

CRUMMY, DEL DEO, DOLAN & PURCELL
Gateway 1
Newark, New Jersey 07102
(201) 622-2235
Attorneys for Defendant, Massey-Ferguson

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. L-20573-72

EDWARD J. PHELAN, and ELEANOR
M. HARTMANN, Co- Executors of
the Estate of John A. Hartmann,
Jr., Deceased and ELEANOR M.
HARTMANN, Individually,

Plaintiffs,

vs.

MASSEY-FERGUSON, a Maryland
corporation and HYWAY TRACTOR
& EQUIPMENT CO., a New Jersey
corporation,

Defendants.

STATE OF NEW JERSEY)
COUNTY OF ESSEX) ss.:

CATHY A. VER SPRILL, being duly sworn according
to law upon her oath deposes and says:

1. On August 14, 1974 I did mail by Certified
Mail, R.R.R. a copy of a Notice to Take the Oral Deposition
of Robert Jenkins in regard to the above captioned matter
to the following:

1. John A. Hartmann, III, Esq.
Mason, Griffin & Pierson
201 Nassau Street
Princeton, New Jersey 08540
Attorneys for Plaintiffs, Edward J. Phelan
and Eleanor M. Hartmann
2. Joseph L. Kriegel, Esq.
Lippincott & Kriegel
96 Rancocas Road
Mount Holly, New Jersey 08060
Attorneys for Defendant, Hyway Tractor
& Equipment Co.

Cathy A. Ver Sprill

CATHY A. VER SPRILL

Sworn and subscribed to before me
this 14th day of August, 1974.

[Signature]

Attorney at Law
State of New Jersey

CRUMMY, DEL DEO, DOLAN & PURCELL
Gateway 1
Newark, New Jersey 07102
(201) 622-2235
Attorneys for Defendant, Massey-Ferguson

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. L-20573-72

EDWARD J. PHELAN and ELEANOR M.
HARTMANN, Co-Executors of the
Estate of John A. Hartmann, Jr., Deceased
and ELEANOR M. HARTMANN, Individually,:

Plaintiffs,

vs.

MASSEY-FERGUSON, a Maryland corporation
and HYWAY TRACTOR & EQUIPMENT CO.,
a New Jersey corporation,

Defendants.

NOTICE TO TAKE
ORAL DEPOSITION

TO: John A. Hartmann, III, Esq.
MASON, GRIFFIN & PIERSON
201 Nassau Street
Princeton, New Jersey 08540
Attorneys for Plaintiffs, Edward J. Phelan
and Eleanor M. Hartmann

Joseph L. Kriegel
LIPPINCOTT & KRIEDEL
96 Rancocas Road
Mount Holly, New Jersey 08060
Attorneys for Defendant, Hyway Tractor & Equipment Co.

SIRS:

PLEASE TAKE NOTICE, that in accordance with the Rules
of Civil Practice and Procedure of the State of New Jersey and
the Alabama Rules of Civil Procedure, testimony will be taken

by deposition upon oral examination before a person authorized by the laws of the State of New Jersey and/or the laws of the State of Alabama to administer oaths on THURSDAY, AUGUST 29, 1974 at 9:00 a.m. at the office of Hand, Arendall, Bedsole, Greaves and Johnston, 30th Floor, First National Bank Building, Mobile, Alabama, 36602 with respect to all matters relevant to the subject matter involved in this action at which time and place the following person's testimony is to be taken:

ROBERT JENKINS
110 Fairwood Boulevard
Fair Hope, Alabama

At that same time and place the deponent is to have, bring with him, and produce the following:

1. All books, pamphlets, reports, articles, and the like which the deponent authored or co-authored or to which he has contributed which are related in any manner to the fields of safety, design, construction, manufacture, or assembly of mechanical, agricultural, construction, automotive, aeronautical equipment and devices;
2. All manuals, reports and/or drafts of reports and the like relating to the fields of mechanical, agricultural, construction, automotive, aeronautical equipment and devices and prepared and/or published and/or issued by any committee, subcommittee, department, organization or other entity or association (including but not limited to the Army Corps of Engineers) of which the deponent was or is

a member or part and for the preparation of the contents of which he claims any credit whatsoever;

3. All patents, patent applications, petitions and declarations, assignment agreements, license agreements and the like relating to patents and/or inventions in the fields of safety, design, construction, manufacture, assembly of mechanical, agricultural, construction, automotive, aeronautical equipment and devices which have been obtained by, applied for, and/or executed by the deponent;

4. A list of all cases (including complete captions containing the names of the cases, the names and addresses of the courts, the docket numbers and the names and addresses of the attorneys involved), in which the deponent has testified or attempted to testify as an expert witness and the dates and places of each such appearance by deponent as a potential expert witness;

5. The documents numbered 8, 24, 26, 31 and 42 attached to the report of Robert L. Jenkins to Mr. John A. Hartmann, III, dated May 29, 1974 and relating to this matter of Hartmann vs. Massey-Ferguson, et al. and described as follows:

No. 8 - Deaths from Overturning Farm Tractors . . . the Toll Continues, California Safety News, September, 1966.

No. 24 - Rollover Protective Structures for Farm and Construction Tractors - - A 50 Year Review by James F. Arndt, Deere and Co.

No. 26 - Rollover Protective Structures, S.P. - 14.4, General Safety Requirements.

No. 31 -Rural Accident Prevention
Bulletin, National Safety Council

No. 42 - Agricultural Tractor
Standardization Committees and
Memberships as of the Year 1970.

CRUMMY, DEL DEO, DOLAN &
PURCELL,

Dated: August 14, 1974

By: 

John A. Ridley, Counsel
to Defendant, Massey-
Ferguson

FILED

AUG 26 1974

EUNICE B. BLACKMON CIRCUIT
CLERK

ANDREW B. CRUMMY
RALPH N. DEL DEO
JOHN T. DOLAN
JOSEPH R. PURCELL
MICHAEL R. GRIFFINGER
FRANK J. VECCHIONE
PETER J. CARTON
PETER E. HENRY
JOHN A. RIDLEY
ROBERT W. DELVENTHAL
ROBERT M. M. VAN RENSSELAER
DAVID J. SHEEHAN
DONALD H. STECKROTH
DAVID M. HYMAN

CRUMMY, DEL DEO, DOLAN & PURCELL

ATTORNEYS AT LAW
GATEWAY I
NEWARK, N. J. 07102
201-622-2235

SUBURBAN OFFICE
163 MORRISTOWN ROAD
BERNARDSVILLE, N. J. 07924
201-766-3850

August 14, 1974

REFER TO FILE NO.

OF COUNSEL
THOMAS J. O'NEILL

John A. Hartmann, III, Esq.
Mason, Griffin & Pierson
201 Nassau Street
Princeton, New Jersey 08540

Joseph L. Kriegel
Lippincott & Kriegel
96 Rancocas Road
Mount Holly, New Jersey 08060

Re: Hartmann vs. Massey-Ferguson, et al.

Dear John and Joe:

I am enclosing herewith a Notice of Take the Deposition of Robert Jenkins which I believe to be self-explanatory. As you know I have previously on July 2 and July 16, 1974 requested counsel for plaintiffs to provide me with a convenient date and place for the taking of the deposition of Mr. Jenkins. Neither of my requests have been answered nor has other recent correspondence from me in this matter. I therefore must assume that you have either no desire to participate in the taking of this deposition or that you indeed have no objection to it being taken at a date, place and time convenient exclusively to myself and Alabama counsel.

Very truly yours,


John A. Ridley

JAR:cav
Enclosure
CERTIFIED MAIL, R.R.R.

ANDREW B. CRUMMY
RALPH N. DEL DEO
JOHN T. DOLAN
JOSEPH R. PURCELL
MICHAEL R. GRIFFINGER
FRANK J. VECCHIONE
PETER J. CARTON
PETER E. HENRY
JOHN A. RIDLEY
ROBERT W. DELVENTHAL
ROBERT M. M. VAN RENSSELAER
DAVID J. SHEEHAN
DONALD H. STECKROTH
DAVID M. HYMAN

CRUMMY, DEL DEO, DOLAN & PURCELL
ATTORNEYS AT LAW
GATEWAY I
NEWARK, N.J. 07102
201-622-2235

SUBURBAN OFFICE
163 MORRISTOWN ROAD
BERNARDSVILLE, N.J. 07924
201-766-3850

August 14, 1974

REFER TO FILE NO.

OF COUNSEL
THOMAS J. O'NEILL

John A. Hartmann, III, Esq.
Mason, Griffin & Pierson
201 Nassau Street
Princeton, New Jersey 08540

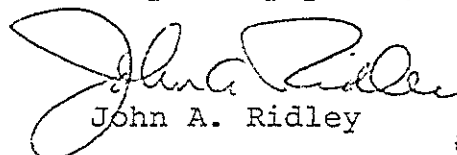
Joseph L. Kriegel
Lippincott & Kriegel
96 Rancocas Road
Mount Holly, New Jersey 08060

Re: Hartmann vs. Massey-Ferguson, et al.

Dear John and Joe:

I am enclosing herewith a Notice of Take the Deposition of Robert Jenkins which I believe to be self-explanatory. As you know I have previously on July 2 and July 16, 1974 requested counsel for plaintiffs to provide me with a convenient date and place for the taking of the deposition of Mr. Jenkins. Neither of my requests have been answered nor has other recent correspondence from me in this matter. I therefore must assume that you have either no desire to participate in the taking of this deposition or that you indeed have no objection to it being taken at a date, place and time convenient exclusively to myself and Alabama counsel.

Very truly yours,


John A. Ridley

JAR:cav
Enclosure
CERTIFIED MAIL, R.R.R.

CRUMMY, DEL DEO, DOLAN & PURCELL
Gateway 1
Newark, New Jersey 07102
(201) 622-2235
Attorneys for Defendant, Massey-Ferguson

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. L-20573-72

EDWARD J. PHELAN and ELEANOR M.
HARTMANN, Co-Executors of the
Estate of John A. Hartmann, Jr., Deceased
and ELEANOR M. HARTMANN, Individually, :

Plaintiffs, :

vs. :

MASSEY-FERGUSON, a Maryland corporation
and HYWAY TRACTOR & EQUIPMENT CO.,
a New Jersey corporation, :

Defendants. :

NOTICE TO TAKE
ORAL DEPOSITION

TO: John A. Hartmann, III, Esq.
MASON, GRIFFIN & PIERSON
201 Nassau Street
Princeton, New Jersey 08540
Attorneys for Plaintiffs, Edward J. Phelan
and Eleanor M. Hartmann

Joseph L. Kriegel
LIPPINCOTT & KRIEDEL
96 Rancocas Road
Mount Holly, New Jersey 08060
Attorneys for Defendant, Hyway Tractor & Equipment Co.

SIRS:

PLEASE TAKE NOTICE, that in accordance with the Rules
of Civil Practice and Procedure of the State of New Jersey and
the Alabama Rules of Civil Procedure, testimony will be taken

by deposition upon oral examination before a person authorized by the laws of the State of New Jersey and/or the laws of the State of Alabama to administer oaths on THURSDAY, AUGUST 29, 1974 at 9:00 a.m. at the office of Hand, Arendall, Bedsole, Greaves and Johnston, 30th Floor, First National Bank Building, Mobile, Alabama, 36602 with respect to all matters relevant to the subject matter involved in this action at which time and place the following person's testimony is to be taken:

ROBERT JENKINS
110 Fairwood Boulevard
Fair Hope, Alabama

At that same time and place the deponent is to have, bring with him, and produce the following:

1. All books, pamphlets, reports, articles, and the like which the deponent authored or co-authored or to which he has contributed which are related in any manner to the fields of safety, design, construction, manufacture, or assembly of mechanical, agricultural, construction, automotive, aeronautical equipment and devices;
2. All manuals, reports and/or drafts of reports and the like relating to the fields of mechanical, agricultural, construction, automotive, aeronautical equipment and devices and prepared and/or published and/or issued by any committee, subcommittee, department, organization or other entity or association (including but not limited to the Army Corps of Engineers) of which the deponent was or is

a member or part and for the preparation of the contents of which he claims any credit whatsoever;

3. All patents, patent applications, petitions and declarations, assignment agreements, license agreements and the like relating to patents and/or inventions in the fields of safety, design, construction, manufacture, assembly of mechanical, agricultural, construction, automotive, aeronautical equipment and devices which have been obtained by, applied for, and/or executed by the deponent;

4. A list of all cases (including complete captions containing the names of the cases, the names and addresses of the courts, the docket numbers and the names and addresses of the attorneys involved), in which the deponent has testified or attempted to testify as an expert witness and the dates and places of each such appearance by deponent as a potential expert witness;

5. The documents numbered 8, 24, 26, 31 and 42 attached to the report of Robert L. Jenkins to Mr. John A. Hartmann, III, dated May 29, 1974 and relating to this matter of Hartmann vs. Massey-Ferguson, et al. and described as follows:

No. 8 - Deaths from Overturning Farm Tractors . . .
the Toll Continues, California Safety
News, September, 1966.

No. 24 - Rollover Protective Structures
for Farm and Construction Tractors - -
A 50 Year Review by James F. Arndt,
Deere and Co.

No. 26 - Rollover Protective Structures,
S.P. - 14.4, General Safety Requirements.

No. 31 -Rural Accident Prevention
Bulletin, National Safety Council

No. 42 - Agricultural Tractor
Standardization Committees and
Memberships as of the Year 1970.

CRUMMY, DEL DEO, DOLAN &
PURCELL,

Dated: August 14, 1974

By: 

John A. Ridley, Counsel
to Defendant, Massey-
Ferguson

At that same time and place the deponent is to have bring with him, and produce the following:

1. All books, pamphlets, reports, articles and the like which the deponent authored or co-authored or to which he has contributed which are related in any manner to the fields of safety, design, construction, manufacture or assembly of mechanical, agricultural, construction, automotive, aeronautical equipment and devices;

2. All manuals, reports and/or drafts of reports and the like relating to the fields of mechanical, agricultural, construction, automotive, aeronautical equipment and devices and prepared and/or published and/or issued by any committee, subcommittee, department, organization or other entity or association (including but not limited to the Army Corps of Engineers) of which the deponent was or is a member or part and for the preparation of the contents of which he claims any credit whatsoever;

3. All patents, patent applications, petitions and declarations, assignment agreements, license agreements and the like relating to patents and/or inventions in the fields of safety, design, construction, manufacture, assembly of mechanical, agricultural, construction, automotive, aeronautical equipment and devices which have been obtained by, applied for, and/or executed by the deponent;

4. A list of all cases (including complete captions containing the names of the cases, the names and addresses of the courts, the docket numbers and the names and addresses of the attorneys involved), in which the deponent has testified or attempted to testify as an expert witness and the dates and places of each such appearance by deponent as a potential expert witness;

5. The documents numbered 8, 24, 26, 31 and 42 attached to the report of Robert L. Jenkins to Mr. John A. Hartmann, III, dated May 29, 1974 and relating to this matter of Hartmann vs. Massey-Ferguson, et al. and described as follows:

No. 8 - Deaths from Overturning Farm Tractors . . . the Toll Continues, California Safety News, September, 1966.

No. 24 - Rollover Protective Structures for Farm and Construction Tractors - A 50 Year Review by James F. Arndt, Deere and Co.

No. 26 - Rollover Protective Structures, S.P. - 14.4, General Safety Requirements.

No. 31 - Rural Accident Prevention Bulletin, National Safety Council

No. 42 - Agricultural Tractor Standardization Committees and Memberships as of the Year 1970.

At that same time and place the deponent is to have, bring with him, and produce the following:

1. All books, pamphlets, reports, articles, and the like which the deponent authored or co-authored or to which he has contributed which are related in any manner to the fields of safety, design, construction, manufacture, or assembly of mechanical, agricultural, construction, automotive, aeronautical equipment and devices;

2. All manuals, reports and/or drafts of reports and the like relating to the fields of mechanical, agricultural, construction, automotive, aeronautical equipment and devices and prepared and/or published and/or issued by any committee, subcommittee, department, organization or other entity or association (including but not limited to the Army Corps of Engineers) of which the deponent was or is a member or part and for the preparation of the contents of which he claims any credit whatsoever;

3. All patents, patent applications, petitions and declarations, assignment agreements, license agreements and the like relating to patents and/or inventions in the fields of safety, design, construction, manufacture, assembly of mechanical, agricultural, construction, automotive, aeronautical equipment and devices which have been obtained by, applied for, and/or executed by the deponent;

4. A list of all cases (including complete captions containing the names of the cases, the names and addresses of the courts, the docket numbers and the names and addresses of the attorneys involved), in which the deponent has testified or attempted to testify as an expert witness and the dates and places of each such appearance by deponent as a potential expert witness;

5. The documents numbered 8, 24, 26, 31 and 42 attached to the report of Robert L. Jenkins to Mr. John A. Hartmann, III, dated May 29, 1974 and relating to this matter of Hartmann vs. Massey-Ferguson, et al. and described as follows:

No. 8 - Deaths from Overturning Farm Tractors . . . the Toll Continues, California Safety News, September, 1966.

No. 24 - Rollover Protective Structures for Farm and Construction Tractors - - A 50 Year Review by James F. Arndt, Deere and Co.

No. 26 - Rollover Protective Structures, S.P. - 14.4, General Safety Requirements.

No. 31 - Rural Accident Prevention Bulletin, National Safety Council

No. 42 - Agricultural Tractor
ization Committees and
Year 1970.

STATE OF ALABAMA

Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA,—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON ROBERT JENDINS, 110 Fairwood
Boulevard, Fairhope, Alabama

at the instance of the DEFENDENT, If he should be found in your County, personally
to be and appear ~~at the office of Hand, Arendall, Bedsole, Greaves, and Johnston, 30th Floor,~~
~~before the Circuit Court of Baldwin County at the present term thereof to be held~~
First National Bank Building, Mobile, Alabama
~~at the Court House in~~ to wit: on 29th, the day of August, 1974
at 9:00 a.m., and to bring with him and produce at the time and place aforesaid, to be used as
evidence (here describe it). See Attached

and then and there testify and the truth to speak concerning all and singular those things of which he
may have knowledge, or the said instrument of writing doth import of, and concerning a certain suit
now pending and undetermined in said Court, wherein EDWARD J. PHELAN and ELEANOR M. HARTMAN
Plaintiff, and MASSEY-FERGUSON, A MARYLAND CORP. Defendant.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then
and there this writ with your endorsement thereon in what manner you have executed same.

Witness my hand, this 26 day of August, 1974.

Jeffery M. Massey
Judge

Epps
Need NEW DATE
Received LATE
for service
8-25-74
RECEIVED

AUG 27 1974

TAYLOR WILKINS
SHERIFF

By service on Robert Jenkins

TAYLOR WILKINS, Sheriff
BY H. H. Mitchell D. S.

I served a copy of the within
on Robert Jenkins

Received 29th day of SEP 1974

Sherriff clerk 70

TAYLOR WILKINS, Sheriff

Don't forget to file
TAYLOR WILKINS, Sheriff

SECURITY SERVICE

Return
original to clerk

No.20573-72.....

THE STATE OF ALABAMA
Baldwin County

EDWARD J. PHELAN and ELEANOR M.

HARTMANN

Plaintiff

VS. SUBPOENA DECUS TECUM

MASSEY-FERGUSON, A MARYLAND CORP.

Defendant

CIRCUIT COURT

WITNESSES:

ROBERT JENKINS
110 Fairwood Boulevard
Fairhope, Alabama

SET FOR TRIAL

...29th...day of...August..... 1974.

MOORE Prtg. Co., Bay Minette