

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

PROVISUR TECHNOLOGIES,	)	
INC.,	)	
Plaintiff,	)	No. 5:21-cv-06113
v.	)	
WEBER, INC., ET AL.,	)	
Defendants.	)	
and	)	
WEBER, INC., ET AL.,	)	
Counter-Plaintiff,	)	
v.	)	
PROVISUR TECHNOLOGIES,	)	
INC.,	)	
Counter-Defendant.	)	

CONFIDENTIAL

VIDEO DEPOSITION OF JARROD MCCARROLL
March 5, 2024

Reporter: Mark Arndt, CSR, CCR, RPR
CSR No. 084-004711
CCR No. 1398

DIGITAL EVIDENCE GROUP
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Washington, D.C. 20036
(202) 232-0646

Page 2

1 Deposition of Jarrod McCarroll, taken
2 pursuant to Notice of Taking Deposition, before Mark
3 Arndt, a Certified Shorthand Reporter and Certified
4 Court Reporter, at 7015 College Boulevard, Suite 700,
5 Overland Park, Kansas, on March 5, 2024.

6

7

APPEARANCES OF COUNSEL

8

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13 Also present: James Arndt, videographer

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1 [9:03 a.m.]

2 THE VIDEOGRAPHER: This is the video
3 deposition of Jarrod McCarroll in the matter of
4 Provisur Technologies Incorporated versus Weber
5 Incorporated, et al, and Weber Incorporated, et al,
6 versus Provisur Technologies Incorporated.

7 Today's date is March 5th, 2024, and the time is
8 9:04 AM Central Time. My name is James Arndt, and I'm
9 the videographer. The court reporter is Mark Arndt.

10 Counselors, will you please introduce yourselves
11 and your affiliations, and the witness will be sworn.

12 MR. HERSH: Adam Hersh of Willkie Farr &
13 Gallagher, representing Provisur Technologies. I'm
14 joined today by my colleagues Samuel Gamer and Kennon
15 Wales, also with Willkie; and finally by Taylor
16 Concannon Hausmann of Husch Blackwell; all on behalf of
17 Provisor.

18 MR. SEITZ: Adam Seitz and Jason Leiker on
19 behalf of Weber.

20

21 The witness, JARROD MCCARROLL, first having been
22 duly sworn, testified as follows:

1 EXAMINATION

2 BY MR. HERSH:

3 Q. Good morning, Mr. McCarroll.

4 A. Good morning, sir.

5 Q. We spoke a few moments ago off the record.

6 I introduced myself. Again, my name is Aaron Hersh.

7 I'm a lawyer for the plaintiff Provisur in this case.

8 I don't believe we've met before.

9 A. No, sir.

10 Q. You have, however, been deposed, I

11 believe, at least twice before in this case.

12 Is that right?

13 A. Yes, sir.

14 Q. You also testified at trial back in

15 October of 2022 in Chicago.

16 Is that right?

17 A. In Kansas City.

18 Q. Kansas City. That's right.

19 A. Yes, sir.

20 Q. I'm getting confused this early in the

21 morning.

22 A. That's okay.

1 A. Yes, sir.

2 Q. All right.

3 Does it inform how you conduct business as a
4 general rule?

5 A. No.

6 Q. No?

7 The -- when we talk about the U.S. market
8 generally, we've talked about several different
9 competitors --

10 A. Yes, sir.

11 Q. -- in the deli, bacon, cheese,
12 convenience space?

13 A. Yes, sir.

14 Q. Weber is pretty successful in the -- I
15 think you said the deli space, the market leader?

16 A. I would say that's where we have the
17 majority of our installations.

18 Q. All right.

19 When a customer is -- in your view, when a
20 customer is looking to purchase a slicing line, they're
21 considering a variety of options, a variety of factors.

22 Right?

1 A. Yes, sir.

2 Q. Price -- one of them?

3 A. One of them.

4 Q. I'll list a few, and you can agree or
5 disagree.

6 How's that?

7 A. Okay.

8 Q. So price is one of them?

9 A. Sure.

10 Q. Reliability.

11 A. Sure.

12 Q. Safety?

13 A. Yes, sir.

14 Q. How hygienic it is?

15 A. Yes, sir.

16 Q. Whether it's innovative?

17 A. Potentially.

18 Q. Solves a problem that they have?

19 A. Could -- yeah, solves a problem that they
20 have. Yes.

21 Q. The size of the slicing line?

22 A. Physical size?

1 Q. Physical footprint?

2 A. Does it fit into their plant?

3 Q. Yeah.

4 A. Sure.

5 Q. Throughout -- or throughput? Excuse me.

6 A. Yes, sir.

7 Q. Yield?

8 A. Yes, sir.

9 Q. Longevity of the slicing line?

10 A. Yes, sir.

11 Q. A line that lasts longer is going to
12 probably be more likely to be purchased than one that's
13 got a three or four or five-year --

14 A. Sure. Depreciation. Sure.

15 Q. Service options?

16 A. Sure.

17 Q. Brand?

18 A. Speculative.

19 Q. Some customers might care about brand as
20 far as you're aware?

21 A. Some might.

22 Q. The appearance of the slicing line itself,

1 how it looks?

2 A. I don't think customers care about that.

3 Q. Relationships with the manufacturer or the
4 seller?

5 A. Sure.

6 Q. Anything else other than those items that
7 you think customers care about when buying a slicing
8 line?

9 A. Total cost of ownership.

10 Q. That's the lifespan of the machine?

11 A. The life cycle cost of the machine. Price
12 is just -- price is a factor when they have to look at
13 it. They're buying it for something today, but they're
14 going to have this line for 15 years. What does it
15 really cost them? What does it cost them to support it
16 with parts, service? What's their total all-in cost
17 over time as they depreciated?

18 Q. We talked earlier today about Weber's
19 dedication to full-line solutions?

20 A. Uh-huh.

21 Q. That's a direction that Weber has been
22 headed?

1 A. Yes, sir.

2 Q. That's partially under your leadership and
3 partially under the leadership of the folks in Germany?

4 A. Yes, sir. It's market response.
5 Customers are asking for that.

6 Q. It's part of the -- it's a goal that Weber
7 has had to achieve that?

8 A. It's a -- you know, Weber's goal is to,
9 yeah, be a market-focused, data-driven,
10 love-our-customers-like-family food solutions company.

11 So it is, but that market -- that market data --
12 that market-driven -- that data focus -- listen to what
13 the customers want. That's what our focus is. That's
14 what our goal is.

15 And the market's saying we want full-line
16 solutions, we want one solution that works collectively
17 together with one supplier, with one language that it
18 speaks, to give us the ultimate performance that we
19 need.

20 THE VIDEOGRAPHER: Two minutes.

21 BY MR. HERSH:

22 Q. And you'd like to have all of that under

1 C E R T I F I C A T E

2 I, Mark Arndt, a Certified Shorthand Reporter
3 and Certified Court Reporter, do hereby certify that
4 JARROD MCCARROLL, prior to the commencement of the
5 examination, was sworn by me on March 5, 2024, to
6 testify the truth, the whole truth and nothing but the
7 truth.

8 I DO FURTHER CERTIFY that the foregoing is a
9 true and accurate transcript of the proceedings as
10 taken stenographically by and before me at the time,
11 place and on the date hereinbefore set forth.

12 I DO FURTHER CERTIFY that I am neither a
13 relative nor employee nor attorney nor counsel of any
14 of the parties to this action, and that I am neither a
15 relative nor employee of such attorney or counsel, and
16 that I am not financially interested in this action.

17

18

19



20

MARK ARNDT, CSR, CCR, RPR

21

CSR NO. 084-004711

22

CCR NO. 1398

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1 Jarrod McCarroll, c/o
Levy Craig Law Firm
2 4520 Main Street, Suite 400
Kansas City, Missouri 64111

3
4 Case: Provisur Technologies, Inc., v. Weber, Inc., et al.
Date of deposition: March 5, 2024
5 Deponent: Jarrod McCarroll

6
7 Please be advised that the transcript in the above
8 referenced matter is now complete and ready for signature.
9 The deponent may come to this office to sign the transcript,
10 a copy may be purchased for the witness to review and sign,
11 or the deponent and/or counsel may waive the option of
12 signing. Please advise us of the option selected.
13 Please forward the errata sheet and the original signed
14 signature page to counsel noticing the deposition, noting the
15 applicable time period allowed for such by the governing
16 Rules of Procedure. If you have any questions, please do
17 not hesitate to call our office at (202)-232-0646.

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19
20 Sincerely,
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4 SIGNATURE PAGE

Case: Provisur Technologies, Inc., v. Weber, Inc., et al.
5 Witness Name: Jarrod McCarroll
Deposition Date: March 5, 2024

6

7 I do hereby acknowledge that I have read
and examined the foregoing pages
8 of the transcript of my deposition and that:

9

10 (Check appropriate box):

() The same is a true, correct and
11 complete transcription of the answers given by
me to the questions therein recorded.

12 () Except for the changes noted in the
attached Errata Sheet, the same is a true,
13 correct and complete transcription of the
answers given by me to the questions therein
14 recorded.

15

16

17

DATE

WITNESS SIGNATURE

18

19

20

21

22

DATE

NOTARY

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6 ERRATA SHEET

7

8 Case: Provisur Technologies, Inc., v. Weber, Inc., et al.

9 Witness Name: Jarrod McCarroll

10 Deposition Date: March 5, 2024

11 Page No. Line No. Change

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Signature_____
Date