IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

COPY

JOHN R. SWIFT and
BARBARA SWIFT,

Plaintiffs,

VS.

CIVIL ACTION NO.
CV-97-AR-2430-E

MONSANTO COMPANY, INC.,
et al.,

Defendants.

VIDEOTAPED DEPOSITION OF KEVIN CAHILL

Taken on behalf of the Plaintiffs

May 19, 1999

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

JOHN R. SWIFT and
BARBARA SWIFT,

Plaintiffs,

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CIVIL ACTION NO.
CV-97-AR-2430-E

MONSANTO COMPANY, INC.,
et al.,

Defendants.

Deposition of KEVIN CAHILL, produced, sworn, and examined on behalf of the Plaintiffs on May 19, 1999, between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of that day, at the Ritz-Carlton Hotel, 100 Carondelet Plaza, St. Louis, MO 63105, before Sheila L. Ford, a Registered Professional Reporter and Notary Public within and for the State of Missouri.

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APPEARANCES

The Plaintiffs were represented by Ellen B. Malow, Esq., of the law firm of Kasowitz, Benson, Torres & Friedman, LLP, 700 Louisiana Street, Suite 2200, Houston, Texas 77002, and Donald Stewart, Esq., Post Office Box 2274, 1131 Leighton Avenue, Anniston, AL 36202.

The Defendants were represented by Mr. Adam Peck of the law firm of Lightfoot, Franklin & White, L.L.C., The Clark Building, 400 20th Street North, Birmingham, Alabama 35203-2300, and Mr. Michael E. Kelly of the law firm of Smith, Helms, Mulliss & Moore, P. O. Box 21927, Greensboro, North Carolina 27420.

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IT IS STIPULATED AND AGREED by the parties, through their respective counsel, that the deposition of KEVIN CAHILL may be taken before Sheila L. Ford, CSR, RPR, as Commissioner and Notary Public in the State of Missouri, on May 19, 1999, at 1:00 p.m.

IT IS STIPULATED AND AGREED that notice of filing by the commissioner is waived.

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STATE OF MISSOURI, COUNTY OF ST. LOUIS

[Cahill Exhibit Number One was marked.]

THE VIDEOGRAPHER: Good afternoon. Today is May 19, 1999. The time on the video monitor is 1:02 p.m.

This is in the case of John R. Swift and Barbara Swift versus Monsanto Company, Inc., pending in the U. S. District Court, Northern District of Alabama, Eastern Division. Civil Action Number, CV-97-AR-2430-E.

My name is Bo Kriegshauser. I'm a certified legal video specialist. And if counsel will please introduce themselves.

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MS. MALOW: Ellen Malow, counsel for Plaintiffs.

MR. STEWART: Donald Stewart, counsel for Plaintiffs.

MR. PECK: Adam Peck, counsel for Defendants.

MR. KELLY: Michael Kelly, counsel for Defendants.

THE VIDEOGRAPHER: If the court reporter will please swear in the witness.

KEVIN CAHILL,

of lawful age, produced, sworn, and examined on behalf of the Plaintiffs, deposes and says:

MS. MALOW: Before we get started, one quick thing. As far as stipulations, can we agree that Mr. Cahill's deposition can be used in both the Swift litigation as well as the Abernathy litigation?

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MR. PECK: That's fine. Are we going to operate under the usual stipulations or not?

MR. STEWART: That's up to her. I had indicated that -- to Ellen. I had indicated that previously, since Mr. Cahill lives here, I assume in St. Louis, and would not be subject to subpoena in some of the proceedings that we are taking the deposition for purposes -- to play in the Abernathy case in state court, we generally like to travel on the basis that the stipulations that we normally agree to, or not agree, if you want to make objection, you make objection now. Because this would be for use, obviously, in court. Unless y'all plan to have

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Mr. Cahill present at the trial and would indicate now for the record that you would have him there for the Abernathy case.

MR. PECK: We have made no decision about that.

So you don't want to operate under the usual stipulations; you want me to state my full objections on the record. If that's what you want to do, that's fine. I think clearly the way the rules work is that doesn't affect its usability at trial. If I just object normally, we just take up the issues of admissibility later with the Court. But if you want me to make full objections, I'll -- It just messes up the record.

MR. STEWART: We've done it both ways in the record -- I mean, it's up to her. Ellen's taking the deposition. It's up to her what she wants to do.

MS. MALOW: If you don't mind making them, that would be preferred.

MR. PECK: All right. That's fine. Then we'll do it that way.

There was a document request which was served on us two days ago. Obviously, under the Federal Rules we had thirty days -- we have thirty days to respond to this request, from the date of receipt. Nonetheless, we have made an effort to review documents and produce responsive documents. We

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believe we have done that. But I reserve my right to file formal objections and responses under the normal rules.

DIRECT-EXAMINATION

QUESTIONS BY MS. MALOW:

Q. Mr. Cahill, are you ready to proceed?

A. Yes.

Q. Do you understand that you have taken an oath to tell the truth?

A. Yes, I do.

Q. And you'll do that for us today?

A. Yes, I will.

Q. Have you ever given a deposition before?

A. I have not.

Q. Let me go over a few things I think might make the process go smoothly for us today.

I'm going to ask you questions, and you're going to give answers to those questions. If at any time I ask

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you a question that's confusing or vague or doesn't make sense, just let me know, and I'll be happy to rephrase it for you. Okay?

A. That's fine.

Q. You need to make sure you answer out loud, even though we have the videographer, so the court reporter can get their record.

A. Fine.

Q. Also, it's important we don't talk on top of each other so she can get us down one at a time. If you'll try and let me get my whole question out before you give your answer, I'll try and let you get your answer out before I shoot another question at you. Okay?

A. Okay.

Q. Have you reviewed any documents in preparation for your deposition?

A. I did review documents with the attorneys.

Q. What documents did you review?

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A. Ones that were presented to you here that were responsive.

MS. MALOW: Let's mark them so we can talk about them later.

[Cahill Exhibits Numbers Two through Four were marked.]

Q. (By Ms. Malow) I'm going to go ahead and hand you so we can identify for the record Exhibits One through Four.

Have you seen Exhibit One before?

A. Yes. I did see this.

Q. Exhibit Number One is the notice of your deposition, which requested some documents. That's what Mr. Peck just addressed on the record; is that right?

A. That's correct.

Q. And the documents that you and the lawyers have brought with you today are the documents that we have identified as Two, Three, and Four. Can you make sure that's accurate?

A. That's accurate.

Q. Would it also be accurate that exhibits

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Two, Three, and Four are the only documents that you have reviewed in preparation for your deposition?

A. These are documents that we reviewed that we felt were responsive.

Q. I guess my question is a little bit different. And that is, is there any other document, other than Two, Three, and Four, that you have looked at to get ready for your deposition?

A. We looked at press clippings.

Q. What press clippings did you look at?

A. As a matter of fact, the one that appeared in *The Anniston Star* just recently.

Q. "Hidden in the Soil," or something was the title of that?

A. I don't recall the title.

Q. That was just this week?

A. This past Sunday.

Q. What other press clippings do you recall reviewing?

A. We keep press clippings as they appear

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on all our plants.

Q. How big is the file for the Anniston plant? Do you have a file of press clippings?

A. A number of pages. Yes, I have a file of press clippings. In terms of number of pages, I don't know how many pages it is. As articles appear in different papers, we collect those through the clipping service.

Q. Do you do that same collection of press clippings for all --

A. For all of our facilities. Anytime we get Solutia mentioned throughout the country, we have monitoring services. They collect those clips and send them to us.

MR. PECK: Kevin, you're anticipating her question slightly. You need to make sure she fully finishes her question and then respond. I know you many times know what

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she's going to say. You're starting to walk on each other a little bit.

Q. I tend to be predictable. Bear with me. How are those organized in terms of files? Do you have a separate file folder for each facility?

A. We keep separate files for each facility.

Q. So if I wanted to see all of the press clippings that Solutia has gathered from the company that clips them, I would just ask for the Anniston file, and that would exist separately?

A. You would actually ask for the Alabama file.

Q. Okay. Other than the press clippings and Exhibits Two, Three, and Four, did you look over any other documents to get ready for your deposition?

A. I looked over documents that were contained in my file.

Q. What kind of file do you have?

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A. Press. For example, the press release that you have here and other press releases, brochure.

MR. PECK: What we did was we looked over -- I'm not sure you're answering the question she asks. We looked over documents to find documents responsive to the request. It wasn't to prepare him for deposition.

Q. (By Ms. Malow) Why don't you --

MR. PECK: -- documents responsive to the request.

MS. MALOW: I think it would help if you just made your legal objections on the record.

MR. PECK: If y'all want me to make my objections on the record, that's what I'm going to do.

MS. MALOW: Right. But a legal objection; not a speaking

objection is acceptable.

MR. PECK: It wasn't a speaking objection. I was clarifying what we did to respond to your request for production.

MS. MALOW: Okay. And I just want the witness right now to tell me what documents he looked at to get ready for the deposition. We have identified --

Q. (By Ms. Malow) Now that you have looked at some press clippings which are gathered by the press clipping service, you also looked at your file, and your file contained in it some press releases, one of which we have here marked as -- which one of these was the press clipping?

A. This was the press release, Number Three.

Q. And what else is contained in your file? You said a brochure. What other items?

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A. Articles that have been written.
Q. Written by newspapers or --
A. By newspapers.
Q. Is that separate and apart from press clippings, or these are selected ones that you have put into your own file?
A. Those are just press clippings that we keep, general information on community relations.
Q. Any other documents in your file?
A. No.
Q. And why is it that you didn't bring your file with us -- with you here today? That was one of the items that was requested on the request for documents.
MR. PECK: I don't think --
MS. MALOW: I believe it was number one.
MR. PECK: That's not a file in this case. That's -- He's described for his files. He doesn't have a file in this case. And we brought to you

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what was responsive to the request.

Q. (By Ms. Malow) Can you take a look at item number one on Exhibit One, which is on page 5, and tell me if your file would be something that would fall within that request?

A. Based on what this says, this is what we brought.

Q. But that's not your full file, Exhibits Two, Three, and Four; is that correct, Mr. Cahill?

A. That is correct.

MR. PECK: She asked you if your entire file would be responsive to request number one.

THE WITNESS: Oh. I misunderstood the question.

A. My file would not be responsive to this.

Q. (By Ms. Malow) Why is it that you think your file would not fall under the description of all files in your

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possession regarding this matter?
A. Because what's in my file is not necessarily regarding this matter.
Q. What else is in your file?
A. As I said before, press clippings and articles, brochure, a press release.
Q. But do all of those things in your file pertain to the Anniston facility?
A. No.
Q. Solutia facility?
A. No.
Q. What other facilities or items do they pertain?
A. If you want my Alabama file, I have files regarding the Decatur facility and our Foley facility, which I have responsibility for public and government affairs.
Q. Is it your testimony that items Two, Three, and Four were the only items in your file that pertain specifically to Anniston?
A. As I said, there are some press

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clippings that I have in the file that are specific to Anniston, but there are all press clippings in my file that pertain to Decatur and Foley.

Q. All I'm trying to figure out is what in your file that pertains to Anniston, besides Two, Three, and Four, did you not bring with you today? Press clippings. What else?

A. Please clippings. That's all.

Q. What does the brochure pertain to?

A. The brochure pertains to something called the Solutia Education Connection Program.

Q. What is that?

A. That is a program whereby in the State of Alabama Solutia will provide funding for schools, public schools, to obtain computers and other technology-related equipment. And that's for our sites in Alabama and Anniston, but as well as Decatur and Foley.

Q. When was that program instituted?

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A. We just announced that on --
Q. Was that April of this year?
A. That's correct. I believe April 21st. I believe April 21st. That's a Monday.
[Cahill Exhibit Number Five was marked.]
Q. (By Ms. Malow) Mr. Cahill, I'm going to show you what has been identified as Exhibit Five, marked as Exhibit Five. Is that an article relating to the Solutia Education Connection Program that you have just described?
A. That is correct.
Q. And it indicates in that article that there is $250,000 that's going to be allocated to a school that -- I guess there's a competition between the schools to get that 250,000; is that right?
A. That's correct. Across the state, $250,000 will be available in districts that are around our plants.
Q. May I see this?

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A. Sure.
Q. Isn't the $250,000 limited to eleven school districts, include Anniston and Calhoun County that are eligible?
A. That is correct. And there are eleven counties that are contiguous with where our facilities are located in the state. So there's a Northern Alabama facility; there's a Southern Alabama facility, and there's a Central Alabama facility.
Q. And it's anticipated that the $250,000 will be a yearly contribution?
A. Yearly for three years.
Q. So over the next three years Solutia plans to spend $750,000 on this program?
A. That is correct.
Q. Whose idea was this Solutia Education Connection Program?
A. It actually grew out of an idea that State Representative Barbara Boyd had. Our plant manager in working with her had identified a need for computers at Cobb Elementary School in Anniston. And

as that was successful, we said that as we look at that state, it's a very important state to the company because of the remanufacturing facilities. And because of the funding that the state allows for education, it's near the bottom of the fifty states. We thought we could do something productive for those counties where our employees live and work and where we hope to draw future employees.

Q. Has Monsanto ever made any contributions to Barbara Boyd?

A. We did make a contribution to her in 1997.

Q. Do you recall the amount of that contribution?

A. I believe it was $500.

Q. Is the $500 contribution the only contribution ever been made to Barbara Boyd?

A. From Solutia, that's correct.

Q. How about from Monsanto?

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A. I don't believe she was in office when we were still part of Monsanto. She may have been, but -- I don't recall when she was elected. I believe this is her second term.

Q. Let me back up with you, sir, and get a little bit of background information from you. Are you currently an employee of Solutia?

A. Yes, I am.

Q. When did you start working for Solutia?

A. On September 1st, 1997, when the company was spun off from Monsanto.

Q. Did you previously work for --

A. I did work for Monsanto and joined them in February of 1990.

Q. February of 1990?

A. That's correct.

Q. Have you always worked in St. Louis?

A. I have always worked in St. Louis.

Q. When you started with Monsanto in February of 1990, what was your position?

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A. Manager, Government and Community Relations.
Q. And is the Government and Community Relations a part of a public relations division of Monsanto?
A. It's part of Public Affairs Department.
Q. What other sections back in 1990 existed in the Public Affairs Department besides the Government and Community Relations?
A. There was Public Relations Department. And that includes marketing communications and media relations and an employee communications function. Those three, government and community, marketing communications, and employee communications.
Q. Tell me what your job duties and responsibilities were as manager of Government and Community Relations?
A. To be the liaison for the company with the state governments and also provide support to the plants. I was assigned to help them with the community

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relations outreach.

Q. Which plants were you assigned back in 1990?

A. 1990 I had the States of Missouri, Illinois, Michigan, Tennessee. And those --

Q. How long -- I'm sorry.

A. Go ahead.

Q. What were you going to say about those states?

A. You asked how many plants were in those states.

Q. How many total plants did that encompass?

A. I believe that's seven plants at that time.

Q. Was there a budget that was established for your department to allocate funds for community outreach programs?

A. Each of the community outreach programs budgets were dedicated to the plants. I did not have a budget for that.

Q. So the plant itself had certain money

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that was allocated to it?
A. Allocated to it.
Q. Was that allocated to it from St. Louis, though?
A. That's correct.
Q. Do you know what that amount was, or did it vary from plant to plant?
A. At that time it varied from plant to plant.
Q. What would be the determining factors as to how much money a particular plant would be given for community outreach programs?
A. That was up to the president of the Monsanto Fund at that time to decide what he would allow for community contributions.
Q. Who was president of the Monsanto Fund back in 1990?
A. Dr. John Mason.
Q. Is there today what's known as a Monsanto Fund that's used for community outreach?

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A. There is today a Monsanto Fund.
Q. Who is the president of that fund today?
A. I believe her name is Deborah Patterson.
Q. What is Ms. Patterson's position at Monsanto?
A. As I said, I believe her title is president of Monsanto Fund.
Q. That is her title? Okay. Do you know what the total pot of money in the fund is presently, for all of Monsanto?
A. No, I do not.
Q. How about Solutia?
A. We have allocated 1 million dollars for philanthropic giving.
Q. So for the year 1999 there's a Solutia Fund for 1 million dollars for philanthropic giving?
A. Correct.
Q. Is there a president of the Solutia Fund presently?
A. Yes, there is.
Q. Who is that?
A. Her name is Christy Beckmann?

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Q. Christy who?
A. Beckmann.
Q. What was the amount of the Solutia Fund for philanthropic giving in 1998?
A. In '98 it was also 1 million dollars.
Q. Can you just track for me over the past five years what it was from five years ago to the present?
A. I can't do that because I was not that close to the Monsanto Fund budgeting process.
Q. Do you know if there have been increases in that fund via -- let's just say the Solutia Fund since it was spun off?
A. No.
Q. You don't know, or there have not been increases?
A. There have not been increases.
Q. And again, as far as the Solutia Fund for philanthropic giving, how it gets allocated between various facilities is a decision made by Christy Beckmann?
A. It's a decision made by the Solutia Fund

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Board.
Q. Who sits on that board?
A. There's -- Our controller sits on that board.
Q. Who's your controller?
A. Rodney Bishop.
Q. Who else?
A. Our vice chairman sits on that board. It's Mike Miller. Our vice president for manufacturing sits on that board.
Q. Who's vice president of manufacturing?
A. Dennis Cavner.
Q. Anyone else?
A. I sit on that board.
Q. Anyone else?
A. And our vice president for Environment Safety and Health sits on that board.
Q. I'm sorry. What is that?
A. Environment Safety and Health.
Q. Who is that?
A. Recently retired Mike Pierle.
Q. When did Mr. Pierle retire?
A. Beginning of this year.

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Q. Who replaced Mr. Pierle?
A. There was no replacement for Mr. Pierle for that function.
Q. How about in his general function as vice president of Environmental Safety and Health?
A. There is no vice president of Environment Safety and Health.
Q. Is there someone who's filling his day-to-day duties that he used to handle?
A. Not comparable.
Q. Not what?
A. Not comparable.
Q. Well, maybe they're not doing the same job, but who's supposed to be doing what he used to?
A. There is an environmental council that exists.
Q. Who is that?
A. There's seven people in the Environmental Safety and Health area that comprise the leadership of that

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function.
Q. Who are those people?
A. I don't know if I can name all seven of them. It's not my department. But I'll try. Max McComb, Jeff Felder, John Hinshaw. The group was just named. I'm not sure who else is on it. It's easy enough to find for you, but I don't have that.
Q. When was the environmental council formed?
A. About a month after Pierle retired.
Q. Why was that group formed, or council formed?
A. That was a decision made by the company on how they wanted to handle Environmental Safety and Health.
Q. Do you know what rationale was behind forming the environmental council?
A. Again, that was a management decision on how they wanted to handle that function.
Q. What's your understanding of the purpose of that council?

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A. It is to manage Environmental Safety and Health issues for the corporation.

Q. We got into all this because I was trying to find out from you how it is that it's determined what funds are given to each plant to use for philanthropic activities in the community. So I'm going to try and get back to that and make sure I'm clear on how that works.

The Solutia Fund Board is the one that makes the decision -- or that group which you're part of makes the decision as to what particular amount of money should go to each plant, correct?

A. That's correct.

Q. And then the president of the Solutia Fund, what role do they have?

THE VIDEOGRAPHER: Off the record.

[Discussion held off the record.]

THE VIDEOGRAPHER: Back on the record.

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Q. (By Ms. Malow) What role, if any, does Christy Beckmann have with respect to allocating funds for philanthropic activities for the various plants?
A. She provides that leadership to the fund, as its president, to help, along with the board, determine what themes the philanthropic giving ought to pursue.
Q. What themes are in place with respect to the Anniston Solutia facility?
A. The same ones that are in place for all the other facilities across the country.
Q. What theme is that?
A. One theme is environmental stewardship. One theme is community infrastructure, and the other theme is science education.
Q. And define for me what is meant by environmental stewardship.
A. Supporting programs that are interested in promoting responsible environmental stewardship.

Q. Taking care of the environment? Is that the general gist of it, protecting the environment?
A. Those sorts of organizations that might be involved in that.
Q. And is there some allocation between those three themes as to how much money goes to accomplish each of those themes?
A. There is no set distribution.
Q. Is it just one lump sum of money that's supposed to be used to accomplish all three of those themes?
A. That's correct.
Q. And then as to how that money gets spent, that would be a decision made by the plant?
A. That would be a decision made by the plant in terms of how they want to make the allocation.
Q. Do they have to meet all three themes?
A. They don't have to meet all three themes. It's recommended that they do pursue those three things.

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Q. With respect to Anniston specifically, what monies have been spent -- let's just start with this year, 1999 -- to promote the theme of environmental stewardship?
A. In terms of direct dollar contributions, you would probably have to speak to the plant manager about that.
Q. You don't have that knowledge?
A. I don't have the specific dollar amounts that were provided.
Q. How about just with respect to what programs have been supported by Anniston, the Anniston facility --
A. I know of one.
Q. I'm sorry. Let me finish my whole question -- that would promote environmental stewardship?
A. We donated some property to a group that promotes environmental and conservation efforts.
Q. What group is that?
A. Habitat Council.

Q. Is that different than Habitat for Humanity?
A. That is correct.
Q. What is Habitat Council?
A. That's an environmental stewardship group.
Q. Where are they based?
A. I believe they're based in Birmingham.
Q. How about in 1998? Are you aware of any programs where funds from the Anniston facility were allocated to promote the theme of environmental stewardship?
A. Not in 1998 that I can recall.
Q. How about 1997?
A. Again, you would need to talk to the plant manager about that.
Q. You don't have any specific recollection?
A. Not specific recollection.
Q. Are you saying that there is money allocated that -- that there was money allocated in '98 for environmental stewardship programs that you just don't

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know where it went?
A. I'm saying there's money allocated to the plants based on those three themes that were identified.
Q. Right. And you can't tell me the breakdown of how they ended up spending the money?
A. That would be -- Again, the plant manager has that budget; he spends it as he sees fit.
Q. Do they consult with you or others -- Let me ask you. Where are you right now? What department are you in?
A. I'm in our Public and Governmental Affairs Department.
Q. Is that different than Government and Community Relations?
A. In essence, no, but just based on changes within the structure of the company over time. It was determined that public and government affairs was more descriptive of the function.
Q. Is it accurate, then, that since 1990

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through the present that your role at first Monsanto and now Solutia has dealt with government, community, and public affairs?

A. That is correct.

Q. What changes, if any, have you had with respect to your responsibilities over the course of the last nine years?

A. Generally speaking, dealing with similar sorts of issues over the years, just levels of increasing responsibility.

Q. You told me that when you first started in 1990 that the states that you had responsibility for were Missouri, Illinois, Michigan, and Tennessee. Are those still states that you're responsible for?

A. No. Actually, I have responsibility now for Missouri, Illinois, Alabama, Tennessee, and California. And I also have strategic responsibility for the corporation for state government affairs.

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Q. What is corporation for state government affairs?
A. I said for the corporation for the function of state government --
Q. okay. When you say "strategic," what specific --
A. That means I provide guidance to the company on state government affairs.
Q. Give me an example.
A. In states where I don't have direct responsibility for, oftentimes I'm consulted on how to work through the legislative process.
Q. Is this lobbying activities --
A. This is directing lobbying activities.
Q. Have you been involved with respect to any lobbying activities for the State of Alabama?
A. Not as a direct lobbyist. I'm not a direct lobbyist.
Q. How about with respect to directing lobbying activities for the State of Alabama?

A. Yes, I do.
Q. Tell me what types of issues you have been involved in directing lobbying activities for the State of Alabama.
A. It depends on the particular legislation that is proposed.
Q. Well, for example, were you involved with respect to directing lobbying activities on the tort reform legislation?
A. I was responsible for directing lobbying activities on tort reform for my company.
Q. For what lobbying group?
A. It's called Environmental Guidance Corporation.
Q. Did you have a Montgomery lobbyist working with you?
A. That's a Montgomery lobbyist.
Q. Environmental Guidance Corp?
A. That's correct.
Q. Who are the principals of that company?
A. The Principal of the company is David

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Roberson.

Q. Any other people in that company?

A. He is the sole practitioner.

Q. It's a one-man show?

A. That's correct.

Q. What position did Monsanto take with respect to that legislation?

A. Well, there were a number of iterations of that legislation.

Q. What was their bottom line on it, that they were interested in seeing some caps placed on damages --

A. Are you referring to this year or when are you referring to -- The tort reform over the years --

Q. I'm referring to the recent legislation that was just in the papers about caps on damages.

A. We --

MR. PECK: Object to the form of the question because it incorrectly states the tort reform that was recently in

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the papers.

MS. MALOW: I think it's pretty accurate.

MR. PECK: You guys want me to make my objections. I'm just stating them. You can rephrase your question.

Q. (By Ms. Malow) Are you familiar with any recent legislation bills that have been passed by the house regarding damages in personal injury cases and property damage cases in Alabama?

A. I'm familiar with those that passed the Senate.

Q. What position did Monsanto take with respect to that legislation?

A. We took the position that we supported the American Tort Reform Association position.

MR. PECK: Excuse me. You asked about Monsanto?

MS. MALOW: I did. I mean --

MR. PECK: He's

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MS. MALOW: That's fine. We can --

A. I can't speak for Monsanto.

Q. (By Ms. Malow) As to Solutia, what position did they take? Did they also support the American Tort Reform position?

A. That's correct.

Q. Other than tort reform legislation, what other types of legislation have you had involvement in in terms of directing lobbying activities for the State of Alabama over the last two, three years?

A. General taxation issues, environmental legislation.

Q. Can you recall any specific environmental legislation?

A. There was a bill that would have created an Environmental Justice Group that we took an interest in. There was a Hazardous Waste Storage Bill that we took an interest in.

Q. Did any of that legislation pass?

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A. No.
Q. Were you pro or against the Environmental Justice Group, Solutia?
MR. PECK: Object to the form of the question.
Q. (By Ms. Malow) Do you understand the question?
A. No.
Q. Did Solutia support or oppose the formation of an Environmental Justice Group?
A. In the form that it was positioned, we opposed it.
Q. What form was it positioned in?
A. It was a couple of years ago. I need to read the specific language, again. But it had some provisions in it which we thought could be improved.
Q. Do you recall the specific issue that you thought needed improvement?
A. No. It was a bill that, you know, just like anything else, you need to refresh your memory.

Q. Do you know what the Environmental Justice Group's purpose was going to serve?
A. No. No. I don't recall.
Q. How about Hazardous Waste Storage Bill? Do you recall what position Solutia took on that?
A. As it was constructed, we opposed it.
Q. Do you remember --
A. But, it -- an amendment was added to it, and then we supported it.
Q. Do you know what the amendment provided for?
A. It provided for making sure that -- If you were trying to store your own materials, that was okay. The bill as it was constructed was very poorly written and didn't account for that.
Q. When did you first start doing any work with respect to the State of Alabama in connection with your job at Solutia?
A. My initial assignment for the State of Alabama was in the early '90s.

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Q. Do you remember the year?
A. I believe it was 1992.
Q. And has Alabama since 1992 through the present been one of the states that you had responsibility for?
A. It has not.
Q. When have you not had responsibility since 1992 --
A. I had responsibility for that site from '92 until probably the middle of '93 or end of '93, and then just recently when Solutia was formed picked up responsibility for the state in January of '98.
Q. So is it your testimony that from the end of 1993 up until January 1998 that you didn't have any responsibilities with respect to the State of Alabama?
A. That is correct.
Q. What was the reason that you stopped having responsibilities for the State of Alabama at the end of 1993?
A. The company began a restructuring.

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Q. What restructuring took place at that time?
A. We went to what was called a shared services concept.
Q. What does that mean?
A. It means that the staff functions were grouped into a group called Shared Services, and we provided services to each of the businesses.
Q. I need a little more information. I'm confused by your answer.
A. The staff function is just called Shared Services.
Q. Whose function? Was it part of the Public Affairs Department?
A. For logistics, for purchasing, for public affairs, for legal functions, for -- all staff functions. Corporations have line functions and staff functions.
Q. So that was all then handled by a Shared Services group?
A. That is correct.
Q. Who were the individuals in the Shared

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Services group that then handled public affairs or community philanthropic activities?

A. I was no longer a part of that group during that time. I was a part of a corporate government affairs Shared Services group.

Q. I'm trying to find out from you who it was that would have filled that role on the Shared Services group other than yourself.

A. In public affairs or handling of public affairs?

Q. Yes.

A. I don't follow your question.

Q. In public affairs.

A. I'm not following the question.

Q. I'm talking about for the State of Alabama. My understanding is from your testimony -- I may be off on this -- is that up until 1993 one of your jobs was to make sure to address issues for the State of Alabama concerning community

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affairs, public affairs, things of that nature; is that right?

A. That's correct.

Q. All I'm trying to figure out is who then filled that role from '93 up until you got it back in '98. And you told me it was the Shared Services group; is that correct?

A. Shared Services Public Affairs group.

Q. Who were the individuals in the Shared Services Public Affairs group that did that?

A. There were a number of individuals in the Public Affairs Shared Services group.

Q. Can you name them for me?

A. Larry O'Neill, Dallas Meneely, Diane Herndon, Beth Russert. Scarlet -- I mean --

Q. How many people were in that department, or group?

A. I believe worldwide for Monsanto at that time there were somewhere in the

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neighborhood of thirty people in that group, in the Public Affairs group.

Q. Were there certain people within that group that were specifically assigned Alabama?

A. When I was no longer a part of the group, I'm not sure how they parceled out their assignments. Government affairs was based on states, because that's state government affairs.

Q. But public affairs, what was that based on?

A. Government and community -- Well, primarily community relations and media relations.

Q. Is it broken down in terms of cities or plants? How is that done?

A. For public affairs at Shared Services?

Q. At that time. Yes.

A. Again, I wasn't leading the function. I would assume they broke it down --

MR. STEWART: Could we take a short break?

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MR. PECK: Sure.

THE VIDEOGRAPHER: Hold on. Time on the video monitor is 1:46 p.m.

[A break was taken.]

THE VIDEOGRAPHER: We're back on the record. The time on the video monitor is 1:51 p.m.

Q. (By Ms. Malow) We were trying to -- I was trying to figure out how it worked in terms of the Shared Services Public Affairs group with respect to which individuals would have had responsibility for the Anniston facility during the time frame of '93 to '98. Can you enlighten me on that?

A. As I said before, there were a number of different people who were part of the public affairs function. I was part of the government affairs function. So they were split and run by two different people. So they could have assigned it to any number of those people I just

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named. I don't recall who had responsibility for Alabama. I didn't have state government affairs responsibility for that state, so I didn't have a chance to interlink with whoever they had.

Q. For example, do you know if Diane Herndon had any role with respect to the Anniston Solutia facility?

A. I believe at one point she did.

Q. Do you know what role Diane had?

A. It would have been a public affairs role.

Q. Define for me what public affairs is in the Solutia Corporation.

A. Solutia public affairs is Government and Community Relations, along with media relations, for plants.

Q. And government affairs, which is the group you went into from, I guess, '94 to '98 --

A. '97.

Q. Excuse me. '97. That would have dealt

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with what issues?

A. That would have dealt with legislative matters and regulatory matters.

Q. So EPA issues, that would be your bailiwick?

A. Not EPA issues. State legislative issues, and if the state passed a bill, then the regulatory mechanism to implement that state law.

Q. So you -- When you say regulatory, you're talking about --

A. I'm talking about state.

Q. -- state legislation?

A. I'm talking about state regulatory issues.

Q. Would that include state regulatory bodies for environmental issues?

A. If they were writing regulations for bills that had passed that we were interested in, yes, it would.

Q. And then I think you had also earlier told me there's actually a Public Relations Department. Is that true?

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A. They are called our marketing Communications group.
Q. And what function does the Marketing Communications group serve?
A. They work with the trade press on business issues.
Q. So they don't deal with *The Wall Street Journal* --
A. *Wall Street Journal* is a financial newspaper, so yes, that would --
Q. They do? Okay.
A. When it's related to businesses.
Q. And is that true presently, that there's a marketing communications group --
A. There's a marketing communications group.
Q. How many people presently are in the Public Affairs Department at Solutia?
A. I believe there are eleven, including administrative assistants.
Q. And are you part of that group and the Government Affairs group presently?
A. The Government Affairs group is part of

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the Public and Government Affairs group.
Q. So you would deal with public affairs issues presently?
A. That's correct.
Q. Not in '94 through '97?
A. That's correct.
Q. Let me back up a little bit. We were talking about the --

THE VIDEOGRAPHER: Off the record. Time is 1:55 p.m.

[A break was taken.]

THE VIDEOGRAPHER: We're back on the record. The time is 1:56 p.m.

Q. (By Ms. Malow) I wanted to back up with you, Mr. Cahill, to some of the work that you have done with respect to directing lobbying activities. You mentioned to me the Environmental Guidance Corporation. And with respect specifically to the Tort Reform Bill that has passed the Senate recently, can you tell me whether or not Environmental

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Guidance Corp offered any amendments to that legislation?

A. I do not believe that they did. But that would not have been in my direction. That was being handled by the Business Council of Alabama, to which we lend support.

Q. What amendments do they support?

A. I was not that close to that effort.

Q. Who was that close to that effort?

A. The Business Council of Alabama.

Q. Do you know what contribution Solutia made to any of the individuals that were running in the 1998 election in Alabama?

MR. PECK: Let me state something because of something you said at a hearing, Donald. I mean, I'm not objecting to the form of the question. I question the relevancy or admissibility of a lot of these questions about campaign contributions and

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lobbying. And if my silence is being taken as an indication that I'm conceding all this is admissible, I do not intend it to be that way.

MS. MALOW: Your objection is it's irrelevant.

MR. PECK: My objection is it's irrelevant and inadmissible. And if y'all want me to state those kinds of objections too every time you ask a question, I'll start doing it. I'm assuming you don't and that's not your position.

MR. STEWART: Whatever you choose to do.

MR. KELLY: Object.

MR. PECK: Okay. Then I will clutter your record with it. But it seems to me to be a subject of a motion in limine which we'll later file, if

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you want me to.

MS. MALOW: Well, if you want, we can agree that with respect to contributions made to representatives or public officials, that you have a relevancy objection that you're going to make, I'll agree to that running objection on that one issue.

MR. PECK: That, and lobbying activity.

MS. MALOW: That's okay.

MR. PECK: I mean, I don't want to mess your record up.

MS. MALOW: That's fine.

Q. (By Ms. Malow) Mr. Cahill, what contributions did Solutia make to any of the candidates in the Alabama 1998 election?

A. We made contributions to Representative Steve McMillan, Representative Jimmy Warren, as I mentioned before,

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Representative Barbara Boyd, Representative Dave Thomas, Representative Tommy Carter, Senator Tommy Ed Roberts. Made a direct contribution to the candidate at that time and now your Lt. Government.

Q. Steve Windham?

A. Steve Windham. Also to Senator Burton, I believe his name is.

Q. Let me back up a little bit to get a little more background on you. What's your education?

A. I'm a graduate of Tufts University.

Q. What year?

A. 1983.

Q. What was your degree?

A. History. Currently enrolled at Washington University.

Q. What degree are you pursuing?

A. M.B.A.

Q. Okay. Did you have any degree in advertising or marketing?

A. No. History.

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Q. Where did you go to work when you first got out of school at Tufts?
A. Worked for Inroads St. Louis.
Q. What kind of company is that?
A. They're a human resources firm that secures internships with Fortune 500 companies for talented minorities.
Q. Did they secure internships at Monsanto?
A. Yes, they did.
Q. So is that how you came into contact with Monsanto?
A. No, it is not.
Q. How did you come into contact with Monsanto?
A. Actually, I was seeking a job after -- with a company called Fleishman Hillard. And the people at Fleishman Hillard introduced me to Monsanto.
Q. What other jobs have you had besides Inroads and Monsanto and Solutia?
A. I was special assistant to the mayor of St. Louis.
Q. What year was that, or years?

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A. I joined his office in 1986 and left a week before I joined Monsanto in February of '90.
Q. Does that roughly cover your work history?
A. Uh-huh (indicating yes).
Q. Let's back up to your role with respect to the State of Alabama, which I believe you said started in 1992. What sorts of activities were you working on in 1992 and 1993?
A. At that time we were -- I was manager of Government and Community Affairs. We got involved at that time with the legislation that was being debated in Montgomery, and community relations activities, philanthropic giving in the Anniston area, as well as Decatur and Foley.
Q. Did you tell me earlier that the exact amount of money is the same for each of the facilities in a given state?
A. No. Again, at that time the Monsanto

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Fund handled that. And they had a way of distributing the money.

Q. What was their way of distributing money?

A. I guess -- I can't speak for them because I was not a part of the Monsanto Fund operation -- but it would be based on the size of the plant, what opportunities they had for philanthropic giving; did they have opportunities that went along with their themes at that time.

Q. Well, since today you are a member of the Solutia committee for the Solutia Fund, can you tell me what the allocation is between the three different plants in Alabama as far as funds that they get for philanthropic activities?

A. I believe that each of the plants gets roughly the same amount of money, probably forty thousand or so for Decatur, a similar amount for Anniston,

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and probably slightly less for the Foley facility.

Q. I thought they get -- What's the total amount for Alabama per year for philanthropic activities?

A. There's no set total. It can shift based on what the fund determines.

Q. Do you know what it's been set for for 1999?

A. For '99 it's those numbers I just described for you. And they would have been the same for '98.

Q. So you think around $80,000. And how much for Foley?

A. Probably $25,000 or so for Foley. Again, I don't recall the exact numbers.

Q. Approximately $100,000 for Alabama?

A. Approximately.

Q. For this year?

A. I would say that would be accurate.

Q. And size-wise, how does the Anniston facility compare to the Decatur facility?

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A. It is a smaller plant than the Decatur facility.
Q. What's the total number of employees at the Decatur facility?
A. There are 1200 employees. And on any given day there are probably 250 to 300 contractors on that site. So 1500 people.
Q. How about at Solutia in Anniston?
A. There are I believe 90 employees there. And again, on any given day there might be 10 to 15 contractors on the site.
Q. Significantly smaller?
A. Significantly smaller because of the nature of the operation.
Q. So what is the justification for giving Decatur and Anniston the same amount of money?
A. It depends on what activities are involved. And Decatur's involved in United Way giving that their employees -- probably because they're a larger plant -- give more dollars, so that

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levers up what they do. And also just opportunities for community outreach.

Q. So is it your testimony that there are more opportunity for community outreach in Anniston and Decatur?

A. I'm not saying that.

MR. PECK: Objection. Question mischaracterizes his testimony.

Q. (By Ms. Malow) Other than size of plant and opportunity for philanthropic giving, what are the other factors that go into determining how much Decatur gets versus Anniston or Foley?

A. Those are probably the key criteria and whether or not they meet the three things that I described before, which are environmental stewardship, science education, and community infrastructure.

Q. Is the fact that there is pending litigation arising out of the Anniston facility a factor?

A. That's not a factor.

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Q. Not relevant at all?
A. No. We look for opportunities. We have three manufacturing facilities that are current operations. And we look for the opportunities to help be a positive contributor in that community.
Q. We started to talk about this because I was asking you about back in 1992 and '93 what your functions were with respect to the State of Alabama. And you mentioned that you had been involved with some legislation debate in Montgomery, and you were involved with some community relations. And I believe you had said you did not -- Well, let me ask you. Do you know what the exact amount of money was that was going to Anniston, Decatur, and Foley back in '92 and '93 for community philanthropic activities?
A. I don't recall, but I would say it's probably a similar amount.
Q. So is it your testimony that the amount

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of money for each of the facilities in Alabama has remained relatively the same over the course of the last eight years?

A. Relatively the same.

Q. The funds -- Let's say, for example this year, 40,000 for Anniston, since that wouldn't cover this $250,000 program that was mentioned in the Exhibit Five, the article, Grants for Education, where does that money come from?

A. That money comes from the Solutia Fund.

Q. So there are additional funds besides the allocation for community affairs that's available for the various facilities?

A. For programs where we want to do something on a state-wide basis, based on the importance of that state, those dollars are allocated.

Q. For 1999 other than this $250,000 Grants for Education, what other funds from the Solutia Fund have been allocated to the State?

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A. The funds I described to you before that amounted to about $100,000.
Q. So we have got basically a total of $350,000 that's going to be allocated this year for the State of Alabama?
A. That's correct.
Q. Now, out of this $40,000 that goes to Anniston, is that money that they use to do things, for example, like pay for one of the teachers to go to the National Science Convention or whatever that convention is they --
A. It's called National Science Teachers Association Convention. That's correct.
Q. Would that be money to pave the parking lot or things like that in the community? Or is that from a different fund?
A. Well, I don't see how paving a parking lot would fit philanthropic giving.
MR. PECK: You're talking about paving the elementary school parking lot?

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A. If that was the determination of the plant manager that based on his conversations with community and education leaders they wanted to pursue, I would have a question about it when he talked to me about, well, do you think this is a good idea, but if he thought that was a good idea, yes, they could do that.

Q. Why would paving a parking lot at a school raise a question in your mind?

A. I'd have to wonder about the benefit of does it promote science education.

Q. Because, again, it needs to fit one of those three themes we talked about earlier?

A. That's correct.

Q. Who makes the decision as to how it is that those philanthropic givings are publicized in the community or shared with the community?

A. Generally speaking, that's the plant managers in consultation with me.

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Q. So let's say, for example, the plant manager decides that he does want to go ahead and pave this school parking lot and he convinces you to do it, is it his recommendation that the media be alerted or that a public announcement be made, or is that something you guys do together? How does that work?
A. That's something that he pursues on his own.
Q. Do you advise on that issue?
A. If asked about it, yeah, I'll provide assistance on it.
Q. Let's get specific. With respect to the Anniston facility, have you given some consultation with respect to promoting philanthropic activities in the community in terms of either getting it in the papers or announcing it in some other format?
A. With the Solutia Education Connection, yes.
Q. How did that come about to get it into

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the paper?

A. We sent a press release to *The Anniston Star*.

Q. Were you then interviewed? Or was your manager interviewed?

A. It was not interviewed. The site manager was interviewed.

Q. When a site manager is interviewed specifically for this grant, do you consult ahead of time to help him prepare for what to say and what not to say?

A. We prepare for it.

Q. Do you give him talking points?

A. Generally speaking, it's on a case-by-case basis. For something like this, we had a press release there that was pretty self-explanatory. It's an excellent program.

Q. So he works off the press release in that situation?

A. That's right. Sure.

Q. Back in 1992-93 time frame, did you have

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any responsibilities for PCB issues in Anniston?

A. Did not.

Q. Have you at any time during your career, either at Monsanto or Solutia, had responsibility for the PCB issue?

A. I have not.

MS. MALOW: Why are we here with this person if he had no responsibility for PCBs?

MR. PECK: You asked for the public affairs person for this plant. This is the person. We don't have a PC campaign. That's not why you're not getting any documents responsive to it. There is no body who apparently can answer the questions you all want asked in that document request.

Q. (By Ms. Malow) Who prepared Cahill Exhibit Two, the Anniston talking points

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for the West Anniston Environmental Justice Task Force?

A. This I prepared.

Q. When did you prepare that document?

A. Looks like January 12th of this year.

Q. Why was that document prepared?

A. It was in response to media requests from Jonathan Lifland of *The Anniston Star*.

Q. What request did Mr. Lifland make of you?

A. Well, actually Mr. Lifland had written a story about this petition. And I read it and felt that it was inaccurate and not balanced. And so Mr. Peck and I called him and said we'd like to have you understand the other side of the story so that it was balanced.

Q. So you worked in connection with Monsanto's outside counsel to provide Mr. Lifland with the other side of the story?

A. That is correct.

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Q. And what has been marked as Exhibit Two are talking points that you shared with Mr. Lifland?
A. That's correct.
Q. Who came up --
MR. PECK: To be clear, you didn't give Exhibit Two to Mr. Lifland, did you?
MR. STEWART: You want to testify? Maybe you're the PCB expert.
MR. PECK: I thought you guys wanted to know what was accurate. I didn't want you to think that was given to Mr. Lifland.
A. That was in consultation with Mr. Peck.
THE REPORTER: Whoa, Whoa. One at a time, please.
Q. (By Ms. Malow) So in consultation with Mr. Peck, you prepared Exhibit Two, which are talking points?
MR. PECK: Object to the form of the question.

Mischaracterizes testimony?

Q. Is that correct?

A. That's correct.

Q. So you and Mr. Peck consulted, and then you are the one that actually prepared Exhibit Two?

A. I prepared it.

Q. Can I see that, please?

The information that is contained within Exhibit Two, where did that information come from?

A. Information came from our remediation manager.

Q. From your remediation --

A. Remediation manager there at the site.

Q. Mr. Faust?

A. Mr. Faust.

Q. How about, for example, with respect to the point on human health effects? Where did that information come from?

A. That information came from our person, Dr. Bob Kaley.

Q. Do you know if Dr. Kaley consulted with

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any outside scientists or doctors on this issue?

A. I don't know if Dr. Kaley consulted with anyone.

Q. Did you personally speak with Dr. Kaley about that issue?

A. I spoke with Dr. Kaley about that issue.

Q. So I mean, earlier you said you hadn't had any involvement at all with PCBs. That's not true?

A. Just as a matter of background on what's going on with the site. I visit every plant that I have assignments for and find out issues that they're involved in.

Q. So when is it that you first learned that there was a PCB contamination problem for the Anniston facility?

A. When the company was spun off, that there was litigation.

Q. So your first notice that PCBs had left the plant boundaries was when there was litigation? Is that your testimony?

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MR. PECK: Objection to the form of the question. Mischaracterizes his testimony, argumentative.

Q. (By Ms. Malow) You can answer.

A. Would you restate your question? I'm not following you.

Q. Sure, sure.

Is it your testimony to the jury that the first time that you knew that PCBs had left the boundaries of the Anniston facility was when litigation was brought?

MR. PECK: Same objection.

A. Again, I was assigned to a different state until the company split. And Anniston was not my responsibility.

Q. (By Ms. Malow) So it is your testimony that your first knowledge about PCB -- any kind of PCB problem, PCBs leaving the gates of the Solutia facility in Anniston was when litigation ensued?

MR. PECK: Object to the form of

the question.
Mischaracterizes his
testimony.

Q. (By Ms. Malow) When Solutia spun off?
A. When Solutia spun off.
Q. In 1997?
A. Again, that's my recollection.
Q. And what were you told at that time, when Solutia spun off, with respect to the PCB issue?
A. That there were lawsuits in Anniston.
Q. Was that at a visit to the facility? Was that a telephone conversation, in person?

MR. PECK: Mr. Cahill, I instruct you not to disclose any communications you have had with counsel. That's privileged. The question is so broad, it could encompass communications with counsel. Do not in the process of answering the question

disclose communications with counsel.

Q. (By Ms. Malow) Can you answer the question?

A. Restate the question.

Q. You said that your first knowledge with respect to the PCB issue was after the spin-off of Solutia when you learned there were lawsuits in Anniston. What I'm trying to find out is what the circumstances were. Were you at the site in person? Was this --

A. Not at the spin. No.

Q. Pardon?

A. Not at the spin I was not.

Q. I still didn't hear you.

A. Not at the spin.

Q. How is it -- Who told you that there were lawsuits in Anniston?

A. I believe the plant manager told me that there were lawsuits.

Q. At the time who was that?

A. That was Blake Hamilton.

Q. Did he provide you with information regarding prior remediation efforts that had been performed by the Solutia facility in Anniston?
A. When I took responsibility for the site, as I said, in January of 1998, I did visit the site and was shown remediation activity that was under way.
Q. And what were you told with respect to why it is that remediation efforts were under way?
A. I was told that PCBs were found adjacent to the facility.
Q. Were you told the extent and how far the PCBs had spread?
A. No.
Q. Were you informed about the property purchase program?
A. I was informed about the property purchase program.
Q. When did you first learn about that?
A. During that site visit.
Q. Who accompanied you on that site visit

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in January of 1988?
A. Blake Hamilton, the site manager, and Allen Faust, the remediation manager.
Q. Was that one day visit --
A. One day visit.
Q. Anyone else from St. Louis with you?
A. No, there was not.
Q. What else did you guys discuss during that one day visit?
A. We discussed their general sense of the community, was the plant manager and plant employees involved in community activities.
Q. What was their general sense of the community at that time?
A. At that time they thought that the community, based on our longstanding history in the town -- again, it depends on who you ask, but we were a strong neighbor.
Q. What do you mean by "strong neighbor"?
A. We participated in education activities over the years. We -- Our plant

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managers had been active in a variety of community relations activities over the years. Our employers who live and work in that area were also active.

Q. Did you make any recommendations to the manager or to Mr. Faust with respect to other activities they should get involved in?

A. Not at that visit.

Q. Some later time did you make any recommendations along those lines?

A. We discussed what opportunities with Blake -- Mr. Hamilton during his visits with community leaders, what opportunities existed.

Q. What opportunities were those?

A. Computer donation to Cobb Elementary School, building Habitat for Humanity house.

Q. Is that the recent $35,000 contribution?

A. That's correct.

Q. Okay. What else? What other opportunities did you discuss with Blake

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Hamilton?

A. There was another opportunity with the high school to provide tutoring, I think. That was I thought a good idea because it was based on helping with science education and tutoring students in the sciences.

Q. Going back to Exhibit Number Two, you indicate as one of the key points that the West Anniston Petition is a litigation tactic. Is that something that you came up?

A. No. That's what our attorneys told us that the plaintiffs' attorney said.

Q. And you took their word for that?

A. Yes, I did.

Q. Who provides you with information regarding the cooperative efforts that Monsanto, now Solutia, has had with agencies such as ADEM and the Alabama Department of Public Health?

A. That would have been our remediation manager, Mr. Faust.

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Q. What were you told with respect to that cooperative effort that's been going on for the past number of years with those agencies?
A. That there is a cooperative effort and that we're performing the remediation under the oversight of ADEM.
Q. Are you familiar with the PCBs that were found by the Alabama Power Company back in 1993?
A. I'm not familiar with that. Again, based on the briefing that Mr. Faust gave me on my first visit there, he said there were PCBs that were adjacent to the facility.
Q. But back in 1993 I thought you were responsible for Alabama?
A. I was responsible for Alabama, but I had no knowledge of PCBs on Alabama Power property.
Q. You're not familiar with the media attention that was given to the detection of high levels of PCBs on

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property that Alabama Power had purchased from Monsanto back in the '60s?

A. I'm not familiar with that media.

Q. When I mentioned that just now, is that the first time you have ever heard of that?

A. Not now. No. I have heard about it since I had briefings when I went down and met with Mr. Faust.

Q. So is it your testimony that the first time that you heard that Alabama Power found PCBs on land that they had acquired from Monsanto was in 1998 when you visited the site?

A. That's correct.

Q. Did Mr. Faust or Mr. Hamilton fill you in on the fact that Monsanto, or Solutia, and Alabama Power cut a deal to give that land back to Monsanto so that Monsanto could take care of remediating that problem?

A. I believe they did mention that we were

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acquiring properties to handle remediation.

Q. Did they tell you why it was that Monsanto wanted to acquire those properties as opposed to allowing Alabama Power to manager that --

A. I was not privy to those discussions. That's the remediation manager.

Q. Well, Mr. Foresman, who's in St. Louis, do you know him?

A. I do know Foresman.

Q. Has Mr. Foresman, who was responsible for negotiating that deal with Alabama Power, ever told you about that?

A. Mr. Foresman never told me about that matter.

Q. There's a section in Exhibit Two about Monsanto or Solutia taking action when they discovered presence of PCBs. It talks about discovering the presence of PCBs in adjacent areas and notifying the community and ADEM. Do you know what year that took place?

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A. That information was provided to me by Mr. Faust.
Q. Did he tell you when it was that Monsanto or Solutia first told their neighbors that they were PCBs that had come from its facility?
A. I believe he may have said in the '96 time frame, somewhere along there.
Q. Did he give you the history of the fact that back in even the '70s or '80s that there were emissions of PCBs into the neighborhood?
MR. PECK: Object to the form of the question.
Mischaracterizes the facts.
Q. (By Ms. Malow) You can answer.
A. Restate the question.
MS. MALOW: Can you read it back, please?
[Requested portion of record read.]
A. He did. And in conjunction with one of the exhibits here, when we got a request

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from *The Wall Street Journal*, *The Wall Street Journal* a reporter sent a number of historical documents and asked questions about those.

Q. When Monsanto answered the questions --

A. Monsanto didn't; Solutia did.

Q. I apologize. When Solutia answered the questions of *The Wall Street Journal*, did they also at that time tell their neighbors about the problems?

A. This occurred in 1998. As you can see, the question were faxed to us in June of '98.

Q. Where are the responses that you provided to *The Wall Street Journal*?

A. We provided interviews with Dr. Kaley, Mr. Faust, Mr. Hamilton.

Q. When were Kaley, Faust, and Hamilton interviewed?

A. Shortly after we got that fax, *The Wall Street Journal* contacted us, and we responded back. I believe we met with them sometime in early July.

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Q. Of 1998?
A. '98.
Q. Was that in person?
A. That was in person.
Q. How long were each of them interviewed?
A. They were interviewed in the same room. I believe Mr. Mollenkamp was there at the plant for probably two to three hours.
Q. Who else was present?
A. Mr. Peck was present.
Q. Were you present?
A. I was present.
Q. Anybody else?
A. That was it for that meeting.
Q. Have you had other meetings with *The Wall Street Journal*?
A. We had one other meeting with *The Wall Street Journal*.
Q. When was that?
A. Probably two to three months after the initial meeting.
Q. What was the purpose of that meeting?

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A. To follow up on more questions that Mr. Mollenkamp had.
Q. Who was interviewed at that time?
A. Dr. Kaley.
Q. Same crew?
A. Mr. Peck. Mr. Peck. I was there. And Mr. Steve Bradley was there.
Q. When is the first time that Mr. Bradley has been involved with respect to public relation efforts for the Anniston facility?
A. He's involved for all of our facilities in Alabama. We brought him on board about the same time that I was assigned the state.
Q. You're talking about 1998?
A. '98.
Q. What was the reason that you wanted someone from the outside involved in the plants?
A. Just as we do with our lobbying effort. To have someone who's familiar with the local media, familiar with local

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community relations, makes a lot more sense than trying to understand Alabama from St. Louis.

Q. And Mr. Bradley had more of a presence there? Is that fair to say?

A. He has an expertise. He has a public affairs firm that he has had for some time and understands community relations based on his background.

Q. For which other states do y'all use a public affairs firm besides Alabama?

A. We use a public affairs firm for the State of Missouri. We use a public affairs firm for the State of Illinois. We have a public affairs firm for the State of Florida. We have a public affairs firm that we use in the State of Massachusetts.

Q. Is it all fifty states?

A. No. Just where we have manufacturing operations or major markets.

Q. And prior to Mr. Bradley being retained in 1998, was there any other public

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affairs firm that was used for the State of Alabama?

A. Not to my knowledge.

Q. Other than Mr. Bradley's firm, are there any other firms that Solutia has utilized for the State of Alabama?

MR. PECK: For public affairs?

Q. (By Ms. Malow) For public affairs. Yeah.

A. We hired Mr. Bradley, as I said, about the same time I took the assignment, in January of '98.

Q. Right. But I'm looking for if there are any other firms other than Mr. Bradley's firm that have filled that role.

A. No.

Q. The meetings with *The Wall Street Journal*, were those recorded?

A. If they were recorded, they were recorded by Mr. Mollenkamp.

Q. I mean, did he ask permission to record them?

A. I believe he did have a small hand-held

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recorder.

Q. The documents that are attached to Exhibit Number Four, were those documents that were compiled to give to Mr. Mollenkamp?

A. Those are documents that Mr. Mollenkamp sent to me.

Q. Had you seen any of the documents that were attached to Exhibit Four before Mr. Mollenkamp sent --

A. I had not seen those documents before Mr. Mollenkamp sent them to me.

Q. Who did you go to to find out about the information contained in the documents which are part of Exhibit Number Four?

A. I went to Dr. Kaley, who was our person tasked with understanding PCBs inside the company.

Q. Did he tell you that back in the '50s that there had been problems with chloracne cases due to exposure to PCBs?

A. He did not tell me that.

Q. What did he tell you?

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A. In the course of listening to his responses to *The Wall Street Journal* questions, I understood that to be the case from the documents.

Q. But prior to the time you put him up to talk to *The Wall Street Journal*, what did Dr. Kaley inform you with respect to PCBs from a medical standpoint?

A. The information that we put together at -- one of the other exhibits -- is when I had specific conversations with him about that. We brought -- Dr. Kaley is the PCB --

MR. PECK: Sorry. I have an extra copy.

A. Dr. Kaley is the PCB person who is tasked with that for Solutia.

Q. (By Ms. Malow) I'm trying to figure out what he told you specifically with respect to PCBs.

A. He didn't tell me anything at that time. He responded to questions from Carrick Mollenkamp based on the documents that

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had been forward to me and I shared with Dr. Kaley.

Q. Well, you certainly didn't have Dr. Kaley go into the meeting unprepared, did you?

A. No. What I did was I sent him what had been sent to me from Carrick Mollenkamp saying, here are the questions that have been identified by Mr. Mollenkamp of *The Wall Street Journal*. You should be prepared to address his questions.

Q. And did you prepare with Mr. Kaley to find out what his answers were before --

A. I did not.

Q. If you would, just let me get my whole question out. I know sometimes you know where I'm going.

Did you prepare with Dr. Kaley prior to the meeting with Mr. Mollenkamp so that you would know what his answers to the questions would be?

A. I did not.

Q. Did Dr. Kaley prepare with Mr. Peck

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before the meeting?

A. I can't say what preparation Dr. Kaley and Mr. Peck had.

Q. I'm not asking you for the discussions that were held or had between Mr. Kaley -- or Dr. Kaley and Mr. Peck; I'm asking you whether or not you know if they met to prepare for the meeting with Mr. Mollenkamp?

A. And I'm saying I don't know whether or not they met before that meeting at the plant.

Q. Okay. Do you know if they met at any time in connection with Mr. Mollenkamp's questions?

A. Again, I don't know whether or not they scheduled a meeting to meet. We said we would meet at the plant to meet Mr. Mollenkamp to try and address the questions that he posed to us.

Q. Do you know if Mr. Peck arrived before you did?

A. I believe that Mr. Peck was there at the

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plant when I arrived.

MS. MALOW: Let's take a break.

THE VIDEOGRAPHER: We'll go off the record. The time is 2:36 p.m. Please stand by.

[A break was taken.]

THE VIDEOGRAPHER: Back on the record. The time is 2:49 p.m.

Q. (By Ms. Malow) Mr. Cahill, we were discussing Exhibit Four, which was Mr. Mollenkamp's questions that he had sent to Solutia regarding some PCB issues. Do you recall that was the topic we were on?

A. Yes, I do.

Q. Do you know whether *The Wall Street Journal* ever published an article based on the interviews that they conducted with Dr. Kaley, Mr. Faust, and Mr. Hamilton?

A. They have not published an article based on those interviews.

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Q. So those meetings took place in 1998, and here we are in May of 1999 and you haven't seen anything yet?
A. That's correct.
Q. Have you had any further discussions with Mr. Mollenkamp after that second meeting in '98?
A. I have had no other conversation with Mr. Mollenkamp since then.
Q. How about anybody else from *The Wall Street Journal*?
A. Not him. We did send him -- sent to *The Wall Street Journal* a press release here that's marked Exhibit Three. We sent that to *The Anniston Star* and *The Birmingham News*.
Q. So Exhibit Three pertains to the Mars Hill Baptist Church settlement?
A. That is correct.
Q. And other than that press release, which is Exhibit Three, have you sent any other press releases to *The Wall Street Journal* concerning the Anniston

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facility?
A. No.
Q. With respect to the questions that Mr. Mollenkamp had raised in his fax to you of June 16th of 1998, what were the answers that were given to Mr. Mollenkamp to those questions?
A. Those were provided by Dr. Kaley and the participants at the meeting. That's the reason I brought them to that meeting, is because -- to facilitate answering the questions.
Q. Do you recall what the answer was to the question number two, why has the company acquired the land surrounding the Anniston plant?
A. I don't recall the answer. We probably would need to talk to Dr. Kaley and the other participants.
Q. As you sit here now, do you have an understanding as to why it is that Monsanto or Solutia acquired land surrounding the Anniston facility?

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A. My understanding is to facilitate the remediation.
Q. Do you know how it is that the areas were selected to purchase?
A. No. That was based on the remediation manager's decision of what properties needed to be acquired to facilitate the remediation.
Q. Do you have any other knowledge with respect to any reason that the company acquired the land surrounding the Anniston plant?
A. Outside of facilitating remediation, that would be the reason the company acquired the property.
Q. Do you recall what the answer was to Mr. Mollenkamp's question number three, "When did Monsanto learn of the potential health hazards of PCBs"?
A. I don't recall. That would have been directed directly at Dr. Kaley as the health expert for the company. He's tasked with that. Again, I would have

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to direct you back to Dr. Kaley on his response to that.

Q. You were present during the meeting, and you don't recall the specific time frame that Mr. Kaley gave Mr. Mollenkamp?

A. I was present at the meeting. And I think Mr. Mollenkamp handed Dr. Kaley parts of this package that he sent to us and asked questions about that.

Q. But you don't recall Mr. Kaley's response to Mr. Mollenkamp's question about when it was --

A. I do not.

Q. -- that Monsanto learned of PCB -- or the potential health hazards to PCBs?

A. Well, I think these documents span over a number of years.

Q. I know they do. All I'm trying to figure out is do you know what position Dr. Kaley took with Mr. Mollenkamp as to when it was that Monsanto learned of the potential health hazards of PCBs?

A. No.

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Q. Can you give me a decade?

MR. PECK: Object to the form of the question. He has no foundation to answer. He just told you he doesn't know. Anything after that would be a guess.

Q. (By Ms. Malow) Well, is it that you don't remember the exact date, or is it that you have no clue as to what time frame at all?

A. As I said, Mr. Mollenkamp went through a number of these documents and asked questions about them and their span over a number of different years. So I can't say what Dr. Kaley Sid.

Q. For example, there was a letter in here dated June 12th of 1956 which dealt with chloracne. Did Mr. Kaley acknowledge that back even in the '50s that Monsanto was aware that chloracne was a health condition that could be caused by exposure to PCBs?

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MR. PECK: Objection to the form of the question. Calls for hearsay.

Q. (By Ms. Malow) You can answer.

MR. PECK: No foundation for this witness to answer, given that he has already indicated he doesn't remember. Go ahead.

A. Again, documents span from that time, '50s, I believe, until '73 or so. I don't know what Dr. Kaley said with regard to acknowledging when -- I don't know.

Q. (By Ms. Malow) Well, I mean, I'm only asking this because you were present at the meeting. I don't think it's completely unfair, although you may not remember specifics. I'm trying to get a general sense from you as to your recollection of Dr. Kaley's position to this *Wall Street Journal* reporter as to the time frame when Monsanto had knowledge that there were potential

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health effects of PCBs?
A. Again, I'm saying that Dr. Kaley answered specific questions based on the time frame of these documents, and I don't know.
Q. Let me ask it this way: Did Mr. Kaley deny that Monsanto had knowledge as early as the '50s that PCBs could cause certain health effects in humans?
MR. PECK: Object to the question. Calls for hearsay. This witness has no foundation to answer.
Q. (By Ms. Malow) You can answer.
MR. PECK: If you can.
A. I can't answer.
Q. (By Ms. Malow) And the reason you can't answer that question? You don't remember or what?
A. Again, Dr. Kaley -- If you want to know what Dr. Kaley said, we probably ought to ask Dr. Kaley.
Q. We have already talked to Dr. Kaley.

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I'm trying to get your recollection of the position that Solutia gave with respect to these answers -- Strike that.

What I'm trying to find out from you, Mr. Cahill, is what answers Solutia gave to *The Wall Street Journal* reporter to his questions that he sent to you on June 16th, 1998. Can you tell me what answer --

A. As I said, he didn't go down the list of those specifics questions. He had more direct questions based on the documents.

Q. Do you remember whether he asked when it was that Monsanto learned of the potential health hazards of PCBs?

MR. PECK: Object to the form of the question. Calls for hearsay. Calls speculation by this witness.

Q. (By Ms. Malow) You can answer.

A. As I said, I don't recall him asking that specific question.

Q. Okay. Did he ask any question regarding

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knowledge on the part of Monsanto with respect to the potential health hazards of PCBs?

MR. PECK: Object to the form of the question. Calls for hearsay.

A. I'll answer it as I have answered before; I don't recall him asking that specific question.

Q. I know. And now I have asked you more generally did Mr. Mollenkamp discuss the general topic of when it was that Monsanto knew or should have known about the potential health hazards of PCBs.

MR. PECK: Object to the form of the question. Calls for hearsay.

A. Again, as a general matter we talked about documents that ranged from the 1950s to the 1970s.

Q. (By Ms. Malow) Did he specifically talk about the June 12th, 1956 document pertaining to chloracne?

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MR. PECK: Object to the form of the question. Calls for hearsay. No foundation for this witness to answer the question.

A. I was on another side of the room. He handed Dr. Kaley a document. Dr. Kaley answered specific questions that Mr. Mollenkamp posed.

Q. (By Ms. Malow) And you didn't --

A. I don't know whether or not it was this particular sheet of paper or the next one after it.

Q. Do you remember the word "chloracne" coming up?

MR. PECK: Object to the form of the question. Calls for hearsay.

A. The word "chloracne" may have come up. I don't know.

Q. (By Ms. Malow) Did the word "cancer" come --

MR. PECK: Object to the form of

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the question. Calls for hearsay.

A. The word "cancer" may have come up.

Q. (By Ms. Malow) How about birth defects?

MR. PECK: Object to the form of the question. Calls for hearsay.

Q. (By Ms. Malow) Did the word "birth defects" come up in the meeting that you were attending with Mr. Mollenkamp?

A. It may have come up.

Q. (By Ms. Malow) As you sit here now, Mr. Cahill, have you learned what health effects, if any, PCBs can cause in humans?

MR. PECK: Object to the form of the question. There is no foundation for this witness to address that question. You can answer.

A. My understanding from the background information that -- Again, this is information that was provided to me by

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Dr. Kaley. And in terms of it's environmentally persistent but does not cause any significant human health exposure -- or threat, rather.

Q. Have you been told that the EPA has classified PCBs as a -- or a probable carcinogen?

A. I have seen that just in doing background because that's one of the issues on the sheet here.

Q. Were you informed about these studies that had been run by Industrial Bio-Test Labs at the request of Monsanto on lab animals?

MR. PECK: Object to the form of the question. Calls for hearsay. No foundation for this witness to answer those questions.

A. That was discussed as a part of the interview with Dr. Mollenkamp.

Q. (By Ms. Malow) Did it come up in the interview with Dr --

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A. I mean Mr. Mollenkamp.
Q. Let me try again -- Got so many Misters and Doctors.
Did it come up in the interview with Mr. Mollenkamp that Monsanto had requested IBT to change the wording of the reports?
MR. PECK: Object to the form of the question. Calls for hearsay. Entire line of questioning is irrelevant to this case. And there's no foundation for this witness to answer the question.
Q. (By Ms. Malow) You can answer.
A. It was part of the interview. Again, I don't recall specifics that were part of that interview. It was very wide-ranging.
Q. Was one of the topics that was addressed by Mr. Mollenkamp the falsification of data by Monsanto to IBT Labs?
MR. PECK: Object to the form of

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the question. Calls for hearsay; irrelevant to the subject matter of this litigation. This witness has no foundation to answer that question, and you have mischaracterized the record.

Q. (By Ms. Malow) You can answer.

A. I'm taking advice from my attorney.

MR. PECK: You can. I'm not instructing you not to --

MS. MALOW: He's making legal objections for the record.

THE WITNESS: Right.

Q. (By Ms. Malow) And here's the simple question: He can repeat his objection.

But the question which is on the table to you is in the meeting in which you were present with Mr. Mollenkamp, did the issue of Monsanto falsifying data to IBT or requesting IBT to falsify data come up?

MR. PECK: Object to the form of

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the question. Calls for hearsay and pertains to irrelevant subject matter, and matters that is irrelevant to the subject matter of this litigation. This witness has no foundation to answer the question, and the answer mischaracterizes the evidence.

A. As with the other documents that were contained in the packet that Mr. Mollenkamp sent to us, that was one of the issues that he presented to Dr. Kaley.

Q. (By Ms. Malow) What was Dr. Kaley's position on that issue?

MR. PECK: Object to the form of the question. Calls for hearsay. The subject matter is irrelevant to this litigation. And this witness

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has no foundation to answer the question.

Q. (By Ms. Malow) Mr. Cahill, what was Dr. Kaley's position on that issue?

MR. PECK: Same objections.

A. Again, I would say that you need to talk to Dr. Kaley about his specific response to very direct questions from Mr. Mollenkamp on any of these documents that are there.

Q. (By Ms. Malow) I understand. Like I said, Mr. -- I mean Dr. Kaley has been deposed. I'm asking you as the person who was there as a representative for Solutia in a meeting with *The Wall Street Journal* reporter that had direct contact with you what your recollection is of Dr. Kaley's position on that issue.

MR. PECK: Same objections as previously stated.

A. My job was to facilitate bringing Dr. Kaley and the other people that

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could answer Mr. Mollenkamp's questions together to answer those questions.

Q. (By Ms. Malow) Was it important to you that Dr. Kaley present his answers in a positive light for Monsanto, or Solutia?

A. Important for me that he address the questions that were asked by Mr. Mollenkamp.

Q. Were you paying attention to what was going on in the meeting? I don't mean that sarcastically or facetiously; I'm just curious because it seems like you're not able to answer a lot of those questions. It seems like that would be an important function for you to serve; wouldn't it, Mr. Cahill?

MR. PECK: Object to the question. Argumentative.

A. I was paying attention at some points, and at other points I was reviewing some of the documents that he was asking questions about, just taking a look at them for background for myself.

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Q. (By Ms. Malow) But you had familiarized yourself with these documents prior to the time you arranged the meeting, hadn't you?
A. I didn't intimately familiarize myself with them. I looked at the dates of the memos that were attached and said we need to meet with *The Wall Street Journal* reporter so we can address these questions.
Q. Have you ever had during the time you have been with Monsanto -- and now Solutia, have you had any contact with Beth Russ pertaining to the Anniston facility?
A. I have had contact with Beth Russert pertaining to the Anniston facility.
Q. Tell me about that.
A. Beth Russert was my immediate predecessor.
Q. Was she your immediate predecessor prior to the time of 1992?
A. No. My immediate predecessor before

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January of 1998.

Q. Is Beth Russert still an employee of Solutia?

A. Yes, she is.

Q. What did Beth tell you when she turned over that position to you in January of 1998, or when you took over that position, with respect to the Anniston facility?

A. With respect to the Anniston facility? Because I have got responsibility for the state.

Q. Yeah, I know. Let's limit it.

A. She said there's a relatively new plant manager, Mr. Blake Hamilton. She gave me some of her clip files, which are simply newspaper clipping that come from the newspaper clipping service, told me that she had brought on board a lobbying firm for the state, Environmental Guidance Corporation.

Q. When did Environmental Guidance get brought on board by Beth?

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A. I think they got brought on -- I want to say October or November of '97.
Q. What else did she tell you?
A. Told me about the size of the plant and that there was some opportunities for community relations.
Q. Why was Environmental Guidance brought on in October or November of '97?
A. We had spun September 1st of 1997, and with our agreement with Monsanto Company, we needed to -- we shared our government affairs contract lobbyist until the end of 1997. So we had four months in which to bring on board new staff for ourselves.
Q. Who was the lobbying group for Monsanto?
MR. PECK: For the State of Alabama?
A. For the State of Alabama?
Q. (By Ms. Malow) Yes.
A. I don't recall the name, but their expertise was more on the agriculture side and not general issues. Because

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that was what they were concentrating on, the reason they spun us off.

Q. And you don't recall --

A. I don't recall the name of that company.

Q. So it's your testimony that the reason Environmental Guidance was retained in October or November of '97 was because Solutia no longer had the use of this other --

A. That's correct. And we needed --

Q. -- lobby firm?

A. That's correct. And we needed to have our own lobby firm.

Q. Since Solutia was not focusing on agricultural issues, wouldn't they have needed that back in September? Or is there some period of time before they could get one?

A. It takes a while to interview. Because you wouldn't just go out in the street and hire a law firm or anything else. You would interview and talk to people. And you bring on someone you think can

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help you.
Q. And Environmental Guidance has continued on in that role since that time?
A. That's correct.
Q. Did Beth Russert provide you with any historical information regarding the production of PCBs?
A. No, she did not.
Q. Did she provide you any historic information regarding any of the manufacturing processes for that facility?
A. We talked about and I knew that they produced Thermanol and PNP to those -- Those are the major products that are manufactured at that plant.
Q. In 1998 did Beth give you any information with respect to the property purchase program or remediation programs that were going on?
A. She gave me information that was contained in the clip fill, articles that appeared in the paper.

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Q. And that was the extent of the knowledge she passed along?
A. She said there had been a property purchase program.
Q. What did she tell you about that?
A. That homes had been purchased near the plant.
Q. Did she tell you why they had been purchased?
A. Process of remediation.
Q. Did she tell you what levels of PCBs had been found at those homes?
A. She did not.
Q. Did she give any of the details in the property purchase program?
A. She told me that people were provided with a fair market rate with a little bit of premium.
Q. Did she tell you why there was a premium added to the fair market rate?
A. Generally speaking, to help people come out whole in the process so they don't end up worse off than when they started.

Q. Do you agree with that philosophy, that people should not end up worse off than they started?
A. I agree with that philosophy.
Q. Any other communications or discussions that you have had with Beth Herndon -- I mean -- Excuse me -- Beth Russert regarding the Anniston facility?
A. No. Every once in a while she'll ask me how are things going in Anniston, and I say they're going just fine.
Q. Did Beth fill you in on things that she had done to help Jack Mayausky or Blake Hamilton in dealing with community affairs activities or philanthropic activities, things of that nature?
A. No. Beth, when we made the change, was out on medical leave for a little bit. And I said I would go and speak to Blake Hamilton directly. That's just how I operate. I'd rather -- Instead of talking to the person in St. Louis, I'd rather talk to the person on site.

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Q. Did you ever meet Jack Mayausky?
A. I have met Jack Mayausky.
Q. In what context?
A. Actually, the first time I met Jack was at the dedication for the new Bethel Church.
Q. Did you and he discuss any issues at that time?
A. We did not, other than exchange pleasantries.
Q. Have you ever had any substantive discussions with him regarding the PCB issues in Anniston?
A. I have never had a discussion with him --
Q. Other than exchanging pleasantries at the dedication, have you had any other meetings or contact with Jack Mayausky?
A. I have not.
Q. What department is Beth in presently?
A. Same department as I am, which is public and Government Affairs group for Solutia.

Q. How come you drew the black bean for that instead of her?
A. I don't know if I call it a black bean, but it was a work load responsibility issue. I gave up the State of Texas and took on the State of Alabama.
Q. But she's the one that had knowledge in the State of Alabama during the most relevant time frame involved in this case?
A. I had worked in the state, as I said before, in the early '90s. And as a matter of shifting work loads as we understood after the spin in September of '97 how we needed to balance out who did what for the department, it was simply a work-load decision.
Q. I mean, as far as giving this deposition today, do you know why it is that you were selected?
A. I have no idea why I was selected. I guess it's because you asked for public affairs person for the State of Alabama,

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and I'm it.

Q. Okay. How about Diane Herndon? Do you know Diane?

A. I do know Diane.

Q. Is she still with Solutia?

A. She has not been a part of Solutia; she has always been a part of Monsanto.

Q. Is she still employed by Monsanto?

A. Best of my knowledge, she is still employed by Monsanto.

Q. Have you had any discussion with Diane Herndon regarding the Anniston facility?

A. I have had discussions regarding the Anniston facility. Just in general. When we saw that there were some media attention where Monsanto was mentioned. She called.

Q. Do you remember what specific media attention you're referring to?

A. There was an article, apparently, in *The Anniston Star* on some of the litigation that referenced Monsanto. And it was her understanding that we, meaning

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Solutia, would handle media relations regarding Anniston because that's how the company split up and gave -- the Anniston plant became part of Solutia. And she was wondering about Monsanto being mentioned in the story.

Q. Do you recall the date of that article?

A. I don't recall the date.

Q. Do you recall the substance of the article, other than that there was some litigation pending?

A. I think that was the gist of the article.

Q. Did you contact someone with *The Star* or submit anything to clarify?

A. I did not.

Q. Why not?

A. Because I understood the litigation was in the name of Monsanto, and as I understand how the press works, they were going to continue to refer to it by its legal name.

Q. Other than Diane talking to you about

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that particular article, have you had any other discussions with her about the Anniston facility?

A. I have not.

Q. Do you know what department Diane is in for Monsanto?

A. And I believe she is in the Environmental Communications Department of Monsanto.

Q. What do they do in the Environmental Communications Department?

A. They work on their sustainability effort.

Q. What did you say?

A. It's an initiative by their chairman called sustainability.

Q. Sustainability.

With respect to the plant itself in Anniston, has your contact been primarily with Blake Hamilton or Allen Faust?

A. That has been my contact, with Blake Hamilton and Allen Faust.

Q. Are there any other personnel at the Anniston facility that you have had conversations with regarding PCB issues other than -- again at the Anniston facility -- other than Faust or Hamilton?
A. Those are the only two that I have had discussions with regarding the litigation.
Q. I'm not limiting it to litigation, Mr. Cahill; I'm talking about any PCB issue.
A. Any PCB issue.
Q. Do you know when it was in the history of Monsanto that they first formed a Public Relations Department in-house?
A. It was before my time. I don't know -- In "Faith, Hope and $5000," which was the history of Monsanto, I believe their first public affairs person probably was hired in the -- I'm speculating now -- in the 1960s, '50s, something like that, when -- genesis of public relations

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field is at -- it really didn't get started until right after World War II. So it was a fairly new -- The company was growing at the time. So it would make sense for them to have a public affairs function.

Q. Based on just what you have learned over the course of being with this company almost ten years, what is your understanding as to how it worked back in that time frame in, let's say, the '60s or '70s? Was it always done in-house, or were there also external PR firms used?

A. That's before my time. I don't know how it was handled. I know how it was handled when I joined the company.

Q. When you joined the company for the State of Alabama, it's my understanding it was all done in-house; is that right?

A. When I joined the company, it was done in-house.

MS. MALOW: Let's go off the

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record.

THE VIDEOGRAPHER: Let's go off the record to change tapes. [Discussion held off the record.]

THE VIDEOGRAPHER: We are back on the record. This is tape two of the deposition of Kevin Cahill. Time is 3:26 p.m.

Q. (By Ms. Malow) Mr. Cahill, we were talking about historically when it was that Monsanto would have started the PR department internally. And we talked about maybe it was around the '50s or '60s. Do you know when it was that Monsanto would have had any internal PR work done with respect to PCB issues?

A. No, I don't.

Q. Who do you think would know the answer to that question?

A. The people that were around historically who started the department. I don't know.

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Q. Are there any people at the Public Affairs Department at Monsanto that were there back in the '50s or '60s?
A. No.
Q. How many people are in the Monsanto Public Affairs Department presently?
A. That I can't answer. They have changed significantly. I don't know. It's been 18 months or more now since I was part of that organization. I don't know who they have hired.
Q. How about over at Solutia? We have talked about various groups, some of which do public affairs; some do community affairs; some deal with legislation, some with media. As I guess as a lay person would think about public relations dealing with media questions and things like that, how many total people deal with that at Solutia today?
A. Everyone that's part of the public affairs operation -- I told you there

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were eleven, including secretaries -- at some point could have responsibility for dealing with the media.

Q. How about in other similar departments?

A. There's only one Public and Government Affairs Department. That is the eleven people.

Q. And you don't know the number that would be with the companion group over at Monsanto?

A. No. They have bought a number of seed companies. They have changed significantly, so I don't know.

Q. What is the annual budget for the Public Affairs Department at Solutia?

A. That's a number that's determined by my supervisors. In consultation with -- in the corporation as it splits out its budgets. I don't have an exact figure.

Q. How about an estimate?

MR. PECK: Object to the form of the question. Calls for a guess, also is irrelevant.

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Q. (By Ms. Malow) You can answer.
A. I can only guess.
Q. What would the guess be?
MR. PECK: You don't have to guess.
Q. (By Ms. Malow) You can answer.
MR. PECK: You don't have to guess.
MS. MALOW: We're entitled to an estimate of what the PR budget is for Solutia --
MR. PECK: Not if the guy doesn't know. He has no foundation to answer the question. If he doesn't know it, he doesn't know.
MR. STEWART: Are you instructing him not to answer? Is that what you're doing?
MR. PECK: I'm instructing him not to guess, yes.
Q. (By Ms. Malow) Well, understanding that it's a guess, what's the number?

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MR. PECK: I object to that question. It's completely irrelevant if it's just a guess. There's no foundation for him to answer.

Q. (By Ms. Malow) Do you have any estimate as to the range that the budget is for the Public Affairs Department at Solutia?

MR. PECK: Object to the form of the question, no foundation for this witness to answer. It's irrelevant at any rate.

Q. (By Ms. Malow) You can answer.

A. That would be a guess.

Q. So you're telling me that the department that you work in that you also are a member of the Solutia Fund Board, that you have no estimate or range of the amount of monies that is allocated to your department? You don't know if it's 10 million dollars or 1 million dollars or anything?

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A. Well, it's probably between 10 million and 1 million.
Q. That's as good of --
A. It's a guess.
Q. -- a range you can give?
A. It's a guess.
Q. Who knows the answer to that question?
A. That would be the leaders of the function.
Q. Who are those people?
A. It's co-lead by Christy Beckmann for Public Affairs and Glenn Ruskin for Government Affairs.
Q. Glenn Rustin?
A. Ruskin.
Q. Ruskin. And the budget.
Q. And you're not privy to any of those numbers?
A. No. The budget is what it is. It's in consultation with their leadership of the company.
Q. Are you provided with information with respect to increases or decreases in

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that budget?

A. If we are asked to make a budget cut, we try to look at where we can make those cuts and provide information to them. And that decision is not part of my duties.

Q. It is or is not?

A. Is not.

Q. Since it has been Solutia, are you aware of any budget cuts that have been made to the Public Affairs Department?

A. Not specific to that department. As Solutia, we take a look at what our revenues are going to be, what our expected costs are going to be, cost of goods sold, that sort of thing. And then the leadership makes a determination on whether or not generally speaking there should be reductions in the budget as allocated.

Q. Since you have had responsibility for Alabama, beginning in 1998, has there been an effort to have some public

relation campaign dealing with the Anniston PCB problem?

A. There has not.

Q. Have you had -- You mentioned earlier that Jonathan Lifland with *The Anniston Star* had contacted you. Refresh me. What was that in connection with?

A. Jonathan Lifland had contacted me just recently saying he was writing a story.

Q. I thought you had said he had contacted you sometime earlier this year?

A. He made two contacts. One contact was just recently. We talked about that that was in Sunday's paper, this past Sunday's paper. There was another time earlier this year where he had written a story.

Q. Let's start with the first contact. What month was that in? Do you recall?

A. Must have been in the January time frame.

Q. And that relates to the talking points?

A. That's correct.

Q. And the talking points, which is Exhibit Two to your deposition, is dated January 12th, 1999?
A. That's correct.
Q. Do you know how long after Mr. Lifland contacted you it was that you and Mr. Peck prepared the talking points?
MR. PECK: Object to the form of the question. Mischaracterizes his testimony.
A. Repeat that again.
Q. (By Ms. Malow) In comparison to the date of the -- Start over.
Mr. Lifland contacted you sometime in January of 1999, correct?
A. January of 1999 he had written a story. That's when we contacted him and said it was not accurate and was unbalanced.
Q. All right. And in connection with trying to balance the story, you prepared the talking points, which is Exhibit Two?

A. That's correct
Q. And then you relayed information to Mr. Lifland in what format?
A. We met with Mr. Lifland there at the Anniston plant with Mr. Hamilton.
Q. Why was the meeting held at the plant?
A. Because that's where we were able to tell Mr. Lifland about remediation and other efforts we had going on.
Q. Did you give Mr. Lifland a tour?
A. No. He didn't need a tour. No. Didn't give him a tour.
Q. Why didn't he need a tour? Had he already been there before?
A. I believe he had been to the site before I was assigned to it. I believe he had been there.
Q. Is it a practice of Solutia to provide tours to the media, of the facilities?
A. We provide tours for any of our facilities if it's a reporter that we're familiarizing with our operations.
Q. What's the purpose behind doing the tour

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for the press?
A. So they understand what the nature of that manufacturing operation is.
Q. So the people that were present when y'all met at the plant were Mr. Lifland, yourself, Mr. Peck --
A. Mr. Peck, Mr. Kaley.
Q. And Hamilton? Kaley was there as well for that one?
A. Yes, he was.
Q. Who else?
A. Mr. Faust.
Q. Anyone else?
A. That was it.
Q. How long was Mr. Lifland at the facility?
A. I believe he was there for probably about an hour to maybe an hour and fifteen minutes.
Q. Was Mr. Lifland provided with any documents at that time?
A. I believe he was provided with some documents by Dr. Kaley.

Q. Do you remember what those documents were about?
A. I do not. I did not --
Q. Did you keep copies of those documents?
A. I did not. I did not have access to the documents, nor did I have copies.
Q. Do you know the general topic of the documents?
A. I would assume they were PCB related documents.
Q. And you can't describe them any more specific than that?
A. I didn't bring them to the meeting, nor did I review them at the meeting. They were documents that Mr. Kaley provided to Jonathan Lifland.
Q. Do you know who assisted Mr. Kaley, if anyone, in the Solutia selection of those documents to provide to Mr. Lifland?
A. No.
Q. What other information was provided to Mr. Lifland other than items from your

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talking points, which I take it you verbalized to him; is that right?

A. They were verbalized to him.

Q. And then the documents that Mr. Kaley brought and the tour, what else took place?

MR. PECK: There was no tour.

A. There was no tour.

Q. (By Ms. Malow) I'm sorry. Not the tour. Okay. Just the documents and your talking points. What else?

A. I believe that was it.

Q. And did he then write some sort of additional article to follow up?

A. He did not.

Q. Did you follow up with him in that regard?

A. I did not. We left it as, if you have any questions, please gave a call. And the next time I heard from him was in relation to the story that just came out this past Sunday.

Q. Let me ask you this: Did Mon -- Did

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Solutia send any sort of letter to the editor regarding the original Lifland article back in the January time frame?

A. We did not.

Q. Why not?

A. We thought, instead of writing a letter to the editor, we would simply bring in Mr. Lifland and tell him our side.

Q. When Mr. Lifland didn't do any sort of follow-up article, why was the decision made not to pursue any sort of letter to the editor?

A. Because we didn't think it would be effective.

Q. Have you been involved in situations where letters to the editor have been written regarding the Anniston facility?

A. Not regarding the Anniston facility.

Q. Are you aware of a letter to the editor that was written by Dr. Kaley in 1997?

A. It may have been in the clip file. I'd have to go back and review the '97 clip file.

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Q. What's your general thought on the effectiveness of the letter to the editor? You had commented you didn't think it would be effective in this case.

A. Generally speaking, letters to the editor, they can have an impact. It depends on the issue you're writing about and the structure of the letter.

Q. What was Solutia's goal in wanting to meet with Mr. Lifland in the January time frame?

A. So that he better understood our position and that he would not -- when he was writing additional stories be more accurate.

Q. Better understood Solutia's position with regard to what?

A. What was going on with remediation, issues with regard to health effects he mentioned in the article.

Q. Health effects of PCBs?

A. That was what he had written.

Q. In connection with the meeting with Mr. Lifland, do you know if Dr. Kaley consulted with any outside experts in the field of science or toxicology?
A. I would have to speculate. I don't know if they had consulted with anyone or not.
Q. What was it that Mr. Lifland had said in his article that Solutia was worried about?
A. Again, I'd probably have to refer back to that article that was written. But I believe that it misstated, at least in Dr. Kaley's opinion, what the health effects of PCBs are.
Q. During that meeting with Mr. Lifland what did Kaley tell Lifland the health effects of PCBs are?
MR. PECK: Object to the form of the question. Calls for hearsay.
Q. (By Ms. Malow) You can answer.
A. I believe he told him about the latest

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science with regard to health effects of PCBs.

Q. What is that latest science, sir?

A. That's Dr. Kaley's job to know. I don't know the latest science.

Q. I understand that. But I'm going back to the fact that you were a participant in this meeting. Do you know what latest science it was that he related to Mr. Lifland?

MR. PECK: Object to the form of the question. Calls for hearsay, no foundation for the witness to answer the question.

Q. (By Ms. Malow) You can answer.

A. He indicated what I assume was his best knowledge of the latest health effects information as a PCB expert.

Q. Did he say that there were or were not any health effects that can be caused by PCB exposure?

MR. PECK: Object to the form of

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the question. Calls for hearsay.

A. Again, without benefit of having recorded the conversation, which I did not, I can't say exactly what Dr. Kaley said in that setting.

Q. (By Ms. Malow) Right. And I'm not asking for a verbatim recitation from you, Mr. Cahill, so you understand. I'm talking about a meeting that you were a participant in just a few months ago and what your best recollection is and what Mr. Cahill related to Mr. Lifland in that regard.

A. Mr. Kaley.

Q. Excuse me. Mr. Kaley. Can you answer that for us?

MR. PECK: Object to the question. Calls for hearsay. No foundation for this witness to answer the question.

A. Dr. Kaley related his best information on human health effects with regard to

PCBs.

Q. (By Ms. Malow) Which was what?

A. I don't recall.

MR. PECK: Object to the form of the question. Calls for hearsay. No foundation for this witness to answer the question.

Q. (By Ms. Malow) Have you been told about any new evidence or information in the scientific community that has come out in the last year with respect to PCB health effects?

MR. PECK: Object to the form of the question. Calls for hearsay.

A. I have seen articles that GE performed some studies.

Q. Do you know who the scientist was that was involved in that GE funded study?

A. No. I don't recall.

Q. Are you familiar with Dr. Renee Kimbrough?

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MR. PECK: Renato.

A. I have heard the name.

Q. (By Ms. Malow) How have you heard her name?

A. Through the articles that I saw in the GE study.

Q. Is that the person that participated in that study?

A. Again, I saw -- glanced through some articles that were forwarded along to me on just general PCB issues that is a part of my background for having responsibility for community affairs for this site.

Q. Who provided you with those articles?

A. Dr. Kaley sent those on to me.

Q. When were those provided to you?

A. Within the last couple of months. I think that's when the study was issued, in some article that was written.

Q. Did he explain to you that GE had paid for the study to be performed, that it was a GE funded study?

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MR. PECK: Object to the form of the question. Calls for hearsay.

A. I think he just simply referred to it as a GE study.

Q. (By Ms. Malow) Does it matter to you whether GE funded it or some outside company funded it?

A. How it is funded is not an issue for me.

Q. Do you know whether or not the methodology used in the study was valid or appropriate?

A. I can't speak to methodology.

Q. What was your understanding -- Did you read the article?

A. I glanced through it.

Q. What was your understanding after reading the article?

A. Just in glancing through the articles, that PCBs had been overstated in terms of their health effects, my take on it.

Q. Did Dr. Kaley provide you with the studies -- the other studies that had

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been published regarding PCB health effects or just the recent GE study?

A. Just the recent GE study.

Q. Would it be more important for you to know the full picture to look at all the studies?

A. That's for Dr. Kaley to understand those sorts of issues. That's not for me to understand all the studies that have been done on PCBs.

Q. Well, if you're going to present a talking point to the media that PCBs do or do not cause health effects, wouldn't it be important to know about other studies that are out there?

A. It's important to know what our person who is tasked to understand the health effects of PCBs is related to me is what is important to understand.

Q. So as long as Dr. Kaley takes a certain position, you're not going to disagree with that?

A. That's his job within the corporation.

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Q. And you would expect that if he's being true to his job, that he would want to know the good and the bad with respect to studies on PCBs?

A. I would suspect that that would be his job, was to understand both sides.

Q. Okay. Let's talk about this recent contact with Mr. Lifland regarding the article that came out in Sunday's paper which was called "Hidden in the Soil."

MS. MALOW: Let's mark this first.

MR. PECK: You haven't formally offered them, but just so the record is clear, I would object to Exhibits Three and Four on the grounds of relevancy, hearsay. And we have or will be filing motions in limine on these subjects.

MS. MALOW: Well, we do offer One, Two, Three, Four, and Five and Six.

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MR. PECK: I object -- I except to Exhibit Five. No. That's okay.

MR. STEWART: Note for the record that's a complimentary article.

MR. PECK: Which one?

MR. STEWART: The one you didn't object to.

[Cahill Exhibit Number Six was marked.]

MR. PECK: I'm going to object to Exhibit Six. It contains hearsay. And it may or may not contain other irrelevant material.

Y'all are making me state my objections on the record. I'm doing it. If y'all want to play that game, that's what I'm doing. Obviously, you can talk about it --

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MR. STEWART: Nobody is playing any games.

MR. PECK: I think you are. But go ahead. That's exactly what you're trying to do. I mean, it's almost unheard of in my experience to go through this kind of situation. But if that's the way y'all want to do it, fine, I can do it too.

[Discussion held off the record.]

MR. PECK: I'm going to object to Exhibit Five on the ground it's hearsay and irrelevant. I'm going to add to my objections to Exhibit Two -- I'm sorry -- Exhibit Three, that it discusses the subject of settlement of another lawsuit and therefore is inappropriate and irrelevant

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and not admissible in the Federal Rules or the Rules of Alabama. Just to make it clear, I have objected to Exhibit Four on the ground of hearsay and relevancy.

MS. MALOW: That's Two. Is that Two? Adam?

MR. PECK: That's Two. Let me object to portions of Exhibit Two on the grounds of relevancy. There is some discussions of inadmissible material in this document, including the discussion of the settlement of the Mars Hill case, which is inadmissible under the Federal Rules and the Alabama Rules.

Q. (By Ms. Malow) Mr. Cahill, with respect to Exhibits Two, Three, and Four, were each of those documents made by you or

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received by you in the regular course of business?

A. This document was. This document was. And I received this from *The Wall Street Journal*.

Q. So Exhibits Two and Three were made by you in the regular course of your business at or near the time that those events contained therein took place?

A. That is correct.

Q. And with respect to Exhibit Four, that document was received by you in the regular course of business?

A. That is also correct.

Q. And Exhibits Two, Three, and Four are true and accurate copies of those documents?

A. Yes.

MR. PECK: You know, every time you refer to those documents, I assume you don't want me to restate all my objections.

MS. MALOW: No. I'm just asking

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him specific questions about those documents.

Q. (By Ms. Malow) Let's go ahead and talk about Exhibit Five. Do have a copy of that? That's the Lifland article from Sunday.

MR. PECK: I assume you want me to allow you to discuss these documents without waiving my -- Exhibit Six -- without waiving my --

MS. MALOW: I'll give you a running objection to the relevancy, or whatever your objection was to Six, hearsay, whatever it was?

MR. PECK: Good. Okay.

Q. (By Ms. Malow) Have you read Exhibit Six before?

A. I have read it.

Q. Did you receive that as part of the press clipping service, Exhibit Six?

A. Actually the plant sent it to me.

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Q. Would the press clipping service that Solutia has hired send you Exhibit Six in the regular course of business?
A. Yes, it would.
Q. You just haven't gotten it yet?
A. Just haven't gotten it yet.
Q. You expect that you will get it if they're doing their job?
A. That's correct.
Q. And would the same be true of Exhibit Five, that Exhibit Five would have been part of your file received in the regular course of your business from the press clipping service?
A. That's correct.
Q. All right. You were provided with Exhibit Six by Mr. Hamilton; is that right?
A. That's correct.
Q. When did he provide that to you?
A. Monday.
Q. Had you been contacted prior to the time this article was written by Mr. Lifland,

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the article which is Exhibit Six?
A. I was contacted prior to the article being written by Mr. Lifland.
Q. Tell me what was discussed in that conversation.
A. He asked me about --
MR. PECK: Object to the question, hearsay. Go ahead.
A. He asked me about -- as you can see in the reference to media Solutia spokesman, about what we had spent on the remediation program. And I again, as it states here, told him that we had spent more than $30 million in our property purchase relation relocation and remediation programs.
Q. (By Ms. Malow) What specific questions did he ask you when you talked to him?
A. He asked about the remediation, to which I just gave you the response, that we had spent more than 30 million dollars in our property relocation and remediation programs. He did ask me

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about the health effects question, to which I referred him to Dr. Kaley. I believe Dr. Kaley is also quoted in his article.

Q. Anything else that you discussed with Mr. Lifland prior to the time the article came out?

A. He simply stated that he was going to contact someone from ADEM regarding this story. I don't know whether he did that. That was what he intended to do.

Q. Did Mr. Kaley contact you -- or excuse me. Did you contact Mr. Kaley to alert him that Mr. Lifland may call him?

A. I did tell Mr. Kaley that Mr. Lifland was in the process of writing a story and that he may be contacted.

Q. Did Dr. Kaley provide Mr. Lifland with any documents, studies, reports, anything of that nature?

A. I don't know.

Q. Did you provide Mr. Lifland with any documents, reports, or studies?

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A. We had a telephone conversation.
Q. Do you know if Mr. Bradley provided Mr. Lifland with any documents of any nature?
A. No.
Q. Do you know if Mr. Bradley was contacted by Mr. Lifland in regard to this article, Exhibit Six?
A. No, I don't believe he was.
Q. Did you talk to Mr. Bradley after you were contacted by Mr. Lifland?
A. After I was contacted by Mr. Lifland.
Q. Tell me about that discussion with Mr. Bradley.
A. I said Jonathan Lifland called and just wanted to let you know that probably will be a story.
Q. Why is it that you alerted Bradley to that?
A. Because he's our expert on media relation in and around the State of Alabama.
Q. And as your expert or media relations,

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what advice did Mr. Bradley give you?
A. At that time I had already spoken to Mr. Lifland, and he said, we'll see how it comes out.
Q. Is it the normal protocol to talk to Mr. Bradley after you have talked to the media or before you talked to the media?
A. Depends on the reporter's deadline. If it's something that I want to talk and get Mr. Bradley's advice on, I'll call him. But based on the questions that Mr. Lifland identified that he wanted to talk about, I didn't see any need to call Mr. Bradley.

MR. PECK: I notice from looking at Exhibit Six there's also a reference to settlement; and therefore, I think it's inadmissible as well.

MS. MALOW: Noted for the record.

MR. PECK: Thank you.

Q. (By Ms. Malow) Other than Dr. Kaley and yourself, do you know whether

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Mr. Lifland talked to anybody else with Solutia?

A. I can't say that we talked -- besides Dr. Kaley and I, I believe we were the only two people at Solutia that he talked to.

Q. Did you contact Blake Hamilton to discuss with him the remediation issue before you talked to Mr. Lifland?

A. No, I did not.

Q. You based that on information you had already put together back in January?

A. That is correct.

Q. Are you aware of any work that Dr. Kimbrough has done for Solutia with respect to community relations on PCB issues in Anniston?

A. I'm not familiar with any work that Dr. Kimbrough has done for Solutia.

Q. Are you aware of her being involved on meetings with the health department that were held at the community?

A. No. I'm not aware of that. That's not

-- must not have been recently, I don't think.

Q. Do you know of any work that Dr. Kimbrough has been involved in for the Solutia Company?

A. I understand from Mr. Kaley that he has consulted with her regarding PCBs generally, but that's it.

Q. What time frame are we talking about that he has consulted with Dr. Kimbrough?

A. I don't know the time frame.

Q. Is this recent?

A. I would assume that he stays in contact with all the experts on PCBs to keep himself apprised.

Q. Are you aware of any efforts by Solutia --

THE VIDEOGRAPHER: We'll go off the record. The time is 3:58 p.m.

[Discussion held off the record.]

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THE VIDEOGRAPHER: Back on the record at 3:58 p.m.

Q. (By Ms. Malow) Are you aware of any efforts on the part of Solutia to publicize the GE study that we discussed earlier?

A. No. I'm not aware of any efforts to publicize the GE study.

Q. Are you aware of any contact that Solutia has made with representatives of Congress regarding the GE study?

A. I'm not aware of any -- no. That we made with regard to the GE study.

Q. Correct. Do you know in all, Mr. Cahill, how many hours you have devoted, let's say, over the last few months, to the Anniston facility specifically in terms of community affairs, public affairs issues?

MR. PECK: Over the --

A. How many hours -- How long? Give me a --

Q. (By Ms. Malow) Let's do per months for

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the year 1999.

A. Per month for 1999. That includes any government affairs activities that relate to -- I'm not clear on your question.

Q. I'll restate it and see if we can clear it up. I'm interested specifically in the Anniston facility, how many hours you have spent per month for the year 1999 in dealing with issues such as public affairs and community relations?

A. Do you include travel time in that? Because I have to fly in from St. Louis.

Q. Sure, sure.

A. We don't keep time, so I'm having a difficult time.

Q. Just a rough ball park figure.

A. Twenty-five hours or so.

Q. To back up a little bit to Mr. Bradley, what other issues has Mr. Bradley worked on for Solutia other than the PCB issue?

A. He's worked on -- he's not really working on PCBs issues. His job is to

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help us with the other facilities, including Anniston, on community relations and media relations. So we have worked together on the Solutia Education Connection Program, which is relative to your Exhibit Five. That was all three facilities. How many hours you're looking for?

Q. No, no. I guess can you give me some other examples of things he has assisted with with respect to the Anniston facility that did not pertain to PCBs besides the Solutia environmental --

A. That's been basically his job, has not been around PCBs. We had direct questions from *The Wall Street Journal* and *The Anniston Star* that we consulted with him on a -- *The Wall Street Journal*. So no, that's not been the focus of his work. His work has been on developing these types of opportunities with the media in terms of getting the word out to *The Birmingham News* and the

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Birmingham TV markets, the Decatur -- Well, you said you wanted to talk about Anniston.

Q. Right. Let me ask you this: What image have you asked Mr. Bradley to establish or project for Solutia?

A. We want to establish a positive image. We're the new company. We want to make sure we have a positive relationship with our community and with the media that cover us.

Q. Other than Mr. Lifland, have you personally had any contact with any other reporters for *The Anniston Star*?

A. No other reporter from *The Anniston Star*.

Q. How about with respect to TV people, either in Anniston or in Birmingham? Have you had any contact with them with respect to the Anniston facility?

A. I have not outside of shaking hands with the reporter when she covered the Solutia Education Connection.

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Q. Which reporter was that?
A. It was a black female out of Birmingham. I don't recall her name.
Q. Have you had -- Strike that.

Over the last few months what specific projects have you been working on with respect to community issues for the Anniston plant, other than this one?
A. Other than that -- Well, that's probably the biggest of the issues. The other issues were on a tutoring program at Anniston High School, as I mentioned before. Making sure that Blake was involved with groups called Forward Calhoun County, which is an economic development group, making sure that Blake was meeting with in other economic development types of people to see what other ways the West Anniston area might be rejuvenated. There is a part of Anniston that has seen some better times in terms of the downtown area. And we are just exploring community

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opportunities. As I said, one of our themes is community infrastructure, to help in that.

Q. Have you had any involvement with the Community Unified Leadership group?

A. I have not.

Q. Are you aware of any involvement that -- of anyone at the plant has had with Community Unified Leadership?

A. I believe Blake Hamilton may be a part of that group, or has addressed them.

Q. Do you know when he started having involvement with that group?

A. Not specifically.

Q. Do you know what the purpose is of his involvement in that group?

A. If I'm correct, it's an effort to help build up the Greater Anniston area.

Q. Do you know who the other members are of that group?

A. I do not.

Q. Have you had any involvement with the Next Start program?

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A. I have not had any involvement with them. I saw the news clipping. I do know that Blake Hamilton attended the session with Dr. Israel Dunn, who was brought in to help the school system.
Q. Was Brandy Ayers also involved with that?
A. I believe he is. I saw the newspaper and Blake mentioned that he was a participant in that.
Q. Who is Brandy Ayers?
A. I believe he's the publisher of The Anniston Star.
Q. Mr. Mayausky has testified in another case that Beth Russert had reviewed the annual budget for philanthropic activities. Have you had that responsibility in your job?
MR. PECK: Object to the form of the question, improper reference to other testimony.
Q. (By Ms. Malow) You can answer.
A. Restate it, please.

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Q. Have you had any responsibility for reviewing the annual budget for philanthropic activities?
A. When we put together the community relations plan, we do take a look at where the plant thinks it would like to pursue philanthropic opportunities.
Q. When you have contact with Mr. Hamilton, do you keep any sort of telephone notes or handwritten notes or correspondence regarding those communications?
A. No. Generally speaking Blake will pick up the phone and call me and ask me a question about Next Start or one of the other opportunities that they have there. And I will give him my opinion on those. And we hang up.
Q. How many times in all do you think you have been to the Anniston facility since 1998, January of '98?
A. Since '98 I have probably been there seven times or over in eighteen months.
Q. Had you been there at all during the

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time frame where Alabama was under your jurisdiction back in the '92-'93 time frame?

A. I did visit there one time.

Q. What was the purpose of that visit?

A. To meet the plant manager who had just come on board, as I had just gotten the assignment for Alabama at that time.

Q. Who was the plant manager at that time?

A. Bill Defur.

Q. What were the discussions that you had with Mr. Defur at that time concerning --

A. They were generally speaking do you know who the mayor of the town is; do you know who some of the leadership of the town is, have you had an opportunity to meet them, what are some of the issues around the plant from a manufacturing perspective, are there opportunities to make contributions that you would like to focus on.

Q. With respect to the level of

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contributions that were being made in '92-'93 versus the level of contributions being made today for the Anniston facility, would you say that those have increased, decreased, or stayed the same?

A. I would say they're about comparable.

Q. Have you been involved -- You mentioned some brochure that was in your file that you didn't bring with you?

A. That is correct.

Q. Tell me again what that brochure is about?

A. That brochure is about the Solutia Education Connection program, so that we had something to hand to the school administrators.

Q. Are you familiar with any other brochures regarding the Anniston facility that have been put together by the Public Affairs Department, Solutia or previously Monsanto?

A. We did produce for each of our plants a

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brochure that's three panels that says here's what the plant makes; here's the number of employees that we have here, just general information about each of our manufacturing facilities around the world, for that matter.

Q. Did you participate in the preparation of the brochure for the Anniston facility?

A. That was developed by Beth Russert. She had responsibility for developing those brochures across the board. I did take a look at it after it was in draft form just to make sure there were no inaccuracies from my perspective. The plant took a look at it to make sure it was accurate regarding what they manufacture.

Q. Do you know what year that was put together?

A. That was put together early '98.

Q. Why was it put together at that time?

A. We had initially wanted to publish it a

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little bit before that when we spun. But we had some other, more broader brochures that were available to talk about. Here's Solutia; here's what we manufacture; here's how we're different from our former parent company, Monsanto. So the next step was then to produce something that was relative to each of the facilities.

Q. We talked earlier about the property purchase plan. And I believe that your testimony -- correct me if I'm wrong -- is that you sort of learned of it after the fact and didn't have any participation with respect to how it was promoted or how it was, you know, made known to the community that that program was being instituted. Is that accurate?

A. That is accurate.

Q. Do you have any knowledge with respect to Jo Hanson's role with that program?

A. Who is Jo Hanson?

Q. She's a woman that works for either

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Solutia or Monsanto.

A. What group is she in?

MR. PECK: I guess that answers the question. I don't think he knows.

Q. (By Ms. Malow) If you don't know her, you don't know her.

A. It's a big company.

Q. I know.

A. When we were part of Monsanto, we were thirty thousand strong.

Q. Right. With respect to Mr. Mayausky's door-to-door campaign, did you have any involvement with that?

A. No.

Q. So you have no idea who he decided to talk to or what they said or who coached him with respect to that or helped him --

MR. PECK: Object to the form of the question, argumentative.

A. I don't know that.

Q. (By Ms. Malow) Do you know who it was

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with the PR department that would have had that role that would have been able to assist Mr. Mayausky back in the '95 time frame?

A. Whoever was assigned that role.

Q. Right. But do you know who that is?

A. Under the Shared Services concept that I described for you before. And as I said, I was part of not public affairs at that time, a part of government affairs. And I'm not exactly sure how they divided that up and at what time frame they had responsibility for that plant or that state.

Q. Okay. Have you ever assisted anyone at the Anniston facility in preparing speeches to give to community groups, such as the Rotary Club?

A. No. I do not get involved in speech writing.

Q. Who does that at Solutia?

A. Generally speaking, the only person who does speech writing, we have one person

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who does executive communications. He writes speeches for our executives. Anybody else who makes a presentation generally speaking will write it on their own.

Q. Does someone review it before they give it?

A. No. If you feel comfortable making a presentation -- We're a very flat organization.

Q. Have you personally ever had media training?

A. I have had media training.

Q. Did you receive that through some outside company?

A. I received it as a part of my employment.

Q. So Monsanto -- Was it Monsanto at the time that paid for that media training?

A. That's correct.

Q. Who provided the training to you?

A. It was a group out of West Virginia.

Q. I may be able to tell you.

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A. It's in Charleston, West Virginia.
Q. Ryan & Associates?
A. That's the one.
Q. Have you ever taught media training in-house to anybody?
A. I have not.
Q. Is it part of the company's policy to require everybody to go through media training?
A. We, generally speaking, will not require that anyone go through media training. We strongly recommend that people who have an opportunity to perhaps be interviewed by the press take media training. We also train our guards and other people who might have occasion, if something were to occur when it's an off shift, that they understood it, at least here's how you handle the question instead of saying "no comment," which is --
Q. So would it be more accurate to say that Monsanto or Solutia offers media

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training to its personnel?
A. Yes.
Q. And pays for it?
A. And they pay for it.
Q. Do you know whether or not Mr. Hamilton has participated in any media training?
A. He has not been media trained since I have had the assignment for Alabama.
Q. How about Mr. Mayausky?
A. I can't speak for that. I didn't know Mr. Mayausky until I met him at Bethel.
Q. Is it true that Solutia does that media training -- or offers that media training as well?
A. We do offer it as well as -- We hire a different company, though, not Ryan & Associates.
Q. Who does Solutia use?
A. We use a fellow by the name of Tripp Frohlichstein, or Frohlichstein. Don't ask me to spell it.
Q. Where is he out of?
A. Out of St. Louis, who does media

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training for Solutia.

Q. But it's not limited -- I mean, people at the plant can get it if they want it?

A. Yes.

Q. We talked earlier about the Solutia Fund earlier, that out of that fund is allocated certain things, like if a school needs equipment or technology. And then we talked about that separate $250,000 program. Then we mentioned Habitat For Humanity. My question was did that Habitat for Humanity $35,000 come out of yet another source of monies?

A. Well, with any budget, we say we want to spend 1 million dollars. As other opportunities arise, there's no formula that says we have to spend a certain amount of our dollars on philanthropic issues. So if an opportunity like the Habitat House comes up, we may be in a position to move some of the money that is allocated to a different part of the

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country to take care of that. Or if we decide it's worthwhile, to put additional funds into it.

Q. And that's why the company decided to go ahead and support even though there had already been $40,000 spent on other type things?

A. Well, that was -- Again, you probably need to talk with Blake on the finer points of how he managed his budget. But he probably had some monies left over, hadn't spent all of the $40,000, used some of that, and then came for additional funds to help supplement that for the Habit For Humanity house.

Q. If there is a large contribution that's being considered, is there anyone other than that board that you sit on that has to approve that?

A. If the board approves it, even if it's a large contribution, we would generally speaking like to inform senior management if we're going to make a

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major contribution in a particular area. But that decision is with the Solutia Fund Board because of the participation of the people who are on it.

Q. If, for example, there was going to be about a million dollars spent on philanthropic activities, would that be something that would need to be approved by senior management?

A. Senior management sets what they would like to be spent for philanthropic dollars in the first place and then says to the Solutia Fund Board, here is your allocation.

Q. So would Mr. Shapiro be the one that would be responsible for setting the amount of money that would be spent on philanthropic activities?

MR. PECK: For Solutia?

A. For Monsanto he would.

MR. PECK: For Solutia?

A. For Monsanto, Mr. Shapiro.

Q. (By Ms. Malow) How about Solutia?

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A. Mr. Potter. He would -- along with his senior management team decide that here's what we're going to allocate for philanthropic issues this year.

Q. Do you know whether or not the Anniston facility has funded a little league team at Wellborn School this year?

A. Blake may have decided to help fund a little league team at Wellborn. I have had the name "Wellborn School." And I believe that's one of the schools that the plant adopted. If they used it for little league or to buy a computer, I don't know.

Q. How about grassing in the football field there? Do you know about that?

A. Again, I know that they, I believe, adopted that high school and gave them some dollars. What the school used it for, no, I wouldn't know that.

Q. Have you ever contacted any press regarding the litigation arising out of PCBs?

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A. I have never contacted the press with the exception of the press release that was issued regarding the settlement with the Mars Hill Missionary Baptist Church. And that was not a contact where I picked up the phone; it was a press release that was issued.

Q. What contributions has Solutia made to local politicians, local public officials in the Anniston area?

A. Help me define "local."

Q. Anniston.

A. But do you mean -- I'm a government affairs person. Are you talking about local state representatives?

Q. Let's talk about Calhoun County.

A. We don't make contributions below the state level.

Q. Who sets that policy?

A. Our committee that looks after contributions for the company.

Q. Does Solutia make any contributions to the judiciary?

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A. No.
Q. They don't have a PAC fund for judiciary --
A. We have a PAC, but it's not for judiciary.
Q. What's it for, just state representatives?
A. Well, you may not understand the distinction between PACs, which are federally chartered and in very few cases, state chartered political action committees. And then other cases where there are corporate contributions.
Q. Well, with respect to either type of PAC are any of those funds devoted to judiciary?
A. No.
Q. Are there any corporate contributions made to judiciary?
A. No.
Q. The decision with respect to people above the state representative level, who makes those decisions --

A. You mean state senator?
Q. -- on contributions?
A. On state senator, you mean?
Q. Things like that.
A. State senator and state rep are made by manager of government affairs for that state.
Q. What was the amount that was contributed to the Lt. Governor?
A. I believe the amount for Lt. Governor was in the $500 range. But generally speaking, all of our contributions are the $250 to $500 range with the exception of the governor, I do believe. That contribution was for $1000.
Q. 4000?
A. 1000.
Q. Other than the information we already discussed in responding to *The Wall Street Journal* reporter's request, have you been involved with respect to putting together any sort of press packages or press releases?

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A. No. Outside getting prepared for that.
Q. Are you familiar with Sean Riley at *The Star*?
A. Sean Riley?
Q. Uh-huh (indicating yes).
A. I think that may have been a reporter, but I think I saw that in the press clips.
Q. How about Elizabeth Pazullo. Have you had any contact with her?
A. No contact with her.
Q. Tom Spencer?
A. No.
Q. Have you ever attended any gathering held by the editorial board of *The Anniston Star*?
A. I have not.
Q. Do you know whether Mr. Hamilton has ever attended any such gathering?
A. Not to my knowledge.
Q. How about anyone else with the Anniston facility?
A. Again, not to my knowledge.

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Q. Have you been involved in having the community tour the Anniston facility?
A. We have not.
Q. Do you know if that took place, if that's taken place at all, since you have been in your role?
A. It has not.
Q. In your role with Solutia and previously when you worked for Monsanto, have you had any involvement in any other litigation pertaining to something other than PCBs?
A. I have not had any role regarding litigation.
Q. Is this, the PCB issue, the only litigation that you have been involved in in your whole time at Monsanto or Solutia?
A. That's correct.
Q. Are you aware of any publicity or have you handled any publicity or public relations issues with respect to other products that have been manufactured by

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Monsanto such as Nutra-Sweet or bovine hormone growth --

A. I was not assigned to either one of those particular products.

Q. Are you aware of any funding that Solutia has made with respect to scientific studies on any product?

A. Not specifically. I mean, that would be, again, to our experts, who would make that assignment of whether or not they want that information.

Q. Is Dr. Kaley provided with a budget to use for that type thing if he wants to get some scientific study funded?

A. Again, you'd probably have to ask Dr. Kaley how he derives his budgeting. But as a corporation, most corporations will, say to your person tasked with that responsibility, you have some budget to do your job.

Q. Do you know Brian Hughes?

A. I do not.

Q. Have you ever had any contact with

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anybody with Alabama Department of Public Health?

A. No.

Q. Have you ever had any contact with anybody with the Alabama Department of Environmental Management?

A. No.

Q. Do you know whether Solutia has ever had any contributions to any churches in the Anniston area?

A. We did the Bethel Church. I assume you consider that a contribution.

Q. Not really.

A. I don't know what you mean by contribution. No. Not to my knowledge have we made any contribution to a church.

Q. Are you aware of any other kind of gifts to a church that have been made by Solutia?

A. Not outside of the Bethel -- built that. And I think that's it.

Q. Have you been involved in responding to

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any inquiries from the EPA?
A. I do not get involved in responding to the EPA.
Q. Who would have that function?
A. That would be a function of the Environment Safety and Health Operation.
Q. Who specifically in that group?
A. EPA is a very wide-ranging organization, and our company is pretty wide-ranging too. So it just depends on the product or the issue.
Q. How many people in your group?
A. In Solutia, I don't know the exact number, but I would guess they're probably in the 50 to 75 people range.
Q. Who's the head of that group?
MR. PECK: Which are you talking about? Environmental Safety and Health?
A. Yes. That's the Environmental Council that I talked about before.
Q. (By Ms. Malow) I can't remember --
A. Seven people who head it.

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Q. Right.
A. And I could only at that time -- and I'm still drawing a blank because of all the questions. Probably three or four people that are on that group right now. It used to be headed singularly by Mike Pierle.
Q. Mr. Cahill, do you know why it is that Mr. Pierle left?
A. I think that he was at the age where he was ready to retire.
Q. Have you had any discussions regarding the stay of the litigation that's pending in the state court litigation regarding the PCB issues?
A. No.
MR. PECK: I was just going to tell him not to disclose communication with counsel.
MR. STEWART: You mean you've talked to him and he doesn't remember it?
MR. PECK: I don't know.

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Q. (By Ms. Malow) Have you had any involvement regarding Solutia's motion to change venue?
A. I'm only aware that that took place. I have had no involvement with it.
Q. So you didn't assist in the selection of articles that were used?
A. No.
Q. Do you know of anyone at Solutia that did assist in that regard?
A. Our litigation attorney.
Q. Your in-house litigation attorney?
A. That's right.
Q. Did you meet with the attorneys that are here today to prepare for your deposition?
A. We did.
Q. Did y'all meet today or yesterday or both?
A. We met yesterday and this morning.
Q. How many hours did you meet yesterday?
A. I think we spent three hours, maybe close to four, yesterday. And just an

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hour and a half or so this morning.

MS. MALOW: Let's take a break for a minute.

[A break was taken.]

THE VIDEOGRAPHER: We're back on the record at 4:34 p.m.

Q. (By Ms. Malow) Mr. Cahill, with respect to the recent article that Mr. Lifland wrote in the paper last Sunday, "Hidden in the Soil," which we have marked as Exhibit Six, was it important to you to make sure that Mr. Lifland knew Solutia's position so that that side of the story would be portrayed in this article?

A. It's important that the story has two sides and that -- Since he called, we wanted to be responsive.

Q. Mr. Cahill, with respect to Exhibit Six, was it important to Solutia that Mr. Lifland be provided with Solutia's side of the story?

A. It was important to us that he have both

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sides of the story, that it be balanced. And since he called me, I wanted to make sure we were responsive.

Q. Is that why you provided him with Mr. -- excuse me -- Dr. Kaley as another contact?

A. That is correct. He asked a health-effects related question, and I mentioned that he should talk to Dr. Kaley.

Q. All right. And would the same be true with respect to the meeting that you had with him in January, that it was your goal to persuade Mr. Lifland to include some additional information so that Solutia could tell their side of the story?

A. Wanted to make sure his portrayals were accurate and if he had questions that we would be able to provide some answers to them.

MS. MALOW: Pass the witness.

MR. PECK: No questions.

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THE VIDEOGRAPHER: Stand by as we go off the record. The time is 4:36 p.m.

[Discussion held off the record.]

MR. PECK: We'll waive.

(AND FURTHER DEPONENT SAITH NOT.)

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NOTARIAL CERTIFICATE

I, SHEILA L. FORD, a Registered Professional Reporter and duly commissioned Notary Public within and for the State of Missouri, do hereby certify that there came before me at the Ritz-Carlton Hotel, 100 Carondelet Plaza, St. Louis, MO 63105,

KEVIN CAHILL,

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 25th of May 1999.

My commission expires: March 13, 2002.

_____
Sheila L. Ford
Notary Public

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