

**Testimony of B. Braun's
Engineering and Maintenance
Supervisor, Matthew Thomas,
that he measured the levels of
ethylene oxide but did not
disclose the results.**

In the Matter Of:

GLASS vs

B. BRAUN MEDICAL, INC

MATTHEW THOMAS

January 13, 2022



IN THE COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PENNSYLVANIA

CHRISTOPHER :
GLASS and EMILY :
GLASS, :
Plaintiffs, :
vs. :
B. BRAUN :
MEDICAL, INC., :
et al. :
Defendant. : NO. 00315

- - -

WITNESS: MATTHEW THOMAS

- - -

January 13, 2022

- - -

Zoom deposition taken pursuant to
notice, beginning at approximately 11:25 a.m.
before Kathryn Rose, Court Reporter-Notary
Public, there being present:

APPEARANCES

KLINE & SPECTER, P.C.

BY: THOMAS BOSWORTH, ESQUIRE

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Representing the Defendants

1 (Whereupon, a discussion was held
2 off the record.)

3 - - -

4 MS. ADAMS: We're back and ready
5 to go. Thank you.

6 BY MR. BOSWORTH:

7 Q. Sir, as a part of your job duties at
8 B. Braun, have you ever tested the air
9 surrounding the Pennsylvania plant for
10 measurements of how much ethylene oxide was
11 being emitted?

12 MS. ADAMS: Objection, outside
13 the scope.

14 **THE WITNESS: No, not as part of**
15 **my job duties, no.**

16 MS. ADAMS: Tom, just to expedite
17 and avoid this fight later, what he started
18 to answer is not anything that's
19 attorney-client privilege or work product.

20 If there is a second question on
21 that, I think it's outside the scope, but I
22 don't want you to come back and say you have
23 to re-depose him because we're not claiming
24 work product or attorney-client privilege on

1 this.

2 BY MR. BOSWORTH:

3 Q. When did you test the air outside of
4 the Pennsylvania plant for measurements of
5 how much ethylene oxide was in the air
6 surrounding the plant?

7 A. I don't know when that was. I would
8 say, ballpark, I would say this is maybe five
9 years ago, something like that. It could
10 have been longer.

11 Q. Who at B. Braun, other than yourself,
12 participated in that testing?

13 A. I don't know if anybody else did. I
14 don't remember who else would have been
15 involved in that.

16 MS. ADAMS: Just a running
17 objection to all of this is outside the
18 scope.

19 BY MR. BOSWORTH:

20 Q. Do you know what the results of this
21 test were, the specific numbers?

22 A. I do not.

23 Q. Were they documented somewhere, the
24 test results?

1 **A. No.**

2 Q. They were not documented?

3 **A. Correct.**

4 Q. Why was the testing done?

5 **A. Curiosity on what was coming out of**
6 **our stack.**

7 Q. Whose curiosity?

8 **A. Mine.**

9 Q. Did you do that testing on your own
10 time?

11 **A. It was during a workday; so, no.**

12 Q. Was it one day?

13 **A. Yes.**

14 MS. ADAMS: Continue to assert
15 the running objection of outside the scope of
16 forum non conveniens.

17 BY MR. BOSWORTH:

18 Q. Did anyone at B. Braun ask you to do
19 that testing, sir?

20 **A. No.**

21 Q. Why were you curious what was "coming
22 out of your stacks?"

23 **A. Just that, curious what was coming out**
24 **of our stack.**

1 Q. Why were you curious?

2 MS. ADAMS: Objection, form.

3 THE WITNESS: I don't know. I
4 don't know exactly.

5 BY MR. BOSWORTH:

6 Q. Did you share the results of that test
7 with anybody at B. Braun?

8 A. Not that I recall.

9 Q. Did you share the results of that
10 testing with anyone at all?

11 A. Not that I recall.

12 Q. Did you write down the results of that
13 testing in any way, pencil, pen,
14 electronically?

15 A. No.

16 Q. Did you preserve and save the results
17 of that testing?

18 A. No.

19 Q. Other than that one time that you
20 tested the air because you were curious what
21 was coming out of the stacks and you didn't
22 preserve or save any of the results of the
23 testing and you weren't asked to do it as
24 part of your job, other than that, have you

1 ever as a part of your job with B. Braun
2 tested the air in or around the facility for
3 ethylene oxide amounts?

4 **A. No.**

5 Q. Is purchasing any part of your job or
6 no?

7 MS. ADAMS: Sorry, did you say
8 purchasing?

9 MR. BOSWORTH: Yes.

10 **THE WITNESS: Only to the extent**
11 **I'll submit a purchase requisition for things**
12 **that we need.**

13 BY MR. BOSWORTH:

14 Q. Have you ever been responsible at B.
15 Braun for any of the policies or procedures
16 in place that relate to limiting ethylene
17 oxide emissions, or would that be outside the
18 scope of your job?

19 MS. ADAMS: Objection.

20 **THE WITNESS: Can you repeat**
21 **that, I'm sorry.**

22 BY MR. BOSWORTH:

23 Q. Have you ever been responsible at B.
24 Braun for the creation or implementation or