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Transcript of Andrew Driver, Volume II

Date: December 12, 2017

Case: American Small Business League -v- United States Department of Defense

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 - - - - -x
5 AMERICAN SMALL BUSINESS LEAGUE, Volume II
6 Plaintiff,
7 vs. Case No.
8 DEPARTMENT OF DEFENSE, 3:14-cv-02166-WHA
9 Defendant.
10 - - - - -x

11
12 One Bryant Park
13 New York, New York

14
15 December 12, 2017
16 10:48 a.m.

17
18
19 VIDEOTAPED DEPOSITION of ANDREW DRIVER,
20 pursuant to agreement, by Pamela Grimaldi, a
21 Registered Professional Reporter and Notary Public
22 within and for the State of New York.
23
24
25

1 A P P E A R A N C E S:

2 CUNEO GILBERT & LaDUCA, LLP
3 Attorneys for the Plaintiff
4 4725 Wisconsin Avenue
Washington, DC 20016

5 Phone: 202.789.3960
6 BY: JONATHAN W. CUNEO, ESQ.
jonc@cuneolaw.com

7
8 UNITED STATES ATTORNEY'S OFFICE
9 NORTHERN DISTRICT OF CALIFORNIA
On behalf of the Department of Defense
450 Golden Gate Avenue
10 San Francisco, California 94102

11 Phone: 415.436.7288
12 BY: ELLEN LONDON, ESQ.
13 Assistant United States Attorney
ellen.london@usdoj.gov
14 (via telephone)

15
16 AKIN GUMP STRAUSS HAUER & FELD, LLP
On Behalf of Sikorsky and the witness
1999 Avenue of the Stars, Suite 600
17 Los Angeles, California 90067

18 Phone: 310.229.1000
19 BY: REX HEINKE, ESQ.
20 rheinke@akingump.com

21
22 A L S O P R E S E N T:

23 Aleksander Lamvol, Esq.,
24 In-house Counsel for Sikorsky
25 Omar Melendez, Videographer

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I N D E X P A G E

Witness Direct

Driver 185

EXHIBITS

Plaintiff's Exhibits	Description	Page
16	Sikorsky 2013 Small Business Plan	184
17	Declaration of Andrew Driver	184

1 (Exhibit A, Sikorsky 2013
2 Comprehensive Small Business
3 Subcontracting Plan was marked as
4 Plaintiff's Exhibit No. 16 for
5 identification, as of this date.)

6 (Declaration of Andrew Driver
7 was marked as Plaintiff's Exhibit No.
8 17 for identification, as of this
9 date.)

10 THE VIDEOGRAPHER: Good 10:47:28
11 morning. Here begins Tape No. 1 in the 10:47:28
12 videotaped deposition of Andrew driver 10:47:32
13 in the matter of American Small 10:47:35
14 Business League, Plaintiffs, versus 10:47:37
15 Department of Defense, Defendants, in 10:47:40
16 the court of the United States District 10:47:46
17 Court, Northern District of California, 10:47:47
18 San Francisco Division, Case 10:47:50
19 No. 314-cv-0216-WHA. 10:47:52

20 Today's date is December 12, 10:47:59
21 2017. The time on the video monitor is 10:48:01
22 10:48 a.m. Today's videographer is 10:48:05
23 Omar Melendez representing Planet 10:48:09
24 Depos. This video deposition is taking 10:48:11
25 place at One Bryant Park, New York, New 10:48:16

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1	York.	10:48:18
2	Would counsel please voice	10:48:19
3	identify themselves and state whom they	10:48:21
4	represent.	10:48:23
5	MR. CUNEO: Jonathan Cuneo,	10:48:25
6	Cuneo, Gilbert & LaDuca, LLP for the	10:48:28
7	Plaintiff, American Small Business	10:48:32
8	League.	10:48:33
9	MR. HEINKE: Rex Heinke, Akin	10:48:35
10	Gump for Sikorsky Aircraft.	10:48:36
11	MS. LONDON: And Ellen London,	10:48:40
12	Assistant United States Attorney on	10:48:42
13	behalf of the Department of Defense.	10:48:43
14	MR. LAMVOL: And I'm Alex	10:48:45
15	Lamvol, in-house counsel with Sikorsky.	10:48:47
16	THE COURT: The court reporter	10:48:51
17	today is Pamela Grimaldi representing	10:48:52
18	Planet Depos.	10:48:55
19	Would the reporter please swear	10:48:56
20	in the witness.	10:48:58
21	A N D R E W D R I V E R,	10:48:58
22	called as a witness, having been first	10:49:08
23	duly sworn/affirmed by Pamela Grimaldi,	10:49:08
24	Registered Professional Reporter and Notary	10:49:08
25	Public of the State of New York, was	10:49:08

1	examined and testified as follows:	10:49:08
2	DIRECT EXAMINATION	10:49:08
3	BY MR. CUNEO:	10:49:09
4	Q Good morning, Mr. Driver.	10:49:10
5	A Good morning.	10:49:11
6	Q I want to review with you the	10:49:11
7	Declaration that you submitted last week, and that	10:49:23
8	has been marked, I believe, as No. 17.	10:49:25
9	Do you recognize that document?	10:49:29
10	A Yes, I do.	10:49:34
11	Q Okay. And is that a Declaration that	10:49:35
12	you submitted in this case?	10:49:40
13	A Yes.	10:49:42
14	Q And is that your signature on the	10:49:53
15	last line?	10:49:55
16	A Yes, it is.	10:49:56
17	Q Do you understand -- do you know	10:49:57
18	whether that signature has been submitted to the	10:49:59
19	court?	10:50:01
20	A Do I know if it has been submitted to	10:50:03
21	the court?	10:50:05
22	Q Right.	10:50:05
23	A I submitted it to in-house counsel,	10:50:06
24	and I'm not sure where it went from there.	10:50:08
25	Q But if I told you it was submitted to	10:50:11

1 the court with your signature on it, that wouldn't 10:50:13

2 surprise you, would it? 10:50:16

3 A No. 10:50:17

4 Q Wouldn't bother you? 10:50:17

5 A No. 10:50:19

6 Q Now, I think you testified last time 10:50:27

7 that your job involved gathering competitive 10:50:29

8 intelligence; is that correct? 10:50:32

9 A Yes. 10:50:34

10 Q And how long have you had that job? 10:50:35

11 A I've had it in my current tenure 10:50:39

12 about a little less than a year, but I had it 10:50:43

13 prior, as well, as stated in my prior deposition. 10:50:46

14 Q And remind me when that prior time 10:50:50

15 you had that position was. 10:50:53

16 A About eight -- ten years ago. 10:50:56

17 Q And for how long? 10:51:02

18 A For about six, seven years. 10:51:04

19 Q Okay. And so do you consider 10:51:06

20 yourself knowledgeable about the competitive 10:51:07

21 intelligence that exists in the Si -- in the 10:51:13

22 helicopter business? 10:51:15

23 A Yes. 10:51:20

24 Q Okay. Can you give me any example in 10:51:21

25 which Lockheed Martin or Sikorsky has been actually 10:51:27

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1 harmed by the public release of the amount paid to 10:51:32
2 a subcontractor? 10:51:34
3 MR. HEINKE: This was asked and 10:51:36
4 answered in the last deposition. 10:51:37
5 But you can answer. 10:51:38
6 A I do not know of a specific example. 10:51:39
7 Q Okay. Do you track the -- does 10:51:43
8 Sikorsky have many subcontractors? 10:51:51
9 A Yes. 10:51:55
10 Q Would you say in the hundreds? 10:51:56
11 A I don't know quantity. 10:51:59
12 Q But it's not 20? 10:52:01
13 A I don't believe so. 10:52:04
14 Q Okay. Do you track the small 10:52:05
15 business subcontracting practice of your 10:52:08
16 competitors? 10:52:11
17 A Can you ask that one again? 10:52:15
18 Q Do you track the small business 10:52:16
19 subcontracting practice of your competitors? 10:52:18
20 A I track the contracting, 10:52:22
21 subcontracting of our competitors, whether it's 10:52:26
22 small business or not. 10:52:29
23 Q Okay. Do you have lists of your 10:52:31
24 competitors' subcontractors? 10:52:38
25 A Some, yes. 10:52:42

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1 Q Have you ever tried to figure out 10:52:52
2 which of your competitors' subcontractors are small 10:52:53
3 businesses? 10:52:57
4 A I'm just thinking back. Yes, I have. 10:53:05
5 Q And which ones? 10:53:08
6 A I don't know specific ones that I 10:53:14
7 looked at, but I've tried to find out if they were 10:53:15
8 small businesses, yes. 10:53:18
9 Q And why did you do that? 10:53:19
10 A To understand who our competitors 10:53:24
11 contract with. 10:53:27
12 Q Isn't it true that frequently you and 10:53:30
13 your competitors will use the same subcontractor? 10:53:33
14 A Yes. 10:53:38
15 Q And do you have any specific 10:53:47
16 prohibition in your contract with your 10:53:49
17 subcontractors about disclosure of the amounts of 10:53:51
18 their Sikorsky contracts? 10:53:57
19 A I don't manage subcontractors, so I 10:53:59
20 don't know. 10:54:02
21 Q You don't know. 10:54:03
22 Have you ever done any work to try to 10:54:08
23 figure out how much your competitors pay your 10:54:09
24 subcontractors? 10:54:20
25 A Can you ask that again? It sounded 10:54:21

1 confusing. 10:54:23

2 Q Have you ever done -- made any effort 10:54:24

3 to determine the amounts that your competitors pay 10:54:30

4 your subcontractors? 10:54:37

5 A On the whole, no, but by product, 10:54:42

6 yes. 10:54:48

7 Q Have you ever asked a subcontractor 10:54:49

8 how much he is getting paid by a competitor? 10:54:51

9 A No. 10:54:55

10 Q Now, when you go through here -- I 10:55:02

11 would ask you to look at paragraph 9. 10:55:21

12 MR. HEINKE: This is Exhibit 10:55:31

13 17? 10:55:32

14 MR. CUNEO: Yes, sir. 10:55:33

15 MR. HEINKE: I think he wants 10:55:56

16 to know have you had a chance to read 10:55:57

17 it. 10:55:58

18 BY MR. CUNEO: 10:55:58

19 Q Yeah, have you had a chance to read 10:55:59

20 it? 10:56:00

21 A Yes. Sorry. 10:56:01

22 Q When you say, Disclosing the redacted 10:56:02

23 data in the response, what redacted data are you 10:56:04

24 referring to? 10:56:06

25 A The redacted data in the small 10:56:15

1 business report. 10:56:17

2 Q Okay. All of it? Some of it? 10:56:19

3 A I believe all of it. 10:56:25

4 Q All of the redacted data would permit 10:56:30

5 competitors to have an advantage over you? 10:56:38

6 A Yes. 10:56:45

7 Q Would that include the signatures on 10:56:47

8 page 1? 10:56:48

9 A Okay. Where it pertains to our small 10:56:50

10 business subcontracts. 10:56:57

11 Q When you say, This information 10:57:04

12 provides valuable insight into how Sikorsky 10:57:09

13 continues to strategically plan and execute its 10:57:12

14 contract, does Sikorsky have the identical policies 10:57:16

15 in 2017 as it did in 2012? 10:57:22

16 MR. HEINKE: I object. I don't 10:57:27

17 know what policies you're talking 10:57:29

18 about. 10:57:30

19 BY MR. CUNEO: 10:57:30

20 Q Practices. 10:57:33

21 A I don't know. 10:57:33

22 Q You don't know. 10:57:34

23 But you say in paragraph 10, Knowing 10:57:44

24 how much I think Sikorsky pays a particular small 10:57:49

25 business could allow a competitor to undercut 10:57:52

1 Sikorsky's bidding efforts. 10:57:55

2 How many of those subcontractors 10:58:02

3 continue to be -- if it were in the document -- 10:58:03

4 continue to be Sikorsky subcontractors? 10:58:07

5 A I don't know. 10:58:09

6 Q It could be none? 10:58:10

7 A I don't know. 10:58:12

8 Q Okay. But you never made -- when you 10:58:13

9 did this, you never made any study about which 10:58:18

10 ones, if any, continue to be Sikorsky 10:58:20

11 subcontractors? 10:58:26

12 A No. 10:58:26

13 Q So if none of them were Sikorsky 10:58:27

14 subcontractors, would it be true that knowing that 10:58:33

15 information could allow a competitor to undercut 10:58:38

16 Sikorsky competitive bidding efforts by paying them 10:58:42

17 more than Sikorsky does? 10:58:45

18 A Could you ask that one more time? 10:58:46

19 Q If none of the subcontractors 10:58:48

20 identified in the small business report were a 10:58:55

21 subcontractor to this day, would it be true that 10:59:01

22 knowing that historical information could allow a 10:59:12

23 competitor to undercut Sikorsky's bidding process 10:59:15

24 or recruit subcontractors by paying them more than 10:59:20

25 Sikorsky? 10:59:23

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1	A	Yes, I believe so.	10:59:25
2	Q	I mean, even if they weren't	10:59:27
3		subcontractors today?	10:59:30
4	A	Yes, I believe so.	10:59:31
5	Q	Even if none of them were a	10:59:32
6		subcontractor today, that could hurt Sikorsky?	10:59:34
7	A	I believe so.	10:59:37
8	Q	Okay. Now, suppose there was a small	10:59:38
9		business plan from 2002. Would that similar	10:59:40
10		information hurt Sikorsky to this day?	10:59:46
11	A	It could.	10:59:49
12	Q	When you say "it could," that means	10:59:51
13		that there is a chance from zero to 100 percent	10:59:53
14		that it wouldn't -- could hurt Sikorsky, correct?	11:00:00
15		MS. LONDON: Objection.	11:00:05
16	A	Yes.	11:00:05
17	Q	Okay. It's somewhere between zero	11:00:07
18		and 100, in your view?	11:00:10
19	A	I believe so.	11:00:12
20	Q	Okay. What percentage would you	11:00:13
21		assign to it?	11:00:15
22	A	I don't know, I couldn't give a	11:00:20
23		percentage.	11:00:23
24	Q	Hasn't Sikorsky been acquired since	11:00:35
25		2013?	11:00:36

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1	A	Yes.	11:00:38
2	Q	By whom?	11:00:41
3	A	Lockheed Martin Corporation.	11:00:42
4	Q	Does Sikorsky maintain the same	11:00:44
5		contracting practices in 2017 that it did before	11:00:45
6		the acquisition?	11:00:48
7		MS. LONDON: Objection.	11:00:52
8		MR. HEINKE: Yeah, I join in	11:00:53
9		the objection.	11:00:54
10	A	I don't manage the subcontracting	11:00:54
11		process, so I don't know.	11:00:57
12	Q	Don't know.	11:00:59
13		MR. HEINKE: I'm sorry to	11:00:59
14		interrupt, but I have to call somebody	11:01:01
15		for just a minute.	11:01:02
16		MR. CUNEO: Okay. Take a	11:01:04
17		break. This doesn't count against my	11:01:04
18		time, right?	11:01:07
19		MR. HEINKE: Of course not.	11:01:08
20		THE VIDEOGRAPHER: The time is	11:01:10
21		11:01 a.m. Off the record.	11:01:11
22		(Whereupon, a recess was taken	11:01:16
23		between 11:01 and 11:04 a.m.)	11:01:16
24		THE VIDEOGRAPHER: We are back	11:04:21
25		on the record. The time is 11:04 a.m.	11:04:22

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1 BY MR. CUNEO: 11:04:25

2 Q Okay. Going back to paragraph 10, 11:04:26

3 you say, The redactions detail how many -- how much 11:04:30

4 Sikorsky pays particular small business 11:04:38

5 subcontractors. Okay. Knowing that information 11:04:41

6 could allow a competitor to undercut Sikorsky's 11:04:45

7 competitive bidding efforts or to recruit Sikorsky 11:04:48

8 subcontractors by paying them more than Sikorsky 11:04:53

9 does. 11:04:55

10 Correct? 11:04:55

11 A Yes. 11:04:56

12 Q Okay. For how long would that 11:04:57

13 information be competitively sensitive, in your 11:05:01

14 opinion? 11:05:05

15 A For how long would that be sensitive? 11:05:15

16 I -- for, I'll say, a significant amount of time. 11:05:17

17 Q 20 years? 11:05:21

18 A Possibly. I don't -- I don't have 11:05:23

19 it -- a set time frame that would qualify. 11:05:25

20 Q Have you ever used information about 11:05:35

21 how much a competitor pays a subcontractor to win a 11:05:39

22 contract from the United States government? 11:05:46

23 MR. HEINKE: I object. It 11:05:50

24 assumes facts that are not in evidence. 11:05:51

25 But you can answer. 11:05:55

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1 A Can you ask the question again? I 11:05:56
2 just want to make sure I -- 11:05:57
3 Q Have you ever -- start with this -- 11:05:59
4 gathered information about how much your 11:06:03
5 competitors pay subcontractors? 11:06:08
6 A By product, we try to. 11:06:14
7 Q Okay. Have you -- how often do you 11:06:15
8 do that? 11:06:31
9 A Continuously. 11:06:32
10 Q How much they are paying 11:06:33
11 subcontractors? 11:06:35
12 A How much they are paying 11:06:36
13 subcontractors and for components, things like 11:06:38
14 that. 11:06:42
15 Q Is that general industry knowledge, 11:06:48
16 how much people pay for components? 11:06:50
17 A No. 11:06:54
18 Q In other words, somebody who had 11:06:55
19 expertise in this couldn't independently determine 11:06:57
20 how much a Sikorsky part costs? 11:06:59
21 A Can you ask that again? 11:07:03
22 Q Somebody who's an expert in this 11:07:04
23 industry could determine how much Sikorsky sells 11:07:07
24 particular parts for; is that true or is that 11:07:14
25 false? 11:07:18

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1	A	Okay. Found it.	11:09:48
2	Q	Okay. What is NAICS code 321211?	11:09:49
3		MR. HEINKE: I'm sorry, I don't	11:09:58
4		see where that is.	11:09:59
5		MR. CUNEO: It's in the second	11:10:00
6		box for HUBZone.	11:10:02
7	A	I'm not sure.	11:10:09
8	Q	Okay. Do you know, as we speak, who	11:10:11
9		the subcontractor is there?	11:10:14
10	A	No.	11:10:18
11	Q	Do you have an unredacted copy of the	11:10:19
12		plan?	11:10:21
13	A	No, I do not.	11:10:22
14	Q	Have you ever looked at the	11:10:24
15		unredacted copy of the plan?	11:10:25
16	A	Yes.	11:10:28
17	Q	Okay. Does 321211 essentially relate	11:10:28
18		to woodworking products?	11:10:37
19	A	I don't know.	11:10:40
20	Q	Okay. Now, where is Sikorsky's	11:10:41
21		HUBZone?	11:10:45
22	A	I don't know.	11:10:51
23	Q	You don't know. Isn't it Bridgeport?	11:10:51
24	A	I don't know.	11:10:53
25	Q	You don't know where Sikorsky spends	11:10:54

1 its money, its HUBZone? 11:10:56

2 A No. 11:10:59

3 Q If I told you it was Bridgeport, you 11:11:00

4 think it's likely that some other competitor is 11:11:02

5 going to come in and spend money in Sikorsky's 11:11:08

6 HUBZone? 11:11:15

7 MS. LONDON: Objection. 11:11:16

8 MR. HEINKE: Calls for 11:11:19

9 speculation. 11:11:21

10 A I'm not sure. 11:11:21

11 Q Do you know what a HUBZone is? 11:11:22

12 A No. 11:11:24

13 Q You don't? So if you don't know what 11:11:25

14 a HUBZone is, what is the basis of your conclusion 11:11:30

15 that release of the information in 56, 57, 58, 59, 11:11:36

16 and 60 could be detrimental to Sikorsky? 11:11:45

17 A I haven't researched HUBZone, and if 11:11:51

18 it were a competitor's subcontractor, I would do 11:11:57

19 research. 11:12:01

20 Q So you signed the Declaration without 11:12:01

21 doing any research on what Sikorsky's HUBZone was; 11:12:03

22 is that true or false? 11:12:06

23 A I signed my Declaration without 11:12:08

24 researching HUBZone. 11:12:11

25 Q Okay. Without knowing what 11:12:13

1	Sikorsky's HUBZone is?	11:12:16
2	A Correct.	11:12:18
3	Q And you've worked there for how many	11:12:18
4	years?	11:12:20
5	A Almost 29.	11:12:21
6	Q Okay. Has anybody ever mentioned the	11:12:23
7	HUBZone to you?	11:12:31
8	A No.	11:12:44
9	Q Okay. I would like to ask your	11:12:46
10	attention, or to direct your attention, request	11:12:48
11	your attention, to page 11, No. 10, Proportional	11:12:52
12	Allocation.	11:12:59
13	A Okay.	11:13:08
14	Q Now, I think you testified before	11:13:09
15	that Sikorsky sells to the government?	11:13:11
16	A Yes.	11:13:15
17	Q And sells to other people as well?	11:13:16
18	A Yes.	11:13:20
19	Q Okay. In other words, Sikorsky sells	11:13:21
20	Black Hawks to the government, but it also sells	11:13:24
21	them to other governments, and sometimes to private	11:13:26
22	industry; is that correct?	11:13:30
23	A I'll ask you to ask again, because --	11:13:34
24	which government are you referring to?	11:13:36
25	Q Some to the United States government	11:13:38

1 and then some elsewhere, correct? 11:13:40

2 A Correct. 11:13:42

3 Q All right. And so is No. 10 a 11:13:43

4 formula for allocating costs between 11:13:52

5 governmental -- direct governmental expenditures 11:14:01

6 and other expenditures? 11:14:04

7 A I don't know. 11:14:07

8 Q Well, if it were an allocation 11:14:14

9 formula -- correct? If it were, then a reader 11:14:16

10 couldn't tell how much -- by reading the numbers 11:14:23

11 that are redacted later on, how much the total 11:14:29

12 contract was, could he -- could they? 11:14:32

13 A I don't know. 11:14:35

14 MS. LONDON: Objection. 11:14:36

15 Q You -- 11:14:41

16 A I don't know. 11:14:42

17 Q You don't know if a reader could or 11:14:42

18 not? 11:14:47

19 A Correct, I don't know. 11:14:48

20 Q So you have no idea, as I understand 11:14:49

21 it, whether the figures -- let's just take 11:14:51

22 redaction No. 50, or 53 -- represent total amounts 11:14:57

23 spent by Sikorsky or whether that's an allocated 11:15:05

24 amount for government expenditure; is that right? 11:15:08

25 MR. HEINKE: I object. I don't 11:15:16

1 understand the question. 11:15:17

2 But you can answer. 11:15:18

3 Q In other words, by looking at No. -- 11:15:19

4 MS. LONDON: Are we -- Jon, 11:15:20

5 sorry, are these redactions what? Are 11:15:20

6 you jumping around in the plan now? 11:15:24

7 MR. CUNEO: Yes. I'm back in 11:15:26

8 the plan, and I'm looking at 50, but 11:15:27

9 I'm using that illustratively to talk 11:15:30

10 about -- you could apply it to 76, 79, 11:15:34

11 83, 87. Any of those. 11:15:40

12 Q By looking at that figure, you 11:15:43

13 couldn't tell what Sikorsky's total spend to that 11:15:45

14 subcontractor is, could you? 11:15:51

15 A I don't know. 11:15:52

16 Q You don't know. Okay. 11:15:53

17 I'd like to go through -- I'm 11:16:24

18 returning to your Declaration, which I guess is -- 11:16:26

19 16? 11:16:31

20 MR. HEINKE: 17. 11:16:32

21 MR. CUNEO: 17. Thank you. 11:16:33

22 Q 17. Are you familiar with the 11:16:34

23 contract described under A on page 3? 11:17:01

24 MS. LONDON: Sorry, Jon, I'm 11:17:18

25 lost. Where are we? Are we back on 11:17:20

1 the Declaration? 11:17:23

2 MR. CUNEO: No. We are on 11:17:24

3 Mr. Driver's Declaration, page 3, 11:17:25

4 No. A. 11:17:28

5 MR. HEINKE: It's actually 12A. 11:17:30

6 MR. CUNEO: Oh, excuse me. 11:17:31

7 12A. Page 3, paragraph 12A, at the top 11:17:32

8 of page 3. 11:17:36

9 MS. LONDON: Got it. Thank 11:17:37

10 you. 11:17:38

11 BY MR. CUNEO: 11:17:38

12 Q Are you familiar with that contract? 11:17:40

13 A I'm familiar with the award, not the 11:17:46

14 contract. 11:17:48

15 Q Okay. You're familiar with the 11:17:49

16 award. What year was that? 11:17:50

17 A I don't know the exact year. 11:17:55

18 Q Was it in the early 90s, like 2003, 11:17:56

19 '4, something like that? 11:18:04

20 A No. It was -- depending on which 11:18:07

21 part of it -- originally it might have started back 11:18:08

22 then because it was started under a different name. 11:18:11

23 Q Okay. And why was it started under a 11:18:14

24 different name? 11:18:17

25 A That's what the government called 11:18:22

1 that pursuit at that time, that effort. 11:18:23

2 Q Okay. Is it true that initially the 11:18:27

3 government was looking for a larger helicopter, a 11:18:30

4 more expensive helicopter? 11:18:33

5 A I don't believe that's the case, but 11:18:36

6 I don't know what they were looking for 11:18:39

7 specifically. 11:18:41

8 Q Okay. And what kind of helicopter 11:18:41

9 does Boeing make? 11:18:46

10 A Boeing makes -- 11:18:52

11 MR. HEINKE: You mean with 11:18:53

12 regard to A? 11:18:53

13 MR. CUNEO: Yes, with regard to 11:18:55

14 A. 11:18:56

15 A Okay. The aircraft that won the 11:18:56

16 CSAR-X originally was the Chinook. 11:19:01

17 Q Is that a larger helicopter? 11:19:06

18 A Yes. 11:19:09

19 Q Okay. And then it went back -- and 11:19:10

20 it's a more expensive helicopter, correct? 11:19:14

21 A Than what? 11:19:17

22 Q Than a Black Hawk. 11:19:17

23 A Possibly. 11:19:23

24 Q Okay. Was there a funding problem 11:19:24

25 that led from -- the government to abandon the 11:19:28

1 Chinook and go to the Black Hawk? 11:19:36

2 A I don't know what caused the 11:19:38

3 cancellation. 11:19:39

4 Q Okay. Do you have -- did Boeing -- 11:19:40

5 did Sikorsky end up with a contract? 11:19:47

6 A For combat rescue helicopter, yes. 11:19:58

7 Q Okay. Did the Air Force have any 11:20:00

8 capability of servicing a Sikorsky Black Hawk? 11:20:11

9 MS. LONDON: Objection. 11:20:19

10 A Can you ask that again? 11:20:23

11 Q Does the Air Force have the 11:20:24

12 capability to maintain a Sikorsky Black Hawk? 11:20:25

13 A Yes. 11:20:29

14 Q Okay. That's not done by the Army? 11:20:29

15 MS. LONDON: Objection. 11:20:33

16 A It's done by multiple parts of the 11:20:34

17 service. 11:20:38

18 Q Okay. Did Sikorsky win this contract 11:20:39

19 by having a better small business plan than Boeing? 11:20:54

20 MS. LONDON: Objection. 11:21:03

21 A I don't know. 11:21:03

22 Q Could have? 11:21:05

23 A I don't think so, but I don't know. 11:21:07

24 Q You don't think so. Okay. 11:21:09

25 Now, Marine Corps V, wherever we see 11:21:10

1 the Marine Corps V, what we're talking about is 11:21:25
2 Marine One; is that correct? 11:21:29
3 A Can you ask that again? 11:21:32
4 Q Whenever we see United States Marine 11:21:33
5 Corps V, the designation United States Marine Corps 11:21:34
6 V, okay, does that refer to a particular 11:21:40
7 helicopter, group of helicopters? 11:21:43
8 A I believe so. 11:21:50
9 Q Okay. Are those the helicopters that 11:21:50
10 ferry the President of the United States? 11:21:53
11 A They can. 11:21:57
12 Q Okay. And that is a version of a 11:21:57
13 Marine -- a Navy helicopter that Sikorsky makes; is 11:22:02
14 that correct? 11:22:07
15 A Which one? I'm confused. 11:22:08
16 Q Marine One. 11:22:12
17 A Can you ask the question? 11:22:12
18 Q Is Marine One a version of a 11:22:16
19 helicopter that Sikorsky manufactures for the 11:22:21
20 United States Navy? 11:22:26
21 A There's multiple variants. I don't 11:22:30
22 know enough, with that question, which aircraft 11:22:35
23 you're referring to. 11:22:38
24 Q Okay. How about the one Marine Corps 11:22:39
25 VXX? Why was the initial program canceled there? 11:22:45

1	A	I believe there were multiple	11:23:00
2		protests.	11:23:01
3	Q	And ultimately, the contract went	11:23:08
4		back to Sikorsky; is that correct?	11:23:11
5	A	It was competed again, and Sikorsky	11:23:15
6		won.	11:23:18
7	Q	Did any of those bid protests have	11:23:20
8		anything to do with the small business program at	11:23:23
9		Sikorsky or any other competitor?	11:23:27
10	A	I don't know.	11:23:29
11	Q	You don't know.	11:23:29
12		Let's go down to F. Do you know why	11:23:42
13		Sikorsky lost to Airbus Helicopter Singapore?	11:23:52
14	A	There were a few reasons, but I have	11:24:05
15		an idea some of them.	11:24:07
16	Q	Is it because they couldn't meet the	11:24:09
17		bid specifications?	11:24:11
18	A	I don't believe that was the reason.	11:24:18
19	Q	What, in your view, was the reason?	11:24:21
20	A	Price was the primary reason.	11:24:26
21	Q	How about G, the Indian Coast Guard,	11:24:32
22		why did Sikorsky lose that?	11:24:40
23	A	Price.	11:24:42
24	Q	Okay. I, Indian Air Force. Why, in	11:24:49
25		your view, did Sikorsky lose that?	11:24:52

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1	A	I'm not sure why we lost that one.	11:25:00
2		Prices were disclosed afterward, and we had a lower	11:25:06
3		price, so...	11:25:09
4	Q	Okay. How about J, Korean Fire	11:25:17
5		Fighting?	11:25:25
6	A	That was primarily price.	11:25:27
7	Q	Now, Royal Thailand Air Force --	11:25:31
8		what's an S 2-9 -- 92 by the way, S-92?	11:25:31
9	A	An S-92 --	11:25:39
10	Q	Yes.	11:25:41
11	A	-- is a commercial helicopter that we	11:25:41
12		make.	11:25:47
13	Q	And you make that in Pennsylvania	11:25:47
14		somewhere?	11:25:48
15	A	Yes.	11:25:49
16	Q	So that's not a Black Hawk?	11:25:49
17	A	No.	11:25:51
18	Q	And we don't sell those to the	11:25:51
19		government?	11:25:53
20	A	That's not true.	11:25:55
21	Q	How many do you sell to the	11:25:57
22		government?	11:25:58
23		MR. HEINKE: When?	11:25:58
24	Q	A year.	11:25:59
25	A	That is the basis for the VXX	11:26:01

1	aircraft.	11:26:12
2	Q Okay. And what's the name of that	11:26:15
3	helicopter again?	11:26:17
4	A The S-92.	11:26:23
5	Q Does it have a name like Black Hawk	11:26:27
6	or anything?	11:26:28
7	A No.	11:26:29
8	Q Is it -- a Sea Stallion is what, what	11:26:29
9	kind of helicopter is that?	11:26:31
10	A It's a heavy-lift helicopter.	11:26:32
11	Q Is that an S-92?	11:26:33
12	A No.	11:26:36
13	Q Is that a Black Hawk?	11:26:37
14	A No.	11:26:37
15	Q It's neither?	11:26:38
16	A Correct.	11:26:39
17	Q Where is that manufactured?	11:26:40
18	A It's not being manufactured right	11:26:42
19	now.	11:26:44
20	Q Where was it manufactured?	11:26:45
21	A Stratford, Connecticut.	11:26:47
22	Q It's not a variant of Black Hawk?	11:26:51
23	A No.	11:26:55
24	Q Royal Thai Air Force, S-92, lost to	11:27:03
25	Airbus. Do you know why that was?	11:27:08

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1 A I don't know the reason for that one. 11:27:11
2 Q Did you ever sell any in Thailand? 11:27:13
3 A Yes. 11:27:17
4 Q Did you sell three to the royal 11:27:19
5 family, to the president, head of Thailand? 11:27:21
6 A I don't know if we sold three. 11:27:26
7 Q Okay. Do you know how many you sold? 11:27:28
8 A No. 11:27:32
9 Q But I assume that that was not 11:27:33
10 competitive; is that correct? 11:27:36
11 A No. 11:27:38
12 Q It was competitive? 11:27:39
13 A Yes. 11:27:41
14 Q Okay. So why isn't it listed in this 11:27:42
15 chart? 11:27:45
16 A Not every pursuit that we have won or 11:27:48
17 lost is listed on this Declaration. 11:27:53
18 Q What does this chart represent? 11:27:54
19 A It represents a number of competitive 11:27:56
20 pursuits where we won or lost. 11:28:01
21 Q Do you think that Leonardo studies 11:28:09
22 your small business contracting practices? 11:28:14
23 A I don't know if they do. 11:28:19
24 Q Who do you think studies them? 11:28:22
25 A I believe all of our competitors 11:28:25

1 evaluate our subcontractors, small business as well 11:28:29
2 as others, trying to understand our business. 11:28:34
3 Q Now, do you sometimes have employees 11:28:52
4 leave Sikorsky? 11:28:58
5 A Yes. 11:29:03
6 Q And sometimes do they go to work for 11:29:04
7 your competitors? 11:29:06
8 A Sometimes. 11:29:09
9 Q Okay. And so they would leave, if 11:29:09
10 they worked in this area, with that knowledge, 11:29:12
11 correct? 11:29:15
12 A If they worked in that area, with 11:29:17
13 that knowledge at Sikorsky, then yes, they would 11:29:19
14 leave with that knowledge. 11:29:22
15 Q And there's nothing specific in their 11:29:23
16 agreement that provides -- that stops them from 11:29:27
17 telling their competitors, is there? 11:29:30
18 A I don't know. 11:29:32
19 Q Okay. Have you ever tried to figure 11:29:32
20 that out? 11:29:37
21 A Figure what out? 11:29:39
22 Q Whether your information could be 11:29:40
23 leaking out by people switching jobs? 11:29:42
24 A No, I haven't tried to figure that 11:29:48
25 out. 11:29:50

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1 Q Okay. But if that's an important 11:29:50
2 area to be kept secret, wouldn't Sikorsky take 11:29:54
3 steps to protect it? 11:29:59
4 MR. HEINKE: I object. It 11:30:03
5 assumes that Sikorsky does. 11:30:05
6 A I believe Sikorsky does take efforts. 11:30:06
7 I don't know all the methods. 11:30:09
8 Q Okay. Have you ever heard of 11:30:11
9 Sikorsky taking a former employee to court? 11:30:15
10 Taking a -- over disclosure of trade secrets. 11:30:19
11 A I don't know. I don't know of one. 11:30:21
12 Q Have you ever heard of it? 11:30:24
13 A I don't know of one. 11:30:25
14 Q Are there anything about your 11:31:02
15 relationship with subcontractors that you consider 11:31:04
16 not to be sensitive? 11:31:09
17 A I don't manage our subcontractors. 11:31:16
18 Q No. But you have expertise in 11:31:18
19 Sikorsky's competitive position? 11:31:22
20 A Uh-huh. 11:31:24
21 Q Is there anything in your 11:31:25
22 relationship with subcontractors that you deem not 11:31:27
23 to be sensitive? 11:31:32
24 MS. LONDON: Objection. 11:31:35
25 A I can't think of anything 11:31:36

1 specifically. 11:31:39

2 Q Okay. So in your view, everything 11:31:40

3 having to do with subcontractors should be secret; 11:31:49

4 is that correct? 11:31:53

5 MS. LONDON: Objection. 11:31:54

6 A I feel that our business practices 11:31:57

7 are proprietary and should be kept to ourselves, 11:32:03

8 yes. 11:32:08

9 Q Well, would that include your labor 11:32:13

10 costs? 11:32:15

11 A Any costs I would feel is something 11:32:24

12 that I wouldn't want to try to keep proprietary. 11:32:29

13 Q The ZIP code of the company, that's 11:32:37

14 not proprietary, is it? 11:32:39

15 A No. 11:32:41

16 Q Okay. And the place where it 11:32:42

17 manufactures its helicopters, is that proprietary? 11:32:44

18 A I don't necessarily think so. 11:32:51

19 Q No. So a competitor could look at 11:32:53

20 prevailing wage scales in an area and make some 11:32:58

21 kind of a guess as to what Sikorsky was paying for 11:33:02

22 labor; is that correct? 11:33:05

23 A Yes. 11:33:11

24 Q Do you think that those numbers, what 11:33:11

25 it pays for labor for a helicopter, would be larger 11:33:16

1 or smaller than the numbers that are redacted in 11:33:21
2 the plan? 11:33:26

3 MR. HEINKE: I'm going to 11:33:28
4 object. 11:33:28

5 MS. LONDON: Objection. 11:33:29

6 A I don't know. 11:33:30

7 Q You don't know. 11:33:31

8 In other words, just to look at this, 11:33:31
9 just as you sit here today, you couldn't tell me 11:33:38
10 whether -- I'm just looking at the -- I'm back at 11:33:47
11 the plan, which is No. 16 -- the anticipated 11:33:56
12 value -- 11:34:03

13 MR. HEINKE: I'm sorry, where 11:34:04
14 are you? 11:34:05

15 MR. CUNEO: No. 73. 11:34:06

16 A Redaction 73? 11:34:10

17 Q Redaction 75, 76. 11:34:13

18 MR. HEINKE: Page 19. 11:34:16

19 MR. CUNEO: Page 19. 11:34:17

20 A Okay. Found it. 11:34:36

21 Q Okay. Would that figure be larger or 11:34:37
22 smaller than the total labor costs for assembling a 11:34:44
23 Sikorsky Black Hawk helicopter? 11:34:49

24 A I don't know. 11:34:54

25 Q You don't know. Okay. 11:34:55

1 Now, have you looked through the list 11:34:57
2 of companies in the Small Business Subcontracting 11:34:58
3 Plan? 11:35:15
4 A Yes, I've gone through the small 11:35:15
5 business plan. 11:35:17
6 Q Okay. Now, do you know whether any 11:35:18
7 of them are subsidiaries of large companies? 11:35:22
8 MR. HEINKE: What's a large 11:35:34
9 company? 11:35:34
10 MR. CUNEO: Something that's 11:35:37
11 not a small company. 11:35:37
12 A I don't know. 11:35:38
13 Q You don't know. 11:35:44
14 Do you know whether of 159, Eagle 11:35:45
15 Aviation Technologies, is the same as 185, Eagle, 11:35:53
16 LLC? 11:35:57
17 A Where is that? Oh, there it is. 11:36:07
18 Q 159 and 185. They've got the same 11:36:12
19 name, the same address. They've got Eagle both in 11:36:20
20 their names. Is that part of the same company? 11:36:24
21 A I don't know. 11:36:28
22 Q Same family of companies? 11:36:28
23 A I don't know. 11:36:38
24 Q Okay. Now 81 and 185, Eagle, LLC, is 11:36:38
25 that the same company? 11:36:46

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1	A	81, did you say?	11:36:49
2	Q	81 and 185.	11:36:50
3	A	I would presume so, same address, but	11:37:17
4		I don't know for sure.	11:37:19
5	Q	Now, have you ever heard of a company	11:37:20
6		called LORD Corporation?	11:37:27
7	A	Yes.	11:37:31
8	Q	Do you know whether they, during the	11:37:38
9		course of this year, they acquired No. 103,	11:37:39
10		MicroStrain?	11:37:41
11	A	I don't know.	11:37:45
12	Q	Now, I'm asking you about the	11:38:17
13		number -- the entries under No. 72, Active Rotor	11:38:20
14		Component Demonstrator.	11:38:28
15	A	Okay.	11:38:40
16	Q	Are those R&D contracts?	11:38:40
17	A	I don't know what type of contracts	11:38:48
18		they are.	11:38:50
19	Q	Okay. I wanted to ask you about the	11:38:50
20		next block, which is under -- formerly redaction	11:38:58
21		No. 90. Are those R&D contracts?	11:39:06
22	A	I don't know what type of contracts	11:39:18
23		they are.	11:39:19
24	Q	Okay. And the same thing, same	11:39:19
25		question, with the contracts under No. 124. Are	11:39:24

1 those R&D contracts? 11:39:31

2 A I don't know what type of contracts 11:39:32

3 they are. 11:39:34

4 Q Now, No. 158 is DARPA. Do you know 11:39:44

5 what DARPA was? 11:39:48

6 A I don't remember the acronym, but I 11:39:52

7 know the organization. 11:39:54

8 Q And that -- and basically what was 11:39:55

9 it? In your own words. 11:39:58

10 A It's a government development 11:40:04

11 organization. 11:40:06

12 Q Okay. But this program was canceled, 11:40:06

13 correct? 11:40:11

14 A I don't know. 11:40:12

15 Q You don't know. 11:40:13

16 And under 180 there are two 11:40:23

17 contracts. Do you know if those are R&D contracts? 11:40:27

18 A I don't know what type of contracts 11:40:34

19 they are. 11:40:36

20 Q How long would an R&D contract 11:40:37

21 typically last? 11:40:39

22 A I don't know. I don't manage 11:40:40

23 contracts, so I don't know how long they contract 11:40:44

24 for. 11:40:46

25 Q Well, would it make any difference 11:40:47

1 if -- to your way of thinking about its competitive 11:40:48
2 sensitivity if it were a two-year contract that 11:40:54
3 expired in 2013? 11:40:57
4 A Not really. I don't think it would 11:41:00
5 make a difference how long the contract was for. 11:41:04
6 Q So if the contract were completely 11:41:10
7 expired, you would still say that could cause 11:41:13
8 Sikorsky competitive harm? 11:41:16
9 A Yes. 11:41:18
10 Q What steps do you try to take to 11:41:31
11 determine your competitors' small business 11:41:37
12 expenditures? 11:41:42
13 A We look at components and try to 11:41:50
14 evaluate who makes them, where they come from, and 11:41:53
15 identify a cost so we can understand the cost 11:41:56
16 structure for our competitors' products. 11:42:04
17 Q And so you might do that for a Bell 11:42:09
18 helicopter, for example? 11:42:12
19 A Yes. 11:42:14
20 Q Have you done it for a Bell 11:42:15
21 helicopter? 11:42:16
22 A Yes. 11:42:17
23 Q What Bell helicopter would you say is 11:42:18
24 your primary competitor? 11:42:20
25 MR. HEINKE: I object. That 11:42:24

1 assumes there is a primary competitor. 11:42:25

2 A It depends on what the pursuit is. 11:42:29

3 Q Okay. For the Black Hawk. 11:42:33

4 A Black Hawk? The primary Bell 11:42:34

5 competing product? There's a couple, so it could 11:42:41

6 be the Huey, the H-1, it could be a V-22. 11:42:45

7 Q What's the difference between those 11:42:54

8 two? 11:42:56

9 A V-22 is a tilt rotor aircraft which 11:42:58

10 flies fast, and an H-1 is a ver -- a vertical lift 11:43:07

11 helicopter, traditional helicopter, that is a 11:43:13

12 little smaller but similar size to a Black Hawk. 11:43:18

13 Q Now, do you know what each and every 11:43:22

14 part of an H-1 is? When I say you, Sikorsky. 11:43:24

15 A Say that again. 11:43:30

16 Q Does Sikorsky know what every single 11:43:30

17 part of an H-1 is? 11:43:32

18 MR. HEINKE: I object. 11:43:35

19 A No. 11:43:35

20 Q No? 11:43:36

21 A No. 11:43:39

22 Q So you don't have a parts list for an 11:43:39

23 H-1? 11:43:41

24 A No. 11:43:42

25 Q So when you say that -- 11:43:44

1 MR. HEINKE: Are you asking 11:43:46
2 whether he does or Sikorsky? 11:43:46
3 MR. CUNEO: Sikorsky. 11:43:49
4 A I don't believe Sikorsky does. 11:43:52
5 Q Now, when you say you track the 11:43:53
6 parts, then -- and you don't know what the parts 11:43:55
7 are, how do you track them? 11:43:58
8 A We try to determine what parts. 11:44:01
9 There are thousands, tens of thousands, potentially 11:44:06
10 hundreds of thousands of parts, so we don't have 11:44:09
11 all the information on every part. The more detail 11:44:20
12 we get, the better our assessment of competitors 11:44:23
13 could be. 11:44:26
14 Q And how do you -- what is your source 11:44:26
15 of information? What are your sources? 11:44:29
16 A Open source public records, company 11:44:33
17 releases, annual and quarterly reports, press, 11:44:38
18 things like that. 11:44:48
19 Q Are they -- when you say annual 11:44:49
20 reports, are those of the suppliers or of Bell? 11:44:53
21 A We'll look at all that we feel are 11:44:59
22 appropriate. 11:45:01
23 Q Did you do that? 11:45:02
24 A Some. 11:45:03
25 Q As part of your job. 11:45:04

1	A	I don't know how many.	11:47:17
2	Q	Do you know how many of them are	11:47:23
3		already Bell suppliers?	11:47:26
4	A	No, I don't.	11:47:31
5	Q	Do you know how many are already	11:47:32
6		Boeing suppliers?	11:47:36
7	A	No, I don't.	11:47:37
8	Q	You have no idea, right?	11:47:39
9	A	I do not know.	11:47:44
10	Q	And you've never had any idea of how	11:47:44
11		many of your suppliers are also supplying Bell or	11:47:46
12		Boeing?	11:47:51
13	A	No.	11:47:52
14		MS. LONDON: Jon, this is	11:48:07
15		Ellen. I'm sorry to interrupt. If we	11:48:08
16		could take a five-minute break whenever	11:48:10
17		it's convenient.	11:48:12
18		MR. CUNEO: Sure. How about	11:48:14
19		right now?	11:48:14
20		MS. LONDON: Oh, thanks so	11:48:16
21		much.	11:48:16
22		THE VIDEOGRAPHER: I'm going to	11:48:19
23		switch the tape as well.	11:48:19
24		This marks the end of Tape	11:48:22
25		No. 1 in the deposition of Andrew	11:48:25

1	Driver. We are off the record at 11:48	11:48:28
2	a.m.	11:48:30
3	(Whereupon, a recess was taken	11:48:32
4	between 11:48 and 11:54 a.m.)	11:48:32
5	THE VIDEOGRAPHER: Here begins	11:54:52
6	Tape No. 2 in the deposition of Andrew	11:54:53
7	Driver. We are back on the record at	11:54:55
8	11:54 a.m.	11:54:58
9	BY MR. CUNEO:	11:55:01
10	Q Mr. Driver, I have asked your	11:55:02
11	counsel, Mr. Heinke, to show you an unredacted copy	11:55:05
12	of the subcontracting plan. I intend to ask you	11:55:13
13	some questions about it. I have agreed with	11:55:19
14	Mr. Heinke that his showing you and your answering	11:55:24
15	questions about it does not constitute a waiver of	11:55:29
16	any ability to withhold the document that might	11:55:34
17	otherwise exist.	11:55:39
18	MR. CUNEO: Does that work for	11:55:43
19	you, Mr. Heinke?	11:55:44
20	MR. HEINKE: Works for me.	11:55:45
21	MR. CUNEO: Okay. Could I ask	11:55:47
22	you, please, to show Mr. Driver the	11:55:49
23	document.	11:55:52
24	Q Okay. I would like to ask you to	11:56:09
25	look at what would be redaction 195 on page 24.	11:56:11

1 The top of the page. 11:56:20

2 A Okay. Found it. 11:56:45

3 Q Now, have you had a chance to look it 11:56:46

4 over? 11:56:49

5 A I've read through it before. 11:56:53

6 Q Is it true that there are two 11:56:56

7 suppliers who are identified in redaction 195? 11:57:00

8 A I don't believe so. 11:57:24

9 Q How many suppliers are identified in 11:57:24

10 195? 11:57:26

11 A None. 11:57:28

12 Q Okay. You see the first unredacted 11:57:36

13 portion of 195? 11:57:39

14 A Can you -- 11:57:46

15 MR. HEINKE: He means -- 11:57:48

16 A Can you read the first word so I make 11:57:49

17 sure I'm -- 11:57:51

18 Q Yes. "Since both suppliers." 11:57:52

19 A Yes, I see that. 11:57:55

20 Q What does the "both" refer to? 11:57:56

21 A The suppliers that were -- both 11:58:19

22 suppliers that contributed to the initiative. 11:58:24

23 Q But are those suppliers identified -- 11:58:28

24 A No. 11:58:30

25 Q -- there? 11:58:30

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1	A	Yes.	12:00:55
2	Q	And on redaction 195, why is that	12:01:01
3		initiative so sensitive?	12:01:20
4	A	Because it talks about our process	12:01:42
5		within the initiative.	12:01:46
6	Q	Is that the same initiative that is	12:02:00
7		discussed on page 15, heading 15, Two Industry	12:02:08
8		Categories for Development?	12:02:16
9	A	I would say no.	12:02:55
10	Q	It's a different initiative. Okay.	12:02:56
11	A	Correct.	12:02:59
12	Q	Now, looking at redactions 56, 57,	12:03:01
13		58, 59, and 60, 61, can you tell what kind of	12:03:17
14		businesses are involved?	12:03:25
15		MR. HEINKE: I'm not sure what	12:03:41
16		you mean by "what kind of businesses."	12:03:42
17	Q	When I say what kind of business,	12:03:44
18		what line of business?	12:03:46
19	A	Yes.	12:03:51
20	Q	You can?	12:03:52
21		Does NAICS code 332710 refer,	12:03:56
22		essentially, to some kind of machine shop business?	12:04:00
23	A	I have to ask counsel a question.	12:04:14
24		THE WITNESS: This	12:04:16
25		(indicating)?	12:04:16

1 MR. HEINKE: He wants to know 12:04:20
2 do you know what those codes mean. 12:04:22
3 A Oh. I don't know what those codes 12:04:25
4 mean. 12:04:27
5 Q But what I'm asking is the line of 12:04:29
6 business here that are involved, is one of them 12:04:30
7 essentially a machine shop? 12:04:36
8 MR. HEINKE: That I'll instruct 12:04:39
9 him not to answer. That's the contents 12:04:40
10 of the document. 12:04:42
11 Q Okay. I'm sure he'll object again, 12:04:43
12 but I'm going to ask, is one of them essentially 12:04:49
13 wood products? 12:04:52
14 MR. HEINKE: Same objection, 12:04:53
15 and same instruction. 12:04:53
16 Q On the initiative that is reflected 12:05:07
17 in 175 -- excuse me, 195 back on page 24, is that 12:05:10
18 initiative still going on? 12:05:26
19 A I don't know. 12:05:42
20 Q When you say you don't know, it might 12:05:57
21 be or it might not be; is that correct? 12:05:59
22 A It means I don't know. 12:06:02
23 Q Do you know what the gold development 12:06:06
24 program is at Sikorsky? 12:06:09
25 A In what context? 12:06:17

1 Q In subcontractor. Do you have gold 12:06:18
2 subcontractors? 12:06:22

3 MS. LONDON: Jon, did you say 12:06:25
4 "gold" or "goal"? 12:06:26

5 MR. CUNEO: G-O-L-D. 12:06:28

6 MS. LONDON: Oh, thank you. 12:06:30

7 A We had a gold supplier program under 12:06:36
8 our former parent corporation. I do not know if 12:06:44
9 that's still ongoing. 12:06:47

10 Q What is the nature of the redaction 12:07:07
11 under 202? That's on page 25. 12:07:12

12 A It's about measurement. 12:07:38

13 Q Measurement of subcontractor 12:07:39
14 performance? 12:07:42

15 A Value. 12:07:56

16 Q Value to Sikorsky? 12:07:57

17 A Of contracting, value of contracting 12:08:10
18 to subcontractors. 12:08:15

19 Q Okay. On the Declaration, your 12:08:19
20 Declaration, page 12 -- excuse me, paragraph 12, 12:08:22
21 the bottom of 2, all of 3, the top of 4. Were you 12:08:28
22 personally involved with any of these bids and 12:08:35
23 contracts? 12:08:48

24 MR. HEINKE: What do you mean 12:08:49
25 by "personally involved"? 12:08:53

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1	Q	Did you have a role in preparing a	12:08:56
2		bid in any of these contracts?	12:08:58
3	A	Not in preparing a bid.	12:09:01
4	Q	What role did you have in any of	12:09:04
5		these contracts?	12:09:09
6	A	My primary role of competitive	12:09:13
7		intelligence and market intelligence, informing	12:09:15
8		pursuit teams what we believed our competitors were	12:09:20
9		doing on each of these pursuits.	12:09:24
10	Q	Okay. And so did you write memos,	12:09:27
11		emails?	12:09:32
12	A	Frequently -- sometimes emails, but	12:09:36
13		informed the process.	12:09:42
14	Q	And is that true with every one of	12:09:45
15		these?	12:09:47
16	A	I wouldn't say that I was -- I was	12:09:53
17		personally involved in every one of these.	12:09:55
18	Q	Can you tell me which ones you were	12:09:59
19		involved with?	12:10:01
20	A	I had some involvement in -- in most,	12:10:07
21		but did not have involvement in D, E. When I say	12:10:11
22		me, it's me and my team.	12:10:32
23	Q	Okay. And you direct a team; is that	12:10:34
24		correct?	12:10:37
25	A	Yes. Most of the other ones I had	12:10:38

1 some involvement, some level of involvement. 12:10:52

2 Q Okay. D and E, as I understood it, 12:10:54

3 no involvement. The rest, you or your team had 12:10:59

4 involvement. Do I understand that correctly? 12:11:03

5 A Yes. 12:11:08

6 Q Do you know what years were covered 12:11:17

7 by each of these bids -- which -- the contract 12:11:22

8 award took place -- strike the question. 12:11:26

9 Do you know the years in which the 12:11:28

10 bidding and contracting for this list took place? 12:11:33

11 A Not specifically by pursuit right 12:11:45

12 now, but over the past -- the period of time I was 12:11:47

13 involved with competitive intelligence. 12:11:52

14 Q Now, how many of these predated 12:11:56

15 October of 2012? 12:12:04

16 MR. HEINKE: Let me make sure I 12:12:16

17 understand it. What period do you want 12:12:17

18 him to compare? When the bidding 12:12:19

19 started? When it ended? 12:12:21

20 Q What I'm asking is did any portion of 12:12:23

21 the bid or grant precede October of 2012? 12:12:25

22 A I'll say that A and B started the 12:12:37

23 process before 2012, but completed, I believe, 12:12:39

24 after -- most of the others were posted 2012. 12:12:47

25 Q Any of them go into 2017? 12:13:05

1	A	Yes.	12:13:11
2	Q	Which one?	12:13:11
3	A	C.	12:13:12
4	Q	C. Okay.	12:13:12
5	A	And I'm sure there are a few others	12:13:17
6		on the list. I don't know the exact dates off the	12:13:20
7		top of my head without digging it up.	12:13:23
8		MR. CUNEO: I don't have any	12:13:48
9		further questions.	12:13:49
10		MR. HEINKE: Ellen, do you have	12:13:50
11		any questions?	12:13:50
12		MS. LONDON: I don't. Thank	12:13:52
13		you.	12:13:52
14		MR. HEINKE: And I don't have	12:13:53
15		any questions. So we're off the	12:13:54
16		record.	12:13:55
17		THE COURT REPORTER: Can I get	12:13:56
18		everybody's order on the record? Who's	12:13:56
19		going to get the original?	12:13:56
20		MR. CUNEO: He usually gets the	12:14:06
21		original with the exhibits.	12:14:07
22		MR. HEINKE: Fine.	12:14:09
23		MR. CUNEO: But I want a copy	12:14:09
24		PDQ.	12:14:10
25		You're the custodian, or you	12:14:13

1	have been.	12:14:14
2	MR. HEINKE: I'll keep it.	12:14:15
3	(A discussion was held off the	12:14:16
4	written record.)	12:14:16
5	THE COURT REPORTER: Who wants	12:14:16
6	a copy?	12:14:16
7	MR. HEINKE: I want a copy.	12:14:32
8	MR. CUNEO: I want a copy too.	12:14:33
9	MS. LONDON: Same for the	12:14:35
10	Government.	12:14:36
11	MR. CUNEO: I will take	12:14:40
12	the originals if you want.	12:14:41
13	THE COURT REPORTER: If you	12:14:41
14	have a standing order, that's fine.	12:14:41
15	MR. CUNEO: I thought you had	12:14:41
16	it, Rex.	12:14:41
17	MR. HEINKE: We'll do whatever	12:14:49
18	we've done in the past.	12:14:50
19	THE COURT REPORTER: All right.	12:14:52
20	And how soon?	12:14:52
21	MR. CUNEO: We'd like ours --	12:14:55
22	how soon can you do it?	12:14:55
23	THE COURT REPORTER: You can	12:14:55
24	have it tonight, or tomorrow morning.	12:14:55
25	MR. CUNEO: Tomorrow is fine.	12:15:01

1 THE COURT REPORTER: Tomorrow 12:15:02

2 is fine. 12:15:02

3 (A discussion was held off the 12:15:02

4 written record.) 12:15:02

5 THE VIDEOGRAPHER: This marks 12:15:02

6 the end of the deposition of Andrew 12:15:16

7 Driver. We're going off the record at 12:15:19

8 12:15 p.m. 12:15:22

9 (Whereupon, at 12:15 p.m. the

10 deposition was concluded.)

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C E R T I F I C A T E

STATE OF NEW YORK)

) ss.

COUNTY OF NEW YORK)

I, PAMELA GRIMALDI,

Registered Professional Reporter and
Notary Public of the State of New
York, do hereby certify that the
foregoing Deposition, of the
witness, Andrew Driver, taken at the
time and place aforesaid, is a true
and correct transcription of my
shorthand notes.

I further certify that I am
neither counsel for nor related to
any party to said action, nor in any
wise interested in the result or
outcome thereof.

IN WITNESS WHEREOF, I have
hereunto set my hand this 13th day
of December 2017.



PAMELA GRIMALDI, RPR

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