

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3 BEFORE THE PATENT TRIAL AND APPEAL BOARD

4
5
6 SIMPSON STRONG-TIE COMPANY, INC.,

7 Petitioner

8 v.

9 COLUMBIA INSURANCE COMPANY,

10 Patent Owner

11
12 Case PGR2024-00050
13 Patent No. 11,920,339

14
15 DEPOSITION OF CHRISTOPHER HORWITZ

16
17 TAKEN REMOTELY ON BEHALF OF THE PETITIONER

18 August 7, 2025

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25 Simpson Strong-Tie Company EX1056
Simpson v. Columbia
PGR2024-00050

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E X H I B I T S

No new exhibits were marked.

PREVIOUSLY MARKED EXHIBITS REFERENCED:

NO.	DESCRIPTION	PAGE
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8 v.

9 COLUMBIA INSURANCE COMPANY,

10 Patent Owner
11 _____

12 Case PGR2024-00050
13 Patent No. 11,920,339
14

15 DEPOSITION OF CHRISTOPHER HORWITZ, produced,
16 sworn, and examined remotely on August 7, 2025, before
17 Emily S. Bergren, RPR, CRR, MO CCR #1353, in a certain
18 cause now pending in the United States Patent and
19 Trademark Office before the Patent Trial and Appeal
20 Board between SIMPSON STRONG-TIE COMPANY, INC.,
21 Petitioner, vs. COLUMBIA INSURANCE COMPANY,
22 Patent Owner; on behalf of the Petitioner.
23
24
25

A P P E A R A N C E S

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1 IT IS HEREBY STIPULATED AND AGREED by and between
2 counsel for the Petitioner and counsel for the Patent
3 Owner that this deposition may be taken remotely in
4 shorthand by Emily S. Bergren, a Certified
5 Stenographic Court Reporter within and for the State
6 of Missouri, and afterwards transcribed into
7 typewriting; and the signature of the witness is
8 expressly reserved.

9 * * * * *

10 (Deposition commenced at 10:05 a.m.)

11 MR. HOWARD: Erick Howard for Simpson
12 Strong-Tie.

13 MR. KRIEGER: And Tim Krieger with Columbia
14 Insurance Company.

15 CHRISTOPHER HORWITZ,
16 of lawful age, produced, sworn, and examined on behalf
17 of the Petitioner, deposes and says:

18 EXAMINATION

19 BY MR. HOWARD:

20 Q. Good morning, Mr. Horwitz. My name is
21 Erick Howard, as I said, and I'll be taking your
22 deposition today. Can you please state your name for
23 the record?

24 A. Sure. It's Christopher Horwitz.

25 Q. You're here today to testify in connection

1 with the Post-Grant Review Proceeding challenging
2 US Patent Number 11,920,339; correct?

3 A. Correct.

4 Q. Okay. And during the deposition today, I'm
5 going to refer to the patent as the '339 patent; is
6 that all right?

7 A. Yes.

8 Q. Okay. Have you had your deposition taken
9 before?

10 A. I have not.

11 Q. Okay. Well, the court reporter gave us the
12 most important rule, which is that we need to try to
13 avoid talking over each other, so, you know, please
14 try to wait until I finish my question before
15 answering, and I will try to wait for you to finish
16 your answer before I ask you another question.

17 Please remember that even though you're
18 being videotaped, all your responses need to be
19 verbal, not just head nods or head shakes.

20 And please let me know if you don't
21 understand a question. I'm going to assume that you
22 understand the question unless you ask for a
23 clarification. That sounds fair?

24 A. Sure.

25 Q. And you can take a break at any time. This

1 isn't a marathon. My only ask of you is that we don't
2 take breaks -- or you don't ask for a break or try to
3 take a break while a question is pending; so if a
4 question is pending, go ahead and answer the question,
5 and then we can take the break. But other than that,
6 if you need to take a break at any time, just let me
7 know.

8 A. Okay.

9 Q. All right. Is there any reason that you
10 can't testify truthfully today?

11 A. Nope.

12 Q. Okay. Not on any medication or feeling
13 sick or anything like that?

14 A. Nope.

15 Q. And obviously, you understand that you're
16 under oath, and so your answers need to be truthful
17 and give the complete truth as you understand it;
18 correct?

19 A. Yes.

20 Q. What did you do to prepare for your
21 deposition today?

22 MR. KRIEGER: Objection. To the extent it
23 calls for any attorney-client privileged
24 communications or work product, I'm going to instruct
25 the witness not to answer to the extent he didn't rely

1 on any of that information for the purposes of his
2 declaration. Otherwise, the witness may answer.

3 You can go ahead.

4 MR. HOWARD: Yeah. Go ahead.

5 A. So for my declaration, obviously, I did
6 chat with my counsel, but everything I put in my
7 declaration was from my experience with MiTek or
8 before MiTek and then anything of knowledge I have
9 from the construction industry.

10 Q. (By Mr. Howard) Okay. So just to clarify,
11 to prepare for the deposition, you met with counsel;
12 correct?

13 A. Correct.

14 Q. Okay. And who did you -- did you meet
15 with, Mr. Krieger?

16 A. Yeah. Mr. Krieger and also
17 Julie Scheipeter, I believe is how you pronounce her
18 name.

19 Q. And how long was your meeting with counsel?

20 A. I'd say approximately an hour, two hours.

21 Q. And when did you meet with counsel to
22 prepare for the deposition today?

23 A. Yesterday.

24 Q. Did you meet with anyone else to prepare
25 for today's deposition?

1 A. Nope.

2 Q. Did you review any documents to prepare for
3 the deposition today?

4 A. Nope.

5 Q. Okay. I believe that you have a copy of
6 your declaration in front of you; is that correct?

7 A. Correct.

8 Q. Okay. And that's been previously marked, I
9 believe, in this matter as Exhibit 2060 entitled
10 "The Declaration of Christopher Horwitz." And the
11 copy of your -- that you have in front of you, that is
12 a copy of the declaration that you drafted; correct?

13 A. Correct.

14 Q. Now, in connection with preparing the
15 declaration, did you speak with anyone to help you
16 prepare the declaration?

17 MR. KRIEGER: Objection. To the extent it
18 calls for any attorney-client privileged
19 communications or work product, I'm going to instruct
20 the witness not to answer to the extent he did rely on
21 any of those communications for the purposes of his
22 declaration. I'm going to instruct the witness that
23 he can testify that he spoke with counsel during the
24 process of drafting his declaration.

25 A. Correct. And if you can rephrase, but

1 yeah. That is correct.

2 Q. (By Mr. Howard) Okay. Did counsel provide
3 you with any assumptions that you were to make in
4 connection with the preparation of your declaration?

5 A. No.

6 Q. Other than counsel, did you speak with
7 anyone else in connection with the preparation of your
8 declaration?

9 A. No.

10 Q. Did you review any documents in connection
11 with the preparation of your declaration?

12 A. No.

13 Q. We referenced the '339 patent a little bit
14 earlier. Have you reviewed the '339 patent at all?

15 A. No.

16 Q. Is it fair to say that you haven't read any
17 of the claims of the '339 patent?

18 A. That is correct.

19 Q. Would it be fair to say that any
20 understanding that you have regarding what the '339
21 patent covers is based on what you were told by
22 counsel?

23 A. Correct. I haven't been told anything
24 about it though.

25 Q. How much time did you spend preparing your

1 declaration?

2 A. A full day on my own, yeah, to actually --
3 yeah. A day.

4 Q. So a day, an eight-hour workday, or a day,
5 24-hour day?

6 A. Eight-hour workday.

7 Q. So did you prepare, like, a first draft of
8 the declaration and then iterate from that draft?

9 MR. KRIEGER: Objection to form.

10 Q. (By Mr. Howard) Well, let me rephrase it.
11 Did you prepare a first draft of the declaration?

12 A. Yeah. I did -- I'd say I wrote a draft and
13 then read it, and then, you know, expanded on my
14 thoughts.

15 Q. Did anyone else assist you in the
16 preparation of the declaration other than counsel?

17 A. No.

18 Q. Do you have any corrections or changes to
19 be made to your declaration?

20 A. No.

21 Q. Okay. So I want to turn, and let's talk a
22 little bit about your education and employment
23 background. So let's just talk with your education.
24 Can you briefly describe your educational background
25 starting after, say, high school?

1 A. Sure. So I received a bachelor's of
2 science in architecture from the University of
3 Maryland in 2010. And then I went to grad school at
4 the University of Colorado, and I received a graduate
5 degree in structural engineering, civil engineering in
6 2019.

7 Q. I want to talk a little bit about your
8 employment background, which you talk a little bit
9 about in your declaration. But before we do that, I
10 want to ask you: Do you understand what Type III
11 construction is?

12 A. Yes.

13 Q. And can you briefly explain what Type III
14 construction is?

15 A. Type III construction is five stories of
16 light frame wood two-by material. That is its core, I
17 would say category in the IBC. It can be on a podium
18 or some other structure, but the core idea is five
19 levels.

20 Q. And then what -- do you know what Type V
21 construction is?

22 A. Type V is very similar, but it maxes out at
23 four stories of wood.

24 Q. And what kind of -- well, strike that.
25 Are there types of structures that

1 typically fall into a Type III or a Type V
2 construction?

3 A. I guess, can you rephrase or be more
4 specific?

5 Q. Well, what sort of buildings would be
6 categorized as Type III construction?

7 A. So you have your apartments are very
8 commonplace in that, dormitories. You'll get hotels
9 as well. I'd say that's probably the common place for
10 it.

11 Q. And is that also true of Type V
12 construction?

13 A. Yeah. I think there is overlap in those
14 use cases.

15 Q. Okay. You say, "there is overlap." Is
16 there -- are there other types of buildings that would
17 fall into Type V other than what you've already
18 listed?

19 A. No. I think really that's the core idea.
20 It's multifamily spaces, either apartments or, you
21 know, spaces to rent or spaces to live, so I think
22 that summarizes it, at least in my mind, of the types
23 of buildings that would fall into those.

24 Q. Okay. And I think in your declaration, you
25 talk about that you worked at Case Design and

1 Remodeling in Maryland; is that correct?

2 A. Correct.

3 Q. Okay. And what years did you work there?

4 A. I worked there from 2010 to 2017.

5 Q. Okay. And what did you do at Case Design?

6 A. So I was focused on architectural design at
7 that point, and a lot of more of their technical
8 experts, a lot of times what I would do is I would
9 take drawings that were going from around a schematic
10 design and actually build out the structure with the
11 structural engineer and bring that through permitting
12 and into construction. That's more of what I
13 specialized in.

14 Q. Was any of the work that you did with
15 Case Design -- well, strike that.

16 Was any of the work that you did at
17 Case Design done outside of Maryland or for projects
18 outside of Maryland?

19 A. Yeah. So it was in the DMV area, so it
20 would be Maryland, Virginia, and District of Columbia.

21 Q. Okay. And did any of your work at
22 Case Design involve Type III or Type V construction?

23 A. I would not say specifically. They did
24 more of actual custom remodels is really their core
25 business, so more of single family attached and those

1 type of structures versus your four- and five-story
2 buildings.

3 Q. Did any of your work at Case Design involve
4 MiTek's FWH firewall hanger products at all?

5 A. So I'd say there were still firewalls that
6 were relevant to the design that we were looking at,
7 but I would not say it was a ton of exposure at that
8 time.

9 Q. Okay. So did any of the work at
10 Case Design involve Simpson's DU product or DG
11 product?

12 A. No. I don't think so. Like, I was aware
13 of firewalls at those times, but I don't think either
14 of the selections were really coming into my constant
15 day-to-day. I grew up in construction, you know, even
16 before Case, so I was aware of firewalls and, you
17 know, firewall hangers, but really didn't get into
18 what my day-to-day activities were requiring for the
19 job.

20 Q. So it's fair to say that, at this time,
21 firewalls are outside of your expertise?

22 MR. KRIEGER: Objection. Form.

23 A. I guess if you can rephrase for me.

24 Q. (By Mr. Howard) Well, you testified that
25 you were aware of firewalls, but you did not work on

1 projects specifically concerning firewalls; is that
2 right?

3 MR. KRIEGER: Objection. Form.
4 Mischaracterizes the witness's prior testimony.

5 A. I think there were plenty of projects,
6 especially condominiums and others where firewalls
7 were very prevalent, but I wouldn't say in the core
8 idea of you know, Type III construction. There's
9 still plenty of firewalls outside of that.

10 Q. (By Mr. Howard) Okay. And then my
11 understanding from your declaration is that after you
12 worked at Case Design, you then worked at EVstudio; is
13 that correct?

14 A. Yes.

15 Q. Okay. And what would -- what did you do at
16 EVstudio?

17 A. EVstudio was really a lot of production
18 homes, new build construction, commercial spaces
19 there, you know, single family attached Type III
20 structures, and then I'd say smaller scale commercial
21 work as well.

22 Q. Okay. And while you were at, EVstudio, did
23 you work on any projects that were outside of
24 Colorado?

25 A. Yes. There were a handful in Utah as well.

1 It was primarily in the Colorado Mountain region
2 though.

3 Q. And did any of the work that you performed
4 at EVstudio involve Type III or Type V construction
5 requiring the use of fire barriers?

6 A. Yes.

7 Q. How many?

8 A. I don't -- I don't recall a specific
9 number. I'd say it was a good portion of my job. I
10 don't know if I can track back a specific amount of
11 numbers.

12 Q. Okay. Can you give a rough estimate of the
13 number of jobs that involved Type III or Type V
14 construction requiring fire barriers that you worked
15 on?

16 A. Sure. I'd say at least 50. 50 projects I
17 was exposed to.

18 Q. Did your work at EVstudio involve the use
19 of MiTek's FWH products?

20 A. No.

21 Q. Did your work at EVstudio involve the use
22 of Simpson's firewall hanger products such as the DU,
23 the DG, DGB, or DGT?

24 A. I was aware of the DU at EVstudio.

25 Q. So you said that you were aware of the DU

1 at EVstudio. Did you work on any projects where the
2 DU was specified for a project that you were working
3 on?

4 MR. KRIEGER: Objection. Form.
5 Foundation.

6 A. Yeah. I guess if you can rephrase. Help
7 me understand the specific --

8 Q. (By Mr. Howard) Okay. How were you aware
9 of the DU when you were working at EVstudio?

10 A. Well, because of the fire barriers,
11 especially interior fire barriers, and the DU's
12 connection on the outside of the drywall, so I knew
13 that as a solution for handling fire barriers.

14 Q. And what was the type of work that you
15 performed specifically at EVstudio?

16 A. So I was a design -- I'd say, you know, an
17 engineer in training at that time, but doing full, you
18 know, calculation packages, full building design for
19 components, holistic building design, and then
20 actually drafting the entire structure as well.
21 EVstudio was an architecture and engineering firm, so
22 we would work with our internal staff as well for the
23 architectural design, the MEP design, and yeah, I'd
24 say holistic structural design and engineering, and
25 then construction documentation.

1 Q. And then after working at EVstudio, you
2 worked at DCI Engineering; is that right?

3 A. Correct.

4 Q. Okay. And how long did you work at
5 DCI Engineering?

6 A. So DCI Engineering was about two and a half
7 years. Yeah.

8 Q. Can you remember what years you were --

9 A. Yeah. So it's August, 2019, to January,
10 2022.

11 Q. And what was your role at DCI Engineering?

12 A. So once again, an engineer in training at
13 that point, and, you know, just a project engineer. A
14 project structural engineer is what they called it.

15 Q. And did you work on any projects at
16 DCI Engineering that were outside of Colorado?

17 A. Yes.

18 Q. Where?

19 A. So California, Washington State, Utah. I
20 think those are the main states outside of Colorado.
21 Yeah.

22 Q. And I think at paragraph 3 of your
23 declaration, if you want to take a look at that, I
24 think you state that you had substantial exposure to
25 Type III and Type V construction requiring use of fire

1 barriers while you were at DCI Engineering, so what
2 does "substantial exposure" mean as you use it in that
3 sentence?

4 A. I would -- so in my interpretation of that
5 is either specifying design at that point, working on
6 constructions, going through schematic design to
7 really work with the, say, all the design team to
8 figure out what the structure is going to be, if it's
9 going to be Type V, if it's going to be Type III or
10 even a Type I or Type II to explore what the actual --
11 I'd say the most appropriate use of the space and code
12 is for that project.

13 Q. And can you give an estimate of the
14 percentage of work that you did that involved Type III
15 or Type V construction requiring the use of fire
16 barriers?

17 A. Yeah. I can say 50 percent of my time.
18 I'd say almost half of the projects I worked on.

19 Q. Now, did your work at DCI Engineering
20 involve the use of MiTek FWH products?

21 A. I was more -- I'd say I was familiar with
22 it, but I did not specifically specify. I was
23 actually more familiar with the DU hangers at
24 corridors while working at DCI.

25 Q. Okay. Were you familiar with Simpson's

1 other firewall products such as the DG or DGB while
2 you were working at DCI Engineering?

3 A. No. I was not aware.

4 Q. And then immediately before you came to
5 MiTek, I guess you were at Kahura Engineer -- I'm
6 sorry. Strike that.

7 Sorry. Before -- immediately before
8 joining MiTek, you were at Kahura Energy Project
9 Execution; is that correct?

10 A. So it's technically Kahuna. I realize I
11 have a spelling error there. Just want to -- I had a
12 typo, so it's an N rather than an R, yeah.

13 Q. Okay. So I guess it should be spelled
14 K-a-h-u-n-a?

15 A. Correct.

16 Q. Okay. Wanted to make sure it's clear for
17 the record.

18 A. Yeah. I should have caught that.

19 Q. It's all right. How long -- so how long
20 were you at Kahuna?

21 A. It's kind of a silly name actually. But I
22 was only there for a little bit, like, less than a
23 year, so I'd say it ended up being, like,
24 approximately nine months or so. I can get the
25 specific dates here.

1 Q. And can you describe what your role was at
2 Kahuna?

3 A. So I was a structural staff engineer, and
4 this is mainly focusing on steel structures with
5 Kahuna, so this is an oil and gas company where I
6 wanted to broaden my exposure in construction, so that
7 was mainly focusing on steel and concrete structures
8 for them.

9 Q. Can you describe the type of structures
10 that you were working on?

11 A. Yeah. So they're -- they fall under a
12 different category of the code versus where we were
13 talking, you know, Type I through Type V. It's
14 actually a scaffolding structure, so it's actually a
15 different code altogether, so the best way I can say
16 it is structural frames is probably the best way to
17 categorize it.

18 Q. So did any of your work at Kahuna involve
19 Type III or Type V construction requiring firewall
20 barriers?

21 A. No.

22 Q. So then I take it your work at Kahuna did
23 not involve the use of MiTek firewall hangers. Is
24 that -- would that be accurate?

25 A. Correct. It did not involve that.

1 Q. And your work at Kahuna did not involve the
2 use of the Simpson firewall hangers such as the DU or
3 the DG?

4 A. Correct. It did not.

5 Q. Now, you're currently employed at MiTek;
6 correct?

7 A. Correct.

8 Q. When did you join MiTek?

9 A. I joined MiTek in November of 2022.

10 Q. And when you joined MiTek, what was your
11 role?

12 A. So I worked in our optimization department
13 which is part of new market growth and innovation, and
14 my original title when I came in was principal
15 optimization engineer.

16 Q. Okay. And what does the principal
17 optimization engineer do?

18 A. So we work with our -- our marketing,
19 innovation, and sales functions, and our goal is to
20 really support the design community, bring a lot of,
21 I'd say previously unsupported stakeholders, say, you
22 know, architects, engineers, developers, owners, and
23 really try and answer a lot of the questions that come
24 up downstream with our buy submittals especially with
25 component manufacturers and really try to support the

1 design community early on. So I'd say that's a good
2 summary, and then really just supporting them to
3 actually optimize designs for construction early on
4 that they may not be getting otherwise.

5 Q. Can you provide an example of what that
6 would -- what that would look like in terms of the
7 work that you would perform?

8 A. So it depends on what stage of the project
9 we get brought in. But as an example, an engineer is
10 work on a Type III or Type V project where they're
11 trying to actually go through their value engineering
12 process to figure out why everything is so over
13 budget. Is it part of the their design? Is it the
14 actual procurement of materials? Is it just an
15 increase in market costs? And what we would do is use
16 or proprietary software to help them actually analyze
17 multiple different solutions and compare them as far
18 as material quantification, supply chain errors, or
19 just difficulty in quantifying cost, labor, and
20 materials, and give them that kind of insight early on
21 so they wouldn't have to do redesigns later on.

22 Q. So in your declaration, you say that you've
23 been in your current role since January of 2024. It
24 sounds like your previous role when you came into the
25 company in 2022 is similar to your current role. Is

1 that -- would that -- is that accurate?

2 A. Correct. I got promoted inside of that
3 organizational chart inside of MiTek.

4 Q. Okay. So is it fair to say that since
5 2022, you've been doing the same type of work within
6 MiTek?

7 A. I wouldn't say the same, but similar.

8 Q. What is the difference between the work
9 that you were doing when you joined MiTek versus the
10 work that you do now in your current role?

11 MR. KRIEGER: Objection to form.

12 A. Yeah. I guess if you can rephrase or help
13 me be more specific.

14 Q. (By Mr. Howard) Okay. How would you
15 describe the difference between what you are doing now
16 in your role at MiTek versus what you were doing prior
17 to your current role at MiTek?

18 A. So one of the things is the amount of staff
19 I have where, at first, you know, it was mainly me and
20 two other staff members doing all of it. And then
21 because of the demand that we saw for this type of
22 support, the team grew to where I was doing a little
23 less of the actual day-to-day execution and more
24 management and strategy for that department.

25 Q. Okay. If you take a look at paragraph 2 of

1 your declaration, I think there, you say, "In my
2 current position, I am responsible for the
3 identification of early adopters of design-make-build
4 techniques including developers, engineers,
5 architects, and contractors." What does
6 design-make-build techniques mean?

7 A. Design-make-build is a concept of off-site
8 solutions, so a lot of premanufacturing that's done,
9 whether or not that's in a warehouse, in some type of
10 plant, or close to the site, to help make the actual
11 construction process on site far more efficient.

12 Q. And part of your role is to identify
13 developers, engineers, and architects, general
14 contractors that are interested in that technique?

15 A. I would say yes. But then also, it is to
16 just talk to them, whether or not they're a good fit
17 or not for, say, off-site solutions, to educate rather
18 than -- I guess, if I'm understanding your question
19 correctly, it wasn't just good fits for off-site
20 solutions. It's just to actually educate on either
21 more efficient ways to build if people aren't aware of
22 it, or perhaps if there's something we're not aware
23 of, to actually hear and understand the market from
24 their perspective.

25 Q. Can you explain how you identify

1 developers, engineers, architects, and general
2 contractors that may be interested in those
3 techniques?

4 A. So it's through our different business
5 partners or also just our team's network of working in
6 the industry, whether or not that's with MiTek or
7 previously MiTek, because a lot of the people that are
8 on my team have lived in the construction industry for
9 decades before either working with or inside of MiTek.

10 Q. I think in paragraph 2, you also say that
11 you focus on commercialization and optimized
12 engineering design proposals and go-to-market
13 strategies, so what does your focus on
14 commercialization entail?

15 A. This is working with marketing to make sure
16 that we actually understand the -- I'd say how
17 products, products design techniques, or software
18 automation are actually able to exist inside either a
19 current or future marketplace, so really just
20 understanding I'd say the marketing side of the
21 portion of my work.

22 Q. And what does your focus on optimized
23 engineering design proposals entail?

24 A. So that would be as part of our offering is
25 if there is an additional service that -- say an

1 engineer is like, "Wow, this was really helpful. Can
2 you guys help me out with X, Y, and Z?" If that was
3 the case, then we would say there's a proposal for
4 additional work in that case.

5 Q. And then what does your focus on
6 go-to-market strategies entail?

7 A. That would be us actually understanding
8 when we do this actual investigation, whether or not
9 it's our products or others' products or even stuff we
10 haven't been aware of, we want to understand where the
11 market -- what people actually want, where demand is,
12 and I'd say that's a lot of go-to-market strategies is
13 just understanding what the industry is wanting to use
14 versus what they're not even aware of yet and just --
15 yeah. I call that market research and understanding
16 really where demand is and for what.

17 Q. Okay. Also in paragraph 2, you state that
18 you're responsible for leading global design
19 engagement process. What is that?

20 A. So that's -- I have a dual role with my
21 current position, but as I took on more responsibility
22 and the -- my team grew, I was asked to really meet
23 with our other territories globally, so Europe,
24 Asia Pacific, and some of the other leaders in those
25 areas to take the process of really supporting these

1 design professionals and see if that would help
2 support those regions as well; also understand what
3 materials are working well for them versus aren't, and
4 see what strategies and process would be adoptable
5 globally versus just in the US.

6 Q. Then you also say in paragraph 2 that you,
7 "collaborate with marketing on developing necessary
8 documentation and sales tools to enable effective
9 campaigns." And my question is: So what types of
10 documentation do you collaborate with marketing to
11 create?

12 A. I would say it's technical articles. A
13 good example, case studies of either projects that
14 really solved a great, I'd say issue that multiple
15 other design professionals are having in the field.
16 Then you're also going to have typical marketing
17 material as far as product information sheets and
18 those items, so I'd say it's case studies and typical
19 marketing handouts.

20 Q. And then what types of sales tools do you
21 collaborate with marketing to create?

22 A. So that's our internal CRM system, like,
23 Sales Force and anything along those lines just to
24 make sure that we're actually collecting the right
25 information and being consistent and not guessing.

1 Q. Okay. Can you take a look at paragraph 5
2 of your declaration? And there, I think you state
3 that you've worked almost exclusively with multifamily
4 construction projects while at MiTek; is that
5 accurate?

6 A. Correct.

7 Q. Okay. So is all the work that we just
8 previously talked about in your current role, that's
9 been primarily with respect to multifamily
10 construction projects?

11 A. Correct.

12 Q. How many such projects have you worked on
13 at MiTek would you estimate?

14 MR. KRIEGER: Objection. Form.

15 A. I guess I'll lean to my counsel for how I
16 should answer that.

17 MR. KRIEGER: You may answer. It's just --
18 when I object like that, it's usually to some word or
19 phrase in the question that I don't understand. If
20 you understand it or you want to clarify your answer
21 based on that, you may do so. But yeah, you should
22 answer if you're able.

23 A. Yeah. I would appreciate clarification
24 just so I can make sure I'm giving you a specific
25 answer.

1 Q. (By Mr. Howard) No problem. How many
2 multifamily construction projects have you worked on
3 in total while at MiTek?

4 A. I don't have an exact number, as I think
5 would be difficult for anybody to say, but hundreds of
6 projects. I'd say at least 100 a year.

7 Q. Okay. And then how -- strike that.

8 Let's take the number 100, 100 per year.
9 How many of those 100 projects have involved Type III
10 construction requiring exterior fire barriers and fire
11 barriers between units?

12 A. I'd say probably 40 percent, so each year,
13 probably 40 Type IIIs.

14 Q. And what percentage of those projects would
15 involve Type V construction requiring exterior fire
16 barriers and fire barriers between units?

17 A. So I'd say the other -- like, another
18 40 percent I'd say are Type V. And then you'll get
19 your, like, town homes and some other pieces in that
20 as some of the smaller percentage that we'd see.

21 Q. So paragraph 5, you also state that you've
22 become intimately familiar with the use and history of
23 firewall hangers, specifically MiTek's firewall -- I'm
24 sorry. FWH hangers and products marketed and sold by
25 Simpson. So which products marketed and sold by

1 Simpson are you referring to in your declaration
2 there?

3 A. My thought process goes to the DU hangers
4 and then the DG series that have come out more
5 recently.

6 Q. How familiar were you with the use and
7 history of MiTek's FWH hangers prior to joining MiTek?

8 A. I knew about the firewall hangers from back
9 in my time at EVstudio. Even if I wasn't working as
10 closely with them, I was well aware just because I
11 also knew it through working in the construction
12 industry and my experience about firewall hangers.

13 Q. Can you rank your familiarity in terms of,
14 say, you had some familiarity or extensive
15 familiarity? I just want to get a sense of how
16 familiar you were with MiTek's FWH hangers before
17 joining MiTek.

18 MR. KRIEGER: Objection. Form.

19 A. Yeah. I guess that's hard for me to
20 quantify. Is there a different way we can quantify
21 it?

22 Q. (By Mr. Howard) Well, let's see. So if
23 paragraph 5, you say that you're intimately familiar
24 with MiTek's FWH hangers, so what do you mean by
25 "intimately familiar" in paragraph 5?

1 A. The majority of my work involves firewall
2 hangers, a lot of what I come into contact with, so I
3 would say that is an intimate -- intimate level of
4 understanding and experience with them. Does that
5 answer your question?

6 Q. Okay. Yes. In terms of defining what
7 "intimately familiar" means.

8 Okay. So now, before you joined MiTek as
9 compared to being intimately familiar with MiTek's
10 FWH hangers, how familiar would you say you were with
11 MiTek's FWH hangers before you joined MiTek?

12 A. I'd say somewhat. Maybe a medium level of
13 understanding versus intimate.

14 Q. How familiar would you say you were with
15 the history of MiTek's firewall hangers, FWH hangers
16 prior to joining MiTek?

17 A. It was medium, that same -- same level.

18 Q. And in paragraph 5, when you talk about
19 being familiar with the history of firewall hangers,
20 in particular, MiTek's FWH hangers, what do you mean
21 by "the history" of those hangers?

22 A. It's the sequencing issue that -- I guess
23 I've been in construction since 2002, and sequencing
24 of trades is a huge issue, and it's a big part of why
25 costs have spiralled the way they have. So most of my

1 initial -- you know, before MiTek and then at MiTek
2 was talking to different crews about how difficult it
3 is to actually get the sequencing to work without the
4 FWH.

5 Q. So to make sure I understand, when you say
6 the word "history" in paragraph 5, you're talking
7 about sequencing?

8 A. Yeah. I'd say the big use case for it was
9 my initial exposure rather than -- yeah. That was my
10 exposure to it, the need for it, of why it was
11 important. Maybe that's a different interpretation of
12 "history," so if we maybe want to clarify that, but
13 yeah.

14 Q. And then how familiar were you with the use
15 and history of products marketed by Simpson?

16 A. I was very familiar. Intimately.

17 Q. And that was prior -- that's prior to
18 joining MiTek, you were intimately familiar with
19 Simpson's products and history?

20 A. I would say, once again, I think it's
21 similar where it's a medium amount of understanding
22 before MiTek, and then I would say to a greater extent
23 once I actually joined MiTek.

24 Q. And then in the last sentence of
25 paragraph 5, you state that you've, "also become

1 familiar with some of the historical techniques that
2 were used in the industry prior to the introduction of
3 the FWH series of firewall hangers." How would you
4 rank your familiarity with these historical
5 techniques?

6 A. I guess relative to what?

7 Q. Relative to your familiarity with the MiTek
8 FWH hangers and products made by Simpson that are also
9 firewall hangers.

10 A. I would say it's an on intimate level too.
11 I've seen I think most techniques on how firewalls are
12 built.

13 Q. So you say you've seen most techniques on
14 how firewalls are built. So previous to your joining
15 MiTek, you saw these historical techniques used in
16 connection with building projects that you worked on?

17 A. Correct. I guess by seeing, you know, the
18 difference between seeing drawings, seeing technical
19 articles, and then also field experience as well, so I
20 guess if we want to dive into what seeing is, you
21 know, just to clarify.

22 Q. Thank you. I appreciate that.

23 What are the historical techniques that
24 you're referencing in that sentence in paragraph 5?

25 A. So a lot of it is also how IBC fire code

1 interpretation and standards have evolved over the
2 last 20 years. But the first piece is if you would
3 need to make the entire fire barrier, the connection
4 of floors and walls all char rated to a certain
5 amount. So take hangers out of it. It's making sure
6 that any of the intersection is meeting the char
7 rating requirement of the IBC, and even further than
8 that, it's that all of the material inside of that
9 connection is fire treated or fire retardant types of
10 material, whether or not that's sheathing, wood, other
11 engineered products; some way of getting that fire
12 code satisfied without hangers at all.

13 Q. So would a summary of the historical
14 techniques be figuring out ways to satisfy fire code
15 requirements without the use of hangers? Is that
16 right?

17 A. Yeah. I think most of my initial exposure
18 to it was -- I think that's correct. I don't know if
19 I want to say, like, a total speaking generalization
20 like that, but that was -- you know, I think that's
21 what my background and history showed me. It's kind
22 of like an advance in tools that people even have
23 available to them.

24 Q. Now, have you ever worked on a project that
25 employed the historical techniques that you've been

1 referencing?

2 A. Yes.

3 Q. How many?

4 A. I mean, I want to say, once again, probably
5 somewhere between, I'd say close to around 50. Like,
6 I've seen other techniques done throughout the years,
7 and a lot of times, they were very expensive to do
8 with those traditional techniques. The project would
9 either go stalled or they'd have to figure out another
10 way to do it. It was just too expensive.

11 Q. And can you give me a ballpark of when you
12 worked on projects that employed these historical
13 techniques?

14 A. So the majority would be over this -- I'd
15 say my time at MiTek, but I've been familiar with
16 issues with fire barriers back to 2002, so I'd say
17 ever since I started, I've heard people complain about
18 fire barriers.

19 Q. Just to clarify, you're saying that the
20 majority of projects that you've worked on that have
21 employed these historical techniques have been while
22 you were at MiTek; is that correct?

23 A. Correct.

24 Q. Okay. Can you take a look at paragraph 9
25 of your declaration? And there, you discuss what you

1 describe as a common problem that occurred in Type III
2 construction when joists were hung at the tops of
3 exterior wood frame walls that required -- were
4 required to function as part of the fire barrier;
5 correct?

6 A. Yes.

7 Q. You're nodding your head?

8 A. Yes.

9 Q. Sorry. Wanted to make sure we got that.

10 And is the common problem that you're
11 describing in paragraph 9 one that existed prior to
12 the introduction of MiTek's FWH product?

13 A. Yes.

14 Q. Okay. Do you know when the FWH product was
15 released?

16 A. I don't know the exact date.

17 Q. Do you have a ballpark idea of when it was
18 introduced?

19 A. I think it was in the 2010s. You know,
20 it's somewhere, back end of that decade. Middle, back
21 end of that decade is my guess. I don't know the
22 exact date.

23 Q. So with respect to what you describe in
24 paragraph 9 as a common problem, how did you learn
25 that this was a common problem in Type III

1 construction?

2 A. From my history of actually understanding
3 fire barriers, and one of the things is interpretation
4 of that code when floors and walls intersect. It's
5 commonly either misunderstood or misinterpreted by
6 multiple code jurisdictions. And a lot of it comes to
7 play, say the floor is a certain rating, say one hour,
8 and the walls are two hour. At that intersection,
9 should the intersection be one hour or two hours is
10 commonplace. And then you have different
11 jurisdictions depending on how strict they are with
12 fire code enforcement making sure that that two-hour
13 wall really stands proud. And what we saw especially
14 over time is that got more and more strict, and people
15 were trying to find different solutions on how to make
16 that two-hour wall consistent while also having the
17 floors connect into the walls.

18 Q. And when did you learn that this was a
19 common problem in Type III construction?

20 A. I -- I don't know if, once again, if I have
21 a specific date to try to remember all this. I knew
22 it was a problem for, I'd say as long as -- going back
23 to EVstudio when I was becoming more aware of fire
24 barriers as a structural engineer in training, and
25 then it just compounded on top of that as it became

1 more and more prevalent over the last three years.

2 Q. And in your answer, you just said, "as it
3 became more prevalent over the last three years."

4 What became more prevalent over the last three years?

5 A. So code updates were one big piece where
6 code -- actual, you know, iterations for the
7 International Building Code became more and more
8 strict and clarified, that actual difference in fire
9 barriers. The other side to that is also the number
10 of projects I was coming into contact with that even
11 had that problem, per se.

12 Q. Okay. So if you can take a look at
13 paragraph 10 of your declaration.

14 A. Correct. Sure.

15 Q. And there, you describe one way to remedy
16 the problem that you discuss in paragraph 9. Is that
17 accurate?

18 A. Yes.

19 Q. Now, is the -- sorry. Strike that.

20 Is the approach that you're describing in
21 paragraph 10 one that you understood would have been
22 employed prior to the introduction of MiTek's FWH
23 product?

24 A. Yes. This was one technique that would
25 have been used before firewall hangers or the

1 advancement of firewall hangers.

2 Q. And you state that the approach that you
3 discuss in paragraph 10 required significant labor and
4 made it difficult to coordinate the different
5 construction sub-trades. What's your basis for that
6 statement in paragraph 10?

7 A. From my own experience working on
8 construction crews of how the actual two-by or
9 framing, production framing, those crews come in and
10 are different teams than the drywall contractors. So
11 one piece of that is just scheduling issues. If you
12 have to do wall frame, two-by, then drywall, then the
13 floor two-by, that's very difficult as far as
14 different crews coordinating, so that's one piece of
15 it.

16 The additional piece on here is actually
17 the labor to cut that drywall, which is not a huge
18 time saver, but it's actually fire caulking around
19 that cut once you actually have the joist and joist
20 hanger into place.

21 Q. So have you worked on projects that have
22 employed this approach that to solving the problem you
23 talked about in paragraph 9?

24 A. Yes. This is one of the approaches I have
25 seen used.

1 Q. And how often have you seen this approach
2 used?

3 A. I'd say semi commonly. Yeah. Once again,
4 hard for me to quantify. I don't know if you want to
5 quantify percentages or how often or if we can get
6 more specific.

7 Q. So how many projects have you worked on
8 where this approach was used?

9 A. Probably a handful. I mean, maybe, like,
10 five a year, I see this. I'd say that's a good
11 estimate.

12 Q. Okay. And then for those projects, what
13 was your role in the project?

14 A. It was working as part of the design
15 engagement team for design optimization of these
16 projects where, once again, either we were getting
17 brought in early enough where we saw the detailing
18 done that way or after the fact where they're having
19 RFIs and issues in the field in order to actually
20 construct in this technique.

21 Q. Okay. So you've worked on projects that
22 have employed this technique while you were at MiTek;
23 is that correct?

24 A. Correct.

25 Q. Okay. Did you work on any projects that

1 employed this approach prior to working at MiTek?

2 A. Not that I'm aware of.

3 Q. So on the projects that you did work on at
4 MiTek that employed this approach, did you witness the
5 difficulty of coordination of different construction
6 sub-trades when this approach was used?

7 A. Yes.

8 Q. Okay. And what was the nature of the
9 difficulty of the coordination?

10 A. So a couple things. One, either the
11 scheduling of those different sub-crews were
12 difficult, or one would not show up on time, and then
13 delays would occur where one team is waiting for
14 another. The other is, people didn't understand how
15 to actually do these cuts and fire caulk correctly, or
16 it was taking people too long. So I'd say in summary,
17 it was intense delays causing additional costs.

18 Q. And --

19 MR. KRIEGER: Sorry to interrupt. Do you
20 mind if we take a five-minute break? It's been over
21 an hour.

22 MR. HOWARD: That's perfect. That's fine.
23 Yeah.

24 MR. KRIEGER: Great. Thank you.

25 (Recess.)

1 Q. (By Mr. Howard) Okay. So Mr. Horwitz, for
2 the project that you worked on at MiTek that employed
3 the approach that you discussed in paragraph 10, were
4 the difficulties in coordination related only to the
5 use of this approach, or were there other aspects of
6 those projects where there were also difficulties of
7 coordination?

8 MR. KRIEGER: Objection to form. Compound.

9 A. Yeah. I guess maybe break it down into one
10 piece at a time.

11 Q. (By Mr. Howard) Yeah. Okay. So you
12 described that there were difficulties of coordination
13 between the sub-trades in connection with implementing
14 the approach that you described in paragraph 10;
15 correct?

16 A. Yes.

17 Q. Okay. Were there difficulties of
18 coordination between the sub-trades that were
19 unrelated to the approach that you described in
20 paragraph 10?

21 A. Not that I'm aware of.

22 Q. So other than employing the approach
23 described in paragraph 10, the trades all coordinated
24 without difficulty for every other aspect of these
25 projects; is that correct?

1 MR. KRIEGER: Objection. Form. Overbroad.
2 Foundation.

3 A. I can't speak to that. I don't know. I
4 don't know the ins and outs of all the different crew
5 interactions for the project.

6 Q. (By Mr. Howard) In paragraph 10, you say
7 that significant labor was involved in implementing
8 the approach. Can you quantify what significant labor
9 means in that sentence?

10 A. Two-fold is the way I interpret it. One is
11 the actual length of time for sub-crews on the site,
12 which I quantify as labor or labor overhead, so that's
13 scheduling. And then the second piece is the
14 additional actual labor of fire caulking, cutting,
15 installing all of that drywall after all of the wood
16 framing and hangers have been installed previously.

17 Q. Have you calculated the time saved by using
18 the MiTek FWH product versus using the approach that
19 you discuss in paragraph 10?

20 A. No. I have not quantified that.

21 Q. Okay. Looking at paragraph 11 of your
22 declaration, there you discuss other techniques that
23 existed to maintain the fire barrier requirement;
24 correct?

25 A. Correct.

1 Q. And there, you state that those techniques
2 were extremely expensive. Can you give me a
3 definition of what you mean by "extremely expensive"
4 as you're using it in paragraph 11?

5 A. Yes. For example, with this case, you have
6 to have a full-width rim that's either going to be
7 some type of engineered material in order to get that
8 two-hour char rating and satisfy code requirements, so
9 some examples of that are going to be a full
10 five-and-a-half-inch thick fire retardant treated blue
11 lam as one example or a three-ply LVL engineered
12 material that goes in there, and as you can imagine,
13 that's hundreds of thousands of dollars on a project.

14 Q. So what is the hundreds of thousands of
15 dollars component that you're referencing?

16 A. I've seen example projects where we did
17 quantify the cost of just that rim, and that's what
18 the -- at least the market rate our customers told us,
19 so I can't know for certain, but that was the numbers
20 that I was given by our customers.

21 Q. Did you do anything to confirm the numbers
22 that were provided by your customers?

23 A. Yes. We did have confirmed bids for that.

24 Q. You also state in paragraph 11 that the
25 techniques that you're referencing in paragraph 11

1 were highly disruptive to construction schedules.

2 What does "highly disruptive" mean as you're using it
3 in paragraph 11?

4 A. Well, the difficulty with this technique
5 that I'm stating here is those materials are hard to
6 procure, so even if the actual labor of construction
7 was still in line with the typical platform framing of
8 using a rim, those FRT rims are very difficult to
9 actually procure which creates a delay in the actual
10 schedule of material procurement.

11 Q. Do you know why they're hard to procure?

12 A. They're not made very often.

13 Q. Have you worked on projects where the
14 techniques that you're referencing in paragraph 11
15 were used?

16 A. Yes.

17 Q. And on those projects, that you worked on
18 where the technique in paragraph 11 was used, how
19 disruptive to the construction schedule was the use of
20 the technique on those projects?

21 A. Hard for me to quantify. Again, I'm
22 getting that from my -- our partners in bidding, but
23 the feedback I received was that actually procuring
24 those materials was very difficult and creating
25 another additional cost and scheduling problem for

1 them.

2 Q. Do you know how much additional cost was
3 incurred by using the technique in paragraph 11 on the
4 projects that you've worked on?

5 A. I do not have those specific numbers.

6 Q. Okay. Paragraph 13 of your declaration, I
7 want to take a look at that. You discuss that, "The
8 most important feature of the MiTek FWH hanger is that
9 it permits construction -- a construction sequence
10 whereby the framing can be installed before the
11 drywall."

12 A. Yes.

13 Q. So is it your understanding that prior to
14 the introduction of the MiTek FWH, there were no
15 techniques by which one could install the framing
16 before the drywall?

17 A. No. There were other techniques.

18 Q. So you were aware prior -- strike that.
19 So prior to the introduction of the
20 MiTek FWH product, you were aware of techniques by
21 which one could install the hanger before the drywall;
22 is that right?

23 MR. KRIEGER: Objection. Form. Incomplete
24 hypothetical.

25 A. Can you be more specific?

1 Q. (By Mr. Howard) Well, were you aware of
2 techniques by which one could install the framing
3 before the drywall prior to the introduction of the
4 FWH product?

5 MR. KRIEGER: Objection. Form. Incomplete
6 hypothetical.

7 A. I'm not -- I guess I'm not sure how to
8 answer that.

9 Q. (By Mr. Howard) So is it fair to say that
10 you don't know whether or not there were techniques
11 prior to the introduction of the FWH whereby one could
12 install the framing before the drywall?

13 A. No. There are -- I do know techniques
14 before.

15 Q. Okay. So you are aware of techniques where
16 one could install the framing before the drywall?

17 A. Yes.

18 Q. And paragraph 13, you discuss the -- well,
19 you refer -- well, strike that.

20 You also discuss what you refer to as the
21 FWH method of construction in paragraph 13. My
22 question is: Is it your understanding that the FWH
23 method is what is patented in the '339 patent?

24 MR. KRIEGER: Objection. Form.
25 Foundation.

1 A. I don't know.

2 Q. (By Mr. Howard) If you turn to
3 paragraph 18 of your declaration, and paragraph 18,
4 you state that there was no market for firewall
5 hangers before Simpson and MiTek came out with their
6 DU and FWH products respectively; is that correct?

7 A. Yes.

8 Q. So are you saying in paragraph 18 that
9 prior to the introduction of Simpson's DU product and
10 MiTek's FWH product, that joist hangers weren't used
11 in connection with fire rated wood frame walls?

12 A. Not that I'm aware of.

13 Q. In paragraph 18, how do you define the
14 firewall hanger market?

15 A. I would view it as a fire barrier per code
16 designation connection, whether or not that is, you
17 know, wall to roof or wall to floor or even some of
18 those -- you know, certain other intersections on
19 parts of a project and the materials that are used to
20 actually satisfy those connections, and then bent
21 metal as far as we call hangers being introduced to
22 solve that problem.

23 Q. Would you take a look at paragraph 19? You
24 state that -- you state in part that MiTek has
25 achieved, quote/unquote, "remarkable sales" of the FWH

1 product in markets requiring firewall separation where
2 MiTek had not achieved significant sales previously.

3 So what's the basis for that -- your statement in
4 paragraph 19?

5 A. My basis for that is my, I'd say
6 collaboration with our sales and marketing departments
7 about market share increase in specific markets.

8 Q. And market share increase as to what
9 exactly?

10 A. Of the use of firewall hangers.

11 Q. In paragraph 19, what constitutes -- strike
12 that.

13 Paragraph 19, what do you mean by
14 quote/unquote "remarkable sales" as you used it in
15 that paragraph?

16 A. I'll have to lean on my counsel. I'm not
17 sure how to quantify that.

18 MR. KRIEGER: Yeah. If you need to ask for
19 clarification on what he's asking for specifically,
20 feel free. It sounds like you don't understand the
21 question.

22 A. Yeah. I guess it's -- I understand the
23 language that's written here. But how to quantify
24 "remarkable," I guess that's what I'm struggling with.

25 Q. (By Mr. Howard) Okay. Well, what did you

1 mean when you said that the sales -- that MiTek
2 experienced remarkable sales?

3 A. My interpretation was a dramatic increase
4 of use in a specific market where it wasn't being used
5 before.

6 Q. Okay. What market are you referring to
7 when you talk about it in paragraph 19?

8 A. Certain areas that I think of just because
9 they come into my day-to-day more often, mountain
10 regions, Salt Lake City, Boise, Seattle, North and
11 South California, Nevada, those areas, so significant
12 markets.

13 Q. Okay. And so in those markets, how did you
14 determine that the -- MiTek is experiencing remarkable
15 sales in those markets?

16 A. Twofold. One is actually seeing sales that
17 come through as far as our actual financial
18 statements, and then secondly is just word of mouth
19 from our customers that specifically brought it to us
20 about how much easier it's been by spec-ing that
21 product, that they weren't doing that before.

22 Q. Well, so let's talk about the Seattle
23 market I think you mentioned as one of these markets;
24 is that correct?

25 A. Correct.

1 Q. Okay. Do you know what sales of MiTek
2 products were in the Seattle market prior to the
3 introduction of the FWH product?

4 MR. KRIEGER: Objection. Form. Overbroad.

5 A. I don't think I can be that specific.

6 Q. (By Mr. Howard) So when you -- I'm sorry.
7 Strike that.

8 When you're referring to increase in market
9 share and attributing that to sales of the FWH, what
10 are you are comparing the FWH sales against?

11 A. I'm comparing the FWH sales from previous
12 years or previous knowledge of the actual product, so
13 I'd say it's just a smaller percentage of sales for
14 that market is the way I interpret market share.

15 Q. Okay. So now, you -- so market share
16 includes both sales of the product and also awareness
17 of the product?

18 MR. KRIEGER: Objection. Form.
19 Argumentative.

20 A. I don't know what to say. No. I'm viewing
21 it as they're related, but obviously, market share is
22 related to actual sales.

23 Q. (By Mr. Howard) So in the Seattle market
24 that we were talking about, you compare your sales at
25 FWH in prior years to sales of FWH in what year?

1 MR. KRIEGER: Objection. Form.
2 Mischaracterizes the witness's prior testimony.

3 You may answer if you can.

4 A. Yeah. I can't quantify it to that
5 question.

6 Q. (By Mr. Howard) Are you able to quantify
7 it with respect to any of the markets that you listed?

8 MR. KRIEGER: Objection. Form.
9 Argumentative.

10 A. I think I'd have to look at the financial
11 statements of those areas in order to actually
12 quantify other than just saying a rough percentage of
13 increase, and I think I would rely on our actual
14 financial team for that anyways.

15 Q. (By Mr. Howard) In paragraph -- I'm sorry.
16 Strike that.

17 In paragraph 21 of your declaration, can
18 you take a look at that? You discuss interactions
19 with customers concerning the savings that they've
20 realized by using the FWH product?

21 A. Yes.

22 Q. Okay. How many customers have you had
23 these interactions with where they discuss with you
24 the savings that they've realized by using the FWH
25 products?

1 A. 50 to 100.

2 Q. And are these conversations that you're
3 having with the customers, or is it written
4 correspondence that you're having with the customers
5 regarding the savings that they've experienced?

6 A. They're normally going to be conversations.
7 I think sometimes they will be written, but once
8 again, this is -- this is their business, and we try
9 not to get too involved with our customers' and our
10 customers' customers' financials.

11 Q. Okay. So how did these conversations that
12 you're referencing in paragraph 21, how did they come
13 about?

14 A. Well, one, it's from them actually using
15 the product, and then that's one of the conversations
16 that we have regarding all other issues on a project.
17 And then it comes back where, hey, this went well, X,
18 Y, and Z, but, you know, these other things still need
19 to get improved, and one of the areas that they
20 constantly bring up is the ease of actual labor and
21 scheduling because of the firewall. That commonly
22 comes up as a pro.

23 Q. And you state in paragraph 21 that, you
24 know, they have -- they have communicated that they
25 have experienced incredible savings. Do you have an

1 understanding of what "incredible savings" means as
2 they're communicating it to you?

3 A. My understanding is days less in cycle time
4 or guys on the job site, guys and gals.

5 Q. In paragraph 22 of your declaration, I
6 believe you're discussing an interaction that you had
7 with a Mr. Dunkle, that's D-u-n-k-l-e, regarding
8 experience with the FWH hanger; is that correct?

9 A. Yes.

10 Q. How did that interaction with Mr. Dunkle
11 come about?

12 A. That's one of my primary accounts, so I
13 chat with the entire Milender White. So Joe Dunkle is
14 one of I'd say a handful individuals that I work with
15 a lot at Milender White, and they've been one of our
16 primary spokespeople about just how well they've
17 appreciated the firewall hangers.

18 Q. Did you approach Mr. Dunkle about getting
19 his thoughts on the FWH in connection with preparing
20 your declaration?

21 A. No.

22 Q. So when did you have the interaction with
23 Mr. Dunkle that you're describing in paragraph 22?

24 A. It was one of the communications I had with
25 Milender White in general, so there were multiple

1 people I was actually just communicating with at
2 Milender White about their insight and feedback on the
3 firewall hanger.

4 Q. Okay. And do you recall when you had those
5 communications?

6 A. Yeah. There's been a lot of them. So as
7 early as, like, three years ago where I, you know,
8 really worked with them as one of my primary accounts,
9 so it's been over a number of years of communication.

10 Q. Other than what you state in paragraph 22
11 regarding their experience, did Mr. Dunkle express
12 anything else that he liked about the FWH product?

13 A. Let me read specifically in here just to
14 make sure I covered it all.

15 So I think I emphasized the actual -- you
16 know, the feedback I received, just like any feedback,
17 is the actual sequencing for trades. The other
18 feedback that I received -- I'm not positive it's
19 specifically from Joe Dunkle -- is just the ease of
20 actually using the product, itself, in addition to the
21 sequencing; you know, of how it actually has a small
22 slit for the drywall. You're not doing blind actual
23 installation and worrying about if there's something
24 behind that drywall that you're not seeing. Some of
25 those other, I guess, almost nuanced pieces that I

1 find hard to quantify, so I stuck with the number one
2 piece I hear, which is sequencing.

3 MR. HOWARD: All right. Well, I don't have
4 anything further, Mr. Horwitz.

5 And I pass the witness.

6 MR. KRIEGER: All right. We reserve the
7 right to read and sign. I guess we're done.

8 MR. HOWARD: All right. Mr. Horwitz, thank
9 you for your time today.

10 THE WITNESS: Thank you.

11 COURT REPORTER: Can I get your transcript
12 orders?

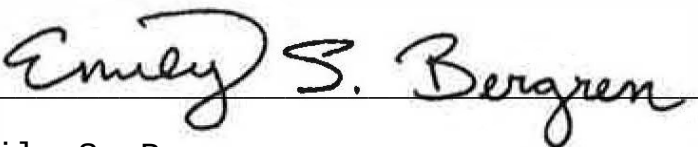
13 MR. HOWARD: I'll take a rough. It does
14 not need to be rushed.

15 MR. KRIEGER: I do not need a rough.
16 Regular time frame. And an electronic copy is fine.

17 (Deposition concluded at 11:53 a.m.)
18
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CERTIFICATE OF REPORTER

I, Emily S. Bergren, a Certified Court Reporter within and for the State of Missouri and the State of Kansas, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

A handwritten signature in cursive script that reads "Emily S. Bergren". The signature is written in dark ink and is positioned above a horizontal line.

Emily S. Bergren
RPR, CRR, MO CCR #1353, KS CCR #1686

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August 18, 2025

Timothy D. Krieger
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7700 Forsyth Boulevard
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St. Louis, Missouri 63105
314.863.0800

In Re: SIMPSON STRONG-TIE COMPANY, INC. vs.
COLUMBIA INSURANCE COMPANY

Dear Mr. Timothy D. Krieger:

Please find enclosed your copy of the deposition of
CHRISTOPHER HORWITZ taken on August 7, 2025, in the
above-referenced case. Also enclosed is the original
signature page and errata sheet.

Please have the witness read your copy of the
transcript, indicate any changes and/or corrections
desired on the errata sheet, and sign the signature
page before a notary public.

Please return the errata sheet and notarized signature
page to Erick C. Howard for filing prior to trial
date.

Thank you for your attention to this matter.

Sincerely,

Emily S. Bergren, RPR, CRR, MO CCR #1353
Enclosures
cc: Erick C. Howard

1 STATE OF)
2)
3 COUNTY OF)

4 I, CHRISTOPHER HORWITZ, do hereby certify:
5 That I have read the foregoing deposition;
6 That I have made such changes in form and/or
7 substance to the within deposition as might be
8 necessary to render the same true and correct;
9 That having made such changes thereon, I hereby
10 subscribe my name to the deposition.
11 I declare under penalty of perjury that the
12 foregoing is true and correct.

13
14
15 CHRISTOPHER HORWITZ

16 Executed this day of ,
17 2025, at .

18
19
20 Notary Public:

21 My Commission Expires:
22
23
24
25

1 WITNESS ERRATA SHEET

2 Witness Name: CHRISTOPHER HORWITZ

3 Case Name: SIMPSON STRONG-TIE COMPANY, INC. vs.
4 COLUMBIA INSURANCE COMPANY

5 Date Taken: AUGUST 7, 2025

6 Page #_____ Line #_____

7 Should Read: _____

8 Reason for Change: _____

9 Page #_____ Line #_____

10 Should Read: _____

11 Reason for Change: _____

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13 Page #_____ Line #_____

14 Should Read: _____

15 Reason for Change: _____

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17 Page #_____ Line #_____

18 Should Read: _____

19 Reason for Change: _____

20

21 Page #_____ Line #_____

22 Should Read: _____

23 Reason for Change: _____

24

25 Witness Signature: _____

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