he's -- I think he's 92**  
 11 **or 93.**  
 12       Q. I'm not suggesting that he still works there,  
 13 but whether --  
 14       **A. I thought you meant now.**  
 15       Q. Good for him if he is. No. Whether that was  
 16 the last job that he had and that he retired from it?  
 17       **A. I think he retired from Vulcan.**  
 18       Q. Do you know where Art's son, Ricky, lives?  
 19       **A. I do not know that.**  
 20       Q. Did Tim, Mr. Stack, maintain contact with  
 21 Alice and John Gilmore, Jr.?  
 22       **A. Uh-huh. Oh, yes.**  
 23       Q. How often?

114

116

1 A. Well, Alice would come and stay with us a  
2 lot. And Rusty, his brother, John, whose nickname is  
3 Rusty, he lived in Arizona, so we didn't see him as  
4 much, but they would talk on the phone.

5 Q. Do you have any knowledge as to when  
6 Mr. Stack was involved in the motor vehicle accident  
7 that you spoke of?

8 A. I think it was on his way home from Vulcan,  
9 actually. It was -- you know, he was in a car  
10 accident. It was when he was in college, I think.  
11 Before I met him.

12 Q. So sometime before '73?

13 A. Yes.

14 Q. You said that he broke his hand as a result  
15 of that accident?

16 A. Yes, I think that's what happened.

17 Q. Did your husband tell you whether that injury  
18 resulted in him being off from work for any period of  
19 time?

20 A. That I don't know.

21 Q. Do you know whether any lawsuit was filed as  
22 a result of that motor vehicle accident?

23 A. I don't think so.

1 A. Oh, I don't -- I don't know if I still have  
2 all that. I've moved, and I don't -- I don't know  
3 what they are. I could look.

4 Q. Okay.

5 A. I wouldn't mind checking, you know, to see if  
6 I have anything.

7 Q. I'm sure John may ask you to do that.

8 A. Yeah.

9 MS. COCHRAN: That's all I have. Thank  
10 you for your time.

11 THE WITNESS: Oh, sure.

12 EXAMINATION

13 BY MR. RICHERT:

14 Q. Ma'am, my name is Ron Richert, and I have a  
15 few questions for you.

16 First, I wanted to ask you: What is the  
17 address of the beach house on Kiawah Island?

18 A. It's 6 Turtle Beach Lane.

19 Q. Your accountant, Dennis Sterk, is he with a  
20 firm or is he independent?

21 A. It's Sterk & Associates.

22 Q. Is he located in Atlanta?

23 A. He is.

115

117

1 Q. Do you know whether another vehicle was  
2 involved in the accident aside from your husband's  
3 vehicle?

4 A. I don't know that. I don't think so, though.

5 Q. Have you incurred any out-of-pocket expenses  
6 as a result of your husband's diagnosis or treatment?

7 A. You mean medical bills?

8 Q. Yes. Out-of-pocket expenses related to his  
9 diagnosis, things not covered by insurance.

10 A. Oh, yeah, there was quite a few. You know, I  
11 don't know any numbers. But there were, you know,  
12 things that weren't all covered by insurance.

13 Q. As we sit here today, can you think of  
14 anything specifically that was an out-of-pocket  
15 expense that you had to pay for that wasn't covered by  
16 insurance?

17 A. The home care wasn't all paid for. And, you  
18 know, I -- I don't remember, but there were hospital  
19 bills, doctor's bills, you know, that weren't  
20 completely covered. So I had to cover those.

21 Q. Do you believe that you have documents that  
22 would provide us with some knowledge as to what  
23 out-of-pocket expenses were ultimately paid?

1 Q. When your husband lived in Pittsburgh, did he  
2 have a cardiologist?

3 A. I think that Tuchinda actually was his -- he  
4 was like an intern, and I think he maybe had a  
5 specialty in cardiology.

6 Q. Okay. And he was at South Side Hospital?

7 A. He was at South Side, right.

8 Q. Did your husband at some point retire from  
9 Borgess Medical Center?

10 A. He actually decided to resign. They had a  
11 change, an organizational change, they merged. His --  
12 it was a catholic system, a small catholic system that  
13 he worked with, and they merged with another system,  
14 and he just -- it just, you know -- he just didn't --  
15 it didn't work out the way he -- he didn't enjoy it.  
16 So he just -- he had severance, so he did that. And  
17 then we heard about the job at Piedmont, and he  
18 interviewed for that.

19 Q. What was the period of time between when he  
20 stopped working for Borgess?

21 A. He -- he stopped in January, and then he  
22 started working at Piedmont in November. So not that  
23 long.

118

1 Q. Okay. So January of --

2 A. **Of 2001. And then he started in December at**

3 **Piedmont in 2001.**

4 Q. And in that vein, before your husband's

5 diagnosis, did he have plans to retire? Did you guys

6 have a plan on when he was going to retire?

7 A. **He -- I think he would have worked forever.**

8 **He had just signed a five-year -- five-year contract**

9 **with Piedmont, and then -- but then he was hoping when**

10 **that was over maybe to, you know, do that, you know,**

11 **see if he could stay there; or he would probably have**

12 **consulted just because he was too antsy to sit. I**

13 **don't think -- it would have been hard for him to**

14 **retire.**

15 MR. KANE: You said I don't think it

16 would have been hard for him to retire.

17 A. **I mean I believe it would have been hard.**

18 **That's what I mean, I think it really would have been**

19 **hard for him to retire. He loved his work.**

20 Q. And I know you said that your parents have

21 passed and your sister lives in George. But do you

22 have any family here in Pittsburgh that you come and

23 visit?

119

1 A. **I come to see Tim's dad and Tim's sister,**

2 **Alice.**

3 Q. Okay. You talked a little bit about the

4 things that you do nowadays, you volunteer at the

5 hospital, you volunteer at your church.

6 What other activities do you take place in

7 now?

8 A. **Well, I help my sister, who's special needs.**

9 **And just taking care of -- you know, just doing**

10 **everything: A house, taking care of my son, and -- I**

11 **don't know. I just help out with a lot of different**

12 **things. I don't know. It's not any specific**

13 **organizations, but I help neighbors and friends a lot,**

14 **and -- I don't know. I keep really busy.**

15 Q. Do you get to go out and see your sons in New

16 York and --

17 A. **I do. I do once or twice a year. They come**

18 **home, too, so...**

19 MR. RICHERT: Thank you. That's all I

20 have for you.

21 MR. KANE: Anybody else?

22 MS. WATSON: I have a couple.

23 MS. LEWIS: I have a couple that I

120

1 forgot to ask. Is it okay?

2 MS. WATSON: Go ahead. It doesn't

3 matter.

4 EXAMINATION

5 BY MS. LEWIS:

6 Q. Where is St. Elizabeth or where was it?

7 MR. KANE: West Mifflin.

8 A. **It's in in West Mifflin. Or Pittsburgh.**

9 MR. KANE: Yeah. It's right off of 51.

10 I wasn't sworn in.

11 MS. LEWIS: What's that?

12 MR. KANE: I wasn't sworn in.

13 MS. SMITH: Although, we're happy to do

14 that.

15 MS. LEWIS: The list of questions would

16 be endless.

17 MR. KANE: A lot longer.

18 BY MS. LEWIS:

19 Q. Your husband'S stepdad, John Gilmore, he

20 worked for Pittsburgh Aeronautical, where was that

21 located?

22 A. **It's like a school. It's in West Mifflin.**

23 Q. Is that at the county airport?

121

1 A. **Yes.**

2 Q. And you said he taught --

3 A. **Airplane mechanics.**

4 Q. So, was he, in fact, a mechanic himself?

5 A. **Yeah. I mean, he -- he didn't really work on**

6 **the airplanes. He taught the students to do it. You**

7 **know what I mean? I guess that's how --**

8 Q. Did he show them how to do it?

9 A. **Yeah. Yeah. He would show them, yeah.**

10 Q. Do you know specifically the kind of things

11 that he would teach them?

12 A. **No. I -- I don't know anything about that,**

13 **huh-uh.**

14 Q. Is this the job that he had the entire -- I

15 think you were asked this: This is the only job you

16 knew him having when Tim was growing up?

17 A. **Right, growing up. Yeah, that's all that I**

18 **remember.**

19 Q. And was he still working there when you met

20 your husband?

21 A. **Yes.**

22 Q. And did he retire from there?

23 A. **He did.**

1 Q. Do you know, what kind of clothes did he wear  
 2 to work?  
 3 A. **I don't know. That I don't know.**  
 4 Q. Do you know if he brought work clothes home  
 5 to be laundered or if he had a uniform?  
 6 A. **That I don't know either. I'm not sure.**  
 7 Q. How is your step -- he's in good health?  
 8 A. **Yeah, he's in good health. He's had heart**  
 9 **problems, but...**  
 10 Q. Do you know anything about how the laundry  
 11 was done at your husband's home growing up?  
 12 A. **His mom did it, I know that, just because she**  
 13 **would always talked she loved to do laundry.**  
 14 Q. Do you know in Pleasant Hills where his  
 15 childhood home was located, the address?  
 16 A. **He lived in two homes: One was on Tamona**  
 17 **Drive, and I'm not sure how to spell that; and the**  
 18 **other one was on Picture Drive.**  
 19 Q. Do you know where the laundry was located in  
 20 the Tamona Drive house?  
 21 A. **No.**  
 22 Q. Did you ever visit that house?  
 23 A. **No, I've never been in that house.**

1 Q. What about Picture Drive, do you know where  
 2 the laundry was in that house?  
 3 A. **It was in the basement.**  
 4 Q. Did your husband, do you know if growing up  
 5 his mom made him help out with household chores or --  
 6 A. **Yeah, I'm sure he did help, like, clean up**  
 7 **the kitchen and stuff like that, help in the yard, I**  
 8 **think.**  
 9 Q. Do you know if he ever helped out with the  
 10 laundry?  
 11 A. **I don't think so. That's something I think**  
 12 **his mom mostly did, that I know of.**  
 13 MS. LEWIS: Thank you.  
 14 EXAMINATION  
 15 BY MS. WATSON:  
 16 Q. Mrs. Stack, I think I just have one or two  
 17 more followup questions.  
 18 A. **Sure.**  
 19 Q. On the video, the DVD, I noticed that your  
 20 three sons were not on it. Any particular reason?  
 21 A. **Right. Because it was too hard.**  
 22 MS. WATSON: Thank you.  
 23 EXAMINATION

1 BY MR. KANE:  
 2 Q. One quick question. The Answers to  
 3 Interrogatories, from the information you provided you  
 4 said that your husband had a broken hand in 1971, and  
 5 then you said today that you thought he might have  
 6 broken his hand in the car accident on the way to  
 7 Vulcan?  
 8 A. **Yeah.**  
 9 Q. And he didn't work in Vulcan in '71.  
 10 A. **So maybe it wasn't...**  
 11 Q. I'm asking which one do you think is more  
 12 accurate, that the hand was broken in '71 or maybe it  
 13 was one of the years when he worked at Vulcan?  
 14 A. **Oh, well, it was probably that it was '71.**  
 15 **And I didn't realize that was the date. So I think he**  
 16 **was coming home from work or -- that's when I think it**  
 17 **happened. So that's why I was thinking it was Vulcan,**  
 18 **I guess.**  
 19 MR. KANE: Okay. That's all I have.  
 20 Anybody else? Any questions on the phone? Okay.  
 21 (Discussion off the record.)  
 22 THE WITNESS: I'll waive it.  
 23 (Witness excused.)

1 (Signature waived.)  
 2 (Deposition concluded at 12:57  
 3 o'clock p.m.)  
 4 ---  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23



CERTIFICATION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

**DEPONENT: MARY K. STACK**  
**DATE: September 4, 2014**

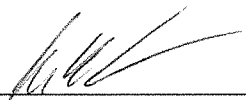
I hereby certify pursuant to Pa.R.C.P.  
No. 4017(d) that the deponent was duly sworn by  
me and that the foregoing transcript is a true  
record of the testimony of the witness.

\_\_\_\_\_  
Marianne Marsilio, RPR  
Notary Public

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Plaintiffs' Witness and **PLAINTIFFS' RESPONSE TO DEFENDANT CRANE CO.'S MOTION IN LIMINE TO PRECLUDE EVIDENCE REGARDING DECEDENT'S FUTURE LOST INCOME AND TESTIMONY OF H.M MCFARLING, M.D.** is being served upon Michal Schalk, Esquire, counsel for Crane Co. by electronic mail this 4<sup>th</sup> day of March, 2016.

Respectfully Submitted,  
Savinis & Kane, L.L.C.

  
\_\_\_\_\_  
John R. Kane, Esquire  
Savinis & Kane, L.L.C.  
3626 Gulf Tower, 707 Grant Street  
Pittsburgh, PA 15219  
(412) 227-6556  
Attorneys for Plaintiffs