

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

SIMPSON STRONG-TIE COMPANY INC.,

Petitioner,

v.

Case No.

COLUMBIA INSURANCE COMPANY,

PGR2024-00050

Patent Owner.

DEPOSITION OF

SAM HENSEN

DATE: Tuesday, September 16, 2025

TIME: 9:59 a.m.

LOCATION: Shartsis Friese LLP

425 Market Street, 11th Floor

San Francisco, CA 94105

OFFICIATED BY: Lauren Craig

JOB NO.: 7592209

A P P E A R A N C E S

ON BEHALF OF PETITIONER SIMPSON STRONG-TIE COMPANY INC.:

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P R O C E E D I N G S

THE OFFICER: Good morning. My name is Lauren Craig. I'm the reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 9:59 a.m.

This is the deposition of Sam Hensen, taken in the matter of Simpson Strong-Tie Company, Incorporated vs. Columbia Insurance Company on September 16, 2025, at 425 Market Street, 11th floor, San Francisco, California.

I am a notary authorized to take acknowledgements and administer oaths in California.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same manner as a deposition recorded by stenographic means; and
- shall constitute written stipulation of such.

At this time, will everyone in attendance

1 please identify yourself for the record, starting with
2 the taking attorney.

3 MR. EIDSON: Scott Eidson on behalf of
4 the patent owner, Columbia Insurance Company, from the
5 Stinson Law Firm,

6 MS. HOLOUBEK: Michelle Holoubek,
7 representing Petitioner Simpson Strong-Tie, from Sterne
8 Kessler Goldstein & Fox.

9 THE OFFICER: Thank you. Hearing no
10 objection, I will swear in the witness.

11 Please raise your hand.

12 WHEREUPON,

13 SAM HENSEN,
14 called as a witness and having been first duly sworn to
15 tell the truth, the whole truth, and nothing but the
16 truth, was examined and testified as follows:

17 THE OFFICER: Thank you.

18 You may proceed.

19 MR. EIDSON: Thank you.

20 EXAMINATION

21 BY MR. EIDSON:

22 Q Good morning, Mr. Hensen. How are you?

23 A Good morning. Doing well.

24 Q We've done this a few times before. So I
25 assume that I don't need to go over the basics of the

1 deposition and how this is going to go today. Is that
2 fair?

3 A That's fair.

4 Q Okay. Only reminder I want to give you is
5 that if we've got a question pending, that we answer the
6 question before we take any breaks. Does that sound
7 fair?

8 A That does.

9 Q Okay. And we'll go at your pace today. If
10 you do need a break, just let me know; all right?

11 A Sounds good.

12 Q All right. And then do you have any
13 medication that would affect your ability to testify or
14 are you on any medication that would affect your ability
15 to testify truthfully or accurately today?

16 A I'm not.

17 Q Okay. And do you have any medical conditions
18 that would affect your ability to testify truthfully or
19 accurately today?

20 A I do not.

21 Q Very good. Last time we chatted was March or
22 April 2025. Do you recall that?

23 A I do.

24 Q Okay. And during that deposition, we went
25 over your training, certifications, your job title.

1 Have there been any changes since that last deposition
2 to any certifications you may have had, training, job
3 titles?

4 A No, there have not.

5 Q Okay. No change in responsibilities since
6 then?

7 A No.

8 Q And you understand that you are here today
9 based on a declaration that you prepared in the 339
10 patent PGR; correct?

11 A Correct.

12 Q And I'll hand you a copy of that declaration.
13 Your declaration is Exhibit 1047.

14 (Exhibit 1047 was marked for
15 identification.)

16 You recognize this as the declaration you
17 prepared for this proceeding; correct?

18 A Yes, I do.

19 Q That's your signature on the last page; right?

20 A Yes, that's correct.

21 Q How long did it take you to prepare this
22 declaration?

23 A Over the course of a couple weeks, probably 10
24 or 12 hours.

25 Q Did you prepare the entirety of the

1 declaration?

2 A I did not.

3 Q Who else worked with you to prepare the
4 declaration?

5 A Legal Counsel.

6 Q And who was that?

7 A I don't recall specifically who the names
8 were.

9 Q Somebody at the Shartsis firm or the Sterne
10 Counsel firm?

11 A The Shartsis firm.

12 Q Was there more than one attorney that worked
13 with you to prepare this declaration?

14 A Not that I'm aware of.

15 Q And I assume you reviewed the declaration and
16 certainly stand by all the statements in this
17 declaration; correct?

18 A Correct.

19 Q Paragraph -- review your declaration. So if
20 you recall -- and my questions are about paragraph 3.
21 And we're just going to kind of walk through your
22 declaration today, Mr. Hensen, in an orderly fashion.
23 So if you need some time to review the contents before I
24 ask a question, let me know; okay?

25 A Okay.

1 Q You recall that in prior proceedings in the
2 510 litigation, you've been designated as a corporate
3 representative for a variety of topics in that
4 litigation; correct?

5 A That's correct.

6 Q All right. And that requires you to do some
7 investigation and prepare for those topics; correct?

8 A Yes, that's correct.

9 Q You were also designated as an in-house
10 expert, so to speak, under Rule 26. And that would be
11 in the 510 litigation; correct?

12 A That's correct.

13 Q And you provided certain expert testimony on
14 certain topics based on a disclosure that you prepared
15 in that litigation; correct?

16 A Yes, I believe so.

17 Q Okay. And in paragraph 3 here, it says you
18 have had occasion to investigate further through review
19 of documents and communications with other former and
20 current Simpson employees many of the issues relevant to
21 both that action and this proceeding. Do you see that
22 at the end of paragraph 3?

23 A I do see that.

24 Q Okay. Then you say that your communications
25 that you had -- you reviewed documents and

1 communications with other former and current Simpson
2 employees.

3 So my question is going to be about that;
4 okay? And when you say you reviewed documents and
5 communications, did you review emails?

6 A I don't recall.

7 Q When you reviewed communications, what did you
8 review?

9 A I think they were verbal communications.

10 Q So you had additional verbal communications
11 after your last testimony with Simpson employees that
12 further helped your understanding as it pertains to this
13 matter?

14 A No, I wouldn't say that. I would say
15 clarification of understanding.

16 Q Okay. So whenever you say in paragraph 3 that
17 you reviewed of documents and communications, is it fair
18 to say that you didn't review any additional documents
19 and communications? It was just verbal conversations
20 with Simpson employees?

21 MS. HOLOUBEK: Objection. Form.

22 THE WITNESS: No, I don't think I stated
23 that either. Your original question was: did I review
24 emails of communications with former employees and
25 existing employees?

1 And what I state here is that I reviewed
2 documents and communications. And so reviewing the
3 documents of patents and our products are what I did to
4 help further write this declaration.

5 BY MR. EIDSON:

6 Q So you reviewed documents of patents in your
7 products. Any other documents you recall reviewing in
8 order to help you formulate your opinions that you have
9 in this declaration?

10 A I think they're stated in this declaration.

11 Q So all the documents you reviewed are
12 identified in this declaration?

13 A To the best of my knowledge, yes.

14 Q Nothing else?

15 A Not that I recall.

16 Q Okay. And likewise, the communications that
17 you had, are they all identified in this declaration?

18 A To the best --

19 MS. HOLOUBEK: Objection. Form.

20 THE WITNESS: To the best of my
21 knowledge.

22 BY MR. EIDSON:

23 Q No other communications that you had that bear
24 on your opinions?

25 MS. HOLOUBEK: Objection. Form.

1 THE WITNESS: Not that I recall.

2 BY MR. EIDSON:

3 Q You said -- and then you said you reviewed
4 documents and communications with other former and
5 current Simpson employees.

6 What conversations did you have with former
7 Simpson employees, if any, to help reach the conclusions
8 that you have in this declaration?

9 A Give me a second here.

10 Q Sure.

11 A I think I may have had conversations with Tom
12 Evans regarding the DU hangers prior to my becoming the
13 vice president of connectors and lateral systems, just
14 for a better understanding of some of the -- the dates
15 and so forth.

16 Q Who else did you have a conversation with?

17 A Current employees. I spoke with Randy
18 Shackelford on the IBC and the timelines of the IBC and
19 when those codes were adopted.

20 Q Okay. Who else?

21 A I don't recall.

22 Q Nobody else you recall other than Mr. Evans
23 and Mr. Shackelford?

24 A No, not that I can recall.

25 Q Other than -- so -- and they're both current

1 Simpson employees; correct?

2 A No, that's incorrect.

3 Q Mr. Shackelford is not?

4 A No. Mr. Evans is retired and has been for
5 some time.

6 Q That's right. Mr. Shackelford is a current
7 employee; correct?

8 A He is.

9 Q Is there any other person that you spoke with
10 regarding the substance of what is in your declaration?

11 A Legal counsel.

12 Q Anybody else?

13 A Not that I'm aware of.

14 Q You say you spoke with Mr. Evans regarding the
15 DU hanger. When did you talk to him?

16 A Sometime before writing this declaration.

17 Q You don't recall the date?

18 A I don't recall the date.

19 Q And when did you speak with Mr. Shackelford?

20 A Shortly after talking to Mr. Evans.

21 Q Do you know a specific date?

22 A I don't.

23 Q Look at paragraph number 5. Paragraph 5 and
24 then paragraph 6 discuss the International Building
25 Code. Do you see that?

1 A I do.

2 Q And your understanding of the International
3 Building Code not being controlling and when it was
4 first introduced, is that something that you gleaned
5 from Mr. Shackelford?

6 MS. HOLOUBEK: Objection. Form.

7 THE WITNESS: I think I developed a
8 better understanding of -- of that during that time.

9 BY MR. EIDSON:

10 Q During the time you had a conversation with
11 Mr. Shackelford?

12 A That's correct.

13 Q And what did Mr. Shackelford tell you about
14 the IBC?

15 MS. HOLOUBEK: Objection. Hearsay.

16 THE WITNESS: We talked about the timing
17 of the IBC, when it was first introduced, and a little
18 bit more about type three and type five construction in
19 those model codes.

20 BY MR. EIDSON:

21 Q And is what Mr. Shackelford conveyed to you
22 reflected in paragraphs 5 and 6?

23 A I would say some of it. And it's my own
24 understanding of it, reading the documents as well.

25 Q Okay. Which portion of paragraph 5 is what

1 Mr. Shackelford conveyed to you?

2 A I -- I would say that's my understanding of
3 the codes.

4 Q Without any input from Mr. Shackelford?

5 A That's correct.

6 Q And what portion of paragraph 6 was what Mr.
7 Shackelford conveyed to you?

8 A A little bit more clarification on type three
9 and type five construction.

10 Q So is it the entirety of paragraph 6 then?

11 MS. HOLOUBEK: Objection. Form.

12 THE WITNESS: I would say that he
13 provided some guidance on paragraph 6.

14 BY MR. EIDSON:

15 Q And are you able to identify the substantive
16 guidance that he provided that's reflected in paragraph
17 6?

18 A We talked about the different height and
19 occupancy levels of type three and type five
20 construction and what the limitations were of type five
21 at the time and why the wood industry would want to go
22 to type three construction to compete with steel and
23 concrete and, like, a better understanding of that from
24 the timeline during that discussion.

25 Q And so that -- those were substantive points

1 that came from Mr. Shackelford; correct?

2 MS. HOLOUBEK: Objection. Form.

3 THE WITNESS: And my reading of the
4 documentation.

5 BY MR. EIDSON:

6 Q Was there anything that you learned from Mr.
7 Shackelford that was not based on your reading of the
8 documentation?

9 A I believe it was more clarification.

10 Q And what did he help you clarify?

11 MS. HOLOUBEK: Objection. Asked and
12 answered.

13 THE WITNESS: I think I already stated
14 that.

15 BY MR. EIDSON:

16 Q You can answer again.

17 A I stated type three and type five construction
18 and the -- and occupancy levels of those.

19 Q What wasn't clear about that for -- to you
20 before you had your conversation with Mr. Shackelford?

21 A The timing of when those occurred.

22 Q Just the timing?

23 A I believe so.

24 MS. HOLOUBEK: Objection. Form.

25 //

1 BY MR. EIDSON:

2 Q What was your answer, Mr. Hensen? I didn't
3 hear you.

4 A I believe so.

5 Q Let's look at paragraph 7. You see that?

6 A I do.

7 Q Okay. Paragraph 7 discusses WoodWorks and the
8 American Wood Council. My question is: did you
9 personally participate in any of the advocacy efforts
10 from WoodWorks?

11 A I did.

12 Q What efforts did you do or did you undertake
13 on behalf of WoodWorks?

14 A Simpson Strong-Tie provided product knowledge
15 training to engineers and architects and contractors,
16 those specifying in constructing buildings during the
17 late 2000s.

18 And we had representatives from WoodWorks and
19 the American Wood Council participate in our product
20 knowledge training courses with those attendees.

21 And so WoodWorks and American Wood Council
22 were given specific times during our training to those
23 attendees where they could speak on behalf of WoodWorks,
24 the wood industry, and advocate for taller structures
25 using wood.

1 Q Okay. And so what part of the training did
2 you do?

3 MS. HOLOUBEK: Objection. Form.

4 THE WITNESS: I led the training, started
5 off the training, spoke about seismic and wind design of
6 the structures, and then handed that off to other people
7 training in the course.

8 BY MR. EIDSON:

9 Q And were you leading the training that
10 resulted in the advocacy to use wood and type three
11 construction?

12 A The training was sponsored and wholly put on
13 by Simpson Strong-Tie with WoodWorks and the APA -- or
14 I'm sorry -- the American Wood Council as attending
15 speakers. And so I would say on behalf of Simpson, yes.

16 Q Okay. So I guess my question is I want to
17 know what you did specifically to advocate for the
18 increase of wood and type three construction.

19 A We hosted and paid for training for specifiers
20 to come learn from WoodWorks and American Wood Council
21 on how to use these new thoughts on type three
22 construction for wood.

23 Q And as part of that hosting and training, what
24 did you specifically do during any of that session?

25 A I coordinated and introduced the speakers to

1 provide the information to those attending.

2 Q Did you do anything else?

3 A I thanked everybody for coming and provided
4 them information for contacts if they had further
5 questions.

6 Q Did you provide any training yourself while
7 you were there?

8 MS. HOLOUBEK: Objection. Form.

9 THE WITNESS: I think I've already
10 answered that question.

11 BY MR. EIDSON:

12 Q What was the answer?

13 A I provided training on wind and seismic design
14 for structures.

15 Q Did you provide any training related to the
16 use of wooden type three construction?

17 A That training was provided by WoodWorks and
18 American Wood Council as a part of our training overall
19 to the attendees.

20 Q And so then the answer to my question would be
21 you did not provide any training for the use of wood and
22 type three construction during this event; correct?

23 MS. HOLOUBEK: Objection. Form.

24 Objection. Mischaracterization.

25 THE WITNESS: Not me specifically.

1 BY MR. EIDSON:

2 Q Did you personally advocate for any
3 modifications to the IBC to allow taller wood structures
4 with higher occupancy levels?

5 A Did I personally? No.

6 Q Was that something that WoodWorks and American
7 Wood Council were doing?

8 MS. HOLOUBEK: Objection. Form.

9 THE WITNESS: I think they were leading
10 that cause and with Simpson standing behind that cause
11 and supporting through providing avenues for them to
12 speak to specifiers and engineers. Yeah, I think we
13 were advocating that alongside them.

14 BY MR. EIDSON:

15 Q Who specifically was doing the advocating for
16 modifications to the IBC to allow taller wood
17 structures?

18 MS. HOLOUBEK: Objection. Form.

19 THE WITNESS: I believe it was WoodWorks
20 and American Wood Council.

21 BY MR. EIDSON:

22 Q Who at Simpson was doing that?

23 MS. HOLOUBEK: Objection. Form.

24 THE WITNESS: Everybody in attendance for
25 those classes.

1 BY MR. EIDSON:

2 Q Do you know of anybody at Simpson that
3 was -- other than attending an event, was taking an
4 active role in the advocacy portion of seeking
5 modifications to the IBC to allow taller wood structures
6 with higher occupancy levels?

7 A Not that I'm aware of.

8 Q Did you make any efforts -- by "you," I mean
9 Mr. Hensen -- to lobby and work with municipalities to
10 adopt changes in the IBC related to the use of wood and
11 type three construction?

12 A I personally did not.

13 Q Who at Simpson did?

14 MS. HOLOUBEK: Objection. Form.

15 BY MR. EIDSON:

16 Q If anyone.

17 A I don't recall.

18 Q And how did you become aware of the lobbying
19 efforts to work with municipalities to adopt changes in
20 the IBC related to the use of wooden type three
21 construction in the -- building codes?

22 A Through advertisements done by WoodWorks and
23 American Wood Council.

24 Q So through their literature?

25 MS. HOLOUBEK: Objection. Form.

1 THE WITNESS: Online postings.

2 BY MR. EIDSON:

3 Q Social media?

4 MS. HOLOUBEK: Objection. Form.

5 THE WITNESS: I don't know that social
6 media was really that large back then.

7 BY MR. EIDSON:

8 Q So your knowledge about the lobbying efforts
9 came from either their literature or online
10 advertisements; is that fair to say?

11 A I believe so.

12 Q Are you aware of what municipalities receive
13 lobbying efforts from American Wood Council or
14 WoodWorks?

15 MS. HOLOUBEK: Objection. Form.

16 THE WITNESS: I'm not aware.

17 BY MR. EIDSON:

18 Q Do you know how many municipalities?

19 MS. HOLOUBEK: Objection. Form.

20 THE WITNESS: Four courses that we were
21 providing with Simpson together with American Wood
22 Council and -- and WoodWorks was all throughout the
23 southeast.

24 That's where I was engineering manager
25 during the time. So 14 of the southeastern states we

1 were providing those workshops to. And I assumed that
2 that was happening in jurisdictions all throughout those
3 areas.

4 During that time, I wasn't aware of what
5 was going on nationally. But I know that WoodWorks has
6 a national focus.

7 BY MR. EIDSON:

8 Q And I'm talking about the lobbying efforts and
9 working with municipalities, not just the presentation
10 of the workshops.

11 A Well --

12 Q My question was: how many municipalities are
13 you aware of that receive lobbying efforts?

14 A Yeah, lobbying efforts are also done through
15 training. And so, you know, while WoodWorks is there
16 doing training, they're also talking to municipalities.
17 So it could have been thousands. I have no idea.

18 Q So what's the difference between lobbying and
19 education?

20 MS. HOLOUBEK: Objection. Form.

21 THE WITNESS: There's a big difference.
22 But they usually go hand in hand. If they're there
23 doing training for those jurisdictions where the
24 specifiers are being trained, then they're also taking
25 time out and going to the building officials and doing

1 lobbying and so forth.

2 BY MR. EIDSON:

3 Q And so my question then is about the lobbying
4 part.

5 A Okay.

6 Q How many municipalities receive lobbying
7 efforts on behalf of American Wood Council and
8 WoodWorks?

9 A I have no idea.

10 Q Paragraph 7, you say "Advocate" -- excuse
11 me -- "Educating and encouraging those in the industry,
12 including architects, structural engineers, contractors,
13 developers regarding use of wood and type three
14 construction, do workshops and seminars throughout the
15 United States." Do you see that?

16 A I do see that.

17 Q Okay. And those workshops and seminars were
18 some of the efforts that you were referring to that
19 Simpson hosted; correct?

20 A That's correct.

21 Q Okay. And who specifically in the
22 industry -- I see you've got some general categories of
23 architectural, structural engineers, contractors, and
24 developers.

25 Do you recall anybody specific that received

1 these education efforts regarding the use of type three
2 construction?

3 MS. HOLOUBEK: Objection. Form.

4 THE WITNESS: I don't recall the names.

5 BY MR. EIDSON:

6 Q Page 78.

7 A Okay. I see that.

8 Q Who received the inquiry from Mr. Shepard?

9 MS. HOLOUBEK: Objection. Form.
10 Foundation.

11 THE WITNESS: I did.

12 BY MR. EIDSON:

13 Q You did? So Mr. Shepard reached out to you in
14 2009?

15 A That's correct.

16 Q And what did he say?

17 A That they were developing a method for
18 installing floor trusses using top cord bearing methods
19 on top of walls to fire-rated assemblies.

20 And in many cases, those floor trusses
21 terminated at structural beams or structural members.
22 And they needed a product in our solutions, our catalog,
23 that didn't fit their need exactly and that he was
24 asking us to provide a product that can meet that need.

25 Q So then the understanding about the

1 construction method Shephard Crane and Associates was
2 using in early multifamily wood frame construction, that
3 came directly from your conversations with Mr. Shepard?

4 MS. HOLOUBEK: Objection. Form.

5 THE WITNESS: Can you restate that
6 question?

7 BY MR. EIDSON:

8 Q Sure. In your declaration, you say Shephard
9 Crane & Associates was utilizing a construction method
10 in early multifamily wood frame construction. Then you
11 went on to describe it. Do you see that?

12 A I do see that.

13 Q Okay. Your understanding of that method of
14 construction that Shephard Crane & Associates was
15 utilizing came from your conversation with Mr. Shepard.
16 Is that fair to say?

17 A For that specific application that he was
18 designing of a floor truss, yes.

19 Q Have you spoken with Mr. Shepard since your
20 conversation in 2009?

21 A Of course. We provided the product for him
22 after that time and so had several conversations with
23 him about the product during that time.

24 Q When's the last time you spoke with Mr.
25 Shepard?

1 A Probably in 2017. I was contacted by Mark
2 regarding mass timber construction in high seismic areas
3 where he had been designing mass timber construction on
4 the east coast and wanted to do it on the west coast and
5 wanted to know my understanding of earthquake
6 performance with mass timber construction.

7 Q You cite some documents in this paragraph,
8 Exhibit 1078, Exhibit 1031. Do you see that?

9 A I do see that.

10 Q Did you read Exhibit 1078, which is the 341
11 patent?

12 A I took a look at -- a cursory overview of it.

13 Q So you didn't study the claims?

14 MS. HOLOUBEK: Objection. Form.

15 THE WITNESS: I did not go into detail on
16 the claims.

17 BY MR. EIDSON:

18 Q Did you read the specification or did you just
19 kind of look at the pictures?

20 MS. HOLOUBEK: Objection. Form.

21 THE WITNESS: I read the document, not in
22 its entirety, and -- and reviewed the -- the images in
23 the document. Yes.

24 BY MR. EIDSON:

25 Q Okay. How long did you spend reviewing that?

1 A Twenty, thirty minutes.

2 Q And then how did you reach the determination
3 that the method described in Exhibit 1078, which is the
4 341 patent is shown on page 6, option B of Exhibit 1031?

5 MS. HOLOUBEK: Objection. Form.

6 THE WITNESS: From the diagrams that are
7 listed in the document.

8 BY MR. EIDSON:

9 Q So you just compared the pictures?

10 MS. HOLOUBEK: Objection. Form.

11 THE WITNESS: Compared the pictures to
12 what? I don't understand your question.

13 BY MR. EIDSON:

14 Q Well, you said you looked at the diagrams. So
15 tell me about your analytical process where you made the
16 determination that the method in the 341 patent that you
17 see in option B in Exhibit 1031.

18 A The document clearly shows the framing
19 technique of installing top cord bearing trusses on top
20 of wall so that the drywall can be installed because the
21 bottom quarter of the truss is left short to allow for
22 drywall to be split up.

23 Q So -- and you made that determination by
24 looking at the pictures; is that fair to say?

25 MS. HOLOUBEK: Objection. Form.

1 THE WITNESS: I believe so.

2 BY MR. EIDSON:

3 Q Have you ever constructed a wall assembly with
4 a truss as depicted in Exhibit 1031?

5 A I have not specifically.

6 Q Have you ever seen that particular wall
7 assembly out in the field being utilized for
8 construction purposes?

9 MS. HOLOUBEK: Objection. Form.

10 THE WITNESS: I have.

11 BY MR. EIDSON:

12 Q Where?

13 A In Houston.

14 Q When?

15 A 2013.

16 Q And what was the job?

17 MS. HOLOUBEK: Objection. Form.

18 THE WITNESS: That was over a dozen years
19 ago. I don't recall the name of the job.

20 BY MR. EIDSON:

21 Q What was being built? Do you know?

22 A A multi-story wood frame building.

23 Q Was it residential; was it mixed use?

24 A Apartments.

25 Q Who was the builder?

1 A I don't recall.

2 Q What'd you see?

3 MS. HOLOUBEK: Objection. Form.

4 THE WITNESS: The framing that Mr.
5 Shepard had designed and the use of our connector
6 attaching it to a beam.

7 BY MR. EIDSON:

8 Q Was it a project that Mr. Shepard was working
9 on?

10 MS. HOLOUBEK: Objection. Form.

11 THE WITNESS: Of course.

12 BY MR. EIDSON:

13 Q And what you saw there was your modified HUTF
14 hanger. Is that what -- the hanger you're referring to?

15 A That's correct.

16 Q And why did Mr. Shepard, if at all, articulate
17 to you why specifically he needed a hanger when he was
18 using a different method, using a top board on a truss?

19 MS. HOLOUBEK: Objection. Form.

20 BY MR. EIDSON:

21 Q To hang the truss?

22 MS. HOLOUBEK: Objection. Form.

23 THE WITNESS: There are a lot of interior
24 applications that are load bearing. And they terminated
25 on a beam.

1 And instead of dropping the beam down to
2 support the trusses, they were in line with the trusses.
3 And he needed a connector to attach those together.

4 BY MR. EIDSON:

5 Q Okay. That's something that he told you
6 verbally?

7 A Yes.

8 Q Okay. And your understanding of these came
9 from your conversations with him. Is that fair to say?

10 MS. HOLOUBEK: Objection. Form.

11 THE WITNESS: That is correct.

12 BY MR. EIDSON:

13 Q Let's look at paragraph 20. In paragraph 20,
14 you say, among other things, that Simpson began to
15 receive inquiries from customers for a hanger
16 specifically designed for use in two-hour fire resistant
17 wood frame wall assemblies. Do you see that?

18 A I do see that.

19 Q Okay. Did you receive any of those inquiries
20 from customers?

21 A I don't recall.

22 Q So just sitting here today, you can't recall
23 whether you personally received any of those specific
24 customer inquiries; is that fair to say?

25 MS. HOLOUBEK: Objection. Form.

1 THE WITNESS: I don't recall if I
2 specifically was given an inquiry on that or if that was
3 my team that I was managing.

4 BY MR. EIDSON:

5 Q Who at Simpson received the inquiries from
6 customers for hangers specifically designed for use in a
7 two-hour fire resistant frame wall assembly?

8 A I don't recall specifically.

9 Q Well, how do you know that Simpson began to
10 receive inquiries from customers for a hanger
11 specifically designed for use in two-hour fire resistant
12 wood frame wall assemblies?

13 A Because Simpson representatives made it aware
14 that we were receiving those inquiries. Your question
15 is specifically who those people were. And I don't
16 recall.

17 Q So inquiries came to certain personnel at
18 Simpson. And you were made aware of those inquiries by
19 certain Simpson personnel that you can't remember the
20 names of. Is that fair to say?

21 MS. HOLOUBEK: Objection. Form.

22 THE WITNESS: Or possibly even myself.
23 This was a dozen years ago.

24 BY MR. EIDSON:

25 Q So as you sit here today, can you name any one

1 person at Simpson, yourself included, who received an
2 inquiry from a customer for a hanger specifically
3 designed for use in two-hour fire resistant wood frame
4 wall assemblies?

5 MS. HOLOUBEK: Objection. Form.

6 THE WITNESS: I don't have the names in
7 front of me, and I don't recall.

8 BY MR. EIDSON:

9 Q So that -- what is your statement, that
10 Simpson began to receive inquiries from customers for a
11 hanger, specifically designed for use in two-hour fire
12 resistant wood frame wall assemblies, based on?

13 A Recollection.

14 Q I'm asking -- I just -- I want to know what
15 it's based on. Does that make sense?

16 MS. HOLOUBEK: Objection. Form.

17 BY MR. EIDSON:

18 Q Yeah, I can restate my question if you -- if
19 it didn't make sense. Did you understand my question,
20 Mr. Hensen?

21 A Yeah, why don't you restate it?

22 Q Sure. Your statement in your declaration that
23 Simpson began to receive inquiries from customers for a
24 hanger specifically designed for use in two-hour fire
25 resistant wood frame wall assemblies, you see that

1 statement there?

2 A I do see that.

3 Q What is that based on?

4 A I believe previous testimony has already
5 provided information on sales reps and Simpson personnel
6 that were receiving inquiries for Simpson to provide a
7 connector of this sort. And I just can't recall those
8 names.

9 Q Previous testimony from who?

10 A From myself.

11 Q So it's based on your recollection that
12 previously you have testified that you received those
13 inquiries from certain sales reps but you just can't
14 remember who those people are today. Is that fair?

15 MS. HOLOUBEK: Objection. Form.

16 THE WITNESS: What I'm stating is that we
17 received inquiries, and I can't recall who those names
18 were. You're going to want to know specifically the
19 names, and I can't recall who those names were.

20 BY MR. EIDSON:

21 Q Is it fair to say that your knowledge about
22 Simpson receiving those inquiries came from other
23 Simpson personnel in the field?

24 A Some of it could have been.

25 Q You're just not sure?

1 MS. HOLOUBEK: Objection. Form.

2 THE WITNESS: Like I stated, I don't
3 recall names.

4 BY MR. EIDSON:

5 Q Are you familiar with the names of any of
6 those customers that made those inquiries from Simpson?

7 MS. HOLOUBEK: Objection. Form.

8 THE WITNESS: I can't recall.

9 BY MR. EIDSON:

10 Q Let's look at paragraph 22. Are you there?

11 A Yes.

12 Q Very good. It says "Simpson started
13 developing the DU at the request of customers." And
14 then it goes on. Do you see that first sentence?

15 A I do see that.

16 Q Okay. Which customers made the request?

17 MS. HOLOUBEK: Objection. Form.

18 THE WITNESS: I don't recall.

19 BY MR. EIDSON:

20 Q Did you personally receive any of the requests
21 from customers?

22 A It is possible, but I don't recall.

23 Q Do you know who at Simpson would have received
24 the request of customers?

25 A Field sales.

1 Q And do you know anybody's name on the field
2 sales team that would have received the request?

3 A Not that I recall.

4 Q So your understanding about Simpson starting
5 to develop the DU at the request of customers came from
6 the people in the field who told you that customers were
7 making the request for the product. Is that fair to
8 say?

9 A Well, as I stated, I may have received calls
10 myself. But I can't recall the names.

11 Q Well, can you recall whether you received any
12 call?

13 MS. HOLOUBEK: Objection. Form.

14 THE WITNESS: I believe that I may have
15 as the engineering manager, but I don't recall the
16 names.

17 BY MR. EIDSON:

18 Q So if I ask you who made the call, you won't
19 know?

20 A I think I just stated that.

21 Q And it says that the customers were requesting
22 a product that could attach floor joists to a two-hour
23 fire resistant wood frame wall. Do you see that?

24 A I do see that.

25 Q You understand that to be the substance of

1 what the customers were requesting; correct?

2 A I believe that's what I stated.

3 Q And your understanding of what the specific
4 request was from the customers came from your field
5 sales team; is that correct?

6 A In addition to field sales team, it could have
7 been our engineering team. It could have been our
8 inside sales team. It could have been any number of
9 Simpson representatives.

10 Q And do you know specifically who it would have
11 been?

12 A I can't recall.

13 Q It's fair to say that your understanding of
14 the substance of the request from customers comes from
15 either engineering field sales or some other person on
16 the Simpson team?

17 A Well, like I stated, that could have been
18 requested by customers directly to me. But I don't
19 recall names.

20 Q And I think I asked this already, Mr. Hensen.
21 I'm sorry. Do you recall whether any customers actually
22 did request directly of you; yes or no?

23 MS. HOLOUBEK: Objection. Form.

24 THE WITNESS: As the engineering manager,
25 it's possible. I just don't recall.

1 BY MR. EIDSON:

2 Q Let's look at paragraphs 30 and 31. Let me
3 know when you're ready.

4 A Okay. I'm ready.

5 Q Very good. Looking at paragraph 30, it
6 says -- paraphrasing of course -- that Simpson had
7 indications that the change in sequence that the DU
8 hanger required would be acceptable to customers. Do
9 you see that?

10 A I do see that.

11 Q Okay. And what were those indications?

12 A We state in -- or I state in paragraph 31 that
13 we conducted field tests and asked participants about
14 their preference for hanger to be installed before or
15 after the drywall.

16 Q So the indications are the results of the
17 field test?

18 A They were not just field tests. But also we
19 had them come into our laboratory and install them as
20 well.

21 Q Anything else?

22 A I believe that's it.

23 Q Who came into your lab?

24 MS. HOLOUBEK: Objection. Form.

25 THE WITNESS: I don't recall specific

1 names. This was something that Tom Evans was leading as
2 the product manager, but there were installers of
3 products for construction.

4 BY MR. EIDSON:

5 Q So you weren't in the lab when people were
6 coming into the lab to do the test installations?

7 A That was not --

8 MS. HOLOUBEK: Objection. Form.

9 THE WITNESS: I was not.

10 BY MR. EIDSON:

11 Q So what you learned about people coming into
12 the lab to do the test installations was something you
13 heard from Mr. Evans; is that fair to say?

14 MS. HOLOUBEK: Objection. Form.

15 THE WITNESS: I believe so.

16 BY MR. EIDSON:

17 Q Okay. And then let's talk about the field
18 tests that are referenced in paragraph 31. Did you
19 conduct the field tests?

20 A I did not.

21 Q Who did?

22 A Mr. Evans.

23 Q So what you learned about the field tests is
24 something -- is based on what Mr. Evans told you; is
25 that fair to say?

1 A In his documentation and reports of the field
2 testing, yes.

3 Q Some conversations with Mr. Evans, it's from
4 documentation and from reports; is that right?

5 A And conversations. Yes.

6 Q What was the field test?

7 MS. HOLOUBEK: Objection. Form

8 THE WITNESS: That they had concept parts
9 that were installed by the contractors in the field.
10 BY MR. EIDSON:

11 Q And what was being tested?

12 A They were testing the installation of the
13 pre-rocking method on the top portion of the wall and
14 then installing the hanger on it and ease of
15 installation for acceptance of the floor trusses.

16 Q And what component parts were being tested?

17 A The DU style hangers.

18 Q Anything else?

19 A The DUTF style hangers.

20 Q The DU series. Is that fair to say?

21 A That's fair to say.

22 Q And I apologize if I already asked this. Mr.
23 Hensen, did you see any of these field tests?

24 A I did not.

25 Q And you did not participate in any of the

1 field tests; correct?

2 A That's correct.

3 Q How were the preferences for the installation
4 method measured?

5 MS. HOLOUBEK: Objection. Form.

6 THE WITNESS: Through questions and
7 answers documented in the report by Mr. Evans.

8 BY MR. EIDSON:

9 Q Did the people in the field receive a survey
10 to fill out?

11 A There was a questionnaire.

12 Q That was given to the people in the field?

13 A To the best of my understanding, yes.

14 Q What was on the questionnaire?

15 A Their preference of installing the pre-rock
16 and then the DU hangers afterwards.

17 Q How many questions were on the questionnaire?

18 A I don't recall.

19 Q Do you recall how the questions were worded?

20 A I do not.

21 Q How were the answers and the questions
22 tabulated such that you could determine whether someone
23 preferred one particular installation method versus
24 another?

25 A I -- I don't recall the tabulation method that

1 was used. I know that half of the -- the people that
2 were going through the field testing liked the
3 pre-rocking method and half didn't.

4 Q And was it an even 50/50 split?

5 A I don't recall.

6 Q What was the sample size?

7 A I don't recall.

8 Q Okay. Do you know what a sample size is?

9 A The number of samples in a given test.

10 Q So yeah, the number of people that filled out
11 the questionnaire?

12 A Correct.

13 Q Okay. How many? Do you know?

14 A I don't.

15 Q Who participated in the questionnaire?

16 A Mr. Evans, some of the field support, and the
17 attendees.

18 Q Who were the attendees?

19 A I don't recall.

20 Q What instructions did the attendees -- and the
21 attendees were the people doing the test installation;
22 is that fair to say?

23 A That's correct.

24 Q Okay. What instructions did the attendees get
25 before doing the installation and completing the

1 questionnaire?

2 A They were given drawings of the installation
3 methods and the products.

4 Q Anything else?

5 A No.

6 Q And how do you know they were given drawings
7 of the installation method and the products?

8 A Because they were provided that information so
9 that they would understand what the manufacturer's
10 installations methods were going to be for that product
11 so that they could install them. With any of our
12 products, we provide installation instructions.

13 Q Yeah. My question was how do you know that
14 those attendees were given those instructions?

15 A Because that was part of the report and
16 conveyance to me by Tom Evans.

17 Q Were any of the responses on the
18 questionnaires illegible?

19 A Not that I recall.

20 Q So you were able to easily tabulate all
21 responses into one bucket or another?

22 MS. HOLOUBEK: Objection. Form.

23 THE WITNESS: As far as I know, yeah.

24 BY MR. EIDSON:

25 Q Did you ask Mr. Evans that question?

1 A Not that I recall.

2 Q So you're just assuming that that's the case?

3 MS. HOLOUBEK: Objection. Form.

4 THE WITNESS: I'm not assuming. I would
5 have been told if they were eligible.

6 BY MR. EIDSON:

7 Q Who prepared the questionnaire?

8 A Mr. Evans.

9 Q How many sites did you conduct the field test
10 on?

11 A I don't recall.

12 Q How many times did people come into the lab?

13 MS. HOLOUBEK: Objection. Form.

14 BY MR. EIDSON:

15 Q To do the preference test?

16 A I don't recall.

17 Q You say the results certainly did not indicate
18 widespread disapproval of the method of installing the
19 DU type product. Do you see that?

20 A I do.

21 Q Were there any questions on the survey to test
22 that assertion in your declaration?

23 A Not that I recall.

24 Q Okay. Let's look at paragraph 41.

25 A Okay.

1 Q Do you see the second full sentence:
2 "Nevertheless, it is my general understanding based on
3 communications directly with customers and communicating
4 with other Simpson employees that communicated directly
5 with customers that the FWH has been commercially
6 successful"? Do you see that?

7 A I do see that.

8 Q And the sentence goes on. All right. I want
9 to break this down and ask you questions about each
10 parts of that sentence, which is kind of long there.
11 Which communications directly with customers have you
12 had regarding the substance of paragraph 41?

13 A Again, I'm not going to be able to tell you
14 names. But I did communicate with our customers at
15 Builders FirstSource and at other distributors that they
16 had seen the MYTECH product in the field and also at
17 other distributors.

18 Q So Builders FirstSource. Anybody else that
19 you can identify that you communicated directly about
20 the commercial success of MYTECH FWH?

21 A White Cap.

22 Q What did you say?

23 A White Cap.

24 Q White Cap?

25 A Uh-huh.

1 Q Who else?

2 A I can't recall.

3 Q Who did you communicate with at White Cap?

4 A I don't recall their names.

5 Q And you couldn't recall the name of anybody at
6 Builders FirstSource; correct?

7 A That's right.

8 Q And what did Builders FirstSource tell you
9 about the commercial success of the MYTECH FWH product?

10 MS. HOLOUBEK: Objection. Hearsay.

11 THE WITNESS: That they were seeing the
12 FWH products and at other competitors of theirs that
13 were distributors of building material products and were
14 looking for us to provide a product that was available
15 as well.

16 BY MR. EIDSON:

17 Q Available with similar characteristics?

18 MS. HOLOUBEK: Objection. Form.
19 Objection. Hearsay.

20 THE WITNESS: Available that could be
21 installed prior to the drywall.

22 BY MR. EIDSON:

23 Q And was that the same conversation you had
24 with White Cap?

25 MS. HOLOUBEK: Objection. Form.

1 THE WITNESS: I believe so.

2 BY MR. EIDSON:

3 Q Do you recall when those conversations
4 occurred?

5 A I don't know the exact timeline.

6 Q You also mentioned that you communicated with
7 other Simpson employees that communicated directly with
8 customers. Do you see that?

9 A I do see that.

10 Q Okay. And which employees did you communicate
11 with about their customer communications?

12 A I believe in previous testimony we provided
13 information and emails and so forth that clearly list
14 the names of those employees that I spoke with. And I
15 can't recall those names right off the top of my head.

16 Q Okay. And are you aware of which customers
17 those employees communicated with directly?

18 MS. HOLOUBEK: Objection. Form.

19 THE WITNESS: Some of the same customers
20 that I just mentioned previously.

21 BY MR. EIDSON:

22 Q Anyone else you can recall?

23 A Not currently.

24 Q Let's look at kind of toward the end of the
25 sentence. There's the clause that says "Including due

1 to the small size of the slot needed to fit the drywall
2 around the FWH hanger." Do you see that?

3 A I do see that.

4 Q Okay. Which customers specifically mentioned
5 the small size of the slot needed?

6 A I don't recall specifically.

7 Q Was that mentioned directly to you or to
8 another member of the Simpson team?

9 MS. HOLOUBEK: Objection. Form.

10 THE WITNESS: To other members of the
11 Simpson team.

12 BY MR. EIDSON:

13 Q And then the customer comment about small size
14 of the slot needed to fit the drywall around the
15 firewall hanger, that came from conversations then that
16 you had with other members of the Simpson team?

17 A I believe so.

18 Q And who?

19 A I believe they were people that we had
20 previously mentioned in my testimony: Kent Fairchild and
21 some other Simpson representatives.

22 Q Okay. Do you know what it means to be novel
23 under patent law, Mr. Hensen?

24 A Well, I'm not a patent lawyer. But I believe
25 novel means that it's never been done before.

1 Q And here you say you don't believe there was
2 anything novel.

3 A Where are you?

4 Q I'm at the end of paragraph 41.

5 A Okay.

6 Q "I do not believe there's anything innovative
7 or novel in the method of installing the drywall after
8 installing the hanger and other framing." Do you see
9 that?

10 A I do see that.

11 Q Okay. And what analysis did you perform to
12 confirm this belief?

13 MS. HOLOUBEK: Objection. Form.

14 THE WITNESS: There's only two ways to
15 install drywall: either before the hanger has been
16 installed or after the hanger has been installed.
17 There's really no other way to do that.

18 BY MR. EIDSON:

19 Q And when you say there you didn't believe
20 there was anything innovative or novel about the method,
21 are you referring to a specific claim in the MYTECH 339
22 patent?

23 A I'm not referring to a specific claim in the
24 patent.

25 Q So you didn't analyze the claims to make that

1 conclusion? Is that fair to say?

2 A I would say that my understanding of patent
3 339 is broad and -- and not specific.

4 Q Paragraph 43, take a look at that.

5 A Okay.

6 Q It reiterates a lot of what we've discussed in
7 paragraph 41 regarding communications with customers,
8 that the FWH was well received because of how you could
9 install it, and the simple slot on the drywall. Do you
10 see that?

11 A I do see that.

12 Q Okay. Is it fair to say that the questions I
13 asked you pertaining to your similar testimony in
14 paragraph 41 and the answers you gave would be equally
15 applicable to this identical direct testimony in
16 paragraph 43?

17 MS. HOLOUBEK: Objection. Form.

18 THE WITNESS: And are you referencing
19 specifically knowing names of customers?

20 BY MR. EIDSON:

21 Q Yes. Which customer? I mean, the questions
22 would be the same. I'm happy to run through them again
23 if you want. Is that easier?

24 A My -- my testimony would be similar.

25 Q And so just to make sure we're on the same

1 page, you know, which customers communicated to you that
2 they preferred installation of the drywall via a simple
3 slot in the drywall?

4 MS. HOLOUBEK: Objection --

5 THE WITNESS: It would be similar to my
6 testimony in 41.

7 BY MR. EIDSON:

8 Q You're referring to the same set of factual
9 circumstances there? Is that fair to say?

10 MS. HOLOUBEK: Objection. Form.

11 THE WITNESS: I believe so.

12 BY MR. EIDSON:

13 Q So then if I asked you to know specifics on
14 customers and who communicated with who, your answers
15 would all be the same; is that fair to say?

16 MS. HOLOUBEK: Objection. Form.

17 THE WITNESS: I believe so.

18 BY MR. EIDSON:

19 Q And likewise, in paragraph 43, you again say
20 "I do not believe that that there was anything
21 innovative or novel about the method of installing
22 drywall." And for that conclusion, did you perform any
23 analysis of the 339 claims to reach that conclusion?

24 MS. HOLOUBEK: Objection. Form.

25 THE WITNESS: Just my understanding

1 broadly of 339 and the fact that there's only really two
2 ways to install drywall.

3 BY MR. EIDSON:

4 Q But it's not based on any sort of technical
5 analysis of the claims -- is that fair to say?

6 MS. HOLOUBEK: Objection. Form.

7 THE WITNESS: To the best of my
8 knowledge.

9 BY MR. EIDSON:

10 Q Well, did you perform any such analysis?

11 MS. HOLOUBEK: Objection. Form.

12 THE WITNESS: I did not.

13 BY MR. EIDSON:

14 Q Let's look at paragraph 55.

15 A Okay.

16 Q In the middle paragraph, you say "I recall
17 hearing that when the DU hangers and the FWH hangers
18 were first on the market, building inspectors and
19 certain municipalities expressed a preference for the
20 fact that the FWH hangers that had a fire rating and the
21 DU hangers did not." Do you see that?

22 A I do see that.

23 Q And who did you hear that from?

24 A Tom Evans, the product manager.

25 Q Did you hear it directly from any of the

1 municipalities?

2 MS. HOLOUBEK: Objection. Form.

3 THE WITNESS: No, that came through the
4 product manager.

5 BY MR. EIDSON:

6 Q Did you hear it directly from any of the
7 building inspectors?

8 A I did not.

9 MS. HOLOUBEK: Objection. Form.

10 BY MR. EIDSON:

11 Q So when you say you recall hearing that, you
12 mean you recall hearing it from Mr. Evans; is that fair
13 to say?

14 MS. HOLOUBEK: Objection. Form.

15 THE WITNESS: Mr. Evans and other Simpson
16 field support.

17 BY MR. EIDSON:

18 Q Who?

19 A Kent Fairchild, Kevin Dill, and other Simpson
20 employees that I don't recall off the top of my head.

21 Q So your understanding comes from your
22 conversations with those gentlemen. Is that fair to
23 say?

24 MS. HOLOUBEK: Objection. Form.

25 THE WITNESS: Yeah.

1 BY MR. EIDSON:

2 Q Okay. I'm going to jump around. Are you
3 still doing okay? Want a break?

4 MS. HOLOUBEK: Yeah.

5 MR. EIDSON: Michelle?

6 MS. HOLOUBEK: Can we do a break?

7 MR. EIDSON: Yeah.

8 MS. HOLOUBEK: How about ten minutes?

9 MR. EIDSON: Works for me.

10 THE WITNESS: Sounds good.

11 THE OFFICER: It is 11:18 a.m. We're off
12 record.

13 (Off the record.)

14 THE OFFICER: It is 11:28 a.m. We're
15 back on the record.

16 BY MR. EIDSON:

17 Q Mr. Hensen, looking back at your declaration,
18 we're going to kind of skip to the front.

19 A Okay.

20 Q And then we're going to look at paragraph 8.
21 Do you see that?

22 A I do see that.

23 Q Okay. In paragraph 8, you talk about a number
24 of code changes. Is this something that you analyzed to
25 determine what these changes in the code were?

1 MS. HOLOUBEK: Objection. Form.

2 THE WITNESS: It was discussions with our
3 code manager Randy Shackelford.

4 BY MR. EIDSON:

5 Q So these are changes in the code that were
6 communicated to you by Mr. Shackelford; is that fair to
7 say?

8 A That's correct.

9 Q And so then one of the changes was the size of
10 allowable penetrations in the drywall and permitted use
11 of materials to achieve fire resistivity. Do you see
12 that?

13 MS. HOLOUBEK: Objection. Form.

14 BY MR. EIDSON:

15 Q On page 4, you see the clause I just read?

16 A I do see that.

17 Q Okay. And how did the size of allowable
18 penetrations and drywall change?

19 MS. HOLOUBEK: Objection. Form.

20 THE WITNESS: I don't recall the
21 specifics of how they changed.

22 BY MR. EIDSON:

23 Q Is that something Mr. Shackelford would know?

24 MS. HOLOUBEK: Objection. Speculation.

25 THE WITNESS: Yes, he shared it with me.

1 I just don't recall the specifics.

2 BY MR. EIDSON:

3 Q Did the size of allowable penetrations in
4 drywall get larger or smaller with the code change?

5 A I believe they permitted for increased
6 penetrations.

7 Q And so that would be the number of
8 penetrations. But what about the size of allowable
9 penetrations?

10 MS. HOLOUBEK: Objection. Form.

11 THE WITNESS: Because I believe that they
12 were allowed to be increased in the size of the
13 penetration as well.

14 BY MR. EIDSON:

15 Q And if I asked you to quantify, so the
16 quantity of allowable penetrations and size, that would
17 be something that you wouldn't be able to do as you sit
18 here today? Is that fair to say?

19 MS. HOLOUBEK: Objection. Form.

20 THE WITNESS: I don't recall the
21 specifics.

22 BY MR. EIDSON:

23 Q In that paragraph, you say "The use of
24 two-layer, five-inch -- two layers of five-eighths inch
25 drywall in the construction of two-hour fire resistant

1 walls -- had been around for some time." Do you see
2 that?

3 A I do see that.

4 Q How long had it been around?

5 A I looked back into the 1998 building code and
6 the 1995, and I had seen it there.

7 Q Anything before 1995 that you recall?

8 A I didn't have access to earlier codes.

9 Q So the earliest you're aware of is 1995; is
10 that correct?

11 A To the best of my knowledge.

12 Q Paragraph 11. Can you see that?

13 A I see that.

14 Q Okay. Who at Simpson became aware of
15 multifamily building projects utilizing wood and type
16 three construction in the late 2000s and early 2010s?

17 A This was during the time that we were
18 co-hosting or hosting workshops with our customers,
19 engineers, architects, and installers.

20 And WoodWorks and American Wood Council were
21 teaching part of the coursework. And so during that
22 time is when I became aware of that.

23 Q Do you recall this first -- date of the first
24 workshop?

25 A I don't specifically. It's in the late 2000s.

1 Q And some of the things in your declaration may
2 overlap or be a little cut. So I'm trying to streamline
3 that process if we've already talked about it. So --

4 A I appreciate that.

5 Q Don't mistake me for not being interested if
6 I'm silent for a minute.

7 A I would never mistake you for being -- not
8 being interested.

9 Q I appreciate that.
10 So paragraph 23.

11 A Okay.

12 Q You state in your opinion "The timeframe based
13 on the product release would indicate MYTECH was
14 receiving similar inquiries for a specifically designed
15 hanger for a two-hour fire resistant wood frame walls
16 around the same time that Simpson was receiving such
17 inquiries." Do you see that?

18 A I do see that.

19 Q Why do you say that?

20 A Because they were launching their product at a
21 similar timeframe that we were launching our product.

22 Q Is it possible they could have received
23 inquiries earlier but just taken longer to develop their
24 product; right?

25 MS. HOLOUBEK: Objection. Speculation.

1 THE WITNESS: I have no idea.

2 BY MR. EIDSON:

3 Q Okay. It could have taken longer for MYTECH
4 to get managerial approval to do R&D; correct?

5 MS. HOLOUBEK: Objection. Speculation.

6 THE WITNESS: I don't know.

7 BY MR. EIDSON:

8 Q So when you say it's your opinion, the
9 timeframe would indicate MYTECH was receiving similar
10 inquiries, that's just your guess based on the timing of
11 when you and MYTECH -- or when Simpson and MYTECH came
12 out with their respective products. Is that fair to
13 say?

14 MS. HOLOUBEK: Objection. Form.

15 THE WITNESS: It's based on my long
16 tenure in developing products over multiple decades and
17 understanding how long it takes to develop a product.
18 And the timeline here seems to fit with that. We were
19 both working on something at the same time.

20 BY MR. EIDSON:

21 Q Did you ever do product development outside of
22 Simpson Strong-Tie?

23 A No.

24 Q You've never done product development at
25 MYTECH. That's fair to say; right?

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Q And those were all inputs that you
communicated to Mr. Evans?

6

7

A That's correct.

8

9

Q Were you in the lab actively testing the
product?

10

A I was not.

11

12

Q Did you come up with any of the concept
sketches for the product?

13

A I did not.

14

15

Q Did you make any modifications to sketches or
drawings of the product?

16

MS. HOLOUBEK: Objection. Form.

17

THE WITNESS: I did not.

18

BY MR. EIDSON:

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Q Is it fair to say that the input that you gave
was related to the business case for the product versus
the technical capabilities of the product?

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10 Q You communicated that to the team?

11 A I did.

12 Q Anything else?

13 A No.

14 Q You say in this paragraph "I have also
15 communicated with Mr. Evans about the development
16 process and have reviewed documentation related to
17 research development and testing of various concepts
18 that Simpson was considering." Do you see that?

19 A I do see that.

20 Q What communications did you have with Mr.
21 Evans about the development process?

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1 Q Okay. Anything else?

2 A Not that I recall.

3 Q And before you had that communication with Mr.
4 Evans, did you know that about the development process?

5 MS. HOLOUBEK: Objection. Form.

6 THE WITNESS: Did I know what about the
7 development process?

8 BY MR. EIDSON:

9 Q What you learned from Mr. Evans, the
10 communication.

11 MS. HOLOUBEK: Objection. Form.

12 THE WITNESS: That this was the appealing
13 product. I don't understand your question.

14 BY MR. EIDSON:

15 Q Yeah, let me back up to my question two to
16 three questions ago -- maybe was what did you learn from
17 your communications with Mr. Evans? You gave me an
18 answer.

19 And my question essentially is: did you know
20 those things before you had a conversation with Mr.
21 Evans?

22 MS. HOLOUBEK: Objection. Form.

23 THE WITNESS: Did I know those things
24 specifically about the product that he was developing
25 before Mr. Evans talked to me?

1 BY MR. EIDSON:

2 Q Yes, sir.

3 A No 'cause I was not working on that project
4 specifically. He was and was providing information for
5 engineers at Simpson to make recommendations on

6 Q You also say in this paragraph that you
7 reviewed documentation related to research development
8 and testing of the various concepts. What documentation
9 did you review on?

10 A Test reports from the laboratory on the
11 performance of the products.

12 Q And did you do that in connection with
13 preparing your declaration in this 339 PGR?

14 A I did not go back and review those while I was
15 preparing this declaration. It was from my original
16 review of those documents.

17 Q And when was that?

18 A At the time that this product was being
19 launched.

20 Q Okay. So you learned about the development
21 from those test reports as well. Is that fair to say?

22 MS. HOLOUBEK: Objection. Form.

23 THE WITNESS: I would say so.

24 BY MR. EIDSON:

25 Q Okay. So real quick, make sure I'm not

1 missing anything, just to address the objection, I'll
2 rephrase it.

3 Is it fair to say that you learned about the
4 developments from those test reports?

5 MS. HOLOUBEK: Objection. Form.

6 THE WITNESS: I learned about the
7 development of the product through those test reports?

8 BY MR. EIDSON:

9 Q Yes, sir.

10 A I learned about the development of the product
11 through the communication and information that Tom Evans
12 replied, including test reports.

13 Q Let's look at paragraph 26. It says "The
14 Simpson development team researched and considered
15 several different concepts for attaching a hanger to
16 support the floor system to the fire resistant wall."
17 And then you list four concepts here. Do you see that?

18 A I do see that.

19 Q Okay. Were you part of the Simpson
20 development team that researched and considered these
21 concepts listed in paragraph 26?

22 A I was not.

23 Q Did you do anything to research, develop, or
24 test any of the concepts listed in paragraph 26?

25 MS. HOLOUBEK: Objection. Form.

1 THE WITNESS: I was the engineering
2 manager in McKinney, Texas at that time. This was in
3 Tom Evans's purview and the team that was working with
4 him directly.

5 BY MR. EIDSON:

6 Q Okay. So my question was: did you personally
7 do anything to research, develop, or test the four
8 concepts identified in paragraph 26?

9 A I did not.

10 Q And how did you learn about these concepts
11 that were being researched?

12 Well, let me back up. How did you learn about
13 these concepts that were being considered?

14 A Through the test reports that were provided.

15 Q And those reports were provided by Mr. Evans?

16 A That's correct.

17 Q Did any of the concepts call for the
18 penetration of the drywall with the installation of the
19 hanger?

20 MS. HOLOUBEK: Objection. Form.

21 THE WITNESS: Some of the concepts
22 protruded into the space where the drywall was to be
23 installed, such as the L angle and the size of the
24 fasteners, the heads of the fasteners that were
25 supporting that L angle. And that would require some of

1 the drywall to be notched or removed in that area to be
2 installed.

3 BY MR. EIDSON:

4 Q How did you get that understanding?

5 MS. HOLOUBEK: Objection. Form.

6 THE WITNESS: From the drawings and
7 photos and the test report.

8 BY MR. EIDSON:

9 Q Paragraph 27.

10 A Okay.

11 Q [REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED]

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13 BY MR. EIDSON:

14 Q You say you believe Simpson could have
15 overcome these issues and developed a viable solution
16 along the lines of this concept had it opted to devote
17 more time and resources to it. Do you see that?

18 A I do see that.

19 Q Is there a particular solution that you're
20 referring to?

21 A I think that increasing the thickness of the
22 steel, adding embossments, or strengthening it by
23 rolling the edges of the steel would all be multiple
24 ways that that product could have been successful.

25 Q Increasing the thickness of the steel, that

1 adds costs; right?

2 A It can but marginal if you only go up a few
3 gauges.

4 Q How many gauges would you have to go up to
5 make the product successful?

6 MS. HOLOUBEK: Objection. Form.
7 Speculation.

8 THE WITNESS: I don't know.

9 BY MR. EIDSON:

10 Q Do you have any sort of specific embodiment of
11 a solution in mind whenever you say you could have
12 developed a viable solution along the lines of this
13 concept?

14 A Do I personally have?

15 Q Yes, sir.

16 A I think there could have been some embossments
17 or some bending of the steel to strengthen it in that
18 area.

19 Q And your testimony is that solution,
20 embossment and bending of the steel, would have made it
21 successful?

22 MS. HOLOUBEK: Objection. Form.
23 Objection. Mischaracterization.

24 THE WITNESS: Perhaps.

25 //

1 BY MR. EIDSON:

2 Q Do you know one way or another would
3 have -- whether it would have been successful?

4 MS. HOLOUBEK: Objection. Form.

5 THE WITNESS: I think it would have been
6 something that could have been tested and it should have
7 been worked on.

8 BY MR. EIDSON:

9 Q Do you agree with me that during the
10 development process that cost was one of the primary
11 drivers for guiding Simpson's product development;
12 right?

13 A Cost is always a significant guidance when
14 Simpson's developing a product.

15 [REDACTED]
[REDACTED]
[REDACTED]
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[REDACTED]
[REDACTED]

25 //

15 Q We are in fact not going to be another 20
16 minutes. Do you want to take a lunch break?

18	Q	Okay, cool.
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21 (Off the record.)

25 | [REDACTED]

11/11/2019

[REDACTED]

██████████

[illegible]

■ ■ [REDACTED]

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■ [REDACTED]

■ ■ [REDACTED]

■ ■ [REDACTED].

25 THE WITNESS: During the time of my

1 tenure as vice president of connectors and lateral
2 systems, I was the one making the decisions on what
3 products we were going to move forward based on margin
4 expectations. Yes.

5 BY MR. EIDSON:

6 Q Okay. So you reviewed all the cost data?

7 MS. HOLOUBEK: Objection. Form.

8 THE WITNESS: I was familiar with them.

9 BY MR. EIDSON:

10 Q How were you familiar with them?

11 MS. HOLOUBEK: Objection. Form.

12 THE WITNESS: They were shared in reports
13 to me.

14 BY MR. EIDSON:

15 Q So the cost data was given to you in reports?

16 MS. HOLOUBEK: Objection. Form.

17 THE WITNESS: Correct.

18 BY MR. EIDSON:

19 Q Who generated the reports?

20 A The head of manufacturing.

21 Q Who's that?

22 A During that time, Jacinta Pister.

23 Q Did you ever generate a cost report?

24 MS. HOLOUBEK: Objection. Form.

25 THE WITNESS: Not me specifically, no.

1 BY MR. EIDSON:

2 Q Okay. Paragraph 33.

3 A Okay.

4 Q You say "Multi-family jobs were often very
5 large." Do you see that?

6 A I do see that.

7 Q What does very large mean?

8 A Often multiple buildings, tens of thousands,
9 potentially hundreds of thousands of square feet.

10 Q Okay. You say "Simpson understood that
11 multiple contractors, including framers and drywallers,
12 were often on the job at the same time." Do you see
13 that?

14 A I do see that.

15 Q And were you on the job site for multi-family
16 jobs with multiple contractors, including framers and
17 drywallers -- were on the job site at the same time?

18 MS. HOLOUBEK: Objection. Form.

19 THE WITNESS: During my career at
20 Simpson?

21 BY MR. EIDSON:

22 Q For these multi-family jobs that you're
23 referencing in paragraph 33.

24 A I have been on many multifamily jobs and have
25 seen multiple contractors there at the same time.

1 Q So you say "Simpson understood that multiple
2 contractors" -- is -- that's your personal understanding
3 in that instance?

4 MS. HOLOUBEK: Objection. Form.

5 THE WITNESS: No, I -- I think overall
6 Simpson, who was making decision at the time to go with
7 the DU hangers, made the decision that multiple
8 contractors were on the job. I would have clarified it,
9 that I understood, if it was just me specifically.

10 BY MR. EIDSON:

11 Q Paragraph 34, you mentioned positive customer
12 feedback. Which feedback was that?

13 A I think I stated there that particularly the
14 low cost and the -- particularly the low cost.

15 Q No. It says "Particularly the low cost and
16 positive customer feedback." Do you see that?

17 A I do see that. I apologize.

18 Q So what is the -- that's okay. What is the
19 positive customer feedback you referenced?

20 A The ease of installation.

21 Q And which customer gave that feedback?

22 A I don't have the specifics.

23 Q How many customers gave that feedback?

24 MS. HOLOUBEK: Objection. Form.

25 THE WITNESS: I wasn't a part of

1 the -- the report that was provided. And I don't
2 recall.

3 BY MR. EIDSON:

4 Q Who did provide the report?

5 A As stated previously, it was Mr. Evans.

6 Q That's the same report you were referring to
7 earlier?

8 A That's correct.

9 Q Okay. Let's look at paragraph 35. You say
10 that sales of the DU hanger have continued to increase
11 over time. Do you see that?

12 A I do.

13 Q So every year since its introduction the sales
14 of the DU hanger have increased; is that correct?

15 A To the best of my knowledge, yes.

16 Q Okay. How much has it increased on a
17 percentage basis?

18 A I don't know.

19 Q And what documents did you review to determine
20 that the sales of the DU hangers have increased since
21 its introduction?

22 A Annual sales reports.

23 Q You say "Many customers did seem to prefer a
24 hanger that could be installed according to the standard
25 sequence of completing all framing before installing

1 drywall." Do you see that?

2 A I do see that.

3 Q Who were those customers?

4 A I believe I already testified to those.

5 Q Okay. Nothing new?

6 MS. HOLOUBEK: Objection. Form.

7 THE WITNESS: No.

8 BY MR. EIDSON:

9 Q In the sentence above that, you say "Some
10 multifamily customers adopted the sequencing of
11 installing the DU hanger after installation of the
12 drywall." Do you see that?

13 A I do see that.

14 Q Which multifamily customers were those?

15 A I don't recall.

16 Q Do you know how many multifamily customers
17 adopted that sequence?

18 A Based on our sales, it's a large number.

19 Q Well, that's not necessarily a direct
20 one-to-one correlation; is it, Mr. Hensen?

21 MS. HOLOUBEK: Objection. Form.

22 BY MR. EIDSON:

23 Q One particular customer could just have a lot
24 more projects; right?

25 MS. HOLOUBEK: Objection. Form.

1 THE WITNESS: It's possible but not
2 likely based on the size of our sales.

3 BY MR. EIDSON:

4 Q Looking at paragraph 36, you mentioned that
5 some Simpson customers began to request a product that
6 could be installed before the drywall. Do you recall
7 which customers those were?

8 A I cannot.

9 Q How did you gain the understanding that some
10 Simpson customers began to request that product?

11 A From Simpson field representatives.

12 Q They told you -- they communicated that to
13 you?

14 A That's correct.

15 Q Do you know which representatives?

16 MS. HOLOUBEK: Objection. Form.

17 THE WITNESS: I believe we've already
18 stated.

19 BY MR. EIDSON:

20 Q Paragraph 37, you mentioned overseeing the
21 development of a hanger specifically designed for
22 two-hour fire resistant walls that could be installed
23 before the drywall. Do you see that?

24 A I do see that.

25 Q Is this the hanger that eventually became the

1 DG product?

2 A It is.

3 Q And what was your role in that development?

4 A I managed a -- Tom Evans, who was the specific
5 product manager. So I would review his business plan,
6 his development of those products, field testing of
7 those products, and the costs and -- and so forth.

8 Q Did you play any role in the development of
9 the hanger that eventually resulted in the DG?

10 A I gave my thoughts on the design and
11 preferences to multiple concepts that he was working on.

12 Q What thoughts did you give him on the design?

13 MS. HOLOUBEK: Objection. Form.

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23 Q Anything else?

24 A Not that I'm aware of.

25 Q And when you say you were more closely

1 involved in this process than you had been with the
2 development of the DU, how so?

3 A I was directly managing the teams, whereas
4 before I was an engineering manager in the southeast
5 territory.

6 Q And so what does that mean from a
7 responsibility perspective?

8 A I did not manage them directly when I was in
9 the southeast territory.

10 Q Okay. Let's look at paragraph 45. Your first
11 sentence says "I do not think there were any unexpected
12 results achieved by the construction method claimed in
13 the 339 patent."

14 And then you say "There is nothing unexpected
15 about the hanger that is claimed as part of the method
16 claim in the 339 patent." And then it goes on. Do you
17 see that?

18 A I do see that.

19 Q What claims did you analyze when you reached
20 your determination that there was nothing unexpected
21 from a results perspective by the -- about the
22 construction method claim to the 339 patent?

23 MS. HOLOUBEK: Objection. Form.

24 THE WITNESS: You know, I don't know the
25 specifics of the claims that were used to compare. What

1 I can tell you is that there's nothing unexpected with
2 the results of the hanger in that steel was used
3 vertically to support the -- the joist. And that is
4 done with almost every floor joist hanger in history.

5 You have side flanges on a joist hanger
6 that supports the majority of the load. And whether or
7 not those flanges touch or are separated, the
8 verticalness of those flanges are -- are expected to
9 perform as resulted.

10 And the fact that these can be installed
11 before or after drywall, there's only two ways to hang
12 drywall: before or after. So there's nothing there
13 that's unexpected.

14 BY MR. EIDSON:

15 Q So did you analyze any claim of the 339 patent
16 when reaching the conclusions that you've reached in
17 paragraph 45?

18 A Again, I have a broad understanding. I've
19 read the document. I don't know specifically what
20 claims they -- they would be. My understanding of the
21 product itself is that it's not unexpected that it would
22 perform as stated.

23 Q So your statement here, if I was to more
24 accurately frame it, would be, "I don't think there were
25 any unexpected results achieved by the product described

1 in the 339 patent." Is that fair to say?

2 MS. HOLOUBEK: Objection. Form.

3 THE WITNESS: I mean, ultimately it's
4 claimed in the patents. So whether it's described or
5 claimed, I think either way is the same thing.

6 BY MR. EIDSON:

7 Q Okay. Did you perform any analysis of any of
8 the claims of the 339 patent to reach that conclusion in
9 the first sentence there?

10 MS. HOLOUBEK: Objection. Form.

11 THE WITNESS: Not that I can recall.

12 BY MR. EIDSON:

13 Q The second sentence: "There's nothing
14 unexpected about the hanger that is claimed as part of
15 the method claimed in the 339 patent."

16 And then it goes on to the end of the
17 sentence. Did you analyze for that second sentence any
18 claims of the 339 patent in reaching your conclusion?

19 MS. HOLOUBEK: Objection. Form.

20 THE WITNESS: Not that I can recall.

21 BY MR. EIDSON:

22 Q Mr. Hensen, whenever Simpson was designing its
23 DG hanger, it had seen a copy of the MYTECH firewall
24 hanger; correct?

25 MS. HOLOUBEK: Objection. Form.

1 Speculation.

2 THE WITNESS: The MYTECH hanger was
3 commercially available at the time. Yes.

4 BY MR. EIDSON:

5 Q And you had one of the physical MYTECH
6 firewall hangers in the lab while the DG was being
7 developed; correct?

8 MS. HOLOUBEK: Objection. Form.

9 THE WITNESS: We did have some of
10 the -- the product.

11 BY MR. EIDSON:

12 Q You did side-by-side comparisons between the
13 DG and the FWH; correct?

14 A I believe so.

15 Q Paragraph 54, the last sentence, you say
16 "Moreover, as described above, Simpson took specific
17 steps to ensure that it was not infringing Columbia's
18 existing patent or patent applications." Do you see
19 that?

20 A I do see that.

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■ [REDACTED]
■ [REDACTED]
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■ ■ [REDACTED]
■ [REDACTED]
■ ■ [REDACTED]

10 MR. EIDSON: Let's take a five-minute
11 break. I'm going to make a quick call unrelated to
12 this. And then I may have one or two more questions and
13 we should be done.

14 MS. HOLOUBEK: Okay.

15 MR. EIDSON: That work?

16 MS. HOLOUBEK: That's fine.

17 THE OFFICER: It's 1:04 p.m. We're off
18 the record.

19 (Off the record.)

20 THE OFFICER: It is 1:12 p.m. We're back
21 on the record.

22 BY MR. EIDSON:

23 Q Okay. Let's look at paragraph 47.

24 A Okay.

25 Q Do you see in the middle of paragraph 47 a

1 reference to the SJCT and CJTZ hangers -- or excuse
2 me -- hanger and tie?

3 A I do.

4 Q Okay. Does the CJTZ joist tie go through
5 drywall?

6 MS. HOLOUBEK: Objection. Form.

7 THE WITNESS: It does not.

8 BY MR. EIDSON:

9 Q Does the SJCT steel joist hanger go through
10 drywall?

11 MS. HOLOUBEK: Objection. Form.

12 THE WITNESS: It does not.

13 MR. EIDSON: I have no further questions.
14 Okay. Hold on. She --

15 MS. HOLOUBEK: Give me one minute.

16 THE WITNESS: Okay. Yeah.

17 MR. EIDSON: And if you want to take
18 another break, we can.

19 MS. HOLOUBEK: No, that's okay.

20 MR. EIDSON: Okay.

21 MS. HOLOUBEK: Thank you. I do have a
22 question on redirect.

23 EXAMINATION

24 BY MS. HOLOUBEK:

25 Q Mr. Hensen, you've mentioned in your

1 deposition today that you received information from the
2 product team or engineering team related to development.
3 Was that information received generally concurrently
4 with or soon after the development?

5 A Concurrently with.

6 MR. EIDSON: Object to the form of the
7 question.

8 MS. HOLOUBEK: I have no further
9 questions.

10 MR. EIDSON: Okay. Hold on.

11 MS. HOLOUBEK: Sorry.

12 EXAMINATION

13 BY MR. EIDSON:

14 Q So, Mr. Hensen, it's your testimony that in
15 each instance you were talking about receiving
16 information from the engineering team, it happened
17 concurrently with the information occurring?

18 Or, let me back up. What do you mean by
19 received concurrently with?

20 A So while the product was under development,
21 they would take time and do milestone discussions and
22 talk where we are with the product with engineering.

23 So whether it was the DU series hangers, when
24 Tom would send out information for engineering managers
25 to review these concepts, this was concurrent with what

1 he was working on.

2 And then when I managed him directly, if he
3 was doing design, then he would provide information
4 concurrently with what he was working on.

5 Q So when you were talking about information
6 received concurrently with, you're talking about the
7 development of the DU and the DGF products?

8 MS. HOLOUBEK: Objection. Form.

9 THE WITNESS: Those are the products
10 we've been talking about all day today. Yes.

11 BY MR. EIDSON:

12 Q Is there anything else you were talking about
13 or what you were thinking of whenever you said you
14 received information concurrently with?

15 A No.

16 MR. EIDSON: Okay.

17 THE OFFICER: Okay. Michelle, did you
18 want to purchase a copy of the transcript?

19 MS. HOLOUBEK: No.

20 THE OFFICER: Okay. It is 1:15 p.m. And
21 we're off the record.

22 (Signature reserved.)

23 (Whereupon, at 1:15 p.m., the proceeding
24 was concluded.)

25

CERTIFICATE OF DEPOSITION OFFICER

I, LAUREN CRAIG, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



LAUREN CRAIG

Notary Public in and for the
State of California

☒ [X] Review of the transcript was requested.

CERTIFICATE OF TRANSCRIBER

I, ANDREW TINGLEY-BARRAZA, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



ANDREW TINGLEY-BARRAZA

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September 18, 2025

To: Ms. Holoubek

Case Name: Simpson Strong-Tie Company Inc. v. Columbia Insurance
Company

Veritext Reference Number: 7592209

Witness: Sam Hensen Deposition Date: 9/16/2025

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 7592209

CASE NAME: Simpson Strong-Tie Company Inc. v. Columbia
Insurance Company

DATE OF DEPOSITION: 9/16/2025

WITNESS' NAME: Sam Hensen

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have made no changes to the testimony
as transcribed by the court reporter.

Date Sam Hensen

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn
Statement; and

Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20____.

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Commission Expiration Date

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 7592209

CASE NAME: Simpson Strong-Tie Company Inc. v. Columbia
Insurance Company

DATE OF DEPOSITION: 9/16/2025

WITNESS' NAME: Sam Hensen

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
well as the reason(s) for the change(s).

I request that these changes be entered
as part of the record of my testimony.

I have executed the Errata Sheet, as well
as this Certificate, and request and authorize
that both be appended to the transcript of my
testimony and be incorporated therein.

Date

Sam Hensen

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They have listed all of their corrections
in the appended Errata Sheet;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted

fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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