

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3
4 JOAN MAERTIN, EXECUTRIX OF THE)
5 ESTATE OF LOTHAR MAERTIN,)
6 JOAN MAERTIN, INDIVIDUALLY AND)
7 IN HER OWN RIGHT, ET AL.,)
8 V.) CASE NO. CIVIL ACTION
9 ARMSTRONG WORLD INDUSTRIES, INC.) L-95-CV-02849 (JBS)
10 V.)
11 MONSANTO COMPANY AND AMERICAN)
12 MINERAL SPIRITS COMPANY)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)

11
12 DEPOSITION OF EDWARD V. JOHN
13 TAKEN ON THURSDAY, JULY 23, 1998
14 AT 245 LONDON BRIDGE ROAD
15 LAKE HAVASU CITY, ARIZONA
16 AT 9:53 A.M.
17
18
19
20
21
22
23
24
25

24 REPORTED BY: LINDA S. LANE, C.C.R., R.P.R.
25

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

2 FOR THE PLAINTIFF: ADAM RADITZ, ESQ.
3 ATRIUM II, STE. 101
3000 ATRIUM WAY
4 MT. LAUREL, NJ 08054
5 FOR THE DEFENDANT MATTHEW A. TAYLOR, ESQ.
ARMSTRONG: DUANE, MORRIS & HECKSCHER
6 ONE LIBERTY PLACE
PHILADELPHIA, PA 19103-7396
7 FOR THE DEFENDANT GERARD H. DAVIDSON, JR., ESQ.
MONSANTO & SOLUTIA: SMITH, HELMS, MULLIS & MOORE
8 P.O. BOX 21927
GREENSBORO, NC 27420
9
10 FOR THE DEFENDANT CAROLYN O'CONNOR, ESQ.
AMSCO WILSON, ELSEY, MOSKOWITZ
11 EDELMAN & DICKER
TWO GATEWAY CENTER
12 NEWARK, NJ 07102-5311

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ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

1 DEPOSITION OF EDWARD V. JOHN
2
3 THE DEPOSITION OF EDWARD V. JOHN WAS TAKEN
4 PURSUANT TO NOTICE BEFORE LINDA S. LANE, A NOTARY PUBLIC
5 IN AND FOR THE STATE OF ARIZONA, AND CALIFORNIA C.C.R.,
Page 3

6 ON THE 23RD DAY OF OCTOBER, 1997, COMMENCING AT 9:53 A.M.,
7 AT THE HOLIDAY INN, 245 LONDON BRIDGE ROAD, LAKE HAVASU
8 CITY, ARIZONA.

9 THE FOLLOWING PROCEEDINGS WERE HAD:

10

11 THEREUPON--

12 EDWARD V. JOHN,
13 WAS CALLED AS A WITNESS BY THE DEFENDANTS, AND HAVING BEEN
14 FIRST DULY SWORN BY THE COURT REPORTER, WAS EXAMINED AND
15 TESTIFIED AS FOLLOWS:

16 THE WITNESS: YES.

17 THE COURT REPORTER: THANK YOU.

18 MR. TAYLOR: MATTHEW TAYLOR.

19 MR. DAVIDSON: GERARD DAVIDSON, JR.

20 MR. TAYLOR: CAROLYN, IDENTIFY YOURSELF FOR
21 THE RECORD.

22 THE WITNESS HAS BEEN SWORN AND WE ARE GOING TO
23 GET MOVING. WHY DON'T YOU IDENTIFY YOURSELF FOR THE
24 RECORD.

25 MS. O'CONNOR: MY NAME IS CAROLYN O'CONNOR.

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4

1 I AM WITH THE LAW FIRM OF WILSON, ELSER, MOSKOWITZ, THIRD
2 PARTY -- THIRD PARTY DEFENDANT, AMERICAN MINERAL SPIRITS
3 COMPANY.

4

5 DIRECT EXAMINATION

6 BY MR. TAYLOR:

7 Q. MR. JOHN, IF YOU COULD YOU PLEASE STATE YOUR FULL
Page 4

8 NAME AND ADDRESS FOR THE RECORD?

9 A. EDWARD JOHN, 1281 GRIFFIN DRIVE, LAKE HAVASU
10 CITY, ARIZONA, 86404.

11 Q. AND SIR, WHAT IS YOUR AGE?

12 A. SIXTY-FIVE.

13 Q. YOU LIVED IN LAKE HAVASU CITY?

14 A. SINCE JANUARY OF THIS YEAR.

15 Q. ARE YOU EMPLOYED?

16 A. UM -- I AM A CONSULTANT PARTTIME, YES.

17 Q. FOR WHO?

18 A. DEEMS ASSOCIATES, D-DOUBLE E- M-S IN DES MOINES,
19 IOWA.

20 Q. AND WHAT DO YOU DO FOR DEEMS ON A CONSULTING
21 BASIS?

22 A. IT IS A HUMAN RESOURCE ISSUES.

23 MS. O'CONNOR: I CAN'T HEAR THE WITNESS.

24 CAN YOU MOVE THE PHONE A LITTLE CLOSER.

25 MR. TAYLOR: WE'LL DO THE BEST WE CAN. IT'S

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5

1 HOT DOWN HERE AND WE'VE GOT AN AIR CONDITIONER THAT'S

2 SOMEWHAT LOUD, SO YOU WILL HAVE TO BARE WITH US.

3 MS. O'CONNOR: I CAN HEAR YOU CLEARLY. I

4 JUST COULD NOT HEAR HIM.

5 THE WITNESS: WE WILL TRY A LITTLE BIT

6 LOUDER. HOW IS THAT?

7 MS. O'CONNOR: BETTER.

8 Q. (BY MR. TAYLOR) WHAT TYPE OF COMPANY IS DEEMS?

9 A. WE DEAL IN HUMAN RESOURCE ISSUES.

10 Q. SO DEEMS IS A HUMAN RESOURCE COMPANY?

11 A. WELL, WE DO OTHER THINGS. WE DO EXECUTIVE
12 TRAINING, UP PLACEMENTS, THAT SORT OF THING.

13 Q. AND HOW LONG HAVE YOU BEEN CONSULTING FOR DEEMS?

14 A. 1987.

15 Q. PRIOR TO MOVING TO LAKE HAVASU CITY, WHERE DID
16 YOU RESIDE?

17 A. AMES, IOWA.

18 Q. AND WHAT WERE THE DATES THAT YOU LIVED IN AMES,
19 IOWA; AND WHEN TO WHEN?

20 A. 1983 TO 1998.

21 Q. AND PRIOR TO AMES, IOWA?

22 A. ST. LOUIS, MISSOURI.

23 Q. FOR HOW LONG?

24 A. 1969 TO 1983.

25 Q. OKAY. IF YOU CAN GIVE ME A SKETCH OF YOUR

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6

1 EDUCATIONAL BACKGROUND AND I MAY FOLLOW UP WITH SOME
2 QUESTIONS.

3 WHY DON'T YOU START FROM COLLEGE?

4 A. UNDERGRADUATE AT LORIS COLLEGE IN DUBUQUE, IOWA,
5 AND SOME GRADUATE WORK AT IOWA STATE UNIVERSITY.

6 Q. DID YOU SAY LORIS COLLEGE?

7 A. L-O-R-I-S, LORIS.

8 Q. AND WHAT YEAR DID YOU GRADUATE AND WHAT WAS YOUR
9 DEGREE?

10 A. 1955 IN HISTORY.

11 Q. WHAT DID YOU STUDY AT YOU SAY IOWA STATE?

12 A. YES.
13 Q. WHAT DID YOU STUDY THERE?
14 A. JOURNALISM.
15 Q. DID YOU RECEIVE ANY DEGREES FROM IOWA STATE?
16 A. NO, I DIDN'T.
17 Q. I SHOULD ASK YOU HAVE YOU EVER HAD YOUR
18 DEPOSITION TAKEN BEFORE?
19 A. NO.
20 Q. I SHOULD HAVE DONE THIS FIRST. I APOLOGIZE.
21 THIS IS A PROCEEDING WHERE I WILL BE ASKING YOU
22 QUESTIONS; AND YOU WILL BE ANSWERING THEM. AND THE COURT
23 REPORTER IS GOING TO BE TAKING IT DOWN.
24 IF YOU COULD TRY TO WAIT FOR ME TO ARTICULATE,
25 FINISH, MY QUESTION BEFORE YOU ANSWER, EVEN IF YOU

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7

1 ANTICIPATE WHAT MY QUESTION IS GOING TO BE, BECAUSE SHE CAN
2 ONLY TAKE US DOWN ONE AT A TIME.
3 A. CORRECT.
4 Q. OFTENTIMES IT'S NATURAL TO -- EVEN YOU MAY BE
5 VERY WELL CORRECT IN KNOWING WHAT I WANT TO ASK -- AND YOU
6 WANT TO JUMP IN AND ANSWER IT, JUST LET ME FINISH THE
7 QUESTION.
8 A. OKAY.
9 Q. IF YOU NEED A BREAK, TAKE A BREAK AT ANY TIME, AS
10 LONG AS A QUESTION IS NOT PENDING.
11 IF YOU DON'T UNDERSTAND A QUESTION, JUST I SPEAK
12 TOO QUICKLY, JUST SAY I DON'T UNDERSTAND.
13 IT'S MY JOB TO MAKE SURE YOU UNDERSTAND AND FOR
Page 7

14 YOU TO BE ABLE TO ANSWER THE QUESTIONS.

15 I AM SURE YOUR COUNSEL WILL TELL YOU THIS. DON'T
16 GUESS, AND I DON'T WANT YOU TO GUESS.

17 A. OKAY.

18 Q. AND THAT'S ABOUT IT.

19 NOW, BACK TO YOUR -- AFTER -- WELL, WHY DON'T YOU
20 TELL ME ABOUT YOUR FIRST FULLTIME EMPLOYMENT AFTER COLLEGE.

21 A. AFTER COLLEGE WAS THE MILITARY AND THEN IT WAS I
22 WAS WITH THE IOWA DEPARTMENT OF TRANSPORTATION FOR EIGHT
23 YEARS AS A PUBLIC INFORMATION OFFICER.

24 Q. TELL ME ABOUT YOUR MILITARY SERVICE. WHEN WAS
25 THAT, RIGHT AFTER GRADUATION 1955?

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8

1 A. YEAH, 1955 THROUGH '57.

2 Q. AND WHAT BRANCH OF THE MILITARY?

3 A. U.S. ARMY.

4 Q. WHERE WERE YOU STATIONED?

5 A. TOKYO, JAPAN.

6 Q. WERE YOU DRAFTED OR DID YOU --

7 A. DRAFTED.

8 Q. DRAFTED?

9 A. UH-HUH.

10 Q. IN 1957 WERE YOU HONORABLY DISCHARGED?

11 A. YES.

12 Q. AND IS THAT WHEN YOU WENT TO WORK FOR THE IOWA
13 DEPARTMENT OF TRANSPORTATION?

14 A. YES.

15 Q. OKAY. NOW, WHAT WERE YOUR JOB DUTIES, DID YOU

16 SAY AN INFORMATION OFFICER?

17 A. PUBLIC INFORMATION OFFICER.

18 Q. AND TELL ME ABOUT THAT. WHAT WERE YOUR DUTIES?

19 WHAT WAS YOUR TITLE AND WHAT WAS YOUR DUTIES?

20 A. UM -- I DON'T REMEMBER THE EXACT TITLE, BUT

21 DUTIES WERE TO WRITE NEWS RELEASES ABOUT ROADWORK AND

22 GENERALLY KEEP THE PUBLIC INFORMED OF WHAT THE DEPARTMENT

23 OF TRANSPORTATION WAS DOING.

24 Q. WAS THERE SOME SORT OF A NEWSLETTER OR

25 PUBLICATION THAT THEY ISSUED?

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9

1 A. NOT -- NO, NOT TO THE PUBLIC, NO.

2 Q. WELL, WITHIN TO ANYONE?

3 A. THERE WAS AN EMPLOYEE NOTICE.

4 Q. AND DID YOU HAVE RESPONSIBILITIES IN CONNECTION

5 WITH THAT NEWSLETTER?

6 A. NO.

7 Q. AND I BELIEVE YOU SAID FOR ABOUT SEVEN YEARS YOU

8 WORKED FOR THEM?

9 A. ABOUT EIGHT YEARS.

10 Q. EIGHT YEARS. TAKES US TO AROUND 1965?

11 A. '66.

12 Q. OKAY. AND WAS YOUR POSITION ALWAYS AS AN

13 INFORMATION OFFICER WITH OF THE IOWA DEPARTMENT OF

14 TRANSPORTATION OR DID THAT CHANGE AT ALL?

15 A. UM -- FIRST FEW MONTHS THAT I WENT TO WORK THERE,

16 I WAS IN THE TRAFFIC PLANNING DEPARTMENT AND THEN I WENT

17 OVER TO THE INFORMATION DEPARTMENT.

18 Q. DID YOU MAINTAIN THE SAME LEVEL OR DID YOU GO
19 THROUGH PROMOTIONS?

20 WERE YOU HAVE A DIRECTOR?

21 A. NO, NO, I WASN'T.

22 Q. HOW MANY PEOPLE WERE IN THAT DEPARTMENT, NOT THE
23 WHOLE TRANSPORTATION DEPARTMENT, BUT THE PUBLIC RELATIONS
24 DEPARTMENT?

25 A. NO. NO. NO. WHEN I LEFT THERE, WE HAD FOUR.

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10

1 AS I LEFT THERE, WE HAD FOUR, AS I RECALL.

2 Q. WERE YOU A SUPERVISOR?

3 A. NO, I HAD NO ONE REPORTING TO ME.

4 Q. DID YOU REPORT TO ANYONE?

5 A. YES.

6 Q. WHO WAS THAT?

7 A. SMELOVE (PHONETIC).

8 Q. WHAT WAS HIS TITLE?

9 A. DIRECTOR OF PUBLIC INFORMATION.

10 Q. OKAY. IN 1965, I BELIEVE YOU SAID YOU CHANGED.
11 DID I GET THAT DATE WRONG?

12 A. 1966.

13 Q. I AM SORRY. 1966. WHAT WAS YOUR NEXT
14 EMPLOYMENT?

15 A. WITH A DIVISION OF A COPPER CORPORATION IN
16 CLEVELAND.

17 Q. AND WHAT WAS THE DIVISION NAME?

18 A. CHASE BRASS AND COPPER COMPANY.

19 Q. AND WHAT WAS YOUR POSITION THERE?

20 A. PUBLIC RELATIONS MANAGER.

21 Q. AND WHAT WERE YOUR DUTIES?

22 A. MY PRIMARY DUTY WAS TO PUBLISH A CORPORATE

23 QUARTERLY MAGAZINE.

24 Q. WHAT WERE SOME OF THE ISSUES THAT WERE COVERED IN

25 THAT MAGAZINE FOR CHASE BRASS AND COPPER COMPANY?

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11

1 A. OH, WE COVERED, FOR EXAMPLE, A NEW PLANT THAT WAS

2 OPENING, A KNEW RENOVATION OF AN OLD MILL OR PLANT, MILL

3 ACTIVITIES GOING ON IN THE DISTRIBUTION DEPARTMENT AROUND

4 THE COUNTRY.

5 Q. THAT WAS MY NEXT QUESTION. HOW LARGE WAS CHASE

6 BRASS AND COPPER COMPANY?

7 A. WELL, THEY HAD A NATIONAL DISTRIBUTION, SO --

8 Q. WHERE WERE THERE -- THEY HAD DISTRIBUTION

9 CENTERS?

10 A. YES.

11 Q. WAS THERE A MANUFACTURING COMPONENT JUST IN

12 CLEVELAND OR ELSEWHERE?

13 A. NO. WE HAD TWO MANUFACTURING PLANTS IN

14 CLEVELAND, ONE IN WILLIAMS COUNTY, OHIO.

15 Q. AND THEY WERE THE ONLY TWO MANUFACTURING

16 FACILITIES?

17 A. RIGHT.

18 Q. WHERE WERE YOUR DISTRIBUTION PLANTS?

19 A. WELL, I DON'T REMEMBER. THEY WERE IN MAJOR

20 CITIES AROUND THE COUNTRY.

21 Q. WERE THEY DISTRIBUTION CENTERS OWNED AND OPERATED

22 BY CHASE BRASS AND COPPER OR BY SOME THIRD PARTY?

23 A. NO. AS I RECALL, THEY WERE CHASE BRASS AND
24 COPPER DISTRIBUTION CENTERS.

25 Q. DID THEY HAVE ANY NATIONAL OR WIDELY KNOWN

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12

1 PRODUCTS THAT WERE HOUSEHOLD NAMES?

2 A. NO.

3 Q. WHAT TYPE OF PRODUCTS --

4 A. WELL --

5 Q. -- DID THEY MAKE?

6 A. WE HAD A ROLLING MILL WHERE WE ROLLED COPPER
7 PRIMARILY FOR THE AUTOMOTIVE INDUSTRY.

8 WE HAD A TUBE MILL AND ULTIMATELY SOME OF THIS
9 TUBING IS WHAT YOU FIND IN YOUR HOME, BUT IT, YOU KNOW, IT
10 WASN'T A NATIONALLY KNOWN BRAND.

11 Q. GOT YOU.

12 HOW ABOUT WHEN YOU WERE -- YOU WERE THE PUBLIC
13 RELATIONS MANAGER, I BELIEVE YOU SAID?

14 A. YES.

15 Q. AND YOU WERE THE PRESIDENT OF THAT -- YOU WERE
16 THE LEADER OF THAT DIVISION?

17 A. I WAS A ONE-MAN SHOP.

18 Q. AND NO ONE REPORTED TO YOU?

19 A. NO.

20 Q. OKAY.

21 WHAT WAS YOUR NEXT EMPLOYMENT?

22 A. WITH MONSANTO COMPANY IN ST. LOUIS.

23 Q. WHEN DID THAT START?

24 A. 1969.

25 Q. REMEMBER THE MONTH?

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

13

1 A. APRIL.

2 Q. AND WHAT WAS YOUR POSITION WHEN YOU WERE FIRST
3 HIRED?

4 A. PUBLIC RELATIONS MANAGER FOR THE ORGANIC CHEMICAL
5 DIVISION.

6 Q. AND HOW MANY PEOPLE WERE IN THE PUBLIC RELATIONS
7 DEPARTMENT FOR THE ORGANIC CHEMICAL DIVISION?

8 A. OH, FOR THE DIVISION?

9 Q. FOR THE DIVISION.

10 A. JUST MYSELF.

11 Q. JUST YOURSELF?

12 A. YEAH.

13 Q. EXPLAIN TO ME HOW IT WORKED WITH MONSANTO IN
14 CONNECTION WITH PUBLIC RELATIONS, WERE THERE OTHER PUBLIC
15 RELATIONS DEPARTMENTS COMPANY WIDE?

16 A. THERE WAS ONE PUBLIC RELATIONS DEPARTMENT FOR THE
17 ENTIRE COMPANY AND THEN CERTAIN PEOPLE WERE ASSIGNED TO A
18 CERTAIN DIVISION LIKE MYSELF.

19 Q. DID YOU REPLACE SOMEONE OR WAS THAT POSITION
20 CREATED FOR YOU?

21 A. I DON'T REMEMBER ACTUALLY. I DON'T KNOW.

22 Q. DID YOU --

23 A. I DON'T KNOW.

24 Q. DO YOU UNDERSTAND THE QUESTION?

25 A. YEAH. DID SOMEBODY LEAVE AND I CAME IN?

♀
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14

1 Q. RIGHT.

2 A. WELL, THERE WAS NOBODY IN THE POSITION WHEN I
3 CAME, I GUESS, IS BEST I CAN TELL YOU.

4 Q. WAS THERE A PUBLIC RELATIONS DEPARTMENT -- STRIKE
5 THAT.

6 I BELIEVE YOUR TESTIMONY SAID THERE WAS A
7 CORPORATE PUBLIC RELATIONS DEPARTMENT. HOW DID THAT DIFFER
8 FROM YOUR PUBLIC RELATIONS DEPARTMENT FOR THE ORGANIC
9 CHEMICAL DIVISION?

10 A. THERE WAS ONE MAIN CORPORATE PUBLIC RELATIONS
11 DEPARTMENT AND I WAS WITHIN THAT DEPARTMENT, BUT
12 REPRESENTING THE ORGANIC CHEMICALS DIVISION.

13 Q. OKAY. GIVE ME AN IDEA OF HOW MANY PEOPLE -- HOW
14 MANY PUBLIC RELATIONS TYPE PEOPLE WERE IN THE CORPORATE
15 PUBLIC RELATIONS DEPARTMENT; AND I DON'T MEAN CLERICAL
16 PEOPLE, I MEAN PEOPLE THAT WERE PUBLIC RELATIONS TYPE
17 MANAGERS?

18 A. TWENTY.

19 Q. AND TELL ME SOME OF THE AREAS THAT THOSE PEOPLE
20 WORKED ON.

21 A. INORGANIC CHEMICALS.

22 THE COURT REPORTER: INORGANIC?

23 THE WITNESS: INORGANIC, POLYMERS, RESINS
24 AND POLYMERS, FIBERS, CORPORATE MAGAZINE MY MEMORY RAN OUT.

25 Q. (BY MR. TAYLOR) OKAY. DID YOU HAVE A

15

1 SUPERVISOR?

2 A. YES.

3 Q. AND WHO WAS THAT?

4 A. TOM FORD.

5 Q. AND WHAT WAS HIS TITLE?

6 A. MANAGER PUBLIC RELATIONS FOR THE POLYMERS AND
7 PETRO CHEMICALS DIVISION.

8 Q. AND THE ORGANIC CHEMICAL DIVISION FELL WITHIN
9 THAT?

10 A. YEAH.

11 Q. YOU FELL WITHIN THAT?

12 A. YEAH. I REPORTED TO HIM.

13 Q. DID TOM FORD HAVE SOMEONE SUPERVISING HIM WITHIN
14 THE COMPANY, WITHIN THE PUBLIC RELATIONS DEPARTMENT OF THE
15 CORPORATION, CORPORATE WIDE?

16 A. YES.

17 Q. AND WHO WAS THAT?

18 A. JIM MCKEE.

19 Q. AND WHAT WAS JIM MCKEE'S TITLE?

20 A. EXCUSE ME. ASSISTANT DIRECTOR OF PUBLIC
21 RELATIONS.

22 Q. AND WHO DID MCKEE ANSWER TO?

23 A. DAN FORRESTAL.

24 Q. AND FORRESTAL'S TITLE?

25 A. DIRECTOR OF PUBLIC RELATIONS.

16

1 Q. I MAY HAVE ASKED THIS ALREADY. WAS THERE ARE
2 ANYONE AT ANY TIME WHILE YOU WERE THE PUBLIC RELATIONS
3 MANAGER FOR THE ORGANIC CHEMICAL DIVISION THAT WAS
4 UNDERNEATH YOU?

5 A. NO.

6 Q. AND WHAT WERE YOUR JOB DUTIES AS PUBLIC RELATIONS
7 MANAGER OF THE ORGANIC CHEMICAL DIVISION?

8 A. MANY RELATIONS, PRODUCT PUBLICITY. I DON'T QUITE
9 KNOW HOW TO EXPLAIN, BUT I REPRESENTED THE FACTORIES, THE
10 PLANTS WITHIN THE DIVISION, HELPED THEM IN TERMS OF THEIR
11 PUBLIC RELATIONS SO FORTH.

12 Q. WITH LABOR UNIONS, THINGS LIKE THAT?

13 A. NOT SO MUCH, MOSTLY EMERGENCY PLANS, IF THERE
14 WERE A FIRE OR SOMETHING LIKE THAT.

15 Q. DEALING WITH COMMUNITY LEADERS, ASSOCIATION?

16 A. AND DEALING WITH THE PRESS AND ALL OF THAT,
17 MAKING SURE THAT, YOU KNOW, THE PUBLIC KNEW WHAT WAS GOING
18 ON.

19 Q. AND HOW LONG DID YOU MAINTAIN THAT POSITION AS
20 PUBLIC RELATIONS MANAGER OF THE ORGANIC CHEMICAL DIVISION?

21 A. UNTIL 1973.

22 Q. AND THEN WHERE WERE YOU ASSIGNED?

23 A. THERE WAS A COMPANY-WIDE REORGANIZATION AND THEY
24 MERGED SOME DIVISIONS TOGETHER AND THEN AT THAT TIME THEY
25 APPOINTED ME DIRECTOR OF PUBLIC RELATIONS FOR THE

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17

1 INDUSTRIAL CHEMICALS COMPANY.

MAERTIN 07-23-1998 John, Edward V..txt
2 Q. AND THAT WAS A PROMOTION, I TAKE IT?
3 A. YES.
4 Q. OKAY. AND WHAT WERE -- WELL, I WILL GET BACK TO
5 THE 1973 CHANGE OF TITLES, BUT WHILE THE ORGANIC MANAGER
6 FOR THE CHEMICAL DIVISION, YOU SAID ONE OF YOUR
7 RESPONSIBILITIES WAS PRODUCT PUBLICITY.
8 WHAT WERE THE PRODUCTS THAT WERE UNDER YOUR
9 SUPERVISION OR WITHIN YOUR BUILDING?
10 A. UM -- WE HAD SOME TYPES OF FLUID PRODUCTS. THIS
11 IS GOING BACK A LONG WAYS. SOME TYPES OF FLUID PRODUCTS,
12 PLASTICIZERS, SOME REALLY JUST BASIC CHEMICALS, BUILDING
13 BLOCK CHEMICALS FOR OTHER THINGS, WHICH I CAN'T EVEN
14 REMEMBER NAMES OF.
15 Q. OKAY. I WILL GET TO PLASTICIZERS.
16 BY THE WAY, YOU ARE AWARE OF THIS, OBVIOUSLY,
17 YOU'RE HERE FOR THE LAW SUIT FILED AGAINST ARMSTRONG WORLD
18 INDUSTRIES?
19 A. YES.
20 Q. AND ARE YOU AWARE THAT IT INVOLVES PCB'S?
21 A. YES.
22 Q. AND IN PARTICULAR INVOLVES AROCLOR 1254 PCB
23 PRODUCT, YOU ARE AWARE OF THAT?
24 A. YES.
25 Q. HAVE YOU SPOKEN TO ANYONE OUTSIDE OF COUNTY

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18

1 COUNSEL? DON'T WANT TO KNOW WHAT YOUR CONVERSATIONS WERE,
2 HAVE YOU SPOKEN WITH ANYONE AT MONSANTO REGARDING YOUR
3 TESTIMONY HERE TODAY?

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4 A. NO.

5 Q. WHEN IS THE LAST TIME YOU HAD ANY CONVERSATION

6 WITH OLD ACQUAINTANCES OR MANAGEMENT AT MONSANTO?

7 A. PROBABLY SHORTLY AFTER I LEFT IN '81.

8 Q. AND HOW DID YOU BECOME AWARE THAT YOU WERE -- YOU

9 WERE BEING DEPOSED IN THIS CASE?

10 A. I RECEIVED A LETTER FROM A LAW FIRM IN

11 GREENSBORO, NORTH CAROLINA.

12 Q. I AM GOING TO SHOW YOU WHAT WAS MARKED AS JOHN,

13 EXHIBIT 1, WITH TODAY'S DATE AND ASK IF YOU HAVE SEEN THAT

14 DOCUMENT BEFORE?

15 (THE DOCUMENT REFERRED TO WAS THEREUPON

16 MARKED, "DEFENDANTS' EXHIBIT NUMBER 1 FOR

17 IDENTIFICATION," AND IS ATTACHED TO THE

18 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

19 THE WITNESS: NO.

20 Q. (BY MR. TAYLOR) DID COUNSEL -- STRIKE THAT.

21 WERE YOU ASKED TO REVIEW ANY OF YOUR OWN FILES

22 FOR DOCUMENTS FROM YOUR DAYS AT MONSANTO?

23 A. NO.

24 Q. DO YOU HAVE ANY SUCH DOCUMENTS?

25 A. NO.

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19

1 Q. WHEN YOU WENT TO WORK FOR MONSANTO IN 1966 -- I

2 AM SORRY, 1969 -- DID YOU RECEIVE ANY TRAINING FROM

3 MONSANTO?

4 A. I HAD TO LEARN THE JOB, YES, ON THE JOB.

5 Q. WELL, TELL ME WHAT DO YOU MEAN BY THAT YOU HAD TO

6 LEARN THE JOB ON THE JOB?

7 A. WELL, I HAD BEEN IN THE COPPER INDUSTRY AND HERE
8 I WAS TRANSFERRING TO THE CHEMICAL INDUSTRY, SO THERE WAS
9 QUITE A LOT TO LEARN IN TERMS OF PRODUCT LINES, THAT SORT
10 OF THING.

11 Q. THAT IS WHAT I MEAN.

12 A. YEAH.

13 Q. WHAT DID YOU DO BY WAY OF TRAINING OR EDUCATION
14 TO BECOME FAMILIAR WITH THE PRODUCTS THAT YOU WERE GOING TO
15 REPRESENT?

16 A. STUDIED COMPANY LITERATURE.

17 Q. AND TELL ME WHAT TYPE OF LITERATURE THAT YOU
18 STUDIED.

19 A. PRODUCT CATALOGUES AND SALES MATERIALS, THAT SORT
20 OF THING.

21 Q. TECHNICAL BULLETINS, THINGS LIKE THAT?

22 A. PROBABLY.

23 Q. DO YOU REMEMBER A DOCUMENT CALLED PLASTICIZER
24 BLUE BOOK?

25 A. NO.

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

20

1 Q. DID YOU HAVE ANY MEETINGS WITH ANY OF THE SALES
2 FORCE REGARDING THE PRODUCTS?

3 A. YES.

4 Q. HOW ABOUT THE PRODUCT MANAGERS?

5 A. UH-HUH, YES.

6 Q. AT THAT TIME DO YOU REMEMBER WALTER WAYCHOFF?

7 A. I REMEMBER THE NAME, UH-HUH.

8 Q. DID ANY OF YOUR TRAINING INVOLVE HIM AS FAR AS
9 LEARNING WHAT THE PLASTICIZER PRODUCTS WERE ALL ABOUT?

10 A. HE WAS THE SALES MANAGER, I GUESS, BUT I -- I
11 DON'T REMEMBER IF HE TRAINED ME.

12 Q. OKAY. WELL, I WANT TO FOCUS IN ON YOUR ON-THE-
13 JOB TRAINING IN LEARNING THE PRODUCTS AND WHO YOU REMEMBER
14 DEALING WITH IN THAT REGARD?

15 A. YEAH. WELL, IF WE HAD A PRODUCT COMING OUT OF
16 DEVELOPMENT, FOR EXAMPLE, I WOULD WORK WITH THAT PRODUCT
17 MANAGER AND TRY TO WRITE SOME KIND OF PRODUCT PUBLICITY
18 ABOUT THE PRODUCT. I WOULD INTERVIEW THE MANAGER, WRITE
19 HIS RELEASE, HAVE HIM CHECK IT AND IT WOULD BE SENT OUT
20 PRIMARILY TO THE TRADE.

21 Q. THAT WAS FOR NEW PRODUCT?

22 A. YEAH.

23 Q. TO JUST TO GET UP TO SPEED ON THE EXISTING
24 PRODUCTS, WHO DID YOU DEAL WITH OUTSIDE OF READING
25 TECHNICAL BULLETINS OR PAMPHLETS WHAT -- WHO DID YOU DEAL

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21

1 WITH IN, PERSONALLY, IN THAT TRAINING PROCESS?

2 A. I DEALT WITH THE GENERAL MANAGER OF THE ORGANIC
3 CHEMICALS DIVISION AND THE PRODUCT MANAGERS.

4 Q. DO YOU REMEMBER THE GENERAL MANAGER'S NAME?

5 A. HOWARD MINCKLER.

6 Q. AND WHO WERE THE PRODUCT MANAGERS?

7 A. I CAN'T RECALL ANY NAMES.

8 Q. YOU REMEMBER THE NAME WALT WAYCHOFF?

9 A. YES.

MAERTIN 07-23-1998 John, Edward V..txt
10 Q. YOU REMEMBER A PAYTON?
11 A. YES.
12 Q. DID YOU DEAL WITH HIM IN YOUR TRAINING PROCESS?
13 A. YES.
14 Q. AND DO YOU REMEMBER ANY SPECIFICS IN THAT REGARD
15 WITH MR. PAYTON?
16 A NO.
17 Q. HOW ABOUT A JIM SPRINGGATE?
18 A. YES.
19 Q. AND AGAIN I AM JUST CONCENTRATING ON YOUR
20 ON-THE-JOB TRAINING IN LEARNING THE PRODUCTS, DID YOU DEAL
21 WITH HIM IN THAT CONNECTION?
22 A. YES.
23 Q. AND WHAT DID YOU DO WITH MR. SPRINGGATE IN YOUR
24 TRAINING PROCESS?
25 A. AGAIN, JUST INTERVIEWED HIM IN TERMS OF WRITING

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

22

1 NEWS RELEASES.
2 Q. BUT NOT IN CONNECTION WITH YOUR TRAINING IN
3 BECOMING -- FOR LACK OF A BETTER WORD -- CONVERSANT IN THE
4 PRODUCT LINES?
5 A. UM -- I HAD TO BECOME CONVERSANT, YES.
6 Q. I UNDERSTAND THAT, BUT WAS MR. SPRINGGATE
7 INVOLVED IN THAT PROCESS?
8 A. YES.
9 Q. AND THAT IS WHAT I AM ASKING ABOUT, DO YOU
10 REMEMBER ANY SPECIFICS DEALING WITH MR. SPRINGGATE IN
11 CONNECTION WITH YOUR TRAINING?

MAERTIN 07-23-1998 John, Edward V..txt
12 A. NOT ANY SPECIFICS, NO.
13 Q. OKAY. AND LET'S GET BACK TO THE PROGRESSION,
14 THEN WE WILL GET MORE INTO THE SPECIFICS OF THE CASE.
15 SO IN 1973 YOUR JOB BECAME THE GENERAL MANAGER OF
16 A DIVISION; IS THAT CORRECT?
17 A. DIRECTOR OF PUBLIC -- DIRECTOR OF PUBLIC
18 RELATIONS OF THE INDUSTRIAL CHEMICALS COMPANY.
19 Q. AND DID THAT INCLUDE WHAT WAS KNOWN AS THE
20 ORGANIC CHEMICAL DIVISION?
21 A. YES.
22 Q. AND WHAT OTHER DIVISIONS WERE MERGED IN WITH THAT
23 NEW DIVISION?
24 A. THE INORGANIC CHEMICAL DIVISION.
25 Q. ANY OTHER DIVISIONS?

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23

1 A. NO.
2 Q. AND WHO REPORTED TO YOU AFTER YOU BECAME
3 DIRECTOR?
4 A. ONE PUBLIC RELATIONS MANAGER.
5 Q. AND DO YOU REMEMBER THAT PERSON'S NAME?
6 A. CHARLES KNAPP.
7 Q. AND WHO WAS YOUR -- WHO DID YOU REPORT TO AT THAT
8 POINT AFTER 1974?
9 A. I DON'T REMEMBER TITLES. I AM GONNA SAY THE HEAD
10 OF OR DIRECTOR OF THE INDUSTRIAL CHEMICALS COMPANY.
11 Q. WAS TOM FORD STILL ON THE SCENE AT THAT POINT IN
12 1973?
13 A. HE WAS STILL WITH THE COMPANY, YES.

MAERTIN 07-23-1998 John, Edward V..txt
14 Q. AND WAS HE STILL ABOVE YOU IN THE PECKING ORDER
15 IN THE WHOLE PUBLIC-WIDE CORPORATE RELATIONS DEPARTMENT?
16 A. NO. HE WAS NEW, MY EQUAL, ON THE SAME PLANE.
17 Q. WHAT ABOUT JIM MCKEE?
18 A. STILL AT THE SAME POSITION, BUT I DIDN'T REPORT
19 TO JIM MCKEE.
20 Q. AND DAN FORRESTAL?
21 A. HE HAD THE SAME POSITION.
22 Q. SO FORRESTAL WAS ABOVE YOU AT THAT POINT?
23 A. YES.
24 Q. HOW DID YOUR DUTIES CHANGE AFTER YOU BECAME THE
25 DIRECTOR IN 1973, OF YOUR DIVISION?

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24

1 A. DUTIES WERE PRETTY MUCH THE SAME EXCEPT I HAD A
2 BROADER RESPONSIBILITY.
3 Q. AND HOW LONG DID YOU MAINTAIN THAT POSITION?
4 A. UM -- 1976.
5 Q. OKAY. IN 1976 WHAT WAS YOUR NEW POSITION?
6 A. DIRECTOR OF PUBLIC RELATIONS FOR THE
7 INTERNATIONAL DIVISION.
8 Q. HAD THERE BEEN SOMEONE IN THAT POSITION PRIOR TO
9 YOU TAKING OVER THAT ROLE?
10 A. NO, I THINK IT WAS A NEW POSITION.
11 Q. AND YOU HAD TO RELOCATE -- DID YOU HAVE TO
12 RELOCATE TO TAKE ON THAT POSITION, STAYED IN ST. LOUIS?
13 A. STAYED IN ST. LOUIS.
14 Q. AND WHAT WERE YOUR RESPONSIBILITIES?
15 A. PRIMARILY THE SAME AS THE OTHER POSITIONS IN

MAERTIN 07-23-1998 John, Edward V..txt
16 PUBLIC RELATIONS THEREOF MEDIA RELATIONS, EMPLOYEE
17 RELATIONS, COMMUNITY RELATIONS, NOT AS MUCH PRODUCT
18 PUBLICITY.

19 Q. AND HOW LONG WERE YOU IN THAT POSITION?

20 A. UNTIL 1981.

21 Q. AND WHAT HAPPENED IN 1981?

22 A. UM -- DOWNSIZING AND JOB WAS ELIMINATED.

23 Q. WERE YOU REASSIGNED WITHIN MONSANTO IN 1981?

24 A. NO. NO. I LEFT THE COMPANY THEN.

25 Q. AND WHERE DID YOU GO AFTER THAT?

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25

1 A. I HAD MY OWN SMALL BUSINESS MARKETING
2 COMMUNICATIONS.

3 Q. IN ST. LOUIS?

4 A. IN AMES, IOWA.

5 Q. WHAT WAS THE NAME OF THAT BUSINESS?

6 A. MARKETING COMMUNICATIONS GROUP.

7 Q. AND HOW LONG DID YOU HAVE THAT BUSINESS?

8 A. UNTIL 1987.

9 Q. WHEN YOU WENT TO DEEMS?

10 A. RIGHT.

11 Q. WHAT PROMPTED YOUR MOVE FROM CLEVELAND WHEN YOU
12 ARE AT THE CHASE BRASS AND COPPER COMPANY TO GO TO
13 MONSANTO?

14 A. CONSIDERED IT TO BE A BETTER POSITION.

15 Q. AND WHY WAS THAT?

16 A. UM -- LARGER DEPARTMENT, MORE RESPONSIBILITY,
17 BETTER COMPENSATION.

MAERTIN 07-23-1998 John, Edward V..txt
18 Q. AND AT THAT POINT WHEN YOU STARTED YOUR
19 EMPLOYMENT WITH MONSANTO IN APRIL OF 1969, WERE YOU AWARE
20 OF THE NEGATIVE PUBLICITY SURROUNDING THEIR PCB PRODUCTS?
21 A. AFTER I STARTED?
22 Q. BEFORE YOU STARTED.
23 A. NO.
24 Q. AS YOU WENT THROUGH AN INTERVIEW PROCESS AT
25 MONSANTO --

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26

1 A. YES.
2 Q. -- DURING THAT PROCESS WERE YOU ADVISED THAT THEY
3 WERE GOING THROUGH OR EXPERIENCING SOME NEGATIVE PUBLICITY
4 REGARDING THE PCB PRODUCTS?
5 A. I DON'T REALLY REMEMBER THAT INTERVIEW.
6 Q. I AM NOT ASKING IF YOU REMEMBER THE INTERVIEW, DO
7 YOU REMEMBER THE ISSUE COMING UP?
8 A. I DON'T REMEMBER IT COMING UP.
9 Q. WELL, WHEN DID YOU FIRST -- DO YOU REMEMBER THE
10 PCB ISSUE COMING UP AT ANY TIME PRIOR TO YOU TAKING A JOB
11 WITH MONSANTO?
12 A. NO.
13 Q. HOW SOON AFTER YOU BEGAN YOUR EMPLOYMENT AT
14 MONSANTO DID YOU BECOME AWARE OF THE PCB ISSUE?
15 A. ALMOST IMMEDIATELY.
16 Q. AND HOW DID YOU BECOME AWARE OF IT?
17 A. THROUGH MY SUPERVISOR, TOM FORD, AND FILES OF --
18 Q. LET'S TAKE THEM ONE AT A TIME.
19 WHAT DID MR. FORD TELL YOU?

MAERTIN 07-23-1998 John, Edward V..txt
20 A. HE, AS I RECALL, JUST BROUGHT ME UP TO SPEED ON
21 WHERE THEY WERE IN THE PROCESS.
22 Q. AND WHERE WERE THEY WHEN YOU FIRST BECAME AWARE
23 OF THE SITUATION THROUGH MR. FORD, WHAT DID HE TELL YOU?
24 A. UM -- THAT THERE HAD BEEN SOME PUBLICITY ON THE
25 WEST COAST REGARDING FALKINS (PHONETIC). I THINK HE HAD

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27

1 THE ARTICLE FROM THE SAN FRANCISCO CHRONICLE.
2 AND THAT'S, YOU KNOW, THAT'S ALL THAT I CAN
3 REMEMBER. I AM SURE THERE WAS OTHER BACKGROUND MATERIALS.
4 Q. OKAY. AND HE ADVISED YOU THAT THERE WAS A SAN
5 FRANCISCO CHRONICLE ARTICLE REGARDING THE PCB'S?
6 A. YES.
7 Q. WAS THERE ANY NEGATIVE PRESS BEFORE THAT SAN
8 FRANCISCO ARTICLE THAT YOU BECAME AWARE OF?
9 A. NOT THAT I WAS AWARE OF, NO.
10 Q. WHEN YOU SAID, I BELIEVE YOU SAID, YOU LOOKED
11 THROUGH FILES AS WELL?
12 A. UH-HUH.
13 Q. WAS THAT BY WAY OF JUST EDUCATING YOURSELF ON THE
14 ISSUE?
15 A. YES.
16 Q. AND WHAT FILES ARE YOU TALKING ABOUT?
17 A. UM -- FILES REGARDING THE PCB ISSUE.
18 Q. OKAY.
19 A. NEWSPAPER CLIPPINGS, SO FORTH.
20 Q. THERE WERE SOME MONSANTO FILES?
21 A. YES.

MAERTIN 07-23-1998 John, Edward V..txt
22 Q. OKAY. AND WHAT DID YOU LEARN FROM THOSE
23 ARTICLES?
24 A. UM -- THAT PCB'S WERE APPARENTLY SHOWING UP IN
25 THE ENVIRONMENT, ACCORDING TO SOME REPORTS.

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28

1 Q. OKAY. AND WHAT WAS THE EARLIEST REPORT THAT YOU
2 REMEMBER THAT BEING ALLEGED?
3 A. UM -- THE SAN FRANCISCO CHRONICLE ARTICLE.
4 Q. THAT WAS THE FIRST ONE THAT WAS IN THE FILE?
5 A. IT'S THE ONE I REMEMBER.
6 Q. OKAY. WERE THERE ANY ARTICLES EARLIER THAN THAT
7 1969, I BELIEVE IT WAS FEBRUARY 1969 SAN FRANCISCO
8 CHRONICLE ARTICLE IN THE FILE THAT MADE THE ALLEGATIONS
9 THAT PCB'S MAY BE IN THE ENVIRONMENTAL CONCERN?
10 A. I DON'T REMEMBER ANY.
11 Q. OKAY. OUTSIDE OF ARTICLES, WAS THERE ANY IN THE
12 MONSANTO FILES THAT YOU REMEMBER THAT INDICATED THAT THERE
13 WERE ALLEGATIONS THAT PCB'S MAY BE A CONCERN?
14 A. UM -- I AM SORRY, ANY ARTICLES OR --
15 Q. OUTSIDE OF ARTICLES, MEMORANDA, ANYTHING IN THE
16 FILES THAT YOU ARE REFERRING TO?
17 A. PRESS INQUIRIES, I BELIEVE, WERE PROBABLY IN THE
18 FILE.
19 Q. THAT WERE DATED PRIOR TO THE SAN FRANCISCO
20 ARTICLE?
21 A. YEAH. I DON'T KNOW THE DATES.
22 Q. AND AFTER YOU CAME ON BOARD TO MONSANTO IN 1969,
23 WAS THE PCB ISSUE ON THE FOREFRONT OF YOUR AGENDA TO WORK

24 ON?

25 A. YES.

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29

1 Q. WHAT DID MR. FORD, OR ANYONE ELSE, TELL YOU TO DO
2 ABOUT IT?

3 A. TO TRY TO TAKE THE LEAD IN TERMS OF BECOMING
4 KNOWLEDGEABLE ABOUT THE ISSUE AND DEALING WITH THE PRESS,
5 WITH THE MEDIA.

6 Q. AND TELL ME WHAT YOU DID WHEN YOU SAY TAKE THE
7 LEAD IN BECOMING KNOWLEDGEABLE ABOUT THE ISSUE, WHAT DID
8 YOU DO TO EDUCATE YOURSELF?

9 A. UM -- BASICALLY KEPT UP WITH WHAT WAS HAPPENING
10 IN TERMS OF MEDIA COVERAGE.

11 Q. OKAY. WELL, DID YOU DEAL WITH THE PEOPLE IN THE
12 MONSANTO MEDICAL DEPARTMENT TO GET EDUCATED ABOUT PCB'S?

13 A. AT SOME POINT, CERTAINLY.

14 Q. AND TELL ME ABOUT THAT.

15 A. UM -- IN SOME CASES, ONE WOULD HAVE TO CONSULT
16 THE MEDICAL DEPARTMENT AS WELL AS THE DIVISION PEOPLE IN
17 TERMS OF HOW TO RESPOND TO PRESS INQUIRIES.

18 Q. SO, IF A PRESS INQUIRY CAME IN AND YOU DIDN'T --
19 STRIKE THAT.

20 IF A PRESS INQUIRY CAME IN, WAS, GENERALLY,
21 SPEAKING, AS A MATTER OF COURSE, WOULD YOU TAKE IT TO
22 EITHER THE MEDICAL DEPARTMENT OR TO ONE OF THE PRODUCT
23 PEOPLE TO HELP FORMULATE A RESPONSE TO THAT PRESS INQUIRY?

24 A. YES.

25 Q. OKAY. WAS THERE EVER A SITUATION ON THE PRESS

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30

1 INQUIRY THAT YOU FELT COMFORTABLE ENOUGH TO FORMULATE THE
2 RESPONSE ON YOUR OWN?

3 A. YES.

4 Q. OKAY. AND IF YOU COULD ARTICULATE THAT FOR ME,
5 WHAT WERE SOME OF THE ISSUES THAT YOU WOULD HAVE TO GO GET
6 ADVICE ON AND THE ISSUES THAT YOU MAY FEEL COMFORTABLE
7 ANSWERING ON YOUR OWN?

8 A. GENERALLY, I WENT TO THEM WHEN -- WHEN THERE WAS
9 A NEW QUESTION THAT CAME UP. SO MANY OF THE PRESS
10 INQUIRIES, THE QUESTIONS ASKED BY THE MEDIA, WERE ASKED
11 OVER AND OVER AND OVER AGAIN SO, OBVIOUSLY, I COULD USE
12 WHAT I HAD GATHERED BEFORE.

13 WHEN A NEW QUESTION CAME UP THAT I WASN'T
14 FAMILIAR WITH AND TO ANSWER, I WOULD HAVE TO CONSULT
15 OTHERS.

16 Q. OKAY. AND WHEN YOU CAME ON BOARD IN APRIL OF
17 1969, WERE YOU ADVISED AT THAT POINT THAT THE COMPANY WAS
18 CONSIDERING WITHDRAWING THE AROCLOR PCB PRODUCTS FROM THE
19 MARKET?

20 A. IN APRIL OF 1969, NO.

21 Q. OKAY. DID YOU GET INVOLVED IN THAT PROCESS?

22 A. YES, UH-HUH.

23 Q. AND TELL ME HOW THAT CAME ABOUT THAT YOU GOT
24 INVOLVED IN THAT PROCESS, THE WITHDRAWAL FROM THE MARKET
25 PROCESS?

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

31

1 A. I WAS INVOLVED IN TERMS OF PREPARING INFORMATION
2 FOR THE NEWS MEDIA.

3 Q. ANY OTHER CONNECTION TO THAT WITHDRAWAL PROCESS?

4 A. NO. MY RESPONSIBILITY WAS AS -- AS NEWS MEDIA
5 INTERMEDIARY.

6 Q. OKAY. WELL, THAT YOU, AS I UNDERSTAND YOUR
7 DUTIES AS THE DIRECTOR OF PUBLIC RELATIONS FOR THE ORGANIC
8 CHEMICAL DIVISIONS, IT WENT BEYOND JUST DEALING WITH THE
9 MEDIA; CORRECT?

10 A. THERE WERE, LIKE I MENTIONED BEFORE, PRODUCT
11 PUBLICITY, COMMUNITY RELATIONS, SO FORTH.

12 Q. AND WOULD YOU GET INVOLVED IN COMMUNICATIONS WHEN
13 THEY CAME FROM YOU OR FROM THE SALES PERSON, COMMUNICATIONS
14 TO CUSTOMERS?

15 A. UM -- NO, NOT REALLY.

16 Q. YOU SAY NOT REALLY. ANY HESITANCY IN THAT
17 ANSWER?

18 A. I JUST DON'T RECALL HAVING PREPARED ANYTHING IN
19 TERMS OF WRITING THAT WAS, YOU KNOW, GOING TO CUSTOMERS.

20 Q. WELL, I MEAN, GENERALLY, IF MANAGEMENT, WHETHER
21 IT WAS MANAGEMENT OF THE SALES DIVISION OR THE PRODUCT
22 DIVISION, WANTED SOME ADVICE ON HOW TO DEAL WITH A CUSTOMER
23 IN REGARD TO THE WITHDRAWAL -- WITH THE POTENTIAL
24 WITHDRAWAL -- FROM THE MARKET, WOULD YOU GET INVOLVED WITH
25 THAT?

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32

1 A. I MIGHT HAVE HELPED DO SOME WRITING.

2 Q. YOU WOULDN'T HAVE GOTTEN DIRECTLY -- YOU WOULD
3 NOT HAVE INTERFACED DIRECTLY WITH THE CUSTOMERS IS WHAT YOU
4 ARE SAYING?

5 A. RIGHT.

6 Q. YOU MAY HAVE ASSISTED THE PRODUCT GROUP OR THE
7 SALES GROUPS IN COMMUNICATIONS WITH THE CUSTOMERS?

8 A. YES.

9 Q. WERE YOU ASKED TO BE PART OF ANY COMMITTEES
10 WITHIN MONSANTO REGARDING THE PCB ISSUE?

11 A. YES.

12 Q. AND WHAT COMMITTEE WAS THAT?

13 A. IT WAS A GROUP FROM ORGANIC CHEMICALS DIVISION,
14 THE PUBLIC RELATIONS DEPARTMENT, MEDICAL DEPARTMENT THAT
15 WAS ASSIGNED TO MONITOR THIS ISSUE.

16 Q. IT -- WAS THAT REFERRED TO AS THE AD HOC
17 COMMITTEE?

18 A. YES.

19 Q. AND HOW SOON AFTER YOU BEGAN YOUR EMPLOYMENT AT
20 MONSANTO DID YOU BECOME INVOLVED WITH THAT COMMITTEE?

21 A. IT WAS IN 1969.

22 Q. WAS --

23 A. I DON'T REMEMBER THE EXACT TIME.

24 Q. -- WAS THE COMMITTEE ALREADY FORMED OR WAS IT
25 FORMED AFTER YOU BECAME EMPLOYED?

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33

1 A. AS I RECALL, IT WAS AFTER I WAS EMPLOYED.

2 Q. OKAY.

3 AND WHO FORMED THE COMMITTEE?

4 A. I DON'T REMEMBER.

5 Q. OKAY. BUT YOU WERE -- WELL, DID YOU FORM THE
6 COMMITTEE?

7 A. NO.

8 Q. IT WAS OVER -- IT WAS ABOVE YOU?

9 A. YES.

10 Q. AND WERE THERE ANY OTHER COMMITTEES THAT THE AD
11 HOC COMMITTEE REPORTED TO ON THIS PCB ISSUE?

12 A. NOT THAT I RECALL.

13 Q. WELL, WHO DID THE COMMITTEE REPORT TO?

14 A. UM -- I DON'T KNOW. THEY -- I AM GOING TO SAY
15 THE GENERAL MANAGER OF THE DIVISION.

16 Q. AND THAT WAS MR. SPRINGGATE?

17 A. MR. MINCKLER.

18 Q. MINCKLER. OKAY. THE GENERAL MANAGER OF THE
19 ORGANIC CHEMICALS DIVISION?

20 A. YES.

21 Q. WHAT WAS JIM SPRINGGATE'S POSITION?

22 A. HE WAS TO REPORT TO MR. MINCKLER AND HEADED UP A
23 PORTION OF THE -- A PRODUCT LINE WITHIN THE DIVISION. HE
24 WAS HEAD OF A PRODUCT LINE WITHIN THE DIVISION.

25 Q. AND WHAT WAS THAT PRODUCT LINE?

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34

1 A. PLASTICIZERS.

2 Q. PLASTICIZERS.

3 DO YOU REMEMBER A GENTLEMAN BY THE NAME OF

4 J.D. WRIGHT, JIM WRIGHT?

5 A. REMEMBER THE NAME.
6 Q. DID YOU HAVE ANY DEALINGS WITH HIM?
7 A. NOT THAT I RECALL.
8 Q. WAS HE WITHIN THE ORGANIC CHEMICALS DIVISION?
9 A. I COULDN'T TELL YOU. JUST REMEMBER THE NAME.
10 Q. DO YOU REMEMBER A COMMITTEE THAT WAS FORMED, THE
11 CORPORATE MANAGEMENT COMMITTEE, THAT WAS ALSO DEALING WITH
12 THE PCB ISSUE?
13 A. YES.
14 Q. AND WHAT DO YOU REMEMBER -- WERE YOU ON THAT
15 COMMITTEE?
16 A. NO.
17 Q. WHAT DO YOU REMEMBER ABOUT THAT MANAGEMENT
18 COMMITTEE?
19 A. NOT A WHOLE LOT. THEY WERE UPPER MANAGEMENT.
20 Q. IT WAS A HIGHER LEVEL COMMITTEE?
21 A. YEAH.
22 Q. AND DO YOU REMEMBER THAT THEY WERE STUDYING THE
23 PCB ISSUE?
24 A. AS I RECALL, YEAH, YES.
25 Q. AND DID YOUR INVOLVEMENT WITH THE AD HOC

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35

1 COMMITTEE INTERTWINE AT ALL WITH THE CORPORATE MANAGER
2 COMMITTEE'S STUDY OF THE PCB ISSUE?
3 A. NOT MY INVOLVEMENT, NO, NO, NOT MY INVOLVEMENT.
4 Q. WELL, HOW ABOUT ANYONE ELSE'S INVOLVEMENT ON YOUR
5 AD HOC COMMITTEE?
6 A. YES, THERE WERE REPORTS THAT WENT TO THE UPPER

7 MANAGEMENT COMMITTEE.

8 Q. REPORTS TO THE AD HOC COMMITTEE WOULD GO TO THE
9 CORPORATE MANAGEMENT COMMITTEE?

10 A. UH-HUH.

11 Q. AND WHO WOULD SUBMIT THOSE REPORTS?

12 A. I DON'T RECALL.

13 Q. DO YOU REMEMBER THE PLAYERS ON THE AD HOC
14 COMMITTEE?

15 A. ELMER WHEELER.

16 Q. AND IF YOU COULD TELL ME WHO THEY WERE AND WHAT
17 THEIR POSITION WAS?

18 A. ELMER WHEELER WAS MEDICAL, FARRAR WAS PRODUCT
19 LINE, I THINK. THOSE ARE ALL THE NAMES THAT I CAN RECALL.

20 Q. OKAY.

21 A. YEAH.

22 Q. WOULD IT HAVE BEEN ABOUT A FOUR-PERSON COMMITTEE?

23 A. FOUR-PERSON, FOUR OR FIVE.

24 Q. AND WAS YOUR COMMITTEE CHARGED WITH MAKING THE
25 FINAL DECISION ON WHETHER THE AROCLOR PCB PRODUCTS WERE

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36

1 GOING TO BE PULLED FROM THE MARKET?

2 A. NO.

3 Q. WHO WAS CHARGED WITH THAT DECISION?

4 A. CORPORATE MANAGER.

5 MR. DAVIDSON: WHEN YOU SAY YOUR COMMITTEE,
6 YOU ARE REFERRING TO THE AD HOC COMMITTEE?

7 MR. TAYLOR: I AM SORRY. CORRECT.

8 THE WITNESS: CORPORATE MANAGEMENT.

9 Q. (BY MR. TAYLOR) AND YOUR FUNCTION BETWEEN 1969
10 AND 1973, AS THE DIRECTOR OF THE PUBLIC RELATIONS, DID YOU
11 HAVE ANY DEALINGS WITH ARMSTRONG WORLD INDUSTRIES WHICH WAS
12 THEN, I BELIEVE, CALLED THEN CALLED ARMSTRONG CORP?

13 A. NO.

14 Q. DO YOU REMEMBER THEM AS BEING THE CUSTOMER?

15 A. YES.

16 Q DID YOU EVER KEEP ANY DIARIES IN CONNECTION WITH
17 YOUR FUNCTION AS DIRECTOR OF THE ORGANIC CHEMICALS
18 DIVISION?

19 A. NO.

20 Q. GENERALLY SPEAKING, I AM GOING TO GET INTO SOME
21 DOCUMENTS MAY HELP FLUSH SOME OF THESE THINGS OUT AND JOG
22 YOUR MEMORY.

23 GENERALLY SPEAKING, IN YOUR DUTIES ON THE AD HOC
24 COMMITTEE, WERE THEY INVESTIGATIVE IN NATURE?

25 A. NO.

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37

1 Q. THEY WERE INFORMATION GATHERING?

2 A. YES.

3 Q. OKAY. AND I GUESS IN MY MIND I AM DRAWING A
4 DISTINCTION BETWEEN INVESTIGATIVE AND JUST PURE THE
5 GATHERING OF INFORMATION.

6 A. UH-HUH.

7 Q. WHERE WOULD YOU GET YOUR INFORMATION?

8 A. FROM CHEMISTS, RESEARCHERS AND MEDICAL PEOPLE,
9 PRIMARILY.

10 Q. DID YOU DEAL WITH THE PEOPLE IN THE FIELD, THE
Page 35

11 SALESMEN IN THE FIELD?

12 A. NO.

13 Q. WERE THE SALESMEN IN THE FIELD APPRISED, KEPT
14 APPRISED, OF THE FINDINGS OF THE AD HOC COMMITTEE?

15 A. DON'T KNOW.

16 Q. THAT WASN'T PART OF --

17 A. THAT WASN'T PART OF MY RESPONSIBILITIES.

18 Q. WOULD THAT BE A PART OF SOMEONE ELSE'S
19 RESPONSIBILITY?

20 A. IT WOULD PROBABLY FALL WITHIN THE BUSINESS GROUP.

21 Q. AND WHO WAS THE REPRESENTATIVE ON THE COMMITTEE
22 FOR THE BUSINESS GROUP AGAIN?

23 A. MARTIN FARRAR.

24 Q. FARRAR.

25 MR. TAYLOR: IF WE CAN MARK THIS DOCUMENT AS

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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1 JOHN NUMBER 2.

2 (THE DOCUMENT REFERRED TO WAS THEREUPON
3 MARKED, "DEFENDANTS' EXHIBIT NUMBER 2 FOR
4 IDENTIFICATION," AND IS ATTACHED TO THE
5 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

6 Q. (BY MR. TAYLOR) MR. JOHN, I AM GOING TO SHOW YOU
7 WHAT'S BEEN MARKED AS JOHN NUMBER 2 WITH TODAY'S DATE.
8 IT'S A MARCH 3, 1969, MEMORANDUM FROM TOM FORD TO
9 HARRY M. BENNETT AND ANOTHER GENTLEMAN,
10 LINTON VON BEROLDINGEN. I PROBABLY PRONOUNCED THAT WRONG,
11 BUT IN ANY EVENT, FOR THOSE ON THE PHONE, IT BEARS BATES
12 STAMP NUMBER MAE053550 TO MAE053555.

13 IF YOU COULD, MR. JOHN, JUST REVIEW THAT DOCUMENT
14 BRIEFLY AND TELL ME IF YOU RECOGNIZE THAT DOCUMENT.

15 A. (COMPLYING.)

16 NO, I DON'T.

17 Q. WELL, YOU WILL NOTE THAT IT'S DATED MARCH 3,
18 1969, WHICH PRECEDED YOUR EMPLOYMENT WITH THE COMPANY, BUT
19 I AM WONDERING -- I AM ASKING IF IN YOUR REVIEW OF THE
20 FILES YOU WOULD HAVE SEEN A DOCUMENT LIKE THIS?

21 A. POSSIBLY, YES.

22 Q. BUT YOU JUST DON'T REMEMBER -- REMEMBER SEEING
23 IT?

24 A. I DON'T REMEMBER SEEING IT.

25 Q. OKAY.

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1 Q. AND JUST GOING THROUGH THE LIST, I AM NOT GOING
2 TO TAKE YOU THROUGH ALL OF THEM. THIS MAY BE A GOOD
3 EXERCISE JUST TO KIND OF GET YOUR MIND FOCUSED IN ON SOME
4 OF THE PLAYERS INVOLVED.

5 FORRESTAL, DO YOU REMEMBER FORRESTAL?

6 A. YES.

7 Q. AND WHAT WAS HIS POSITION?

8 A. DIRECTOR OF PUBLIC RELATIONS.

9 Q. OKAY. AND WE TALKED ABOUT HIM EARLIER?

10 A. YES.

11 Q. MCKEE WE ALSO TALKED ABOUT EARLIER.

12 BISHOP?

13 A. YES.

14 Q. AND WHAT WAS HIS POSITION?

15 A. UM -- I DON'T REMEMBER HIS TITLE. I RECALL THAT
16 HE WAS AT THE TIME HE WAS IN THE CORPORATE PUBLIC RELATIONS
17 GROUP AS OPPOSED TO BEING ASSIGNED TO A DIVISION.

18 Q. OKAY. SPANO, S-P-A-N-O?

19 A. YES. SPANO WAS IN THE CORPORATE GROUP.

20 Q. SIMILAR TO BISHOP?

21 A. YES.

22 Q. HE WAS NOT ASSIGNED TO A DIVISION?

23 A. CORRECT.

24 Q. OKAY. IT SAYS NEW YORK, WILKINS?

25 A. HE WAS REPORTED TO FORRESTAL AND STATIONED IN NEW

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1 YORK AND PART OF THE CORPORATE PUBLIC RELATIONS GROUP.

2 Q. WHEELER?

3 A. MEDICAL DEPARTMENT.

4 Q. BERGEN?

5 A. UM -- ORGANIC CHEMICALS.

6 Q. HE WAS A PRODUCT PERSON?

7 A. HE WAS A BUSINESS GROUP DIRECTOR.

8 Q. OKAY. AND IT REFERS TO, ON THE FIRST PAGE OF THE
9 JOHN NUMBER 2, THE SAN FRANCISCO CHRONICLE ARTICLE ON
10 FEBRUARY 24TH.

11 YOU SEE THAT?

12 A. YES.

13 Q. AND IS THAT THE ARTICLE THAT YOU WERE REFERRING
14 TO THAT YOU FIRST BECAME AWARE OF?

15 A. YES.

16 Q. AND AFTER YOU JOINED THE COMPANY?

17 A. YES.

18 Q. NOW, IF YOU LOOK ATTACHED TO THAT LETTER THERE IS
19 A STATEMENT, IT'S ON THE THIRD PAGE OF THE EXHIBIT. IT
20 BEARS BATE STAMP MAE053552, DATED MARCH 3, 1969.

21 DO YOU REMEMBER THAT STATEMENT IN YOUR REVIEW OF
22 THE FILES AFTER YOU CAME ABOARD MONSANTO?

23 A. IT LIKELY WOULD HAVE BEEN IN THE FILE. I DON'T
24 RECALL READING IT.

25 Q. WOULD YOU BE -- YOU DID NOT PREPARE THAT ,

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1 OBVIOUSLY?

2 A. NO, I DID NOT.

3 Q. CAN YOU TELL FROM THIS WHO PREPARED THIS
4 STATEMENT?

5 A. I CAN'T TELL WHO PREPARED THE STATEMENT, NO.
6 THE COVER LETTER IS FROM TOM FORD.

7 Q. IF YOU LOOK ON THE SECOND PAGE OF THE STATEMENT
8 AND THE THIRD FULL PARAGRAPH DOWN, BEGINNING WITH "THE
9 CONCLUSIONS OF THESE SCIENTISTS ARE PUZZLING."

10 DO YOU SEE THAT?

11 A. YES.

12 Q. IT SAYS IN THE LAST SENTENCE -- WELL, IT SAYS,
13 "POLYCHLORINATED BIPHENYLS ARE STABLE CHEMICAL COMPOUNDS."

14 AND THEN ON THE LAST SENTENCE, IT SAYS, "THEIR
15 USE DOES NOT MAKE THEM EASILY RELEASED INTO THE NATURAL
16 ENVIRONMENT."

17 A. YES.

18 Q. DO YOU AGREE WITH THAT STATEMENT?

19 A. YES.

20 Q. IS THAT THE TYPE OF TECHNICAL INFORMATION THAT
21 YOU WERE TRYING TO EDUCATE YOURSELF ON WHAT EXACTLY PCB'S
22 WOULD DO AND HOW THEY WOULD AFFECT THE ENVIRONMENT?

23 A. YES.

24 Q. HOW LONG DID IT TAKE YOU, SIR, THAT YOU FELT
25 COMFORTABLE WITH THE TECHNICAL ASPECTS OF THE PRODUCT THAT

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1 YOU WERE DEALING WITH WITH THE MEDIA, THIS PCB PRODUCT?

2 A. I DON'T REMEMBER HOW LONG IT TOOK. I FELT
3 COMFORTABLE WITH IT WHEN I WAS ON THE AD HOC COMMITTEE.

4 Q. OKAY.

5 AND WOULD YOU SAY THAT YOUR TRAINING IN BECOMING
6 KNOWLEDGEABLE ABOUT THE PRODUCT WAS INTENSIVE?

7 A. I WOULDN'T CHARACTERIZE IT INTENSIVE, NO.

8 Q. HOW WOULD YOU CHARACTERIZE IT?

9 A. ONGOING.

10 Q. WAS IT -- WAS IT EVER PRESENTED OR STATED TO YOU
11 THAT YOU NEED TO IMMERSE YOURSELF IN THIS SITUATION AND
12 KNOW EVERYTHING THERE IS TO KNOW?

13 MR. DAVIDSON: OBJECTION.

14 MR. TAYLOR: HE OBJECTED. IT WAS JUST ON
15 THE RECORD. YOU CAN ANSWER.

16 MR. DAVIDSON: YOU CAN GO AHEAD AND ANSWER.

17 THE WITNESS: YOU WANT TO RESTATE AGAIN? I
18 AM SORRY.

19 MR. TAYLOR: IF YOU CAN READ THAT BACK, THAT
20 WOULD BE GREAT.

21 (REPORTER READS BACK REQUESTED PORTION OF
22 THE RECORD.)

23 THE WITNESS: I DON'T RECALL. IT WAS PUT
24 THAT WAY TO ME, HOWEVER, AS PUBLIC RELATIONS MANAGER FOR
25 THE ORGANIC CHEMICALS DIVISION, THAT WAS MY RESPONSIBILITY.

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1 MR. TAYLOR: I AM GOING TO MARK AS JOHN
2 NUMBER 3 A DOCUMENT DATED MARCH 6, 1969.

3 Q. (BY MR. TAYLOR) SIR, BEFORE YOU MARKED JOHN
4 NUMBER 3 IS MARCH 6, 1969, MEMORANDUM FROM A MR. RICHARD TO
5 E. WHEELER WITH VARIOUS PEOPLE COPIED.

6 IT BEARS BATES MAE053006 THROUGH -008.

7 IF YOU COULD JUST TAKE A MINUTE ON THIS DOCUMENT
8 AND REVIEW IT AND I AM GOING TO ASK YOU SOME QUESTIONS.

9 A. (COMPLYING.)

10 OKAY.

11 Q. YOU WILL NOTICE THAT THE MEMORANDUM REFERS TO AN
12 ARTICLE IN THE PUBLICATION CALLED "NATURE" DATED DECEMBER
13 14, 1968.

14 DO YOU SEE THAT THE FIRST SENTENCE OF THE
15 MEMORANDUM?

16 A. OH, OKAY. YES.

17 Q. DO YOU REMEMBER THAT ARTICLE?

18 A. NO.

19 Q. DO YOU REMEMBER THE AUTHOR RISEBROUGH?

20 A. NO.

21 Q. IF YOU GO ON TO THE SECOND PAGE.

22 MR. DAVIDSON: I AM GOING TO OBJECT TO
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23 QUESTIONING THIS WITNESS WITH REGARD TO THIS DOCUMENT
24 BECAUSE IT PREDATES HIS EMPLOYMENT. THERE IS NO INDICATION
25 THAT IT WAS RECEIVED BY ANYBODY THAT YOU HAVE BRIEFLY

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1 IDENTIFIED AS BEING IN CONNECTION WITH THE PUBLIC RELATIONS
2 GROUP.

3 Q. (BY MR. TAYLOR) IF YOU GO TO THE SECOND PAGE,
4 UNDER (B), TOP OF THE PAGE.

5 A. UH-HUH.

6 Q. IT SAYS, "WE ARE NOT PREPARED TO DEFEND OURSELVES
7 AGAINST THE ACCUSATIONS MADE."

8 AND THEN IT GOES ON TO SAY, "THE INDIRECT
9 ACCUSATION OF CANCER, OR THE SPLITTING OF GENES, WHEN THIS
10 ACCUSATION IS MADE."

11 DO YOU SEE THAT?

12 A. YES.

13 Q. DO YOU REMEMBER DEALING WITH THE MEDICAL
14 DEPARTMENT ON BECOMING PREPARED TO DEFEND AGAINST THAT
15 ACCUSATION?

16 A. NO.

17 Q. THE CANCER ISSUE, DO YOU REMEMBER THAT COMING UP
18 IN YOUR DEALINGS WITH THE PRESS OR PRODUCT PUBLICITY?

19 A. NO.

20 Q. WELL, WHAT ISSUES DO YOU REMEMBER ABOUT PCB'S
21 THAT YOU WERE CONCERNED ABOUT?

22 A. UM -- IT IS -- IT APPEARS IN NATURE, ENVIRONMENT,
23 AND A CONCERN THAT ENVIRONMENTAL SCIENTISTS WERE HAVING
24 ABOUT IT BEING IN THE ENVIRONMENT.

25 Q. AND IT BEING ALLEGED A CARCINOGENIC ISSUE NEVER

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1 CAME UP IN YOUR FUNCTION?

2 A. NO.

3 Q. IF YOU GO DOWN TO "WHERE DOES THIS LEAVE US?" ON
4 THE SECOND PAGE IS A QUESTION, "WHERE DOES THIS LEAVE US?"
5 ABOUT HALFWAY DOWN ON THE SECOND PAGE OF THAT MEMORANDUM,
6 IT SAYS, "UNDER IDENTIFICATION AND CONTROL OF EXPOSURE, WE
7 WILL BE ABLE TO IDENTIFY AND ANALYZE RESIDUES AS WELL OR
8 BETTER THAN ANYONE IN THE WORLD."

9 DO YOU SEE THAT?

10 A. YES, SIR.

11 Q. AND DO YOU AGREE WITH THAT STATEMENT?

12 MR. DAVIDSON: OBJECTION.

13 YOU MAY ANSWER.

14 THE WITNESS: UH-HUH.

15 I AM REALLY NOT QUALIFIED TO AGREE WITH IT OR NOT
16 AGREE WITH IT.

17 Q. (BY MR. TAYLOR) AND WHO WAS MR. RICHARD WHO IS
18 THE AUTHOR OF THIS MEMORANDUM?

19 A. HE WAS IN OUR RESEARCH CENTER.

20 Q. DID YOU EVER DEAL WITH HIM IN YOUR FUNCTION?

21 A. YES.

22 Q. AND DO YOU THINK HE WAS QUALIFIED TO MAKE THAT
23 STATEMENT?

24 MR. DAVIDSON: OBJECTION.

25 THE WITNESS: I WOULD SAY HE WAS QUALIFIED.

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1 Q. (BY MR. TAYLOR) AND GO DOWN A LITTLE BIT FURTHER
2 TO THE PARAGRAPH THAT BEGINS WITH "BUT, WE CAN'T EASILY
3 CONTROL;" DO YOU SEE THAT?

4 A. YES.

5 Q. IT SAYS UNDER THE SECOND LINE OF THAT PARAGRAPH,
6 "IT WILL BE STILL MORE DIFFICULT TO CONTROL OTHER END USES
7 SUCH AS CUTTING OILS, ADHESIVES, PLASTICS AND NCR PAPER."

8 DO YOU SEE THAT?

9 A. YES.

10 Q. DO YOU KNOW WHAT IS MEANT BY THAT STATEMENT?

11 MR. DAVIDSON: OBJECTION.

12 YOU ARE ASKING HIM TO SPECULATE ABOUT WHAT

13 MR. RICHARD --

14 MR. TAYLOR: I AM NOT ASKING HIM TO

15 SPECULATE HIM.

16 MR. DAVIDSON: YOU ARE ASKING HIM WHAT
17 RICHARD MEANT BY THAT BEFORE HE CAME TO WORK. YOU ARE
18 CERTAINLY ASKING HIM TO SPECULATE.

19 MR. TAYLOR: I APPRECIATE YOU NOT PROMPTING
20 THE WITNESS. I AM NOT ASKING HIM TO SPECULATE. I AM
21 ASKING DO YOU KNOW WHAT IS MEANT BY THAT STATEMENT. IT IS
22 A QUESTION.

23 I AM NOT ASKING HIM TO SPECULATE. IN FACT, I
24 TOLD HIM BEFORE HE EVEN ANSWERED ONE QUESTION NOT TO
25 SPECULATE. SO THE OBJECTION IS NOTED.

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1 AND I'D APPRECIATE IT, IF YOU CAN ANSWER THE
2 QUESTION. AND IF YOU CAN'T, I WILL MOVE ON.

3 THE WITNESS: I DON'T KNOW. AGAIN, IT'S
4 BILL RICHARD'S WRITING AND BILL RICHARD IS SAYING IT'S
5 DIFFICULT TO CONTROL OTHER END USES.

6 Q. (BY MR. TAYLOR) I UNDERSTAND THAT.

7 A. AND, APPARENTLY, THOSE ARE END USES.

8 Q. OKAY.

9 WOULD YOU AGREE WITH ME THAT ONE OF THE ISSUES
10 THAT THE MEDIA WAS INQUIRING ABOUT OR THE COMPANY WERE
11 AWARE OF THESE PCB'S WERE BEING USED; IS THAT RIGHT?

12 A. YES.

13 Q. AND THAT IS PART OF YOUR PUBLIC RELATIONS
14 FUNCTION, YOU WOULD HAVE TO ANSWER THOSE INQUIRIES;
15 CORRECT?

16 A. YES.

17 Q. AND IN THAT CONTEXT DO YOU REMEMBER DEALING WITH
18 MR. RICHARD ABOUT FINDING OUT WHERE THE PRODUCT WAS BEING
19 USED?

20 A. UM -- I DEALT MORE WITH THE PRODUCT GROUP, THE
21 BUSINESS GROUP, IN TERMS OF END USES.

22 Q. OKAY. AND YOUR DEALINGS WITH THEM, DID THEY
23 EXPLAIN TO YOU THAT IT IS DIFFICULT TO CONTROL THE END USES
24 OF THE PLASTICIZER PRODUCTS?

25 A. I DON'T REMEMBER PRECISELY THAT STATEMENT BUT,

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♀

1 NO, I DON'T REMEMBER A STATEMENT LIKE THAT.

2 Q. WELL, WHETHER IT WAS EXACTLY LIKE THAT, DO YOU
3 REMEMBER THAT ISSUE, THE END USE ISSUE, AND IT BEING
4 DIFFICULT TO CONTROL?

5 A. YES.

6 Q. AND WHAT WAS YOUR UNDERSTANDING OF THAT ISSUE OF
7 ITS DIFFICULTY IN CONTROLLING IT?

8 A. THE PRODUCT WASN'T CONTAINED IN TERMS OF THE END
9 USE. I DON'T KNOW HOW TO EXPLAIN IT VERY WELL, TO BE
10 HONEST WITH YOU.

11 Q. OKAY. IF YOU GO DOWN FURTHER ON THAT PAGE IN THE
12 SECOND TO LAST FULL PARAGRAPH, THE ONE BEGINNING WITH
13 "RISEBROUGH" IN THE MIDDLE SENTENCE, IT SAYS, "SINCE
14 RISEBROUGH'S PAPER IN 'NATURE,' DECEMBER 1968 HAS JUST BEEN
15 PUBLISHED."

16 DO YOU SEE THAT?

17 A. YES.

18 Q. IT GOES ON TO SAY, "IT IS TIMELY, PERHAPS
19 IMPERATIVE, THAT THIS PAPER AND ITS IMPLICATIONS BE
20 DISCUSSED WITH CERTAIN CUSTOMERS."

21 YOU SEE THAT?

22 A. YES.

23 Q. IT GOES ON TO SAY, "THIS IS A ROUGH ONE BECAUSE
24 IT COULD MEAN LOSS OF BUSINESS ON EMPTY AND FALSE CLAIMS BY
25 RISEBROUGH."

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1 YOU SEE THAT?

2 A. YES.

3 Q. DO YOU REMEMBER THAT ISSUE IN CONNECTION WITH
4 YOUR FUNCTION AFTER YOU BECAME ON BOARD?

5 A. NO.

6 Q. DO YOU REMEMBER ANY ISSUE ABOUT THE SENSITIVITY
7 IN DEALING WITH CUSTOMERS ON THE ISSUE?

8 A. I REMEMBER THE BUSINESS GROUP GOING TO THEIR
9 CUSTOMERS WITH INFORMATION, YES.

10 Q. AND HOW DID THEY GO TO THEM? DID THEY WRITE A
11 LETTER OR --

12 A. I DON'T REMEMBER.

13 Q. AS PART OF YOUR PUBLIC RELATIONS DUTY IN
14 CONNECTION WITH THIS PCB ISSUE, WAS ONE OF THEM THE CONCERN
15 THAT IT MAY MEAN THE LOSS OF BUSINESS?

16 MR. DAVIDSON: OBJECTION.

17 Q. (BY MR. TAYLOR) THAT THE WITHDRAWAL OF THE PCB
18 FROM THE MARKET WOULD MEAN LOSS OF BUSINESS?

19 MR. DAVIDSON: OBJECTION.

20 THE WITNESS: ONE OF THEIR CONCERNS?

21 Q. (BY MR. TAYLOR) YEAH, THE COMPANY, COMPANY LOT?

22 A. YES.

23 Q. AND IN YOUR FUNCTION, HOW WERE YOU TRYING TO DEAL
24 WITH THAT CONCERN?

25 A. WELL, MY FUNCTION, AGAIN, IN DEALING WITH THE

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1 MEDIA, I DIDN'T REALLY HAVE TO GET INVOLVED IN THAT -- THAT
2 PART OF THE DECISION-MAKING PROCESS --

3 Q. WELL --

4 A -- WHETHER THEY LOST BUSINESS OR NOT.

MAERTIN 07-23-1998 John, Edward V..txt
5 Q. OKAY.

6 WELL, WHAT ABOUT YOUR HELP WITH EITHER THE
7 PRODUCTS GROUP OR THE SALES GROUP IN FORMULATING AND
8 ARTICULATING RESPONSES TO CUSTOMER'S INQUIRIES, THAT WAS
9 PART OF YOUR FUNCTIONS AS WELL?

10 MR. DAVIDSON: OBJECTION.

11 THE WITNESS: I MIGHT HAVE HELPED THEM IN
12 TERMS OF PREPARING MATERIALS BASED ON WHAT WE WERE SHARING
13 WITH THE PRESS, THE MEDIA, IN PREPARING MATERIALS THAT THEY
14 ARE SENDING TO THEIR CUSTOMERS. I MIGHT HAVE HELPED THEM
15 WITH THAT, BUT MY PARTICIPATION WAS BASED ON WHAT WE WERE
16 SHARING WITH THE PRESS.

17 Q. (BY MR. TAYLOR) AND YOU DON'T REMEMBER THE LOSS
18 OF BUSINESS BEING PART OF THAT?

19 A. IT WAS A CONSIDERATION.

20 Q. AND THAT IS WHY I WANT TO KNOW HOW WERE YOU, IN
21 YOUR FUNCTION, WHAT WERE YOU TRYING TO ACCOMPLISH IN NOT
22 LOSING -- STRIKE THAT.

23 MR. DAVIDSON: OBJECTION.

24 MR. TAYLOR: I HAVE STRICKEN THE QUESTION.

25 MR. DAVIDSON: OKAY.

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1 Q. (BY MR. TAYLOR) WHAT IN THAT CONNECTION IN
2 DEALING WITH THE PRESS AND THE CONCERN OF LOSS OF BUSINESS,
3 HOW WERE YOU TRYING TO BALANCE THAT?

4 MR. DAVIDSON: OBJECTION. YOU HAVE ASKED
5 AND ANSWERED IT ALREADY.

6 THE WITNESS: IN DEALING WITH THE NEWS

MAERTIN 07-23-1998 John, Edward V..txt
7 MEDIA, I DON'T RECALL THAT LOSS OF BUSINESS EVER CAME UP AS
8 A QUESTION FROM THE MEDIA.
9 IS THIS A GOOD BREAK TIME?
10 MR. TAYLOR: YOU CAN TAKE A BREAK ANY TIME
11 YOU WANT. DOESN'T HAVE TO BE A GOOD TIME OR BAD TIME.
12 WE ARE GOING TO TAKE A BREAK, CAROLYN.
13 HELLO.
14 MS. O'CONNOR: THANK YOU.
15 MR. TAYLOR: OKAY.
16 MS. O'CONNOR: YES.
17 MR. TAYLOR: WE ARE GOING TO TAKE FIVE.
18 MS. O'CONNOR: I WILL JUST STAY ON THE LINE.
19 PUT YOU ON HOLD.
20 MR. TAYLOR: OKAY.
21 THANKS.
22 (A SHORT BREAK WAS TAKEN FROM 11:10 A.M.
23 UNTIL 11:16 A.M.)
24 MR. TAYLOR: OKAY. WHY DON'T WE MARK THIS
25 DOCUMENT.

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1 (THE DOCUMENT REFERRED TO WAS THEREUPON
2 MARKED, "DEFENDANTS' EXHIBIT NUMBER 4 FOR
3 IDENTIFICATION," AND IS ATTACHED TO THE
4 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)
5 MR. TAYLOR: ARE WE AT JOHN 4?
6 THE COURT REPORTER: YES.
7 Q. (BY MR. TAYLOR) MR. JOHN, I HAVE MARKED, AND
8 IT'S BEFORE YOU AS JOHN NUMBER 4, IS A "MINUTES OF AROCLOR

MAERTIN 07-23-1998 John, Edward V..txt
9 'AD HOC' COMMITTEE FIRST MEETING," DATED SEPTEMBER 5, 1969.
10 IT BEARS BATE STAMPS MAE021976 THROUGH -79.
11 IF YOU COULD JUST TAKE A MINUTE AND REVIEW THOSE
12 MINUTES AND I WILL FOLLOW UP WITH SOME QUESTIONS?
13 A. (COMPLYING.)
14 OKAY.
15 Q. OKAY. UNDER THE CAPTION IT SAYS, "PRESENT." I
16 BELIEVE WE HAVE TALKED ABOUT EACH OF THESE PEOPLE EXCEPT
17 HODGES.
18 WHO IS P.B. HODGES?
19 A. I REMEMBER THE NAME, I CAN'T PLACE HIM WITH THE
20 DEPARTMENT, WITHIN THE COMPANY.
21 Q. HE WAS NOT A PUBLIC RELATIONS PERSON?
22 A. CORRECT. HE WAS NOT.
23 Q. OKAY.
24 AND I JUST WANT TO MAKE SURE I UNDERSTAND; THE AD
25 HOC COMMITTEE'S PURPOSE WAS SOLELY TO STUDY THE PCB ISSUE;

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1 CORRECT?
2 A. YES.
3 Q. I MEAN, IT DIDN'T HAVE OTHER ISSUES IT WAS
4 DEALING WITH --
5 A. CORRECT.
6 Q. -- OUTSIDE OF PCB'S?
7 A. CORRECT.
8 Q. AND DO YOU REMEMBER THIS DOCUMENT?
9 A. YES.
10 Q. AND WOULD MR. HODGES' SECRETARY PREPARE THE NOTES

11 OF THE MEETINGS?

12 A. HE WAS THE SECRETARY, YES.

13 Q. YOU DID NOT PREPARE THE NOTES?

14 A. I DID NOT PREPARE THE NOTES, NO.

15 Q. AND THIS FIRST MEETING, SEPTEMBER 1969, DOES THAT
16 JIVE WITH WHAT YOUR RECOLLECTION IS TIMING WISE?

17 A. YES.

18 Q. AND "OBJECTIVES," IT SAYS AGREED TO BY COMMITTEE.
19 DOES THAT MEAN IT WAS UNANIMOUS?

20 A. I DON'T REMEMBER.

21 Q. OKAY. AND IT SAYS HERE, "SUBMIT RECOMMENDATIONS
22 FOR ACTION WHICH WILL" SAYS: "1. PERMIT CONTINUED SALES
23 AND PROFITS OF AROCLORS."

24 DO YOU SEE THAT?

25 A. YES.

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1 Q. AND AT THIS POINT, SEPTEMBER 5, 1969, DOES THAT
2 MEAN THAT IT WAS THIS COMMITTEE'S RECOMMENDATION NOT TO
3 PULL AROCLORS FROM THE MARKET?

4 MR. DAVIDSON: OBJECTION.

5 THE WITNESS: I DON'T RECALL IT THAT WAY,
6 NO.

7 Q. (BY MR. TAYLOR) HOW DO YOU RECALL IT?

8 A. UM -- WELL, AS IT IS STATED HERE, PERMIT
9 CONTINUED SALES, CONTINUED DEVELOPMENT, PROTECT IMAGE OF
10 THE ORGANIC DIVISION AND THE CORPORATION.

11 Q. WELL, HOW DOES THAT DIFFER FROM -- WELL, LET ME
12 -- IS IT YOUR TESTIMONY THAT AT THIS POINT THAT THE

MAERTIN 07-23-1998 John, Edward V..txt
13 DECISION HAD BEEN MADE TO PULL OR -- STRIKE THAT.
14 AT THIS POINT, WAS IT THE AD HOC COMMITTEE'S
15 RECOMMENDATION TO PULL AROCLORS FROM THE MARKET?
16 A. I DON'T --
17 MR. DAVIDSON: OBJECTION --
18 THE WITNESS: I CAN'T RECALL IT THAT WAY,
19 NO, THAT THEY HAD MADE THAT DECISION.
20 Q. (BY MR. TAYLOR) THEY HAD MADE THAT DECISION?
21 A. I SAY I DON'T RECALL THAT THEY HAD MADE IT.
22 Q. WAS THAT ON THE TABLE WHEN THE AROCLORS WAS GOING
23 TO BE PULLED FROM THE MARKET?
24 A. I DON'T REMEMBER.
25 Q. WELL, THEN, WHAT IS MEANT BY "PERMIT CONTINUED

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1 SALES AND PROFITS OF AROCLORS?"
2 A. JUST WHAT IT SAYS IS ALL THAT I CAN RECALL.
3 Q. WELL, WAS THERE SOME DISCUSSION THAT IT NOT BE
4 PERMITTED TO CONTINUE?
5 A. OH, I DON'T REMEMBER THE DISCUSSION, NO.
6 Q. WASN'T THE PURPOSE OF THE AD HOC COMMITTEE TO
7 INVESTIGATE WHETHER AROCLORS SHOULD BE PULLED FROM THE
8 MARKET?
9 A. UM -- MY UNDERSTANDING OF THE AD HOC COMMITTEE
10 WAS TO BE THE CORPORATION'S GROUP THAT IS KNOWLEDGEABLE
11 ABOUT PCB'S IN THE ENVIRONMENT AS THESE REPORTS CAME IN,
12 THAT THEY WERE IN THE ENVIRONMENT.
13 Q. AND I GUESS I'M JUST -- I WANT TO UNDERSTAND THE
14 NUMBER 1 THAT "PERMIT CONTINUED SALES AND PROFITS OF

15 AROCLORS." MAERTIN 07-23-1998 John, Edward V..txt
16 IN THE CONTEXT OF WHAT THE AD HOC COMMITTEE WAS
17 DOING, WHAT THAT MEANS?
18 A. MY ROLE?
19 MR. DAVIDSON: OBJECTION. FORM.
20 THE WITNESS: MY ROLE WAS PRIMARILY WITH
21 NUMBER 3 IN TERMS OF DEALING WITH THE NEWS MEDIA.
22 Q. (BY MR. TAYLOR) BUT WHETHER TO PERMIT OR NOT
23 PERMIT THE SALES OF PROFITS OF AROCLORS WAS BEING DISCUSSED
24 BY THE AD HOC COMMITTEE; CORRECT?
25 A IT IS AN OBJECTIVE HERE.

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1 Q AND YOU WERE PRESENT AT THE MEETING; CORRECT?
2 A. YES.
3 Q. AND WHAT I AM TRYING TO UNDERSTAND IS WHAT WAS
4 BEING STATED AT THE MEETING IN RELATION TO WHETHER IT WAS
5 GOING TO BE PERMITTED OR NOT PERMITTED?
6 A. YEAH.
7 Q. ON THE SALE OF?
8 A. WHAT I CAN'T RECALL IS PRECISE DISCUSSIONS AT
9 THIS MEETING OF WHAT WAS GOING TO HAPPEN OR NOT GOING TO
10 HAPPEN.
11 Q. BUT IT'S FAIR DO SAY THAT AFTER THE DISCUSSIONS
12 AND WHEN MR. HODGES MEMORIALIZED THE NOTES, THAT IT WAS
13 RECOMMENDED THAT IT BE PERMITTED TO CONTINUE THE SALES AND
14 PROFITS OF AROCLORS?
15 MR. DAVIDSON: OBJECTION. THAT IS NOT WHAT
16 IT SAYS AT ALL.

MAERTIN 07-23-1998 John, Edward V..txt
17 Q. (BY MR. TAYLOR) DO YOU UNDERSTAND THE QUESTION?
18 A. NOT REALLY. STATE IT AGAIN.
19 Q. SURE.
20 AFTER THE -- AFTER THE DISCUSSIONS AS
21 MR. HODGES MEMORIALIZED THOSE DISCUSSIONS, THE COMMITTEE
22 RECOMMENDED THAT AROCLORS BE PERMITTED TO CONTINUE IN
23 SALES; CORRECT?
24 MR. DAVIDSON: I WILL OBJECT. THERE IS
25 NOTHING ABOUT RECOMMENDATIONS IN HERE AT ALL.

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1 THE WITNESS: UM --
2 MR. TAYLOR: IT SAYS HERE, "SUBMIT
3 RECOMMENDATIONS FOR ACTION WHICH WILL," YOU SEE THAT?
4 THE WITNESS: UH-HUH. I SEE THAT.
5 Q. (BY MR. TAYLOR) AND WAS IT THE COMMITTEE'S
6 RECOMMENDATION THAT IT BE PERMITTED TO CONTINUE, MEANING
7 THE SALES AND PROFITS OF AROCLORS?
8 MR. DAVIDSON: OBJECTION.
9 THE WITNESS: ALL I CAN TELL YOU IS WHAT IS
10 ON THE PIECE OF PAPER UNDER "OBJECTIVES." AND THERE ARE
11 THREE OF THEM THERE.
12 I DON'T RECALL ANY DISCUSSION. IT'S BEEN A LONG
13 TIME.
14 Q. (BY MR. TAYLOR) I UNDERSTAND, BUT WOULD YOU
15 AGREE THAT THIS DOCUMENT -- I AM ASKING YOU NOW TO LOOK AT
16 THE DOCUMENT.
17 A. UH-HUH.
18 Q. -- THAT THE DOCUMENT INDICATES THAT IT WAS A

MAERTIN 07-23-1998 John, Edward V..txt
19 RECOMMENDATION OF THE COMMITTEE THAT AROCLORS BE PERMITTED
20 TO CONTINUE TO BE SOLD?
21 MR. DAVIDSON: OBJECTION. THAT IS NOT WHAT
22 IT SAYS.
23 THE WITNESS: YOU ARE -- YOU ARE QUOTING
24 FROM THE DOCUMENT AND UNDER "OBJECTIVES," THAT'S NUMBER 1.
25 MR. TAYLOR: THANK YOU.

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1 AND, COUNSEL, JUST PLEASE --
2 MR. DAVIDSON: I AM NOT GOING TO LET YOU
3 KEEP DOING THAT, MISQUOTING THE VERY DOCUMENT YOU ARE
4 ASKING --
5 MR. TAYLOR: I AM NOT MISQUOTING.
6 MR. DAVIDSON: IT SAYS THE OBJECTIVE IS TO
7 SUBMIT RECOMMENDATIONS, DOESN'T SAY ANYTHING ABOUT THEM
8 HAVING BEEN SUBMITTED OR THAT ANY RECOMMENDATIONS ARE MADE.
9 MR. TAYLOR: I ASKED HIM WHAT WAS
10 RECOMMENDED AND THAT IS WHAT HE DID.
11 MR. DAVIDSON: NO, YOU DIDN'T. THE
12 OBJECTIVES ARE TO SUBMITTED RECOMMENDATIONS AS LISTED, NOT
13 THAT ANY RECOMMENDATIONS WERE MADE IN THIS DOCUMENT THAT
14 YOU'RE REFERRING TO.
15 MR. TAYLOR: I THINK IT SPEAKS FOR ITSELF.
16 I APPRECIATE YOUR --
17 MR. DAVIDSON: WELL, JUST DON'T ASK HIM ANY
18 MORE QUESTIONS ABOUT IT THEN, IF IT SPEAKS FOR ITSELF.
19 Q. (BY MR. TAYLOR) IF YOU CAN TURN TO THE THIRD
20 PAGE OF THAT DOCUMENT --

MAERTIN 07-23-1998 John, Edward V..txt
21 A. (COMPLYING.)
22 Q. -- UNDER NUMBER 8, "ENVIRONMENTAL CONTAMINATION BY
23 CUSTOMERS."
24 YOU SEE THAT?
25 A. YES.

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1 Q. DO YOU REMEMBER THOSE DISCUSSIONS?
2 A. NO.
3 Q. DO YOU REMEMBER DISCUSSIONS DEALING WITH ABRASION
4 AND LEACHING OF THE PRODUCT?
5 A. NO.
6 Q. IN CONNECTION WITH VARIOUS APPLICATIONS?
7 A. NO.
8 Q. IT SAYS HERE AT THE VERY VERY LAST PARAGRAPH, "A
9 GENERAL DISCUSSION WAS HELD ON PHILOSOPHY OF CONTROLLING
10 SALES OR WORKING WITH CUSTOMERS TO PREVENT POLLUTION BY
11 PCB'S."
12 DO YOU SEE THAT?
13 A. YES.
14 Q. WHAT CAN YOU RECOUNT FOR ME SOME OF THE GENERAL
15 DISCUSSIONS IN THAT REGARD?
16 A. NO. NO.
17 Q. DO YOU REMEMBER HAVING GENERAL DISCUSSIONS?
18 A. NO.
19 Q. WELL, WHERE WERE THESE MEETINGS HELD, THESE AD
20 HOC MEETINGS?
21 LET'S TAKE THIS ONE, THE FIRST MEETING, THAT'S
22 MEMORIALIZED IN JOHN NUMBER --

23

24 Q. (BY MR. TAYLOR) -- 4.

25 A. AT THE WORLD HEADQUARTERS LOCATION OF MONSANTO IN

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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1 ST. LOUIS.

2 Q. AND DO YOU REMEMBER ATTENDING THE MEETINGS?

3 A. VAGUELY.

4 Q. WELL, THIS WAS A NEW POSITION FOR YOU, I MEAN,
5 YOU HAD JUST BEEN AT THE FIRM ABOUT FOUR MONTHS; CORRECT?

6 A. RIGHT.

7 Q. AND WAS THIS AD HOC COMMITTEE TYPE FUNCTION
8 TAKING UP MOST OF YOUR TIME?

9 A. A GOOD PORTION OF MY TIME.

10 Q. OKAY.

11 TURN TO THE LAST PAGE, PLEASE.

12 A. (COMPLYING.)

13 Q. UNDER "ACTION PLANNED." IT SAYS, "EACH MEMBER OF
14 THE GROUP WILL SUBMIT TO THE OTHER MEMBERS FOR
15 CONSIDERATION POSSIBLE IDEAS AND PROGRAMS TO HELP
16 ACCOMPLISH THE OVERALL OBJECTIVES SET BY THE COMMITTEE."

17 DO YOU SEE THAT?

18 A. YES.

19 Q. WHAT WERE YOUR -- DO YOU REMEMBER ANY OF YOUR
20 RECOMMENDATIONS?

21 A. NO, SIR, I DON'T.

22 Q. DO YOU REMEMBER DOING THAT?

23 A. DOING WHAT?

24 Q. WHAT IT SAYS HERE, THAT YOU WILL SUBMIT TO THE

MAERTIN 07-23-1998 John, Edward V..txt
25 OTHER MEMBERS?

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1 A. NO, I DON'T REMEMBER.

2 Q. WHO WAS THE CHAIRMAN OF THE COMMITTEE,

3 MR. WHEELER?

4 A. UM --

5 Q. IT SAYS HERE -- I AM SORRY -- "E.P. WHEELER,

6 CHAIRMAN."

7 A. OKAY.

8 Q. AND HOW MANY AD HOC COMMITTEE MEETINGS WERE

9 THERE?

10 A. DON'T RECALL.

11 Q. WAS THERE MORE THAN ONE -- WAS THERE ANOTHER ONE

12 AFTER THIS?

13 A. I REMEMBER ATTENDING MORE THAN ONE.

14 MR. TAYLOR: I AM GOING TO MARK THIS.

15 (THE DOCUMENT REFERRED TO WAS THEREUPON

16 MARKED, "DEFENDANTS' EXHIBIT NUMBER 5 FOR

17 IDENTIFICATION," AND IS ATTACHED TO THE

18 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

19 Q. (BY MR. TAYLOR) SIR, BEFORE YOU IS A DOCUMENT

20 MARKED JOHN NUMBER 5, ENTITLED "EXECUTIVE SUMMARY PCB

21 POLLUTION."

22 IT BEARS BATES MAE023314 THROUGH MAE023322.

23 AND I ASK THAT YOU REVIEW THIS DOCUMENT AND TELL

24 ME IF YOU REMEMBER IT.

25 A. (COMPLYING.)

1 MS. O'CONNOR: I AM SORRY. CAN YOU REPEAT
2 THE MAE NUMBERS AGAIN?

3 MR. TAYLOR: OF COURSE.

4 MAE023314, THAT IS ON THE FRONT PAGE. AND IT
5 GOES THROUGH 023322.

6 MS. O'CONNOR: THANK YOU VERY MUCH.

7 THE WITNESS: OKAY.

8 Q. (BY MR. TAYLOR) OKAY. THE EXECUTIVE SUMMARY HAS
9 ATTACHED TO IT A STATEMENT. DO YOU SEE THAT, THE OCTOBER
10 29, 1969, STATEMENT?

11 A. YES.

12 Q. I WANT YOU TO TURN BACK TO THE FIRST PAGE, THE
13 EXECUTIVE SUMMARY, AND DO YOU RECOGNIZE THIS DOCUMENT?

14 A. THE --

15 Q. THE EXECUTIVE SUMMARY?

16 A. NO. NO.

17 Q. DO YOU RECOGNIZE THAT TITLE OF SOMETHING THAT AN
18 EXECUTIVE SUMMARY, WHAT THAT MEANS, WHAT THAT TYPE OF
19 DOCUMENT WOULD MEAN?

20 A. IT'S -- IT'S A TERM WE USE TO SUMMARIZE AN ISSUE.

21 Q. WAS THIS SOMETHING THAT THE PUBLIC RELATIONS
22 DEPARTMENT WOULD PREPARE?

23 A. I DON'T KNOW. I DON'T THINK SO.

24 Q. WHAT MAKES YOU THINK NOT?

25 A. UM -- IT CONTAINS INFORMATION THAT -- THAT SOUNDS

1 MORE RESEARCH OR CHEMISTRY OR WHAT DO I WANT TO SAY? SALES
2 ORIENTED.

3 Q. OKAY.

4 WELL, IF YOU TURN TO THE SECOND PAGE OF THIS
5 SUMMARY.

6 A. (COMPLYING.)

7 OKAY.

8 Q. AND UNDER 3, IT SAYS, "MAN."

9 DO YOU SEE THAT?

10 A. YES.

11 Q. IT SAYS, "THERE IS NO HARMFUL EFFECT KNOWN TO MAN
12 OR OTHER MAMMALS AFTER 40 YEARS OF PRODUCTION. STUDIES ARE
13 UNDERWAY BY VARIOUS SOURCES."

14 WHAT SOURCES WERE DOING STUDIES, THE MEDICAL --
15 MEDICAL STUDIES?

16 A. I DON'T KNOW.

17 Q. WELL, AS PART OF YOUR PUBLIC RELATIONS DIRECTORS,
18 WERE YOU RECEIVING INQUIRIES FROM THE PRESS REGARDING WHAT
19 STUDIES MONSANTO HAD IN PLACE IN CONNECTION WITH THE PCB
20 ISSUE?

21 A. DON'T RECALL THAT QUESTION SPECIFICALLY, NO.

22 Q. OKAY. WELL, DO YOU KNOW IF -- DO YOU REMEMBER
23 EARLIER I SHOWED YOU A MEMO BY RICHARD THAT SAID THAT THE
24 COMPANY WAS NOT PREPARED TO REFUTE THE CHARGES OF CANCER?
25 REMEMBER I SHOWED YOU THAT PARAGRAPH?

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1 A. I REMEMBER SEEING A MEMO FROM RICHARD, YES.

2 Q. WERE YOU AWARE OF ANYTHING BETWEEN MARCH OF '69,
3 WHEN RICHARD WROTE THAT MEMO, AND THIS OCTOBER 29TH, 1969,
4 MEMO WHERE MONSANTO BECAME PREPARED TO REFUTE THE
5 ALLEGATIONS OF CANCER?

6 MR. DAVIDSON: I WILL OBJECT.

7 THE WITNESS: NO.

8 Q. (BY MR. TAYLOR) AND UNDER 4, IT SAYS, "POLITICAL
9 AND PUBLIC EMOTION."
10 DO YOU SEE THAT?

11 A. YES.

12 Q. IT SAYS, "PCB'S LINKED TO DDT BECAUSE PCB'S SHOW
13 UP IN ANALYSES FOR DDT."

14 WHAT'S THAT MEAN, DO YOU KNOW?

15 A. THAT IS OUT OF MY EXPERTISE.

16 Q. DO YOU KNOW WHAT DDT IS?

17 A. YES.

18 Q. WHAT IS THAT?

19 A. IT IS AN INSECTICIDE, WAS AN INSECTICIDE.

20 Q. AND IN YOUR FUNCTION AS PUBLIC RELATIONS
21 DIRECTOR, WERE YOU ASKED QUESTIONS WHETHER PCB'S WERE
22 LINKED TO DDT?

23 A. I DON'T RECALL ANY QUESTIONS SPECIFICALLY LIKE
24 THAT, NO.

25 Q. NOW, IF YOU TURN TO THE STATEMENT WHICH IS

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1 ATTACHED TO THAT EXECUTIVE SUMMARY, DO YOU RECOGNIZE THAT
2 DOCUMENT?

3 A. IT LOOKS FAMILIAR.

4 Q. AND WHAT LOOKS FAMILIAR ABOUT IT?

5 A. THE STYLE.

6 Q. WHAT ABOUT THE STYLE?

7 A. DOUBLE SPACED. IT IS IN NEWS RELEASE FORMAT.

8 Q. AND IS THIS -- DO YOU REMEMBER BEING INVOLVED IN
9 THE PREPARATION OF THIS STATEMENT?

10 A. NOT SPECIFICALLY.

11 Q. WELL --

12 A. I LIKELY WOULD HAVE BEEN INVOLVED.

13 Q. AND IF YOU TURN TO THE LAST PAGE, IS THERE
14 ANYTHING ABOUT THE NOTATION AT THE END ABOUT THE TYPIST
15 THAT HELPS YOU IDENTIFY THIS DOCUMENT, WHETHER YOU WERE
16 INVOLVED?

17 A. NO.

18 Q. WELL, IF YOU GO TO THE SECOND PAGE OF THE
19 PARAGRAPH ON THE LAST PARAGRAPH, BEGINNING WITH "A
20 PRINCIPAL MARKET."

21 A. (COMPLYING.)

22 OKAY.

23 Q. DO YOU UNDERSTAND THAT STATEMENT ABOUT ELECTRICAL
24 APPLICATIONS AS OPPOSED TO OPEN USES?

25 A. YES.

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1 Q. AND IF YOU COULD JUST DO THE BEST TO ARTICULATE
2 WHAT YOUR UNDERSTANDING OF THAT DISTINCTION IS.

3 A. UM -- IN ELECTRICAL APPLICATIONS, THE FLUID USED
4 IN TRANSFORMERS, CAPACITORS ARE IN A CLOSED SYSTEM, AS
5 OPPOSED TO USING --

6 THE COURT REPORTER: AS OPPOSED TO USING --
7 THE WITNESS: -- AS OPPOSED TO USING IT IN
8 SOME OTHER TYPES OF PRODUCTS.

9 Q. (BY MR. TAYLOR) AND WHAT WERE THOSE OTHER TYPES
10 OF PRODUCTS?

11 A. I DON'T KNOW THE NAMES OF THEM, BUT THE
12 PLASTICIZER DIVISION OR BUSINESS GROUP WAS INVOLVED WITH
13 THEM.

14 Q. MAYBE THE NEXT PAGE WILL --

15 A. OKAY.

16 Q. -- WILL HELP YOU THERE WHEN IT TALKS ABOUT "PCB'S
17 ARE ALSO USED," THEN THE NEXT PAGE?

18 A. OKAY.

19 Q. OKAY.

20 A. UH-HUH.

21 Q. WHY DON'T YOU JUST READ THAT PARAGRAPH?

22 A. "ARE ALSO USED IN SEVERAL APPLICATIONS WHERE THE
23 CHEMICAL IS INCORPORATED INTO A POLYMER AS AN INTEGRAL PART
24 OF THE SOLID MATERIAL."

25 Q. YOU CAN STOP THERE.

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1 A. OKAY.

2 Q. WHAT'S THAT MEAN? DO YOU UNDERSTAND WHAT THAT
3 MEANS?

4 A. NOT IN TERMS OF CHEMISTRY, NO.

5 Q. I DON'T MEAN CHEMISTRY, I MEAN THE TYPES OF
6 APPLICATIONS THAT THAT MIGHT REFER TO?

7 A. NOT REALLY.

8 Q. WELL, IT GOES ON TO SAY --
9 A. THEY GIVE SOME EXAMPLES.
10 Q. DOES THAT REFRESH YOUR RECOLLECTION?
11 A. YES.
12 Q. WAS IT YOUR UNDERSTANDING THAT IN THOSE TYPES OF
13 APPLICATIONS THAT THEY WERE NOT LIKELY TO LEACH FROM THE
14 PRODUCT AND GET INTO THE ENVIRONMENT?
15 A. YES.
16 Q. THAT WAS YOUR UNDERSTANDING?
17 A. UH-HUH, AND NOT GET INTO THE ENVIRONMENT?
18 Q. RIGHT.
19 A. YEAH.
20 Q. OKAY.
21 MR. TAYLOR: IF WE CAN MARK THIS NEXT
22 DOCUMENT AS JOHN --
23 THE COURT REPORTER: 6.
24 MR. TAYLOR: -- 6.
25 (THE DOCUMENT REFERRED TO WAS THEREUPON

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1 MARKED, "DEFENDANTS' EXHIBIT NUMBER 6 FOR
2 IDENTIFICATION," AND IS ATTACHED TO THE
3 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)
4 Q. (BY MR. TAYLOR) JUST TAKE A MINUTE, SIR.
5 WHAT'S BEEN MARKED AS JOHN NUMBER 6, IT'S A ROUGH
6 DRAFT DATED 11-10-69 TITLED "OUTLINE PCB ENVIRONMENTAL
7 POLLUTION ABATEMENT PLAN," AND IT BEARS BATES MAE023703 AND
8 IT GOES THROUGH 023742.
9 IT IS A LONG DOCUMENT. I DON'T EXPECT YOU TO

10 READ THE WHOLE THING. I AM CERTAINLY NOT GOING TO ASK YOU
11 QUESTIONS ABOUT THE WHOLE THING. I JUST WANT YOU TO LOOK
12 AT IT.

13 A. (COMPLYING.)

14 OKAY.

15 Q. DOES THIS DOCUMENT LOOK FAMILIAR TO YOU?

16 A. NO, IT DOESN'T.

17 Q. IS IT SOMETHING THAT WOULD HAVE BEEN SOMEONE'S
18 DUTY WITHIN THE AD HOC COMMITTEE?

19 A. I COULDN'T TELL.

20 Q. WHETHER IT WAS AN OFFICIAL FUNCTION OF THE AD HOC
21 COMMITTEE OR THEIR OTHER FUNCTIONS WITHIN THE COMPANY?

22 A. I DON'T KNOW.

23 Q. IF YOU TURN -- REASON I ASK THAT, ON THE THIRD
24 PAGE OF THE DOCUMENT, IT SAYS, "PCB ENVIRONMENTAL POLLUTION
25 ABATEMENT PLAN, INTRODUCTION."

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1 YOU SEE THAT?

2 I AM SORRY. THIRD PAGE IN FROM THE COVER.

3 A. OH, YES.

4 Q. OKAY. AND UNDER -- UNDER "INTRODUCTION," IT
5 SAYS, ON 15 OCTOBER THE AD HOC COMMITTEE CONSISTING OF
6 MESSRS. FARRAR, HODGES, JOHN RICHARD AND WHEELER ISSUED A
7 REPORT.

8 DO YOU SEE THAT?

9 A. YES.

10 Q. AND WELL, FIRST OF ALL, DO YOU REMEMBER THAT
11 REPORT THAT WAS ISSUED?

12 A. NO.

13 Q. DO YOU REMEMBER ISSUING A REPORT?

14 A. NO.

15 Q. I MEAN FROM THE AD -- NOT YOU PERSONALLY, I MEAN
16 THE AD HOC COMMITTEE.

17 AND YOU CAN LOOK BACK AT THE OTHER EXHIBITS THAT
18 HAVE BEEN MARKED, IF THAT HELPS YOU.

19 A. (COMPLYING.)

20 NO.

21 Q. LET ME SEE IF I CAN HELP YOU, IF I HAVE THE
22 REPORT DATED IN AND AROUND THAT TIME.

23 IT WOULD HAVE BEEN AFTER -- AT LEAST ACCORDING TO
24 THIS, JOHN NUMBER 6 -- IT WOULD HAVE BEEN AFTER YOUR FIRST
25 MEETING IN SEPTEMBER, AND I'M WONDERING IF YOU THINK ABOUT

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1 IT IN THAT WAY, IF YOU REMEMBER A REPORT THAT WAS ISSUED
2 AFTER YOUR FIRST MEETING?

3 A. NO, I DON'T.

4 Q. AND IT SAYS, "OUT OF THIS" -- I AM GOING DOWN
5 NOW.

6 A. UH-HUH.

7 Q. -- ON THE THIRD PAGE HERE, IT SAYS, "OUT OF THIS
8 REPORT CAME CONSIDERABLE INFORMATION, CONCLUSIONS AND
9 RECOMMENDATIONS WHICH WE HAVE ATTEMPTED TO TIE TOGETHER
10 INTO A PLAN OF ACTION IN THIS DOCUMENT."

11 A. UH-HUH.

12 Q. I'M WONDERING IF -- DOES THAT JOG YOUR MEMORY AS
13 TO THIS ISSUE OF THIS REPORT THAT WAS ISSUED?

14 A. NO.
15 Q. IF YOU TURN TO PAGE FIVE OF THE ACTUAL REPORT.
16 A. OKAY.
17 Q. TURN TO PAGE FIVE.
18 A. (COMPLYING.)
19 Q. YOU SEE THAT?
20 A. YES.
21 Q. IT BEARS BATES MAE023711.
22 UNDER (A), IT SAYS, "LEGAL LIABILITY."
23 DO YOU SEE THAT?
24 A. YES.
25 Q. DID YOU HAVE DEALINGS WITH THE LEGAL DEPARTMENT

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1 IN YOUR FUNCTION AS PUBLIC RELATIONS DIRECTOR?
2 A. YES.
3 Q. AND WHO IN THE LEGAL DEPARTMENT DID YOU DEAL
4 WITH?
5 A. I DON'T REMEMBER HIS NAME.
6 Q. PARK?
7 A. SOUNDS FAMILIAR.
8 Q. IT SAYS HERE AND, AGAIN, THIS DOCUMENT, JOHN 6,
9 IS DATED NOVEMBER 10, 1969. IT SAYS, "ALL CUSTOMERS USING"
10 -- THIS IS UNDER "LEGAL LIABILITY."
11 A. UH-HUH.
12 Q. -- WERE YOU -- STRIKE THAT.
13 IN THE AD HOC COMMITTEE, WAS IT DISCUSSED -- WAS
14 THE POSSIBILITY OF LAWSUITS DISCUSSED WITHIN THE AD HOC
15 COMMITTEE?

16 MR. DAVIDSON: I WILL ENTER AN OBJECTION,
17 INSTRUCT THE WITNESS NOT TO DISCUSS ANY CONVERSATIONS,
18 INFORMATION, RECEIVED FROM MEMBERS OF THE LAW DEPARTMENT,
19 WITH RESPECT TO THIS ISSUE.

20 Q. (BY MR. TAYLOR) WELL, WAS A MEMBER OF THE LAW
21 DEPARTMENT ON THE AD HOC COMMITTEE '?

22 A. I DON'T BELIEVE SO.

23 Q. WERE MEMBERS OF THE LAW DEPARTMENT PRESENT AT
24 YOUR AD HOC COMMITTEE MEETINGS?

25 A. DON'T RECALL.

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1 Q. OKAY. WELL, WITHIN THE AD HOC COMMITTEE -- AND I
2 DON'T WANT TO KNOW ANYTHING ABOUT WHAT ONE OF YOUR LAWYERS
3 TOLD YOU -- WAS THE CONCERN OVER LAWSUITS DISCUSSED AMONGST
4 THE MEMBERS OF THE AD HOC COMMITTEE?

5 A. AGAIN, DISCUSSIONS WITHIN THE AD HOC COMMITTEE, I
6 HAVE NO RECOLLECTION OF ANY -- OF ANY DISCUSSIONS.

7 Q. OKAY.

8 A. I DO RECALL SOME OF THE THINGS THAT ARE PUBLISHED
9 HERE.

10 Q OKAY. DO YOU RECALL THIS ISSUE?

11 A I CAN'T RECAN'T -- RECAN'T --

12 Q. I CAN APPRECIATE THAT.

13 A. -- OR RECALL DISCUSSIONS.

14 Q. OKAY.

15 A. THAT IS A LONG TIME AGO.

16 Q. I AM NOT ASKING YOU THE SPECIFICS OF THE
17 CONVERSATION. THAT IS WHY I HOPE MAYBE SOME OF THESE

18 DOCUMENTS WILL HELP.

19 DO YOU REMEMBER, GENERALLY, DISCUSSIONS WITHIN
20 THE AD HOC COMMITTEE ABOUT GENERAL LIABILITY?

21 A. DON'T RECALL.

22 Q. IT SAYS HERE, "ALL CUSTOMERS USING THESE PRODUCTS
23 HAVE NOT BEEN OFFICIALLY NOTIFIED ABOUT KNOWN EFFECTS NOR
24 DO OUR LABELS CARRY THIS INFORMATION."

25 DO YOU SEE THAT?

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1 A. YES.

2 Q. DO YOU SEE THAT?

3 A. YES.

4 Q. "THESE ARE ONLY A FEW OF THE POSSIBLE LEGAL
5 IMPLICATIONS WHICH WOULD BEST BE COVERED BY THE LEGAL
6 DEPARTMENT."

7 YOU SEE THAT?

8 A. YES.

9 Q. WITHIN THE AD HOC COMMITTEE, DO YOU, AS PUBLIC
10 RELATIONS DIRECTOR, DO YOU REMEMBER ANY DISCUSSIONS ABOUT
11 THE TIMING OF WHEN YOU WERE GOING TO ADVISE THE CUSTOMERS
12 ABOUT THE PCB PROBLEM?

13 A. I DON'T RECALL.

14 Q. DO YOU REMEMBER THE ISSUE COMING UP?

15 A. NO, I DON'T.

16 Q. IF YOU GO ON TO THE NEXT PAGE OF THIS DOCUMENT,
17 PAGE SIX, IT SAYS, "EFFECT ON CUSTOMERS AND ULTIMATE
18 CONSUMERS."

19 DO YOU SEE THAT?

20 A. YES.

21 Q. IT SAYS, "ONE OF THE UNIQUE FEATURES OF PCB'S IS
22 THEIR FIRE RESISTANCE."

23 DO YOU SEE THAT?

24 A. YES.

25 Q. IT GOES ON TO TALK ABOUT -- WELL, IT TALKS ABOUT

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1 THE RISKS INVOLVED IN -- WELL, LET ME JUST READ IT.

2 IT SAYS, "HERE THE BASIC DECISION WHETHER TO RISK
3 LIVES DUE TO FIRE OR RISK EXTINCTION OF SOME SPECIES OF
4 BIRDS."

5 DO YOU SEE THAT?

6 A. YES.

7 Q. DO YOU REMEMBER WITHIN THE AD HOC COMMITTEE ANY
8 GIVE AND TAKE ABOUT A RISK BEING --

9 A. NO.

10 Q. LET ME FINISH MY QUESTION. -- ABOUT THE RISK
11 ANALYSIS OF CONTINUING THE USE OF PCB'S AND POSSIBLY
12 DAMAGING SOME SPECIES OF BIRDS?

13 A. I DON'T RECALL ANY SUCH DISCUSSION.

14 Q. AND DO YOU REMEMBER DEALING WITH ANYONE IN YOUR
15 TRAINING AND BECOMING FAMILIAR WITH THE PRODUCTS, THAT YOU
16 WERE GOING TO BE REPRESENTING DISCUSSIONS ABOUT THE
17 QUALITIES, THE POSITIVE QUALITIES OF THE AROCLOR PRODUCTS?

18 A. UM -- I GUESS I DON'T UNDERSTAND WHAT YOU ARE
19 SAYING.

20 Q. WELL, I GUESS WHAT I AM SAYING IS THAT THE
21 AROCLOR PRODUCTS HAD SOME BENEFITS?

22 A. SURE.
23 Q. THAT IS WHAT I MEAN BY POSITIVE QUALITIES.
24 AND DID YOU BECOME AWARE OF THOSE POSITIVE THINGS
25 ABOUT AROCLORS?

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1 A. YES.
2 Q. AND WAS ONE OF THEM ITS ABILITY TO RESIST FIRE?
3 A. YES.
4 Q. OKAY. AND DID YOU EVER GET -- RECEIVE A
5 DISTINCTION OR RECEIVE INFORMATION ABOUT WHETHER AROCLORS
6 WERE ACTUALLY A FIRE RETARDANT AS OPPOSED TO FIRE
7 RESISTANT?
8 A. I DON'T --
9 MR. DAVIDSON: OBJECT.
10 THE WITNESS: -- I DON'T RECALL THE
11 DISTINCTION, NO.
12 Q. (BY MR. TAYLOR) OKAY.
13 MR. TAYLOR: LET'S MARK THIS AS JOHN 7.
14 (THE DOCUMENT REFERRED TO WAS THEREUPON
15 MARKED, "DEFENDANTS' EXHIBIT NUMBER 7 FOR
16 IDENTIFICATION," AND IS ATTACHED TO THE
17 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)
18 Q. (BY MR. TAYLOR) SIR, BEFORE YOU HAS BEEN MARKED
19 A DOCUMENT, BEEN MARKED JOHN NUMBER 7. IT IS ENTITLED
20 "MINUTES OF MEETING WITH CORPORATE DEVELOPMENT COMMITTEE,"
21 DATED NOVEMBER 17, 1969.
22 BEARS BATES MAE058593 THROUGH -95.

23 IF YOU COULD JUST TAKE A MOMENT AND REVIEW THAT
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24 DOCUMENT.

25 A. (COMPLYING.)

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1 OKAY.

2 Q. IT REFERS TO A CORPORATE DEVELOPMENT COMMITTEE.

3 DO YOU REMEMBER THAT COMMITTEE?

4 A. YES.

5 Q. WAS THAT DIFFERENT THAN THE CORPORATE MANAGEMENT
6 COMMITTEE?

7 A. I REMEMBER IT IN THESE TERMS, CORPORATE
8 DEVELOPMENT COMMITTEE.

9 Q. YOU DON'T REMEMBER IT IN TERMS OF THE CORPORATE
10 MANAGEMENT COMMITTEE?

11 A. NO.

12 Q. I THINK I SAID THAT EARLIER THAT'S WHAT I THOUGHT
13 IT WAS CALLED. AND I BELIEVE THERE IS SOME REFERENCE TO A
14 CORPORATE MANAGEMENT COMMITTEE AS WELL.

15 YOUR UNDERSTANDING IT WAS A CORPORATE DEVELOPMENT
16 COMMITTEE?

17 A. I AM FAMILIAR WITH THAT TERM, YES.

18 Q. OKAY. AND YOU RECOGNIZE THESE, THOSE PRESENT AT
19 THOSE, AT LEAST AS RECOUNTED IN JOHN NUMBER 7, THOSE BEING
20 THE UPPER MANAGEMENT?

21 A. YES.

22 Q. AND BOCK, IS HE THE CHAIRMAN OF THAT COMMITTEE OR
23 IS HE THE CHAIRMAN OF THE COMPANY?

24 A. HE AT THE TIME I WAS THERE -- AT THE TIME I CAME
25 TO WORK THERE, HE WAS THE PRESIDENT OF THE COMPANY.

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1 Q. AND DOWN BELOW, AND I AM -- I DON'T KNOW IF
2 THINGS HAVE BEEN REDACTED HERE, BUT THERE IS A BLANK, AND
3 IT SAYS, "ORGANIC DIVISION, LAW AND MEDICAL DEPARTMENTS,
4 REPORT ON POLYCHLORINATED BIPHENYLS."

5 YOU SEE THAT?

6 A. YES.

7 Q. "PRESENT."

8 AND I DON'T SEE YOU IN THAT GROUP.

9 WAS IT COMMON THAT THE CORPORATE DEVELOPMENT
10 COMMITTEE WOULD MEET WITH OTHER MEMBERS OR MEMBERS OF THE
11 DIVISION IN THEIR -- IN THEIR FUNCTION?

12 A. THAT WOULD BE REASONABLE, YES.

13 Q. REASONABLE?

14 A. YES.

15 Q. AND WAS THIS CORPORATE DEVELOPMENT COMMITTEE PUT
16 TOGETHER TO STUDY THE PCB PROBLEM?

17 A. I DON'T KNOW.

18 Q. YOU DON'T KNOW WHETHER THEY WERE AN ALREADY
19 EXISTING COMMITTEE BEFORE THE PC PROBLEM?

20 A. MY RECOLLECTION IS IT WAS A STANDING COMMITTEE
21 PROVISION.

22 Q. AND DID YOU HAVE DEALINGS WITH THE CORPORATE
23 DEVELOPMENT COMMITTEE?

24 A. NO, I DIDN'T.

25 Q. AND IF YOU GO DOWN TO THE BOTTOM OF THE SECOND

78

1 PAGE, THE SECOND TO THE LAST PARAGRAPH SAYS, "IN

2 PLASTICIZER USES" --

3 YOU SEE THAT?

4 A. UH-HUH.

5 Q. -- "EVIDENCE IS NOT AVAILABLE AS TO WHETHER

6 AROCLORS ESCAPE FROM END PRODUCTS, EITHER THROUGH LEACHING

7 OR DISPERSAL IN BURNING."

8 YOU SEE THAT?

9 A. YES.

10 Q. DO YOU REMEMBER STUDIES IN THAT REGARD?

11 A. NO, I DON'T.

12 Q. WELL, THE PRESS WAS ASKING QUESTIONS REGARDING

13 IT, HOW IT WOULD GET INTO THE ENVIRONMENT FROM AN OPEN USE;

14 CORRECT?

15 A. I'D HAVE TO REVIEW MY PRESS SHEETS.

16 Q. OKAY.

17 AND THE LAST PAGE --

18 A. UH-HUH.

19 Q. -- ON NUMBER (2), IT SAYS, "NOTIFY ALL AROCLOR

20 CUSTOMERS OF PCB PROBLEM."

21 AGAIN, WERE YOU INVOLVED IN, WHEN IT CAME TO TIME

22 TO NOTIFY THE CUSTOMERS, WERE YOU INVOLVED IN THAT

23 NOTIFICATION?

24 A. NOT -- NOT THAT I RECALL.

25 Q. LET ME SHOW YOU -- WELL, LET'S MARK THIS FIRST.

79

1 MR. TAYLOR: MARK THAT AS NUMBER 8.
2 (THE DOCUMENT REFERRED TO WAS THEREUPON
3 MARKED, "DEFENDANTS' EXHIBIT NUMBER 8 FOR
4 IDENTIFICATION," AND IS ATTACHED TO THE
5 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

6 Q. (BY MR. TAYLOR) SIR, THIS IS A LETTER BEARING
7 BATES MAE054432 TO -33. IT IS HANDWRITING FEBRUARY 1970,
8 MAILING. AND IT'S FROM WALTER SCHALK.

9 DO YOU RECOGNIZE THIS DOCUMENT?

10 A. NO, I DON'T.

11 Q. DO YOU KNOW WHO WALTER SCHALK IS OR W.E. SCHALK
12 IS?

13 A. I REMEMBER HIM, YES.

14 Q. AND WHAT DO YOU REMEMBER ABOUT HIM?

15 A. HE WAS IN THE PLASTICIZER'S GROUP IN THE SALES
16 PART OF THE PLASTICIZER'S GROUP.

17 Q. DID YOU DEAL WITH HIM IN YOUR FUNCTION AS PUBLIC
18 RELATIONS DIRECTOR OF THE ORGANIC CHEMICALS DIVISION?

19 A. IT'S LIKELY I DID.

20 Q. DID YOU DEAL WITH HIM IN CONNECTION WITH THE PCB
21 ISSUE, WHETHER THE AROCLORS WERE GOING TO BE WITHDRAWN FROM
22 THE MARKET?

23 A. I DON'T RECALL THAT.

24 Q. IN A LETTER -- DO YOU REMEMBER THAT LETTERS WENT
25 TO CUSTOMERS ADVISING THEM OF THE PCB PROBLEM?

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

80

1 A. A LETTER THAT WE HAVE LOOKED AT HERE?

MAERTIN 07-23-1998 John, Edward V..txt

2 Q I AM SHOWING YOU A LETTER.

3 A. NO.

4 Q. GENERALLY --

5 A. NO.

6 Q. -- YOU DON'T REMEMBER THE COMPANY DECIDING TO

7 SEND LETTERS TO ITS CUSTOMERS ADVISING THEM OF THE PCB

8 PROBLEM?

9 A. WELL, THAT SOUNDS FAMILIAR, YES.

10 Q. THAT'S WHAT I ASKED.

11 A. OKAY.

12 Q. AND AS -- THERE WAS NO ONE ELSE, AT THIS POINT IN

13 FEBRUARY OF 1970, IN THE ORGANIC CHEMICAL DIVISION PUBLIC

14 RELATIONS DEPARTMENT EXCEPT YOURSELF; CORRECT?

15 A. RIGHT.

16 Q. AND WERE YOU ADVISED THAT A LETTER WAS GOING TO

17 BE GOING OUT TO THE CUSTOMERS REGARDING THE PCB SITUATION?

18 A. I DON'T REMEMBER IT. IT'S LIKELY THAT I WAS.

19 Q. AND WOULD IT BE LIKELY THAT YOU WOULD HAVE SEEN

20 IT BEFORE IT WENT OUT FOR YOUR COMMENT OR --

21 A. POSSIBLY, YES.

22 Q. OKAY.

23 AND DO YOU REMEMBER GIVING ADVICE ON THE

24 LETTER THAT WENT TO CUSTOMERS?

25 A. NO, I DON'T.

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

81

1 Q. BUT IT'S POSSIBLE THAT YOU DID?

2 A. IT'S POSSIBLE.

3 Q. IS IT PROBABLE?

4 MAERTIN 07-23-1998 John, Edward V..txt
MR. DAVIDSON: OBJECTION.

5 THE WITNESS: I DON'T -- I DON'T KNOW.

6 PROBABLE THAT I MADE COMMENTS ON THE LETTER?

7 Q. (BY MR. TAYLOR) RIGHT.

8 A. I DON'T KNOW HOW TO ANSWER THAT.

9 Q. WELL, AS I UNDERSTAND YOUR FUNCTION -- AND

10 CORRECT ME IF I AM WRONG --

11 A. I WOULD HAVE HAD THE OPTION TO MAKE COMMENTS, HAD

12 I WANTED TO.

13 Q. OKAY.

14 NOW, LOOKING AT JOHN NUMBER 8, AND HAVE YOU READ

15 THIS SITTING HERE TODAY?

16 A. YES, UH-HUH.

17 Q. DO YOU HAVE A RECOLLECTION OF THIS LETTER GOING

18 OUT TO CUSTOMERS?

19 A. I DO NOT.

20 Q. DO YOU REMEMBER THAT YOUR NAME WAS GIVEN TO

21 CUSTOMERS AS THE PERSON TO CALL FOR MORE INFORMATION ON

22 THIS PCB ISSUE?

23 A. I DON'T RECALL THAT.

24 Q. YOU DON'T RECALL?

25 A. CUSTOMERS CALLING ME, NO.

♀ ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

82

1 Q. RIGHT.

2 A. NO.

3 Q. DO YOU REMEMBER WHETHER THE AD HOC COMMITTEE

4 CHANGED ITS RECOMMENDATION THAT AROCLORS BE PERMITTED TO BE

5 CONTINUED TO BE SOLD?

MAERTIN 07-23-1998 John, Edward V..txt
MR. DAVIDSON: OBJECTION.

THE WITNESS: AGAIN, I AM SORRY. I DON'T
REALLY -- CAN YOU REPHRASE THE QUESTION?

Q. (BY MR. TAYLOR) SURE.

AT SOME POINT AFTER YOUR FIRST MEETING OF THE AD
HOC COMMITTEE IN SEPTEMBER OF 1969, DO YOU REMEMBER IF THE
AD HOC COMMITTEE EVER CHANGED ITS RECOMMENDATION THAT
AROCLORS BE PERMITTED TO BE SOLD?

A. I DON'T RECALL ANYTHING LIKE THAT.

MR. TAYLOR: LET'S MARK THIS AS JOHN NUMBER
9.

(THE DOCUMENT REFERRED TO WAS THEREUPON
MARKED, "DEFENDANTS' EXHIBIT NUMBER 9 FOR
IDENTIFICATION," AND IS ATTACHED TO THE
ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

Q. (BY MR. TAYLOR) IF YOU COULD JUST TAKE A MINUTE
AND REVIEW THIS. THIS IS A -- IT SAYS, "NEWS, MONSANTO,
FOR RELEASE IMMEDIATELY, 1970."

IT HAS YOUR NAME, E.V. JOHN, THE TOP RIGHT
CORNER.

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

83

IT BEARS BATES MAE059949 TO 059951.

IF YOU COULD JUST TAKE A MOMENT AND READ THIS
RELEASE.

A. (COMPLYING.)

MR. TAYLOR: EXCUSE US ON THE PHONE, WE ARE
JUST A LITTLE HOT IN THIS ROOM AND TRYING TO GET SOME AIR
FLOWING.

MAERTIN 07-23-1998 John, Edward V..txt
8 Q. (BY MR. TAYLOR) HAVE YOU HAD A CHANCE TO REVIEW
9 THAT, MR. JOHN?
10 A. YES.
11 Q. IS THIS A PRESS RELEASE THAT YOU PREPARED?
12 A. YES.
13 Q. AND WHAT MAKES YOU SAY THAT, JUST THE FACT THAT
14 YOUR NAME IS IN THE TOP, RIGHT-HAND CORNER?
15 A. YES.
16 Q. DO YOU HAVE AN INDEPENDENT RECOLLECTION OF
17 PREPARING THIS PRESS RELEASE?
18 A. NO, I DON'T.
19 Q. BUT IT WAS APRIL 10, 1970?
20 A. THAT'S RIGHT.
21 Q. AND IT SAYS, AND WHEN YOU PREPARE SOMETHING LIKE
22 THIS, JUST GENERALLY, I AM NOT ASKING YOU ABOUT THIS
23 SPECIFICALLY, IS THAT WHAT YOU TALKED ABOUT EARLIER, YOU
24 WOULD GO TO ONE OF THE DIVISIONS OR THE SECTIONS AND GET
25 THE INFORMATION FROM A TECHNICAL PERSON?

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

84

1 A. YES.
2 Q. OKAY. NOW, IT SAYS HERE TOWARD THE BOTTOM OF THE
3 LAST PARAGRAPH, "WE HAVE ALSO BEEN IN CLOSE CONTACT WITH
4 OUR CUSTOMERS."
5 DO YOU SEE THAT?
6 A. YES.
7 Q. OKAY. IT SAYS, "MONSANTO HAS SPENT OVER ONE
8 MILLION TO VERIFY OR CORRECT SCIENTIFIC REPORTS, MONITOR
9 THE USE OF PCB AND SEARCH FOR SUBSTITUTE PRODUCTS WHERE

10 NEEDED."

11 DO YOU SEE THAT?

12 A. UH-HUH, YES.

13 Q. WHAT WAS DONE BY MONSANTO TO MONITOR THE USE OF
14 PCB'S?

15 A. I CAN'T ANSWER THAT BECAUSE THAT IS NOT MY AREA
16 OF EXPERTISE.

17 Q. WELL, WHERE WOULD YOU HAVE GOTTEN THAT
18 INFORMATION?

19 A. THIS IS A CORRECT QUOTE FROM HOWARD MINCKLER.

20 Q. OKAY. SO, YOU WENT TO MINCKLER TO GET THIS
21 INFORMATION?

22 A. APPARENTLY, YES.

23 MR. TAYLOR: IF YOU CAN NOW, I AM GOING TO
24 MARK AS NUMBER 9 --

25 THE COURT REPORTER: 10.

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

85

1 MR. TAYLOR: -- NUMBER 10.

2 Q. (BY MR. TAYLOR) YOU SEE IT'S FROM W.B.
3 PAPAGEORGE?

4 A. YES.

5 Q. DO YOU KNOW THAT NAME?

6 A. YES.

7 Q. AND DID YOU DEAL WITH MR. PAPAGEORGE?

8 A. YES, I DID.

9 Q. AND WHAT WAS HIS FUNCTION?

10 A. HE WAS THE CHAIRMAN OF THE AD HOC COMMITTEE OR
11 LATER TASK FORCE THAT MONITORED THE PCB ISSUE.

12 Q. BUT HE WAS A MEMBER OF THE AD HOC COMMITTEE AS

13 WELL?

14 A. WELL, AD HOC COMMITTEE DISAPPEARED WHEN

15 MR. PAPAGEORGE CAME -- CAME ON.

16 Q. YOU SEE THAT YOU ARE COPIED ON THIS MEMO. YOU

17 SEE THAT?

18 A. YES.

19 Q. AND DO YOU REMEMBER THE AROCLOR LABELING ISSUE.

20 A. NO, I REALLY DON'T.

21 Q. DO YOU REMEMBER THAT MR. PAPAGEORGE AS HE SAYS,

22 "WE ARE ANXIOUS TO MAKE THIS CHANGE QUICKLY. MAY I HAVE

23 YOUR COMMENTS?"

24 DO YOU SEE THAT DOWN AT THE BOTTOM?

25 A. YES, UH-HUH.

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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1 Q. DO YOU KNOW WHY HE WAS ANXIOUS TO MAKE THIS

2 LABELING CHANGE QUICKLY?

3 A. NO, I DON'T.

4 Q. THAT'S NOT AN ISSUE THAT YOU REMEMBER DEALING

5 WITH?

6 A. NOT AT ALL.

7 Q. IS THIS SOMETHING THAT YOU WOULD MAKE COMMENTS

8 ON, THE LABELING LANGUAGE?

9 A. I MIGHT HAVE HAD THE OPTION TO DO THAT.

10 Q. DO YOU KNOW WHEN THE LABELING CHANGE WAS

11 EVENTUALLY MADE?

12 A. NO, I DON'T.

13 Q. IF I TOLD YOU IT WAS IN AUGUST OF 1970, WOULD

MAERTIN 07-23-1998 John, Edward V..txt
14 THAT SURPRISE YOU?
15 MR. DAVIDSON: OBJECTION.
16 THE WITNESS: I GUESS I WOULDN'T HAVE ANY
17 REACTION.
18 Q. (BY MR. TAYLOR) WOULD YOU CONSIDER APRIL TO
19 AUGUST TO MAKE THAT CHANGE TO BE QUICKLY?
20 A. LABELING CHANGE?
21 Q. YEAH.
22 A. I GUESS I WOULD ASSUME THAT WOULD BE FAIRLY
23 QUICKLY.
24 Q. WHY DO YOU SAY THAT?
25 A. APRIL TO AUGUST?

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366
87

1 Q. YEAH. WHAT MAKES YOU -- WHAT IS THE BASIS OF
2 YOUR ASSUMPTION THAT THAT'S REASONABLE?
3 A. I DON'T KNOW. JUST SEEMS LIKE FAIRLY QUICK
4 ACTION TO ME.
5 Q. BASED UPON WHAT YOU KNEW ABOUT MONSANTO AS A
6 COMPANY?
7 MR. DAVIDSON: OBJECTION.
8 THE WITNESS: I DON'T KNOW HOW TO ANSWER IT.
9 IT SEEMS LIKE REASONABLY QUICK ACTION TO ME.
10 Q. (BY MR. TAYLOR) OKAY.
11 SIR, I WANT TO MARK AS NUMBER 11, JOHN NUMBER
12 11 --
13 (THE DOCUMENT REFERRED TO WAS THEREUPON
14 MARKED, "DEFENDANTS' EXHIBIT NUMBER 11 FOR
15 IDENTIFICATION," AND IS ATTACHED TO THE

16 MAERTIN 07-23-1998 John, Edward V..txt
ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)
17 Q. (BY MR. TAYLOR) -- A JUNE 2, 1970, PUBLIC
18 RELATIONS DEPARTMENT PRESS INQUIRY --
19 A. UH-HUH.
20 Q. -- AND ASK YOU JUST TO REVIEW THAT BRIEFLY.
21 MS. O'CONNOR: EXCUSE ME. COULD YOU GIVE
22 PLEA THE MAE NUMBERS FOR 10 AND 11?
23 MR. TAYLOR: SURE.
24 MR. DAVIDSON: 10 IS MAE053947, ONE PAGE.
25 AND 11 IS MAE059955 THROUGH -56.

♀ ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366
88

1 MS. O'CONNOR: THANK YOU, GERARD.
2 Q. (BY MR. TAYLOR) ON THE SECOND PAGE ON THE
3 QUESTION BEGINNING WITH -- WELL, LET ME ASK YOU THIS --
4 STRIKE THAT.
5 YOU ARE REFERRED TO AS A STAFFER HERE ON THE
6 SECOND PAGE.
7 A. OKAY.
8 Q. DO YOU SEE THAT IN THE BOTTOM?
9 A. YES.
10 Q. WHAT'S THAT MEAN, STAFFER?
11 A. MEMBER OF THE PUBLIC RELATIONS DEPARTMENT.
12 Q. IT SAYS SOURCE, PAPAGEORGE, FILES.
13 DID YOU REVIEW THE FILES TO GET THIS INFORMATION?
14 A. APPARENTLY, I HAD -- I HAD BEEN ASKED SOME OF
15 THESE QUESTIONS BEFORE AND I WENT BACK AND USED THOSE
16 ANSWERS.
17 Q. WHY DO YOU SAY APPARENTLY THAT YOU HAVE BEEN

18 USED?

19 A. BECAUSE THE WORD "FILES" THERE, FILES IS THERE AS
20 A SOURCE.

21 Q. THAT WOULD MEAN THAT THE QUESTION HAD BEEN ASKED
22 BEFORE AND THERE WAS AN ANSWER ON FILE?

23 A. YES.

24 Q. OKAY.

25 MR. TAYLOR: I AM GOING TO MARK AS NUMBER

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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1 12, JOHN NUMBER 12, THE NEXT DOCUMENT.

2 (THE DOCUMENT REFERRED TO WAS THEREUPON
3 MARKED, "DEFENDANTS' EXHIBIT NUMBER 12 FOR
4 IDENTIFICATION," AND IS ATTACHED TO THE
5 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

6 Q. (BY MR. TAYLOR) AND ASK YOU, AGAIN, JUST TO
7 REVIEW THAT.

8 A. (COMPLYING.)

9 MR. DAVIDSON: CAROLYN, THE MAE NUMBER
10 0599661 TO -62.

11 MR. TAYLOR: I HAVE THAT -- HAVEN'T
12 IDENTIFIED IT YET, BUT THANK YOU.

13 MR. DAVIDSON: I AM SORRY. I AM SORRY.

14 Q. (BY MR. TAYLOR) SIR, BEFORE YOU MARKED NUMBER 12
15 AS A PUBLIC RELATIONS PUBLIC DEPARTMENT REQUEST QUERIED BY
16 JULY 14, 1970, MR. DAVIDSON, AS I MENTIONED, MENTIONED THE
17 BATES NUMBER.

18 HAVE YOU SEEN THIS DOCUMENT BEFORE?

19 A. YES. I AM THE PERSON WHO HANDLED THE INQUIRY.

MAERTIN 07-23-1998 John, Edward V..txt
20 Q. SIR, JUST BY WAY OF BACKGROUND AND PREPARATION
21 FOR YOUR DEPOSITION, DID YOU REVIEW DOCUMENTS?
22 A. UM -- I LOOKED AT SOME.
23 Q. WHAT DID YOU LOOK AT?
24 MR. DAVIDSON: OBJECTION. INSTRUCT THE
25 WITNESS NOT TO ANSWER AS PRIVILEGED INFORMATION.

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366
90

1 MR. TAYLOR: IT IS NOT PRIVILEGED
2 INFORMATION, MR. DAVIDSON. I AM ASKING WHAT DOCUMENTS HE
3 REVIEWED IN PREPARATION FOR THE DEPOSITION.
4 MR. DAVIDSON: I UNDERSTAND. AND WHAT
5 DOCUMENTS WE SELECTED IS ATTORNEY WORK PRODUCT.
6 MR. TAYLOR: I THINK THAT'S NO BASIS FOR
7 THAT OBJECTION AND I AM NOT GOING TO GET THE JUDGE ON THE
8 LINE NOW. I THINK YOU RUN THE RISK OF HAVING TO COME OUT
9 HERE AGAIN.
10 IMPROPER OBJECTION, ESPECIALLY FROM SOMEONE THAT
11 IS NOT EVEN ADMITTED IN THIS CASE.
12 MR. DAVIDSON: YOU ALREADY WAIVED THAT LONG
13 AGO.
14 MR. TAYLOR: WE HAVEN'T WAIVED ANYTHING.
15 MR. DAVIDSON: YOU SAID YOU WEREN'T GOING TO
16 RAISE THAT.
17 MR. TAYLOR: I AM JUST TELLING YOU I THINK
18 YOU SHOULD BE CAREFUL ON YOUR OBJECTIONS WHEN YOU --
19 MR. DAVIDSON: I UNDERSTAND THAT.
20 MR. TAYLOR: -- YOU HAVE NOT SIGNED SWORN
21 AS, I HAVE BEEN ADMITTED IN PRO HAC VICE TO UNDERSTAND THE

MAERTIN 07-23-1998 John, Edward V..txt
22 LOCAL RULES AND PROPER OBJECTIONS OF DISCOVERY. I DON'T
23 THINK THAT'S A PROPER OBJECTION. THAT'S ALL I AM SAYING.
24

25 I THINK YOU SHOULD RECONSIDER YOUR OBJECTION. I

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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1 AM NOT ASKING HIM ABOUT CONVERSATIONS WITH YOU. I AM
2 ENTITLED TO KNOW WHAT HE REVIEWED TO PREPARE FOR THIS
3 DEPOSITION. I DON'T WANT TO KNOW LETTERS AND WHAT WAS SAID
4 IN LETTERS BETWEEN COUNSEL.

5 MY QUESTION IS WHAT MONSANTO DOCUMENTS THAT HE
6 REVIEWED IN PREPARING FOR THE DEPOSITION, AND THAT IS NOT
7 OBJECTIONABLE.

8 MR. DAVIDSON: I MADE THE OBJECTION AND IT
9 IS THE OBJECTION MADE BEFORE BY NEW JERSEY COUNSEL.

10 MR. TAYLOR: THAT DOESN'T MAKE IT RIGHT.

11 MR. DAVIDSON: I RUN THE RISK.

12 I AM INSTRUCTING THE WITNESS NOT TO SAY WHAT
13 DOCUMENTS --

14 MR. TAYLOR: FINE.

15 MR. DAVIDSON: -- I SELECTED OR MR. DEMORO
16 (PHONETIC) SELECTED TO REVIEW WITH HIM IN PREPARATION FOR
17 THIS DEPOSITION.

18 MR. TAYLOR: YOU DO RUN THE RISK.

19 AND YOU ARE INSTRUCTING THE WITNESS NOT TO ANSWER
20 MY QUESTION?

21 MR. DAVIDSON: YES.

22 Q. (BY MR. TAYLOR) SIR, ON JOHN NUMBER 12, WHO IS
23 JOHN MASON?

MAERTIN 07-23-1998 John, Edward V..txt
24 A. I BELIEVE HE RAN OUR TOKYO OFFICE AT THE TIME.
25 Q. AND YOU DEALT WITH HIM IN PREPARING THIS PRESS

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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1 INQUIRY?
2 A. YES.
3 Q. AND ALSO YOU LOOKED AT THE FILES?
4 A. YES.
5 Q. ACCORDING TO THIS DOCUMENT?
6 A. YES.
7 Q. AND ON THE SECOND PAGE THERE IS A QUESTION. IT
8 SAYS, "COULD IT BE THAT YOU DON'T KNOW SOME OF THE END USES
9 FOR PCB?" QUESTION MARK.
10 DO YOU SEE THAT?
11 A. YES.
12 Q. IT SAYS, "AT ONE TIME THIS WAS PROBABLY TRUE,
13 SINCE SOME OF THE PRODUCT WAS SOLD THROUGH DISTRIBUTORS, ET
14 CETERA."
15 DO YOU SEE THAT?
16 A. YES.
17 Q. GOES ON TO SAY, "NOW, HOWEVER, WE HAVE VERY GOOD
18 CONTROL OVER USE OF THE PRODUCT AND BETTER KNOWLEDGE OF ITS
19 END USES?
20 A. UH-HUH.
21 Q. WHAT WAS YOUR UNDERSTANDING -- WELL, STRIKE THAT.
22 DID YOU HAVE AN UNDERSTANDING -- UNDERSTANDING AS
23 TO WHEN THE AROCLOR PRODUCTS WERE SOLD TO DISTRIBUTORS?
24 A. NO, I DIDN'T. I -- I DON'T RECALL.
25 Q. WELL, DO YOU -- AT THE TIME WHEN YOU WERE PUBLIC

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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1 RELATIONS DIRECTOR FOR THE ORGANIC CHEMICAL DIVISION, WERE
2 YOU AWARE THAT THERE WERE DISTRIBUTORS GENERALLY THAT
3 DISTRIBUTED THE AROCLOR PCB PRODUCTS?

4 A. GENERALLY, I WOULD SAY.

5 Q. AND WHAT DISTRIBUTORS WERE YOU AWARE OF?

6 A. NONE THAT I CAN RECALL BY NAME.

7 Q. DID YOU BECOME AWARE THAT AT A TIME THAT THE
8 AROCLOR PRODUCTS WERE NO LONGER DISTRIBUTED TO CUSTOMERS
9 THROUGH DISTRIBUTORS?

10 A. YOU MEAN WHEN THAT ACTUALLY HAPPENED?

11 Q. NO. WERE YOU AWARE THAT THAT DID HAPPEN, THAT
12 THEY NO LONGER USED DISTRIBUTORS TO DISTRIBUTE AROCLOR
13 PRODUCTS?

14 A. YES. I MUST HAVE FOUND IT OUT FROM JOHN MASON.

15 Q. YOU REMEMBER THAT BEING A FACT, THAT AT SOME
16 POINT, I AM NOT ASKING WHEN, THAT THE AROCLOR PRODUCTS WERE
17 NOT GIVEN TO CUSTOMERS THROUGH DISTRIBUTORS?

18 A. YES. YES, ONE OF MY ANSWERS.

19 Q. I UNDERSTAND. BUT YOU ARE JUST NOT SURE WHEN
20 THAT HAPPENED?

21 A. YEAH, THAT IS CORRECT.

22 MR. TAYLOR: MARK AS NUMBER 13 THIS NEXT
23 DOCUMENT.

24 (THE DOCUMENT REFERRED TO WAS THEREUPON
25 MARKED, "DEFENDANTS' EXHIBIT NUMBER 13 FOR

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

1 IDENTIFICATION," AND IS ATTACHED TO THE
2 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

3 Q. (BY MR. TAYLOR) AGAIN, THIS DOCUMENT MARKED AS
4 JOHN NUMBER 13 IS MONSANTO MEMORANDUM DATED OCTOBER 6TH,
5 1970, FROM WILLIAM PAPAGEORGE TO A SERIES OF PEOPLE,
6 INCLUDING MR. JOHN.

7 IT BEARS BATES MAE028452 AND IT GOES THROUGH
8 028464.

9 MR. JOHN, AGAIN, I DON'T WANT YOU TO, UNLESS YOU
10 WANT TO, OR YOUR COUNSEL WANTS YOU TO, READ THE WHOLE
11 DOCUMENT, BUT JUST TELL ME IF YOU RECOGNIZE THIS DOCUMENT?

12 A. YES.

13 Q. AND WHAT DO YOU RECOGNIZE ABOUT IT?

14 A. MR. PAPAGEORGE DID A MONTHLY SUMMARY TO THESE
15 PEOPLE IN THE COMPANY.

16 Q. YOU INCLUDED?

17 A. YES.

18 Q. AND AT THIS POINT WAS THE AD HOC COMMITTEE, IN
19 OCTOBER OF 1970, THE AD HOC COMMITTEE STILL FUNCTIONING?

20 A. NO. MY RECOLLECTION, THE AD HOC COMMITTEE
21 WASN'T REFERRED TO AS THE AD HOC COMMITTEE AFTER
22 MR. PAPAGEORGE CAME.

23 Q. AND DO YOU REMEMBER WHEN MR. PAPAGEORGE CAME ON
24 BOARD?

25 A. NOT PRECISELY. SOMEWHERE AROUND THE END OF '69,

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

1 BEGINNING OF '70.

2 Q. IF YOU TURN TO THE SECOND PAGE UNDER "MARKETING,"
3 DID YOU -- WHAT WAS YOUR UNDERSTANDING OF WHAT THE
4 CUSTOMERS -- WELL, OFF, DO YOU REMEMBER WHEN THE AROCLOR
5 PRODUCTS WERE PULLED FROM THE MARKET?

6 A. NO.

7 Q. WHAT WAS YOUR UNDERSTANDING -- STRIKE THAT.
8 DID YOU HAVE AN UNDERSTANDING OF WHAT THE
9 CUSTOMERS WERE SUPPOSED TO DO WITH THEIR INVENTORY OF
10 AROCLORS THAT WERE BEING PULLED FROM THE MARKET?

11 A. AS I RECALL, THEY WERE -- WE HAD MADE AN OFFER TO
12 THEM TO RETURN IT TO THE COMPANY.

13 Q. IF YOU TURN -- YOU ARE THERE, BUT ON THE SECOND
14 PARAGRAPH UNDERNEATH "MARKETING," BEGINNING WITH "ORDERS
15 FOR THE PRODUCTS WHICH WILL REPLACE THE WITHDRAWN AROCLORS"
16 --

17 DO YOU SEE THAT?

18 A. UM -- I AM SORRY. UNDER "MARKETING?"

19 Q. YES.

20 A. YES. YES. OKAY.

21 Q. IT SAYS, "IT WILL BE SEVERAL MONTHS BEFORE
22 SUBSTANTIAL VOLUMES ARE BEING SOLD, HOWEVER, AS MOST
23 COMPANIES HAVE SOME INVENTORY OF THE OLD PRODUCTS IN
24 STOCK."

25 DO YOU SEE THAT?

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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1 A. YES.

2 Q. DO YOU HAVE ANY RECOLLECTION IN YOUR DUTIES IN
Page 90

3 DEALING WITH CUSTOMERS ABOUT THE USE OF THEIR LEFTOVER
4 INVENTORY?

5 A. NO. I HAD VERY LITTLE -- VERY LITTLE CONTACT
6 WITH CUSTOMERS.

7 MR. TAYLOR: CAN WE TAKE FIVE? I NEED TO
8 RUN --

9 WE ARE GOING TO TAKE FIVE, CAROLYN.

10 I DON'T HAVE MUCH LONGER. OKAY. MAYBE 45
11 MINUTES.

12 (THERE WAS A SHORT BREAK TAKEN AT
13 12:23 P.M. UNTIL 12:29 P.M.)

14 MR. TAYLOR: LET'S MARK NUMBER 14.

15 (THE DOCUMENT REFERRED TO WAS THEREUPON
16 MARKED, "DEFENDANTS' EXHIBIT NUMBER 14 FOR
17 IDENTIFICATION," AND IS ATTACHED TO THE
18 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

19 Q. (BY MR. TAYLOR) MR. JOHN, BEFORE YOU IS WHAT'S
20 BEEN MARKED JOHN NUMBER 14 WITH TODAY'S DATE. IT'S
21 FEBRUARY 19, 1971, PRESS INQUIRY.

22 IT BEARS BATES MAE032743 -- -44.

23 JUST TAKE A MOMENT TO LOOK AT THAT.

24 A. (COMPLYING.)

25 OKAY.

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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1 Q. OKAY. I DIDN'T ASK YOU THIS, BUT AT THIS POINT,
2 GENERALLY, IS PART OF YOUR FUNCTION AS DIRECTOR OF PUBLIC
3 RELATIONS FOR THE ORGANIC CHEMICAL DIVISION TO DEAL WITH
4 LOBBYISTS AND POLITICAL PEOPLE?

5 A. NO.

6 Q. WHO WOULD DEAL WITH THEM?

7 A. THE CORPORATION HAD AN OFFICE IN WASHINGTON AND A
8 PERSON STATIONED THERE.

9 Q. AND WHEN YOU SAY DEAL WITH, I GUESS THAT WAS
10 POORLY PHRASED.

11 I DON'T MEAN YOU DIRECTLY INTERFACING WITH THEM,
12 BUT WOULD YOU GET INVOLVED IN HELPING WITH STATEMENTS IN
13 CONNECTION WITH THE POLITICAL PROCESS, PUBLIC STATEMENTS IN
14 CONNECTION WITH THE POLITICAL PROCESS?

15 A. IF OUR PERSON IN WASHINGTON ASKED FOR
16 INFORMATION, FOR EXAMPLE, THAT WE'RE GIVING TO THE PRESS --

17 Q. THAT IS WHAT I MEAN.

18 A. -- YES, I WOULD SHARE THAT WITH THEM.

19 Q. AND IT SAYS, WHO WAS THE PERSON ASKING -- IN THIS
20 PRESS INQUIRY -- WHO WAS THE PERSON ASKING QUESTIONS?

21 A. IT MUST HAVE BEEN KEN KABALE (PHONETIC) AT
22 CHEMICAL WEEK WHICH IS A TRADE PUBLICATION.

23 Q. OKAY. AND THE SOURCES WAS -- SOURCE WAS
24 PAPAGEORGE?

25 A. YES.

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1 Q. AND PAPAGEORGE CAME TO THE COMPANY WHEN AFTER
2 YOU?

3 A. AFTER -- WELL, NO, I AM SORRY. HE WAS WITH THE
4 COMPANY FOR, I GUESS, A LONG TIME BEFORE I CAME.

5 Q. IN WHAT CAPACITY, DO YOU KNOW?

6 A. I DON'T REMEMBER.

7 Q. AND THE STATEMENT HERE, THE SECOND PARAGRAPH
8 UNDER "ANSWER" SAYS, "IF YOU HAD ASKED US FOUR YEARS AGO
9 (IN 1967) 'WHAT PRODUCTS DO YOU MANUFACTURE WHICH YOU THINK
10 WILL GIVE YOU ENVIRONMENTAL PROBLEMS IN THE NEXT FIVE
11 YEARS?' SUCH A LIST OF PRODUCTS PREPARED 1967 WOULD NOT
12 HAVE INCLUDED PCB."

13 DO YOU SEE THAT?

14 A. YES.

15 Q. DO YOU REMEMBER THAT STATEMENT?

16 A. NOT SPECIFICALLY, NO.

17 Q. WAS THAT, THE ADVISABILITY OF MAKING THAT
18 STATEMENT, DISCUSSED WITH YOU?

19 A. MY SOURCE WAS PAPAGEORGE AND SO I AM SURE HE
20 PROVIDED THAT INFORMATION.

21 Q. AND THAT HIS QUOTE THERE BEGINNING WITH "WHAT
22 PRODUCTS DO YOU MANUFACTURE," ENDING WITH "NEXT FIVE
23 YEARS?" END OF QUOTE.

24 A. THIS IS A QUOTE BACK TO THE REPORTER, FOR
25 EXAMPLE, IF I WERE ASKING HIM A QUESTION.

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1 Q. OKAY. WHO WAS IDENTIFIED AS THE PERSON MAKING
2 THAT STATEMENT?

3 A. MY SOURCES PROBABLY.

4 Q. PAPAGEORGE?

5 A. YEAH.

6 Q. IN THE ARTICLE IT WOULD SAY PAPAGEORGE SAID
7 WHATEVER?

8 A. THEY OFTEN READ IT THAT WAY.

9 Q. OKAY.
10 MR. TAYLOR: WE'RE OFF THE RECORD FOR A
11 SECOND.
12 LET'S MARK THIS THOUGH, MARK THIS DOCUMENT
13 AS NUMBER 15 AND 16.
14 (THE DOCUMENTS REFERRED TO WERE THEREUPON
15 MARKED, "DEFENDANTS' EXHIBIT NUMBERS 15 AND
16 16 FOR IDENTIFICATION," AND ARE ATTACHED TO
17 THE ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)
18 Q. (BY MR. TAYLOR) OKAY. LOOK AT WHAT'S BEEN
19 MARKED AS JOHN 15 IS A MEMORANDUM DATED JULY 23, 1971,
20 LOOKS LIKE TO MR. E.V. JOHN FROM R. EMMET KELLY, M.D.
21 DO YOU RECOGNIZE THAT DOCUMENT?
22 A. NO.
23 Q. AM I CORRECT THAT THAT MEMO IS DIRECTED TO YOU?
24 A. YES.
25 Q. AND UNDERNEATH YOUR NAME, IT SAYS, "C2SE."

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1 WHAT'S THAT DESIGNATION?
2 A. IT IDENTIFIES THE BUILDING WHERE MY OFFICE WAS
3 LOCATED.
4 Q. OKAY.
5 IS THIS A TYPICAL COMMUNICATION FROM SOMEONE IN
6 THE MEDICAL DEPARTMENT TO YOU REGARDING AN ISSUE?
7 A. I THINK IT WOULD BE A TYPICAL -- YES, BUSINESS
8 MEMO.
9 Q. AND DO YOU REMEMBER IN CONNECTION WITH THIS ISSUE
10 WHETHER AN ANSWER WAS GIVEN AS MR. -- OR AS DR. KELLY HAS

11 SUGGESTED?

12 A. TO A PRESS INQUIRY OR -- I DON'T REMEMBER USING
13 ANY OF THIS, NO.

14 Q. YOU DON'T?

15 A. NO.

16 Q. OKAY.

17 AND DO YOU REMEMBER THE TESTING WITH RATS AND
18 OTHER ANIMALS?

19 A. JUST, YES, THAT IT WAS PART OF -- PART OF
20 MONSANTO'S PROGRAM --

21 Q. BUT I MEAN --

22 A. -- TO BE AWARE OF.

23 Q. -- DO YOU REMEMBER THAT BEING PART OF YOUR
24 FUNCTION IN DEALING WITH THE PUBLIC RELATIONS?

25 A. OH, NO, HU-HUH.

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1 MR. TAYLOR: LET'S MARK NEXT AS JOHN

2 NUMBER --

3 THE COURT REPORTER: 16.

4 MR. TAYLOR: -- 16.

5 (THE DOCUMENT REFERRED TO WAS THEREUPON
6 MARKED, "DEFENDANTS' EXHIBIT NUMBER 16 FOR
7 IDENTIFICATION," AND IS ATTACHED TO THE
8 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

9 Q. (BY MR. TAYLOR) MR. JOHN, BEFORE YOU IS A
10 DOCUMENT ENTITLED "PRESENTATION TO FIELD SALES, PERSONAL
11 AND CONFIDENTIAL."

12 IT BEARS BATES MAE033475 THROUGH 033484.

13 AND I ASK IF YOU COULD REVIEW THAT AND TELL ME IF
14 YOU HAVE SEEN THAT DOCUMENT BEFORE?

15 A. (COMPLYING.)

16 IT DOES NOT LOOK FAMILIAR.

17 Q. GENERALLY, IF YOU'D GO THROUGH THE DOCUMENT, I
18 WILL GET YOU A REFERENCE, YOU WILL SEE ON PAGE SEVEN OF THE
19 DOCUMENT, IT SAYS, "A LIST OF DO'S AND DON'TS FOR REGIONAL
20 MANAGERS."

21 A. UH-HUH.

22 Q. AND IT SAYS (2) "A LIST OF 'LIKELY' QUESTIONS,
23 CUSTOMER QUESTIONS."

24 DO YOU SEE THAT?

25 A. YES.

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1 Q. AND THEN ON PAGE 8 AND -- WELL, 8 THROUGH 10, IT
2 DEALS WITH SOME SCENARIOS WITH CUSTOMER QUESTIONS.

3 DO YOU SEE THAT?

4 A. YES.

5 Q. IS THAT SOMETHING THAT YOU GOT INVOLVED IN?

6 A. I DON'T BELIEVE SO.

7 Q. WOULD THAT BE SOMETHING THAT YOU WOULD LIKELY GET
8 INVOLVED IN?

9 A. NO, I DON'T THINK SO.

10 Q. THE SALES DIVISION WOULDN'T ASK YOUR ADVICE ABOUT
11 HOW THEY SHOULD RESPOND TO VARIOUS QUESTIONS FROM
12 CUSTOMERS?

13 A. I DON'T RECALL THAT THEY WOULD, NO.

14 MR. TAYLOR: WE WILL MARK THIS AS JOHN 17.
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15 (THE DOCUMENT REFERRED TO WAS THEREUPON
16 MARKED, "DEFENDANTS' EXHIBIT NUMBER 17 FOR
17 IDENTIFICATION," AND IS ATTACHED TO THE
18 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

19 Q. (BY MR. TAYLOR) BEFORE YOU, MR. JOHN, IS A
20 DOCUMENT ENTITLED "POSSIBLE CUSTOMER QUESTIONS ON PCB'S."
21 IT BEARS BATES MAE034803 -- I AM SORRY -- 034803
22 TO 034814.

23 AND ASK YOU IF YOU REMEMBER THIS DOCUMENT?

24 A. I DON'T REMEMBER IT SPECIFICALLY, NO.

25 Q. DO YOU REMEMBER IT GENERALLY?

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1 A. IT LOOKS LIKE SOMETHING I MIGHT HAVE CONTRIBUTED
2 TO.

3 Q. WHY IS THAT?

4 A. BECAUSE OF ALL THE BACKGROUND MATERIAL IN TERMS
5 OF NEWS MEDIA COVERAGE OF THE ISSUE.

6 Q. AND THAT'S ON THE FIRST PAGE UNDER "PUBLICITY?"

7 A. WELL, YEAH, THE NEWS MEDIA ARTICLES ARE
8 UNDERLINED HERE THROUGHOUT, SO I COULD HAVE BEEN THE PERSON
9 TO HAVE GOT THOSE TOGETHER.

10 Q. THOSE REFERENCES TOGETHER?

11 A. YES.

12 Q. OKAY.

13 AND IF YOU LOOK UNDER "ANSWER" ON THE FIRST PAGE.

14 A. UH-HUH.

15 Q. COULD YOU GO BACK TO THE FIRST PAGE?

16 A. UH-HUH.

17 Q. THE PARAGRAPH BEGINNING WITH "COPIES OF THE
18 ARTICLES" --

19 DO YOU SEE WHERE IT SAYS "MADE AVAILABLE ON
20 REQUEST?"

21 A. OKAY.

22 Q. IT SAYS, "REGIONAL MANAGERS SHOULD CONTACT
23 E.V. JOHN, PUBLIC RELATIONS MANAGER, ORGANIC CHEMICALS
24 DIVISION, IN ST. LOUIS AND COPIES WILL BE FORWARDED TO THE
25 CUSTOMER THROUGH THE REGIONAL MANAGER'S OFFICE."

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1 DO YOU SEE THAT?

2 A. YES.

3 Q. DO YOU REMEMBER THAT HAPPENING WHERE REGIONAL
4 MANAGERS IN THE SALES FORCE CONTACTED YOU REQUESTING SOME
5 OF THESE PUBLICATIONS FOR THE CUSTOMERS?

6 A. ONLY NOW THAT I HAVE SEEN IT.

7 Q. DOES THAT REFRESH YOUR RECOLLECTION?

8 A. YES.

9 Q. OKAY. AND WHAT DO YOU REMEMBER ABOUT THAT?

10 A. THAT I WAS THE CONTACT FOR REGIONAL MANAGERS FOR
11 ANY INFORMATION THAT WE HAD SHARED WITH THE PRESS OR ANY
12 INFORMATION THAT APPEARED IN THE NEWS MEDIA.

13 Q. AND DO YOU REMEMBER THAT IN FACT HAPPENING,
14 REGIONAL MANAGERS CONTACTING YOU SAYING ED, MR. JOHN, CAN
15 YOU SEND ME THAT ARTICLE BECAUSE XYZ, ONE OF MY COMPANIES,
16 WANTS A COPY OF IT?

17 A. I DON'T REMEMBER THOSE SPECIFIC REQUESTS.

18 Q. YOU DON'T REMEMBER A SINGLE REQUEST?

19 A. NO.
20 Q. OKAY. ANYTHING ELSE ABOUT THIS DOCUMENT INDICATE
21 TO YOU THAT YOU MAY HAVE PARTICIPATED OR CONTRIBUTED TO ITS
22 CREATION?
23 A. NO, NOTHING ELSE.
24 Q. WELL, IF YOU GO, MR. JOHN, TOWARD THE END --
25 A. UH-HUH.

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1 Q. -- IN FACT, THE SECOND TO THE LAST PAGE, PAGE 11
2 OF THE DOCUMENT, THERE IS "APPLICATIONS?"
3 A. OKAY.
4 Q. AND THERE'S QUESTIONS ONE THROUGH THREE ON THE
5 SECOND TO THE LAST PAGE, THEN IT GOES ONTO PAGE FOUR -- IT
6 GOES TO QUESTION SIX.
7 DO YOU SEE THAT?
8 A. YES.
9 Q. AND WHAT WAS THE INTENT OF THIS DOCUMENT?
10 MR. DAVIDSON: OBJECTION.
11 Q. (BY MR. TAYLOR) DO YOU KNOW?
12 A. NO, NOT SPECIFICALLY, NO.
13 Q. DO YOU KNOW IF THIS WAS TO BE DISTRIBUTED TO THE
14 REGIONAL SALES MANAGERS OR TO THE ACTUAL SALES -- THE SALES
15 REPS AS WELL?
16 A. NO, I WOULDN'T KNOW.
17 MR. DAVIDSON: OBJECTION.
18 Q. (BY MR. TAYLOR) ON QUESTION THREE, SECOND TO THE
19 LAST PAGE, ON QUESTION THREE, SECOND TO THE LAST PAGE, THE
20 QUESTION IS "DOES MONSANTO INTEND TO CONTINUE MANUFACTURE
Page 99

21 OF AROCLOR 1254/1260, ET CETERA?" QUESTION MARK.

22 YOU SEE THAT?

23 A. YES.

24 Q. AND THE ANSWER, IT SAYS, "I HAVE BEEN GIVEN NO
25 INDICATION OTHERWISE."

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1 DO YOU SEE THAT?

2 A. YES.

3 Q. WAS IT YOUR UNDERSTANDING -- WELL, STRIKE THAT.

4 WHEN WAS THE SALES FORCE ADVISED THAT THE COMPANY
5 WAS CONSIDERING -- AND I SAY SALES FORCE, I MEAN FROM THE
6 TOP OF THE SALES DIVISION DOWN TO THE TROOPS -- GIVEN
7 INFORMATION REGARDING THE COMPANY'S DISCUSSIONS ABOUT THE
8 POSSIBILITY OF WITHDRAWING AROCLORS FROM THE MARKET?

9 MR. DAVIDSON: OBJECTION.

10 THE WITNESS: I HAVE NO --

11 Q. (BY MR. TAYLOR) THAT IS SOMETHING YOU WEREN'T
12 INVOLVED IN?

13 A. NO, AND BESIDES, IT'S AGAIN THE TIME GAP BETWEEN
14 THEN AND NOW.

15 Q. MEAN RECOLLECTION?

16 A. RECOLLECTION.

17 Q. ALL RIGHT.

18 NUMBER 18.

19 (THE DOCUMENT REFERRED TO WAS THEREUPON
20 MARKED, "DEFENDANTS' EXHIBIT NUMBER 18 FOR
21 IDENTIFICATION," AND IS ATTACHED TO THE
22 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

23 MR. TAYLOR: I MAY HAVE GIVEN YOU ONE THAT I
24 MARKED UP. THERE'S NOTHING MAGICAL ON IT. THIS MIGHT BE
25 IT.

♀
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1 Q. (BY MR. TAYLOR) I AM GOING TO SHOW YOU WHAT'S
2 BEEN MARKED PREVIOUSLY AT A DEPOSITION, IT'S VG7, WITH THE
3 DATE 4-3-98 ON IT. IF YOU JUST TAKE A MOMENT.

4 IS THAT YOUR -- WELL, IT BEARS BATES STAMP
5 MAE059971 TO 059973.

6 IS THAT YOUR HANDWRITING AT THE TOP, THE WORD
7 "PLASTICIZERS?"

8 MR. DAVIDSON: EXCUSE ME. I AM GOING TO
9 ASK --

10 MR. TAYLOR: SURE.

11 MR. DAVIDSON: -- ARE WE REMARKING THIS AS
12 17 -- I MEAN 18?

13 MR. TAYLOR: VANGELDER NUMBER 7, I AM JUST
14 REFERRING TO IT. WE DON'T NEED TO REMARK IT.

15 MR. DAVIDSON: OKAY. OKAY.
16 SORRY.

17 Q. (BY MR. TAYLOR) IS THAT YOUR HANDWRITING?

18 A. NO.

19 Q. OKAY. IT SAYS IN THE SECOND PARAGRAPH IN THE
20 FIRST PAGE, "IN 1969 AN EXHAUSTIVE SURVEY OF OUR PCB
21 CUSTOMERS WAS MADE TO DETERMINE EXACTLY WHERE THESE
22 PRODUCTS WERE BEING USED."

23 YOU SEE THAT?

24 A. YES.

25 Q. WERE YOU INVOLVED IN THAT SURVEY?

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1 A. NO.

2 Q. WERE YOU AWARE THAT A SURVEY WAS CONDUCTED?

3 A. NO.

4 Q. DID YOU EVER SEE THE RESULTS OF THE SURVEY?

5 A. NO.

6 Q. I AM GOING TO SHOW YOU WHAT WAS MARKED AS
7 VANGELDER VG8 WITH THE DATE 4-3-98. IT IS A APRIL 3, 1970,
8 MEMORANDUM FROM CUMMING PATON TO A LOT OF PEOPLE, INCLUDING
9 YOURSELF. IT LOOKS LIKE YOU WERE CC'D ON THIS.

10 SUBJECT, AROCLOR BULLETIN O/PL-306.

11 IT BEARS BATES MAE059946 -- -47.

12 AM I CORRECT THAT YOU WERE COPIED ON THIS?

13 A. CORRECT.

14 Q. IT WILL ONLY TAKE YOU A MINUTE, IF YOU COULD JUST
15 REVIEW THIS DOCUMENT.

16 A. (COMPLYING.)

17 A. OKAY.

18 Q. OKAY. DO YOU REMEMBER THIS MEMORANDUM?

19 A. NO, I DON'T.

20 Q. DO YOU REMEMBER THE ISSUE OF THE TECHNICAL
21 BULLETIN NEEDING TO BE REVISED IN LIGHT OF --

22 A. NO.

23 Q. LET ME FINISH -- IN LIGHT OF THE MONSANTO'S
24 INVESTIGATION INTO THE PCB'S?

25 A. NO, I REALLY DON'T.

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1 Q. AND WHEN HE SAYS IN THE MIDDLE OF THAT MAIN
2 PARAGRAPH ON THE FIRST PAGE, "IT WOULD APPEAR INCONSISTENT
3 FROM AN IMAGE STANDPOINT THAT AT THE TIME WE ARE
4 PROMISING," THERE IS A PARENTHETICAL, (IN ALL SINCERITY,
5 LET ME EMPHASIZE) END OF PARENTHETICAL, "SUPPORT TO
6 SCIENTISTS/AGENCIES WE PUBLISH A NEW BULLETIN PROMOTING
7 PCB'S."

8 DO YOU SEE THAT?

9 A. YES.

10 Q. AS A LAYMAN, THAT SOUNDS LIKE AN ISSUE THAT THE
11 PUBLIC RELATIONS DEPARTMENT MIGHT GET INVOLVED IN THAT --
12 DID YOU GET INVOLVED IN THAT ISSUE AT ALL?

13 A. NO, I SURE DIDN'T.

14 Q. YOU DON'T REMEMBER THAT ISSUE BEING RAISED BY
15 CUMMING PATON OR ANYBODY IN THE SALES FORCE?

16 A. I SURE DON'T, NO.

17 Q. WHAT WAS CUMMING PATON'S POSITION, DO YOU
18 REMEMBER?

19 A. NO, I DON'T. I DON'T REMEMBER WHAT HIS EXPERTISE
20 WAS.

21 Q. YOU REMEMBER WHAT DIVISION HE WAS IN OR HE WAS IN
22 ORGANIC CHEMICALS?

23 A. YES.

24 Q. DO YOU REMEMBER WHAT SUBDIVISION HE WAS IN WITHIN
25 THE ORGANIC CHEMICALS DIVISION?

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1 A. I DON'T KNOW, SORRY.

2 DOCTOR KELLY WAS SOMEONE THAT YOU DEALT WITH?

3 A. YEAH.

4 Q. YOU SAID YOU DEALT WITH HIM FREQUENTLY?

5 A. YES.

6 Q. HE WAS A CONTACT THAT YOU NEEDED TO GET

7 INFORMATION ON THE MEDICAL SIDE OF THINGS IN CASE THERE WAS

8 AN INQUIRY REGARDING THAT?

9 A. CORRECT.

10 Q. LET'S MARK THIS, I BELIEVE IT WAS MARKED IN

11 ANOTHER CASE, BUT WE WILL MARK IT JOHN NUMBER 18.

12 (THE DOCUMENT REFERRED TO WAS THEREUPON

13 MARKED, "DEFENDANTS' EXHIBIT NUMBER 18 FOR

14 IDENTIFICATION," AND IS ATTACHED TO THE

15 ORIGINAL TRANSCRIPT OF THIS DEPOSITION.)

16 Q. (BY MR. TAYLOR) JUST FOR THE RECORD, MR. JOHN, I

17 HAVE SHOWED YOU WHAT'S BEEN MARKED JOHN NUMBER 18, WHICH IS

18 A MARCH 30, 1970 MEMORANDUM TO WILLIAM PAPAGEORGE FROM

19 R. EMMET KELLY, M.D.

20 DOESN'T HAVE A BATES STAMP, BUT IT'S A TWO-PAGE

21 EXHIBIT, AND THE TOP PAGE IS, QUOTE, "RETYPE FOR

22 LEGIBILITY" AT THE TOP.

23 AND IT WAS MARKED, I SUPPOSE, IN ANOTHER CASE, AS

24 PLAINTIFF'S EXHIBIT 10, DATED 4-8-94. THAT'S WHAT IT

25 APPEARS TO ME.

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♀

1 MR. DAVIDSON: I WILL OBJECT TO THE USE OF
2 THIS DOCUMENT SINCE IT APPEARS THAT IT WAS PRODUCED IN
3 ANOTHER CASE AS NOT THE COPY THAT WAS PRODUCED IN THIS CASE
4 AND HAS A STAMP ON IT, INDICATES IT WAS CONFIDENTIAL,
5 SUBJECT TO PROTECTIVE ORDER.

6 THERE IS NO INDICATION THAT THAT'S BEEN COMPLIED
7 WITH.

8 MR. TAYLOR: OKAY.

9 Q. (BY MR. TAYLOR) DO YOU REMEMBER THE ISSUE WITH
10 THE OHIO STATE BOARD OF HEALTH?

11 MR. DAVIDSON: EXCUSE ME. LET ME ADD TO MY
12 OBJECTION THAT I BELIEVE THAT IT IS NOT ACCURATELY RETYPED.

13 MR. TAYLOR: YOU BELIEVE IT HAS NOT BEEN
14 ACCURATELY TYPED?

15 MR. DAVIDSON: I KNOW ONE INACCURACY. I AM
16 NOT SURE ABOUT OTHERS.

17 MR. TAYLOR: MIND STATING FOR THE RECORD
18 WHAT THAT INACCURACY IS?

19 MR. DAVIDSON: YEAH. FIRST PARAGRAPH AT THE
20 END SAYS 0.1 PARTS, MAY BE 05 PARTS. ON RETYPING SAYS
21 0.1 AND 0.6. JUST TYPOGRAPHICAL, I ASSUME.

22 MR. TAYLOR: I CAN SEE THAT AND I THINK YOU
23 ARE RIGHT. IF I LOOKED AT THE VERSION BEHIND IT, THAT
24 APPEARS TO BE A FIVE TO ME AS WELL.

25 MR. DAVIDSON: I AM NOT SAYING IT IS

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1 SIGNIFICANT. I DON'T KNOW WHETHER THERE MIGHT BE OTHER
2 INACCURACIES, BUT I JUST MAKE THAT ONE FOR THE RECORD.

MAERTIN 07-23-1998 John, Edward V..txt
MR. TAYLOR: OKAY.

3

4 Q. (BY MR. TAYLOR) DO YOU REMEMBER THE OHIO STATE
5 BOARD OF HEALTH ISSUES, SIR?

6 A. I REMEMBER THIS ISSUE, YES.

7 Q. AND WHAT DO YOU REMEMBER ABOUT IT?

8 A. THAT'S ALL, THAT THERE WAS SOME PROBLEM WITH THE
9 SILAGING.

10 Q. AND WOULD YOU -- WERE YOU INVOLVED, FROM A PUBLIC
11 RELATIONS STANDPOINT, IN ANY WAY WITH THIS ISSUE?

12 A. WOULD -- I WOULD HAVE BEEN, YES.

13 Q. DO YOU REMEMBER WHAT YOUR INVOLVEMENT WAS?

14 A. ANSWERING MEDIA INQUIRIES.

15 Q. AND DO YOU REMEMBER THAT THERE WERE MEDIA
16 INQUIRIES REGARDING THIS OHIO STATE BOARD OF HEALTH SILAGE
17 ISSUE?

18 A. I DON'T REMEMBER.

19 Q. BUT YOU REMEMBER THAT THERE WERE INQUIRIES?

20 A. I DON'T REMEMBER, EVEN GENERALLY, IF THERE WERE
21 INQUIRIES.

22 I KNEW ABOUT THIS ISSUE, SO I -- WE WERE PREPARED
23 FOR IT.

24 Q. HOW DID YOU PREPARE YOURSELF FOR INQUIRIES IN
25 RELATION TO THIS ISSUE?

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1 A. UM -- AGAIN, NEWS MEDIA ARTICLES, PUBLICATIONS,
2 COVERAGE OF THE SUBJECT AND PROBABLY TAKING COURSES WITHIN
3 MONSANTO.

4 Q. OKAY. I NOTICE THE ONE, THE VERSION THAT WAS

MAERTIN 07-23-1998 John, Edward V..txt
5 MARKED IS MY VERSION. THAT'S FINE. I DON'T HAVE ANY NOTES
6 ON IT, OTHER THAN I HAD THE LAST PARAGRAPH MARKED. SO WHY
7 DON'T WE --

8 MR. TAYLOR: REMARK THIS ONE.

9 Q. (BY MR. TAYLOR) DO YOU REMEMBER ANY
10 CONVERSATIONS THAT YOU HAD WITH MR. KELLY OR MR.
11 PAPAGEORGE, OR ANYONE ON THAT CIRCULATION LIST, REGARDING
12 THIS ISSUE?

13 A. NO, I DON'T.

14 Q. AND AT THE BOTTOM PARAGRAPH, IT SAYS, "THIS
15 BRINGS US TO A VERY SERIOUS POINT. WHEN ARE WE GOING TO
16 TELL OUR CUSTOMERS NOT TO USE ANY AROCLOR IN ANY PAINT
17 FORMULATION THAT CONTACTS FOOD, FEED OR WATER FOR ANIMALS
18 OR HUMANS?"

19 YOU SEE THAT?

20 A. YES.

21 Q. WAS THAT PART OF YOUR PREPARATION -- STRIKE THAT.
22 WERE YOU PREPARED TO ANSWER THAT QUESTION, IF
23 THAT QUESTION CAME UP?

24 A. HAD IT COME UP, I WOULD HAVE CONTACTED MY SOURCES
25 AND FOUND OUT HOW WE WERE GOING TO ANSWER IT, YEAH.

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1 Q. BUT YOU DON'T REMEMBER BEING PREPARED FOR THAT
2 QUESTION?

3 A. NOT REALLY, NO.

4 Q. YOU SAY NOT REALLY. WERE YOU GENERALLY PREPARED
5 FOR THAT OR --

6 A. I JUST DON'T -- I JUST DON'T REMEMBER ALL THE

MAERTIN 07-23-1998 John, Edward V..txt
7 QUESTIONS THAT WE WERE PREPARED FOR.

8 Q. AND YOU WEREN'T -- YOU DON'T REMEMBER WHETHER
9 THAT WAS A QUESTION YOU WERE PREPARED FOR?

10 A. I DON'T RECALL.

11 Q. LET ME CHECK MY NOTES. I THINK THAT'S ALL I
12 HAVE.

13 Q. WHAT DO YOU REMEMBER -- I BELIEVE YOU TESTIFIED
14 IN THE BEGINNING OF THE DEPOSITION THAT YOU WERE AWARE THAT
15 ARMSTRONG CORK WAS A CUSTOMER OF MONSANTO; CORRECT?

16 A. I BELIEVE THAT'S CORRECT.

17 Q. WAS THAT JUST A GENERAL UNDERSTANDING OR DID YOU
18 HAVE ANY DEALINGS CONCERNING ARMSTRONG?

19 A. NO. I HAD NO CONTACT WITH ARMSTRONG.

20 Q. WERE YOU AWARE OF WHAT TYPES OF PRODUCTS THAT
21 THEY MANUFACTURED?

22 A. GENERALLY, YES.

23 Q. AND WHAT WERE THEY?

24 A. FLOORING, I ALWAYS THOUGHT OF THEM AS A FLOOR
25 COMPANY, ARMSTRONG TILE.

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1 Q. FLOORING TILES?

2 A. FLOORING AND TILES, YEAH.

3 Q. WERE YOU AWARE THAT THEY MANUFACTURED CEILING
4 TILES?

5 A. NO, HU-HUH.

6 MR. TAYLOR: THAT'S ALL I HAVE.

7 MR. DAVIDSON: CAROLYN.

8 MS. O'CONNOR: YEAH.

MAERTIN 07-23-1998 John, Edward V..txt
MR. DAVIDSON: YOUR TURN.

MS. O'CONNOR: OH, OKAY.

CROSS-EXAMINATION

BY MS. O'CONNOR:

Q. MR. JOHN, MY NAME'S CAROLYN O'CONNOR. I HAVE
SOME QUICK QUESTIONS.

HAVE YOU EVER -- HAVE YOU EVER OF HEARD OF
AMERICAN SPIRITS COMPANY?

A. NO, I HAVEN'T.

Q. THAT IS THE ONLY ONE QUESTION.
THANK YOU.

MR. DAVIDSON: ADAM.

MR. RADITZ: YES.

MR. TAYLOR: PICK UP YOUR PHONE, ADAM. WE
CAN'T HEAR A WORD YOU'RE SAYING.

MR. RADITZ: CAN YOU NOW?

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MR. TAYLOR: BARELY.

MR. RADITZ: NOW?

MR. DAVIDSON: SAY IT AGAIN.

MR. RADITZ: YES, ON BEHALF OF THE
PLAINTIFF.

MR. DAVIDSON: ARE YOU SAYING NO QUESTIONS?

MR. RADITZ: NO QUESTIONS.

MR. DAVIDSON: THANK YOU.

I HAVE JUST TWO QUESTIONS FOR CLARIFICATION.

11

12 BY MR. DAVIDSON:

13 Q. MR. JOHN, WHEN YOU REPRESENTED EXHIBIT 17, JOHN
14 17, IN RESPONSE TO A QUESTION TO MR. TAYLOR, YOU SAID I
15 DON'T REMEMBER A SINGLE REQUEST.

16 BY THAT TESTIMONY, DO YOU MEAN THAT NO REQUESTS
17 WERE MADE OR DO YOU SIMPLY HAVE NO RECOLLECTION THAT THEY
18 WERE MADE?

19 A. I DIDN'T HAVE ANY RECOLLECTION THAT THEY WERE
20 MADE.

21 Q. OKAY. YOU ARE NOT -- IT COULD HAVE BEEN MADE,
22 BUT YOU DON'T RECALL NOW?

23 A. THAT'S RIGHT.

24 MR. TAYLOR: OBJECTION TO THE FORM.

25 Q. (BY MR. DAVIDSON) AND WITH REGARD TO NUMBER 18,

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1 THE LAST EXHIBIT, YOU WERE ASKED A SIMILAR QUESTION. YOU
2 SAID YOU DIDN'T RECALL ANY SPECIFIC INQUIRIES.

3 IS IT YOUR TESTIMONY THAT INQUIRIES COULD HAVE
4 BEEN MADE, YOU JUST DON'T RECALL THEM OR THAT THERE WERE NO
5 INQUIRIES?

6 A. INQUIRIES COULD HAVE BEEN MADE, BUT I DON'T
7 RECALL THEM.

8 MR. DAVIDSON: THAT'S ALL I HAVE.

9 MS. O'CONNOR: BEFORE I SIGN OFF, MATT --

10 MR. TAYLOR: YEAH.

11 MS. O'CONNOR: -- WHERE ARE YOU STAYING IN
12 SEATTLE?

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MR. TAYLOR: I DON'T KNOW, BUT YOU'RE

13

14 WELCOME, CAROLYN, TO CALL DEBRA.

15 MS. O'CONNOR: SHE'S MAKING ARRANGEMENTS?

16 MR. TAYLOR: I DON'T KNOW IF SHE'S DONE IT.

17 BETTER THAN THAT, YOU KNOW WHO TO CALL? CALL DIANE COYNE

18 C-O-Y-N-E, SHE IS MY SECRETARY, 979-1172, ASK HER AND SHE

19 WILL GET RIGHT BACK TO YOU. IF SHE DOESN'T KNOW, SHE WILL

20 FIND OUT.

21 MS. O'CONNOR: (717) AREA CODE.

22 MR. TAYLOR: (215) AREA CODE.

23 THE COURT REPORTER: DID YOU WISH TO ORDER A

24 COPY OF THE TRANSCRIPT?

25 MS. O'CONNOR: I DO.

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1 THE COURT REPORTER: AND THE OTHER COUNSEL?

2 MR. RADITZ: MINI ONLY, PLEASE.

3 (THE TAKING OF THE DEPOSITION WAS

4 CONCLUDED AT 1:08 P.M.)

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♀

1 CERTIFICATE OF DEPONENT

2

3 I, EDWARD V. JOHN, DEPONENT HEREIN, DO HEREBY
4 CERTIFY THAT I HAVE READ THE FOREGOING DEPOSITION AND THAT,
5 TO THE BEST OF MY KNOWLEDGE, SAID DEPOSITION IS TRUE AND
6 ACCURATE (WITH THE EXCEPTION OF THE FOLLOWING CORRECTIONS
7 LISTED BELOW), AND AFFIX MY SIGNATURE TO SAID DEPOSITION.

8 PAGE LINE CORRECTION

9

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21 DATE EDWARD V. JOHN

22 SUBSCRIBED TO AND SWORN BEFORE ME THIS

23 DAY OF , 19 .

24

25 NOTARY PUBLIC

ASSOCIATED/TRI-STATE, 34 SCOTT DR. LAKE HAVASU, AZ 855-1366

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♀

1 CERTIFICATE OF REPORTER

2 STATE OF ARIZONA)
3) SS.
4 COUNTY OF MOHAVE)

4

5 BE IT KNOWN THAT THE FOREGOING DEPOSITION WAS
6 TAKEN BEFORE ME, LINDA S. LANE, A NOTARY PUBLIC IN AND FOR
7 THE STATE OF ARIZONA, AND CALIFORNIA C.C.R.

8 THAT THE WITNESS BEFORE TESTIFYING WAS DULY SWORN
9 BY ME TO TESTIFY TO THE WHOLE TRUTH;

10 THAT THE QUESTIONS PROPOUNDED TO THE WITNESS AND
11 THE ANSWERS OF THE WITNESS THERETO WERE TAKEN DOWN BY ME IN
12 SHORTHAND AND THEREAFTER REDUCED TO TYPEWRITING UNDER MY
13 DIRECTION; AND

14 THAT THE FOREGOING 119 PAGES ARE A TRUE AND
15 CORRECT TRANSCRIPT OF ALL PROCEEDINGS HAD UPON THE TAKING
16 OF SAID DEPOSITION, ALL DONE TO THE BEST OF MY SKILL AND
17 ABILITY.

18 I FURTHER CERTIFY THAT I AM IN NO WAY RELATED TO
19 ANY OF THE PARTIES HERETO, NOR AM I IN ANY WAY INTERESTED

MAERTIN 07-23-1998 John, Edward V..txt
20 IN THE OUTCOME HEREOF.

21 DATED AT LAKE HAVASU CITY, ARIZONA, THIS 27TH DAY
22 OF AUGUST, 1998.

23

24 LINDA S. LANE, C.C.R., R.P.R.
25 CALIFORNIA C.C.R. #7300

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