

In The Matter Of:

*Judith Bechtold, et al. v.
Monsanto Company, et al.*

William B. Papageorge, P.E.

Vol. 2, June 6, 1994

Volume II

Personal Deposition

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Original File papw606a.arr, 33 Pages

Word Index included with this Min-U-Script®

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IN THE CIRCUIT COURT - CITY OF ST. LOUIS
STATE OF MISSOURI
JUDITH BECHTOLD, wife of/and
STEPHEN E. BECHTOLD, ELIZABETH
TAMEWITZ, as Personal
Representative of her deceased
husband, Kenneth F. Tamewitz,
KELLIE LEE TRISLER, as Personal
Representative of her deceased
mother, NINA TRISLER, PHYLLIS
GOODMAN, as Personal Representative
of her deceased husband,
CHARLES GOODMAN, JR.,
Plaintiffs, Volume 2
vs. NO. 922-00911
MONSANTO COMPANY and
WESTINGHOUSE ELECTRIC
CORPORATION,
Defendants.
Deposition of WILLIAM B. PAPAGEORGE, P.E.
Taken on June 6, 1994

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Continued Deposition of WILLIAM B.
PAPAGEORGE, P.E., taken on behalf of the
Plaintiffs, at the law offices of Husch &
Eppenberger, 100 North Broadway, Suite 1300,
in the City of St. Louis, State of Missouri,
on the 6th day of June, 1994, 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 [4] nothing but the truth in the case
aforesaid, [5] deposes and says in reply to
oral [6] interrogatories propounded as
follows, to-wit:

[7] MS. RUTTER: Just let the record [8]
reflect that the corporate depo was
closed and [9] that this is a personal depo.
And there is a [10] deposition you could
continue the page numbers [11] from, if
that's agreeable to Counsel.

[12] MR. RACE: Yes, that's fine. It was [13]
a personal deposition taken —

[14] MS. RUTTER: I think it was the 18th,
[15] May 18th.

[16] EXAMINATION

[17] QUESTIONS BY MR. RACE:

[18] Q: I would like for you to elaborate
[19] again on the policy of Monsanto, if it
was [20] determined that its customers
were not [21] properly utilizing PCB's.
Did Monsanto have [22] any policy in that
regard whatsoever?

[23] A: The policy was one that once it
was [24] known, to make it a point to
communicate to [25] the proper individ-
uals at the customer's site

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[1] to review the proper way to handle it
as sort [2] of an underlining of previous
understanding or [3] communication and
make it a point to share [4] with them the
observation that was perceived [5] to be
inappropriate and how to correct it.

[6] Q: Okay. How often would Monsanto
or [7] did Monsanto visit the Westing-
house [8] facilities?

[9] MS. RUTTER: I missed your verb [10]
there, Mr. Race. Did you say "physically
[11] visit"?

[12] MR. RACE: Visit.

[13] A: I have no count.

[14] Q: That was done more than once a
year, [15] for example?

[16] A: Oh, I'm sure it is more than once
a [17] year. There are field salesmen and
then there [18] is home office people
would go by.

[19] Q: So it was done on a periodic basis;
[20] would you agree?

[21] A: Sort of randomly. There was no
fixed [22] second Monday of the month
or anything like [23] that but there were
attempts made to drop by [24] and see the
customer's representatives.

[25] Q: Okay. And who would be drop-
ping by?

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[1] A: Oh, it would be such a thing as the
[2] field salesman, his district manager
from the [3] district office, then there
would be the [4] person in the home
office of Monsanto was in [5] charge of
that product line, he and his staff, [6]
either together or separately would
drop by.

[7] Q: Okay. So you had several of these
[8] visits annually?

[9] A: Yes.

[10] Q: And each of those Monsanto per-
sonnel [11] visiting the Westinghouse fa-
cility had the [12] responsibility to report
to Monsanto any [13] infractions that they
would observe of proper [14] handling of
PCB's; is that correct?

[15] MS. RUTTER: Objection to the form
of [16] the question.

[17] Q: Okay. And your answer was yes?

[18] A: They would report through their
[19] organization, the salesman, district
manager [20] and he would take some
action or report it to [21] the St. Louis
office. Somebody in that [22] manage-
ment chain would hear about it, yes.

[23] Q: Now, this invitation that
Monsanto [24] extended to Westing-
house, Westinghouse [25] officials, to visit
Monsanto to see the proper

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[1] procedures of handling PCB's, when
did that [2] occur?

[3] A: I'm going to say late 1967 or '67.

[4] Q: Was that in the beginning of '67 or
[5] the end of '67?

[6] A: I would suggest it was near the
end.

[7] Q: Okay. Now, had that been done
before [8] that period of time?

[9] A: Had it been done before at any
time, [10] you mean?

[11] Q: Yes.

[12] MS. RUTTER: Are you asking if [13]
Westinghouse ever visited a Monsanto
plant?

[14] MR. RACE: No, I want to know
whether [15] Monsanto had extended an
invite for [16] Westinghouse officials to
see the good [17] housekeeping of
Monsanto.

[18] A: I don't know. I only know of that
[19] one because I was personally in-
volved. I [20] don't know if they invited
any to the other [21] Monsanto plant. I
can't speak for that.

[22] Q: Okay. So to the best of your [23]
knowledge, that was the only time that
you [24] knew that Westinghouse person-
nel were invited [25] to a Monsanto plant
to see what good

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[1] housekeeping on PCB's is?

[2] MS. RUTTER: Objection, [3]
mischaracterizes prior testimony.

[4] MR. RACE: Subject to the objection,
[5] can you answer?

[6] A: That's the only incident that I was
[7] personally involved with.

[8] Q: Okay. And the plant they visited
was [9] the plant in Alabama; is that cor-
rect?

[10] A: That is correct.

[11] Q: And you were plant manager at
the [12] time.

[13] A: That is correct.

[14] Q: And when they visited your plant in [15] Alabama, did they express any surprise at the [16] safety procedures that were being implemented [17] by Monsanto?

[18] A: No.

[19] Q: And they, in fact, knew — they were [20] familiar with those procedures, were they not?

[21] A: From their comments and all, we just [22] reinforced things that they had already heard [23] before, yes, except for some details regarding [24] the specifics, what respirator we were using [25] by catalog number and so on and the reference

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[1] to the booties by, again, a catalog page to [2] so-and-so, item so-and-so, but the general [3] idea they were fairly well tuned in.

[4] Q: So they were already tuned in with [5] the idea of wearing respirators and wearing [6] booties prior to their arrival?

[7] MR. WUNDERLICH: Object to the form.

[8] Q: Subject to your objection —

[9] A: They were tuned in to the need to [10] avoid exposure and as to when to use a [11] respirator or not, I just don't know how they [12] were trained on that.

[13] Q: But the use of respirators in the [14] presence of PCB's was not an unusual concept [15] to them, as a matter of fact, is that [16] correct?

[17] MR. WUNDERLICH: Object to the form.

[18] A: No more unusual than the use of other [19] chemicals, yes.

[20] Q: So you didn't tell them something [21] they didn't already know with the exception of [22] the specific ID number of the product?

[23] MR. WUNDERLICH: Object to the form. [24] This entire line of questioning is asking this [25] witness to speculate as to what Westinghouse

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[1] knew or didn't know.

[2] MR. RACE: Okay. Subject to the [3] objection —

[4] A: I do know that they were interested [5] enough to jot down some reference numbers. I [6] don't know what they did with them or whether [7] they had a need for them.

[8] Q: Okay. Did Monsanto have a policy to [9] stop the sale of PCB's to any customer that [10] was not abiding by the guidelines drafted by [11] Monsanto?

[12] A: I hesitate because I don't know that [13] I would describe it as a policy that's written [14] and formalized. I do know that the managers [15] of the busi-

ness kept emphasizing the need for [16] proper handling and really showed a lot of [17] interest in any information that showed [18] customers not obeying — not obeying but [19] abiding by these suggestions.

[20] Q: Isn't it true that Monsanto never [21] stopped the sale of PCB based on the misuse of [22] the product?

[23] A: Well, that's because no misuse was [24] reported.

[25] Q: Okay. Thank you. There was a fire

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[1] in the eighties, as indicated, in New York [2] involving a transformer containing a PCB [3] dielectric fluid. Are you aware of that?

[4] A: I became aware of it, yes.

[5] Q: Okay. And this was the PCB that was [6] a fire-resistant PCB; is that correct?

[7] A: Well, PCB's were involved, yes.

[8] Q: Okay. And in the subsequent [9] investigation of that facility, it was found [10] to have been contaminated not only with PCB's [11] but also furans and dioxins; is that not [12] correct?

[13] A: No. No. What was found to be [14] contaminated?

[15] Q: The area surrounding the fire.

[16] A: I understand that samples of soot, [17] really, so-called wipe samples, that's an [18] expression that's used, were wiped off of [19] surfaces and analyzed and I understand that [20] the reports came back that dioxin — [21] chlorinated dioxins and chlorinated furans [22] were detected.

[23] Q: So you would agree with me that fire- [24] resistant PCB transformers do, on occasion, [25] burn?

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[1] A: Oh, I have no evidence that the PCB's [2] burned.

[3] Q: The question was fire-resistant PCB [4] transformers burned?

[5] MS. RUTTER: Objection to the vague [6] and confusing form of the question.

[7] A: I don't know that I would describe a [8] transformer so much as a PCB transformer. I [9] would suggest that the fluid from the unit [10] contains, as one ingredient of several, [11] PCB's. Now, whether or not PCB's themselves [12] burned or not, I'm — I have never heard that, [13] under those conditions.

[14] Q: Let's try it this way: The [15] transformer in New York was a PCB transformer, [16] was it not?

[17] A: Yes, the transformer —

[18] Q: Where was it in New York?

[19] MS. RUTTER: Counsel, you are [20] interrupting him.

[21] MR. RACE: Pardon?

[22] Q: Where was it in New York?

[23] A: An office building in Binghampton, [24] New York.

[25] MS. RUTTER: Just for the record,

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[1] given the time frame of this, I would like to [2] note an irrelevance relevance objection.

[3] Q: And it burned; is that correct?

[4] A: What burned?

[5] Q: The transformer, the PCB transformer [6] caught fire?

[7] A: I don't know that. Something burned [8] in that general area where the transformer is [9] located.

[10] Q: And as a result of that fire, you had [11] not only PCB's in the area, you had also [12] furans and dioxins; is that true?

[13] A: And other things.

[14] Q: Okay. Do you know of any increase in [15] fires in transformers or capacitors after the [16] banishment of PCB's in 1970?

[17] A: Since I wasn't involved, I did not [18] stay up to date on that so I can't answer. I [19] don't know.

[20] Q: Then your answer is you do not know [21] of any increase in fires in PCB — in the [22] transformers?

[23] MS. RUTTER: Objection. That's an [24] unfair and misleading characterization of his [25] prior testimony.

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[1] A: I don't know because I was no longer [2] involved, therefore, did not stay up to date. [3] I have no way of answering that. I just don't [4] have information.

[5] Q: When did Dr. Kelly inform you of the [6] two chloracne cases or three chloracne cases [7] that resulted from the abuse of PCB's?

[8] A: The use of PCB's?

[9] Q: The abuse.

[10] A: Abuse of PCB's. I'm trying to [11] remember if there were any cases. I'm aware [12] of some reference to chloracne when PCB's were [13] made by Monsanto's predecessor company, Swan [14] Chemical Company.

[15] Q: Okay.

[16] A: And that, as best I understood, was [17] traced back to a supply of benzene that was [18] used in making the byphenyl that was — that [19] had some impurities in it.

[20] Q: And when did you become aware of that [21] occurrence, namely the development of [22] chloracne by employees of Swan in '38?

[23] A: Oh, I would — early 1970.

[24] Q: You didn't know about the chloracne [25] case in Swan prior to 1970?

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[1] A: That is correct.
[2] Q: Okay. And you were plant manager for [3] how many years?
[4] A: About five.
[5] Q: Okay. And during that time as a [6] plant manager, did anybody indicate to you [7] what the hazards associated with the misuse of [8] PCB's may be?
[9] A: Certainly.
[10] Q: And what is your appreciation of the [11] hazards back when you were a plant manager, [12] what were your appreciations of the hazards of [13] PCB?
[14] A: I knew that the situation we [15] discussed earlier, like prolonged breathing [16] and skin contact, could cause harm.
[17] Q: Did you know the nature of harm?
[18] A: The amount of harm would depend, of [19] course — would vary from person to person, [20] would vary by the amount and type of exposure [21] and the type of PCB but I was told that, as an [22] example, PCB on the skin tends to remove the [23] natural oils in the skin, resulting in a dry, [24] chapped hands appearance, that the next step [25] might be one of cracking to the point where

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[1] bleeding would occur. That's even a [2] progressively worse condition.
[3] Q: Now, this is a condition that you [4] were aware of when you were a plant manager [5] from '65 to '70, correct?
[6] A: That is correct.
[7] Q: Okay. Did anyone tell you what the [8] name of that condition was?
[9] A: I don't know that I had ever heard of [10] a medical name, if that's what you are asking [11] for.
[12] Q: I'm asking you whether as a plant [13] manager you ever heard the name "chloracne."
[14] MS. RUTTER: Well, objection.
[15] A: Chloracne. I knew of chloracne but [16] not related to PCB's, is that — before I was [17] plant manager I knew of chloracne.
[18] Q: But you did not know that chloracne [19] related to PCB's?
[20] A: I knew — I was informed by the [21] medical people, the plant physician and [22] Dr. Kelly's department that overexposure to [23] the skin could result in — the next stage [24] after the red skin stage could result in [25] chloracne symptoms. That was the further

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[1] exposure. I knew that but I never saw it.

[2] Q: Okay. And you were informed of that [3] fact when you were a plant manager; is that [4] correct?
[5] A: Yes. Yes.
[6] Q: Okay. And did you know of any other [7] adverse effects from exposure to PCB's other [8] than chloracne?
[9] A: I was also aware that if it continued [10] to be present and abused, that the liver would [11] be affected.
[12] Q: Okay. And you knew that in — [13] between 1965 and '70?
[14] A: Correct.
[15] Q: Okay.
[16] A: Correct.
[17] Q: Did you know about that before 1965?
[18] A: Yes, I did. I knew that before that [19] when I had — when I was a maintenance [20] superintendent and had electricians working [21] with PCB's and, also, when I was in charge of [22] steam-generating electrical distribution [23] system when we used transformers and [24] capacitors, so on.
[25] Q: And did anyone ever tell you that

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[1] those conditions resulted from exposure to [2] PCB's?
[3] A: Overexposure, yes, sir.
[4] Q: Overexposures to PCB's. And did you [5] ever ask if anybody had actually been [6] overexposed and contracted those conditions?
[7] A: Yes.
[8] Q: And what were you informed?
[9] A: I was informed that the kind of [10] facilities that we had, that we had no cases [11] of that.
[12] Q: That's not my question. Not at your [13] facilities but were you informed that anyone [14] had been diagnosed or had sustained those [15] injuries which were described to you, namely [16] the chloracne and the liver damage?
[17] A: I was not — nothing related to [18] Monsanto activities, no, but I did, as I [19] indicated earlier, hear about the Swan [20] Chemical experience later in 1970.
[21] Q: Okay. So let me get this right: You [22] got a warning that PCB caused chloracne and [23] liver damage — overexposure to PCB?
[24] A: No. No. Something in the PCB [25] produced with impure benzene caused the

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[1] chloracne, not the PCB's.
[2] Q: So your opinion is PCB's do not cause [3] chloracne?
[4] MS. RUTTER: Objection, [5] mischaracterizes prior testimony and

this [6] doctor is not the medical doctor; Dr. Kelly is [7] the medical doctor.
[8] A: I'm a little confused at the moment. [9] I thought we were talking about the chloracne [10] experience that employees of Swan Chemical [11] Company had and when I first knew about that.
[12] Q: I want to know about when you first [13] learned of any chloracne resulting from [14] exposure to PCB substance.
[15] A: I first knew that when — gosh, I [16] would suggest from the early 1960's when I had [17] the electrical distribution function [18] responsibility and the maintenance [19] responsibilities, we knew or we were told that [20] continued exposure could result in chloracne.
[21] Q: Okay. Now, my question is when did [22] you find out that there was specific cases of [23] chloracne developing from Monsanto employees [24] or Monsanto customers?
[25] MS. RUTTER: I object to the compound

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[1] form of the question.
[2] A: I personally don't recall any [3] reference to customers' people with chloracne, [4] nor Monsanto employees with chloracne. I [5] don't know of any.
[6] Q: You never heard of that?
[7] A: I just don't recall any. I don't [8] know where it would be. With PCB's?
[9] Q: With PCB's.
[10] A: I don't know of any.
[11] Q: Maybe we are not on the same page [12] here but didn't you just tell me a while ago [13] that Dr. Kelly told you of some cases in which [14] chloracne resulted from exposure to PCB's?
[15] A: No, I don't know that it was [16] chloracne. I thought we were talking about [17] health effects noted by customers in which [18] PCB's were misused or abused, if we can use [19] that word. I don't remember chloracne [20] specifically.
[21] Q: What were the health effects that [22] were related to you by Dr. Kelly, the adverse [23] health effects?
[24] MS. RUTTER: Objection, I believe the [25] witness has previously testified that

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[1] Dr. Kelly did have a discussion with him that [2] at this time —
[3] MR. RACE: I wish you wouldn't [4] instruct the witness. I wish you would let [5] him answer my question. If you want to object [6] to the form, object to the form.
[7] MS. RUTTER: I object to the form in [8] that it mischaracterizes his prior testimony.

[9] MR. RACE: Thank you, Counsel. [10] That's very gracious.
[11] THE WITNESS: I'm confused now.
[12] MR. RACE: Apparently. Apparently,
[13] Mr. Papageorge. Thank you very much. I don't [14] have any further questions.
[15] THE WITNESS: Okay.
[16] EXAMINATION
[17] QUESTIONS BY MS. RUTTER:
[18] Q: Mr. Papageorge, I have a couple of [19] questions.
[20] At some point in time you had a [21] discussion with Dr. Kelly, is that correct, [22] about Dr. Kelly's discussions with customers [23] over the years as Monsanto's medical director?
[24] A: Yes.
[25] Q: Did Dr. Kelly relate to you that in

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[1] two or three instances customers had reported [2] some problems with using PCB's and Dr. Kelly [3] found that there had been misuse?
[4] MR. RACE: I object to the leading [5] nature of that question.
[6] MS. RUTTER: That's fine. That's [7] fine.
[8] A: That is correct.
[9] MR. RACE: Do you want to walk him [10] all the way through it or do you want a [11] television prompter?
[12] Q: At this point in time, do you [13] remember the details of those discussions you [14] had with Dr. Kelly?
[15] A: Not too clearly. I got an impression [16] that there was some reference to nausea, to [17] skin rashes, reddening of skin kind of thing. [18] I'm having a difficult time associating that [19] discussion with chloracne. I just can't do [20] that because I just somehow can't relate the [21] two.
[22] Q: But Dr. Kelly is in a better position [23] than you to recount the details of his [24] discussions with customers?
[25] A: Certainly. Yes.

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[1] Q: When, in what time frame, did you [2] have a discussion with Dr. Kelly about his [3] interactions with customers who had worked [4] with PCB's, the precise details of which I [5] realize you can't recall at this time?
[6] A: That occurred about the middle of [7] 1970.
[8] Q: So about 24 years ago?
[9] A: Yes.

[10] Q: And so here in 1994 you are having a [11] little difficulty recalling the details of a [12] conversation that occurred 24 years ago?

[13] A: Yes. I remember the essence of the [14] discussion, though, that the situation was [15] related to mishandling of the material. [16] That's the important thing that stuck with me.
[17] MS. RUTTER: I don't have any further [18] questions.
[19] EXAMINATION
[20] QUESTIONS BY MR. RACE:
[21] Q: So in mid 1970, like in the summer of [22] 1970?
[23] A: About that time, yes.
[24] Q: Okay. About the summer of 1970,
[25] Dr. Kelly told you of some harmful effects

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[1] associated with Monsanto's PCB customers?
[2] A: Correct.
[3] MR. RACE: Thank you very much.
[4] MS. RUTTER: I have a couple of other [5] questions.
[6] MR. RACE: Object to redirect or [7] recross.

[8] EXAMINATION
[9] QUESTIONS BY MS. RUTTER:

[10] Q: Did you learn from Dr. Kelly when you [11] had this discussion in mid-1970 whether the [12] customer problems that he discussed with you [13] were serious or long-term?
[14] A: No. The impression I was left with [15] was that the symptoms described to Dr. Kelly [16] disappeared when the customer followed [17] Dr. Kelly's instructions about wash your hands [18] and clean up and don't breathe, these kind of [19] instructions he gave.
[20] MR. RACE: "Don't breathe" always [21] works.
[22] A: Don't breathe the fumes, more [23] correctly. So I personally was left with an [24] impression that once the proper procedures [25] were used, the symptoms disappeared and no

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[1] further problems existed.
[2] MS. RUTTER: I have no further [3] questions.

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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 6th day of June, 1994, 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 _____, 1994.
My Commission expires: _____
Notary Public

vw
Bechtold, et al. V. Monsanto, et al.

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[1] State of Missouri [2] SS. [3] City of St. Louis [4] I, Victoria L. Wilson, a Notary

Public in [5] and for the State of Missouri, duly [6] commissioned, qualified and authorized to [7] administer oaths and to certify to [8] depositions, do hereby certify that pursuant [9] to Notice in the civil cause now pending and [10] undetermined in the Circuit Court of the City [11] of St. Louis, State of Missouri, to be used in [12] the trial of said cause in said court, I was [13] attended at the offices of Husch & [14] Eppenberger, 100 North Broadway, Suite 1300, [15] in the City of St. Louis, State of Missouri, [16] by the aforesaid witness; and by the aforesaid [17] attorneys; on the 6th day of June, 1994.

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

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[1] and that the foregoing pages correctly set [2] forth the testimony of the aforementioned [3] witness, together with the questions [4] 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 [8] the answers given by said witness; that [9] signature of the deponent was not waived by [10] agreement of counsel.

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

[15] Witness my hand and notarial seal at [16] St. Louis, Missouri, this day of [17] -- --, 1994.

[18] My Commission expires March 14, 1997.

[20] Notary Public in and for the [21] State of Missouri

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COURT MEMO
CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI
JUDITH BECHTOLD, et al.,
vs. CAUSE NO. 922-00911
MONSANTO COMPANY, et al.
CERTIFICATE OF OFFICER AND
STATEMENT OF DEPOSITION CHARGES
(Rule 57.03(g)(2)(a) & Sec. 492.590 RSMO 1985)
DEPOSITION OF WILLIAM B. PAPAGEORGE, P.E.
TAKEN ON BEHALF OF THE PLAINTIFFS
JUNE 6, 1994
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IN WITNESS WHEREOF, I have hereunto set my
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Notary Public

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