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November 22, 1991

Mr. Ronald Burnett
113 Blackthorn Drive
St. Louis, MO 63123

Dear Mr. Burnett:

Your deposition taken on the 7th day of November, 1991, in the matter of Alice L. Warren, etc. vs. The Dow Chemical Company, et al has been transcribed and is now ready for your signature.

Please call this office at the above number in order to arrange a time for you to come in to read and sign your deposition.

Failure to respond to this letter within 45 days will constitute a willingness on your part to have said deposition promptly filed in Court without your signature.

Sincerely,

Sandra Wunderlin Witt
Court Reporter

cc: Keith A. Minoff
Susan P. Ritter
Rosemary A. Macero
Martin P. Zucker
Original Transcript

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALICE L. WARREN, etc.,)
)
 Plaintiff,)
)
vs.) Cause No. 89-30201-F
)
THE DOW CHEMICAL COMPANY,)
et al,)
)
 Defendants.)

DEPOSITION OF RONALD BURNETT
TAKEN ON BEHALF OF THE PLAINTIFF

NOVEMBER 7, 1991

RANKIN REPORTING SERVICE
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St. Louis, Missouri 63101
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALICE L. WARREN, etc.,)
)
 Plaintiff,)
)
vs.) Cause No. 89-30201-F
)
THE DOW CHEMICAL COMPANY,)
et al,)
)
 Defendants.)

DEPOSITION OF RONALD BURNETT, produced, sworn,
and examined on the 7th day of November, A.D., 1991,
between the hours of eight o'clock in the forenoon
and six o'clock in the afternoon of that day, at 701
Market Street, in the City of St. Louis, State of
Missouri, before Sandra Wunderlin Witt, Registered
Professional Reporter, a notary public within and for
the County of St. Louis, State of Missouri, in a
certain cause now pending in the United States
District Court, for the Eastern District of Missouri,
between Alice L. Warren, etc., Plaintiff, and The Dow
Chemical Company, et al, Defendants, on behalf of the
Plaintiff.

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A P P E A R A N C E S

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St. Louis, Missouri 63167
By: Martin P. Zucker

S T I P U L A T I O N

IT IS HEREBY STIPULATED AND AGREED, by and
between counsel for the parties that this deposition
may be taken in shorthand by Sandra Wunderlin Witt,
RPR, and afterwards transcribed into typewriting.

MS. MACERO: Sir, before we start maybe we
should talk about stipulations, starting with the
reading and signing.

MR. ZUCKER: He will want to read the
deposition and sign it.

MR. MINOFF: Also, in past depositions in
this case I think all of them that have been
conducted the attorneys have stipulated that all

1 objections except those as to form will be reserved
2 for trial and do not need to be made at the
3 deposition. Is that agreeable?

4 MS. RITTER: That's fine.

5 MS. MACERO: What about motions to strike?

6 MR. MINOFF: And the same thing with
7 motions to strike. They will be reserved for trial
8 even if they're not made.

9 MS. RITTER: No problem with us.

10 MR. MINOFF: Okay. I think we're ready to
11 begin then.

12 RONALD BURNETT,

13 of lawful age, being first duly sworn to tell the
14 truth, the whole truth and nothing but the truth,
15 deposes and says in behalf of the Plaintiff as
16 follows:

17 DIRECT EXAMINATION

18 QUESTIONS BY MR. MINOFF

19 Q. Sir, would you state your name?

20 A. My name is Ronald H. Burnett. I live --
21 excuse me.

22 Q. What is your current home address?

23 A. 113 Blackthorn Drive.

24 Q. And where is that located, sir?

25 A. St. Louis.

1 Q. And how long have you lived at that
2 address?
3 A. Approximately forty years.
4 Q. Who lives there with you now?
5 A. My wife.
6 Q. And what is her name?
7 A. Betty.
8 Q. How old are you, sir?
9 A. I'm seventy-seven. Will be seventy-eight.
10 Q. And what is your current employment
11 status? Are you retired?
12 A. I'm retired.
13 Q. And what is the last employment that you
14 held?
15 A. At Monsanto I was director of raw
16 materials.
17 Q. And when did you leave Monsanto?
18 A. 1980. Early 1980.
19 Q. What month? Do you recall?
20 A. I believe it was in January. January or
21 February.
22 Q. And since leaving Monsanto have you been
23 employed in any capacity by anybody?
24 A. No, sir.
25 Q. Have you done any work for Monsanto since

1 retiring in January of 1980?

2 A. No, sir.

3 Q. When did you start to work at Monsanto?

4 A. 1937.

5 Q. And did you work at Monsanto continuously

6 from 1937 through 1980 or January of 1980?

7 A. Right.

8 Q. Were you in the military at all during that

9 period?

10 A. Yes. Four and a half years.

11 Q. And what years were they?

12 A. '42, '43, '44, and about half of '45 as I

13 recall.

14 Q. So aside from the time you spent in the

15 military in the 1940s, you were at Monsanto on a

16 continuous basis from 1937 to January of 1980?

17 A. That's correct.

18 Q. What was the first job title that you held

19 there?

20 A. In 19 -- or in when I first started?

21 Q. Yes, sir.

22 A. I was a grinder. That's a production job.

23 I was just -- if I may continue. I was just out of

24 college and that was an open place.

25 Q. Where was that located? Where was the

1 Monsanto plant?

2 A. Nitro, West Virginia.

3 Q. How long did you remain in the Nitro, West
4 Virginia plant?

5 A. From '37 through service and until 1951.

6 Q. What other jobs did you hold at the Nitro
7 plant between 1937 and 1951?

8 A. Well, as I stated, a grinder, which is an
9 hourly job, and then I went into production operating
10 on a shift basis. From there I was transferred to
11 engineering which was a salary basis. And then from
12 engineering to purchasing.

13 I believe my first title in purchasing was
14 purchasing assistant.

15 Q. What were you doing when you left West
16 Virginia in 1951?

17 A. I was purchasing agent in the Nitro plant.

18 Q. And what was it you were actually
19 purchasing?

20 A. Everything that the plant used.

21 Q. And what was being made at that plant at
22 that time?

23 A. That essentially was a rubber accelerator
24 plant. And we made products for the tire industry
25 worldwide.

1 Q. Was the West Virginia plant involved at all
2 in the production of plastics?

3 A. No, sir.

4 Q. So they were not involved in the production
5 of polyvinyl chloride at the West Virginia plant?

6 A. No.

7 MS. MACERO: Objection.

8 MS. RITTER: Objection.

9 Q. (By Mr. Minoff) What did you actually do
10 in purchasing? What were your day-to-day job
11 duties? We're still at the West Virginia plant.

12 A. General purchasing functions such as buying
13 raw materials for the plant and mechanical items,
14 maintenance items. That -- requisitions to buy those
15 products came through our purchasing department.

16 Q. When you refer to raw materials, are you
17 including the purchase of chemicals that were used at
18 the plant to make products?

19 A. Yes.

20 MS. MACERO: Objection.

21 Q. (By Mr. Minoff) Where did you go in 1951?

22 A. I came to St. Louis. Purchasing.

23 Q. And what was your actual job title when you
24 landed in St. Louis?

25 A. Manager of priorities.

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1 Q. And that was within what division of the
2 company?

3 A. That was corporate purchasing.

4 Q. Manager of priorities --

5 A. For the company.

6 Q. For corporate purchasing?

7 A. Right.

8 Q. It's a department?

9 A. Right. If you recall, that was the Vietnam
10 War period.

11 Q. We're talking now about 1951 when you left
12 West Virginia. Or Korean War you meant to say? You
13 said Vietnam.

14 A. I'm sorry.

15 Q. Straighten that one out. How long did you
16 remain as manager of priorities?

17 A. Approximately one year.

18 Q. And what did you do in that position?

19 A. Lived in Washington, D.C. As you recall,
20 during that period in order to buy critical items you
21 had to have a government priority number. And my
22 responsibility was to get those government priority
23 numbers approved through our Washington office.

24 Q. So you spent a lot of time during that year
25 --

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1 A. Approximately two years.

2 Q. And what was your job title there?

3 A. I was manager of purchases for the plastics
4 division.

5 Q. So that would have been from 1952 to 1954?

6 A. Yes. Not through '54 but into '54.

7 Q. Into '54. What did the plastics division
8 at the Springfield plant include? What types of
9 products?

10 A. Are you asking what types of products we
11 purchased?

12 Q. Well, let's start with what types of
13 products were manufactured at the plant.

14 A. I don't remember. They were of the
15 plastics family but I do not remember the products.

16 Q. Do you recall a product that was known by
17 the trade name of ultron?

18 MS. MACERO: Objection.

19 MS. RITTER: Objection.

20 THE WITNESS: No, sir, I don't.

21 Q. (By Mr. Minoff) Do you know if during that
22 period, sir -- sir, again, we're talking about the
23 period when you were manager of purchasing in the
24 plastics division -- if the Springfield plant was
25 then manufacturing polyvinyl chloride?

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1 MS. RITTER: Objection.

2 MS. MACERO: Objection.

3 THE WITNESS: I believe they probably
4 were. I think that was part of our product line.

5 Q. (By Mr. Minoff) And what did you do, sir,
6 on a day-to-day basis as manager of purchasing in the
7 plastics division?

8 A. One of my main responsibilities were we
9 were reorganizing our purchasing department which
10 consisted of some fifteen -- twelve to fifteen
11 people.

12 I was asked to go to Springfield by one of
13 our vice presidents and assist as best possible in
14 getting the organization operating on then a current
15 basis as business dictated.

16 I supervised -- or the people who did the
17 buying in the raw materials, mechanical items, and
18 containers reported to me.

19 Q. So you were involved in helping to
20 reorganize the department that was there?

21 A. That's correct.

22 Q. And as part of that you also supervised a
23 number of people who were engaged in purchasing?

24 A. Purchasing activity.

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25 Q. Did you yourself engage in any purchasing

1 for Monsanto during that time?

2 A. Actual day-to-day purchasing are you
3 asking?

4 Q. Okay. We'll start with that.

5 A. Basically, no. Our major raw materials I
6 would assist our buyers in developing commitment
7 contracts or purchase contracts and also was very
8 actively engaged in bringing our purchasing activity
9 into the management structure of our operation.

10 Prior to my going to St. Louis -- or to
11 Springfield, we basically did not have an official
12 representative on the general manager staff.

13 Q. When you say we, who do you mean?

14 A. Well, I mean purchasing. I'm sorry. And I
15 filled that particular spot. Sat in on general
16 meetings that related to some of our activity.

17 Q. During that period, sir, we're restricting
18 ourselves for the moment to the 1952 to 1954 period
19 when you were in that position. Do you know whether
20 Monsanto purchased any vinyl chloride from any
21 source?

22 MS. RITTER: Objection.

23 MS. MACERO: Objection.

24 THE WITNESS: If we were operating a
25 polyvinyl chloride plant, I'm sure we -- whether we

1 were purchasing it -- I do not know when we started
2 up our vinyl chloride plant in Texas. If it was
3 operating, we were using that material I'm sure.

4 Q. (By Mr. Minoff) Assuming that -- I'm
5 sorry. Let's just go back for a second to what you
6 said. You referred to a plant in Texas. That would
7 have been a Monsanto owned plant?

8 MS. RITTER: Objection.

9 MS. MACERO: Objection.

10 THE WITNESS: Yes.

11 Q. (By Mr. Minoff) And that was a plant that
12 produced vinyl chloride?

13 A. Yes.

14 MS. RITTER: Objection.

15 MS. MACERO: Objection.

16 THE WITNESS: That's where we produced
17 vinyl chloride.

18 Q. (By Mr. Minoff) By we you mean Monsanto?

19 A. Monsanto.

20 Q. Did you ever visit the plant in Texas City?

21 A. The plant itself, yes.

22 Q. Did you ever visit there while you were
23 manager of priorities?

24 A. Yes.

25 Q. Over purchasing?

1 A. Yes. Oh, no. Not as manager of
2 priorities.

3 Q. It would have been some later time?

4 A. When I was in Springfield.

5 Q. Well, you were in Springfield beginning in
6 1952, correct?

7 A. Right.

8 Q. Maybe we should go through the rest of your
9 history and then come back. Where did you go in
10 1954?

11 A. I was transferred back to St. Louis.

12 Q. And did you remain in St. Louis from 1954
13 until you retired in 1980?

14 A. That's correct.

15 Q. Now, let's go back to while you were in
16 Springfield. While you were in Springfield did you
17 ever visit the Texas City plant?

18 A. Yes.

19 Q. And on what occasions did you do that?

20 A. You mean while --

21 Q. I mean what were the circumstances of your
22 visit. Do you recall?

23 A. It had to do with engineering.

24 Q. Were you functioning as an engineer during
25 that period?

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1 A. No, but we were building a plant unit at
2 Texas City in which was engineered and the contract
3 was executed out of Springfield.

4 Q. Was the plant under construction when you
5 visited it?

6 A. Yes.

7 Q. Was it actually producing anything at that
8 time?

9 A. No.

10 Q. Did you subsequently visit the plant after
11 it was up and running?

12 MS. RITTER: Objection.

13 MS. MACERO: Objection.

14 THE WITNESS: I visited Texas City plant
15 many times.

16 Q. (By Mr. Minoff) Do you recall when the
17 first time is that you visited the plant and it was
18 actually producing?

19 MS. MACERO: Objection.

20 MS. RITTER: Objection.

21 Q. (By Mr. Minoff) How many times would you
22 say you visited the plant totally?

23 MS. MACERO: Excuse me. What was the
24 answer to that question?

25 MS. RITTER: You have to answer out loud.

1 Whichever your answer is, say it out loud.

2 THE WITNESS: The question?

3 MS. MACERO: Your previous question.

4 (The last question was read back after

5 which the following proceedings were had.)

6 THE WITNESS: No.

7 MS. RITTER: We objected to that.

8 MS. MACERO: We objected to that.

9 Q. (By Mr. Minoff) You said you visited the

10 plant many times?

11 A. Many times.

12 Q. And approximately how many times would you

13 say you visited it in total?

14 A. Perhaps ten, fifteen times.

15 Q. Now, do you know whether or not that plant

16 was ultimately sold by Monsanto?

17 MS. MACERO: Objection.

18 MS. RITTER: Objection.

19 THE WITNESS: I was aware of it.

20 Q. (By Mr. Minoff) Do you know when it was

21 sold?

22 A. I do not.

23 Q. And do you know who it was sold to?

24 A. I believe it might have been -- I do not

25 know exactly the name of the company who purchased

1 the plant.

2 Q. Do you know what the circumstances were --

3 A. I do not.

4 Q. -- of the purchase?

5 A. I do not.

6 Q. Was vinyl chloride monomer one of the
7 things that was produced at the Texas City plant?

8 MS. RITTER: Objection.

9 MS. MACERO: Objection.

10 THE WITNESS: I believe it was.

11 Q. (By Mr. Minoff) Were there other chemicals
12 that were also produced at that plant?

13 A. Yes.

14 Q. During your tenure at Monsanto, were there
15 any other Monsanto owned facilities that you were
16 aware of that produced vinyl chloride monomer other
17 than Texas City?

18 MS. MACERO: Objection.

19 THE WITNESS: No.

20 Q. (By Mr. Minoff) Do you know where the
21 vinyl chloride monomer produced in Texas City went to
22 when it left the plant?

23 MS. RITTER: Objection.

24 MS. MACERO: Objection.

25 THE WITNESS: Oh, I believe it went to

1 Springfield.

2 Q. (By Mr. Minoff) For what purpose?

3 A. Apparently for polyvinyl chloride.

4 Q. For the manufacture of polyvinyl chloride?

5 MS. RITTER: Objection.

6 MS. MACERO: Objection.

7 Q. (By Mr. Minoff) Do you know whether any of
8 the vinyl chloride monomer from Texas City was ever
9 shipped anywhere other than Monsanto's Springfield
10 plant?

11 A. I do not.

12 Q. Do you know whether any vinyl chloride
13 monomer produced in Texas City was ever sold to any
14 other company?

15 MS. MACERO: Objection.

16 THE WITNESS: No, sir, I do not.

17 Q. (By Mr. Minoff) Is it fair to say that
18 your understanding is that the vinyl chloride monomer
19 produced in Texas City was for Monsanto's own use?

20 A. To the best of my knowledge.

21 MS. RITTER: Objection.

22 MS. MACERO: Objection.

23 Q. (By Mr. Minoff) During the time you were
24 employed at Monsanto, sir, do you know if Monsanto
25 owned any facilities which produced polyvinyl

1 chloride other than the plant in Springfield,
2 Massachusetts?

3 MS. RITTER: Objection.

4 MS. MACERO: Objection.

5 THE WITNESS: I do not.

6 Q. (By Mr. Minoff) You're not aware of any?

7 MS. RITTER: Objection.

8 MS. MACERO: Objection.

9 THE WITNESS: No.

10 MR. MINOFF: He said no.

11 You have to try to speak up so everybody
12 can hear you including her.

13 Q. (By Mr. Minoff) Let's just go back, Mr.
14 Burnett, to 1954 when you returned to St. Louis.
15 What was your job title then?

16 A. I was manager of raw material purchases.

17 Q. And who did you report to?

18 A. When I first came back I reported to Mr.
19 Larry Heffernan.

20 Q. And what was his title?

21 A. He was director of purchases.

22 Q. For the whole company?

23 A. For the corporation.

24 Q. But you were just in the raw materials
25 division?

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1 A. Yes.

2 Q. And what did raw materials mean in the
3 language of Monsanto?

4 A. Pretty much as the name would indicate. It
5 was raw materials for products that we produced, and
6 products that we produced.

7 Q. And that would include chemicals used in
8 making end products?

9 A. Yes.

10 MS. RITTER: Objection.

11 MS. MACERO: Objection.

12 Q. (By Mr. Minoff) How long did you remain in
13 that position?

14 A. Until 1970.

15 Q. And what happened in 1970?

16 A. We, the corporation, reorganized our
17 purchasing -- corporate purchasing department and my
18 responsibility then became director of raw material
19 projects on a worldwide basis and functioned as a
20 liaison from our purchasing department into our
21 operating companies of our divisions. At that time I
22 believe they were divisions.

23 Q. Between 1954 and 1970, what did your duties
24 include?

25 A. Evaluation of people who worked for me,

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1 assisting them in setting purchasing goals on a
2 yearly basis. Again, forming our -- or acting as a
3 conduit into our operating company so that we had a
4 flow of information back and forth.

5 Of course keeping our director of
6 purchasing advised about the activity of our raw
7 material section. Assisting usually with one of our
8 raw material purchasing men, activity with plant
9 purchasing people.

10 Still had people buying in the plant
11 level. Conducting seminars on purchasing and
12 directing meetings with our operating companies.

13 Q. Did you ever work with a fellow named
14 Herbert Parham during that period 1954 to 1970?

15 A. Yes.

16 Q. Who was Mr. Parham?

17 A. Mr. Parham was director of -- in the raw
18 material section reporting to Mr. Evans who was then
19 our director of purchases.

20 His basic function was to represent
21 Monsanto with suppliers on a top level to arrange for
22 conferences in St. Louis related to raw materials if
23 it involved some of his contacts and working with me
24 on some of our project activities. I reported to Mr.
25 Parham.

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1 Q. I was going to ask was he above you in the
2 hierarchy?

3 A. Yes.

4 Q. Was one of your duties, sir -- did your
5 duties include actually signing contracts to purchase
6 raw materials on behalf of Monsanto?

7 MS. MACERO: Objection.

8 MS. RITTER: Objection.

9 THE WITNESS: I was approved to sign
10 contracts not to exceed two million dollars annually
11 with proper legal clearance on the contract, proper
12 divisional clearance on the contracts if it was for
13 one of our divisions.

14 And that usually was -- that approval
15 usually went to a higher level in our operating
16 companies.

17 Q. Were there other purchases that could be
18 signed off on by people in your department who were
19 under you?

20 A. That's correct. But they needed my
21 approval or initialing on the contract to do so. And
22 they were really at a lower level dollarwise.

23 Q. So what you're saying is they could sign
24 the contract but you would have to approve it?

25 A. Approve it.

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1 MS. MACERO: Objection.

2 Q. (By Mr. Minoff) But your name wouldn't

3 actually appear on the contract?

4 MS. MACERO: Objection.

5 MS. RITTER: Objection.

6 MS. MACERO: You'll have to verbalize that

7 answer, Mr. Burnett.

8 THE WITNESS: And the question?

9 (The last question was read back after

10 which the following proceedings were had.)

11 THE WITNESS: That's correct.

12 Q. (By Mr. Minoff) It would not?

13 A. It would not. I'm sorry I'm not talking

14 loudly.

15 MR. MINOFF: Everybody does it.

16 Q. (By Mr. Minoff) Did your level of

17 authority ever change between 1954 and 1970 as to the

18 contracts you were authorized to sign?

19 A. My level increased up to that figure, two

20 million dollars.

21 Q. That was the highest authority you ever

22 had?

23 A. That's correct.

24 Q. As of 1970?

25 A. That's correct.

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1 Q. That's what you had. Now, was signing
2 purchasing contracts on behalf of Monsanto also part
3 of your duties after 1970 after the reorganization?

4 A. Yes.

5 Q. And did your authority level change at all
6 between 1970 and 1980?

7 A. It probably was less in 1970. The maximum
8 that I ever went to was on the order of two million
9 dollars per year.

10 Q. Now, during your stay in raw materials,
11 were there ever occasions that you were aware of in
12 which raw materials were purchased by Monsanto
13 without a contract actually being involved?

14 MS. MACERO: Objection.

15 MS. RITTER: Objection.

16 Q. (By Mr. Minoff) A written contract?

17 A. Yes. I think we -- they would be really
18 minor raw materials.

19 Q. You mean the small amounts?

20 A. Smaller dollar amount, yes.

21 Q. Were there certain types of purchases which
22 according to company policy had to be documented by a
23 written contract?

24 MS. MACERO: Objection.

25 MS. RITTER: Objection.

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1 THE WITNESS: I don't recall any written
2 policy to that effect. However, good business
3 judgment would control. We would always want a
4 secure source of supply.

5 One of the ways you do it of course was
6 through a contract. By and large most of our raw
7 materials were covered by contract.

8 Q. (By Mr. Minoff) Were there occasions, sir,
9 on which raw materials were acquired by the company
10 other than by purchase, that is other than by paying
11 money for the product?

12 MS. RITTER: Objection.

13 MS. MACERO: Objection.

14 THE WITNESS: Are you talking about
15 barter?

16 MR. MINOFF: Well, that is an example.

17 THE WITNESS: Not to my knowledge.

18 Q. (By Mr. Minoff) Are you aware of any
19 occasions on which Monsanto acquired a raw material
20 by means of barter with another company?

21 MS. MACERO: Objection.

22 MS. RITTER: Objection.

23 THE WITNESS: Not to my knowledge.
24 Domestically.

25 Q. (By Mr. Minoff) What about

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1 internationally?

2 A. We may have. Some of the countries -- we
3 were an international country -- our company. Some
4 companies basically do not have the hard cash. Some
5 countries as I recall operate on a barter basis.

6 Q. In your position were you involved in
7 international purchases in any way?

8 A. Mostly on a supervisory basis. I spent
9 several -- or quite a bit of time in Belgium, in
10 England, in Australia, working with our purchasing
11 people at that location on problems they might have
12 with obtaining raw materials.

13 They also attended our -- these individuals
14 attended our annually -- or every two years a general
15 purchasing meeting in St. Louis.

16 Q. Let me just go back, Mr. Burnett, to an
17 earlier period of time that we talked about. Prior
18 to 1952 when you became manager of priorities in
19 Springfield --

20 A. I was not manager of priorities in
21 Springfield.

22 Q. I'm sorry. Manager of purchasing in the
23 plastics division.

24 A. Right.

25 Q. I misread my own handwriting. Prior to

1 that time, were you -- did you have any awareness of
2 Monsanto's polyvinyl chloride operations in
3 Springfield?

4 MS. RITTER: Objection.

5 MS. MACERO: Objection.

6 THE WITNESS: No, I didn't. Not detailed.

7 Q. (By Mr. Minoff) Were you aware that PVC
8 was being produced in Springfield?

9 MS. MACERO: Objection.

10 MS. RITTER: Objection.

11 THE WITNESS: Yes.

12 Q. (By Mr. Minoff) Now, would that have been
13 prior to the beginning of operations at the Texas
14 City plant?

15 MS. MACERO: Objection.

16 THE WITNESS: I don't recall when the Texas
17 City plant started producing vinyl chloride.

18 Q. (By Mr. Minoff) Well, did you say earlier
19 that you visited the Texas City plant while it was
20 under construction?

21 A. Not the vinyl chloride plant.

22 MS. MACERO: Objection.

23 MS. RITTER: Objection.

24 Q. (By Mr. Minoff) Then I misunderstood you.
25 You referred to visiting a plant in Texas City that

1 was under construction, correct?

2 A. We were building another type of plant.

3 Q. And you made that visit while you were
4 based in Springfield?

5 A. Correct.

6 Q. And when you made that visit, was there a
7 different plant in Texas City that was producing
8 vinyl chloride monomer?

9 MS. MACERO: Objection.

10 MS. RITTER: Objection.

11 THE WITNESS: I don't recall.

12 Q. (By Mr. Minoff) Did you later become aware
13 that there was such a plant in Texas City?

14 MS. RITTER: Objection.

15 MS. MACERO: Objection.

16 THE WITNESS: I knew that we had a plant in
17 Texas City that produced vinyl chloride.

18 Q. (By Mr. Minoff) When you said earlier that
19 you visited the plants or a plant in Texas City about
20 ten times, were you referring to the other plant that
21 is not the vinyl chloride plant?

22 A. I was visiting our purchasing department at
23 that location. We had purchasing meetings at Texas
24 City and other locations from time to time.

25 Q. Now, was there more than one location or

1 more than one plant location in Texas City for
2 Monsanto?

3 A. To my knowledge, no.

4 Q. Is it fair to refer to it as a plant
5 complex? Yes?

6 A. Yes, yes.

7 Q. And is it your testimony that the complex
8 included certain buildings that produced vinyl
9 chloride that was --

10 MS. RITTER: Objection.

11 MS. MACERO: Objection.

12 Q. (By Mr. Minoff) -- separate and apart from
13 other production facilities?

14 MS. RITTER: Objection.

15 MS. MACERO: Objection.

16 THE WITNESS: That's correct. There would
17 be a vinyl chloride or whatever and then there would
18 be other plants.

19 Q. (By Mr. Minoff) Sir, did there come a time
20 while you were at Monsanto when you were involved in
21 a contract whereby Monsanto agreed to purchase vinyl
22 chloride monomer from Dow Chemical Company?

23 MS. RITTER: Objection.

24 THE WITNESS: Yes.

25 Q. (By Mr. Minoff) And how did you first

1 become involved in that? Do you recall?

2 A. I don't really recall what first -- the
3 first essence I had in that area.

4 Q. Well, what do you recall about your -- the
5 initial stages of your involvement with the Dow vinyl
6 chloride contract?

7 MS. RITTER: Objection.

8 THE WITNESS: As I indicated, one of my
9 responsibilities in the director of raw material
10 activity was the continuance, maintenance, and
11 liaison between corporate purchasing and the
12 operating companies.

13 Many times the operating companies might
14 possibly come to our director or to me and ask for
15 input into a contract that they might be considering.

16 Q. (By Mr. Minoff) Let me just stop you for a
17 second so we have our terms straight. What do you
18 mean by operating companies?

19 A. Operating companies -- at one time we had
20 divisional activity and that moved into replacing the
21 divisional activity or headquarters to an operating
22 company. It was an internal structure to streamline
23 the business activity.

24 Q. Why don't you continue your answer.

25 A. They would come to purchasing. And one of

1 my responsibilities was to liaison with these
2 companies on purchase projects.

3 And that would constitute input for the
4 kind of purchasing statements that we might want in a
5 contract. And we just worked hand in glove so to
6 speak with these people.

7 Q. Now, you were I think answering a question
8 that I had about the Dow vinyl chloride contract.

9 MS. RITTER: Objection.

10 THE WITNESS: Oh, that was any contract.
11 If we were buying -- may I take an example?

12 MR. MINOFF: Sure.

13 THE WITNESS: We were probably one of the
14 world's largest buyers of benzine. And for a number
15 of years within the purchasing department I had the
16 -- had to have the knowledge of what we were doing on
17 purchasing of benzine.

18 If we were developing a contract with a
19 benzine supplier, we would work with the consuming
20 division or operating company on specifications,
21 reasons why we as a purchasing department were
22 recommending certain companies because we continually
23 made economic studies, the best possible of our
24 suppliers' operating costs. We tried to know as much
25 as we could about the cost of the product.

1 Q. (By Mr. Minoff) Let's talk about vinyl
2 chloride for the moment since that's really why we're
3 here today. Did there come a point, sir, that you
4 recall becoming involved with people at the
5 Springfield plant regarding its need for vinyl
6 chloride?

7 MS. RITTER: Objection.

8 MS. MACERO: Objection.

9 THE WITNESS: We -- I don't recall a time
10 when I talked to Springfield about vinyl chloride.
11 We were working with the division people in St.
12 Louis.

13 That would be production or management of
14 the division that had the responsibility of producing
15 vinyl chloride.

16 Q. (By Mr. Minoff) And they would have had
17 the contact with the Springfield plant?

18 MS. RITTER: Objection.

19 MS. MACERO: Objection.

20 THE WITNESS: That was in their area to
21 have that contact.

22 Q. (By Mr. Minoff) That was how the
23 organization was set up?

24 MS. RITTER: Objection.

25 MS. MACERO: On objection.

1 THE WITNESS: Yes.

2 Q. (By Mr. Minoff) Do you recall, sir, a time
3 when the Springfield plant -- let me start over.
4 Strike that.

5 I'm not sure if I asked you about this
6 earlier but did you become aware at some point that
7 the vinyl chloride operations in Texas City were
8 going to be curtailed?

9 MS. RITTER: Objection.

10 MS. MACERO: Objection.

11 THE WITNESS: I don't know at what time I
12 was aware of it but generally I had that awareness.

13 Q. (By Mr. Minoff) That came to your
14 attention as in the raw materials department?

15 MS. RITTER: Objection.

16 MS. MACERO: Objection.

17 THE WITNESS: Yes.

18 Q. (By Mr. Minoff) And was there -- do you
19 know if there was a connection between that and the
20 contract that you became involved with involving
21 purchase of vinyl chloride from Dow Chemical Company?

22 MS. RITTER: Objection.

23 MS. MACERO: Objection.

24 THE WITNESS: I'm not real sure I
25 understand your question.

1 Q. (By Mr. Minoff) It was a little unclear.

2 Is it fair to say, sir -- I think we
3 discussed this earlier -- that the Springfield plant
4 was for a time using vinyl chloride which was
5 produced by the Monsanto plant in Texas City?

6 MS. RITTER: Objection.

7 MS. MACERO: Objection.

8 THE WITNESS: That's correct.

9 Q. (By Mr. Minoff) Now, did there come a time
10 when the vinyl chloride being consumed in Springfield
11 was no longer coming from Texas City?

12 MS. RITTER: Objection.

13 MS. MACERO: Objection.

14 THE WITNESS: Yes, there was.

15 Q. (By Mr. Minoff) And was that -- or did
16 that have to do with the contract that was entered
17 into with Dow Chemical Company?

18 MS. RITTER: Objection.

19 MS. MACERO: Objection.

20 THE WITNESS: I am sure it had an influence
21 in that area.

22 Q. (By Mr. Minoff) Let me show you something,
23 sir, that was produced to me by Monsanto at a
24 deposition that we conducted in May of this year.
25 I'll show this to your attorney. I'm sure he's seen

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1 it.

2 This was marked as Exhibit No. 3 to the
3 deposition of Charles Pratt and Exhibit No. 1 to the
4 deposition of Ann Clark. And it was represented to
5 be a computer printout produced at Monsanto in 1991.

6 MS. RITTER: Without the highlighted
7 portions I assume.

8 MR. MINOFF: Actually I believe they -- it
9 was produced with highlighted portions. It's not
10 mine.

11 Q. (By Mr. Minoff) And this was produced to
12 me in response to a subpoena for documents which had
13 been served upon Monsanto asking for any documents
14 relating to contracts between Monsanto and any other
15 company involving the acquisition of vinyl chloride.

16 And without going into a long discourse,
17 Mr. Pratt explained that he had obtained this from
18 the Monsanto archives and it described four documents
19 relating to a contract between Dow and Monsanto, four
20 documents which have apparently been destroyed.

21 I would like you to take a look at that,
22 sir, as you're now doing and just take some time to
23 review that and then I will have some questions for
24 you.

25 MS. RITTER: Well, I object to the long

1 statement that was just made. I don't know what the
2 purpose is for showing him this document. If there
3 is a question pending, fine.

4 If you're using it to refresh his
5 recollection about something, then I think the
6 question should be asked. But I object to just
7 handing him the document and asking him about it
8 because he has not testified at all about his
9 knowledge of the Dow contract.

10 MS. MACERO: I will join in that objection.

11 MR. MINOFF: Okay.

12 Q. (By Mr. Minoff) Have you finished looking
13 at that, Mr. Burnett?

14 A. Yes.

15 Q. Now, earlier I asked you some questions
16 about what you recalled about a Dow contract or a
17 contract between Monsanto and Dow involving vinyl
18 chloride.

19 I don't believe I ever really asked you the
20 question as to what if anything you recall about any
21 involvement you might have had with respect to that
22 contract.

23 MS. MACERO: Objection.

24 MS. RITTER: Objection.

25 Q. (By Mr. Minoff) I will ask you that now.

1 A. My involvement would be working with the
2 operating company or the division that produced vinyl
3 chloride, putting whatever input purchasing might
4 have had, reviewing the contract as I saw it of being
5 a good contract for both Monsanto and Dow in terms of
6 fairness.

7 And the mechanical operation under the
8 contract and also working with our purchasing legal
9 representative if necessary to see that Monsanto had
10 its proper legal protection in the contract.

11 And then in final analysis, putting my
12 initials on the contract to indicate that I had
13 performed those functions and passed it along to the
14 proper person for signature.

15 Q. Now, do you today have a specific
16 recollection of performing those functions with
17 respect to a Dow contract for supply of vinyl
18 chloride?

19 MS. RITTER: Objection.

20 MS. MACERO: Objection.

21 THE WITNESS: I do not have a detailed
22 perception of that activity but it was within the
23 realm of my job description to do these things.

24 Q. (By Mr. Minoff) These are things that you
25 certainly would have done?

1 A. I would have to do.

2 MS. RITTER: Objection.

3 Q. (By Mr. Minoff) But you don't necessarily

4 recall doing them specifically many years after the

5 fact?

6 A. No.

7 MS. MACERO: Objection.

8 MS. RITTER: Objection.

9 Q. (By Mr. Minoff) Do you recall today, sir,

10 if there was more than one contract for supply of

11 vinyl chloride involving Dow Chemical Company?

12 MS. RITTER: I object to that question

13 because in part he has had an opportunity to review

14 the computer printout and the question was not asked

15 prior to his opportunity to do that.

16 And I also object to form.

17 MS. MACERO: I join in those objections.

18 THE WITNESS: I do not.

19 Q. (By Mr. Minoff) You do not recall if there

20 was one or more than one?

21 A. No.

22 MS. RITTER: Objection.

23 Q. (By Mr. Minoff) Do you recall -- with

24 respect to the contract that you do recall, do you

25 recall what it provided as far as quantities of vinyl

1 chloride that would be furnished to Monsanto?

2 MS. MACERO: Objection.

3 MS. RITTER: Again, I object to that
4 question because I'm not sure if he -- I don't
5 believe he testified he recalls the specifics of any
6 contract.

7 And I also object as to form.

8 Q. (By Mr. Minoff) If you recall, sir.

9 A. I don't recall.

10 Q. As part of the raw materials division, did
11 you ever have occasion to work with contracts that
12 were referred to as requirements contracts? I'm not
13 just talking about vinyl chloride or Dow Chemical.
14 Just generally speaking.

15 MS. RITTER: Objection.

16 MS. MACERO: Objection.

17 MR. MINOFF: Just generally speaking.

18 THE WITNESS: I don't like retire -- or
19 requirement contracts. I didn't like requirement
20 contracts. But I certainly do not recall any
21 contract that was -- well, let me say it another
22 way.

23 Requirement contracts means different
24 things to different people who look at them. I don't
25 think that you can look at the title page of a

1 contract and not study the whole contract to
2 understand whether it is a total requirements
3 contractor or not. I don't have the document to look
4 at.

5 Q. (By Mr. Minoff) That's right. What is
6 your own definition of a requirements contract?

7 A. My own definition as a pure requirements
8 contract and no offsetting statements in the contract
9 is just that. It's your requirements.

10 Q. What do you mean by that?

11 A. I mean that if you needed to buy a chemical
12 and had a contract that was beyond any doubt a pure
13 requirements contract, you would be obligated by
14 business law and legally I feel to do just that, to
15 buy your requirements.

16 Q. And to buy all of your requirements from
17 that supplier?

18 A. If he was able to supply them.

19 Q. Now, you do recall there being a contract
20 between Monsanto and Dow Chemical for the supply of
21 vinyl chloride, correct?

22 MS. RITTER: Objection.

23 MS. MACERO: Objection.

24 THE WITNESS: A requirement?

25 MR. MINOFF: No, a contract.

1 MS. RITTER: Objection.

2 MS. MACERO: Objection.

3 THE WITNESS: Yes, I believe there was a
4 contract.

5 Q. (By Mr. Minoff) And as to that contract,
6 do you recall what it provided as far as the amount
7 or amounts of vinyl chloride that were to be supplied
8 by Dow?

9 A. I do not.

10 Q. Let me show you again what I've just
11 previously showed you, the computer printout supplied
12 by Monsanto.

13 MS. RITTER: And I register an objection to
14 that.

15 MS. MACERO: And I will also.

16 MR. MINOFF: Yes.

17 Q. (By Mr. Minoff) And I ask you if there is
18 anything about that document based on your review of
19 that document that refreshes your recollection as to
20 the amounts of vinyl chloride that were to be
21 supplied to Monsanto under the Dow contract.

22 MS. RITTER: Objection.

23 THE WITNESS: Yes.

24 Q. (By Mr. Minoff) And how does it refresh
25 your recollection?

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1 MS. ZUCKER: Just let me interject for a
2 minute here. I want to be sure the witness
3 understands that by refreshing your recollection that
4 this means that this jogs something in your mind that
5 you recall now as a result of being shown this and
6 that it does make sense and that you're not just
7 taking these numbers or these words and figures as
8 true just because they're on this piece of paper. I
9 just want to make sure you understand that.

10 MR. MINOFF: I want to make sure of that
11 too. I don't want this to suggest something to you
12 that you don't already have in your mind.

13 THE WITNESS: It doesn't because I don't
14 recall the numbers in the contract.

15 MR. MINOFF: Well, then that avoids the
16 whole issue.

17 Q. (By Mr. Minoff) Do you recall, sir, ever
18 having any direct contact with anybody from Dow
19 Chemical Company with respect to vinyl chloride?

20 MS. RITTER: Objection.

21 THE WITNESS: Yes. In a general way.
22 Their local St. Louis manager.

23 Q. (By Mr. Minoff) What was his name?

24 A. Minbirole.

25 MS. RITTER: I'm sorry?

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1 THE WITNESS: Minbirole.

2 Q. (By Mr. Minoff) What do you recall about
3 your dealings with Mr. Minbirole regarding vinyl
4 chloride?

5 A. Only that that was in a purchase area that
6 we discussed from time to time along with many other
7 items that we bought from Dow.

8 Q. Is there anything else today you can recall
9 regarding the Dow contract? And we're talking about
10 the Dow contract for vinyl chloride. Anything else
11 you can recall referred to?

12 A. No.

13 Q. We have exhausted your memory on that
14 topic, is that fair?

15 MS. RITTER: Objection.

16 THE WITNESS: Yes.

17 Q. (By Mr. Minoff) Was there a term used in
18 raw materials -- commonly used which is referred to
19 as a "surge need"?

20 MS. MACERO: Objection.

21 MS. RITTER: Objection.

22 THE WITNESS: No, I don't think there was a
23 common use of that word.

24 Q. (By Mr. Minoff) Do you know what that
25 means?

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1 A. Yes.

2 Q. What does it mean?

3 A. It means if our requirements under a

4 contract are above the contract level, to my

5 knowledge that we can call on that supplier for help

6 in supplying additional material.

7 Q. That is if you need more than is provided

8 for under the contract?

9 A. Right.

10 Q. You would go to the supplier and try to

11 obtain more? That's what you mean by surge need?

12 A. That's my interpretation, sir.

13 MS. MACERO: Objection.

14 MS. RITTER: Objection.

15 Q. (By Mr. Minoff) Are you aware of -- excuse

16 me. Is there -- are you aware, sir, of any occasion

17 in which Monsanto had a surge need for vinyl chloride

18 monomer while you were at Monsanto?

19 MS. RITTER: Objection.

20 MS. MACERO: Objection.

21 MS. RITTER: Foundation.

22 THE WITNESS: I'm not aware.

23 Q. (By Mr. Minoff) Sir, I think you said

24 earlier that there was a reorganization of purchasing

25 in 1970.

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1 A. Uh-huh.

2 Q. Yes?

3 A. Yes.

4 MS. RITTER: Objection.

5 THE WITNESS: Yes, I'm sorry.

6 Q. (By Mr. Minoff) Prior to that

7 reorganization, were any purchases of raw materials

8 handled directly by the individual plant as opposed

9 to St. Louis?

10 A. Yes.

11 Q. And was that the case even after the

12 reorganization?

13 A. Yes.

14 Q. Did the reorganization have anything to do

15 with the division of responsibilities for purchasing

16 between St. Louis and the individual plants?

17 A. On a long-range basis as we strengthened

18 the purchasing departments of the plants,

19 strengthened the personnel in the plant purchasing

20 departments.

21 Q. Was there an effort to increase or decrease

22 the purchasing role of the individual plants as

23 opposed to the St. Louis?

24 MS. RITTER: Objection.

25 MS. MACERO: Objection also.

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1 THE WITNESS: There was a very strong
2 effort to get technically trained people, chemical
3 engineers, mechanical engineers, into our purchasing
4 activity.

5 We viewed the plant area as a grooming
6 ground for future people to be promoted to St.
7 Louis. That was one of our objectives.

8 Q. (By Mr. Minoff) As you were --

9 A. I'm a civil engineer, not a chemical
10 engineer.

11 Q. Sir, while you were at Monsanto, do you
12 know of any occasions on which Monsanto purchased any
13 raw materials from B.F. Goodrich Company?

14 MS. RITTER: Objection.

15 MS. MACERO: Objection.

16 THE WITNESS: I personally could not name a
17 raw material purchased from B.F. Goodrich.

18 Q. (By Mr. Minoff) Well, I'm not asking you
19 to name any particular type of raw material. I'm
20 just asking if you're aware of whether or not any raw
21 materials were ever purchased by Monsanto from B.F.
22 Goodrich during your tenure?

23 MS. MACERO: I'm going to object to that.
24 I think that given the time frame and the quantity of
25 chemicals produced by B.F. Goodrich it is impossible

1 to ask this witness to search his memory as to
2 whether or not he has any knowledge about anything.

3 We might as well ask him how many cars
4 drove up the street today. I think there is no basis
5 for giving an answer.

6 Q. (By Mr. Minoff) Other than the Dow
7 contract involving vinyl chloride, are you, sir,
8 aware of any contract in which Monsanto entered into
9 which involved the purchase of vinyl chloride from
10 any other source?

11 MS. RITTER: Objection.

12 MS. MACERO: Objection.

13 THE WITNESS: I am not aware of such a
14 document.

15 Q. (By Mr. Minoff) Do you know, sir, if
16 Monsanto ever purchased vinyl chloride from any other
17 source absent a contract?

18 MS. RITTER: Objection.

19 MS. MACERO: Objection.

20 THE WITNESS: I do not.

21 Q. (By Mr. Minoff) Based on the way the
22 purchasing department was structured while you were
23 there in St. Louis, were there any purchases of raw
24 materials that could be accomplished solely in
25 Springfield? That is without going through St.

1 Louis.

2 A. Yes.

3 MS. MACERO: Objection.

4 Q. (By Mr. Minoff) Do you know whether people
5 at the Springfield plant would have been authorized
6 to purchase vinyl chloride without going through St.
7 Louis?

8 MS. RITTER: Objection.

9 MS. MACERO: Objection.

10 THE WITNESS: I do not know of any
11 condition that they would do this.

12 Q. (By Mr. Minoff) What about where there was
13 -- I'm not saying it occurred but what if there was a
14 surge need for vinyl chloride?

15 MS. RITTER: Objection.

16 MS. MACERO: Objection.

17 THE WITNESS: Their first obligation would
18 be to try to obtain it from their contract customer.

19 Q. (By Mr. Minoff) And if they couldn't do
20 that?

21 A. Or supplier.

22 Q. Let's just talk about the Dow contract.
23 And I'm speaking hypothetically so
24 everybody understands that.

25 MS. MACERO: I will object to the whole

1 line of questioning based on that it would be
2 speculative.

3 MS. RITTER: Also with regard to his prior
4 testimony concerning surge need I think this question
5 is improper also and I also object.

6 Q. (By Mr. Minoff) What if the situation
7 arose under the Dow contract hypothetically speaking
8 where Dow was not able to respond to a surge need for
9 vinyl chloride from Monsanto?

10 MS. MACERO: Objection.

11 MS. RITTER: Objection. Speculative.

12 Q. (By Mr. Minoff) How would Monsanto go
13 about -- or how would that surge need be satisfied
14 then?

15 MS. RITTER: Objection.

16 MS. MACERO: Objection.

17 Q. (By Mr. Minoff) How would it work?

18 A. Contracts do not work -- good contracts do
19 not work in a vacuum. And I'm sure that if a need
20 developed and Dow couldn't supply that need, that
21 discussions between Dow and Monsanto would relieve
22 the problem in terms that under some basis product
23 would be made available to Monsanto.

24 Q. Sir, do you recall how long the Dow vinyl
25 chloride contract was actually in effect?

1 MS. RITTER: Objection.

2 MS. MACERO: Objection.

3 THE WITNESS: I do not know -- recall the
4 specific dates of the contract.

5 Q. (By Mr. Minoff) Okay. I'm not asking you
6 to recall the dates. I'm just asking you if you have
7 any recollection as to the amount of time that that
8 contract actually spanned, the time it was in effect?

9 MS. RITTER: Objection.

10 MS. MACERO: Objection.

11 THE WITNESS: No, sir, I do not.

12 Q. (By Mr. Minoff) Did you become aware, sir,
13 at any point that Monsanto stopped producing
14 polyvinyl chloride at its Springfield plant?

15 A. I do not.

16 MS. RITTER: Objection.

17 MS. MACERO: Objection.

18 MR. MINOFF: You have no awareness of
19 that.

20 Q. (By Mr. Minoff) Were you involved at all,
21 sir, in arranging for the transportation of raw
22 materials to the various Monsanto plant locations?

23 A. No, sir, I was not.

24 Q. Were you involved in supervising or
25 maintaining the supply contracts that had already

1 been entered into?

2 That is once the contracts were signed,
3 were you -- did you remain involved in the
4 performance of those contracts?

5 MS. RITTER: Objection.

6 THE WITNESS: I do not believe you're
7 talking about a specific contract.

8 MR. MINOFF: No, just generally.

9 THE WITNESS: In our liaison with major
10 suppliers, periodically we would review perhaps with
11 the supplier the performance against any contract
12 that we had negotiated in corporate purchasing.

13 So the answer would be yes, there was a
14 certain amount of review of contracts just on a
15 business basis.

16 Q. (By Mr. Minoff) Now, sir, you don't recall
17 having -- or you don't specifically recall what
18 involvement you may have personally had with respect
19 to Dow contract, is that correct, just based on your
20 earlier testimony?

21 MS. RITTER: Objection.

22 MS. MACERO: Objection.

23 THE WITNESS: That is correct.

24 Q. (By Mr. Minoff) Do you know the types of
25 things that you would have done but have no specific

1 recollection as to doing those things? Is that a
2 fair summary of your testimony?

3 MS. MACERO: Objection.

4 MS. RITTER: Objection.

5 THE WITNESS: Could you repeat that again?

6 Q. (By Mr. Minoff) Yeah. You recall the
7 functions that you would have performed in a general
8 way but don't have a specific recollection today of
9 doing those types of functions with respect to the
10 Dow contract?

11 A. That's correct.

12 Q. Is that a fair summary of your testimony?

13 A. Yes.

14 MS. MACERO: Objection.

15 MS. RITTER: Objection.

16 Q. (By Mr. Minoff) Was there anyone else,
17 sir, who worked with you, either under you in the
18 hierarchy or alongside you or above you, who you
19 recall having any involvement with respect to the Dow
20 contract?

21 A. No, I don't recall any specific names of
22 people. I -- of course my boss.

23 Q. Is that Mr. Evans?

24 A. Mr. Evans. No one within the department.

25 And beyond that point I don't remember specific names

1 of people. And I'm sure there were people that I
2 discussed the contract or they discussed the contract
3 with me.

4 Q. Did Monsanto have a policy of keeping what
5 was referred to as releases to show what was
6 purchased against certain contracts?

7 MS. RITTER: Objection.

8 MS. MACERO: Objection.

9 THE WITNESS: IBM record or printout
10 record.

11 Q. (By Mr. Minoff) Do you recall such records
12 being kept with respect to the Dow contract that
13 we're talking about?

14 A. No.

15 MS. RITTER: Objection.

16 MS. MACERO: Objection.

17 THE WITNESS: I do not. Not that would
18 have come across my desk.

19 Q. (By Mr. Minoff) You wouldn't have been
20 involved with those releases?

21 A. No, sir.

22 Q. Wouldn't have been part of your job?

23 A. No, sir.

24 MS. MACERO: Objection.

25 MS. RITTER: Objection.

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1 Q. (By Mr. Minoff) Sir, are you familiar with
2 Conoco?

3 MS. MACERO: Objection.

4 MS. RITTER: Objection.

5 THE WITNESS: I know the name.

6 Q. (By Mr. Minoff) While you were in raw
7 materials at Monsanto, do you recall purchasing any
8 raw materials from Conoco?

9 MS. RITTER: Objection.

10 THE WITNESS: I don't recall major
11 purchases from Conoco.

12 Q. (By Mr. Minoff) Do you recall any
13 purchases from them?

14 A. There may well have been but I don't
15 recall.

16 Q. Do you recall any purchases of raw
17 materials that Monsanto made from Union Carbide while
18 you were at raw materials?

19 MS. RITTER: Objection.

20 MS. MACERO: Objection.

21 THE WITNESS: Union Carbide was a supplier
22 of a number of chemicals to Monsanto.

23 Q. (By Mr. Minoff) Such as what? Do you
24 recall?

25 A. Alcohol. Any number of products. I recall

1 alcohol as one. Union Carbide per se was a supplier
2 of chemicals to Monsanto.

3 Q. Do you recall specifically any instances in
4 which Monsanto purchased or otherwise acquired vinyl
5 chloride from Union Carbide while you were with
6 Monsanto?

7 MS. RITTER: Objection.

8 MS. MACERO: Objection.

9 THE WITNESS: No.

10 Q. (By Mr. Minoff) Was there -- did you deal
11 -- I'm speaking now of any raw materials. Did you
12 ever deal directly with anybody at Union Carbide with
13 respect to these purchases?

14 MS. RITTER: Objection. What purchases?

15 MR. MINOFF: Purchases of raw materials.

16 THE WITNESS: We would have to.

17 Q. (By Mr. Minoff) I'm asking if you
18 personally had any contact with Union Carbide people.

19 A. Yes.

20 Q. Do you recall the names of any of those
21 people here today?

22 A. Yes. There were people that I knew at
23 Carbide from the most recent chairman of the board
24 down to their local -- series of local people who
25 called on Monsanto.

001500

1 Q. I'm just asking about people that you
2 actually dealt with with respect to supply of raw
3 materials into Monsanto. Can you identify for me any
4 of those people?

5 A. Well, their local sales representative in
6 St. Louis dealt with Monsanto.

7 Q. Who was that?

8 A. Mr. John Fleck, F-l-e-c-k.

9 Q. He was located in St. Louis?

10 A. Yes.

11 Q. And anyone else?

12 A. Most of my dealings would have been through
13 John Fleck into the Carbide organization.

14 Q. Have you talked with Mr. Fleck since
15 leaving Monsanto in 1980?

16 A. I played golf with him one time.

17 Q. How recently was that?

18 A. Oh, that was five, six years ago.

19 Q. I think I asked you this question earlier
20 and I apologize for that. But with respect to B.F.
21 Goodrich, do you recall any specific instances in
22 which Monsanto purchased raw materials from B.F.
23 Goodrich while you were at Monsanto?

24 MS. MACERO: Objection.

25 THE WITNESS: I do not.

001501

1 Q. (By Mr. Minoff) Now, we talked earlier
2 about what you referred to as barter. I just want to
3 make sure I understand your testimony.

4 Is your testimony that you do not recall
5 personally any instances in which Monsanto acquired
6 raw materials domestically by way of barter with an
7 outside source? Is that an accurate statement?

8 MS. RITTER: Objection.

9 MS. MACERO: Objection.

10 THE WITNESS: I do not recall.

11 Q. (By Mr. Minoff) Do you know if Monsanto
12 had a policy in its purchasing department regarding
13 barter or swaps with outside sources for raw
14 materials?

15 MS. RITTER: Objection.

16 MS. MACERO: Objection.

17 THE WITNESS: I don't believe we had a firm
18 policy in that respect. Neither do I -- what I'm
19 saying, a written policy with either like materials
20 or unlike materials.

21 Q. (By Mr. Minoff) Let's turn back to vinyl
22 chloride for a second. Do you know whether there was
23 a period in which polyvinyl chloride was being
24 produced -- strike that. I'll ask it a different
25 way.

001502

1 Do you know if there was a time when vinyl
2 chloride monomer was being consumed at the Monsanto
3 Springfield plant before vinyl chloride was being
4 produced by Monsanto in Texas City?

5 MS. RITTER: Objection.

6 MS. MACERO: Objection.

7 THE WITNESS: I do not.

8 Q. (By Mr. Minoff) You don't know if that
9 situation ever occurred?

10 A. No.

11 MS. RITTER: Objection.

12 MS. MACERO: Objection.

13 Q. (By Mr. Minoff) Other than Monsanto and
14 Dow Chemical, do you know of any other source which
15 Monsanto had for vinyl chloride monomer while you
16 were employed by Monsanto?

17 A. No, I do not.

18 MS. RITTER: Objection.

19 MS. MACERO: Objection.

20 Q. (By Mr. Minoff) Do you know, sir, if there
21 was any period of time during which Monsanto was
22 supplying itself with vinyl chloride at the same time
23 that Dow was also supplying Monsanto with vinyl
24 chloride?

25 MS. RITTER: Objection.

001503

1 THE WITNESS: I do not.

2 MS. MACERO: Objection.

3 Q. (By Mr. Minoff) Sir, who was Roland
4 Dunlop? Does that name mean anything to you?

5 A. Roland Dunlop was in our distribution
6 department and eventually became director of that
7 department.

8 Q. Did you have to work with him at all?

9 A. Not really. Well, the answer would be no.

10 Q. Did Mr. Pratt work for you?

11 A. Yes.

12 Q. Mr. Charles Pratt?

13 A. Yes.

14 Q. What did he do?

15 A. He was one of our raw material buyers,
16 manager of raw material I think.

17 Q. In raw materials did -- was that only
18 involved -- that department only involved in the
19 purchase of raw materials or were there any occasions
20 on which you would also be involved in selling raw
21 materials to other sources?

22 MS. MACERO: Objection.

23 THE WITNESS: We would not be involved in
24 selling raw materials.

001504

25 Q. (By Mr. Minoff) That would be a different

1 department altogether and you were never engaged in
2 that at any time at Monsanto, correct?

3 A. No.

4 Q. Sir, prior to this deposition today in
5 preparing for the deposition, have you spoken to
6 anyone other than your attorney?

7 A. That's correct. I have not.

8 Q. You have not. Prior to --

9 A. May I change that statement?

10 Q. Yes.

11 A. Charlie Pratt called me sometime before
12 September or early part of September and asked
13 several questions or two questions I recall about the
14 contract and what I remembered about it.

15 I told him that my memory was not really
16 that strong, that I felt that I could not tell him
17 anything about the contract. And that was about the
18 only question he had.

19 Q. Prior to coming here today, did you review
20 any documents in order to prepare for the deposition?

21 A. Yes.

22 Q. What did you review?

23 A. I read Mr. Pratt's review or deposition.

24 Q. Anything else?

25 A. No, sir.

001505

1 Q. Did you review any of the exhibits that
2 were marked at his deposition?
3 A. No.
4 Q. Just the actual testimony?
5 A. Testimony.
6 Q. Just so we have it on the record, you are
7 represented by counsel here today?
8 A. That's correct.
9 Q. And your attorney is sitting next to you?
10 A. That's correct.
11 Q. Mr. Zucker.
12 Mr. Burnett, who was A.J. Frankel? Does
13 that mean anything to you?
14 A. Mr. Frankel worked for me and then was one
15 of our managers of raw material.
16 Q. Do you recall Mr. Frankel having had any
17 involvement with the Dow contract?
18 A. No, I don't believe he did.
19 MR. MINOFF: Mr. Burnett, I don't have any
20 more questions for you. Thank you, sir.
21 MS. RITTER: Can I take a break for a
22 second?
23 MR. MINOFF: Sure.
24 (A break was taken after which the
25 following proceedings were had.)

0015/6

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CROSS EXAMINATION

QUESTIONS BY MS. RITTER

Q. Mr. Burnett, my name is Sue Ritter and I represent Union Carbide, Dow, and Conoco. I just wanted to clarify one thing that you said earlier.

Mr. Minoff had asked you if you had spoken to anyone besides your attorney about this case and I want, you know, to clarify on the record that you and I did speak on the phone last week.

A. Yes, we did.

Q. And during that conversation I asked you basically the same questions, probably much shorter fashion, that Mr. Minoff asked you today, is that true?

A. That's correct.

Q. And what you testified today is basically what you told me last week, is that correct?

A. That's right.

MS. RITTER: Okay. That's all I wanted.

CROSS EXAMINATION

QUESTIONS BY MS. MACERO

Q. I just have one question. Good morning, Mr. Burnett. I'm Rosemary Macero and I represent B.F. Goodrich.

001507

The only question I have for you this

1 morning is do you know of any other Monsanto plants
2 that produced PVC?

3 A. I do not.

4 Q. So that would only be the one in
5 Springfield and Indian Orchard?

6 A. To my knowledge that is correct.

7 MS. MACERO: I don't have any other
8 questions.

9 MR. ZUCKER: No questions.

10 MS. RITTER: Thank you.

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RONALD BURNETT

Subscribed and sworn to before me this ____ day
of _____, 1991.

My commission expires _____.

Notary Public

001509

1 STATE OF MISSOURI)
) SS.
2 COUNTY OF ST. LOUIS)

3

4 I, SANDRA WUNDERLIN WITT, Registered
5 Professional Reporter, a notary public within and for
6 the County of St. Louis, State of Missouri, DO HEREBY
7 CERTIFY that pursuant to agreement there came before
8 me at 701 Market Street, in the City of St. Louis,
9 State of Missouri,

10 RONALD BURNETT,

11 who was by me first duly sworn to tell the whole
12 truth of his knowledge touching the matter in
13 controversy aforesaid; that he was examined on the
14 day, between the hours, and at the place and in that
15 behalf first aforesaid, that his examination was
16 taken in shorthand and later reduced to typewriting
17 and signed by the witness; and his deposition is now
18 herewith returned and filed with the Court.

19 IN WITNESS WHEREOF, I have hereunto subscribed
20 my name and affixed my notarial seal on this _____
21 day of _____, 1991.

22 | My commission expires September 7, 1993.

23

24 Sandra Wunderlin Witt, RPR, CM

25

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