SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

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|---|---|---|
| ROSLYN DAUBER and JOHN DI COSTANZO, | ) | |
| Plaintiffs, | ) | |
| | ) | LASC CASE NO. |
| vs. | ) | Case No. BC483342 |
| MONSANTO CO., SOLUTIA, INC., PHARMACIA CORP., PFIZER, INC., SOUTHERN CALIFORNIA GAS CO., and; DOES 1-350 INCLUSIVE, | ) | |
| Defendants. | ) | |

DEPOSITION OF ROBERT G. KALEY, II, PH.D.

TAKEN ON BEHALF OF THE PLAINTIFFS

MARCH 4, 2016

(Starting time of the deposition: 9:08 a.m.)

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EXHIBIT PAGE
(No exhibits marked.)



SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ROSLYN DAUBER and JOHN DI COSTANZO, Plaintiffs, vs. MONSANTO CO., SOLUTIA, INC., PHARMACIA CORP., PFIZER, INC., SOUTHERN CALIFORNIA GAS CO., and; DOES 1-350 INCLUSIVE, Defendants.

) LASC CASE NO. ) Case No. BC483342

DEPOSITION OF ROBERT G. KALEY, II, PH.D., produced, sworn and examined on March 4, 2016, between the hours of nine o'clock in the forenoon and ten o'clock in the forenoon of that day, at the offices of Husch Blackwell LLP, 190 Carondelet Plaza, Suite 600, St. Louis, Missouri 63105, before William L. DeVries, a Certified Court Reporter (MO), Certified Shorthand Reporter (IL), Registered Diplomate Reporter, Certified Realtime Reporter, and a Notary Public within and for the State of Missouri, in a certain cause now pending in the Superior Court of the State of California for the County of Los Angeles, between ROSLYN DAUBER and JOHN DI COSTANZO, Plaintiffs, vs. MONSANTO CO., SOLUTIA, INC., PHARMACIA CORP., PFIZER, INC., SOUTHERN CALIFORNIA GAS CO., and; DOES 1-350 INCLUSIVE, Defendants; on behalf of the Plaintiffs.



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(via telephone)

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Also present:
Lou Stemmler, Videographer

Court Reporter:
William L. DeVries, RDR/CRR
Missouri CCR #566
Illinois CSR #084-003893



IT IS HEREBY STIPULATED AND AGREED by and between counsel for the Plaintiffs and counsel for Pharmacia that this deposition may be taken in shorthand by William L. DeVries, RDR/CRR, a Certified Court Reporter, Certified Shorthand Reporter, and Notary Public, and afterwards transcribed into typewriting; and the signature of the witness is expressly waived.

* * * * *

ROBERT G. KALEY, II, PH.D., of lawful age, produced, sworn and examined on behalf of the Plaintiffs, deposes and says:

(Starting time of the deposition: 9:08 a.m.)

VIDEOGRAPHER: We are on the record. Today's date is March 4th of 2016, and the time is 9:08 a.m. The location is Husch Blackwell, LLP in the County of St. Louis, Missouri.

My name is Lou Stemmler, video specialist of Legal Eyes Incorporated, Denton, Texas. This case is Cause Number BC483342, entitled Roslyn Dauber versus Monsanto Company, and the deponent is Robert Kaley, Ph.D.

I did not inquire. The video deposition is requested by plaintiff -- plaintiff or defense counsel?

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MR. GOUTMAN: Plaintiff. Plaintiff.
MS. BUCK: Plaintiff.
VIDEOGRAPHER: Plaintiff, thank you very much. May I ask counsel and all present to identify themselves for the record, please?
MS. BUCK: Robyn Buck on behalf of Pharmacia.
MR. GOUTMAN: Tom Goutman for Pharmacia.
MR. FRIELING: Scott Frieling for the plaintiffs.
VIDEOGRAPHER: Thank you. May I ask the court reporter to swear in the witness, please?
COURT REPORTER: Do you swear or affirm that the testimony you are about to give in this proceeding will be the truth, the whole truth, and nothing but the truth?
THE WITNESS: Yes.
EXAMINATION
QUESTIONS BY MR. FRIELING:
**Q. Good morning, Doctor. Can you state your name for the record, please?**
A. Yes. It's Robert G. Kaley, II.
**Q. Dr. Kaley, we met before. This is Scott Frieling over the phone. How are you this**

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**morning?**
A. I'm fine. Thank you.
**Q. Okay. We're going to -- I'm going to ask you some questions this morning. Just to give you an idea of -- of where I'm going, I've read through your past testimony in these proceedings and -- and I have some questions that I want to clear up in my mind, and then I have some questions about some individuals, whether they're with Monsanto or otherwise, and I'll get a little bit more into that later.**
**But what I want to start with, Dr. Kaley, is, now, you -- you started with Monsanto in 19 -- was it 1973?**
A. Yes, December of 1973.
**Q. December of 1973, okay. And am I right that you retired from Solutia in 1993?**
A. No, that's incorrect.
**Q. You retired from Solutia -- I'm sorry, 2003.**
A. That is correct.
**Q. Okay. That's what -- that's -- right, thirty years. Right.**
**Now, since 2003 you have been hired as a consultant to Monsanto entities, whether it be**

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**Solutia or Pharmacia?**
A. Yes, that's correct.
**Q. Okay. All right. Now, tell me your current consulting arrangement, Dr. Kaley.**
A. I'm not sure what that means. I am an independent consultant, and I'm on retainer through the Husch Blackwell firm to assist counsel in whatever they request.
**Q. Okay. You're on retainer through counsel for Monsanto, and is it still a monthly retainment?**
A. Yes.
**Q. And what is the amount currently?**
A. $16,000 per month.
**Q. Sixteen, okay, per month. And approximately how long has it been 16,000?**
A. I'm not sure. I could -- I'm thinking six years maybe, but I'm not exactly sure when that -- when that occurred.
**Q. That's okay. Okay. Now, do you also have a pension from Solutia?**
A. I -- when I retired I took my retirement as a lump sum.
**Q. Okay. Got it. Okay. So you currently -- well, let me break that down.**

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**When you retired from Solutia in 2003, you took a lump sum retirement amount rather than have an ongoing pension. Is that -- is that what you're saying?**
A. Yes.
**Q. Okay. And what -- do you recall what that amount was?**
A. I don't.
**Q. Okay. And was that from Solutia?**
A. Yes, it was.
**Q. Okay. As opposed to a different entity. Okay. Okay. All right. Now, are you currently consulting with Monsanto's lawyers on not the PCB non-Hodgkin lymphoma litigation, but other PCB litigation?**
A. I -- I don't know that I'm doing anything specific on any other litigation at this point, but I'm sure if there's other litigation that -- I mean, I do a lot of things that are more general that would apply to basically any litigation.
**Q. Okay. When you say you do things more general, what do you mean?**
A. Well, like review literature.
**Q. Okay. Are you currently writing**

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**anything -- go ahead.**

A. Yeah. I'm sitting here thinking, and I guess I misspoke because I actually am involved in a consulting basis for some of the -- the litigation in Massachusetts regarding schools.

**Q. Okay. Okay. And I was going to ask you specifically about that. There's some litigation currently involving schools and -- and alleged PCB exposure through caulking or other types of adhesives; is that right?**

MS. BUCK: Let me just state for the record an objection. One, on relevancy, and two, that this is getting into privileged communications in terms of Dr. Kaley serving as a consultant with respect to other litigation.

MR. FRIELING: And I'm not asking about the communications.

A. I'm sorry, Scott. Could you repeat your question? I think I know what it was.

**Q. (By Mr. Frieling) Yeah. Sure. There -- my question simply was there's some ongoing litigation about potential exposures to PCBs in schools. Is that -- is that fair?**

A. Well, I'm not sure it's about the exposure particularly. It's more about cleanup cost

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is my understanding.

**Q. Okay. All right. All right. So there's some potential -- well, there's some litigation involving schools and -- and cleanup costs for PCBs out there, and I think you mentioned Massachusetts; is that right?**

A. Yes, that's correct.

**Q. Okay. And have you been designated to your knowledge as a corporate representative for Monsanto-related entities in those cases?**

A. I believe I have, yes.

**Q. Okay. Have you given a deposition yet in those cases?**

A. I have given one I believe in those cases.

**Q. All right. Do you recall when that was?**

A. One to two years ago would be my recollection. I don't know for sure.

**Q. That's okay. And can you tell me -- well, I don't want to -- again, I don't want to get into privileged communications. Were you testifying in that case -- was that in Massachusetts, the case in Massachusetts, Doctor?**

A. It was one -- it was one case in

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Massachusetts, yes, as I recall.

**Q. Okay. All right. In that case in Massachusetts involving the school, were you -- were you giving testimony as a corporate representative?**

A. I was being deposed by plaintiffs as a corporate representative, yes.

**Q. Okay. All right. Got it. Okay. Now, there's -- I'm aware -- are you aware of other ongoing litigation involving PCBs in -- let's see. Well, let me just ask specifically.**

**There was -- there was a case filed in San Diego involving PCB -- potential PCB contamination of -- of their -- of their water. Do you know what I'm talking about?**

MS. BUCK: Let me object to the form as -- as vague and also on grounds of relevancy, and also on grounds of potentially infringing upon privileged communications with a consultant. Subject to that, you can answer.

A. Yes. Excuse me. Yes.

**Q. (By Mr. Frieling) Okay. Have you been asked to -- well, let me ask it differently.**

**Have you been designated as a corporate representative for any Monsanto entities in -- in that litigation?**

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A. No.

**Q. Okay. All right. Okay. All right. Do you currently have any -- well, are you -- are you currently researching or writing anything in -- in preparation to get it published regarding PCBs?**

A. No.

**Q. Okay. Have you written any press releases in the last few years involving PCBs?**

A. No.

**Q. Any letters to the editor in the last few years about PCBs?**

A. No.

**Q. Okay. Have you had any communications with the press involving PCBs in the last few years?**

MS. BUCK: Object to the form, vague.

A. Not that I recall.

**Q. (By Mr. Frieling) Okay. Okay. Have you read -- and I'm shifting, Dr. Kaley. Just to give you a heads-up, I'm shifting to this case, the Dauber case.**

**Have you read Dr. Markowitz's deposition in this case?**

A. I've looked at it. I have not read it carefully, but I have skimmed through it, yes.

**Q. Okay. Do you recall when you were**

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**provided with that?**
A. I believe shortly after it was taken.
**Q. Okay. And did you take any notes regarding that deposition?**
A. I don't believe so, no.
**Q. Okay. Okay. Have you had an opportunity to review the exhibits to that Dr. Markowitz deposition?**
A. I've flipped through them and looked more carefully at some of them.
**Q. Can you tell me which ones you looked at more carefully?**
A. Mostly the patents.
**Q. Okay. And for what purpose?**
A. Just to see -- I mean, he talked about the fact that they mentioned polychlorinated biphenyls, and I looked through them to see where and how they were mentioned.
**Q. Okay. With respect to those patents, was there anything Dr. Markowitz testified to that you found to be factually incorrect?**
MS. BUCK: Objection, overly broad.
A. I don't recall his testimony well enough to -- to answer that. I'm sorry.
**Q. (By Mr. Frieling) Okay. All right.**

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**Okay. Now I'm going to shift gears on you, Dr. Kaley. So I'm -- well, kind of a personal project, but I'm trying to better understand some background on some individuals that I've identified in some Monsanto documents, and some of them -- the reason I'm asking you is -- about these people is because some of them are contemporaneous roughly speaking with when you started at Monsanto.**
**I think most of them were a little bit earlier, but I'm -- I'm thinking they were there when you were there still. So I'm going to ask you about some people and you tell me if you know them or know what their job was or -- or what they did at Monsanto.**
**And -- and some of them frankly I couldn't tell if they were Monsanto employees or something else. So if you don't know who they are, that's fine. I'm just trying to get some background. Does that make sense?**
MS. BUCK: Let me object to the form of the question in terms of compound and overly broad. Subject to that, you can answer.
A. I think I understand, yes.
**Q. (By Mr. Frieling) Okay. So the -- and some of them I just have some initials for first**

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**names, but the first one is E.R. Boquist, B-O-Q-U-I-S-T?**
A. And the specific question is did he work for Monsanto?
**Q. Do you know that person?**
A. No, I do not know that person.
**Q. Okay. All right. That's the first question. The second question is do you know if that person worked for Monsanto, and if so, what capacity?**
A. I believe he did not.
**Q. Did not, okay. Okay. Do you know what that person -- who that person is?**
A. I have seen a document with his name on it, yes.
**Q. Okay. Do you know -- okay. Do you know -- do you know what that person -- what that person's job was or who they worked for, or tell me everything you know about them.**
MS. BUCK: I object to the form of the question, compound, overly broad, vague.
A. I believe I understand that he -- but I'm not sure where I got the understanding that he worked for Westinghouse, and I have really no idea what his job was.

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**Q. (By Mr. Frieling) Ah, okay. Westinghouse. Got it. Okay. All right. Okay. The next person I have here is R.E. Keller, K-E-L-L-E-R. Do you know that name?**
A. Yes, I knew him.
**Q. You knew him, okay. Is that -- was that a former Monsanto employee?**
A. Yes.
**Q. Okay. And what did Mr. Keller do for Monsanto?**
A. He was manager of an analytical group.
**Q. Ah.**
A. Analytical chemistry group.
**Q. Got it. Did you work for him?**
A. He was my boss's boss, yes.
**Q. Okay. Got it.**
A. Or one of my boss's bosses.
**Q. Got it. Okay. All right. That makes sense. Okay. Do you know what his -- did you say manager of an analytical chemistry group I believe is what you said?**
A. I believe -- I believe his title was manager, yes.
**Q. Okay. All right. Great. Thank you. The next one is Tom C. Ford. Do you know that -- do**

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**you know that name?**
A. I know the name.
**Q. Okay. Did you know Mr. Ford?**
A. Not personally, no.
**Q. Okay. Do you know what mister -- was Mr. Ford a Monsanto employee to your knowledge?**
A. To my knowledge, yes.
**Q. Do you know what his position was?**
A. I believe he was in corporate communications or public relations or whatever they called it at the time.
**Q. Okay. Got it. Okay. All right. Do you know when he worked for Monsanto?**
A. No, I don't.
**Q. Okay. The next name I have is P. Hodges, H-O-D-G-E-S. Do you know that name?**
A. Yes, I do.
**Q. Okay. Can you tell me -- do you know the first name of this person?**
A. Yes. It's Paul.
**Q. Paul. Okay. Thank you. And was Mr. Hodges a Monsanto employee?**
A. Yes.
**Q. Do you know what his job position was?**
A. I believe he was in marketing.

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**Q. Okay. Did you know Mr. Hodges?**
A. I -- I had met him -- I had met him. I wouldn't say that I knew him.
**Q. Okay. Did you say he was in marketing?**
A. I believe that's correct. I could be wrong, but that's my understanding.
**Q. Okay. All right. Do you know -- do you know his position in the marketing department?**
A. I really don't. I would be speculating.
**Q. That's okay. I'm just trying to get some background to your knowledge. Okay. Okay. Next name I have here is a W.F. Waychoff, W-A-Y-C-H-O-F-F. Do you know that name?**
A. I know the name.
**Q. Okay. Do you know who that person is?**
A. Not really, no.
**Q. Do you know if it's a Monsanto employee?**
A. I believe it was or is -- or he was, yes.
**Q. Do you know what W.F. stands for?**
A. I actually do not.
**Q. Okay. All right. Do you know what position this person Waychoff had at Monsanto?**

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A. No, I don't.
**Q. Okay. Going back. Mr. Keller, do you know if Mr. Keller is still alive?**
A. No, Dr. Keller is deceased.
**Q. Dr. Keller, thank you. Do you know if Mr. Ford, Tom C. Ford is alive?**
A. I do not know.
**Q. Okay. How about Mr. Hodges?**
A. I don't know.
**Q. Okay. And I assume you don't know about Mr. Waychoff?**
A. That's correct.
**Q. If it is a mister?**
A. Right. That is correct, I do not know.
**Q. Okay. All right. Okay. The next person I'm asking about is a Harry Bennett, B-E-N-N-E-T-T, and I'll note, Doctor, that -- just for your benefit my notes have that he was in Sherman Oaks, California.**
A. Okay. That's not a name I remember and Sherman Oaks doesn't trigger anything in my memory.
**Q. Okay. All right. The next name I have is a Douglas Gowan, G-O-W-A-N.**
A. Don't know the name.
**Q. Okay. The next one I have is**

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**R.V. Johnson, and I'll note for you that my notes indicate this person was in Los Angeles for a period of time.**
A. Neither one of those trigger a memory.
**Q. Okay. All right. Fair enough. The next one is C.L. Bradford, and I'll note again that this person is in -- at some point in time was in Los Angeles.**
A. That's a name I've heard. Do not know him and really don't recall what his function might have been.
**Q. Do you know if that person worked for Monsanto?**
A. Well, let me -- let me even go further. I believe there was a Prat -- Bradford that worked for Monsanto. I don't know his first initial. So whether we're talking about the same person or not, I'm not sure, but there was --
**Q. Got it.**
A. -- a Bradford that worked for Monsanto.
**Q. Okay. All right. That helps me. Okay. Understood. The next one I have is a Mrs. Sidney DeGoff, D-E-G-O-F-F, and my notes say San Francisco at some point. Do you know that name?**
A. I believe I've seen that name on a

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document.

**Q. Okay. Do you know that person?**

A. Oh, no.

**Q. Okay. Do you know what document that might have been from?**

A. I thought it was -- I don't want to go too far. I think there was -- there was a letter to someone like that from our public relations department in -- not in -- the letter was to someone in San Francisco from our public relations department. I believe that was the name on that letter.

**Q. Okay. Okay. I got it. Do you know if that person is a Monsanto employee?**

A. If what I'm talking about is correct, definitely not.

**Q. Definitely not, okay. All right. Okay. All right. Next name I have for you, Dr. Kaley, is a W.A. Kuhn, K-U-H-N, and my notes so you know indicate St. Louis at some point.**

A. I know the name. I did not know the person, and I anticipating your next question do not know his function.

**Q. Okay. All right. All right. Okay. Next one is D.R. Bishop.**

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A. Yes. I know him.

**Q. Do you know that -- I'm sorry. Do you know that name D.R. Bishop?**

A. I do.

**Q. And -- and is that -- do you know what those initials stand for?**

A. The first one is for Dan or Daniel. I don't know what his middle name was.

**Q. Okay. Daniel Bishop. And do you know what mister -- well, was Mr. Daniel Bishop a Monsanto employee --**

A. Yes, he was.

**Q. -- or Solutia or something?**

A. Monsanto.

**Q. Okay. And do you know -- do you know Mr. Bishop?**

A. I did. He's deceased.

**Q. Okay. Do you know what Mr. Bishop's position was?**

A. He was in corporate communications or public relations, whichever it was called at the time.

**Q. Got it. Did you work with Mr. Bishop?**

A. Not directly. We had conversations occasionally, but I certainly didn't work with him

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closely. I -- it was mostly just meeting him through my functions, yes. But not -- not closely.

**Q. Okay. Did you -- when you said you had conversations, what would you and Mr. Bishop converse about? Are you just saying socially or --**

A. No.

**Q. -- are you saying for --**

A. No. Are you done?

**Q. -- for work?**

A. For work.

**Q. Yeah, go ahead.**

A. For work.

**Q. Okay. And in -- in what type of situation would you have conversation? What would it be about?**

A. Well, basically if he had a technical question about a PCB issue he would talk to people in the technical areas, and I was one that he would talk to occasionally.

**Q. Okay. I got it. Okay. All right. The next name I have for you, Dr. Kaley, is an F.C. Meyer, M-E-Y-E-R. Do you -- do you recognize that name?**

A. I don't -- I don't believe I do, no.

**Q. Okay. All right. And the next name I**

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**have for you, Dr. Kaley, is D.V.N. Hardy, and my notes say consultant to MCL. Do you know that name Hardy?**

A. Yes. Yes, I do.

**Q. Okay. And do you know what the D.V.N., any of those initials stand for?**

A. I don't think I do actually.

**Q. Okay. Do you know if it's a mister or a missus?**

A. I believe it may very well have been a doctor, but it was certainly a male.

**Q. Okay. Okay. All right. And do you know was Dr. Hardy a Monsanto employee?**

A. I believe he was, yes.

**Q. And in what capacity, do you know?**

A. Well, it was certainly in -- in our European operation. I believe he was a scientist or medical person of some kind, but I don't know for sure. I think he was technical.

**Q. Okay. Did you say Dr. Hardy was based in Europe?**

A. That's my understanding or my recollection, yes.

**Q. Did you ever meet Dr. Hardy?**

A. I don't believe so.

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**Q. Okay. Okay. All right. Okay. Have you been asked to -- well, you said that. Do you expect to testify in -- in California in this case, the Dauber case?**

A. Yes, I believe I will.

MR. FRIELING: Okay. Okay. All right. Okay. Hold on one sec, please. Hold on. I thought I had a few more names here. Hold on one second.

MS. BUCK: That's fine.

**Q. (By Mr. Frieling) Okay. Did I ask you about -- yes, I did. Meyer. I did ask you about F.C. Meyer; is that right?**

A. That's -- yes. Yes.

**Q. And you didn't remember that?**

A. Yes, I don't remember.

MR. FRIELING: Okay. All right. Okay. Doctor, I hope you're pleased to know that those are all the questions I have for you.

THE WITNESS: I am thrilled.

MS. BUCK: All right. Thanks, Scott.

MR. FRIELING: All right. Thanks, guys, for getting it together. We'll see you soon.

MS. BUCK: All right. Sounds good.

THE WITNESS: Bye.

VIDEOGRAPHER: This is the end of the

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videotaped deposition of Dr. Robert Kaley. We are going off the record at 9:38 a.m.

COURT REPORTER: Hey, Scott?

MR. FRIELING: Yes.

COURT REPORTER: This is the court reporter. I know we are on a time -- tight timeline. The transcript for Husch has been ordered a rough ASCII and an expedited final. Do you need the same?

MR. FRIELING: Yes, please.

COURT REPORTER: Same timeline, which would be rough ASCII today and final by Sunday night?

MR. FRIELING: Yeah, that's fine.

(WHEREIN, the deposition was concluded at 9:38 a.m.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI )
) ss.
CITY OF ST. LOUIS )

I, William L. DeVries, a Certified Court Reporter (MO), Certified Shorthand Reporter (IL), Registered Diplomate Reporter, Certified Realtime Reporter, and a Notary Public within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

_____

Notary Public within and for
The State of Missouri

My commission expires June 20, 2016.

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