

**Testimony of B. Braun's Chief
Executive Officer, Carroll Neubauer,
confirming that B. Braun hosted
annual holiday parties in the
facility with parents and children
while knowing that the plant was
emitting dangerous ethylene oxide.**

In the Matter Of:

CHRISTOPHER GLASS and EMILY GLASS vs

B. BRAUN MEDICAL, INC.

CAROLL NEUBAUER

February 01, 2022



COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PENNSYLVANIA

CHRISTOPHER GLASS and EMILY GLASS,

Plaintiffs,

Case No. 210500315

vs.

B. BRAUN MEDICAL, INC. et al.,

Defendants.

VIDEOTAPED DEPOSITION OF CAROLL NEUBAUER

HELD REMOTELY VIA ZOOM VIDEOCONFERENCE

February 1, 2022

10:11 a.m.

Reported By:
Cheryll Kerr, CSR
Job No. 2022-829321

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PENNSYLVANIA

CHRISTOPHER GLASS and EMILY GLASS,

Plaintiffs,

Case No. 210500315

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B. BRAUN MEDICAL, INC. et al.,

Defendants.

VIDEOTAPED DEPOSITION OF CAROLL NEUBAUER, held
remotely via Zoom Videoconference, before Cheryll Kerr,
CSR, a Certified Shorthand Reporter and a Notary Public,
on February 1, 2022, at 10:11 a.m.

1 APPEARANCES:

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19 Also Present:

20 Jennifer Prioleau, Esq., in-house counsel for B. Braun
21 Medical, Inc.; Scott Perleau, Videographer

22 *** **

1 BY MR. BOSWORTH:

2 Q. So during your entire multi-decade tenure as
3 CEO of B. Braun Medical, Inc., am I -- am I to
4 understand that nobody from your company ever informed
5 you that children are more susceptible to the toxic
6 effects of ethylene oxide?

7 MS. ADAMS: Objection to form.

8 THE WITNESS: Correct.

9 BY MR. BOSWORTH:

10 Q. Do you wish that's something that you had
11 known?

12 MS. ADAMS: Same objection.

13 THE WITNESS: I don't know what I would
14 have wished for.

15 BY MR. BOSWORTH:

16 Q. Did you ever become aware, sir, that ethylene
17 oxide was emitted into the air from the Allentown plant?

18 A. I learned of that in 2016.

19 Q. Sir, is 2016 the first time that you ever
20 became aware that ethylene oxide was emitted into the
21 air from the Allentown plant for which you were the CEO?

22 A. I'm not quite sure if I knew it before that
23 time. I definitively learned of it in 2016.

24 (Pause.)
25

1 BY MR. BOSWORTH:

2 Q. Isn't that something that you should have
3 known?

4 MS. ADAMS: Objection to form.

5 THE WITNESS: I don't know how to answer
6 that question.

7 BY MR. BOSWORTH:

8 Q. Shouldn't you know as the CEO of a company
9 that a plant that you operate emits a toxic and
10 cancerous gas into the air?

11 MS. ADAMS: Same objection.

12 THE WITNESS: There are several layers of
13 operations that control and know those kind of
14 things, what we can do and cannot do. I do
15 not know everything that goes on in a large
16 organization as the one I was running at that
17 time.

18 BY MR. BOSWORTH:

19 Q. Shouldn't be that one of the things that you
20 do know about?

21 MS. ADAMS: Objection to form.

22 THE WITNESS: There are so many things to
23 know. That one -- I don't think so.

24 BY MR. BOSWORTH:

25 Q. You don't think so? Okay.

1 Are there children nearby that plant?

2 MS. ADAMS: Objection to form.

3 Objection, outside the scope.

4 THE WITNESS: It's in an industrial park.

5 BY MR. BOSWORTH:

6 Q. Are there children nearby?

7 MS. ADAMS: Same objections.

8 THE WITNESS: What is "nearby"?

9 BY MR. BOSWORTH:

10 Q. You tell me.

11 MS. ADAMS: Same objections.

12 THE WITNESS: I've never seen children
13 around the plant.

14 BY MR. BOSWORTH:

15 Q. Are there schools nearby?

16 A. Not that I know of. There may be.

17 Q. How many times do you think you've driven to
18 that location in your life?

19 A. I couldn't count them all.

20 Q. You know that there's the Lehigh Valley
21 Cancer Support Network literally across the street,
22 right?

23 A. I do not know that.

24 Q. Okay.

25 (Pause.)

1 THE WITNESS: We have a Christmas party
2 for all children, so I have seen children on
3 that facility. We have a big children's
4 Christmas party for the employees and
5 grandchildren of our -- so I stand corrected.
6 I have seen children at the facility.

7 BY MR. BOSWORTH:

8 Q. You've seen children at 901 Marcon Boulevard
9 where the ethylene oxide is emitted?

10 A. At 901 Marcon Boulevard, I have seen
11 children, lots of children, visiting Santa Claus at our
12 Christmas party.

13 Q. How many years has B. Braun been doing that?

14 A. As long as I was CEO there, I think.

15 Q. All right. Would you turn the sterilizers
16 off when the kids would come?

17 MS. ADAMS: Objection, argumentative.

18 Objection, outside the scope.

19 THE WITNESS: I do not know.

20 BY MR. BOSWORTH:

21 Q. Did you have the Christmas party in 2017 and
22 2018?

23 A. That was before COVID?

24 Q. Yes, it was.

25 A. Then yes.

1 Q. And that would have been after you learned of
2 the transition that the EPA made for ethylene oxide from
3 probable carcinogen to proven carcinogen, true?

4 MS. ADAMS: Same objections.

5 THE WITNESS: It would be after the EPA
6 changed their --

7 BY MR. BOSWORTH:

8 Q. Yeah.

9 A. -- categorization, yes.

10 Q. It also would have been after you just told
11 us you first learned that ethylene oxide was emitted
12 from that location in 2016, right?

13 MS. ADAMS: Same objections.

14 THE WITNESS: It would have been -- can
15 you say that again? I'm sorry.

16 BY MR. BOSWORTH:

17 Q. It would have been after you testified that
18 you'd first learned in 2016 that the plant actually
19 emitted ethylene oxide?

20 A. What would be after that?

21 Q. The Christmas parties in 2017 and 2018?

22 A. Yes, sir.

23 Q. So when the kids came on campus, did you tell
24 them or their parents of the ethylene oxide exposure?

25 MS. ADAMS: Same objections, far outside

1 the scope of jurisdictional discovery.

2 THE WITNESS: That would not be my job.

3 BY MR. BOSWORTH:

4 Q. Did anybody?

5 A. I do not know.

6 Q. Did you tell anybody to let them know?

7 MS. ADAMS: Same objections.

8 THE WITNESS: I personally did not.

9 BY MR. BOSWORTH:

10 Q. Why?

11 MS. ADAMS: Same objections.

12 THE WITNESS: As we -- as I have a
13 different opinion on this as the EPA have
14 reasons to believe --

15 (Thereupon, an informal discussion was
16 held off the record.)

17 THE WITNESS: I do not necessarily agree
18 with the EPA categorization in this. I have
19 reason to believe that it's flawed, and we do
20 not think that any of our employees or those
21 children were in danger from what we were
22 doing at that plant.

23 THE SHORTHAND REPORTER: Thank you.

24 BY MR. BOSWORTH:

25 Q. Sir, I just went through Exhibit 2 and

1 Exhibit 3 with you, which were EPA documents stating
2 that ethylene oxide is cancerous, and I asked you over
3 and over again if you agreed with that, and you tell me
4 "I don't know," right?

5 A. I told you I do not know if it's correct, and
6 I told you that I've read or seen excerpts of others
7 that are disputing that fact.

8 Q. Well, sir, please tell me one single document
9 or one single report that I can go find that says it's
10 not cancerous or that -- or that supports your opinion
11 that it -- that it's not.

12 MS. ADAMS: Same objections.

13 THE WITNESS: I told you I've seen
14 excerpts of those documents. I cannot
15 identify them at this time. They're also
16 subject to discussions with the general
17 counsel of B. Braun Inc. and assistant general
18 counsel of B. Braun Medical, Inc.

19 BY MR. BOSWORTH:

20 Q. Can you tell me the author of any of those
21 documents?

22 A. I cannot.

23 Q. Can you tell me the name of any of the
24 articles?

25 A. I cannot.

1 Q. Can you tell me the body that published any
2 of them?

3 A. I cannot.

4 Q. Okay. Could it be that they were industry
5 documents, because the industry itself has been lobbying
6 to downplay the risk for years?

7 MS. ADAMS: Objection to form.

8 Objection, outside the scope.

9 THE WITNESS: I cannot.

10 BY MR. BOSWORTH:

11 Q. You know that that's been happening, though,
12 right?

13 MS. ADAMS: Same objections.

14 THE WITNESS: Yes, I've seen the industry
15 association take -- take positions on this.

16 BY MR. BOSWORTH:

17 Q. Are you a part of those associations who have
18 taken those positions?

19 A. I have not. Well, I'm a senior adviser.

20 Q. For what?

21 A. What is my direct title? Member of the
22 chairman's advisory board of --

23 (Thereupon, an informal discussion was
24 held off the record.)

25 THE WITNESS: I think that's what it's