

**DECLARATION OF MATTHEW CRIBB**

I, Matthew Cribb, declare:

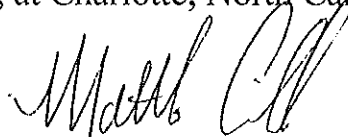
1. I am the Manager of Risk Management Services for Defendant Electrolux North America, Inc. ("Electrolux"), a position that I have held since January, 2013. In that capacity, I am familiar with Electrolux's risk management and claims intake policies, procedures and file keeping systems. I have personal knowledge of the facts set forth in this declaration, and I could and would competently testify to the facts herein if called upon to do so.

2. When an individual or entity contacts Electrolux and claims that an Electrolux product has caused property damage and/or injury, Electrolux will create a file documenting the claim in its "CS STARS" database. Likewise, when an individual or entity sues Electrolux based on a claim that an Electrolux product has caused damage, Electrolux will create a file documenting the lawsuit in its "Case Track" database. As Electrolux's Manager of Risk Management Services, I am familiar with and have access to Electrolux's CS STARS and Case Track databases.

3. I am familiar with searches of both databases run to identify claims made in California against Electrolux since 2005 that related generally to overflowing washing machines. That search returned 7 results from the CS STARS database and 25 results from the Case Track database. None of those claims involved a claim for personal injury.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 21 day of May 2014, at Charlotte, North Carolina.



Matthew Cribb

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

SPARKS LANDEN, individually )  
and on behalf of all others )  
similarly situated, )  
Plaintiff, )

vs.

) Case No.  
) CV13-01033-DSF (SHx)

ELECTROLUX HOME PRODUCTS, )  
INC., a Delaware Corporation; )  
CARLSONS APPLIANCES, INC. a )  
California Corporation; and )  
DOES 1 through 20, inclusive, )

) Volume I

Defendant. )  
\_\_\_\_\_ )

VIDEOTAPED 30 (b) (6) DEPOSITION OF  
ELECTROLUX HOME PRODUCTS, INC.

STEPHEN R. BROWN

Charlotte, North Carolina

Tuesday, March 4, 2014

Reported by: V. Dario Stanziola

NDS Job No.: 160592

1 suggested about five minutes ago.

2 MR. KIM: That's not exactly what you  
3 suggested, but we'll do that now.

4 So that would be topic number six, topic  
5 number nine, topic number 12 and topic number  
6 13.

7 Q. All right. Let's start by asking you, Mr.  
8 Brown, to read to yourself topic number six.

9 A. Completed.

10 Q. Tell me when you've finished.

11 A. Completed.

12 Q. Do you believe you're knowledgeable as  
13 described under the Rule 30 (b) (6) definition I read  
14 earlier with regard to topic number six?

15 A. Yes.

16 Q. All right. Now would you read, if you  
17 would, please, topic number nine.

18 A. Completed.

19 Q. Do you believe you were knowledgeable as  
20 described under Rule 30 (b) (6) as pertains to topic  
21 number nine?

22 A. Yes.

23 Q. All right. Would you now read topic number  
24 12?

25 A. Completed.

1 Q. Do you believe you're knowledgeable as  
2 described under Rule 30 (b) (6) by virtue of the  
3 definition I read earlier as to topic number 12?

4 A. Yes.

5 Q. Would you now read topic number 13.

6 A. Completed.

7 Q. All right. Do you believe you're  
8 knowledgeable as defined under Rule 30 (b) (6), which  
9 I read earlier, as to topic number 13?

10 A. Yes.

11 Q. Now, before we begin with exploring your  
12 knowledge as to those topics you've just identified,  
13 it's my understanding that --

14 MR. RINGLER: Is it Mr. Kim? What's the  
15 lawyer's name?

16 MR. KIM: It is Mr. Kim.

17 MR. RINGLER: My understanding, Mr. Kim,  
18 that this witness would be knowledgeable as  
19 well with regard to topics five, seven, eight,  
20 ten and 11. So why don't you take a moment  
21 and read over with the witness, and you can  
22 certainly go off the record if you wish to do  
23 so, five, seven, eight, ten and 11.

24 MR. KIM: That is what the other witness  
25 has been designated for, based on my -- and I

1 line?

2 A. Yes.

3 Q. And are the claim numbers sequential so  
4 that they're numerically related or are they just  
5 random?

6 A. I believe they are sequential. So it  
7 would count up.

8 Q. In a numerical fashion?

9 A. Correct.

10 Q. All right. Let's move for a moment --  
11 well, strike that.

12 Let me, in fact, ask a couple additional  
13 questions.

14 The first is, do you have an idea of how  
15 many claims are in this file?

16 Are we talking dozens, hundreds, thousands?

17 A. Can you define file?

18 Q. Well, the file that would consist of the  
19 program in its entirety.

20 A. I'm not certain how many the total number  
21 of claims in the system, no.

22 Q. Any estimate?

23 Are we talking about less than a thousand  
24 or would you not know?

25 A. Well, it depends on if you're talking

1 from when the program started until today, no, I  
2 wouldn't have an exact number. And, I actually  
3 wouldn't have --

4 Q. I understand that.

5 But some approximation or not?

6 A. I don't have an approximation.

7 Q. And are they for every product Electrolux  
8 makes or are they for washing machines only?

9 A. For every product.

10 Q. So you might have a complaint for a dryer  
11 and the next complaint for a washing machine and the  
12 next complaint for some other product and then back  
13 to a washing machine, just, again, depending on the  
14 nature of the complaint and the date it's made?

15 A. That is correct.

16 Q. When a complaint is made, what is the basic  
17 information that is captured in addition to the date  
18 the complaint is made?

19 A. Can you define complaint for me, please.

20 Q. The complaint that you're capturing in your  
21 claims program CS STARS?

22 A. Okay. Thank you.

23 We capture the consumers' contact  
24 information, name, address, phone number, e-mail,  
25 if it's provided, and whatever other details they

1 photos that identifies our product, then we would  
2 capture that. But...

3 Q. So the database is searchable?

4 A. Yes.

5 Q. So, for example, if you were looking for  
6 model XYZ, you could search how many complaints and  
7 on what occasions were they made relative to product  
8 XYZ?

9 A. When product XYZ is provided, yes.

10 Q. And if the complaint's about XYZ, but XYZ  
11 was not given at the time the complaint was made,  
12 then that would escape the search?

13 A. Yes.

14 Q. All right. Let's move onto the second  
15 topic for your discussion here today, which is nine,  
16 I believe? The data is storage and maintenance in  
17 your call center database is topic number nine.

18 Why don't you address initially your  
19 knowledge of how your call center database maintains  
20 and stores the complaints that you've been discussing  
21 on your CS STARS program?

22 A. The call center database does not store  
23 information that we put in our CS STARS program.

24 Q. What does the call center store, if  
25 anything?

1           A.    It would be customer contact information  
2 as well as capturing the purpose of the call.

3           Q.    Well, the purpose of the call would be the  
4 complaint; would it not?

5           A.    Not always.

6           Q.    What is the distinction between the purpose  
7 of the call and the identity of the complaint at  
8 issue?

9           A.    My understanding of the call center is an  
10 outside party would call the call center, based on  
11 their complaint, that information would be  
12 documented in the call center database. And then  
13 whatever that complaint -- whatever business unit  
14 that complaint deals with would handle that  
15 specific complaint.

16          Q.    And how would it be transferred, if at all,  
17 to your CS STARS program?

18          A.    If it's a product liability claim, then  
19 we have a claims administrator that extracts that  
20 information and sets up the claim in our CS STARS  
21 program.

22          Q.    And if it's not?

23          A.    If it's not a product liability claim, it  
24 doesn't come over to the CS STARS program, it would  
25 stay in the SAP call center program.



1 Q. And is there an identity for the call  
2 center program if one wanted to capture it?

3 A. The call center program would identify it  
4 as being a liability claim.

5 Q. Well, before we get to the distinction in  
6 your judgment between a liability claim on the one  
7 hand and a products claim on the other, what's the  
8 identity of the claim files, either in electronic  
9 format or in hard copy format, maintained at your  
10 call center?

11 A. It's maintained in electronic format.

12 Q. All right. I think you may have  
13 misunderstood my question. But I appreciate that  
14 information.

15 It's maintained in an electronic format at  
16 the call center, correct?

17 A. Correct.

18 Q. And how was it identified?

19 What is its name?

20 A. Oh, pardon me. SAP CRM is the program  
21 name.

22 Q. And that program had only had the liability  
23 claims, not the product -- would only have the  
24 liability claims, not the product claims?

25 MR. KIM: Objection, misstates prior

1 testimony.

2 A. The -- I believe you previously asked me  
3 how do we identify in that system that a claim goes  
4 to the CS STARS program. And my answer is they  
5 code it as liability. So -- and for this purpose  
6 liability is synonymous with product liability.

7 Q. All right. Forgive me, I want to just walk  
8 through this briefly with you.

9 If the call center receives a claim that's  
10 coded as a product liability claim, that moves over  
11 to the CS STARS system?

12 A. Correct.

13 Q. And what is the other coding possible other  
14 than a product liability claim?

15 A. I'm not sure of all the codings, but an  
16 example would be a warranty claim or a replacement  
17 claim.

18 Q. And what is the definition of a product  
19 liability claim?

20 And to be more precise, what  
21 characteristics would a product liability claim  
22 possess in order to receive that characterization?

23 A. It would be a claim where one of our  
24 products has caused resulting damage, property  
25 damage and/or injury.

1 Q. So if a failure on one of your products  
2 occurred, hypothetically, due to a design  
3 malfunction, but didn't cause any property damage,  
4 the call center wouldn't characterize that as a  
5 products liability claim because there was no damage;  
6 is that correct?

7 MR. KIM: Objection, misstates prior  
8 testimony.

9 A. That's correct.

10 Q. So if one obtained the program from the  
11 call center that you identified earlier, there may be  
12 claims that revolve -- strike, withdraw.

13 So if one obtained the -- let's try it once  
14 more. Third time's a charm.

15 So if one obtained the claim file from the  
16 call center, they would contain claims that may  
17 indeed arise from a product failure, but not one  
18 where the product failure caused property damage or  
19 injury, correct?

20 MR. KIM: Objection, misstates prior  
21 testimony, vague and ambiguous.

22 Q. You can answer.

23 A. I believe that to be correct, yes.

24 Q. And, again, the name of the computer  
25 retained claim file at the call center is?

1           A.     The program is SAP CRM.

2           Q.     And do you have any estimate as to the time  
3 period over which -- or during which this computer  
4 claim file has been maintained?

5           MR. KIM:  Objection, vague and ambiguous.

6           And misstates prior testimony just to the  
7 extent that we're using the term claim file in  
8 connection with the call center.

9           THE WITNESS:  Right.

10          Q.     All right.  Well, tell me the term you want  
11 me to utilize.

12          A.     Well, I think from my perspective on this  
13 question is one, the call center does not document  
14 a claim file, they document the call and set up the  
15 complaint and then they try to facilitate it to the  
16 correct department for handling.

17          Q.     All right.  So you're distinguishing  
18 between the claim file that goes to the CS STARS  
19 program and a complaint?

20          A.     Correct.

21          Q.     So I'll utilize your terminology.

22                 The complaint file as opposed to the claim  
23 file kept at the call center, for what period of time  
24 is that claim been -- oh, forgive me, that complaint  
25 file been kept?

1           A.    I'm not -- I'm specific on the exact date  
2           that those are kept.  I would be making an  
3           assumption.

4           Q.    Do you have any framework with respect to  
5           the time period during which this complaint file has  
6           been kept?

7           A.    The only thing I specifically I can say  
8           is when I've needed to search that system, I  
9           haven't had -- I haven't run into issues where I  
10          can't find a prior complaint that was reported.  
11          I'm not certain how far back it dates.

12          Q.    Now, the claim file at the call center,  
13          like the complaint file at the CS STARS program, is a  
14          searchable database?

15                MR. KIM:  Objection to the extent it  
16                misstates prior testimony and it's vague  
17                ambiguous.  I think you have the terms  
18                switched that the witness has been using.

19                MR. RINGLER:  All right.  Forgive me.

20                Let's do --

21          Q.    The call center is the claim -- forgive me,  
22          the call center is the complaint file, the CS STARS  
23          is the claim file, correct?

24          A.    Yes.

25          Q.    All right.  So looking at the call center

1 complaint file, is that a searchable database?

2 A. I believe so, yes.

3 Q. And do you have any estimate as to how many  
4 items are on that database? For example, a hundred,  
5 a thousand, 5,000?

6 A. I have no estimate, no, I don't.

7 Q. And you don't have an estimate as to the  
8 time period over which that file has been maintained?

9 A. No, I do not.

10 Q. Do you know if there's ever been a deletion  
11 to the file at the call center for complaints?

12 A. I believe that it's our business practice  
13 if a complaint is set up, it's not deleted.

14 Q. And the same question as to the CS STARS  
15 claim file, has there ever been deletions to those  
16 files in that searchable database?

17 A. We have had deletions for duplicate  
18 claims set up. That would be the only scenario.

19 Q. All right. Let's look at one other issue  
20 with regard to nine.

21 Do you know if any of the complaints that  
22 are received at the call center are provided to  
23 either design or manufacturing engineers at  
24 Electrolux?

25 MR. KIM: Objection, asked and answered.

1 Withdraw.

2 Are you aware of where one would go to  
3 obtain a database, if one exists, that reflects  
4 lawsuits filed against electric Electrolux as a  
5 result of the overflow of washing machines  
6 manufactured by Electrolux?

7 A. Yes.

8 Q. Where would that be?

9 A. It could be our CS STARS system or  
10 possibly our system that our legal department uses.

11 Q. And what is the system your legal  
12 department uses?

13 MR. KIM: Objection to the extent that  
14 this calls for the disclosure of  
15 attorney/client communication.

16 If you know the file --

17 Q. Don't tell me anything that your lawyers  
18 told you. But if you know there's a database or a  
19 filing system, I'm looking to get identification of  
20 that system.

21 MR. KIM: If you know that file generally  
22 exists, you can answer.

23 A. Yeah, it would be -- and I don't know  
24 that this is the name of the program, but I know  
25 that we have a system that the legal department

1 works in called Case Track.

2 Q. And does that identify litigation files  
3 that have previously and currently exist?

4 A. I don't know. I don't work in that  
5 system.

6 Q. Are you aware of the identity of any other  
7 database, whether in electronic format or hard copy  
8 format, that relates to the categorization and  
9 retention of past and current litigation involving  
10 the overflow of washing machines manufactured by  
11 Electrolux?

12 A. No, I'm not.

13 Q. Where would we go to locate any claims or  
14 complaints made by -- strike that, withdraw.

15 MR. RINGLER: Can we just take about a  
16 two or three-minute brief recess. We're  
17 almost done with this witness.

18 MR. KIM: Sure. Why don't we take a  
19 break.

20 THE VIDEOGRAPHER: Time is 12:14 p.m.  
21 We're now off the record.

22 (A BRIEF RECESS WAS TAKEN.)

23 THE VIDEOGRAPHER: The time is 12:20 p.m.  
24 We're back on the record.

25 Q. Mr. Brown, the Case Track program you



1 mentioned, one, do you know if it's searchable?

2 A. I do not know.

3 Q. Two, do you know if you can find litigation  
4 by looking at that database and searching for a  
5 particular product?

6 A. I do not know.

7 Q. Same question, a particular model?

8 A. I do not know.

9 Q. Returning to 13, are you aware of whether  
10 there is information at Electrolux regarding  
11 complaints they have received about washing machines  
12 they manufactured that overflowed?

13 MR. RINGLER: And would you read that  
14 back, Mr. Reporter.

15 (THE QUESTION WAS READ BACK.)

16 MR. KIM: And just to be clear, when  
17 we're saying complaints, because I know we've  
18 used a couple different terms, which -- what  
19 are we referring to exactly?

20 MR. RINGLER: Complaints, people making a  
21 statement that their washing machine  
22 overflowed.

23 A. Well, personally, I think that's kind of  
24 a vague question. But I'm sure we have complaints  
25 where somebody's complained about their washing

1 machine overflowing.

2 Q. How would one obtain those from Electrolux?

3 A. Well, we don't drill down our query to  
4 washing machine overflow. It would be a water loss  
5 is how it would be defined, which could be any  
6 product or category.

7 Q. If we wanted to find out from Electrolux  
8 the identity -- strike, withdraw.

9 If we wanted to find out from Electrolux  
10 how many individuals contacted Electrolux from 2005  
11 until the present and made a complaint that their  
12 washing machine overflowed, how would we obtain that  
13 information?

14 MR. KIM: Are you asking --

15 MR. RINGLER: Read that back, if you  
16 would, Mr. Reporter.

17 (THE QUESTION WAS READ BACK.)

18 MR. KIM: Again, just because we're using  
19 the terms -- different terms, do you mean what  
20 -- you know, if he wanted to run a search for  
21 the call center, is that what you're referring  
22 to when people contact Electrolux, what search  
23 could be run?

24 MR. RINGLER: Just let him answer my  
25 question and then we can certainly try to

1           refine it further.

2           A.    I believe you would have to make a  
3 request for us to search whatever systems we use to  
4 capture that information.

5           Q.    And what systems would those be?

6           A.    I'm not sure what systems exactly.  
7 Personally the system I use we don't capture a  
8 claim drill down where you can search and say these  
9 are the claims for water overflow.

10          Q.    You've spoken about three separate systems,  
11 the first CS STARS; the second, the system you  
12 identified that is kept at the call center; and the  
13 third, Case Track, which is kept for litigation.

14                Are you aware if any of those would provide  
15 a searchable database to allow retrieval of the  
16 information identified in my previous question, ie:  
17 those individuals that made complaints to Electrolux  
18 that their washing machine overflowed from '05 until  
19 the present?

20          A.    No.

21          Q.    And by no you believe none of them would  
22 provide a searchable database to be able to identify  
23 that narrow complaint and search it in such fashion?

24          A.    To my knowledge, correct.

25          Q.    All right. Let me conclude by walking you

1 STATE OF NORTH CAROLINA )  
 ) ss:  
 2 COUNTY OF MECKLENBURG )

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I, V. DARIO STANZIOLA, do hereby certify:

That I am a duly qualified Notary Public in and for the State of North Carolina, and that I am authorized to administer oaths and affirmations;

That the foregoing deposition testimony of the herein named witness was taken before me at the time and place herein set forth;

That prior to being examined, the witness named in the foregoing deposition, was duly sworn or affirmed by me, to testify the truth, the whole truth, and nothing but the truth;

That the testimony of the witness and all objections made at the time of the examination were recorded stenographically by me, and were thereafter transcribed under my direction and supervision;

That the foregoing pages contain a full, true and accurate record of the proceedings and testimony to the best of my skill and ability;

That prior to the completion of the foregoing deposition, review of the transcript was requested.

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I further certify that I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in the outcome of this action.

IN WITNESS WHEREOF, I have subscribed my name this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
V. DARIO STANZIOLA, CSR, RPR, CRR  
Notary Public No. 20011200120