

1 A We did.

2 Q And as a matter of fact, you interpreted the
3 material that appears on Page 41 that we have just been
4 reading is your interpretation, is it not, sir?

5 A No, sir, it is a summary of the record.

6 Q Dr. Suskind, do you understand that you are under
7 oath here and you have called this interpretations, have you
8 not, in this very document, sir? Now you're saying it is not
9 an interpretation.

10 A Where is that, sir?

11 Q Turn to the second page of the exhibit. It is
12 called Table of Contents, Section E, "Interpretations,"
13 starting at Page 40 and running to Page 44, do you see that,
14 sir?

15 A I do indeed.

16 Q And you did indeed call Page 41
17 "Interpretations," did you not, sir?

18 A That's how the subject heading is listed that
19 way, sir.

20 Q And that's what you called it, isn't it, sir?
21 Page 41 was your interpretations of the records, wasn't it,
22 sir?

23 A As I see it, yes, it was.

24 Q And you interpret it at that time, it was your
25 interpretation that in most of these twenty-three cases, the

1 symptoms were mild other than the chloracne, but in seven
2 instances, they were something other than mild, isn't that
3 correct, sir?

4 A That's what the record reads.

5 Q Isn't that what you said at that time? Wasn't
6 that your interpretation at that time, sir?

7 A That's what the record reads, sir.

8 Q Isn't that your interpretation at that time, sir?

9 A It is listed under interpretation, sir.

10 Q Wasn't that your interpretation at that time,
11 sir?

12 A It is listed under interpretation, sir.

13 Q Could you answer my question, Dr. Suskind?

14 A I have answered your question, sir.

15 Q Is that a yes or no to my question?

16 A That is a yes, sir.

17 Q So it was your interpretation at that time?

18 A That is part of the record, sir.

19 Q Excuse me, Dr. Suskind, it was your
20 interpretation at that time, wasn't it, sir?

21 A It is listed under the interpretation, sir.

22 MR. CARR: Your Honor, would you direct the
23 witness to answer my question directly?

24 THE COURT: Doctor, you are so directed. Answer
25 directly.

1 A What is the question, sir?

2 Q It was your interpretation at that time, wasn't

3 it, sir?

4 A Yes, sir.

5 Q Thank you. Now, Doctor, what you said to the

6 world, however, was that in a few cases, they continued to

7 complain of mild pains, did you not, sir?

8 A Yes, sir.

9 Q When in point of fact, you interpreted your

10 records in 1953 that in seven cases they were not mild, did

11 you not, sir?

12 A No, sir.

13 Q Doctor, did you say in the twenty-three cases

14 they were mild except in these seven cases? Did you say that

15 on Page 41?

16 A Yes, we did.

17 Q And you are saying in that report that in

18 sixteen of the cases they were mild, would you not, sir?

19 A Yes.

20 Q And in seven of the cases, they were not mild,

21 are you not, sir?

22 A That's how it reads, sir.

23 Q Isn't that what you are saying, sir?

24 A That's how it reads, yes, sir.

25 Q So you said in seven cases they were not mild,

1 did you not, sir?

2 A Yes.

3 Q But in the world, you told them that in very few
4 cases they complained of mild pains, nervousness and fatigue,
5 but in point of fact in seven cases, they were not mild,
6 isn't that right, according to your interpretation in 1953?

7 A According to our interpretation in 1953.

8 Q Yes, Doctor. And you didn't tell them--now, did
9 you go back and re-examine these people in between 1953 and
10 1978, sir?

11 A We had no opportunity to do that, sir.

12 Q Excuse me, Doctor. Did you go back and re-
13 examine these people in between 1953 and the time you made
14 this report in 1978?

15 A No, we did not.

16 Q And you had at the time you made your report in
17 1978, you surely referred to your 1953 report, did you not,
18 sir?

19 A I believe we did.

20 Q And is that the only document you referred to,
21 Doctor?

22 A We had examined some of these for the workmen's
23 compensation hearing, and we knew about their improvement at
24 that time.

25 Q Doctor, when you made your report in 1978, did

1 you not refer to the thirty-six people that you followed?

2 A Yes, we did.

3 Q And did you not at that time report that there
4 were seven people who had symptoms more severe than mild?

5 A Yes, some of those were examined in '56.

6 Q Who were examined in '56?

7 A Mr. Willard.

8 Q And?

9 A I will tell you in a minute who we examined in
10 that group.

11 THE COURT: Okay, while you're doing that, we
12 will take about a ten minute break at this point in time.
13 And I would remind you as I do for any break in the
14 proceedings that you are not to discuss this matter among
15 yourselves, with anyone outside the Jury panel, or as of yet
16 form any opinions or conclusions about the matters on trial.
17 The Court is in a short recess.

18 (At this time, Court was in recess.)

19 BY MR. CARR:

20 Q Now, Doctor, have you had an opportunity to
21 examine your records to determine of these seven men referred
22 to on Page 41 of your 1953 examination that you had re-
23 examined in 1955?

24 A The only two I recall were Willard and Harold
25 Young.

1 Q Harold Young isn't one of the seven. However,
2 that's referred to in your 1953 report on Page 41, is he,
3 sir?

4 A No, but you asked who of the '53, who did we
5 examine.

6 Q No, Doctor, what I asked you was who of the seven
7 that you said on Page 41 of your 1953 examination did not
8 have--were not mild, who of those seven did you re-examine in
9 your 1955 compensation hearing?

10 A I'm sorry, I thought you said did we examine any
11 of the '53, and the answer was two, yes.

12 Q But the answer to the question that I asked you
13 is one, and that's Paul Willard, isn't that correct?

14 A That's true.

15 Q And you did not re-examine the other six in 1955,
16 did you, sir?

17 A Yeah, those who in this instance--

18 Q Is that correct, sir?

19 A The symptoms were mild--

20 Q Doctor, could you please answer my question? You
21 did not re-examine the other six in 1955.

22 A We had no opportunity to.

23 Q Is that a no to my question, sir?

24 A The answer is no.

25 Q That you did not re-examine these other six?

1 A We did not re-examine them, sir.

2 Q And, Doctor, the other six then had--so far as

3 you were concerned in 1978, the only evidence or report that

4 you had as to their condition was the 1953 report, isn't that

5 correct, sir?

6 A That's true.

7 Q And in the 1953 report, their symptoms are not

8 described as mild, are they, sir?

9 A They are not described when--if we cite them--

10 Q Could you answer that question, please, Dr.

11 Suskind?

12 A They did not describe them as mild, sir.

13 Q And, Doctor, you did not interpret them as mild,

14 did you, sir, in your interpretations contained on Page 41?

15 A I don't believe we interpreted them. We cited

16 them.

17 Q Doctor, didn't we just go through this, that the

18 material occurring on Page 41 was in fact your

19 interpretations?

20 A It is listed under "Interpretation".

21 Q Didn't you answer it that way, sir, just before

22 the recess?

23 A It is listed under "Interpretation".

24 Q And wasn't your answer also to the question

25 notwithstanding that you say it is listed under

1 "Interpretations"? Didn't you respond to my question, sir,
2 that that which appears on Page 41 was in fact your
3 interpretation of these records?

4 A If I did, I'd like to correct it, sir.

5 Q Doctor, my question, first of all, did you not
6 say that, sir?

7 A If I did, I'd like to correct it.

8 Q Excuse me, Doctor, my question is did you not say
9 that?

10 A In answer to your question yes or no, I did, sir.

11 Q Yes. You now want to correct that or you want to
12 change that?

13 A Well, I'd like to read from Page 41.

14 Q Excuse me. Is your answer to my question that
15 you would not like to change your prior answer?

16 A Yes, sir.

17 Q Have you had an opportunity to consult with
18 counsel in between the time you gave the answer before the
19 recess and the time now that you want to change your answer?

20 A I have had an opportunity to re-read this, sir.

21 Q Could you answer my question, please, sir?

22 A I have.

23 Q And did you discuss possible change in your
24 testimony with Monsanto's counsel?

25 A No, we did not, sir.

1 Q You didn't mention it at all?
2 A No.
3 Q You didn't discuss it at all, is that right?
4 A I'm choosing to do it myself.
5 Q My question is, did you discuss it at all with
6 Monsanto's counsel?
7 A Yes, we did.
8 Q Yes, indeed, you did, didn't you, sir? Now,
9 Doctor, just a second ago you said you didn't discuss it, but
10 you did discuss it.
11 MR. HEINEMAN: Objection, he said he did discuss
12 it.
13 A Let me finish, for crying--
14 THE COURT: Doctor, I'll decide whether it gets
15 finished or not. Mr. Carr, you may proceed.
16 Q Doctor, you did discuss the change in testimony,
17 your interpretations with counsel, did you not, sir?
18 A We did not discuss changing interpretation here.
19 Q Did you discuss this testimony and this matter,
20 sir?
21 A Yes, we did, sir.
22 Q Did you discuss the material that appeared on
23 Page 41, sir?
24 A Yes, we did, sir.
25 Q Did you discuss the fact that you described that

1 material as interpretation, sir?

2 A Yes, we did, sir.

3 Q Then you did discuss it, Doctor, and is it now

4 that you, following that discussion, you now wish to change

5 your answer, sir?

6 A I do, indeed.

7 Q All right. Now, Doctor, you now want to say, I

8 take it, that the material that appears on Page 41 is not an

9 interpretation of those medical records and histories, is

10 that what you want to say--

11 A No, I'd like to put in the record that--

12 Q Excuse me, Doctor. Is that what you want to do?

13 A No.

14 Q Then you do agree that that material that appears

15 on Page 41 is in fact your interpretation of the records and

16 summaries and the history of these workers, isn't that--

17 A No, sir.

18 Q Do you describe it as interpretations on--in the

19 Table of Contents, sir?

20 A Yes, sir.

21 Q And is the material on Page 41, does it appear in

22 the section that you have described as interpretations?

23 A It does, indeed.

24 Q Yes. And, Doctor, now you want to add something

25 to it?

1 A I do, indeed.

2 Q And what would you like to add?

3 A I'd like to add the following. I'd like to read
4 it. "In most of the twenty-three cases, the other symptoms
5 were mild, except in the instances cited by Messrs.
6 Westphall, Steele, Willard, Hudnall, Selby, Beckman, and
7 Stover." It doesn't mean that we interpreted that, but we
8 were citing them. This is what they told us.

9 Q Doctor, that's all I've ever asked you about, and
10 whether or not what they told you, all we have been talking
11 here is complaints on these men, that's the entire thing that
12 you talked about in your 1978 report to the joint conference
13 is what you talked about in your Exhibit 62, the Journal of
14 Occupation Mortality Study in Exhibit 1728, isn't that
15 correct, sir?

16 A It is our interpretation, yes, sir.

17 Q Yes, indeed. And, Doctor, they are talking about
18 the complaints, you are talking about complaints, aren't you,
19 sir?

20 A We are talking about our interpretation of the
21 complaints.

22 Q And on Page 41, you are talking about your
23 interpretation of the complaints, aren't you, sir?

24 A Except those that were cited by Messrs.
25 Westphall, Steele, Willard, Hudnall, Selby, Beckman, and

1 Stover, those are citations, not interpretations.

2 Q Doctor, you're saying on Page 41, this is the
3 interpretation section.

4 A It is the interpretation section, but we said
5 except--

6 Q And there you have said on Page 41 that the other
7 symptoms were mild, didn't you, sir, on the other twenty-
8 three? Didn't you say in most of the twenty-three cases the
9 other symptoms, that is the noncutaneous symptoms were mild,
10 didn't you say that, sir? Didn't I read that correctly?
11 Didn't you say that on Page 41?

12 A Would you point it out, sir?

13 Q It is that paragraph you just got through reading
14 a portion of that sentence, Doctor.

15 A It says, "Twenty-three persons--"

16 Q The first part of the sentence that you read.
17 Did you not say there in most of the twenty-three cases the
18 other symptoms were mild, didn't you say that, sir?

19 A Yes, we did.

20 Q And aren't you there interpreting in this
21 section, interpreting what the other, the classification, the
22 type of the other symptoms that's described earlier?

23 A We were simply describing what they said.

24 Q Excuse me, aren't you interpreting those other
25 symptoms and aren't you saying the other symptoms as we

1 interpret them were mild?

2 A As they told it to us, they were mild, yes.

3 Q And that is your interpretation, isn't it, sir?

4 A Yes.

5 Q Sir? That is your interpretation of the

6 complaints these other, these other symptoms, isn't it, sir?

7 A Yes.

8 Q And you go on in that, you say, "We interpreted

9 the other twenty-three cases as being mild," and then you

10 say, "Except in the instances cited by Westphall, Steele, and

11 so forth," do you not, sir?

12 A Those were citations from them.

13 Q Excuse me, Doctor. I didn't ask you that. I

14 asked you to go on to say, don't you, sir, in that very same

15 sentence where you are interpreting the twenty-three, you are

16 saying the other symptoms were mild, except, and then you

17 give the instances cited by Westphall, Steele, and so forth,

18 don't you, sir?

19 A Those are citations from those people, yes.

20 Q Is the answer to my question yes, that that's

21 what you did?

22 A That is not interpretation, those are citations.

23 Q Doctor, is the answer to my question yes, this is

24 what you did? You said you interpreted, you interpreted all

25 twenty-three cases, did you not, sir?

1 A Yes.

2 Q And you said in most of these cases that we

3 interpreted, they were mild?

4 A We didn't say interpreted in here, sir.

5 Q Well, Doctor, you did say interpreted in here.

6 It is in the section in "Interpretations", and you just got

7 through telling me that this was an interpretation that you

8 interpreted most of these other twenty-three cases as having

9 mild symptoms, didn't you, sir?

10 A Yes.

11 Q That is an interpretation, isn't it, sir?

12 A Yes, and then we went on to say--

13 Q Doctor, excuse me. I want to get that point

14 clear. That is an interpretation, no question about it, no

15 ifs, ands, and buts, you are interpreting that in part of

16 that sentence "Most of these cases," aren't you, sir?

17 A Yes, sir.

18 Q And your interpretation is that in most of these

19 twenty-three cases they were mild, aren't you, sir?

20 A We did, indeed.

21 Q Excuse me, that is your interpretation?

22 A Yes.

23 Q And then you go on to say in the same sentence,

24 "Except most of these twenty-three cases were mild, except in

25 the instances cited by these seven people," isn't that

1 correct, sir?

2 A Now, those are not interpretations.

3 Q Doctor, you are anticipating and you are jumping
4 ahead, and we've got to do it one step at a time. You said
5 that, sir, in that sentence, didn't you, sir, just as I put it
6 to you, didn't you, sir?

7 A It is in the same sentence.

8 Q And you are saying there that these, most of
9 these cases were mild, except in the instances cited by these
10 seven people, isn't that correct, sir?

11 A Yes.

12 Q And aren't you saying, sir, that in the instances
13 cited by these seven people, these symptoms are not mild?

14 A Cited, but not interpreted.

15 Q Doctor, would you answer my question?

16 MR. CARR: Would you read the question to him
17 again, and, your Honor, would you direct the witness to give
18 me a direct answer to that question?

19 THE COURT: Read the question.

20 (The previous question, "And aren't you
21 saying, sir, that in the instances
22 cited by these seven people, these
23 symptoms are not mild?" was read by
24 the reporter.)

25 THE COURT: Doctor, answer that directly, yes or

1 no.

2 A We are saying that they are not mild.

3 Q Yes, Doctor. And you are saying that based upon
4 your examination of the records pertaining to these seven
5 people, including what they have said and complained about,
6 isn't that correct, sir?

7 A Based upon their records, sir, yes.

8 Q And it was their records that you looked at and
9 read and studied and concluded and poured over before you
10 made that statement, isn't that correct, sir?

11 A No, no.

12 Q What was it that you looked at and studied and
13 poured over and examined before you--

14 A It was their record, and we took the record at
15 face value. That's not an interpretation, that's a citation.
16 That's different.

17 Q Doctor, face value, their complaints weren't
18 mild, were they, sir?

19 A Not as they stated them, sir.

20 Q Right. So you interpreted what they said to you
21 as having complaints that were not mild, didn't you, sir?

22 A Well, I don't want to quibble about the word
23 "interpretation". It is not my interpretation.

24 Q Doctor, you interpreted what they said to you at
25 that time as not being mild, didn't you, sir?

1 A No, sir.

2 Q You didn't interpret those complaints as not
3 being mild? How did you interpret those complaints?

4 A We recorded them as being not mild.

5 Q Well, Doctor, to record them as not mild, you
6 have to interpret what they say to you, do you not, sir?

7 A No, we simply--

8 Q If I tell you that I have got a real bad headache
9 and that I got real bad joint aches, and if you do not quote
10 me in your summary or in your interpretation section
11 directly, you said, "Mr. Carr had severe problems with his
12 head," that's an interpretation of what I just told you,
13 isn't it, sir?

14 A That isn't the way we would have done it.

15 Q Excuse me, Doctor. Could you please bear with
16 me? If I tell you that I have a bad headache and my left
17 knee hurts and my back hurts and my foot is numb and I am
18 painful all over and I shake and I quiver, and if you
19 subsequently after you've recorded that in the record, and
20 you subsequently report in your summary section, if you say
21 "Mr. Carr had very, very bad complaints of pain," that is an
22 interpretation of what I have said, isn't it, sir?

23 A It is a record of it, sir.

24 Q Excuse me, Doctor. The record is what I said.
25 The statement that "Mr. Carr has very bad pains" is an

1 interpretaton of what I said, isn't it, sir?

2 A It is a summary of what you said, sir.

3 Q No, it is not even a summary, because you don't
4 restate what I said. It is an interpretation of what I said,
5 isn't it, Doctor?

6 A Yes, we would have said--

7 Q Doctor, it is an interpretation of what I said?

8 A No, it isn't.

9 Q What is it?

10 A It is a summary of what you said.

11 Q And what is a summary, Doctor? If it is not an
12 interpretation.

13 A "Mr. Carr complained that--"

14 Q Excuse me, Doctor. What is a summary if it is
15 not an interpretation?

16 A It doesn't have to be an interpretation.

17 Q Doctor, what is a summary if it isn't an
18 interpretation?

19 A An interpretation--

20 Q Doctor, what is a summary if it is not an
21 interpretation?

22 A It is a short, it is a short version, a version,
23 not an interpretation. There is no judgment used in it.

24 Q No judgment at all?

25 A No, judgment.

1 Q All right. Now, Doctor, is there judgment when I
2 tell you that I have a lot of aches and a lot of pains in my
3 head, my back, and my shoulder, and you say he had a severe
4 case of pain, is that a judgment?

5 A That might be a judgment.

6 Q It is indeed a judgment.

7 A Yes, but that isn't the way we said it.

8 Q Excuse me, Doctor. It is a judgment, isn't it,
9 sir?

10 A That would be a judgment.

11 Q If I tell you I ache just a little bit, I don't
12 have much of a headache, and aspirin makes it go away, and my
13 foot just hurts sometimes, but not real bad, and you describe
14 that as Mr. Carr having mild pains, again you have made a
15 judgment as to my pains, haven't you, sir? When you describe
16 them as mild, isn't that right, sir?

17 A Yes, if we took everything into consideration.

18 Q Yes, Doctor, indeed. And you described the
19 complaints of some workers, and you interpreted the
20 complaints of some workers as mild, did you not, sir?

21 A Yes.

22 Q And you interpreted the complaints of other
23 workers as not mild, didn't you, sir?

24 A Not in this statement, sir.

25 Q Doctor, could you answer my question?

1 A No, sir.

2 Q You did not?

3 A No.

4 Q And what you are saying is that you did not
5 interpret these records, is that right, Doctor?

6 A We did.

7 Q Are you saying you did not interpret the records,
8 Doctor?

9 A We did interpret the records.

10 Q And what you have been saying in your summary
11 portion and in your interpretation portion is your
12 interpretation of the records, isn't it, sir?

13 A Except where we cited, and there was a direct
14 citation.

15 Q A direct citation, what you said, Doctor, was
16 that these were mild, except in the instances cited by these
17 seven people, isn't that correct, sir?

18 A Correct.

19 Q Isn't that right, sir?

20 A Correct.

21 Q And what you told Monsanto was, most of these
22 twenty-three had mild symptoms, but these seven people did
23 not, isn't that correct, sir?

24 A They said they did not.

25 Q Yes, that's right. That's what you told

1 Monsanto.

2 A We did.

3 Q And, Doctor, what you told the world, however,
4 was that they only in a very few cases did they have mild
5 pains, isn't that correct, sir?

6 A And we were telling the truth, sir, yes.

7 Q And that is the truth, Doctor?

8 A Yes, it is.

9 Q Well, and you also told the Compensation
10 Commission, didn't you, sir, that these thirty-six people,
11 they were either nonexistent or mild pains, didn't you, sir?

12 A Yes.

13 Q But in point of fact, in 19--and you told them
14 that in 1955, didn't you, sir, about the thirty-six?

15 A Fifty-six, sir.

16 Q Fifty-six, fifty-five, whenever it was, you told
17 them that, didn't you, sir?

18 A Yes, I believe we did.

19 Q And, Doctor, you wanted the commission just as
20 you wanted the world to believe that these symptoms were mild
21 and then existent only in a very few cases, you wanted the
22 Compensation Commission to believe that as well, didn't you,
23 sir?

24 A No, sir.

25 Q Why did you tell that to them if you didn't want

1 them to believe that?

2 A We were just telling the facts as we saw them,
3 sir.

4 Q Doctor, my question is you wanted them to believe
5 it, did you not, sir?

6 A We had no objective in wanting them to believe
7 it. What we wanted, what my job, sir, was to come before
8 that hearing and to tell them the facts as I knew it, and
9 that's what I did, sir.

10 Q And you weren't there in any kind of role on
11 behalf of Monsanto or advocating a position by Monsanto
12 wanting the world--

13 A I wasn't advocating a position by Monsanto, I was
14 advocating my own position.

15 Q Let me finish my question. You weren't there in
16 a position wanting to let the world know about what you saw
17 in 1953, wanting Monsanto's position to be put forward
18 effectively?

19 A No, sir, absolutely not.

20 Q Well, Doctor, I want you to remember that,
21 because I have an exhibit, sir, that describes you, we will
22 get into sometime in the course of this trial, so please
23 remember that that's the position that you said today you
24 took in front of the Commission.

25 THE COURT: Okay, Mr. Carr, is this a good point

1 to break for lunch?

2 MR. CARR: Yes, your Honor.

3 THE COURT: We will break for lunch at this time.
4 We will resume again at 1:15. The admonishments that I have
5 given you earlier apply during this lunch break also. Court
6 is in recess.

7 (At this time Court recessed
8 for the noon hour.)

9 (The following conference was
10 held in chambers.)

11 THE COURT: I've decided, this is the file, by
12 the way. It is beginning to look like ours.

13 MR. HEINEMAN: Judge, it ain't even in the big
14 leagues, yet.

15 THE COURT: Well, that's true. After I go
16 through this file, I will talk to this juror probably
17 Thursday. You gentlemen can be present. My inclination at
18 this point in time is to proceed on the basis that I want you
19 Thursday morning to give me any suggested questions that
20 either of you have. Both that I--you would like me to ask
21 and that you would like to ask. I will make up--I will
22 decide what questions I want to ask. I will interrogate or I
23 will decide at that time whether there should be any
24 interrogation by any of you. I think you would be entitled
25 to be there, and we will go from there. But I want to--I

1 want to have your questions first, and I want to go over the
2 file first, and then we will go from there. We're off
3 tomorrow, so you would have the opportunity, I would think,
4 to sit down and consider some questions and see what you
5 think would be appropriate. And after I review this file,
6 then I will have a feel as to what's actually going on in
7 this case, because it was just picked up over the lunch hour.
8 I haven't had a chance to look at it. And for the record, it
9 is four folders thick, and so I'm not going to--four and
10 starting into a fifth--and so I'm going to need some time to
11 go into it, also.

12 MR. HEINEMAN: For the record, who are the
13 parties in that thing?

14 THE COURT: Plaintiff is Kenneth Combs. The
15 parties are listed on the front, and I don't know what third
16 party actions there are in it, obviously Derby Refineries,
17 Shell Oil Company, Fred--I'm sure that's Renolet--doing
18 business as Freddie's Shell Service Center, and Clark Oil and
19 Refining Companies. Those are the parties that are on the
20 front sheet now. I don't know who else is in it or who else
21 has been brought in on a third party or what's been going on.
22 That's what's on the front of the file.

23 MR. CARR: Your Honor, I don't know, did
24 Monsanto--or maybe I should address this to Mr. Heineman,
25 does Monsanto express the desire that you want to question

1 the juror personally or just be here when the Judge does the
2 questioning?

3 MR. HEINEMAN: For the time being, I have
4 expressed my request to the Court that I be permitted to
5 question the juror on my option, if I felt it was necessary
6 after the Judge had finished questioning her, if there was
7 anything that I would like to add, the option of questioning
8 her at the conclusion of the Judge's examination.

9 THE COURT: That's what you requested, and I'm
10 sorry, did you have something?

11 MR. CARR: No.

12 THE COURT: At this point in time, I'm not sure
13 that either of you should be allowed to do that, so at this
14 point in time I am denying your request. I don't think you
15 requested--

16 MR. CARR: No, I specifically said I didn't think
17 it would be appropriate for counsel to ask questions because
18 of the danger of what might occur in that process.

19 THE COURT: So submit the questions to me
20 Thursday. I'll look this over and we will get to her
21 Thursday or Friday. Okay. Oh, while we're back here, this
22 doesn't have to be on the record.

23 (Whereupon an off-the-record
24 discussion was held.)

25 THE COURT: We may as well put that on the

1 record, so it explains. One of the jurors has out-patient
2 surgery on the 11th, so we are not having Court that day.

3 MR. CARR: So there are just two days of Court
4 next week then?

5 THE COURT: The juror could not get the date
6 changed on the out-patient surgery, so it has to be done that
7 date.

8 MR. CARR: Four days of Court the following week
9 and four days of Court the following week.

10 (The following proceedings were
11 held in open Court.)

12 BY MR. CARR:

13 Q Doctor, in the months before you testified at the
14 workmen's compensation hearing in November of 1956, you did
15 have a conference with the people at Monsanto with respect to
16 that commission, did you not, sir?

17 A I believe it was the year before, sir.

18 Q As a matter of fact, it was in June of 1956, just
19 a few months before, you had one a year before, but you also
20 had one in June of 1958, didn't you, sir?

21 A I can't recall. I don't have any memorandum
22 about it.

23 Q Doctor, I do have a memorandum. But just to
24 refresh your memory, do you recall I asked you about that
25 meeting when I commenced my cross examination of you, because

1 you had mentioned that meeting in the Nitro--Federal court
2 case that you testified to.

3 A Yes.

4 Q You do recall that?

5 A Yes.

6 Q And so indeed there was such a meeting that you
7 do now recall, isn't that correct, sir?

8 A Yes, sir.

9 Q And you did appear at the hearing, that
10 Commission hearing in behalf of Monsanto as its witness, and
11 did so voluntarily, did you not, sir?

12 A No, sir.

13 Q Is it that you, well, are you testifying that you
14 did not appear in behalf of Monsanto, or are you testifying
15 that you did not appear voluntarily?

16 A No.

17 Q Are you testifying that you didn't do either?

18 A I am testifying that I appeared in behalf of
19 myself at the request of Monsanto, but I was there to supply
20 information about what I knew--

21 Q Excuse me, Doctor. Didn't you testify in behalf
22 of Monsanto at that hearing?

23 A I believe I said no, sir.

24 Q Doctor, do you recall on the 18th of February in
25 this case I asked you a question like that, and your response

1 to my question was, on Page 39 of the transcript, February
2 the 18th, 1986, "QUESTION: Did you testify in behalf of
3 Monsanto, sir?" And your answer was, "I did." But you
4 indicated so that they would not get workmen's compensation,
5 and that is false. Your answer to the question did you
6 testify in behalf of Monsanto at that time was that you did,
7 isn't that correct, sir?

8 A Yes.

9 Q And what you are telling us at that time that you
10 testified in behalf of Monsanto, it was the truth on February
11 the 18th, wasn't it, sir?

12 A It is no different than it is now, sir.

13 Q Doctor, could you answer my question, sir,
14 please?

15 A Yes, sir.

16 Q You did testify to the truth on February the 18th
17 in front of this Jury, did you not, sir?

18 A Yes, sir.

19 Q And you did appear in behalf, testify in behalf
20 of Monsanto, didn't you, sir?

21 A I testified on behalf of myself--at the request
22 of Monsanto.

23 Q Doctor, my question is you testified in behalf of
24 Monsanto, did you not, sir?

25 A No, I think it is a matter of semantics, sir.

1 Q Doctor, every word we use is a matter of
2 semantics. Our entire communication is a matter of
3 semantics, so that we can understand what one another say. I
4 ask you today as I asked you on February the 18th, did you
5 testify in behalf of Monsanto, didn't I ask you those
6 questions?

7 A You asked me that, and I am saying no.

8 Q And you responded today that you did not testify
9 on behalf of Monsanto, but you answered on February the 18th
10 that you did testify on behalf of Monsanto, did you not, sir?

11 A If I did--

12 Q Did you not, sir?

13 A If you have the record there, I did.

14 Q Well, Doctor, whether I have the record or not
15 doesn't make it the truth or the falsity, the question is did
16 you or did you not, just simply because I have the proof to
17 show it that you did testify that way doesn't make your
18 answer palatable at all.

19 A Doesn't make my answer what, sir?

20 Q Palatable. Doctor, did you not testify in behalf
21 of Monsanto at that compensation hearing?

22 A My answer was no.

23 Q Your answer was no today, wasn't it, sir?

24 A It is no today and it could have been no the
25 other day at the request of Monsanto.

1 Q It could have been no the other day, but, Doctor,
2 it is in plain black and white yes, you did. The question
3 was you did testify in behalf of Monsanto, sir, and your
4 answer was, "I did," wasn't that your answer at that time,
5 sir?

6 A Sir, I believe--

7 Q Wasn't that your answer at that time, sir?

8 A It was indeed.

9 Q Now, one of those two days has to be not true.
10 You said today you did not testify in behalf of Monsanto, and
11 yet on February the 18th, you said you did testify in behalf
12 of Monsanto. Now, which is the truth?

13 A Both of those are true, sir.

14 Q They are exactly contradictory one to the other.

15 A No, they are not.

16 Q Aren't they, sir?

17 A No, they are not.

18 Q Then, Doctor, in your view, the word "yes" is
19 equivalent to the word "no", and I ask you the same question.

20 A No, sir.

21 Q Well, Doctor, you said no today, didn't you, sir?

22 A That's what I said.

23 Q And you said yes on the 18th, didn't you, sir?

24 A Yes, I did.

25 Q And your saying the word yes on the 18th doesn't

1 contradict the word no today?

2 A That's right, it does not, if I can qualify it.

3 Q Doctor, your answer will have to stand by itself.
4 If you want to tell this Jury that when you say yes on the
5 18th, you mean no on the, what is today, the 4th, it is your
6 privilege so to say. And, Doctor, you did testify there
7 voluntarily, did you not, sir?

8 A Yes, sir.

9 Q And you did testify as to what you discovered on
10 these claimants, did you not, sir?

11 A I did, sir.

12 Q And you testified at that time, did you not, sir,
13 you interpreted your 1953 findings, didn't you, sir?

14 A I described the 1953 findings.

15 Q That isn't my question, Doctor. My question is
16 you interpreted your 1953 findings for the Commission, didn't
17 you, sir?

18 A Yes, sir.

19 Q And in that Commission hearing, you interpreted,
20 you said the aches and pains that you found in Steele,
21 Willard, those seven that you mention in 1953, you said for
22 them that these aches and pains and nervousness was moderate,
23 didn't you, sir?

24 A Was what, sir?

25 Q Were moderate.

1 A I'll have to look that up. I don't have it here.

2 Q It is on Page 94 and 95 of the transcript of your

3 hearing, of the Commission hearing, Dr. Suskind. The

4 transcript of the hearing is not an exhibit unless you have

5 the record with you. The transcript is not in evidence.

6 A What page are you referring to?

7 Q Ninety-four and ninety-five.

8 A Yes, I have it.

9 Q And you did interpret these complaints for the

10 Commission, didn't you, sir?

11 A Yes.

12 Q And you described them as moderate, didn't you,

13 sir?

14 A No, I did not.

15 Q Would you turn to the bottom of Page 94, sir?

16 A Yes, sir.

17 Q Are you there?

18 A Um hmm.

19 Q Did you not say at that time, you were asked the

20 question, "QUESTION: The thirty-four that you saw later in

21 1953, what did you find out there about complaints, about

22 aching, and painful muscles?" And your answer was, "There

23 were thirty-six men in that group, and in almost all of them,

24 the aches and the pains were either nonexistent or very

25 mild. Now, if I may refresh my memory, there were a few of

1 them whom we regarded--recorded as having complaints
2 referable to the pains and the aches which were perhaps more
3 than just one. QUESTION: Doctor, we won't take up time on
4 that unless you want to," and your answer was then, "I can
5 cite these, or those," I can't make out that word, mine is a
6 bad copy, "I can cite those is when the symptoms of aches and
7 pains and nervousness and so-called loss of vigor were
8 moderate were Steele, Westphall, Hudnall, Barry, Beckman, and
9 Stover." Wasn't that your answer, sir?

10 A Yes, sir.

11 Q And didn't you use the word "moderate" in
12 describing the aches and pains in Steele, Westphall, Hudnall,
13 Barry, Beckman, and Stover?

14 A Yes. I also used the word "citing".

15 Q Doctor, my question is did you describe these
16 symptoms as moderate?

17 A Yes.

18 Q And that was your interpretation at that time of
19 those symptoms, wasn't it, sir?

20 A Yes, citing their complaints.

21 Q Doctor, my question is your interpretation of
22 their complaints, and those symptoms at that time was that
23 they were moderate, isn't that correct, sir?

24 A Yes.

25 Q And, Doctor, prior to the time of that hearing,

1 you get back to the point that, well, first of all, in
2 addition to that, there is no question in your mind but what
3 these men were truthful, you considered them truthful at that
4 time, did you not, sir?

5 A We just recorded their complaints.

6 Q Excuse me, Doctor, that isn't what I asked you.
7 Did you not consider these men being truthful?

8 A Yes.

9 Q Yes. And, Doctor, you had a meeting at the
10 Kettering Laboratory on June 22, 1956, didn't you, sir, in
11 which you were there and representatives from Monsanto was
12 there, and you discussed the claims and litigation, that is,
13 the compensation claims, do you recall that, sir?

14 A I don't recall it, but if there is a memorandum,
15 I'd like to see it.

16 Q Doctor, you'll get to see it.

17 (Plaintiff's Exhibit 1752 was
18 marked for identification.)

19 Q And, Doctor, do you recall being considered at
20 that time as to whether or not you should be an expert
21 witness in behalf of Monsanto in that litigation?

22 A I do not remember, sir.

23 Q Now, Doctor, you told us earlier that, and you
24 said absolutely not, that you had no such meeting and had no
25 such discussion, do you recall that just before lunch? I

1 said that I would remind you that I had such a memo, and you
2 said no, it didn't occur?

3 A No, I don't think I said that at all. I didn't
4 say that at all, sir.

5 MR. HEINEMAN: Objection. May counsel approach
6 the bench?

7 (The following discussion was
8 held at the bench.)

9 MR. HEINEMAN: I'd like the record read, your
10 Honor, as to what was asked him at that time, because that's
11 an absolute misrepresentation of what the question was. The
12 question at that time was, as I recall it, whether he
13 testified, whether the purpose of his testimony was to put
14 forward the Monsanto position.

15 MR. CARR: Well, I'll certainly adopt that.

16 MR. HEINEMAN: And this latest question was just
17 absolutely incorrect, and I object to it as misleading and
18 false.

19 MR. CARR: I'll modify my question.

20 THE COURT: Go ahead. Objection sustained.

21 (The following proceedings were
22 held in open Court.)

23 BY MR. CARR:

24 Q Doctor, did you not at that meeting urge that the
25 publication be made of the results of your experiments

1 regarding the examination of these people in order to--

2 A I would have to read it to recall.

3 Q So it could be used most effectively in defending
4 Monsanto's position?

5 A I really can't recall that, sir. If it is in
6 there, I would like to see it.

7 Q Now, Doctor--

8 A I will not answer it unless I see it.

9 Q Doctor, I'm asking you to the best of your
10 memory, sir.

11 A Well, I don't remember.

12 Q Didn't you?

13 A That's thirty-three years ago, sir.

14 Q Doctor, indeed, and it is for thirty-three years
15 that you have been--oh, strike that. I'll hand you
16 Plaintiff's Exhibit 1752 and see if you recognize that, sir,
17 as a memo of the meeting at the Kettering Laboratory that
18 took place June 22, 1956.

19 THE COURT: What's the number on that one,
20 please?

21 MR. SEIGFREID: 1752.

22 Q Do you recognize it, sir, as the minutes of that
23 meeting at the Kettering Laboratory?

24 A Yes. I didn't get these until 1983, sir.

25 Q That may be, Doctor. I have no quarrel with that

1 at all.

2 MR. CARR: I'll offer Exhibit 1752 into evidence,
3 if it please the Court.

4 (Plaintiff's Exhibit 1752 was
5 offered into evidence.)

6 THE COURT: Any objections?

7 MR. HEINEMAN: No objection.

8 THE COURT: Admitted without objection.

9 (Plaintiff's Exhibit 1752 was
10 admitted into evidence.)

11 Q And, Doctor, at that time, if you will turn to
12 the--I'd like to pass it to the Jury, please.

13 THE COURT: Fine. It has been admitted. You may
14 pass it to the Jury.

15 Q Now, Doctor, this exhibit which the--which
16 represents the minutes of this meeting, the 1953 examination
17 of these thirty-six workers was discussed, wasn't it, sir?
18 Page 2 of the Exhibit, Dr. Suskind, the Section III.

19 A It was discussed very briefly, sir. There are
20 about three lines on it.

21 Q Doctor, could you answer my question, please,
22 sir? It was discussed, wasn't it, sir?

23 A Yes, very briefly.

24 Q And Mr. Paul Bowles was an attorney defending
25 Monsanto in the workmen's compensation claim, was he not,

1 sir?

2 A Yes.

3 Q And that's the meaning of the first section where
4 Mr. Paul Bowles discussed certain aspects of the chloraone
5 claims now in litigation and reviewed for your benefit some
6 of the medical aspects alleged by the physician for the
7 Plaintiffs, isn't that correct?

8 A That's true, sir.

9 Q So he did review for you the various things that
10 these workers were claiming had happened to them?

11 A I can't recall, but that's in the minutes.

12 Q And he discussed the fact that these claims are
13 in the litigation before the Compensation Commission and then
14 it was discussed whether or not you might appear as an expert
15 witness, isn't that correct?

16 A Yes, that is stated.

17 Q And you indeed did then subsequently appear as an
18 expert witness, did you not, sir?

19 A Yes, I did.

20 Q And you told Monsanto at that time that it was
21 your feeling that there was minimal evidence of liver
22 disorders and in one case there was evidence of nerve damage,
23 correct, sir?

24 A Yes, sir.

25 Q But that there was no sign of such disorders in

1 any of the thirty-five people which the Kettering group
2 examined in Nitro in 1953, is that correct, sir? Did you
3 state that at that meeting, sir?

4 A I can't--these are not my minutes, sir.

5 Q I understand that, Doctor. But you were at that
6 meeting and somebody apparently was appointed to take
7 minutes, and that was a Mr. Weger from Monsanto and was at
8 your laboratory in Cincinnati and took these minutes,
9 correct, sir?

10 A Yes.

11 Q This was a meeting in which you, along with the
12 people at Monsanto, discussed what services you might be able
13 to give Monsanto in addition to the work you had already
14 done, isn't that right, sir?

15 A To appear as an expert witness, sir.

16 Q Not just at the Compensation Commission, but in
17 other respects. You were going to correspond directly with
18 the people at BASF, were you not, sir?

19 A No, sir.

20 Q Now, Doctor, on Page 2, the third paragraph,
21 isn't it stated that, "It is anticipated that Dr. Suskind
22 will correspond directly with Dr. Adel"?

23 A That is Mr. Weger's view, not mine, sir.

24 Q Isn't that recorded at this meeting?

25 A I was not responsible for his minutes, sir.

1 Q Doctor, had you not just met with the people at
2 BASF just ten days before this meeting?

3 A No, sir, I had not.

4 Q When did you have the conference with Dr. Adel?

5 A In 1960, sir.

6 Q In what part of 1966?

7 A I can't recall. I don't have the memorandum
8 here, but we did have a meeting with him in 1960 at the
9 request of Monsanto.

10 Q Well, then, did you correspond--

11 A I did not, sir.

12 Q Would you let me finish my question, please, sir?
13 Did you correspond with BASF as it was mentioned that it was
14 anticipated that you would do so, sir?

15 A Only prior to the 1960 meeting.

16 Q Did you exchange any information with BASF?

17 A Absolutely not, sir.

18 Q Didn't you get a request from Monsanto that you
19 should correspond directly with Dr. Adel?

20 A No, sir.

21 Q Are you familiar with the report of Mr. Wheeler
22 in behalf of Monsanto dated June 12, 1956 just ten days
23 before the minutes, the meeting that we have, in which he
24 states that they're going to request Dr. Suskind to
25 correspond directly with Dr. Adel?

1 MR. HEINEMAN: Objection, your Honor. Could we
2 have the document marked?

3 MR. CARR: We're going to get to that, counsel,
4 in time.

5 A Is that a request to me--

6 MR. HEINEMAN: Excuse me, Doctor--

7 THE COURT: Objection is overruled. You may
8 proceed, Mr. Carr.

9 Q Now, Doctor, as I stated to you, that Monsanto
10 could request Dr. Suskind to correspond directly with the
11 people at BASF?

12 A They could request, but they did not.

13 Q Well, Doctor, didn't they say in this memo where
14 you were, that it is anticipated that you would do that?

15 A That was at my discretion, sir.

16 Q Well, then, it was certainly at your discretion,
17 then, it was discussed and you did say, well, if I feel like
18 it, I'll do it, is that correct?

19 A No, I did not, sir.

20 Q Well, what did you say?

21 A I have no idea, but I didn't anticipate
22 corresponding with them because there was no need to.

23 Q Doctor, why do you say then here that it was at
24 your discretion that this correspondence take place?

25 A Because they didn't request that I do it.

1 Q Why mention it in the minutes if they didn't
2 request it and it wasn't anticipated that this was going to
3 take place?

4 A It said, "It is anticipated that Dr. Suskind will
5 correspond directly." It doesn't say that I did or that I
6 promised to.

7 Q Indeed, it does not say that you did, but my
8 question is why did you say here now today that it was going
9 to be at your discretion whether or not such correspondence--

10 A Because that's what it was all about.

11 Q Indeed, that's what it was all about. But you
12 decided not to have any such correspondence.

13 A There was no need to, sir.

14 Q You decided not to have any such correspondence,
15 didn't you, sir?

16 A I did so.

17 Q But you did discuss then these, at this meeting,
18 the possibility of giving, well, more than that, first of
19 all, you told the people there that there were no signs of
20 any disorders, any such disorders, liver or nerve damage,
21 correct, sir, in your '53 examination?

22 A That was Mr. Weger's view of it.

23 Q Do you have any memory to dispute this record of
24 what you did state, sir?

25 A All I know is what I know from my report.

1 Q Doctor, could you answer my question, please?

2 A And my report doesn't--

3 MR. CARR: Your Honor, would you direct the
4 witness to wait until I finish my question and give a
5 responsive answer?

6 THE COURT: Doctor, please wait until the
7 question--it would be easier to answer the question once
8 you've heard it.

9 Q Do you have any memory of what transpired at this
10 meeting?

11 A No, sir.

12 Q And the written record of which you have no
13 memory is that it was recorded, put in writing
14 contemporaneously, was it not, sir, that you stated at that
15 time that there was no sign of these disorders in any of
16 these thirty-five people, isn't that correct, sir?

17 A Which is in error.

18 Q Doctor, could you answer my question, please?

19 A What was the question again, sir?

20 (Previous question, "And the written
21 record of which you have no memory
22 is that it was recorded, put in
23 writing contemporaneously, was it
24 not, sir, that you stated at that time
25 that there was no sign of these disorders

1 in any of these thirty-five people, isn't
2 that correct, sir?" was read by the
3 reporter.)

4 A No, sir, it is not correct.

5 Q Isn't that what this document says, sir?

6 A Yes, sir.

7 Q Then the answer to my question is yes, that is
8 correct.

9 A No, sir, it is not correct.

10 Q Isn't that what this document says?

11 A But I couldn't have said it, sir.

12 Q Excuse me, isn't that what this document says?

13 A This document is in error, sir.

14 Q Doctor, my question is, isn't that what this
15 document says?

16 A Yes, it does.

17 Q Now, you're suggesting it is in error because it
18 is not true that there were no signs, isn't that right, sir?
19 Isn't that correct, sir? Isn't that what you are saying here
20 now today?

21 A I must have said more than that, sir, that's what
22 I am saying.

23 Q Isn't that what you are saying today, that this
24 statement wasn't true, it was in error?

25 A It was in error because I would have said more

1 than that.

2 Q You would have said that there were people in
3 this group of thirty-five that had signs of these disorders,
4 wouldn't you, sir?

5 A Not liver disorders, that's correct.

6 Q Doctor, is the answer to my question that this
7 was in error because there were signs of these disorders?

8 A No, sir.

9 Q Were there signs of nerve damage, sir?

10 A In one instance.

11 Q Oh, Doctor, there is more signs of--nerve damage
12 is indicated by pain, is it not, sir?

13 A Not necessarily, no.

14 Q Doctor, can it be manifested by pain?

15 A It might.

16 Q Now, Doctor, that's one of the cardinal signs of
17 nerve damage is pain in the legs, pain wherever the nerve
18 might be damaged. Pain if you have a ruptured disc, you have
19 pain down your legs. If you have pleurisy, anything that you
20 have that affects the nerves causes pain, doesn't it, sir?

21 A It does, sir.

22 Q So one of the cardinal signs of nerve damage is
23 pain, isn't it, sir?

24 A It could be, yes.

25 Q And, Doctor, practically all of these 29, 27

1 people had signs of pain in the leg, didn't they, sir?

2 A No, sir.

3 Q How many had pain in the legs, Doctor?

4 A I don't know, sir.

5 Q We went through it, didn't we, sir?

6 A We did.

7 Q And a large group of these people had pain in the

8 leg, didn't they, sir?

9 A Some of them did, sir.

10 Q Doctor, no, I'm saying more than some, a large

11 group had pain in the legs, didn't they, sir? If you want to

12 go through the 1953 report again, I guess we can do so,

13 Doctor. But you--

14 A I don't think it is necessary.

15 Q It is not necessary, because there were a large

16 number, we've got 27 out of 29 that had one or more of these

17 complaints which includes pain, correct, sir?

18 A According to your code, yes.

19 Q No, Doctor, you keep saying according to my code.

20 It was according to your 1953 report. That's the source of

21 these checkmarks, isn't it, sir?

22 A Yes, according to your way of recording it.

23 MR. CARR: Your Honor, would you direct the

24 witness to answer the question?

25 Q My question is this is taken from your 1953

1 report, isn't it, sir?

2 A Yes, sir.

3 Q And, Doctor, according to your 1953 report, a
4 large number of these people had pains in the legs, didn't
5 they? Pains in the arms, didn't they, sir?

6 A No, sir.

7 Q How many did, sir?

8 A I said, I can't tell you, I haven't counted them.

9 Q Well, why don't you count them, Doctor. Have you
10 had a chance to count them, Doctor? Have you had an
11 opportunity to count them, Doctor?

12 A I have.

13 Q How many did you count, Doctor?

14 A Those that I felt significant were about ten.

15 Q Doctor, I didn't ask you the ones that you
16 thought were significant. I asked you to count the number of
17 men complaining of pains or aches in their legs or arms or
18 neck or shoulders that would be indicative of, well, just, I
19 ask you just to count those, sir. How many did you count like
20 that?

21 A I only counted those that I interpreted as
22 significant.

23 Q Doctor, recount them, please, sir, and give us,
24 please, the number of people, number of men who were in 1953
25 complaining of pains in the neck, the shoulder, the arms, the

1 thighs, the legs, the feet, the back, would you do that,
2 please?

3 A You have that number up there, sir.

4 Q No, Doctor, this is 27 out of 29. Some of the
5 men did not have complaints of pains in the legs or the back
6 or so forth, so that isn't correct and I don't want to
7 mislead you, and I don't want you to mislead us. This is the
8 27 out of 29 that had one or more of these complaints, sir,
9 they were not all pain complaints.

10 A The majority of them do have pain, complained of
11 pain.

12 Q The large majority, I counted 23 out of 27.

13 A Um hmm.

14 Q And so did you.

15 A No, I did not.

16 Q Well, do you have any quarrel with what I
17 counted, sir?

18 A Yes, I do.

19 Q Well, then, count them again.

20 A No, I'm only quarreling about the significant
21 complaints of pain.

22 Q I didn't ask you if you were quarreling about the
23 significance. I asked you if you counted 23 men who had
24 complaints of pain in the legs, the thighs, the feet, the
25 arms, the shoulder, the neck, or the back in 1953 upon the

1 autoclave and some in the adjacent department, correct, sir?

2 A. Correct.

3 Q. And this second group of animals all died within
4 one to two weeks following exposure, did they not, sir?

5 A. That's what it read, yes.

6 Q. And then it says, "Subsequently, animals placed in
7 the cages which had previously been in the department died of
8 liver necrosis," correct, sir?

9 A. Yes, sir.

10 Q. So there is a third group of animals who had been
11 placed in the cages that had been previously put in the
12 department, correct, sir?

13 A. Correct.

14 Q. And again of liver necrosis?

15 A. Correct.

16 THE COURT: Mr. Carr, is this a good point to
17 break?

18 MR. CARR: Yes, Your Honor.

19 THE COURT: All right, we will break for the day at
20 this time. We will resume again tomorrow morning at 9:30,
21 and I would remind you as I do on any overnight break that
22 you are not to discuss this matter among yourselves, with
23 anyone outside the jury panel. You are not to read, listen
24 to or watch anything about this case in particular or subject

1 matter in general in any of the media. Thank you for your
2 attention and cooperation.

3 COURT ADJOURNED:
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1 STATE OF ILLINOIS)
2 TWENTIETH JUDICIAL CIRCUIT) SS
3 COUNTY OF ST. CLAIR)
4

5 I, DEBRA M. MUSIELAK, certify the foregoing to be a
6 true and accurate transcript of the testimony and proceedings
7 in the above-entitled cause.

8 Dated this 10 day of March, 1986.

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Debra M. Musielak

1 STATE OF ILLINOIS)
)
2 TWENTIETH JUDICIAL CIRCUIT) SS
)
3 COUNTY OF ST. CLAIR)

4

5 I, RICHARD P. GOLDENHERSH, one of the Judges in and
6 for the Twentieth Judicial Circuit, do hereby certify that I
7 have examined the aforesaid transcript of proceedings, and
8 certify the foregoing to be a true and accurate transcript of
9 the testimony and proceedings in the above-styled cause.

10 Dated this _____ day of March, 1986.

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HON. RICHARD P. GOLDENHERSH

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