

1 before you sit I will ask you to raise your right hand  
2 to be sworn.

3 (Witness sworn)

4 DAVID WEBB,  
5 having previously been sworn upon his oath to speak the  
6 truth, testified as follows:

7 THE COURT: Go ahead and have a seat.

8 DIRECT EXAMINATION

9 BY MS. KOEHLER:

10 Q. Good morning, sir, or afternoon. Can you tell  
11 the jury your name and address?

12 A. My name is David Webb. My address is 6305  
13 Albion Way, Mt. Lake Terrace Washington 98043.

14 Q. And who are you employed by?

15 A. Allied Building Products.

16 Q. And how are you connected to Mr. Petersen?

17 A. I was his supervisor at the time.

18 Q. All right. Can you tell us how long or tell  
19 us a little bit about your background, your personal  
20 background, how long you have worked for the company  
21 and how big of a company it is.

22 A. Allied Building Products is one of the largest  
23 roofing distributors in the United States. They have  
24 over 200 locations. I have been with Allied Building  
25 Products for 12 years, and I have been in the industry

1 that time. I have been with Allied the whole time I  
2 have been with the industry.

3 Q. What is your job title, sir?

4 A. currently I am the operations manager of the  
5 Edmonds location now.

6 Q. And at the time of this incident, what was  
7 your job title?

8 A. I was the operations manager and the assistant  
9 manager of the Kent location.

10 Q. Okay.

11 THE CLERK: Plaintiffs Exhibit 44 is marked  
12 for identification.

13 BY MS. KOEHLER:

14 Q. Mr. Webb, I am going to hand you what's been  
15 marked as Plaintiff's Exhibit No. 44, which has  
16 previously been shown to the jury and is part of the  
17 exhibit book under exhibit number five, and I have put  
18 it up on the screen; but I am also giving you your own  
19 copy. And I would ask you to tell us if you can, is  
20 that connected with your company?

21 A. Yes, it is. It's an invoice.

22 Q. Okay. And can you tell us what the date of  
23 the invoice is?

24 A. 12/27/02.

25 Q. And that says order date?

1 A. It says promise date. The order date would  
2 have been 12/27/02.

3 Q. And the promise date was what?

4 A. 12/30/02.

5 Q. Okay. And who ordered this material?

6 A. Northwest Roofing Service.

7 Q. And have you had contact with Northwest  
8 Roofing Service in the past?

9 A. A lot. Quite a bit.

10 Q. Where are they?

11 A. They are a roofing contractor.

12 Q. So, was it your understanding in looking at  
13 this that Northwest Roofing Service would have made  
14 this order?

15 A. Yes.

16 Q. Is there any indication that this would not,  
17 that this would have just been a private order, by a  
18 private individual?

19 A. No.

20 Q. And there is a ship to address and a -- would  
21 the ship to address typically be the place that was  
22 being constructed?

23 A. The location of deliver, right.

24 Q. And again, it says Northwest Roof Service, why  
25 would it say that?

1 A. Sometimes depending on the contractor they  
2 don't provide the homeowner's information.

3 Q. So, as far as Allied knew on 12/27 when this  
4 order was made, who is ordering this? Where was it  
5 going?

6 A. Well, according to the address it says it was  
7 going to Maple Valley. But it was ordered on the  
8 customer PO. It gives a PO number and a name. So,  
9 assuming that would be the person ordering the  
10 material.

11 Q. And who was that?

12 A. Glenn.

13 Q. Glenn Anderson on behalf of Northwest Roof  
14 Service?

15 A. Yes.

16 Q. Do you see Mr. Finazzo's name anywhere on that  
17 order form?

18 A. No.

19 Q. Can you tell how that order was paid?

20 A. No. There is no way to tell on this piece of  
21 paper?

22 Q. Okay. Now, have you personally actually  
23 delivered roof materials in addition to what you  
24 currently now do?

25 A. Quite a bit.

1 Q. Quite bit. And handing you what's been  
2 previously marked as Exhibit number three, I am going  
3 to represent to you this is a photograph of a pack of  
4 roofing material that existed after the roof collapsed  
5 that was located on the property, does that look like  
6 a -- is that -- if you look at your order form and  
7 compare it to the picture that you have is that the  
8 same product? Does that match up?

9 A. From what is on the paper to the picture?

10 Q. Right.

11 A. No.

12 Q. What is it?

13 A. Well, the only difference and I mean it's the  
14 same material. But warrantees have changed. So the  
15 wrappers have changed looks. This would be this  
16 material in 2002.

17 Q. Right.

18 A. But the material looks like this almost  
19 today.

20 Q. Okay. So, five years ago, is that what the  
21 material looked like that was ordered on that order  
22 form were?

23 A. Yes, I'm sorry.

24 Q. And from Allied we did bring the current  
25 version of that with a different warrantee form, did

1 you look at that material?

2 A. I did.

3 Q. And is it too heavy for you to carry before  
4 the jury?

5 A. No.

6 MS. KOEHLER: Permission to, for the witness  
7 to access the --

8 THE COURT: Sure. Don't hurt yourself.

9 MS. KOEHLER: No, we don't want that. Maybe I  
10 am going to move this down here.

11 THE COURT: Sloped roof?

12 MS. KOEHLER: Sloped roof.

13 Q. Maybe you can put it there. Can you do that?

14 A. Sure.

15 Q. Now, before you sit down, approximately how  
16 much does one bundle of this product weigh?

17 A. Approximately 68 or 69 pounds, roughly.

18 Q. For one bundle?

19 A. Uh-huh.

20 Q. And I would like you to pull out a piece so  
21 that we can see what it looks like. So, how many  
22 pieces are in a bundle?

23 A. Should be around 23 pieces.

24 Q. So, each piece weighs about three pounds?

25 A. Sure.

1 Q. Okay. I am not going to -- I was thinking of  
2 having this passed through the jury box. But it's  
3 dirty and yucky. So, I am not going to do that.

4 A. All right.

5 Q. If there is a dryer one, and the jury would  
6 like to see it, maybe someone will ask a question and  
7 ask to feel it and then we can do that later. So, for  
8 now I won't force them to go through that. I don't  
9 know if they are interested.

10 THE COURT: Let me just ask you this: It's my  
11 understanding that they weren't removed from the  
12 packaging from the date of the injury. Therefore, I'm  
13 not going to open it.

14 MS. KOEHLER: I just want it for the weight of  
15 it, knowing that there is 23 --

16 THE COURT: Well, we passed the 68 pound bag  
17 through the jury box. Okay. Why don't you come on  
18 back up, Mr. Webb.

19 Q. So, now, can you tell how many bundles were  
20 ordered?

21 A. Sorry, I have to convert it to the math.

22 Q. No problem.

23 A. Total would have been 52.

24 Q. Okay?

25 A. 54 with the ridge bundles total bundles.

1 Q. Okay. So, what it would like you to help us  
2 with, I would like you to show us how a structure would  
3 be loaded if you were just to make a, I mean, I know  
4 that you were there and saw the roof collapse and I'm  
5 not asking you to draw that exact structure, but  
6 something that had a roof line similar to that. The  
7 dimension was 60 by 18 feet. So, just roughly that  
8 kind of a structure; and if you could tell us and show  
9 us maybe how that would be loaded by your crew.

10 A. Sure. If this was representing the house and  
11 this is the very peak of the roof and this was the  
12 gutter edges, we would load all the material spread  
13 from one corner of the top of roof, from one corner to  
14 the other, even laying the bundles across.

15 Q. And how would you do that, physically? I  
16 mean, what's involved?

17 A. You take them off of our conveyers, which is  
18 on the back of our trucks. As the material gets shot  
19 up to them, then one person or multiple people would be  
20 up there and manually, by hand, moving them from one  
21 corner to the other, spreading them all out as they go  
22 along.

23 Q. Okay. Thank you. Now, how long did Ken  
24 Petersen work for you before the roof collapsed?

25 A. About a year and a half.

1 Q. How would you describe him as far as an  
2 employee for your company?

3 A. He was a good employee, a great one, reliable,  
4 trustworthy.

5 Q. How about as far as understanding how to load  
6 a roof?

7 A. I wouldn't question his loads personally.

8 Q. Had he been involved in any other structuring  
9 that collapsed while he was loading them?

10 A. No.

11 Q. While he was under your employ?

12 A. No.

13 Q. When did you first hear that there was a  
14 problem?

15 A. Pretty much immediately, right after it  
16 happened.

17 Q. How did you find out?

18 A. I overheard a conversation. The other  
19 gentleman that was with Ken when it happened, he was  
20 standing next to me when it was called in and I  
21 overheard the conversation as soon as it went down that  
22 the building had collapsed.

23 Q. You overheard a conversation. Was it an  
24 in-person conversation or was it --

25 A. It was his helper that was with him, was

1 talking to -- at the time there was a dispatcher in  
2 Kent and he was standing next to me when this  
3 happened. So, as soon as it happened, I heard it come  
4 straight from him.

5 Q. So, you heard on the dispatch line --

6 A. Uh-huh.

7 Q. What then did you do?

8 A. Immediately asked if everyone is okay. No  
9 information was given immediately and then once he said  
10 that someone was hurt, I called 911.

11 Q. Okay. And how did the co-worker sound? I  
12 mean tone of voice.

13 A. I'm not sure if I have the right term for the  
14 way he sounded. He was freaked out really bad.

15 Q. You called 911 and then what did you do?

16 A. Called my corporate office. I have to collect  
17 some things and then head to an accident. That's part  
18 of my responsibilities. So, I have to get a camera and  
19 then we start heading toward -- well, let me back up.  
20 I'm sorry. First we needed to know where he is going.  
21 And then from that point on we have to decide which way  
22 to go. I would have called my corporate office and  
23 gone to meet with him where ever he was ending up.

24 Q. Ken Petersen?

25 A. Right, Ken Petersen.

1 Q. And so, did you go to the scene or did you go  
2 to the hospital?

3 A. I went to the hospital.

4 Q. And which hospital?

5 A. Valley Medical, I believe.

6 Q. And just so that the jury knows, how would you  
7 rate your working relationship with Ken Petersen as far  
8 as zero being completely distant, have nothing to do  
9 with him; ten being, you know, practically family  
10 member kind of person. On a scale of one to ten, how  
11 did you rate your working relationship or personal  
12 relationship with Mr. Petersen?

13 A. I would say it's a ten.

14 Q. And why?

15 A. Partially because of the way I am, and I am  
16 the operations manager. I tend to know a lot about the  
17 employees that I work with, not only just because of  
18 work, but I choose to call them my friends. And Ken  
19 just recently had moved in with me. He was actually  
20 part of my household, and I just believe that you  
21 should take care of others as best you can. So, that's  
22 way I live and that's kind of the way I am.

23 Q. So, you went to the hospital?

24 A. Uh-huh.

25 Q. And what did you see?

1           A.   Initially when Ken got there he was in a room  
2           and it was just me and him, and I didn't see much,  
3           because you couldn't really see anything fleeing at  
4           that point.  But I was there when the sales X-rays  
5           first came back from his foot or his ankle.

6           Q.   Were you there before even his family got  
7           there?

8           A.   I was there before anybody was there, I  
9           believe, and I may be wrong but I believe I contacted  
10          most of his emergency contacts on my way there and  
11          informed them of where I was going to be with him and  
12          waited until they showed up.

13          Q.   Okay.  And my understanding is that that  
14          wasn't the only time that he came and visited and spent  
15          time with you?

16          A.   No.

17          Q.   Can you tell us generally how often you saw  
18          him and where you saw him after that?

19          A.   That was the only time I seen him at Valley.  
20          After that he was moved to Harborview that night, and  
21          then I went to Harborview that next day.  I was there,  
22          I am not sure the exact amount of time I was there.  
23          But I was there quite a bit; and I was there after his  
24          surgeries and even after he had gotten out.  So, I  
25          don't know the exact count.  He was in the hospital for

1 a little while when I was there. I'm not sure,  
2 numerous times, every chance I got I went.

3 Q. Okay. And how was Ken? I mean, how was his  
4 attitude? How was he doing?

5 A. In the beginning it was shock of what  
6 happened. And then as -- I think it was a lot of shock  
7 to be honest because there is so many unanswered  
8 questions that were going on at the time. No one  
9 knew. He wasn't -- the severity of the accident was  
10 still, you know, nobody really knew what was going on  
11 yet. So, it was kind of -- he was trying to keep his  
12 best spirits, but in the same time kind of realizing  
13 that this is pretty severe.

14 Q. Now, for someone that's doing the job that Ken  
15 did for your company, what was the exact title?

16 A. He would have been a driver.

17 Q. A driver who got up on roofs?

18 A. Well, it's really hard because that term is --  
19 it's vague. But in our industry, that's what we  
20 consider the guys who do all of our deliveries are the  
21 drivers. We have other terms that you could call them,  
22 but that's how they are really titled is, that's how  
23 they are paid and our payrolless (sic) drivers or  
24 loaders, which is the difference of two of them. So,  
25 we don't have like a huge classification of difference

1 of people. We have -- we keep it very simple.

2 Q. Okay. And then, finally, did you have a  
3 difference in how you charged people that would just  
4 call you up for materials versus roof companies that  
5 would call you up for materials.

6 A. We after the accident, myself and my branch  
7 manager became very -- I wouldn't say we didn't trust  
8 anybody any more because of the situation. But we told  
9 him we implemented some serious procedures that  
10 hopefully we avoided the next time.

11 Q. Why did this cause a wake up call to you?  
12 What was it about this that made you take a second  
13 look?

14 A. A lot of our policies, our loading policies,  
15 our safety procedures don't cover stuff like this.  
16 There isn't something that happens and I knock on wood  
17 because I still have people out right now. But this  
18 doesn't happen every day. Something of the severity of  
19 what happened to Ken made us take a new outlook  
20 throughout our whole company. My vice presidents and  
21 everybody were very aware of what was going on with  
22 him. So, they made him make sure that when we did new  
23 business with new people that we weren't familiar with  
24 that we implemented certain procedures. And it's to  
25 this day it's still that way.

1 Q. In this case you thought you were dealing with  
2 someone that you dealt with before?

3 A. From our understanding it was a one of our  
4 larger customers.

5 MS. KOEHLER: Thank you. I have no further  
6 questions.

7 THE COURT: Mr. Welchman?

8 CROSS EXAMINATION

9 BY MR. WELCHMAN:

10 Q. MR. Webb, why was it that Mr. Petersen stayed  
11 the night with you before the accident or moved in with  
12 you? I mean other than the fact that you invited him  
13 and I am sure were welcome to have him?

14 A. Honestly, I am not sure of all of the  
15 circumstances at that time. But it was -- I know it  
16 was a situation that I would have opened my home for  
17 it. And it could have been -- I am not even going to  
18 speculate. I am not exactly sure I know what it was.

19 Q. Okay.

20 A. But it was something that was for him more  
21 than anything. It's something he needed.

22 Q. Was it kind of a sudden thing; he called you  
23 up and said I need to stay?

24 A. Yes.

25 MR. WELCHMAN: Thank you, sir.