

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE COLONNADE ONE AT
OLD GREENWICH LIMITED
PARTNERSHIP, ET AL.,

PLAINTIFFS,

VS.

ELECTROLUX CORPORATION AND
SARA LEE CORPORATION,
ET AL.,

DEFENDANTS.

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) NO. B-88-336-(JAC)
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DEPOSITION OF WILLIAM B. PAPAGEORGE, P.E.
MARCH 29, 1990

COPY

G O R E R E P O R T I N G C O M P A N Y
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE COLONNADE ONE AT)
OLD GREENWICH LIMITED)
PARTNERSHIP, ET AL.,)
)
Plaintiffs,)
)
vs.) NO. B-88-336 (Jac)
)
ELECTROLUX CORPORATION AND)
SARA LEE CORPORATION,)
ET AL.,)
)
Defendants.)

Deposition of WILLIAM B. PAPAGEORGE,
P.E., taken on behalf of the Plaintiffs, at the
Stouffer Concourse Hotel, 9801 Natural Bridge
Road, in the County of St. Louis, State of
Missouri, on the 29th day of March, 1990,
commencing at 10:42 a.m., before Victoria L.
Wilson, Registered Professional Reporter and
Notary Public.

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1 WILLIAM B. PAPAGEORGE, P.E.,
2 of lawful age, having been first duly sworn to
3 testify the truth, the whole truth, and nothing
4 but the truth in the case aforesaid, deposes and
5 says in reply to oral interrogatories propounded
6 as follows, to-wit:

7
8 MR. OCHSNER: Let the record reflect that
9 we are proceeding with the deposition of
10 Mr. William Papageorge.

11 Counsel, I take it counsel are agreeable
12 to the standard stipulations that we have always
13 agreed to. I will cite those for the record.

14 MS. PRICE: Yes, Counsel, I agree.

15 MR. OCHSNER: First of all, objections
16 with the exception of those as to the form of the
17 question are reserved for trial and, further, that
18 the witness make sign the deposition before a
19 notary other than the notary public before which
20 the deposition has been taken.

21

22 EXAMINATION

23 QUESTIONS BY MR. OCHSNER:

24 Q. Now, Mr. Papageorge, would you please
25 state for the record your full name?

1 A. William B. Papageorge.
2 Q. And what is your address, sir?
3 A. 321 Pebble Valley Drive, St. Louis,
4 Missouri 63141.
5 Q. Are you presently employed?
6 A. Self-employed.
7 Q. And what is your profession, sir?
8 A. Engineering consultant.
9 Q. And what is your business address?
10 A. Same as my home address.
11 Q. Now, Mr. Papageorge, have you ever been
12 deposed before?
13 A. Yes.
14 Q. And approximately how many times?
15 A. Oh, about 25.
16 Q. Have those all been in relation to your
17 employment with Monsanto?
18 A. Yes.
19 Q. Now, before we proceed on, and it does
20 certainly appear as though you have had
21 substantial experience with depositions, but to
22 make the record clear as to your understanding and
23 my understanding of how we are proceeding, I want
24 to go over a few points with you.
25 First, we are in an informal setting

1 here, however, you must realize that you are
2 providing testimony under oath and, as such, you
3 are subject to the penalties of perjury. Do you
4 understand that?

5 A. I do.

6 Q. Further, I would advise you that if you
7 don't understand a question that I ask you, please
8 ask me to restate the question so that you do
9 understand it. Do you understand that?

10 A. Yes, I do.

11 Q. Further, if you answer a question, I
12 will presume that you understood the question that
13 I asked you. Do you understand that?

14 A. I understand but my understanding of the
15 question may not be what you had intended. That's
16 possible.

17 Q. Well, that is certainly possible but if
18 there appears to be a vagueness, please advise
19 me.

20 A. I will.

21 Q. And we will try to eliminate that.

22 Further, if you want to take a break at
23 any time, please advise me and we will do that.

24 Now, is there any reason today why you
25 feel that you could not or cannot provide

1 testimony here today?

2 A. No.

3 Q. Are you feeling all right at this time?

4 A. Yes.

5 Q. Are you under any medication at this
6 time that would affect your ability to testify?

7 A. No.

8 Q. Now, I would like to go into a little
9 bit of your background, sir. Where were you born
10 at, originally?

11 A. St. Louis, Missouri.

12 Q. And where did you attend secondary
13 school at?

14 A. St. Louis, Missouri.

15 Q. Did you go to college following your
16 secondary education?

17 A. Yes.

18 Q. And where did you go to college?

19 A. Washington University in St. Louis.

20 Q. And did you graduate from that
21 institution?

22 A. Yes.

23 Q. And when was that?

24 A. Bachelor of science degree in 1943.

25 Q. Now, following your graduation, did you

1 continue with your education or did you become
2 employed?

3 A. I had military service following the
4 bachelor's degree.

5 Q. In what service was that?

6 A. The Army.

7 Q. And for what period of time did you
8 serve?

9 A. Up until 1946 -- '43 to '46, active
10 service.

11 Q. And what was your status in the service?

12 A. At what point in time?

13 Q. Well, when you went in.

14 A. I went in as a private.

15 Q. And what was your rank when you were
16 separated from the service?

17 A. Captain.

18 Q. Now, following your separation from the
19 service, what did you do at that time?

20 A. I attended Washington University and was
21 awarded a Master's of science degree.

22 Q. Now, before we go too far, did your
23 bachelor of science specialize in anything in
24 particular?

25 A. Chemical engineering.

1 Q. Now, when you pursued your Master's of
2 science degree, what area was that in?

3 A. Chemical engineering.

4 Q. And did you complete that program?

5 A. Yes.

6 Q. And when did you receive your degree?

7 A. 1947.

8 Q. Following your receipt of the Master's
9 degree, did you take any other graduate courses?

10 A. Yes.

11 Q. And what were those?

12 A. There were several courses intended for
13 granting eventually of a doctorate degree of
14 chemical engineering. These courses were taken at
15 Oklahoma -- at that time, Oklahoma A&M School,
16 currently known as Oklahoma State.

17 Q. In what period of time did you take
18 those courses?

19 A. It was from 1948 to 1951.

20 Q. Were you granted a degree?

21 A. No.

22 Q. Now, let's go over briefly your
23 employment history. Following your separation
24 from the service, were you employed at any time
25 during the period of time that you were attending

1 college?

2 A. No.

3 Q. Then following your separation from the
4 service, what was your first employment?

5 A. I worked for Phillips Petroleum Company
6 in Bartlesville, Oklahoma.

7 Q. And when did that employment begin?

8 A. 1947.

9 Q. And what was the nature of your work
10 with that organization?

11 A. Initially, it was as a research engineer
12 in the research department working on studies of
13 drilling methods, oil well drilling methods, and
14 secondary recovery.

15 Q. Would you define what that is?

16 A. Secondary recovery refers to procedures
17 used to extract oil from the reservoir that does
18 not come to the surface under its own energy, for
19 example, pumping water into the reservoir to force
20 the oil out. That's just one example.

21 Q. Now, how long were you employed by
22 Phillips?

23 A. Four years.

24 Q. And you left their employment in 1951?

25 A. Yes.

1 Q. And then by whom were you employed?

2 A. Monsanto Company.

3 Q. And where were you employed at?

4 A. In St. Louis at the John F. Queeny plant
5 of Monsanto.

6 Q. And what were your duties in that
7 employment?

8 A. They varied over a period of time and
9 the initial duties was as a design engineer in the
10 engineering department at the plant.

11 Q. And what was the nature of the design?

12 A. Designing equipment for the manufacture
13 of chemicals.

14 Q. And how long were you employed in that
15 capacity?

16 A. About two years.

17 Q. After those two years, what was your
18 employment status?

19 A. I was assigned as a supervisor in one of
20 the production units in the plant.

21 Q. And that was in the John F. Queeny
22 plant?

23 A. That is correct.

24 Q. What did that plant manufacture?

25 A. That manufactured a family of chemicals

1 called phthalate esters, p-h-t-h-a-l-a-t-e, which
2 were plasticizers. They are ingredients that are
3 introduced into plastics to make them pliable,
4 flexible.

5 Q. How long did you remain in that
6 position?

7 A. About two years.

8 Q. And so you left that position about
9 1953?

10 A. '53 or '54, I don't remember exactly.

11 Q. Following that, where were you employed?

12 A. I was a supervisor of another production
13 unit at the same plant.

14 Q. And how long did that position last?

15 A. That was about two years, also.

16 Q. And what product was manufactured in
17 that position?

18 A. This was, again, a family of chemicals,
19 chlorinated nitrobenzenes.

20 Q. And for what period of time were you in
21 that position?

22 A. About two years.

23 Q. Now, what was your position, again?

24 A. Supervisor.

25 Q. And what was your role in that? In

1 other words, what responsibilities did you carry
2 out in that particular function?

3 A. Oh, I was responsible for the timely
4 production of chemicals as dictated by a
5 production plan. I was responsible for the
6 chemicals being of the proper quality, responsible
7 that they were shipped in the proper containers,
8 properly labeled. All of this was to be done at
9 some targeted cost per pound of product.

10 Q. Now, following that position, what was
11 your next employment?

12 A. I was appointed a superintendent in the
13 plant maintenance department.

14 Q. And that was the Queeny plant?

15 A. At the same -- yes, Queeny plant.

16 Q. And what did those duties consist of?

17 A. This was the overall supervision of the
18 plant maintenance personnel, the individuals that
19 were responsible for repairing equipment, for
20 installing new equipment.

21 Q. And how long did you perform those
22 responsibilities?

23 A. I misled you. My initial assignment was
24 a supervisor in the maintenance department for
25 about a year or so and then I was made a

1 superintendent for about three years, as I recall.

2 Q. And approximately what was the year that
3 you concluded being superintendent?

4 A. About 1958 or '59.

5 Q. Now, at that time, what was your
6 employment?

7 A. I was assigned back to the engineering
8 department as a superintendent.

9 Q. And did your duties in that position
10 involve oversight of engineering?

11 A. Yes.

12 Q. That's as opposed to manufacturing?

13 A. That's correct.

14 Q. And what duties did you carry out in
15 that particular capacity?

16 A. Oh, I had the technical supervision of
17 anywhere from 10 to 20 engineers, all of them
18 working on many different engineering assignments
19 relating to a given group of producing units in
20 the plant.

21 Q. And how long did that assignment last?

22 A. I believe that lasted until 1961 or '2.

23 Q. And at this time where were you
24 employed?

25 A. I was then assigned as a general

1 superintendent of warehousing utilities services.

2 Q. And where was that at?

3 A. At the same plant.

4 Q. And what were the general nature of
5 those duties?

6 A. This was a broader supervision of these
7 various activities that basically support the
8 manufacturing functions. We were responsible for
9 receiving the raw materials, distributing to the
10 using departments, the collection of the finished
11 products, the warehousing of these products, the
12 eventual shipment, either in trucks or boxcars or
13 tank cars. We also -- I also supervised the
14 utilities department which was responsible for
15 electrical distribution, steam distribution,
16 compressed air, and also we had at the time
17 assigned to that department a unit that blended
18 different chemicals to produce finished products
19 which were, in turn, shipped to customers.

20 Q. All right. And how long did you remain
21 in that position?

22 A. Until about 1964.

23 Q. Now, following that position, where were
24 you employed?

25 A. I was assigned to a Monsanto plant in

1 Sauget, S-a-u-g-e-t, Illinois, referred to as the
2 William Krummrich plant, K-r-u-m-m-r-i-c-h.

3 Q. And what was your position title in that
4 plant?

5 A. I was one of about five general
6 superintendents of manufacturing responsible for
7 half a dozen or so manufacturing units producing
8 several chemicals.

9 Q. And what types of chemicals were
10 produced at that facility?

11 A. Oh, such things as phenol, rubber
12 additives, sodium sulfite, wood treating
13 chemicals. I can't remember the others. There
14 were several more.

15 Q. And how long were you in that position?

16 A. Until early 1965.

17 Q. And what position did you take at that
18 time?

19 A. I was then assigned as plant manager at
20 the plant in Anniston, Alabama.

21 Q. And what were your responsibilities as
22 plant manager?

23 A. I was responsible for, to put it simply,
24 everything that happened at the plant from hiring
25 to producing to public relations to community

1 relations -- everything.

2 Q. And I take it that that Anniston,
3 Alabama plant was a Monsanto plant.

4 A. Yes.

5 Q. Now, what products were manufactured at
6 that facility?

7 A. Polychlorinated biphenyls, PCBs, a
8 pesticide called Parathion, P-a-r-a-t-h-i-o-n,
9 chlorine, biphenyl, terphenyl, phosphorus
10 pentasulfide.

11 MS. PRICE: What was the year when you
12 were doing this?

13 A. 1965 to 1970 or the end of '69.

14 Q. Were there particular types of
15 polychlorinated biphenyls that were manufactured
16 at that facility?

17 A. Yes.

18 Q. And what types were those?

19 A. I don't know quite how to describe
20 them. PCBs really are a family of 200 different
21 specific chemicals. Monsanto never made the
22 individual chemicals, they always made mixtures of
23 these chemicals and these mixtures were sold under
24 Monsanto trade marks. The specific trademark that
25 applied to PCBs was Aroclor, A-r-o-c-l-o-r.

1 Q. Which Aroclors were manufactured at the
2 Anniston plant?

3 A. They went by a four-digit number
4 series. 1221 --

5 Q. Well, before we go on to that, could you
6 just define what that four-digit number means?

7 A. All right. The first two, the 12,
8 refers to biphenyl. That's just a Monsanto code.
9 The last two digits refer to the percent by weight
10 of chlorine in that particular mixture. So
11 Aroclor 1221 is a chlorinated biphenyl that has in
12 it 21 percent chlorine.

13 Q. Which types of -- well, first of all,
14 what do you characterize as the first two digits?
15 What does that designate as far as your frame of
16 reference?

17 A. It doesn't really -- all it refers to is
18 the fact that it is a biphenyl, the chemical is a
19 biphenyl.

20 Q. What are the other families of products
21 that have a similar numerical designation?

22 A. We had also Aroclors in the 4000 series
23 and Aroclors in the 5000 series and 6000 series.

24 Q. And those would have similar
25 designations?

1 A. Similar to what?

2 Q. Similar to the 1200 series, I take it.

3 A. Well, the 1200 referred to the
4 chlorinated biphenyls. The 4000 is a blend of
5 chlorinated biphenyls and chlorinated terphenyls.
6 The 5000 series is chlorinated terphenyls. The
7 6000 series is a blend of chlorinated terphenyls
8 and monochloral biphenyl.

9 Q. And I take it all of these families of
10 chemicals that you have made reference to were
11 manufactured at the Anniston plant.

12 A. All of the components were manufactured
13 at the Anniston plant. The designation Aroclor
14 6000 series was not introduced at the time the
15 Anniston plant was in operation.

16 Q. Now, following your employment at the
17 Anniston plant, where were you employed following
18 that?

19 A. I was assigned to the general
20 headquarters at Monsanto in St. Louis as a manager
21 of environmental control to coordinate the
22 activities and information that were evolving in
23 the PCB environmental issue.

24 Q. Now, when did you begin this function?

25 A. January 1st, 1970.

1 Q. Now, generally describe your
2 responsibilities in this position.

3 A. I was expected to keep informed of all
4 activities within Monsanto relating to
5 polychlorinated biphenyls, to attempt to
6 communicate as best I could with governmental
7 agencies, university laboratories, private
8 laboratories, foreign entities, whether they be
9 laboratories, governmental agencies, or
10 manufacturing companies regarding PCBs and their
11 presence in the environment and potential impact
12 on the environment, and to disburse this
13 information that I would gather as widely as I
14 could to all interested parties.

15 Q. How long were you in that position?

16 A. The title of the position changed
17 through the years but I was involved with that
18 activity that I just described until February of
19 1976.

20 Q. And at that time, what position did you
21 take?

22 A. At that time my title was manager of
23 product acceptability in Monsanto's industrial
24 chemical company which is an operating unit of
25 Monsanto Company.

1 Q. And where is that located?

2 A. In St. Louis.

3 Q. And, generally, what were your duties
4 with respect to that position?

5 A. I was to coordinate information
6 regarding the environmental impact, safety, and
7 health of an assigned group of products
8 manufactured by a subdivision of the industrial
9 chemicals company.

10 Q. And what were those products?

11 A. Oh, I'll try to remember it as best I
12 can. They were such things as maleic and
13 hydrazide, sulfuric acid, wood treating chemicals,
14 water treating chemicals. That's all I can recall
15 at the moment.

16 Q. Now, how long were you in that position?

17 A. As best I recall, about a year.

18 Q. And where were you employed after that?

19 A. I had the same title --

20 MS. PRICE: Excuse me. This takes us up
21 to 1977, right?

22 A. Excuse me. This takes us into early
23 1977. Yes.

24 I was then with the same title assigned
25 to a newly formed operating unit of Monsanto

1 called the Monsanto chemical intermediates
2 company.

3 Q. And where was that facility?

4 A. St. Louis.

5 Q. And how long were you in that position?

6 A. I held that position until about the
7 third quarter of 1977 -- about September and
8 October 1977.

9 Q. And where were you employed after that?

10 A. I was then assigned as a director of
11 environmental operations for the Monsanto chemical
12 intermediates company.

13 Q. And what were your responsibilities in
14 that position?

15 A. I was responsible for the environmental
16 impact, safety, and health of a given set of
17 products manufactured by that operating unit, as
18 well as the safety and health of the employees at
19 the plants assigned to that operating unit, and I
20 was responsible for the emissions at the plants
21 regarding air pollution, water discharge -- waste
22 water discharge, and solid waste disposal.

23 Q. And what products were manufactured by
24 that facility?

25 A. Oh, I can't recall all of them but they

1 were such things as the maleic and hydrazide I
2 mentioned earlier, the sulfuric acids, styrene,
3 butadiene, chlorine, the starting materials for
4 the manufacture of nylon, ammonia, hydrogen
5 cyanide. I'm sure there are more, I just can't
6 recall them all.

7 Q. Okay. Thank you. And how long were you
8 in that position?

9 A. I believe until 1983.

10 Q. And where were you employed after that?

11 A. I was -- another reorganization took
12 place in Monsanto. I was assigned as director of
13 environmental operations for the Monsanto
14 Industrial Chemicals Company with responsibilities
15 the same as I described for the previous
16 assignment.

17 Q. And I take it you were located in
18 St. Louis.

19 A. Yes.

20 Q. And how long were you in that position?

21 A. Until near the end of 1985.

22 Q. And what position did you take at that
23 time?

24 A. At that time I was assigned as manager
25 of occupational health for the Monsanto Chemical

1 Company.

2 Q. And what did those duties entail?

3 A. Those duties involved the coordination
4 of all activities relating to on-the-job safety
5 and health of about, oh, 40 or 50 plants assigned
6 to the Monsanto Chemical Company.

7 Q. I take it that those plants are not all
8 located in the St. Louis Area.

9 A. That is true.

10 Q. So it was a broad geographic
11 distribution of those?

12 A. Yes.

13 MR. OCHSNER: Let's go off the record a
14 second.

15 (Discussion off the record)

16 (Recess)

17 Q. Mr. Papageorge, you indicated that in
18 approximately 1985 you became the manager of
19 occupational health for Monsanto Chemical
20 Company. How long did you remain in that
21 position?

22 A. Until the end of 1986.

23 Q. And what position did you take at that
24 point?

25 A. I retired from Monsanto.

1 Q. And you remain retired until this
2 present time?

3 A. Yes.

4 Q. Now, at this point I would like to go
5 back, if we could, to your function as the manager
6 of environmental control which you began on the
7 1st of January of 1970 and ask you if during that
8 or in your performance of that function you were
9 responsible for generating any correspondence to
10 purchasers of Monsanto materials.

11 MS. PRICE: What years was that,
12 Counsel, that you are asking?

13 MR. OCHSNER: In his duties and
14 responsibilities as the manager of environmental
15 control which began in January of 1970.

16 MS. PRICE: And through what period are
17 you taking this?

18 MR. OCHSNER: Well, he has testified
19 that he was in that capacity for a six-year
20 period.

21 MS. PRICE: So you are just taking him
22 now through the first of his environmental related
23 employment.

24 MR. OCHSNER: Yes. Do you want me to
25 repeat the question?

1 A. That would help.

2 (The requested portion of the record read
3 by the reporter)

4 A. Yes.

5 Q. And would you describe what that
6 correspondence consisted of?

7 A. It took many forms. Some were letters
8 which directly addressed a specific request from a
9 purchaser. Some were letters that were, in
10 essence, designed or put together by a group of
11 Monsanto people who were related to the PCB issue,
12 and these letters were given a general mailing to
13 customers on record. Some correspondence took the
14 form of summary statements relating to the status
15 of the studies underway.

16 Q. Now, you indicated that there were some
17 of the correspondence or some of the notifications
18 that you made that were general mailings to
19 customers. How were those customers identified,
20 if you know?

21 A. They were obtained from records within
22 Monsanto showing purchases of PCB materials --
23 PCB-containing materials that covered a period of
24 at least three years and more if the records would
25 show that.

1 Q. Now, when you indicate three years,
2 what's your frame of reference in that respect?

3 A. This list was compiled in early 1970 so
4 it would include customers on record for the
5 periods '67, '68, '69, and also included some
6 customers that purchased material prior to 1967.
7 This list came from two sources. One is the
8 shipping documents showing what material was
9 shipped to which purchaser and the accounts
10 receivable documents which show the names of
11 customers who were billed for the material.

12 Q. Was there a master list of customers
13 prepared for mailing purposes?

14 A. Well, actually, yes, there were at least
15 four categories that together would have composed
16 a master list.

17 Q. And what were those categories?

18 A. One was a list of purchasers of
19 dielectric fluids, another was a list of
20 purchasers of industrial hydraulic fluids, the
21 third was the purchasers of heat transfer fluids,
22 and turbine -- turbine fluids, and then there was
23 a fifth list that was the -- I'm going to refer to
24 it as the miscellaneous list; this is the
25 plasticizer, paints, and lacquers, carbonless copy

1 paper, caulking, sealants.

2 MR. OCHSNER: At this time I would like
3 to have this marked as Plaintiffs' Deposition
4 Exhibit Number 1.

5 (Plaintiffs' Deposition Exhibit 1
6 was marked for identification.)

7 Q. Mr. Papageorge, I hand you what's been
8 marked as Plaintiffs' Deposition Exhibit Number 1
9 and ask you to examine that document, please. Do
10 you recognize that document?

11 A. I do.

12 Q. And what is that document?

13 A. This is a copy of a form letter on
14 Monsanto letterhead dated February 18th, 1970,
15 signed by a Mr. Donald A. Olson, director of sales
16 of the functional fluids group, Monsanto, and the
17 top sheet is a copy of an addressee, Office of the
18 President, Electrolux Corporation, 51 Forest
19 Avenue, Old Greenwich, Connecticut.

20 Q. Now, how do you recognize that document?

21 A. Which? The total document?

22 Q. Yes.

23 A. I recognize this as a copy of a letter
24 that was sent to -- in this case to the Electrolux
25 president, Office of the President.

1 Q. Who drafted that document, if you know?

2 A. This was drafted by a group -- the very
3 first draft was assembled by a group of Monsanto
4 representatives whose responsibilities related to
5 PCBs, such as manufacturing, marketing, research,
6 medical, legal. The final version was eventually
7 composed by the sender, in this case Mr. Olson,
8 with a final review by the committee and I was
9 chairman of that committee.

10 Q. Were all of the participants in the
11 preparation of this correspondence employees of
12 Monsanto?

13 A. Yes.

14 Q. Did the individuals who produced this
15 correspondence have a business duty with respect
16 to the preparation of that document?

17 MS. PRICE: I'm going to object to the
18 form of the question. I believe that it is
19 confusing.

20 Q. Do you understand it?

21 A. I don't believe I understand the
22 reference to business duty as distinguished from a
23 job responsibility to contribute toward the --
24 whatever it takes to communicate properly.

25 Q. All right. Well, did the individuals

1 that participated in the formulation of that
2 letter have a job or a professional responsibility
3 with respect to their participation in that
4 project?

5 A. Yes.

6 MS. PRICE: Same objection.

7 Q. Now, over what time period was this
8 correspondence prepared?

9 A. Let's see. I would suggest that as best
10 I recall, it was the full month of January and the
11 first couple weeks of February, about a six-week
12 period in early 1970.

13 Q. And to your knowledge, was that
14 correspondence disseminated?

15 A. Yes.

16 Q. And to whom was it disseminated?

17 A. To customers on records that I described
18 earlier from the lists that were prepared.

19 Q. Was it the routine practice of Monsanto
20 to prepare such correspondence?

21 MS. PRICE: Object on the ground that I
22 think the reference to such correspondence is
23 vague. Object to the form of the question.

24 A. I would not call it routine, no.

25 Q. Now, what was Mr. Olson's position?

1 A. He was director of sales at that time of
2 the functional fluids group of the organic
3 division -- organic chemicals division of Monsanto
4 Company.

5 Q. Now, was there any follow-up
6 correspondence generated as a result of this
7 correspondence?

8 A. Can you help me with the words
9 "follow-up"?

10 Q. Was there any additional correspondence
11 generated by Monsanto following the preparation of
12 the document that you have in front of you?

13 MS. PRICE: I object to the form of the
14 question. I think it is vague and I also think it
15 assumes facts not in evidence, which is that
16 Mr. Papageorge would have knowledge of all
17 correspondence that followed this.

18 MR. OCHSNER: Would you go ahead and
19 read the question?

20 (The requested portion of the record read
21 by the reporter)

22 A. There was additional correspondence,
23 yes.

24 MS. PRICE: Can we go off the record
25 just a minute, Counsel?

1 (Discussion off the record)

2 MR. OCHSNER: Please mark this as the
3 next exhibit.

4 (Plaintiffs' Deposition Exhibit 2
5 was marked for identification.)

6 Q. Mr. Papageorge, I will hand you what's
7 now been marked as Plaintiffs' Deposition Exhibit
8 Number 2 and ask you if you can identify that
9 correspondence.

10 A. This is a copy of a letter with Monsanto
11 letterhead dated June 11, 1970, signed by Mr. N.
12 T. Johnson, marketing manager, industrial fluids,
13 and attached to that copy is a reference to an
14 addressee, Office of the President, Electrolux
15 Corporation, 51 Forest Avenue, Old Greenwich,
16 Connecticut.

17 Q. Now, who is Mr. N. T. Johnson, if you
18 know?

19 A. He was the marketing manager, industrial
20 fluids.

21 Q. And he was an employee of Monsanto?

22 A. Yes.

23 Q. If you know, who drafted this document?

24 A. Mr. Johnson drafted the document,
25 reviewed it with his supervisor, Mr. Olson,

1 reviewed it with me, and following those reviews,
2 proceeded with the mailing.

3 Q. And to whom would this correspondence
4 have been mailed?

5 A. This would have gone to those purchasers
6 of industrial hydraulic fluids on record with
7 Monsanto.

8 Q. Now, what would have been the basis for
9 the selection of the addressees of this particular
10 correspondence?

11 A. The basis is whoever purchased an
12 industrial hydraulic fluid sold by Monsanto.

13 Q. Now, at the time that this letter was
14 signed, what was your position, again?

15 A. I was manager, environmental control.

16 Q. And would the normal practice with
17 respect to the type of correspondence that is
18 reflected by Plaintiffs' Exhibit 2 here normally
19 be referred to you for your review and comment?

20 A. Yes.

21 Q. Would the same hold true with regard to
22 Plaintiffs' Exhibit 1?

23 A. Yes.

24 Q. Do you know who provided the information
25 to Mr. Johnson concerning the information in

1 Plaintiffs' Exhibit 2?

2 A. I don't know the specific individual but
3 it would be someone in Monsanto's research
4 department that develops these new products.

5 MR. OCHSNER: Mark this as the next
6 exhibit.

7 (Plaintiffs' Deposition Exhibit 3
8 was marked for identification.)

9 Q. Mr. Papageorge, I will hand you what has
10 been marked as Plaintiffs' Deposition Exhibit
11 Number 3 and ask you if you can identify that
12 correspondence.

13 A. This is a copy of a letter, Monsanto
14 letterhead, dated February 1, 1971, signed by Mr.
15 C. L. Bradford, product manager, and attached to
16 that copy is a reference to an addressee, Office
17 of the President, Electrolux Corporation, 51
18 Forest Avenue, Old Greenwich, Connecticut.

19 Q. Who drafted that document, if you know?

20 A. Mr. Bradford drafted it.

21 Q. Did you participate in the preparation
22 of that document?

23 A. I reviewed it.

24 Q. Would you have reviewed that document in
25 the normal course of your duties?

1 A. Yes.

2 Q. Who provided the information for that
3 document, if you know?

4 A. Someone from Monsanto's research
5 department.

6 Q. What are Mr. Bradford's
7 responsibilities, again, or were his
8 responsibilities?

9 A. At that time Mr. Bradford was the
10 technical person located in St. Louis assigned to
11 the marketing function and Mr. Bradford's specific
12 assignment was to be the technical adviser
13 relating to industrial hydraulic fluids and he
14 reported to Mr. N. T. Johnson.

15 Q. To your knowledge was Plaintiffs'
16 Exhibit Number 3 distributed?

17 A. Yes.

18 Q. And to whom was that distributed?

19 A. To purchasers of Monsanto's industrial
20 hydraulic fluids on record as of February 1971.

21 Q. And how would that distribution have
22 been reflected? What record of the recipients of
23 that distribution would have been retained by the
24 company?

25 MS. PRICE: Object to the form. I

1 believe it is vague and confusing.

2 A. I'm sorry. I didn't understand the
3 question.

4 Q. What record of the recipients or the
5 individuals to whom that was mailed would have
6 been retained by the company?

7 A. The address labels that were typed from
8 the master list were copied before they were
9 removed from the paper to which they were attached
10 and placed on the mailing envelopes. The copies
11 of those address labels served as the record of
12 who was to receive this memo -- this letter.

13 MR. OCHSNER: Mark this as the next
14 exhibit.

15 (Plaintiffs' Deposition Exhibit 4
16 was marked for identification.)

17 Q. Mr. Papageorge, I hand you what's been
18 marked as Plaintiffs' Deposition Exhibit Number 4
19 and ask you to examine that document and ask you
20 if you recognize it.

21 A. I have seen this document before, yes.
22 It is a copy of a letter, Monsanto letterhead,
23 dated April 15th, 1971, signed by C. Larry
24 Bradford, product manager, hydraulics and
25 lubricants, and attached to that copy is the

1 reference to Electrolux Corporation, Division
2 Consolidated Foods Corporation, 51 Forest Avenue,
3 Old Greenwich, Connecticut, 06870.

4 Q. Who drafted that letter?

5 A. Mr. Bradford.

6 Q. And was he an employee of Monsanto?

7 A. That is correct.

8 Q. And when was that document drafted, if
9 you know?

10 A. On or about the date of its publication,
11 early April '71.

12 Q. Did you have the opportunity to review
13 that document?

14 A. Yes.

15 MS. PRICE: Did you mean prior to its
16 being disseminated, Counsel?

17 MR. OCHSNER: Yes. Let me rephrase
18 that.

19 Q. Did you review that document prior to
20 its being signed by Mr. Bradford?

21 A. Yes.

22 Q. In what capacity did you reviewed that
23 letter?

24 A. As part of my assignment as manager,
25 environmental control, relating to PCB matters, I

1 was expected to review letters of this type.

2 Q. And to whom would this correspondence
3 have been distributed?

4 A. It is the same list that I referred to
5 relating to Plaintiffs' Exhibit Number 3.

6 Q. And the recipient of this would have
7 been designated in the same -- or recorded in the
8 same manner?

9 A. Yes.

10 MR. OCHSNER: Mark this as the next
11 exhibit, please.

12 (Plaintiffs' Deposition Exhibit 5
13 was marked for identification.)

14 Q. Mr. Papageorge, I will hand you what's
15 been marked as Plaintiffs' Deposition Exhibit
16 Number 5 and ask you to examine that document and
17 ask if you recognize it.

18 A. I recognize the document. The second
19 page is a copy of a letter with Monsanto
20 letterhead dated January 31, 1972, signed by
21 Howard Bergen, director, specialty products group,
22 Monsanto Industrial Chemicals Company. The first
23 sheet is a copy of a mailing label, director of
24 purchases, Electrolux, Division Consolidated Foods
25 Corporation, 51 Forest Avenue, Old Greenwich,

1 Connecticut 06870.

2 Q. Who is Mr. Howard Bergen?

3 A. Mr. Bergen at that time was the director
4 of the specialty products group, Monsanto
5 Industrial Chemicals Company.

6 Q. And he was an employee of Monsanto
7 Corporation?

8 A. That is true.

9 Q. Did you review this document before it
10 was disseminated?

11 A. Yes.

12 Q. And when was this document drafted, if
13 you know?

14 A. Oh, sometime in the period from January
15 15th, 1972 up to the date of publication, which is
16 January 31, 1972.

17 Q. In what capacity did you review this
18 document?

19 A. In my position as manager of
20 environmental control concerned with the PCB
21 environmental issue, I was expected to review
22 documents such as this.

23 Q. And to your knowledge was this document
24 disseminated?

25 A. Yes.

1 Q. And to whom?

2 A. To purchasers of Monsanto's industrial
3 hydraulic fluids on record as of January 1972.

4 Q. And what record of that dissemination
5 was maintained by Monsanto Corporation, if you
6 know?

7 MS. PRICE: I didn't hear that.

8 Q. What record of this dissemination was
9 maintained by Monsanto Corporation, if you know?

10 A. A copy of all of the mailing labels was
11 made and retained as the record.

12 MR. OCHSNER: Why don't we break at this
13 point.

14 (Luncheon recess)

15 MR. OCHSNER: Why don't you read the
16 last question and response.

17 (The requested portion of the record read
18 by the reporter)

19 Q. Mr. Papageorge, did you review this
20 document in the performance of your duties with
21 Monsanto?

22 A. Yes, I did.

23 Q. And did you review it prior to the time
24 that it was signed and distributed by Monsanto
25 Corporation?

1 A. Yes.

2 Q. Do you know who provided the factual
3 information for this document?

4 A. Members of the research department at
5 Monsanto.

6 MR. OCHSNER: Let's mark this as the
7 next exhibit, please.

8 (Plaintiffs' Deposition Exhibit 6
9 was marked for identification.)

10 Q. Mr. Papageorge, I hand you what's been
11 marked as Plaintiffs' Deposition Exhibit Number 6
12 and ask you to examine it.

13 MS. PRICE: What numbers are those?

14 MR. OCHSNER: That would be 43 and 44.

15 A. I have examined it.

16 Q. And do you recognize that document?

17 A. I do.

18 Q. And how do you recognize it?

19 A. This is a copy of a letter, Monsanto
20 letterhead, dated February 28, 1972, signed by
21 Mr. Howard S. Bergen, director, specialty products
22 group, Monsanto Industrial Chemicals Company. The
23 front sheet shows the recipient as director of
24 purchases, Electrolux, Division Consolidated Foods
25 Corporation, 51 Forest Avenue, Old Greenwich,

1 Connecticut 06870.

2 Q. Do you know who drafted that document?

3 A. Mr. Bergen.

4 Q. Was that document drafted in conjunction
5 with any other Monsanto employees?

6 A. The basic information came from the
7 research department and I personally reviewed the
8 draft before it was finally published.

9 Q. And in what capacity did you review that
10 document?

11 A. As manager of environmental control for
12 PCB matters, one of my responsibilities was to
13 review letters of this type.

14 Q. And to your knowledge, was this
15 correspondence distributed?

16 A. Yes.

17 Q. And to whom was this correspondence
18 distributed?

19 A. To purchasers of Monsanto's industrial
20 hydraulic fluids on record as of February 1972.

21 Q. And what record of distribution of this
22 correspondence was maintained?

23 A. Copies of all the mailing labels were
24 made and retained as the record.

25 MR. OCHSNER: Mark this as the next

1 exhibit, please.

2 (Plaintiffs' Deposition Exhibit 7
3 was marked for identification.)

4 Q. At this time, Mr. Papageorge, I hand you
5 what's been marked as Plaintiffs' Deposition
6 Exhibit Number 7 and ask you to identify that.

7 A. This is a three-page document; the
8 second page is a copy of a letter with Monsanto's
9 letterhead dated March 15th, 1972, signed by
10 Howard S. Bergen, director of specialty products
11 group, Monsanto Industrial Chemicals Company.
12 Attached to that as the third page is a table
13 showing the old products and the new products and
14 the first page shows the addressee, Electrolux
15 Corporation, Division Consolidated Foods
16 Corporation, 51 Forest Avenue, Old Greenwich,
17 Connecticut 06870.

18 Q. Do you know who drafted this document?

19 A. Mr. Bergen.

20 Q. Do you know who participated in the
21 preparation of this document?

22 A. Members of Monsanto's research
23 department and members of Mr. Bergen's marketing
24 group located in St. Louis supplied the basic
25 information included in this document, and I

1 participated as a reviewer before it was mailed to
2 the recipients.

3 Q. To your knowledge, was Plaintiffs'
4 Exhibit Number 7 disseminated?

5 A. Yes.

6 Q. And to whom would that have been
7 disseminated?

8 A. To purchasers of Monsanto's industrial
9 hydraulic fluids on record as of March 1972.

10 Q. Who would have prepared the third page
11 of that document, that is the document referred to
12 as LUX 063?

13 A. A member in Mr. Bergen's marketing staff
14 in conjunction with the research department.

15 Q. And how would the recipients of this
16 correspondence have been recorded?

17 A. Copies of all mailing labels used in
18 this mailing were made and retained as the record.

19 MR. OCHSNER: This is the next exhibit,
20 please.

21 (Plaintiffs' Deposition Exhibit 8
22 was marked for identification.)

23 Q. Mr. Papageorge, I hand you what we have
24 marked as Plaintiffs' Deposition Exhibit Number 8,
25 which consists of LUX pages 045 to LUX 060 and ask

1 you to review that document and ask you if you
2 recognize it.

3 A. Yes, I recognize this document.

4 Q. And how do you recognize that document?

5 A. It is a copy of a letter on Monsanto
6 letterhead dated August 3rd, 1973, signed by
7 Cumming Paton, P-a-t-o-n, to which are attached
8 eight pages of information relating to Monsanto's
9 Pydrauls, information regarding the Monsanto
10 incineration service which was available, and a
11 copy of pages from the Federal Register describing
12 the FDA's -- the Food and Drug Administration's
13 position relating to the presence of
14 polychlorinated biphenyl in animal feeds, foods,
15 and packaging material.

16 Q. Who drafted this document, if you know?

17 A. This was drafted by Dr. Cumming Paton.

18 Q. And who is Dr. Paton?

19 A. At the time, Dr. Paton had the title
20 product manager of fluids. He was the technical
21 representative on the marketing staff in St. Louis
22 that concerned itself with industrial hydraulic
23 fluids.

24 Q. Who, if you know, participated in the
25 drafting of this correspondence?

1 A. The research department, the marketing
2 staff, I participated, and Monsanto's medical
3 department supplied the basic information.

4 Q. And in what capacity did you review this
5 document?

6 A. As manager of environmental control
7 relating to PCB matters, I reviewed this document.

8 Q. Was this correspondence distributed?

9 A. Yes.

10 Q. And to whom was it distributed?

11 A. To purchasers of Monsanto's industrial
12 hydraulic fluids on record as of August 1973.

13 Q. And how is the record of that
14 distribution maintained?

15 A. Copies were made of all of the address
16 labels and retained as the record.

17 Q. And is that record reflected by page
18 045?

19 A. Yes.

20 MR. OCHSNER: I would like to mark this
21 as the next exhibit, please.

22 (Plaintiffs' Deposition Exhibit 9
23 was marked for identification.)

24 Q. Mr. Papageorge, I hand you what has been
25 marked as Plaintiffs' Deposition Exhibit Number 9

1 and ask you to examine that document and ask you
2 if you recognize it.

3 A. I have seen this document before.

4 Q. And do you recollect when that was?

5 A. The first time I saw it was about two or
6 three weeks ago.

7 Q. I take it you did not see it at or near
8 the time of its preparation.

9 A. No.

10 Q. With respect to that document, I do have
11 a couple of questions. One is with respect to the
12 apparent signatory of that letter, that is
13 Mr. Elmer F. Wheeler, do you know that individual?

14 A. Yes, I do.

15 Q. And who is he?

16 A. Elmer Wheeler was the member of
17 Monsanto's corporate medical department who had
18 the title of manager, environmental health.

19 Q. Was he a medical doctor?

20 A. No.

21 Q. Do you know what his background was?

22 A. I think his training was in public
23 health.

24 Q. Did you ever work with Mr. Wheeler?

25 A. Very closely, yes.

1 Q. Do you know where Mr. Wheeler is today?

2 A. The last I knew, Mr. Wheeler was living
3 in, I believe, one of the Carolinas. I believe
4 South Carolina. I'm not certain.

5 Q. Do you know if he is employed or
6 retired?

7 A. He is retired.

8 Q. Do you know anyone who might know of his
9 whereabouts?

10 A. I would ask Monsanto's legal department
11 if they know of his recent address. I wouldn't
12 know where else to go.

13 Q. Who would Mr. Eades be?

14 A. Mr. Eades was a Monsanto employee
15 working in St. Louis as the product manager of
16 industrial hydraulic fluids in the middle to late
17 sixties.

18 Q. Do you know where he is presently
19 located?

20 A. No, I do not.

21 Q. Also referring to the second page of
22 that correspondence, there is a Mr. G. R. Graham.
23 Who is that individual, if you know?

24 A. Mr. Graham at that time was a Monsanto
25 employee who was the field sales representative

1 for industrial hydraulic fluids.

2 Q. Do you know where he is located at?

3 A. The last I heard, he was located in the
4 Northeast, either New York or New Jersey, but
5 that's all I know.

6 Q. Do you know if he is still employed by
7 Monsanto?

8 A. No, he is not.

9 Q. Is he retired?

10 A. No. He left Monsanto's employ in about
11 1972 or '3.

12 Q. Do you know who he subsequently became
13 employed with?

14 A. I don't recall anymore.

15 Q. Now, with respect to the exhibits that
16 we have reviewed here, Plaintiffs' Exhibits 1
17 through 8, you have testified that you reviewed
18 each of those documents; is that correct?

19 A. That is correct.

20 Q. Could you describe for me what you did
21 in the conduct of your review of those documents?

22 MS. PRICE: I object to the form of the
23 question on the grounds that it assumes facts not
24 in evidence. There has been no -- well, for lack
25 of foundation. There has been no testimony that

1 the review process was the same each time.

2 MR. OCHSNER: Would you read the
3 question back?

4 (The requested portion of the record read
5 by the reporter)

6 A. It would vary. Sometimes I would be
7 shown a penciled version by the author. He would
8 ask me to read it over and comment on it. I, of
9 course, don't recall any specifics, but on
10 occasion, I would spot an error in a statement in
11 the document and I would ask the individual to go
12 back to the source and make certain that he
13 understood it correctly, for example, the medical
14 department or the research department, because I
15 had a different understanding.

16 There were times when nothing was
17 required of me because the information was factual
18 as far as I could tell. There were other times
19 when I was able to suggest adding a paragraph or
20 two to supply some need that I perceived so I
21 don't know that I can describe every action I
22 took. There were occasions when we would have to
23 rewrite the whole letter because the individual
24 who authored it was totally out of line in terms
25 of understanding, especially when the individual

1 was new to the job. So I don't know how else to
2 answer that.

3 Q. Would it be correct to say, then, that a
4 portion of your review was to address or review
5 the factual accuracy of the correspondence?

6 A. Yes. I tried to serve as a point where
7 consistency would prevail in terms of what I knew
8 the medical department was sending out and what
9 the I knew that the marketing department was
10 sending out and what the manufacturing people were
11 telling the workers so that the message was
12 consistent and as factual as it could possibly be
13 so that we did not have a situation where the left
14 hand didn't know what the right was doing. That
15 was my role as I perceived it.

16 MR. OCHSNER: Why don't we take about a
17 five-minute break here, Courtney.

18 (Recess)

19 Q. Mr. Papageorge, does the term "red tag
20 program" mean anything to you with respect to
21 polychlorinated biphenyls?

22 A. I remember it, yes.

23 Q. And what is your recollection of that
24 term?

25 A. That term applies to a program developed

1 by Monsanto's industrial hydraulic fluid marketing
2 staff in an attempt to help the purchasers of
3 these fluids conserve the material by reducing
4 leaks in their systems and the "red tag" refers to
5 the procedure whereby anyone observing a leak in
6 the system was to tag it with the red tag so that
7 a quick repair could be made to reduce the amount
8 of material that was lost from the system.

9 Q. Do you recollect when this program was
10 was in effect?

11 A. It was in effect in the late sixties,
12 '68, '69, and I believe on into 1970, as I
13 remember.

14 Q. And who would have been involved in the
15 coordination end of that program?

16 A. Coordination was the marketing staff
17 located in St. Louis, primarily by the individual
18 who had the title of product manager at the time.
19 I don't recall right now just who that person or
20 persons might have been in those years.

21 Q. Do you have any recollection of the
22 participants in that program, that is the
23 purchasers of those materials that participated in
24 that program?

25 A. No, I --

1 MS. PRICE: I object to the form of the
2 question. I think it is confusing. It is
3 confusing and I think there is no foundation, lack
4 of foundation.

5 A. I do not recall any of the purchasers
6 who participated in that program.

7 Q. And do you know why that program was
8 terminated, if it was terminated?

9 A. Yes. It was terminated because in 1970,
10 a more restrictive program was placed into effect
11 in terms of controlling the entry of PCBs into the
12 environment and Monsanto's attention was directed
13 toward the environmental issue and it was believed
14 that by preventing entry into the environment, the
15 loss of material due to leaks would benefit as a
16 byproduct.

17 Q. So I take it, then, that the red tag
18 program was a loss prevention type of program; is
19 that correct?

20 A. That is correct.

21 Q. Now, Mr. Papageorge, during your
22 functioning as the manager of environmental
23 control, were you ever contacted directly by
24 purchasers of the PCB materials for information?

25 A. Yes.

1 Q. And with what frequency did that occur?

2 A. I never kept a record but something like
3 maybe two telephone calls a day and one letter,
4 something like that, for the normal five-day
5 working week. For a period of about -- that level
6 of activity lasted, I would say, from early 1970
7 to the middle of 1973 and then it dropped off a
8 little bit to perhaps a call every other day or
9 so.

10 Q. And you indicated you maintained a log
11 of those?

12 A. No.

13 Q. Did you keep a file of the
14 correspondence that you received on that?

15 A. Yes.

16 Q. Was that a company file or a personal
17 file?

18 A. Company.

19 Q. Do you recollect ever receiving an oral
20 inquiry or telephone inquiry from Electrolux
21 Corporation?

22 A. I do not.

23 Q. Do you ever recollect any written
24 inquiries from Electrolux Corporation?

25 A. I do not.

1 Q. Who else would have received for
2 Monsanto Corporation inquiries in relation to the
3 PCB usage?

4 MS. PRICE: I object to the form of the
5 question, lack of foundation, and also because I
6 believe it is confusing and ambiguous.

7 A. I really can't speak specifically
8 regarding Electrolux correspondence with Monsanto
9 personnel. I can only address what generally
10 happens in a customer/Monsanto relationship. The
11 function within Monsanto that's most apt to have
12 communication with the customers would be the
13 marketing staff, both in St. Louis and in the
14 field. That's the most likely contact.

15 The second most likely would be the
16 shipping department when a customer might be
17 inquiring about a product or its shipping status
18 or the quality on arrival and the like.

19 On a less frequent occasion, a customer
20 might contact a research person and that contact
21 would generally be from a technical person in the
22 purchaser's company talking to a technical person
23 at Monsanto.

24 At about that same frequency, on
25 occasion, the Monsanto medical department might

1 get calls from purchasers of these products
2 regarding the safety of the product.

3 Q. Now, I believe you touched on this
4 before, Mr. Papageorge, but let me just address it
5 briefly again. The term "Pydraul," could you
6 define for me again what that term means?

7 A. Pydraul is Monsanto's registered
8 trademark that is used with the products that are
9 designed to be used in industrial hydraulic
10 systems and these products sold by Monsanto had
11 the feature of being fire resistant.

12 Q. Were there a number of those types of
13 materials?

14 A. Yes, there were.

15 Q. And do you know approximately how many?

16 A. Oh, I never -- I don't recall ever
17 counting them. I would suggest eight or ten of
18 them, different variations, through the years,
19 different formulations.

20 Q. And what were the commercial and
21 industrial uses of these materials?

22 A. They were used in die casting machines,
23 air compressors, and some hydraulic conveying
24 systems, industrial conveying systems. I can't
25 think of any other applications. I'm sure there

1 are more but they don't come to mind.

2 Q. Now, are you familiar or generally
3 familiar with the constituent components of the
4 various types of Pydraul materials?

5 A. In a general way, yes.

6 Q. All right. Let's begin with Pydraul
7 312. Are you familiar with that material?

8 A. Yes.

9 Q. And what are its constituent components?

10 A. I do know that it had as a principal
11 ingredient a PCB mixture. It had an additive to
12 enhance lubricity, and there was some ingredients
13 in there to give it color, a dye or a couple dyes,
14 I don't recall exactly which. I believe that's
15 all I can remember about it.

16 Q. Do you recall what Aroclor PCB would
17 have been?

18 A. For 312 it would have been Aroclor 1242.

19 Q. And do you know what percent by weight?

20 A. Almost 100 percent. 90 plus.

21 Q. What is, if you recall, the color of
22 Pydraul 312?

23 A. Purple.

24 Q. And what is its consistency or
25 viscosity? By that I mean in relation to normal

1 motor fuel, motor oil, more or less?

2 A. Gosh --

3 MS. PRICE: I object to the form of that
4 question. I think it is confusing and vague and
5 it lacks foundation. We haven't -- there is no
6 testimony as to what the viscosity of motor fuel
7 is.

8 A. Well, let's see. To a layman I would
9 suggest that he would describe it as being
10 equivalent to the viscosity of motor oil used in
11 the average automobile.

12 MS. PRICE: You say, "comparable to the
13 viscosity," is that what you said?

14 THE WITNESS: Yes, to the naked eye and
15 just by appearance without any exotic instruments
16 to measure it.

17 Q. Are you familiar with the Pydraul
18 designated as Pydraul F9?

19 A. Yes.

20 Q. And do you know what the constituent
21 components of that material are?

22 A. I'm not certain about this but as best
23 as I recall, it also had Aroclor 1242 in it and it
24 had some ingredients to enhance the lubricity,
25 again, and, again, a dye. That's as best as I can

1 recall.

2 Q. Do you recall what percentage by weight
3 of PCBs were included in that material?

4 A. Again, close to 100 percent.

5 MS. PRICE: Excuse me. Is that of PCBs
6 or chlorinated material?

7 A. PCBs or chlorinated, yes.

8 Q. With respect to Pydraul 312, do you know
9 what the period of manufacture, in other words,
10 the time period when that material was
11 manufactured?

12 A. Late fifties on up to 1970, '71.

13 Q. Do you know what the period of
14 manufacture for Pydraul F9 was?

15 A. F9 was a little bit earlier. I would
16 suggest that was early to mid 1950s to 1970, '71.

17 Q. Now, do you know what or are you
18 familiar with the term "Pydraul A200"?

19 A. Yes.

20 Q. And what is that material?

21 A. As I recall, the PCB contents of that
22 was made up of two of the Aroclors, Aroclor 1242
23 and Aroclor 1248.

24 Q. Do you recollect the --

25 A. I'm trying to remember. They were

1 roughly -- together they are almost 100 percent
2 and it is about two parts of the 42 to one part of
3 the 48, as I remember, which would make it about
4 66 and 33 percent, something like that.

5 Q. Do you recollect the color of this
6 particular Pydraul material?

7 A. All I recall is purple color as being
8 the color. I have never seen any other color so
9 I'll answer that with -- as purple.

10 Q. Now, are you familiar with the material
11 known as Pydraul 312A?

12 A. Yes.

13 Q. And what are the constituent components
14 of that material?

15 A. That had -- instead of a PCB, it
16 contained a chlorinated terphenyl. I have
17 forgotten just which one.

18 Q. And do you recollect what its color was?

19 A. I still think they were purple.

20 Q. And what was its consistency as compared
21 with the other Pydraul materials?

22 A. Equivalent.

23 Q. And what was the period of manufacture
24 of this material?

25 A. 19 -- it was either late 1971 or early

1 1972 and continued for about a year, at which time
2 it was replaced.

3 Q. What was the replacement fluid?

4 A. I believe it was called 312E. It had a
5 phosphate ester base instead of a PCB base.

6 Q. Now, regarding Pydraul A200, what was
7 the period of manufacture of that material?

8 A. Oh, late 1950s to 1971.

9 Q. Now, with regard to the various Pydraul
10 materials, do you know the degree of concentration
11 of PCBs in those various compounds, specifically
12 as regards parts per million in concentration?

13 MS. PRICE: I object to the form of the
14 question. I believe it is confusing, vague.

15 A. As I indicated earlier, these fluids
16 that were based on PCBs had almost 100 percent
17 PCBs in them so when you try to express that in
18 parts per million, it is a million parts for every
19 million; it is 100 percent.

20 Q. All right. And that would have been the
21 concentration in the Pydraul A200?

22 A. Yes.

23 Q. Would that also have been the
24 concentration in the Pydraul F9?

25 A. Yes.

1 Q. And would that also have been the
2 concentration in the Pydraul 312?

3 A. Yes.

4 MS. PRICE: I object to the form of the
5 question in that I think it is leading to a
6 confused record because usually when you are
7 talking about PCBs in parts per million, it has to
8 do with some medium other than that in which the
9 PCBs are 100 percent.

10 Q. Mr. Papageorge, during your period of
11 time as the manager of environmental control, did
12 you have opportunity to assist or participate in
13 the preparation of any type of warning labels for
14 PCB materials?

15 A. Yes.

16 Q. And what was the nature of those warning
17 labels?

18 A. These were labels that were intended to
19 warn the purchaser of the material, of the
20 potential for unacceptable impact on the
21 environment if the product -- if the material in
22 the container was not properly handled, used, and
23 disposed.

24 Q. Where were those labels placed?

25 MS. PRICE: I object to the form on the

1 grounds that there is no foundation that he helped
2 place them, only that he helped develop them.

3 A. The initial wording was on a separate
4 label that was affixed to the container close to
5 the original product label. By the middle of
6 1970, this statement was imprinted on the full
7 product label so it became an integral part of it.

8 MR. OCHSNER: Let's mark this as the
9 next exhibit.

10 (Plaintiffs' Deposition Exhibit 10
11 was marked for identification.)

12 Q. Mr. Papageorge, I hand you what's been
13 marked as Plaintiffs' Exhibit Number 10 and ask
14 you if you recognize that document.

15 A. I recognize it.

16 Q. What's the LUX number on it, please?

17 A. The LUX number is 070.

18 Q. And what is that document?

19 A. This is a copy of the environmental
20 statement label that was placed on the container
21 of material that had PCBs in it prior to shipping.

22 Q. Is that the ---

23 MS. PRICE: What exhibit number is this,
24 Counsel?

25 MR. OCHSNER: Exhibit 10.

1 Q. Is that the warning label that you
2 previously referred to?

3 A. Yes.

4 Q. And when was this developed?

5 A. This particular one was developed in
6 early 1970 and I believe it was in use by May of
7 1970.

8 Q. And upon what containers was it supposed
9 to be placed?

10 A. Containers in which Monsanto products
11 which contained polychlorinated biphenyls were
12 shipped.

13 Q. Now, you indicated that Plaintiffs'
14 Exhibit 10 was subsequently replaced by another
15 label.

16 A. I meant to indicate that the wording
17 shown on Exhibit Number 10 was imprinted on the
18 product labels, so the message was contained as an
19 integral part of that product label rather than as
20 an add-on label.

21 MR. OCHSNER: Mark this as the next
22 exhibit number.

23 (Plaintiffs' Deposition Exhibit 11
24 was marked for identification.)

25 Q. At this time, Mr. Papageorge, I hand you

1 what's been marked as Plaintiffs' Deposition
2 Exhibit Number 11 and ask you if you could
3 identify that document.

4 A. This is a copy of a label which was
5 placed on containers of Monsanto's Pydraul 312 and
6 this type of label was in use prior to 1970.

7 Q. If you know, when was the label used on
8 Plaintiffs' Exhibit Number 11 discontinued?

9 A. I don't really remember. It was
10 sometime in --- I just don't remember because the
11 product was changed in 1971-72. That would be the
12 latest at which this label would have still been
13 in use, when it was changed to 312A.

14 Q. Would the warning label that we have
15 marked as Plaintiffs' Exhibit Number 10 have been
16 placed on or adjacent to the label that's been
17 marked as Plaintiffs' Exhibit Number 11?

18 A. Yes.

19 Q. Were there any other labels that you
20 would have participated in the preparation of
21 other than Plaintiffs' Exhibit Number 10?

22 A. Yes, there were.

23 Q. And what were those?

24 A. There were other Pydraul labels, as well
25 as other products that Monsanto made, such as heat

1 transfer fluids and dielectric fluids.

2 Q. And what did the other Pydraul labels
3 consist of?

4 A. The same messages that were included in
5 Pydraul 312.

6 Q. Would those labels also have included
7 the warnings or information reflected on
8 Plaintiffs' Exhibit 10?

9 A. If the Pydraul had PCBs in it, yes.

10 Q. Now, during your period as the manager
11 of environmental matters at Electrolux, or
12 environmental control, I should say --

13 MR. DAVIDSON: At Monsanto.

14 MS. PRICE: You said, "at Electrolux."

15 MR. OCHSNER: I'm sorry.

16 Q. -- at Monsanto, was there ever an
17 occasion when you identified specifically large-
18 scale consumers of Pydraul materials?

19 MS. PRICE: Object to the form of the
20 question, lacking foundation, being vague and
21 ambiguous and confusing.

22 A. I don't know that I quite understand
23 your question. If you mean by your question that
24 I sat down and deliberately gave thought as to who
25 the big customers of Pydrauls were, I don't ever

1 recall doing that, no.

2 MR. OCHSNER: Let's take five minutes.

3 (Recess)

4 MR. OCHSNER: Mark that as the next
5 exhibit.

6 (Plaintiffs' Deposition Exhibit 12
7 was marked for identification.)

8 Q. Mr. Papageorge, I hand you what's been
9 marked as Plaintiffs' Exhibit 12 and ask you to
10 examine that document and tell me if you recognize
11 it.

12 A. I do recognize it.

13 Q. And how do you recognize it?

14 A. It is a prepared statement signed by
15 Monsanto's corporate medical director, Dr. R.
16 Emmet Kelly, on Monsanto letterhead. It is not
17 dated but the topic is toxicity and safe handling
18 of Pydraul 312. There is the date, yes. The date
19 in the lower portion of the second page is April
20 3, 1967.

21 Q. Do you know who drafted that document?

22 A. No, I don't.

23 Q. Did you participate in the drafting of
24 that document?

25 A. No, I did not.

1 Q. Do you know where Dr. Kelly is today?

2 A. He is in the St. Louis Area.

3 Q. Do you know if he is still employed with
4 Monsanto?

5 A. He is retired from Monsanto.

6 MR. OCHSNER: Mark that as the next
7 exhibit.

8 (Plaintiffs' Deposition Exhibit 13
9 was marked for identification.)

10 Q. Mr. Papageorge, I hand you what's been
11 marked as Plaintiffs' Exhibit Number 13.

12 MR. OCHSNER: That would be 223.

13 A. I have seen this document before.

14 Q. Do you recollect when you last -- or
15 when you saw that document?

16 A. Oh, it is late 1970, early 1971.

17 Q. Did you participate in the preparation
18 of that document?

19 A. No, I did not.

20 Q. Do you know who prepared that document?

21 A. Mr. Elmer Wheeler.

22 Q. And what was, if you know, the purpose
23 of that document?

24 A. The purpose was to summarize the
25 recently completed animal toxicity studies on the

1 newly formulated Pydraul 312A and this was
2 Mr. Wheeler's way of summarizing those studies for
3 use in communicating to customers, employees, and
4 all interested parties what those findings were.

5 Q. If you know, was there a dissemination
6 of that correspondence?

7 A. Yes.

8 Q. And do you know to whom that
9 correspondence was disseminated?

10 A. I am with the understanding that this
11 was mailed to purchasers of Pydraul 312A, and it
12 was also carried by field sales representatives of
13 Monsanto to leave with the customers when they
14 made their routine calls.

15 Q. Looking back at Plaintiffs' Exhibit 12,
16 if you know, was that document distributed?

17 A. I do not know.

18 MR. OCHSNER: I have no further
19 questions.

20 EXAMINATION

21 QUESTIONS BY MS. PRICE:

22 Q. Mr. Papageorge, can you explain for a
23 lay person the relationship between chlorinated
24 hydrocarbons and polychlorinated biphenyls?

25 A. I will try. Chlorinated hydrocarbons,

1 as an expression, is generic in nature. It covers
2 many, many chemicals that contain carbon and
3 hydrogen which are, in turn, chlorinated, in other
4 words, chlorine is added. PCBs are very specific
5 chemicals that fall into the generic class of
6 chlorinated hydrocarbons. Does that help?

7 Q. Yes. Then turning for a moment to
8 Plaintiffs' Exhibit 11 --

9 A. I have it.

10 Q. -- would that warning or cautionary
11 statement where it says, "Caution, contains
12 chlorinated hydrocarbons," would that apply to
13 something other or might that include something
14 other than PCBs?

15 A. The wording, in itself, and I'm
16 referring specifically to "chlorinated
17 hydrocarbons," could refer to chemicals other than
18 PCBs. An example would be chloroform or carbon
19 tetrachloride.

20 Q. In the context of Pydraul, did it refer
21 to anything other than PCBs?

22 A. It does not.

23 Q. Why was the language changed in terms of
24 the cautionary statement from chlorinated
25 hydrocarbons, in Defendant's Exhibit 11, to

1 polychlorinated byphenyls, in Plaintiffs' Exhibit
2 10?

3 A. Two reasons: One is that when Exhibit
4 11 was designed and in use, the expression "PCBs"
5 was not common, in fact, it was unknown,
6 therefore, it would not have communicated any
7 message. Later when PCBs were identified as such
8 by analysts and were shown to be present in the
9 environment, "PCBs" became a very specific known
10 piece of information and, therefore, we could
11 communicate and in order to communicate properly,
12 we had to refer to the chemical by its proper
13 name, instead of by a generic name.

14 Q. When did it become known to the point
15 that you could refer in a cautionary message to
16 "PCBs" rather than "chlorinated hydrocarbons"?

17 A. Late 1969.

18 Q. Now, then, the label that is noted as
19 Plaintiffs' Exhibit 10 I believe you stated was
20 developed in early 1970?

21 A. Yes.

22 Q. So that would be shortly after PCBs
23 became identifiable, as such, to you, to Monsanto?

24 A. That is correct.

25 Q. Now, then, when was the last time that,

1 in terms of time periods, when PCBs were used in
2 Pydraul?

3 A. 1971.

4 Q. So the cautionary statement, as on the
5 label of your product, to the extent it referred
6 to PCBs would only have been during the period
7 from early 1970 to sometime in 1971; is that
8 correct?

9 A. That is correct, yes.

10 Q. So there was only about a year's period
11 in there when someone using Pydraul would have
12 seen a label on it on the box that said -- that
13 had some warning statement as to PCBs.

14 A. Yes.

15 Q. Did Pydraul have an odor?

16 A. Yes.

17 Q. What did it smell like?

18 A. That's subjective. I don't know quite
19 how to describe it. I have heard people refer to
20 it as medicinal. I have a hard time describing
21 what I sense it as. It is a little bit phenolic,
22 a little bit like a faint -- let me use a trade
23 name -- Lysol type of odor but different people
24 perceive it differently.

25 Q. Now, were you in charge, in terms of

1 your various environmental product safety job, I
2 think that was one title you had, and in the
3 context of that job and in the context of
4 reviewing communications to customers, warning
5 labels, were part of your responsibilities to
6 ensure to the extent possible that the warnings
7 were adequate for any potential problems?

8 A. Yes.

9 Q. In your opinion, do these communications
10 that we went over today that were shown to you as
11 exhibits, would they adequately warn the customer?

12 A. I think so, yes.

13 Q. I will ask you to look at Plaintiffs'
14 Deposition Exhibit 3, which is on page 020.
15 Strike that. That's not the one I want you to
16 look at.

17 I want you to look at 6.

18 MR. OCHSNER: What's your number on
19 that?

20 MS. PRICE: Exhibit 6 is page 043, 044.

21 Q. Drawing your attention to paragraph two
22 of a letter dated February 28th, 1972, there is
23 the statement, "The new Pydraul products will be
24 compatible with the present formulations and no
25 draining, cleaning, or changing of seals in your

1 systems is necessary." When you use the words,
2 "will be compatible," what does that mean? Does
3 that mean that there is no draining required, you
4 can mix the two?

5 A. Yes.

6 Q. In other words, if you have some of the
7 old stuff left, you wouldn't have to drain it out
8 to use the new, is that it?

9 A. That's right.

10 Q. Mr. Papageorge, in going over and
11 reviewing these exhibits today and testifying
12 about them, for example, as in Plaintiffs' Exhibit
13 1, which is on page 011 --

14 A. I have it.

15 Q. -- on page 011, there is the writing on
16 there that says, "Office of the President,
17 Electrolux Corporation, 51 Forest Avenue, Old
18 Greenwich, Connecticut," and there is a check. Do
19 you have any personal knowledge that these letters
20 are sent -- for example, that this letter was sent
21 there or is that just an assumption based on the
22 fact that there is a check here?

23 A. Well, it is more than just a check on
24 this copy. I was present on weekends when this
25 mass mailing took place.

1 Q. I see.

2 A. And I saw all this activity. So I was
3 involved.

4 Q. I understand. I just wanted to clear
5 that up.

6 Q. Going back, Mr. Papageorge, to the
7 cautionary statements or the advice in the letters
8 that we have gone over here today, is it fair to
9 say that if you or others at Monsanto had thought
10 that stronger cautions or warnings or instructions
11 should be put in there, that they would have gone
12 in there?

13 A. Certainly.

14 Q. And the cautionary purpose was to
15 protect human health and the environment; is that
16 fair to say?

17 A. Well, there are two different
18 statements. "Human health" was on the older label
19 and the more recent one addressed itself to the
20 environment.

21 Q. Going back for a moment to the red tag
22 program to which Plaintiffs' counsel addressed
23 some questions, when was that program in effect?

24 A. As best I remember, it was late sixties,
25 '68, '69, and somewhat into 1970 when the

1 environmental program took over.

2 Q. In other words, the red tag program,
3 then, was simply addressed toward loss of
4 product ---

5 A. Yes.

6 Q. -- as opposed to environmental
7 protection?

8 A. That is correct.

9 Q. And I assume since it came into being
10 before PCBs were identified as such, it was not
11 directed at PCBs.

12 A. That is correct.

13 Q. Turning for a moment to Plaintiffs'
14 Exhibit 12, page 221, my copy of that document
15 reads, beginning along the first line, if you
16 would draw your attention to that, please, sir,
17 "This hydraulic fluid consists of chlorinated
18 biphenyl," and then above that it has,
19 "terphenyl." Do you know what that handwritten
20 reference to terphenyl means?

21 A. I can only speculate with you on it.
22 The way I would interpret that, knowing what
23 transpired then, someone was using a copy of this
24 toxicity statement in an attempt to modify it to
25 fit 312A and they were trying to substitute the

1 proper name for the new chemicals used and that's
2 the only reason that I can think of that such a
3 markup would occur.

4 MS. PRICE: I have no further questions
5 at this point.

6 MR. DAVIDSON: Let's go off the record a
7 minute.

8 (Discussion off the record)

9 MR. DAVIDSON: Let me say that I have
10 indicated to counsel that I was concerned about a
11 misstatement that was made with respect to the
12 formulation of some of the Pydrauls about which
13 questions were directed today and we have
14 refreshed Mr. Papageorge's recollection with
15 regard to Pydraul F9, Pydraul 312, and Pydraul
16 A200, at least as to their general or major
17 Aroclor components and would like to tender him to
18 Mr. Ochsner to perhaps address some questions that
19 allow that to be clarified.

20 MR. OCHSNER: Very well.

21 EXAMINATION

22 QUESTIONS BY MR. OCHSNER:

23 Q. Mr. Papageorge, with respect to F9, what
24 were the constituent components of that material?

25 A. The major components were Aroclor 1248,

1 at about 52 percent, and the phosphate ester at
2 about 45 percent, and there were the other minor
3 amounts of additives, color, and some scavengers
4 to maintain quality.

5 Q. What were the constituent components of
6 Pydraul 312?

7 A. Pydraul 312, the major ingredients were
8 Aroclor 1242, which made up about 45 percent of
9 the total, a phosphate ester, about 14 percent,
10 there was a mineral oil, about 40 percent, and it
11 also had the other minor ingredients including
12 colors and other additives.

13 Q. And what were the constituent components
14 of Pydraul A200?

15 A. Pydraul A200, they were, as I indicated,
16 Aroclor 1248 and Aroclor 1242, but I will correct
17 the quantities. The Aroclor 1248 was present at
18 66 percent and the Aroclor 1242 at 33 percent.
19 The mixture also included some additives to
20 increase lubricity and prevent foam and so on.

21 MR. OCHSNER: Very well. Thank you.

22 EXAMINATION

23 QUESTIONS BY MS. PRICE:

24 Q. Turning to Plaintiffs' Exhibit 1,
25 turning to page 012 of that exhibit, I draw your

1 attention first, Mr. Papageorge, to the first line
2 of the second paragraph which states, "It is
3 claimed that the PCBs found strongly resemble
4 chlorinated biphenyls containing 54 percent and 60
5 percent chlorine by weight. Products which are
6 sold by Monsanto under the trade names of Aroclor
7 1254 and 1260 do contain chlorinated biphenyls."

8 Then drawing your attention down to the
9 last paragraph on page 012, there is the
10 statement, "We would like to point out the
11 following additional facts: Products such as
12 Pydraul," and then there are several listed,
13 including 312, "are not formulated with Aroclor
14 1254 and 1260." Do you recall why it was pointed
15 out that those products do not contain Aroclor
16 1254 or 1260?

17 A. Yes, I do.

18 Q. Why is that?

19 A. At that time, the information available
20 regarding what laboratories were finding in
21 samples strongly pointed out that the types of
22 PCBs that resembled Aroclor 1254 and 60 were the
23 types being found in the environment. And
24 Monsanto, in order to communicate that, felt it
25 important that we do make that distinction. At

1 the same time, we wanted the customers to also
2 know that some of the products that did contain
3 PCBs did not contain the type being found in the
4 environment at that time.

5 Q. So as late as February 1970, it was not
6 apparent that the PCBs in Pydraul 312 were being
7 found in the environment.

8 A. That is correct.

9 MS. PRICE: I have no further questions
10 at this time.

11 MR. OCHSNER: I have no further
12 questions.

13 (Thereupon, the deposition was concluded
14 at 2:43 p.m.)
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COMES NOW THE WITNESS, WILLIAM B.
PAPAGEORGE, P.E., and having read the foregoing
transcript of the deposition taken on the 29th day
of March, 1990, acknowledges by signature hereto
that it is a true and accurate transcript of the
testimony given on the date hereinabove mentioned.

WILLIAM B. PAPAGEORGE, P.E.

Subscribed and sworn to me before this
_____ day of _____, 1990.

My Commission expires: _____

Notary Public

vw

Colonnade One v. Electrolux

1 State of Missouri)
2) SS.
3 City of St. Louis)
4

5 I, Victoria L. Wilson, Registered
6 Professional Reporter and Notary Public in and for
7 the State of Missouri, duly commissioned,
8 qualified and authorized to administer oaths and
9 to certify to depositions, do hereby certify that
10 pursuant to Subpoena in the civil cause now
11 pending and undetermined in the United States
12 District Court, Eastern District of Missouri,
13 Eastern Division, to be used in the trial of said
14 cause in said court, I was attended at the
15 Stouffer Concourse Hotel 9801 Natural Bridge Road,
16 in the County of St. Louis, State of Missouri, by
17 the aforesaid witness; and by the aforesaid
18 attorneys; on the 29th day of March, 1990.

19 The said witness, being of sound mind and
20 being by me first carefully examined and duly
21 cautioned and sworn to testify the truth, the
22 whole truth, and nothing but the truth in the case
23 aforesaid, thereupon testified as is shown in the
24 foregoing transcript, said testimony being by me
25 reported in shorthand and caused to be transcribed

1 into typewriting, and that the foregoing pages
2 correctly set forth the testimony of the
3 aforementioned witness, together with the
4 questions propounded by counsel and remarks and
5 objections of counsel thereto, and is in all
6 respects a full, true, correct and complete
7 transcript of the questions propounded to and the
8 answers given by said witness; that signature of
9 the deponent was not waived by agreement of
10 counsel.

11 I further certify that I am not of
12 counsel or attorney for either of the parties to
13 said suit, not related to nor interested in any of
14 the parties or their attorneys.

15 Witness my hand and notarial seal at
16 St. Louis, Missouri, this 3rd day of
17 April, 1990.

18 My Commission expires November 14, 1992.

19 Victoria L. Kilom
20

21 Notary Public in and for the
22 State of Missouri
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COMES NOW THE WITNESS, WILLIAM B.

PAPAGEORGE, P.E., and having read the foregoing transcript of the deposition taken on the 29th day of March, 1990, acknowledges by signature hereto that it is a true and accurate transcript of the testimony given on the date hereinabove mentioned.

William B Papageorge

WILLIAM B. PAPAGEORGE, P.E.

Subscribed and sworn to me before this

26th day of April, 1990.

My Commission expires:

JOSEPHINE S. NIBLOCK
Notary Public - State of Missouri
St. Louis County
My Commission Expires January 15, 1991

Josephine S. Niblock

Notary Public

VW

Colonnade One v. Electrolux

ORIGINAL

DEPOSITION CORRECTION SHEET

In Re: *The Colonnade One At Old Greenwich L.P. et al vs Electrolex Corporation and Sara Lee Corporation, et.al.*

Upon reading the deposition and before subscribing thereto, the deponent indicated the following changes should be made:

Page Line Should read:
22 12 and 13 --- maleic anhydride
Reason assigned for change:
 Incorrect word.

Page Line Should read:
22 22 and 23 --- late 1976.
Reason assigned for change:
 Incorrect date

Page Line Should read:
24 1 --- maleic anhydride
Reason assigned for change:
 Incorrect word.

Page Line Should read:
58 13 --- a couple of dyes
Reason assigned for change:
 Incorrect spelling

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

William B Papagorge
Deponent

April 26, 1990