

1 IN THE CIRCUIT COURT  
2 TWENTIETH JUDICIAL CIRCUIT OF ILLINOIS  
ST. CLAIR COUNTY

3 FRANCES E. KENNER, et al )  
4 Plaintiffs, )  
5 VS. ) No. 80-L-970  
6 MONSANTO COMPANY, )  
7 Defendant. )

8  
9 Before the HON. RICHARD P. GOLDENHERSH, Judge

10  
11 REPORT OF PROCEEDINGS

12 JURY TRIAL

13 March 20, 1986

14  
15 APPEARANCES:

16 MR. REX CARR and MR. JEROME SEIGFREID  
17 on behalf of the Plaintiffs;

18 MR. KENNETH R. HEINEMAN and MR. JOSEPH NASSIF  
19 on behalf of the Defendant.

20 KIMBERLY GANZ, CSR, RPR, CM  
21 Official Court Reporter  
22  
23  
24

1 BE IT REMEMBERED, that on March 20, 1986, the same  
2 being one of the regular judicial days of said court, the  
3 above-entitled cause came on regularly for hearing before the  
4 HONORABLE RICHARD P. GOLDENHERSH, one of the Judges of said  
5 court, at the St. Clair County Building, 10 Public Square, in  
6 the City of Belleville, St. Clair County, Illinois.

7 Whereupon the following proceedings were had:

8 (The following proceedings were had in the hearing  
9 and presence of the jury)

10 RAYMOND SUSKIND

11 having resumed the witness stand, being previously sworn,  
12 testified further as follows:

13 CROSS EXAMINATION

14 By

15 MR. REX CARR.

16 Q. Doctor Suskind, do you still have Plaintiffs' 1779  
17 in front of you, the Nestmann reports?

18 A. No, I don't. I gave it back.

19 Q. We were on the report dealing with what appears to  
20 be a Mr. Haning and we were at the second full paragraph just  
21 starting on the second full paragraph that would be page  
22 number 9500100 at the bottom. Are you there, sir?

23 A. I have it, sir, yes.

24 Q. The second full paragraph there describes reports

1 that the man states that his feet had been numb for five  
2 years. Do you see that, sir?

3 A. What paragraph is that, sir?

4 Q. The second full paragraph. It says feet have been  
5 numb?

6 A. Yes, I see that, sir.

7 Q. He also states, does he not, that his feet stay  
8 cold winter and summer?

9 A. That is what this report reads, sir.

10 Q. Doctor, someone who has had numb feet for a period  
11 of five years, it would be a relatively serious problem for  
12 him, would it not, sir?

13 A. I really don't know, sir.

14 Q. In your opinion as a licensed physician, Doctor, do  
15 you not believe that someone who has had numb feet for five  
16 years, that that would be for him a serious problem?

17 A. No, sir.

18 Q. You don't think so?

19 A. No. It depends upon the severity.

20 Q. And, Doctor, it would be an unusual problem,  
21 wouldn't it, sir?

22 A. It might be.

23 Q. Doctor, that seems to be a word of speculation. Of  
24 course somebody to have feet, that both feet are numb for a

1 period of five years, surely you would consider that unusual?

2 A. I said it might be.

3 Q. I know you said that, Doctor, but I want an  
4 acclamation from you that it is an unusual problem. It is  
5 nothing that you run into in the ordinary, everyday practice  
6 of medicine, is it, for somebody to have both of his feet  
7 numb for five years?

8 A. It doesn't say continuously numb. It says he has  
9 some numbness.

10 Q. Would you, please --

11 A. Yes, sir.

12 Q. -- listen to my question, Doctor. It says here his  
13 feet have been numb for five years, doesn't it, sir?

14 A. Correct, sir.

15 Q. Now, my question to you, sir, that is indeed an  
16 unusual problem, isn't it, sir?

17 A. If it were very numb and continuous it would be  
18 unusual. If it would be occasionally numb and sometimes  
19 numb, it wouldn't be unusual, sir.

20 Q. Doctor, just the way it is stated, it says feet  
21 have been numb for five years?

22 A. I cannot tell from this whether or not it is  
23 continuous or intermittent, sir.

24 Q. Doctor, he says his feet have been numb for five

1 years. That surely implies to you that his feet have been  
2 continuously --

3 A. No, sir.

4 Q. It doesn't -- it does not mean that, sir? Doctor,  
5 don't you believe that the qualification on that, they stay  
6 about the same, refers to continuity?

7 A. No, sir.

8 Q. That his feet stay numb about the same?

9 A. No. I don't believe that that describes continuous  
10 numbness, sir.

11 Q. You don't believe that describes continuous  
12 numbness?

13 A. No, sir.

14 Q. You think it describes intermittent numbness?

15 A. It could be, sir, yes.

16 Q. Does it or does it not?

17 A. I don't know. This is a vague description, sir.

18 Q. Excuse me, Doctor. This is a description written  
19 down by the Monsanto examining physician and he says that the  
20 man reports his feet have been numb for five years. They  
21 stay about the same. You interpret that in any way other  
22 than his feet are numb all the time and have been numb for  
23 five years. To interpret it any other way, you have got to  
24 insert some words in it, don't you?