

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON, WEST VIRGINIA

JAMES M. ADKINS, Administrator)
of the Estate of Ralph E. Adkins,)
Deceased, et al,)

Plaintiffs,)

vs.)

No. 81-2098

MONSANTO COMPANY, a Delaware)
Corporation,)

Defendant.)

Deposition of
WILEY HOGEMAN
taken on behalf of the
Plaintiffs.

Reporter: M. Joy Springer

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APPEARANCES:

Messrs. Calwell, McCormick &
Peyton,
by W. Stuart Calwell, Jr., Esq. For Plaintiffs,

Messrs. Bowles, McDavid, Graff &
Love,
by Charles M. Love III, Esq.
and
Thomas E. Scarr, Esq.
and
Deborah A. Sink, For Defendant.

IT IS STIPULATED AND AGREED by and between
counsel for the plaintiffs and counsel for the defendant
that the deposition of WILEY HOGEMAN may be taken pur-
suant to Rule 26(a) of the Federal Rules of Civil Pro-
cedure, on July 8, 1983, at the Radisson Hotel, Room 215,
9th Street and Convention Plaza, St. Louis, Missouri,

1 before M. JOY SPRINGER, a Notary Public within and for
2 the County of Madison, State of Illinois; that the
3 issuance of notice and dedimus is waived, and that this
4 deposition may be taken with the same force and effect
5 as if all Federal rules and statutory requirements had
6 been complied with.

7 IT IS FURTHER STIPULATED AND AGREED that any
8 and all objections to all or any part of this deposition,
9 except objections as to form of the questions asked or
10 answers given, are hereby reserved and may be raised
11 on the trial of this cause; and that the signature of
12 the deponent is not waived.

13 * * * * *

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17 WILEY HOGEMAN

18 produced, sworn and examined on behalf of the plaintiffs,
19 deposes and says as follows:

20 EXAMINATION

21 BY MR. CALWELL:

22 (Whereupon the reporter marked Plain-
23 tiffs' Deposition Exhibit #295 (Monsanto
24 #8324372) consisting of 1 page, for the pur-
25 poses of identification.)

1 Q (By Mr. Calwell) Would you state your
2 name, please.
3 A Wiley Hogeman.
4 Q And where do you live, Mr. Hogeman?
5 A Here in St. Louis at Fair Oaks.
6 Q You're employed by the Monsanto Company?
7 A Yes..
8 Q What is it you do for them?
9 A I'm the General Manager of the Rubber
10 Chemicals business.
11 Q Is that a corporate level position?
12 A No, it's not. I'm not an officer, but
13 I am a senior manager.
14 Q Is there a Rubber Chemicals Division?
15 A It used to be a Rubber Chemicals Division
16 and then we reorganized and now it's called -- we have
17 Manufacturing -- we have functionalized. We have a manu-
18 facturing function and a research function, a sales
19 function, and then I run the business group which are the
20 commercial people.
21 Q Does that group have a name?
22 A It's the Rubber Chemicals business group.
23 Q Would that be the same, like, MIC is
24 Monsanto Industrial Chemicals, is that the same kind of
25 organizational division that the Rubber Chemicals group is?

1 A No. The Rubber Chemicals group is one
2 of the groups within an MIC company. It's one of the
3 businesses within an operating company and one of the
4 businesses of Monsanto Polymer Products Company.

5 Q And you're a General Manager?

6 A General Manager, right.

7 Q How long have you been in that position?

8 A Since January 1st, 1981. Two and a
9 half years.

10 Q What is your education?

11 A I have a B. S. Degree in Chemistry
12 and a second B.S. Degree in Chemical Engineering from
13 Louisiana State University.

14 Q You originally from that area?

15 A Yes. Born, raised there. Never left
16 until I went to work with Monsanto and I went into the
17 service.

18 Q Are those your only two Degrees?

19 A Yes. That's enough. One too many.

20 Q When did you start with Monsanto?

21 A June 13, 1956. That's about 27 years ago.

22 Q During that period of time from 1956
23 until today have you had any connection with the Nitro
24 facility?

25 A Not until I moved into the Rubber

1 Chemicals business in January of '81.

2 Q During your employment with Monsanto
3 have you done any work in the area of chlorophenols?

4 A No.

5 Q Any association with 2,4,5-T?

6 A No.

7 Q What kinds of things have you done
8 for Monsanto over the years?

9 A Well, I started out in the Technical
10 group in Pensacola, Florida, and worked my way through
11 that massive organization running many other jobs within
12 the plant to General Superintendent. Then from there I
13 moved to Plant Manager of a filament polyester plant
14 and got into Alabama, and it was since shut down or
15 exited the filament polyester business, and I came to
16 St. Louis in 1964 as the Business Director of the In-
17 dustrial Fibers Business Group and from there to General
18 Manager of Manufacturing for the textile company. I
19 ran all of the manufacturing for the textiles organiza-
20 tion and then from there to running all of marketing for
21 textiles and from there over to Rubber Chemicals in '81.

22 Q Now, is 1981 your first experience in
23 the Rubber Chemicals area?

24 A Yes. First introduction to that world.

25 Q And that would account, then, for your

1 beginning association with Nitro facility?

2 A Uh huh (yes). But the Nitro Plant
3 didn't report directly to me. It reported through the
4 Manufacturing Division, but Nitro made some of the rubber
5 chemicals products that we sell.

6 Q And from your summary of your experience
7 with Monsanto, I take it, over the years you have had
8 no association with the Agricultural business of Monsanto?

9 A No, none whatsoever. I wish I had.

10 Q Now, Mr. Hogeman, your name cropped
11 up on a document. I'll hand you what's been marked
12 Plaintiffs' Exhibit #295 (Monsanto #8324372), sir.

13 A Uh huh (yes).

14 Q You have had a chance to look at Ex-
15 hibit 295?

16 A Yes.

17 Q That appears to be a Monsanto memo-
18 randum, and your name is shown on the distribution list?

19 A Uh huh (yes).

20 Q And the document refers to the Nitro
21 Health Study Task Force. Why would you be on that dis-
22 tribution list?

23 A Only because I was the General Manager
24 of the Rubber Chemicals Business, and some of the chemicals
25 that we sell are made in Nitro. So I would have a business

1 interest in this whole proceeding as far as maybe the
2 eventual outcome, or whatever.

3 Q Now, in that connection how were you
4 made aware of the formation of the Nitro Task Force?

5 A I didn't have any detailed knowledge
6 of any formation of any Task Force. This was done at
7 a corporate level completely divorced from me or any
8 input from me.

9 Q Right. Did you just start receiving
10 these copies of the minutes of the Task Force and that
11 kind of thing?

12 A Yes.

13 Q Did you have any advance notice that
14 you were going to start receiving those documents?

15 A No, not really.

16 Q They just showed up in your mail one day?

17 A Yes, just because of my position.

18 Q Did you ask, what in the world is the
19 Nitro Task Force, I've just gotten this mail?

20 A I read some of them and, of course,
21 they were self-explanatory.

22 Q So aside from just receiving these
23 documents without warning, I suppose, and reading them,
24 that's the only knowledge you had about the Nitro Task
25 Force, is that what you're saying?

1 A That's about it.

2 Q Do you know anybody on the distribution
3 list on Exhibit 295?

4 A I know most of them. I don't know
5 some of the people that this is directly addressed to.
6 I know all of the people that were copied in, but not
7 the addressees, not all of the addressees.

8 Q All right. You talk to any of these
9 other fellows you knew that were copied along with you
10 about the Nitro Task Force?

11 A Oh, yes. We talked periodically,
12 hallway conversations, whatever.

13 Q And were they in the same situation
14 you were in, just pretty much ignorant about why they
15 would start receiving these documents?

16 A Oh, they weren't ignorant as to why.
17 Neither was I ignorant as to why I was receiving them.
18 I knew very well why I was receiving them. Simply be-
19 cause of my position. I have an interest in it but no
20 direct involvement.

21 Q What was the purpose of the Nitro Task
22 Force?

23 A I'm not sure. Since I wasn't asked
24 as to what was involved, I can't answer the question.

25 Q If I understand what you're saying

1 correctly, then, every bit of correspondence that goes
2 to the Nitro Plant, then, since the Nitro Plant has
3 some function with the rubber chemicals aspects of
4 Monsanto, you as a matter of course, then, receive, is
5 that what you're saying, and that this was no different
6 than anything else you would receive from dealing with
7 the Nitro Plant?

8 A I receive a lot of correspondence
9 involving the Rubber Chemicals Business associated with
10 Nitro. I don't receive a lot of other, but on a general
11 basis I do. If it's a general plant situation, I re-
12 ceive it because it could impact my business. But there
13 are other businesses at Nitro also besides rubber chemi-
14 cals, and I don't receive that kind of information.

15 Q But insofar as information that Nitro
16 may generate or be directed to Nitro that concerns the
17 Rubber Chemicals Business, you would normally receive
18 that, is that what you're saying?

19 A Uh huh (yes).

20 Q And the Nitro Task Force was really
21 no different than anything else, and that's why you were
22 on the list?

23 A It's something that impacted the whole
24 plant and as a result anything that's general that im-
25 pacts the plant I receive, as my associates do, because

1 it could impact not only my business but theirs. It's
2 for informational purposes.

3 Q How did you know it impacted the entire
4 plant?

5 A What --

6 Q The Nitro Task Force.

7 A I don't know whether it does.

8 Q Now, you just said it did, you said it
9 impacted the entire plant and since you have some connec-
10 tion with a part of the plant you said that's the reason
11 that you received it.

12 A It was a plant issue, it's a plant issue.

13 Q Well, do you receive everything that's
14 a plant issue?

15 A That might impact my business, yes.

16 Q Well, how did you know that that was a
17 plant issue that impacted the entire plant?

18 A That's my own understanding and my
19 own impression.

20 Q All right. And what did you base that
21 understanding and impression on?

22 A Common sense.

23 Q Nothing else?

24 A No. Just the fact that a lawsuit has
25 been brought on by a number of employees spread across

1 the plant, and whether they are spread across the plant
2 I don't know. I don't know where they come from. But
3 I assume that. It's an assumption on my part.

4 Q Is that why the Nitro Task Force was
5 formed?

6 A For what?

7 Q Because of the lawsuit.

8 A I don't know.

9 Q Well, you just said because of a lawsuit
10 brought by a number of employees --

11 A And I said I assumed all that. I can't
12 factually say yes or no to that because I'm not knowl-
13 edgeable.

14 Q I understand that. But in your mind,
15 at least, there must be some connection between the
16 lawsuit or a lawsuit and the Nitro Task Force, is that
17 what you're saying?

18 A I don't know. I don't know when the
19 Nitro Task Force was formed, I don't know when the lawsuit
20 was filed, so I can't tell which came first.

21 Q So you're changing your testimony --

22 A No.

23 Q You don't have that impression any more
24 about the connection between the lawsuits and the Task
25 Force and the number of individuals that were spread

1 across the plant giving you an impression that the Task
2 Force, then, impacted the entire plant and that's the
3 reason you were on a copy list? That's the way I under-
4 stood your testimony.

5 A My testimony was that I received this
6 because it's something that could impact the entire plant
7 and as a result I received it, yes.

8 Q And I asked you why, and that's the
9 explanation you gave me. Now, do you have a different
10 explanation now or are you going to stick with the first
11 one?

12 A No, I'll stick with what I said.

13 Q Now, do you still receive information
14 from the Task Force?

15 A Periodically. Less and less frequent.

16 Q Some of the Task Force materials make
17 reference to dioxin, you recall that?

18 A No.

19 Q Have you ever heard of dioxin or
20 2,3,7,8 tetrachlorodibenzo-para-dioxin?

21 A I think everyone in St. Louis has heard
22 of that because of Times Beach.

23 Q When did you first hear about dioxin?

24 A I can't pinpoint that.

25 Q Was it in connection with your work or

1 the Task Force?

2 A To be very truthful with you, the first
3 time that dioxin made an impression on me is Times Beach.

4 Q And how did you learn about that?

5 A Newspaper.

6 Q So your information about dioxin had
7 its genesis, I guess, in the newspapers, right?

8 A Basically.

9 Q Has that been pretty much the source
10 of your information about dioxin, the newspapers?

11 A Uh huh (yes).

12 Q Did the Nitro Task Force have anything
13 to do with dioxin, that you know of?

14 A Not really, to my knowledge.

15 Q You don't have any idea what it had to
16 do with, right?

17 A No.

18 Q Did you ever attend any meetings of the
19 Nitro Task Force?

20 A I think, one meeting, one of the first
21 meetings, and I'm not sure whether it was that one or not.

22 Q And do you know why you attended it?

23 A Yes. Because they called a meeting
24 to bring people up to date on all of the activities.

25 Q Do you remember what you were brought

1 up to date on at that time?

2 A How many plaintiffs, what chemicals
3 were involved and all of it. I didn't understand most
4 of it simply because I was rather new. You can imagine
5 me coming from Textiles into that world.

6 Q When you were in Textiles, did you
7 have occasion to work with carbon disulfide?

8 A No.

9 Q That would be true for H₂S, I suppose?

10 A Right.

11 Q That meeting that you attended where
12 you were brought up to date on the status of the lawsuit --
13 and, I assume, you're talking about the lawsuit that
14 you're being deposed in now, a suit brought by a number
15 of employees and former employees?

16 A Uh huh (yes).

17 Q Is that where you got the idea that
18 the Task Force was in response to that lawsuit?

19 A No.

20 Q Did that reinforce your opinion that
21 that is what the connection was?

22 A No.

23 Q Have you received any briefing or
24 information at all from Nitro regarding 2,3,7,8-TCDD?

25 A No.

1 Q Or Monsanto?

2 A I didn't hear that.

3 Q You have not received any information

4 or briefing about 2,3,7,8-TCDD from your company, is that

5 right?

6 A Not me, no.

7 Q And nothing in connection with any

8 chloracne or health problems that may have been apparent

9 or present at the Nitro Plant connected with dioxin

10 or any other substance, is that right?

11 A That's right.

12 Q You have had no information about that

13 from the plant or from Monsanto?

14 A No.

15 Q O.K. The only thing you knew about

16 is what you read in the newspapers, right?

17 A About dioxin?

18 Q Yes.

19 A Yes.

20 Q And the Nitro Plant?

21 A I don't read about the Nitro Plant in

22 the newspapers.

23 Q Now, in connection with your receiving

24 literature from the Nitro Task Force, did you receive

25 any information about Raymond Suskind?

1 A At that point --

2 Q Which point?

3 A Early on, when I went to one meeting,
4 and I'm not sure what meeting that was, whether it was
5 the first, second, fourth or tenth or what, but I went
6 to a meeting and I think they reported something. This
7 has got to be two years ago, and I was brand new in the
8 job. But I think they were talking about something,
9 that maybe Suskind was going to do something or something.
10 I don't know what the details were.

11 Q You ever see any of his studies or
12 summaries of them or anything like that?

13 A No.

14 Q And as far as you know, you never
15 attended any other meetings of the Task Force other than
16 that one?

17 A I don't think so.

18 Q You testified that your connection
19 with the Nitro Plant in your present job was in the
20 business sense, I suppose, the economics of the plant or
21 whether it's probable or not, does that come under your --

22 A Uh huh (yes).

23 Q Did you have a connection with a function
24 like that in any other job you had with Monsanto, like,
25 for example, in the '60s? Were you in a business --

1 A When I ran the Industrial Fibers
2 Business Group in 1974 until '76.

3 Q Was that your first job --

4 A In a commercial job, yes, because I
5 had been in manufacturing up to that point.

6 Q Now, have you had any connection with
7 the Krummrich Plant?

8 A Yes.

9 Q In the same posture as the Nitro Plant
10 would be in relation to your job?

11 A Yes. Currently. In the job I'm in now.

12 Q And have you been made aware of any
13 testing plan or procedures regarding analyzing Santophen 1
14 or chlorodibenzo-dioxins?

15 A No.

16 Q Don't know anything about that?

17 A Don't know anything about it.

18 Q You were not on any mailing list or
19 copied?

20 A Not to my knowledge.

21 Q And that would be true for 1979?

22 You're not aware of anything that occurred in 1979 in-
23 volving testing of pentachlorophenol or orthochlorophenol?

24 A No.

25 Q For dibenzofurans or anything like that?

1 A Didn't even know what they are. Don't
2 know yet what they are.

3 Q Well, they have been in the newspapers.

4 A Maybe you're right.

5 MR. CALWELL: O.K., Mr. Hogeman.

6 Thank you.

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Wiley Hogeman

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF MADISON)

4 I, M. JOY SPRINGER, a Notary Public, duly
5 commissioned and qualified in and for the County of
6 Madison, State of Illinois, do hereby certify that
7 pursuant to notice came before me on the 8th day of
8 July, 1983, at the Radisson Hotel, Room 215, 9th
9 Street and Convention Plaza, St. Louis, Missouri,
10 WILEY HOGEMAN, who was by me duly sworn to testify to
11 the truth and nothing but the truth of his knowledge
12 touching and concerning the matters in controversy in
13 this case; that he was thereupon carefully examined
14 upon oath, and his examination reduced to writing
15 under my supervision; that the deposition is a true
16 record of the testimony given by the witness; and
17 signature of the witness was not waived.

18 I FURTHER CERTIFY that I am neither attorney
19 nor counsel for nor related to nor employed by and
20 of the parties to the action in which this deposition
21 is taken; and further, that I am not a relative or
22 employee of any attorney or counsel employed by the
23 parties hereto, or financially interested in the
24 action.

25 IN WITNESS WHEREOF, I have hereunto set my

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hand and affixed my notarial seal on this _____
day of July, 1983.

Notary Public within and for the
County of Madison, State of Illinois.