

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT OF ILLINOIS
MADISON COUNTY

RICHARD G. LOWE, et al,

Plaintiffs,

-vs-

NORFOLK AND WESTERN RAILWAY
COMPANY, a Corporation, et al,

Defendants.

No. 79-L-810

Discovery deposition of Robert C. Isham
taken on behalf of the Plaintiffs

* * * * *

Reporter: James W. May

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EDWARDSVILLE, ILLINOIS 62025

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3 MADISON COUNTY

4 RICHARD G. LOWE, et al,)

5 Plaintiffs,)

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No. 79-L-810

7 NORFOLK AND WESTERN RAILWAY)
8 COMPANY, a Corporation, et al,)

9 Defendants.)

10
11 APPEARANCES:

12 Paul L. Pratt, Esq.

For the Plaintiffs

13 Messrs. Schoenbeck, Tucker
14 & Schoenbeck
by Robert Tucker, Esq.

For Defendant
Norfolk & Western
Railway Company

15 Messrs. Burroughs, Simpson,
16 Wilson, Hepler,
Broom & McCarthy
17 by Robert Wilson, Esq.

For Defendant GATX

18 Messrs. Roberts & Heneghan
by Patrick S. O'Brien, Esq.

For Defendant Dresser
Industries, Inc.

19 Messrs. Coburn, Croft
20 & Putzell
by Richard Cornfeld, Esq.

For Defendant
Monsanto Company

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22
23 IT IS STIPULATED AND AGREED by and
24 between counsel for plaintiffs and counsel for
25 defendants that the deposition of ROBERT C. ISHAM may

1 be taken for discovery purposes by and on behalf of
2 the Illinois Civil Practice Act as amended, and the
3 provisions of the Supreme Court Rules pertaining to
4 depositions taken for discovery on October 5, 1981,
5 at the law offices of Messrs. Coburn, Croft and Putzell,
6 One Mercantile Center, St. Louis, Missouri, before
7 JAMES W. MAY, a Notary Public within and for the County
8 of Madison, State of Illinois; that the issuance of
9 notice and dedimus is waived, and that this deposition
10 may be taken with the same force and effect as if all
11 statutory requirements had been complied with.

12 IT IS FURTHER STIPULATED AND AGREED that
13 any and all objections to all or any part of this
14 deposition are hereby reserved and may be raised on
15 the trial of this cause.

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23 ROBERT C. ISHAM

24 produced, sworn and examined on behalf of the
25 plaintiffs, deposes and says as follows:

CROSS EXAMINATION

BY MR. PRATT:

Q Mr. Isham, my name is Paul Pratt. I represent some railroad employees. And they claim to have been injured as a result of that Sturgeon spill. Your name has shown up in some of the documents or something of that nature, indicating that you may know something about the chemical or something of that nature. So I am going to ask you some questions about it. And if you don't understand my question, you let me know and I will try to make it a little clearer, okay?

And we have found probably the best way to do this, I will just start out with your name, address, when you graduated from high school, run through your educational and your work background, okay?

A I understand.

Q Tell us your name please.

A Robert C. Isham.

Q And where do you live, sir?

A 253 Heather Crest Drive, Chesterfield, Missouri, 63017.

Q And how old a man are you?

A I am forty-two years old.

1 Q What year did you graduate from high
2 school?
3 A 1957.
4 Q Following that did you go to school?
5 A Yes. I went to Penn State.
6 Q Okay. Where is that located?
7 A That is located in State College,
8 Pennsylvania.
9 Q Did you go four years there?
10 A Yes. I got a degree in business
11 psychology, Bachelor of Science.
12 Q Did you take any chemistry courses there?
13 A No, I did not in college.
14 Q You graduated then what, '61?
15 A That is correct.
16 Q What did you do after that?
17 A I joined the Coast Guard and was in the
18 Coast Guard for three and a half years. After which
19 I joined Monsanto in 1965.
20 Q What did you do in the Coast Guard?
21 A I was a commissioned officer, ending
22 up as a classification officer in Cape May, New
23 Jersey which is the largest of the receiving centers
24 of the Coast Guard.
25 Q Then you joined -- have you done any

1 graduate work?

2 A No, I have not.

3 Q Okay. You joined Monsanto in '65?

4 A Yes, I did.

5 Q Okay. And what was your first position
6 with Monsanto?

7 A I was a copywriter.

8 Q Copywriter. Tell me what a copywriter
9 does.

10 A A copywriter is a training level position
11 in which I wrote copy for publications such as the
12 Corporate Products catalog, corporate exhibits, and
13 then I filled in for administration that were off on
14 business. It was a training position that lasted
15 approximately nine months.

16 Q All right. What position did you get
17 after that?

18 A From there I went in to being a
19 supervisor of chemicals advertising. That lasted
20 until 1967.

21 Q And what did that involve, advertise-
22 ments in newspapers, magazines and stuff like that,
23 of certain products that you sell?

24 A In the parts of the chemical operation
25 that I worked in, most of the advertising is promoting

1 our products to other businesses rather than
2 consumers. So I would have been involved in trade
3 shows, direct mail and magazine advertising in trade
4 magazines rather than newspapers or consumer magazines.

5 Q You did that until '67, right?

6 A Yes.

7 Q Okay. And what did you do then?

8 A Then I went into advertising research.

9 And became manager of advertising research for the
10 corporation. And in that job I was involved in public
11 opinion research, pretesting and posttesting of
12 advertising campaigns and attitudinal research.

13 Q What is attitudinal research?

14 A Attitudinal research is measuring the
15 attitudes of key important publics of Monsanto.

16 Q Publics. What do you mean by publics?

17 A That would include the general public,
18 business, customers and prospects, financial
19 community.

20 Q How long did you have that job?

21 A To approximately 1969.

22 Q What did you do then?

23 A Then I became manager of chemicals
24 and plastics advertising.

25 Q And what were your responsibilities in

1 that job?

2 A They were the same as the previous job
3 in chemical advertising except they added on plastics
4 and packaging to my responsibilities.

5 Q Okay. How long did you have that position?

6 A Until 1971.

7 Q And what did you do then?

8 A In 1971, we had a reorganization, And
9 I was named director of advertising for the Monsanto
10 Industrial Chemicals Company. One of the six operat-
11 ing units of Monsanto.

12 Q And what was your responsibilities in
13 that job?

14 A They were to manage all the advertising
15 and sales promotion for that particular area of the
16 company.

17 Q Okay. How long did you have that
18 position?

19 A I am still in that position except in
20 1977, they added public relations into my department.

21 Q And what is your title again now?
22 Director of what?

23 A Today I am director of advertising
24 and public relations for the Monsanto Industrial
25 Chemicals Company.

1 Q Monsanto Industrial?

2 A Chemicals Company.

3 Q And I take it all of your work has been
4 out at World Headquarters?

5 A Yes, it has.

6 Q Well, I could say what the hell are you
7 doing here. Did you do any public relations work, I
8 guess you would have to call it, and I am sure you
9 didn't do any advertising on this Monsanto spill or on
10 this Sturgeon spill. Were you involved in any public
11 relations work on the Monsanto spill?

12 A Yes.

13 Q The Sturgeon spill rather?

14 A Yes. I handled some press queries that
15 happened after the incident in January 1979.

16 Q Do you remember which ones those were?

17 A I believe that a number of press queries
18 were put into evidence that have my name at the bottom
19 of them.

20 MR. CORNFELD: When you say put
21 into evidence, you mean produced to Plaintiffs?

22 A Well, I mean that the lawyers came down
23 and took things out of our files and said they were
24 for a case.

25 MR. CORNFELD: Okay.

1 Q Take a look at Exhibits 22 through 27.
2 Your name appears. Would that be basically what you
3 are talking about?

4 A Yes. My name appears at the bottom of
5 the second group of press queries. The first group
6 was handled by Bob Neunreiter, who is manager of
7 public relations for the Monsanto Chemicals Inter-
8 mediate Company.

9 Q He was down at Sturgeon I think one or
10 two days, wasn't he?

11 A Yes, he was. I saw him on TV footage.

12 Q Did you ever go down there?

13 A No, I have not.

14 Q You I take it know nothing about the
15 chemicals that are involved technically?

16 A That's correct.

17 Q Is it standard operating procedure when
18 they have a spill that the public relations department
19 gets involved in this?

20 MR. CORNFELD: Objection to the
21 form of the question. Because you haven't defined
22 what you mean by standard operating procedure, and
23 you also haven't defined what you mean by get
24 involved.

25 MR. PRATT: I think he knows what

1 I am talking about.

2 MR. CORNFELD: I don't know
3 particularly what you mean by get involved. I think
4 you ought to specify how you mean that the public
5 relations department was involved.

6 MR. PRATT: Go out and do their
7 thing.

8 MR. CORNFELD: You go out and
9 answer press queries?

10 MR. PRATT: Yes.

11 MR. CORNFELD: Also there is no
12 foundation that the witness has ever been involved in
13 any spill like this.

14 Q Now let me ask you this. Has your
15 department ever been involved in any previous spill?

16 A Our department will occasionally
17 accompany people from the plant that respond to any
18 sort of transportation accident. They are the ones
19 that are trying to advise officials on safety
20 procedures and what the material is and what is on the
21 label. And occasionally we will send out people
22 merely to facilitate the press in getting answers to
23 questions.

24 Q That is the reason you have them out
25 there, right?

1 A Yes.

2 Q Again then, normally does the public
3 relations department accompany the technical people
4 to the various spills you have had over the years, to
5 your knowledge?

6 A Very seldom do we send out any public
7 relations people to accompany our technical people.

8 Q How come they did here?

9 MR. CORNFELD: Objection to the
10 form of the question. There is no foundation that the
11 witness was involved in the decision to send Mr.
12 Neunreiter.

13 MR. PRATT: He is the head man.

14 MR. CORNFELD: Who is the head
15 man?

16 MR. PRATT: The director of
17 public relations.

18 MR. CORNFELD: You haven't
19 established that the witness was involved in that
20 decision.

21 Q Were you involved in that decision?

22 A If I could go through the organization
23 again, I work in the Monsanto Industrial Chemicals
24 Company. There is another operating unit called
25 the Monsanto Chemicals Intermediate Company, of which

1 Mr. John Spano and Bob Neunreiter work in that company.
2 In the alignment of our plants, the plant Sauget,
3 Illinois is the responsibility of the Monsanto Chemicals
4 Intermediate Company. The product that was involved
5 in the accident, orthochlorophenol crude, is sold by
6 the Monsanto Industrial Chemicals Company.

7 Q So it would have been Spano and
8 Neunreiter's -- they would have been over that
9 particular plant, right?

10 A That is correct. They were responsible
11 for the plant in Sauget, Illinois where this material
12 was shipped from.

13 Q All right. Are you above the scheme of
14 corporate hierarchy, above Spano and Neunreiter, or
15 are you lateral with them?

16 A I would be considered on the same plane
17 with John Spano.

18 Q Okay.

19 A We are both directors, functional
20 directors.

21 Q Then probably it would have been his
22 decision to send Neunreiter out there?

23 MR. CORNFELD: Objection.
24 Objection to the form of the question. It wasn't
25 the witness's decision. And he didn't take part. It

1 would just be speculation for him to say whose decision
2 it was.

3 Q Go ahead.

4 A I don't know why Bob Neunreiter was sent
5 out.

6 Q Okay. This particular chemical would
7 not come under you at all, or would not have at that
8 time, right?

9 A The chemical is sold by the operating
10 unit in which I work. It is made at a plant that
11 belongs to a different operating unit. And this is
12 not unusual for chemical plants to make so many
13 different products that they are sold by different
14 operating units.

15 Q Okay. But as I understand it, you have
16 no technical expertise about the, for instance the
17 health hazards of orthochlorophenol crude or phenol
18 or dioxin or anything like that, right?

19 A I have no special expertise in that
20 area.

21 Q You are shown as, copies to. I guess
22 that is normal, right? Like on Exhibit 22, you are
23 shown as receiving a copy.

24 MR. CORNFELD: What do you mean,
25 it's normal? It's normal for what?

1 Q Would you normally get a copy of a, for
2 instance like this preparedness Q and A, orthochloro-
3 phenol workers document which is Plaintiffs' Deposition
4 Exhibit 22? Would you be on the mailing list is what
5 I am getting at?

6 A Because it happened, the product
7 happened at one company's plant and I work in another
8 plant, that would be a courtesy to let me and let other
9 people in our company know what was going on.

10 Q Then in your field of expertise, is it
11 fair to say that you did no public relations work
12 concerning the Sturgeon spill? Rather Spano and
13 Neunreiter would have done it?

14 A In the initial period, they handled all
15 press queries and responded by sending somebody to the
16 scene. After the emergency aspect was over, it
17 returned to my responsibility. Because the product
18 was sold by the part of the corporation that I work
19 in.

20 Q And what was your responsibility at that
21 point?

22 A The job of public relations is to assist
23 the press in getting answers to legitimate questions
24 about the product and the accident. It is to transmit
25 and issue information to management on what is going

1 on.

2 Q And also I guess to give the press
3 accurate information because it is technical in nature,
4 you would have to consult with somebody who has the
5 technical expertise in the company so you could tell
6 them what the answers to the questions were, right?

7 A That is correct.

8 Q Okay. And how long were you involved
9 or your department involved with public relations
10 work concerning this spill?

11 A From approximately one week after the
12 spill when the, the responsibility for handling press
13 queries was turned over to MIC, and until the first
14 lawsuit was filed.

15 Q Then after the lawsuit was filed, I
16 think, what was the first lawsuit?

17 MR. CORNFELD: I am sorry.

18 Q Was Siegfried the first set of lawsuits
19 filed?

20 MR. CORNFELD: I am not sure.
21 It was sometime that late spring or summer:

22 Q Once it becomes a Court case, then
23 you folks get out of it, right?

24 A It's our policy not to respond to
25 something in litigation. However, the responsibility

1 for public relations is still mine today. It's just
2 that we don't respond to people because of company
3 policy.

4 MR. PRATT: Okay. I think that's
5 all I have.

6 MR. TUCKER: No questions.

7 MR. WILSON: No questions.

8 MR. O'BRIEN: No questions.

9 MR. CORNFELD: I want to ask Mr.
10 Isham one item, and I would like to take a short
11 break.

12 (Whereupon a short break was
13 taken.)

14 MR. CORNFELD: I have no questions.

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Robert C. Isham
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1 STATE OF ILLINOIS)
2) SS
3 COUNTY OF MADISON)

4 I, JAMES W. MAY, a Notary Public within
5 and for the County of Madison, State of Illinois, do
6 hereby certify that pursuant to stipulation there
7 appeared before me on October 5, 1981, at the law
8 offices of Messrs. Coburn, Croft and Putzell, One
9 Mercantile Center, St. Louis, Missouri, ROBERT C. ISHAM,
10 who was first duly sworn by me to testify to the whole
11 truth of his knowledge touching the matter in controversy
12 aforesaid, so far as he should be interrogated concern-
13 ing the same; that he was examined, and his examination
14 was taken down in shorthand by me and afterwards
15 transcribed upon the typewriter, and his deposition is
16 herewith returned.

17 IN WITNESS WHEREOF, I have hereunto set
18 my hand and affixed my notarial seal on this ____ day
19 of _____, 1981.

20
21
22 Notary Public within and
23 for the County of Madison,
24 in the State of Illinois.
25