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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIMPSON STRONG-TIE COMPANY INC,

Petitioner,

v.

COLUMBIA INSURANCE COMPANY,

Patent Owner

Case PGR2024-00050

Patent 11,920,339

DEPOSITION OF ANDREA BARANYK

Taken on behalf of the Petitioner

August 8, 2025

(Starting time of proceedings: 10:08 AM)

Simpson Strong-Tie Company EX1058
Simpson v. Columbia
PGR2024-00050

1	I N D E X	
2		PAGE
3	DEPOSITION INFORMATION	3
4		
5	APPEARANCES	4
6		
7	ANDREA BARANYK	
8	Direct Examination by Ms. van Keulen	6
9		
10	EXHIBITS	
11	Exhibit 2053 Declaration of Andrea T. Baranyk, 27 pages	13
12		
13	CERTIFICATE OF REPORTER	77
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 UNITED STATES PATENT AND TRADEMARK OFFICE
2 BEFORE THE PATENT TRIAL AND APPEAL BOARD

3
4 SIMPSON STRONG-TIE COMPANY INC,
5 Petitioner,
6 v.
7 COLUMBIA INSURANCE COMPANY,
8 Patent Owner

9
10 Case PGR2024-00050
11 Patent 11,920,339

12 DEPOSITION OF ANDREA BARANYK,
13 produced, sworn, and examined on the part of the
14 Petitioner in an action pending in the United
15 States Patent and Trademark Office before the
16 Patent Trial and Appeal Board in the case of Simpson
17 Strong-Tie Company Inc, Petitioner, versus Columbia
18 Insurance Company, Patent Owner, said proceeding
19 scheduled to begin at 10:00 AM on Friday,
20 August 8, 2025, with all attendees appearing
21 remotely via videoconference, before KAREN VEST,
22 Registered Professional Reporter, Certified Realtime
23 Reporter, and Certified Court Reporter within and
24 for the State of Missouri.
25

A P P E A R A N C E S

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The deponent appeared by videoconference for this proceeding.

1 * * * * *

2 S T I P U L A T I O N

3 IT IS HEREBY STIPULATED AND AGREED by
4 and between the parties and their counsel that these
5 proceedings may be put into writing via machine
6 shorthand by Karen Vest, RPR, CRR, CCR, a Registered
7 Professional Reporter, Certified Realtime Reporter,
8 and Certified Court Reporter duly authorized by the
9 State of Missouri, and thereafter be transcribed
10 into a typewritten record; that such transcription
11 shall constitute and be accepted as the official
12 record of such proceedings; and that the signature
13 of the witness is expressly reserved.

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2 P R O C E E D I N G S

3 (Whereupon, the following
4 proceedings began at 10:08 AM on
5 Friday, August 8, 2025, with
6 appearances as noted.)

7 THE COURT REPORTER: Raise your right
8 hand to be sworn, please.

9 (The witness was placed under oath
10 by the court reporter.)

11 * * * * *

12 ANDREA BARANYK,
13 of lawful age, having been called as a witness and
14 being first duly sworn, was examined and testified
15 as follows:

16 DIRECT EXAMINATION

10:15 17 BY MS. VAN KEULEN:

10:15 18 Q. All right. Good morning. Ms. -- I'm
10:15 19 going to pronounce it; my last name always get
10:15 20 mispronounced. So Baranyk. Am I saying that
10:15 21 correctly?

10:15 22 A. Baranyk.

10:15 23 Q. Baranyk?

10:15 24 A. Baranyk.

10:15 25 Q. Baranyk, okay. My name is Lindsay, and

10:15 1 I will be taking your deposition this morning.

10:15 2 Can you please state your full name and
10:15 3 address for the record?

10:15 4 A. Sure. Andrea Torizzo Baranyk. I can
10:15 5 give you my business address. I don't have it
10:15 6 memorized, unfortunately, but it is in Brookline,
10:16 7 Massachusetts.

10:16 8 THE COURT REPORTER: I'm sorry.
10:16 9 Brookline where?

10:16 10 THE WITNESS: Massachusetts.

10:16 11 THE COURT REPORTER: Thank you.

10:16 12 MS. VAN KEULEN:

10:16 13 Q. Is that the same address as Robson
10:16 14 Forensic?

10:16 15 A. Yes.

10:16 16 Q. And you understand that you are here
10:16 17 today to have your deposition taken in connection
10:16 18 with the testimony you provided in a post-grant
10:16 19 review proceeding challenging US Patent Number
10:16 20 11,920,339, is that correct?

10:16 21 A. Yes.

10:16 22 Q. And I'm going to refer to the challenge
10:16 23 patent using the last three digits of the patent
10:16 24 number, so I'll refer to it as the '339 patent.

10:16 25 A. Okay.

10:16 1 Q. Does that work?

10:16 2 A. Sure.

10:16 3 Q. Have you been deposed before?

10:16 4 A. Yes.

10:16 5 Q. How many times?

10:16 6 A. Twice.

10:16 7 Q. I'm sorry. Can you repeat that?

10:16 8 A. Two times.

10:16 9 Q. Two times.

10:17 10 MS. VAN KEULEN: I think we might need
10:17 11 to go off the record, because the sound quality just
10:17 12 got a lot worse. I can't really pick up what you're
10:17 13 saying.

10:17 14 THE COURT REPORTER: We're off the
10:17 15 record.

10:17 16 (Whereupon, proceedings go off
10:17 17 the record from 10:10 AM to 10:53
10:59 18 AM).

10:59 19 MS. VAN KEULEN: Are we back on the
10:59 20 record?

10:59 21 THE COURT REPORTER: Yes, go ahead.

11:00 22 MS. VAN KEULEN:

11:00 23 Q. Ms. Baranyk, you mentioned you had been
11:00 24 deposed two times before.

11:00 25 What types of cases were those

11:00 1 depositions taken in?

11:00 2 A. So one was a personal matter, um, an
11:00 3 accident for myself. The other was a construction
11:00 4 related matter as a fact witness.

11:00 5 Q. So no other depositions besides those
11:00 6 two?

11:00 7 A. No.

11:00 8 Q. Is this your first deposition in the
11:00 9 capacity as an expert?

11:00 10 A. Yes.

11:00 11 Q. Is this the first deposition you've
11:00 12 taken since you've started working at Robson
11:00 13 Forensic?

11:00 14 A. Yes.

11:00 15 Q. And when was the last deposition you
11:00 16 took?

11:00 17 A. I can't recall the date. It was
11:01 18 probably over ten years ago.

11:01 19 Q. So we'll go over a couple ground rules.

11:01 20 First, it's important that we don't
11:01 21 speak over each other. Uh, wait until the question
11:01 22 is complete and then answer. And I will do my best
11:01 23 to not ask my questions until you're done answering.

11:01 24 A. Okay.

11:01 25 Q. Your answers must be verbal. That was

11:01 1 great. No nodding of the head or shaking of the
11:01 2 head. Yes, no, that sort of thing. Understand?

11:01 3 A. Okay. Yes.

11:01 4 Q. If you don't understand my question or
11:01 5 any part of my question, let me know.

11:01 6 Um, if I ask a question and you don't
11:01 7 ask for clarification, I'm going to assume you
11:01 8 understand it. Is that fair?

11:01 9 A. Yes.

11:01 10 Q. You're allowed breaks. But I just ask
11:01 11 that we answer any question that's pending on the
11:01 12 record first before taking the break.

11:01 13 A. Okay. Makes sense.

11:01 14 Q. Is there any reason that you cannot
11:02 15 testify truthfully today?

11:02 16 A. No.

11:02 17 Q. Are you under any medication that may
11:02 18 impair your testimony in any way today?

11:02 19 A. No.

11:02 20 Q. And you understand that you are under
11:02 21 oath just like if we were testifying in court,
11:02 22 and you have to --

11:02 23 A. Yes.

11:02 24 Q. Correct?

11:02 25 A. Yes. That's correct.

11:02 1 Q. So we kind of already discussed this,
11:02 2 but just to be clear.

11:02 3 This is the, um -- let me rephrase
11:02 4 that.

11:02 5 None of your depositions -- or you've
11:02 6 never been deposed in relation to a PGR proceeding
11:02 7 like this one, correct?

11:02 8 A. That's correct, I have not.

11:02 9 Q. Have you ever worked on any -- in your
11:02 10 capacity with Robson -- and I might be saying that
11:02 11 wrong, Robson --

11:02 12 A. Robson Forensic.

11:02 13 Q. In your experience with Robson or
11:03 14 before, did you ever do any work related to patents?

11:03 15 A. I have not.

11:03 16 Q. Related to any disputes involving
11:03 17 patents?

11:03 18 A. I have not.

11:03 19 Q. Have you ever had to review a patent
11:03 20 either in your current role at Robson or before?

11:03 21 A. No.

11:03 22 Q. What did you do to prepare for today's
11:03 23 deposition?

11:03 24 A. I reviewed my declaration and my
11:03 25 supporting citations.

11:03 1 Q. When you say your supporting citations,
11:03 2 do you mean the documents that are cited in your
11:03 3 declaration?

11:03 4 A. Correct.

11:03 5 Q. Besides your declaration and the
11:03 6 documents cited in your declaration, did you review
11:04 7 any other documents in preparation for this
11:04 8 deposition?

11:04 9 A. I did. I reviewed the documents that
11:04 10 were provided me prior to the declaration being
11:04 11 finalized.

11:04 12 Q. Are those the same documents that are
11:04 13 listed on page 3 of your declaration?

11:04 14 A. Yes.

11:04 15 Q. Besides, um, the declaration, the
11:04 16 documents cited in your declaration, and the
11:04 17 documents contained on the table that is on pages 3
11:04 18 through 5 of your declaration, did you review any
11:04 19 additional documents?

11:04 20 A. No.

11:04 21 Q. And I should clarify. In preparation
11:04 22 for today's deposition.

11:04 23 A. No.

11:04 24 Q. So I believe you have a clean copy of
11:05 25 your declaration in front of you.

11:05 1 A. I do.
2 (Whereupon, Exhibit 2053,
3 Declaration of Andrea T. Baranyk,
4 27 pages, was introduced on behalf
5 of Ms. Van Keulen for purposes of
6 this proceeding.)
11:05 7 MS. VAN KEULEN:
11:05 8 Q. I'm going to go ahead and mark that as
11:05 9 Exhibit 2053, as it's been previously marked in this
11:05 10 proceeding.
11:05 11 If you can pull that up in front of
11:05 12 you.
11:05 13 A. Sure.
11:05 14 Q. And this is the declaration you
11:05 15 prepared for this case, correct?
11:05 16 A. It is.
11:05 17 Q. And if we go to page 18 of your
11:05 18 declaration.
11:06 19 A. Okay.
11:06 20 Q. That is your signature on page 18?
11:06 21 A. That is.
11:06 22 Q. And you signed this declaration on May
11:06 23 27th, 2025?
11:06 24 A. Yes.
11:06 25 Q. In preparing for your declaration, did

11:06 1 you review any of the other declarations that have
11:06 2 been submitted in this proceeding?

11:06 3 A. I reviewed the documents listed that
11:06 4 included some other declarations while I was
11:06 5 preparing my declaration.

11:06 6 Q. So if you reviewed any declarations in
11:06 7 preparing for your declaration, they would be listed
11:06 8 in this table, correct?

11:06 9 A. Correct.

11:06 10 Q. Did you --

11:06 11 A. (Indistinct).

11:06 12 Q. I'm sorry.

11:07 13 MR. KRIEGER: She may not know what a
11:07 14 declaration is. I'm not sure. Anyway. Like I --
11:07 15 I'm not sure she knows what you mean by that, just
11:07 16 FYI.

11:07 17 MS. VAN KEULEN: Got it.

11:07 18 Q. Do you know what I mean by a
11:07 19 declaration, Ms. Baranyk?

11:07 20 A. Well, I only mean -- I -- I -- from my
11:07 21 understanding, it's like the document that I
11:07 22 prepared.

11:07 23 Q. Yes.

11:07 24 A. So another party had prepared a similar
11:07 25 type document. Um, the ones that are listed here I

11:07 1 believe, if I'm recalling correctly, there are two
11:07 2 listed here.

11:07 3 Q. Okay.

11:07 4 A. From memory.

11:07 5 Q. And besides the declarations that are
11:07 6 listed in the table and your declaration, did you
11:07 7 review any additional declarations submitted in this
11:07 8 proceeding in preparing for today's deposition?

11:07 9 A. No.

11:08 10 Q. Did you meet with anyone to prepare for
11:08 11 today's deposition?

11:08 12 A. I met with Tim here.

11:08 13 Q. That's counsel, correct?

11:08 14 A. Yeah.

11:08 15 Q. For approximately how long did you meet
11:08 16 with Tim?

11:08 17 A. Uh, I don't recall exactly how long,
11:08 18 but I'm guessing a few hours.

11:08 19 Q. Did you say a few hours or four hours?

11:08 20 A. A few hours at least.

11:08 21 Q. Besides counsel, did you speak with
11:08 22 anyone else to prepare for your deposition today?

11:08 23 A. I only spoke with a colleague at
11:08 24 Robson, a peer reviewer.

11:08 25 Q. Can you spell their name for the

11:08 1 record, please?

11:08 2 A. Sure. William Martin, W-I-L-L-I-A-M,
11:09 3 Martin, M-A-R-T-I-N.

11:09 4 Q. And you referred to him as a peer
11:09 5 reviewer?

11:09 6 A. Correct.

11:09 7 Q. Besides Mr. Martin and Tim, did you
11:09 8 meet with anyone else to prepare for today's
11:09 9 deposition?

11:09 10 A. No.

11:09 11 Q. In preparing for your declaration, did
11:09 12 you review the '339 patent?

11:09 13 A. I did review it.

11:09 14 Q. So do you have an understanding of what
11:09 15 the '339 patent covers?

11:09 16 A. My understanding is as an architect's
11:09 17 perspective. I'm -- as I said, I -- I have not
11:09 18 reviewed patents in the past.

11:09 19 Um, so I reviewed it in the capacity as
11:10 20 an architect and the general understanding of the
11:10 21 product. But not the patent language per se.

11:10 22 Q. Do you have an understanding that
11:10 23 MiTek's FWH product is the product that embodies
11:10 24 the '339 patent?

11:10 25 MR. KRIEGER: Objection to form.

11:10 1 Outside the scope of the declaration. You may
11:10 2 answer.

11:10 3 THE WITNESS: Okay. Can you rephrase
11:10 4 your question so I understand it?

11:10 5 MS. VAN KEULEN:

11:10 6 Q. Are you familiar with MiTek's FWH
11:10 7 product?

11:10 8 A. I'm, um, I'm familiar with it via the
11:10 9 product sheet that was provided.

11:10 10 Q. You know that there is a product out
11:10 11 there that MiTek produces called FWH, correct?

11:10 12 A. Correct. That's right.

11:10 13 Q. Have you ever seen one in person?

11:11 14 A. I have not.

11:11 15 Q. You've only reviewed the product data
11:11 16 sheet?

11:11 17 A. Correct.

11:11 18 Q. And do you understand that the MiTek
11:11 19 FWH product is the product that embodies the '339
11:11 20 patent?

11:11 21 MR. KRIEGER: Objection. Outside the
11:11 22 scope. You may answer.

11:11 23 THE WITNESS:

11:11 24 A. I understand that the FWH, the MiTek,
11:11 25 um, is the -- the patent that we're discussing, that

11:11 1 patent.

11:11 2 MS. VAN KEULEN:

11:11 3 Q. So you mentioned that you haven't seen
11:11 4 the actual FWH, um, product like physically. But
11:11 5 have you in your -- in preparing for your
11:11 6 declaration, did you review any buildings that have
11:11 7 the FWH installed?

11:11 8 A. Not that I'm aware of.

11:12 9 Q. In preparing for your declaration, did
11:12 10 you review or analyze any of the Simpson products at
11:12 11 issue in this dispute?

11:12 12 A. Part of the documents listed included,
11:12 13 um, Simpson products as well at the time and prior
11:12 14 to the patent, um, of FWH.

11:12 15 Q. And when -- I'm sorry. Let me rephrase
11:12 16 that.

11:12 17 So like the -- like your review of
11:12 18 MiTek's FWH product, was your review of any Simpson
11:12 19 product off of documents only?

11:12 20 A. With my 25 years experience as an
11:12 21 architect, I have known the Simpson products, um,
11:12 22 over the years. They're widely, um, available.

11:12 23 Um, so I over the course of my years
11:13 24 have come into contact with them as part of
11:13 25 projects. Um, I have seen them in the field, um, as

11:13 1 well as specified, and it's been part of other
11:13 2 projects.

11:13 3 Q. So you have -- you have seen and seen
11:13 4 physical, I guess, versions of the Simpson products
11:13 5 in your experience as an architect, correct?

11:13 6 A. I have.

11:13 7 Q. Did you look at any specifically to
11:13 8 prepare this declaration?

11:13 9 A. So I think I just answered that
11:13 10 question, unless you're asking me something
11:13 11 different. Can you rephrase your question?

11:13 12 Q. I -- I am asking you something
11:13 13 different.

11:13 14 So I asked -- I've asked if you've ever
11:13 15 seen like physical Simpson firewall hangers, or
11:13 16 products. And you said yes, in my -- when I've
11:13 17 worked as an architect, I have seen Simpson
11:14 18 products.

11:14 19 But I'm asking like when you were
11:14 20 working on this declaration, did you have any
11:14 21 physical Simpson products in front of you while you
11:14 22 were working on the declaration?

11:14 23 A. So I did not obtain a physical sample
11:14 24 of a Simpson product.

11:14 25 I reviewed the products of the -- of

11:14 1 the product data sheets and the information provided
11:14 2 to me, as well as my understanding from my
11:14 3 professional career of knowing what a hanger is,
11:14 4 including Simpson.

11:14 5 Q. Looking at pages 3 through 5 of your
11:14 6 declaration that has the list of documents you
11:14 7 reviewed. Let me know when you're there.

11:14 8 A. Yes.

11:15 9 Q. This list of documents, were these
11:15 10 documents that you specifically requested be
11:15 11 provided to you?

11:15 12 A. So these were provided by, um, counsel.

11:15 13 Q. Did you request to review any documents
11:15 14 in preparing your declaration that are not included
11:15 15 on this list?

11:15 16 A. No.

11:15 17 Q. Did you write your declaration or was
11:15 18 your declaration written for you?

11:15 19 A. I wrote the declaration.

11:15 20 Q. At this time do you have any
11:15 21 corrections, additions, or deletions to be made to
11:15 22 the declaration?

11:15 23 A. No.

11:15 24 Q. Approximately how many hours did you
11:15 25 spend preparing your declaration?

11:15 1 A. I don't have those numbers at hand.

11:15 2 Q. More than ten?

11:15 3 A. I wouldn't want to guess the hours that
11:16 4 it took to prepare the declaration.

11:16 5 Q. Okay. You can't -- sitting here today,
11:16 6 you have no idea of an approximate number of hours
11:16 7 you spent preparing your declaration?

11:16 8 A. No, I don't have that with me today.

11:16 9 Q. Sitting here today, are you planning on
11:16 10 doing any further work on this case following this
11:16 11 deposition?

11:16 12 A. I have not been asked to.

11:16 13 Q. So that would be no?

11:16 14 A. At this time I have not been asked to,
11:16 15 so.

11:16 16 Q. So there's a -- Ms. Baranyk, your
11:16 17 counsel has informed me that there's a binder in
11:16 18 front of you containing certain documents, is that
11:16 19 correct?

11:16 20 A. That's correct.

11:16 21 Q. Um, if you could, I would like you to
11:16 22 go -- just get on the -- I would like to get on the
11:16 23 record what documents are in that binder since I do
11:16 24 not have a copy of that binder; this is a remote
11:17 25 deposition.

11:17 1 If you could go and list the documents
11:17 2 that are included in that binder. And if you can
11:17 3 tell, if it's an excerpt or a full -- I know there's
11:17 4 maybe some code, so if you can say if this is an
11:17 5 excerpt or not, um, as a general description of the
11:17 6 document, I would like to get that on the record.

11:17 7 And sometimes when we give long answers
11:17 8 like this, we tend to speed up our voice. And so
11:17 9 for Karen's benefit, just try to speak slowly while
11:17 10 you're -- while you're going through these
11:17 11 documents, please.

11:17 12 MR. KRIEGER: And just before we get
11:17 13 started on that, um, I believe all these documents
11:17 14 have already been filed in the PGR proceeding, uh,
11:17 15 so that it should not be anything new.

11:17 16 And we are happy to make whatever
11:17 17 document in there available or email them,
11:17 18 whatever's easiest, if that's requested. That's not
11:18 19 a problem at all.

11:18 20 MS. VAN KEULEN: Thank you. We'll
11:18 21 obviously reserve our right to request any of these
11:18 22 documents.

11:18 23 We're gonna -- let me get them on the
11:18 24 record and then I'll say a couple things and we can
11:18 25 probably move on.

11:18 1 MR. KRIEGER: Okay.

11:18 2 THE WITNESS:

11:18 3 A. Okay. So the first document is my
11:18 4 declaration. My declaration.

11:18 5 The second item is the Uniform Building
11:18 6 Code, 1927 edition. It includes, um, an excerpt.

11:18 7 MS. VAN KEULEN:

11:18 8 Q. Okay. Next?

11:18 9 A. Okay. The next -- let me know if you
11:18 10 need more information than what I'm providing.

11:18 11 Q. I will.

11:18 12 A. The Uniform Building Code, 1952
11:18 13 edition, and excerpts.

11:18 14 The IBC 2021 with excerpt.

11:19 15 The Timber Construction Manual, an
11:19 16 excerpt.

11:19 17 THE COURT REPORTER: I'm sorry. Repeat
11:19 18 that construction manual name, please.

11:19 19 THE WITNESS: Sure. Timber
11:19 20 Construction Manual, 1994.

11:19 21 THE COURT REPORTER: Thank you.

11:19 22 THE WITNESS:

11:19 23 A. An excerpt with that.

11:19 24 Finishing Gypsum Panels in Cold, Humid,
11:19 25 or Critical Light Conditions. It was November of

11:19 1 2021 dated. It's an excerpt.
11:19 2 I-Joist Construction Details, an
11:19 3 excerpt.
11:20 4 The International Building Code, 2000
11:20 5 edition, an excerpt.
11:20 6 The 2024 International Building Code
11:20 7 excerpt summary.
11:20 8 2012 IBC with excerpts.
11:20 9 An article, "How gypsum delivers
11:20 10 fire-rated performance," June 2024, an excerpt.
11:20 11 An excerpt from Fire Safety in
11:20 12 Buildings.
11:20 13 The product data sheet for the FWH
11:21 14 firewall hangers and MiTek.
11:21 15 And the product data sheet for Simpson
11:21 16 Strong-Tie DU, DHU, and DHUTF product data sheet.
11:21 17 That is it.
11:21 18 MS. VAN KEULEN:
11:21 19 Q. Thank you, Ms. Baranyk. Um, for the
11:21 20 record, we reserve the right to request a copy of
11:21 21 the documents in those binders and, um, if we need
11:21 22 to further depose you on those documents.
11:21 23 I ask if during the course of this
11:21 24 deposition, if you refer to one of the documents in
11:21 25 the binder -- and by refer, I mean like physically

11:21 1 look at it to provide your answer -- you let me
11:21 2 know.

11:21 3 A. Okay.

11:21 4 Q. And, um, to the best of your knowledge,
11:22 5 are the documents included in that binder also
11:22 6 included in the table on pages 3 through 5 of your
11:22 7 declaration?

11:22 8 A. The -- the documents that I cited may
11:22 9 or may not be part of the list in the summary, page
11:22 10 3 through 5. But they are in citations throughout
11:22 11 my declaration.

11:22 12 Q. They are referenced in your declaration
11:22 13 either in the table or in the footnotes?

11:22 14 A. Correct.

11:22 15 Q. And they are all clean copies, and by
11:22 16 that I mean there's no handwritten notes on them or
11:22 17 any additions?

11:22 18 A. Correct. What's in the binder is a
11:22 19 clean copy.

11:22 20 Q. All right. Going back to paragraph 1
11:23 21 of your declaration.

11:23 22 MR. KRIEGER: Before we get started, to
11:23 23 the extent you mentioned you reserve the right to
11:23 24 re-depose her, I just want to state that in
11:23 25 response, I disagree with that position.

11:23 1 And I understand that's your position,
11:23 2 and that's a debate for another day. I just want it
11:23 3 to be clear I don't agree with that on the record.
11:23 4 Fair enough?

11:23 5 MS. VAN KEULEN: It's on the record.

11:23 6 MR. KRIEGER: Yeah. Thank you so much.
11:23 7 Sorry to interrupt. Continue on.

11:23 8 MS. VAN KEULEN:

11:23 9 Q. All right. In paragraph 1 -- turning
11:23 10 to paragraph 1 of your declaration, Ms. Baranyk, um,
11:23 11 you refer to yourself as an architecture,
11:23 12 construction, and premises safety expert. Is that
11:23 13 correct?

11:23 14 A. That's correct.

11:23 15 Q. What does it mean to be a premise --
11:23 16 premises, excuse me, safety expert?

11:23 17 A. Well, as an architect, um, and the word
11:24 18 is premises safety expert. As an architect, I have
11:24 19 the duty to protect the health, safety, and welfare
11:24 20 of the general public.

11:24 21 Um, and that includes understanding
11:24 22 the, um -- what's involved in the building
11:24 23 environment, including safety, um, and premises is
11:24 24 generally defined as the areas, um, if that answers
11:24 25 your question.

11:24 1 Q. The areas of what?

11:24 2 A. Um, the building environment.

11:24 3 Q. So in -- going to paragraph 2, in the

11:24 4 second-to-last sentence of that paragraph, you

11:24 5 state, "My experience includes design and field

11:25 6 review of fire-rated partitions in wood-framed

11:25 7 multifamily and other types of construction."

11:25 8 Do you see that?

11:25 9 A. I do.

11:25 10 Q. What does field review mean?

11:25 11 A. So as an architect, um, beyond

11:25 12 designing, um, buildings, we work on -- in the

11:25 13 field.

11:25 14 So during construction when the

11:25 15 building is being built, we are out there and we

11:25 16 need to certify and, uh, review what's been built by

11:25 17 the contractor.

11:25 18 Q. Any other, um, detail that you want to

11:25 19 add to that definition?

11:25 20 A. No, not at this time, unless you have a

11:25 21 question.

11:25 22 Q. That was my question. So that's good.

11:26 23 Um, so moving on to the section of your

11:26 24 report that starts on page 5. Let me know when

11:26 25 you're there.

11:26 1 A. Okay.

11:26 2 Q. That section is titled Hangers in
11:26 3 Multifamily, Multilevel Type III and V Residential
11:26 4 Wood Construction.

11:26 5 Do you see that?

11:26 6 A. I do.

11:26 7 Q. Would you agree with me that, although
11:26 8 Type III construction has been included in the IBC
11:26 9 code for a while, for a long time (indistinct),
11:26 10 correct?

11:26 11 A. Sorry, I didn't hear all of what you
11:26 12 said.

11:26 13 Q. No worries. Would you agree with me
11:26 14 that, although Type III construction has been
11:26 15 included in the IBC code for a while, I think since
11:27 16 its inception, it wasn't all that common to build
11:27 17 Type III construction buildings?

11:27 18 MR. KRIEGER: Objection. Form.

11:27 19 THE WITNESS:

11:27 20 A. I don't think I can agree with your
11:27 21 summary.

11:27 22 MS. VAN KEULEN:

11:27 23 Q. Why not?

11:27 24 A. Can you clarify the -- what you were
11:27 25 saying exactly? I'm not sure.

11:27 1 Q. Right. Okay. So if we look at
11:27 2 paragraph 7 of your declaration.

11:27 3 A. Okay.

11:27 4 Q. You talk about how, I guess, in the
11:27 5 1927 IBC -- not the IBC. Maybe that's why you can't
11:27 6 answer my question.

11:27 7 But Type III -- they included Type III
11:27 8 construction, correct?

11:28 9 A. Yes.

11:28 10 Q. And then in -- and then -- so it's been
11:28 11 in the code or the code has allowed for Type III
11:28 12 construction since about 1927, isn't that correct?

11:28 13 A. Well, in -- so now in the code, Type
11:28 14 III is considered ordinary construction. And since
11:28 15 the inception of, you know, the UBC, Type III is
11:28 16 considered ordinary.

11:28 17 Um, in general I would say that Type
11:28 18 III currently as it states and prior, at least until
11:28 19 1927, um, would be considered as -- and I believe I
11:28 20 stated this on page 11 of my declaration what Type
11:29 21 III construction, um, is.

11:29 22 In essence, the exterior walls are
11:29 23 noncombustible materials and the interior building
11:29 24 elements are any material permitted by the code,
11:29 25 including wood construction.

11:29 1 Q. I'm sorry, what was the last?

11:29 2 A. Wood construction.

11:29 3 Q. You referred to it as ordinary
11:29 4 construction. What do you mean by that?

11:29 5 A. That is what it's defined as in the
11:29 6 code. That's the term that's used, ordinary.

11:29 7 Q. But as an architect explaining to like
11:29 8 a layperson, what does ordinary mean? Like does it
11:29 9 mean that it's used in every single building I look
11:29 10 at? Or what does it -- what does it mean?

11:29 11 A. Ordinary is the specific language used
11:29 12 in the code to describe Type III construction.

11:30 13 Q. Is it used to describe any other types
11:30 14 of construction?

11:30 15 A. What specifically?

11:30 16 Q. Ordinary.

11:30 17 A. Ordinary from my understanding as cited
11:30 18 in those code sections that ordinary is the term
11:30 19 that's used in the code at that time and currently
11:30 20 for Type III.

11:30 21 Q. Okay. So my question was a little
11:30 22 different. So you said that ordinary is the word
11:30 23 that's used in the code to describe Type III
11:30 24 construction.

11:30 25 Is ordinary used to describe any of the

11:30 1 other types of construction?

11:30 2 MR. KRIEGER: Objection, form. Outside

11:30 3 the scope of the declaration. Foundation.

11:30 4 THE WITNESS:

11:30 5 A. I can refer to the other code sections

11:30 6 that define what each construction type is, if that

11:30 7 helps.

11:30 8 MS. VAN KEULEN:

11:30 9 Q. That's not what I'm asking you to do,

11:30 10 but I think we can move on.

11:31 11 Um, would you agree with me that there

11:31 12 was not a lot of demand for Type III structures made

11:31 13 out of wood before the late 2000s?

11:31 14 MR. KRIEGER: Objection, form.

11:31 15 Foundation.

11:31 16 THE WITNESS:

11:31 17 A. I -- I can't agree with that statement.

11:31 18 MS. VAN KEULEN:

11:31 19 Q. Why not?

11:31 20 A. Because that -- can you restate your --

11:31 21 your comment or your question?

11:31 22 Q. Yes. So do you not understand the

11:31 23 question, or is there something that there was

11:31 24 something wrong with the premise of my question?

11:31 25 A. I'm not sure. Can you just restate it?

11:31 1 That would help me understand what you're, um --
11:31 2 what you're stating and whether I agree with it or
11:31 3 not.

11:31 4 Q. Would you agree with me that there was
11:31 5 not a lot of demand for Type III structures before
11:31 6 the late 2000s?

11:31 7 MR. KRIEGER: Objection, form.
11:31 8 Foundation.

11:31 9 THE WITNESS:

11:32 10 A. So I'll answer it in a different way.
11:32 11 Um, Type III construction, which is generally called
11:32 12 ordinary construction as defined in the code.

11:32 13 But generally it's described as
11:32 14 masonry, noncombustible exterior walls. Brick and
11:32 15 masonry. Um, with any -- any material including
11:32 16 wood on the interior.

11:32 17 So historically, um, many buildings
11:32 18 prior to the '50s and the '20s, back to the 1800s,
11:32 19 had that type of construction.

11:32 20 MS. VAN KEULEN:

11:32 21 Q. What about with wood?

11:32 22 A. Wood, specifically with wood, yeah.

11:32 23 Q. With wood. So you mentioned that Type
11:32 24 III can be constructed with other materials besides
11:32 25 wood. And that those buildings were built, um,

11:33 1 quite frequently.

11:33 2 But what about Type III with wood, was
11:33 3 there a demand -- what was the demand for Type III
11:33 4 construction with wood before the 2000s?

11:33 5 MR. KRIEGER: Objection, form.
11:33 6 Foundation. Outside the scope of the declaration.

11:33 7 THE WITNESS:

11:33 8 A. I can't speak to what the demand was at
11:33 9 that time.

11:33 10 MS. VAN KEULEN:

11:33 11 Q. And just to clarify, you say you can't,
11:33 12 cannot speak?

11:33 13 A. I cannot speak to specific demand. I'm
11:33 14 not a contractor to speak to that question.

11:33 15 Q. You did not do any analysis regarding
11:33 16 demand for Type III construction with wood in
11:33 17 preparing for your declaration.

11:33 18 A. That's correct.

11:33 19 Q. Is that correct?

11:33 20 A. That is correct.

11:33 21 Q. Going to paragraph 10 of your
11:34 22 declaration, that's on page 8. Let me know when
11:34 23 you're there.

11:34 24 A. Okay.

11:34 25 Q. All right. So about -- so going to

11:34 1 page 9, where that paragraph continues, I would say
11:34 2 the second full sentence of that -- of the paragraph
11:34 3 on page 9, you state that, "Temperature and relative
11:34 4 humidity will affect the finishing of the drywall
11:34 5 with joint compounds."

11:34 6 Do you see that?

11:34 7 A. I see that sentence.

11:34 8 Q. What are joint compounds?

11:34 9 A. So in the process of installing
11:34 10 drywall, the installation requires finishing of the
11:35 11 edges, which includes joint compound.

11:35 12 Q. Is caulking a joint compound?

11:35 13 MR. KRIEGER: Objection, form.

11:35 14 THE WITNESS:

11:35 15 A. If you're asking what joint compound
11:35 16 is, it's a different product.

11:35 17 MS. VAN KEULEN:

11:35 18 Q. So if I am referring to something like
11:35 19 adding caulking to a wall, I'm not talking about
11:35 20 joint compound?

11:35 21 MR. KRIEGER: Objection, form.

11:35 22 Foundation.

11:35 23 THE WITNESS:

11:35 24 A. Yeah, in the construction industry it
11:35 25 all depends what product you're -- I don't know what

11:35 1 product specifically you're referring to.

11:35 2 MS. VAN KEULEN:

11:35 3 Q. All right. Do you have some examples
11:35 4 of products that would be considered a joint
11:35 5 compound?

11:35 6 A. That's not something that I have at the
11:35 7 ready to give you an example of a particular
11:35 8 specification.

11:35 9 Q. Sitting here today, you have no
11:35 10 examples of what products would constitute a joint
11:36 11 compound?

11:36 12 MR. KRIEGER: Objection. Outside the
11:36 13 scope of the declaration.

11:36 14 THE WITNESS:

11:36 15 A. I don't have a list of product names
11:36 16 and data sheets to provide you.

11:36 17 MS. VAN KEULEN:

11:36 18 Q. Okay. Are you familiar with what
11:36 19 caulking is?

11:36 20 A. I am.

11:36 21 Q. I would assume so. But you would not
11:36 22 consider it to be a joint compound?

11:36 23 MR. KRIEGER: Objection, form.

11:36 24 THE WITNESS:

11:36 25 A. Generally they're different products,

11:36 1 used for different purposes. In -- in the general
11:36 2 words that you're using, without knowing what
11:36 3 specific product you're talking about.

11:36 4 MS. VAN KEULEN:

11:36 5 Q. Okay. So in that sentence that you
11:36 6 wrote, temperature and relative humidity will affect
11:36 7 the finishing of the drywall with joint compounds, I
11:36 8 can't replace joint compounds in that -- sorry, I
11:36 9 can't replace the phrase joint compounds in that
11:36 10 sentence with caulking, correct?

11:36 11 A. I -- what I would say is we need to
11:37 12 read the entirety of that paragraph together to
11:37 13 understand that the whole context of what I'm
11:37 14 stating.

11:37 15 And speaking about drywall and why it
11:37 16 needs to be installed in a controlled environment
11:37 17 with that idea of temperature noted and the relative
11:37 18 humidity based on the USG and their, uh, best
11:37 19 practices of installing drywall that requires a
11:37 20 joint compound involved to complete a finished
11:37 21 product.

11:37 22 Q. Correct. Um, I'm just asking -- I'm
11:37 23 trying to understand what you're talking about in
11:37 24 this paragraph and trying to visualize it in terms
11:37 25 of like seeing it actually constructed, a wall being

11:37 1 constructed using what -- the method you're talking
11:37 2 about.

11:37 3 And I am just asking if caulking -- it
11:38 4 sounds like you cannot replace the term joint
11:38 5 compound with that.

11:38 6 I'm just trying to make sure I'm
11:38 7 understanding so I know how to ask you better
11:38 8 questions.

11:38 9 A. I -- I think --

11:38 10 MR. KRIEGER: Objection, form.
11:38 11 Mischaracterizes the witness's prior testimony.
11:38 12 Vague. Argumentative. Go ahead.

11:38 13 THE WITNESS:

11:38 14 A. So as an architect, I would -- the
11:38 15 words I'm using in my declaration are the correct,
11:38 16 um, terms to be used when installing drywall with
11:38 17 joint compound.

11:38 18 MS. VAN KEULEN:

11:38 19 Q. Okay.

11:38 20 A. And the proper ways to install it and
11:38 21 finish it and what is required to install drywall
11:38 22 properly.

11:38 23 Q. Have you ever installed drywall?

11:38 24 A. I'm not a drywaller. No, I have not.

11:39 25 Q. When you are -- when you were working

11:39 1 as an architect and putting together plans for a
11:39 2 building, would you include in those plans steps for
11:39 3 installing drywall?

11:39 4 A. So I'm still an architect, um, I'm
11:39 5 still practicing. Beyond Robson Forensic, I am an
11:39 6 architect that is currently designing and developing
11:39 7 projects and, um, going to project sites.

11:39 8 Um, in doing so, the documents that we
11:39 9 provide provide the design requirements, the details
11:39 10 involved that may involve how a fire-rated assembly
11:39 11 comes together, how a drywall, you know, wall needs
11:39 12 to fit and how those assemblies come together.

11:39 13 Um, the means and methods of how a
11:40 14 contractor is going to actually do and put together
11:40 15 the construction of the building is up to the
11:40 16 contractor.

11:40 17 We can provide this is what it needs to
11:40 18 be and the details and the required -- um, the codes
11:40 19 that it needs to meet. But the contractor owns that
11:40 20 means and methods is what we say of the project.

11:40 21 Q. Okay.

11:40 22 A. But I will say that as an architect, we
11:40 23 understand and I have a thorough understanding of
11:40 24 how things come together.

11:40 25 So that when I do detail something, it

11:40 1 is with the understanding of I have an understanding
11:40 2 of how those pieces come together and how a
11:40 3 contractor may install or provide the framing, et
11:40 4 cetera, to complete a project.

11:40 5 Q. So while you may have never installed
11:41 6 drywall yourself, you have an understanding of how
11:41 7 drywall is installed?

11:41 8 A. I have a full technical understanding
11:41 9 of how it comes together. I have written specs on
11:41 10 the -- on drywall, what needs to happen, all the
11:41 11 details involved in a specification, uh, as well as
11:41 12 drawing the details of what it needs to be and how
11:41 13 those pieces come together.

11:41 14 Q. Are you aware of a process where an
11:41 15 installer of drywall would cut a strip of drywall to
11:41 16 install and then install a joist hanger on top of
11:41 17 that and then come back and install the remaining
11:41 18 drywall and joint compound after --

11:41 19 MR. KRIEGER: Objection, form. Go
11:41 20 ahead.

11:41 21 MS. VAN KEULEN:

11:41 22 Q. -- after the building is dried in?

11:41 23 MR. KRIEGER: Objection, form.
11:41 24 Incomplete hypothetical.

11:42 25 THE WITNESS: Can you break that down a

11:42 1 bit? It was a bit long.

11:42 2 MS. VAN KEULEN:

11:42 3 Q. Yeah, I'm happy to. Are you aware of a
11:42 4 process where an installer before any joist is hung
11:42 5 would cut a strip of drywall like at the top of the
11:42 6 wall, install that. Then install a hanger on top of
11:42 7 that. And then come back and install the remaining
11:42 8 drywall and joint compound after the building is
11:42 9 dried in?

11:42 10 MR. KRIEGER: Objection, form.

11:42 11 Incomplete hypothetical.

11:42 12 THE WITNESS:

11:42 13 A. So as an architect over the last 25
11:42 14 years, I have not seen that done.

11:42 15 It seems, though, that with some
11:42 16 products out there, some joist hanger products that
11:42 17 require attachment through drywall, uh, that seems
11:43 18 like that would occur prior to a building being
11:43 19 weathertight.

11:43 20 It all depends, though. I don't have
11:43 21 all the details of what is the building, is it fully
11:43 22 open, is it not fully open, is it a new building, is
11:43 23 it existing.

11:43 24 Um, so the hypothetical is very, um,
11:43 25 unclear. I would really need to know the full

11:43 1 understanding of what you're referring to, um, in
11:43 2 that hypothetical. Without knowing all of those
11:43 3 details, it's hard to, uh, answer.

11:43 4 MS. VAN KEULEN:

11:43 5 Q. Do you have an understanding of what
11:43 6 prerocking is?

11:43 7 A. I do.

11:43 8 Q. Can you describe it to me?

11:43 9 A. Well, I understand what you are saying,
11:43 10 um, but -- so I -- I understand what you are
11:43 11 explaining, I guess.

11:43 12 Do you have a specific question beyond
11:43 13 that?

11:43 14 Q. Sorry. I don't mean to talk over you.

11:43 15 So I -- I'm now asking you to -- to
11:44 16 explain to me what your understanding of prerocking
11:44 17 is.

11:44 18 A. Well, my understanding is putting
11:44 19 Sheetrock up.

11:44 20 And it sounds like you're talking about
11:44 21 when, um, if you wanted to install a joist hanger on
11:44 22 top of it prior to, that you would -- I believe you
11:44 23 stated that, um, a building may not be dried in at
11:44 24 that point, is that correct? Or are you just
11:44 25 talking about --

11:44 1 Q. I'm sorry, I don't mean to keep talking
11:44 2 over you. Sorry, Karen.

11:44 3 I am asking a separate question than my
11:44 4 previous hypothetical. I understand they might be
11:44 5 related, so it's like a subject break, so we're
11:44 6 just -- so we took a break, subject break.

11:44 7 Do you understand -- when I say the
11:44 8 term prerocking, do you have an understanding of
11:44 9 what that terms means?

11:44 10 A. I understand what you mean.

11:44 11 Q. Okay. Can you describe to me what
11:45 12 prerocking means?

11:45 13 A. Well, I -- from my understanding of the
11:45 14 word, I'm not sure how you would think that the
11:45 15 terms means.

11:45 16 But my understanding is you're
11:45 17 partially installing Sheetrock in some way or
11:45 18 fashion for some reason. I -- that's -- that's
11:45 19 generally what prerock would be, Sheetrock.

11:45 20 Q. I'm asking for your understanding of
11:45 21 the term prerocking. So is that what it is?

11:45 22 MR. KRIEGER: Objection, form.
11:45 23 Argumentative.

11:45 24 THE WITNESS:

11:45 25 A. I -- I don't know what else I can say

11:45 1 on that.

11:45 2 MS. VAN KEULEN:

11:45 3 Q. Okay. Sitting here today, that is your
11:45 4 understanding of the term prerocking is that it
11:45 5 involves installing some Sheetrock prior to the
11:45 6 building being dried in?

11:45 7 MR. KRIEGER: Objection, form.
11:46 8 Mischaracterizes the witness's prior testimony.
11:46 9 Incomplete hypothetical. Go ahead.

11:46 10 THE WITNESS:

11:46 11 A. I -- I don't think I can answer that
11:46 12 question any further than what I've said.

11:46 13 MS. VAN KEULEN:

11:46 14 Q. Okay. All right. So in the final
11:46 15 sentence of paragraph 10, you state, "It has long
11:46 16 been known and I have known since my education and
11:46 17 the time I began working in the construction
11:46 18 industry around 1999 that installation of drywall
11:46 19 after the framing is completed and the roof has been
11:46 20 installed is standard practice and avoids damage to
11:46 21 drywall from exposure to moisture and side effects
11:46 22 of finishing joint compound under humid and wet
11:46 23 conditions."

11:46 24 That sentence is in your declaration,
11:46 25 correct?

11:46 1 A. That is.

11:46 2 Q. So in that situation we're talking
11:47 3 about joist hangers in this -- in this review
11:47 4 process -- or sorry, in this PGR proceeding.

11:47 5 You understand that, right?

11:47 6 MR. KRIEGER: Objection, form.

11:47 7 Compound.

11:47 8 THE WITNESS:

11:47 9 A. Can you break that question down a
11:47 10 bit?

11:47 11 MS. VAN KEULEN:

11:47 12 Q. Yeah. So the FWH MiTek hanger is a
11:47 13 joist hanger, correct?

11:47 14 A. It's -- okay. So that's a question.
11:47 15 It is.

11:47 16 Q. Yeah. So this PGR proceeding, the
11:47 17 whole dispute is kind of centered around joist
11:47 18 hangers.

11:47 19 Would you agree with me?

11:47 20 MR. KRIEGER: Objection, form.

11:47 21 Foundation.

11:47 22 MS. VAN KEULEN:

11:47 23 Q. Sorry, did you answer?

11:47 24 A. So my understanding, yes, is that we're
11:48 25 discussing joist hangers overall.

11:48 1 Q. Right. So when you talked about -- so
11:48 2 the standard practice that you refer to in that
11:48 3 sentence, the joist hanger is installed first and
11:48 4 then the drywall is installed after. Correct?

11:48 5 MR. KRIEGER: Objection.
11:48 6 Mischaracterizes the declaration.

11:48 7 THE WITNESS:

11:48 8 A. So I'll -- I'll read that sentence.

11:48 9 In general, what I'm saying is it's
11:48 10 long been known and I have since known from my
11:48 11 education in the time I began working in the
11:48 12 construction industry around 1999 that installation
11:48 13 of drywall after the framing is completed and the
11:48 14 roof has been installed is standard practice and
11:48 15 avoids damage to drywall from exposure to moisture
11:48 16 and side effects of finishing joint compound under
11:48 17 humid and wet conditions.

11:49 18 MS. VAN KEULEN:

11:49 19 Q. So the joist is installed first and
11:49 20 then the drywall is added. Correct?

11:49 21 A. Typically.

11:49 22 Q. You said typically?

11:49 23 A. I'm sorry. Can you restate your
11:49 24 question?

11:49 25 Q. So I said so the joist is installed

11:49 1 first and then the drywall is added. Is that what
11:49 2 you're saying?

11:49 3 MR. KRIEGER: Objection to form.

11:49 4 Incomplete hypothetical. Go ahead.

11:49 5 THE WITNESS:

11:49 6 A. So I will note from earlier in that
11:49 7 section 10 that the general sequence -- and I'm
11:49 8 reading -- the general sequence of construction
11:49 9 starts with the building foundation, framing for the
11:49 10 floors, followed by the subflooring, walls, and the
11:49 11 roof.

11:49 12 The exterior of the frame is then
11:49 13 sheathed, followed by installation of the windows
11:49 14 and doors to create a weathertight enclosure.

11:49 15 The interior of the building is then
11:50 16 finished with insulation, then drywall, paint, trim,
11:50 17 and other finishes, and then go on to discuss how
11:50 18 the drywall should being installed in a controlled
11:50 19 environment.

11:50 20 MS. VAN KEULEN:

11:50 21 Q. Okay. So do you disagree with me that
11:50 22 in that process the joist hanger is installed and
11:50 23 then the drywall is installed after?

11:50 24 MR. KRIEGER: Objection, form. Assumes
11:50 25 facts.

11:50 1 THE WITNESS:

11:50 2 A. So you're asking me a question
11:50 3 generally, but are you referring specifically to
11:50 4 what I've written or to a particular construction
11:50 5 site?

11:50 6 MS. VAN KEULEN:

11:50 7 Q. Is there a difference in your answer if
11:50 8 I -- from one of those options?

11:50 9 MR. KRIEGER: Objection, form.
11:50 10 Argumentative.

11:50 11 THE WITNESS:

11:50 12 A. It's possible.

11:50 13 MS. VAN KEULEN:

11:50 14 Q. Okay. So what you've written there,
11:50 15 are you saying that the joist hanger is typically
11:51 16 installed first?

11:51 17 MR. KRIEGER: Objection, form.
11:51 18 Misstates the declaration.

11:51 19 THE WITNESS:

11:51 20 A. So what I stated in my declaration is
11:51 21 again, it's the frames are installed, the flooring,
11:51 22 joists are installed, subfloor, walls, roof, the
11:51 23 building is weathertight, and then drywall, et
11:51 24 cetera, in the interior. So.

11:51 25 MS. VAN KEULEN:

11:51 1 Q. So yes, you're saying the joists are
11:51 2 installed and then the drywall is installed?

11:51 3 MR. KRIEGER: Objection, form.
11:51 4 Misstates the witness's prior testimony of the
11:51 5 declaration.

11:51 6 THE WITNESS:

11:51 7 A. I don't think I can restate that any
11:51 8 further. I've answered the question.

11:51 9 MS. VAN KEULEN:

11:51 10 Q. Okay. So do you not agree with what
11:51 11 you are saying in the declaration, that it is
11:51 12 standard practice for the joists to be installed and
11:51 13 then drywall to be added?

11:52 14 MR. KRIEGER: Objection, form.
11:52 15 Misstates the witness's prior testimony and the
11:52 16 declaration. Compound. Vague.

11:52 17 THE WITNESS:

11:52 18 A. So my statements in my declaration are
11:52 19 true and my opinion is clear. This is what I have
11:52 20 stated in my declaration. I don't disagree with
11:52 21 anything ever in --

11:52 22 MS. VAN KEULEN:

11:52 23 Q. Great. Okay. That's good to know.
11:52 24 Looking at that -- let's just go to that last
11:52 25 sentence.

11:52 1 A. Which sentence?

11:52 2 Q. Last sentence of paragraph 10.

11:52 3 A. Okay.

11:52 4 Q. Okay. So you say that installation of

11:52 5 drywall after framing is completed and the roof has

11:53 6 been installed is standard practice. Correct?

11:53 7 A. That's what's written, yes, that is

11:53 8 correct.

11:53 9 Q. Okay. For framing to be completed, as

11:53 10 you state in that sentence -- do you see where you

11:53 11 state framing is completed in that sentence?

11:53 12 For the framing to be completed as

11:53 13 contemplated in that sentence that you write --

11:53 14 MR. KRIEGER: Objection, form.

11:53 15 Compound.

11:53 16 MS. VAN KEULEN: I'm not done with my

11:53 17 question. If you could wait and put your objections

11:53 18 after I'm done.

11:53 19 MR. KRIEGER: Oh, absolutely. I'm

11:53 20 sorry. I thought there was a pause.

11:53 21 MS. VAN KEULEN: Same thing, but, um,

11:54 22 going back.

11:54 23 Q. You state framing is completed.

11:54 24 When framing is completed, are the

11:54 25 joist hangers hung?

11:54 1 MR. KRIEGER: Objection. Form.

11:54 2 Assumes facts.

11:54 3 THE WITNESS:

11:54 4 A. So in my sentence I can only take it as
11:54 5 one full and complete thought.

11:54 6 So within the entirety of the sentence
11:54 7 to me is -- makes it clear what I'm speaking about
11:54 8 in that installation of drywall after framing is
11:54 9 completed and the roof has been installed is
11:54 10 standard practice and avoids damage to drywall from
11:54 11 exposure to moisture and side effects of finishing
11:54 12 joint compound under humid and wet conditions.

11:55 13 MS. VAN KEULEN:

11:55 14 Q. Is that your answer to my question?

11:55 15 A. I'm not really sure what --

11:55 16 Q. I'm asking --

11:55 17 A. -- what you're asking.

11:55 18 Q. Okay. I am asking are the joist
11:55 19 hangers installed in order -- like for framing to be
11:55 20 complete, does that mean that the joist hangers are
11:55 21 installed?

11:55 22 MR. KRIEGER: Objection, form. Assumes
11:55 23 facts. Incomplete hypothetical.

11:55 24 THE WITNESS:

11:55 25 A. It depends. From my statement

11:55 1 generally, when a building is built, if it's new
11:55 2 construction it may be. If it's an existing
11:55 3 building, there could be other factors at hand.

11:55 4 But generally, as I stated again at the
11:55 5 beginning of paragraph 10, how a building is
11:55 6 typically put together. Framing -- framing for the
11:56 7 floors, followed by the subflooring, walls, and
11:56 8 roof.

11:56 9 And when you install floors, in some
11:56 10 cases joist hangers are involved.

11:56 11 MS. VAN KEULEN:

11:56 12 Q. And that's your answer?

11:56 13 MR. KRIEGER: Objection, form.

11:56 14 Argumentative.

11:56 15 MS. VAN KEULEN: I just want to make
11:56 16 sure you're done before I move on.

11:56 17 MR. KRIEGER: That's clear. Thank you.

11:56 18 MS. VAN KEULEN: Great.

11:56 19 THE WITNESS:

11:56 20 A. I have nothing further to add in answer
11:56 21 to your question.

11:56 22 MS. VAN KEULEN:

11:56 23 Q. So in paragraph 12. Let me know when
11:56 24 you're there. It's on the next page.

11:56 25 A. Okay.

11:57 1 Q. Do you talk about how -- you talk about
11:57 2 a design using joist hangers, correct?

11:57 3 MR. KRIEGER: Objection, form.

11:57 4 THE WITNESS:

11:57 5 A. I'm sorry. Where specifically are you?

11:57 6 MS. VAN KEULEN:

11:57 7 Q. I think it is the second-to-last
11:57 8 sentence.

11:57 9 A. Do you have a question?

11:57 10 Q. I do. (Indistinct) so.

11:57 11 A. I see there's -- there's words that I
11:57 12 believe you mentioned, but I'm not sure what your
11:57 13 question is.

11:57 14 Q. Great. Just want to make sure you saw
11:57 15 design using joist hangers. We already talked about
11:57 16 this a little bit with the means and methods.

11:57 17 Would you agree with me that there is
11:57 18 sometimes a difference between what is designed and
11:58 19 what is ultimately installed in the field?

11:58 20 MR. KRIEGER: Objection, form.

11:58 21 Mischaracterizes the witness's prior testimony. You
11:58 22 may answer.

11:58 23 THE WITNESS:

11:58 24 A. In -- in the -- in the process of
11:58 25 designing and developing construction documents, um,

11:58 1 there is a design intent involved in the process.

11:58 2 Um, during construction it all depends.

11:58 3 There could be factors outside that are
11:58 4 either unforeseen or conditions that come across
11:58 5 that may need to be adjusted or addressed in the
11:58 6 field.

11:58 7 That's why as an architect you're
11:58 8 always on site, um, during the construction progress
11:58 9 to make sure the contractor meets, um, the design
11:58 10 intent and the required code requirements of the
11:58 11 project.

11:59 12 MS. VAN KEULEN:

11:59 13 Q. For instance, there could be a
11:59 14 situation where your design calls for a certain type
11:59 15 of fixture or product to be used and there's a
11:59 16 shortage of that product when --

11:59 17 A. It's possible.

11:59 18 Q. There's also changes -- uh, also during
11:59 19 the course of a project there could be changes to
11:59 20 the design, correct?

11:59 21 A. It's possible.

11:59 22 Q. Have you ever had a project where there
11:59 23 was not a change to design like after construction
11:59 24 began?

11:59 25 MR. KRIEGER: Objection, form.

11:59 1 THE WITNESS:

11:59 2 A. I couldn't say I have never had a
11:59 3 project with or without changes. I've had so many,
12:00 4 I couldn't recall.

12:00 5 MS. VAN KEULEN:

12:00 6 Q. I would just be curious to know what
12:00 7 that project was, because that would be -- that
12:00 8 would be very -- very unique, but I just was
12:00 9 curious.

12:00 10 A. You know, it -- it -- it -- it's
12:00 11 possible.

12:00 12 Q. The stars aligned.

12:00 13 Moving on to paragraph 16; that's on
12:00 14 page 13. Just let me -- let me know when you're
12:00 15 there.

12:00 16 A. Okay.

12:00 17 Q. Um, so here you talk about -- or sorry,
12:00 18 you mention the -- the International Building Code,
12:00 19 the 2000 edition, correct?

12:00 20 A. Yes, that -- that's the first notation
12:00 21 in the IBC 2000, which is the International Building
12:00 22 Code.

12:00 23 Q. And would you agree with me that the
12:00 24 IBC allows for penetrations in the drywall in
12:01 25 construction?

12:01 1 MR. KRIEGER: Objection, form.

12:01 2 THE WITNESS:

12:01 3 A. So there are code requirements in the
12:01 4 IBC 2000 and on, um, on what is required.

12:01 5 And as I state here, um, there are
12:01 6 certain requirements where the fire-rated assembly
12:01 7 must have, um, specific treatments so that it
12:01 8 remains intact.

12:01 9 Um, there's a certain number of
12:01 10 penetrations that may be allowed, um, up to. Um,
12:01 11 there are certain limitations on that in the
12:01 12 aggregate area, as I state further on in that
12:01 13 paragraph.

12:01 14 And there are requirements to treat
12:01 15 those so that they meet the complete fire-rated
12:01 16 assembly system and remain code compliant.

12:02 17 MS. VAN KEULEN:

12:02 18 Q. Uh, on the next page is the last
12:02 19 sentence in paragraph 16. Tell me when you're
12:02 20 there.

12:02 21 A. Okay.

12:02 22 Q. So there you state that the
12:02 23 penetrations for each -- excuse me, each joist
12:02 24 hanger in addition to the utility penetrations would
12:02 25 risk a noncompliant fire resistance assembly if the

12:02 1 cutout penetrations in the drywall are not properly
12:02 2 constructed.

12:02 3 Can you see that sentence?

12:02 4 A. I see it.

12:02 5 Q. The -- the last phrase of the sentence,
12:02 6 properly constructed. What did you mean -- what did
12:02 7 you mean by that?

12:02 8 A. So if a contractor who is installing
12:03 9 the wall system or floor system in the sense I'm
12:03 10 speaking -- let me just read the sentence.

12:03 11 Uh, "The penetrations for each joist
12:03 12 hanger in addition to the utility penetrations would
12:03 13 risk a noncompliant fire system assembly if the
12:03 14 cutout penetrations in the drywall are not properly
12:03 15 constructed."

12:03 16 So referring to that, if something is
12:03 17 not properly constructed, it's not following the
12:03 18 requirements, um, especially in relation to a
12:03 19 fire-rated assembly to meet those code requirements
12:03 20 so that it is properly constructed.

12:03 21 So I'm not sure how else I can say it
12:03 22 other than properly constructed, but in essence meet
12:03 23 the requirement specifications of that I'll say wall
12:04 24 for penetration details.

12:04 25 MS. VAN KEULEN: So before we get to

12:04 1 the next section, I need to take a break. Um, can
12:04 2 we do five minutes? Is that okay with everyone?

12:04 3 THE WITNESS: Sure.

12:04 4 MR. KRIEGER: Yep, works for us.

12:04 5 THE WITNESS: Thank you.

12:04 6 MS. VAN KEULEN: Thank you.

12:04 7 THE COURT REPORTER: Okay. We're off
12:04 8 the record.

12:04 9 (Whereupon, proceedings go off
12:04 10 the record from 11:58 AM to 12:06
12:12 11 PM).

12:12 12 MS. VAN KEULEN: If Karen's ready, we
12:13 13 can go back on the record.

12:13 14 THE COURT REPORTER: Go ahead.

12:13 15 MS. VAN KEULEN:

12:13 16 Q. All right, Ms. Baranyk. We are looking
12:13 17 at paragraph 19 of your declaration. It's on page
12:13 18 15. Let me know when you're there.

12:13 19 A. Okay.

12:13 20 Q. So on page 15, about one-third up from
12:13 21 the bottom of the page, there's a sentence where you
12:13 22 state, "Use of traditional joist hangers and
12:13 23 engineered joists requires special attention to the
12:13 24 gypsum board around the joists and gaps created by
12:13 25 the webs of engineered joists."

12:13 1 Do you see that sentence?

12:13 2 A. I do.

12:13 3 Q. What did you mean by special attention?

12:14 4 A. In essence, the details required to
12:14 5 install any joist hanger.

12:14 6 Um, engineered joists have a different
12:14 7 profile than say solid lumber, and that may require
12:14 8 attention to maintain the fire rating, which may
12:14 9 involve other fire ratings such as firestopping or
12:14 10 other products to maintain the rating.

12:15 11 Q. When you say other products, can you
12:15 12 give me any examples?

12:15 13 A. I was just looking at more of the
12:15 14 context of this section.

12:15 15 I believe I mentioned in here about the
12:15 16 gaps -- uh, a few sentences ahead I mention a gap in
12:15 17 the fire-rating assembly -- fire-rated assembly at
12:15 18 the joist and joist hanger attachments can become a
12:15 19 path for fire to spread and to compromise
12:15 20 performance of fire-resisting walls and that, quote,
12:15 21 a dangerous situation can arise if there are
12:16 22 interconnected horizontal or vertical concealed
12:16 23 spaces within the building or on the facade.

12:16 24 So further down, the next sentence is
12:16 25 the one you're referring to, "Use of traditional

12:16 1 joist hangers and engineered joists requires special
12:16 2 attention to the gypsum board around the joists and
12:16 3 gap created by the webs of engineered joists."

12:16 4 So the engineered joists are, um, like
12:16 5 an I profile, um, so they may require special
12:16 6 treatment such as mineral wool so that there is no
12:16 7 interconnected space.

12:16 8 Q. You cut out there on one word, and I
12:16 9 just want to make sure we got it. And it was
12:16 10 like -- it sounded like mineral, but what -- was
12:16 11 that what you said?

12:16 12 A. I did. So I was referring to mineral
12:17 13 wool, which is a fire, um, fire-rated detail that
12:17 14 can be added to --

12:17 15 Q. And just -- sorry, I don't mean to
12:17 16 keep -- are you saying mineral wool, like a sheep's
12:17 17 wool?

12:17 18 A. Yeah, so like mineral, M-I-N-E-R-A-L,
12:17 19 and wool, W-O-O-L.

12:17 20 Q. Okay. One second, my monitor just went
12:17 21 black. Give me like two seconds to make sure --
12:17 22 okay. We're all good. Okay.

12:17 23 So mineral wool -- I apologize, my
12:17 24 monitor just went black while you were explaining it
12:17 25 to me -- um, is a type of product that can enhance

12:17 1 the fire safety in construction?

12:18 2 A. It could be part of a fire-rated
12:18 3 assembly.

12:18 4 Q. And you added it to a fire-rated
12:18 5 assembly to help, you know, address maybe some of
12:18 6 the gaps or -- the gaps that you discussed in the
12:18 7 previous sentence?

12:18 8 A. It would depend on the specific
12:18 9 (indistinct) assembly that would be an approved
12:18 10 fire-rated assembly. So we're talking generally
12:18 11 here, but there are specific tested assemblies.

12:18 12 Q. Besides mineral wool, are there other
12:18 13 products that can be used in a fire-rated assembly?

12:18 14 A. (The witness does not respond.)

12:18 15 Q. Or let me rephrase. What are other
12:18 16 examples of some products that can be used in a
12:18 17 fire-rated assembly?

12:19 18 MR. KRIEGER: Objection, form.

12:19 19 THE WITNESS:

12:19 20 A. I know I've mentioned in my declaration
12:19 21 about firestopping. That is a product, um, that can
12:19 22 be applied.

12:19 23 MS. VAN KEULEN:

12:19 24 Q. Any other examples that you can give me
12:19 25 today?

12:19 1 A. There's a series of -- the only other
12:19 2 one that I could mention is intumescent paint that
12:19 3 is a product that has fire-rated or can have
12:19 4 fire-rated properties.

12:19 5 Q. And I -- just because it kind of cut
12:19 6 out when you said the name of the product --

12:19 7 A. Oh.

12:19 8 Q. -- can you restate the name of the
12:19 9 product?

12:19 10 A. So intumescent paint.

12:19 11 Q. Okay.

12:19 12 A. Do you need me to spell that?

12:19 13 Q. Yes, please.

12:19 14 A. I -- let me -- I-N-T-U-M-E-S-C-E-N-T, I
12:19 15 believe.

12:20 16 Q. Going to paragraph 21, it's on the next
12:20 17 page. Let me know when you're there.

12:20 18 A. Sure. Okay.

12:20 19 Q. So in paragraph 21 you state, "At least
12:20 20 as early as 2000, there was a need for a firewall
12:20 21 hanger that addressed each of the following
12:20 22 construction needs."

12:20 23 And you list approximately six
12:20 24 different needs. (Indistinct).

12:20 25 MR. KRIEGER: You broke -- you broke up

12:20 1 on our end.

12:20 2 MS. VAN KEULEN: Oh, okay.

12:20 3 THE WITNESS: I didn't get the
12:20 4 question.

12:20 5 MR. KRIEGER: You might have said is
12:20 6 that correct, uh, but I -- we didn't hear it.

12:20 7 MS. VAN KEULEN:

12:20 8 Q. Close enough. I said do you see -- do
12:20 9 you see in your declaration where it says that?

12:20 10 A. I -- I see item -- yes, my paragraph 21
12:20 11 on page 16 and thereafter the succeeding bullets, I
12:21 12 see that.

12:21 13 Q. Sorry. Those bullets A through F, what
12:21 14 is the basis for that list? How did you come up
12:21 15 with that list?

12:21 16 A. So my basis of my declaration including
12:21 17 my statements here, um, item 21 and on and the
12:21 18 complete, um, essence of my declaration, my basis is
12:21 19 my training, education, and experience of -- my
12:21 20 professional experience of 25-plus years in as an
12:21 21 architect as well as, um, in the construction
12:21 22 industry.

12:21 23 That's my basis. As well as, um, the
12:21 24 code requirements and building standards that as an
12:21 25 architect I need to meet and I have a duty to

12:21 1 provide that, uh, protect the health, safety, and
12:21 2 welfare (indistinct).

12:22 3 Q. Did you conduct any interviews to come
12:22 4 up with this list?

12:22 5 MR. KRIEGER: Objection, form.

12:22 6 THE WITNESS:

12:22 7 A. I'm not sure -- I mean I understand the
12:22 8 term interviews. But no, I would say no to that
12:22 9 question.

12:22 10 MS. VAN KEULEN:

12:22 11 Q. Did you survey anyone or any groups of
12:22 12 people to come up with this list?

12:22 13 A. No.

12:22 14 MR. KRIEGER: Objection, form.

12:22 15 THE WITNESS:

12:22 16 A. No.

12:22 17 MS. VAN KEULEN:

12:22 18 Q. The only basis -- and I mean that
12:22 19 respectfully -- of this list is your experience,
12:22 20 correct?

12:22 21 MR. KRIEGER: Objection, form.

12:22 22 Mischaracterizes the witness's prior testimony.

12:22 23 MS. VAN KEULEN:

12:22 24 Q. And the -- what you listed previously,
12:22 25 correct?

12:22 1 MR. KRIEGER: Objection, form.
12:22 2 Mischaracterizes the witness's prior testimony.

12:22 3 THE WITNESS:

12:22 4 A. As I stated in my -- the beginning of
12:23 5 my declaration, paragraph 2, that summarizes my
12:23 6 experience and my qualifications and my basis of
12:23 7 providing this declaration.

12:23 8 MS. VAN KEULEN:

12:23 9 Q. Looking at paragraph 22. Tell me when
12:23 10 you're there.

12:23 11 A. Okay.

12:23 12 Q. You state in the last sentence of that
12:23 13 paragraph, "Prior to the introduction of the FWH
12:23 14 around 2014, the industry failed to provide a
12:23 15 solution."

12:23 16 Do you see that?

12:23 17 A. I see that sentence.

12:23 18 Q. Uh, what is the basis for that
12:23 19 sentence?

12:23 20 MR. KRIEGER: Objection, form.

12:23 21 THE WITNESS:

12:24 22 A. So are you asking what my basis is for
12:24 23 that statement that the full and complete -- uh,
12:24 24 that second sentence, I guess, is that what you're
12:24 25 referring to?

12:24 1 MS. VAN KEULEN:

12:24 2 Q. I am.

12:24 3 A. So my understanding is, uh, based on
12:24 4 the patent, the FWH came into effect, um, I believe
12:24 5 it was at the end of 2013. So then, um, my
12:24 6 understanding that the FWH wasn't necessarily
12:24 7 available until after, um, or around 2014.

12:24 8 And as stated in my prior paragraphs,
12:24 9 um, that this is -- this being the FWH product, um,
12:25 10 was a new product and prior to that, um, the
12:25 11 industry did not provide that specific product prior
12:25 12 to.

12:25 13 Q. And the basis for that opinion that you
12:25 14 just gave, what is that? What is that opinion based
12:25 15 on?

12:25 16 MR. KRIEGER: Objection, form.
12:25 17 Argumentative. Asked and answered.

12:25 18 THE WITNESS:

12:25 19 A. Again, my basis of my opinions and as I
12:25 20 stated in paragraph 21 and 22 goes back to what I
12:25 21 had stated prior about my -- my basis.

12:25 22 MS. VAN KEULEN:

12:25 23 Q. All right. Paragraph 23. In that
12:26 24 paragraph you refer to the novel configuration of
12:26 25 the FWH. Is that correct?

12:26 1 A. Yes.

12:26 2 Q. Specifically what is novel about the
12:26 3 configuration about the FWH -- of the FWH?

12:26 4 A. So as I stated in the paragraph 21, in
12:26 5 those bullet points, that defines what I'm talking
12:26 6 about there in there was a need for the firewall
12:26 7 hanger that addressed each of those items and that
12:26 8 this FWH hanger addresses those needs.

12:26 9 Q. So the novel configuration of the FWH
12:26 10 is its ability to address the items listed in
12:27 11 paragraph 21, sub-bullets A through F?

12:27 12 MR. KRIEGER: Objection, form.
12:27 13 Mischaracterizes the witness's declaration.

12:27 14 THE WITNESS: Can you rephrase that
12:27 15 question?

12:27 16 MS. VAN KEULEN:

12:27 17 Q. So you said -- so I asked you what -- I
12:27 18 asked you what, um, is novel about the configuration
12:27 19 of the FWH, as you state in paragraph 23.

12:27 20 And as part of your answer, you pointed
12:27 21 back to paragraph 21, sub-bullets A through F. Is
12:27 22 that correct?

12:27 23 A. So I -- in the sentence -- so I'm just
12:27 24 going to read the sentence just so it's clear.
12:27 25 Because of its novel configuration, so I'm referring

12:28 1 to its novel configuration as the FWH joist hanger.

12:28 2 So because of its novel configuration

12:28 3 and ability to be installed prior to drywall as

12:28 4 recited in the method, the FWH joist hanger

12:28 5 addresses each of the above-stated construction

12:28 6 needs, which I previously stated.

12:28 7 Q. Right. That's what that sentence says.

12:28 8 (Indistinct) because you -- you talk about that the

12:28 9 reason it's able to address those needs is its novel

12:28 10 configuration.

12:28 11 I'm asking you what you meant by novel

12:28 12 configuration?

12:28 13 MR. KRIEGER: Objection, form. Asked

12:28 14 and answered.

12:28 15 THE WITNESS:

12:28 16 A. It's different than what was out there

12:28 17 at the time.

12:28 18 MS. VAN KEULEN:

12:28 19 Q. How so?

12:28 20 A. I believe again, I stated in paragraph

12:28 21 21 how it's different and how the FWH joist hanger

12:29 22 addresses each of the above-stated needs in those

12:29 23 bullet points.

12:29 24 Q. Going back to paragraph 21, looking at

12:29 25 sub-bullet F. Let me know when you're there.

12:29 1 A. Yeah.

12:29 2 Q. In that one, there you state,
12:29 3 "Minimizes cuts and avoids notching for attachment
12:29 4 of the drywall/Sheetrock. Minimizes labor costs and
12:29 5 potential failures in firestopping and gap sealants
12:29 6 necessary to maintain the fire-resistive rating
12:29 7 assembly at the joist perimeter and gaps caused by
12:29 8 the web of engineered joists."

12:29 9 Does the FWH -- let me back up.

12:30 10 Are you aware that in installing the
12:30 11 drywall, the FWH does require that a slit be made in
12:30 12 the drywall?

12:30 13 A. So based on the product data sheet for
12:30 14 the FWH hanger, there is a installation, um,
12:30 15 template that is provided, um, that requires a slot
12:30 16 to be cut in the Sheetrock.

12:30 17 Q. Okay. And how is that -- that slot
12:30 18 that's required to be cut in the Sheetrock
12:30 19 installing the FWH, how is that novel compared to
12:30 20 what has been done before?

12:30 21 MR. KRIEGER: Objection, form. Assumes
12:30 22 facts.

12:30 23 THE WITNESS:

12:30 24 A. So in the bullet point F, um, that
12:30 25 product, it minimizes the cuts and avoids notching,

12:31 1 uh, for the attachment of the drywall.

12:31 2 So it -- it minimizes those cuts. This
12:31 3 is one single slot that gets cut versus let's say
12:31 4 notching, which is not minimal.

12:31 5 MS. VAN KEULEN:

12:31 6 Q. And I think if we go back to 23,
12:31 7 paragraph 23, the second sentence there states that.
12:31 8 "The solution minimizes the cutout in the drywall
12:31 9 and therefore provides a better/cost effective
12:31 10 solution that minimizes labor and limits the number
12:31 11 of errors at the fire-resistive membrane, material
12:31 12 waste, and time involved."

12:31 13 And that's what that sentence says,
12:31 14 yes?

12:31 15 A. That's what that sentence says. You
12:32 16 read it correctly. Thank you.

12:32 17 Q. Going back down to paragraph 24. So
12:32 18 the first --

12:32 19 A. Yes.

12:32 20 Q. -- sentence you state, "Around 2013,
12:32 21 prior to the patented invention, additional effort
12:32 22 would have been required to maintain the fire
12:32 23 barrier if the drywall was inserted between the
12:32 24 hanger and the framed wall so that a portion of the
12:32 25 hanger was received in an opening in the drywall."

12:32 1 Do you see that sentence?

12:32 2 A. I see it.

12:32 3 Q. What did you mean by additional effort
12:32 4 when you wrote that sentence?

12:32 5 A. So something would have to be done in
12:32 6 order to maintain that space (indistinct) there may
12:33 7 be, um, in order for -- for that to happen.

12:33 8 Q. Do you have an example of what that
12:33 9 something would be? Just --

12:33 10 A. I -- I wouldn't want to guess or
12:33 11 provide a hypothetical at this point. There is --
12:33 12 I'm sure I could provide a variety of different
12:33 13 options, but.

12:33 14 Q. So do you have -- I am asking for
12:33 15 examples of those variety of options. What -- what
12:33 16 could those variety of options be?

12:33 17 MR. KRIEGER: Objection, form. Outside
12:33 18 the scope of the declaration.

12:33 19 THE WITNESS:

12:33 20 A. Yeah, it's not something that I
12:33 21 addressed in my declaration as a contractor.

12:33 22 MS. VAN KEULEN:

12:33 23 Q. Sorry, go ahead.

12:33 24 A. I'm not a contractor.

12:34 25 Q. So you can't give me any examples today

12:34 1 of what additional effort could be used in order to
12:34 2 maintain the fire -- fire barrier if there had been
12:34 3 a notch or an opening cut in the drywall?

12:34 4 MR. KRIEGER: Objection, form,
12:34 5 incomplete hypothetical.

12:34 6 THE WITNESS:

12:34 7 A. I wouldn't want to provide a
12:34 8 hypothetical response in this -- at this time
12:34 9 without something more specific to point to.

12:34 10 MS. VAN KEULEN:

12:34 11 Q. Could firestopping be used as -- as --
12:34 12 sorry.

12:34 13 Could firestopping qualify as
12:34 14 additional effort in this sentence?

12:34 15 MR. KRIEGER: Objection, form.
12:34 16 Incomplete hypothetical.

12:34 17 THE WITNESS:

12:34 18 A. It depends, honestly, on what would be
12:35 19 required to maintain a fire barrier, uh --

12:35 20 MS. VAN KEULEN:

12:35 21 Q. Is it possible to use firestopping?

12:35 22 MR. KRIEGER: Objection, form.
12:35 23 Incomplete hypothetical.

12:35 24 THE WITNESS:

12:35 25 A. It's unknown how the gap is there,

12:35 1 what -- what is -- what is also happening in the
12:35 2 wall. I don't know those answers to give you -- I
12:35 3 don't want to give you something hypothetical that
12:35 4 is not a complete, um, detailed response.

12:35 5 MS. VAN KEULEN:

12:35 6 Q. Understood. Um, so let me ask it a
12:35 7 different way. What -- you listed like the size of
12:35 8 the gap -- like the size of the gap and something
12:35 9 else.

12:35 10 What additional detail would you need
12:35 11 to know in order to understand what that additional
12:35 12 effort should be?

12:35 13 MR. KRIEGER: Objection, form.

12:35 14 Overbroad. Incomplete hypothetical.

12:35 15 THE WITNESS:

12:35 16 A. Yeah, I -- I -- I can't give you an
12:36 17 answer without something concrete. You mentioned
12:36 18 something about dimensions that I gave. I'm not
12:36 19 sure what you're referring to.

12:36 20 MS. VAN KEULEN:

12:36 21 Q. Okay. So -- right. So I -- so I'm
12:36 22 asking for examples of those additional effort.

12:36 23 You mentioned that there's kind of too
12:36 24 many variables out there to provide a list of
12:36 25 examples of what that additional effort may entail.

12:36 1 And you -- in kind of giving me that
12:36 2 answer, you mentioned like the size of the gap in
12:36 3 the -- in the drywall.

12:36 4 So I'm just asking for additional
12:36 5 examples to go along with size of the gap. I'm
12:36 6 trying to understand what details you would need in
12:36 7 order to determine what -- what could be added to
12:36 8 make something fire safe?

12:36 9 MR. KRIEGER: Objection, form.
12:36 10 Incomplete hypothetical. Overbroad and
12:37 11 argumentative.

12:37 12 THE WITNESS:

12:37 13 A. I don't know how I could answer that
12:37 14 question any -- any different at this point.

12:37 15 MS. VAN KEULEN:

12:37 16 Q. So there -- so --

12:37 17 A. I -- go ahead.

12:37 18 Q. I'm sorry. What did you say?

12:37 19 A. No, go ahead, you were starting.

12:37 20 Q. Um, in the last sentence you state, "I
12:37 21 am not aware of any evidence that prior to the
12:38 22 patented invention in 2013, drywall could be
12:38 23 inserted between the hanger and the framed structure
12:38 24 so that the drywall was received between a slot
12:38 25 between the structure and the joist pocket."

12:38 1 Do you see that?

12:38 2 A. I see that sentence.

12:38 3 Q. Um, you say you were not aware. So is
12:38 4 it possible that this type of process was -- what
12:38 5 you describe in this sentence was happening out in
12:38 6 the field and you just were not aware of it?

12:38 7 MR. KRIEGER: Objection, form.

12:38 8 THE WITNESS:

12:38 9 A. I can't answer that question any
12:38 10 further other than my sentence that I am not aware
12:38 11 of any evidence that prior to that time, as stated,
12:38 12 that this was available.

12:38 13 MS. VAN KEULEN:

12:38 14 Q. But it's possible it could have been,
12:39 15 correct?

12:39 16 MR. KRIEGER: Objection, form.

12:39 17 Argumentative.

12:39 18 THE WITNESS:

12:39 19 A. Not in my entire 25-plus year career
12:39 20 can I say that I've seen that product.

12:39 21 And I have extensive experience on many
12:39 22 projects from small to large commercial, renovation,
12:39 23 new buildings, where these joist hangers apply.

12:39 24 MS. VAN KEULEN:

12:39 25 Q. Ms. Baranyk, during the course of these

12:39 1 questions, did you look at or refer to any of those
12:39 2 documents in the binder we went over earlier today?

12:39 3 A. No. Just the declaration, um, that you
12:39 4 were referring to during the course of the
12:39 5 questions.

12:39 6 MS. VAN KEULEN: Great. I have no
12:40 7 further questions.

12:40 8 MR. KRIEGER: Okay. I don't have any
12:40 9 questions. We reserve the right to read and sign.
12:40 10 I guess we are done for the day.

12:40 11 THE COURT REPORTER: Okay. Could I get
12:40 12 your orders for the record, please?

12:40 13 MS. VAN KEULEN: Yes. We would like a
12:40 14 rough by end of day today. And an expedited full by
12:40 15 Tuesday.

12:40 16 THE COURT REPORTER: Okay. And Mr.
12:40 17 Krieger?

12:40 18 MR. KRIEGER: No rough -- yeah, no
12:40 19 rough for me. Just the normal electronic transcript
12:40 20 is fine.

12:40 21 THE COURT REPORTER: And do you also
12:40 22 need it by Tuesday?

12:40 23 MR. KRIEGER: No, normal time frame is
12:40 24 fine.

12:40 25 THE COURT REPORTER: Okay. Thank you.

12:40 1 THE WITNESS: Just making sure that I
12:40 2 would review and sign.

12:40 3 MR. KRIEGER: Yeah, I reserved that
12:40 4 right, yeah.

12:40 5 THE WITNESS: Okay.

12:40 6 MR. KRIEGER: Yes.

7 (Whereupon, proceedings were
8 concluded at 12:34 PM on Friday,
9 August 8, 2025.)

10 (Exhibit 2053 was supplied to the
11 court reporter and will accompany
12 the transcript upon completion.)

13 [SIGNATURE RESERVED]

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CERTIFICATE OF REPORTER

I, Karen Vest, Registered Professional Reporter, Certified Realtime Reporter, and Certified Court Reporter within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing transcript was duly sworn by me; that the testimony of said witness was preserved via stenotype by me to the best of my ability and was thereafter reduced to written form 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.



Karen Vest, RPR, CRR,
Missouri CCR No. 846

1 August 10, 2025

2

3

4 Mr. Tim Krieger
Stinson LLP
5 7700 Forsyth Boulevard, Suite 1100
St. Louis, Missouri 63105

6

RE: Simpson Strong-Tie v. Columbia

7

Dear Mr. Krieger:

8

9 Please find herewith your copy of the deposition
transcript of Andrea Baranyk taken on
August 8, 2025, in the above-referenced case. Also
10 included is the original signature page and errata
sheet.

11

12 Please ask the witness to read the transcript,
indicate any changes or corrections desired on the
errata sheet, and sign the signature page before a
13 notary public. Then provide the errata sheet and
notarized signature page to Ms. Lindsay van Keulen
14 for filing prior to trial date.

15 Thank you for your assistance in this matter.

16

Respectfully,

17

18

Karen Vest, RPR, CRR, Missouri CCR No. 846

19

20

21

22

23

24

25

1 WITNESS ERRATA SHEET
2
3 WITNESS: Andrea Baranyk
4 CASE NAME: Simpson Strong-Tie v. Columbia
5 DATE TAKEN: August 8, 2025
6
7 Page # Line #
8 Should read:
9 Reason for change:
10
11 Page # Line #
12 Should read:
13 Reason for change:
14
15 Page # Line #
16 Should read:
17 Reason for change:
18
19 Page # Line #
20 Should read:
21 Reason for change:
22
23 Page # Line #
24 Should read:
25 Reason for change:

1 STATE OF)
2 COUNTY OF)ss:
3)

4 I, ANDREA BARANYK, do hereby certify
5 that:

6 I have read the foregoing transcript;

7 I have made such changes in form and/or
8 substance to the within transcript as might be
9 necessary to render the same true and correct;

10 Having made such changes thereon, I
11 hereby subscribe my name to the transcript.

12 I declare under penalty of perjury that
13 the foregoing is true and correct.

14 Executed the day of _____ ,
15 20 .

16

17

18 ANDREA BARANYK

19

20 Notary Public

21 My Commission Expires:

22

23

24

25

Exhibits	19 57:17	22 64:9 65:20	9
EX 2053 Andre a Baranyk 080 825 2:11 13:2, 9 76:10	1927 23:6 29:5, 12, 19	23 65:23 66:19 69:6, 7	9 34:1, 3
1	1952 23:12 1994 23:20 1999 43:18 45:12	24 69:17 25 18:20 40:13 25-plus 62:20 74:19	A
1 25:20 26:9, 10	2	27 13:4 27th 13:23	ability 66:10 67:3 able 67:9 above-stated 67:5, 22
10 33:21 43:15 46:7 49:2 51:5	2 27:3 64:5	3	absolutely 49:19
10:08 6:4	2000 24:4 54:19, 21 55:4 61:20	3 12:13, 17 20:5 25:6, 10	accident 9:3
10:10 8:17	2000s 31:13 32:6	339 7:24 16:12, 15, 24 17:19	across 53:4 actual 18:4
10:53 8:17	2012 24:8	5	add 27:19 51:20
11 29:20	2013 65:5 69:20 73:22	5 12:18 20:5 25:6, 10 27:24	added 45:20 46:1 48:13 59:14 60:4 73:7
11, 920, 339 7:20	2014 64:14 65:7	50s 32:18	adding 34:19
11:58 57:10	2021 23:14 24:1	7	addition 55:24 56:12
12 51:23	2024 24:6, 10	7 29:2	additional 12:19 15:7 69:21 70:3 71:1, 14 72:10, 11, 22, 25 73:4
12:06 57:10	2025 6:5 13:23	8	address 7:3, 5, 13 60:5 66:10 67:9
13 54:14	2053 13:2, 9	8 6:5 33:22	additions 20:21 25:17
15 57:18, 20	20s 32:18		addressed 53:5 61:21
16 54:13 55:19 62:11	21 61:16, 19 62:10, 17 65:20 66:4, 11, 21 67:21, 24		
18 13:17, 20			
1800s 32:18			

<p>66:7 70:21 addresses 66:8 67:5, 22 adjusted 53:5 affect 34:4 36:6 age 6:13 aggregate 55:12 ago 9:18 agree 26:3 28:7, 13, 20 31:11, 17 32:2, 4 44:19 48:10 52:17 54:23 ahead 8:21 13:8 37:12 39:20 43:9 46:4 57:14 58:16 70:23 73:17, 19 aligned 54:12 allowed 10:10 29:11 55:10 allows 54:24 analysis 33:15 analyze 18:10 Andrea 6:12 7:4 13:3 answer 9:22 10:11 17:2, 22 25:1 29:6 32:10 41:3 43:11 44:23 47:7 50:14 51:12,</p>	<p>20 52:22 66:20 72:17 73:2, 13 74:9 answered 19:9 48:8 65:17 67:14 answering 9:23 answers 9:25 22:7 26:24 72:2 anyone 15:10, 22 16:8 63:11 apologize 59:23 appearances 6:6 applied 60:22 apply 74:23 approved 60:9 approximate 21:6 approximately 15:15 20:24 61:23 architect 16:20 18:21 19:5, 17 26:17, 18 27:11 30:7 37:14 38:1, 4, 6, 22 40:13 53:7 62:21, 25 architect's 16:16 architecture 26:11 area 55:12 areas 26:24 27:1</p>	<p>argumentative 37:12 42:23 47:10 51:14 65:17 73:11 74:17 arise 58:21 around 43:18 44:17 45:12 57:24 59:2 64:14 65:7 69:20 article 24:9 asked 19:14 21:12, 14 65:17 66:17, 18 67:13 asking 19:10, 12, 19 31:9 34:15 36:22 37:3 41:15 42:3, 20 47:2 50:16, 17, 18 64:22 67:11 70:14 72:22 73:4 assemblies 38:12 60:11 assembly 38:10 55:6, 16, 25 56:13, 19 58:17 60:3, 5, 9, 10, 13, 17 68:7 assume 10:7 35:21 Assumes 46:24 50:2, 22 68:21 attachment 40:17 68:3 69:1 attachments 58:18</p>	<p>attention 57:23 58:3, 8 59:2 August 6:5 available 18:22 22:17 65:7 74:12 avoids 43:20 45:15 50:10 68:3, 25 aware 18:8 39:14 40:3 68:10 73:21 74:3, 6, 10</p> <hr/> <p>B</p> <hr/> <p>back 8:19 25:20 32:18 39:17 40:7 49:22 57:13 65:20 66:21 67:24 68:9 69:6, 17 Baranyk 6:12, 20, 22, 23, 24, 25 7:4 8:23 13:3 14:19 21:16 24:19 26:10 57:16 74:25 barrier 69:23 71:2, 19 based 36:18 65:3, 14 68:13 basis 62:14, 16, 18, 23 63:18 64:6, 18, 22 65:13, 19, 21 began 6:4 43:17</p>
--	--	---	--

<p>45:11 53:24 beginning 51:5 64:4 behalf 13:4 believe 12:24 15:1 22:13 29:19 41:22 52:12 58:15 61:15 65:4 67:20 benefit 22:9 besides 9:5 12:5, 15 15:5, 21 16:7 32:24 60:12 best 9:22 25:4 36:18 better 37:7 better/cost 69:9 binder 21:17, 23, 24 22:2 24:25 25:5, 18 75:2 binders 24:21 bit 40:1 44:10 52:16 black 59:21, 24 board 57:24 59:2 bottom 57:21 break 10:12 39:25 42:5, 6 44:9 57:1 breaks 10:10 Brick 32:14</p>	<p>broke 61:25 Brookline 7:6, 9 build 28:16 building 23:5, 12 24:4, 6 26:22 27:2, 15 29:23 30:9 38:2, 15 39:22 40:8, 18, 21, 22 41:23 43:6 46:9, 15 47:23 51:1, 3, 5 54:18, 21 58:23 62:24 buildings 18:6 24:12 27:12 28:17 32:17, 25 74:23 built 27:15, 16 32:25 51:1 bullet 66:5 67:23 68:24 bullets 62:11, 13 business 7:5</p> <hr/> <p style="text-align: center;">c</p> <hr/> <p>called 6:13 17:11 32:11 calls 53:14 capacity 9:9 11:10 16:19 career 20:3 74:19</p>	<p>case 13:15 21:10 cases 8:25 51:10 caulking 34:12, 19 35:19 36:10 37:3 caused 68:7 centered 44:17 certain 21:18 53:14 55:6, 9, 11 certify 27:16 cetera 39:4 47:24 challenge 7:22 challenging 7:19 change 53:23 changes 53:18, 19 54:3 citations 11:25 12:1 25:10 cited 12:2, 6, 16 25:8 30:17 clarification 10:7 clarify 12:21 28:24 33:11 clean 12:24 25:15, 19 clear 11:2 26:3 48:19 50:7 51:17 66:24</p>	<p>Close 62:8 code 22:4 23:6, 12 24:4, 6 28:9, 15 29:11, 13, 24 30:6, 12, 18, 19, 23 31:5 32:12 53:10 54:18, 22 55:3, 16 56:19 62:24 codes 38:18 Cold 23:24 colleague 15:23 come 18:24 38:12, 24 39:2, 13, 17 40:7 53:4 62:14 63:3, 12 comes 38:11 39:9 comment 31:21 commercial 74:22 common 28:16 compared 68:19 complete 9:22 36:20 39:4 50:5, 20 55:15 62:18 64:23 72:4 completed 43:19 45:13 49:5, 9, 11, 12, 23, 24 50:9 compliant 55:16</p>
---	--	--	---

compound 34:11, 12, 15, 20 35:5, 11, 22 36:20 37:5, 17 39:18 40:8 43:22 44:7 45:16 48:16 49:15 50:12	12, 14, 21, 25 30:2, 4, 12, 14, 24 31:1, 6 32:11, 12, 19 33:4, 16 34:24 38:15 43:17 45:12 46:8 47:4 51:2 52:25 53:2, 8, 23 54:25 60:1 61:22 62:21 67:5	26:13, 14 28:10 29:8, 12 33:18, 19, 20 36:10, 22 37:15 41:24 43:25 44:13 45:4, 20 49:6, 8 52:2 53:20 54:19 62:6 63:20, 25 65:25 66:22 74:15	cut 39:15 40:5 59:8 61:5 68:16, 18 69:3 71:3 cutout 56:1, 14 69:8 cuts 68:3, 25 69:2
compounds 34:5, 8 36:7, 8, 9	53:2, 8, 23 54:25 60:1 61:22 62:21 67:5	62:6 63:20, 25 65:25 66:22 74:15	D
compromise 58:19	contact 18:24	corrections 20:21	damage 43:20 45:15 50:10
concealed 58:22	contained 12:17	correctly 6:21 15:1 69:16	dangerous 58:21
concrete 72:17	contemplated 49:13	costs 68:4	data 17:15 20:1 24:13, 15, 16 35:16 68:13
conditions 23:25 43:23 45:17 50:12 53:4	context 36:13 58:14	counsel 15:13, 21 20:12 21:17	date 9:17
conduct 63:3	Continue 26:7	couple 9:19 22:24	dated 24:1
configuration 65:24 66:3, 9, 18, 25 67:1, 2, 10, 12	continues 34:1	course 18:23 24:23 53:19 74:25 75:4	day 26:2 75:10, 14
connection 7:17	contractor 27:17 33:14 38:14, 16, 19 39:3 53:9 56:8 70:21, 24	court 6:7, 10 7:8, 11 8:14, 21 10:21 23:17, 21 57:7, 14 75:11, 16, 21, 25	debate 26:2
consider 35:22	controlled 36:16 46:18	covers 16:15	declaration 11:24 12:3, 5, 6, 10, 13, 15, 16, 18, 25 13:3, 14, 18, 22, 25 14:5, 7, 14, 19 15:6 16:11 17:1 18:6, 9 19:8, 20, 22 20:6, 14, 17, 18, 19, 22, 25 21:4, 7 23:4 25:7, 11, 12, 21 26:10 29:2, 20 31:3 33:6, 17, 22
considered 29:14, 16, 19 35:4	copies 25:15	create 46:14	
constitute 35:10	copy 12:24 21:24 24:20 25:19	created 57:24 59:3	
constructed 32:24 36:25 37:1 56:2, 6, 15, 17, 20, 22	correct 7:20 10:24, 25 11:7, 8 12:4 13:15 14:8, 9 15:13 16:6 17:11, 12, 17 19:5 21:19, 20 25:14, 18	Critical 23:25	
construction 9:3 23:15, 18, 20 24:2 26:12 27:7, 14 28:4, 8, 14, 17 29:8,		curious 54:6, 9 current 11:20	

<p>35:13 37:15 43:24 45:6 47:18, 20 48:5, 11, 16, 18, 20 57:17 60:20 62:9, 16, 18 64:5, 7 66:13 70:18, 21 75:3 declarations 14:1, 4, 6 15:5, 7 define 31:6 defined 26:24 30:5 32:12 defines 66:5 definition 27:19 deletions 20:21 delivers 24:9 demand 31:12 32:5 33:3, 8, 13, 16 depend 60:8 depends 34:25 40:20 50:25 53:2 71:18 depose 24:22 deposed 8:3, 24 11:6 deposition 7:1, 17 9:8, 11, 15 11:23 12:8, 22 15:8, 11, 22 16:9 21:11, 25 24:24 depositions 9:1, 5 11:5</p>	<p>describe 30:12, 13, 23, 25 41:8 42:11 74:5 described 32:13 description 22:5 design 27:5 38:9 52:2, 15 53:1, 9, 14, 20, 23 designed 52:18 designing 27:12 38:6 52:25 detail 27:18 38:25 59:13 72:10 detailed 72:4 details 24:2 38:9, 18 39:11, 12 40:21 41:3 56:24 58:4 73:6 determine 73:7 developing 38:6 52:25 DHU 24:16 DHUTF 24:16 difference 47:7 52:18 different 19:11, 13 30:22 32:10 34:16 35:25 36:1 58:6 61:24 67:16, 21 70:12 72:7 73:14</p>	<p>digits 7:23 dimensions 72:18 DIRECT 6:16 disagree 25:25 46:21 48:20 discuss 46:17 discussed 11:1 60:6 discussing 17:25 44:25 dispute 18:11 44:17 disputes 11:16 document 14:21, 25 22:6, 17 23:3 documents 12:2, 6, 7, 9, 12, 16, 17, 19 14:3 18:12, 19 20:6, 9, 10, 13 21:18, 23 22:1, 11, 13, 22 24:21, 22, 24 25:5, 8 38:8 52:25 75:2 doing 21:10 38:8 doors 46:14 drawing 39:12 dried 39:22 40:9 41:23 43:6 drywall 34:4, 10 36:7, 15, 19 37:16, 21, 23 38:3, 11</p>	<p>39:6, 7, 10, 15, 18 40:5, 8, 17 43:18, 21 45:4, 13, 15, 20 46:1, 16, 18, 23 47:23 48:2, 13 49:5 50:8, 10 54:24 56:1, 14 67:3 68:11, 12 69:1, 8, 23, 25 71:3 73:3, 22, 24 drywall/ sheetrock 68:4 drywaller 37:24 DU 24:16 duly 6:14 duty 26:19 62:25</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>earlier 46:6 75:2 early 61:20 easiest 22:18 edges 34:11 edition 23:6, 13 24:5 54:19 education 43:16 45:11 62:19 effect 65:4 effective 69:9</p>
--	---	---	--

effects 43:21 45:16 50:11 effort 69:21 70:3 71:1,14 72:12,22,25 either 11:20 25:13 53:4 electronic 75:19 elements 29:24 email 22:17 embodies 16:23 17:19 enclosure 46:14 end 62:1 65:5 75:14 engineered 57:23,25 58:6 59:1,3, 4 68:8 enhance 59:25 entail 72:25 entire 74:19 entirety 36:12 50:6 environment 26:23 27:2 36:16 46:19 errors 69:11 essence 29:22 56:22 58:4 62:18 et 39:3 47:23 everyone 57:2	evidence 73:21 74:11 exactly 15:17 28:25 EXAMINATION 6:16 examined 6:14 examples 35:3,10 58:12 60:16, 24 70:15,25 72:22,25 73:5 excerpt 22:3,5 23:6, 14,16,23 24:1,3,5,7, 10,11 excerpts 23:13 24:8 excuse 26:16 55:23 Exhibit 13:2,9 existing 40:23 51:2 expedited 75:14 experience 11:13 18:20 19:5 27:5 62:19,20 63:19 64:6 74:21 expert 9:9 26:12, 16,18 explain 41:16 explaining 30:7 41:11 59:24 exposure 43:21 45:15 50:11	extensive 74:21 extent 25:23 exterior 29:22 32:14 46:12 <hr/> F <hr/> facade 58:23 fact 9:4 factors 51:3 53:3 facts 46:25 50:2, 23 68:22 failed 64:14 failures 68:5 fair 10:8 26:4 familiar 17:6,8 35:18 fashion 42:18 field 18:25 27:5, 10,13 52:19 53:6 74:6 filed 22:14 final 43:14 finalized 12:11 fine 75:20,24 finish 37:21 finished 36:20 46:16	finishes 46:17 finishing 23:24 34:4, 10 36:7 43:22 45:16 50:11 fire 24:11 55:25 56:13 58:8, 9,19 59:13 60:1 69:22 71:2,19 73:8 fire-rated 24:10 27:6 38:10 55:6, 15 56:19 58:17 59:13 60:2,4,10, 13,17 61:3,4 fire-rating 58:17 fire- resisting 58:20 fire- resistive 68:6 69:11 firestopping 58:9 60:21 68:5 71:11, 13,21 firewall 19:15 24:14 61:20 66:6 first 6:14 9:8,11, 20 10:12 23:3 45:3,19 46:1 47:16 54:20 69:18 fit 38:12 five 57:2 fixture 53:15
--	--	--	---

floor 56:9 flooring 47:21 floors 46:10 51:7,9 followed 46:10,13 51:7 following 6:3 21:10 56:17 61:21 follows 6:15 footnotes 25:13 Forensic 7:14 9:13 11:12 38:5 form 16:25 28:18 31:2,14 32:7 33:5 34:13, 21 35:23 37:10 39:19, 23 40:10 42:22 43:7 44:6,20 46:3,24 47:9,17 48:3,14 49:14 50:1, 22 51:13 52:3,20 53:25 55:1 60:18 63:5, 14,21 64:1, 20 65:16 66:12 67:13 68:21 70:17 71:4,15,22 72:13 73:9 74:7,16 foundation 31:3,15 32:8 33:6 34:22 44:21 46:9	four 15:19 frame 46:12 75:23 framed 69:24 73:23 frames 47:21 framing 39:3 43:19 45:13 46:9 49:5,9,11, 12,23,24 50:8,19 51:6 frequently 33:1 Friday 6:5 front 12:25 13:11 19:21 21:18 full 7:2 22:3 34:2 39:8 40:25 50:5 64:23 75:14 fully 40:21,22 FWH 16:23 17:6, 11,19,24 18:4,7,14,18 24:13 44:12 64:13 65:4, 6,9,25 66:3, 8,9,19 67:1, 4,21 68:9, 11,14,19 FYI 14:16	gaps 57:24 58:16 60:6 68:7 gave 65:14 72:18 general 16:20 22:5 26:20 29:17 36:1 45:9 46:7,8 generally 26:24 32:11, 13 35:25 42:19 47:3 51:1,4 60:10 give 7:5 22:7 35:7 58:12 59:21 60:24 70:25 72:2, 3,16 giving 73:1 goes 65:20 going 6:19 7:22 10:7 13:8 22:10 25:20 27:3 33:21, 25 38:7,14 49:22 61:16 66:24 67:24 69:17 good 6:18 27:22 48:23 59:22 great 10:1 48:23 51:18 52:14 75:6 ground 9:19 groups 63:11 guess 19:4 21:3	29:4 41:11 64:24 70:10 75:10 guessing 15:18 gypsum 23:24 24:9 57:24 59:2
H			
hand 6:8 21:1 51:3 handwritten 25:16 hanger 20:3 39:16 40:6,16 41:21 44:12, 13 45:3 46:22 47:15 55:24 56:12 58:5,18 61:21 66:7,8 67:1,4,21 68:14 69:24, 25 73:23 hangers 19:15 24:14 28:2 44:3, 18,25 49:25 50:19,20 51:10 52:2, 15 57:22 59:1 74:23 happen 39:10 70:7 happening 72:1 74:5 happy 22:16 40:3 hard 41:3 head 10:1,2			
G			
gap 58:16 59:3 68:5 71:25 72:8 73:2,5			

health 26:19 63:1 hear 28:11 62:6 help 32:1 60:5 helps 31:7 historically 32:17 honestly 71:18 horizontal 58:22 hours 15:18, 19, 20 20:24 21:3, 6 humid 23:24 43:22 45:17 50:12 humidity 34:4 36:6, 18 hung 40:4 49:25 hypothetical 39:24 40:11, 24 41:2 42:4 43:9 46:4 50:23 70:11 71:5, 8, 16, 23 72:3, 14 73:10	III 28:3, 8, 14, 17 29:7, 11, 14, 15, 18, 21 30:12, 20, 23 31:12 32:5, 11, 24 33:2, 3, 16 impair 10:18 important 9:20 inception 28:16 29:15 include 38:2 included 14:4 18:12 20:14 22:2 25:5, 6 28:8, 15 29:7 includes 23:6 26:21 27:5 34:11 including 20:4 26:23 29:25 32:15 62:16 incomplete 39:24 40:11 43:9 46:4 50:23 71:5, 16, 23 72:14 73:10 indistinct 14:11 28:9 52:10 60:9 61:24 63:2 67:8 70:6 industry 34:24 43:18 45:12 62:22 64:14 65:11 information 20:1 23:10 informed 21:17	inserted 69:23 73:23 install 37:20, 21 39:3, 16, 17 40:6, 7 41:21 51:9 58:5 installation 34:10 43:18 45:12 46:13 49:4 50:8 68:14 installed 18:7 36:16 37:23 39:5, 7 43:20 45:3, 4, 14, 19, 25 46:18, 22, 23 47:16, 21, 22 48:2, 12 49:6 50:9, 19, 21 52:19 67:3 installer 39:15 40:4 installing 34:9 36:19 37:16 38:3 42:17 43:5 56:8 68:10, 19 instance 53:13 insulation 46:16 intact 55:8 intent 53:1, 10 interconnecte d 58:22 59:7 interior 29:23 32:16 46:15 47:24 International 24:4, 6 54:18, 21	interrupt 26:7 interviews 63:3, 8 introduced 13:4 introduction 64:13 intumescent 61:2, 10 invention 69:21 73:22 involve 38:10 58:9 involved 26:22 36:20 38:10 39:11 51:10 53:1 69:12 involves 43:5 involving 11:16 issue 18:11 item 23:5 62:10, 17 items 66:7, 10
<hr/> <div style="text-align: center;">I</div> <hr/>			
I-JOIST 24:2 I-N-T-U-M-E- S-C-E-N-T 61:14 IBC 23:14 24:8 28:8, 15 29:5 54:21, 24 55:4 idea 21:6 36:17			
			<div style="text-align: center;">J</div> <hr/> joint 34:5, 8, 11, 12, 15, 20 35:4, 10, 22 36:7, 8, 9, 20 37:4, 17 39:18 40:8 43:22 45:16 50:12 joist 39:16 40:4, 16 41:21 44:3, 13, 17, 25 45:3, 19,

25 46:22 47:15 49:25 50:18, 20 51:10 52:2, 15 55:23 56:11 57:22 58:5, 18 59:1 67:1, 4, 21 68:7 73:25 74:23 joists 47:22 48:1, 12 57:23, 24, 25 58:6 59:1, 2, 3, 4 68:8 June 24:10	52:6 53:12 54:5 55:17 56:25 57:6, 12, 15 60:23 62:2, 7 63:10, 17, 23 64:8 65:1, 22 66:16 67:18 69:5 70:22 71:10, 20 72:5, 20 73:15 74:13, 24 75:6, 13 kind 11:1 44:17 61:5 72:23 73:1 know 10:5 14:13, 18 17:10 20:7 22:3 23:9 25:2 27:24 29:15 33:22 34:25 37:7 38:11 40:25 42:25 48:23 51:23 54:6, 10, 14 57:18 60:5, 20 61:17 67:25 72:2, 11 73:13 knowing 20:3 36:2 41:2 knowledge 25:4 known 18:21 43:16 45:10 Krieger 14:13 16:25 17:21 22:12 23:1 25:22 26:6 28:18 31:2, 14 32:7 33:5 34:13, 21 35:12, 23	37:10 39:19, 23 40:10 42:22 43:7 44:6, 20 45:5 46:3, 24 47:9, 17 48:3, 14 49:14, 19 50:1, 22 51:13, 17 52:3, 20 53:25 55:1 57:4 60:18 61:25 62:5 63:5, 14, 21 64:1, 20 65:16 66:12 67:13 68:21 70:17 71:4, 15, 22 72:13 73:9 74:7, 16 75:8, 17, 18, 23	list 20:6, 9, 15 22:1 25:9 35:15 61:23 62:14, 15 63:4, 12, 19 72:24 listed 12:13 14:3, 7, 25 15:2, 6 18:12 63:24 66:10 72:7 little 30:21 52:16 long 15:15, 17 22:7 28:9 40:1 43:15 45:10 look 19:7 25:1 29:1 30:9 75:1 looking 20:5 48:24 57:16 58:13 64:9 67:24 lot 8:12 31:12 32:5 lumber 58:7
<hr/> K <hr/> Karen 42:2 Karen's 22:9 57:12 keep 42:1 59:16 Keulen 6:17 7:12 8:10, 19, 22 13:5, 7 14:17 17:5 18:2 22:20 23:7 24:18 26:5, 8 28:22 31:8, 18 32:20 33:10 34:17 35:2, 17 36:4 37:18 39:21 40:2 41:4 43:2, 13 44:11, 22 45:18 46:20 47:6, 13, 25 48:9, 22 49:16, 21 50:13 51:11, 15, 18, 22		<hr/> L <hr/> labor 68:4 69:10 language 16:21 30:11 large 74:22 late 31:13 32:6 lawful 6:13 layperson 30:8 Light 23:25 limitations 55:11 limits 69:10 Lindsay 6:25	
			<hr/> M <hr/> M-A-R-T-I-N 16:3 M-I-N-E-R-A-L 59:18 made 20:21 31:12 68:11 maintain 58:8, 10 68:6 69:22 70:6 71:2, 19

make 22:16 37:6 51:15 52:14 53:9 59:9, 21 73:8	55:15 56:19, 22 62:25	15	17, 19 39:10, 12 61:22, 24 66:8 67:6, 9, 22
makes 10:13 50:7	meets 53:9	Mitek 17:11, 18, 24 24:14 44:12	never 11:6 39:5 54:2
manual 23:15, 18, 20	membrane 69:11	Mitek's 16:23 17:6 18:18	nodding 10:1
mark 13:8	memorized 7:6	moisture 43:21 45:15 50:11	noncombustible 29:23 32:14
marked 13:9	memory 15:4	monitor 59:20, 24	noncompliant 55:25 56:13
Martin 16:2, 3, 7	mention 54:18 58:16 61:2	morning 6:18 7:1	normal 75:19, 23
masonry 32:14, 15	mentioned 8:23 18:3 25:23 32:23 52:12 58:15 60:20 72:17, 23 73:2	move 22:25 31:10 51:16	notation 54:20
Massachusetts 7:7, 10	met 15:12	moving 27:23 54:13	notch 71:3
material 29:24 32:15 69:11	method 37:1 67:4	multifamily 27:7 28:3	notching 68:3, 25 69:4
materials 29:23 32:24	methods 38:13, 20 52:16	Multilevel 28:3	note 46:6
matter 9:2, 4	mineral 59:6, 10, 12, 16, 18, 23 60:12	<hr/> N <hr/>	noted 6:6 36:17
mean 12:2 14:15, 18, 20 24:25 25:16 26:15 27:10 30:4, 8, 9, 10 41:14 42:1, 10 50:20 56:6, 7 58:3 59:15 63:7, 18 70:3	minimal 69:4	name 6:19, 25 7:2 15:25 23:18 61:6, 8	notes 25:16
means 38:13, 20 42:9, 12, 15 52:16	minimizes 68:3, 4, 25 69:2, 8, 10	names 35:15	novel 65:24 66:2, 9, 18, 25 67:1, 2, 9, 11 68:19
meant 67:11	minutes 57:2	necessarily 65:6	November 23:25
medication 10:17	Mischaracteri- zes 37:11 43:8 45:6 52:21 63:22 64:2 66:13	necessary 68:6	number 7:19, 24 21:6 55:9 69:10
meet 15:10, 15 16:8 38:19	mispronounced 6:20	need 8:10 23:10 24:21 27:16 36:11 40:25 53:5 57:1 61:12, 20 62:25 66:6 72:10 73:6 75:22	numbers 21:1
	Misstates 47:18 48:4,	needs 36:16 38:11,	<hr/> 0 <hr/>
			oath 6:9 10:21
			Objection 16:25 17:21

28:18 31:2, 14 32:7 33:5 34:13, 21 35:12, 23 37:10 39:19, 23 40:10 42:22 43:7 44:6, 20 45:5 46:3, 24 47:9, 17 48:3, 14 49:14 50:1, 22 51:13 52:3, 20 53:25 55:1 60:18 63:5, 14, 21 64:1, 20 65:16 66:12 67:13 68:21 70:17 71:4, 15, 22 72:13 73:9 74:7, 16 objections 49:17 obtain 19:23 obviously 22:21 occur 40:18 okay 6:25 7:25 9:24 10:3, 13 13:19 15:3 17:3 21:5 23:1, 3, 8, 9 25:3 28:1 29:1, 3 30:21 33:24 35:18 36:5 37:19 38:21 42:11 43:3, 14 44:14 46:21 47:14 48:10, 23 49:3, 4, 9 50:18 51:25 54:16 55:21	57:2, 7, 19 59:20, 22 61:11, 18 62:2 64:11 68:17 72:21 75:8, 11, 16, 25 one 9:2 11:7 17:13 24:24 47:8 50:5 58:25 59:8, 20 61:2 68:2 69:3 one-third 57:20 ones 14:25 open 40:22 opening 69:25 71:3 opinion 48:19 65:13, 14 opinions 65:19 options 47:8 70:13, 15, 16 order 50:19 70:6, 7 71:1 72:11 73:7 orders 75:12 ordinary 29:14, 16 30:3, 6, 8, 11, 16, 17, 18, 22, 25 32:12 outside 17:1, 21 31:2 33:6 35:12 53:3 70:17 Overbroad 72:14 73:10	owns 38:19 <hr/> P <hr/> page 12:13 13:17, 20 25:9 27:24 29:20 33:22 34:1, 3 51:24 54:14 55:18 57:17, 20, 21 61:17 62:11 pages 12:17 13:4 20:5 25:6 paint 46:16 61:2, 10 Panels 23:24 paragraph 25:20 26:9, 10 27:3, 4 29:2 33:21 34:1, 2 36:12, 24 43:15 49:2 51:5, 23 54:13 55:13, 19 57:17 61:16, 19 62:10 64:5, 9, 13 65:20, 23, 24 66:4, 11, 19, 21 67:20, 24 69:7, 17 paragraphs 65:8 part 10:5 18:12, 24 19:1 25:9 60:2 66:20 partially 42:17	particular 35:7 47:4 partitions 27:6 party 14:24 past 16:18 patent 7:19, 23, 24 11:19 16:12, 15, 21, 24 17:20, 25 18:1, 14 65:4 patented 69:21 73:22 patents 11:14, 17 16:18 path 58:19 pause 49:20 peer 15:24 16:4 pending 10:11 penetration 56:24 penetrations 54:24 55:10, 23, 24 56:1, 11, 12, 14 people 63:12 performance 24:10 58:20 perimeter 68:7 permitted 29:24 person 17:13 personal 9:2 perspective 16:17
---	---	---	---

PGR 11:6 22:14 44:4,16 phrase 36:9 56:5 physical 19:4,15,21, 23 physically 18:4 24:25 pick 8:12 pieces 39:2,13 planning 21:9 plans 38:1,2 please 6:8 7:2 16:1 22:11 23:18 61:13 75:12 PM 57:11 pocket 73:25 point 41:24 68:24 70:11 71:9 73:14 pointed 66:20 points 66:5 67:23 portion 69:24 position 25:25 26:1 possible 47:12 53:17, 21 54:11 71:21 74:4, 14 post-grant 7:18 potential 68:5	practice 43:20 45:2, 14 48:12 49:6 50:10 practices 36:19 practicing 38:5 premise 26:15 31:24 premises 26:12,16,18, 23 preparation 12:7,21 prepare 11:22 15:10, 22 16:8 19:8 21:4 prepared 13:15 14:22, 24 preparing 13:25 14:5,7 15:8 16:11 18:5,9 20:14,25 21:7 33:17 prerock 42:19 prerocking 41:6,16 42:8,12,21 43:4 previous 42:4 60:7 previously 13:9 63:24 67:6 prior 12:10 18:13 29:18 32:18 37:11 40:18 41:22 43:5,8 48:4,15 52:21 63:22 64:2,13	65:8,10,11, 21 67:3 69:21 73:21 74:11 probably 9:18 22:25 problem 22:19 proceeding 7:19 11:6 13:6,10 14:2 15:8 22:14 44:4,16 proceedings 6:4 8:16 57:9 process 34:9 39:14 40:4 44:4 46:22 52:24 53:1 74:4 produces 17:11 product 16:21,23 17:7,9,10, 15,19 18:4, 18,19 19:24 20:1 24:13, 15,16 34:16, 25 35:1,15 36:3,21 53:15,16 59:25 60:21 61:3,6,9 65:9,10,11 68:13,25 74:20 products 18:10,13,21 19:4,16,18, 21,25 35:4, 10,25 40:16 58:10,11 60:13,16 professional 20:3 62:20	profile 58:7 59:5 progress 53:8 project 38:7,20 39:4 53:11,19,22 54:3,7 projects 18:25 19:2 38:7 74:22 pronounce 6:19 proper 37:20 properly 37:22 56:1, 6,14,17,20, 22 properties 61:4 protect 26:19 63:1 provide 25:1 35:16 38:9,17 39:3 63:1 64:14 65:11 70:11, 12 71:7 72:24 provided 7:18 12:10 17:9 20:1, 11,12 68:15 provides 69:9 providing 23:10 64:7 public 26:20 pull 13:11 purposes 13:5 36:1 put 38:14 49:17 51:6
--	--	--	--

putting 38:1 41:18	read 36:12 45:8 56:10 66:24 69:16 75:9	related 9:4 11:14,16 42:5	requirement 56:23
<hr/> Q <hr/>		relation 11:6 56:18	requirements 38:9 53:10 55:3,6,14 56:18,19 62:24
qualification s 64:6	reading 46:8	relative 34:3 36:6,17	requires 34:10 36:19 57:23 59:1 68:15
qualify 71:13	ready 35:7 57:12	remain 55:16	reserve 22:21 24:20 25:23 75:9
quality 8:11	reason 10:14 42:18 67:9	remaining 39:17 40:7	Residential 28:3
question 9:21 10:4,5, 6,11 17:4 19:10,11 26:25 27:21, 22 29:6 30:21 31:21, 23,24 33:14 41:12 42:3 43:12 44:9, 14 45:24 47:2 48:8 49:17 50:14 51:21 52:9, 13 62:4 63:9 66:15 73:14 74:9	recall 9:17 15:17 54:4	remains 55:8	resistance 55:25
	recalling 15:1	remote 21:24	respectfully 63:19
	received 69:25 73:24	renovation 74:22	respond 60:14
	recited 67:4	repeat 8:7 23:17	response 25:25 71:8 72:4
	record 7:3 8:11,15, 17,20 10:12 16:1 21:23 22:6,24 24:20 26:3,5 57:8,10,13 75:12	rephrase 11:3 17:3 18:15 19:11 60:15 66:14	restate 31:20,25 45:23 48:7 61:8
questions 9:23 37:8 75:1,5,7,9	refer 7:22,24 24:24,25 26:11 31:5 45:2 65:24 75:1	replace 36:8,9 37:4	review 7:19 11:19 12:6,18 14:1 15:7 16:12, 13 18:6,10, 17,18 20:13 27:6,10,16 44:3
quite 33:1	referenced 25:12	report 27:24	
quote 58:20	referred 16:4 30:3	reporter 6:7,10 7:8, 11 8:14,21 23:17,21 57:7,14 75:11,16,21, 25	
<hr/> R <hr/>	referring 34:18 35:1 41:1 47:3 56:16 58:25 59:12 64:25 66:25 72:19 75:4	request 20:13 22:21 24:20	
Raise 6:7		requested 20:10 22:18	
rating 58:8,10 68:6		require 40:17 58:7 59:5 68:11	
ratings 58:9		required 37:21 38:18 53:10 55:4 58:4 68:18 69:22 71:19	
re-depose 25:24	regarding 33:15		reviewer 15:24 16:5
			right 6:7,18 17:12

22:21 24:20 25:20, 23 26:9 29:1 33:25 35:3 43:14 44:5 45:1 57:16 65:23 67:7 72:21 75:9 risk 55:25 56:13 Robson 7:13 9:12 11:10, 11, 12, 13, 20 15:24 38:5 role 11:20 roof 43:19 45:14 46:11 47:22 49:5 50:9 51:8 rough 75:14, 18, 19 rules 9:19 <hr/> <p style="text-align: center;">S</p> <hr/> safe 73:8 safety 24:11 26:12, 16, 18, 19, 23 60:1 63:1 sample 19:23 saying 6:20 8:13 11:10 28:25 41:9 45:9 46:2 47:15 48:1, 11 59:16 says 62:9 67:7 69:13, 15	scope 17:1, 22 31:3 33:6 35:13 70:18 sealants 68:5 second 23:5 34:2 59:20 64:24 69:7 second-to-last 27:4 52:7 seconds 59:21 section 27:23 28:2 46:7 57:1 58:14 sections 30:18 31:5 see 27:8 28:5 34:6, 7 49:10 52:11 56:3, 4 58:1 62:8, 9, 10, 12 64:16, 17 70:1, 2 74:1, 2 seeing 36:25 sense 10:13 56:9 sentence 27:4 34:2, 7 36:5, 10 43:15, 24 45:3, 8 48:25 49:1, 2, 10, 11, 13 50:4, 6 52:8 55:19 56:3, 5, 10 57:21 58:1, 24 60:7 64:12, 17, 19, 24 66:23, 24 67:7 69:7, 13, 15, 20	70:1, 4 71:14 73:20 74:2, 5, 10 sentences 58:16 separate 42:3 sequence 46:7, 8 series 61:1 shaking 10:1 sheathed 46:13 sheep's 59:16 sheet 17:9, 16 24:13, 15, 16 68:13 Sheetrock 41:19 42:17, 19 43:5 68:16, 18 sheets 20:1 35:16 shortage 53:16 side 43:21 45:16 50:11 sign 75:9 signature 13:20 signed 13:22 similar 14:24 Simpson 18:10, 13, 18, 21 19:4, 15, 17, 21, 24 20:4 24:15 single 30:9 69:3	site 47:5 53:8 sites 38:7 sitting 21:5, 9 35:9 43:3 situation 44:2 53:14 58:21 size 72:7, 8 73:2, 5 slit 68:11 slot 68:15, 17 69:3 73:24 slowly 22:9 small 74:22 solid 58:7 solution 64:15 69:8, 10 sort 10:2 sound 8:11 sounded 59:10 sounds 37:4 41:20 space 59:7 70:6 spaces 58:23 speak 9:21 15:21 22:9 33:8, 12, 13, 14 speaking 36:15 50:7 56:10
---	--	--	--

special 57:23 58:3 59:1,5 specific 30:11 33:13 36:3 41:12 55:7 60:8,11 65:11 71:9 specifically 19:7 20:10 30:15 32:22 35:1 47:3 52:5 66:2 specification 35:8 39:11 specifications 56:23 specified 19:1 specs 39:9 speed 22:8 spell 15:25 61:12 spend 20:25 spent 21:7 spoke 15:23 spread 58:19 standard 43:20 45:2, 14 48:12 49:6 50:10 standards 62:24 stars 54:12 started 9:12 22:13 25:22 starting 73:19	starts 27:24 46:9 state 7:2 25:24 27:5 34:3 43:15 49:10, 11,23 55:5, 12,22 57:22 61:19 64:12 66:19 68:2 69:20 73:20 stated 29:20 41:23 47:20 48:20 51:4 64:4 65:8,20,21 66:4 67:6,20 74:11 statement 31:17 50:25 64:23 statements 48:18 62:17 states 29:18 69:7 stating 32:2 36:14 steps 38:2 strip 39:15 40:5 Strong-tie 24:16 structure 73:23,25 structures 31:12 32:5 sub-bullet 67:25 sub-bullets 66:11,21 subfloor 47:22 subflooring 46:10 51:7 subject 42:5,6	submitted 14:2 15:7 succeeding 62:11 summarizes 64:5 summary 24:7 25:9 28:21 supporting 11:25 12:1 sure 7:4 8:2 13:13 14:14, 15 16:2 23:19 28:25 31:25 37:6 42:14 50:15 51:16 52:12, 14 53:9 56:21 57:3 59:9,21 61:18 63:7 70:12 72:19 survey 63:11 sworn 6:8,14 system 55:16 56:9, 13 <hr/> T <hr/> table 12:17 14:8 15:6 25:6,13 take 50:4 57:1 taken 7:17 9:1,12 taking 7:1 10:12 talk 29:4 41:14 52:1 54:17 67:8	talked 45:1 52:15 talking 34:19 36:3, 23 37:1 41:20,25 42:1 44:2 60:10 66:5 technical 39:8 tell 22:3 55:19 64:9 temperature 34:3 36:6,17 template 68:15 ten 9:18 21:2 tend 22:8 term 30:6,18 37:4 42:8,21 43:4 63:8 terms 36:24 37:16 42:9,15 tested 60:11 testified 6:14 testify 10:15 testifying 10:21 testimony 7:18 10:18 37:11 43:8 48:4,15 52:21 63:22 64:2 Thank 7:11 22:20 23:21 24:19 26:6 51:17 57:5,6 69:16
--	--	---	--

<p>75:25 thing 10:2 49:21 things 22:24 38:24 think 8:10 19:9 28:15, 20 31:10 37:9 42:14 43:11 48:7 52:7 69:6 thorough 38:23 thought 49:20 50:5 three 7:23 Tim 15:12, 16 16:7 Timber 23:15, 19 time 18:13 20:20 21:14 27:20 28:9 30:19 33:9 43:17 45:11 67:17 69:12 71:8 74:11 75:23 times 8:5, 8, 9, 24 titled 28:2 today 7:17 10:15, 18 15:22 21:5, 8, 9 35:9 43:3 60:25 70:25 75:2, 14 today's 11:22 12:22 15:8, 11 16:8 top 39:16 40:5, 6</p>	<p>41:22 Torizzo 7:4 traditional 57:22 58:25 training 62:19 transcript 75:19 treat 55:14 treatment 59:6 treatments 55:7 trim 46:16 true 48:19 truthfully 10:15 try 22:9 trying 36:23, 24 37:6 73:6 Tuesday 75:15, 22 turning 26:9 Twice 8:6 two 8:8, 9, 24 9:6 15:1 59:21 type 14:25 28:3, 8, 14, 17 29:7, 11, 13, 15, 17, 20 30:12, 20, 23 31:6, 12 32:5, 11, 19, 23 33:2, 3, 16 53:14 59:25 74:4</p>	<p>types 8:25 27:7 30:13 31:1 typically 45:21, 22 47:15 51:6</p> <hr/> <p>U</p> <hr/> <p>UBC 29:15 uh 9:21 15:17 22:14 27:16 36:18 39:11 40:17 41:3 53:18 55:18 56:11 58:16 62:6 63:1 64:18, 23 65:3 69:1 71:19 ultimately 52:19 unclear 40:25 understand 7:16 10:2, 4, 8, 20 17:4, 18, 24 26:1 31:22 32:1 36:13, 23 38:23 41:9, 10 42:4, 7, 10 44:5 63:7 72:11 73:6 understanding 14:21 16:14, 16, 20, 22 20:2 26:21 30:17 37:7 38:23 39:1, 6, 8 41:1, 5, 16, 18 42:8, 13, 16, 20 43:4 44:24 65:3, 6</p>	<p>Understood 72:6 unforeseen 53:4 Uniform 23:5, 12 unique 54:8 unknown 71:25 USG 36:18 utility 55:24 56:12</p> <hr/> <p>V</p> <hr/> <p>Vague 37:12 48:16 Van 6:17 7:12 8:10, 19, 22 13:5, 7 14:17 17:5 18:2 22:20 23:7 24:18 26:5, 8 28:22 31:8, 18 32:20 33:10 34:17 35:2, 17 36:4 37:18 39:21 40:2 41:4 43:2, 13 44:11, 22 45:18 46:20 47:6, 13, 25 48:9, 22 49:16, 21 50:13 51:11, 15, 18, 22 52:6 53:12 54:5 55:17 56:25 57:6, 12, 15 60:23 62:2, 7 63:10, 17, 23 64:8 65:1, 22</p>
--	---	--	--

66:16 67:18 69:5 70:22 71:10, 20 72:5, 20 73:15 74:13, 24 75:6, 13 variables 72:24 variety 70:12, 15, 16 verbal 9:25 versions 19:4 versus 69:3 vertical 58:22 visualize 36:24 voice 22:8	wanted 41:21 waste 69:12 way 10:18 32:10 42:17 72:7 ways 37:20 weathertight 40:19 46:14 47:23 web 68:8 webs 57:25 59:3 welfare 26:19 63:2 went 59:20, 24 75:2 wet 43:22 45:17 50:12 whatever's 22:18 widely 18:22 William 16:2 windows 46:13 witness 6:9, 13 7:10 9:4 17:3, 23 23:2, 19, 22 28:19 31:4, 16 32:9 33:7 34:14, 23 35:14, 24 37:13 39:25 40:12 42:24 43:10 44:8 45:7 46:5 47:1, 11, 19 48:6, 17 50:3, 24	51:19 52:4, 23 54:1 55:2 57:3, 5 60:14, 19 62:3 63:6, 15 64:3, 21 65:18 66:14 67:15 68:23 70:19 71:6, 17, 24 72:15 73:12 74:8, 18 witness's 37:11 43:8 48:4, 15 52:21 63:22 64:2 66:13 wood 28:4 29:25 30:2 31:13 32:16, 21, 22, 23, 25 33:2, 4, 16 wood-framed 27:6 wool 59:6, 13, 16, 17, 19, 23 60:12 word 26:17 30:22 42:14 59:8 words 36:2 37:15 52:11 work 8:1 11:14 21:10 27:12 worked 11:9 19:17 working 9:12 19:20, 22 37:25 43:17 45:11 works 57:4 worries	28:13 worse 8:12 write 20:17 49:13 written 20:18 39:9 47:4, 14 49:7 wrong 11:11 31:24 wrote 20:19 36:6 70:4
<hr/>			
W			
<hr/>			
W-I-L-L-I-A-M 16:2 W-O-O-L 59:19 wait 9:21 49:17 wall 34:19 36:25 38:11 40:6 56:9, 23 69:24 72:2 walls 29:22 32:14 46:10 47:22 51:7 58:20 want 21:3 25:24 26:2 27:18 51:15 52:14 59:9 70:10 71:7 72:3			