UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

COMMERCIAL UNION INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
ROCKWELL INTERNATIONAL CORPORATION,	)	
	)	Civil Action
Defendant and Third-Party Plaintiff,	)	No. C-88-0873-L-J
	)	
vs.	)	
	)	
THE HOME INDEMNITY COMPANY, et al.,	)	
	)	
Third-Party Defendants.	)	

DEPOSITION OF DONALD A. OLSON
Taken on behalf of the Plaintiff

May 5, 1993

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WATER_PCB-SD0000014721

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vs.	)	
	)	
THE HOME INDEMNITY COMPANY, et al.,	)	
	)	
Third-Party Defendants.	)	

DEPOSITION OF DONALD A. OLSON, produced, sworn, and examined on behalf of the Plaintiff on May 5, 1993, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, at the law office of Husch & Eppenberger, 100 North Broadway, Suite 1300, St. Louis, Missouri 63102, before ALICIA A. CARTER, a Registered Professional Reporter and Notary Public within and for the State of Missouri.

A P P E A R A N C E S

The Plaintiff was represented by Mr. Charles S. Cassis of the law firm of Brown, Todd & Heyburn, Sixteenth Floor, Citizens Plaza, Louisville, Kentucky 40202.

The Defendant and Third-Party Plaintiff was represented by Mr. J. Anthony Goebel of the law firm of Wyatt, Tarrant & Combs, Citizens Plaza, Louisville, Kentucky 40202, and by Mr. William D. Weinreb of the law firm of Shea & Gardner, 1800 Massachusetts Avenue, N.W., Washington, D.C. 20036.

WATER_PCB-SD0000014722

The Third-Party Defendant was represented by Mr. Gene F. Price of the law firm of Alagia, Day, Trautwein & Smith, 2000 Waterfront Plaza, 325 West Main Street, Louisville, Kentucky 40202.

The Witness and Monsanto were represented by Mr. Gerard H. Davidson, Jr. of the law firm of Smith, Helms, Mulliss & Moore, 300 North Greene Street, Suite 1400, Greensboro, North Carolina 27420.

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IT IS HEREBY STIPULATED AND AGREED by and between counsel for the Plaintiff and counsel for the Defendants, that this deposition may be taken in shorthand by ALICIA A. CARTER, a Registered Professional Reporter and Notary Public, and afterwards transcribed into typewriting, and to be read and signed by the witness.

o-0-o

DONALD A. OLSON,

of lawful age, being produced, sworn, and examined on the part of the Plaintiff, deposes and says:

DIRECT EXAMINATION

QUESTIONS BY MR. CASSIS:

Q. Mr. Olson, would you please state your full name for the record?

A. Donald Albert Olson.

Q. And, Mr. Olson, give me your home address and home phone number, please.

A. No. 3 Old Colony, St. Louis, Missouri, 63131, area 314/822-8289.

Q. Where are you currently employed?

A. Benchcraft, Inc.

Q. Benchcraft?

A. Yes.

Q. And what type of work is that?

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A. It is a materials storage distributors company.

Q. And how long have you been in that job?

A. Since 1988.

Q. All right. Now, you worked for Monsanto, didn't you?

A. Yes, I did.

Q. When did you start work for Monsanto?

A. 1960.

Q. And when did you -- Did you retire from Monsanto?

A. Yes, in November of 1985.

Q. Now, tell the court, if you would, Mr. Olson, your educational background.

A. I have a chemical engineering degree from the University of Michigan and a master's in business from Harvard.

Q. Okay. Any other postgraduate study other than your master's in business from Harvard?

A. No, sir.

Q. Any other formal schooling?

A. No, sir.

Q. Okay. Prior to going to work -- When did you graduate from the University of Michigan?

A. February of 1956.

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Q. And you started Monsanto in 1960?

A. Yes, sir.

Q. What did you do for those four years?

A. I worked for an interim period with Midwest Research Institute in Kansas City, and then I was in the Air Force, a second lieutenant in the Air Force, and then I worked for a period of time with Butler Manufacturing in Kansas City.

Q. Okay.

A. Then I went to graduate school.

Q. And started in 1960?

A. And went with Monsanto directly from graduate school.

Q. Why don't you tell us beginning with 1960, in order to save time, your employment history with Monsanto?

A. You want dates with it or --

Q. Yeah.

A. Okay. I'll try.

MR. DAVIDSON: As close as you can.

Q. (By Mr. Cassis) As close as you can.

A. I started in 1960 at the John F. Queeny plant in St. Louis as a chemical engineer for the plant. I was there roughly --

Q. Excuse me just a minute. As a matter of

WATER_PCB-SD0000014726

information, you started as a chemical engineer?

A. Yes, sir.

Q. And did you meet and get to know Mr. Papageorge during that year?

A. Yes, I did.

Q. That's just for no other reason than to put it in. Go ahead.

A. I was there -- Most of what I did was in the chemicals area, okay, rather than in the area -- After two years I went into the commercial development group on food ingredients, in developing new products. I was there roughly two years and then became a products specialist in food ingredients in the food ingredients and fine chemical area. Then I went to New York again for a year and a half or two years as a regional sales manager in New York City for this same group.

Q. What type of food ingredients did you all manufacture?

A. Probably most familiar to you would be saccharin, food acids, methyl salicylate. Then the rest of the group was fine chemicals, and probably the largest one was aspirin.

Q. Aspirin?

A. Yes. Came back in the first of 1968 as

WATER_PCB-SD0000014727

product manager for food ingredients and fine chemicals. And then in about -- I don't remember the month -- in May or June of '68 I became the director of marketing for functional fluids.

Q. Now, let me stop you there. Prior to 1968 had you had any kind of dealings with chemicals that contained PCBs?

A. No, sir.

Q. Okay. Go ahead.

A. Okay. I was director of marketing of this group until the fourth quarter, I guess it was, of 1970 at which time I became the director of marketing for the food ingredients and fine chemicals group. In 1975 I was appointed director of marketing for petrochemicals and in 1976 director of marketing for the Chemical Intermediates Company which was a company rather than a division. I stayed in that position until 1982, I think it was, when I became business director for fine chemicals and water treatment, and I was in that position roughly three years before I took early retirement over Thanksgiving, went back to work the next day. So you asked if I was retired, I guess, yes, officially, but, no, not functionally.

Q. Let me see if I can help.

A. Sure.

WATER_PCB-SD0000014728

Q. To restrict -- I shouldn't use the word restrict. Let me see if I can help focus down to an area that I think about which I want you to testify, and it will save myself and the other counsel a lot of time. Would it be fair to say that between 1968 -- well, certainly beginning in 1968 and through 1970 would be the only years that you were involved with chemicals that contained PCBs?

A. That's correct.

Q. Your duties -- And we'll get into that in just a minute with respect to those years. Your duties, however, with respect to other sales directorships with petrochemicals, fine chemicals, and there was one other chemical.

A. Chemical intermediates.

Q. Chemical intermediates had nothing whatever to do with products such as Pydraul or Aroclors or anything of that nature?

A. That's correct.

Q. Okay.

A. Yes.

Q. Or any chemical containing PCBs?

A. Not to my knowledge or to my recollection.

Q. Okay. If it did, it was only on a peripheral basis?

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A. Yes.

Q. So there is really no need for me to inquire in detail, is there, with respect to -- There is no reason for me to inquire in any detail, Mr. Olson, with respect to those other jobs dealing with matters other than chemicals containing PCBs such as Pydraul and thing things of that nature for purposes of eliciting any information restricted to that area?

A. Not in my view.

MR. GOEBEL: Or mine.

MR. DAVIDSON: Or mine.

MR. CASSIS: Off the record.

A. I had no involvement before or after with any.

Q. (By Mr. Cassis) So the bottom line is you had no involvement before or after, before 1968 and after 1970?

A. Yeah. And I think it was around -- I don't remember. It was about October 1st of 197 -- it was in October of 1970 I left the group.

MR. CASSIS: Off the record.

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

Q. (By Mr. Cassis) All right. Now, let me see if I can get to where we need to be with respect to 1968. Would you please tell me your duties and

WATER_PCB-SD0000014730

responsibilities beginning in '78 through 1970.

A. '68?

MR. GOEBEL: You said '78.

Q. (By Mr. Cassis) 1968 and 1970.

A. As director of marketing I had the product and the field responsibility, in other words, the customer responsibility through the field organization and also the people who had the product responsibility, the pricing and product planning and the other areas, everything that you would consider as part of sales and marketing.

Q. Okay. And during that period of time did you work with William Papageorge?

A. Yes. I don't recall when he came into it, sometime during that period, but, yes, I did.

Q. Okay. So you were very familiar with him during that period of time?

A. Uh-huh.

Q. I'm sorry. You'll have to say yes or no.

A. I'm sorry. Yes, yes.

Q. Now, what products were you responsible for during that period of time?

A. There were basically four groups.

Q. Okay.

A. One were the industrial hydraulic fluids,

WATER_PCB-SD0000014731

which was the Pydrauls. Second was the therminols, the heat transfer. The third was the dielectric area which were the Aroclors. And the fourth was the aircraft fire-resistant hydraulic fluid which was Skydraul.

Q. Skydraul?

A. Skydraul.

Q. Was that different than Pydraul?

A. Yes.

Q. How was that different?

A. It was different chemically. It was not -- I do not believe it was PCB related. There weren't any PCBs in the formulation of Skydraul.

Q. Now, who did --

THE WITNESS: Am I right?

MR. DAVIDSON: Right.

Q. (By Mr. Cassis) Who did you report to or who was your boss, if you had a boss?

A. Yes, Howard Bergen, who was the business director.

Q. And he was also during that period of time Mr. Papageorge's boss?

A. I believe he reported to Mr. Papageorge when he came into the group.

Q. Okay. Do you remember what Mr. Bergen's title was?

WATER_PCB-SD0000014732

A. Business director.

Q. And what were your -- You told us -- I take it you were responsible for all marketing during that period of time of those four products in your group?

A. Yes, marketing and sales.

Q. Marketing and sales. What's the difference between marketing and sales?

A. In my mind the sales is the direct customer responsibility, and that's part of the organization that goes to the customer and solicits and gains business and serves the customer. The marketing is more of the product function, the pricing, the development of product plans, the forecasting, the advising on advertising.

Q. How did you go about carrying out your responsibilities as marketing director and sales director with respect to sales to such companies as Rockwell or companies like that?

A. I don't mean to confuse it. During this period I had two organizations. At the beginning I had basically one field organization and then various product groups. Sometime during that I switched to four different groups which each had their own sales people and their own product people in these four areas. Within that I would be responsible for the sales people

WATER_PCB-SD0000014733

who were calling on any company.

Q. Did you have any particular person that -- or a particular salesman that would call on a particular plant or would that person call on a particular group of plants or groups in category? What I'm trying to get at --

A. In general, they call on geography, in general.

Q. That's what I'm trying to get at. So if you had a salesman that -- Let's take the Rockwell plant at Russellville, Kentucky.

A. Yes, sir.

Q. How would that person be designated? How would you designate that person to call on them down there to sell your product?

A. Each sales representative would have a geographic territory, and these he would set up, trying to balance the loads and do what seemed practical from a time and travel standpoint, and they would call on everybody in their geography. I don't recall what office -- I don't recall the location this was serviced from.

Q. All right. So you don't know who would be -- who would have called on the Russellville plant for Rockwell during the time that you were director of

WATER_PCB-SD0000014734

sales and marketing?

A. No, sir, I don't recall.

Q. And you don't know out of which branch that would have come?

A. No, I don't.

Q. Okay. And I take it your first experience with PCBs was when you went into this job in 1968?

A. That's correct.

Q. Had you ever had any other experience dealing with PCBs prior to that time?

A. No, I hadn't.

Q. Did you ever have any experience with disposal of PCBs?

A. I did not.

Q. Were you ever involved at all with containing any spills and cleanups of PCBs?

A. No, I wasn't.

Q. You had nothing to do with the manufacturing end of PCBs, did you?

A. No, I didn't.

Q. Tell us what dealings you had with Mr. William Papageorge during that period of time.

A. He was -- I believe he had been one of the -- I don't recall -- I believe was at one of the plants, and he came into head --

WATER_PCB-SD0000014735

Q. January of 1970?
A. Is that when it was?
Q. Yeah.
A. He came into basically be the focal point, in my understanding, for all -- pulling together all of the PCB activities.
Q. And I take it you --
A. At --
Q. I'm sorry. Go ahead.
A. Go ahead.
Q. I didn't meant to interrupt. You go ahead.
A. Go ahead.
Q. I take it you communicated with him regarding developments with respect to PCBs on a periodic basis?
A. Yes.
Q. Okay. Did you, yourself, ever familiarize -- I mean did you ever familiarize yourself with studies about the impact of PCBs on the environment?
A. Just reading in general and sitting in meetings, but that's about the extent.
Q. You relied on Mr. Papageorge for that?
A. And others, yes.
Q. Who else besides him?

WATER_PCB-SD0000014736

A. Bill Richard.

Q. Okay. Mr. Papageorge was the head of that unit, though, wasn't he?

A. That was his -- I don't know if it was a formal unit or not, but that was his responsibility, yes.

Q. Okay. When did you first become aware of the presence of PCBs in the environment?

A. When I first heard of the article in the San Francisco Chronicle.

Q. Do you remember when that was?

A. It was early '69.

Q. And what was that article about?

A. It was about the peregrine falcon. It was a study which basically said that the falcon was eating the fish, and then the falcon was having dead egg shells, and the new eggs were dying. Now, that's a layman's view, I'm afraid.

Q. I have probably asked you this question in a different way, but let me just specifically ask you, the information that -- Strike the question. When you needed specific information to provide to customers concerning PCBs and PCBs in the environment, did you go to Mr. Papageorge for that information?

A. Probably.

WATER_PCB-SD0000014737

Q. And in addition to Mr. Papageorge, you would attend meetings where this matter was discussed?

A. Yes.

Q. And it was discussed in some detail in various sales meetings; is that correct?

A. I don't recall that so much as in meetings with the -- with research and manufacturing, just general communication meetings between functions.

Q. And I take it you wanted to know about that so you could advise your customers?

A. Yes.

Q. Now, during the period of time that you were director of marketing and sales did Monsanto notify its customers of concerns with respect to the presence of PCBs in the environment?

A. Yes.

Q. How did Monsanto go about notifying its customers of information regarding PCBs?

A. Through letters to the customers.

Q. What about personal contact from your sales people?

A. Well, I'm sure -- Yes, there was, but I cannot be specific, a particular plan or when it was, but, yes.

Q. Can you tell us how? Did you all have

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meetings, and how was that discussed in the meetings that that would be conveyed personally to the various customers?

A. We -- First we had -- As far as meetings, we would have an annual sales meeting, and I'm sure that if -- this would be conveyed that that would be part of it. Plus, none of these groups were so large that they couldn't communicate pretty quickly to each other. There aren't that many people in any one of them.

Q. I'm not following that. You mean the groups within Monsanto?

A. The groups within -- No. I'm saying like, for instance, the industrial fluids group or the therminol group. These were all relatively small groups, and there was good communication within them.

Q. Did you ever make any trips to any of Monsanto's customers to specifically discuss PCBs with them?

A. No, I did not.

Q. Okay. That would have been done through your salesmen?

A. Yes.

Q. And letters or correspondence?

A. Yes.

MR. CASSIS: Off the record.

WATER_PCB-SD0000014739

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

Q. (By Mr. Cassis) How would you define your role in notifying customers of the effects of PCBs in the environment?

A. I'm not sure exactly what you mean.

Q. You stated earlier that you sent out correspondence?

A. Yes.

Q. And your salesmen talked to them directly?

A. Yes.

Q. How would you as the director of marketing and sales be involved in that?

A. I signed the major letter that went out to customers, and I was -- I don't recall the specifics, but, you know, I was somehow involved in the developing of that.

Q. Okay. When you said "the letter," are you talking about the December 9, 1970, letter?

A. No. They were in January to February.

Q. February 9, 1970?

A. I said "the letter." There were two letters at that time within a short period of each other that went to different customers bases.

Q. You say they were two letters that went to two different customer bases?

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A. Yes. They were similar letters, but one went to a number of customer bases, and the second one, which was very similar, had something added to it, specifically for the dielectric industry.

Q. Now, you sent --

MR. DAVIDSON: Off the record.

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

Q. (By Mr. Cassis) You sent out two letters, one to the dielectric group?

A. Yes.

Q. And the other to what other group?

A. The one you were referencing dated first went to the -- it was aimed to the industrial hydraulic fluid customers, to the Therminol customers, and I believe to the industrial users of Aroclor as a product.

Q. All right. Now, did you -- Let me have you refer to Exhibit No. 1, if you would. I take it that you had a -- Mr. Papageorge has already testified, Mr. Olson. I'm just going to kind of get to some of that, that you all kept a list of the customers that used hydraulic -- that you sold hydraulic fluids, mainly Pydraul to, and any kind of information which you would send to these people you would take from that master list. Is that correct or not?

A. I believe so, yes.

WATER_PCB-SD0000014741

Q. Okay. Let me have you look at Exhibit No. 1 and ask you to take a look at the front page, as well as the rest of the pages.

A. Yes, sir.

Q. The front page of that exhibit shows that that letter was sent to Rockwell at three locations. Would you please read that into the record.

A. Would I?

Q. Yes, please.

A. I don't know what you want me to do.

Q. On the very front page of that where it says Exhibit 1 --

A. Yes, sir.

Q. -- it shows that that letter was sent to three Rockwell locations, and I'd like for you to read into the record to which locations that letter was sent to.

A. You want me to read these names?

Q. Please.

A. Because I have no personal they were sent, but I'll read them.

Q. Okay.

A. Okay. Director of purchases, Rockwell Manufacturing Company, Pittsburgh Du Bois Division, Du Bois, Pennsylvania.

WATER_PCB-SD0000014742

Q. How about the one to Russellville, Kentucky?

A. "Director of purchases, Rockwell Manufacturing Company, Russellville, Kentucky."

Q. All right. Now, that first page of that Exhibit 1, is that a redacted list? By that I mean there were other customers' names on this page, but for purposes of producing it to us, I take it those customers names were eliminated? And this is also directed to your attorney, if he might help you.

MR. DAVIDSON: That is what happened, and how this page was made up, yes. I'm not sure that Mr. Olson had anything to do with it or knows how it was made up.

Q. (By Mr. Cassis) So you --

A. I go by him. I don't recall the actual list or -- and I can't remember.

Q. You do recall that Rockwell in Russellville, Kentucky, was a customer of yours, do you not?

A. I don't at this date have any personal knowledge -- recollection of it, no.

Q. Okay. Is there any doubt in your mind that the letter which you sent out on February 9, 1970, was not sent to the Russellville location for Rockwell?

WATER_PCB-SD0000014743

MR. GOEBEL: I'm going to object. He's already said he doesn't have any personal memory -- or personal knowledge it was sent and no memory of it being sent.

Q. (By Mr. Cassis) Answer the question. Don't pay any attention to his objection. Just answer the question.

A. I would -- I can only assume that it was sent there.

Q. And how do you make that assumption?

A. Because my -- All I do recall, I recall that we did as diligent a job as we could of making sure that we notified every possible customer because that was very important for us to do.

Q. And did you work with -- I'm sorry. Go ahead.

A. Go ahead.

Q. Did you work with Mr. Papageorge in developing this letter?

A. I can't recall how -- I do not recall how it was actually put together.

Q. Okay. Was this letter sent out as part of a custom and practice of Monsanto to keep your customers informed?

A. Yes. And I know I personally felt very,

WATER_PCB-SD0000014744

very strongly of keeping customers informed of any happenings.

Q. Is that your signature up there?

A. Yes, it is.

Q. And you signed this letter?

A. Yes, I did.

Q. And you participated in the preparation of that letter with Mr. Papageorge?

A. I'm sure I played a role, but I can't tell you what it was, and I don't know who else did.

Q. But you have no doubt that you did send a letter to your customers?

A. That is correct.

Q. Okay. I think you told us you never visited any of the Rockwell facilities, did you?

A. No, I did not.

Q. Did you ever speak with anyone from any of the Rockwell facilities yourself?

A. Not to my knowledge.

Q. Okay. Do you have any reason to believe that this letter was not sent out to the Rockwell facilities listed on the front?

A. No, I do not.

Q. Okay. The actual sending of the letter and putting it in the mail and all that, you would have

WATER_PCB-SD0000014745

directed to someone in your office to do, wouldn't you?

A. Yes.

Q. Okay. Was the first time you heard the Rockwell Russellville facility after you took over that job in 1968? Was that the first time you'd ever heard of the Rockwell facility?

A. Oh, I'm sure I had not heard of it before that.

MR. DAVIDSON: Off the record.

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

Q. (By Mr. Cassis) Can you tell us whether or not the attachment referred to in your letter in the last paragraph --

A. Okay.

Q. -- was this the -- where it says, "Chemical Week, October 29, 1969," was that included with that letter which you sent out?

A. Yes.

Q. Now, you sent the letter out on February 9, 1970. Did you sign it that same day?

A. I don't recall that exactly, what day it was signed.

Q. Did you participate in drafting or reviewing any other documents or correspondence that were disseminated to Monsanto's customers about PCBs

WATER_PCB-SD0000014746

during that period of time from 1968 to 1970?

MR. GOEBEL: Besides the dielectric letter he's already told us about?

Q. (By Mr. Cassis) No. I'm talking about besides that dielectric letter, yeah.

A. I believe that I did -- that there was one letter which I signed which went specifically to the industrial users, the people who bought Aroclor, per se.

Q. So that would not have been Rockwell?

A. No. It was for people who bought -- In fact, the product was called Aroclor for industrial uses, and it told them of some reformulation activities.

Q. So for those customers who purchased Pydraul containing PCBs, the letter of February 1970 would be the only one in which you were involved in sending to the customers concerning PCBs?

A. That's correct.

Q. Was that sent out in the regular course of Monsanto's business?

A. Yes.

Q. Were you involved in any recommendations concerning the disposal of PCB materials by any of your customers?

A. Not that I recall specifically.

Q. Did you know that Monsanto had an

WATER_PCB-SD0000014747

incinerator for PCBs?

A. I don't believe they did at that time. I don't believe.

Q. You don't know when they had that?

A. No.

Q. Were you involved in 1970 in any way with respect to labeling the -- or putting an additional label on the Pydraul which was sold to customers?

A. Not directly that I recall.

Q. That would all be Mr. Papageorge, wouldn't it?

A. Yeah -- I can't speculate. He certainly would have been a key person with it.

Q. Were you familiar with what these labels said?

A. No.

Q. So I think it's fair to say in concluding my direct questioning of you that the letter of February 9, 1970, which was sent to director of purchases, Rockwell Manufacturing, Russellville, Kentucky, and the other two Rockwell locations would have been the only time that you were involved in writing to Rockwell with respect to PCBs in the environment?

MR. GOEBEL: I'm going to object to the

WATER_PCB-SD0000014748

form. Your question assumes facts not in evidence.

Q. (By Mr. Cassis) That's fine. Go ahead and answer the question.

A. Yes.

MR. CASSIS: That's all I have.

CROSS-EXAMINATION

QUESTIONS BY MR. GOEBEL:

Q. Mr. Olson, my name is Tony Goebel. I represent Rockwell International, along with Mr. Weinreb. Just a few questions.

A. Sure.

Q. What did you do to prepare for this deposition?

A. I did two things. I -- Over the weekend I read through past depositions that I've given, and then I met for a period yesterday with this fine gentleman. That's the extent of it.

Q. Did you review any documents?

A. Yes.

Q. Did you review Deposition Exhibit No. 1?

A. Yes.

Q. Did you review any others?

A. Yes.

Q. Do you recall what they were?

A. I reviewed this whole packet -- or saw this

WATER_PCB-SD0000014749

whole packet, didn't really review it, because it was after I was long gone, but I saw this whole packet, and there were a couple of other documents that were Monsanto documents.

Q. Other than Exhibit 1, your name doesn't appear on any of the other documents you've reviewed; is that right?

A. That's right.

Q. And you really have no personal knowledge of the matters contained in those other documents?

A. That's correct.

Q. Are the Monsanto documents he showed you the sales records documents?

A. Yes.

Q. He's agreed to produce those to us. So I won't ask you any more about it.

A. Okay.

Q. You never visited Russellville, and you don't know who in the sales and marketing staff actually visited the Russellville site; is that right?

A. That's correct.

Q. And although you generally told your sales reps to notify customers orally about the presence of PCBs, sitting here today you can't tell us if that was done with respect to Russellville?

WATER_PCB-SD0000014750

A. I cannot.

Q. Or who would have done it?

A. That's correct.

Q. And there would be no record of that communication, is that right, to your knowledge?

A. To my knowledge.

Q. Do you know if there were any written records of the annual meetings that you described earlier?

A. I'm referring to our sales meetings. No, I'm sure there would not be any.

Q. If I understand your testimony correctly with respect to Exhibit 1, other than the fact that there is a cover page on there with three addresses for Rockwell's -- three of Rockwell's plants, you have no other information regarding that letter being sent to Rockwell?

A. That's correct.

Q. And I think you said you have no personal knowledge that this letter was actually sent to those addressees; is that right?

A. That is correct.

Q. And you have no memory of that letter in Exhibit 1 being sent to those three sites?

A. I do not have a memory, period. Excuse me.

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Q. And you actually have no recollection of the Russellville site even being a purchaser of Pydraul fluid; is that correct?

MR. CASSIS: Objection. He didn't say that.

Q. (By Mr. Goebel) Well, that's a question. Do you?

MR. DAVIDSON: Go ahead.

A. The only recollection I have is the numbers I saw, is the sales statistics I saw yesterday.

Q. (By Mr. Goebel) The only knowledge you have is after reviewing some sales records?

A. That's correct.

Q. And do you recall the types of Pydraul formulas that Russellville purchased?

A. Only from what -- I recall only from yesterday. Beyond that, I do not.

Q. All right. Do you know if any of the Pydraul fluids on or after 1970, say January 1, 1970, had an environmental warning label on them?

A. I don't recall.

Q. You don't know when PCBs were released into the environment at the Russellville site, if at all, do you?

A. I have no knowledge.

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Q. And you don't know when Rockwell discovered any releases of PCBs into the environment, do you?

A. No, I do not.

MR. GOEBEL: I think that's all. Thank you.

CROSS-EXAMINATION

QUESTIONS BY MR. PRICE:

Q. Mr. Olson, my name is Gene Price. I represent Home Insurance Company, a third-party defendant in this case. In 1970, February of 1970 you were director of sales, functional fluids group?

A. (The witness nods in the affirmative.)

Q. As part of your duties --

A. Yes.

Q. Thank you. As part of your duties and responsibilities were you required to take letters and deliver them to the postal service for delivery?

A. No. I do need to do that in my job now, but not then.

Q. Was that was someone in your staff or someone at Monsanto responsible for that?

A. There were just mail pickups. I have no idea who did.

Q. In the ordinary course of your business when you signed a letter, did you find that it went out,

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that people received your letters?

A. Yes.

Q. Okay. Do you know of any instance where any of -- Well, do you have any reason to believe this letter was not sent to the addresses listed on the front?

A. I have no --

MR. CASSIS: Let him finish.

MR. GOEBEL: Let me object. I'll object because he's already said he has no personal knowledge of that letter ever being sent to the addressees.

MR. CASSIS: Read back the question. Let him answer.

(Whereupon, the reporter read back the last question.)

A. I have no reason to believe it was not received.

MR. PRICE: Okay. That's all I've got.

REDIRECT EXAMINATION

QUESTIONS BY MR. CASSIS:

Q. I have one last question. That is, as director of sales, was this letter prepared by you in the ordinary course of your work and duties as director of sales?

A. Yes.

MR. CASSIS: That's all.

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MR. WEINREB: Hold on one second.

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

RECROSS-EXAMINATION

QUESTIONS BY MR. GOEBEL:

Q. Do you recall if there were any prior drafts of this letter in Exhibit 1?

A. I just don't have any recollection.

Q. You didn't review any prior drafts?

A. I just don't recall whether there were one, two. I have no idea. I just don't remember.

MR. GOEBEL: All right. That's all. Thank you.

MR. CASSIS: Thank you, Mr. Olson.

Donald A Olson

DONALD A. OLSON

Subscribed and sworn to before me this 27 day of May, 1993.

My Commission expires: _____.

JOHN G. YOCH
Notary Public – Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Jan 5, 1997

John G Yoch

[Notary Public]

JOHN G. YOCH
Notary Public
Notary Seal
STATE OF MISSOURI

ORIGINAL

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS)

I, ALICIA A. CARTER, a Registered Professional Reporter and a duly commissioned Notary Public within and for the State of Missouri, do hereby certify that pursuant to Notice there came before me at the law office of Husch & Eppenberger, 100 North Broadway, Suite 1300, St. Louis, Missouri 63102,

DONALD A. OLSON,

who was by me first duly sworn to testify to the truth and nothing but the truth of all knowledge touching and concerning the matters in this cause; that the witness was thereupon examined under oath and said examination was reduced to writing by me; and to be read and signed by the witness; and that this deposition is a true and correct record of the testimony given by the witness.

I further certify that I am neither counsel for nor related nor employed by any of the parties to the action in which this deposition is taken; further that I am not a relative or employee of any attorney or counsel employed by the parties hereto financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal May 18, 1993.

_____
ALICIA A. CARTER
Notary Public, within and
for the State of Missouri

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PAGE 1 OF 1 Donald A. Olson
NAME OF WITNESS

DEPOSITION CORRECTION SHEET

Page	Line	Should read:
13	5	SKYDROL

Reason for change: MISSPELLED

Page	Line	Should read:
13	6	SAME AS ABOVE

Reason for change:

Page	Line	Should read:
13	12	SAME AS ABOVE

Reason for change:

Page	Line	Should read:
18	16	THIN rather than DEAD

Reason for change: Transcribed incorrectly.

Page	Line	Should read:
23	20	Personal KNOWLEDGE

Reason for change: Transcribed incorrectly

Page	Line	Should read:
25	23	CUSTOMER rather than CUSTOM AND

Reason for change: Transcribed incorrectly

Page	Line	Should read:

Reason for change:

Donald A Olson
SIGNATURE OF WITNESS

WALLER REPORTING, INC.

WATER_PCB-SD0000014757

MR. WEINREB: Hold on one second.

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

RECROSS-EXAMINATION

QUESTIONS BY MR. GOEBEL:

Q. Do you recall if there were any prior drafts of this letter in Exhibit 1?

A. I just don't have any recollection.

Q. You didn't review any prior drafts?

A. I just don't recall whether there were one, two. I have no idea. I just don't remember.

MR. GOEBEL: All right. That's all. Thank you.

MR. CASSIS: Thank you, Mr. Olson.

Donald A Olson

DONALD A. OLSON

Subscribed and sworn to before me this 27 day of May, 1993.

My Commission expires: _____.

JOHN G. YOCH
Notary Public – Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires: Jan 5, 1997

John G Yoch

[Notary Public]

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WATER_PCB-SD0000014759