

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

RECEIVED

JUN 27 1988

G. A. JONES

HERMAN A. DENDINGER, et al.,)

Plaintiffs,)

vs.

)Case NO. C84-7854

CHRYSLER PLASTIC PRODUCTS
CORPORATION, et al.,)

)Hon. Nicholas J. Walinski

Defendants.)

Deposition of ALAN S. TODD, a

witness herein, called by the Defendants

as if upon Cross Examination under the

Federal rules of procedure, taken before

me, the undersigned, Casey Gotthart, a

Notary Public in and for the State of Ohio,

at the offices of Murray & Murray, Murray

Building, Sandusky, Ohio, on Monday,

April 25, 1988, at 10:00 a.m.

RECEIVED FOR FILE

DATE: 6/3/88

ROUTE:

FILE: 3861-1

Lehnert & Koepfer Reporting Service

720 SECURITY BUILDING
TOLEDO, OHIO 43604
(419) 255-3040

212296601

I N D E X

EXAMINATION

Cross Examination

By Mr. Bunda 2

Cross Examination

By Mr. Meyer 215

- - -

OBJECTIONS

Objection by Mr. Delli Bovi 103

Objection by Mr. Delli Bovi 181

- - -

EXHIBITS

Defendant's Exhibits 1 and 2 67

Defendant's Exhibits 3 and 4 163

Defendant's Exhibits 5 and 6 187

- - -

21226002

APPEARANCES:

On behalf of the Plaintiff:

MURRAY & MURRAY:

By: Kirk J. Delli Bovi

On behalf of Defendant Schulman Corporation:

MANAHAN, PIETRYKOWSKI, BAMMAN & DELANEY:

By: H. William Bamman

and

Larry P. Meyer

On behalf of Defendants B.F. Goodrich, Co.,
Conoco, Inc., Diamond Shamrock Corp., Firestone
Tire & Rubber Co., Occidental Chemical Corp.,
Goodyear, Inc., Tenneco Oil Co., Union Carbide
Co., Uniroyal, Inc.:

FULLER & HENRY:

By: Robert A. Bunda

- - -

ALAN S. TODD,

a Witness herein, called by the Defendants as if upon Cross
Examination, being first duly sworn, as hereinafter
certified, was examined and testified as follows:

CROSS EXAMINATION

BY MR. BUNDA:

Q. Mr. Todd, my name is Bob Bunda. I represent
some of the Defendants in the PVC case that you're here
to testify on today.

I think the record should reflect that the

21236003

deposition is by stipulation of counsel pursuant to an original subpoena for Mr. Todd. That subpoena noticed the deposition for an earlier date, and we rescheduled it for a time more convenient to everyone involved; is that correct, Kirk?

MR. DELLI BOVI: Well, I'm not sure it's pursuant to the subpoena. I've never seen the subpoena, but certainly it is to the date and the place and the time. It is by agreement.

BY MR. BUNDA:

Q Mr. Todd, would you please state your full name and business address for the record?

A Alan S. Todd, and the company is Stewart-Todd Associates, Inc., 1016 West Ninth Avenue, King of Prussia, Pennsylvania.

Q Mr. Todd, you received a subpoena in connection with these matters at one time, didn't you?

A I believe that's correct. It must be quite a while ago. That's why I'm saying "I believe" it's correct.

Q Well, the reason I'm saying that is because attached to a subpoena is a request for certain documents.

21296004

Have you brought certain documents with you today?

A. I would say yes without fear of contradiction.

Q. Well, you have a file of stuff before you. You've brought these from your own files, or are these things that were here at the attorney's office?

A. These are from my files. A good many of them were submitted, of course, by the attorney to me.

Q. We will get into that in a few minutes. Before that, I'd like to get a few preliminary questions.

I'm going to hand you a curriculum vitae of yours which was used in a deposition in a PVC case in December of 1987. Is that a current curriculum vitae, or are there changes that have to be made to make it more current?

A. Basically correct. It may be out of date, because I don't update them that often, but it's reasonably correct.

Q. Let me ask you, what corrections would you need to make it updated?

A. Oh, if anything, perhaps, anything that I've recently published may not necessarily be included there, but other than that, basically, it's a good summary of my experience and so forth.

212296005

Q What have you published that's not in there?

A I've published an article on PVC's and some of the wood preservative compounds over the last four or five years. I think that covers most of my publications in that time frame.

Q Are those two separate articles, or are they --

A Yeah, they're separate.

Q Those are two articles or one?

A Actually, I think there's a series of them on wood preservatives, and there's one on PVC's.

Q And where was the series on wood preservatives published?

A It's in NTIS, National Technical Information Services, now of NIOSH, and the PVC's in the ASHRE proceedings of, I think, '87.

Q Are you saying "ASHRE?"

A ASHRE, American Society of Heating and Air Conditioning Engineers, A-S-H-R-E.

Q That's a regular journal of theirs, or is that something --

A That's regular proceedings. It's an annual proceeding, I believe.

Q It's not a journal, though?

21296006

A No, I think it's strictly a proceedings. I don't know whether they have a journal or not.

Q Are you familiar with a process where there is peer review of materials submitted for publication?

A Sure. I've submitted some things for peer review.

Q Have you had anything published that has gone through this peer review process?

A I have some publications which are quite antique now, probably 15 years or so back, going on back, perhaps as many as almost 30 years.

Q This was when you were working for the drug companies?

A Drug companies or the oil companies -- well, oil companies.

Q How many articles have you had published that have gone through the peer review process?

A I would guess on the order of a half a dozen.

Q None recently; is that right?

A No, the -- well, the ASHRE article went to a review committee. I don't know that you would necessarily call it a peer review in a strict sense.

Q And the NTIS doesn't go through any such

21296007

procedure, does it?

A. That goes through a NIOSH review committee. It's probably analogous, too, but it's an intragovernment review rather than a total peer review cross section.

Q. Have you ever published anything on polyvinyl chloride or vinyl chloride?

A. No, I have never published on VC or PVC.

Q. How many times have you been deposed in connection with your work as a consultant?

A. At least 50.

Q. And how many times have you testified at trial in connection with your work as a consultant?

A. I would estimate at least 20 times over the last 15 years.

Q. Can you give me some idea of how that breaks down between -- well, let me back up for just a second. Did these involve Worker's Compensation cases, or are these other types of cases?

A. Both.

Q. Can you give me some idea of roughly the percentages between Worker's Comp and other types of cases?

A. I would have to estimate that probably half of them are Worker's Comp and half are not.

21296608

Q Both Worker's Comp and the other types, do they involve chemical exposures, or are there other types of cases mixed in?

A To a large extent, they're chemical. There are occasionally physical agents involved.

Q When you say "physical agents," are you talking about noise --

A No, radiation, a number of others, heat, so forth.

Q And of the Worker's Comp cases and the other types of cases, can you give me a break down as to how many times or what percentage, however you want to do it, are for the Claimant or the Plaintiff, and how many times for the Company or --

A I'd have to give you an approximation, about 60 to 70 percent for the Defendants, and the remainder for the Plaintiffs.

Q In the past year in your legal-related work, has that percentage remained the same, or has that changed?

A No, pretty much the same.

Q And as your work -- in your work as an industrial hygienist, can you give me some approximation as to how much of your time is spent in legal-related matters versus just

60096212

industrial hygiene consulting, per se?

A Maybe an outside maximum, 15 percent. It will vary from month to month, but as a maximum, 15 percent.

Q Fifteen percent is related to legal matters?

A Yes, and that's probably on the high side.

Q When you are involved in consulting with an attorney regarding a legal matter, what are the charges that you had?

A You'd almost have to ask my administrative assistant. I'm not a walking encyclopedia on the fees. I know we have a graduated fee schedule, but I don't approach the figures.

We have one for field survey work; we have one for legal reviews, and one for trial or depositions. I'm not a walking encyclopedia on those, because we've grown a lot, and that responsibility has been turned over to others.

Q I'm just interested in what you charge, for example, for testifying. You don't remember what that is?

A I don't recall, no.

Q Do you have any idea what -- how much you've charged to date for your work involved in this particular case?

21296010

A I wouldn't have the vaguest notion. I've got an administrative assistant who can tell you that, but I cannot.

Q What has been your involvement in this particular case to date?

A Well, initially, I would provide a lot of background information both in terms of documents and depositions. A plant site visit to the Chrysler facility was made last fall sometime, and additional documents have been provided since, and I basically reviewed them, and on occasion, have spoke to Kirk, some of the other members of the firm here regarding these documents and general background information. That's pretty much it up to this point in time.

Q You've supplied them with documents out of your files?

A I don't believe I supplied them with any documents at this point out of my files.

Q They've submitted depositions and documents to you?

A Yes, they've submitted voluminous depositions and documents. I may have pulled a couple references, possibly, but I haven't submitted anything beyond that.

21236011

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

- - -
HERMAN A. DENDINGER, et al.,)

Plaintiffs,)

vs.) Case NO. C84-7854

CHRYSLER PLASTIC PRODUCTS) Hon. Nicholas J. Walinski
CORPORATION, et al.,)

Defendants.)
- - -

Deposition of ALAN S. TODD, a
witness herein, called by the Defendants
as if upon Cross Examination under the
Federal rules of procedure, taken before
me, the undersigned, Casey Gotthart, a
Notary Public in and for the State of Ohio,
at the offices of Murray & Murray, Murray
Building, Sandusky, Ohio, on Monday,
April 25, 1988, at 10:00 a.m.

- - -
RECEIVED FOR FILE

DATE: 6/3/88

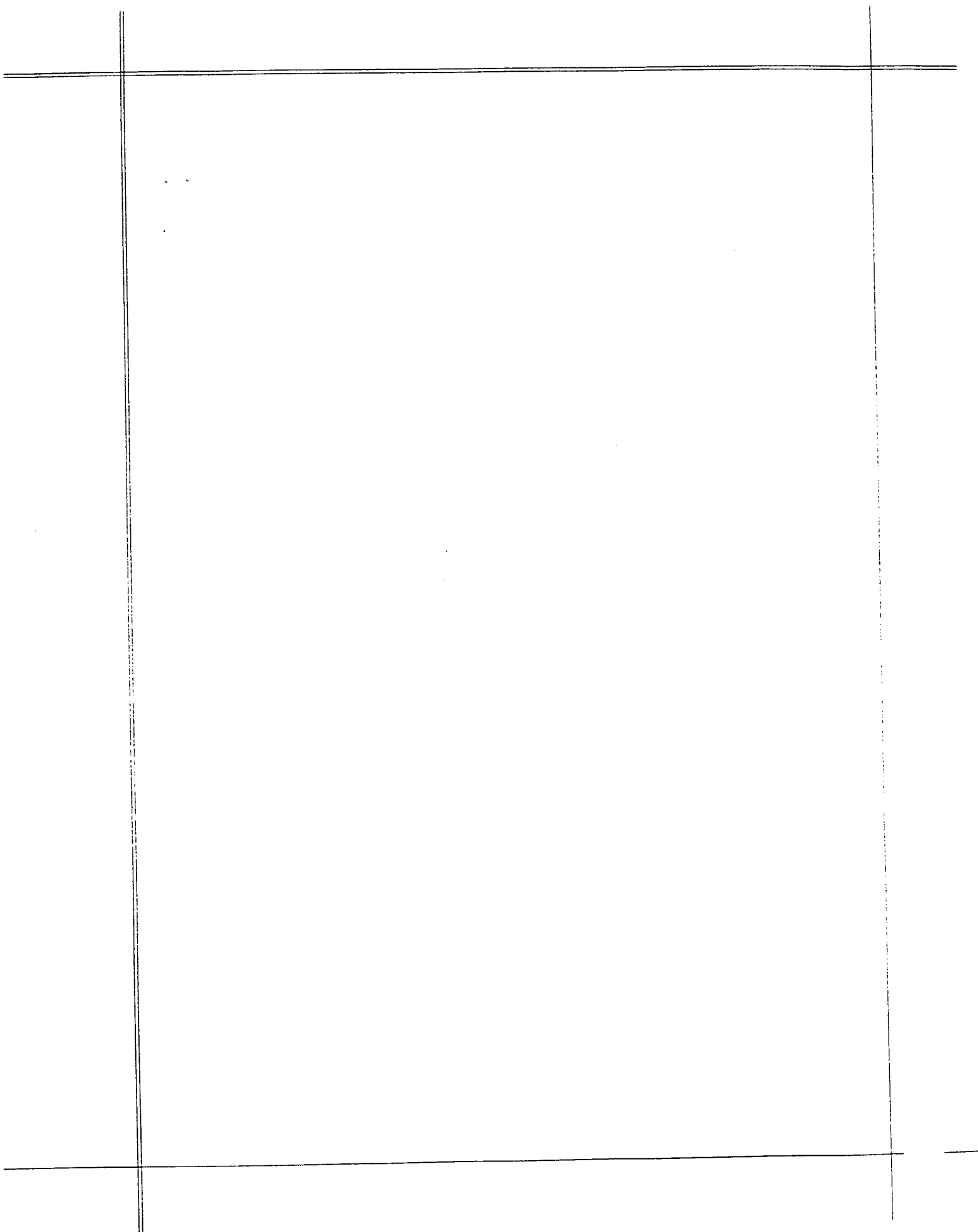
ROUTE:

FILE: 3861-1

Lehnert & Koepfer Reporting Service

720 SECURITY BUILDING
TOLEDO, OHIO 43604
(419) 255-3040

21296012



I N D E X

EXAMINATION

Cross Examination

By Mr. Bunda 2

Cross Examination

By Mr. Meyer 215

- - -

OBJECTIONS

Objection by Mr. Delli Bovi 103

Objection by Mr. Delli Bovi 181

- - -

EXHIBITS

Defendant's Exhibits 1 and 2 67

Defendant's Exhibits 3 and 4 163

Defendant's Exhibits 5 and 6 187

- - -

21296013

APPEARANCES:

On behalf of the Plaintiff:

MURRAY & MURRAY:

By: Kirk J. Delli Bovi

On behalf of Defendant Schulman Corporation:

MANAHAN, PIETRYKOWSKI, BAMMAN & DELANEY:

By: H. William Bamman

and

Larry P. Meyer

On behalf of Defendants B.F. Goodrich, Co.,
Conoco, Inc., Diamond Shamrock Corp., Firestone
Tire & Rubber Co., Occidental Chemical Corp.,
Goodyear, Inc., Tenneco Oil Co., Union Carbide
Co., Uniroyal, Inc.:

FULLER & HENRY:

By: Robert A. Bunda

- - -

ALAN S. TODD,

a Witness herein, called by the Defendants as if upon Cross
Examination, being first duly sworn, as hereinafter
certified, was examined and testified as follows:

CROSS EXAMINATION

BY MR. BUNDA:

Q. Mr. Todd, my name is Bob Bunda. I represent
some of the Defendants in the PVC case that you're here
to testify on today.

I think the record should reflect that the

21296014

deposition is by stipulation of counsel pursuant to an original subpoena for Mr. Todd. That subpoena noticed the deposition for an earlier date, and we rescheduled it for a time more convenient to everyone involved; is that correct, Kirk?

MR. DELLI BOVI: Well, I'm not sure it's pursuant to the subpoena. I've never seen the subpoena, but certainly it is to the date and the place and the time. It is by agreement.

BY MR. BUNDA:

Q Mr. Todd, would you please state your full name and business address for the record?

A Alan S. Todd, and the company is Stewart-Todd Associates, Inc., 1016 West Ninth Avenue, King of Prussia, Pennsylvania.

Q Mr. Todd, you received a subpoena in connection with these matters at one time, didn't you?

A I believe that's correct. It must be quite a while ago. That's why I'm saying "I believe" it's correct.

Q Well, the reason I'm saying that is because attached to a subpoena is a request for certain documents.

21296015

Have you brought certain documents with you today?

A. I would say yes without fear of contradiction.

Q. Well, you have a file of stuff before you. You've brought these from your own files, or are these things that were here at the attorney's office?

A. These are from my files. A good many of them were submitted, of course, by the attorney to me.

Q. We will get into that in a few minutes. Before that, I'd like to get a few preliminary questions.

I'm going to hand you a curriculum vitae of yours which was used in a deposition in a PVC case in December of 1987. Is that a current curriculum vitae, or are there changes that have to be made to make it more current?

A. Basically correct. It may be out of date, because I don't update them that often, but it's reasonably correct.

Q. Let me ask you, what corrections would you need to make it updated?

A. Oh, if anything, perhaps, anything that I've recently published may not necessarily be included there, but other than that, basically, it's a good summary of my experience and so forth.

21296016

Q What have you published that's not in there?

A I've published an article on PVC's and some of the wood preservative compounds over the last four or five years. I think that covers most of my publications in that time frame.

Q Are those two separate articles, or are they --

A Yeah, they're separate.

Q Those are two articles or one?

A Actually, I think there's a series of them on wood preservatives, and there's one on PVC's.

Q And where was the series on wood preservatives published?

A It's in NTIS, National Technical Information Services, now of NIOSH, and the PVC's in the ASHRE proceedings of, I think, '87.

Q Are you saying "ASHRE?"

A ASHRE, American Society of Heating and Air Conditioning Engineers, A-S-H-R-E.

Q That's a regular journal of theirs, or is that something --

A That's regular proceedings. It's an annual proceeding, I believe.

Q It's not a journal, though?

21296017

A No, I think it's strictly a proceedings. I don't know whether they have a journal or not.

Q Are you familiar with a process where there is peer review of materials submitted for publication?

A Sure. I've submitted some things for peer review.

Q Have you had anything published that has gone through this peer review process?

A I have some publications which are quite antique now, probably 15 years or so back, going on back, perhaps as many as almost 30 years.

Q This was when you were working for the drug companies?

A Drug companies or the oil companies -- well, oil companies.

Q How many articles have you had published that have gone through the peer review process?

A I would guess on the order of a half a dozen.

Q None recently; is that right?

A No, the -- well, the ASHRE article went to a review committee. I don't know that you would necessarily call it a peer review in a strict sense.

Q And the NTIS doesn't go through any such

21226018

procedure, does it?

A. That goes through a NIOSH review committee. It's probably analogous, too, but it's an intragovernment review rather than a total peer review cross section.

Q. Have you ever published anything on polyvinyl chloride or vinyl chloride?

A. No, I have never published on VC or PVC.

Q. How many times have you been deposed in connection with your work as a consultant?

A. At least 50.

Q. And how many times have you testified at trial in connection with your work as a consultant?

A. I would estimate at least 20 times over the last 15 years.

Q. Can you give me some idea of how that breaks down between -- well, let me back up for just a second. Did these involve Worker's Compensation cases, or are these other types of cases?

A. Both.

Q. Can you give me some idea of roughly the percentages between Worker's Comp and other types of cases?

A. I would have to estimate that probably half of them are Worker's Comp and half are not.

21296019

Q Both Worker's Comp and the other types, do they involve chemical exposures, or are there other types of cases mixed in?

A To a large extent, they're chemical. There are occasionally physical agents involved.

Q When you say "physical agents," are you talking about noise --

A No, radiation, a number of others, heat, so forth.

Q And of the Worker's Comp cases and the other types of cases, can you give me a break down as to how many times or what percentage, however you want to do it, are for the Claimant or the Plaintiff, and how many times for the Company or --

A I'd have to give you an approximation, about 60 to 70 percent for the Defendants, and the remainder for the Plaintiffs.

Q In the past year in your legal-related work, has that percentage remained the same, or has that changed?

A No, pretty much the same.

Q And as your work -- in your work as an industrial hygienist, can you give me some approximation as to how much of your time is spent in legal-related matters versus just

02096212

industrial hygiene consulting, per se?

A Maybe an outside maximum, 15 percent. It will vary from month to month, but as a maximum, 15 percent.

Q Fifteen percent is related to legal matters?

A Yes, and that's probably on the high side.

Q When you are involved in consulting with an attorney regarding a legal matter, what are the charges that you had?

A You'd almost have to ask my administrative assistant. I'm not a walking encyclopedia on the fees. I know we have a graduated fee schedule, but I don't approach the figures.

We have one for field survey work; we have one for legal reviews, and one for trial or depositions. I'm not a walking encyclopedia on those, because we've grown a lot, and that responsibility has been turned over to others.

Q I'm just interested in what you charge, for example, for testifying. You don't remember what that is?

A I don't recall, no.

Q Do you have any idea what -- how much you've charged to date for your work involved in this particular case?

21296021

A I wouldn't have the vaguest notion. I've got an administrative assistant who can tell you that, but I cannot.

Q What has been your involvement in this particular case to date?

A Well, initially, I would provide a lot of background information both in terms of documents and depositions. A plant site visit to the Chrysler facility was made last fall sometime, and additional documents have been provided since, and I basically reviewed them, and on occasion, have spoke to Kirk, some of the other members of the firm here regarding these documents and general background information. That's pretty much it up to this point in time.

Q You've supplied them with documents out of your files?

A I don't believe I supplied them with any documents at this point out of my files.

Q They've submitted depositions and documents to you?

A Yes, they've submitted voluminous depositions and documents. I may have pulled a couple references, possibly, but I haven't submitted anything beyond that.

21296022

Q How many legal matters have you consulted on that have involved vinyl chloride or polyvinyl chloride?

A A few to several, and I really couldn't quote you a better number than that.

Q Can you describe those for me at all?

A Well, let's see if I can remember the more recent ones. You're probably familiar with the Celanese PVC related cases, that's PVC and AES both.

Q Are they the ones --

A At least some of those cases arose in Columbus, Ohio. Those are in Columbus. I'm trying to remember some of the cases. It seems to me there was a case a few years back, and I'm trying to remember the details of that. Well, I'm going to have to hold this -- that's the one that sticks in my memory, because it's fairly recent.

I know there have been other ones where polymers, where PVC's, I'm thinking now of some of your meat wrappers and similar asthma cases, where you have not only PVC, but polyethylene and some of the other polymer materials.

Q Have you been involved in any cases involving cancer besides this one and the Columbus case?

A You mean involving cancer, per se?

21296023

Q Yes, sir.

A From anything?

Q No, no. I'm talking specifically with regard to the PVC cases?

A Okay. I don't believe so, but I'm not absolutely certain on that. Again, 15 years in the consulting business is a long way to go back.

Q Do you remember where those cases involving meat wrappers asthma or pulmonary problems arose?

A I know one was in Pennsylvania. I believe another one was in Michigan or somewhere in the midwest, and one was in the far west, and I don't recall where or if there were others.

Q The Philadelphia case, was that in the -- or the Pennsylvania case, was that in the Philadelphia area or --

A No, that was in the Scranton geographical area.

Q The Michigan case was around Detroit?

A I believe so, I'm not positive. That goes back quite a few years.

Q Do you remember any of the attorneys involved?

A No. I'd have to look it up. It's too many years ago.

21296024

Q And were you -- which side of the case were you on in those three?

A In the Pennsylvania case, I was working for the -- the Defendant, and I believe in the other two cases, for the Plaintiffs.

Q Who were the Defendants in the Scranton case?

A Both the supplier of the film and the plant itself, and I can't remember the name of the plant just off the top of my head. It's a food processing plant where the film was used for shrink wrap purposes.

Q The actual manufacturer of the wrap was not involved?

A I don't know whether they were involved in the legal proceeding or not, because that started out initially as a Comp case, and I don't know if that went on to civil suit or not.

Q Do you remember who the manufacturer was?

A No, I wouldn't remember without looking it up.

Q The Columbus cases that you were working on, that involved Mr. Delli Bovi's firm as well; is that right?

A That's a Murray & Murray case, that is correct.

Q When did you first begin consulting with the law firm of Murray & Murray on these particular PVC cases,

21296025

and when I say "PVC cases," I -- perhaps you've --

A. You mean the Chrysler cases?

Q. Well, perhaps you can, in your answer, explain to me, did you start working on the Chrysler cases or the Celanese first?

A. I think Celanese first, to answer your question. Without looking back at my Celanese files and so forth, I would think it would probably be late '86, perhaps early '87.

Q. When did you start on the Chrysler cases?

A. Sometime in '87, and I would think it would have been either late spring or summer.

Q. Do you have any understanding as to how the Murray & Murray firm came to you originally to work on the Celanese cases?

A. I don't know, I really don't know whether somebody referred them to us or what, because we don't actively go out and advertise for that sort of thing. Most of them are referrals, and I don't recall who may have referred to us.

Q. In connection with your deposition here today, did you talk with anybody besides the attorneys from the law firm here about the deposition?

21296026

A. I'm not sure I understand the question.

Q. Well, I'm not permitted to go into your discussions with your attorney. I guess what I'm asking for is in preparing for the deposition, did you talk with anybody, to begin with, in your firm about the deposition?

A. Other than my administrative assistant, no, not really.

Q. You didn't consult with -- is Mr. Stewart still involved in your firm?

A. Well, Dr. Stewart -- Dr. Stewart's a physician.

Q. I'm sorry.

A. Yes.

Q. Did you talk with Dr. Stewart about the deposition?

A. Have we talked about -- no.

Q. Have you talked with Dr. Stewart about the Chrysler cases at all?

A. I may have, at some point, had a discussion here or there with him, that's very possible.

Q. Do you know what that discussion may have been about?

A. Not specifically.

Q. Generally?

21296027

A Well, I know periodically we tend to review what we're doing and if we're involved in legal cases, discuss them only to get the point of view of the other professional staff. How in depth that discussion might have gotten, I can't recall. It certainly wasn't a recent discussion.

Q To your -- I'm sorry.

A Above and beyond that, I can't give you any information.

Q Do you recall what Dr. Stewart communicated to you during this deposition?

A I don't even recall how in depth the discussion was, whether he gave me any input at all. Again, we haven't been asked to specifically address the medical aspects in this case.

Q That would be his area of expertise, though, would be the medical aspects; is that right?

A That's correct.

Q Do you recall whether he communicated to you anything about the medical aspects?

A Not really. Again, we weren't asked to get involved on an in-depth basis from a medical standpoint. I gather there are others who have provided that sort of expertise.

21296028

Q I understand that, Mr. Todd, but I thought with your discussions, sometimes even though you're not asked to, he may volunteer things, and I guess that is what I'm asking.

A Well, it's possible he may have, but I don't recall what they may have been, so I can't say one way or the other.

Q Other than the people in the firm, did you discuss this case with anyone else besides Mr. Delli Bovi's office in preparation for this deposition?

A No, not really, huh-uh. I don't have any confidants professionally or otherwise that we discuss it with.

Q Did you review any documents in preparation for the deposition?

A Well, originally, I reviewed all of these documents you see before the hearing. I didn't review them all yesterday, obviously. It would have been a long Sunday.

MR. DELLI BOVI: Bob, just so we're clear on one of your prior questions, you asked Mr. Todd today whether or not he had discussed the deposition today with

21286029

anyone. Just so we're clear, he has had discussions during his tour of the plant with people in the plant, and those discussions did not relate to this deposition.

I just wanted to make sure that nothing got lost between your question and his answer.

MR. BUNDA: Okay, I understand. Thank you.

MR. DELLI BOVI: Sure.

BY MR. BUNDA:

Q. In light of Mr. Delli Bovi's comment, then, let me expand the question beyond just in preparation for the deposition. In conducting your -- or meeting the charge that came from Mr. Delli Bovi's office in connection with these Chrysler cases, other than the people in his office, who have you talked to?

A. Specifically about this case?

Q. Yes, sir, or in preparation for this case.

A. Except for perhaps in a cursory fashion, really nobody. I occasionally discuss aspects of a case with some of our staff, only because they may possibly have

21296030

some experience or insight which would be helpful. I can't recall specific discussions, if I've had them along the way, as I've reviewed certain documents, but I have people on staff who have much more experience in specific segments in the industry than I do, or in some cases, a specific polymer chemist and so forth who can provide me with insight, but in terms of any discussion, say, within the course of the last two weeks with them, no.

Q. Extending it beyond the last two weeks, when you were asked to consult on this case, did you have such discussions with anyone in your organization?

A. I probably have at one point or another. How in depth they got, I don't recall.

Q. Do you remember who these discussions were with?

A. Not specifically, because, again, they tend to be more of a spontaneous sort of thing, as you go through documents and somebody walks in, quite often we would discuss them, call it an informal bull session as it were.

Q. In the course of those discussions, did you obtain information which you believe has helped you in your understanding of this case?

21296031

A Maybe insight or a little -- maybe a little fundamental knowledge here and there.

Q Well, can you explain that for me a little bit? What was the insight or fundamental knowledge that you received?

A Well, I'm not a polymer chemist, and I have an I.H. who works for us who was a former polymer chemist, and I occasionally would have a discussion with him. He's no longer one of our employees, but I can access to him, and when we get into polymer chemistry, I will ask him a question here or a question there, and his experience will go all the way back in the 1950's. He occasionally will provide useful information above and beyond what you can glean from depositions and articles.

Q And what is his name?

A His name is Richard Cassar.

Q You said he is not an employee of yours?

A No, he used to be. He is an industrial hygienist, but he is no longer. He's a self-employed consultant.

Q Spell the last name, please?

A C-a-s-s-a-r.

Q a-r?

21296032

A a-r.

Q He's an independent industrial hygienist now?

A That is correct.

Q And where did he get his knowledge of polymerization chemistry?

A Well, he basically was a research chemist for Sun Oil Company for approximately 20 years or perhaps a little longer, and one of his major areas of interest was in polymers. Sun, at one point in time, owned several patents, as well as having production facilities for both monomers and polymers, not specifically PVC, whether they gotten involved in mixed polymers with PVC, but they, he manufacture ethylene and similar monomers.

Q Of the polymers he was working with at Sun Oil, you mentioned ethylene. That's a monomer.

A Well, he's worked with almost all the monomers.

Q How about vinyl chloride?

A He's worked with vinyl chloride. He's worked with ethylene, styrene, betaine. I don't know if he's worked with acrylonitrile or not. I would be a little surprised if he hadn't at one point, and I gather he has also worked with some of the fluorocarbon materials, those with teflon in and other products.

21296033

Q And this was in research with Sun Oil?

A Yeah. He is basically a research chemist who devoted a lot of his time to polymerization-type products.

Q This was in connection with what, now, with Sun Oil providing monomers, or with Sun Oil going into the polymerization business or what?

A Sun Oil, at one time -- well, still does produce ethylene monomers. I'm not sure whether they produce presently at this point in time, but they may very well--but at one point in time, were interested in the polymer business, and, as a matter of fact, were co-owners of a polymer plant. Now, that plant was later sold, I think, in the early to mid '70's.

Q What kind of --

A I think Standard of Indiana bought it out, Amoco bought it, to my recollection, if I'm correct.

Q What kind of a polymer plant was it?

A I'm trying to remember. I can't recall.

Q It wasn't --

A I have a feeling it was a mixed polymer plant, but I can't recall the details, because it's too far back.

Q Did it involve polyvinyl chloride?

A I'm not sure whether PVC was part of that

21296034