

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

3 VOL. I
4 PGS. 1-155
5 EXHIBITS 1

6 ANDREW SHALABY and)
7 SONIA DUNN-RUZ,)
8)
9 Plaintiffs,)
10)
11 vs)
12)
13 IRWIN INDUSTRIAL TOOL COMPANY,)
14 INCORPORATED; THE HOME DEPOT,)
15 INCORPORATED; and DOES 2 Through)
16 100, Inclusive,)
17)
18 Defendants.)
19)
20 AND RELATED THIRD PARTY CLAIMS)

21 DEPOSITION OF THOMAS W. EAGAR, Sc.D., an expert
22 witness called by the Plaintiffs taken pursuant
23 to the Federal Rules of Civil Procedure, before
24 Lori J. Atkinson, a Court Reporter and Notary
Public in and for the Commonwealth of
Massachusetts at the offices of Synergy
Executive Suites, Ten Post Office Square,
Boston, MA, on the 10th of September 2008,
commencing at 9:30 a.m.

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1 other type of measurement, how much force it
2 would take in terms of putting a cylinder down
3 on down a surface?

4 A. It is not a force, it is an impact which is
5 about 30 foot pounds according to Dr. Anderson.

6 Q. Do you agree with that?

7 A. The 15 to 30 foot pound range is consistent with
8 the types of numbers that I remember from the
9 tests that I did on the NRT cylinders in the
10 past.

11 Q. You in your mind cannot imagine, 15 to 30 foot
12 pounds of force placed on the cylinder by
13 somebody who is using the tool in a hurry and
14 puts it down quickly in the midst of
15 multi-tasking say?

16 A. No. They have to be -- it is not something that
17 you do with your wrist. It is not something
18 that you do with your wrist and your elbow.
19 This is something that you have to do with your
20 shoulder on. Okay. Let me just say that. In
21 order to get 15 foot pounds, you don't do that
22 with your wrist. Not even Arnold Schwarzenegger
23 does it with his wrist. Maybe Arnold could do
24 it with his elbow. I can't do it with my elbow.