

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

NEVADA POWER COMPANY	)	
	)	
Plaintiff,	)	
-vs-	)	# CV-S-89-555-LDG (LRL)
	)	
	)	
MONSANTO COMPANY, et al.,	)	
	)	
Defendants.	)	

DISCOVERY DEPOSITION OF JEANETTE WILLIAMS

On the part of the Plaintiff

April 1, 1993

 **Concannon
& Jaeger**
General
Court
Reporters

705 Olive Street, Suite 604
St. Louis, Missouri 63101
(314) 421-1000

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

NEVADA POWER COMPANY,)
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 Plaintiff,)
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 -vs-) # CV-S-89-555-LDG (LRL)
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)
 MONSANTO COMPANY, et al.,)
)
 Defendants.)

DISCOVERY DEPOSITION OF WITNESS, to be used in an
action pending in the District Court of the United States,
for the District of Nevada, wherein NEVADA POWER COMPANY is
Plaintiff, and MONSANTO COMPANY, et al., are the
Defendants, pursuant to Notice, under the provisions of
Rule 26 of the Rules of Civil Procedure, taken on April 1,
1993, at the law offices of Messrs. Husch & Eppenberger,
100 N. Broadway, St. Louis, Missouri, before Mark D.
Concannon, a Notary Public within and for the State of
Missouri.

A P P E A R A N C E S

The Plaintiff was represented by Attorney Ralph A.
Bradley of the law firm of Jones, Jones, Close & Brown,
Chartered, 700 Bank of America Plaza, 300 South Fourth
Street, Ste. 700, Las Vegas, Nevada 89101, and Richard
Hinckley, Vice-President/General Counsel, Nevada Power.

The Defendant, Monsanto, was represented by Attorney
Bruce A. Featherstone of the law firm of Kirkland & Ellis,
1999 Broadway, Ste. 4000, Denver, Colorado 70202.

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A P P E A R A N C E S (:continuing)

The Defendant, Westinghouse, was represented by Attorney Laurie Basch of the law firm of Weil, Gotshal & Manges, 767 Fifth Avenue, New York, New York 10153.

Also present: Liz Gini, paralegal.

1 JEANETTE WILLIAMS,
2 of lawful age, being first duly sworn to tell the truth,
3 the whole truth, and nothing but the truth, deposes and
4 says on behalf of the Plaintiff, as follows:

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. BRADLEY:

7 Q. Will you please state your name and spell your
8 last for the record?

9 A. My name is Jan Williams. My last name is
10 spelled W-i-l-l-i-a-m-s.

11 Q. What is your residential address?

12 A. 9910 Warshire Drive, W-a-r-s-h-i-r-e, St.
13 Louis 63132.

14 Q. Ms. Williams, you and I introduced ourselves
15 to one another a few moments ago; is that true?

16 A. Yes.

17 Q. And you know that I represent Nevada Power
18 Company in this lawsuit they brought against Monsanto,
19 General Electric, and Westinghouse?

20 A. Yes.

21 Q. Are you here today represented by an attorney?

22 A. Yes. Mr. Featherstone.

23 Q. Have you had your deposition taken before
24 today?

25 A. No.

1 Q. Have you had a chance to talk with your attor-
2 ney about the purposes of a deposition?

3 A. Yes, I have.

4 Q. If during the course of this deposition I ask
5 a question that's not clear, will you tell me?

6 A. Certainly.

7 Q. And if at any time you'd like to take a break,
8 just let us know and we'll accommodate you.

9 A. Sure.

10 Q. Let's start with your educational background
11 beginning with college.

12 A. Okay. I have a BS degree in chemistry from
13 North Carolina State University at Raleigh. I got that
14 degree in '69. I have an MS in library science from the
15 University of North Carolina at Chapel Hill, which I got in
16 1976.

17 Q. What work if any did you do once you obtained
18 your bachelor's degree?

19 A. I began working for Monsanto at that time.

20 Q. Was that in 1969?

21 A. Yes, it was.

22 Q. What job title did you have in 1969?

23 A. At that time my job title was assistant
24 librarian.

25 Q. Which library were you the assistant librarian

1 in?

2 A. It was the library at the Chemstrand Research
3 Center which Monsanto operated at Research Triangle Park,
4 in North Carolina.

5 Q. Would you spell Chemstrand, please?

6 A. C-h-e-m-s-t-r-a-n-d, Chemstrand.

7 Q. What kind of library was at Chemstrand?

8 A. The library was operated by Monsanto's new
9 Enterprise Division at that time. It was a library which
10 emphasized primarily fibers and polymer technology.

11 Q. How long were you an assistant librarian at
12 Chemstrand?

13 A. For about a year, and then I became the
14 librarian.

15 Q. How long were you the librarian at Chemstrand?

16 A. Until 1979, when I transferred to St. Louis.

17 Q. Did the library at Chemstrand have materials
18 relating to polychlorinated biphenyls?

19 A. I don't remember any.

20 Q. What job title did you have when you trans-
21 ferred to St. Louis in 1979.

22 A. I was the supervisor of the technical library
23 within the Information Center.

24 Q. Where was the Information Center physically
25 located in 1979?

1 A. In R Building.

2 Q. Was there ever a time when the Information
3 Center was not located in the R Building from 1979 to
4 present?

5 A. No.

6 Q. What was the technical library within the
7 Information Center which you supervised?

8 A. The technical library referred to the
9 materials used primarily by the research community of
10 Monsanto in their work.

11 Q. Are you familiar with the designation MCS
12 1016?

13 A. Could you repeat that, please?

14 Q. Are you familiar with the designation MCS
15 1016?

16 A. No, I'm not.

17 Q. During the course of your -- Strike that. Who
18 was the supervisor of the technical library within the
19 Information Center before you had that position?

20 A. Alice Lee, L-e-e.

21 Q. Do you know how long Alice Lee had that posi-
22 tion previously?

23 A. Two or three years, I believe.

24 Q. Who had the position prior to Alice Lee?

25 A. That position was created under that title for

1 Alice; there was no one who had that title before then.

2 Q. Was there a supervisor of the -- Strike that
3 question. Was there a library within the information
4 system prior to 1975? If you know.

5 A. Your question is rather confusing to me.
6 You're referring to the information system.

7 Q. Is the Information Center a library?

8 A. Yes, it is.

9 Q. Who was the supervisor of the Information
10 Center in 1970?

11 A. The title of the person who was in charge was
12 manager of the Information Center, and his name was William
13 A. Wilkinson.

14 Q. Do you know when Mr. Wilkinson became manager
15 of the Information Center?

16 A. Around 1960 or '61.

17 Q. Do you know how long Mr. Wilkinson was manager
18 of the Information Center?

19 A. Until his death in 1989.

20 Q. By any chance do you know who preceded Mr.
21 Wilkinson as manager of the Information Center?

22 A. The Information Center was created around 1960
23 or '61.

24 Q. I recognize that you were not a Monsanto
25 employee in 1960 or '61, so that there may be some ques-

1 tions that you won't know the answers to. Do you know what
2 library, if any, researchers at Monsanto used to support
3 their work prior to creation of the Information Center?

4 A. Yes. There was a research library at the
5 Queeny Plant.

6 Q. When was the research library at the Queeny
7 Plant begun?

8 A. I really don't know. It had been there for
9 many, many years. That's all I know.

10 Q. Where is the Queeny Plant?

11 A. The Queeny Plant is on South Second Street in
12 the City of St. Louis.

13 Q. Was there a time when the Queeny Plant no
14 longer had a research library?

15 A. Yes. The research library was discontinued
16 when the Information Center was formed at Creve Coeur.
17 There may have been a small collection of books, but it was
18 no longer considered a true research library.

19 Q. Do you know whether all of the materials with-
20 in the Queeny plant research library were transferred to
21 the Information Center when it was created in 1960 or 1961?

22 A. Some of them were, but I could not say for
23 sure if all were.

24 Q. Do you know what happened to any documents
25 that may not have been transferred from the Queeny Plant to

1 the Information Center?

2 A. I don't know if there were any documents, so I
3 couldn't say.

4 Q. I take it there are both books and journals
5 within the Information Center?

6 A. That's correct.

7 Q. And I take it there are both books and jour-
8 nals in the technical library within the Information
9 Center?

10 A. The technical library is not a physical divi-
11 sion of the Information Center, and we no longer use that
12 term. That's an out-of-date expression.

13 Q. When did it become an out-of-date expression?

14 A. Around 1990, following a reorganization of the
15 Information Center's staff.

16 Q. What is your present job title?

17 A. Manager of the Information Center.

18 Q. Are there unpublished reports generated by
19 Monsanto employees that are part of the Information Center?

20 A. Yes, there are.

21 Q. Are there unpublished studies by Monsanto
22 employees that are part of the Information Center?

23 A. I'm not sure what you mean by "studies."

24 Q. Well, let's say, for example, that some
25 researchers injected some rats with one of the products

1 that Monsanto was developing and they did a study to
2 determine the mortality of the rats at various levels of
3 exposure to the chemical. Would that type of material be
4 within the Information Center?

5 A. If it was issued as a report.

6 Q. And if it was not issued as a report, where
7 would it be?

8 A. I don't know.

9 Q. What criteria is there within Monsanto that
10 you're aware of to indicate when a study should be issued
11 into a report?

12 A. The research groups make that decision them-
13 selves.

14 Q. Is there a grouping in the Information Center
15 of materials by product manufactured by Monsanto?

16 A. No. They're not grouped by product.

17 Q. First of all, is the Information Center open
18 to the public?

19 A. It's open to the public only under special
20 circumstances. For example, if you wanted to see a journal
21 that is not available at any other library in St. Louis, we
22 would permit you to come in and see it. But it's only
23 under circumstances similar to that that we would be open
24 to the public.

25 Q. Is there a section of the Information Center

1 that is devoted to the topic of PCBs?

2 A. We do not have our collection divided,
3 separated, or grouped in any way by Monsanto products, so
4 we do not have a section of the library devoted to PCBs.

5 Q. Do you have an index of Information Center
6 acquisitions and documents relating to PCBs?

7 A. Would you be more specific about that, or
8 rephrase that? I'm not sure what you're asking.

9 Q. If I went to the Information Center, would I
10 be able to look up on an index the subject matter, "PCBs,"
11 and get a listing of all of the documents within the
12 Information Center that relate to PCBs?

13 A. No, you would not be able to do that.

14 Q. Do you have -- Is there a name for the index-
15 ing system you have at the Information Center?

16 A. Again, could you be a little more clear about
17 what you mean by "indexing system."

18 Q. Probably not, but let me tell you what I'm
19 interested in knowing. I know you've got a library school
20 where you learn about different ways to catalog materials
21 and that the cataloging systems have different names. What
22 cataloging system presently exists within the Information
23 Center?

24 A. Okay. To me, a catalog and an index are not
25 the same thing, so this is what I'm trying to get clear, is

1 what you're asking about.

2 Q. If I phrase it as a cataloging system, are you
3 able to answer the question?

4 A. Our catalog is an on-line public access cata-
5 log. It's managed by a data base management system called
6 Basis, B-a-s-i-s.

7 Q. And when you refer to it as an on-line public
8 access data base system, does that mean it's available to
9 the public?

10 A. No. It's publicly available to Monsanto
11 employees versus a system that only library staff would be
12 using.

13 Q. And if I went -- Well, let me ask you this
14 question: If you're on-line with your data base system and
15 you were charged with determining what materials were in
16 the Information Center relating to PCBs, what would you do?

17 A. If I went to our catalog, I would enter what-
18 ever I thought was the best way to express PCBs, and it
19 would give me a list of the books at the library that we
20 have on PCBs.

21 Q. And what would you do to access journal
22 articles relating to PCBs?

23 A. To find what journal articles we had on PCBs
24 we would rely on an index such as chemical abstracts.

25 Q. How would you use the chemical abstracts index

1 to determine which journal articles exist in the Informa-
2 tion Center relating to PCBs?

3 A. I would look up PCBs in the substance index
4 volumes, and that would give me a list of abstract numbers,
5 and you look up the abstract numbers, and that would give
6 me bibliographic information for the journal articles, and
7 then I would have to see which of those journals were
8 actually in the library.

9 Q. Are you able to push less than five buttons on
10 a computer system to print out the journals that presently
11 exist within the Information Center?

12 A. We have a printed list of the journals which
13 are presently in the Information Center.

14 Q. Does the printed list include the date of the
15 journal articles that you have within the Information
16 Center?

17 A. It includes the dates of the volumes of the
18 journals within the Information Center, the dates of publi-
19 cation.

20 Q. Does it also include the date of acquisition?

21 A. No.

22 Q. Is there a way to determine the date of acqui-
23 sition of the journals that you have in the Information
24 Center?

25 A. No, there is not.

1 Q. Let's say, for example, that you ordered a
2 journal in 1991. Would you request payment of that through
3 accounting?

4 A. If we ordered it in 1991, we would have sent
5 the invoice to accounting and asked them to write the check
6 and send it.

7 Q. Do you know whether prior to 1991 accounting
8 paid for the acquisition of journal articles for the
9 Information Center?

10 A. You're referring to journal articles?

11 Q. Journals is what I meant.

12 A. Okay.

13 Q. Sorry.

14 A. Yes. Accounting arranged for the payment of
15 journals for the Information Center.

16 Q. And how far back did that payment system go,
17 to the best of your knowledge?

18 A. I don't know how far back that payment system
19 went; it's always been in affect as long as I've worked for
20 Monsanto.

21 Q. Have you ever examined the accounting books to
22 determine whether the accounting section of Monsanto has
23 kept records on dates of acquisition of journals within the
24 Information Center?

25 A. No, I have not.

1 Q. Is there a way for a Monsanto employee to
2 check out material from the Information Center?

3 A. Many materials can be checked out, but not
4 all.

5 Q. And for the ones that are able to be checked
6 out, is there a way to determine who has checked out that
7 particular journal?

8 A. There is a way for me to tell you who has
9 something checked out today, yes.

10 Q. Is there a way for you to tell me who had
11 something checked out in 1988?

12 A. No, there is not.

13 Q. In 1988, if someone checked out a journal
14 article that was allowed to be checked out, how was a
15 record kept of that?

16 A. Are you referring to checking out a journal,
17 rather than a journal article?

18 Q. Yes.

19 A. In 1988, the person would have used our com-
20 puter checkout system and would have entered the informa-
21 tion that it asked for, which would have been journal
22 title, volume, issue, et cetera, with his or her name.

23 Q. When the journal was returned in 1988, what
24 happened to the information that was on the computer
25 system?

1 A. An entry would be made by the circulation
2 assistant in the library that it had been returned.

3 Q. And was that data backed up onto a disk and
4 preserved?

5 A. There would have been no reason to back it up
6 and preserve it, that I know of. As soon as the material
7 had been returned the transaction was complete for our
8 purposes, so we did not retain that data.

9 Q. When did Monsanto begin a computer system for
10 checking out journals?

11 A. Sometime in the eighties.

12 Q. What system did it use before it had compu-
13 ters?

14 A. There was a card in the back of a book, or
15 there was a card for each journal title that we received
16 currently, and you simply wrote your name on there and left
17 the card.

18 Q. And what happened, if anything, to those cards
19 when Monsanto switched over to a computer system?

20 A. We threw them away.

21 Q. Were there ever occasions when journals were
22 purchased by the Information Center that were published
23 more than a year before you purchased them?

24 A. Oh, yes.

25 Q. Is there a way to determine which journals

1 those would be?

2 A. No.

3 Q. When you switched over from a card system to a
4 computer system, did you make a listing of your present
5 journals within the Information Center?

6 A. We had a listing of -- a printed listing of
7 what the current journal holdings of the Information Center
8 were.

9 Q. And you made a hard copy of that?

10 A. Yes.

11 Q. And do you make hard copies of that yearly?

12 A. Not yearly. Sometimes we go more than a year.

13 Q. And do you maintain old hard copies showing
14 which journals were within the Information Center?

15 A. No, we don't. As soon as the new one is
16 printed, we discard the old ones.

17 Q. I'm now going to show you Plaintiff's Exhibit
18 979, which is a September, 1937 article from "The Journal
19 of Industrial Hygiene and Toxicology," Volume 19, Number 7.
20 I take it it would be quite easy for you to determine
21 whether a copy of that exists within the Information
22 Center.

23 A. I would be able to look at our list of serials
24 and see if we had this journal, volume number and issue,
25 within the Information Center today.

1 Q. What would you do if you were charged with the
2 task of determining when -- assuming that that article
3 existed in the Information Center, if you were charged with
4 the task of determining when it became part of the
5 Information Center?

6 A. If this journal is in the Information Center
7 and I wanted to find out when it became part of the
8 Information Center, I would have to look at the physical
9 volume, whether it is in paper or whether it is in micro-
10 film. If we had stamped it with the Information Center
11 stamp showing when we acquired it, that would be how I
12 would determine if we had it at a certain time. If a hard
13 copy or a microfilm was not stamped with our Information
14 Center stamp and date, I would not know when we acquired
15 it.

16 Q. You obviously have some documents on micro-
17 fiche in the Information Center?

18 A. Very few on microfiche.

19 Q. Do you have some on microfilm?

20 A. Yes.

21 Q. Which documents were placed on microfilm?
22 Were they documents that were published prior to a certain
23 year? Or what determinations went into the decision on
24 which document to microfilm?

25 A. The journals that we have on microfilm were

1 primarily converted from paper to microfilm for two rea-
2 sons: One, we ran out of space for the paper. A microfilm
3 takes up a lot less space than the corresponding hard copy.
4 Number two, we may have found out after a journal was
5 published and out of print that we needed it, and we could
6 no longer obtain it in paper, so we bought it in microfilm.

7 Q. When you determined that you needed the space,
8 how was it determined which journals would be microfilmed?

9 A. My predecessor was responsible for most of the
10 conversion to microfilm, and it was largely based on what
11 kind of deal he could get with the microfilm vendors.
12 After the greater part of the conversion was completed, our
13 most popular titles that we used a lot we simply set up
14 standing orders to automatically get the microfilm for them
15 on a regular basis.

16 Q. Was there ever a decision to microfilm the
17 older journals before the newer journals?

18 A. Yes. In some cases that was done.

19 Q. When you say "In some cases," what do you
20 mean?

21 A. What I mean is, we dealt with microfilming
22 conversion on whether we needed space in the area or that
23 we could buy microfilm for it or not. At one point in time
24 it might have been easier to buy the microfilm for old
25 volumes and impossible to get it for the new volumes, or

1 vice versa, so we bought film where we could.

2 Q. Is it standard practice to put the date-of-
3 acquisition stamp on journals that come into the
4 Information Center?

5 A. It is our standard practice for current
6 journals as they are received to do that, as we get them
7 each day.

8 Q. And do you know whether any of the journals
9 within the Information Center have dates of acquisition
10 during the 1930s?

11 MR. FEATHERSTONE: I'm sorry. Stamps showing
12 dates of acquisition in the 1930s?

13 MR. BRADLEY: Yes.

14 A. It is possible, but I could not say for sure.

15 Q. (by Mr. Bradley) You don't recall seeing any?

16 A. I really don't recall seeing any. Most of our
17 very old material from the 1930s is now on microfilm. And
18 we did not necessarily have our journals microfilmed. We
19 bought microfilm, for example, from the publisher, so it
20 would not show the date that it was received. And I just
21 simply cannot recall if I looked at the few hard-copy
22 journals from the thirties that we have to see if they had
23 a date stamp on them. When the journal is bound, the cover
24 is often taken off of each individual issue, and that is
25 what we usually stamp.

1 Q. Would it be true that, if a 1930s microfilmed
2 journal had a date of acquisition on it, it would indicate
3 the date that that journal came into the Information
4 Center?

5 MR. FEATHERSTONE: Wait a minute. A micro-
6 filmed one? I think she testified that they bought the
7 microfilm, they didn't microfilm the ones that they
8 physically received in hard copy.

9 Q. (by Mr. Bradley) Oh. Is that right?

10 A. Yes. We bought the microfilm, and it would
11 not show our date on the individual issues. There are a
12 very small number of exceptions where we had sold our
13 original hard copy, and that may have been filmed by the
14 publisher. The publisher may have taken it back from us
15 and filmed it. But I don't think there are very many of
16 those. So that would not show our date of acquisition.

17 Q. I want to talk for a moment just about the
18 journals that were published in the 1930s. If the
19 Information Center had received a journal in the 1930s that
20 was published in the 1930s, would that journal have been
21 microfilmed?

22 A. We may have microfilm of that journal. That
23 does not mean that the hard copy that we received in the
24 Information Center during the 1930s was microfilmed to
25 produce the microfilm copy we have now.

1 Q. I understand that, because at some point you
2 also purchased microfilm of old journals.

3 A. Right.

4 Q. And what I'm trying to figure out is if
5 there's a way to determine which ones you purchased versus
6 which ones you acquired in the 1930s. And it seems to me
7 conceivable, and I want to know whether this is true,
8 whether, if we examine a microfilm of a 1930s journal and
9 it does not have a date of acquisition, would that indicate
10 to you that it was a microfilm that was purchased, not at
11 the time of -- Well, let me rephrase it -- would it
12 indicate to you that it was a microfilm that was purchased
13 more recently?

14 A. Well, all of our microfilm was purchased after
15 the 1930s.

16 Q. Well, what I'm trying to get at, though, if we
17 examine a microfilm of a document published in the 1930s
18 and it does not have a date of acquisition, does it indi-
19 cate to you that the microfilm was purchased after Monsanto
20 decided that it would purchase microfilms of old journals
21 rather than being a microfilm copy of a hard copy within --
22 You're looking confuse.

23 A. You lost me on the fourth turn back there.

24 MR. FEATHERSTONE: He will try it again.

25 Q. (by Mr. Bradley) As I understand it, you have

1 within the Information Center some microfilm of journals
2 published in the 1930s.

3 A. That's quite possible.

4 Q. And it is possible that some of the microfilm
5 of those journals was prepared by your predecessor from
6 hard copies that existed in the Information Center?

7 A. I cannot really address what he did. It is
8 possible. That's all I can say.

9 Q. And if he prepared microfilm from hard copies
10 of documents from the thirties that were published and
11 acquired in the thirties, those journals may have dates of
12 acquisition stamped onto them?

13 A. It is possible, and it is also possible that
14 they do not.

15 Q. Because when microfilming was done, often the
16 cover was not microfilmed, and it was the cover that had
17 the stamp of acquisition?

18 A. Usually what we did was sent bound journals
19 away to be filmed or to be returned to the publisher or the
20 supplier - whatever they wanted to do. When a journal is
21 bound, quite often the covers are taken off, so the bound
22 journals themselves may have had no dates.

23 Q. So if we looked in the Information Center
24 microfilm and saw a 1930s journal that did not have a date
25 of acquisition, it would not indicate that the journal

1 article was not actually acquired by Monsanto around the
2 date it was published?

3 A. It would simply mean we don't know; we
4 couldn't say.

5 Q. Okay. Did individual employees within
6 Monsanto maintain their own journals that were not part of
7 the Information Center?

8 A. I don't know what individual employees did.

9 Q. Did individual employees ever contribute their
10 private journals to the Information Center?

11 A. It's possible.

12 Q. Are the -- If you were to -- Strike that. I
13 will start all over again. How are the unpublished reports
14 cataloged?

15 A. They aren't cataloged; they're indexed.

16 Q. What do you mean by "indexed"?

17 A. Index means that we have a way to retrieve
18 them by the usual bibliographic means, as well as by sub-
19 ject terms.

20 Q. And do you have that ability because entries
21 have been made onto a computer program that has key names
22 and keywords?

23 A. Some of the indexed material is on a computer;
24 not all of them.

25 Q. Is there a reason why not all of it is?

1 A. Yes. At one point we decided to begin compu-
2 terizing this information and go forward, and the backlog
3 was never converted.

4 Q. Is the backlog organized in any way?

5 A. By subject terms.

6 Q. Okay.

7 A. And possibly by author.

8 Q. So if I went to the Information Center and
9 wanted to look at unpublished reports on PCBs, if they
10 exist I ought to be able to find it by subject matter.

11 A. Yes.

12 Q. Do you know whether there exists unpublished
13 reports in the Information Center regarding PCBs?

14 A. Can we take a break for a moment before I
15 answer that?

16 Q. Sure.

17 (Thereupon, a short recess was taken.)

18 Q. (by Mr. Bradley) Do you recall the question?

19 A. Not exactly. Could you repeat it, please?

20 MR. BRADLEY: Could you read it back?

21 (Thereupon, a discussion was had.)

22 A. Yes, there are unpublished reports about PCBs.

23 Q. (by Mr. Bradley) Do you know what time period
24 is represented by those unpublished reports on PCBs in the
25 Information Center?

1 A. No, I really don't.

2 Q. Do you know the volume of material?

3 A. No, I really don't know that, either.

4 Q. Are the unpublished reports physically located
5 in a particular part of the Information Center?

6 A. Yes.

7 Q. What part is that?

8 A. In the report section.

9 Q. And is that in a corner or section of the
10 library?

11 A. It's in a separate section from where the
12 books and journals are kept, because the proprietary infor-
13 mation has additional security limitations on it, and that
14 area has to be kept locked.

15 Q. Are the unpublished reports on PCBs considered
16 proprietary information?

17 A. All reports are considered proprietary infor-
18 mation.

19 Q. Who places the proprietary information label
20 on the reports?

21 A. There is no propriety information label, as
22 such.

23 Q. How was it determined that all unpublished
24 reports are considered proprietary information?

25 A. I have no idea why that has been done or who

1 made that decision. It's a blanket decision; if it's a
2 Monsanto report, it's considered proprietary.

3 Q. And in order to gain access to the room that
4 has unpublished reports, do you need a special key, or --

5 A. During normal working hours, like 8:00 to
6 4:30, you can just walk in, but the area is secured by
7 combination locks during the rest of the time, and only the
8 employees working in the area have the combination.

9 Q. Okay. Do you know whether there is health and
10 safety information relating to effects of PCBs within the
11 unpublished reports in the Information Center?

12 A. I don't know what is in the unpublished
13 reports about PCBs.

14 Q. My memory is that you indicated there is an
15 indexing system for those unpublished reports?

16 A. That is correct.

17 Q. By subject matter?

18 A. Yes.

19 Q. So if you wanted to know which unpublished
20 reports existed on PCBs, you could go to a card file and
21 look under the subject matter "PCBs" and see which
22 unpublished reports are in that section of the Information
23 Center?

24 A. You could look at a card-type index for the
25 older material and the computer index for the more current

1 material if the term "PCB" had been selected as an indexing
2 term for a report.

3 Q. I don't think I asked you for what period of
4 time you began putting the unpublished reports onto the
5 computer system.

6 A. That work actually began in 1960, around -- in
7 the 1960s, and they worked with some material going back
8 into the fifties at the beginning of the project. So, I
9 guess, to answer your question, some of the computer index
10 goes back as early as the 1950s.

11 Q. Is there a library within the medical depart-
12 ment of Monsanto?

13 A. Yes, there is.

14 Q. Are there any other libraries operated by
15 Monsanto other than the Information Center and the medical
16 library?

17 A. Yes.

18 Q. Which libraries are those?

19 A. The Information Center operates a library in
20 Chesterfield and one in F building in Creve Coeur. There
21 is a patent library and a law library also in Creve Coeur,
22 and there are several other libraries at sites outside of
23 St. Louis.

24 Q. Where are those?

25 A. There is one in Akron, Ohio; Decatur, Alabama;

1 Pensacola, Florida; Springfield, Massachusetts; Louvain-La-
2 Neuve, L-o-u-v-a-i-n - L-a - N-e-u-v-e, Belgium. And those
3 are the Monsanto libraries that I can recall right now.

4 MR. BRADLEY: Off the record for a moment.

5 (Thereupon, a discussion was had.)

6 A. One clarification: The Information Center
7 does not operate the patent and law libraries.

8 Q. Who operates the patent and law libraries?

9 A. The law library is operated by the law depart-
10 ment, the patent library is operated by the patent part of
11 the law department.

12 Q. And where is Creve Coeur?

13 A. Creve Coeur is a suburb of St. Louis County.

14 Q. And is Chesterfield a suburb?

15 A. Yes, it is.

16 Q. What materials would be at the Chesterfield
17 Library that are not within the Information Center?

18 A. The materials at the Chesterfield Library
19 support the interest of the research groups in Chester-
20 field, which are primarily biological, and they have some
21 books and journals that are not duplicated at the
22 Information Center in Creve Coeur.

23 Q. When was the Chesterfield Library begun?

24 A. Around 1985.

25 Q. And when was the library in F Building begun?

1 A. I don't really know. It's been there as long
2 as I can remember.

3 Q. What subject matter of documents exists in F
4 Building?

5 A. It's an engineering collection. It's material
6 to support the Monsanto Chemical group's engineers.

7 Q. Including sales engineers?

8 A. No, not that I'm aware of.

9 Q. Did -- When the Chesterfield Library began in
10 roughly 1985, did it take in materials that pre-existed
11 1985?

12 A. Yes, it did.

13 Q. And of those materials that it took in that
14 pre-existed 1985, were those materials that were within a
15 Monsanto plant or building prior to 1985?

16 A. Some of them were.

17 Q. For those that pre-existed 1985 and were
18 within some other building or operation of Monsanto, does
19 the Information Center have copies of those materials?

20 A. We may have some; we may not have copies of
21 others.

22 Q. Do you know whether --

23 MR. FEATHERSTONE: When you're talking -- When
24 you say the Information Center, does it have copies, you're
25 talking about what's in R Building, the collection in R

1 Building? Is that what you're talking about?

2 THE WITNESS: Yes. That's what I'm talking
3 about.

4 Q. (by Mr. Bradley) Do you know whether the
5 Chesterfield Library has any documents relating to PCBs?

6 A. I don't know if they do.

7 Q. Do you know if the library in F Building has
8 any documents relating to PCBs?

9 A. I don't know if they do.

10 Q. What library is in Akron, Ohio?

11 A. It's the library for the Monsanto Chemical
12 group's rubber division.

13 Q. I take it you wouldn't expect the Akron, Ohio
14 library to have any materials relating to PCBs?

15 A. I have never visited the Akron Library, so I
16 don't know what they have there.

17 Q. Do you know how long it's been in existence?

18 A. No.

19 Q. What does the library in Decatur, Alabama
20 contain?

21 A. Primarily fiber- and polymer-type materials.

22 Q. Do you know whether it contains materials
23 relating to PCBs?

24 A. I never visited the library. I can't say.

25 Q. Do you know when it was begun?

1 A. Sort of. That's a very interesting situation.
2 It was actually begun in the fifties. It was, for all
3 practical purposes, shut down around 1960, and much of the
4 collection moved to Research Triangle Park in North
5 Carolina, quite possibly almost all of the collection. And
6 then sometime in the late sixties they decided to reestab-
7 lish a library there, and it's been going ever since.

8 MR. FEATHERSTONE: Off the record for a
9 minute.

10 (Thereupon, a recess was taken.)

11 Q. (by Mr. Bradley) Does Monsanto have a library
12 at Research Triangle Park?

13 A. Not any longer. That facility was sold to
14 Groves Wilcomb.

15 Q. Were the library materials at Research
16 Triangle Park sold, as well?

17 A. The Monsanto libraries were given a chance to
18 ask for anything in this collection that they wanted, and
19 some of those materials were sent to other Monsanto
20 libraries, a number of the materials there were given to
21 local universities and colleges, and some materials were
22 discarded. I don't know if there was anything left to be
23 sold.

24 Q. Did you help assemble documents in response to
25 a request by Nevada Power Company for certain types of

1 documents?

2 A. If I had been involved in that, it was not
3 identified to me that it was Nevada Power's request.

4 Q. Have you ever seen a document called Request
5 for Production of Documents that was prepared by Nevada
6 Power Company?

7 A. No, I have not.

8 Q. Do you know whether the Information Center was
9 ever searched for documents to be given to Nevada Power
10 Company as a result of the discovery request they have
11 made?

12 A. I am not aware that that happened.

13 Q. Do you ever provide documents from your unpub-
14 lished reports in response to requests to produce documents
15 in lawsuits?

16 A. We give the law department what they ask us to
17 give them. Whether they are in response to lawsuits or
18 some other purpose, I'm not sure.

19 Q. If the Information Center had been searched
20 for documents responsive to a discovery request by Nevada
21 Power Company, would you have known about it as manager?

22 A. I should have.

23 Q. Okay.

24 A. I would like to clarify that by saying it's
25 not necessarily true that I would have.

1 Q. Who would know about that if you don't?

2 A. The law department.

3 Q. Is it possible the law department can go
4 through the Information Center without your knowing about
5 it?

6 A. No, but the law department may have called one
7 of my staff and said, "Send me material on the following
8 subject," and the law department did not identify that it
9 was for Nevada Power.

10 Q. And if that happened, would your staff report
11 to you that they had received that request from the law
12 department?

13 A. My staff usually tells me when they hear from
14 the law department.

15 Q. And if you receive requests from the law
16 department to produce documents, are those given to you
17 orally or in writing?

18 A. Both or either.

19 Q. Has any employee indicated to you that they
20 were called by the law department and asked to produce
21 documents for Nevada Power Company?

22 A. No employee has indicated any connection with
23 any documents for Nevada Power.

24 MR. BRADLEY: Will you mark that section of
25 the transcript. Put a little paper clip on it or some-

1 thing.

2 What does the library in Pensacola have in it?

3 A. That's another library that is principally
4 concerned with fiber and polymer technology.

5 Q. Have you ever visited that library?

6 A. No.

7 Q. How long has it been in existence?

8 A. To the best of my knowledge, at least since
9 the sixties, if not earlier, possibly fifties, but not
10 before then.

11 Q. What does the library in Springfield, Mass.
12 have in it?

13 A. Again, I've never visited. That is primarily
14 a polymer plastics type collection.

15 Q. And what does the library in Belgium have in
16 it?

17 A. Louvain-La-Neuve.

18 Q. All right. What does it have in it?

19 A. That is commonly called in Monsanto LLN, so
20 we'll refer to it as LLN. The LLN library supports
21 Monsanto's interests in Europe. These could be quite
22 varied. For example, there is some rubber, some plastics,
23 some agriculture, et cetera.

24 Q. Have you been in the LLN library?

25 A. No, I have not.

1 Q. Do you know whether it contains materials
2 relating to PCBs?

3 A. I do not know if they do or if they do not.

4 Q. Are there any other libraries operated by
5 Monsanto that you believe might, and I reiterate might,
6 have documents relating to PCBs that we have not already
7 discussed?

8 A. The libraries that I've mentioned to you are
9 the ones that come to mind as being the major Monsanto
10 libraries. There are a few very small collections, I would
11 call them reading rooms, that may be at other facilities.
12 These are like a bookcase with some shelves in it and maybe
13 a couple of journals, and I don't know anything about
14 those. And I cannot say what any of the other Monsanto
15 libraries may or may not have regarding PCBs. I do not
16 have any knowledge of that.

17 Q. Has the law department ever requested that you
18 produce for them copies of documents in the unpublished-
19 report section?

20 MR. FEATHERSTONE: You may answer that yes or
21 no.

22 A. Yes, they have.

23 Q. (by Mr. Bradley). Do you know whether those
24 documents were ever turned over to anyone outside of
25 Monsanto?

1 A. I turned them over to the law department.
2 That's all I know.

3 MR. BRADLEY: That's all that I have.

4 MR. FEATHERSTONE: Mark the end of that
5 testimony for me, please.

6 MR. BRADLEY: I would like to have the partial
7 transcript prepared and questions and answers relating to
8 the Nevada Power Request for Production of Documents and
9 how they didn't know whether or not the information sent
10 was searched for documents. I would have expected to know
11 and didn't know. As soon as you can have that for me, I'd
12 like it.

13 MR. FEATHERSTONE I think it ought to be the
14 entire line of questioning on that point, and also the last
15 two questions I asked for.

16 MR. BRADLEY: I am ordering it.

17 MR. FEATHERSTONE I am extending it.

18 MR. BRADLEY: You are not extending what I
19 ordered.

20 MR. FEATHERSTONE Then order a partial.

21 All right, Jan, Get out of here.

22 THE WITNESS: Okay.

23

24

25

JEANETTE WILLIAMS

1 Subscribed and sworn to before me this _____ day
2 of _____, A. D., 1993.

3 MY COMMISSION EXPIRES _____.

4
5 _____
6 Notary Public, within and
7 for the State of Missouri
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1 STATE OF MISSOURI)
) SS
2 COUNTY OF ST. LOUIS)

3 I, Mark D. Concannon, a Notary Public within and for
4 the State of Missouri, duly commissioned, qualified and
5 authorized to administer oaths and to take and certify to
6 depositions, do hereby certify that pursuant to Notice in
7 the civil cause now pending and undetermined in the
8 District Court of the United States, within and for the
9 District of Nevada, entitled NEVADA POWER COMPANY, Plain-
10 tiff, -vs- MONSANTO COMPANY, et al., Defendants, to be used
11 in the trial of said cause in said Court, I was attended at
12 the law offices of Messrs. Husch & Eppenberger, 100 N.
13 Broadway, in the City of St. Louis, State of Missouri, by
14 Ralph A. Bradley and Richard Hinckley, attorneys for the
15 Plaintiff; by Bruce A. Featherstone, attorney for the
16 Defendant, Monsanto; by Laurie Basch, attorney for the
17 Defendant, Westinghouse; and by JEANETTE WILLIAMS, the
18 witness, in said office on April 1, 1993.

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

1 pages correctly set out the testimony of the aforementioned
2 witness, JEANETTE WILLIAMS, together with the questions
3 propounded by counsel and the remarks and objections of
4 counsel thereto, and is in all respects a full, true and
5 complete transcript of the questions propounded to and the
6 answers given by said witness; and that said testimony, so
7 transcribed, was subscribed to by the witness on the _____
8 day of _____, A. D., 1993.

9 I FURTHER CERTIFY that I am not of counsel nor
10 attorney for any of the parties to said suit, nor related,
11 nor interested in any of the parties or their attorneys.

12 WITNESS MY HAND and Notarial Seal, given this
13 _____ day of _____, A. D., 1993, at St. Louis,
14 Missouri.

15 MY COMMISSION EXPIRES MARCH 21, 1994.
16
17
18

19 _____
20 MARK D. CONCANNON,
21 Notary Public, within and
22 for the State of Missouri
23
24
25

Concannon and Jaeger
General Court Reporters
705 Olive Street, Ste. 604
St. Louis, Missouri 63101

May 3, 1993

Jeanette Williams
9910 Warshire Drive
St. Louis, Missouri 63132

Re: Nevada Power Vs. Monsanto

Dear Mr. Wood:

This letter, incorporated as the last page of your deposition, taken on April 1, 1993, will serve as notice to you that your testimony is now ready for your reading and signing of same.

I would appreciate your contacting my office by calling (314) 421-1000 within the next thirty days so that arrangements can be made to accomplish this before your deposition must be filed in Court.

Thank you for your cooperation in this regard.

Sincerely,

MARK D. CONCANNON

MDC:mk