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4582			PLANT.
1 READING OF DALE F. SMITH, DEPOSITION TAKEN ON MAY 13,	1	2 Q AND WHAT WAS YOUR EDUCATIONAL	
2 1992.	2	3 TRAINING BEFORE THAT?	
3 THE COURT: MR. TALLON, I THINK THIS	3	4 A I HAVE A BACHELOR OF SCIENCE IN	
4 DEPOSITION WILL TAKE ABOUT 40 MINUTES, WOULD YOU	4	5 INDUSTRIAL CHEMISTRY FROM KANSAS	
5 THINK OR LESS THAN THAT?	5	6 STATE UNIVERSITY.	
6 MR. TALLON: THERE IS ONLY I SEE ONLY FOUR OR	6	7 Q DID YOU RECEIVE THAT IN 1948?	
7 FIVE PAGES HIGHLIGHTED.	7	8 A JANUARY, 1948.	
8 THE COURT: LADIES AND GENTLEMEN, THE GLAZED	8	9 Q DID THE KRUMMRICH PLANT	
9 LOOK ON MOST OF YOUR FACES HAS NOT GONE UNNOTICED BY	9	10 MANUFACTURE AROCLORS?	
10 THE ATTORNEYS.	10	11 A YES.	
11 WE WILL COMPLETE THE EVIDENCE IN THE	11	12 Q ARE YOU FAMILIAR WITH THE	
12 CASE, THAT IS, THIS DEPOSITION IS THE LAST BIT OF	12	13 PRODUCTION PROCESS FOR AROCLORS?	
13 EVIDENCE AND IT WILL TAKE ABOUT 20 MINUTES.	13	14 A NO.	
14 I WAS THINKING OF TAKING THE BREAK NOW.	14	15 Q WHAT WAS YOUR WHAT DID YOU GO	
15 BUT IT'S YOUR CHOICE.	15	16 ON TO AFTER BEING AN ANALYST AND	
16 SHOULD WE TAKE THE BREAK AND COME BACK OR	16	17 WHEN DID THAT OCCUR?	
17 SHOULD WE PROCEED FOR THE NEXT 20 MINUTES AND THEN I	17	18 A I WAS THEN I WAS THEY CALL	
18 EXCUSE YOU BY TELLING YOU ALSO THAT YOU WILL NOT BE	18	19 IT A SECTION LEADER, SHIFT	
19 HERE TOMORROW?	19	20 LEADER.	
20 DO YOU WANT TO GO FOR 20 MINUTES AND BE	20	21 THEN I WAS ASSISTANT SUPERVISOR	
21 DONE?	21	22 AND THEN A SUPERVISOR.	
22 ANYBODY NEED TO TAKE A BREAK RIGHT NOW,	22	23 THAT COVERED A NINE YEAR PERIOD	
23 NEED TO STEP INTO THE JURY ROOM? WHY DON'T WE TAKE A	23	24 WITH TWO YEARS OUT FOR RECALL	
24 SHORT BREAK, STAY IN PLACE.	24	25 DURING THE KOREA WAR IN THE AIR	
25 YOU CAN STAND UP AND STRETCH.	25	26 FORCE.	
26 THOSE OF YOU WHO WANT TO USE THE RESTROOM	26	27 Q IS THIS DURING THE PERIOD THIS	
27 CAN STEP INTO THE JURY ROOM.	27	28 TAKES US UP TO 1957, THEN?	
28 YOU ARE WELCOME TO STAND UP AND STRETCH.			
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1 (SHORT BREAK TAKEN.)	1	2 A YES, JANUARY 1, 1957 I WENT INTO	
2 THE COURT: NOW WITH ALL THE PARTICIPANTS AGAIN	2	3 THE MARKETING DEPARTMENT.	
3 PRESENT, COUNSEL, I DON'T WANT EITHER SIDE TO FEEL	3	4 Q PRIOR TO THAT POINT YOU WERE IN	
4 ANY TIME PRESSURE FROM ME IN COMPLETING THE	4	5 ANALYSIS?	
5 EVIDENCE.	5	6 A YES. ANALYST OR A SUPERVISOR IN	
6 SO, MR. TALLON, YOU GO AHEAD AND TAKE ALL	6	7 THE SAME, IN THE LABORATORY.	
7 THE TIME YOU NEED.	7	8 Q BEFORE THE TIME YOU WERE IN	
8 MR. TALLON: I THOUGHT I WAS ALREADY READING	8	9 MARKETING DID YOU EVER HAVE	
9 FAST. (READING:)	9	10 OCCASION TO DEAL WITH MONSANTO'S	
10 Q GOOD MORNING, MR. SMITH.	10	11 CUSTOMERS?	
11 A GOODS MORNING.	11	12 A NO, NOT IN THE LABORATORY.	
12 Q WOULD YOU PLEASE STATE YOUR FULL	12	13 Q WHAT WAS YOUR POSITION IN 1957?	
13 NAME FOR THE RECORD.	13	14 A I WAS A SALES ENGINEER IN THE	
14 A MY NAME IS DALE F. SMITH.	14	15 INTERMEDIATES DEPARTMENT.	
15 THE COURT: AND MR. TALLON, THE DATE OF THE	15	16 Q HOW LONG WERE YOU IN	
16 DEPOSITION, PLEASE?	16	17 INTERMEDIATES?	
17 MR. TALLON: SORRY.	17	18 A I WAS THERE UNTIL THE FIRST OF	
18 DALE F. SMITH, MAY 13, 1992.	18	19 MARCH, 1958.	
19 THE COURT: S M I T H?	19	20 AT THAT TIME I WAS TRANSFERRED TO	
20 MR. TALLON: S M I T H.	20	21 THE FUNCTIONAL FLUIDS DEPARTMENT	
21 THE COURT: GO AHEAD.	21	22 WITH PYDRAUL, THAT THE	
22 MR. TALLON: (READING:)	22	23 P Y D R A U L.	
23 Q MR. SMITH, WHEN DID YOU JOIN THE	23	24 Q WHAT DID THAT POSITION ENTAIL?	
24 MONSANTO COMPANY?	24	25 A IT ENTAILED PROVIDING TECHNICAL	
25 A FEBRUARY 10, 1948.	25	26 SERVICE ON ALL THE PYDRAUL	
26 Q WHAT WAS YOUR POSITION WHEN YOU	26	27 PRODUCTS ON OUR ENTIRE FIELD	
27 JOINED?	27	28 SALES FORCE.	
28 A ANALYST IN THE W. G. KRUMMRICH	28		IN FACT, INCLUDING OUT OF THE

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1	COUNTRY.	1	DISCUSSED ABOUT ORDER ENTRY, DID
2	Q DID YOU DEAL WITH PYDRAUL	2	YOU HAVE ANY OTHER CONTACT
3	CUSTOMERS?	3	RELATIONSHIP WITH AROCLORS?
4	A YES, THROUGH THE SALESMEN.	4	A NO.
5	I MEAN, THE CUSTOMER WOULD CALL	5	Q THIS LETTER MENTIONS SUMMARIES
6	ME AT THE HERE AT MONSANTO FOR	6	AND TOXICITY DATA, COPIES OF
7	TECHNICAL INFORMATION BECAUSE THE	7	SUMMARIES AND TOXICITY DATA.
8	SALESMEN OFTEN EITHER DIDN'T HAVE	8	UNFORTUNATELY, WE DON'T HAVE AN
9	THE INFORMATION OR IT WASN'T	9	IDENTIFIABLE FORM OF WHAT THOSE
10	AVAILABLE. HE WAS SOMEWHERE WITH	10	SUMMARIES MAY BE, THEY WEREN'T
11	OTHER CUSTOMERS, BUT I HAD VERY	11	PRODUCED YET. MY QUESTION IS,
12	DIRECT CONTACT WITH CUSTOMERS ON	12	DID YOU PROVIDE COPIES OF THESE
13	PYDRAUL.	13	SUMMARIES AND DATA TO THE
14	Q HOW LONG DID YOU HOLD THAT	14	CUSTOMERS?
15	POSITION IN THE TECHNICAL SALES	15	A WHEN REQUESTED, YES.
16	AREA?	16	VERY OPEN REQUEST TO TAKE CARE
17	A UNTIL JANUARY 1ST, 1971.	17	OF.
18	Q WHAT HAPPENED THEN?	18	Q IN ADDITION TO PROVIDING THOSE
19	A I WAS PROMOTED TO A NEW	19	DOCUMENTS, DID YOU EVER ANSWER
20	DEPARTMENT CALLED CUSTOMER ORDER	20	QUESTIONS VERBALLY ON TOXICITY OR
21	PROCESSING.	21	SAFETY OF THE PRODUCTS?
22	I WAS ONE OF THE ORIGINAL	22	A BASED ON MY KNOWLEDGE.
23	SUPERVISORS.	23	BUT ANY FURTHER TECHNICAL
24	WE HAD A COMPUTERIZED ORDER ENTRY	24	DETAILS, IT WAS ALWAYS ANSWERED
25	SYSTEM.	25	BY THE MEDICAL DEPARTMENT.
26	Q DID YOU CONTINUE TO DEAL WITH	26	BECAUSE THAT WAS NOT MY AREA OF
27	AROCLORS AT THAT POINT?	27	EXPERTISE.
28	A ONLY FROM THE STANDPOINT THAT	28	Q IF YOU RECEIVED SUCH QUESTIONS,
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1	ORDER ENTRY FOR THAT PRODUCT WAS	1	WHAT WAS YOUR RESPONSE?
2	A PART OF MY RESPONSIBILITY.	2	A I WILL GET YOU AN ANSWER FROM THE
3	BUT FROM A TECHNICAL STANDPOINT	3	MEDICAL DEPARTMENT, IF IT WAS
4	OR A SALES STANDPOINT, IT WAS	4	BEYOND THE DATA THAT WE HAD IN
5	JUST MY KNOWLEDGE OF PRODUCTS	5	FRONT OF US.
6	THAT PUT ME IN THAT POSITION.	6	Q DO YOU RECALL ANY DISCUSSIONS AT
7	Q DID YOU CONTINUE TO DEAL WITH	7	MONSANTO OR ANY DISCUSSIONS OF
8	CUSTOMERS AFTER JANUARY 1, 1971?	8	MONSANTO TO WHICH YOU WERE A
9	A FROM THE STANDPOINT OF THE ORDER	9	PARTY OR YOU WERE AWARE OF
10	ENTRY FUNCTION, YES.	10	CONCERNING THE IDEA OR MOTION OR
11	NOT AS TECHNICAL.	11	POLICY OR SUGGESTION OF NOT
12	THERE MAY HAVE BEEN SOME OVERLAP	12	DISCLOSING COMPOSITIONS OF
13	FOR A FEW MONTHS WHERE CUSTOMERS	13	VARIOUS PRODUCTS TO CUSTOMERS?
14	I HAD TALKED WITH WOULD CALL ME	14	A NO.
15	FOR INFORMATION.	15	Q DO YOU RECALL ANY DISCUSSIONS
16	Q AND HOW LONG DID YOU STAY IN THAT	16	PERTAINING TO OR SUGGESTING THAT
17	POSITION?	17	THE COMPOSITION OF SOME PRODUCTS
18	A UNTIL I RETIRED ON DECEMBER 1,	18	WERE TRADE SECRETS AND SHOULD NOT
19	1985.	19	BE REVEALED TO THE CUSTOMERS?
20	NOW, THERE WAS A THREE YEAR	20	A ONLY THE EXACT FORMULATION.
21	PERIOD FROM '77 UNTIL '80 THAT I	21	Q DO YOU RECALL ANY DISCUSSIONS OR
22	HAD A SIMILAR POSITION WITH	22	SUGGESTIONS THAT UNLESS THE
23	FISHER CONTROLS IN MARSHAL TOWN,	23	CUSTOMER ALREADY KNEW, TAKE THAT
24	IOWA.	24	BACK.
25	I WAS TRANSFERRED THERE FOR A	25	DO YOU RECALL ANY SUGGESTIONS OR
26	THREE YEAR PERIOD.	26	DISCUSSIONS THAT CUSTOMERS SHOULD
27	Q DURING ANY TIME FROM 1971 TO	27	NOT BE TOLD THAT A GIVEN PRODUCT
28	1985, OTHER THAN WHAT YOU HAVE	28	CONTAINS AROCLORS OR CHLORINATED

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1	BIPHENYL?	1	AROCLOR?
2	A WE DID NOT USE THE WORD "AROCLOR"	2	A WOULD YOU REPEAT THAT AGAIN
3	OR "CHLORINATED BIPHENYL" WITH	3	BECAUSE I'M NOT CLEAR ON IT.
4	CUSTOMERS.	4	Q I UNDERSTAND. FIRST, LET'S
5	WE USED THE WORD "AROMATIC	5	DEFINE TERMS.
6	CHLORINATED HYDROCARBONS."	6	I'M GOING TO USE THE TERM AROCLOR
7	Q IS THERE ANY PARTICULAR REASON	7	OR CHLORINATED BIPHENYL TO MEAN
8	FOR USING THAT TERM?	8	THE CHEMICAL COMPOUND CHLORINATED
9	A YES, BECAUSE AROMATIC CHLORINATED	9	BIPHENYL WHICH IS THE BIPHENYL
10	HYDROCARBONS ARE HIGHLY STABLE	10	WITH THE CHLORINE ATOMS, HOWEVER
11	VERSUS THE STRAIGHT CHAIN	11	MANY CHLORINE ATOMS.
12	CHLORINATED COMPOUNDS.	12	WITH THAT IN MIND, I'M ASKING,
13	Q BUT WHY USE CHLORINATED	13	WAS THERE ANY INTEREST AT
14	HYDROCARBON I'M SORRY,	14	MONSANTO IN NOT REVEALING TO
15	AROMATIC CHLORINATED HYDROCARBON	15	CUSTOMERS THAT A GIVEN PRODUCT
16	AS OPPOSED TO CHLORINATED	16	CONTAINED A CHLORINATED BIPHENYL?
17	BIPHENYL?	17	A IT WOULD ONLY BE SPECULATION ON
18	A BECAUSE BIPHENYL WAS EVIDENTLY A	18	MY PART.
19	SOLE PROPRIETARY PRODUCT OF	19	I'M NOT I DON'T HAVE ANY
20	MONSANTO THAT WAS PART OF OUR	20	SPECIFIC INFORMATION TO ANSWER
21	KNOW HOW.	21	YOU ON THAT.
22	THAT TERM COVERED ALL OF THEM.	22	Q WERE THERE DISCUSSIONS OR
23	Q WHICH TERM?	23	SUGGESTIONS THAT THE SALESMEN OR
24	I'M SORRY.	24	ANYONE DEALING WITH CUSTOMERS
25	A AROMATIC CHLORINATED HYDROCARBON	25	SHOULD NOT TELL CUSTOMERS THAT
26	Q WHEN YOU SAID "BIPHENYL," THAT	26	THE PRODUCTS CONTAINED
27	ANSWER, DO YOU MEAN CHLORINATED	27	CHLORINATED BIPHENYL FOR WHATEVER
28	BIPHENYL?	28	REASON?
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1	A THAT IS A LARGE UMBRELLA YOU ARE	1	A I'M NOT AWARE OF EXCEPT ON THE
2	ASKING ME, I CAN'T ANSWER THAT	2	PROPRIETARY INFORMATION. WE
3	ACCURATELY.	3	DIDN'T REVEAL PRODUCT
4	BIPHENYLS WERE NOT USED TO COVER	4	INFORMATION, OR FORMULATION
5	AROCLOR.	5	INFORMATION TO ANYBODY IN THOSE
6	AROCLORS WERE AROCLORS AND	6	DAYS.
7	BIPHENYLS WERE BIPHENYLS, IN MY	7	Q WHAT DO YOU MEAN BY "IN THOSE
8	RECOLLECTION. YOU ARE TALKING	8	DAYS"?
9	ABOUT 30 YEARS NOW.	9	A I MEAN IN THE TIME THAT I WAS
10	Q CAN THE TERM AROMATIC CHLORINATED	10	FROM THE TIME I STARTED WORK AT
11	HYDROCARBON INCLUDE PRODUCTS	11	MONSANTO UNTIL I LEFT WE DIDN'T
12	OTHER THAN CHLORINATED BIPHENYL?	12	GIVE ANY FORMULATION, PROPRIETARY
13	A AS I USED IT, NO.	13	INFORMATION TO CUSTOMERS.
14	BUT AN AROMATIC CHLORINATED	14	WE SATISFIED THEIR NEEDS AS FAR
15	HYDROCARBON COULD.	15	AS INFORMATION THEY NEEDED. BUT
16	Q WAS THERE AN INTEREST IN MONSANTO	16	WE DIDN'T SAY IT HAD A PERCENTAGE
17	IN THE FOR WHATEVER REASON, I	17	OF THIS AND A PERCENTAGE OF THAT
18	DON'T MEAN TO IMPLY THAT THERE	18	AND A SPECK OF THIS IN IT.
19	WAS AN IMPROPER PURPOSE HERE. I	19	Q LET ME SHOW YOU SOME DOCUMENTS
20	UNDERSTAND ALL ABOUT TRADE	20	HERE.
21	SECRETS.	21	I'M NOT SUGGESTING YOU SHOULD
22	BUT WAS THERE AN INTEREST IN	22	RECOGNIZE THESE DOCUMENTS, BUT
23	MONSANTO IN NOT REVEALING TO	23	THEY SEEM TO BE ALONG THE LINES
24	CUSTOMERS THAT THE PRODUCTS THEY	24	OF WHAT WE ARE DISCUSSING.
25	WERE USING WERE THAT THEY	25	DO YOU RECALL THIS PARTICULAR
26	WERE USING CONTAINED, AS YOU SAY,	26	LETTER?
27	AROMATIC CHLORINATED HYDROCARBON	27	A I DON'T RECALL THE SPECIFIC
28	MEANING CHLORINATED HYDRO OR	28	LETTER, NO.

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1	Q LET ME REFER YOU TO THE SECOND	1	FORMULATION.
2	PARAGRAPH, THE FIRST PARAGRAPH,	2	A YES.
3	ACTUALLY.	3	Q NOW, I'M ASKING YOU TO RESPOND TO
4	IT SAYS, "MR. DALE F. SMITH HAS	4	THESE QUESTIONS IN LIGHT OF THE
5	ASKED ME TO REPLY IN PART TO YOUR	5	ROUTINE THAT YOU SPOKE ABOUT.
6	LETTER OF SEPTEMBER 12TH."	6	A OKAY.
7	DO YOU RECALL MAKING THAT	7	Q AND IF A CUSTOMER ASKED, "SAY,
8	REQUEST?	8	WHAT IS THE PERCENTAGE OF AROCLOR
9	A NO, I DO NOT.	9	1242 IN MCS 153," WOULD IT BE
10	Q DO YOU RECALL EVER DEALING WITH	10	CONSISTENT WITH THE ROUTINE TO
11	THE RECIPIENT OF THE LETTER,	11	GIVE HIM THAT PERCENTAGE?
12	MR. MC PHEE?	12	A NO.
13	A I RECALL THE NAME, YES.	13	Q WHAT IF THE CUSTOMER ASKED,
14	THE ARGONNE NATIONAL LABORATORY.	14	"WHICH AROCLORS ARE IN MCS 153?"
15	THIS WOULD BE JUST ONE OF MANY	15	MR. TALLON: THEN THERE IS A QUESTION,
16	REQUESTS WE WOULD HAVE HAD IN MY	16	WHAT CUSTOMER?
17	CAPACITY AS TECHNICAL SERVICE	17	Q ANY CUSTOMER.
18	ENGINEER.	18	A NO. WE WOULD NOT GIVE THE
19	Q REFERRING TO THE SECOND PARAGRAPH	19	CUSTOMER, WE WOULD NOT REFER TO
20	IT SAYS, "I AM SORRY THAT WE	20	AROCLOR.
21	CANNOT DISCLOSE ANY ADDITIONAL	21	Q SO IF THE CUSTOMER ASKED, "DID
22	INFORMATION RELATIVE TO THE	22	MCS 153 CONTAIN AROCLOR," YOU
23	COMPOSITION OF THIS FLUID."	23	WOULD NOT TELL HIM?
24	I'M NOT ASKING YOU TO SPECULATE	24	A WE WOULD TELL HIM IT WAS ONE OF
25	HERE, I'M ASKING YOU IF YOU KNOW	25	MONSANTO'S AROMATIC CHLORINATED
26	WHETHER THERE WAS ANY REASON WHY	26	HYDROCARBONS, THAT THAT WAS
27	APPARENTLY MR. WHEELER WAS NOT	27	PROPRIETARY INFORMATION.
28	ABLE TO DISCLOSE THIS ADDITIONAL	28	I'M SPEAKING FOR THE TIME I WAS
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1	INFORMATION ABOUT COMPOSITION?	1	IN THE GROUP.
2	A I COULD ONLY ASSUME THAT	2	Q I UNDERSTAND.
3	MR. WHEELER WAS GOING BY THE	3	IS THAT THE TIME FROM 1957 TO
4	NORMAL COMPANY THING OF NOT	4	1971?
5	DISCLOSING SPECIFIC INFORMATION.	5	A CORRECT.
6	IT WAS NOT UNCOMMON FOR CUSTOMERS	6	Q SO THE RECORD IS CLEAR,
7	TO ASK US TO GIVE THEM THE	7	REGARDLESS OF WHAT TERM YOU MAY
8	FORMULATION.	8	HAVE USED IN OUR DISCUSSION HERE
9	I MEAN, THAT IS JUST ROUTINE IN	9	IN DISCUSSING THE PRODUCTS WITH
10	ANY COMPANY.	10	CUSTOMERS, YOU DID NOT USE THE
11	THE CUSTOMERS TRY TO GET	11	TERM "AROCLOR"?
12	FORMULATION INFORMATION.	12	A NO.
13	Q MR. SMITH USED THE WORD ROUTINE	13	Q AND ALSO YOU DID NOT USE THE TERM
14	AND I WILL USE THE SAME WORD.	14	"CHLORINATED BIPHENYL"?
15	WAS IT THE ROUTINE OF MONSANTO	15	A NO.
16	NOT TO GIVE OUT SPECIFIC	16	Q YOU WOULD USE THE TERM "AROMATIC
17	FORMULATION INFORMATION?	17	CHLORINATED HYDROCARBON"?
18	A CERTAINLY.	18	A CORRECT.
19	IT WAS A WISE DECISION.	19	Q DOES THAT APPLY TO ALL CUSTOMERS?
20	Q ARE YOU FAMILIAR WITH A PRODUCT	20	A YES, ALL CUSTOMERS.
21	CALLED TURBINOL 153?	21	Q WAS THERE EVER ANY DISCUSSIONS AT
22	A YES.	22	MONSANTO THAT YOU WERE AWARE OF
23	Q THE SECOND PARAGRAPH ENDS WITH,	23	ABOUT POSSIBLY WITHHOLDING OR
24	QUOTE, "MCS 153 IS A SHEAR,	24	DELAYING TALKING ABOUT TOXICITY
25	STABLE FUNCTIONAL FLUID HAVING	25	PROBLEMS WITH NEW CUSTOMERS SO AS
26	THE FOLLOWING FORMULATION," CLOSE	26	TO NOT SCARE THE CUSTOMERS OFF?
27	QUOTE.	27	A NO, NO DELAY.
28	THEN IT GIVES FAIRLY SPECIFIC	28	Q AND IN YOUR EXPERIENCE AND IN

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1	YOUR SALES EFFORTS WITH ANY	1	AROCOR CONTAINING PRODUCT?
2	AROCOR CONTAINING COMPOUND, DID	2	A CHLORINATED HYDROCARBON, YES.
3	YOU EVER DISCUSS WITH ANYONE AT	3	Q ARE YOU FAMILIAR LET'S GO
4	MONSANTO OR DID ANYONE AT	4	BACK.
5	MONSANTO SUGGEST TO YOU THAT	5	NOT AS YOU SIT HERE TODAY, BUT
6	DISCUSSION OF TOXICITY OF THE	6	DURING THE TIME WHEN YOU WERE AT
7	PRODUCT COULD OR SHOULD BE	7	MONSANTO, DID YOU EVER HEAR OF A
8	DELAYED UNTIL SOME LATER POINT IN	8	COMPANY CALLED TRANSWESTERN
9	TIME?	9	PIPELINE COMPANY?
10	FOR EXAMPLE, WELL, LET'S DO IT A	10	A NEVER.
11	STEP AT A TIME.	11	Q DID YOU HAVE DID YOU EVER HAVE
12	COULD OR SHOULD BE DELAYED UNTIL	12	CONTACT WITH ANYONE FROM
13	FIELD TESTS WERE UNDERWAY?	13	TRANSWESTERN PIPELINE COMPANY?
14	A NO.	14	A NOT TO MY KNOWLEDGE.
15	Q WHEN DID YOU FIRST BECOME AWARE	15	Q DO YOU KNOW ANYTHING ABOUT HOW
16	OF A PRODUCT CALLED MCS 153 OR	16	THE MCS 153 OR TURBINOL WAS
17	TURBINOL 153?	17	LABELED?
18	A I DON'T RECALL THE EXACT DATE.	18	DO YOU KNOW WHAT LABEL MONSANTO
19	IT WAS LATER IN MY TIME IN THE	19	WOULD PUT ON THE PRODUCT?
20	FLUIDS GROUP.	20	A I'M SURE MY RECOLLECTION IS IT
21	Q WERE YOU EVER INVOLVED IN THE	21	WOULD SAY "CONTAINS CHLORINATED
22	DEVELOPMENT OF THE PRODUCT?	22	HYDROCARBON" AND THE NORMAL
23	A NO.	23	PRECAUTIONS OF WASHING AND
24	Q DO YOU KNOW HOW THE PRODUCT WAS	24	WHATEVER.
25	DEVELOPED?	25	THAT WAS A STANDARD LABEL WE
26	A NO.	26	USED.
27	Q ARE YOU FAMILIAR WITH THE TEXAS	27	Q DO YOU RECALL APPROXIMATELY WHEN
28	EASTERN CORPORATION?	28	THESE SORTS OF LABELS WENT INTO
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1	A YES.	1	USE, AND BY THAT I MEAN THE
2	Q I'M NOT REFERRING TO TODAY AS YOU	2	WARNING LET'S GO BACK FOR A
3	SIT HERE TODAY.	3	SECOND.
4	BUT BACK IN THE PERIOD WHEN YOU	4	I'M REFERRING TO THE SECTION OF
5	WERE WORKING AT MONSANTO, DID YOU	5	THIS LABEL OF BOTH EXHIBITS 222
6	KNOW WHAT TEXAS EASTERN DID?	6	AND 223 THAT BEGINS "CAUTION" AND
7	DID YOU KNOW WHAT THE COMPANY	7	THEN "CONTAINS CHLORINATED
8	DID?	8	HYDROCARBONS."
9	A YES.	9	I'M REFERRING TO THAT SECTION OF
10	Q DO YOU KNOW WHAT THEY USED	10	THE LABEL WHICH I WILL CALL "THE
11	MCS 153 FOR?	11	WARNING."
12	A IT WAS A TURBINE LUBRICANT, GAS	12	A YES.
13	TURBINES, OS 81.	13	Q DO YOU RECALL WHEN THIS
14	Q I'M SORRY.	14	PARTICULAR WARNING FIRST CAME TO
15	YOU MENTIONED?	15	BE USED?
16	A OS 81 FIRST.	16	A I DO NOT RECALL.
17	Q WHAT DO YOU MEAN BY THAT?	17	Q DO YOU RECALL IF THIS WARNING WAS
18	I DON'T UNDERSTAND WHAT YOU SAID,	18	EVER CHANGED?
19	"OS 81 FIRST."	19	A YOU MEAN AFTER IT WAS STARTING TO
20	A THAT WAS THE FIRST PRODUCT THEY	20	BE USED?
21	USED.	21	Q YES.
22	THAT WAS MY FIRST RESPONSIBILITY	22	A NOT TO MY KNOWLEDGE.
23	WITH TEXAS EASTERN.	23	Q DO YOU KNOW IF MONSANTO EVER PUT
24	Q TEXAS EASTERN USED OS 81 FIRST?	24	EITHER IN THE FORM OF A WARNING
25	A YES.	25	OR IN THE LABEL OR OTHERWISE ON
26	Q AND THEN MCS 153?	26	THE PRODUCT WORDS TO THE EFFECT
27	A YES.	27	OF "CONTAINS CHLORINATED
28	Q WAS OS 81 ALSO AN	28	BIPHENYL"?

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1	A NEVER SAW SUCH A WORDING.	1	ONCE THE CASE IS SUBMITTED TO YOU.
2	Q HOW ABOUT "CONTAINS	2	I'M SURE THAT WILL BE BY WEDNESDAY
3	POLYCHLORINATED BIPHENYL"?	3	MORNING.
4	A NO.	4	SO COULD YOU PLAN AHEAD, PLEASE, SO YOU
5	Q "CONTAINS PCB"?	5	CAN ARRIVE ON WEDNESDAY MORNING, STARTING WEDNESDAY
6	A NO.	6	MORNING AND EVERY MORNING THEREAFTER TO START YOUR
7	Q "CONTAINS AROCLOR"?	7	WORK AT 9 O'CLOCK IN THE MORNING INSTEAD OF 9:30.
8	A NO.	8	THERE IS NO REASON FOR YOU TO WAIT WHILE
9	Q ARE YOU FAMILIAR WITH THE	9	I'M DOING OTHER CASES HERE IN THE COURTROOM.
10	CIRCUMSTANCES UNDER WHICH	10	WE EXPECT THAT MONDAY AND MOST OF
11	MONSANTO WITHDREW FROM THE MARKET	11	TUESDAY, PROBABLY WILL BE USED FOR THE ARGUMENT AND
12	ANY AROCLOR CONTAINING PRODUCTS?	12	THE INSTRUCTIONS.
13	A THAT WAS AFTER MY TIME IN THE	13	YOUR EMPLOYERS HAVE A RIGHT TO EXPECT YOU
14	PRODUCT GROUP.	14	AT WORK TOMORROW UNLESS YOU HAVE A VACATION DAY THAT
15	I WOULD BE AWARE OF IT ONLY AS IT	15	YOU WISH TO USE OR OTHERWISE.
16	RELATED TO THE CUSTOMER SERVICE	16	TOMORROW DOES NOT COUNT AS A REQUIRED
17	DEPARTMENT THAT I WAS INVOLVED	17	DAY.
18	WITH AT THAT TIME.	18	HAVE A NICE BREAK FROM THE CASE.
19	Q DID ANY CUSTOMER EVER TELL YOU	19	COME BACK RESTED, PLEASE.
20	THAT THE CUSTOMER COULD NOT	20	I ASSURE YOU THERE IS WORK AHEAD FOR
21	PURCHASE A MONSANTO PRODUCT	21	YOU.
22	BECAUSE IT CONTAINED AROCLORS OR	22	AND DON'T THINK ABOUT THE CASE.
23	PCB'S?	23	DON'T FORM ANY IMPRESSION.
24	A I DON'T REMEMBER THAT HAPPENING,	24	IT'S STILL NOT BEEN FINALLY SUBMITTED TO
25	NO.	25	YOU.
26	Q TO YOUR KNOWLEDGE, DID ANY	26	AND YOU HAVE TO CONSIDER NOT ONLY THE
27	CUSTOMER EVER TELL ANYONE AT	27	EVIDENCE IN THE CASE BUT THE LAW THAT I WILL GIVE TO
28	MONSANTO THAT THE CUSTOMER COULD	28	YOU AND HOW THE LAWYERS MELD ALL OF THAT MATERIAL
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1	NOT PURCHASE A PRODUCT BECAUSE IT	1	TOGETHER, BRING IT ALL INTO FOCUS.
2	CONTAINED PCB'S OR AROCLORS?	2	SO HAVE A NICE BREAK FROM THE CASE.
3	A NOT DURING MY TIME IN THE PRODUCT	3	AND DON'T TALK ABOUT IT WITH ANY OTHER
4	GROUP.	4	PERSON.
5	Q DID YOU EVER TELL ANYONE AT TEXAS	5	WE WILL SEE YOU MONDAY MORNING.
6	EASTERN OR TRANSWESTERN THAT	6	A QUESTION?
7	MCS 153 OR TURBINOL 153 COULD	7	JUROR SCOTT: POINT OF CLARIFICATION, ON MONDAY
8	POSE AN ENVIRONMENTAL HAZARD?	8	AND TUESDAY WE WILL BE HERE AT 9:30 AND THEN
9	A NO.	9	WEDNESDAY AT 9 O'CLOCK.
10	MR. TALLON: THAT CONCLUDES THE READING OF DALE	10	THE COURT: AND THEN THEREAFTER AT 9 O'CLOCK.
11	SMITH.	11	LEAVE YOUR NOTEBOOKS, PLEASE.
12	THE COURT: ALL RIGHT.	12	JUROR SUAREZ: ARE WE STILL HERE AFTER THE
13	AND SUBJECT TO THE RECEIPT OF EXHIBITS	13	18TH?
14	DOES TRANSWESTERN NOW REST?	14	THE COURT: I DON'T KNOW HOW LONG IT WILL
15	MR. TALLON: YES.	15	TAKE.
16	THE COURT: THEN, LADIES AND GENTLEMEN, THAT	16	IF YOU HAVE A TIME PROBLEM OR ANY
17	COMPLETES THE EVIDENCE IN THE CASE.	17	CONCERN, PLEASE MAKE A NOTE.
18	I'M GOING TO EXCUSE YOU FROM BEING HERE	18	SO I CAN BE REMINDED OF ANY CONCERN.
19	TOMORROW SO THAT I CAN FINISH WORKING WITH THE	19	PLEASE MAKE A NOTE OF ANY TIME CONCERNS
20	LAWYERS ON THE INSTRUCTIONS.	20	THAT YOU HAVE.
21	YOUR WORK ON THE CASE WILL HAS BEEN	21	THANK YOU FOR THAT.
22	DILIGENT SO FAR BUT WILL REALLY BEGIN NEXT WEEK WHEN	22	WE ARE IN RECESS.
23	YOU HEAR THE INSTRUCTIONS.	23	(RECESS.)
24	YOU WILL HEAR THE SUMMATIONS BY THE	24	
25	LAWYERS AND THEN THE CASE WILL BE TO YOU FOR	25	(AT 3:00 P.M., THE PROCEEDINGS WERE ADJOURNED
26	DELIBERATION.	26	UNTIL FRIDAY, JANUARY 7, 1994 AT 9:30 A.M.)
27	I'M GOING TO CHANGE YOUR HOURS NEXT WEEK		
28	AND ASK YOU TO RETURN AT 9 O'CLOCK IN THE MORNING		

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