

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

COMMERCIAL UNION INSURANCE COMPANY,)

Plaintiff,)

vs.)

ROCKWELL INTERNATIONAL CORPORATION,)

Defendant and Third-Party
Plaintiff,)

vs.)

THE HOME INDEMNITY COMPANY, et al.,)

Third-Party Defendants.)

Civil Action

No. C-88-0873-L-J

DEPOSITION OF DONALD A. OLSON
Taken on behalf of the Plaintiff

May 5, 1993

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INDEX OF EXAMINATIONS

	PAGE	LINE
Direct Examination by Mr. Cassis	5	12
Cross-Examination by Mr. Goebel	30	6
Cross-Examination by Mr. Price	34	6
Redirect Examination by Mr. Cassis	35	18
Recross-Examination by Mr. Goebel	36	3

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THE HOME INDEMNITY COMPANY, et al.,)
)
Third-Party Defendants.)

DEPOSITION OF DONALD A. OLSON, produced,
sworn, and examined on behalf of the Plaintiff on
May 5, 1993, between the hours of nine o'clock in the
forenoon and five o'clock in the afternoon of that day,
at the law office of Husch & Eppenberger, 100 North
Broadway, Suite 1300, St. Louis, Missouri 63102, before
ALICIA A. CARTER, a Registered Professional Reporter and
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
Mr. Charles S. Cassis of the law firm of Brown, Todd &
Heyburn, Sixteenth Floor, Citizens Plaza, Louisville,
Kentucky 40202.

The Defendant and Third-Party Plaintiff was
represented by Mr. J. Anthony Goebel of the law firm of
Wyatt, Tarrant & Combs, Citizens Plaza, Louisville,
Kentucky 40202, and by Mr. William D. Weinreb of the
law firm of Shea & Gardner, 1800 Massachusetts Avenue,
N.W., Washington, D.C. 20036.

1 The Third-Party Defendant was represented by
2 Mr. Gene F. Price of the law firm of Alagia, Day,
3 Trautwein & Smith, 2000 Waterfront Plaza, 325 West Main
4 Street, Louisville, Kentucky 40202.

5 The Witness and Monsanto were represented by
6 Mr. Gerard H. Davidson, Jr. of the law firm of Smith,
7 Helms, Mulliss & Moore, 300 North Greene Street,
8 Suite 1400, Greensboro, North Carolina 27420.
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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between counsel for the Plaintiff and counsel for the
3 Defendants, that this deposition may be taken in
4 shorthand by ALICIA A. CARTER, a Registered Professional
5 Reporter and Notary Public, and afterwards transcribed
6 into typewriting, and to be read and signed by the
7 witness.

8 o-o-o

9 DONALD A. OLSON,
10 of lawful age, being produced, sworn, and examined on
11 the part of the Plaintiff, deposes and says:

12 DIRECT EXAMINATION

13 QUESTIONS BY MR. CASSIS:

14 Q. Mr. Olson, would you please state your full
15 name for the record?

16 A. Donald Albert Olson.

17 Q. And, Mr. Olson, give me your home address
18 and home phone number, please.

19 A. No. 3 Old Colony, St. Louis, Missouri,
20 63131, area 314/822-8289.

21 Q. Where are you currently employed?

22 A. Benchcraft, Inc.

23 Q. Benchcraft?

24 A. Yes.

25 Q. And what type of work is that?

1 A. It is a materials storage distributors
2 company.

3 Q. And how long have you been in that job?

4 A. Since 1988.

5 Q. All right. Now, you worked for Monsanto,
6 didn't you?

7 A. Yes, I did.

8 Q. When did you start work for Monsanto?

9 A. 1960.

10 Q. And when did you -- Did you retire from
11 Monsanto?

12 A. Yes, in November of 1985.

13 Q. Now, tell the court, if you would,
14 Mr. Olson, your educational background.

15 A. I have a chemical engineering degree from
16 the University of Michigan and a master's in business
17 from Harvard.

18 Q. Okay. Any other postgraduate study other
19 than your master's in business from Harvard?

20 A. No, sir.

21 Q. Any other formal schooling?

22 A. No, sir.

23 Q. Okay. Prior to going to work -- When did
24 you graduate from the University of Michigan?

25 A. February of 1956.

1 Q. And you started Monsanto in 1960?

2 A. Yes, sir.

3 Q. What did you do for those four years?

4 A. I worked for an interim period with Midwest
5 Research Institute in Kansas City, and then I was in the
6 Air Force, a second lieutenant in the Air Force, and
7 then I worked for a period of time with Butler
8 Manufacturing in Kansas City.

9 Q. Okay.

10 A. Then I went to graduate school.

11 Q. And started in 1960?

12 A. And went with Monsanto directly from
13 graduate school.

14 Q. Why don't you tell us beginning with 1960,
15 in order to save time, your employment history with
16 Monsanto?

17 A. You want dates with it or --

18 Q. Yeah.

19 A. Okay. I'll try.

20 MR. DAVIDSON: As close as you can.

21 Q. (By Mr. Cassis) As close as you can.

22 A. I started in 1960 at the John F. Queeny
23 plant in St. Louis as a chemical engineer for the plant.
24 I was there roughly --

25 Q. Excuse me just a minute. As a matter of

1 information, you started as a chemical engineer?

2 A. Yes, sir.

3 Q. And did you meet and get to know

4 Mr. Papageorge during that year?

5 A. Yes, I did.

6 Q. That's just for no other reason than to put
7 it in. Go ahead.

8 A. I was there -- Most of what I did was in
9 the chemicals area, okay, rather than in the
10 area -- After two years I went into the commercial
11 development group on food ingredients, in developing new
12 products. I was there roughly two years and then became
13 a products specialist in food ingredients in the food
14 ingredients and fine chemical area. Then I went to
15 New York again for a year and a half or two years as a
16 regional sales manager in New York City for this same
17 group.

18 Q. What type of food ingredients did you all
19 manufacture?

20 A. Probably most familiar to you would be
21 saccharin, food acids, methyl salicylate. Then the rest
22 of the group was fine chemicals, and probably the
23 largest one was aspirin.

24 Q. Aspirin?

25 A. Yes. Came back in the first of 1968 as

1 product manager for food ingredients and fine chemicals.
2 And then in about -- I don't remember the month -- in
3 May or June of '68 I became the director of marketing
4 for functional fluids.

5 Q. Now, let me stop you there. Prior to 1968
6 had you had any kind of dealings with chemicals that
7 contained PCBs?

8 A. No, sir.

9 Q. Okay. Go ahead.

10 A. Okay. I was director of marketing of this
11 group until the fourth quarter, I guess it was, of 1970
12 at which time I became the director of marketing for the
13 food ingredients and fine chemicals group. In 1975 I
14 was appointed director of marketing for petrochemicals
15 and in 1976 director of marketing for the Chemical
16 Intermediates Company which was a company rather than a
17 division. I stayed in that position until 1982, I think
18 it was, when I became business director for fine
19 chemicals and water treatment, and I was in that
20 position roughly three years before I took early
21 retirement over Thanksgiving, went back to work the next
22 day. So you asked if I was retired, I guess, yes,
23 officially, but, no, not functionally.

24 Q. Let me see if I can help.

25 A. Sure.

1 Q. To restrict -- I shouldn't use the word
2 restrict. Let me see if I can help focus down to an
3 area that I think about which I want you to testify, and
4 it will save myself and the other counsel a lot of time.
5 Would it be fair to say that between 1968 -- well,
6 certainly beginning in 1968 and through 1970 would be
7 the only years that you were involved with chemicals
8 that contained PCBs?

9 A. That's correct.

10 Q. Your duties -- And we'll get into that in
11 just a minute with respect to those years. Your duties,
12 however, with respect to other sales directorships with
13 petrochemicals, fine chemicals, and there was one other
14 chemical.

15 A. Chemical intermediates.

16 Q. Chemical intermediates had nothing whatever
17 to do with products such as Pydraul or Aroclors or
18 anything of that nature?

19 A. That's correct.

20 Q. Okay.

21 A. Yes.

22 Q. Or any chemical containing PCBs?

23 A. Not to my knowledge or to my recollection.

24 Q. Okay. If it did, it was only on a
25 peripheral basis?

1 A. Yes.

2 Q. So there is really no need for me to
3 inquire in detail, is there, with respect to -- There is
4 no reason for me to inquire in any detail, Mr. Olson,
5 with respect to those other jobs dealing with matters
6 other than chemicals containing PCBs such as Pydraul and
7 thing things of that nature for purposes of eliciting
8 any information restricted to that area?

9 A. Not in my view.

10 MR. GOEBEL: Or mine.

11 MR. DAVIDSON: Or mine.

12 MR. CASSIS: Off the record.

13 A. I had no involvement before or after with
14 any.

15 Q. (By Mr. Cassis) So the bottom line is you
16 had no involvement before or after, before 1968 and
17 after 1970?

18 A. Yeah. And I think it was around -- I don't
19 remember. It was about October 1st of 197 -- it was in
20 October of 1970 I left the group.

21 MR. CASSIS: Off the record.

22 (Whereupon, a discussion was held off the record.)

23 Q. (By Mr. Cassis) All right. Now, let me
24 see if I can get to where we need to be with respect to
25 1968. Would you please tell me your duties and

1 responsibilities beginning in '78 through 1970.

2 A. '68?

3 MR. GOEBEL: You said '78.

4 Q. (By Mr. Cassis) 1968 and 1970.

5 A. As director of marketing I had the product
6 and the field responsibility, in other words, the
7 customer responsibility through the field organization
8 and also the people who had the product responsibility,
9 the pricing and product planning and the other areas,
10 everything that you would consider as part of sales and
11 marketing.

12 Q. Okay. And during that period of time did
13 you work with William Papageorge?

14 A. Yes. I don't recall when he came into it,
15 sometime during that period, but, yes, I did.

16 Q. Okay. So you were very familiar with him
17 during that period of time?

18 A. Uh-huh.

19 Q. I'm sorry. You'll have to say yes or no.

20 A. I'm sorry. Yes, yes.

21 Q. Now, what products were you responsible for
22 during that period of time?

23 A. There were basically four groups.

24 Q. Okay.

25 A. One were the industrial hydraulic fluids,

1 which was the Pydrauls. Second was the therminols, the
2 heat transfer. The third was the dielectric area which
3 were the Aroclors. And the fourth was the aircraft
4 fire-resistant hydraulic fluid which was Skydraul.

5 Q. Skydraul?

6 A. Skydraul.

7 Q. Was that different than Pydraul?

8 A. Yes.

9 Q. How was that different?

10 A. It was different chemically. It was not --
11 I do not believe it was PCB related. There weren't any
12 PCBs in the formulation of Skydraul.

13 Q. Now, who did --

14 THE WITNESS: Am I right?

15 MR. DAVIDSON: Right.

16 Q. (By Mr. Cassis) Who did you report to or
17 who was your boss, if you had a boss?

18 A. Yes, Howard Bergen, who was the business
19 director.

20 Q. And he was also during that period of time
21 Mr. Papageorge's boss?

22 A. I believe he reported to Mr. Papageorge
23 when he came into the group.

24 Q. Okay. Do you remember what Mr. Bergen's
25 title was?

1 A. Business director.

2 Q. And what were your -- You told us -- I take
3 it you were responsible for all marketing during that
4 period of time of those four products in your group?

5 A. Yes, marketing and sales.

6 Q. Marketing and sales. What's the difference
7 between marketing and sales?

8 A. In my mind the sales is the direct customer
9 responsibility, and that's part of the organization that
10 goes to the customer and solicits and gains business and
11 serves the customer. The marketing is more of the
12 product function, the pricing, the development of
13 product plans, the forecasting, the advising on
14 advertising.

15 Q. How did you go about carrying out your
16 responsibilities as marketing director and sales
17 director with respect to sales to such companies as
18 Rockwell or companies like that?

19 A. I don't mean to confuse it. During this
20 period I had two organizations. At the beginning I had
21 basically one field organization and then various
22 product groups. Sometime during that I switched to four
23 different groups which each had their own sales people
24 and their own product people in these four areas.
25 Within that I would be responsible for the sales people

1 who were calling on any company.

2 Q. Did you have any particular person that --
3 or a particular salesman that would call on a particular
4 plant or would that person call on a particular group of
5 plants or groups in category? What I'm trying to get
6 at --

7 A. In general, they call on geography, in
8 general.

9 Q. That's what I'm trying to get at. So if
10 you had a salesman that -- Let's take the Rockwell plant
11 at Russellville, Kentucky.

12 A. Yes, sir.

13 Q. How would that person be designated? How
14 would you designate that person to call on them down
15 there to sell your product?

16 A. Each sales representative would have a
17 geographic territory, and these he would set up, trying
18 to balance the loads and do what seemed practical from a
19 time and travel standpoint, and they would call on
20 everybody in their geography. I don't recall what
21 office -- I don't recall the location this was serviced
22 from.

23 Q. All right. So you don't know who would
24 be -- who would have called on the Russellville plant
25 for Rockwell during the time that you were director of

1 sales and marketing?

2 A. No, sir, I don't recall.

3 Q. And you don't know out of which branch that
4 would have come?

5 A. No, I don't.

6 Q. Okay. And I take it your first experience
7 with PCBs was when you went into this job in 1968?

8 A. That's correct.

9 Q. Had you ever had any other experience
10 dealing with PCBs prior to that time?

11 A. No, I hadn't.

12 Q. Did you ever have any experience with
13 disposal of PCBs?

14 A. I did not.

15 Q. Were you ever involved at all with
16 containing any spills and cleanups of PCBs?

17 A. No, I wasn't.

18 Q. You had nothing to do with the
19 manufacturing end of PCBs, did you?

20 A. No, I didn't.

21 Q. Tell us what dealings you had with
22 Mr. William Papageorge during that period of time.

23 A. He was -- I believe he had been one of
24 the -- I don't recall -- I believe was at one of the
25 plants, and he came into head --

1 Q. January of 1970?

2 A. Is that when it was?

3 Q. Yeah.

4 A. He came into basically be the focal point,
5 in my understanding, for all -- pulling together all of
6 the PCB activities.

7 Q. And I take it you --

8 A. At --

9 Q. I'm sorry. Go ahead.

10 A. Go ahead.

11 Q. I didn't meant to interrupt. You go ahead.

12 A. Go ahead.

13 Q. I take it you communicated with him
14 regarding developments with respect to PCBs on a
15 periodic basis?

16 A. Yes.

17 Q. Okay. Did you, yourself, ever
18 familiarize -- I mean did you ever familiarize yourself
19 with studies about the impact of PCBs on the
20 environment?

21 A. Just reading in general and sitting in
22 meetings, but that's about the extent.

23 Q. You relied on Mr. Papageorge for that?

24 A. And others, yes.

25 Q. Who else besides him?

1 A. Bill Richard.

2 Q. Okay. Mr. Papageorge was the head of that
3 unit, though, wasn't he?

4 A. That was his -- I don't know if it was a
5 formal unit or not, but that was his responsibility,
6 yes.

7 Q. Okay. When did you first become aware of
8 the presence of PCBs in the environment?

9 A. When I first heard of the article in the
10 San Francisco Chronicle.

11 Q. Do you remember when that was?

12 A. It was early '69.

13 Q. And what was that article about?

14 A. It was about the peregrine falcon. It was
15 a study which basically said that the falcon was eating
16 the fish, and then the falcon was having dead egg
17 shells, and the new eggs were dying. Now, that's a
18 layman's view, I'm afraid.

19 Q. I have probably asked you this question in
20 a different way, but let me just specifically ask you,
21 the information that -- Strike the question. When you
22 needed specific information to provide to customers
23 concerning PCBs and PCBs in the environment, did you go
24 to Mr. Papageorge for that information?

25 A. Probably.

1 Q. And in addition to Mr. Papageorge, you
2 would attend meetings where this matter was discussed?

3 A. Yes.

4 Q. And it was discussed in some detail in
5 various sales meetings; is that correct?

6 A. I don't recall that so much as in meetings
7 with the -- with research and manufacturing, just
8 general communication meetings between functions.

9 Q. And I take it you wanted to know about that
10 so you could advise your customers?

11 A. Yes.

12 Q. Now, during the period of time that you
13 were director of marketing and sales did Monsanto notify
14 its customers of concerns with respect to the presence
15 of PCBs in the environment?

16 A. Yes.

17 Q. How did Monsanto go about notifying its
18 customers of information regarding PCBs?

19 A. Through letters to the customers.

20 Q. What about personal contact from your sales
21 people?

22 A. Well, I'm sure -- Yes, there was, but I
23 cannot be specific, a particular plan or when it was,
24 but, yes.

25 Q. Can you tell us how? Did you all have

1 meetings, and how was that discussed in the meetings
2 that that would be conveyed personally to the various
3 customers?

4 A. We -- First we had -- As far as meetings,
5 we would have an annual sales meeting, and I'm sure that
6 if -- this would be conveyed that that would be part of
7 it. Plus, none of these groups were so large that they
8 couldn't communicate pretty quickly to each other.
9 There aren't that many people in any one of them.

10 Q. I'm not following that. You mean the
11 groups within Monsanto?

12 A. The groups within -- No. I'm saying like,
13 for instance, the industrial fluids group or the
14 therminol group. These were all relatively small
15 groups, and there was good communication within them.

16 Q. Did you ever make any trips to any of
17 Monsanto's customers to specifically discuss PCBs with
18 them?

19 A. No, I did not.

20 Q. Okay. That would have been done through
21 your salesmen?

22 A. Yes.

23 Q. And letters or correspondence?

24 A. Yes.

25 MR. CASSIS: Off the record.

1 (Whereupon, a discussion was held off the record.)

2 Q. (By Mr. Cassis) How would you define your
3 role in notifying customers of the effects of PCBs in
4 the environment?

5 A. I'm not sure exactly what you mean.

6 Q. You stated earlier that you sent out
7 correspondence?

8 A. Yes.

9 Q. And your salesmen talked to them directly?

10 A. Yes.

11 Q. How would you as the director of marketing
12 and sales be involved in that?

13 A. I signed the major letter that went out to
14 customers, and I was -- I don't recall the specifics,
15 but, you know, I was somehow involved in the developing
16 of that.

17 Q. Okay. When you said "the letter," are you
18 talking about the December 9, 1970, letter?

19 A. No. They were in January to February.

20 Q. February 9, 1970?

21 A. I said "the letter." There were two
22 letters at that time within a short period of each other
23 that went to different customers bases.

24 Q. You say they were two letters that went to
25 two different customer bases?

1 A. Yes. They were similar letters, but one
2 went to a number of customer bases, and the second one,
3 which was very similar, had something added to it,
4 specifically for the dielectric industry.

5 Q. Now, you sent --

6 MR. DAVIDSON: Off the record.

7 (Whereupon, a discussion was held off the record.)

8 Q. (By Mr. Cassis) You sent out two letters,
9 one to the dielectric group?

10 A. Yes.

11 Q. And the other to what other group?

12 A. The one you were referencing dated first
13 went to the -- it was aimed to the industrial hydraulic
14 fluid customers, to the Therminol customers, and I
15 believe to the industrial users of Aroclor as a product.

16 Q. All right. Now, did you -- Let me have you
17 refer to Exhibit No. 1, if you would. I take it that
18 you had a -- Mr. Papageorge has already testified,
19 Mr. Olson. I'm just going to kind of get to some of
20 that, that you all kept a list of the customers that
21 used hydraulic -- that you sold hydraulic fluids, mainly
22 Pydraul to, and any kind of information which you would
23 send to these people you would take from that master
24 list. Is that correct or not?

25 A. I believe so, yes.

1 Q. Okay. Let me have you look at Exhibit
2 No. 1 and ask you to take a look at the front page, as
3 well as the rest of the pages.

4 A. Yes, sir.

5 Q. The front page of that exhibit shows that
6 that letter was sent to Rockwell at three locations.
7 Would you please read that into the record.

8 A. Would I?

9 Q. Yes, please.

10 A. I don't know what you want me to do.

11 Q. On the very front page of that where it
12 says Exhibit 1 --

13 A. Yes, sir.

14 Q. -- it shows that that letter was sent to
15 three Rockwell locations, and I'd like for you to read
16 into the record to which locations that letter was sent
17 to.

18 A. You want me to read these names?

19 Q. Please.

20 A. Because I have no personal they were sent,
21 but I'll read them.

22 Q. Okay.

23 A. Okay. Director of purchases, Rockwell
24 Manufacturing Company, Pittsburgh Du Bois Division, Du
25 Bois, Pennsylvania.

1 Q. How about the one to Russellville,
2 Kentucky?

3 A. "Director of purchases, Rockwell
4 Manufacturing Company, Russellville, Kentucky."

5 Q. All right. Now, that first page of that
6 Exhibit 1, is that a redacted list? By that I mean
7 there were other customers' names on this page, but for
8 purposes of producing it to us, I take it those
9 customers names were eliminated? And this is also
10 directed to your attorney, if he might help you.

11 MR. DAVIDSON: That is what happened, and
12 how this page was made up, yes. I'm not sure that
13 Mr. Olson had anything to do with it or knows how it was
14 made up.

15 Q. (By Mr. Cassis) So you --

16 A. I go by him. I don't recall the actual
17 list or -- and I can't remember.

18 Q. You do recall that Rockwell in
19 Russellville, Kentucky, was a customer of yours, do you
20 not?

21 A. I don't at this date have any personal
22 knowledge -- recollection of it, no.

23 Q. Okay. Is there any doubt in your mind that
24 the letter which you sent out on February 9, 1970, was
25 not sent to the Russellville location for Rockwell?

1 MR. GOEBEL: I'm going to object. He's
2 already said he doesn't have any personal memory -- or
3 personal knowledge it was sent and no memory of it being
4 sent.

5 Q. (By Mr. Cassis) Answer the question.
6 Don't pay any attention to his objection. Just answer
7 the question.

8 A. I would -- I can only assume that it was
9 sent there.

10 Q. And how do you make that assumption?

11 A. Because my -- All I do recall, I recall
12 that we did as diligent a job as we could of making sure
13 that we notified every possible customer because that
14 was very important for us to do.

15 Q. And did you work with -- I'm sorry. Go
16 ahead.

17 A. Go ahead.

18 Q. Did you work with Mr. Papageorge in
19 developing this letter?

20 A. I can't recall how -- I do not recall how
21 it was actually put together.

22 Q. Okay. Was this letter sent out as part of
23 a custom and practice of Monsanto to keep your customers
24 informed?

25 A. Yes. And I know I personally felt very,

1 very strongly of keeping customers informed of any
2 happenings.

3 Q. Is that your signature up there?

4 A. Yes, it is.

5 Q. And you signed this letter?

6 A. Yes, I did.

7 Q. And you participated in the preparation of
8 that letter with Mr. Papageorge?

9 A. I'm sure I played a role, but I can't tell
10 you what it was, and I don't know who else did.

11 Q. But you have no doubt that you did send a
12 letter to your customers?

13 A. That is correct.

14 Q. Okay. I think you told us you never
15 visited any of the Rockwell facilities, did you?

16 A. No, I did not.

17 Q. Did you ever speak with anyone from any of
18 the Rockwell facilities yourself?

19 A. Not to my knowledge.

20 Q. Okay. Do you have any reason to believe
21 that this letter was not sent out to the Rockwell
22 facilities listed on the front?

23 A. No, I do not.

24 Q. Okay. The actual sending of the letter and
25 putting it in the mail and all that, you would have

1 directed to someone in your office to do, wouldn't you?

2 A. Yes.

3 Q. Okay. Was the first time you heard the
4 Rockwell Russellville facility after you took over that
5 job in 1968? Was that the first time you'd ever heard
6 of the Rockwell facility?

7 A. Oh, I'm sure I had not heard of it before
8 that.

9 MR. DAVIDSON: Off the record.

10 (Whereupon, a discussion was held off the record.)

11 Q. (By Mr. Cassis) Can you tell us whether or
12 not the attachment referred to in your letter in the
13 last paragraph --

14 A. Okay.

15 Q. -- was this the -- where it says, "Chemical
16 Week, October 29, 1969," was that included with that
17 letter which you sent out?

18 A. Yes.

19 Q. Now, you sent the letter out on February 9,
20 1970. Did you sign it that same day?

21 A. I don't recall that exactly, what day it
22 was signed.

23 Q. Did you participate in drafting or
24 reviewing any other documents or correspondence that
25 were disseminated to Monsanto's customers about PCBs

1 during that period of time from 1968 to 1970?

2 MR. GOEBEL: Besides the dielectric letter
3 he's already told us about?

4 Q. (By Mr. Cassis) No. I'm talking about
5 besides that dielectric letter, yeah.

6 A. I believe that I did -- that there was one
7 letter which I signed which went specifically to the
8 industrial users, the people who bought Aroclor, per se.

9 Q. So that would not have been Rockwell?

10 A. No. It was for people who bought -- In
11 fact, the product was called Aroclor for industrial
12 uses, and it told them of some reformulation activities.

13 Q. So for those customers who purchased
14 Pydraul containing PCBs, the letter of February 1970
15 would be the only one in which you were involved in
16 sending to the customers concerning PCBs?

17 A. That's correct.

18 Q. Was that sent out in the regular course of
19 Monsanto's business?

20 A. Yes.

21 Q. Were you involved in any recommendations
22 concerning the disposal of PCB materials by any of your
23 customers?

24 A. Not that I recall specifically.

25 Q. Did you know that Monsanto had an

1 incinerator for PCBs?

2 A. I don't believe they did at that time. I
3 don't believe.

4 Q. You don't know when they had that?

5 A. No.

6 Q. Were you involved in 1970 in any way with
7 respect to labeling the -- or putting an additional
8 label on the Pydraul which was sold to customers?

9 A. Not directly that I recall.

10 Q. That would all be Mr. Papageorge, wouldn't
11 it?

12 A. Yeah -- I can't speculate. He certainly
13 would have been a key person with it.

14 Q. Were you familiar with what these labels
15 said?

16 A. No.

17 Q. So I think it's fair to say in concluding
18 my direct questioning of you that the letter of
19 February 9, 1970, which was sent to director of
20 purchases, Rockwell Manufacturing, Russellville,
21 Kentucky, and the other two Rockwell locations would
22 have been the only time that you were involved in
23 writing to Rockwell with respect to PCBs in the
24 environment?

25 MR. GOEBEL: I'm going to object to the

1 form. Your question assumes facts not in evidence.

2 Q. (By Mr. Cassis) That's fine. Go ahead and
3 answer the question.

4 A. Yes.

5 MR. CASSIS: That's all I have.

6 CROSS-EXAMINATION

7 QUESTIONS BY MR. GOEBEL:

8 Q. Mr. Olson, my name is Tony Goebel. I
9 represent Rockwell International, along with
10 Mr. Weinreb. Just a few questions.

11 A. Sure.

12 Q. What did you do to prepare for this
13 deposition?

14 A. I did two things. I -- Over the weekend I
15 read through past depositions that I've given, and then
16 I met for a period yesterday with this fine gentleman.
17 That's the extent of it.

18 Q. Did you review any documents?

19 A. Yes.

20 Q. Did you review Deposition Exhibit No. 1?

21 A. Yes.

22 Q. Did you review any others?

23 A. Yes.

24 Q. Do you recall what they were?

25 A. I reviewed this whole packet -- or saw this

1 whole packet, didn't really review it, because it was
2 after I was long gone, but I saw this whole packet, and
3 there were a couple of other documents that were
4 Monsanto documents.

5 Q. Other than Exhibit 1, your name doesn't
6 appear on any of the other documents you've reviewed; is
7 that right?

8 A. That's right.

9 Q. And you really have no personal knowledge
10 of the matters contained in those other documents?

11 A. That's correct.

12 Q. Are the Monsanto documents he showed you
13 the sales records documents?

14 A. Yes.

15 Q. He's agreed to produce those to us. So I
16 won't ask you any more about it.

17 A. Okay.

18 Q. You never visited Russellville, and you
19 don't know who in the sales and marketing staff actually
20 visited the Russellville site; is that right?

21 A. That's correct.

22 Q. And although you generally told your sales
23 reps to notify customers orally about the presence of
24 PCBs, sitting here today you can't tell us if that was
25 done with respect to Russellville?

1 A. I cannot.

2 Q. Or who would have done it?

3 A. That's correct.

4 Q. And there would be no record of that
5 communication, is that right, to your knowledge?

6 A. To my knowledge.

7 Q. Do you know if there were any written
8 records of the annual meetings that you described
9 earlier?

10 A. I'm referring to our sales meetings. No,
11 I'm sure there would not be any.

12 Q. If I understand your testimony correctly
13 with respect to Exhibit 1, other than the fact that
14 there is a cover page on there with three addresses for
15 Rockwell's -- three of Rockwell's plants, you have no
16 other information regarding that letter being sent to
17 Rockwell?

18 A. That's correct.

19 Q. And I think you said you have no personal
20 knowledge that this letter was actually sent to those
21 addressees; is that right?

22 A. That is correct.

23 Q. And you have no memory of that letter in
24 Exhibit 1 being sent to those three sites?

25 A. I do not have a memory, period. Excuse me.

1 Q. And you actually have no recollection of
2 the Russellville site even being a purchaser of Pydraul
3 fluid; is that correct?

4 MR. CASSIS: Objection. He didn't say
5 that.

6 Q. (By Mr. Goebel) Well, that's a question.
7 Do you?

8 MR. DAVIDSON: Go ahead.

9 A. The only recollection I have is the numbers
10 I saw, is the sales statistics I saw yesterday.

11 Q. (By Mr. Goebel) The only knowledge you
12 have is after reviewing some sales records?

13 A. That's correct.

14 Q. And do you recall the types of Pydraul
15 formulas that Russellville purchased?

16 A. Only from what -- I recall only from
17 yesterday. Beyond that, I do not.

18 Q. All right. Do you know if any of the
19 Pydraul fluids on or after 1970, say January 1, 1970,
20 had an environmental warning label on them?

21 A. I don't recall.

22 Q. You don't know when PCBs were released into
23 the environment at the Russellville site, if at all, do
24 you?

25 A. I have no knowledge.

1 Q. And you don't know when Rockwell discovered
2 any releases of PCBs into the environment, do you?

3 A. No, I do not.

4 MR. GOEBEL: I think that's all. Thank
5 you.

6 CROSS-EXAMINATION

7 QUESTIONS BY MR. PRICE:

8 Q. Mr. Olson, my name is Gene Price. I
9 represent Home Insurance Company, a third-party
10 defendant in this case. In 1970, February of 1970 you
11 were director of sales, functional fluids group?

12 A. (The witness nods in the affirmative.)

13 Q. As part of your duties --

14 A. Yes.

15 Q. Thank you. As part of your duties and
16 responsibilities were you required to take letters and
17 deliver them to the postal service for delivery?

18 A. No. I do need to do that in my job now,
19 but not then.

20 Q. Was that was someone in your staff or
21 someone at Monsanto responsible for that?

22 A. There were just mail pickups. I have no
23 idea who did.

24 Q. In the ordinary course of your business
25 when you signed a letter, did you find that it went out,

1 that people received your letters?

2 A. Yes.

3 Q. Okay. Do you know of any instance where
4 any of -- Well, do you have any reason to believe this
5 letter was not sent to the addresses listed on the
6 front?

7 A. I have no --

8 MR. CASSIS: Let him finish.

9 MR. GOEBEL: Let me object. I'll object
10 because he's already said he has no personal knowledge
11 of that letter ever being sent to the addressees.

12 MR. CASSIS: Read back the question. Let
13 him answer.

14 (Whereupon, the reporter read back the last question.)

15 A. I have no reason to believe it was not
16 received.

17 MR. PRICE: Okay. That's all I've got.

18 REDIRECT EXAMINATION

19 QUESTIONS BY MR. CASSIS:

20 Q. I have one last question. That is, as
21 director of sales, was this letter prepared by you in
22 the ordinary course of your work and duties as director
23 of sales?

24 A. Yes.

25 MR. CASSIS: That's all.

1 MR. WEINREB: Hold on one second.

2 (Whereupon, a discussion was held off the record.)

3 RECROSS-EXAMINATION

4 QUESTIONS BY MR. GOEBEL:

5 Q. Do you recall if there were any prior
6 drafts of this letter in Exhibit 1?

7 A. I just don't have any recollection.

8 Q. You didn't review any prior drafts?

9 A. I just don't recall whether there were one,
10 two. I have no idea. I just don't remember.

11 MR. GOEBEL: All right. That's all. Thank
12 you.

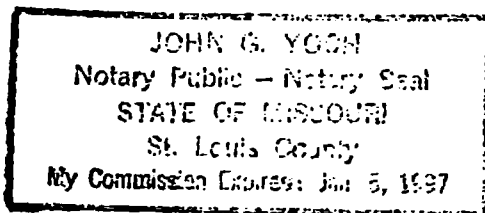
13 MR. CASSIS: Thank you, Mr. Olson.

14 Donald A. Olson

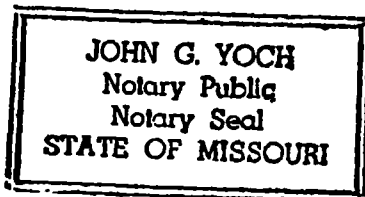
15 DONALD A. OLSON

16 Subscribed and sworn to before me this 27 day
17 of May, 1993.

18 My Commission expires: _____.



22 John G. Yoch
23 [Notary Public]



25 ORIGINAL

AAC Commercial Union vs. Rockwell International, et al.

STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS)

I, ALICIA A. CARTER, a Registered Professional Reporter and a duly commissioned Notary Public within and for the State of Missouri, do hereby certify that pursuant to Notice there came before me at the law office of Husch & Eppenberger, 100 North Broadway, Suite 1300, St. Louis, Missouri 63102,

DONALD A. OLSON,

who was by me first duly sworn to testify to the truth and nothing but the truth of all knowledge touching and concerning the matters in this cause; that the witness was thereupon examined under oath and said examination was reduced to writing by me; and to be read and signed by the witness; and that this deposition is a true and correct record of the testimony given by the witness.

I further certify that I am neither counsel for nor related nor employed by any of the parties to the action in which this deposition is taken; further that I am not a relative or employee of any attorney or counsel employed by the parties hereto financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal May 18, 1993.

ALICIA A. CARTER
Notary Public, within and
for the State of Missouri

DEPOSITION CORRECTION SHEET

Page Line Should read:
13 5 SKYDROL

Reason for change: MISSPELLED

Page Line Should read:
13 6 SAME AS ABOVE

Reason for change:

Page Line Should read:
13 12 SAME AS ABOVE

Reason for change:

Page Line Should read:
18 16 THIN Rather than DEAD

Reason for change: Transcribed incorrectly.

Page Line Should read:
23 20 Personal KNOWLEDGE

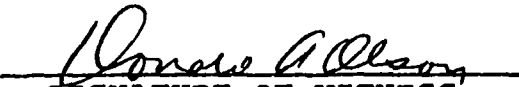
Reason for change: Transcribed incorrectly

Page Line Should read:
25 23 CUSTOMER rather than CUSTOM AND

Reason for change: Transcribed incorrectly

Page Line Should read:

Reason for change:


SIGNATURE OF WITNESS

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2 (Whereupon, a discussion was held off the record.)

3 RECROSS-EXAMINATION

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6 drafts of this letter in Exhibit 1?

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8 Q. You didn't review any prior drafts?

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10 two. I have no idea. I just don't remember.

11 MR. GOEBEL: All right. That's all. Thank
12 you.

13 MR. CASSIS: Thank you, Mr. Olson.

14 Donald A. Olson

15 DONALD A. OLSON

16 Subscribed and sworn to before me this 27 day
17 of May, 1993.

18 My Commission expires: _____.

19 JOHN G. YOCH
20 Notary Public - Notary Seal
21 STATE OF MISSOURI
St. Louis County
My Commission Expires: Jan 5, 1997

John G. Yoch
[Notary Public]

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23 Notary Public
24 Notary Seal
STATE OF MISSOURI

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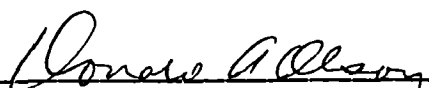
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