

Designations for: Baldwin Merged

Scene	Designation	Source	Tx	Duration	Elapsed	Remains	Barcode
1	10:13 -11:3	Baldwin 6/23/04	00:00:53	00:00:00	00:07:34		V4.1
		10: 13 Q. So, when you went to search for					
		10: 14 records, you could find no records regarding					
		10: 15 maintenance or inspections or repairs for the					
		10: 16 crane in question prior to the accident?					
		10: 17 A. That is correct, sir.					
		10: 18 Q. Another one of the items, I had asked					
		10: 19 you information about the wire rope in question					
		10: 20 that was on the crane, and I'd asked you for a					
		10: 21 copy of a purchase order, any kind of invoice,					
		10: 22 any records whatsoever regarding the purchase of					
		10: 23 that wire rope.					
		10: 24 And your response to the court					
		10: 25 reporter was you were unable to locate it; but					
		11: 1 you may have had it at one time, or something to					
		11: 2 that effect. Does that make any sense?					
		11: 3 A. Yes, sir, it does.					
2	11:4 -11:14	Baldwin 6/23/04	00:00:24	00:00:53	00:06:41		V4.2
		11: 4 Q. Explain that for me.					
		11: 5 A. At the time when we purchased the crane					
		11: 6 from B & L Construction, which was prior to my					
		11: 7 time there, there was an inventory of material					
		11: 8 that came with that purchase.					
		11: 9 Not only did that crane come in,					
		11: 10 but several other pieces of equipment, and this					
		11: 11 sort of thing. And I thought that there may have					
		11: 12 been some records kept by B & L Construction. We					
		11: 13 looked through the material we had, was not able					
		11: 14 to find any such material.					
3	11:15 -11:19	Baldwin 6/23/04	00:00:12	00:01:17	00:06:17		V4.3
		11: 15 Q. So, as we sit here today, you				(Edited)	
		11: 16 have no personal knowledge of when the wire rope					
		11: 17 that failed in this case was placed on this					
		11: 18 particular crane?					
		11: 19 A. No, sir, I do not.					
4	12:19 -13:13	Baldwin 6/23/04	00:00:53	00:01:29	00:06:05		V4.4
		12: 19 At the present time, do you					
		12: 20 maintain a file or set of files for this					
		12: 21 particular crane, so that you could go back to					
		12: 22 your office today or tomorrow and determine what					
		12: 23 maintenance and repairs had been done on that					
		12: 24 crane,say, in the past six months to a year?					
		12: 25 A. We have within our office inspection					

13: 1 reports that are conducted by the crane operator,
13: 2 whomever that may well be, on all of our various
13: 3 different cranes, daily checks and weekly checks,
13: 4 that indicate any problems that might be on the
13: 5 crane.
13: 6 In the event that we locate a
13: 7 problem coming in on that report, I personally
13: 8 have it sent to the shop for purposes of
13: 9 correction.
13: 10 Q. And are the records of those repairs or
13: 11 corrections now kept for each crane, or are they
13: 12 just kept in general?
13: 13 A. They are kept in general.

5 **13:14 -13:20** Baldwin 6/23/04 00:00:18 00:02:22 00:05:12 V4.5

13: 14 Q. So, if you wanted to go look at repairs
13: 15 or maintenance records for, say, the crane
13: 16 involved in this accident, you could do it, but
13: 17 you just couldn't go to one file that only had
13: 18 the information about this crane in it?
13: 19 A. That is correct, we could identify the
13: 20 cranes in the long haul.

6 **14:7 -14:21** Baldwin 6/23/04 00:00:39 00:02:40 00:04:54 V4.6

14: 7 Q. After this accident happened, (Edited)
14: 8 can I assume that you notified your insurance
14: 9 company that it happened?
14: 10 A. Yes, sir.
14: 11 Q. And can I further assume that some type
14: 12 of investigation was done by them?
14: 13 A. That is correct, sir.
14: 14 Q. And who was the insurance company that
14: 15 would have carried your workers' comp and
14: 16 liability coverage? And if they were two
14: 17 different companies, tell me who they were.
14: 18 A. We operate through a captive known as
14: 19 Artex, out of Dallas. Continental Insurance is
14: 20 the primary carrier in regards to our
14: 21 compensation and liability coverage.

7 **15:13 -15:19** Baldwin 6/23/04 00:00:11 00:03:19 00:04:15 V4.7

15: 13 Q. I assume they came down and did an
15: 14 investigation?
15: 15 A. That is correct, sir.
15: 16 Q. Who came down from the insurance
15: 17 company to do that investigation?
15: 18 A. If memory serves me correctly, it was
15: 19 Mr. Ron Arthur.

8 **16:1 -16:5** Baldwin 6/23/04 00:00:13 00:03:30 00:04:04 V4.8

16: 1 Q. Does he come out and do maybe yearly
16: 2 inspections of your facilities?
16: 3 A. He does not do inspections of the
16: 4 facilities. He comes down to discuss claims that
16: 5 we might have.

9 16:25 -17:13 Baldwin 6/23/04 00:00:39 00:03:43 00:03:51 V4.9

16: 25 Q. Did he do an investigation (Edited)
17: 1 report for his principals or bosses, telling them
17: 2 what happened, as best he could figure out?
17: 3 A. I'm not certain of that, sir.
17: 4 Q. Have you ever seen such a report?
17: 5 A. No, sir. We have had numerous pieces
17: 6 of correspondence back and forth as to different
17: 7 things that we wanted to do during the course of
17: 8 the investigation of this thing, primarily
17: 9 looking at causation, for preventive purposes.
17: 10 As far as a formal report
17: 11 indicating: We believe this to be the cause, or
17: 12 that to be the cause, I'm not certain that he has
17: 13 done that.

10 17:14 -18:1 Baldwin 6/23/04 00:00:30 00:04:22 00:03:12 V4.10

17: 14 Q. Now, from the standpoint of your (Edited)
17: 15 company, I was noticing in your safety manual
17: 16 that there was a requirement in there that you
17: 17 would investigate all accidents and do an
17: 18 accident report. Did Young Brothers do that in
17: 19 this particular case.
17: 20 A. I certainly did the accident.
17: 21 investigation.
17: 22 Q. Okay. Did you prepare any kind of
17: 23 report as to what happened?
17: 24 A. I have notes in regards of meetings.
17: 25 As far as a formal typewritten report, no, I
18: 1 don't think I have.

11 18:2 -18:8 Baldwin 6/23/04 00:00:25 00:04:52 00:02:42 V4.11

18: 2 Q. What did you call those notes? (Edited)
18: 3 A. Memorandums of meetings between myself
18: 4 and an accident reconstructionist that came in.
18: 5 Mr. Arthur was present. I was present. Mr. F.
18: 6 M. Young was present. And if memory serves - in
18: 7 fact, I know Jerry Campbell, our trial counsel in
18: 8 Waco, was in fact present.

12 21:22 -22:12 Baldwin 6/23/04 00:00:33 00:05:17 00:02:17 V4.12

21: 22 Q. Were you able to find any (Edited)
21: 23 records whatsoever regarding the purchase of this
21: 24 crane from B & L Construction?

21: 25 A. The only thing I was able to locate was
 22: 1 an inventory of equipment that had come during
 22: 2 the course of the purchase, of which the crane
 22: 3 was listed on there.
 22: 4 Q. So, it was just listed as Item No. 1, 2
 22: 5 or 3?
 22: 6 A. Yes, sir.
 22: 7 Q. P & H 40-ton crane?
 22: 8 A. I think that's very close, yes, sir.
 22: 9 Q. Okay. So, you didn't have any other
 22: 10 materials that referenced the crane or gave you a
 22: 11 history of it, or anything like that?
 22: 12 A. I was not able to find any.

13 **24:17 -25:8** Baldwin 6/23/04 00:00:45 00:05:50 00:01:44 V4.13

24: 17 Q. Tell me what they have there, besides
 24: 18 the repair facility and a shop.
 24: 19 A. Main office is there. they have a
 24: 20 truck facility, welding shops, ready mix plant,
 24: 21 asphalt plant, material storage yard, and
 24: 22 trucking department. That's at the main yard.
 24: 23 We also maintain an airport yard,
 24: 24 that has the heavy equipment shop in it, another
 24: 25 asphalt plant, and a concrete pug mill.
 25: 1 Q. Okay. The airpport shop is where you
 25: 2 keep and maintain your heavy equipment?
 25: 3 A. That is where heavy equipment is
 25: 4 maintained.
 25: 5 Q. And this - the crane involved in this
 25: 6 accident would be one of those pieces of
 25: 7 equipment?
 25: 8 A. Under normal situation, yes, sir.

14 **25:9 -25:17** Baldwin 6/23/04 00:00:20 00:06:35 00:00:59 V4.14

25: 9 Q. Now you got me confused, (Edited)
 25: 10 Mr. Baldwin. What, under abnormal situations,
 25: 11 happens?
 25: 12 A. The welding shop is located at the main
 25: 13 office location on Highway 6. The items that
 25: 14 needed to be repaired on this particular crane
 25: 15 required welding; so, in this particular
 25: 16 situation, it was not sent to the general
 25: 17 maintenance shop.

15 **25:18 -26:6** Baldwin 6/23/04 00:00:39 00:06:55 00:00:39 V4.15

25: 18 Q. Tell me, as best you can (Edited)
 25: 19 recall, what types of things or general areas of
 25: 20 the crane had to be repaired.
 25: 21 A. The boom area had to be repaired.
 25: 22 There were several bent lacings within the boom,

25: 23 that had to be removed and refitted with new
25: 24 material. seems to me like the boom tip, itself,
25: 25 had to be repaired. The spreader bar had to be
26: 1 repaired.
26: 2 I think that was about it, sir.
26: 3 Q. are we talking about the lower or the
26: 4 upper spreader?
26: 5 A. seems to me like both spreader bars
26: 6 were repaired.

Play Time for this Script: **00:07:34**

Total time for all Scripts : **00:07:34**
