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Attorneys think Haley-PC

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The $4.3 million Haley-PCB lawsuit may run through mid-May, according to estimates made by attorneys Wednesday.

Huron Circuit Judge M. Richard Knoblock asked attorneys for estimates on the length of the trial after the jurors left the courtroom for an afternoon recess. James Woodworth, Bad Axe, one of the attorneys representing the Haleys, said he expects to rest his case about April 17. William Jungerheld, the Saginaw attorney representing Monsanto Chemical Company, St. Louis, Mo., said he will need about three additional weeks to present defense witnesses.

By the time both sides are presented – and the jurors consider the case – the lawsuit could last until mid-May, lawyers said. The trial had been expected to end sometime in April.

"We're just going to have to keep our nose to the grindstone," Knoblock told attorneys.

Roger A. Haley, his wife Valerie, and Roger's mother Florence Haley, are suing Monsanto, C and B Silo and Michigan Silo for $4.3 million. The Haley's claim poor health, cattle deaths and financial losses at their Owendale farm because of PCB contamination.

The trial was adjourned until 1 p.m. today because of other court business. Attorneys had requested an adjournment until Monday, but Knoblock denied the request. Knoblock has previously adjourned the trial on Fridays for other court business.

During the morning session Wednesday, James Woodworth, Bad Axe, completed questioning of his client, Roger A. Haley.

Haley said he has suffered poor health – including hypertension, an elevated red blood cell count, severe sores on his neck and upper chest and recurring bronchitis – because of PCB contamination.

"My hypertension before I bought the farm was controllable with medication. Now it is almost uncontrollable," Haley said.

Haley said his wife also had severe sores and has had problems with bronchitis over the last several years. Haley said neither he or his wife smoke or drink.

"We have lost our vitality for life. I watched my wife just break down and cry as she fed calves that just wouldn't live. Nothing, nothing seemed to work," Haley testified.

Haley, who has been examined by several doctors, said he felt like a "guinea pig."

"My feeling is that myself and my family are being looked upon as guinea pigs, and being used as such," Haley said.

Haley said his relationship with his wife has been strained by difficulties he attributed to PCB contamination.

"It's been as good as we can expect, I guess. We are unable to enjoy a normal marital relationship anymore," Haley said.

Haley said problems with his farm, health, livestock and family "makes me feel to be less of a man."

Haley paused several times during his testimony to compose himself. After Woodworth finished his questions, John Davidson, a Saginaw attorney representing C and B Silo, cross-examined Haley.

Davidson asked Haley if he would like to take a break before he began his questions. Haley declined.

Davidson questioned Haley about his formal education concerning dairy operations and his estimates of calf deaths. Haley said he took some agricultural courses in high school, but most of his experience at dairy farming was "hands on." As a child, Haley worked with his father at the family's dairy operation and later entered a partnership with another dairy farmer for a short time.

Davidson asked Haley if he and the partner dissolved the partnership because of a disagreement. Haley said personal reasons and his partner's health caused the partnership to break up. Haley took over operation of

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PCB trial will last until May

the dairy herd after the partnership ended, he said.

Davidson also questioned Haley's estimates on cow and calf deaths. Haley testified he buried about 295 calves behind his South Elkton Road dairy farm between 1972 and 1977.

"Is this count of yours by hook or by crook or what? You can't give me any records of how many calves you buried?" Davidson asked.

Haley snapped back "Would you like to go out and dig them up?"

Judge Knoblock told Haley to answer the question. Haley said he had no records of calf deaths.

In other questioning related to the cow and calf deaths, Davidson asked Haley where or how he disposed of some of the cattle.

"You sold cows at Sandusky for slaughter and did not tell them of PCB problems. Is it possible that meat could have wound up on somebody's table as steak?" Davidson asked.

"It's possible," Haley said.

"You knew these cattle were going to be slaughtered and sold to the public?" Davidson asked.

"Yes," Haley responded.

Later in the day, Haley testified he ate meat and drank milk from his cows daily.

He also testified cattle losses were tax deductible. Haley said he did not know if the loss of his silos was tax deductible.

Jungerheld questioned Haley for a short time in Wednesday's morning session and continued through the afternoon – with one of Monsanto's expert witnesses in the back of the courtroom taking notes. Since the trial started, Knoblock has twice denied motions by Woodworth to sequester expert witnesses.

Jungerheld covered old ground with Haley, discussing feeding practices and changes Haley made at the farm after he purchased it in 1972. Jungerheld questioned Haley about inconsistencies between his verbal testimony and two depositions made by Haley.

Jungerheld noted Haley's original estimate of calf loss was 494 dead calves, which conflicts with his more recent estimate of 295. Haley reviewed the methods he used to determine his losses and damages and said the estimate of 295 calves was accurate.

Haley was also questioned – again – on his formal farming education. Defense attorneys contend Haley's production problems were the result of poor management or training rather than PCBs. Jungerheld went over the Haley dairy operation in detail Wednesday, and the defense attorney was expected to continue his cross-examination this afternoon.

In other court action, Judge Knoblock denied a motion by defense attorneys to allow new testimony concerning loans made by Community Bank, Bad Axe, to the Haleys. Defense attorneys said part of Haley's loan security is based upon money he may receive as a result of the lawsuit.

"Mr. Haley is, in essence, a straw man for the bank," Jungerheld said.

Knoblock refused to allow any testimony on the topic.

"I don't really think it has much of an impeachment value. I wouldn't say what (Haley) said was untrue (about the loans), but it was incomplete," Knoblock said.

Woodworth had questioned Haley about various loans last week. Haley detailed the amounts of the loans and dates of refinancing.

Haley has testified he secured a $510,000 loan from Community Bank in 1979, of which $460,000 is currently outstanding. Haley also has $71,000 outstanding from a loan made to him by the Michigan Toxic Substance Fund, which was set up for PCB contamination and PBB contamination.

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ll be Thursday eve-
il 12, from 7 - 9 p.m.
ollowing exhibits
atured: Home En-
servation and Un-
Donna Sageman; Chair
Caning by Thelma Cleland;
Oil Painting by John Misico;
and Gem Craft. Displays
will also be included on

Both programs will be conducted at the Library on Main Street, Ubly.

A selection of new books for youths aged 10 to 14 will

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