

1 MONTANA TENTH JUDICIAL DISTRICT COURT

2 FERGUS COUNTY

3 Cause No. DV-2004-55

4
5 MARTY PAULSON, WILLIAM J. HAUGEN, HARRY FELTON,)

6 RAY ROBISON and WARD BURLEIGH, President;)

7 BURLEIGH ANGUS RANCH, INC., Individually and)

8 For all Persons Similarly Situated,)

9 Plaintiffs,)

10
11 V.)

12
13 MONSANTO CHEMICAL COMPANY n/k/a PHARMACIA,)

14 MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS,)

15 and JOHN DOE PAINT COMPANIES and DISTRIBUTORS I)

16 through X,)

17 Defendants.)

18
19 Deposition of MICHAEL ANTHONY PIERLE, taken
20 July 10th, 2006 by the Plaintiffs, at the Antler
21 Motel, 43 West Pearl, Jackson, Wyoming.

22
23
24 JACKSON HOLE COURT REPORTING

25 307 733-2637

Pierle, Michael (Monsanto's 30(b)(6) Witness) in PAULSON

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1 Jackson, Wyoming, July 10th, 2006, 8:00 a.m.

2
3 MICHAEL ANTHONY PIERLE,

4 a witness herein, being first duly sworn, testifies
5 as follows:

6
7 EXAMINATION BY MR. OAAS:

8 Q. Would you state your name please.

9 A. Michael Anthony Pierle.

10 Q. Would you spell your last name please.

11 A. P-i-e-r-l-e.

12 Q. Mr. Pierle, we met just shortly before the
13 deposition. I'll introduce myself again for the
14 record. My name is Torger Oaas. And I'm an
15 attorney in Lewistown, Montana. I represent the
16 plaintiffs in this suit that's been certified as a
17 class action in Fergus County, Montana, in which
18 Monsanto or Pharmacia/Monsanto -- and I'll just
19 refer to those entities just as Monsanto, if that's
20 all right with you?

21 A. Monsanto and who?

22 Q. Pharmacia.

23 A. Pharmacia.

24 Q. Is one of the defendants. And so you know
25 that, and I don't know what you know about that

Pierle, Michael (Monsanto's 30(b)(6) Witness) in PAULSON

1 particular case. But I just want to make sure you
2 are the person being produced by Pharmacia/Monsanto
3 pursuant to Rule 30(b)(6) on the Monsanto Pledge.

4 MR. OAAS: Is that correct?

5 MR. MILLER: That's correct.

6 MR. OAAS: And just for the record there
7 isn't an attorney here for the Montana Department
8 of Fish, Wildlife and Parks. They have indicated
9 to me that they're not going to appear at this
10 deposition. And Steve Brown, the attorney
11 representing Columbia, is appearing by conference
12 call.

13 Can you hear us, Steve?

14
15 Discussion off the record.

16 MR. OAAS: Let me put on the record we
17 tried to get Steve Brown, but we couldn't. We
18 hooked up the phone, but it wouldn't work.

19 MR. MILLER: I confirm that. I saw
20 every piece of that effort, Herculean.

21 Q. (BY MR. OAAS) Mr. Pierle, would you state
22 your address and occupation please.

23 A. My address is 770 Gulf Shore -- that's two
24 words -- Gulf Shore Drive, Unit 701, Destin,
25 Florida 32541. Currently I am retired from Solutia

1 and formally Monsanto, and I'm doing some
2 consulting work at this time under my company,
3 Pierle Consulting, Incorporated.

4 Q. Mr. Pierle, why don't you just give us a
5 rundown of your employment history after you
6 finished your formal education.

7 A. After graduating with a bachelor's degree in
8 1966 I began working at Monsanto Company at a plant
9 in Illinois. And I stayed with Monsanto and then
10 Solutia until retiring in 1999. I spent part of my
11 time working at a plant in New Jersey and the
12 balance of the time working at corporate
13 headquarters in St. Louis. For one year during
14 that period I did work as a loaned executive to the
15 Department of Commerce in Washington DC.

16 Q. Okay. Would you describe just generally,
17 and if you can in a chronological fashion, the
18 course of employment with Monsanto and then Solutia
19 during that period of time in reference to what
20 your job duties and responsibilities are?

21
22 Mr. Brown joins deposition via phone.

23
24 A. Certainly. As I indicated I began work in
25 1966 at a plant in Illinois and I joined what was

1 basically their environmental group at that plant
2 site. And I worked at that plant for about five
3 years. Our roles were primarily monitoring various
4 air and water streams, reporting to state agencies
5 predominantly at that point in time, and
6 supervising a waste water treatment plant that had
7 been built for that and other facilities in the
8 area.

9 In 1970 I moved to New Jersey and had very
10 similar responsibilities at a smaller plant in
11 southern New Jersey. Again I was the only -- at
12 this point the only person in the environmental
13 group doing sampling work, analytical work,
14 regulatory work. And our main focus there was
15 working on a project for expanding treatment
16 systems for water pollution effluence. I worked
17 there until mid 1974.

18 And at that time I took a year leave of
19 absence to go to work at the Department of Commerce
20 in Washington DC. That job was working in an
21 office of environmental affairs that was
22 principally responsible for reviewing EPA
23 regulations and other federal agency reports under
24 the National Environmental Policy Act.

25 In mid 1975 I returned to Monsanto in St.

1 Louis. My title I think was Manager of
2 Environmental Protection in one of the operating
3 units of Monsanto basically within the chemical
4 manufacturing side of Monsanto. I stayed in that
5 position until late 1979 I believe it was, and I
6 joined the Monsanto, Monsanto's corporate
7 environmental staff as a director of regulatory
8 matters for water.

9 And over the next, from 1980 to 1991 I held
10 various corporate staff jobs in water and air
11 pollution, solid waste, Superfund site clean-up.

12 In the late '80s the company was sort of
13 internally reformulated and I was the head
14 environmental person in the Monsanto Chemical
15 Company. And in 1991 I took the position at
16 corporate level of Vice President of Environment,
17 Safety and Health and stayed in that position
18 basically until I retired. I held that to Monsanto
19 until Solutia was spun off in 1977 and then stayed
20 in that position -- I'm sorry, 1997, and stayed in
21 that position at Solutia until retiring.

22 Q. That was in 1999?

23 A. Yes.

24 Q. Can you tell me what basically you've been
25 doing as far as work goes following your

1 retirement?

2 A. Following retirement I have done some
3 consulting work that was principally in the area of
4 site assessments in the role of due diligence
5 during the business transactions and some
6 deposition work for Monsanto, Solutia, Pharmacia.

7 Q. I think I've seen some of your depositions.
8 And correct me if I'm wrong, but I think you were
9 deposed in some of the, I'll just refer to them as
10 the Anniston cases.

11 A. That's correct.

12 Q. You'll know what I'm referring to when I say
13 the Anniston cases?

14 A. Yes.

15 Q. What would that be? Just for the record
16 what was going on in Anniston?

17 A. The Anniston depositions were principally
18 around issues related to PCB, polychlorinated
19 biphenyls, clean-up in and around the Monsanto or
20 the old Monsanto manufacturing site.

21 Q. What do you know about our particular case
22 in Furgus County, Mr. Pierle?

23 A. Very little. I am in discussions in
24 preparation with Adam he briefly identified the
25 case, that it involved PCB's. And there are

1 allegations of I guess property value loss related
2 to PCB's in the environment abutting a property
3 owner's or property owner's individual properties.

4 Q. Okay. It's your understanding the case
5 centers around allegations that a stream, a live
6 stream located in Fergus County called Big Spring
7 Creek is contaminated with PCB's?

8 A. Yes.

9 Q. Now since we're going to be talking about
10 PCB's why don't you tell me in just kind of a
11 summary fashion, if you would please, your dealing
12 with PCB's over the years that you were employed by
13 Monsanto.

14 A. At the plant where I started working in
15 Illinois they produced PCB's, so I was generally
16 aware of the production unit. And in the late
17 '60's was involved in work to identify sources of
18 potential PCB leaving that manufacturing unit and
19 projects to reduce their losses. After that my
20 role as manager of environmental protection we
21 dealt with various issues at that plant, the
22 Krummrich plant, in Illinois as sort of a manager
23 helping the plant team interface with the
24 regulatory agencies on the discharge issues and
25 limits, things of that nature.

1 Q. Where was that plant located in Illinois?

2 A. It's in Sauget, Illinois.

3 Q. I guess I thought it was pronounced Sauget.

4 Go ahead. I didn't mean to interrupt.

5 A. The involvement later in my career with
6 respect to PCB's again in my role as director of
7 environmental management for, or environmental
8 operations for the chemical company we had
9 responsibilities that included the Anniston
10 facilities, so we were involved in the clean-up
11 projects relative to that site and the various
12 agency relationships with respect to clean-up,
13 plans, programs and requirements. That work was
14 still ongoing at the time that I retired.

15 Q. Okay. Since your retirement have you worked
16 either for Solutia, Monsanto or Pharmacia Chemical
17 Company?

18 A. In the first two years of my retirement I
19 had a direct consulting agreement with Solutia that
20 lasted, as I said it lasted exactly two years. And
21 no other direct work with those companies after
22 that time period.

23 Q. Okay. Do you own some property here in
24 Jackson, Wyoming?

25 A. No, I own some property in Dubois, Wyoming.

1 Q. Okay. That's retirement, you live there
2 part of the year?

3 A. We just built a place, so we haven't figured
4 that out yet.

5 Q. I just wondered why we're meeting here in
6 Jackson is all. It's Dubois, Wyoming, and not
7 Dubois, Idaho?

8 A. That's correct.

9 Q. Where's Dubois, Wyoming, located?

10 A. It's about 100 miles. I would guess it's
11 almost east of here, a little bit southeast as the
12 crow flies, not as you drive.

13 Q. So you're going to have a residence in
14 Florida as well as Wyoming?

15 A. Yes.

16 Q. Now, were you acquainted with Richard J.
17 Mahoney?

18 A. Yes.

19 Q. Would you describe who he is with respect to
20 Monsanto, or who he was?

21 A. He was ultimately the chairman and CEO of
22 Monsanto Company. Worked at the company as I
23 understand it for several years prior to that in
24 various capacities.

25 Q. Do you know what time frame he was the

1 chairman and CEO?

2 A. It was in the, sometime in the mid to late
3 '80s, and he retained that role through the, seems
4 to me through the early to mid '90s.

5 Q. Is he still alive, do you know?

6 A. Yes, I believe so.

7 Q. Do you know where he lives?

8 A. I'm not certain. He's in both St. Louis I
9 believe and he also has a place in Massachusetts.

10 Q. I'm going to hand you what I marked as
11 Deposition Exhibit 1 and ask you what you know
12 about something called the Monsanto Pledge.

13 MR. MILLER: That's a pretty broad
14 question. Can you narrow it somewhat?

15 MR. OAAS: I'll ask Mr. Pierle if he
16 needs me to narrow it to be more specific.

17 A. I'm very familiar with the Monsanto Pledge.
18 However, at the -- I was not involved in the I
19 guess the generation of Mahoney's speech which led
20 up to his speech at the National Wildlife
21 Federation's Corporate Conservation Council which
22 later then became known as the Monsanto Pledge.
23 That was not initially as I understand it the part
24 of the title of the speech, the pledge part, became
25 a sort of a characterization of his speech by

1 either someone in the audience or subsequent to
2 that. But once it was characterized in that
3 fashion it was basically adopted, if you will, by
4 Monsanto and that became the terminology that we
5 use to describe to everybody internally and
6 externally Mahoney's speech to the National
7 Wildlife Federation.

8 Q. Have you seen Plaintiffs' Exhibit 1 before
9 today?

10 A. I certainly have seen the pledge before.
11 And all these words I don't know that I've seen it
12 -- I don't recall whether I've seen it in this
13 exhibit form.

14 Q. It's obtainable on Solutia's Web site. That
15 was what I was referring to have you seen this
16 pledge in thid particular form?

17 A. I may or may not. I just -- I suspect I
18 have, but I just don't recall.

19 Q. Okay. Now, would you just kind of in your
20 words describe for me what Monsanto was attempting
21 to do by adopting the Monsanto pledge?

22 A. Let me do that with just a little bit of
23 sort of background to this. As I indicated I spent
24 pretty much my whole career in the environmental
25 area inside Monsanto, and through those first years

1 up to about the mid '70s the company operated in a
2 fairly decentralized manner with respect to
3 environmental matters. In the mid '70s there was a
4 corporate organization structure put into place in
5 recognition that the entire sort of world was
6 moving more along regulatory lines on environmental
7 matters. And the organization Monsanto, the large
8 organization, felt it needed to do something to be
9 better equipped to deal with the growth of
10 environmental matters in the United States and also
11 worldwide.

12 And at that time, the mid to late '70s,
13 there was instituted a set of Monsanto worldwide
14 environmental guidelines. Those were sort of
15 internal management efforts to help move the
16 organization to continue to meet external and
17 internal requirements with respect to Monsanto's
18 programs.

19 In the mid to late '80s and then early '90s
20 it was more apparent that through what was then
21 termed the public's right to know the public was
22 taking a more direct role in environmental matters.
23 And what the Monsanto Pledge did was really an
24 external transparent discussion of what Monsanto
25 felt its role was with respect to the environment

1 and what it should be for the future.

2 And so the pledge itself really did
3 externalize a lot of what Monsanto had been working
4 on, and then in some cases as indicated in this
5 document attempted to position what Monsanto wanted
6 to do to try to be part of a solution of
7 environmental issues in the future.

8 Q. Do you think the Monsanto Pledge was a good
9 thing for the company to adopt?

10 MR. MILLER: Object to the form of the
11 question. Are you asking personally?

12 MR. OAAS: Uh-huh, just his personal
13 opinion.

14 A. Yes, I do because it had, it basically
15 articulated a lot of the things we were working on
16 and doing anyway. And it helped to give the public
17 a better understanding of what we were doing and it
18 gave some additional, I would say, degrees of
19 freedom to people inside the company to talk about
20 what they were doing to external groups. And that
21 was beneficial.

22 Q. Did the pledge deal with all Monsanto
23 products, including PCB's?

24 A. The pledge itself was not product specific,
25 product inclusive. It was more related to as you

1 can see from the topic and subject matter relative
2 to more the operations as they impacted the
3 environment, our production operations. It was I
4 think from Mahoney's standpoint focused on what
5 businesses we were in at that point in time and how
6 those businesses needed to be positioned for the
7 future.

8 Q. Would it be fair to characterize the
9 Monsanto Pledge as having nothing to do with
10 Monsanto's involvement in the production and sale
11 of PCB's?

12 A. I would say a fair characterization is
13 probably that the production or manufacturing,
14 sale, the hisorical aspects of PCB's, was not a key
15 factor or consideration in the pledge statement.

16 Q. Did the pledge take that into consideration
17 at all in your opinion?

18 A. I don't think directly.

19 Q. How about indirectly?

20 A. It's difficult to say. I think part of the
21 evolution of Monsanto's whole programs with respect
22 to the environment were shaped by all of Monsanto's
23 history, as any company would be, and certainly
24 PCB's were part of that history. So sort of
25 indirectly I would guess they, personally it was

1 possible that it would have had some indirect
2 effect, but certainly nothing direct in terms of a
3 cause/effect kind of relationship.

4 Q. Isn't it true to state that the pledge
5 really had its roots back in the formation of
6 environmental policy statements of Monsanto back in
7 the '70s?

8 A. I don't know what was in Dick Mahoney's mind
9 when he made --

10 Q. And I understand that.

11 A. -- when he wrote his speech, so I think the
12 pledge was more forward looking and was attempting
13 to, as I indicated, position the company
14 externally. And we were at that time doing a lot
15 of work with regulatory agencies and environmental
16 groups, and it was more an expression of our future
17 intent than what had happened or had gone on in the
18 past.

19 Q. All right.

20 A. That was sort of my personal feel and the
21 feel was actually there was, there was quite a bit
22 of internal discussion what does the pledge mean
23 with respect to the internal guidelines that
24 existed. We had been working on a bunch of stuff
25 already inside the company. Do we throw that all

1 away and begin something new that's called this
2 Monsanto Pledge? And it was a fair amount of work
3 to try to work the pledge document and statements,
4 to show them there was some consistency with
5 respect to the work that was going on.

6 Q. Can you refer to the second page of Exhibit
7 1?

8 A. Yes.

9 Q. Directing your attention to the first full
10 paragraph. The first sentence says, "But it is not
11 enough to simply unpollute the world." Do you see
12 that sentence?

13 A. Yes.

14 Q. Does that in your mind and in your
15 discussions that took place about the pledge, the
16 internal discussions, did anybody consider that a
17 reference to PCB's?

18 A. Not to my knowledge.

19 Q. As you sit here this morning what does that
20 sentence mean to you?

21 A. Just prior to the issuance of the pledge
22 Dick, Mr. Mahoney had undertaken an initiative to
23 reduce Monsanto's air pollution, air pollutants,
24 toxic air pollutants, by 90 percent. This was in a
25 time period that was sort of post the Bhopal

1 accident in India, and there was considerable
2 attention paid to air emissions, particularly toxic
3 emissions. And we have been working on programs to
4 reduce waste. And there was a lot of public focus
5 on the pollution levels that existed in the world.
6 And so some of our efforts were, if you will, to
7 unpollute or reduce emissions that were still
8 existent from manufacturing operations. So in my
9 mind that's what that would have meant, that it's
10 not simply enough that we continue these programs
11 internally to reduce emissions and waste from
12 operations, but strategically and with at the time
13 internally inside Monsanto there was an enormous
14 effort on agricultural, better use of agriculture,
15 the creation of agricultural chemicals that would
16 act as herbicides, but would be more friendly to
17 the environment, the whole focus of biotechnology
18 which now ten years later or more we see a
19 substantial benefit to the environment.

20 So I think what Mr. Mahoney was saying was
21 that we just can't work on what we were doing with
22 respect to operations and reducing emissions, but
23 we have to find a way to make new products and new
24 technologies that actually have a more beneficial
25 impact on the environment while providing certainly

1 beneficial results from the products themselves.

2 Q. Then would it be fair to say as far as your
3 understanding went that Monsanto had pretty much
4 decided that the issues surrounding PCB's were a
5 thing of the past and there weren't going to be any
6 more problems, environmental problems with PCB's?

7 A. I don't ever recall anybody having that kind
8 of a discussion.

9 Q. Okay. Tell me at what level were PCB's on
10 the radar as far as environmental problems with
11 Monsanto in the early '90s as far as you know? Was
12 there a PCB's group? Did you deal with PCB
13 environmental issues? What was going on in the
14 company at the time? Were they in the attic
15 shelved away, put away? That's what I'm trying to
16 get at.

17 MR. MILLER: Objection; compound.

18 THE WITNESS: There were two levels of
19 activity with respect to PCB's or at least two it
20 seemed to me. One, there was certainly a level of
21 litigation that was still in existence with respect
22 to product issues. And the group that was
23 predominantly charged with the responsibility for
24 that was the legal department. And when they
25 needed technical assistance there were in my group

1 in the '90s just a small group of people that if
2 there was a need for technical resources and they
3 could provide those, they would. Most of those
4 issues being historical a lot of I think what was
5 needed on that was already in place.

6 The other aspect that was ongoing was
7 the clean-up issues such as at Anniston or other,
8 principally at Anniston where there were PCB's that
9 were part of active plant site operations or if
10 there were PCB's that were issues that came up with
11 respect to other off-site issues, then they would
12 have been, those projects would have been managed
13 predominantly in groups that either reported to me
14 or during parts of my period in the '90s.

15 Q. Okay. Can you give me an example of what
16 kind of technical assistance you would give to the
17 legal department from time to time in that time
18 frame, the early 1990's?

19 MR. MILLER: Let me object. That calls
20 for information that invades the attorney/client
21 privilege. I object to that. I instruct the
22 witness not to answer.

23 MR. OAAS: I'm not asking for
24 conversations. I'm just asking what kind of
25 technical assistance. For instance, like what

1 PCB's were, where were they manufactured, were they
2 sold by a particular customer, things of that
3 nature. Are you going to object to that?

4 MR. MILLER: I think any communication
5 between Mr. Pierle and the legal department for the
6 purpose of assisting the company in pursuing
7 litigation or defending litigation is subject to
8 the attorney/client privilege. And I'll instruct
9 him not to answer.

10 MR. OAAS: I tell you, Adam, for the
11 record I'm not asking for any specifics. I'm not
12 asking for any privileged information. It's a very
13 general question in terms of what kind of technical
14 assistance or resources either Mr. Pierle or his
15 group supplied to the legal department.

16 MR. MILLER: Just subject matters?

17 MR. OAAS. Yes.

18 MR. MILLER: And not with respect to any
19 particular piece of litigation or regulatory
20 activity?

21 MR. OAAS: Right.

22 MR. MILLER: You can answer to that
23 limited scope.

24 THE WITNESS: I think there was some
25 support effort given with respect to just

1 historical documents. Within my group when I was
2 the corporate vice president we had the health and
3 toxicology department was there. And so those
4 people were available for consultation. However,
5 most of the work I know on PCB's preceded most of
6 those people's work at Monsanto. So most of that
7 sort of technical scientific work had already been
8 done. But those people were there if they needed
9 any consultation.

10 And indeed the way most of that worked
11 they would have been responding directly to the
12 lawyers. My role really was much more
13 administrative with respect to the people and the
14 budgets, and most of it was not, was clearly
15 non-PCB related work and activity.

16 Q. (BY MR. OAAS) Can you give me a rough idea
17 of a number, a percentage number during that time
18 frame what amount of work was directed at PCB
19 activity versus non-PCB activity?

20 A. I don't really recall. I mean it's a really
21 low number relative to the whole staffing and
22 budget that went on that, really a low number of
23 people. I just don't remember the numbers.

24 Q. Five percent, ten percent, one percent, half
25 of one percent?

1 MR. MILLER: Calls for speculation.

2 Q. (BY MR. OAAS) If you can give me a
3 reasonable estimate?

4 A. Certainly less than five percent.

5 Q. Okay. I guess what I'm trying to get at
6 when Mr. Mahoney made this speech to the National
7 Wildlife Federation on January 30th, 1990, you and
8 your staff were still dealing with PCB's to some
9 extent, even though it may have been a small
10 percentage of the overall work.

11 A. In the areas that I described, yes,
12 basically the clean-up support work or the support
13 for the clean-up work that was ongoing.

14 Q. Then if you go down to the next paragraph on
15 the second page of that exhibit. I'll just read it
16 into the record. It states, "We must rectify the
17 mistakes of the past while we continue to develop
18 and introduce the new technologies to provide the
19 essentials for mankind in the future."

20 Would you agree or disagree that the
21 production and sale of PCB's was one of the
22 mistakes of the past that Mr. Mahoney was referring
23 to?

24 MR. MILLER: Object to the form.

25 THE WITNESS: I have seen this statement

1 before, and I never talked with him about what that
2 meant. To me in the context of what he was doing
3 with this document of juxtapositioning sort of a
4 non-public disclosure versus a public disclosure of
5 commitments, an openness and transparency, that
6 that statement hit me more in the context of that,
7 that a mistake not being, you know, something that
8 was known at the time and looking back we should
9 have been more outward with our discussions and
10 contacts with people, our willingness to be
11 transparent to groups around the plants, to
12 environmental groups, to regulators, to
13 legislators, that it was more in that context that
14 I read that because that was what the pledge was
15 sort of doing.

16 I think he was also very much on the
17 forefront of finding new technology, whether they
18 be in the agriculture area or other areas where you
19 would clearly state that the technology was focused
20 on new ways to provide that. So outside of that I
21 really do not know what was in his mind in making
22 that statement.

23 Q. (BY MR. OAAS) Okay. Based upon what you
24 said do you have an opinion whether or not Monsanto
25 should have been more open and transparent in

1 dealing with the public, in dealing with regulatory
2 agencies and dealing with government officials on
3 the issues relating to PCB's than they had been?

4 MR. MILLER: Object to the form. Goes
5 beyond the scope of the 30(b)(6) notice. But if
6 you're asking him for his personal observations,
7 fine.

8 Q. (BY MR. OAAS) Go ahead.

9 A. I think that's really tough because of the
10 norms that existed at the time that having spent a
11 lot of time historically in this area the dominant
12 communication were with regulators as the
13 representative of the public. And I think what we
14 clearly felt as we moved through the '80s was that
15 we could not solely rely on those communications
16 with regulators to be sufficient for sort of
17 explaining to the public what we were doing or
18 trying to do.

19 So it was in the context of expanding those
20 discussions with regulators, but a lot of it was
21 with community groups and environmental groups and
22 other publics that had an influence as stakeholders
23 in the corporation. And I would say from a
24 personal standpoint and having seen the
25 relationships evolve with regulatory agency people

1 that I certainly pushed for and felt that the
2 broader transparency was key towards really a
3 better relationship with all of our stakeholders.

4 Q. (BY MR. OAAS) I'm going to hand you what
5 has been marked as Plaintiffs' Deposition Exhibit
6 Number 2. First question, have you ever seen that
7 exhibit before?

8 A. I'm not -- again I'm not certain that I
9 have.

10 Q. It was --

11 MR. OAAS: Just for the record this was
12 produced by Pharmacia Monsanto to the plaintiffs in
13 this litigation.

14 A. Uh-huh.

15 Q. Appears to bear a date of July of 1971. Can
16 you tell me what you were doing for Monsanto at
17 that time?

18 A. Yes, at the time I had indicated I was
19 basically a pollution specialist at our plant in
20 New Jersey working on matters related to the plant
21 operations.

22 Q. Okay. I'm going to give you a minute if you
23 want to read through the document and I'll ask you
24 questions about it.

25 A. Sure. (Witness reads) I've persuaded the

1 document.

2 Q. Okay. Up at the top of the document there
3 is a heading titled Environmental Evaluation of
4 Proposed New Products and Processes. Do you see
5 what I'm referring to?

6 A. Yes.

7 Q. The document goes on to say, "Monsanto,
8 recognizing the need for control and reduction of
9 environmental degradation, diligently and
10 systematically assesses the impact of proposed new
11 products and processes on the environment."

12 Did I read that correctly for the record?

13 A. I'm looking -- is that still the first
14 paragraph?

15 Q. First sentence of the first paragraph.

16 A. Yes.

17 Q. Do you believe that was true in July of
18 1971?

19 MR. MILLER: I object as to no
20 foundation for this document and goes beyond the
21 scope. But you can answer.

22 THE WITNESS: Would you repeat the
23 question?

24 Q. (BY MR. OAAS) I just want to know do you
25 agree with the first sentence, the heading

1 Environmental Evaluation of Proposed New Products
2 and Processes?

3 A. Yes.

4 Q. In 1971 Monsanto was still manufacturing and
5 selling PCB's, correct?

6 A. I think by 1971, yes, with limitations.

7 Q. At least selling them to the electrical
8 generating --

9 A. What was termed as closed system use.

10 Q. That manufacturing and sale of PCB's for
11 that purpose, the closed system, continued until
12 1976 or 1977, somewhere in that time frame?

13 A. I believe that's correct.

14 Q. Under the heading, there is another heading
15 on the first page titled Pollution Control. Do you
16 see that?

17 A. Yes.

18 Q. The first paragraph under that heading
19 reads, "Monsanto has always recognized its
20 responsibilities to the public, to its
21 shareholders, to its employees, to its customers
22 and to the communities in which it operates." Did
23 I read that correctly into the record?

24 A. Yes.

25 Q. Do you agree with that statement?

1 A. Yes.

2 Q. I think it's apparent that that statement
3 refers to all the times that Monsanto was
4 manufacturing and selling PCB's, whether they were
5 for open or closed systems, correct?

6 A. It appears to state that, yes.

7 Q. Then it goes on to say -- there is a number
8 of lettered paragraphs down there; A, B, C, D, E,
9 F, G toward the bottom half of the first page. Do
10 you see where I'm referring to?

11 A. Yes.

12 Q. It reads that the Pollution Control Policy
13 is, paragraph A, "Always be concerned for the
14 public interest." Did I read that correctly?

15 A. Yes.

16 Q. And would you agree that was the Pollution
17 Control Policy for Monsanto in July of 1971?

18 A. That's what it says, yes.

19 Q. Would you agree that would be the policy for
20 Monsanto during all of the time they manufactured
21 and sold PCB's?

22 MR. MILLER: Object to the form. Goes
23 beyond your notice. There's lack of foundation for
24 this particular witness. You can answer, if you
25 know.

1 THE WITNESS: I don't know. I mean it's
2 not a backward-looking statement, but a
3 forward-looking statement, so I don't know how to
4 judge that.

5 Q. (BY MR. OAAS) Wouldn't the phrase, the
6 first sentence under Pollution Control be a
7 backward-looking statement to the extent it's at
8 least catching us up to 1971 indicating Monsanto as
9 far as pollution control goes has always recognized
10 its responsibility to the public, to its
11 shareholders, to its employees, to its customers
12 and to their communities in which it operates?
13 We're covering all of Monsanto's existence with
14 that statement, are we not?

15 MR. MILLER: Object to the form of the
16 question as relates to lack of foundation. You can
17 answer, if you can.

18 THE WITNESS: The statement would seem
19 to imply that sort of historical position.

20 Q. (BY MR. OAAS) And I asked if you agreed
21 with it, and you said you did?

22 A. Yes.

23 Q. And as far as you know from your employment
24 with Monsanto and especially dealing with
25 historical aspects of PCB's it's your testimony

1 based upon your experience as an employee of
2 Monsanto that that statement is true, correct?

3 A. Yes.

4 Q. Again the theory and the idea of pollution
5 control statements in A, B, C, D, E, F, G seem to
6 be consistent with Richard Mahoney's statement on
7 January 30th of 1990 with respect to the Monsanto
8 Pledge; would you agree with that?

9 A. I haven't done a side by side, but I think
10 thematically there is a consistency.

11 Q. So my earlier question that the Monsanto
12 Pledge finds its roots back in the pollution
13 control policy statements of Monsanto, at least
14 this is the oldest one I have as far back as July
15 of 1971 would that be a correct statement?

16 A. Maybe this is terminology, I would say
17 they're certainly consistent. Whether the pledge
18 in being rooted in that or based on it is how I
19 interpret your question. I would say they're
20 certainly consistent.

21 Q. Okay.

22 A. Whether they're methodically rooted is
23 something I just don't know.

24 Q. All right. Now, subparagraph B under the
25 pollution control policy reads, "Regard pollution

1 control as part of the cost of doing business."

2 What does that mean to you, Mr. Pierle?

3 MR. MILLER: Object to the form of the
4 question. Lack of foundation. Goes beyond the
5 scope of your notice. You can answer, if you know.

6 THE WITNESS: That to me typically that
7 terminology meant that it was recognized that
8 activities in the area of pollution control were
9 part of what the businesses should understand as a
10 cost of doing business and should be considered as
11 such. Just like I guess transportation would be a
12 cost of doing business of moving products from A to
13 B. It's just, it's part of the entire function of
14 making and selling products.

15 Q. (BY MR. OAAS) Would you agree that the
16 plaintiffs who own property along Big Spring Creek
17 in Fergus County, Montana, as well as all Montanans
18 have an interest and the public interest in seeing
19 that the PCB's that are in Big Spring Creek are
20 remediated and cleaned up?

21 MR. MILLER) I object to the form of the
22 question. Goes beyond the scope of your notice.
23 Potentially calls for legal conclusions. And there
24 is no foundation with Mr. Pierle that he can assess
25 the remedial necessity of the trace amount of PCB's

1 in Big Spring Creek whether necessary or regulatory
2 framework. But subject to that you're asking for
3 his personal opinion, there is no foundation. You
4 can answer if you can.

5 Q. (BY MR. OAAS) Want me to repeat the question
6 again?

7 A. Please.

8 MR. OAAS: You can have all your
9 objections again.

10 MR. MILLER: I thought you said you
11 couldn't do that in Montana.

12 MR. OAAS: Well, it's an open question.

13 MR. MILLER: It's open for you, but not
14 for me.

15 MR. OAAS: I'm just saying that it's
16 pretty hard to follow the tenor of the question if
17 you're going to object for 15 minutes, but that's
18 your right.

19 Q. What I want to know, Mr. Pierle, is whether
20 or not you would agree that the people who own, the
21 plaintiffs in our lawsuit who own property up in
22 Montana, have an interest as well as all Montanans
23 in general have a public interest in seeing that
24 the environmental pollution caused by PCB's in Big
25 Spring Creek is cleaned up?

1 MR. MILLER: Same objection.

2 THE WITNESS: I'm not sure how to answer
3 that helpfully. The question of whether there is
4 an issue or not an issue, you know, that is all
5 facts which I'm not familiar with. In my
6 experience in dealing with these questions that the
7 question of is there environmental contamination,
8 how much, is it causing a problem, to whom, are all
9 fact-based, relevant questions that there are
10 pretty detailed processes that have been worked out
11 to find answers to. And I would say following
12 those processes would yield answers to your
13 particular question. But I can't presume those
14 answers sitting here today and not knowing whether
15 that process has been completed or is in process or
16 intended to be undertaken to help find those
17 answers to those questions.

18 Q. (BY MR. OAAS) Let me ask the question this
19 way. Mr. Pierle, what do you think that the -- why
20 do you think that in 1971 Monsanto had a pollution
21 control policy that said always be concerned for
22 the public interest?

23 A. What I can tell you about that in reading
24 the rest of this document that at that time, and as
25 consistent I think with what I said earlier, there

1 was not a sort of a corporate structure that
2 existed. This does refer to an environmental
3 control committee which were the early efforts at
4 coordinating things with inside Monsanto Company.
5 And I certainly suspect that what that committee
6 had to struggle with and deal with it, what is it
7 that we all believe and agree upon, and that's what
8 these statements were a party to.

9 I think that I guess I would add that I
10 think you can be consistent with a concern for
11 public interest. I'm not certain that that means
12 that in every case without deliberation, without
13 process that what the public thinks their interest
14 is is the interest that Monsanto eventually
15 determines and meets because you have the question
16 of who is the public, what are their interests,
17 what is their motivation, what are the facts; all
18 those things have to be considered.

19 I think what this statement says you need to
20 be concerned about the public interest and you need
21 to take that into account in all of these processes
22 for developing an understanding of whether a
23 problem exists and then what the solution to those
24 problems should be.

25 Q. And that would include a situation like we

1 have up in Fergus County, Montana, where there's an
2 allegation that Monsanto manufactured PCB's that
3 polluted a live stream?

4 A. It may or may not because in a case as I
5 understand it were these were not direct use of
6 PCB's, that there are issues of customers and
7 customers' use and customers' knowledge that would
8 all factor into any of these statements or
9 decisions. And so the fact that there is a product
10 here I think makes it a more complex question.

11 Q. Wouldn't it be fair to say that in July of
12 1971 the environmental issues surrounding PCB's was
13 the largest environmental problem facing Monsanto
14 at the time?

15 MR. MILLER: To the extent you know.

16 THE WITNESS: I would say relative to
17 that business, yes, relative to the company. I
18 mean there were a lot of people dealing with other
19 environmental issues within the company, so
20 certainly it was an important issue, but I really
21 couldn't judge whether that was the most important
22 issue. Certainly it was to that business and
23 probably within that operating unit, but not
24 necessarily I'm guessing to the rest of and to all
25 of Monsanto.

1 Q. (BY MR. OAAS) Okay. Going back to the
2 first sentence under Pollution Control where it
3 says that Monsanto has always recognized its
4 responsibilities to the public. Do you see that
5 part of the sentence?

6 A. Yes.

7 Q. That would include the residents of the
8 State of Montana and Fergus County, would it not?

9 MR. MILLER: Let me object to the form
10 of the question to the extent you may be implying a
11 meaning of responsibilities to include a legal
12 conclusion. Subject to that you can answer.

13 THE WITNESS: Again in the context of
14 responsibilities to the public in Fergus I don't
15 think Monsanto felt it was responsible for, if we
16 made products that were used as intended that
17 Monsanto in my dealings did not feel that we were
18 responsible for what our customers were necessarily
19 responsible for, who then may have a responsibility
20 themselves to the public. In this context to the
21 public, for example, around plant sites and
22 manufacturing it was more obvious you have a direct
23 relationship, but as I said I think the issue of
24 products and product responsibility becomes a more
25 complex question.

1 Q. (BY MR. OAAS) My question was a pretty
2 simple one. I just want to know whether you can
3 answer yes or no when you say Monsanto has always
4 recognized its responsibility to the public, does
5 the use of the word public in your mind include the
6 residents of the State of Montana which include the
7 residents of Fergus County, Montana?

8 MR. MILLER: Object to the form.

9 Q. (BY MR. OAAS) And are they part of the
10 public?

11 MR. MILLER: There is no foundation.
12 You're asking him to interpret the document which
13 he's not familiar with. Goes beyond the scope of
14 the 30(b)(6) notice. He's not speaking on behalf
15 of the company. You can answer if you can.

16 THE WITNESS: You asked kind of a
17 generic question I guess that certainly people in
18 Montana are part of the public. But they are not
19 part of the -- I would not describe that part of
20 the public to be the public this document is
21 necessarily speaking to.

22 Q. (BY MR. OAAS) Okay. Mr. Pierle, did you
23 testify in either of the Anniston cases that went
24 to trial?

25 MR. MILLER: You mean did he testify at

1 trial?

2 MR. OAAS: Yes, at trial.

3 A. No.

4 Q. Were you consulted with or play any role in
5 the eventual settlement that was made?

6 A. No.

7 MR. OAAS: I think I'm done. Thank you,
8 sir.

9

10 EXAMINATION BY MR. MILLER:

11 Q. Mr. Pierle, I just have a couple of
12 questions. I've just marked Deposition Exhibit
13 Number 3 which is entitled The Monsanto Pledge
14 dated January 1990 and signed by Richard J.
15 Mahoney. Are you familiar with what I've marked as
16 Exhibit Number 3?

17 A. Yes.

18 Q. Does this reflect the method or manner in
19 which the so called Monsanto Pledge was codified or
20 written out for the company, for the public and for
21 the company's employees?

22 A. Yes.

23 Q. All right. Was the document that was marked
24 by plaintiffs' counsel Exhibit Number 1 a speech
25 given by Mr. Mahoney in January of 1990.

Pierle, Michael (Monsanto's 30(b)(6) Witness) in PAULSON

1 A. Yes.

2 Q. With respect to some of the activities that
3 surrounded Monsanto's pledge one of them, which is
4 the first bullet on Exhibit Number 3, refers to
5 reducing toxic and hazardous releases and emissions
6 working toward an ultimate goal of zero effect.
7 Can you describe some of Monsanto's activities that
8 were undertaken in connection with the first bullet
9 of the pledge?

10 MR. OAAS: Are you referring to post
11 1990?

12 MR. MILLER: Well, the pledge was issued
13 in 1990.

14 Q. I would like to ask with respect to efforts
15 undertaken to satisfy the first prong of the
16 Monsanto Pledge.

17 A. This statement basically reflected a pretty
18 substantial program throughout Monsanto to do at
19 least to two things as I recall. One was to fully
20 implement the commitment that had been made I think
21 prior to this pledge statement with respect to
22 toxic or hazardous air emission releases that
23 Mahoney had made public I think just sometime prior
24 to this. But there was all the work that needed to
25 be done yet was still ongoing. And that was -- the

1 air emissions was a separate commitment prior to
2 the pledge that had been made through press
3 conferences and actually resulted in the head of
4 the EPA calling together a number of industry
5 executives to get similar commitments from other
6 companies.

7 It also included a broader element looking
8 at other release entry points into the environment,
9 whether they were to the water or the land, of
10 toxic and hazardous emissions from our
11 manufacturing operations and to undertake similar
12 programs to reduce the goal to zero effect. There
13 was not a percent reduction placed on those goals,
14 but basically did extend the air, the program on
15 air toxins to other losses into the environment.

16 Q. Was this effort that you just described
17 taken voluntarily by Monsanto?

18 A. Yes, it was.

19 Q. Was there any existing regulation to your
20 knowledge that required Monsanto to reduce its
21 plant emissions to the air by 90 percent?

22 A. No, there was not.

23 Q. Was Monsanto successful in reducing plant
24 air emissions by 90 percent?

25 A. Yes.

1 Q. Was that success achieved in about 1992?

2 A. It was in that time frame.

3 Q. And you indicated that the head of the EPA
4 at the time gave special recognition to Monsanto
5 for undertaking this pledge?

6 A. He and others had, and as I said part of
7 that form of recognition was calling together other
8 industry executives to attempt to secure
9 commitments from additional companies to do similar
10 things.

11 Q. Were some of the efforts undertaken with
12 respect to this prong of the pledge and the other
13 six or seven prongs of the pledge for Monsanto to
14 look for ways to reduce waste production in its
15 facilities?

16 A. Yes.

17 Q. Did the pledge also embody an effort to find
18 ways to reuse products that were manufactured by
19 Monsanto?

20 A. Yes, the effort was really forward looking
21 to find ways to, if you will, make products
22 differently with less waste than what we had
23 historically. That was a primary target to just
24 reduce the amount to start with; then if we
25 couldn't do that was there a way to reuse or

1 recycle those waste products was sort of a second
2 tier objective.

3 Q. I suppose another tier or objective of the
4 pledge was to find technologies to treat waste to
5 reuse their volume?

6 A. Yes, if you couldn't basically reduce or
7 recycle or reuse, then you had to find better
8 treatment methodologies to deal with that. And
9 there are 90 percent program-incorporated examples
10 of all those efforts.

11 Q. Are you aware of any recognition that
12 Monsanto has received from members of the wildlife
13 conservation community with respect to its pledge
14 and the undertakings of its pledge?

15 A. I would say initially there was, Jay Hare,
16 who was the executive director of the National
17 Wildlife Federation himself promoted the speech at
18 that time, later to be called the Pledge, to broad
19 communities, government, other environmental
20 groups, other industry groups. So I guess the
21 first part of the recognition was immediately by
22 Mr. Hare who tried to extent the scope of the
23 statement or the speech.

24 Subsequent to that I believe we were also
25 recognized by the Izaak Walton League, which is a

1 pretty significant environmental group. We
2 received their annual environmental award one year.

3 Q. And that's not just for making the pledge,
4 but for fulfilling the commitments of the pledge?

5 A. At least making progress on them, that's
6 correct.

7 Q. And was the pledge and the successes that
8 you were having, Monsanto was having in
9 successfully undertaking the prongs of the pledge
10 also applauded by organizations like Greenpeace?

11 A. Yes, there is a quote in the literature that
12 basically Greenpeace which had not typically been
13 on the side of industry or business recognized
14 Monsanto for its leadership in taking these
15 commitments public and making commitments to do
16 better. So that was quite surprising.

17 Q. One of the aspects of the pledge that you
18 had mentioned was really making the whole
19 decision-making process within Monsanto and the
20 efforts that were being undertaken by Monsanto to
21 make the process transparent to the public. Is
22 that one of the aspects of the pledge?

23 A. I think under -- it's not one of the bullets
24 in there, but in part it is and especially where we
25 see keep our plants open to the communities,

1 involve the communities in the operations. That a
2 theme of the pledge was this taking what we were
3 doing and making it transparent to the outside and
4 involving the outside to a greater extent in our
5 understanding of issues and decisions than had been
6 done as a norm, as a norm in the past.

7 Q. Was it the case that in the late '80s and
8 1990s there was an evolution in the way Monsanto
9 viewed its role in terms of environmental
10 degradation, vis-a-vis, or in connection with
11 regulators; did they view their role with respect
12 to regulators in a different way during that time
13 period?

14 A. I believe so. And personally being involved
15 I think there was a much greater attempt to take on
16 a leadership role. And that was a disputed term
17 inside. Are we the leader, a leader, among the
18 leaders? But it was clear to everybody that it was
19 an attempt to take a more leadership role in the
20 public policy debate towards the understanding and
21 the definition and then providing solutions to
22 environmental problems, we became much more active
23 with federal agencies, state agencies, testifying
24 to congress, taking Monsanto's positions on a
25 variety of matters outside the company in order to

1 have a direct impact on the country's environmental
2 policies and directions.

3 Q. So was it the view then that as opposed to
4 being adversaries with regulators Monsanto through
5 the pledge and otherwise adopted an approach of
6 being cooperative and engaging regulators as
7 partners in helping resolve some issues associated
8 with pollution and pollution control?

9 A. I would say yes, but also you used, sort of
10 implied we had been adversary and moved solely from
11 adversary to cooperative, and I think what it was
12 intended to do was to basically make sure that we
13 weren't taking adversary positions as sort of a
14 first part of a discussion, that we ought to be
15 looking for dialog and collaboration before we
16 ended up defining what solutions or positions the
17 companies would take.

18 Q. Were you collaborating with folks in the
19 regulatory sphere, EPA, other state agencies to
20 develop better solutions and technologies for
21 pollution control?

22 A. We did. We actually did the technology. A
23 lot of it was in just regulatory conversation,
24 dialog, exchange of facts, but in fact in the
25 technology area we were able to actually work with

1 EPA on some joint technology developments on some
2 pollution reduction programs and with some others
3 companies that came out specifically as a result,
4 for example, of the last bullet under the pledge.

5 Q. Would you read that please?

6 A. "Search worldwide for technology to reduce
7 and eliminate waste from our operations, with the
8 top priority being not making it in the first
9 place."

10 Q. In addition to the background you had
11 mentioned that you had at Monsanto, have you
12 served, Mr. Pierle, on advisory panels assembled by
13 senate committees and EPA?

14 A. Certainly by EPA. The senate committees, I
15 guess I would have to think on that. We did a lot
16 of work in testifying at the request of senate
17 actions, and we were deeply involved in some
18 national Superfund commission work at one time, Mr.
19 Mahoney was, and I supported him on that. That we
20 reported back to the senate, but it was not a
21 senate activity or congressional activity.

22 Q. Did you serve on an advisory panel
23 established by the Congressional Senate Committee
24 on the Environment with the Office of Technology
25 Assessment in 1984?

1 A. I did.

2 Q. Did you also serve as a member of the EPA's
3 National Environmental Justice Advisory Board from
4 1995 to 1996?

5 A. I did.

6 MR. MILLER: Those are all the questions
7 I have for you at this time. Thank you, Mr.
8 Pierle.

9 MR. OAAS: Steve, are you going to ask
10 any questions?

11 MR. BROWN: No.

12
13 EXAMINATION BY MR. OAAS:

14 Q. Just a few follow-up, Mr. Pierle. Taking
15 into account all of the testimony you gave in
16 response to Mr. Miller's questions and taking into
17 account all the recognitions, awards, all the work
18 you did with the EPA and other environmental groups
19 and your work with Monsanto, what I want to know is
20 in your opinion you feel that Pharmacia/Monsanto is
21 living up to the words in the Monsanto Pledge in
22 its dealings with the alleged pollution of Big
23 Spring Creek by PCB's? That's what I want to know.

24 MR. MILLER: I object to the form of the
25 question.

1 THE WITNESS: I would -- for what I know
2 about the Big Springs activity I would say yes.

3 Q. (BY MR. OAAS) Okay. Same question with
4 respect to the pollution control statements and the
5 policy statement on Deposition Exhibit Number 2.

6 MR. MILLER: Object to the form.

7 MR. OAAS: Just the first page.

8 A. Again I would say yes.

9 MR. OAAS: That's all I have.

10
11 EXAMINATION BY MR. MILLER:

12 Q. Just one follow-up. Mr. Pierle, are you
13 aware that in 1970 Monsanto sent to its customers,
14 its direct customers and distributors, letters
15 advising them of emerging issues of the
16 environmental persistence of PCB's?

17 A. Yes.

18 Q. And are you aware that --

19 MR. OAAS: I'll object to that as it
20 goes beyond the scope of the notice and leading
21 question.

22 Q. (BY MR. MILLER) Can you tell us, Mr.
23 Pierle, what kind of information Monsanto was
24 providing to its customers, its direct customers
25 and distributors of PCB's in the early 1970s about

Pierle, Michael (Monsanto's 30(b)(6) Witness) in PAULSON

1 the environmental persistence of PCB's?

2 MR. OAAS: Same objection.

3 THE WITNESS: Well, I know that at the
4 time the issues, the environmental issues began to
5 evolve around PCB's in the late '60's and became
6 public that Monsanto did in its own deliberations
7 to understand what those issues were that were
8 making similar sort of notifications of fact and
9 development on the issues to their customers to
10 keep them abreast of the sort of evolving
11 information with respect to PCB's in the
12 environment.

13 Q. Mr. Pierle, are you aware of the actions
14 Monsanto undertook in August of 1970 with respect
15 to the sale of PCB's for so called open system
16 uses?

17 MR. OAAS: Same objection.

18 THE WITNESS: I think earlier in
19 response to another question I indicated that the
20 open system use, the production of PCB's for open
21 system use was suspended.

22 Q. (BY MR. MILLER) Are you aware of whether or
23 not that action was undertaken voluntarily by
24 Monsanto?

25 A. Yes, it was.

1 Q. It was voluntary?

2 A. Yes.

3 Q. Was that voluntary action in suspending
4 sales of PCB's for open systems uses consistent
5 with the policy and goals of both the documents
6 that plaintiffs marked as Exhibits 1 and 2, the
7 pledge itself and the policy statement?

8 A. I would say yes.

9 MR. MILLER: That's all I have. Thank
10 you.

11

12 Whereupon the deposition was concluded.

13 Read and sign.

14

15

16

17

18

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21

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24

25

1 DEPONENT'S CERTIFICATION

2
3 I have read the foregoing transcript
4 of my testimony and have indicated the same by my
5 signature.

6
7 _____
8 MICHAEL A. PIERLE
9

10 Subscribed and sworn to before me by
11 the said Michael A. Pierle, this _____ day of
12 _____, 2006.
13

14 _____
15 Notary Public
16

17 My commission expires _____
18
19
20
21
22
23
24
25

1 STATE OF WYOMING)

2)

3 COUNTY OF TETON)

4

5 I, Joanna M. Walters, Court Reporter

6 and Notary Public in and for the County of Teton

7 and State of Wyoming, do hereby certify that

8 Michael A. Pierle was duly sworn to testify to the

9 truth, the whole truth and nothing but the truth;

10 That the foregoing transcript

11 consisting of 55 pages, is a true record of the

12 testimony given by the said Michael A. Pierle, with

13 all other proceedings herein contained.

14 IN WITNESS WHEREOF, I have hereunto

15 set my hand and seal of office at Jackson, Wyoming,

16 this 12th day of July, 2006.

17

18

Joanna M. Walters

19

20

21

Commission expires

22

23

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