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READING OF DALE F. SMITH, DEPOSITION TAKEN ON MAY 13, 1992.

THE COURT: MR. TALLON, I THINK THIS DEPOSITION WILL TAKE ABOUT 40 MINUTES, WOULD YOU THINK OR LESS THAN THAT?

MR. TALLON: THERE IS ONLY I SEE ONLY FOUR OR FIVE PAGES HIGHLIGHTED.

THE COURT: LADIES AND GENTLEMEN, THE GLAZED LOOK ON MOST OF YOUR FACES HAS NOT GONE UNNOTICED BY THE ATTORNEYS.

WE WILL COMPLETE THE EVIDENCE IN THE CASE, THAT IS, THIS DEPOSITION IS THE LAST BIT OF EVIDENCE AND IT WILL TAKE ABOUT 20 MINUTES.

I WAS THINKING OF TAKING THE BREAK NOW. BUT IT'S YOUR CHOICE.

SHOULD WE TAKE THE BREAK AND COME BACK OR SHOULD WE PROCEED FOR THE NEXT 20 MINUTES AND THEN I EXCUSE YOU BY TELLING YOU ALSO THAT YOU WILL NOT BE HERE TOMORROW?

DO YOU WANT TO GO FOR 20 MINUTES AND BE DONE?

ANYBODY NEED TO TAKE A BREAK RIGHT NOW, NEED TO STEP INTO THE JURY ROOM? WHY DON'T WE TAKE A SHORT BREAK, STAY IN PLACE.

YOU CAN STAND UP AND STRETCH.

THOSE OF YOU WHO WANT TO USE THE RESTROOM CAN STEP INTO THE JURY ROOM.

YOU ARE WELCOME TO STAND UP AND STRETCH.

4583

(SHORT BREAK TAKEN.)

THE COURT: NOW WITH ALL THE PARTICIPANTS AGAIN PRESENT, COUNSEL, I DON'T WANT EITHER SIDE TO FEEL ANY TIME PRESSURE FROM ME IN COMPLETING THE EVIDENCE.

SO, MR. TALLON, YOU GO AHEAD AND TAKE ALL THE TIME YOU NEED.

MR. TALLON: I THOUGHT I WAS ALREADY READING FAST. (READING:)

Q GOOD MORNING, MR. SMITH.

A GOODS MORNING.

Q WOULD YOU PLEASE STATE YOUR FULL NAME FOR THE RECORD.

A MY NAME IS DALE F. SMITH.

THE COURT: AND MR. TALLON, THE DATE OF THE DEPOSITION, PLEASE?

MR. TALLON: SORRY.

DALE F. SMITH, MAY 13, 1992.

THE COURT: S M I T H?

MR. TALLON: S M I T H.

THE COURT: GO AHEAD.

MR. TALLON: (READING:)

Q MR. SMITH, WHEN DID YOU JOIN THE MONSANTO COMPANY?

A FEBRUARY 10, 1948.

Q WHAT WAS YOUR POSITION WHEN YOU JOINED?

A ANALYST IN THE W. G. KRUMMRICH

PLANT.

Q AND WHAT WAS YOUR EDUCATIONAL TRAINING BEFORE THAT?

A I HAVE A BACHELOR OF SCIENCE IN INDUSTRIAL CHEMISTRY FROM KANSAS STATE UNIVERSITY.

Q DID YOU RECEIVE THAT IN 1948?

A JANUARY, 1948.

Q DID THE KRUMMRICH PLANT MANUFACTURE AROCLORS?

A YES.

Q ARE YOU FAMILIAR WITH THE PRODUCTION PROCESS FOR AROCLORS?

A NO.

Q WHAT WAS YOUR WHAT DID YOU GO ON TO AFTER BEING AN ANALYST AND WHEN DID THAT OCCUR?

A I WAS THEN I WAS THEY CALL IT A SECTION LEADER, SHIFT LEADER.

THEN I WAS ASSISTANT SUPERVISOR AND THEN A SUPERVISOR.

THAT COVERED A NINE YEAR PERIOD WITH TWO YEARS OUT FOR RECALL DURING THE KOREA WAR IN THE AIR FORCE.

Q IS THIS DURING THE PERIOD THIS TAKES US UP TO 1957, THEN?

A YES, JANUARY 1, 1957 I WENT INTO THE MARKETING DEPARTMENT.

Q PRIOR TO THAT POINT YOU WERE IN ANALYSIS?

A YES. ANALYST OR A SUPERVISOR IN THE SAME, IN THE LABORATORY.

Q BEFORE THE TIME YOU WERE IN MARKETING DID YOU EVER HAVE OCCASION TO DEAL WITH MONSANTO'S CUSTOMERS?

A NO, NOT IN THE LABORATORY.

Q WHAT WAS YOUR POSITION IN 1957?

A I WAS A SALES ENGINEER IN THE INTERMEDIATES DEPARTMENT.

Q HOW LONG WERE YOU IN INTERMEDIATES?

A I WAS THERE UNTIL THE FIRST OF MARCH, 1958.

AT THAT TIME I WAS TRANSFERRED TO THE FUNCTIONAL FLUIDS DEPARTMENT WITH PYDRAUL, THAT THE P Y D R A U L.

Q WHAT DID THAT POSITION ENTAIL?

A IT ENTAILED PROVIDING TECHNICAL SERVICE ON ALL THE PYDRAUL PRODUCTS ON OUR ENTIRE FIELD SALES FORCE.

IN FACT, INCLUDING OUT OF THE

COUNTRY.
Q DID YOU DEAL WITH PYDRAUL CUSTOMERS?
A YES, THROUGH THE SALESMEN.
I MEAN, THE CUSTOMER WOULD CALL ME AT THE HERE AT MONSANTO FOR TECHNICAL INFORMATION BECAUSE THE SALESMEN OFTEN EITHER DIDN'T HAVE THE INFORMATION OR IT WASN'T AVAILABLE. HE WAS SOMEWHERE WITH OTHER CUSTOMERS, BUT I HAD VERY DIRECT CONTACT WITH CUSTOMERS ON PYDRAUL.
Q HOW LONG DID YOU HOLD THAT POSITION IN THE TECHNICAL SALES AREA?
A UNTIL JANUARY 1ST, 1971.
Q WHAT HAPPENED THEN?
A I WAS PROMOTED TO A NEW DEPARTMENT CALLED CUSTOMER ORDER PROCESSING.
I WAS ONE OF THE ORIGINAL SUPERVISORS.
WE HAD A COMPUTERIZED ORDER ENTRY SYSTEM.
Q DID YOU CONTINUE TO DEAL WITH AROCLORS AT THAT POINT?
A ONLY FROM THE STANDPOINT THAT

ORDER ENTRY FOR THAT PRODUCT WAS A PART OF MY RESPONSIBILITY.
BUT FROM A TECHNICAL STANDPOINT OR A SALES STANDPOINT, IT WAS JUST MY KNOWLEDGE OF PRODUCTS THAT PUT ME IN THAT POSITION.
Q DID YOU CONTINUE TO DEAL WITH CUSTOMERS AFTER JANUARY 1, 1971?
A FROM THE STANDPOINT OF THE ORDER ENTRY FUNCTION, YES.
NOT AS TECHNICAL.
THERE MAY HAVE BEEN SOME OVERLAP FOR A FEW MONTHS WHERE CUSTOMERS I HAD TALKED WITH WOULD CALL ME FOR INFORMATION.
Q AND HOW LONG DID YOU STAY IN THAT POSITION?
A UNTIL I RETIRED ON DECEMBER 1, 1985.
NOW, THERE WAS A THREE YEAR PERIOD FROM '77 UNTIL '80 THAT I HAD A SIMILAR POSITION WITH FISHER CONTROLS IN MARSHALTOWN, IOWA.
I WAS TRANSFERRED THERE FOR A THREE YEAR PERIOD.
Q DURING ANY TIME FROM 1971 TO 1985, OTHER THAN WHAT YOU HAVE

DISCUSSED ABOUT ORDER ENTRY, DID YOU HAVE ANY OTHER CONTACT RELATIONSHIP WITH AROCLORS?
A NO.
Q THIS LETTER MENTIONS SUMMARIES AND TOXICITY DATA, COPIES OF SUMMARIES AND TOXICITY DATA.
UNFORTUNATELY, WE DON'T HAVE AN IDENTIFIABLE FORM OF WHAT THOSE SUMMARIES MAY BE, THEY WEREN'T PRODUCED YET. MY QUESTION IS, DID YOU PROVIDE COPIES OF THESE SUMMARIES AND DATA TO THE CUSTOMERS?
A WHEN REQUESTED, YES.
VERY OPEN REQUEST TO TAKE CARE OF.
Q IN ADDITION TO PROVIDING THOSE DOCUMENTS, DID YOU EVER ANSWER QUESTIONS VERBALLY ON TOXICITY OR SAFETY OF THE PRODUCTS?
A BASED ON MY KNOWLEDGE.
BUT ANY FURTHER TECHNICAL DETAILS, IT WAS ALWAYS ANSWERED BY THE MEDICAL DEPARTMENT.
BECAUSE THAT WAS NOT MY AREA OF EXPERTISE.
Q IF YOU RECEIVED SUCH QUESTIONS,

WHAT WAS YOUR RESPONSE?
A I WILL GET YOU AN ANSWER FROM THE MEDICAL DEPARTMENT, IF IT WAS BEYOND THE DATA THAT WE HAD IN FRONT OF US.
Q DO YOU RECALL ANY DISCUSSIONS AT MONSANTO OR ANY DISCUSSIONS OF MONSANTO TO WHICH YOU WERE A PARTY OR YOU WERE AWARE OF CONCERNING THE IDEA OR MOTION OR POLICY OR SUGGESTION OF NOT DISCLOSING COMPOSITIONS OF VARIOUS PRODUCTS TO CUSTOMERS?
A NO.
Q DO YOU RECALL ANY DISCUSSIONS PERTAINING TO OR SUGGESTING THAT THE COMPOSITION OF SOME PRODUCTS WERE TRADE SECRETS AND SHOULD NOT BE REVEALED TO THE CUSTOMERS?
A ONLY THE EXACT FORMULATION.
Q DO YOU RECALL ANY DISCUSSIONS OR SUGGESTIONS THAT UNLESS THE CUSTOMER ALREADY KNEW, TAKE THAT BACK.
DO YOU RECALL ANY SUGGESTIONS OR DISCUSSIONS THAT CUSTOMERS SHOULD NOT BE TOLD THAT A GIVEN PRODUCT CONTAINS AROCLORS OR CHLORINATED

BIPHENYL?
A WE DID NOT USE THE WORD "AROCLOR" OR "CHLORINATED BIPHENYL" WITH CUSTOMERS.
WE USED THE WORD "AROMATIC CHLORINATED HYDROCARBONS."
Q IS THERE ANY PARTICULAR REASON FOR USING THAT TERM?
A YES, BECAUSE AROMATIC CHLORINATED HYDROCARBONS ARE HIGHLY STABLE VERSUS THE STRAIGHT CHAIN CHLORINATED COMPOUNDS.
Q BUT WHY USE CHLORINATED HYDROCARBON I'M SORRY, AROMATIC CHLORINATED HYDROCARBON AS OPPOSED TO CHLORINATED BIPHENYL?
A BECAUSE BIPHENYL WAS EVIDENTLY A SOLE PROPRIETARY PRODUCT OF MONSANTO THAT WAS PART OF OUR KNOW HOW.
THAT TERM COVERED ALL OF THEM.
Q WHICH TERM?
I'M SORRY.
A AROMATIC CHLORINATED HYDROCARBON
Q WHEN YOU SAID "BIPHENYL," THAT ANSWER, DO YOU MEAN CHLORINATED BIPHENYL?

A THAT IS A LARGE UMBRELLA YOU ARE ASKING ME, I CAN'T ANSWER THAT ACCURATELY.
BIPHENYLS WERE NOT USED TO COVER AROCLOR.
AROCLORS WERE AROCLORS AND BIPHENYLS WERE BIPHENYLS, IN MY RECOLLECTION. YOU ARE TALKING ABOUT 30 YEARS NOW.
Q CAN THE TERM AROMATIC CHLORINATED HYDROCARBON INCLUDE PRODUCTS OTHER THAN CHLORINATED BIPHENYL?
A AS I USED IT, NO.
BUT AN AROMATIC CHLORINATED HYDROCARBON COULD.
Q WAS THERE AN INTEREST IN MONSANTO IN THE FOR WHATEVER REASON, I DON'T MEAN TO IMPLY THAT THERE WAS AN IMPROPER PURPOSE HERE. I UNDERSTAND ALL ABOUT TRADE SECRETS.
BUT WAS THERE AN INTEREST IN MONSANTO IN NOT REVEALING TO CUSTOMERS THAT THE PRODUCTS THEY WERE USING WERE THAT THEY WERE USING CONTAINED, AS YOU SAY, AROMATIC CHLORINATED HYDROCARBON MEANING CHLORINATED HYDRO OR

AROCLOR?
A WOULD YOU REPEAT THAT AGAIN BECAUSE I'M NOT CLEAR ON IT.
Q I UNDERSTAND. FIRST, LET'S DEFINE TERMS.
I'M GOING TO USE THE TERM AROCLOR OR CHLORINATED BIPHENYL TO MEAN THE CHEMICAL COMPOUND CHLORINATED BIPHENYL WHICH IS THE BIPHENYL WITH THE CHLORINE ATOMS, HOWEVER MANY CHLORINE ATOMS.
WITH THAT IN MIND, I'M ASKING, WAS THERE ANY INTEREST AT MONSANTO IN NOT REVEALING TO CUSTOMERS THAT A GIVEN PRODUCT CONTAINED A CHLORINATED BIPHENYL?
A IT WOULD ONLY BE SPECULATION ON MY PART.
I'M NOT I DON'T HAVE ANY SPECIFIC INFORMATION TO ANSWER YOU ON THAT.
Q WERE THERE DISCUSSIONS OR SUGGESTIONS THAT THE SALESMEN OR ANYONE DEALING WITH CUSTOMERS SHOULD NOT TELL CUSTOMERS THAT THE PRODUCTS CONTAINED CHLORINATED BIPHENYL FOR WHATEVER REASON?

A I'M NOT AWARE OF EXCEPT ON THE PROPRIETARY INFORMATION. WE DIDN'T REVEAL PRODUCT INFORMATION, OR FORMULATION INFORMATION TO ANYBODY IN THOSE DAYS.
Q WHAT DO YOU MEAN BY "IN THOSE DAYS"?
A I MEAN IN THE TIME THAT I WAS FROM THE TIME I STARTED WORK AT MONSANTO UNTIL I LEFT WE DIDN'T GIVE ANY FORMULATION, PROPRIETARY INFORMATION TO CUSTOMERS.
WE SATISFIED THEIR NEEDS AS FAR AS INFORMATION THEY NEEDED. BUT WE DIDN'T SAY IT HAD A PERCENTAGE OF THIS AND A PERCENTAGE OF THAT AND A SPECK OF THIS IN IT.
Q LET ME SHOW YOU SOME DOCUMENTS HERE.
I'M NOT SUGGESTING YOU SHOULD RECOGNIZE THESE DOCUMENTS, BUT THEY SEEM TO BE ALONG THE LINES OF WHAT WE ARE DISCUSSING.
DO YOU RECALL THIS PARTICULAR LETTER?
A I DON'T RECALL THE SPECIFIC LETTER, NO.

Q LET ME REFER YOU TO THE SECOND PARAGRAPH, THE FIRST PARAGRAPH, ACTUALLY.
IT SAYS, "MR. DALE F. SMITH HAS ASKED ME TO REPLY IN PART TO YOUR LETTER OF SEPTEMBER 12TH."
DO YOU RECALL MAKING THAT REQUEST?
A NO, I DO NOT.
Q DO YOU RECALL EVER DEALING WITH THE RECIPIENT OF THE LETTER, MR. MC PHEE?
A I RECALL THE NAME, YES.
THE ARGONNE NATIONAL LABORATORY.
THIS WOULD BE JUST ONE OF MANY REQUESTS WE WOULD HAVE HAD IN MY CAPACITY AS TECHNICAL SERVICE ENGINEER.
Q REFERRING TO THE SECOND PARAGRAPH IT SAYS, "I AM SORRY THAT WE CANNOT DISCLOSE ANY ADDITIONAL INFORMATION RELATIVE TO THE COMPOSITION OF THIS FLUID."
I'M NOT ASKING YOU TO SPECULATE HERE, I'M ASKING YOU IF YOU KNOW WHETHER THERE WAS ANY REASON WHY APPARENTLY MR. WHEELER WAS NOT ABLE TO DISCLOSE THIS ADDITIONAL

INFORMATION ABOUT COMPOSITION?
A I COULD ONLY ASSUME THAT MR. WHEELER WAS GOING BY THE NORMAL COMPANY THING OF NOT DISCLOSING SPECIFIC INFORMATION.
IT WAS NOT UNCOMMON FOR CUSTOMERS TO ASK US TO GIVE THEM THE FORMULATION.
I MEAN, THAT IS JUST ROUTINE IN ANY COMPANY.
THE CUSTOMERS TRY TO GET FORMULATION INFORMATION.
Q MR. SMITH USED THE WORD ROUTINE AND I WILL USE THE SAME WORD.
WAS IT THE ROUTINE OF MONSANTO NOT TO GIVE OUT SPECIFIC FORMULATION INFORMATION?
A CERTAINLY.
IT WAS A WISE DECISION.
Q ARE YOU FAMILIAR WITH A PRODUCT CALLED TURBINOL 153?
A YES.
Q THE SECOND PARAGRAPH ENDS WITH, QUOTE, "MCS 153 IS A SHEAR, STABLE FUNCTIONAL FLUID HAVING THE FOLLOWING FORMULATION," CLOSE QUOTE.
THEN IT GIVES FAIRLY SPECIFIC

FORMULATION.
A YES.
Q NOW, I'M ASKING YOU TO RESPOND TO THESE QUESTIONS IN LIGHT OF THE ROUTINE THAT YOU SPOKE ABOUT.
A OKAY.
Q AND IF A CUSTOMER ASKED, "SAY, WHAT IS THE PERCENTAGE OF AROCLOR 1242 IN MCS 153," WOULD IT BE CONSISTENT WITH THE ROUTINE TO GIVE HIM THAT PERCENTAGE?
A NO.
Q WHAT IF THE CUSTOMER ASKED, "WHICH AROCLORS ARE IN MCS 153?"
MR. TALLON: THEN THERE IS A QUESTION, WHAT CUSTOMER?
Q ANY CUSTOMER.
A NO. WE WOULD NOT GIVE THE CUSTOMER, WE WOULD NOT REFER TO AROCLOR.
Q SO IF THE CUSTOMER ASKED, "DID MCS 153 CONTAIN AROCLOR," YOU WOULD NOT TELL HIM?
A WE WOULD TELL HIM IT WAS ONE OF MONSANTO'S AROMATIC CHLORINATED HYDROCARBONS, THAT THAT WAS PROPRIETARY INFORMATION.
I'M SPEAKING FOR THE TIME I WAS

IN THE GROUP.
Q I UNDERSTAND.
IS THAT THE TIME FROM 1957 TO 1971?
A CORRECT.
Q SO THE RECORD IS CLEAR, REGARDLESS OF WHAT TERM YOU MAY HAVE USED IN OUR DISCUSSION HERE IN DISCUSSING THE PRODUCTS WITH CUSTOMERS, YOU DID NOT USE THE TERM "AROCLOR"?
A NO.
Q AND ALSO YOU DID NOT USE THE TERM "CHLORINATED BIPHENYL"?
A NO.
Q YOU WOULD USE THE TERM "AROMATIC CHLORINATED HYDROCARBON"?
A CORRECT.
Q DOES THAT APPLY TO ALL CUSTOMERS?
A YES, ALL CUSTOMERS.
Q WAS THERE EVER ANY DISCUSSIONS AT MONSANTO THAT YOU WERE AWARE OF ABOUT POSSIBLY WITHHOLDING OR DELAYING TALKING ABOUT TOXICITY PROBLEMS WITH NEW CUSTOMERS SO AS TO NOT SCARE THE CUSTOMERS OFF?
A NO, NO DELAY.
Q AND IN YOUR EXPERIENCE AND IN

YOUR SALES EFFORTS WITH ANY AROCLOR CONTAINING COMPOUND, DID YOU EVER DISCUSS WITH ANYONE AT MONSANTO OR DID ANYONE AT MONSANTO SUGGEST TO YOU THAT DISCUSSION OF TOXICITY OF THE PRODUCT COULD OR SHOULD BE DELAYED UNTIL SOME LATER POINT IN TIME?
FOR EXAMPLE, WELL, LET'S DO IT A STEP AT A TIME.
COULD OR SHOULD BE DELAYED UNTIL FIELD TESTS WERE UNDERWAY?

A NO.

Q WHEN DID YOU FIRST BECOME AWARE OF A PRODUCT CALLED MCS 153 OR TURBINOL 153?

A I DON'T RECALL THE EXACT DATE.
IT WAS LATER IN MY TIME IN THE FLUIDS GROUP.

Q WERE YOU EVER INVOLVED IN THE DEVELOPMENT OF THE PRODUCT?

A NO.

Q DO YOU KNOW HOW THE PRODUCT WAS DEVELOPED?

A NO.

Q ARE YOU FAMILIAR WITH THE TEXAS EASTERN CORPORATION?

A YES.

Q I'M NOT REFERRING TO TODAY AS YOU SIT HERE TODAY.
BUT BACK IN THE PERIOD WHEN YOU WERE WORKING AT MONSANTO, DID YOU KNOW WHAT TEXAS EASTERN DID?
DID YOU KNOW WHAT THE COMPANY DID?

A YES.

Q DO YOU KNOW WHAT THEY USED MCS 153 FOR?

A IT WAS A TURBINE LUBRICANT, GAS TURBINES, OS 81.

Q I'M SORRY.
YOU MENTIONED?

A . OS 81 FIRST.

Q WHAT DO YOU MEAN BY THAT?
I DON'T UNDERSTAND WHAT YOU SAID, "OS 81 FIRST."

A THAT WAS THE FIRST PRODUCT THEY USED.
THAT WAS MY FIRST RESPONSIBILITY WITH TEXAS EASTERN.

Q TEXAS EASTERN USED OS 81 FIRST?

A YES.

Q AND THEN MCS 153?

A YES.

Q WAS OS 81 ALSO AN

AROCLOR CONTAINING PRODUCT?

A CHLORINATED HYDROCARBON, YES.

Q ARE YOU FAMILIAR LET'S GO BACK.
NOT AS YOU SIT HERE TODAY, BUT DURING THE TIME WHEN YOU WERE AT MONSANTO, DID YOU EVER HEAR OF A COMPANY CALLED TRANSWESTERN PIPELINE COMPANY?

A NEVER.

Q DID YOU HAVE DID YOU EVER HAVE CONTACT WITH ANYONE FROM TRANSWESTERN PIPELINE COMPANY?

A NOT TO MY KNOWLEDGE.

Q DO YOU KNOW ANYTHING ABOUT HOW THE MCS 153 OR TURBINOL WAS LABELED?
DO YOU KNOW WHAT LABEL MONSANTO WOULD PUT ON THE PRODUCT?

A I'M SURE MY RECOLLECTION IS IT WOULD SAY "CONTAINS CHLORINATED HYDROCARBON" AND THE NORMAL PRECAUTIONS OF WASHING AND WHATEVER.
THAT WAS A STANDARD LABEL WE USED.

Q DO YOU RECALL APPROXIMATELY WHEN THESE SORTS OF LABELS WENT INTO

USE, AND BY THAT I MEAN THE WARNING LET'S GO BACK FOR A SECOND.
I'M REFERRING TO THE SECTION OF THIS LABEL OF BOTH EXHIBITS 222 AND 223 THAT BEGINS "CAUTION" AND THEN "CONTAINS CHLORINATED HYDROCARBONS."
I'M REFERRING TO THAT SECTION OF THE LABEL WHICH I WILL CALL "THE WARNING."

A YES.

Q DO YOU RECALL WHEN THIS PARTICULAR WARNING FIRST CAME TO BE USED?

A I DO NOT RECALL.

Q DO YOU RECALL IF THIS WARNING WAS EVER CHANGED?

A YOU MEAN AFTER IT WAS STARTING TO BE USED?

Q YES.

A NOT TO MY KNOWLEDGE.

Q DO YOU KNOW IF MONSANTO EVER PUT EITHER IN THE FORM OF A WARNING OR IN THE LABEL OR OTHERWISE ON THE PRODUCT WORDS TO THE EFFECT OF "CONTAINS CHLORINATED BIPHENYL"?

A NEVER SAW SUCH A WORDING.
Q HOW ABOUT "CONTAINS POLYCHLORINATED BIPHENYL"?
A NO.
Q "CONTAINS PCB"?
A NO.
Q "CONTAINS AROCLOR"?
A NO.
Q ARE YOU FAMILIAR WITH THE CIRCUMSTANCES UNDER WHICH MONSANTO WITHDREW FROM THE MARKET ANY AROCLOR CONTAINING PRODUCTS?
A THAT WAS AFTER MY TIME IN THE PRODUCT GROUP.
I WOULD BE AWARE OF IT ONLY AS IT RELATED TO THE CUSTOMER SERVICE DEPARTMENT THAT I WAS INVOLVED WITH AT THAT TIME.
Q DID ANY CUSTOMER EVER TELL YOU THAT THE CUSTOMER COULD NOT PURCHASE A MONSANTO PRODUCT BECAUSE IT CONTAINED AROCLORS OR PCB'S?
A I DON'T REMEMBER THAT HAPPENING, NO.
Q TO YOUR KNOWLEDGE, DID ANY CUSTOMER EVER TELL ANYONE AT MONSANTO THAT THE CUSTOMER COULD

NOT PURCHASE A PRODUCT BECAUSE IT CONTAINED PCB'S OR AROCLORS?
A NOT DURING MY TIME IN THE PRODUCT GROUP.
Q DID YOU EVER TELL ANYONE AT TEXAS EASTERN OR TRANSWESTERN THAT MCS 153 OR TURBINOL 153 COULD POSE AN ENVIRONMENTAL HAZARD?
A NO.
MR. TALLON: THAT CONCLUDES THE READING OF DALE SMITH.
THE COURT: ALL RIGHT.
AND SUBJECT TO THE RECEIPT OF EXHIBITS DOES TRANSWESTERN NOW REST?
MR. TALLON: YES.
THE COURT: THEN, LADIES AND GENTLEMEN, THAT COMPLETES THE EVIDENCE IN THE CASE.
I'M GOING TO EXCUSE YOU FROM BEING HERE TOMORROW SO THAT I CAN FINISH WORKING WITH THE LAWYERS ON THE INSTRUCTIONS.
YOUR WORK ON THE CASE WILL HAS BEEN DILIGENT SO FAR BUT WILL REALLY BEGIN NEXT WEEK WHEN YOU HEAR THE INSTRUCTIONS.
YOU WILL HEAR THE SUMMATIONS BY THE LAWYERS AND THEN THE CASE WILL BE TO YOU FOR DELIBERATION.
I'M GOING TO CHANGE YOUR HOURS NEXT WEEK AND ASK YOU TO RETURN AT 9 O'CLOCK IN THE MORNING

ONCE THE CASE IS SUBMITTED TO YOU.
I'M SURE THAT WILL BE BY WEDNESDAY MORNING.
SO COULD YOU PLAN AHEAD, PLEASE, SO YOU CAN ARRIVE ON WEDNESDAY MORNING, STARTING WEDNESDAY MORNING AND EVERY MORNING THEREAFTER TO START YOUR WORK AT 9 O'CLOCK IN THE MORNING INSTEAD OF 9:30.
THERE IS NO REASON FOR YOU TO WAIT WHILE I'M DOING OTHER CASES HERE IN THE COURTROOM.
WE EXPECT THAT MONDAY AND MOST OF TUESDAY, PROBABLY WILL BE USED FOR THE ARGUMENT AND THE INSTRUCTIONS.
YOUR EMPLOYERS HAVE A RIGHT TO EXPECT YOU AT WORK TOMORROW UNLESS YOU HAVE A VACATION DAY THAT YOU WISH TO USE OR OTHERWISE.
TOMORROW DOES NOT COUNT AS A REQUIRED DAY.
HAVE A NICE BREAK FROM THE CASE.
COME BACK RESTED, PLEASE.
I ASSURE YOU THERE IS WORK AHEAD FOR YOU.
AND DON'T THINK ABOUT THE CASE.
DON'T FORM ANY IMPRESSION.
IT'S STILL NOT BEEN FINALLY SUBMITTED TO YOU.
AND YOU HAVE TO CONSIDER NOT ONLY THE EVIDENCE IN THE CASE BUT THE LAW THAT I WILL GIVE TO YOU AND HOW THE LAWYERS MELD ALL OF THAT MATERIAL

TOGETHER, BRING IT ALL INTO FOCUS.
SO HAVE A NICE BREAK FROM THE CASE.
AND DON'T TALK ABOUT IT WITH ANY OTHER PERSON.
WE WILL SEE YOU MONDAY MORNING.
A QUESTION?
JUROR SCOTT: POINT OF CLARIFICATION, ON MONDAY AND TUESDAY WE WILL BE HERE AT 9:30 AND THEN WEDNESDAY AT 9 O'CLOCK.
THE COURT: AND THEN THEREAFTER AT 9 O'CLOCK.
LEAVE YOUR NOTEBOOKS, PLEASE.
JUROR SUAREZ: ARE WE STILL HERE AFTER THE 18TH?
THE COURT: I DON'T KNOW HOW LONG IT WILL TAKE.
IF YOU HAVE A TIME PROBLEM OR ANY CONCERN, PLEASE MAKE A NOTE.
SO I CAN BE REMINDED OF ANY CONCERN.
PLEASE MAKE A NOTE OF ANY TIME CONCERNS THAT YOU HAVE.
THANK YOU FOR THAT.
WE ARE IN RECESS.
(RECESS.)

(AT 3:00 P.M., THE PROCEEDINGS WERE ADJOURNED UNTIL FRIDAY, JANUARY 7, 1994 AT 9:30 A.M.)

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