

# Exhibit C

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ELKHART ) CAUSE No. 20D02-1106-PL-00037

LEO VANNORMAN, et al., )  
 )  
 Plaintiffs, )

v. )

FLEXSTEEL INDUSTRIES, INC., )  
LDL REALTY COMPANY, LLC, )  
DAVID L. DYGERT, and )  
PHYLLIS B. DYGERT, )  
 )  
 Defendants. )

---

FLEXSTEEL INDUSTRIES, INC., )  
 )  
 Third-Party Plaintiff, )

v. )

TRAVELERS PROPERTY CASUALTY )  
COMPANY OF AMERICA, NATIONAL )  
UNION FIRE INSURANCE COMPANY )  
OF PITTSBURGH, PA, ILLINOIS )  
NATIONAL INSURANCE COMPANY, )  
CONTINENTAL CASUALTY )  
COMPANY, SENTRY CASUALTY )  
COMPANY, UNITED STATES FIRE )  
INSURANCE COMPANY, AMERICAN )  
GUARANTEE AND LIABILITY )  
INSURANCE COMPANY, HARTFORD )  
FIRE INSURANCE COMPANY, and )  
INDIANA INSURANCE, )  
 )  
 Third-Party Defendants. )

**AFFIDAVIT OF BURT KENNEDY**

The undersigned, Burt Kennedy, being first duly sworn, hereby states as follows:

1. I, Burt Kennedy, am over the age of 18, am of sound mind, and have personal knowledge of the matters set forth in this affidavit.
2. I began my employment with Dygert Seating in 1983 at the facility on Decio Drive. I worked there for approximately five years and then I got laid off.
3. After about 6-8 months they called me back and I went to work at the seat manufacturing facility at 53381 Marina Drive (the "Seat Shop").
4. I worked for Dygert Seating and later Flexsteel until 1998.
5. During my employment with Dygert Seating and Flexsteel I had various positions including as an installer on the seat line.
6. When I worked on the installation line the protocol that had been set up by the plant manager was for a correlator to remove a seat frame from the rack and degrease the frame before it was given to the installers for assembly.
7. If the line was busy that procedure was not always followed and quite often the installers would have to degrease their own frames.
8. When I would degrease my frames I would use whatever was available.
9. If the orange cans of C-60 were available that is what I would use because that was the good stuff.
10. The C-60 was the best cleaning solvent we had and that is what everybody tried to use.
11. I remember one occasion we actually ran out of the C-60 and Greg Gaskill began stocking it in his office because it was so expensive and he started issuing it by the can instead of the case.
12. We tried other alternatives like methylene chloride and Simple green but none of those worked very well, therefore we would always go back to the C-60.
13. The C-60 was used to degrease the frames, to clean the glue gun equipment and to clean the installation tables themselves.
14. Behind the cage in the maintenance area in the southwest corner of the building, they always kept solvents available that the guys could use to clean out their gluing equipment.
15. There were different types of solvents being used depending on who the supplier was at any given time.

16. Sometimes the solvent was shipped in 55-gallon drums, and sometimes it came in five or ten-gallon buckets, and sometimes it was cases of the C-60 degreaser.

17. In the maintenance area behind the cage there were two different 55-gallon drums. One had clean solvent in it and was connected to an air pump that the guys could use to pump the solvent out into their containers.

18. The other drum was labeled waste in yellow.

19. The procedure that I followed when cleaning my glue equipment was to put solvent in my glue pot, scrape it with a wire brush and then walk back to the cage and pour the solvent into the waste barrel.

20. However because the waste barrel was located several feet away from the installation line, and because we were paid on a piece rate, many of the guys would simply dump the solvent into the trash can or spray it out the back door.

21. I remember and personally witnessed seeing people filling their glue pots with solvent and spraying them out the back door.

22. The solvent would have been anything available at the time but if C-60 was around that would have been the preferred solvent because it worked better than the others.

23. When I was interviewed by Flexsteel's attorney last summer I told him that there were some employees who use to spray solvent from their glue guns outside the back door.

24. He told me that Flexsteel and Dygert had never purchased trichloroethylene and based upon that statement I believed that it must have been methylene chloride.

25. After seeing Plaintiffs Exhibit 214 and seeing the photograph of the can, I know that we did use C-60.

26. I also remember seeing individuals on occasions throwing tin cups containing solvent out the back door.

27. I also remember on nice days they would use barrels to prop open the back doors and trash such as rags, empty cans, and waste pieces of foam would wind up scattered along the ground outside the south and southwest portion of the building.

28. Shortly after Dygert Seating bought Goshen Cushion in 1995 I spent a week at the manufacturing site located on Eisenhower Drive in Goshen, I was there to observe how operations were run on that site. I also occasionally went to the manufacturing site at Eisenhower Drive to pick up frames. I remember one 55-gallon

drum of glue at the Eisenhower Drive manufacturing site. I did not see any other 55-gallon drums of any kind at the Eisenhower Drive manufacturing site.

FURTHER AFFIANT SAYETH NOT.

I affirm, under the penalties of perjury, that the foregoing statements are true and correct.

3-17-12  
Date

Burton A. Kennedy