

mayausky

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ALABAMA
3 EASTERN DIVISION
4

5 CIVIL ACTION NO. CV-96-P-0440-E
6 WALTER OWENS, et al.,
7 Plaintiffs,
8 vs.
9 MONSANTO COMPANY,
10 Defendant.
11
12

13 DEPOSITION OF JACK S. MAYAUSKY

14 In accordance with Rule 5(d) of
15 The Alabama Rules of Civil Procedure, as
16 Amended, effective May 15, 1988, I, DONNA
17 ARMSTRONG, am hereby delivering to LARRY
18 WRIGHT, the original transcript of the oral
19 testimony taken on the 29th
20 day of March, 2001, along with exhibits.

21 Please be advised that this is the
22 same and not retained by the Court
23 Reporter, nor filed with the Court.

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1 DEPOSITION TESTIMONY OF:

2
3 JACK S. MAYAUSKY

4
5 MARCH 29, 2001

6
7 12:30 p.m.
8
9

10 COURT REPORTER: Donna Armstrong
11
12

13 S T I P U L A T I O N

14 IT IS STIPULATED AND AGREED, by
15 and between the parties, through their
16 respective counsel, that the deposition of
17 JACK S. MAYAUSKY may be taken before Donna
18 Armstrong, Commissioner, Certified
19 Professional Reporter and Notary Public,
20 State at Large;
21

22 IT IS FURTHER STIPULATED AND
23 AGREED that the signature to and reading of

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1 the deposition by the witness is not
2 waived, the deposition to have the same
3 force and effect as if full compliance had
4 been had with all laws and rules of Court
5 relating to the taking of depositions;

6 IT IS FURTHER STIPULATED AND
7 AGREED that it shall not be necessary for
8 any objections to be made by counsel to any
9 questions, except as to form or leading
10 questions, and that counsel for the parties
11 may make objections and assign grounds at
12 the time of trial, or at the time said
13 deposition is offered in evidence, or prior
14 thereto.

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IT IS FURTHER STIPULATED AND
AGREED that the notice of filing of the
deposition by the Commissioner is waived.

I N D E X

EXAMINATION BY: PAGE:
Mr. Wright 7

E X H I B I T S

(There were no exhibits offered or attached
to this deposition.)

A P P E A R A N C E S

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7 I, Donna Armstrong, a Certified
8 Professional Reporter of Birmingham,
9 Alabama, and a Notary Public for the State
10 of Alabama at Large, acting as
11 Commissioner, certify that on this date,
12 pursuant to Rule 30 of the Alabama Rules of
13 Civil Procedure and the foregoing
14 stipulation of counsel, there came before
15 me at The Clark Building, 400 20th Street
16 North, Birmingham, Alabama, on the 29th day
17 of March, 2001, commencing at 12:30 p.m.,
18 JACK S. MAYAUSKY, witness in the above
19 cause, for oral examination, whereupon the
20 following proceedings were had:

21
22 JACK S. MAYAUSKY,
23

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1 being first duly sworn, was examined and
2 testified as follows:
3

4 EXAMINATION BY MR. WRIGHT:

5 Q. Mr. Mayausky, how many depositions
6 have you given?

7 A. In my life?

8 Q. Yes, sir.

9 A. Four.

10 Q. How many of them related to the
11 Anniston situation?

12 A. All of them.

13 Q. All of them. All right. What was
14 the most recent?

15 A. Most recent would have been spring
16 of last year, April, I believe -- no.
17 1999. I take that back.

18 Q. Since I don't have those prior
19 depositions present, I'll have them
20 obviously before you testify, but can you
21 give me a two minute version of your
22 background starting with education and work
23 experience?

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1 A. I'm trained as a chemist, got a
2 bachelor of science degree from the
3 University of Pittsburg, doctorate in
4 chemistry from Ohio State University.

5 Q. When was that?

6 A. 1982. Immediately started working
7 for Monsanto in Pensacola, Florida, and
8 moved through various positions at that
9 plant eventually rising to what we term as
10 a business unit leader, somebody who runs
11 the manufacturing unit. I left Pensacola
12 and went to Nitro, West Virginia, where we
13 had a plant, and from Nitro to Anniston,
14 and from Anniston to Springfield,
15 Massachusetts where we have a plant.

16 Q. Is that where you've been since
17 you left Anniston?

18 A. Yes.

19 Q. When did you first arrive in
20 Anniston?

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12 generally they don't sample water streams
13 for PCBs and they were going to.
14 Q. I'm sorry. what did you just say?
15 A. They don't generally sample water
16 streams for PCB.
17 Q. Who doesn't?
18 A. General practice by people is not
19 to sample water streams. It was more to
20 sample sedimentation. And I remember Mr.
21 Jones telling me there was a specific
22 request to sample water stream.
23 Q. Had there been any sediment or

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1 soil sampling at the south landfill by that
2 time?

3 A. At that time as I was transitioned
4 into the job?

5 Q. Yes, sir.

6 A. Not that I'm aware of.

7 Q. So all of that was in the future
8 at that time?

9 A. Yeah.

10 Q. When did you -- when was this
11 interview process?

12 A. Around June of '94.

13 Q. And just out of curiosity, explain
14 what you mean by the workers at that plant
15 hired you or --

16 A. The way Monsanto was selecting
17 plant managers at that time is that they
18 would have secession plannings for people
19 who could be potential candidates for plant
20 manager. They would screen that list down
21 to people they thought would be potential
22 for an opening at a given facility. I went
23 to corporate for interviews and out of that

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1 group then four of us were selected to go
2 to Anniston, and we were interviewed by
3 teams of employees at that plant. People
4 who would be on my direct staff when I got
5 there was one team, union officers was
6 another team, and what we call front line
7 supervisors were a third.

8 Q. How was the decision actually
9 made?

10 A. The criteria was placed on the
11 plant -- there was certain criteria you
12 were interviewed against. Certain skill
13 sets. If it was readily apparent that
14 somebody was successful it was entirely the
15 plant's decision. If there was two
16 candidates who were very close to each
17 other the final decision would go back to
18 St. Louis, listening to the input of the
19 plant. And in my case it was clear and
20 there was not that additional step needed.

21 Q. Did Mr. Jones remain as the
22 environmental manager throughout your
23 tenure at the plant?

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1 A. Yes, sir.

2 Q. Is he still there today?

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18 A. When I was a businessman leader in
19 Pensacola we had a transformer that went
20 down and I remember us having discussions
21 about had that one been changed out,
22 because the course of action in Pensacola
23 as transformers went down we changed them

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1 out, and that was one but that was not an
2 issue.

3 Q. I was going to ask about that
4 because Pensacola at one time had some
5 controversy around PCBs. But was that
6 completely over by the time you were there?

7 A. In fact, I only learned about
8 those controversies as a result of this --
9 what I have come to know since Anniston.

10 Q. All right. How long did your --
11 who else was present except for Mr. Kaley?

12 A. At times there were attorneys
13 present.

14 Q. In-house Monsanto attorneys or
15 outside counsel?

16 A. Outside counsel.

17 Q. From Smith Helms?

18 A. Yes.

19 Q. Any Lightfoot Franklin guys?

20 A. No.

21 Q. Who was it from Smith Helms that
22 was there?

23 A. I believe it was David.

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1 Q. How long did that process take?

2 A. It was a day long meeting in St.
3 Louis.

4 Q. One day. What was your next
5 involvement then with PCBs?

6 A. Other than transitioning to work
7 and starting to talk with Robert Jones
8 about the issues and getting some turnover
9 from him as to where he was in the process
10 of closure in the West End landfill. Bill
11 Defer came back and we had a meeting at the
12 plant with a reporter from the Anniston
13 Star and --

14 Q. You and Mr. Defer and a reporter?

15 A. Yes. Bill had already had some
16 interviews with this reporter when the land
17 -- when the West End issues began to come
18 up. He had met with the reporter and we
19 felt like it was a good way for him and
20 myself to transition with the reporter with
21 me coming in and Bill going out. And we
22 were at that time updating him about
23 reacquiring the land and developing some

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1 plans for closure for the West End
2 landfill.

3 Q. What was the reporter's name?

4 A. Shawn Riley.

5 Q. And I assume an article came out
6 of that?

7 A. Yes, sir.

8 Q. When was that?

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9 A. It was September maybe, early
10 fall.
11 Q. Of '94?
12 A. Yes, sir.
13 Q. And I apologize, who was the
14 gentleman you said was the interim --
15 A. Dale Kline.
16 Q. Okay. K-l-e-i-n?
17 A. K-l-i-n-e.
18 Q. All right. What was your next
19 involvement after the meeting with the
20 reporter?
21 A. Probably the next major
22 involvement other than regular updates with
23 Mr. Jones was a meeting held with ADEM in
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1 -- don't hold me to the time. But my best
2 recollection would be November, December
3 time frame in Montgomery. We drove to
4 Montgomery, Robert Jones and I.
5 Q. Just you and Mr. Jones?
6 A. Yes.
7 Q. Do you remember who from ADEM was
8 there?
9 A. I remember Dan Cooper. I remember
10 -- there was a whole series of folks in
11 the room. I'm trying to remember. Amy.
12 Her last names escapes me. And I believe
13 John Poole.
14 Q. Poole?
15 A. He was head of the land division
16 and came in to the meeting for a while.
17 Q. Who was the first gentleman you
18 mentioned?
19 A. Dan Cooper.
20 Q. What was the substance of the
21 meeting?
22 A. It was twofold really, to update
23 them on where we were with the
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1 reacquisition of the land from Alabama
2 Power, talk with them about timetables for
3 developing a remediation plan and
4 presenting it to them.
5 Q. For the West End landfill?
6 A. Yes, sir. And then to associate a
7 new plant manager so I would have a chance
8 to meet these folks.
9 Q. Was there any discussion of the
10 south landfill or any neighborhood testing?
11 A. No. I don't remember at that
12 time. I do not recall at that time having
13 any discussions about that.
14 Q. Had any neighborhood testing been
15 done up to that point?
16 A. To my recollection, no.
17 Q. What was the next involvement --
18 well, I'm sorry. Was that basically all
19 that went on at the ADEM meeting?
20 A. Yes.
21 Q. What was the next milestone?
22 A. I think the next major milestone
23 was in February or March of '95 when we had

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1 a remediation plan developed for the West
2 End landfill. We at that time had some
3 results from water sampling from the West
4 End landfill and the South landfill and I
5 believe we had a few soil samples on
6 ditches on our property, which showed some
7 levels of PCBs in the sediment of the
8 ditches.

9 Q. Do you remember which ditches
10 these were?

11 A. To my recollection, at that time
12 we had some from the West End landfill and
13 some from the South. Again --

14 Q. Some from ditches on or near the
15 South landfill?

16 A. Yes, sir.

17 Q. But from Monsanto property?

18 A. On our property, yes, sir. So we
19 had a meeting with them in, again to the
20 best of my recollection, probably March of
21 1995, to present those findings, to show
22 them the remediation plan for the West End
23 landfill. And I remember the outcome of

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1 that meeting was the consent order to do
2 the closure of the West End landfill.

3 Q. Who was at this February or March
4 meeting?

5 A. I think some of the same -- I
6 don't remember John Poole being there. I
7 think Dan Cooper was there. Amy. I'm
8 trying to think of the guy's name who was
9 head of the land division. He was the one
10 who wrote the consent order. I don't
11 remember his name right now.

12 Q. It may come to you. If it does
13 just pop it off. Were the essential
14 elements of the consent order discussed and
15 agreed upon at this meeting or how --

16 A. My recollection of it was they
17 told us typically how they handle these
18 things was to place the company under
19 consent order. We agreed to that. We
20 agreed that that would be the forward
21 course of action, that the consent order
22 would cover the main elements of closure of
23 the West End landfill according to plan,

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1 and at that time we had hired Garity Miller
2 to develop the plan.

3 Q. So you actually had a plan at this
4 meeting?

5 A. Yeah.

6 Q. And they said the plan is okay
7 basically?

8 A. I think we gave it -- again, my
9 recollection is we gave it to them and they
10 reviewed it.

11 Q. And they decided it was okay?

12 A. And they would draft up the
13 consent order for our signature.

14 Q. And that consent order dealt only

15 with the West End landfill?

16 A. Yes, sir.

17 Q. But there was some discussion of
18 the South landfill and the ditches coming
19 off of the landfill?

20 A. Yes.

21 Q. Tell me about the discussions
22 related to the South landfill and the
23 ditches and so forth.

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1 A. My recollection is we had had
2 these findings of sediment in those two
3 ditches and realized that we needed to do
4 some additional sampling. The ditch ran
5 through the community. Part of the
6 property we owned, part was owned by
7 private residents. We discussed sampling
8 on our own properties and then we discussed
9 -- depending on what we found on our own
10 properties, we might need to do some
11 sampling in the private owned area.

12 Q. Okay. I have got -- it is Exhibit
13 Number 1 to Mr. Foust's deposition -- and
14 by the way, was Mr. Foust there when you
15 got there?

16 A. No.

17 Q. Okay. And you're where the
18 mountain is?

19 A. Yes.

20 Q. Do you remember which ditches you
21 had some of these earlier samples from in
22 February and March of '95?

23 A. I did not pull the samples myself.

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1 Q. I understand.

2 A. But as described to me, there is a
3 ditch that ran off the West End landfill
4 and meandered along this side of the plant
5 along the railroad tracks. One finding is
6 in that ditch. Another finding is there
7 where a couple ditches that came off the
8 South End landfill, came along -- this is
9 202 here -- Highway 202 (indicating).

10 Q. Yes.

11 A. Came along Highway 202 and then
12 under the highway and then meandered down
13 through the community.

14 Q. Right.

15 A. It was sampled on this side of
16 202.

17 Q. The south side of 202?

18 A. Where the ditches converged after
19 coming off the South End landfill.

20 Q. So at the convergence of the
21 ditches just before they went under the
22 highway is what you think?

23 A. That's what I think, yes.

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1 Q. What about any to the -- what
2 would that be -- the east side over here
3 (indicating)?

4 A. I don't remember any samples.

5 Q. Okay. Do you remember how many

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6 samples there were at this convergence?
7 A. There was a grab and a composite.
8 Q. So you think just two samples?
9 A. Yes, sir.
10 Q. Okay. Do you remember the numbers
11 by any chance?
12 A. No, I don't. I don't recall --
13 Q. Not even a ball park?
14 A. Ten parts per million.
15 Q. Okay. When you were talking with
16 the ADEM people you said as a result of
17 that finding --
18 A. Uh-huh.
19 Q. -- you thought that you might need
20 to follow the ditch downstream through the
21 community?
22 A. Yes, sir. We felt that just
23 knowing that the ditch flowed down through

0028 1 there we wanted to do some sampling further
2 along the ditch. We owned -- I think the
3 map is accurate -- this section right here
4 and Monsanto owned this section right
5 here. There were portions we could sample
6 that we already owned.

7 Q. Right.
8 A. But then the ditch -- excuse me --
9 also went through some private areas that
10 we didn't own, and the discussion with ADEM
11 was to go ahead and sample on the places
12 where we had our own property access,
13 discuss with them those results and then
14 move forward if needed in sampling the
15 ditch in the privately owned areas.

16 Q. What happened next?
17 A. We did some sampling in this area
18 which would be north of 202, and we did
19 some additional sampling down in this area
20 which would be --

21 Q. You're referencing further closer
22 to 10th Street?

23 A. Yes, sir. And there were some

0029 1 findings of sedimentation there and that
2 led us to conclude, well, if we're finding
3 it here and finding it there we probably
4 need to do some more extensive sampling of
5 the entire ditch.

6 Q. Did you communicate that notion to
7 ADEM?

8 A. I believe Robert Jones did, yes.

9 Q. Do you remember about when he did
10 that?

11 A. It was not very long after that
12 February, March meeting. I would say
13 April, May time frame. Maybe even sooner.

14 Q. So it didn't take you too long to
15 get the sample results back from this north
16 of 202 sample?

17 A. Not that I recall taking very long
18 but there was sedimentation samples and we
19 could catch those. They weren't water
20 samples because the ditches run dry a lot

21 of times.

22 Q. Then what is the next thing you
23 did?

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1 A. Realizing that we needed to start
2 going on to properties that's when we
3 discussed that with ADEM and decided we
4 needed go out and get access from the
5 property owners in the area to come on to
6 the property and sample ditches. That's
7 when I started some door to door contact
8 with property owners in this area.

9 Q. Is it your testimony that you did
10 not take any samples from anybody's
11 property before you contacted them?

12 A. To my knowledge, we did not.

13 Q. Did you personally go door to
14 door?

15 A. Yes.

16 Q. What did you tell the folks when
17 you went to their door?

18 A. I basically told them --
19 introduced myself because I was still
20 relatively new. I had only been there a
21 few months. Told them who I was with, told
22 them we needed some routine samples as
23 directed by ADEM, we had found some PCB in

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1 the soil and we were trying to understand
2 it and we had found it in this ditch, and
3 if I could point to the ditch and talk
4 about the ditch, I would. We would like
5 the opportunity to come in and sample on
6 that ditch perhaps on their property. And
7 I think I went out in a separate meeting --
8 not the initial contacts -- with actual
9 agreements to sign.

10 Q. Okay. Do you remembers how many
11 folks' door you knocked on?

12 A. I tried to hit everybody in the
13 neighborhood.

14 Q. Do you have a feel for how many
15 that ended up being?

16 A. I would say seventy-five percent.
17 That would be speculation.

18 Q. I mean in numbers. Ten, twenty,
19 thirty, forty?

20 A. Twenty.

21 Q. Do you remember anybody
22 specifically, anybody by name?

23 A. Uh-huh.

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1 Q. Tell me about the people you
2 remember by name.

3 A. I remember Mr. Nixon, Mr. and Ms.
4 Nixon who lived here. I remember -- there
5 was a lady who lived right across the
6 street in a trailer from Mr. Nixon. There
7 was Mr. Willingham who lived just up this
8 way and then his daughter lived here and
9 her name escapes me. I talked with her. A
10 lot of the houses were unoccupied but I
11 remember those four houses having specific

12 conversations with. There was one
13 gentleman up here on the hill back further
14 up that I remember had a goat tied in his
15 front yard and I remember talking with him
16 out by the goat, talked with him.

17 Q. Do you remember anything
18 substantive about the conversations?

19 A. Generally what I heard was that
20 they were willing to let us in. They knew
21 of Monsanto, had been there a long time.
22 They usually had relatives that may have
23 worked at the facility. That was about

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1 it. I remember this woman right here
2 worked shifts at Tysons and I had a hard
3 time catching her and I think the first
4 time I caught her was when she was coming
5 off of midnight shift, coming off of work.

6 Q. That's somebody off of 6th Street?

7 A. Yes. The name escapes me. I had
8 contacts in that area first.

9 Q. Now, she is not actually on the
10 ditch or adjacent to the ditch?

11 A. No.

12 Q. But you wanted to get a sample
13 from her place anyway?

14 A. My reasoning was that if I was
15 going to have people go in there sampling I
16 needed to talk with them because they were
17 going to see trucks going and things like
18 that. For the same reason I went over here
19 and talked to these folks.

20 Q. On the west side?

21 A. I knew there was going to be a lot
22 of activity. And being the new plant
23 manager, I wanted to have a bit of outreach

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1 to them so I went down this street about
2 the same time.

3 Q. Did anybody from corporate suggest
4 that you do that or was that your idea to
5 actually go door to door?

6 A. I have to honestly say that I
7 can't recall whether it was my suggestion
8 but I wanted to do outreach. I can't say
9 if they said it or I said it.

10 Q. Did anybody refuse you access?

11 A. I hesitate in answering because as
12 we went further and further into the
13 process --

14 Q. Later on things happened?

15 A. Yes.

16 Q. I was talking about --

17 A. Initially, no.

18 Q. Had there been any lawsuits filed
19 by that point?

20 A. No, sir, not that I'm aware of.

21 Q. So we're in the spring of '95?

22 A. Yeah.

23 Q. About how many samples were take

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1 on that first -- well, let me back up. How
2 long after your going door to door -- would

3 you say that was probably March or April? mayausky
4 A. Yes, somewhere in that time frame.
5 Q. How long after that were the
6 actual samples taken?
7 A. Within weeks of my gaining the
8 access agreements we mobilized a group to
9 go out and do that.
10 Q. Quick question. Did you only
11 sample on locations where you had a written
12 agreement as opposed to verbal?
13 A. I had to have -- my understanding
14 was I had to have a written agreement to
15 enter the property.
16 Q. Okay. What did y'all find
17 generally?
18 A. Generally, we would find -- on the
19 sampling in our own areas and in some of
20 these soil samples along the entire ditch,
21 we would find levels of PCBs around ten
22 parts per million, some higher, some
23 lower. And then we also did some sampling
0036
1 in our own area that were from the
2 flooding. We would go on the banks and on
3 the bank areas we would find PCBs also.
4 Q. When did you find -- was that when
5 y'all find the two hundred thousand parts
6 per million behind the Mars Hill Baptist
7 Church?
8 A. Yes. We found approximately in
9 this area two hundred thousand parts per
10 million. And I need to add, if I could --
11 Q. Sure.
12 A. That about this same time, I also
13 had discussions with the minister and
14 deacons of Mars Hill Baptist Church and the
15 minister of Bethel Baptist church, and the
16 reason being I know the culture of this
17 area is that the churches are looked at as
18 the center of leadership. I wanted to
19 reach out to those people as leaders of the
20 community.
21 Q. Who told you that?
22 A. That was just my experience of
23 living there and getting to know the areas.
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1 Q. Well, now, you had only been there
2 six or eight months?
3 A. Uh-huh.
4 Q. You're saying in six or eight
5 months you learned that the preachers were
6 the center of leadership?
7 A. Leadership of the community. I
8 won't say center of leadership but they
9 were recognized leaders of the community.
10 Q. How did you learn that?
11 A. Oh, I just -- general knowledge of
12 the area and knowing that it was a
13 religious area and that was confirmed by
14 talking with Mr. Weatherly, the pastor of
15 that church. He clearly in no uncertain
16 terms told me that he felt like he could
17 speak for the community.

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18 Q. With all due respect, when you
19 said knowing that it was a religious
20 community, did you intend to say that it
21 was an African American community?
22 MR. NEWSOM: Object to the form.
23 MR. CLARK: Object to the form.
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1 Q. You can answer.
2 A. At that time I hadn't been to
3 every door so I didn't know if it was
4 African American. The ones I went to were
5 and I knew those were recognized African
6 American church. That wasn't in my mind.
7 I wanted to talk to the minister.
8 Q. What did you learn from talking to
9 the ministers?
10 A. Well, in particular with Mars Hill
11 I needed access to their property because
12 the ditch would go along their property so
13 I talked about gaining access. I had them
14 sign an access agreement. They wished to
15 understand further after we sampled what
16 the plans would be if we had findings.
17 They invited me to come and talk to their
18 entire deacon group at that time and that
19 was about all I remember.
20 Q. Did you tell anybody about any
21 health effects or potential or alleged
22 health effects of PCBs?
23 MR. NEWSOM: Object to the form.
0039
1 Q. (By Mr. Wright) Let me just
2 rephrase it in light of the objection. Did
3 you talk to any of these folks, either the
4 residents or the preachers, about health
5 effects of PCB exposure?
6 MR. NEWSOM: Object to the form.
7 Same question.
8 THE WITNESS: No. What I did was
9 I consulted with our own internal
10 scientists. I'm not a health expert so I
11 didn't know.
12 Q. (By Mr. Wright) Who did you
13 consult with?
14 A. Dr. Kaley.
15 Q. That's all?
16 A. At that time when I met with the
17 preachers.
18 Q. All right.
19 A. Was told by Dr. Kaley that there
20 weren't health effects. I was also told --
21 because we were in the process of bringing
22 in some external experts to look over the
23 situation, and I told them we would be
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1 having these people out to look it over,
2 but where I was now I didn't know of any
3 health effects but I was clear in telling
4 them that I'm not a medical doctor. I'm a
5 chemist.
6 Q. Did they seem to have any
7 knowledge of PCBs before you brought it to
8 their attention?

9 A. The folks in Mars Hill didn't seem
10 to -- Reverend -- gosh, I'm trying to
11 think of his name.

12 Q. The Bethel preacher?

13 A. Yeah. He did. He had read the
14 Shawn Riley article. Reverend Weatherly
15 actually lived in Birmingham so I don't
16 think he was as attuned to the newspapers
17 as he might have been. I don't know.

18 Q. What you're saying in this Shawn
19 Riley article there had been mention of
20 potential health effects?

21 A. There were mention of the findings
22 of the fish levels in Chocalocca Creek, and
23 there were some discussion about the health

1 effects of PCBs in this article.

2 Q. So other than the Anniston Star
3 newspaper article, did anybody seem to have
4 any knowledge of PCBs, what they are, what
5 their effects might be or anything about
6 PCBs?

7 MR. NEWSOM: Object to the form.

8 THE WITNESS: Not in those initial
9 meetings. In a later meeting where I
10 visited with Mr. Nixon who lived here, he
11 had a special question about his vegetable
12 garden, could he eat his vegetables. By
13 that time we had already had Dr. Kimbrough
14 come so Dr. Kaley funneled that question to
15 her. Her answer which I conveyed back to
16 Mr. Nixon was as long as the vegetables are
17 washed there should be no concern.

18 Q. (By Mr. Wright) Now, we're
19 getting a little bit out of sequence
20 chronologically speaking, but I'm trying to
21 move as fast as I can. Did Dr. Kimbrough
22 actually come to Anniston?

23 A. Yes, sir.

0042
1 O. When was that?

2 A. I would say to the best of my
3 recollection May time frame of '95.

4 Q. Did you meet her?

5 A. Yes.

6 Q. what did she do while she was
7 here?

8 A. She met with us at the plant,
9 reviewed the data, samples up to that time,
10 and then she went out with Mr. Jones and
11 I'm not sure who else and walked the area,
12 and I believe she even talked to some of
13 the neighborhood people who were out there.

14 Q. Were you with her on the walk
15 through?

16 A. No, sir, I was not. I had other
17 things I had to do.

18 Q. What did she say -- to your
19 knowledge, what did she say about health
20 effects from PCB exposure?

21 A. Well, in the levels that we were
22 seeing in these ditches, what she said was
23 that there were no routes of exposure so

0043

1 she was not concerned about health effects.

2 Q. Anything else you remember about
3 health effects that she might have said?

4 A. No.

5 Q. What happened next?

6 MR. NEWSOM: I know you're trying
7 to move -- I mean something that was a
8 significant PCB as opposed --

9 Q. (By Mr. Wright) What is the next
10 significant thing that sticks in your mind
11 about PCBs in Anniston? I'm trying to skip
12 over as much as I can. Obviously, the kind
13 of structure of the deposition for your and
14 my benefit --

15 A. Yes, sir.

16 Q. I'm focusing on PCBs in Anniston,
17 Alabama, and the significant events that
18 occurred with relation to PCBs in
19 Anniston.

20 A. Yes, sir.

21 Q. What is the next significant thing

22 --

23 A. The next significant event I

0044

1 remember is that we started to find it in
2 areas prone to flooding. We realized that
3 this area down here was flooding because
4 there was a restriction as the ditch went
5 under 10th Street.

6 Q. The area close to 10th Street is
7 the area you're talking about where the
8 dots are scattered out?

9 A. Yes. This area was prone to
10 flooding and we needed to come down in here
11 and do some sampling also. So my next
12 significant event was to start door to door
13 contacts in and around this area.

14 Q. That's the 8th to 10th Street
15 area?

16 A. Yes, sir.

17 Q. Do you remember anything about
18 those contacts?

19 A. Again, I went door to door trying
20 to reach people. By this time I had
21 already talked to Bethel Baptist Church so
22 it was like an ongoing conversation there.
23 I remember talking to Mrs. Neeley who lived

0045

1 right on the corner directly across from
2 the church.

3 Q. Do you remember anything about
4 that conversation?

5 A. I do remember that she told me
6 that she had lived there a long time. She
7 owned the house next door. Her sister
8 lived in that house. She told me she used
9 to run a beauty shop and I was never clear
10 whether it was in her home or in the house
11 next door. She told me the name of the
12 family that is sort of across the street
13 right here, and there was a lady who lived
14 there with several children and the name

mayausky
15 escapes me right now, but I did eventually
16 meet with them. And that's about the
17 course of that conversation that I recall.
18 Q. Okay. You don't remember anything
19 else about the conversation with Ms.
20 Neeley?
21 A. No.
22 Q. Was she nice?
23 A. Yes, very nice.

0046
1 Q. Do you remember anybody else you
2 talked to down in that area?
3 A. Yes. I remember Dessa Ruse. I
4 think she was down here. I remember
5 talking with her. And there was a Mr.
6 Wright, who rented the house to his son
7 about here (indicating).
8 Q. Let me --
9 A. Uh-huh.
10 Q. What do you remember about the
11 conversation with Ms. Ruse? Do you
12 remember anything?
13 A. Generally the same things, that
14 she had lived there. We would like to come
15 in and sample and have an access
16 agreement. I remember telling her that one
17 of the reasons we wanted to sample was
18 because of potential flooding and she told
19 me she had had flooding around her house
20 and around her yard.
21 Q. Did either she or Ms. Neeley or
22 any of these people around here indicate
23 any knowledge of what PCBs are or potential

0047
1 health effects from exposure to PCBs?
2 A. I don't remember Ms. Neely asking
3 me. I remember Ms. Ruse asking me
4 something about health effects, and at that
5 time if I recall correctly we had already
6 had Dr. Kimbrough come out, and I told her
7 that I wasn't a health expert but we were
8 hearing from our own internal expert that
9 wasn't a problem and I could get her a name
10 and a number if she needed it to talk to
11 somebody.

12 Q. Did she seem to accept that?
13 A. Yes.
14 Q. Any other conversations you
15 remember with the folks down in that area?
16 A. I also started talking -- because
17 we started to get down close to the
18 commercial properties, I went to Mr. Hinds
19 at the pawnshop and the guy at 10th Street
20 --
21 Q. I'm not going to ask you about
22 those conversations.
23 A. Okay.

0048
1 Q. Any other conversations with
2 residents that you remember?
3 A. No.
4 Q. Okay. What is the next
5 significant thing that sticks out in your

6 memory?

7 A. The next significant thing is when
8 we began --

9 Q. I apologize. When was this area
10 when you started walking this 10th Street
11 area?

12 A. Juneish. Again, I'm a little
13 fuzzy about that time.

14 Q. okay.

15 A. We then got our samples -- our
16 access agreements and did some sampling and
17 found PCBs both in the ditches in that area
18 and in the areas prone to flooding, and
19 realized that we would have to do a project
20 to control that sedimentation -- that was
21 in consult with Garity Miller.

22 Q. Who were your primary contacts at
23 Garity and Miller?

0049 1 A. I didn't have a lot of direct
2 contacts. It was mainly Mr. Jones and Mr.
3 Foust who had those contacts. The next
4 significant thing after that would have
5 been going to ADEM again, sharing the
6 results that we found.

7 Q. When was that meeting?

8 A. To the best of my recollection,
9 June, July of '95.

10 Q. Was this the first time that ADEM
11 had been made aware of the findings?

12 A. No. I believe Robert Jones was
13 keeping them consulted all along as we were
14 getting the results back. So we went to
15 them --

16 Q. Went to Montgomery again?

17 A. Yes.

18 Q. You and Mr. Jones?

19 A. Yes. And I think Bob Kaley came
20 in that time. He came in from St. Louis.

21 Q. okay.

22 A. And we talked about the need to
23 develop a sedimentation pond in that area.

0050 1 It was becoming obvious to us that we had
2 to do something -- I say sedimentation
3 pond. We had to develop some means to stop
4 the sedimentation. One was a pond.

5 Q. Was that Garity and Miller's
6 proposal?

7 A. Yes.

8 Q. And that's what you talked to ADEM
9 about was creating a retention pond?

10 A. Yes. And Garity and Miller then
11 went to work to develop several proposals
12 for us for that pond and some of them were
13 entirely utilizing our property, some of
14 them were proposals that would require
15 property where people lived and it was
16 about that time that we began to have
17 discussions about the property purchase
18 program.

19 Q. When you say you began to have
20 discussions, were you talking about that

21 among yourselves or with ADEM?

22 A. We told ADEM that would be
23 something we would look at, yes.

0051 1 Q. Did ADEM suggest that you ought to
2 do property purchases?

3 A. I don't recall them suggesting
4 it. I mean kind of what I recall is he
5 said we had these various proposals, could
6 we build a pond that would be adequate
7 enough on our own property and if not we
8 might have to buy -- and go forward with
9 some sort of --

10 Q. All right. Tell me how those --
11 well, what happened next?

12 A. We began to hone in on what the
13 course of action was. My next significant
14 event I remember was Garity Miller came up
15 with three proposals and I had a meeting
16 with Mars Hill at their request to look
17 over those proposals. That was the entire
18 deacons minus the minister. We hadn't even
19 finalized the proposal yet but I was trying
20 to share with them what might occur and I
21 wanted to be clear with them that one
22 possibility was we might want to talk with
23 them about relocation of the church.

0052 1 Q. All right. Do you remember -- I
2 assume that meeting probably sticks out in
3 your mind?

4 A. Yes, it does.

5 Q. What do you remember about that
6 meeting? Well, first of all, when was that
7 meeting?

8 A. Best of my recollection, June,
9 July time frame.

10 Q. What do you remember about that?

11 A. There were eight or nine deacons
12 there. I remember Mr. Bowie, Mr. Freeman.
13 Those are the only two names I really
14 remember. I had more contact with them
15 than anybody else and I remember laying out
16 the various plans for them and trying to let
17 them see as much like we have this laid out
18 here (indicating), and saying this is one
19 proposal and it is all on our property. It
20 would be next to the church. This is
21 another proposal that we might need a
22 larger sedimentation pond. It encompasses
23 the church property so we might need to

0053 1 talk with these guys about relocating the
2 church. I remember them telling me they
3 were willing to work with us, both on the
4 relocation of the church and if we needed
5 their church to have any community meetings
6 that we could use their facility, and that
7 was about the course of that.

8 Q. Was there any discussion of
9 potential health effects at that meeting?

10 A. Not that I recall.

11 Q. Were they cooperative and

12 friendly?

13 A. Yes.

14 Q. What is the next thing you
15 remember?

16 A. Honing in on a pond that requires
17 some of this land, telling them right up
18 front that this is our proposal but we're
19 going to move forward with this property
20 purchase plan.

21 Q. This was another meeting with
22 ADEM?

23 A. I don't think I went to that one,
0054 1 to be honest with you.

2 Q. Do you remember when that one was
3 generally?

4 A. No. And I remember beginning to
5 teach us about the Monsanto purchase plan
6 program and how it would be conducted.

7 Q. Can you give me a shorthand
8 version on what they taught you?

9 A. That we should clearly define the
10 area that we wanted to target for
11 purchasing, that we should make it
12 available to all the residents in that
13 area, that it would be a program that would
14 have appraised values of the houses plus a
15 premium, and there would be allocation for
16 moving expenses, lawyers' fees, and there
17 would be also a program for anybody who
18 happened to rent in the area and it applied
19 to vacant lots and occupied houses.

20 Q. What discussions do you remember
21 about the area to be encompassed by the
22 property purchase program?

23 A. I remember very clearly because it
0055 1 stuck out in my mind, they said in their

2 experience in conducting these programs it
3 was sometimes more difficult to define the
4 area because generally they were very
5 popular which I was surprised at -- no
6 experience -- and generally if we chose a
7 street or some boundary to cut off on that
8 you always heard from the people right next
9 door what about us. So they said be sure
10 you have a logical reason to draw your
11 boundaries, and that's what we tried to do.

12 Q. What was the boundary and what was
13 the logical reason behind it?

14 A. The logical reason, this being a
15 low --

16 Q. By this, you had your hand --

17 A. To the east of the plant west of
18 Montrose because as you go up Montrose it
19 rises quite a bit, probably a good fifty
20 foot rise up to those hills. As our data
21 started coming in from the sampling we
22 began to realize that we were having PCBs
23 where there was potential for flooding. So
0056 1 you find it from Clydesdale to this side of

2 Montrose, 10th to 202, all residential

3 properties in that area.

4 Q. What is the next thing you
5 remember?

6 A. Mobilizing Prudential to come on
7 the plant. They actually had a trailer set
8 up in that time. And the most significant
9 event I remember next was the early October
10 community meetings held -- can I back up?

11 Q. Sure.

12 A. I went door to door with invites
13 to community meetings to be held at Mars
14 Hill Church and Bethel Baptist Church.

15 Q. What do you mean by community
16 meetings?

17 A. Community meeting --

18 Q. Actually let me stop you. I
19 assume those were discussed at some length
20 at your other depositions. Is that a fair
21 assumption?

22 A. Yes, sir.

23 Q. What do you remember after the

0057

1 community meetings?

2 A. This was late '95.

3 Q. Right. October '95 where you're
4 talking --

5 A. The property purchase program just
6 started to take its course. I was not in
7 ready contact with the community at that
8 time. People were going over and
9 Prudential was handling the logistics of
10 meeting with people. I would get updates
11 as to whether people were accepting the
12 offer and things like that.

13 Q. During this time period was any
14 actual work going on?

15 A. Yes.

16 Q. What work was going on?

17 A. The closing of this West End
18 landfill. That work was proceeding.

19 Q. The plan you said was approved in
20 February or March of '95?

21 A. (Witness nods head.)

22 Q. Is that when the work started
23 generally?

0058

1 A. I remember it being a very rainy
2 season and that project was delayed by
3 rain, so it probably started up in June,
4 July, time frame.

5 Q. What else? Was there any other
6 work going on before October other than
7 work at the West End landfill?

8 A. That's all I recall.

9 Q. After October what's the next
10 thing?

11 A. The next significant event I
12 believe the lawsuits started.

13 Q. Okay.

14 A. We were notified of lawsuits on
15 behalf of -- we were also working with the
16 churches for relocation and I think the --
17 I'm getting fuzzy here but I remember the

18 -- I think the first one was the Mars Hill
19 suit came in, and that's what started all
20 this.

21 Q. Okay. Then, after the lawsuits
22 what is the next thing -- significant thing
23 that occurred or that you remember?

0059

1 A. At that time it was Robert Jones
2 and I pretty much at the plant, and I went
3 to corporate. This is getting larger. We
4 couldn't manage this project. I asked
5 specifically for corporate help and that's
6 about the time Allen Foust moved in.

7 Q. Let me ask you, Mr. Moore had been
8 present at your meeting with Mr. Kaley. I
9 mean lawsuits were certainly a
10 possibility.

11 MR. NEWSOM: Object to the form.

12 Q. (By Mr. Wright) In your mind if
13 nowhere else?

14 MR. NEWSOM: That's calling for
15 sheer speculation on his part at that
16 time.

17 MR. WRIGHT: It's not
18 speculation. It's common sense. I'm just
19 asking.

20 THE WITNESS: Lawsuits pending and
21 we were talking about general PCB issues.
22 And my predecessor was named on the
23 lawsuits.

0060

1 Q. (By Mr. Wright) This may not have
2 any significance but just out of curiosity
3 is it really your honest testimony that you
4 didn't have any inkling of the possibility
5 of a lawsuit once the off site
6 contamination results started coming in?

7 MR. NEWSOM: Object to the form.

8 THE WITNESS: I'm not an
9 attorney. I won't say never possibly. You
10 can be sued for anything so, yeah, it is a
11 possibility.

12 Q. (By Mr. Wright) Had you had any
13 other contact with either Mr. Moore or
14 Monsanto's in-house attorneys regarding PCB
15 issues between -- I'm not asking you the
16 substance. I'm just asking you have you
17 had any other contact with them between the
18 Kaley, Moore meeting and the filing of the
19 lawsuits in the fall?

20 A. We had regular conversations. My
21 main contact was Dr. Kaley.

22 Q. And he was in contact with the
23 attorneys as far as you knew?

0061

1 A. As far as I knew.

2 Q. Okay. After October and after the
3 lawsuits, what is the next thing that
4 sticks out in your mind relating to the
5 PCBs in Anniston?

6 A. Well, two things. I started to
7 say earlier that Allen Foust came on board
8 in a full-time position to focus on this.

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9 My involvement began to be minimized not
10 only because of Allen's involvability but
11 also because in the suits that were filed
12 by one attorney I was told not to talk to
13 anybody. I mean we would get regular lists
14 of people that we weren't allowed to
15 communicate with, and it was getting into
16 hundreds of people and I literally didn't
17 know who I could talk to and who I
18 couldn't. So I guess I just stopped any
19 kind of community contact because I didn't
20 know if I was going to violate that
21 agreement or not.

22 Q. Mr. Stewart asked you not to talk
23 to anybody on the list?

0062

1 A. Yeah. Well, the list was always
2 growing. We would get additions every
3 week.

4 Q. That takes care of the talking to
5 everybody. What about the doing? We
6 talked about the West End landfill and that
7 work. What is the next work that began to
8 be done?

9 A. Really we did the property
10 purchase program, found out what we
11 required. Allen Foust was closer to the
12 details at this point. And we went to ADEM
13 for approval of that plan and at a meeting
14 with ADEM, then, we were placed under a
15 consent order to do sampling in these areas
16 north of the railroad tracks.

17 Q. That's the north drainage ditch --

18 A. And this area down in here. I
19 think they always refer to it as Area A, I
20 think it was, if I recall correctly. And
21 to do sampling down in there and sampling
22 over on Zinn Parkway and I think sampling
23 over here at the east side of the

0063

1 landfill. There were several different
2 areas that were defined that ADEM asked us
3 to investigate.

4 Q. Why did ADEM ask you to sample at
5 the east edge of the landfill?

6 MR. NEWSOM: If you know.

7 THE WITNESS: I really don't
8 know. All of these areas I was not clear
9 on why we were being asked to sample.

10 Q. (By Mr. Wright) Who would know
11 about why you were asked to sample over
12 here to the east of the south landfill?

13 A. ADEM for sure. But if Allen
14 knows, I don't really know, Allen Foust.

15 Q. Okay. All right. What else?
16 What next?

17 A. That was -- by that time we were
18 into '96 and the work began to progress --
19 well, we -- I guess the next significant
20 event was the EPA held a meeting in
21 Anniston in which ATSDR attended, ADEM
22 attended, we attended.

23 Q. Who, what was the first one you

0064

1 said?

2 A. ATSDR. At that time it was clear
3 that Alabama Public Health was going to
4 start the reachout to the residents
5 themselves, house testing of dust and blood
6 testing of people and they handled the
7 series of meetings at the two churches and
8 offered that to the residents in the area.

9 Q. Did you go to the meetings?

10 A. Yes.

11 Q. Did you speak?

12 A. No.

13 Q. Okay. What next?

14 A. The blood testing proceeded and
15 the next significant event I remember is we
16 acquired land and we started to clear some
17 of the land, really just the work began to
18 prepare for the sedimentation plan. And
19 then we're into '97, and I left in April of
20 '97.

21 Q. Is that basically the end of the
22 story from your perspective?

23 A. I have been back to Anniston just

0065

1 to visit but I have now moved on to other
2 duties so --

3 Q. By coming back to visit -- well,
4 you came back for your depositions, I
5 guess.

6 A. Well, I actually had a corporate
7 meeting one time in Anniston.

8 Q. What was the corporate meeting on?

9 A. It was a meeting of all the plant
10 managers around the company. Anniston
11 turns out to be a pretty good place for us
12 to have that meeting because we have a lot
13 of facilities that people can drive from in
14 Alabama. We had a plant manager summit at
15 Anniston.

16 Q. When was that?

17 A. I really don't recall.

18 Q. Did the subject of PCBs and PCB
19 pollution in the Anniston area come up at
20 the meeting?

21 A. By that time they were done with
22 the West End landfill, and the South End
23 landfill was I think at that time in

0066

1 progress of being recapped.

2 Q. All right. So that is one visit.
3 Any other visits to Anniston?

4 A. Other than like you said, a
5 deposition where I think I just went in and
6 came back out.

7 Q. So, that is the end of your
8 involvement with Anniston other than giving
9 depositions?

10 A. Yes.

11 Q. I want to go back and make sure
12 that I have exhausted your recollection.
13 Are there any other conversations with
14 residents in the east side neighborhood or

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15 for that matter the north neighborhood that
16 you had that related to PCBs that we have
17 not talked about?

18 MR. NEWSOM: object to the form.

19 THE WITNESS: I talked to a lot of
20 people.

21 Q. I know you did.

22 A. But there is nothing that I recall
23 specifically that stands out in my mind.

0067
1 Q. Apparently you are going to be
2 called by Monsanto to testify at trial and
3 I don't want to be surprised by you coming
4 in and saying, you know, I remember a
5 conversation I had with Ms. Mims where she
6 said, you know, Monsanto is a bunch of egg
7 sucking such and such or anything. I just
8 don't want to be surprised. That's why I'm
9 asking you that kind of a broad general
10 question, if there is any other
11 conversations or for that matter
12 observations that really stick out in your
13 mind relating to residences or people over
14 here on the east side of the plant.

15 MR. NEWSOM: Well, Larry, if he
16 recalls any other conversations, which he
17 may do between now and then who knows,
18 we'll certainly share those with you.

19 MR. WRIGHT: Just give me a heads
20 up.

21 MR. NEWSOM: Observations is a
22 little vague.

23 MR. WRIGHT: If it is in the Mars

0068
1 Hill deposition I'll read it. I just don't
2 want something brand new coming out, you
3 know. I don't want him saying, you know --
4 I don't know what all he could say. I saw,
5 you know, Ms. Mims -- well, the new theory
6 is that Ms. Mims somehow hauled field dirt
7 in to her property. I don't want him to
8 say I saw Ms. Mims with a wheelbarrow
9 spreading PCBs around the property.

10 MR. NEWSOM: Did you see Ms. Mims
11 with a wheelbarrow?

12 THE WITNESS: No, I did not. The
13 only thing that jumps in my mind, I think
14 it is already in the deposition, was after
15 Mars Hill filed their lawsuit, I remember
16 them holding their Easter egg hunt on our
17 property over here which I thought was
18 quite strange --

19 Q. (By Mr. Wright) There wasn't a
20 fence?

21 A. No. There was a section here that
22 was unfenced (indicating).

23 Q. A section on the side of

0069
1 clydesdale that was unfenced?

2 A. The only reason I knew about that
3 it was a Sunday afternoon and I was playing
4 golf and I got a phone call at the golf
5 course that there was a bunch of people on

mayausky
6 our property, and by the time I had left
7 the golf course and got there they had
8 gone, but the chief operator called me and
9 said, I went out to see what they were
10 doing and they were having an Easter egg
11 hunt. That was just kind of strange to me.
12 Q. Do you think that might have been
13 because they had two hundred thousand parts
14 per million PCBs on their property and over
15 here y'all had brand new clean dirt on top
16 of your old limestone pit?
17 A. No. Actually what they told me
18 was they had used it for years. They had
19 always used this land as their Easter egg
20 hunt and I was just surprised that they did
21 it again after suing us. It was just a
22 shock to me.
23 MR. NEWSOM: Nobody knows where

0070

1 the Easter bunny is going to --
2 Q. (By Mr. Wright) Who told you that
3 they had done it for years?
4 A. It was either Mr. Bowie or
5 weatherly.
6 Q. When did he -- so you don't
7 remember who told you that but it was you
8 think either Mr. Bowie or Reverend
9 weatherly?
10 A. It was Reverend weatherly because
11 I remember him saying they always used our
12 field for Easter eggs.
13 Q. When did he say that?
14 A. At one of the first meetings I had
15 with him.
16 Q. That was before you saw them doing
17 the Easter egg hunt?
18 A. Oh, yeah.
19 Q. He had told you that -- this is
20 when you first told him about PCBs?
21 A. Yes, sir. He told me -- when I
22 introduced myself as Monsanto, he said
23 Monsanto has always been a good neighbor,

0071

1 you have allowed us to use your field for
2 our Easter egg hunt.
3 Q. Okay. Anything else?
4 A. No. That's all I recall.
5 Q. And no other conversations that
6 you recall?
7 A. None that stand out in my mind.
8 Again, I would qualify that by saying I
9 talked to a lot of people.
10 Q. I understand. Did you ever hear
11 any reason why there had not been testing
12 of these ditches up here on the north side
13 of -- I mean on the south side of 202
14 before February of '95?
15 MR. NEWSOM: Object to the form.
16 THE WITNESS: In conversations
17 with Robert Jones these were traditionally
18 not used, were not used for PCB waste.
19 Q. I'm sorry?
20 A. These were not used as cells for

21 PCB waste.

22 Q. Who told you that?

23 A. Mr. Jones.

0072

1 Q. Did he tell you what the source of
2 his understanding of that was?

3 MR. NEWSOM: Gene Jesse told you.

4 MR. WRIGHT: Gene Jesse total me
5 that they were used for PCBs.

6 MR. NEWSOM: No, he didn't.

7 MR. WRIGHT: And there is a memo
8 from 1970 saying that they found raw PCBs
9 in that same area at about eleven thousand
10 parts per million.

11 MR. NEWSOM: That's not what Gene
12 Jesse told you.

13 Q. (By Mr. Wright) Nobody ever told
14 you that they had found PCBs in the ditches
15 leading off of that landfill in 1970 at
16 many thousands of parts per million?

17 A. No, sir.

18 MR. WRIGHT: Well, I've got a
19 whole lot more questions and but you've got
20 to catch a plane.

21 Q. (By Mr. Wright) Let me just ask
22 you a cleanup question. Other than what we
23 have already talked about, is there

0073

1 anything else that you believe that you
2 would be able to or that -- well, let me
3 ask it this way --

4 MR. NEWSOM: Just a suggestion.
5 You might want to ask him because you
6 hadn't read the depo whether he feels like
7 between what you have done and taking Mars
8 Hill, he has been asked everything he
9 knows. I was just making a suggestion.

10 THE WITNESS: Actually that's what
11 I was going to answer. If you have read my
12 depositions, I think you've exhausted my
13 knowledge of this.

14 Q. (By Mr. Wright) Again, I just
15 want to make sure that I'm not going to be
16 surprised. Can you think of anything that
17 you could reasonably tell a jury here in
18 Birmingham about PCBs in Anniston that you
19 haven't already either told me or --

20 A. Testified.

21 Q. -- talked about in the Mars Hill
22 depositions?

23 MR. NEWSOM: Object to form.

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1 THE WITNESS: No.

2 MR. WRIGHT: All right. Thank
3 you, sir.

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C E R T I F I C A T E

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3 STATE OF ALABAMA
4 JEFFERSON COUNTY
5

6 I hereby certify that the above
7 and foregoing deposition was taken down by
8 me in stenotype, and the questions and
9 answers thereto were reduced to typewriting
10 under my supervision, and that the
11 foregoing represents a true and correct
12 transcript of the deposition given by said
13 witness upon said hearing.

14 I further certify that I am
15 neither of counsel nor of kin to the
16 parties to the action, nor am I in anywise
17 interested in the result of said cause.
18
19

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21 Donna Armstrong
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23

0076

1
2 JACK S. MAYAUSKY
3
4

5 I N S T R U C T I O N T O T H E W I T N E S S

6 PLEASE READ YOUR DEPOSITION OVER
7 CAREFULLY BEFORE YOU SIGN IT. YOU SHOULD
8 MAKE ALL YOUR CHANGES ON THE ATTACHED
9 ERRATA SHEET. PLEASE DO NOT MARK ON THE
10 ORIGINAL DEPOSITION.

11 AFTER MAKING ANY CHANGES WHICH YOU
12 HAVE NOTED ON THE ATTACHED ERRATA SHEET,
13 SIGN YOUR NAME ON THE ERRATA SHEET AND DATE
14 IT.

15 THEN SIGN YOUR DEPOSITION AT THE
16 END OF YOUR TESTIMONY IN THE SPACE
17 PROVIDED. YOU ARE SIGNING IT SUBJECT TO THE
18 CHANGES YOU HAVE MADE ON THE ERRATA SHEET,
19 WHICH WILL BE ATTACHED TO THE DEPOSITION.

20 RETURN THE ORIGINAL ERRATA SHEET
21 AND TRANSCRIPT TO FOSHEE & TURNER, SUITE
22 220 PARK PLACE TOWER, 2001 PARK PLACE
23 NORTH, BIRMINGHAM, ALABAMA 35203.

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2 PROCEDURE, YOU WILL HAVE THIRTY (30) DAYS

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IN WHICH TO READ, SIGN AND RETURN YOUR
DEPOSITION TO THE ABOVE OFFICE. IF YOU
FAIL TO DO SO, YOU AUTOMATICALLY WAIVE YOUR
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PAGE	LINE	EXPLANATION
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DEPONENT'S SIGNATURE

DATE _____

JACK S. MAYAUSKY

SIGNATURE PAGE

OF

JACK S. MAYAUSKY

I HEREBY ACKNOWLEDGE THAT I HAVE READ THE FOREGOING DEPOSITION AND THAT THE SAME IS A TRUE AND CORRECT TRANSCRIPTION OF THE ANSWERS GIVEN BY ME TO THE QUESTIONS PROPOUNDED, EXCEPT FOR THE

18 CHANGES, IF ANY, NOTED ON THE ATTACHED
19 ERRATA SHEET.

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