

FOSHEE & TURNER COURT REPORTERS

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

WALTER OWENS, et al.,)
Plaintiffs,)
vs.) CIVIL ACTION NO.
CV-P-440-E
MONSANTO COMPANY,)
Defendant.)

DEPOSITION OF: DON ROBERTSON

In accordance with Rule 5 (d) of The
Alabama Rules of Civil Procedure, as Amended,
effective May 15, 1988, I, TAMMY JENNINGS
GREGORY, am hereby delivering to MS. LAURA RUTH
the original transcript of the oral testimony
taken on the 3rd day of November, 1999, along
with exhibits.

Please be advised that this is the same and
not retained by the court reporter, nor filed

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1 with the Court.

2 The deposition of Don Robertson was taken
3 before Tammy R. Jennings Gregory, commencing at
4 8:15 A.M. on the 3rd day of November, 1999, by
5 the Plaintiffs, at the law offices of Fite &
6 Miller, Anniston, Alabama pursuant to the
7 stipulations set forth herein.
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Tammy R. Jennings Gregory

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I N D E X

Witness: Don Robertson

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E X H I B I T S

(No exhibits were marked for identification,
admitted, or attached as exhibits hereto.)

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S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by and between the parties through their respective counsel that the deposition of Don Robertson may be taken before Tammy R. Jennings Gregory, at the law offices of Fite & Miller, Anniston, Alabama on the 3rd day of November, 1999.

IT IS FURTHER STIPULATED AND AGREED that the signature to and the reading of the deposition by the witness is waived, the deposition to have the same force and effect as if full compliance had been had with all laws and rules of court relating to the taking of depositions.

IT IS FURTHER STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions, except as to form or leading questions, and that counsel for

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1 the parties may make objections and assign
2 grounds at the time of trial or at the time said
3 deposition is offered in evidence or prior
4 thereto.

5
6
7 IT IS FURTHER STIPULATED AND AGREED that
8 the notice of filing of the deposition is waived.
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STATE OF ALABAMA, CITY OF ANNISTON,

NOVEMBER 3, 1999,

8:15 A.M.,

DON ROBERTSON,

having been first duly sworn, was examined and
testified as follows:

COURT REPORTER: Usual stipulations
okay?

MS. RUTH: Yeah.

MR. KELLY: Yeah.

EXAMINATION BY MS. RUTH:

Q. Mr. Robertson, I think we were introduced
before. I'm Laura Ruth, and I want to --
have you ever taken a deposition before?

A. No.

Q. No. Okay. Well, you probably already know
this -- it's probably already been explained
to you -- but giving an oath is the same as
giving an oath in a court of law, and you're
required to tell the truth.

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1 Okay. I think the way we're going
2 to do this is the way it's worked so far is
3 we'll quickly trace your work history and go
4 back into some areas and maybe talk about it
5 with a little more specificity. You are now
6 at Monsanto or Solutia?

7 A. Solutia, yeah.

8 Q. And when did you start working there?

9 A. September of '66.

10 Q. Is that your first job?

11 A. Oh, no.

12 Q. No. Had a long work history before there?

13 A. No, I was just twenty-one when I hired in out
14 there. I had two or three jobs before I come
15 there.

16 Q. What kind of work did you do before you ended
17 up at Monsanto?

18 A. Well, when I first graduated from high
19 school, we couldn't find any work around
20 here, so several of us guys went to Los
21 Angeles to try our luck out there and didn't
22 like it and heard they was hiring at Lee
23 Brothers.

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1 Come back, but I didn't get on at
2 Lee Brothers right then, so I went to work at
3 Chastain Roberts. It's now Supervalu.

4 Q. Okay.

5 A. And worked at Chastain Roberts for a while
6 and eventually got on at Lee Brothers, worked
7 there a couple years and --

8 Q. And what did you do for those places?

9 A. At Chastain Roberts, I was a picker. I'd get
10 an order for grocery stores -- grocery stores
11 give an order, and I'd go back in the
12 warehouse and fill that order to be loaded
13 onto a truck.

14 At Lee Brothers, I done all the
15 foundry work and done some molding and set
16 cores.

17 Q. Okay. And then you went from Lee Brothers to
18 Monsanto; is that right?

19 A. I worked there for a couple years and then
20 went to Monsanto.

21 Q. And what was your first job at Monsanto?

22 A. Well, I don't know whether it's so or not. I
23 was hired as -- I was probably -- they said I

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1 was the first white laborer they hired out
2 there.

3 Q. What department was that?

4 A. I think that was part of the maintenance
5 group.

6 Q. Maintenance. And what did you do in the
7 maintenance department at that time?

8 A. As a laborer, I done laborer duties. We're
9 union, so you got different duties.

10 Q. Uh-huh (indicating yes). But I've heard
11 things -- well, I've heard two different
12 things. We can talk about this in a little
13 bit, but one that the plant was essentially
14 divided up in terms of maintenance workers
15 where some people took care of the north side
16 and some people took care of the south side.
17 Was that -- do you remember that --

18 A. We had a north maintenance shop and south
19 maintenance shop.

20 Q. Did you switch back and forth?

21 A. We'd, you know, you worked -- as a laborer, I
22 worked all over the plant.

23 Q. What would you say, like, just list for me a

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1 few things that you did pretty much on a
2 daily basis.

3 A. The laborer group usually kept up the yards,
4 and we cleaned control rooms and offices and
5 helped the other maintenance people.

6 Q. Clean out tanks sometimes?

7 A. No, we -- that wasn't part of our duties as a
8 laborer.

9 Q. No?

10 A. (Witness shakes head.)

11 Q. Okay. How long were you as a laborer in the
12 maintenance group?

13 A. When I first went in, I wasn't there but just
14 a few months, and they opened up a new
15 department.

16 And they was asking for volunteers
17 that wanted to go down there, and I signed up
18 and went down there, P2S5.

19 Q. P2S5. What did you do at P2S5?

20 A. I was an operator.

21 Q. And so this is still going to be -- is this
22 before or after we transition to '67?

23 Because you said you were a laborer for a few

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1 months. Was it after Christmas you went down
2 to P2S5?

3 A. It was probably after the first of the year
4 when I went down to P2S5.

5 Q. And how long did you stay there?

6 A. It's been so long ago. Probably close to two
7 years.

8 It was two operators per shift, and
9 it got so smooth and everything was going so
10 well that -- well, the original plan was
11 anyhow to go to one operator per shift.

12 When they did, I was one of the
13 junior operators, so I moved to another
14 department.

15 Q. Okay. Where did you move at that point?

16 A. That, I'm not sure about. It was either back
17 to the laborer group, or that may have been
18 when I went as an aroclor operator, laborer
19 in the aroclor department.

20 Q. Okay. So you were a laborer in the aroclor
21 department?

22 A. Operator, laborer.

23 Q. Operator, laborer. Does that mean it was a

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1 blended type position where you did some
2 operator functions --

3 A. Operator laborer usually done the drumming
4 and flaking and stuff like that right there.

5 Q. Okay. And you're not sure if there was
6 something -- this is around 1969? Early
7 part? Late part?

8 A. Probably sometime along then, yeah. Like I
9 say, it's been so long ago, and that's such a
10 short stint, you know, all these different
11 places. I can't remember just how long I
12 spent in each place.

13 Q. So you're not sure if there was something
14 that was between your P2S5 tour duty and your
15 aroclor --

16 A. Like I say, I don't know when I left P2S5 if
17 I went back to the laborer group or over --

18 Q. -- over to aroclor?

19 A. -- there. It's been so long ago.

20 Q. So there might have been something in the
21 interim?

22 A. Could have been. I could have gone back to
23 the laborer group. I can't remember.

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1 Q. How long you were in the aroclor department?

2 A. It was a very short period of time. It was
3 -- I don't know if it was over a year and a
4 half or maybe not been that long. I can't
5 recall.

6 Q. Okay. Were you there when it shut down?

7 A. No.

8 Q. So you left before it shut down?

9 A. Right.

10 Q. Did you leave a long time before it shut
11 down, or was there some initial downsizing
12 before it shut down?

13 A. I don't think so. I left there and went to
14 niran department. I don't know if I bid over
15 there or what. I just -- it's been so long.

16 Q. Okay. So you left there and went to niran.
17 And how long were you in niran?

18 A. I spent a long time over there. I stayed
19 there until probably early to mid '70s. No,
20 mid '80s. Excuse me. Early to mid '80s.

21 Q. So presumably you went over there sometime in
22 the early '70s because you went over before
23 they shut down?

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1 A. Right. I spent a long time in the niran
2 department.

3 Q. And stayed there for ten years, fifteen
4 years?

5 A. Let's see. Between ten and fifteen.

6 Q. Between ten and fifteen years. Okay. And
7 what did you do over there?

8 A. I was an operator and a chief operator.

9 Q. Okay. And then that's -- you stayed there
10 until they shut down niran; is that right?

11 A. Right.

12 Q. That was about the time they shut down
13 niran.

14 A. Right. '86, along in there.

15 Q. And then you went where?

16 A. Biphenyl.

17 Q. Biphenyl.

18 A. I went everywhere. I've been all over.

19 Q. All right. That's how you end up with
20 staying power; right?

21 A. Let me -- I forgot. I didn't stay there the
22 whole time. About '84, I went to
23 maintenance.

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HARTOLDMON0036603

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1 Q. Maintenance.

2 A. I went from maintenance back to biphenyl.

3 Q. So you weren't there when they shut down?

4 A. Huh-uh (indicating no).

5 Q. Okay. So you were in maintenance about two
6 years?

7 A. Uh-huh (indicating yes), two, three, four
8 years.

9 I thought I was getting a day shift
10 job, but I got surprised on that. They put
11 second shift on maintenance.

12 Q. What did you do in maintenance? Made the
13 switch on you huh?

14 A. Just maintenance work.

15 Q. You change lightbulbs?

16 A. Oh, no. I was an electrician. I was a
17 maintenance mechanic. Valves, pumps.

18 Q. Okay. So you're out there fixing equipment?

19 A. I was a millwright pipe fitter more or less
20 what I was.

21 Q. Okay. And then you go to biphenyl in about
22 '86?

23 A. (Witness nods head.) When niran shut down.

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1 Q. There was a big -- was there a big shift at
2 that point in who does what and sort of
3 trying to relocate some people, I guess?

4 A. Yeah. I had about twenty years seniority
5 right along that there, and I almost got laid
6 off. I was on the -- near the bottom of the
7 totem pole. But I went to biphenyl.

8 Q. Okay. And how long were you in biphenyl?

9 A. Let's see. I've been in maintenance since
10 about the last four years, so from then until
11 about four years ago.

12 Q. Is that '95? '86 to '95?

13 A. '94, '95.

14 Q. '94, '95. What did you do in biphenyl?

15 A. I was an operator.

16 Q. Operator. They say variety is the spice of
17 life, and you've now been, what, how many
18 different places; right?

19 A. Been about everywhere.

20 Q. And now you're back in maintenance?

21 A. I'm back in maintenance.

22 Q. And are you back doing pipe fitting type
23 stuff?

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HARTOLDMON0036605

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1 A. (Witness nods head.)

2 Q. Okay. Now, I know it was a brief time and a
3 long time ago, but we are going to need to
4 focus some here on your time in the aroclor
5 department and just sort of try to hammer out
6 as best we can what you did in the aroclor
7 department.

8 Maybe we should start with a day in
9 the life. What was --

10 A. When I first went over there, like I say, I
11 was an operator laborer. We drummed and
12 flaked, so mostly I flaked biphenyl.

13 Q. Okay.

14 A. Most of what I've done down there is flake
15 biphenyl.

16 Q. That would mean you're working in the solid
17 aroclor group?

18 A. That was kind of on the other side of me.
19 They flaked on the same department -- same
20 level as me, yeah.

21 Q. Okay. You know what, yesterday we had -- we
22 asked Mr. Rich to sort of draw us an overview
23 layout of what it looked like in the aroclor

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1 department. Maybe if I pull that out, you
2 can kind of point to me where you were --

3 A. I'll see.

4 Q. -- and see if it rings any bells. It might
5 be easier for you. Okay.

6 We're going to use Plaintiffs'
7 Exhibits 23, 24, and 25. And for Mr. Rich's
8 benefit, he'll, I'm sure, want to qualify
9 that he told us from the onset he was not an
10 artist. So here we go.

11 As I understood it from our
12 discussions yesterday, let's -- looking at
13 Plaintiffs' Exhibit 24, outside you've got
14 your chlorinators and blow tanks for your
15 liquid aroclor production.

16 Do you remember that being right
17 outside the aroclor building?

18 A. Right. Okay. Yeah.

19 Q. Does that ring a bell?

20 A. Uh-huh (indicating yes).

21 Q. And do you remember if that was concreted?
22 Was that a concrete area?

23 A. I can't recall.

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1 Q. Can't recall?

2 A. Huh-uh (indicating no).

3 Q. Do you remember if there was a roof over that
4 at all?

5 A. Over this part right here?

6 Q. Yeah.

7 A. I can't recall.

8 Q. Just can't remember?

9 A. I run the continuous chlorinators, but I
10 can't remember if there was a roof over them
11 or not. I can't remember.

12 Q. You ultimately -- you worked on these, the
13 continuous chlorinator, from this group?

14 A. Uh-huh (indicating yes).

15 Q. We've heard some people tell us that the
16 pumps on the continuous chlorinators leaked
17 on occasion. Do you recall those chlorinator
18 pumps leaking?

19 A. Well, we have drip pans under --

20 Q. Yeah, drip pans underneath the pumps.

21 A. I don't -- they run all the time, but like I
22 say, I don't --

23 Q. Yeah.

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HARTOLDMON0036608

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1 A. But we have drip pans.

2 Q. Underneath?

3 A. We have them under the pumps now.

4 Q. For different --

5 A. Uh-huh (indicating yes).

6 Q. Not for aroclor?

7 A. No.

8 Q. How -- what did a drip pan look like?

9 A. Just a square aluminum stainless steel pan,
10 whatever.

11 Q. And did it run into something else, or would
12 it just periodically fill up and you would --

13 A. I guess you just -- eventually fill up and
14 you poured it somewhere.

15 Q. Okay. Do you remember what you did with it?

16 A. No.

17 Q. No.

18 A. Some of that stuff could be reworked.

19 Q. Might put it back in?

20 A. Might put it back where it could be reworked.

21 Q. Yeah.

22 A. It's been so long. I don't --

23 Q. You don't remember?

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HARTOLDMON0036609

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1 A. Like I say, I didn't -- it was such a short
2 period of time I spent in that department.

3 Q. Sure. Yeah. When you -- if you'd kind of
4 pull it out from underneath, I assume, to
5 dump it back in; is that right? If you were
6 going to rework it, would you sort of pull it
7 out from where it is --

8 A. Uh-huh (indicating yes), slide it out.

9 Q. -- and trickle it back in? Was there a
10 procedure for cleaning out, cleaning out the
11 pans? I mean, was there some protocol, some
12 plan?

13 A. No, I don't reckon.

14 Q. Was it a common sense thing? Pan's full so
15 we empty it?

16 A. I guess so.

17 Q. Yeah. Did you slide another pan under it --

18 A. Well, you know, that was just put under there
19 as a precaution. Most of them, you know --
20 if it did leak. They all didn't leak.

21 Q. Uh-huh (indicating yes). Do you remember
22 there being some kind of packing in the pump
23 to help it --

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HARTOLDMON0036610

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1 A. Well, you have packing and then mechanical
2 seals too.

3 Q. Both?

4 A. (Witness nods head.)

5 Q. What's the difference?

6 A. Packing is just solid material that you put
7 in there and tighten up, where a mechanical
8 seal is like --

9 Q. Is it like a gauze or something?

10 A. Of the packing?

11 Q. Yeah.

12 A. Yeah.

13 Q. Kind of stick it in there almost like you
14 would put on a wound, I guess, to keep it
15 from --

16 A. Yeah, yeah.

17 Q. And the mechanical seal is actually a
18 fitting?

19 A. It's stainless -- it slides up against -- I'd
20 have -- I can't tell you.

21 Q. Do you want to draw it?

22 A. No, I couldn't draw it. It's kind of
23 complicated. I couldn't draw it. Ain't no

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HARTOLDMON0036611

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1 way.

2 Q. Okay. But it somehow fits onto --

3 A. It fits on your shaft.

4 Q. And it keeps -- and it --

5 A. It keeps your product from leaking out.

6 Q. Did you always have mechanical seals on the
7 pumps?

8 A. Yeah.

9 Q. As long as you remember?

10 A. (Witness nods head.)

11 Q. Did you always use packing also, or did you
12 use a --

13 A. We have about two pumps out there now. And
14 back then I couldn't tell you which had
15 mechanical seal on them because I didn't know
16 what a mechanical seal was as an operator at
17 that time.

18 Q. Okay. So you're not sure if there was a
19 mechanical -- probably not sure if there was
20 -- are you sure --

21 A. I couldn't tell you what kind of --

22 Q. -- whether there was a mechanical seal or
23 not?

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HARTOLDMON0036612

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1 A. Right.

2 Q. Because at the time, you wouldn't have known
3 what a mechanical seal was?

4 A. Being a mechanic now, the packing is just put
5 on pumps that's not used much and there's not
6 no problem with the product -- whatever it is
7 -- kind of product it is -- of hurting
8 anything.

9 The mechanical seal is used on
10 products -- on your main products.

11 Q. Okay. I'm going to have to admit --

12 A. Packing goes on stuff like water and stuff
13 like that there is what I'm trying to say.

14 Q. Okay. So you use packing if you think the
15 product is not toxic?

16 A. Right.

17 Q. Okay. If you think the product is toxic --

18 A. -- they usually use a mechanical seal.

19 Q. Because the mechanical seal --

20 A. -- is a better seal.

21 Q. Is a better seal. But you don't remember
22 whether or not there were mechanical seals on
23 the chlorinators?

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1 A. I couldn't tell you what kind. Sure
2 couldn't.

3 Q. And do you remember if there was packing on
4 the chlorinators?

5 A. I don't know.

6 Q. You don't remember?

7 A. (Witness shakes head.)

8 Q. Okay. Okay. So for a while, you worked as
9 an operator on the chlorinators?

10 A. (Witness nods head.)

11 MR. KELLY: You have to say yes or
12 no.

13 THE WITNESS: Yes. I'm sorry.

14 Q. (By Ms. Ruth) What else did you do in the
15 aroclor department?

16 A. That was the only two jobs that I done in
17 that department was flaked and run those
18 continuous chlorinators.

19 Q. Okay. Let's talk a little bit about the
20 flaking then.

21 Over here, we drew a flaker on the
22 second floor in the main aroclor building.
23 And then what Mr. Rich told us is later, it

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1 was moved to a warehouse, a special warehouse
2 for drumming and flaking.

3 Do you remember where or if you
4 worked in both places or --

5 A. Now, the biphenyl flaker was moved, I know.
6 It was moved to the warehouse.

7 Q. The biphenyl flaker. Well, where did you
8 work?

9 A. I worked -- let's see. Say if this is the
10 bottom floor, I was kind of right in the
11 center right here. Somewhere right in here
12 (indicating).

13 Q. So the bottom floor on the center?

14 A. (Witness nods head.)

15 Q. And what did -- okay. So the way I was
16 described the flaker -- tell me if this makes
17 sense to you -- you've got a big roller --
18 this is going to be on the second floor --
19 you had a big roller that's rolling this
20 substance --

21 MR. PECK: Laura, remember he was
22 working on the biphenyl flaker.

23 THE WITNESS: I'm working on the

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1 biphenyl flaker.

2 MR. PECK: Not the aroclor flaker.

3 THE WITNESS: I didn't work the
4 aroclor flaker.

5 MR. PECK: It's different entirely,
6 so you might just want to describe it.

7 THE WITNESS: I'm getting a little
8 confused.

9 Q. (By Ms. Ruth) Okay. That's my mistake. I
10 had you working on the aroclor. Explain to
11 me what did you then.

12 A. This flaker, it would chill the product, come
13 off in a flake, and I'd put it in a bag and
14 put it on a pallet.

15 Q. Okay. Where did the product come from?

16 A. From another department up the hill somewhere
17 up in here.

18 Q. Did it come from the biphenyl department?

19 A. Right.

20 Q. Okay. How did it get to you?

21 A. Piped down there.

22 Q. It was piped down there. What did your
23 flaker look like?

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1 A. I couldn't describe it. I can describe the
2 new one they got down there because I worked
3 on it more than I did this one here. It was
4 just -- it had a big hopper.

5 Q. Okay.

6 A. -- and a chiller that chilled the product
7 from a liquid to a flaking.

8 Q. Did it go through any process before it --
9 did it get piped directly into a hopper, or
10 did it get piped some place first?

11 A. Piped to a tank.

12 Q. It got piped to a tank.

13 A. And then it circulated through the chiller.

14 Q. Where is the -- is the tank in the aroclor --

15 A. I don't -- I -- the only -- I couldn't
16 describe this down here to you because I
17 didn't spend that much time down there.

18 Q. Uh-huh (indicating yes).

19 A. But when I -- another one of my stints, I
20 worked in the warehouse, and we -- we flaked
21 biphenyl as one of our duties down there.

22 Q. Okay. Let's finish up though with your time
23 in the aroclor department, and then we'll

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1 move over to your time in the warehouse.

2 The stuff, the biphenyl product, is
3 piped to the aroclor department?

4 A. I assume it was.

5 Q. And it went into a tank?

6 A. Right.

7 Q. You're not sure where the tank was --

8 A. No.

9 Q. -- in the aroclor department?

10 A. No. I wasn't responsible for the tank or
11 anything. All I was responsible for was
12 getting --

13 Q. You never saw the tank?

14 A. I'm sure I saw the tank.

15 Q. You're sure you saw it, but you just can't
16 place it --

17 A. No, I couldn't place it.

18 Q. -- in your head? Do you have any
19 recollection of at least whether the tank was
20 inside or outside?

21 A. I couldn't tell you where it was at.

22 Q. Okay. From the tank, you knew it went to a
23 chiller?

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1 A. It had to go through a chiller.

2 Q. Through a chiller. What does a chiller look
3 like?

4 A. It's just a rotating -- big round rotating
5 machine right there that has water to it.
6 When it comes around, it has a blade, and it
7 just peels off that wheel.

8 Q. Sounds like it's similar to the -- what they
9 call the drum -- or not the drum, the -- they
10 called it part of the flaker in the arocilor?

11 A. (Witness nods head.)

12 Q. Where is the -- where is the -- where is the
13 biphenyl product in relation to this turning?

14 A. It's circulated out of that tank they pumped
15 down to it through the chiller.

16 Q. So it comes down from the tank?

17 A. (Witness nods head.)

18 Q. Does it get poured on top of the chiller,
19 into the chiller?

20 A. Well, I wasn't responsible for that, but the
21 way I recall it was that you pumped the --
22 it's pumped from the department up here to a
23 tank down here.

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1 And then you have a circulating
2 pump that circulated through this chiller.
3 And as it's chilled, it falls over into this
4 hopper. That's all I can say.

5 Q. When it comes into the hopper, what does it
6 look like?

7 A. It's a white material.

8 Q. Is it powder?

9 A. White powdery.

10 Q. White powder. Like machine -- I mean clothes
11 detergent, laundry detergent?

12 A. It's kind of like sugar.

13 Q. Like sugar?

14 A. Yeah.

15 Q. How do you -- and that's the flaked material?

16 A. (Witness nods head.)

17 Q. What did you do?

18 A. When I put it in the bag and put it on the
19 pallet, when they got the pallet full, I
20 moved my pallet over there and put another
21 pallet down there to be filled up.

22 Q. How did you get it in the bag?

23 A. Just set it under a little funnel like thing

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1 where it'd come out.

2 Q. Does it come out of the hopper into a funnel?

3 A. Uh-huh (indicating yes).

4 MR. KELLY: Answer out loud.

5 THE WITNESS: Yes, I'm sorry.

6 Q. (By Ms. Ruth) Is it constant or continuous,
7 or is there some valve where you turn it off?

8 A. It can be closed off, but most of the time it
9 was constant.

10 Q. So how many of you were down there bagging?

11 A. There was usually one guy over there, and
12 there may have been somebody drumming out. I
13 guess it's according to what your orders was
14 as to what was needed, to drum out or flake
15 out.

16 Q. Uh-huh (indicating yes).

17 A. Some days you didn't flake; some days you
18 didn't drum.

19 Q. What would you do on the days you didn't
20 flake?

21 A. Clean up.

22 Q. Clean up?

23 A. Clean up. Train. Train on other jobs if you

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1 wanted to get some overtime.

2 Q. So that you would then be prepared to fill in
3 on the other jobs?

4 A. Move up.

5 Q. To move up. What does drumming mean? What's
6 the difference between -- I'm gathering that
7 you're equating putting these flakes in a bag
8 as the same as flaking?

9 A. (Witness nods head.)

10 Q. You call that flaking? That was the title of
11 the job?

12 A. (Witness nods head.)

13 Q. What is the drummer doing?

14 A. He's putting material in a drum.

15 Q. What kind of a drum?

16 A. Usually, it was a fifty-five-gallon drum.

17 Q. Is it a fiber drum, or is it --

18 A. -- it's a metal drum.

19 Q. It's a metal drum. And is he putting the
20 same material in the drum that you're putting
21 into the bag? Is he putting --

22 A. You don't put biphenyl in -- not in a
23 fifty-five-metal-gallon drum, but you put

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1 biphenyl in a fiber pack drum.

2 Q. But you told me there was somebody down there
3 with you who's drumming. If there's two of
4 you down there, one of you is flaking and one
5 of you is drumming; is that right?

6 A. Not on a biphenyl. There was just one person
7 on a biphenyl flaker machine. That was me.

8 Q. Right. But there's somebody else down there?

9 A. There's usually somebody over here maybe
10 drumming or flaking aroclor.

11 Q. Aroclor. So you all were just standing in
12 the same neck of the woods, but you were
13 working on a different product?

14 A. Right. Different machines and all.

15 Q. Okay. So occasionally, if you didn't have
16 any flaking to do on biphenyl, did you ever
17 substitute over in the drumming or flaking
18 area of aroclor?

19 A. As far as I recall, I never did go on that
20 side.

21 Q. So you were -- is there any actual barrier
22 between you, like, physical barrier --

23 A. No.

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1 Q. So you can see them, yell back to the people
2 working over there, chat, all that kind of
3 stuff?

4 A. Yeah.

5 Q. Okay. So generally, you're the only person
6 doing the flaking?

7 A. (Witness nods head.)

8 Q. You're standing there; you've got a bag
9 underneath at the end of the funnel to fill
10 it up. Once it's full, you throw it on a
11 pallet?

12 A. Weigh it.

13 Q. Weigh it because it has to be a certain
14 weight?

15 A. (Witness nods head.)

16 Q. Then it looks like if you're at -- we
17 described it yesterday as a bunch of lines,
18 maybe if you're in a Home Depot, and they've
19 got a bunch of stuff stacked on pallets. Is
20 that the way it looked?

21 A. I can't recall how many pallets -- how many
22 bags we put to a pallet.

23 Q. But you'd fill up a pallet, whatever the

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1 appropriate number was at the time?

2 A. Uh-huh (indicating yes).

3 Q. And would you -- sorry.

4 I tend to be conversational too,
5 and so I'm not always sensitive to the fact
6 you're not saying it out loud. What was I
7 going to say?

8 Would you then drive the pallet
9 away, or would somebody else?

10 A. It was just a little hand operated thing
11 where you mash a little button and it'd pick
12 the pallet up. And move it over to the
13 loading dock.

14 Q. Okay. So all that was mechanized? It's all
15 a machine?

16 A. The --

17 Q. The pallet -- moving the pallet is all on
18 some machine you press a button; it lifts the
19 pallet, and then it moves it?

20 A. It was just kind of a miniature forklift is
21 what it was. I mean, you know, a little hand
22 operated, you know, like you jack a car up or
23 something another.

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1 Q. Okay.

2 A. And it had wheels on it and you just rolled
3 it over there to the dock.

4 Q. And so while you're doing that, you shut off
5 the funnel for the flaker?

6 A. You have enough time to do that, but you have
7 to hurry. You had to hurry.

8 Q. You had to hurry. Were there -- what did you
9 do if you didn't hurry enough? What was
10 the --

11 A. You'd overfill the bag, and you had a little
12 dipper you had to dip some out where you'd
13 get your right weight in there.

14 Q. Okay. So you would leave a bag poised for --
15 leave a bag sitting there ready to catch some
16 stuff coming out of the funnel and then quick
17 run over -- while it's sitting there ready to
18 catch -- you run over to move your pallet
19 over to the --

20 A. (Witness nods head.)

21 Q. So it's kind of a race against you and the
22 bag -- and how fast the bag's gonna fill up?

23 A. Not what you call a race. You stayed busy.

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1 Q. Stayed busy. And if you get back there and
2 it weighs out too much, you'll scoop a little
3 bit out and do what with it? Put it in --

4 A. You had a drum right there. Sometimes you'd
5 underfill some bags.

6 When you put it on the scale if it
7 was underfilled, you had this drum right
8 here. You'd just scoop some out and put your
9 right weight in there.

10 Q. What did you do if some of the biphenyl got
11 on the floor?

12 A. It could be reworked. We swept it up.

13 Q. You swept it up?

14 A. (Witness nods head.)

15 Q. And did what with it?

16 A. Put it where some stuff may have some dirt or
17 whatever. We didn't mix it in with the good
18 stuff.

19 Q. You didn't mix it in with the good stuff.
20 And then you'd try and put it back in --

21 A. Rework it.

22 Q. What was -- you said when you weren't busy,
23 you would clean up.

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1 A. (Witness nods head.)

2 Q. What was cleaning up?

3 A. That's something we've always done out there.
4 We've always had good housekeeping. You want
5 a good clean area to work in.

6 You don't want dirt or boards or
7 whatever in your working area. Cleanup.
8 Just general cleanup.

9 Q. We've read some places and talked to some
10 people about hosing areas down using steam
11 and water or soap to hose places down. Did
12 you hose your area down?

13 A. You didn't want to get any of that stuff in
14 there wet. If they did -- I didn't. They
15 may have. I didn't.

16 Q. So you didn't hose down because you didn't
17 want to get the equipment wet or you didn't
18 want to get --

19 A. Well, you --

20 Q. What didn't you want to get wet?

21 A. The biphenyl. You didn't want to get the
22 biphenyl wet.

23 Q. But if you've shut down operations, is there

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1 any usable biphenyl you're going to worry
2 about getting wet?

3 A. We just kept the area clean. Where we hose
4 it down or not, I don't remember.

5 Q. You don't remember hosing it down?

6 A. (Witness shakes head.)

7 Q. Well, what are some of the specific things
8 you do to clean? You sweep; you dust; you --
9 I mean, you know, what are --

10 A. Well, you get old pallets out of the way, and
11 if there's any splinters off pallets, you get
12 them out of the way. You just swept up and
13 just general cleanup.

14 Q. Okay. Do you ever clean the equipment?

15 A. We may have blowed it down some. You know,
16 take an air hose or whatever and blow it
17 down.

18 Q. An air hose and blow it down?

19 A. (Witness nods head.)

20 Q. And then I guess whatever is in there would
21 fall in the floor and then sweep it up?

22 A. Swept it up.

23 Q. Did you wear any protective gear?

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1 A. Well, you'd want to wear a half face mask to
2 keep the dust out of your face.

3 Q. Okay. Is that like a surgical mask, or is
4 that --

5 A. Half face air respirator.

6 Q. So it actually gives you oxygen?

7 A. No, no.

8 Q. Okay. How does it work?

9 A. Filters the air. Keeps the air --

10 Q. Is there anything attached to it more than
11 just a mask?

12 A. Covers your nose and your mouth. And you've
13 got two filters on it right there, and you're
14 able to breath through it.

15 Q. Okay. So if you were going to blow something
16 -- blow clean something, you might put that
17 on?

18 A. It wasn't required, but it was a good idea to
19 do it.

20 Q. Okay. How about when you worked out by the
21 chlorinators, what would be some of your
22 housekeeping out by the chlorinators?

23 A. They really wasn't -- if I remember

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1 correctly, there really wasn't that much
2 housekeeping to be done on that because it
3 was just continuous, you know. I -- it's
4 been so long.

5 Q. Yeah. You just don't remember?

6 A. And I wasn't in that department that long.

7 Q. Uh-huh (indicating yes).

8 A. It's just been too long.

9 Q. Did you ever work on the muriatic acid?

10 A. I don't think I did. I know where it was at,
11 but I didn't have anything to do with that.

12 Q. Okay. So you said before that later you
13 started working a -- the flaker in the
14 warehouse; is that right?

15 A. Uh-huh (indicating yes).

16 Q. And I think that this picture, Plaintiffs'
17 Exhibit 23, depicts where the ware -- if
18 you're looking at the plant and this is
19 Clydesdale, and this is 202 up here --

20 A. Okay.

21 Q. Mr. Rich put the aroclor department right
22 here (indicating) and the warehouse right
23 here (indicating), I guess would be the sort

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1 of central south part of the plant, and had
2 the warehouse in more like the north east
3 part of the plant; is that about right? Is
4 that what you remember?

5 If you're coming in from Clydesdale
6 here -- it's not a very good picture, I
7 understand.

8 A. Does that say niran?

9 Q. Uh-huh (indicating yes).

10 A. The warehouse where I was at -- this
11 warehouse was the niran warehouse right here
12 (indicating).

13 Q. So the warehouse he has depicted on Exhibit
14 23 you think was the --

15 A. That looks like where the niran warehouse
16 would be located right here. Of course this
17 other warehouse right here wasn't down here
18 at that time.

19 MR. KELLY: Let's go off the record
20 a minute.

21 (Discussion off the record.)

22 Q. (By Ms. Ruth) So you moved over to -- now
23 that we've figured -- you're now in the

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1 warehouse for flaking. At what point in your
2 tenure do you move to the warehouse to do
3 flaking?

4 A. I left -- I left out one of my little stints
5 right there. I went from biphenyl operator
6 to a loader, unloader in the warehouse.

7 Q. Okay. This is -- when is this --

8 A. This would have been in the early '90s
9 probably.

10 Q. Oh, early '90s. So this is going to be after
11 they shut down aroclor?

12 A. Oh, yes.

13 Q. So that would probably explain why you only
14 remember one flaker.

15 A. This was the biphenyl flaker here.

16 Q. That makes sense.

17 A. It's gone too now.

18 Q. Now it's gone. So just quickly, what was
19 your -- what did you do here? Did you do
20 anything differently than you did when you
21 worked on the biphenyl flaker when it was in
22 the aroclor department?

23 A. Oh, yes. It was much simpler.

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1 Q. It was much simpler. How was it simpler?

2 A. You set -- you're setting down there.

3 Q. Oh, you sit down?

4 A. Yeah.

5 Q. You don't have to be up and staying busy as
6 you said before?

7 A. All you had to do was close the bag up, and
8 you hit a little button, and it falls out
9 into a little conveyor belt and goes all the
10 way around.

11 Q. How does it seal itself?

12 A. You sealed it.

13 Q. You sealed the bag?

14 A. Uh-huh (indicating yes).

15 Q. But you're sitting down, so are you sitting
16 at the base of the funnel?

17 A. Uh-huh (indicating yes).

18 Q. So you're sitting on a seat at the base of
19 the funnel --

20 A. Uh-huh (indicating yes).

21 Q. -- with a bag. And into the bag is coming --

22 A. -- biphenyl.

23 Q. Biphenyl. You seal it, then you press a

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1 pedal --

2 A. And it falls down on the conveyor belt and
3 rolls around, and another guy stacks it on a
4 pallet or in a box.

5 Q. So there's two of you now full time?

6 A. (Witness nods head.)

7 Q. Are you still called operators? You're still
8 called operators at this point?

9 A. Uh-huh (indicating yes), yes, ma'am.

10 Q. And you did this in the early '90s?

11 A. Uh-huh (indicating yes), yes.

12 Q. For about how long?

13 A. Well, I didn't do this every day. This
14 wasn't an everyday job, but I was a loader,
15 unloader for two or three years.

16 Q. So that's what they called the operator at
17 this point who does -- were you called a
18 loader, unloader the last time you worked the
19 flaker, when you worked the flaker in the
20 biphenyl department back in the '60s?

21 A. No, no. Just operator laborer when I worked
22 in aroclor department.

23 Q. Okay. But when you were an operator in the

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1 biphenyl department in the '90s doing
2 essentially the same job that you had done in
3 the '60s, only easier, they called you a
4 loader, unloader at that point?

5 A. No, I was an operator.

6 Q. An operator. So what's a loader, unloader?

7 A. I was a relief operator.

8 Q. Okay. So what's a loader, unloader?

9 A. Load trucks.

10 Q. Okay.

11 A. Unload trucks, tank cars, rail cars.

12 Q. And that was your primary job?

13 A. (Witness nods head.)

14 Q. And then occasionally --

15 A. Occasionally, I had to do that.

16 Q. Where did you do your work as a loader,
17 unloader?

18 A. In the yards.

19 Q. In the yards. Okay. I think I just have a
20 few more questions for you.

21 In your time at the plant, did you
22 ever go up to the landfill, particularly when
23 you were working in maintenance?

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1 A. When I was a laborer.

2 Q. Yeah. When you were a laborer with
3 maintenance, you went to the landfill?

4 A. (Witness nods head). Yes.

5 Q. Yes. Thank God we've got Mike because I'd be
6 just as bad.

7 What did it mean to go to the
8 landfill, what did you do? Did you go around
9 and pick stuff from -- pick trash up from the
10 different departments?

11 A. Picked up trash from different departments to
12 be taken to the landfill.

13 Q. Loaded on a truck?

14 A. Loaded on trucks. And we had a tractor and
15 trailer at the time that we'd load stuff on.

16 Q. You'd take up the hazardous stuff in the
17 drums -- in drums, or did you have a
18 special --

19 A. I don't know if you considered it hazardous.
20 We had unloaded some drums up there in the
21 landfill.

22 Q. Would you pick up stuff from niran, pick up
23 drums from niran to go up there?

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1 A. I'm sure we did.

2 Q. Yeah.

3 A. No, we may have picked up some stuff from
4 niran -- not necessarily niran, but we picked
5 up some stuff down in niran.

6 Q. Their trash basically?

7 A. Right.

8 Q. How about aroclor, did you pick up trash --

9 A. Yes, yeah.

10 Q. -- from aroclor? What other departments
11 would you pick up from, biphenyl?

12 A. The entire plant if they had trash, you know,
13 we'd take up there to the landfill.

14 Q. You had a route -- did you have a route you'd
15 drive and people would leave their trash in a
16 certain place and you'd pick it up?

17 A. Not in a certain place. We'd just pick it
18 up.

19 Q. Yeah. And you drive out to the landfill.
20 What did the landfill look like?

21 A. Just -- where we went was just a big hole.

22 Q. Big hole. Does it have liquid in it or no
23 liquid in it?

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1 A. Drums and stuff like that.

2 Q. I mean, you can see the drums, but, I mean, I
3 guess what I'm -- does it look like -- does
4 it look like a lake? Or does it look like --

5 A. No, no lake.

6 Q. -- a pit?

7 A. Just a big pit.

8 Q. So there's no free water in it?

9 A. (Witness shakes head.)

10 Q. Okay. Were you supposed to -- do you just
11 put everything from the truck -- I mean, do
12 you back up the truck and push everything off
13 the back?

14 A. Right.

15 Q. That's how you do it?

16 A. (Witness nods head.)

17 Q. Are there different pits, or is it one big
18 pit?

19 A. Well, I imagine we moved it around there.
20 They had a contractor that done all the
21 backhoe work and stuff like that up there.
22 We just -- we were told where to
23 put it, and that's where we put it.

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1 Q. So for a while, you put everything in one
2 pit, and then maybe that pit would fill up
3 and you'd go to another pit?

4 A. Yes.

5 Q. Did you bulldoze over the pit?

6 A. They had a contractor do all that kind of
7 stuff up there.

8 Q. They had a contractor. Do you remember who
9 the contractor was?

10 A. I couldn't recall his name.

11 Q. No.

12 A. No.

13 Q. Was it a company or an independent guy?

14 A. I guess it was just an individual guy. I
15 don't recall. It was here in Anniston.

16 Q. He was from Anniston, or I mean the company
17 was in Anniston?

18 A. Right.

19 Q. And you think the company probably just had
20 his name as the company as opposed to --

21 A. I don't know.

22 Q. Yeah. Okay. You did that you said back in
23 your -- as a maintenance laborer, so that was

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1 your first job; is that right?

2 A. Yes, ma'am.

3 Q. So you probably -- looks like you just did
4 that for about six months or so, four months?

5 A. I was in the laborer group two or three
6 times, but that --

7 Q. Was that first time the only time you went
8 to --

9 A. That was the first time.

10 Q. Was the first time the only time you did
11 landfill work, or did you do landfill work
12 every time you were in maintenance?

13 A. I can't recall. Most of the other times if
14 there's anything taken to the landfill, the
15 shipping people would do that. I guess.

16 Q. Did it switch from being a maintenance job?

17 A. That's when aroclor shut down.

18 Q. When aroclor shut down, going to the landfill
19 switched to being a maintenance
20 responsibility to --

21 A. We didn't have maintenance anymore. We
22 didn't have laborers anymore or anything like
23 that.

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1 Q. Oh, when aroclor stopped, you got rid of the
2 hole?

3 A. No, no. When '86 come around, we done away
4 with a lot of crafts.

5 Q. In 1986, you got rid of a lot of the
6 laborers?

7 A. Wasn't no laborer force anymore.

8 Q. Okay. When did you stop having a laborer
9 force?

10 A. I don't recall. We combined all the crafts
11 and done away with some of the crafts.

12 Q. I'm sorry. I don't think I know what word
13 you're saying.

14 MR. PECK: Craft.

15 THE WITNESS: Crafts.

16 Q. (By Ms. Ruth) Crafts. And crafts is a level
17 of employment? Craft you mean, like --

18 A. Like we used to have just millwrights and --
19 separate from the pipe fitters and
20 millwrights -- and then we combined the two
21 of them to just one craft.

22 Q. I see. I see. At some point, there was a
23 time when you -- before they got rid of

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1 laborers where the laborer was part -- the
2 laborers' craft was to take things to the
3 landfill?

4 A. That was part of our duty.

5 Q. Right. And then later when they got rid of
6 laborer, you think they shifted that
7 responsibility over to shipping; is that what
8 you're saying?

9 A. Yeah, yes. I could say that.

10 Q. Okay. But you don't recall when that was?

11 A. No.

12 Q. But that would be when the aroclor department
13 shut down?

14 A. I don't know.

15 Q. You don't know. So you don't know if it was
16 after 1972?

17 A. No.

18 Q. In 1972, do you know if laborers were still
19 going to the landfill?

20 A. I can't recall.

21 Q. You can't recall?

22 A. (Witness shakes head.)

23 Q. When you -- you went back to maintenance

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1 when? Oh, looks like you didn't go back to
2 maintenance until the '80s; right?

3 You were there -- when you first
4 signed on, you were in maintenance, and then
5 it looks like from my notes from we talked
6 about you didn't go back to maintenance again
7 until the '80s; is that right, or was there
8 other times you worked in maintenance?

9 A. I was in maintenance before the big shutdown
10 at niran. When niran shut down, I went to
11 biphenyl.

12 Q. Okay.

13 A. I went from biphenyl to the warehouse loader,
14 unloader. From there I went back to
15 maintenance.

16 Q. Okay. And all that though is from the '80s?
17 Because niran shut down, we think, about '86;
18 is that right?

19 A. Right.

20 Q. So you'd have been in maintenance in the
21 '80s. Do you remember if anybody on your
22 maintenance team -- and I'm just walking you
23 through this because it's like if you lose

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1 your car keys, right, and you don't remember
2 where they are, but then if you retrace your
3 steps when you come back from the grocery
4 store, sometimes you can find them or at
5 least remember if you left them in the
6 kitchen or not.

7 That's the only reason I'm walking
8 you through this a little bit; that is, if
9 you remember when you were with maintenance
10 prior to niran shutting down.

11 At that point, do you know if -- if
12 not you if other people in your maintenance
13 crew at that point were still going up to the
14 landfill?

15 A. We didn't have any reason to go. Shipping
16 done it then for sure.

17 Q. For sure.

18 A. But that was from recycle. Aroclor was gone.

19 Q. Okay. Okay. Why do you keep using aroclor
20 as a benchmark of some sort?

21 MR. KELLY: Object to the form. Go
22 ahead and answer.

23 Q. (By Ms. Ruth) You can still answer. I'm

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1 just wondering why you keep saying that it
2 went from -- I don't think I'm understanding
3 why you keep using at that point aroclor shut
4 down and went to shipping for sure because it
5 was recycle. I think I need to have that
6 explained to me a little bit more.

7 A. I don't know where you're coming from. I
8 don't know what you mean.

9 Q. Okay. When I asked you in '84 if there were
10 still people in maintenance going to the
11 landfill, you said for sure not --

12 A. Right.

13 Q. -- it was shipping. And you said something
14 after that that I don't think I fully
15 understood. For sure it went to shipping.
16 Aroclor was shut down?

17 A. Aroclor had been gone for a long time.

18 Q. Right. Twelve years at that point. Would
19 going to the landfill have switched to
20 shipping or shipping responsibility when
21 aroclor shut down?

22 A. I don't know.

23 Q. You don't know. Okay. We'll leave that

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1 alone for right now.

2 So we know that -- we know that
3 shipping took things to the landfill whenever
4 you started in '66, '67, '66.

5 MR. KELLY: Object to the form.

6 Q. (By Ms. Ruth) I'm sorry. That maintenance
7 worked on bringing materials to the landfill
8 in 1966. We know that when you were in
9 maintenance again in 1984, it was no longer
10 maintenance's responsibility, that shipping
11 brought things to the landfill?

12 A. Yeah.

13 Q. Okay. So somewhere between the end of your
14 first -- somewhere between 1966 and 1984, the
15 responsibility for bringing materials to the
16 landfill shifted from maintenance to
17 shipping, but you're not sure when?

18 A. It was probably when the laborer group was
19 done away with. We didn't have a laborer
20 group.

21 Q. But you don't remember when that was?

22 A. No.

23 MR. KELLY: For the record, I'm not

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1 sure we're clear on maintenance as a
2 department and laborers as a job category.

3 Q. (By Ms. Ruth) Okay. As when you were a
4 laborer in aroclor, would it have been your
5 responsibility to --

6 A. Operator laborer. Not a maintenance laborer.

7 Q. Operator laborer. So laborers were -- the
8 term "laborer" applies only to the
9 maintenance department? Anything else is a
10 blended title? I mean, did aroclor have its
11 own laborers?

12 A. Operator laborer, yes.

13 Q. It had an operator laborer. Did the operator
14 laborer for aroclor have any responsibility
15 to go to the landfill?

16 A. No, I don't think so.

17 Q. No. So the only position that you knew of
18 that did have a responsibility to go to the
19 landfill would be the maintenance laborer?

20 A. As far as I can recall.

21 Q. As far as you can recall. Okay.

22 I guess the only other question I
23 have about the landfill was when you went up

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1 there you said it was like a big pit?

2 A. (Witness nods head.)

3 Q. You'd back up the truck --

4 A. Yes.

5 MS. RUTH: Thank's Mike.

6 Q. You'd back up the truck and -- I don't know
7 -- lift things, dump things? What was the
8 -- did one of you get out and actually get
9 into the landfill and actually hand it down
10 to each other, or how do you get it from the
11 truck? Or did you have one of those trucks
12 that tilts up?

13 A. We had a -- I can't -- sometimes we just
14 rolled them off; sometimes there was a --
15 there was some kind of thing where you could
16 slide it back there. I can't remember.
17 Mostly we just rolled it off.

18 Q. Rolled it off. Yeah. And everything was --
19 was everything normally in a drum, or was
20 there trash bags? I mean, did you take sort
21 of the regular waste paper waste there too,
22 or was it all drums always?

23 A. Mostly drums.

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1 Q. Mostly drums?

2 A. (Witness nods head.)

3 Q. Did you ever bring old equipment or anything
4 like that up there?

5 A. I don't recall it.

6 Q. Don't recall.

7 A. If we had any old equipment, I think we had a
8 decontamination pit where stuff like that was
9 put in.

10 Q. Okay.

11 A. Then I don't know what was done with it.

12 Q. Where is the decontamination pit? Is it near
13 the landfill?

14 A. It was in the plant.

15 Q. It was in the main area of the plant. I wish
16 we had our pictures. They're being
17 overnighted. That would really help. Real
18 pictures as opposed to these drawings.

19 A. Any pipe and stuff like that went into the
20 decontamination pit.

21 Q. The decontamination pit. And then what
22 happened to it?

23 A. It stayed in there for a long time. What

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1 they done with it, I don't know.

2 Q. You don't know? You never worked in the
3 decontamination pit?

4 A. Other than putting stuff in there.

5 Q. You'd put stuff in it, and then would you
6 treat it any way. I mean, did they say once
7 you put it in there, throw "X" on it?

8 A. I don't know. I don't recall.

9 Q. You don't recall being told to do anything
10 with it other than put it in the pit?

11 A. (Witness shakes head.)

12 Q. Who oversaw the decontamination pit?

13 A. I don't recall.

14 Q. Would it have been somebody in maintenance,
15 do you think?

16 A. I don't know. It could have been because he
17 was -- you know, our boss was one in
18 maintenance that told us to put it in there.

19 But as far as him being over it, I
20 couldn't say.

21 Q. Who was your boss at maintenance?

22 A. Oh, God. I've had dozens of bosses. At that
23 time, it was Hue Starr, the late Hue Starr.

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1 Q. The late Hue Starr. Who was Hue Starr's
2 boss, do you know?

3 A. I don't know.

4 Q. Okay.

5 A. That's a long time ago.

6 Q. I know. It was.

7 A. Before you were born.

8 Q. It was. Can't lie.

9 MR. KELLY: I wish it was before I
10 was born.

11 Q. (By Ms. Ruth) Okay. So the decontamination
12 pit -- do you remember if the decontamination
13 pit was lined, or did it look like the
14 landfill? Was it basically a big hole that
15 you threw things in?

16 A. It was -- actually, it looked like a swimming
17 pool.

18 Q. Looked like a swimming pool. Does that mean
19 it had water in it?

20 A. Right.

21 Q. Okay. Does that mean it was cemented?

22 A. Right.

23 Q. Was it cemented or that lining on a pool,

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1 which would just --

2 A. It was cement.

3 Q. It was cement. It was a cement pool. Did it
4 have a drain in it?

5 A. I don't know.

6 Q. Did you drain the water out periodically?

7 A. I don't know.

8 Q. So you were never asked to drain the pit?

9 A. No.

10 Q. You don't know if they ever put -- you never
11 asked -- were you ever asked to put fresh
12 water into it?

13 A. No.

14 Q. Okay. Were you ever asked to put anything
15 into the water?

16 A. I don't recall if I was.

17 Q. Okay. So basically what I'm hearing is you'd
18 load up -- somebody would say "X" equipment
19 or "X" pipe or "X" whatever is no longer
20 needed, bring it to -- go pick it up from the
21 aroclor department or whatever department --

22 A. So and so place.

23 Q. -- put it on the truck, you'd bring it over,

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1 you'd throw it in the swimming pool?

2 MR. KELLY: Object to the form.

3 MS. RUTH: I didn't characterize it
4 that way.

5 Q. You'd throw it in the pool, and it would sit
6 there, and you'd think that ultimately at
7 some point somebody would take it out, but
8 you never actually took anything out of the
9 decontamination --

10 A. I don't recall it.

11 Q. You don't recall taking it out. But, of
12 course, it would have at one point overfilled
13 if somebody didn't take out the old stuff and
14 put in the new stuff?

15 MR. KELLY: Object to the form.

16 THE WITNESS: It was big.

17 Q. (By Ms. Ruth) But it was big. How big was
18 it?

19 A. Big.

20 Q. It was as big as a swimming pool. Bigger,
21 like, an olympic pool?

22 A. What size is an olympic pool?

23 Q. I don't even know. I threw that out there,

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1 and I don't even know how big one is. I
2 guess about a hundred meters.

3 A. I don't deal in meters. I don't know
4 anything about meters.

5 Q. Let's think.

6 A. It was big.

7 Q. As big as a football field?

8 A. No, not as big as a football field.

9 Q. Big like a basketball court?

10 A. Probably the size of a basketball court.

11 Q. Do you have any idea how deep it was?

12 A. No, I don't..

13 Q. Okay.

14 MS. RUTH: Can we take a little bit
15 of a break?

16 MR. KELLY: Sure.

17 (Short recess.)

18 Q. (By Ms. Ruth) I think I just have a few more
19 questions for you. I wanted to ask you if
20 you've ever heard of Lake Clegorn?

21 A. Yes.

22 Q. Is Lake Clegorn the same as a decontamination
23 lake?

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1 A. No.

2 Q. Where was Lake Clegorn?

3 A. His drawing is not all that good. All right.
4 Kind of like you see this chlorine department
5 before they shut it down. It was in behind
6 it.

7 Q. Behind it. Over here behind the chlorine
8 department?

9 A. (Witness nods head.)

10 Q. So that would be the sort of central west
11 part of the plant? If this is going west, it
12 was --

13 A. No.

14 Q. Would it be closer to 202?

15 A. West would be this way. It'd be south of the
16 chlorine plant.

17 Q. Okay. This is south. If this is 202 -- 202
18 is south.

19 MR. WRIGHT: It isn't the best
20 map.

21 THE WITNESS: Okay.

22 Q. (By Ms. Ruth) No?

23 A. It would still be right in here.

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1 Q. Okay. So right -- according to our map --
2 due west of the chlorine plant. According to
3 your recollection, due south of the chlorine
4 plant?

5 A. All right.

6 Q. Did you ever have cause to go to Clegorn
7 Lake?

8 A. Yes.

9 Q. What would you go to Clegorn Lake for?

10 A. Set up valves.

11 Q. Set up valves?

12 A. Set up valves as an operator.

13 Q. What happened over at Clegorn Lake? What was
14 Clegorn Lake used for?

15 A. From the biphenyl department, we blowed
16 bottoms over here into it.

17 Q. And bottoms are what was left from the
18 stills; is that right, are bottoms?

19 A. Yes.

20 Q. What's left over in the stills. And you
21 would blow them over there. Does that mean
22 there's a pipe?

23 A. It was piped over there, yes.

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1 Q. It was piped over to Clegorn Lake. Did it --
2 was it an underground system or above ground?

3 A. I believe it was above ground.

4 Q. Above ground?

5 A. (Witness nods head.)

6 Q. And would it pour in like a spout then into
7 Clegorn Lake?

8 A. Right.

9 Q. Okay. Was there anything else that went into
10 Clegorn Lake that you knew of?

11 A. No. As far as I recall, that was it.

12 Q. Okay. Was Clegorn Lake something that was --
13 or was it -- was it something that you all
14 built, Clegorn Lake?

15 A. Just a name.

16 Q. Just a name?

17 A. Just a name.

18 Q. Yeah. Was it lined with anything, or was
19 it --

20 A. Limestone rock, I think.

21 Q. You think it was lined with limestone?

22 A. I believe it was limestone rock. I'm not
23 sure.

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1 Q. You're not sure. You're not sure if it was
2 lined at all, or you're just not sure?

3 A. I'm not sure if it was lined.

4 Q. Was there water in it? I mean, did it look
5 like a lake?

6 A. No, it's not a lake.

7 Q. So it wasn't a lake. Didn't even look like a
8 lake?

9 A. It was just a name. I don't know who --
10 Clegorn, but it was just a name.

11 Q. What did it look like if you were going to
12 look at it?

13 A. Like I say, it was material. The bottom's
14 blowed out, and it would eventually set up.

15 Q. Get solid?

16 A. Get solid.

17 Q. Did it look solid as opposed to liquid, the
18 lake, or --

19 A. Right, it was solid.

20 Q. -- was it goopy?

21 A. It was solid.

22 Q. Solid. So the lake was actually solid?

23 A. Right.

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1 Q. Is the lake still there?

2 A. No.

3 Q. When did they get rid of the lake?

4 A. I couldn't tell you the exact date, but we
5 recycle that material now and reuse it.

6 Q. Oh, now you recycle, so you don't need to
7 dispose of it?

8 A. (Witness nods head.)

9 Q. Again, we're trying to nail it down in terms
10 of a few years since we're not going to get
11 an absolute date, and let's just look back at
12 your history with biphenyl.

13 I think you said you were in
14 biphenyl in the early '90s; is that right,
15 were you in the biphenyl in the '90s or late
16 '80s?

17 A. Late '80s.

18 Q. Late '80s to the early '90s. I have from
19 about '86 to '94?

20 A. I had that stint in the warehouse loader,
21 unloader.

22 Q. Okay. Did you -- was Clegorn Lake there at
23 that point? Did Clegorn Lake still exist

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1 when you were in the biphenyl department in
2 the late '80s or early '90s?

3 A. When I first went up there, we -- I couldn't
4 have been there very long before we
5 discontinued using that.

6 Q. So that would be the mid '80s?

7 A. It had to be somewhere along in there.

8 Q. Okay. But it was you all who put into
9 Clegorn Lake, not maintenance laborers?
10 Maintenance laborers didn't go to Clegorn
11 Lake, or did they? Or as a maintenance
12 laborer, did you --

13 A. We didn't have maintenance laborer at that
14 time I don't think.

15 Q. Was there a Clegorn Lake back when you were a
16 maintenance laborer?

17 A. I sure it was.

18 Q. You think it was there at that point. Do you
19 think it was there when you first started
20 working?

21 A. I'm sure it was there when I first started.

22 Q. Okay. Have you ever heard of the West End
23 Landfill?

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1 A. I've heard that term.

2 Q. Do you know where the property is?

3 A. I have no idea where it's at.

4 Q. Do think the West End Landfill and Clegorn

5 Lake could be the same place?

6 A. I wouldn't think so.

7 Q. You wouldn't think so?

8 A. (Witness shakes head.)

9 Q. You'd never been to the West End Landfill?

10 A. I don't know where it's at.

11 Q. You just kind of heard people talk about it?

12 A. (Witness nods head.)

13 Q. Okay. Now, have you ever been blood tested

14 for PCBs?

15 A. Yes.

16 Q. You have been? Was this back in the -- about

17 five or six years ago when they came around?

18 A. Yes.

19 Q. Do you remember what your blood level was?

20 A. It was low.

21 Q. It was low?

22 A. I was kind of surprised.

23 Q. Did it come back -- do you remember if it was

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1 single digit?

2 A. It was single.

3 Q. It was a single digit number?

4 A. (Witness nods head.)

5 Q. Did you go to -- I talked with Mr. Rich a
6 little bit about how he remembers the process
7 of getting blood tested or how it worked, but
8 I'd kind of just like to walk through it with
9 you a little bit. Like I said, I don't think
10 it will take very long.

11 It may be easier to -- were you
12 asked to be blood tested?

13 A. No, it was volunteer.

14 Q. Volunteer. How were you made aware that
15 blood testing was an option if you wanted it?

16 A. The company asked us, you know, if we wanted
17 it.

18 Q. Did they send out a letter, put it on a
19 bulletin board, send you an e-mail?

20 A. Could have been on e-mail or whatever. I
21 don't recall. We were just made aware of.

22 Q. You don't recall how you were told. And then
23 did you go sign up for a time, or were you

FOSHEE & TURNER COURT REPORTERS

1 just given a day?

2 A. We were given time slots, I think, to go up
3 to the doctor's office to give a blood
4 sample.

5 Q. Okay. You got your blood taken, and how were
6 you notified what the results were?

7 A. I don't know if Dr. Gehi -- we were sent, I
8 guess, a form or whatever.

9 Q. You got a letter. Did you get a letter in
10 the mail at home, or did you get a letter in
11 the mail at work?

12 A. I don't remember.

13 Q. You don't recall. Was there ever a meeting
14 to discuss results?

15 A. I believe we had a plant wide informational
16 meeting.

17 Q. Was that mandatory or voluntary?

18 A. Voluntary.

19 Q. Voluntary. Who -- again, do you recall how
20 you were notified about that meeting?

21 A. We usually get all that stuff over the
22 e-mail.

23 Q. Over the e-mail. Who ran the meeting.

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1 A. I can't remember who the plant manager was.
2 We -- we've had a change of plant managers.
3 It could have been -- I don't know if it was
4 Dr. Gehi -- I don't recall who led the
5 meeting. I really don't remember.

6 Q. You don't know who was standing in front of
7 you?

8 A. No. I don't know if I even went because it
9 wasn't (sic) voluntary because after I done
10 got my results, you know --

11 Q. You might not have chosen to go?

12 A. I might not have went to the meeting. I
13 don't remember.

14 Q. So you don't remember how long the meeting
15 was?

16 A. No.

17 Q. Did you ever -- whether you were there or
18 heard about it, do you know what was
19 discussed at the meeting?

20 A. No, no one, you know -- that was an
21 individual's option or, I guess, if he didn't
22 want nobody to know what his PCB level was or
23 what.

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1 Q. I understand. I'm assuming, and maybe I'm
2 wrong -- correct me if I'm wrong -- was the
3 meeting about specific results, or was the
4 meeting generally about --

5 A. No, it was just a plant wide informational
6 meeting.

7 Q. Plant wide meeting. So they didn't talk in
8 the big meeting about people's individual
9 blood test results?

10 A. No.

11 Q. What kinds of things did they talk about?

12 A. I don't recall even being there.

13 Q. Yeah. Did you ever hear from anybody -- I
14 mean, people come out of the meeting, you
15 know, big rush of people comes out of the
16 meeting, everybody's having lunch or dinner
17 or whatever. Did they say, man, you really
18 missed a meeting? Such and such was
19 discussed.

20 A. No, we hadn't had no exciting meetings out
21 there.

22 Q. No meeting worth talking about. So you don't
23 know -- you don't know if you were at the

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1 meeting, and you don't know what was
2 discussed at the meeting?

3 A. No, I don't.

4 Q. Do you remember when the first time -- well,
5 have you heard -- have you heard about
6 contamination, PCB contamination, off-site,
7 off the Monsanto property?

8 A. Repeat the question.

9 Q. Have you heard about PCB or aroclor
10 contamination off the Monsanto property?

11 A. If you take the "Anniston Star," you can't
12 help but see it.

13 Q. Yeah. Do you recall the first time you ever
14 heard about there being any kind of
15 contamination problem off-site?

16 A. When the "Anniston Starr" first released it.
17 I guess that was probably the first I heard
18 about it.

19 Q. Three, four, five years ago?

20 A. Something like that.

21 Q. You don't remember when?

22 A. (Witness shakes head.)

23 Q. You'd never heard about it before then?

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1 A. Not that I can recall.

2 Q. No?

3 A. No.

4 Q. Have you ever heard about any other type of
5 contamination in the area or around but not
6 on Monsanto property?

7 MR. KELLY: Object to the form.

8 Q. (By Ms. Ruth) You can still answer.

9 A. (Witness shakes head.)

10 Q. Never heard about any contamination problems
11 off the Monsanto plant?

12 A. No.

13 Q. In the area around the Monsanto plant or the
14 waterways around Monsanto?

15 A. No.

16 Q. Have you ever heard about contamination
17 problems on the Monsanto plant, on site?

18 A. What do you mean contamination? I mean,
19 what --

20 Q. Have you ever heard about their being a
21 problem with parathion in the soil or mercury
22 in the soil or PCB in the soil?

23 A. (Witness shakes head.)

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1 Q. Or any of the same in the soil off the plant,
2 in the fish, in the water?

3 A. Well, you know, other than reading what's in
4 the paper.

5 Q. That's it. So just in the last few years
6 from reading the paper, the "Anniston Star"?

7 A. (Witness nods head.)

8 Q. And that's what you know. Do you remember
9 when they shut down the aroclor department?

10 A. I don't know the exact date, you know,
11 anything like that.

12 Q. You remember the event though? I mean, you
13 remember --

14 A. It --

15 Q. You were no longer there.

16 A. I was there. I was in the niran department.

17 Q. I'm sorry. I mean you were no longer in the
18 aroclor department.

19 A. No, I wasn't in the aroclor department.

20 Q. Do you remember there being any gossip as to
21 why the aroclor department might have been
22 shut down?

23 MR. KELLY: Object to the form.

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1 THE WITNESS: No. Only thing that
2 concerned us was jobs.

3 Q. (By Ms. Ruth) Yeah.

4 A. People losing jobs.

5 Q. I bet. I think we're done.

6 A. Thank you very much.

7

8 (Deposition concluded at 9:35 a.m.)

9 FURTHER THE DEPONENT SAITH NOT.

10

11

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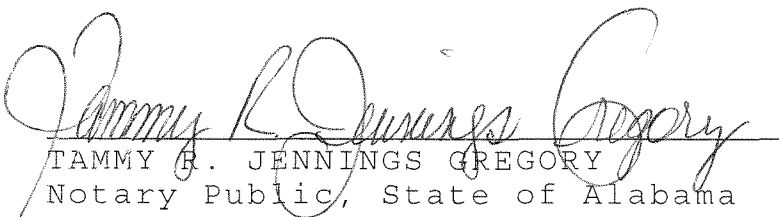
C E R T I F I C A T E

STATE OF ALABAMA)

CALHOUN COUNTY)

I HEREBY CERTIFY that the above and foregoing transcript was taken down by me in stenotype, and the questions and answers thereto were transcribed by means of computer-aided transcription, and that the foregoing represents a true and correct transcript of the testimony given by said witness.

I FURTHER CERTIFY that I am neither of counsel, nor of any relation to the parties to the action, nor am I anywise interested in the result of said cause.


TAMMY R. JENNINGS GREGORY
Notary Public, State of Alabama
MY COMMISSION EXPIRES: 9-12-2001

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